

Final Environmental Impact Statement

Horse Heaven Wind Farm

Chapter 1 - Project Background and Purpose

October 2023

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1.0 CHAPTER 1 – PROJECT BACKGROUND

1.1 Introduction

Horse Heaven Wind Farm, LLC (the Applicant) is proposing to construct and operate the Horse Heaven Wind Farm (Project, or Proposed Action) in unincorporated Benton County, Washington, within the Horse Heaven Hills area. At its closest point, the Project would be located approximately 4 miles south/southwest of the City of Kennewick and the larger Tri-Cities urban area, along the Columbia River. A map showing the Project area is presented in **Figure 1-1**.

1.2 Proposed Project

1.2.1 Project Overview

The Project would consist of a renewable energy generation facility that, as stated in the 2022 Application for Site Certification (ASC), would have a nameplate energy-generating capacity of up to 1,150 megawatts (MW)¹ output as alternating current (MWac) for a combination of wind and solar facilities, as well as battery energy storage systems (BESS) (Horse Heaven Wind Farm, LLC 2022). The number of turbines and extent of solar arrays would depend on the final turbine models and/or solar modules selected, as well as the final array layout options. Other Project components would include underground and overhead electrical collection lines, underground communication lines, new Project substations, access roads, operations and maintenance facilities, meteorological towers, and control houses.

The Project's electrical system would consist of three key elements that would be connected to the turbines and solar facilities in any configuration combination: 1) an electrical collector system, which would collect energy generated at the turbines and solar array, transform the voltage using a pad mounted transformer, and deliver the energy via cables to 2) the Project substations, which would deliver it into the regional transmission system; and 3) BESS,² which would be capable of storing and later deploying energy generated by the Project to the grid.

Power generated by the Project would be transmitted to existing Bonneville Power Administration (BPA) transmission lines via both planned interconnections. Power could interconnect to the planned BPA 230-kilovolt (kV) Bofer Canyon Substation. Power could also interconnect to the planned BPA 500-kV Webber Canyon Substation. Power would be transmitted to a purchaser under a contract with the Applicant. Such power purchasers could include any of the local or regional utilities, or commercial and industrial power users, with potential off-takers (i.e., the purchaser of the power) having distribution outside of Washington State.

1.2.2 The Applicant

The Applicant is Horse Heaven Wind Farm, LLC. Scout Clean Energy LLC (Scout) is the indirect owner of 100 percent of the Project. Scout intends to build, own, and operate the Project.

Scout is a renewable energy developer and owner-operator headquartered in Boulder, Colorado, with over 1,200 MW of operating assets. Scout is actively developing a portfolio of over 15,000 MW of onshore wind, solar

¹ The maximum number of wind turbines, solar arrays, and BESS would not exceed what is presented in the Final ASC and analyzed in the EIS. However, since the 2021 ASC was submitted to EFSEC in February 2021, BPA has allowed interconnection requests that facilitate greater installed aggregate nameplate generating capacity. This is a result of newer equipment being more efficient than what was intended for installation at the facilities during design and permitting. Even though more efficient equipment could generate more energy, the instantaneous generation would be controlled to not exceed the grid injection capacity of 1,150 MW.

² The Applicant indicated in the 2022 ASC that two BESS would be constructed but has requested analysis for all the components and distinct parts as presented in Table 2.1-1 of the 2022 ASC. This includes three potential locations for the construction of the two BESS.

photovoltaic (PV), and battery storage projects across 24 U.S. states. Scout has expertise in all aspects of renewables project development, permitting, power marketing, finance, construction, 24/7 operations, and asset management. Scout is a portfolio company of Brookfield Renewable. Brookfield Renewable operates one of the world's largest publicly traded, renewable only power platforms. Its portfolio consists of hydroelectric, wind, solar, and storage facilities in North America, South America, Europe, and Asia, and totals approximately 24,000 MW of installed capacity and an approximately 100,000 MW development pipeline.

