



Governor Mike Dunleavy  
STATE OF ALASKA

September 14, 2021

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

Re: State of Alaska Federal Fishery Disaster Request

Dear Secretary Raimondo:

In accordance with Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Section 308(b) of the Interjurisdictional Fisheries Act (IFA), I am writing to request declaration of a fishery disaster for the 2021 Yukon River salmon fisheries.

Based on available information (see attached), the 2021 Yukon River commercial and subsistence salmon fishery failure resulted from natural causes and, therefore, is an allowable cause for a fishery disaster determination.

I appreciate your consideration of this request and have asked the Alaska Department of Fish and Game to provide the National Marine Fisheries Service and your office with any additional information needed to make further fishery disaster determinations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy  
Governor

Enclosures

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Dan Sullivan, United States Senate  
The Honorable Don Young, United States House of Representatives  
The Honorable Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game  
Kip Knudson, Director of State/Federal Relations, Office of the Governor  
Rex Rock, Rural Policy Advisor, Office of the Governor



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

DIVISION OF COMMERCIAL FISHERIES  
Headquarters Office

1255 West 8<sup>th</sup> Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.6136  
Fax: 907.465.2332

TO: Commissioner Doug Vincent-Lang  
Alaska Department of Fish and Game

THROUGH: Rachel Baker  
Deputy Commissioner  
Alaska Department of Fish and Game

Sam Rabung  
Director  
Division of Commercial Fisheries  
Alaska Department of Fish and Game

FROM: Karla Bush  
Extended Jurisdiction Program Manager  
Division of Commercial Fisheries  
Alaska Department of Fish and Game

SUBJECT: 2021 Yukon River salmon fishery disaster determination request

DATE: 9/3/2021

PHONE: (907) 465 - 4115  
(907) 465 - 6100

PHONE: (907) 465 - 6153

This memorandum provides information to assist in determining whether the State of Alaska should support a public request for a federal fishery disaster determination for the 2021 Yukon River salmon fisheries. The disaster request is in response to the extremely poor returns of chum salmon to the Yukon River drainage for the second consecutive year and persistent poor run abundance of Chinook salmon. Governor Dunleavy received joint resolutions from the Native Village of Hooper Bay, City of Hooper Bay, and Sea Lion Corporation, a letter from the Association of Village Council Presidents (AVCP) and a joint letter from the Yukon River Drainage Fisheries Association and the Yukon Delta Fisheries Development Association requesting a federal fishery disaster determination from the Secretary of Commerce (Secretary), attached in Appendix 1. The requests were similar to those received for the 2020 Yukon River salmon fisheries, for which Governor Dunleavy requested a federal fishery disaster determination from the Secretary of Commerce in early 2021 (Appendix 2).

The Yukon River is a transboundary river that supports Chinook, coho, summer chum, fall chum and pink salmon fisheries in Alaska. The "summer season" refers to management of Chinook and summer chum salmon runs from early May through July 15 in the lower portions of the river (Districts 1, 2 and 3). After July 15, Chinook salmon are nearly done entering the river, the fall chum salmon run begins to replace summer chum run, and assessment and management shift focus to fall chum and coho salmon entering the mouth of the Yukon River.

The directed commercial Chinook salmon fishery has remained closed since 2008 in response to poor run abundance and to ensure escapement goals, Pacific Salmon Treaty objectives, and a

subsistence use priority are achieved. Subsistence fishing for Chinook salmon has been heavily restricted since 2015 and the 2021 Chinook salmon run was forecasted to be smaller than the 2020 run and not strong enough to meet escapement goals. With an estimated total run of 130,000 fish compared to 200,209 from 2016 through 2020 (Table 1), the 2021 Chinook salmon run was one of the lowest on record.

Directed commercial fisheries for chum salmon were consistently open prior to the 2021 season using selective gear such as dipnets early in the season, to minimize incidental catch of Chinook salmon, and with drift gillnets later in the season once Chinook salmon have passed through the commercial fishing districts. Historically, summer and fall chum salmon make up most of the commercial salmon harvest in the Yukon and have provided nearly 80% of the ex-vessel revenue derived from Yukon River salmon fisheries since 2015.

Assessments of the 2021 summer chum salmon run were very poor and no commercial fishing periods occurred during the summer season. The Chinook subsistence fishery was closed at the beginning of the season with an expectation for subsistence chum salmon fishing with selective gear as the chum run developed. Inseason assessment of the Chinook and summer chum runs indicated no harvestable surplus of either species and subsistence salmon fishery remained closed for the duration of the summer season. The best available inseason information on run strength comes from counts of summer chum salmon at the Pilot Station sonar project, which counted less than 160,000 fish in 2021, the lowest on record and well below the lower bound of the drainagewide escapement goal of 500,000 fish (Figure 1). In 2000, summer chum salmon passage at Pilot Station sonar was under 450,000 fish and one of the weakest runs on record.

