



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

March 29, 2021

Amy Moon
Energy Facility Site Evaluation Council
PO Box 47250
Olympia, WA 98504

SENT VIA ELECTRONIC MAIL

RE: Horse Heaven Wind Farm Project, Shorelands, Wetland and Waters of the State Review

Dear Amy Moon:

The Department of Ecology's (Ecology) Shoreline and Environmental Assistance (SEA) Program has reviewed the application materials for the proposed wind, solar, and battery project located east south of Kennewick Washington. Specifically, Ecology staff reviewed the following materials: application form and Appendix I, Wetland Report. Comments are provided below and separated into three main sections for your convenience.

Shorelands

Per Revised Code of Washington (RCW) 90.58, WAC 173-26 & 27, local governments having shorelines of the State located within their boundaries are required to adopt and implement a shoreline master program. Washington Administrative Codes 173-18 thru 173-22 define State Shoreline definitions and requirements.

The project site is not located within the regulatory jurisdiction of any Benton County or State Shorelines. Therefore, the above-mentioned codes and regulations do not apply.

Wetlands and Waters of the State

Wetlands

Ecology staff reviewed the "Wetlands and Other Waters Delineations Report for the Horse Heaven Wind Farm Project", prepared by Tetra Tech in December 2020. The provided wetland report did not identify any wetlands located within the project limits. Several areas of interest were identified on aerial imagery that Ecology would like the opportunity to field verify via a site visit in late April or early May. The wetland investigations were conducted in months outside the growing season and during drier times of the year (November and February, respectively). It is not uncommon for ephemeral streams to have riverine wetlands associated with them. These wetlands are typically only observable during the wettest part of the growing season when the streams are flowing. The timing of the investigation could make the

determination of seasonal, riverine wetlands difficult. For example, the datasheet for sampling point 02, mentions bedrock was located within 4 inches of the soil surface. Hydrologic indicator, D3, Shallow aquitard. The selection of two secondary indicators of hydrology, suggests wetland hydrology is present. Also, the time of the year could impact the occurrence of hydrophytic vegetation. The restricted soil profile and potential ponding could result in a lack of hydric soil characteristics. Ecology recommends EFSEC request an additional site visit to verify the lack of seasonal wetlands throughout the project site. The use of Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), Chapter 5, Difficult Wetland Situations in the Arid West, may be required.

Waters of the State

Thirty-three non-wetland water features were discovered within the project site, 31 ephemeral streams and two intermittent streams. It is unclear in the application if stream crossings will be required, or how the applicant anticipates traversing the stream features. Discharges to non-federally regulated waters are regulated by the State, through the Department of Ecology under RCW 90.48, Water Pollution Control Act. If appropriate, Ecology may require the applicant to obtain an Administrative Order (AO) that authorizes the work in waters of the State.

At this time, the mechanism for crossing the ephemeral stream has not been identified; however, authorization for such impacts through an AO could be needed if the project cannot meet the water quality standards (WAC 173-201A).

Ecology typically requires a jurisdictional determination (JD) from the U.S. Army Corps of Engineers (Corps) verifying the waters are non-federally jurisdictional prior to beginning our permitting process. We recommend EFSEC request such documentation from the Corps.

In the event the stream crossing can be constructed while meeting the State's water quality standards, an AO would not be required; however additional documentation such as the use of appropriate BMPs in an erosion and sediment control plan and water quality protection plan would be needed to support that all work will be done in accordance with the State's water quality standards. The application notes the development of an erosion and sediment control plan but the plan is not provided.

Conclusion

Additional information is needed to properly assess potential impacts to waters of the State. Ecology staff would like to conduct a site visit to verify the presence or absence of wetlands within the project area and gather more information regarding the work to be done in the stream features. Additional work and review of subsequent materials may be needed after the site visit.

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A discharge into one of the 33 stream features, identified as non-federally regulated waters, is regulated through the Department of Ecology. An Administrative Order could be needed if details show the project will not meet the State's water quality standards.

If project plans change, details should be provided for review to determine if the State's water quality standards will be met.

Ecology looks forward to providing the Energy Facility Site Evaluation Council with technical assistance and expertise in the future. If you have any questions or would like to discuss these comments, please call me at (509)575-2616.

Sincerely,



Lori White
Wetland/Shoreline/Federal Permit Specialist

cc: Loree' Randall, Ecology
Gary Graff, Ecology