



# Hoopa Valley Tribal Council

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LEONARD E. MASTEN JR  
CHAIRMAN

October 18, 2012

Tom Tidwell  
Chief of the United States Forest Service  
1400 Independence Avenue  
S.W. Washington, DC 20250

**Re: Trinity River Restoration Program -- USFS Land Withdrawals Required to Implement the Trinity River Restoration Program and Restore Tribal Trust Fishery Resources**

Dear Mr. Tidwell:

On December 19, 2000, former Interior Secretary Bruce Babbitt, with the concurrence of the Hoopa Valley Tribe (HVT), signed the Trinity River Restoration Record of Decision (ROD). The ROD is based on scientific studies and recommendations that identify the need to use certain lands adjacent to the mainstem of the Trinity River for fisheries restoration. Parcels owned by the Federal Government offer the best opportunities for full utilization for restoration purposes and the United States Forest Service (USFS) is the largest landholder in the region. Many of the remaining restoration sites that will be developed by the TRRP are located on or near federal properties and will require that the lands be fully utilized to maximize fishery restoration benefits envisioned in the Trinity ROD.

The USFS has jurisdiction over a number of parcels of land in the restoration area. However, some of the USFS lands involved were withdrawn for power site purposes. The power site withdrawals have been extinguished but mining claims may be located on some of these lands under Public Law 359 – Mining in Powersite Withdrawals Act of 1955. These mining claims are subject to USFS review. The Bureau of Land Management (BLM) has determined that placer mining operations on mining claims would substantially interfere with restoration efforts and has concluded that mining operations should not be allowed within the boundaries of restoration projects. See FINAL Environmental Assessment and Initial Study for Lower Steiner Flat and Upper Junction City (May 18, 2012). We believe the USFS would come to the same conclusion.

Hence, the HVT urgently recommends that you direct the appropriate USFS personnel to prioritize and expedite the withdrawals of USFS lands required for the restoration program. A recent instance where an individual is attempting to perfect a mining claim within a Trinity River restoration site (constructed in 2007 at a cost of \$3 million) prompted the Department of the Interior and BLM to file administrative litigation to protect this investment and its expected benefits to the fishery resources that the United States holds in trust for our tribe. Situations like this may occur on USFS lands if the USFS fails to act in a timely fashion.

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