

Verbatim Transcript of Public Hearing - Columbia Solar Proposed Draft SCA Notice

Washington State Energy Facility Site Evaluation Council

June 26, 2018



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Kittitas Valley Event Center
901 East Seventh Avenue
Ellensburg, Washington
June 26, 2018
5:00 p.m.

PUBLIC HEARING
Columbia Solar Proposed Draft SCA Notice
Verbatim Transcript of Proceeding

REPORTED BY: PHYLLIS CRAVER LYKKEN, RPR, CCR NO. 2423

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1 APPEARANCES:

2 KATHLEEN DREW, EFSEC CHAIR

CULLEN STEPHENSON, DEPARTMENT OF ECOLOGY

3 JAIME ROSSMAN, DEPARTMENT OF COMMERCE

DAN SIEMANN, DEPARTMENT OF NATURAL RESOURCES

4 SONIA BUMPUS, EFSEC STAFF

JOAN AITKEN, EFSEC STAFF

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1 ELLENSBURG, WASHINGTON, JUNE 26, 2018

2 5:00 P.M.

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6 MS. DREW: Okay. Good evening. I'm going
7 to call to order the meeting of the Energy Facility Site
8 Evaluation Council this evening and I am Kathleen Drew
9 and I'm the chair.

10 And I would ask the other council members
11 to introduce themselves.

12 MR. STEPHENSON: My name is Cullen
13 Stephenson. I am Department of Ecology's representative
14 to EFSEC.

15 MR. ROSSMAN: I'm Jaime Rossman. I'm
16 Department of Commerce's representative.

17 MR. SIEMANN: And I'm Dan Siemann. I'm the
18 Department of Natural Resources' representative to
19 EFSEC.

20 MS. DREW: Thank you all for being here.

21 I wanted to make a couple of introductory
22 remarks. First of all, I want to make sure you all are
23 aware the council is not going to deliberate and make a
24 decision tonight on whether to recommend the governor
25 approve or reject the certification of these sites.

1 The main purpose of tonight's meeting is
2 really to give the public members an opportunity for
3 oral comments --

4 Is this -- is anyone having trouble hearing
5 me? Okay.

6 -- (continuing) to receive comments on the
7 Draft Site Certification Agreements which were prepared
8 by EFSEC staff. And these were prepared so that the
9 public could have an opportunity for site-specific
10 comments on these different agreements. So that's what
11 we're looking for this evening.

12 We've already had an opportunity on both
13 the application and the SEPA threshold document. And
14 this is really to provide the public with an opportunity
15 to comment in a similar way as you might on a
16 conditional use hearing with the council. It's not the
17 same process, but it would be the same kind of
18 information that you would give us for each site. And
19 that's why we have structured it in this way.

20 We do have a written comment period that
21 will remain open until June 29th.

22 Since we only have four or five speakers at
23 this point in time, I'm still going to say please try to
24 keep within the three-minute limit. But if you go over,
25 I'm certainly going to welcome you to finish your

1 thoughts.

2 With that, I will ask Sonia Bumpus to talk
3 about our process as we move forward after this meeting
4 tonight.

5 MS. BUMPUS: Thank you. Good afternoon,
6 Chair Drew and council members.

7 So just a couple of things. Chair Drew,
8 you've already talked about the comment period started
9 on May 29th and it ends on Friday, June 29th.

10 So before we get started, I just wanted to
11 talk a little bit about what's in your binders in front
12 of the council. These are the five Draft Site
13 Certification Agreements that have been out for public
14 comment since the 29th of May. And I'm going to just go
15 over what the contents of those are and talk a little
16 bit about the Attachment 1.

17 So each of the Site Certification
18 Agreements contains a site description in Article I.

19 Article II includes definitions.

20 Article III general conditions.

21 And then in Article IV there are plans and
22 approvals that are required prior to construction. So,
23 for instance, the initial site restoration plans
24 submittal requirements are identified there. Just to
25 name one as an example.

1 For Article V these are project
2 construction requirements. So for instance, they're
3 required to have an environmental monitor onsite during
4 the construction phase of the project.

5 This section also talks about stop work
6 orders where if there is an issue identified that's
7 unresolvable, the environmental monitor can request that
8 EFSEC put in a stop work order to cease work until the
9 issue is resolved.

