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August 13, 2024

Washington State Energy Facility Site Evaluation Council v.

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

Goldeneye Battery Energy Storage System Project
Public Informational Meeting and Land-Use Hearing

August 13, 2024

Sedro-Woolley, Washington

Reporter: John M.S. Botelho, CCR, RPR

1 PUBLIC INFORMATIONAL MEETING AND LAND-USE HEARING
2 APPEARANCES

3 STATE AGENCY MEMBERS:

4 Kathleen Drew, Chair

5 Elizabeth Osborne, Department of Commerce (*)

6 Eli Levitt, Department of Ecology (*)

7 Mike Livingston, Dept. of Fish and Wildlife (*)

8 Lenny Young, Department of Natural Resources (*)

9 Stacey Brewster,
10 Utilities & Transportation Commission (*)

11 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

12 Goldeneye BESS:

13 Robby Eckroth, Skagit County

15 ASSISTANT ATTORNEY GENERAL:

16 Jon Thompson (*)

18 ADMINISTRATIVE LAW JUDGE:

19 Dan Gerard

21 COUNSEL FOR THE ENVIRONMENT:

22 Yuriy Korol (*)
23
24
25

1 PUBLIC INFORMATIONAL MEETING AND LAND-USE HEARING
2 APPEARANCES (Continuing)

3 COUNCIL STAFF:

4 Ami Hafkemeyer	Zia Ahmed (*)
5 Joan Owens	Adrienne Barker
6 Andrea Grantham	Trevin Taylor
7 Karl Holappa	

8
9 IN ATTENDANCE:

10 Alex Martin, Tenaska
11 Tommy Nelson, Tenaska
12 Tim McMahon, Attorney, Stoel Rives
13 Jordan Grace, Tetra Tech

14
15
16
17
18
19
20
21
22
23 (*) indicates remote attendee
24
25

1 BE IT REMEMBERED that on Tuesday,
2 August 13, 2024, at Sedro-Woolley Community Center,
3 715 Pacific Street, Sedro-Woolley, Washington, at
4 5:31 p.m., the following Public Informational Meeting
5 and Land-Use Hearing of the Washington State Energy
6 Facility Site Evaluation Council was held, to wit:

7
8 <<<<<< >>>>>>

9
10 CHAIR DREW: Good evening. My name
11 is Kathleen Drew, and I chair the Washington Energy
12 Facility Site Evaluation Council. And sometimes I
13 even forget the words in the name, but you can call
14 us "EFSEC."

15 Welcome to all of you who are here in person and
16 for those of you who may be joining us online as
17 well. This is the first of two meetings. This is
18 the public informational meeting. And this is
19 required by RCW 80.50.090(1) and WAC 463-26-025.

20 The EFSEC staff and the applicant will introduce
21 themselves and the counsel for the environment, who
22 is an assistant attorney general appointed by the
23 Washington attorney general, and will explain the
24 duties of this position. And then we will have
25 presentations, and then we will have the public

1 invited to provide comments.

2 The second meeting, which will begin after the
3 first meeting ends -- potentially about 7:00 is what
4 we expect -- and that is specifically about land-use
5 consistency.

6 And I will begin now calling this meeting to
7 order and asking Ms. Grantham to call the roll.

8 MS. GRANTHAM: Certainly, Chair
9 Drew.

10 Department of Commerce.

11 MS. OSBORNE: Elizabeth Osborne,
12 present.

13 MS. GRANTHAM: Department of
14 Ecology.

15 MR. LEVITT: Eli Levitt, present
16 online.

17 MS. GRANTHAM: Department of Fish
18 and Wildlife.

19 MR. LIVINGSTON: Mike Livingston,
20 present online.

21 MS. GRANTHAM: Department of
22 Natural Resources.

23 MR. YOUNG: Lenny Young, present.

24 MS. GRANTHAM: Utilities and
25 Transportation Commission.

1 MS. BREWSTER: Stacey Brewster,
2 present.

3 MS. GRANTHAM: For local government
4 and optional State agencies: For the Goldeneye BESS
5 project, for Skagit County, Robby Eckroth.

6 MR. ECKROTH: Hi.

7 MS. GRANTHAM: Assistant attorney
8 generals. Jon Thompson.

9 MR. THOMPSON: Present.

10 MS. GRANTHAM: Jenna Slocum.
11 Zack Packer.

12 Administrative law judge: Dan Gerard.

13 ALJ GERARD: Present.

14 MS. GRANTHAM: And for the counsel
15 for the environment, Yuriy Korol.

16 MR. KOROL: Present.

17 MS. GRANTHAM: And for Council
18 staff, I will call those anticipated to speak tonight
19 as well as admin staff who are here.

20 Ami Hafkemeyer.

21 MS. HAFKEMEYER: Present.

22 MS. GRANTHAM: Joan Owens is
23 present as admin.

24 Karl Holappa.

25 MR. HOLAPPA: Present.

1 MS. GRANTHAM: Zia Ahmed.

2 MR. AHMED: Present.

3 MS. GRANTHAM: Adrienne Barker.

4 MS. BARKER: Present.

5 MS. GRANTHAM: And Trevin Taylor.

6 MR. TAYLOR: Present.

7 MS. GRANTHAM: Chair, there is a
8 quorum. Thank you.

9 CHAIR DREW: Thank you.

10 And with that, we will start with the
11 presentation and introduction of the Goldfinch energy
12 storage -- and the microphone.

13 Once again, so we will start with Goldfinch
14 energy storage project presentation, and the team
15 will introduce themselves. Thank you.

16 MR. MARTIN: Hello. Can everyone
17 hear me okay in the back? Okay. Excellent. Thanks
18 for the thumbs-up.

19 Good evening, Chair Drew, Council members, folks
20 on the line, members of the community here in the
21 room. Thank you for the opportunity to be here
22 tonight to introduce the project, the Goldeneye
23 project to you, and to listen to your questions and
24 comments.

25 My name is Alex Martin. I'm a senior manager of

1 development with Tenaska, and I'm the project
2 director for the Goldeneye project. Tenaska is an
3 Omaha, Nebraska, based company with over 35 years of
4 experience in the energy space, with a long history
5 of developing, constructing, safely operating
6 facilities, and safely operating facilities across
7 the country.

8 With me are several of my colleagues from our
9 engineering group, development, community engagement,
10 as well as environmental consultants and safety
11 experts as well. We won't take too much time to
12 introduce each of them for the sake of brevity, but
13 if questions are asked and they speak to them, then
14 they can introduce themselves.

15 Before I turn it over to Tommy Nelson, our lead
16 project manager, to introduce the Goldeneye project
17 and the need for it and its benefits, I'd like to
18 just take a second to say we recognize our role here
19 tonight is not only to introduce the project but to
20 listen to your input and to take action from that
21 input and incorporate it in the creative manner to
22 develop the best project possible.

23 In my experience and my belief, when we take that
24 input into account, we come back with better projects
25 and more sustainable projects. So thanks very much,

1 again, for the opportunity to be here tonight. I'll
2 turn it over to Tommy.

3 MR. NELSON: Thank you.

4 Can everybody hear me in the back? All right.

5 So we're going to start with a brief overview of
6 the technology that we're discussing here.

7 What is a battery energy storage system? And I
8 do want to take a quick moment at the top of this to
9 say that all the pictures here and in the
10 presentation -- and these are pictures from the
11 presentation -- while they might have labels on them,
12 they don't necessarily represent the exact
13 manufacturer that we're going to go forward with.
14 That decision hasn't been made yet. So just a caveat
15 at the top here.

16 But basically what a BESS facility is, they're
17 designed to charge from the grid or store power and
18 then discharge back to the grid when there's a
19 shortfall of power. Important to note that these
20 facilities don't generate power. They're just power
21 that's generated elsewhere. And once these projects
22 are built, the facility won't require any water or
23 sanitary facilities. They will be unmanned.

24 A few of the kind of what we like to call quick
25 facts about BESS at this project size, which is, you

1 know, 200 megawatts: It's going to require
2 approximately 20 acres of full project footprint.
3 These do represent a low-impact form of development.
4 They are low noise. They comply with the noise
5 ordinance. Like I said, they're unstaffed once
6 they're operational, so there's no traffic -- ongoing
7 traffic impact. There's no light or air pollution
8 once it's operating. Very low visual impact.

9 The kind of maximum height of the units,
10 themselves, is around ten feet, so a single story.
11 They can easily be obscured with visual buffering --
12 fences and walls and vegetative buffering -- and we
13 try to, you know -- we've already begun the process
14 of working with the County on, you know, what those
15 might look like. And then, again, no ongoing
16 infrastructure needs once these are operating.

17 As far as project siting and how we decide where
18 one of these is going to go, well, it does begin kind
19 of at its point of interconnection at the substation.
20 Stand-alone BESS facilities have to be as close to
21 the substation as possible, to -- along the
22 transmission system to give the project the maximum
23 efficiency for the grid. Ideally, they're already
24 suited -- I mean, ideally they're already going to be
25 sited next to, you know, either a substation or a

1 very constrained previously area with a lot of
2 existing infrastructure, where our facility can
3 integrate along with that infrastructure.

4 And with kind of all, you know, those kind of
5 backstop parameters in mind, we, you know, look for
6 the best available site that minimizes the overall
7 impacts that the project is going to have while it
8 maximizes the benefits to the region.

9 These projects like the project that we're
10 talking about tonight, Goldeneye, use
11 state-of-the-art battery technology. They are -- we
12 only work with Tier 1 manufacturers that we can trust
13 are going to deliver a safe product. Manufacturers
14 that have demonstrated that their equipment meets or
15 exceeds all of the safety standards that the industry
16 has either put in place recently or have existed.
17 And we do work closely with those BESS safety experts
18 for every aspect of the design.

19 And here tonight we've got some of our
20 consultants from our safety -- fire protection safety
21 engineers and safety consultants that we use in
22 developing our plans for the project, and they're
23 here to answer any questions as well.

24 Once the project is, you know, later in its
25 design phase, all the safety and technical aspects

1 will be certified by an independent engineering firm,
2 which, you know, is what is required for these things
3 to get financed and insured.

4 There are about north of 20,000 BESS facilities
5 operating across the United States right now, and
6 several of those are in the state of Washington now
7 operating. And I would say that the industry has
8 definitely learned from some rare yet very well-
9 publicized malfunctions at some of the first-
10 generation BESS facilities.

11 But because of that, since then, there's been
12 advancements in siting, advancements in technology,
13 operating, and especially the commissioning of these
14 projects. And with all of that collective knowledge
15 and lessons learned, that's what kind of combines to
16 make these a safe energy solution. And on an ongoing
17 basis, our team is committed to working with the
18 local Skagit County emergency management folks,
19 working with the first responders, the ones that are
20 tasked with responding to these facilities, and make
21 sure that the appropriate training and resources and
22 implementation is in place for them.

23 One of the things that we do when we first
24 commission one of these projects is we have a
25 manufacturer-led first responder safety training.

1 Excuse me. And then on a biannual basis, we bring
2 back the first responders to keep getting trained and
3 retrained. And, again, this is led by the
4 manufacturers participating with -- with our safety
5 consultants. And the idea is that, on an ongoing
6 basis, they're catching, you know, lessons learned.
7 They're catching updates to fire safety code. And
8 they're also catching, you know, turnover in the
9 first responders as people come and go.

10 And while these can absolutely be operated and
11 installed safely, we do know that there are
12 questions, and the kind of community education aspect
13 is an important piece of our outreach for this
14 project. And, you know, we've definitely seen and
15 heard questions and concerns about utility-scale BESS
16 systems. We do want to make sure that folks
17 understand that those concerns don't necessarily need
18 to be, you know, applied to the projects where
19 technologies are getting conflated or different
20 applications and make sure that, you know, they're
21 considered an apples-to-apples comparison.

22 And we are absolutely committed to working with
23 our partners in the industry to provide as much
24 information as possible to our stakeholders, to
25 answer questions, and to clarify any

1 misunderstandings or help provide background and
2 information throughout the process. To that end,
3 we've made, you know, the website live. We've had
4 multiple venues here for education and feedback.
5 We've got a contact form on the website. Questions
6 can be submitted directly to that e-mail address. We
7 have a project-specific ringtone that you can
8 download.

9 We do have a BESS explainer or introductory video
10 that can be made available on the project website --
11 or sorry -- is available on the project website.
12 And, you know, like I said, we got our -- our safety
13 experts here at the open house available to answer
14 questions as well.

15 Wanted to talk a little bit about the project
16 need, but I don't need to belabor this. I'm sure
17 Council heard it there, that the meat of these
18 projects is driven by the legislative level. The
19 utilities then respond to those legislative mandates
20 with solicitation requests, and these projects or
21 projects such as these are responses to
22 solicitations.

23 The thing that we like to kind of focus on is
24 that there is absolutely at the utility level in this
25 region a need for capacity, which is firm

1 dispatchable power. Those are the things that need
2 to get -- or the generation that needs to get
3 replaced from retired base load generators or, you
4 know, contracts that are expiring and not being
5 renewed for a variety of reasons. And these projects
6 provide that firm dispatchable capacity that the
7 utilities need to keep the lights on.

8 There are definitely challenges that this region
9 specifically faces. The, again, legislative kind of
10 mandates that -- that filter down. And then we have
11 a electrification of vehicle fleets happening,
12 extreme weather events that keep happening, and then
13 coupled with that, you've got ongoing growth, ongoing
14 demand increase. We've got energy-intensive uses,
15 such as data centers that a region's trying to
16 (unintelligible) in, and the region, itself, is
17 already at risk for blackouts and brownouts. So with
18 this firm dispatchable power, that's what is going to
19 be the backstop for regions such as this.

20 I do like to point out too that throughout the
21 process, it's projects such as these that -- you
22 know, infrastructure projects such as these that pay
23 for the interconnection or the transmission system
24 upgrades that are desperately required. Those do get
25 included in utility long-term plannings. But when

1 the project comes along and supports that
2 transmission upgrade, that's where it ends up going.

3 So our proposed project, Goldeneye project,
4 itself, it's located on -- I think most people here
5 know where it is, but it's on Minkler Road, just
6 northeast of the Sedro-Woolley substation. Kind of
7 catty-corner to it. It's on about -- it's a 14-acre
8 parcel. About eight acres of it will be encumbered
9 with batteries, about, you know, less than, you know,
10 four-tenths of a mile east of the Sedro-Woolley
11 substation.

