

**AN ORDINANCE AUTHORIZING THE ADOPTION OF RULES PURSUANT TO
CHAPTER 43.21C RCW AND CHAPTER 197-11 WAC RELATING TO
IMPLEMENTATION OF THE STATE ENVIRONMENTAL POLICY FOR GARFIELD
COUNTY, WASHINGTON**

WHEREAS the State Environmental Policy Act (“SEPA”), Chapter 43.21C RCW, sets forth an environmental policy for Washington State and requires that agencies review the environmental impacts of proposals, and, where appropriate, to mitigate those impacts; and,

WHEREAS, Chapter 197-11 of the Washington Administrative Code (“WAC”) provides SEPA rules to guide agency actions and to implement SEPA; and,

WHEREAS, SEPA applies to state agencies, counties, and municipal and public corporations; and,

WHEREAS, previously the County has relied on the state regulations in WAC 197-11 to satisfy its responsibilities under SEPA, as allowed by WAC 197-11-918; and,

WHEREAS, the County now desires to adopt the SEPA policies and regulations (“Garfield County SEPA Ordinance”), attached hereto as Exhibit A, pursuant to RCW 43.21C.120; and,

WHEREAS, the Department of Ecology has adopted a model SEPA ordinance to guide agencies when drafting and adopting SEPA policies and regulations that the County refers to in part; and,

WHEREAS, the adoption of SEPA policies and procedures is, itself, categorically exempt from SEPA review pursuant to WAC 197-11-800(19) and WAC 197-11-904(5); and,

WHEREAS, the County has provided public notice and opportunity for public comment and held public hearings on this ordinance on May 26 and June 1, 2009;

NOW, THEREFORE, the Board of Commissioners of GARFIELD COUNTY does hereby ORDAIN to adopt the Garfield County SEPA Ordinance, which is attached hereto and adopted by reference as if fully set forth herein.

This ordinance shall be in full force and effect upon adoption.

ADOPTED this ____ day of June, 2009.

Chair

Member

Member

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Attorney

EXHIBIT A

GARFIELD COUNTY SEPA ORDINANCE

Part One: Purpose and Authority

Section 1.1: Purpose.

This ordinance contains Garfield County’s procedures and policies implementing the State Environmental Policy Act (“SEPA”), chapter 43.21C RCW.

Section 1.2: Authority.

The County adopts these procedures and policies pursuant to RCW 43.21C.120 and chapter 197-11-904 of the Washington Administrative Code (“WAC”).

Section 1.3: State SEPA rules.

This ordinance adopts by reference the SEPA rules issued by the Washington Department of Ecology, with some modification and additions relevant to County operations. The state rules can be found in WAC 197-11. Each provision adopted by reference in this ordinance is found in these statewide rules. Chapter 197-11 WAC, as subsequently amended, must be used in conjunction with this ordinance.

Part Two: General Requirements.

Section 2.1 Purpose of this part and adoption by reference.

This part contains the basic requirements that apply to the SEPA process. Garfield County adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-060 Content of environmental review.

197-11-070 Limitations on action during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-158 GMA project review – Reliance on existing plans, laws, and regulations

197-11-210 SEPA/GMA integration.

197-11-220 SEPA/GMA definitions

197-11-228 Overall SEPA/GMA integration procedures

197-11-230 Timing of an integrated GMA/SEPA process.

197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental

analysis, and expanded scoping.
197-11-235 Documents
197-11-250 SEPA/Model Toxics Control Act integration.
197-11-253 SEPA lead agency for MTCA actions.
197-11-256 Preliminary evaluation.
197-11-259 Determination of nonsignificance for MTCA remedial actions.
197-11-262 Determination of significance and EIS for MTCA remedial actions.
197-11-265 Early scoping for MTCA remedial actions.
197-11-268 MTCA interim actions.

