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## Transcript of Proceedings

*August 29, 2024*

**Washington State Energy Facility Site Evaluation Council v.**

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

HORSE HEAVEN SPECIAL MEETING

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August 29, 2024

Lacey, Washington

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

1 APPEARANCES

2 STATE AGENCY MEMBERS:

3 Kathleen Drew, Chair

4 Eli Levitt, Department of Ecology (\*)

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

6 Lenny Young, Department of Natural Resources (\*)

7 Stacey Brewster,  
8 Utilities & Transportation Commission (\*)

9  
10 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

11 Horse Heaven:

12 Ed Brost, Benton County (\*)

13  
14 ASSISTANT ATTORNEYS GENERAL:

15 Jon Thompson (\*)

16 Zack Packer (\*)

17  
18 ADMINISTRATIVE LAW JUDGE:

19 Adam Torem (\*)

20  
21 COUNCIL STAFF:

22 Sonia Bumpus (\*)

Alex Shiley (\*)

23 Ami Hafkemeyer

Karl Holappa (\*)

24 Amy Moon (\*)

Audra Allen (\*)

25 Joan Owens (\*)

Lisa McLean (\*)

1 APPEARANCES (Continuing)

2 COUNCIL STAFF (Continuing):

3 Andrea Grantham

Adrienne Barker

4 Sean Greene

Catherine Taliaferro (\*)

5 Lance Caputo (\*)

6  
7 COUNSEL FOR THE ENVIRONMENT:

8 Sarah Reyneveld (\*)

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21  
22  
23 (\*) indicates remote attendee

1 BE IT REMEMBERED that on Thursday,  
2 August 29, 2024, at 621 Woodland Square Loop  
3 Southeast, Lacey, Washington, at 3:01 p.m., the  
4 following Horse Heaven Special Meeting of the  
5 Washington State Energy Facility Site Evaluation  
6 Council was held, to wit:

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

9  
10 CHAIR DREW: Good afternoon. This  
11 is Kathleen Drew, Chair of the Energy Facility Site  
12 Evaluation meeting, calling our special meeting on  
13 the Horse Heaven Wind Farm to order.

14 Ms. Grantham, will you call the roll.

15 MS. GRANTHAM: Certainly, Chair  
16 Drew.

17 Department of Commerce.

18 Department of Ecology.

19 MR. LEVITT: Eli Levitt, present.

20 MS. GRANTHAM: Department of Fish  
21 and Wildlife.

22 MR. LIVINGSTON: Mike Livingston,  
23 present.

24 MS. GRANTHAM: Department of  
25 Natural Resources.

1 MR. YOUNG: Lenny Young, present.

2 MS. GRANTHAM: Utilities and  
3 Transportation Commission.

4 MS. BREWSTER: Stacey Brewster,  
5 present.

6 MS. GRANTHAM: For local government  
7 and optional State agency: For the Horse Heaven  
8 project, for Benton County, Ed Brost.

9 MR. BROST: Ed Brost is present.

10 MS. GRANTHAM: Assistant attorney  
11 generals. Jon Thompson.

12 MR. THOMPSON: Present.

13 MS. GRANTHAM: And Zack Packer.

14 MR. PACKER: Present.

15 MS. GRANTHAM: Administrative law  
16 judge: Adam Torem. He has informed me that he is  
17 online and present.

18 And I will call Council staff who may speak today.

19 Sonia Bumpus.

20 MS. BUMPUS: Present.

21 MS. GRANTHAM: Ami Hafkemeyer.

22 MS. HAFKEMEYER: Present.

23 MS. GRANTHAM: Amy Moon.

24 MS. MOON: Amy Moon, present.

25 MS. GRANTHAM: And Sean Greene.

1 MR. GREENE: Present.

2 MS. GRANTHAM: And is there anyone  
3 here for the counsel for the environment?

4 MS. REYNEVELD: Yes. Sarah  
5 Reyneveld is present.

6 MS. GRANTHAM: Thank you.

7 Chair, there is a quorum.

8 CHAIR DREW: Thank you, all.

9 My first announcement is that since we are  
10 unable -- even though we had expected to have all our  
11 Council members here, we will be scheduling a meeting  
12 next week to take a vote. I'm very sorry, but one  
13 member was unexpectedly unavailable at the last minute.  
14 So in order to give her the opportunity to vote as  
15 well, we will be having a short meeting to conduct a  
16 vote when all members are available.

17 However, we will go ahead and have our discussion  
18 today. And just to remind everybody where we are in  
19 this process, I don't -- I think we all know that  
20 Governor Inslee directed the Council to reconsider the  
21 conditions and mitigation in its recommendation in  
22 favor of an approach to mitigation that is more  
23 narrowly tailored to the specific impacts identified.

24 That is what we have been working the past couple  
25 of months forward to. I know that he also stated that , quote  
^

1 " the record is robust and satisfactory from my  
2 perspective for the purposes of siting and permitting  
3 the proposed project."

4 And I do want to say at this point that we've  
5 heard a lot from multiple parties about taking up the  
6 issue of need for the project, which was not considered  
7 in the project adjudication. And we are not taking  
8 that up. We are focusing our response on approaching  
9 the mitigation more narrowly tailored to specific  
10 impacts. So I wanted to make that statement on the  
11 record. We did not take up the issue of need. We are  
12 not taking it up in this proceeding.

13 So at this point, I want to ask the staff to  
14 summarize the information that went out to all the  
15 Council members and that the public had a chance to  
16 review for changes in the Council -- in the proposed  
17 changes to the SCA for Council reconsideration. The  
18 Council at our last meeting on this subject directed  
19 the staff to draft proposed changes to the SCA.

20 So with that, I will hand it over to Mr. Greene  
21 and Ms. Hafkemeyer to maybe give us a brief overview of  
22 what those changes in the SCA are.

23 MR. GREENE: Okay.

24 CHAIR DREW: Sorry about that.

25 MR. GREENE: There were -- let's



1 see. There were essentially four changes to mitigation  
2 measures from the initial draft SCA that was submitted  
3 to the governor's office to the current version  
4 provided to the Council and the public.

