

Washington State Energy Facility Site Evaluation Council AGENDA

MONTHLY MEETING Thursday June 20, 2024

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	Thursday June 20, 2024	Click here to join the meeting		
	<u>12:30 PM</u>	Conference number: 564-999-2000 ID: 699286814#		
1. Call to Order 2. Executive Session		Kathleen Drew, EFSEC Chair Kathleen Drew, EFSEC Chair		
3. Roll Call		Andrea Grantham, EFSEC Staff		
4. Proposed Agenda		Kathleen Drew, EFSEC Chair		
5. Minutes	Meeting Minutes May 15, 2024 Monthly Council Meeting Minutes	Kathleen Drew, EFSEC Chair		
	May 16, 2024 Whistling Ridge Transfer and			
6. Projects	a. Kittitas Valley Wind Project			
	Operational Updates	Jarred Caseday, EDP Renewables		
	b. Wild Horse Wind Power Project			
	Operational Updates	Jennifer Galbraith, Puget Sound Energy		
	c. Chehalis Generation Facility			
	Operational Updates	Jeremy Smith, Chehalis Generation		
	d. Grays Harbor Energy Center			
	Operational Updates	Chris Sherin, Grays Harbor Energy		
	Air Operating Permit Update	Sara Randolph, EFSEC Staff		
	e. Columbia Solar			
	Operational Updates	Thomas Cushing, Greenbacker Capital		
	f. Columbia Generating Station	•		
	-	Denis Mehinagic, Energy Northwest		
	g. WNP – 1/4	3 / 3 /		
	•	Denis Mehinagic, Energy Northwest		
	h. Goose Prairie Solar			
		Jacob Crist, Brookfield Renewable		
	i. High Top & Ostrea			
		Sara Randolph, EFSEC Staff		
		Gara Nandolph, Er GEG Gian		
	•	Joanne Snarski, EFSEC Staff		
	, ,			
	k. Wautoma Solar	Aud 11-flow FF0F0 01-ff		
	, '	Ami Hafkemeyer, EFSEC Staff		
		Ami Hafkemeyer, EFSEC Staff		
	·	ON on the extension request for the Wautoma Solar project.		
	I. Hop Hill Solar			
	Project Updates	John Barnes, EFSEC Staff		
	m. Carriger Solar			
	Project Updates	Joanne Snarski, EFSEC Staff		
	n. Wallula Gap			
	Application Update	John Barnes, EFSEC Staff		
	o. Whistling Ridge			
	Transfer and Extension Requests Deliberation	onAmi Hafkemeyer, EFSEC Staff		
	p. Horse Heaven Wind Farm			

POTENTIAL ACTION ITEM

7. Other	Staff Introductions				
	New Employee - Martin McMurry	Sonia Bumpus, EFSEC Staff			
	New Employee – Trevin Taylor	Ami Hafkemeyer, EFSEC Staff			
8. Adjourn		Kathleen Drew, EFSEC Chair			

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2	WASHINGTON STATE				
3	WINDLINGTON DIFFE				
4	ENERGY FACILITY SITE EVALUATION COUNCIL				
5	MONITURE AND THE CONTRACT OF T				
6	MONTHLY MEETING				
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8					
9	Wednesday, May 15, 2024				
10	Taken at 621 Woodland Square Loop Southeast				
11	Lacey, Washington				
12	And Via Microsoft Teams				
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25	REPORTED BY: Lori K. Haworth, CCR, RPR				

Washington State Energy Facility Site Evaluation Council TRANSCRIPT, MONTHLY MEETING on 05/15/2024

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1	APPEARANCES	1	APPEARANCES	
2				
3	Kathleen Drew, Chair		OPERATIONAL UPDATES (Continued):	
١.	Elizabeth Osborne, Department of Commerce	3		
4	Eli Levitt, Department of Ecology		Badger Mountain:	
5	Mike Livingston, Department of Fish and Wildlife	4	Joanne Snarski, EFSEC Staff	
3	Lenny Young, Department of Natural Resources Stacey Brewster, Utilities and Transportation	5	Wautoma Solar:	
6	Commission	6	Lance Caputo, EFSEC Staff	
7	LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:	"	Hop Hill Solar:	
8	Horse Heaven, Benton County:	7	John Barnes, EFSEC Staff	
	Ed Brost	8	Carriger Solar:	
9			Joanne Snarski, EFSEC Staff	
l	Badger Mountain, Douglas County:	9		
10	(Not present.)		Wallula Gap:	
11	Wautoma Solar, Benton County: (Not present.)	10	John Barnes, EFSEC Staff	
12	(Not present.)	11		
	Washington State Department of Transportation:		COUNSEL FOR THE ENVIRONMENT:	
13	(Not present.)	12		
14	Hop Hill Solar, Benton County:	1,,	Sarah Reyneveld	
	Paul Krupin	13	Yuriy Korol	
15		14	IN ATTENDANCE:	
	Carriger Solar, Klickitat County:	15	IN MILLENDANCE.	
16	(Not present.)		Olympic Regional Clean Air Authority:	
17	Wallula Gap, Benton County:	16	Aaron Manley	
18	(Not present.)		Mike Shults	
	ASSISTANT ATTORNEY GENERALS:	17		
19		18		
	Jon Thompson	19		
20	Zack Packer	20		
21	ADMINISTRATIVE LAW JUDGES:	21		
22	Adam Torem	22		
23 24		23		
25		25		
1	APPEARANCES - (Continued)	1	CHAIR DREW: Good afternoon. This is	
2				
3	COUNCIL STAFF:	2	Kathleen Drew, Chair of the Energy Facility Site	
	Andrea Grantham Joanne Snarski	3	Evaluation Council. Welcome to our May monthly meeting.	
4	Sonia Bumpus Alex Shiley	4	Ms. Grantham, will you call roll.	
5	Amy Moon Ali Smith Stew Henderson Karl Holappa			
3	Stew Henderson Karl Holappa Joan Owens Audra Allen	5	ANDREA GRANTHAM: Certainly.	
6	Dave Walker Lisa McLean	6	Department of Commerce?	
_	Sonja Skaland Catherine Taliaferro	7	ELIZABETH OSBORNE: Elizabeth Osborne	
7	Sean Greene Alondra Zalewski Lance Caputo Sairy Reyes			
8	John Barnes	8	present.	
9		9	ANDREA GRANTHAM: Department of Ecology?	
10	OPERATIONAL UPDATES:	10	Department of Fish and Wildlife?	
10	Kittitas Valley Wind Project:		-	
11	Jarred Caseday, EDP Renewables	11	MIKE LIVINGSTON: Mike Livingston present.	
12	Wild Horse Wind Power Project:	12	ANDREA GRANTHAM: Department of Natural	
13	Jennifer Galbraith, Puget Sound Energy	13	Resources?	
13	Grays Harbor Energy Center:			
14	Joanne Snarski, EFSEC Staff	14	LENNY YOUNG: Lenny Young present.	
15	Chehalis Generation Facility:	15	ANDREA GRANTHAM: Utilities and	
16	Jeremy Smith, Chehalis Generation	16	Transportation Commission?	
	Columbia Generating Station & WNP-1/4, Energy		-	
17	Northwest:	17	STACEY BREWSTER: Stacey Brewster present.	
18	Amy Moon, EFSEC Staff	18	ANDREA GRANTHAM: For local government and	
-0	Columbia Solar:	19	optional state agencies.	
19	Thomas Cushing, Greenbacker Capital			
20	Goose Prairie Solar:	20	For the Horse Heaven Project, Benton County, we	
21	Jacob Crist, Brookfield Renewable	21	have Ed Brost. He is muted on the phone, but he is	
	Horse Heaven Wind Farm:	22	present.	
22	Amy Moon, EFSEC Staff			
23	High Top & Ostrea:	23	For Badger Mountain, Douglas County, Jordyn	
24	Joanne Snarski, EFSEC Staff	24	Guilio?	
	Whistling Ridge:	25	Wautoma Solar, for Benton County, Dave Sharp?	
25	Lance Caputo, EFSEC Staff			

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1 -	Washington State Department of Transportation,	1	and Yuriy Korol. Thank you.		
2	Paul Gonseth?	2	ANDREA GRANTHAM: Thank you.		
3	Hop Hill Solar, Benton County, Paul Krupin?	3	Chair, there is a quorum for the regular		
4	For Carriger Solar, Klickitat County, Matt	4	council as well as the Horse Heaven council. Thank you.		
5	Chiles?	5	CHAIR DREW: And the other councils, as		
6	And for Wallula Gap, for Benton County, Adam	6	well?		
7	Fyall?	7	ANDREA GRANTHAM: Yes.		
8	Assistant attorney generals. Jon Thompson?	8	CHAIR DREW: Thank you.		
9	JON THOMPSON: Present.	وا	Okay. In front of us, Council, we have the		
10	ANDREA GRANTHAM: Jenna Slocum?	10	proposed agenda. Is there a motion to adopt the		
11	Zack Packer?	11	proposed agenda?		
12	ZACK PACKER: Present.	12	LENNY YOUNG: Lenny Young. So moved.		
13	ANDREA GRANTHAM: And do we have any	13	STACEY BREWSTER: Stacey Brewster.		
14	administrative law judges present?	14	Second.		
15	JUDGE TOREM: This is Judge Torem. I am	15	CHAIR DREW: It's been moved and seconded.		
16	present on the line.	16	All those in favor of adopting the agenda, please say		
17	ANDREA GRANTHAM: Thank you.	17			
	For Council Staff. I will be calling those who		"aye."		
18 19	are anticipated to speak today. I have Amy Moon?	18 19	MULTIPLE SPEAKERS: Aye.		
			CHAIR DREW: Opposed?		
20	AMY MOON: Amy Moon present.	20	Agenda is adopted.		
21	ANDREA GRANTHAM: Sara Randolph?	21	Moving on to the meeting minutes. We have two		
22	JOANNE SNARSKI: This is Joanne Snarski.	22	sets of meeting minutes. First, we will take up the		
23	I will be stepping in for Sara. She had to step out, so	23	April 17th monthly Council meeting minutes. Is there a		
24	I will step in for her summaries today.	24	motion to approve the monthly meeting minutes from		
25	ANDREA GRANTHAM: Thank you, Joanne. And	25	April 17th?		
1	I will count you as present.	1	ELIZABETH OSBORNE: Elizabeth Osborne. So		
2	Lance Caputo?	2	moved.		
3	LANCE CAPUTO: Present.	3	CHAIR DREW: Thank you.		
4	ANDREA GRANTHAM: John Barnes?	4	Second?		
		-	2000		
5	JOHN BARNES: Present.	5	STACEY BREWSTER: Stacy Brewster, Second.		
5	JOHN BARNES: Present. ANDREA GRANTHAM: And for operational	5	STACEY BREWSTER: Stacy Brewster. Second.		
6	ANDREA GRANTHAM: And for operational	6	CHAIR DREW: I did not find any		
6 7	ANDREA GRANTHAM: And for operational updates. Kittitas Valley Wind?	6 7	CHAIR DREW: I did not find any corrections to make with the monthly Council meeting		
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JEREMY SMITH: Good afternoon, Chair Drew,
1
    there a motion to approve those minutes?
2
                   STACEY BREWSTER: Stacey Brewster. So
                                                                    Council Members, and Staff. Jeremy Smith, the
3
    moved.
                                                                    operations manager, representing the Chehalis Generation
                                                                 4
4
                  CHAIR DREW: Thank you.
                                                                    Facility.
                                                                5
5
                                                                             I do not have anything nonroutine to note for
             Second?
6
                                                                6
                                                                    the month of April.
                  LENNY YOUNG: Lenny Young. Second.
7
                  CHAIR DREW: Thanks.
                                                                                   CHAIR DREW: Thank you.
8
             I do have a few corrections here. On page 11
                                                                8
                                                                             Grays Harbor Energy Center, Mr. Sherin.
9
    line 10, the word "warp," w-a-r-p, should be "wrap,"
                                                                9
                                                                             Ms. Snarski.
10
                                                               10
                                                                                   JOANNE SNARSKI: Yeah.
    w-r-a-p.
                                                               11
11
             On page 11 line 21, the word "are," a-r-e,
                                                                                  CHAIR DREW: Go ahead.
12
    should be "area," a-r-e-a.
                                                               12
                                                                                   JOANNE SNARSKI: I will go ahead and give
13
             On page 12 line 6, the word "bee," b-e-e,
                                                               13
                                                                    the update, but. This is Joanne Snarski stepping in on
                                                                    behalf of Sara Randolph, the site specialist for Grays
14
    should be b-e-e-n.
                                                               14
                                                               15
15
             And on page 22 line 18 through page 31, the
                                                                    Harbor.
16
    notation of "Ms. Grantham" should be "Ms. Shirley."
                                                               16
                                                                             Included in the council packet for your review
17
             Are there any other corrections?
                                                               17
                                                                    is a copy of the Air Operating Permit and associated
18
                  ANDREA GRANTHAM: Chair Drew, really
                                                               18
                                                                    technical support document.
19
    quick. This is Ms. Grantham. It is "Ms. Shiley," not
                                                               19
                                                                             If you recall, in 2020, Grays Harbor submitted
20
    "Shirley."
                                                               20
                                                                    a request to amend their Site Certification Agreement to
                  CHAIR DREW: Oh. "Shiley." Yes. Thank
21
                                                               21
                                                                    upgrade their turbines with Advanced Gas Path
22
    you. I had that written down, but I said it wrong.
                                                               22
                                                                    technology. That was approved by the Council at the
23
                  ANDREA GRANTHAM: Okay.
                                                                    November 17, 2020, Council meeting, after which some
24
                  CHAIR DREW: Thank you. Correction to me.
                                                               24
                                                                    regulatory activity was required.
                                                               25
25
    That should be "Ms. Shiley."
                                                                             In January 2021, EFSEC issued an amended
             Any others, corrections?
                                                                    Prevention of Significant Deterioration Permit to the
1
                                                                    facility to reflect their equipment change. Staff have
2
             Hearing none, all those in favor of adopting --
                                                                 2
3
    I mean, excuse me, approving the minutes as amended,
                                                                    been working with the facility and our contracts --
4
    please say "aye."
                                                                    contractors at ORCAA, which is the Olympic Regional
5
                  MULTIPLE SPEAKERS: Aye.
                                                                    Clean Air Authority, to develop and amend Title V Air
6
                  CHAIR DREW: Opposed?
                                                                6
                                                                    Operating Permit reflecting the Advanced Gas Path
7
             The minutes are approved.
                                                                    technology change. We have drafts prepared which are
8
             Moving on to Kittitas Valley Wind Project,
                                                                    attached for your review. And we would like to ask the
                                                                    Council to issue the documents for public comment
9
    Mr. Caseday.
10
                  JARRED CASEDAY: Good afternoon, Chair
                                                               10
                                                                    beginning May 20th. This would initiate a 31-day public
   Drew, EFSEC Council, and Staff. This is Jarred Caseday
11
                                                               11
                                                                    comment period. Following the public comment period,
12
    with EDP Renewables for the Kittitas Valley Wind Power
                                                               12
                                                                    the draft permit documents, as well as the responses to
                                                               13
                                                                    any substantive comments, will go to the EPA for an
13
    Project.
14
             We had nothing nonroutine to report for this
                                                               14
                                                                    additional 45-day review.
                                                               15
15
    period.
                                                                             It says here that if you have questions, Aaron
16
                  CHAIR DREW: Thank you.
                                                               16
                                                                    Manley and Mike Shults from ORCAA are on the line, and I
17
             Wild Horse Wind Power Project, Ms. Galbraith.
                                                               17
                                                                    am not sure if that's true or not.
18
                  JENNIFER GALBRAITH: Yes. Thank you,
                                                               18
                                                                                  AARON MANLEY/MIKE SHULTS: Yes. We are
19
    Chair Drew, Council Members, and Staff. For the record,
                                                               19
                                                                    here.
20
    this is Jennifer Galbraith representing Puget Sound
                                                               20
                                                                                   CHAIR DREW: Thank you.
21
    Energy for the Wild Horse Wind Facility.
                                                               21
                                                                                   JOANNE SNARSKI: Excellent.
22
                                                               22
             For the month of April, I have nothing
                                                                                   CHAIR DREW: Council Members, do you have
23
    nonroutine to report. Thank you.
                                                               23
                                                                    any questions about the Air Operating Permit or the
24
                  CHAIR DREW: Okay.
                                                               24
                                                                    process in front of us? What is laid out is that -- oh.
                                                               25
25
             Chehalis Generation Facility, Mr. Smith.
                                                                             Mr. Levitt, go ahead.
```

```
ELI LEVITT: Hi. This is Eli Levitt with
 1
                                                                    Before moving on, there is one additional note under
 2
     the Department of Ecology.
                                                                 2
                                                                     Grays Harbor.
 3
              I guess my question is, I know a public comment
                                                                3
                                                                                   CHAIR DREW: Oh, okay.
    period is standard. Also, normal when we are re-upping
 4
                                                                 4
                                                                                   JOANNE SNARSKI: And it's a short one.
                                                                5
 5
    an Air Operating Permit, to do a public hearing for the
                                                                                   CHAIR DREW: Okay.
 6
    members of the community.
                                                                 6
                                                                                   JOANNE SNARSKI: It states here that the
 7
                   CHAIR DREW: Ms. Bumpus.
                                                                     National Pollutant Discharge Elimination System Permit
 8
                   SONIA BUMPUS: Just to make sure I heard
                                                                     is under review. And that's -- then there are no other
 9
     the question. Council Member Levitt, you're asking if
                                                                9
                                                                     updates at this time.
10
     the Council needs to have a hearing for the permit?
                                                                10
                                                                                  CHAIR DREW: Okay. Thank you.
                   ELI LEVITT: Yeah. I guess I am just -- I
11
                                                               11
                                                                              Columbia Solar, Mr. Cushing.
12
    have heard, in Ecology, sometimes we do a public comment
                                                                12
                                                                                   THOMAS CUSHING: Good afternoon, Chair
     period and a public hearing. I am curious if that was
                                                                     Drew, Council Members, EFSEC Staff. This is Thomas
13
     considered on this case.
14
                                                                14
                                                                     Cushing, speaking on behalf of Columbia Solar.
                                                                15
15
                   SONIA BUMPUS: No, I don't believe we are
                                                                              There are no nonroutine updates to report.
                                                                                  CHAIR DREW: Thank you.
16
    planning to do a hearing on the permit. We will do
                                                               16
17
     public comment. And I think that if a meeting or a
                                                                17
                                                                              Columbia Generating Station.
18
    hearing were requested, then the Council could consider
                                                               18
                                                                                  AMY MOON: Hello. This is Amy Moon. I
19
     doing that. But no, we are not anticipating holding a
                                                                19
                                                                    will be giving the update for Energy Northwest.
20
    hearing. But we will be taking public comment and
                                                                20
                                                                              There are no nonroutine items to report for
21
    reviewing the comments, and if there is one requested,
                                                                21
                                                                     either the Columbia Generating Station or the Washington
22
    then the Council could consider doing that.
                                                                22
                                                                     Nuclear Project 1 and 4, commonly known as the
23
                   ELI LEVITT: Okay. Thank you.
                                                                23
                                                                     Industrial Development Complex.
24
                   CHAIR DREW: And the process going
                                                                24
                                                                              Are there any questions?
                                                                25
25
     forward, and as I understand it, is that we have a 30
                                                                                   CHAIR DREW: No, there are not. Thank
    day hearing, and then the permit goes to EPA for their
 1
                                                                1
                                                                    you.
 2
    review, and, after that, depending on what comments we
                                                                2
                                                                                   AMY MOON: You're welcome.
    receive. If we receive comments, it would then come
                                                                 3
                                                                                   CHAIR DREW: Goose Prairie Solar,
    back to the Council. However, if there are no comments,
                                                                 4
                                                                    Mr. Crist.
 5
    it will go into effect.
                                                                 5
                                                                                  JACOB CRIST: Yeah. Good afternoon, Chair
 6
                                                                6
                                                                    Drew, EFSEC Council, and Staff. So this is Jacob Crist,
             Is that correct, Ms. Bumpus?
 7
                                                                 7
                   SONIA BUMPUS: That's correct.
                                                                     Senior Project Manager, on behalf of Brookfield
                                                                    Renewable North America, providing the Goose Prairie
 8
                   CHAIR DREW: Okay.
              So what the Staff is recommending for us at
 9
                                                                9
                                                                     Solar Project update.
10
     this meeting is that we have a motion to put forward
                                                                10
                                                                              So from a construction status/schedule
11
     this permit for public comment.
                                                                11
                                                                     standpoint, the project remains on schedule; slightly
12
                   STACEY BREWSTER: Stacey Brewster. I move
                                                                12
                                                                     ahead of schedule.
13
     that we put forward this permit for public comment.
                                                                13
                                                                              Some key upcoming milestones for commissioning
14
                   CHAIR DREW: Second?
                                                                14
                                                                     activities. On June 18th, we plan to start our 90 day
15
                   ELIZABETH OSBORNE: Elizabeth Osborne.
                                                                15
                                                                     soak with our utility, BPA, and this will be classified
16
    Second.
                                                                16
                                                                     as the energization of the site for test power only
17
                                                                17
                                                                     where we will be -- we will be throttled to basically
                   CHAIR DREW: Are there any other comments
18
    or questions?
                                                                18
                                                                     five megawatts for a period of time until the utility
19
              Hearing none, all those in favor, signify by
                                                                19
                                                                     asks us to go to approximately 90 percent capacity
20
     saying "aye."
                                                                20
                                                                     sometime in -- my guess is late July, early August. So
21
                   MULTIPLE SPEAKERS: Aye.
                                                                21
                                                                    we are currently sitting at mechanical completion on one
22
                                                                22
                   CHAIR DREW: Opposed?
                                                                    of the four feeders. We plan to be at mechanically
23
              Motion carries. Thank you.
                                                                23
                                                                     complete on the rest of the feeders in the substation by
24
              Moving on to Columbia --
                                                                24
                                                                     June 25th. And our expectation that we would receive a
25
                   JOANNE SNARSKI: Chair Drew? Chair Drew?
                                                                     utility signoff and be able to declare commercial
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operation is approximately September 30th at this time.
                                                                1
                                                                    recommendation packet.
2
             From some key status updates. We have
                                                                 2
                                                                              EFSEC Staff submitted a response to the
    completed all the perimeter fence and substation
3
                                                                     Governor's request on May 10th identifying the locations
4
    fencing. Racking and tracker install is complete. At
                                                                     within the Horse Heaven public and confidential record
5
    the time of this report, module install was nearing
                                                                5
                                                                     that addresses questions.
    completion. I am happy to report that it is complete
                                                                 6
                                                                              Per the Revised Code of Washington 80.50.100
6
7
    now. And terminations are approximately at 75 percent.
                                                                 7
                                                                     subpart (3)(a), the Governor has 60 days to do one of
    And above ground wire management installation is still
                                                                     the following: One, approve the application by
9
    ongoing. We are approaching completion with the water
                                                                9
                                                                     executing the Site Certification Agreement; two, reject
10
    management. And the substation has now progressed up
                                                                10
                                                                     the application; or three, direct the Council to
11
    into the 95 percent range.
                                                                11
                                                                     reconsider certain aspects of the proposed Site
12
             As far as information submitted or being worked
                                                                12
                                                                     Certification Agreement. The decision and/or direction
    on with EFSEC right now. I know that the O&M site --
                                                                13
                                                                     by the Governor is due on June 28th of 2024.
13
    the site certificate deliverables for the O&M team are
14
                                                                14
                                                                              Does the Council have any questions?
                                                               15
15
    in draft with our Brookfield O&M team and a third party,
                                                                                  CHAIR DREW: Are there any questions from
16
    Tetratech.
                                                                16
                                                                    Council Members?
17
             I'm happy to report no discharge on the site in
                                                               17
                                                                                   Thank you.
    April. And then frequent monitoring is still occurring
18
                                                               18
                                                                                  AMY MOON: You're welcome.
19
    with WSP.
                                                                19
                                                                                   CHAIR DREW: Whistling Ridge, Mr. Caputo.
20
             And then as far as a brief list of reports that
                                                                20
                                                                                   LANCE CAPUTO: Thank you, Chair Drew, and
                                                                21
21
    were submitted to EFSEC this month -- or, last month.
                                                                    Council Members.
22
    We submitted our Q1 quarterly report.
                                                                22
                                                                              There are two public hearings scheduled for
23
             Any questions?
                                                                23
                                                                     this Thursday evening, May 16th, from 5:00 until 9:00
24
                  CHAIR DREW: Are there any questions for
                                                                     p.m. The Council will be receiving public comments on
                                                                24
25
    Mr. Crist?
                                                                25
                                                                     the Applicant's two petitions; one to extend the
             Thank you. Exciting times.
                                                                     expiration date of the Site Certification Agreement, and
1
2
                  JACOB CRIST: Thank you. Yes.
                                                                     the second to amend the Site Certification Agreement
3
                  CHAIR DREW: High Top & Ostrea Project
                                                                     with a transfer of control of the Agreement. Following
4
    update, Ms. Snarski.
                                                                     the hearings on Thursday, Staff will coordinate with our
5
                  JOANNE SNARSKI: Yes. This is Joanne
                                                                 5
                                                                     assistant attorney general on providing a legal advice
6
    Snarski, for the record. And I am stepping in for Sara
                                                                6
                                                                    memo.
7
                                                                 7
    Randolph, the site specialist for High Top & Ostrea.
                                                                              May I answer any questions?
8
             EFSEC Staff are continuing to work with the
                                                                8
                                                                                   CHAIR DREW: One question I have is that
9
    developer on preconstruction requirements and plans. We
                                                                9
                                                                     it is -- I understand it's now a hybrid meeting, with
10
    are reviewing the initial site restoration plan and
                                                                10
                                                                     people welcome to attend, here at the UTC office
    anticipate providing it to the Council for your review
11
                                                                11
                                                                    building or through Teams; is that correct?
12
    ahead of the June council meeting.
                                                                12
                                                                                  LANCE CAPUTO: That is correct, Chair.
                                                                13
13
             And there are no further updates.
                                                                                   CHAIR DREW: And I will be here, if anyone
14
                  CHAIR DREW: Thank you.
                                                                14
                                                                     wants to join me.
                                                                15
15
             Horse Heaven Wind Farm, Amy Moon. Ms. Moon.
                                                                              Thank you. Any other questions?
16
                  AMY MOON: Thank you. Good afternoon,
                                                                16
                                                                              Okay. Moving on to the Badger Mountain project
                                                                     update, Ms. Snarski.
17
    Council, Chair Drew, and EFSEC Council Members.
                                                                17
18
             For the record, once again, this is Amy Moon,
                                                               18
                                                                                   JOANNE SNARSKI: Thank you.
19
    reporting on the Horse Heaven Wind Project.
                                                                19
                                                                              For the record, this is Joanne Snarski, the
20
             The EFSEC Council recommendation was submitted
                                                                20
                                                                     siting specialist for Badger Mountain Solar.
21
    to Governor Inslee on April 29th of 2024 as approved and
                                                               21
                                                                              The initial phase of the supplemental Cultural
22
                                                                22
    directed by the Council at the April 17th meeting.
                                                                    Resources Survey began this week. Our contractors are
23
             EFSEC Staff received follow-up questions from
                                                                23
                                                                     on-site visually surveying the area that will be
24
    the Governor's Office on May 7th requesting assistance
                                                                24
                                                                     affected by the proposed project.
                                                                25
25
    in navigating and finding information within the
                                                                              Additionally, EFSEC, in coordination with the
```

