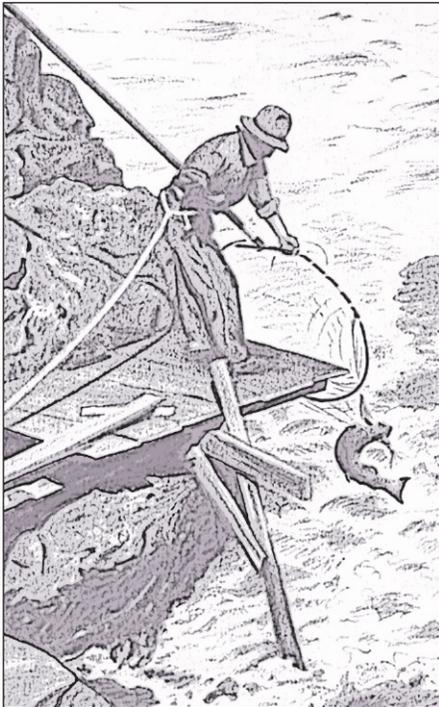


## TRIBAL RIGHTS, WATER RIGHTS, AND THE ROLE OF FISH & WILDLIFE AGENCIES

### A. RECOGNITION OF TRIBAL ROLE

The Council recognizes that the Indian tribes in the Columbia River Basin have vital interests directly affected by activities covered in this program. These Indian tribes are sovereigns with governmental rights over their lands and people, and with rights over natural resources which are reserved by or protected in treaties, executive orders, and federal statutes. The United States has a trust obligation toward Indian tribes to preserve and protect these rights and authorities. Nothing in this program is intended to affect or modify any trust or treaty right of an Indian tribe. The Council also recognizes that implementation of this program will require significant interaction and cooperation with the tribes, and commits to working with the tribes in a relationship that recognizes the tribes' interests in co-management of affected fish and wildlife resources, and respects the sovereignty of tribal governments.



### B. WATER RIGHTS

As provided by the Northwest Power Act, nothing in this program shall affect the rights or jurisdictions of the United States, the states, Indian tribes, or other entities over waters of any river or stream or over any groundwater resources or otherwise be construed to alter or establish the respective rights of States, the United States, Indian Tribes, or any person with respect to any water or water-related right.

### C. ROLE OF FISH AND WILDLIFE AGENCIES

The Northwest Power Act envisions a strong role for fish and wildlife agencies and Indian tribes in developing the provisions of this program. In Sections 4(h)(6)(A) and 4(h)(6)(D) of the Act, the Council is directed to include program measures that it determines (A) “complement the existing and future activities of the Federal and the region’s State fish and wildlife agencies and appropriate Indian tribes” and (D) “will be consistent with the legal rights of appropriate Indian tribes in the region.”