



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

September 16, 2024

Mr. Joseph L. James
Chairman, Yurok Tribe
190 Klamath Boulevard
P.O. Box 1027
Klamath, CA 95548

Dear Mr. James:

Thank you for your April 11, 2024, letter requesting a fishery resource disaster determination under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for the Yurok Tribe's 2023 Klamath River Fall Chinook Run fishery. I am responding on behalf of the Secretary of Commerce to acknowledge receipt of your request.

I also want to thank you and your staff for taking the time to meet with the National Marine Fisheries Service (NMFS) on August 14, 2024, to further discuss this request. As was noted during the meeting, the following requirements must be met in order for the Secretary to make a positive fishery resource disaster determination: 1) the cause for a fishery resource disaster must be an allowable cause under the MSA and 2) there must be an economic or subsistence impact stemming from the fishery resource disaster that supports a determination of a fishery resource disaster under MSA Section 312(a).

For fishery resource disaster determination requests where disasters have been determined by the Secretary in multiple years, NMFS averages the revenue losses for the most recent 5 years where no fishery resource disasters occurred, up to the 10th year prior to the year of the requested disaster determination. If there are fewer than 5 years within the last 10 years without a disaster, it is not possible to calculate the average of the most recent 5 years, and NMFS would not recommend a positive determination to the Secretary. This is because, in these circumstances, the situation no longer meets the definition¹ of a fishery resource disaster. The impacts to the fishery in such scenarios are considered reasonably predictable and/or foreseeable.

As discussed during the August 14 meeting, it appears that the Yurok Tribe's 2023 Klamath River Fall Chinook salmon fishery may not meet the criteria for a fishery resource disaster, as it is no longer considered an unforeseeable event. However, for potential disasters involving tribal fisheries, NMFS is committed to engaging with the affected tribal entity on a case-by-case basis to determine whether there are circumstances that suggest compliance with criteria above that is not immediately evident. That said, NMFS welcomes any additional information that the Yurok Tribe would like to provide that may address the relevant requirements. We encourage you to provide such additional information to Courtney Hann, courtney.hann@noaa.gov.

¹ A fishery resource disaster is defined by the Magnuson-Stevens Fishery Conservation and Management Act as follows: an unexpected, large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which may 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; but does not include - reasonably predictable, 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.



If you have any questions, please contact Kelly Denit, Director of NOAA's Office of Sustainable Fisheries, at kelly.denit@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Coit". The signature is written in a cursive style with a large initial "J" and a stylized "C".

Janet Coit
Assistant Administrator
for Fisheries