5 The first is the Habitat 1 mitigation measure  
6 where the original draft version had included a  
7 requirement that project components be sited outside of  
8 medium-or-higher linkage wildlife movement corridors.  
9 That version has been reverted to the version of  
10 Habitat 1 that was -- that was included in the F -- the  
11 final environmental impact statement, which is a  
12 requirement that the applicant provide a corridor  
13 mitigation plan for any components sited in those --  
14 those same movement corridors, and this plan would  
15 include features to accommodate wildlife movement  
16 across linear project components, impact reduction  
17 measures, restoration monitoring, and adaptive  
18 management but does not include the exclusion areas  
19 associated.

20 CHAIR DREW: Okay. Let's pause  
21 right there to see if Council members have any  
22 questions or would like to discuss that.

23 Okay. Seeing none, let's go on to the Species --

24 MS. GRANTHAM: Mr. Livingston raised  
25 his hand.

1 CHAIR DREW: Who did? Oh. Mike.

2 MR. LIVINGSTON: Yeah --

3 CHAIR DREW: Mr. Livingston.

4 MR. LIVINGSTON: -- Chair Drew.

5 CHAIR DREW: Yeah.

6 MR. LIVINGSTON: Thanks.

7 So the -- this pullback from the protection levels  
8 that we had put in the original SCA for medium- to  
9 high-quality habitat corridors is certainly one that  
10 concerns me given the limited amount of habitat  
11 connectivity that we do have in the Horse Heaven Hills,  
12 and some of these areas are the last remaining  
13 connection.

14 So though I appreciate, you know, going back to  
15 the -- the EIS and what's in there -- and I trust that  
16 there'll be a lot of hard work going into making sure  
17 that there's a good plan put in place in the event that  
18 there has to be some diminishment of those corridors --  
19 I just wanted to express that that is a -- that is a  
20 concern of mine, veering away from what the -- the SCA  
21 that we had recommended to the governor back in the  
22 spring. So just wanted to share that. Thank you.

23 CHAIR DREW: I do. So let's talk  
24 about that a little bit. And I appreciate that.

25 So as we look at this corridor mitigation plan, my

1 understanding is that that will be developed with the  
2 PTAG; is that correct? Or is this something that the  
3 applicant would put forward to that group for review?

4 MR. GREENE: I'm not sure whether  
5 the PTAG is explicitly mentioned in this mitigation  
6 measure, but it is a plan that the applicant would  
7 develop and submit to EFSEC for approval.

8 CHAIR DREW: To EFSEC.

9 MR. GREENE: Correct.

10 CHAIR DREW: Okay. So that would  
11 then involve our EFSEC staff reviewing it in  
12 consultation with our agencies that usually give us  
13 input as well as with consultants who are on board to  
14 help us review that. Is that how you see that process  
15 moving forward?

16 MR. GREENE: Yes, that's correct.  
17 We would consult with subject matter experts from other  
18 State agencies as well as consultants that have -- are  
19 employed by EFSEC.

20 CHAIR DREW: And will it include the  
21 intent that there will be a path through the project  
22 for wildlife?

23 MR. GREENE: Yes. The goal is to  
24 reduce project impacts as much as possible or as much  
25 as practical for barriers to wildlife movement, and

1 that can include requirements to install specific  
2 components that would allow for easier wildlife  
3 movement, such as larger culverts or potentially  
4 bridges or road crossings.

5 CHAIR DREW: Okay. I just wanted to  
6 get on the record what -- our expectations as an agency  
7 for how that process would occur. How we would conduct  
8 the process, let me say.

9 I hear -- I do hear your concerns, and I  
10 understand them.

11 Are there comments other people would like to  
12 make, or questions?

13 Okay. Let's go on to the next --

14 MR. GREENE: Sure.

15 CHAIR DREW: -- item that is  
16 changed.

17 MR. GREENE: The next mitigation  
18 measure that is changed from the initial SCA draft is  
19 Species 5, which is specific to the ferruginous hawk.

20 The original ver- -- or the version of Species 5  
21 that was submitted to the governor's office included a  
22 two-mile buffer for all primary project components to  
23 all documented ferruginous hawk nests within two miles  
24 of the project lease area. This included 56 nests from  
25 the WDFW priority habitat and species data set and an

1 additional two nests that were identified in applicant  
2 surveys.

3 The version of Specie- -- or the version of  
4 Species 5 included in the draft SCA available to the  
5 Council today reduces that two-mile exclusion area to a  
6 0.6-mile exclusion area, or one kilometer, but  
7 additionally takes language from the final  
8 environmental impact statement version of this measure,  
9 wherein any historic -- or any identified nest that  
10 is where the nesting site is still available and  
11 sufficient foraging habitat is viable within that  
12 two-mile buffer, those nests would be provided the full  
13 two-mile buffer from the original vers- -- or from the  
14 governor's version, the version of the SCA submitted to  
15 the governor.

16 So to reiterate, all documented nests are provided  
17 at least a 0.6-mile buffer. Nests where the nesting  
18 site is still available and foraging habitat is viable  
19 are provided the two-mile buffer. And that applies to  
20 primary project components, which are wind turbines,  
21 solar arrays, and BESSes. Apart from the eastern BESS,  
22 where language was added to specifically exclude that  
23 one from this version of Species 5 as relocating it  
24 away from where it is currently located on disturbed  
25 habitat would increase habitat impacts with no

1 discernible mitigative effect as a result. So in that  
2 case, it was better to leave it where it is.

3 CHAIR DREW: Okay. Are there  
4 questions from Council members, or comments?

5 I want to talk a little bit about the process for  
6 this measure. How would this measure be implemented?

7 MR. GREENE: So the process that it  
8 would go through is a pre-operational technical  
9 advisory group would be founded, composed of subject  
10 matter experts from other State agencies as well as  
11 independent experts and other potentially tribal  
12 individuals or individuals from local government, if  
13 it's deemed justifiable.

14 And that -- that PTAG would work with the -- work  
15 with EFSEC and the applicant to identify a process for  
16 determining habitat viability. And the PTAG and the  
17 applicant would work to identify which of the -- which  
18 of the documented nests meet or don't meet the two  
19 criteria for providing the full two-mile buffer, submit  
20 that guidance to EFSEC for consideration.

21 EFSEC would make the final determination on which  
22 nests would receive a .6-mile buffer and which nests  
23 would receive a full two-mile buffer.