Section 2.2: Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799 and 197-11-220, when used in this ordinance, the following terms shall have the following meanings, unless the context indicates otherwise:

1. “County” means Garfield County.
2. “SEPA rules” means chapter 197-11 WAC adopted by the department of ecology.
3. “Department” means any division, subdivision or organizational unit of the County established by ordinance, rule, or order.
4. “Party of record” means: (1) the applicant; (2) the owner(s) of record of the property subject to the application; (3) any person who testified at a public hearing on the application; and/or (4) any person who submitted written comments during administrative review or has submitted written comments concerning the application at a public hearing (excluding persons who have only signed petitions or form letters).
5. “Notice of Availability” means a formal notice, published by the County, that announces the issuance and public availability of a draft or final EIS, pursuant to WAC 197-11-455 and WAC 197-11-510.

Section 2.3: Designation of responsible official.

1. For those proposals for which the County is the lead agency, the Garfield County Public Works Department Director/County Engineer shall be the “Responsible Official” for purposes of carrying out the responsibilities of this ordinance and the requirements of Chapter 43.21C RCW and Chapter 197-11 WAC.

2. For all proposals for which the County is the lead agency, the Responsible Official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules that were adopted by reference in Section 2.1 of this ordinance.

3. The County shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

Section 2.4 Lead agency determination and responsibilities.

1. Garfield County adopts WAC 197-11-922 through 197-11-938 and WAC 197-11-942 through WAC 197-11-948 by reference.

Section 2.5 Transfer of Lead Agency Status to a State Agency.

1. Garfield County adopts WAC 197-11-940 by reference.

Section 2.6 Timing of SEPA Process.

1. Garfield County adopts WAC 197-11-055 by reference.

Part 3. Categorical Exemptions and Threshold Determinations

Section 3.1 Purpose of this part and adoption by reference.

This part contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The County adopts the following sections by reference, as supplemented in this part:

WAC

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-355 Optional DNS Process.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

197-11-880 Emergencies.

Section 3.2 Flexible thresholds for categorical exemptions.

1. Garfield County adopts the following (sub)sections of the state’s SEPA regulations and SEPA model ordinance by reference:

a. WAC 173-806-070;

b. WAC 197-11-800(1)(a);

- c. The exempt levels for minor new construction outlined in WAC 197-11-800(1)(b); and
- d. WAC 197-11-800(2)-(25).

Section 3.3 Use of exemptions.

- 1. Garfield County adopts WAC 173-806-080 by reference.

Section 3.4 Environmental Checklist.

1. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance; except, a checklist is not needed if the County and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The County shall use the environmental checklist to determine the lead agency and, if the County is the lead agency, and for making the threshold determination.

Part 4: Environmental Impact Statement (EIS).

Section 4.1: Purpose of this part and adoption by reference.

This part contains the rules for preparing environmental impact statements. The County adopts the following sections by reference, as supplemented by this part:

- WAC
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

Part 5: Commenting

Section 5.1 Adoption by reference.

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The County adopts the following sections by reference, as supplemented in this part:

WAC

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

Section 5.2 Public notice.

1. Whenever Garfield County issues a public notice per the requirements of Chapter 43.21C RCW and Chapter 197-11 WAC, it shall, at a minimum, use the following methods for public notice:

- a. Publishing notice in a newspaper of general circulation in Garfield County; and
- b. Mailing notice to owners of record (whose names appears in the rolls of the Garfield County assessor) of property within five hundred feet of property boundary lines of project site.

2. At the Responsible Official's discretion and if the Responsible Official deems feasible, the County may also provide public notice by posting the property for site-specific proposals in a conspicuous location.

Section 5.3 Designation of official to perform consulted agency responsibilities for the County.

1. The Responsible Official shall be responsible for preparation of written comments for the County in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

2. The Responsible Official shall be responsible for the County's compliance with WAC 197-11-550 whenever the County is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the County.

PART SIX: USING EXISTING ENVIRONMENTAL DOCUMENTS

Section 6.1 Purpose of this part and adoption by reference.

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the County's own environmental compliance. The County adopts the following sections by reference:

WAC

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement--Procedures.

197-11-625 Addenda--Procedures.

197-11-630 Adoption--Procedures.

197-11-635 Incorporation by reference--Procedures.

197-11-640 Combining documents.

