



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



RESOLUTION

of the

YUROK TRIBAL COUNCIL

RESOLUTION NO: 19-40

DATE APPROVED: May 9, 2019

SUBJECT: Resolution Establishing the Rights of the Klamath River

WHEREAS: The Yurok Tribe is a federally recognized Tribe;

WHEREAS: The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993;

WHEREAS: The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized Tribes;

WHEREAS: The Yurok Constitution Preamble provides in part that “[i]n 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 the 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.”

WHEREAS: The Yurok Tribe and its members have had a strong relationship with ‘We-roy, also known as the Klamath River, since time immemorial and Yurok culture, ceremonies, religion, fisheries, subsistence, economics, residence, and all other lifeways are intertwined with the health of the River, its ecosystem, and the multiple species reliant on a thriving Klamath River ecosystem;

WHEREAS: The Klamath River ecosystem encompasses the surrounding areas in and around the headwaters in Oregon, the sacred high country, its contributing tributaries and underground aquifers, and through and past the estuary into the Pacific Ocean;

WHEREAS: All species connected to the Klamath River are environmentally and culturally significant and should be protected in their traditional forms, natural diversity, and original integrity;

WHEREAS: All the native species within and dependent on the Klamath River ecosystem are vital to the cultural, legal, subsistence, and economic interests of the Yurok Tribe;

WHEREAS: It is the inherent sovereign right of the Yurok people and the Tribe and an international legal norm declared under the United Nations Declaration of the Rights of Indigenous Peoples (“UN DRIP”), Article 26(1), to sustainably harvest plants, salmon and other fish, animals, and other life-giving foods and medicines;

WHEREAS: It is the inherent sovereign right of the Yurok people and the Tribe and an international legal norm declared under UN DRIP, Article 29, to conserve and protect the Yurok Tribe’s current and traditional territory including the Klamath River, its ecosystem, and species;

WHEREAS: The Yurok Tribe and Yurok people have protected the health and wellbeing of the Klamath River, its ecosystem, and species through the establishment of the Yurok Constitution, Tribal law, and many lawsuits, administrative proceedings, petitions, and grassroots activism for the River itself and to ensure the continuance of Yurok lifeways for future generations;

WHEREAS: At the core of the Tribe’s sacred responsibilities to the Yurok people and essential to their survival is protecting the Klamath River, its ecosystem, and the species within its ecosystem from the many current threats such as, but not limited to, climate change, excessive water diversion, timber industry, mining, agriculture, off-shore ocean and river overfishing, oil and gas extractive industries, genetic engineering, chemical pesticides, other toxic contaminants, and other industrial, corporate, and governmental practices; and

WHEREAS: The Yurok Tribal Council recognize that to protect the Klamath River, its ecosystem, species, and our people, the Yurok Tribe must secure the highest protection of the Klamath River through the recognition of legal rights.

NOW THEREFORE BE IT RESOLVED: That the Yurok Tribal Council now establishes the Rights of the Klamath River to exist, flourish, and 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.

BE IT FURTHER RESOLVED: That this resolution serves as written notice to the United States of America, the State of California, and all other entities which threaten and endanger the freshwaters, ecosystem, and species of the Klamath River, that it has become necessary to provide a legal basis to protect the Klamath River, its ecosystem, and species for the continuation of the Yurok people and the Tribe for future generations.

BE IT FURTHER RESOLVED: That the Yurok Tribal Council will adopt an ordinance establishing Tribal law which will grant the Klamath River, its ecosystem, and species the rights of personhood, thus granting standing in causes of action

against entities inflicting harm in violation of the Klamath River, its ecosystem, and species rights.

BE IT FURTHER RESOLVED: That such an ordinance will detail the rights of the Yurok people to protect the Klamath River and to harvest plants, salmon and other fish, animals, and other life-giving foods and medicines for both subsistence and commercial use.

BE IT FURTHER RESOLVED: That such an ordinance will detail: the statements of law providing the prohibitions necessary to secure the rights of the Klamath River, its ecosystem, and species; the enforcement, liability, and damages provisions; and the effective date of the ordinance.

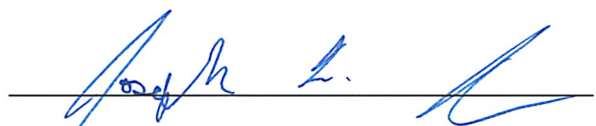
BE IT FURTHER RESOLVED: That this resolution is not a waiver of the Yurok Tribe's sovereign immunity.

BE IT FURTHER RESOLVED: That the Chairperson is hereby authorized to sign this Resolution Number 19-40 and to negotiate all matters pertaining hereto and that the Council Secretary is authorized to attest.

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

This is to certify that this Resolution Number 19-40 was approved at a duly called meeting of the Yurok Tribal Council on May 9, 2019, at which a quorum was present and that this Resolution Number 19-40 was adopted by a vote of 7 for and 0 opposed and 0 abstentions in accordance with Article IV, Section 5(j) of the Constitution of the Yurok Tribe. This Resolution Number 19-40 has not been rescinded or amended in any way.

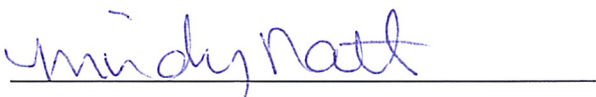
DATED THIS 9th DAY OF MAY, 2019

A handwritten signature in blue ink, appearing to read "Joseph L. James", is written over a horizontal line.

Joseph L. James, Chairman

Yurok Tribal Council

ATTEST:

A handwritten signature in blue ink, appearing to read "Mindy Natt", is written over a horizontal line.

Mindy Natt, Secretary

Yurok Tribal Council