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**Responded At:** Feb 15, 2026 12:59:04 pm

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Q1. <b>Name</b>	Pam Minelli
Q2. <b>Email address</b>	pam@tricityscares.org
Q3. <b>Are you part of an Agency or Organization?</b>	<b>Yes (please specify)</b> Tri-Cities C.A.R.E.S.
Q4. <b>Share any comment</b>	Please see attached letter
Q5. <b>Upload your document (optional)</b>	<a href="https://s3-us-west-1.amazonaws.com/ehq-production-us-california/bab3527e6b286a2a3afc182e8c4de0831cf02bc1/original/1771189107/6d07ded5d4122070794370f16711f9f6_Comment%20to%20EFSEC%20re%20FH%20Nest%20Mitgation%20by%20TCC%202.15.26.pdf?1771189107">https://s3-us-west-1.amazonaws.com/ehq-production-us-california/bab3527e6b286a2a3afc182e8c4de0831cf02bc1/original/1771189107/6d07ded5d4122070794370f16711f9f6_Comment%20to%20EFSEC%20re%20FH%20Nest%20Mitgation%20by%20TCC%202.15.26.pdf?1771189107</a>
Q6. <b>Upload a picture (optional)</b>	not answered
Q7. <b>Did you also share a video?</b>	No
Q8. <b>What is the title of your video?</b>	not answered



Date: February 15, 2026

To: EFSEC Director, Chair and Council Members

From: Tri-Cities C.A.R.E.S.

Re: Public Comment on the Redlined Ferruginous Hawk Nest Mitigation Plan

We greatly appreciate this opportunity to comment on the Redlined Ferruginous Hawk Nest Mitigation Plan.

TC CARES previously submitted public comments on January 12, 2026 regarding the draft version of the Ferruginous Hawk Nest Mitigation Plan; we request that those comments remain under consideration and remain part of the public record. In those comments, our requested actions included the requirement of the following permit conditions:

1. Mandatory real-time raptor detection and automated curtailment by **cameras or radar systems.**
2. Defined, enforceable curtailment and shutdown triggers **when a single ferruginous hawk injury or fatality attributable to the project operations is documented.** Require TAC and EFSEC approval of revised mitigations (including expanded curtailment and turbine shutdowns **or removal**) to reduce risks required before resuming operation.
3. **Independent** (by some one other than the developer), **transparent** monitoring with mandatory annual public reporting.
4. Monitoring and adaptive management **during construction and for the life of the project.**
5. A clearly defined ferruginous hawk **take limit of zero with established fines if injury or mortality occurs.**
6. **Periodic reauthorization** of mitigation measures (e.g. every 3 or five years) based on results of the plan.

At EFSEC's January 21, 2026 meeting, this mitigation plan and public comments were discussed and approved with minor edits in language despite **lack of confirmation of the turbine height (499 or 671 foot turbines)** and unanswered questions raised by council members including the timeline and frequency for ferruginous hawk nest surveys.

## Continuing issues:

- **Ferruginous Hawk nest surveys and on going monitoring of nests must comply with Governor Inslee's directions in his remand letter and the new WDFW 2025 Guidelines for Utility-Scale Solar and Onshore Wind Energy Development in Washington State.**

In his remand letter on May 23, 2024, Governor Inslee directed “the Council to consider requiring the applicant to monitor ferruginous hawk activity as well as turbine strike mortality during the life of the Project and make adjustments to operation and construction activities as needed.”

WDFW's new *2025 Guidelines for Utility-Scale Solar and Onshore Wind Energy Development in Washington State* require monitoring “**the first three years of operation, followed by periodic surveys throughout the life of the project...**”

from page 37 of Step 7: Operational Monitoring and Adaptive Management, pages 36-38 (see below):

## Protocols

WDFW will generally recommend that operational monitoring occur for the first three years of operation, followed by periodic surveys throughout the life of the project, for wildlife and revegetation within the project site. The first three years of data will serve as an initial step in understanding the responses of wildlife and vegetation to the industrial energy site and may inform future adaptive management strategies. Operational monitoring protocols will be determined based on results of the pre-construction desktop assessment and field surveys. Generalized post-construction mortality monitoring may not be needed, though surveys for certain species may be requested, especially if threatened, endangered, or sensitive wildlife are present. Some of these surveys may include raptor nest use, bat mortality, bat acoustic monitoring, burrow occupancy, and on-site vegetation response, but will vary by site. After the first three years, WDFW will recommend that periodic surveys should be completed throughout the life of the project to monitor and adaptively manage wildlife, habitat, or vegetation that have been identified during pre-permitting biological data collection (see Steps 2 and 3), SEPA review (see Permitting Options section), through a cumulative impacts assessment (Step 1 of Appendix D), or based on results of the first three years of monitoring, including any major impacts incidentally observed. The types of monitoring and species to be monitored could change based on input from the project proponent, WDFW, or accepted recommendations from a TAC. Frequency of the periodic surveys may vary based on monitoring goals determined at the time of permitting or based on recommendations from a TAC that have been accepted by the permitting authority.

