



# YUROK TRIBE

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## STATE OF EMERGENCY DECLARATION

### RESOLUTION

of the

### YUROK TRIBAL COUNCIL

**RESOLUTION NO:** 21-059

**DATE APPROVED:** MAY 13, 2021

**SUBJECT:** STATE OF EMERGENCY DECLARATION DUE TO DROUGHT.

- WHEREAS:** The Yurok Tribe is a federally recognized Tribe,
- WHEREAS:** The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993,
- WHEREAS:** The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized tribes,
- WHEREAS:** The Yurok Tribal Council has a duty to protect life and property of the Yurok tribal members and the Yurok Reservation by mitigating threats from natural or manmade disasters,
- WHEREAS:** The Yurok Tribe has jurisdiction over the lands and waters of the Yurok Reservation and the Yurok ancestral territory,
- WHEREAS:** The Yurok Tribe's Constitution was adopted in order preserve forever the survival of the Tribe and to provide for the health, education, economy, and social wellbeing of its members and future members, and it delegates to the Yurok Tribal Council authority to administer and regulate affairs, persons, and transactions within Tribal territory in furtherance of these objectives,
- WHEREAS:** Much of the Western United States is experiencing an exceptional drought and the Yurok Reservation and Klamath Basin are in a second consecutive year of extremely dry conditions, resulting in drought conditions that are not projected to resolve in the near future,
- WHEREAS:** Drought conditions in the Klamath Basin generally and the Yurok Reservation specifically are creating substantial water supply challenges, poor instream water quality, ongoing juvenile salmonid fish kill, increasing the potential for large-scale fish disease outbreaks and subsequent adult salmonid

fish kills, negative impacts to future fish runs leading to future fisheries disaster declarations, exacerbating risks of the COVID-19 pandemic, substantial economic harm, and may lead to further wildfire emergencies,

**WHEREAS:** Drought conditions pose a substantial threat to Heyhl-keek 'We-roy (the Klamath River), to which the Yurok Tribe and its members have been dependent on since from time immemorial, and Yurok culture, ceremonies, religion, fisheries, subsistence, economics, residence, and all other lifeways are intertwined with the health of the River, its ecosystems, and the multiple species reliant on thriving Heyhl-keek 'We-roy ecosystems,

**WHEREAS:** The current drought emergency comes during an existing COVID-19 pandemic emergency, and a predicted extreme fire season, further complicating responses and limiting available resources,

**WHEREAS:** Utilization of scientific data from the National Oceanic and Atmospheric Administration (NOAA) and the National Integrated Drought Information System (NIDIS) show and predict current Drought conditions have moved into a D2, Severe Drought as of April 27, 2021 and will continue to degrade and effectively moved into a D3, Extreme Drought or a more severe category in the coming months,

**WHEREAS:** The Governor of California has declared a drought emergency including the Klamath River basin,

**WHEREAS:** The four Yurok Surface Water Public Water Systems received 40% to 70% of “normal” rainfall, resulting in decreased flows at their respective intakes which will trigger the utilization of the Yurok Tribe Drought Contingency Plan to limit usage to protect and preserve the public health, welfare, and safety,

**WHEREAS:** Drought conditions will require aggressive source water protection programs for the Surface Water Systems, particularly from illegal cannabis grows that can divert massive amounts of water from the Intakes of these Water Systems,

**WHEREAS:** Drought conditions further exacerbate the impacts of instream water withdrawals by illegal marijuana cultivation in tributary watersheds throughout the Klamath and Trinity Rivers, resulting in impacts to water quality and instream flows to support federally recognized tribal trust fish populations, and threatened and endangered fish and wildlife species,

**WHEREAS:** Drought conditions increase risk to sensitive aquatic species, and counter Yurok Tribal efforts to restore critical habitats for threatened and endangered fish and wildlife species on tribal lands,

**WHEREAS:** Drought conditions have increased tree mortality, and decreased vegetation moisture levels, increasing the threat and likelihood of devastating wildfire emergencies on forested lands owned and managed by the Yurok Tribe, with associated additional impacts to terrestrial wildlife species,

