

STATE CAPITOL  
P.O. Box 110001  
Juneau, AK 99811-0001  
907-465-3500



550 West Seventh Avenue, Suite 1700  
Anchorage, AK 99501  
907-269-7450

Governor Mike Dunleavy  
STATE OF ALASKA

November 29, 2022

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 you declare a fishery disaster determination for the 2022 Yukon River salmon fishery.

On February 1, 2022, you approved a fishery disaster determination for the 2020 and 2021 Yukon River salmon fisheries. Although all salmon fishing was closed on the Yukon River in 2021 and 2022 and heavily restricted/closed in 2020, the 2022 total number of Chinook salmon returning to the Yukon River was estimated to be the lowest on record. The 2022 summer chum salmon run was less than the minimum escapement goal and was the fourth lowest on record. Similarly, the minimum escapement goal for fall chum salmon is unlikely to be met. Continued revenue loss to commercial fishery permit holders and loss of employment to local processing employees from the 2022 fishery closures has resulted in severe economic harm to the region. The loss of subsistence salmon fishing opportunities for the third year in a row has created food security concerns and prevented residents from sharing cultural and traditional practices.

Based on available information in the attached memo, the 2022 Yukon River salmon fishery meets the criteria for a fishery disaster determination. Due to the complete closure of all Yukon River salmon fisheries, I am requesting an expedited disaster determination because total exvessel losses are 100 percent below the previous five-year average and these losses directly affect all participants engaged in the fishery.

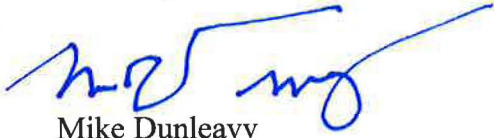
I appreciate your consideration of this request and have asked the Alaska Department of Fish and Game to provide NMFS and your office with any additional information needed to make the requested fishery disaster determination.

The Honorable Gina Raimondo

November 29, 2022

Page 2 of 2

Sincerely,



Mike Dunleavy  
Governor

Enclosure

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Dan Sullivan, United States Senate  
The Honorable Mary Peltola, United States House of Representatives  
The Honorable Doug Vincent-Lang, Commissioner, Alaska Department of Fish and  
Game



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: 2022 Yukon River salmon fishery disaster determination request

DATE: 11/22/2022

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 2022 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 third consecutive year and persistent poor run abundance of Chinook salmon. Governor Dunleavy received a resolution from the City of Pilot Station and a letter from Representative Neal Foster and Senator Donny Olson 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 and 2021 Yukon River salmon fisheries, for which Governor Dunleavy requested, and the Secretary of Commerce approved, federal fishery disasters (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 and occurs 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 been 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 2022 Chinook salmon run was forecasted to be similar to the 2021

run and not strong enough to meet escapement goals. The total run size of Chinook salmon in 2022 is estimated at 52,000 fish, the lowest on record (Figure 1), and 74% below the 2017 through 2021 average run size of 202,376 Chinook salmon (Table 1).

