

File No. CEP 7-23 EXH-1030
Date 3-26-07
Exhibit No. 3
Received by ch

MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description of proposal: Construction and operation of up to four wind turbines that will exceed 350 feet in height with associated electrical connections and service roads.

Proponent: Energy Northwest
Attention: David Kobus
P O Box 968
Richland, WA 99352-0968

File No: EA 07-05

Location of proposal: The site is located in the South Half of the North Half and the North Half of the South Half of Section 12, Township 29 North, and in the West Half of Section 16, Township 7 North, Range 30 East, W.M.

Lead agency **BENTON COUNTY**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(3), provided that the following measures are taken to mitigate potential adverse impacts. Substantive authority to require mitigation is derived from WAC 197-11-660, Benton County Code, Chapter 6.35.120. The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This mitigated determination of nonsignificance is issued under WAC 197.11.350(3); the specific mitigation measures which will eliminate significant environmental impacts:

1. To mitigate the possible obstruction of the microwave signals that will cross the proposed turbine location from the Jump Off Joe Butte communication system, the applicant will place the wind turbine towers such that the spacing between towers where the microwave signal passes through is wide enough to provide necessary clearance to rotate the turbine strings so that the wind turbines are no longer in the path. 2. Maps will be prepared to show sensitive areas (e.g. raptor nest sites, burrowing owls) that may be off-limits during the construction phase depending on the sensitive periods for the species. 3. Energy Northwest will consult with a project biologist prior to finalizing the project layout, including the locations of turbine strings, roads, power lines and other project facilities. 4. All construction personnel will be instructed to be particularly cautious and drive slower speeds in a period from one hour before sunrise to one hour after sunset when some wildlife species are the most active. Speed limits will be posted on signs throughout the project construction zone. Construction personnel will be given a briefing on sensitive wildlife occurring in the project area, and on required precautions to avoid injuring or destroying wildlife. 5. Overhead transmission lines from the substation to the Bonneville Power Administration 115-k V system will follow designs recommended by *suggested Practices for Raptor Protection Power Lines: The State of the Art in 1996 (APPLIC 1996)*. Conductors for the 115-k V lines would be spaced approximately 12.5 feet apart to reduce the chance of conductors contacting each other during storms and to eliminate the potential for bird electrocution from contacting two conductors. All overhead transmission structures (34 k V collector lines and 115k V interconnect) located within one (1) mile of the nearest wind turbine will be equipped with anti perching devices to discourage birds from using locations near the wind plan for perching. 6. Re-vegetation plant mixes and monitoring will be developed in consultation with the Washington Department of Fish/Wildlife and the landowners. Native Vegetation will be used. 7. Measures to reduce the potential spread of noxious weeds will be developed in consultation with the weed control board of Benton County. Turbine strings, roads and other disturbed areas will be monitored regularly to prevent the spread of noxious weeds. 8. Avian and bat monitoring will be conducted, consisting of (a) fatality monitoring involving standardized carcass searches, scavenging and searcher efficiency trials, (b) a ground nesting survey for owls in suitable habitat within 500 feet of the proposed turbine strings, roads and power lines in the spring of 2007 and within 500 feet of turbine strings in the spring of 2008, (c) and ground surveys of large raptor nests and nest habitat identified in the September 2002 and June 2006 studies. A detailed monitoring plan will be developed. The monitoring plan includes the establishment of a Technical Advisory Committee (TAC) consisting of the landowners, and representative from Benton County Planning Department, Energy

Northwest, Washington Department of Fish and Wildlife, U.S. Fish and Wildlife, Lower Columbia Basin Audubon and consultants conducting the studies. The TAC will be composed of six voting members (one each from Energy Northwest, Lower Columbia Basin Audubon Society, WDFW, USFWS and two landowners). The other committee members will be advisory, including Benton County representatives and the consultants conducting the monitoring programs. The committee will review and finalize the monitoring plan, review annual monitoring results, and recommended amendments to the monitoring protocol to Benton County. Benton County will retain ongoing jurisdictions to (i) modify the project wide avian and bat monitoring program and (ii) require additional avian and bat monitoring, mitigation or possible operation changes. The monitoring program will include a minimum of one year of intensive standardized fatality monitoring conducted by trained wildlife technicians, subject to modification by the TAC and Benton County. The monitoring plan will also include a procedure for searching for and reporting wildlife casualties. This monitoring procedure will be conducted by maintenance and other developer personnel for the life of the project. Also included in the monitoring plan will be procedures for handling and rehabilitating injured wildlife. Energy Northwest will develop the procedures in conjunction with a local wildlife rehabilitation center. Those procedures will address, as a minimum the methods and costs of handling and rehabilitation of any project related injured wildlife.

This mitigated determination of nonsignificance is issued under WAC 197.11.350(3); the lead agency will not act on this proposal for fourteen (14) days from the date below. **Comments must be submitted by March 12, 2007.**

Responsible Official

TERRY A. MARDEN, Director
Benton County Planning & Building Dept.
Post Office Box 910 . PHONE: (509) 786-5612
Prosser, WA 99350-0910 (509) 736-3086

Date: February 26, 2007


MICHAEL E. SHUTTLEWORTH, SENIOR PLANNER

You may appeal this determination to **TERRY A. MARDEN**, at **Post Office Box 910, Prosser, WA 99350**, no later than **March 12, 2007** by **Written notice**. The fee for a threshold determination appeal is **\$100.00 plus legal advertising costs**. An appeal of the determination must be made in writing to the **Benton County Planning Department** and a **public hearing will be scheduled and the appellant will be notified of the date, time and place**. You should be prepared to make specific factual objections. Contact the planning department to read or ask about the procedures for SEPA appeals.

DISTRIBUTION:

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News Media (Encl. map or plot plan)	FAA
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Benton County Clean Air Authority	Corps of Engineers
Bureau of Reclamation	Dept. of Trans. – Aviation Division
Benton County Engineer	Fire Marshal
Benton-Franklin Dist. Health Department	Benton County Engineer
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Department of Ecology – Olympia, Yakima	
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