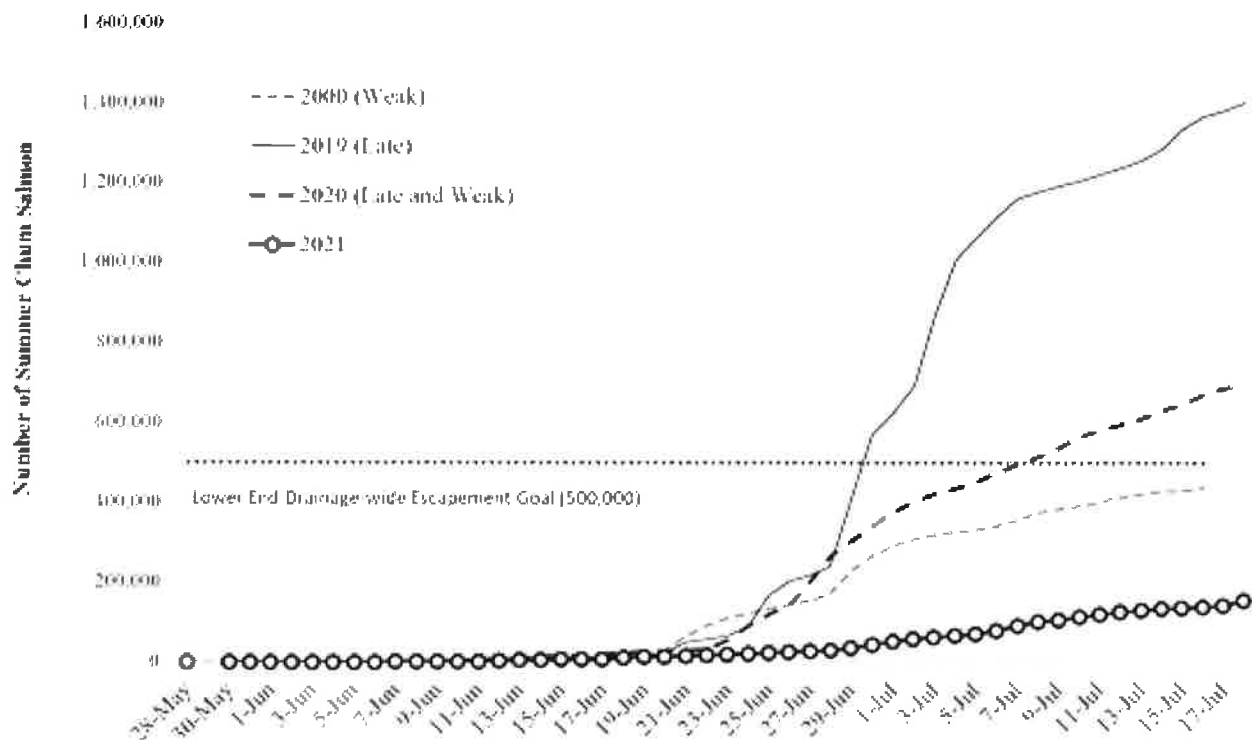


Figure 1. Cumulative 2021 summer chum salmon passage at the Pilot Station sonar compared to late and/or weak years. The horizontal dotted lines represent the drainage-wise escapement goal range for summer chum salmon.

Likewise, the 2021 fall chum salmon run is projected to be 100,000 fish, the lowest on record for the second consecutive year (Figure 2). All commercial fisheries for all species of salmon were closed in 2021 and inseason projections did not meet the threshold of 300,000 chum salmon needed to allow subsistence or personal use fishing. The 2021 drainage-wide escapement goal of 300,000–600,000 fall chum salmon is unlikely to be met; it is also unlikely that tributary escapement goals and Canadian treaty objectives will be met in 2021. Yukon fall season summaries with preliminary salmon harvests and escapements are typically available by late December.

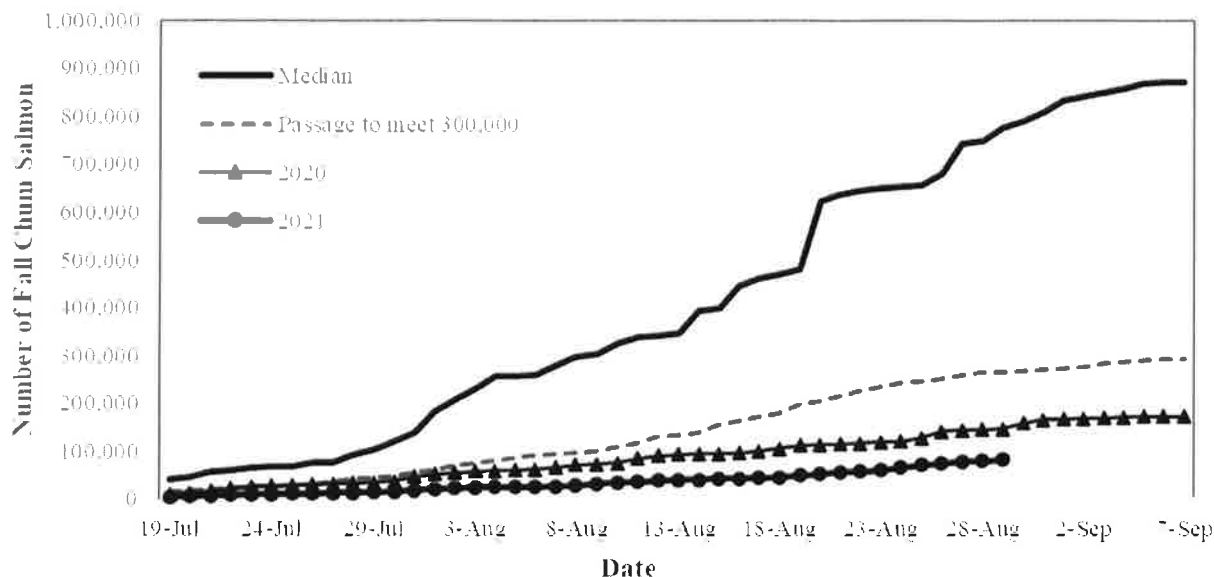


Figure 2. Cumulative 2021 passage of fall chum salmon at the mainstem Yukon River sonar project (Pilot Station) compared to median and 2020. The dashed line is the passage required to meet the minimum management requirement of 300,000 fish to allow subsistence fishing.

