STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Central Region Office
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August 28, 2023

Joanne Snarski
Energy Facility Site Evaluation Council
PO Box 47250
Olympia, WA 98504

SENT VIA ELECTRONIC MAIL

RE: Carriger Solar Project Shorelands, Wetland and Waters of the State Review, Corrected

Dear Joanne Snarski:

The Department of Ecology's (Ecology) Shorelands and Environmental Assistance (SEA) Program has reviewed the application materials for the proposed solar and battery storage project located approximately 2 miles west of the City of Goldendale, Washington. Specifically, Ecology staff reviewed the following materials: Application for Site Certification, Attachment A1 Carriger Figures; Attachment B Carriger Solar, LLC Project Land Use Consistency Review; Attachment C 2022 Habitat and General Wildlife Survey Report for the Carriger Solar, LLC Project; Attachment E Amendment to the 2020 and 2022 Carriger Solar, LLC Project Wetland and Waters Reports; Attachment F 2022 Botanical and Vegetation Communities Survey Report for the Carriger Solar, LLC Project; Attachment L Carriger Solar Site Hydrologic & Hydraulic Assessment; Attachment M Phase 1 Environmental Site Assessment Carriger Solar, LLC; Attachment A2 Carriger Site Plans.

Shorelands

Per Revised Code of Washington (RCW) 90.58, WAC 173-26 & 27, local governments having shorelines of the State located within their boundaries are required to adopt and implement a shoreline master program. Washington Administrate Codes 173-18 thru 173-22 define State Shoreline definitions and requirements.

The project site is not located within the regulatory jurisdiction of any Klickitat County or State Shorelines. Therefore, the above-mentioned codes and regulations do not apply.

Wetlands and Waters of the State

Wetlands

Ecology staff reviewed Attachment E: Amendment to the 2020 and 2022 Carriger Solar, LLC Project Wetland and Waterbodies Delineation Reports, prepared by Tetra Tech on October 28,

2022. The provided wetland reports identified 23 (18 wetlands and 5 vernal pools) wetlands located within the project boundary.

Several areas of interest were identified on aerial imagery that Ecology would like the opportunity to field verify via a site visit in late March to early May, pending climatic conditions (Image 1). While the wetland investigations were conducted within an appropriate time of the growing season, some indicators may be problematic due to the seasonality of wetlands in the Arid West Land Resource Region (LRR; B). It is not uncommon for ephemeral streams to have riverine wetlands associated with them. These wetlands are typically only observable during the wettest part of the growing season when the streams are flowing. The timing of the investigation could make the determination of seasonal, riverine wetlands difficult. Ecology recommends that EFSEC request an additional site visit to verify the lack of seasonal wetlands throughout the project site and to review areas of interest identified in Images 1A-F. The use of Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), Chapter 5, Difficult Wetland Situations in the Arid West, may be required.

The submitted wetland delineation datasheets for the Carriger Solar LLC project site appear to have been completed in accordance with the federal 1987 Wetland Delineation Manual.

Ecology staff was able to review the wetland ratings for each of the 23 wetlands found on site. The 23 delineated wetlands were broken down into the following categories: 5 vernal pool wetlands were rated as category II; 13 wetlands were rated as category III; and 5 wetlands were rated as category IV. Ecology found errors in 13 of the wetland ratings (VP 101, VP 102, WT 103, WT 104, WT 105, WT 106, VP 107, VP 108, VP 110, Wetland B, Wetland G, Wetland K, and Wetland O). The error was related to the Water Quality question 3.3 and whether the site has been identified in a watershed plan as important for maintaining water quality. The entire project site is located within the Little Klickitat River's Total Maximum Daily Load (TMDL) plan. Therefore, the answer to this question should be yes. This answer impacts the following wetland's overall rating categories: WT 103, WT 104, WT 105, WT 106, Wetland B, Wetland G, Wetland K, and Wetland O. The correction in the rating forms will elevate each of these wetlands to the next higher wetland category. Wetlands that were previously rated as category III with this correction will become category II wetlands and have a significant increase in their required upland buffer width. Category IV wetlands that will shift to a category III wetland will not see an increase in their regulated upland buffer widths per the Klickitat County's ordinance. Per Klickitat Count's Critical Area Ordinance (Ordinance No. O080613) Chapter 3, Wetlands, Section 3.3, Performance Standards the County requires a 75 foot wide upland buffer surrounding category III and IV wetlands and a 200 foot upland buffer surrounding category II wetlands.

