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9 **BEFORE THE**
10 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

11 HEARING IN THE MATTER OF THE
12 CALIFORNIA DEPARTMENT OF WATER
RESOURCES AND UNITED STATES
13 BUREAU OF RECLAMATION REQUEST
FOR A CHANGE IN POINT OF DIVERSION
14 FOR CALIFORNIA WATER FIX

TESTIMONY OF BRITTANI ORONA

15
16 I, Brittani Orona, do hereby declare:

17 **I. INTRODUCTION**

18 My name is Brittani Orona. I am presenting this testimony on behalf of the Pacific Coast
19 Federation of Fishermen's Associations (PCFFA) and the Institute for Fisheries Resources (IFR)
20 in this evidentiary hearing before the State Water Resources Control Board (State Water Board)
21 concerning the petition to change the point of diversion for the California WaterFix for the State
22 Water Project (SWP) and federal Central Valley Project (CVP), as specified in the licenses and
23 permits of the U.S. Bureau of Reclamation (USBR) and the California Department of Water
24 Resources (DWR).

25 I am a Ph.D. Student in Native American Studies with a designated emphasis in Human
26 Rights at the University of California, Davis. I have a Bachelor of Arts degree from Humboldt
27 State University in History and a Master's Degree in Public History from Sacramento State
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1 University. I am also an enrolled member of the Hoopa Valley Tribe. I have spent most of my
2 adult life documenting the history of the Klamath River basin and the indigenous activism that
3 surrounds the Klamath Basin dam removal efforts which promises to restore our river
4 ecosystem. I also have expertise in the cultural and beneficial uses of salmon on the Klamath and
5 Trinity Rivers. The WaterFix project will severely impact water flows on the Trinity and Lower
6 Klamath River and the EIS/S for the WaterFix does not identify specific mitigation measures to
7 avoid unreasonable effects on fish—which will impact cultural and beneficial uses of wildlife. I
8 curated an exhibit entitled, “Stories of the River, Stories of the People: Memory on the Klamath
9 River Basin” that relayed the history of the Klamath River, the importance of the Klamath River
10 Basin to the tribes that reside along it, and the devastating impacts of the 2002 Salmon Fish-Die
11 off. This exhibit has travelled to various locations (including the Autry Museum of the American
12 West in Los Angeles) and the accompanying oral history documentary has been shown in
13 classrooms across the country. My academic and public history work has centered itself in
14 environmental justice and environmental policy as it relates to California Indian tribes and
15 Indigenous people broadly. My research focuses on water as a human right, indigenous water
16 rights, salmon restoration, and traditional ecological knowledge. My resume and list of
17 professional reports and publications are provided in Exhibit PCFFA-192.

18 **II. OVERVIEW OF TESTIMONY**

19 My testimony will focus on the history of the Klamath River Basin in relation to
20 indigenous water uses, cultural practices along the Klamath River Basin, the importance of
21 salmon and other wildlife on the Lower Klamath and Trinity Rivers, and the cultural significance
22 of the river system to the Hupa, Yurok and Karuk people.¹ The testimony includes an
23 abbreviated overview of the cultural and health impacts of the lack of salmon and the cultural
24 beneficial uses of salmon.
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27 ¹ The word “Hupa” refers to the name of the people, i.e. Hupa person. The word “Hoopa” refers
28 to the geographical place i.e. Hoopa Valley

1 The purpose of this testimony is to demonstrate that the Final Environmental Impact
2 Statement/ Environmental Impact Report (“EIS/R”) for the WaterFix is incomplete because it
3 does not analyze or propose mitigation measures for the impacts to cultural, health, or culturally
4 beneficial uses of salmon. The EIS/R for the WaterFix does not analyze ANY impacts to the
5 Trinity River and Lower Klamath River and their beneficial uses and does not offer adequate
6 mitigation measures to lessen the impact of the WaterFix project on water conditions, wildlife, or
7 fisheries. The Final EIS/R cannot support a finding that the WaterFix change petition will avoid
8 harm to fish, wildlife, and related public trust resources.

