STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

REVISED **MITIGATED DETERMINATION OF NONSIGNIFICANCE**
Pursuant to Chapter 463-47 WAC and WAC 197-11-350
For the Goose Prairie Solar Project

Date of Issuance: July 30, 2021

Lead Agency: Washington Energy Facility Site Evaluation Council (EFSEC)

Agency Contact: Amí Kidder, ami.kidder@utc.wa.gov, 360-664-1305

Agency File Number: EFSEC Application No. 2021-01

Description of Proposal: The Goose Prairie Solar Project is an 80 megawatt (MW) solar photovoltaic project with an optional battery storage system proposed OER WA Solar 1, LLC. The facility would be constructed on up to 625 acres in rural Yakima County. Facility components include:

- solar modules
- tracking system
- posts
- underground and aboveground cabling
- inverters and transformers
- collector lines
- facility substation
- operations and maintenance building
- access and service roads
- fences
- gates and security lighting
- optional battery energy storage system capable of storing 80 megawatts.

The Facility would interconnect to the electrical grid at BPA's Midway-to-Moxee 115 kV transmission line via a line-tap to the existing line. A generation tie-line (approximately 250 feet in length) would be constructed from the Facility's substation to the transmission line line-tap.

Location of Proposal: Yakima County, Washington. See Attachment 1. *Figure 2-2: Regional Context Map*

Applicant: OER WA Solar 1, LLC, 2003 Western Ave, Ste 2225, Seattle WA 98121

SEPA Threshold Determination: On June 24, 2021, EFSEC issued a Mitigated Determination of Non-Significance (MDNS) for public comment. The public comment period ended on July 8, 2021, during which EFSEC received 16 public comments. All of these comments have been reviewed and no new issues were raised that have not already been considered, except for one comment regarding wind erosion. One previously considered issue was found to merit further

clarification as a result of comments received, and a specification to a mitigation measure has been identified for this issue. This Revised MDNS also includes one additional mitigation measure related to Earth (see mitigation measure **1** below) and a revision to one mitigation measure related to Animals and Habitat (see mitigation measure **10** below).

EFSEC issued a Revised MDNS under WAC 197-11-350 based on a determination that the enclosed mitigating conditions, along with required compliance with applicable county, state, and federal regulations and permit requirements will mitigate any significant adverse impacts on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination was made after review of the application, a completed Environmental Checklist[1], and other information on file with the lead agency and existing regulations applicable to the proposal (see attached memo from EFSEC staff). The Environmental Checklist, Environmental Review and Staff Recommendation, and the Application for Site Certification (ASC) are available at the EFSEC website: *https://www.efsec.wa.gov/energy-facilities/goose-prairie-solar/goose-prairie-solar-application*

Mitigating Conditions:

Resource	Impact	Mitigation
Earth	Erosion from wind or water	**1)** Monitoring for erosion, and response measures should erosion occur, would be addressed in the Vegetation and Weed Management Plan prepared prior to construction. Should erosion, including wind-caused erosion occur post construction, the erosion would be remediated and appropriate measures to address the cause of the erosion would be implemented. If measures are implemented for erosion, monitoring would occur post-mitigation to ensure it is successful.
Water Quality – Wetlands and Surface Waters	Water quality impacts from draw crossing construction	**2)** Final construction details for the crossing would be developed in consultation with Washington Department of Fish and Wildlife (WDFW) and Washington Department of Ecology (WDOE) and approved by EFSEC prior to the start of construction. **3)** Draw Crossing Water Quality Standards: a) If the draw crossing cannot be constructed while meeting all relevant Washington State water quality regulation an Administrative Order authorizing work in waters of the state would be required. b) If the draw crossing can be constructed while meeting all relevant Washington State water quality regulations, an Administrative Order would not be required; however additional documentation such as the use of appropriate Best Management Practices (BMPs) in an erosion and sediment control plan and water quality protection plan would be needed to ensure all work would be done in accordance with the State's water quality standards.
Water use and Utilities	Availability of water sources	**4)** Prior to construction, an approved source of water with enough legally available water to supply the needed amount for construction and continued operation would be identified and confirmed via a contract or certificate of availability for the following project water uses: • 50,000 gallons for construction (Letter of Availability provided by City of Moxee);

[1] The environmental checklist was completed by EFSEC and cross references the parts of the application that provide the requested information in the checklist.