24 CHAIR DREW: So the PTAG is not  
25 making any decisions; is that correct?

1 MR. GREENE: That is correct. The  
2 PTAG is an advisory body. It has no decision-making  
3 authority.

4 CHAIR DREW: EFSEC will make the  
5 decisions.

6 MR. GREENE: Correct.

7 CHAIR DREW: And, secondly, I'll ask  
8 Ms. Hafkemeyer: Is this a new concept that we've never  
9 implemented before? Has this been implemented before  
10 by EFSEC?

11 MS. HAFKEMEYER: It has a slightly  
12 different name. But EFSEC has used what is  
13 functionally a preconstruction, still technical  
14 advisory group, or -- I'm sorry -- technical advisory  
15 committee, or TAC, for multiple projects, and multiple  
16 projects have had these groups convene prior to the  
17 start of construction.

18 Some of the public comments that were received  
19 prior in the review of this project raised concerns  
20 about whether or not the TAC started before or after  
21 operations of the facility. But EFSEC has a history of  
22 requiring these groups to provide advice and guidance  
23 to EFSEC, as the decision-maker, starting prior to the  
24 start of construction for several projects.

25 CHAIR DREW: Okay. So this is not

1 at all unusual in its makeup or use or implementation  
2 in this project.

3 Mr. Young.

4 MR. YOUNG: Would there be a single  
5 PTAG that would be addressing different aspects of the  
6 project, or would there be more than one PTAG with a  
7 PTAG -- for example, ferruginous hawk -- focused just  
8 on ferruginous hawk?

9 MR. GREENE: So the intention is  
10 that there's a single body that operates as the PTAG.  
11 It's possible that membership may change, depending on  
12 which of the mitigation measures that the PTAG is  
13 working on at any one time. For instance, a  
14 ferruginous hawk expert might not be as needed for some  
15 of the other mitigation measures that the PTAG will be  
16 considering. But it is -- it is the goal to only have  
17 a single body that may have some rotating numbers.

18 MR. YOUNG: How would the PTAG  
19 members be selected?

20 MR. GREENE: It would be selected by  
21 EFSEC essentially as the decision-maker, but we would  
22 take into consideration where expertise might be  
23 necessary. Where it's possible, we would include  
24 subject matter experts from other State agencies where  
25 there may be a lack of expertise or a lack of



1 availability. We would contract independent experts.

2 MS. HAFKEMEYER: And if I could jump  
3 in here. Historically we have required that the  
4 facilities put together and convene their technical --  
5 their TACs, but that is with EFSEC concurrence on  
6 membership.

7 MR. YOUNG: Could you clarify that?  
8 When you say the facilities do the selection, who are  
9 the facilities?

10 MS. HAFKEMEYER: So, for example,  
11 Columbia Solar, Wild Horse have active TACs, and they  
12 send out meeting invites, do the scheduling, lead the  
13 meeting, send out minutes, and so they sort of take the  
14 lead in the scheduling and agendas and whatnot, and  
15 EFSEC still retains participation and oversight of  
16 decisions.

17 MR. YOUNG: That sounds more --

18 MS. HAFKEMEYER: Does that answer  
19 your question?

20 MR. YOUNG: Sort of. That sounds  
21 more like mechanics of operating the TAG after the TAG  
22 has been selected.

23 Who would actually select -- how would -- how  
24 would the "SAG" (phonetic) members actually be  
25 selected?

1 MS. HAFKEMEYER: So generally we  
2 request participation from the desired entities; for  
3 example, DFW, U.S. Fish, Ecology. And then within  
4 those agencies, they decide who to appoint for the  
5 project, and we have left that up to those bodies'  
6 discretion as to who their actual member is.

7 MR. YOUNG: Okay. So it'd be more  
8 contacting organizations that EFSEC feels should be  
9 represented on the TAG, and those organizations would  
10 then select the individuals that would represent them  
11 on the TAG?

12 MS. HAFKEMEYER: Correct.

13 MR. YOUNG: Okay. And then, again,  
14 on the -- sort of the managerial aspect of the TAG,  
15 when you refer to the facilities in this case, would  
16 the facilities mean the applicant, Scout Clean Energy?

17 MS. HAFKEMEYER: Correct.

18 MR. YOUNG: Okay.

19 CHAIR DREW: I think it's a term  
20 that, if approved, the applicant becomes a certificated  
21 facility in our EFSEC language. So --

22 MR. YOUNG: Okay. Great.

23 CHAIR DREW: That's the comparison.  
24 Yes.

25 MR. YOUNG: Understood. And thank

1 you for answers to my questions.

2 CHAIR DREW: Okay. Certainly.

3 Are there other questions?

4 Mr. Livingston.

5 MR. LIVINGSTON: Yeah. Thanks,  
6 Chair.

7 You know, from the beginning of this, the PTAG  
8 approach has concerned me, just 'cause it leaves a lot  
9 of questions unanswered. Interesting reading through  
10 comments in the last couple of days. I've seen some --  
11 some concerns expressed on both sides of this issue.

12 And so I'm curious: If this goes forward as the  
13 new draft has described it, one of the questions has  
14 been how do we develop the criteria to determine the  
15 viability or the suitability of foraging habitat and  
16 nesting habitat? What's -- what's the thought on  
17 staff's approach to that? Obviously we're going to  
18 need wildlife experts adding to that conversation, but  
19 how would you go about that?

20 MR. GREENE: Yeah, so that process  
21 is -- is certainly going to be involved, and that's why  
22 we wanted to wait until the PTAG was operational before  
23 we got too deep in the weeds on that.

24 The language within Species 5 includes a couple of  
25 examples of foraging habitat that might be considered

1 no longer viable, such as those that have experienced  
2 large -- large landscape scale conversion into  
3 residential or agricultural. But that -- the  
4 development of that viability criteria for foraging  
5 habitat is something that the subject matter experts  
6 within the PTAG will be very helpful in determining.  
7 Ultimately it will be EFSEC's decision as to what those  
8 criteria are and how they are applied to the BESS, but  
9 we will certainly give credence to guidance that we  
10 receive from the PTAG.

11 MR. LIVINGSTON: Okay. Thank you.

12 That's it for me. Well, let me ask one more  
13 question. I'm sorry.

No problem.

