



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

EXECUTIVE OFFICE

April 7, 2008

In reply refer to: A-7

To: Interested Stakeholders:

The Federal action agencies (Bonneville Power Administration (BPA), the U.S. Army Corps of Engineers, and the Bureau of Reclamation) are proposing to enter into agreements with four tribes to provide 10-year mutual commitments for fish restoration, particularly for Columbia River Basin salmon and steelhead. BPA is seeking public comment on the proposal to enter into the agreements as negotiated, as well as on associated environmental effects, as described below.

The action agencies believe the proposed agreements will enhance overall fish restoration efforts in the region, making mitigation for the hydro system significantly more effective through a common approach. The agreements build on the hydro, habitat, and hatchery actions in NOAA Fisheries' draft biological opinions for listed salmon and steelhead, providing additional actions, greater clarity regarding biological benefits, and secure funding. The agreements also provide substantial benefits for non-listed fish, such as lamprey. The agencies intend the agreements to signal a stronger partnership with the tribes, centered around the shared fish restoration goals and priorities included in the agreements.

Background

The proposed Memoranda of Agreement (MOA) would involve major commitments of ratepayer funds. Under these agreements, the Federal agencies would make available approximately \$900 million over 10 years to continue existing programs and to implement new priority fish projects with the tribes. Most of the money would be provided by BPA. The tribes commit to accomplishing biological objectives with the funds, linked to meeting the agencies' statutory requirements.

These agreements would for, 10 years, promote a collaborative relationship between the parties. The parties agree that the Federal government's requirements under the Endangered Species Act (ESA), Clean Water Act, and Northwest Power Act area satisfied for the next 10 years, and that they will work together to support these agreements in all appropriate venues. The agreements would specifically resolve for these parties ESA litigation pending before Judge James Redden of the U.S. District Court of Oregon.

There are currently two proposed MOAs. A single MOA is proposed with three treaty fishing tribes (the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, the Confederated Tribes and Bands of the Yakama Nation) because of their similar interests. This MOA also includes the Columbia River Inter-Tribal Fish Commission, which represents these tribes. The other proposed MOA is with the Confederated Tribes of the Colville Indian Reservation. The draft MOAs have been reviewed and approved for public release by the negotiating parties.

Consistent with its commitment to transparent processes and decisionmaking, BPA is providing customers and stakeholders the opportunity to review the proposed agreements before we enter into them. This opportunity for public input will also help BPA meet its responsibilities under the National Environmental Policy Act (NEPA).

BPA believes that entering into these agreements is consistent with BPA's programmatic Fish and Wildlife Implementation Plan Environmental Impact Statement (FWIP EIS) prepared pursuant to the NEPA. BPA's Record of Decision (ROD) for that FWIP EIS adopted a comprehensive policy guiding the implementation and funding of the Agency's fish and wildlife mitigation and recovery efforts.

For NEPA purposes, following a public comment period, if BPA determines that the decision to enter into these agreements is consistent with its FWIP EIS, BPA would prepare a ROD, tiered to the FWIP EIS and ROD. Many of the projects identified in the MOAs may be within the scope of the FWIP EIS and ROD. Others may require additional environmental analyses and documentation before implementation. Prior to funding new on-the-ground activities not within the scope of the FWIP EIS and ROD, BPA would separately evaluate the environmental effects of the individual project proposals. All proposed actions would still be required to obtain appropriate legal coverage, permits, or approvals.

Comments will be accepted through April 23, 2008

BPA is now asking for public comment on the proposal to enter into these agreements as negotiated and on potential environmental effects of these proposed agreements. Comments will be accepted until close of business April 23, 2008. Comments may be submitted online at <http://www.bpa.gov/comment>, via e-mail to comment@bpa.gov, via mail to Bonneville Power Administration, Public Affairs Office – DKC-7, P.O. Box 14428, Portland, OR 97293-4428, or faxed to (503)230-3285. You may also telephone us with your comments toll free at (800)622-4519. All comments will be posted in their entirety, with the author's name and any affiliation, on BPA's Web site at: http://www.bpa.gov/corporate/public_affairs/Comment_Listings/.

The proposed agreements may be viewed at:

http://www.salmonrecovery.gov/Biological_Opinions/FCRPS/2007_biop/agreements.cfm.

The action agencies wish to thank the tribes for the hard work that went into developing these agreements. Together, we are setting an important new direction for the region – more cooperative and more effective for the fish.

Sincerely,



Stephen J. Wright
Administrator and Chief Executive Officer

Enclosure