

**LUMMI INDIAN BUSINESS COUNCIL**

2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

October 16, 2007

The Honorable Carlos M. Gutierrez
Secretary of Commerce
United States Department of Commerce
14th and Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Secretary Guterrez:

I formally request you declare a fisheries resource failure pursuant to Section 312 of the Magnuson-Stevens Fishery and Conservation and Management Act (Act) so disaster assistance can be provided to the adversely impacted commercial and subsistence fishermen, communities, small business owners, and their employees on Lummi Indian Reservation in the northwest corner of Washington State. I am hopeful you will be able to act quickly to mitigate this situation before the human and ecological impacts are magnified.

On October 9th 2007 the Lummi Indian Business Council, the governing body of the Lummi Nation, declared a fisheries economic disaster throughout the Reservation due to the catastrophic collapse of the salmon returns. The exact causes of the failure are still undetermined, but are most likely linked to a number of factors including: changing ocean conditions causing poor ocean survival, and disease; and interception in state, federal, and international waters. The tribe is currently engaged in an assessment of these fisheries, consistent with our Sustainable Fisheries Policy, with emphasis on salmon spawning escapement and subsistence harvest. Our assessment will consider the full salmon lifecycle from freshwater spawning habitat to ocean migration.

In 1999 and 2000 the Lummi Nation suffered unprecedented low salmon returns. In response, the Lummi Nation worked with the State of Washington and the Bureau of Indian Affairs to make funds were made available under their welfare and retraining programs. In 2002 the Commerce Department did issue a declaration of an economic fisheries disaster for the Lummi Nation. Lummi Nation government and its members have not been able to access funding under Section 312 of the Act. In previous years the Bureau of Indian Affairs has provided personal emergency living expense assistance. However, this year the BIA is not able to assist us to meet these basic needs. The Lummi Nation has received no federal assistance to address the underlying need for comprehensive fishing economic development projects. Therefore the impact of the fourth (4th) fisheries failure on Tribal members is very serious. I am asking that this effort be expanded to include financial assistance to re-structure and re-finance the Lummi Nation Fishing Industry such that it can achieve profitability with the remaining

fisheries resources and with economic development projects needed to diversify our economy.

Unfortunately, the failure of the salmon runs are more pronounced this year and, due to the failures over the past few years, the devastating impact of the commercial and subsistence fisheries crash has been compounded. As described in the enclosures, the 2007 salmon returns in the disaster regions are significantly less than the 20-year average and some returns are the lowest on record. There are more than 600 families in the disaster area who are dependent on salmon for economic and social survival. The situation this year has deteriorated and many individuals in the communities are unable to pay for food, essential utilities, home heating fuel, and gasoline for other subsistence activities now and through the quickly upcoming winter. Further, nearly all of the 4,500 members of the Lummi Nation rely on subsistence fishing as a major aspect of their Native lifestyle and to supplement their limited cash economy. For some of these families, this disaster has caused a serious depletion in traditional subsistence food sources.

The Lummi Nation is already engaged in a comprehensive effort to assess the situation and provide desperately needed assistance and services to its affected membership. A disaster declaration under Section 312 is needed to make federal resources available for individual and family assistance; a 5-year research, monitoring, and enforcement effort; and community and workforce development for economic diversification.

The cumulative impact of several years of poor salmon runs has exhausted personal and community resources in a large portion of our tribe. We will be grateful for your earliest possible formal action on our request for a Section 312 fishery failure.

If I may be of further assistance, please call me at (360) 384-1489 or have a member of your staff contact Mr. Jerald Folsom, Policy Liaison for Fisheries Disaster in my office at the same number.

Sincerely,



Evelyn D. Jefferson, Chairwoman
Lummi Nation

Enclosures:
2007 Fisheries Disaster Declaration

CC: The Honorable Patty Murray, US Senator
The Honorable Maria Cantwell, US Senator
The Honorable Richard Larsen, Congressman



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RESOLUTION #2007-138 OF THE LUMMI INDIAN BUSINESS COUNCIL

TITLE: Lummi Nation Declaration of Economic Fisheries Disaster Area

WHEREAS, the Lummi Indian Business Council is the duly constituted governing body of the Lummi Indian Reservation by the authority of the Constitution and By-laws of the Lummi Tribe of the Lummi Reservation, Washington; and

WHEREAS, under Article VI Section 1 of the Lummi Nation Constitution, the Lummi Indian Business Council has the power and duty to protect and promote the health and education of the Lummi people; and

WHEREAS, the 2007 Fraser sockeye salmon run, projected to return at 6.25 million fish and provide an expected Lummi Nation harvest of 165,900 sockeye, the failure of the sockeye run reduced the total to 1.4 million sockeye and therefore no fish are available for a Lummi Nation commercial harvest after providing for escapement; and

WHEREAS, the Lummi Nation is in extreme economic distress due to fundamental changes in the world salmon market, unprecedented low salmon prices and chronic low returns of salmon due to the lack of appropriate and effective actions to carry out the trust and fiduciary responsibilities of the Federal government to the Lummi Nation and other tribal governments i.e. ESA, US/Canada Treaty and long term neglect of resources essential to the Tribes to maintain our S'chelangen; and

WHEREAS, changes in the world salmon market are due to factors beyond the Lummi Nation's control, including the rapid growth in production of farmed salmon in foreign nations such as Chile, Norway, and increasing farm fish production in Canada and Washington State, displacing traditional markets for Lummi fishers and fishers in Washington, Oregon and California; and

WHEREAS, in 2002 the US Department of Commerce issues a Fisheries Economic disaster Declaration for the Lummi Nation Fisheries under the authority of the Magnuson/Stevens Act and this economic fisheries disaster is continuing well into the foreseeable future; and