Yukon River Chinook, summer chum, and fall chum salmon subsistence fisheries were closed for the 2021 season. Following poor salmon returns in 2020, amounts of salmon needed for subsistence were again not met in 2021. Subsistence fishing for pink, sockeye, and coho salmon using selective gear requiring live release of all Chinook and chum salmon was available for a limited time during the start of the fall season in the lower Districts. In response to the pink and sockeye runs ending and assessment indicating the coho salmon run will be the lowest on record, all salmon subsistence fishing is again closed as of August 28, 2021. Non-salmon subsistence fishing is allowed with 4-inch or less gillnets or other selective gear that permits release of all live salmon, but on a reduced schedule.

The people of the Yukon River drainage depend on salmon for their local economies, cultural traditions, and primary food source. Commercial fishery income is typically used to subsidize subsistence fishing activities. The revenue loss to the commercial fishery permit holders and the loss of employment to local processing employees have resulted in severe economic harm to the region. In a recent [Alaska Department of Labor and Workforce Development analysis](#) of 2014-2019 labor force statistics, the Kusilvak Census Area in the Yukon Delta region recorded the highest unemployment rate, lowest per capita income, and the highest rate of poverty in Alaska. The sharing of cultural and traditional values during the subsistence harvest was lost for the second year in a row because the fish camps were empty, as noted in the letters to Governor Dunleavy (Appendix 1).

### **Federal Fishery Disaster Requests**

Federal fisheries disasters may be evaluated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) or the Interjurisdictional Fisheries Act (IFA). Under either statute, a fishery disaster may be determined when a fishery resource disaster results from a cause recognized by the MSA or IFA and produces a commercial fishery failure or a serious disruption affecting future production.

**The Secretary is authorized under both the MSA and IFA to provide fishery disaster assistance. In general, fishery disaster requests are reviewed similarly under both statutes, although there are some differences in authorities for distribution of funds.**

There is no apparent funding advantage based on whether the determination is made under the MSA, IFA, or both. Recent Congressional appropriations for disaster relief have simply specified the intent for funds to mitigate the effects of commercial fishery failures and fishery resource disasters determined by the Secretary of Commerce. A review of NMFS allocations to previous fishery disasters does not indicate a difference in funding allocations relative to the statute(s) under which the determination is made. Nevertheless, it is likely in Alaska's best interest to submit disaster requests under all allowable authorities to maximize the likelihood of receiving a positive determination from the Secretary and sufficient disaster assistance to mitigate the negative impacts of fishery disasters. Therefore, **staff recommends evaluation of federal fishery disaster requests under both the MSA and IFA.**

Appendix 3 provides additional information on evaluation of federal fisheries disaster requests under the MSA and the IFA.

### **Salmon fisheries in the Yukon River Management Area**

If the State submits a federal fishery disaster request for the 2021 Yukon River salmon fisheries, the Secretary must determine the existence of a commercial fishery failure due to a fishery resource disaster that arises from an allowable cause. ***A preliminary analysis<sup>1</sup> of available information indicates that the 2021 Yukon River salmon fishery meets the criteria for a commercial fishery failure determination under the MSA and the IFA with revenue losses greater than 80% compared to the most recent five-year period.*** A request for a fishery disaster determination for the 2020 Yukon River salmon fishery was sent to the Secretary on March 8, 2021 (Appendix 2). Similar to the current request, revenue losses in 2020 were greater than 80% compared to the previous five-year period. Although both the 2020 and 2021 Yukon River salmon fisheries meet the revenue loss criteria for a fishery disaster determination, the conditions in 2021 were substantially worse than 2020 in terms of levels of salmon returns and the associated loss of commercial and subsistence fishing opportunities.

*Determination of a fishery resource disaster* – In 2021, none of the Chinook salmon escapement goals that could be assessed were achieved (Table 1). The Canadian Interim Management Escapement Goal (IMEG) has not been achieved since 2018 and the preliminary 2021 Chinook salmon total run estimate for the Yukon River drainage was 35% below the recent five-year average despite a complete closure of the commercial and subsistence fisheries.

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<sup>1</sup> Harvest and revenue data used for this analysis are not expected to change when finalized due to the complete closure of the commercial fishery.

Table 1. Yukon River Chinook salmon escapement, 2016 – 2021.

Year	Drainage Total Run	U.S. Escapement Goals Achieved <sup>a</sup>	Canadian IMEG 42,500 - 55,000	Commercial	Subsistence
2016	188,551	2 of 3	68,798	No directed fishery	Heavily Restricted
2017	278,166	6 of 6	68,315	No directed fishery	Heavily Restricted
2018	177,679	4 of 6	54,474	No directed fishery	Heavily Restricted
2019	248,855	5 of 6	42,052	No directed fishery	Heavily Restricted
2020	178,000	0 of 3	30,967	No directed fishery	Heavily Restricted
2021 <sup>b</sup>	130,000	0 of 3	31,000	No directed fishery	Closed
2016-2020 Average	200,209		52,921		
2021 Change from 5-yr average	-35%		-41%		

<sup>a</sup> There are 6 Chinook salmon escapement goals in the U.S., some years all projects did not operate or goals were not assessed due to Covid-19, poor survey conditions, high water, or budgets.

<sup>b</sup> All 2021 data are preliminary

The 2021 summer chum salmon total run estimate for the Yukon River drainage was 160,000 fish, 93% below the recent five-year average (Table 2) and below the poor run of 760,000 fish in 2020. Both the commercial and subsistence fisheries were closed all season.

