

## **Pre-Operational Technical Advisory Group Rules of Procedure**

The Site Certification Agreement (SCA) for the Horse Heaven Wind Farm (the “Project”) includes mitigation measures referred to in this Charter as “Conditions.” Site Certificate Agreement (SCA) Condition Hab-4 requires the Certificate Holder to establish a Pre-Operational Technical Advisory Group (PTAG) to advise on the development and implementation of pre-construction compliance activities. The PTAG is responsible for reviewing and providing technical advice on documents produced by the Certificate Holder related to wildlife and habitat, which will then be submitted to the Energy Facility Site Evaluation Council (EFSEC) for approval. After construction and before Project operation, the PTAG will cease to exist and be replaced by the Technical Advisory Committee (TAC), with its respective Charter.

The SCA requires the Certificate Holder to “submit to EFSEC for approval proposed Rules of Procedure describing how the PTAG shall operate, including but not limited to a schedule for meetings, a meeting procedure, a process for recording meeting discussions, a process for making and presenting timely PTAG recommendations to the Council, and other procedures that will assist the PTAG to function properly and efficiently.” SCA Art. IV.G. This document serves that purpose.

### **Establishing Language**

SCA Condition IV.G creates the foundation of the PTAG:

#### ***Pre-Operational Technical Advisory Group***

*The Certificate Holder, in consultation with EFSEC, shall establish a Pre-operational Technical Advisory Group (PTAG) as defined by mitigation measure Hab-4 in Appendix 2. The PTAG shall be established at least one year prior to construction and is responsible for reviewing and providing technical advice on documents produced by the Certificate Holder related to wildlife and wildlife habitat. The PTAG shall also provide advice on adaptive management. The PTAG shall be responsible for, at a minimum:*

- 1. Reviewing and providing technical advice on Project wildlife and habitat management plans (e.g. ferruginous hawk management plans).*
- 2. Reviewing and providing advice to EFSEC on pre-design and pre-construction data collection requirements to address Project mitigation measures and conditions or management plans.*
- 3. Reviewing and providing advice to EFSEC on the final Project design.*
- 4. Advising on thresholds to be applied to the Project that would trigger the requirement for additional mitigation measures.*

### **SCA Conditions Under Consideration by the PTAG**

The SCA defines which SCA Conditions the PTAG will advise the Certificate Holder and EFSEC on during the pre-operations period. The following SCA Measures in the SCA invoke the PTAG:

- Hab-1 Wildlife Movement Corridors

- Hab-4 Establish PTAG and TAC
- Hab-5 Indirect Habitat Loss Management Plan
- Hab-6 Project Layout and Design
- Hab-8 Indirect Habitat Loss Compensation
- Wild-1 Post-construction Bird and Bat Fatality Monitoring Program
- Wild-8 Turbine Buffer Zones
- Wild-10 Pre-construction Bat Monitoring
- Spec-1 Striped Whipsnake & Sagebrush Lizard
- Spec-4 Burrowing Owl
- Spec-5 Ferruginous Hawk
- Spec-7 Loggerhead Shrike, Sagebrush Sparrow, Sage Thrasher, & Vaux's Swift
- Spec-8 Prairie Falcon
- Spec-10 Black-tailed Jackrabbit & White-tailed Jackrabbit
- Spec-12 Townsend's Ground Squirrel
- Spec-13 Pronghorn Antelope

See Attachment A for full text of these Conditions.

### **Membership Expectations**

#### ***Commitment and Structure***

Representative organizations are encouraged to designate PTAG members who can serve through the completion of the PTAG's work when the facility completes construction. The PTAG will be managed to provide timely recommendations as directed in the SCA, Article IV(G) and directed by the Facilitator, to support the Certificate Holder's and EFSEC's review.

Attachment B describes the entities represented on the PTAG. Members can identify an alternate to attend meetings in their absence. Entities will notify the Certificate Holder in writing of the person designated as the alternate representative.

Appointees to the PTAG must have relevant expertise or firsthand knowledge of facts relevant and necessary to the matters on which the PTAG is established to advise. PTAG members should limit their input to those topics on which they have relevant expertise or knowledge that qualifies them to provide input.