12 And we've got the project parcel under option.
13 And we -- you know, for several years now, we've been
14 collaborating with local stakeholders on our site
15 plans, on our environmental mitigation measures, on
16 buffer enhancements, on controlling nonnative
17 vegetation, and several other things.

18 UNIDENTIFIED SPEAKER: Could you
19 speak up? (Unintelligible.)

20 MR. NELSON: Sure. That better?

21 All right. So the -- more project details here.
22 Again, I mentioned this project is just northeast of
23 the Sedro-Woolley substation. It is connecting at
24 230 kilovolts. This is on the transmission system.
25 This project does have a signed interconnection

1 agreement, and the point of interconnection is the
2 Sedro-Woolley substation.

3 We are looking to start operations somewhere
4 between 2026 and -- as early as 2026 or 2027. And
5 it'll -- once it starts construction, it'll be from
6 kind of start to finish about a 12-month build
7 period. That won't look the same all 12 months, but
8 it'll start and end at about that.

9 And one thing I also like to kind of point out on
10 this, I know there's a -- we have this also blown up
11 over there, but if folks want to notice where the
12 project is kind of northeast of also Hansen Creek.
13 And we've stayed outside the shoreline buffer.
14 That's what the big empty space at the bottom
15 represents.

16 And also we have some larger versions of these as
17 well to look at. But these are some renderings that
18 we did for our submittal that show existing and
19 proposed conditions along Minkler Road as you're
20 heading -- you know, in this view, heading northeast
21 on Minkler Road. So the top is how it looks today,
22 and the bottom is how it would look during operations
23 once the plantings have reached maturity. And we've
24 also got another view here coming the opposite way on
25 Minkler Road. So now you're heading southwest and

1 passing what would be, you know, the more inundated
2 side of the project on the -- on the eastern side.

3 This is just an extra view there as well.

4 And, finally, on the views, this is the
5 Sedro-Woolley substation here. An aerial view just
6 to the south of the project. Very similar footprint
7 to what our project would look like. And one of the
8 things I like to always tell people when they try to
9 conceptualize what these look like is a self-storage
10 facility, where, you know, you drive in, and they've
11 got a couple of aisles you go down, and maybe the,
12 you know, roll-up garage doors. But in terms of
13 visual, you know, line and, you know, vertical
14 relief, they're extremely similar looking at it
15 aerially or standing there.

16 And we'll also talk a little bit about the
17 benefits of the Goldeneye project. It represents
18 a -- and this is, you know, as we kind of review
19 this, we -- we also want to make sure that we, you
20 know, again note that this is an ongoing discussion
21 with the community, and we -- we have been meeting
22 with stakeholders and discussing community benefits,
23 packages for the project. And we want to, you know,
24 keep that conversation ongoing.

25 But this represents an approximately \$250 million

1 investment. At its peak, it will be approximately a
2 hundred union jobs from local union labor. We have a
3 signed MOU. And this project will provide energy
4 security, that crucial capacity for growing
5 businesses and residential development, and help
6 strengthen the electrical infrastructure. These
7 projects, projects like this, are what allow for the
8 maximization of integration of renewable resources.
9 And, you know, in Skagit County, what this represents
10 is, you know, about a hundred thousand homes for
11 eight hours or so of power.

12 And, finally, just, you know, again reviewing the
13 low-impact nature of this development. I do want to
14 kind of point out two specific bullets on here:

15 That this project will still undergo -- as, you
16 know, Trevin and I were talking about before the
17 hearing, this will still undergo a full SEPA
18 analysis, including a biological Class 3 cultural
19 wetlands evaluation, Phase 1 environmental site
20 assessment, and we don't anticipate the project will
21 result in any impacts that cannot be mitigated.

22 As part of the stakeholder engagement and
23 community outreach that I mentioned, we've been
24 engaging with stakeholders across the region,
25 incorporating community feedback, and really trying

1 to incorporate that into what our plan is for what
2 this project will provide for the community.

3 We met with over 60 stakeholders in the
4 community, including from tribes, including elected
5 officials, community organizations, and that was all
6 introducing the project, providing briefings, and
7 getting any input or feedback prior to our
8 application submittal back in June.

9 And I do want to highlight again that we have a
10 signed MOU with labor. Do want to highlight that
11 we've been engaging with the Skagit River System
12 Cooperative to collaborate -- excuse me -- on
13 environmental protection with Hansen Creek, and,
14 again, we have the website and contact form live.

15 And I will stop there for any questions.

16 CHAIR DREW: Thank you very much.

17 I will ask for questions from Council members.
18 Is there a way I can get the meeting screen up here,
19 or will somebody have to let me know if there are
20 Council members with questions?

21 MS. GRANTHAM: Chair Drew, this is
22 Andrea Grantham. I have Teams open, so I can let you
23 know if someone raises their --

24 CHAIR DREW: Okay.

25 MS. GRANTHAM: -- hand on the

1 Teams.

2 CHAIR DREW: Thank you. I do have
3 a couple of questions.

4 First of all, how many utility scale BESS
5 facilities have you developed?

6 MR. NELSON: Number of facilities?

7 CHAIR DREW: Or some scale. Just
8 give us some -- some -- you don't have to -- some
9 scale of how much you have worked in this arena.

10 MR. NELSON: 40 or 50 active in
11 development and...

12 MR. MARTIN: Several in development
13 and several in construction.

14 CHAIR DREW: Okay.

15 MR. NELSON: Yeah, I think we have
16 a handful that are just at the operational stage.

17 CHAIR DREW: And you have a signed
18 interconnection agreement. Can you tell us who that
19 is with?

20 MR. MARTIN: We -- we do. That's
21 with PSE.

22 CHAIR DREW: Thank you.

23 MR. MARTIN: Sorry. Thank you.

24 Yes, to answer your question, we do have a large
25 generator interconnection agreement signed with PSE.

1 CHAIR DREW: Okay. Puget Sound
2 Energy.

3 Is there a specific advantage that will -- this
4 community gains by having such a facility in their
5 area, or does it go to -- directly to the grid on
6 larger transmission flow?

7 MR. NELSON: So the -- the answer
8 to your question is both. It helps to think of power
9 in -- in the same way with water. Because this is --
10 this project is located so close to its injection
11 point, once it goes onto the grid, it will go to
12 the -- the shortest path of least resistance to where
13 it's needed. In times --

14 CHAIR DREW: Do you still need to
15 hear him?

16 UNIDENTIFIED SPEAKER: I couldn't
17 hear the answer to the question. I couldn't hear him
18 answer the question about how many systems he has on
19 line right now.

20 CHAIR DREW: So if you would answer
21 that one again, please.

22 MR. NELSON: I'm not sure how many
23 we have on line. We have a few in our California
24 portfolio that have just come on line.

25 CHAIR DREW: But you said you had a

1 number that are in construction.

2 MR. NELSON: We have a number in
3 development and a number in construction as well.

4 CHAIR DREW: Okay.

5 UNIDENTIFIED SPEAKER: So you have
6 no track record.

7 CHAIR DREW: Okay. So thank you
8 for your question. And not hearing the answer, I am
9 going to ask for questions from the Council, and I'll
10 try and keep this really short. And if you have
11 questions, please state them when you come up for
12 your remarks, and I am sure that the company,
13 Tenaska, will take note and talk to you, answering
14 your question after the meeting.

15 So we won't have a back-and-forth at this point.
16 We had the open house. We'll take comments. And
17 then if you have a question, we'll make sure there's
18 follow-up.

19 MR. NELSON: Thank you.

20 CHAIR DREW: Are there other -- so
21 the answer to the question in an advantage, yes, it's
22 close to going onto the grid, but there could also be
23 an advantage to provide it locally. Is that true?

24 MR. NELSON: Correct.

25 CHAIR DREW: Okay. Are there

1 questions from other Council members?

2 MS. GRANTHAM: I'm not seeing any
3 questions right now from the Council members.

4 UNIDENTIFIED SPEAKER: Can you
5 speak up a little bit for people that are hard of
6 hearing?

7 CHAIR DREW: Yes. Thank you. We
8 will continue to emphasize that.

9 Okay. Then we will move to the next item on our
10 agenda, which is EFSEC siting -- EFSEC siting process
11 presentation. And that will be Mr. Trevin Taylor.

12 MR. TAYLOR: Hello. My name's
13 Trevin Taylor. I am an environmental planner for
14 EFSEC. I'll be the SEPA specialist on this project,
15 helping Zia Ahmed, who's going to be your --
16 basically your main point of contact through the
17 project. He can't be here tonight, but he's online,
18 so I'm going to walk through EFSEC. I'm going to
19 make an absolute mistake that new public speakers are
20 supposed to say, is I've been on EFSEC for two
21 months. So you're going to have to bear with me on a
22 couple of these. I might need to get some questions
23 from more experienced people, but...

24 So what is EFSEC? The Energy Facility Site
25 Evaluation Council was actually started in 1970.

1 Their job is to basically help energy projects,
2 especially large ones, to go through sort of a
3 one-stop shop of basically permitting and
4 environmental compliance and overview. The type of
5 projects that they're known for basically that are
6 required to go through EFSEC would be anything from a
7 nuclear power plant, natural gas and oil pipelines,
8 underground natural storage facilities. Those kind
9 of things require certification from EFSEC. And that
10 is going to be basically the product that will come
11 out of our process as a certification to the
12 governor.

13 That -- that recommendation goes through a
14 commission that we have. And the final decision, the
15 final decision that comes through the governor's
16 office will basically preempt any state or local
17 permitting.

18 So tonight we actually have in the house our
19 chair, Kathleen Drew; online, the Department of
20 Ecology, Eli Levitt; Department of Fish and Wildlife,
21 Mike Livingston; Department of Commerce, Elizabeth
22 Osborne; Department of Natural Resources, Lenny
23 Young; Utilities and Transportation Commission is
24 represented by Stacey Brewster.

25 One of the -- I got to remember that. One of

1 the -- one of the optional -- you have also optional
2 agencies that can join in with EFSEC depending on the
3 project and location and things. It might be the
4 Department of Agricultural, Department of
5 Transportation, or Department of Health, Military
6 Department. Those are examples that aren't
7 necessarily permanent seats all the time but might
8 join as needed.

9 Also tonight we actually have Robby Eckroth -- I
10 hope I'm pronouncing it correctly -- representing
11 Skagit County. As you know, this project is within
12 Skagit County jurisdiction, and they will be
13 reviewing the project as it's going through the
14 process.

15 Also what's kind of unique is if a project goes
16 through a port, then the port will be a nonvoting
17 member but will have full review of the application
18 review process.

19 So what -- I mentioned a little bit, so basically
20 any nuclear power facility will fall under EFSEC.
21 Any nonhydro -- nonnuclear thermal plant that makes
22 over 350 megawatts would fall under our jurisdiction
23 for certification. Clean energy, manufacturing, and
24 transport. And then there's a couple of them that
25 can opt in, if they want. For instance, alternative

1 energies such as hydroelectric or solar panels,
2 landfill, biomass, those kind of things can actually
3 opt in and go through our process, if they wish,
4 versus other permit options.

5 Transmission lines that are greater than 500
6 kilovolts are required to go through us. Although,
7 150 -- 115 kilovolts or less -- or 115 kilovolts up
8 to 500 can opt in.

9 Pipelines and refineries and storage facilities
10 actually have regulations, and they're a little bit
11 more in detail. If anybody's really interested in
12 it, they can look up RCW Code, or Revised Code of
13 Washington 80.50.060.

14 So this map here actually shows -- it'll be a
15 little bit tougher in the back of the room to be able
16 to see the color coding on it, but it is the
17 locations that are currently under EFSEC's
18 jurisdiction. There's six active facilities: Two
19 natural gas, one nuclear, one solar, and two wind
20 facilities. The blue marks on there -- once again, I
21 apologize that the marks are small, a little bit
22 tough to probably see. The blue marks on there are
23 basically facilities that are currently approved but
24 are under construction or will go to construction.

25 There's a clear circle that's kind of buried

1 under the Columbia Generating Station that's really
2 tough to see, and that's actually one that is going
3 through decommission. EFSEC will follow these
4 projects from the initial start or from birth,
5 through construction, all the way to decommission.
6 So it is a unique office that follows the process
7 from birth to grave, as they say.

8 And then, of course, tonight here, we have seven
9 projects on here that are currently under review or
10 under application, and of course the Goldeneye
11 battery storage is one of those that's currently
12 under review and very early stages to the permit
13 process.

14 So where are we at in the process? This chart
15 here, I think the key thing with so many participants
16 here tonight from the community, I want you to really
17 pay attention to the green arrows. Those are all
18 opportunities for you to make public comment. So the
19 process doesn't steamroll through. It's a
20 three-tiered process, starting with the land-use
21 hearing, which actually will conclude after the
22 public comments tonight.

23 They will have a consistency determination that
24 will come out at some point in the process. Then as
25 that tier follows down, you'll also have a chance at

1 the initiate -- initiate intervention process to more
2 public comment. Goes through a couple more reviews
3 to adjudicative hearings. And so that one tier alone
4 will basically give you three opportunities for
5 comment as the process is alone.

6 Tier 2, the SEPA side of it, is which I'll be the
7 most active in personally. There is basically a SEPA
8 determination. Now, this is where I'm going to -- I
9 don't -- I don't want to get too far in the weeds on
10 you, 'cause this is getting into a whole bunch of
11 permitting nerd stuff. But there's three things that
12 I want you to remember. Okay?

13 So you got determination of nonsignificance, a
14 mitigation, a mitigated determination of
15 nonsignificance, and a determination of significance.
16 So what do those three things mean?

17 Basically nonsignificant means that the project
18 really has no environmental take or no issues on the
19 project and kind of fast-forward through.

20 A mitigated determination, it means that it might
21 have a few takes, a few issues, but they should be
22 able to come up with some options to kind of
23 counterbalance that.

24 Then a determination of significance, which is
25 the most common one for EFSEC projects due to the

1 scale of the size of the projects that we normally
2 build, means that, no matter what, we can't avoid
3 some type of natural resource. And that requires a
4 full-blown, what we call environmental impact study.
5 Okay? That's the famous one most you guys usually
6 hear about on the news. A long time to get through
7 an environmental impact study.

8 So this case here, if it goes through a
9 full-blown determination of significance, meaning a
10 full-blown impact study, you'll have two more comment
11 periods alone in just the SEPA process. The unique
12 feature that comes in -- we'll come back to in a
13 little bit here on the SEPA part. But then the third
14 piece is the permits.

