



**Memorandum of Understanding**  
**Confederated Tribes of the Umatilla Indian Reservation**  
**and**  
**Washington Department of Fish and Wildlife**  
**June 1999**

This Memorandum of Understanding is between the State of Washington Department of Fish and Wildlife acting through and by the Director, hereinafter referred to as the Department, and the Confederated Tribes of the Umatilla Indian Reservation acting through and by the Chairman of the Tribal Board of Trustees, hereinafter referred to as the Tribes. Both the Department and the Tribes recognize a mutual concern and responsibility for the wildlife and fisheries resources found within the state and desire to cooperate for the protection and enhancement of such valuable natural resources.

The parties enter into the Memorandum for the purpose of memorializing a mutual understanding that addresses specific wildlife, fish, habitat and land management projects that are currently in effect and to identify the areas that can be addressed in the future.

It is the intention of the parties to set forth a framework of projects and efforts to be undertaken in pursuit of the terms of this Memorandum. This Memorandum shall not be construed by either party as modifying the terms of previous agreements so as to create obligations which are in conflict with technical documents or previous agreements.

The Tribes and the Department agree to the shared partnership, and the responsibilities in protecting and enhancing the wildlife, fish and land resources in the Rainwater Project, Columbia County, Washington. The Tribes and the Department agree that the implementation of wildlife, fish and lands enhancement activities and programs have strong potential to benefit the wildlife, fish and lands management resources of the Rainwater Project. The Tribes and the Department agree that continued coordination of these enhancement activities and programs will be through the Technical Coordination Team (Coordination Team). The Coordination Team is comprised of members from the Department's District 3 and the Tribes. The purpose of this Coordination Team is to assist its members in making technical and operational recommendations for future wildlife, fish and land management enhancement activities as may occur in the Rainwater Project.

The Department and the Tribes Mutually Agree:

1. The Tribes and the Department agree to the shared partnership and desire to work together in protecting and enhancing the wildlife, fish and land resources in the Rainwater Project. After consideration of time, workload, and budgetary limitations, the Tribes and Department agree to dedicate available staff and monetary resources to the development

- and implementation of the Rainwater Project Management Plan including conducting Habitat Evaluation Procedures and other necessary surveys on the subject lands.
2. The Tribes and the Department agree to promulgate and enforce Rainwater Project Regulations designed to protect and/or enhance wildlife, fish and land resources.
  3. The Tribes and the Coordination Team agree to meet at least quarterly, or more often as necessary, to discuss and consider problems and issues of mutual interest.
  4. The Tribes and the Department agree to the joint publication of press releases and the interchanges between parties of all pertinent policies and objectives, plans, statutes, rules, and regulations and additional information as required by the wise use and perpetuation of the natural resources of the Rainwater Project.
  5. The Tribes and the Department agree to actively seek alternative sources of funding to achieve the Rainwater Project Management Plan objectives.
  6. The Tribes and the Department agree to share information and pertinent technical data associated with resources on and adjacent to the property. By example, data transfers may include GIS data themes, habitat assessments, species and population distribution information, etc.
  7. The Tribes and the Department agree that the protection of native species is of paramount importance.
  8. The Tribes and the Department agree to mutual notification and assistance in regard to environmental and habitat concerns.
  9. The Department agrees to support the inclusion of adjacent State Department of Natural Resources lands in the Rainwater Project and to commit these land for wildlife in perpetuity consistent with the Northwest Power Planning Council's Wildlife Rule.
  10. The Tribes and the Department agree to enter into supplemental agreements to this Memorandum as necessary to carry out joint programs.

**Terms of the Agreement:**

The Department and the Tribes each respect the sovereignty of each other's party, and this Memorandum shall in no way be construed as a waiver of any rights, including treaty rights, immunities, including sovereign immunities, or jurisdictions. Through this Memorandum, the Department and the Tribes strengthen their collective ability to successfully resolve issues of mutual concern.

Nothing in this Memorandum shall be construed as obligating either party here to the expenditure of funds for future payment of money in excess of appropriations authorized by law.

This Memorandum of Understanding shall remain in full force and effect, unless canceled by either party upon a written 60-day notice to the other party.

In Witness where of, the parties here to have entered into and executed the memorandum.

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Antone Minthorn, Chairman  
Confederated Tribes of the Umatilla Indian Reservation  
Pendleton, Oregon

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Date

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Jeff Koenings, Director  
Washington Department of Fish and Wildlife  
Olympia, Washington

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Date