

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of Tuesday, May 2, 2000

**SUBJECT: THE KLAMATH RIVER BASIN FISHERY RESOURCES
RESTORATION ACT (SUPERVISOR KIRK)**

ACTION: Authorize the Chairman to sign the attached letter to the Honorable Wally Herger, stating this Board's support of House Resolution 2854 and the efforts of the Karuk Tribe of California to gain federal acknowledgment of their traditional and ceremonial fishery.

Adopted on motion by Supervisor Kirk, second by Supervisor Woolley, and the following vote:

AYES: Supervisors Rodoni, Woolley, and Kirk

NAYS: None

ABSENT: Supervisor Dixon (at Board of Forestry in Sacramento) and Supervisor Neely

ABSTAIN: None

STATE OF CALIFORNIA)

County of Humboldt)

s.s.

I, **LORA CANZONERI**, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

pc: Board Assistant
Fish and Game Advisory Commission

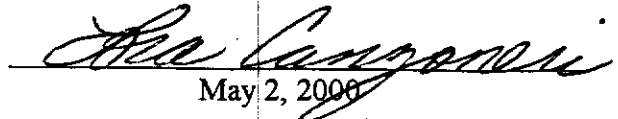
attachment

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

LORA CANZONERI

Clerk of the Board of Supervisors of the
County of Humboldt, State of California

(H-1)


May 2, 2000



BOARD OF SUPERVISORS

COUNTY OF HUMBOLDT

825 5TH STREET

EUREKA, CALIFORNIA 95501-1153 PHONE [707] 476-2390 FAX [707] 445-7299

cc: M. Peters, Karuk
Chand-delivered
COB (#H-1)
P. Kirk
J. Woolley
-T. 5/2/00

The Honorable Wally Herger
Attn: Derek Harley
2433 Rayburn House Office Building
Washington, D.C. 20515-0502

May 2, 2000

Dear Congressman Herger:

The Humboldt County Board of Supervisors, at its May 2, 2000 meeting voted unanimously to support H.R. 2875 and the efforts of the Karuk Tribe of California to gain federal acknowledgment of their traditional and ceremonial fishery. The Board supports these efforts with the understanding that the historical and ancestral Karuk Tribal fishing activities take place at Ishi Pishi Falls near Somes Bar using dip and trigger nets. This should be reflected in the final language of the bill.

Representatives of the Karuk Tribe of California have come before this Board to provide testimony and documents reflecting the critical fisheries management issue this bill will address. After reviewing the information provided by the Tribe and others, the Board concurs with the State of California Department of Fish and Game Commission and the Siskiyou County Board of Supervisors, and the efforts of your office to recognize the Karuk fishery as a Tribal fishery for management purposes and regulating such fishery under the federal purview.

In responding to the Karuk Tribe of California's request, the Humboldt County Board of Supervisors also acknowledges the Klamath River intertribal issues with regard to allocation of the in-stream Tribal fishery. It is not our intention to intervene in the inter-tribal allocation process by supporting this bill. Although, we further recognize that a solicitor's review is currently underway, as requested by the Bureau of Indian Affairs, which will provide a legal opinion, scope and nature of the Karuk Tribal fishery. The Karuk tribal fishery is an historic and ancestral practice, and is the primary basis of Humboldt County's support.

Sincerely,
HUMBOLDT COUNTY BOARD OF SUPERVISORS


ROGER RODONI, Chair

RR/tm

cc: File - Board-Directed

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of Tuesday, April 18, 2000

SUBJECT: THE KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT (SUPERVISOR KIRK)

ACTION: Authorized Supervisors Woolley and Kirk to meet with the Hupa, Karuk, and Yurok tribe representatives to discuss issues pertaining to said act, and then bring back a recommendation to the full Board on May 2, 2000.

Adopted on motion by Supervisor Woolley, second by Supervisor Kirk, and the following vote:

- AYES: Supervisors Dixon, Rodoni, Woolley, Neely, and Kirk
- NAYS: None
- ABSENT: None
- ABSTAIN: None

STATE OF CALIFORNIA)
County of Humboldt) s.s.


