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COMMERCE FEBRUARY

February 19, 2025

EFSEC 2025 Monthly Council Meetings

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

February 19, 2025

Lacey, Washington

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

1 APPEARANCES

2 STATE AGENCY MEMBERS:

3 Kurt Beckett, Chair

4 Elizabeth Osborne, Department of Commerce (*)

5 Eli Levitt, Department of Ecology (*)

6 Lenny Young, Department of Natural Resources (*)

7 Stacey Brewster,
8 Utilities & Transportation Commission

9
10 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

11 Carriger Solar:

12 Matt Chiles, Klickitat County (*)

13 Goldeneye BESS:

14 Robby Eckroth, Skagit County (*)

15
16 ASSISTANT ATTORNEYS GENERAL:

17 Jon Thompson

18 Zack Packer

1 APPEARANCES (Continuing)

2 COUNCIL STAFF:

3 Sonia Bumpus Joanne Snarski
4 Ami Hafkemeyer Alex Shiley
5 Amy Moon Karl Holappa
6 Stew Henderson Maria Belkina
7 Joan Owens Adrienne Barker
8 Andrea Grantham (*) Trevin Taylor
9 Sara Randolph (*) Patty Betts
10 Lance Caputo Dave Walker

11
12 OPERATIONAL UPDATES:

13 Jarred Caseday (*)
14 Kittitas Valley Wind, EDP Renewables
15 Jennifer Galbraith (*)
16 Wild Horse Wind Power Project, Puget Sound Energy
17 Chris Sherin (*)
18 Grays Harbor Energy Center, Grays Harbor Energy
19 Sara Randolph (*)
20 Chehalis Generation Facility, PacifiCorp
21 Josh LaPorte (*)
22 Columbia Generating Station & WNP-1/4, Energy
23 Northwest
24 Thomas Cushing (*)
25 Columbia Solar, Tuusso Energy
Nelson Jia (*)
Goose Prairie Solar, Brookfield Renewable

APPEARANCES (Continuing)

COUNSEL FOR THE ENVIRONMENT:

Sarah Reyneveld (*)

Yuriy Korol (*)

(*) indicates remote attendee

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1 BE IT REMEMBERED that on Wednesday,
2 February 19, 2025, at 621 Woodland Square Loop
3 Southeast, Lacey, Washington, at 1:31 p.m., the
4 following Monthly Meeting of the Washington State
5 Energy Facility Site Evaluation Council was held, to
6 wit:

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

9
10 CHAIR BECKETT: Okay. This is --
11 good afternoon. This is Kurt Beckett. I'm the
12 acting chair of the Energy Facility Site Evaluation
13 Council. Calling this meeting to order.

14 Thank you for bearing with me as the new -- new
15 guy around here as we make this meeting work today.
16 So thanks for bearing with me on the first round.

17 Ms. Shiley, would you call the roll, please.

18 MS. SHILEY: Of course.

19 For the Department of Commerce.

20 MS. OSBORNE: Elizabeth Osborne,
21 present.

22 MS. SHILEY: Thank you.

23 Department of Ecology.

24 MR. LEVITT: Eli Levitt, present
25 online.

1 MS. SHILEY: Thank you.

2 Department of Fish and Wildlife.

3 Okay. Department of Natural Resources.

4 MR. YOUNG: Lenny Young, present.

5 MS. SHILEY: Utilities and
6 Transportation Commission.

7 MS. BREWSTER: Stacey Brewster,
8 present.

9 MS. SHILEY: For local government
10 and optional State agencies:

11 For the Wautoma Solar project, for Benton County,
12 Dave Sharp.

13 And for the Washington State Department of
14 Transportation, Paul Gonseth.

15 Okay. For the Hop Hill project, for Benton
16 County, Paul Krupin.

17 Okay. For the Carriger Solar project, Klickitat
18 County, Matt Chiles.

19 MR. CHILES: Matt Chiles, present.

20 MS. SHILEY: Thank you.

21 For the Wallula Gap project, Benton County, Adam
22 Fyall.

23 Okay. For the Goldeneye BESS project, Skagit
24 County, Robby Eckroth.

25 MR. ECKROTH: Robby Eckroth,

1 present.