10 Article VI covers submittals required prior
11 to the beginning of the operation of the facility.

12 Article VII is project operations. So for
13 instance, technical advisory committee is one of the
14 requirements in each of the Site Certification Agreement
15 drafts.

16 In Article VIII, this covers project
17 termination, decommissioning, and site restoration. So
18 this is where there is information about the
19 requirements for a detailed site restoration plan and
20 the timeline for submittal of that.

21 And then we have Article IX, which is
22 signatures.

23 Now, each of the Site Certification
24 Agreements also has an Attachment 1. And Attachment 1
25 covers specific conditions for that site. And in some

1 cases, these are, you know, very similar.

2 As an example, four of the sites have water
3 rights requirements, so you can look in Attachment 1 and
4 see that. Fumaria does not have it. And so if you, you
5 know, get a chance to look at Attachment 1, you'll see
6 some differences and that's just one of them. So I just
7 wanted to go over that to get council familiar with the
8 Site Certification Agreements organization to help
9 facilitate your review as you're hearing comments from
10 the public.

11 MS. DREW: Are there any questions from
12 council members?

13 Okay. Hearing none, why don't we go ahead
14 and ask -- oh, I want to make one more comment, and that
15 is that after the public comment period if council
16 members have any questions of staff, then we're going to
17 allow that to happen for clarification or other
18 purposes. Okay?

19 MS. BUMPUS: Yes.

20 THE CLERK: We're ready for our first
21 speaker, Ron Slater.

22 MR. SLATER: Good evening. My name is
23 Ronald Slater, 1531 Masterson Road, Cle Elum,
24 Washington.

25 I own or represent almost 400 acres of

1 non-irrigated land. Non-irrigated. I offered that land
2 to the same corporation that's here tonight to try to
3 get approval through you. The exact words to me were
4 we're not interested in non-irrigated land.

5 There is a message there. They want soft
6 digging, they want to be close to all of the convenient
7 power lines that people, the taxpayers, have paid for,
8 and they want to start dissecting this valley right
9 across and eliminating agricultural operations.

10 Several years ago a lot of us lost our
11 water in this county through the state suing the county
12 for water to preserve these agricultural lands. The
13 county lost and so did I. Can't drill a well. If I
14 wanted to put water in it's 600 and some thousand bucks.

15 This operation of going to you, the state,
16 and avoiding the county is an absolute injustice to the
17 people that created this county and created all of the
18 ag you see from the air. There are thousands and
19 thousands of acres, you should know, on all four sides,
20 north, south, east, and west, of non-irrigated quality
21 land that is available to utilize for solar. But as
22 long as they're allowed to go to you and bypass the
23 county, they're going to come right down here into this
24 great agricultural family and they're going to destroy
25 it. You're going to start the beginning of a cancer.

1 Thousands and thousands of individuals are
2 dependent upon this valley's agricultural operation for
3 their income. If you impair it, if you handicap it, if
4 you start dissecting it, you're going to see a
5 checkerboard disaster where we won't be able to recover.
6 Once ag land is taken, you'll never get it back. We
7 also never get the water back.

8 It's quite clear that they want the land to
9 be used for solar, while at the same time you defended
10 them, got them all of the water that we had taken from
11 us, with the same breath they want to kill the grass,
12 put in solar, and have it completely eliminated for ag.
13 This is an absolute blatant hypocrisy.

14 As an environmentalist, you should know
15 this is a disaster to all of the crops that have been so
16 refined in this valley. Don't let them do it. All
17 they've got to do is go through the county. And again,
18 there are significant alternatives to where they can
19 house these solar panels by the thousands of acres that
20 are available in non-irrigated land.

21 Thank you for listening.

22 THE CLERK: Speaker No. 2, Mary Monahan.

23 MS. MONAHAN: My name is Mary Monahan and I
24 am a resident of Kittitas County. I have been since
25 2010.

1 I'm also a scientist, a hazardous waste
2 cleanup scientist, and in reading these Site
3 Certification Agreements I've noticed -- first of all,
4 let me say words matter. Words matter to me a lot. The
5 model Toxics Control Act has a lot of really good words
6 that matter a lot.

