



U.S. Department of Justice

Environment and Natural Resources Division

JAB
90-8-6-05335

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June 19, 2006

Scott W. Williams
Curtis G. Berkey
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2030 Addison Street, Suite 410
Berkley, CA 94704

Re: Pacific Coast Federation of Fishermen's Associations et al., v.
U.S. Bureau of Reclamation, et al., 9th Cir. Nos. 05-15856, 05-16027

Dear Mr. Williams and Mr. Berkey,

This letter will memorialize the agreement between your client, the Yurok Tribe, plaintiff-intervenor-appellant in the above captioned case in appeal No. 05-15856, and the United States Bureau of Reclamation, defendant-appellee, regarding the disposition of your client's appeal.

In consideration of the execution on this same date of the "Cooperative Agreement between United States Department of the Interior and Yurok Tribe for the Cooperative Management of Tribal and Federal Lands and Resources in the Klamath River Basin of California," and in consideration of the agreement on principles for consultation between the Department of the Interior and the Yurok Tribe regarding Klamath Irrigation Project Operations set out in ¶ A below, the Yurok Tribe and the United States Bureau of Reclamation agree that on or before October 15, 2006 and upon satisfaction of conditions set forth below in ¶ B, counsel for the Yurok Tribe will file, under Rule 42(b), Fed. R. App. P., a motion to dismiss the appeal in No. 05-15856, reciting that each party will bear its own costs and attorney's fees for the litigation of the Yurok Tribe's Fourth Claim for Relief in the Complaint in Intervention, filed in this case October 22, 2002. The

motion shall be in substantially the same form as Attachment A to this letter agreement. Alternatively, in the event the Klamath Water Users Association will join in a stipulated dismissal under Rule 42(b), Fed. R. App. P., of the appeal in No. 05-15856 and the cross-appeal in No. 05-16027, counsel for the Yurok Tribe and the Bureau of Reclamation will execute and file such a dismissal in substantially the same form as Attachment B to this letter agreement.

A. Principles for consultation on Klamath Irrigation Project Operations. –

The Department of the Interior and the Yurok Tribe agree that the following principles shall be used to establish a structure for consultation on Klamath Irrigation Project Operations. The Department of the Interior and the Yurok Tribe further agree to seek agreement on such a structure in good faith and that satisfactory progress on such an agreement shall not be a condition precedent for dismissal of the Yurok Tribe's appeal as provided for above.

1. Consistent with its responsibilities to carry out the government-to-government relationship with Indian tribes, the Department of the Interior will consult with the Yurok Tribe in a timely and meaningful manner with regard to any planning, operational or management actions concerning the Klamath Irrigation Project that affect the Tribe's fishery within the Klamath River Basin.
2. The Department of the Interior and the Yurok Tribe understand timely and meaningful consultation in this context to mean that the Department of the Interior will seek information, analysis and comments from the Tribe at the earliest reasonable time in order to ensure that such information, analysis and views are considered before decisions affecting the Tribe's Klamath River fishery are made. The Department of the Interior and the Yurok Tribe understand that the creation of a joint technical committee is necessary to carry out these principles.

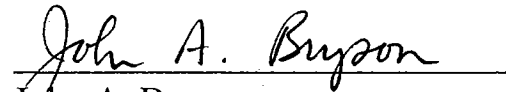
B. Conditions precedent to dismissal. – The only conditions precedent to dismissal of the Tribe’s lawsuit and appeal are as set forth here:

1. The signing simultaneously with the “Cooperative Agreement” and this letter agreement of agreements on specific collaborative projects (“task orders”) previously identified and to which the parties have previously agreed;
2. The signing of additional task orders on or before September 30, 2006;
3. The convening of a joint management group (Cooperative Agreement at ¶ III.C.) within 30 days of the signing of the Cooperative Agreement and that has met and discussed budgeting further collaborative projects for the fiscal year 2007 budget (to the extent feasible), the 2008 budget and out years; and
4. A meeting between designated representatives of the Yurok Tribe and designated representatives of the Bureau of Reclamation and its contractor for the study known as “Life History Model for Coho Salmon in the Klamath Basin” for the Yurok Tribe to present scientific and technical information for consideration by the Bureau of Reclamation and its contractor. The meeting will take place within 30 days of the signing of the Cooperative Agreement or the award of the contract, whichever is later.

