

Date Received	Comment #	ID	First name Last name	Organization	Mailing Address	Email	Subscribed to mailing list
7/8/2021	0014	cgrwomC	William Sherman	Washington State Attorney General's Office	800 Fifth Ave., Suite 2000 Seattle, WA 98109	bill.sherman@atg.wa.gov	False

Please see attached letter and enclosure.

Attachments:

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Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

Environmental Protection Division

800 Fifth Avenue STE 2000 • Seattle WA 98104 • (206) 464-7744

July 8, 2021

The Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172

RE: Comments on the Mitigated Determination of Non-Significance for the Goose Prairie Solar Project

Dear Manager Bumpus,

I write in my capacity as Counsel for the Environment for the Goose Prairie Solar Project. Thank you for the opportunity to comment on the Mitigated Determination of Non-Significance for the project. My comments are minor, and I hope they are constructive as the Council, Council staff, and the applicant finalize the Application, evaluation of its environmental impacts, and mitigation proposals.

- In the Application, it is unclear whether the 50-foot buffers are measured from the centerline of the delineated ephemeral streams, or from the ordinary high water marks (OHWM). I encourage EFSEC to measure the buffers from the OHWM. (Page 4; Part 3 - Water (SEPA Checklist); Page 117; Section 4.3.C.2. (Application)).
- The Application does not appear to indicate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands for the unvented ford across ephemeral stream STR-1. If that information is available, please include it. (Page 4; Part 3 - Water (SEPA Checklist); Page 116; Section 4.3.C.2. (Application)).
- The Application may omit some at-risk animal species that could be on or near the site. The U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website lists bald eagle (Non-BCC Vulnerable), Brewer's sparrow (BCC-BCR), golden eagle (BCC-BCR), olive-sided flycatcher (BCC Rangewide), sage thrasher (BCC-BCR), and willow flycatcher (BCC-BCR) in addition to the species identified in the Application table. I encourage the Application to indicate why these species will not be impacted, together with clearer indication of where the Application obtained the USFWS data it uses. (Page 6; Part 5 - Animals (SEPA Checklist); Page 56; Section 2.B.5. (Application)).
- The Application may also omit some threatened and endangered species that could be on or near the site. The IPaC website lists gray wolf, yellow-billed cuckoo, and bull trout in

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the site vicinity. I encourage the Application to indicate why these species will not be impacted, together with clearer indication of where the Application obtained the USFWS data it uses. (Page 6; Part 5 - Animals (SEPA Checklist); Page 56; Section 2.B.5. (Application)).

In addition to these comments, our office's consultant identified a number of other areas in which the Application, MDNS, or SEPA Checklist might benefit from clarification, correction, or consideration of additional survey methods. I have enclosed a spreadsheet summarizing those areas; if you have any questions about the above or the attached, I would be happy to discuss them with you further.

Sincerely,



William R. Sherman
Counsel for the Environment

Enclosure

Comment and Question Matrix
Goose Prairie Solar - MDNS Review Support
Yakima County, Washington