7 These Site Certification Agreements are
8 missing some words. When it comes to the site
9 restoration paragraphs, it only mentions removal, it
10 doesn't mention proper disposal or recycling or anything
11 like that when it comes to dismantling of these solar
12 facilities. Which leaves a lot of room open for where
13 is it going to go. I mean, what's going to happen to
14 it? Is it going to be dumped on somebody's, in
15 somebody's junkyard, is it going to be -- are the costs
16 going to be deemed prohibitive to take over to the west
17 side or to Arlington for proper recycling? I really
18 think that the plan for site restoration really needs to
19 be fleshed out much more than it is.

20 And site restoration means much more than
21 just removal of the facilities. The components that go
22 into making these solar panels are heavy metals. They
23 do not degrade naturally. Something must be done. You
24 need to remove the soils and the things that have been
25 contaminated by them and properly dispose of them. They

1 don't biodegrade. You can't put a magic pixie dust on
2 them and make them go away. There has to be a good plan
3 and it can be well thought out in advance. Well thought
4 out in advance and not just in the 90 days after they
5 decide to close down.

6 Thank you very much.

7 MS. DREW: Thank you.

8 THE CLERK: Speaker No. 3, Dick Carkner.

9 MR. CARKNER: Good evening, council
10 members. My name is Dick Carkner and I'm with the Save
11 Our Farms group.

12 I must say that I'm wondering why we're
13 actually having this meeting. We've noted this in
14 previous correspondence with you. What I'd like to do
15 in the three minutes or so I have is basically go
16 through a bullet list that brings to mind the details I
17 have in the materials that I'm going to leave with you
18 that has a little more explanation, a little more, a
19 little more information to support the ideas that I'm
20 airing.

21 So according to your order dated April 17,
22 you directed your staff to develop a process that is,
23 quote, akin to what the county would use during a
24 conditional use hearing. You mentioned that at the
25 beginning of our meeting tonight.

1 Such a process must allow the public to
2 inform a hearing examiner and that would occur during a
3 conditional use process. Such a process must allow the
4 public to inform the hearing examiner about the errors
5 in your determination of non-significance. This must
6 happen before site certification discussions. At this
7 point, we feel that site certification is premature.

8 An expedited process has to meet two
9 conditions. One, environmental impacts must be
10 mitigated to a non-significant level; and two,
11 consistency with County land use plans.

12 Your order of April 2018 meets neither of
13 these requirements. Also, your order does not meet the
14 minimum state standard required for the Administrative
15 Procedures Act. In brief, this act requires defining
16 procedures for seeking reconsideration for
17 administrative relief.

18 Your process is not consistent with county
19 land use plans. A conditional use permit requires
20 review and a hearing process.

21 Further, the proposal is not essential to
22 the public convenience so it is not consistent with
23 local land use. The economic benefits to the proposed
24 use, of the proposed use, do not offset the economic
25 detriment.

1 SEPA, it prohibits loss of prime farmland.
2 The previous speaker talked about site restoration. The
3 language indicates that restoration should restore the
4 sites to approximate pre-project condition. That's not
5 going to meet SEPA requirements.

6 You should also note, and this is discussed
7 in the material that I'm going to leave, is that UC
8 Davis finds that reversion of solar sites to agriculture
9 is unlikely, and they explain why.

10 Further, the National Renewable Energy Lab
11 found significant environmental issues with solar sites.

12 And the state of New York estimates that
13 solar restoration costs for a site that were -- of the
14 size we're talking about would be in the neighborhood of
15 \$150,000, but that does not include any consideration
16 about soils remediation, restoration, and so on.

17 Site certification requires that the
18 applicant demonstrate how the site can be recovered.

19 Further, the site certification granted to
20 do so without an opportunity to challenge SEPA
21 determination is inconsistent with state environmental
22 policy. It's inconsistent with Kittitas County
23 conditional use requirements.

24 The state supreme court protects
25 agricultural lands. In several decisions the court has

1 held that counties are required to conserve agricultural
2 lands and protect them from interference from adjacent
3 lands. There are references in the material I'm leaving
4 dealing with these expanding on these examples.

5 The county's moratorium on siting solar
6 land use -- I'm repeating that. The county's moratorium
7 on siting solar is a land use plan and zoning ordinance.
8 Your conclusion to the contrary is erroneous. You rely
9 on the case of Save Our Scenic Area vs. Skamania County.
10 This is incorrect. It doesn't hold water.

11 EFSEC, the organization, has sidestepped
12 legal processes on several occasions, depriving the
13 public of due process. Save Our Farms registers our
14 objection and requests that the order granting the
15 expedited process be rescinded, and further, that the
16 site certification process is halted until such time as
17 a determination of non-significance can be reviewed in
18 an open hearing process.

