



YUROK TRIBE

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NOTICE OF WITHDRAWAL FROM THE KLAMATH AGREEMENTS AND REFERRAL OF DISPUTE TO THE KLAMATH BASIN COORDINATING COUNCIL

Over the past decade, the Yurok Tribe has worked diligently to bring together diverse irrigation, environmental, tribal, power industry, federal, and state parties to develop a workable solution for the Klamath River that would remove the Klamath River dams, restore the fishery, and protect tribal water rights. These efforts, along with the efforts of others, resulted in the historic Klamath Basin Restoration Agreement (KBRA) and related Klamath Hydroelectric Settlement Agreement (KHSA), collectively called the Klamath Agreements. The KBRA, which was signed in February 2010 and amended in 2012, was carefully negotiated to provide fish and tribal water rights protections for the entire river system while also accounting for irrigation, power, and other interests. The KHSA complemented these benefits by orchestrating dam removal in a timely manner. Unfortunately, Congress has failed to pass legislation authorizing the agreements, and over time the bargained for benefits of the agreements have become unachievable. The Tribe is left with no choice other than to withdraw from the Klamath Agreements.

The Klamath Agreements were reached by thoughtful negotiation that resulted in a delicate balance of bargained for benefits for each party. The Yurok Tribe played a leadership role and invested extensive financial, technical, and human resources in the process. The bargained for benefits of the Klamath Agreements, however, have drastically changed since their passage in 2010. The Tribe has been working diligently over the past year and a half to try to restore this balance.

In 2013, the U.S. Department of Interior (DOI), State of Oregon, Klamath Tribes and others began negotiating an agreement to address water rights claims in the Upper Klamath Basin. This water agreement, involving private water users not on the U.S. Bureau of Reclamation Klamath Project, was contemplated by the KBRA. The Upper Klamath Basin parties during negotiations of the KBRA had assured the Yurok Tribe that they would address how the Tribe would be involved in governance and technical forums in the Upper Klamath Basin. The Tribe reminded various parties of this and requested to be involved in the Upper Klamath Basin negotiations. The Tribe was not invited to participate in the negotiation of this agreement. This represented a return to the old Oregon-California/Upper Klamath-Lower Klamath division of the Klamath River system rather than the comprehensive approach taken by the Klamath Agreements. The Upper Klamath Basin Comprehensive Agreement was finalized in March 2014 without the participation of the Yurok Tribe. It provides additional benefits to member parties that upset the bargained for benefits of the KBRA and KHSA.

The Tribe was prepared to withdraw from the KBRA in April 2014. The Tribe and DOI, however, began negotiations to try to restore the bargained for benefits of the Klamath Agreements to the Tribe. The Tribe and DOI reached principles of agreement in November 2014 and the Tribe remained a party to the Klamath Agreements pending a final signed agreement. In January 2015, the Tribe filed a Dispute Initiation Notice pursuant to the KBRA section 6.5, specifying that a signed agreement between DOI and the Tribe was critical to restoring the bargained for benefits of the KBRA. Despite numerous discussions, informal and formal meetings, and the best efforts of the disputing parties, DOI and the Tribe were not able to develop mutually acceptable language. It has become apparent that a signed agreement restoring the KBRA balance is no longer possible. As a result, the Yurok Tribe is withdrawing from the Klamath Agreements.

The Tribe and DOI have invested countless hours discussing issues, exploring ways to restore the bargained for benefits in the KBRA, and attempting to develop mutually acceptable language for an agreement. Despite these diligent efforts and numerous concessions by the Tribe, the dispute was not resolved. In the absence of resolution, the Tribe is referring the dispute to the Klamath Basin Coordinating Council pursuant to KBRA section 6.5.3. The Tribe requests the Klamath Basin Coordinating Council expedite any attempt to resolve the dispute.