ATTACHMENT 1

STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

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Memorandum

To: Sonia Bumpus, SEPA Responsible Official, Energy Facility Site Evaluation Council (EFSEC) Director, (360) 664-1363
From: Amí Hafkemeyer, EFSEC Director of Siting and Compliance, (360) 664-1305
Date: September 30, 2022

RE: 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. Components at each facility include:

- solar modules
- tracking system
- posts
- underground and aboveground cabling
- inverters and transformers
- collector lines
- facility substation (per each facility)
- operations and maintenance trailers
- access and service roads
- fences
- gates and security lighting
- battery energy storage systems capable of storing 80 megawatts (BESS)

The High Top Project will interconnect through a dedicated switchyard located on the High Top Project adjacent to PacifiCorp's Union Gap-Midway 230 kV transmission line that runs through the southern part of the Projects. The Ostrea Project will interconnect through a line tap to

Bonneville Power Administration's (BPA's) Moxee to Midway115 kV transmission line that runs through the southern part of the Projects.

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.*

A. ENVIRONMENTAL RECORD and EXHIBITS

The environmental review conducted by EFSEC included analysis based on the following documents which are included in the environmental record. The documents listed are available for review on EFSEC's website at: https://www.efsec.wa.gov/energy-facilities/high-top-and-ostrea-solar-project/high-top-and-ostrea-sepa.

Acronym	Description	Date
ASC	High Top Solar and Ostrea Solar Application for Site Certification	April 7, 2022
Attch A-P	Subject area and relevant information attachments to ASC	April 7, 2022
CCR WCA	Wildlife Connectivity Analyses	June 16, 2022
CCR 9/1	Applicants Response to Washington Department of Fish and Wildlife (WDFW) Comment letter	September 1, 2022
USDA 1985	Fryrear, D. W., and E. L. Skidmore, Methods for Controlling Wind Erosion Report from US Department of Agriculture	1985

The environmental review also consisted of input or recommendations from state and local agencies, tribes, and EFSEC's consultant as listed below.

Commenter and Acronym	Description	Date of Input	Form of Comment
Lori White, WA. Dept. of Ecology WDOE 6/27	WDOE project review of shorelands, wetlands and waters of the state	06/27/2022	Written
Mike Ritter, WA Dept. of Fish and Wildlife WDFW 7/15	WDFW comments on ASC	07/15/2022	Written

Commenter and Acronym	Description	Date of Input	Form of Comment
Jessica Lally, Yakama Nation Archaeologist YN	YN technical review of Cultural Resources draft reports	08/03/2022	Written
Sydney Hanson, Dept. of Archaeology and Historic Preservation DAHP 8/10	DAHP technical review of Cultural Resources draft reports	08/10/2022	Written
Kelly McLain, WA Dept. of Ag AGR	AGR Application review comments	08/29/2022	Written
Mike Ritter, WDFW WDFW 9/15	WDFW comments on Connectivity Analysis	09/15/2022	Written
Mike Ritter, WDFW WDFW 9/16	WDFW summary of mitigation meeting	09/16/2022	Written
Sydney Hanson, DAHP DAHP 9/21	DAHP discussion on MDNS language	09/21/2022	Verbal
Chad Unland, WA Dept. of Natural Resources DNR	WA State Department of Natural Resources (DNR) comments on projects near DNR lands	09/22/2022	Written
WSP Golder Golder	WSP Golder Application Review Comments	09/27/2022	Written
Lori White, WA. Dept. of Ecology WDOE 9/29	WDOE mitigation review	09/29/2022	Written

B. STAFF REVIEW OF THE ENVIRONMENTAL INFORMATION

CCR submitted an application in April which EFSEC used for conducting the SEPA environmental review.

EFSEC staff visited the site on August 9, 2022.

The following sections correspond with elements of the environment listed in Washington Administrative Code (WAC) 197-11-444 and with the sections in the environmental checklist WAC 197-11-960. They were also used to organize and document EFSEC's environmental review for the *High Top Solar and Ostrea Solar* proposals. Additional information (listed in Part A above) was provided by the Certificate Holder and by Washington regulatory subject matter experts as contracted to EFSEC and used as part of the environmental review. The mitigation identified here is in addition to mitigation the applicant has identified in their application, which would be required. Please note that the information normally required for the SEPA Environmental Checklist is included in the application.