19 As also has been mentioned by the first
20 speaker, you've got to know that there are thousands of
21 acres of land suitable for solar siting that are not
22 prime agricultural land.

23 Thank you.

24 MS. DREW: Thank you.

25 THE CLERK: Our next speaker is Ren

1 Albright. No. 4.

2 MS. ALBRIGHT: Hi. I'm Ren Albright. I've
3 lived in this valley for 43 years and my husband and I
4 ran a small manufacturing business making art and
5 quilting tools for most of that time. We've been
6 employers, I was a practicing midwife, and we also own
7 40 acres out in the west side of the valley. We grow a
8 little bit of hay, raise livestock, and I raise market
9 vegetables as well.

10 And I just share this with you to let you
11 know that I've been here a long time, I love this
12 valley, and I think I have a pretty good idea of our
13 community.

14 I also want to say that I'm a big supporter
15 of renewable energy, and so I'm a supporter of solar
16 farms. But I want to express my opposition based on the
17 preciousness of our agricultural land, specifically our
18 irrigated prime agricultural land.

19 As we all know, this area is growing and we
20 need to feed people and we need to feed animals to feed
21 people and, in my opinion, that's what that ground
22 should be preserved for.

23 As has been noted by a couple other
24 speakers, there is a lot of land in this valley that
25 is -- I mean not this valley, but this county, and that

1 is not irrigated, that is not farmable, and that would
2 be perfectly suitable for agriculture -- I mean for a
3 solar farm.

4 So I think that's about all I wanted to
5 say. I'm not adding a lot.

6 As sort of more not an expert, but a
7 community member who loves this valley and wants to
8 preserve our agriculture here, I would ask that you as
9 working for the state, presumably for us, that you would
10 have a little bit of discrimination and long-term vision
11 about where an appropriate siting for solar farms is.

12 Thank you.

13 MS. DREW: Thank you.

14 THE CLERK: Speaker No. 5, Barry Brunson.

15 MR. BRUNSON: Hi. Good afternoon. I
16 appreciate the opportunity to speak here.

17 Barry Brunson. I live in Cle Elum. And
18 just a quote: Devastating wildfires, drought, lack of
19 snow pack, and ocean acidification. These are quotes
20 from the December 2016 Department of Ecology statement
21 of what's coming because of climate change.

22 I don't doubt the sincerity of the Save Our
23 Farms folks. I appreciate their sentiments. I think
24 they have a misguided mission and I think the name is
25 misleading because no one is threatening their farms.

1 What is being threatened is the rights of other farmers
2 to lease or sell parts of their farms to the solar
3 energy project.

4 I have heard on a number of occasions,
5 including the League of Women's Voters forum a few weeks
6 ago, that once agricultural land is translated and
7 transferred over to a solar installation, it would be
8 impossible to return it to agricultural production and
9 I'm eager to see the evidence of that.

10 A previous speaker mentioned other places
11 that would say it's impossible or very expensive. I've
12 seen only one place where they've actually had specific
13 cost elements or cost estimates, and that was in
14 Calexico, California, where they were breaking it down
15 very detailed at about \$3,500 an acre for restoring to
16 the agricultural uses to which it had been converted --
17 from which it had been converted.

18 Can agricultural land be restored? I think
19 it can. But another question is who is likely to want
20 to do that 20 or 30 years hence when the solar
21 installation has lived its useful life? Does anybody
22 really think we're going to need less power 20 or 30
23 years from now than we do now? My suspicion would be
24 that if the panels outlive their usefulness 20 or 30
25 years from now, the people would want to install new

1 solar panels that would likely be vastly more effective
2 and efficient than the ones that are there now and keep
3 on going with solar. And if not converted back to
4 agricultural uses, I wonder whether that would be such a
5 terrible thing.

6 I'm looking, remembering a March 9th Daily
7 Record in Ellensburg headline that said Forecasters
8 Expect a Full Water Supply. And I could hear the sigh
9 of relief all across the county about the coming summer.
10 Things changed, we had a pretty dry May, and then just a
11 few days ago the June 22nd Yakima Herald, Dry Weather
12 Will Mean Less Water for Irrigators. That is, we're
13 likely not to have enough water to go around already.

