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Governor Mike Dunleavy  
STATE OF ALASKA

September 14, 2023

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

Re: State of Alaska Federal Fishery Resource Disaster Request

Dear Secretary Raimondo:

In accordance with Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), I am writing to request determination of a fishery resource disaster for the 2022 Kuskokwim Management Area salmon fishery.

This request follows your approval of a fishery disaster for the 2020 and 2021 Kuskokwim River salmon fishery. Based on available information in the attached memo, harvesting opportunities continued to be restricted in 2022 for Chinook and chum salmon, and were restricted for the first time in recent history for coho salmon. The salmon fisheries are critically important for the food security of community residents across the region. Ongoing Chinook salmon restrictions, combined with more restrictive chum and coho salmon management measures in 2022, have severely harmed the customary and traditional selling, bartering, and trading economy of the subsistence fishery. Additionally, fishery participants in the Kuskokwim Management Area commercial salmon fisheries have experienced adverse economic impacts from reduced harvests and revenue since 2016. Poor Kuskokwim Management Area salmon runs since 2020 are likely the result of natural causes that are similarly impacting other Bering Sea salmon systems.

I appreciate your consideration of this request and have asked the Alaska Department of Fish and Game to provide the National Marine Fisheries Service and your office with any additional information needed to make a fishery disaster determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy  
Governor

Enclosures

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Dan Sullivan, United States Senate  
The Honorable Mary Peltola, United States House of Representatives  
The Honorable Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game



THE STATE  
of ALASKA  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

DIVISION OF COMMERCIAL FISHERIES  
Headquarters Office

1255 West 8th Street  
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TO: Commissioner Doug Vincent-Lang  
Alaska Department of Fish and Game

DATE: 8/31/2023

THROUGH: Rachel Baker  
Deputy Commissioner  
Alaska Department of Fish and Game

PHONE: (907) 465 - 4115  
(907) 465 - 6100

Sam Rabung  
Director  
Division of Commercial Fisheries  
Alaska Department of Fish and Game

FROM: Karla Bush  
Extended Jurisdiction Program Manager  
Division of Commercial Fisheries  
Alaska Department of Fish and Game

PHONE: (907) 465 - 6153

SUBJECT: 2022 Kuskokwim Chinook, chum, and coho salmon fishery disaster  
determination request

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This memorandum provides information to assist in determining whether the State of Alaska should support a public request for a federal fishery disaster determination for the 2022 Kuskokwim salmon fisheries. The public request is in response to the extremely poor returns of chum salmon to the Kuskokwim River for the third consecutive year, persistent poor run abundance of Chinook salmon, and historically low returns of coho salmon. Governor Dunleavy received a letter from the Kuskokwim River Inter-Tribal Fish Commission and Association of Village Council Presidents, requesting a 2022 fishery disaster determination from the Secretary of Commerce (Secretary), attached in Appendix 1. This request was similar to those received for the Kuskokwim River salmon fisheries in 2020 and 2021, for which Governor Dunleavy requested, and the Secretary of Commerce approved, federal fishery disasters (Appendix 2). The 2022 disaster request also includes the Kuskokwim Bay portion of the salmon fishery, which was open to commercial fishing in 2020 and 2021 but closed in 2022. Therefore, this request is being evaluated for the entire Kuskokwim Management Area (KMA).

If the State submits a federal fishery disaster request for the 2022 KMA Chinook, chum, and coho salmon fishery, the Secretary must determine the existence of a fishery resource disaster that arises

from an allowable cause. *An analysis<sup>1</sup> of available information indicates that the 2022 KMA salmon fishery meets the criteria for a fishery disaster determination under the MSA.*

### **Salmon fisheries in the Kuskokwim Management Area**

The KMA consists of all waters of Alaska between Cape Newenham and Naskonat Peninsula. Much of the subsistence salmon fishing effort occurs within the mainstem of the Kuskokwim River; however, subsistence fishing also occurs in many of the tributaries and smaller rivers that empty into Kuskokwim Bay and the Bering Sea (Figure 1).

