

California tribe sues Feds in effort to block water contracts with Central Valley Big Ag

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The Hoopa Valley Tribe has respectfully requested a federal court to block the United States Department of Interior from signing permanent water delivery contracts with agribusiness interests in California's Central Valley. Interior's Bureau of Reclamation dams and diverts water out of the Trinity River basin to contractors' land 400 miles from the Hupa people's homeland.



(Photo by Winnemem Wintu Tribe)

By Dan Bacher

Press Release from the Hoopa Valley Tribe:

The lawsuit claims the Reclamation's contracts violate provisions of the Central Valley Project Improvement Act (CVPIA) and other laws and that they will irreparably harm efforts to protect Trinity River Salmon. Tribal Chairman Byron Nelson, Jr., explained why the Tribe filed the lawsuit :

“The Hupa people have a long history of fighting to protect the Trinity River, its resources and especially our salmon. Our people depend on Trinity River salmon now as we have for countless generations. These contracts evade the federal government's responsibility to maintain Trinity River fishery resources that the United States holds in trust for our Tribe. Salmon runs are not just important for our Tribe, but also for other Native peoples of the Klamath-Trinity Basin and non-tribal fisheries .”

Enacted by Congress in 1992, the CVPIA specifies that the price of Trinity River water developed by the federal government's Central Valley Project (“CVP”) includes the cost of repairing environmental damage to fish habit downstream of the Trinity River Dam and restoring naturally produced fish populations to pre-dam levels.

Further, the Trinity River Hatchery replaces fish production that was lost from the 109 miles of anadromous fish habitat that were blocked to salmon migration when Trinity Dam was constructed in 1964. The CVPIA makes CVP contractors responsible for hatchery costs as well.

The Tribe's lawsuit claims the new permanent water delivery contracts must bind contractors to recognize all fishery restoration, preservation, and propagation measures required by existing law, including the CVPIA, and pay their costs. Reclamation's unlawful failure to include those contract terms directly impairs the Tribe's interests in Trinity River fish and water resources that support the Tribe's federally reserved rights.

Tribal Attorney Thomas Schlosser also commented on the lawsuit's filing:

"The law is clear; no Trinity water can be sent to the Central Valley at the expense of the Tribe's fishery. Decades of mismanagement and misdealing have devastated the fishery and enriched water contractors in the process."

The Tribe's Fisheries Director Michael Orcutt added:

"To have healthy salmon fisheries we need healthy rivers. In the case of the Trinity River, the United States Congress promised the Hupa people that decades of CVP mismanagement would be replaced by fishery and river restoration whose costs would be paid by the contractors. We intend to enforce that promise."

Read a copy of the Hoopa Valley Tribe's *Complaint for Declaratory and Injunctive Relief* [at this link](#).