While the application states, wetland and their buffers are to be avoided there are several areas of interest that have not be identified as wetlands that require additional inspection. Should any of the areas of interest meet the required wetland indicators mitigation sequencing must be applied to the project design (avoidance, minimization, and mitigation) prior to accepting that impacts are unavoidable. Attachment A-2, Site Plans, Sheet Z 1.2, shows a light

blue line extending from the project boundary near the center the of page (south of Butts Road) in a NE direction. This appears to be a delineated wetland feature per the provided legend; however, the feature is not identified on the provided wetlands KMZ file. Impacts to this wetland feature were not provided nor mitigated. The placement of solar panels over the wetlands could create shading that may alter the wetland's ecology and could be considered an impact. Should impacts be unavoidable, compensatory mitigation would be required. Documentation of mitigation sequencing (avoidance, minimization, rectifying the impact, reducing or eliminating the impact over time, and compensation) should be provided for any unavoidable impacts proposed.

The wetland buffers may be impacted due to the placement of the solar panels. Buffer impacts should be mitigated at a 1:1 impact to mitigation ratio. Wetland buffers that are sparsely vegetated or vegetated by invasive species, are to be planted before a change in land use or approval of the development. The planting of the buffer, or enhancement, does not count as mitigation. Therefore, Ecology recommends a buffer planting plan and a buffer mitigation plan be provided for review.

Waters of the State

Eight streams with 14 stream segments were discovered within the project site. Streams 1 and 4 have multiple segments located within the project area. The provided Stream Assessment Duration Method (SADM) determined perennial, intermittent, and ephemeral stream types all occur within the project limits and are identified within various reaches of Stream 1. The project has identified the need for 3 stream crossings and anticipates the need for additional collector line crossings.

At this time, the mechanism for crossing the 3 stream segments has not been identified or provided to Ecology. Discharges to non-federally regulated waters are regulated by the State (Ecology), under RCW 90.48, Water Pollution Control Act. If appropriate, Ecology may require the applicant to obtain an Administrative Order (AO) that authorizes the work in waters of the State.

In the event the stream crossing can be constructed while meeting the State's water quality standards, an AO would not be required; however additional documentation such as the use of appropriate BMPs in an erosion and sediment control plan and water quality protection plan would be needed to support that all work will be done in accordance with the State's water quality standards.

Ecology typically requires a jurisdictional determination (JD) from the U.S. Army Corps of Engineers (Corps) verifying the waters are non-federally jurisdictional prior to beginning our permitting process. We recommend EFSEC request such documentation from the Corps. Streams that are determined to be Waters of the United States, therefore federally regulated, will need additional coordination with the Corps to determine if a Clean Water Act Section 404 permit would be required and if an individual Section 401 Water Quality Certification from the State would be required.

Conclusion

Additional information is needed to properly assess potential impacts to water of the State. Ecology staff would like to conduct a site visit to verify the presence or absence of wetlands within the project area and gather more information regarding the work to be done in the stream features. Additional work and review of subsequent materials may be needed after the site visit.

Any materials related to the white outlined polygons or areas of interests provided in Images 1A-F, should be submitted to Ecology for review and concurrence with the lack of wetland indicators present.

A discharge into any non-federally regulated water, identified as wetlands or streams, could be regulated under RCW 90.48. If the Corps determines wetlands or streams non-federally regulated waters, an Administrative Order could be needed if details show the project will not meet the State's water quality standards and if mitigation is needed to replace any of the feature's functions, and values of the wetlands. Please provide clarity on the delineated feature located on Attachment A-2, plan sheet Z 1.2 identified in Image 2 and any impacts proposed to the feature. In addition, please provide information related to the 3 stream crossings and any proposed collection line crossings to Ecology for review.

If project plans change, details should be provided for review to determine if the State's water quality standards will be met.

Ecology looks forward to providing the Energy Facility Site Evaluation Council with technical assistance and expertise in the future. If you have any questions or would like to discuss these comments, please call me at (509) 424-2887.

