



EXHIBIT D
(To Development Agreement)
KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
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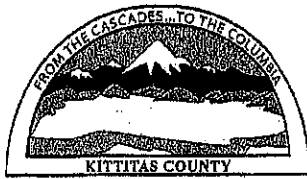
"Building Partnerships - Building Communities"

NOTICE OF SEPA ACTION

TO: Interested County Departments & Agencies with Jurisdiction
FROM: Dan Valoff, Staff Planner
DATE: October 13, 2011
SUBJECT: 2011 Kittitas County Annual Comprehensive Plan and Development Code
Amendments - SEPA Environmental Review

Enclosed please find a final Determination of Nonsignificance (DNS) for the referenced proposal and a Mitigated Determination of Nonsignificance (MDNS) for the Swauk Valley Ranch LLC Wind Farm Siting Application. A copy of the submitted environmental checklist and related materials for this proposal were mailed to you for review on September 26, 2011 identifying a comment period through October 10, 2011. If you did not receive any of these documents, or require additional information, please contact our office.

If you have any questions, please contact Dan Valoff, Staff Planner at Community Development Services at (509) 962-7506. Please retain all enclosed materials.



Final Determination of Nonsignificance

Description of proposal

2011 Kittitas County Annual Comprehensive Plan and Development Code Amendments.

Proponent

Kittitas County

Location of proposal, including street address, if any

Elements of the proposal are countywide.

Lead agency

Kittitas County

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible official Dan Valoff

Position/title Staff Planner

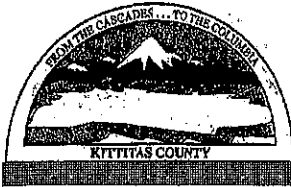
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Date. 10-13-11

Signature 

There is no agency administrative appeal (KCC 15.04.210 and 15B.05.010).



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"Building Partnerships - Building Communities"

STATE ENVIRONMENTAL POLICY ACT (SEPA) MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: Swauk Valley Ranch LLC: A Wind Farm Siting Application: pursuant to Kittitas County Code 17.61A.040.

Proponent: Alex Cordas, Swauk Valley Ranch LLC
5005 3rd Ave. S
Seattle, WA 98134

Location: 18511 Highway 10, Ellensburg, WA.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. These mitigation measures for the project are as follows:

1 EARTH

1.1 Erosion Control during Project Construction

- Before construction begins, the Applicant will apply for coverage under the Washington Department of Ecology's Construction Stormwater General NPDES Permit. The Applicant will develop a detailed SWPPP meeting the requirements of the General Permit.
- The SWPPP would include both structural and non-structural BMPs. Examples of structural BMPs include installation of silt fences and other physical controls to divert flows from exposed soils or otherwise limit runoff and pollutants from exposed portions of the site. Examples of nonstructural BMPs include materials handling protocols, disposal requirements, and spill prevention methods.
- Site-specific BMPs would be identified on the construction plans for site slopes, construction activities, weather conditions, and vegetative buffers. The sequence and methods of construction activities would be controlled to limit erosion. Clearing, excavation, and grading would be limited to the smallest areas necessary to construct the project. Surface protection measures such as erosion control blankets or straw mulching may also be required during construction or before restoration if the potential for erosion is high in a particular portion of the site.
- All construction practices would emphasize erosion control through such measures as:
 - using straw mulch and vegetating disturbed surfaces,
 - retaining original vegetation wherever possible,

- directing surface water runoff away from denuded areas, keeping runoff velocities low by minimizing slope steepness and length, and
- Work on the access roads would include grading and resurfacing (with additional gravel) existing roads and constructing new roads. The site would generally have gravel roadways with a low-profile design, allowing water to flow over them in most areas. Erosion control measures to be installed during work on the access roads include the following:
 - maintaining vegetative buffer strips between the affected areas and any nearby receiving waterways;
 - installing sediment fence/straw bale barriers on disturbed slopes and other locations shown in the SWPPP;
 - installing silt fences on steep, exposed slopes; and
 - planting affected areas with designated seed mixes,
- At each turbine location, a crane pad area would be graded and covered with crushed rock. During construction, silt fences, hay bales, or matting would be placed on the down-slope side of the crane pad. Wind turbine equipment such as blades, tower sections, and nacelles would be transported and off-loaded at each turbine location near the foundation and crane pad. After construction, disturbed areas at and around all crane pad staging areas would be reseeded as necessary to restore the area as closely as possible to its original condition.

