

**SEPA CO-LEAD AGENCY MEMORANDUM OF AGREEMENT
FOR THE SWITZLER RESERVOIR WATER STORAGE PROJECT – SEPA REVIEW**

Klickitat County and Benton County ("Counties") and the Washington State Department of Ecology ("Ecology") desire to share lead agency responsibilities under the State Environmental Policy Act, chapter 43.21C RCW ("SEPA"), to conduct environmental review for design, construction, permitting, mitigation and future water use associated with the Switzler Reservoir Water Storage Project. This memorandum of agreement (MOA) delineates the duties of each co-lead agency; how decisions will be made; how conflicts may be resolved; how the MOA may be dissolved, and other terms.

NOW THEREFORE, the Counties and Ecology (the "Parties") do hereby enter into the following agreements regarding SEPA lead agency authority for the Switzler Reservoir Water Storage Project:

I. DUTIES

A. General. The Parties shall share the responsibilities of SEPA lead agency for the Switzler Reservoir Water Storage Project as follows:

1. Ecology is designated as the nominal lead agency, which shall be responsible for complying with the duties of lead agency under WAC Chapter 197-11.
2. The Counties are designated as co-lead agencies.
3. The Parties, either jointly or independently, may determine that consultant(s) are needed to assist in completing the required SEPA analysis and documentation for this proposal.
4. Comments on all SEPA document(s) shall be received or recorded by Klickitat County, and Klickitat County shall forward copies to Ecology and Benton County of all oral transcripts and written and electronic comments received.
5. In all other respects, the Parties shall act as partners in meeting the responsibilities of lead agency under SEPA, with equal standing in all decisions to be made.

B. Preparing Analyses. It is expected that the Counties, pursuant to a grant from Ecology's Office of Columbia River, will provide the following types of information regarding the proposal, its environmental impacts, and potential mitigation: a completed environmental checklist and exhibits, electronic copies of existing environmental studies made available through a Klickitat County website, and any related materials in support of the proposal request. At such time, the Parties shall jointly make a SEPA threshold determination after assessing these SEPA documents.

C. Scope, Content and Costs

1. Mitigation identified and/or assessed in the SEPA document(s) shall be determined by the co-lead agencies. If an environmental impact statement (EIS) is prepared for the proposal, the co-lead agencies shall jointly design the scope of the EIS and the alternatives to be considered in the EIS so that all agencies are satisfied that a range

of reasonable alternatives is represented. The Parties agree that prior to initiation of an EIS, scoping is appropriate. Following scoping, the Parties may agree to revise the threshold determination if appropriate.

2. At a minimum, a representative of each agency shall review the environmental analysis and documentation prior to issuance of all necessary SEPA documents. A responsible official from each agency shall sign the SEPA documents prior to issuance. The signature of the responsible officials shall represent approval of the document, including the adequacy of the environmental analysis it contains.
3. Ecology has committed \$951,000 from February 1, 2017 to August 30, 2019 to prepare SEPA documents including preparation of an EIS. Should the total cost to complete the SEPA process exceed this dollar amount, the parties shall revisit how to close the funding gap.

II. DECISION MAKING AND DISPUTE RESOLUTION

1. The Parties, as co-lead agencies, agree to try to make decisions by consensus throughout the SEPA process in regards to scope, content and timing of all SEPA documents. The co-lead agencies recognize that the final SEPA document must contain sufficient environmental analysis for decision-making by all agencies with jurisdiction. Therefore, areas of environmental concern, potential mitigation, and reasonable alternatives suggested by any co-lead agency shall be included in the document if agreement cannot be reached between the three agencies that the particular area of concern, potential mitigation or reasonable alternative need not be assessed.
2. If the Parties cannot agree on an issue that would prevent their approval of the SEPA document or otherwise prevent them from sharing lead agency duties, any agency may withdraw from this MOA following notification to the other co-lead agencies in writing of the issue under dispute, including a suggested resolution. The co-lead agencies having receipt of such a letter shall have the option to agree to the suggested resolution, offer an alternate resolution, or agree to dissolve the MOA.
3. If at any time the MOA is dissolved, the SEPA process will be discontinued.
4. The Parties will each participate in any appeal challenging the environmental review contemplated by this MOA. In any such appeal, as the nominal lead agency, Ecology and its legal counsel will act to coordinate the effort of the Parties to defend against any legal action. However the Parties will cooperate, share responsibilities and provide legal support to the best of their abilities consistent with the principles outlined above.

III. OTHER TERMS

A. Term. The effective date of this MOA is upon date of the last signature below by either of the Counties or Ecology. This MOA shall continue until terminated in writing by one or more of the parties.

B. Communications. The following persons shall be the contact persons for all communications regarding this MOA.

**Klickitat County
Responsible Official**

Name: Mo-chi Lindblad
Klickitat County Planning
Director
228 West Main, MS: CH-17
Goldendale, WA 98620
Phone: 509-773-5703
Fax: 509-773-6206
Email address: mo-
chil@klickitatcounty.org

**Benton County
Responsible Official**

Name: Jerrod MacPherson
Benton County
Planning Manager
1002 Dudley Ave.
Prosser, WA 99350
Phone: 509-786-5612
Fax: 509-786-5629
Email address:
Jerrod.macpherson@co.benton.wa.us

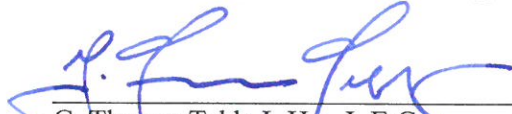
**Department of Ecology
Responsible Official**

Name: Tom Tebb
Office of the Columbia River
Director
1250 West Alder Street,
Union Gap, WA 98903
Phone: (509) 574-3989
Fax: (509) 575-2809
Email address:
Thomas.tebb@ecy.wa.gov

C. Changes. The parties may, from time to time, require changes in the scope of services performed under this MOA. The parties shall mutually agree to the changes by written amendment to this MOA.

This MOA is executed by the persons signing below, who warrant they have the authority to execute this MOA.


Washington Department of Ecology


G. Thomas Tebb, L.Hg., L.E.G.
Director, Office of Columbia River

9-29-17
Date


Approved as to Form only
by Assistant Attorney General

Benton County


Sharon Small
Board of County Commissioners
Chairman *Pro Tem*

8/7/18
Date

Klickitat County


Jim Sizemore *David Sauter*
Board of County Commissioners
Vice Chairman

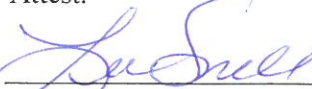
10-17-17
Date

Attest:


Carrie Mays
Clerk of the Board
Benton County

8/7/18
Date

Attest:


Sue Snell
Clerk of the Board
Klickitat County

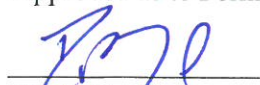
10-17-17
Date

Approved as to Form only:

Ryan Brown
Deputy Prosecuting Attorney
Benton County

Date

Approved as to Form only:


David Quesnel
Prosecuting Attorney
Klickitat County

10/11/17
Date