



Washington State Energy Facility Site Evaluation Council

REVISED AGENDA

MONTHLY MEETING
Tuesday January 18, 2022
1:30 PM

CONFERENCE CALL ONLY
Conference number: (253) 372-2181 ID: 662593855#

- 1. Call to Order Kathleen Drew, EFSEC Chair
- 2. Roll Call Joan Owens, EFSEC Staff
- 3. Proposed Agenda Kathleen Drew, EFSEC Chair
- 4. Minutes
 - Meeting Minutes** Kathleen Drew, EFSEC Chair
 - November 16, 2021 Monthly Meeting Minutes
 - November 17, 2021 Badger Mountain Informational Meeting Minutes
 - November 17, 2021 Badger Mountain Land Use Hearing Minutes
- 5. Projects
 - a. **Kittitas Valley Wind Project**
 - Operational Updates Eric Melbardis, EDP Renewables
 - b. **Wild Horse Wind Power Project**
 - Operational Updates Jennifer Galbraith, Puget Sound Energy
 - c. **Chehalis Generation Facility**
 - Operational Updates Mark Miller, Chehalis Generation
 - d. **Grays Harbor Energy Center**
 - Operational Updates Chris Sherin, Grays Harbor Energy
 - e. **Columbia Generating Station**
 - Operational Updates Marshall Schmitt, Energy Northwest
 - f. **WNP – 1/4**
 - Non-Operational Updates Marshall Schmitt, Energy Northwest
 - g. **Columbia Solar**
 - Project Updates Owen Hurd, Tuusso Energy
 - h. **Desert Claim**
 - Project Updates Amy Moon, EFSEC Staff
 - i. **Horse Heaven Wind Farm**
 - SEPA update Amy Moon, EFSEC Staff
 - Project extension Ami Hafkemeyer, EFSEC Staff

The Council may consider and take FINAL ACTION on the Horse Heaven request to extend time to process the Application.
 - j. **Goose Prairie Solar**
 - Project Updates Kyle Overton, EFSEC Staff
 - k. **Badger Mountain**
 - Project Updates Sean Chisholm, EFSEC Staff
 - Land Use Memo Ami Hafkemeyer, EFSEC Staff
- 6. Other
 - 3rd Quarter Cost Allocation Sonia Bumpus, EFSEC staff
- 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 42.30.020

Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

November 16, 2021



206.287.9066 | 800.846.6989

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Verbatim Transcript of Monthly Council Meeting - 11/16/2021

<p style="text-align: right;">Page 1</p> <hr/> <p style="text-align: center;">WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL</p> <p style="text-align: center;">1:30 p.m.</p> <hr/> <p style="text-align: center;">Virtual Monthly Meeting Verbatim Transcript of Proceedings</p> <p style="text-align: center;">(All parties appeared via videoconference.)</p> <p>DATE TAKEN: November 16, 2021 REPORTED BY: Andrea Ramirez, WA CCR# 21022142</p>	<p style="text-align: right;">Page 3</p> <p>1 EFSEC Staff: 2 JOAN OWENS 3 SONIA BUMPUS 4 AMI HAFKEMEYER 5 KYLE OVERTON 6 AMY MOON 7 SEAN CHISHOLM 8 STEW HENDERSON 9 ANDREA GRANTHAM</p> <p>Also in Attendance:</p> <p>10 ERIC MELBARDIS, EDP Renewables 11 JENNIFER GALBRAITH, Puget Sound Energy 12 MARK MILLER, PacifiCorp 13 STEFANO SCHNITGER, PacifiCorp 14 MARY RAMOS, Energy Northwest 15 OWEN HURD, Tuusso Energy 16 BILL SHERMAN, Counsel for The Environment 17 MEGAN SALLOMI, Counsel for The Environment</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S 2 (All parties appeared via videoconference.) 3 4 Councilmembers: 5 KATHLEEN DREW, Chair 6 KATE KELLY, Department of Commerce 7 MIKE LIVINGSTON, Department of Fish and Wildlife 8 LENNY YOUNG, Department of Natural Resources 9 STACEY BREWSTER, Utilities and Transportation Commission 10 11 Local Government and Optional State Agencies for the Goose 12 Prairie Project, Department of Transportation: 13 BILL SAURIOL 14 15 Horse Heaven Wind Project, Department of Agriculture: 16 DEREK SANDISON 17 18 Benton County: 19 ED BROST 20 21 Assistant Attorney General: 22 JON THOMPSON 23 24 Administrative Law Judge: 25 ADAM TOREM</p>	<p style="text-align: right;">Page 4</p> <p>1 LACEY, WASHINGTON; NOVEMBER 16, 2021 2 1:30 p.m. 3 --o0o-- 4 P R O C E E D I N G S 5 6 CHAIR DREW: Good afternoon. This is 7 Kathleen Drew, Chair of the Washington State Energy 8 Facility Site Evaluation Council, and I'm bringing to 9 order our meeting for Tuesday, November 16. 10 Ms. Owens, will you call the roll? 11 MS. OWENS: Department of Commerce? 12 MS. KELLY: Kate Kelly, present. 13 MS. OWENS: Department of Ecology? 14 Department of Fish and Wildlife? 15 MR. LIVINGSTON: Mike Livingston here. 16 MS. OWENS: Department of Natural Resources? 17 MR. YOUNG: Lenny Young, present. 18 MS. OWENS: Utilities and Transportation 19 Commission? 20 MS. BREWSTER: Stacey Brewster, present. 21 MS. OWENS: Local government and optional 22 state agencies for the Goose Prairie Project, 23 Department of Transportation? 24 MR. SAURIOL: Bill Sauriol, present. 25 MS. OWENS: For the Horse Heaven Project,</p>

Verbatim Transcript of Monthly Council Meeting - 11/16/2021

Page 5	Page 7
<p>1 Department of Agriculture? 2 MR. SANDISON: Derek Sandison, present. 3 MS. OWENS: Benton County? 4 MR. BROST: Ed Brost. 5 MS. OWENS: The Assistant Attorney General? 6 MR. THOMPSON: Jon Thompson, present. 7 MS. OWENS: Administrative law judges, 8 Johnette Sullivan? 9 Adam Torem? 10 JUDGE TOREM: Present. 11 MS. OWENS: Laura Bradley? 12 For EFSEC Council staff, Sonia Bumpus? 13 MS. BUMPUS: Sonia Bumpus is present. 14 MS. OWENS: Ami Hafkemeyer? 15 MS. HAFKEMEYER: Present. 16 MS. OWENS: Amy Moon? 17 MS. MOON: Amy Moon, present. 18 MS. OWENS: Kyle Overton? 19 MR. OVERTON: Kyle Overton, here. 20 MS. OWENS: Joe Wood? 21 Sean Chisholm? 22 MR. CHISHOLM: Sean Chisholm, present. 23 MS. OWENS: Patty Betts? 24 Stew Henderson? 25 MR. HENDERSON: Stew Henderson, present.</p>	<p>1 CHAIR DREW: Excuse me. There are a number 2 of people who have their microphones on. If you could 3 turn off your microphone so that we don't have 4 background noise. There's quite a bit of background 5 noise here. 6 Thank you. 7 MS. OWENS: I'll call Columbia Generating 8 Station again. They might not have heard me. 9 MS. RAMOS: Mary Ramos, present. 10 MS. OWENS: Thank you. 11 Columbia Solar? 12 MR. HURD: Owen Hurd, present. 13 MS. OWENS: Counsel for The Environment, Bill 14 Sherman? 15 MR. SHERMAN: Bill Sherman and also Megan 16 Sallomi are both present. 17 MS. OWENS: Thank you. 18 Chair, there is a quorum for the regular 19 council and for the Goose Prairie and Horse Heaven 20 Council. 21 CHAIR DREW: Thank you, Ms. Owen. 22 Moving on to the proposed agenda, 23 Councilmembers, you have the proposed agenda in front 24 of you. 25 Is there a motion to adopt the proposed</p>
Page 6	Page 8
<p>1 MS. OWENS: Andrea Grantham? 2 MS. GRANTHAM: Andrea Grantham, present. 3 MS. OWENS: Is our court reporter on the 4 line? 5 Oh, I see her video. I don't have audio. 6 THE COURT REPORTER: Sorry. Yes, I'm 7 present. Thank you. 8 MS. OWENS: Thank you. What was your name 9 again? 10 THE COURT REPORTER: Andrea Ramirez. 11 MS. OWENS: For the operational updates, 12 Kittitas Valley Wind Project? 13 MR. MELBARDIS: Eric Melbardis, present. 14 MS. OWENS: For Wild Horse Wind Power 15 Project? 16 MS. GALBRAITH: Jennifer Galbraith, present. 17 MS. OWENS: Grays Harbor Energy Center? 18 Chehalis Generation Facility? 19 MR. MILLER: For the Chehalis Generation 20 Facility, this is Mark Miller, plant manager. I also 21 have online Stefano Schnitger, the operations manager, 22 and Stacy LeClaire (phonetic), our new environmental 23 health and safety analyst. 24 MS. OWENS: Thank you. 25 Columbia Generating Station?</p>	<p>1 agenda? 2 MR. YOUNG: This is Lenny Young. I move to 3 adopt the proposed agenda. 4 CHAIR DREW: Thank you. 5 MS. BREWSTER: Stacey Brewster, second. 6 CHAIR DREW: Thank you. 7 Any discussion? 8 All those in favor of adopting the proposed 9 agenda, please say "aye." 10 COUNCILMEMBERS: Aye. 11 CHAIR DREW: The agenda is adopted. 12 Moving on to the meeting minutes, we have two 13 sets of meeting minutes to review at today's meeting. 14 I'm going to get my notes up, because we have a couple 15 of corrections. 16 Okay. Thank you. 17 Is there a motion to approve -- I'm 18 echoing -- to approve the minutes from the special 19 meeting from September 14, 2021? 20 MR. LIVINGSTON: This is Mike Livingston. 21 I'll make a motion to approve the minutes from the 22 September 14 EFSEC meeting. 23 CHAIR DREW: Thank you. 24 Second? 25 MS. KELLY: Kate Kelly, second.</p>

Verbatim Transcript of Monthly Council Meeting - 11/16/2021

Page 9	Page 11
<p>1 CHAIR DREW: Okay. And we have a few 2 corrections. 3 On Page 3, Line 13; and Page 6, Line 19; and 4 Page 15, Line 23 -- it's all the same correction -- to 5 change "Article 6.a.7.a." And that was using the 6 numerical number "6" and small "a," to "Article VI," in 7 Roman numerals, dot capital "A," dot "7," dot small 8 "a." And we do have these in writing, so Ms. Owens 9 will be able to make it, but I wanted to put it forward 10 for the record. 11 The second change is Article VI, on Page 6, 12 Line 11; and Page 7, Line 3, to change "Article 6" to 13 "Article VI," six, in Roman numerals. And on Page 8, 14 Line 4, to change the word "nuance" to "nuanced," with 15 a "D," past tense, and also to change Page 13, Line 6, 16 where it -- the court reporter did not get the name of 17 Mr. Thompson, instead says "Mr. Conson, (phonetic)." 18 So he must have -- that must not have been heard 19 correctly. So change that to "Mr. Thompson." 20 So those are the corrections to the 9/14 21 special minutes. 22 All those in favor of approving the minutes 23 as amended, please say "aye." 24 COUNCILMEMBERS: Aye. 25 CHAIR DREW: Motion carries. So we have now</p>	<p>1 So with those corrections, all those in favor 2 of approving the minutes for October 19, as amended, 3 please say "aye." 4 COUNCILMEMBERS: Aye. 5 CHAIR DREW: Opposed? 6 Amendments -- the minutes are approved. 7 Thank you. 8 Okay. Let's move on, on our agenda, to the 9 operational updates, starting with Kittitas Valley Wind 10 Project, Mr. Melbardis. 11 MR. MELBARDIS: Good afternoon, Chair Drew, 12 EFSEC Council, and staff. For the record, this is 13 Eric Melbardis, with EDP Renewables, for the Kittitas 14 Valley Wind Power Project. We have nothing nonroutine 15 to report for the period. 16 CHAIR DREW: Thank you. 17 MR. MELBARDIS: Any questions? 18 CHAIR DREW: Questions? Thank you. 19 Wild Horse Wind Power Project? 20 MS. GALBRAITH: Yes, thank you, Chair Drew -- 21 yes, thank you, Chair Drew, Councilmembers, and staff. 22 For the record, this is Jennifer Galbraith, with Puget 23 Sound Energy, for the Wild Horse Wind Facility. And I 24 also have nothing nonroutine to report for the month 25 of October.</p>
Page 10	Page 12
<p>1 amended those special meeting minutes and approved 2 them. 3 Moving on to the regular council meeting 4 October 19 minutes, is there a motion to approve the 5 October 19 minutes? 6 MS. BREWSTER: This is Stacey Brewster. I'll 7 move that we approve the meeting minutes from the 8 October 19 council meeting. 9 CHAIR DREW: Thank you. 10 Is there a second? 11 MR. YOUNG: Lenny Young, second. 12 CHAIR DREW: Thank you. 13 Here, we have a correction on Page 10, 14 Line 12 -- no, I'm sorry, Line 11. It should say -- 15 there were inaudible words, and it should say 16 "installation of perch discouragers," instead of -- I 17 think it says "inflation." Anyway, it should say 18 "installation of perch discouragers." 19 And then on Line 16, it should say -- in 20 where it has inaudible words, it should say "grouse" -- 21 it says -- let's see, "sage-grouse" -- I can't read 22 that word, Joan -- "nesting." "Sage grouse nesting," 23 that's fine, "and brood rearing." Thank you. So 24 that's what we need to put in there, "sage-grouse 25 nesting and brood," B-R-O-O-D, "rearing."</p>	<p>1 CHAIR DREW: Great. Thank you. 2 Chehalis Generation Facility, Mr. Miller. 3 MR. MILLER: Good afternoon, Chair Drew, 4 EFSEC Council, and staff. For the record, this is 5 Mark Miller, the plant manager, representing the 6 PacifiCorp Chehalis Generation Facility. I have no 7 nonroutine comments for the month of October 2021. 8 CHAIR DREW: Thank you. 9 Grays Harbor Energy Center, Mr. Sherin. 10 MR. OVERTON: This is Kyle Overton, the EFSEC 11 site specialist for the Grays Harbor facility. I'll 12 be reporting on behalf of Mr. Sherin for the month of 13 October. They had no nonroutine items to report. 14 CHAIR DREW: Okay. Thank you. 15 For Columbia Generating Station? I think I 16 heard it was Ms. Ramos this month. 17 MS. RAMOS: Good afternoon, Chair Drew. 18 EFSEC Councilmembers, and staff. This is Mary Ramos 19 reporting for Energy Northwest. For the month of 20 October, I just had one item to report. 21 On October 27, Washington State Department of 22 Ecology conducted an on-site portion of the annual 23 synthetic minor air permit inspection at Columbia 24 Generating Station. The purpose of the inspection is 25 to assess the station's compliance with EFSEC Order</p>

Verbatim Transcript of Monthly Council Meeting - 11/16/2021

<p style="text-align: right;">Page 13</p> <p>1 Number 873. And this is in regards to our diesel-fired 2 emergency generators and (indiscernible). Right now, 3 Energy Northwest is working with Ecology to complete 4 the records portion of the inspection. 5 (Indiscernible). 6 CHAIR DREW: Thank you. 7 Are there any questions from councilmembers? 8 Okay. Moving on to Columbia Solar, Mr. Hurd. 9 MR. HURD: Great. Thank you. 10 Good afternoon, Chair Drew, Councilmembers, 11 and EFSEC staff. This is Owen Hurd, from TUUSSO 12 Energy, reporting on the Columbia Solar projects. 13 Penstemon, we finally got our torque tubes 14 last month that had been stuck in the Port of Seattle 15 for over two months, so racking is now complete. All 16 modules have been installed, and interconnection work 17 is underway. We're awaiting for just delivery of two 18 switchboards and -- but seem to be on track for a final 19 AHJ inspection from Northwest Code in early December, 20 prior to completing Puget Sound Energy's litmus test 21 procedure later in the month. 22 Camas, we've just this last week received the 23 final batch of torque tubes, which had also been stuck 24 in the Port of Seattle, and so we'll be catching up now 25 on Camas. And I would expect it to trail Penstemon's</p>	<p style="text-align: right;">Page 15</p> <p>1 planning to do that as a letter of credit. So we're -- 2 we're working on getting that all in place. 3 That's all I have to report. 4 CHAIR DREW: Great. 5 Are there any questions? 6 Okay. Thank you. 7 MR. HURD: Thanks. 8 CHAIR DREW: Desert Claim Wind Power Project, 9 Ms. Moon. 10 MS. MOON: Good afternoon, Council Chair Drew 11 and members of the Council. For the record, this is 12 Amy Moon providing an update on the Desert Claim 13 project. Off-site staff continue to coordinate with 14 Desert Claim. However, currently, there are no 15 project updates. 16 CHAIR DREW: Thank you. 17 And Horse Heaven Wind Farm, Ms. Moon? 18 MS. MOON: So good afternoon, Council Chair 19 Drew and councilmembers, once again. And for the 20 record, this is Amy Moon providing an update on the 21 Horse Heaven Wind Project. 22 So EFSEC staff have been busy this past month 23 with preparation of the draft environmental impact 24 statement, and many call that the "DEIS." This work 25 includes additional information gathering with data</p>
<p style="text-align: right;">Page 14</p> <p>1 schedule by about a month. 2 Urtica, we're still working through pile 3 refusals that I think I've mentioned before. We've 4 done some predrilling, which seems to be effective, and 5 we're just waiting for final engineering approvals on 6 that. 7 Environmental compliance, we have inspections 8 ongoing with Northwest Code and Golder. We've been 9 working on -- 10 CHAIR DREW: I think there's somebody else 11 with an open microphone. If you could please mute 12 your microphone. 13 Go ahead, Mr. Hurd. 14 MR. HURD: Great. 15 We then -- we're working on some BMP repairs 16 to silt fences and straw wattles and just making sure 17 that BMPs are sufficient as we head into winter. 18 Nothing to report on safety compliance. We 19 continue our daily safety tailgate meetings, and we're 20 monitoring that closely. 21 The one update on just kind of current -- 22 current upcoming events, we're -- we're getting very 23 close to closing Greenbacker. The current site 24 restoration, financial assurance, will remain in place 25 until those are replaced by Greenbacker, and they're</p>	<p style="text-align: right;">Page 16</p> <p>1 request submittals to the applicant, review of our 2 contractor Golder's work on drafting the DEIS, as well 3 as agency coordination and consultation. 4 EFSEC recently received additional 5 information from the applicant regarding air, visual 6 aesthetics, and shapefile mapping layers referenced in 7 the application for site certification, so those are 8 some results of the recent data requests. 9 EFSEC staff are actively working on wildlife 10 and habitat mitigation by meeting with the Washington 11 Department of Fish and Wildlife, acronym "WDFW," and 12 the Horse Heaven applicant. The initial meetings are 13 to confirm we have sufficient information on the 14 existing conditions at the proposed Horse Heaven 15 project area and to confirm proposal details that can 16 affect wildlife and habitat. This provides the 17 foundation to then discuss impacts and identify 18 potential mitigation, including opportunities to avoid 19 and minimize impacts to wildlife and habitat. The 20 coordination will support the applicant in developing a 21 mitigation plan that benefits from WDFW input and 22 addresses the impacts of greatest concern. 23 Does the Council have any questions? 24 CHAIR DREW: Just for -- to remind the 25 Council and perhaps to inform the public who may be</p>

