



November 17, 2021

Re: Comment on Avangrid Application on Badger Mountain

EFSEC
efsec@utc.wa.gov

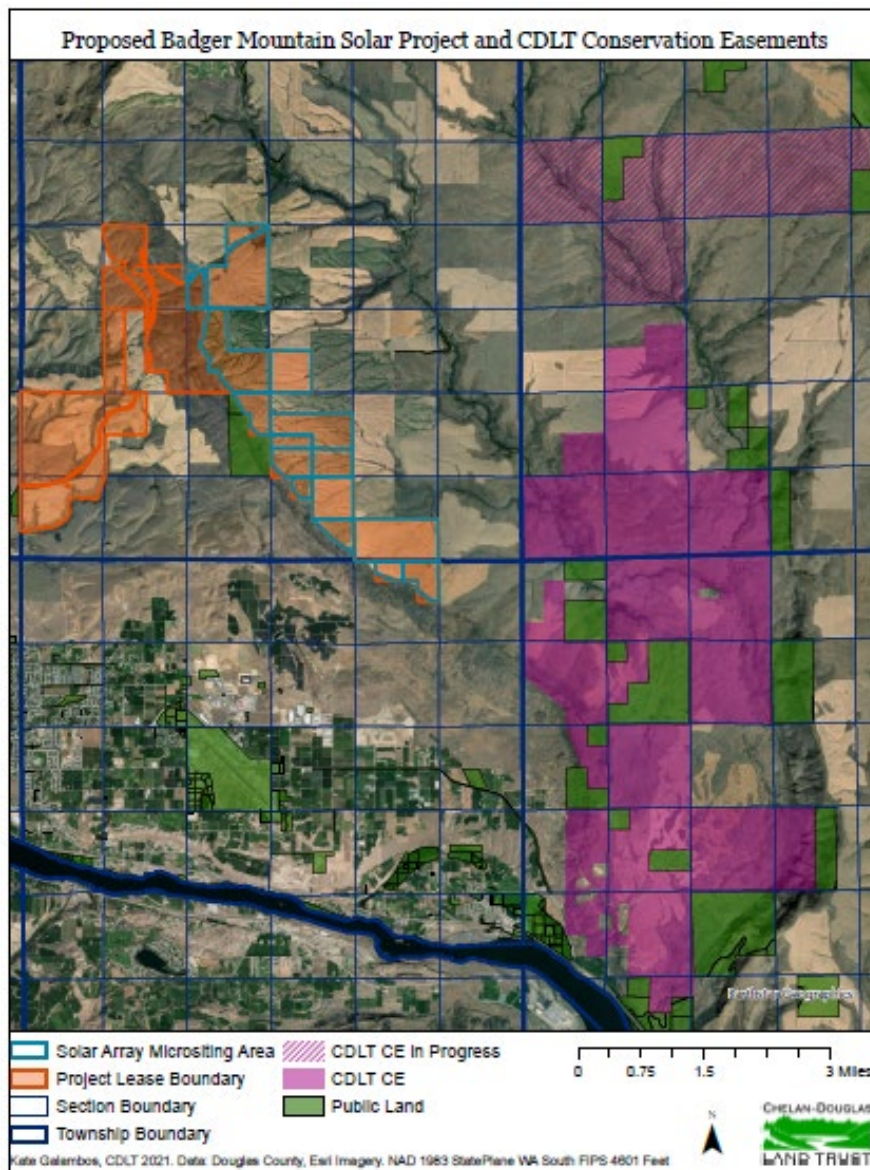
This application must be denied because Badger Mountain is critical for the survival of endangered Greater Sage Grouse in Washington State.

The Chelan-Douglas Land Trust has been working for 5 years with Badger Mountain ranchers to permanently protect existing agricultural enterprises and habitat for wildlife. These purposes are consistent and are functioning symbiotically in the landscape with a combination of dryland agriculture (grain crops every other year) and livestock grazing. As you will hear from wildlife experts, the sage grouse use both shrub steppe and croplands, including for their lek breeding areas. They use different parts of the habitat in different seasons of the year and their life cycle. The best available science is being used by the Natural Resource Conservation Service and the Sage Grouse Initiative, and has identified Badger Mountain as critical for the survival of the Greater Sage Grouse in Washington state. Landowners see them regularly and report this citizen science to enrich the data. Well over \$6,000,000 has been brought to landowners from the Farm Bill, the Washington Wildlife and Recreation Farmland Protection program, and private donors for these initial projects. More funding will follow because of the importance of this area.

