



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: June 14, 2024

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

PROPOSAL:

The Wautoma Solar Energy Project (Project) is a 470 megawatt (MW) solar photovoltaic facility, including a battery energy storage system (BESS). The project is proposed by Innergex Renewable Development USA, LLC (IRD), (Applicant). The Project Lease Boundary spans 5,852 acres of privately owned land. Within the Lease Boundary, the Project Area would occur on 4,573 acres. All construction and operational activities would occur within the Project Area. Within the Project Area, fencing would enclose 2,974 acres. The fenced area would encompass all Project components. Components at the facility include:

- Solar modules
- Tracker Racking System
- Posts
- Underground and above ground cabling
- Inverters and transformers
- Collector lines
- Project substation
- Operations and maintenance buildings
- Access and service roads
- Fences
- Gates and security lighting
- 0.25 mile-long overhead 500-kilovolt (kV0) generation-tie transmission line
- BESS capable of storing 470 MW

CASE NUMBER: EFSEC Docket No. EF-220355

CERTIFICATE HOLDERS: Innergex Renewable Development, LLC

LOCATION: The Project would be located approximately 12.5 miles northeast of the City of Sunnyside and 1 mile south of the interchange between SR 241 and SR 24 in unincorporated Benton County, WA. See Attachment 2.
Figure A-10: Wautoma Solar Transportation Routes.

On May 20, 2023, EFSEC issued a Mitigated Determination of Non-Significance (MDNS) for public comment. The public comment period ended on June 3, 2022, during which EFSEC received 5 public comment letters. All of these comments were reviewed and no new issues were raised that had not already been considered, however concerns raised by the Applicant during this comment period did result in EFSEC making the following edits to provide further clarification to several mitigation measures:

4. PLANTS

- A mitigation measure requiring the production of a Vegetation and Weed Management Plan that would be reviewed by a Technical Advisory Committee (TAC) inadvertently suggested that the TAC could impose remedial management actions when necessary. The TAC is an advisory body and EFSEC would serve as the regulatory agency responsible for the imposition of any such actions. Clarification language has been added.

Revised Mitigation:

- The Applicant's Vegetation and Weed Management Plan would include a commitment to, within 60 days of Project completion, create an as-built report that documents the amount of modified habitat, temporary disturbances, and permanent impacts associated with the Project. Vegetation monitoring of modified habitat would be conducted annually for a minimum of three years, though EFSEC may, under advisement from the TAC, elect to extend this monitoring period. The TAC would review these monitoring reports for progress in meeting measurable success criteria for revegetation and recommend remedial management actions if success criteria are not being reached. At the end of the revegetation monitoring period, areas of modified habitat and temporary disturbance that have met the established success criteria would be eligible for offset by the Applicant at the respective ratios. EFSEC may impose additional mitigation requirements for areas that have not met the success criteria after the end of the revegetation monitoring period, potentially including offset requirements.

7. ENVIRONMENTAL HEALTH

- A mitigation measure that required the construction and maintenance of one or more green strips to serve as wildfire mitigation was potentially too restrictive in defining the potential locations of these strips. The details of the green strips will be defined through discussions between the Applicant, EFSEC, the Washington Department of Fish and Wildlife, landowners, and local fire districts to ensure that the final product produces an effective form of wildfire mitigation. Language in the measure has been added to allow for more options in location, width, length, and composition of green strips based on consultation with all relevant parties.

Revised Mitigation:

- The Applicant will work with the landowner, local fire management districts, WDFW, and EFSEC to construct and maintain one or more green strips within the Project Lease Boundary or vicinity to reduce the risk of spread of wildfire unless another more effective measure is

identified during this coordination. The Applicant would work with WDFW and EFSEC to determine an appropriate width, linear distance, and seed mix for the green strips.

11. VISUAL AND AESTHETICS

- A mitigation requirement for opaque fencing did not mention that this measure would not apply to landowners that are participating in the Project. This measure was never intended to apply to landowners that are participating in the Project and if landowners are able to reach alternate satisfactory arrangements with the Applicant to address visual impacts, the effect of mitigating for visual impacts is still reached.