Verbatim Transcript of Monthly Council Meeting - 11/16/2021

Page 17	Page 19
<p>1 listening, you -- you mentioned additional data and 2 materials and, I think, even map layers and shapefiles 3 that we received from the applicant. 4 Those would be available for public to see 5 where? 6 MS. MOON: They are available on the EFSEC 7 Horse Heaven Wind Project website. The shapefiles 8 aren't available, but there is -- I believe it's an 9 Excel spreadsheet that references where those publicly 10 available layers are. And those shapefiles are in 11 order to make figures to go in the draft DIS. And 12 the -- the figures -- the shapefiles were used in the 13 application, but we didn't have access to them. So we 14 requested them so that our contractor could make 15 robust figures for the draft DIS. 16 CHAIR DREW: Okay. So they are the -- the 17 physical dimension that is on our website would be the 18 map that it makes, then. 19 MS. MOON: No. What would be on our website 20 is a spreadsheet listing what publicly available map 21 layers -- 22 CHAIR DREW: Okay. 23 MS. MOON: -- will be potentially used by 24 Golder to develop figures in the draft DIS. 25 CHAIR DREW: Okay. Thank you.</p>	<p>1 CHAIR DREW: Badger Mountain Solar Energy 2 Project, Mr. Chisholm. 3 MR. CHISHOLM: Good afternoon, Chair -- 4 Council and Chair Drew. This is -- for the record, 5 this is Sean Chisholm, site specialist for the Badger 6 Mountain Solar Project. 7 EFSEC has continued processing the Badger 8 Mountain Solar Project application that has been 9 received October 7 of 2001 [sic]. We are working on 10 the project with Avangrid Renewables. The staff is 11 working on -- with a contractor and site -- state 12 agencies receiving the -- reviewing the application. 13 We have a public information meeting and land use 14 hearing that has been scheduled for October 17, or else 15 tomorrow, at 5:00 p.m. And -- 16 CHAIR DREW: That would be November -- 17 November 17. 18 MR. CHISHOLM: Sorry about that. 19 November 17, 2021, 5:00 p.m. 20 Due to COVID, we are not holding this meeting 21 in the public. We will be holding this meeting 22 remote/virtual. 23 Let's see. The -- EFSEC has sent out -- 24 EFSEC has sent out notification letters to local and 25 state agencies. This happened October 28 of 2021. And</p>
Page 18	Page 20
<p>1 I just wanted to clarify that for -- because 2 I know there's a great deal of interest. So I wanted 3 to make sure people who wanted to could look at the 4 materials that we have recently received. So thank 5 you. 6 Any other questions? 7 Okay. Moving on to Goose Prairie Solar, 8 Mr. Overton. 9 MR. OVERTON: Thank you. This is Kyle 10 Overton, the EFSEC site specialist. Worked on the 11 Goose Prairie Solar Project. 12 On October 19, the Council approved the 13 submission of the recommendation and the proposed SEA 14 to the Governor's Office. These documents were 15 transmitted on October 21. Per WAC 463-030 -- 16 463-64-030, the Governor's Office has 60 days from 17 receipt to make a determination to either approve, 18 reject, or direct the Council to reconsider certain 19 aspects of the SEA. The 60-day timeline will run 20 through December 20. 21 Are there any questions? 22 CHAIR DREW: Are there any questions for 23 Mr. Overton? 24 Okay. Thank you. 25 MR. OVERTON: Thank you.</p>	<p>1 then, also, we sent out letters to all residents within 2 a one-mile radius. That also happened on October 28 of 3 2021. 4 A public information meeting and land use 5 hearing notification was submitted to the local 6 newspapers. These three newspapers that was -- posted 7 on November 11, 2021. The three newspapers were 8 Columbia Basin Herald, The Wenatchee World, and Empire 9 Press. And then, also, we have sent the application to 10 the libraries. And these libraries include the 11 Washington State Library, in Olympia, and then local 12 libraries, northwest central Washington libraries, 13 which are located in Wenatchee, East Wenatchee, and 14 let's see -- Bridgeport, Coulee City, Brewster, Grand 15 Coulee, Waterville, and other surrounding areas. And 16 that is pretty much it. 17 Does anybody have any questions? 18 CHAIR DREW: Thank you. 19 Again, you can find the application for the 20 Badger Mountain Solar Energy Project on our website. 21 You can comment during the public informational meeting 22 and then followed by the land use consistency hearing. 23 And, Joan, do you have available the website 24 or the comment information to put up on the screen? 25 I'm sorry for not having provided you any notice on</p>

Verbatim Transcript of Monthly Council Meeting - 11/16/2021

Page 21

1 that.

2 MS. OWENS: Yes. If you give me just one

3 moment, I can pull that up.

4 CHAIR DREW: Thank you.

5 MS. KELLY: Chair, this is Kate Kelly.

6 If I can ask a question while Joan's doing

7 that?

8 CHAIR DREW: Yes.

9 MS. KELLY: Just for clarity, did -- is --

10 did the Badger Mountain -- the applicant ask for

11 expedited processing or not?

12 CHAIR DREW: That's a good question. We

13 received an initial letter which stated they were

14 requesting expedited processing. But that was an

15 error, and so they then resubmitted the application

16 cover letter. They are not requesting expedited

17 processing.

18 Let's see. Mr. Chisholm, is that correct?

19 MR. CHISHOLM: Yes, that is correct. They --

20 they have basically rescinded and said that it was an

21 accident of -- asking for expedited. So they have

22 resubmitted a cover letter, taking that part out.

23 CHAIR DREW: Thank you. And thanks for the

24 question.

25 So, here, we have the information about the

Page 22

1 public informational meeting and land use hearing.

2 It's also on our website, as Ms. Owens just pulled that

3 straight up from our website, November 17. You can

4 find the documents there. You may join the meeting

5 live, using Microsoft Teams, or for calling into the

6 number that is on our website. And you can sign up to

7 speak by sending an email to efsec@utc.wa.gov or call

8 (360)664-1345.

9 And you can also provide your comments in

10 writing. There is a hyperlink to the

11 comments.efsec.wa.gov site where you can provide

12 written comments. So that is how you can participate

13 in the meeting for public -- to make comments on the

14 Badger Mountain Solar Project. And we will have, at

15 that meeting, a presentation by the applicant, as well

16 as a presentation by EFSEC staff talking specifically

17 about the EFSEC process. And then we will take public

18 comments. And following that, we will take testimony

19 on land use consistency.

20 Are there any questions from councilmembers?

21 MR. LIVINGSTON: Chair Drew, this is Mike

22 Livingston.

23 CHAIR DREW: Yes?

24 MR. LIVINGSTON: I'm wondering -- so with --

25 with a couple of these projects, Horse Heaven Hills as

Page 23

1 well as this Badger Mountain new project -- and it's a

2 little early, and I know we're heading into winter.

3 But I'm wondering if there's been any thought to a

4 site visit to these sites. There's a lot of -- a lot

5 of public interest in both of them, and I'm thinking

6 that it would be helpful, I know for myself, but also,

7 probably, other councilmembers to actually get on-site

8 and to -- to see the proposed parcels that would be

9 encumbered with these projects.

10 CHAIR DREW: Thank you.

11 Ms. Bumpus, do you want to respond to that?

12 MS. BUMPUS: Sure. Thank you for the

13 question, Councilmember Livingston. Chair Drew and I

14 have talked, here and there, about site visits, as

15 we're looking at all of these projects that are coming

16 in.

17 For the -- for the Horse Heaven project, my

18 thinking has more or less been that a site visit would

19 be something that we would explore around the time of

20 adjudication. Historically, that's typically when

21 the -- the Council has done site visits, as -- usually

22 either prior to the adjudication or even during the

23 adjudication. It really has helped to kind of put the

24 testimony in context and things like that.

25 For the more recent project that we've had

Page 24

1 submitted, we're still talking about when to kind of

2 start doing those again. Probably it would be

3 connected to another public meeting, potentially a SEPA

4 meeting or something like that.

5 So I really appreciate the question, and

6 we'll -- we'll talk some more, internally, about the

7 timing for maybe a site visit for Badger Mountain. But

8 for Horse Heaven, I am thinking that with the

9 adjudication coming around the corner next year,

10 probably that's where we would take the opportunity, if

11 the Council agrees.

12 CHAIR DREW: Thank you.

13 MR. LIVINGSTON: Thank you. And you do have

14 my support for those field visits.

15 CHAIR DREW: It does really help us to -- to

16 see, physically see, ourselves, the environment in

17 which we're talking about, the lay of the land, so

18 absolutely.

19 Other questions?

20 Okay. Thank you, all. With that, that comes

21 to the end of our agenda for today.

22 And, again, our public informational meeting

23 and land use hearing is tomorrow evening, so please

24 join us for that. We look forward to hearing more

25 about the Badger Mountain project and hearing the

Verbatim Transcript of Monthly Council Meeting - 11/16/2021

Page 25

1 public input on it.
 2 Thank you, all. This meeting is adjourned.
 3 MS. OWENS: Thank you, everyone.
 4 (Meeting concluded at 2:01 p.m.)
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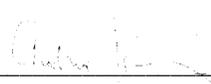
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Page 26

CERTIFICATE

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 3 STATE OF WASHINGTON
 4 COUNTY OF KITSAP
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8 I, Andrea Ramirez, a Certified Court Reporter in
 9 and for the State of Washington, do hereby certify that the
 10 foregoing transcript is true and accurate to the best of my
 11 knowledge, skill, and ability.
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 15  
 16 ANDREA RAMIREZ, CRR, RPR
 WA CCR# 21022142
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Verbatim Transcript of Public Meeting and Land Use Consistency Hearing

Washington State Energy Facility Site Evaluation Council

November 17, 2021



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Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 1

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

INFORMATIONAL PUBLIC MEETING AND
LAND USE CONSISTENCY HEARING
AVANGRID RENEWABLES - BADGER MOUNTAIN SOLAR PROJECT

November 17, 2021
5:00 p.m. to 7:32 p.m.

REPORTED BY: Andrea Ramirez, WA CCR# 21022142

Page 2

1 A P P E A R A N C E S
2 (All parties appeared via videoconference.)
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5 Councilmembers:
6 KATHLEEN DREW, Chair
7 KATE KELLY, Department of Commerce
8 MIKE LIVINGSTON, Department of Fish and Wildlife
9 LENNY YOUNG, Department of Natural Resources
10 STACEY BREWSTER, Utilities and Transportation Commission
11
12 Assistant Attorney General:
13 JON THOMPSON
14
15 Administrative Law Judge:
16 ADAM TOREM
17
18 EFSEC Staff:
19 JOAN OWENS
20 SONIA BUMPUS
21 AMI HAFKEMEYER
22 JOE WOOD
23 SEAN CHISHOLM
24 STEW HENDERSON
25 ANDREA GRANTHAM

Also in attendance:
BILL SHERMAN, Counsel for The Environment
MEGAN SALLOMI, Counsel for The Environment

Page 3

1 Wednesday, November 17, 2021
2 5:00 p.m.
3 -o0o-
4 CHAIR DREW: Good evening. This is Kathleen
5 Drew, and I'm the Chair of the Washington State Energy
6 Facility Site Evaluation Council, or EFSEC. And we
7 are beginning our public informational meeting and
8 land use consistency hearing. These are two
9 back-to-back meetings.
10 Please mute your microphones on your
11 computers and on your phone. I believe that if you do
12 "star seven" on your phone, that will mute you.
13 Otherwise, we'll get feedback and noise, which will be
14 disruptive during this meeting.
15 Welcome, and thank you for joining us this
16 evening for the public informational meeting and land
17 use consistency hearing for the proposed Badger
18 Mountain Solar Project. The purpose of EFSEC's meeting
19 tonight is to share information about the project,
20 which will be presented by the applicant, and EFSEC's
21 review process and to hear your public comments.
22 EFSEC's statute, RCW 80.40.090, requires
23 EFSEC to conduct a public informational meeting within
24 60 days of receipt of an application for site
25 certification. And that's called an "ASC," and that is

Page 4

1 essentially the document that will be reviewed
2 throughout the process for approval or rejection,
3 ultimately, by the Governor.
4 The applicant, Avangrid Renewables, submitted
5 their application, or ASC, to EFSEC on October 7, 2021.
6 During the first hour of this meeting, from 5:00 to
7 6:00 p.m., we will have a presentation by the applicant
8 about the proposed project, introduce the counsel for
9 The Environment, or CFE, and introduce our
10 councilmembers and have a presentation about EFSEC's
11 review process by EFSEC staff.
12 The presentations and information on how to
13 submit written comments are on our website, which is
14 www.efsec.wa.gov. You get to that main page. You will
15 see a title that says "Energy Facilities." And in that
16 drop-down screen, you go to the Badger Mountain page.
17 Following the presentations, we will begin
18 oral public comment on the project. Speakers will be
19 allowed three minutes each. Since we will develop our
20 recommendation with information from our record, we
21 very much want you to send us comments directly. And
22 you can also send written comments to us, either by
23 email to EFSEC or in the comment -- I'm sorry. I
24 can't -- or on the comment link before midnight
25 tonight, which is on the website.

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 5	Page 7
<p>1 I would like to introduce our administrative 2 law judge, Laura Bradley. She will be presiding over 3 the comment period this evening, as well as the land 4 use consistency hearing which follows our public 5 informational meeting. 6 So I will now ask Ms. Owens to call the roll 7 for the Council and EFSEC staff. 8 MS. OWENS: Department of Commerce? 9 MS. KELLY: Kate Kelly, present. 10 MS. OWENS: Department of Ecology? 11 Department of Fish and Wildlife? 12 MR. LIVINGSTON: Mike Livingston, present. 13 MS. OWENS: Department of Natural Resources? 14 MR. YOUNG: Lenny Young, present. 15 MS. OWENS: Utilities and Transportation 16 Commission? 17 MS. BREWSTER: Stacey Brewster, present. 18 MS. OWENS: Assistant Attorney General? 19 MR. THOMPSON: Jon Thompson, present. 20 MS. OWENS: Administrative Law Judge Laura 21 Bradley? 22 JUDGE BRADLEY: Present. 23 MS. OWENS: For EFSEC Council staff, Sonia 24 Bumpus? 25 Ami Hafkemeyer?</p>	<p>1 CHAIR DREW: Thank you. 2 We'll now proceed to the presentation from 3 Avangrid Renewables. 4 MR. KRINGEN: Hi. This is Scott Kringen, 5 with Avangrid Renewables. 6 So I assume you -- we've provided a 7 presentation. 8 Is that something that we'll share here as 9 well? 10 MS. OWENS: Just one moment and I can make 11 you a presenter. 12 MR. KRINGEN: Perfect. 13 I'm trying to turn my camera on, but it's not 14 allowing me to do that. 15 MS. OWENS: Okay. I'm having trouble finding 16 you in the participant list, and it's not letting me 17 set you. Just one moment. Sorry. 18 CHAIR DREW: Can you try it now, Mr. Kringen? 19 There you are. 20 MR. KRINGEN: Yep, there I am. I'm getting 21 "Only meeting organizers and participants can share," 22 so I can't share my screen. 23 MS. OWENS: I just set you as a presenter, so 24 it might let you now. 25 MR. KRINGEN: There we go. Okay. One sec.</p>
Page 6	Page 8
<p>1 MS. HAFKEMEYER: Present. 2 MS. OWENS: Amy Moon? 3 Kyle Overton? 4 Joe Wood? 5 MR. WOOD: Joe Wood, present. 6 MS. OWENS: Sean Chisholm? 7 MR. CHISHOLM: Sean Chisholm, present. 8 MS. OWENS: Patty Betts? 9 Stew Henderson? 10 MR. HENDERSON: Stewart Henderson, present. 11 MS. OWENS: Andrea Grantham? 12 MS. GRANTHAM: Andrea Grantham, present. 13 MS. OWENS: And I believe I see Sonia Bumpus 14 is on the line. 15 MS. BUMPUS: Sonia Bumpus is present. 16 MS. OWENS: Thank you. 17 Is our court reporter on the line? 18 THE COURT REPORTER: Yes, I am. I'm Andrea 19 Ramirez. Thank you. 20 MS. OWENS: Thank you. 21 Counsel for The Environment, Bill Sherman? 22 MS. SALLOMI: Megan Sallomi. I'm the counsel 23 assigned for this project. 24 MS. OWENS: Great. Thank you. 25 Chair, there is a quorum for the Council.</p>	<p>1 Still not letting me present. 2 MS. OWENS: Okay. I will open the 3 presentation. 4 MR. KRINGEN: Yeah, can we work through that 5 way? And then if you can share it, I can just tell 6 you "next slide" and work from there? 7 MS. OWENS: Yes. 8 MR. KRINGEN: Perfect. Sorry about that. 9 MS. OWENS: Okay. It should be up. 10 MR. KRINGEN: All right. Thank you, Chairman 11 Drew and EFSEC Council for the opportunity for this 12 public hearing and also the opportunity to present our 13 project, the Badger Mountain Solar Project. 14 Great. Yep. Start on that slide. 15 Perfect. Great. Great. 16 My name is Scott Kringen. I'm one of the 17 lead project developers for Avangrid here, in the West. 18 I've been with Avangrid Renewables for 12 years now, 19 developing various different solar wind projects from 20 California, Nevada, and Oregon and Washington as well. 21 So Avangrid Renewables -- we generally work 22 under project LLC, so you'll see our name, on a lot of 23 projects, as Aurora Solar. And Aurora Solar is 24 basically a wholly-owned subsidiary of Avangrid 25 Renewables. We're headquartered in Portland, Oregon.</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 9