15 EFSEC actually has authority over state permits,
16 and we will also have a public comment period before
17 we send that final package to the Council that then
18 gets sent on to the governor's office. So in all,
19 there's over six to seven potential times to
20 basically make comment, and we want to make sure that
21 everybody understands that, especially the larger
22 group we have tonight.

23 Okay. All right. I'm going to dare to bore you
24 one more time with a little bit of this SEPA stuff,
25 but I do want you to understand it. So if you

1 remember I mentioned the other two processes is
2 basically known as the mitigated -- okay? -- where
3 they have enough countermeasures to kind of make it
4 even or just no issues at all.

5 If a project can show that they meet their
6 consistency land-use decision along with a
7 determination of nonsignificance, no take, no issues
8 on-site, or they mitigate it enough, they can
9 actually go through an expedited process per WAC
10 No. 46-43 -- 463 -- 463-43. That will actually save
11 them -- they have no environmental impact statement,
12 so they save the time and money there, and also no
13 required adjudication.

14 So if it's the MDNS, there is another 15-day
15 comment period. The DNS, no issues, is fast-forward
16 and they're kind of done. Okay?

17 So if a determination comes out of this that it's
18 one of these two, I want everybody in the room to be
19 aware that they made sort of a fast -- they either
20 were able to show that they have a low enough impact
21 to meet one of these standards. It's tough to get
22 there. And we're way early in the assessment process
23 to see if they're going to be eligible for either one
24 of those. Okay? So nobody's went past that.

25 I guess the next one. All right. Permit issues.

1 So, once again, I'm going go on this real quick.
2 EFSEC has a unique opportunity from our position that
3 was granted to us years ago in the '70s. And so we
4 do have authority over certain permits, such as water
5 quality permits or air quality permits. We can
6 actually -- Department of Fish and Wildlife issues.
7 There's things like that. So because we're a State
8 agency, we're granted that authority to be able to
9 try to make it one-stop shopping. It gives us an
10 opportunity to have that third process. And, once
11 again, this will have your final opportunity -- I
12 won't say "final." Somewhere in that process, it
13 gives you another opportunity to have public comment,
14 if you wish.

15 Okay. So the Council will -- basically, Council
16 makes a recommendation to the governor. So that
17 packet that we're talking about comes down to a
18 certification. The packet is built with several
19 different aspects from those three tiers: A packet
20 of the permits, packet of that SEPA with all those
21 determination things I talked about, and of course
22 the adjudication issues, if it has them.

23 That package is then sent on to the governor's
24 office. They have 60 days to comply. The governor
25 then either comes back with one of three decisions.

1 They either approve the application, and they're off
2 and running, which is off to the draft certification,
3 or they reject the application, and it is done.

4 Don't pass "Go" from there. That's -- so they
5 definitely don't want to get to that point.

6 Although, the governor can remand the project and
7 say, You know what? You're on the right track.

8 Although we need you to do this, this, and this. Or
9 why did the Council make such and such decision? And
10 then they basically come back with the justification
11 or to do additional research, if needed, to get to
12 resubmit it once again.

13 Now, compliance monitoring. As I said, we're
14 from the beginning -- from the beginning to the end.
15 So through the process, the EFSEC staff will also be
16 monitoring, on environment (unintelligible), the
17 things that they promise to do throughout the project
18 and through the site certification agreement
19 requirements. Also those permits will have
20 additional things that they'll be required to do from
21 construction -- from planning to construction to run
22 the facility.

23 So it doesn't just end once they're done
24 constructing it. It has ongoing compliance issues
25 that they have to keep in compliance.

1 And then the third spot, if they're required to
2 do an environmental impact statement, that has even a
3 bigger pile of commitments that's built into that
4 document. And all those things EFSEC will keep an
5 eye on from the time that the project goes into
6 decommissioning, which is actually our next slide, I
7 believe.

8 So decommissioning. Once the project has lived
9 its life and it's time to shut it down, they
10 actually -- before they can go to construction, the
11 applicant is required to provide an initial site
12 restoration plan. That's basically, we'll call it
13 the initial ideas on someday this project's going to
14 live its life, and it's got to go away, and these are
15 the kind of things that you got to do to put the
16 property back or to make it the best shot at whole.

17 Now, what's unique about this is that once the
18 project has lived its life and they can then request
19 for actual full decommissioning, they have 90 days to
20 let the Council know that they're going to do a
21 detailed site to restoration, which basically before
22 that's approved to -- because things change, right?
23 Laws change. Science changes. And what's the best
24 way to replan a wetland or do some type of -- so that
25 gives the Council now time somewhere in the future to

1 use the best available science and best decisions and
2 policies and laws. And before they can decommission,
3 they have to put in a 90-day plan to be approved to
4 do so.

5 And they also have to be required to show
6 financial -- financially secure to be able to follow
7 through with the process. And whoever receives that
8 approved certificate from the governor, it is
9 basically who is going to be required at that time of
10 decommissioning to show the financial responsibility
11 to decommission the site.

12 So I'm going to close out real quick here. Once
13 again, what a great showing for my first time out,
14 and hopefully it's like this every time. So, once
15 again, welcome. And so if you have e-mail, you can
16 send to comments@EFSEC.wa.gov, or you can call (360)
17 664-1345. They do accept regular mail at the address
18 there for the Energy Facility Site Evaluation Council
19 at 621 Woodland. And, of course, during those
20 comment periods that I mentioned, you can also go
21 online and write, once again, at
22 comments.EFSEC.wa.gov. So thank you very much.

23 CHAIR DREW: And that, I believe,
24 is a form that you can just enter your comment into;
25 is that correct? The comments database? And is that

1 open until what time for this meeting?

2 MS. GRANTHAM: This is Andrea
3 Grantham. Chair Drew, I can answer that question for
4 you.

5 CHAIR DREW: Thank you.

6 MS. GRANTHAM: Yeah. It is an
7 online -- excuse me -- comment campaign, so it is a
8 form that you can fill out, and it will be open
9 from -- well, it's open now. It started at 5:00, and
10 it will close at 11:59 p.m. tonight.

11 CHAIR DREW: So you don't have to
12 write a separate e-mail or anything. You can just
13 tonight just go into that "comments" at EFSEC.wa.gov
14 and just insert your comments into that. So that's
15 another way to do it.

16 I did not ask our counsel for the environment to
17 speak, and so I would ask him to once again introduce
18 himself and let you know what the role of the counsel
19 for the environment, who is appointed by the attorney
20 general of Washington, is.

21 Go ahead, please.

22 MR. KOROL: Good evening, everyone.
23 My name is Yuriy Korol. I'm an assistant attorney
24 general here for the State of Washington. My role
25 here is statutorily to represent the public and its

1 interest in protecting the quality of the
2 environment.

3 So as you just saw, there's plenty of
4 opportunities for the public to comment. And I will
5 also be a formal party for any adjudications that may
6 arise. So if you have any comments or evidence or
7 testimony you'd like to submit regarding those
8 issues, I'd be happy to hear them.

9 I will enter into the chat my contact detail so
10 you have those. And also on the EFSEC website -- I
11 mean, for the project site, itself -- my name and
12 contact detail should be pretty readily available.

13 So, yes, if you have any testimony to submit,
14 please let me know. Thank you.

15 CHAIR DREW: Okay. Thank you.

16 And with that, we will move to the public comment
17 period. We will go over 7:00 in order to accommodate
18 all these people, all of you who are here who wish to
19 speak. And we will have a two-minute time limit.
20 And I will turn it over to Judge Gerard to manage.
21 Go ahead.

22 MS. HAFKEMEYER: Excuse me. Thank
23 you. Sorry, Chair Drew. I just want to -- hello?
24 Okay. Thank you.

25 I just wanted to make sure that people know that

1 the comment campaign website, the
2 comments.EFSEC.wa.gov, is open for specific comment
3 periods associated with the project milestone, but
4 the comments@EFSEC.wa.gov e-mail is available any
5 time. Regardless of the method they are received,
6 they are posted to the website to be publicly
7 available and made available to the Council for
8 review.

9 So if anybody misses a comment, wants to go look
10 at comments later, they will be available on the
11 website. And I've noticed that there are some -- a
12 person in chat posting some information. I would
13 encourage everybody to please submit their comments
14 through these avenues so that they can be properly
15 captured with the project record and made available
16 to the Council.

17 CHAIR DREW: That's right. We will
18 not -- the comments in chat will not be in the public
19 record. So, again, tonight during this comment
20 period, you can see the online portion of the screen
21 that says where you can type in those comments. At
22 the top, where it says "Public Input" -- thank you --
23 the comments@EFSEC.wa.gov is open any time for
24 comments. And those both go into the public record.
25 They are available to Council members. They're

1 available to the public. So please use all avenues,
2 and send us a good old-fashioned letter if you want
3 to. Thanks.

4 ALJ GERARD: Good evening,
5 everyone. I'm Administrative Law Judge Dan Gerard.
6 I will be controlling the public comment section as
7 well as the comment section for the land-use hearing.

8 As Chair Drew said, everyone will have two
9 minutes for their comments. She said you can ask
10 questions of the proposal or the applicant here.
11 Don't expect an answer, because obviously our time is
12 limited. We do have, I think last check, 32 people
13 that are signed to make comments. So please make
14 your comments succinct as possible.

15 Obviously if -- obviously if you are unable to
16 complete your comment section, you can complete those
17 comments within the avenues provided to you by
18 Ms. Hafkemeyer earlier.

19 We do have a court reporter here today that will
20 transcribe everything into written format for us to
21 review later. So when you begin to speak, please
22 state and spell your name just so we get it correct.

23 With that, with the two-minute time frame, I will
24 do my best to prompt you when you have about 15
25 seconds left. That way you can wrap up whatever

1 comments you wish to make at this point. I'll simply
2 raise my left hand just to give you a cue. But given
3 the number of people we do have speaking today, I
4 will enforce the two-minute rule rather strictly. So
5 please make sure you do cut off at that point.

6 So I think with that, if we go ahead and bring up
7 our first speaker, please.

8 MS. BARKER: The first speaker is
9 Lisa Janicki.

10 LISA JANICKI: Good evening.
11 Welcome to my hometown of Sedro-Woolley. And my name
12 is Lisa Janicki, J-a-n-i-c-k-i. I am a county
13 commissioner with Skagit County. And we have another
14 commissioner here who will be addressing some of the
15 issues.

16 I think the primary -- the primary concern that I
17 hear throughout the room and that the commissioners
18 are concerned with is the use of agricultural land
19 for a permanent project like this. You know, we work
20 really hard to protect our farmland, and including
21 a -- self-taxing our whole population to buy out
22 farmland legacy credits and putting conservation
23 easements across farmland so that we have this
24 ability to literally feed the world. It creates an
25 ache in all of our hearts to see a piece of farmland

1 consumed with the project.

2 With that being said, I do appreciate Mr. Nelson
3 introducing the project to me in conjunction with our
4 economic development folks at EDASC. I absolutely
5 understand the need for enough power. I have
6 testified in front of the legislator -- legislature
7 and asked, You passed all these rules for new energy
8 codes, new buildings with all electric appliances,
9 electrifying the fleet, some of the things that
10 Mr. Nelson listed here. Who's doing the utility math
11 to make that happen?

12 And I remember the distinct answer from that
13 legislator who said, That's up to the utilities.

14 Well, that's why we're here. PSE did a call for
15 action because I know out at the Port of Skagit, they
16 cannot continue the industrial siting development of
17 existing projects and expansion projects because
18 there's not enough power. So we need the power. I
19 know this is not generation or transmission, but it's
20 part of the system that we need in place, so I get
21 it. Let's work on that farmland piece.

22 ALJ GERARD: Thank you.

23 MS. BARKER: Peter Browning.

24 PETER BROWNING: Thank you. I'm
25 Peter Browning, the other commissioner here. And I

1 appreciate you coming and talking to us. I did meet
2 with Goldeneye early on, and we had a very good
3 discussion.

4 ALJ GERARD: Mr. Browning --

5 PETER BROWNING: One thing --

6 ALJ GERARD: -- would you --

7 PETER BROWNING: Yes.

8 ALJ GERARD: -- spell your name as
9 well, please.

10 PETER BROWNING: Oh. P-e-t-e-r
11 B-r-o-w-n-i-n-g.

12 And the one disappointing part was that I just
13 did not know and I was not led to believe that this
14 was going to become a state decision, and I feel very
15 strongly that it should be a local decision. I
16 understand that we -- we have been overruled on this,
17 and it's unfortunate.

18 The environmental impact. Hansen Creek is a huge
19 fish-producing creek, and so there is some concern
20 that it's absolutely well -- it has to be really well
21 protected, because this leads into the Skagit River.
22 Any sort of lithium-ion would be devastating for fish
23 production. And so, again, we're going to be
24 expecting some very, very diligent effort on your
25 part to make sure that we are absolutely protected.

1 The floodplain area. It's kind of low. It's a
2 swampy area. It has to be elevated, so if there is a
3 flood, it's not going to be consumed with floodwater
4 in the spring or the -- or the fall. So we have to
5 be assured that it's going to be up high enough and
6 it's going to be protected area.

7 And, finally, we really expect that there would
8 be something on the verge of -- the order of a SWAT
9 team that is available to come out. So we do not
10 have firemen that are prepared to take on a fire of
11 the magnitude of a lithium-ion fire, battery fire.
12 So we want to make sure that one of the components of
13 this agreement is a very easily access -- people who
14 can be here very quickly if there is any sort of
15 hazard so that we're not putting our own community
16 members in danger nor are we putting our community in
17 danger. So -- and I'm hoping that will be a very
18 significant part.

19 Again, Mr. Nelson, I appreciate our conversation.
20 You were very honest with me, always, and I
21 appreciated that. So thank you.

22 ALJ GERARD: Thank you,
23 Mr. Browning.

24 MS. BARKER: Charles Johnson.

25 ALJ GERARD: Charles Johnson, are

1 you here? Or online?

