June 16, 2023

Joanne Snarski
Energy Facility Siting Specialist
Washington Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504 -3172

RE: Carriger Solar, LLC Response to Washington Department of Fish and Wildlife Comment Letter Dated May 8, 2023

Carriger Solar, LLC is providing the following responses as well as requesting additional guidance pertaining to the Washington Department of Fish and Wildlife (WDFW) comment letter dated May 8, 2023 (see Attachment A) on the Carriger Solar Project (Project), and from our recent June 5, 2023 meeting with EFSEC and WDFW staff (see Attachment B).

- Paragraph 3: "*We appreciate the Project providing site plan revisions to avoid sensitive plants, Western Gray Squirrel, and wetlands while also minimizing impacts to dwarf shrubsteppe and providing wider wildlife corridors by designing a layout that includes fenced-in arrays.*"

    - Even though WDFW clarified that the 50-foot year-round nest buffer is intended for forestry activities occurring near known nest trees, Carriger Solar, LLC has voluntarily integrated this 50-foot buffer into the Project layout. Because the exact location of nest trees in the forest that abuts the northeast corner of the Project site is unknown, Carriger Solar, LLC will buffer the entire tree stand. Carriger Solar, LLC also intends to avoid construction activities within the 400-foot seasonal western gray squirrel nesting restriction buffer to the extent practicable. However, we request additional guidance on what types of construction activities would pertain to the 400-foot seasonal buffer (i.e. activities with the most noise/impacts such as site preparation and grading, installation of racking system, electrical line trenching, etc.) and those that would not be subject to the seasonal buffer (i.e. least impactive activities such as panel placement, electrical connections, seeding, etc.).

    - Regarding the reference to "…providing wider wildlife corridors…" we would like to clarify that Carriger Solar, LLC is seeking to permit the areas within the Maximum Project Extent (MPE) and that although careful design and consideration of wildlife values and functions within and surrounding the Project site were taken into account we will only have control over the permitted Project MPE. We have built into our design a number of short distance wildlife corridors (less than 0.5 mile) with a minimum width of 60-feet between fenced solar panel arrays (arrays). These corridors are located within a majority of the existing stream and wetland areas that are outside of existing active or

fallow agricultural areas. The final location of all fenced arrays within the MPE will be in conformance with all State and County (Critical Areas Ordinance) wetland and riparian setbacks and buffers (please refer to the Wetland and Waterbodies Delineation Reports from 2020, 2022, and the October 2022 Addendum to these reports, included as Attachment E in the Application for Site Certificate [ASC]). It is presumed that these corridors, along with the visual openness of chain link fencing, will allow for wildlife movement through the Project area. Please see Attachment C for a figure that demonstrates the locations of these potential wildlife corridors between the fenced arrays.

- Paragraph 4: "*We recommend the maximum distance setback from wetlands, especially potential fish-bearing waters, to prevent concentrated runoff from panels causing erosion of sediments from the site into these adjacent waters. Not only might these waters provide fish habitat, but the range of the Western toad, a WDFW Candidate Species, is located within approximately 0.5 miles of the project and impacts to on-site wetland could also potentially impact this species. Stream buffers should be based on the WA Department of Natural Resources Water Type Classifications that considers the seasonality and persistence of water as well as actual and potential fish use. It appears that these buffers are based on this system and we would like to learn more about when (time of year) and by what methods fish use was determined.*"

    - Regarding the recommendation for the "…maximum distance setback from wetlands, especially potential fish-bearing waters, to prevent concentrated runoff from panels causing erosion of sediments from the site into these adjacent waters…", Carriger Solar, LLC has complied with the maximum stream and wetland setbacks and buffers required by both the State and County Critical Areas Ordinance (CAO) external to and within the proposed MPE permitted area (i.e., fenced solar panel arrays). These setback and buffer distances have been provided in the Application for Site Certification (ASC) and can be found in the Wetland and Waterbodies Delineation Reports (2020 and 2022) and the October 2022 Amendment.