1 But since the pandemic and post-pandemic, we do have --
 2 we do have folks all across the country. So we have
 3 our headquarters in Portland, but we do have a fairly
 4 large office in Boston, as well.
 5 Avangrid is one of the leading developers of
 6 wind and solar projects here, in the U.S. We have
 7 roughly about 7,000 megawatts of owned and controlled
 8 wind and solar generation here, in the U.S. Of these
 9 7,000 megawatts, a big portion of those are here in the
 10 Northwest, Oregon and Washington, and it does
 11 include -- currently, as it stands, the two largest
 12 solar projects, one operating, the other one under
 13 construction, in the states of Washington and Oregon.
 14 It's the Lund Hill Solar Project, in Klickitat County,
 15 Washington, at 150 megawatts, which is currently under
 16 construction, and then the Gala Solar Project, which is
 17 a 56-megawatt project in Crook County. We've also
 18 broken ground on a couple more solar projects in Oregon
 19 that will be larger than those 56 megawatts. And --
 20 and one of those is in Wasco County, and the other one
 21 is in Crook County, again, as well.
 22 We have also had a lot of success in
 23 developing wind projects in the state of Washington,
 24 and we've been doing that since about 2004. We've
 25 developed the Big Horn 1 and 2 Projects, 249 megawatts,

Page 10

1 and the Juniper Canyon Project, at 151. And all those
 2 projects are in Klickitat County. So Avangrid brings a
 3 lot of experience, especially here in the Northwest, in
 4 developing, responsibly siting projects in the state of
 5 Washington.
 6 Kind of the bigger picture for Avangrid is,
 7 Avangrid Renewables is a subsidiary of the Iberdrola
 8 Group. And Iberdrola has one of the largest renewable
 9 asset bases of any company in the world. We have more
 10 (inaudible).
 11 CHAIR DREW: Mr. Kringen, your -- your audio
 12 was leaving. So if you wanted to not have your
 13 picture up, that might make it easier.
 14 MR. KRINGEN: Yeah, let's do this. I tell
 15 you what I'm going to do. I'm going to take the video
 16 off, because sometimes that's been bringing the sound
 17 down. And I'm going to change out a headset here, if
 18 I can.
 19 CHAIR DREW: Okay. Please.
 20 MR. KRINGEN: Okay. Is that better?
 21 CHAIR DREW: Much. Thank you.
 22 THE WITNESS: There we go. Okay. Sometimes
 23 the video just really messes with my quality.
 24 So just touch on the base on Avangrid
 25 Renewables as a developer, we do all phases

Page 11

1 development, meaning that we do a lot of greenfield
 2 developments, so we're doing all of the prospecting for
 3 projects, we're doing, you know, basically the land
 4 issues with the projects, permitting. We're executing
 5 agreements with communities and individual landowners.
 6 We also oversee all our project constructions. And we
 7 manage daily operations of these projects for the life
 8 of them, which most projects are 30-years-plus. So
 9 just to say that we're -- we do everything, basically,
 10 starting from beginning to end. So we're not just a
 11 developer selling projects. When we develop projects,
 12 we're owning these projects for the life of those
 13 projects. That's an intention on everything that we
 14 do.
 15 All right. Next slide.
 16 This kind of is a map, kind of showing the
 17 perspective of where we're located, where we've had
 18 projects here, in the U.S. And like I said, before
 19 it's ranged from everything up in the Northeast to
 20 Southern California and then especially up here, in the
 21 Pacific Northwest.
 22 Next slide, please.
 23 So our Badger Mountain Solar Energy Project
 24 is located in Douglas County, approximately about
 25 three-and-a-half miles east of the city of East

Page 12

1 Wenatchee. We are located on mostly private land. We
 2 have 21 private-owned parcels under lease, which makes
 3 up about five different landowners. And we are working
 4 on two State-owned parcels, as well, with the
 5 Department of Natural Resources.
 6 The project lease boundary, so everything we
 7 have under the lease, is roughly 4,399 acres. The
 8 actual solar ray, the micrositing area that we're
 9 studying, is about 2,274 acres. The Gen-Tie, so it's
 10 basically the line from the project substation to the
 11 point of interconnection, is roughly about 116 acres,
 12 with the total project footprint being about
 13 1,338 acres.
 14 All those acres are under long-term land
 15 leases and transmission easements, with the private
 16 land. That does not include the State-owned parcels,
 17 at this point, but we are working with DNR too, and
 18 they're helping us facilitate -- negotiate a lease on
 19 those properties as well.
 20 So the land that we have under lease and that
 21 makes up the project leased boundary is generally dry
 22 land, agricultural land, range land, or undeveloped
 23 lands. Local roads are involved and also existing
 24 utility infrastructure. And that's -- there's a number
 25 of large transmission lines that run through or

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 13

1 adjacent to our property, whether they're BPA or
 2 Douglas County PUD or Puget Sound Energy in the area.
 3 We do have two utility interconnection
 4 agreements in place. One is with Puget Sound Energy
 5 for a 230-kV line, and the other one is with the
 6 Bonneville Power Administration, another 230-kV line.
 7 And so -- and we're also working on a third, with
 8 Bonneville Power. But those are what we're proposing
 9 to interconnect.
 10 Project size overall, as we mentioned before,
 11 it's -- we're proposing a 200 megawatt AC project. And
 12 the technology we'll be using will be single-axis
 13 tracking, ground-mounted solar PD. Basically, what
 14 that means is, these are PD panels that sit on an axis
 15 that can track with the sun, basically. And most of --
 16 and these panels will also be bifacial, so they'll be
 17 lined with cells on both sides of the project -- or
 18 both sides of the panels.
 19 All right. Next slide, please.
 20 This is kind of an overview of where the
 21 project is located, kind of giving you a reference to
 22 the community of East Wenatchee and Wenatchee itself.
 23 We are -- if you can tell from this, there's some
 24 topography. We are roughly up above East Wenatchee
 25 Valley, about three-and-a-half miles. But if you can

Page 14

1 look on there, we're -- you know, there's definitely a
 2 drop that goes down into the community. And we are up
 3 above on that, up on the ridge, basically.
 4 And the line coming out of the -- out of the
 5 project area shows you where our generation intertie is
 6 running. And that's -- and where the squares are along
 7 there, those are the proposed point of interconnection.
 8 Next slide, please. Next slide. I don't
 9 know (inaudible). Thank you.
 10 We started working on the Badger Mountain
 11 Solar Project. We basically initiated development in
 12 2017, where we started taking a look at and talking to
 13 various different landowners in the area and taking a
 14 look at the existing transmission that runs through the
 15 area.
 16 We started looking into this particular area
 17 because it is an ideal location for solar. And what I
 18 mean by "ideal location for solar," initially, when
 19 you're looking at early-stage developments, it's
 20 proximity to existing electric transmission lines. So
 21 we have both Puget Sound Energy and BPA lines, which
 22 are all within about three to four miles of the
 23 project. There's an abundant solar resource here, or
 24 exposure here, especially for the state of Washington.
 25 It has compatible topography. And, essentially, just

Page 15

1 to kind of -- what I mean by that is that it's flat
 2 land. Solar really needs to have kind of contiguous,
 3 flat land. It doesn't do well with a lot of
 4 topography, and so we definitely have a lot of this
 5 here, up on the ridge.
 6 We also were looking for, basically,
 7 adequate, available, nonirrigated, agricultural land
 8 and undeveloped land. So we're trying to stay out of
 9 things like shrub-steppe habitat and various different
 10 habitats. And it's ideal to go and look at for -- for
 11 especially nonirrigated agricultural land. And the ag
 12 land that we're currently leasing is designated as not
 13 commercially significant. And the project has the
 14 support of all the participating landowners on the
 15 private land sections.
 16 We're also working to avoid all talus slopes
 17 in the area. And the potential impact to shrub-steppe
 18 habitat has been minimized with -- by, you know, trying
 19 to avoid that in our layouts. I mean, less than
 20 three percent of the project area actually sits in
 21 shrub-steppe habitat.
 22 We have been from -- you know, as we started
 23 the permitting process, we've been continuing, you
 24 know, our consultation with area tribes. And we're
 25 also very conscious of visual impacts, which we believe

Page 16

1 are going to be largely screened from the general
 2 population of East Wenatchee and Wenatchee, just
 3 because of being located up on a higher elevation. We
 4 were first looking further down, closer to East
 5 Wenatchee, closer to the transmission lines, and we
 6 decided it would be a better place to develop if we
 7 were up further away, up on the ridge, even though that
 8 puts us a little bit further away from our transmission
 9 that we're targeting.
 10 You know, from taking a look at this land,
 11 also, there's no wetlands, intermittent or perennial
 12 streams that occur in the project area. And, you know,
 13 like I said before, the vast majority of the project
 14 area is on nonirrigated, currently actively
 15 agricultural land. And that -- you know, that land
 16 that we're affecting, the dryland agricultural land
 17 that we're affecting, is less than one percent of the
 18 dryland wheat in Douglas County, presently.
 19 And these are pictures of the project area, a
 20 couple pictures that we're looking at here, on the
 21 slides.
 22 Next, please. Yep. Thank you.
 23 As I mentioned before, as we've gone through
 24 the permitting process, both with Douglas County and
 25 now with EFSEC, there's been a great deal of

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 17

1 consultation going on. This is kind of the list of
 2 various different agencies which consultations are
 3 ongoing with, U.S. Fish and Wildlife Service, WFW,
 4 obviously the Washington EFSEC, Department of Ecology,
 5 Department of Natural Resources, also the Department of
 6 Archeological and Historic Preservation, also tribal
 7 consultation with the Colville tribes, and also the
 8 Yakima as well. Also, the Department of Transportation
 9 and the Douglas County Employment Department has also
 10 been under consultation as well.
 11 Next slide, please.
 12 So as part of our applications, both which we
 13 started with Douglas County and also here with
 14 Washington EFSEC, I'll just kind of go through a list
 15 of the surveys and studies that we've completed so far.
 16 You know, geotech -- geotechnical field studies have
 17 been completed. We've done wetland studies in the
 18 spring of 2021. All the delineations are completed
 19 with no wetland projects in the areas. FEMA flood
 20 plains as well; completely outside of any
 21 FEMA-designated flood hazard areas with high flood
 22 risk; and then also water quality storm runoff as well.
 23 And we started those in spring of 2020 and in -- and
 24 was working through this through 2021.
 25 Next slide, please.

Page 18

1 Also working on surveys and studies for
 2 habitat plants and animals; rare plant surveys in 2021,
 3 along with wildlife and habitat surveys. In 2019,
 4 raptor nest surveys were completed. And in 2020,
 5 raptor nest monitoring report was completed; and, also,
 6 the eagle nest monitoring report as well.
 7 Noise studies were completed this year as
 8 well. There was an acoustic assessment report. And we
 9 will use that information and help in designing the
 10 project; and then, also, light glare and aesthetics.
 11 So there was -- those visual impact assessments are
 12 completed, a solar glare report, and also an FAA notice
 13 criteria, too, was also activated as well.
 14 Next slide, please.
 15 And then the archeological and historic
 16 resources as well; so cultural resource survey reports
 17 completed in the fall of 2021 and then we're going to
 18 be doing traditional use studies in collaboration with
 19 the Colville Confederated Tribes, as well, this spring,
 20 in 2022.
 21 All right. Next slide, please.
 22 So I'll pause there, and I suppose that
 23 we'll -- I don't know if you want to take questions now
 24 or if we want to -- I guess -- I suppose we can do that
 25 during the public comment period.

Page 19

1 But that's the basics of the project. I have
 2 a few slides here which basically takes a look at what
 3 commercial solar development looks like. So I think a
 4 lot of people have questions of what these projects
 5 look like, because we don't have a lot in Washington
 6 right now. So I always feel it's kind of nice to show
 7 some pictures, and we can kind of go through these
 8 pretty quickly.
 9 CHAIR DREW: Please go ahead with the --
 10 yeah. Please go ahead, yeah.
 11 MR. KRINGEN: Okay. Great.
 12 So, basically, the market right now is
 13 there's two types of solar projects. There's
 14 fixed-tilt system and single-axis tracking. The
 15 majority of projects right now are going with the
 16 single-axis tracking. And, you know, fixed tilt tends
 17 to be on more terrain, where we're on pretty flat land,
 18 and so we're utilizing the single-axle -- axis tracking
 19 equipment.
 20 Next slide, please.
 21 And here is just another picture kind of
 22 showing how panels are rolled up like this, working on
 23 the tracking. There's collection boxes and inverter
 24 boxes that you'll find throughout the projects; and
 25 taking a look at, you know, the racking system that's

Page 20

1 going on.
 2 Next slide, please.
 3 And this is kind of an overview of a project.
 4 I believe this one's here, in Oregon. You can kind of
 5 see how panels are lined out. You're looking at a
 6 temporary construction area, where the cars are, you
 7 know, because this project that you're looking at is
 8 under construction. But this is kind of a view of a --
 9 of an existing project that's being built here, in
 10 Oregon.
 11 Next slide, please.
 12 And also part of our project is that we are
 13 proposing battery energy storage systems. And I just
 14 wanted to share an example of that as well. We're not
 15 a hundred percent for sure if we'll be building this
 16 with our project, but we are asking to permit it, and
 17 it's part of our interconnection as well. But,
 18 essentially, batteries are kind of housed in these
 19 containers, with inverters in between them, and on
 20 concrete -- you know, gravel bases, basically.
 21 All right. Next slide? I think that might
 22 be it. Yep.
 23 CHAIR DREW: Thank you. I will ask the
 24 councilmembers if there are questions. And then as we
 25 go through comments, if we have enough time to answer

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 21

1 questions, we'll do that. I don't know how many
 2 people we have signed up, so I just want to be aware
 3 of that.
 4 But in terms of councilmembers, are there any
 5 questions?
 6 MR. LIVINGSTON: Chair Drew, this is Mike
 7 Livingston.
 8 CHAIR DREW: Go ahead.
 9 MR. LIVINGSTON: Yeah. And I thank you for
 10 the presentation. I have a comment and a question.
 11 So I am sure you're aware of this.
 12 Douglas County is pretty unique in its habitat for
 13 sage-grouse. And it -- the sage-grouse, in particular,
 14 in the state of Washington is an imperiled species. We
 15 have -- recently, the Fish and Wildlife Commission
 16 up-listed them to "endangered" from state --
 17 "threatened."
 18 And one of the unique things about them in
 19 Douglas County is, they use a mosaic of habitat from
 20 remnant shrub-steppe to conservation reserve program
 21 habitat, as well as dryland wheat. And I appreciate
 22 the fact that the siting that you've selected here, in
 23 these parcels, are virtually on the edge of probably
 24 what's core habitat.
 25 But one of the concerns I have is that a

Page 22

1 large -- the large fires that happened in September of
 2 2020 burned up a significant amount of the habitat that
 3 sage-grouse were using, and Badger Mountain, in
 4 general, was one of the remaining places that didn't
 5 burn.
 6 So I just wanted to kind of, first, make my
 7 fellow councilmembers aware of this. And then,
 8 secondly, ask the question of, on the wildlife
 9 surveys -- I've looked through the report, and I see
 10 that there's some evidence of sage-grouse being sighted
 11 a little bit off of the project site.
 12 But are there plans for additional surveys
 13 and, also, some more communications with our experts?
 14 Because I -- for Department of Fish and Wildlife, we're
 15 going to be very careful in how we weigh the
 16 information, just making sure that we're not losing
 17 some of the last remaining sage-grouse habitat in the
 18 county, as well as in the state of Washington.
 19 Douglas County's been a stronghold for us. There's
 20 only two populations left in this state. There's just
 21 under 700 estimated to remain here, in Washington, and
 22 Douglas County's got most of them left, over, probably,
 23 80 or 90 percent of them. I couldn't give you the
 24 exact numbers but close to that.
 25 So I'm just curious, what are plans for