```
1
     Department of Ecology, have been working with the
                                                                 1
                                                                     review mitigation strategies for the visual impact from
2
     Applicant to identify supplemental field assessment work
                                                                 2
                                                                     the proposed facility. EFSEC Staff made some final
     for wetlands and other water resources. The
                                                                     requests of the Applicant to be addressed in the revised
     supplemental work is intended to confirm and/or
                                                                     Visual Impact Assessment. The Applicant agreed to
     eliminate wetland characteristics on the proposed site.
                                                                     address this request in the revision, and they will be
     This work is scheduled to begin after Memorial Day.
                                                                     submitting it for our review in the next few weeks.
6
                                                                 6
7
                                                                              Also, we are continuing coordination with the
              Can I answer any questions?
                   CHAIR DREW: Are there any questions for
                                                                 8
                                                                     Department of Ecology to receive confirmation of the
9
    Ms. Snarski on Badger Mountain?
                                                                     additional wetland assessment work that is needed from
10
              Okay. Moving on to Wautoma Solar, Mr. Caputo.
                                                                10
                                                                     the Applicant to confirm wetland characteristics on and
11
                   LANCE CAPUTO: Thank you, Chair Drew, and
                                                                11
                                                                     near the proposed facility.
12
                                                                12
    Council Members.
                                                                              I can answer any questions.
              Staff are finalizing the documents in support
                                                                13
                                                                                   CHAIR DREW: Are there any questions for
13
14
     of issuing a Mitigated Determination of
                                                                14
                                                                     Ms. Snarski?
     Non-Significance, or MDNS. Issuance of the MDNS is
                                                                15
15
                                                                              Thank you.
16
     followed by a minimum 14-day public comment period.
                                                                16
                                                                              Wallula Gap, Mr. Barnes.
     Staff anticipate opening this public comment period on
                                                                                   MR. BARNES: Thank you, Chair Drew, and
17
                                                                17
18
     Monday, May 20th.
                                                                18
                                                                     Council Members. For the record, this is John Barnes,
19
              Additionally, Staff are meeting this week with
                                                                19
                                                                     EFSEC Staff, for the Wallula Gap application.
20
     our assistant attorney general and an administrative law
                                                                20
                                                                              Pursuant to RCW 80.50.090(1) and WAC
21
     judge with the Office of Administrative Hearings, Judge
                                                                21
                                                                     463-26-025, the informational meeting and land use
22
     Gerard, to coordinate the activity leading up to the
                                                                22
                                                                     hearing for the Wallula Gap application took place on
                                                                     April 23, 2024. The meeting was conducted in-person at
23
     adjudicative proceedings. We anticipate reaching out to
                                                                23
24
     the Council in the near future for dates of availability
                                                                     the Kennewick Valley Grange #731, 2611 South Washington
                                                                24
     for these adjudicative proceedings.
                                                                     Street, Kennewick, Washington 99337, as well as
1
              Lastly, the current review period for the
                                                                 1
                                                                     virtually. Six people signed up to comment during this
2
    Wautoma project extends through June 28, 2024. As Staff
                                                                 2
                                                                     portion of the meeting.
     are looking towards scheduling the adjudicative
3
                                                                              The land use consistency hearing began at
     proceedings, we are also coordinating with the Applicant
                                                                     7:00 -- or, at 6:30. Excuse me. During this time, the
5
    on an extension request to include the time needed for
                                                                     public was given an opportunity to provide testimony
     the remaining activity. We anticipate bringing an
                                                                     regarding the proposed project's consistency and
7
     extension request to the Council for a vote at the
                                                                 7
                                                                     compliance with land use plans and zoning ordinances.
     June 20th Council meeting.
                                                                     There was one commenter who signed up to speak.
8
9
              May I answer any questions?
                                                                     Additionally, EFSEC has received four written comments
                   CHAIR DREW: Are there any questions for
                                                                10
10
                                                                     in regards of these meetings.
11
     Mr. Caputo?
                                                                11
                                                                              EFSEC Staff conducted a site visit with the
12
              Thank you. Hop Hill Solar, Mr. Barnes.
                                                                12
                                                                     Applicant on April 24th to survey the project area.
                   JOHN BARNES: For the record, this is John
                                                                     Review of the Wallula Gap application has begun. Staff
13
                                                                13
14
     Barnes, EFSEC Staff, for the Hop Hill application.
                                                                14
                                                                     are currently managing the review of the application
15
              We are just continuing with the Applicant to
                                                                15
                                                                     with our contractor, contracted agencies, and Tribal
16
     complete studies and reports needed to make a SEPA
                                                                16
                                                                     governments.
    determination. We continue to coordinate and review the
17
                                                                17
                                                                              Are there any questions?
                                                                                   CHAIR DREW: Are there any questions for
18
     application with our contractor and contracted agencies
                                                                18
19
     and Tribal governments.
                                                                19
                                                                     Mr. Barnes?
20
              Are there any questions?
                                                                20
21
                   CHAIR DREW: Are there any questions?
                                                                21
                                                                              I have one item; a point of personal privilege,
22
     Thank you.
                                                                22
                                                                     we would have called it in the Legislature.
                                                                23
                                                                              We have a Staff Member who is choosing to
23
              Carriger Solar, Ms. Snarski.
24
                   MS. SNARSKI: Thank you, Chair Drew.
                                                                24
                                                                     retire for the second time; not from us, but having
              EFSEC Staff recently met with the Applicant to
                                                                     retired once. Mr. Dave Walker, whom I worked with at
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1
     the Department of Licensing, was gracious enough to
 2
     leave retirement and to come to help us establish our
     Administrative Services division, and we very much
     appreciate it. Although we promised him it would be a
     six-month stint, he has stayed with us for two years.
              So even though we are sorry to see him go back
 7
    into retirement, I, personally, want to say thank you
     very much for everything you have done, for all the
     terrific staff you have hired to be part of our team,
10
     and to establish us as a standalone agency.
11
                   MR. WALKER: Thank you, Chair Drew. I
12
     appreciate it.
13
                   CHAIR DREW: So we will miss you.
14
              With that, the meeting is adjourned.
15
                              (The meeting was adjourned at
16
                              1:57 p.m.)
17
18
19
20
21
22
23
24
25
     STATE OF WASHINGTON )
1
                               I, Lori K. Haworth, CCR, RPR,
                               a certified court reporter
     COUNTY OF PIERCE
 2
                               in the State of Washington, do
                               hereby certify:
          That the foregoing Monthly Meeting of the
 4
     Washington State Energy Facility Site Evaluation Council
     was conducted in my presence and adjourned on May 15,
     2024 and thereafter was transcribed under my direction;
     that the transcript is a full, true and complete
     transcript of the said meeting, transcribed to the best
 7
    of my ability;
          That I am not a relative, employee, attorney or
     counsel of any party to this matter or relative or
     employee of any such attorney or counsel and that I am
 9
     not financially interested in the said matter or the
     outcome thereof:
10
          IN WITNESS WHEREOF, I have hereunto set my hand
11
     this 30th day of May, 2024.
12
13
                    /s/LORI K. HAWORTH, CCR, RPR
14
                    Certified Court Reporter No. 2958
                    My CCR certification expires 07/17/24.
15
16
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21
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23
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25
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BEFORE THE STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

In the Whistling Project of:	Ridge Energy	,
Project or.)
Transfer Request	Hearing	2

VIDEOCONFERENCE HEARING

May 16, 2024

Taken Remotely via Zoom

PREPARED BY: Michelle D. Elam, RPR, CCR 3335

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APPEARANCES
                                                                 1
                                                                              EFSEC invites you to participate in the
     STAFF AGENCY MEMBERS PRESENT (VIA HYBRID):
2
                                                                     consideration of this request. We are holding two
3
               Chair - Kathleen Drew
               Department of Commerce - Elizabeth Osborne
                                                                     separate but connective hybrid public hearings.
4
               Department of Wildlife - Mike Livingston
                                                                  4
                                                                               The first one will be on the transfer of
               Department of Natural Resources - Lenny Young
5
               Department of Utilities & Transportation
                                                                 5
                                                                     ownership, and the second will be on the SCA extension.
                  Commission - Stacy Brewster
                                                                               We will start after we call the roll of council,
                                                                  6
     ASSISTANT ATTORNEY GENERALS PRESENT:
                                                                     with five minutes limit for those who are wishing to
7
               Jon Thompson
                                                                     testify each. I would encourage you to say only what has
8
                                                                 9
                                                                     gone unsaid before or to agree with previous speakers.
     ADMINISTRATIVE LAW JUDGE (VIZ TEAMS):
9
                                                                10
                                                                     But we will allow that amount of time.
               Laura Bradley
                                                                               Secondly, it is only about the transfer of
                                                                11
10
     COUNSEL FOR THE ENVIRONMENT:
                                                                12
                                                                     ownership request.
11
                                                                13
                                                                               So the second meeting will be about the SCA
               Yuriy Korol
12
                                                                14
                                                                     amendment. So I would ask you to limit your comments
13
                                                                15
                                                                     to -- in the hearings appropriately.
     STAFF FOR EFSEC:
14
                                                                16
                                                                               I will now introduce Administrative Law Judge
               Sonia Bumpus
15
               Sonia Hafkemeyer
                                                                17
                                                                     Laura Bradley, who will be managing the public hearing
               Andrea Grantham
                                                                18
                                                                     portion of the meeting.
16
               Lance Caputo
               Alex Shilev
                                                                19
                                                                              Judge Bradley.
17
                                                                20
                                                                               ALJ BRADLEY: Good evening everyone. As Ms. --
18
     IN ATTENDANCE:
19
               Tim McMahan - Whistling Ridge, LLC
                                                                21
                                                                     as Chair Drew indicated, my name is Laura Bradley.
               Greg Corbin - Green Diamond Resource Company
                                                                22
                                                                              CHAIR DREW: You're on mute.
20
21
                                                                23
                                                                              ANDREA GRANTHAM: I can hear Judge Bradley.
22
                                                                24
23
                                                                     Maybe the room cannot hear them.
24
                                                                25
                                                                               ALJ BRADLEY: Okay. Do you want to see if
25
               BE IT REMEMBERED that on Thursday,
                                                                     there's something going on in the room, Ms. Grantham?
1
                                                                               ANDREA GRANTHAM: Yes. Let me see if I can
2
    May 16, 2024, at 5:13 p.m., before Michelle D. Elam,
                                                                 2
3
     Certified Court Reporter, RPR, the following Transfer
                                                                     message them really quick.
4
    Request Hearing, was held, to wit:
                                                                               CHAIR DREW: This is Chair Drew. Testing.
5
                                                                  5
                                                                               ANDREA GRANTHAM: Yes, we can hear you.
6
                                                                  6
                                                                               CHAIR DREW: Okay. Let's try this once again.
                           <<<<<>>>>>>>
7
                                                                               I did walk through the hearing notice, but I
             CHAIR DREW: Good evening. This is Kathleen
8
                                                                     will now ask Ms. Shiley who is calling the roll, is it
     Drew, Chair of the Energy Facility Site Evaluation
9
                                                                 9
                                                                     you or Ms. Grantham?
10
    Council, bringing to order the public hearing for the
                                                                10
                                                                              ALEX SHILEY: It is Ms. Grantham.
                                                                11
11
    Whistling Ridge amendment.
                                                                              CHAIR DREW: Ms. Grantham, will you please call
12
             To begin with, I would like to say that we have
                                                                12
                                                                     the roll.
                                                                13
13
    two meetings for the two separate amendments that are
                                                                               ANDREA GRANTHAM: No problem. Will do.
14
    both the subject tonight for Whistling Ridge.
                                                                14
                                                                               Department of Commerce.
                                                                15
15
             And to say a little bit about that, in
                                                                               ELIZABETH OSBORNE: Elizabeth Osborne. Present.
                                                                16
16
    September 2023, Whistling Ridge Energy, LLC, submitted
                                                                               ANDREA GRANTHAM: Department of Ecology.
17
    requests to the Energy Facility Site Evaluation Council
                                                                17
                                                                               Department of Fish and Wildlife.
18
     on two matters pertaining to the Site Certification
                                                                18
                                                                               MIKE LIVINGSTON: Mike Livingston. Present.
19
     Agreement for the Whistling Ridge Energy project.
                                                                19
                                                                               ANDREA GRANTHAM: Department of Natural
20
             The first request seeks approval from the
                                                                20
                                                                     Resources.
21
    council of transfer of control of the certificate holder,
                                                                21
                                                                              LENNY YOUNG: Lenny Young. Present.
                                                                22
22
    whistling Ridge Energy, LLC, from SDS Lumber Company to
                                                                              ANDREA GRANTHAM: Utilities and Transportation
23
    Twin Creek Timber, LLC, TCT.
                                                                23
                                                                     Commission.
24
              The second request seeks an amendment of the SCA
                                                                24
                                                                               STACY BREWSTER: Stacy Brewster. Present.
                                                                25
25
     to extend its term to November 2026.
                                                                              ANDREA GRANTHAM: Assistant Attorney Generals;
```

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Jon Thompson.
                                                                     noted, a request for transfer of the facility. And
1
2
             JOHN THOMPSON: Present.
                                                                     that's under WAC 463.66.100, transfer of the site
3
             ANDREA GRANTHAM: Janice Slocum.
                                                                     certificate agreement.
4
             Zack Packer.
                                                                              So generally speaking, the requirement is -- a
5
             Administrative Law Judge Laura Bradley.
                                                                 5
                                                                     fundamental requirement is whether TCT and Whistling
6
             ALJ BRADLEY: Present.
                                                                     Ridge, LLC, show that it has the organizational and
7
             ANDREA GRANTHAM: And do we have someone present
                                                                 7
                                                                     financial capability to permit, construct, and operate,
    for the Council for the Environment?
                                                                 8
                                                                     and retire the facility.
9
             YURIY KOROL: Yuriy Korol. Present.
                                                                 9
                                                                              And there are some interesting questions,
10
             ANDREA GRANTHAM: And then for council staff, I
                                                                10
                                                                     frankly, on whether a transfer actually is necessary. In
11
    have Sonia Bumpus.
                                                                11
                                                                     these circumstances, we err'd very much on the side of
12
             And then I'll move on to Ami Hafkemeyer.
                                                                     caution in taking this approach to ensure that there was
13
             AMI HAFKEMEYER: Present.
                                                                     a full opportunity to understand what we are doing and a
             ANDREA GRANTHAM: Lance Caputo.
14
                                                                14
                                                                     full opportunity to engage the public.
15
             I believe Lance is in the room; is that correct,
                                                                15
                                                                              So with that, I am going to push the mic over to
16
   Chair Drew?
                                                                16
                                                                     my client and colleague, Greg Corbin, and then there will
17
             UNIDENTIFIED SPEAKER: Testing. Can you hear me
                                                                17
                                                                     be a short presentation thereafter from Chad Comeault
   online?
                                                                18
18
                                                                     from Steelhead or Vestas.
19
             ANDREA GRANTHAM: Yes.
                                                                19
                                                                              So we do have a PowerPoint. And we'll just -- I
                                                                20
                                                                     think -- should Greg just say "next slide," kind of the
20
             So do we want to go back to Sonia Bumpus and/or
21
                                                                21
                                                                     old-fashioned way?
    Lance Caputo?
22
             CHAIR DREW: They are both present.
                                                                22
                                                                              Okay. Great. Thank you.
             ANDREA GRANTHAM: Thank you.
                                                                23
                                                                              GREG CORBIN: Thank you, Tim.
23
24
             And there is a quorum.
                                                                24
                                                                              Good evening, Chair Drew and other council
                                                                25
25
             Thank you, Chair Drew.
                                                                     members, everybody online.
                                                                              My name is Greg Corbin, C-o-r-b-i-n. I'm with
             CHAIR DREW: Thank you.
1
                                                                 1
2
             Moving on to the agenda in front of us, first
                                                                     Green Diamond Resource Company.
    we'll hear Whistling Ridge Energy company followed by a
                                                                              My role at Green Diamond is -- includes our
                                                                     company's focus on renewable energy development
    presentation on the amendment process by Lance Caputo and
5
     then public comments.
                                                                     opportunities on the lands that we own and/or manage.
6
             TIM McMAHAN: Thank you, Chair Drew.
                                                                 6
                                                                              What I want to do is take just a couple of
7
             This it Tim McMahan. Am I heard throughout the
                                                                 7
                                                                     minutes to explain who the various parties are here.
8
    universe here?
                                                                     You're going to hear Green Diamond, you're going to hear
                                                                     Green Diamond Resource Company, Green Diamond Management
9
             ALJ BRADLEY: Yes.
                                                                 9
10
             TIM McMAHAN: All right. That's great.
                                                                10
                                                                     Company, Twin Creeks Timber, Silver Creek. It can get
             Tim McMahan with Stoel Rives Law Firm. I'm here
                                                                     confusing, and so I will try to clarify all of that.
11
                                                                11
12
    representing Twin Creeks Timber and Whistling Ridge, LLC.
                                                                12
                                                                              First of all, Green Diamond Resource Company is
             Whistling Ridge, LLC, is the site certificate
                                                                13
                                                                     a sixth-generation family company based in Seattle.
13
14
    holder, still is actually the site certificate holder.
                                                                14
                                                                     Green Diamond manages approximately 2 million --
                                                                15
15
    And so good to see you all. Thank you for the
                                                                                           (Lost audio connection with room.)
                                                                16
16
    opportunity to be here this evening.
                                                                              ANDREA GRANTHAM: The room audio dropped.
17
             This first part of the proceeding does, as
                                                                17
                                                                              They dropped as Mr. Corbin was saying 2 million.
18
    Chair Drew indicates, constitutes a request for transfer
                                                                18
                                                                              GREG CORBIN: Shall I try again?
19
     of the site certificate. And we model -- we began
                                                                19
                                                                              Can you hear me now?
20
   conversations last March with Director Bumpus and others
                                                                20
                                                                              ANDREA GRANTHAM: Yes, we can.
21
    as we were trying to assess the process moving forward
                                                                21
                                                                              GREG CORBIN: Great.
                                                                22
22
    with the Whistling Ridge Energy site. And we spent a
                                                                              2 million acres.
23
   considerable amount of time fashioning how we would go
                                                                23
                                                                              Okay. Let me say that one again.
24
    about that with EFSEC staff.
                                                                24
                                                                              So Green Diamond, sixth-generation, family-owned
25
             On the -- as part of this, we are seeking, as
                                                                     timber company. We own and/or manage about
```

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2 million acres of timberland in various portions of the
   United States.
3
            About 600,000 of those acres are owned by Twin
  Creeks Timber, LLC. It was a company that was formed in
4
5
   2016 to own and manage commercial timberlands on behalf
6
   of its investors.
7
            TCT owns timberlands in Washington, Oregon, and
8
   five states in the US South.
```

Silver Creek Advisory Partners, also based in

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Seattle, is the fiduciary manager of TCT, Twin Creeks. Twin Creeks is an investment entity that is managed by Silver Creek Advisory Partners. Silver Creek is an investment advisory registered with the U.S. Securities and Exchange Commission. And as of June 30th 14 of 2022, Silver Creek had \$8.6 billion in assets under management across several different alternative and real estate investment strategies. And I will say, this information is all contained in the actual transfer application.

20 Green Diamond is -- Green Diamond Resource 21 Company, is an investor in Twin Creeks Timber, in TCT. 22 And through Green Diamond's subsidiary company, Green 23 Diamond Management Company, we are the property manager 24 responsible for the day-to-day operations of the TCT 25 timberlands.

```
development consultant to help us navigate through the
development process and are partnering with a nationally
recognized wind energy developer to provide additional,
necessary expertise.
```

And this is the point at which I will turn it over to Chad to introduce himself and Steelhead Americas, our development partner.

And if we could maybe go ahead and move the slide. His slides are in there. If we could move the slides forward until we get to the Steelhead Americas slides. So keep going.

There.

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13 Thank you.

CHAD COMEAULT: Thanks, Greg.

Can everybody hear me?

Good evening, everyone. My name is Chad Comeault. I'm vice president of business development and also one of the cofounders of Steelhead Americas.

19 If someone could advance, please, to the next 20 slide.

21 So Steelhead Americas is the development 22 subsidiary of Vestas, a Danish company, and we formed back in 2016. So we've been in business for about eight 23 24 years. Sorry. 2015, 2016.

We are up to 50 full-time employees. We've

So we manage those lands in the same way that we 1 2 manage the lands that we own in fee.

Getting to this particular topic here, in November of 2021, TCT acquired approximately two-thirds of the lands formerly owned by SDS Lumber Company. SDS was also the parent or owner of the -- the sole owner of all of the membership interest in Whistling Ridge Energy, LLC, the site certificate holder here.

When we -- when TCT acquired the lands, it also acquired that membership interest. So the membership 11 interest in Whistling Ridge Energy, LLC, was conveyed 12 by -- just by documentation in the transaction from SDS Lumber to TCT.

Green Diamond and TCT have substantial experience with renewable energy projects, having negotiated many wind and solar agreements in the west and south. And we are actively working with project developers to bring those projects to market.

Green Diamond and TCT are financially sound with the capacity, expertise, and partners necessary to develop the Whistling Ridge Energy project and to comply with and meet the terms of the Site Certificate Agreement through the project entity Whistling Ridge Energy, LLC.

For this project we have, in addition to our own capacity and capabilities, we've hired a third-party

developed over 1.5 gigawatts of projects to date across the United States. Approximately 5 megawatt -- or, sorry, 5 gigawatts of projects in development across 15 different states.

If you could advance to the next slide.

So we have -- our business model is to originate projects, fully developmental, of course, of, you know, it could be five or six years to it beginning through construction.

10 So we have a full suite development shop covering all of the necessary development verticals: 11 12 origination, reserve, siting, permitting, financing, and 13 finally project sale.

Some of the projects we've developed below. You'll see there's a smattering of eight there ranging from, you know, as small as 99-megawatt solar project to almost a 500-megawatt wind project in Texas. But the vast majority of our development across the US is in wind development.

Next slide, please.

Just, again, the slide showing our capabilities across the 50 employees that covers the entire spectrum of development that's necessary to bring Whistling Ridge to fruition.

And the next slide.

```
1
             And this is just a smattering of some of the
    partners that we've worked with. We've either -- our
    business model is to -- sometimes we sell all of our
3
    interest at NTP or COD, start of construction or when the
5
    project starts submitting.
             Sometimes we retain a minority interest in the
6
7
    project. And so these are a list of very large,
    independent power producers, both domestic and
9
    multinationals, that we've either sold projects to or
10
    partnered with over the last eight years.
11
             It's important to note that we're a wholly owned
12
    subsidiary of Vestas. It's a Danish company. This is
13
    the largest wind turbine manufacturer in the world. I
    think there's up to 30,000 employees across the globe
14
15
    right now; 55,000 turbines under service globally;
16
    installed 179 gigawatts of turbines; and we're also at a
17
    $28 billion market cap right now. So we're extremely
18
    strong balance sheet that supports this development.
19
             Next. Yeah, I think that's -- that's the
20
    Steelhead and Vestas file.
21
             Thank you.
22
             ANDREA GRANTHAM: If you guys are speaking in
23
    the room again, we cannot hear you.
24
             ALJ BRADLEY: All right. Chair Drew, are we
25
    ready to proceed with the presentation by the council
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LANCE CAPUTO: First of all, can I have an audio
 1
     check?
              ALJ BRADLEY: Yes, I can hear you.
 3
              LANCE CAPUTO: Thank you.
 4
 5
              Welcome, everybody. Thank you all for
 6
    participating this evening.
 7
              My name is Lance Caputo. I am the siting
     specialist for EFSEC assigned to this project. For those
 9
     who are unfamiliar with our agency, I will be making a
     short presentation on the EFSEC amendment process.
10
11
              Thank you.
12
              First, a quick history of EFSEC.
13
              The Energy Facility Site Evaluation Council was
14
     created in 1970 for the siting of thermal power plants.
15
     The intent was to create a one-stop permitting agency for
16
     large energy facilities.
17
              Council membership is compromised of
    representatives of several state and local governments.
18
19
     The council reviews applications for the siting of clean
20
     energy projects before making recommendations on those
21
    projects to the governor.
22
              If the council decides to recommend approval of
23
     a prospective project, then its approval to the governor
     will include a draft certification agreement, or an SCA,
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2
             CHAIR DREW: Can you hear me?
3
             ANDREA GRANTHAM: Yes.
4
             ALJ BRADLEY: Yes.
5
             CHAIR DREW: So we had one last sentence. Go
6
    ahead.
7
             GREG CORBIN: Thank you, Chair Drew.
8
             Greg Corbin, again, for the record.
              I was just underscoring something that Whistling
9
10
    Ridge Energy, LLC, continues to be the developer on the
11
    project. It is the same entity all along. All that has
12
    changed here is the parent ownership interest in that
13
14
              So I didn't want to, having talked about all of
15
    the different entities and our partners and all of that,
16
   to obfuscate the fact that the entity that holds the site
17
    certificate continues to hold the site certificate.
18
    Nothing has changed there.
19
              This transfer was filed out of an abundance of
20
    caution because we wanted to be transparent about the
21
    fact that the parent had changed hands. But the actual
22
    developer entity has not changed at all.
23
             Thank you.
24
             CHAIR DREW: Thank you.
```

operation plans.

If the project is approved by the governor's office, then this decision will preempt other state or local regulations.

Multiple clean energy facilities fall under

which defines preconstruction, construction, and

Multiple clean energy facilities fall under EFSEC's jurisdiction. Some projects, such as a thermal power plant producing greater than 350 megawatts of electricity and other types of nuclear generation for the purpose of generating electricity to be sold on the market, are required to be sited through EFSEC. Others such as wind, solar, green hydrogen, energy storage, or clean energy manufacturing may seek EFSEC review, regardless of its size.

Transmission lines greater than 115 kilovolts can also opt in while transmission lines carrying greater than 500 kilovolts are required to seek EFSEC review.

Threshold limits for pipelines and refineries that may be sited through EFSEC are found in RCW 80.50.060.

The council is comprised of members from various state agencies. There are voting members from five other agencies who are appointed by the agency directors. The current council consists of Chairwoman Kathleen Drew; Eli Levitt, from the Department of Ecology; Mike Livingston, from the Department of Fish and Wildlife; Elizabeth Osborne, from the Department of Commerce; Lenny Young,

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Now, Mr. Caputo.

staff?

1

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from the Department of Natural Resources; and Stacey
                                                                 1
                                                                              LENNY YOUNG: Yes, I can.
    Brewster, from the Utilities and Transportation
                                                                              ALJ BRADLEY: Yes.
3
     Commission.
                                                                              CHAIR DREW: Okay. We are going to relocate to
             There are additional agencies that may elect to
                                                                     our conference room, which is fully on Teams because of
5
    appoint a council member during the review of a new
                                                                 5
                                                                     the difficulty of going through the system here. So we
     application. These agencies are the Department of
                                                                     will -- and I apologize to everybody. We will hear
6
7
     Agriculture, the Department of Transportation, the
                                                                     everybody tonight. We are committed to doing that. And
8
    Department of Health, and the Military Department.
                                                                     I thank you for your patience and for your willingness to
9
              The county within which the project occurs,
                                                                     walk through this with me.
10
    shall also appoint a representative to the council. If a
                                                                10
                                                                              But we're going to go to our conference room,
11
    proposal is located within a Port district, the Port
                                                                11
                                                                     which is fully set up on Teams so we're not in this
12
     district may appoint a nonvoting member to assist the
                                                                     hearing room.
13
                                                                13
                                                                                           (Recess from 5:47 p.m. to 5:56 p.m.)
                                                                              CHAIR DREW: Can you hear us now?
14
             This slide is a map of the facilities that are
                                                                14
15
                                                                15
    certified or have applied for certification under EFSEC's
                                                                              ANDREA GRANTHAM: Yes, we can.
     jurisdiction. You can see marked in green, there are six
                                                                              ALJ BRADLEY: Yes, we can.
16
                                                                16
17
     operating facilities, including two natural gas
                                                                17
                                                                              CHAIR DREW: Okay. Did you have more on your
    facilities, one nuclear facility, one solar facility, and
18
                                                                18
                                                                     slide presentation?
19
     two wind facilities.
                                                                19
                                                                              LANCE CAPUTO: Yes.
20
             The Kittitas Valley and Wild Horse facility
                                                                20
                                                                              CHAIR DREW: Back to Mr. Caputo.
                                                                21
21
    shown here are EFSEC-regulated facilities, but the other
                                                                              LANCE CAPUTO: Slide No. 7.
22
    wind projects shown did not elect to site through EFSEC.
                                                                22
                                                                              The review process for an amendment differs from
              The blue marks indicate the four additional
                                                                     that of a new application. When an amendment request is
23
                                                                23
24
    facilities that are approved but are not yet constructed,
                                                                     received, a public hearing session is required with an
     including the Whistling Ridge facility, which brings us
                                                                     administrative amendment, such as the one requested for
25
   here this evening.
                                                                     this project. No secret addendum is required.
1
                                                                 1
              The clear circle is the one facility in the
                                                                              Following the informational meeting, the council
2
                                                                 2
    process of being decommissioned. EFSEC is currently
                                                                     will review the request before them and vote to approve
                                                                     or deny the amendment.
4
    reviewing applications for six projects marked in yellow.
5
             Here is a flow chart showing the general process
                                                                              For decisions that substantially change the
6
    an applicant would go through when they submit an
                                                                     project, the recommendation is sent to the governor for a
                                                                 6
7
    application for a new facility to EFSEC.
                                                                     final decision.
             The Whistling Ridge proposal underwent this
                                                                              For decisions that do not substantially change
    multitiered review at the time of application, as briefly
9
                                                                     the project and/or are administrative in nature, the
10
    described by the certificate holder during their
                                                                10
                                                                     approval or denial of the amendment request may be
                                                                11
11
    presentation.
                                                                     decided upon by the council.
12
                          (Lost audio connection with room.)
                                                                12
                                                                              This concludes my presentation for this evening.
13
             ANDREA GRANTHAM: I believe we lost audio to the
                                                                13
                                                                              Before I end, I'd like to remind everyone how
14
    room, just starting at the beginning of this PowerPoint
                                                                     they may submit comments for this proposal.
                                                                15
15
    slide.
                                                                              If you'd like to sign up to speak this evening
                                                                16
16
             Chair Drew, can you hear me?
                                                                     and you are joining us virtually or by phone, you may
17
             Okay. It looks like they are refreshing it.
                                                                17
                                                                     call the EFSEC main line at 360-664-1345 to be added to
18
             CHAIR DREW: I'm going to announce.
                                                                18
                                                                     the speaker list. You may also send in written comments
19
             Can you hear me, Judge Bradley?
                                                                19
                                                                     by postal mail to our office at 621 Woodland Square Loop,
20
             ALJ BRADLEY: Yes.
                                                                20
                                                                     PO Box 43172, Olympia, Washington 98504.
21
             CHAIR DREW: We are going to -- Mr. Young, can
                                                                21
                                                                              Comments may also be submitted to our online
                                                                22
22
                                                                     comment database at https://comments.efsec.wa.gov.
    you hear me?
23
             LENNY YOUNG: Yes, I can, Chair Drew.
                                                                23
                                                                              There is also the option available for the
24
             CHAIR DREW: Try this.
                                                                     duration of the meeting for anyone wishing to submit
25
             Can you hear me?
                                                                     comments through our online database. The comment line
```

