



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

700 NE Multnomah Street, Suite 1200
Portland, Oregon 97232

(503) 238-0667
F (503) 235-4228
www.critfc.org

March 9, 2023

John Hairston
Administrator and CEO
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97232

Brigadier General Geoff Van Epps
Division Commander, Northwestern Division
U.S. Army Corps of Engineers
1201 N.E. Lloyd Blvd., Suite 400
Portland, OR 97232

Jennifer Carrington
Regional Director, Columbia-Pacific
Northwest Region
Bureau of Reclamation
1150 North Curtis Road
Boise, ID 83706

Dear Administrator Hairston, General Van Epps, and Regional Director Carrington:

The Columbia River Inter-Tribal Fish Commission (CRITFC) operates at the direction of four member tribes: the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. The Constitution and Bylaws of the Columbia River Inter-Tribal Fish Commission require that “[a]ll decisions by the Commission shall be by unanimous vote.”

The Yakama Nation, Warm Springs, and Umatilla Tribes have agreed to the 2022 Amendment of the 2020 Amendment and 2018 Extension of the 2008 Columbia Basin Fish Accords MOA (2022 Amendment). The Nez Perce Tribe is not a party to the 2022 Amendment and was not a party to prior iterations of the 2008 Accords.

In order to maintain its responsibility to all of its member tribes, and thereby to allow for CRITFC's execution of the 2022 Amendment, this letter provides your Agencies with CRITFC's understanding of the following:

A. CRITFC understands that the 2022 Amendment does not represent the views or policies or legal positions of the Nez Perce Tribe.

B. CRITFC understands that the 2022 Amendment does not prevent, as prior iterations of the 2008 Accords did not prevent, CRITFC from providing requested technical support to any of its member tribes at any time, including member tribe litigation.

C. CRITFC understands the Biden Administration's March 28th White House statement following consultation with the Columbia Basin Tribes as acknowledging the long-standing concerns of the Tribes with respect to Treaty rights and salmon in the Columbia River Basin (available at: <https://www.whitehouse.gov/ceq/newsupdates/2022/03/28/columbia-river-basin-fisheries-working-together-to-develop-a-pathforward/> and filed with the Court in *NWF v. NMFS*, Dkt. 2423-1).

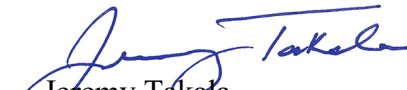
D. CRITFC understands that this clarification letter will be available on BPA's website as occurred with prior CRITFC clarification letters in 2018 and 2020.

We appreciate this opportunity to provide your Agencies with a shared understanding of how CRITFC will carry out the 2022 Accord Amendment and meet its responsibilities to all four member tribes. A signed copy of the 2022 Accord Amendment is attached.

Sincerely,



Ron Suppah, Sr.
Commission Chair



Jeremy Takala
Commission Secretary