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*STATE ENVIRONMENTAL POLICY ACT*  
**Preliminary Mitigated Determination of Non-Significance**

**Date of issuance:** March 27, 2024

**Lead agency:** Garfield County

**Agency Contact:** James Wege, County Engineer and Public Works Director, [garfeng@garfieldcountywa.gov](mailto:garfeng@garfieldcountywa.gov)

**Agency File Number:** CUP#010023

**Applicant Information:** Appaloosa Solar Project, LLC, Brian Tran, Development Manager

**Description of proposal:** The applicant, Appaloosa Solar Project LLC, is proposing to develop approximately 7,000 acres for a solar facility consisting of 300 MW of alternating current (AC) solar photovoltaic arrays with a battery storage facility capable of storing up to 150 MW of energy.

The project will utilize bifacial solar panels that capture sunlight directly from the sun and reflective off the ground, mounted on single axis trackers where the panels will rotate throughout the day to track the sun and maximize efficiency and sunlight capture. The height of the solar panels would vary as they move throughout the day; however, the maximum height of the panels in the vertical position would be approximately 15 feet tall, including a 2-foot clearance above ground. Electricity produced by the solar panels is direct current (DC) and is converted by inverters into AC. Each inverter is coupled with a medium voltage step-up transformer to increase the voltage of the power to a medium voltage of 34.5 kilovolts (kV) which minimizes losses for the collection of the power into the substation (approximately 5 acres) connecting to an above ground 230-kV transmission line with protection circuits that will interconnect with Puget Sound Energy's (PSE) Phalen Gulch 230 kilovolt (kV) substation. A new above ground transmission line will have a single pole configuration approximately 2.5 miles long with a direct interconnection with the PSE substation. Within the PSE substation, the power will be connected with an existing ring bus in available bay and with breakers/communications equipment and remedial action scheme protection to an existing 230-kV transmission line to intertie with the existing 500-kV Bonneville Power Administration (BPA) Central Ferry Substation, which is within the project boundaries. There would be no changes to the existing footprint of the Phalen Gulch or Central Ferry Substations.

The battery equipment storage system (BESS) and a new project substation will be located on approximately 15 acres adjacent to State Highway 127. The BESS (approximately 10 acres) will use lithium-ion technology for the batteries. Energy storage consists of modular, self-contained metal containers. Lithium-ion battery technology is composed of individual cells that are hermetically sealed and cannot be opened on-site and do not have any wastewater discharges. Lithium-ion battery containers are equipped with an internal fire suppression system, including monitoring equipment and alarm systems with remote shut-off capabilities. The BESS facility would meet the standards of the Fire Code and the National Fire Protection Association.

The project would use existing roads for construction, operation, and maintenance access to the maximum extent possible. However, the project will require up to approximately 27 miles of new roads for construction and maintenance access within the solar array areas. The project will use existing parking and construction laydown areas previously used for construction of the Lower Snake River Wind (LSRW) Project to the extent possible. All roads would be constructed off State Highway 127; one to access the project substation and BESS and another to access the solar array on the opposite side of the highway from the project substation. The project would not include on-site operations and maintenance buildings or rock crushing or concrete batch plants.

To minimize impacts to wildlife, the entire solar project would not be enclosed by a single, continuous perimeter chain-link fence; instead, smaller groups of solar panel arrays would be fenced individually, which includes the BESS and project substation in Polygon D. The chain-link fencing would be up to 6 feet in height topped with 1-foot of barbed wire and raised a minimum of 4 inches above grade. In total, approximately 22 miles of fencing would be installed for the proposed project (of which approximately 1 mile would surround the BESS/project substation and the remainder would enclose solar arrays).

The proposed action requires approval of Garfield County permits including, but not limited to: Conditional Use Permit (CUP), Building Permits, Right-of-Way Use Permit, Right-of-Way Approach Permit, and Haul Road and Franchise Agreement from Garfield County. The proposed action also requires other permit approvals including, but not limited to: a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit from the Washington State Department of Ecology, State Highway Access Permit/Approval and State Highway Utility Crossing Permit from the Washington State Department of Transportation, as well as electrical permits from the Washington State Department of Labor and Industries.

**Project Location:** The Project site is in unincorporated Garfield County, approximately 13 miles northwest of Pomeroy, Washington, on leased land owned by the Morgan Family Trust, the H. C. Barr Family Trust (and PSL Farms LLC, a Barr company); and Klaveano Ranch, Inc. The project area is bordered to the north by the Snake River (approximately 0.6 mile north of the project area), to the east by Meadow Creek, and to the southwest by U.S. Route 12. The overall Project area consists of 14 tax lot parcels totaling approximately 7,000 acres (see Table 1, below). The actual Project construction area where development would occur (i.e., fenced solar arrays, substation, and battery energy storage system areas) covers approximately 1,790 acres of the property.

**Table 1. Project Area Parcels and Legal Description**

Property Owner	Parcel No.	Section	Township	Range
Morgan Family Trust	2-012-40-001-2000-0000	1	12N	40E
Morgan Family Trust	2-012-40-002-1000-0000	2	12N	40E
Morgan Family Trust	2-013-40-027-1000-0000	27	13N	40E
Morgan Family Trust	2-013-40-035-2000-0000	35	13N	40E
PSL Farms LLC	2-012-40-003-1000-0000	3	12N	40E
H.C. Barr Family Trust	2-013-40-032-1000-1000	32	13N	40E
H.C. Barr Family Trust	2-013-40-033-1000-1000	33	13N	40E

