



September 6, 2013

Mr. Eric Stricklin, P.E.
Project Manager, USACE, Portland District
P.O. Box 2946
Portland, OR 97204-2946

Dear Mr. Stricklin:

Public Law 100-581, Title IV was authorized in 1988 to mitigate for the impacts the Columbia River dams made on the tribes' treaty rights. The project was eventually implemented under the Corps' Construction General Program and resulted in the development of 31 in-lieu and treaty fishing access sites and the redevelopment of Celilo Village. The Columbia River Treaty Fishing Access Sites (CRTFAS) Project was carried out through a partnership of the U.S. Army Corps of Engineers, the four Columbia River treaty tribes, and the Bureau of Indian Affairs and is truly a significant accomplishment by all involved parties. Still, throughout the 25-year implementation effort, the Treaty Tribes have steadfastly maintained that the United States needed to address the longstanding issues related to displacement of Indian villages and homes caused by the Corps' construction of the Columbia River dams.

The loss of villages and homes has long been a contentious issue for the tribes and the United States. Countless meetings and discussions have occurred over the decades with little resolution. The tribes have always insisted that as long as the Columbia River dams exist, the United States has a continuing obligation to mitigate for the dams' impacts. For the tribes, these impacts include not only effects on anadromous fish and water quality, but also the loss of villages and homes along the river.

After the April 2011 Progress Review and Issue Resolution Conference and upon the invitation of District Commander Col. Steven Miles, the tribal governing bodies all passed resolutions calling on the Corps of Engineers to undertake a study of tribal housing and infrastructure needs along the Columbia River. The Portland District commenced a Fact Finding Review on Tribal Housing in November 2012 and recently provided the tribes with its Final Draft Report. The tribes have several comments on this report.

First, throughout the fact-finding process, the Corps has maintained that this initial endeavor is intended to determine whether or not the Corps has an outstanding obligation to the tribes and tribal members for loss of dwellings and villages due to construction of the dams. We are pleased that after many decades of denial, the Final Draft Report recognizes that there is an outstanding obligation to the tribes and tribal people for the loss of their homes and villages.

However, we are extremely disappointed that the Final Draft Report uses biased and incomplete information to suggest there was a very low number of tribal families and individuals who were not compensated. For many months, tribal representative have informed you that the documents and

numbers the Corps' contractor referenced were biased and did not accurately reflect the losses sustained. There were many more families living in the area than was referenced in these federal documents. Indeed, knowing the history of these documents, we urged the Corps to collect oral histories from families and individuals who lost dwellings at the time of dam construction to develop a more complete assessment of facts. While we are pleased that the Final Draft Report references these interviews, we do not believe the statement under Section 4.4 on page 18 is accurate. We suggest a less parsimonious phrasing:

The purpose of this Fact Finding Review is to document whether there is an outstanding federal obligation because tribal families did not receive relocation assistance. This review is not intended to document the total number of families that did not receive assistance. Using only federal documents from the time of dam construction, it is clear that at least 54 families did not receive relocation assistance. The tribes believe the number to be much higher. The full extent of the federal obligation will require further study.

We are also frustrated by the failure to include any reference to the displacement of tribal families due to the construction of the John Day Dam. Again, this is a matter that we repeatedly discussed in our monthly meetings. There are even tribal members still living who were displaced by John Day Dam. This oversight is especially troubling given that the non-Indian communities inundated by John Day were fully relocated, including infrastructure, housing, schools, and roads. We request that the Final Report at least indicate that there were tribal families affected by the John Day Dam that did not receive relocation assistance but this information was not included in the report.

Even with its deficiencies, the Final Draft Report does provide sufficient justification to support a continuing budget request for FY2015 under the CRTFAS project. FY2015 funding would be used to support further study and begin the formulation of a Post Authorization Change Report. We request that the US Army Corps of Engineers submit a budget request for FY2015 to start a Post Authorization Change Report (PACR). The report would formulate and recommend additional on-river housing at levels established through consultation with tribal governments. The PACR would recommend locations, development plans, and cost estimates for facilities required to achieve the established level of housing.

A lot of hard work has been done by the Corps and the tribes to make progress on the many issues facing us. We look forward to a continued working relationship. Through this partnership, we believe we can reach an equitable resolution to the displacement of tribal families and individuals.

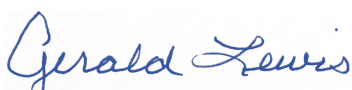
Sincerely,



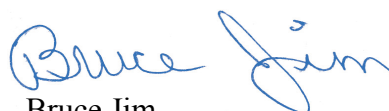
Joel Moffett
Nez Perce Tribe



N. Kathryn Brigham
Confederated Tribes of the
Umatilla Indian Reservation



Gerald Lewis
Confederated Tribes and
Bands of the Yakama Nation



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