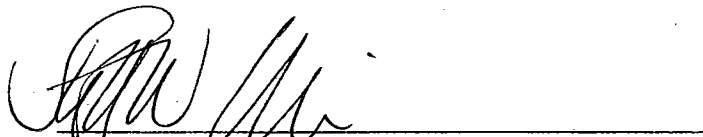
Each signatory to this agreement certifies that he is authorized to enter into the terms and conditions of this agreement and to bind legally the party represented by him.

Please indicate your client's agreement by countersigning in the space designated below on the two counterparts of this agreement and return one original to me.

Sincerely yours,



John A. Bryson
Environment and Natural Resources
Division
Counsel for the defendant-appellee
United States Bureau of Reclamation



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Attorneys for plaintiff-appellant Yurok Tribe

ATTACHMENT A

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nos. 05-15856, 05-16027

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, ET AL.,

Plaintiffs,

and

YUROK TRIBE,

Plaintiff-Intervenor-Appellant and Cross-
Appellee.

v.

UNITED STATES BUREAU OF RECLAMATION , ET AL.,

Defendants-Appellees-Cross-Appellees,

and

KLAMATH WATER USERS ASSOCIATION, ET AL.,

Defendants-Intervenors-Appellees and
Cross-Appellants.

MOTION FOR VOLUNTARY DISMISSAL

Pursuant to Fed. R. App. P. 42(b), the Yurok Tribe, plaintiff-intervenor-

appellant, hereby moves for dismissal of its appeal in No. 05-15856. The United States Bureau of Reclamation, defendant-appellee, does not oppose this motion. The Yurok Tribe and the United States Bureau of Reclamation, defendant-appellee, have agreed that each of them will bear its own costs and attorneys' fees on appeal and for the litigation of plaintiff-intervenor-appellant's Fourth Claim for Relief in the Yurok Tribe's Complaint in Intervention, filed in this case October 22, 2002.

WHEREFORE, plaintiff-intervenor-appellant Yurok Tribe requests that the motion be granted and its appeal in No. 05-15856 be dismissed.

Respectfully submitted,

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Attorneys for the Yurok Tribe, plaintiff-
intervenor-appellant.

DATED this _____ day of _____, 2006.

ATTACHMENT B

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Nos. 05-15856, 05-16027

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, ET AL.,

Plaintiffs,

and

YUROK TRIBE,

Plaintiff-Intervenor-Appellant and Cross-
Appellee.

v.

UNITED STATES BUREAU OF RECLAMATION , ET AL.,

Defendants-Appellees-Cross-Appellees,

and

KLAMATH WATER USERS ASSOCIATION, ET AL.,

Defendants-Intervenors-Appellees and
Cross-Appellants.

STIPULATION FOR DISMISSAL PURSUANT TO RULE 42(b),
FEDERAL RULES OF APPELLATE PROCEDURE

Pursuant to Fed. R. App. P. 42(b), the Yurok Tribe, plaintiff-intervenor-

appellant, the United States Bureau of Reclamation, et al., defendants-appellees, and the Klamath Water Users Association, et al., defendants-intervenors-appellees and cross-appellants, stipulate to the dismissal of the appeal and cross-appeal in Nos. 05-1585 and 05-16027. The parties have agreed that each party will bear its own costs and attorneys' fees on appeal and for the litigation of plaintiff-intervenor-appellant's Fourth Claim for Relief in the Yurok Tribe's Complaint in Intervention, filed in this case October 22, 2002.

DATED this _____ day of _____, 2006.

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