



Lummi Indian Business Council

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'Working together as one to Preserve, Promote and Protect our Sche Lang en'

October 3rd, 2024

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

SUBJECT: 2020, 2021, 2022, 2023 Fish and Shellfish Disaster Declaration

Dear Ms. Secretary Raimondo,

I am writing today to formally request you declare an economic and ceremonial & subsistence fishery disaster, pursuant to Section 312(a) of the Magnusen-Stevens Fishery Conservation and Management Act, so disaster relief assistance can be provided to fisherman and fishing families who were adversely impacted by the extremely low salmon returns in 2020 for the Fraser Sockeye, Fraser Chum, and Nooksack Chum, 2021 Fraser Sockeye, Fraser Chum, Fraser Pink, 2023 for Fraser Chum, Fraser Pink, Fraser Sockeye, Nooksack chum, Nooksack Coho, Nooksack Pink and Green Sea Urchin fisheries for the 2021-2022 and 2023-2024 seasons.

As stated in the table below, our fisheries have suffered a huge impact due to the decline in salmon production. Due to these fishery disasters, the Lummi fishing community has lost approximately \$7.2 million in commercial fishing-based revenue. This has had a significant impact on the financial stability of the fishers, threatening their ability to earn a modest living. The decline of salmon has equally affected our ability to conduct ceremonial and subsistence fisheries and our ability to incorporate salmon into our cultural practices. The fishing disasters have had a lasting and harmful effect on the Lummi Nation's cultural, spiritual, and traditional ways of life. The Lummi Nation believes it is impossible to assign a dollar value to the losses we have experienced in relation to our ceremonial and subsistence fisheries, but we can tell you that it is, at minimum, equivalent to the \$ 7.2 million lost in commercial fishing-based revenue.

Fishery	Season	Landed Value	5-year average landed value	Revenue Loss (\$)	Revenue Loss (%)
Fraser sockeye	2020	\$0	\$1,623,942	\$1,623,942	100%
Fraser chum		\$276,792	\$425,881	\$149,089	35%

Nooksack chum		\$27,198	\$65,069	\$37,871	58%
Fraser sockeye	2021	\$0	\$1,623,942	\$1,623,942	100%
Fraser chum		\$0	\$370,219	\$370,219	100%
Fraser pink		\$124,687	\$979,746	\$855,059	87%
Fraser chum		\$0	\$216,466	\$216,466	100%
Fraser pink	2023	\$223,736	\$505,025	\$281,289	56%
Fraser sockeye		\$0	\$1,792,221	\$1,792,221	100%
Nooksack chum		\$5,826	\$58,863	\$53,037	90%
Nooksack coho		\$150,276	\$458,732	\$308,456	67%
Nooksack pink		\$968	\$32,167	\$31,199	67%
Green sea urchin		2021-22	\$55,255	\$96,640	\$41,385
Green sea urchin	2023-24	\$10,543	\$111,753	\$101,210	91%

Many factors contributed to the dismal salmon fisheries in 2020, 2021, 2023, 2021-2022, and 2023-2024 Green Sea Urchin fisheries, such as habitat loss and degradation in freshwater and marine ecosystems and extreme variation in marine temperatures, currents, and ocean food webs. These adverse conditions reduce spawning success, diminish eggs to smolt, and increase overall adult maturity survival.

The Lummi Nation has over 5,000 enrolled tribal members, over 600 registered fishers, and over 450 registered fishing vessels. Each tribal member has a treaty right to harvest fish and shellfish from the tribe's usual and accustomed fishing grounds and stations. These disasters have had a negative and irreversible impact on the Lummi Nation's cultural, spiritual, and traditional ways of life.

The United States government has a trust responsibility to safeguard Lummi's treaty-protected rights to harvest fish and shellfish, hunt, and gather throughout the tribe's traditional territories. This responsibility requires protecting and restoring habitat and regulating all forms of pollution to support healthy and abundant fish and shellfish populations. Diminishing abundances and harvest opportunities in recent decades demonstrate the federal government's shortcomings in protecting Lummi's inherent rights.

The ability to harvest fish and shellfish in our usual and accustomed fishing grounds and stations is an integral part of the Lummi Nation's identity and way of life. Before the contact with Europeans, the Lummi Nation had survived and prospered by exercising these inherent rights. The 1974 federal court decision in *United States v. Washington* affirmed the treaty tribes' right to half the harvestable salmon. It established the tribes as co-managers of Washington state fisheries. As a sovereign nation and federally-recognized tribe, the Lummi Nation has the right to request and receive disaster relief funding appropriated by Congress and administrated through your office. With no or reduced fisheries harvest during 2020-2024, the Lummi Nation's fishing community is in despair and needs expedited financial assistance and relief.

During NOAA's disaster workshop, it was brought to our attention that the formula used to calculate and determine a disaster is to ensure that funding is not awarded to those whose fisheries are no longer economically viable. This is a grave concern as you have recognized that our treaty rights to harvest

salmon within our usual and accustomed fishing grounds and stations are diminishing, creating a long-term financial burden without using the five years in the last ten-year calculation model.

We understand that the guidelines for filing a disaster have changed. However, we request a one-time exemption from these as no guidance was given to tribes until August 2024, when NOAA held the West Coast Region Fishery Disaster workshop. This new legislation would prohibit us from applying for fishery disasters for our fishermen who suffered a disaster between 2020 and 2024.

The Lummi Nation urges your office to act quickly to mitigate this situation. Your department's prompt efforts are critical in helping Lummi fishers promptly receive the disaster relief, funds, and assistance they are entitled to.

If you have any questions, please don't hesitate to contact my Chief of Staff, Merisa Good, at Merisag@lummi-nsn.gov or (360)-312-2100.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Hillaire".

Anthony Hillaire, Chairman
Lummi Indian Business Council