The review of all elements listed below is based, at a minimum, on information in the applicant's application (ASC). When additional information is relevant to a particular topic, it is referenced in parentheses.

1. EARTH

- The information provided by the applicant regarding changes to the site and mitigation measures as it relates to earth, is adequate. (Golder)
- Erosion caused by wind can occur on some sites, including solar project sites. Parts of Yakima County are known to experience high winds. Effective mitigation (e.g., vegetative screening, geotextiles) is available and can be implemented should wind-caused erosion occur. (USDA 1985)

Mitigation:

- Monitoring for erosion, and response measures should erosion occur, would be addressed in the Stormwater Pollution Prevention Plans and the Vegetation and Weed Management Plans prepared prior to construction. Should erosion occur following construction, including wind-caused erosion, response measures would be taken in accordance with the approved plans. If mitigation is implemented for erosion, monitoring would occur for a period of time agreed upon by EFSEC and the applicant to ensure the mitigation is successful.

2. AIR

- The information provided by the applicant regarding air quality and expected air emissions is adequate. (Golder)
- The Applicant indicated the possible use of a concrete batch plant in the ASC but has since confirmed with EFSEC staff that a batch plant would not be used. They did, however, confirm the use of backup diesel generators during construction. No specific plans or details regarding these potential sources was provided in the application. (ASC)

Mitigation:

- Once the number and size of backup generators to be used during construction is known, supplemental environmental analysis would be required, and the Applicant would be required to submit applications to EFSEC for approval of these sources prior to implementation.

3. WATER

<u>Water Quality – Wetlands and Surface Waters</u>

- High Top Project – the Wetland and Waterbody Delineation Report identified one wetland and nine ephemeral streams within the boundaries of the Projects. Five of the ephemeral streams were determined to have downstream connectivity to jurisdiction waterbodies. Per the Yakima County Critical Areas Ordinance, all of the ephemeral streams are rated Type 5 Streams, which do not require buffers. The High Top Facility would avoid wetlands and streams and the Applicant has received a No Permit Required letter from the U.S. Army Corps of Engineers. (ASC)
- Ostrea Project – the Wetland and Waterbody Delineation Report identified one wetland and 18 ephemeral streams, 14 of which were determined to have a downstream

connection to jurisdictional waterbodies. Impacts are anticipated to occur to 9 ephemeral channels within the Ostrea Project site. Permanent impacts are proposed within 5 of the 9 ephemeral channels. The remaining 4 ephemeral channels will be temporarily impacted and restored to grade. Per the Yakima County Critical Areas Ordinance, all of the ephemeral streams are rated Type 5 Streams, which do not require buffers. (ASC, Golder, WDOE 6/27)

- The High Top Facility would temporarily impact four ephemeral streams to accommodate temporary access roads. Five streams would be permanently impacted by access roads and culvert placement. (ASC)
- The wetland would be avoided by the Ostrea Facility. (ASC)
- High Top Project – 5 acres of new impervious surfaces would be required. (ASC)
- Ostrea Project – 8.2 acres of new impervious surfaces would be required. (ASC)
- The project sites are not located within the regulatory jurisdiction of any Yakima County or State Shorelines. (WDOE 6/27)
- The wetland investigations were conducted in months outside the growing season and during drier times of the year (December and July for High Top; and July and May for Ostrea, respectively). It is not uncommon for ephemeral streams to have riverine wetlands associated with them. (WDOE 6/27)
- There is potential for wetland buffer impacts and the need for mitigation, pending the width of the required wetland buffer and location siting. (WDOE 9/29)

<u>Water Use, Water Quality and Quantity – Stormwater/Washwater</u>

- Water use during construction is identified for both construction and dust control. During construction and operations, an estimated 202,000 gallons of water per day would be used for each facility. The amount of water estimated to be used during the construction phase for either facility is not provided. (ASC)
- During operations, panels would be washed 1-2 times per year. (ASC)
- The source of the water to be used during construction and operations has not been identified, although the City of Yakima and Marvin Valley Dust and ice Products have both informally acknowledged adequate supply and rights. (ASC)
- The permeability of the soil is anticipated to allow continued infiltration of precipitation and minimally impact existing drainage patterns. (ASC)
- During operations and maintenance of the Projects, stormwater would be retained on-site and be treated by infiltration in compliance with the applicable codes, a Construction Stormwater General Permit, and BMPs as indicated in the ASC and Ecology Stormwater Management Manual for Eastern Washington. (ASC, Attch. O)