Sincerely,

Lori White
Acting Section Manager
Shorelands and Environmental Assistance Program

ec: Loree' Randall, Department of Ecology

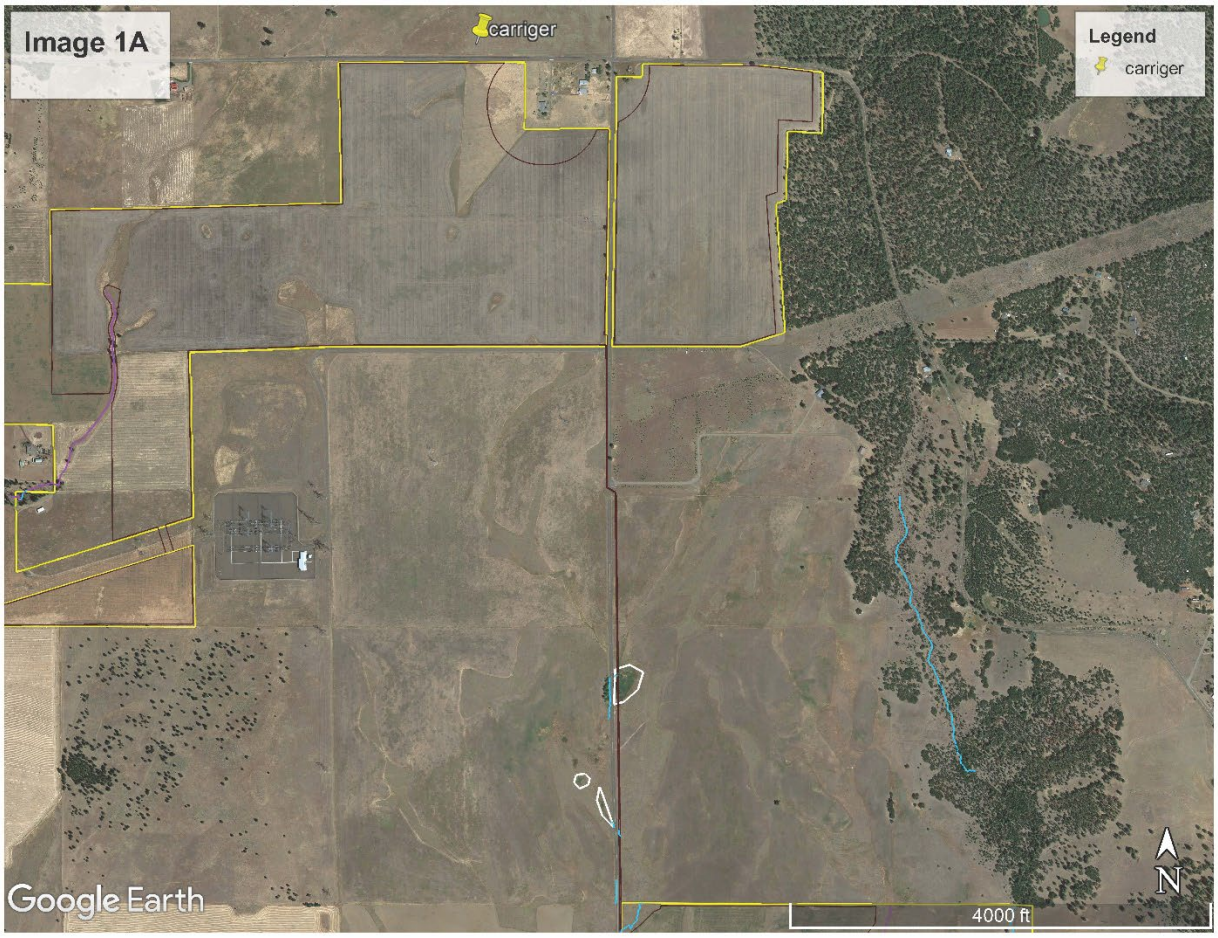

Image 1A. White polygons outline Ecology's Areas of Interests (AOI)

