

MEMORANDUM OF UNDERSTANDING FOR ESTABLISHING A COORDINATED  
TRIBAL/COUNTY REGIONAL PLANNING PROGRAM BETWEEN THE SWINOMISH  
INDIAN TRIBAL COMMUNITY AND SKAGIT COUNTY

This Memorandum of Understanding is made by and between the Swinomish Indian Tribal Community, a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 ("Tribe") and Skagit County, a political subdivision of the State of Washington ("County"). The Tribe and County (collectively referred to as "governments") hereby acknowledge and agree as follows:

Introduction

Following a series of meetings held between November 1986 and February 1987, and coordinated under the Land Tenure Project of the Northwest Renewable Resources Center, the Tribe and the County reached mutual understanding concerning the development of a Coordinated Regional Planning Program and a definable government-to-government relationship.

Mutual Points of Understanding

1. That the Tribe and the County are implementing separate comprehensive land use policy programs regulating land use activities on the Swinomish Indian Reservation; and
2. That the Tribe has assumed regulatory jurisdiction for all land areas within the exterior boundaries of the Swinomish Indian Reservation, regardless of ownership type, and that the County has assumed partial regulatory jurisdiction for those lands held in fee title lying within the exterior boundaries of the Swinomish Indian Reservation; and
3. That both parties recognize the need for due process representation of all residents of the Swinomish Indian Reservation; and
4. That in order to alleviate the potential conflict which may result from the concurrent application of both regulatory programs within the exterior boundaries of the Swinomish Indian Reservation, the parties to this Memorandum of Understanding agree to initiate a coordinated land use planning process for land areas contained within the exterior boundaries of the Swinomish Indian Reservation; and
5. That the coordinated regional planning effort is not intended to transfer any degree of jurisdiction held by one party to the other party, nor is it to be misconstrued as a recognition of jurisdiction which either party may duly claim; and
6. That it is in the interest of the residents of Skagit County and the Swinomish Indian Reservation, that a coordinated regional planning process be established whereby the Tribe and County cooperate and share resources in the promotion of land use planning within Skagit County, and;

7. That in order to implement a coordinated regional planning process, the parties recognize that voluntary cooperation and an attitude of good faith towards the joint planning process is a prerequisite for successful coordinated planning.

#### Strategic Activities for Coordinated Planning

8. The Tribe and the County do mutually recognize the benefits of entering into a Memorandum of Understanding to establish a long term, government-to-government planning and regulatory relationship in order to jointly commence a process for the update of the Tribal and County Comprehensive Land Use Plans;

to formulate a single synthesized Comprehensive Plan; and to investigate alternative methods for the administration of the land use plan and other land use related regulatory codes for those land areas lying within the exterior boundaries of the Swinomish Indian Reservation;

9. The Tribe and the County recognize the benefits of actively pursuing future joint planning studies addressing regional concerns to both the County and the Tribe, which may include water quality studies in Skagit Bay and other such studies;

10. The Tribe and the County recognize that, for the purposes of initiating a coordinated comprehensive planning update process, that an Advisory Planning Board should be appointed, representing both the Tribe and the County, for purposes of identifying updating requirements to both the County Plan and the Tribal Plan in an effort to attain compatibility between plans;

11. The Tribe and the County recognize that in order to facilitate a coordinated comprehensive planning process for the Reservation area, the County recognize that in order to facilitate a coordinated comprehensive planning process for the Reservation area, the County should modify its existing "Island Sub-Area" and redesignate those land areas within the Swinomish Indian Reservation as a new sub-area known as the Swinomish Indian Reservation Sub-Area;"

12. The Tribe and the County recognize that an operational and organizational strategy for jointly administering a land use policy should be established which will consider: 1) the jurisdictional claims to land use regulation by both parties, and 2) each government's concern with respect to fair and adequate representation of all people residing on the Swinomish Indian Reservation. Said organizational strategy will outline a procedure for implementing the provisions of a comprehensive land use plan;

13. The Tribe and the County recognize that the independent, third party assistance provided through the Northwest Renewable Resources Center (NRRC) is considered both helpful and necessary for the timely implementation of a joint planning effort, and the governments hereby request the ongoing participation of NRRC to

assist in facilitating the joint planning effort. The governments further request NRRC to seek and provide funds for retaining a Coordinator to assist the parties in completing a joint comprehensive land use plan update process;

14. The parties mutually agree that efforts to initiate a joint planning process for the purposes of updating the Tribal and County Comprehensive Land Use Plan should commence during the summer of 1987;

#### Planning Process

Pursuant to this Memorandum of Understanding, the Tribe and the County acknowledge their commitment to pursue a process leading towards the coordination of land use planning and regulatory activities on the Swinomish Indian Reservation, and have identified the following three major elements of a program to commence during the summer of 1987 as follows:

##### A. Commitment for a Coordinated Planning.

(1) The Tribe and the County will consider entering into a Sphere of Influence Agreement as an interim measure of land use coordination while the planning process is underway;

(2) The Tribe and the County will formulate an Advisory Planning Board representing the Tribe and the County, which shall oversee the implementation of a joint comprehensive planning process.

(3) Both the County and the Tribe shall provide professional staff support to the Advisory Planning Board to facilitate the process of updating both Tribal and County Comprehensive Plans.

(4) The Advisory Planning Board shall initiate review and drafting of the plan document and shall present recommendations to the County and Tribal Planning Commissions for public review and adoption by their respective governing bodies.

##### B. Composition of Advisory Board:

(1) The Advisory Planning Board shall be comprised of nine (9) members, with appointments made mutually by the Tribe and the County. The positions on the Board shall be filled as follows: A representative of the Skagit County and Swinomish Planning Commissions (2 positions); The Planning Directors of the respective governments (2 positions); the NRRC Coordinator, serving as Chairperson (1 position); two positions appointed at-large and nominated by the County (2 positions); and two positions appointed at-large and nominated by the Tribe (2 positions).

(2) The Board shall serve at the discretion of, and shall make their recommendations to, the Tribe and the County.

(3) The Board shall complete their assigned tasks and responsibilities within the one (1) year anniversary of their



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