Table 2. Yukon River summer chum salmon escapement, 2016 – 2021.

Year	Drainage Total Run 500,000 - 1,200,000	U.S. Escapement Goals Achieved <sup>a</sup>	Commercial	Subsistence
2016	2,544,903	2 of 3	Restricted	Restricted
2017	3,649,578	3 of 3	Restricted	Restricted
2018	2,124,653	1 of 3	Restricted	Restricted
2019	1,768,333	2 of 3	Restricted	Restricted
2020 <sup>b</sup>	760,000	1 of 1	Heavily Restricted	Heavily Restricted
2021 <sup>c</sup>	160,000	0 of 3	Closed	Closed
2016-2020 Average	2,169,493			
2021 Change from 5-yr average	-93%			

<sup>a</sup> There are 3 summer chum salmon escapement goals in the U.S., some years all projects did not operate or goals were not assessed due to Covid-19, poor survey conditions, high water, or budgets.

<sup>b</sup> Drainagewide escapement based on Pilot Station sonar and estimate of escapement to the Andreafsky River drainage minus harvest estimates above the sonar site.

<sup>c</sup> All 2021 data are preliminary.

The total run size for fall chum salmon is currently being assessed as fish are counted until the end of November on the spawning grounds (Table 3). The average run size for fall chum salmon is 1,000,000 fish. Current projections estimate around 100,000 fall chum salmon, far below the lower end of the sustainable escapement goal range of 300,000 to 600,000 fish and below the poor run of 193,589 fish in 2020.

Table 3. Yukon River fall chum escapement, 2016 – 2021.

Year	Drainage Total Run 300,000 - 600,000	U.S. Escapement Goals Achieved <sup>a</sup>	Canadian IMEG 70,000 - 104,000	Commercial	Subsistence
2016	1,389,062	3 of 3	145,267	Normal	Not Restricted
2017	2,288,383	3 of 3	401,585	Normal	Not Restricted
2018	1,112,834	3 of 3	154,257	Normal	Not Restricted
2019	801,614	3 of 3	99,738	Normal	Not Restricted
2020	193,589	1 of 2	23,512	Closed	Restricted - Closed
2021 <sup>b</sup>	n/a	0 of 3	n/a	Closed	Closed
2016-2020 Average	1,157,096		164,872		
2021 Change from 5-yr average	n/a		n/a		

<sup>a</sup>There are 3 fall chum salmon escapement goals in the U.S., some years all projects did not operate or goals were not assessed due to Covid-19, poor survey conditions, high water, or budgets.

<sup>b</sup>All 2021 data are preliminary

n/a: Fall chum salmon are counted until the end of November on the spawning grounds.

*Determination of a commercial fishery failure*— Due to poor returns of both the summer- and fall-run chum salmon stocks, the 2021 Yukon River commercial and subsistence salmon fisheries were closed all season (Table 4). Although the disaster request letters focused on loss of Chinook and chum salmon fishing opportunities, final estimated commercial harvest was zero for all species of salmon.

Table 4. Commercial salmon harvest (pounds) in the Yukon River by species and year, 2016 – 2021.

Year	Species				Total
	Chinook <sup>a</sup>	Coho	Pink	Chum	
2016	0	1,265,741	445,692	643,560	2,354,993
2017	1,804	871,325	0	6,855,911	7,729,040
2018	0	703,319	106,642	6,310,069	7,120,030
2019	37,838	347,685	33,835	3,240,704	3,660,062
2020	0	0	9,323	85,037	94,360
2021 <sup>b</sup>	0	0	0	0	0
2016-2020 Average <sup>c</sup>	7,928	637,614	12,722	3,427,056	4,085,320
2021 change from 5-year average	-100%	-100%	-100%	-100%	-100%

<sup>a</sup>All Chinook harvest is incidental to summer chum salmon commercial fishing.

<sup>b</sup>All 2021 data are preliminary

<sup>c</sup>Five-year average for pink salmon based on odd-years (2011 & 2013 no harvest; 2015: 29,774 fish)

Across all species, total exvessel value in 2021 was zero; 100% below the recent five-year average (Table 5). This was the first time in twenty years that the commercial fishery was closed all season.

Table 5. Yukon River salmon fishery exvessel value by species and year, 2016 – 2021.

Year	Species				Total
	Chinook <sup>a</sup>	Coho	Pink	Chum	
2016	\$0	\$1,159,384	\$63,663	\$4,025,563	\$5,248,610
2017	\$9,922	\$823,106	\$0	\$3,813,655	\$4,646,683
2018	\$0	\$680,892	\$15,996	\$4,028,123	\$4,725,011
2019	\$251,673	\$338,949	\$3,384	\$1,896,619	\$2,490,624
2020	\$0	\$0	\$373	\$51,022	\$51,395
2021 <sup>b</sup>	\$0	\$0	\$0	\$0	\$0
2016-2020 Average <sup>c</sup>	\$52,319	\$600,466	\$1,415	\$2,762,996	\$3,417,196
2021 change from 5-year average	-100%	-100%	-100%	-100%	-100%

<sup>a</sup>All Chinook harvest is incidental to summer chum salmon commercial fishing.

<sup>b</sup>All 2021 data are preliminary

<sup>c</sup>Five-year average for pink salmon based on odd-years (2011 & 2013 no harvest; 2015: 29,774 fish)

**Fishery Resource Disaster Cause**— Preseason forecasts projected below average run sizes of summer and fall chum salmon in the Yukon River in 2021. In a typical year, more than 90% of the total chum salmon run is made up of age-4 and age-5 fish. Average to above-average run sizes were observed in the Yukon River in 2016 and 2017, providing evidence that adequate numbers of age-4 and age-5 chum salmon should return in 2021 to meet escapement needs, support subsistence fishing activities, and provide for commercial harvest.

