STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
PO Box 43172 • Olympia, Washington 98504-3172

MITIGATED DETERMINATION OF NONSIGNIFICANCE
Pursuant to Chapter 463-47 WAC and WAC 197-11-350
For the High Top Solar and Ostrea Solar Projects

Date of Issuance: May 8, 2024

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

Agency Contact: Amí Hafkemeyer, ami.hafkemeyer@efsec.wa.gov, 360-664-1305

Agency File Number: EFSEC Docket No. EF-220212

Description of Proposal: The High Top Solar Project and Ostrea Solar Project (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 were proposed by Cypress Creek Renewables, LLC, with High Top Solar, LLC and Ostrea Solar, LLC (Certificate Holders) approved to construct and operate the Projects by Site Certification Agreements with EFSEC. The High Top facility will be constructed on up to 927 acres in unincorporated Yakima County. The Ostrea facility will 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 Midway 115 kV transmission line that runs through the southern part of the Projects.

Location of Proposal: 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 2. *Figure 2-1: High Top and Ostrea Location Map.*

Certificate Holders: High Top Solar, LLC and Ostrea Solar, LLC 3402 Pico Blvd, Santa Monica, CA 90405

SEPA Threshold Determination: EFSEC has issued a Mitigated Determination of Non-Significance (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. The mitigation identified here is in addition to mitigation the applicant has identified in their application, which would be required. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination was made after review of the application and other information on file with the lead agency and existing regulations applicable to the proposal (see attached memo from EFSEC staff). The 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/high-top-and-ostrea-solar-project*

Mitigating Conditions:

Resource	Impact	Mitigation
Earth	Erosion	1. 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.
Air	Emissions	2. 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.
Water	Quality – Wetlands and Surface Waters	3. Prior to the start of construction, an additional visit to each site would be conducted by Washington Department of Ecology (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.
		4. 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

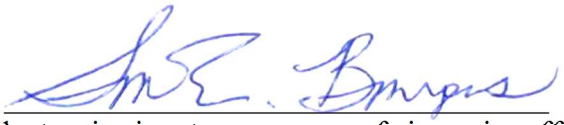
		imposed if needed to replace any of the features' functions and values.
	Use	5. Prior to construction, the amount of water estimated to be used during construction must be identified, and an approved source of water with enough legally available water to supply the needed amount for construction would be identified and confirmed via a contract or certificate of availability
		6. 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.
	Quality and Quantity – Stormwater and Washwater	7. 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.
Animals and Habitat	Habitat impacts	8. 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 crested wheatgrass dominated pasture/mixed environment habitat classification at the Ostrea Project. • No mitigation is required for cheatgrass dominated pasture/mixed environment habitat classification at the Projects.
		9. 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 Washington Department of Fish and Wildlife (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: i. $\left(Average\ Comparable\ Land\ Sale\ Cost_{\ per\ acre}\right) * (CMA) * 1.15 = TFO$
		10. 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 micrositing options that may be feasible to further reduce the impact to habitat connectivity, and 2) revegetation of disturbed areas with a native seed mix
		11. Prior to the start of construction, the applicant will implement, where feasible, in coordination with EFSEC and WDFW, the raising of the bottom of fences to allow for small animal passage.
Noise		12. 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.
		13. Loud machinery would be limited to the hours of 7 a.m. to 8 p.m.
		14. 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 noise levels exceed maximum permissible noise levels as indicated in WAC 173-60-040.
Visual and Aesthetics	Aesthetics	15. 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.
Historic and Cultural Resources	Cultural Resources	16. If the site identified as being avoided within the Ostrea Maximum Project Extent 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.

		17. 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.
		18. 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.
		19. 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.
Utilities		See mitigation measures #5 and #6 under Water use

Public Comment: A 14-day public comment period was provided for the initial MDNS. Comments on this MDNS and the environmental impacts of this proposal were submitted October 1- 14, 2022.

Responsible Official: Sonia Bumpus, EFSEC Director, sonia.bumpus@efsec.wa.gov, (360)664-1920

Signature  Date 05/08/2024

(electronic signature or name of signor is sufficient)

Attachment:

1. September 30, 2022 Environmental Review and Staff Recommendation
2. Figure 2-1: High Top and Ostrea Location Map
3. October 18, 2022 Supplemental Staff Memo Post SEPA Comment Period
4. May 8, 2024 Second Supplemental Staff Memo Post SEPA Comment Period