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will remain open until 11:59 p.m. this evening. All
                                                                      she indicated above her signature that it was effective
    comments received, regardless of method of delivery, will
    be saved with the project record and available to the
                                                                  3
    council and staff for review.
                                                                  4
                                                                  5
5
              Thank you.
6
              ALJ BRADLEY: Thank you.
                                                                  6
7
              This is Judge Bradley.
8
              Can you hear me?
9
              CHAIR DREW: Yes, we can.
                                                                  9
10
              ALJ BRADLEY: I believe now it is time for the
                                                                 10
11
    acceptance of public comments.
                                                                 11
12
              Does someone have a list of people who have
13
    requested to speak?
              ANDREA GRANTHAM: This is Ms. Grantham.
14
                                                                 14
                                                                15
15
              I have -- yes, I have the list.
                                                                      issue.
              ALJ BRADLEY: Thank you, Ms. Grantham.
16
                                                                 16
17
              So before we begin, I would just like to let
                                                                 17
    folks know that you will have five minutes to make your
18
19
     comments. And, unfortunately, I will have to cut you off
20
    to make sure that everyone gets an opportunity to speak.
                                                                 20
21
              And before you begin your comments, please state
                                                                21
22
    your name and spell it for the court reporter.
                                                                 22
23
              And also try to speak slowly and clearly to
24
    assist our court reporter in getting a clear and accurate
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March 5th, 2012. It expired 10 years later.
              The certificate holder was warned about this
    deadline multiple times. Going --
              ALJ BRADLEY: Mr. Baker, I'm going to interrupt
    you briefly because there's a separate hearing on the
    extension request. And it sounds to me like your
    comments relate more to the extension request. So I just
    wanted to bring that to your attention.
             NATHAN BAKER: Actually -- well, I can explain.
              This is a threshold, dispositive issue. The SCA
    has expired. Therefore it cannot be amended. It can't
    be modified. It can't be transferred. It can't be
    reinstated. It has expired. And that is a threshold
              This has happened before with other SCAs, with
    the Cowlitz Cogeneration Project in 2004, the council
    adopted a resolution confirming that the SCA expired by
    operation of law and by its own terms.
              That's what's happened here. That's what the
    council should do here. And that moots out all other
    issues. It moots out the transfer application, the
    extension request, and all the various pending motions
    that the parties have filed. That's what the council
25
    should do here.
              We have filed multiple objections to the process
    here. I will not restate those, but I do want to state
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2
             ANDREA GRANTHAM: Yes. The first person I have
3
    is Nathan Baker.
4
             ALJ BRADLEY: Okay. Nathan Baker, are you
5
    there?
6
             NATHAN BAKER: I am. I'm here in the room.
7
             ALJ BRADLEY: All right. Go ahead.
8
             NATHAN BAKER: Good evening, Chair Drew and
    members of the council. My name is Nathan Baker. I'm
9
10
    the senior staff attorney with Friends of the Columbia
11
    Gorge.
12
             Friends of the Columbia Gorge has been involved
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So the first commenter, Ms. Grantham.

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record.

in the Whistling Ridge matters from the very beginning, back to 2008.

And in decision-making, sometimes the easy and efficient option and the legally correct option, and the appropriate option all converge, and that's the case here.

19 The council should recognize that this SCA Site 20 Certification Agreement expired by operation of law and 21 by its own terms. It expired by operation of law March 5th, 2022. That was 10 years after it was issued, 22 23 10 years after the effective date.

24 The applicable law uses that term, effective 25 date. And when the governor signed and issued the SCA,

1 2 for the record that on one of those objections, as we sit here today, there are more than 900 people who are on EFSEC's official mailing list and email list for this 6 project who have not been notified about these proceedings at all. They are completely in the dark about what's been happening in 2023 and 2024. And we've been asking for those people to be notified for 8 months 10 and it still hasn't happened.

Regarding the transfer, Mr. McMahan said today that it's unclear whether a transfer is needed. A transfer absolutely is needed in order H69, the adjudicative order for Whistling Ridge.

The council explained that SDS Co, LLC, is also a certificate holder. That's in -- that's on Page 12 of Order H69.

So SDS Co, LLC, is a certified holder. They are no longer in the picture.

And by the way, that was SDS Co, LLC. The transfer application only refers to SDS Lumber Company, and there's no explanation of what the relationship is between those two companies. Those are definitely two distinct companies, and that has been completely glossed over.

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             The transfer was premature. The EFSEC rules
                                                                     Richard Aramburu. Last name is spelled A-r-a-m-b-u-r-u.
    prohibit premature transfer of a site certificate.
                                                                     My office address is 705 2nd Avenue, Seattle 98104. And
3
    WAC 463.66.100 says that no certificate shall be
                                                                     I'm here tonight representing Save our Scenic Area, an
4
    transferred without prior approval of the council.
                                                                     organization formed back in 2007 when I originally got
5
             Well, you just heard here tonight that that
                                                                     involved in this project. So this is my 15th or 16th
    already happened. November 2021, they went ahead and
                                                                     year of being involved with the Whistling Ridge project.
6
7
     transferred it without prior council approval.
                                                                              We submitted extensive comments to you this
8
             And the EFSEC staff are well aware of this.
                                                                     afternoon regarding the transfer application. And I'm
9
    That's an internal EFSEC staff draft memo that we are
                                                                 9
                                                                     not going to read from those comments, but I do want to
10
     putting in the record where the staff indicate their
                                                                10
                                                                     address some highlights.
11
     awareness. And they state, quote, "The petitioner,"
                                                                11
                                                                              To begin with, some timing issues. In October
12
    being Whistling Ridge, "is in violation of the SCA."
                                                                12
                                                                     of 2020, it was announced by SDS that they were going to
13
             Ownership of Whistling Ridge Energy was
                                                                     liquidate the company, due apparently to conflicts on the
                                                                     board of directors, according to the record.
14
     transferred from SDS Lumber Company to Twin Creeks Timer
                                                                14
                                                                15
                                                                              In September of 2021, the -- SDS and TCT signed
15
     in November 2021 without council approval. Whistling
16
    Ridge has not complied with its Site Certificate
                                                                16
                                                                     agreements by which essentially all of the assets of SDS
17
    Agreement. The assistant Attorney General will provide
                                                                17
                                                                     would be transferred to TCT.
18
     the council with the legal brief on this topic.
                                                                18
                                                                              In November of that year, there was a closing of
19
             Because of that premature transfer, Whistling
                                                                19
                                                                     the transaction between those entities.
                                                                20
20
    Ridge Energy has lost standing to even request a
                                                                              At no time during that period of time was the
21
     transfer. They are violating the council's rules.
                                                                21
                                                                     public, this council, or anyone else notified that this
22
             Finally, we are submitting a lot of material
                                                                22
                                                                     transfer was involved, that was proceeding forward.
    that's too voluminous to email. The staff has graciously
23
                                                                23
                                                                              The next step was a kind of offhand notice in
     agreed to accept that material on the flash drive. So I
                                                                     March of 2022 that the applicant, TCT, was going to
25
    will give that to Ms. Bumpus now and be giving a copy to
                                                                     request a transfer and that was going to come within a
    Whistling Ridge Energy as well. And it's all material
1
                                                                 1
                                                                     couple of weeks.
     that's already in EFSEC's possession. We're just
2
                                                                 2
                                                                              So here we are, now more than two years later,
3
     submitting it for this record.
                                                                     and the transfer is just coming before the council.
4
             Finally, we ask that the council please confirm
                                                                 4
                                                                              The process here involves violation of two sets
    that the Site Certificate -- Certification Agreement has
                                                                     of standards. One, it involves a clear violation of the
6
    expired by operation of law and by its own terms. And
                                                                     standards of EFSEC to require that any transfer of
7
     that moots out everything else, and the council should
                                                                 7
                                                                     ownership of an SCA must be approved in advance -- again,
     simply adopt a resolution and end all of this.
                                                                     in advance -- by this council. That did not occur.
9
              Thank you.
                                                                 9
                                                                              Secondly, the transfer appears to involve a
10
             ALJ BRADLEY: Thank you, Mr. Baker.
                                                                10
                                                                     clear violation of commercial standards.
                                                                              In ordinary course, if there's a valuable asset
11
             And could you please spell your name for the
                                                                11
12
    record.
                                                                12
                                                                     that requires approval by a governmental agency, the
13
             NATHAN BAKER: Yes. Nathan, N-a-t-h-a-n, Baker,
                                                                13
                                                                     parties to the transaction seek that transfer in advance
14
    B-a-k-e-r.
                                                                     of the sale or they make the sale contingent upon seeking
15
             ALJ BRADLEY: All right. Thank you.
                                                                15
                                                                     that approval. Here, neither one of those standards was
                                                                16
                                                                     involved.
16
             Ms. Grantham, who is next?
17
             ANDREA GRANTHAM: Yes. Next I have Rick
                                                                17
                                                                              Mr. McMahan said that it was not clear whether
18
    Aramburu.
                                                                18
                                                                     or not a transfer application is required. That's
19
             ALJ BRADLEY: Mr. Aramburu, are you there?
                                                                19
                                                                     absolutely incorrect.
20
             RICK ARAMBURU: I am.
                                                                20
                                                                              The council's own rules, 463.66.100, require any
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in this case.

start your comments.

Can you hear me?

ALJ BRADLEY: Yes.

Please spell your name for the record before you

RICK ARAMBURU: Okay. Ms. Bradley, my name is

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transfer of control of a certification agreement to be

the subject of council approval. That has not happened

Steelhead, other organizations that are apparently

Now, we've heard this afternoon from Vestas,

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involved with this. But what we have heard is that there
                                                                      comments on the Whistling Ridge project prior to the
    is no equity ownership by Vestas or Steelhead or any
                                                                      issuance of the original site certification, and I've
    other organization, despite two years of thinking about
                                                                     been opposed to the project ever since.
    it, there is no willingness on behalf of the transferee
                                                                  4
                                                                               I'll just briefly say that I personally oppose
5
    or Steelhead or Vestas to proceed with the current Site
                                                                 5
                                                                      the project because the wind towers would be visible
    Certification Agreement.
                                                                      along the ridgeline from key viewing areas within the
6
7
              And Steelhead and Vestas have not announced that
                                                                  7
                                                                      scenic area and aren't in keeping with the stated goals
     there is any contract that actually exists between this
                                                                      of ensuring that new development blends in with the
    consultant company and the current application -- the
9
                                                                 9
                                                                      Gorge's scenery.
                                                                 10
10
     current applicant.
                                                                               And while the Whistling Ridge project would
                                                                 11
11
              The due diligence on this project should have
                                                                      technically be sited just outside the scenic area, the
12
     consider -- should have been undertaken long, long ago.
                                                                      height and visual prominence of these towers and the
13
              So the applicant here has not followed the
                                                                 13
                                                                      increased potential height of the new ones is just not
    rules. It has not sought approval of its transfer. And
14
                                                                14
                                                                      compatible with the landscape.
                                                                15
15
     the result of that is that the SCA has been abandoned by
                                                                               So as it relates to this proposed or requested
16
     these properties and cannot be resurrected through some
                                                                 16
                                                                      transfer, the parent company of Whistling Ridge, LLC,
17
    proceeding here.
                                                                 17
                                                                      when it was formed, was SDS Lumber. And SDS Lumber no
                                                                      longer exists. And it ceased to exist before the
18
              So our request to the council is to deny the
19
    transfer application and hold that the Site Certification
                                                                19
                                                                      necessary filings were made to EFSEC in order to initiate
20
    Agreement has been abandoned.
                                                                 20
                                                                      a transfer of their site certification.
21
                                                                 21
              Thank you very much.
                                                                               So while the Whistling Ridge, LLC, has been a
22
              If you have questions for me, I'm happy to
                                                                 22
                                                                     constant, its backers and the interested parties involved
                                                                     have fundamentally changed since the sale of SDS to Twin
23
    answer them.
                                                                 23
24
             ALJ BRADLEY: Thank you, Mr. Aramburu.
                                                                 24
                                                                     Creeks.
25
                                                                 25
              Who is next on our list, Ms. Grantham?
                                                                               And even if a transfer were to be considered,
              ANDREA GRANTHAM: Next I have Vince Ready.
                                                                      the current capabilities of the Whistling Ridge, LLC, and
1
2
                                                                      its members should be evaluated through a new application
              ALJ BRADLEY: Mr. Ready, are you there?
3
              Mr. Ready, if you're speaking, we cannot hear
                                                                      process following current environmental review standards
4
    you.
                                                                      and with input from the current governor.
5
              All right. Let's try to come back to Mr. Ready.
                                                                 5
                                                                               Because SDS did not initiate the required
6
              Who is next?
                                                                 6
                                                                     filings to transfer their site certification to Timber
7
              VINCE READY: Can you hear me?
                                                                      Creek prior to their dissolution, they really missed the
                                                                      opportunity to receive this consideration and
8
              ALJ BRADLEY: Now I can hear you, Mr. Ready.
              Please spell your first and last name for the
                                                                      transferring it without -- by transferring it without
9
10
    court reporter.
                                                                 10
                                                                      notifying the EFSEC council.
11
                                                                 11
                                                                               And at this point, SDS no longer exists and
             VINCE READY: Sure.
12
              It's Vince Ready, V-i-n-c-e, R-e-a-d-y.
                                                                 12
                                                                      their site certification has been expired for over two
13
              ALJ BRADLEY: All right. You may proceed.
                                                                13
14
              VINCE READY: Thank you.
                                                                 14
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So I believe this should be taken up as a new application, if the applicant wishes to reestablish site certification for the project.

I will say that I only learned of this hearing when I was contacted by Lance Caputo by email on May 9th, and I suspect there are many other interested parties who would have liked to provide input who missed the opportunity or lacked adequate time to prepare this evening.

I feel that this is more than an administrative matter, and this transfer request should be denied. I feel like the project shouldn't have been approved to

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go when I look out my window.

state-issued permit for the project.

So, again, my name is Vince Ready. I'm a

And my home is located less than 2 miles from

And I'm here this evening as a concerned citizen

And my interest goes way back. I gave public

Columbia River Gorge National Scenic Area in Hood River.

the proposed site of the Whistling Ridge Energy project.

I can actually see the ridgeline where the towers would

to provide comments on the possible transfer of the

resident of the Gorge. I live in the heart of the

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begin with, but certainly it shouldn't be brought back
                                                                     project.
    from the dead now.
                                                                              That is giving TCT, the proposed transferee, a
             And I'll have more to say when we talk about the
                                                                     license to construct this project. That is, in fact, an
3
4
    expiration matter, but thank you for your time and
                                                                     action under SEPA.
5
                                                                 5
    consideration.
                                                                              Under SEPA, EFSEC is required to integrate
6
             ALJ BRADLEY: Thank you, Mr. Ready.
                                                                 6
                                                                     environmental review at the earliest possible stage and
7
             Next, Ms. Grantham.
                                                                     to issue a threshold determination within 90 days from
8
             ANDREA GRANTHAM: Next I have Bryan Telegin.
                                                                     being presented with a proposal. To our knowledge, none
9
             ALJ BRADLEY: All right. Mr. Telegin, are you
                                                                 9
                                                                     of this has happened.
10
    there?
                                                                10
                                                                              You heard Mr. Caputo say earlier that SEPA
                                                                     review was done 13 years ago. There has been no analysis
11
             BRYAN TELEGIN: I am.
                                                                11
12
             Can you hear me?
                                                                12
                                                                     to determine whether -- to our knowledge, at least -- to
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             ALJ BRADLEY: Yes.
                                                                13
                                                                     determine whether that prior SEPA review it still valid
                                                                     or whether there's new information that would affect the
14
             Please spell your first and last name for the
                                                                14
                                                                15
15
    court reporter and then you can proceed.
                                                                     environment.
             BRYAN TELEGIN: Thank you very much.
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                                                                16
                                                                              Mr. Caputo, I believe, also said that because
17
             First name is Bryan, B-r-y-a-n. Last name is
                                                                17
                                                                     the transfer was administrative in nature, it does not
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    Telegin, T-e-l-e-g-i-n.
                                                                18
                                                                     require SEPA review.
19
             And my business address is 175 Parfitt,
                                                                19
                                                                              We are not aware of a rule or a law that says
                                                                     such, that so-called administrative actions are not
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   P-a-r-f-i-t-t, Avenue Southwest, Suite N270, Bainbridge
                                                                20
21
    Island, Washington 98110.
                                                                21
                                                                     subject to SEPA.
22
             ALJ BRADLEY: All right. Go ahead, please.
                                                                22
                                                                              So we would request that, again, the council
                                                                     simply adopt a resolution recognizing that the Site
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             BRYAN TELEGIN: Thank you so much.
                                                                23
24
             Good evening, Chair Drew, members of the
                                                                     Certification Agreement has expired and lapsed and is no
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    council, and Judge Bradley.
                                                                25
                                                                     longer valid.
             I am a lawyer representing Friends of the
                                                                              But at any rate, no action can be taken on the
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                                                                 1
2
    Columbia Gorge, alongside Mr. Baker.
                                                                 2
                                                                     proposal until SEPA is complied with.
3
             On May 6th, 2024, Friends of the Columbia Gorge
                                                                 3
                                                                              Thank you.
    submitted objections to the hearing process in this
                                                                 4
                                                                              ALJ BRADLEY: Thank you, Mr. Telegin.
    matter, including raising issues under the State
                                                                 5
                                                                              Our next speaker, Ms. Grantham?
6
    Environmental Policy Act or SEPA.
                                                                 6
                                                                              ANDREA GRANTHAM: I have Eric Kloster.
             And I understand that this -- excuse me. I'm
                                                                 7
                                                                              ALJ BRADLEY: All right. Mr. Kloster, are you
    sorry -- this particular portion of the proceeding
                                                                 8
                                                                     there?
                                                                 9
9
    relates to the transfer request.
                                                                              ERIC KLOSTER: Yes, I am here.
10
             Part of our argument and our objections was that
                                                                10
                                                                              ALJ BRADLEY: Okay. Please spell your first and
   the transfer request, although alongside the extension
                                                                     last name, please.
11
                                                                11
12
    request, are actions under SEPA that need to be reviewed
                                                                12
                                                                              ERIC KLOSTER: Oh, of course.
13
    before any action is taken.
                                                                13
                                                                              For the record, my name is Eric Kloster,
14
             We received a response to that from Mr. McMahan,
                                                                     E-r-i-c, K-l-o-s-t-e-r.
15
    arguing that the transfer request does not qualify as an
                                                                15
                                                                              I would like to talk about how the project has
16
    action under SEPA because it does not directly modify the
                                                                16
                                                                     expired and how there was a 10-year deadline for this
17
    environment.
                                                                17
                                                                     project.
18
             And that position is wrong, in our view. The
                                                                18
                                                                              The project cannot be transferred to TCT because
19
    definition of an "action" under SEPA is the license of
                                                                19
                                                                     the Site Certification Agreement has expired. There's
20
    activity that can modify the environment directly.
                                                                20
                                                                     been more than one and a half years after this expiration
21
             And in this case, the current certificate
                                                                21
                                                                     date, and it's expired by law and by its own terms.
                                                                22
22 holder, or the past certificate holder, has stated
                                                                              The permit cannot be transferred and all other
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repeatedly that they were not and could not build this

that apparently claims that they want to build this

project. Now the request is to transfer it to a company

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issues are moot. This is a threshold issue because

The Site Certification Agreement is a contract

expiration has already occurred.

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and it's a permit. In the terms if it's a permit, its
                                                                    dates, have both come to pass.
    effective date was March 5th, 2012. And that was a
                                                                             So I ask, and I know there are many with me, we
                                                                    ask that the council will recognize this fact and
    10-year permit that was issued by the State for a 10-year
                                                                    terminate the project. This is the only legal option
4
    period.
5
             That period has elapsed. And the binding day,
                                                                5
                                                                    available for EFSEC at this time.
    which is November 18th, 2013, was more than 10 years ago
                                                                6
6
                                                                             Thank you very much.
    as well. And that was the date that the governor of
                                                                7
                                                                             ALJ BRADLEY: Thank you, Mr. Kloster.
    Washington at the time signed the agreement. And all
                                                                8
                                                                             Ms. Grantham, who would be next?
9
    rights have been lost under the contract as well.
                                                                9
                                                                             ANDREA GRANTHAM: Yes. The next person I have
                                                               10
10
             In addition to these issues, I would like to
                                                                    is Dan Rawley. And I received an email, as I've been
                                                                    monitoring the comments inbox, just to make sure if
11
   state that the area is an emphasis region for the
                                                               11
12
    Northern Spotted Owl, which was -- is an endangered
                                                                    anybody else wanted to sign up. He's saying he's been
    species at this time. And the Northwest Forest Plan
                                                                    having an issue calling in.
13
14
    was -- worked with various different agencies. Even Bill
                                                               14
                                                                             So I was wondering if you would be okay if I
  Clinton was involved in this issue. The Northwest
                                                                    tried to dial his number directly from the Teams to see
15
                                                               15
16 Spotted Owl, the nature and area for this species needs
                                                               16
                                                                    if we can get him in here.
17
    to be preserved.
                                                               17
                                                                             ALJ BRADLEY: Let's give that a try. Thank you.
                                                               18
                                                                             ANDREA GRANTHAM: Okay. Perfect. Thank you.
18
             Additionally, the Western Gray Squirrel was
19
    recently uplisted to endangered. And while it doesn't
                                                               19
                                                                             DANIEL RAWLEY: Hello.
                                                               20
                                                                             ANDREA GRANTHAM: Hello. Is this Mr. Rawley?
20
    exist in this area now, it originally was within Skamania
21
    County. Klickitat County is where the species has been
                                                               21
                                                                             Dan Rawley, can you hear us?
22 relegated to. There's three different regions within the
                                                               22
                                                                             DANIEL RAWLEY: I can you hear you. Thank you.
                                                               23
23
   state now, including Pierce County and one region north
                                                                             ANDREA GRANTHAM: Perfect.
24
    of Lake Chelan.
                                                               24
                                                                             This is Ms. Grantham. I am giving you a call
25
             But this area is also an important region for
                                                                    directly from the meeting. And it is your turn to speak,
    the visual and touristic value that this area has.
1
                                                                1
                                                                    and we can hear you.
2
             Across the river from -- if this project was to
                                                                2
                                                                             DANIEL RAWLEY: Okay. Thank you.
    be built, especially with the larger turbines that are
                                                                             I don't know what has been --
    proposed to be over 430 feet, which was the original, but
                                                                             ALJ BRADLEY: Mr. Rawley?
    I know that TCT has considered getting a higher turbine
                                                                 5
                                                                             DANIEL RAWLEY: Yes.
                                                                             ALJ BRADLEY: Sorry. This is Judge Bradley.
   height, it would deeply disturb the views and just the
6
                                                                6
7
    general economic value that this area has for tourism,
                                                                             Could you please spell your first and last name
    the nature value. And for these reasons, the project
                                                                8
                                                                    for the court reporter.
    should not be built.
                                                                             DANIEL RAWLEY: Daniel, D-a-n-i-e-l. Last name
9
                                                                9
10
             But the main reason why this project cannot
                                                               10
                                                                    Rawley, R-a-w-l-e-y.
11 legally be constructed is because the Site Certification
                                                                             ALJ BRADLEY: All right. Thank you.
                                                               11
12
    Agreement expired in 2022, 10 years after the governor
                                                               12
                                                                             You have five minutes. Go ahead, please.
    issued and signed the agreement. And all rights were
                                                               13
                                                                             DANIEL RAWLEY: Okay. I'm assuming that most
13
14
    lost under the Site Certification Agreement in 2023 after
                                                                    people who have joined this meeting understand that the
15
    it was executed, that is, signed.
                                                                    permit or certificate has expired over two years ago. So
16
             In the past, when Site Certification Agreements
                                                               16
                                                                    I did have a couple questions for the council, the EFSEC
17
    have expired, EFSEC council has determined that they died
                                                               17
                                                                    council.
18
    the day they expired of their own accord.
                                                               18
                                                                             One of those being, is there any language in
19
             In Cowlitz Generation Project in 2004, that's
                                                               19
                                                                    their bylaws that specifically address or deal with a
20
    when the council resolution No. 308, March 1st, 2004, the
                                                               20
                                                                    permit that has expired?
21
   EFSEC council, at that time, stated that because the
                                                               21
                                                                             ALJ BRADLEY: So, Mr. Rawley, this is a public
22
    10-year period had run out, that the Site Certification
                                                               22
                                                                    comment period, and so the council won't be answering
23
    Agreement had expired and died of its own accord.
                                                               23
                                                                    questions at this time.
24
             Similarly here. Whistling Ridge Energy, the
                                                               24
                                                                             DANIEL RAWLEY: They won't be answering
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questions.

