



Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Tuesday, January 16, 2018
1:30 PM

1300 S Evergreen Park Drive SW
Olympia, WA 98504
Meeting Room 139

1. Call to Order Kathleen Drew, EFSEC Chair
2. Roll Call Tammy Mastro, EFSEC Staff
3. Proposed Agenda Kathleen Drew, EFSEC Chair
4. Minutes
Meeting Minutes..... Kathleen Drew, EFSEC Chair
 - December 12, 2017
 - December 19, 2017
5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates..... Eric Melbardis, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates..... Jennifer Diaz, Puget Sound Energy
 - c. Columbia Generating Station
 - Operational Updates..... Debbie Knaub, Energy Northwest
 - d. WNP – 1/4
 - Non-Operational Updates..... Debbie Knaub, Energy Northwest
 - e. Chehalis Generation Facility
 - Operational Updates..... Mark Miller, Chehalis Generation
 - f. Grays Harbor Energy Center
 - Operational Updates..... Chris Sherin, Grays Harbor Energy
 - g. Tesoro/Savage Vancouver Energy Distribution Terminal
 - Project Update..... Sonia Bumpus, EFSEC Staff
 - h. Columbia Solar Project
 - Project Update..... Ami Kidder, EFSEC Staff
6. Other
 - a. EFSEC Council
 - Cost Allocation..... Stephen Posner, EFSEC Manager
7. Adjourn..... Kathleen Drew, EFSEC Chair

Note: "FINAL ACTION" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.02

Verbatim Transcript of Special Council Meeting

Tesoro Savage Vancouver Energy Project

December 19, 2017



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

J.A. Cherberg Building
301 - 15th Avenue Southwest
Senate Hearing Room 4
Olympia, Washington
December 19, 2017
1:32 p.m.

SPECIAL COUNCIL MEETING
Verbatim Transcript of Proceeding

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358
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APPEARANCES

COUNCILMEMBERS:
Roselyn Marcus, Chair
Jaime Rossman, Department of Commerce
Cullen Stephenson, Department of Ecology
Dennis Moss, Utilities and Transportation Commission
Joe Stohr, Department of Fish and Wildlife (via phone)
Dan Siemann, Department of Natural Resources (via phone)

LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:
Ken Stone, Department of Transportation
Bryan Snodgrass, City of Vancouver
Greg Shafer, Clark County
Larry Paulson, Port of Vancouver

ASSISTANT ATTORNEY GENERAL:
Ann Essko

COUNCIL STAFF:

Stephen Posner
Sonia Bumpus
Joan Aitken
Ami Kidder
Christina Potis

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OLYMPIA, WASHINGTON; DECEMBER 19, 2017

1:32 P.M.

-oOo-

PROCEEDINGS

CHAIRMAN MARCUS: All right. I would like to call to order this special meeting of the Washington State Energy Facility Site --

IRENE: Hello, this is Irene. I'm patching in Joe Stohr from his cell phone into this call.

CHAIRMAN MARCUS: Great. Thank you.

Okay. We will try starting again.

I'd like to call to order the special meeting of the Washington State Energy Facility Site Evaluation Council. It is 1:32 p.m. on December 19th, 2019 [sic]. We are in Senate Hearing Room 4 in the Cherberg Building in Olympia, Washington.

Could you please call the roll?

MR. POSNER: Chair?

CHAIRMAN MARCUS: Here.

MR. POSNER: Department of Commerce?

MR. ROSSMAN: Jaime Rössman, here.

MR. POSNER: Department of Ecology?

MR. STEPHENSON: Cullen Stephenson, here.

MR. POSNER: Department of Fish and

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Wildlife?

MR. STOHR: Joe Stohr is on the phone.

MR. POSNER: Department of Natural Resources?

MR. SIEMANN: Dan Siemann is on the phone.

MR. POSNER: Utilities and Transportation Commission?

MR. MOSS: Dennis Moss is here.

MR. POSNER: Local government and optional state agencies, Department of Transportation?

MR. STONE: Ken Stone is here.

MR. POSNER: City of Vancouver?

MR. SNODGRASS: Bryan Snodgrass, here.

MR. POSNER: Clark County?

MR. SHAFER: Greg Shafer, present.

MR. POSNER: Port of Vancouver?

MR. PAULSON: Larry Paulson, here.

MR. POSNER: We do have a quorum.

CHAIRMAN MARCUS: Thank you.

Does any councilmember have any changes to make to the agenda today?

Okay. Seeing none, we have a number of minutes to approve from our prior meeting, so we will take them one at a time. The minutes for the meeting of October 17th, 2017, does anyone have any changes? Do I

1 (Pages 1 to 4)

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1 have a motion to approve the minutes?
 2 MR. MOSS: Chair Marcus, I would move that
 3 we approve the minutes of October 17th, 2017 as
 4 transcribed.
 5 CHAIRMAN MARCUS: Is there a second?
 6 MR. STEPHENSON: I will second.
 7 CHAIRMAN MARCUS: Okay. It has been moved
 8 and seconded to approve the minutes of the
 9 October 17th, 2017 meeting. All those in favor?
 10 COUNCILMEMBERS: Aye.
 11 CHAIRMAN MARCUS: Okay. Unanimous.
 12 We are now going to move to the next meeting
 13 minutes. November 21st, we have two sessions, one in
 14 the morning and one in the afternoon. We'll approve
 15 those minutes together. Does anybody have any changes
 16 to the minutes for the meetings on November 21st?
 17 MR. STOHR: Madam Chair –
 18 CHAIRMAN MARCUS: Could you identify
 19 yourself?
 20 MR. STOHR: Yeah, this is Joe Stohr from
 21 Fish and Wildlife. I'll have to abstain from the vote.
 22 I wasn't at that meeting.
 23 CHAIRMAN MARCUS: Okay. Thank you for
 24 reminding us.
 25 Okay. Do I have a motion to approve the

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1 Tesoro/Savage Vancouver Energy Distribution Terminal.
 2 Today we have the final order and report to the governor
 3 to approve. To proceed, we'll take them one at a time.
 4 I will call for the first item, ask for a motion,
 5 provide an opportunity for councilmembers to comment,
 6 and then I will call for the vote. And then before you
 7 depart, you will need to sign the documents to reflect
 8 your vote.
 9 I do want to remind everyone here today that
 10 the Port representative, Mr. Paulson, by statute is not
 11 authorized to vote, although he has been a full
 12 participating member throughout the process, and I would
 13 like to thank him for his insight and his expertise
 14 because he has been extremely helpful throughout the
 15 process.
 16 So thank you, Mr. Paulson.
 17 So I'd like to start with the adjudication
 18 findings of fact and conclusions of law and order to
 19 proceed to recommendation to the governor. The order
 20 finds based on the evidence in the adjudication record
 21 that Tesoro/Savage failed to meet its burden of
 22 establishing by a preponderance of the evidence that the
 23 Port of Vancouver is the appropriate location for siting
 24 its proposed Vancouver Energy Distribution Terminal. I
 25 would like to first call for a motion.

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1 minutes of the November 21st, 2017 meeting, both morning
 2 and afternoon sessions?
 3 MR. ROSSMAN: So moved.
 4 CHAIRMAN MARCUS: Is there a second?
 5 MR. MOSS: I'll second that.
 6 CHAIRMAN MARCUS: Okay. It's been moved and
 7 seconded that we approve the minutes for the morning and
 8 afternoon session of November 21st, 2017. Any
 9 discussion? All those in favor, "aye."
 10 COUNCILMEMBERS: Aye.
 11 CHAIRMAN MARCUS: Opposed? Motion passed.
 12 Now we move to the minutes of the meeting
 13 for November 28th, 2017. Does anybody have any changes?
 14 Seeing none, is there a motion to approve the minutes of
 15 the November 28th, 2017 meeting?
 16 MR. STONE: So moved.
 17 CHAIRMAN MARCUS: Is there a second?
 18 MR. ROSSMAN: Second.
 19 CHAIRMAN MARCUS: Okay. It's been moved and
 20 seconded that we approve the minutes of the
 21 November 28th, 2017 meeting. Any discussion? All those
 22 in favor say "aye."
 23 COUNCILMEMBERS: Aye.
 24 CHAIRMAN MARCUS: Opposed? Motion passed.
 25 The next item on our agenda is the

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1 MR. SNODGRASS: Madam Chair, I would move as
 2 follows. In the matter of Application No. 2013-01,
 3 Tesoro/Savage LLC, Vancouver Energy Distribution
 4 Terminal, Case No. 15-001, I move that the Council
 5 approve the adjudication findings of fact and
 6 conclusions of law and order to proceed to
 7 recommendation for the governor dated
 8 December 19th, 2017.
 9 CHAIRMAN MARCUS: Thank you.
 10 Is there a second?
 11 MR. MOSS: I'll second that.
 12 CHAIRMAN MARCUS: It has been moved and
 13 seconded that the Council approve the adjudication
 14 findings of fact, conclusions of law and order to
 15 proceed to recommendation to the governor in the matter
 16 of Application 2013-01. Is there discussion?
 17 MR. MOSS: Chair Marcus, if I may.
 18 CHAIRMAN MARCUS: Mr. Moss.
 19 MR. MOSS: Yes, I would just like to say –
 20 and I don't have a substantive comment so much as I do a
 21 comment to say how much I, as a member of the Council,
 22 appreciate working with my colleagues through this long
 23 process involved in the multiweek hearing and the
 24 accumulation of many thousands of pages of exhibits.
 25 The councilmembers uniformly exhibited patience,

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1 interest, intellect, and a willingness to do the hard
2 work necessary to process what is truly the most complex
3 application that's ever been before EFSEC as far as I
4 know, and I have been here about 20 years off and on.
5 So it was quite an undertaking.

6 On top off that, I would like to extend my
7 compliments to Chair Marcus and her team who assisted
8 her in writing as she brought this matter to where we
9 are today. It's been an extraordinary effort on their
10 part involving many, many 70-, 80-hour weeks several
11 months now, and I just wanted to acknowledge that and
12 say thank you very much for bringing the sort of
13 leadership to the Council that was required to bring
14 this matter to a conclusion. Thank you.

15 CHAIRMAN MARCUS: Thank you.

16 Any other comments on the order?

17 Mr. Snodgrass?

18 MR. SNODGRASS: I would just expand and echo
19 that compliment to the entire Council who's been very
20 much a working Council and also particularly Chair
21 Marcus for your leadership and extraordinary work within
22 the past months.

23 But I think it's also -- I would also like
24 to recognize some of the other contributing folks in
25 that. Ann Essko and her team from the AGO's office,

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1 application for the site certification should be
2 forwarded to the governor with a recommendation to
3 reject the application.

4 Do I have a motion to approve the report?

5 MR. SHAFER: Madam Chair, I have a motion in
6 the matter of Application number twenty -- or 2013-01,
7 Tesoro/Savage --

8 IRENE: Excuse me, this is Irene again. I'm
9 going to patch Joe back in. He was lost on the call.

10 CHAIRMAN MARCUS: Okay. Thank you.

11 MR. SHAFER: Let me begin that again, Madam
12 Chair. In the matter of Application No. 2013-01,
13 Tesoro/Savage LLC, Vancouver Energy Distribution
14 Terminal, I move that the Council approve the report to
15 the governor on the Application 2013-01 dated December
16 19th, 2017, and direct Staff to file with the governor
17 and serve all parties to the proceedings the report,
18 order, and other appropriate records from this
19 application process as required.

20 CHAIRMAN MARCUS: Thank you.

21 Is there a second?

22 MR. STONE: I'll second.

23 CHAIRMAN MARCUS: Okay. It's been moved and
24 seconded that the report to the governor as presented
25 today be approved and filed with the governor and served

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1 Sonia Bumpus lead the production of the EIS document,
2 even larger and more complex than the order today, and
3 Stephen Posner oversaw the entire process. So I do want
4 to recognize those folks. Also to compliment parties
5 for their civility and professionalism through the
6 entire process. And also I would extend that to the
7 testifying public as well.

8 CHAIRMAN MARCUS: Thank you.

9 Any other comments on the order? Then I
10 will call for a vote on the order. All those in favor
11 of approving the order as presented say "aye."

12 COUNCILMEMBERS: Aye.

13 CHAIRMAN MARCUS: Opposed? Motion passed.

14 Next, I would like to take up the report to
15 the governor. At the Council's last meeting, the
16 Council approved a motion recommending disapproval and
17 the statute provides rejection of the Application
18 2013-01 and directed that the report be drafted
19 consistent with that decision. Before you is the final
20 report to the governor on Application 2013-01 with the
21 recommendation as follows.

22 Considering the entire adjudicative record,
23 the Final Environmental Impact Statement, and all other
24 findings from this application for site certification
25 process, the Council finds and concludes that the

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1 on all parties to the proceeding. Do we have
2 discussion? Hearing none, all those in favor of the
3 motion say "aye."

4 COUNCILMEMBERS: Aye.

5 CHAIRMAN MARCUS: Opposed? Motion carries.

6 Is there any further business that you have
7 to bring before the Council today?

8 MR. POSNER: Chair Marcus, we just -- I
9 think we should make sure that Councilmember Stohr was
10 on the line when the vote was taken for the first vote.
11 I'm not sure. Maybe confirm that he actually voiced his
12 vote on that.

13 CHAIRMAN MARCUS: Mr. Stohr, are you on the
14 line?

15 MR. STOHR: Yes, Mr. Posner, Madam Chair, I
16 was on the line and I voted.

17 MR. POSNER: Okay. Thank you.

18 CHAIRMAN MARCUS: Thank you.

19 Is there any further business to bring
20 before the Council? Then I would just like to say some
21 closing words. Having been here only three months and
22 having read everything involved in this proceeding and
23 understanding what the Council has gone through, I do
24 believe this has been a huge undertaking for this
25 Council and we could have not gotten to this point

3 (Pages 9 to 12)

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1 without the really hard work of all of you, and I
 2 appreciate your support and your dedication in moving
 3 this forward and bringing this to closure. So I want to
 4 thank you all including Staff, the AG's Office, I think
 5 at one point had six AGs and seven paralegals all
 6 working to help us bring this to closure. So I want to
 7 thank you all. This will be my last meeting, and so I
 8 wanted to make sure I had that on the record. And with
 9 that, this meeting is adjourned.

10 (Adjourned at 1:44 p.m.)
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1 CERTIFICATE
 2

3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5

6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill, and
 10 ability.
 11



12 ~~Tayler Garlinghouse~~
 Tayler Garlinghouse, CCR 3358
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4 (Pages 13 to 14)

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<p>A</p> <p>ability 14:10 abstain 5:21 accumulation 8:24 accurate 14:9 acknowledge 9:11 adjourned 13:9,10 adjudication 7:17 7:20 8:5,13 adjudicative 10:22 afternoon 5:14 6:2 6:8 AG's 13:4 agencies 2:7 4:10 agenda 4:21 6:25 AGO's 9:25 AGs 13:5 Aitken 2:15 Ami 2:16 Ann 2:12 9:25 anybody 5:15 6:13 application 8:2,16 9:3 10:17,20,24 11:1,3,6,12,15,19 appreciate 8:22 13:2 appropriate 7:23 11:18 approve 4:23 5:1,3 5:8,14,25 6:7,14 6:20 7:3 8:5,13 11:4,14 approved 10:16 11:25 approving 10:11 ASSISTANT 2:11 assisted 9:7 ATTORNEY 2:11 authorized 7:11 Avenue 1:7,21 aye 5:10 6:9,10,22 6:23 10:11,12 12:3,4</p>	<p>back 11:9 based 7:20 believe 12:24 best 14:9 bring 9:13 12:7,19 13:6 bringing 9:12 13:3 brought 9:8 Bryan 2:8 4:13 Buell 1:21 Building 1:6 3:17 Bumpus 2:15 10:1 burden 7:21 business 12:6,19</p> <p>C</p> <p>C 2:1 3:4 14:1,1 call 3:7,10,13,18 7:4,6,25 10:10 11:9 carries 12:5 Case 8:4 CCR 1:20 14:12 cell 3:10 certification 10:24 11:1 Certified 14:6 certify 14:8 Chair 2:3 3:19 5:2 5:17 8:1,17 9:7,20 11:5,12 12:8,15 CHAIRMAN 3:6 3:11,20 4:19 5:5,7 5:11,18,23 6:4,6 6:11,17,19,24 8:9 8:12,18 9:15 10:8 10:13 11:10,20,23 12:5,13,18 changes 4:20,25 5:15 6:13 Cherberg 1:6 3:17 Christina 2:16 City 2:8 4:12 civility 10:5 Clark 2:9 4:14 closing 12:21</p>	<p>closure 13:3,6 colleagues 8:22 comment 7:5 8:20 8:21 comments 9:16 10:9 Commerce 2:3 3:21 Commission 2:4 4:7 complex 9:2 10:2 compliment 9:19 10:4 compliments 9:7 concludes 10:25 conclusion 9:14 conclusions 7:18 8:6,14 confirm 12:11 Considering 10:22 consistent 10:19 contributing 9:24 Council 1:5,15 2:13 3:15 8:4,13,21 9:13,19,20 10:16 10:25 11:14 12:7 12:20,23,25 Council's 10:15 councilmember 4:20 12:9 councilmembers 2:2 5:10 6:10,23 7:5 8:25 10:12 12:4 County 2:9 4:14 14:4 Cullen 2:4 3:24</p> <p>D</p> <p>D 3:4 Dan 2:5 4:5 dated 8:7 11:15 December 1:10 3:1 3:16 8:8 11:15 decision 10:19 dedication 13:2 Dennis 2:4 4:8</p>	<p>depart 7:7 Department 2:3,4,5 2:5,8 3:21,23,25 4:3,10 direct 11:16 directed 10:18 disapproval 10:16 discussion 6:9,21 8:16 12:2 Distribution 7:1,24 8:3 11:13 document 10:1 documents 7:7 drafted 10:18</p> <p>E</p> <p>E 2:1,1 3:4,4 14:1,1 echo 9:18 Ecology 2:4 3:23 effort 9:9 EFSEC 9:3 EIS 10:1 Energy 1:5 3:8,14 7:1,24 8:3 11:13 entire 9:19 10:3,6 10:22 Environmental 10:23 Essko 2:12 9:25 establishing 7:22 Evaluation 1:5 3:15 evidence 7:20,22 Excuse 11:8 exhibited 8:25 exhibits 8:24 expand 9:18 expertise 7:13 extend 9:6 10:6 extraordinary 9:9 9:21 extremely 7:14</p> <p>F</p> <p>F 14:1 Facility 1:5 3:8,14</p>	<p>fact 7:18 8:5,14 failed 7:21 far 9:3 favor 5:9 6:9,22 10:10 12:2 file 11:16 filed 11:25 final 7:2 10:19,23 findings 7:18 8:5 8:14 10:24 finds 7:20 10:25 first 7:4,25 12:10 Fish 2:5 3:25 5:21 folks 9:24 10:4 follows 8:2 10:21 foregoing 14:8 forward 13:3 forwarded 11:2 Fourth 1:21 full 7:11 further 12:6,19</p> <p>G</p> <p>G 3:4 Garlinghouse 1:20 14:6,12 GENERAL 2:11 going 5:12 11:9 gotten 12:25 government 2:7 4:9 governor 7:2,19 8:7 8:15 10:15,20 11:2,15,16,24,25 Great 3:11 Greg 2:9 4:15</p> <p>H</p> <p>hard 9:1 13:1 hearing 1:8 3:16 8:23 12:2 Hello 3:9 help 13:6 helpful 7:14 huge 12:24</p> <p>I</p>
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<p>identify 5:18 Impact 10:23 including 13:4 insight 7:13 intellect 9:1 interest 9:1 involved 8:23 12:22 involving 9:10 Irene 3:9,9 11:8,8 item 6:25 7:4</p> <hr/> <p>J</p> <p>J.A 1:6 Jaime 2:3 3:22 Joan 2:15 Joe 2:5 3:10 4:2 5:20 11:9</p> <hr/> <p>K</p> <p>Ken 2:8 4:11 Kidder 2:16 know 9:4 knowledge 14:9</p> <hr/> <p>L</p> <p>larger 10:2 Larry 2:9 4:17 law 7:18 8:6,14 lead 10:1 leadership 9:13,21 line 12:10,14,16 LLC 1:21 8:3 11:13 Local 2:7 4:9 location 7:23 long 8:22 lost 11:9</p> <hr/> <p>M</p> <p>Madam 5:17 8:1 11:5,11 12:15 Marcus 2:3 3:6,11 3:20 4:19 5:2,5,7 5:11,18,23 6:4,6 6:11,17,19,24 8:9 8:12,17,18 9:7,15 9:21 10:8,13</p>	<p>11:10,20,23 12:5 12:8,13,18 matter 8:2,15 9:8 9:14 11:6,12 meet 7:21 meeting 1:15 3:7 3:14 4:23,24 5:9 5:12,22 6:1,12,15 6:21 10:15 13:7,9 meetings 5:16 member 7:12 8:21 minutes 4:23,24 5:1,3,8,13,15,16 6:1,7,12,14,20 months 9:11,22 12:21 morning 5:14 6:1,7 Moss 2:4 4:8,8 5:2 6:5 8:11,17,18,19 motion 5:1,25 6:11 6:14,24 7:4,25 10:13,16 11:4,5 12:3,5 move 5:2,12 6:12 8:1,4 11:14 moved 5:7 6:3,6,16 6:19 8:12 11:23 moving 13:2 multiweek 8:23</p> <hr/> <p>N</p> <p>N 2:1 3:4 National 1:24 Natural 2:5 4:3 necessary 9:2 need 7:7 November 5:13,16 6:1,8,13,15,21 number 4:22 11:6</p> <hr/> <p>O</p> <p>O 3:4 o0o-- 3:3 October 4:25 5:3,9 office 9:25 13:4 Okay 3:12 4:22 5:7</p>	<p>5:11,23,25 6:6,19 11:10,23 12:17 Olympia 1:9,23 3:1 3:17 opportunity 7:5 Opposed 6:11,24 10:13 12:5 optional 2:7 4:9 order 3:7,13 7:2,18 7:19 8:6,14 9:16 10:2,9,10,11 11:18 oversaw 10:3</p> <hr/> <p>P</p> <p>P 2:1,1 3:4 p.m 1:11 3:2,15 13:10 pages 8:24 paralegals 13:5 part 9:10 participating 7:12 particularly 9:20 parties 10:4 11:17 12:1 passed 6:11,24 10:13 passing 3:9 patch 11:9 patience 8:25 Paulson 2:9 4:17,17 7:10,16 phone 2:5,5 3:10 4:2,5 please 3:18 point 12:25 13:5 Port 2:9 4:16 7:10 7:23 Posner 2:14 3:19 3:21,23,25 4:3,6,9 4:12,14,16,18 10:3 12:8,15,17 Potis 2:16 preponderance 7:22 present 4:15</p>	<p>presented 10:11 11:24 prior 4:23 proceed 7:3,19 8:6 8:15 proceeding 1:16 12:1,22 proceedings 11:17 process 7:12,15 8:23 9:2 10:3,6,25 11:19 production 10:1 professionalism 10:5 proposed 7:24 provide 7:5 provides 10:17 public 10:7</p> <hr/> <p>Q</p> <p>quite 9:5 quorum 4:18</p> <hr/> <p>R</p> <p>R 2:1 3:4 14:1 read 12:22 really 13:1 Realtime 1:21 recognize 9:24 10:4 recommendation 7:19 8:7,15 10:21 11:2 recommending 10:16 record 7:20 10:22 13:8 records 11:18 reflect 7:7 reject 11:3 rejection 10:17 remind 7:9 reminding 5:24 report 7:2 10:14,18 10:20 11:4,14,17 11:24 REPORTED 1:20</p>	<p>Reporter 14:7 Reporting 1:21 representative 7:10 required 9:13 11:19 Resources 2:5 4:4 right 3:6 roll 3:18 Room 1:8 3:17 Roselyn 2:3 Rossman 2:3 3:22 3:22 6:3,18</p> <hr/> <p>S</p> <p>S 2:1 3:4 Seattle 1:22,23 second 5:5,6 6:4,5 6:17,18 8:10,11 11:21,22 seconded 5:8 6:7 6:20 8:13 11:24 Seeing 4:22 6:14 Senate 1:8 3:16 serve 11:17 served 11:25 session 6:8 sessions 5:13 6:2 seven 13:5 Shafer 2:9 4:15,15 11:5,11 Shorthand 14:6 sic 3:16 Siemann 2:5 4:5,5 sign 7:7 site 1:5 3:8,14 10:24 11:1 siting 7:23 six 13:5 skill 14:9 Snodgrass 2:8 4:13 4:13 8:1 9:17,18 Sonia 2:15 10:1 sort 9:12 Southwest 1:7 special 1:15 3:7,13 Staff 2:13 11:16</p>
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Land Use Hearing

Tuusso Columbia Solar Project

December 12, 2017



206.287.9066 | 800.846.6989

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Page 1

WASHINGTON STATE
 ENERGY FACILITY SITE EVALUATION COUNCIL
 TUUSSO COLUMBIA SOLAR PROJECT
 Kittitas Valley Event Center Armory
 901 East 7th Avenue
 Ellensburg, Washington 98926
 Land Use Hearing
 December 12, 2017
 7:06 p.m.

