



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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January 31, 2022

Amy Moon
Washington Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98504-3172
Subject: Draft Environmental Impact State: Horse Heaven Hills Wind/Solar/Battery Storage

Ms. Moon,

The Washington Department of Fish and Wildlife (WDFW) is committed to working with EFSEC and renewable energy projects to ensure that these projects are sited in a manner that avoid impacts on fish and wildlife resources and that fully support Governor Inslee's goals for decarbonization in Washington State.

Over the last two years since the Application for Site Certification (ASC), WDFW has participated in meetings with EFSEC that frequently included the applicant. We have provided defensible biological information regarding conservation areas, avoidance areas (specifically for Ferruginous Hawks) (FEHA), avoidance and minimization to WDFW Priority Species and Habitats (PHS), and mitigation concepts and sites. We did this with the understanding that some of this information might aid the project in designing a layout (i.e. alternative build options) that would avoid and minimize impacts to PHS. Unfortunately, the layout in the Draft EIS is identical to that in the ASC along with the ambiguity of turbine types and number and total solar development areas.

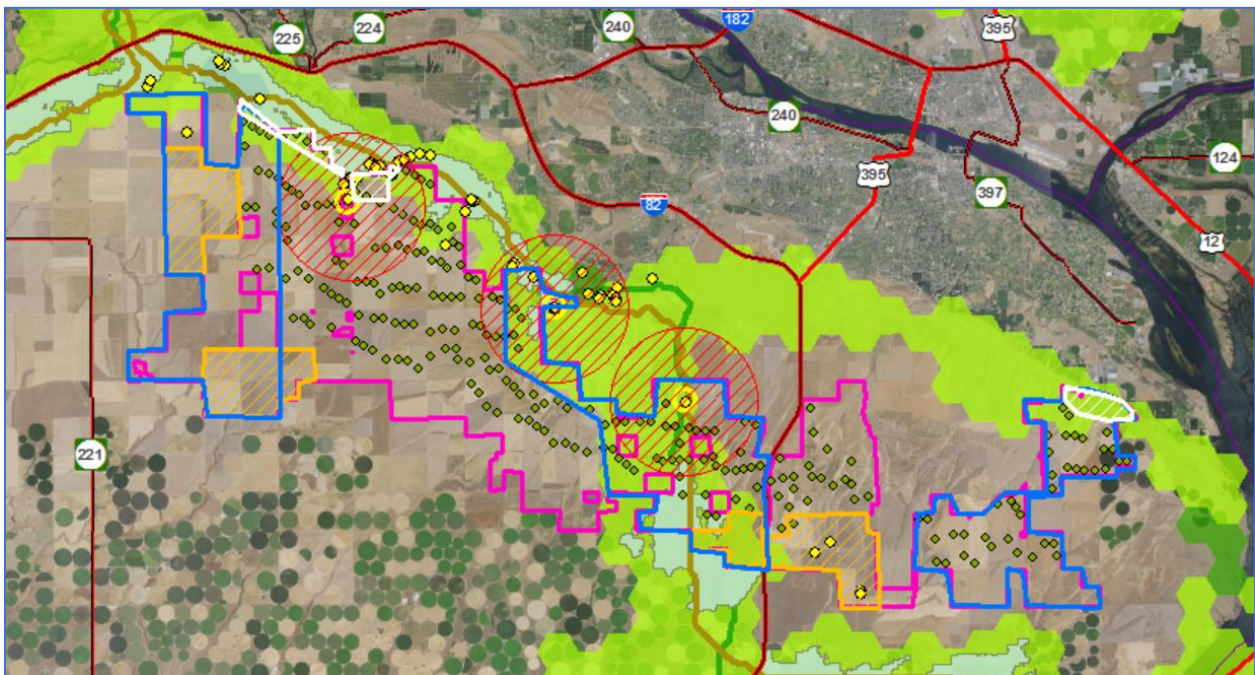
We identified significant PHS issues in our original comment letter and even recommended an alternate project layout of only solar on the agriculture lands in the southwest of the lease area and beyond to preserve the ridgeline, associated corridors, and avoid/minimize adverse impacts to PHS. Specifically, we stated, "to reduce the landscape-scale impact of the HWSB and reduce impacts to connectivity, we recommend that the project focus on solar development only on agricultural and grasslands in the southern edge of the HWSB lease area and to the southwest. This includes transmission corridors and all supporting infrastructure." Based on this we do not agree on how the Solar Only Alternative was presented as being limited to 10K acres--areas that the project designated--and subsequently eliminated in the Draft EIS when in fact there is 72K acres under project control. Similarly, we do not agree on how the Wind Only Alternative was presented as being limited to only the existing 11k micro-siting corridor of a 72K acre project area.

We appreciate that some of the information we shared in our meetings, specifically related to avoiding

development within FEHA core areas ($r = 2$ miles around a nest site/territory), has been incorporated into the Draft EIS. In our meetings we recommended that all nest territories identified in PHS be under this protection and the Draft EIS supports this stating “specifically, mitigation measures for ferruginous hawks would require avoiding siting Project components within 2 miles of ferruginous hawk nests documented in PHS data...” However, the Draft EIS goes on to say that, “the extent to which ferruginous hawk mitigation may be implemented will be informed by the final Project layout and field data on ferruginous hawk presence and habitat use of the Lease Boundary collected through pre-construction monitoring programs.” If this is referencing the active FEHA nest data ($n = 2$) collected by the project from 2017-2019, we shared with you in January 2022 that, “WDFW considers the relevance of all historical FEHA nest (territory) locations ($n = 16$) as relevant for management to provide known historical habitat for recovery and to meet recovery goals.”

