



Hoopa Valley Tribal Council

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FOR IMMEDIATE RELEASE

Federal Judge Denies Westlands Water District Request for Temporary Restraining Order

Additional Water Will Continue to be Released Into the Trinity River to Prevent A Fish Disease Outbreak in the Lower Klamath River

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The Hoopa Valley Tribe (HVT) is relieved to announce that The East District of California U.S. District Court, Judge Lawrence O'Neill, denied a Temporary Restraining Order filed by Westlands Water District and the San Luis and Delta Mendota water Authority.

The denial, issued Wednesday afternoon, locks in a Bureau of Reclamation (BOR) plan to send additional water down the Trinity River to prevent a fish disease outbreak in the Lower Klamath River due to the early detection of the fish disease known as Ich—disease causing parasites found to be lethal to fall run Chinook salmon.

The HVT and Humboldt County had requested that BOR release preventive flows under authority of a 1959 Contract between BOR and Humboldt County that calls for release of 50,000 Acre-Feet of water to be released annually for use by 'Humboldt County and downstream water users'. Further, the HVT developed a scientific proposal to release the water that was ultimately endorsed by BOR. However, BOR has never released this water until this year which would mark the first year that BOR has honored its contract with the Humboldt County as described in a legal Solicitor's Opinion released by Interior on December 23, 2014.

Flows began to increase on August 21 and will continue through September 20 at the target flow rate of 2,800 cubic feet per second (cfs) at the KNK gage located in the Lower Klamath River. Emergency doubling of flows could be triggered should preventative flows be unsuccessful at staving off a fish disease outbreak.

Reclamation's augmentation flow plan stems from the need and urging of the HVT to implement similar plans over the past several years to prevent a repeat of the 2002 Fish Kill where an estimated 60,000 Fall Run Chinook Salmon perished from disease exacerbated by low flows and warm water.

"This time, Reclamation responded more quickly to the requests of the HVT to increase flows in order to prevent a fish kill in the lower Klamath," Hoopa Valley Tribal Chairman, Ryan Jackson said. "We knew Westlands would file for a Temporary Restraining Order to block the flows. We filed our Response on Friday, August 21 and are please with the outcome, however, we are in need of a long-term solution to this recurring problem."

HVT Fisheries Department Director, Mike Orcutt was pleased with the legal victory which was a culmination of years of policy and legal advocacy by the HVT with the acknowledgement of the legal entitlement to this water for the benefit of Humboldt County and the north coast communities that rely upon the Trinity River fishery. He was also pleased with BOR and the Court acceptance of the science that was in the HVT fishery protection proposal.

A copy of the August 26, 2015 Ruling can be found here:

<http://www.indybay.org/newsitems/2015/08/26/18776696.php>

A copy of the Augmentation Flow Plan can be found here:

http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=22771

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