Mitigation:

<u>Water Quality – Wetlands and Surface Waters</u>

- Prior to the start of construction, an additional visit to each site would be conducted by WDOE to verify the lack of seasonal wetlands throughout the project sites. Additional mitigation, particularly with respect to buffer, may be imposed after the site visits, developed in coordination with WDOE.
- If the US Army Corps of Engineers determines the ephemeral streams are non-federally regulated waters, an Administrative Order would be needed if details showed the projects would not meet the State's water quality standards. Additional

mitigation would be imposed if needed to replace any of the features' functions and values.

Water Use.

- Prior to construction, the amount of water estimated to be used during construction must be identified, and an approved source of water with enough legally available water to supply the needed amount for construction would be identified and confirmed via a contract or certificate of availability.
- Prior to operations, an approved source of water with enough legally available (202,000 gallons annually) water to supply the needed amount for continued operation would be identified and confirmed via a contract or certificate of availability.

Water Quality and Quantity – Stormwater/Washwater.

- Water for washing the solar panels would not have any cleaning solvents, detergents, or other additives in it. Wash water would be controlled in such a manner as to be able to infiltrate all water on site.

4. SPECIAL STATUS PLANTS

- A desktop survey indicated that twelve special status plant species have the potential to occur in the Study Areas based on each of the species range, habitat characteristics, and element occurrence locations, soils, topography, and elevation. (ASC)
- Columbia milkvetch (*Astragalus columbianus*), which is a state sensitive species, is mapped at both facilities. The project design will avoid these areas at both facilities. (ASC, Golder)
- Ostrea Project – Botanical surveys of the Study Areas were conducted from May 10 through 15, 2021 and July 9 through 12, 2021. During the May 2021 surveys, five populations and two individual specimens of Columbia milkvetch were mapped in the Study Area. No individuals or populations of the other target species were encountered during either the May or July 2021 surveys. (Attch. B)
- High Top Project – Botanical survey of the Study Area were conducted from May 3 through 9, 2021 and July 6 through 9, 2021. During the May 2021 surveys, one population of Columbia milkvetch was mapped in the Study Area. No individuals or populations of the other target species were encountered during either the May or July 2021 surveys. (Attch. B)
- Several mitigation measures are identified in Attch. O for plants, in particular, the applicant commits to "flag/fence each mapped Columbia milkvetch polygon within a 100-foot buffer of the Maximum Project Extent (MPE) for construction equipment avoidance." (Attch. O)

Mitigation:

- No mitigation measures for Special Status plants were identified.

5. ANIMALS AND HABITAT

- WDFW accepts the habitat maps prepared by the applicant, except for Ostrea where there are documented areas of burned shrubsteppe and native bunchgrasses. However, WDFW is not requesting the area be remapped. (WDFW 9/16)
- Shrubsteppe was found at both facilities – 119.4 acres at the High Top project and 231 acres at the Ostrea project. (ASC, Golder).
- In mitigation discussions including WDFW and the applicant, 3 categories of impacts were agreed to: permanent, temporary, and altered. Areas of altered impacts include areas that will be under panels and areas not temp/perm impacted inside any fenced array. Altered impacted areas consist of the total area within the fence lines subtracting out the temp/perm impacted areas to avoid double-counting. (WDFW 9/16)
- Impacts to wildlife movement and habitat connectivity are identified at a landscape/cumulative level. Based on corridor width recommendations from WDFW, refined project siting, and review by EFSEC, wildlife corridors of approximately 1.2 miles and 0.3 miles will occur through the projects. (WDFW 9/16) Further discussion of cumulative effects can be found following the resource discussions.
- No federally listed species were observed at either site during surveys.
- State Priority Species (Attch. C)
    - High Top – Sagebrush Sparrow and Rocky Mountain Elk were identified during surveys
    - Ostrea – Evidence of elk was identified during surveys, as well as possible evidence of jackrabbits.
- Sensitive Raptor Species (Attch. C)
    - High Top – No raptors were identified during surveys; however, evidence was found to support habitat (Burrowing Owl) and available prey for raptors. (Burrowing Owl. Ferruginous Hawk, and Prairie Falcon). No nests were observed in the survey area, including an additional 0.5 mile buffer.
    - Ostrea - No raptors were identified during surveys; however, evidence was found to support habitat (Burrowing Owl) and available prey for raptors. (Burrowing Owl. Ferruginous Hawk, and Prairie Falcon). No nests were observed in the survey area, including an additional 0.5 mile buffer.
- Fossorial Species (Attch. C)
    - High Top – Burrows were observed for multiple species (badgers, ground squirrels, and burrowing owls); however, no active burrows were identified. A badger was seen in the project vicinity but did not appear to be associated with any of the identified burrows. No Townsend's ground squirrels, or squirrel activity was observed, but the report indicates that due to the species aestivation period in relation to the timing of the surveys, this is not an indicator of absence.
    - Ostrea - Burrows were observed for multiple species (badgers, ground squirrels, and burrowing owls); however, no active burrows were identified. A potential coyote den was identified, but none of these species were observed during surveys.
- Migratory Birds (Attch. C)
    - Both sites – suitable foraging and nesting habitat for migratory birds was identified during surveys. Multiple birds were observed during surveys, but none