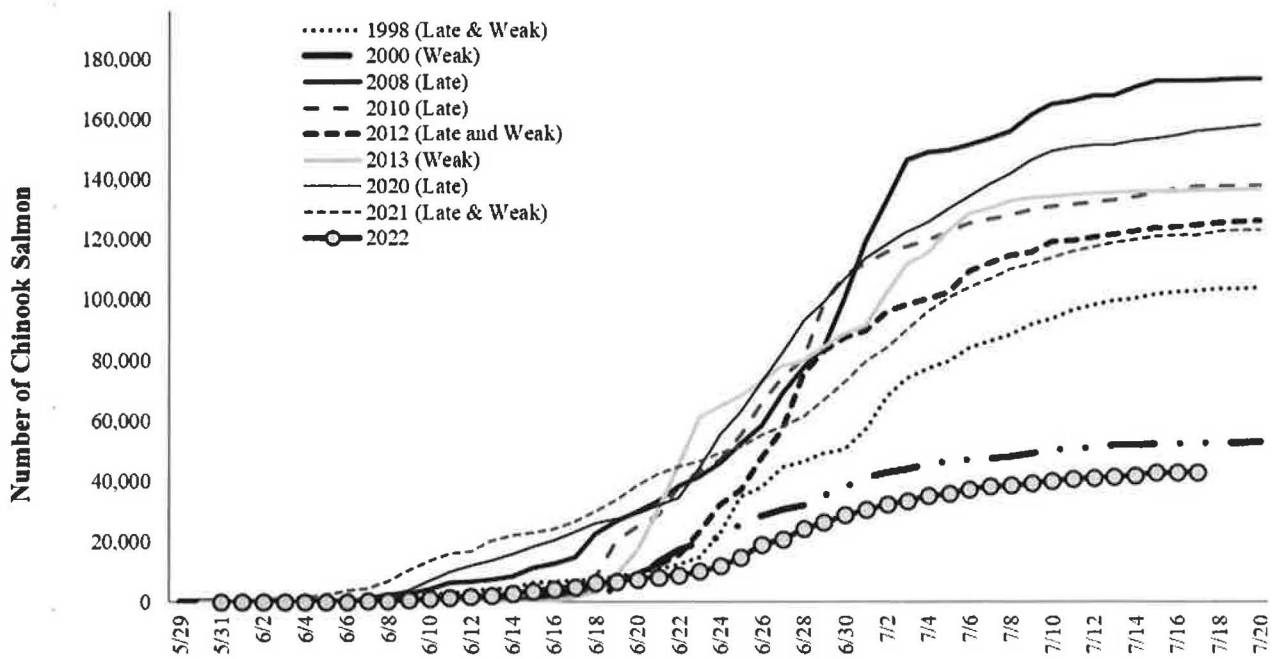


Figure 1. 2022 Cumulative passage of Chinook salmon at the Pilot Station sonar compared to late and/or weak years.

Directed commercial fisheries for summer chum salmon were consistently open prior to the 2021 season. When the summer chum salmon fisheries were open, selective gear such as dipnets were required early in the season to minimize incidental catch of Chinook salmon, and drift gillnets were authorized later in the season once Chinook salmon had passed through the commercial fishing districts. Commercial fisheries for fall chum salmon were consistently open prior to 2020. Historically, summer and fall chum salmon make up most of the commercial salmon harvest in the Yukon Area and provided nearly 80% of the exvessel revenue derived from Yukon River salmon fisheries since 2015.

The summer chum salmon run in 2021 was worse than 2020 and became the lowest on record. Both the commercial and subsistence salmon fisheries were closed in 2021. The preseason outlook for the 2022 season was below the drainagewide escapement goal levels and both the commercial and subsistence fisheries were closed again during the summer of 2022 to ensure chum salmon reached spawning streams. The cumulative end of season Pilot Station sonar count for summer chum salmon in 2022 was less than the minimum drainagewide escapement goal of 500,000 fish and was the fourth lowest on record (Figure 2).

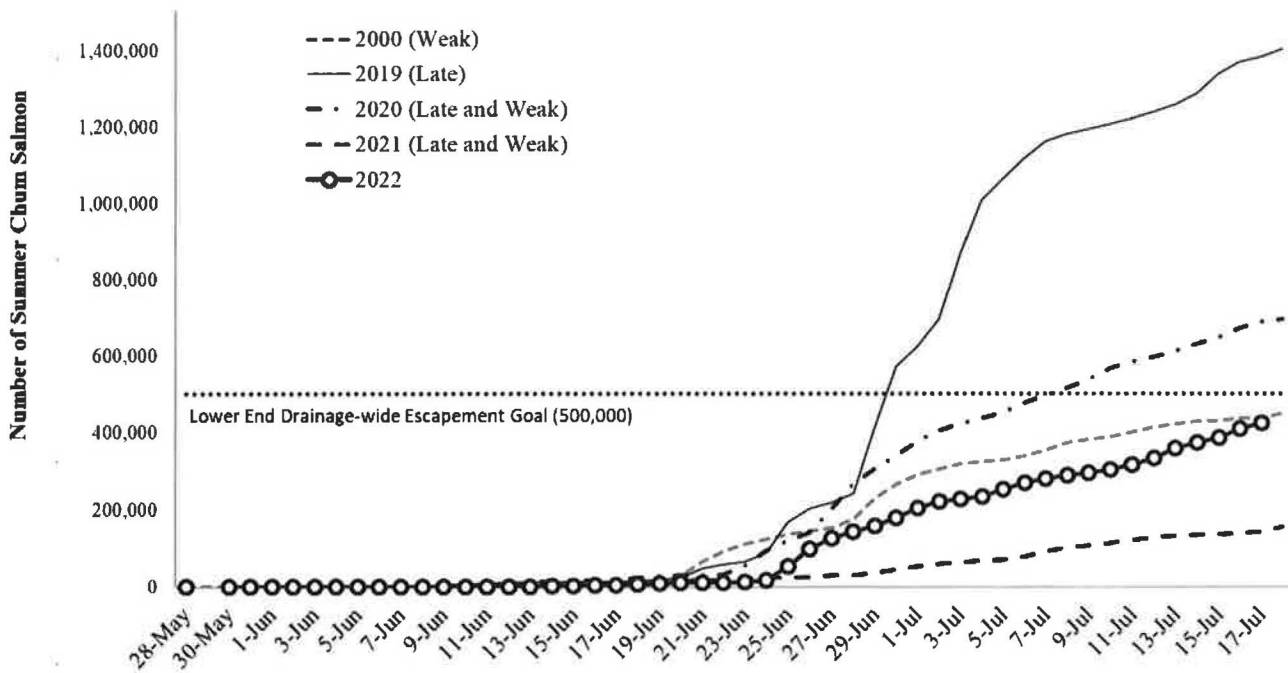


Figure 2. Cumulative 2022 passage of summer chum salmon at the Pilot Station sonar compared to recent late and weak years. The horizontal dotted line represents the lower bound of the drainagewide escapement goal for summer chum salmon.