2 MS. SHILEY: Thank you.

3 For the assistant attorney general, who do we have
4 present? Jon Thompson?

5 MR. THOMPSON: Yes, Jon Thompson,
6 present.

7 MS. SHILEY: Okay.

8 MR. PACKER: Zack Packer, present.

9 MS. SHILEY: Thank you.

10 For EFSEC staff: Sonia Bumpus.

11 MS. BUMPUS: Sonia Bumpus, present.

12 MS. SHILEY: Ami Hafkemeyer.

13 MS. HAFKEMEYER: Present.

14 MS. SHILEY: Amy Moon.

15 MS. MOON: Amy Moon, present.

16 MS. SHILEY: Sara Randolph.

17 MS. RANDOLPH: Present.

18 MS. SHILEY: Lance Caputo.

19 MR. CAPUTO: Present.

20 MS. SHILEY: Joanne Snarski.

21 MS. SNARSKI: Present. Present.

22 MS. SHILEY: Trevin Taylor.

23 MR. TAYLOR: Present.

24 MS. SHILEY: And Dave Walker.

25 MR. WALKER: Present.

1 MS. SHILEY: For operational
2 updates: For the Kittitas Valley wind project.

3 MR. CASEDAY: Jarred Caseday,
4 present.

5 MS. SHILEY: Thank you.
6 Wild Horse Wind Power Project.

7 MS. GALBRAITH: Jennifer Galbraith,
8 present.

9 MS. SHILEY: Thank you.
10 Grays Harbor Energy Center.
11 Okay. Chehalis Generation Facility.
12 Columbia Generating Station.

13 MR. LaPORTE: Josh LaPorte, present.

14 MS. SHILEY: Thank you.
15 Columbia Solar.

16 MR. CUSHING: Thomas Cushing,
17 present.

18 MS. SHILEY: Thank you.
19 Goose Prairie Solar.

20 MR. JIA: Nelson Jia here, present.

21 MS. SHILEY: Okay. Is there anyone
22 present for the counsel for the environment?

23 MS. REYNEVELD: Yes. Sarah
24 Reyneveld and Yuriy Korol are present.

25 MS. SHILEY: Thank you.

1 Chair, there is a quorum for all councils.

2 CHAIR BECKETT: Thank you,
3 Ms. Shiley.

4 If I may just take a moment of privilege as the
5 acting chair. I just wanted to acknowledge the change
6 of chairs, of course. And in that regard, I want to
7 thank Director Bumpus and -- and her staff, especially
8 Joan and Adrienne, who have been helping me on my
9 earliest of onboarding, and have appreciated the
10 opportunity to meet and interact with most staff and a
11 few I still need to connect with.

12 I also want to thank my fellow Council members for
13 making the time individually, as far as the more
14 permanent members, for an introductory conversation,
15 including with Councilman Brewster, Councilwoman
16 Brewster.

17 And also just briefly I want to thank and
18 acknowledge the prior service and dedication of our
19 prior chair, Chair Drew, and will be taking up more
20 formal acknowledgment of her service, I believe, in the
21 March meeting. But certainly wanted to acknowledge her
22 service and leadership here at the agency and look
23 forward to trying to carry on that proud tradition that
24 you've all been a part of.

25 So with that, I will move to the next item, which

1 is of course to adopt our agenda.

2 Do I have a motion to adopt the agenda as
3 proposed?

4 MR. YOUNG: Lenny Young. So moved.

5 MS. BREWSTER: Stacey Brewster.

6 Second.

7 CHAIR BECKETT: Thank you.

8 We have a motion on the table and seconded. Could
9 we have a vote to approve, please.

10 All in favor, please say "aye."

11 MULTIPLE SPEAKERS: Aye.

12 CHAIR BECKETT: Opposed? Agenda's
13 adopted.

14 So moving on to the minutes. If I can have a
15 motion to adopt the minutes of the December 18th
16 monthly meeting in front of us. I could have a motion,
17 please.

18 MS. BREWSTER: Stacey Brewster. So
19 moved.

20 CHAIR BECKETT: Second?

21 MS. OSBORNE: Elizabeth Osborne.

22 Second.

23 CHAIR BECKETT: Thank you, both.

24 Were there any corrections to December's monthly
25 meeting? is the first question. I actually was going

1 to note one which is on a minor but perhaps not an
2 important note. The meeting ended at 12:58 p.m., I
3 believe, and I think the record says a.m. So on a
4 minor note. If we could correct that to "p.m.," if in
5 fact that was the time.

6 Were there other -- were there other edits or
7 changes to the minutes?

8 MS. BREWSTER: This is Stacey
9 Brewster. I noted one. On Page 18, Line 14, it states
10 "half dash 4." I believe it should say "Hab," H-a-b,
11 "dash, 4," regarding Habitat 4.

