



Department of Energy

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

Environment, Fish and Wildlife

October 22, 2014

In reply refer to: KE-4

Chairman Glen Nenema
Kalispel Tribe of Indians
P.O. Box 39
Usk, WA 99180

Dear Chairman Nenema:

The U.S. Army Corps of Engineers (Corps), the Bonneville Power Administration (BPA), the Bureau of Reclamation (BOR) and the Kalispel Tribe (Tribe) entered into the Kalispel – Action Agency ten-year Memorandum of Agreement (MOA) in 2012. The MOA helps fulfill our shared interest in enhancing fish and wildlife by including certainty of funding from BPA for projects under the Fish and Wildlife Program; scheduling studies and feasibility planning for fish passage; providing a structure to facilitate collaboration on potential water releases from Albeni Falls Dam to moderate downstream water temperature to benefit bull trout and other aquatic species; and reinitiating bull trout consultation with the U.S. Fish and Wildlife Service. The MOA emphasizes partnership and collaboration rather than litigation. While the implementation of the MOA has been challenging, we believe that there has been considerable progress since its signing.

The issue of potential water releases from Albeni Falls Dam to moderate downstream water temperature to benefit bull trout and other aquatic species has been particularly difficult. Local stakeholders have been vocal about their interests for higher Lake Pend Oreille levels for longer duration each year, and elected officials have also engaged on behalf of their constituents. In response, the Corps, BPA and Tribe discussed how to best achieve the objective of moderating temperature impacts on bull trout, and agreed on a new process to develop additional non-operational actions to help address temperature issues downstream of Albeni Falls Dam.

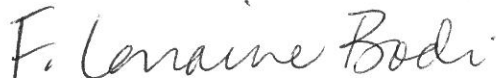
BPA, the Corps and the Tribe, after consulting with the Bureau of Reclamation, have agreed to amend the MOA, adaptively managing their collaborative water temperature efforts by agreeing that section II.C.1.a of the MOA is no longer in effect and replacing those activities with the new activities described in a modification to the MOA. A new Section III.A.4. is attached to this letter. This new section describes habitat enhancement actions to improve temperature conditions for the benefit of bull trout and other aquatic species in the Pend Oreille River without making operational changes at Albeni Falls Dam.

Enclosed is a copy of the amendment to the MOA and the signature page. Please sign and return your color copy signature page via email to mprenner@bpa.gov or regular mail to the attention

of KEW. We will forward to you a completed copy of the MOA amendment with all signatures attached.

Thank you for the continuing collaboration on important fish and wildlife work in the Pend Oreille Basin.

Sincerely,



F. Lorraine Bodi
Vice President, Environment, Fish and Wildlife

Enclosure:
Kalispel Tribe - Action Agency MOA Amendment

cc:
Ms. Frances E. Coffey, U.S. Army Corp of Engineers
Ms. Chiara V. Reillo, U.S. Army Corp of Engineers
Mr. Rock D. Peters, U.S. Army Corp of Engineers
Mr. Timothy Personius, United States Bureau of Reclamation
Mr. Celestino Tafoya, United States Bureau of Reclamation
Mr. Dean Osterman, Kalispel Tribe of Indians

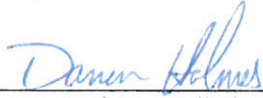
KALISPEL TRIBE - ACTION AGENCY MOA

III.A.4 Habitat Enhancement to Improve Temperature Conditions

1. Section 11.c.1.a. is no longer in effect, as of the signing of this amendment.
2. The Tribe will hire a consultant to develop a list of recommended habitat enhancement actions to address the effects of temperature issues downstream of Albeni Falls Dam and impacts on bull trout and other aquatic species.
3. The Tribe, in cooperation with BPA and the Corps, will prioritize and implement the consultant's recommended habitat enhancement actions subject to the budgetary limitations established below. Such actions will be included in the Annual Action Plans.
4. Unless BPA and Tribe agree to an alternative funding strategy, BPA will provide \$2 million in additional funding for habitat enhancement actions to improve temperature conditions. Such funding will not exceed \$750,000 per fiscal year.

The undersigned agree to amend and clarify the terms of the MOA as identified above:

KALISPEL TRIBE OF INDIANS



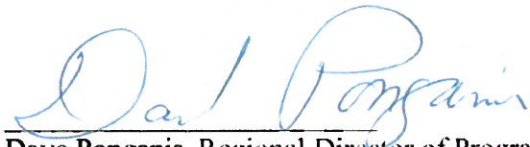
Darren Holmes
Darren Holmes, Tribal Administrator

BONNEVILLE POWER ADMINISTRATION

F. Lorraine Bodi

F. Lorraine Bodi, Vice President of Environment, Fish, and Wildlife

U.S. ARMY CORPS OF ENGINEERS



Dave Ponganis, Regional Director of Programs, Northwestern Division

U.S. ARMY CORPS OF ENGINEERS



John G. Buck, Col, USACE, Commanding

BUREAU OF RECLAMATION

A handwritten signature in black ink, appearing to read 'Timothy Personius', written over a horizontal line.

Timothy Personius, Deputy Regional Director