Likewise, the 2022 fall chum salmon run size was anticipated to be very poor. The fall chum salmon preseason projection is based on the historical relationship between summer chum salmon and fall chum salmon run sizes and was projected to be less than the lower bound of the drainagewide escapement goal of 300,000–600,000 fish. According to the state’s Yukon River Drainage Fall Chum Salmon Management Plan, the preseason projection did not meet the threshold of 300,000 fish needed to allow subsistence, personal use, sport, or commercial fishing and these fisheries remained closed during the fall season in 2022.

The 2022 fall chum salmon run is estimated at approximately 236,000 fish compared to a historical run size of 1 million fish (Figure 3). All commercial fisheries for all species of salmon were closed in 2022 and inseason projections did not meet the threshold of 300,000 fall chum salmon needed to allow subsistence or personal use fishing. Based on currently available estimates, the 2022 drainagewide 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 2022. Yukon fall season summaries with preliminary salmon harvests and escapements are typically available by late December.

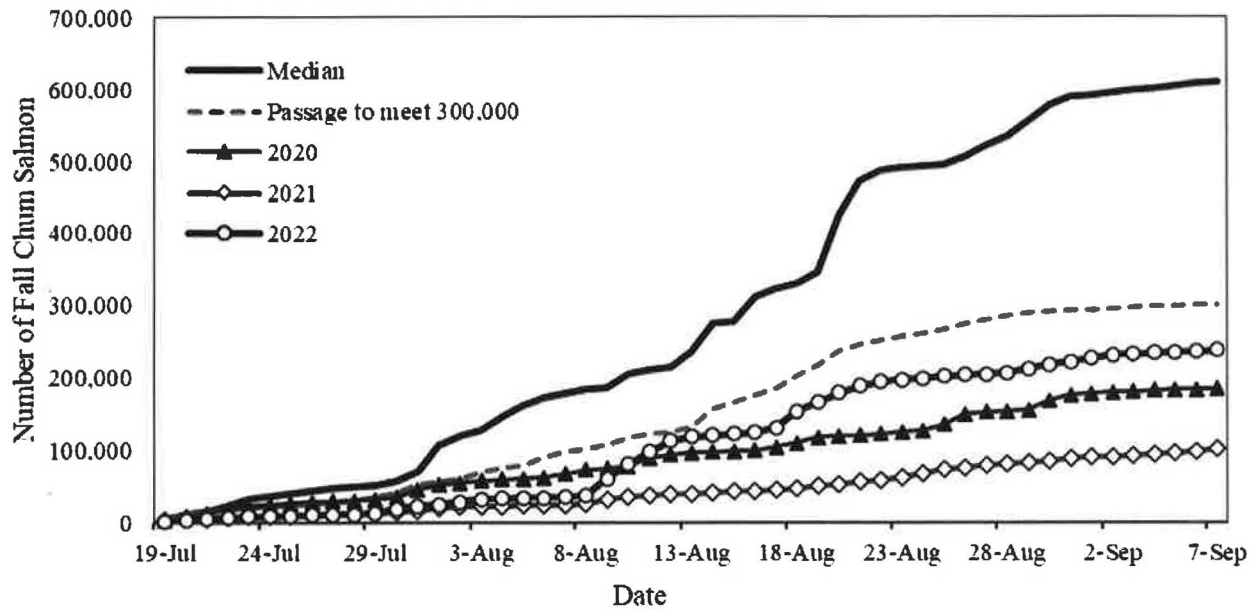


Figure 3. Cumulative 2022 passage of fall chum salmon at the mainstem Yukon River sonar project (Pilot Station) compared to historical median, 2020, and 2021. The dashed line is the passage required to meet the minimum management requirement of 300,000 fish to allow subsistence fishing.