12 CHAIR BECKETT: Very good.

13 Staff have that change? Okay.

14 Are there any other changes?

15 Hearing none. If I could have a vote to adopt.

16 All in favor, saying "aye" adopting.

17 MULTIPLE SPEAKERS: Aye.

18 CHAIR BECKETT: Opposed?

19 And I, as chair, will abstain, because I was not
20 present at the meeting. So thank you. Minutes are
21 adopted.

22 So moving on to our operational updates. Let me
23 actually first, before we do that, move to -- too many
24 pieces of paper here on my onboarding today.

25 There's something that I needed to put on the

1 record and into the record as the acting chair going
2 forward, which I will read a statement into the record
3 here shortly. It's based on conversations with
4 Director Bumpus and Counsel Thompson. And so please
5 know that what I'll read into the record here is
6 reflected based on their counsel and our conversations.

7 So good afternoon again. I want to take a few
8 moments at the outset of this meeting to address an
9 important matter concerning my new role and transition
10 onto the Council.

11 Prior to my appointment, I worked at a local
12 consulting firm based in Seattle, Washington, where I
13 worked as the chief operating officer, and I also
14 provided strategic counsel to various energy-related
15 projects until I departed the firm on November 1st,
16 2024. Some of this consulting work including --
17 included projects that selected the EFSEC permitting
18 pathway. These included the Hop Hill Solar, Wallula
19 Gap Solar, the Horse Heaven Clean Energy Center
20 project. And in addition, although I was not
21 personally involved in the Goldeneye battery energy
22 storage project, the project was a client of the firm
23 while I was an employee.

24 I do not want my prior association with these
25 projects to affect the fairness, integrity, and

1 transparency of this Council's work. I will therefore
2 be recusing myself from participating in any
3 decision-making related to the Council's
4 recommendations to the governor on the Goldeneye
5 battery storage, Hop Hill Solar, or Wallula Gap
6 projects, solar projects.

7 I will also recuse myself from Council
8 decision-making related to mitigation measures and
9 remaining project design, construction, and
10 micro-siting for the Horse Heaven Clean Energy Center
11 project.

12 This means that I will not actively participate in
13 the adjudicative hearings or the Council's development
14 of adjudicative orders on these project matters. When
15 an open meeting action item comes up on one of those
16 projects, as the Council's vote on the draft land-use
17 consistency order is slated to do today, I will
18 exercise my authority to appoint a fellow Council
19 member to serve as chair in my absence for that part of
20 the agenda.

21 Today I will pass the gavel to the longest-serving
22 Council member, Stacey Brewster, the appointee for the
23 Utilities and Transportation Commission. She may then
24 guide the Council's deliberations on that topic,
25 including calling for motions and votes as she deems

1 appropriate. My sincere appreciation and thanks to
2 Council Member Brewster for her willingness to take on
3 these added responsibilities.

4 Recusal is both a standard and essential step to
5 support public confidence in the Council's proceedings
6 and to uphold the highest ethical standards. My
7 decision is rooted in a commitment to ensuring that all
8 projects are reviewed objectively and free from any
9 preconceived prejudice or bias.

10 Let me assure you that while I will not be
11 involved in the decision-making for these specific
12 projects, I remain fully committed to supporting the
13 Council's broader mission of ensuring responsible and
14 thorough evaluation of energy facility proposals and
15 full consideration of all constituencies' perspectives.

16 I want to thank my fellow Council members for
17 their understanding and support of these transitional
18 measures and related time therein taken out of the
19 meeting.

20 So with that read into the record, and certainly
21 available for anyone that wishes to find me about any
22 of those topics. And with that, we will proceed with
23 the operational project updates, first of which, per
24 our normal order, is the Kittitas Valley wind project.
25 Mr. Caseday.

1 MR. CASEDAY: Yeah, good afternoon,
2 EFSEC Council and staff. This is Jarred Caseday with
3 EDP Renewables for the Kittitas Valley wind power
4 project.

5 For the month of December, we had nothing
6 nonroutine to report for the period.

7 And do you want me to report for January as well
8 right now, or are we doing that later?

9 CHAIR BECKETT: Please proceed on
10 reporting January. Thank you.

11 MR. CASEDAY: Okay. For January 25,
12 we also had nothing nonroutine to report for the
13 period.

14 CHAIR BECKETT: Very well. Thank
15 you.

16 MR. CASEDAY: Thank you.

17 CHAIR BECKETT: Moving on to the
18 Wild Horse wind project. Ms. Galbraith.

19 MS. GALBRAITH: Yeah, thank you,
20 Chair Beckett, Council members, and staff. This is
21 Jennifer Galbraith with Puget Sound Energy representing
22 the Wild Horse wind facility.

23 For the month of December 2024, we had one
24 nonroutine update. The Wild Horse Technical Advisory
25 Committee met via conference call on December 18th for

1 the annual meeting. This was an informational meeting.
2 There were no items that required formal actions or
3 recommendations from the TAC for the Council's
4 consideration.

