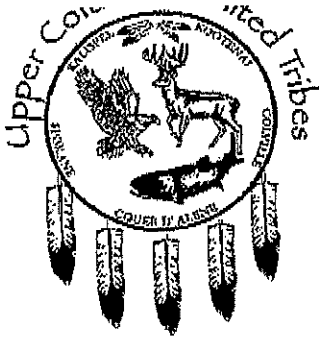


Upper Columbia United Tribes
910 N. Washington, Suite 107
Spokane, WA 99201

Phone: 509-838-1057
Fax: 509-838-1292



Coeur d'Alene Colville Kalispel Kootenai Spokane

October 12, 2007

RECEIVED

OCT 15 2007
0046864
CBFWA

Mr. Tom Karier, Chair
Northwest Power & Conservation Council
851 S.W. 6th Ave., Ste. 1100
Portland, OR 97204

Re: Regional Coordination Approach for 2008 and 2009

Dear Chairman Karier:

Representing UCUT under the terms of the Regional Coordination contract for 2007, I have participated in meetings of the Regional Coordination Workgroup over the past year. The workgroup began with an assignment to "define coordination," and we came to common understandings of differences between "watershed coordination" and "regional coordination," as well as the distinction between "coordination" and "facilitation." We went into detail about deliverables and structuring work elements in contracts to ensure that coordination with BPA funds would be related to the NPCC-BPA Fish and Wildlife Program.

UCUT's steadfast position, on behalf of the five UCUT member Tribes, is that "coordination" is an activity to be carried out by the individual Tribal, State, or Federal sovereign, engaging on a government-to-government basis to reach decisions regarding the Fish and Wildlife Program. The Northwest Power Act directs the Council and BPA to consult with the Federal and State fish and wildlife agencies and Indian tribes, and to develop the Program on the basis of agency and tribal recommendations, management plans, and legal rights. Of course, the success of the Program depends on tribes being engaged in developing and implementing the Program's measures, with associated funding.

Mr. Tom Karier, Chair, NPCC
October 12, 2007

Page 2.

On the other hand, membership organizations (UCUT, CBFWA, CRITFC, USRT) have a "facilitation" role to assist sovereigns with coordination. Independent of our members, the membership organizations do not engage in sovereign coordination of Program decisions. (Similarly, the NPCC, itself, is a compact of the States, and Council Members' decisions are a function of the State's positions.) The Act directs BPA to coordinate actions with agencies and tribes, and calls for Program recommendations specifically for management coordination. Membership organizations help fulfill these statutory mandates, but coordination through the organizations is not a mandate.

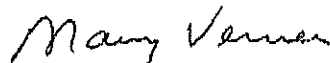
A meaningful role for fish and wildlife managers and tribes can be supported and facilitated by membership organizations, but neither the Act nor the intention of the workgroup would allow sovereign interests to be subsumed to their approval. The UCUT Policy Commission has directed me to ask the Council to reject any definition of "coordination" that does not fully respect and emphasize the independent authorities of the Tribes, States and Federal agencies.

As for the funding, a distributive model should be explored, so that sovereign governments can choose to negotiate their contracts directly with BPA, or through membership organizations, at each government's discretion. UCUT and its member Tribes do not support a request for an increase in BPA coordination funding to fit a "needs-based" budget. Instead, UCUT supports a fixed budget, to which the fish and wildlife managers will have to manage.

I regret I will not be able to attend the October Council meeting in Missoula, but would be most willing to arrange appointments to meet with you or other Council members prior to your November meeting to discuss the UCUT concerns.

Thank you for your consideration, and your ongoing respect for the Tribes' perspectives.