Page 23

1 additional surveys in consultation with some of our
 2 experts? We do have a research scientist that's been
 3 studying them in Douglas County for many years and can
 4 provide some really good information.
 5 Thank you.
 6 MR. DeRUYTER: I could field that. This is
 7 Mike DeRuyter. I'm the senior permitting manager for
 8 Avangrid on this project.
 9 We have -- I appreciate the concern about
 10 sage-grouse. We did complete the habitat assessment.
 11 We met with Mike Ritter (phonetic), and we are going to
 12 continue to do so, to discuss that, and especially as
 13 we work through the habitat mitigation plan.
 14 We do not have plans, at this time, for
 15 further surveys, but it's something we can discuss, as
 16 we work with Mike Ritter on that.
 17 MR. LIVINGSTON: Thank you. I appreciate
 18 that.
 19 And I realize I didn't have my camera on. I
 20 meant to do that so -- but I do thank you for that
 21 response.
 22 CHAIR DREW: Thank you.
 23 Other questions from councilmembers?
 24 MS. BREWSTER: This is Stacey Brewster.
 25 To follow up on Councilmember Livingston's

Page 24

1 question, the map showing the layout of the grid shows
 2 the publicly owned property on the north end, which
 3 looks like it's a majority of some sage strip --
 4 shrub-steppe habitat.
 5 What -- can you talk about that section and
 6 what is the plan for that?
 7 MR. KRINGEN: Right. So we're currently in
 8 negotiations or in consultation with DNR on the
 9 ability to lease that land up there. On -- you know,
 10 as we lease a whole parcel, it's not necessarily that
 11 we're going to affect that entire parcel. So the area
 12 that we're interested, within those two parcels, are
 13 essentially the land that is currently being leased
 14 for dryland wheat agricultural. So our intention --
 15 I'm not for sure exactly how the layout would work on
 16 there. But our intention is, is that we would be --
 17 we would be affecting the -- what's being currently
 18 used for agriculture.
 19 MS. BREWSTER: Thank you.
 20 CHAIR DREW: Additional questions from
 21 councilmembers?
 22 I have a question, myself, about the
 23 interconnections. You mentioned that you are looking
 24 at -- well, I saw, from the application, two potential
 25 connections, one with PSE and one with BPA, and then

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 25

1 you're pursuing a second BPA.
 2 Would you be looking at using all of those
 3 interconnections or a single one?
 4 MR. KRINGEN: Most likely -- that's a good
 5 question. Most likely, it would just be one. So
 6 with -- you know, because there are two lines that are
 7 fairly close proximity to the project, it allows us to
 8 market the energy to more customers, more potential
 9 customers.
 10 And the second BPA interconnect, at this
 11 point, is just in a study stage. So we don't know what
 12 the results are. We don't know what the costs are.
 13 But it is a different interconnection on Bonneville,
 14 and it does open us up to other customer opportunities
 15 with Bonneville, more than the one we currently have.
 16 So I think we generally don't -- we like to
 17 get our studies back and our costs back, before we
 18 actually pursue an interconnection like that. So
 19 without knowing those yet, it's kind of hard. We've
 20 got those costs and studies on the first BPA
 21 interconnect and the same with the PSE, so we have a
 22 good knowledge of, you know, what it's going to take to
 23 interconnect and how much it's going to cost and the
 24 approval to do it.
 25 CHAIR DREW: And the new interconnect, is

Page 26

1 that within the footprint of the project as you have
 2 it before us?
 3 MR. KRINGEN: No, not at this point.
 4 CHAIR DREW: Okay. Thank you.
 5 Further questions from councilmembers?
 6 MS. KELLY: Chair Drew, this is Kate Kelly.
 7 CHAIR DREW: Go ahead.
 8 MS. KELLY: Just to kind of follow up on
 9 Councilmember Livingston's question, I'm thinking
 10 about wildfire and just wondering what precautions get
 11 taken or what the potential impacts are on your
 12 facility from wildfire and how you prepare for that or
 13 anticipate it.
 14 MR. KRINGEN: So, basically, a part of -- I
 15 think you, generally -- a condition of all these
 16 permits is that we engage with the local fire district
 17 or fire department in the area, and we consult with
 18 them on a fire protection plan for the facility. And
 19 that's in general.
 20 So I'm not -- maybe, Paul or Mike, is there
 21 specifics on that? Or is that something that generally
 22 we're going to, as we do on a lot of our projects,
 23 we'll consult with the local fire district. Because
 24 it's going to be different from the way we build a
 25 project in California, if we build a project in

Page 27

1 Washington or New York; they're going to have different
 2 requirements. So we don't necessarily have standard,
 3 out-of-the-box stuff. We always do consult with local
 4 fire districts and come up with a mutual (inaudible)
 5 kind of fire protection plan for the -- for the
 6 facility.
 7 But solar projects, in general --
 8 MR. DeRUYTER: Scott, this --
 9 MR. KRINGEN: Yeah, go ahead.
 10 MR. DeRUYTER: I was just going to add,
 11 that's exactly what I would have suggested. And one
 12 of the things that they may be -- a couple of things
 13 they might be asking are -- for, in that plan, would
 14 be firebreaks on their roads, to accommodate emergency
 15 vehicles.
 16 MS. KELLY: Would you --
 17 MR. KRINGEN: Go ahead.
 18 MS. KELLY: Oh, I'm sorry.
 19 Would you be concerned about fire damaging
 20 your equipment as well? Or in the reverse side of it,
 21 fire -- your equipment starting a fire?
 22 MR. KRINGEN: All right. So I'll take the
 23 first one in there. Of course, always, no matter
 24 where we are, that's a concern. And we try to develop
 25 these projects so that we can protect them from fire

Page 28

1 in the areas.
 2 I also think that the consultation that we do
 3 with local fire districts will help alleviate, you
 4 know, a lot of that risk, fire risk up there. And if
 5 there were to be an issue on fire, that we've done all
 6 the design so that the local fire authority can access
 7 and do the job as needed, to protect the area.
 8 Generally, solar plants are -- you know,
 9 there's very few moving parts. You know, we're going
 10 to be required to keep, you know, the weeds under
 11 control and the weed management plan and, you know,
 12 creating access for fire department. So, you know, the
 13 way we designed this project is -- definitely has some
 14 influence from the local fire department and fire
 15 protection, keep in mind.
 16 MS. KELLY: Thank you.
 17 MR. KRINGEN: Yep.
 18 CHAIR DREW: Additional questions?
 19 Okay. Thank you very much. We'll move on,
 20 now, to the next item on our agenda, which is the
 21 introduction of our counsel for The Environment, Megan
 22 Sallomi.
 23 Would you like to introduce yourself and
 24 share with the public what your role is?
 25 MS. SALLOMI: Sure. I think I'm able to turn

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 29

1 my video on. Sorry.
 2 MS. OWENS: Okay. Try it now.
 3 MS. SALLOMI: There we go. Okay.
 4 Hi. My name's Megan Sallomi. I'm an
 5 Assistant Attorney General with the Environmental
 6 Protection Division, and I've been appointed as counsel
 7 for The Environment in this matter, which basically
 8 means that I'll be advocating, in the process, for
 9 environmental concerns. And my information is in -- on
 10 EFSEC's website, in the appointment letter. If anyone
 11 would like to chat with me, my phone number's
 12 (206)389-2437. Some folks have already reached out,
 13 and I look forward to talking with you all.
 14 CHAIR DREW: Thank you.
 15 Now we will have a presentation about the
 16 EFSEC siting process.
 17 And who on our team is doing the
 18 presentation?
 19 MR. CHISHOLM: That would be me.
 20 THE COURT: Mr. Chisholm, go ahead.
 21 MR. CHISHOLM: All right. Welcome,
 22 everybody, and thank you for taking the time and
 23 listening to this presentation and all presentations
 24 that we've had today, this evening.
 25 My name is Sean Chisholm. I am an energy

Page 30

1 site specialist for Energy Facility Site Evaluation
 2 Council, or also known as "EFSEC." This presentation
 3 will introduce EFSEC, the EFSEC process, to people that
 4 are new to EFSEC.
 5 Next slide.
 6 A little bit of history about the agency.
 7 EFSEC was created in 1970 for the siting of thermal
 8 power plants. The intent was to create a one-stop
 9 permitting agency for large energy facilities. EFSEC
 10 is comprised of state and local government members who
 11 review each application before making a recommendation
 12 to the Governor. This decision preempts all other
 13 state and local governments.
 14 Next slide.
 15 You can see here that EFSEC is comprised of
 16 members of several different state-level agencies. The
 17 chairperson is appointed by the Governor, and there
 18 is -- there are standing members from five other
 19 agencies appointed by those agencies to sit on the
 20 Council. The current Council is made up of Chairwoman
 21 Kathleen Drew; Robert Dengel, from Department of
 22 Ecology; Mike Livingston, from Department of Fish and
 23 Wildlife; Kate Kelly, from Department of Commerce;
 24 Lenny Young, from Department of Natural Resources; and
 25 Stacey Brewster, from the Utility and Transportation

Page 31

1 Commission.
 2 There are additional agencies that may elect
 3 a councilmember during the review of an application.
 4 These agencies are the Department of Agriculture,
 5 Department of Transportation, Department of Health, and
 6 the Washington Military Department.
 7 For Badger Mountain Project, these positions
 8 are still pending. Local governments also have an
 9 option to appoint a councilmember for the review of a
 10 project in their area.
 11 When the project is located near a port -- at
 12 or near a port, the port authority may also appoint a
 13 member. However, this position is a non-voting member.
 14 Next slide.
 15 As mentioned previously, EFSEC was created to
 16 oversee the siting of thermal power plants. Facilities
 17 falling under EFSEC's jurisdictions include any nuclear
 18 facility whose primary purpose is to produce and sell
 19 electricity. We also oversee non-hydro and nonnuclear
 20 thermal facilities with capacities of 350 megawatts or
 21 greater. There's no threshold for alternative energy
 22 sources, such as wind, solar, and more, but they can
 23 choose to opt in, as well as transmission lines over
 24 115 kilovolts, or "kV." The threshold for pipelines,
 25 refineries, and storage facilities that fall under

Page 32

1 EFSEC's jurisdiction are found on the Revised Code of
 2 Washington, or RCW, 80.50.060.
 3 Next slide.
 4 Here is a map of the facilities under EFSEC's
 5 jurisdiction. You can see the -- you can see marked in
 6 red are the five operational facilities, including two
 7 natural gas facilities, one nuclear facility, and two
 8 wind facilities. The light-blue marks indicate two
 9 wind facilities that have been approved but have yet
 10 started construction. The dark-blue marks indicate one
 11 solar facility currently under construction. The clear
 12 circle is one nuclear facility under decommission.
 13 There is currently three facilities under review,
 14 marked in green, including Badger Mountain facility.
 15 Next slide.
 16 Here's the flowchart showing the process an
 17 applicant will go through when they submit an
 18 application to EFSEC. There are three concurrent
 19 processes during the application review: The land use
 20 consistency and adjudicative hearing process; the State
 21 Environmental Policy Act, or SEPA, process; and the
 22 permitting process for relevant environmental permits.
 23 All of these processes happen at the same time and all,
 24 ultimately, feed into the Council's recommendation made
 25 to the Governor.

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 33

1 Next slide.
 2 When an adjudication proceeding is required,
 3 a record is compiled, and parties of the adjudication
 4 are identified and the processes of preparing -- or in
 5 the process of preparing the adjudication, sometimes
 6 there are stipulations and settlements that come out
 7 between the parties. The Council looks at all
 8 information in the adjudication record and then
 9 deliberate. Finally, the Council draws up their
 10 findings and conclusions with the information provided
 11 throughout these proceedings and incorporate those
 12 findings in their recommendation to the Governor.
 13 Next slide.
 14 With regards to the SEPA process, when the
 15 decision preparer -- when a decision is -- when a
 16 decision to prepare an environmental impact statement,
 17 or "EIS," is made, public comments are taken on the
 18 scope of the EIS. After public commenting for scoping,
 19 the EIS official determines the scope of the EIS. The
 20 draft EIS is prepared and issued with a minimum of
 21 30-day public comment period, after which the final EIS
 22 is prepared and released.
 23 When an applicant requests expedited process,
 24 a review is done to establish whether or not the
 25 project meets the criteria of a determination of

Page 34

1 non-significance, or "DNS," or a mitigated
 2 determination of non-significance, or "MDNS." With the
 3 SEPA official -- if the SEPA official determines that
 4 the project meets criteria for a DNS or an MDNS, the
 5 EIS is not required. In process, a determination is --
 6 in process -- sorry -- the determination is present for
 7 the public where there is a minimum of 15-day public
 8 comment period on the MDNS.
 9 Next slide.
 10 To be considered for expedited processing,
 11 the applicant must make a -- their request in writing.
 12 The project must meet two criteria. First, it must be
 13 determined that the constituent used local land use
 14 policies. Second is, the SEPA determination must be
 15 either a DNS or an MDNS. In this process, no
 16 adjudication is required. The Council prepares their
 17 recommendation for the Governor in an expedited time
 18 frame under this policy.
 19 Next slide.
 20 EFSEC is the issuing agency for any relevant
 21 environmental permit a facility may require. These may
 22 include air quality and water quality permits. The
 23 permit -- the permits are identified and included in
 24 the final order for the Council's recommendation to the
 25 Governor.

Page 35

1 Next slide.
 2 At the conclusion of the Council's review
 3 of -- of an application, the recommendation is made to
 4 the Governor to either approve or reject the
 5 application. This starts six-day window, which the
 6 Governor will then approve, reject, or remand the
 7 application back to the Council for reconsideration.
 8 Any application that is rejected by the Governor is
 9 final decision for that application.
 10 Next slide.
 11 If an application is approved by the
 12 Governor, EFSEC then has oversight of the environmental
 13 compliance for the life of the facility. EFSEC has
 14 standing contracts with applicable state agencies that
 15 assist in the monitoring and enforcement of conditions,
 16 either in the site certification agreement, relevant
 17 permits, or stipulations of the EIS or MDNS. EFSEC
 18 enforcement authority extends to the insurance --
 19 issuance of any penalty as they may apply.
 20 Next slide.
 21 This is a wrap-up of my presentation this
 22 evening. Before I end, I'd like to remind everyone how
 23 they may submit a comment for this proposal.
 24 If you would like to sign up to speak this
 25 evening, you can -- you may call the EFSEC main line at

Page 36

1 (360)664-1345. Again, that's (360)664-1345, or email
 2 comments to our main in-box at efsec@utc.wa.gov.
 3 That's E-F-S-E-C @utc.wa.gov.
 4 You may also send a written comment by mail
 5 to 621 Woodland Square Loop, P.O. Box 43172, Olympia,
 6 Washington 98504-3172. Again, that's 621 Woodland
 7 Square Loop, P.O. Box 43172, Olympia, Washington
 8 98504-3172.
 9 Comments may also be submitted to our online
 10 comment database at <https://comments.efsec.wa.gov>. And
 11 that's -- "Comments," is C-O-M-M-E-N-T-S,
 12 ".efsec.wa.gov." There are two databases available for
 13 the duration of the meeting. One is for the general
 14 comments, and the other is for the comments
 15 specifically for land use. Both will be open until
 16 midnight tonight.
 17 Thank you for your time, and have a good
 18 evening.
 19 CHAIR DREW: Thank you very much for the
 20 presentation.
 21 We will now move into the portion of our
 22 informational meeting where we will be taking oral
 23 public comments, and our Administrative Law Judge
 24 Bradley will be facilitating the comment-taking.
 25 And I'll start and hand it over to her but

