

**Memorandum of Agreement**  
**between**  
**The Washington State Department of Transportation**  
**and**  
**United States Department of the Interior**  
**Bureau of Reclamation**  
**Pacific Northwest Region**  
**Upper Columbia Area**  
**Ephrata Field Office**

THIS AGREEMENT is made and entered into by and between the Washington State Department of Transportation, hereinafter referred to as "DOT," and the United States Department of the Interior, Bureau of Reclamation hereinafter referred to as "Reclamation"; pursuant to the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, and the Contributed Funds Act of March 4, 1921, (41 Stat. 1404).

**I. BACKGROUND**

The Columbia Basin Project was authorized by the Secretary of the Interior under the Reclamation Act of 1902 and the Columbia Basin Project Act of March 10, 1943. The Project was planned in the early 1930's and developed during the 1940's and 1950's. It is managed by the Bureau of Reclamation and is a multi-purpose project providing irrigation water to the fertile but arid land of the Columbia River basin in central Washington as well as municipal and industrial water to cities and businesses while also making water available for recreation, flood control, power generation and fish and wildlife benefits. The Project is authorized to serve 1.1 million acres, to date only 671,000 acres have been developed. Water is withdrawn from four primary points, Lake Roosevelt; the reservoir formed behind the Grand Coulee Dam, water is pumped from the Lake, stored in Banks Lake, and distributed throughout the Project by a network of re-regulation reservoirs and conveyance canals. The three other points are in the Burbank, Washington area, Burbank Pumping plants No. 1, 2, and 3. Burbank Pumping plant No. 1 is located on the Snake River and Pumping Plants No. 2 and 3 are located within Casey Pond on the Columbia River.

As part of the U.S. Highway 12 upgrade through Burbank, DOT was required to remove access to a boat launch located within Casey Pond as part of the safety improvements. As mitigation for the removal of access to the boat launch DOT proposed to construct a new boat launch within Casey Pond at a different location. It was agreed upon that the location would be adjacent to the approach channel to Burbank Pumping Plant No. 2. This location would have the depth required for launch and recovery of recreational

fishing boats and could be constructed in such a way as not to impede the flow of water to the Pumping Plant.

The boat launch was constructed but was not adjacent to the approach channel but located within the channel. The obstruction did not prevent the delivery of irrigation water until the summer of 2006, when the Corps of Engineers lowered the Wallula reservoir level behind McNary Dam for fish passage at which time it became evident that the boat launch had indeed caused an obstruction to the water flow.

## **II. PURPOSE**

The purpose of this AGREEMENT is to transfer funds from DOT to Reclamation for the completion of the required permit applications and environmental compliance documentation prior to the start of construction of a bypass channel around the boat launch.

## **III. OBJECTIVES**

The objective of this AGREEMENT is to specify the work that will be completed by Reclamation as it relates to the construction of a bypass channel around the boat launch. The bypass channel will be constructed by South Columbia Basin Irrigation District and/or their agents.

## **IV. IMPLEMENTING ACTIONS**

The parties agree as follows:

### **A. Reclamation will:**

- (1) Complete applications to obtain the following permits or exemptions:
  - a. County Shoreline Permit exemption
  - b. Washington State Department of Fish and Wildlife Hydraulic Permit Application (HPA)
  - c. Washington Department of Ecology Section 401 Water Quality Certification or exemption
  - d. Corps of Engineers Section 404 and Section 10 permits
- (2) Complete two Biological Assessments for endangered or threatened species. Submit one to the National Oceanic and Atmospheric Administration (NOAA) and one to the United States Department of Fish and Wildlife.

- (3) Complete a National Environmental Policy Act (NEPA) compliance document discussing the proposed construction of a bypass around the existing boat launch.

**B. DOT will:**

- (1) Reimburse Reclamation for actual direct and related indirect costs associated with the work that Reclamation will complete as outlined in 'A.' above.

**V. COMPENSATION**

DOT agrees, upon receipt of a request-for-advance invoice, to provide to Reclamation payment in the amount of five thousand six hundred dollars (\$5,600.00) for costs to be incurred in support of this AGREEMENT.

**VI. REPORTING**

Reclamation will provide a copy to DOT of each permit application and any permits, exemptions or Biological Opinions received and a copy of the completed NEPA compliance document.

**VII. PERIOD OF PERFORMANCE, TERMINATION AND AMENDMENTS**

This AGREEMENT shall become effective on the date of last signature hereto and extend through December 31, 2007. Either party may terminate this AGREEMENT by providing 60 days written notice to the other party. Either party may formally request modification of this AGREEMENT. Said modification shall be by written amendment to this AGREEMENT signed by both parties.

**VIII. DESIGNATED CONTACTS**

Each party to this Agreement shall have a contact representative. Each party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

DOT:	Damon Roberts Environmental Coordinator P O Box 12560 Yakima, WA 98909-2560
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Reclamation Agreement - #1425-07MR1U 7073  
DOT Agreement Number - GCA 5183

2809 Rudkin Road  
Union Gap, WA 98903-1680  
Phone #509-577-1755  
Fax #509-577-1740  
Email: [roberdg@wsdot.wa.gov](mailto:roberdg@wsdot.wa.gov)

Reclamation: Bruce Loranger  
Water/Land Contract Compliance Specialist  
Bureau of Reclamation  
Ephrata Field Office  
P.O. Box 815  
Ephrata, WA 98823-0815  
Telephone (509) 754-0210  
Fax (509) 754-0239  
Email: [bloranger@pn.usbr.gov](mailto:bloranger@pn.usbr.gov)

## **IX. GENERAL PROVISIONS**

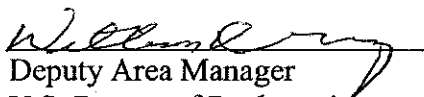
A. Nothing herein shall or shall be construed to obligate either party to expend funds or involve their respective agencies in any contract or other obligation for the future payment of money in excess of appropriations authorized by law and administratively allocated for the purposes and projects contemplated hereunder.

B. No Member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this AGREEMENT or to any benefit that may arise out of it.

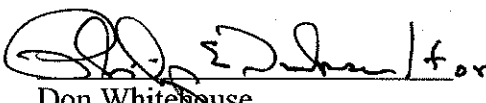
C. The parties agree to comply with all Federal statutes relating to nondiscrimination, including but not limited to: Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, religion, sex, or national origin; Title IX of the Education amendments of 1972, as amended, which prohibits discrimination on the basis of sex; the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, which prohibit discrimination on the basis of disability; the Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination based on age against those who are at least 40 years of age; and the Equal Pay Act of 1963.

**IX. SIGNATURES**

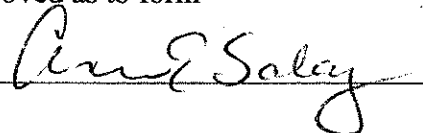
**UNITED STATES OF AMERICA**

By  Date 3/30/07  
Deputy Area Manager  
U.S. Bureau of Reclamation  
Ephrata Field Office  
32 C Street NW  
Ephrata, WA 98823

**WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

By  for Date 3.22.07  
Don Whitehouse  
Region Administrator  
P O Box 12560  
Yakima WA 98909-2560

Approved as to form

By  Date 3-19-07