

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

For

NextEra Energy Resources Development, LLC

File # **PL23-0408**

PROJECT DESCRIPTION: Hearing Examiner Special Use Permit application #PL23-0408 submitted by David Lawlor, on behalf of NextEra Energy Resources, LLC, to allow for the construction of a new utility-scale Battery Energy Storage System (BESS). The use is classified as a Major utility development per Skagit County Code (SCC) 14.16.190(5)(c) as defined in SCC 14.04.020. The proposed BESS would be situated on 22.55 acres and capable of storing up to 200 megawatt-hours (AC) of energy by a 4-hour duration, for a total of 800-megawatt hours of energy, inside the power conversion system (PCS) units. The PCS units contain one BESS inverter and one transformer. The Mount Vernon BESS Project includes a 115-kilovolt (kV) overhead gen-tie line, on wood or steel poles up to 120 feet in height, which would extend approximately 2,200 feet northwest to interconnect to the Puget Sound Energy (PSE) Fredonia substation. The project would provide local power capacity and grid resiliency in the nearby communities of Bay View, Avon, Mount Vernon, Burlington, and the greater Skagit County area. The proposed project would include the excavation of approximately 14,700 cubic yards of material and the placement of approximately 8,920 cubic yards of material. The proposed project is located within the Bayview Ridge Urban Growth Area within the Bayview Ridge Heavy Industrial (BR-HI) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted July 5, 2016, and as thereafter amended.

PROPONENT/PROJECT CONTACT: NextEra Energy Resources Development, LLC, c/o David Lawlor and Sara Twitchell, 700 Universe Boulevard, E5E, Juno Beach, FL 33408. **PROPERTY OWNERS:** Sierra Pacific Real Estate LLC, c/o Gary Blanc, P.O. Box 496028, Redding, CA 96049. Puget Sound Energy, c/o Holly Mouser, P.O. Box 97034, Bellevue, WA 98009.

PROJECT LOCATION: The proposed project is located on P129949 and P21265 along the west side of McFarland Road (P131483), south of Ovenell Road, with the adjacent easterly properties addressed at 14658, 14660 and 14662 Ovenell Road (P117970, P129950, and P129951 respectively). The PSE substation site is located immediately to the west and northwest addressed at 13085 and 13235 Ball Road (P21272 and P21273). The subject site includes Lot 1 of Sierra Pacific Binding Site Plan recorded under AF#200911160068 and Lot B of Boundary Line Adjustment (AF#200803040059) being a portion of Tract 2 of Short Plat # 44-87 located in Mount Vernon within a portion of Section 9, Township 34N, Range 3E W.M., situated within Skagit County, Washington.

LEAD AGENCY: Skagit County Planning and 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. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, must be in place prior to the placement of any fill material. The applicant must maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County

Stormwater Management Ordinance. Said measures must remain in place until the completion of the project.

2. The applicant must comply with Northwest Clean Air Agency (NWCAA) requirements.
3. The applicant must comply with the provisions of Chapters 14.22 and 14.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices shall be utilized throughout the life of the project.
4. The applicant must comply with Fire Code Standards, NFPA'S, NEC, and IFC Codes.
5. All installed systems, equipment, and components must be listed as UL 9540 and 9540A compliant.
6. The applicant must provide a hazard mitigation, emergency response plan and training.
7. The applicant must provide a maintenance, repair, and decommissioning plan.
8. An engineered soils compaction report must be required for all structures placed on fill material.
9. The applicant must comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).
10. The proposal, and site development, must comply with all applicable requirements of SCC 14.16, and specifically SCC 14.16.190 (BR-HI), SCC 14.16.210 (Airport Environs), SCC 14.16.215 (Bayview Ridge UGA), SCC 14.16.800 (Parking), SCC 14.16.830 (Landscaping), SCC 14.16.835 (Pipeline safety), and SCC 14.16.840 (Performance Standards).
11. Pursuant to SCC 14.16.210(3)(c)(iii), stormwater management features, including stormwater detention or retention ponds, must be designed in accordance with the WSDOT Airport Stormwater Guidance manual.
12. Possible intrusions into the imaginary surface contours established for the airport environs must be considered with any new development. Per FAA 14 CFR 77, the applicant is required to submit FAA Form 7460-1 Notice of Proposed Construction or Alteration. This form must be submitted at least 45 days before the start date of the proposed construction or alteration or the date an application or a construction permit is filed, whichever is earliest. Additional requirements may apply. The Port advises the applicant to consult the FAA for more information.
13. The applicant must comply with the provisions of Washington State Administrative Code (WAC) 173-200 & 173-201A as required to prevent surface water quality and groundwater impacts. Best Management Practices must be utilized to prevent interference and/or degradation of water quality.
14. An approved/issued Class IV General Forest Practice Permit shall be obtained from the Washington State Department of Natural Resources prior to harvest of any trees onsite. A copy of the DNR issued Class IV General Forest Practice Permit must be provided to Skagit County's Planning & Development Services Department.
15. No track out of dirt, debris, or rocks onto county road/rights-of-way is permitted. For the duration of construction activities, the applicant must sweep, as needed, track out off the county roadways adjacent to the ingress and egress associated with the proposed site.
16. Structures must meet current I-Codes including Washington State Energy Codes.
17. This project may be subject to one of Ecology's National Pollutant Discharge Elimination Systems (NPDES) permits. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 927- 4900.
18. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required,

the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days from the date of the publication below.

Written comments must be received no later than 4:30 pm on: **June 28, 2024**

Email correspondence **will not be accepted**, however comments may be submitted via the PDS website under the “recent legal notices” tab. (www.skagitcounty.net/pdscomments)

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the threshold determination.

Appeals must be submitted no later than: **July 12, 2024**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Brandon Black, Senior Planner

MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273.

PHONE: (360) 416-1320

Date: 6-11-24 Signature: Brandon Black.

On behalf of Jack Moore

Planning and Development Services Director

cc: WDOE, Public Works, NW Clean Air Agency, Fire Marshal, Stormwater and Critical area review staff, WSDF&W, Skagit River Systems Coop, DAHP, Army Corps., Public Health, PUD, Upper Skagit Indian Tribe, Samish Indian Nation, City of Burlington, City of Mount Vernon, Port of Skagit, Drainage Dist. #14 and #19, Dike Dist. #12, Jenna Friebel, WSDOT, BP Olympic Pipeline, Kinder Morgan Pipeline, Cascade Natural Gas, PSE, EFSEC, DNR, WA Department of commerce, Applicant, Parties of Record

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