### **Authority**

As provided in the SCA, the role of the PTAG is advisory only. PTAG roles are defined by the responsibilities outlined in SCA Condition Hab-4 to serve in a strictly advisory role to EFSEC and the Certificate Holder.

As detailed below, once a Facilitator Report is finalized, the Certificate Holder will consider the PTAG recommendations and prepare a final proposal for EFSEC staff consideration. EFSEC staff will consider

the proposal and (1) approve or reject the proposal for revision, or (2) recommend that the proposal or an aspect of the proposal be considered and approved by the standing Councilmembers. EFSEC maintains full decision-making authority as to the approval of all material items required under the SCA, as provided in chapter 80.50 RCW.

### **Governance and Decision-Making**

**EFSEC Staff Role:** An EFSEC Staff designee will attend PTAG meetings to observe and to be available to answer questions from PTAG members, the Certificate Holder representative, and the Facilitator about EFSEC Staff's interpretation of the PTAG process, the SCA, and mitigation measures included in the SCA.

**Certificate Holder Role:** The Certificate Holder will designate a representative to present to the PTAG the Certificate Holder's draft proposals on matters for which the SCA requires advice from the PTAG. The Certificate Holder representative, in consultation with EFSEC staff and the Third-Party PTAG Facilitator, will be responsible for developing and distributing agendas, meeting schedules/locations, and may provide administrative assistance including material development.

**Third-Party PTAG Facilitator Role:** The Certificate Holder will retain an independent, professional facilitator (Facilitator) to oversee and coordinate the PTAG discussion and review process. This neutral intermediary will oversee the meetings, assist in explaining the charge and matters on which advice is to be solicited from PTAG members, solve unexpected problems, and act as the point of contact between PTAG members, the Certificate Holder, and EFSEC staff. The Facilitator will be responsible for drafting and keeping meeting minutes and developing and maintaining timelines for recommendations to EFSEC. A staff member from the Facilitator's team will take minutes during PTAG meetings. The Facilitator will ensure the accuracy of draft minutes prior to distribution to the PTAG for approval. The Facilitator is expected to maintain independence from the Certificate Holder and PTAG members, consistent with alternative dispute resolution professional standards. The Facilitator will ensure meetings remain productive, efficient, and within the scope of the agenda and the items for consideration under the SCA.

**Meetings, Review and Recommendations:** At each PTAG meeting, the Certificate Holder will present to the group draft plans, methodologies, or other documents prepared for PTAG review and comment. The Certificate Holder will provide such materials for PTAG review at least 14 days prior to the meeting at which they will be discussed. PTAG members may provide comments on the materials at the following meeting. Comments are to be rooted in technical expertise and supported by data or other evidence constituting the best available science. PTAG member input on facts relevant to the matters to be reviewed by the PTAG must meet standards of reliability applicable to agency SEPA analysis (e.g., attribution of photographs, reference to surveys, citation of pertinent records). At PTAG meetings, the Facilitator will facilitate discussion as to each comment and provide opportunities for all PTAG members to respond. The Facilitator will keep all written comments and document all verbal comments in the meeting minutes. Topics or issues that are not resolved at the successive meeting may be continued to the next meeting.

**Facilitator Report:** The Certificate Holder will present to the PTAG the Certificate Holder’s draft proposals on matters for which the SCA requires advice from the PTAG. The PTAG need not reach consensus on each draft proposal or topic before it, but should endeavor to do so where possible. When the Facilitator determines that all comments and perspectives have been heard and all relevant evidence has been considered as to a particular document or topic, the Facilitator must direct that the group’s advice on that subject be finalized. The Facilitator will then work to develop a report of the PTAG’s deliberations for consideration (the “Facilitator Report”). The Facilitator must identify areas of agreement and any areas of disagreement amongst the group members’ advice so that EFSEC’s decision is informed by all relevant input from PTAG members. The Facilitator will distribute the meeting minutes as well as the draft report for group members to review and approve or revise at the following meeting, to ensure it accurately reflects each group member’s advice.

**PTAG Recommendation:** Once the Facilitator’s Report is finalized for a document or topic, the Certificate Holder will consider the advice therein to develop a final proposal to EFSEC. The Facilitator’s Report and the Certificate Holder’s final proposal shall be provided to EFSEC for review. The Certificate Holder’s final proposal may explain the economic and technological feasibility implications of the advice presented in the Facilitator Report, when applicable.

