

# **Hoopa Valley Tribal Council**

**Hoopa Valley Tribe**

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**FOR IMMEDIATE RELEASE**

**HOOPA VALLEY TRIBE**

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## **President Biden and Speaker McCarthy, US Taxpayers Shouldn't Pay Big Agribusiness' Water Bills**

House Speaker Kevin McCarthy accuses President Joe Biden of “playing politics” with the U.S. debt limit by saying, “We got to get moving . . . we can’t spend more money next year, we have to spend less than the year before.” Yet, on his watch, the Speaker is giving a pass to his Central Valley agribusiness constituents on more than \$400 million dollars they owe the U.S. Treasury for environmental damages!

How did we get here? Beginning in the mid-20<sup>th</sup> Century, the U.S. Bureau of Reclamation dammed the Trinity River and devastated the salmon fishery that sustained the Hoopa Valley Tribe for millennia. The water that once flowed through our homeland to the Pacific Ocean is the core of the Hupa peoples’ well-being and survival. Since 1964, our dammed and diverted water, sheathed in steel tunnels and concrete canals, disappeared south into California’s Central Valley industrial farmlands 450 miles from our homeland.

Reclamation’s Trinity River Division, along with its other Central Valley dams and reservoirs, had catastrophic impacts on salmon fisheries in California’s largest river systems: the Sacramento, the San Joaquin and the Klamath/Trinity. Industrial agriculture in the Central Valley Project (CVP) destroyed or damaged aquifers and wildlife habitat essential to migratory birds in the Pacific flyway.

Speaker McCarthy’s congressional predecessors told the American people that the CVP would replace the groundwater that agribusiness was well on the way to depleting by the time Trinity

River water began flowing to them in 1964. The Central Valleys' ground surface began to collapse in the 1940s, eventually subsiding up to 70 feet in elevation as wells mined irreplaceable water.

However, the CVP was never an either-or proposition for agribusiness. Instead, it was both: Take Trinity River and other surface water and keep extracting the groundwater. Aquifer depletion continues unabated.

To reverse the CVP's destruction, President George H.W. Bush signed the Central Valley Project Improvement Act (CVPIA) into law in 1992. The CVPIA gave all Californians a stake in a healthy environment. It allocated a small percentage of CVP irrigation water to restore fish and wildlife habitats, and charged habitat restoration costs to CVP water and power customers.

**Further, the CVPIA also established a special federal trust duty to restore the Hoopa Valley Tribe's Trinity River fishery, and ordered that restoration costs be billed annually to CVP contractors who have profited enormously at the Tribe's expense.**

Since 1993, Congress has expended more than \$400 million for CVPIA environmental restoration programs and yet Reclamation has not billed or collected any of it from Speaker McCarthy's agribusiness supporters. Making matters worse, the Trump Administration's political appointees added to the Nation's deficit by rewriting CVP water contracts that made sure Reclamation would never collect these environmental restoration costs.

At a May 16, 2023, Board meeting of the Westlands Water District (Westlands) Director [Justin Diener explained what happened](#). "In 2017, we had so much bureau-related debt service on the water rate that it made the surface water rate so expensive relative to the cost of pumping that it was hard not to use the wells in some circumstances. But the dynamics of refinancing the debt with the bureau [of Reclamation] has reduced our water rates to be much more cost effective."

In 2020, the Hoopa Valley Tribe sued the Trump Administration after discovering that the "dynamics of refinancing" were actually financial misconduct that violated numerous federal laws, regulations, and Reclamation procedures. The Tribe's case is pending in the Eastern District Federal Court in Fresno and Westlands has intervened to protect its "refinancing interests."

Westlands also reckoned with its ongoing depletion of Central Valley aquifers. Director Jeremy Hughes reported, ["I mean, really, the big thing, lately--last month--I think has been water quality, the turbidity. I mean these things \[pumps\] are flushing like they have never flushed before. I mean the water is so dirty it looks like oil, damn near."](#) Seemingly in a state of denial about the crisis of their own making, and heedless of groundwater depletion impacts on Central Valley municipalities that are home to many of their own employees, the Westlands Board wrapped up the discussion with the statement, "So, no action today [on groundwater]. Just report back on groundwater usage [at the next meeting]."

The story becomes even more absurd: On the last day of the Trump Administration, January 19, 2021, Interior Secretary David Bernhardt declared that his administration had completed the CVPIA's environmental restoration programs. It wasn't true, but that lie is part of an ongoing

scheme that our litigation exposed by which Reclamation lets water contractors escape environmental restoration costs. Speaker McCarthy joined that scheme with his sponsorship this year of H.R. 215, which would declare restoration complete even though facts on the ground belie that conclusion.

On December 15, 2022, Secretary Haaland rescinded the Trump decision and filed testimony opposed to H.R. 215.

Now it is time for Secretary Haaland and the Biden Administration to finish the job. They need to do three things to achieve fiscal responsibility and environmental justice, and protect our Tribal fishing rights.

First, withdraw the Trump administration's water contracts and rewrite them as required by Congress under the CVPIA.

Second, recover the funds owed but never paid by CVP contractors.

Third, use the recovered funds to restore salmon and meet federal trust responsibilities to the Hoopa Valley Tribe.

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