



SEPA Appeal Hearing
Kittitas County
August 11-12, 2010





Overview of Presentation

- Submittals to Kittitas County
- Compliance with SEPA Procedures
- Summary of Field Studies
- Agency Coordination
- The SEPA Process
- Claims Raised by Appellants
- Mitigation Measures
- Conclusion

TSR Submittals to Kittitas County

- **August 2009 Submittal**
 - Expanded SEPA Checklist and Technical Resource Reports including:
 - Sensitive Species Report, Wetland Delineation Report, Cultural Resources Report, and Zone of Visual Influence Memorandum
- **February 2010 Submittal**
 - Supplement to the Expanded SEPA Checklist and additional Technical Resource Reports including:
 - Geology and Soils Hazards Evaluation, Dust Control Plan, Hydrologic Analysis, Vegetation Management Plan, Wildlife Mitigation Plan, and Transportation Road Plan
- **June 2010 Submittal**
 - Updated Hydrology Report; Updated Site Layout Figures; EMF Analysis

TSR has conducted a thorough analysis of the environmental impacts associated with this Project.

Summary of Compliance with SEPA Procedures

- **August 18, 2009:** Teanaway Solar Reserve, LLC submitted to Kittitas County a Conditional Use Permit (“CUP”) application, a draft Development Agreement (“DA”), and an Expanded SEPA Checklist (dated August 14, 2009)
- **September 2, 2009:** The County issued a Notice of Application
 - This notice was mailed to government agencies, the Yakama Nation, adjacent property owners, and the applicant.
 - The public notice period lasted from September 3 to September 18, 2009.
- **February 22, 2010:** The applicant submitted a Supplement to the SEPA Checklist to the County
- **June 2, 2010:** The applicant submitted additional materials to the County
- **July 15, 2010:** Kittitas County issued a SEPA Mitigated Determination of Non-significance (MDNS)

Summary of Field Surveys

- Rare Plants
 - CH2M HILL conducted rare plant surveys in June and July 2009.
- Wildlife
 - CH2M HILL conducted wildlife surveys in June and July 2009.
- Wetlands and Waters
 - CH2M HILL conducted a wetlands and other waters delineation in June and July 2009 and April 2010.
- Cultural Resources
 - CH2M HILL conducted cultural resources study in June and July 2009
- Visual Impact Assessment
 - CH2M HILL conducted visual impact assessments in August 2009 and January 2010

Rare Plant Surveys

- CH2M HILL biologists performed a desktop literature review for potential rare plants within the Project area. Sources consulted included, but were not limited to, the following:
 - *List of Known Occurrences of Rare Plants in Washington: Kittitas County*. Washington Natural Heritage Information System (WNHIS). February 2009.
 - *State of Washington Priority Habitats and Species (PHS) List*. Washington Department of Fish and Wildlife (WDFW), 2008.
 - *Federally Listed, Proposed, Candidate Species and Species of Concern Under the Jurisdiction of the Fish and Wildlife Service Which May Occur within Kittitas County, Washington*. United States Fish and Wildlife Service (USFWS), July 24, 2008 (Appendix B).
 - *Field Guide to Selected Rare Plants of Washington*. Washington Natural Heritage Program, 2009.
- Surveys were conducted according to the U.S. Bureau of Land Management Survey Protocols.

No special status plant species were found within the survey area.

Wildlife Surveys

- CH2M HILL biologists performed an additional desktop literature survey for potential listed wildlife species within the Project area. Sources consulted included the following:
 - *Species of Concern in Washington State*. Washington Department of Fish & Wildlife (WDFW), June 2009.
 - *State of Washington Priority Habitats and Species (PHS) List*. WDFW, 2008.
 - *Federally Listed, Proposed, Candidate Species and Species of Concern Under the Jurisdiction of the Fish and Wildlife Service Which May Occur within Kittitas County, Washington*. United States Fish and Wildlife Service (USFWS), July 24, 2008.
- CH2M HILL biologists conducted field surveys in June and July 2009, evaluating 580 acres.
 - The biologists identified habitats within the survey area to determine whether there was onsite habitat with the potential to support a listed species.