      Additionally, impacts to wetlands and streams from soil erosion, sediment transport, and other potential pollutants will be precluded by the installation and maintenance of stormwater controls and best management practices (BMPs) within the MPE to be in compliance with the requirements of the Stormwater Management Manual for Eastern Washington[1] and the Construction Stormwater General Permit[2]. Requirements to monitor and conduct water quality testing for turbidity, fine sediment, high pH, or phosphorus will be implemented as part of the regulatory requirements. Because the Carriger Solar Project site has potential direct drainage to Spring Creek (referred to as Stream 1 in the Addendum to the 2020 and 2022 Delineation Reports, Attachment E of

[1] Ecology (Washington Department of Ecology). 2019. Stormwater Management Manual for Eastern Washington. Publication Number 18-10-044. August. Available online at:
[2] Ecology. 2020. Construction Stormwater General Permit. Issued November 18, 2020. Available online at: https://apps.ecology.wa.gov/paris/DownloadDocument.aspx?Id=348923

the ASC), a 303(d) listed water that drains to the Little Klickitat River, dissolved oxygen, pH, and water temperature (total daily maximum limit) may also be required to be monitored and tested at any point of potential discharge into Little Klickitat watershed. 303(d) monitoring and testing will be determined by Ecology after submittal of the Stormwater Pollution Prevention Plan (SWPPP) to EFSEC. The Carriger Solar project will also be required to prepare and implement a Spill Prevention, Control and Countermeasures Plan to address prevention, notification, and remediation of oil and fuel leaks or spills.

- Regarding the request for additional information: "…*we would like to learn more about when (time of year) and by what methods fish use was determined.*" Carriger Solar's consultant (Tetra Tech) conducted a fish hydroperiod assessment in April and June of 2022. Please see more information regarding this assessment below. For more detailed information on data collection methodologies on fish use and hydroperiods, including copies of the Streamflow Duration Assessment Method (SDAM) forms and a photo log, please see the Addendum to the 2020 and 2022 Delineation Reports, Attachment E of the ASC.
  - On April 5, a wetland scientist used the standard SDAM for the Pacific Northwest[3] (Nadeau 2015) to determine hydroperiods for each delineated waterway. Fish use was determined by using field indicators such as the presence of macroinvertebrates, ordinary high-water marks, slope, and distance to a perennial waterway.
  - On June 27 and 28, 2022 two wetland scientists visited the areas marked as potential wetlands and streams during the May 2022 habitat survey, and delineated four wetlands, five vernal pools, and five streams (three newly delineated streams and two extended stream features from previous delineations). SDAM was used for the additional streams delineated during the June 2022 field work.
  - A copy of the SDAM field assessment forms for each delineated stream can be found in Appendix B of the Addendum to the 2020 and 2022 Delineation Reports (Attachment E of the ASC).
  - In addition to the field indicators, Tetra Tech used the information in the Washington State Department of Natural Resources (DNR) Forest Practices Application Mapping Tool which shows the water type classifications of streams. The four different water types are S (shoreline), F (fish), Np (non-fish), and Ns (non-fish seasonal).
  - Stream 1, on the western edge of the Project survey area, is mapped by DNR as a type F stream (meaning that the stream meets the physical criteria to be used by fish) and was documented in the field as having perennial flow as it is fed upstream by a spring, as noted by the landowner during conversation with the Tetra Tech surveyor in April 2022.

[3] Nadeau, T. 2015. Streamflow Duration Assessment Method for the Pacific Northwest. EPA 910-K-14-001, U.S. Environmental Protection Agency, Region 10, Seattle, WA.

  - Stream 4, below the confluence with Stream 6, in the southern portion of the Project survey area, is an intermittent stream mapped by DNR as type F and has potential to act as fish habitat.
  - All other streams in the survey area are type Ns, meaning that they do not have surface flow during at least some portion of the year, and they do not meet the physical criteria of a fish-bearing stream.

- Paragraph 5: "*Mitigation at the Project should be consistent with EFSEC's determination regarding increasing the mitigation ratio for altered impacts at the Wautoma solar project. Based on this we recommend that the mitigation ratio for altered impacts to WDFW priority habitats at the Project be increased from 1:1 to 2:1*."

    - Calculated project site habitat impacts within the MPE, associated acreages, and proposed mitigation ratios are provided on the attached table (Table 1).

If you have any questions or need any additional information, please let me know.

