



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



April 28, 2023

The Honorable Gina Raimonda
Secretary of Commerce
United States Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

RE: Commercial Fishery Disaster Declaration for the 2022 Yurok Klamath River Commercial Fishery

Aiy-ye-kwee':

The importance of the Klamath River and the fishery it supports to the Yurok People cannot be overstated. Yurok people have lived along the Klamath River and relied on the Klamath River salmon fishery for survival since time immemorial. The courts have acknowledged that the Klamath River Indian fishery is "not much less necessary to the existence of the [Yurok] Indians than the atmosphere they breathed."¹

Due to natural and man-made factors beyond the Tribe's control, the 2022 Klamath River fall Chinook run was not large enough for the Yurok Tribe to conduct a commercial fishery. During 2022, the Yurok Tribe's Fall Chinook allocation was 7,547 adult fish, far below what is needed to meet our subsistence and ceremonial needs, with no fish available for commercial harvest. Furthermore, the run did not materialize as projected during 2022; 66,800 adult Chinook were projected to return to the basin, however only 46,700 fish returned to the river.² Therefore, our total adult harvest in 2022 was only 6,257 adult fish.

This was the seventh consecutive year our people have either been unable to receive, or received extremely low, economic opportunity from our fishery. The impacts from having extremely low fishery related commerce available for our tribal members during the past seven years has been severe. Tribal fishers, who rely on the income from the commercial season to provide for their families, have suffered a substantial loss of their annual income. Tribal businesses supporting the fishery have also lost annual income made on the fishery. This loss of economic opportunity has resulted in substantial financial hardship for our people, which has exacerbated the existing poor economic climate of the community, a significant portion of which already live below the poverty level.

¹ *Mattz v. Arnett*, 633 F.2d 906, 909 (9th Cir. 1981), 412 U.S. 481 (quoting *United States v. Winans*, 198 U.S. 371, 381 (1905)).

² Klamath River Fall Chinook Salmon Age-Specific Escapement, River Harvest, and Run Size Estimates, 2022 Run, Klamath River Technical Team, 17 February 2023

Considering the failed commercial fishery during 2022 and its devastating impacts, I am requesting that you use your authority under Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to declare a commercial fishery failure for the Yurok Klamath River fishery. The ongoing causes of poor recruitment are associated with poor ocean conditions, drought, Klamath River water quality and fish disease, all of which are beyond the control of the Tribe to mitigate through our diligent conservation and management efforts. It is our understanding your determination of a commercial fisheries failure is needed for our fishing community to receive economic disaster relief under the MSA. You are the key to ensuring that the Tribe's fishers, who support the conservation of our fishery resource for future generations, are not forced further into financial destitution as a result of their inability to harvest a profitable number of commercial fish during 2022. We have attached a resolution by the Yurok Tribal Council declaring the 2022 fall fishery a disaster on the Yurok Reservation.

We appreciate your consideration of the Tribe's request and look forward to hearing from you.

Wok-hlew'



Joseph L. James, Chairman.

cc: Janet Coit, Assistant Administrator for National Marine Fisheries Service, NOAA Fisheries
Scott Rumsey, Regional Administrator (Acting), NOAA Fisheries, West Coast Region

April 28, 2023

The Honorable Gina Raimonda

Commercial Fishery Disaster Declaration for the 2022 Yurok Klamath River Commercial Fishery

Page 2