

**MEMORANDUM OF AGREEMENT
BETWEEN THE
YAKAMA NATION
AND
YAKIMA COUNTY**

**RELATING TO
FLOOD MANAGEMENT
FOR THE YAKAMA RESERVATION REACHES
OF THE YAKIMA RIVER AND AHTANUM CREEK**

I. INTRODUCTION

This Memorandum of Agreement (MOA) is entered into by the Yakama Nation (Nation) and Yakima County (County) for the purposes stated below.

II. PURPOSE AND SCOPE

A. Purpose

The parties agree that there is a lack of sufficient information regarding the flooding potential and damage to structures and property of the Nation and County for the Yakama Reservation Reaches of the Yakima River and Ahtanum Creek. The parties further agree that future development within the flood prone area of this reach should be conducted based upon complete knowledge of flood hazards and with a thorough effort to avoid loss of human life, damage to property, and loss of ecological floodplain functions.

B. Scope

The scope of this MOU will be planning for stormwater management and flood events ranging from 6 month to 100 year events and shall include analysis of current development, extent of damage to current development, means to conduct future development within the Reach to avoid continued damage, and means to develop and preserve floodplain/river interaction to minimize flood damage in this and adjacent reaches. Water quality and ecological considerations shall be included in this project.

III. ROLES OF NATION AND COUNTY IN STUDY

A. The Nation shall co-manage the project(s) and will provide technical expertise and may at its discretion, complete tasks related to hydrology, hydrogeology, physical engineering, and fisheries enhancement. It is recognized that the Nation will not be responsible for the outlay of funds to conduct this planning effort but will contribute to the planning effort through 'in-kind' and paid contribution of professional services by Nation staff. The Nation will submit invoices to the County during the project for payment of project related work.

B. The County shall co-manage the project(s), provide surface water and flood management expertise and expertise in state planning and zoning, and GIS services. The County will provide financial compensation to the Yakama Nation for project related work. The County shall utilize a portion of project funds to conduct its legally binding duties under state law, pay for County project related work, and administer any consultant contract.

C. The Nation and the County will, upon initiation of a project, designate their respective Project Managers who will then meet to develop a scope of work. Based upon the scope of work, the Nation and County project managers will work cooperatively to assign tasks and related funds to Nation staff, County staff, or a Consultant. The Nation and County project managers shall develop and execute an agreement for compensation of Nation staff time and expenses. The

Nation and County project managers will work cooperatively to solicit consultant proposals and select and manage a preferred consultant. Both the Nation and County project managers will ensure that tasks assigned to their respective staff are completed within the agreed upon budget and on schedule. During a project, changes in budget and schedule will be determined by joint consultation of the project managers.

D. This planning process is entered into by each party as a cooperative study to protect and provide for their respective interests. Participation in this study is to produce an advisory document that will be forwarded to the policy body of each entity for their planning benefit.

IV. GOALS OF PLANNING EFFORT

A. The goal of this cooperative relationship will be the development of prescriptions for the future use of the Yakama Reservation reaches of the Yakima River and Ahtanum Creek. The prescriptions will include detail as to increasing the floodplain capacity of the Yakima River to diminish the flood potential of frequent and infrequent flood events, provide fish restoration measures such as hyporheic zone recharge, side-channel habitat, biologically suitable temperature regimes, fluvial geomorphology appropriate for preservation of fish habitat values, wildlife values including nesting, security, over wintering habitat and diverse riparian habitat.

Additional goals shall include minimization of property susceptible to flood damage, minimization of damage to existing County and private structures, and the consideration of appropriate structures to protect essential floodplain development such as bridges and road surfaces.

B. It shall be the goal of the County and Nation to perform this task in a cooperative fashion and produce a document that provides clear guidance for the beneficial use and protection of this floodplain reach.

V. PROVISOS

A. Nothing in this MOA is intended to create any rights in any party not a party to this MOA nor third party beneficiaries.

B. Nothing in this MOA creates a resource obligation outside that stated within the agreement.

YAKAMA NATION TRIBAL COUNCIL

Robert N. Wahpat
Robert N. Wahpat, Chairman



BOARD OF YAKIMA COUNTY COMMISSIONERS

Excused

Ronald F. Gamache, Chairman

James Adams
James M. Kelly
ATTEST this 11 day of May, 2002.

Carla M. Ward
Carla M. Ward, Clerk of the Board

Approved as to form:

Deputy Prosecuting Attorney