5 And then for January 2025, I have no nonroutine
6 updates.

7 CHAIR BECKETT: Very well. Thank
8 you.

9 Moving on, then. And, again, if there are
10 questions from other Council members, please -- please
11 speak up. Otherwise, I'll keep proceeding through the
12 order.

13 Next is the Chehalis Generation Facility.
14 Mr. Smith.

15 I know we may have a couple absences here. So we
16 shall move on, then, if --

17 MS. RANDOLPH: Good afternoon, Chair
18 Beckett. This is Sara Randolph, site specialist. And
19 I did not hear Jeremy Smith on the line, so I can give
20 the update.

21 The facility update is provided in your packet.
22 There are no nonroutine updates to report.

23 CHAIR BECKETT: Very well. Thank
24 you.

25 Moving on to the Grays Harbor Energy Center.

1 Chris Sherin.

2 MR. SHERIN: Good afternoon, Chair,
3 Council members, and EFSEC staff. This is Chris
4 Sherin, the plant manager from Grays Harbor Energy
5 Center.

6 And for the months of December and January, we
7 didn't have any nonroutine items to report.

8 CHAIR BECKETT: Very well. Thank
9 you.

10 Columbia Solar. Mr. Cushing.

11 MR. CUSHING: Good afternoon, Chair
12 Beckett, EFSEC staff. This is Thomas Cushing for
13 Columbia Solar.

14 There are no nonroutine updates to report for both
15 January and February.

16 CHAIR BECKETT: Very well. Thank
17 you.

18 The Columbia Generating Station. Mr. LaPorte.

19 MR. LaPORTE: Good afternoon, Chair
20 Beckett. This is Josh LaPorte speaking on behalf of
21 Energy Northwest's Columbia Generating Station and
22 Washington Nuclear Projects 1 and 4.

23 I'll start with December 2024. On November 18th,
24 2024, the Washington Department of Ecology issued a
25 final summary and closed their situation report for the

1 September 18th, 2024, five-day report that Energy
2 Northwest submitted to EFSEC and Ecology but later
3 retracted on October 9th, 2024, after the spill pathway
4 from the reactor feedwater turbine heat exchanger was
5 confirmed to not impact the Columbia River. Energy
6 Northwest has an ongoing internal causal analysis of
7 the operational and human performance indicators during
8 this event. During our Outage 27, Energy Northwest
9 will be opening, cleaning, inspecting, and testing as
10 necessary the reactor feedwater systems.

11 For the June 13th, 2023, oil spill that was
12 reported to Ecology and EFSEC, Energy Northwest
13 received and paid Ecology's invoice for penalty and
14 reimbursement of the State's expenses. There are no
15 additional actions anticipated from this event.

16 For Washington Nuclear Power Projects 1 and 4, the
17 closure / post-closure plan for the Industrial
18 Development Complex limited-purpose landfill was
19 approved by Ecology and EFSEC on December 23rd, 2024.

20 And I'll move on to January 2025. There are no
21 updates for the Columbia Generating Station. For the
22 Nuclear -- excuse me -- Washington Nuclear Power
23 Projects 1 and 4, Energy Northwest has entered into the
24 bidding process for the Industrial Development Complex
25 landfill closure construction.

1 CHAIR BECKETT: Very well. Thank
2 you.

3 Moving on to the Goose Prairie Solar project.
4 Nelson Jia.

5 MR. JIA: Hello. So reporting for
6 the previous months, starting with December, we had
7 roughly 2,657 megawatt-hours produced. No major
8 outages or major maintenance events to report.

9 Moving to environmental and safety compliance.
10 Nothing major here to report as well, other than that
11 we continue our stormwater pollution inspections. And
12 as well as that, we have submitted several plans back
13 in December. More specifically, site security plans to
14 EFSEC, stormwater pollution prevention plans, spill
15 prevention, emergency plans, fire control plan, and our
16 site security plan.

17 I guess in more exciting news, with upcoming
18 projects with our Goose Prairie Solar, our development
19 team is in the feasibility stage of potentially
20 exploring the opportunity to install a battery energy
21 storage system at the site as well to complement the
22 solar.

23 And then, lastly, we -- in the month of December,
24 we officially transitioned over from construction to
25 operations. So just listing myself as the person who

1 will continue to provide these updates, as well as we
2 have set up an e-mail address for the general public to
3 provide any questions, comments, or concerns.