DANI JEAN CRAVER
 CCR NO. 3352

Page 3

1 tonight. Again, my name is Cullen Stephenson. I'm
 2 the EFSEC council member representing the Department
 3 of Ecology. I'm presiding over tonight's land use
 4 hearing which is being held in accordance with RCW
 5 80.50.090 and WAC 463-26.

6 Tonight's hearing is being held at the
 7 Kittitas Valley Event Center Armory in Ellensburg,
 8 Washington. It's now 7:08 p.m. This meeting is an
 9 opportunity for you to provide testimony relative to
 10 the consistency and compliance with land use plans
 11 and zoning ordinances.

12 Notice of tonight's hearing was published in
 13 the Ellensburg Daily Record, the meeting time and
 14 location was also provided in a notice which was
 15 sent to the project mailing list, as well as being
 16 posted on the EFSEC website.

17 The purpose of the land use hearing is to
 18 determine whether at the time of application filing
 19 the proposed Columbia Solar Project was consistent
 20 and in compliance with Kittitas County land use
 21 plans and zoning ordinances.

22 Testimony provided tonight will help inform
 23 the EFSEC Council in developing a determination on
 24 land use consistency. Unlike the public
 25 informational meeting we just completed where

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1 MR. STEPHENSON: We want to give Bill
 2 Sherman, the counsel for the environment, just an
 3 opportunity to give everybody his contact
 4 information. He didn't have a chance to do that
 5 earlier so in case any of you wish to get in touch
 6 with him.

7 MR. SHERMAN: Thank you, Mr. Stephenson. So
 8 my name is Bill Sherman, I'm the counsel for the
 9 environment on this project. I'm the assistant
 10 attorney general with the Washington State Attorney
 11 General's Office.

12 If you want to get in touch with me, there
 13 are a couple ways you can do that. If you --
 14 literally if you Google "Counsel for the
 15 environment," with quotes around it, you'll come up
 16 with a web page that has my phone number and e-mail
 17 address.

18 Or if you want to write it down, my e-mail
 19 address is bill.sherman -- last name spelled
 20 S-h-e-r-m-a-n -- @atg -- like attorney general --
 21 .wa.gov. So feel free to contact me if there's
 22 anything you want me to consider and that's it.
 23 Thank you very much.

24 MR. STEPHENSON: Thank you.
 25 All right. Again, thank you for being here

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1 general comments on the project were received, this
 2 meeting is focused solely on land use, therefore,
 3 your testimony must be specific to land use issues
 4 with reference to appropriate county codes and
 5 zoning ordinances.

6 This evening we will hear first from the
 7 applicant and then Kittitas County if they wish to
 8 testify. Following that, we will hear from those of
 9 you who have signed up to speak.

10 Again, any written comments should be added
 11 to the list and can be brought up here to the table
 12 by the court reporter or given to EFSEC staff.

13 Am I getting this right?

14 MR. ROSSMAN: Yes.

15 MR. STEPHENSON: Thank you.

16 We are going to allow -- we'd like to keep
 17 this still to two minutes but we'll stretch to three
 18 if you're really good about your testimony. So we
 19 will stretch to three because we've had a lot of
 20 folks ask us for a little more time on this part of
 21 the testimony. I think we have 19 people signed up
 22 so this will take us hopefully just an hour. All
 23 right. Thank you.

24 Can we talk about the first five --

25 MS. POTIS: Yes.

1 (Pages 1 to 4)

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<p>1 MR. STEPHENSON: Excuse me. The proponent.</p> <p>2 MR. MCMAHAN: This has every opportunity to</p> <p>3 fly off of here because I speak with my hands, so if</p> <p>4 it's possible to take it, that'd be great. Thanks.</p> <p>5 Sorry to be disruptive already.</p> <p>6 Chairman — or Acting Chairman Stephenson and</p> <p>7 ad hoc Chairman Stephenson and council members, good</p> <p>8 evening. Thank you for the opportunity to be here.</p> <p>9 I am a fast talker and I'm going to try real</p> <p>10 hard not to do that tonight, and particularly,</p> <p>11 because we're going to try to — we're going to try</p> <p>12 to cover the applicant's application in 20 minutes</p> <p>13 or less. We're really, really going to try to do</p> <p>14 that tonight, so mine included. So we're going to</p> <p>15 buzz along as quickly as we can within reason.</p> <p>16 So a couple of preliminaries, I don't plan to</p> <p>17 talk about the moratorium and I don't plan to talk</p> <p>18 about the judge's order positioned a couple weeks</p> <p>19 ago, neither of them are material to these</p> <p>20 proceedings. I've shared information with staff and</p> <p>21 your legal counsel on that. If you would like me to</p> <p>22 address those topics, I'm happy to do so, but I'd</p> <p>23 rather just get to the heart of the matter here and</p> <p>24 talk about land use consistency.</p> <p>25 Another preliminary matter, if, for the</p>	<p>1 conditional use process links the projects and our</p> <p>2 analysis links with the compliance and consistency</p> <p>3 provisions in the code with objective standards,</p> <p>4 objective studies, and the work has been done by</p> <p>5 TUUSSOs to demonstrate compliance and consistency</p> <p>6 with local zoning and local Comprehensive Plans, as</p> <p>7 you heard earlier from Jason, that's a very</p> <p>8 significant amount of work that's been done here</p> <p>9 about that.</p> <p>10 I'm going to zero in several key criteria</p> <p>11 which if misapplied can render the overall condition</p> <p>12 use permitting process very subjective, and frankly,</p> <p>13 unlawful as a basis for decision, and my focus will</p> <p>14 be on several of these criteria, and again, I will</p> <p>15 let the legal memorandum and the record speak for</p> <p>16 itself.</p> <p>17 But to start by saying the Kittitas County</p> <p>18 Code, as you have heard from others, allows these</p> <p>19 facilities as a conditional use — as a conditional</p> <p>20 use subject to a conditional use permit.</p> <p>21 So first of my several points I want to make,</p> <p>22 and this relates to the county code provisions that</p> <p>23 are on page 3 of my memorandum, the provisions in</p> <p>24 the code, Kittitas County allows solar PV as a</p> <p>25 conditional use. Similarly, the county allows a</p>
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<p>1 record, we can make sure that Jason Evans'</p> <p>2 presentation is made a part of the land use record</p> <p>3 because it is an important introductory piece for</p> <p>4 that element of the process.</p> <p>5 MR. STEPHENSON: I'm sorry, sir.</p> <p>6 MR. MCMAHAN: Yes.</p> <p>7 MR. STEPHENSON: I don't think for the record</p> <p>8 we know who you are.</p> <p>9 MR. MCMAHAN: Sorry about that. Tim McMahan</p> <p>10 of Stoel Rives Law Firm, and I am very proud to be</p> <p>11 the legal counsel for the project. Sorry, my</p> <p>12 contact information is of record with the siting</p> <p>13 council.</p> <p>14 MR. STEPHENSON: Thank you.</p> <p>15 MR. MCMAHAN: So I'm going to speak, Greg</p> <p>16 Poremba and Evan Dulin from SWCA will then follow up</p> <p>17 and really get into the substantive issues dealing</p> <p>18 with land use compliance.</p> <p>19 And I submitted a hearing memorandum to you</p> <p>20 previously, you have that, so I again don't think</p> <p>21 that I need to go into great, great detail on that</p> <p>22 which is already made a part of the record.</p> <p>23 At page 2 of the memorandum I quote verbatim</p> <p>24 the Kittitas County Code's conditional use criteria</p> <p>25 which is applicable to these projects. And the</p>	<p>1 wide range of other rural land uses to enable</p> <p>2 diverse economic activities in rural areas, you've</p> <p>3 heard some of that. It's not — the rural areas in</p> <p>4 this county are not a farming sanctuary, they are</p> <p>5 not open space.</p> <p>6 And most importantly, the code allows and</p> <p>7 encourages a diversity of economic activities to</p> <p>8 discourage residential sprawl that is fundamental</p> <p>9 and it's a fundamental that stems from the Growth</p> <p>10 Management Act.</p> <p>11 Washington law expressly allows conditional</p> <p>12 uses under site-specific conditions, and the goal is</p> <p>13 to address localized impacts, the localized impacts</p> <p>14 based upon objective standards and criteria. They</p> <p>15 may not be based on subjective ad hoc rules.</p> <p>16 Permits must protect the landowner applicant from</p> <p>17 discrimination and bias and enable predictable</p> <p>18 investments.</p> <p>19 The code must and does, when properly</p> <p>20 applied, enable project specific, site-specific</p> <p>21 review linked to consideration of demonstrable</p> <p>22 proven impacts on how surrounding landowners make</p> <p>23 use of their lands and whether for some reason these</p> <p>24 projects would jeopardize the use of those lands,</p> <p>25 the ongoing use of those lands for farming, that's</p>

2 (Pages 5 to 8)

DRAFT - UNNAPPROVED MEETING MINUTES

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<p style="text-align: right;">Page 9</p> <p>1 the key.</p> <p>2 So criteria I want us to highlight, first of</p> <p>3 all, the code requires consideration of whether the</p> <p>4 use is essential or -- heavy on or -- desirable to</p> <p>5 the public's convenience, not detrimental or</p> <p>6 injurious to the public health, peace, or safety, or</p> <p>7 to the character or the surrounding neighborhood.</p> <p>8 That's a very broad code provision.</p> <p>9 So in essence -- in essence, the concern is</p> <p>10 that one can tumble to character of land uses and</p> <p>11 that this kind of a provision can override the need</p> <p>12 for predictable and criteria-based standards which</p> <p>13 is a matter of law.</p> <p>14 Now, as indicated by Jason, and you'll hear</p> <p>15 more about this, we have studied agricultural land</p> <p>16 use, surrounding agricultural land use, and the</p> <p>17 sites' agricultural land use. Wildlife, wetlands,</p> <p>18 visual impacts, glare, noise, re-vegetation,</p> <p>19 geology, so these sites, all of them have been</p> <p>20 studied on, criteria that is capable of being</p> <p>21 understood and evaluated objectively versus</p> <p>22 subjectively.</p> <p>23 So this Council has heard several and decided</p> <p>24 on several wind energy facilities where this Council</p> <p>25 has found need and necessity and essential value to</p>	<p style="text-align: right;">Page 11</p> <p>1 quote, economic opportunities for rural areas.</p> <p>2 That's what the code does. It encourages and</p> <p>3 ensconces a right to farm but it doesn't impose an</p> <p>4 obligation to farm every acre of land of</p> <p>5 agricultural activity.</p> <p>6 Third thing, third piece of the code that I</p> <p>7 want to talk about is this language preserving rural</p> <p>8 character as defined by the Growth Management Act,</p> <p>9 pages 17 through 21 in my brief, my legal</p> <p>10 memorandum. This is potentially the most subjective</p> <p>11 criteria but -- but it is wholly capable of</p> <p>12 objective application.</p> <p>13 And the Growth Management Act, which is the</p> <p>14 genesis of this language, did not intend to apply it</p> <p>15 as a means of arbitrating whether or not something</p> <p>16 is or is not subjectively consistent with rural</p> <p>17 character and should be denied because of individual</p> <p>18 views of that.</p> <p>19 The concept has no meaning separate and apart</p> <p>20 from the seven factors that are in RCW 36.70a.030</p> <p>21 which are set forth in my memorandum, pages 17</p> <p>22 through 18.</p> <p>23 So it is important to note rural character</p> <p>24 may not be applied as a proxy for varying subjective</p> <p>25 opinions concerning whether a particular project is</p>
<p style="text-align: right;">Page 10</p> <p>1 the public and to the state by the implementation of</p> <p>2 robust renewable energy development, those have been</p> <p>3 key findings in three facilities proven by the</p> <p>4 Council.</p> <p>5 So here we find our situation where we are in</p> <p>6 really an unprecedented effort by this project to</p> <p>7 evaluate the impacts of the project in a setting</p> <p>8 where, as you are well aware, having reviewed four</p> <p>9 years on an oil terminal, we are in the midst of a</p> <p>10 real struggle nationally and within the state to</p> <p>11 implement renewable energy.</p> <p>12 Recent developments are quoted in my</p> <p>13 memorandum, very significant recent developments</p> <p>14 that require and create additional markets for</p> <p>15 renewable power. And we are moving rapidly away</p> <p>16 from fossil-fuel generation, particularly with coal</p> <p>17 strip retirement that currently occupies 20 percent</p> <p>18 of Puget Sound Energy's portfolio.</p> <p>19 So consistency with the intent and goals of</p> <p>20 the policies. Consistent doesn't mean compliant,</p> <p>21 the code does not contemplate a prohibition of</p> <p>22 natural resource base non-farming uses, to the</p> <p>23 contrary, it explicitly allows them. It</p> <p>24 contemplates, quote, differing natural features,</p> <p>25 landscape types and land uses, and it ensures,</p>	<p style="text-align: right;">Page 12</p> <p>1 considered aesthetically pleasing to people in the</p> <p>2 neighborhood.</p> <p>3 Greg and Evan's presentations, along with</p> <p>4 Jason's earlier presentation this evening, will</p> <p>5 demonstrate and have demonstrated -- will</p> <p>6 demonstrate the depth of TUUSSO's work to prove that</p> <p>7 all five projects are wholly compatible with rural</p> <p>8 land uses, it will not impair surrounding land uses,</p> <p>9 they will not increase the cost of farming on</p> <p>10 surrounding land uses, they will in no way force any</p> <p>11 conversions to non-agricultural or farming land uses</p> <p>12 including residential land uses and sprawl. So we</p> <p>13 urge this Council to apply an objective,</p> <p>14 evidence-based consideration to these facilities.</p> <p>15 So these projects rely on all objective</p> <p>16 evaluations of impacts that are required by the</p> <p>17 siting council and its rules and that have been</p> <p>18 undertaken by TUUSSO. So rather than the EFSEC</p> <p>19 acting as arbiter of subjective opinions of rural</p> <p>20 character, we ask that you rely on your own rigorous</p> <p>21 standards and make an evidence-based decision that</p> <p>22 is objectively fair and reasonable under the</p> <p>23 criteria that are in the county code.</p> <p>24 With that, I'm going to turn it over to our</p> <p>25 experts to provide you the substantive information.</p>

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1 MR. STEPHENSON: Thank you.

2 MR. MCMAHAN: Thank you very much.

3 MR. POREMBA: Hello. My name is Greg

4 Poremba. I'm a senior energy project manager with
5 SWCA Environmental Consultants in Seattle. We
6 provided TUUSSO support in preparing the application
7 to the Council, as well as the SEPA checklist, doing
8 field studies, visual simulations, basically a lot
9 of the environmental work that you're going to see
10 summarized tonight.

11 For my presentation, I'd like to focus in on
12 land- use effects, all this will be very brief, but
13 it's all in the application, on agricultural
14 effects, visual aesthetic effects, and effects from
15 glare analyses.

16 So each of the sites, as you've probably seen
17 in the materials in the back.

18 MR. POSNER: Use the mic, Greg.

19 MR. POREMBA: Oh, sorry. All the sites, as
20 you can see, are 35 up to 55 acres. Their land use
21 is either designated in the Comprehensive Plan as
22 commercial agricultural or rural working, and the
23 zoning is either commercial agriculture or ag 20.

24 In the case -- as you can see from the
25 numbers up on the screen, they make up anywhere from

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1 .34 percent of the 68,000 acres used to grow crops.

2 So again, very minor portion of the county overall.

3 In addition, looking at potential impacts to
4 surrounding farming activities, Jason went through
5 some of this already on the setbacks, so depending
6 on the site design and locational factors that we
7 were -- we and TUUSSO were designing around, the
8 setbacks are generally anywhere from 20 to 60 feet,
9 none of the facilities on the site are greater than
10 eight feet tall, so you don't have to worry about
11 shadows coming off the solar panels or the
12 inverters, anything affecting nearby properties,
13 therefore, shouldn't affect any agricultural
14 activities on those properties, any crop
15 productivity, or anything else;

16 Jason talked about potentially growing native
17 vegetation or potentially some hay crops, and as
18 part of this proposal, there would be treatment for
19 weeds to minimize weeds and, therefore, minimize the
20 opportunity for them to go offsite and there by
21 agricultural properties.

22 And then looking at construction impacts,
23 since we don't want to effect any more than we have
24 to, any kind of tractor movements or product
25 movements to market, we were looking at the

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1 .01 percent to .02 percent of the land use
2 designated in the county under those categories, so
3 a very minor part of the land use zoning in the
4 county. On an individual basis, the four of the
5 five projects are active agricultural properties
6 either being used to grow hay or for grazing. The
7 Fumaria Solar Project site which is 35 acres is
8 currently a fallow agricultural land without
9 irrigation.

10 So altogether, the 232 acres of the five
11 sites combined includes roughly 145 acres of
12 commercial agricultural land, which is .05 percent
13 of all lands in the county under that designation,
14 and the 87.2 acres that are rural working lands is
15 .03 percent of the total lands under that
16 designation, so they make up a very minor portion of
17 zoning and land use under those categories.

18 Moving on to agriculture briefly. The U.S.
19 census -- or U.S. Department of Agriculture
20 agricultural census from 2012 indicated that there
21 are roughly 183,000 acres of farmlands in Kittitas
22 County, of that, the lands under the TUUSSO projects
23 would make up .13 percent of total farmlands. Of
24 the croplands only, so excluding for raising
25 livestock and for other purposes, it would comprise

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1 potential vehicle use on the roads surrounding the
2 sites.

3 On average, there would be six heavy trucks
4 per day to each site and 19 non-heavy vehicles per
5 day to each site, so a total of 25. And in most
6 cases, with the vehicle counts on the access roads,
7 the impact would be less than 5 percent just as far
8 as number of current vehicles using the roads, not
9 as far as the standards for what the roads can
10 handle.

11 In the case of the Fumaria site, the numbers
12 are a little higher, they're more around 12 to I
13 think 35 percent, but that's because Clarke Road and
14 Faust Road have such low traffic counts -- one of
15 them is 66 vehicles a day, one of them is 150 --
16 that a few vehicles amounts to a large percentage
17 even though it's still only a few vehicles, so we
18 don't anticipate that affects farm traffic, related
19 traffic.

20 And the projects are designed because of
21 their buffer distances to be away from the property
22 lines and so that there's no drainage off site --
23 excuse me, so any water that's generated on site,
24 used on site, will stay on site and not drain off.

25 So next I would like to talk about aesthetics

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1 from the projects, the visual impacts. We used the
2 U.S. Bureau of Land Management's Visual Resource
3 Management approach to conducting the visual
4 assessment and preparing the visual simulations.
5 This is a widely-accepted method in rural areas as
6 well as for energy projects, I've used it a lot on
7 energy projects.

8 It takes into account land form, vegetation,
9 bodies of water, and human-made structures in
10 defining the characteristics of the sites as well as
11 the contrast that the proposed solar projects would
12 have on those sites, the surrounding areas. So the
13 key here is contrast.

14 There's four categories of impacts, none,
15 where there wouldn't be a contrast; the next
16 category is weak, where it can be seen but it
17 wouldn't attract the visual eye, the eyes to that
18 area; and moderate, where it would begin to attract
19 the eye and dominate it; and then strong.

20 For all five projects, they only rise at most
21 on some cases to the moderate level. None of the
22 projects are evaluated as having a strong contrast,
23 and I'll show you some of those right now.

24 So just briefly, the BLM process requires
25 that you set up a radius to look at around each

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1 would introduce horizontal and vertical lines to
2 areas that were generally irregularly shaped, you
3 know, farm country, open fields, and so forth,
4 vegetation and other land forms, but that they
5 generally would not dominate the landscape because
6 of other linear features on sites like fences, other
7 transmission lines, metal buildings, and other
8 things like that. So you'll see it in some cases
9 but it doesn't always rise to, you know, one of
10 those strong contrast effects.

11 And then Jason's already talked about the
12 vegetation that would be planted to try to mitigate
13 and screen some of those effects.

14 One thing to note, and I'm going to talk
15 about this with glare, is most of these are within a
16 pretty flat valley from the flat view, and so we
17 understand that there are people living up on the
18 hills that can look down and see the panels from an
19 elevated view. It's -- some of the studies that
20 have been done on glare analysis for airports and by
21 the U.S. Air Force have shown that they tend to --
22 from a distance, up above they tend to look like
23 dark blue ponds, basically, because they're
24 absorbing most of the light, the panels are darker,
25 they're absorbing most of the light. So it's not

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1 project site. In this case we selected two miles
2 because beyond that was considered beyond background
3 levels, and we used some modeling to try to
4 determine whether the visual points would be best to
5 select. And in this case, we selected three key
6 observation points for each site so that we could do
7 visual simulations from that. And the key factors
8 in selecting those sites or at least some of them
9 were whether or not people were living or working
10 around the sites, travelers along the main
11 transportation routes, or recreational use.

12 We then sent somebody out in the field to
13 actually collect photos and make notes, fill out
14 forms, BLM forms, to do the analysis, and then we
15 created visual simulations using our GIS with all
16 that information.

17 This figure shows the viewpoints and it's
18 nice you can actually see them. They generally, as
19 you can see, are surrounding each of the sites. In
20 some cases, like in Typha, most of the viewpoints
21 were from the northwest and west, so you couldn't
22 really see it from the highway, I think it's because
23 of vegetation that was in the view.

24 So overall, we determined -- using these
25 methods we determined, that yes, the solar projects

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1 going to look like an industrial structure
2 necessarily when you get further away and higher up.

3 So here's some examples, and I'm only going
4 to show you the primarily ones where you would see
5 something. This is the Camas site and you can see
6 here that some of the contrast rise up to the
7 moderate level. And off to the right, so here, this
8 is on Interstate 82 looking north where the southern
9 boundary site and this is what the panels would look
10 like, this is mostly the framework there.

11 Go to the next. This is from the northeast
12 corner of the property on Tjossem Road, and you can
13 see the fence line there as well as the panels in
14 the background. This is a -- we also, as part of
15 the mitigation, as part of the simulations, we tried
16 to put in some of the screening that would be
17 planted to offset some of the impacts.

18 There will be a combination of trees and
19 shrubs and the species are to be determined yet, but
20 they will be up to 15 feet tall, and you don't want
21 everything to be 15 feet tall because then it will
22 make it look even more artificial, you want to mix
23 them up. And once these fill more, they'll even --
24 this is first-year planting example, so once they've
25 had a couple years to grow and they'll screen even

5 (Pages 17 to 20)

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1 more this side.