Sincerely,

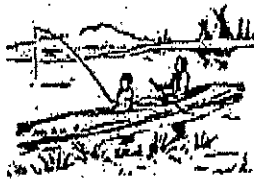


Mary Verner
UCUT Executive Director

Mr. Tom Karier, Chair, NPCC
October 12, 2007

Page 3.

cc.: UCUT Policy Commissioners
UCUT Senior Managers
Greg Delwiche, V.P. for Environment, Fish & Wildlife, BPA
Bill Maslen and Mollie Moreland, BPA
Rhonda Whiting, Fish & Wildlife Committee Chair, NPCC
NPCC Members
Lynn Palensky, NPCC
Brian Lipscomb, Executive Director, and Tom Iverson, CBFWA
Laura Gephardt, CRITFC
Deane Osterman and Ray Entz, Kalispel Tribe
BJ Kieffer, Spokane Tribe



Kalispel Tribe of Indians

12 October 2007

Tom Karier, Chair
Rhonda Whiting, Fish and Wildlife Committee Chair
Northwest Power and Conservation Council
851 S.W. Sixth Ave., Suite 1100
Portland, OR 97204

Dear Chairman Karier and Member Whiting,

The Kalispel Tribe has endured a longer than anticipated process to collaborate on the definition of coordination along with the four other coordination contractors, Bonneville Power Administration (BPA) and Northwest Power and Conservation Council (Council) staff. Since the beginning, the Tribe has espoused a philosophy that coordination is a simple activity associated with the individual sovereign that is well supported under the Power Act (Act). We believe the fish and wildlife managers and tribes broadly agree to that principle and yet the document has been sufficiently edited and wordsmithed, reducing emphasis of that principle. As a result we cannot support it.

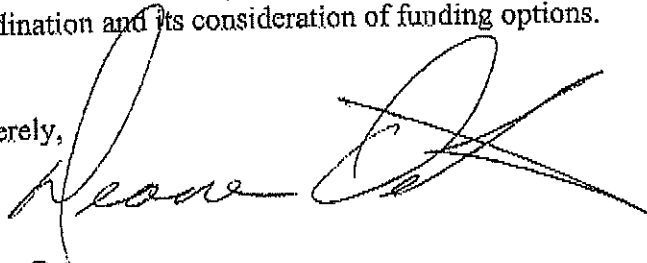
The final document, although partially agreeable, is more of a guidance document for contracting than a succinct answer to the Council's initial request. The essential pieces are missing or obscured from the Tribe's perspective. We see it more simply and clearly: coordination is the sovereign's ability to represent its interests and engage in the processes that affect those interests as they relate to the program and its implementation. As non-coordinating bodies, membership organizations such as CBFWA and UCLT cannot represent our interests, but they may enhance them through facilitation of common interests.

We have incorporated recent ISRP information to better define our activities and deliverables. We see coordination activities boiling down to interactions with the Council, BPA, fish and wildlife agencies, ad hoc committees, and standing processes to represent our Tribe's needs and interests related to the Program and its implementation. The deliverables are simply attendance and the development of materials to support the individual sovereign interests. These can be easily reported and tracked.

Coordination letter 12 October 2007; page 2

We had much higher hopes as to the final product, but we feel strongly that much good effort and work was accomplished during this process. There is no agreement to a funding level or strategy and we consider that regional coordination should be accomplished within the funding targets as set by either the Council or BPA. We look forward to a fair and representative decision by the Council in regard to regional coordination and its consideration of funding options.

Sincerely,



Deane Osterman
Director, Kalispel Natural Resources Department

cc: Greg Delwiche, Vice President of Environment, Fish, and Wildlife, BPA
Bill Maslen, Director of Fish and Wildlife Division, BPA
Larry Cassidy, Northwest Power and Conservation Council member
Melinda Eden, Northwest Power and Conservation Council member
Joan Dukes, Northwest Power and Conservation Council member
Bill Booth, Northwest Power and Conservation Council member
Jim Kempton, Northwest Power and Conservation Council member
Bruce Measure, Northwest Power and Conservation Council member
Brian Lipscomb, Executive Director, CBFWA
Mary Verner, Executive Director, UCUT
Laura Gephardt, CRITFC
Molly Moreland, BPA
B.J. Kieffer, Spokane Tribe of Indians
Lynn Palensky, NPCC central staff
Tom Iverson, CBFWA