

Rights of the Klamath River

Yurok World View on Protecting Yurok Natural Resources

- “In times past and now Yurok people bless the deep river, the tall redwood trees, the rocks, the mounds, and the trails. We pray for the health of all animals, and prudently harvest and manage the great salmon runs and herds of deer and elk. We never waste and use every bit of the salmon, deer, elk, sturgeon, eels, seaweed, mussels, candlefish, otters, sea lions, seals, whales, and other ocean and river animals... This whole land, this Yurok country, stayed in balance, kept that way by our good stewardship, hard work, wise laws, and constant prayers to the Creator.”

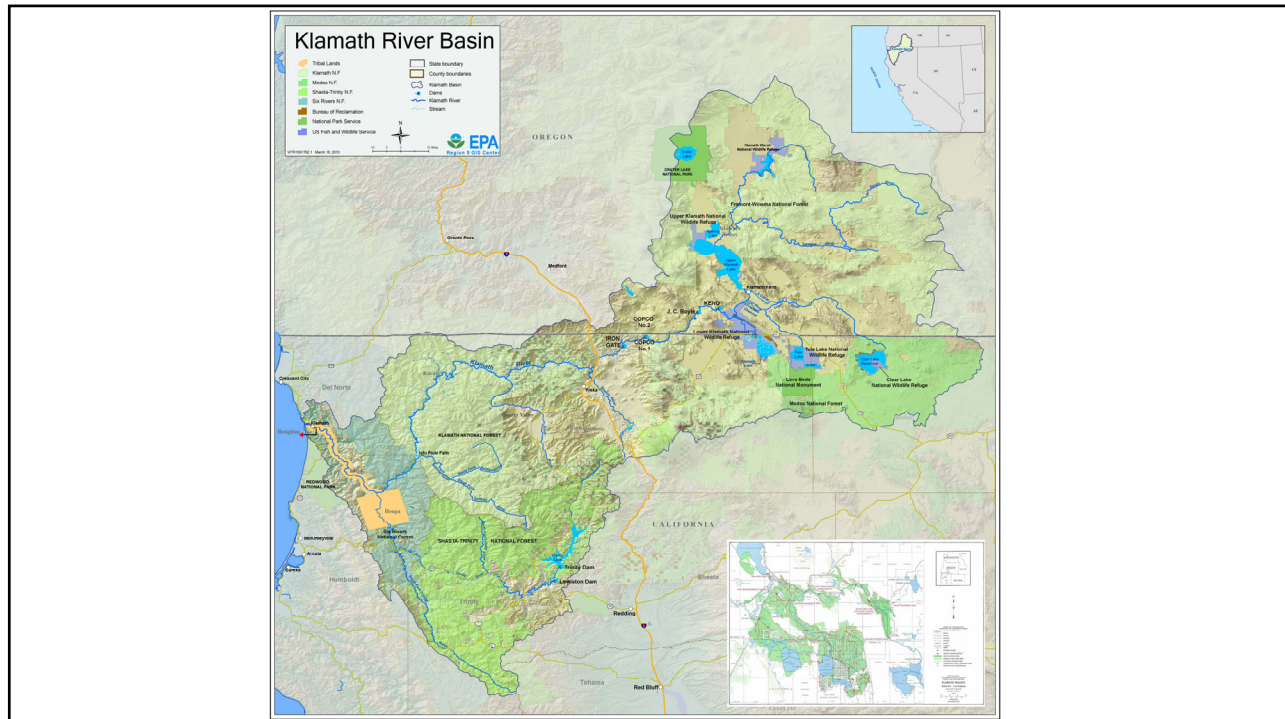
• Yurok Constitution Preamble

Rights of the Klamath River Resolution

- Resolution 19-40 was adopted by the Yurok Tribal Council on May 9, 2019.
- Protecting the Klamath River is at the core of the Yurok Tribe's responsibilities to the Yurok people and essential to their survival.
- This resolution established the Rights of the Klamath River and directed the Office of the Tribal Attorney to draft an ordinance detailing the mechanics of the law.