I, LORA CANZONERI, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

pc: ~~Hold File~~
Board Assistant
Supervisor Kirk
Supervisor Woolley

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

LORA CANZONERI

Clerk of the Board of Supervisors of the County of Humboldt, State of California


April 18, 2000

**Humboldt County Board of Supervisors
Agenda Item Transmittal**

TIME SET

From: Supervisor Kirk
Meeting Date: April 18, 2000
Time Required: 15 Minutes

Contact for Information

Name: Teresa MacClelland
Telephone: 476-2390

F-1

Subject: Review and Consider the Karuk Tribe of California's Request to have the Humboldt County Board of Supervisors support of HR 2875, the Klamath River Basin Fishery Resources Restoration Act

Summary: The Karuk Tribe of California is seeking Federal acknowledgment of tribal rights to the salmon fishery on the Klamath River. The Karuk Tribe of California is requesting the Board's support. (Refer to the attachments.)

Requested Action: Review Request and Take Appropriate Action



Signature

FOR OFFICIAL USE ONLY

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor
Seconded by Supervisor
and unanimously carried by those members present, the
Board hereby approves the recommended action contained
in this Board report.

Dated: APR 18 2000

LORA CANZONERI
Clerk of the Board

By: _____

Lora Canzoneri

Karuk Tribe of California



Administrative Office
64236 Second Ave. • P.O. Box 1016
Happy Camp, CA 96039
(530) 493-5305 Fax (530) 493-5322

Karuk Tribal Health Clinic
64236 Second Ave. • P.O. Box 1016
Happy Camp, CA 96039
(530) 493-2201 Fax (530) 493-5364

FAX COVER SHEET

Total Number of Pages(including cover sheet): 12

To: John Wooley & Paul Kirk, Humboldt County Supervisors From: Maggie Peters, Self-governance

Fax #: 707 445 7299 Fax #: _____

Date: 3/30/00 Time: _____

Comments/Instructions: The following documents will be helpful in background information until I have the opportunity next week to provide the entire packet. Enclosed is the proposed bill (HR 2875), support documents - in chronological order - from Congressional offices, State & County officials.

Hard Copy Will: See you soon.

- Follow via Standard US Mail
- Follow via Federal Express
- Follow via Hand Delivery w/ other materials on Wed. 4/6/00
- NOT Follow

CONFIDENTIALITY NOTICE:
The document accompanying this telecopy transmission contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking action in reliance on the content of this telecopied information is strictly prohibited. If you have received this telecopy in error, please notify us by telephone at (530) 493-5305 to arrange for the return of the original documents to the Karuk Tribe of California. Thank You.

SRA.7/99

106TH CONGRESS
1ST SESSION

H. R. 2875

To amend the Klamath River Basin Fishery Resources Restoration Act to provide for tribal representation on the Klamath Fishery Management Council, to clarify allocation of the annual tribal catch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 1999

Mr. HERGER introduced the following bill; which was referred to the
Committee on Resources

A BILL

To amend the Klamath River Basin Fishery Resources Restoration Act to provide for tribal representation on the Klamath Fishery Management Council, to clarify allocation of the annual tribal catch, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. KLAMATH RIVER BASIN FISHERY RESOURCES**

4 **RESTORATION ACT.**

5 (a) FINDINGS.—Section 1 of the Klamath River
6 Basin Fishery Resources Restoration Act (16 U.S.C.
7 460ss), is amended—

1 (1) in paragraph (8), by striking "and" at the
2 end;

3 (2) in paragraph (9), by striking the period and
4 inserting "; and"; and

5 (3) by adding at the end the following new
6 paragraph:

7 "(10) the Karuk Indian Tribe's fishery on the
8 Klamath River is a federally recognized and feder-
9 ally protected Indian fishery subject to such laws
10 and regulations as are otherwise applicable to Indian
11 tribal fisheries on the Klamath River."