14 CHAIR DREW: ~~No.~~

15 MR. LIVINGSTON: Councilman Young  
16 there.

17 MR. YOUNG: No. Go ahead.

18 MR. LIVINGSTON: So, you know, one  
19 of the things that has --

20 CHAIR DREW: You're muted.  
21 Accidentally.

22 MR. LIVINGSTON: I apologize. Sorry  
23 about that.

24 CHAIR DREW: No worries.

25 MR. LIVINGSTON: How does that

1 happen? All this time using Teams, and I don't know  
2 how to do it.

3 Anyway, so one of the things I was stating was  
4 that some of the other values that we've been working  
5 on to protect, that have been inclusive of a two-mile  
6 buffer around ferruginous hawk nests, including TCPs  
7 and viewshed, you know, as we go through this, this  
8 leaves just this big question mark.

9 If we use the best available science for assessing  
10 ferruginous hawk territories and conclude -- you know,  
11 I don't know what percentage of these. I have no idea.  
12 It could be zero. It could be 10, 20 percent of them.  
13 I don't know. But then that leaves a question, the  
14 other values that we've discussed as important,  
15 particularly in our findings and in our draft SCA to  
16 the governor back in April. It seems like it just  
17 leaves a lot of questions for us and what those values  
18 will be protected or not going forward.

19 So I guess I'm just expressing the concern of not  
20 addressing those other issues with this approach.  
21 Thank you.

22 CHAIR DREW: Thanks.

23 I will briefly say -- and then I'll get to  
24 Mr. Young's next question -- that, frankly, as Chair of  
25 this Council, in working with the staff on developing

1 this set of narrowing the mitigations, I thought about  
2 that quite a bit to determine how to approach each of  
3 these impacts individually. And so we do -- I -- don't  
4 have the same extent as we had before as we looked at  
5 the combination, but there is some mitigation for  
6 many -- for a few of those issues. I think the visual  
7 one is more dependent on the others, and perhaps that  
8 final determination of the viability of the hawks. But  
9 I would still say that the way this is structured will  
10 eliminate some of the most visible turbines.

11 Is that something that -- I won't ask Sean to  
12 comment on that. That's my opinion -- I'll leave it at  
13 that -- and certainly what I was striving to  
14 accomplish.

15 Mr. Young.

16 MR. YOUNG: I don't have any other  
17 question at this time.

18 CHAIR DREW: Okay.

19 Sorry about that.

20 MR. GREENE: You want to move to the  
21 next measure?

22 CHAIR DREW: Okay. Let's go on to  
23 the next measure.

24 MR. GREENE: Okay. The next change  
25 in mitigation from the previous version of the SCA is a

1 new measure that was incorporated into this version.  
2 It is labeled as Cultural Resources 3. And it is a  
3 requirement that all wind turbines be precluded from  
4 being sited within one mile of the geographic drop-off  
5 at the top of Webber Canyon. This was done in response  
6 to TCP concerns that were identified by the Yakama  
7 Nation associated with Webber Canyon. And 17 of the  
8 proposed turbines would be affected by this mitigation  
9 measure, and they would need to either be relocated  
10 elsewhere within the wind siting micro-corridor -- wind  
11 micro-siting corridor or removed from the project.

12 CHAIR DREW: So let me make a  
13 comment about this.

14 Again, Governor Inslee asked the Council to,  
15 quote, reconsider the conditions and mitigation in its  
16 recommendation in favor of an approach to mitigation  
17 that is more narrowly tailored to the specific impacts  
18 identified.

19 And then specifically regarding cultural  
20 resources, the governor asked the Council to consider,  
21 quote, physical traditional cultural resources within  
22 the leased property boundary.

23 So I did ask the staff to look at physical  
24 traditional cultural resources within the leased  
25 property boundary and identified specifically that

1 found -- and that we found the Yakama Nation  
2 specifically identified the Webber Canyon as an area of  
3 particular concern in an early letter from March 2nd,  
4 '21.

5 I recognize that the Yakama Nation has  
6 communicated that the project overall will  
7 substantially impact Yakama Nation traditional cultural  
8 properties. I still wanted to ensure that there was a  
9 specific mitigation prohibiting turbines on the  
10 physical property of the leased property boundary.

11 So this is separating -- you know, I see it as  
12 separating the mitigation and identifying it as a  
13 narrower mitigation but also to reduce some impact to  
14 the Yakama Nation. I am no way saying that it will be  
15 considered in any way as sufficient by the Yakama  
16 Nation, but I did want to give that explanation.

17 Mr. Young.

18 MR. YOUNG: Did I understand it to  
19 be said that the applicant would have the option of  
20 resituating those 17 turbines elsewhere within the  
21 project area?

22 MR. GREENE: Yes. So the locations  
23 of the turbines that have been shown in the project  
24 layout are representative examples. The way that this  
25 project has -- or is going for approval is approving



1 the number of turbines that are outlined in the  
2 application anywhere within the wind micro-siting  
3 corridor, which is shown on the project layout.

4 So the exact locations where the turbines are  
5 shown right now is not necessarily where they would  
6 eventually be sited. They could be sited anywhere  
7 within the wind micro-siting corridor pending the  
8 exclusion areas that would be imposed by measures  
9 like -- like Cultural Resources 3.

10 So this measure would not exclude those 17  
11 turbines. It would exclude the area where those 17  
12 turbines are currently being proposed as well as other  
13 areas of the wind micro-siting corridor where there is  
14 currently no turbines proposed, but it would prohibit  
15 them in the future from being relocated there.

16 MR. YOUNG: Okay.

17 CHAIR DREW: If I could add, that's  
18 the same way we described all of the exclusion zones  
19 that we have put forward throughout this project.

20 MR. GREENE: Yes.

21 CHAIR DREW: As turbines would be  
22 allowed except for in these areas.

23 MR. YOUNG: Right.

24 MR. GREENE: It's excluding areas,  
25 not necessarily individual turbines.

1 CHAIR DREW: It's not any different  
2 than what we've said before on that.

3 MR. YOUNG: Okay. But I -- I just  
4 want to make sure I understood it, that it would -- it  
5 would not necessarily result in the total number of  
6 turbines for the project being reduced by 17. It --  
7 again, as you -- as you've described it, it's a -- it's  
8 a protection of an area, not a direct numerical  
9 reduction in the number of turbines; is that correct?