Definition of 'We-roy

- 'We-roy is used synonymously with the term "Klamath River" and both mean the Klamath River, its ecosystem, and the species within, connected to, and/or dependent on its ecosystem.
- The Klamath River's ecosystem includes the whole Klamath River basin, from the headwaters in Oregon, the sacred high country, its contributing tributaries and underground aquifers, and through and past the estuary into the Pacific Ocean.



Definition of Cultural Riverscape

- Similar to a cultural landscape, a cultural riverscape is a river and its environs (including both cultural and natural resources and the wildlife or domestic species therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Cultural riverscapes are associated with significant patterns of events in traditional histories and the group(s) of people who have built their cultural lives around a river and its fish, plants, wildlife, and water.
- National Historic Preservation Act ("NHPA"), 16 U.S.C. Section 470 et seq., is an essential legal tool for Native nations arguing for the protection of cultural landscapes during government to government consultations and environmental review processes.

Purpose for the Law

- To exercise the inherent sovereignty of the Yurok Tribe to protect the health and wellbeing of the Klamath River;
- To establish the Rights of the Klamath River to: exist; flourish; naturally evolve; to have a clean and healthy environment free from pollutants; to have a stable climate free from human-caused climate change impacts; and to be free from contamination by genetically engineered organisms;
- To provide a legal basis to protect the Klamath River; and
- To grant the Klamath River standing in causes of action against entities inflicting harm in violation of the Klamath River's rights.

Rights of the Klamath River

- The Rights of the Klamath River law is recognizing two sets of rights.
 - First, it is establishing "new" rights for the Klamath River. These include the rights to:
 - exist; flourish; naturally evolve; to have a clean and healthy environment free from pollutants; to have a stable climate free from human-caused climate change impacts; and to be free from contamination by genetically engineered organisms.
 - The Klamath River has the right to ensure all funds in the Klamath River Trust are used solely for the direct benefit of the Klamath River.
 - Second, it is establishing the Klamath River has standing in legal proceedings to adjudicate claims under Yurok, California, federal, and international law.
- Klamath River cannot be sued in any legal forum, found liable under any laws, or be required to compensate any person or entity.

Rights of the Yurok People

- The Yurok People have the right to protect the Klamath River, including, but not limited to:
 - Enforcing the provisions of the law through a legal action brought in any appropriate court or similarly situated legal forum;
 - Intervene in any action concerning the rights of the Klamath River in order to enforce or defend this law;
 - Direct or indirect action;
 - If nonviolent direct or indirect action is taken to enforce the rights of the Klamath River, law enforcement personnel shall be prohibited from arresting or detaining persons directly enforcing those rights.

Rights of the Yurok People Continued

- The Yurok People have the right to practice their cultural way of life in relationship with the Klamath River according to the laws and regulations of the Yurok Tribe, including, but not limited to:
 - Sustainably harvest plants, salmon and other fish, animals, and other life-giving foods and medicines for ceremonial, subsistence, cultural, and commercial uses;
 - Conducting ceremonies and the maintenance of access to traditional ceremonial sites by known Yurok ceremonial practitioners;
 - Restoration, rehabilitation, and construction of traditional buildings by Yurok cultural practitioners and their designees; and
 - Traditional gathering activities by Yurok cultural practitioners.

Rights of the Yurok Tribe

- Enforcing the provisions of the law through legal action brought in any appropriate court or other legal forum;
- Intervene in any action concerning the rights of the Klamath River in order to enforce or defend this ordinance;
- The Yurok Tribe has the right to enforce, defend, and regulate the Yurok People's right to practice their cultural way of life in relationship with the Klamath River.

Yurok Tribal Court Jurisdiction

- Violations of the rights under this ordinance threaten and have a direct effect on the political integrity, the economic security, subsistence, and the health and welfare of the Yurok Tribe, its members, and citizens of the Reservation. The Yurok Tribal Court has jurisdiction over nonmembers in violation of the rights under this ordinance because of threats and direct effects on the Yurok Tribe.
- Any person(s) who enters onto the Yurok Reservation shall be subject to this ordinance and shall be deemed to have consented to the jurisdiction of the Tribe and to be bound by the lawful ordinances of the Tribe.