12 (b) COUNCIL MEMBERSHIP.—Section 3(c) of the Act
13 (16 U.S.C. 460ss-2(c)), is amended—

14 (1) in the first sentence by striking "11" and
15 inserting "12"; and

16 (2) by adding at the end the following new
17 paragraph:

18 "(6) A representative of the Karuk Indian
19 Tribe who shall be appointed by the governing body
20 of the tribe."

21 (c) CLARIFICATION OF ALLOCATION.—The Act (16
22 U.S.C. 460ss) is further amended by adding at the end
23 the following new section:

1 **"SEC. 9. ALLOCATION OF ANNUAL CATCH.**

2 "The Karuk Tribe's annual catch yielded through the
3 tribal fishery on the Klamath River shall be part of the
4 tribe's in-river tribal allocation."

COMMITTEE ON RESOURCES

RANKING DEMOCRATIC MEMBER,
SUBCOMMITTEE ON FISHERIES CONSERVATION,
WILDLIFE AND OCEANS

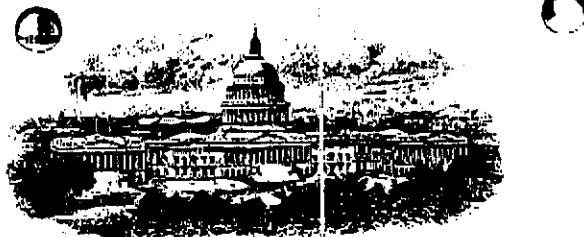
SUBCOMMITTEE ON ENERGY AND
MINERAL RESOURCES

**COMMITTEE ON INTERNATIONAL
RELATIONS**

SUBCOMMITTEE ON ASIA-PACIFIC AFFAIRS
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS/HUMAN RIGHTS

**NATIONAL GUARD AND
RESERVE COMPONENTS CAUCUS**

VICE-CHAIR



Congress of the United States

House of Representatives

Washington, D.C. 20515-5201

November 24, 1999

ENI F.H. FALCOMAVAEGA

AMERICAN SAMOA

WASHINGTON OFFICE
2422 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-5201
(202) 225-8577
(202) 225-8767 (FAX)

DISTRICT OFFICE
P.O. DRAWER X
PAGO PAGO, AMERICAN SAMOA 96799
(684) 833-1372
(684) 833-2680 (FAX)

REC'D NOV 30 1999

Mr. Alvis Johnson
Tribal Chairman
Karuk Tribe of California
P.O. Box 1016
Happy Camp, California 96039

Dear Chairman Johnson,

Alvis

Thank you for your letter in which you explained the problem the Karuk Tribe of California is having in obtaining a fish allocation within the overall Native American allocation for the Klamath River. Enclosed with your letter was a copy of H.R. 2875, a bill introduced by Congressman Wally Herger to address this problem.

On September 22, 1999, H.R. 2875 was referred to the House Subcommittee on Fisheries Conservation, Wildlife and Oceans. As the Senior Democrat on that subcommittee, I will participate in any hearings on the bill and will give it careful consideration. If you have not done so already, I recommend that you write to the Chairman of the subcommittee, Congressman Jim Saxton, and request that a hearing be held on H.R. 2875.

With kindest regards,

Regards
Sincerely,

Eni Falcomavaega
ENI F. H. FALCOMAVAEGA
Member of Congress

EFHF:mry

email: falcomavaega@mail.house.gov
home page: http://www.house.gov/falcomavaega/

NOV-08-99 15:58 From:

WALLY HERGER

7th DISTRICT, CALIFORNIA

PLEASE REPLY TO

- WASHINGTON OFFICE:
2433 RAYBURN HOUSE OFFICE BUILDING
(202) 725-3078
- DISTRICT OFFICES:
- 58 INDEPENDENCE CIRCLE, SUITE 104
CHICO, CA 95973
(530) 893-0383
- 410 HEMSTED DRIVE, SUITE 115
REDDING, CA 96002
(530) 223-5898