that are federally-listed, state-listed, candidate species, or Priority Habitats and Species (PHS).

- Vegetation removal and fencing within the MPE would temporarily and permanently displace nesting, denning, and foraging habitat, and potentially impact migrating wildlife. If construction activities were to occur during the primary nesting season for migratory birds (April 1 through August 31) and breeding season for fossorial species, impacts could include direct loss of individuals, nests, eggs, and young. Impacts to big game species include loss of foraging habitat and the interruption of migration routes through the MPE. The applicant has committed to siting facilities predominantly on previously plowed and disturbed areas so as to minimize impacts to fossorial species. The applicant has also committed to leaving the majority of the ephemeral channels unfenced. (Attch. C, Attch. O)
- Measures to avoid impacts to nesting birds will be developed in consultation with WDFW and EFSEC. (Attch. C, Attch. O)

Mitigation:

- Since the Project layouts are not yet final, the acres of impact and any subsequent mitigation calculations will represent higher values. Mitigation Ratios for habitat impacts are as follows:
  - 2:1 ratio for permanent impacts to shrubsteppe habitat
  - 1:1 ratio for altered impacts to shrubsteppe habitat
  - 0.5:1 ratio for altered impacts to the cheatgrass dominated pasture/mixed environment habitat classification at the Ostrea project.
  - No mitigation is required for cheatgrass dominated pasture/mixed environment habitat classification at the High Top Project
- The applicant would be required to provide compensatory mitigation for remaining impacts to habitat. The applicant would compensate for the remaining 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 fee-based mitigation includes a per acre fee that would be determined by market rates and land sales within the general vicinity of the Facilities 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 (CMA) 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 a 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.
  - Fee calculation:

$$\left(Average\ Comparable\ Land\ Sale\ Cost_{\ per\ acre}\right) * (CMA) * 1.15 = TFO$$

- Prior to the start of construction, Habitat Restoration and Mitigation Plans will be developed in coordination with WDFW and EFSEC, as described in the ASC, to include

considerations of any potential additional setbacks as identified by WDFW or other micrositing options that may be feasible to further reduce the impact to habitat connectivity.

6. ENERGY AND NATURAL RESOURCES

- Projects are not expected to consume significant quantities of energy or other natural resources. (ASC, Golder)

Mitigation: No mitigation measures for energy and natural resources identified.