1.2 Decommissioning Plans

- Prior to commencement of construction, the Applicant will prepare a detailed Initial Site Restoration Plan. The plan shall be developed with the active participation of the County, and shall be submitted to the County for its review and approval.
- If the project were to terminate operations, the Applicant would obtain the necessary authorization from the appropriate regulatory agencies to decommission the facilities.
- All foundations for above-grade facilities would be removed to a depth of 3 feet below grade and unsalvageable material would be sent to authorized sites for disposal. The soil surface would be restored as close as reasonably possible to its original condition.
- Reclamation procedures would be based on site-specific requirements and techniques commonly employed at the time the area is to be reclaimed, and would include regrading, adding topsoil, and reseeded all disturbed areas. Reseeding would be done with appropriate seed mixes, based on native plant types in the project site vicinity. Decommissioned roads would be reclaimed or left in place based on landowner preferences.
- Although no hazardous materials will be used on the site, an audit will be performed of the relevant operation records and a project site survey will be performed to determine if a release of any hazardous material has occurred. An inspection of all facilities will be performed to determine if any hazardous or dangerous materials (as then defined by regulation) are present. The inspection will record the location, quantity, and status of all identified materials
- As part of the decommissioning plan, Permittee shall submit for approval by Kittitas County in collaboration with WDFW and WDOE, a final site restoration plan to ensure proper revegetation of the site when the project ceases operations. The plan shall be prepared by a firm with proven

expertise in restoration. The final site restoration plan shall provide for the return of the project site to pre-project, native habitat in good condition, following removal of turbines and infrastructure.

2 VEGETATION AND WETLANDS

- The Applicant shall provide mitigation to all permanent and temporary impacts on vegetation caused by the proposed project in accordance with the guidelines outlined in the WDFW Wind Power Guidelines (WDFW, August 2003) for siting and mitigating wind power projects east of the Cascades. These guidelines include implementing a WDFW approved restoration plan for the impacted areas that will include:
 - site preparation,
 - reseeding with appropriate vegetation,
 - noxious weed control, and
 - protection from degradation.
- Best management practices (BMPs) will be implemented during construction to control erosion and surface water runoff, and as presented below for noxious weed control.
- The applicant will use BMPs during construction to minimize impacts to surrounding habitat and facilitate habitat restoration.
- The applicant will prepare a weed control plan. Specific mitigation measures to be included in the plan will include the following:
 - The contractor will clean construction vehicles prior to bringing them in to the project area from outside areas.
 - Disturbed areas will be reseeded as quickly as possible with native species.
 - Seed mixes will be selected in consultation with WDFW and Kittitas County Weed Control Board.
 - If hay is used for sediment control or other purposes, hay bales will be certified weed free.
 - Access to the site will be controlled which may result in a lower level of disturbance and fewer opportunities for noxious weeds to be introduced and/or spread.
 - Noxious weeds that may establish themselves as a result of the project will be actively controlled in consultation with the Kittitas County Weed Control Board.

3 Wetlands

Since no impacts on wetlands are anticipated, no mitigation is proposed. During the design of the project, all project facilities, including access roads, electric lines, and turbine strings, were intentionally laid out to avoid the limited water features in the project area.

4 WILDLIFE

4.1 Study and Analysis

Studies shall be conducted on the project site by qualified wildlife biologists and data gathered was used in the project design to avoid impacts on sensitive populations. These studies include the following:

- Rare plant surveys;
- Habitat mapping;
- Avian use point count surveys;
- Aerial raptor nest surveys;
- Big game surveys;
- Non-avian wildlife surveys;

The results and recommendations of these studies shall be incorporated into the proposed design, construction, operation and mitigation for the project.