By the late June, it became clear that the summer chum salmon run was not just late entering the river as it had in 2019 and 2020, but that abundance in 2021 was extremely low. The cumulative Pilot Station sonar counts for summer chum salmon on June 21 were the lowest on record for that date and by early July it was apparent that the run was well below the 500,000 fish needed to meet the drainagewide escapement goal. The age composition of 97 summer chum salmon sampled in the Lower Yukon test fishery project was 81% age-4 and 13% age-5 fish. This compares to an average of 47% age-4 and 50% age-5 summer chum salmon. The low abundance of age-5 fish in 2021 was not wholly unexpected given the very low returns of age-4 summer chum salmon in 2020.

Very few age-4 chum salmon were caught in the Lower Yukon test fishery in 2020, leading scientists to hypothesize that the extremely low level of returns in 2021 may be correlated with low catches of juvenile chum salmon in the 2017 Northeastern Bering Sea Juvenile Chinook Salmon trawl survey which may have been caused by high mortality during the freshwater and/or early marine phase of their lifecycle. The relationship between juvenile chum salmon abundance in the ocean and adult returns to specific rivers is complicated because juvenile salmon captured in the survey are a mixture of stocks from many locations. Ongoing work to incorporate genetic analysis into the assessment model may help identify if a relationship exists between juvenile chum salmon abundance in the survey and adult chum salmon returns.

The Bering Sea has seen unprecedented warming in recent years, and research is ongoing to understand how ocean temperatures may affect Yukon River salmon stocks. ***Based on available information, the 2021 Yukon River commercial and subsistence salmon fishery failure resulted from natural causes and therefore is an allowable cause for a fishery disaster determination under section 312(a) of the MSA and section 308(b) of the IFA.***



### **Points for consideration**

- Requests for federal fishery disaster determinations must be made by the Governor of an affected State or an elected or duly appointed representative of an affected fishing community.
- If the State of Alaska chooses to request a disaster determination, staff will coordinate with the Governor's office to submit a letter to the Secretary of Commerce requesting a disaster determination.
- If the State of Alaska requests a disaster determination, staff will coordinate with the NMFS Alaska Region to compile additional fishery landings and revenue data for the analysis that will be submitted to the Secretary of Commerce. In recent years, the Secretary has not made disaster determinations until final revenue data are available for the fishing year, which typically occurs in September the following year.
- If the Secretary of Commerce determines that a fishery disaster occurred and Congress appropriates funds to the disaster, the state will develop a distribution plan and take the lead on providing policy and technical guidance for administration of the distribution plan. The State is eligible to receive a portion of the disaster funds to recover administrative costs.

Appendix 1. Stakeholder letters requesting fishery disaster determination.

Native Village of Hooper Bay  
P.O. Box 169  
Hooper Bay, AK 99604

City of Hooper Bay  
P.O. Box 29  
Hooper Bay 99604

Sea Lion Corporation  
P.O. Box 87  
Hooper Bay, AK 99604

Joint Resolution 21-001

WHEREAS, Chinook and Chum Salmon migrating to the Yukon/Kuskokwim Rivers have drastically declined over the last ten years as a result of no scientific management for "sustained yield" and prolonged commercial fishing allowed by State and Federal Governments; and

WHEREAS, Commercial fishing industry influences the decision making process of the federal and state management processes through decision making bodies of said governments; and

WHEREAS, State of Alaska's harvesting records year after year demonstrate that 98-99% of all salmon harvested were by commercial fishing industry; and

WHEREAS, State of Alaska's harvesting records show year after year demonstrate subsistence and personal use show that average of 1.1% of harvested salmon have very little impact to the overall salmon fisheries; and

WHEREAS, State of Alaska and U.S. Government Fisheries programs give high priority to commercial fishing interests allowing "Intercept" Chinook and Chum Salmon Fisheries at False Pass and Gulf of Alaska pollock fisheries to "Bycatch" Chinook Salmon headed to spawning rivers in western Alaska;

WHEREAS, these "intercept" and "bycatch" Chinook and Chum salmon spawn in rivers in western Alaska are vital and the mainstay food sources for all Yup'ik People who live in the 56 villages of the Yukon/Kuskokwim Delta;

WHEREAS, these "intercept" and "bycatch" chinook and chum salmon caught by commercial fishing interests negatively impacts the lifestyle that the Yup'ik People who once harvested salmon to sustain healthy communities in the customary and traditional way of life;

WHEREAS, the State of Alaska and U.S. Government have been jurisdictionally fighting over the right to manage fish and game on lands/waters in western Alaska because of the Alaska National Interests Land Conservation Act (ANILCA) of 1980 yet who is left out of the legal argument are the Yup'ik People's right to customary and traditional way of life to hunt and fish; and who have done so for millennia; and

WHEREAS, Legal entanglements on jurisdiction by state and federal governments whether to recognize the customary and traditional users of chinook and chum salmons by the Yup'ik People has not been protected as expressed under Title VIII of ANILCA's rural preference provision; and

WHEREAS, the State of Alaska management of fisheries managed under the "sustained yield that maximizes benefits to users of the resources through public process that is driven by those users 'sustained yield' " is only driven to benefit the commercial fishing industry's interests; and

WHEREAS, the State of Alaska's "sustained yield" basis of management of fisheries seem not to recognize that chinook and chum salmon do spawn on the rivers that only benefits the wealthy commercial fishing industries interests and do not listen to subsistence and personal use fisherman; and