The people of the Yukon River drainage depend on salmon as a primary food source and to support local economies and cultural traditions. Commercial fishery income is typically used to subsidize subsistence fishing activities. Revenue loss to commercial fishery permit holders and loss of employment to local processing employees have resulted in severe economic harm to the region. A recent Alaska Department of Labor and Workforce Development [report](#) on Alaska economic trends noted that “*the last few years of job losses in the Yukon Delta have been the largest our data have recorded in Alaska*”. Salmon harvest in the region has continued to crash with the employment peak in July falling from 441 jobs in 2020 to 144 in 2021; previously the yearly peak was more than 1,000 jobs. The loss of subsistence salmon fishing opportunities for the third year in a row has created food security concerns and prevented residents from sharing cultural and traditional practices, as noted in Resolution 22-06 from the City of Pilot Station (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. 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.

**Disaster evaluation for salmon fisheries in the Yukon River management area**

If the State submits a federal fishery disaster request for the 2022 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. *An analysis<sup>1</sup> of available information indicates that the 2022 Yukon River salmon fishery meets the criteria for a fishery disaster determination under the MSA and the IFA.* Requests for fishery disaster determinations for the 2020 and 2021 Yukon River salmon fisheries were approved by the Secretary on January 22, 2022 (Appendix 2). The Chinook salmon run in 2022 was the worst on record while the summer and fall chum salmon runs improved slightly from 2021 but remained historically low. Total run sizes of both summer and fall chum salmon remained below the minimum drainagewide escapement goals and all fisheries were closed during the 2022 season.

*Determination of a fishery resource disaster* – In 2022, 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 2022 Chinook salmon total run estimate for the Yukon River drainage was 74% below the recent five-year average despite continued closure of the commercial salmon fishery and a complete closure of the subsistence salmon fishery following several years of heavy restrictions on subsistence harvest.

Table 1. Yukon River Chinook salmon escapement, 2017–2022.

Year	Drainage Total Run	U.S. Escapement Goals Achieved <sup>a</sup>	Canadian IMEG 42,500 - 55,000	Commercial	Subsistence
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	129,180	0 of 3	31,452	No directed fishery	Closed
2022 <sup>b</sup>	52,000	0 of 4	11,887	No directed fishery	Closed
2017-2021 Average	202,376		45,452		
2022 Change from 5-yr average	-74%		-74%		

<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 2022 data are preliminary

The 2022 summer chum salmon total run estimate for the Yukon River drainage was 486,000 fish, 71% below the recent five-year average (Table 2) and the second lowest on record. Both the commercial and subsistence fisheries were closed all season in 2022.

<sup>1</sup> Harvest and revenue data used for this analysis are final data due to the complete closure of the commercial fishery.

Table 2. Yukon River summer chum salmon escapement, 2017–2022.

Year	Drainage Total Run 500,000 - 1,200,000	U.S. Escapement Goals Achieved <sup>a</sup>	Commercial	Subsistence
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	781,000	1 of 1	Heavily Restricted	Heavily Restricted
2021	160,135	0 of 3	No directed fishery	Closed
2021 <sup>b</sup>	486,000	0 of 2	No directed fishery	Closed
2017-2021 Average	1,696,740			
2022 Change from 5-yr average	-71%			

<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> All 2022 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). Based on currently available information, the 2022 fall chum salmon run is estimated to be 74% below the recent five-year average. The average run size for fall chum salmon is 1 million fish. Current projections estimate around 236,000 fall chum salmon, which is below the lower end of the sustainable escapement goal range of 300,000 to 600,000 fish. Both the commercial and subsistence fisheries were closed all season in 2022.

Table 3. Yukon River fall chum escapement, 2017–2022.

Year	Drainage Total Run 300,000 - 600,000	U.S. Escapement Goals Achieved <sup>a</sup>	Canadian IMEG 70,000 - 104,000	Commercial	Subsistence
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	184,233	1 of 2	23,512	Closed	Restricted - Closed
2021	95,249	0 of 3	23,170	Closed	Closed
2022 <sup>b</sup>	236,000	~1 of 3	22,075	Closed	Closed
2017-2021 Average	896,463		140,452		
2022 Change from 5-yr average	-74%		-84%		

<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 2022 data are preliminary.

During subsistence salmon fishing closures, fishers could use non-salmon gear, including hook and line with a rod or pole, hand line, longline, fyke net, dip net, and spear. Gillnets of 4-inch or smaller mesh were restricted to 60 feet in length. Non-salmon fishing opportunities remained open 24 hours a day, seven days a week throughout the entire summer season. Fishers were asked to release all Chinook and chum salmon alive from selective and non-salmon gear whenever possible, and to avoid fishing in areas where salmon could be caught. Pink and sockeye salmon could be retained all season. Despite full subsistence salmon fishery closures in 2021 and 2022, a small number of Chinook and chum salmon are known to be harvested incidentally in 4-inch mesh subsistence gear (Table 3). Harvest estimates for 2022 will be available postseason and are expected to be similar to 2021, with an estimated harvest of 1,000–2,000 Chinook and chum salmon.