4 CHAIR BECKETT: Very good. Thank
5 you for the update.

6 MR. JIA: No problem. And then we
7 can move to the -- to next month.

8 CHAIR BECKETT: Oh. I'm sorry.
9 Yes, please do.

10 MR. JIA: Yes. So for January, much
11 more favorable generation month, almost doubling, up to
12 5,878 megawatt-hours produced. We did have one period
13 where we did send some inverters off-line, and that was
14 for our lockout/tagout procedure. This was more for
15 our on-site technicians to verify the procedure to
16 follow for future events that a lot of procedures need
17 to be included.

18 On top of that, we do have a couple -- four
19 inverters specifically that continue to be off-line,
20 and this is just waiting for breaker parts to arrive
21 for us to install.

22 On an environmental compliance side of things, I
23 think most notably to make a note of is that we had a
24 discussion with EFSEC with regards to amending our
25 lease, and this is for habitat restoration and our

1 mitigation plan.

2 So more specifically, we're -- we are leasing a
3 parcel of land, and that land is going to be used for
4 habitat restoration and mitigation. After discussing
5 with the landowner, we've decided to amend the lease
6 agreement and to encompass a different parcel of land.
7 Still within our project boundaries, and the acreage
8 remains the same. However, it's just a different
9 parcel to accommodate the calving pasture that exists
10 in the initial area. So we've ran this plan by EFSEC,
11 and that has been approved, and so we are underway in
12 terms of getting a new survey and setting up the new
13 lease agreement.

14 From a safety compliance side, we have nothing to
15 update. And in terms of others, nothing else to update
16 as well. So thank you.

17 CHAIR BECKETT: Thank you.

18 Moving on to High Top Solar. Ms. Randolph.

19 MS. RANDOLPH: Good afternoon, Chair
20 Beckett, Council members, and staff. For the record,
21 this is Sara Randolph, site specialist for Ostrea.

22 EFSEC staff approved preconstruction plans on
23 February 10th, with the kickoff meeting today and
24 construction beginning on February 24th.

25 We have no other updates to report at this time.

1 CHAIR BECKETT: Was that the update
2 for Ostrea --

3 MS. RANDOLPH: Yes.

4 CHAIR BECKETT: -- and -- very well.
5 And then could you also update on High Top Solar.

6 MS. RANDOLPH: Certainly.

7 CHAIR BECKETT: Thank you.

8 MS. RANDOLPH: Again, for the
9 record, this is Sara Randolph, site specialist for High
10 Top.

11 Because the project has had no EFSEC activity for
12 a prolonged period, next month we will take off of the
13 agenda, then put back on when they resume coordination
14 with our office.

15 We have no other updates to report at this time.

16 CHAIR BECKETT: Very well. Thank
17 you.

18 Wautoma Solar. Joanne Snarski and Lance Caputo,
19 or "or Lance Caputo."

20 MR. CAPUTO: Chair Beckett and
21 Council members, for the record, my name is Lance
22 Caputo, siting specialist for the Wautoma Solar energy
23 project.

24 In accordance with the requirements of
25 Chapter 463-30-335 of the Washington Administrative

1 Code, Benton County filed a petition on December 12th,
2 2024, with the Council for reconsideration of the
3 Council's decisions to recommend to the governor
4 approval of the Wautoma Solar energy project's draft
5 site certification agreement and recommendation for
6 present -- preemption of the County's land-use
7 petitions. The Council reviewed the petition and
8 subsequently denied the Council's [sic] request.

9 On January 9th, 2025, Governor Inslee signed and
10 executed the site certification agreement. A
11 representative from Wautoma Solar Energy shortly
12 thereafter signed the site certification agreement. We
13 have begun collaborating with the certificate holder on
14 post-certification requirements.

15 May I answer any questions?

16 CHAIR BECKETT: Questions? Hearing
17 none.

18 Moving on to Carriger Solar. Joanne Snarski.

19 MS. SNARSKI: Thank you, Chair
20 Beckett and Council members. For the record, this is
21 Joanne Snarski, the siting specialist for Carriger
22 Solar.

23 In October, staff received a confidential report
24 from the Yakama Nation regarding their assessment of
25 traditional cultural properties, or TCPs, impacted by

1 the potential development of the Carriger Solar
2 facility. EFSEC is working in coordination with the
3 Yakama Nation Cultural Resources Program staff and the
4 developer, which is Cypress Creek Renewables, to
5 identify potential mitigation and inform our SEPA
6 threshold determination.

7 May I answer any questions?

8 CHAIR BECKETT: Any questions?

9 Hearing none. Thank you.

10 Moving on to the Horse Heaven Wind Farm. Amy
11 Moon.

12 MS. MOON: Good afternoon, Council
13 Chair Beckett and EFSEC Council members. For the
14 record, this is Amy Moon reporting on the Horse Heaven
15 wind project.