WHEREAS, the State of Alaska is causing undue harm to the customary and traditional lifestyles of the Yup'ik People by favoring the wealthy and causing economic hardships to many families in the Yukon Kuskokwim Communities; and

WHEREAS, this type of "sustained yield" management system is failing the fisheries in the Yukon Kuskokwim Delta Rivers, due to the State of Alaska Fish and Game's mismanagement and inability to scientifically manage said fisheries; and

WHEREAS, the "sustained yield" management system by the State of Alaska is causing many economic hardships and exhausted personal and community resources of the 8,000 Yup'ik Families in the Yukon Kuskokwim Delta Communities (29,000 Yup'ik People) because they cannot participate in traditional and customary practice of smoking salmon for daily sustenance and to share with many extended family members both in rural and urban Yup'ik populations; and

NOW THEREFORE BE IT RESOLVED, the Hooper Bay Traditional Council, the City Council, and Sea Lion Corporation to declare the Yukon Kuskokwim Delta communities as an Economic Fishery Disaster Area and hereby provide notice to the U.S. Federal Government and the State of Alaska that it expects them to meet their Treaty, Trust, and Moral obligations to the Yup'ik People; and

BE IT FURTHER RESOLVED, that the Yup'ik People request the U.S. Federal Government to declare a fisheries resource failure pursuant to Section 312 of the Magnuson-Stevens Fishery and Conservation and Management Act and cease high seas fishing to adversely impact and intercept salmon headed to the waters of the Yukon Kuskokwim Deltas; and

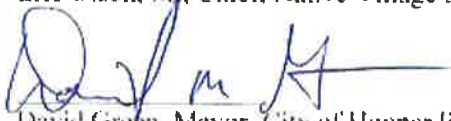
BE IT FURTHER RESOLVED, the U.S. Federal Government create a federal/state western water management commission (Commission) to review negative impacts caused by high seas fishing and commercial fishing to create a more meaningful science backed fisheries program of state and federal waters. A Commission would be created to include all commercial, subsistence, and personal users with equality and full balance in said commission.

BE IT FINALLY RESOLVED, the Commission would recommend and manage opening and closures of all fisheries in the high seas and of waterways of western Alaska with the main goal to protect the Salmon Management Program of the State of Alaska

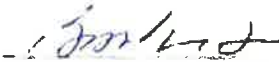
PASSED This day 20<sup>th</sup> of July, 2021



Eric Olson, Sr., Chief, Native Village of Hooper Bay



David Green, Mayor, City of Hooper Bay



Bosco Olson, Sr., President/ Chairman, Sea Lion Corporation



The Honorable Governor of Alaska  
Mike Dunleavy  
PO Box 110001  
Juneau, AK 99811  
Via Electronic Delivery: [Janice.mason@alaska.gov](mailto:Janice.mason@alaska.gov)

**Re: 2021 Yukon and Kuskokwim Fisheries Situation**

AVCP provided your office with two letters in February 2021 requesting that federal fishery disasters be declared for the Yukon and Kuskokwim Rivers. We applaud and appreciate your efforts and your formal disaster declaration request to Secretary of Commerce Gina Raimondo on March 8, 2021 for the 2020 season. As I am sure you are well aware, the 2021 season is looking to be even more disastrous, especially on the Yukon River. We will once again be working with our partners on a new fishery disaster request for the 2021 season. We have sent communications to Secretary Raimondo urging a positive determination for 2020 and a notice that 2021 is faring even worse.

Sincerely,

Brian Kothmann

Nunaput umyiallqutkut pin duleng ilu, Tegganerput qigcikliki pinakliki ilu, ayagynaput ilu ciitlqagrimaut yuuyaraq  
Our Tribes are united and strong, our Elders are respected and valued, and our youth are guided by Yuuyaraq

[illegible]



## Yukon River Drainage Fisheries Association

PO Box 2898, Palmer, AK 99645  
Ph. (907) 272-3141 Fax (907) 272-3142



2909 Arctic Blvd, Anchorage, AK 99503  
Ph. (907) 644-0326 Fax (907) 644-0327

August 23, 2021

State of Alaska  
Office of the Governor  
PO Box 110001  
Juneau, AK 99811-0001  
\*sent via email

Dear Honorable Governor Mike Dunleavy,

First, thank you and the many state agency and department leaders and staff for the donations of fish for the people of the Yukon River. The people are grateful for any amount of salmon; for some it was their first taste of the season.

We write to urge you to use your leadership and to take swift action to declare a fishery disaster for the 2021 Yukon River salmon season in accordance with Section 312(a) of the Magnuson-Stevens Fisheries Conservation and Management Act.

There has been no commercial or subsistence fishing for Chinook, summer and fall chum salmon for the 2021 fishing season. This has and will greatly impact the people of the Yukon River drainage both economically, traditionally, and psychologically. Subsistence harvest is non-existent; where the 5 year average (2015-2019) for the entirety of the Yukon River Area should be around 77,000.<sup>1</sup>

Although the donations helped, we cannot emphasize enough the cultural well-being of the people who have fished the river for generations. People were left with nothing to occupy their time that is usually spent on the river, at fish camp, with family.

In addition, the loss of employment and income to the commercial fishermen and to the local salmon processing employees, which serves one of the highest unemployment rate on the Yukon River Drainage.


Resolutions and letters of support will be forwarded to your office from Tribal Governments, Municipal Councils and Village Corporations requesting for a fishery disaster declaration of the State of Alaska.