Table 3. Yukon River subsistence salmon fishery catch in numbers of fish by species and year, 2017–2022.

Year	Number of Salmon Harvested				Number of Households <sup>b</sup>
	Chinook	Coho	Pink	Chum <sup>a</sup>	
2017	38,036	7,302	2,457	172,530	1,576
2018	31,812	5,527	3,712	141,420	1,544
2019	48,379	5,819	5,031	127,165	1,449
2020	22,668	2,922	7,581	48,804	1,203
2021 <sup>c</sup>	1,995	296	2,650	1,971	274
2022 <sup>d</sup>	0	0	0	0	0
5-yr Avg. (2017-2021)	28,578	4,373	4,286	98,378	1,209
2022 vs. 5-yr avg.	-100%	-100%	-100%	-100%	-100%

Harvest data include values obtained through permit harvest reporting and through household surveys.

<sup>a</sup>Summer and Fall chum salmon estimates combined.

<sup>b</sup>Estimated number of rural community households that fished outside of a permit area, and households living in road accessible communities that obtained and fished a subsistence permit. For much of the Yukon Area, a subsistence permit is not needed. Households in rural areas off the road system can fish for salmon when periods are open.

<sup>c</sup>Subsistence fishery was closed. Harvest from test fishery operations and incidental catch in non-salmon subsistence fishery.

<sup>d</sup>Data not available; subsistence fishery was closed.

***Based on available information, the 2022 Yukon River salmon fisheries experienced a fishery resource disaster as defined by the MSA and IFA.***

*Determination of a commercial fishery failure*— Due to extremely poor returns of both the summer- and fall-run chum salmon stocks, the 2022 Yukon River commercial and subsistence salmon fisheries were closed all season (Table 5). Although the disaster request letters submitted to the Governor focused on loss of Chinook and chum salmon fishing opportunities, final estimated commercial harvest was zero for all species of salmon.

Table 5. Commercial salmon harvest (pounds) in the Yukon River by species and year, 2017 – 2022.

Year	Species				Total
	Chinook <sup>a</sup>	Coho	Pink	Chum	
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	0	0	0	0	0
2022	0	0	0	0	0
5-Yr avg.	7,928	384,466	29,960	3,298,344	3,720,698
2022 vs. 5-yr	-100%	-100%	-100%	-100%	-100%

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

Across all species, total exvessel value in 2022 was zero; 100% below the recent five-year average (Table 6). This was the second time in twenty years that the commercial fishery was closed all season.

Table 6. Yukon River salmon fishery exvessel value by species and year, 2017–2022.

Year	Species				Total
	Chinook <sup>a</sup>	Coho	Pink	Chum	
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	\$2,490,625
2020	\$0	\$0	\$373	\$51,022	\$51,395
2021	\$0	\$0	\$0	\$0	\$0
2022	\$0	\$0	\$0	\$0	\$0
5-Yr avg.	\$52,319	\$368,589	\$3,951	\$1,957,884	\$2,382,743
2022 vs. 5-yr	-100%	-100%	-100%	-100%	-100%

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

**Based on available information, the 2022 Yukon River salmon fisheries meet the criteria for a commercial fishery failure with revenue losses greater than 80% compared to the most recent five-year period.**

*Fishery Resource Disaster Cause*— Preseason forecasts projected below average run sizes of summer and fall chum salmon in the Yukon River in 2022. 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 summer chum run sizes were observed in the Yukon River in 2017 and 2018, providing evidence that adequate numbers of age-4 and age-5 chum salmon should return in 2022 to meet escapement needs, support subsistence fishing activities, and provide for commercial harvest (Figure 4 and 5). However, despite very restricted fishing, no escapement goals were met in 2021 and the 2022 season was predicted to be similarly poor and not strong enough to meet escapement objectives or provide any surplus for harvest.