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

<p style="text-align: right;">Page 37</p> <p>1 ask Ms. Owens, how many people do we have signed up? 2 MS. OWENS: I believe, actually, Andrea 3 Grantham should have the sign-up sheet open. 4 Andrea? 5 MS. GRANTHAM: Yes. So -- so far, we have 16 6 people signed up for the evening. 7 CHAIR DREW: Okay. And if -- Andrea, if 8 you're going to do the calling of the names, perhaps 9 if you would start with the first three. And we'll 10 put our three-minute clock up, and I will hand it over 11 to Judge Bradley. 12 Thank you. 13 JUDGE BRADLEY: All right. Thank you. 14 I just want to briefly introduce myself. My 15 name is Laura Bradley. I'm an administrative law judge 16 with the Office of Administrative Hearings. I've been 17 an administrative judge for the last 22 years. 18 And so my role here is to monitor the 19 conversation, make sure that everyone has an 20 opportunity to speak. And we do need to limit comments 21 so everyone does have the opportunity. So when your 22 time is up, I will be interrupting you. And if we have 23 time at the end, we may go back to folks. 24 Go ahead. 25 MS. GRANTHAM: So the first three will be</p>	<p style="text-align: right;">Page 39</p> <p>1 And, specifically, in Badger Mountain, we 2 have been provided a lot of help from the Department of 3 Fish and Wildlife, the Natural Resources Conservation 4 Service, and the Sage Grouse Initiative to direct us to 5 those lands and those landowners which were most 6 important for the protection of sage-grouse habitat. 7 As was mentioned before, this -- by WDFW 8 counsel, the sage-grouse -- this is the last stand of 9 sage-grouse in the state of Washington; Douglas County 10 is. And they use a "mosaic of habitats," to use his 11 words, which includes the shrub-steppe, as well as the 12 dryland wheat, such as being discussed in this project. 13 If I were able to share my screen, I'd show 14 you the map of our work on Douglas County so far. In 15 Badger Mountain, we have protected over 10,000 acres of 16 contiguous habitat, with farmers and ranchers who are 17 involved in both raising of crops and grazing which are 18 compatible with the sage-grouse habitat. They have 19 their leksing and their breeding areas and their wheat 20 areas. 21 I see my clock is really short. 22 So this is being supported with federal 23 money, state money, and state agencies, and this land 24 that is subject to the proposal is critical for their 25 survival. We submit that a very thorough study needs</p>
<p style="text-align: right;">Page 38</p> <p>1 Mickey Fleming, Susan Kane Ronning, and Kevin Simmons. 2 JUDGE BRADLEY: Mickey Fleming? 3 MS. FLEMING: Hello. Can you hear me okay? 4 JUDGE BRADLEY: Yes. Thank you. 5 MS. FLEMING: Okay. I've turned on my 6 microphone and my camera. I don't know if you can see 7 it or not, but here I am. 8 My name is Mickey Fleming. I'm the lands 9 program manager with the Chelan-Douglas Land Trust, in 10 Wenatchee, Washington. 11 As you just heard, our name is 12 Chelan-Douglas. That means our territory is Chelan and 13 Douglas counties. And the Land Trust has been working 14 in this community since 1985 to protect and steward 15 critical habitats in Chelan and Douglas counties. 16 We've been heavily involved in salmon recovery; in 17 protection of shrub-steppe; providing compatible 18 access, when possible. And in the last few years, a 19 definite emphasis of ours has been in protecting the 20 shrub-steppe in Douglas County and, very specifically, 21 in Badger Mountain. 22 I don't know if it's possible for you to let 23 me share my screen. But if so, I can show a map of 24 that work. But I'll keep talking, while you figure out 25 if you can do that.</p>	<p style="text-align: right;">Page 40</p> <p>1 to be done, and we believe that, ultimately, you will 2 conclude that this is not the proper place for solar 3 development. 4 I'm happy to answer any questions. And the 5 clock is going three, two, one, so you'd cut me off 6 anyway. 7 JUDGE BRADLEY: Yes. I wanted to let you 8 know that in the chat, it does say that you can email 9 your map to the Council as part of your comments. 10 MS. FLEMING: Okay. And I've submitted a 11 written comment as well, but I can -- I'll see if I 12 can put that into the chat. 13 Thank you. 14 JUDGE BRADLEY: Susan Ronning? 15 DR. KANE RONNING: Can you hear me okay? 16 JUDGE BRADLEY: Yes. Thank you. 17 DR. KANE RONNING: Okay. Hi. I'm Dr. Susan 18 Kane Ronning, and thank you for giving me an 19 opportunity to speak this evening. 20 I am speaking as a member of the Washington 21 Chapter Sierra Club Wildlife Committee, and I live in 22 homes both in Bellingham and Chelan. 23 With over 100,000 members in the state of 24 Washington, the Washington chapter of the Sierra Club 25 urges EFSEC to require an EIS on the Badger Mountain</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 41	Page 43
<p>1 Solar Energy Project. 2 I was born and raised in East Wenatchee and 3 attended school with many of the ranchers on Badger 4 Mountain. I've hiked, sledded, and learned to ski 5 amongst the Badger Mountain wheatfields. My dad used 6 to take our truck and drive up -- we would be towed 7 behind, in a sled, and he'd drive up the hills, and 8 then we'd sled back down. 9 I drive an electric car, and I have solar 10 panels on my roof. I support renewable energy and 11 expansion of the solar energy infrastructure. However, 12 I can't support it at the expense of an endangered 13 species. The sage-grouse is already grappling with 14 droughts and wildfires. Sage-grouse habitat is just 15 eight percent of its historic range in Washington, and 16 its numbers are currently fluctuating. 17 Badger Mountain is the last stronghold for 18 the sage-grouse. Placement of a solar energy project 19 in its range and leks will present an unmitigable loss 20 of habitat for this remaining sage-grouse population in 21 Washington state. Prior attempts to mitigate the 22 sage-grouse have not been successful and are not a 23 feasible alternative to allowing the solar energy 24 project and harming the risk for the sage-grouse. 25 Wildlife monitoring is lacking in the current proposal,</p>	<p>1 Audubon Society, whose chapter territory includes 2 Badger Mountain. 3 Audubon's climate science shows that 4 two-thirds of North American birds are at serious risk 5 of extinction if we can't limit warming associated with 6 climate change. We support 100 percent clean energy 7 and net-zero emissions to help our birds, but our birds 8 also need habitat and protections to adapt to climate 9 change and ongoing habitat loss. We and our 50,000 10 members and 25 chapters across the state care deeply 11 about the greater sage-grouse and other birds of the 12 shrub-steppe. The greater sage-grouse is an Audubon 13 priority species across the West. And here, in 14 Washington, as you've heard, the status of sage-grouse 15 in the shrub-steppe ecosystem is dire. More than 16 80 percent of this landscape has been lost, and grouse 17 experts tell us that the population in Douglas County 18 represents the last viable population in Washington. 19 Our office has reviewed the publicly 20 available data on greater sage-grouse in the Badger 21 Mountain Solar Project area, including the applicant's 22 wildlife and habitat survey report. We find there are 23 serious and concerning data gaps. So, for example, the 24 applicant's field surveys were for just six days in 25 early May 2021. However, grouse may use the project</p>
Page 42	Page 44
<p>1 and disruption to the mule deer migration patterns are 2 also unknown. 3 So, lastly, the Washington Sierra Club 4 Wildlife Committee urges you to conduct an EIS on the 5 project. 6 Thank you. 7 JUDGE BRADLEY: Thank you very much. 8 And I apologize. I did not write down the 9 name of the third person on the list. 10 MS. GRANTHAM: It is Kevin Simmons. 11 JUDGE BRADLEY: Kevin Simmons. 12 Are you there, Mr. Simmons? 13 Perhaps we could get the next three names and 14 come back to Mr. Simmons. 15 MS. GRANTHAM: Sure. The next three are 16 Trina Bayard, Jayson Hills, and Arlen or Cy Hinderer. 17 JUDGE BRADLEY: Okay. Trina Bayard? 18 DR. BAYARD: Hi. Yes, I'm here. 19 Can you hear me? 20 JUDGE BRADLEY: Yes. Thank you. 21 DR. BAYARD: Hi. Hello. My name is 22 Dr. Trina Bayard. I'm director of Bird Conservation 23 for Audubon Washington, which is a state office of the 24 National Audubon Society. I'm speaking tonight on 25 behalf of our office, as well as the North Central</p>	<p>1 area in different ways across the seasons, and so 2 surveys in other seasons should be required. 3 In addition, the Department of Fish and 4 Wildlife telemetry data from nearby breeding grounds is 5 for males only and does not include movement data for 6 females or young and their nesting or post-breeding 7 dispersal. In addition, sage-grouse observations by 8 private landowners and individuals may not be 9 documented in the official data repositories, creating 10 a gap in the official record for sage-grouse occurrence 11 and habitat use in the project area and vicinity. 12 As you've heard, use of grassland and dryland 13 wheat habitat within the project vicinity by 14 sage-grouse has been reported, particularly in areas 15 where there are fingers of sage steppe vegetation 16 interspersed. These grassland-type habitats could be 17 more important for the Washington population of the 18 species than has been appreciated. So in addition to 19 surveys across seasons to detect whether or not the 20 species is present, an analysis of sage-grouse habitat 21 use in grasslands and agricultural areas adjacent to 22 the nearby stage steppe is needed for this project and 23 other areas, going forward. 24 For these reasons, we find there's not enough 25 data at this time to find a level of significance to</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 45

1 determine environmental review. We recommend the
 2 Council postpone the decision on significance until the
 3 applicant, using methodologies approved and in
 4 coordination with Department of Fish and Wildlife,
 5 fills the data gaps on year-round occurrence at the
 6 site and habitat usage of shrub-steppe and adjacent
 7 agricultural areas. In postponing this decision, the
 8 Council can use the best available science to determine
 9 significance.
 10 Thank you.
 11 JUDGE BRADLEY: Is Mr. Simmons able to
 12 comment now?
 13 All right. And, again, I apologize. The
 14 names went by too quickly for me.
 15 The next person on the list, please?
 16 MS. GALBRAITH: I apologize. I'll go slower
 17 next time.
 18 The next one is Jayson Hills.
 19 JUDGE BRADLEY: All right.
 20 MR. HILLS: I'm here.
 21 JUDGE BRADLEY: Go ahead, please.
 22 MR. HILLS: Thank you for giving me the
 23 opportunity to talk tonight. My name's Jayson Hills.
 24 I'm a landowner on Badger Mountain.
 25 It's really good to hear people talking about

Page 46

1 the sage-grouse and the wildlife in the area. The
 2 wildlife is very robust on Badger Mountain. And when I
 3 hear the EIS, as it stands now, it just seems like
 4 there's nothing on Badger Mountain. And that's just
 5 not true.
 6 And hearing that as far as fire protection
 7 goes, it's not going to be an issue for a project this
 8 size, and if it is an issue, we're just going to rely
 9 on the County to take care of it, and I think that's a
 10 big burden on a county that already is trying to deal
 11 with the growing population inside the city limits and
 12 inside the urban growth boundaries.
 13 I don't really hear how water is going to be
 14 addressed that's going to be utilized in the project.
 15 Are the wells being to be drilled? And if so, how much
 16 water is going to be extracted, and will that affect,
 17 you know, local landowners in the area that depend on
 18 the water for their drinking water? I don't hear any
 19 of these things addressed, and that's what's concerning
 20 for me, as a landowner, is, how's this going to affect
 21 the people that are already there?
 22 With that, I can yield back my minute and 40
 23 seconds to somebody, if they want to talk longer than
 24 the three minutes, if that's allowed.
 25 JUDGE BRADLEY: All right. Thank you.

Page 47

1 I believe the next name on the list is Sy
 2 Hinderer.
 3 All right. I'm not hearing anything. We'll
 4 try to come back.
 5 Is Kevin Simmons able to comment now?
 6 All right. I'm sorry. Was someone wanting
 7 to speak?
 8 The next three names, please?
 9 MS. GRANTHAM: The next three names are
 10 Robert Abbott, Kayne Segura, and Eric Thrift.
 11 MR. ABBOTT: This is Robert Abbott.
 12 Can you hear me?
 13 JUDGE BRADLEY: Yes, go ahead, Mr. Abbott.
 14 MR. ABBOTT: Thank you, Chair and the
 15 Council, for taking up this -- for allowing me the
 16 opportunity to speak today. My name is Robert Abbott.
 17 I'm the vice president and regional manager for the
 18 Laborer's International Union of North America, with
 19 strong Central Washington ties here, in the community,
 20 since 1978, and a current resident of East Wenatchee,
 21 Washington.
 22 LIUNA is a construction union in the energy
 23 sector which employs thousands of our members across
 24 the state in building gas distribution infrastructure,
 25 performing maintenance on refineries, power plants,

Page 48

1 hydros, and also building renewable energy projects
 2 here, throughout the state and in Eastern Washington.
 3 We have done so by working with credible
 4 partners, such as Avangrid. I'm here today in support
 5 of the Badger Mountain Solar Project. Avangrid has a
 6 proven record of meeting all the EFSEC requirements and
 7 environmental needs, along with providing family-wage
 8 jobs to the community, with health and welfare and
 9 pension benefits, along with training. They have also
 10 been employing apprentices on the construction projects
 11 to train the next generation of construction workers.
 12 These same projects will provide a continued
 13 opportunity for workers here, in the community, and the
 14 surrounding area.
 15 We still need additional power generation to
 16 meet the growing needs and demands of the state's
 17 economy. Projects like this provide a clean energy for
 18 the state and in our community. Avangrid has proven
 19 that commitment in the current projects that they
 20 currently have going and past projects they have in the
 21 state of Washington.
 22 I urge the Council to support this project
 23 and -- as they complete the EFSEC process and as we
 24 continue the transition to renewable energies in
 25 providing good-paying, family-wage jobs to our

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 49	Page 51
<p>1 communities in which the people live. 2 Thank you. 3 JUDGE BRADLEY: Thank you, Mr. Abbott. 4 Kayne Segura? 5 MR. SEGURA: Hello. Can you hear me? 6 JUDGE BRADLEY: Yes. Go ahead, please. 7 MR. SEGURA: All right. Thank you to the 8 entire Commission for allowing me the opportunity to 9 speak to you all this evening. My name is Kayne 10 Segura, and I'm the business manager of Laborers 11 Local 348, in Richland, Washington. I represent over 12 a thousand hardworking men and women in the Central 13 Washington area, including Douglas County. I'm here 14 this evening on behalf of the membership, their 15 families, and the potential jobs the union will have 16 here, in the community. 17 You have heard from my counterpart the 18 dedication that Avangrid has given to the skilled 19 trades, who are often left behind by other developers 20 who are more focused with the local cost, lowest skill, 21 and lowest pay to get the job done. We are looking 22 forward to working with Avangrid on this project, not 23 only to ensure the work is done on time, or is done 24 safely and efficiently, and the project is built with 25 good union jobs. We know that the efforts taken here</p>	<p>1 the community that they create projects in, and they 2 value good, skilled workers to get the job done. This 3 project would not only bring nearly 400 jobs to the 4 area, but it would bring a new opportunity for 5 Douglas County. With this size of project, we would be 6 part of the efforts to push this state forward. 7 With Washington State's set target to 8 transition to the state's electrical supply to 100 9 percent carbon neutral by 2030 and 100 percent carbon 10 free by 2045, we can't just do this in one part of the 11 state. We have to be a part of this, for our future 12 and for generations to come. Fifty years from now, 13 when this project term ends, we will be able to see the 14 results from this project, see the leadership that took 15 the steps to move this project forward. 16 I thank you all for your time and the 17 opportunity to speak tonight. Thank you very much. 18 JUDGE BRADLEY: Thank you. 19 I want to go back just briefly. Is Kevin 20 Simmons online and available to comment? 21 MR. SIMMONS: I am here. Can you hear me 22 this time? 23 JUDGE BRADLEY: Yes, we can. Go ahead, 24 please. 25 MR. SIMMONS: Okay. Hello. My name is Kevin</p>
Page 50	Page 52
<p>1 will help move Washington forward and will put 2 (inaudible) County on the map as a leader in solar 3 clean energy goals. 4 For those who may not know, our members are 5 trained and skilled in not only heavy highway 6 construction and building construction but also in all 7 renewable energy construction as well. We have worked 8 on numerous, numerous projects throughout Central 9 Washington, where we have provided skilled, trained, 10 and reliable workers to do the job, from start to 11 finish. And we look forward to the opportunity to 12 continue building these projects for the community. 13 Thank you for your time. 14 JUDGE BRADLEY: Thank you. 15 Eric Thrift? 16 MR. THRIFT: Hi there. Can you hear me? 17 JUDGE BRADLEY: Yes. Thank you. 18 MR. THRIFT: All right, there. 19 My name is Eric Thrift. I am a resident of 20 East Wenatchee. I'm also the Assistant Business 21 Manager for Laborers Local 348. I represent 22 construction workers from this community. I'm here 23 this evening to advocate in support of this project. 24 We've seen the work Avangrid has done on 25 other projects throughout the Northwest. They value</p>	<p>1 Simmons. My wife and I have lived at 931 (inaudible) 2 View SW, Badger Mountain, for 27 years. Our home is 3 where our great-grandparents lived, my grandparents 4 lived, and where my dad and aunt grew up. So you can 5 see it has a lot of sentimental value and history to 6 us. 7 The proposed solar farm is roughly 300 yards 8 from our house. Like a lot of homesteads built in the 9 late 1800s, they were built in the lower parts of the 10 landscape to take advantage of wind-driven windmills to 11 power water pumps and hand-dug wells. We still use 12 that well today for our primary and only water source, 13 as do some neighbors. 14 One big concern of mine is a spring runoff 15 that runs past these hand-dug wells every spring when 16 the snow melts. The proposed solar farm will be built 17 on both sides of the draw, where the runoff water 18 drains. I assume the solar panels will have to be 19 cleaned throughout the year to keep them efficient. My 20 concern is, what kind of chemicals will be used and how 21 will it be kept from washing into the soil? Another 22 concern is vegetation control and what chemicals will 23 be sprayed directly on the ground and its potential 24 health hazard, as it will also end up in the same 25 drainage path. This same drainage path not just</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 53

1 affects us but two other homes with hand-dug wells.
 2 Another issue is the effect on wildlife,
 3 especially on the endangered sage-grouse. It has been
 4 proven that the attempts to relocate and breed in
 5 captivity does not work. Sage-grouse -- so to
 6 distribute these sage-grouse, there is -- it would mean
 7 certain death, and they would ultimately disappear.
 8 The gentleman from Avangrid mentioned
 9 acoustics. I'm not familiar with this. But living so
 10 close to the project, what -- I don't know what kind of
 11 health hazards that would present.
 12 When I work the fields north of our house,
 13 which is roughly 500 yards away, I see up to six
 14 sage-grouse almost every time. There have been
 15 sightings in this area for as long as I can remember.
 16 In this same area, there's a piece of DNR ground, which
 17 was mentioned by the gentleman from Avangrid, that is
 18 included in the solar farm proposal. It is probably
 19 100 yards or less away. I understand the need to
 20 reduce and eventually eliminate greenhouse gas
 21 emissions, but with all the open, unusable land in our
 22 state, why here?
 23 Governor Inslee has made comment on his goal
 24 for green power and wanting it in 2023. I hope this
 25 isn't the reason why Avangrid picked this state and