4.2 Project Design

The proposed design of the projects shall incorporate features to avoid and/or minimize impacts on plants and wildlife. These features shall be based on site surveys, experience at other wind power projects, and recommendations from consultants performing studies at the site. Features of the project that are designed to avoid or minimize impacts on wildlife include the following:

- Avoidance of construction in sensitive areas such as streams, riparian zones, wetlands, and forested areas;
- Minimization of new road construction by improving and using existing roads and - trails instead of constructing new roads;
- Use of ungued permanent free-standing meteorological towers to minimize potential for avian collisions with guy wires where possible;
- Equipping all overhead power lines with raptor perch guards to minimize risks to raptors;
- Spacing of all overhead power line conductors to minimize potential for raptor electrocution;
- The towers will not have open platforms that could be used for perching or nesting; and,
- Ensure spacing of all overhead power line conductors shall minimize the potential for raptor electrocution. Overhead transmission lines shall incorporate the design guidance in the APLIC guidelines to minimize the risk of electrocution of birds.

4.3 Construction Techniques

Construction of the project has the potential to impact both habitat and wildlife in a variety of ways. The project shall use construction techniques and BMPs to minimize these potential impacts. These include the following:

- Use of BMPs to minimize construction-related surface water runoff and soil;
- Use of certified "weed free" straw bales during construction to avoid introduction of noxious or invasive weeds;
- Flagging of any sensitive habitat areas (e.g., springs, raptor nests, wetlands) near proposed areas of construction activity and designation of such areas as "off limits" to all construction personnel;
- Development and implementation of a fire control plan, in coordination with local fire districts, to minimize risk of accidental fire during construction and respond effectively to any fire that does occur;
- Proper storage and management of all wastes generated during construction;
- Require construction personnel to avoid driving over or otherwise disturbing areas outside the designated construction areas;
- Designation of an environmental monitor during construction to monitor construction activities and ensure compliance with mitigation measures.
- Construction work limits shall be staked prior to any clearing or construction. Staking shall be clearly visible to equipment operators. Vegetation clearing shall be limited to the actual construction footprint within the project limits to the greatest extent possible.
- Underground cables will be placed around roadways to the greatest extent possible. Where appropriate conserved soil from the construction of the project shall be applied over the trenched areas to encourage re-vegetation.
- The proponent shall be required to prepare the following plans:
 - Fire Protection Plan which includes measures for minimizing the likelihood of fire starts and measures to detect and quickly suppress wildfire.
 - Construction Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be reviewed by the project's revegetation contractor with expertise with shrub steppe restoration.
 - Construction Spill Prevention, Control and Countermeasures Plan to address spills of fuel, lubricants and other harmful materials on hardened areas of the facility and in shrub steppe areas in a manner which minimizes long-term impacts to vegetation and wildlife habitat.
- Project operation shall include conservation measures for managing risk to scavenging birds of prey including eagles, vultures and ravens. Such measures shall include removal of big game and livestock carcasses within the project boundary which could attract eagles and other avian scavengers to the project.

5 Operational BMPs

During project operations, appropriate operational BMPs will be implemented to minimize impacts on plants and animals, these include the following:

- Implementation of a fire control plan, in coordination with local fire districts, to avoid accidental wildfires and respond effectively to any fire that might occur;
- Operational BMPs to minimize storm water runoff and soil erosion from project facilities;
- Implementation of an effective noxious weed control program, in coordination with the Kittitas County Noxious Weed Control Board, to control the spread and prevent the introduction of noxious weeds;
- Identification and removal of all carcasses of livestock, big game, etc. from within the project that may attract foraging bald eagles or other raptors;

6 ENERGY AND NATURAL RESOURCES

As the project would have a positive impact overall on the use of non-renewable resources, no mitigation is necessary or proposed.

During construction, conservation measures will include recycling of construction wastes where possible and encouraging carpooling among construction workers to reduce emissions and traffic.

7 NOISE

Although no specific receivers are identified as being impacted by construction noise at the remote project site, and the Applicant has not proposed any mitigation measures associated with noise impacts, the following contractor practices are recommended to minimize the effects of construction noise in the project area:

- Implement work-hour controls so that noisy activities occur between 7 a.m. and 10 p.m., which would reduce the impact during sensitive nighttime hours.
- Conduct any blasting only during daylight hours.
- Maintain equipment in good working order and use adequate mufflers and engine enclosures to reduce equipment noise during operation.

8 LAND USE.

- After construction is completed, disturbed areas would be returned as closely as possible to their original state, excluding service and access roads, which would remain in place for the life of the facility.
- In addition to the development agreement required under county code, the applicant shall enter into a staffing agreement with Kittitas County to reimburse the cost of Project Management during and after construction.