		• up to 250,000 gallons of water 2-4 times per year during operation for photovoltaic panel washing, site maintenance; and • potentially additional water for domestic use and maintenance activities during operation
Plants	Ground disturbance from short term laydown areas	**5)** Short term laydown areas would be located in areas that would also be disturbed for operational project components (e.g., solar arrays, roads, graded/filled areas), not areas that would be otherwise left undisturbed.
	Removal of special status plant species	**6)** Two surveys for state special status plant species would be conducted in the northern portion (non-Conservation Reserve Program (CRP) habitat) of the project site during the appropriate season for identifying them (April/May and June-September). The information would be used to protect and preserve any identified plants during final design, construction, and operation to the extent practicable. Results of the surveys would be provided to EFSEC and Department of Natural Resources (DNR) prior to start of construction.
Animals and Habitats	Impacts to functions and value of draw as a travel corridor	**7)** Solar array fencing would not reduce the width of undisturbed area around the draw in the vicinity of Den Beste Road to less than 100 meters, except for roads and electrical crossings.
	Habitat impact mitigation ratios	**8)** The mitigation ratio for project impacts to habitat would be: • Permanent impacts to shrub steppe would be mitigated at 2:1 (2 acres of mitigation land for each acre of impacted land) • Altered impacts to shrub steppe would be mitigated at 1.85:1 (1.85 acres of mitigation land for each acre of impacted land.) • Permanent impacts to CRP land would be mitigated at 1:1 (1 acre of mitigation land for each acre of impacted land). • Altered impacts to CRP land would be mitigated at 0.5:1 (0.5 acres of mitigation land for each acre of impacted land).
	Mitigation options for altered and permanent impacts to Habitat	**9)** The Applicant would provide compensatory mitigation through one or more actions of land acquisition, onsite, and/or fee-based mitigation. The total acres of compensatory mitigation would be determined using the mitigation ratios outlined above and be based on the final approved project extent. The final composition of the compensatory mitigation would be determined by EFSEC in coordination with WDFW and incorporated into the Habitat Restoration and Mitigation Plan. • Calculation of Compensatory Mitigation Acres (CMA) $(acres\ shrub\ steppe\ permanent\ *\ 2)$ $+ (acres\ shrub\ steppe\ altered\ * 1.85)$ $+ (acres\ CRP\ permanent\ * 1)$ $\underline{+ (acres\ CRP\ altered\ * 0.5)}$ $= CMA$ • Land acquisition. Land, located in Section 23,24,25,26 T13N, R23E, identified by WDFW as the Cold Creek corridor, would be acquired by the applicant at a ratio of 1 acre of Cold Creek land for every 1.4 acres of identified Compensatory Mitigation Acres. Consultation with WDFW would be required to identify the area and orientation of acquired land. This land and a fee of 15% of the negotiated sale price would be transferred to WDFW or a WDFW identified third party for the management of these lands. Any remaining compensatory mitigation requirement would be met via the fee-based option and/or onsite option below.

		• Onsite. Land in the draw and associated shrub steppe habitat in the vicinity of Den Beste Road between the proposed solar arrays would be provided a mitigation ratio of one acre of fenced land for each acre of compensatory mitigation commitment. The applicant would control cattle access to these lands with 4 strand fencing, while allowing wildlife access for use including connectivity and movement. To be viable as mitigation and to provide the intended benefit for habitat connectivity, this option must maintain draw connectivity throughout the mitigated area extent. Additional credit for habitat enhancement activities may be applied in consultation with WDFW and as approved by EFSEC. Any remaining compensatory mitigation requirement would be met via the fee-based option below and/or land acquisition option above. • Fee-based. The applicant would compensate for the permanent and altered impacts by providing money to WDFW or a third party identified by WDFW to purchase other lands suitable as in-kind and/or enhancement mitigation. This per acre fee would be determined by market rates and land sales within the general vicinity of the Facility for lands containing comparable habitat types and quality present within the project area. The per acre fee would be developed by the applicant in consultation with WDFW and approved by EFSEC. The Total Financial Obligation (TFO) would be determined by multiplying the cost per acre by the total Compensatory Mitigation Acres and would include a one-time 15% premium to cover administration and management costs for the purchased lands. The TFO for compensatory mitigation would be determined prior to issuance of the Site Certification Agreement (SCA). If construction has not begun within 12 months of the approval of the SCA the TFO identified in the SCA would expire and be recalculated prior to beginning construction; comparable land sales at the time the TFO is recalculated would be used. o Fee calculation: $(Average\ Comparable\ Land\ Sale\ Cost\ per\ acre) * (CMA) * 1.15 = TFO$
	Construction – Unnecessary ground disturbance, habitat loss, and revegetation success	**10)** Site preparation. • Prior to ground disturbance activities, clearing/grading areas would be staked/flagged and workers informed of their purpose in order to ensure vegetation removal does not extend beyond the area necessary for construction, grading and road improvements. • Two weeks prior to ground disturbing activities, the applicant would notify EFSEC and WDFW, provide the opportunity for onsite review of the final layout of the facility and to discuss any additional micrositing adjustments that would further avoid or minimize impacts to wildlife habitat. • All electrical cabling would be placed under ground to the greatest extent practicable and utilize the narrowest trench permitted per relevant regulation to minimize disturbance. • Topsoil removed during excavation or grading activities would be retained, segregated, and used for replacement during revegetation. • Reseeding timeframe, watering schedule, and monitoring would be incorporated into vegetation management and habitat management plans in consultation with WDFW and approved by EFSEC. • Where practicable, collector lines would be installed above ground to minimize ground disturbance activities.