2 This bottom one is from the northwest on
3 Tjossem Road across the freeway looking over. So
4 you're at an elevated height which gives you an
5 example of -- I think that's maybe 20 feet up, so
6 gives you an example of what you could see from a
7 slightly elevated level.

8 Next we've got the Penstemon site which is
9 east of Camas, and we only have one here that we're
10 using because KOP 1, again, has some moderate
11 contrast potential. So you've got an example of the
12 fence line, it's about a 6- to 8-foot height fence
13 with barbed wire on it. Behind here are examples of
14 the solar panels, the solar rays, and again, this is
15 a first-year planting example with shrubs and trees
16 in there.

17 On the Urtica site, there are three sites
18 that have up to moderate contrast, but as you can
19 see, it's much further in the background, so the
20 first two KOP 1, KOP 2 are from Umtanum Road and KOP
21 3 is from Blunt Road, I believe, so you can see here
22 it basically goes from the road, if you can follow
23 the arrow all the way across, and it's very much in
24 the background there.

25 Looking at the second one, again, you can see

1 25 percent.

2 As I said before, the Air Force has done a
3 study of solar panels to determine their impacts on
4 airports and planes flying in and out of the
5 airports. Their summary of the panels was that they
6 pose a minimal risk to air traffic around airports
7 and that they would look like weathered white
8 concrete.

9 And as you know, some airports have concrete
10 runways so it would look -- reflection wouldn't be
11 any more than they would see landing the plane. And
12 again, from a distance and elevated views, they've
13 determined that they would look substantially like
14 dark water bodies.

15 We did modeling from each of the 15
16 observation points that we did for aesthetics using
17 the Solar Glare Hazard Analysis tool, it's
18 relatively new, and it was developed by Sandia
19 National Labs, it's publicly available. It was
20 licensed to a private firm just this year, and
21 they've done some modifications but this is one of
22 the tools being used often out across the United
23 States for doing solar analyses.

24 What I would like to point out here is what's
25 important, the numbers can get baffling, they were

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1 it crosses the landscape in the back but it's
2 difficult to see, so it's kind of an odd thing to be
3 showing you things that are difficult to see, but
4 that's the whole point is you don't want to be able
5 to see it necessarily. And here's another example
6 in between the barn and over in this tree line where
7 it's in the background.

8 So the other two sites, Fumaria and Typha had
9 either no impacts or no contrast levels of any kind,
10 mainly because of how far away the key observation
11 points were from roads that were being used or from
12 other properties or just wasn't visible.

13 And finally, on the light and glare analysis,
14 the solar panels are designed to absorb light, not
15 reflect it. The more light they absorb, the more
16 efficient they are, the more electricity they
17 generate. So some people think of these as being
18 highly reflective, and that actually kind of defeats
19 the purpose of them in many ways to do that.

20 So an example -- a comparison example is the
21 panels generally will absorb two-thirds of the light
22 and reflect up to one-third of the light that shines
23 on them. For example -- and for comparison, dry
24 sand will reflect 45 percent of the light. Grass
25 and trees will reflect anywhere from 10 to

1 to me. And so I want to give to you is a takeaway
2 that the lower you are on this scale, the closer you
3 are to the bottom, the less light that was reflected
4 and the less afterimage you'll get, because one of
5 the things they look at is are you going to be
6 blinded for a while, just like when you're driving
7 through the sunlight in your car.

8 So the lower you are on this, the less
9 reflection there is and the less -- shorter the time
10 you're likely to have any visual effects.

11 This dot in the upper right is if you look at
12 the sun for comparison. So you want to be in the
13 yellow and green potential, and you want to stay out
14 of the red, okay?

15 So using this method, what we found out is
16 for the Camas site, the second and third key
17 observations points you would have acceptable green
18 and yellow potential, so it's well within the
19 recommendations. The Fumaria site would have no
20 glare at the KOPs. The Penstemon site would have
21 acceptable yellow potential at sites 1 and 2.

22 Similarly to Fumaria, the Typha site would
23 not have any glare effects. And all three KOPs for
24 Urtica would have green or yellow potential, so it's
25 all well within and below levels that are normally

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considered a concern. That's my presentation.

Next, I would like to have Evan Dulin, one of our biologists, provide you a summary about some of the potential biological effects. Thank you.

MR. STEPHENSON: And let's keep moving along because we're a little over our 20 minutes, so let's keep pushing forward. We have a lot of public testimony to come.

MR. DULIN: Thank you. As I've been introduced, I'm Evan Dulin. I work for SWCA Wetland Consultants as a wetland scientist and biologist.

And I'm going to briefly – go as briefly as I can, go over wetlands and wildlife impacts and mitigation measures for this project.

And what we did in the beginning was took a look at two scales of impact, one is the Landscape-scale Analysis Area on the left, this is at a sub-watershed level, includes the sites and basically goes up to a natural ridge defining the Kittitas Valley.

And on the Project-scale Analysis Areas which are shown on the right, these are for each individual project sites and it's all areas that are within 500 meters of the sites. And the reason we looked at these two scales was to look at an overall

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Typha site entrance. This would result in less than 1,000 square feet of wetland fill, it's about 600 square feet, as Jason said earlier, and this is just to address a collapsed and clogged culvert that is allowing for flooding of that road.

They're going to fix that using geotextiles and other road-building material to allow for year-round access to that site. On all other sites, impacts to wetlands were avoided and buffered to avoid those impacts.

Here is a specific close up of the Typha entrance, and we have a joined aquatic resource permit that has been completed and will be submitted to EFSEC.

Now, for wildlife impacts, it is considered a temporary habitat conversion, as Jason mentioned, at the end of its lease it can go back to its current habitat function if the landowners decide to do that. Overall, the total project area is 232 acres. The total area to be fenced is 223 acres, and of that active agriculture only includes about 138 acres, the rest of it is either fallow or it's currently being grazed.

As well as the operational impacts to this habitat really only includes impervious surfaces,

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habitat availability for wildlife and also look at what is in the immediate vicinity of the project that could be affected by the projects.

And what we found in the Project-scale Analysis Area is it's dominated by active agricultural. It also includes fallow fields, recently grazed areas, and natural vegetation. Primarily the natural vegetation was along riparian, wetland, and open-water areas, as well as some native shrubsteppe areas that were nearby.

And on the Landscape-scale Analysis Area, just to put in this perspective, the project areas which, as we said, are about 232 acres encompass less than 1 percent of the Landscape Area Analysis. And this is also dominated by agricultural production as well as other land uses.

The water impacts, this is something Jason touched on briefly. We are avoiding all water impacts on the site through project design. Any access roads or internal access roads will be located along uplands and existing roads and bridges, so there's no additional work or impacts to those resources.

And for wetlands, Jason also mentioned we have one proposed wetland impact and that is on the

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which is less than 12 acres for the overall project, and these proposed impervious surfaces on six acres of that is about half is agricultural land.

Now, these fences could pose wildlife impacts, the only major impact that we were able to find was to game species that could be traversing the Kittitas Valley. These sites are not within identified big game migratory corridors or migratory fly-aways, and overall, fencing of these properties would have a less than 1 percent impact on the landscape analysis area of available habitat.

And shifting to protected species, here's a table of all the species that have the potential to occur in this area that are either state listed or federally protected. As you can see here, only two species had a high likelihood to occur in the project areas or near the project areas, and those included bald eagles and Columbia spotted frogs.

As you can see, all fish species had no likelihood of occurring within the Project-scale Analysis Area, this was because we avoided any stream that could potentially have those species in them.

And just taking a look at these two species that have a high likelihood, Columbia spotted frog

7 (Pages 25 to 28)

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1 is a Washington State candidate species. It is
2 known to occur at the Typha site, the Camas, and the
3 Penstemon site. I have a picture here of one of
4 those egg masses at the Typha site.

5 However, all impacts to the species would be
6 avoided based on the setback distances from the
7 aquatic resources and based on where they're located
8 as well as the BMPs and construction measures that
9 we will undertake to avoid contamination or
10 sedimentation into those resources.

11 And for bald and golden eagles, they're
12 protected by the Bald and Golden Eagle Protection
13 Act, as well as the Migratory Bird Treaty Act, and
14 they're also a federal species of concern.

15 We did observe some individual eagles either
16 on flyovers or stopping in areas. There were no
17 nests identified within any -- within the
18 Project-scale Area, near any of the sites, or within
19 those sites. However, to avoid any potential
20 impacts, nesting surveys will be conducted closer to
21 the construction period in coordination with WDFW
22 and potentially U.S. Fish and Wildlife Service, if
23 necessary, will be done at that point.

24 Now, mitigation measures regarding the
25 wetland and waters impact, these are very minimal.

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1 as well as other mitigating measures that we will
2 conduct such as the BMPs, design and construction
3 techniques, erosion and sediment control, as well as
4 the restoration and noxious weed control mentioned
5 earlier for wetlands. These will all have
6 mitigation factors to help wildlife.

7 Overall conclusions, the project is not
8 proposing to impact waters or wetlands, except for
9 the one wetland fill at the Typha entrance. No
10 significant impacts to wildlife and their available
11 habitat was found for this project, and no
12 significant impacts to protected species either.

13 So with that, I'll hand it back to Tim real
14 quick.

15 MR. STEPHENSON: Thank you. I think Tim is
16 done. I saw him waive. Thanks, Tim.

17 Does Kittitas County wish to testify on this
18 matter?

19 MR. JEWELL: Yes.

20 MR. STEPHENSON: Thank you.

21 Can you please identify yourself for the
22 record and then give your testimony? Thanks for
23 being here.

24 MR. JEWELL: Well, thank you. My name is
25 Paul Jewell. I'm a Kittitas County Commissioner and

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1 Most of it was conducted at project scoping to avoid
2 and minimize impacts. As stated earlier, existing
3 roads will be used when all possible and best
4 management practices would be utilized to eliminate
5 runoff and contaminants.

6 In addition, Jason mentioned earlier that
7 there would be seeding and planting at all of the
8 sites and this could provide and add benefit to
9 those areas including seeding at Typha and Urtica
10 sites for wetlands which would improve the water
11 quality at those sites, as well as the herbicide
12 treatments to control noxious weeds on the site and
13 to control the spread of noxious weeds to adjacent
14 sites.

15 As far as wildlife mitigation measures go,
16 buffers and seasonal timing are the main way to
17 avoid impacts. These are going to be completed by
18 establishing buffers on known resources. Currently
19 there aren't any. We are also buffering riparian
20 corridors and will be improving the quality of those
21 riparian corridors. An ongoing consultation with
22 WDFW will occur to ensure that we continue to comply
23 with that.

24 Noise standards were already gone over, we
25 will comply with state and local noise standards and

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1 Chairman of the Board of County Commissioners for
2 Kittitas. I'm speaking to you on behalf of the
3 Board.

4 You just looked like you were going to do
5 something there so...

6 MR. STEPHENSON: I'm doing lots of things but
7 not to you.

8 MR. JEWELL: Okay. All right. Unlike
9 Mr. McMahan, I do plan to talk specifically about
10 the moratorium and the judge's recent decision. In
11 fact, I have three points for your consideration
12 this evening.

13 My first point is regarding the applicant's
14 request for expedited review. It's Kittitas
15 County's position that this application does not
16 meet the statutory requirements necessary to qualify
17 for expedited review for that 180-day process.

18 RCW 80.50.075 regarding expediting processing
19 of application states in part that the Council may
20 grant an applicant expedited processing for
21 certification upon the finding that the project is
22 found under RCW 80.50.09(2), to be consistent and in
23 compliance with the city, county, or regional land
24 use plans or zoning ordinances.

25 Kittitas County enacted a six-month

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1 moratorium on all new applications for solar
2 developments in unincorporated areas of the county
3 on March 31st of this year. This ordinance is
4 2017-002, and I have a copy for you.

5 The moratorium was then extended through
6 ordinance 2017-004 on July 18th for an additional
7 six months. At the time that this application was
8 submitted, which was October 16th of this year, the
9 moratorium on all new applications was and remains
10 in effect.

11 The moratorium was and is the local land use
12 plan and zoning ordinance in effect. Therefore,
13 it's not possible for the Council to make a finding
14 that the application is consistent and compliant
15 with county regulations as required by law. The
16 request for expediting processing must be denied in
17 our opinion.

18 The second item I have for your consideration
19 is the recent superior case or superior court
20 decision, excuse me, in the case of One Energy
21 Development, LLC, and Iron Horse Solar, LLC, vs.
22 Kittitas County and various others. This case was
23 about the county's denial of a conditional use
24 permit for a 47.5 solar photovoltaic project on
25 high-quality irrigated land in our county.

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1 The permit was denied by the Board on the
2 basis that the proposed land use, a large-scale
3 industrial facility, which was presented at the time
4 as the largest energy-producing solar facility in
5 Washington state, was not compatible with the rural
6 character of the area.

7 In its decision, the court found that the
8 county has substantial discretion in determining the
9 facility's effect on character of the surrounding
10 neighborhood and whether it met standards
11 established in our development regulations and in
12 our Comprehensive Plan.

13 In this case, an application very similar to
14 this one that's before you today was found -- it was
15 found that the proposed facility did not meet our
16 requirements for maintaining rural character and the
17 permit was denied. I also have a copy of that case
18 for the record.

19 My third and final point for your
20 consideration is the county's value statement
21 regarding the site -- the siting of solar
22 photovoltaic projects in rural areas. This value
23 statement was considered and proved by the Board of
24 County Commissioners in Resolution 2017-192. I also
25 have a copy of that.

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1 It was developed from a recommendation by the
2 county's Solar Facilities Siting Citizen Advisory
3 Committee which was formed and is working hard to
4 develop local regulations as a recommendation for --
5 county regulations for siting these facilities in
6 rural areas.

7 The committee has not yet completed its work,
8 I think that was stated earlier. We hope it will
9 soon, but it has agreed on some key principals that
10 I present to you this evening.

11 Those principals are, one, high-quality
12 agricultural land in Kittitas County is a limited
13 resource and should be protected. Two, commercial
14 solar facilities may be allowed on high-quality
15 irrigated land but only subject to the highest level
16 of review and scrutiny and with the requirement for
17 an alternative analysis that considers whether the
18 proposed use can be reasonably accommodated on lands
19 other than high-quality irrigated agricultural land.

20 Three, reasonable and economically viable
21 alternatives do exist in Kittitas County for
22 commercial solar facilities on lands other than
23 high-quality irrigated agricultural land. And
24 finally, four, conditions should be required for
25 commercial solar facilities to mitigate impacts to

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1 surrounding properties.

2 Thank you for the opportunity. That's all I
3 have. With that, I'll conclude my testimony and
4 I'll submit these documents to the court reporter.

5 MR. STEPHENSON: Thank you. Is that her or
6 -- where is it?

7 MS. MASTRO: Here.

8 MR STEPHENSON: Always listen to Tammy when
9 you're wondering.

10 All right. Are there other folks from
11 Kittitas County that wish to testify on this?

12 And hearing none, what I would propose is a
13 very quick -- it's now five minutes to 8, let's take
14 a five- minute break and then we'll start the public
15 testimony on the land use hearing. Thank you.

16 (A short recess was had.)

17 MR. STEPHENSON: So can you call out the
18 first five names?

19 MS. POTIS: Yes, if Speakers 1 through 5
20 would like to come and sit in the front, that will
21 help move things along faster. So Speakers 1
22 through 5, come and sit in these front rows, they're
23 meant for you.

24 And we're ready for Speaker No. 1, Dave
25 Nerpel.

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1 MR. NERPEL: Good evening. I appreciate the
2 chance to chat with you here tonight. It's an
3 important topic to us in Kittitas County.

4 My name is Dave Nerpel, I'm a local farmer
5 and agricultural consultant. I've got projects here
6 locally as well as nationally and internationally.
7 And I'm also a member of the Solar Facility
8 Committee so I'm definitely not speaking for them,
9 I'm speaking for myself.

10 I want to talk about the value of
11 agricultural products grown in the valley.
12 Currently, that valley runs at about \$70 million and
13 with the multipliers that have been given to us by
14 WSU, that 70 million turns into 154 million
15 annually. It's a pretty substantial production.

16 In recent years, the county has also produced
17 in addition to Timothy hay, vegetables, sweet corn,
18 peas, durum wheat, a number of other crops, it's a
19 very high quality -- fresh potatoes and chipper
20 potatoes. A large amount of the produce from
21 Kittitas county is in that production.

22 Based on proximity to Western Washington and
23 consistent with national trends, we would expect
24 that vegetable production comes back into this
25 county. Our county has roughly 60,000 acres of

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1 irrigated ground compared to 1.5 million acres
2 non-irrigated.

3 Our agricultural production is all on that
4 60,000 acres. So 60 thousand compared to
5 1.5 million, that's 4 percent. And we wonder why we
6 would want to take away from that 4 percent when we
7 have plenty of ground outside of that irrigated
8 ground that is very viable for agricultural
9 production.

10 Also, we have a 145-year history of
11 investment in this process, and a lot of that money
12 has been public money. Solar Committee has seen a
13 lot of good input from a lot of different places,
14 and I see my time is getting short, but I want to
15 mention particularly DNA has come to talk to us, and
16 they have given us maps, I've presented them here
17 with my written testimony, of areas that are
18 available and that fit the industry standards for
19 solar facilities.

20 Okay. So just to summarize, people don't eat
21 hay, so at some times people kind of write that off
22 as expendable. Our valley can also produce a lot of
23 high-value crops, and so I think we need to
24 preserve those as much as possible.

25 Locating large industrial solar facilities on

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1 prime farm ground is short-sighted.

2 MR. STEPHENSON: Just about there.

3 MR. NERPEL: Thank you.

4 MS. POTIS: Thank you. Speaker No. 2, Jeff
5 Brunson.

6 MR. BRUNSON: My name is Jeff Brunson. I
7 reside at 1585 Tjossem Road, Ellensburg, Washington.
8 I represent myself and my wife, Jackie. We were
9 both born and raised in Kittitas County and I thank
10 you for the opportunity to speak.

11 The solar facilities proposed on our property
12 will not only provide clean energy to this community
13 but also provide financial diversification for my
14 farming practices.

15 The farming community never knows when we'll
16 experience a drought year, when product prices may
17 plunge, or when other unforeseen circumstances may
18 happen. Having an alternative income source makes
19 sense for my farming practices and for this
20 community's energy needs.

21 The Daily Record published a guest column on
22 December 2, 2017, which states one acre of Timothy
23 hay production is worth \$1,875. Farmers do not
24 typically disclose the value of their crops, and I'm
25 one of those farms, but I can tell you \$1,875 per

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1 acre is not even close to the average value, and
2 that figure is unrealistically high price for
3 Timothy hay.

4 In addition, it should be noted that Timothy
5 hay has to be replanted every three to five years
6 for the rotation crop that typically has less value.
7 The dollar values published by the Daily Record are
8 flawed.

9 Apparently, people are concerned about my
10 water rights and I appreciate that. However, I have
11 confirmed that I will not lose any water rights from
12 Town Ditch or Bull Ditch. Their project will
13 require water for vegetation so there'll be no issue
14 with water rights.

15 As stated, I farm for a living and I do not
16 owe anybody a view. I do not farm or grow crops for
17 the pleasure of my neighbors. My wife and I run our
18 farming operation as a business, not a family farm.
19 The decision to sign agreements for the Camas and
20 the Penstemon solar facilities with TUUSSO Energy is
21 a business decision.

22 Jason Evans and his company have been
23 professional and have been a pleasure doing business
24 with them. Jason volunteered to include a
25 vegetation buffer for neighboring property owners

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1 showing his dedication to the project and
2 willingness to work with neighbors to help mitigate
3 any perceived conflicts.

4 These projects will not change the
5 surrounding land uses, and I can't see how it will
6 impact anybody's property values, including our own
7 farm ground that's close to these facilities.

8 Coincidentally, another part of our farm was
9 chosen by Kittitas County as one of the top three
10 locations for a transfer station. We find it ironic
11 that the county would be willing to build a garbage
12 dump on prime ag 20 land but not allow a clean and
13 beneficial solar facility on the same site.

14 One last comment, our property met the
15 criteria of TUUSSO Energy for their facilities and
16 Jason came to us regarding the solar facility. We
17 look forward to renewable energy and feel these
18 projects have been well planned out and warranted.
19 Thank you.

20 MR. STEPHENSON: Thank you.

21 MS. POTIS: Speaker No. 3, Jay Pittenger.

22 MR. PITTENGER: Yeah, I'm Jay Pittenger, 2130
23 Clarke Road. And my wife, Lori, and I together own
24 the Fumaria site. My family's been ranching in
25 Kittitas Valley since the early '60s.

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1 And up until 2007, we were mostly in cattle.
2 My dad became ill, and when he became ill we had to
3 get out of the cattle business and sold all of our
4 cattle. As my dad's illness progressed, my wife and
5 I purchased the property in 2011.

6 And we have -- most of our property is about
7 380 acres in land lease -- ground leases for hay
8 production, which has been wonderful. We've got
9 some great neighbors who operate that.

10 The reality and economics on that are that,
11 you know, the income from that covers taxes, it
12 covers insurance, it covers water, and that's really
13 about it. There's no net income off the property.

14 And we talked about the land use and great
15 presentations and just wonderful comments from both
16 sides so far. It's been really, really informative.

17 I think there's a fundamental truth to all of
18 this, that for landowners in the -- call them large
19 to middle span landowners that are struggling in
20 terms of the ability to operate that themselves,
21 create the business, and deliver the agricultural
22 services, development at some level has to be
23 accommodated, otherwise the overall agricultural
24 character that we keep talking about is going to go
25 away entirely.

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1 Because consolidation is just going to create
2 a reality where the ability for midsized landowners
3 won't exist. When that happens, you have just giant
4 owners, and ultimately, you have what you don't want
5 in terms of development.

6 For us, proceeding with the land and the
7 allowed for this development allows us to keep the
8 rest of our property in agriculture, and it keeps us
9 from being motivated to pursue developing and
10 subdividing that property, and that's just a fact
11 for us.

12 And I just, you know, would like to comment a
13 couple of things. I attended the moratorium
14 hearings, and I've actually been really impressed
15 with the county and how they've approached things.
16 I personally have no heartburn.

17 I'm also very impressed with the TUUSSO folks
18 and how they've approached things very thoughtfully,
19 very professionally, very transparently. And I'm
20 pretty convinced that that will continue on their
21 half if everything moves forward.

22 We spent a lot of time with Jason, years, you
23 know, we didn't rush into this, and so I feel like
24 I've got a pretty good perspective on him and his
25 firm and I think they'll do a good job on these

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1 projects. Thanks.

2 MR. STEPHENSON: Thank you.

3 MS. POTIS: Speaker 4, Karen Poulsen.

4 MS. POULSEN: Thank you for letting me
5 testify tonight. My name is Karen Poulsen, 3591
6 Tjossem Road, Ellensburg, Washington. I'm a
7 full-time farmer, as I said earlier in my prior
8 presentation, and a fifth generation in this valley
9 -- farming family from this valley.

10 As background, I'm a graduate of WSU, I have
11 a bachelor's of science and agriculture and have
12 served on the Washington State Farm Bureau Board of
13 Directors of Kittitas County, as Kittitas County
14 Farm Bureau President, Board of the Kittitas County
15 Hay Growers, and the County Noxious Weed Board, and
16 I've also served on the Kittitas County Planning
17 Commission and the Board of Adjustment.

18 MR. STEPHENSON: Perhaps a little slower.
19 Thank you.

20 MS. POULSEN: Okay. I'm trying to keep in my
21 three-minute time limit.

22 MR. STEPHENSON: I know.

23 MS. POULSEN: I would first like to speak to
24 the expedited review process. TUUSSO Energy is
25 requesting EFSEC to use the expedited process for

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1 review of the ACS.