Sincerely,

Lauren Altick, Developer

Attachments:

Attachment A: WDFW comment letter dated May 8, 2023
Attachment B: Meeting summary from June 5, 2023 meeting with EFSEC and WDFW staff

cc: John Hanks, CCR Associate Director
Tai Wallace, CCR Senior Director
Julie Alpert, CCR Sr. Environmental Manager
Leslie McClain, Tetra Tech Sr. Environmental Planner and Project Manager

CYPRESS CREEK RENEWABLES

Table 1. Carriger Solar, LLC Project Habitat Type Impacted Acreages and Proposed Mitigation Ratios

Habitat Type	WDFW Classification[4]	Temporary Impacts (Acres)[5]	Proposed Mitigation Ratios[1]	Altered Habitat Impacts (Acres)[6]	Proposed Mitigation Ratios[1]	Permanent Impacts (Acres)[7]	Proposed Mitigation Ratios[1]	Total Acres Impacted[8]	Total Acres of Mitigation
Eastside (Interior) Grasslands	Class III	0.3	0.1:1	0	N/A	0	N/A	**0.3**	**0.33**
Dwarf Shrub-steppe	Class II	21.6	0.5:1	34.2	2:1	0.9	2:1	**56.1**	**102.6**
Ponderosa Pine Forest and Woodlands (includes Eastside Oak)	Class I	0	N/A	0	N/A	0	N/A	**0**	**N/A**
Eastside (Interior) Riparian-Wetlands	Class III	0	N/A	0	N/A	0	N/A	**0**	**N/A**
Agriculture, Pasture, and Mixed Environs	Class IV	209.3	N/A	1,020.5	N/A	39.2	N/A	**1,269.0**	**N/A**
Unimproved Pasture Subtype	Class IV	33.1	N/A	141.8	N/A	3.6	N/A	**178.5**	**N/A**
Modified Grasslands Subtype	Class IV	32.2	N/A	63.4	N/A	2.7	N/A	**98.3**	**N/A**
Improved Pastures Subtype	Class IV	51.6	N/A	295.8	N/A	10.6	N/A	**358.0**	**N/A**
Cultivated Croplands Subtype	Class IV	92.4	N/A	519.5	N/A	22.3	N/A	**634.2**	**N/A**
Urban and Mixed Environs	-	0	N/A	0	N/A	0	N/A	**0**	**N/A**
TOTAL	**-**	**231.2**	**-**	**1,054.7**	**-**	**40.1**	**-**	**1,325.9**	**102.9**

[4] Habitat classifications and mitigation ratios are referenced from the 2009 WDFW Wind Power Guidelines.

[5] Temporary impacts include areas within the MPE between the panels and the fence line, to include limited disturbance outside of the fence line relating to fence installation, power line pole installation, and other ancillary construction activities. All temporarily disturbed areas will be restored with a seed mix acceptable for the management of the solar facility post construction.

[6] Altered habitat impacts, as defined by WDFW, are impacts to habitat under the solar panels within the MPE. Mitigation for altered habitat types does not include any temporary or permanent impacts to habitat. Areas under the solar panels will be restored with a seed mix acceptable for the management of the solar facility post construction.

[7] Permanent impacts include but are not limited to permanent infrastructure such as permanent access roads and stream crossings, support posts, concrete pads, power line poles, and the employee office site and parking area.

[8] Totals may not sum exactly due to rounding.

Attachment A: WDFW comment letter dated May 8, 2023

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: PO Box 43200, Olympia, WA 98504-3200 · 360 902-2200 · TDD 360 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street, Olympia, WA

May 8, 2023

Joanne Snarski
Washington Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98504-3172

Subject: Carriger Solar Project

Dear Joanne,

First and foremost, we want to emphasize the importance of renewable energy as part of a modernized energy portfolio consistent with state policy. The Washington Department of Fish and Wildlife (WDFW) fully supports Governor Inslee's goals for decarbonization in Washington State. Realizing this vision requires considerable planning and technical work to ensure renewable energy sources are sited in a manner that avoids, minimizes, and compensates for unavoidable impacts on our State's fish and wildlife resources.

We have reviewed the Carriger Solar Project Biological Studies and Mitigation Discussion Presentation and Attachments F (Botanical Survey Report), C (Habitat and General Wildlife Survey Report), D (Raptor Nest Survey Report). These are our initial comments on the Carriger Solar Project (Project), and we will continue to provide comments as we further discuss the project both internally and externally with the developer, their consultant, and EFSEC.

We appreciate the Project providing site plan revisions to avoid sensitive plants, Western Gray Squirrel, and wetlands while also minimizing impacts to dwarf shrubsteppe and providing wider wildlife corridors by designing a layout that includes fenced-in arrays.

We recommend the maximum distance setback from wetlands, especially potential fish-bearing waters, to prevent concentrated runoff from panels causing erosion of sediments from the site into these adjacent waters. Not only might these waters provide fish habitat, but the range of the Western toad, a WDFW Candidate Species, is located within approximately 0.5 miles of the project and impacts to on-site wetland could also potentially impact this species. Stream buffers should be based on the WA Department of Natural Resources *Water Type Classifications* that considers the seasonality and persistence of water as well as actual and potential fish use. It appears that these buffers are based on this system and we would like to learn more about when (time of year) and by what methods fish use

was determined.