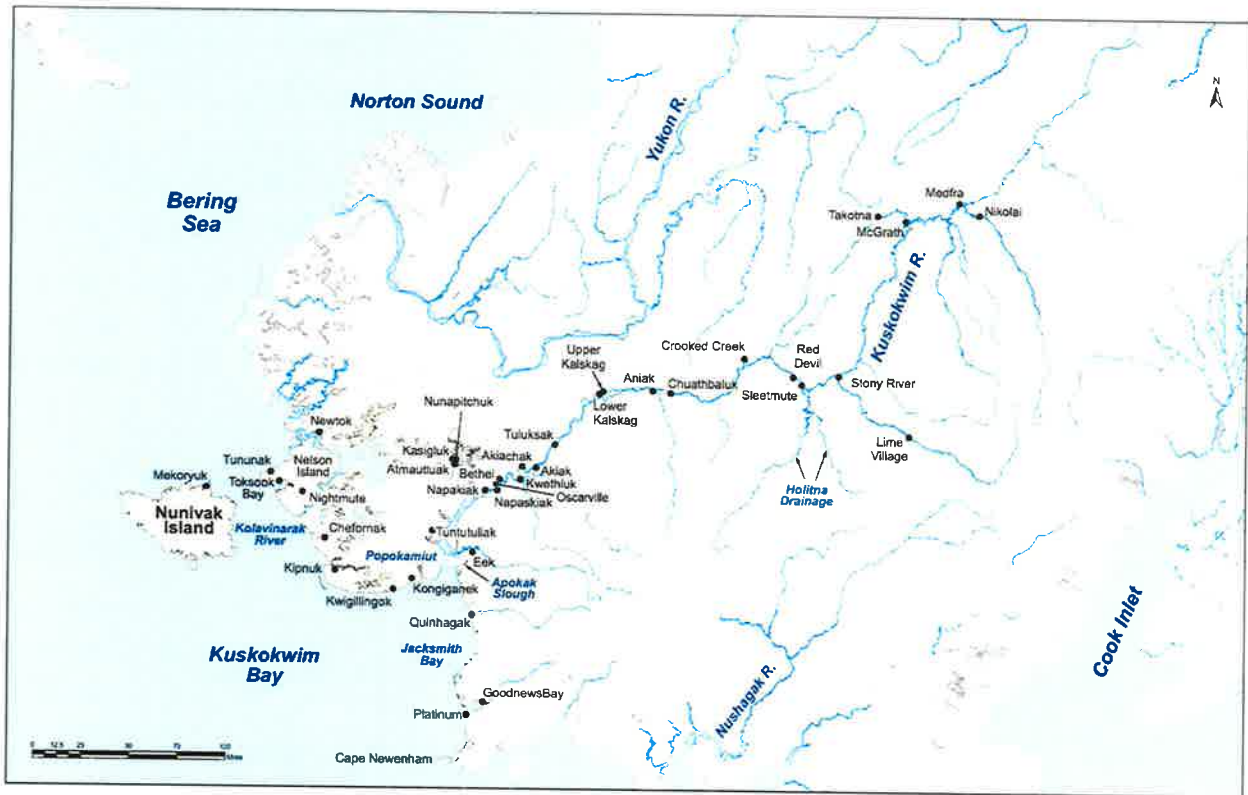


Figure 1. Map of Kuskokwim Management Area.

Regulatory authority for Kuskokwim River salmon management is shared by the Alaska Board of Fisheries and the Federal Subsistence Board. On the Kuskokwim, ADF&G is responsible for implementing the Board of Fisheries' Kuskokwim River Salmon Management Plan (5 AAC 07.365) and also has inseason discretionary management authority for salmon in Alaska navigable waters. The portion of the Kuskokwim River drainage from the Aniak River downstream to Kuskokwim Bay is within the boundaries of the Yukon Delta National Wildlife Refuge. As such, the U.S. Fish and Wildlife Service shares inseason subsistence fishing management decision-making with ADF&G in this part of the Kuskokwim River.

Management of Kuskokwim River salmon fisheries is complex due to the large size of the drainage, multiple species with overlapping run timing, and the vast distances between fisheries and escapement monitoring locations. Fishery management information on run size and timing by species is limited until salmon are distributed throughout the drainage and on the spawning grounds, which can be hundreds of miles from where the first fisheries occur. Chinook salmon begin entry into the Kuskokwim River in late May, whereas sockeye and chum salmon begin entry

<sup>1</sup> Harvest and revenue data used for this analysis are final data due to the complete closure of the commercial fishery.

in mid-June. Chinook and sockeye salmon runs decline in early July and the chum salmon run begins to decline in late July when coho salmon run entry begins. Coho salmon entry diminishes in late August to early September.

Kuskokwim Bay salmon have similar run timing into the Kanektok, Goodnews, and Arolik Rivers. These are small drainages in comparison to the Kuskokwim River and therefore fishery management information on run size and timing in Kuskokwim Bay rivers is much timelier.

Chinook salmon runs to the Kuskokwim River have been below the long-term average since 2010. Fishery disaster determinations for Kuskokwim Chinook salmon were approved in 2011 and 2012 and ongoing fishery restrictions including Federal Special Actions enacted within the Yukon Delta National Wildlife Refuge have been implemented since then to conserve Chinook salmon. Chum salmon runs to the Kuskokwim River since 2020 have declined to some of the lowest runs on record. Abundance of coho salmon to the Kuskokwim River has been below average since 2018, with 2022 being the lowest on record.

Due to diminished salmon returns, there was no large-scale commercial fish processor operating in the KMA between 2016 and 2019. Commercial harvest during these years consisted of a small number of individuals registered with ADF&G as catcher–sellers who had secured their own markets. In 2020 and 2021, a single salmon processor operated in Goodnews Bay in the southern portion of the Kuskokwim Bay region. There were no large-scale commercial fish processors operating in the KMA in 2022 and commercial fisheries were once again limited to individuals registered as catcher–sellers.

Historically, income earned from the in-river commercial fishery is reinvested in the local subsistence economy and without commercial fishery opportunities, the ability to meet household subsistence needs is significantly diminished. The KMA subsistence fishery is one of the largest in the state in terms of the number of residents who participate and the number of salmon harvested. Employment opportunities are limited in the Kuskokwim River area and the salmon fisheries are critically important culturally and for the food security of community residents across the region. In a recent Alaska Department of Labor and Workforce Development analysis of 2014-2019 labor force statistics, the Bethel Census Area, which includes the Kuskokwim River Area, has the fourth highest unemployment rate in Alaska.

### **Federal Fishery Disaster Requests**

Federal fishery disaster requests are evaluated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Secretary evaluates available fishery information to determine whether a fishery resource disaster resulted from a cause recognized by the MSA.

**The Secretary is authorized under the MSA to provide fishery disaster assistance.** Appendix 3 provides additional information on evaluation of federal fishery disaster requests under the MSA.

*Determination of a fishery resource disaster* – The 2022 Kuskokwim River Chinook salmon run was forecasted for a range of 99,000–161,000 fish. The total run estimate for 2022 was 143,622 Chinook salmon (Table 1). An estimated 105,774 Chinook salmon escaped Kuskokwim River fisheries, which means that the drainage-wide escapement goal of 65,000– 120,000 fish was met. All weir-based escapement goals for Chinook salmon within the Kuskokwim River drainage that were assessed in 2022 were also met (Table 1). While Chinook salmon escapement goals were met or exceeded in the lower and middle Kuskokwim River, escapement to the upper region was poor in 2022. For example, escapement to the Salmon (Pitka Fork) River was the lowest on record and only 23% of its historical average.