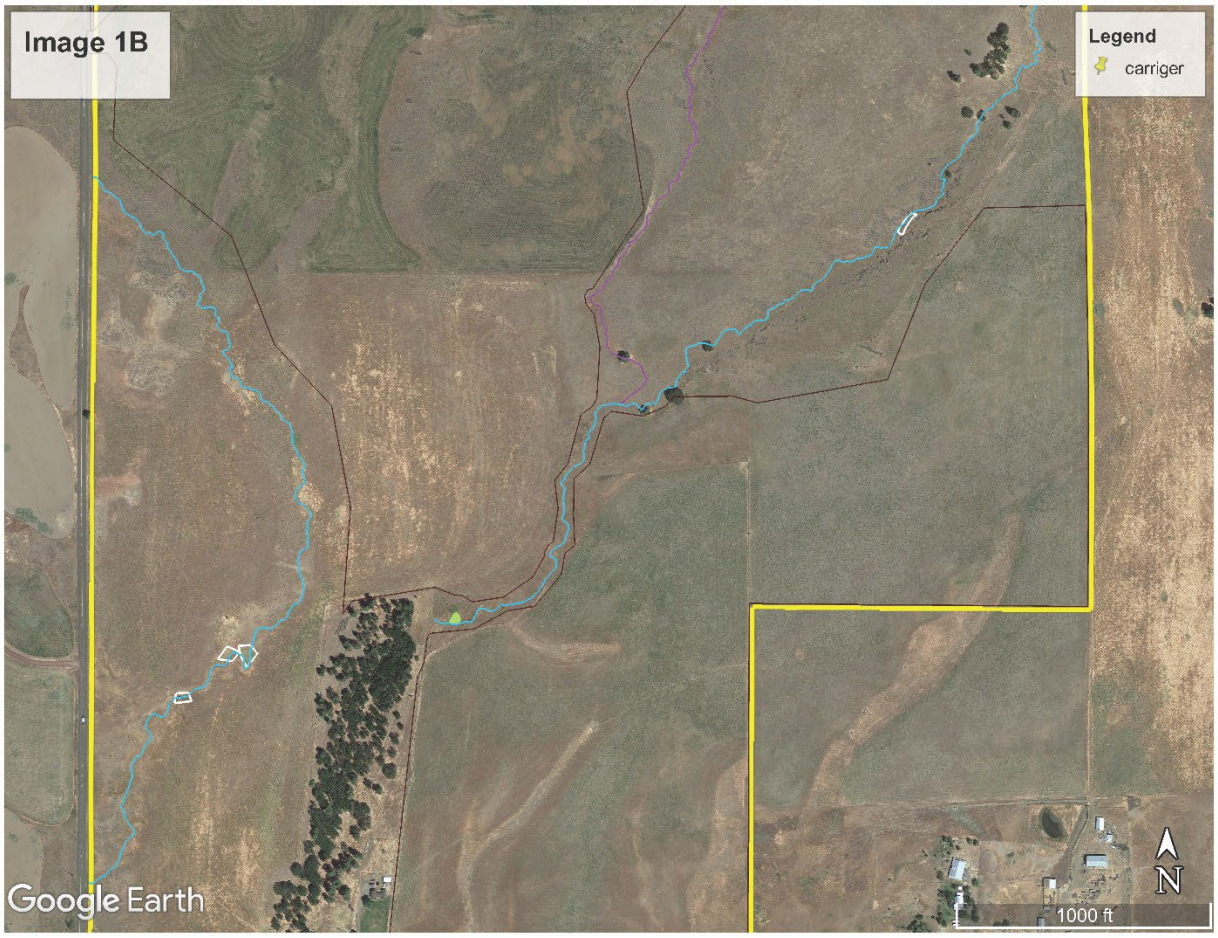

Image 1B. White polygons outline Ecology's Areas of Interests (AOI)