Mitigation at the Project should be consistent with EFSEC's determination regarding increasing the mitigation ratio for altered impacts at the Wautoma solar project. Based on this we recommend that the mitigation ratio for altered impacts to WDFW priority habitats at the Project be increased from 1:1 to 2:1.

Thank you for the opportunity to provide these comments. Please contact me at 564-669-4433 or at Michelle.Huppert@dfw.wa.gov with any questions.

Sincerely,

Michelle Huppert
Solar and Wind Energy Biologist

Attachment B: Meeting summary from June 5, 2023 meeting with EFSEC and WDFW staff

Meeting Notes

To:	Joanne Snarski / Energy Facility Site Evaluation Council (EFSEC), Energy Facility Site Specialist Sean Greene / EFSEC, SEPA Specialist Ami Hafkemeyer / EFSEC, Director of Siting and Compliance Kate Moss / WSP, Senior Biologist Jeremy Paris / WSP, Senior Environmental Planner Michael Ritter / Washington Department of Fish and Wildlife (WDFW), Statewide Field Lead for Wind and Solar Projects Amber Johnson / WDFW, Southwest Region Biologist Emily Grabowsky / WDFW, Solar and Wind Energy Biologist Michelle Huppert / WDFW, Biologist
Cc:	Julie Alpert / Cypress Creek Renewables (CCR), Environmental Manager – Western Region; Lauren Altick / CCR, Project Manager; Tai Wallace / CCR, Senior Director, Development; John Hanks / CCR, Associate Director, Development
From:	Leslie McClain / Tetra Tech, Project Manager Rich Young / Tetra Tech, Senior Biologist Karen Brimacombe / Tetra Tech, Senior Botanist/Ecologist Troy Rahmig/ Tetra Tech, Senior Biologist
Date:	June 8, 2023
Subject:	Carriger Solar Project – WDFW and EFSEC Comments, Data Requests, and Mitigation Discussion

Meeting Purpose: Cypress Creek Renewables (CCR) submitted an Application for Site Certificate (ASC) for the Carriger Solar, LLC Project (Project) to the Energy Facility Site Evaluation Council (EFSEC) on February 10, 2023. The purpose of this meeting is to coordinate with Washington Department of Fish and Wildlife (WDFW) on their May 8, 2023 letter regarding the Project and to discuss the Project's habitat mitigation requirements.

Meeting Date/Time: June 5, 2023, 12:00PM (PST)

Attendees:

- WDFW: Michael Ritter, Amber Johnson, Emily Grabowsky, Michelle Huppert
- EFSEC: Joanne Snarski, Sean Greene, Ami Hafkemeyer
- EFSEC Consultant, WSP: Kate Moss, Jeremy Paris
- Cypress Creek Renewables: Julie Alpert, Tai Wallace, Lauren Altick, John Hanks
- Tetra Tech: Leslie McClain, Karen Brimacombe, Rich Young, Troy Rahmig

Agenda:

I. Introductions
II. Questions and request for clarification from CCR regarding WDFW comment letter dated May 8, 2023 (Attachment A)
III. Questions from Carriger Solar regarding EFSEC Data Request 1 dated May 9, 2023 regarding Wildlife (Attachment B)
IV. Action Items and Responsible Parties
V. Adjourn

Meeting Summary:

Questions and clarifications on WDFW comment letter dated May 8, 2023 (Attachment A)

- *Question 1: Can WDFW provide additional guidance on Western Gray Squirrel disturbance thresholds for the required 400-foot nesting season buffer and the 50-foot non-nesting season buffer? For instance:*
    - *Will the 400-foot buffer need to be in place during all construction activities (from fence installation to site grading to electrical line trenching to final solar panel and facility components), or just during the peak noise and activity periods of construction?*
    - *Will there be any restrictions during the O&M phase of the project during the nesting season, such as panel washing, panel replacement, mowing, and any other routine or non-routine O&M activity?*