2 Let's go ahead and move on to next, and we can
3 call him at the end if we have time.

4 MS. BARKER: Seth Newsome.

5 ALJ GERARD: Seth Newsome, are you
6 here or online? If so, go ahead and speak up or come
7 to the podium, please.

8 MS. BARKER: Robert McCloud.

9 ROBERT McCLOUD: Good evening,
10 ladies and gentlemen. My name is Robert McCloud. I
11 am a field agent for the Laborers International
12 Union --

13 ALJ GERARD: Would you spell your
14 name as well, sir.

15 ROBERT McCLOUD: M-c-C-l-o-u-d.

16 I am a field agent for the Laborers International
17 Union of North America, Local 292, in Everett,
18 Washington. We cover the northern five counties:
19 Snohomish, Whatcom, Island, Skagit, San Juans. We
20 have roughly 250 members who live here in Skagit
21 County. Approximately 90 of those members live right
22 here in Sedro-Woolley. I arise today to express our
23 members' support for the Goldeneye energy storage
24 project.

25 The Goldeneye project will provide energy

1 security for our local communities as the region
2 works to achieve a clean energy transition the State
3 of Washington has mandated. If we're going to be
4 relying on more renewable energy, then we need a way
5 to store energy so that it can be redistributed
6 during critical periods. Our union workforce, our
7 union members are proud to have a role in securing
8 the prosperous energy future for our communities.
9 Thank you.

10 ALJ GERARD: Thank you.

11 MS. BARKER: Lisa Stuurmans.

12 ALJ GERARD: And just a quick
13 reminder: Before you begin, go ahead and spell your
14 name, just so I don't have to interrupt your flow,
15 please.

16 LISA STUURMANS: Good evening.
17 Lisa Stuurmans. L-i-s-a S-t-u-u-r-m-a-n-s.

18 I'm an IBEW electrician. I live here in
19 Sedro-Woolley as a resident. And I wanted to speak
20 tonight in favor of constructing this facility using
21 skilled crafts workers with family-wage jobs.

22 It's not often enough that we have construction
23 projects this size here in Skagit County where
24 electricians like me can work so close to home.

25 Thank you for the opportunity to speak.

1 MS. BARKER: Matt Phillips.

2 MATT PHILLIPS: Matt, M-a-t-t,
3 Phillips, P-h-i-l-l-i-p-s.

4 I live here locally with my family. I have
5 school-age children, own a local business, and have a
6 13-year career in public safety as a firefighter here
7 in Washington. I love the neighborhood feeling and
8 community-focused lifestyle we have here in
9 Sedro-Woolley, the abundant wildlife, outstanding
10 scenery, et cetera.

11 I'm going to blast through this, so bear with me.
12 I'm here today to strongly oppose the proposed 800
13 megawatt hour battery energy storage system in our
14 town due to the significant impact to our community's
15 health, safety, and general welfare.

16 In my line of work, current industry standard is
17 to anticipate we may need 10,000 gallons of water to
18 mitigate a single electric vehicle fire. My research
19 from TESLA indicates a single EV can hold 50 to a
20 hundred kilowatt hours of energy. Assuming the lower
21 amount of 50 kilowatt hours, we compare that to --
22 take a quarter of the site that's being projected, of
23 the BESS site -- I'll skip all the math here --
24 equals to about 4,000 EVs, a quarter of this site.
25 So if we had 4,000 EVs on fire, at 10,000 gallons per

1 each, we would need 40 million gallons of water.

2 The point here is to highlight the enormous scale
3 of this facility. The runoff would threaten the
4 Skagit River. This size facility doesn't belong in
5 Sedro-Woolley. The energy industry downplays the
6 occurrences of these fires, probably because it would
7 negatively affect profits. But these fires do happen
8 and keep occurring regularly, even with modern
9 equipment and technology and today's leading safety
10 metrics like the ones promised here by Goldeneye.

11 July 18th, just less than a month ago, Santa Ana,
12 California, battery storage facility prompted
13 evacuation, required 60 firefighters, under
14 investigation. May 20th, just a couple months ago,
15 San Diego, California, Gateway energy storage
16 facility. Smaller than ours, 250 megawatt-hour
17 facility. Involved in a fire. Water was pumped into
18 the building suppression system to extinguish it.
19 They put a 650-foot barrier around for 22 hours with
20 air monitoring equipment from drones and robots. An
21 evacuation warning in a half mile around the area.
22 And they stayed on the fire for 17 days because it
23 reignited. I've got six more here.

24 ALJ GERARD: Thank you,
25 Mr. Phillips. (Unintelligible.)

1 (Applause.)

2
3 MS. BARKER: James Delay.

4 ALJ GERARD: James Delay? Are you
5 present?

6 JAMES DELAY: I'm online. Can you
7 hear me?

8 ALJ GERARD: We can. Thank you.

9 JAMES DELAY: My name's James
10 Delay. Spelling: J-a-m-e-s D-e-l-a-y.

11 In short, what the fireman just said is totally
12 true. BESS fires are a lot more -- they happen a lot
13 more often than what the developers say. His
14 estimates of the amount of water required were also
15 accurate. The Otay Mesa BESS fire that he referenced
16 is the second fire back in May. Used almost 20
17 million gallons of water to try to control.

18 And my biggest concern with this location is that
19 it's right next to Hansen Creek, which goes into
20 Skagit, and also its proximity to downtown
21 Sedro-Woolley. If you have to evacuate, generally
22 most BESS fires have a -- both an evacuation zone and
23 also a shelter-in-place zone. The average is about a
24 mile and a half to two miles for evacuations, and
25 then the shelter in place is usually out to five

1 miles.

2 We have seen, depending on locations, where the
3 shelter-in-place orders have been placed as far as
4 seven miles out because of the way the wind goes
5 through. There was a fire in Melba, Idaho, where
6 they evacuated everybody, and the BESS developer who
7 was building the BESS -- and they actually had just
8 plugged it in for the very first time at the Melba,
9 Idaho, fire just to see, you know, if everything was
10 working, and it then ignited and caught fire.

11 The developer actually had a contingency plan or
12 financial responsibility agreement that basically had
13 them pay for everybody that was evacuated, and the
14 fire ended up burning for five days. Everybody who
15 was evacuated needed to be put up in hotels.

16 Going back to the most recent -- the -- the fire
17 in Otay Mesa, imagine having to evacuate everybody in
18 downtown Sedro-Woolley for two weeks. And where are
19 they going to go? Where is the financial
20 responsibility for the cleanup of all the
21 contamination of everything that comes out of
22 lithium, you know, battery fires? And the list of
23 that stuff is exhaustive. Thank you.

24 (Applause.)

25 ////

1 ALJ GERARD: Thank you, Mr. Delay.

2 MS. BARKER: Kathy Sutton.

3 KATHY SUTTON: Kathy Sutton.

4 K-a-t-h-y S-u-t-t-o-n. That better? Thank you.

5 I was going to talk also about the San Diego fire
6 recently. I think one thing that Matt may have
7 mentioned but I missed was that not only did it take
8 almost 24 hours to contain it; it reignited itself
9 twice within the next two days, and then it went
10 further to contain it. People were evacuated for two
11 weeks. The evacuation had gone off and then been
12 reinstated. Plus what I read also is that there was
13 hydrogen fluoride released into the air up to 600
14 feet away from the site.

15 My concerns are local as well: Environmental for
16 the -- the land, the animals, but also the children
17 and the people's homes. Within a few miles as the
18 crow flies up the site, we have Sedro-Woolley High
19 School, State Street High School, at least four
20 elementary schools. We have Cascade Middle School,
21 Riverfront Park with baseball fields. We have
22 Janicki baseball fields, Sedro-Woolley downtown area,
23 residential areas, Hansen Creek, Skagit River, Judy
24 Reservoir, which services -- stores PUD water to
25 service a lot of Skagit County and beyond.

1 I was looking up for lithium fires today on the
2 Internet. On August 12th, in Dutch Harbor, a
3 container ship on a Yang Ming Wok (phonetic) ship
4 exploded. It was loaded with lithium batteries.
5 They had to pump the hold full of carbon dioxide and
6 seal the hold off to put the fire out.

7 Also, questions on decommission. What is the
8 longevity of one of these systems? And what is the
9 environmental impact of the mining of rare-earth
10 minerals to get the lithium batteries and the
11 disposal of those batteries? What's the entire
12 environmental impact with that?

13 And the other thing that really kind of chilled
14 me was the statement that the final decision -- and
15 I'm kind of unclear on whose final decision, whether
16 it's EFSEC or not -- but the final decision preempts
17 other state and local decisions. And that sounds
18 like somebody's giving up control, and it doesn't sit
19 well with me.

20 (Applause.)

21
22 ALJ GERARD: Thank you, Ms. Rohner.

23 MS. BARKER: Ethan Pfahl.

24 ETHAN PFAHL: It's Ethan Pfahl,

25 P-h-a-h-l.

1 Good evening, Council. My name is Ethan. I work
2 for LiUNA Local 292. I represent approximately 1300
3 construction craft laborers, including those who live
4 and work in Sedro-Woolley. The Goldeneye energy
5 project will be the gold standard for all projects in
6 Skagit and surrounding counties. This project is a
7 step in the right direction, pushing us towards a
8 clean energy transition. Goldeneye will meet all the
9 State's new mandates for clean energy while
10 simultaneously providing a hundred, approximately,
11 good-paying jobs with benefits for the men and women
12 building this landmark project.

13 The Goldeneye project will help limit the
14 ever-growing burden of stressing the grid. Goldeneye
15 will also assist the growing demands of all -- of an
16 increasing population, the severe weather storms
17 which leave families without power for many days. I
18 understand everybody's safety concerns, but that's
19 why there's committees like you guys to uphold those
20 safety concerns. In general, labor supports the
21 Goldeneye project. Thank you.

22 ALJ GERARD: Thank you, Mr. Pfahl.

23 MS. BARKER: Val Mullen.

24 VAL MULLEN: I'm Val Mullen. V-a-l
25 M-u-l-l-e-n. I live 15 minutes from this project.

1 And I'm actually opposed to the project, but it
2 sounds like it might already be a done deal.

3 I also want to know the life of the project. And
4 I'm concerned about the parcels that are zoned
5 agricultural, natural resources. Why are we able to
6 do that in these zoned areas? If I wanted to do
7 something like that, I'm sure I would be shot down
8 immediately.

9 The project is near population -- a very
10 populated park, the Skagit River, Hansen Creek. None
11 of these are really compatible with a lithium-ion
12 battery.

13 And I noticed on one of the maps that you showed,
14 none of these projects are in Seattle or Everett or
15 in the populated areas. Why are we just in the rural
16 areas that are hosting these projects?

17 The batteries are not recyclable. They're
18 expensive to manufacture. The mining for the lithium
19 destroys land, ecosystems, pollutes water, pollutes
20 air. The extraction depletes the water needed by
21 agricultural and homeowners. And extreme cold can
22 damage these batteries.

23 So I have a opposition to this, but I'm just
24 wondering how much impact our statements have on
25 this. Thank you.

1 (Applause.)

2
3 ALJ GERARD: Thank you, Ms. Mullen.

4 MS. BARKER: Bonnie Helms.

5 BONNIE HELMS: Hi. Do you need me
6 to spell my name?

7 ALJ GERARD: Yes, please.

8 BONNIE HELMS: You need me to spell
9 my name? B-o-n-n-i-e H-e-l-m-s.

10 So I did like that you talked about the
11 legislative mandates. I kind of wanted to talk about
12 that. EFSEC has been an independent agency hardly
13 longer than any rules or regulations for siting a
14 BESS have existed. 2022, House Bill 1812, as I
15 understand it, enabled you to streamline green energy
16 projects to meet net-zero policy goals of the
17 outgoing governor. I hope Council's taking due
18 process and adequate time investigating these
19 projects and their justifications and involving NEPA
20 when required.

21 SCOTUS's decision on Chevron deference should be
22 considered in your upcoming expedited rule-making
23 that public comment closes on on September 24th.
24 There are many reasons to postpone a decision or
25 demand an EIS. I'd refer you to the cities of

1 Covington and Black Diamond's councils, who both
2 placed moratoriums on BESS to allow for further
3 investigation of things like evacuation plans, plume
4 studies, firefighting ability, and more. There's a
5 lot of info available that shows lithium-based
6 batteries pose many risks to the environment and
7 community, all while alternative technology is
8 available. Data center demand is not a valid
9 justification in my mind. Find for a determination
10 of significance, and obtain a third-party EIS, and do
11 a NEPA review especially if any of this energy is
12 being exported out of state. Thanks.

13 ALJ GERARD: Thank you, Ms. Helms.

14 (Applause.)

15

16 MS. BARKER: Ernesto Avelar.

17 ALJ GERARD: Do we have Ernesto
18 Avelar either in person or online?

19 ERNESTO AVELAR: Yeah, I'm online.
20 Can you hear me?

21 ALJ GERARD: I can. Go ahead and
22 spell your name, and make your comments, please.
23 Thank you, sir.

24 ERNESTO AVELAR: My name is Ernesto
25 Avelar. E-r-n-e-s-t-o A-v-e-l-a-r.

1 I am the director of policy and regulatory
2 affairs affiliated with the Laborers International
3 Union of North America in the Northwest Region. We
4 work directly with the Washington and Northern Idaho
5 District Council of Laborers and Laborers Local 292
6 that covers the area in which the project is being
7 proposed. We wanted to thank Chair Drew, the
8 Council, and its staff for allowing us to participate
9 this evening to voice our support of the Goldeneye
10 energy storage project.

11 As Washingtonians continue its commitments to a
12 clean energy transaction in efforts to meet the
13 State's mandates to reduce greenhouse gas emissions,
14 the Goldeneye project will play an important role not
15 only in the build-out of the infrastructure, which
16 will provide support and stability to the system
17 while providing energy security for our local
18 communities during extreme weather events.

19 In addition to the added energy system stability,
20 the local economic benefits that Goldeneye is
21 investing by creating a hundred good-paying
22 family-wage jobs, that will be built by a trained and
23 skilled workforce which includes a commitment to
24 utilizing registered apprenticeship programs and
25 ensuring a dependable -- the dependability of a clean

1 energy future.

2 The LiUNA Northwest Region commends the developer
3 for its work on this project to ensure an equitable
4 and just transition, its investment to the
5 development of a locally trained and skilled
6 workforce of the community. We ask the commission to
7 approve this project. And we thank you in advance
8 for your time and consideration. Thank you.

9 ALJ GERARD: Thank you, Mr. Avelar.

10 Please next.

11 MS. BARKER: Connie Miller.

12 CONNIE MILLER: Good evening. My
13 name is Connie Miller. C-o-n-n-i-e M-i-l-l-e-r.

14 I really don't have a lot of comments. I'm new
15 to this process. This is my first exposure to BESS.
16 And so I really have a lot of questions. I
17 understand you may not be able to answer them. But
18 I'd like to note my questions for the record.