9 III. CULTURAL AND HEALTH IMPACTS OF LACK OF SALMON

10 The Klamath River Basin is essential to who we are as Hupa, Karuk, and Yurok people.
11 It gives us both physical and spiritual sustenance and helps guide us in our day to day life. We
12 are very fortunate to be from this place and the importance of water cannot be under estimated.
13 We have lived along the river system since the beginning of time and we view the river as an
14 essential part of who we are as people. Modern Native people, in areas as remote as the Hupa,
15 Yurok, and Karuk country, rely on the abundance of natural resources to provide sustenance and
16 continued health to families and individuals. These sources of sustenance are both physical as
17 well as metaphysical. Hupa, Karuk, and Yurok families continue to fish along the rivers, set net,
18 and practice fishing methods both traditional and contemporary. The use of the dip net is still
19 abundant on the Klamath River Basin and it is used to catch a variety of fish, especially salmon.
20 Tribal fishermen also use contemporary methods to fish along the river systems. Families also fish
21 for salmon, lamprey, trout, and sturgeon along the lower Klamath and Trinity Rivers. Attempts to
22 remove and disenfranchise California Indians represented the attempt by the U.S. and California
23 state governments to remove the presence and memory of traditional practices on the land.²

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26 ² Cutcha Risling Baldy, “Why We Gather: Traditional Gathering in Native Northwest California
27 and the Future of Bio-Cultural Sovereignty,” *Ecological Processes*, 2013 2:17, (Exhibit PCFFA-
28 193), also available at: <https://ecologicalprocesses.springeropen.com/track/pdf/10.1186/2192-1709-2-17?site=ecologicalprocesses.springeropen.com>

1 With the loss of salmon habitat, and logging practices that have made acorns and other
2 food materials scarce, modern Native people often rely on a diet rich in saturated fats, foregoing
3 a traditional healthy diet in favor of foods that cause diabetes, unhealthy weight gain, and
4 vitamin deficiencies.³ According to Kari Marie Noorgard, “Around the world when Native
5 people move to a “Western” diet rates of these diseases skyrocket. The estimated diabetes rate
6 for the Karuk Tribe is 21%, nearly four times the U.S. average. The estimated rate of heart
7 disease for the Karuk Tribe is 39.6%, three times the U.S. average. Despite their epidemic
8 levels, diabetes has recently appeared in the Karuk population. These health consequences
9 stem from changes in the specific nutrient content of traditional foods such as salmon and
10 acorns, as well as decrease in the physical benefits of exercise associated with their gathering.
11 Mental, emotional, cultural and spiritual health benefits of eating and harvesting traditional
12 Karuk foods exist as well.”⁴

13 In addition to the physical benefits of salmon consumption, tribal members believe that
14 the relationship between salmon and the river is central to cultural life and practices for their
15 tribal communities. As Cutcha Risling Baldy commented the importance of salmon is not
16 merely physical, but spiritual and cultural as well. “You don't fish because you want to get the
17 biggest fish so you can hang it on your wall and tell everybody you caught a big fish. You go
18 out and fish because it's your responsibility to sort of maintain that balance because you're
19 interconnected with that fish because it becomes a part of you and takes care of you from the
20 inside.”⁵

21 **IV. CULTURAL BENEFICIAL USES OF SALMON**

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23 ³ Diana Hartel, “Doctor’s Orders: Undam the Klamath-Settlement could restore health to
24 rivers and tribes,” *High Country News*, May 16th, 2011, (Exhibit PCFFA-194)
http://klamathriverrestoration.org/images/stories/flash/articles/articles/Undam_the_Klamath.pdf

25 ⁴ Kari Marie Norgaard, *The Effects of Altered Diet on the Health of the Karuk People*,
26 (November 2005), (Exhibit PCFFA-195), also available at:
<http://pages.uoregon.edu/norgaard/pdf/Effects-Altered-Diet-Karuk-Norgaard-2005.pdf>

