



Tolowa Dee-ni' Nation

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24-0090025

November 30, 2023

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

Re: Tolowa Dee-ni' Nation Smith River Chinook Salmon Fishery Disaster Request

Dv-laa-ha ~ Secretary Raimondo:

The Tolowa Dee-ni' Nation (TDN; Nation) is a federally recognized, self-governance Nation of Tolowa people. The Nation's aboriginal territory, *Taa-laa-waa-dvn*, is comprised of over one hundred (100) miles of coastal shoreline, 2.87 million square acres of land, and an undefined acreage of marine waters in northern California and southern Oregon. The Nation's government center and Reservation are located in Smith River, California; both are centered on the Smith River (*Xaa-wvn'-taa-ghii~li~*) and dependent on the resources it provides. This letter is a formal request from the Tolowa Dee-ni' Nation to declare a Smith River Fishery Disaster in response to rapidly deteriorating environmental conditions that have caused sudden declines in the Smith River stock of Chinook Salmon. This multi-factor natural disaster has recently resulted in emergency closures of both the ocean and in-river salmon fisheries, resulting in a complete prohibition of Chinook Salmon harvest in 2023-2024 for the first time in our river's history. The closure of salmon fishing will have catastrophic subsistence and economic effects for the Nation's citizens and community.

This fishery stock is federally-managed as the Smith River Chinook stock of the Southern Oregon Northern California Chinook (SONCC) stock complex under the Pacific Fishery Management Council's Fishery Management Plan for Salmon. The importance of this fishery resource stock to the TDN is paramount; as tribal institutions, culture, subsistence harvest, lifeways, and economic opportunity are intertwined with Chinook Salmon returning to the Smith River. The Nation's Tribal Council is empowered under the TDN Constitution Article IV, section 1, subsections (f), (l) and (r) to protect and preserve the wildlife and natural resources of the Tribe's ancestral territory; to regulate hunting, fishing, and trapping within the Tribe's ancestral territory; to manage and control land held by the Tribe; and to exercise powers as needed to carry out these duties. The Nation leads efforts within the watershed to monitor and support the Smith River's Chinook Salmon population.

The Nation initiated long-term monitoring of Smith River Chinook Salmon returns in 2021 after the California Department of Fish and Wildlife was unable to fulfill its responsibilities to monitor and proactively manage local fish stocks. Smith River's Chinook Salmon population has experienced steep declines in fish returns, as have Klamath River Fall Chinook Salmon stock which is used as the stock indicator for management of the complex. In 2022-2023 an estimated 8,206 Chinook Salmon adults returned to the river; a decline of approximately 64% compared to previous monitoring conducted in 2011-2012 when an estimated 23,111 adults returned. Factors contributing to this rapid decline are likely natural and include drought, water temperature, water quality, water quantity, and ocean forage conditions;

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however, the observed declines are likely exacerbated by modern anthropogenic causes. Factors contributing to these declines can't be controlled by Tribal, State, or Federal fishery managers.

The Nation's concerns regarding the stock declines echo that of State and Federal fishery managers, who adopted emergency closures of both ocean and in-river salmon harvest throughout the state this year. On June 14, 2023, the Nation's Tribal Council enacted an emergency closure for the 2023 Smith River Fall Chinook tribal subsistence fishery in response to this fishery disaster. The impact of this closure to local revenues and subsistence harvest will be severe for the Tribal and greater community, and the Nation requests that these impacts be acknowledged as a fishery resource disaster. This will allow the Nation to help mitigate the local impacts of this fishery disaster to our community and continue tribal efforts to maintain this economically and culturally important fishery. This includes impacts that could result in the closure of the tribally-owned, cooperatively-managed non-profit Rowdy Creek Fish Hatchery.

The Nation does not maintain an in-river commercial fishery on the Smith River. Rather, anadromous *huk* (Salmonids) are harvested by Nation citizens for subsistence, ceremonial, and customary uses. The significance of Chinook Salmon extends beyond the Tribal community. This fishery is vital to community and family traditions throughout the watershed and are essential to local economic opportunities in our disadvantaged region. Smith River Chinook support recreational fisheries that contribute to resiliency of the local economy. This fishery resource is a primary driver of winter tourism to Del Norte County and adjacent tribal lands that many residents, including the Nation's citizens, rely on to support their families.

The Nation has been proactive in its efforts to monitor, manage, and support the in-river fishery. The Tolowa Dee-ni' Nation Fisheries Division operates the only current long-term monitoring program for Chinook Salmon adult escapement and has worked tirelessly with State and Federal managers to bring management and monitoring resources to this "non-indicator, non-target" stock. In 2013 the Nation purchased the Rowdy Creek Fish Hatchery for the purpose of ensuring tribal subsistence harvest, local economic development, and local environmental education opportunities. The Nation, in partnership with the non-profit Rowdy Creek Fish Hatchery Board of Directors, operates NOAA/NMFS-approved propagation programs to enhance Smith River's harvestable populations of Smith River Chinook Salmon under the Nation's Hatchery and Genetic Management Plans for the facility. The hatchery is established under the Nation's Codes as a Tribal Organization to promote Tribal environmental stewardship; and to support and promote the historical, customary, cultural, and economic practices of the Nation. The hatchery receives limited maintenance funds from the Bureau of Indian Affairs (BIA), and operational funds are entirely fundraised through individual donations that are largely dependent upon the availability of in-river recreational fishing opportunities. Operational losses at other fish hatcheries are covered by State or Federal funds regardless of fishery status. Gaps in operational needs at RCFH are filled by the Nation through other departmental staff support and monetary donations.

The impacts of this disaster on hatchery funding are already occurring. The ocean and in-river closures have led to a complete loss of operational funds expended from 2019-2021 to raise and release juvenile stock intended to be harvested as 2-4-year-old adults. The current closures at the State and Tribal level now prohibit the harvest of these fish for subsistence, customary use, or sport. This loss is expected to be compounded over the length of the disaster-related closures. It is expected that the loss of in-river recreational fishing opportunity on the Smith River Chinook Salmon stock will result in a concurrent loss of community donations that fully fund the non-profit hatchery facility's daily operations. It is likely that without fishery disaster assistance the Rowdy Creek Fish Hatchery will close.

The Nation works tirelessly towards the goal of a healthy and balanced environment for its citizens and the local community. Smith River Chinook Salmon are integral to the lifeways and economic opportunities of the Nation's citizens, and the economy of the entire local community. Both are already experiencing considerable losses due to unprecedented declines of Smith River Chinook Salmon, including total loss of investments towards hatchery-reared Chinook Salmon currently returning to the river. The Nation requests that under the authority of Section 312(a) of the Magnuson-Stevens Fishery Act and your authority as the U.S. Secretary of Commerce, a fishery disaster is declared for the Smith River and Ocean Fishery Disaster for 2023.

This declaration will not resolve the level of disaster recovery work that lies ahead for us all but will help alleviate the immediate burdens placed on our tribal citizens and greater community who depend on the Smith River's *huk* for their lifeways, livelihoods, and culture.

Shu' shaa nin-la,



Jeri Lynn Thompson Chairperson,
on behalf of Tribal Council