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<sup>1</sup> [https://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareayukon.subsistence\\_salmon\\_harvest](https://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareayukon.subsistence_salmon_harvest)

Again, we ask for swift action in this request. We appreciate your time and consideration, and we look forward to hearing from you in the near future.

Sincerely,



Serena Fitka  
Executive Director  
Yukon River Drainage Fisheries Association



Ragnar Alstrom  
Executive Director  
Yukon Delta Fisheries Development Association

CC:

Secretary Deb Haaland, US Department of the Interior  
Senator Dan Sullivan  
Senator Lisa Murkowski  
Congressman Don Young  
Senator Donny Olson  
Representative Neal Foster  
Senator Lyman Hoffman  
Representative Bryce Edgmon  
Representative Tiffany Zulkosky  
Commissioner Doug Vincent-Lang  
Acting Commissioner Amanda Holland  
Commissioner Julie Anderson  
Randy Fisher, PSMFC Director  
Jim Balsinger, NOAA Alaska Region Administrator  
Mr. Rex Rock, Jr., Policy Advisor  
Randy Ruaro, Chief of Staff



Appendix 2. Governor's letter to the Secretary requesting fishery disaster determinations for several fisheries including the 2020 Yukon River salmon fishery.

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Governor Mike Dunleavy  
STATE OF ALASKA

March 8, 2021

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

Re: State of Alaska Federal Fishery Disaster Requests

Dear Ms. Raimondo:

In accordance with Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and Section 308(b) of the Interjurisdictional Fisheries Act (IFA), I am writing to request you declare a fishery disaster for each of the following fisheries: the 2020 Norton Sound, Yukon River, Kuskokwim River, Chignik, Upper Cook Inlet, Prince William Sound and Southeast Alaska salmon fisheries, 2018 and 2020 Copper River salmon fisheries, 2018 Upper Cook Inlet East Side Setnet salmon fishery, 2020 Gulf of Alaska Pacific cod fishery, and the 2019/2020 Bering Sea Tanner crab fishery.

These fisheries have experienced drastic declines resulting from unprecedented conditions in recent years.

The 2014-2016 marine heatwave was substantially long lasting and intense. The Secretary of Commerce determined that the 2018 Gulf of Alaska Pacific cod and 2018 Chignik sockeye salmon commercial fishery failures resulted from "unfavorable ocean conditions, among other factors, beyond the control of fishery managers that reduced biomass and access to the fishery."

In 2018 and 2019, a subsequent marine heatwave occurred in the Gulf of Alaska and the Bering Sea, extending throughout the entire water column. These marine heatwaves likely contributed to continued low abundance and poor marine survival of salmon and Pacific cod in the Gulf of Alaska and northern Bering Sea. Environmental impacts likely play a role in the distribution, growth rate, and natural mortality of Tanner crab as well.



Ms. Gina Raimondo  
March 8, 2021  
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The sudden and unexpected decreases in commercial fishery stock biomass have resulted in several fishery closures and severely restricted fisheries. This has negatively affected permit holders, fishing crew, processors, and communities from Norton Sound to Southeast Alaska. Based on available information, to be provided, the commercial fishery failures across multiple species and regions of Alaska included in this request resulted from fishery resource disasters arising from natural or undetermined causes; therefore, they meet the criteria for fishery disaster determinations under the MSA and IFA.

I appreciate your consideration of these requests, and have asked the Alaska Department of Fish and Game to provide the National Marine Fisheries Service and your office with any additional information needed to make fishery disaster determinations.

Sincerely,



Mike Dunleavy  
Governor

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Dan Sullivan, United States Senate  
The Honorable Don Young, United States House of Representatives  
The Honorable Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game  
Kip Knudson, Director of State/Federal Relations, Office of the Governor  
John Moller, Policy Advisor, Office of the Governor

### Appendix 3. Evaluation of federal fisheries disaster requests under the MSA and the IFA.

#### **Magnuson-Stevens Act Disaster Determination**

There are two sections of the MSA that could be referenced when requesting a disaster determination from the Secretary. Under MSA sections 312(a) and 315, the Secretary may provide disaster assistance for assessing the economic and social effects of a commercial fishery failure, for activities to restore the fishery or prevent a similar failure in the future, and for assisting fishing communities.

Section 312(a) states that upon the Secretary making a determination that a commercial fishery failure occurred as a result of a fishery resource disaster, the Secretary is authorized to make funds available “for assessing the economic and social effects of the commercial fishery failure, or any activity that the Secretary determines is appropriate to restore the fishery or prevent a similar failure in the future and to assist a fishing community affected by such failure.”

Section 315 authorizes the Secretary to establish a regional economic transition program to provide disaster relief assistance to fishermen, charter fishing operations, United States processors, and owners of related fishery infrastructure affected by a “catastrophic regional fishery disaster,” as defined as “a natural disaster, including hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment . . .”. Subject to the availability of appropriations, the regional economic transition program must provide funds or other economic assistance for disbursement to affected entities in meeting immediate regional shore side infrastructure needs, financial assistance and job training, fishing capacity reduction, and other activities authorized under MSA 312(a) or IFA 308(d).

**Fishery disaster determinations under the MSA provide a mechanism to disburse funds to entities affected by a fishery failure. All previous federal fishery disaster determinations for Alaska fisheries were made under section 312(a) of the MSA.**

#### **Interjurisdictional Fisheries Act Disaster Determination**

There are two sections of the IFA that could be referenced when requesting a disaster determination from the Secretary.