19 So my first question really is about who owns
20 this project. Is Goldeneye owned by the developer,
21 and will they maintain ownership as they operate the
22 facility? I understand that they build and operate,
23 but it wasn't clear who actually owns the facility.

24 What's -- my other question is, what supplies the
25 energy that is actually stored? Is that existing

1 energy through, you know, our dams, our other
2 sources, or will there be new energy sources to
3 create that energy that then will be stored at BESS?

4 And then since this is an unmanned location and
5 although it's great we might have jobs for the
6 construction of the project, there's no long-term
7 jobs here, from what I understand. Who determines
8 when that energy is released? That's a question I
9 have. Is that energy released to Puget Sound Energy,
10 and is it therefore sold to them? And then who
11 receives the benefit and the profits of that energy
12 sale?

13 So I just don't understand the whole ecosystem of
14 how that actually works. But those are some
15 questions I had. I'm also concerned about the
16 lithium-ion battery storage. I'm wondering if other
17 options were considered, like lithium phosphate,
18 nickel, salt, or even new technology recently
19 announced by Samsung using solid-state for storage.

20 So I will follow up with some information you
21 provided to see if I can get answers to these
22 questions. Thank you.

23 (Applause.)

24
25 ALJ GERARD: Thank you, Ms. Miller.

1 MS. BARKER: Sally Carlson.

2 SALLY CARLSON: S-a-l-l-y

3 C-a-r-l-s-o-n. Thank you.

4 I'm wondering -- I'm concerned about a meltdown,
5 which it's not a matter of if it will happen. It's
6 when it will happen. And this --

7 UNIDENTIFIED SPEAKER: Exactly.

8 SALLY CARLSON: -- project is going
9 to be sitting practically right on top of a mobile
10 home park with a lot of people who are on very fixed
11 incomes. They're not prepared for being housed in a
12 hotel for two weeks or -- there's -- they don't have
13 the resources for that.

14 So who would pay for that? You? You guys? Or
15 is that on PSE's plate?

16 That's all I have to say. Environmentally, bad
17 decision.

18 (Applause.)

19

20 ALJ GERARD: Thank you,

21 Ms. Carlson.

22 Who's next?

23 MS. BARKER: Beverly Laudermilk.

24 BEVERLY LAUDERMILK: The story of
25 my life. Beverly, B-e-v-e-r-l-y, Laudermilk,

1 L-a-u-d-e-r-m-i-l-k.

2 Thank you for this opportunity for us to speak
3 and have our input. When there's -- we have a
4 problem, obviously, where as -- we have a problem,
5 obviously, as just a state. We're making the
6 decision to get off of fossil fuels as quickly as we
7 can for the sake of our environment, for the sake of
8 our waters and our air. And I just find it a problem
9 that our solution can involve a thermal runaway that
10 may cause pollution in our rivers, in our air, and
11 it'll affect the environment, our children, the
12 animals around us.

13 The gases that are produced by these batteries,
14 which my understanding is that when one has a
15 problem, it immediately causes an ongoing effect;
16 like Sally said, a meltdown. Skin burns, lung
17 damage, possible systemic issues.

18 And I don't think this is a good plan. If we
19 have a problem, we need a solution. We don't need
20 more problems being caused by the solution. And
21 why -- why Mr. -- I can't -- I can't see your name.
22 You said these things don't happen, they're --
23 they're better now. They are happening. And there's
24 no guarantee that they won't happen. And you're only
25 going to have -- you're not going to have anybody

1 manning them. That just doesn't make good sense.
2 This is the community that needs this land and this
3 water. We need to protect our Earth.

4 (Applause.)

5
6 ALJ GERARD: Thank you,
7 Ms. Laudermilk.

8 Next, please.

9 MS. BARKER: Derek Maloney.

10 DEREK MALONEY: Yeah, my name's
11 Derek Maloney. D-e-r-e-k M-a-l-o-n-e-y. I'm an IBEW
12 member. I support this project.

13 Some quick research. I found a report here from
14 EPRI that says that the rate of failure incidents
15 fell 97 percent between 2018 and 2023. As technology
16 evolves, you know, there are risks obviously.
17 Everything that we do involves some sort of risk.
18 And, you know, we know that we have a problem with
19 green energy, and part of that problem is storage.

20 We need to create the storage somewhere. It has
21 to be close to substations in order for it to work.
22 So I support this project. Thank you.

23 ALJ GERARD: Thank you,
24 Mr. Maloney.

25 Next, please.

1 DEREK MALONEY: (Unintelligible.)

2 ALJ GERARD: Thank you, sir.

3 MS. BARKER: Jack Moore.

4 ALJ GERARD: Jack Moore, are you
5 either in person or online? If so, go ahead and
6 speak up, please.

7 Let's go ahead and move on, please.

8 MS. BARKER: Keith Weir.

9 KEITH WEIR: Good evening, Chair
10 Drew, members of the community. Can everybody hear
11 me?

12 ALJ GERARD: We can. Thank you.

13 KEITH WEIR: Okay. My name is
14 Keith Weir. Spelling is K-e-i-t-h W-e-i-r. I am
15 also an IBEW member; however, from the southern
16 local -- IBEW Local 46 -- representing four counties,
17 over 6,200 trained, skilled, licensed electricians
18 and apprentices that will be ensuring that this work
19 is put in safely, appropriately, and properly.

20 Many mentions. I could go over everything
21 that -- the grid, right? We are trying to save our
22 planet, save our environment. I'm hearing
23 everybody's concerns. That's why there are these
24 processes for everybody to be heard.

25 The work that we've done in the past several

1 years around resiliency for communities rely on
2 backup storage. So when we do have a cataclysmic
3 climate event and power goes down and there is no
4 backup available, I've heard people mention the
5 schools and people who can least afford it and -- and
6 colleges and all these other -- nursing homes. And
7 this is what this is all about helping to provide
8 power for. This is one -- one leg of the stool to
9 try and mitigate what is coming in an impending
10 climate-related incident.

11 So please consider that, right? This is an
12 answer. It is available. It can be done safely. We
13 can all work together to make it work and ensure that
14 the community benefits, its done appropriately and
15 safely, and that everybody -- Heaven forbid that
16 climate event does come -- we will be much, much
17 better suited to handle that. Thank you very much
18 for your time this evening.

19 ALJ GERARD: Thank you, Mr. Weir.

20 Who's next?

21 MS. BARKER: Elly Wanambisi.

22 ELLY WANAMBISI: Good evening,
23 ladies and gentlemen. My name Elly Wanambisi,
24 W-a-n-a-m-b-i-s-i. I'm an organizer with the
25 Washington and Northern Idaho District Council of

1 Laborers and Laborers Local 292.

2 As my colleagues have spoken before, I'm in favor
3 of this project because it's going to bring a lot of
4 skilled work for our area. We have 250 members that
5 live in this area, so this is going to be really good
6 for this community and for the future. We're all --
7 whether we like it or not, the future is coming, and
8 we have to be prepared for it, so this job will be
9 there to help us with the clean energy and the future
10 coming for this area and for our kids and the future
11 families. So that's all I have to say. I'm in favor
12 of this project. Thank you.

13 ALJ GERARD: Thank you,
14 Mr. Wanambisi.

15 Next, please.

16 MS. BARKER: Patty Boettcher.

17 PATTY BOETTCHER: Patty Boettcher.
18 P-a-t-t-y B-o-e-t-t-c-h-e-r.

19 I live directly across the street from this
20 proposal, and I've not heard one word about the
21 Williams pipeline. There are three major gas
22 pipeline within 1500 feet of this proposal. And in
23 some places, it's only 10 feet underground.

24 There is also a natural gas service line that
25 services the area that's on that side of the street.

1 Again, less than a hundred yards.

2 There is a water main line that runs on that side
3 of the street as well. There's also the Bonneville
4 power line on the east -- or excuse me -- on the west
5 side that has not been addressed. I'm not sure if
6 there's a buffer zone for that is all.

7 Hansen Creek. We are going to -- there's another
8 person behind me that's going to discuss about the
9 flooding that has occurred in that area. We have
10 pictures, and we'll make sure that you get those.

11 There's also a nice new elk herd that loves to
12 live in my field. Again, how is it going to be
13 impacted?

14 I really oppose this simply because we are a
15 farming community, and this is definitely going to
16 impact the ability to continue to farm in that area.
17 Thank you.

18 (Applause.)

19
20 ALJ GERARD: Thank you,
21 Ms. Boettcher.

22 MS. BARKER: Virginia Good.

23 VIRGINIA GOOD VLAHOVICH: Virginia
24 Good Vlahovich. G-o-o-d capital V-l-a-h-o-v-i-c-h.

25 I live five minutes from the project. And I

1 ranch cattle. And it's obvious that when big
2 companies come into these littler communities, that
3 farmland like pastureland gets swallowed up first
4 because it hasn't got wheat on it or potatoes or
5 broccoli or something like that, and we get it for a
6 little bit less money, versus building by the cities
7 that are going to take advantage of the rolling
8 blackouts they're going to have that we don't have.

9 So I -- I can't see how we truly benefit in this
10 area. We have an active volcano in our backyard,
11 Mt. Baker. If it erupts, what's going to flood?
12 It's coming right down the Skagit River. It's going
13 to take all that out. Sure, it's going to be
14 hazardous for a whole lot of things, but why add
15 another ingredient into the mix from all that?

16 The infrastructure of the road, handling all
17 these heavy batteries that want to come into our
18 community. Our roads are not prepared for that kind
19 of thing. I mean, you would have to really do some
20 roadwork to build this up and make it good.

21 And replacement of the batteries. How often do
22 they have to pull them out and bring in new ones? So
23 here's more big, heavy equipment on our roads that we
24 have little cars that go up and down them all day
25 long, not big trucks.

1 Kids on bicycles still play on the roads here.
2 People walk on the roads here all the time. And I'd
3 hate to have to think that my cows might have to
4 drink that lithium water. Because I am a rancher,
5 and I'm just not for it. Thank you.

6 (Applause.)

7
8 ALJ GERARD: Thank you,
9 Ms. Vlahovich.

10 Next, please.

11 MS. BARKER: Kim O'Hara.

12 ALJ GERARD: Kim O'Hara, are you in
13 person or online? If so, go ahead and speak up.

14 Let's go ahead and move (unintelligible) so we
15 can call (unintelligible).

16 MS. BARKER: Erica Howell.

17 ERICA HOWELL: Okay. Erica Howell.
18 E-r-i-c-a -- E-r-i-c-a. Erica Howell, H-o-w-e-l-l.

19 So I'm not as prepared as everyone else. I
20 actually just found out about this today, and I live
21 five minutes away. So not as prepared. But a couple
22 notes. Okay?

23 Kids, small -- like, lots of kids, all the
24 schools. I'll just read what I've got here.

25 How much choice do we actually have in this

1 matter? That's my first question. I spent my
2 afternoon studying, and all that I've learned has --
3 has me here to strongly oppose this project. My
4 family and I live just five minutes away. The risk
5 is too large to take on, in my opinion.

6 I've lived here all my life. I've never lost
7 power for more than 48 hours. It's never happened to
8 me personally. I don't find it as a major issue. I
9 don't hear any of my community members telling me
10 it's a major issue.

11 I'm not on board with the three-minute-to-death
12 toxic gas fumes that could be coming out if -- if
13 disaster strikes, which 60 have happened majorly in
14 the last, what, two, three years.

15 And then let's not get onto the science of this
16 supposed green energy. The mining, what it's doing
17 to our planet -- excuse me -- all of that. It's not
18 the way, not the solution, not the place.

19 And I would like to inquire also on the noise
20 impact, because you're guys's assessment is saying 40
21 decibels or less while the other resources I'm seeing
22 are saying between 70 to 92 decibels. So what is the
23 actual noise impact going to be?

24 And that's all I've got for you guys. Thank you.

25 ALJ GERARD: Thank you, Ms. Howell.

1 MS. BARKER: Tina Champeaux.

2 TINA CHAMPEAUX: Tina, T-i-n-a,
3 Champeaux, C-h-a-m-p-e-a-u-x.

4 I live nine miles north of Sedro-Woolley. I'm a
5 property owner. I'm also engaged in the farm bureau.
6 I'm not representing the farm bureau, but I am a
7 voting member.

8 So I was raised in agriculture. I love Skagit
9 County. It's always been a farming community. We
10 stand behind our farmers mostly. Our farming
11 community is really under really serious problems
12 with the inflation and regulation, micromanaging, all
13 of that. The farmers are having to hard time.

14 What I really have a problem with is how this
15 company, Goldfinch Energy Storage, actually gets a
16 free pass on farming land. That just isn't okay. We
17 want to keep our farming community, and we want to
18 keep how it looks, and we want to make our farmers
19 prosperous. That's my main issue, is the farmland.

20 It's also interesting, and I just found this out
21 today. I appreciate what this other lady said,
22 because I haven't had a lot of time to research. But
23 it's interesting how a company in New York picked our
24 county. And I certainly would like to know how that
25 happened.

1 with? Leakage: How are you going to deal with that?

2 In your write-ups, you say that you will have
3 water for fire suppression. Is that the only method
4 you will have? And like people have said, that's a
5 lot of water.

6 Otherwise, the safety issues and stuff have
7 really been dealt with with other people speaking.

8 But I have one -- one thing that I would like to
9 say. I've dealt with State environmental, State
10 safety people, and they seem to listen to what we
11 say, but they've already got their minds made up.
12 They don't want it. It doesn't make any difference
13 what you say. It's there. And hopefully this
14 Council will be able to listen and pass this
15 information on to an administration who is pro clean
16 environment. Thank you.

17 (Applause.)

18

19 ALJ GERARD: Thank you, Mr. Rogers.

20 MS. BARKER: Andrew Vander Stoep.

21 ALJ GERARD: Could you repeat the
22 name, please.

23 MS. BARKER: Andrew Vander Stoep.

24 ANDREW VANDER STOEP: Hey,
25 everybody. Andrew Vander Stoep. V-a-n-d-e-r, space,

1 S-t-o-e-p.

2 I'm a resident of Mount Vernon. I'm a Mount
3 Vernon City Council member. And I'm an IBEW member.
4 And -- oh. Excuse me. IBEW member. Mount Vernon
5 City Council member. I'm not representing either of
6 those, 'cause I'm going to go off of what I had
7 written down.