**Materials for EFSEC Consideration:** Once these materials are finalized, the Facilitator will present to the Certificate Holder all meeting minutes, draft documents, written comments, the Facilitator’s Report and the Certificate Holder’s final proposal pertinent to a topic for EFSEC review and decision. The Certificate Holder will then provide these materials to EFSEC as contemplated in SCA Art. IV.G.

### **Quorum and Agendas**

To reach a quorum, two-thirds of PTAG members (or member representative designated in writing), respectively, must be in attendance at a meeting, as well as the Facilitator, Certificate Holder representative, and the EFSEC Staff observer. PTAG meetings may proceed without a quorum of members, but a Facilitator Report may not be finalized until group members have been given a reasonable opportunity to approve that it accurately reflects each member’s comments.

Agendas will be generated by the Facilitator, in consultation with EFSEC staff and the Certificate Holder representative when appropriate, and will be provided to PTAG members at least 14 days prior to the meeting where the information will be discussed, along with any meeting material needed to conduct business.

### **Meeting Frequency and Transparency**

The PTAG will meet at least monthly for the duration of their tenure, with the understanding that additional meetings may be needed to meet goals and Project timelines. It is anticipated that meetings during the first few months will be more frequent, at times weekly, including to establish the PTAG and

develop a recommendation on SCA Conditions that influence final Project design, prioritizing Spec-5. Once the Spec-5 PTAG report is finalized, the remaining items that will influence Project design or that are longer lead items, such as longer-term studies, will be addressed. During the initial meeting the timing, frequency, duration, material preparation and review schedule and if necessary, location, will be determined by the Facilitator.

As a strictly advisory body, meetings are not subject to Open Public Meeting Act rules and will not be open to the public. As described above, the Facilitator will keep the meeting minutes, subject to review and approval by PTAG members, for the record and ultimately provide those minutes to EFSEC.

# Attachment A

## SCA Conditions Requiring PTAG Involvement

- Hab-1 Wildlife Movement Corridors:** The Certificate Holder shall provide rationale to EFSEC for siting any Project components within movement corridors modeled in Washington Wildlife Habitat Connectivity Working Group (2013) as medium to very high linkage, and a Corridor Mitigation Plan shall be required that describes:
- Extent of direct and indirect habitat impact within the movement corridor
  - Proposed measures to be implemented to reduce potential impacts on movement corridors (e.g., habitat enhancements to promote continued use of corridors)
  - Proposed features (e.g., open-bottom culverts) to accommodate wildlife movement for linear Project components (e.g., roads, powerlines)
  - Proposed restoration in movement corridors following Project decommissioning
  - Performance standards to assess the effectiveness of mitigation measures and restoration
  - Methods to monitor and measure performance standards

The Corridor Mitigation Plan shall be developed in consultation with the PTAG and reviewed and approved by EFSEC prior to implementation. Results of corridor monitoring shall be reviewed annually with the TAC to evaluate the effectiveness and apply additional measures if necessary. Data shall be provided to EFSEC with additional mitigation measures for review and approval prior to implementation.

- Hab-4 Establish PTAG and TAC:** The Certificate Holder, in consultation with EFSEC, shall establish a PTAG and TAC. The PTAG shall be established at least one year prior to construction and will be responsible for reviewing and providing technical advice on documents produced by the Certificate Holder related to wildlife and wildlife habitat. The PTAG will also provide advice on adaptive management. The PTAG will be responsible for, at a minimum:
- Reviewing and providing technical advice on Project wildlife and habitat management plans (e.g., ferruginous hawk management plan)
  - Reviewing and providing advice to EFSEC on pre-design and pre-construction data collection requirements to address Project mitigation measures and conditions of management plans
  - Reviewing and providing advice to EFSEC on the final Project design
  - Advising on thresholds to be applied to the Project that will trigger the requirement for additional mitigation measures

The Certificate Holder, in consultation with EFSEC, shall establish a TAC prior to Project operation. The PTAG will cease to exist once the Certificate Holder has completed all planned construction and will be replaced by the TAC, which will exist for the life of the Project. The TAC will be responsible for, at a minimum:

- Advising on the monitoring of mitigation effectiveness and reviewing monitoring reports
- Advising on additional or new mitigation measures that will be implemented by the Certificate Holder to address exceedances of thresholds
- Reviewing the results of annual data generated from surveys and incidental observations and providing recommendations for alternative mitigation and adaptive

management strategies, as well as advising on aspects of existing mitigation that are no longer needed.