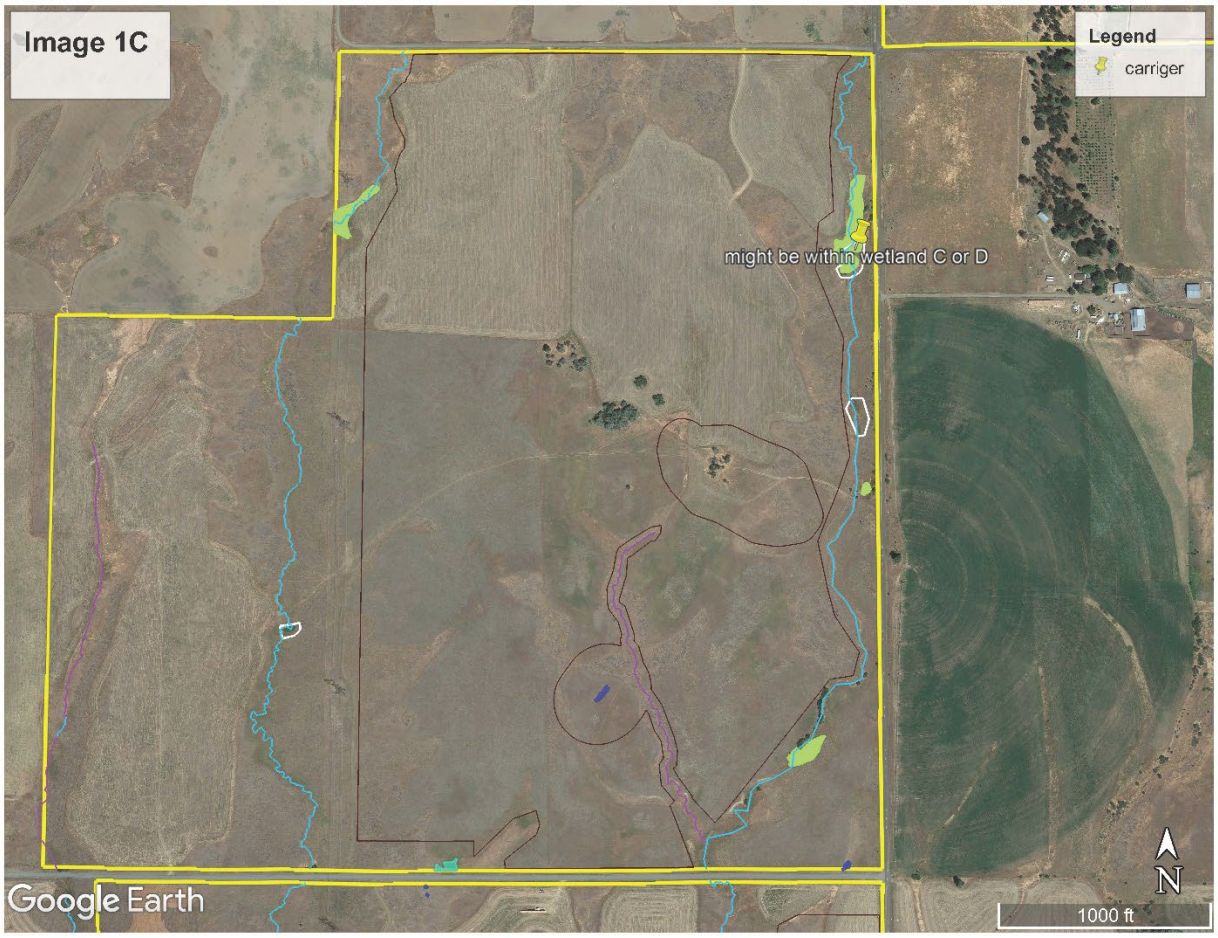

Image 1C. White polygons outline Ecology's Areas of Interests (AOI)