7. ENVIRONMENTAL HEALTH

- Battery storage could present a flammability hazard. The application (Part 2.A.5) describes several plans and mitigation measures associated with preventing and managing fires.
- Battery disposal would follow specific protocols for disposal of battery components at an approved facility for disposal or recycling. (ASC, Golder)
- Replacement of the solar array panels would be rare to infrequent. In the event of panel replacement or disposal, it would be through the manufacturers per Washington State law (RCW 70A.510.010). (Golder)
- Hazardous materials stored on each site would be minimal and would be stored and used in accordance with the manufacturer's specifications and applicable hazardous material regulations. (ASC)
- Prior to the start of construction, construction phase Emergency, Fire Control, and Health and Safety Plans would be developed to mitigate and minimize any potential impacts from hazardous spills, fire, or other emergencies. (Attch. O)
- Prior to the start of operations, operation phase Emergency, Fire Control, and Health and Safety Plans would be developed to mitigate and minimize any potential impacts from hazardous spills, fire, or other emergencies. (Attch. O)
- The BESSs for each facility would be mounted on cement pads that would be encircled with a gravel buffer. The BESSs would also contain fire suppression systems in accordance with fire code and National Fire Protection Association (NFPA) Standards, specifically NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems." (Golder)

Mitigation: No additional mitigation measures for impacts to environmental health.

8. LAND AND SHORELINE USE

Yakima County reviewed the proposal for land use concerns. Attachment A of the ASC included letters from the Yakima County determining the Projects would be "would be eligible for review and permitting under Yakima County permit processes." (Attch. A)

Mitigation: No mitigation measures for land and shoreline use recommended.

9. SOCIOECONOMICS

- Neither of the Projects are anticipated to displace or introduce a resident population to the local area. Agricultural land uses and rural residences currently surround the Projects

with minimal development on properties adjacent to the Projects. These lands are predominantly undeveloped large parcels of 40 or more acres. (ASC)

- Three residences were identified in the area surrounding the Project Site Control Boundaries; however, any impacts to these residences are anticipated to be minimal. Local land use planning documents, including the YCCP, do not identify the Project Site Control Boundaries for future residential growth. (ASC)

Mitigation: No mitigation measures for housing recommended.

10. NOISE

- The nearest receptor to the projects is a residence located approximately 850 feet east of the Ostrea Project Site Control Boundary. (Golder)
- BMPs to reduce noise impacts are identified for construction only. (Attch. O)
- The ASC indicates that major excavating and earth moving machinery would be limited to daytime hours, and that construction activity (except limited activities such as concrete pours) would be scheduled during weekdays. Daytime hours are not specified. (Attch. O)
- A detailed noise analysis was not included in the ASC due to limited sensitive receptors. (ASC, Golder)

Mitigation:

- Set up a "noise hot line" or other form of communication that the public could use to report any undesirable noise conditions associated with the construction of the Projects, with the ability to log the date and time of a complaint. This line of communication would be maintained through construction.
- Loud machinery would be limited to the hours of 7 a.m. to 8 p.m.
- Perform noise monitoring during operations, at a frequency and locations identified in coordination with EFSEC for the first 180 days of operation. Additional mitigation (e.g., noise barriers, etc.) and subsequent noise monitoring would be required if 1) the facilities are receiving and documenting ongoing substantiated noise complaints, and/or operational noise levels exceed maximum permissible noise levels as indicated in WAC 173-60-040.

11. VISUAL AND AESTHETICS

- The ASC describes visual impacts from the project but does not include a detailed analysis of aesthetics due to the limited number of identified sensitive receptors (e.g., residences). (ASC, Golder)

Mitigation:

- Following final design, provide visual simulations as requested by EFSEC, for EFSEC review, for viewpoints associated with residences. Following review of the simulations, mitigation such as visual screening (e.g., vegetation or physical) or surface treatments would be implemented for viewpoints: 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 best management practices such as visual screening or surface treatments.

12. LIGHT AND GLARE

Night lighting.

- Security lighting would be installed as well as lights for nighttime operations and maintenance activities. Lights would be shielded to minimize visual impacts. A detailed analysis of light impacts was not provided in the ASC.
- Unnecessary lighting would be turned off at night to limit attraction of migratory birds and minimize lighting impact to residences in the area. This includes downward-directed lighting to minimize horizontal or skyward illumination, and avoidance of steady-burning, high-intensity lights. (Attch. O)

Glare.

- The ASC included Does Not Exceed (DNE) letters from the FAA with respect to concerns of glare impacting aircraft for both facilities. (ASC)
- Th applicant conducted a glare study at the request of the Department of Defense to confirm no glare impacts to air traffic along identified routes. (Attch. H)
- The glare analysis was conducted assuming no anti-reflective coating because the coating on the panels is not yet determined. (Attch. H)
- No glare was modeled at selected observation points, including traffic along SR 24, military training flights, or flights approaching either runway of the nearest FAA-obligated airport. (Attch. H)

Mitigation: No mitigation measures for recreation identified.