project and the contract, the effective and the binding

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1
             Okay. Then I'll just state that the permit has
                                                                              I think the other point that I would like to
    expired over two years ago. So I am concerned with the
                                                                     bring up is there are a number of people here, but that
3
     fact that they are even having a meeting as such to
                                                                     number is nowhere near the number of people that came out
4
    discuss the transfer of the permit.
                                                                     in opposition still in the area, and I believe would
5
             And from my knowledge, the best I could look up,
                                                                 5
                                                                     still be in opposition. I think that's telling to the
    that there is no process in place to deal with a permit
                                                                     amount of public outreach that was involved in putting
6
7
     that has expired or to possibly renew the permit that has
                                                                 7
                                                                     this hearing on.
8
     already expired without going to another process.
                                                                 8
                                                                              And I think it would be only fair and good
9
              So at this point, I would say to the council,
                                                                 9
                                                                     governance to be able to give the residents of the area
10
    that I would think that it would reflect poorly on the
                                                                10
                                                                     the opportunity to weigh in on this project, which will
11
    council to proceed with the transfer of a permit that has
                                                                11
                                                                     have a severe scenic impact.
12
     expired over two years ago. And it would reflect poorly
                                                                12
                                                                              As was mentioned, we're talking about wind
13
    on the council as well as the members.
                                                                13
                                                                     turbines that are, you know, roughly the size of the
14
              So that is what I would like to get into, the
                                                                14
                                                                     Space Needle, and you're going to put up some number of
15
   report at this time for the first meeting.
                                                                15
                                                                     them in an area that was set aside in federal law for its
             ALJ BRADLEY: All right. Thank you, Mr. Rawley.
                                                                     scenic, natural, cultural, and recreational resources.
16
                                                                16
17
    I'm glad we were able to reach you.
                                                                17
                                                                              I'll say more in the extension hearing, but I
                                                                     really just want to take this opportunity to reiterate
18
             Ms. Grantham, who would be next?
                                                                18
19
             ANDREA GRANTHAM: Yes. Next I have Rudy
                                                                19
                                                                     that the transfer of an expired permit seems very curious
                                                                     to me. And I would strongly recommend that that transfer
20
    Salakory.
                                                                20
21
             ALJ BRADLEY: And is Mr. --
                                                                21
                                                                     not go through. And that it's entirely appropriate, if
22
             RUDY SALAKORY: Good evening.
                                                                22
                                                                     this project were to move forward, that it move forward
23
             ALJ BRADLEY: Okay. Spell your first and last
                                                                23
                                                                     under a new application process.
24
                                                                24
                                                                              Thank you.
    name, please.
                                                                25
25
             RUDY SALAKORY: Thank you.
                                                                              ALJ BRADLEY: Thank you, Mr. Salakory.
                                                                              Ms. Grantham, who is our next speaker?
1
             Yeah. My name is Rudy Salakory, R-u-d-y,
                                                                 1
2
    S-a-l-a-k-o-r-y.
                                                                              ANDREA GRANTHAM: Next I have Keith Brown.
3
             Judge Bradley --
                                                                 3
                                                                              ALJ BRADLEY: Mr. Brown, are you there?
4
             ALJ BRADLEY: Thank you.
                                                                              KEITH BROWN: Yes.
5
             RUDY SALAKORY: You're welcome.
                                                                              Can you hear me?
6
             Judge Bradley, Chair Drew, members of the
                                                                 6
                                                                              ALJ BRADLEY: Yes.
7
    council, as I just stated, my name is Rudy Salakory. I'm
                                                                              Please spell your first and last name.
                                                                              KEITH BROWN: It's Keith Brown, K-e-i-t-h,
     conservation director for Friends of the Columbia Gorge.
9
              As you heard from my colleagues and a number of
                                                                 9
                                                                     B-r-o-w-n.
10
    folks here, we have been following this project for some
                                                                10
                                                                              I live in Washougal, Washington. And my spouse
   time. And personally, I am perplexed that we would be
                                                                     and I, Theresa Robbins, sent council a detailed letter
11
                                                                11
12
    discussing the transfer of a site certificate for a
                                                                12
                                                                     this afternoon. I'll read just portions of that letter.
13
    project that is, by all accounts, dead and done.
                                                                13
                                                                              Good evening, council members. Most, if not all
14
             As many people have said, that permit has
                                                                14
                                                                     of you were not a part of the EFSEC council in 2009.
15
    expired and the proponents had a chance, 10 years, in
                                                                     Therefore, you were not present to hear the overwhelming,
   fact, to build the project. They couldn't find a way to
16
                                                                16
                                                                     widespread community opposition to what was known as the
17
    do it or they couldn't find the will to do that. I don't
                                                                17
                                                                     Whistling Ridge Energy project.
18
    know if those circumstances have changed.
                                                                18
                                                                              You should have scheduled this hearing in the
19
              But if there are changes in circumstances, they
                                                                19
                                                                     Underwood Community Center where you would have heard
20
    are going to line up against a landscape that has changed
                                                                20
                                                                     from the affected community firsthand.
21
    physically, ecologically, and in a regulatory way.
                                                                21
                                                                              You first scheduled a virtual-only hearing and
22
                                                                22
             I think it's -- I feel it's completely
                                                                     then at the last minute, made it hybrid, requiring people
23
     inappropriate to move forward with documents and
                                                                23
                                                                     to travel to Lacey if they wanted to address you in
24
     agreements that were made well over a decade ago in this
                                                                24
                                                                     person.
                                                                25
25
    changed landscape.
                                                                              Had you conducted this hearing on transferring
```

```
ownership, you would have likely heard the same level of
                                                                              On September 13th, 2023, more than a year and a
     concerns and objections as was heard in 2009.
                                                                     half after the permit expired, requests were filed with
             To give you some idea, we have provided a
                                                                     EFSEC to resurrect the expired permit and transfer the
3
4
    summary and selection of comments from the scoping
                                                                     permit to a new owner.
5
    process.
                                                                 5
                                                                              This request should have been dead on arrival.
6
             Of the 363 separate written comments from
                                                                     We urge EFSEC to deny the request to revive the expired
     individuals and organizations expressing an opinion, the
                                                                     permit and the transfer of the permit and the project to
    overwhelming majority, 336, expressed concerns and/or
                                                                     Twin Creeks Timber.
9
     objections. That's 93 percent. While only 27
                                                                 9
                                                                              Thank you very much.
                                                                10
10
    individuals expressed some sort of support. That's
                                                                              ALJ BRADLEY: Thank you, Mr. Brown.
                                                                              Ms. Grantham, our next speaker, please.
11
    7 percent.
                                                                11
12
             Unfortunately, you can no longer review the
                                                                12
                                                                              ANDREA GRANTHAM: Yes.
    comments on the EFSEC website for yourself, as the link
                                                                13
                                                                              Our next speaker is another person who had
13
    has been removed. Given the time limit, I'll share just
14
                                                                14
                                                                     difficulties calling in, Mary Repar. So I will also give
                                                                15
15
    3 of those 363 comments.
                                                                     her a dial-in.
             Quote, desecrating the views will discourage
16
                                                                16
                                                                              ALJ BRADLEY: Thank you.
17
    visitors and the tourist revenue that benefits the
                                                                17
                                                                              ANDREA GRANTHAM: It looks like she might
18
   region.
                                                                18
                                                                     have joined.
19
             You would not build a wind generator farm on
                                                                19
                                                                              Mary, is that you?
    Half Dome, in Yosemite, Mount Rainier, or along the rim
20
                                                                20
                                                                              MARY REPAR: Hi. I've joined in.
                                                                              ANDREA GRANTHAM: Hello. We can hear you.
                                                                21
21
    of Crater Lake.
             In a like vein, you should not build one in or
22
                                                                22
                                                                              MARY REPAR: Thank you.
                                                                23
23
   near the Gorge.
                                                                              ALJ BRADLEY: So this is Judge Bradley.
24
             Comment No. 163 from Todd Bruso, Hood River.
                                                                24
                                                                              Can you spell your first and last name for the
25
             Quote, I just happened to have taken one of the
                                                                25
                                                                     court reporter, please.
                                                                              MARY REPAR: My name is Mary Repar, M-a-r-y.
1 most beautiful hikes I can remember on the Washington
                                                                 1
    side of the Gorge last weekend; some of the most
                                                                 2
                                                                     Repar, R-e-p-a-r.
   beautiful and well-preserved land in the country,
                                                                              ALJ BRADLEY: Thank you. And you have five
    unblemished area available to the public. And I feel
                                                                     minutes, so you can proceed.
    lucky as a 30-something to have access to a pristine
                                                                 5
                                                                              MARY REPAR: I'm not sure what I'm proceeding
6
   Columbia River Gorge scenic area.
                                                                 6
                                                                     on. I haven't been able to join the meeting.
                                                                 7
7
             I would hate to say it was my generation that
                                                                              Which section are we on here?
    ruined this beautiful and sensitive habitat for a new
                                                                 8
                                                                              ALJ BRADLEY: Oh, we're still hearing comments
     energy project with so many wind turbines. I am opposed.
9
                                                                 9
                                                                     on the transfer request.
10
             Comment No. 64, Ann Plutona [phonetic],
                                                                10
                                                                              MARY REPAR: Oh, okay.
                                                                11
11
  Portland.
                                                                              So it's my turn to speak?
12
             And, finally, quote, proximity to numerous
                                                                12
                                                                              ALJ BRADLEY: Correct.
    residential areas, water use issues, visual impacts from
                                                                13
                                                                              MARY REPAR: Okay. Thank you very much.
13
14
    both turbines and navigational lighting, potential
                                                                14
                                                                              My name is Mary Repar, and I'm calling in from
15
    negative impacts for local agribusinesses and property
                                                                15
                                                                     Stevenson, Washington. I've also submitted two letters;
                                                                     one on the transfer and one on the extension of the SCA.
16
    values, these are just some of the many important reasons
                                                                16
17
    which question the wisdom of siting a major energy
                                                                17
                                                                              But speaking on the transfer, you know,
18
    project of this magnitude in this area.
                                                                18
                                                                     businesses can do whatever they want, in some ways, but
19
              Scenic areas. Boundaries were drawn with the
                                                                19
                                                                     in other ways, we the public are involved.
20
    reasonable assumption that dozens of high --
                                                                20
                                                                              Whistling Ridge was a project from many, many
21
    sky-scraping, high structures would not be built in the
                                                                21
                                                                     moons ago. I worked on it extensively. I have -- I put
22
    middle of the forest.
                                                                22
                                                                     in hundreds of pages of comments opposing it on the
23
             This project may meet the letter of the law, but
                                                                23
                                                                     grounds of danger to the environment and location and
24
    certainly would break the spirit of the scenic area.
                                                                24
                                                                     mass wasting, et cetera, et cetera.
                                                                25
25
             Comment No. 335, Matthew Ryan, Underwood.
                                                                              So to have another company come in 12 years
```

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(Meeting adjourned at 6:42 p.m.)
    later and ask to transfer something from one entity to
    another, I think if it had been done on a timely basis
    after the project was approved to be done, even though it
    was not economically feasible, according to SDS, I'm not
 5
     quite sure why Twin Creeks is coming here to ask for a
     transfer.
 6
 7
              I can only think that perhaps it's because they
     think they might be able to sell the project to someone
 9
     else. I'm not speaking for them. This is just my
                                                                 10
10
     thought. And I don't think the transfer should be
                                                                 11
11
     approved.
                                                                 12
12
              This project is old. The DEIS, FEIS are stale
                                                                 13
     and old. And if there's any new project proposal, then
13
                                                                 14
     it should go through the public process that the other
14
                                                                 15
15
     project -- the first project had to go through.
                                                                 16
16
              So, again, I really oppose transferring the --
                                                                17
17
     transferring control of the ownership of Whistling Ridge
                                                                 18
    from SDS Lumber to Twin Creeks Timber.
18
                                                                19
19
              I'm sorry to sound so disjointed, but I've been
                                                                 20
20
    trying to join you all for over an hour and a half, and
                                                                 21
21
    it's driven me crazy.
                                                                 22
22
              But at any rate, please consider the aspect of
    why this is being asked now and by a company who was not
                                                                 23
23
                                                                 24
     involved at all in the original FEIS and DEIS and all of
    the public input that was involved in getting us to this
25
                                                                 1
                                                                                        CERTIFICATE
    point.
 1
              Again, I would ask EFSEC to deny the transfer of
 2
                                                                                I, MICHELLE D. ELAM, Certified Court Reporter
    this project from the SDS Lumber to Twin Creeks and to
                                                                      in the State of Washington, residing in Mayer, Arizona,
                                                                  4
                                                                      reported:
     transfer the ownership of the SCA too.
                                                                                That the foregoing Transfer Request Hearing was
 5
              Thank you very much.
                                                                      taken before me and completed on May 16, 2024, and
                                                                      thereafter was transcribed under my direction; that the
 6
              If you have any questions, I'll be glad to hear
                                                                      Transfer Request Hearing is a full, true and complete
 7
     them.
                                                                      transcript;
 8
             ALJ BRADLEY: All right. Thank you.
                                                                                That I am not a relative, employee, attorney or
 9
              Ms. Grantham, our next speaker.
                                                                      counsel of any party to this action or relative or
              ANDREA GRANTHAM: That concludes the speakers
                                                                      employee of any such attorney or counsel and that I am
10
                                                                 10
                                                                     not financially interested in the said action or the
11
    that I had on the prior sign-up sheet.
                                                                      outcome thereof;
12
              ALJ BRADLEY: All right. Is there anyone on
                                                                 11
                                                                                That I am herewith securely sealing the said
13
    Teams who would like to raise their hand?
                                                                 12
                                                                      Transfer Request Hearing and promptly delivering the same
14
              I'm not seeing any additional requests to speak.
                                                                      to EFSEC.
                                                                 13
15
    I'll turn it back to you, Chair Drew.
                                                                                IN WITNESS WHEREOF, I have hereunto set my
16
             CHAIR DREW: Thank you, Judge Bradley.
                                                                 14
                                                                     signature on the 6th day of June, 2024.
17
              Thank you to everybody who spoke. Thank you all
                                                                15
                                                                16
18
    for your patience. And thank you for trying to get in
19
     again. And I apologize for all of the challenges people
                                                                17
                                                                                      /s/MICHELLE D. ELAM, RPR, CCR
                                                                                      State of Washington CCR #3335
20
    have had this evening.
                                                                 18
                                                                                      My CCR certification expires on 6/12/24
21
             We are going to take a break. We will come back
                                                                19
                                                                 20
22
    to exactly this site; is that right?
                                                                 21
23
              So if you want to stay on, stay on. And we'll
                                                                 22
                                                                 23
24
    be back at seven o'clock for the next hearing.
                                                                 24
25
              This one is adjourned.
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BEFORE THE STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

In	the	Whi	istling	Ridge	Energy	
Pro	oject	of	፤ :			
Ext	ensi	ion	Request	: Hear:	ing	

VIDEOCONFERENCE HEARING

May 16, 2024

Taken Remotely via Zoom

PREPARED BY: Michelle D. Elam, RPR, CCR 3335

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APPEARANCES
                                                                 1
                                                                               ANDREA GRANTHAM: Chair, that is all of the
     STAFF AGENCY MEMBERS PRESENT (VIA HYBRID):
2
                                                                      council.
3
               Chair - Kathleen Drew
               Department of Commerce - Elizabeth Osborne
                                                                              Would you like me to call any other roll or just
                                                                  3
4
               Department of Wildlife - Mike Livingston
                                                                  4
                                                                     the council?
               Department of Natural Resources - Lenny Young
5
               Department of Utilities & Transportation
                                                                 5
                                                                              CHAIR DREW: Just the council. Thank you.
                  Commission - Stacy Brewster
                                                                               ANDREA GRANTHAM: There is a quorum.
                                                                  6
     ASSISTANT ATTORNEY GENERALS PRESENT:
                                                                  7
                                                                               CHAIR DREW: Thank you.
7
               Jon Thompson
                                                                               We will now move to the Whistling Ridge Energy,
                                                                 8
8
                                                                 9
                                                                     LLC, presentation.
     ADMINISTRATIVE LAW JUDGE (VIA TEAMS):
9
                                                                 10
                                                                              Mr. McMahan.
               Laura Bradley
                                                                               TIM McMAHAN: Thank you, Chair Drew.
                                                                 11
10
     COUNSEL FOR THE ENVIRONMENT:
                                                                 12
                                                                               For the record, Tim McMahan, and I'm here
11
                                                                 13
                                                                     representing the applicant. I guess it's still called
               Yuriy Korol
12
                                                                 14
                                                                      the applicant, TCT.
13
                                                                 15
                                                                               It's not surprising that we've heard some
     STAFF FOR EFSEC:
14
                                                                 16
                                                                      concerns from the community. Concerns is probably not
               Sonia Bumpus
15
               Sonia Hafkemeyer
                                                                 17
                                                                      putting it strongly. And I want to just emphasize what
               Andrea Grantham
                                                                      we have said in the filings that we made to the council,
                                                                 18
16
               Lance Caputo
               Alex Shilev
                                                                 19
                                                                      and that is that first of all, we do believe that at the
17
                                                                      time we started meeting with EFSEC staff, that the
                                                                 20
18
     IN ATTENDANCE:
19
               Tim McMahan - Whistling Ridge, LLC
                                                                 21
                                                                      application and the site certificate, in fact, were still
               Greg Corbin - Green Diamond Resource Company
                                                                 22
                                                                      very much viable, and in our view, for the reasons I'm
20
21
                                                                 23
                                                                      going to talk about, are still viable.
22
                                                                 24
                                                                               We also understand that for us to proceed
23
24
                                                                 25
                                                                      further, we've got a lot of work to do. In fact, that's
25
               BE IT REMEMBERED that on Thursday,
                                                                      the reason for this request, is for us to have the
1
2
    May 16, 2024, at 7:00 p.m., before Michelle D. Elam,
                                                                      opportunity to conduct some diligence work to really make
3
     Certified Court Reporter, RPR, the following Extension
                                                                      a strong decision, well-informed decision. And the kind
4
     Request Hearing, was held, to wit:
                                                                      of information, frankly, that the public is providing is
5
                                                                  5
                                                                     some of that input. So some very strong inputs on what
6
                                                                 6
                                                                     our next step should be for the project.
                           <<<<<>>>>>>>
7
                                                                               So fundamentally what we've asked for is time, a
              CHAIR DREW: Good evening. Kathleen Drew, Chair
8
                                                                      relatively short amount of time to conduct studies and to
     for the Energy Facility Site Evaluation Council, calling
9
                                                                 9
                                                                      determine where we should go and what we should do next.
10
     our Whistling Ridge Energy Project Amendment Request
                                                                 10
                                                                               But I do want to emphasize that in our view, at
11
    Hearing into order for the extension request.
                                                                 11
                                                                      the time that we started working on these -- on this
12
              We'll go ahead and have Ms. Grantham call the
                                                                 12
                                                                      amendment, it was done in tandem and very much in
                                                                      consultation with EFSEC staff, with the understanding
13
    roll of council members.
                                                                 13
14
              ANDREA GRANTHAM: Certainly.
                                                                 14
                                                                      that we received time to conduct this work.
15
              Department of Commerce.
                                                                 15
                                                                               So let me just kind of walk through the
16
              ELIZABETH OSBORNE: Elizabeth Osborne. Present.
                                                                     presentation here. And I hope to provide some
                                                                16
17
              ANDREA GRANTHAM: Department of Ecology.
                                                                 17
                                                                      information about that the kind of work that TCT intends
18
              Department of Fish and Wildlife.
                                                                      to conduct during what we hope to be a three-year
19
              MIKE LIVINGSTON: Mike Livingston. Present.
                                                                 19
                                                                      extension site certification.
20
              ANDREA GRANTHAM: Department of Natural
                                                                 20
                                                                               So first of all, Whistling Ridge is not
21
                                                                 21
                                                                     proposing any changes to the facility. There is no new
    Resources.
22
                                                                 22
                                                                      information or change conditions that might indicate the
             LENNY YOUNG: Lenny Young. Present.
23
              ANDREA GRANTHAM: Utilities and Transportation
                                                                 23
                                                                      existence of any probable significant, adverse
24
     Commission.
                                                                 24
                                                                      environmental impacts that were not previously addressed
25
              STACY BREWSTER: Stacy Brewster. Present.
                                                                      in the EFSEC environmental impact statement, which was
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conducted for this project and was appealed to the
   Washington Supreme Court and resulted in a 9-0 decision
3
   by the Washington State Supreme Court.
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So we are not relitigating the Supreme Court's decision nor are we relitigating the decision of the Ninth Circuit Court of Appeals that was filed and unsuccessfully filed by the Friends of the Gorge.

So Whistling Ridge is not proposing any changes, modifications, or amendments to the Site Certification Agreement or any regulatory permits. It is possible that such changes could be proposed in the future.

So I want to walk through the project history to explain really why we're here and what's happened, because there have been reasonable questions about what have we been doing and has this project been abandoned.

Could you skip to Slide No. 18. Keep going. Keep going. These are pages from the Environmental Impact Statement. Okay. One more, please.

All right. So this is the history of the project. And many have asked why we're doing what we're doing, so I want to just walk through this.

22 The Site Certificate Application, as indicated by members of the public, was in 3/10 of '09. 23

The Site Certificate Agreement recommendation was submitted to the governor on January 5th of 2012.

So in September 2015, the project, in fact, did file another appeal with the United States Ninth Circuit Court of Appeals. They challenged Bonneville's Final 4 Environmental Impact Statement, which was done in 5 coordination with the Washington State SEPA Environmental Impact Statement. So the appeal was over project interconnection to the federal transmission system.

The Ninth Circuit Court issued a memorandum decision denying the appeal. So the Supreme Court denied the appeal. In 2018, the Ninth Circuit Court of Appeals denied the appeal.

So in July of 2018, following a petition by project opponents for a rehearing, the full Ninth Circuit then, on request or demand from Friends of the Gorge and others, denied additional rehearing. And that denial, finally in 2018, concluded all of the opposition litigation.

So in October of '18, Whistling Ridge then filed its five-year report. Came to Olympia. Met the siting council, and the five-year report is part -- really part of the process to ensure that the siting council understands that a project is still proceeding and the report was filed.

> So if you could go to the next slide, please. At that five-year -- at that five-year hearing,

And the governor signed and approved the final 1 2 order in March of '12.

After appeal by opposition, the Washington State Supreme Court issued a unanimous decision denying the appeal.

Now, Mr. Spadaro, who was the project manager and with SDS Lumber, signed the site certificate on November 18, 2013, a few months after the decision by the supreme court.

And the reason for that decision was knowledge 11 that we had already undergone a considerable amount of litigation on the project. And a concern that by signing the application on the day the governor signed the application was essentially inviting additional appeals and litigation.

And Jason Spadaro decided to -- before signing the Site Certificate Agreement, to take the time to see if any further appeals or litigation occurred. He believed there was not such an outcome, although that was proven to be wrong later on.

So from 2013 to 2015, during that period, Bonneville worked on the Final Environmental Impact Statement supplement. This was a combined NEPA and SEPA document, working with Bonneville.

Can you go to the next slide, please.

a presentation was made to the siting council. And at that proceeding, we confirmed our understanding of the

effective date of the site certificate, which was after.

Which was, as I indicated before -- I just want to make

sure I'm getting this right and absolutely correct

here -- yes, it confirmed our understanding of the

effective date of the site certificate, which I'll get to in a few moments here.

So in 2021, SDS Lumber, the parent company, as 10 many of you know, underwent protracted internal conflict, ultimately resulting in the dissolution of SDS Lumber 12 Company and related entities.

And in 2021 to 2022, Twin Creeks Timber, and you met Mr. Corbin here tonight, acquired a substantial portion of the assets, including the Whistling Ridge Energy, LLC. And it is still called Whistling Ridge, LLC, by virtue of transferring the LLC to TCT.

So in 2022, the applicant -- or excuse me, TCT began working diligently with EFSEC staff to determine and decide whether to file both the transfer requests and the amendment request.

So next slide please.

So here's the thing that's really important to us and understanding where we're at.

It was not until 2018 that the appeals of all of

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the state and federal permits were exhausted. So the
    essential reason for the latitude for construction in the
    EFSEC rules is that, frankly, no project facing fierce
    multiyear litigation can secure financing, can proceed
5
    until appeals are exhausted. That would actually
6
     jeopardize construction of a project. No prudent
7
     developer would proceed under those circumstances.
8
             And it is that fundamental risk that stops
9
    projects during appeals, which I think was calculated
10
    here, including the appeal -- including appeals that have
11
     little or no merit.
12
             Next slide, please.
13
             All right. So -- and I am largely reading these
     slides. I hate doing that, but I just want to make sure
14
15
     that I'm being very precise. So that's what I'm going to
16
    do. So I appreciate your patience.
17
              So the effective date of Site Certificate
18
    Agreement occurred at the time that the two parties, both
19
     the governor and the applicant, had executed the Site
20
    Certificate Agreement.
21
             The term of the construction commenced 10 years
22
    after the effective date of the Site Certificate
23
    Agreement. So that date -- that date is key to
24
     understanding where the project is now.
25
              So subject to conditions of the certification
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sessions upon the request for amendment at times and
     places determined by the council.
 3
              Next slide.
 4
              All right. Amendment review.
 5
              "In reviewing any proposed amendment, the
 6
     council shall consider whether the proposal is consistent
    with: The intention of the original Site Certificate
     Agreement; applicable laws and rules; public health,
     safety, and welfare; and the provisions which concern
10
     site restoration.
11
              So that's -- you know, that's what ties the
12
     request for amendment to the transfer request.
13
              Next slide.
14
              So Whistling Ridge proposes -- this is what we
15
     are asking for.
16
              Whistling Ridge proposes to update natural
17
     resource studies, including season-specific data and new
     visual simulations and other natural resource reviews and
     studies, including key viewing areas within the Columbia
20
     River Gorge scenic area.
21
              Now, that was done previously with the
22
     Environmental Impact Statement. So we are asking for the
23
     opportunity to come back in with an amendment that gives
     us the time to evaluate these resources and make a final
     determination on moving forward.
              We only ask for a three-year extension because
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2 years of the effective date of the site certificate. And very importantly, Site Certificate Agreement Article 1.B states: This Site Certification Agreement authorizes the certificate holder to construct the project such that 6 substantial completion is achieved no later than 10 years 7 from all final state and federal permits necessary to construct and operate" -- sorry for the typo -- "the 9 project are obtained and associated appeals have been 10 exhausted." 11 And appeals in this matter were not exhausted until 2018. 12 13 14 So this is the rule for a request for extension 15 of the site certificate. Upon a request to extend the 16 term of the Site Certification Agreement, the council may 17 conduct review consistent with the requirements of the 18 WACs -- that those of you who are in the room can see --19 and the other applicable legal requirements. 20 So that is the right that we have on our view of 21 an unexpired site certificate to conduct review and seek 22 an amendment. 23 Next slide.

So the request for amendment. This is where we

are now. Council shall hold one or more public hearing

agreement, construction can start at any time within 10

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we did not wish to draw this out. And we want the opportunity to move forward with an authorized facility in hand. All right. So next slide, please. I'm sorry. For those of you out there who can't see this slide, but the slide -- the following slides here, Matters to be Addressed in the Amendment to the ASC, are in the filing, the petition for extension filing. That is a matter of public record, and you can find these documents easily, especially through Mr. Baker. So our intention that -- we put timelines on these milestones to move the project along -- is to conduct baseline and environmental work, contact wildlife consultants, develop scopes of work, and move forward on a current evaluation of the project and what changes might be needed and what studies might be required. Next slide, please.

Visual simulation updates.

We clearly understand that to move this project forward, it will be necessary to undertake these studies to freshen them up and to have a full evaluation of the potential impacts to the project that may have -- and issues that may have changed since the issuance of the

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Final Environmental Impact Statement.
                                                                              Litigation existed and occurred from 2011 to
             Next slide.
                                                                     2018. And 2018 was when the appeals were finally
3
             Noise studies, I talked about.
                                                                     concluded.
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             Next slide.
                                                                              The effective date of the site certificate is
5
              So we are proposing to complete all study work
                                                                 5
                                                                     November 18, 2018. And that, as testified by Jason
6
    needed for the site certificate and develop a schedule to
                                                                     Spadaro at the five-year hearing, quote, that was the
7
     complete that work needed for -- needed for the site
                                                                     date I executed a Site Certificate Agreement after
8
     certificate.
                                                                     conclusion of the Supreme Court appeal. Further
9
             Next slide.
                                                                 9
                                                                     opposition litigation followed the execution of the SCA,
                                                                10
                                                                     with the Ninth Circuit Court of Appeals challenges fully
10
             We have listed here agency meetings that we
    intend to undertake, involvement with EFSEC staff and
11
                                                                11
                                                                     exhausted in July of that year.
12
    members of the public. And we would pose undertaking
                                                                12
                                                                              Due to the uncertainties associated with the
13
    those studies for approximately 20 months after the
                                                                13
                                                                     appeals, it simply wasn't possible to move forward with
14
     transfer approval has been hopefully issued by the
                                                                14
                                                                     the project at that time.
15
                                                                15
    counsel.
                                                                              So there was no dispute by the siting council at
16
             Next slide.
                                                                16
                                                                     the five-year meeting on the effective date of the
17
              This summarizes the studies and the process that
                                                                17
                                                                     facility.
    we would anticipate to move forward, should the council
18
                                                                18
                                                                              So speeding up to where we are now -- I'll wrap
19
     authorize the extension.
                                                                19
                                                                     this up quickly.
20
             Next slide.
                                                                20
                                                                              On March 2nd, 2022, TCT filed a request for
21
             All right. I want to just take a moment here to
                                                                21
                                                                     extension to the site certificate with EFSEC, seeking a
22
    talk about specifically the effective date issue. So I'm
                                                                22
                                                                     three-year extension from the date the request would be
23
    going to walk through this as quickly as I can.
                                                                23
                                                                     granted.
24
              So on March 5th, 2012, as we indicated, Governor
                                                                24
                                                                              We worked with siting council staff from that
                                                                     point forward to discuss and evaluate how we would
25
   Gregoire signed the Site Certificate Agreement. And by
   law, under the definitions in RCW 80.50.020, a Site
                                                                     proceed, if we should proceed, and what kind of a filing
1
    Certification Agreement is a binding contract. It's an
2
                                                                 2
                                                                     we would make.
     agreement. It's a binding contract. It's not a blend of
                                                                              So March 16th, 2022, a letter from Twin Creeks
    a contract and a permit. It's a contract.
                                                                     Timber, formally notified Ms. Bumpus that TCT had
5
             So the effective date. Whistling Ridge signs
                                                                     acquired the project as part of a larger acquisition that
6
   the site certificate, final effective date of the Site
                                                                 6
                                                                     occurred in November of '21.
7
     Certificate Agreement. The concern for ongoing
                                                                              April of '23, another letter to Ms. Bumpus that
8
    litigation caused delay in executing the contract.
                                                                     attached a draft transfer request for discussion with
                                                                 9
                                                                     EFSEC staff.
9
              The EFSEC page -- web page itself states that
10
    the effective date is November 18, 2013. And than is the
                                                                10
                                                                              So in twenty -- September 13th, 2023, Whistling
                                                                     Ridge filed its formal request -- a formal request. We
11 date that is noted on the web page and handwritten on the
                                                                11
12 face of the March 5th, 2012, letter from Governor
                                                                12
                                                                     had already filed a request, but we filed a formal
    Gregoire. So it is a matter of public record, both
                                                                     request that we asked be set forward to the siting
13
                                                                13
14
     confirming the five-year reporting. And based upon what
                                                                14
                                                                     council for review.
15
    the site certificate itself says, that the effective date
                                                                15
                                                                              Many of you know what happened during the city
                                                                     council in the autumn of last year. We were all very
16
    is November 18, 2013.
                                                                16
17
              So "certification" means a binding agreement
                                                                17
                                                                     much underwater with the Horse Heaven project. And staff
18
    under RCW 80.50.020. A binding agreement between the
                                                                18
                                                                     preferred that we schedule the hearing at a later date
19
     applicant and the state which embodies compliance with
                                                                19
                                                                     due to the time needed for EFSEC to complete that
20
    the siting guidelines in effect as of the date of the
                                                                20
                                                                     project's review, including adjudication and the SEPA
21
    certification, which have been adopted, pursuant to
                                                                21
                                                                     process.
22 RCW 80.50.040, as may be further amended.
                                                                22
                                                                              TCT didn't object to that request, and we
23
             Litigation was, in fact, filed and pursued for
                                                                23
                                                                     deferred to EFSEC on scheduling. It was understood that
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years with this project. The Ninth Circuit Court of

Appeals litigation was only resolved in July of 2018.

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further activity on the project was stayed at the date

that we filed the request for extension in 2022.

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             That means that there is actually still time on
                                                                     wanted to note that regarding our process objections,
     the Site Certificate Agreement. And we have provided
                                                                     more than 900 people in EFSEC's official list of people
3
     information in the petition itself saying that.
                                                                     interested in the Whistling Ridge project have not been
4
              So we concurred with staff that staying the
                                                                     notified about the pending matters or these hearings.
5
    request until EFSEC had the capacity to review the
                                                                 5
                                                                              So I would like to reiterate and expand on the
    project was acceptable, principally, allowing completion
                                                                 6
                                                                     expiration issues because it truly is a threshold,
6
7
     of the adjudication that occurred through the fall.
                                                                     dispositive issue. It resolves everything.
8
              So all told, the appeals took six years to
                                                                 8
                                                                              The Site Certification Agreement has expired.
9
    resolve. And by contract and by equity, we believe that
                                                                 9
                                                                     There are two possible dates that apply here, and it's
                                                                10
10
    technically, we probably actually have four additional
                                                                     expired under both of them. A Site Certification
11
    years to construct the project due to the protracted
                                                                11
                                                                     Agreement absolutely is both a permit and a contract.
12
     appeals.
                                                                     And the applicable law -- in the sense that it's a
13
             However, rather than relying solely on Site
                                                                     permit, the applicable law uses terms like the issuance
    Certificate Agreement Article 1.B that I read earlier,
14
                                                                14
                                                                     date, the effective date, and the approval date.
15
     staying the exhaustion of all state and federal appeals,
                                                                15
                                                                              When Governor Gregoire issued the Site
16
    we seek a formal extension rather than risking further
                                                                16
                                                                     Certification Agreement on March 5th, 2012, she signed a
17
    litigation by relying on our luck in staying the appeals
                                                                17
                                                                     two-page statement approving the Site Certification
18
    and drawing further litigation on that strategy.
                                                                18
                                                                     Agreement. And she used that word. She said she was
19
             I do want to say that this is obviously a
                                                                19
                                                                     approving it. So in that sense it is a permit.
20
    challenging project. A number of us have a lot of skin
                                                                20
                                                                              She also, again, indicated right above her
21
    in this one. We went through a lot of battles to get to
                                                                21
                                                                     signature, that the Site Certification Agreement was
22
    where we are, and we believe that this project has the
                                                                22
                                                                     effective on March 5th, 2012. She used that word,
                                                                23
23
    capability of being successful and proceeding,
                                                                     "effective." That was the effective date.
     particularly with fresh review, which is what we're
                                                                24
                                                                              The other date that has been discussed was
                                                                25
25
    asking for. We are simply asking for the time to
                                                                     November 18th, 2013. That was the date that Jason
   complete this. And we believe that we are fully entitled
                                                                     Spadaro, president of Whistling Ridge Energy, signed the
2
    by right to a project that still is within its effective
                                                                     Site Certification Agreement. He withheld his signature
3
                                                                     for 20 months.
4
              That's a lot. I'm sure some are confused, but
                                                                 4
                                                                              When he signed it, that was the last possible
5
    that's -- that is where we are with this project, and I
                                                                     day for the binding day, or the execution day, in the
6
    do appreciate your time.
                                                                     sense that the Site Certification Agreement is a
7
             CHAIR DREW: Thank you.
                                                                     contract. And, again, the applicable law uses those
             TIM McMAHAN: Thank you.
                                                                     terms with the words "binding" and "execution."
8
             ALJ BRADLEY: All right. This is Judge Bradley.
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                                                                 9
                                                                              It is now more than 10 years after both of those
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             Chair Drew, is it now time to move on to the
                                                                10
                                                                     dates. It's expired under both concepts. It's expired
    public comment section?
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as a permit. It's expired as a contract. And after -- the last time that Whistling Ridge Energy was before you was November 2018. That was what they called their five-year update. It was actually

nearly two years late. It was due December of 2016. They were in front of you in November 2018. After that, three years and four months went by with nary a word about Whistling Ridge at all at any of the council meetings. No updates. Nothing.

And then suddenly in April '22, a month after the Site Certification Agreement expired, it came back. And several council members were very astutely picking up on that something is really wrong here.

Councilmember Young used the word "mothball," and he asked, why has this matter been mothballed for so

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CHAIR DREW: Yes.

is our first speaker.

Nathan Baker.

ALJ BRADLEY: All right. And, Ms. Grantham, who

ANDREA GRANTHAM: The first speaker we have is

ALJ BRADLEY: All right. And, Mr. Baker, please

spell your first and last name for the record, please.

Nathan, B-a-t-h-a-n, Baker, B-a-k-e-r.

ALJ BRADLEY: Thank you. You may proceed.

For the record, this is Nathan Baker, senior

And because this is a different hearing, I just

NATHAN BAKER: Thank you.

NATHAN BAKER: Thank you.

staff attorney with Friends of the Columbia Gorge.

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   long?
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             Chair Drew pointed out that the litigation had
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   been resolved in 2018 and that nothing had happened since
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Councilmember Kelly remembered that another matter had -- the Site Certification Agreement had expired 10 years after the issuance and wondered why didn't that happen here and wondered what's different about this one. I'm not sure which other project she was referring to, but she was right. That was the exact way of looking at it.

And that's what happened here; the Site Certification Agreement has expired, both as a permit and as a contract.

I was surprised to hear Mr. McMahan point to a provision of the Site Certification Agreement that says that the 10 years doesn't begin to run until all permits have been obtained and any appeals thereof have been exhausted.

That's ridiculous. That would mean that the 10 years hasn't yet started because they haven't gotten all of their permits. For example, fourth practice conversion permits. But, you don't have to worry about that because it says in the Site Certification Agreement that EFSEC's rules preempt and supersede the provisions

EFSEC council in October of 2011, almost 12 years ago, when he objected to the council's decision to remove 3 certain turbines.

And he said, and I'm quoting here, in fact 5 extensive testimony in the record evidences that the recommended project is likely not economically viable. The A1-A7 turbine corridor has a robust wind resource. And eliminating it and the C1-C8 turbine corridors kills the project. Kills the project. He's never indicated any of those statements were incorrect. The project has died of its own weight and did so 12 years ago.

Now, there's indication here that one of the reasons we need the extension is to do more economic investigation. But the record shows, and my letter to you, shows that the metadata, the economic data for this project, has been studied in detail since 2003, more than 20 years.

Pacific Core looked at the project, passed on it in 2003. PSE, the state's biggest IOU, looked at the project in 2008; passed on it. And SDS has now passed on the project. It's not a viable project, and I'm disappointed in Mr. McMahan not to admit that.

So the project, while he says that we're going to develop the project as it is presently stated, the one that's dead and has been killed by the council, one of

of the SCA. 1

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What we ask the council to do is to do the same thing that it has done in past matters, including the Cowlitz Cogeneration project in 2004.

Adopt a resolution confirming that a site certification agreement has expired by operation of law and by its own terms. That's the only possible outcome here. But it's also the right thing to do. It's the quick and easy way to end these proceedings and it will moot everything else.

11 Thank you.

12 ALJ BRADLEY: All right. Thank you.

Next on our list, Ms. Grantham.

14 ANDREA GRANTHAM: Next I have Rick Aramburu.

15 ALJ BRADLEY: And, Mr. Aramburu, are you there? 16

RICK ARAMBURU: I am here. Yes, indeed. ALJ BRADLEY: All right. And please spell your

18 first and last name for the record.

RICK ARAMBURU: First name is Rick, R-i-c-k. Last name is Aramburu, A-r-a-m-b-u-r-u, and I'm here 21 tonight representing SOSA, Save Our Scenic Area. And as 22 indicated previously, I've been involved in this project for at least 15 years.

24 And as a part of that, I did listen to Tim's comments tonight, but he didn't mention what he told the

the jobs that they are going to undertake is develop a schedule to complete the Site Certificate Amendment application. They know that they are not going to move forward with this. They have to amend the Site Certificate Application to bring this anything close to an economic project. 6

And the simple answer here is just to start over. That's the appropriate -- that's the appropriate thing to do.

We look back, and I listened carefully to the council's deliberations on the Desert Claim Project. And there was an extension request by them. But the council carefully noted that that was a shovel-ready project; that the work had been done. There wasn't any changes in the project that were necessary. But the applicant there was lacking a Power Purchase Agreement with the utility and needed some more time to work that out. There wasn't any changes in the project that were going to be undertaken, no further review. And the council appropriately approved that.

But that's not -- that's not the case here. This applicant says that they have to conduct economic evaluation, meteorological evaluation, resource evaluation, when, in fact, all of those issues have been studied to death.

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TCT is hoping at some time in the future for a
Hail Mary for the sun to rise and set on their project,
and so that they will get lucky with something in the
future.

It is not and should not be the business of the
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It is not and should not be the business of the council to engage in such speculation on projects.

Nothing stops TCT from filing a new application with this council.

And finally, one more -- one additional comment.

And I certainly adopt Nathan's comments and other

comments about the expiration of the Site Certification

Agreement.

But as I indicated in my prior comments, the Site Certificate Agreement terminated by its own course when the -- when SDS, the timber company, liquidated its holdings, including this project, sold it without submitting an application to this council. And that happened in September of 2021. And the project at that point had expired.

The council, it seems to me, appropriately should deny the request for extension without prejudice to the applicant moving forward with a new application, new data, new information that can be developed over a period of time, subject to new adjudication and review.

Thank you very much for your attention.

Councilmembers, if you have questions for me, I am happy to answer them.

ALJ BRADLEY: Thank you, Mr. Aramburu.

Ms. Grantham, our next speaker, please.

ANDREA GRANTHAM: Next is Vince Ready.

ALJ BRADLEY: All right. And, Mr. Ready, can

you hear me?

VINCE READY: I can.

9 ALJ BRADLEY: And, again, please spell your 10 first and last name and then you may proceed.

VINCE READY: Sure.

12 It's Vince Ready, V-i-n-c-e, R-e-a-d-y.

ALJ BRADLEY: Thank you.

14 VINCE READY: All right. So thank you. I 15 appreciate the opportunity to provide comments here this 16 evening.

As I said, my name is Vince Ready. I live in the heart of the Columbia River Gorge National Scenic Area, and I want to just restate this for the record since it's a separate matter.

My home is located less than 2 miles from the proposed site of the Whistling Ridge Energy project. I can see the ridgeline where these wind towers would go up when I look out my window. So this is deeply personal and very important to me.

I'm here this evening as a concerned citizen to provide comments on the requested extension of the state-issued permit for this project.

I gave public comments on the Whistling Ridge project prior to the issuance of its original site certification and have been a strong opponent of this project ever since.

The Whistling Ridge site certification ceased to be viable when it expired on March 5th, 2022. As others have already stated, there is no plausible or credible basis to assert that the SCA is still valid. The permit and contract should be seen as effectively terminated by the force of law purely on the basis of the passage of time. And it has been over two years since it expired.

That expired certificate was issued over a decade ago and much has changed since then. Part of the reason that site certificates are time-bound and finite is that leaving it open-ended doesn't allow for reevaluation of the project by the then current council and the current environmental guidelines and regulations, and with the input of the public who may not have been involved or affected 12 years ago when this first came about. So if anything is to move forward, it needs to start from the beginning with a fresh look.

Mr. McMahan stated that the siting council has

the sole discretion to make this decision. But there is no need for discretion here. The status of this permit is clear.

By every conceivable definition or measure, it has expired, and it has been for over two years. The council should adhere to the rules and deny both of the requests on the agenda this evening.

There has been strong opposition from the community members ever since this project was initially proposed by people who care about protecting the national scenic beauty of the Columbia Gorge. And, unfortunately, the short notice for the hearing this evening and the lack of timely notice to interested parties who registered with EFSEC, means that some people who would be here tonight probably are not, to provide comments at this evening's proceedings.

The environmental impact studies are stale and out of date. So everything that underpins the original SCA needs a fresh look.

Granting an extension would bypass the appropriate reevaluation processes that would happen if the applicant were to submit a new application for the project.

I would also like to add that it should not matter whether the applicant does or does not intend to

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make material changes to the design and the scope of the
    project. The permit is expired and any new development
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     should be undertaken through a new application process.
              Rather than conducting updated environmental or
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    visual impact studies voluntarily, as was mentioned, the
    applicant should be held to the normal review and
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7
    decision-making process of any other new development
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    project.
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             The most important thing that I want to
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    emphasize tonight is that the Site Certification
    Agreement is expired. And that means that it has ceased
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12
     to be valid and can no longer be considered for either a
13
    transfer or an extension.
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             So I urge the council to uphold your duty to
15
    confirm the expiration of the site certificate and
    disallow this request for an unmerited transfer renewal
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17
     or extension.
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             Thank you.
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             ALJ BRADLEY: All right. Thank you.
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             Ms. Grantham, our next speaker.
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             ANDREA GRANTHAM: Next is Bryan Telegin.
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             ALJ BRADLEY: Okay. Mr. Telegin, can you hear
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    me?
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             BRYAN TELEGIN: Yes.
25
             Can you hear me, Judge Bradley?
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that is a categorical exemption that basically allows
   what's referred to as basic data collection and research.
   The idea is that if all you're doing is studying the
    environment, you don't need to undergo SEPA review,
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   right.
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It's only when you're seeking approval to modify the environment do you have to undergo SEPA review. You don't need SEPA review just to perform various studies.

9 And that's what Mr. McMahan was here again today 10 saying. That, you know, they want to extend the SCA so 11 they can do a bunch of studies on wildlife, visual 12 impacts, all sorts of things for a project that they 13 have -- a new project that they have admitted in their 14 pleadings before you will require a supplemental environmental impact statement, that you won't be able to 15 16 rely upon the old one. 17

And, frankly, we agree with Mr. McMahan that he doesn't need -- his client doesn't need -- the applicant doesn't need to do SEPA review to go out and do a bunch of studies to engage in, you know, conceptually coming up with a new project. He doesn't need to do SEPA review. He also doesn't need an extension to do any of that.

He and his client can go out and study the environmental and do all the visual impact studies they want. They can study birds and impacts on wildlife and

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              Can you please spell your first and last name
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    for the record, please.
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              BRYAN TELEGIN: Yes.
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              Bryan, B-r-y-a-n, Telegin, T-e-l-e-g-i-n.
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              ALJ BRADLEY: Thank you.
7
              And you can proceed with your comments.
              BRYAN TELEGIN: Thank you, Judge Bradley.
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              I represent, again, Friends of the Columbia
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    Gorge. And, again, I'm going to be speaking on the SEPA
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    issue, as I did in the transfer request hearing.
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ALJ BRADLEY: Yes, I can.

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When Friends of the Columbia Gorge submitted their objections to the hearing process, like with the transfer application, we argued that the extension request is an action that requires SEPA review. And the underlying premise, I think is pretty intuitive.

The project can't move forward unless the SCA is extended. You're therefore allowing this project to go forward when it otherwise couldn't. That's an action that needs to be evaluated under SEPA.

Mr. McMahan, in his response to that objection, said -- is sort of echoing what he said here, that that's not the case. And the rational that he cited was that the SCA extension is categorically exempt. And he specifically cited WAC 197.11.800, Subsection 17. And

cutting down trees and whatever else they want to study. None of that requires either SEPA or an SCA extension.

What he wants to do and what the applicant wants to do is keep this dead project alive so they can come up with a different project. That's the plan; is to go and study and keep this one alive to come up with a new one.

But that strategy requires the SCA to be extended. Which means it requires an affirmative decision by the council, giving them the right to build this project over the next three years, the one that we're talking about right now.

And that is giving them authority, if they so choose, to build this particular project. That is an action. He doesn't need it to do studies, but that's what he's asking for.

And so the thing he's actually asking for does require SEPA review, which must be undertaken before the council or the agency as a whole were to take any action to this proposal.

But I guess I would just like to say, you know, not only is this a dead project and not only has the SCA expired, the irony is that the applicant doesn't even need what they are asking for. They don't need to do any of it. They can just go out there, come up with a new project, do all of their studies, and come back and seek

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approval for a project which they openly admit will
    require a new supplemental environmental impact study.
                                                                     bats and other wildlife.
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              So I would ask -- first of all, again,
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    reiterating that the council should just take the simple,
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    logical legal path forward and adopt a resolution,
                                                                  5
6
    recognizing that the SCA has already expired.
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              But if not, then you need to take seriously what
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     the applicant is asking for, and that is the right to
    build a project that they don't have right now. And that
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    requires the agency to go back and think about whether
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    the old 13-year-old FEIS is still adequate, what needs to
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    be done. It's a complicated matter, and it requires more
                                                                      we do.
     than Mr. McMahan's say so that there are no changed
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     condition or new information.
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              The agency itself actually has to evaluate that
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    issue, make a SEPA threshold determination.
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              So thank you very much.
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              ALJ BRADLEY: Thank you.
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              Our next speaker, Ms. Grantham.
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                                                                      we often bandy about.
              ANDREA GRANTHAM: The next speaker is Shawn
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    Smallwood.
                                                                 21
22
              ALJ BRADLEY: Okay.
                                                                 22
23
              SHAWN SMALLWOOD: I'm sorry.
                                                                 23
24
              ALJ BRADLEY: That's okay.
                                                                 24
25
                                                                 25
              Mr. Smallwood, could you spell your first and
    last name, please.
1
                                                                  1
              SHAWN SMALLWOOD: Will do.
2
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project would result in significant impacts to birds and
         Based on wildlife collision mortality, the data
from other forested and wind energy projects in the
United States, I predict Whistling Ridge would kill 29
birds and 69 bats per megawatt per year.
         But perspective, these mortality rates would
exceed those of the notorious Altamont Pass by 33 percent
for birds and by more than 12-fold for bats.
         I will also note that up through 2012, we didn't
have mortality estimates from forested environments. Now
         If the project is built to 75 megawatts as
proposed, it would destroy nearly 2200 birds and 5200
bats per year. Many of these fatalities would be members
of special species. And many would leave chicks in the
nest and young dependent bats in the roost. In other
words, the impact would be much greater than the numbers
         These losses would be important ecologically,
economically, and culturally. The environmental review
information that contributes to the 2012 approval was,
frankly, flawed at the time but now is grossly outdated.
         The metric of collision mortality at Whistling
Ridge has since been found to have been plagued by
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last name, please.

SHAWN SMALLWOOD: Will do.

My name is Shawn, S-h-a-w-n, Smallwood,

S-m-a-l-l-w-o-o-d.

ALJ BRADLEY: Thank you. And you can proceed
with your comments.

SHAWN SMALLWOOD: Thank you.

I worked on issues of wind and wildlife for 25
years, having performed research in the issues to the
Altamont Pass wind resource area, which is the world's
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wildlife.

I also served on the Sundit Review Committee.

It was tasked with more accurately estimating collision mortality and with finding solutions to the problems in the Altamont Pass.

most notorious wind resource area regarding impacts to

I'm addressing you today because I was retained as an expert witness by Friends of the Columbia Gorge and Save Our Scenic Area, who asked me to review the proposed extension request for Whistling Ridge.

I'm going to highlight what appears in my written declaration, which you are welcome to review for more details. It has been submitted.

24 Regardless of whether the project is built as 25 approved in 2012 or with taller wind turbines, the

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insufficient survey effort and by substantial biases due
to poor implementation -- detecting trials used to
estimate the number of fatalities that are not found
during routine fatality searches.
```