- **Defined, enforceable curtailment, shutdown triggers and financial penalties are needed when mitigation measures are ineffective in protecting FH nests or when a single ferruginous hawk injury or fatality attributable to the project operations is documented.**

When mitigations fail and result in injury or death to a ferruginous hawk or decline in nest productivity, TAC and WDFW approval of revised mitigations (including expanded curtailment and turbine shutdowns **or removal** and predefined financial penalties) to reduce risks must be required before resuming operation.

The results of on-going monitoring surveys recommended in WDFL's new 2025 *Guidelines for Utility-Scale Solar and Onshore Wind Energy Development in Washington State* are to be "shared with any permitting authority (such as) TAC and WDFW **yearly**. If results indicate unexpected and unaccounted for negative impacts to habitat or wildlife have occurred...adaptive management techniques may be recommended to the permitting authority." This could include "application of curtailment measures to address bird or bat impacts (e.g., temporary shutdown of certain turbines or implementation of cut-in speeds)". page 37

- **Independent** (by some one other than the developer), **transparent** monitoring with mandatory sharing with WDFW and annual public reporting is essential.

WDFL's new 2025 *Guidelines for Utility-Scale Solar and Onshore Wind Energy Development in Washington State* recommend "that any data and reports generated by the project from desk assessments, field surveys, and project monitoring be shared with WDFW". (p 38)

- Future PTAG meetings must be open to the public and meeting minutes published for public review within 7 calendar days.

### **TCC Comment Recommended Actions:**

To ensure the Horse Heaven Ferruginous Hawk Nest Mitigation Plan reflects best available science, complies with current regulatory standards, and aligns with WDFW's updated guidance, we respectfully urge EFSEC to adopt the following measures as enforceable permit conditions and to require full compliance with WDFW's 2025 *Guidelines for Utility-Scale Solar and Onshore Wind Energy Development in Washington State* (see Reference #1):

1. Confirm turbine height planned for the final project design.
2. Require nest surveys the first three years of operation followed by periodic surveys throughout the life of the project as recommended by Governor Inslee and WDFW's new 2025 *Guidelines for Utility-Scale Solar and Onshore Wind Energy Development in Washington State*. (References #1 & #2)
3. Require that the results of all surveys be shared with EFSEC, TAC and WDFW annually and made available to the public.
4. Require WDFW approval of all independent biologists/experts hired to conduct nest surveys and ongoing surveys.
5. Require that any and all data and reports of the project be shared with WDFW.
6. Establish defined, enforceable curtailment, shutdown triggers **and financial penalties** for ineffective mitigation measures including declining productive FH nests and when a single ferruginous hawk injury or fatality attributable to the project operations occurs.
  - Require a post-event evaluation and analysis be performed to identify action to prevent future reoccurrence.

- Require TAC, WDFW and EFSEC approval of revised mitigations (including expanded curtailment and turbine shutdowns **or removal**) to reduce risks before resuming operation.
7. Require mandatory real-time raptor detection and automated curtailment by **cameras or radar systems as technology develops**.
  8. Require platforms be installed in areas where trees are currently used for ferruginous hawks nests.
  9. Make future PTAG meetings open to the public and complete meeting minutes published within 7 calendar days for public review.

These revisions to the mitigation plan are necessary to provide reasonable assurance that the state-listed endangered ferruginous hawk will be adequately protected throughout the duration of the project.

Thank you for this opportunity to comment and for giving serious consideration to our requests.

Respectfully submitted,

Pam Minelli for TC C.A.R.E.S.

References:

1. WDFW's 2025 Guidelines for Utility-Scale Solar and Onshore Wind Energy Development in Washington State. <https://wdfw.wa.gov/publications/02662>
2. Governor Inslee's remand letter dated May 23, 2024. [https://efsec.wa.gov/sites/default/files/2025-05/20240523\\_HH\\_GOV\\_ResponseLetter\\_0.pdf](https://efsec.wa.gov/sites/default/files/2025-05/20240523_HH_GOV_ResponseLetter_0.pdf)