No state or federally listed threatened or endangered wildlife species were observed within the survey area.

Wetlands and Waters Surveys

- CH2M HILL biologists performed a desktop literature search for potential wetlands and waters within the Project area. Sources consulted included, but were not limited to, the following:
 - Washington Department of Natural Resources watercourses (2006)
 - National Wetland Inventory (NWI), Teanaway Quadrangle
 - Soil Survey of Kittitas County, WA (2002)
- CH2M HILL biologists performed wetlands and waters delineation in June and July of 2009 and April 2010 and used a GPS unit with sub-meter accuracy to map the resources.
- CH2M HILL biologists also meet with the Department of Ecology on site in March, April, and May 2010 to discuss the delineation methodology and results.
- Within the site survey area, a total of 12 wetlands were identified and six ephemeral streams were identified. There is 0.97 acre of wetlands within the survey area. The six streams are Type 4 streams.

No fill or removal of material is proposed in any stream or wetland, and there will be no water diversions or withdrawals.

Cultural Resources Survey

- Background research conducted at the Department of Archaeology and Historic Preservation (DAHP) in Olympia, Washington.
 - Research indicated no previous archaeological surveys had been conducted in the Project area and that the property contained no previously recorded historical or archaeological resources.
- CH2M HILL archaeologists performed cultural resource surveys in June and July 2009.
- CH2M HILL archaeologists surveyed the Project site. The survey entailed three to four archaeologists walking meandering parallel transects spaced approximately 30 meters (100 feet) apart.
- Shovel probing will be conducted prior to ground disturbing activities.

No archaeological resources were identified on site as a result of the June and July field investigations.

Summary of Agency Coordination

- The County and TSR have coordinated with various state expert agencies, including the Washington Department of Ecology, Washington Department of Natural Resources, and the Washington Department of Fish and Wildlife (WDFW). For example, TSR has:
 - **July 2009**: Organized and led meeting in Olympia with WDFW to discuss wildlife survey results.
 - **November 2009 through April 2010**: Collaborated with WDFW to develop a wildlife mitigation agreement.
 - **January 2010** : Worked with the Office of Regulatory Assistance (ORA) to lead a meeting with various agencies in Olympia.
 - **February 2010 through August 2010**: Collaborated extensively with the Department of Ecology and Kittitas County on the hydrology analysis and the NPDES permit.
 - **March 2010**: Organized and attended an on site meeting with representatives from WDNR, WDFW, ORA, WDOE, and Kittitas County.
 - **March, April, and May 2010**: Organized and led on-site meetings with the Department of Ecology wetland biologists.
 - **April 2010**: Developed an agreement for fire protection services with Kittitas County Fire Protection District No. 7.
 - **April 2010**: Finalized the Mitigation Agreement with WDFW.
 - **May 2010**: Organized a TAC to discuss tree replanting program. The TAC has been meeting since May 2010 and will continue to meet through September 2010.

Summary of the SEPA Process

- TSR has spent 16 months assessing the environmental impacts associated with the Project and has provided all of the required documents to the County for consideration and review.
- In reaching its MDNS threshold determination, the County undertook an iterative process with the applicant, public, and other government entities to ensure that potential environmental impacts associated with the Project were identified, considered, and adequately addressed.

Claims Raised by Appellants

- Fire Protection
- Alternatives Analysis
- Consistency with Critical Areas Ordinance
- Mitigation of Sensitive Areas
- Compliance with Wildlife Laws
- Impacts to Water Resources
- Consultation with Tribal Governments
- Consideration of Precedent
- Other Concerns
- Cumulative Impacts

Fire Protection Plan

- On February 17, 2010, TSR and Kititas County Fire Protection District No. 7 executed an agreement for the provision of fire protection and other emergency services during the construction and operation of the Project. The agreement also anticipates that the Project area will be annexed into the fire district.
- TSR has worked with the County to design facilities with fire protection and emergency services access in mind.

