



# YUROK TRIBE

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



April 15, 2021

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

05 MAY 19 PM 5:03  
EXECUTIVE SECRETARIAT

RE: Commercial Fishery Disaster Declaration for the 2020 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."<sup>1</sup>

Due to natural and man-made factors beyond the Tribe's control, the 2020 Klamath River fall Chinook run was not large enough for the Yurok Tribe to conduct a commercial fishery. During 2020, the Yurok Tribe's Fall Chinook allocation was 6,906 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 2020; 59,359 adult Chinook were projected to return to the basin, however only 45,407 fish actually returned to the river. Therefore, our total adult harvest in 2020 was only 4,233 adult fish.

This is the fifth 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 five years has been severe. Tribal fishers, who rely solely on the income from the commercial season to provide for their families, have suffered a complete loss of 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.

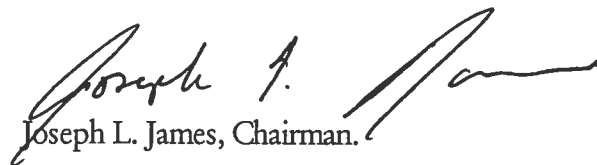
In light of the failed commercial fishery during 2020 and its devastating impacts, I am requesting that you use your authority under Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to declare a commercial fishery failure for the Yurok

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

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 2020. We have attached a declaration by the Yurok Tribal Council declaring the 2020 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: Chris Oliver, Assistant Administrator for Fisheries, NOAA Fisheries  
Barry Thom, Regional Administrator, NOAA Fisheries, West Coast Region



# YUROK TRIBE

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



## RESOLUTION

of the

### YUROK TRIBAL COUNCIL

**RESOLUTION NO:** 21-32

**DATE APPROVED:** March 25, 2021

**SUBJECT:** **Klamath River Commercial Fisheries Disaster Declaration 2020 and Request for Federal Fisheries Disaster Relief Funding**

**WHEREAS:** The Yurok Tribe is a federally recognized Tribe,

**WHEREAS:** The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993,

**WHEREAS:** The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized Tribes,

**WHEREAS:** The Yurok People have lived along the Klamath River since time immemorial, surviving from its plentiful runs of salmon and other species,

**WHEREAS:** The Yurok Tribe has federally reserved fishing and water rights confirmed in various court cases,

**WHEREAS:** The Klamath River Indian fishery is a primary source of income and economy for the Yurok people,

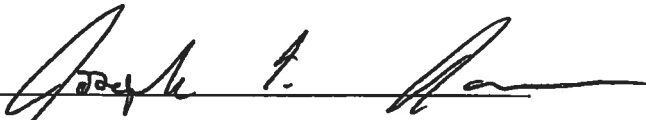
**WHEREAS:** The Yurok Tribe has dedicated the majority of its resources to protecting, conserving, and restoring the Klamath River fishery; the Tribe participates in an annual tribal commercial and subsistence harvest of fall Chinook salmon; and the Tribe's Fisheries Department and the Tribal Council set sustainable harvest allocations each year in conjunction with the offshore fisheries,

**WHEREAS:** Despite the Yurok Tribe's diligent efforts to conserve the Klamath River fishery and due to natural and man-made factors beyond the Tribe's control, the 2020 Klamath River fall chinook salmon run was extremely small. The return of adult fall Chinook to the river in 2020 was approximately 76% of what had been projected, which was already projected to be far below our subsistence/ceremonial needs, while providing no commercial fishing opportunity,


# C\*E\*R\*T\*I\*F\*I\*C\*A\*T\*I\*O\*N

This is to certify that this Resolution Number 21-32 was approved at a duly called meeting of the Yurok Tribal Council on March 25, 2021, at which a quorum was present and that this Resolution Number 21-32 was adopted by a vote of 8 for and 0 opposed and 0 abstentions in accordance with Article IV, Section 5(j) of the Constitution of the Yurok Tribe. This Resolution Number 21-32 has not been rescinded or amended in any way.

DATED THIS 25<sup>th</sup> DAY OF MARCH, 2021

  
\_\_\_\_\_  
Joseph L. James, Chairman  
Yurok Tribal Council

ATTEST:

  
\_\_\_\_\_  
Sherri K. Provolt, Secretary  
Yurok Tribal Council