16 In accordance with the site certificate agreement,
17 Article IV.G -- Article IV is "Plans, Approvals and
18 Actions Required Prior to Construction" -- EFSEC staff
19 and the certificate holder developed the rules of
20 procedure for the Pre-operational Technical Advisory
21 Group, which is abbreviated to the acronym P-T-A-G, or
22 PTAG. These rules of procedure include the list of
23 PTAG participants. The certificate holder is actively
24 working to confirm member representatives and to
25 convene as a group in early to mid March.

1 Does the Council have any questions?

2 CHAIR BECKETT: Questions from the
3 Council? Hearing none. Thank you.

4 Moving on to Hop Hill Solar. Trevin Taylor.

5 MR. TAYLOR: Hello. This Trevin
6 Taylor for John Barnes, the assigned site specialist
7 for Hop Hill application.

8 We continue to coordinate and review the
9 application with our contractor, contracted agencies,
10 and tribal governments.

11 There are no further updates at this time.

12 Are there any questions?

13 CHAIR BECKETT: Hearing none.

14 Okay. Moving on, also Trevin, to Wallula Gap,
15 please.

16 MR. TAYLOR: For the record, this is
17 Trevin Taylor for John Barnes, the siting specialist
18 for the Wallula Gap application.

19 We continue to coordinate and review the
20 application with our contractors, contracted agencies,
21 and tribal governments.

22 There are no further updates at this time. Are
23 there any questions?

24 CHAIR BECKETT: Any questions?

25 Hearing none.

1 So let me move us on, then, to the Goldeneye BESS
2 project. Again, "battery energy storage system" for
3 you new folks unfamiliar with that term. And Joanne
4 Snarski will be providing a project update. I will
5 also, before turning it over to Joanne, go ahead and be
6 recusing myself, as I said, from this discussion /
7 voting, and I will use my statutory authority to
8 designate Stacey Brewster as the acting chair for this
9 action item.

10 And with that, Chair Brewster, preside. Thank you
11 so much.

12 MS. SNARSKI: I will proceed.

13 On August 13th, 2024, EFSEC held a public
14 informational hearing followed by a land-use
15 consistency hearing in Sedro-Woolley Community Center
16 in Sedro-Woolley. In addition to oral and written
17 comments received during the August 2024 land-use
18 consistency hearing, EFSEC opened a public comment
19 period from December 11th through December 15th to seek
20 comment on the proposed draft order determining
21 land-use consistency.

22 Through public comments received, EFSEC was
23 notified of an error on the public comment website
24 stating an incorrect period for comment submission. As
25 a result, during the December monthly Council meeting,

1 an extension to the public comment period was proposed
2 by staff and agreed to by the Council. The additional
3 comment period for review of the draft order was opened
4 again between January 6th through January 12th, 2025,
5 prior to the next scheduled date for Council action.

6 Approximately 22 comments were received during the
7 initial December comment period. 55 additional
8 comments were submitted during the January comment
9 period. A copy of the draft order, along with
10 suggested edits prompted by the comments received, can
11 be found in your briefing packet. The suggested
12 additions to the text can be found primarily under the
13 sections titled "Public Comments," "Applicable Skagit
14 County Codes," and "Conclusions of Law."

15 Many comments were not pertinent to the topic of
16 land-use consistency. Those comments were primarily
17 directed at environmental impact and public safety
18 concerns from the proposed battery energy storage
19 system. And the additional comments were also
20 addressed towards the elimination of the agricultural
21 potential of the proposed -- the proposal on the
22 selected site. Those concerns are addressed with some
23 proposed additional text under Conclusion of Law 11.

24 Comments relevant to the issue of land-use
25 consistency concerned land-use codes -- code updates

1 adopted by Skagit County in November 2024, which
2 prohibit special-use permits on agricultural natural
3 resource zoned land for major utility developments that
4 involve the generation of [sic] storage or [sic]
5 electricity. Discussion of this code amendment was
6 added to Paragraph 31 under "Applicable County Codes"
7 and under Conclusions of Law 4, 8, and 12.

8 Several commenters also referenced case law
9 concerning local government's implementation of the
10 Growth Management Act. A discussion of the
11 applicability of that case law to this land-use
12 consistency determination can be found in Conclusion of
13 Law 7.

14 Finally, some minor grammatical errors were
15 corrected in Paragraph 22 and Subsection 5 of the
16 conclusions of law.