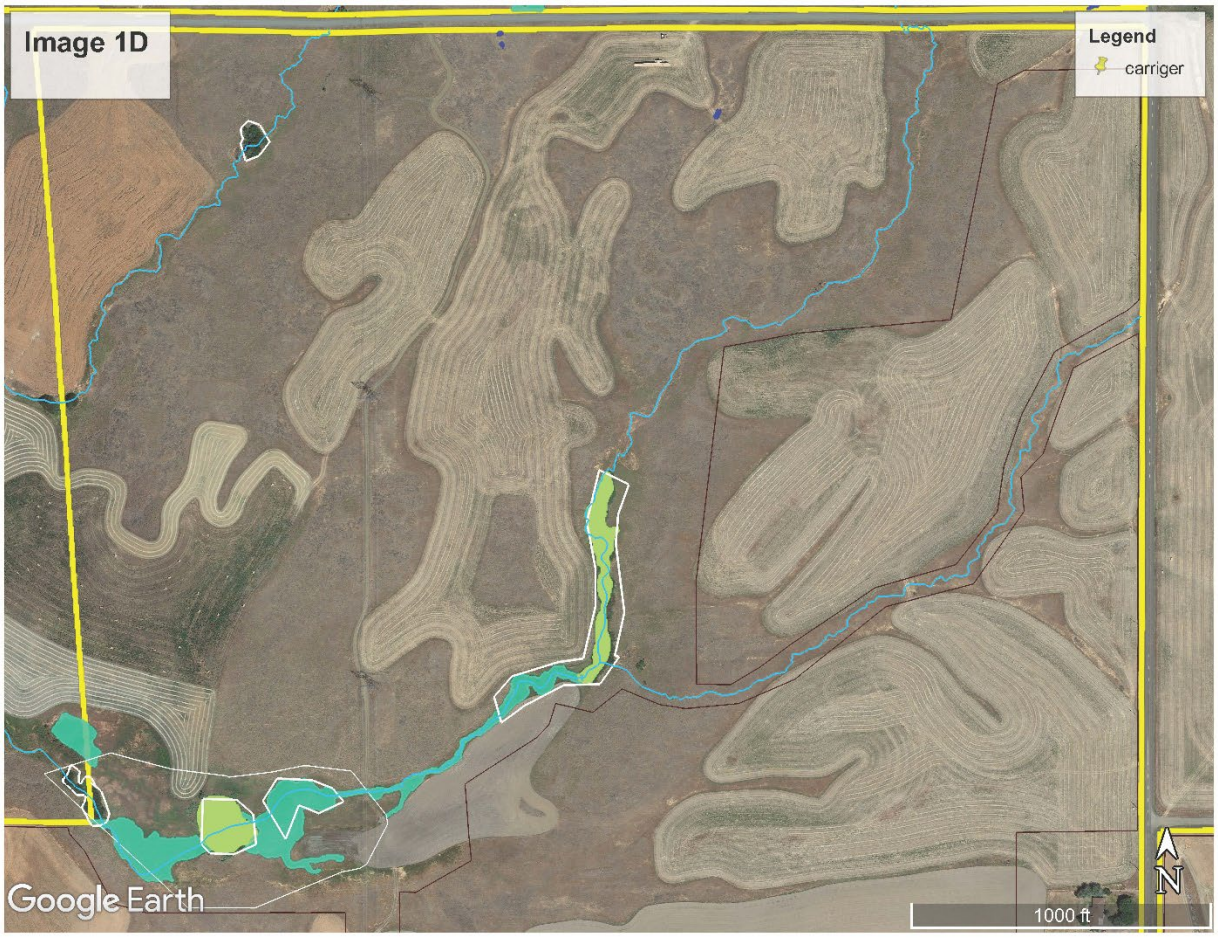

Image 1D. White polygons outline Ecology's Areas of Interests (AOI)