Comment/Question #	Document	Page/Section	Comment
1	SEPA Checklist/Application for Site Certificate	Page 4; Part 3 - Water (SEPA Checklist) Page 117; Section 4.3.C.2. (Site Certificate)	Will the 50-foot buffers be measured from the OHWM of the delineated ephemeral streams?
2	SEPA Checklist/Application for Site Certificate	Page 4; Part 3 - Water (SEPA Checklist) Page 116; Section 4.3.C.2. (Site Certificate)	SEPA Checklist 3(d) - <i>Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material . What is the volume of fill, and the source of fill for the unvented ford to cross ephemeral stream STR-1?</i>
3	SEPA Checklist/Application for Site Certificate	Page 4; Part 3 - Water (SEPA Checklist) Page 72; Section 3.4.a.. (Site Certificate)	Screening Question - Water Quality (Wastewater Discharges) - It seems this should be checked "Maybe" since an onsite septic system may be installed.
4	SEPA Checklist/Application for Site Certificate	Page 4; Part 3 - Water (SEPA Checklist) Page 75; Section 3.6.a.. (Site Certificate)	Screening Question - Water Quantity (Water Use): Also seems this should be checked "Maybe" since a domestic well could be drilled at the site.
5	SEPA Checklist	Page 5 - Ground Water (d)	SEPA checklist references Sections 4.4.D and 4.7.D of the Site Certificate. There are no Sections 4.4.D or 4.7.D describing the reasoning or detailing the response.
6	Application for Site Certificate	Page 54; Section 2.B.3	Table references "bunchwheat" shrubs. Uncertain what these are, perhaps intended "buckwheat".
7	SEPA Checklist	Page 5; Part 4 - Plants (SEPA Checklist)	SEPA Checklist 4(c) - <i>List all noxious weeds and invasive species known to be on or near the site .</i> Section 4.8 does not contain a list of those species. SEPA should reference Section 4.14.B, which describes crested wheatgrass, Russian thistle, etc. at the site.
8	SEPA Checklist/Application for Site Certificate	Page 6; Part 5 - Animals (SEPA Checklist) Page 56; Section 2.B.5. (Site Certificate)	Table 2.B.5. Fish and Wildlife (Site Certificate) - <i>Do you know of any at-risk animal species on or near the site?</i> Review of the USFWS Information for Planning and Consultation (IPaC) website lists bald eagle (Non-BCC Vulnerable), Brewer's sparrow (BCC-BCR), golden eagle (BCC-BCR), olive-sided flycatcher (BCC Rangewide), sage thrasher (BCC-BCR), and willow flycatcher (BCC-BCR) in addition to the BCC species identified in the table.
9	SEPA Checklist/Application for Site Certificate	Page 6; Part 5 - Animals (SEPA Checklist) Page 56; Section 2.B.5. (Site Certificate)	SEPA Checklist, 5(d) - <i>List any threatened and endangered species known to be on or near the site :</i> Was an official species list obtained from USFWS? Review of the IPaC website lists gray wolf, yellow-billed cuckoo, and bull trout in the site vicinity. There should be a brief discussion indicating why these species will not be impacted along with a reference to the USFWS from which the data was obtained.
10	SEPA Checklist/Application for Site Certificate	Page 8; Part 9 - Land and Shoreline (SEPA Checklist) Page 176; Section 4.15 (Site Certificate)	SEPA Checklist 9(k) - <i>Proposed measures to avoid or reduce displacement impacts, if any :</i> References Section 4.15.D, which is not in the Site Certificate document.
11	SEPA Checklist/Application for Site Certificate	Page 8; Part 11 - Aesthetics (SEPA Checklist) Page 89; Section 3.16 (Site Certificate)	SEPA Checklist 11(a) - <i>What is the tallest height of any proposed structure?</i> Sections 3.16 and 4.16b of the Site Certificate Application don't really discuss heights of any proposed structures. Section 2.B.8.c describes new poles between 50 and 70 feet. Section 2.A.2.f describes height of new fencing at 8 feet.
12	SEPA Checklist	Page 9; Part 11 - Aesthetics (SEPA Checklist)	SEPA Checklist 11(c) - <i>Proposed measures to reduce or control aesthetic impacts, if any:</i> The checklist references Section 2.4. It should reference Section 4.16b.D.
13	SEPA Checklist	Page 10; Part 16 - Public Services (SEPA Checklist)	SEPA Checklist 16(b) - <i>Proposed measures to reduce or control direct impacts on public services, if any:</i> The checklist references Section 4.21.D. The document does not contain a Section 4.21.D describing the reasoning or detailing the response.
14	Mitigated Determination of Non-Significance	Page 4; Construction - Disturbance of Nesting Birds Page 9; Construction - Avian	Will the bird survey incorporate broadcast calling for nesting raptors? Specifically, burrowing owls in accordance with USFWS protocol/survey methods?
15	Mitigated Determination of Non-Significance	Page 6; Plants	<i>Surveys to identify their presence and location would need to be conducted in April/early May for some species and June-September for others . Surveyors may want to consider extending the survey period into March to account for early flowering of Hoover's biscuitroot.</i>
16	Appendix F - Wildlife and Habitat Survey Report	N/A - General questions re: the documentation	See Question/Comment 9 above: Was an official species list obtained from USFWS? A review of the IPaC website lists gray wolf, yellow-billed cuckoo, and bull trout in the site vicinity. There should be a brief discussion indicating why these species will not be impacted.
17	Appendix F - Wildlife and Habitat Survey Report	N/A - General questions re: the documentation	Did the raptor survey include any broadcast calls for species (e.g., burrowing owls), or only walking transects?