13. RECREATION

- No concerns regarding impacts to recreation.

Mitigation: No mitigation measures for recreation identified.

14. HISTORIC AND CULTURAL PRESERVATION

- The DAHP predictive model for cultural resources identified areas on both project sites as having potential for cultural resources. (ASC)
- Both facilities are in the territories of the Yakama Nation. The Confederated Tribes of Warm Springs Reservation Oregon (CTWSRO) was approached by the applicant, and they deferred to the Yakama Nation. These sites are privately owned. (ASC)
- In their technical review of the applicant's cultural resources survey, YN staff requested that full avoidance of precontact archaeological resources. (YN)

Mitigation:

- If the site identified as being avoided within the Ostrea MPE is going to be altered during construction or operations, the applicant would consult with DAHP, any concerned Tribes, and EFSEC. An archaeological excavation permit would be required prior to any alteration.
- Prior to the start of construction, the applicant would submit to EFSEC a Concurrence Letter from DAHP stating approval of the revised Cultural Resources Survey Reports.
- Prior to the start of construction, the applicant would submit updated Unanticipated Discovery plans outlining steps taken to avoid precontact archaeological resources,

including avoidance mechanisms proposed in the initial cultural resource reports. These plans would be developed in coordination with EFSEC, DAHP, and the Yakama Nation.
- Mitigation discussions will be ongoing once site impacts are fully assessed by EFESC, the Yakama Nation, and DAHP. These discussions will likely occur on a case by case basis and include both the Yakama Nation and DAHP.

15. TRANSPORTATION

- The private road for site access off State Route (SR) 24 would require improvements. The applicant would obtain applicable permits for this from WSDOT. (ASC)
- Construction for the facilities would take place over 9 to 24 months, during which time, there would be an estimated additional 900 to 1,000 truck trips, including trucks transporting materials, equipment, and water. Traffic would increase on both SR 24 and SR 241 during construction. Traffic Control Plans would be developed in consultation with WSDOT, including provisions for safe movement of trucks in the vicinity of the construction zone. (ASC, Golder)
- Operations traffic would include limited worker commutes and truck trips for water deliveries (approximately 50 truck trips for 2 panel washings annually). (ASC)
- There is currently no parking along public roads, and workers would use designated parking areas on each site during construction and operations, so public parking would not be impacted from the projects.

Mitigation: No mitigation measures for transportation identified.

16. PUBLIC SERVICES

- The projects are not anticipated to generate large quantities of solid waste (beyond those expected for facilities this size) during construction or operation.
- The BESSs for each facility would be mounted on cement pads that would be encircled with a gravel buffer. The BESSs would also contain a fire suppression system in accordance with fire code and National Fire Protection Association (NFPA) Standards, specifically NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.” (Golder)
- Prior to the start of construction, construction phase Emergency, Fire Control, and Health and Safety Plans would be developed to mitigate and minimize any potential impacts from hazardous spills, fire, or other emergencies. (Attch. O)
- Prior to the start of operations, operation phase Emergency, Fire Control, and Health and Safety Plans would be developed to mitigate and minimize any potential impacts from hazardous spills, fire, or other emergencies. (Attch. O)

Mitigation: No additional mitigation measures for public services identified.

17. UTILITIES

- Water use during construction is identified for both construction and dust control. During construction and operations, an estimated 202,000 gallons of water per day would be used for each facility. The amount of water estimated to be used during the construction phase for either facility is not provided. (ASC)

- Project is not expected to consume significant quantities of energy or other natural resources. (ASC, Golder)
- Battery disposal would follow specific protocols for disposal of battery components at an approved facility for disposal or recycling. (ASC, Golder)
- Temporary portable sanitary waste facilities would be installed during construction at each facility. (ASC, Golder)
- A permanent or on-site aboveground sanitary sewer or septic system would be built for operations personnel. The proposed system would be permitted through the Yakima County Health District consistent with established requirements of WAC for On-Site Sewage Systems. (ASC, Golder)

Mitigation:

- Prior to construction, the amount of water estimated to be used during construction must be identified, and 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 (*identified in Item 3: Water Use*).
- Prior to operations, an approved source of water with enough legally available (202,000 gallons annually) water to supply the needed amount for construction and continued operation would be identified and confirmed via a contract or certificate of availability (*identified in Item 3: Water Use*).