Table 1. Kuskokwim River Chinook salmon total run estimate, Kuskokwim Management Area escapement goals achieved, management restrictions, and amounts necessary for subsistence (ANS), 2017-2022.

Year	Drainage Total Run	Kuskokwim River Drainage Escapement Goals Achieved	Kuskokwim Bay Escapement Goals Achieved	Commercial	Subsistence	ANS Achieved
2017	131,530	9 of 10 assessed	1 of 1 assessed	Directed	Restricted	No
2018	136,076	10 of 10 assessed	1 of 1 assessed	Chinook	Restricted	No
2019	226,835	10 of 10 assessed	3 of 3 assessed	salmon	Restricted	No
2020	124,486	6 of 8 assessed	2 of 2 assessed	fishery	Restricted	No
2021	129,751	2 of 2 assessed	2 of 2 assessed	discontinued	Restricted	No
2022	143,622	3 of 3 assessed	0 assessed	in 1987	Heavily Restricted	No

No formal preseason forecast is produced for Kuskokwim River chum salmon. ADF&G uses recent fishery and escapement performance to establish broad expectations for the upcoming year. Therefore, chum salmon management is solely based on inseason run assessment. The 2020 chum salmon run was well below the long-term average, the 2021 chum salmon run was the lowest on record, and the 2022 chum salmon run was the second lowest on record. The Kogruklu River weir has the only established chum salmon escapement goal (Table 2) and the 2022 passage was estimated at 13,471 fish, which is below the escapement goal of 15,000 to 49,000 chum salmon. Chum salmon passage at all other weir projects was reported as well below the long-term average.

Table 2. Kuskokwim Management Area chum salmon escapement goals achieved, management restrictions, and amounts necessary for subsistence (ANS), 2017-2022.

Year	Kuskokwim River Drainage Escapement Goals Achieved	Kuskokwim Bay Escapement Goals Achieved	Commercial	Subsistence	ANS Achieved
2017	1 of 1	0 assessed	No Registered Processors/Buyers	Restricted <sup>a</sup>	Yes
2018	1 of 1	0 assessed	No Registered Processors/Buyers	Restricted <sup>a</sup>	Yes
2019	1 of 1	1 of 1 assessed	No Registered Processors/Buyers	Normal	No
2020	1 of 1	0 assessed	Yes (Kuskokwim Bay)	Restricted <sup>a</sup>	No
2021	0 of 1	0 assessed	Yes (Kuskokwim Bay)	Restricted <sup>a</sup>	No
2022	0 of 1	0 assessed	No Registered Processors/Buyers	Heavily Restricted <sup>b</sup>	No

<sup>a</sup> Fishery restrictions occurred early in the season due to the need to conserve Chinook salmon.

<sup>b</sup> Fishery restrictions continued late in the season due to the need to conserve coho salmon.

No formal preseason forecast is produced for coho salmon in the KMA. ADF&G uses recent fishery and escapement monitoring on up to six tributary streams to establish broad expectations for the upcoming year. Therefore, coho salmon management is solely based on inseason run assessment. In 2022, escapement on the Kwethluk River was below the escapement goal of 19,000 fish.



Table 3. Kuskokwim Management Area coho salmon escapement goals achieved, management restrictions, and amounts necessary for subsistence (ANS), 2017-2022.

Year	Kuskokwim River Drainage Escapement Goals Achieved	Kuskokwim Bay Escapement Goals Achieved	Commercial	Subsistence	ANS Achieved
2017	1 of 1 assessed	0 assessed	No Registered Processors/Buyers	Normal	Yes
2018	0 of 1 assessed	0 assessed	No Registered Processors/Buyers	Normal	No
2019	2 of 2	0 assessed	No Registered Processors/Buyers	Normal	Yes
2020	0 assessed	0 assessed	Yes (Kuskokwim Bay)	Normal	Yes
2021	1 of 1 assessed	0 assessed	Yes (Kuskokwim Bay)	Normal	No
2022	0 of 1 assessed	0 assessed	No Registered Processors/Buyers	Restricted	No

The revenue loss thresholds used to determine if a fishery resource disaster occurred are based on the 12-month revenue in the disaster year as compared to average annual revenue in the most recent five-year period when no fishery resource disaster occurred. Fishery resource disaster determinations were approved for the Kuskokwim River in 2020 and 2021, therefore the five-year average when no fishery resource disaster occurred includes the years 2015 through 2019. Data for the years 2016 through 2021 are confidential for the commercial salmon fishery due to extremely limited participation (Table 4). However, the five-year average sufficiently masks confidentiality in any single year and can be provided for comparison to 2022. There was no commercial fishery in 2022, so there was 100% decrease in revenue as compared to the previous five-year average of \$140,568. Over 84% of the revenue loss is attributable to the coho salmon fishery.

Table 4. Commercial harvest and gross revenue value of Chinook, chum, and coho salmon in the Kuskokwim Management Area, 2015-2022.

Year	Gross Revenue Value				Number of Fish			
	Chinook	Chum	Coho	Total	Chinook	Chum	Coho	Total
2015	\$41,165	\$67,420	\$587,176	\$695,760	82,329	135,042	1,189,759	1,407,130
2016	Confidential				Confidential			
2017								
2018								
2019								
2020 - Disaster	Confidential				Confidential			
2021 - Disaster								
2022	\$0	\$0	\$0	\$0	0	0	0	0
5-yr avg. (2015-2019)	\$8,240	\$13,850	\$118,478	\$140,568	16,473	27,645	238,891	283,008
2022 vs. 5-yr	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

Subsistence fishing has constituted 90% to 99% of the total harvest of Chinook salmon on the Kuskokwim River since 2000. Subsistence fishing for Chinook salmon has been reduced significantly since 2012 due to management restrictions in response to low Chinook salmon abundance. The minimal amount determined by the Board of Fisheries to be necessary to meet subsistence needs has not been achieved since 2010. Harvest restrictions have persisted annually through the Chinook salmon run and are typically not relaxed until chum and sockeye abundance exceeds that of Chinook salmon to allow for predominantly chum and sockeye salmon harvest opportunities. In 2021 and 2022, severe restrictions continued through July in response to low

chum salmon abundance. In 2022, subsistence fishing was closed on the Kuskokwim River for the first time ever between August 17 and September 15 to conserve coho salmon.