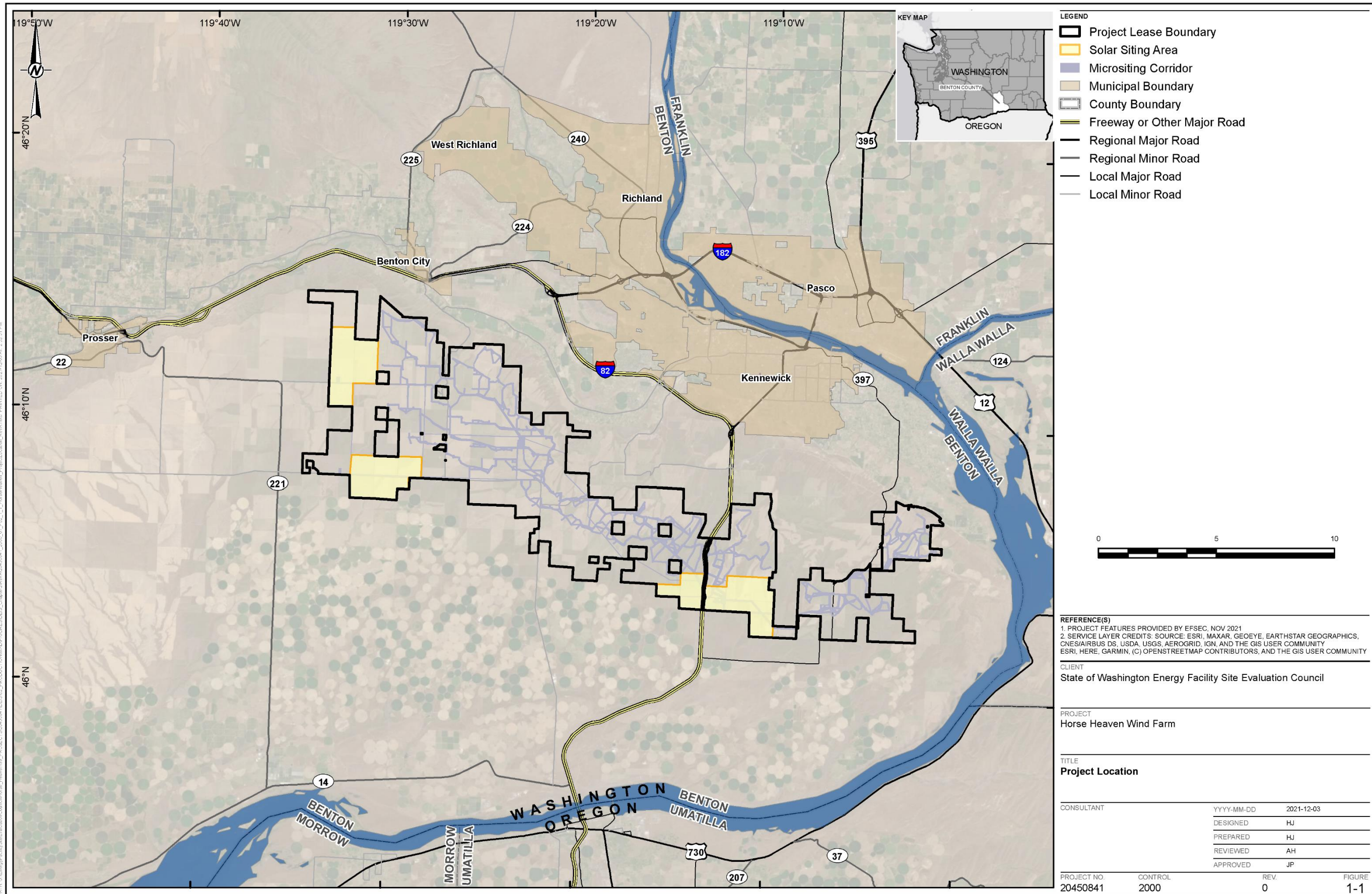


Figure 1-1: Project Location

1.2.3 Energy Facility Site Evaluation Council Role and Responsibilities

The Washington State Energy Facility Site Evaluation Council (EFSEC) is the state agency responsible for evaluating and making recommendations to the governor on the approval or denial of certain major energy facilities in Washington. This includes voluntary applicants such as the proposed facility. Project review is conducted under the requirements of Revised Code of Washington (RCW) 80.50 Energy Facilities – Site Locations and associated regulations. The proposed Project falls under EFSEC’s jurisdiction because RCW 80.50 allows Scout to choose to apply for site certification through EFSEC (RCW 80.50.060 (1)) Energy facilities to which chapter applies—Applications for certification—Forms—Council’s duties—Potential effects to tribal cultural resources. The Project meets the definition of an “alternative energy resource” that includes “wind” and “solar” (RCW 80.50.020(1)(a)-(b)).