The PTAG and TAC may include representation by WDFW, the Washington Department of Natural Resources, interested tribes, Benton County, and the USFWS. The PTAG and TAC may also include local interest groups, not-for-profit groups, and landowners. The exact composition of the PTAG and TAC will be determined through discussions between the Certificate Holder and EFSEC and will depend on the relevance and/or availability of proposed members.

**Hab-5 Indirect Habitat Loss Management Plan:** As noted by the Certificate Holder, the Project is expected to result in indirect habitat loss through loss of habitat function and changes in wildlife behavior in response to the Project. Further, as noted by the Certificate Holder, WDFW guidelines require that compensatory habitat mitigation must fully offset the loss of habitat function and value. To address indirect habitat loss associated with the Project, the Certificate Holder shall develop an Indirect Habitat Loss Management Plan that addresses potential indirect habitat loss resulting from the Project. The Certificate Holder shall work with the PTAG during the development of the Indirect Habitat Loss Management Plan (IHLMP) for review and approval by EFSEC. EFSEC and the PTAG will review the IHLMP prior to its implementation. The IHLMP shall be provided to the PTAG for review 90 days prior to construction.

The objectives of the IHLMP will be to identify a Project-specific ZOI and required mitigation based on the Project-specific ZOI. The Project-specific ZOI will be developed based on Project conditions and may differ from the ZOI presented in the EIS. The IHLMP shall include:

- A description of the study's purpose and objectives
- A description of methods to define Project-specific ZOIs (e.g., gradient analysis, nest density)
- A description of data requirements to establish Project-specific ZOIs and field programs that will be implemented (pre-construction and post-operation)
- A description of the duration of studies required to establish Project-specific ZOIs
- A description of criteria to be used to compensate for loss of habitat function and value
- An environmental effectiveness monitoring strategy of compensatory habitat to ensure that the habitat meets success criteria

The IHLMP shall also include a series of compensatory site-selection criteria, developed in consultation with the PTAG. The selection criteria will be used to evaluate candidate habitat compensation habitats. Habitats that achieve more of the criteria will be identified as the preferential sites. Selection criteria shall include, at a minimum:

- Proximity to the Lease Boundary (e.g., hierarchy of preferences with respect to location— within the Lease Boundary being the highest priority, adjacent to the Lease Boundary being the second highest priority, and off site being the third priority)

- Protection of existing native shrub-steppe or grassland habitats
- Encompassing sensitive or important wildlife habitat (e.g., mapped movement corridors, ferruginous hawk core habitat, HCAs, areas of high prey abundance)
- Proximity to Project infrastructure

**Hab-6 Project Layout & Design:** The Certificate Holder shall work with EFSEC, with advice from the PTAG, on the development of the final Project layout and design, including the application of Certificate Holder commitments and recommended mitigation measures.

**Hab-8 Indirect Habitat Loss Compensation:** The Certificate Holder shall be required to provide compensation habitat loss and alteration (indirect habitat loss) (See Hab-5, Veg-4) through one or more actions of land acquisition, onsite easement and restoration (excluding areas impacted by the project such as temporary laydowns), and/or fee-based mitigation. The Certificate Holder shall prioritize development of conservation easements (Option 11 in the Certificate Holder's Draft Wildlife and Habitat Mitigation Plan) and shall compensate for the remaining permanent and altered (indirect) impacts by providing money to WDFW, or a third party identified by WDFW, and agreed to by EFSEC, to purchase other lands suitable as in-kind and/or enhancement mitigation. The Certificate Holder shall provide EFSEC, for review and approval, with rationale for fee-based mitigation (Options 2 and 3 in the Certificate Holder's Draft Wildlife and Habitat Mitigation Plan) including a description of how much compensatory habitat will be addressed through Option 1 (conservation easement) and rationale for why fee-based mitigation is required. The fee-based mitigation includes a per acre fee that shall be determined by market rates and land sales within the general vicinity of the Lease Boundary for lands containing comparable habitat types and quality present within the Lease Boundary. The per acre fee shall be developed by the Certificate Holder in consultation with WDFW and approved by EFSEC. The Total Financial Obligation (TFO) shall be determined by multiplying the cost per acre by the total Compensatory Mitigation Acres (CMA) remaining after the application of Option 1 mitigation strategy and shall include a one-time 15% premium to cover administration and management costs for the purchased lands. The TFO for compensatory mitigation shall be determined and agreed to by EFSEC 90 days before construction. If construction has not begun within 12 months of the approval of the TFO, the TFO identified shall expire and be recalculated prior to beginning construction. The TFO shall be calculated based on the following: Average Comparable Land Sale Cost (per acre)\*(CMA-Option 1 Acres)\*1.15 = TFO In addition to the wildlife and habitat mitigation measures, the following measures developed for the Vegetation chapter are applicable to wildlife and habitat.

