



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

Memorandum

To: Sonia Bumpus, SEPA Responsible Official, Energy Facility Site Evaluation Council (EFSEC)
Director

From: Amí Hafkemeyer, EFSEC Director of Siting and Compliance

Date: May 8, 2024

RE: **Second Supplemental Memorandum Post SEPA Comment Period - Environmental Review and Staff Recommendation for State Environmental Policy Act (SEPA) Review and SEPA Determination for *High Top Solar and Ostrea Solar***

PROPOSAL: The High Top Solar Project and Ostrea Solar Project (Projects) are two 80 megawatt (MW) solar photovoltaic facilities, including a required battery energy storage system (BESS) at the Ostrea Project, and a potential BESS at the High Top Project. The Projects were proposed by Cypress Creek Renewables, LLC, with High Top Solar, LLC and Ostrea Solar, LLC (Certificate Holders) approved to construct and operate the Projects by Site Certification Agreements with EFSEC. The High Top facility will be constructed on up to 927 acres in unincorporated Yakima County. The Ostrea facility will be constructed on up to 812 acres in unincorporated Yakima County.

CASE NUMBER: EFSEC Docket No. EF-220212

CERTIFICATE HOLDERS: High Top Solar, LLC and Ostrea Solar, LLC

LOCATION: High Top is located approximately 20 miles east of the City of Moxee and Ostrea is located approximately 22 miles east of the City of Moxee on parcels located just north of Washington Highway 24, south of the Yakima Training Center in Yakima County. See Attachment 2. Figure 2-1: High Top and Ostrea Location Map.

On October 1, 2022, EFSEC issued a Mitigated Determination of Non-Significance (MDNS) for public comment. The public comment period ended on October 14, 2022, during which EFSEC received 4 public comment letters. All of these comments were reviewed and no new issues were raised that had not already been considered, however concerns raised by the Counsel for the Environment during this comment period did result in EFSEC making edits to provide further clarification to several assessed issues.



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On October 28, 2022, EFSEC issued the first Revised Mitigated Determination of Non-Significance (RMDNS) that added further clarification to Mitigation Measure 10 and added a new measure, titled Mitigation Measure 11.

Subsequent to publication of the first RMDNS, an error was identified in Mitigation Measure 8. This issue is discussed below.

5. ANIMALS AND HABITAT

Habitat

- The MDNS and first RMDNS required a 0.5:1 compensatory mitigation ratio for impacts to the cheatgrass dominated pasture/mixed environment habitat classification.
- This 0.5:1 compensatory mitigation ratio was intended to apply to impacts to the crested wheatgrass dominated pasture/mixed environment habitat classification.

Mitigation:

8. Since the Project layouts are not yet final, the acres of impact and any subsequent mitigation calculations will represent higher values. Mitigation Ratios for habitat impacts are as follows:
 - 2:1 ratio for permanent impacts to shrubsteppe habitat
 - 1:1 ratio for altered impacts to shrubsteppe habitat
 - 0.5:1 ratio for altered impacts to the crested wheatgrass dominated pasture/mixed environment habitat classification at the Ostrea Project.
 - No mitigation is required for cheatgrass dominated pasture/mixed environment habitat classification at the Projects.

Ami Hafkemeyer

EFSEC Director of Siting and Compliance

5/8/2024

Date