EFSEC is a council comprising the directors of five state agencies (or their designees) and a chairperson appointed by the governor. The state agencies with designees on EFSEC are:

- Department of Commerce
- Department of Ecology (Ecology)
- Department of Fish and Wildlife (WDFW)
- Department of Natural Resources (DNR)
- Utilities and Transportation Commission (UTC)

The directors of other specified state agencies may, at their discretion, choose to participate as council members for a particular proposal before EFSEC. For this Project, the Department of Agriculture has designated a member to EFSEC. Counties, cities, and port districts where a potential project is located also appoint members to EFSEC. For this proposed Project, Benton County Board of Commissioners has appointed a member.

EFSEC’s review of the proposal is guided by RCW 80.50.010 which states the following:

- *The legislature finds that the present and predicted growth in energy demands in the state of Washington requires a procedure for the selection and use of sites for energy facilities and the identification of a state position with respect to each proposed site. The legislature recognizes that the selection of sites will have a significant impact upon the welfare of the population, the location and growth of industry and the use of the natural resources of the state.*
- *It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.*
- *The legislature finds that the in-state manufacture of industrial products that enable a clean energy economy is critical to advancing the state's objectives in providing affordable electricity, promoting renewable energy, strengthening the state's economy, and reducing greenhouse gas emissions. Therefore, the legislature intends to provide the council with additional authority regarding the siting of clean energy product manufacturing facilities.*

- *It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods that the location and operation of all energy facilities and certain clean energy product manufacturing facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.*

After evaluating the proposed Project, EFSEC will submit a recommendation to the governor. If EFSEC recommends approval of the proposed Project, EFSEC will submit a draft Site Certification Agreement (SCA) for the governor's signature. An approved SCA typically includes conditions that the Applicant must meet during Project construction, operation, and eventual decommissioning. Within 60 days of receipt of EFSEC's recommendation, the governor may approve the Project, reject the Project, or direct EFSEC to reconsider the SCA. If an ASC is denied, the proposed project cannot be constructed and operated.

1.3 Purpose and Need of Proposed Action

The primary purpose and need for this Environmental Impact Statement (EIS) is to provide an impartial discussion of environmental impacts, reasonable alternatives, and mitigation measures that avoid or minimize adverse environmental impacts as well as to identify adverse environmental impacts that are likely to remain significant following implementation of proposed Applicant commitments and imposed mitigation measures. EFSEC Council members will use the information presented herein in conjunction with applicable regulations and other relevant information to make a recommendation to the governor on whether to approve, condition, or deny the Project.

Applicant's Purpose

The purpose of the proposed Project is to provide up to 1,150 MW of renewable energy using wind energy and solar energy. The Applicant selected the Project location because it meets the following feasibility and viability criteria:

- Commercially viable above-average wind speeds
- Sufficient flat area and solar irradiance to site solar PV panels
- Close proximity to existing transmission lines with sufficient available capacity to carry the Project's output to the grid
- Area landowners are willing to participate in the Project and have sufficient undivided acreage to support a commercial renewable energy facility

1.4 State Environmental Policy Act Review Process

During the site certification process, EFSEC functions as the "lead agency" responsible for complying with the Washington State Environmental Policy Act (SEPA) procedural requirements (Washington Administrative Code [WAC] 463-47). EFSEC prepared this EIS with the assistance of an independent consultant, as provided for in WAC 463-47-090(2)(b). EFSEC and its independent consultant reviewed all Applicant-prepared information and analyses before inclusion in this EIS. EFSEC staff and EFSEC's consultant also supplemented the Applicant-prepared information and analyses during preparation of this EIS.

1.4.1 Initiation of Public Engagement

On March 9, 2021, EFSEC issued an announcement for a Public Informational Meeting and Land Use Consistency Hearing on the EFSEC website and mailed the announcement to those on the interested parties' distribution list, tribes, and EFSEC's general distribution list. Public notice was published in Tri-City Herald for the

SEPA Scoping on May 12, 2021, and the Scoping Notice was posted to the SEPA Register on May 14, 2021. The Applicant's submittal included a request for expedited processing under WAC 463-43. EFSEC further identified that copies of the application were available upon request and that a virtual public information meeting would be conducted at a later date. On March 29, 2021, the Applicant withdrew its request for expedited processing.

An informational public meeting and land use consistency hearing were held on March 30, 2021, to inform the public about the Project, receive public comments, and review information regarding the Project's consistency and compliance with land use plans and zoning ordinances.