**Wild-1 Post-construction Bird and Bat Fatality Monitoring Program:** Prior to initiation of operation, the Certificate Holder shall develop, in coordination with the Pre-operational Technical Advisory Group (PTAG) and approval by EFSEC, a post-construction bird and bat fatality monitoring program. Monitoring shall be conducted for a minimum of three years. While the three years of monitoring need not be consecutive, all post-construction monitoring shall be conducted within the initial five years of operation to document variation in annual fatality rates. The program shall describe survey methods, timing, and effort as described in the Certificate Holder's Bird and Bat Conservation Strategy (Appendix M of the Final ASC). Surveys

shall include carcass surveys to document the longevity of carcass persistence and detectability of carcasses. Surveys shall be conducted year-round to account for variation in bird and bat abundance and diversity. Additional surveys (e.g., survey frequency) shall be conducted during sensitive periods for birds and bats (e.g., migration periods). Surveyed area shall include turbines, solar arrays, and transmission lines at a minimum.

#### **Bird and bat fatality adaptive management strategy development**

Prior to initiation of operation, the Certificate Holder shall develop, in coordination with the PTAG and approval by EFSEC, an adaptive management strategy. The adaptive management strategy shall include additional mitigation measures to be applied during sensitive periods (e.g. migration) or if mortality thresholds are exceeded.

Migratory bat species are at risk of population level impacts due to wind power facilities and these species are most at risk of collisions with turbines during spring and fall migration. As such, adaptive management strategies will be applied during these sensitive periods, which are generally April to June (spring migration) and August to October (fall migration) (Hayes and Wiles 2013). Acoustic surveys during operation may be used to define a project-specific migratory period. Acoustic detectors may be deployed across the Lease Boundary prior to spring and fall migration to detect increased bat activity suggesting the onset of bat migration. These data will be used to adjust the generalized bat sensitive periods listed above. Similarly, acoustic data will be used to document the end of bat migration and when adaptive management strategies may no longer be required. Bat data shall be downloaded and analyzed on a weekly basis to document the start and end of migration.

Adaptive management mitigation strategies that will be considered include altering the operation of the turbines by increasing the cut-in speed to above 18 feet (5.5 meters) per second (Alberta Government 2013) and curtailing turbines during known bird and bat migration period. As noted in in Section 4.6.2.2, projected impacts of wind power projects estimate that wind power could result in mortality levels of 3 to 46 percent of the hoary bat population by 2050. Friedenber and Frick (2021) conclude that a 5 m/s curtailment could avoid hoary bat extinction in several of the modeled scenarios. Acoustic monitors and smart curtailment may also be included in adaptive management to refine data on bat presence near turbines and when curtailment mitigation should be implemented. Mitigation strategies may be limited to groups of turbines based on the results of post-construction monitoring.

#### **Bird and bat fatality adaptive management review**

The Certificate Holder, the TAC, EFSEC, and WDFW will review the results of the bird and bat post-construction fatality monitoring program after each monitoring period to determine whether the mitigation measures outlined in the adaptive management strategy should be revised or adjusted. The data will also be used to determine whether monitoring efforts are sufficient to verify predicted impacts on birds and bats. EFSEC may require the Certificate Holder to conduct more intensive surveys (e.g., additional spatial extent or frequency) or extend the duration of post-construction monitoring beyond the minimum three years. The Adaptive management mitigation strategies shall be periodically reviewed (minimum of every five years) with the TAC during operation to consider inclusion of new science and technologies that may more efficiently reduce bird and bat fatalities.

