

Hoopa Valley Tribal Council

Hoopa Valley Tribe

P.O. Box 1348 ~ Hoopa, California 95546 ~ Phone (530) 625-4211 ~ Fax (530) 625-4594



**Testimony of
Joe Davis, Chairman, Hoopa Valley Tribe
Before the
Subcommittee on Water, Oceans and Wildlife of the
Natural Resources Committee
March 8, 2022**

Klamath Basin Conditions and Opportunities

Chairman Huffman, Ranking Member Bentz, and members of the Subcommittee, thank you for inviting me to participate in today's hearing. Along with this statement, I have submitted written testimony that I request be included in the record for this hearing.

I am Joe Davis Chairman of the Hoopa Valley Tribe (Hoopa). I appreciate the opportunity to provide Hoopa's views on conditions in the Klamath Basin and what those conditions mean for Hoopa.

The Hupa people have lived on California's Trinity River, the Klamath's largest tributary, for at least 500 generations. The Basin's fish and wildfire are essential to Hoopa's culture, religion, and economy. (Map attached.) The Hoopa Valley Reservation is the largest land based Indian Reservation in California. The Trinity River is the largest tributary to the Klamath River courses the lower 11 miles of the HVR. Historically, the Trinity River supported a world class salmon and steelhead fishery that was integrally linked to the survival of the Hupa people. Today, nearly 50 % of the Klamath River fall Chinook salmon return to the Trinity River and most of the steelhead and spring run Chinook salmon are produced in the Trinity River. Not to mention all Trinity River Salmon must Swim through the lower third to the Klamath River to get to us.

Hoopa's property rights in the basin's fish and wildlife are held in trust by the United States. In spite of that trust protection, the ecosystems of the Klamath Basin are collapsing under unsustainable human activity. The Bureau of Reclamation (Reclamation)'s Klamath Project and other developments in Oregon leave insufficient water for California. The Klamath flows that manage to reach California are often polluted, and toxic to fish and human life. In 2002, the Klamath basin had the largest die off of adult salmonids in U.S. history. Today, the only lifeline to mitigate adverse water quality conditions in the Lower Klamath River is the cold clean stored water from the Trinity River Division of the Central Valley Project (CVP) (Reclamation 2017 Fall Augmentation Release EIS).

Congress authorized the Trinity dams in 1955 legislation lobbied by the Westlands Water District and sponsored by California Congressman Clair Engle, who chaired this Committee at that time.

Even though the dams wiped out 109 miles of prime salmonid habitat, over half of the spawning grounds, and diverted up to 90 percent of our river's water to the Central Valley, Congressman Engle dismissed our concerns and the concerns of others in our communities about damming the Trinity. He said the dam project "does not contemplate diversion of one bucketful of water which is necessary in this basin" and "the argument that it will ruin fishing is absolute nonsense."

Although the 1955 legislation had fishery protections, Reclamation ignored them. In less than a decade, Reclamation devastated our river, our fishery, and our people.

The 1992 Central Valley Project Improvement Act (CVPIA) (PL 102-575) required Reclamation to repair the damage to Hoopa and the Trinity River. The CVPIA:

- Created a new Central Valley Project purpose: fishery and environmental restoration.

- Delegated sovereignty to Hoopa and made the Secretary and Hoopa co-managers of Reclamation's activities on the Trinity River.

- Ordered the comprehensive restoration of the Trinity fishery,

- Established a trust responsibility for Hoopa's fishing rights in Reclamation law,

Ordered CVP contractors to pay fishery and environmental restoration costs.

On December 19, 2000, Interior Secretary Bruce Babbitt joined Hoopa leaders and elders at Ta'k'imilding, one of our most sacred ceremonial sites. There, our Chairman and the Secretary signed the fishery restoration plan co-authored by Hoopa and the US Fish and Wildlife Service. To Hoopa this is 20th Century "treaty."

Hoopa celebrated the signing; we thought it would reverse a half century of abuse to our rights. But instead, Reclamation officials, pressured by the Westlands Water District and other CVP contractors, who make billions from Trinity River water, betrayed us.

How bad have things gotten for Hoopa? Here is where we are: Before the Trinity dams, 62,000 fall chinook passed through Hoopa. In 2017 Hoopa's allocation was 160 fall chinook for 3500 members. Why is that? It is because Reclamation has unlawfully:

- Underfunded and mismanaged Trinity restoration; Denied Hoopa its sovereign right of co-management;

- Violated detailed, science-based restoration actions required by our treaty;

- Terminated Hoopa's participation in vital activities at the Trinity Hatchery; and

- Failed to collect more than \$340 million in restoration costs owed by CVP contractors that are essential to environmental restoration in areas harmed by CVP operations, and has made no provision for future collections.

- Refused to withdraw the Trump Administration's secretarial memorandum wrongfully finding that CVPIA restoration is complete.

The 2016 WIIN Act is the latest battleground for Hoopa's rights. The Trump Administration unlawfully used the WIIN Act to write new CVP contracts that violate Hoopa's rights. Hoopa filed suit against the Trump Administration in 2020.

After the 2020 election, we worked with the Biden Administration and Secretary Haaland to set things right. But Reclamation is blocking Hoopa's path to Secretary Haaland's twin goals of upholding tribal rights and environmental justice.

As to opportunities in the Klamath Basin, we welcome the news that the bipartisan infrastructure act has made funding available for environmental restoration. From Hoopa's perspective, the funding and new programs authorized must be managed to enhance and expedite not displace or delay implementation of the programs required by the CVPIA, especially Trinity restoration. These funds can be used to upgrade outdated and inadequate dam infrastructure that is hampering our ability to manage Trinity Rivers flows in a way that maximizes benefits to fish and river ecology.