Metrics of predictive variables, such as use rates and the exposure index, which appear in the earlier project documentation, has since been found to be unpredictive of collision mortality. It had nothing to do with it. Patterns of behavior are more predictive.

Our study methods and technologies have advanced considerably since 2012. For example, these days we use thermal imaging to see nocturnal activity with bats and birds. We use scent-detection dogs to search for fatalities, which are much more effective than human searchers, which is the old method of doing searches.

With larger turbines on taller towers, more bats and nocturnally migratory songbirds are likely to be killed. And there must be more construction grading to accommodate the large turbines; hence more habitat loss.

Based on my experience working the Altamont Pass, the project would industrialize the project site, increase of frequency of fires, and reduce the abundance and diversity of wildlife. These outcomes would be contrary to protecting public health, safety, and welfare.

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             To protect public health, safety, and welfare, I
                                                                     is 10 years after the beginning of the permit, which was
    recommend updated and simple analyses of potential
                                                                     signed by the governor in 2012. The binding date also
3
    project impacts and not relying on the old documentation.
                                                                     has expired. That was expired November 18th, 2023.
4
              I suggest a reasonable alternative -- request an
                                                                               I would like to mention that in addition to not
5
    extension, is to require Whistling Ridge to submit a new
                                                                 5
                                                                     being able to transfer the site, Whistling Ridge Energy
6
    application for a new Site Certification Agreement. This
                                                                     cannot extend an invalid permit. EFSEC cannot legally
7
    way, the appropriate data can be collected and analyzed
                                                                 7
                                                                     extend a permit which does not currently exist.
    using modern methods to more accurately predict potential
                                                                 8
                                                                               And this is a dispositive issue. This issue is
9
     impacts and to appropriately formulate mitigation
                                                                 9
                                                                     a legal issue. And unfortunately for Whistling Ridge
10
    measures.
                                                                10
                                                                     Energy, the council lacks the authority to amend the Site
11
             It would also help the committee to see
                                                                11
                                                                     Certification Agreement that has expired.
12
     qualified experts to assist with these steps going
                                                                12
                                                                               In the Cowlitz Generation project in 2004, the
    forward. A committee of this nature worked very well in
                                                                     council declined an extension and said that the project
13
                                                                13
                                                                     had died of its own accord. To quote Allen Fiksdal, from
14
     the Altamont Pass and should be used on a project like
15
     this.
                                                                15
                                                                     the -- the EFSEC manager at the meetings for the
                                                                     February 17th, 2004, EFSEC meetings, he said, quote, so I
16
             Thank you.
                                                                16
17
             ALJ BRADLEY: All right. Thank you.
                                                                17
                                                                     think at the next meeting, what we propose is that
                                                                     council have some resolution memorializing that the SCA
18
             Our next speaker, Ms. Grantham.
                                                                18
19
             ANDREA GRANTHAM: Next I have Eric Kloster.
                                                                19
                                                                     died of its own accord and officially render it under.
                                                                              Here, EFSEC should similarly render this issue
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             ALJ BRADLEY: All right. Mr. Kloster, please
                                                                20
21
                                                                21
                                                                     under. This issue has expired both under the effective
    spell your first and last name.
22
             ERIC KLOSTER: Hello. My name is Eric Kloster.
                                                                22
                                                                     date and the binding date.
23
   E-r-i-c, K-l-o-s-t-e-r.
                                                                23
                                                                               In addition to the problems with the Western
24
             ALJ BRADLEY: Thank you. And you can proceed.
                                                                24
                                                                     Gray Squirrel, which is likely within this area and has
                                                                25
                                                                     recently been uplisted, and the emphasis area being set
25
             ERIC KLOSTER: Thank you.
             I would like to make a small correction from the
                                                                     for the Northern Spotted Owl, which is a federally listed
1
2
    last public comment that I made on the transfer.
                                                                     species as endangered, the EFSEC council should legally
3
             I had said that the Western Gray Squirrel was
                                                                     declare, and they must, that the west -- that the Site
    not extant within Skamania County, but upon further
                                                                     Certification Agreement has expired per the agreement and
    review of Shane Smallwood's document, it says that they
                                                                 5
                                                                     legally, according to the statutory rules.
6
    are likely in the area.
                                                                 6
                                                                              Here, Western [sic] Ridge Energy asked the EFSEC
              So in addition to being in Klickitat County, it
7
                                                                     council to perform a revivification miracle. But unlike
                                                                     the resurrection of Lazarus in Bethany, this is a
     appears that they are likely on site as well. So in
                                                                 9
9
     addition to the Northern Spotted Owl, there's another
                                                                     sickness unto death.
10
    state-endangered species that we should be concerned
                                                                10
                                                                               Thank you very much.
                                                                11
                                                                              ALJ BRADLEY: Thank you.
11
    about within the site.
12
             Additionally, I would like to mention that no
                                                                12
                                                                              Ms. Grantham, our next speaker.
                                                                13
                                                                              ANDREA GRANTHAM: Next is Dean Apostol.
13
    one has brought up Indigenous sites or potential
14
     Indigenous issues with this region.
                                                                14
                                                                               ALJ BRADLEY: Mr. Apostol, can you spell your
15
             I know with Horse Heaven, the council liaison
                                                                15
                                                                     first and last name for the record, please.
16
    with the Yakima Tribe, but I haven't seen any evidence of
                                                                16
                                                                              DEAN APOSTOL: Yeah.
17
    that here in this case.
                                                                17
                                                                               Can you hear me okay?
18
             Moving on to more legal issues, though, EFSEC
                                                                18
                                                                               ALJ BRADLEY: Yes. Thank you.
19
     should discourage unlimited build windows for sites.
                                                                19
                                                                               DEAN APOSTOL: Great.
20
    Whistling Ridge Energy should file a new application for
                                                                20
                                                                               Dean Apostol, D-e-a-n, A-p-o-s-t-o-l.
21
    a permit rather than asking for a transfer or an
                                                                21
                                                                               ALJ BRADLEY: Thank you.
22
                                                                22
    extension, whether that is done by Whistling Ridge Energy
                                                                               DEAN APOSTOL: And I live in Damascus, Oregon.
23
                                                                23
                                                                     I'm a semiretired landscape architect and natural
    or by TCT.
24
              I would also like to bring up that the effective
                                                                24
                                                                     resource consultant and visual resource expert.
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date that the permit was ended was March 5th, 2012, which

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I've been asked to help on this project by

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Friends of the Columbia Gorge and I think it's called
   Save our Scenic Area. And so I'm going to provide a
3
   little bit of review just on the scenic issues only.
4
             In my opinion, the project will likely result in
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   significant impacts to scenic resources. And that's
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regardless of whether the project is built as approved in 2012 or whether, as is more likely, there's a revised application with larger wind turbines.

