



**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, Gidughurralilh (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 Plhut Gasamuli'm (Little River) in the north to Tsakiywut (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 Gidughurralilh (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), tswal (steelhead), ba'm (green sturgeon), and gou'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 Gidughurrallih (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

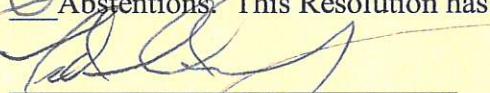
**WHEREAS**, we have an opportunity to restore the health of Wiya't by practicing stewardship and promoting practices that promote ecosystem health rather than destroy it. We have an opportunity to allow water to flow in Wiya't to restore historic steelhead, salmon, and eel runs; and

**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.

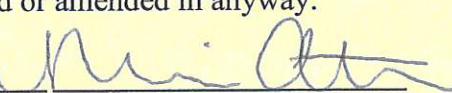
**C-E-R-T-I-F-I-C-A-T-I-O-N**

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 6 HIH, 0 KIYOWL, 0 Abstentions. This Resolution has not been rescinded or amended in anyway.



**Ted Hernandez,**  
Chair

**ATTEST:**



**Marnie Atkins,**  
Secretary