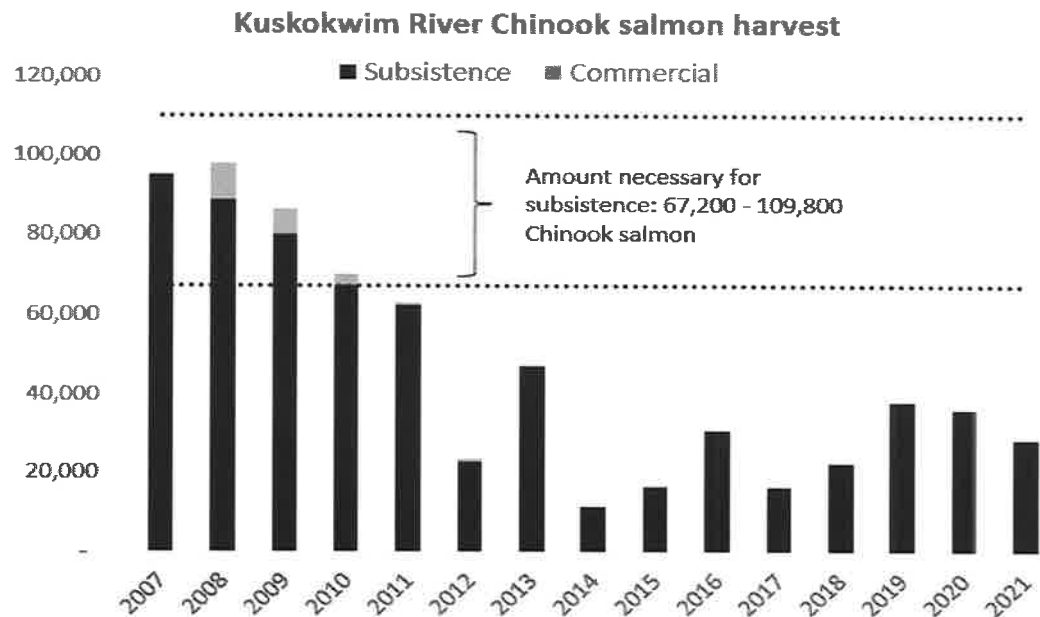


Figure 2. Kuskokwim River Chinook salmon harvest in the subsistence and commercial salmon fisheries, 2007–2021.

In 2022, across the entire KMA, subsistence harvests of coho and chum salmon were 50% and 72% below the most recent five-years when no fishery resource disaster occurred, 2015-2019 (Table 5). Subsistence harvests of Chinook salmon improved relative to the recent five-years when no fishery resource disaster occurred, however harvests were 41% below the minimum amounts needed to meet subsistence needs. Additionally, the average size of Chinook salmon has decreased, which translates into fewer total pounds being harvested and compounds the severe adverse social and economic impacts of salmon run failures on residents and communities in a region already challenged by limited economic opportunities and an extremely high cost of living.

Table 5. Subsistence salmon harvest in numbers of fish for the Kuskokwim area, 2015 – 2022.

Year	Chinook	Coho	Chum	Total	Number of Households
2015	19,437	36,816	41,776	98,029	1,953
2016	36,268	39,388	46,003	121,659	2,162
2017	22,150	40,082	54,459	116,691	1,985
2018	26,478	21,922	47,843	96,243	2,104
2019	44,636	33,428	35,649	113,713	2,064
2020 - Disaster	41,454	33,888	27,964	103,306	2,107
2021 - Disaster	31,487	24,069	10,514	66,069	1,810
2022	39,335	17,024	12,844	69,203	2,036
5-yr avg (2015-2019)	29,794	34,327	45,146	109,267	2,054
2022 vs. 5-yr	32%	-50%	-72%	-37%	-1%

For much of the Kuskokwim Area, a permit is not needed to participate in subsistence fisheries. ‘Number of Households’ represents the estimated number of rural community households that fish in areas where a permit is not required.

In recent years prior to 2022, harvests of chum and coho salmon have helped to replace reductions in Chinook salmon harvest. With the coho salmon decline in 2022, and continued low returns of Chinook and chum salmon, there were no highly abundant “backup” salmon species to fill subsistence needs. Community residents have had to rely more on whitefish, moose, and other subsistence resources, in addition to store-bought foods, to meet their nutritional and food security needs. Additionally, depleted salmon runs are preventing Kuskokwim Area residents from upholding their traditional and modern subsistence ways of life, including the customary and traditional subsistence resource-based economy of the region. Based on the annual average weight of each salmon species and the estimated replacement costs for those salmon in both urban and rural markets, the estimated revenue loss ranges between \$677,000 and \$1,205,000 for coho salmon and between \$1,660,000 and \$2,954,000 for chum salmon. ***Based on available information, the 2022 Kuskokwim Management Area salmon fishery meets the criteria for a fishery resource disaster under section 312(a) of the MSA because the commercial fishery had a significant 12-month revenue loss and the subsistence fishery incurred severe negative impacts from reduced harvest opportunities.***