- WHEREAS:** Drought conditions increase the risk of wildfire on forested lands owned by the Yurok Tribe, and managed for long-term sustained-yield forest products, and forest carbon sequestration,
- WHEREAS:** Seasonal poor water quality conditions in the Klamath River are exacerbated during drought conditions resulting in decreased flow, increased temperatures and river conditions that allow solar radiation throughout much of the water column; these conditions create the perfect environment for the proliferation of extreme, prolonged toxic blue-green algae blooms thereby creating a direct human health threat for tribal members who utilize the River for cultural and subsistence beneficial uses,
- WHEREAS:** Drought conditions put stressors on all ecological functions and the ability of the Tribe to harvest traditional and conventional garden foods,
- WHEREAS:** Water quantity and quality data collection during drought conditions is critical to support management and water allocation decisions for drinking water (public and private water systems), non-consumptive/domestic water use, cold water refugia for endangered salmonid species in the Klamath River, and agricultural uses such as the Yurok Food Sovereignty Program and the Yurok Tribe's Hemp Program,
- WHEREAS:** It is necessary to expeditiously mitigate the effects of the drought conditions in the Klamath Basin and Yurok Reservation to ensure the protection of health, safety, the economy, and the environment,
- WHEREAS:** It is necessary to monitor, assess, and actively manage water, air quality, fish and wildlife populations, and crucial habitat supporting threatened, endangered, and culturally important species to assure the most effective mitigation measures are taken,
- WHEREAS:** The Drought Emergency affecting the Klamath Basin and large parts of the State of California, has created a Public Health Emergency and Imminent Threat on the Yurok Reservation and ancestral territory and region, resulting in the health and safety of Yurok people, property, and our environment being seriously impacted and threatened,
- WHEREAS:** The Drought Emergency is expected to immediately overwhelm limited tribal resources, as well as compromise the Yurok Tribe's ability to provide critical services to tribal members, thereby increasing the ongoing health and safety risks to our people, property, and environment, and fish and wildlife, and,
- WHEREAS:** It is necessary that all federal, state, and local emergency management agencies and tribal personnel consult with the Yurok Tribe and coordinate their efforts to provide the highest level of emergency response effectively and efficiently to this ongoing Public Health and Safety Threat, including assistance with responding to impacts to natural resources, economic activity, and cultural and traditional resources within Yurok ancestral lands.

**NOW THEREFORE BE IT RESOLVED:** The Yurok Tribal Council declares a State of Emergency due to current and ongoing severe Drought, and that the Yurok Tribal Council does enact emergency authorities under the Yurok Tribal Constitution to mitigate this threat and protect the people, lands, environment, resources, and economic activity of the Yurok Reservation and surrounding areas,

**BE IT FURTHER RESOLVED:** That the Yurok Tribal Council is the Tribal Emergency Response Committee as required by SARA Title III,

**BE IT FURTHER RESOLVED:** That the Yurok Tribe will seek assistance from all federal, state, local, tribal, and volunteer resources to include funding resources available to assist in responding to this emergency,

**BE IT FURTHER RESOLVED:** That a copy of this Resolution shall be forwarded to the County of Humboldt, Director of Emergency Services and the County of Del Norte, Director of Emergency Services,

**BE IT FURTHER RESOLVED:** That a copy of this Resolution shall be forwarded to the Governor of California in order to advise him that there is a request that he proclaim the Yurok Reservation to be in a state of emergency,

**BE IT FURTHER RESOLVED:** That a copy of this Resolution be forwarded to the Secretaries of the Interior, Agriculture, and Health and Human Services to request that they dedicate all possible resources to drought conditions in the Klamath Basin and the Yurok Reservation,

**BE IT FURTHER RESOLVED:** That a copy of this Resolution shall be forwarded to the President of the United States of America requesting that he issue a Presidential Declaration of Emergency for the Yurok Reservation,

**BE IT FURTHER RESOLVED:** That nothing in this resolution shall be construed as a waiver of the Yurok Tribe's sovereign immunity, and

**BE IT FURTHER RESOLVED:** That the Chairperson is hereby authorized to sign this resolution and to negotiate all matters pertaining hereto and that the Council Secretary is authorized to attest.

**C\*E\*R\*T\*I\*F\*I\*C\*A\*T\*I\*O\*N**

This is to certify that this Resolution Number 21-059 was approved at a duly called meeting of the Yurok Tribal Council on May 13, 2021, at which a quorum was present and that this Resolution Number 21-059 was adopted in accordance with Tribal tradition and Article V, Section 6 and was adopted by a vote of 8 for and 0 opposed and 0 abstentions. This Resolution Number 21-059 has not been rescinded or amended in any way.

**DATED THIS 13<sup>th</sup> DAY OF MAY, 2021**



Joseph L. James, Chairman

Yurok Tribal Council

**ATTEST:**



Sherri K. Provolt, Secretary

Yurok Tribal Council