- Response/Discussion:
    - Amber Johnson, WDFW, responded by noting that the guidance applies to nest locations. WDFW is mostly concerned about very loud noises such as blasting and mining. She advised that CCR should start construction work occurring during the nesting season further way from the nests to avoid disturbance of the nests to the extent possible. If possible, avoid disturbance activities within the 400-foot buffer during the nesting season. If not feasible, then avoid the noisiest activities within the 400-foot buffer during the nesting season. Try to minimize disturbance. WDFW acknowledges that the nesting window is large, and that it is difficult to avoid entirely.
    - Tai Wallace, CCR, mentioned that the western gray squirrel habitat is beyond the Project's site control and asked if the seasonal buffer applies to all construction work? E.g., cut and fill, heavy disturbance, or even install of panels?
        - Amber Johnson, WDFW, replied that the most disturbing activities are typically the loudest activities. Try to do work outside of the nesting period. Western grey squirrels don't love humans in general. Try to minimize disturbance, whether loud activities or activities with lots of people, in those areas where there are nests within 400 feet. Do what you can. Loudest work would be most important to prioritize.

- Tai Wallace, CCR, asked about restrictions on the O&M phase – such as mowing, panel cleaning/replacement, etc. These activities tend to be relatively benign.
    - Amber Johnson, WDFW, replied that WDFW doesn't see any issues with Project operations and maintenance activities. She clarified that the year-round 50-foot buffer is meant mostly for logging activities and applies to the cutting of trees within 50 feet of a nest tree. As the Carriger Solar Project does not plan to cut trees, the 50-foot buffer does not apply. Therefore, only the 400-foot buffer would apply to the Project. The 400-foot avoidance buffer from nest trees during breeding season is what CCR would need to think about for this project. WDFW has recommended this buffer to reduce noise during sensitive time of breeding. The guidance is to minimize impacts during nesting season.
    - Tai Wallace, CCR, confirmed that the 50-foot buffer has been built into the site plan layout.

- *Question 2. In regard to "wildlife corridors", CCR wants to clarify this language and would like to shift to the term wildlife passages, for example:*
    - *Through careful design and consideration of wildlife values and functions within and surrounding the project site, solar arrays will be fenced outside of all riparian and wetland habitats to allow for the potential passage of wildlife. The fenced solar arrays will be in conformance with all State and County (Critical Areas Ordinance) wetland and riparian setbacks and buffers. The widths of these passages vary throughout the project site and will, in combination with the visual openness of chain link fencing, facilitate the potential for unimpeded wildlife passage between the fenced solar arrays.*

- Response/Discussion:
    - Julie Alpert, CCR, explained that CCR won't have control over areas outside fence lines and hesitates to call these areas between the fence lines as "wildlife corridors" as that term can have different meanings to different people. CCR will provide for wildlife movement between the arrays, but does not have control to manage the areas between the fenced areas.
    - Tai Wallace, CCR, added more explanation regarding the extent of the project's site control. CCR initially had site control over a larger area and performed resource surveys within this larger survey area but the maximum project extent (MPE) is ultimately what CCR is permitting and where the lease boundaries will be established. CCR will only have legal control of the MPE areas, not the areas outside the fence lines.
    - Mike Ritter, WDFW, noted that he understands that CCR will not have legal control of the corridors. However, Mike noted that he has never seen the term "passageway" used in the literature and that the term "passageway" is not working for him. Mike said he would like to discuss internally and review the language CCR is proposing and get back to EFSEC on this topic.

- Julie Alpert, CCR, agreed we could discuss more and wasn't tied to any specific term as long as there is an understanding that CCR will only have legal access to manage lands within the fence line and MPE.

- *Question 3. Can WDFW provide options for mitigation of habitat impacts? For instance:*
  - *How or where are other solar and wind projects in Klickitat County mitigating?*
  - *Are there any established mitigation banks or will WDFW or other entities (non-profits, private landowners, state agencies) create these for future projects in the region?*
  - *Is there interest in mitigation bank creation by the Developer?*
  - *Are there any current local opportunities for mitigation, with assurances, for mitigation and conservation?*
  - *What would fee-based mitigation (i.e., compensatory) entail – which of the project site habitat types would apply and at what ratio for permanent, temporary, and altered?*

