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BEFORE THE STATE WATER RESOURCES CONTROL BOARD**In the matter of Douglas and Heidi Cole
and Marble Mountain Ranch - Waste and
Unreasonable Use Hearing****Declaration of Leaf Hillman in Support
of Order Finding Waste and
Unreasonable Use and Public Trust
Violations****I. Statement of Qualifications**

My name is Leaf Hillman and I am the Natural Resources Director for the Karuk Tribe. The Karuk Tribe is the second largest federally recognized Indian Tribe in California with over 3,600 members. Our aboriginal territory is located immediately downstream of the Klamath River dams and spans large portions of Siskiyou and Humboldt Counties in Northern California.

I was born on the Klamath River and have lived on it my entire life. I am a hereditary dance owner and ceremonial leader responsible for carrying on our ancient traditions of Piky'avish or World Renewal Ceremonies. Every year since the beginning of time, Karuk People have remade the world through these ceremonies handed down to us by the Creator where we pray for all things and all the peoples of the earth. So for my People, these issues are not just about fish or water but about something far deeper and more meaningful. Our physical health, our spiritual health, and our cultural identity are intimately tied to the ecological integrity of the Klamath River Basin.

For most of the past 30 years, I have consistently served as either the Director of the Karuk Natural Resources Department, an elected council member, or at times, both. I have overseen the Karuk Tribe's effort to implement on the ground habitat restoration projects as well as been

directly engaged at the highest levels of government in policy development aimed to protect and restore Klamath fisheries.

II. Testimony

The Karuk traditionally lived in over 120 villages and subsisted on the bountiful runs of salmon, steelhead, and lamprey in the rivers and the abundance of acorns, mushrooms, deer, and many other native plants and animals in the forests. The productivity of the natural landscape enabled the Karuk to develop a sophisticated culture replete with its own currency, basketry, natural resource management practices, and ceremonial structure. Trade networks were well established with neighboring tribes in the area. The productivity of the landscape and the Karuk's sophisticated civilization inspired historian Arthur McElvoy to describe the Karuk at the time of contact with Europeans as "...at once the wealthiest of all California Indians in terms of disposable resources and the most specialized economically."

In the 1850s, the traditional Karuk lifestyle ended suddenly and violently with the onset of the California gold rush. As miners moved into Northern California to stake their claims – and as the U.S. Cavalry moved in to ensure miners' safety – Karuk People were murdered, massacred, and enslaved. Many who escaped the violence fell to disease or starvation. Whole villages were burned and the life giving Klamath watershed was damaged by hydraulic mining and mercury contamination. Still many Karuk remained in our traditional territory, refusing to succumb to the violence and oppression of the invaders.

The gold rush was only the beginning. For over 160 years, the economy and politics of the middle Klamath River region was driven by the quest to extract natural resources; gold and copper mining operations were soon followed by the hydropower industry which constructed a series of dams between 1918 and 1962; the timber industry peaked in the mid- 20th century; industrial agriculture has dewatered the river increasingly over the past 100 years; and today the middle Klamath is a destination for illicit marijuana growing operations which pose a new set of environmental and social problems

Today the middle Klamath River region remains unhealed from the devastating effects of this series of disruptions to social, economic, and natural systems. Historically, Klamath River

salmon runs numbered up to a million returning adults per year. (Hamilton, Crutis, Snedaker, & White, 2005). Today, runs are a fraction of this with some runs of salmon, such as chum and pink salmon, extirpated from the Klamath system altogether, and others such as coho salmon on the Endangered Species List.

The cumulative effects of mining, destructive logging practices, irrigation diversions, dam building, and the attempted genocide can be seen in Karuk communities today. In contrast to McElvoy's observation that the Karuk were "...at once the wealthiest of all California Indians in terms of disposable resources," today the Karuk experience poverty at alarming rates. According to a recent government report, 91% of Karuk Tribal members in Klamath River communities live below the poverty line. (U.S. Department of Interior, Bureau of Indian Affairs, 2005).

The dramatic decline in fisheries also affects our physical health by denying Karuk People access to healthy foods. Before contact, research indicates that the average Karuk consumed over a pound of salmon, per person, per day. Today, the average Karuk living along the river consumes less than 5 pounds of salmon in a year. Thus, the decline in fisheries has led to a rapid shift in diet for Karuk People from fish to what is available through government food programs. The result of this altered diet is that today, the diabetes rate among the Karuk is 21%, nearly 4 times the national average. Similarly, the rate of heart disease is 39%, or 3 times the national average. (Norgaard, 2005).

As previously noted, the reasons for the decline in Klamath River fisheries is manifold; however, so are our efforts to restore and protect our fisheries. Thus, we are committed to identifying and addressing every illegal and/or ecologically questionable land use practice in the Klamath. For many years, it has been apparent to me, local tribal members, staff biologists, and staff from state and federal agencies that Marble Mountain Ranch (MMR) diversion is having a significant negative impact on Stanshaw Creek and ultimately destroying an important cold water refuge for Coho, Chinook, and Steelhead.

Despite years of discussions with the Cole family and several attempts at collaborative solutions, Mr. Cole has continued to divert large volumes of water from a relatively low volume creek in

exceedance of his needs and at the expense of Karuk fisheries. In addition, the diverted water is returned not to the creek of origin but to Irving Creek.

We live in a remote rural area with a very low population density. In the Mid-Klamath basin, good relationships with neighbors is more than an amenity, it's a practical necessity as we all face natural disasters such as floods, rock slides, wildfires, and winter storms together often with a slow response from state and federal agencies. Thus, I personally and through the Karuk Tribe as a tribal government have worked diligently to solve the Stanshaw Creek issue through neighborly collaboration as opposed to agency action. However, after more than 12 years of failed efforts its time that the Water Board step in to protect what is a tribal trust resource as well as a public trust resource for all Californians.

III. Affirmation

I declare under penalty of perjury to the laws of the State of California that the foregoing is true and correct.

/s/ Leaf Hillman

Works Cited

- Hamilton, J. B., Curtis, G. L., Snedaker, S. M., & White, D. K. (2005, April). Distribution of Anadromous Fishes in the Upper Klamath River Watershed Prior to Hydropower Dams - a Synthesis of the Historic Evidence. *Fisheries*, 10-20.
- Kann, J. (2006). *Microcystis aeruginosa Occurrence in the Klamath River System of Southern Oregon and Northern California*. Ashland, OR: Aquatic Ecosystem Sciences LLC.
- McElvoy, A. (1986). *The Fisherman's Problem*. New York: Cambridge University Press.
- Norgaard, K. (2005). *The Effects of Altered Diet on the Health of Karuk People*. University of California, Davis, Sociology.