8 I hear the concerns of everybody here, and I want
9 to acknowledge those. And this is a different
10 conversation than probably what people are interested
11 in having. But I think that the United States is
12 changing how manufacturing is going to be done. I
13 think that we're trying to bring jobs back to the
14 United States in a meaningful way, and I think that
15 to do that, we have to have some meaningful impact
16 and energy transition.

17 I don't know if this is the answer. I think it's
18 a part of the puzzle. I've lived in Skagit County
19 for 26 years, and we do not have good jobs here. We
20 have very few of them. We're one of the poorest
21 counties in the state. And my high school friends
22 and many of my family have struggled with that for
23 generations, and it's a real problem.

24 And it's a different county than other people in
25 this room are talking about, and so I feel like

1 there's some conflict here. But a house ten years
2 ago used to be about 130K. You're going to not get
3 anything for less than 400-, \$500,000 now, and the --
4 the jobs aren't there to support that. Not in Skagit
5 County.

6 So that is why I'm in support of this project,
7 because I hope that this leads to manufacturing in
8 the ports and in other places in Skagit County to
9 bring good jobs here. Thank you.

10 ALJ GERARD: Thank you, sir.

11 Next, please.

12 MS. BARKER: Keith Wagoner.

13 KEITH WAGONER: Good evening. I'm
14 Keith Wagoner -- K-e-i-t-h W-a-g-o-n-e-r -- senator
15 from the 39th Legislative District, which you are
16 sitting in now.

17 First of all, I appreciate the acknowledgment
18 that this project does not create more power. And
19 that's what we actually need, is the creation of more
20 power. This is like filling up the bathtub because
21 the well might go dry, and then you've got a little
22 bit of water for a while. It's not the type of
23 solution we need to support our manufacturing
24 industries that are growing rapidly in this county.

25 I do want to see those good jobs that we're

1 lacking here with our IBEW folks. They deserve good
2 jobs. I'd rather see them put in a facility,
3 particularly if we're sacrificing our valuable
4 agricultural land, something that's going to provide
5 energy. And there's lots of options out there. The
6 first one that comes to my mind -- thanks for
7 bringing up the natural gas lines are right there.

8 We could put in some natural gas generators,
9 which are far cheaper. They don't have a 20-year
10 lifespan with hazardous waste disposal at the end of
11 that lifespan. They're on line when you need them.
12 They're off-line when you don't. We understand the
13 dangers. And that would provide real power to our
14 grid. We do not suffer from power outages at the
15 main line. We get them when a tree falls down five
16 miles away or a transformer gets hit.

17 So you're asking the community to take on faith
18 that all of the hard lessons have already been
19 learned, but the thing about hard lessons are you
20 never know when it's your last one.

21 So here are my questions. You said you talked to
22 the tribes. I would like to know which tribes and
23 what their response is, because I represent three of
24 them. I don't think the 250 million is an altruistic
25 donation to our community, so I want to know what the

1 business model is, how that gets paid, and does it
2 affect our rate payers.

3 And, lastly, which governor will make this
4 decision, the current governor or the next governor?
5 Thank you.

6 (Applause.)

7
8 ALJ GERARD: Thank you,
9 Mr. Wagoner.

10 Next, please.

11 MS. BARKER: John Torgerson.

12 ALJ GERARD: Would you go ahead and
13 repeat that, please.

14 MS. BARKER: John Torgerson.

15 JOHN TORGERSON: John Torgerson.

16 J-o-h-n T-o-r-g-e-r-s-o-n.

17 Little history. If the long-term residents
18 remember, Bacus Hill Nuclear Power Plant did not go
19 in because it could have raised the temperature of
20 the Skagit River and that Skagit River is the only
21 one in the nation that has all varieties of salmon.
22 Excuse me.

23 And for fire suppression, how are you going to
24 prevent this fire-water slurry from getting into --
25 are you building a berm around the entire area to

1 contain all these millions of gallons? And if you're
2 going to build a berm, will it be a sound-deadening
3 berm that will protect the people from potential
4 90-decibel noise all night long as the batteries are
5 being drained?

6 Those are the questions. You know, it's changing
7 everybody's quality of life.

8 And also, what about the value of the people's
9 homes next to this that have to go and deal with
10 constant noise? Sure, it may be only 40, but that's
11 a lot more than just a few birds chirping. What has
12 more value?

13 Like he said, a bathtub or the power or the
14 sound? Children. It's peace and quiet. Noise
15 pollution. Can't get rid of noise. Thank you.

16 (Applause.)

17

18 ALJ GERARD: Thank you,

19 Mr. Torgerson.

20 MS. BARKER: Kim Rubenstein.

21 ALJ GERARD: Kim Rubenstein, are
22 you in person or online right now? If so, go ahead
23 and speak up, please.

24 UNIDENTIFIED SPEAKER: You can sign
25 up at the second part of the meeting?

1 ALJ GERARD: You can sign up for
2 both. It's a possibility. We'll go ahead and just
3 move on.

4 MS. BARKER: Patrick Knapp.

5 PATRICK KNAPP: Patrick Knapp.
6 P-a-t-r-i-c-k K-n-a-p-p. First off, welcome to
7 Sedro-Woolley.

8 I came tonight. I didn't -- obviously don't have
9 anything prepared. I came to listen with an open
10 mind. I am certainly in favor of jobs, living-wage
11 jobs. That's very important. But I'm also adamant
12 about farmland. Once it's gone, we can't get it
13 back. I'm torn.

14 Also know that Hansen Creek is a place that I've
15 taken my kids and my grandkids to see salmon. It's a
16 jewel. That concerns me.

17 But I also have a history of railing against
18 those that say "not my backyard." You know, when we
19 need something, it's, like, I don't want it here,
20 because it's in my backyard. And I'm torn because
21 I'm three -- three properties away, so it's in my
22 backyard, and I'm concerned. I'm still weighing both
23 sides.

24 What kind of upset me and set me back tonight is
25 from -- I forgot the name of the company now. I'm

1 sorry. Gold -- Golden -- yeah. A \$250 million
2 project, and you couldn't tell us how many you have
3 on line and operating, and you have no history of
4 these. That scares me. Thank you.

5 (Applause.)

6
7 ALJ GERARD: Thank you, Mr. Knapp.

8 MS. BARKER: Celeste Frisbee.

9 CELESTE FRISBEE: Celeste Frisbee.
10 C-e-l-e-s-t-e F-r-i-s-b-e-e.

11 I'm here on behalf of myself. I live within two
12 miles, on my grandparents' farm. And my mother,
13 Karen Frisbee, who lives on Minkler Road in the home
14 I lived in and grew up in, just down the street from
15 us.

16 I just want to address a few things. I heard the
17 comment this would be an LID project. And I just
18 want it to be known that this is not a low-impact
19 development for those of us who live in the immediate
20 vicinity. This is a major industrial infrastructure
21 project. This is sited on ag and rural lands, which
22 are protected, as you've heard. Because in Skagit
23 County, most people don't know this, but we have the
24 top 2 percent soils in the world. Okay?

25 We grow food here so that we can live. We need

1 water, clean air, and food to survive. Those are
2 essential things. Power is not, actually. And if
3 you've lived in this region, you understand that the
4 whole I-5 corridor once was ag-producing and is no
5 longer. Skagit County is one of the only
6 ag-producing major producers on the west side of the
7 state now.

8 The creek, Hansen Creek. If you know any history
9 about that creek, it suffered major pollution from
10 the Northern State project, and only recently has it
11 seen any efforts to mitigate those pollutants.

12 Meanwhile, people like me grew up swimming in these
13 creeks. These creeks are also perennial. Oftentimes
14 they're not perennial any longer. They go dry. Last
15 year, they didn't -- our creek that I live on didn't
16 fill up until almost November. These are
17 salmon-bearing streams.

18 Many people on Minkler Road, including my mother,
19 have a well. Her point is only nine feet down.
20 We're dealing with drought. The County forbades
21 irrigation of crops. Water is a hot, contentious
22 issue.

23 The need. For whom is this need? Those who live
24 here? I think not. I only see a few of my neighbors
25 here. I find it egregious that we were not notified

1 in any direct way --

2 ALJ GERARD: Ms. Frisbee.

3 CELESTE FRISBEE: -- about this
4 meeting. I heard about it by chance, and that tells
5 me wholly that there is not care or concern for the
6 people who live here and will have to live with this.
7 I've driven by this site --

8 ALJ GERARD: Ms. Frisbee.

9 CELESTE FRISBEE: -- every day for
10 the last 30 years.

11 ALJ GERARD: We're over now.

12 CELESTE FRISBEE: I have -- I'm
13 going to take the time that other people didn't use,
14 who will give me permission.

15 ALJ GERARD: We have two minutes
16 per person. Unfortunately, we have a land-use
17 meeting right after the meeting.

18 UNIDENTIFIED SPEAKER: You can
19 speak for me.

20 ALJ GERARD: You can actually
21 submit the comments online afterwards if you wish
22 them to consider.

23 CELESTE FRISBEE: (Unintelligible)
24 to speak here tonight (unintelligible).

25 ALJ GERARD: We've set the time

1 limits for everybody. We have been consistent. I'm
2 not picking on you at all. We're now 45 minutes
3 afterwards. But thank you.

4 (Applause.)

5

6 MS. BARKER: The following are
7 recall names.

8 ALJ GERARD: Thank you.

9 MS. BARKER: Charles Johnson. Seth
10 Newsome. Jack Moore. Kim O'Hara.

11 ALJ GERARD: Wasn't that Rubenstein
12 also?

13 MS. BARKER: They're going to speak
14 later at the end of the meeting.

15 ALJ GERARD: Thank you.

16 CHAIR DREW: Thank you for all of
17 your time. We are 20 minutes late for our second
18 meeting. We will take a quick five-minute break, and
19 then we will start the land-use meeting. Thank you.

20 (Pause from 7:17 p.m. to
21 7:28 p.m.)

22

23 CHAIR DREW: Again, this is
24 Kathleen Drew, chair of the Energy Facility Site
25 Evaluation Council, bringing this land-use

1 consistency hearing to order. This is required by
2 RCW 80.50.090, Sub 2, and Washington Administrative
3 Code 463-26-035.

4 During this hearing, we will have testimony
5 regarding the project's -- proposed project's
6 consistency and compliance with land-use plans and
7 zoning ordinances. That is the only subject that
8 will be allowed during this hearing. We've had the
9 general comments, and this is now very specifically
10 in order for the Council to create the record and
11 make a determination on land-use consistency and
12 compliance with land-use plans and zoning ordinances.

13 So with that, Ms. Grantham, will you call the
14 Council roll.

15 MS. GRANTHAM: Certainly, Chair
16 Drew.

17 Department of Commerce.

18 MS. OSBORNE: Elizabeth Osborne,
19 present.

20 MS. GRANTHAM: Department of
21 Ecology.

22 MR. LEVITT: Eli Levitt, present.

23 MS. GRANTHAM: Thank you,
24 Mr. Levitt.

25 Department of Fish and Wildlife.

1 MR. LIVINGSTON: Mike Livingston
2 here.

3 MS. GRANTHAM: Department of
4 Natural Resources.

5 MR. YOUNG: Lenny Young, present.

6 MS. GRANTHAM: Utilities and
7 Transportation Commission.

8 MS. BREWSTER: Stacey Brewster,
9 present.

10 MS. GRANTHAM: For the local
11 government: For the Goldeneye BESS, for Skagit
12 County, Robby Eckroth.

13 MR. ECKROTH: Present.

14 MS. GRANTHAM: For administrative
15 law judge: Dan Gerard.

16 ALJ GERARD: Present.

17 MS. GRANTHAM: And for counsel for
18 the environment, Yuriy Korol.

19 MR. KOROL: Present.

20 MS. GRANTHAM: Chair, there is a
21 quorum.

22 CHAIR DREW: Thank you.

23 And with that, I will turn it over to Judge
24 Gerard.

25 ALJ GERARD: As Chair Drew said,

1 this is the land-use consistency portion of the
2 hearing. We are going to start with the applicants
3 presenting a small brief presentation and then giving
4 their comments on that.

5 We will then segue into those speakers who had
6 signed up to make comments on the land-use -- I'm
7 sorry -- land-use plans and zoning ordinances. And
8 if we do have additional time, we'll then open the
9 floor to other participants who didn't sign up, if
10 they wish to make comments exclusively on the
11 land-use plans and zoning ordinances. We'll talk
12 about how much time we'll give each party once we see
13 where we are on that process.

14 So if the applicant would like to begin, please
15 go ahead and do so.

16 MR. McMAHON: Thank you. Can you
17 hear me okay? Good.

18 Thank you very much, Judge Gerard, Chair Drew,
19 Council members. Tim McMahon here, for the record,
20 representing the applicant in the land-use
21 consistency hearing. I'm here to my left with
22 Grace -- with Jordan Grace from Tetra Tech. He is
23 actually a fact witness. And should you wish to
24 swear him in, I think he's willing to do that. I
25 will be presenting argument. You can decide whether

1 or not you need to swear me in for that. But I will
2 not be actually providing factual testimony. Jordan
3 will be, just so you kind of get the lay of the land
4 here.

5 We previously provided a land-use hearing
6 memorandum to the Council, and I believe
7 Ms. Hafkemeyer distributed that. If not, it's okay.
8 It's available in the record and in your packet.

9 So with that, I will turn this over to Jordan,
10 who will provide some testimony about consistency,
11 land-use consistency from his work in developing the
12 application materials, and then I'll finish up with
13 about four or five minutes of legal argument or
14 discussion. I think in total will be 10-ish minutes,
15 10, 11 minutes or so together. So thank you very
16 much. I'll pass the mike to Jordan.

17 MR. GRACE: Can everyone hear me?
18 Closer? Yeah? How's that? All right.

19 Good evening, Council Chair Drew and Council
20 members. My name is Jordan Grace, and I'll be giving
21 an approximately five-minute presentation on the
22 project's land-use consistency.

23 I'm an environmental planner at Tetra Tech with
24 nine years of professional experience. I have a
25 bachelor's degree in environmental science and

1 planning, public policy and management from the
2 University of Oregon, with the majority of my
3 professional work focused in planning.

4 Over the last seven years, I've supported
5 preparation of state and local permit applications
6 for a variety of new energy and infrastructure
7 projects, with my main focus being land-use
8 compliance and consistency.