17 The proposed changes are informational and strive
18 to add clarity to the draft order. None of the
19 proposed changes alter the determination of consistency
20 as originally drafted. Staff recommends the Council
21 approve the land-use consistency order as amended. And
22 my [sic] and my colleagues are available to answer any
23 questions you may have.

24 MS. BREWSTER: Are there any
25 questions from Council members?

1 The action on the agenda is for the Council to
2 deliberate and vote on the proposed draft order
3 determining land-use consistency. As stated by
4 Ms. Snarski, in addition to the comments received in
5 August at the land-use consistency hearing, EFSEC has
6 held two comment periods prior to final action. While
7 the staff has indicated some proposed edits, the
8 conclusion of the document remains unchanged as it
9 pertains to the narrow decision on whether the proposed
10 facility was consistent with local ordinances and codes
11 at time of application.

12 As a reminder, the Council defines a proper -- a
13 project as consistent with local land-use provisions if
14 it would have been eligible to apply for a conditional
15 or special-use permit at the time of the application.
16 **A finding of consistency does not necessarily mean the**
17 **Council will ultimately recommend approval.**

18 **At this time, is there a motion to approve the**
19 **draft order?**

20 **I see a question from Lenny Young.**

21 MR. YOUNG: Yeah, I -- I had a
22 question on the -- the preceding synopsis that
23 Ms. Snarski provided.

24 Yesterday afternoon, EFSEC staff forwarded to
25 Council members a letter that was asserting inadequate

1 opportunities for public comment and was citing to RCW.
2 Could staff address that letter? And, I guess, boiling
3 my question down: Did any -- any deficiencies, if they
4 even existed in public comment opportunity originally,
5 were they made up for by the additional comment time
6 that was added? Could staff address that letter and
7 kind of reassure us where we stand on opportunities
8 that were provided for public comment?

9 MR. PACKER: This is Zack Packer,
10 assistant attorney general.

11 Yeah, that was the purpose of the additional
12 comment period in early January. The Open Public
13 Meetings Act requires that the Council create an
14 opportunity for public comment on an action item that's
15 to be taken up at an open public meeting. And that
16 public comment opportunity can either be in person at
17 the meeting or in writing in -- ahead of time.

18 So that -- that comment period was offered in
19 early January ahead of the scheduled January meeting.
20 That meeting did not occur due to a need to reschedule.
21 And so that comment period is applicable and provided
22 that comment opportunity for the action item at this
23 meeting, which is the -- the meeting that immediately
24 follows that comment period.

25 MR. YOUNG: Okay. So did that

1 process alleviate the concern that was raised in the
2 letter we received yesterday?

3 MR. PACKER: I don't have that
4 letter in front of me. And so I can't remember whether
5 that's the only concern that was raised. But in terms
6 of the opportunity to comment on the Council's decision
7 on the land-use consistency order today, I believe so.

8 MR. YOUNG: Thank you.

9 MS. BREWSTER: All right. Do we
10 have a motion from Council members to approve the
11 order?

12 MS. GRANTHAM: Chair, this is Andrea
13 Grantham. I see that Council Member Robby Eckroth and
14 then Eli Levitt as well both have their hands up for
15 questions.

16 MS. BREWSTER: Thank you.

17 MR. ECKROTH: Thank you. I was just
18 wondering if there would be opportunity for discussion
19 after a motion is made.

20 MS. BREWSTER: Yes, there will.

21 MR. ECKROTH: Thank you.

22 MS. BREWSTER: Mr. Levitt?

23 MR. LEVITT: Yeah, I guess I'm just
24 curious if staff could summarize how long each comment
25 period was -- was open.

1 MS. SNARSKI: Okay. I can do that.
2 I don't believe I have the dates fully for August other
3 than the public meeting. But the additional dates were
4 December 11th through December 15th, 2024. And then
5 the supplemental opening of the public comment period
6 due to the mishap I reported on was in January, from
7 January 6th through January 12th, 2025.

8 MR. LEVITT: Thank you.

9 MS. BREWSTER: Okay. Once again,
10 we're looking for a motion to approve the order, and
11 then we can move into discussion.

12 MR. YOUNG: Lenny Young. So moved.

13 MS. OSBORNE: Elizabeth Osborne.
14 Second.

15 MS. BREWSTER: And discussion.
16 Robby Eckroth.

17 MR. ECKROTH: Thank you, Chair. So
18 for the record, this is Robby Eckroth, representative
19 from Skagit County for the Goldeneye facility.

20 So when the Goldeneye Battery Energy Storage
21 System facility application was submitted, Skagit
22 County Code 14.16.400, Subsection 4(h), allowed major
23 utility developments where there is no other viable
24 parcel or nonagricultural designated land to serve the
25 affected area. Part of the requirement of the use is

1 that an analysis of alternatives to the development of
2 the utility and the natural resource land be provided.