*Allowable cause* — Preseason forecasts for 2022 projected average run sizes of Chinook salmon and below average run sizes of chum salmon in the Kuskokwim River. Available information indicates that the lower than anticipated 2022 salmon returns, particularly for chum and coho salmon, resulted from natural or undetermined causes. The best available information indicates the poor salmon run sizes in the KMA in 2022 are likely caused by the same conditions that led to fishery resource disasters on the Kuskokwim River, Yukon River, and Norton Sound region in 2020 and 2021. That is, poor late freshwater and/or early marine survival due to marine heat waves in the Bering Sea. Collaborative studies between ADF&G and NOAA Fisheries have pointed to poor diet and changes in metabolism in juvenile salmon as likely contributors to the recent very poor salmon runs<sup>2</sup>. ***Based on available information, the 2022 Kuskokwim Management Area commercial and subsistence salmon fishery resource disaster resulted from natural and undetermined causes, which is an allowable cause for a fishery resource disaster under section 312(a) of the MSA.***

### **Points for consideration**

- Under federal law, if the Secretary has not independently determined that a fishery resource disaster has occurred, a request may be submitted to the Secretary by the Governor of an affected State, an official resolution of an Indian Tribe, or any other comparable elected or politically appointed representative as determined by the Secretary.
- If the State of Alaska chooses to request a disaster determination, staff will coordinate with the Governor’s office to submit a letter to the Secretary requesting a disaster determination.
- If the State of Alaska requests a disaster determination, staff will coordinate with the NMFS Alaska Region to compile additional fishery landings and revenue data for the analysis that will be submitted to the Secretary. No commercial harvest took place in the 2020 Kuskokwim River salmon fishery, so the Secretary does not need final revenue data to make a determination.

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<sup>2</sup> NOAA Fisheries news “What’s Behind Chinook and Chum Salmon Declines in Alaska?”  
<https://www.fisheries.noaa.gov/feature-story/whats-behind-chinook-and-chum-salmon-declines-alaska?fbclid=IwAR2YEsmVk4PEosZHrgxAN2L9nwNU9LjuNzJ6LAVCOSO-aTjg75WIOQDImJU#>



- If the Secretary determines that a fishery disaster occurred and Congress appropriates funds to the disaster, the State will develop a spend plan and take the lead on providing policy and technical guidance for administration of the spend plan. The State is eligible to receive a portion of the disaster funds to recover administrative costs.

Appendix 1. Public request for fishery disaster determination.



December 1, 2022

The Honorable Mike Dunleavy  
Governor of Alaska  
PO Box 110001  
Juneau, Alaska 99811-0001

**RE: 2022 Request for Kuskokwim River Fisheries Disaster Declaration**

Dear Governor Dunleavy:

The Kuskokwim River Inter-Tribal Fish Commission (KRITFC) and Association of Village Council Presidents (AVCP) respectfully seek your assistance in requesting a federal disaster declaration by the U.S. Department of Commerce for the Kuskokwim River Chinook salmon, chum salmon, and coho salmon fisheries for 2022. KRITFC represents the 33 federally recognized Tribes of the Kuskokwim River drainage in fisheries management, research, and monitoring, and AVCP is the tribal consortium for the 56 federally recognized tribes of the Yukon-Kuskokwim Delta. Each of the Tribal communities our organizations represent are suffering the immediate effects of the loss of salmon in our river, as well facing long-term impacts of worsening food insecurity and the potential loss of Our Way of Life. We appreciate the disaster declaration request for the 2021 Kuskokwim salmon fisheries that you submitted to Secretary Raimondo on March 28, 2022, and urge your prompt attention to requesting a 2022 disaster declaration for the 2022 Kuskokwim salmon season.

Under the Magnuson-Stevens Act (MSA) Sections 312(a) and 315, causes allowable for determining a fishery failure under the MSA are natural, undetermined, or man-made beyond the control of fishery managers. Under the Interjurisdictional Fisheries Act (IFA) Sections 308(b) and 308(d), causes may be natural or undetermined. In either case, the poor Chinook, chum, and coho salmon stock returns in the Kuskokwim River are a function of one or more such factors, including climate change, heat stress in-river and marine waters, declining sizes and fecundity of fish, and other unknown factors.

For more than a decade, subsistence-dependent communities in the Kuskokwim drainage have experienced steep declines in Kuskokwim River salmon populations. It began with Chinook salmon and now, within the past three years, has extended to include chum and coho salmon. Due to the multi-species nature of the salmon collapse and complete closure of much of the coho salmon run, the 2022 salmon season was the most restricted subsistence fishing season ever seen on the Kuskokwim River.

According to preliminary data from the Alaska Department of Fish & Game (ADF&G), the 2022 Kuskokwim Chinook salmon run was approximately 41% below the long-term average. During the run, fishing communities on the river were heavily regulated with very few limited harvest opportunities per week, as well as net size and gear restrictions, to try to meet critical escapement goals. Consequently, in 2022, based upon preliminary estimates by the ADF&G, residents of the Kuskokwim River met only about one-third of their long-term Chinook salmon harvest needs. Moreover, as the average size of Chinook salmon returning to the Kuskokwim has decreased dramatically, subsistence fishers are not only harvesting fewer numbers of fish but fewer total pounds of fish. This compounds the food and economic security crisis already unfolding with declined Chinook salmon stocks and restricted harvest opportunities.

Furthermore, chum salmon, which have been critical to securing food and cultural security during Chinook salmon declines, crashed unexpectedly in 2020, 2021, and 2022. The 2022 chum salmon return appears to be the second lowest on record according to in-season test fishery data, fish passage at weirs, and fishing reports from subsistence fishermen across the entire Kuskokwim River drainage. Better only than the 2021 run, 2022 in-season indicators prompted fisheries managers once again to extend conservation closures beyond the Chinook salmon season to protect the chum salmon run. Chum salmon are experiencing an unprecedented disaster, and the situation has become dire for Kuskokwim fishing communities.