10 MR. GREENE: That's correct. It  
11 would be, I guess, accurate to say that it would result  
12 in a maximum of 17 turbines being --

13 MR. YOUNG: Right.

14 MR. GREENE: -- removed from --

15 MR. YOUNG: Right.

16 MR. GREENE: -- the project but  
17 not --

18 MR. YOUNG: Right.

19 MR. GREENE: If they can find the  
20 engineering to relocate those elsewhere within the wind  
21 micro-siting corridor, there could be no reduction in  
22 production potential --

23 CHAIR DREW: That is not mitigated  
24 in other ways.

25 MR. GREENE: Correct.

1 MR. YOUNG: Right.

2 CHAIR DREW: So, you know, the EIS  
3 looked at the whole -- the whole project and the  
4 micro-siting corridor, and there are several things  
5 which affects areas within the micro-siting corridor.

6 MR. GREENE: Correct.

7 MR. YOUNG: Okay. And then --

8 CHAIR DREW: Yeah.

9 MR. YOUNG: -- and one other  
10 question is comparing the original -- the original  
11 recommendation to the governor, the original SCA with  
12 the revision. How many of those 17 turbines that would  
13 be excluded by the buffer at Webber Canyon, how many of  
14 those 17 would have been allowed to have been built  
15 under the original recommendation to the governor?

16 MR. GREENE: Zero.

17 CHAIR DREW: But it's the same --

18 MR. YOUNG: Zero.

19 CHAIR DREW: The same is true. It  
20 wouldn't be the turbines built. It would have been an  
21 area of exclusion.

22 MR. YOUNG: Yeah. But it's sort of  
23 a wash, then, between -- between the original  
24 recommendation and the revision that's being  
25 considered. In the original, those 17 would have been

1 excluded for --

2 CHAIR DREW: Right.

3 MR. YOUNG: -- I guess, other --  
4 other reasons, because in the original version, there  
5 was not a specific exclusion for Webber Canyon. And so  
6 in the revision, that area would -- those 17 proposed  
7 sites wouldn't be affected by the Webber Canyon buffer,  
8 but in the original, they would have been affected by  
9 something else and would have been excluded by one of  
10 the other considerations?

11 MR. GREENE: That's correct. They  
12 would have been excluded by the version of Species 5,  
13 the ferruginous hawk mitigation --

14 MR. YOUNG: Okay.

15 MR. GREENE: -- which was at that  
16 point intended to cover a variety of resource impacts.

17 MR. YOUNG: Okay. Thank you.

18 CHAIR DREW: For those who haven't  
19 followed specifically who is talking -- although it's  
20 clear on my screen -- that it was Mr. Lenny Young from  
21 the Department of Natural Resources, and it was Sean  
22 Greene on our staff, who were introduced as they began  
23 speaking.

24 Are there any other questions?

25 MR. YOUNG: Yeah, my -- my little

1 hand icon seems to automatically go down after about  
2 ten seconds, so I just -- I disappear. And thank you  
3 for those answers to my questions.

4 CHAIR DREW: Yes.

5 Okay. Is there more that we want to -- anyone  
6 else have questions on this particular mitigation on  
7 the Webber Canyon? Okay.

8 Let's move on to --

9 MR. BROST: Chair Drew.

10 CHAIR DREW: Yes.

11 MR. BROST: Chair Drew, it's Ed  
12 Brost. Could I ask a question related to turbines  
13 before we leave that question? And this goes back to  
14 the original. There was -- in the original proposal,  
15 there was taller turbines versus the shorter turbines.  
16 When we're talking number of turbines, we still aren't  
17 talking which specific type of turbines we're talking  
18 about, are we?

19 MR. GREENE: So -- I'm sorry.

20 MR. BROST: And do we ever -- do we  
21 ever decide on the shorter versus the taller?

22 CHAIR DREW: So the applicant's  
23 proposal to us, as is relatively common with any wind  
24 facility that comes to EFSEC, has an option of a taller  
25 and a shorter turbine. They also need to be looking at

1 what the latest technology is.

2 So in our process, the EIS covers both options but  
3 does not require the applicant to settle into one  
4 option. Because things change in this industry quite a  
5 bit and some turbines that they have used as examples  
6 will be out of production, so there's a number of  
7 different factors as is -- so it actually made a very  
8 complicated review process, because we did look in the  
9 EIS at the proposal for both numbers. And you will see  
10 that broken out through everything.

11 We kind of revert to looking at the proposal with  
12 the most number of turbines that is shorter, because it  
13 would have -- the mitigations have more impact per  
14 turbine, and so we tend to only show that, but it is  
15 considering either option.

16 Is that more or less correct, Mr. Greene?

17 MR. GREENE: Yes. And I would say  
18 specific to the most recent mitigation measure that we  
19 were discussing, the 17 turbines, that is 17 for both  
20 Option 1 and Option 2. So there are more Option 1  
21 turbines, the shorter ones, that are proposed, but in  
22 this case, the number is equivalent for both options.

23 MS. HAFKEMEYER: And if I could jump  
24 in. For the record, this is Ami Hafkemeyer.

25 Just to reiterate, the exclusion area would remain

1 the same regardless of the turbine type for each of  
2 these mitigation measures. And so related to Council  
3 Member Young's question, the language in the draft as  
4 presented to Council is focused more on an exclusion  
5 area rather than a specific number of turbines.

6 CHAIR DREW: Okay. Let's move on to  
7 the next difference between the original SCA and the  
8 proposed changes.

9 MR. GREENE: Sure. And, again, for  
10 the record, this is Sean Greene, the SEPA specialist  
11 for EFSEC.

12 The final mitigation change that is included in  
13 this updated version of the SCA is labeled as Public  
14 Health and Safety 2. It has been put in to mitigate  
15 project effects on aerial firefighting abilities within  
16 the area.

17 The Department of Natural Resources has informed  
18 EFSEC that their aircraft provide a standard corridor  
19 mile standoff area for any tall structures when in  
20 operation, when the aircraft are in operation. So this  
21 measure would provide a quarter-mile buffer around the  
22 maximum extent of any wildfire that has occurred within  
23 the proximity of the project lease boundary since the  
24 year 2000, since January 1st, 2000. Yeah.

25 CHAIR DREW: So couple of questions

1 on this.

2 MR. GREENE: Mm-hmm.

3 CHAIR DREW: First, when we had an  
4 interaction with the Department of Natural Resources,  
5 we were talking with them about the aircraft that they  
6 use.