PART SEVEN: SEPA AND AGENCY DECISIONS

Section 7.1 Purpose of this part and adoption by reference.

This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The County adopts the following sections by reference:

WAC

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

Section 7.2 Substantive Authority.

1. The policies and goals set forth in this ordinance are supplementary to those in the existing authorization of the County.

2. In addition to adopting by reference the substantive authority and mitigation measures outlined in WAC 197-11-660, the County adopts by reference the following policies as the basis for the County's exercise of authority pursuant to this section:

a. RCW 43.21C.060;

b. The County shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - iv. Preserve important historic, cultural, and natural aspects of our national heritage;
 - v. Maintain, wherever possible, an environment which supports diversity and a variety of individual choice;
 - vi. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- c. The County recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
- d. The policies in the following County codes, ordinances, and plans:
- i. Garfield County's Zoning Ordinance including any amendments thereto;
 - ii. Garfield County's Critical Area Ordinance including any amendments thereto;
 - iii. Garfield County's Shoreline Master Program including any amendments thereto;
 - iv. Garfield County Comprehensive Plan including any amendments thereto; and
 - v. Garfield County's Subdivision Ordinance including any amendments thereto.

Section 7.3 Appeals. Garfield County establishes the following SEPA appeal procedures under RCW 43.21C.075 and WAC 197-11-680.

1. **Administrative Appeals Authorized.** A County final threshold determination (DS, DNS, or MDNS) or the adequacy of a final EIS issued by the County may be appealed by a party of record, as provided below, by filing a written notice of appeal with the Responsible

Official within the time periods specified herein. There shall be no administrative appeal of any other County intermediate SEPA decision, including, but not limited to, categorical exemptions, preliminary threshold determinations, scoping, or draft EIS adequacy. The appeal procedures vary, as described in this Section, depending on the type of SEPA determination (DNS, MDNS, or FEIS adequacy) and/or the type of underlying government action with which the SEPA determination is associated.

- a. *DS Appeals.* Appeals of a Determination of Significance, (DS), regardless of the type of underlying governmental action, must be filed within fourteen (14) calendar days of the date of issuance of the DS. The DS appeal need not be consolidated with the hearing on the underlying government action, and instead may be processed prior to proceeding with the County's review of the underlying government action. Any DS appeals, regardless of the type of underlying governmental permit or action, shall be heard by the County Hearing Examiner.
- b. *SEPA Appeals When County is Project Proponent.* Appeals of any threshold determination or adequacy of a final EIS on a project action when County is the project proponent, regardless of the type of underlying governmental action, must be filed within fourteen (14) calendar days of the date of issuance of the SEPA determination (DNS, MDNS, or FEIS adequacy). Such an appeal need not be consolidated with the hearing on the underlying government action, and instead may be processed prior to proceeding with the County's submittal of an application for project permit, and shall be heard by the Hearing Examiner. Subsequent appeals of substantive determinations by an agency (other than the County) with jurisdiction shall be governed by that agency.
- c. *Nonproject Action SEPA Appeals.* Appeals of any threshold determination (DNS or MDNS) or the adequacy of a final EIS on a nonproject action must be filed within fourteen (14) calendar days of the date of issuance of the threshold determination or the Notice of Availability of the FEIS, whichever is applicable. This appeal need not be consolidated with any hearing or decision on the underlying nonproject action and shall be heard by the Hearing Examiner.
- d. *Permit or Approval SEPA Appeals Consolidated With Hearing on Underlying Governmental Action.* SEPA administrative appeals (DNS, MDNS and FEIS adequacy) other than DS appeals and appeals of SEPA threshold determinations where County is project proponent shall be consolidated with the public hearing on the permit or approval for the underlying governmental action in a single consolidated hearing as provided below.
 - i. Final Staff Decisions with No Administrative Appeal. A SEPA determination (DNS, MDNS, or FEIS adequacy) on a final staff decision for which County ordinances provide *no* administrative appeal is *not* administratively appealable. However, such SEPA determinations are appealable to Superior Court per subsection 6 below.

ii. Final Staff Decision with Possibility of Administrative Appeal. A SEPA determination on a final staff decision for which County ordinances provide an administrative appeal may be appealed to the County body that holds the open record appeal pursuant to the County's Zoning Ordinance on the underlying permit or application within the following time periods.