Page 54

1 this spot to build, thinking it would be a guaranteed
 2 permit process. I would much rather look out my window
 3 and see a green field, or even a field full of weeds,
 4 than an eight-foot chain-link fence and solar panels.
 5 Another thing was mentioned about jobs.
 6 These jobs are temporary. These people come in.
 7 Chances are, it's an out-of-state contractor, which
 8 I've seen in -- where I retired from. They'll come in.
 9 They'll do the project. They go away. I would assume
 10 this is similar to a server farm, like people have been
 11 installing. Lots of people to build it. When they go
 12 away, very few jobs.
 13 I was a union person. I'm for the union.
 14 Don't let that (inaudible).
 15 Go ahead.
 16 JUDGE BRADLEY: So, folks, if you're not
 17 speaking, could you please mute your phone so that
 18 speakers don't get interrupted?
 19 So it does look like your time has run out,
 20 Mr. Simmons. Thank you.
 21 MR. SIMMONS: Okay. I'm done. Thank you.
 22 JUDGE BRADLEY: Let's try Arlen, Sy Hinderer
 23 again?
 24 All right. Next three names, please.
 25 MS. GRANTHAM: The next three names are Rudy

Page 55

1 Zavala, Tim McVay, and Aubrey Newton.
 2 JUDGE BRADLEY: Okay. Rudy Zavala, please.
 3 MR. ZAVALA: Yes. My name is Rudy Zavala,
 4 and I've been a member of Local 348 since 1978. And
 5 I've been in the other trades, as far as, like,
 6 insulators, and I've also worked in Las Vegas, where
 7 they did a solar panel like this. And it does create
 8 a lot of jobs and, you know, for the -- for the
 9 members. Also good, living wages -- good, living
 10 wages and I do -- I support this project, you know,
 11 because it would bring a lot to the community here, in
 12 Douglas County. You know, like I say, I'm in favor of
 13 it.
 14 Thank you.
 15 JUDGE BRADLEY: All right. Thank you.
 16 Tim McVay?
 17 MR. McVAY: Yes. Can you hear me?
 18 JUDGE BRADLEY: Yes. Go ahead, please.
 19 MR. McVAY: All right. Good evening. My
 20 name is Tim McVay. I'm a proud member of the
 21 Local 348. I'm a resident of East Wenatchee. And I
 22 have been a member of the 348 for five years now.
 23 Being a member of the 348 has provided me
 24 with opportunity to not only build my community that I
 25 live in but build my future as well. I am here this

Page 56

1 evening because LIUNA members value good energy jobs,
 2 because they offer family support and career and
 3 strength in our community.
 4 I am in favor of this project because of the
 5 long-term benefits that it provides our community and a
 6 good union wage. It will also provide other members of
 7 our local that we deserve jobs, projects like this,
 8 with a strong partner like Avangrid. I urge the
 9 Commission to support this project. And in doing so,
 10 you are supporting this community and the workers who
 11 have built it.
 12 Thank you for your time.
 13 JUDGE BRADLEY: All right. Thank you.
 14 Aubrey Newton?
 15 MS. NEWTON: Good evening. Can you hear me
 16 okay?
 17 JUDGE BRADLEY: Yes. Go ahead, please.
 18 MS. NEWTON: Thank you. And thank you, Chair
 19 Drew and the entire Commission, for the opportunity to
 20 speak to you this evening.
 21 As mentioned, my name is Aubrey Newton. I
 22 work with the Laborers International Union of North
 23 America in our Northwest Region. I am also from this
 24 community and grew up in Chelan County, where my family
 25 lineage can be seen all over the valley for nearly five

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 57

1 generations.
 2 As I mentioned, in LIUNA's Northwest region,
 3 our union members build and maintain, as you've heard,
 4 gas pipelines, construct wind and solar farms, as well
 5 as build and maintain coal, gas, hydropower, and
 6 nuclear plants.
 7 In Washington, specifically, the laborers
 8 have members working throughout six different locals,
 9 representing over 15,000 members. These members are
 10 trained, skilled, and qualified to work and ready to
 11 work on wind and solar projects like this. Our region
 12 has a robust recruiting system that reaches statewide
 13 and focuses on good-paying jobs for the communities
 14 where our members live. LIUNA works with our
 15 employers, as well, to make sure that workers on the
 16 job are skilled, they're trained, reliable, and get the
 17 job done ahead of schedule and go home safely at the
 18 end of the day.
 19 For reference, outside of the licensed crafts
 20 on solar projects that would be needed for specific
 21 electrical hookups, essentially LIUNA is already
 22 trained and ready to handle over 60 percent of the
 23 entire project. We perform on utility-scale solar
 24 projects that include scopes from start to finish; so
 25 from the environmental side, building the fences,

Page 58

1 installing the storm drain or installing the conduit,
 2 grade checking, flagging, placing and cutting concrete,
 3 unloading and material handling, many, many more
 4 things, including jobsite cleanup and the civil work.
 5 Our solar work hours have, obviously, grown
 6 substantially over the last five years, which this has
 7 accounted for several million hours for utility-scale
 8 projects like this. We believe in an all-of-the above
 9 energy policy that relies on a mix of fuels to create
 10 good jobs and ensure that our communities are abundant,
 11 affordable, with energy now and in the future. Our
 12 members deserve to work on projects like this, and our
 13 members deserve to work for contractors and developers
 14 that value unions, good-paying jobs, and building
 15 communities in all sectors.
 16 With that being said, I am here this evening
 17 in support of this project for the reasons that I've
 18 listed above and for the continued partnership that
 19 Avangrid has brought to the Northwest region.
 20 With that, I thank you for your time.
 21 JUDGE BRADLEY: All right. Thank you.
 22 Before I take the next three names, is Arlen,
 23 Sy Hinderer available to comment now?
 24 All right. The next three names, please?
 25 MS. GRANTHAM: The next three names are Lee

Page 59

1 Baldwin, David Lynn, and Keith Watson.
 2 JUDGE BRADLEY: All right. Lee Baldwin? Is
 3 Lee Baldwin ready to comment? We'll come back.
 4 David Lynn?
 5 MR. LYNN: Hi. Good evening. This is -- my
 6 name's David Lynn, and I'm representing the Washington
 7 Wildlife First.
 8 We acknowledge the risk that climate change
 9 poses to our environment, our wildlife, and to
 10 ourselves. Therefore, we are generally supportive of
 11 the use of renewable energy sources, such as solar, to
 12 replace the sources of energy powered by fossil fuels
 13 which emit carbon dioxide into the atmosphere, a major
 14 cause of climate change. So we also appreciate the
 15 value of good-paying jobs that could be created.
 16 Having said that, though, we are concerned
 17 with the effects of any new or expanded development on
 18 our wildlife and wild spaces. In this specific case,
 19 we have a concern that this proposed solar energy
 20 development may have a negative impact on the greater
 21 sage-grouse, which Washington state lists as
 22 endangered. Both the project's construction
 23 activities, noise, dirt, pollution in the air, and its
 24 operations could be problematic for this endangered
 25 bird.

Page 60

1 Washington Department of Fish and Wildlife
 2 writes that the population size of the greater
 3 sage-grouse in Washington is low, and the species
 4 requires a large landscape of sagebrush steppe, much of
 5 which has been degraded, fragmented, or lost. The
 6 primary threat is a combined impact of all these
 7 factors, and this proposed development may exacerbate
 8 those risks and further impact this endangered
 9 population.
 10 The Department further noted that the current
 11 range of sage-grouse is only about eight percent of its
 12 historic range, and it exists in just two isolated
 13 areas, the largest and most important of which is this
 14 location in Douglas County. The statewide population
 15 was estimated at 775 sage-grouse in the spring of 2020
 16 with an increase of less than 100 from the previous
 17 year, solely as a result of the increase in
 18 Douglas County of 100 birds. The other smaller
 19 population declined in absolute numbers. Therefore,
 20 protecting the Douglas County population is critically
 21 important to the species.
 22 Subsequent to those counts, the habitat of
 23 all three -- all two populations were affected by
 24 wildfires. And while it appears that most of the
 25 grouse have survived the 2020 fires and the following

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 61

1 winter, the impact of the fires on their nesting
 2 habitat is expected to result in continued declines.
 3 And we've seen that once the habitat is lost, that it's
 4 very difficult to reestablish proper conditions to
 5 support these birds.
 6 Therefore, we, like some of the other
 7 speakers before us, support an environmental impact
 8 study to fully determine the effect that this proposed
 9 solar energy project would have on the greater
 10 sage-grouse and other endangered species, like the
 11 ferruginous hawk, that call this place home. As WDFW
 12 indicates, the endangered greater sage-grouse has a
 13 vulnerability to climate change as moderate to high and
 14 is a delicate balance that we must achieve.
 15 Thank you for your time tonight.
 16 JUDGE BRADLEY: All right. Thank you.
 17 Keith Watson.
 18 MR. WATSON: Hello. Yeah, Keith Watson. I'm
 19 speaking for Conservation Northwest.
 20 And, first of all, we'd like to say we really
 21 appreciate the solar -- the concept of solar and
 22 renewable energy and really appreciate the company for
 23 saying that they were looking for a site that didn't
 24 have much to impact. And we would just like to point
 25 out that there's hundreds of thousands of acres of

Page 62

1 cheap grass in this state, and it's quite available for
 2 solar panels. But there is nothing like Badger
 3 Mountain in this state, with the diversity of habitats
 4 and generations, generations of ranchers and farmers
 5 living as they have for years and years, as their
 6 parents and grandparents had lived, and taking care of
 7 the land and living in harmony.
 8 This is one of the few places where an
 9 endangered species is living directly next to cows,
 10 living directly next to dryland wheat, and really
 11 appreciates the amount of agency involvement that has
 12 been dedicated to the Badger Mountain region for
 13 decades. And it actually should be held up to the
 14 whole world as a success story of people continuing
 15 their traditional agricultural activities while letting
 16 the wildlife cohabitate on their property. And, right,
 17 there's just tiny bits of sagebrush here and there, but
 18 that is enough to sustain this population, along with
 19 the wheat and the -- the quite a variety of habitats
 20 available due to the rocky nature of the region.
 21 And, you know, so, right, we're absolutely
 22 for, you know, jobs and for solar panels but really
 23 appreciate the fact that there are considerably less
 24 ecologically significant land throughout Eastern
 25 Washington. So it's pretty interesting that this was

Page 63

1 chosen as a site that didn't have anything there,
 2 basically, an ideal site to pave over and put an
 3 eight-foot fence around, which just seems inconceivable
 4 as a known wildlife habitat corridor, from north to
 5 south, throughout the whole state.
 6 The fact that they just said, "Oh, if there's
 7 a fire, the County will come put it out. No big deal,"
 8 well, we're experiencing 100,000-acre fires routinely
 9 around here. And, no, no one is available to come put
 10 it out, because the region is -- folks are a little bit
 11 overwhelmed when the fires are coming. So the thought
 12 that, "Yeah, we'll just come put it out," was kind of
 13 an unbelievable answer.
 14 The fact that six days of looking for an
 15 endangered species was enough to say, "Oh, we didn't
 16 find it." And there's definitely a chance that this
 17 project alone removes this species from the state of
 18 Washington. So the fact that they sent a few people
 19 out there to casually look for them for a few days and
 20 didn't find any, and that's enough to progress on this
 21 project, seems inconceivable.
 22 Okay. Thank you very much.
 23 JUDGE BRADLEY: Thank you.
 24 Lee Baldwin?
 25 MR. BALDWIN: Yes. Can you hear me?

Page 64

1 JUDGE BRADLEY: Yes.
 2 MR. BALDWIN: Okay. I just have a couple of
 3 questions.
 4 Number one, is there a potential for the cost
 5 of electricity for people in East Wenatchee, for
 6 example, to go up as a result of this?
 7 Question Number 2, is the project going to
 8 consume a lot of water that could be a concern for
 9 people in the area?
 10 And let's see. There was one other -- okay.
 11 Are there any known negative effects to the health of
 12 people that are living near the project, if it were to
 13 happen? Are there any health concerns there?
 14 So those are my questions. Thank you.
 15 JUDGE BRADLEY: All right. So are you posing
 16 those questions as things that the Council needs to
 17 consider?
 18 MR. BALDWIN: Exactly. Yep.
 19 JUDGE BRADLEY: Okay. Thank you.
 20 Next three names, please?
 21 MS. GRANTHAM: We have two more names left.
 22 The last two are Margie Van Cleve and Matthew Hepner.
 23 JUDGE BRADLEY: Okay. Margie Van Cleve?
 24 MS. VAN CLEVE: Hello. My name's Margie Van
 25 Cleve. I live in Selah, Washington, and I'm the

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 65	Page 67
<p>1 Conservation Chairperson for the Sierra Club in 2 Washington state. 3 The Sierra Club is a national organization 4 with a mission to protect the planet, to practice and 5 promote the responsible use of the earth's ecosystems 6 and resources, to educate and enlist humanity to 7 protect and restore the quality of the natural and 8 human environment, and to use all lawful means 9 necessary to carry out these objectives. The Sierra 10 Club is over a hundred thousand members and supporters 11 in Washington state and over 3.8 million nationally. 12 Sierra Club has a long history of supporting 13 renewable energy. In 2006, the Sierra Club worked very 14 hard to pass Initiative 937 in Washington state. This 15 initiative required utilities to obtain 15 percent of 16 their electricity from renewable energies, excluding 17 hydro, by 2020. In 2019, the Sierra Club supported and 18 worked hard to pass the Clean Energy Transformation 19 Act, which commits Washington state to a hundred 20 percent clean energy by 2045. Nationally, the Sierra 21 Club continues work to pass national legislation for a 22 fossil-fuel-free electrical grid. 23 That said, the Sierra Club also believes that 24 clean energy must be developed such that it does not 25 destroy the habitat of our endangered species.</p>	<p>1 electrical state workers statewide. 2 So I just want to start by saying we are in 3 full support of this project. We do have some 4 concerns. But for the most part, we're absolutely in 5 support of this. What this will mean to the community, 6 as far as tax revenue coming into the County and to the 7 City and to the workers, is -- will mean a lot, 8 especially since we lost Alcoa, we can use all these 9 kind of industrial projects that we can get, as long as 10 we're safekeeping our environment at the same time. 11 You know, the only -- some of the only other 12 concerns we really have is will Avangrid build this in 13 accordance with the CEDA tax exemption and labor 14 standards; and if so, which tier would they be using. 15 So those are our questions going to Avangrid 16 and to the Council. 17 Thank you. 18 JUDGE BRADLEY: Thank you. 19 Arlen Hinderer? 20 All right. I believe we've completed the 21 list. 22 Has anyone else expressed an interest in 23 speaking this evening? 24 I see a raised hand. I'm not sure who it 25 belongs to, though.</p>
Page 66	Page 68
<p>1 According to the Washington Department of Fish and 2 Wildlife, there are less than 700 endangered greater 3 sage-grouse in Washington state. The range is down to 4 eight percent of their historic range, and they occur 5 in two relatively isolated areas in Washington state. 6 Unfortunately, one of the remaining sage-grouse refuges 7 may intersect with the proposed Badger Mountain Solar 8 Project. 9 The Sierra Club supports a full, independent 10 EIS for the proposed Badger Mountain Solar Project to 11 determine the effects of this proposed project on one 12 of the last strongholds of the greater sage-grouse in 13 Washington. Once those effects are known, it must be 14 determined what mitigation may be required, up to and 15 including modifying or potentially moving this project 16 such that it does not interfere with the greater 17 sage-grouse. 18 Thank you for your time. 19 JUDGE BRADLEY: All right. Thank you. 20 Matthew Hepner? 21 MR. HEPNER: Hi. Thank you. My name is 22 Matthew Hepner. I'm city councilman for East 23 Wenatchee, Position 7. And for my day job, I'm the 24 executive director of the Certified Electrical Workers 25 of Washington, representing over 11,000 IBEW</p>	<p>1 MR. ARTHUR: Yes. This is Bill Arthur. 2 CHAIR DREW: Mr. Arthur. Mr. Arthur? 3 MR. ARTHUR: Yes. 4 JUDGE BRADLEY: Go ahead. 5 MR. ABBOTT: I would be interested in 6 testifying if there's -- if it's possible. 7 JUDGE BRADLEY: Yes. Go ahead, please. 8 MR. ARTHUR: Yeah. My name's Bill Arthur. I 9 live in Shoreline, Washington, just north of Seattle. 10 But I do a lot of hiking in Central Washington, 11 particularly in the sage steppe area, and I have a lot 12 of interest in wildlife and protecting endangered 13 species. I'm also an enthusiastic supporter of 14 developing clean energy, solar and wind. Climate 15 change is real. We need to be advancing, as quickly 16 as we can, for decarbonizing the economy, but climate 17 change also has serious impacts on our wildlife 18 species on our ecosystems. 19 I do have concerns with the project, as it's 20 proposed, that there's not enough information to really 21 understand what the scope and scale of the impacts 22 could be to the greater sage-grouse in the area. As 23 other people have noted, we're down to only about 24 eight percent of the original sage steppe habitat. One 25 of the last remaining viable populations of sage-grouse</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