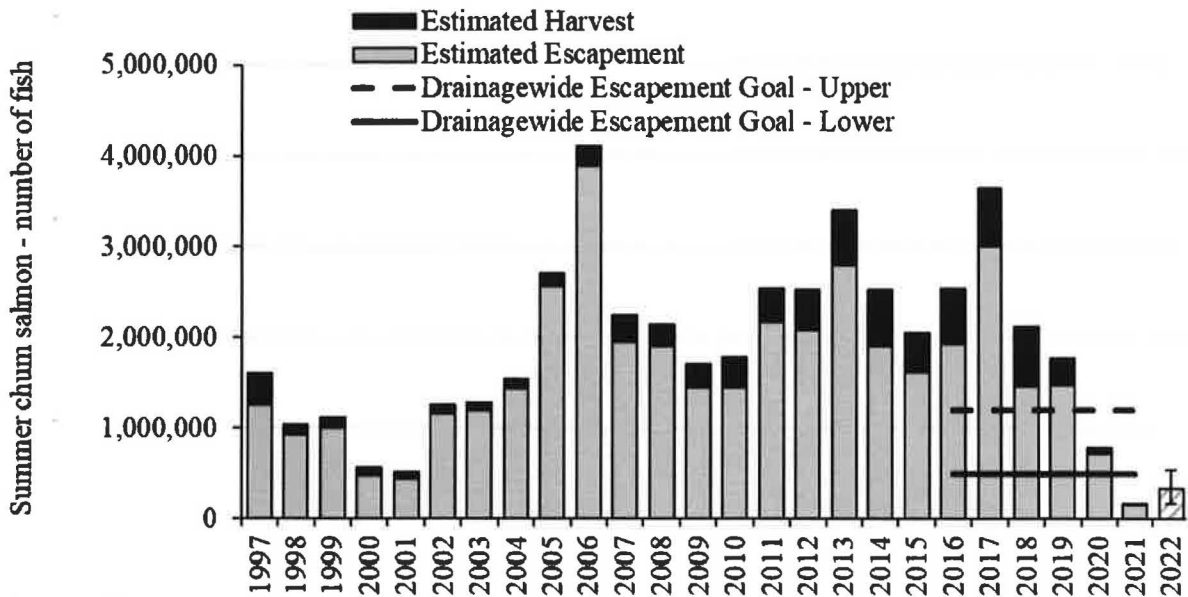


Figure 4. Summer chum salmon total run with drainagewide escapement goal ranges shown in the solid and dashed black lines. The 2022 striped bar represents the approximate midpoint of the outlook range.

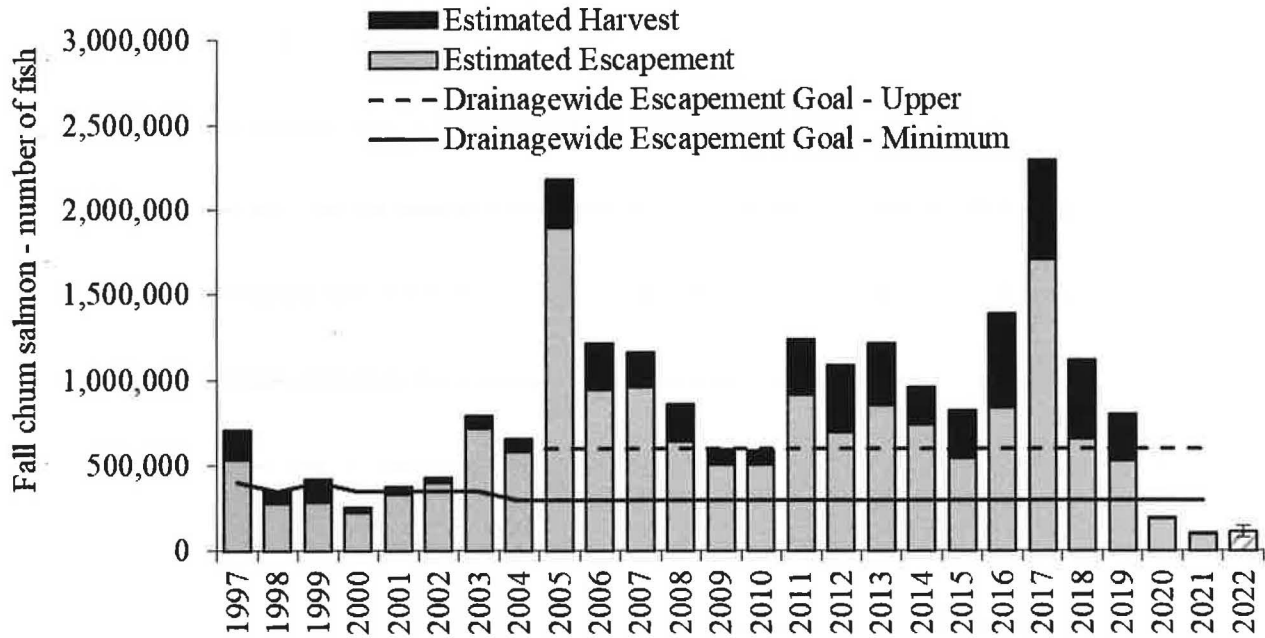


Figure 5. Fall chum salmon total run with drainagewide escapement goal ranges shown in the solid and dashed black lines. The 2022 striped bar represents the approximate midpoint of the outlook range.

