

Hoopa Valley Tribal Council

Hoopa Valley Tribe

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Biden Administration Policies Have Tribe's Trinity River Coho Fishery on Path to Extinction.

Today, following American Rivers named California's Trinity River to its top-ten list of endangered American rivers. <https://www.americanrivers.org/media-item/trinity-river-named-among-americas-most-endangered-rivers-of-2024/>, the Hoopa Valley Tribe (Hoopa) charged the United States Bureau of Reclamation ("Reclamation") and California Department of Fish and Wildlife ("CDFW") with violation of the Endangered Species Act ("ESA").

Hoopa filed what is known as a 60-day notice of intent to take legal action. The notice gives Reclamation, which operates dams on the Trinity River that divert water to industrial agriculture and other uses in the Central Valley, time to meet its responsibilities to enforce the ESA short of litigation.

"Both Reclamation and CDFW are unlawfully taking Southern Oregon/Northern California Coast (SONCC) Coho Salmon in violation of the ESA through their ongoing operations of the Trinity River Hatchery," said the Hoopa Valley Tribe's Fishery Director Michael W. Orcutt. In 1955 legislation, Congress required Reclamation to build the hatchery to make up for the loss of 109 miles of salmon habitat in the Trinity basin that Reclamation's dams have blocked permanently since 1964.

Forty years ago, Congress found that Reclamation's dams had not only blocked the Trinity River, but also caused "damage to pools, spawning gravels, and rearing areas, and to a drastic reduction in anadromous fish populations" downstream of the dams. Public Law 98-541. Congress gave the Secretary of the Interior two missions. First restore the natural fishery, and second

“modernize and otherwise improve the effectiveness” of the Trinity River Hatchery. A combination of neglect, incompetence, and malice in Trinity River restoration and hatchery management led to the listing of Coho as a threatened species under the ESA.

Twenty years ago, the Ninth Circuit Court of Appeals confirmed that Trinity River fishery restoration was “unlawfully long overdue.” The Court cleared the way for Reclamation to limit diversions of Trinity water to the Central Valley, restore Trinity River salmon habitat, and repair the Trinity River hatchery, all at federal water contractor’ expense as federal legislation required. Ten years later, hatchery conditions had only worsened, which led to more litigation. In 2014, a northern California federal court entered a consent decree that established a hatchery management plan.

“Since then, Reclamation and its contractor CDFW have only made things worse,” said Tribal Chairman Ryan Jackson. “Our fishery is the mainstay of the life and culture of our people.”

“If after 60 days Reclamation and CDFW haven’t turned the corner on ESA compliance at the hatchery, Hoopa will again have to ask the court to enforce our rights to be protected by the ESA and other federal laws we worked so hard to have enacted for our fishery,” said Orcutt.

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See Attached Map