Finally, with respect to Kuskokwim River coho salmon returns, long-term run assessment data from the Bethel Test Fishery demonstrate a 57% decline in coho abundance in recent years compared to 2000–2017. With ongoing conservation concerns associated with Chinook and chum salmon, Kuskokwim River residents have come to rely particularly on coho salmon, which represent the last subsistence salmon fishing opportunities to ensure food security through the winter. Amounts necessary for subsistence uses of coho salmon established by the Alaska Board of Fisheries have not been achieved in 2018, 2020, 2021, or 2022. The complete closure of subsistence fishing in all flowing waters of the Kuskokwim River and its tributaries between August 17 and September 15, 2022, to conserve returning coho salmon also prevented subsistence-dependent communities from using smaller-sized mesh gillnets to target whitefishes and other non-salmon fish species. This resulted in additional economic hardships and food security concerns in our communities throughout the drainage.

There were no commercial fisheries in the Kuskokwim Fisheries Management Area during the 2022 season, including the Kuskokwim Bay. However, under the MSA, subsistence users can be given fisheries economic disaster relief if a fishery disaster hinders the customary and traditional selling, bartering, and trading economy of the fishery. This is absolutely the case in the Kuskokwim region, where depleted salmon runs are preventing fishing communities from participating in traditional socioeconomic exchange practices and expectations, such as bartering dry fish (i.e., dried salmon) for other Alaskan subsistence foods like whale skin and blubber (*maktak*) or herring eggs.

Furthermore, while commercial salmon fisheries are not a customary and traditional practice on the Kuskokwim, productive commercial fisheries in the 1970s and 1980s provided fishermen with income to support their families and subsistence livelihoods. The lack of commercial



fishing in recent decades has restricted fishing families' ability to purchase the gear, gas, and supplies necessary to uphold traditional and modern subsistence ways of life, including the customary and traditional subsistence resource-based economy of the region.

Salmon bycatch in the Bering Sea commercial pollock fishery has been blamed by many for the demise of salmon fisheries in the Kuskokwim and throughout coastal western Alaska. This is not without reason; as of November 10, 2022, more than 6,300 Chinook salmon<sup>1</sup> and 242,357 non-Chinook salmon<sup>2</sup> – over 95% of which are chum salmon – were incidentally caught and consequently discarded by the pollock trawl fleet in 2022 alone. Bycatch limits are controlled by the North Pacific Fishery Management Council, and therefore can be controlled by fisheries managers. Thus, they are not an allowable cause for a declaration of fisheries disaster.

However, there are myriad factors beyond salmon bycatch and fisheries management that contribute to the declines of Kuskokwim Chinook, chum, and coho salmon populations, including climate change, heat stress, inexplicable declining sizes of salmon, and other unknown causes. KRITFC and AVCP recognize these as causes of salmon population declines on our river, as do fisheries managers – including those at NPFMC – and fishermen throughout the river drainage. These causes of a fishery disaster are “natural causes, undetermined causes, or man-made causes beyond the control of fishery managers to mitigate through conservation and management measures,” as spelled out in MSA Section 312(a); and “natural or undetermined causes” as delineated in IFA Section 308(b). They warrant the pursuit of a fishery disaster declaration for Chinook, chum, and coho salmon fisheries on the Kuskokwim for the 2022 season.

Further information about the 2022 Chinook and chum returns and their impacts on Kuskokwim fishing communities can be found in the “2022 Kuskokwim River Salmon Situation Report,” with updated preliminary 2022 data since its release in October 2022 and attached to this request. We urge you to grant a 2022 fishery disaster declaration for the sake of the families and fishing livelihoods on our river.

Sincerely,



Mike Williams Sr.  
Chair, KRITFC



Vivian Korthuis  
CEO, AVCP

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<sup>1</sup> See “Chinook salmon mortality in BSAI pollock directed fisheries,”  
[https://www.fisheries.noaa.gov/sites/default/files/akro/chinook\\_salmon\\_mortality2022.html](https://www.fisheries.noaa.gov/sites/default/files/akro/chinook_salmon_mortality2022.html)

<sup>2</sup> See “Non-Chinook salmon mortality in BSAI pollock directed fisheries,”  
[https://www.fisheries.noaa.gov/sites/default/files/akro/chum\\_salmon\\_mortality2022.html](https://www.fisheries.noaa.gov/sites/default/files/akro/chum_salmon_mortality2022.html)

Attachment to letter: Kuskokwim River Salmon Situation Report, December 2022, from the Kuskokwim River Inter-Tribal Fish Commission.

<https://www.kuskosalmon.org/news/2022situationreport>

Appendix 2. Governor's disaster request for the 2020 and 2021 Kuskokwim River salmon fishery and the Secretary's positive determination.

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550 West Seventh Avenue, Suite 1700  
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**Governor Mike Dunleavy**  
**STATE OF ALASKA**

March 8, 2021

The Honorable Gina Raimondo  
Secretary  
United States Department of Commerce  
1401 Constitution Avenue, NW  
Washington, D.C. 20230

Re: State of Alaska Federal Fishery Disaster Requests

Dear Ms. Raimondo:

In accordance with Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and Section 308(b) of the Interjurisdictional Fisheries Act (IFA), I am writing to request you declare a fishery disaster for each of the following fisheries: the 2020 Norton Sound, Yukon River, Kuskokwim River, Chignik, Upper Cook Inlet, Prince William Sound and Southeast Alaska salmon fisheries, 2018 and 2020 Copper River salmon fisheries, 2018 Upper Cook Inlet East Side Setnet salmon fishery, 2020 Gulf of Alaska Pacific cod fishery, and the 2019/2020 Bering Sea Tanner crab fishery.

