Resolution of the Wiyot Tribe

RESOLUTION NO: 21-12

DATE APPROVED: June 14, 2021

SUBJECT: Declaration of a State of Emergency on the Wiya’t (Eel) River, Baduwa’t (Mad) River, Hikshari’ (Elk) River, Gidughurraili’ (Van Duzen) River in response to severe drought conditions

WHEREAS, the Wiyot Tribe is a federally recognized Indian Tribe located in California and has a government-to-government relationship with the United States of America; and

WHEREAS, Wiyot people have always provided stewardship with the lands, waterways, air, plants, and animals of our ancestral homelands. Our ancestral homelands range from Plhat Gasamulli’im (Little River) in the north to Tsakiyuwit (Bear River Ridge) in the south, from Shou’r (Pacific Ocean) in the west to the first set of Qus (hills/mountains) Berry Summit to the northeast and Chalk Mountain to the south east; and

WHEREAS, Waterways in the ancestral lands of Wiyot people include Baduwa’t (Mad River), Hikshari’ (Elk River), Wiya’t (Eel River), and Gidughurraili’ (Van Duzen River); and

WHEREAS, the Wiyot Tribe shares its name with its ancestral river, Wiya’t. One of the culturally significant species inhabiting Wiya’t is the gou’daw, (Pacific lamprey Entosphenus tridentatus) — commonly called eels, which inspired the river’s English name, Eel River. The Wiya’t watershed is the third largest in California and was once home to abundant runs of valhuk / malhuk (salmon), tsval (steelhead), ba’im (green sturgeon), and fou’daw (Pacific lamprey); and

WHEREAS, Numerous impacts, including water diversions, invasive predators, logging, sedimentation, and extreme summer conditions have led to significant ecological and habitat degradation and diminished native fish populations that are critical for the survival of the Wiyot culture and the Wiyot people. Recently, the Tribe has continued its active stewardship and has been a driving force for activities aimed at restoring Pacific lamprey and other native fishes; and

WHEREAS, climate change is intensifying the impacts of drought on our communities, Wiya’t (Eel River) has been heavily impacted by California’s recent historic drought and has experienced a second consecutive year of dry conditions. Illegal water diversions associated with marijuana cultivation
quality, particularly in smaller tributaries that provide rearing habitat and
cold-water flow during the dry summer months; and

WHEREAS, below average rainfall and above average temperatures have left
unimpaired flows at the lowest on record, presently Wiya’t discharge
at Scotia, based on 108 years of data, is 12% of the mean. In the fall of
2014, a year when flows were higher than 2021 (300 cfs at Scotia in
2014 versus about 210 this year), the lower Eel River ran dry near
Fortuna, immediately above the reach where the tides affect the
river’s height, impeding the Chinook malhuk (salmon) run and
causing fish death from disease associated with high water
temperatures; and

WHEREAS, according to a statement by our sister tribe Blue Lake Rancheria
water quality sampling done along the Baduwa’t (Mad River) show a
presence of toxins in the water that are hazardous and potentially life-
threatening to pets and small children; and

WHEREAS, Hikshari’ (Elk) river is known as the most critically impaired Humboldt
Bay tributary for sediment and in recent news, this is now supplemented
by the new evidence that Eureka’s sewage plant has been contributing
effluent to the lower river for many years. As Jerry Martien with Friends
of the Elk River noted, “it’s hard to dispute that there’s enough mud there
to choke a river, with the result being further aggradation and extreme low
flows—as we’re seeing this summer” and

WHEREAS, Friends of the Van Dozen River reports Gidughurrarah (Van Duzen
River) is seeing lower flows (20% of the average) in the main stem and
tributaries that are more indicative to later summer and early fall.
June flows are now more like August/September flows and will have a
negative impact on wildlife and recreation as the summer progresses.
Blue Green Algae blooms have been detected at Pamplin Grove,
Highway 36 at the William Dinsmore Bridge, we usually see dozens of
steelhead, but on this June 2021 year, we found only 3. In a very unusual
observation, many underwater algal blooms are more prevalent
than at any
previous time. Hely Creek no longer provides a viable connection to the
Van River and no longer supports an active salmon run; and

WHEREAS, these rivers are culturally significant and considered the bloodline to
the Wiyot people; and

WHEREAS, Wiya’t brought nourishment, medicine, spirituality, sustenance, and
cultural knowledge to the Wiyot people. Wiya’t is where we derive our
name of “Wiyot;” and

WHEREAS, Present day, Wiyot people risk their health and safety when choosing
to eat the fish or eels out of Wiya’t because of hazardous algal blooms
and diseased animals. The health of the Wiya’t is intrinsically tied to
the health of the people. The survival of the people rely on the health
of Wiya’t; and

WHEREAS, we know through oral histories about Wiya’t that salmon were so
abundant that one could “walk across the backs” of the salmon to cross
the river. Elders have told us that they would go fishing and eeling
and come home with more than enough food for their families and to
share with other Wiyot families who needed subsistence. This
evidence shows that Wiya't was once a thriving river that nourished not only Wiyot people but early Euro-American settlers; and

WHEREAS, in the 1900s, Wiya't held the largest salmon population and provided salmon for the rest of the U.S. The quick decline in salmon populations in the late 1800s/early 1900s was due to overfishing, the timber industry, and man-made problems, such as Scotts and Cape Horn Dam. The overfishing of salmon, steelhead, and eels and the damming of Wiya't have caused mass destruction of the Wiya't ecosystem and cultural lifeways of the Wiyot people; and

WHEREAS, we have an opportunity to restore the health of Wiya't by practicing stewardship and promoting practices that promote ecosystem health rather than destroy it. We have an opportunity to allow water to flow in Wiya't to restore historic steelhead, salmon, and eel runs; and

WHEREAS, existing conditions as put forth in this statement warrant the proclamation of emergency; and

NOW THEREFORE BE IT IS HEREBY PROCLAIMED that an emergency now exists throughout Wiyot Ancestral lands, we believe that federal and state agencies should be engaged with preparations for this crisis and begin taking appropriate actions for the probability of a dangerous situation being created in the local rivers; and

IT IS HEREBY PROCLAIMED AND ORDERED that said emergency shall be deemed to continue to exist until its termination is proclaimed by the Wiyot Tribal Council.

C-E-R-T-I-F-I-C-A-T-I-O-N

This is to certify that Resolution #21-12 was approved by telephone of the Wiyot Tribe Tribal Council on Monday, June 14, 2021, at which a quorum was present and that this Resolution was adopted by a vote of 12, 12, 0, 0, Abstentions. This Resolution has not been rescinded or amended in anyway.

Ted Hernandez, Chair

ATTEST: Marnie Atkins, Secretary