Congress of the United States
House of Representatives
Washington, DC 20515-0502

T-917 P 02/14 Job-733

COMMITTEE ON
WAYS AND MEANS

COMMITTEE ON
THE BUDGET

October 22, 1999

The Honorable Jim Saxton
Resources Subcommittee on Fisheries Conservation,
Wildlife and Oceans
H1-805 O'Neill HOB
Washington, D.C. 20515

Dear Jim:

As you may know, I have introduced legislation on behalf of the Karuk Tribe -- HR 2875. The legislation seeks to amend the Klamath River Basin Fishery Resources Restoration Act to acknowledge the Karuk Fishery as a "Tribal Fishery" for the purpose of determining where the Karuk's annual take on the Klamath River will be counted and for management of the fishery. In addition, the legislation will provide for tribal representation on the Klamath Fishery Management Council. It has been referred to the Committee on Resources, and it is my understanding that your Subcommittee will have jurisdiction to hear the matter. I would greatly appreciate your assistance and support as we work to successfully move the bill through the legislative process.

By way of background, the Karuk Tribe is a historic, indigenous tribe to the upper Klamath River in the Northern California District I represent, and it has administered its fishery for ceremonial and subsistence purposes throughout the Tribe's history. Probably because of a mere oversight in Federal law, the Karuk Fishery has never been statutorily recognized as a Federal Tribal Fishery. As a result, the Karuk fishery has traditionally been counted against the sport fishing allocation on the river, rather than against the in-river tribal allocation.

It is my understanding that the State of California, by and through the California Fish and Game Commission, endorses federal acknowledgment of the Karuk Fisheries. Further, the Sacramento Area Office of the Bureau of Indian Affairs has recognized that the Karuk Fishery is "an essential ongoing aspect of the Karuk culture which is necessary for the livelihood and continued cultural existence of the Karuk people." Although a Solicitor's decision is pending, the Sacramento office stated that acknowledgment is the "necessary and appropriate action at this time." In addition, the local Siskiyou County Board of Supervisors concurs that recognizing the Karuk Fishery as a Federal Tribal Fishery would enable more effective management of the fisheries of the Klamath Basin.

The Honorable Jim Saxton
Page 2 of 2

I have also been informed that a number of federal agencies, including the Department of Interior, U.S. Fish and Wildlife Service, Department of Agriculture and the Environmental Protection Agency, have continually acknowledged the Karuk Tribal Fishery through funding and resource management agreements.

I respectfully request your assistance as we work to advance this important legislation. Please don't hesitate to contact me or Derek Harley of my staff if you have any further questions.

Sincerely,



WALLY HERGER
Member of Congress



COUNTY OF SISKIYOU

Board of Supervisors

P.O. Box 338 • 311 Fourth Street
Yreka, California 96097

(530) 842-8081
(888) 854-2000 ext. 8081
FAX (530) 842-8093

May 18, 1999

Congressman Wally Herger
Attn: Dallas Skohl
2433 Rayburn House Office Building
Washington, DC 20515-0502

Honorable Congressman Herger:

The Karuk Tribe has submitted documentation to the Siskiyou County Board of Supervisors regarding the acknowledgment of the Karuk fishery as a "Tribal Fishery" for the purpose of determining where the Karuk annual take will be counted, and for the purpose of management of the fishery. The Karuk Tribe has also submitted a copy of the long term plan of the Klamath Fishery Management Council, adopted in 1992, in which an amendment was required to seat a Karuk representative on the Council.

In 1994 there was an Interior Department solicitor's opinion that divided in-river fishery with 50% of the allocation being Tribal and 50% allocated to the sport fishery. In order to effectively manage the fisheries of the Klamath River Basin, the Karuk fishery, which has never been counted against the allocation, needs to be included in the in-river Tribal allocation, as opposed to the sport fishing or other purposes. The information submitted by the Tribe also included a letter from the Bureau of Indian Affairs, Sacramento Area Director, and the State of California Department of Fish and Game Commission stating that the Karuk fishery is a Tribal fishery.