These fisheries have experienced drastic declines resulting from unprecedented conditions in recent years.

The 2014-2016 marine heatwave was substantially long lasting and intense. The Secretary of Commerce determined that the 2018 Gulf of Alaska Pacific cod and 2018 Chignik sockeye salmon commercial fishery failures resulted from "unfavorable ocean conditions, among other factors, beyond the control of fishery managers that reduced biomass and access to the fishery."

In 2018 and 2019, a subsequent marine heatwave occurred in the Gulf of Alaska and the Bering Sea, extending throughout the entire water column. These marine heatwaves likely contributed to continued low abundance and poor marine survival of salmon and Pacific cod in the Gulf of Alaska and northern Bering Sea. Environmental impacts likely play a role in the distribution, growth rate, and natural mortality of Tanner crab as well.



Ms. Gina Raimondo  
March 8, 2021  
Page 2 of 2

The sudden and unexpected decreases in commercial fishery stock biomass have resulted in several fishery closures and severely restricted fisheries. This has negatively affected permit holders, fishing crew, processors, and communities from Norton Sound to Southeast Alaska. Based on available information, to be provided, the commercial fishery failures across multiple species and regions of Alaska included in this request resulted from fishery resource disasters arising from natural or undetermined causes; therefore, they meet the criteria for fishery disaster determinations under the MSA and IFA.

I appreciate your consideration of these requests, and have asked the Alaska Department of Fish and Game to provide the National Marine Fisheries Service and your office with any additional information needed to make fishery disaster determinations.

Sincerely,

  
Mike Dunleavy  
Governor

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Dan Sullivan, United States Senate  
The Honorable Don Young, United States House of Representatives  
The Honorable Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game  
Kip Knudson, Director of State/Federal Relations, Office of the Governor  
John Moller, Policy Advisor, Office of the Governor



UNITED STATES DEPARTMENT OF COMMERCE  
Secretary of Commerce  
Washington, D.C. 20230

February 1, 2022

The Honorable Mike Dunleavy  
Governor of Alaska  
P.O. Box 110001  
Juneau, AK 99811

Dear Governor Dunleavy:

Thank you for your March 2021 and September 2021 letters requesting a determination of a commercial fishery failure due to a fishery resource disaster for the following fisheries:

- 2018 Upper Cook Inlet East Side Set Net and 2020 Upper Cook Inlet salmon fisheries;
- 2018 Copper River Chinook and sockeye salmon fisheries, 2020 Prince William Sound salmon fisheries, and 2020 Copper River Chinook, sockeye, and chum salmon fisheries;
- 2019/2020 Eastern Bering Sea Tanner crab;
- 2020 Pacific cod in the Gulf of Alaska;
- 2020 Alaska Norton Sound, Yukon River, Chignik, Kuskokwim River, and Southeast Alaska Salmon Fisheries; and
- 2021 Yukon River salmon fishery.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service evaluated information for the impacted fisheries and provided a recommendation. After reviewing the information and associated recommendation, I have found that your request for a commercial fishery failure due to a fishery resource disaster for the fisheries listed above meets the requirements under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act and section 308(b) of the Interjurisdictional Fisheries Act.

This positive determination now makes these fisheries eligible for fishery disaster assistance. Using funds that Congress has already appropriated for fishery disasters, the Department of Commerce will allocate disaster assistance for these fisheries in the near future.

Should you have further questions, please contact J.D. Grom, Senior Advisor for Legislative and Intergovernmental Affairs, Performing the Duties of the Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 322-7494 or JDGrom@doc.gov.

Sincerely,

  
Gina M. Raimondo

STATE CAPITOL  
P.O. Box 110001  
Juneau, AK 99811-0001  
907-465-3500



550 West Seventh Avenue, Suite 1700  
Anchorage, AK 99501  
907-269-7450

**Governor Mike Dunleavy**  
STATE OF ALASKA

March 28, 2022

The Honorable Gina Raimondo  
Secretary  
United States Department of Commerce  
1401 Constitution Avenue, NW  
Washington, D.C. 20230

Re: State of Alaska Federal Fishery Disaster Request

Dear Secretary Raimondo:

In accordance with Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Section 308(b) of the Interjurisdictional Fisheries Act (IFA), I am writing to request you declare a fishery disaster determination for the 2021 Kuskokwim River salmon fishery.

This request follows your recent approval of a fishery disaster for the 2020 Kuskokwim River salmon fishery. Based on available information in the attached memo, harvesting opportunities were further restricted in 2021 relative to 2020, particularly for chum salmon. The salmon fisheries are critically important for the food security of community residents across the region. Ongoing Chinook salmon restrictions, combined with the more restrictive chum salmon management measures in 2021, have severely harmed the customary and traditional selling, bartering, and trading economy of the subsistence fishery. Additionally, fishery participants in the Kuskokwim River commercial salmon fishery have experienced adverse economic impacts from reduced harvests and revenue since 2016. Poor Kuskokwim River salmon runs in 2021 and 2020 are likely the result of natural causes that are similarly impacting other Bering Sea salmon systems.