7 MR. GREENE: That's correct. They  
8 describe that both their helicopter and fixed-wing  
9 aircraft are provided with the same quarter-mile buffer  
10 as standoff distance.

11 CHAIR DREW: Thank you.

12 Are there other questions from Council members?  
13 Mr. Young.

14 MR. YOUNG: Yeah, I think the only  
15 place where Mr. Lane hedged a little bit on that was,  
16 he was referring to most of the aircraft that DNR uses:  
17 Helicopters, the Air Tractor / Fire Bosses, probably  
18 the scoopers, and the twin jets -- or excuse me --  
19 twin-turbine planes, the Q-400s. But he was not  
20 referring to the what are known as VLATs, the very  
21 large air tankers, like the converted DC-10s, in terms  
22 of the quarter-mile buffer.

23 CHAIR DREW: Okay. Thank you for  
24 that clarification.

25 MR. GREENE: And DNR did also state



1 to us that, when it comes to an operational basis, the  
2 pilots have full ability to increase that standoff  
3 distance based on what they feel would be safe. So the  
4 .25 miles is the minimum that DNR mandates, but if the  
5 pilots in operation phase want to increase that  
6 standoff distance, they can do it to any distance that  
7 they feel comfortable.

8 CHAIR DREW: Okay. Thank you for  
9 those clarifications.

10 Are there any other questions?

11 Mr. Young.

12 MR. YOUNG: I recognize very much  
13 what was just explained really well about how the --  
14 the mitigations are protecting areas and not  
15 specifically turbines. But we've got a lot of maps  
16 with dots on them that we've been using for comparison.

17 And so if you look at the number of proposed  
18 turbine locations that would have been viable under the  
19 original recommendation to the governor and then the  
20 number that would be viable and available to the  
21 applicant under the revised recommendation to the  
22 governor that's being considered, what's the  
23 difference? How many more turbines of those original  
24 turbine locations come back on line and become  
25 available under the revision compared to the original

1 recommendation to the governor?

2 MR. GREENE: So the issue with that  
3 is it's dependent on the availability and viability  
4 standards in the new version of Species 5. It is  
5 potentially the case that the exclusion area from the  
6 version of the SCA submitted to the governor does not  
7 change. If the determination is made that all of the  
8 historic ferruginous hawk nests are -- their nesting  
9 sites are available and there's viable habitat, then  
10 they would all retain that two-mile buffer, and there  
11 would be no change.

12 The exact number of turbines or exact acreage of  
13 the wind micro-siting corridor that is now newly or  
14 re-available to the applicant for siting, I can't give  
15 you an answer. For -- for this specific measure,  
16 Public Health and Safety 2, seven of the proposed  
17 locations both for Option 1 and Option 2 would be  
18 excluded by this measure, and those were both  
19 excluded -- or all seven would have been excluded by  
20 the original version of Species 5.

21 CHAIR DREW: So there's a hard  
22 exclusion, if you will, and then there's the exclusion  
23 if -- dependent upon the viability of the ferruginous  
24 hawk nests and the habitat. I'm kind of shortening the  
25 words a little bit there --

1 MR. GREENE: Sure.

2 CHAIR DREW: -- just for the sake of  
3 making it easier to talk about.

4 So then is there an overall number of what you  
5 would see on the map now in the exclusion zone other  
6 than those which might be eliminated because we find  
7 there is -- there are viable nests and viable habitat?

8 MR. GREENE: I have that information  
9 available in percentages of the number of proposed  
10 turbines. I don't have the exact number of turbines.

11 But the version of Species 5 that was submitted to  
12 the governor would have eliminated the -- the locations  
13 of 48 percent, approximately, of the turbines and about  
14 12 percent of the solar arrays. The hard buffer -- the  
15 hard exclusion area for Species 5 now would eliminate  
16 about 5 and a half percent of the turbines and 6  
17 percent of the solar array footprint.

18 The -- the difference between those two numbers,  
19 again -- the current exclusion area could increase  
20 depending on that definition of available nesting sites  
21 and viable foraging habitat.

22 CHAIR DREW: So let's take it to a  
23 broader level to answer this question, if we can.

24 As we look at these four measures -- well,  
25 let's -- the measures that eliminate -- have -- exclude

1 major components; that is, ferruginous hawk, the Webber  
2 Canyon, and the Public Health and Safety 2, the aerial  
3 firefighting.

4 If you were to look at them in total -- and I'm  
5 talking about only the .6 mile for the ferruginous  
6 hawk -- some of those overlap.

7 MR. GREENE: Correct.

8 CHAIR DREW: So if we were looking  
9 at the total number -- I'm hoping I'm getting to the  
10 answer to your question, Mr. Young, by the way. The  
11 total number that would be eliminated on those, leaving  
12 out the future determination of the viability of the  
13 nests in the foraging area, how many would that be?

14 MR. GREENE: I don't have that  
15 number available right now. It's displayed in the  
16 figure that the Council had access to from the July  
17 Council meeting. I could -- I could refer to that  
18 figure and come up with a number, but I don't have it  
19 available right now.

20 CHAIR DREW: Okay. Okay.

21 MR. YOUNG: Could I throw something  
22 out and see if this makes any sense at all --

23 CHAIR DREW: Yes.

24 MR. YOUNG: -- based on what I just  
25 heard?

1 CHAIR DREW: Yes.

2 MR. YOUNG: If we took, like, a  
3 starting-point number of turbines in the original  
4 proposal, I think the max that was proposed was  
5 something like 222. And I think you said that under  
6 the original recommendation to the governor, 48 percent  
7 of those would have been excluded. That's 106. And  
8 that's down to 5 and a half percent under the revision.  
9 That's 12.

10 So the difference, to me, looks to be -- just  
11 ballpark numbers -- is that there would be 94  
12 additional turbines that were not available under the  
13 original recommendation that would be available under  
14 the revised recommendation.

15 Does that sound ballpark? Am I on the right track  
16 with that?

17 MR. GREENE: So two points on that.

18 One, some of that -- that 94, or approximate,  
19 would potentially be excluded by Cultural Resources 3  
20 and Public Health and Safety 2, the -- the measures  
21 that talk about TCPs and aerial firefighting. There  
22 might be some overlap there, so I can't give you exact  
23 numbers on how many turbines.

