

P R E S S R E L E A S E

**Yurok Tribe • Pacific Coast Federation of Fishermen's Associations •
Institute for Fisheries' Resources • Earthjustice**

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Yurok Tribe and Fishermen Sue to Protect Klamath Salmon *Federal Agency Cuts Flows as the Largest River Restoration Project Begins*

San Francisco, CA – Last week, the Yurok Tribe, with the Pacific Coast Federation of Fishermen's Associations (PCFFA) and the Institute for Fisheries Resources (IFR), sued the Bureau of Reclamation (BOR) to ensure enough water will remain in the Klamath River to protect threatened coho salmon and endangered resident killer whales.

In February, BOR reduced Klamath River flows below the mandatory minimum required to preserve extremely at-risk coho salmon stocks. The water reduction will dry up critical habitat for juvenile coho and Chinook or king salmon. Federal fisheries managers are poised to shut down the ocean commercial salmon fishing season in California due to this year's dismal Chinook salmon forecast on the Klamath River. The Yurok Tribe will be canceling its commercial fishery for the fifth consecutive year to protect fish runs.

"The flow reduction is unacceptable and unjustifiable given this winter's heavy rainfall," said Yurok Vice Chairman Frankie Myers. "Dropping flows below the bare minimum is the nuclear option. We repeatedly asked BOR to take a more measured approach to water management, but they refused to listen. Our only recourse was to petition the court to reverse this terrible decision and protect our salmon."

The Yurok Tribe, whose culture and livelihood depend on the Klamath River and its salmon, joined with the Pacific Coast Federation of Fishermen's Associations (PCFFA) and Institute for Fisheries Resources (IFR), two major fishing industry groups, to file the lawsuit to protect the salmon that are the foundation of their members' ways of life and of the coastal fishing economy.

The lawsuit claims the U.S. Bureau of Reclamation (BOR) failed to meet its obligation to protect salmon and orcas under the Endangered Species Act and seeks to stop water deliveries for irrigation until the agency complies with minimum water flow requirements for the river required by the ESA to ensure the species' survival.

Reducing Klamath River flows below the mandatory minimum will damage the rearing habitat of juvenile salmon and dewater salmon redds. The lawsuit aims to force BOR to meet river flows as directed by the salmon Biological Opinion, which is based on the best available science.

BOR is the federal agency that built and manages the Klamath Irrigation Project to provide irrigation deliveries to 225,000 of agricultural lands that were once wetlands and lakes. The Project was built in the early 20th century.

BOR created the shortfall when it increased water deliveries to agricultural users last year, despite the risk to salmon. Then, BOR claimed there wasn't enough water in the lake to meet ESA needs this year and dropped river flows 16% below the minimum required by the Endangered Species Act. BOR also failed to consult with the National Marine Fisheries Service (NMFS), the federal agency tasked with protecting salmon under the ESA, when it decided to violate its plans by going below minimum flows.

"We are deeply disappointed by the BOR's decision to cut river flows. We just broke ground on the biggest salmon restoration project in history and BOR's actions threaten to undermine this progress," said Amy Cordalis, legal counsel for the Yurok Tribe and a tribal member. "The Klamath River and its salmon are essential to our culture and our way of life. We will not stand idly by while our river and our fish are put at risk."

Dams currently block salmon from over 400 miles of historical habitat upstream. The removal of four Klamath River dams and restoration of 38 miles of river between the dams is already underway. Dam removal will restore fish passage, improve water quality, and restore habitat along the river. The project is a collaborative effort between the federal government, the states of California and Oregon, and various stakeholders, including Klamath Basin Tribes, environmental and fishing organizations, and local communities.

Tragically, however, these restoration efforts could fail if salmon are not protected while the dams are being removed and habitat is being restored. Recent low salmon numbers in the region underscore the importance of maintaining minimum river flows in the Klamath.

"The Bureau of Reclamation is harming salmon and violating the ESA even as West Coast salmon fisheries are closing because of poor Klamath stocks," said Patti Goldman, senior attorney at Earthjustice, who filed the lawsuit with the Tribe's Counsel. "Salmon cannot afford another year of mismanagement."

"The Bureau of Reclamation is jeopardizing the very existence of ESA-protected salmon throughout the lower river with this illegal water grab," said PCFFA/IFR Executive Director Glen

Spain. “When the National Marine Fisheries Service (NMFS) Biologists set the ‘minimum flows necessary to prevent extinction,’ they meant what they said. That minimum has to be the lowest these flows should go – not 16% below that minimum. Minimum means minimum, and it's simply not optional if these fish are to survive.”

Very low salmon runs from the Klamath have triggered widespread ocean fisheries closures like we are seeing this year – closing down coastal salmon-dependent communities and costing them hundreds of millions of dollars in economic losses. Both coastal and Tribal in-river salmon fisheries have been closed or severely restricted in most recent years for lack of enough water left in the river to sustain salmon. This illegal Bureau water grab will prevent the fish runs and salmon-based economies from recovering.

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Editor's Notes:

The Plaintiff's Motion for Preliminary Injunction can be viewed [here](#).

The Plaintiff's Supplemental Complaint can be viewed [here](#).