I appreciate your consideration of this request and have asked the Alaska Department of Fish and Game to provide the National Marine Fisheries Service and your office with any additional information needed to make a fishery disaster determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy  
Governor

Enclosures

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Dan Sullivan, United States Senate  
Alex Ortiz, Chief of Staff, Office of Congressman Don Young, United States House of Representatives  
The Honorable Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game

06/11/22 11:58  
ALASKA DEPARTMENT OF FISH AND GAME



UNITED STATES DEPARTMENT OF COMMERCE  
Secretary of Commerce  
Washington, D.C. 20230

May 9, 2023

The Honorable Mike Dunleavy  
Governor of Alaska  
P.O. Box 110001  
Juneau, AK 99811

Dear Governor Dunleavy:

Thank you for your letters requesting a determination of a commercial fishery failure due to a fishery resource disaster for the following fisheries:

- 2021/2022 Bristol Bay red king crab and Bering Sea snow crab fisheries;
- 2021 Kuskokwim River salmon and Norton Sound chum and coho salmon fisheries;
- 2021 Chignik salmon fisheries;
- 2020 Copper River/Prince William Sound coho and pink salmon fisheries;
- 2020/2021 Norton Sound red king crab fisheries; and
- 2022/2023 Bristol Bay red king crab and Bering Sea snow crab fisheries.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) has evaluated information from the impacted fisheries. After reviewing the information, I have found that the requests for a commercial fishery failure for the listed fisheries meet the requirements under the Magnuson-Stevens Fishery Conservation and Management Act and the Interjurisdictional Fisheries Act.

This determination makes these fisheries eligible for fishery disaster assistance. In the near future, using funds Congress has already appropriated for fishery disasters, the Department of Commerce will allocate disaster assistance for these fisheries. In addition, with this determination, eligible businesses and other entities in Alaska may be able to access other loan/funding programs through other Federal relief programs (e.g., Small Business Administration loans). Programs within the Department of Commerce (e.g., Economic Development Administration grants) may also be available.

NMFS also reviewed revenue data provided by the State of Alaska for the 2021/2022 Bering Sea tanner crab fishery and determined that the fishery did not experience a revenue loss. Because there is a 35% revenue loss minimum mandated by the NMFS Policy Guidance, without a revenue loss in this fishery, we cannot justify a determination of commercial fishery failure, serious disruption, or harm. Thus, the 2021/2022 Bering Sea tanner crab fishery will not be considered in any future fishery disaster assistance.

Should you have any questions, please contact Susie Feliz, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663 or SFeliz@doc.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gina Raimondo".

Gina M. Raimondo

### Appendix 3. Evaluation of federal fishery disaster requests under the MSA.

#### **Magnuson-Stevens Act Disaster Determination**

On December 29, 2022, Congress enacted the Fishery Resource Disasters Improvement Act, which amended the MSA at Section 312(a), repealed Section 315, and repealed the Interjurisdictional Fisheries Act. Under Section 312(a) the Secretary has the authority to determine the existence, extent, and beginning and end dates of a fishery resource disaster.

MSA Section 312(a) states that after the Secretary determines that a fishery resource disaster has occurred, the Secretary is authorized to make sums available, from funds appropriated for such purposes, to be used by the affected State, Indian Tribe, or interstate marine fisheries commission. Funds allocated for fishery resource disasters shall be used to restore the fishery affected by such a disaster, prevent a similar disaster in the future, and/or assist the affected fishing community.

**Fishery disaster determinations under the MSA provide a mechanism to disburse funds to entities affected by a fishery disaster.**

Two requirements must be met for the Secretary to make a positive fishery disaster determination:

1. There must be a **fishery resource disaster** based on revenue loss or other thresholds under the MSA; and
2. The cause for the fishery resource disaster must be an **allowable cause** under the MSA.

#### **Fishery Resource Disaster**

A fishery resource disaster under the MSA is defined as an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which could include loss of fishing vessels and gear for a substantial period of time and results in significant revenue loss or negative subsistence impact due to an allowable cause. It does not include reasonably predicible, foreseeable, and recurrent fishery cyclical variations in species distribution or stock abundance; or reductions in fishing opportunities resulting from conservation and management measures taken pursuant to the MSA.

In determining whether a fishery resource disaster has occurred, the Secretary shall apply the following 12-month revenue loss thresholds:

- I) Losses greater than 80 percent may result in a positive determination that a fishery resource disaster has occurred.
- II) Losses between 35 percent and 80 percent shall be evaluated to determine whether economic impacts are severe enough to determine that a fishery resource disaster has occurred.
- III) Losses less than 35 percent shall not be eligible for a determination that a fishery resource disaster has occurred.

The term 12-month revenue loss means the percentage reduction, as applicable, in commercial, charter, headboat, or processor revenue for the affected fishery for the 12 months during which the fishery resource disaster occurred, when compared to average annual revenue in the most recent 5 years when no fishery resource disaster occurred or equivalent for stocks with cyclical life histories.



In making a determination of whether a fishery resource disaster has occurred for a Charter fishery, the Secretary shall consider the economic impacts to the charter fishing industry to ensure financial coverage for charter fishing businesses. In considering subsistence impacts, the Secretary shall evaluate the severity of negative impacts to the fishing community instead of applying the revenue loss thresholds described above. A fishery subject to overfishing in any of the 3 years preceding the date of a determination is not eligible for a determination of whether a fishery resource disaster has occurred unless the Secretary determines that overfishing was not a contributing factor to the fishery resource disaster.

A request for a fishery disaster determination can be made by the Governor of an affected State, an official resolution of an Indian Tribe, or any other comparable elected or politically appointed representative as determined by the Secretary. The Secretary may also initiate a review at his or her discretion. The Secretary determines whether the circumstances are consistent with relevant statutes and warrant a fishery disaster determination. If the Secretary determines that a fishery disaster has occurred, Congress may appropriate funds for disaster assistance, which are administered by the Secretary.

### **Allowable Cause**

Under MSA 312(a), the allowable causes for a fishery resource disaster are natural causes, discrete anthropogenic causes, or undetermined causes, including those that occurred not more than five years prior to the date of a request for a fishery resource disaster determination that affected an applicable fishery. Natural causes include weather, climatic, hazard, or biology-related events and do not include a normal or cyclical variation in a species distribution or stock abundance. Anthropogenic causes mean an anthropogenic event, such as an oil spill or spillway opening that could not have been addressed or prevented by fishery management measures and are beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed as a result of judicial action or to prevent human health or marine animals, plants, or habitats.