24 And then the second part is, of those 94 turbines,  
25 they are not necessarily being allowed with this

1 current version of Species 5. They may be allowed,  
2 depending on the determination --

3 MR. YOUNG: Right.

4 MR. GREENE: -- that EFSEC makes --

5 MR. YOUNG: Correct.

6 MR. GREENE: -- with the PTAG's  
7 guidance.

8 MR. YOUNG: So the number -- the  
9 numbers you gave me, or gave there, the 48 percent and  
10 the 5 and a half percent, that just -- that just flowed  
11 from ferruginous hawk protections?

12 MR. GREENE: I'm sorry. Could you  
13 say that last bit again?

14 MR. YOUNG: Yeah. The 48 percent,  
15 was that a -- was that a percent of the originally  
16 proposed turbines under the original proposal to the  
17 governor that would have been excluded for all reasons  
18 or just for ferruginous hawk reasons?

19 MR. GREENE: So that 48 percent  
20 would have been excluded by Species 5, which was --

21 MR. YOUNG: Okay.

22 MR. GREENE: -- ostensibly a  
23 ferruginous hawk mitigation measure, but it was being  
24 used to --

25 MR. YOUNG: Yeah.

1 MR. GREENE: -- address multiple  
2 resource impacts.

3 MR. YOUNG: That's right.

4 And then the 5 and a half percent, is that also --  
5 under the revision, the 5 and a half, was that -- would  
6 that also flow only from Species 5? Because it seems  
7 like you added the Webber Canyon --

8 CHAIR DREW: Yes.

9 MR. YOUNG: -- turbines onto the top  
10 of that 5 and a half percent.

11 MR. GREENE: Correct. That was a  
12 desire by the Council to --

13 MR. YOUNG: Okay.

14 MR. GREENE: -- kind of split up the  
15 mitigation to address specific resource impacts. So  
16 the 5 and a half percent is from the current version of  
17 Species 5, and that is --

18 MR. YOUNG: Yeah.

19 MR. GREENE: -- intended only for  
20 reduction of ferruginous hawk impacts. It would have  
21 mitigative effect to other resources, such as visual  
22 and TCPs and all that, but that is not the intent of  
23 that measure.

24 CHAIR DREW: I think there are --

25 MR. YOUNG: Sure. I understand

1 that.

2 CHAIR DREW: If I could just chime  
3 in here. I think there are specific turbine numbers  
4 for each of these three measures on some information  
5 that we received. Some of them overlap. But as I  
6 recall -- can you pull -- can somebody pull that up?

7 Ms. Moon, are you tracking me?

8 MS. HAFKEMEYER: What is it that  
9 you're looking to be pulled up?

10 CHAIR DREW: I'm looking for the  
11 specific numbers -- I can -- I know you're trying to  
12 get how many still remain, but I have an easier time  
13 finding out -- remembering the numbers that are -- how  
14 many would be -- are in areas that would be excluded.  
15 And I think it's about 35.

16 MR. GREENE: Yeah, so if you -- so  
17 there's about 12 turbines being excluded by Species 5.  
18 There are 17 being excluded by Webber Canyon mitigation  
19 and seven turbines by the aerial firefighting.  
20 Combined, that number is 36. But, again, there's some  
21 overlap there. So it's probably a little bit less than  
22 36, but somewhere around that number would be excluded.

23 MR. YOUNG: Okay. So a better  
24 comparison -- again, if I'm trying to integrate this --

25 CHAIR DREW: Yes.



1 MR. YOUNG: -- just for my own  
2 understanding.

3 CHAIR DREW: Yes.

4 MR. YOUNG: A better comparison  
5 would have been that for the way that the original  
6 recommendation went in, 106 turbines would have been  
7 excluded, and now 30 -- 36 would have been ex- -- or be  
8 excluded, so the difference is about 70, 70 turbines,  
9 and you compare that to what we -- what we started out  
10 for. I'm getting an idea --

11 CHAIR DREW: Yeah.

12 MR. YOUNG: -- of the difference  
13 between --

14 CHAIR DREW: Yeah.

15 MR. YOUNG: -- between the first  
16 recommendation and the revision being considered. So  
17 thank you for walking me through that. I really  
18 appreciate it.

19 CHAIR DREW: And, again, that's --  
20 that's total exclusion. It's not taking into  
21 consideration what the actual review of the site and  
22 the viability of ferruginous hawk nests are. So that  
23 would be --

24 MR. YOUNG: And what I -- what I --

25 CHAIR DREW: -- added to that.

1 Yeah.

2 MR. YOUNG: Yeah. What I -- what I  
3 also heard is that number, 36, could go up, depending  
4 upon the status that was determined for the total array  
5 of ferruginous hawk nests that are out there on the  
6 land. That number could go up significantly, depending  
7 upon how the status of each of those nests was  
8 determined to be.

9 CHAIR DREW: Correct.

10 MR. GREENE: Yeah, I would say --

11 MR. YOUNG: Thank you.

12 MR. GREENE: -- it's almost  
13 certainly going to go up. Just the extent of how --  
14 how much it goes up is -- is still to be determined.

15 MR. YOUNG: Great. Thanks.

16 CHAIR DREW: Okay. Where are we?  
17 Is that the last?

18 MR. GREENE: That is all the  
19 changes --

20 CHAIR DREW: Okay.

21 MR. GREENE: -- to the mitigation.

22 CHAIR DREW: Thank you.

23 **A lot to discuss. And I think all of this is**  
24 **good, because these are questions that everybody has.**

25 **Are there any other questions from Council**

1 **members?**

2 MR. LEVITT: I just want to also  
3 mention -- this is Eli Levitt, Ecology -- that, you  
4 know, to me, the number of turbines is important, but  
5 it's certainly not the only factor in weighing our  
6 decision. So I was also one of the people that  
7 asked -- asked to look at Webber Canyon, for example.

8 So if we're more narrowly scoping the mitigation  
9 measures, they're just different between Choice A and  
10 Choice B, and I think it falls on us as the Council to  
11 provide the suite of mitigation measures that we think  
12 does the best job to meet the spirit and intent of what  
13 EFSEC and all of us do to protect human health and the  
14 environment and, you know, make sure there's a viable  
15 energy pool in the state, moving to cleaner energy  
16 sources, et cetera.

