

KARUK TRIBE WRITTEN RESPONSES ADDITIONAL QUESTIONS POSED BY THE WATER, OCEANS, AND WILDLIFE SUBCOMMITTEE FOLLOWING MARCH 8, 2022 OVERSIGHT HEARING ENTITLED, *KLAMATH RIVER BASIN CONDITIONS AND OPPORTUNITIES*

Submitted by Vice-chairman Robert J. Super

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1. What has been the impact to your tribe of having to restrict salmon harvests for subsistence and ceremonial purposes year after year?

The Karuk Tribe already has limited access to this critical traditional food source. Our dip-net fishery at Ishi Pishi Falls, near the confluence of the Klamath and Salmon rivers, has suffered from steep declines in salmon populations over the last century. Poor water management decisions by federal water managers not only affect fish populations, it also limits opportunities to successfully operate dip nets. As river flows drop, the eddies behind boulders don't form and the fish swim straight up the center river channel making them nearly impossible to harvest. Ours is a gear limited fishery. In other words, the fishing method is purposefully designed to not allow over harvest. But when flows are inadequate, we are not able to harvest anything.

In 2014, for the first time in the history of the Karuk People, leaders directed tribal members not to fish other than for ceremonial purposes. Salmon are a fundamental part of our lives, our cultural identity, and our religious practices. It's frustrating, heartbreaking, and infuriating to be denied access to salmon. It should have never come to this. When there are no fish, we can't teach the next generation how to catch fish, how to cook and preserve fish, and how to honor the fish through ceremony. It harms intergenerational relationships and social structure. The harvest, preparation, preservation, and distribution of fish is a big community process. Everyone has a role to play and responsibilities to carry out. The youth make sure the elders get a share. When there are no fish, this system breaks down, weakening community relationships, and leads to a host of social, mental, and health risks.

Our fish and our culture have a fighting chance with dam removal on the immediate horizon. We are also optimistic that the dollars directed to Klamath Basin restoration by the bi-partisan Infrastructure Law will allow for recovery of the fish and revitalization of our cultural practices. This moment of restoration is incredibly important to the future of the Karuk Tribe and our cultural survival. It could finally signal a reversal of the genocidal policies that the United States has employed since the mid 19th century directed at the Indigenous Peoples of Klamath Basin.

2. With the Lower Klamath Dam removal moving forward, what recommendations do you have for utilizing the significant resources provided in the Bipartisan Infrastructure Law to restore the river, including along the Scott and Shasta tributaries to the Klamath River?

The Klamath Irrigation Project was created by draining much of the Upper Basin's natural lakes and wetlands that served to cleanse the water of nutrients before flowing into the Klamath River. One key to restoring Klamath fisheries will be to reestablish these wetlands and this natural filtering of the water. Restoring wetlands will improve water quality and provide habitat for endangered suckers.

Secondly, we must all accept the painful reality that the future will not be as wet as the past. The United States built the Klamath Irrigation Project and granted lands to homesteaders under the assumption that the hydrology of the early 20th century would continue into perpetuity. We now know this to be a faulty assumption. The thing we must do, the thing that no administration or congress has been willing to take on, is to align water demand with water availability. We cannot implement the agriculture practices of yesterday as we look to tomorrow. It is unethical and amoral for the United States to simply shut off water to agricultural users this year and offer enough disaster assistance to make to next year when we 'hope' the rains will arrive. This kicking the can down the road approach is leading to economic and cultural calamity for farm and ranching families as much as it is for tribal families without solving any problems.

The United States must invest in programs and projects to re-align water demand with water availability. This may include a combination of measures such as: downsizing the Klamath Irrigation Project, improving irrigation efficiency, and developing new crops that use less water and identifying markets for those crops.

At the same time, we must restore the Klamath's most productive tributaries. This includes the Scott and Shasta Rivers in Siskiyou County, CA. These rivers have been systematically dewatered to primarily grow alfalfa. California water law has proven too weak to ensure that adequate flows remain in these rivers to support fisheries. Both rivers are adjudicated but in both cases the adjudications make the problems worse, not better. The adjudications did not consider climate change or the impacts to the traditional foods, fibers, and medicinal resources or ceremonial/subsistence needs of indigenous peoples.

The Scott, in its degraded state, is still used by the majority of the Klamath's Endangered Species Act listed Coho salmon at some point in each individual fish's life cycle. The United States should act swiftly to re-adjudicate the Scott River. Currently, the vast majority of groundwater users in the Scott Basin are not included in the adjudication. This allows for the unregulated pumping of groundwater that dewateres the river completely in many years. Large scale projects to restore the flood plain, restore the damage of extensive historical dredge mining operations, and reintroduce beaver are all needed to make the Scott a functional river again.

The Shasta, with its large complex of springs, hosted 80,000 returning adult Chinook in 1930. We get fewer than that in the whole basin these days. The Shasta River is blessed with perennial springs that offer dependable year-round flows of cold water – key to salmon recovery in a changing climate. These springs are systematically diverted to flood irrigate cow pasture. Currently, the National Marine Fisheries Service is locking in these terrible irrigation practices by issuing Enhancement of Survival Permits as a means of compliance with the Endangered Species Act. The Karuk Tribe has consistently argued against these measures as they are insufficient to stop pending extinction events.

The United States should immediately re-adjudicate both the Scott and Shasta Basins and ensure that their Tribal Trust obligations are being met by ensuring adequate flows and habitat to support self-sustaining and harvestable fish populations. The United States must stop offering landowners ESA permits that fail to prevent the extirpation of the Klamath's last salmon runs.

Finally, the United States Fish and Wildlife Service is leading the development of a Klamath Basin Integrated Fisheries Restoration and Monitoring Plan. It has taken years to develop and has vigorously engaged tribes and other stakeholders. This document will represent a solid blueprint for restoration

and should guide federal investments in a methodical manner driven by the best available science, including Tribal Ecological Knowledge. However; in addition, we see the need for a Klamath Basin Task Force comprised of Tribes and federal agencies to provide oversight and ensure Tribal Trust obligations are met. This concept is reflected in a Klamath Task Force White Paper submitted along with our written comments to the Subcommittee.

As we look forward to revitalizing the Klamath Basin, we will need back to traditional land and resource management practices that tribes perfected after millennia of trial and error. The attached *Tishánik Ecocultural Revitalization Briefing Document* outlines some of these concepts and calls for a new era of co-management that meaningfully integrates Indigenous Traditional Ecological Knowledge (ITEK) into federal decision-making processes. The United States will need to help tribes develop the organizational capacity to perpetuate the partnerships that will be critical as we move into a restorative future more considerate of the needs of our environment and the species that depend upon it.