Revised Mitigation:

- Unless an alternative contractual agreement has been made with the owner of such a property, opaque fencing to directly screen views of the solar arrays where sited within 150 feet of viewpoints (i.e. public roadways) or residences. To allow the proposed fencing to blend into the setting, color-treat the opaque fencing material to minimize color contrast with the existing landscape.

14. HISTORIC AND CULTURAL RESOURCES

- The language used in a mitigation measure requiring ongoing engagement with affected Tribes to facilitate identification and mitigation for potential impacts to Traditional Cultural Properties could be interpreted as granting affected Tribes regulatory authority. The Tribe's role in this process would be advisory in nature and EFSEC would serve as the regulatory agency responsible for the imposition of any actions. Clarification language has been added.

Revised Mitigation:

- Maintain ongoing engagement with affected Tribes to facilitate identification, location, quantification, and mitigation recommendations to EFSEC regarding potential impacts to TCPs. Tribal review of site/engineering plans could provide input to guide design and avoidance without confidential disclosure of sensitive locations. This engagement should also include opportunities to evaluate the effectiveness of any implemented mitigation measures throughout the Project's lifecycle. Appropriate mitigation measures that the Tribes may recommend to EFSEC could include (but are not limited to) the demarcation of "no-go," culturally sensitive areas to be avoided by contractors through Project redesign, refinement, or maintenance of safe access by Tribes.

14. HISTORIC AND CULTURAL RESOURCES

- A mitigation measure outlining how archaeological resource impact discussions would be ongoing throughout the life of the Project did not include language specifying that these discussions would be specific to archaeological resources that may be inadvertently discovered during the Project. All archaeological resources discovered during the pre-construction cultural resource survey have already been effectively mitigated through discussions with EFSEC, the Washington Department of Archaeology and Historic Preservation, and affected Tribes. Clarification language has been added.

Revised Mitigation:

- The Draft Inadvertent Discovery Plan must be finalized and approved by EFSEC prior to construction. Mitigation discussions would be ongoing once site impacts are fully assessed by EFSEC, affected Tribes, and DAHP. These discussions would occur on a case by case basis for any case where additional archaeological resources or historic properties are identified during

construction and include affected Tribes and DAHP as described in the Inadvertent Discovery Plan.

14. HISTORIC AND CULTURAL RESOURCES

- To address Project impacts to a Yakama Nation-identified landform TCP, mitigation had been incorporated into the MSDNS requiring a reduction in panel footprint in two Project, either through removal or relocation elsewhere within the Lease Boundary. This measure has been modified to allow for the potential identification of effective alternative mitigation to address TCP impacts with EFSEC approval.

Revised Mitigation:

- As the Applicant further refines the Project layout, they anticipate that reduction and/or relocation of panels is likely as part of micrositing. Pending ongoing engagement with the Yakama Nation to reduce visual impacts and physical encroachment on an identified TCP landform, there must be a reduction in the total panel footprint within Benton County Assessor Parcels 13324000000000 and 132241000002000 unless effective alternate mitigation is identified to address these impacts. The exact scale of the reduction would be determined during the micrositing process, but all reductions and/or relocations must first come from these identified parcels. EFSEC will be responsible for the determination whether a proposed panel footprint reduction or alternate mitigation will be effective in addressing these TCP impacts.

15. TRANSPORTATION

- Mitigation requiring that staff be provided with train safety presentations to mitigate for the potential collisions at train crossings could be interpreted as overly broad in its application. Language has been added specifying that the trainings incorporated in this measure are only required for relevant Project staff.

Revised Mitigation:

- To mitigate for potential collisions at train crossings, the Applicant should work with WSDOT and Operation Lifesaver to provide train safety presentations to relevant Project employees and contractors to increase knowledge regarding train safety, including train track crossings. The Applicant should establish procedures to be followed if the load should become lodged at a rail crossing and would review the emergency contact numbers for each crossing.



Ami Hafkemeyer

EFSEC Director of Siting and Compliance

6/14/2024

Date