



# YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA



May 8, 2026

The Honorable Bruce Westerman  
Chairman  
House Committee on Natural Resources

The Honorable Jared Huffman  
Ranking Member  
House Committee on Natural Resources

RE: Yurok Tribe Opposition to H.R. 8259 – Federal Water Projects Consultation Improvement Act of 2026

Dear Chairman Westerman and Ranking Member Huffman,

The Yurok Tribe respectfully submits this letter in opposition to H.R. 8259, the “Federal Water Projects Consultation Improvement Act of 2026.” While framed as an effort to improve consultation and transparency in federal water project operations, the bill would fundamentally alter the balance and intent of the Endangered Species Act (“ESA”), elevate the interests of water contractors above Tribes and other affected stakeholders, and create substantial legal and procedural uncertainty within the Section 7 consultation process.

The ESA and the National Environmental Policy Act (“NEPA”), when properly implemented together, already provide sufficient mechanisms to evaluate alternatives, assess economic impacts, and ensure meaningful public engagement. The core issue is not a lack of statutory authority, but rather the Bureau of Reclamation’s longstanding failure to fully and consistently meet its NEPA obligations. H.R. 8259 attempts to use those implementation failures as justification to modify ESA consultation standards themselves. In doing so, the legislation appears to shift the burden of proof away from the ESA’s longstanding jeopardy standard and instead requires federal agencies to prove that there was “no other way” to avoid jeopardy with fewer impacts to water deliveries or economic interests. This language opens the door to endless alternative proposals and litigation over speculative measures with no limiting principle, fundamentally undermining the efficiency and scientific integrity of Section 7 consultation.

The Yurok Tribe possesses federally reserved senior water rights with a priority date of time immemorial. Federal courts have consistently recognized the Tribes reserved water rights must be sufficient to sustain our fisheries and tribal lifeways and that, at a “bare minimum,” the Tribes’ rights entitle them to the government’s compliance with the ESA. For our people, whose existence and culture are fundamentally tied to the Klamath River and our Salmon Fisheries, these rights necessarily include flows adequate to sustain those fisheries. Accordingly, any legislation addressing federal water management, Endangered Species Act implementation, or operation of federal reclamation facilities in the Klamath Basin must expressly acknowledge and preserve Tribal water rights and the federal trust responsibility owed to Tribal Nations.

The bill affords water contractors extraordinary and preferential consultation rights not extended to Tribes, fishing communities, states, or other impacted stakeholders. H.R. 8259 explicitly recognizes the “unique”

interests of water contractors and creates enhanced opportunities for direct written and personal communications with federal agencies during preparation of Biological Assessments, Biological Opinions, and Reasonable and Prudent Alternatives. At the same time, the legislation is entirely silent regarding Tribal rights, Tribal co-management responsibilities, Tribal water interests, and the federal trust responsibility. The consultation framework contemplated by this bill far exceeds the consultation process the Bureau of Reclamation has provided to the Yurok Tribe in connection with Klamath Project operations in recent years, despite the Tribe's status as a sovereign Tribal Nation and co-manager of federally protected fisheries resources. There is no legal or policy justification for granting water contractors privileged procedural access while excluding Tribes and other communities whose cultural, economic, and subsistence interests are directly impacted by federal water management decisions.

Importantly, the legislation lacks critical savings clauses preserving the substantive requirements of the ESA, Tribal water rights, and the federal trust responsibility to Tribes. Unlike legislation such as the Klamath Support Act enacted in 2024, H.R. 8259 contains no language clarifying that nothing in the Act alters existing ESA obligations or diminishes Tribal rights and authorities. The absence of such provisions creates significant legal ambiguity and invites interpretations that could weaken endangered species protections while subordinating senior Tribal rights and federal trust obligations to water delivery contracts and economic considerations.

The bill further imposes new obligations on Reclamation and the Services that go far beyond existing ESA requirements and would likely generate additional litigation and delays. Among other things, the legislation would require agencies to justify why any alternative action, with fewer water supply or economic impacts, would be inadequate to avoid jeopardy or adverse modification of critical habitat. It also requires agencies to identify legal limitations on water delivery reductions and conform Reasonable and Prudent Measures to those limitations. Water contractors will undoubtedly argue that water contracts and asserted water rights constitute such limitations regardless of ESA mandates or Tribal water rights. These provisions improperly inject economic balancing and water delivery priorities into a statute specifically designed to prevent extinction and protect critical habitat using the best available science.

The Yurok Tribe supports meaningful engagement by all affected stakeholders in federal water management decisions, including irrigators, Tribes, fishing communities, and local governments. However, the existing Section 7 consultation process should remain intact. Broader questions regarding economic impacts, alternatives analysis, and public participation are already addressed through NEPA and related processes. Weakening or complicating ESA consultation because Reclamation has failed to adequately conduct NEPA review is neither necessary nor appropriate.

For these reasons, the Yurok Tribe respectfully opposes H.R. 8259 and urges the Committee to reject any legislation that weakens the ESA, undermines Tribal sovereignty and the federal trust responsibility, or privileges one class of stakeholders over all others in the management of shared public resources. We remain committed to collaborative, science-based, and legally durable solutions that support sustainable fisheries, Tribal communities, and agricultural economies throughout the Klamath Basin and beyond.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph L. James". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Joseph L. James  
Chairman  
Yurok Tribe