The Bering Sea has recorded unprecedented warming in recent years, and research is ongoing to understand how warmer ocean temperatures contributed to poor salmon returns to the Yukon River and other western Alaska river systems over the past three years. Collaborative studies between ADF&G and NOAA Fisheries have pointed to poor diet and changes in metabolism in juvenile salmon as likely contributors to the recent very poor salmon runs<sup>2</sup>. ***Based on available information, the 2022 Yukon River commercial and subsistence salmon fishery failure resulted from natural causes, which 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 commercial revenue data are available for the requested disaster year. The final data are the CFEC gross revenue estimates and are typically available in September the following calendar year. The 2022 Yukon River commercial salmon fishery was closed; the harvest and revenue data reported in this memo are considered final.

<sup>2</sup> NOAA Fisheries news “What’s Behind Chinook and Chum Salmon Declines in Alaska?” <https://www.fisheries.noaa.gov/feature-story/whats-behind-chinook-and-chum-salmon-declines-alaska?fbclid=IwAR2YEsmV4k4PEosZHrgxAN2L9nwNU9LjuNzJ6LAVCOSO-aTjg75WIOQDIImJU#>

- 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.



## ***CITY OF PILOT STATION***

AIRPORT RD 9 \*PILOT STATION, AK 99650  
P.O. BOX 5040 \*PILOT STATION, AK 99650 \* PHONE: (907) 549-3211 FAX: (907) 549-3014



### **RESOLUTION 22-06**

#### **A RESOLUTION OF THE CITY OF PILOT STATION FOR A 2022 YUKON RIVER FISHERIES DISASTER DECLARATION REQUEST.**

**WHEREAS:** the City of Pilot Station requests the State of Alaska, United States Secretary of the Interior Deb Haaland, Bureau of Indian Affairs, United States Fish and Wildlife Services, Senators Lisa Murkowski and Dan Sullivan, Congresswoman Mary Peltola, Senator Donald Olson and Representative Neal Foster to declare a Fisheries Disaster Declaration authorized under Section 312(a) of the Magnuson-Stevens Fishery and Conservation Act; and

**WHEREAS:** the City of Pilot Station is a second class City and a subdivision of the State of Alaska, is one of the Kusilvak Census Area communities along the Federal waters of the Yukon River tributary, a part of the communities in Yukon River conservation area Y-2, heavily dependent on the freshwater fisheries with no other practical means available to replace food security of subsistence salmon, and realized there was not an adequate Yukon River freshwater return of salmon to provide for a subsistence priority as specified under Title VIII of the Alaska National Interest Lands Conservation Act-Public Law 96-487 of 1980; and

**WHEREAS:** the current freshwater Yukon River tributary 2022 summer and fall Chinook and Chum Salmon returns hit another historic low that forced State of Alaska Department of Fish and Game and United States Fish and Wildlife managers to restrict subsistence harvests leaving all federally qualified users at a loss of necessary food supplies, cultural displacement of Alaska Native subsistence fish camp activity void of family units drying and curing fish, the gradual deterioration of local Alaska Native Indigenous peoples lifestyle wedded to subsistence fishing through cultural continuity, and for the hardships inside remote rural communities everyone endured without proper food security; and

**WHEREAS:** the State of Alaska Department of Fish and Game, and United States Fish and Wildlife Services had to implement in-season Yukon River 2022 conservation closures

for both Chinook and Chum salmon fishing with restrictions to four-inch gillnets, dipnets, fish wheels and beach seines; and

**WHEREAS:** the deficiencies of food insecurity in Pilot Station are further complicated from socioeconomic trends between off-shore and in-shore salmon management strategies, Yukon River commercial salmon fishing closures, local gasoline sales as high as \$8.90 per gallon, loss of jobs due to the COVID-19 pandemic and persons below poverty are at 216 from a total population of 609 from the year 2021 listed on State of Alaska Division of Community and Regional Affairs; and

**WHEREAS:** the people living in Pilot Station, Alaska rely on yearly Yukon River freshwater salmon returns for cultural continuity, local subsistence economies, Alaska Native revitalization, and food security; and

**NOW THEREFORE BE IT RESOLVED:** that the City Council of the City of Pilot Station supports any efforts the State of Alaska, United States Secretary of the Interior Deb Haaland, Bureau of Indian Affairs, United States Fish and Wildlife Services, Senators Lisa Murkowski and Dan Sullivan, Congresswoman Mary Peltola, Senator Donald Olson and Representative Neal Foster to urge the State of Alaska Governor Mike J. Dunleavy to request a fisheries disaster be declared for the Alaska Yukon River freshwater tributary of 2022 salmon fishing season.

I hereby certify that the above Resolution was duly adopted at a Regular Meeting of the Pilot Station City Council on this 6th day, September, 2022 at which a quorum of 5 was present, with a vote of 5 voted for, 0 voted against, 0 abstained, and 1 absent.