9 I'm here today because I prepared the land-use
10 consistency review, which is included as Attachment H
11 to the application for site certificate, which I'll
12 be referring to as the ASC.

13 I'll start by -- excuse me -- walking through a
14 relevant piece of project history. Prior to the
15 applicant seeking approval through the EFSEC process,
16 they met with Skagit County staff to discuss the
17 County's approach to permitting the project. One
18 topic of discussion was the project's use category
19 under the Skagit County Code, which determines
20 whether or not it would be an allowed use in the
21 proposed zone.

22 Skagit County Code Section 14.04.020 defines
23 three classifications of utility developments: Minor
24 utility, major utility, or major regional utility, as
25 listed here on this slide.

1 Following a request from the applicant for an
2 administrative interpretation, Skagit County Planning
3 and Development Services issued a notice of decision,
4 concluding that this battery energy storage project
5 would be considered a major utility development. The
6 signed portion of the approval is included on this
7 slide, and the notification portion is included as
8 Appendix A in the land-use consistency review
9 document. The County's decision was based on the
10 project's lack of regionality, smaller scale, de
11 minimis impacts to built and natural environment, and
12 local nature of energy storage.

13 Since this administrative interpretation request
14 was approved in February 2023, the applicable -- the
15 applicable zoning code has not changed, and the
16 project, itself, has not substantively changed. It
17 remains a local energy storage facility that meets
18 the definition of a major utility development. It is
19 not designed to be regional in nature. It's proposed
20 on a smaller scale, and its impacts to the built and
21 natural environments will be de minimis.

22 In light of the County's administrative
23 interpretation, the standards addressed in the
24 land-use consistency review document are focused on
25 the project's classification as a major utility

1 development.

2 Now I'll walk through the land-use consistency
3 piece. The project is located within the
4 agricultural natural resource land zone. According
5 to Skagit County Code 14.16.400, major utility
6 developments are allowed as a hearing examiner
7 special use in the zone. In other words, the County
8 would allow this project to proceed with conditions
9 to ensure the project complies with the applicable
10 criteria, such as setbacks.

11 Note that a segment of Skagit PUD water line will
12 need to be upgraded as part of project construction.
13 This water line upgrade is described in the ASC so
14 impacts can be evaluate, but it is not intended to be
15 included in or regulated by the site certification
16 agreement, because it will be reviewed and approved
17 through the PUD's processes and deeded over to Skagit
18 PUD following construction. This water line segment
19 is located in the rural reserve zone. Major utility
20 developments are also allowed as a hearing examiner
21 special use zone.

22 In Section 3 of the land-use consistency review,
23 the project's consistency with applicable goals and
24 policies of the Skagit County Comprehensive Plan is
25 demonstrated. And sorry. The goals and policies of

1 the comprehensive plan are considered blueprints for
2 the zoning code. The Skagit County Comprehensive
3 Plan includes goals and policies for preservation of
4 agricultural land for agricultural uses. The main
5 project parcel where BESS facilities would be
6 constructed is approximately 14 acres in size. About
7 half of this parcel is currently developed with four
8 existing structures and three overhead transmission
9 lines. The remaining seven acres are disconnected
10 from larger agricultural production as Minkler Road
11 borders the south -- the northwestern portion of the
12 parcel and the underlying landowner does not own any
13 of the abutting parcels. Because the project would
14 impact wetlands and frequently flooded areas, the ASC
15 provides an analysis of impacts and proposes
16 mitigation accordingly.

17 Section 4 of the land-use consistency review
18 provides a detailed assessment of compliance with the
19 applicable provisions of the Skagit County Code.
20 Here are a few examples.

21 Setbacks of 35 feet in the front, 15 feet on the
22 sides, and 35 feet in the rear are required and are
23 met. A maximum height of 40 feet. The tallest
24 project component, the lightning mast, is estimated
25 to be about 30 feet in height.

1 New structures should be located within the
2 existing developed area of compatible structures in
3 the same ownership. This is met because the subject
4 property and adjacent properties contain existing
5 electrical utilities, including three transmission
6 lines and PSE's Sedro-Woolley substation.

7 Other code requirements, such as landscaping,
8 low-impact development, parking, and performance
9 standards, involving vibration, heat, glare, steam,
10 noise, and electrical disturbance are met. With
11 EFSEC's concurrence and the County's determination
12 that this project is an allowed use, EFSEC will need
13 to assess whether any conditions are required, such
14 as setbacks or maximal structure height. These
15 conditions would be included with the site
16 certification agreement to ensure compliance with the
17 applicable provisions of the Skagit County Code.
18 Specific conditions would be assessed by the Council
19 and staff as part of future processes.

20 Thank you very much for your time. Please let me
21 know if you have any questions.

22 ALJ GERARD: Thank you, sir.

23 Mr. McMahon.

24 MR. McMAHON: Tim McMahon, for the
25 record, with Stoel Rives law firm, and I am legal

1 counsel to the project.

2 Fundamentally, as the Council is aware, the
3 land-use consistency hearing's purpose is to
4 determine whether a project is consistent and in
5 compliance with land-use plans and zoning ordinances.
6 Goldeneye has requested that EFSEC use its expedited
7 review process for the application for site
8 certification. And to be eligible for expedited
9 review, EFSEC must find the project is consistent and
10 in compliance with the city, county, or regional
11 land-use plans or zoning ordinances.

12 The process then turns to SEPA -- State
13 Environmental Policy Act -- review to evaluate
14 eligibility for expedited permitting. The relevant
15 inquiry for EFSEC's land-use analysis is whether the
16 pertinent land-use provisions prohibit the proposed
17 project site, quote, expressly or by operation
18 clearly, convincingly, and unequivocally. So if a
19 project can be permitted either outright or
20 conditionally, it is consistent and in compliance
21 with the local land-use provisions for the purposes
22 of RCW 80.50.090(2).

23 For every EFSEC project, the rules contemplate
24 that EFSEC and the applicant will work with the
25 County to seek a certificate of land-use consistency.

1 If a local jurisdiction believes that a proposed
2 EFSEC project is consistent and in compliance with
3 its land-use plans and zoning ordinances, it may
4 provide and the applicant may enter a certificate
5 from local authorities attesting to the fact that the
6 proposal is consistent and in compliance with
7 land-use plans and zoning ordinances.

8 The certificate of consistency provides prima
9 facie proof of consistency and compliance with
10 applicable land-use plans and zoning ordinances, and
11 the inquiry ends there. No separate land-use
12 adjudication is needed under those circumstances.
13 And coupled with a favorable SEPA decision, the
14 project should be able to secure expedited
15 permitting.

16 And for this project, summer vacations,
17 unfortunately, and schedule pressures within the
18 60-day hearing window have challenged our ability to
19 roll up sleeves to discuss the work with the County
20 on a certificate of consistency. We intend and we
21 pledge to the Council that we will continue working
22 with the Council to achieve a certificate of
23 consistency if that is possible, and we think that we
24 should be able to do so based upon what Jordan's
25 indicated and what I'll continue to talk about here.

1 Absent a certificate of consistency, EFSEC issues
2 its decision regarding consistency after reviewing
3 the applicable land-use plans and zoning ordinances.
4 First, the applicant and local authorities are
5 directed to address compliance or noncompliance with
6 land-use plans or zoning ordinances, and then EFSEC
7 determines whether the proposed site is consistent
8 and in compliance with land-use plans and zoning
9 ordinances pursuant to RCW 80.50.090, Sub 2. I know
10 this is very exciting argument and information, so
11 bear with me as I continue through this.

12 EFSEC review does not consider all local land-use
13 plan provisions. As noted in the Columbia Solar
14 order, a land-use plan includes the portions of a
15 comprehensive plan that outline proposals for an
16 area's development typically by assigning general
17 uses, such as housing, to land-use segments and
18 specifically designed concentrations and design
19 goals.

20 Also as noted in the Columbia Solar order, a
21 zoning ordinance is a local government's ordinance
22 regulating the use of land adopted pursuant to
23 Washington law, and most specifically, the Growth
24 Management Act. Zoning ordinances include applicable
25 zoning maps, zoning map development restrictions, and

1 associated definitions. As Jordan noted, the
2 applicable County land-use plan and zoning ordinance
3 provisions are found within the Skagit County Code
4 and the Skagit County Comprehensive Plan.

5 Unique to this project is an administrative
6 decision issued on February 1st, 2023, and Jordan
7 referenced this in his discussion. There, the County
8 confirmed land-use consistency and compliance with
9 the plan and zoning code. At the County's request,
10 Goldfinch Energy Storage, LLC, submitted a request
11 for an administrative official interpretation
12 declaring whether the project is a major utility
13 development versus a regional utility development.
14 The administrative decision concludes that the
15 project is consistent in compliance with the major
16 utility development use as defined in the Skagit
17 County Code.

18 That decision became final on February 16, 2023,
19 after a 14-day appeal period passed. So this
20 decision now constitutes prima facie evidence from
21 the County that the project is consistent and
22 compliant with code and comprehensive plan, allowing
23 EFSEC to -- excuse me -- end its inquiry into -- into
24 consistency.

25 Sorry. I'm recovering from COVID, but it's still

1 stuck in my throat. So sorry for the scratchy
2 throat.

3 Even if the administrative decision is not a
4 certificate of consistency, the project is still
5 consistent with the code and the comprehensive plan.
6 Pursuant to Washington's Growth Management Act, a
7 comprehensive plan serves as a County's generalized
8 coordinated land-use policy statement. Local
9 development regulation, such as zoning codes, carry
10 out comprehensive plans' policies and must be
11 consistent with those policies. And by adopting the
12 Skagit County Code zoning ordinances and the
13 administrative decision, the County determined that
14 the project can be consistent with the code and the
15 comprehensive plan. The administrative decision,
16 therefore, is a final County determination that the
17 project is a major utility development and is
18 consistent with the code.

19 Siting a major development on property zoned ag,
20 dash, natural resource land, or NRL, is consistent
21 with the code and the comprehensive plan because a
22 major utility development is not a prohibited use in
23 these zoning districts. When adopting the code, the
24 County determined that a major utility development
25 could be permitted as a special-use permit in the

1 ag-NRL zone. That decision should be accorded
2 significant weight in EFSEC's analysis.

3 Pursuant to -- pursuant to EFSEC's process, EFSEC
4 will decide compliance with the special-use criteria
5 and other development standards. And for the process
6 of complying with RCW 80.20.090, Sub 2, it is
7 sufficient that the project siting/zoning, which is
8 ag-NRL, does not prohibit a major utility
9 development.

10 Finally, in issuing the site certificate, we do
11 anticipate that EFSEC will work with the County and
12 the applicant to include conditions in the draft site
13 certification agreement, which considers state,
14 local, and community interests affected by the
15 construction and operation of the facility, and the
16 applicant is fully committed to achieving those
17 objectives with Skagit County.

18 Thank you for your attention.

19 CHAIR DREW: I do have a question.

20 Since February 2023, has the project changed in
21 any substantial way?

22 MR. McMAHON: I'm going to ask my
23 colleague to the right to answer that.

24 MR. NELSON: No. No substantive
25 changes.

1 CHAIR DREW: With that, we will
2 ask: Is there anyone else signed up to speak?

3 MS. BARKER: (Unintelligible.)

4 ALJ GERARD: Yes. If we do go
5 ahead, we're going to move on to the land-use
6 consistency public comment section. We will call the
7 participants who have signed up, as I stated before.
8 Let's try to keep the comments about two to three
9 minutes, so I won't be as strident as I was with the
10 earlier portion. And if we do have time leftover,
11 we'll go ahead and open the floor to other people who
12 wish to make land-use or zoning ordinance comments.

13 Go ahead, please.

14 MS. BARKER: Kim Rubenstein.

15 ALJ GERARD: Ms. Rubenstein, again,
16 if you go ahead and state and spell your name, as
17 we'd ask other participants.

18 KIM RUBENSTEIN: Couldn't hear what
19 you said. Sorry.

20 ALJ GERARD: State and spell your
21 name just so we have it correct.

22 KIM GOOD RUBENSTEIN: Kim Good
23 Rubenstein. That's K-i-m G-o-o-d
24 R-u-b-e-n-s-t-e-i-n.

25 Okay. On behalf of Skagitonians to Preserve

1 Farmland, I am here to express our opposition to the
2 proposal of the Golden battery storage project.

3 Skagitonians to Preserve Farmland opposes the use of
4 agricultural land for purposes that negatively impact
5 farmland in Skagit County. Ag-NRL lands were
6 designated by the County as a means of protecting a
7 critical mass of productive agricultural land.

8 Goldeneye project seeks to take advantage of the
9 economic investment made by Skagit County and its
10 farmland preservation while degrading the county's
11 base of arable land.

12 Skagit County has protected farmland through
13 strict zoning and purchasing development rights. As
14 a result, the assessed value of ag-NRL land is
15 relatively low. Nonagricultural uses, particularly
16 those incentivized by outside sources of funding,
17 alter the economics of this -- of this source of
18 funding -- alter the economics of this designation.
19 The project proposal dismisses several local outside
20 of the ag-NRL as being cost-prohibitive. We
21 disagree. The project proposal fails to do a full
22 accounting of the value of ag-NRL lands.

23 The proposal erroneously dismisses the
24 agricultural value of the -- of the project parcel.
25 SPF Farmlands disagrees with this assessment. The

1 land in question is suitable for agricultural
2 activities, and that is why it is in the ag-NRL. To
3 discount the acreage currently available for
4 agricultural activities ignores Skagit County's
5 five-acre threshold for designating agricultural
6 lands. EFSEC steps outside of its authority and its
7 area of expertise when it uses -- when it makes a
8 determination about what is valuable as arable land
9 and what is not.

10 The proposal does not align with the Skagit
11 County's Comprehensive Plan. Under Section 3.2 of
12 Appendix H, the Goldeneye project not only fails to
13 advance any of the comp plan's goal and policies
14 cited; the proposal's -- the proposal's facility
15 would actively and negatively impact each of the
16 items cited below despite Goldeneye's assurance to
17 the contrary. It does not -- does not do -- it does
18 nothing to promote preservation of agricultural lands
19 for agricultural use. It undermines long-term
20 designation of agricultural land. And it advances
21 farmland -- and it advances farmland's conversion of
22 development on ag lands.