2 I don't think that the project is eligible
3 for this process under WAC 463-43-030 Eligible
4 Proposals. For EFSEC to even consider using the
5 expedited process, the Council must find that the
6 following four items are not significant enough to
7 warrant a full review under the provisions of
8 Chapter 80.50 RCW.

9 One, the environmental impact is not
10 significant; two, the area potentially affected is
11 not significant; three, the cost and magnitude of
12 the energy facility is not significant; and number
13 four, the degree to which the proposed energy
14 facility represents a change of use of the proposed
15 site -- change the plan use of the proposed site is
16 not significant.

17 And I do not think -- these projects are not
18 small-scale rooftop projects. They are
19 industrial-sized energy projects changing the use of
20 hundreds of acres of prime irrigated farmland to a
21 completely nonagricultural use, and therefore,
22 certainly do not comply with the fourth requirement.

23 Two, the conversion of prime farmland to
24 nonagricultural uses under WAC 463-43- -- anyway,
25 all of the project sites are a zoned commercial ag

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1 Kittitas County Solar Advisory Committee.

2 I'm personally supportive of solar. I've got
3 30 solar panels on my house. I've got written
4 testimony that covers way more detail than I'm going
5 to deal with -- deal with here. So I'm just going
6 to hit a couple of high points and maybe not use all
7 my time.

8 I guess this is -- this falls with what Paul
9 Jewell shared earlier. If you follow your own
10 rules, you really can't use the expedited process to
11 put industrial solar on farmland.

12 Well, the county does not have detailed
13 siting guidelines, that's a work in progress. They
14 do have policy that guides alternative energy and
15 it's a conditional use process that you heard about.
16 But that conditional use process, the requirements
17 to meet the conditional use, that process is
18 favorable to agricultural.

19 So I guess this brings up a question to me in
20 why TUUSSO would have chosen prime farmland as
21 opposed to nonag land, there wouldn't have been near
22 the resistance or the controversy and this whole
23 project may actually be underway.

24 I guess another point is I don't see how you
25 can lump these five projects together. They are

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1 and both zones an area where farming and ranching
2 are priority. The intent of this zoning
3 classification preserve fertile farmland from
4 encroachment of nonagricultural uses.

5 And all the project sites are also classified
6 as open space farm agricultural land under the Open
7 Space Act. And three, growth management requires
8 that we adopt and develop regulations to prevent
9 conversion of agricultural, forest, and mineral
10 resource lands to other uses.

11 Rural character, both GMA and Kittitas
12 County's Comp Plan define what rural character
13 means. And I'll leave the rest with you so that you
14 can read it. Thank you very much.

15 MR. STEPHENSON: Thank you. Do please leave
16 your written comments over here with Tammy and we
17 will review those.

18 And can we get the next five maybe?

19 MS. POTIS: Yeah. Speaker 5. And would
20 Speakers 6 through 10 please come and sit at the
21 front? Thank you.

22 MR. CARKENER: Good evening, members of the
23 Energy Siting Council. My name is Dick Carkener.
24 I'm a retired WSU agricultural economist and I've
25 also farmed over 30 years, and I serve on the

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1 different. There's different environmental,
2 cultural, other issues surrounding these sites,
3 they're different, and I can't see how a
4 professional planning department, for example, would
5 lump these together. And I've had experience as a
6 planning commissioner and I haven't seen anything --
7 I haven't seen anything like this.

8 And as you look ahead, there's dozens of
9 these projects in the queue. How are you going to
10 deal with them? Are you going to lump them all as
11 one and deal with it or what kind of criteria are
12 you going to use? They have to be adjacent, can
13 they -- they have to be in the same county? I think
14 you need to do a little homework on that part of the
15 process.

16 I guess I'd like to point out again I'm
17 absolutely not opposed to solar nor do I think our
18 community is. Solar alternative energy is where we
19 need to go. It just doesn't make sense to destroy a
20 productive resource, in this case, irrigated
21 farmland when we have literally thousands of acres
22 that meet solar siting requirements.

23 I urge you to let our process work. We'll
24 soon have siting requirements in a matter of a few
25 months, I would expect, I'm on the committee, and

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these projects can be built and we can move forward.
Thank you.

MR. STEPHENSON: Thank you.

MS. POTIS: Speaker No. 6, Doug Dicken.

MR. DICKEN: My name is Doug Dicken. I live off the Thorp Highway near the golf course. I've lived part time and full time in this county for over 25 years. I've been a property owner for over 25 years, and I've worked with Jason Evans on this energy project for a little over a year. I've found him to be extremely diligent and cover all the bases and easy to work with.

It's my understanding when we got into this that the state had voted a number of years ago to encourage green energy and that the utility companies were required to generate a certain amount of green energy for their consumer base.

Also, under my understanding, this was quite a few years ago, the county went through the process and decided that ag 20 and some of these other areas were-- I don't know what the right word is, I guess, available for alternative energy.

This project makes all kinds of sense to me. It's absolutely clean, the properties that have been selected for the most part are ones where there's

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couple of years, the Annual Economic Outlook Conference, and the last two years have been on hay and potatoes this year, and it was on the fruit industry last year.

And you can't help but to sit through those talks and see the great benefits that we have through prime irrigated land being developed through this valley over the last century.

There's significant state and federal money that's been invested in making these lands available, and I would urge the committee to weigh these things closely. When you look at standard practices up and down the west coast, you'll find that Oregon is moving its land use policies very quickly to under 12 acres.

And if you go to down to California, Santa Clara is moving to 10 acres of prime irrigated land, that's all they will allow, not, in this case, 20 fold that size amount, as the TUUSSO request has been to have 240 released from prime irrigation into service for the solar complex.

So really, what's at stake is that we've got a big investment. I don't see the economic projections really being done and I think in a round solid way in terms of understanding the net

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virtually no impact on the environment.

In my case, my farmland isn't really -- it's never been hay land, it's pasture, it's not really good farmland. But I do have water rights and I graze it. I mean, I rent it out for pasture.

I think one other thing I haven't heard anybody talk about today is that all these water rights can be sold to somebody down the river. I've personally had more than two calls from people wanting to buy water rights from down in the wine-growing country, and I know a lot of pieces -- pieces of property around here where the water has been sold.

So I think a lot of this we're getting real emotional about it but we need green development, we need to be able to develop our own property the way we want to as long as it fits within the county guidelines which this does. The end I guess. Thank you.

MR. STEPHENSON: Thank you.

MR. POTIS: Speaker No. 7, Mark Pritchard.

MR. PRITCHARD: Thanks for holding the hearing today. My name is Mark Pritchard. I'm a professor up in the Central Washington College of Business where I regularly chair, for the last

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contribution to this. If you really start to weigh out some of the costs that we might incur through doing this, it can be significant.

If you look at the last EFSEC approval that took place on the north end of town, you'll find that you got farmers that had, in some cases, 300 acres, they had their properties valued and listed at 3 million for those 300 acres, and they're worth 1.5 million today.

There are significant costs, we need to weigh these things carefully. An expedited process will not allow that to occur. Thank you.

MR. STEPHENSON: Thank you. This speaker reminds me that this part of the hearing tonight is about land- use consistency, so please try to keep your comments focused on land use issues.

MS. POTIS: Speaker No. 8, Kathi Pritchard.

MS. PRITCHARD: Hello, again. I will be brief. I have been studying this issue for just about three weeks, and I concur with those -- the work that the solar committee is doing and the comments of Commissioner Paul Jewell, and I would urge you to consider also Karen Poulsen's comments because of her experience in land use and farming for the last decades. Thank you very much.

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1 MR. STEPHENSON: Thank you. And you get lots
2 of bonus points for such a brief presentation.

3 MS. POTIS: Speaker No. 9, Jim Joyner.

4 MR. JOYNER: Yes, my name is Jim Joyner. I
5 live at 4511 No. 6 Road. I am an adjoining property
6 owner to the Camas project.

7 And I'd just like to point out, well, I think
8 a slight error that was presented on the visual
9 earlier by the gentleman that was showing the views
10 from the various corners of the project.

11 Back when I first became aware of this
12 project, and it was after several hearings in the
13 valley, honestly, the project did not include the
14 area south of Tjossem Road and lying north of the
15 Naneum Creek and east of the Bull Ditch. That would
16 have been maybe somewhat acceptable visually to some
17 of us.

18 There's five landowners that directly border
19 this project to the east and to the south, and we
20 are extremely concerned about the visibility, the
21 reflectivity, the noise, and everything involved in
22 that particular site. It wouldn't be such an impact
23 on us if that approximately five acres was excluded
24 from the site boundaries as it was originally
25 proposed.

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1 facilities, so I do think that a haste to judgment
2 is the wrong approach. Thank you.

3 MR. STEPHENSON: Thank you.

4 MS. POTIS: We heard from speaker 10 so we're
5 ready for Speaker 11. And if 12 through 15 would
6 please come forward and make use of the front seats.
7 Thank you.

8 MR. DUNNING: Jeff Dunning, my family has
9 farmed and ranched here since the 1890s. My father
10 was a soil scientist and history supervisor for the
11 NRSC in Kittitas County for over 30 years, and a
12 member of the Solar Advisory Committee but reporting
13 as an individual.

14 I support development in use of solar energy,
15 however, feel our states land use regulation
16 policies aren't ready. Current state statutes, and
17 therefore, county zoning codes in our state have not
18 foreseen the land use issues arising from projects
19 like TUUSSO's. A void exists which is in regulation
20 which is being taken advantage of. Kittitas County,
21 after much litigation, fell into compliance with our
22 state GMA. We've been the state's testing ground
23 for wind, ground water, and now solar use.

24 County code states the commercial
25 agricultural zone is an area where farming and

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1 But that being said, this is an agricultural
2 community, some of us chose to retire -- most of us
3 that live there in the area, actually, I know three
4 out of the five are retired folks that bought three-
5 to five-acre parcels and have small little home
6 ranch farms and have the luxury of the aesthetics of
7 our area.

8 And it -- we knew when we purchased and also
9 in the Growth Management Act, as were established by
10 the county, that we were in an ag 20 zone and I do
11 not feel that the installation of these type of
12 solar projects, which are more industrial commercial
13 developments, is a good use of our prime
14 agricultural property, and I think that needs to be
15 seriously considered.

16 That along with the fact that there are
17 thousands of acres around the area that are outside
18 of that zoning, and I think that if more time was
19 given to the committee and the county conditional
20 use development committee would be able to propose
21 ideal locations that would accommodate these sites.

22 I spent 30 years as a distribution design
23 engineer and I know the importance of renewable
24 energy, and I also know a little bit about what it
25 would take to supply and connect to these

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1 ranching are the priorities. Kittitas County Code
2 also states from a -- conservation of resource
3 values means the use and sustainability of the land
4 for farm, agricultural, or forest production and the
5 perpetual retention of the land for such purpose.

6 Washington's GMA was largely based on
7 Oregon's. Washington has no experience with the
8 siting and location issues related to these types of
9 projects. Precedence from areas with experience and
10 conflicts arising out of such solar development is
11 coming to light.

12 Jackson County, Oregon, the land use board of
13 appeals reversed an approval by the Jackson County
14 Board of Commissioners, finding that if -- finding
15 that if criteria for the developers cited were a
16 legitimate reason for converting farmland, such
17 exceptions have become commonplace. They also found
18 that Oregon's goal of energy conservation is not a
19 requirement to build new renewable energy
20 facilities.

21 Counties and cities collectively have spent
22 millions of dollars to comply with the Growth
23 Management Act, what is the purpose and force of the
24 Growth Management Act or its hearing board decisions
25 if EFSEC can simply ignore them?

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1 How do we on the local level develop our
2 criteria for siting and location of solar facilities
3 if the growth management regulations we have to base
4 them on simply can be ignored by another
5 state-regulating entity?

6 In TUUSSO's application, each individual site
7 has its own individual soil classifications, and
8 therefore, must be considered individually, not
9 lumped together for one expedited approval.

10 RCW 80.50.101 reads, in part, the legislature
11 recognizes that the selection of sites will have a
12 significant impact upon the welfare of the
13 population, the location and growth of industry, and
14 the use of the natural resources of the state. It
15 is the policy of the State of Washington to
16 recognize the pressing need for increased energy
17 facilities and to ensure through available and
18 reasonable methods that the location and operation
19 of such facilities will produce minimal adverse
20 effects on the environment, ecology of land, and its
21 wildlife.

22 More of our lands whose soils are designated
23 of being of long-term commercial significance cannot
24 be made. They are as environmentally sensitive as
25 the lands the solar company states it's avoiding the

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1 with this particular case, but I think the precedent
2 that it sets is extremely crucial in terms of the
3 future. I think there's a very, very real risk of
4 paving the way for renewal sprawl, and that is not
5 something that I don't think any of us want to
6 happen to our valley. And you can definitely see
7 this in California, even pieces of Oregon and
8 Washington as well. So I think we shouldn't get
9 ahead of the process and let the county work its way
10 through.

11 And lastly, with regard to land use
12 practices, I would say that in addition to the
13 vistas and the beauty that we all love, I think it's
14 also important to evaluate the impact on the
15 property values, and perhaps, based on other
16 comments on a site-by-site basis because I think
17 there absolutely will be a negative or potential
18 negative impact on the property values for those
19 situated next to the sites, so that's definitely
20 important to consider. Thank you very much.

21 MR. STEPHENSON: Thank you.

22 MS. POTIS: Speaker No. 13, Donald Chance.

23 MR. CHANCE: Mr. Chairman, before I start, I
24 have a question. I don't quite understand why the
25 general public in this section of the hearing is

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1 use of due to environmental sensitivity.

2 There are --

3 MR. STEPHENSON: Sir, we're at three minutes
4 and over.

5 MR. DUNNING: There are alternative sites
6 available with less significant soil
7 classifications. We want the right land use at the
8 right place. Thank you.

9 MR. STEPHENSON: And your written testimony
10 can be given over to Tammy over there and we'll get
11 the entire part of it if you wish.

12 MS. POTIS: Speaker No. 12.

13 MS. DONOVAN: Good evening. My name is
14 Colleen Donovan and I own about three acres here in
15 the valley, and I'm very supportive of solar as part
16 of our mix in terms of our sustainable future and so
17 on. My own house is solar passive, and I'm a
18 terrible PSE customer because I use hardly any
19 electricity.

20 But tonight I just wanted to comment with
21 regards to supporting Commissioner Jewell's position
22 on the land use in the county and making sure that
23 the county is able to put together its own policies
24 prior to having this process expedited.

25 And it may be that the five sites are okay

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1 being restricted to three minutes quite militantly,
2 when you allowed the proponents 20 minutes, 30
3 minutes, individually, I mean, they must have spoken
4 for an hour plus during the same format.

5 Now, do they get different rules than the
6 rest of us do?

7 MR. STEPHENSON: Sir, we try to get time for
8 folks to present their cases. All the things you
9 want to say will be listened to, and as I've said,
10 we'll listen to them in writing. Yes, in these
11 situations the proponent gets to present their case
12 and the county gets to present their case, and the
13 public, which is a lot of us, we are listening and
14 you're actually taking up part of your three minutes
15 by asking the question, and so I -- I respect your
16 question.

17 MR. CHANCE: Actually, you're taking up my
18 time.

19 MR. STEPHENSON: Well, you asked me to talk.

20 MR. CHANCE: Is this like a football game?
21 Do the referees get to back the time to reset the
22 clock here?

23 MR. STEPHENSON: Do you want to go?

24 MR. ROSSMAN: Sure. Please give us your
25 comments, please give us written comments, and we'll

15 (Pages 57 to 60)

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<p style="text-align: right;">Page 61</p> <p>1 take them under advisement and go forward. 2 MR. CHANCE: I'm sorry? 3 MR. ROSSMAN: Please give us your comments 4 and your written comments and we'll take them under 5 advisement and go forward. And thank you for the 6 point. 7 MR. CHANCE: My name is Donald – Dr. Donald 8 Chance. I'm a retired land use planner, 9 environmental planner, 45 years, former county/city 10 planning director, and for 20 years I've represented 11 the association of Washington business, the timber 12 industry in this state, and other business entities 13 specifically in land use matters. Much of SEPA, 14 much of GMA, I was a principal architect and 15 lobbyist to pass those statutes. 16 I have a variety of concerns associated with 17 this project and I live in the county. Due process 18 questions, the project clearly doesn't qualify under 19 the WAC rules for expedited processing. The SEPA 20 scoping issues particularly dealing with cumulative 21 impacts, and my written testimony goes through that 22 in some detail. 23 But my principal comment that I want to 24 comment on, the main focus is the inconsistency of 25 the proposal with the state's overarching land use</p>	<p style="text-align: right;">Page 63</p> <p>1 minutes. 2 MR. CHANCE: The break between the state's 3 overarching policies on land use and the decisions 4 that this organization makes – I mean, right now, I 5 know you have the statutory authority to do that, 6 but the question is, is that appropriate? So thank 7 you. 8 MR. STEPHENSON: Thank you. 9 MS. POTIS: Speaker No. 14, Joanne Chance. 10 MS. CHANCE: Good evening. My name is Joanne 11 Chance. I'm a retired environmental engineer. I've 12 worked for 40 years in different professional 13 positions involving regulatory affairs, technical 14 and managerial roles for both the government and the 15 private sector. I'm a resident of Kittitas County 16 where I also own a small – with my husband – a 17 Christmas tree production plantation. 18 I'm here tonight to express my strong 19 opposition to the TUUSSO Columbia Solar Project. 20 While I support solar, as many people have said 21 tonight and renewable energy facilities, I only 22 support them when they are properly sited. And the 23 TUUSSO project, as we've heard many times tonight, 24 is not properly sited because it would be installed 25 on prime agricultural irrigated land.</p>
<p style="text-align: right;">Page 62</p> <p>1 policies, goals, and regulations as established in 2 the Growth Management Act, and the 3 precedence-setting implication of approving this 4 project on GMA agricultural protection regimes 5 across the state for local governments. We know of 6 at least 18 projects that have been proposed in the 7 county. We're trying to redirect those projects 8 into non-irrigated ag lands. 9 And the precedent that will be set here on 10 the decisions that you guys make could open the door 11 to not just these five projects but potentially 12 dozens and dozens of projects later in the county, 13 that's the cumulative impact question here. 14 The circumstances for your organization or 15 committee, it strikes me that this is a brand new 16 class of projects that you have not already dealt 17 with before. I mean, you basically were set up to 18 deal with multi-state power lines and once in a 19 generation large-scale power plants, not literally 20 hundreds of small-scale solar projects that are 21 probably coming down the pike. 22 The need for WAC adjustments to accommodate 23 and have a closer tie to GMA so there's not a break 24 between the – 25 MR. STEPHENSON: Give him his full three</p>	<p style="text-align: right;">Page 64</p> <p>1 I support all of the issues and problems that 2 have been identified by my co-opponents tonight such 3 as the inconsistency with our state land use 4 policies and the Growth Management Act and SEPA. 5 And impacts to ag and the fact that there are 6 thousands of non-irrigated acres that are more 7 appropriate for the location of this large-scale 8 industrial project. 9 But let me move on to my two, three, new 10 points. One of these is the adverse legal 11 precedence regarding land use that would be 12 established if you approve these five industrial 13 projects. We all know that you would be giving the 14 green light to many other projects to go in on their 15 irrigated land if you approve this project because 16 it will be precedent-setting, you haven't seen one 17 like this before. 18 So this applicant will come forward with 13 19 more and other applicants will come, and soon, we 20 will have a checkerboard pattern of industrial 21 facilities across our agricultural valley, which 22 brings me to my second point. 23 That is its incompatibility with rural 24 character and a landscape of regional significance. 25 And as we've talked about – the commissioner talked</p>

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1 tonight, there is no way that these industrial
2 complexes of 30 to 60 acres are conducive and
3 compatible with agriculture.

4 The pictures that were presented by the
5 consultant aren't even close to the sites. I would
6 like to know how far away the pictures were taken.
7 I could barely see just a slim line of solar panels
8 or something in the distance. They were not
9 representative of the visual impact that we're going
10 to have here. So it will impact our rural
11 character. It's obvious it will.

12 Kittitas Valley has been recognized over
13 100 years in literature by citizens and visitors
14 that we are a uniquely beautiful and lush valley.
15 The Columbia River Gorge recognized their uniqueness
16 and they did not allow in their planning process to
17 have solar panels right down along the river of the
18 Columbia River Gorge. I think the Kittitas Valley
19 deserves the same respect.

20 Thirdly, if you'd just bear with me for just
21 one more minute or 30 seconds –

22 MR. STEPHENSON: Please.

23 MS. CHANCE: My third one is environmental
24 justice and it relates to land use. The U.S.
25 Environmental Protection Agency and the Washington

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1 MS. POTIS: Speaker No. 15. And if Speakers
2 16 through 20 would please come forward and sit in
3 the front row seats, thank you.

4 MR. KIRKPATRICK: Hi. I'm Mark Kirkpatrick,
5 I'm a citizen of Kittitas County. I think the solar
6 projects are a great alternative for landowners to
7 achieve the highest and best use of their property.

8 Once constructed, these sites historically
9 have a very low impact to the environment, noise,
10 water, and transportation impacts. In fact, they
11 can easily return the land back to its original use
12 if the landowner so wishes.

13 TUUSSO's projects help us meet our state and
14 federal goals of clean energy. I think these
15 projects would be forward thinking by our county to
16 use such a small portion of our ag land for such a
17 large amount of clean energy.

18 As a consumer of electricity where I live,
19 work, and travel, I appreciate the large investment
20 like organizations like TUUSSO, PSE, and PUD put
21 forward to help this preserve this amenity we have.
22 Thank you.

23 MR. STEPHENSON: Thank you.

24 MS. POTIS: Speaker 16, Jerry Price. Speaker
25 16.

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1 State Department of Ecology have supported and
2 worked for years to rectify the unfair and
3 inequitable practice under which lower income,
4 urban, and rural communities who are fewer in
5 number, voting power, prestige, and power are forced
6 to bear a disproportionate amount of the impacts of
7 infrastructure and commercial development. Their
8 living environment is degraded.

9 Isn't this what we're saying is happening
10 here? Kittitas County has already had to support
11 the installation of a contentious wind turbine power
12 generating facility.

13 Why should Kittitas County be required to
14 supply a disproportionate share of renewable energy
15 projects to supply the power generation needs of
16 multi-national corporations and a Seattle-based
17 population and at the expense of our available local
18 resource, our irrigated lands?

19 MR. STEPHENSON: Thank you.

20 MS. CHANCE: I support solar facilities which
21 are properly sited but not those on irrigated
22 farmland. And if you approve this project, you'll
23 be giving a black eye to the face of green power and
24 green energy now and into the future. Thank you for
25 the opportunity to comment.

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1 UNIDENTIFIED SPEAKER: He had to leave.

2 MS. POTIS: Okay. 17, then, Matthew Cox. No
3 Speaker 17?

4 MR. COX: No, I'm on my way.

5 MS. POTIS: Oh, all right.

6 MR. COX: I didn't know 16 wasn't showing up
7 so...

8 MS. POTIS: 18, 19, and 20 and 21, please
9 come forward and sit in the front row seats.
10 Thanks.

11 MR. COX: My name is Matthew Cox, I'm a
12 full-time farmer here in Kittitas County, and I'll
13 be brief. I just want to reiterate the statements
14 of Paul Jewell and many others here, dozen or so
15 others, about the need to protect or irrigated
16 farmland, our prime farmland, our publicly-funded
17 irrigated projects.

18 I'm a big proponent of solar power, I think
19 it's an important addition to our power generation,
20 and I just wanted to reiterate those feelings and
21 protect our ag 20 zoning and keep some of the
22 industrial projects in more appropriate areas.
23 Thank you.

24 MR. STEPHENSON: Thank you. Speaker 18,
25 Keith Crimp.

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1 MR. CRIMP: Yes, Keith Crimp, Ellensburg Golf
2 Club. Say, I just wanted to go ahead and concur
3 with the gentleman that just spoke up and the young
4 lady in the gray pants suit and confirm exactly
5 that's how we feel.

