

ATTACHMENT 3



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

Memorandum

To: Sonia Bumpus, SEPA Responsible Official, Energy Facility Site Evaluation Council (EFSEC)
Director

From: Amí Hafkemeyer, EFSEC Director of Siting and Compliance

Date: October 28, 2022

RE: **Supplemental Memorandum Post SEPA Comment Period - Environmental Review and Staff Recommendation for State Environmental Policy Act (SEPA) Review and SEPA Determination for *High Top Solar and Ostrea Solar***

PROPOSAL: High Top Solar, LLC and Ostrea Solar, LLC (Projects) are two 80 megawatt (MW) solar photovoltaic facilities, including a required battery energy storage system (BESS) at the Ostrea Project, and a potential BESS at the High Top Project. The projects are proposed by Cypress Creek Renewables, LLC (CCR), (Applicant). The proposed High Top facility would be constructed on up to 927 acres in unincorporated Yakima County. The Proposed Ostrea facility would be constructed on up to 812 acres in unincorporated Yakima County.

CASE NUMBER: EFSEC Docket No. EF-220212

APPLICANT: Cypress Creek Renewables, LLC

LOCATION: High Top is located approximately 20 miles east of the City of Moxee and Ostrea is located approximately 22 miles east of the City of Moxee on parcels located just north of Washington Highway 24, south of the Yakima Training Center in Yakima County. See Attachment 1. Figure 2-1: High Top and Ostrea Location Map.

On October 1, 2022, EFSEC issued a Mitigated Determination of Non-Significance (MDNS) for public comment. The public comment period ended on October 14, 2022, during which EFSEC received 4 public comment letters. All of these comments have been reviewed and no new issues were raised that have not already been considered.

One issue that was previously considered was found to merit further clarification of mitigation measure 10 to ensure no ambiguity in the revegetation requirements for the site. One issue was identified prompting the addition of an additional mitigation measure (new measure 11) bringing forth a potential

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action from the application for site certification (ASC) into the revised MDNS as a requirement regarding fencing. These issues are discussed below.

5. ANIMALS AND HABITAT

Habitat

- A comment was received regarding the revegetation of disturbed areas and areas around project components with a native seed mix.
- The ASC indicates that the use of a native seed mix is something that could be done, if required, but is not carried forward into the applicant commitments.

Fencing

- A comment was received regarding the use of wildlife-friendly fencing. Fencing will be limited to the areas of the arrays rather than the entire project area.
- WDFW has previously recommended raising the bottom of the fence 4-12 inches off the ground and leaving periodic openings for wildlife passage.
- The ASC describes conversations with WDFW regarding the potential of raising the fencing 4-12 inches off the ground for passage of small wildlife, but this is not carried forward in the applicant commitments.
- The applicant, in verbal conversation with EFSEC indicated that raised fencing is an option where it does not conflict with federally imposed safety and security requirements.

Mitigation:

Habitat

- Prior to the start of construction, Habitat Restoration and Mitigation Plans would be developed in coordination with WDFW and EFSEC, as described in the ASC, to include 1) considerations of any potential additional setbacks as identified by WDFW or other micro-siting options that may be feasible to further reduce the impact to habitat connectivity, and 2) revegetation of disturbed areas with a native seed mix.

Fencing

- Prior to the start of construction, the applicant will implement, where feasible, in coordination with EFSEC and WDFW, the raising the bottom of fences to allow for small animal passage.

10/28/2022

Ami Hafkemeyer

Date

EFSEC Director of Siting and Compliance