

ROUND VALLEY INDIAN TRIBES

A Sovereign Nation of Confederated Tribes

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ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY INDIAN RESERVATION ESTABLISHED 1856

January 14, 2026

The Honorable Brooke Rollins
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

The Honorable Doug Burgum
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Subject: Fishery and Water Rights held in Trust by the United States for the benefit of the Round Valley Indian Tribes that will be affected by resolution of Pacific Gas & Electric Company's Potter Valley Hydroelectric Project, Federal Energy Regulatory Commission Project Number 77-332.

Dear Secretary Rollins and Secretary Burgum:

Greetings from the Round Valley Indian Tribes. We are writing to you today about recent statements by the Administration regarding the Potter Valley Project. Based on these statements, we believe there are additional facts of which you should be aware, and we therefore request government-to-government consultation in this matter.

We are a federally recognized Tribal Nation located in Northern California and our members are descendants of seven distinct tribes: Yuki; Pit River; Little Lake; Pomo; Nomlacki; Concow; and Wailacki. The Eel River and its tributaries border our reservation lands and has been the center of our culture, religion, and economy from the beginning of time. In 1856, the Secretary of the Interior set aside the Nome Cult Farm that comprised 25,030 acres as a reservation for several tribes, including those that comprise the confederated Round Valley Indian Tribes. President Grant in 1870 expanded the reservation to 31,683 acres and confirmed its designation as the Round Valley Indian Reservation. The Reservation remains our home today.

In creating the reservation, the United States impliedly reserved water from all appurtenant sources then unappropriated, including the Eel River, as necessary to accomplish the Indian purposes of the reservation. *See Cappaert v. United States*, 426 U.S. 128,138 (1976). Our federal reserved water rights

were vested on the date the reservation was created, 1856. They are senior to all appropriative rights in the Eel River system. Our federal reserved fishing rights likewise were secured by the creation of our reservation, including the act of Congress in 1873, which enlarged our reservation by 77,000 acres and set the boundaries of our reservation “extending from the Middle Fork of Eel River on the east to the Eel River on the west . . . and the center of the Middle Fork river shall be the eastern boundary, and the center of the Eel shall be the western boundary of said reservation, with the privilege of fishing in said streams.” Act of March 3, 1873 (17 Stat. 633).

Although our water and fishing rights are unquantified and unadjudicated, they are the senior, or first priority, rights on the Eel River system for which the United States has a fiduciary responsibility. An unbroken line of case-law supports the existence of Tribal rights in similar circumstances and the obligation of the United States to protect our rights. *Winters v. United States*, 207 U.S. 564 (1908)(because *Winters* rights belong to the Tribes themselves, the United States may not impair such rights by diverting water subject to the right off the reservation); *Arizona v. California*, 460 U.S. 605, 626-627 (1983)(when the United States holds tribal water rights in trust, it must manage those rights as a fiduciary held to the most exacting fiduciary standards).

In the early 1900s, the Potter Valley Project (PVP), which is junior to the date of our reservation by more than 50 years, began diverting Eel River water into the Russian River system. The diversion was intended principally for the development of electricity (which PG&E ceased generating in 2021 because it was no longer economically sound to maintain and operate the project) and then made available for beneficial use by water users in the Russian River Basin, which continues to this day. While this diversion has been a significant benefit to the communities of the Russian River Basin, it has also resulted in the PVP effectively subordinating the Eel River to the needs of the Russian River and along with it, our culture, our fishery, our economy, and our way of life. Over the past 100 years, we never received any electricity generated by the PVP or any economic benefit from our water being taken to benefit junior water users, as is commonplace throughout the west. By any measurement, this has been a one-sided arrangement to benefit others at our expense.

We provide this background because the United States is our trustee and holds in trust our water and fishing rights. In our review of recent public statements and filings made by the Administration before the Federal Energy Regulatory Commission (FERC), the alleged impacts of removing the PVP on junior water users is discussed at length, but the impacts from retaining the PVP on our senior water and fishing rights, much less our culture, our economy, and our way of life, are never mentioned. Also not mentioned is the obligation of the United States as trustee, to protect these rights.

Additionally overlooked are the benefits of the Two-Basin Solution, which strikes a balance between the needs of the Eel River and its communities, and that of junior Russian River water users. Under this approach, we are agreeing to forbear the exercise of our senior water and

fishing rights and allow for diversions to be maintained for junior water users, in a manner that will also support recovery of our fishery, for thirty (30) years with a potential renewal for an additional twenty (20) years, if certain conditions are met.

Moreover, we are collaborating with our partners in the Russian River Basin to expand the storage of Coyote Valley Dam and to expedite a pipeline from Lake Mendocino to minimize disruptions to our neighbors. Our tribal members work and live in the broader regional community and despite the historic injustice to our tribal community, an “all or nothing approach” is simply not realistic. We have instead agreed to a solution that protects our sovereignty and rebuilds our fishery and our economy while also allowing diversions to continue despite our holding senior rights.

Notwithstanding our desire to find a workable solution, we continue to hear from opponents to the Two-Basin Solution that the Administration is continuing to explore maintaining these facilities. We do not understand how a one-sided solution that will cost hundreds of millions of dollars in infrastructure retrofitting while continuing the subordination of our rights and our tribal community, will benefit the entire region. Instead, it will only benefit a select few who want to continue a century of their gains at our expense.

Our desire to work with those who want to work with us will not extend to working with those who seek to harken back to a time in our history when Tribal Resources were subordinated to benefit others in violation of our federal fishing and water rights. We were not afforded the opportunity to oppose the initial Potter Valley Project more than 100 years ago, but we will oppose any attempts to retain it. Potential subsequent owners should understand that in addition to necessary and costly structural solutions, retaining these dams will require changes in water rights that are subject to the jurisdiction of the State Water Resources Control Board (SWRCB). The Tribe, as the beneficiary of senior water and fishing rights, will oppose any attempts to retain these dams before the SWRCB or in any other legal forum, and will protect our water and fishing rights.

The Two-Basin Solution is not about radical environmentalism or putting fish above people. Instead, it is a reasonable and measured solution reached by communities in both basins that acknowledges our sovereignty and rebuilds our economy while protecting junior users for at least thirty (30) and possibly fifty (50) years. We welcome the opportunity to meet with you to discuss our history and the devastation the Potter Valley Project has had on our Nation as well as the Two-Basin Solution and why we believe it is a workable solution.

Respecfully,



Joseph Parker, Sr
President