27 ⁵ Interview of Cutcha Risling Baldy by Brittani Orona, *Stories of the River, Stories of the*
28 *People: Memory on the Klamath River Basin Oral History Project*, Davis, California,
January, 2013

1 Before settlers populated the lands of the Hupa, Yurok, Tolowa, and Karuk, culture was
2 complex and influenced by ceremonial, political, and familial ties. Tribal territories were fluid
3 and roughly marked by natural boundaries. The Hupa are in a valley on the Upper Trinity River
4 and closely related to the South Fork Hupas who reside on the Lower Trinity River.⁶ The Karuk
5 live along the Salmon and Upper Klamath Rivers near the modern-day towns of Somesbar and
6 Orleans, CA. The Yurok live in an area delineated by the mouth of the Klamath River where it
7 reaches the Pacific Ocean, and the junction of the Trinity and Klamath Rivers near Weitchpec,
8 CA. Along with geographic differences, three language families delineate differences among the
9 tribes. The tribes of the Northwest Coast, the Hupa, Yurok, Karuk, and Tolowa people spoke the
10 Hokan (Karuk), Athapaskan (Hupa/Tolowa), and Yurok (Algonquin) dialects; forms of
11 languages that are as dissimilar from each other as English is to Mandarin. The difference in
12 language created a distinct cultural divide between the groups that is evident in the modern era
13 despite similarities in traditional culture. Close relations, often found with intermarriage and
14 familial ties, marked the intertwining of the tribes in the past and in the modern era. Tribal
15 members of each group choose a tribe to “belong” to despite mixed heritage. Since tribal
16 members ally themselves with the official tribal governments they are members of, there is a
17 distinct understanding of “belonging” within the different communities.

18 Despite linguistic differences, traditional cultures of the three tribes are intensely similar.
19 All tribes perform the sacred ceremonies of the World Renewal Dances, which include the White
20 Deerskin Dance and the Jump Dance. Tribal elders, such as Karuk artist and activist Julian Lang,
21 refer to the Hupa, Yurok, Karuk, and Tolowa as the “fix the earth people,” those who were
22 chosen by the spirit people to remake the world and to bring good fortune to the communities for
23 the coming year.⁷ Ceremonies and traditional stories are often linked to water, from the Klamath
24 River Basin, the Pacific Ocean, or smaller bodies, such as lakes and ponds. For example, the

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26 ⁶ Byron Nelson, *Our Home Forever: The Hupa Indians of Northern California* (Hoopa: Hupa
Tribe, 1994)

27 ⁷ Lucy Thompson, *To the American Indian: Reminiscences of a Yurok Woman*. (Berkeley:
Heyday Books, 1991)

1 Yuroks tell the story of an Inland Whale stuck in Fish Lake near Weitchpec, a Yurok village.
2 That same story tells of the people going upstream to watch ceremonial dances performed along
3 the rivers. The importance of ceremony continues to the present, and stories such as “The Inland
4 Whale,” and “The Shells’ Boat Dance into the Ocean,” relay the cultural importance of the rivers
5 from the past to modern times. “They started down-river, going in a long double file of tow boats
6 abreast, like a railroad train. At every village, more of them joined in. They did not paddle, but
7 stood up in the boats, each holding the shoulders of the one next in front; singing and propelling
8 the boat forward with their dancing. This is called weleg-woleya, like the boat dance of the
9 Indians.”⁸

10 These stories are passed down to younger generations who will become stewards of the
11 environmental and cultural world around them.⁹ Ceremonies such as the World Renewal Dance,
12 which encompasses the White Deerskin, Jump, and Boat Dances, follow a path that takes
13 dancers and viewers from dance site to dance site, often along the water’s edge. The Klamath
14 River Basin is an important link between the culture and livelihood of the Karuk, Hupa, and
15 Yurok people through ceremony, tradition, and physical nourishment. The cultural and physical
16 importance of the Klamath River, along with protection of the natural world, is of the utmost
17 importance to the three tribes of the basin.¹⁰

18 Included in the World Renewal ceremonies is the Boat Dance, performed on the water to
19 ensure that the rivers maintain health, continue to flow, and provide salmon, eel, and trout to the
20 Hupa, Yurok, and Karuk. Every ceremony, from the Jump Dance to the Boat Dance, was located
21 on or near water. To the Karuk, Hupa, and Yurok people, the river is not merely a river; it rather
22 represents a living being, subject to its own will, and the tribes continue to depend upon it for
23 spiritual and physical health.

