



# YUROK TRIBE

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February 26, 2018

Secretary of Commerce  
Wilbur Ross  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington DC, 20230

Secretary of Interior  
Ryan Zinke  
U.S. Department of the Interior  
1849 C Street, NW  
Washington DC, 20240

Phil Anderson, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220-1384

## Re: Overharvest of Klamath fall Chinook salmon in 2017

Aiy-ye-kwee':

On behalf of the Yurok Tribe, the largest federally recognized Indian tribe in California, I am writing you regarding a significant conservation issue affecting the Klamath River fishery—overharvest of Klamath fall Chinook salmon in 2017. The Yurok Tribe is the largest Tribe in California with over 6,200 members. The Yurok reservation spans a mile each side of the lower 44 miles of the Klamath River. The river is the lifeblood of the Yurok people. We have lived along the Klamath River since time immemorial in a symbiotic relationship with the thriving ecosystem. As a modern tribal government, we take our responsibility to co-manage the natural resources of the Klamath River very seriously. In exercise of this sentiment, we write to express our deep concern with the harvest mismanagement of Klamath Fall Chinook in 2017.

As you are likely aware, 2017 Klamath fall Chinook were managed for the lowest natural escapement in recorded history. The Pacific Fisheries Management Council (PFMC) was managing for 11,379 natural spawners, well below the Minimum Stock Size Threshold of 30,525 adult fall Chinook. This low projected escapement followed two previous years of extremely low abundance. In spite of this dire projection for Klamath Fall Chinook, and the associated conservation threat facing the salmon stock the Yurok people depend upon, the Hoopa Valley Tribe (HVT) harvested an amount of salmon that exceeded their allocation by more than ten-fold. In fact, the Hoopa harvest of 1,660 adult fall Chinook in 2017 was greater than the tribal and non-tribal allocations combined. Our upriver neighbor fished well beyond their allocation, impacting the already minimal spawning escapement, thereby threatening the very stock that we are trying to protect.

**This overharvest is a conservation concern.** Overharvest is not acceptable; our trustee, the federal government, must take action prior to establishing the 2018 ocean fisheries allocations for Klamath fall Chinook to ensure the 2017 overharvest is not repeated. The PFMC and co-managers, such as the Yurok and Hoopa Tribes, were aware in 2017 that Klamath fall Chinook were

“approaching an overfished” condition, as defined by Amendment 16 to the Pacific Coast Salmon Plan. To avoid entering into an “overfished” condition in 2017, the natural spawning escapement would have needed to exceed the pre-season projection by more than seven times. Yet, to our dismay, even though the stock status was projected to be far below its identified conservation threshold, the HVT chose to allow this extreme over-harvest.

The federal government has a trust obligation to protect the Yurok fishery resource. Prior to establishing ocean allocations, this obligation requires the federal government to have certainty that co-managers will manage their fisheries in a manner that does not intentionally exceed harvest guidelines set in the PFMC pre-season process. Absent such certainty—and in light of legal responsibilities the National Marine Fisheries Service (NMFS) has pursuant to the Magnuson-Stevens Fishery Conservation and Management Act and National Standard 1 Guidelines regarding obligations to meet conservation objectives and to rebuild a fishery once it has reached an “overfished” status—it is not appropriate for NMFS to allow ocean fisheries to take Klamath fall Chinook during 2018 unless our trustee, the federal government, takes unequivocal action to ensure that such overharvest by the HVT is not repeated in 2018.

To be sure, the Yurok Tribe took considerable conservation measures to protect the fishery in 2016 and 2017. Despite the critical role of salmon in the Yurok community, and the fact we are typically the largest harvester of Klamath fall Chinook, receiving 80% of the Tribal allocation, our 2017 allocation and the projected in-river spawning escapement were so small that for the first time in history we closed our subsistence gill-net fishery for the entire fall Chinook season. We allowed gill net fishing only for ceremonies and a very small Elders Program; we harvested an estimated 216 adult fall Chinook, less than a third of the smallest allocation we’ve ever received. We also closed our spring Chinook fishery four days per week to protect the wild springers of the South Fork Trinity River, which are nearing extirpation. Closing our fishery for conservation purposes is not something we take lightly, given the impact such closures have upon Yurok People. We, however, have frequently sacrificed meeting our basic subsistence needs in the short-term by implementing regulations, including closures, to protect our fishery for future generations of Yurok People so they can sustain themselves from healthy fisheries and continue to live the Yurok way of life.

It is with a heavy heart that I send this letter, as members of the Hoopa and Yurok Tribes are friends, family, and neighbors. It is, however, imperative that this situation is addressed and all co-managers manage their fishery for the long-term, so that future generations have healthy fish populations. If you have any questions regarding this letter, please do not hesitate to contact me at the address in the letterhead.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. P. O'Rourke, Sr.", with a stylized flourish at the end.

Thomas P. O'Rourke, Sr.,  
Chairman

cc: Alan Mikkelsen, Senior Advisor to the Secretary of Interior for Water and Western Resource  
Issues  
Barry Thom, Regional Administrator of NOAA Fisheries Western Coast Region  
Amy Dutschke, Bureau of Indian Affairs, Pacific Regional Director  
Tara MacLean Sweeney, Assistant Secretary of Indian Affairs  
Ryan Jackson, Hoopa Valley Tribe Chairman  
Chuck Bonham, California Department of Fish and Wildlife, Director