6 Now, specifically to the type of project,
7 Doug Dicken spoke to his irrigated farmland right
8 there, and it is in pasture land, he wants to go
9 ahead and put his 20,000 panels in there, but I tell
10 you, we just love going in and seeing those cattle
11 and those horses grazing right there. And he put in
12 a brand new Reinke irrigation system here about five
13 years ago, and so he got away from the flood
14 irrigating and he's just doing a wonderful job,
15 irrigating the land via that.

16 But my big concern is this, the other four
17 sites probably don't deal with people like we do.
18 We've got 3 to 400 people that play our golf course
19 every day. The other four sites, even though I feel
20 for them, they probably got mostly cropland and
21 horses and cattle grazing and maybe a few farmhouses
22 around.

23 But here, my big concern I didn't get to
24 expand on is the financial impact. You cannot go
25 ahead and hurt the little guy at the expense of

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1 Some of them may have fallen down or whatever, but a
2 lot of guys go down there and hunt also, so you're
3 going to have gunshots that are going to be ringing
4 around, and I think your solar panels could also
5 have a problem being hit by some gunshot. But
6 anyway, I consider it a migratory pattern, and we
7 just love to see the geese out there.

8 The last thing is, they've got to go ahead
9 and go through our easement to go ahead and get to
10 their land to go ahead and put in their solar
11 panels, and I'm quite concerned that there's going
12 to be some problems with an accident or whatever
13 with this easement, because we have to go ahead and
14 cross that easement on Doug's land when we go ahead
15 and have our guys sit range so I'm quite concerned
16 about accidents. Thank you.

17 MR. STEPHENSON: Thank you.

18 MS. POTIS: Speaker 19, Stan Blazynski.

19 MR. BLAZYNSKI: Good evening, again. Stan
20 Blazynski. This Council – this Council is not
21 being asked for expedited process. This Council is
22 asked to set a precedent to allow circumventing
23 local regulations. Because we know it's a fact that
24 numerous other applicants just waiting.

25 So in effect, this Council would not approve

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1 putting in a big operation such as TUUSSO is putting
2 in.

3 I'm quite concerned about wages for our ten
4 employees diminishing. We are, I know, the only
5 golf course in the valley, and we know the
6 population of the Kittitas County is growing
7 tremendously, and we expect our revenues to rise
8 accordingly. Unfortunately, I just can't take the
9 chance and I don't want to take the chance of having
10 this go ahead and hurt us down the line.

11 Irrigated land, I want it to stay irrigated
12 land. I think the power of – TUUSSO should put
13 their solar panels outside with all of the
14 non-irrigated land.

15 I just have one other concern – well, two
16 other concerns, I know the environmental spokesman
17 person said that there's no migratory concerns
18 because we're not in the flight pattern. But every
19 spring we got 500 geese that roost right out there
20 in Mr. Dicken's land and on our golf course.

21 And the river across the land is also
22 inhabited by the geese that roost in five washtubs
23 that were put there by the Washington State Game and
24 Fish. Now, right now when I was playing golf today,
25 I looked out there and I only saw a couple of them.

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1 five separate little projects, this Council would
2 approve an array of different projects all around
3 the county. Once you allow one company to
4 circumvent the local process, the same has to be
5 granted to another. This Council knows that, like I
6 said, there are many, many, many other projects
7 coming in if this one is allowed.

8 Under SEPA regulations, this Council has to
9 weigh a cumulative impact of all these known
10 projects. This is not about five little projects,
11 the Council has to know and this is not hard to find
12 out on many, I think many, many again.

13 So we know for sure that we are not debating
14 here today about five little 30 to 50-acre projects,
15 we are debating today here about allowing many,
16 thousands of acres.

17 Just out of curiosity, I give this Council
18 some numbers. Previous project that was debated and
19 got denied, Iron Horse, would produce roughly about
20 1.2- megawatt output. One wind farm turbine, the
21 new generation, produces 2.2 megawatts of power,
22 almost twice what 50 acres of glass would produce.

23 Just to replace the Bonneville Dam output –
24 I put everything here in writing, I'm going to
25 supply that – would take 28,000 acres of

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1 agricultural land, okay? Just output, Bonneville
2 Dam is on the bottom of the output on Columbia
3 River, it's the -- I think it's second smallest. It
4 will take 28,000 acres to replace just that.

5 So if the proponent here tells percentage was
6 very, very little, these farms produce no
7 electricity, they take a lot of precious land, and
8 please do not set a precedent. Thank you.

9 MR. STEPHENSON: Thank you.

10 MS. POTIS: Speaker No. 20, Roger Clerf.

11 MR. CLERF: Good evening and thank you for a
12 chance to speak with you this evening. My name is
13 Roger Clerf. I currently live near Cle Elum but I
14 was raised on a farm east of Kittitas, and I still
15 farm part of which was my father's farm at that
16 time.

17 I am against the positioning of the solar
18 farms in the Kittitas Valley area. If you look at a
19 map of Kittitas County, you'll see it's a rather
20 large county. It stretches 60 to 80 miles east and
21 west from the crest of the Cascades to the Columbia
22 River, and from its farthest northwest extremities
23 to the southeast perhaps over 100 miles. It is a
24 large county.

25 But when you're looking at that map, you have

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1 been intensively farmed back in the '40s and '50s
2 and is now in rural home sites.

3 Now, our county has not done a very good job
4 of preserving farmlands but it is mandatory that we
5 preserve farmlands. And siting solar farms in the
6 middle of the good farming country is just one more
7 encroachment and one more means of converting
8 farmland into some other use.

9 We no longer have a true rural character in
10 Kittitas Valley, simply because every highway, every
11 bi-way, and every dirt road is lined by houses and
12 small-acreage parcels. True, they may be pasturing
13 a few horses, they may be raising a few steers, few
14 goats or sheep, but it is not intensively farmed
15 like it was many, many years ago.

16 And consequently, I fear that the next
17 50 years we'll see this valley wall-to-wall houses
18 and other uses such as solar farms or other
19 non-agriculture uses, and I am certainly afraid of
20 that.

21 King County used to be covered with truck
22 farms and dairy farms as well as Snohomish County
23 and Pierce County. Now nothing is farmed over
24 there, very few dairy farms. So I'll end with that
25 and thank you.

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1 to look two or three times to find where the
2 Kittitas Valley is. The Kittitas Valley forms only
3 about 10 percent of the land area of the Kittitas
4 County, and the farmland in the valley is even less
5 than that.

6 Now, I'm probably not the oldest person in
7 this room but I can remember back to 1950 when I was
8 about a 9- or 10-year-old boy. And at that time, it
9 was virtually unknown for a man who owned a business
10 or had a job in the city of Ellensburg or one of the
11 smaller towns to have a home and live in the
12 country. It was virtually unknown. I would say
13 that at that time, at least 90 percent of the houses
14 in the valley were occupied by a farmer or a farm
15 employee.

16 Now that situation is almost reversed or is
17 reversed. Probably 90 percent of the houses in the
18 rural area of Kittitas county are non-farmer,
19 non-farm employee occupied. That means a large
20 portion of the farmland -- not a majority yet, but a
21 large portion of the farmland is now divided up into
22 1-, 2-, 3-, 5-, and 10-acre parcels that are no
23 longer intensively farmed.

24 In the last 50 or 60 years we have lost at
25 least 10,000 acres and perhaps 20,000 acres that had

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1 MR. STEPHENSON: Thank you.

2 MS. POTIS: Last speaker, No. 21, Charles
3 Weidenbach.

4 MR. WEIDENBACH: My name is Charles
5 Weidenbach. I live on 3300 Nameum Road. I'm a
6 farmer, have been full-time since '97. I've really
7 been around farming all my life. And before that,
8 from '74 to '97, I worked as a salesman in Yakima
9 covering Kittitas County part of the time and also
10 farming on weekends and evenings.

11 I too am concerned about solar power being
12 placed on prime irrigated land. I really want to
13 support the local people here and the committee
14 that's working on siting making a plan for solar
15 power, and right now I went to one meeting and it
16 was obvious that they're really going through a
17 good, thorough process, and I realize this TUUSSO
18 company wants to expedite it, but it's important
19 that the county works through the process and is
20 listened to, I really believe that.

21 I would also like to say that we have a local
22 newspaper and even a Cle Elum newspaper, and they
23 both have had some, I think, informative information
24 on solar power and the different angles, and I agree
25 that everything in there is not accurate but it

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1 gives some idea of what the local view of it is.
2 And there certainly is a lot of land in this valley
3 that could be sited for solar where the wind is now
4 that is on non-irrigated land that would be more
5 appropriate.

6 Why destroy something we've got that's good
7 for the long term? It's not a good plan and agree
8 it has a domino effect. If you put five in now, how
9 many more are going to be in next year?

10 So I think keeping -- about planning for the
11 county and the wishes of the majority of the people
12 are definitely to keep the valley productive in
13 irrigated land and site something like an industrial
14 solar plant in a better location which would be a
15 dry land area and there's a lot of it in this
16 county. Thank you.

17 MR. STEPHENSON: Thank you. So at this
18 point, I need just a moment. I'm going to ask you
19 to indulge us. I want to thank you for the very
20 civil and measured and helpful and impassioned and
21 careful and wonderful responses that you've given to
22 us, we're listening.

23 I need a moment now to work with my Council
24 members and staff to figure out exactly how to close
25 out this meeting, and I think there's going to be a

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1 UNIDENTIFIED SPEAKER: Could you repeat what
2 your question was there?

3 MR. ROSSMAN: Yeah, I was hoping he could
4 speak briefly as to why the moratorium is not
5 relevant to our consideration in his view.

6 MR. MCMAHAN: Thank you very much for the
7 question. I understand the confusion about this.

8 The EFSEC statute RCW 80.50.020(22), defines
9 a zoning ordinance, which is what we're talking
10 about here, as an ordinance of a unit of local
11 government regulating the use of land and adopted
12 pursuant to a whole litany of enabling authority for
13 land use.

14 The moratorium only applies to the acceptance
15 of solar applications in the county. So this
16 moratorium is a moratorium on accepting
17 applications. It is not a change -- there is no
18 change that's been made thus far to the county's
19 ordinances dealing with the conditional use process
20 or the criteria or approval of conditional uses.

21 Now, in Save Our Scenic Area vs. Skamania
22 County, that is an EFSEC case that went to the
23 supreme court, the supreme court indicated that the
24 moratorium is a valid tool of local government for
25 stalling permit applications but indicated that it

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1 couple Council questions. And I hope that we will
2 take less than 15 or more minutes, maybe 20 at most
3 to finish this out.

4 But let's take a two-minute -- just a
5 two-minute break and we'll be right back.

6 (A short recess was had.)

7 MR. STEPHENSON: All right. Let's reconvene,
8 if we can. Thank you. Let's start again.

9 I'd like to take a couple Council questions
10 to talk about this process. And first Council
11 Member Rossman.

12 MR. ROSSMAN: Yeah, thank you. I do have a
13 couple questions and these are for the first
14 speaker, the attorney for the applicant, if I may.

15 So, Mr. McMahan, I believe?

16 MR. MCMAHAN: Correct. Thank you. Yes. I
17 introduced myself.

18 MR. ROSSMAN: I was hoping you could just
19 very briefly explain why you think the moratorium
20 isn't relevant to our analysis here.

21 MR. MCMAHAN: Yeah, happy to do that. Just a
22 minute here.

23 MR. ROSSMAN: Then I'll have one or two more
24 questions, and then if the commissioner is still in
25 the room, I have a question or two for him as well.

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1 does not repeal, amend, or contradict the existing
2 regulations, and therefore, in that case, which is
3 an EFSEC case, there was a determination made that
4 the moratorium is not a zoning ordinance nor is a
5 part of the Comprehensive Plan, which I think is
6 what Commissioner Jewell said it was.

7 MR. ROSSMAN: Okay. Thank you. Second, in
8 the memorandum that you submitted, you site to a
9 number of sections of the county code titles, and I
10 notice that not on that list is 17(b) Shorelines.

11 MR. MCMAHAN: Right.

12 MR. ROSSMAN: Can you speak to whether your
13 proposal is or is not consistent with that?

14 MR. MCMAHAN: Yes, thank you, Commissioner
15 Rossman, for that question. We've had conversation
16 with staff about this. The state's shoreline
17 regulations and the state's EFSEC statute and rules
18 exempt Shoreline Management Act from EFSEC review
19 and process. We
20 have -- and is not actually part of the zoning code
21 per se either.

22 The Shoreline Management Act, the Shoreline
23 Master Program really stands in its own regulatory
24 format. We have, however, erring on the side of
25 caution, submitted a Shoreline Management Master

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1 Program application using the Kittitas County form
2 for that very small piece of shoreline that is on
3 the Yakima River for the Typha site.

4 MR. ROSSMAN: And then my last question for
5 you, I'm having just a little bit of a cognitive
6 conflict between the idea of sort of the expedited
7 process for these and then the concept of
8 conditional use as being where you sort of look
9 really intensely at whether the characteristics of
10 the site and the use that are proposed for the site
11 are appropriate.

12 MR. MCMAHAN: Right.

13 MR. ROSSMAN: And it seems like the expedited
14 process removes some of the procedural and
15 substantive tools that we would have to look into
16 impacts at a particular site, including the
17 adjudicative process and the ability to commission
18 our own independent studies on impacts so I'm hoping
19 you can speak briefly, again, recognizing we're
20 trying to conclude, as to whether you see a conflict
21 there and what channels do you see as available to
22 EFSEC to evaluate the on-site specific impacts if we
23 do go the expedited route.

24 MR. MCMAHAN: Yeah, that's a great question.
25 The expedited process that EFSEC has adopted is an

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1 I'm getting my arms around this. But do you believe
2 that the expedited process was envisioned to handle
3 five desperate different projects within a fairly
4 wide geographical zone?

5 I mean, usually EFSEC has worked on projects
6 that are individual projects, not diverse projects.
7 I'm just wondering how you think that's consistent.

8 MR. MCMAHAN: Well, my answer, Commissioner,
9 is I don't see how it's inconsistent. What we've
10 done -- and there was a lot of pre-application
11 consultation with EFSEC staff on this point, we
12 could have filed five different applications, and we
13 were counseled and came to a concurrence that rather
14 than five different EFSEC applications, these were
15 all really a consistent portfolio of projects that
16 all provide some geographical diversify and feeding
17 power into the Puget Sound Energy grid much like I
18 suppose five gas turbine generators might.

19 But when it's translated into solar
20 facilities it's not really like having five natural
21 gas generators altogether because you go to
22 potentially different locations to have some
23 diversity of resource and access to the grid. So
24 rather than the hassle, frankly, of having five
25 different applications, five different hearings,

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1 unusual process. I don't think it's actually been
2 used before, not for a full blown new application.
3 And in our application that we submitted to you, we
4 anchored the application on an in-depth analysis of
5 the county's conditional use permit process and
6 criteria, that is any application, and I've
7 summarized it in the hearing memorandum itself.

8 So as to the substance, the substantive
9 content of the zoning inquiry, I don't, you know, I
10 mean, I don't think it's any different than what
11 one -- what a local hearing examiner would consider
12 in this county. And in fact, there was a local
13 hearing examiner and the examiner decision on the
14 Iron Horse case that found that project to be
15 consistent and compliant with county code, went to
16 the Board of Commissioners, we can talk about all
17 the drama thereafter.

18 So yes, but the Council is -- was within its
19 authority in enacting expedited permitting for
20 facilities to do that in a different and expeditious
21 fashion. There still will be SEPA review which will
22 drill down on some of these impacts as well I trust.

23 MR. ROSSMAN: Thank you.

24 MR. ELLIOT: Can I ask -- I'm a little new
25 having been appointed by the local jurisdiction, so

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1 five different site certifies, five different
2 processes, we analyze each and every project in
3 depth as individual projects for compliance with the
4 code, compliance with environmental considerations.

5 You've heard about these various efforts of
6 evaluation of the visual resources and others
7 tonight. So that's what we did, we bundle it into a
8 single application for efficiency, we felt that that
9 was the right approach, and again, there was
10 concurrence with EFSEC staff before we did that.

11 I would add as an anecdote that I happened to
12 work in Oregon as well, and I have a project kind of
13 like this that we're working on in the Oregon EFSEC
14 system for those very same reasons that it's just a
15 different kind of land use than is typical and
16 conventional with other generation facilities.

17 MR. STEPHENSON: Thank you, Mr. McMahan.
18 Council Member Rossman has another question, I
19 believe.

20 MR. ROSSMAN: Yeah, this is for Commissioner
21 Jewell, so if no other members have questions --

22 MR. STEPHENSON: You go.

23 MR. MCMAHAN: Thank you.

24 MR. JEWELL: Hello again. I hope you don't
25 mind, my legal counsel is here. I feel a little,

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1 shall we say, at a disadvantage compared to the
2 applicant's counsel. I'm not an attorney, so if you
3 don't mind, and if it would be appropriate if I
4 could get his assistance perhaps in answering your
5 question not knowing what it is ahead time.

6 MR. ROSSMAN: Fair enough.

7 MR. JEWELL: Okay. Excellent. Mr. Caulkins,
8 deputy prosecuting attorney with Kittitas County.

9 MR. ROSSMAN: Thank you, yes. I think it's
10 maybe a two-part question. So recognizing the
11 county's position that the moratorium should control
12 here, if that's not the case, have you submitted any
13 written comments or are you able to share any
14 comments with us today as to whether if we're
15 viewing it based on the regulations that are in
16 place and not considering the moratorium, whether we
17 should find it consistent in that case?

18 MR. JEWELL: Sure, I'll begin and I'm sure
19 Mr. Caulkins will have a couple things to add.
20 First of all, I think it's important to note for the
21 record that the Board of County Commissioners
22 actually never received notice of this hearing
23 today. It only came to our Community Development
24 Services Office.

25 And to my knowledge, we were not aware that

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1 through the review process, regardless of any change
2 in local land use ordinances or development
3 regulations, that application has a time certain
4 upon which it is reviewed and it's immune from those
5 changes that are land use controls moving forward.

6 So the ordinance that we used to impose the
7 moratorium, it's intent was clear and the result was
8 what we had intended. We did not want any further
9 applications to vest to what we felt were inadequate
10 land use controls and development regulations at the
11 time.

12 Mr. Caulkins, do you have anything else to
13 add?

14 MR. CAULKINS: Yes, good evening. For the
15 record, Neil Caulkins, deputy prosecuting attorney
16 representing Kittitas County. Your question, as I
17 understood it, was beyond this question of
18 moratoria, what is our stance as a -- have we
19 submitted some other reason why this application or
20 this raft of applications is not consist with local
21 land use.

22 And I would submit to you that what has been
23 submitted by Commissioner Jewell as the decision of
24 the superior court in the One Energy case, the Iron
25 whatever, solar farm case, stands for that

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1 the county even had an opportunity to make a
2 presentation. I simply came prepared today to
3 provide testimony on behalf of the county and behalf
4 of the Board of County Commissioners, and had we
5 known that we would have been given 10 or 20 minutes
6 to make a presentation, we would have done so.

7 I consulted with Mr. Caulkins, my deputy
8 prosecuting attorney, our legal counsel, and he
9 actually wasn't even aware that there was a legal
10 brief regarding consistency filed by the applicant's
11 counsel. So we really do feel like we're kind of at
12 a bit of a disadvantage here today before you, but
13 we will do our best to answer your question.

14 With regard to the moratorium, that's a tool
15 that is allowed by state statute and specifically
16 also within the GMA. I'm sure counsel -- or I'm
17 sure the applicant's counsel was correct, it's
18 intended to stop applications for particular land
19 use actions at least temporarily from being accepted
20 by the county or the city who imposes the
21 moratorium.

22 Of course, the reason that is the case is
23 because when an application is filed, once it's
24 deemed complete, it vests to the current regulations
25 that are in place at that time. So as it moves

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1 proposition. The idea there is that even in the
2 absence of a moratorium, which that case occurred
3 prior to the imposition of such, even in the absence
4 of a moratorium, a solar farm does not necessarily
5 comport with Kittitas County Land Use Code. It was
6 denied and that approval was affirmed by the court.

7 And so there is another instance as to where,
8 even beyond the moratorium, there is evidence that
9 such a thing is not necessarily consistent with our
10 land use code.

11 MR. ROSSMAN: So the second part of the
12 question, then, should we take that as the sort of
13 substantive comments you would have on consistency
14 from a conditional use perspective and just read
15 that for that proposition?

16 MR. CAULKINS: I don't think so.

17 MR. STEPHENSON: You said no?

18 MR. CAULKINS: Yes.

19 MR. STEPHENSON: Need any more?

20 MR. ROSSMAN: I think that's all right. I do
21 have one other questions.

22 And my last question for Commissioner Jewell
23 is can you speak at all to -- do you have any
24 knowledge that you can share with us as to how these
25 became a conditional use under the present code and

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1 sort of what the vintage of that was and whether –
2 what the county's thinking was in allowing this as a
3 conditional use?

4 MR. JEWELL: Sure. I don't know how familiar
5 you are with Kittitas County and our history under
6 the GMA, it's long and sorted. Since the GMA's
7 inception or life or creation, you know, I've been a
8 county commissioner since 2000 but I've heard the
9 stories involved, and I certainly was involved in
10 many of our GMA compliance efforts since 2008, and
11 we finally became compliant May 15, 2014. I think
12 that might actually be the first day we were
13 compliant with the GMA.

14 And a lot of what you see in our development
15 regulations and our Comprehensive Plan is a result
16 of many, many, many years, if not decades, of
17 efforts of trying to come into compliance.

18 Now, the alternative energy generation
19 facilities that are in our code really had to do --
20 you'll find most of that around utilities and how
21 utilities are sited in our code and the alternative
22 facilities sites are kind of grouped in there.

23 It was an attempt at the time to just really
24 have kind of a placeholder not knowing what was
25 going to come down the pike but by placing them as a

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1 conditional use, we then have the opportunity for
2 site-specific evaluation on a case-by-case basis.

3 There is absolutely no circumstance under
4 which we anticipated the demand that we're facing
5 today where we really do have evidence of over a
6 dozen applications potentially being filed across
7 Kittitas County for facilities very much like you
8 have before you and very much like what we
9 previously reviewed in the Iron Horse case.

10 And so what we discovered was, you know, we
11 didn't anticipate this, our development regulations
12 were woefully inadequate, and that's why we imposed
13 the moratorium when we did. I hope that answers
14 your question.

15 MR. ROSSMAN: Very well. Thank you.

16 MR. STEPHENSON: I think we have one more
17 question from Council Member Elliot.

18 MR. ELLIOT: County Commissioner Jewell,
19 would the county look favorably on putting written
20 testimony for the record on their -- how they feel
21 about the moratorium?

22 MR. JEWELL: I think we certainly look
23 favorably on the opportunity to provide written
24 testimony for certain, much more detailed written
25 testimony. We certainly would like the opportunity

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1 to see the legal brief submitted by the applicant's
2 counsel and provide testimony, written or otherwise,
3 with regard to that document.

4 It's not something that we've had the
5 opportunity to actually view prior to today.

6 MR. STEPHENSON: Yes, it's on the website.

7 MR. POSNER: It is on our website.

8 MR. JEWELL: Okay. And we know there's many
9 documents and the full application on the website
10 which we're in the process of reviewing. Again,
11 just restating, though, we really did not know we
12 would have an opportunity to make a presentation
13 today. So had we known that, we would have been
14 better prepared.

15 MR. POSNER: If I could just respond to that
16 point if I could get the microphone turned on.
17 Let's see.

18 So on that point, actually, when we -- when
19 we sent out notification letters to Kittitas and the
20 optional state agencies asking that the county
21 appoint a Council member, there was information in
22 there about a land use hearing and an informational
23 meeting being held in December, we didn't have the
24 specific date at that time.

