

The New 49'ers

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Petition calls for end to 'widespread and wanton' killing of salmon

The New 49'ers and a coalition of North State and other organizations is demanding that the State of California end the "widespread and wanton" destruction of the threatened Coho salmon and other fish in the Klamath River by the very people who claim to be guardians of the environment.

In a petition filed today with the California Department of Fish and Game & Fish and Game Commission, the coalition calls for a repeal of the favored treatment it has given to the Karuks, an Indian tribe that routinely takes countless salmon from the river with no oversight by state, federal, or even Tribal regulators. The Petition can be found at:

www.goldgold.com/legal/harvest_petition_final_3-2-09.pdf

Although the Karuk Tribe has no federally-recognized fishing rights, the Commission has given the Karuks special rights to take salmon from an otherwise closed portion of the Klamath River. "At a time when the federal government is poised to ban ocean salmon fishing for the second year in a row, it makes no sense for the State to turn a blind eye to the wholesale slaughter of salmon by the Tribe," according to Mike Higbee of Grants Pass, Oregon.

The Klamath River Basin has been the subject of countless environmental battles over the years, with the Karuks and their extremist environmental supporters fighting to ban farming, hydroelectric power, logging, mining and other activities in the Klamath River Valley. They constantly claim that they are trying to protect the fisheries, but at the same time they demand that State and Federal authorities allow the Karuks free rein to exploit natural resources.

In response to earlier complaints, Fish and Game acknowledged not only that it does nothing to regulate Karuk fishing, but also that it has no idea how many Coho salmon and other fish are taken from the river by members of the Tribe. Some studies indicate that the Karuks take 1,000 fish a year, but those may be

gross underestimates of the actual damage done to this fragile fish population.

No regulators take account of how many fish the Tribe kills, and no one knows whether the salmon actually wind up on the dinner table—as State officials claim—or how many might wind up in restaurants and at markets. No one knows because no one is watching.

“We want to level the playing field. The State imposes strict controls on farmers, power producers, loggers, miners and others who want to make productive use of our natural resources. Even recreational fishermen are subject to tough state control. Only the Karuks are exempt,” says James Buchal, an attorney based in Portland, Oregon who filed the Petition on behalf of the coalition.

The coalition’s petition says the State has irresponsibly given special fishing rights to the Karuks – and only the Karuks -- even though the federal government has refused to do so. The State’s position is not only legally indefensible, it is also unconstitutional, the petition says. The California Constitution says no individual or group may be “granted privileges or immunities not granted on the same terms to all citizens.” “Fish and Game is clearly granting special privileges to the Karuks in clear violation of the Constitution,” according to Mr. Buchal.

“We file this petition reluctantly. We believe that the vast majority of Karuks simply want to live in peace. A few leaders of the Tribe, however, have teamed up with well-financed environmental extremists to turn the North State into a political battleground. They are hell-bent on destroying the very industries which provide jobs and promote economic growth for their own members and everyone else,” said Dave McCracken, a leader of one mining organization which has spent years in court defending against law suits filed by the Karuk Tribe.

Speaking on behalf of the coalition, a local resident of the Klamath River, Jim Foley pointed out that it is very irresponsible for the State of California to impose crippling regulatory burdens upon everyone else, while completely ignoring the Karuks who are likely killing more salmon than all other activities combined.

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