Wind turbine sizes increased quite a bit since 2012. I think 56 percent on average. And so it's hard to believe they would move forward with the project with the smaller turbines that people were building in 2012. So you've got to assume they are probably going to have larger turbines.

The visual impact, announced from the prior approval which was for smaller turbines, is flawed and incomplete.

There's new experience and techniques with analysis and visual impacts from wind facilities. A lot has happened since 2011. We have much better simulation techniques and standards and much better visibility mapping than we had back then.

23 The site conditions are probably quite a bit 24 different now than they were in 2011. That's forested area, and trees grow pretty fast in this part of the 25

And so visual analysis, you have key view points that have high sensitivity, you have visual dominance of the project. You're going to have high impacts.

And I just think that EFSEC should realize that things have changed, systems of analysis are much better. And allowing this project to just kind of go ahead with some kind of minimal analysis is, I think, highly risky.

8 I've been involved in a project over in Horse 9 Heaven Hills. I think some of you probably heard me 10 testify in that one. And I believe that in that one, the 11 proposed turbines are 411 feet to the hub and up to 670 feet to the blade tip. So that's much bigger turbines 13 than what we have -- had in 2011 or 2012.

And that's all I have to say. Just a note of caution about moving ahead with this project without requiring better and more detailed analysis.

Thank you.

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18 ALJ BRADLEY: Thank you.

Ms. Grantham, who is our next speaker?

20 ANDREA GRANTHAM: Next we have Dan Rawley.

21 And I know that he is on the phone, but it shows 22 he is muted.

23 So, Mr. Rawley, if you are trying to unmute, you 24 can use pound 6 or star 6.

ALJ BRADLEY: Are you there, Mr. Rawley?

world. Douglas Fir trees grow three feet a year. So I don't know. You know, in comparison, it probably looks quite a bit different than it did 12 or 13 years ago.

View distances from the key viewing areas in the Columbia Gorge to the project are only one to eight miles. And there's a paper by Robert Sullivan of the Oregon Lab that came out in 2012, just after this project was approved, that looked at visibility of turbines from varying distances. And they were trying to determine visibility of turbines and dominance.

And what Robert Sullivan and this paper found 12 was that turbines are visible -- clearly visible in western landscapes at distances of up to 36 miles. Blade movement can be detected at 24 miles. And turbines are visually typically dominant at 12 miles.

So we're looking at view distances 1 to 8 miles. We can expect visual dominance at 12 miles. And visual dominance is very -- you start to get into large impacts on scenery, is when you have a dominance element.

20 The turbine sizes, like I said, were smaller 21 than they probably would be today. That would 22 increase -- larger turbines would increase visibility. 23 Taller turbines are seen from farther away and they are seen from more places because they are not hidden by the terrain like smaller turbines can be. 25

DANIEL RAWLEY: Can you hear me? ALJ BRADLEY: Yes. Thank you. 2

Can you spell your first and last name, please.

DANIEL RAWLEY: Daniel Rawley, D-a-n-i-e-l.

Rawley, R-a-w-l-e-y.

6 I live on Underwood Mountain. And like one of 7 the previous speakers, I can look out my window and see where the project was going to be. So it has a direct 9 impact on myself as well as pretty much anybody that 10 lives on Underwood Mountain.

Now, before I bring up some other points, I do want to make the issue that I don't think that the interested parties were properly informed. I've been doing a lot of calling myself when I -- since I found out that this project was being, I guess, brought back to life. And most people didn't really -- or hadn't heard of it.

So I'm concerned that the proper notifications weren't made, and that is an issue that I would like on the record.

As previously noted by Nathan Baker, whether you pick the date of March 5th, 2022, or November 18th, 2023, the Site Certification Agreement is expired. So this really makes this project dead on arrival. So I'm not sure why we're even discussing the process of an

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extension of something that shouldn't -- that has already
    been dead, and I'm very concerned that this is even being
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    brought up.
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              I know Mr. McMahan was able to, I guess I would
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    call it spin the dates quite well. Almost made me feel
    like going to law school. Not really.
6
7
             But I want -- you know, when you have a
    contract, it's a binding contract and it should be
    upheld. And I think that -- I urge the council to deny
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    the permit and transfer as well as any extension, which
     shouldn't actually be considered.
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              If they are really serious about this project, I
    think that they should apply a new application because
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    previously, this project was financially not viable. And
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    to make it viable, they are going to have to change some
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    of the -- they are going to have to modify the project
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    whether that be as previously noted with power windmills,
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    different blades, different profiles. And that's going
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     to significantly change the impact on the environment.
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             And if they really are trying to make this work,
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    a new application process should be done.
22
             So I appreciate you taking my comments tonight.
23
             Thank you.
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             ALJ BRADLEY: Thank you.
25
             Our next speaker, Ms. Grantham.
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worry about them being resurrected.
              So I oppose the transfer, and I oppose the
     extension of the SCA, the expiration date to
    November 2026. It is time to let this project go.
 5
             When SDS was liquidated, this project should
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    have been liquidated with it, the permit, at any rate,
     and the site certificate also.
 8
              Projects have a due date for a reason. New
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     technologies come along. New environmental rules and
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     regulations come along. And they are not getting easier.
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     They are getting tougher and tougher because we have now
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     a new thing, 12 years, 15 years later, called climate
     change, especially in the Gorge where fire danger is even
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     greater today than it was 15 years ago.
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              So I urge you all to deny this request. It's
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     just time to get past it.
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              I really do not think that an organization that
     we know nothing about, comes in and asks for the site
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     certificate to be extended, and we don't know their
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     qualifications and why they are actually doing this.
21
              If you want to do a project, start from scratch
22
     and I'll show up. I'll just be grayer when I do. But I
23
     really think that some of the information that I sent to
     you in my letter about old NEPAs, which is what they are
25
     called. Even though this was a SEPA, the NEPA
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ANDREA GRANTHAM: Next is Mary Repar.
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             ALJ BRADLEY: All right. Are you there
3
    Ms. Repar?
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             MARY REPAR: Oh, I am. Thank you. Sorry. Too
5
    many mute buttons here.
6
             Can you hear me?
7
             ALJ BRADLEY: Yes, I can.
8
             Can you spell your first and last name, please.
9
             MARY REPAR: My name is Mary, M-a-r-y, Repar,
    R-e-p-a-r. I live in Stevenson, Washington.
10
11
             And many years ago I was involved in this
12
    project. It's almost 15 years for me because we started
    the project with the DEIS and then the FEIS, of course.
13
14
             And I am many moons older. I had my 72nd
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younger.

And neither do projects. Projects get old. The data gets stale and eventually they have to be buried and staked and new ideas be birthed.

21 So I urge you all to put paint to this project 22 once and for all.

birthday just a few days back and my hair is a lot

grayer. And as many of you know, none of us gets

I have two boxes of data upstairs in my attic about this project. I would like to eventually, before I pass this mortal coil, get rid of them and not have to information or the NEPA, SEPA, the environmental information still is relevant.

And if NEPA thinks that DEISs and FEISs get old, then I think EFSEC should too. Things get aged. They need to be renewed. And this permit and the SCA need to finally have a death.

So it is very troubling to me that Twin Creeks is doing this now. There was a lot of time for them to do it when they first started looking at SDS, and SDS could have done something.

But this project is not feasible. It is not economic, and it is environmentally dangerous for our national scenic area and for the entire Gorge.

There are new technologies coming that will help us with our energy and having bigger turbines is just not it.

And I just put something -- I know you're not taking -- this is not an environmental review, however, something that came up in my research was the fact about the impact of taller turbines on airplanes.

And as you know, we have contrail -- like, 15 of them during the summer coming over our area. We have the PDX stuff, National Guard folks going up and down the river to the range, military range down -- upstream. And there are affects. I've included the documentation from

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the Department of Defense in my filing, and I hope that
                                                                               In the Grays Harbor decision here, the applicant
     that gets into the record.
                                                                     sought an extension of the SCA term while citing there
3
              So thank you very much for holding these
                                                                     was not sufficient demand to construct the facility at
4
   hearings. And please deny the Site Certification
                                                                     the time.
5
    Agreement extension and also the transfer. It is time
                                                                 5
                                                                               The council determined that based upon the
    for this project to die a timely death and we can move on
                                                                     applicant's request for more time per project, that was
6
7
    with our lives. Too many hours and years have been
                                                                     not currently economically viable. The applicant was, in
8
     dedicated to this permit already.
                                                                     effect, seeking an unlimited build window. And the
9
             Thank you very much.
                                                                 9
                                                                     council accordingly denied the amendment request.
                                                                10
10
             ALJ BRADLEY: All right. Thank you.
                                                                               An unlimited build window for a project that is
11
             Ms. Grantham, our next speaker.
                                                                11
                                                                     not feasible is exactly where WRE is intended to get
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             ANDREA GRANTHAM: Next I have Steve McCov.
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13
             ALJ BRADLEY: All right. Mr. McCoy, can you
                                                                13
                                                                               In its petition for reconsideration filed with
14
  hear me?
                                                                14
                                                                     EFSEC in 2011, even before the tenure term of the SCA
15
             STEVEN MCCOY: Yes.
                                                                15
                                                                     began, WRE, in fact, emphatically claimed that the
16
             Can you hear me?
                                                                16
                                                                     reduction from 50 to 35 wind turbines rendered the entire
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             ALJ BRADLEY: Yes.
                                                                17
                                                                     Whistling Ridge Project economically unviable.
18
             Can you spell your first and last name for the
                                                                18
                                                                              This included the following statements from WRE:
19
    record, please.
                                                                19
                                                                     The recommended project like this is not economically
                                                                20
20
             STEVEN MCCOY: Sure.
                                                                     viable.
             Let's go with Steven, S-t-e-v-e-n, McCoy,
                                                                21
21
                                                                              The council's decision to eliminate specific
                                                                     turbine strips kills the project.
22
    M-c-C-o-y.
                                                                22
             ALJ BRADLEY: Thank you.
23
                                                                23
                                                                              The approved wind turbine facility would be
24
                                                                24
                                                                     unlikely to offset project development costs.
             You may proceed.
                                                                25
25
             STEVEN MCCOY: Good evening, Chair Drew, and
                                                                               And they concluded by stating that their
    members of the council.
                                                                     economically unviable project is no profit.
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             Again, I am Steve McCoy and representing Friends
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                                                                               They were also candid in the press that the
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of the Columbia Gorge.

As you've heard from others tonight, the Whistling Ridge SCA expired by operation of law on March 5th, 2022.

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quote.

Council should confirm the expiration of the SCA which would resolve their issues. However, if the council declines to confirm that the SCA has expired, the council should deny the extension request on the merits. 11 Especially since WRE has, from the very start in 2012, publicly and candidly disclosed that it has never intended to build and operate the project, as approved by the governor in 2012.

EFSEC has long had a policy against allowing 16 projects with unlimited build windows to remain on the books indefinitely. In fact, in deciding a recent case based upon a similar set of facts, the council held that -- and I'm quoting the council resolution on Grays Harbor here -- and unlimited build window for a proposed 21 project is not appropriate, as over time, technology or 22 litigation measures presented in the application may no 23 longer be protected in the environmental standards and conditions at the time the facility is constructed, end

project isn't viable -- is unviable. And you can look to our written comments for some of those.

In fact, there's been so little activity on the project that in 2013, the council had to be briefed on what the project proposal was because it had been inactive for so long. That led Counselor Young to ask if the project had been mothballed for 11 years, and Chair Drew to ask if there had been any further activity on the project.

Staff replied that there had been no further activity either before or after any appeals were resolved.

Today, the proposed project is no less mothballed than it was two years ago. And Friends' written testimony details how WRE's delays do not seem like the actions of an entity that is reasonably moving toward project construction completion.

In addition, according to the agency's notes from a July 26th, 2023, meeting between EFSEC staff and WRE, WRE said it anticipates seeking yet another extension request to construct the project, even if the 4.66 extension is granted.

At the same time, WRE has not signed any prior

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purchase agreements and does not have an interconnection
                                                                     seeing this mothballed project try to spring back to
    agreement with the EPA. These inactions are not normal
                                                                     life. Not only is this inappropriate but it has occurred
    for an entity actively attempting to build a project.
                                                                     without significant public involvement.
                                                                              To our knowledge, very few, if any of the
    But are rather the actions of an entity that wants an
                                                                 5
5
    unlimited build window.
                                                                     members of the public who signed up for updates on this
             WRE currently admits that no on-the-ground work
                                                                     project or who were on the mailing list for this project,
6
7
    would occur in the next three years, even if the request
                                                                 7
                                                                     were given any notice of these proceedings or this
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    extension were granted.
                                                                 8
                                                                     effort.
9
             However, Friends asks the council to recognize
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                                                                              Friends staff have repeatedly asked EFSEC to
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    the project is not a real project; to determine that an
                                                                     provide public notice of these procedures of processes,
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    unlimited build window for this economically unviable
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                                                                     despite having nearly eight months or more to do.
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    project isn't proper; and therefore to deny the extension
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                                                                              Government requires transparency and an informed
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                                                                13
                                                                     constituency. By and large, the community opposed this
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             Thank you for the opportunity to make these
                                                                14
                                                                     project decades ago and likely still does. But you have
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    comments.
                                                                15
                                                                     no way of knowing their feelings without public notice.
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             ALJ BRADLEY: Thank you very much.
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                                                                              Again, I'm going to say, I want to remind you
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             Our next speaker, Ms. Grantham.
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                                                                     that this project permit expired more than two years ago,
             ANDREA GRANTHAM: Next is Rudy Salakory.
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                                                                18
                                                                     and that proper public notice was not given, nor were
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             ALJ BRADLEY: All right.
                                                                19
                                                                     many local residents informed this proposal was
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                                                                20
             RUDY SALAKORY: Can you hear me?
                                                                     attempting to come back to life.
21
             ALJ BRADLEY: Yes, I can hear you.
                                                                21
                                                                              I'm asking you to confirm that this permit has
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             Can you please spell your first and last name.
                                                                22
                                                                     expired and that any project proposed through this body
23
             RUDY SALAKORY: Of course.
                                                                23
                                                                     follows the proper procedures for a new development.
24
             Rudy Salakory, R-u-d-y, S-a-l-a-k-o-r-y.
                                                                24
                                                                              Secondly, I'm asking that this body takes the
25
             Good evening.
                                                                25
                                                                     time to properly inform residents and interested parties
             ALJ BRADLEY: Good evening.
                                                                     of upcoming procedures as per your own guidelines.
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2
             RUDY SALAKORY: You're welcome.
                                                                 2
                                                                              And finally, I want you to consider that the
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             Once again, my name is Rudy Salakory. I'm the
                                                                     environmental review and FEIS was prepared well over 13
    conservation director for Friends of the Columbia Gorge.
                                                                     years ago. And a new study or supplemental EIS to take
    I am a long-time resident of Washington State, living in
                                                                     into consideration any time changes or any other changed
6
   Vancouver, and I'm here speaking on my own behalf. As
                                                                     circumstance is itself reason enough to deny any
                                                                 6
7
    before, I will be brief.
                                                                     consideration of an extension of an expired permit.
             As you heard repeatedly and through -- as Nathan
                                                                              As another speaker had mentioned, climate change
9
    Baker had said earlier, voluminous script, we have been
                                                                 9
                                                                     is an issue that we are wrapping our heads around more
10
    working on the Whistling Ridge Energy project for
                                                                10
                                                                     and more every day. Wildfire risks are extreme.
                                                                11
11 decades. And we're curious, again, why, despite having
                                                                              Many folks can remember the Eagle Creek Fire not
12 10 years to complete the project, it did not move
                                                                12
                                                                     that long ago. And with a state of wildfires --
                                                                     devastating wildfires caused by transmission and power
13
                                                                13
14
             We heard a story about anticipating lawsuits,
                                                                14
                                                                     lines, we should be cautious about building any new lines
                                                                     or infrastructure into these delicate and vulnerable
15
    best business practices, but there were plenty of years
                                                                15
                                                                     hills.
16
    remaining to begin implementing this project in earnest,
                                                                16
17
    far more time than they are asking for now.
                                                                17
                                                                              I think that's about as much of your time as I'm
18
             Again, I would like to take this opportunity to
                                                                18
                                                                     going to take up. Thank you for the opportunity to
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23

24

speak. Have a good evening.

ALJ BRADLEY: Thank you.

ALJ BRADLEY: All right.

KEITH BROWN: Yes, I can.

Mr. Brown, can you hear me?

Our next speaker, Ms. Grantham.

ANDREA GRANTHAM: Next is Keith Brown.

to be contemplated to move forward.

remind folks that this project permit has expired. We've

approached that date and those dates in several different

ways. But I think by any measure, we can say that this

permit has expired and should not be allowed to continue

least more than a year after the permit is expired, we're

More than a year after the -- by any measure, at

19

20

21

22

23

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1
             ALJ BRADLEY: Good evening. Please spell your
                                                                     the environmental impacts.
                                                                 1
     first and last name.
                                                                              Despite these well-articulated concerns,
             KEITH BROWN: My first name is Keith, K-e-i-t-h,
3
                                                                     Skamania County issued a SEPA determination of
4
    Brown, B-r-o-w-n.
                                                                     nonsignificance, which was appealed by several
5
                                                                 5
             ALJ BRADLEY: Thank you. You may proceed.
                                                                     nongovernmental and nonprofit organizations in October
             KEITH BROWN: My wife and I were notified of
                                                                 6
                                                                     2008.
6
7
     these hearings on the transfer and extension only because
                                                                 7
                                                                              In February 2009, the hearings examiner reversed
     last fall we happened upon a small article about an
                                                                     the determination of nonsignificance and required
9
     October 2023 EFSEC hearing on Whistling Ridge in the
                                                                 9
                                                                     Skamania County to prepare an Environmental Impact
                                                                10
10
    Skamania Pioneer Newspaper.
                                                                     Statement.
11
             Although we have been intricately involved in
                                                                11
                                                                              The county declined to conduct the EIS and
12
    all of Whistling Ridge hearings and adjudicative
                                                                12
                                                                     directed the project proponent for Whistling Ridge to
    procedures during 2009 through 2011, we had not been
                                                                13
                                                                     seek approval from EFSEC.
13
    notified of the October 2023 hearing either by mail or
                                                                              That is how it came to EFSEC. And the permit
14
                                                                14
     email. We have the same physical and email addresses we
                                                                15
15
                                                                     has now expired. Quoting from our August 20th, 2010,
16
    had in 2009.
                                                                16
                                                                     comment letter to EFSEC on the draft EIS, which is as
17
             We then contacted EFSEC staff to find out how it
                                                                17
                                                                     true today as it was 14 years ago. This siting, if it
    was we were not notified. And were told to sign up again
                                                                     occurs, will set a precedent with troubling and
18
19
    for notifications.
                                                                19
                                                                     long-standing consequences for not only forested lands in
                                                                     Washington but will also put at risk all other national
20
             What happened to our long-standing request to be
                                                                20
21
    notified about anything Whistling Ridge? Was it simply
                                                                21
                                                                     and state treasures, parks, and scenic areas.
22
    misplaced or disregarded?
                                                                22
                                                                              Must we blindly go forward and ruin all that has
23
             This creates a serious question. How many of
                                                                23
                                                                     been set aside? Once it is gone, it is gone. Employing
24
     the hundreds of concerned citizens that participated and
                                                                     wisdom and forethought, if there was ever a time for
    commented on the Whistling Ridge proposal in 2009 through
25
                                                                     EFSEC to determine no, the cost is too great, this is it.
   2011 were not informed about this 2024 hearing on the
                                                                              In our letter, we provided you with a summary of
1
                                                                 1
    requested permit transfer and extension. Therefore, they
                                                                     all of the 1,390 EFSEC written comments. 86 percent of
2
3
    have lost the opportunity to comment.
                                                                     those comments expressed concern or opposition.
              EFSEC staff should be ashamed for failing to
                                                                 4
                                                                              We urge you to take the appropriate action and
5
    notify all of the previously engaged and concerned
                                                                 5
                                                                     deny the request to transfer the permit and extend the
6
    citizenry, both by email and mail.
                                                                 6
                                                                     time frame for what is now an expired permit.
7
              These hearings do not meet the spirit nor the
                                                                 7
                                                                              This ill-conceived project has loomed over
8
    letter of what is required to ensure full citizen
                                                                 8
                                                                     Underwood, Mill A, White Salmon, Bingen, Hood River,
                                                                     Mosier residents, and the Columbia National Scenic Area
9
    participation in the process.
                                                                 9
10
             Whistling Ridge has failed in its attempt to
                                                                10
                                                                     for 22 years. It's time to recognize it should be dead
    construct industrial wind turbines in this location for
11
                                                                11
                                                                     and buried once and for all.
12
    going on 22 years. In 2002, Whistling Ridge requested
                                                                12
                                                                              Thank you for your attention.
     from the Bonneville Power Administration, a 70-megawatt
                                                                13
                                                                              ALJ BRADLEY: Thank you.
13
14
     generation interconnection to BPA's energy grid for a new
                                                                14
                                                                              Our next speaker, Ms. Grantham.
                                                                15
15
    wind energy project.
                                                                              ANDREA GRANTHAM: Next is Peter Cornelison.
                                                                              ALJ BRADLEY: Okay. Mr. Cornelison, can you
16
              In 2007, Whistling Ridge proposed to build up to
                                                                16
17
     85 wind turbines, each of them up to 426 feet tall on
                                                                17
                                                                     hear me?
18
    prominent ridgelines near the town of White Salmon.
                                                                18
                                                                              PETER CORNELISON: I can, yes.
19
              In 2008, Skamania County proposed an industrial
                                                                19
                                                                              My name is Peter Cornelison. P-e-t-e-r, last
20
    overlay zone throughout Skamania County, which would have
                                                                20
                                                                     name is C-o-r-n-e-l-i-s-o-n.
                                                                              ALJ BRADLEY: Thank you. You may proceed.
21
    allowed the construction of these wind turbines.
                                                                21
22
                                                                22
                                                                              PETER CORNELISON: Dear Chairman Drew and
             Public hearings were held in numerous locations
23
    throughout the county, including in Mill A and Underwood.
                                                                23
                                                                     members of the EFSEC council. I live in Hood River, and
24
    We attended all of these hearings, and there was
                                                                     I would have a view of the proposed Whistling Ridge
```

widespread and overwhelming opposition and concern about

25

Energy turbines -- north of our home. I've been opposed

```
to this project since --
                                                                 1
                                                                              Can you hear me?
                          (Audio cutting in and out.)
                                                                              ALJ BRADLEY: Okay. Yes.
3
             COURT REPORTER: Judge, I'm sorry. He's cutting
                                                                 3
                                                                              Can you spell your last -- first and last name,
4
    out. I'm not getting that down. I can't hear.
                                                                 4
                                                                     please.
             ALJ BRADLEY: Yeah, Mr. Cornelison, you're
                                                                 5
5
                                                                              DAVE SHARP: Yes.
    breaking up. Can you maybe stay in one place?
                                                                 6
                                                                              My name is Dave Sharp, D-a-v-e, S-h-a-r-p.
6
             PETER CORNELISON: I'll try and get closer to
7
                                                                 7
                                                                              And I want to thank the council -- thank
8
     the microphone.
                                                                     Chair Drew and the council for the opportunity to speak.
                                                                              This represents a summary of my public comment.
9
             Is this better?
                                                                 9
                                                                10
10
             ALJ BRADLEY: I think so. Go ahead.
                                                                     I will submit along with this some detailed comments
             PETER CORNELISON: Basically if you didn't hear
11
                                                                11
                                                                     about some of the items in the body of this comment.
12
    me, I live in Hood River right across from the proposed
                                                                12
                                                                              The applicant requests and intends to install
    project. I have been opposed to it since its inception.
                                                                13
                                                                     larger turbines that have higher nameplate capacity.
13
14
    And I was very surprised to find out that there was a
                                                                14
                                                                     Although they say that the project may be the same
15
    hearing on it tonight.
                                                                15
                                                                     project, make no mistake, the only way this project will
16
             I'm curious why I didn't receive adequate notice
                                                                16
                                                                     be viable is to have larger turbines.
17
    from EFSEC. It seems to me that you have an obligation
                                                                17
                                                                              The original applicant -- application clearly
    to notify people who have been involved in this project
18
                                                                18
                                                                     identifies a range of turbine height, nameplate, and
19
     previously.
                                                                19
                                                                     prior EFSEC determination that established the maximum
20
                                                                20
                                                                     number of turbines allowed.
             I only found out about the hearing by chance.
21
    And I know that other people in the Columbia Gorge, in
                                                                21
                                                                              An argument that larger turbines would result in
22
    both Oregon and Washington who previously commented,
                                                                22
                                                                     the equivalent or less impact to the environment per
                                                                     installed megawatt of nameplate is speculative and must
23
    would very much like to weigh in on this project.
24
             I believe that this hearing, without adequate
                                                                     be backed up with a supplemental EIS and analysis.
   public notice, goes against public interest and fairness.
25
                                                                              The two major topics of concern are impacted
   And I would like you to either -- consider holding it
                                                                     viewshed and impact to avian species.
1
2
    again.
                                                                              Mr. Apostol and several other previous
3
             The thing that I prefer is actually you're
                                                                     commenters talked about the viewshed, so I will not
    denying the request for an extension of the Site
                                                                     elaborate further.
    Certificate Agreement. It's obvious that it is expired
                                                                 5
                                                                              The second area I want to -- most concerning to
6
   by several years, and it's an obvious and direct
                                                                     me is impact to avian species.
                                                                 6
                                                                 7
7
    violation of the law in your own terms.
                                                                              The applicant used in the environmental
             As many other speakers have said, I think you
                                                                     statement, an index to ascertain avian exposure. That
    should instead require the applicant to start over again
                                                                     index is a unit list comparative number. It does not
9
                                                                 9
10
    with a new application.
                                                                10
                                                                     represent a rate, an amount, and it should not be
11
             And I also think that as a contract between the
                                                                11
                                                                     conflated with avian collision rates or avian fatalities.
12
  State of Washington and Whistling Ridge Energy is already
                                                                12
                                                                              If the applicant intends to install larger
                                                                13
                                                                     turbines, and I believe they do, actual avian collision
13
    under the Whistling Ridge Energy SCA, ceased no later
14
     than November 18th, 2023, 10 years after it was fully
                                                                14
                                                                     risk associated, should use appropriate parameters such
15
    executed.
                                                                15
                                                                     as the rotor-swept area, operating hours per year, the
16
             So I think there's adequate reason to deny both
                                                                16
                                                                     blade cross-sectional area, and load profile and not this
17
    of these requests.
                                                                17
                                                                     simplistic bird exposure index.
18
             Thank you for letting me comment.
                                                                18
                                                                              These new turbine models that are now on the
19
             ALJ BRADLEY: Thank you.
                                                                19
                                                                     market are a whole different design than they were 10 or
20
             Our next speaker, Ms. Grantham.
                                                                20
                                                                     12 years ago. They have huge rotor diameters with
21
             ANDREA GRANTHAM: Our next one, and the last
                                                                21
                                                                     respect to the heights of the tower. They are meant to
22
                                                                22
  person I have on this list is Dave Sharp.
                                                                     start operation with lower wind speeds. And lower wind
23
             ALJ BRADLEY: All right. Mr. Sharp, can you
                                                                23
                                                                     speeds mean more operating hours, which means more impact
                                                                     to avian species than -- the larger rotor diameters also
24
    hear me?
25
```

DAVE SHARP: I can.

represent a larger area of exposure to the avian species.

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1
              So we need to look at this from the standpoint
     of how many changes have been made to not just the
     turbines and not just their design philosophy, but to the
4
    laws. I mean, the Bald and Golden Eagle Protection Acts
5
    has had some significant changes since the original SCA.
    And the Migratory Bird Protection Act is currently going
6
     through some other significant issues about the penalties
     and fines and fees. So we need to kind of step back and
9
     look at what -- how EFSEC approves these projects.
10
              The last major project constructed in
11
    Washington, which was a Skookumchuck Wind Project,
12
     included a collision risk analysis, and it used the U.S.
    Fish and Wildlife service methodology.
13
14
              Whistling Ridge deserves no less, unless a
15
    standardized method is used that is independent of
16
    contractors or consultants that are under the payment
```

19 can believe in. 20 In conclusion, I want to say that if a collision 21 risk modeling is performed using industry-accepted 22 collision models with large turbines, I believe it will 23 show that the risk to avian species, if anything, is greater per installed megawatt per year than the smaller 25 turbines.