<p style="text-align: right;">Page 69</p> <p>1 in Washington State is located, you know, near the 2 area. So when you're down to that few number of the 3 population of the birds in that small a range of 4 habitat that they need, even small impacts can have -- 5 or even small changes can have a big impact on the 6 population from the needed habitat. 7 So I would encourage and support a full 8 environmental impact statement so that we really 9 understand what the potential impacts are to the 10 sage-grouse population, the variety of habitats that 11 they need, the potential interconnectivity that's 12 needed, and then whether that calls for potential 13 modifications to the project or potential, you know, 14 relocation. I'm neither for it or against it. I just 15 want to make sure that when we site these important 16 projects, that we're doing it the right way. And I 17 also think that if we don't do it the right way, we'll 18 end up having bigger problems siting these kinds of 19 projects down the road. So let's get the good ones in 20 place and build them as fast as we can, and let's take 21 due diligence to make sure that we're siting them in 22 the right locations and not having the kind of impacts 23 that I don't believe most of us want to have. 24 So with that, I'll close. But I do believe a 25 full EIS is warranted.</p>	<p style="text-align: right;">Page 71</p> <p>1 moving with the sun. So there's a lot of emphasis on 2 jobs, but let's not overlook, yeah, we've got those 3 jobs. At the cost of what? 4 You know, that's -- that's all I've got to 5 say. 6 CHAIR DREW: Thank you very much. And I do 7 think that -- 8 MR. SIMMONS: Thank you again. 9 CHAIR DREW: Yes. I don't think we're trying 10 to start a discussion here but to take everybody's 11 input. So I appreciate that, but let's just stay with 12 your input. If you'd like to write more, please send 13 an email to EFSEC. 14 MR. SIMMONS: I will. Thank you again. 15 JUDGE BRADLEY: Thank you. 16 And, Wanda, are you able to speak now? 17 All right. I believe that we have covered 18 all of the public comments, with a couple of folks who 19 did not respond when they were called. 20 CHAIR DREW: Again, if, for some reason, you 21 could not provide comments -- this is Chair Drew -- 22 please provide them to EFSEC in writing, and we would 23 have to -- and we will gladly look at those. Sorry. 24 I do want to say that we will be moving to 25 the land use consistency hearing. And at this point in</p>
<p style="text-align: right;">Page 70</p> <p>1 JUDGE BRADLEY: Thank you. 2 And Wanda wanted to speak? 3 Wanda, would you like to speak now? If 4 you're trying to speak, you're muted. 5 MR. SIMMONS: Hi, this is Kevin Simmons 6 again. 7 Can you hear me? 8 JUDGE BRADLEY: Yes. 9 MR. SIMMONS: I'd like to just make a couple 10 follow-up comments. 11 Okay. I hear a lot of people, the union 12 workers and stuff, talking about the jobs it would 13 bring. I was a union member for 32 years. And I agree 14 a hundred percent with what they're saying. But the 15 way I see it is, yeah, there's going to be lots of 16 jobs, and they're good-paying jobs, but they're 17 temporary. Like I said, it's like the server farm. 18 Once it's built, all those people go away. A lot of 19 them are from not around here. Some of them will be. 20 So, yes, there is good-paying jobs, but it's temporary. 21 Then they go away. 22 I don't know how many people it takes to 23 maintain these projects after they're up and running. 24 I would think probably very few, because there's no 25 moving parts, other than the solar panels, you know,</p>	<p style="text-align: right;">Page 72</p> <p>1 time, it's 6:44. So we will adjourn this public 2 informational meeting, and we will come back at 3 7:00 p.m. for our land use consistency hearing. 4 Thank you all. 5 (A break was taken from. 6 6:44 p.m. to 7:00 p.m.) 7 CHAIR DREW: Good evening. This is Council 8 Chair Kathleen Drew of the Washington State Energy 9 Facility Site Evaluation Council calling to order our 10 meeting on land use consistency for Badger Mountain. 11 As required by RCW 80.50.090 and 12 WAC 463-26-050 and 463-26-060, subsequent to the 13 informational public hearing, EFSEC is holding a land 14 use hearing. During this hearing, the public will be 15 given an opportunity to provide testimony regarding the 16 proposed project's consistency and compliance with land 17 use plans and zoning ordinances. 18 I will ask Ms. Owens to call the Council roll 19 and then hand over the meeting to Judge Bradley. 20 Ms. Owens. 21 MS. OWENS: Department of Commerce? 22 MS. KELLY: Kate Kelly, present. 23 MS. OWENS: Department of Ecology? 24 Department of Fish and Wildlife? 25 MR. LIVINGSTON: Mike Livingston, present.</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 73	Page 75
<p>1 MS. OWENS: Department of Natural Resources? 2 MR. YOUNG: Lenny Young, present. 3 MS. OWENS: Utilities and Transportation 4 Commission? 5 MS. BREWSTER: Stacey Brewster, present. 6 MS. OWENS: Chair, there is a quorum for the 7 Council. 8 CHAIR DREW: Thank you. 9 Judge Bradley? 10 JUDGE BRADLEY: Thank you, and good evening, 11 everyone. 12 As Chair Drew indicated, this is the land use 13 consistency hearing where the councilmembers will hear 14 testimony, as will I, about land use consistency. 15 The process will be that the applicant will 16 be able to present their information. I did receive a 17 request that a participating landowner be allowed to 18 testify as part of the applicant's presentation. 19 Do any of the other parties object to 20 allowing the landowner to testify at that time? 21 Do any of the councilmembers object? 22 All right. Hearing no objections, we will 23 allow the landowner to testify at that time, then the 24 County will be given an opportunity to respond. And as 25 Chair Drew indicated, after that, we will hear from</p>	<p>1 CHAIR DREW: No, that's fine. Yes, this is 2 testimony only on land use consistency, not on other 3 matters. 4 JUDGE BRADLEY: Correct. Thank you. 5 UNIDENTIFIED SPEAKER: Could you please 6 explain what "land use consistency" means, as the 7 definition? 8 JUDGE BRADLEY: So each county has land use 9 regulations where they regulate what type -- what 10 property in the county can be used for different types 11 of activities, whether it be commercial, residential, 12 agricultural, other categories. And so the issue 13 before the Council and me this evening is whether the 14 proposed use of the property is consistent with the 15 existing land use regulations of Douglas County. 16 UNIDENTIFIED SPEAKER: Thank you. 17 JUDGE BRADLEY: All right. I'll turn it over 18 to Mr. McMahan. 19 MR. McMAHAN: Thank you, Judge Bradley, Chair 20 Drew, members of the Siting Council. 21 I have the ability to turn a mic on and off 22 but not a video camera. I'm okay with that. If you 23 want to see my happy face, that would be fine with me, 24 but I think that's on your end, not mine. So I'll just 25 proceed, and you can decide, you know, whether to do</p>
Page 74	Page 76
<p>1 members of the public who may want to testify. 2 And, again, testimony will be limited to land 3 use consistency. We had a meeting just prior to this 4 hearing where folks could provide other comments, and 5 the opportunity to provide comments on other matters 6 remains available through midnight tonight. 7 Any other preliminary matters before we 8 proceed? 9 MR. WATSON: I would just like to ask a quick 10 question about the participating landowner, just to 11 understand the context. Could we understand how 12 financially available -- reliant they are? Because it 13 seems a little bit biased, unless we understand, 14 maybe, the specifics of what they have to gain from 15 this. 16 That is all. Thanks. 17 JUDGE BRADLEY: So I think we need to hear 18 the testimony. I'm not sure that bias would -- on 19 that basis would prevent that person from testifying, 20 although it may go to the weight that is given to that 21 person's testimony. 22 Anything else before we proceed? 23 Mr. McMahan, would you like to present? 24 I'm sorry. Ms. Drew, were you going to say 25 something?</p>	<p>1 that. 2 Just, I don't know, kind of a couple of 3 preliminary matters and comments. First of all, we 4 have Kirk Bromley (phonetic), I believe. He's a land 5 owner, and I believe that he would like to say a few 6 things after the conclusion of my presentation, just 7 kind of as a landowner. There's the camera. Hey, how 8 about that. And so he may or may not wish to speak. 9 You know, I leave that to him. 10 Secondly, with me tonight is my colleague 11 Ariel Stavitsky. I am an attorney with Stoel Rives law 12 firm. She is one of my colleagues, and you will get to 13 know her through this process. She is working with us 14 on this application. 15 And then, finally, just to make sure you all 16 have, in fact, received our legal memorandum on land 17 use, I think it makes it considerably -- a considerably 18 simpler task to move through this if you have that in 19 hand. I checked in with Assistant Attorney General Jon 20 Thompson a bit earlier to ensure that that was 21 distributed. And if it is, that's fine. You can, you 22 know, read it to your heart's content after the 23 hearing's over. 24 So we do appreciate the testimony. I will 25 speak on behalf of Avangrid and say we do appreciate</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 77

1 the testimony from all of the members of the public.
 2 It's the kind of information that informs a -- this
 3 process, which is a complex and very, very important
 4 process for the citizens of the state of Washington.
 5 So that kind of background information and the ongoing
 6 information that's provided in the proceedings will, of
 7 course, be extremely important in the Council's
 8 evaluation of the project.
 9 I would say that, just as an introductory
 10 matter, that we, unfortunately, in the Northwest, and
 11 maybe all over the world, seem to have this false
 12 choice between clean power and habitat protection and
 13 residential land uses and the like. I think that's
 14 very unfortunate. I do think that the fact that we're
 15 in front of EFSEC gives me hope that we can resolve
 16 these issues in a thoughtful fashion without -- you
 17 know, without getting, you know, unduly tripped up on
 18 that, what I believe to be a false choice.
 19 So that's my editorializing. I'll just head
 20 straight into this, and I do anticipate that my
 21 presentation will be fairly -- fairly concise.
 22 We do have a pretty uncommon procedural
 23 setting here. The applicant began working on a county
 24 conditional use permit application in early 2018, I
 25 believe. At that time, utility-scale solar facilities

Page 78

1 were an allowable use under the local conditional use
 2 zoning code. This applicant, Avangrid, engaged in a
 3 very interactive pre-application process on the
 4 application for a couple of years, until September 14
 5 of 2020, when the County sent to the applicant a
 6 "Notice of Incomplete Application." And enclosed with
 7 that application was a copy of an ordinance that was to
 8 be adopted the next day imposing a moratorium on solar
 9 development. So after being deep into the application
 10 process, that's -- you know, it sort of ground to a
 11 halt, at that point, with imposition of a moratorium.
 12 In July of 2021, the County ended the
 13 moratorium, and they adopted interim control measures.
 14 And the interim controls did several very important
 15 things that are important to EFSEC, I think, in
 16 proceeding.
 17 First, the interim controls relinquished the
 18 County's authority to review utility-scale solar permit
 19 applications and conferred that power to EFSEC. I have
 20 never seen that before, and it was an interesting
 21 development. It may or may not have, kind of, legal
 22 foundation for the County to do that, but it doesn't
 23 particularly matter, because we're at EFSEC anyway.
 24 But it is a very -- it was a bit of a surprise and an
 25 unusual thing for a county to do. And as I say, you

Page 79

1 know, all things considered, I think that EFSEC review
 2 of a project like this is not a bad thing.
 3 Secondly, it may -- the interim controls made
 4 utility-scale solar an outright permitted use, rather
 5 than a conditional use, with a very large caveat. And
 6 by the way, in so doing, I believe that they repealed
 7 their conditional use permit process in their zoning
 8 code. And, again, it doesn't particularly matter
 9 whether they did that or not.
 10 So the unusual caveat to this facility being
 11 a permitted use in the code is the imposition of really
 12 hoops of overlaying seven-mile buffers that together
 13 render the Badger Mountain site, and potentially the
 14 whole county, as an area where solar development is
 15 prohibited. And at a later time in the process, we
 16 can, you know, show you some maps of kind of how these
 17 hoops of overlaying buffers render this facility and
 18 many other locations in the county incapable of
 19 development. So that's what the County handed off to
 20 EFSEC.
 21 The buffers themselves, or setbacks, are from
 22 city or town limits. By the way, they are all
 23 seven-mile buffers, all of them, regardless of the
 24 resource issues or the like. So seven miles from city
 25 or town limits, seven miles from urban growth area

Page 80

1 boundaries, seven miles from a couple of airports,
 2 seven miles from habitat areas -- and these are
 3 important words -- with sensitive, candidate,
 4 threatened, or endangered plants or wildlife. So it --
 5 what this really adds up to is what is tantamount to a
 6 prohibition of solar development on this site and
 7 others, which we believe to be a rather dull tool
 8 and -- and hope that we can find, you know, a path
 9 forward in the EFSEC process to kind of get to the
 10 bottom of what the appropriate evaluative tool is to
 11 actually appropriately evaluate the actual impacts of
 12 the project versus, you know, a kind of a categorical
 13 seven-mile buffer area that surrounds these resource
 14 areas.
 15 So the code remains in discussion. It
 16 doesn't appear to us to be entirely settled. It is not
 17 clear that the accompanying mandatory comprehensive
 18 plan amendment adoptions have gone through or have been
 19 adopted. And we are unaware of whether the SEPA work,
 20 the State Environmental Policy Act work, supporting its
 21 adoption is yet complete. So we are, you know, kind of
 22 still in an area where this is sorting out, really, as
 23 we speak.
 24 So, again, the procedural posture here is a
 25 bit unusual, due to the apparent inability to be

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

<p style="text-align: right;">Page 81</p> <p>1 "consistent with the setback buffers," we -- and in 2 consultation with your Attorney General, the Honorable 3 Jon Thompson, we have determined that it's a tough case 4 to make that this project is consistent with local land 5 use zoning and plans. 6 So we do not -- and as we -- as I think you 7 probably learned a month or so ago, we have conceded 8 that this process is not eligible for expedited 9 permitting. That was not an available tool. And that, 10 in all likelihood, the issue of preemption and how to 11 evaluate the County's code within the context of the 12 State Environmental Policy Act and within the context 13 of overall habitat issues, we anticipate that that's 14 going to be addressed, ultimately, in an adjudication. 15 So while this does -- while this does mean 16 that we're not in an expedited permitting process, it 17 does not mean that the project shouldn't be evaluated 18 expeditiously. And we anticipate that the Council 19 will, of course, and Council staff, will take due 20 regard for evaluating the environmental impacts of the 21 project. We heard a considerable amount of testimony 22 earlier about habitat issues. Those are very, very 23 important issues that Avangrid takes very, very 24 seriously and that we anticipate will, in fact, be very 25 thoroughly evaluated in the SEPA process. But I</p>	<p style="text-align: right;">Page 83</p> <p>1 mostly issues of law. So we're not putting up 2 testimony, other than the ability of Kirk Bromley to 3 have a few things to say, should he wish to do so. So 4 I would just ask if Kirk would like to do that, and 5 I'll stand down, at this point, and take myself off the 6 camera. 7 Thank you. 8 JUDGE BRADLEY: Thank you, Mr. McMahan. 9 Mr. Bromley, did you want to speak at this 10 time? 11 MR. BROMLEY: Yes, ma'am. I would -- I would 12 like to do that, if that's allowable. 13 JUDGE BRADLEY: Go ahead. 14 MR. BROMLEY: Thank you. 15 My name is Kirk Bromley. I'm a property 16 owner on Badger Mountain, have been for many, many, 17 many years. It's a generational ownership thing. I 18 entered into a lease with Avangrid in 2017 in regard to 19 this solar project. I was aware that Douglas County 20 adopted an ordinance in 2020 imposing a moratorium on 21 solar farm development. And I was aware that Avangrid 22 was pursuing this process with EFSEC as an alternative 23 to a county permitting process. 24 I'm not sure I remember exactly how I became 25 aware, in the fall of this year, that Douglas County</p>
<p style="text-align: right;">Page 82</p> <p>1 wouldn't even necessarily discount the potential that 2 the project could be evaluated with an MDNS with 3 specific and very critical focus on these habitat 4 issues that have appropriately been raised previously. 5 So we see, frankly, no particular need for 6 the Council, in this circumstance, to take a whole 7 bunch of time to develop a land use consistency order. 8 That's not the kind of process we're in here. We are 9 here, at this point in time, because of the requirement 10 in RCW 80.50.090 and WAC 463-26-050 to conduct a land 11 use hearing. And in this case, that appears to me to 12 be showing that land use is inconsistent. So we move 13 on, is our hope. 14 So we do request that the Council press 15 forward in all deliberate speed to consider this 16 application. The project may or may not be eligible 17 for a SEPA MDNS. But we anticipate that the Council 18 and Council staff will not prejudice the wildlife issues 19 and questions raised and that we will, in fact, be 20 evaluating all this information in a very thorough, 21 deliberative, and detailed process, which is the 22 hallmark of EFSEC's review in the state of Washington. 23 So that is the applicant's presentation on 24 land use. There, frankly, aren't a lot of facts to 25 uncover and get to the bottom of here. I think this is</p>	<p style="text-align: right;">Page 84</p> <p>1 had adopted an ordinance in July of 2021 ending the 2 moratorium and referring all solar and wind energy 3 applications to EFSEC. The ordinance that was adopted 4 in July of 2021 also imposed some criteria, interim -- 5 they called it interim criteria that the County hoped 6 the State would consider when reviewing the solar and 7 wind applications. But one of this criteria is a 8 seven-mile setback from a list of locations, including 9 city boundaries and the Pangborn Airport in Wenatchee. 10 The airport is located on a bench above East 11 Wenatchee and is many hundreds of feet in elevation 12 below this proposed project site. I attended a 13 Douglas County Planning Commission meeting this fall 14 where the issues of the ordinance, the reference to 15 the -- referral to the State, and the seven-mile 16 setback were being discussed. And I inquired to the 17 Planning Commission and the planning director as to how 18 that seven-mile setback was arrived at. I was told at 19 that meeting that in the original hearing in the 20 summer, which, by the way, the County did not give any 21 of us landowners notice of that hearing, and they were 22 aware that we were all very interested, because we had 23 public recordings of our leases with Avangrid. 24 But, anyway, what I was told was, there was a 25 vocal number of folks that appeared at this county</p>

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 85

1 commissioner meeting -- or public -- rather the public
 2 Commission meeting and were advocating a ten-mile
 3 setback. And I was told at that Planning Commission
 4 meeting that the seven-mile setback was basically a
 5 negotiated item. They -- there were admissions that
 6 there was no science with the seven miles. There was
 7 no precedent for the seven miles. And it was just done
 8 as an accommodation to these vocal folks that appeared
 9 at that meeting.