**Wild-8 Turbine Buffer Zones:** Wind turbine buffer zones shall be established around all known raptor nests and be a minimum of 0.25 miles. The Certificate Holder shall prepare a Raptor Nest Monitoring and Management Plan for review by EFSEC and the PTAG if buffer zones cannot be maintained.

**Wild-10 Pre-construction Bat Monitoring:** The Certificate Holder shall conduct pre-construction surveys to develop an estimate of regional bat populations and identify to what degree seasonality affects the bat population in the area. The PTAG shall be contacted prior to undertaking these surveys and shall be involved in the development of the methodology and review of the results.

**Spec-1 Striped Whipsnake & Sagebrush Lizard:** The Certificate Holder shall conduct pre-construction surveys for sensitive reptile species prior to alteration or destruction of suitable habitat such as areas within the Lease Boundary identified as core habitat in GAP mapping, as well as shrubland (e.g., shrub-steppe, rabbitbrush). WDFW shall be contacted prior to undertaking these surveys. If these species are identified through pre-construction surveys, the Certificate Holder shall prepare a Reptile Management Plan to reduce potential impacts on habitat, mortality, and barriers to movement. The Reptile Management Plan shall describe:

- How the Certificate Holder will avoid suitable habitat, including where the species were observed
- How the Certificate Holder will implement management recommendations in Larsen (1997)
- How the Certificate Holder will maintain rodent burrows in suitable reptile habitat (e.g., shrubsteppe)
- Additional mitigation measures to reduce potential mortality of these species during the construction and operation stages of the Project

The Reptile Management Plan shall be reviewed by the PTAG and approved by EFSEC prior to initiation of construction. Survey results and proposed adaptive management shall be reviewed by the PTAG and approved by EFSEC prior to implementation (see Hab-4).

**Spec-4 Burrowing Owl:** The Certificate Holder shall conduct burrowing owl surveys within areas of direct loss (permanent, temporary, and modified) and associated ZOIs. The results of these surveys shall be provided to the PTAG and EFSEC and used to inform the final Project layout. Active burrows shall be retained and satellite burrows with characteristics used by burrowing owls shall be avoided where feasible to maintain habitat capacity. WDFW-recommended seasonal buffers (0.5 miles) shall be applied around burrowing owl nests to avoid disturbing nesting burrowing owls, if present (Larsen et al. 2004). Seasonal buffers (February 15 to September 25) shall be applied during construction and for temporary disturbances, such as periodic maintenance, during operation. If active burrowing owls are identified within the Lease Boundary, the Certificate Holder shall develop a species-specific management plan that describes:

- The location of active burrows.

- How active burrows will be avoided through re-alignment or reconfiguration of Project features.
- Additional mitigation measures that will be applied where disturbance to active burrows is expected (e.g., construction of artificial burrows).
- Additional mitigation measures that will be applied during operation if burrowing owl mortalities are recorded.
- How ongoing monitoring of active burrows will be undertaken.

The Burrowing Owl Management Plan shall be reviewed by the PTAG and approved by EFSEC prior to initiation of construction. Survey results and proposed adaptive management shall be reviewed by the PTAG and approved by EFSEC prior to implementation (see Hab-4).

The Certificate Holder shall monitor access roads for burrowing owl use and mortalities. Mortalities shall be reported to the PTAG or TAC (depending on the Project phase) and EFSEC within 5 days of the observation. Incidental observations of burrowing owl use shall be provided to the PTAG (construction) or TAC (operation) on an annual basis.

**Spec-5 Ferruginous Hawk:** The Certificate Holder shall not site any wind turbines, solar arrays, or BESS within a 0.6-mile (1km) radius surrounding ferruginous hawk nests:

- documented in PHS data on the effective date of the SCA,
- identified in the Certificate Holder's nest surveys, and/or
- that may be newly established by the species between the SCA effective date and the time of construction.