1.4.1.1 EFSEC Public Information Meeting

In accordance with WAC 463-26-025, on March 30, 2021, EFSEC held a virtual public information meeting to explain the process that would be followed for review of the proposal. Members of the public were given an opportunity to provide oral and written comments.

1.4.1.2 EFSEC Land Use Consistency Hearing

In accordance with RCW 80.50.090(2), on March 30, 2021, EFSEC held a virtual land use consistency hearing to determine whether the proposed Project is consistent and in compliance with city, county, and regional land use plans or zoning ordinances. The land use consistency determination, EFSEC Order No. 883, was issued May 17, 2022.

1.4.2 Scoping

1.4.2.1 State Environmental Policy Act Scoping Notice

On May 11, 2021, EFSEC staff issued the *SEPA Determination of Significance and Request for Comments on Scope of Environmental Impact Statement for the Horse Heaven Wind Farm Project* (Scoping Notice) requesting comments on the Project EIS scope from agencies, affected tribes, and members of the public. The Scoping Notice included a summary of the Proposed Action and information on the scoping process for preparation of an EIS. The Scoping Notice requested that all scoping comments be received by EFSEC by June 10, 2021.

The Scoping Notice identified the following environmental elements for detailed analysis in the EIS:

- Wildlife and Habitat
- Visual and Aesthetic
- Land Use

The following environmental elements were identified in the Scoping Notice as requiring additional information before determining the level of analysis in the EIS:

- Air
- Water (wetlands, water quality, and water resources)
- Plants
- Energy and Natural Resources
- Environmental Health
- Noise

- Light and Glare
- Historic Resources
- Cultural Resources

1.4.3 Environmental Impact Statement Comment Period and Public Meetings

The Draft EIS for the Project was issued on December 19, 2022, and was open for public review and comment until the close of the Public Comment Period on February 1, 2023. The Draft EIS was reviewed by the public (including the Applicant), other agencies, and tribal governments during the 45-day comment period; the resulting input was used to improve the environmental analysis for the document and produce this EIS. The public comment hearing for the Draft EIS was conducted virtually online via Microsoft Teams and by telephone on February 1, 2023.

1.4.4 EFSEC Adjudicative Proceedings

EFSEC's siting process requires hearings on the proposed project to allow the Applicant and other qualified interested parties to present expert witness testimony regarding the proposed project. EFSEC as required by law must conduct these hearings as formal adjudicative proceedings.

As required by RCW 80.50.090(4), the Washington Administrative Procedure Act (RCW 34.05), and WAC Chapter 463-30, EFSEC began adjudicative proceedings for the proposed Project on December 15, 2022. These proceedings are a formal hearing process similar to a courtroom trial, in which EFSEC hears evidence presented by the parties to the adjudication. In order to facilitate the process, the Council may utilize an administrative law judge provided to conduct the administrative hearings and all matters related thereto. By law, all state agencies and local governments with members of EFSEC are parties to any EFSEC adjudication, although they may elect not to actively participate.

Under state law, the Attorney General appoints an Assistant Attorney General as Counsel for the Environment (CFE) when EFSEC has received a site application for review. The CFE is independent of EFSEC, other state agencies, and parties involved in the site-application proposal.

The CFE plays an important role in the overall project review by representing the public and its interest in protecting the environment on the proposed development of large, non-hydro energy facilities in Washington state. The responsibilities of the CFE include soliciting public input, providing general information concerning the EFSEC process, helping citizens inform EFSEC of their concerns, and participating in the review process, including adjudication.

During the project review process, the CFE actively assesses the environmental impacts a project may have on the local community and the state's natural resources. When a project likely will result in significant environmental impacts, the CFE advocates for measures that will avoid and/or mitigate those impacts.

Other persons or entities with an interest in the adjudication, such as tribes, groups, and local, state, or federal agencies, may petition EFSEC to intervene in the proceedings. EFSEC considers the intervenor petitions and determines whether to grant intervenor party status to the petitioner based on a proposed project's potential impact to the interest(s) of the intervenors. If denied party status, petitioners for intervention may ask EFSEC to

reconsider its decision on their intervention petition. Petitioners for intervention in the Project included the following parties:

- The Applicant
- Benton County
- CFE
- Tri-City Community for Responsible Environmental Stewardship (C.A.R.E.S.)
- The Confederated Tribes and Bands of the Yakama Nation

Adjudication hearings for the Project were held between August 14, 2023, and August 25, 2023. Information on the adjudication process for the Project is available at the following link: <https://www.efsec.wa.gov/energy-facilities/horse-heaven-wind-project/horse-heaven-adjudication>.