9 VISUAL RESOURCES/LIGHT AND GLARE

Applicant shall incorporated appropriate mitigations measures into the project's design to include the following:

- Active dust suppression will be implemented to minimize the creation of dust clouds during the construction period.
- Areas temporarily disturbed during the construction process will be reseeded to facilitate their return to natural-appearing conditions when construction is complete.

- The wind turbine towers, nacelles, and rotors used will be uniform and will conform to the highest standards of industrial design to present a trim, uncluttered, aesthetically attractive appearance.
- A low-reflectivity finish will be used for all surfaces of the turbines to minimize the reflections that can call attention to structures in a landscape setting.
- The only exterior lighting on the turbines will be the aviation warning lighting required by the FAA. This lighting will be kept to the minimum required intensity to meet FAA standards. It is anticipated that the FAA will soon be issuing new standards for marking of wind turbines that will entail lighting fewer turbines in a large wind farm than is now required, as well as synchronizing all the lights. These potential regulatory changes are being closely monitored and if, as is likely, they are made before project construction begins, the aviation safety marking lighting will be designed to meet these revised standards.

10 CULTURAL RESOURCES

The mitigation measures are described below.

- Ground disturbing actions within a specified radius of any archaeological sites, either recorded during the initial survey or previously documented, will be monitored by a professional archaeologist to prevent damage or destruction to both known and unanticipated archaeological resources.
- If any archaeological materials, including but not limited to human remains, are observed, excavation in that area will cease, and Washington State Department of Archaeology and Historic Preservation (DAHP), the County, the affected tribes and the Applicant will be notified. At that time, appropriate treatment and mitigation measures will be developed and implemented. If the project cannot be moved or re-routed to avoid resources, the resources will be tested for eligibility for listing in the NRHP. Any excavation or disturbance to the archaeological sites will require an excavation permit from Washington State Department of Archaeology and Historic Preservation (DAHP) per RCW 27.53.060. The archaeologist will remove any flagging tape or pin flags at the end of the construction-monitoring phase of the project.
- If a tribe requests to have one of their representatives present during earth-disturbing construction activities, the Applicant will comply with their wishes. In all cases, the project shall note all concerns raised through tribe requests.
- The Applicant will survey project areas, including staging and final access road alignments, etc. Surveying will be conducted early in the design phase to allow for final modifications to the project to avoid cultural resources and for Washington State Department of Archaeology and Historic Preservation (DAHP) to review and approve the survey. ;
- The applicant shall prepare a written monitoring plan of methods, expectations, and procedures to follow in the event of discovery. The monitoring plan will developed following protocols that have been successfully applied for other wind energy projects (e.g., Wild Horse & Vantage Wind) in Kittitas County.

11 TRAFFIC AND TRANSPORTATION

- The Applicant will prepare a Traffic Management Plan (to be submitted to Kittitas County Public Works and Washington State Department of Transportation (WSDOT) prior to construction for review), with the construction contractor outlining steps for minimizing construction traffic impacts;

- All traffic control requests affecting state highways must be coordinated and approved through WSDOT South Central Region's Traffic Engineer. The applicant shall submit a traffic control plan to the Traffic Office for review and approval.
- The applicant shall provide a roadway pavement analysis and visually inspect the condition of pavement and the quantity and severity of pavement distresses utilizing an accepted rating system.
- The Applicant will construct necessary site access roads and an entrance driveway that will be able to service truck movements of legal weight and provide adequate sight distance.
- The Applicant will employ flaggers as necessary to direct traffic when large equipment is exiting or entering public roads to minimize risk of accidents;
- All loads transported on WSDOT rights-of-way must be within the legal size and load limits, or have a valid oversize and/or overweight permit, if allowed. Once the transportation trucks for the project are known, WSDOT shall be notified of the length, turning radius and overheight dimensions.

12 Compliance with Standards

The wind turbines for the proposed project would meet international engineering design and manufacturing safety standards including the International Electrotechnical Commission standard 61400-1: Wind Turbine Generator Systems—Part I: Safety Requirements.

13 Aircraft Impact

The project facilities would be marked and lighted in accordance with FAA regulations to minimize the potential for a low-flying aircraft to collide with a structure.

This MDNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the MDNS.

**Responsible
Official:**



Dan Valoff

Title: Staff Planner

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Date: October 13, 2011

There is no agency administrative appeal (KCC 15.04.210 and 15B.05.010).