To have a meaningful opportunity to heal the Klamath Basin numerous federal agencies need to provide not only funding but leadership in consultation with tribal governments to plan comprehensive and basin-wide management. The National Research Council in 2003 wrote that integrated management of the Klamath and Trinity Rivers is essential to the mutual health of both. Hoopa has long advocated for a Klamath Basin Joint Directorate for that purpose.

The Law of the Trinity River provides a framework of authority for opportunity in the basin. Key statutes, regulations, administrative decisions and judicial opinions are in place. Faithful compliance with them and respect for Hoopa sovereignty will carry us a long way to the future we all seek in the Klamath basin.

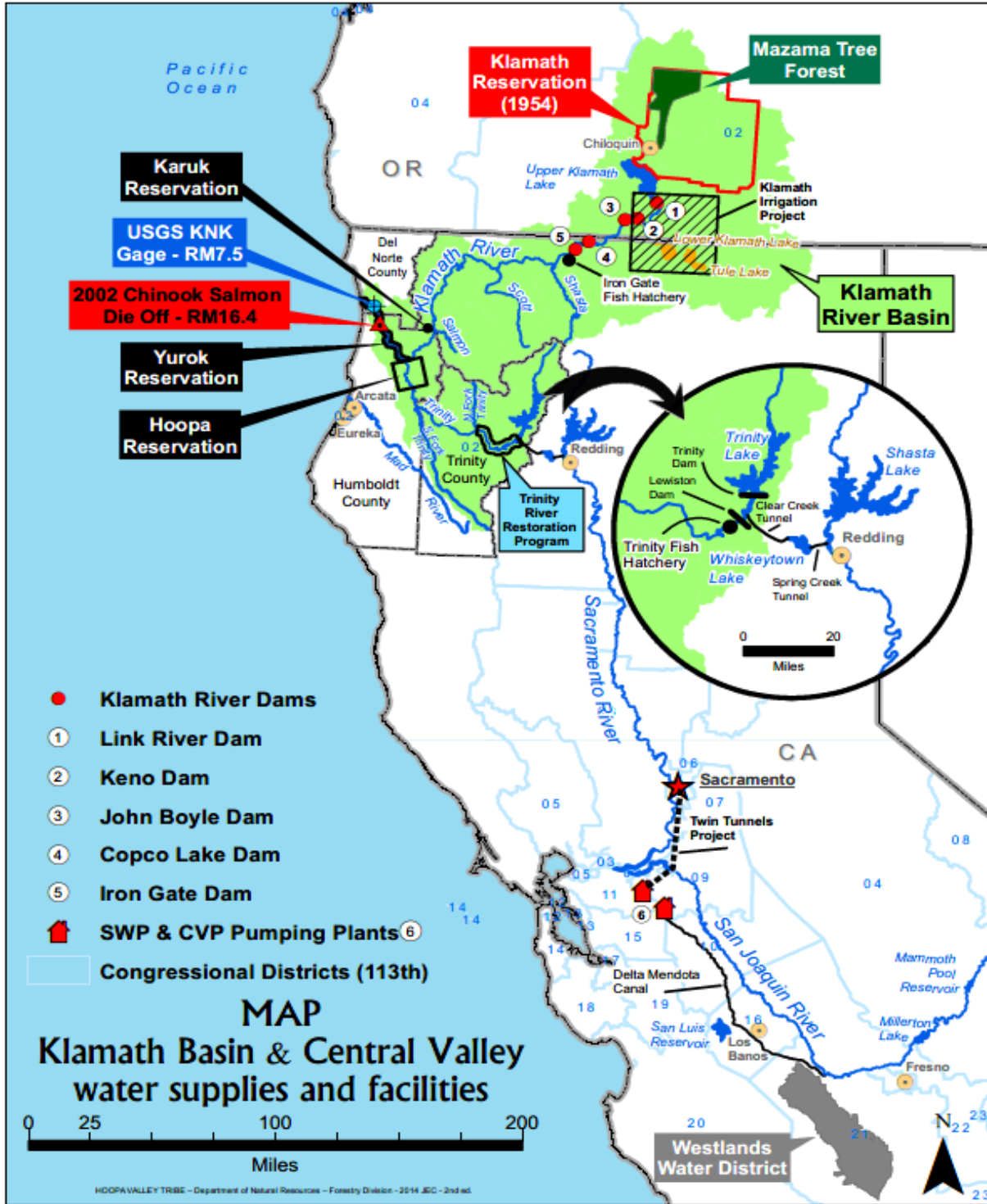
In conclusion, it has been my honor to represent Hoopa before this Subcommittee, as so many of my predecessors have in previous years and decades. I feel their presence and am inspired by their legacy.

It is difficult for me to put into words for Hoopa the hard work, the cost, the days of traveling thousands of miles to Washington, being away from home and family, all for the sole purpose of having the federal government honor our property rights and sovereignty.

I ask this Subcommittee to use its powers of oversight to direct Reclamation to stop treating Hoopa like a problem. Hoopa is not anyone's problem. Hoopa is Reclamation's trust beneficiary and the Secretary's partner.

We ask you to see us as Senator Feinstein sees us. In 2004 when Reclamation and the Westlands Water District were trying to dismantle the Trinity Restoration program, Senator Feinstein recognized how hard Hoopa was working to defend it. She called Hoopa the "steward of the Trinity River." And we will be that to the very end.

Thank you.



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**Exhibit to Testimony of
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Exhibit 1	Central Valley Project Improvement Act Cost Accounting Trinity River Fishery Restoration and the Federal Trust Responsibility to the Hoopa Valley Tribe Settlement Memorandum March 2021	https://bit.ly/3dGriaG
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