**PASSED AND APPROVED** by a duly constituted quorum of the City Council of City of Pilot Station this 6th day of September, 2022.

**IN WITNESS TO THERETO:**

  
Arthur S. Heckman, Sr., Mayor

**ATTEST:**   
Wassilhe Myers, City Council Secretary

# Alaska State Legislature

Rep. Neal Foster  
120 4<sup>th</sup> St. – Room 505  
State Capitol  
Juneau, Alaska 99801-1182  
Rep.Neal.Foster@akleg.gov  
Phone: (907) 465-3789  
Toll Free: 800-478-3789



Sen. Donny Olson  
120 4<sup>th</sup> St. – Room 514  
State Capitol  
Juneau, Alaska 99801-1182  
Sen.Donny.Olson@akleg.gov  
Phone: (907) 465-3707  
Toll Free: 800-597-3707

## House District 39 – Senate District T

October 28, 2022

Honorable Governor Michael Dunleavy  
Office of the Governor  
P.O. Box 110001  
Juneau, AK 99811-0001  
\*Letter delivered electronically to all addressees

Governor Dunleavy,

We are writing on behalf of our constituents to urge you to declare a fishing disaster for the 2022 Yukon River Salmon Fishery.

The 2022 closure of commercial and subsistence chinook and chum salmon fisheries were devastating for Yukon River families, fishermen, processors, and municipalities. Another year of lost income for families, businesses, and local governments is crippling after experiencing several years of fishing disasters, the pandemic, the recent summer fires, and Typhoon Merbok. There are few employment opportunities in this region and many of our constituents rely on salmon fishing for their annual income and food security.

These crushing losses over the last three years have been felt on many levels for families and communities. The damage to culture and traditions is vast. Families and communities are in need of support to address basic needs and services with rising high costs of food and fuel. We appreciate the work that your office and the Alaska Department of Fish and Game have provided to address causes through salmon research and the Alaska Bycatch Taskforce, and also the donation of salmon to villages. A disaster declaration from your office now will get the request into the federal disaster determination list sooner and provide quicker financial support to rural Alaskan families and communities recovering from repeated tragedies.

Thank you for your attention to this request in support of families and communities of the Yukon River. We urge you to declare a salmon fisheries disaster for the 2022 Yukon River Salmon Fishery.

Sincerely,

Handwritten signature of Neal Foster in blue ink.

Rep. Neal Foster  
House District 39

Handwritten signature of Donny Olson in blue ink.

Sen. Donny Olson  
Senate District T

cc:

ADF&G Commissioner Doug Vincent-Lang  
Tyson Gallagher, Legislative Director, Office of the Governor  
Rex Rock, Tribal Affairs Policy Advisor, Office of the Governor

Appendix 2. Federal fishery disaster determination letter from Secretary of Commerce to Governor Dunleavy for the 2020 and 2021 Yukon River salmon fisheries.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Secretary of Commerce**  
Washington, D.C. 20230

February 1, 2022

The Honorable Mike Dunleavy  
Governor of Alaska  
P.O. Box 110001  
Juneau, AK 99811

Dear Governor Dunleavy:

Thank you for your March 2021 and September 2021 letters requesting a determination of a commercial fishery failure due to a fishery resource disaster for the following fisheries:

- 2018 Upper Cook Inlet East Side Set Net and 2020 Upper Cook Inlet salmon fisheries;
- 2018 Copper River Chinook and sockeye salmon fisheries, 2020 Prince William Sound salmon fisheries, and 2020 Copper River Chinook, sockeye, and chum salmon fisheries;
- 2019/2020 Eastern Bering Sea Tanner crab;
- 2020 Pacific cod in the Gulf of Alaska;
- 2020 Alaska Norton Sound, Yukon River, Chignik, Kuskokwim River, and Southeast Alaska Salmon Fisheries; and
- 2021 Yukon River salmon fishery.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service evaluated information for the impacted fisheries and provided a recommendation. After reviewing the information and associated recommendation, I have found that your request for a commercial fishery failure due to a fishery resource disaster for the fisheries listed above meets the requirements under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act and section 308(b) of the Interjurisdictional Fisheries Act.

This positive determination now makes these fisheries eligible for fishery disaster assistance. Using funds that Congress has already appropriated for fishery disasters, the Department of Commerce will allocate disaster assistance for these fisheries in the near future.

Should you have further questions, please contact J.D. Grom, Senior Advisor for Legislative and Intergovernmental Affairs, Performing the Duties of the Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 322-7494 or [JDGrom@doc.gov](mailto:JDGrom@doc.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gina Raimondo".

Gina M. Raimondo



### 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.