Then in February 2022, we shared with EFSEC that, “...there are 4 FEHA core area exclusion zones -from West to East - Webber, Badger, Sheep, and the eastern one, which is in the area of the Coyote Canyon FEHA nesting territory. Based on research, these core areas are where FEHA use is the highest but does not include the entire home ranges, so FEHA will still be exposed to turbines outside of these areas. Additionally, there are two turbines to the north just outside of the Webber exclusion zone that we also discussed with you that should also be excluded.” Additionally, we pointed out that two FEHA nesting territories (Beck Road and 4-mile) are both within the eastern solar development area just to the east of Highway 395.

Also in February 2022, we met with EFSEC and the applicant and provided the figure below and justification for recommending the central blue polygon as mitigation, offered ideas for project infrastructure and operations and vegetation management within the mitigation area, and identified turbine exclusion zones within the red FEHA circles.



Hot Pink = project area; Green Diamonds = 244 wind turbines, Orange = solar; Yellow Diamonds = Historic (and active $n = 2$) FEHA nests that represent 16 territories; Red Circles = an example of active nest core areas ($r = 2$)

miles); White = habitat mitigation proposed by project; Blue = Landscape mitigation options proposed by WDFW; Dark green = Arid Lands Initiative (ALI) priority core areas; Light green = ALI priority linkages; Brown route = least cost pathway for mule deer; Green route = least cost pathway ground squirrels; Grayish/green polygons = ground squirrel habitat concentration areas.

And finally, in a May 2022 correspondence to EFSEC, "...we have the information we need to determine if the FEHA population within the Horse Heaven Hills could potentially be impacted by the project. We have made this determination based on best available science and information from the Periodic Status Review (Hayes and Watson 2021) that recommended and resulted in this bird species being listed as a State of Washington Endangered Species. Our assessment is based on core nesting habitat areas ($r = 3.2\text{km}$) of both active and unoccupied nests and the 244-turbine layout. By using the smaller core nesting area, and not the home range area ($r = 10\text{km}$), we have already provided a meaningful compromise for renewable energy development and for the conservation of FEHA within and adjacent to the project. Within these smaller core areas, we have recommended the project consider no development of wind turbines and/or curtailment based on seasonal timing, ongoing avian monitoring and field observations, or using Identiflight-type technology. At this time, we are most interested in examining how the fewer (but larger) layout of 150 turbines and alternate turbine siting could further avoid and minimize potential impacts to FEHA and provide conservation of FEHA core nesting areas."

Comprehensively regarding FEHA, we do not agree with the DEIS that impacts to this Washington State Endangered Species would be "Limited", "Confined", and "Local" as described in Chapter 4. The information in the Periodic Status Review (Hayes and Watson 2021) that the FEHA breeding population in WA State is in a sustained decline and that "...the percentage of surveyed nesting territories supporting breeding pairs has significantly declined in the core breeding range of the species in Benton and Franklin counties..." provides justification to list any impact to FEHA from direct and indirect causes as "Regional."

We do not support the establishment of a Technical Advisory Committees (TAC) as a mitigation component to initially review and provide input to pre-construction surveys and project layout. In our opinion, the project needs to provide additional reasonable alternatives based on information they have already received. TAC are typically formed to review, monitor, and make recommendations regarding post-construction project operations related to bird/bat monitoring, revegetation, noxious weed control, etc. Issues, for example, such as project feasibility, siting and layout, avoidance, minimization, and to some extent a mitigation framework should be determined through a public process that results is more than just a single Build Alternative proposed by the applicant.

If the project were built with 244 turbines and three solar areas and all supporting infrastructure, then we would agree that the Zone of Influence (ZOI) analysis and conclusion that the project will result in over 53K of indirect habitat loss created by disturbances. This is in combination with the almost 7k of direct habitat loss results in 83% of the 72k project area. Most of these impacts are to agricultural lands around which are isolated native habitats that together form a mosaic of habitats that provided wildlife connectivity, foraging areas, and den and nest sites. As we stated in our original comment letter, the sheer size of this project, and the impacts to WDFW PHS and connectivity corridors will be difficult if not impossible to mitigate. Knowing this, we have worked with EFSEC and the applicant to provide reasonable solutions to avoid, minimize, and mitigate that supports both conservation and renewable energy, but little of our input was used in the DEIS and none was considered for alternate project layouts.

In closing, WDFW recommends that the Draft EIS be re-issued after first considering the comments received from WDFW and others on this project and work with the applicant to develop reasonable alternatives for analysis and consideration.

Please contact me at 509-380-3028 or at Michael.Ritter@dfw.wa.gov with any questions.

Sincerely,

A handwritten signature in black ink that reads "Michael Ritter". The script is cursive and fluid, with the first letters of "Michael" and "Ritter" being capitalized and prominent.

Michael Ritter
Lead Planner: Solar and Wind Energy Development