25 So we did provide some information and a

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1 notification was sent to -- when we had the specific
2 date for this meeting and this hearing, it was sent
3 to Kittitas County, it was also posted on our
4 website. I'm not sure if it was actually sent to
5 the Board of County Commissioners, we're checking on
6 that now.

7 MR. JEWELL: We did receive the notice asking
8 us to make the appointment, which we followed
9 through with, we did also receive a notice of this
10 meeting and the agenda to our Community Development
11 Services Office, but I don't believe, I could be
12 mistaken, I may have missed it, that's possible, but
13 I usually am pretty careful about those things, I
14 don't remember seeing any notice that we would
15 actually be entitled to make a presentation along
16 with the applicant.

17 MR. STEPHENSON: So let me ask the question,
18 as a Council, we often get requests to extend the
19 timeframe and I'm loathed to do that --

20 MR. JEWELL: As a county commissioner, I
21 often get the same requests and I empathize with
22 your position.

23 MR. STEPHENSON: Thank you. And as a county
24 Council person I am listening to you pretty strongly
25 here in terms of it seems that that's compelling.

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1 If we opened this for a few more days to give
2 you time to provide written testimony, it would not
3 be open just to you, it would be open to everybody
4 if we did this, and I'm looking at our attorney
5 general down here, our assistant attorney general to
6 make sure we're doing this right.

7 If we open this for a few more days, would
8 that work?

9 MR. THOMPSON: Certainly. I think you have
10 that discretion, yeah.

11 MR. JEWELL: Would a few days be as much as
12 14, perhaps?

13 MR. STEPHENSON: Are we negotiating now? How
14 about 10?

15 MR. JEWELL: We'll take 10. It will just
16 take us time, obviously, you know, to look at the
17 appellant's citations and do the legal research
18 necessary, so but we will definitely try to
19 accommodate any schedule that you put forward.

20 MR. POSNER: Council Member Stephenson, I
21 would concur with that option, particularly since
22 the county hasn't had an opportunity to look at the
23 brief, and I think that the information that the
24 Council was getting this evening and if you do
25 extend it, that is the information that the Council

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1 county has expressed concerns or they've expressed a
2 desire to provide more information and I think that
3 would be a benefit for the Council to have that
4 information.

5 MR. STEPHENSON: All right. So let's say 10
6 days, I think that would be the 22nd, which is the
7 Friday week after this, and we'll ask for that back
8 and this will be an opening of the entire public
9 comment. Anybody that wants to can come in with
10 more comments, correct?

11 MR. POSNER: Well, I think that's a Council
12 decision, I don't know that you can restrict it to
13 just the county providing the --

14 MR. STEPHENSON: That's what I'm saying, if
15 we open it for 10, I don't think without a complete
16 Council decision, I don't think we can say we're
17 going to restrict it just to Kittitas County here.

18 MR. ROSSMAN: Mr. Chair, I motion that we
19 hold the record open for 10 days for additional
20 written submissions.

21 MR. ELLIOT: Second.

22 MR. STEPHENSON: So it's moved and seconded.
23 And we do have a quorum today, so all in favor say
24 aye.

25 COUNCIL MEMBERS: Aye.

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1 would need to base their determination on land use
2 consistency.

3 So I think, from my perspective, the more
4 information you have in front of you to inform you
5 about the land use consistency, the better. So I
6 think giving the county an opportunity to at least
7 respond might be a benefit to the Council.

8 MR. STEPHENSON: So let's, then, say 10 days.

9 MR. POSNER: Well, whatever time period, I'm
10 not sure but at least a few more days or whatever it
11 is Council decides.

12 MR. ROSSMAN: Just a question, would it be
13 permissible to us to just leave it open for 10 days
14 just to hear from the county and then perhaps a
15 small period of time for the applicant to respond,
16 or do we need to leave it open for all public
17 comment?

18 MR. POSNER: Well, I think, you know, our
19 rules contemplate that the applicant and the county
20 are going to provide the bulk of the testimony. If
21 you read our rules, it says essentially that the
22 applicant makes a presentation and so does the local
23 land use authority.

24 So in my view, you know, I think we have
25 heard from the public this evening, I think that the

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1 MR. STEPHENSON: All right. Thank you.

2 MR. ROSSMAN: So just question to staff, can
3 you put information up on our website about how
4 those comments can be submitted?

5 MR. POSNER: Yes, we will.

6 MR. ROSSMAN: Thank you.

7 MR. STEPHENSON: All right. So thank you
8 once again for a very civil and helpful
9 presentation, we obviously are still collecting
10 information on this and will continue to do so in a
11 straightforward manner the best we can for the next
12 10 days, and then we'll start working from there.

13 I want to thank, first of all, Kittitas
14 County, the fairground folks that were here from the
15 armory have been very helpful in getting this room
16 set up; our EFSEC staff have done their normal
17 incredible job, you don't see all that behind the
18 scenes work that they do; and then maybe the hardest
19 working person here tonight was Dani Craver over
20 here, doing our court reporting, and I just want to
21 give her a hand from the entire group.

22 Thank you. I think we're done for tonight.

23 (PROCEEDINGS CONCLUDED AT 9:34 P.M.)
24
25

1 CERTIFICATE
2 STATE OF WASHINGTON)
3) ss.
4 COUNTY OF YAKIMA)
5

6 This is to certify that I, Dani Jean Craver,
7 Certified Court Reporter in and for the State of
8 Washington, residing at Yakima, reported the within
9 and foregoing proceedings; said proceedings being
10 taken before me on the date herein set forth; that
11 said proceedings was taken by me in shorthand and
12 thereafter under my supervision transcribed; and
13 that same is a full, true, and correct record of the
14 testimony of said witnesses, including all
15 questions, answers and objections, if any, of
16 counsel.

17 I further certify that I am not a relative or
18 employee or attorney or counsel of any of the
19 parties, nor am I financially interested in the
20 outcome of the cause.

21 IN WITNESS WHEREOF I have set my hand this 27th
22 day of December, 2017.
23

24 DANI JEAN CRAVER
25 CCR NO. 3352

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Informational Meeting

Tuusso Columbia Solar Project

December 12, 2017



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
TUUSSO COLUMBIA SOLAR PROJECT
Kittitas Valley Event Center Armory
901 East 7th Avenue
Ellensburg, Washington 98926
Informational Meeting
December 12, 2017
5:30 p.m.

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1 which will follow the informational hearing. If you
2 wish to submit written comments, please leave them
3 at the court reporter table just in front of us
4 here.

5 So the EFSEC council includes five standing
6 members. Joining me as Ecology's members are Jaime
7 Rossman from Commerce; Dan Siemann from
8 Transportation -- sorry, DNR, jeez -- transported
9 all the way from DNR, Dan Siemann from DNR; Joe
10 Stohr from Fish and Wildlife who can't be here
11 tonight; and Laura Chartoff from UTC. Our council
12 chair is appointed by the governor and interim chair
13 Roselyn Marcus was unable to attend this meeting and
14 has asked me to fill in.

15 For projects around this state that involve
16 other interests, we may add additional council
17 members to help make a good decision. For this
18 project, additional members on the council include
19 Ian Elliot representing Kittitas County and Kelly
20 Cooper from DOH, who I believe is on the phone.

21 Kelly, are you on the phone?

22 MS. COOPER: Yes, I am.

23 MR. STEPHENSON: Thank you.

24 I believe that makes a quorum of the council
25 for this meeting.

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1 MR. STEPHENSON: Thank you for being here
2 tonight. I would like to get this meeting started.
3 My name is Cullen Stephenson. I am the EFSEC
4 council member representing the Department of
5 Ecology.

6 The purpose of this meeting is to share
7 information on the proposed TUUSSO Energy Columbia
8 Solar Project and EFSEC process and to hear public
9 comment concerning this project.

10 This meeting is required by statute to be
11 held within 60 days of receipt of an application for
12 site certification. That application for site
13 certification is called an ASC. The ASC was
14 received on October 16th of this year.

15 This evening, the applicant, TUUSSO Energy,
16 will provide an overview of the proposed project.
17 EFSEC staff will also present a brief overview of
18 the EFSEC process. Following this, we will have
19 public comment. Speakers will be allowed two
20 minutes to present their comments.

21 Copies of the agenda for tonight are in the
22 back. We also have a sign-up list at the back of
23 the room for those who wish to comment on the
24 project. Another sign-up sheet is available for
25 those who wish to testify at the land use hearing,

1 We also have staff members here, Stephen
2 Posner from EFSEC, Sonia Bumpus, Ami Kidder, Joan
3 Aitken, John Thompson, our Attorney General, and
4 Christina Potis. Oh, and Tammy Mastro.

5 Sorry, Tammy.

6 MS. MASTRO: Hi. Thanks, Colin.

7 MR. STEPHENSON: Tammy's our coolest person.

8 We also have counsel for the environment
9 here, Bill Sherman who's here. Thanks, Bill.

10 He's an AAG appointed by the Attorney General
11 to represent the public and its interest in
12 protecting the quality of the environment.

13 We will now hear a brief overview of the
14 EFSEC process presented by Steven Posner, our EFSEC
15 manager, and this will be followed by a presentation
16 by the applicant. Thanks, Stephen.

17 MR. POSNER: Good evening, Council Member
18 Stephenson and council members. Good evening to all
19 of you here. Thank you very much for showing up
20 this evening. We appreciate the large turnout.

21 And what we'd like to do is get started with
22 a brief overview of the EFSEC process. We'll go
23 through and just briefly explain the process that we
24 undertake when we receive an application for site
25 certification, and then we will have a presentation

1 (Pages 1 to 4)

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1 by the applicant, TUUSSO Energy.

2 So I have a PowerPoint presentation, I'll go
3 through that and make some comments as we work
4 through the presentation.

5 So EFSEC, the acronym EFSEC stands for Energy
6 Facility Site Evaluation Council, was formed in
7 1970, and largely to address a desire or an interest
8 in developing nuclear power in the state of
9 Washington.

10 And one of the main focuses of EFSEC was to
11 allow for what was referred to as a one-stop
12 permitting process by which EFSEC would be the one
13 agency that would issue all permits associated with
14 the siting and operation of a energy facility.

15 EFSEC is made up of representatives from
16 different state agencies, as a Council Member
17 Stephenson mentioned, and also includes local
18 government members. And in the case of this
19 project, because it's proposed to be sited in
20 Kittitas County, we have a representative from
21 Kittitas County.

22 So EFSEC makes a recommendation to the
23 governor, and that decision is essentially the
24 decision that governs the operation of all aspects
25 of the project.

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1 has interests that are concerns about this project,
2 I would encourage you to check in with Mr. Sherman
3 later this evening.

4 This slide just is a sort of quick overview
5 of the types of facilities that EFSEC regulates.
6 Thermal power plants such as nuclear power
7 facilities or gas turbine electrical generating
8 facilities.

9 Also alternative energy resource facilities
10 which includes wind, solar, geothermal. Those types
11 of facilities are what we call an "opt-in." They
12 have the option of going to EFSEC to seek
13 certification or to go through the permitting
14 process with EFSEC. It's not required but there is
15 the option for them to do that.

16 EFSEC also regulates certain types of
17 transmission lines which is also opted-in, certain
18 types of pipelines and refineries and storage
19 facilities. Those types of facilities are regulated
20 based on their capacity or their size of the
21 particular facilities, whether it be a pipeline or a
22 refinery, and the specifications are described in
23 our statute as far as what types of facilities would
24 need to come to EFSEC based on their size.

25 This slide, when we talk about an energy

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1 The law or the statute that EFSEC operates
2 under recognizes and makes certain assumptions, if
3 you will, about the need for energy facilities, the
4 importance of providing abundant energy at
5 reasonable cost, and balancing the increasing
6 demands for energy facilities with the broad
7 interest of the public and doing all this with
8 minimal adverse affects on the environment.

9 Talked about the representatives on the
10 council, you can see them here, the different
11 agencies that are represented and also the optional
12 state members.

13 For this project, we do have representatives
14 of the Department of Health, Kelly Cooper is on the
15 phone, she introduced herself earlier. The other
16 agencies chose not to appoint representatives to sit
17 on the council.

18 We also have counsel for the environment, and
19 Bill Sherman. Bill, were you introduced earlier?

20 MR. SHERMAN: Yes.

21 MR. POSNER: Okay. Yeah, I was kind of
22 focusing on my presentation and I missed that.

23 And counsel for the environment represents
24 the public in the interest of protecting the quality
25 of the environment, and if any member of the public

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1 facility or an energy plant, it means the facility
2 together with all associated facilities. So if an
3 applicant seeks certification through EFSEC, they
4 have to include all associated facilities connected
5 to the particular facility. For instance, if there
6 was a substation associated with an electrical
7 generating facility, that would have to be included
8 in the application for site certification.

9 As far as nuclear facilities, any nuclear
10 power facility of any size that produces and sells
11 electricity is required to come to EFSEC for
12 certification.

13 Siting process begins with the submittal of
14 an application for site certification. We have
15 received an application from TUUSSO Energy. We
16 received it in October. We're beginning our
17 environmental review. We are having -- planning on
18 having a land use consistency hearing later this
19 evening.

20 And if there's a full environmental review
21 for a project, we also have adjudicated proceedings.
22 EFSEC also issues all the air and water discharge
23 permits associated with the project.

24 SEPA, State Environmental Policy Act, is we
25 -- EFSEC is the SEPA lead agency for projects that

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1 fall under our jurisdiction. The process requires
2 that a Threshold Determination be made where the
3 responsible official for the agency determines
4 whether or not there's going to be a Determination
5 of Significance which would trigger an Environmental
6 Impact Statement being issued. And there are a
7 number of steps in that process, there's a couple of
8 them outlined right here.

9 If the project is determined that it would
10 not have significant impact on the environment or
11 that the impacts could be mitigated to
12 nonsignificant levels, then an EIS is not required.

13 Permits associated with EFSEC projects are
14 issued by EFSEC, that would include all the air
15 permits, if there are any, water permits such as
16 national pollution and discharge elimination
17 permits. EFSEC has jurisdiction or delegation
18 authority from the Environmental Protection Agency
19 to issue these types of permits.

20 If EFSEC ends up going through a full review
21 for a project, then adjudicative proceedings are
22 held. This is much like a court proceeding.
23 There's an administrative law judge. All the
24 proceedings are recorded by a court reporter.
25 There's a record compiled. There's deliberations,

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1 findings, and conclusions, which result in a
2 recommendation to the governor.

3 EFSEC also has an expedited process, and this
4 project, the proposed Columbia Solar Project has
5 filed their application and requested that EFSEC
6 process it under expedited process. So this slide
7 describes the basic steps in that process. The
8 applicant has requested expedited processing.

9 There are two requirements that have to be
10 met before the project can qualify for expedited
11 processing. The first one, that is when the SEPA
12 review is conducted, it has to be determined that a
13 DNS, a Determination of Non-Significance, or an
14 MDNS, a Mitigated Determination of Non-Significance,
15 may be issued. And then it also has to be shown
16 that the project at the time of the filing of the
17 application is consistent with land use plans and
18 zoning ordinances.

19 The ultimate determination of whether or not
20 the project or the application will be processed
21 under expedited processing is made by the EFSEC
22 council. If it's determined that the project
23 qualifies and the council makes that decision,
24 there's no Environmental Impact Statement that's
25 required under SEPA, and there's no adjudication

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1 required. The council would still put together a
2 recommendation for the governor's approval.

3 Recommendation to the governor, the council
4 makes a recommendation to approve or reject an
5 application. The governor, upon receipt of the
6 application or the recommendation, has 60 days to
7 make a decision.

8 The governor can approve the application and
9 execute the draft Site Certification Agreement if
10 the recommendation is to approve the project, the
11 governor can reject the application, or may remand
12 it back to EFSEC for reconsideration of certain
13 features. Any application rejected by the governor
14 is final as to that application.

15 EFSEC oversees all construction activities
16 and operating standards for a facility. So not only
17 do we go through the siting review, we oversee all
18 activities associated with construction, operation,
19 and decommissioning. And here are the primary areas
20 that EFSEC looks at when reviewing an application
21 for site certification and also during construction
22 and operation.

23 We also have a compliance monitoring and
24 enforcement program. All projects that are approved
25 are monitored during construction for compliance

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1 with the terms and conditions of the appropriate
2 permits including Site Certification Agreement,
3 EFSEC contracts with local and state agencies where
4 necessary to make sure that the project is in
5 compliance with their Site Certification Agreement.

6 EFSEC has enforcement authority including the
7 issuance of penalties to all facilities that violate
8 conditions of their Site Certification Agreement or
9 associated permits.

10 This generalized siting process flow diagram
11 is on our website, and I believe -- I'm not sure if
12 we have copies here tonight, but we can -- if you're
13 interested in looking at it more closely, it is on
14 our website. And it basically just describes the
15 process, where after an application is received, the
16 various steps that EFSEC goes through to reach an
17 ultimate decision point of making a recommendation
18 to the governor.

19 It also shows the SEPA process, the
20 environmental review process, and the development of
21 permits. And essentially, you have three
22 subprocesses, if you will, that make up the EFSEC
23 process, which ultimately come together at the end
24 to inform the recommendation to the governor.

25 As I mentioned earlier, we do have an active

3 (Pages 9 to 12)

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1 compliance monitoring and enforcement program and we
2 work with local and state agencies under interagency
3 contracts to assist us with the oversight program.

4 Again, there's the generalized siting
5 project, here is a project location map. You can
6 see the various projects that EFSEC currently either
7 is conducting an application review, or the sites
8 are listed here, some of them are permitted and some
9 of them have been permitted but are not constructed
10 yet.

11 This is also on our website. This is the --
12 if you go to our website, this is the homepage, and
13 as you can see, you can scroll through each project,
14 whether it's permitted or under review, has a
15 homepage.

16 This particular slide is outdated because
17 under review we -- along with the Tesoro/Savage
18 Project, we do have the Columbia Solar project
19 listed, so there is information about the proposed
20 project, if you're interested you can read more
21 about it on the website.

22 And I think that is it. Now the applicant, I
23 believe, is going to come forward and give their
24 presentation. Thank you.

25 MR. STEPHENSON: Thank you, Mr. Posner.

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1 These are just a few of the projects that
2 we've built or are under construction right now. If
3 you look from left to right they're kind of on a
4 timeline from when we first started we worked in
5 California on two 20 megawatt projects. The
6 Antelope Project was actually one of the first
7 projects that was permitted in Southern California,
8 first solar projects.

9 We then turned to the east coast, we worked
10 in Georgia and Maryland developing some projects
11 there in rural communities. And most recently, we
12 have a 45- megawatt project that recently broke
13 ground in Arizona.

14 So the projects we're going to be talking
15 about are the Columbia Solar Projects, these are
16 five megawatt projects located in Kittitas County.
17 And these projects are going to use photovoltaic
18 solar modules, there's one of them back there, and
19 they're getting mounted on single-axis trackers
20 following the sun during the day from east to west.

21 Each of these projects will avoid
22 approximately 5,000 metric tons of carbon dioxide,
23 and that's by displacing traditional generation
24 sources. This is the equivalent to taking about
25 1,100 cars off the road. They don't create steam,

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1 And as the applicant comes up, please
2 introduce yourself.

3 MR. EVANS: Let me just get set up here.

4 All right. Good evening, everyone, members
5 of the public, members of the council. Thank you
6 for coming out tonight.

7 My name is Jason Evans. I'm here on behalf
8 of my company, TUUSSO Energy, and I'd like to take
9 some time to talk about our company, myself,
10 introduce the project, talk about the development
11 process that we went through to get here today.

12 So my company, TUUSSO Energy, is based in
13 Washington. We were founded in 2008. We've been
14 exclusively focused since then on solar development,
15 and specifically, photovoltaic solar projects. And
16 we have a track record of working closely with
17 communities, agencies across this country to develop
18 these solar projects. And right now we have 130
19 megawatts that are currently operational under
20 construction.

21 Personally, I was one of the co-founders of
22 the company. I led the development of two
23 20-megawatt projects in California, a 30-megawatt
24 project in Georgia, and 45-megawatt project in
25 Arizona.

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1 exhaust, or emissions. These are not concentrated
2 solar projects, these are just the modules just like
3 you see on people's roofs.

4 And in addition to the modules and the
5 trackers, there's very limited infrastructure.
6 There are a few inverters on each site, five to six,
7 there are limited access roads to access those
8 inverters, there's perimeter fencing, and then there
9 are grasses throughout the site. This is a picture
10 of our Maryland project and you can see the grasses
11 that were planted there.

12 Now, over the past nine years we've honed our
13 development process, and we look at it from -- we
14 kind of approach each market from looking at the
15 utility demand, looking at the region that will meet
16 that utilities demand, identifying potential sites,
17 screening those sites for viability and
18 availability, and then we solicit stakeholder input.

19 So stepping through how we evaluated the
20 Washington State market when we first looked here,
21 we looked at Puget Sound Energy. And we saw that
22 they have a real need for renewable power. Right
23 now, they're at 9 percent of their renewable
24 portfolio standard targets, and we're going to help
25 them reach 15 percent by 2020, which is the

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1 requirement here.

2 In addition to diversifying their generation
3 mix, we're going to help offset the loss of some of
4 their coal generation sources that are going to be
5 coming offline in the coming years as well as to
6 meet the growing electricity demands they forecast.

7 In Puget Sound Energy's most recent RP, they
8 saw the need for 266 megawatts of solar by 2023. So
9 this is going to help them meet approximately 10
10 percent of that need.

11 Each of these projects has a Power Purchase
12 Agreement with Puget Sound Energy for 15 years. We
13 executed it earlier this year. And they're going to
14 supply power during the day to the residents that
15 are taking power from Puget Sound and Kittitas
16 County.

17 Each of these projects generates
18 approximately 11,500-megawatt hours per year, and
19 just to put that in terms we can all understand,
20 this is the electricity needs of approximately 1,000
21 households here.

22 So when we looked at Washington State, we saw
23 Puget Sound Energy's service territory, we knew we
24 wanted to sell to Puget Sound Energy, and we saw
25 that looking at their service territory, as you can

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1 now, you can see the I-90 corridor going from east
2 to west, and along that corridor is where the Puget
3 Sound Energy substations that are called out there
4 are located and that coincides with the population
5 core of the county. And it's no coincidence that
6 our projects are located there because we need to be
7 constructed near those lines.

8 Our projects are not big enough to take on
9 large infrastructure improvements, build huge
10 transmissions lines, connect to huge transmissions
11 lines, we really need to be located in that central
12 portion of the valley.

13 We also needed available land of sufficient
14 size for the solar facilities, proximity to roads,
15 needs to be flat, all of those kind of general
16 characteristics of solar projects.

17 So we identified the pieces of land that were
18 going to be ideal for solar facilities and started
19 reaching out to the landowners here. We sent about
20 100-plus letters to landowners asking them if they'd
21 be interested in leasing us their land, and we
22 started whittling through those sites.

23 Some landowners weren't interested, sometimes
24 the price wasn't viable, sometimes another solar
25 project was already proposed for that line so that

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1 see here that is highlighted in purple, the red
2 overlay is sunshine, and you can see that the area
3 around Ellensburg and Kittitas County stands out as
4 a uniquely sunny place in Puget Sound's territory.
5 And, in fact, when we looked at the numbers, this is
6 really one of the only places you can put a solar
7 power plant and sell effectively to Puget Sound.

8 So we looked at Kittitas County and we saw --
9 we first looked for land that was zoned for
10 utility-scale solar development. We're happy to see
11 that in 2015 a project was sited here, the Osprey
12 Solar Project, and went through the permitting
13 process on land that's zoned exactly like our land
14 is.

15 We also looked for agriculture or otherwise
16 previously disturbed land. We're renewable
17 developers but also like to think of ourselves as
18 low-impact developers. We want to make sure that
19 we're not impacting kind of native habitat, places
20 with protected flora or fauna, we're looking for
21 those places that already been touched by humans.