IFA Section 308(b) authorizes the Secretary to provide grants or cooperative agreements to states determined to have been affected by a commercial fishery failure or serious disruption affecting future production due to a fishery resource disaster arising from natural or undetermined causes. The Secretary may distribute these funds after he has made a thorough evaluation of the scientific information submitted and has determined that a commercial fishery failure due to a fishery resource disaster arising from natural or undetermined causes has occurred. Funds may only be used to restore the resource affected by the disaster, and only by existing methods and technology.

IFA Section 308(d) enables the Secretary to help persons engaged in commercial fisheries by initiating projects or other measures to alleviate harm determined by the Secretary to have been incurred as a direct result of a fishery resource disaster arising from a hurricane or other natural disaster. Eligibility for direct assistance to a person under this subsection shall be limited to any person that has less than \$2,000,000 in net revenues annually from commercial fishing, as determined by the Secretary.

**Fishery disaster determinations under the IFA provide a mechanism to address the causes of the disaster or to alleviate harm as a result of the disaster.**

The IFA has not been cited in previous State of Alaska federal fishery disaster requests, although the 2011-2012 Alaska Chinook salmon disaster was determined to meet the provisions of both section 312(a) of the MSA and section 308(b) of the IFA. Requests for Alaska fisheries have likely been made under the MSA because it is the primary fisheries management statute for federal fisheries off Alaska. The IFA primarily addresses management of fishery resources under the jurisdiction of two or more states. However, a January 2021 ADF&G staff review of the IFA suggests that previous Alaska fishery disasters likely would have met the requirements of section 308(b) of the IFA, indicating that the State may wish to make federal fishery disaster requests under both statutes if the subject fishery meets the criteria. In recent years, Congressional appropriations for disaster relief have not referenced either statute and a review of NMFS allocations to individual fishery disasters did not show apparent differences in funding allocations based on whether the determination is made under the MSA, IFA, or both. It is likely in the State's best interest to submit disaster requests under all allowable authorities to maximize the likelihood of a positive disaster determination and sufficient funding allocations from the Secretary to mitigate negative impacts from the disaster. Therefore, staff recommends evaluations of federal fishery disaster requests under the MSA and IFA.

Three requirements must be met in order for the Secretary to make a positive fishery disaster determination:

1. There must be a **fishery resource disaster** as defined by the MSA or IFA;
2. The cause for the fishery resource disaster must be an **allowable cause** under the MSA or IFA; and
3. There must be economic impact stemming from the fishery resource disaster that supports a determination of a **commercial fishery failure** under MSA 312(a) and IFA 308(b) or **harm incurred** under IFA 308(d).

#### **Fishery Resource Disaster**

A fishery resource disaster under the MSA and IFA is defined in the National Marine Fisheries Service (NMFS) Policy Guidance as a sudden, unexpected, large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which could include loss of fishing vessels and gear, for a substantial period of time.

A request for a fishery disaster determination is generally made by the Governor of a State, or by the official representative of a fishing community, although the Secretary may also initiate a review at his discretion. The Secretary determines whether the circumstances are consistent with relevant statutes and warrant a fishery disaster determination. If the Secretary determines that a fishery disaster has occurred, Congress may appropriate funds for disaster assistance, which are administered by the Secretary.

#### **Allowable Cause**

Under MSA 312(a), the allowable causes for a fishery resource disaster are natural causes, undetermined causes or, man-made causes beyond the control of fishery managers to mitigate through conservation and management measures. Man-made causes include regulatory restrictions, including those imposed as a result of judicial action, imposed to protect human health or the marine environment. Regulatory or judicial actions do not constitute "man-made" causes, except where imposed to protect human health or the marine environment.

Under IFA 308(b), the allowable causes for a fishery resource disaster are natural or undetermined causes. Under IFA 308(d), the Secretary must determine that harm was incurred as a direct result of a fishery resource disaster arising from a hurricane or other natural disaster.

### **Commercial Fishery Failure**

Under NMFS policy guidance, a commercial fishery failure under the MSA and IFA means an occurrence when commerce in or revenues from commerce in a fishery materially decreases or is markedly weakened due to a fishery resource disaster, such that those engaged in the fishery suffer severe economic hardship. A commercial fishery failure will be determined if a significant number of those engaged in the fishery have suffered revenue declines that materially damage their business, or a serious disruption affecting future production causes loss of access to the fishery for a substantial period of time.

In addition to determination of a commercial fishery failure, IFA 308(b) allows for a determination of a serious disruption affecting future production due to a fishery resource disaster arising from natural or undetermined causes. If available scientific information indicates that there has been an unexpected sudden and precipitous decrease in the harvestable biomass or spawning stock size of a fish stock that causes a significant number of persons to lose access to the fishery for a substantial period of time in a specific area, a serious disruption affecting future production will be deemed to have occurred.

#### *Determination of Commercial Fishery Failure*

The criteria for determining a commercial fishery failure or a serious disruption affecting future production is based on lost revenue. The NMFS policy guidance specifies:

- Revenue losses greater than 80% will result in a determination of a commercial fishery failure or a serious disruption affecting future production.
- Revenue losses 35% to 80% will be evaluated further (e.g., to determine if economic impacts are severe).
- Revenue losses less than 35% will not be eligible for determination of a commercial fishery failure or a serious disruption affecting future production, except where the Secretary determines there are special and unique circumstances that may justify considering and using a lower threshold in making the determination.

### **Harm Incurred**

IFA 308(d) requires the determination of harm should be made if fishermen have uninsured losses suffered as a direct result of a fishery resource disaster arising from a hurricane or other natural disaster. Proof of harm incurred before any financial aid under 308(d) is distributed should be quantifiable and objective. Such proof may include validated unreimbursed insurance claims, tax records, or other validated evidence of economic harm.