Thank you very much.

from the applicant, how can we trust the results? We

need to make sure that the results -- they are results we

17

18

1

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and what that expiration date is. And, you know, some
said that the SCA has not one date but two deadlines or,
you know, it's a permit and it's an agreement.
         But here, there is really only one important
date. Here, state law states that the certificate is a
binding agreement between the applicant and the state.
That's RCW 80.50.26.
         There are also state law provisions that
indicate the effect of a certificate, like the Site
```

Certificate Agreement. Those provisions state the construction and operation are subject only to the conditions set forth in the agreement.

As Tim indicated, several provisions in the Site Certification Agreement provide that construction must be started 10 years from the effective date -- or from the day of execution. I'm sorry, which is the date that both parties agree to bind themselves to the agreement. That date is November 18th, 2023.

Now, there are provisions that could push that deadline out further, like the provision stating that it is 10 years after all permits are obtained and all appeals have been exhausted. And to the extent that TCT needs to go and seek other permits, as mentioned by Mr. Baker, this deadline should only be extended further. But TCT actually took a conservative approach

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2
            ALJ BRADLEY: All right. Thank you.
            Ms. Grantham has anyone else contacted you
   indicating they want to speak?
            ANDREA GRANTHAM: I have not received any
   additional messages or emails.
   or you can unmute and identify yourself.
            I see a hand from Emily Schimelphenig. I'm
    sorry. I'm probably not pronouncing your name correctly
   at all.
            EMILY SCHIMELPHENIG: Actually, you did that
   very well. Yeah, that was perfect.
```

7 ALJ BRADLEY: Okay. If there is anyone else who would like to speak at this time, you can raise your hand 8 9 10 11 12 13 14 15 ALJ BRADLEY: Could you spell your first and 16 last name for the court reporter, please. EMILY SCHIMELPHENIG: Yes. 17 18 My name is Emily Schimelphenig. That's 19 E-m-i-l-y. And then Schimelphenig is 20 S-c-h-i-m-e-l-p-h-e-n-i-q. 21 I'm here tonight with Tim McMahan on behalf of 22 Twin Creeks Timber and Whistling Ridge Energy. And I just wanted to briefly respond to, you know, a few of the 23 24 comments made tonight. We heard a lot about whether the SCA is expired

and filed its application prior to that 10-year deadline 2 of November 18th, 2023.

Now, another argument is that, you know, even if the deadline was raised on November 18th, 2023, it's dead because now here we are in May 2024. But the applicant filed their application to extend the deadline agreement on September 13th, 2023, nearly two months prior to that November 18th deadline. 8

And as is common in most proceedings, when a request is filed timely and prior to the deadline, passing the deadline while you're in the proceedings doesn't make that agreement invalid, as a matter of law, even though now we're in May of 2024.

And so I just wanted to highlight that there's an extension provision for a reason and recognize that there are unforeseen circumstances that may require some additional time. And that the one proposed by TCT is not long and unwieldy. It's three years. And it will allow for TCT to evaluate, you know, environmental changes and all of the other things that have happened since the project was first issued in 2013.

So we have this exemption process for this exact situation.

And that was all that I wanted to say. So please let me know if you have any questions.

Pages 70..71

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1
              Thank you.
 2
              ALJ BRADLEY: Thank you.
              Is there anyone else who wanted to speak? You
    can raise your hand or unmute and identify yourself.
              I'm not seeing or hearing from anyone else, so
    I'll turn it back to you, Chair Drew.
 6
 7
             CHAIR DREW: Thank you very much, Judge Bradley.
              Thank you for all of the information everyone
    has provided to us this evening in both of these
10
    hearings. We will carefully consider all of the input,
    both through these hearings as well as what has been
11
12
     submitted to us about these amendment requests.
              And with that, have a good rest of your evening
13
14
    and this meeting is adjourned.
15
                          (Meeting adjourned at 8:38 p.m.)
16
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 1
                       CERTIFICATE
               I, MICHELLE D. ELAM, Certified Court Reporter
 3
     in the State of Washington, residing in Mayer, Arizona,
     reported;
               That the foregoing Extension Request Hearing
 5
     was taken before me and completed on May 16, 2024, and
     thereafter was transcribed under my direction; that the
     Transfer Request Hearing is a full, true and complete
     transcript;
               That I am not a relative, employee, attorney or
 9
     counsel of any party to this action or relative or
     employee of any such attorney or counsel and that I am
10
    not financially interested in the said action or the
11
               That I am herewith securely sealing the said
     Transfer Request Hearing and promptly delivering the same
12
     to EFSEC.
13
               IN WITNESS WHEREOF, I have hereunto set my
    signature on the 6th day of June, 2024.
14
15
16
17
                     /s/MICHELLE D. ELAM, RPR, CCR
                     State of Washington CCR #3335
18
                     My CCR certification expires on 6/12/24
19
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21
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EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables Report Date: June 6, 2024 Reporting Period: May 2024

Site Contact: Jarred Caseday, Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

Power generated: 44,518.06 MWH.
Wind speed: 10.34m/s
Capacity Factor: 59.57%

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility

Operator: Puget Sound Energy

Report Date: June 7, 2024 **Report Period:** May 2024

Site Contact: Jennifer Galbraith

SCA Status: Operational

Operations & Maintenance

May generation totaled 78,866 MWh for an average capacity factor of 38.89%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.



Chehalis Generation Facility 1813 Bishop Road Chehalis, Washington 98532

Phone: 360-748-1300

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility

Operator: PacifiCorp Report Date: June 7, 2024 Reporting Period: May 2024

Site Contact: Jeremy Smith, Operations Manager

Facility SCA Status: Operational

Operations & Maintenance

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

• 131,212 net MW-hrs. generated in the reporting period for a capacity factor of 36.01%

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

- -Monthly Water Usage: 394,944 gallons
 - One of the two City of Chehalis water meters are out of commission. Chehalis utility district has a replacement on order.
- -Monthly Wastewater Returned: 1,251,210 gallons
- -Permit status if any changes.
 - No changes.
- -Update on progress or completion of any mitigation measures identified.
 - Nothing to report
- -Any EFSEC-related inspections that occurred.
 - Nothing to report.
- -Any EFSEC-related complaints or violations that occurred.
 - Nothing to report
- -Brief list of reports submitted to EFSEC during the monthly reporting period.
 - Nothing to report

Safety Compliance

- -Safety training or improvements that relate to SCA conditions.
 - Zero injuries this reporting period for a total of 3,227 days without a Lost Time Accident.



Current or Upcoming Projects

- -Planned site improvements.
 - No planned changes.
- -Upcoming permit renewals.
 - Nothing to report.
- -Additional mitigation improvements or milestones.
 - Nothing to report.

Other

- -Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).
 - Nothing to report.
- -Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).
 - The Environmental Analyst position has been filled by Andrew Ulrich. He can be reached at Andrew.Ulrich@PacifiCorp.com.
- -Public outreach of interest (e.g., schools, public, facility outreach).
 - Nothing to report.

Respectfully,

Jeremy Smith

Gas Plant Operations Manager

Chehalis Generation Facility



EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date: Jun 17, 2024
Reporting Period: May 2024
Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

- -GHEC generated 0MWh during the month and 1,874,570MWh YTD.
- --Annual (Maintenance) Outage started on April 29th June 4th.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

- -There were no emissions, outfall, or storm water deviations, during the month.
- -Routine monthly, quarterly, and annual reporting to EFSEC Staff.
 - Monthly Outfall Discharge Monitor Report (DMR).

Safety Compliance

- None.

Current or Upcoming Projects

- Submitted the Acid Rain Permit Application for permit renewal in accordance with Permit Requirements 1(i) of Acid Rain Permit No. EFSEC/10-01-AR.
- -Application for a Modification to the Air Operating Permit submitted to EFSEC in April 2022. GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.
- -NPDES permit renewal application submitted to EFSEC in December 2023 in accordance with Section S6.A of NPDES Permit No. WA0024961.

Other

-None.

EFSEC Monthly Council Meeting Facility Update

Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)

Operator: Tuusso Energy, LLC Report Date: June 13, 2024

Reporting Period: 31 Days from June 1, 2024

Site Contact: Thomas Cushing Facility SCA Status: Construction

Construction Status

- Penstemon
 - Currently operational
 - Total Generation during the month of May was 1.351 Gigawatt hours
- Camas
 - Currently operational
 - Total Generation during the month of May was 1.397 Gigawatt hours
- Urtica
 - Currently operational
 - o Total Generation during the month of May was 1.587 Gigawatt hours

EFSEC Council Update: Columbia Solar

EFSEC Monthly Council Meeting

Facility Name: Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)

Operator: Energy Northwest Report Date: June 20th, 2024 Reporting Period: May 2024 Site Contact: Denis Mehinagic Facility SCA Status: Operational

CGS Net Electrical Generation for May 2024: 846,368 Mega Watt-Hours.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance:

An evaluation of the halogenation/dehalogenation system was completed by EN and the system vendor following the Total Residual Halogen (TRH) maximum daily discharge limit exceedance in March 2024. The system experienced a malfunction due to incorrect data inputs after firewall maintenance. To prevent recurrence, any future firewall maintenance that could affect the halogenation/dehalogenation system will require approval by the Chemistry Department prior to implementation. Additionally, the vendor has implemented an extra layer of surveillance for the system in case of network feed lockup. If data inputs become frozen, an automatic notification will be sent to the Chemistry Department for verification.

Safety Compliance

No update.

Current or Upcoming Projects

No update.

Other

No update.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar Operator: Brookfield Renewable US

Report Date: 06/10/24

Reporting Period: 05/04/24 to 06/10/24

Site Contact: Jacob Crist

Facility SCA Status: (Pre-construction/Construction/Operational/Decommission)

Construction Status (only applicable for projects under construction)

-On schedule or not. If not, provide additional information/explanation.

- 1. Project is on schedule.
- 2. Upcoming Milestone Dates for commissioning activities.
 - a. July 1st, Start of BPA 90 Day Soak.
 - b. July 20th, MC of the Goose Prairie Project
 - c. On or Around September 30th, Utility Signoff and COD.
- -Phase/Brief update on status/month in review.
 - 1. All major scope items are complete. Modules, racking, trackers, substation
 - 2. Clean up items underway such as road repairs and improvements to project roads and neighbor roads.
 - 3. Back feed of the substation is complete up to the inverters.
 - 4. Punchlist items, hot commissioning and remaining BPA testing remains.

Operations & Maintenance (only applicable for operating facilities)

- -Energy generated for the reporting period.
- -Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

O&M site certificate deliverables are in draft with Brookfield O&M and Tetratech.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

- -Permit status if any changes.
- -Update on progress or completion of any mitigation measures identified.
 - 1. No discharge on the site reported in May.
- -Any EFSEC-related inspections that occurred.
 - 1. Frequent Monitoring is occurring through WSP with no findings reported to date.
- -Any EFSEC-related complaints or violations that occurred.
- -Brief list of reports submitted to EFSEC during the monthly reporting period.

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

Current or Upcoming Projects

- -Planned site improvements.
- -Upcoming permit renewals.
- -Additional mitigation improvements or milestones.

Other

- -Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).
- -Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).
- -Public outreach of interest (e.g., schools, public, facility outreach).





High Top and Ostrea Solar Project June 2024 project update

Badger Mountain Solar Energy Project June 2024 project update

Wautoma Solar June 2024 project update



June 11, 2024

Lance Caputo
Siting Specialist
Energy Facility Site Evaluation Council
621 Woodlawn Sq Loop SE
Lacey, WA 98503

RE: Innergex Renewable Development USA, LLC – Wautoma Solar Project

EFSEC Docket No. EF-220355

Dear Mr. Caputo,

This letter requests the Energy Facility Site Evaluation Council (EFSEC)'s agreement that the processing time of the Wautoma Solar Application be extended to December 31, 2024.

Innergex Renewable Development USA, LLC ("Applicant") submitted its Application for Site Certification for the Wautoma Solar Project on June 9, 2022. RCW 80.50.100 requires that: "The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant."

On June 1, 2023, the Applicant requested an extension of processing time until November 9, 2023, and on October 10, 2023, a second extension request was made, running until June 28, 2024. It is now apparent that additional time is needed to complete the final steps in the certification process. We are anticipating that a Mitigated Determination of Nonsignificance will be published imminently, followed by the adjudicative hearing in late summer 2024. Council recommendation and Governor's decision would follow before the end of 2024.

The Applicant requests that EFSEC allocate the appropriate resources to complete and deliver a recommendation to the Governor within the extended timeline in an effort to advance the aspirational goal of timely processing of the site certification application and which, in this case, will also advance the development of renewable energy consistent with the goals of Washington's Clean Energy Transformation Act. We believe the requested extension will allow adequate time for all parties and agencies to have a robust engagement in the process.

Sincerely,

Nuno Louzeiro, Senior Director – Development Innergex Renewable Development USA, LLC

BEFORE THE STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the Application of:

Innergex Renewable Development USA, LLC (IRD), for Wautoma Solar Energy Project, LLC, Applicant DOCKET NO. EF-220355

ORDER COMMENCING AGENCY ADJUDICATION; SETTING DEADLINE FOR PETITIONS TO INTERVENE (JULY 12, 2024);

The Application:

On June 9, 2022, the Washington State Energy Facility Site Evaluation Council (EFSEC) received an Application for Site Certification (ASC) from Innergex Renewable Development, LLC (Applicant) for a solar photovoltaic (PV) generation facility with battery storage located in unincorporated Benton County, Washington.

The Applicant seeks to develop, construct, and operate the Wautoma Solar Energy Project (Project), a 470 megawatt (MW) solar photovoltaic facility, including a battery energy storage system (BESS). The project is proposed by Innergex Renewable Development USA, LLC (IRD), (Applicant). The Project Lease Boundary spans 5,852 acres of privately owned land. Within the Lease Boundary, the Project Area would occur on 4,573 acres. All construction and operational activities would occur within the Project Area. Within the Project Area, fencing would enclose 2,974 acres.

The Wautoma Solar Project would interconnect with the Bonneville Power Administration (BPA) transmission system at the BPA Wautoma Substation, which is located on BPA federal lands surrounded by Project Area. A 0.25 mile-long overhead 500 kV generation-tie transmission line would extend from the Project substation to the BPA Wautoma substation. The Project is located approximately 12.5 miles northeast of the City of Sunnyside and 1 mile south of the interchange between SR 241 and SR 24 in unincorporated Benton County, WA.

Notice of Adjudicative Process:

Pursuant to Washington Administrative Code ("WAC") 463-030-080, the Energy Facility Site Evaluation Council ("EFSEC" or "Council") is commencing the adjudication proceedings for the Wautoma Solar Project. The Council will schedule and conduct a public hearing on the proposed Wautoma Solar Energy Project under the Washington Administrative Procedure Act (APA), Chapter 34.05 RCW, and the Council's rules for adjudicative proceedings set out in WAC Chapter 463-30.

The Council delegates to the Administrative Law Judge ("ALJ") assigned to this matter by the Office of Administrative Hearings the authority to:

(a) Enforce appropriate rules of evidence and procedure;

- (b) Administer oaths and affirmations;
- (c) Rule on procedural matters, objections, and motions;
- (d) Rule on offers of proof and receive relevant evidence;
- (e) Provide for discovery and determine its scope consistent with this order and EFSEC rules;
- (f) Enter protective orders to prevent the public disclosure, while still allowing access by adjudication participants who have signed appropriate non-disclosure agreements, of information that is exempt from public disclosure under RCW 42.56.430(2) (sensitive fish and wildlife data), RCW 42.56.300 (archaeological sites and traditional cultural places reports), or other applicable exemptions, with input from EFSEC's public records officer:
- (g) Pursuant to RCW 34.05.449(5), close parts of a hearing to public observation or order the exclusion of witnesses upon a showing of good cause;
- (h) Question witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;
- (i) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;
- (j) Take any appropriate action necessary to maintain order and avoid unnecessary delay during the hearing;
- (k) Regulate the course of the hearing, including the scheduling, recessing, reconvening and adjournment of the hearing;
- (l) Permit or require oral argument or briefs and determine the time limits for submission thereof;
- (m) Take any other action necessary and authorized by any applicable statute or rule;
- (n) Waive any requirement of EFSEC procedural rules unless a party shows that it would be prejudiced by such a waiver;
- (o) At the conclusion of the hearing, issue initial findings of fact and conclusions of law summarizing, and resolving any disputes among the adjudicative parties concerning relevant information presented by parties in support or opposition to the proposed facility.

Council members observing the hearing shall have the opportunity to ask questions of witnesses, either following questioning by counsel for the parties, or at such time as determined by the ALJ in the exercise of the ALJ's discretion to regulate the course of the hearing.

Following the adjudicative hearing, and possible post-hearing briefs from the parties, the ALJ shall issue initial findings of fact and conclusions of law resolving disputed issues raised in the adjudication. The ALJ's findings and conclusions shall not address the ultimate recommendation that is reserved for the Council, specifically whether the evidence and arguments presented warrant the Council recommending that the Application be approved, denied or approved subject to conditions.

Any party of right or intervener party may file a petition for review of the ALJ's initial findings of fact and conclusions of law. The procedure for such petitions shall be as follows:

- (a) The petition for review shall be filed with the council within twenty days of the date of service of the initial findings and conclusions unless a different place and time limit for filing the petition are specified. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.
- (b) The petition for review shall specify the portions of the initial findings and conclusions to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition.
- (c) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within ten days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed.

The Council will consider and decide any timely petitions for review either prior to, or as part of its final adjudicative order.

Actions Taken to Date:

On June 9, 2022, Innergex Renewable Development USA, LLC ("Applicant"), filed an Application for Site Certification ("ASC") to construct and operate Wautoma Solar Energy Project ("Project"), a commercial solar photovoltaic (PV) project with a battery storage system.

On August 8, 2022, the Council conducted a land use consistency hearing, to hear testimony regarding whether the Project was consistent and in compliance with Benton County's local land use provisions.

On November 15, 2022, the Council issued the "Order Finding Project Inconsistent with Land Use Regulations". Specifically, the Order concluded, upon concession of the Applicant, that the Project is not consistent or compliant with Benton County land use provisions.

On May 20, 2024, the EFSEC SEPA Responsible Official issued a Mitigated Determination of Non-Significance (MDNS) and initiated a minimum 14 day public comment period. Following the review of comments received, a Revised MDNS was issued on June 14, 2024. The issued MDNS, Environmental Review and Staff Recommendation, and the Application for Site Certification (ASC) are available at the EFSEC website: https://www.efsec.wa.gov/energy-facilities/wautoma-solar-project.

Issues for Adjudication:

RCW 80.50.090(4)(b) provides that, if the environmental impact of the proposed facility in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, the Council may limit the topic of the public hearing conducted as an adjudicative proceeding under this section to whether any land use plans or zoning ordinances with which the proposed site is determined to be inconsistent should be preempted.

Consistent with RCW 80.50.090(4)(b), WAC 463-28-060 and 070, the EFSEC Director's MDNS under RCW 43.21C.031, and this Council's November 15, 2022, "Order Finding Project

Inconsistent with Land Use Regulations," the Council hereby limits the topic of this adjudicative proceeding to:

- i. Whether the Council should recommend to the Governor that the state preempt the land use plans, zoning ordinances, or other development regulations for the site for the alternative energy resource proposed by the Applicant, and
- ii. If the Council approves the Applicant's request for preemption, what conditions the Council should include, if any, in a draft certification agreement to consider state or local governmental or community interests affected by the construction or operation of the alternative energy resource and the purposes of laws or ordinances, or rules or regulations promulgated thereunder that are preempted pursuant to RCW 80.50.110(2).

The adjudication will consider other disputed issues identified by the Parties during an upcoming prehearing conference (*see below*).

Parties:

The following are deemed to be parties to the adjudicative proceeding, without need to petition for intervention:

Pursuant to WAC 463-30-060(1), the applicant, Innergex Renewable Development USA, LLC (IRD)

Pursuant to RCW 80.50.080 and WAC 463-30-060(3), Counsel for the Environment, representing the public and its interest in protecting the quality of the environment

Pursuant to WAC 463-30-050 and WAC 463-30-060(2), the following state agencies and local governments are also deemed to be parties:

State of Washington agencies:

The Department of Agriculture

The Department of Commerce

The Department of Ecology

The Department of Fish and Wildlife

The Department of Natural Resources

Utilities and Transportation Commission

Local governments:

Benton County

WAC 463-30-050; WAC 463-30-060(2).

All of the above listed parties of right wishing to actively participate in the adjudication of this Application shall file a written notice of party participation with the Council at the address below

and serve a copy of the notice on all other existing parties no later than **July 12, 2024**. This notice shall include addresses for communications in both electronic and paper form.

Intervention as a Party:

Participation as a party includes specific rights and responsibilities in the adjudication, including the sponsorship of expert witnesses, cross-examination of other parties' experts and the filing of briefs. Persons wishing only to state support for or opposition to the Project may do so by public comment (*see below*) and need not petition for intervention.

Persons wishing to formally participate as a party in the adjudication must review and comply with WAC 463-30-091 and file a petition for intervention with the Council at the address below and serve a copy of their petition on all other existing parties no later than **July 12, 2024**.

Electronic filing of petitions for intervention is allowed and encouraged, provided that one hard copy is placed in the United States Mail addressed to the Council on the same day as filing.

Energy Facility Site Evaluation Council ATTN: Wautoma Adjudication 621 Woodland Square Loop SE P.O. Box 43172 Olympia, WA 98504-3172

Electronic filing address: adjudication@efsec.wa.gov

In accordance with WAC 463-30-091, all petitions to intervene in this adjudication shall be verified under oath by the petitioner and must (1) adequately identify the petitioner; (2) establish with particularity the petitioner's interest in the subject matter; and (3) explain how the petitioner's ability to protect its interest may be impaired or impeded if not granted intervenor status in the adjudicative proceeding.

Petitions for intervention will be granted or denied per the Council's discretion. No oral argument will be permitted. To ensure an orderly and efficient adjudication, petitions for intervention may be conditionally granted or limited as authorized by WAC 463-30-092.

Pre-Hearing Conference and Organization of the Adjudicative Proceeding:

The undersigned administrative law judge will conduct a pre-hearing conference on July 22, 2024 at 1:30pm. This conference will develop a list of disputed issues and establish procedures for the pre-hearing phase of this adjudication, to include general organization of the adjudication, preparation of evidence, hearing procedures, and scheduling the time and place of the adjudication itself. Attendance at the conference is required of all parties and petitioners for intervention. The Council will also publish separate Notice of this pre-hearing conference and provide specific information regarding attendance and call-in procedures.

Public Participation:

Pursuant to RCW 80.50.080, the Counsel for the Environment represents "the public and its interest in protecting the quality of the environment." Assistant Attorney General Yuriy Korol has been appointed Counsel for the Environment in this case. His contact information is:

AAG Yuriy Korol Office of the Attorney General 800 5th Avenue, Suite 2000 Seattle, WA 98104-3188 yuriy.korol@atg.wa.gov 206-332-7098

During the course of the adjudication, the Council will set a time for public comment in accordance with RCW 80.50.090(4)(a).

Additional Information:

Council staff is not permitted to give legal advice but can answer procedural questions about the adjudication and intervention process. The Council's mailing and e-mail addresses are set out above. The Council's telephone number is (360) 664-1345.

More information about the Wautoma Solar Energy Project is available on the Council's website at https://www.efsec.wa.gov/energy-facilities/wautoma-solar-project.

DATED and effective at Olympia, Washington, on the XXth day of June, 2024.

CITE EXALITATION COLDICI	TT
SITE EVALUATION COUNCI	IL
Kathleen Drew, Chair	

WASHINGTON ENERGY EACH ITY

Hop Hill Solar Project June 2024 project update

Wallula Gap Solar Project June 2024 project update

Whistling Ridge Energy Project June 2024 project update

Application to Transfer Site Certification Agreement for the Whistling Ridge Energy Project to Twin Creeks Timber, LLC, as the new Parent of Whistling Ridge Energy, LLC

WAC 463-66-100

September 13, 2023

Whistling Ridge Energy, LLC ("Applicant") submits this application for transfer ("Transfer Application") of a controlling interest in Applicant and the Site Certification Agreement effective as of November 19, 2013 ("SCA") for the Whistling Ridge Energy Project ("Project"). Twin Creeks Timber, LLC ("TCT") acquired ownership of Applicant from SDS Lumber Co. ("SDS") in November 2021. TCT is now the sole owner of the Applicant.

WAC 463-66-100 Transfer of a site certification agreement.

No site certification agreement, any portion of a site certification agreement, nor any legal or equitable interest in such an agreement issued under this chapter shall be transferred, assigned, or in any manner disposed of (including abandonment), either voluntarily or involuntarily, directly or indirectly, through transfer of control of the certification agreement or the site certification agreement owner or project sponsor without express council approval of such action. In the event a site certification agreement is to be acquired via a merger, leveraged buyout, or other change in corporate or partnership ownership, the successor in interest must file a formal petition under the terms of this section to continue operation or other activities at the certificated site.

(1) A certification holder seeking to transfer or otherwise dispose of a site certification agreement must file a formal application with the council including information about the new owner required by WAC 463-60-015 and 463-60-075 that demonstrate the transferee's organizational, financial, managerial, and technical capability to comply with the terms and conditions of the original site certification agreement including council approved plans for termination of the plant and site restoration. The council may place conditions on the transfer of the certification agreement including provisions that reserve liability for the site in the original certification holder.

RESPONSE: This request for transfer details how the Applicant, under new ownership, continues to have the financial, managerial, and technical capability to comply with the terms and conditions of the SCA and construct, operate, and retire the Project.

Summary of Application for Transfer.

On March 10, 2009, Applicant applied to EFSEC for a site certification agreement to construct and operate the Whistling Ridge Energy Project. On March 5, 2012 Governor Gregoire approved the Final Order for and signed the Site Certificate Agreement for the Project. The Applicant signed the SCA on November 18, 2013 after resolution of litigation before the Washington Supreme Court. Subsequently Project opponents initiated federal litigation related

to the Project that ultimately was resolved in the Applicants favor on July 11, 2018. A more complete timeline of the Project's approval history is contained in Whistling Ridge Energy LLC's Request to Extend Term of Site Certificate Agreement Pursuant to WAC 463-68-080, filed on March 2, 2022.

