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PEND OREILLE
COUNTY COMMISSIONERS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

November 1, 2017

Pend Oreille County Board of Commissioners
PO Box 5025
625 W. 4th Street
Newport, WA 99156-5025

Re: Request for Lead Agency Status regarding HiTest Silicon

Dear Honorable Commissioners:

We received your October 10, 2017 letter to Director Maia Bellon requesting a transfer of lead agency under the State Environmental Policy Act (SEPA) for the HiTest Silicon proposal. This letter is intended to provide a preliminary response to your lead agency transfer request under WAC 197-11-940. The response is preliminary because Department of Ecology (Ecology) has not yet received any application materials from the applicant or Pend Oreille County (County).

The lead agency transfer provision reads as follow:

> **WAC 197-11-940 Transfer of lead agency status to a state agency.**
> For any proposal for a private project where a city or town with a population of under five thousand or a county with a population under eighteen thousand would be the lead agency under WAC 197-11-928 through 197-11-938, and when one or more state agencies are agencies with jurisdiction over the proposal, such local agency may at its option transfer the lead agency duties to that state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936. In such event, the state agency so determined shall be the lead agency and the agency making the transfer shall be an agency with jurisdiction. Transfer is accomplished by the county, city or town transmitting a notice of the transfer together with any relevant information it may have on the proposal to the appropriate state agency with jurisdiction. The local agency making the transfer shall also give notice of the transfer to any private applicant and other agencies with jurisdiction involved in the proposal.

Although Ecology has not received an application, it does appear that the County would qualify to transfer lead agency due to population size. The most recent information from the Office of

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Financial management shows the County with a population of 13,240 which is under the 18,000 level specified in WAC 197-11-940.

The other piece of information necessary for transfer is to determine a state agency with jurisdiction. From public descriptions of the project, it does appear that Ecology would have one or more permits required for construction and operation of the project.

In summary, it would appear that Ecology would be lead agency once an application is submitted or transferred to Ecology. We look forward to learning more about the project and working with the County on review of the project.

Sincerely,

Grant D. Pfeifer
Eastern Regional Director
509-329-3516 | gpfe461@ecy.wa.gov

GDP:kla