NRCS specifies mandatory terms of these conservation easements necessary to achieve their purpose of maintaining grassland and shrub steppe habitat. This includes preventing further fragmentation by requiring that the lands be sold in a single unit, and allowing existing crops while prohibiting expansion of crop areas. The mandatory terms specifically prohibit development of commercial wind or solar facilities on these lands.

The map below shows the two completed conservation easements on about 10,000 acres and a third of 3,100 acres funded and due to close in 2022. Other landowners have expressed interest and are not mapped for confidentiality reasons. The proposed industrial solar development is within less than a mile of the conserved area at the closet point, and is completely within the 7 mile radius exclusion zone in the Douglas County Interim Controls.

Simply put, Douglas County is the last stand for these creatures, whose habitat is less than 8% of its historic range in Washington State. Human-caused fires in 2020 and 2021 further reduced that habitat. Every bird and every place they use on Badger Mountain is all the more precious and necessary to their survival.



Other wildlife at risk here to, as stated in the Douglas County Multiple Species General Conservation Plan: the endangered Columbia Basin pigmy rabbit, Washington ground squirrel and the Columbian Sharp-tailed grouse. Golden eagles and Ferruginous hawks also use the proposed development area, as will be shown with data from E-bird and other sources.

Native Americans consider Badger Mountain important both historically and for current use. Badger Mountain was and continues today to be a prime root-gathering location for both the Yakama Tribe and the Wenatchi and Moses-Columbia populations of the Colville Confederated Tribes. This is not just history – it is happening now and must be honored and preserved.

There are appropriate places for industrial solar development in Washington. This is not one of them.

Industrial solar development is inconsistent with the Douglas County Comprehensive Plan and Zoning Code Interim Controls.

The subject property is zoned a combination of RR20 and Dryland Agriculture. The applicant incorrectly claims that it is consistent with Douglas County’s land use policy as provided in its Comprehensive Pla. This is incorrect.

Douglas County adopted Interim Controls to address solar and wind in July, 2021 . The Applicant admits that its proposal is precluded by Section 18.16.355 Energy Generation as a Primary Use, and therefore is asking the EFSEC override Douglas County’s Lands Use Comprehensive Plan and its stated policy for this new industry as reflected in the Interim Controls. Avangrid has therefore come to EFSEC seeking to override the interests of the Douglas County community.

Douglas County adopted its most recent comprehensive plan in September, 2021. Notably, this is after the applicant had initiated contact with the County in 2018 and submitted an application in Douglas County in the summer of 2020. Notably, there is no provision whatsoever in the Comprehensive Plan for siting large scale alternative energy in RR20 or Dryland Agriculture zoning districts, or in Critical Areas for Wildlife, or even in the County’s sole Industrial Area, Pangborn Industrial District. As it was not addressed, we correctly conclude that the Douglas County does not see industrial solar development as a part of the vision for Douglas County’ as set forth in the Comprehensive Plan.

The Plan is replete with discussion of the County’s goals to preserve agriculture, wildlife, open space and the rural character of Douglas County. The following excerpts are only a few of the many statements showing that Douglas County has no intention to locate industrial solar development on Badger Mountain.

3.4.1 General Land Use Goals & Policies Goal: Maintain and improve the quality of life, attitude, and character of Douglas County by encouraging the long-term public commitment to the stewardship of historical/cultural resources, natural resources, critical areas and the full range of land uses desired by the public.

G-14 Encourage efforts to maintain scenic open space, cultural, historic and heritage resources.

G-15 Encourage the operation of rural commercial businesses, natural resource related industries, recreation and tourism activities, cottage industries, small scale business, and home occupations that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.