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26 ⁸ Robert T. Scott and A.L. Kroeber, *Yurok Narratives*, (Berkeley: University of California
Press, 1942), 224

27 ⁹ Nelson, *Our Home Forever*, 4

28 ¹⁰ Jack Norton, *Genocide in California: When Our Worlds Cried* (Indian Historian Press, 1979)

1 The Lower Klamath supports twenty different species of fish, one of which, the Coho
2 salmon, is listed on the endangered species list. Ideal river conditions depend on a combination
3 of water flow and temperature stabilization to maintain a habitat that is ideal for the Coho
4 salmon and other native species of fish. If water flow is too low, water temperature rises
5 creating dangerous conditions for spawning salmon. A National Council study concluded,
6 “Coho salmon annual spawning escapement to the Klamath River system was estimated to be
7 15,400 to 20,000 fish in 1983. That estimate is less than 6% of their estimated abundance in the
8 1940’s, and a 70% decline has been observed since the 1960’s. Coho returns to Iron Gate
9 Hatchery ranged from zero in 1964 to 2,893 fish in 1987, and they are highly variable.”¹¹

10 Yet damming is not the only reason for decline in the native population of fish on the
11 Klamath River Basin; introduced species, diseases, and new plant life also contribute to relative
12 decline. Commercial fishing and over fishing on the Trinity, Klamath, and Salmon tributaries
13 have also contributed to the decline in salmon, lamprey, trout, and sturgeon populations. State
14 and federal water policies have continued to create detrimental effects to the Lower Klamath
15 River tributaries and it remains the biggest blockade to spawning salmon. The fight to preserve
16 the integrity of the rivers is a struggle over natural and cultural resources.¹² Along with the
17 natural resources argument, Native American tribes have a larger stake in natural resources than
18 other communities do. The Native American population of the Lower Klamath Rivers, including
19 the Hupa, Yurok, and Karuk people argue that the fish in the tributaries are a large part of their
20 cultural heritage and the loss of those fish equals the loss of their traditional culture. As activist
21 Leaf Hillman notes, “It’s all around, it’s the trees, it’s the water, it’s the fish, it’s the deer- This is
22 our home, this is our land-we’re Indian people we believe in these things, we have these values,
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25 ¹¹ National Research Council of the National Academies, Hydrology, Ecology, and Fishes of the
26 Klamath River Basin, (Washington D.C: National Academies Press, 2008)

27 ¹² Russ Rymer, “Klamath River: Reuniting a River” National Geographic,
28 ngm.nationalgeographic.com/2008/12/klamath-river/rymer-text.html, December 2008 (Accessed
December, 2013)

1 and it does mean something and it is important. And we do have something to say about it and we
2 can do something about it.”¹³

3 **V. CONCLUSION**

4 The WaterFix EIS/R has not adequately considered the impacts to Lower Klamath and
5 Trinity River salmon populations or the cultural or beneficial use impacts the project will have.
6 Above is an abbreviated summarization of some of the overarching issues on the Lower Klamath
7 and Trinity River systems. This information only scratches the surface of the true impacts of lack
8 of salmon on the Klamath River Basin.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct, and that I executed this declaration November 29, 2017 in
11 Sacramento, California.

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14 BRITTANI ORONA

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27 ¹³ Interview of Leaf Hillman by Brittani Orona, Stories of the River, Stories of the People:
28 Memory on the Klamath River Basin Oral History Project, Orleans, California, January, 2013