14 If some small section, this is only 6
15 percent, I guess, of whatever these acres, 6 percent was
16 the amount of non -- of compacted, sorry, compacted land
17 on the TUUSSO project expected, but if we have a little
18 bit of irrigated land taken out, I don't think that's
19 necessarily a bad thing. That's going to increase the
20 chances of the other irrigated land being able to have
21 enough water to go around.

22 I think EFSEC should exercise their mandate
23 and approve the project, all five of them.

24 The cherry on top of my thoughts came in
25 today's, this afternoon's Daily Record where the county

1 again kicked the can down the road by extending the
2 solar moratorium again for six months. And this goes
3 back from January of last year. I say let's go.

4 Thank you.

5 THE CLERK: That's all of the speakers we
6 have.

7 MS. DREW: Those are all of the speakers we
8 have signed up.

9 Do the council members have any questions
10 for staff? I think my mic is on. Question.

11 MR. ROSSMAN: I have one question.

12 MS. DREW: Mr. Rossman.

13 MR. ROSSMAN: I'm I have one question,
14 which is I'm seeing a number of these the cultural and
15 agricultural and archaeological resources planning is
16 going to be done through DAHP, and I just wanted to get
17 clarification. Is that something that we're going to
18 issue working with the DAHP or would they issue that
19 themselves?

20 MS. BUMPUS: She wants to know what page
21 are you referring to.

22 MR. ROSSMAN: I'm sorry.

23 MS. BUMPUS? Is that page 22 for the Camas
24 site, for instance?

25 MR. ROSSMAN: Yes.

1 MS. BUMPUS: So, Councilmember Rossman,
2 your --

3 MR. ROSSMAN: I just want to clarify.
4 What's EFSEC's role versus DAHP's role?

5 MS. BUMPUS: We would issue but consult
6 with DAHP before doing that.

7 MR. ROSSMAN: Okay. I think the language
8 might need to be clarified there.

9 MS. BUMPUS: Okay. And that specific
10 question was for the cultural resources monitoring and
11 mitigation plan? Is that one of the --

12 MR. ROSSMAN: And also excavation permits.
13 Yep.

14 MS. BUMPUS: Okay.

15 MR. ROSSMAN: And then one more comment.
16 There are several places, there are several places where
17 the plan referenced things -- sorry, where the draft
18 agreement referenced things that are in the application.
19 And I'm thinking particularly of, like, the planting
20 along the fence lines, and I think it would be really
21 helpful if those things could be incorporated into this
22 document, so that if, assuming the projects are
23 recommended to go forward and do go forward, ten or 15
24 years down the line we're able to look at one document
25 and get all of the material rather than needing to then

1 go back to the application.

2 MS. BUMPUS: Okay. Did you have a specific
3 stanza you were looking at where that was?

4 MR. ROSSMAN: I can go through.

5 MS. BUMPUS: Sure.

6 MR. ROSSMAN: Will do. Thank you.

7 MS. BUMPUS: Thank you.

8 MS. DREW: Any other comments or questions?

9 I would like to ask that we take another look at the
10 site restoration and make sure that we're looking at the
11 disposal as more than just the removal, but also the
12 recycling and the disposal and address the issues that
13 were raised.

14 MS. BUMPUS: We will take another look at
15 that, Chair Drew. And I was looking as I was listening
16 to comments, and there is mention of the ISRP addressing
17 salvaging equipment, so we'll take another look at that.

18 MS. DREW: Just make sure that we have that
19 clearly identified. That would be great.

20 One other question I have is there were
21 comments about soil restoration. Can you remind me what
22 the process was, if we received that in the comments on
23 the MDNS and what we have done to take a look at that
24 issue?

25 MS. BUMPUS: Yes. So we did consult with

1 the Washington Department of Agriculture on that and we
2 had some comments from them. We talked to our
3 consultant about the issue and we went back and looked
4 at the application and talked to the applicant. And
5 they are proposing to do restoration of the soil when
6 they decommission the site. And so there would be some
7 amount of soil amendments, possibly, that they would do
8 to ensure that the soil is put back to its previous
9 condition.

10 MS. DREW: Thank you.

11 Any other comments? We appreciate
12 everyone's participation tonight and look forward to
13 your continued participation as we take our next steps.
14 Thank you very much.

15 This meeting is adjourned.

16 (MEETING CONCLUDED AT 6:07 P.M.)

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