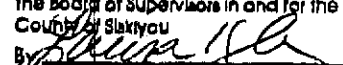
After reviewing the documentation, the Siskiyou County Board of Supervisors concurs with the Bureau of Indian Affairs, Sacramento Area Director, and the State of California Department of Fish and Game Commission that the Karuk fishery is a Federal Tribal fishery for all management purposes, and that the Karuk fishery should be treated in the same manner as the other Tribal fisheries.

Sincerely,
SISKIYOU COUNTY BOARD OF SUPERVISORS


LaVada Erickson, Chair

This instrument is a correct copy of the original on file in this office.

ATTEST:
COLLEEN BAKER

County Clerk and ex-officio Clerk of
the Board of Supervisors in and for the
County of Siskiyou

Deputy

JOAN T. SMITH
District 1

LA VADA ERICKSON
District 2

BILL HOY
District 3

JERRY GIARDINO
District 4

KAY M. BRYAN
District 5



IN REPLY REFER TO
Water & Land Resources
Fish, Wildlife & Recreation

RECEIVED **United States Department of the Interior**

APR 23 AM 9:05 BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20248

SACRAMENTO
AREA OFFICE

Mile Amy



AREA DIRECTOR	<i>How Cray</i>
AREA DIRECTOR	
ADMIN	
ROUTE	<i>FA</i>
RESPONSE REQUIRED	
DUE DATE	
MEMO	LTR
TELE	OTHER

APR 16 1999

Memorandum

To: Associate Solicitor - Indian Affairs

From: Director, Office of Trust Responsibilities

Subject: Karuk Tribal Fishing Rights

signed **Terrance L. Virden**

Copies of a February 12, 1999, letter from the Karuk Tribe (Tribe) of California (Attachment 1), and an April 1, 1999, memorandum from the Area Director, Sacramento Area Office of the Bureau of Indian Affairs (Attachment 2) support federal acknowledgment of the Karuk tribal fisheries conducted in the Klamath River in northern California. We met with officials of the Tribe on April 13 to discuss this issue, and agreed to forward their request for federal acknowledgment to your office for an opinion.

Through his March 7, 1994, opinion (Attachment 3), the Associate Solicitor - Indian Affairs concluded that the Karuk fishery was not conducted pursuant to federally reserved Indian fishing rights, but, instead, has been conducted off-reservation pursuant to agreements between the Tribe and the State of California. The Associate Solicitor noted that off-reservation Indian fishing rights must be created by express language and do not arise by implication. He further noted that the Tribe did not have an historic reservation or trust lands set aside for fishery purposes.

According to materials prepared by the Tribe (Attachment 4), and since the Associate Solicitor Opinion was issued, the Karuk Tribe has acquired trust lands along the Klamath River, including lands adjacent to its traditional fishing site at Ishi Pishi Falls. Tribal officials believe that their fishing rights are now comparable to those exercised by the Yurok and Hoopa Valley Tribes.

In light of these recent developments, we request your review of the Tribe's and Sacramento Area Director's request for federal acknowledgment of the Karuk Tribe's fishery.

Attachments

cc: Sacramento Area Director
Chairperson, Yurok Tribe

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To: <i>Maggie Peters</i>	From: <i>Amy Dutschke</i>
Dupt. Agency	Phone #
Fax #	Fax #

NSN 7540-01 917-7466

5089-101

GENERAL SERVICES ADMINISTRATION

COMMISSIONERS
Richard T. Thieriot, President
San Francisco
Michael Chrisman, Vice President
Visalia
Douglas B. McGeoghegan
Maxwell
Frank D. Boren
Inverness

GRAY DAVIS
Governor



ROBERT K. TREANOR
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax

STATE OF CALIFORNIA

Fish and Game Commission

RECEIVED APR 15 1999

April 9, 1999

Mr. Kevin Gover
Assistant Secretary - Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr Gover:

The California Fish and Game Commission (Commission) is aware that the Karuk Tribe of California has requested your office for Federal Acknowledgment of its fishery on the Klamath River. The Commission is supportive of that request as the need to clarify Karuk Tribal fishing rights on the Klamath River is long overdue.