The Certificate Holder shall avoid siting wind turbines, solar arrays, and BESS within a 0.6-2-mile radius surrounding documented ferruginous hawk nests, unless the Certificate Holder is able to demonstrate that:

- compensation habitat, as described below, will provide a net gain in ferruginous hawk habitat and either:
  - the nesting site is no longer available, or
  - the foraging habitat within the 2-mile radius is no longer viable for the species.

Habitat considered no longer available for ferruginous hawk would include habitat that has been altered by landscape-scale development (conversion to cropland, residential development, industrial development) rendering the territory non-viable. This could include habitats that have been altered such that insufficient native or foraging habitat remains. Project turbines, solar arrays, or BESS shall not be sited within 2 miles of a ferruginous hawk nest without prior approval by EFSEC based on the process described below.

The extent of component encroachment into core habitat in ferruginous hawk territories, defined as the area within a 2-mile radius surrounding documented nests, may vary depending on the type of infrastructure proposed (i.e., turbine, solar array, BESS). If siting of these components within 2 miles of a nest is considered by the Certificate Holder, the Certificate Holder shall develop, in consultation with the PTAG for approval by EFSEC:

1. A set of habitat parameters to document whether habitat in a core range is considered non-viable. The results of habitat surveys and their relation to these habitat parameters shall be reviewed by the PTAG and approved by EFSEC.
2. A description of the current viable nesting habitat, available nesting sites, and a description of documented use of the core habitat by ferruginous hawk available through historic background information or field-based surveys.
3. A description of the type and location of infrastructure proposed within the core habitat.
4. The proximity of infrastructure to any known nest site or suitable foraging habitat.

In the event that a Project component is proposed for siting within the 2-mile buffer, the Certificate Holder shall, in consultation with the PTAG, develop a Project-specific ferruginous hawk mitigation and management plan for approval by EFSEC:

1. A description of efforts to site Project infrastructure to avoid core habitat, identified as the area within 2 miles of nests documented in PHS data and the Certificate Holder's nest surveys:
  - a. If Project turbines, solar arrays, or BESS are sited within 2 miles of a ferruginous hawk nest, the infrastructure shall be reviewed by the PTAG and approved by EFSEC.
  - b. Additional mitigation measures shall be developed to reduce potential ferruginous hawk strikes with turbines, including curtailing turbine operation within the 2-mile core habitat of any actively occupied nests diurnally during the breeding and rearing periods when ferruginous hawks are present in Benton County.
  - c. The plan shall explain how and where the Certificate Holder will create new offset habitat to mitigate for direct and indirect habitat loss within the 2-mile core area of ferruginous hawk nests documented in PHS data and the Certificate Holder's nest surveys.
2. A description of when construction activities will be undertaken to avoid sensitive timing periods for ferruginous hawk.
3. A description of pre- and post-monitoring programs that will be conducted to establish:
  - a. Habitat use within the Lease Boundary.
  - b. Mapping of ground squirrel colonies and other prey.
  - c. Identification of potential flyways between nest sites and foraging habitat and monitoring of potential flyways to inform final turbine siting and orientation.
  - d. Ongoing monitoring of nest use and territory success.
4. A description of restoration activities that will be undertaken during Project decommissioning to enhance ferruginous hawk habitat in disturbed areas.

Results of ferruginous hawk monitoring programs and adaptive management will continue through Project operation and decommissioning with review by the TAC and approval by EFSEC.

*Exemption from Spec-5 for East BESS:* The Certificate Holder intends to locate the East BESS within the footprint of the East Substation, which is itself located within 0.6-miles of a documented ferruginous hawk nest. The East BESS is exempted from the 0.6-mile and 2-mile buffers described in this measure so long as it remains co-located with the East Substation and remains subject to the other requirements of this measure. While the substation is not subject

to buffer requirements of this mitigation measure, absent this exemption, relocation of the BESS would be required. The rationale for this exemption is that the footprint of the East Substation represents an area of permanent disturbance. Relocating the East BESS elsewhere would necessarily result in an increase in permanent habitat disturbance without any accompanying mitigative effect. Applying this 0.6-mile and 2-mile nest buffers to the East BESS would be contrary to the mitigative intent of this measure.