22 In addition, we need proximity to Puget Sound
23 Energy's network. And in particular, for this size
24 project, we need to be near distribution lines or
25 near substations. And if you look at the map right

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1 line was oversubscribed, essentially, there can be
2 only one project per distribution line in Kittitas
3 County.

4 And then there were idiosyncratic site or
5 environmental factors. And as a company, we pride
6 ourselves on making sure that we're eliminating
7 sites early and making sure that we don't encounter
8 sites that have high risk of flooding, protected
9 flora or fauna, we weed those out early so we don't
10 end up going down the line and permitting projects
11 that have those sorts of issues.

12 So through that process, we've identified the
13 five proposed Columbia solar sites as really the
14 best opportunities for solar development in the
15 valley. Now, once those sites were selected, we
16 started engaging with stakeholders, and we've been
17 engaging with them since the very start of this
18 project and we continue to engage and iterate on the
19 project plans today.

20 So we had multiple meetings with county
21 commissioners and county staff, we've been active in
22 this Solar Facilities Advisory Committee that's been
23 working on the next phase of solar regulations for
24 the county, we have an office in downtown
25 Ellensburg, we're a member of the Chamber of

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1 Commerce. We've engaged in a really comprehensive
2 outreach to our neighbors. We want to inform them
3 about the projects and what our plans are but also
4 solicit feedback on how we can best shape those
5 plans to meet their needs.

6 So earlier this year, in May, we had an open
7 house. We represented to the public along with
8 other solar vendors and Puget Sound, other
9 utilities. We advertised that in the paper, we had
10 sent postcards to over 100 landowners, and we've
11 just opened ourselves up to talk -- to start that
12 conversation with the public.

13 Then we had project-specific open houses, and
14 these were to solicit feedback from the very
15 specific landowners that are nearest to our sites to
16 figure out what their concerns were in that
17 particular area of the county.

18 We sent follow-up letters to those
19 landowners, and then we went door to door after that
20 just to make sure that those landowners that we
21 weren't able to reach by mail, that weren't able to
22 make it to our open houses, that we did have that
23 touch point, that we did have that opportunity to
24 hear their feedback.

25 MR. STEPHENSON: Mr. Evans --

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1 by EFSEC.

2 Now, I wanted to talk to some of the concerns
3 that we've heard from the community up until now,
4 and I want to directly address them. Now, one of
5 the concerns that we've heard is that we're taking
6 some agriculture land out of production, and they
7 want to understand what are the benefits to the
8 community from these solar projects. And I think
9 they're quite substantial so I'd like to kind of
10 point out some of those benefits.

11 In terms of job creation, about 80 local
12 construction jobs will be created during the
13 construction window, so this is going to be in 2018.
14 On an ongoing basis, we're going to be creating
15 about three to five operations and maintenance jobs
16 that will be for the life of the projects.

17 In terms of our benefits to the local
18 economy, we're going to have 40 to \$50 million
19 construction investment, much of that is capital,
20 but then there's going to be at least \$5 million
21 that will go to local contractors and workers.

22 Over the lifetime of the project, there's
23 going to be significant property tax revenue to the
24 county, there's going to be significant lease
25 payments to local landowners, and there are going to

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1 MR. EVANS: Yeah, I'm sorry.

2 MR. STEPHENSON: No, you're doing great. I'm
3 just seeing our reporter and you're doing a
4 wonderful job, stay in the microphone and just a
5 little slower, thank you.

6 MR. EVANS: Okay. Sorry about that.

7 So then we commissioned a public opinion
8 survey of 250 voters in Kittitas County. We wanted
9 to understand whether or not the people of Kittitas
10 County did want to see solar, and overwhelming, the
11 response was yes, they were happy to have solar in
12 this county.

13 MR. STEPHENSON: That's just a little slower.
14 Please.

15 MR. EVANS: Even slower? Okay. Sorry, I
16 have 20 minutes, I'm trying to get it all done but
17 I'll do my best. Thank you.

18 MR. STEPHENSON: You're doing great.

19 MR. EVANS: Looking at this timeline, I'm not
20 going to go through this in detail, but I did want
21 to point out that all these projects are on the same
22 timeline, we'd like to get them in the ground by the
23 end of 2018. And in order to do that, we need to
24 break ground by April or May of this year, and
25 that's why we're here requesting expedited treatment

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1 be operations and maintenance wages paid to workers
2 here. And if you look at the total impact of these
3 projects over the next 30 years, it's about \$25
4 million that are going to be paid to the county or
5 to families living in the county over the next
6 30 years.

7 In addition, for the landowners that we're
8 working with, we're going to give them a diversified
9 revenue stream for these farming families. And
10 after the projects' useful life, the projects can be
11 rapidly decommissioned, the sites restored, and the
12 land returned to agriculture if that's what the
13 landowners want to do at the time. This
14 decommissioning process is going to be secured by a
15 plan that's going to be followed with EFSEC, and
16 there's also going to be an accompanying bond.

17 Another question that we commonly get is why
18 are we here in this room talking to EFSEC as opposed
19 to going through the county process? So I want to
20 talk about the timeline of these projects to kind of
21 explain that.

22 We began developing the Columbia Solar
23 Projects in April of 2016, and we actually did Power
24 Purchase Agreements for these projects with a
25 15-year term beginning in December of 2016. What

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1 that means is that that 15-year term remains whether
2 or not we get online in 2018, 2019, or later. And
3 so every day that we're not online we're losing
4 contractual revenue, and that's vital for these
5 smaller projects.

6 Now, we met with Kittitas County's Community
7 Development Services in May -- June of 2016 to
8 discuss our projects, we talked about the project
9 that they had recently permitted, again, this Osprey
10 Project that they permitted in 2015, and we talked
11 about the Iron Horse Project that was currently
12 winding its way through the permitting process with
13 the county.

14 Now, we watched the progress of Iron Horse
15 through the county with interest until the permit
16 was eventually denied in January of 2015, and the
17 county ended in enacting a moratorium, that I'm sure
18 you're aware of, that prevented the county from
19 receiving new solar applications.

20 Now, during this moratorium, a citizens
21 committee was formed to recommend new regulations
22 for solar, and as I mentioned, we've been an active
23 participant in that, trying to craft regulations
24 that work for the solar industry as well as for the
25 community.

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1 Unfortunately, our timeline is such that we
2 can't wait for the county to come up with these new
3 regulations and then apply for permits after that
4 and go through that extended process. So for that
5 reason, in early 2017 we got to seriously explore
6 this option of working with EFSEC.

7 And when no regulations were produced by the
8 county in the in six months of the moratorium, we
9 were forced to file our project with EFSEC. And
10 indeed, it's now coming on 12 months of the
11 moratorium, and there still have not been
12 regulations submitted to the Board of County
13 Commissioners.

14 So turning to our projects in particular, the
15 Camas is our first project I'll look at, and you can
16 see here that across the project site there will be
17 rows of panels mounted on trackers, those are those
18 lines that you see crossing the site. In addition,
19 there are six inverter pads on Camas that take the
20 electricity from the panels and convert them to AC
21 electricity.

22 And there are access roads -- limited access
23 roads just to access those inverters. Beyond those
24 access roads, the rest of the site will be planted
25 with grasses or other ground cover. Originally,

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1 we've been looking at native grasses in
2 communications with WDFW, but we've heard from our
3 neighboring landowners and we've continued this
4 conversation with WDFW, and a lot of people are more
5 interested in us planting crops that are more
6 similar to what's being grown around us, such as dry
7 land alfalfa. And we're very open to considering
8 other types of ground cover, and so we're currently
9 exploring that.

10 We're looking at potentially planting local
11 pollinators for native pollinator populations.

12 We're happy as long as it doesn't present a fire
13 hazard and as long as it's a relative

14 low-maintenance crop. But this is a conversation
15 that's ongoing, happy to continue it.

16 The one other thing to mention kind of about
17 our sites in general is over all five projects, we
18 have about 600 square feet of wetlands impact on one
19 of the project sites where there's an existing
20 access road there being used to access the project,
21 and we're actually just improving that road to allow
22 for construction traffic. No other impacts there
23 are proposed.

24 In addition, the buffer is to all of the
25 wetlands, a lot of the natural features, the creeks

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1 are actually quite improved by our projects because
2 we're actually going to be incorporating buffers as
3 opposed to the current farming operations that go
4 right up to these natural features.

5 I just wanted to highlight some of the
6 particular features of the Camas project. One of
7 them is the landscaping along Tjossem Road. We
8 incorporated that landscaping, these trees and
9 bushes outside of our fence line that will help
10 obscure our facility from your neighbors based on
11 feedback we were getting.

12 We also incorporated a 40-foot offset from
13 Little Naneum Creek as well as a 20-foot offset from
14 an irrigation ditch that has created kind of a
15 man-made wetland on the west side of this project.

16 Turning to our Penstemon project, a couple of
17 the features we've incorporated here, we have
18 landscaping along two sides of the project, along
19 the north and west sides. Again, we got the
20 landowner input, they wanted to have us incorporate
21 a visual buffer and we did that.

22 In addition, Coleman Creek along the eastern
23 side of the project was of concern to WDFW, they
24 wanted to make sure we were incorporating a buffer
25 there, so we have a greater than 100-foot offset

7 (Pages 25 to 28)

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1 there. We actually moved our entire project over to
2 the west to provide the maximum buffer possible
3 there.

4 Finally, we recently heard from landowners on
5 the east side of us that they are also concerned
6 about a visible buffer, and we've heard from WDFW
7 that they'd like to see improvements to the riparian
8 habitat, so we're going to be doing additional
9 plantings, trees and bushes there, to kill two birds
10 with one stone, improve that riparian habitat and
11 provide that visual buffer for our neighbors.

12 Our Urtica project also incorporates
13 landscaping, again, along the north and east sides
14 of the project based on neighbors' concerns that
15 were expressed to us. In addition, we're going to
16 make some changes based on the current plans, we're
17 going to make some additional changes to completely
18 avoid a cultural site that was found during
19 surveying, and we're incorporating a 40-foot setback
20 from McCarl Creek, and we're going to improve this
21 wetland as well with additional plantings at WDFW's
22 request.

23 Our Typha project is actually quite far from
24 most observers. It is near the golf course, and
25 when I walked the golf course, there was one area

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1 landscaping that forms the rest of that southern
2 boundary, and we have a 60-foot setback to the
3 wetlands on the west side of that project.

4 I appreciate your time. Thank you for coming
5 again. I look forward to hearing what the council
6 has to say. I really look forward to hearing what
7 the community has to say. I'm very open to feedback
8 on these projects. Thank you very much.

9 MR. STEPHENSON: Thank you, Mr. Evans.

10 I'm going to propose a two-minute break to
11 let our court reporter's fingers cool off for a
12 moment. And, Mr. Evans, you did a great job, but
13 I'm asking -- we're about to go into public
14 testimony and we will have two minutes per person,
15 this will be timed by staff, and we will go forward
16 with that.

17 But please try to remember if you're going to
18 be recorded, you have to be written down, and we
19 listen to all of these things and it's great, I
20 think this worked, but I'm looking at my court
21 reporter here and she seems okay, but I want to make
22 sure this is going well. So two minutes and then
23 we'll start up with public testimony.

24 (A short recess was had.)

25 MR. STEPHENSON: All right. We are now ready

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1 that looked like it could look out onto this land.
2 And as a result, we again changed our site
3 footprint, we took a row of panels out, we
4 incorporated some landscaping as you can see
5 highlighted there, and we're going to incorporate
6 the same sorts of trees that are currently setting
7 up the border of the golf course.

8 We're also incorporating a 30-foot setback
9 from the wetlands on this project site, as well as a
10 155-plus-foot setback from the Yakima, and that's
11 really just that corner of the site from the
12 northeast there that comes close to the river, the
13 remainder is quite far setback -- quite setback.

14 In addition, here's the 600 square feet of
15 wetlands impact that I mentioned before. I just
16 want to highlight that that's an existing access
17 road being used by the farming operation right now,
18 and we're just proposing putting down some
19 geotextile fabrics, some rocks to make that ready
20 for construction traffic.

21 For the Fumaria project, this is another
22 project that's pretty far from its neighbors, a
23 relatively low visual impact. We are incorporating
24 some landscaping for our neighbors to the south,
25 that's going to be in addition to existing

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1 to start the public comment for this phase. And
2 remember, we are about to have another hearing just
3 later this evening on the land use hearing, so these
4 comments are not on the land use hearing but we will
5 hear those.

6 Staff will help us by calling up the numbers
7 and the names of the folks that have signed up to
8 testify. Please keep this to two minutes each.
9 Written comments can be given to us at the table
10 here, and we're happy to look at those, we look at
11 those all the time, and we will look at each of them
12 and we do review those.

13 So with that, Steven, can you tell us -- or
14 Ami, are you going to tell us --

15 MS. POTIS: Christina.

16 MR. STEPHENSON: Christina, sorry, I can't
17 get the names right tonight.

18 MS. POTIS: That's all right.

19 MR. STEPHENSON: But who's the first
20 testifying?

21 MS. POTIS: Our first speaker is Tony
22 Helland,

23 No. 1. Do you want to come up to the front?

24 MR. STEPHENSON: And can you maybe read out
25 the next four or five names so that other folks are

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1 ready to go?

2 MS. POTIS: Oh, sure.

3 And the next four or five speakers can come
4 and sit in the front and then they'll be ready to go
5 right after.

6 So that would be Keith Crimp, Dwight Bates,
7 Judy Hallisey, Barry Brunson can come and sit in the
8 front, it will just help expedite the process.

9 MR. STEPHENSON: Thanks, Christina.

10 MR. HELLAND: Good evening. My name is Tony
11 Helland. My address is 414 Alpine Drive,
12 Ellensburg, Washington. I'd like to say this is the
13 second EFSEC hearing process I've been involved in,
14 first one was back maybe 15, 16 years ago when we
15 were involved with the Wild Horse Wind Project. I'm
16 happy to say that was given the go-ahead.

17 Another thing I'm happy about is all the dire
18 things that were predicted that might happen with
19 the turbines going in up on the hill, none of those
20 have come to fruition.

21 I'm just happy to see our county moving
22 forward. I've lived here 65 years, I'm a sixth
23 generation valley resident. I want to see -- I want
24 to see growth. I want to see forward movement, and
25 there's just nothing better to do for forward

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1 movement than projects like this.

2 I'm trying -- when I first was going to
3 speak, I -- everything I was going to talk about
4 kind of tied everything together with land use
5 issues and stuff, but that land use is going to be
6 later. So I'm trying to pull stuff out that -- for
7 the general portion of this.

8 These facilities, these plants that TUUSSOs
9 is proposing to build, are needed. They're
10 community-based, they're going to provide not so
11 many ongoing jobs but they'll provide construction
12 jobs and there are many people in this room that are
13 in the construction business, myself included.

14 I just want everybody that's here tonight to
15 keep an open mind and think about what this is going
16 to mean for the valley. We need to lead, we need to
17 bring this together. There's a lot of talk about
18 solar in Washington State but it's just not there.

19 MR. STEPHENSON: Thank you.

20 MS. POTIS: You need to wrap up now.

21 MR. HELLAND: That's it.

22 MR. STEPHENSON: Thank you. And good job
23 keeping to your two minutes. That's what we're
24 going to work on.

25 MS. POTIS: Keith Crimp.

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1 MR. CRIMP: My name is Keith Crimp. I am a
2 co-owner of the Ellensburg Golf Club. What Jason
3 said was right, he came out and gave a nice little
4 demonstration on what the solar power project is all
5 about. My brother and I thought about it a long
6 time and the more we think about it, we're adamantly
7 opposed to the Typha project.

8 Now, the Typha project is located right on
9 the Yakima River, we talked about a buffer and all
10 that sort of stuff, but gosh, if you know golfers,
11 golfers have a tendency to slice the ball, and
12 regardless of not where you put those solar panels,
13 they're going to slice that ball.

14 And unfortunately, we've got about one-third
15 of our play is college kids, so you can imagine
16 seeing 20,000 solar panels sitting out there, some
17 of them are going to be a little bit inebriated and
18 going to show off and I'm afraid we're going to have
19 broken solar panels.

20 So the first thing is, I don't want to go
21 ahead and be liable, I want a waiver for our golf
22 club on any liability on broken solar panels or any
23 of their equipment.

24 My other concern, and I'll talk to the
25 individual in front of me as far as the

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1 environmental impact, we're right by the Yakima
2 River and we've got teams of wildlife right there,
3 in fact, we're in the migratory pattern of several
4 geese and other pelicans and believe it or not swans
5 and so on.

6 You know, when you're a golfer, you like to
7 go out there and seeing the surroundings, you're not
8 there to go ahead and be inundated by 20,000 solar
9 panels, now, that's just for our site alone. So
10 when you go ahead and put the little notice in there
11 this is going to be discreet, it's not discreet one
12 bit. It's going to be kind of, as I said, a
13 bombshell.

14 I gave this to you on public record and I
15 believe you've got that and I'm good. I'm going to
16 give one copy to the environmental agent right here.
17 But there's several other things I'd like to discuss
18 that in my two minutes I'm not going to get the
19 chance.

20 But we are against it. There's a right place
21 and a wrong place. The Typha project is not the
22 right place. I am pro clean energy. The wind power
23 was fine. It was put in the wrong place, the one
24 that was in front of the Cascade range. Out by
25 Whiskey Dick it was great.

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1 Here, next to a golf course, when you've got
2 3 or 400 golfers golfing every day, that's taboo.
3 I'm afraid it's going to hurt our financial bottom
4 line is the final thing.

5 MR. STEPHENSON: Thank you, sir. That was
6 some really fast golfing, and so I want everybody to
7 think about slowing down just a little bit in your
8 testimony so that our court reporter can record all
9 of this.

10 MS. POTIS: Speaker No. 3, Dwight Bates.

11 MR. BATES: I'm Dwight Bates. I represent
12 myself. 1509 Brick Road. These solar panels are
13 inefficient. I'm an engineer. I think they're an
14 eyesore. Just like the wind turbines are
15 inefficient, they're an eyesore. I'm against them.

16 And I came to this valley to see the hay
17 fields and the cattle. I retired here 18 years ago,
18 I didn't retire here to see solar panels. I didn't
19 retire here to see those ugly wind turbines.

20 I can't see them coming to this valley at
21 all. It's a beautiful valley and you're just
22 ruining the whole valley putting them in. If you
23 have to put them in, put them in a overlay zones
24 east of the city in the sagebrush, do not put it in
25 farmland. I don't want the Timothy hay land ruined

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1 and birds.

2 Over half the bird species of North America
3 are threatened by climate change, 50 of those birds
4 occur right here in Kittitas County and are
5 dependent on shrubsteppe. Shrubsteppe is
6 disappearing because of development and conversion.

7 So if these solar farms go in as proposed to
8 converted land, I would like to see the areas
9 mitigated by covering the ground for erosion and
10 invasive species by use of native plants and
11 grasses. And I have at my disposal a list of native
12 plants that are fire resistant, draught-tolerant,
13 and tailored specific to Kittitas County that will
14 benefit those 50 species of birds, and I will make
15 them available. Thank you.

16 MR. STEPHENSON: Thank you. Christina, do we
17 have the next five?

18 MS. POTIS: Yes, so Speaker No. 5 is Barry
19 Brunson. And then if Karen Poulsen, Jim Armstrong,
20 Debbie Strand, Klaus Holzer would like to come
21 forward and sit in the front.

22 MR. BRUNSON: Hi. I'm Barry Brunson. I'm a
23 resident of Cle Elum. There are many reasons to
24 support solar power but two of the most precious to
25 me are named Avery and Sydney. They're eight years

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1 by big solar panels.

2 I don't think you need a flat area to put
3 them in. I think you can put them in sagebrush area
4 that doesn't have a big slope, so I can't see taking
5 up valuable farmland.

6 MR. STEPHENSON: Thank you.

7 MS. POTIS: Speaker 4, Judy Hallisey.

8 MS. HALLISEY: Good evening. My name is Judy
9 Hallisey. I'm a resident of Kittitas County, I'm
10 also a natural resource manager and a lifelong
11 birder.

12 My concerns are with bird habitat. And
13 National Audubon declared three years ago that the
14 No. 1 threat to birds is climate change. Because of
15 that, I am a strong proponent of solar farms and
16 solar energy. If I had my wish, every rooftop in
17 this valley would have panels on it.

18 My first check on the location of these
19 proposed farms was to see if they overlaid the
20 important bird areas. They do not. That's a plus
21 for their location.

22 Secondly, I'm pleased that they're not being
23 proposed within the shrubsteppe. The shrubsteppe
24 habitat is our most rapidly disappearing habitat in
25 North America. It supports a plethora of wildlife

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1 old and three years old. They're our grandchildren
2 and they and their parents -- our kids -- and their
3 kids and their grandchildren are the ones who are
4 going to be most impacted by the climate change as a
5 result of global warming.

6 Global warming comes from principally an
7 increase in carbon dioxide in the atmosphere and
8 that causes lots of climate disruptions. Lots of
9 you are familiar with this. There's no specific
10 dispute about those facts. They come largely from
11 burning fossil fuels and that's not in scientific
12 dispute.

13 The evidence is all around us from more
14 extreme weather events and more of those extreme
15 weather events, from hurricanes, droughts, floods.
16 Millions of climate refugees are expected. And
17 wildfires, as we saw most closely by this summer up
18 here, as well as spread previously only tropical
19 diseases.

20 Now, solar is a big part of a healthy future,
21 and that's why I'm fully in support of increased
22 industrial sized as well as individual level solar
23 panels -- solar power.

24 It may seem -- it may seem troubling to some
25 that the TUUSSO project is going around -- going

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1 directly to the state, but on the other hand, there
2 was a permit denied by the county. They imposed a
3 six-month moratorium and then extended it another
4 six months and that sort of leads one to be
5 impatient, and I can sort of understand that. Thank
6 you.

7 MR. STEPHENSON: Thank you.

8 MS. POTIS: Karen Poulsen.

9 MS. POULSEN: Hello. I'm Karen Poulsen.
10 5591 Tjossem Road. I'm a full-time farmer with land
11 across from two of the proposed solar sites. I'm
12 also fifth generation -- or my family -- I'm fifth
13 generation of family.

14 The land and water resources of the Kittitas
15 Valley have long been important to both Native
16 Americans and those who have come since. This
17 valley is well known around the world for its
18 Timothy hay and is now also being known for its
19 high-quality apples and seed crops.

20 Due to a unique climate and an ability to
21 irrigate our prime farmlands, Kittitas County has
22 developed a viable agriculture community. However,
23 for modern agriculture to thrive in a world
24 marketplace, it takes a certain economy of scale and
25 land base to maintain both our markets and our local

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1 zoning regulations are favorable, and willing
2 landowners seek to diversify their income by leasing
3 their land for solar.

4 The right of those landowners to do so was a
5 major consideration of the Chamber Board. Another
6 was the property tax the project will generate.
7 Taxes paid by wind energy have already built new
8 schools and added substantially to the county's
9 annual tax revenue and solar will do the same. So
10 this is a significant economic opportunity that most
11 counties would leap at.

12 The Chamber Board also acknowledged the
13 continuing need to replace fossil fuels with clean
14 renewable energy. As for the projects before you
15 today, a concern is the visual impacts, we
16 understand that. However, it's important to note
17 that these facilities have few direct neighbors,
18 that TUUSSO planned significant landscaping to hide
19 the panels from view, and certainly, they will have
20 far less visual impact than our wind farms, which
21 were extremely controversial, as you remember when
22 they were approved, but today are largely invisible
23 to the average resident.

24 Finally, it's also important to note these
25 projects have minimal long-term impact. Unlike

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1 agricultural infrastructure of buyers and farm
2 suppliers.