H.C. Barr Family Trust	2-013-40-034-1000-0000	34	13N	40E
H.C. Barr Family Trust	2-013-40-028-4000-0000	28	13N	40E
Klaveano Ranch, Inc.	2-013-40-017-1000-0000	17	13N	40E
Klaveano Ranch, Inc.	2-013-40-020-1010-0000	20	13N	40E
Klaveano Ranch, Inc.	2-013-40-021-1010-0000	21	13N	40E
Klaveano Ranch, Inc.	2-013-40-028-1000-0000	28	13N	40E
Klaveano Ranch, Inc.	2-013-40-029-1000-0000	29	13N	40E

## Documents Reviewed:

1. *Garfield County Zoning Ordinance, Chapter 1*, adopted March 4, 2019.
2. Map showing project area, fences, and setbacks from fences to highway, prepared by SWCA Environmental Consultants, dated February 20, 2024.
3. *Appaloosa Solar, Conditional Use Permit #010023/State Environmental Policy Act Environmental Checklist Clarifications Technical Memorandum*, prepared by SWCA Environmental Consultants, dated February 7, 2024.
4. *Overlay map showing Appaloosa Solar project area in relation to Lower Snake River Wind Farm*, received November 30, 2023.
5. *Appaloosa Solar Project Environmental Checklist*, prepared by HQC Solar Holdings 1, LLC (parent of ASP), signed November 2023.
6. *Applicant Committed Measures, Conditions of Approval*, Appendix A of the Environmental Checklist, dated January 2023.
7. *Assessment of Selected Natural Resource Features of the Appaloosa Solar Project (ASP)*, prepared by BRT Enterprise, LLC, dated November 24, 2021.
8. *Archaeological Inventory for the Appaloosa Solar Project Environmental Permitting Support, Garfield County, Washington*, prepared by SWCA Environmental Consultants, dated September 2023.
9. *Appaloosa Solar Project Special Status Species Report*, prepared by SWCA Environmental Consultants, dated August 2023.
10. *Phase I Environmental Site Assessment for Appaloosa Solar Project, LLC, Garfield County, Washington*, prepared by SWCA Environmental Consultants, revised September 2023.
11. *Appaloosa Solar Project Wetland and Waters Delineation Report, Garfield County, Washington*, prepared by SWCA Environmental Consultants, dated August 2023.
12. *Cultural Resources Inventory for Phase IV of the Lower Snake River Wind Energy Project, Garfield County, Washington*, prepared by SWCA Environmental Consultants, dated December 22, 2014.
13. *Lower Snake River Wind Energy Project (Columbia and Garfield Counties) Draft Environmental Impact Statement*, prepared by Ecology and Environment, Inc., dated August 2009:  
[https://www.garfieldcountywa.gov/sites/default/files/fileattachments/public\\_works/page/5521/lower\\_snake\\_river\\_wind\\_energy\\_project-volume\\_1\\_section\\_1.pdf](https://www.garfieldcountywa.gov/sites/default/files/fileattachments/public_works/page/5521/lower_snake_river_wind_energy_project-volume_1_section_1.pdf)
14. *Lower Snake River Wind Energy Project (Columbia and Garfield Counties), Final Environmental Impact Statement*, prepared by Ecology and Environment, Inc., dated October 2009:  
[https://www.garfieldcountywa.gov/sites/default/files/fileattachments/public\\_works/page/5541/final\\_eis\\_text.pdf](https://www.garfieldcountywa.gov/sites/default/files/fileattachments/public_works/page/5541/final_eis_text.pdf)

**Notice of Lead Agency:** Garfield County has determined that it is the lead agency for this proposal.

**Notice of Non-Significance:** Garfield County has determined that this proposal, as conditioned, will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. 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 supplemental and additional information on file with Garfield County. This information is available to the public upon request and can be found on the County's web page at: <https://www.garfieldcountywa.gov/publicworks/page/energy-projects>

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued. This MDNS is issued with a comment period specified below.

**Mitigation Measures:**

In issuing this MDNS, Garfield County considered project conditions that may be required under Garfield County Zoning Ordinance (GCZO) 1.05.080(8) or other applicable authority and the comprehensive application materials submitted by the Applicant to determine whether probable significant adverse environmental impacts would likely occur.

After careful review of the GCZO and project application materials, this mitigated determination of non-significance is issued with the following environmental mitigation condition:

Light and Glare

1. The solar panels shall be coated with an anti-glare material to maximize light absorption and minimize glare. Ongoing maintenance to ensure no net loss of functional anti-glare shall occur over the duration of the project.

**Note:** Issuance of this threshold determination does not constitute approval of any required permit. The proponent’s application will be reviewed for compliance with all applicable Garfield County codes that regulate development activities. The application may be subsequently approved, denied, or approved with conditions.

**Comment Period:** Interested persons may comment on this MDNS. Comments must be submitted by 5:00 p.m. on April 10, 2024, to the Responsible Official at Garfield County, 3000 S 19<sup>th</sup> Street, Pomeroy, WA 99347, or by email to [garfeng@garfieldcountywa.gov](mailto:garfeng@garfieldcountywa.gov). Upon review of any timely comments received during the comment period, the Responsible Official will, in accordance with WAC 197-11-340(2) and (3), reconsider the MDNS and may retain or modify the MDNS or, if the Responsible Official determines that significant adverse impacts are likely, withdraw the MDNS.

**Appeals:** There is no opportunity for appeal of the MDNS at this time. Pursuant to RCW 43.21C.075, any appeal of a SEPA determination must be linked to a specific government action on a permit, license, or other approval. No such action has occurred at this time. For more information on appeals, see Chapter 1.09 GCZO, Garfield County SEPA Ordinance Section 7.3, and applicable SEPA statutes and regulations.

**Responsible Official:** James Wege  
**Position/Title:** Garfield County Engineer  
**Phone:** (509) 843-1301  
**Address:** 300 S. 19<sup>th</sup> Street  
 Pomeroy, WA 99347

Signature 

Date 3/18/2024