- Discussion/Response:
  - Mike Ritter, WDFW, noted that he has worked on every wind project in the state and has found that mitigation occurs all over the place, mostly in the form of conservation easements. However, Mike also noted that this may be something to check in with Klickitat County about – whether they have a mitigation area, or not.
  - Tai Wallace, CCR, noted that prior to submitting the ASC, CCR had met with Loren Meagher, who he thought worked with the USDA in Goldendale. Loren had referenced that they have a few mitigation programs. The question was raised as to whether CCR could provide mitigation as close to the project as possible. Tai asked the EFSEC staff on the call whether CCR could continue to talk to Loren and his team while the ASC is being processed or if direct coordination isn't allowed, whether EFSEC could facilitate those meetings.
  - Amber Johnson, WDFW, clarified that Loren is the director of both the Eastern Klickitat Conservation District and Central Klickitat Conservation District and that he does not work for USDA.
  - Ami Hafkemeyer, EFSEC, responded to Tai's question about coordination with the conservation district saying that it would be good for EFSEC to sit in and hear how those conversations are going, particularly if conservation areas are proposed as mitigation for impacts to this project as EFSEC may have questions.
  - Tai Wallace, CCR, clarified that to date, they have just had an introductory call, and an in-person meeting with Loren to see what opportunities exist. CCR has interest in keeping mitigation as close to the project site as possible. Tai asked Mike if WDFW wanted to be part of those talks too.
  - Mike Ritter, WDFW, noted that they would like to be involved in these discussions. He noted that in the past, both he and Amber have been in each of the meetings regarding development of mitigation plans. To date there is only one other operating solar project in Klickitat County - Lund Hill. In that case, the project developer figured out a monetary value

that went to the conservation district. WDFW has mitigation ratios and in-lieu fee values – they would take it to the conservation district, ask if it is an option, get input from them for meaningful mitigation.

- Amber Johnson, WDFW, added that the mitigation payment from Lund Hill is still in the County's hands (not the conservation district). She added that mitigation in Klickitat County is not as straightforward as we would hope and advised that CCR should start this process as soon as possible. For example, the money paid by Lund Hill to the county for mitigation has still not been used for mitigation – that was 5-6 years ago. Amber added that even for EFSEC projects, it is not uncommon for WDFW to get involved.
- Joanne Snarski, EFSEC, asked for clarification that for Lund Hill, the County was included in the mitigation discussions? Clarification was made that Lund Hill was permitted through the County and not through EFSEC.
- Mike Ritter, WDFW, added that it is not uncommon for WDFW, EFSEC, and the applicant to have multiple meetings/discussion to coordinate on process. There are lots of things to discuss, mitigation ratios, acquisitions, in lieu fees, etc. These coordination discussions set up some side boards that are suitable to EFSEC as the permit process moves forward. You may not land on a mitigation option until final hour – but at least have discussed them all and where each could go.
- Amber Johnson, WDFW, added that it would be a good idea if mitigated lands, regardless of whose project they are associated with, were combined to form a larger conservation area that would provide more benefit and overall better habitat quantities for wildlife in the eastern part of the county.
- Tai Wallace, CCR, noted that CCR will continue to coordinate with WDFW and the Conservation District and EFSEC but will hold on County communications on mitigation for now.
- Ami Hafkemeyer, EFSEC, responded that as an EFSEC project, they will facilitate this. To make sure the process is capturing all the stakeholder input and because it tends to go a little bit smoother.
- Troy Rahmig, Tetra Tech, said he agreed with WDFW that the mitigation planning process is complicated and typically goes to the final hour. He noted that as those sideboards get created, we try to build into the process assurances that the mitigation is adequate and will get done. Troy noted that in his experience the final mitigation does not need to be figured out until prior to construction – which is after site certificate issued. He asked if that is still the expectation for EFSEC.
- Ami Hafkemeyer, EFSEC, responded that there are certain points where things have to be put in place for EFSEC to move forward. If EFSEC needs to make a decision, we put sideboards in the document but include flexibility for fine tuning in a later stage. For example, if there is a seasonal survey requirement, EFSEC won't wait to provide a recommendation to the Governor but would include conditions for the certification for the survey. There is some flexibility in the timing, to account for when it is appropriate to do

certain things. However, Ami noted that where it is possible, we like to have details of mitigation and commitments included in the document.