1. An appeal of a DNS or MDNS must be filed within fourteen (14) calendar days of the date of issuance of the DNS/MDNS. This appeal period shall be extended seven calendar days if the appeal is of a DNS/MDNS for which public comment is required under WAC 197-11-340(2)(a).
2. An appeal of the adequacy of a Final EIS shall be filed within fourteen (14) calendar days after issuance of a Notice of Availability of the Final EIS, as described in WAC 197-11-455 and WAC 197-11-510.

ii. Permit or Application Decisions by Hearing Examiner, Board of Adjustments, Planning Commission, or Board of Commissioners After Open Record Hearing on the Permit. An appeal of a DNS, MDNS or the adequacy of a final EIS for a permit or application decision that is made by the Hearing Examiner, Board of Adjustments, Planning Commission or Board of Commissioners, after holding an open record hearing on the permit or application, shall be heard by the County body that holds the public hearing on the underlying permit or application and at the same hearing as the hearing on the underlying permit. For any permit or application decision for which one County body holds an open record hearing on the permit or application and another County body holds a closed record appeal on the same permit or application, then the appeal of the SEPA determination or FEIS adequacy shall be heard by the County body that holds the open record hearing.

1. An appeal of a DNS or MDNS must be filed within fourteen (14) calendar days of the date the County issues the DNS/MDNS. This appeal period shall be extended seven calendar days if the appeal is of a DNS/MDNS for which public comment is required under WAC 197-11-340(2)(a).
2. An appeal of the adequacy of a Final EIS must be filed within fourteen (14) calendar days of the date the County issues the Notice of Availability of the FEIS, as described in WAC 197-11-455 and WAC 197-11-510.

2. **Substantive Appeals.** Garfield County shall provide for only one administrative appeal of a threshold determination or the adequacy of an EIS. Subsequent administrative appeals of substantive SEPA conditions under RCW 43.21C.060 are not authorized.

3. **Consolidation of SEPA Hearings.** Whenever a project application includes more than one county permit, approval or determination for which a SEPA threshold determination is required, any SEPA appeals arising from a project application's multiple permits, approvals, and/or determinations shall be consolidated into a single proceeding before the County Hearing Examiner.

3. **Appeal Procedures.**

- a. **Filing.** Administrative appeals must be received by the Garfield County Public Works Department's Planning Division within the appeal deadlines described above. Appeals may be mailed to the following address: SEPA Responsible Official, Garfield County Public Works Department, Planning Division, PO Box 160, Pomeroy, WA 99347. Timely filing of the notice of appeal and appeal fee (if required) is a jurisdictional requirement. On its own motion, or on the motion of a party of record, the County hearing body may dismiss a SEPA appeal for untimeliness/lack of jurisdiction.
- b. **Content of Appeals.** The notice of appeal shall clearly and specifically: (1) State the appellant's name; (2) Describe the basis on which appellant claims standing to file the appeal (i.e., state the harm suffered or anticipated by the appellant); (3) Identify the decision being appealed and the alleged errors (procedural and/or substantive) in that decision; (4) State specific reasons why the appellant believes the challenged decision or document is in error; (5) Identify the relief sought; and (6) Include a filing fee for processing the appeal in the amount established by resolution of the Board of Commissioners.
 - i. On its own motion, or on the motion of a party of record, the County hearing body may dismiss a SEPA notice of appeal for not being sufficiently specific to apprise the County and other necessary parties of the factual basis upon which relief is sought, or the grounds stated do not constitute a legally adequate basis for the appeal. In lieu of dismissal, the County hearing body's order may clarify the issues on appeal, or may require the appellant to file a bill of particulars to supplement the notice of appeal.
 - ii. Unless an amendment to the notice of appeal is authorized by the County hearing body for good cause, the identification of errors and statements of reasons for reversal or modification will define and limit the issues which the County hearing body will consider.
- c. **Substantial Weight.** The determinations of the County's Responsible Official shall carry substantial weight in any appeal proceeding.
- d. **Record on Appeal.** Any judicial appeal under this section shall be on the record. The County shall provide for a record that shall consist of the following:
 - i. Findings and conclusions;

ii. Testimony under oath; and

iii. An electronically recorded or written transcript. The cost of providing a taped or written transcript shall be borne by an appellant.