	Construction - Disturbance of nesting birds	**11)** If construction is planned between March 1 through July 15, a pre-construction raptor nest survey would be conducted in the project area and within a 0.25 mile buffer around project boundaries. Results of these surveys would be made available to WDFW and EFSEC two weeks prior to beginning of construction. Findings would be used in the development of a wildlife and habitat mitigation plan.
	Construction and Operations - Aerial hazards to birds	**12)** Any new above-ground transmission line or electrical cabling would be constructed in accordance with Avian Power Line Interaction Committee standards.
	Operations –Nest destruction from mowing	**13)** Mowing would be restricted March 15 to May 15 and limited to the extent practicable from February 1 to March 15 and May 15 to September 30. A native seed mix which minimizes the need for mowing would be chosen in consultation with WDFW, grass height would be maintained as tall as practicable, and battery powered equipment would be used for maintenance activities where practical.
Noise	Construction – loud noise near sensitive receptors	**14)** Construction laydown, construction equipment maintenance, or assembly areas would be set back a minimum of 1,200 feet from Noise Sensitive Receptor ID 6 and ID 7.
	Operations – loud noise near sensitive receptors	**15)** If an alternative layout for the inverter/transformer, battery energy storage system, or substation transformer is proposed, these noise sources would not be located in any project area which would result in a greater than 50dBA noise level at the property boundary of any identified sensitive receptor (e.g., ID 6 and ID 7).
Visual and Aesthetics	Additional Key Observation Point (KOP) simulations and Visual screening/surface treatments	**16)** Following final design, provide additional simulations as requested by EFSEC, for EFSEC review, for current KOPs that do not already have simulations to further support the characterization of visual contrast and to assist with identifying mitigation opportunities. For all KOPs with a moderate contrast rating, provide mitigated scenarios that would be used to assist with determining effectiveness of the mitigation. **17)** Following review of the additional simulations, mitigation such as visual screening (e.g., vegetation or physical) or surface treatments would be implemented for KOPs: 1) with a moderate rating for contrast and 2) that have specific aspects that contribute to visual contrast that could be mitigated to a less than moderate level by additional BMPs such as visual screening or surface treatments.
Historic and Cultural Preservation	Alteration of historic or cultural sites	**18)** If any of the 4 sites currently identified as being avoided, are going to be altered during construction or operation, the applicant would consult with Department of Archeology and Historic Preservation (DAHP), any concerned Tribes, and EFSEC. An archaeological excavation permit issued by EFSEC in coordination with DAHP would be required prior to any alteration.
	DAHP approval of Cultural Resources Survey	**19)** The applicant would submit to EFSEC a Concurrence Letter from DAHP stating approval of the revised Cultural Resources Survey Report.
Utilities	Water sources	See mitigation measure #4

Public Comment: Comments on this MDNS and the environmental impacts of this proposal were submitted June 24, 2021 – July 8, 2021.

Responsible Official: Sonia Bumpus, EFSEC Manager, Sonia.bumpus@utc.wa.gov, (360)664-1363

Signature _____ Date 7/30/2021
(electronic signature or name of signor is sufficient)

Attachment:

1. Figure 2-2: Regional Context Map
2. July 30, 2021 Supplemental Memorandum Post SEPA Comment Period