1.4.5 Decisions to Be Made

This EIS will inform EFSEC's decision on whether to recommend approval or denial of the proposed Project to the governor, and the EIS will inform the governor's ultimate decision. If EFSEC determines that the Project should be recommended for approval, it will develop a recommendation and a draft SCA to be signed by the governor.

The SCA would contain all requirements and any other conditions the Applicant must meet for construction and operation throughout the Project's life, and for eventual decommissioning of the facility. If EFSEC determines that the Project should not be recommended to the governor for approval, the recommendation will explain EFSEC's decision. The governor has 60 days to consider EFSEC's recommendation and can take one of the following actions:

1. Approve the application and execute the draft SCA.
2. Reject the application
3. Direct EFSEC to reconsider certain aspects of the Project and draft SCA.

1.4.6 Issues to be Resolved

Aircraft-Detection Lights

State of Washington House Bill 1173 signed into law in 2023 by Governor Inslee requires new wind farms to apply to the Federal Aviation Administration (FAA) for permission to install aircraft-detection lights. The systems would turn on flashing red lights on turbines when low-flying aircraft are near and then turn them off when they are safely passed. The bill took effect for new wind farms on July 1, 2023. The FAA, reviews applications on a case-by-case basis and approval is not guaranteed as multiple factors may impact the effectiveness of the technology.

Further Reduction in Project Elements

In response to comments received during the public comment period for the Draft EIS and the process of adjudication, the Applicant has proposed a series of commitments, reductions, and other project changes. The majority of these changes were outlined in the Applicant's August 9, 2023 response to EFSEC's Data Request 9 and have been outlined within the Chapter 4 discussion for each resource. The proposed changes within the Data Request 9 response have been incorporated into EFSEC's assessment of the project and its potential impacts on each resource. A further proposed reduction of nine wind turbines beyond those outlined in the Data Request 9

response for Turbine Option 1 was received from the Applicant on September 26, 2023. While the information regarding this additional reduction will be available to the EFSEC Council for its consideration during deliberations, the reduction has not been assessed or integrated within this EIS due to the late stage at which it was received.

1.5 Federal, State, and Local Permits and Approvals

For facilities under its jurisdiction, EFSEC’s governing statutes and rules preempt all aspects of the certification and regulation of energy facilities approved under RCW 80.50. As a result, state, and local regulatory permits, requirements, and standards may not apply to the proposed Project. **Table 1-1** lists the generally applicable state and local permits and approvals that would apply if the Project were not under EFSEC’s jurisdiction.

Table 1-1: State (or Federally Delegated) and Local Permits and Approvals

Permit or Approval	Agency/Statute and/or Regulation
State	
Water Quality Permits	Ecology Section 401 of the CWA
Authorization to Use State-owned Lands	DNR RCW 79.36
State Protected Species	WDFW WAC 220-610, State species status and protections WAC 232-23, Classification of wildlife species, including “Priority Habitats and Species” WDFW Wind Guidelines (2009) RCW 77, Hydraulic Code
Access Permit, Utility Permit	WSDOT WAC 468-34-100
Oversize and Overweight Permit	WSDOT WAC 468-38-075
Electrical Construction Permit	WDLI WAC 296-746A, Washington Department of Labor and Industries Safety Standards: Installing Electrical Wires and Equipment – Administration Rules
Noise Control	RCW 70.107, Noise Control WAC 173-58, Sound Level Measurement Procedures WAC 173- 60, Maximum Environmental Noise Levels WAC 463-62-030, Noise Standards
Construction Stormwater General Permit	Ecology CWA (42 U.S.C. 1251-15; CFR 923-930) RCW 90.48, establishes general stormwater permits for Ecology under the Water Pollution Control Act WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington
Sand and Gravel General Permit	Ecology WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington WAC 173-204, sediment management standards WAC 173-226, procedures for issuing general permits