- Tai Wallace, CCR, replied that part of the consideration for finalizing mitigation is the timing of when we know total impact acres. Calculating actual impacts would be closer to construction start. We assume Article 4 of the site certificate agreement, would include items that align for submitting plan sets, impacted acreages, prior to construction.
- Ami Hafkemeyer, EFSEC, responded that mitigation ratios would be established in the site certificate agreement with the understanding that the project design changes prior to or during construction. We would put sideboards, calculations for fees, in site certification, but finalized details need to be reexamined when we have final design and as built to determine actual acreage of impacts.
- Julie Alpert, CCR: In regard to mitigation banks, Julie noted that it sounds like there could be interest by agencies if developer created their own mitigation bank. She asked if this is being done at all or if most projects are paying a fee and piggy backing on other conservation easements.
- Mike Ritter, WDFW, replied that there are mitigation banks on the west side of the state for wetlands but no mitigation banks on the east side, and nothing is likely to happen. Mike noted that he wasn't really interested in the developer coming up with their own mitigation bank. He noted that WDFW would want to be part of those discussions if CCR decided to pursue that option further.
- Julie Alpert, CCR: Regarding mitigation ratios, Julie acknowledged that CCR would mitigate permanent, temporary and altered impacts. She asked what the mitigation ratios would be for each habitat type.
- Mike Ritter, WDFW, replied that CCR has the wind power guidelines and CCR should propose ratios and WDFW will comment on them. Amber Johnson, WDFW, noted that ratios were provided in the May 8, 2023 letter.

Questions regarding EFSEC Data Request 1 dated May 9, 2023 regarding Wildlife (Attachment B)

- *Question 1: Is WDFW staff aware of the EFSEC Data Request comments or did WDFW staff make these comments? If not, can EFSEC provide these to WDFW for further review and guidance for our responses? If yes, does WDFW have any input or additional guidance for our responses?*

- Discussion/Response:
  - Joanne Snarski, EFSEC, noted that the timing of the EFSEC data requests and the WDFW letter was at the exact same time – so WDFW hasn't seen the EFSEC data requests before they were provided to CCR.
  - Jeremy Paris, WSP, noted that WSP puts together the data requests and did not reach out to WDFW for input on those data requests.

- Joanne Snarski, EFSEC, clarified that they did share the data requests with WDFW when they were provided to CCR.

- *Question 2. How much detail is needed in the Habitat and Mitigation Plan (HMP) regarding mitigation? For instance:*
  a) Should we include all options or does a final solution need to be included?
  b) Who makes the final decision on whether the mitigation in the HMP meets EFSEC permitting standards?
  c) Will this meet EFSEC's intent to achieve no net loss of wildlife habitat and function as stated in WAC 463-62-040?
  d) Are there any other requirements or data that needs to be included in the HMP to satisfy both WDFW and EFSEC?
  e) What is the timing of submittal for the HMP? We believe we do not have enough information at this point in time to prepare and submit this document until mitigation issues and commitments have been settled upon.

- Discussion/Response:
  - Troy Rahmig, Tetra Tech, noted that the CCR team will want to make sure both WDFW and EFSEC statutory requirements are met as we propose mitigation ratios and get WDFW and EFSEC feedback on ratios. EFSEC has to adhere to the WAC 463-62-040 requirements. We want to make sure we are all talking openly about it so we don't get crosswise here.
  - Ami Hafkemeyer, EFSEC, responded that as EFSEC discusses internally about mitigation ratios, we will make sure we are having those conversations with WDFW and the CCR team to facilitate everyone being on same page and there are no surprises. EFSEC is trying to make sure we are not only looking at project specific impacts but as we get more questions from council members and the public – particularly on cumulative effects and looking at larger footprint projects, making sure we are addressing our WAC requirements when assessing mitigation ratios. This has come up on other projects – will continue to have those conversations with everyone to work together.

Other Discussion Items?

- Mike Ritter, WDFW, asked about the stream buffers discussion in their May 8, 2023 letter. He noted that he wants to know more about the survey methodology and timing as many of the stream systems in the project survey area are ephemeral but important to fish life. Mike would have more confidence in the results if the surveys were done when wetlands were most likely to be full. Karen Brimacombe, Tetra Tech, mentions that the 2022 surveys were performed in April and May.
- CCR agreed to send WDFW more information on timing of surveys.
- Julie Alpert, CCR, asked if EFSEC would like CCR to respond to the WDFW May 8th letter separately or in the EFSEC data requests. Joanne Snarski, EFSEC replied that she would like separate responses.

Action Items and Responsible Parties

- CCR to send draft meeting notes for review by EFSEC and WDFW.
- CCR to provide a formal response to WDFW May 8, 2023 letter, including:
    - Stream survey timing information; and
    - Proposed habitat mitigation ratios for the Carriger Solar Project.
- CCR to provide EFSEC Data Responses.
- EFSEC to set up a follow-up meeting to discuss mitigation ratios and locations once they receive CCR's proposed mitigation ratios and WDFW's initial feedback on those ratios.

