

## HOOPA TRIBE DECRIES BILL TO TERMINATE INDIAN RIGHTS

November 10, 2011

“The Hoopa Valley Tribe is dismayed and outraged,” said Chairman Leonard E. Masten, Jr., “that the so-called Klamath Basin Economic Restoration Act, introduced today, would terminate water and fishing rights of California tribes. This is wrong and unnecessary legislation.”

Oregon Senator Jeff Merkley and California Congressman Mike Thompson introduced the bill to ratify a pair of Agreements signed in 2010 by a power company (PacifiCorp), farmers, some federal agencies, and three tribes. The 290-page Agreements, called the KBRA and KHSA, postpone a decision whether to decommission four obsolete hydroelectric dams owned by PacifiCorp unless Congress provides new federal appropriations of \$800 million and changes water rights to the Klamath River.

“It is tragic that these congressmen feel Indian water rights must be surrendered in order to remove the dams. We know the Federal Energy Regulatory Commission(FERC) licensing process leads to dam removal in situations like this, as proven by the demolition of Condit Dam on the White Salmon River just two weeks ago,” Masten said. “If it costs \$800 million to ‘create more than 4,600 jobs’, that equates to over \$170,000 per job, a poor deal in the best of times.” Sen. Merkley’s press release puts the bill’s federal cost at \$536 million but the bill itself points to a section of the KBRA (App. C-2) which requires \$798,500,000 in federal funds, plus \$549.6 million in other funds, principally from a California bond measure.

Masten pointed to Section 106(f) of the bill, under which “the United States, as trustee” for Indian Tribes of the Klamath Basin who rejected the Agreements, agrees not to protect tribal water or fishing rights that would interfere with water demands of the Klamath Irrigation District in Oregon.

“This means that the U.S., instead of protecting tribal resources as our trustee, will protect the irrigators’ rights to 378,000 acre-feet of water each year,” Hoopa Councilmember, Hayley Hutt said. “When the U.S. gets comfortable with the sort of Indian rights termination language that’s in this bill, it’s terrifying and sets a dangerous precedent for tribes throughout the nation.”

“Proponents say compromises had to be made to see the dams come down, but the only people compromising are the Indians,” Hutt said. “There won’t be enough clean water under this deal to support salmon survival let alone salmon recovery.”

“Fish need water, and the water that will remain after the irrigators collect on these promises will place in jeopardy Coho salmon of the Klamath River and prevent restoration of the fish we depend upon,” Masten said.

For more than twenty years, the Hoopa Valley Tribe has worked to restore salmon of the Trinity River, the Klamath’s largest tributary, and in 1992 legislation mandated that the restoration work be completed. “That restoration work is jeopardized by the Klamath Agreements and the proposed legislation,” Tribal Fisheries Department Director, Michael Orcutt, said. “We are

optimistic that Congress will refuse to approve this corporate bailout deal for PacifiCorp and let the federal licensing agency, FERC, do its job,” Orcutt said.

MEDIA CONTACTS:

Hayley Hutt, Hoopa Valley Tribe (530)784-7745

Leonard Masten, Jr., Hoopa Valley Tribe: 530-625-4211

Thomas Schlosser, Hoopa Attorney: 206-386-5200