**Spec-7 Loggerhead Shrike, Sagebrush Sparrow, Sage Thrasher, & Vaux's Swift:** The Certificate Holder shall maintain connectivity between natural habitat patches to reduce potential habitat loss and fragmentation. The Certificate Holder shall restore areas with shrubs, where feasible, to reduce potential habitat loss. The Certificate Holder shall avoid the use of insecticides and herbicides to reduce potential mortality and loss of prey items.

**Spec-8 Prairie Falcon:** The Certificate Holder shall conduct pre-construction surveys for prairie falcon nests for construction work proposed during the prairie falcon nesting season and the winter season preceding the start of construction and maintain a seasonal buffer of 2,640 feet from active nest sites (Larsen et al. 2004) to reduce potential destruction or disturbance of active nests. Observational data and proposed adaptive management strategies will be reviewed with the TAC annually (see Hab-4).

**Spec-10 Black-tailed Jackrabbit & White-tailed Jackrabbit:** The Certificate Holder shall conduct surveys for jackrabbit in suitable habitat identified through GAP predictive mapping. If jackrabbits are identified, the Certificate Holder shall develop and implement a management plan with additional mitigation measures to reduce potential loss of habitat supporting jackrabbits. Observational data and proposed adaptive management strategies will be reviewed with the TAC annually (see Hab-4).

**Spec-12 Townsend's Ground Squirrel:** The Certificate Holder shall conduct surveys for Townsend's ground squirrel colonies within the Lease Boundary in areas of the Project disturbance footprint to inform final design.

The Certificate Holder shall avoid habitat loss within Townsend's ground squirrel habitat concentration areas, as well as known colonies, in final design. Additional Townsend's ground squirrel colonies identified through surveys shall be shown on Project mapping. If Project components are required in habitat concentration areas (rated as medium or greater) or near known colonies, the Certificate Holder shall prepare a species-specific management plan for areas where avoidance is not feasible. This plan shall provide rationale for why colonies cannot be avoided and shall detail additional mitigation measures to reduce impacts to Townsend's ground squirrel. Additional mitigation measures may include identification of setbacks, colony monitoring, habitat restoration, colony relocation, and reconstruction of habitat features. The plan shall also describe monitoring and adaptive management measures to be implemented during Project operation. The plans shall be provided and discussed with the PTAG, and approved by EFSEC, if avoidance of identified ground squirrel colonies is not

feasible. Observational data and adaptive management strategies will be reviewed with the TAC annually.

**Spec-13: Pronghorn Antelope:** The Certificate Holder shall limit fencing where feasible (e.g., around solar arrays). Final fencing layouts and design, including use of non-barbed-wire security fencing, shall be provided to the PTAG and EFSEC with rationale for fencing requirements. The Certificate Holder shall design and implement a study of seasonal pronghorn antelope occurrence and use of the Lease Boundary before construction and during operation to document the change, if any, of pronghorn antelope presence, abundance, and habitat use within the Lease Boundary. The PTAG will review and provide input to the study design. The results of the study will be used to develop adaptive management measures to respond to changes in pronghorn antelope habitat use. Survey results and proposed adaptive management will be reviewed by the PTAG and TAC prior to implementation (see Hab-4). The Certificate Holder shall maintain a potentially confidential database of pronghorn antelope observations, including details such as numbers, location, age, and sex, and shall make this database available to WDFW, EFSEC, and the Yakama Nation.

# Attachment B

## PTAG Participants

Entity Represented	Role	Name
n/a	Facilitator, meeting minute notetaker	Kearns & West
Horse Heaven Wind Farm LLC	PTAG Member and Certificate Holder representative	Andrew Pinger
EFSEC Staff	Observer/Administrative	
Horse Heaven Wind Farm LLC	PTAG member	Troy Rahmig
Washington Department of Fish and Wildlife	PTAG member	
U.S. Fish and Wildlife Service	PTAG member	
Department of Natural Resources	PTAG member	
Independent Ecologist	PTAG member	Don McIvor
Independent Ecologist	PTAG member	Tim Hayes
Participating Landowners	PTAG member	Chris Wiley
Local Labor Representative	PTAG Member	Jessica Wadsworth
Confederated Tribes and Bands of the Yakama Nation	PTAG member	
Confederated Tribes of the Umatilla Indian Reservation	PTAG member	
Benton County, WA	PTAG member	
Lower Columbia Basin Audubon Society	PTAG member	Dana Ward