



Fort McDowell Yavapai Nation

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OFFICE OF GOVERNMENT RELATIONS

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April 18, 2012

Mr. Darrick Moe
Regional Manager
Western Area Power Administration
Desert Southwest Region
615 S. 43rd Ave.
P.O. Box 6457
Phoenix, AZ 85005-6457

Dear Mr. Moe:

First and foremost, it was a pleasure speaking with you at the April 5th ITCA meeting on Hoover's power allocation. I also appreciate your time last week reviewing information on the implementation of the Hoover Power Allocation Act of 2011 (Act).

As to the aforementioned discussions, to reiterate a few points, we concur with Western's position that the April 5th meeting was 'informal' and not part of Western's public process. We understand that no official record was kept and no substantial, process impacting decisions are to be made based on this meeting.

We further understand that individual Tribal consultations will be honored if requested. This letter hereby serves as Fort McDowell Yavapai Nation's (herein the 'Nation') request for formal consultation with Western Area Power Authority (WAPA). Below we outline a number of topic areas requiring consultation, but by no means do they represent all of the issues. In regard to the consultation procedure, at this point we wish for this process to be

a fluid as possible given that the Hoover power implementation decisions are only in the beginning stages.

Mike Simonton's April 17, 2012 email referenced the April 5th meeting and provided an overview of ITCA's Tribal position paper on the implementation of the Hoover Power. To be clear, the Nation has not fully endorsed these views. Moreover, we do not believe that this draft opinion paper should take the place of our sovereign position on this matter. However, several of the ITCA's suggestions along with the topics discussed at the April 5th meeting are relevant and may align with our own priorities (should we determine that it is in our interest to do so). Thus, as delineated below, we suggest that several of these points be included in our dialog:

- Tribes should not be required to have "Utility Responsibility" to receive a BCP allocation.
- Establish a tribal preference/priority above others entities seeking this power for new allottees.
- Allocations should be made in kilowatts and not whole megawatts to allow tribes with smaller loads to participate.
- Marketing criteria would not consider existing Federal hydropower allocations from other projects.
- Western should ensure Tribes are not disadvantaged by having an allocation from a different Federal project.
- Without impairing Tribes, Western should seek to ensure that no entity receives BCP allocations from multiple sources, i.e. an allocation from Western and another allocation from APA or CRC

We also would like to consult on, in detail, how WAPA will determine final power allocations and the best application of this power. We understand that load may be the determining factor in the electrical allocation. But, until the Nation understands and is provided a specific power allocation, we are not in the position to define the 'value' of this power. Thus, we are unable to explore all the options that can be made available and fully determine how this allocation can best serve the Nation. The Nation looks forward to working with WAPA on exploring and implementing these options.

In closing, since this decision/rule making process will be on-going, we would like to consult on each of these issues as well as other issues as they evolve. Again, the Nation

appreciates your time and attention to this matter. Please feel free to contact me at any time. I can be reached at cklopatek@ftmcdowell.org (best option) or by phone at 480.789.7161.

Respectfully,



Dr. Carole Coe Klopatek

In Concurrence:



Dr. Clinton M. Pattea, President, FMYN

cc: Fort McDowell Yavapai Nation Tribal Council
Mr. Philip Dorchester, General Manager, FMYN
Mr. Thomas Moriarty, General Council, FMYN
Mr. Alfonso Rodriguez, CEDD Director, FMYN

Mr. John Lewis, Executive Director, ITCA
Mr. Mike Simonton, Project Manager, WAPA