Indian Affairs - Office of Public Affairs

Media Contact: Bob Walker (202) 208-6416
For Immediate Release: October 6, 1993
Print PDF

The Interior Department today released a legal opinion that two California Indian tribes are entitled to enough Klamath-Trinity basin salmon to support a moderate living standard, or 50 percent of the harvest, whichever is less.

The opinion, signed by Interior Solicitor John D. Leshy, notes that when the Hoopa Valley and Yurek Reservations were created, the U.S. government reserved a federally protected fishing right for the two tribes.

The opinion concludes that "the entitlement of the Yurok and Hoopa Valley Tribes is limited to the moderate living standard or 50 percent of the harvest of Klamath-Trinity basin salmon, whichever is less. Given the current depressed condition of the Klamath River basin fishery, and absent any agreement among the parties to the contrary, the Tribes are entitled to 50 percent of the harvest."

"This clearly underscores the need to restore the region's fisheries to healthy levels," said Betsy Rieke, Assistant Secretary of the Interior for Water and Science. "The allocation of the salmon is controversial only because of depressed salmon resources."

Restoration plans have been prepared for both the Klamath and Trinity drainages, and the Interior Department is working to find the funding necessary to carry out comprehensive restoration of the watershed, aimed in part at reviving salmon populations.

"While this opinion correctly focuses on the size of different 'slices of the pie,'" said Rieke, speaking of salmon allotments, "the Department's resources are primarily directed at how we can make that pie grow."

The opinion on the tribes' rights in the fishery was requested last spring by Secretary of the Interior Bruce Babbitt and Commerce Secretary Ron Brown as part of their discussions a bout regulating the in-river and ocean fishing of the Klamath-Trinity salmon run and, over the longer term, improving the overall fishery. At that time, Babbitt recommended it would be prudent to reserve a 50 percent share of the harvestable surplus of Klamath River salmon for the Indian in-river fishery this year.

As a temporary resolution of differences between the Interior Department recommendation and concerns expressed by the Commerce Department, which has jurisdiction over ocean fisheries, Babbitt set the 1993 in-river tribal harvest ceiling at 18,500. Brown directed a 1993 ocean fishing season that conformed to the in-river tribal harvest constraint.