3.2.5 Critical Areas Areas are located throughout the County and act as an overlay for administrative purposes. The critical areas covered include: • wetlands; • aquifer recharge areas; • fish and wildlife habitat conservation areas; • frequently flooded areas; and • geologically hazardous areas. **Best available science is used throughout this document for the development of policies and will be considered in developing implementation regulations.** For additional details, see Chapter 10 Critical Areas

The Washington State Voluntary Stewardship Program (VSP) was enacted by the Legislature in 2011 to create a voluntary process which counties could “opt-in” as an alternative to traditional critical area regulatory approaches for agricultural activities. **The purpose of the VSP is to encourage individual agricultural operators to voluntarily protect and enhance critical areas within areas where agricultural activities occur and to maintain and improve the long-term viability of agriculture and reducing the conversion of farmland to nonfarm uses.** Douglas County opted into the VSP in 2012. Douglas County has contracted with the Foster Creek Conservation District to develop the voluntary stewardship plan.

10.3.2 Designation A. Designation of fish and wildlife habitat conservation areas will use the following resources, as appropriate: 1. The Washington Department of Fish and Wildlife's Priority Habitat and Species data and maps, as amended;

2. The Washington Department of Natural Resources Heritage data and maps, as amended; and 3. Other resources as they become available.

These data will be periodically updated in the Douglas County Geographic Information System. **Specific species and habitat types for designation should include at a minimum: All threatened, endangered and species of concern in state and federal lists and, open water, wetlands, riparian, island, cliff, talus slope, and shrub-steppe habitats**

5.2.2 Designation of Agricultural Resource Lands The designation of agricultural lands of long term commercial significance shall be based upon consistency with each of the following three factors, reviewed in the sequential order listed below:

- a. The land is not already characterized by urban growth based upon analysis consistent with WAC 165-196-310 (February 8, 2011).
- b. The area is primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2).

4.1.1 Rural Lands Goals and Policies GOAL: Provide a balance between maintaining the existing, traditional pattern of uses in the rural areas of Douglas County, including agricultural activities, while still providing opportunities for future, compatible development.

R-1. Rural areas are those areas not designated for urban growth, agriculture, forest, or mineral resources. However, agricultural activities, farming/ranching, forestry, mineral and other similar activities are inherent within this designation.

R-3. Establish land use designations that represent rural character and that protect the integrity of rural areas.

Rural Resource 20 – 1 unit per 20 acres -- The purpose of this designation is to encourage and maintain the county’s rural character. This designation may have rangeland use and buffers resource areas from incompatible activities.

- a) Areas are generally located adjacent to designated agricultural lands;
- b) Areas may have grazing land characteristics or have sensitive critical area/environmental issues;
- c) Land parcels are at least twenty acres or greater in size and are often several hundred acres in size;

5.2.4 Agriculture Goals and Policies GOAL: Agricultural uses will be preserved, enhanced and maintained to the greatest extent possible feasible outside of Urban Growth Areas (UGA).

A-1. The County will encourage the retention of agricultural lands of long-term commercial significance, including rangelands and will prevent haphazard growth into these areas.

A-2. Douglas County will encourage the maintenance and viability of the family farm. The concept of large-scale “corporate farms” is not characteristic of farming in Douglas County. Smaller sized farms may be encouraged to support changing family and “boutique” style farming and lifestyles.

A-3. Protect agricultural lands and activities from conflicting non-farm uses and influences.

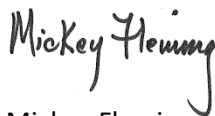
A-4. Douglas County will encourage continued agricultural activities within areas designated as agricultural and preserve right-to-farm policies as set forth by the County. Ensure that public policies minimize disruption of agricultural activity.

A-5. Encourage the use of agricultural value assessment, open space designations, and/or other tax benefits that help retain the economic viability of farming practices.

3.2.8 Industrial Lands The Pangborn Industrial Service Area is the only industrially designated land in the planning area. Pangborn Memorial Airport and several other industrial land uses are located within the Industrial Service Boundary.

The proposed industrial solar development is inconsistent with Douglas County’s Land Use policy, and it must be denied.

Sincerely,



Mickey Fleming
Lands Program Manager
Chelan-Douglas Land Trust