In November of 2021, SDS, the sole member of Applicant, sold a substantial portion of its timberlands and 100% of its membership interest in Applicant to TCT. Accordingly, the analysis below provides the information necessary for the Council to determine that Applicant, with TCT instead of SDS as sole member, will continue to meet the requirements of WAC 463-66-100.

On March 2, 2022, TCT filed with EFSEC a request to extend the expiration of the Site Certificate ("Extension Request"). As noted in that request, with the extended SCA deadline, TCT has engaged the renewable energy development experts discussed below to evaluate the opportunities to develop the Project, including updating studies and evaluation under Washington's State Environmental Policy Act, RCW 43.21C.

Information About the New Owner.

TCT acquired Applicant from SDS in November 2021. TCT is a large, well-capitalized timberland investment fund that currently owns and operates over 600,000 acres in the Pacific Northwest and U.S. South. The fund is a long-term investment vehicle that holds core timberland in the major U.S. timber markets. In addition to producing timber, TCT has developed carbon offset projects and worked with major energy companies to develop renewable energy projects in the U.S. South. TCT is managed by Silver Creek Advisory Partners LLC ("Silver Creek") based in Seattle, Washington. Silver Creek is an investment advisor registered with the U.S. Securities and Exchange Commission with institutional scale, deep investment expertise, and strong investor alignment. As of June 30, 2022, Silver Creek had \$8.6 billion in assets under management across several alternative and real asset investment strategies. Silver Creek has a history of originating and managing more than 50 funds over 28 years, including nearly \$2.5 billion in real assets. Silver Creek's senior team and team members bring decades of experience in hands-on real asset and financial management with prior experience at several of the largest managers in the industry.

Information About TCT's Development Consulting Contractor.

TCT has engaged Navitas Development, a renewable energy development services company. Navitas will assist in directing and managing the work described below. Mr. Sean Bell, owner and principal of Navitas, has over 26 years of commercial-scale infrastructure development experience including 14 years of renewable energy development experience. He has a proven history of leadership and management of internal and external team resources including land acquisition, permitting, resource evaluation, interconnection processes, power purchase agreements (PPAs) and asset purchase agreement negotiations and related diligence activities. He has comprehensive knowledge of all aspects and disciplines of renewable energy development with stakeholders at every level. Mr. Bell led responses to numerous requests for proposal (RFP) solicitations for project development, asset acquisition and offtake for major utilities in the WECC region including, but not limited to, SDG&E, PG&E, Portland General

Electric, Southern Cal Edison, PacifiCorp, Sacramento Municipal Utility District and Puget Sound Energy. Mr. Bell has been involved of the development of over 3.0 GW of renewable energy development throughout the United States. More detailed information about Mr. Bell is attached as **Appendix A**.

Information About TCT's Development Partner, Steelhead Americas.

In addition to Navitas, the Applicant has partnered with Steelhead Americas to update and complete the development of the Project. Steelhead Americas (Steelhead) is the North America development arm of Vestas, the world's largest wind turbine manufacturer and leading service provider. Steelhead leverages Vestas' industry expertise and turbine technology to advance in existing markets and unlock new geographic markets to expand renewable energy across North America. Formed in 2016, Steelhead develops new wind and solar assets and brings the benefits of renewable energy to local communities and industry partners. More detailed information about Steelhead Development is attached as **Appendix B**.

Transferee's operational, financial, managerial, and technical capability to comply with the terms and conditions of the SCA, including plans for termination and restoration.

Applicant and its prior owner, SDS, met EFSEC's siting standards as codified in EFSEC's administrative code, Ch. 463-62 WAC, in part through engagement of outside consultants and renewable energy development experts, including Navitas Development. Applicant is developing a memorandum of understanding with Steelhead to provide development services and potentially take a leading or controlling interest in the Project and its further development. As noted above, Applicant has contracted with Navitas Development and Steelhead after approval of this Transfer Application and the Extension Request.

Financial capability.

TCT was launched in 2016 and is a long-term investor in timberland and associated non-timber assets included but not limited to renewable energy projects. TCT is capitalized by well-known institutional investors including some of the largest and most respected public pension plans in the United States. TCT's strong balance sheet is evident by its lack of any long-term debt and is solely financed with equity. TCT's asset base and capitalization is also significantly larger than that of the previous owner of Whistling Ridge Energy, LLC (SDS Lumber).

Investors in TCT include a small group of sophisticated institutional investors and an operating company, Green Diamond Resource Company ("Green Diamond"). While Silver Creek is the fiduciary and manager of TCT, Green Diamond is a significant co-investor in TCT and, through its affiliate Green Diamond Management Company, is responsible for all of the day-to-day operations of TCT, including Applicant's development of the Project.

Green Diamond is a fifth generation, family-owned forest products company that manages forests for their own account and TCT across nine states; all certified in compliance with the Sustainable Forestry Initiative. Green Diamond is one of the largest timberland owners in the United States with 2.2 million acres owned and/or managed. Green Diamond has a strong

operating track record with a focus on relationships with customers and regulators. Green Diamond has deep experience developing conservation easements, carbon offset projects, and developing renewable energy projects, including multiple solar and wind energy projects in the Pacific Northwest and U.S. South.

For SDS Lumber, in EFSEC proceedings, SDS Lumber was able to provide sufficient assurances of financial capability. As noted, TCT has the financial capability to permit, construct and operate the Whistling Ridge Facility.

Management of construction and operation of projects.

See Appendix A, qualifications of Navitas Development and Appendix B, Steelhead Americas.

(2) If the certification holder is seeking an alternative disposition of a certificated site, the certification holder must petition the council for an amendment to its site certification agreement pursuant to the provisions of this chapter and gain council approval of its alternative disposition plan. In submitting a request for an alternative disposition of a certificated site, the certification holder must describe the operational and environmental effects of the alternative use of the site on the certified facility. If the proposed alternative use of the site is inconsistent with the terms and conditions of the original site certification agreement the council may reject the application for alternative use of the site.

RESPONSE: Not applicable. Neither TCT nor Whistling Ridge Energy, LLC propose an alternative disposition of the certificated site.

(3) The council shall require any person who submits an application to acquire a site certification agreement under provisions of this section to file a written consent from the current certification holder, or a certified copy of an order or judgment of a court of competent jurisdiction, attesting to the person's right, subject to the provisions of chapter 80.50 RCW et seq. and the rules of this chapter, to possession of the energy facility involved.

RESPONSE: Not applicable. TCT is making this request together with Whistling Ridge Energy, LLC.

- (4) After mailing a notice of the pending application for transfer of the site certification agreement to all persons on its mailing list, the council shall hold an informational hearing on the application. Following the hearing the council may approve an application for transfer of the site certification agreement if the council determines that:
- (a) The applicant satisfies the provisions of WAC 463-60-015 and 463-60-075;
- (b) The applicant is entitled to possession of the energy facility described in the certification agreement; and
- (c) The applicant agrees to abide by all of the terms and conditions of the site certification agreement to be transferred and has demonstrated it has the organizational, financial, managerial, and technical capability and is willing and able to comply with the terms and conditions of the certification agreement being transferred.

(5) The council shall issue a formal order either approving or denying the application for transfer of the site certification agreement. If the council denies the request, it shall state the reasons for its denial.

RESPONSE: Following the hearing, TCT anticipates that the Council will find that TCT complies with the requirements applicable to this transfer request. TCT agrees to abide by all of the terms and conditions of the SCA.

DATED: September 13, 2023.

Timothy L. McMahan, WSBA #16377

tim.mcmahan@stoel.com

Appendix A Information and Qualifications for Sean Bell, Navitas Development

SEAN C. BELL

PROFESSIONAL EXPERIENCE

Navitas Development - Principal (2019-Present)

Providing strategic renewable energy development services from project inception through commercial operations throughout the US

RES Americas Developments Inc - Sr. Development Manager (2008-2019)

Primary responsibilities included, but were not limited to, the development of commercial scale wind energy projects; prospecting, resource evaluation, land acquisition, permitting, interconnection application filing, interconnection study management, competition analysis, budget management, forecasting, consultant management, power purchase negotiations and financial modeling. In addition to Lead Development responsibilities in Oregon, Washington and Montana, I have provided lead development support for other RES regions in a variety of roles including managing ROW acquisition, permit and jurisdictional compliance, property owner interface, local, state and federal agency interface and RES Construction representation. At the corporate level, I developed asset divestiture strategies, prepared successful responses to energy generation RFPs, and performed due diligence on potential asset acquisitions.

Development Experience Highlights:

- **Skookumchuck Wind Energy Project** 138.6 MW Lewis County & Thurston Counties, Washington
 - Lead Developer Managed all development phases; Real Property, Wind Resource, Interconnection, Land Use / Permitting and Off-take. Project entered into a 20-year PPA with Puget Sound Energy as a resource for the PSE's Green Direct Program. The Project closed and was sold to Southern Power Company October 2019.
- Lower Snake River Wind Energy Project 1432 MW Garfield and Columbia County, Washington *Developer / Permitting Co-Lead* DEIS/EIS drafting, jurisdictional interface, participation in asset sale negotiation, PSE/RES joint venture team reporting and budgeting. Project COD January 2012.
- Rock Creek Wind Energy Project 200 MW Gilliam County, Oregon Lead Developer – Managing all development phases; Real Property, Wind Resource, Land Use / Permitting, Environmental, Interconnection, off-take. Responsible for local, state and federal agency and governmental interface (Gilliam County, ODOE, ODFW, USFWS, DOD, WINAS), utility interface (BPA & PGE) and community outreach. Led asset sale discussions between Portland General Electric and RES.
- Bear Creek Wind Energy Project 400 MW Umatilla County, Oregon

Lead Developer - Managed all development phases; Real Property, Wind Resource, Land Use / Permitting, Environmental, Interconnection, Off-take. Responsible for local, state and federal agency interface and governmental interface (Umatilla County, ODFW, ODOE, ODFW, USFWS, DOD, WINAS), utility interface (BPA, PGE, IPC) and community outreach.

- **Origin Wind Energy Project** 122 MW Carter and Murray Counties, Oklahoma *Developer / Real Property Manager* Managed procurement of 17 miles of transmission ROW and Title Curative Matters through sale and closing of project to ENEL, November 2013.
- Montana Alberta Tie Line (MATL) 214 mile, 230kV, 300MW capacity transmission line

 Central Montana
 Developer / RES Construction Liaison Development, Permitting and Real Property Coordinated ROW access, responsible for field interaction with the investor, represented
 RES-C to the local community, assisted land acquisition team in resolution of development issues including permit compliance. Project completed November 2013.
- Pheasant Run Wind Energy Project 220 MW Huron County, Michigan Developer / Real Property Manager – Managed resolution of Title Curative Matters thru sale to Next Era (Florida Power and Light), March 2013.
- **Keechi Creek Wind Energy Project** -144 MW Jack County, Texas *Developer / Real Property Manager* – Managed procurement of 6 miles of transmission ROW, Title Curative Matters, and acquisition of Crossing Agreements through sale and closing to Enbridge, December 2013.
- Pleasant Valley Wind Energy Project 140 MW Dodge and Mower Counties, Minnesota Developer / Real Property Manager – Managed resolution of Title Curative Matters, Utility and Jurisdictional Crossing Agreements thru sale and close to Xcel Energy, July 2014
- Tucannon River Wind Farm (Lower Snake River II) 266 MW Columbia County, Washington
 Lead Developer through bid process and subsequent sale to Portland General Electric.
 Land Use and Permitting lead. Construction Liaison for Development and Permitting activities. Project COD June 2015.

Additionally, I have been active in Renewable Northwest membership and closely engaged with the larger renewable energy community on such policy issues as BPA rate case, PGE IRP, DOD Radar and Airspace, BPA Environmental Re-Dispatch (VERBS), Oregon Health Authority Wind Energy Health Impact Assessment, CPP 111(d).

Appendix B Information and Qualifications for Steelhead Americas

Steelhead Americas (Steelhead) is the North America development arm of Vestas, the world's largest wind turbine manufacturer and leading service provider. Steelhead leverages Vestas' industry expertise and turbine technology to advance in existing markets and unlock new geographic markets to expand renewable energy across North America.

Formed in 2016, Steelhead develops new wind and solar assets and brings the benefits of renewable energy to local communities and industry partners. The Steelhead team consists of over 40 subject matter experts skilled at bringing projects from origination to construction and specialize in all stages of the development process.

Steelhead North American Footprint

- 1.4 GW of wind delivered to date
- 4 GW of projects in the pipeline spanning over 15 projects and 5 independent service operators (ISO's) territories.

Steelhead Projects sold and/or operational

Maverick Creek, TX: 415 MW

• Wild Horse Mountain, OK: 100 MW

Glass Sands, OK: 118 MWRio Bravo, TX: 238 MW

• 25 Mile Creek, OK: 250 MW

Boyer Solar, MS: 99 MW

• Delta Wind, MS: 185MW

Additional information can be found at: www.steelheadrenewables.com

Appendix C – Studies to be Completed & Updated SEPA Process

Action	Likely Timing
Contact wildlife consultants; develop scopes of work; identify seasonally imperative work and schedule same: • Avian baseline updates (including passerines and bats) • Bald and Golden Eagle and other raptor nest surveys • Northern Spotted Owl survey update for confirmation • Sensitive plants.	Within 30 days of Transfer Approval and 12 to 18 months after date of Transfer Approval. Refreshing previously completed studies will be guided by respective agency interaction with the Transferee. Depending upon the timing of Transfer Approval and agency consultation, studies may begin immediately, as in the case of avian use and cultural resource studies or may not commence until specific times of the year, as in the case of raptor nest and spotted owl surveys. Nesting, habitat and certain ESA studies will commence in the springtime and run thru mid to late summer. Initial study results and follow-up agency consultation will determine the timing of final studies.
Visual simulation updates; develop scope of work for modified WTGs and locations.	18 months after Transfer Approval. Visual simulations are based upon final turbine selection. Turbine selection is determined upon preliminary site layout, completion of interconnection studies, preliminary civil design, transportation studies and other relevant reports. It is anticipated that the Transferee will commence relevant work within 30 days of Transfer Approval.
Updated noise analysis.	18 months after Transfer Approval. Noise analysis is based upon final turbine selection. Turbine selection is determined upon preliminary site layout, completion of interconnection studies, preliminary civil design, transportation studies and other relevant reports. It is anticipated that the Transferee will commence relevant work within 30 days of Transfer Approval.
Develop schedule to complete all study work needed for Site Certificate Amendment Application and SEPA action.	Within 30 days of Transfer Approval
Agency meetings:	Ongoing for 24 months after date of Transfer Approval. It is anticipated that the Transferee will

 WDFW Confirm wildlife update work EFSEC staff Discuss timing, cost, needs, process; outline amendment process, including SEPA process. Discuss and confirm mitigation parcel or alternative mitigation approaches. USFWS BGEPA; Northern Spotted Owl DNR - Consultation as needed. Consult with Tribal governments and representatives. 	commence agency consultation within 30 days of Transfer Approval.
BPA contacts and confirmations.	Within 30 days of date of Transfer Approval.
Complete all studies.	18 – 24 months from of date of Transfer Approval
Draft ASC Amendment; filing timing discussion with EFSEC, including evaluation of expected hearing proceedings.	24 - 36 months from date of Transfer Approval
File amendment (public process begins).	24 - 36 months from date of Transfer Approval
Assess mitigation requirements and obtain agency (WDFW) concurrence.	24 - 36 months from date of Transfer

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the Application No. 2009-01:

WHISTLING RIDGE ENERGY LLC:

WHISTLING RIDGE ENERGY PROJECT

WHISTLING RIDGE ENERGY LLC'S REQUEST TO EXTEND TERM OF SITE CERTIFICATE AGREEMENT PURSUANT TO WAC 463-68-080

A. Introduction

The Applicant, Whistling Ridge Energy, LLC (Whistling Ridge or Applicant), requests that the Washington Energy Facility Site Evaluation Council (EFSEC or "Council") grant a three-year extension to the term of the Site Certification Agreement (effective November 18, 2013)¹ to November 2026. This request is based on the Council's discretionary authority to grant an extension pursuant to WAC 463-68-080(3).

If the Council grants this request, the Applicant will first fully review the financial and environmental feasibility of constructing the facility prior to commencing any studies. Only then would the Applicant move forward with studies, some of which are specific to specific times of the year.

As discussed below, EFSEC's rules and the terms of Site Certificate Agreement (SCA) approved by EFSEC set permissive timeframes for the commencement of construction. Whistling Ridge believes that the intent behind the permissive "shelf life" of SCAs acknowledges that EFSEC jurisdictional projects which typically fulfill important statewide policy objectives often face multi-year litigation aimed at delaying applications and undermining the commercial viability of projects through costs and delays. As is the case here, once a Site Certification Application has undergone often multi-year evaluation and scrutiny, including extensive review through Washington's State Environmental Policy Act (SEPA, RCW 43.21C), such appeals are rarely successful, but exact a significant cost for the Applicant. Here, litigation filed by project opponents commenced with a failed appeal before the Washington Supreme Court, followed by failed litigation and appeals before the Ninth Circuit Court of appeals. The appeals were concluded in July 2018.

B. Whistling Ridge Project History and Timeline

¹ WAC 463-64-040(3) provides that the certification agreement "shall be binding upon execution by the governor <u>and the applicant</u>." [Emphasis added].

- 3/10/09 Application for Site Certification filed; history of adjudication can be found on EFSEC's Project web page. 1/5/12 EFSEC's Site Certificate Agreement and Recommendation submitted to Governor Gregoire. 3/5/12 Governor Gregoire approves the Final Order and signs the Site Certificate Agreement. 8/20/13 After appeal by project opponents, the Washington Supreme Court issues a unanimous decision denying appeal. 11/18/13 Jason Spadaro, Whistling Ridge Energy, signs the Site Certificate Agreement ("Effective Date" of Site Certificate Agreement) 2013-15 During this period, BPA worked on the FEIS and its Supplement to the FEIS, addressing further comments submitted post-FEIS by project opponents. 9/9/15 Project opponents file an appeal with the US 9th Circuit Court of Appeals, challenging BPA's NEPA FEIS, supporting BPA's decision to grant the Whistling Ridge Energy Project an interconnection to the Federal Columbia River Transmission System. 3/27/18 The 9th Circuit Court of Appeals issues a Memorandum Decision denying the appeal. 7/11/18 Following a petition by project opponents for a rehearing (en banc), the full US 9th Circuit Court of Appeals denied rehearing. This denial concluded all opposition litigation. 10/25/18 Whistling Ridge files and presents its "Five Year Report" to EFSEC (WAC 463-68-060), confirming the following: Section 1: At this time, the Project is not proposing any changes as described in Section 1 of the statute. Section 2: There is no new information or changed conditions known at this time that might indicate the existence of any probable significant adverse environmental impacts not previously addressed in the EFSEC FEIS. Section 3: Finally, at this time, Whistling Ridge is not proposing any changes, modifications or amendments to the Site Certificate Agreement of any regulatory permits. It is possible that such changes will be proposed in the future.
- 2018 2021 SDS Lumber Co. (parent company to Whistling Ridge Energy LLC) undergoes protracted internal conflict, ultimately resulting in the dissolution of SDS Lumber

Co. and related entities. All company assets sold to other companies. COVID complicates efforts to proceed with Whistling Ridge Energy construction.

Twin Creeks Timber, LLC (TCT) acquired a substantial portion of the SDS timberland assets, including Whistling Ridge Energy LLC and the property on which the project would be built, in November of 2021. The assets of TCT are managed by Green Diamond Management Company, a Washington corporation and subsidiary of Green Diamond Resource Company, a fifth-generation timberland owner in the State of Washington.

C. Effective Date of Site Certificate

Whistling Ridge executed the SCA only after completion of the Supreme Court appeal, where the Court issued a unanimous decision denying the appeal. Whistling Ridge believed that it would be unjust for the Project to lose any time established in the SCA on account of what proved to be a failed appeal filed to stop the project. *Friends of Columbia Gorge, Inc. v. State Energy Facility Site Evaluation Council*, 178 Wn.2d 320, 310 P.3d 780 (2013).

RCW <u>80.50.100</u> Recommendations to governor—Expedited processing—Approval or rejection of certification—Reconsideration.

* * *

- (3)(a) Within sixty days of receipt of the council's report the governor shall take one of the following actions:
 - (i) Approve the application and execute the draft certification agreement; or
 - (ii) Reject the application; or
 - (iii) Direct the council to reconsider certain aspects of the draft certification agreement.
 - (b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within sixty days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant. * * *

Whistling Ridge chose to defer executing the Site Certificate Agreement until the Supreme Court appeal was resolved. The "effective date" of the Site Certification Agreement occurred at the time the two parties (the Governor and the Applicant) had executed the Site Certificate Agreement. The "term" for start of construction commences within ten years of the "effective date" of the Site Certificate Agreement.

WAC 463-68-030 Term for start of construction. Subject to conditions in the site certification agreement and this chapter, construction may start any time within ten years of the effective date of the site certification agreement.

The Site Certificate Agreement allows construction deadlines to be extended to such time as when all final state and federal permits necessary to construct and operate the Project are obtained and associated appeals have been exhausted.

Site Certification Agreement, Article I.B: "This Site Certification agreement authorizes the Certificate Holder to construct the Project such that Substantial Completion is achieved no later than ten (10) years from the date that <u>all final state and federal permits necessary to construct and operation the Project are obtained and associated appeals have been exhausted." (Page 8 of 42).</u>

As noted in the Project History summary above, opposition appeals to the Bonneville Power interconnection and related NEPA process was not concluded until July 2018. In summary, it was not until 2018 that appeals of all state and federal permit appeals were "exhausted." The essential reason for this latitude for construction is that no project facing fierce, multi-year litigation can secure financing or otherwise proceed if pending appeals jeopardize construction. No prudent developer proceeds with construction and operation of an energy facility if there is any risk of an appeal outcome that would require the dismantling of an operating facility. It is that fundamental risk that stops projects during appeals, including appeal that have little or no merit.

D. Request to Extend Term of Site Certificate Agreement; Authority and Process

Whistling Ridge requests that the Council extend the term of the Site Certificate for a reasonable period (three years) to undertake due diligence work for the facility, and to update essential natural resource and other studies. WAC 463-68-080 confers discretion for the Council to grant this request. Whistling Ridge Energy understands that the Council would need to conduct review of this request as an amendment to the Site Certificate Agreement, including one or more "public hearing sessions." In seeking this request, the Applicant will utilize this time to consider commercial viability and to update environmental information and engage with stakeholders. The extension and amendment process is subject to the following Council Rules.

WAC 463-68-080 Site certification agreement expiration.

- (1) If the certificate holder does not start or restart construction within ten years of the effective date of the site certification agreement, or has canceled the project, the site certification agreement shall expire.
- (2) If commercial operations have not commenced within ten years of the effective date of the site certification agreement, the site certification agreement expires

unless the certificate holder requests, and the council approves, an extension of the term of the site certification agreement.

(3) <u>Upon a request to extend the term of the site certification agreement, the council may conduct a review consistent with the requirements of WAC 463-68-060 and 463-68-070, and other applicable legal requirements.</u>

463-66-030 Request for amendment.

A request for amendment of a site certification agreement shall be made in writing by a certificate holder to the council. The council will consider the request and determine a schedule for action at the next feasible council meeting. The council may, if appropriate and required for full understanding and review of the proposal, secure the assistance of a consultant or take other action at the expense of the certificate holder. The council shall hold one or more public hearing sessions upon the request for amendment at times and places determined by the council.

463-66-040 Amendment review.

In reviewing any proposed amendment, the council shall consider whether the proposal is consistent with:

- (1) The intention of the original SCA;
- (2) Applicable laws and rules;
- (3) The public health, safety, and welfare; and
- (4) The provisions of chapter 463-72 WAC. [Concerns site restoration]

E. Matters to be Addressed in the Amendment to the ASC

The extension will allow Whistling Ridge Energy to review and if feasible to propose the installation of fewer but taller wind turbine generators and associated facilities within the designated and approved micrositing corridors. Additionally, **Attachment A** outlines what the Applicant considers to be related and necessary actions, including studies and reports needed to complete the amendment request. The Applicant would confer with EFSEC staff to ensure that all necessary information is developed. Most importantly Whistling Ridge proposes to update natural resource studies including season-specific data (*e.g.* avian nesting surveys) and new visual simulations from key viewing areas (KVAs) within the Columbia River Gorge Scenic Area. Commencing these studies, including consultation with WDFW, local Tribes, and other agencies concerning sufficiency of information needed for updated wildlife and other surveys, will be essential.

DATED: September 13, 2023.

STOEL RIVES LLP

Timothy L. McMahan, WSBA #16377 tim.mcmahan@stoel.com

Attachment A

Action	Likely Timing
Contact wildlife consultants; develop scopes of work; identify seasonally imperative work and schedule same: • Avian baseline updates (including passerines and bats) • Bald and Golden Eagle and other raptor nest surveys • Northern Spotted Owl survey update for confirmation • Sensitive plants.	Within 30 days of Transfer Approval and 12 to 18 months after date of Transfer Approval. Refreshing previously completed studies will be guided by respective agency interaction with the Transferee. Depending upon the timing of Transfer Approval and agency consultation, studies may begin immediately, as in the case of avian use and cultural resource studies or may not commence until specific times of the year, as in the case of raptor nest and spotted owl surveys. Nesting, habitat and certain ESA studies will commence in the springtime and run thru mid to late summer. Initial study results and follow-up agency consultation will determine the timing of final studies.
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 EFSEC staff Discuss timing, cost, needs, process; outline amendment process, including SEPA process. Discuss and confirm mitigation parcel or alternative mitigation approaches. USFWS BGEPA; Northern Spotted Owl DNR - Consultation as needed. Consult with Tribal governments and representatives. 	
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Horse Heaven Wind Project June 2024 project update

[Place holder]



Horse Heaven Wind Farm

Council Reconsideration

Sean Greene, Environmental Planner





Governor's Direction for Reconsideration

- Sent May 23, 2024
 - The "reconsideration shall be conducted expeditiously" (RCW 80.50.100)
 - Governor expectation is reconsideration be completed by August 21, 2024
- Requests that the Council reconsider mitigation in favor of an approach that:
 - "is more narrowly tailored to the specific impacts identified" and
 - is "consistent with achieving the full or near-full clean energy generation capacity of the proposed Project"
- Requests that the Council develop new measures that:
 - adhere to "the existing, robust record and design mitigation requirements,"
 - "reduce the impacts wherever reasonably feasible," and
 - do not "substantially reduce the generation capacity of the proposed Project"

EFSEC



Vegetation-10

- Prohibits siting of solar arrays on rabbitbrush shrubland or WDFW-designated Priority Habitat types (shrub-steppe)
- Addresses impacts to wildlife habitat
- Affected Project components:
 - 1,092.8 of 10,755.9 acres of proposed solar siting area (10.16%)
 - 75 of 5,231.3 acres of current proposed solar footprint (1.43%)



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Habitat-1

- Prohibits siting of primary components in Medium+ linkage wildlife movement corridors and secondary components in High+ linkage wildlife movement corridors
- Addresses impacts to wildlife movement corridors
- Affected Project components:
 - 30 of 222 Option 1 turbines (13.51%) or 20 of 147 Option 2 turbines (13.61%)
 - 678.6 of 10,755.9 acres of proposed solar siting area (6.31%)
 - 0 of 5,231.3 acres of current proposed solar footprint (0%)
 - 3,414 linear feet of an optional 230 kV intertie transmission line



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Species-5

- Prohibits siting of wind turbines within 2 miles of a documented ferruginous hawk nest and solar arrays and BESS within 0.5 miles. Requires additional mitigation for components within 2 miles of a nest.
- Addresses impacts to the ferruginous hawk, avian wildlife, wildlife habitat, Traditional Cultural Properties, visual aesthetics, recreation (safety), and public health and safety (aerial firefighting)
- Affected Project components:
 - 107 of 222 Option 1 turbines (48.20%) or 71 of 147 Option 2 turbines (48.30%)
 - 3,306.46 of 10,755.9 acres of proposed solar siting area (30.74%)
 - 640 of 5,231.3 acres of current proposed solar footprint (12.23%)
 - 1 of 3 proposed BESS sites (a maximum of 2 BESS are allowed by the Draft SCA)



EFSEC

Questions?





EFSEC