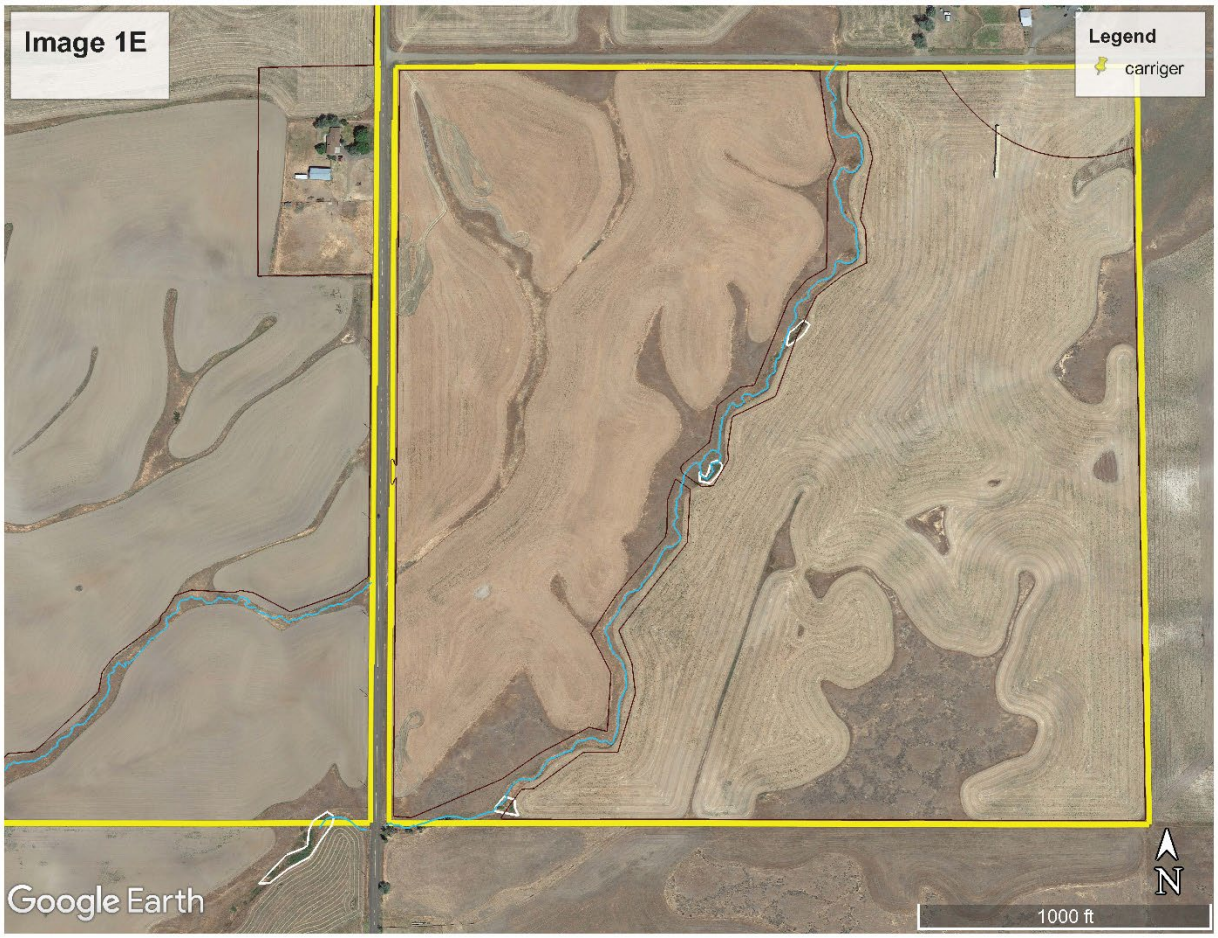

Image 1E. White polygons outline Ecology's Areas of Interests (AOI)