3 If our prime irrigated farmland is converted
4 to other nonagricultural uses, it puts an
5 ever-increasing economic stress on those remaining
6 farms and businesses who are left. As an example,
7 the Camp Valley was once a thriving farming area,
8 but as farms were converted to other uses, those
9 that are left have become economically stressed to
10 the point where they were lost.

11 I will give some more of my testimony later
12 to the specifics of the land use. Anyway, thank you
13 very much.

14 MR. STEPHENSON: Thank you.

15 MS. POTIS: Speaker 7, Jim Armstrong.

16 MR. ARMSTRONG: Jim Armstrong with the
17 Kittitas County Chamber of Commerce. Last month the
18 Chamber Board of Directors voted to support TUUSSO
19 Energy's application and asked me to elaborate on
20 that endorsement this evening.

21 That Kittitas County is a center for
22 renewable energy is no surprise. Our winds are
23 legendary and our sunshine is the highest in PSE
24 service territory. So TUUSSO came here for good
25 reason. The resource and transmissions are here,

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1 residential development which is forever, at the end
2 of their lifespans these can be removed and the land
3 returned to agriculture if that's what the landowner
4 wishes.

5 Given these factors and that TUUSSO's plans
6 conform to county land use regulations, the Chamber
7 Board asks you to give expedited approval for the
8 applications before you. Thank you.

9 MR. STEPHENSON: Thank you.

10 MS. POTIS: Speaker No. 8, Debbie Strand.

11 MS. STRAND: Good evening. My name is Debbie
12 Strand. I'm 1932 East Village Drive, Ellensburg.
13 I've been a resident here for 20-plus years now.

14 I'm the former director of the Economic
15 Development Group of Kittitas County and the owner
16 of a consulting firm, Strand Consulting. But I'm
17 not here representing either of those entities, I'm
18 here representing myself. I worked closely with the
19 wind projects in our valley, and I'm very familiar
20 with the EFSEC process having gone through it two,
21 maybe three times.

22 TUUSSO's application to EFSEC is
23 understandable. The county's existing zoning allows
24 for alternative energy. Hearing examiner found as
25 much with Iron Horse. The superior court decision

11 (Pages 41 to 44)

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1 is flawed and I imagine that One Energy will likely
2 appeal that decision.

3 Board of County Commissioners, when they
4 rejected Iron Horse, it signaled to developers that
5 they were reversing their pro solar position that
6 they had with the Teanaway Solar Project.

7 Certainly, the county has its right to
8 reverse its policy and developers also have the
9 right to not wait until the county figures out what
10 its policy is, because as we know and any business
11 knows, time is money.

12 So there are three projects permitted, wind
13 projects here now: Two are built, one is yet to be
14 built. And there really aren't that many people
15 that are angry with them, it's hard to find somebody
16 that really is. The employment, the property taxes,
17 the landowner benefits, they're all wonderful
18 assets.

19 The county will be heard here, Mr. Ian
20 Elliot, he will certainly represent our county very
21 well. He's done so on other projects before the
22 EFSEC board. Mitigation will be taken care of
23 through the EFSEC process.

24 Let's see, Kittitas County is the center of
25 wind energy, and we'd really like to be the center

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1 someone else make our decisions.

2 Many of the people in this valley that I've
3 heard from are very angry that someone's coming and
4 making a decision for us. And yet, in a way, we're
5 kind of getting what we deserve because we continue
6 a practice where we don't make decisions for these
7 really tough things that are going to impact our
8 county.

9 And that's what I have to say. Thank you.

10 MR. STEPHENSON: Thank you.

11 MS. POTIS: Speaker No. 10, Merrill Klocke.

12 And if the last two informational speakers,
13 Kathi Pritchard and Schrade Rouse would come up to
14 the front to expedite the process, thank you.

15 Speaker No. 10, Merrill Klocke? Are you
16 Speaker No. 10?

17 UNIDENTIFIED SPEAKER: Yeah, I got a number.

18 MS. POTIS: No, no. That's for land use.

19 Speaker No. 10 for informational meeting,
20 Merrill Klocke?

21 MR. KLOCKE: Yes. Yeah. My name is Merrill
22 Klocke, No. 6 Tjossem Road. And my main concern is
23 keeping the valley in agriculture which, to me, is
24 the biggest income of the county. And mine is on
25 the Camas project and they want to put them within

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1 of renewable energy by adding solar to this. So I
2 think that the proposed facilities should be built,
3 and I think it's good and something that we all
4 should be proud of. Thank you.

5 Two minutes goes really fast, especially when
6 I try to be slow so that the reporter can get it.

7 MR. STEPHENSON: Yes, it does. Thank you.

8 MS. POTIS: Speaker No. 9.

9 MR. HOLZER: Hello. My name is Klaus Holzer.
10 I live at 9982 Manastash Road. And I'd like to also
11 voice approval of the solar project, but, you know,
12 I really love my home here.

13 I love this valley and I love my neighbors.
14 I'd hate the idea of them being harmed in terms of
15 placement of new solar and wind projects. And this
16 makes for some real difficulties in deciding where
17 and when we're going to site -- well, where we would
18 site these projects.

19 And so the purpose of my contribution here
20 this evening is to kind of admonish our own
21 commissioners and county process. Your presenter on
22 the project said that it had been 12 months and they
23 still haven't gotten any kind of a ruling from our
24 county. And this seems to be a tendency for us to
25 just kind of kick the can down the road and let

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1 200 feet of my back window of my yard.

2 Originally, they weren't going to come north
3 of the Bull Ditch but they said they had to have a
4 certain size. So if they kept them south of the
5 creek I wouldn't be quite concerned. But I would
6 have to look at these things, I've got to -- to me,
7 it's going to depreciate my value of my property.

8 If I had to look at a few acres with
9 360-degree view, and I had to look at a property
10 that had a bunch of solar panels, which one would I
11 buy? That's my main concern, they're going to block
12 my view around my property. So it's my property
13 value and my view and preserving agricultural land.
14 Thank you.

15 MR. STEPHENSON: Thank you.

16 MS. POTIS: Speaker 11, Kathi Pritchard.

17 MS. PRITCHARD: Good evening. I'm Kathi
18 Pritchard, a local resident. The state is at a
19 crossroad. The agricultural investment throughout
20 the state would be diminished and a serious
21 precedence made if this council approves this
22 application to convert prime irrigated farmland to
23 use as utility-scale energy production.

24 Agriculture is woven into the fabric of
25 Washington State's heritage according to the State

1 Department of Commerce website. Governor Inslee
2 supports this fact through goals to, quote, grow the
3 agricultural sector. Among his five goals listed on
4 the state commerce website are protecting scarce
5 resources, land, water, and labor; harnessing
6 emerging opportunities in organic, sustainable, and
7 local farming.

8 Kittitas County is the home to a thriving
9 farm community. Ranging from small family farms to
10 national-ranked export operations and new crops are
11 being developed every year.

12 MR. STEPHENSON: Just a bit slower, please.
13 Thank you.

14 MS. PRITCHARD: I'll take a breath.

15 MR. STEPHENSON: I'll give you some more
16 time.

17 MS. PRITCHARD: Okay. Thank you.

18 According to 2012 USDA Kittitas County farm
19 figures, Kittitas County farm economy exceeded \$68
20 million. The state export assistance program cites
21 Anderson Hay & Grain a success story through its
22 venture to export hay and grain to the middle east.

23 Kittitas Valley is also home to innovative
24 growers in apples and organics. Just this year,
25 Yakima-based Zirkle Fruit planted 600,000 trees on

1 600 acres in lower Kittitas Valley, and they have
2 plans to plant up to 1.5 million trees.

3 Another business, a family-owned organic seed
4 company, also calls this county home, farming about
5 150 certified organic acres. These are just three
6 farming success stories for our county. These and
7 many more could be adversely affected if this
8 application is approved.

9 If approved, the proposed projects would
10 likely begin a drain on the number of irrigated
11 acres available to our -- I'm sorry, in our county
12 and states, since 18 other projects are seeking
13 similar acreage and are waiting in the wings.

14 As proposed, these projects are not in
15 harmony with the governor's stated goals to protect
16 scarce resources of land, water, and labor and
17 encourage emerging innovation in sustainable
18 farming.

19 Now, the choice does not have to be between
20 farms and renewable energy. Over 18,000 acres of
21 non-irrigated land and DNR trust land meet
22 developers' criteria for siting. The site on trust
23 land would fund K to 12 schools throughout the
24 state.

25 The laws of prime irrigated farmland means

1 that agriculture and innovation and economic growth
2 for longer than the 30 years of the proposed
3 projects' timeline --

4 MS. POTIS: And your time is up.

5 MR. STEPHENSON: Thank you. And thank you
6 for slowing down.

7 MS. POTIS: Speaker 12.

8 MR. ROUSE: My name is Schrade Rouse. I live
9 on Park Creek Road near where the Iron Horse solar
10 facility would have been located. I came to this
11 meeting tonight to thank my locally elected county
12 commissioners for enacting the solar moratorium.

13 I believe that this decision was a direct
14 response to public sentiment. I would also like to
15 thank the judge who upheld that decision, again, for
16 representing the people.

17 Lastly, I came to this meeting so that I
18 could try to understand how and why a nonelected
19 board has the ability to override local government,
20 and I do not feel that those questions have been
21 answered.

22 MR. STEPHENSON: Thank you.

23 MS. POTIS: Speaker 13.

24 MR. BLAZYNSKI: Good evening. Stan
25 Blazynski, resident of Kittitas County. To start

1 off, I would like to reveal that I'm really for
2 clean energy, but I'm against these solar farms
3 because they trade precious farmland for very, very
4 expensive electricity.

5 If we're going to have expensive electricity
6 like they proposing, we're going to lose any
7 leverage
8 with -- as a county we're not going to be
9 competitive.

10 I submitted this to the county previously.
11 Germany seems to be ahead of anybody on solar farms,
12 but where they put these farms, that's very
13 interesting. Typically, they find locations that
14 are useless: Mines, vacated military bases, so on,
15 be too long, not enough time.

16 Another case here is I don't know if people
17 are aware, it's called a feed-in electricity tariff.
18 It's a tariff designed for quick return on
19 investment. Our neighbors to the north in Canada do
20 that. It is the tariff per kilowatt of electricity
21 is over 40 cents, over 40 cents. Please add 40
22 cents to the current rates of about 10, 12 cents,
23 we're not going to compete with the world at 50
24 cents an hour, kilowatt hour. I'd like to submit
25 that because it's too lengthy.

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1 And I appreciate the opportunity.
 2 MR. STEPHENSON: Thank you.
 3 Is this the last one?
 4 MS. POTIS: Yes, it is. Actually, no, one
 5 more.
 6 MR. STEPHENSON: One more?
 7 MS. POTIS: Yeah. Dan Morgan.
 8 MR. MORGAN: Hi, my name is Dan Morgan. I'm
 9 a Kittitas County resident and a local business
 10 owner. I'm here to speak in favor of this project.
 11 I believe that renewables are a good fit for this
 12 county and consistent with land use regulations.
 13 My company has been involved with renewable
 14 projects in the past and still -- we still are, and
 15 it's been very good for us. It's employed my
 16 people, and they have spent their dollars locally
 17 and trickles down through the economy here.
 18 So you've -- we've already had projects like
 19 this approved before so need to be consistent and
 20 I'm all for it. Thank you.
 21 MR. STEPHENSON: Thank you.
 22 Is that it now?
 23 MS. POTIS: Uh-huh.
 24 MS. STEPHENSON: All right. So let's take a
 25 15-minute break. There's a couple reasons for this.

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1 CERTIFICATE
 2 STATE OF WASHINGTON)
) ss.
 3 COUNTY OF YAKIMA)
 4
 5 This is to certify that I, Dani Jean Craver,
 6 Certified Court Reporter in and for the State of
 7 Washington, residing at Selah, reported the within
 8 and foregoing proceedings; said proceedings being
 9 taken before me on the date herein set forth; that
 10 said proceedings was taken by me in shorthand and
 11 thereafter under my supervision transcribed; and
 12 that same is a full, true, and correct record of the
 13 testimony of said witnesses, including all
 14 questions, answers, and objections, if any, of
 15 counsel.
 16 I further certify that I am not a relative or
 17 employee or attorney or counsel of any of the
 18 parties, nor am I financially interested in the
 19 outcome of the cause.
 20 IN WITNESS WHEREOF I have set my hand this 27th
 21 day of December, 2017.
 22
 23
 24 DANI JEAN CRAVER
 25 CCR NO. 3352

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1 One is to let our court reporter have a chance to
 2 rest her fingers, and the other is to let myself and
 3 the council members, we listen hard to these things
 4 and we need to keep listening hard, so we're going
 5 to take a 15-minute break and then we're going to
 6 start the land use hearing portion of this meeting.
 7 Thank you very much for being here.
 8 (PROCEEDINGS CONCLUDED AT 6:48 P.M.)
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Kittitas Valley Wind Power Project

Monthly Project Update

November 21, 2017

Project Status Update

October Production Summary:

Power generated:	15,488 MWh
Wind speed:	5.8 m/s
Capacity Factor:	20.7%

Safety:

No incidents

Compliance:

Project is in compliance as of November 10, 2017

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Kittitas Valley Wind Power Project

Monthly Project Update

December 19, 2017

Project Status Update

November Production Summary:

Power generated:	9,153 MWh
Wind speed:	4.5 m/s
Capacity Factor:	12.6%

Safety:

No incidents

Compliance:

Project is in compliance as of December 15, 2017

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Kittitas Valley Wind Power Project

Monthly Project Update

January 16, 2018

Project Status Update

December Production Summary:

Power generated: 7827 MWh

Wind speed: 3.8 m/s

Capacity Factor: 10.4%

Safety:

No incidents

Compliance:

Project is in compliance as of January 8, 2018

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Wildhorse Wind Facility

Safety

No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental

The general modern firearm elk season began on October 28th and concluded on November 5th. WDFW provided increased security during this busy season. No issues to report.

Operations/Maintenance

Nothing to report.

Wind Production

October generation totaled 74,425 MWh for an average capacity factor of 36.70%.

Eagle Update

Nothing new to report at this time.

Wild Horse Wind Facility

December Operational Update

Safety

No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental

Nothing to report.

Operations/Maintenance

The Renewable Energy Center (visitor center) closed for the winter season on Nov. 15th.

Wind Production

November generation totaled 60,172 MWh for an average capacity factor of 30.66%.

Eagle Update

Nothing new to report.

Wild Horse Wind Facility
January 16, 2018

January update

Safety

No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental

Nothing to report.

Operations/Maintenance

Nothing to report.

Wind Production

December generation totaled 28,106 MWh for an average capacity factor of 13.86%.

Eagle Update

Nothing new to report.

**Energy Northwest
EFSEC Council Meeting
November 21, 2017
Debbie Knaub**

I. Columbia Generating Station Operational Status

Columbia is online at 100% power and producing 1165 MWs.

Executive Team Changes:

Columbia is in the process of selecting a successor to the current CEO, Mark Reddemann, who has announced his retirement. Interviews will occur this winter and spring with selection occurring in April 2018. The new CEO will start in June 2018.

Power Magazine recently acknowledged the Columbia Generating Station as one of its **2017 Top Plants** in the nuclear power generation category. The magazine cites Columbia's "rising performance" since leadership introduced the Excellence Model in 2011 "that has transformed the plant's culture and sent generation performance soaring."

Regulatory Updates:

The Washington Department of Ecology inspected Columbia's diesel generators and auxiliary boiler on November 7 and viewed the hazardous waste accumulation and storage areas. No discrepancies were found.

There are no other events, safety incidents, or regulatory issues to report.

II. WNP 1/4 Water Rights

NEPA/Leasing

No change from July 2017 report.

Energy Northwest's new lease with the Department of Energy for WNP 1/4 went into effect on July 1, 2017. We have started the planning and some field work on the water distribution system project, which will eventually utilize the Water Rights permit granted by the Department of Ecology.

**Energy Northwest
EFSEC Council Meeting
December 19, 2017
Debbie Knaub**

I. Columbia Generating Station Operational Status

Columbia is online at 100% power and producing 1166 MWs.

Executive Team Changes:

Columbia is in the process of selecting a successor to the current CEO, Mark Reddemann, who has announced his retirement. Interviews will occur this winter and spring with selection occurring in April 2018. The new CEO will start in June 2018.

Regulatory Updates:

Washington State Department of Ecology toured Columbia facilities related to the station's NPDES permit on Nov 29, 2017. Ecology requested the site visit to familiarize new regulators with facilities regulated under the NPDES permit.

There are no other events, safety incidents, or regulatory issues to report.

II. WNP 1/4 Water Rights

NEPA/Leasing

No change from July 2017 report.

Energy Northwest's new lease with the Department of Energy for WNP 1/4 went into effect on July 1, 2017. We have started the planning and some field work on the water distribution system project, which will eventually utilize the Water Rights permit granted by the Department of Ecology.

**Energy Northwest
EFSEC Council Meeting
January 16, 2018
Debbie Knaub**

I. Columbia Generating Station Operational Status

Columbia is online at 100% power and producing 1162 MWs.

Executive Team Changes:

Columbia is in the process of selecting a successor to the current CEO, Mark Reddemann, who has announced his retirement. Interviews will occur this winter and spring with selection occurring in April 2018. The new CEO will start in June 2018.

II. WNP 1/4 Water Rights

NEPA/Leasing

No change from July 2017 report.

Energy Northwest's new lease with the Department of Energy for WNP 1/4 went into effect on July 1, 2017. We have started the planning and some field work on the water distribution system project, which will eventually utilize the Water Rights permit granted by the Department of Ecology.

Chehalis Generation Facility----Monthly Plant Report – October 2017

Washington Energy Facility Site Evaluation Council

11-01-2017

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 825 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month of October 2017.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of October 2017.

Personnel:

- The Chehalis plant staffing level is currently 19 of 19 approved positions filled.

Operations and Maintenance Activities:

- The Plant generated 239,467 MW-hours in October for a 2017 YTD generation total of 1,353,734 MW-hours and a capacity factor of 37.3%.

Regulatory/Compliance:

- Nothing to report.

Sound monitoring:

- Nothing to report this period.



Carbon Offset Mitigation:

- Nothing to report this period

Respectfully,

A handwritten signature in black ink, appearing to read "Mark A. Miller".

Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

Chehalis Generation Facility----Monthly Plant Report – November 2017
Washington Energy Facility Site Evaluation Council12.12.2017

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 856 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month of November 2017.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of November 2017.

Personnel:

- The Chehalis plant staffing level is currently 18 of 19 approved positions filled. There is an open position for an Instrument and Controls Technician.

Operations and Maintenance Activities:

- The Plant generated 191,333 MW-hours in November for a 2017 YTD generation total of 1,545,067 MW-hours and a capacity factor of 37.5%.

Regulatory/Compliance:

- Nothing to report.

Sound monitoring:

- Nothing to report this period.



Carbon Offset Mitigation:

- Nothing to report this period

Respectfully,

A handwritten signature in black ink, appearing to read "M. Miller".

Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

Chehalis Generation Facility----Monthly Plant Report – December 2017
Washington Energy Facility Site Evaluation Council

01.09.2017

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 887 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month of December 2017.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of December 2017.

Personnel:

- The Chehalis plant staffing level is currently 18 of 19 approved positions filled. There is an open position for an Instrument and Controls Technician.

Operations and Maintenance Activities:

- The Plant generated 211,740 MW-hours in November for a 2017 YTD generation total of 1,756,807 MW-hours and a capacity factor of 40.4%.

Regulatory/Compliance:

- Nothing to report.

Sound monitoring:

- Nothing to report this period.



Carbon Offset Mitigation:

- Nothing to report this period

Respectfully,

A handwritten signature in black ink, appearing to read "M. Miller".

Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

EFSEC Monthly Operational Report

October 2017

1. Safety and Training

- 1.1. There were no accidents or injuries during the month of October.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled safety committee meeting.

2. Environmental

- 2.1. Provided comments on PSD Amendment 4 to ORCAA and DOE on October 5, and a final draft was later sent by EFSEC to EPA for their review.
- 2.2. The opacity meter from Auxiliary Boiler was installed on Unit 1's Stack following OEM's specifications on October 2. Method 9 visible emission monitoring is completed daily whenever the Auxiliary Boiler is operated. A new opacity meter has been ordered from Ametek and is expected to arrive later this year.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 31 days and generated 381,692 MWh during the month of October.

4. Noise and/or Odor

- 4.1. There were no complaints made to the site during the month of October.

5. Site Visits

- 5.1. Meet and greet and site tour were conducted with EFSEC and DOE on October 18, regarding the new NPDES permit application that is due November 13.

6. Other

- 6.1. Grays Harbor is staffed with 20 personnel.

EFSEC Monthly Operational Report

November 2017

1. Safety and Training

- 1.1. There were no accidents or injuries during the month of November.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled safety committee meeting.

2. Environmental

- 2.1. NPDES permit renewal application was submitted on-time to EFSEC/DOE on November 13. A November 29 conference call was conducted to collect DOE guidance for the Final Engineering Report that is due December 31.
- 2.2. Preparing for new DMRQA37 tests for turbidity and total residual chlorine in early December for the quality assurance of these measurements from site's lab. Source of both these errors has been determined.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 20 days and generated 238,189 MWh during the month of November.

4. Noise and/or Odor

- 4.1. There were no complaints made to the site during the month of November.

5. Site Visits

- 5.1. None.

6. Other

- 6.1. Grays Harbor is staffed with 20 personnel.

EFSEC Monthly Operational Report

December 2017

1. Safety and Training

- 1.1. There were no accidents or injuries during the month of December.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled safety committee meeting.
- 1.4. State Fire Marshall inspection of facility was completed in early December.
- 1.5. Arise Inc. completed an external boiler inspection of Cleaver Brooks Auxiliary Boiler on December 20 that was satisfactory.

2. Environmental

- 2.1. The Final Engineering Report Addendum for the NPDES permit was submitted on-time to EFSEC/DOE on December 28.
- 2.2. A new opacity meter was installed on U1. The opacity meter that was temporarily in service on this stack for the majority of Q4 2017 was returned to the Auxiliary Boiler.
- 2.3. For Grays Harbor site lab, new DMRQA37 proficiency tests for turbidity and total residual chlorine were submitted to ERA on December 28, 2017 that passed their quality assurance criteria.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 31 days and generated 386,368 MWh during the month of December.

4. Noise and/or Odor

- 4.1. There were no complaints made to the site during the month of December.

5. Site Visits

- 5.1. None.

6. Other

- 6.1. Grays Harbor is staffed with 21 personnel.

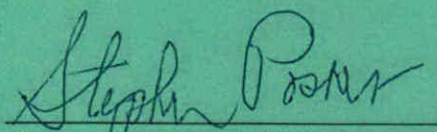
Energy Facility Site Evaluation Council

Non Direct Cost Allocation for 3rd Quarter FY 2018 January 1, 2018 – March 31, 2018

The EFSEC Cost Allocation Plan (Plan) was approved by the Energy Facility Site Evaluation Council in September 2004. The Plan directed review of the past quarter's percentage of EFSEC technical staff's average FTE's, charged to EFSEC projects. This along with anticipated work for the quarter is used as the basis for determining the non-direct cost percentage charge, for each EFSEC project.

Using the procedures for developing cost allocation, and allowance for new projects, the following percentages shall be used to allocate EFSEC's non direct costs for the 3rd quarter of FY 2018:

Kittitas Valley Wind Power Project	8%
Wild Horse Wind Power Project	8%
Columbia Generating Station	17%
Columbia Solar	16%
WNP-1	4%
Whistling Ridge Energy Project	3%
Grays Harbor 1&2	9%
Chehalis Generation Project	9%
Desert Claim Wind Power Project	11%
Grays Harbor Energy 3&4	3%
Tesoro Savage	12%


Stephen Posner, EFSEC Manager

Date: 1/10/2018