Cumulative Effects:
Wildlife movement/habitat connectivity: Presently, there is little resistance (i.e., any type of development) on this landscape for animal movement, and both individually and cumulatively, the High Top Solar and Ostrea Solar projects will impact priority habitats, dependent species, and connectivity, as well as result in short- and long-term behavioral changes and impact populations dynamics across a large landscape. Large, fenced areas, such as multiple solar facilities have the potential to adversely affect wildlife movement. Both the Ostrea and High Top solar projects are proposed to be constructed within an important habitat/wildlife connectivity corridor that connects the Yakama Ridge (Yakima Training Center area) and Rattlesnake Ridge (Department of Energy; Hanford Site), and both will impact native shrubsteppe habitat (WDFW 7/15). Conversations between the applicant, WDFW, and EFSEC throughout the siting process have acknowledged that habitat connectivity in the area is a topic of importance. WDFW is aware of several projects proposed in the area (*see Attachment 2*), and EFSEC and WDFW continue to evaluate proposals in the area with an emphasis on maintaining habitat connectivity through the region

Each solar project can cover hundreds to thousands of acres. The High Top Solar and Ostrea Solar projects would cover up to 1,739 acres together. The project designs include multiple details that recognize the impact that these projects have on wildlife movement, including, but not limited to, maintaining a 1-mile wide corridor between project parcels, leaving corridors along ephemeral streams open on both sides of the project, and limiting fencing to surround consolidated arrays. In general, the sites provide local connectivity functions and value. Wildlife movement would be able to occur both between and around the solar arrays of both facilities,

although within the fences the character of the land would be altered to a more industrial setting and could discourage movement between the fenced areas of some larger species.

If additional projects which fence large areas occur, as many are identified as in planning, wildlife movement and connectivity could be more substantially affected. Creating protected wildlife corridors connecting Yakima Ridge and Rattlesnake Ridge north to south would sustain vital connected core habitat areas in the Black Rock landscape. Additional wildlife corridors should be identified and protected as mitigation for future large, fenced projects in this rural area. EFSEC would expect that any future development in the area would demonstrate, through site design and coordination with EFSEC and WDFW, an effort to maintain the contiguousness of wildlife movement corridors through the region.

APPLICABLE SEPA RULES

Mitigated Determination of Nonsignificance (DNS).

WAC 197-11-350 specifies when a Mitigated DNS is issued.

> WAC 197-11-350. (3) Whether or not an applicant requests early notice under subsection (2), if the lead agency specifies mitigation measures on an applicant's proposal that would allow it to issue a DNS, and the proposal is clarified, changed, or conditioned to include those measures, the lead agency shall issue a DNS.

Comment period

WAC 197-11-340 identifies 5 circumstances when a 14-day comment period is required.

> WAC 197-11-340 (2) (a) An agency shall not act upon a proposal for fourteen days after the date of issuance of a DNS if the proposal involves:
>
> iv) a DNS under WAC 197-11-350 (2), (3) or 197-11-360(4)

Consistent with WAC 197-11-350, EFSEC has identified conditions that would allow it to issue a DNS, or the applicant has clarified or changed their proposal to include additional measures that allow EFSEC to issue a DNS. The DNS should be identified as mitigated and a 14-day comment period should be provided.

Nothing in this environmental review or the associated SEPA Mitigated DNS shall preclude further review or conditioning of future development proposals for the subject property.

I have reviewed and considered the referenced material in Part A for High Top Solar and Ostrea Solar. I have identified no probable significant adverse environmental impacts if the mitigation measures identified in part B are included in a DNS and in the Site Certification Agreement. I hereby recommend a Mitigated Determination of Nonsignificance with a 14-day public comment period.

Ami Hafkemeyer — 09/30/2022

Ami Hafkemeyer — Date

EFSEC Director of Siting and Compliance

Attachment 1: Figure 2-1 High Top and Ostrea Location Map
Attachment 2: Map of foreseeable solar facilities in the Black Rock Valley