Meeting Adjourned

Attachment A. WDFW comment letter dated May 8, 2023

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: PO Box 43200, Olympia, WA 98504-3200 · 360 902-2200 · TDD 360 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street, Olympia, WA

May 8, 2023

Joanne Snarski
Washington Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98504-3172

Subject: Carriger Solar Project

Dear Joanne,

First and foremost, we want to emphasize the importance of renewable energy as part of a modernized energy portfolio consistent with state policy. The Washington Department of Fish and Wildlife (WDFW) fully supports Governor Inslee's goals for decarbonization in Washington State. Realizing this vision requires considerable planning and technical work to ensure renewable energy sources are sited in a manner that avoids, minimizes, and compensates for unavoidable impacts on our State's fish and wildlife resources.

We have reviewed the Carriger Solar Project Biological Studies and Mitigation Discussion Presentation and Attachments F (Botanical Survey Report), C (Habitat and General Wildlife Survey Report), D (Raptor Nest Survey Report). These are our initial comments on the Carriger Solar Project (Project), and we will continue to provide comments as we further discuss the project both internally and externally with the developer, their consultant, and EFSEC.

We appreciate the Project providing site plan revisions to avoid sensitive plants, Western Gray Squirrel, and wetlands while also minimizing impacts to dwarf shrubsteppe and providing wider wildlife corridors by designing a layout that includes fenced-in arrays.

We recommend the maximum distance setback from wetlands, especially potential fish-bearing waters, to prevent concentrated runoff from panels causing erosion of sediments from the site into these adjacent waters. Not only might these waters provide fish habitat, but the range of the Western toad, a WDFW Candidate Species, is located within approximately 0.5 miles of the project and impacts to on-site wetland could also potentially impact this species. Stream buffers should be based on the WA Department of Natural Resources *Water Type Classifications* that considers the seasonality and persistence of water as well as actual and potential fish use. It appears that these buffers are based on this system and we would like to learn more about when (time of year) and by what methods fish use

was determined.

Mitigation at the Project should be consistent with EFSEC's determination regarding increasing the mitigation ratio for altered impacts at the Wautoma solar project. Based on this we recommend that the mitigation ratio for altered impacts to WDFW priority habitats at the Project be increased from 1:1 to 2:1.

Thank you for the opportunity to provide these comments. Please contact me at 564-669-4433 or at Michelle.Huppert@dfw.wa.gov with any questions.

Sincerely,

Michelle Huppert
Solar and Wind Energy Biologist

Attachment B. EFSEC Data Request 1 dated May 9, 2023 regarding Wildlife

Item	Section	Report	Information Request	Applicant Response
DR-V-01	**Vegetation**	ASC	When will the Revegetation and Noxious Weed Management Plan available for EFSEC review? Information from the plan will be helpful for the ASC/SEPA review.	
DR-V-02	**Vegetation**	ASC Attachment F, Botanical Survey Report	Were surveys conducted for endangered, threatened, or sensitive bryophytes and lichens protected under the Washington Natural Heritage Program? If not, then please provide the reasons for not including these in the surveys.	
DR-WLF-01	**Wildlife**	ASC	The ASC does not discuss potential indirect effects to wildlife from sensory disturbance or other behavioral changes that may reduce the function of adjacent habitat. Identify the indirect loss of habitat.	
DR-WLF-02	**Wildlife**	ASC	Identify with supporting literature what the spacing will be between the fenced areas. Identify how wildlife corridors will be designed so as not to create pinch points and increase predation.	
DR-WLF-03	**Wildlife**	ASC	How will the fencing be installed to address small mammal access? Address how the design does not negatively impact predator-prey relationships.	
DR-WLF-04	**Wildlife**	ASC	Will buffers to special status species (e.g., gray squirrel) consider potential indirect effects from the project? When will surveys be done to delineate buffers for gray squirrels? How will nesting habitat for wild turkeys be mitigated during the outlined breeding period?	
DR-WLF-05	**Wildlife**	ASC	Is the site along a bird or bat migratory corridor?	
DR-WLF-06	**Wildlife**	ASC	Discuss impacts to general wildlife guilds. For example, small mammals are a food source for raptors; will burrows be impacted?	
DR-WLF-07	**Wildlife**	ASC	Bald eagles were identified as potentially occurring near the project. Include a detailed description of the likelihood of bald eagle occurrence and how this was determined.	
DR-WLF-08	**Wildlife**	ASC	Provide an evaluation of how the project will impact water quality and quantity and air quality at Goldendale Fish Hatchery, and groundwater supply.	