

Hoopa Valley Tribal Council

Hoopa Valley Tribe

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April 8, 2021

Hon. Dianne Feinstein
331 Hart Building
U.S. Senate
Washington, D.C. 20510

Hon. Alex Padilla
BO 3 Russell Building
U.S. Senate
Washington, D.C. 20510

Hon. Jared Huffman
1527 Longworth Building
U.S. House of Representatives
Washington, D.C. 20515

Energy & Natural Resources
Committee
304 Dirksen Building
U.S. Senate
Washington, D.C. 20510

Natural Resources Committee
1324 Longworth Building
U.S. House of Representatives
Washington, D.C. 20505

Ways and Means Committee
1102 Longworth Building
U.S. House of Representatives
Washington, D.C. 20515

Indian Affairs Committee
838 Hart Building
U.S. Senate
Washington, D.C. 20510

Energy and Water Development
Subcommittee
2362-B Rayburn Building
U.S. House of Representatives
Washington, D.C. 20515

Oversight and Reform Committee
2157 Rayburn Building
U.S. House of Representatives
Washington, D.C. 20515

Budget Committee
624 Dirksen Building
U.S. Senate
Washington, D.C. 20510

Budget Committee
204-E Cannon Building
U.S. House of Representatives
Washington, D.C. 20515

Re: Trump Administration's Fraud, Waste, and Abuse of Central Valley Project
Finances and Environmental Stewardship

By [letter](https://bit.ly/3uwy2hW) of February 4, 2021 (<https://bit.ly/3uwy2hW>), the Hoopa Valley Tribe (Hoopa) reported to the Department of the Interior evidence that the Trump Administration had manipulated federal accounting procedures and taken other actions to shift to federal taxpayers at least \$400 million dollars in environmental restoration costs owed to the federal Treasury by Central Valley Project (CVP) water and power contractors (Contractors) in California.

Congressional oversight and investigation are needed to expose and hold accountable those responsible for what may be one of the greatest financial scandals in the Department of the Interior since Teapot Dome, a century ago. Of particular concern to Hoopa is the Trump Administration's attempts to eliminate statutorily mandated payments by Contractors that are required to restore and maintain the Trinity River fishery in which Hoopa has vested property rights held in trust by the United States.

The subject of the Trump Administration's malfeasance is the 1992 Central Valley Project Improvement Act, Pub. L. 102-575 Title XXXIV (1992) (CVPIA). The CVPIA found that massive environmental damage and economic distress to California communities, including Hoopa, had resulted from the Bureau of Reclamation's (Reclamation) construction and operation of the CVP.

The CVPIA's response to this crisis is unprecedented in federal reclamation law. First the CVPIA made environmental restoration a project purpose of the CVP. Second it mandated a comprehensive suite of environmental restoration actions. Third, it required the Contractors, not federal taxpayers, to pay for the restoration actions as their cost of doing business. Fourth, it confirmed explicitly that Reclamation has a federal trust responsibility for Hoopa's fishery.

Hoopa performed an extensive analysis of Reclamation's CVP public records to identify the means by which the Trump Administration manipulated federal accounting procedures to shift the Contractors' \$400 million debt to federal taxpayers. The CVP's largest water contractor admitted that it was instrumental in securing that outcome from the Trump Administration on December 23, 2020, correspondence with the Office of Management and Budget. The Biden Administration suspended the financial accounting scheme. Reclamation, however, in violation of the CVPIA, has yet to collect accrued reimbursable costs or ensure their future collection.

We are bringing this matter to your attention because of the magnitude of the financial misconduct, and the damage it is causing to restoration of Pacific Coast fishery and wildlife resources, including the fishery resources that the United States holds in trust for Hoopa. Since time immemorial, the Trinity River and its fishery have been the center of Hoopa's culture, religion, and economy. But they have been a major casualty of the CVP's export of as much as 90 percent of Trinity River water to Central Valley Contractors without regard to requirements in reclamation law for the preservation and propagation of the Trinity River fishery. In addition, violations of the CVPIA's financing requirements have ongoing adverse impacts on domestic water supplies in the Central Valley's poorest communities, and on central California wildlife refuges, whose restoration and maintenance are integral to the Pacific Flyway, a global north-south route for migratory birds that extends from Alaska to southern South America.

In August 2020 Hoopa [sued](https://bit.ly/3cVe5LJ) (https://bit.ly/3cVe5LJ) the Trump Administration for violating the CVPIA. Proceedings have been stayed to explore the potential for settlement. Hoopa's evidence, analysis and conclusions regarding the ongoing effects of the Trump Administration's financial misconduct are documented [here](https://bit.ly/3dGriaG) (https://bit.ly/3dGriaG). Your prompt attention to them is urgently requested. Please contact Hoopa Fisheries Director Michael Orcutt (707 499-6143) to let us know how we may further assist in your review of this matter.

Sincerely,


Byron Nelson, Jr. Chairman, Hoopa Valley Tribe

CC: Secretary of the Interior