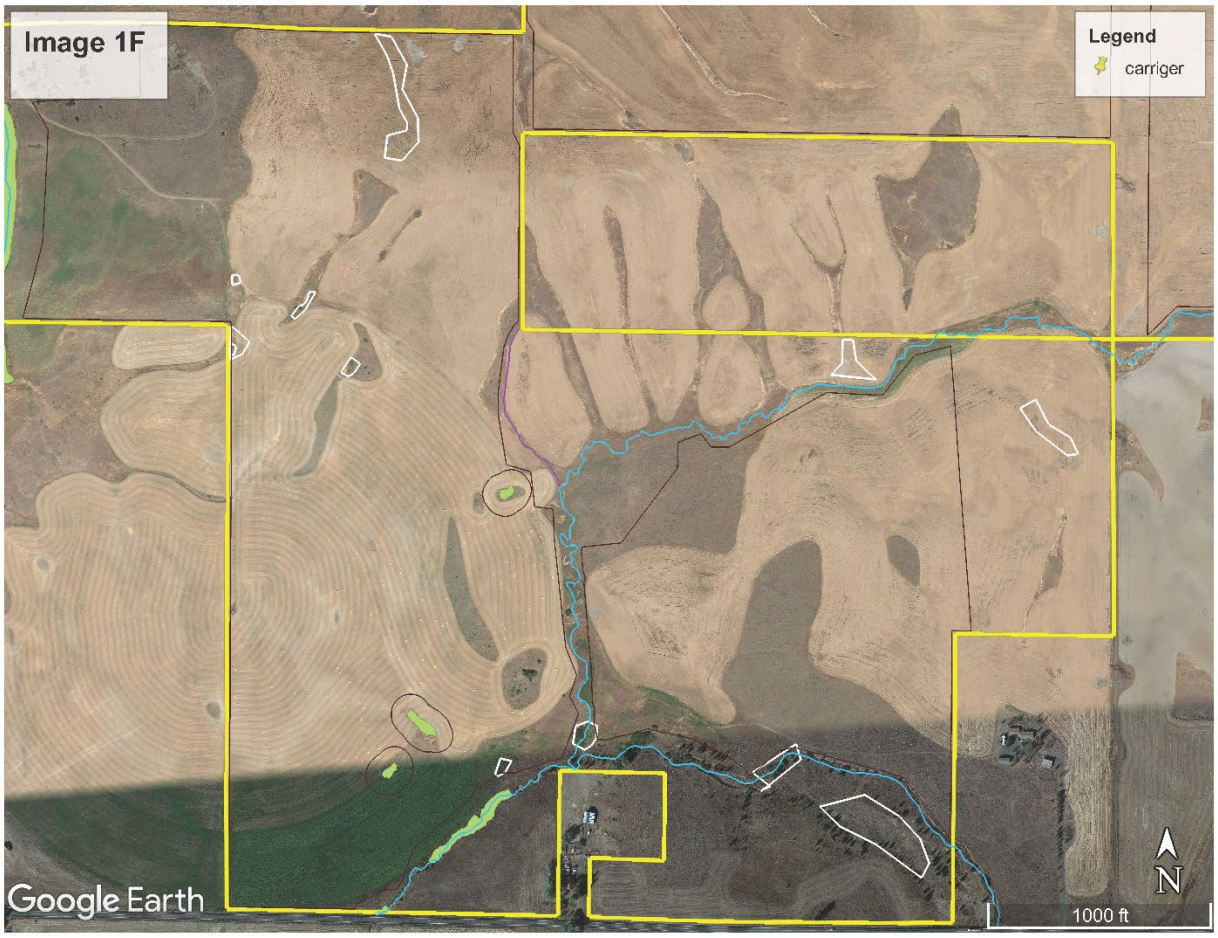

Image 1F. White polygons outline Ecology's Areas of Interest (AOI)

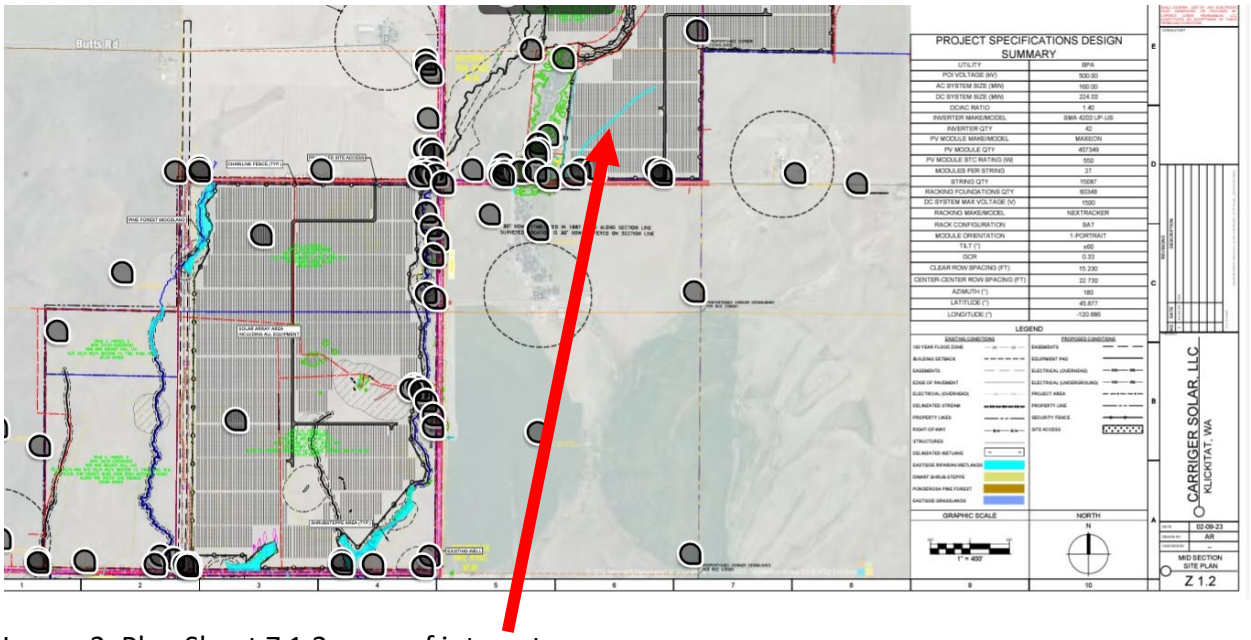

Image 2. Plan Sheet Z 1.2, area of interest