YUROK TRIBE

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DECLARTION OF DROUGHT
YUROK TRIBE
YUROK RESERVATION
KLAMATH, CALIFORNIA

RESOLUTION NO: 14-08

DATE APPROVED: January 29, 2014

SUBJECT: RESOLUTION OF THE YUROK TRIBAL COUNCIL DECLARING AN EMERGENCY AND IMMINENT THREAT OF DIASASTER DUE TO DROUGHT CONDITIONS AFFECTING THE YUROK RESERVATION AND REGION

WHEREAS, the Yurok Tribe adopted its Constitution which was certified on November 24, 1993, with a primary purpose of protecting and promoting the interests of the Yurok Tribal membership; and

WHEREAS, the Yurok Tribal Council is the governing body of the Yurok Tribe pursuant to Article IV, Section 5 of the Yurok Constitution; and

WHEREAS, the Yurok Tribal Council has a duty to protect life and property of Yurok Tribal members and the Yurok Reservation by mitigating the potential damage from disaster; and

WHEREAS, the Yurok Tribal Tribe has federally reserved fish and water rights that may be impacted by drought conditions or actions by federal, state and other entities; and

WHEREAS, the Yurok Reservation and the region is now entering its second year of significant reduction of rain fall; and

WHEREAS, drought conditions have become worse and water delivery limitations are expected to be increased in this second year of less than average rain fall, creating emergency conditions on the Yurok Reservation, the region and the watersheds within the Klamath/Trinity River Basins; and

WHEREAS, the in stream flow of all rivers within the Klamath/Trinity River Basins are at risk. It is anticipated that insufficient instream flows will be available to protect the Tribe's fish and water resources; and

WHEREAS, the Yurok Reservation and Tribal resources is placed in great jeopardy because of the lack of precipitation and snow pack, and the Yurok Tribal Council must act proactively to prevent an imminent disaster; and

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WHEREAS, due to drought conditions it is unlikely that the water conditions in the Klamath and Trinity River Basins will be adequate to meet the essential water supply needs of the Yurok Reservation or the Tribe's fisheries resources this spring, summer and fall; and

WHEREAS, the adverse environmental, economic, and social impacts of the drought pose an imminent threat or disaster and threaten to cause widespread harm to people, business, property, natural resources, wildlife and recreation on the Yurok Reservation and the region; and

WHEREAS, due to drought conditions the Yurok Tribe and the Yurok Economic Development Corporation businesses and employees are faced with economic hardships in part brought on by lack of business caused by low flow and drought conditions; and

WHEREAS, the Yurok Tribe has a constitutional obligation to protect its cultural resources, including villages, prayer sites, view sheds, fishing holes and other cultural properties throughout Yurok Ancestral Territory, and this drought has the potential to adversely impact Yurok cultural resources; and

WHEREAS, the State of California has suspended certain environmental review under the California Environmental Quality Act requirements pursuant to its emergency declaration and this lack of review could negatively impact Tribal trust and cultural resources.

WHEREAS, drought conditions result in a public health threat due to increased wild land and community fire threats exacerbated by a lack of adequate fire protection, including but not limited to lack of fire suppression infrastructure, fire protection services, limited evacuation routes and a single lane state highway; and

WHEREAS, drought conditions increase public health threats due to sub-standard housing that lack current fire code compliance due to structure age and condition; a lack of 100 feet defensible space residence and community facility perimeter and a lack of sufficient water storage capacity for fire suppression; and

WHEREAS, drought conditions result in a public health threat due to increased threat to drinking water resources for Tribal and community water systems that results from a reliance upon surface water systems and annual water flows in tributary creeks and a lack of individual and community water wells; and

WHEREAS, drought conditions increase public health threats due to impacted water quality that results from illegal and egregious diversions of water for marijuana cultivation, illegal chemical dumping from unfettered marijuana cultivation and a lack of law enforcement resources for enforcement and environmental cleanup. Illegal marijuana grows regularly tap into community water system delivery lines; and

WHEREAS, the Yurok Tribe has senior federally reserved water rights. These rights include but are not limited to streams within the Yurok Reservation necessary to provide habitat for fish

and other wildlife and as sources for community and individual water systems. Tribal federally reserved water rights extend to all tributaries and mainstem instream flows within the Klamath/Trinity River Basins necessary to support tribal beneficial uses and dependent cultural and natural resources.

WHEREAS, since time immemorial, fisheries resources of the Klamath/Trinity River Basins are integral to the Yurok way of life for subsistence, culture, and commerce; and

WHEREAS, the Yurok Tribe has a federally reserved fishing right and associated senior water rights; and

WHEREAS, flows in tributaries of the Klamath/Trinity River Basins and the mainstem Klamath River are near or below the lowest levels that have ever been recorded for this time of the year and indications are that this trend will continue into the foreseeable future;

WHEREAS, insufficient instream flows degrade fish habitat conditions resulting in low survival of fish populations the Tribe depends upon, and making certain fish populations, such as wild spring chinook and coho salmon, vulnerable to extirpation from such extremely dry conditions.

NOW, THEREFORE, BE IT RESOLVED: that the Yurok Tribal Council declares that a local emergency and imminent threat of disaster exists on the Yurok Reservation due to drought conditions, and that the Yurok Tribal Council does enact emergency authorities under the Yurok Tribal Constitution to mitigate this threat and protect the people, lands and resources of the Yurok Reservation.

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

This is to certify that this Resolution Number 14-08 was approved at a duly called meeting of the Yurok Tribal Council on January 29, 2014, at which a quorum was present, and that this Resolution Number 14-08 was adopted [by Consensus in accordance with Tribal tradition and Article V, Section 6 and OR by a vote of 7 for and 0 opposed and 0 abstentions in accordance with] Article IV, Section 5(j) of the Constitution of the Yurok Tribe. This Resolution Number 14-08 has not been rescinded or amended in any way.

DATED THIS 29th DAY OF JANUARY, 2014

Thomas P. O'Rourke, Sr., Chairperson
Yurok Tribal Council

ATTEST:

Taralyn Ipina, Executive Assistant