17 So, me, it's a little bit apples and oranges in  
18 big picture to compare the two. It's we as a Council  
19 need to -- right now my mission is to make sure we --  
20 we provide better mitigation measures that will do the  
21 best job to make the project viable and to protect  
22 those resources we're trying to look at carefully. You  
23 know, so, for example, that's one reason I wanted to  
24 look more closely at Webber Canyon.

25 CHAIR DREW: Thank you. I

1 appreciate that.

2 And that's true. As we've separated out to look  
3 at the mitigation members more specifically, we are  
4 dialing in on what those impacts are. And I do think  
5 that specifically on the ferruginous hawk, what we're  
6 looking at is really trying to establish -- and, in  
7 fact, in much of the environmental ones -- an approach  
8 which is adaptive management.

9 And it's very hard to dial in specifically at this  
10 stage, before micro-siting is done, on the final  
11 determination and the adaptive management that's really  
12 best practice, if you will, in this type of  
13 environment. I think an agency has a much easier -- an  
14 agency without this type of process has -- has a lot  
15 more, not -- it's just very difficult to pinpoint, I  
16 guess I'll say, at this point in time.

17 But the intent of adaptive management is a  
18 high-level concept that's throughout our environmental  
19 process. And that's what we're trying to achieve here  
20 as well as meeting the goals of the future that is the  
21 balancing act within our statute.

22 Are there other comments or questions?

23 Ms. Brewster.

24 MS. BREWSTER: Thanks.

25 I guess one of the -- one of my concerns with this

1 particular approach is -- is the unknowns and the  
2 effects of it. So it's -- it's really hard to gauge  
3 the impact we'll have when it's unknown whether a  
4 particular nest eliminates a number of -- excludes a  
5 number of turbines that are particularly visually  
6 impactful since -- that we don't really address it --  
7 visual impact specifically with this. So I guess  
8 I'll -- I'm just throwing that concern out there as I'm  
9 considering.

10 Beyond that, I would like to express my  
11 appreciation for staff and all the work that you've put  
12 into the original proposal and this reconsidered  
13 proposal. I really do appreciate all that you have  
14 done. So thank you for that.

15 CHAIR DREW: Thank you.

16 Ms. Bumpus.

17 MS. BUMPUS: Thank you, Chair Drew  
18 and Council members. For the record, this is Sonia  
19 Bumpus.

20 This is just a comment, a general comment after  
21 listening to the discussion today, very good discussion  
22 today between Council members about what's before you.

23 As the SEPA responsible official, I just wanted to  
24 comment that I am hearing that there's just a lot of  
25 concern and question around the -- sort of the

1 deficiency and certitude -- right? -- around number of  
2 turbines that are permitted, number that actually get  
3 put into use and these kinds of things after the  
4 micro-siting process is complete.

5 And I thought of a section of SEPA, in the SEPA  
6 rules, where it talks about -- it's in SEPA Rule /  
7 Washington Administrative Code 197-11-660. And it  
8 talks about the substantive authority and mitigation  
9 that an agency does in considering an action, a  
10 proposed action.

11 And one of the things that's interesting is that  
12 it talks about identifying adverse environmental  
13 impacts but also ensuring, to the extent that you can,  
14 you know, that you are developing and applying  
15 mitigation that's effective but that is also  
16 attributable in terms of the adverse impact from the  
17 action, itself, right?

18 So I thought of that, because I think the -- this  
19 sort of adaptive and management approach that's baked  
20 into the mitigation before you, it helps us to achieve  
21 that. It looks at the area after these criteria are  
22 developed -- talking about Species 5, right? -- and  
23 you're able to then determine what is going to  
24 specifically trigger that criteria, and then of course  
25 we all know we've already talked at length about how

1 that -- you know, how that plays out with PTAG and  
2 such.

3 But it's actually in the SEPA rules. And I think  
4 that while there are some unanswered questions about  
5 this right now, that adaptive management approach, the  
6 use of the PTAG allows us to get down to the impacts  
7 that -- that we identify once we're able to in the  
8 micro-siting process in these particular locations.

9 So I hope that's helpful.

10 CHAIR DREW: Thank you.

11 I'm reminded that, at the beginning of the  
12 meeting, we didn't ask the staff to go over the public  
13 comments that had come in. Or do you have a summary of  
14 the comments? I know that all the Council members have  
15 read them, because I can tell from our conversation  
16 that they have. Because I've read all of them.

17 So I know that there were -- do we have an exact  
18 count of the number of comments?

19 MS. GRANTHAM: I can look really  
20 quick.

21 CHAIR DREW: Okay.

22 MS. GRANTHAM: So we received from  
23 the public 123.

24 This is Andrea Grantham, for the record, by the  
25 way.

1 CHAIR DREW: Thank you.

2 MS. GRANTHAM: And then for -- we  
3 received one comment from the Yakama Nation, one  
4 comment from the applicant, and three comments from  
5 party member TCC.

6 CHAIR DREW: That is Tri-City --

7 MS. GRANTHAM: That's Tri-City  
8 C.A.R.E.S.

9 CHAIR DREW: That's Tri-City  
10 C.A.R.E.S. And those are the adjudicative parties.

11 So I am quite sure that all the Council members  
12 have read them. But for the record, I will make sure  
13 and state that those are the comments that we received.

14 So are there further questions or comments?  
15 Again, our intent is to find a time, because we had --  
16 it was unexpected that we had one Council member  
17 unavailable today. And so we will be looking to have a  
18 time next week where we will actually conduct a vote on  
19 this SCA amendment. Okay?

20 Any other questions or comments? If not -- oh,  
21 Mr. Young.

22 MR. YOUNG: Yeah, I'd just like to  
23 add my thanks to staff for doing a lot of work in a  
24 really short time. Very high-quality what we got.  
25 Appreciated the good communication. So thank you for



1 the great staff work as always.

2 CHAIR DREW: Thank you. Agree.

3 Okay. With that, this meeting is adjourned.

4 Thank you.

5 (Meeting adjourned at

6 4:00 p.m.)

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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 Horse Heaven Special Meeting of the  
6 Washington State Energy Facility Site Evaluation Council was  
7 conducted in my presence and adjourned on August 29, 2024,  
8 and thereafter was transcribed under my direction; that the  
9 transcript is a full, true and complete transcript of the  
10 said meeting, transcribed to the best of my ability;

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

15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this 6th day of September, 2024.

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