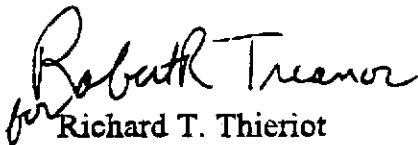
As background, the Karuk Tribe is an indigenous tribe to the Klamath River in Northern California, and it continues to administer its fishery as it has done throughout its history. In fact, different agencies within the federal government have continually acknowledged the Karuk Tribal fishery through funding and resource management agreements with the Department of the Interior, U. S. Fish and Wildlife Service, Department of Agriculture and the Environmental Protection Agency. However, it has been brought to the Commission's attention that the Karuk tribal fishery has not been addressed in statute, which we assume has been merely an oversight.

It is critical that an immediate clarification of the federal status of the Karuk Tribal fishery be made. As the numbers of fish returning to the river to spawn is reduced from historic levels, the entitlement of the Klamath River fall chinook salmon to the tribes becomes more critical. It has become obvious to the Commission that the Karuk Tribal fishery is more appropriate under the purview of federal jurisdiction. Therefore, the Commission urges the Department of the Interior expedite federal acknowledgment of the Karuk Tribal fishery to correct the long standing oversight.

Mr. Kevin Gover
April 9, 1999
Page 2

The Commission appreciates the opportunity to provide its support and recommendation regarding the Karuk Tribe's request. If you have any questions, please contact Mr. Robert Treanor, Executive Director of the Commission at (916) 653-4899.

Sincerely,


Richard T. Thieriot
President

cc: All Commissioners
Director Robert C. Hight
LB Boydston, Intergovernmental Affairs Office
Ron Jaeger, BIA, Sacramento
Alvis Johnson, Chairman, Karuk Tribe
Crow Munk, Self-Governance Director, Karuk Tribe
National Marine Fisheries Service
U.S. Fish and Wildlife Service
Randall Christison, Deputy Attorney General

FAXED
4-1-99



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825



APR - 1 1999

MEMORANDUM

To: Assistant Secretary - Indian Affairs
Attention: Director, Office of Trust Responsibilities

From: Area Director, Sacramento Area Office

Subject: Federal Acknowledgement of the Fishery of the Karuk Tribe

Attached are documents and correspondence from the Karuk Tribe of California which support a request for Federal Acknowledgment of the Tribe's Fisheries. Approval of this request would remedy the long standing oversight of the Tribe's resource and clarify Karuk tribal fishing rights on the Klamath River.

As you are aware, the Karuk Tribe is an historic, indigenous Tribe to the upper Klamath River in Northern California and currently operates and administers programs and services under compact with the Department of the Interior in accordance with PL 103-413, as amended. While the fishery has not been addressed in statute, the past and current existence of tribal management of the fishery has continually been acknowledged through funding and resource management agreements with the Department of the Interior, U.S. Fish and Wildlife Service, Department of Agriculture and the Environmental Protection Agency.

The State of California, represented by the California Fish and Game Commission, endorses Federal acknowledgement of the Karuk Fisheries and concurs that this issue is appropriately under the purview of Federal jurisdiction. The National Marine Fisheries Service, represented by the Southwest Regional Office, is also in concurrence that immediate clarification as to the Federal status of the Karuk fishery is essential.

The Sacramento Area Office is aware that the Karuk Fishery is an essential ongoing aspect of the Karuk culture which is necessary for the livelihood and continued cultural existence of the Karuk people. We feel that acknowledgement is the necessary and appropriate action at this time. We request your advice and assistance in this process of securing an administrative determination of the acknowledgement of the Karuk Fishery.

Your consideration of this request will be appreciated. Please contact Mike Smith, Deputy Area Director, (916) 979-2600, ext. 226, if there are any questions regarding this memorandum.

Attachments