23 The Goldeneye project demonstrates a
24 disappointing lack of understanding of the Skagit
25 agricultural economy. We would like to see EFSEC

1 recognize and -- the value of preserving arable land
2 and take measures to offset the loss of acreage
3 impacted by this proposal. Thank you.

4 (Applause.)

5
6 ALJ GERARD: Thank you,
7 Ms. Rubenstein.

8 MS. BARKER: Randy Good.

9 RANDY GOOD: R-a-n-d-y G-o-o-d.

10 I was a member of the Hansen Creek Flood Control
11 Zone Advisory Committee and well aware of the
12 flooding events on Hansen Creek. The zone was
13 designed to protect life and property of landowners
14 from damages resulting from floods and drainage
15 waters in the watershed.

16 Hansen Creek has a history of major rain flooding
17 affecting most properties adjacent to or near Hansen
18 Creek. In 1990, Minkler Road was washed out because
19 of the volume and force of the water one mile east of
20 the creek. This creek can become a raging river.

21 Several years ago, a cement bridge on Hansen
22 Creek near the Northern State buildings was removed
23 by someone, which provided flood control. This
24 helped hold back major flooding downstream. Without
25 the bridge holding back waters, there's no way to

1 prevent the property proposed for this project from
2 being -- from facing flood damages until possibly
3 some bridges are installed at both Hansen Creek /
4 Minkler Road and Hansen Creek / Horn Road crossings.
5 A large sum of money would be necessary to do that.

6 Portions of this property proposed here have been
7 under floodwaters during flooding events. I have two
8 photos to put into record showing waters flowing
9 across Minkler Road into this proposed site. This
10 proposed property will face full force from future
11 flooding events from now after having that cement
12 bridge removed.

13 The proposed project is on agricultural land.
14 Let's not forget that. This proposed project would
15 be a noncompliance with all local and State GMA
16 requirements. You talk about abiding by GMA
17 requirements on your presentation, but yet you're
18 completely disregarding State and GMA requirements
19 now.

20 There's no changes necessary in our County
21 zoning. Please consider these historical rainwater
22 flooding events of this watershed. Above all, abide
23 by the Skagit County Code's comp plan policies and
24 GMA requirements.

25 And I'll attach to my comments two pictures

1 that -- that I talked about.

2 Thank you.

3 (Applause.)

4

5 ALJ GERARD: Thank you, Mr. Good.

6 I do believe that was the last of our speakers,
7 or do we have another one?

8 MS. BARKER: No, we have three
9 more.

10 ALJ GERARD: Always. Please call
11 the next one.

12 MS. BARKER: Keith Wagoner.

13 KEITH WAGONER: Keith Wagoner --
14 K-e-i-t-h W-a-g-o-n-e-r -- senator for the 39th
15 Legislative District.

16 I am not an attorney, and I'm certainly not a
17 land-use expert. Don't have a résumé like Jordan
18 Grace had, which was truly impressive. I was
19 impressed by that.

20 But I would like to remind people in
21 decision-making positions that just because you can
22 do something doesn't mean you should. And I think
23 Commissioner Janicki kind of set the tone in her
24 first remarks that just how important maintaining
25 agricultural land for agricultural use is in this

1 county. And I want to give you a yardstick by which
2 your decision is probably going to be measured. A
3 couple of examples actually.

4 We nearly went -- let our school district in
5 Burlington-Edison go broke over a land purchase that
6 they made, wishing to expand our school, that
7 happened to be on agricultural land. It almost
8 brought the school down, but the County did not
9 budge, because agriculture is that important.

10 We've seen uses -- and sometimes it goes against
11 what I would like, but the County has been firm on
12 this. Farm-to-restaurant proposals out in
13 agricultural areas, things that I think would be
14 great for the economy. They're great ideas. They
15 don't meet the high standard that the County has set
16 for agricultural use, and they have been denied
17 consistently.

18 So when you're making this decision, I think you
19 should consider what -- like I said, I'm not an
20 attorney, but I live in the world of the court of
21 public opinion. That's a real court as well. So
22 consider carefully. You may be able to do it, but I
23 advise that you should not. Thank you.

24 (Applause.)

25 ////

1 ALJ GERARD: Thank you,
2 Mr. Wagoner.

3 Next.

4 MS. BARKER: Bonnie Helms.

5 BONNIE HELMS: Hi again. Bonnie
6 Helms. B-o-n-n-i-e H-e-l-m-s.

7 In regards to the land use, in their presentation
8 to Black Diamond City Council, PSE noted that the
9 greatest increase and demand on the grid was from
10 data centers. So I'm wondering how -- is this
11 consistent use for ag land, or is it just kind of to
12 justify changing the zoning?

13 There are forever chemicals contained in these
14 batteries, in metals attached to the particulate
15 matter, and the toxic pollutants that have been
16 measured at levels much higher than the action level
17 in a recent study of a lithium BESS fire. Is this
18 consistent with ag zoning, or is that going to damage
19 future agriculture land?

20 Technology advances, yes, but since that
21 advancement seems to be coming largely from data
22 centers, I'd ask them to find their own local
23 solutions and preserve ag land. It is an excellent
24 question about why not in Seattle. Who needs a
25 gigawatt of energy? I was told by IPA. Rural areas

1 should not be compromised to feed urban issues. To
2 reference The Seattle Times, to quote, a forecast by
3 the Northwest Power and Conservation Council
4 highlights a looming conflict between an increasingly
5 digital world and utilities' capacity to meet surging
6 power demand. The forecast cautioned that data
7 centers could consume as much as 4,000 average
8 megawatts of electricity by 2029, enough to power the
9 entire city of Seattle five times over.

10 So please be transparent about what the land is
11 being used for. This should require a NEPA -- that's
12 N with -- NEPA. "N" as in "Nancy." It's a review at
13 the federal level before going forward, unless there
14 is strict assurance that no energy will be used out
15 of state. Otherwise, this isn't a utility. It's
16 just basically a gas station. Thank you.

17 (Applause.)

18
19 ALJ GERARD: Thank you, Ms. Helms.

20 MS. BARKER: Kim Torgerson.

21 KIM TORGERSON: Kim Torgerson.

22 K-i-m T-o-r-g-e-r-s-o-n.

23 I'm coming up here because I'm really disturbed.
24 We've got a lot of community people here that love
25 their land, but they -- our whole community has not

1 been notified. I have two properties in the county:
2 One over by Independence and one right here at
3 Greenstreet, which is really close to this.
4 Greenstreet did not get notified. This has been
5 going on since February 23.

6 ALJ GERARD: Ms. Torgerson, I don't
7 mean to belay your concerns. That would have been
8 for the public information session, not the land-use
9 consistency. If you wish to speak on that point,
10 you're certainly welcome to. Otherwise, those
11 comments should have been reserved for the original
12 portion, or you can make them online.

13 KIM TORGERSON: So the land use is
14 not something that we are notified of?

15 ALJ GERARD: Then that's the
16 notification portion more than it is the land-use
17 argument either for or against the project. You can
18 certainly make those comments about the notification,
19 which is an ancillary issue, in the comments section
20 afterwards.

21 KIM TORGERSON: Okay. That's what
22 I was trying to do. I apologize.

23 I got notified at Independence, not at
24 Greenstreet. And so there's many people that did not
25 get notified about this project. And it was done,

1 approved in '23. I recommend you notify the public.
2 Let the community come and hear what's going on. And
3 everybody should be notified.

4 (Applause.)

5

6 MS. BARKER: James Delay.

7 JAMES DELAY: Hi. Can you hear me?

8 Hello. Can you hear me?

9 ALJ GERARD: Yes, we can. Go
10 ahead, please.

11 JAMES DELAY: All right. Thank
12 you.

13 The presentation by Tenaska and their hired army
14 of people to say good things about them was awesome
15 and very entertaining.

16 First point I want to make is the approval letter
17 that was provided by Skagit County was based off of a
18 whole bunch of missed-out or withheld information.
19 The County made that decision based off of the sales
20 pitch that Tenaska gave them that said, oh, this is a
21 wonderful green energy facility. It's going to help
22 everything that they've said. I'm not going to
23 repeat all their sales points.

24 But it withheld all the risk of fire. They
25 omitted to say that lithium batteries can't be

1 extinguished. And they failed to mention that the
2 noise levels that these produce is absolutely
3 unacceptable for any residential, agricultural, or
4 anywhere else outside of a heavy industrial zoned
5 area.

6 With that said, that decision should be
7 considered voided just because of the lack of
8 information, and further proof of that -- or lack of
9 providing facts. Further proof of that is in just
10 one tidbit that I have -- because I don't have a lot
11 of time -- is on their application to the EFS -- the
12 EFSEC, they withheld the actual sound levels created
13 by this battery energy storage system. What they did
14 was they asked -- I think it was Dudek or -- was the
15 company, the engineering firm that they paid money to
16 do the sound engineering study. They said, Hey, we
17 want you to run this test as if our HVAC units, which
18 are one of the many loud parts of a BESS facility --
19 we want you to run it at 40 percent fan speed.

20 As you may have learned or you may not know,
21 lithium batteries spontaneously combust because
22 they -- and enter thermal runaway because they
23 overheat. So the cooling systems are basically your
24 one stop. It's your one chance of stopping a fire by
25 keeping the lithium batteries cool.

1 So what they did was they said, Hey, engineering
2 firm, can you please issue this study at 40 percent
3 of the fan's capacity. So it gave false numbers that
4 were somewhere down -- I had it in front of me, but I
5 think they said that it was, like, 56 decibels. And
6 I can send you a whole bunch of other BESS sound
7 studies where it basically says that -- like, I had
8 one from Tesla that basically says, Here's our fan --
9 our HVAC system noise at 40 percent, and here it is
10 at a hundred percent.

11 Because a hundred percent fan operation capacity
12 is what these are going to be running at all but on
13 the coldest winter nights.

14 Just from the noise perspective, Tenaska
15 basically is lying, and they're making the report fit
16 what you guys want it to fit for the land use.

17 Furthermore, the fire risks and dangers, they're
18 all belittled. Just as you saw Tenaska do tonight,
19 they say, Oh, they're very uncommon. They're
20 infrequent. We're using the best technology. We
21 follow all the latest codes.

22 None of this applies. They basically lied
23 throughout their -- the majority of their application
24 to make it fit and make it sound like this is a good
25 fitting solution, but the end of it is basically this

1 is an industrial facility being sited in agricultural
2 land that has an extreme risk of basically
3 contaminating the whole entire environment, causing
4 evacuations.

5 And I'm out of time. So this is -- should be in
6 heavy industrial zoned area only, and it does not
7 meet any of these land-use things. So I hope the
8 EF -- the EFSEC will really dig in and compare even
9 their own energy facility sound studies, compare them
10 to what Tenaska has presented, operating as Goldfinch
11 Energy, and really see if -- if there are -- there's
12 a hidden -- hidden information that should have been
13 presented. So, yeah, this is definitely not fitting,
14 no matter what they say. It's just not the right
15 location. I mean, just think of the catastrophic --

16 ALJ GERARD: Thank you, Mr. Delay.
17 You're about a minute over your allotted time.

18 JAMES DELAY: Okay.

19 ALJ GERARD: So thank you, sir.

20 JAMES DELAY: All right. Thank
21 you.

22 (Applause.)

23
24 MS. BARKER: I have no other
25 speakers signed up.

1 CHAIR DREW: Thank you, all. It is
2 now past 8:00, and we'll be closing this hearing.

3 SUZANNE ROHNER: He said, if there
4 was time, that we could go over a little bit. I have
5 a comment I would like to make, please.

6 CHAIR DREW: Go ahead.

7 SUZANNE ROHNER: Suzanne Rohner.
8 S-u-z-a-n-n-e R-o-h-n-e-r.

9 This is Skagit County Code 14.16.400,
10 Agricultural--Natural Resource Lands. "Purpose: The
11 purpose of Agricultural--Natural Resource Lands
12 district is to provide land for continued farming
13 activities, conserve agricultural land, and reaffirm
14 agricultural use, activities and operations as the
15 primary use of the district. Non-agricultural uses
16 are only allowed as accessory uses to the primary use
17 of the land for agriculture use. The district is
18 composed mainly" -- I'm sorry; I'm out of breath.

19 "The district is composed mainly of low flat land
20 with highly productive soil and is the very essence
21 of the county's farming heritage and character."

22 I heard several times, as justification for
23 putting this facility on agricultural land, is
24 because the code didn't state you couldn't do it;
25 that meant that you could. And I take exception to

1 that. And I really think that was something that --
2 that just 'cause it's not on the list doesn't give
3 you permission to do it. Thank you.

4 (Applause.)

5
6 CELESTE FRISBEE: I have a final
7 comment, and I respect the time. Celeste Frisbee.

8 CHAIR DREW: On land use, please.

9 CELESTE FRISBEE: Yes.

10 So my feeling is: Right place, right project.
11 And I believe firmly that this is not the right place
12 nor the right project. I would echo what Keith
13 Wagoner said earlier. We are a working-class
14 community and have always been. We really value
15 needing good-paying jobs here.

16 I attended, about ten years ago, an all-day
17 conference at North Carolina State University on
18 solar. And of all the presentations I witnessed, the
19 one that stuck with me to this day was by a
20 representative of the U.S. Department of Defense who
21 announced that the U.S. Department of Defense would
22 be doing trial projects on military bases, installing
23 solar installations on residential houses. And this
24 was considered an act of protecting the U.S. from
25 major attack.

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CHAIR DREW: With that, our meeting
is adjourned. Thank you, all, for participating.

(Adjournment at 8:09 p.m.)

1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
2) ss a certified court reporter
3 County of Pierce) in the State of Washington, do
4 hereby certify:

5 That the foregoing Public Informational Meeting and
6 Land-Use Hearing of the Washington State Energy Facility
7 Site Evaluation Council were conducted in my presence and
8 adjourned on August 13, 2024, and thereafter were
9 transcribed under my direction; that the transcript is a
10 full, true and complete transcript of the said meeting and
11 hearing, transcribed to the best of my ability;

12 That I am not a relative, employee, attorney or counsel
13 of any party to this matter or relative or employee of any
14 such attorney or counsel and that I am not financially
15 interested in the said matter or the outcome thereof;

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 this 31st day of August, 2024.

18 _____
19 /s/John M.S. Botelho, CCR, RPR
20 Certified Court Reporter No. 2976
21 (Certification expires 5/26/2025.)
22
23
24
25