4. **Notice of Action.**

a. County may publish a Notice of Action taken by County pursuant to this Ordinance and procedures, and pursuant to RCW 43.21C.080. The form of any such notice shall be substantially in the form provided by the SEPA rules.

b. A Notice of Action is not required for those County actions that have an administrative SEPA determination appeal as described in this section, and, instead, anyone seeking to challenge the adequacy of those SEPA determinations shall follow the administrative appeal procedures described herein. Failure to follow those procedures for an administrative appeal shall bar a party from filing a subsequent SEPA determination challenge in Superior Court.

c. A Notice of Action may be, but is not required to be filed for any County action that does not have an administrative appeal, as described in this section, thereby establishing a time certain after which no appeals of a SEPA determination may be filed for the first, or any subsequent project approvals based upon that SEPA determination.

d. If the County issues a Notice of Action for a proposal, an appeal of any final threshold determination (DS, DNS, or MDNS) or adequacy of a final EIS for such proposal shall be filed within twenty-one (21) calendar days from the date of issuance.

5. **Judicial Appeals.** The decision of the County hearing body on a procedural and/or substantive SEPA administrative appeal shall be final and may only be appealed to superior court and must be filed in conjunction with an appeal of the underlying government permit or action. For project permit decisions, judicial appeals shall be governed by the time frames and procedures found in RCW 36.70C. For nonproject actions governed by the Growth Management Act, appeals shall be as provided by RCW 36.70A. For other government actions, appeals shall be filed within twenty-one (21) calendar days of the County's action in accord with Chapter 197-11 WAC and Chapter 43.21C RCW.

PART EIGHT: DEFINITIONS

Section 8.1 Purpose of this part and adoption by reference.

This part contains uniform usage and definitions of terms under SEPA. The County adopts the following sections by reference, as supplemented by WAC 173-806-040:

WAC

197-11-700 Definitions.
197-11-702 Act.
197-11-704 Action.
197-11-706 Addendum.
197-11-708 Adoption.
197-11-710 Affected tribe.
197-11-712 Affecting.
197-11-714 Agency.
197-11-716 Applicant.
197-11-718 Built environment.
197-11-720 Categorical exemption.
197-11-721 Closed record appeal.
197-11-722 Consolidated appeal.
197-11-724 Consulted agency.
197-11-726 Cost-benefit analysis.
197-11-728 County/city.
197-11-730 Decision maker.
197-11-732 Department.
197-11-734 Determination of nonsignificance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-750 Expanded scoping.
197-11-752 Impacts.
197-11-754 Incorporation by reference.
197-11-756 Lands covered by water.
197-11-758 Lead agency.
197-11-760 License.
197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Nonproject.
197-11-775 Open record hearing.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.

- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

PART NINE: AGENCY COMPLIANCE

Section 10.1 Purpose of this part and adoption by reference.

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, selecting the lead agency, and applying these rules to current agency activities. The County adopts the following sections by reference:

WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE ordinance of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

Section 10.2 Critical Areas.

Garfield County adopts by reference WAC 197-11-908 (designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise) and WAC 173-606-190.

Section 10.3 Fees.

Garfield County adopts WAC 197-11-914 by reference and shall collect fees for its activities in accordance with the provisions of this ordinance in the amount established by resolution of the Board of Commissioners.

Section 10.4 Effective date.

This ordinance is effective upon adoption.

Section 10.5 Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

Section 10.6 Revision or amendment of procedures.

The County may amend its SEPA policies or procedures from time to time as may be necessary. The Responsible Official may provide additional guidance and procedures to carry out this ordinance.

PART TEN: FORMS

Section 11.1 Adoption by reference.

The County adopts the following forms and sections by reference:

WAC

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.