3 So my interpretation of this code is that it's a
4 requirement of the use and not necessarily a
5 development standard or other criteria. So when an
6 application is submitted, it has to be sufficiently
7 demonstrated that -- that there is no other viable
8 parcel.

9 So since it's a requirement to be considered for
10 hearing examiner special use, the applicant holds the
11 burden to supply a sufficient alternatives analysis to
12 be considered consistent with the local land-use code
13 and to be considered to be an allowed use in the
14 agricultural natural resource zone in Skagit County.

15 The alternatives analysis that was submitted only
16 reviewed a one-mile radius around one substation and
17 never explained in the analysis why the facility needs
18 to be connected to that particular substation. The
19 analysis should have also included other substations in
20 the county and possibly outside of the county.

21 Additionally, other sites were available outside
22 the agricultural and natural resource land zone within
23 a mile of the substation but were not chosen as they
24 were less economical to the applicant, which is
25 something that can be -- is not considered under Skagit

1 County Code.

2 So since the applicant hasn't sufficiently
3 demonstrated that there is no other viable parcel
4 outside the agricultural natural resource zone, I will
5 be voting "no" on the land-use consistency
6 determination. Thank you.

7 MS. BREWSTER: Any other comments
8 from Council members?

9 I see Mr. Levitt.

10 MR. LEVITT: Yeah, I guess I just
11 want to offer that public comment has been a
12 particularly contentious issue with this project. I
13 think in the future, perhaps the Council needs to
14 consider the length of the public comment period being
15 open for longer periods and also need to consider the
16 timing during the year.

17 Opening comment periods in mid December and early
18 January is pretty close to winter holidays and winter
19 vacation season, and I think we should do everything in
20 our power to make the comment period as long as it
21 needs to be and not during a time when people are
22 normally quite busy. So just putting that forward for
23 the record.

24 MS. BREWSTER: Thank you,
25 Mr. Levitt.

1 Any further discussion?

2 All those in favor of approving the order, please
3 say "aye."

4 MULTIPLE SPEAKERS: Aye.

5 MS. BREWSTER: Opposed?

6 MR. ECKROTH: Robby Eckroth.

7 Opposed.

8 MS. BREWSTER: Mr. Levitt, did I see
9 your light up?

10 MR. LEVITT: Yes. Also opposed.

11 MS. BREWSTER: Thank you.

12 Motion is approved.

13 I believe that concludes this action. I'll hand
14 the gavel back to Chair Beckett.

15 CHAIR BECKETT: Thank you,
16 Councilwoman Brewster.

17 Okay. Sticky button. Thank you, again, for
18 stepping in.

19 That concludes our facility updates, I believe.
20 And that would take us to moving on to a staff update
21 from Ms. Bumpus.

22 MS. BUMPUS: Thank you.

23 CHAIR BECKETT: Cost allocation and
24 one other item, but please, your direction.

25 MS. BUMPUS: Thank you, Chair

1 Beckett and Council members. For the record, this is
2 Sonia Bumpus.

3 I just wanted to take a moment to welcome Dave
4 Walker back to EFSEC. Dave helped EFSEC -- I think he
5 left about ten months ago. But he was here during
6 EFSEC's transition as we stood up as an independent
7 agency in 2022. And we're really happy to have him
8 come back and work with us.

9 Martin McMurray has taken another position, and so
10 Dave will be filling in and helping as we undertake
11 hiring and recruitment for Martin's position. So just
12 join me in welcoming Dave. We're -- we're really glad
13 he came back to help us out.

14 I won't -- I do have the non-direct cost
15 allocation. This is the non-direct cost allocation for
16 third quarter. But I -- but this list is just getting
17 longer and longer. I won't read these off, but it is
18 in your packet for review, and it's also available in
19 the packets on the EFSEC website.

20 Do Council members have any questions?

21 CHAIR BECKETT: Last call. Any
22 questions?

23 Hearing none.

24 MS. BUMPUS: Okay. Thank you.

25 CHAIR BECKETT: Thank you.

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And unless someone tells me differently, I believe that concludes our agenda as approved.

And with that, at 2:12 p.m., this meeting is adjourned.

(Meeting adjourned at
2:12 p.m.)

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

3
4
5 That the foregoing Monthly Meeting of the Washington
6 State Energy Facility Site Evaluation Council was conducted
7 in my presence and adjourned on February 19, 2025, and
8 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
16 IN WITNESS WHEREOF, I have hereunto set my hand
17 this 21st day of February, 2025.

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/s/John M. S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2025.)