Consistency with Critical Areas Ordinance

- TSR provided specific studies that assess the potential for impacts to critical areas. Those studies include:
 - Sensitive Species Report, Wetland Delineation Report; Cultural Resources Report, Geology and Soils Hazards Evaluation, Hydrologic Analysis, and Wildlife Mitigation Plan
- The Project has been micrositied to avoid impacts to critical areas.
- The County reviewed all of these materials and provided its evaluation of the material and potential critical area impacts.

Mitigation of Sensitive Areas

- TSR submitted a number of studies and plans to assess potential impacts to critical and "sensitive" areas including:
 - Sensitive Species Report
 - Wetland Delineation Report
 - Cultural Resources Report
 - Hydrologic Analysis
 - Wildlife Mitigation Plan
- In addition, the County has stipulated mitigation measures in detail for each resource area in the MDNS and the Staff SEPA Report.



Compliance with Wildlife Laws

- No threatened or endangered species have been located on the Project site.
- TSR has entered into a mitigation agreement with WDFW to address impacts to wildlife species.

Impacts to Water Resources

- TSR, the County, and the Washington Department of Ecology have carefully assessed the Project's potential impacts on the area's hydrology.
- The Department of Ecology concurs that the Project will create no significant offsite discharges through implementation of Best Management Practices (BMPs) and the installation of onsite stormwater facilities.
- An analysis of pre- and post-development rain-on-snow volumes was conducted and it was determined the magnitude of runoff from a rain-on-snow event is not expected to significantly increase as a result of the Project.

The Department of Ecology has concurred with the methodology and findings presented in the hydrology reports and agrees that TSR can mitigate the stormwater and rain on snow impacts to a less than significant level.



Consultation with Tribal Governments

- The County sent notice of the application and SEPA Checklist to the Confederated Tribes and Bands of the Yakama Nation
- The Yakama Nation submitted comments on the proposal in April 2010, and again in August 2010.
- Based on the comments received from the Yakama Nation, shovel testing will be conducted onsite prior to ground-disturbing activities.



Precedent and Cumulative Impacts

- The decision on the TSR proposal does not dictate similar decisions on future proposals - no precedent.
- This proposal does not facilitate any future action; therefore, a cumulative impacts assessment is not required.

Mitigation Measures

- July 14, 2010: Kittitas County finalized its Staff SEPA Report outlining mitigation measures.
 - The report includes voluntary mitigation, SEPA-required mitigation, and code mitigation for each resource element.
- TSR will comply with all voluntary and required mitigation measures.

Voluntary Mitigation Measures

- In addition to the mitigation measures outlined in the MDNS and the Staff SEPA Report, TSR has committed to the following voluntary measures:
 - TSR implemented the WDFW Wind Power Guidelines, where applicable
 - TSR will not install concrete footings for its solar panels
 - TSR will maintain a large, undeveloped open corridor between the solar fields
 - TSR will preserve approximately 193 acres under a conservation easement
 - TSR will acquire and preserve approximately 761 acres in offsite habitat WDFW Mitigation Agreement
 - TSR will replant trees at a 3:1 ratio
 - TSR relocated the substation based on public comments to reduce visual impacts

Conclusion

- The County and TSR have fully followed SEPA Process:
 - Assessed environmental elements as required by SEPA
 - Avoided impacts where possible, mitigated others
 - Addressed County requests and public comments
- TSR and the County worked closely with local and state agencies.
- TSR developed voluntary mitigation measures.

As a result of 16 months of collaboration, coordination, and extensive environmental analysis, the County issued an MDNS for the Teanaway Solar Reserve Project.