WHEREAS, since the Lummi Nation Salmon Crisis began in 1999 prices paid for premium sockeye are 80% less and gross earnings from commercial fishing salmon harvest, in local waters, has fallen by 83%; Lummi Nation is an economically distressed community that lacks economic alternatives to provide job opportunities for its 4,300 membership which has endured a 40% drop in available jobs (At its zenith Lummi Nation fishing industry employed approximately 2,000 members of the Lummi Nation); and

WHEREAS, the Lummi Nation government suffers from a severe reduction in marine tax revenues (approximately 50%), which pay for essential community services for all members of the Lummi Nation; and

WHEREAS, the fish is as important to Lummi people as the air we breathe and has provided our fishers and fleet of Lummi fishing vessels (formerly 700 vessels strong the Lummi Nation fishing fleet was equivalent to the naval resources of many countries), a modest livelihood in Puget Sound waters.

THEREFORE BE IT RESOLVED, the Lummi Indian Business Council proclaims and declares the Lummi Indian Reservation as an Economic Fishery Resource Disaster Area and hereby provides notice to the U.S. Federal Government and the State of Washington that it expects them to meet their Treaty, trust, fiduciary, and moral obligations to the Lummi Nation and its people; and

BE IT FURTHER RESOLVED, that (1) Lummi Nation Fishers who have been dependent on the commercial salmon fisheries are in a state of transition and need number of services and financial assistance to survive in the intervening years as the fishing industry transitions into new financial arrangements, business structures and appropriate marketing, (2) the Lummi Nation Fishing Industry needs financial and technical assistance to plan, develop and implement the changes needed to re-establish their economic feasibility and (3) the Lummi Nation needs financial and technical assistance to explore opportunities for economic diversification, all of which is needed to maintain the fishing industry as a viable part of the Tribe's and the region's economy; and

BE IT FURTHER RESOLVED, that the Lummi Nation, in a government-to-government relationship, requests the Whatcom County Executive and the Governor of the State of Washington to declare an economic fisheries disaster for the people in Washington State controlled fisheries and to grant and/or seek such assistance as herein requested and requests the President of the United States to grant or seek the assistance herein requested; and

BE IT FURTHER RESOLVED, that the Lummi Nation is a federally recognized Tribe under the Point Elliott Treaty of 1855 between the Lummi Nation and the United States of America and governs the Lummi Indian Reservation and Federal Court decisions, which have recognized its jurisdiction over fishing and hunting resources remaining in its ceded territories including the tidelands along its exterior boundaries, will take on the role of lead agency for the following actions taken in response to this economic disaster declaration:

1. The Tribal Chairwoman will write the President of the United States to make him aware of the seriousness of the situation and to request his assistance in marshalling federal resources and seeking additional federal funds to assist in diversifying the economy of the Lummi Nation.
2. The Tribe will pursue needed research and research funding that taps the knowledge and skills of local people and organizations on the biology and science of salmon runs and other economically viable fish species of Washington and Canadian ecosystems.

3. The Tribe will need funding to seek ways to improve marketing opportunities for Lummi Wild Salmon including retail and regional marketing.
4. The Lummi Nation hereby establishes a Coordinated Response Committee (CRC) consisting of one (1) member of the LJBC, two (2) members of the Lummi Nation Natural Resources Commission, the Lummi Nation General Manager, Natural Resources Department Director and the Director of the Family Services Department to coordinate all Tribal and non-Tribal agency responses to the economic disaster consistent with their existing statutory authority to assist fisher families developing short, intermediate and long-term goals and strategies for economic diversification including the following:
 - A. CRC will provide comprehensive information to families about the existing programs available from state and federal agencies for home heating, energy, employment and training, subsistence, health and social services, economic development funding, and other essential services.
 - B. Recognizing that this economic disaster results in cash shortage for basic living expenses, the CRC will also assist in collecting the necessary background data to support request for additional federal funds if the amount currently available is not adequate to meet the needs of recipients eligible for existing federal programs.
 - C. The CRC will work with the Lummi Family Services Department, and will work with fishers families to expedite applications for Low Income Housing Energy Assistance Programs (LIHEAP) and will forward requests to the federal government as additional LIHEAP funds are deemed necessary.
 - D. The CRC will work with the Lummi Economic Development staff to plan economic development summits to be held in the next 6 months to focus on long-term issues such as; fisheries industry restructuring, economic diversification, and strategies to meet Lummi economic development goals.
 - E. The CRC will work with the Lummi Nation Funding Office to develop an application to the State Department of Employment Services to fund the Lummi Nation Rapid Response Unit as the first response under the National Dislocated Worker Program and to access the Bureau of Indian Affairs to facilitate the release of emergency general assistance funds to the Tribe pursuant to 25 CFR part 20 BIA General Assistance.
5. The Lummi Nation Rapid Response Unit will be developed and focus their efforts on the needs of the affected families with assistance in retraining for alternative occupations; and

BE IT FINALLY RESOLVED, that the Chairwoman (or Vice Chairman in her absence) is hereby authorized and directed to execute this resolution and any documents connected therewith, and the Secretary (or the Recording Secretary in her absence) is authorized and directed to execute the following certification.

LUMMI NATION

Evelyn Jefferson
Evelyn Jefferson, Chairwoman
Lummi Indian Business Council

CERTIFICATION

As Secretary of the Lummi Indian Business Council, I hereby certify that the above Resolution #2007-138 was adopted at a Regular/Special Meeting of the Council held on the 9th day of October 2007, at which time a quorum of 9 was present by a vote of 8 for, 0 against, and 0 abstention(s).

Donna Mae Cultee
Donna Mae Cultee, Secretary
Lummi Indian Business Council