Table 1-1: State (or Federally Delegated) and Local Permits and Approvals

Permit or Approval	Agency/Statute and/or Regulation
Air Permits: New Source Review, Portable Air Containment Sources -Notice of Construction (NOC), and Notice of Intent (NOI)	Benton Clean Air Agency (BCAA) Clean Air Act WAC 463-78 and 173-400 BCAA
Shoreline Substantial Development Permit	Ecology WAC 173-18, Shoreline Management Act, Streams and Rivers Constituting Shorelines of the State WAC 173-22, Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State RCW 90.58.140[9]
State Environmental Policy Act (SEPA)	EFSEC RCW 43.21C, Washington Environmental Policy Act WAC 197-11, Washington Department of Ecology SEPA Rules BCC 6.35
Archaeological Sites and Resources, Archaeological Site Alteration and Excavation Permit	DAHP RCW 27.53, Archaeological Sites and Resources
Local	
Conditional Use Permit (CUP)	Benton County Planning and Building Development BCC 11.17.017
Critical Areas Regulations	Benton County Planning and Building Development RCW 36.70A WAC 365-190-(080-130) WAC. 365-195, Best Available Science Section WAC 365-196-485 and WAC 365-196-830, Procedures BCC 15.02.080
Building Permits	Benton County Planning and Building Development BCC 11.42.040
Special Permit - General	Benton County Fire Marshal BCC 3.16.032 International Fire Code (2015 Edition)
Oversized Load Permit	Benton County Department of Public Works RCW 46.44.090
Road Approach Permit	Benton County Department of Public Works RCW 36.75.130
ROW Encroachment Permit	Benton County Department of Public Works RCW 36.75.130
Franchise Agreement	Benton County Department of Public Works RCW 36.55.040

Notes:

BCC = Benton County Code; BCAA = Benton Clean Air Code; CFR = Code of Federal Regulations; CUP = Conditional Use Permit; CWA = Clean Water Act; DAHP = Washington Department of Archaeology and Historic Preservation; DNR = Washington Department of Natural Resources; Ecology = Washington Department of Ecology; EFSEC = Energy Facility Site Evaluation Council; NOC = Notice of Completion; NOI = Notice of Intent; RCW = Revised Code of Washington; ROW = right-of-way; SEPA = Washington State Environmental Policy Act; U.S.C. = United States Code; WAC = Washington Administrative Code; WDFW = Washington Department of Fish and Wildlife; WDLI = Washington Department of Labor and Industries; WSDOT = Washington State Department of Transportation

1.6 Organization of EIS

This EIS is organized into 10 separate chapters and has multiple technical appendices. Chapter 3 and Chapter 4 are further subdivided into 15 sections addressing specific resource topics. **Table 1-2** presents additional details on the organization of the EIS chapters.

Table 1-2: EIS Organizational Structure

Document Contents	Chapter Description
Chapter 1 Project Background and Purpose and Need	Chapter 1 provides background information on the proposed Project and states the purpose and need of the EIS and the Project. The chapter also outlines the steps undertaken to date in the SEPA review process.
Chapter 2 Proposed Action and Alternatives	Chapter 2 provides detailed descriptions of the construction, operation and maintenance, and decommissioning activities proposed for the facility. It explains the Proposed Action, provides an evaluation of alternatives to the Proposed Action, and describes the No Action Alternative. Applicant commitments and proposed best management practices are collated and presented here.
Chapter 3 Affected Environment	Chapter 3 focuses on the pre-Project environmental conditions within the Project area. This chapter has been subdivided into separate sections that describe the existing environment for 15 separate resources.
Chapter 4 Impacts, and Mitigation Measures	Chapter 4 focuses on impacts that may occur to environmental resources from the construction, operation, and decommissioning of the proposed facility. This chapter has been subdivided into separate sections that describe the impacts and mitigation for 15 separate resources.
Chapter 5 Cumulative Impacts	Chapter 5 describes potential cumulative impacts of the Proposed Action when combined with potential impacts from other past, present, and reasonably foreseeable developments that could occur within similar spatial and temporal settings.
Chapter 6 References	Chapter 6 provides references to the literature cited throughout the EIS.
Chapter 7 List of Contributors	Chapter 7 identifies those who contributed to the preparation of the EIS.
Chapter 8 Glossary	The glossary defines many of the terms used in the EIS.
Chapter 9 Distribution List	The distribution list identifies organizations and individuals who were sent an electronic copy of the EIS.
Chapter 10 Summary Comments and Responses on the Draft EIS	This chapter includes a set of consolidated responses that address key issues raised during the comment period. Appendix 10-1 provides responses to individual comments received during the public comment period. The Draft EIS was revised in response to the comments received to create this EIS.