10 And at that meeting, the planning director
 11 talked about, "Well, maybe it wasn't making sense to
 12 have it seven miles. Maybe it should be three or four
 13 miles." Well, that meeting got continued. And then
 14 the next time we appeared at a meeting, the planning
 15 director and the Planning Commission basically ignored
 16 the seven-mile setback issue and just adopted the
 17 ordinance to be recommended to the county
 18 commissioners.

19 In my view, there is absolutely no logical
 20 reason to prohibit solar development on this project
 21 based on being seven miles from -- within seven miles
 22 of the Pangborn Airport. You can't see it from the
 23 airport. It's -- like I said, the elevation change is
 24 (inaudible), and you can't see it from anywhere. It's
 25 not going to adversely affect anybody or anything.

Page 86

1 It's in a location that is strictly dryland wheat.
 2 There are no residences. I did hear Kevin Simmons
 3 testify. I think he is the only residence that's
 4 anywhere within striking distance of this development.
 5 But its impacts are going to be absolutely
 6 minimalistic.

7 Thank you.

8 JUDGE BRADLEY: All right. Thank you.

9 Would the County like to respond? Do we have
 10 a representative from Douglas County present?

11 All right. Any comments from the Assistant
 12 Attorney General?

13 MR. THOMPSON: Judge Bradley, I don't have
 14 anything to add at this time. I can provide written
 15 advice to the Council following this meeting, but I
 16 don't have anything to add at this point.

17 Thank you.

18 JUDGE BRADLEY: All right. Thank you.

19 CHAIR DREW: Perhaps if we could -- Judge
 20 Bradley, perhaps councilmembers might have questions
 21 for those who have -- the applicant who has testified
 22 so far.

23 JUDGE BRADLEY: Certainly. Thank you.

24 Councilmembers, any questions for the
 25 applicant?

Page 87

1 Not hearing any.

2 Anyone else who would want to testify this
 3 evening strictly on the land use consistency?
 4 I see a hand up from Mickey Fleming.

5 MS. FLEMING: Yes. Thank you.

6 I spoke before on the other matter. I'm with
 7 the Chelan-Douglas Land Trust. I'm also an attorney,
 8 and I've been practicing law since 1979, licensed in
 9 the state of Washington since 2008, Ohio since 1979,
 10 and spent most of my career on land use matters. I
 11 also have a degree in agriculture from Purdue
 12 University. So all of this information is near and
 13 dear to my heart.

14 I just want to mention that, really, Mr. --
 15 Counselor McMahan said before there's really not much
 16 to say about land use consistency here, because they
 17 admit that their proposal is not consistent with the
 18 Douglas County code. And with respect to that,
 19 Douglas County has spoken both through the interim
 20 controls that have been mentioned, passed in July of
 21 this year, and through its comprehensive plan, which
 22 was just adopted in September of 2021 after a process
 23 of many years that go into doing a new comprehensive
 24 plan. And I want to note that that comprehensive plan
 25 was developed during the entire time that Avangrid

Page 88

1 mentions that it was working with county personnel or
 2 considering this application since 2018.

3 So I have submitted written comments that
 4 talk about provisions in the Douglas County code
 5 over -- and in the comprehensive plan. I won't go into
 6 all that detail. But just to note that the
 7 comprehensive plan makes very clear of the
 8 Douglas County's intention to maintain the rural
 9 character, the agricultural industry and economy in
 10 Douglas County, as well as its natural resources, open
 11 space, and cultural heritage.

12 That's another point that hasn't been
 13 mentioned earlier; that these lands are the cultural
 14 lands of both the Yakama Nation and the Colville
 15 Confederated Tribes, the Moses-Columbia Band, as well
 16 as the Wenatchee Band. And not only historically but
 17 currently, members of all of those Native American
 18 groups do a great deal of traditional root gathering
 19 and so forth in these areas. It's a primarily
 20 important area. And that is dealt with as one of the
 21 goals, in addition to agriculture, in addition to
 22 natural resources, is the preservation of cultural
 23 spots in Douglas County.

24 So while the applicant has clearly said that
 25 they're not trying to establish consistency, land use

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 89

1 consistency, here, because it isn't, I think that the
 2 guidance that the comprehensive plan gives us is --
 3 clearly shows that the County wants to preserve its
 4 assets and that -- not to have uses that are
 5 inconsistent. The Pangborn industrial area is the only
 6 place in the county that allows for industrial uses.
 7 Thank you.
 8 JUDGE BRADLEY: Thank you.
 9 Anyone else who would like to testify on land
 10 use consistency?
 11 MR. MEEHEY: Yes, Judge, I would like to make
 12 a comment.
 13 JUDGE BRADLEY: I'm sorry. Who's speaking?
 14 MR. MEEHEY: My name's Will Meehey
 15 (phonetic). I'm just a resident that lives in Badger
 16 Heights, which is just down below the proposed
 17 permitting area for this project.
 18 JUDGE BRADLEY: Go ahead, please.
 19 MR. MEEHEY: I just wanted to echo the
 20 previous lady's comments that I think it's clear, when
 21 you look at the zoning consistency for the permitting
 22 project compared to the traditional, historical use of
 23 the area, that it is not consistent with current
 24 zoning or any kind of previous zoning for the area.
 25 It would drastically change the character of the land

Page 90

1 use and just the general area of this part of the
 2 state.
 3 That's all I wanted to say. Thank you.
 4 JUDGE BRADLEY: Thank you.
 5 Anyone else who would like to testify on land
 6 use consistency?
 7 Pat -- is it Doneen?
 8 MR. DONEEN: Yes, Pat Doneen.
 9 Yes, I would just -- yeah, thank you. I
 10 would just like to -- as a landowner in Douglas County,
 11 I would like to just go on record as expressing concern
 12 about the arbitrary nature of the ordinances passed by
 13 Douglas County. They seem to be very activist in
 14 nature and not based on any precedents or science. In
 15 fact, I think it's interesting to note, as I've pointed
 16 out to folks before, that you can fly into Indianapolis
 17 International Airport and see 87,000 solar panels
 18 within a mile of the airport. So it's clear that there
 19 is no science behind the view that you need to place
 20 solar panels seven miles away from an airport.
 21 So, anyway, that's my point. I just want to
 22 go on record and encourage the State to perhaps look
 23 more broadly at the question of, you know, what's the
 24 underlying precedents or science that might drive these
 25 decisions and not be influenced by the activism of

Page 91

1 local officials.
 2 JUDGE BRADLEY: Thank you.
 3 Anyone else like to speak on the land use
 4 consistency?
 5 Not hearing any further requests to speak.
 6 All right. So, Chair West [sic], I believe
 7 the process now is to conclude the hearing, and then
 8 the Council will prepare a written decision. And then
 9 depending on that decision, the process may proceed to
 10 adjudication; is that correct?
 11 CHAIR DREW: I think that we will now close
 12 the hearing. We -- because they have not requested
 13 expedited processing, I don't believe that we need to
 14 issue a decision, but we will deliberate about that
 15 with advice from our counsel as well. But this is in
 16 taking the testimony tonight, and we will determine
 17 the steps forward, one of which will be a SEPA review.
 18 And then as -- after we conduct the SEPA review, we
 19 will determine the next steps on adjudication.
 20 JUDGE BRADLEY: All right. Thank you for
 21 clarifying that.
 22 CHAIR DREW: Is that also correct,
 23 Ms. Bumpus? Did you have anything else to add?
 24 MS. BUMPUS: That's correct, Chair Drew.
 25 Thank you.

Page 92

1 JUDGE BRADLEY: All right. I did see a
 2 question about the deadline for submitting comments in
 3 writing. And I believe for this -- at least this
 4 proceeding, that is midnight tonight; is that correct?
 5 CHAIR DREW: Yes, it is, for this proceeding,
 6 specifically. At any time, the public is welcome to
 7 send us comments, which we will keep on the record.
 8 JUDGE BRADLEY: Understood. Thank you. I
 9 hope that answered the question in the chat.
 10 All right. Well, I want to thank everyone
 11 for your participation this evening and for your
 12 presentations. We will conclude the hearing at this
 13 time. And I hope that all of our participants and
 14 observers stay safe and healthy. And we'll let the
 15 Council get on with their work.
 16 CHAIR DREW: Thank you. And this meeting is
 17 adjourned. Thank you, Judge Bradley.
 18 JUDGE BRADLEY: Thank you.
 19 (Videoconference public meeting
 20 concluded at 7:32 p.m.)
 21
 22
 23
 24
 25

Verbatim Transcript of Public Meeting and Land Use Consistency Hearing - 11/17/2021

Page 93

CERTIFICATE

STATE OF WASHINGTON
COUNTY OF KITSAP

I, Andrea Ramirez, a Certified Court Reporter in
and for the State of Washington, do hereby certify that the
foregoing transcript is true and accurate to the best of my
knowledge, skill, and ability.



Andrea Ramirez
ANDREA RAMIREZ, CRR, RPR
WA CCR# 21022142

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: December 13
Reporting Period: November 2021
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 11,838 MWh
 - Wind speed: 4.8 m/s
 - Capacity Factor: 16.3%
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: January 3, 2022
Reporting Period: December 2021
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 10,460 MWh
 - Wind speed: 4.3 m/s
 - Capacity Factor: 14%
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: December 6, 2021
Report Period: November 2021
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

November generation totaled 67,966 MWh for an average capacity factor of 34.63%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: January 4, 2022
Report Period: December 2021
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

December generation totaled 60,062 MWh for an average capacity factor of 29.61%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: December 6, 2021
Reporting Period: November 2021
Site Contact: Mark A. Miller, Plant Manager
Facility SCA Status: Operational

Operations & Maintenance

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

- 103,426 MW-hrs generated in November for year-to-date generation of 2,045,757 MW-hrs and a YTD capacity factor of 52.01%.

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

Environmental Compliance

-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- No issues or updates.

-Any EFSEC-related inspections that occurred.

- The Washington State Fire Marshall conducted a site inspection on November 4, 2021. The inspection identified some deficiencies in plant performed annual inspections and documentation. We have asked for clarification on some of the identified deficiencies and we are working on corrective actions. A follow up re-inspection will be scheduled.

-Any EFSEC-related complaints or violations that occurred.

- No issues or updates.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report.

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period and a total of 2,223 days without a Lost Time Accident.

Current or Upcoming Projects

-Planned site improvements.

- No planned changes.

-Upcoming permit renewals.

- Title V Air Operating Permit Complete Renewal Package submitted on December 23, 2020. Title V AOP expires December 29, 2021.

-Additional mitigation improvements or milestones.

- Chehalis staff met with members of the Chehalis Basin Partnership on November 3, 2021 to discuss possible projects to be funded for water conservation measures. Possible projects in the upper Newaukum River were favored by the Basin members.
- As stipulated in EFSEC Resolution 350, the Chehalis Generation Facility will be funding water conservation projects with the City of Chehalis and the Chehalis Basin Partnership. Certification of payment by December 1, 2021 will be provided as required by Resolution 350.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- Nothing to report.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,



Mark A. Miller P75451
Manger, Gas Plant
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: January 6, 2022
Reporting Period: December 2021
Site Contact: Stefano Schnitger, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance

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

- 192,391 net MW-hrs generated in December for a capacity factor of 50.75%.

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

Environmental Compliance

-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- No issues or updates.

-Any EFSEC-related inspections that occurred.

- The Washington State Fire Marshall conducted a site inspection on November 4, 2021. In December, the Fire Marshall has approved the resolution plans for any identified deficiencies, and he has sent his approval to EFSEC.

-Any EFSEC-related complaints or violations that occurred.

- No issues or updates.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report.

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period and a total of 2,254 days without a Lost Time Accident.

Current or Upcoming Projects

-Planned site improvements.

- No planned changes.



-Upcoming permit renewals.

- Title V Air Operating Permit Renewal has been completed. The new permit will expire on December 29, 2026.

-Additional mitigation improvements or milestones.

- Nothing to report

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- Mark Miller, Plant Manager, has submitted his retirement notice. Mark's last day at the Chehalis plant will be January 21st.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,

Stefano Schnitger

Stefano Schnitger
Operations Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date: December 21, 2021

Reporting Period: November 2021

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 391,466MWh during the month and 3,174,647MWh YTD.

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

Environmental Compliance

-There was no outfall, or storm water deviations, during the month.

- Submitted startup/shutdown permit deviations to EFSEC.

-Routine monthly and quarterly reporting to EFSEC

- Monthly Outfall Discharge Monitor Report (DMR)
- Quarterly Storm Water Discharge Monitor Report (DMR)
- AOP Semi-Annual Monitoring Report
- Quarterly Air EDR Reports
- Annual Update Spill Prevention, Control, and Countermeasures Plan
- Annual Outfall Inspection results.
- Submitted Winter Source Testing Plan

Safety Compliance

-Office of the State Fire Marshal Inspection was conducted.

-Initial response to OSFM submitted to EFSEC, including plan for corrections.

-Annual NPDES & PSD/AOP refresher training.

-Annual SPCCP & SWPPP refresher training.

-Annual PSD Equipment Startup, Shutdown and Malfunction Manual refresher training.

Current or Upcoming Projects

-None.

Other

-None.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date: January 18, 2021

Reporting Period: December 2021

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 387,189MWh during the month and 3,561,836MWh YTD.

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

Environmental Compliance

-There were no emission, outfall, or storm water deviations, during the month.

-Routine monthly, quarterly, and annual reporting to EFSEC

- Monthly Outfall Discharge Monitor Report (DMR).
- Annual Single Sample Discharge Monitor Report (DMR).
- Annual review of the NPDES O&M Manual.
- Annual review of the Title V Air Operating Permit (AOP) and Prevention of Significant Deterioration and Notice of Construction Amendment 5 (PSD 5) O&M Manual and Startup, Shutdown, and Malfunction Procedures Manual.

-GHEC completed Winter Source Compliance Testing December 7-14.

Safety Compliance

-OSFM reinspection report was received noting all prior items have been corrected.

Current or Upcoming Projects

-None.

Other

-None.

EFSEC Monthly Council Meeting – November 2021

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

Operator: **Energy Northwest**

Report Date: **December 6, 2021**

Reporting Period: **November 2021**

Site Contact: **Mary Ramos**

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

CGS Net Electrical Generation November 2021: **836,592 MW-Hrs**

Environmental Compliance

N/A

Current or Upcoming Projects

N/A

Other

On 12/6/2021, Columbia Generating Station (Columbia) disconnected from the northwest grid for a planned maintenance outage. Workers will install balance weights on each end of a 34-foot, 133-ton low-pressure turbine that was replaced as part of Columbia's life-cycle maintenance plan during the station's spring refueling outage. Columbia operators and engineers have been monitoring the new turbine for increased vibrations, which are not uncommon when a turbine is replaced. The balance weights that will be installed on the turbine will help balance the vibrations and ensure the turbine's reliability for continuous operation. While the station is offline, workers will complete additional tasks to ensure Columbia continues to produce reliable, carbon-free power for the region. The timing for the outage was planned in coordination with Bonneville Power Administration. The outage duration is estimated to last 7 days.

EFSEC Monthly Council Meeting – December 2021

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

Operator: **Energy Northwest**

Report Date: **January 6, 2022**

Reporting Period: **December 2021**

Site Contact: **Mary Ramos**

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

CGS Net Electrical Generation December 2021: **631,147 MW-Hrs**

Environmental Compliance

N/A

Current or Upcoming Projects

N/A

Other

On 12/13/2021, Columbia Generating Station reconnected to the northwest power grid following a planned maintenance outage which began on 12/6/2021. Workers successfully installed 1.5-pound balance weights on each end of a 34-foot, 133-ton low-pressure turbine. Additional maintenance tasks were also completed during the week to ensure Columbia continues to produce reliable, carbon-free power for the region.

EFSEC Monthly Council Meeting Facility Update

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

Operator: Tuusso Energy, LLC

Report Date: December 10, 2021

Reporting Period: 30-days ending Dec 10, 2021

Site Contact: Owen Hurd

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Currently awaiting two breakers needed for final testing and energization, which we hope will occur prior to December 31st.
 - Camas
 - Currently awaiting final delivery of modules
 - Mechanical completion expected in February
 - Urtica
 - Currently awaiting final delivery of modules and drilling pilot holes to address pile refusals
 - Mechanical completion expected in March
-

Environmental Compliance

- Golder and NW Code inspections ongoing
- Any open items on BMPs should now be resolved

Safety Compliance

- Daily safety tailgate meetings in progress
- Borrego safety auditing and monitoring occurring daily

Current or Upcoming Projects

- The sale of the projects was closed on Dec 3, 2021
- Current Site Restoration Financial Assurance to remain in place until new LCs are posted by Greenbacker

EFSEC Monthly Council Meeting Facility Update

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

Operator: Tuusso Energy, LLC

Report Date: January 7, 2022

Reporting Period: 30-days ending Jan 7, 2022

Site Contact: Owen Hurd

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Achieved Mechanical Completion in late-December
 - Currently completing final testing before Commercial Operation
 - Camas
 - Awaiting final delivery of modules
 - Racking installation complete
 - Mechanical Completion expected in late-February / early-March
 - Urtica
 - Awaiting final delivery of modules
 - Pile driving and racking installation underway
 - Mechanical completion expected in early-April
-

Environmental Compliance

- Golder and NW Code inspections ongoing

Safety Compliance

- Daily safety tailgate meetings in progress
- Borrego safety auditing and monitoring occurring daily

Other

- Site work temporarily on hold due to weather (snow)

Desert Claim Wind Power Project

December 2021 project update

[Place holder]

Desert Claim Wind Power Project

January 2022 project update

[Place holder]

Horse Heaven Wind Project

December 2021 project update

[Place holder]

Horse Heaven Wind Project

January 2022 project update

[Place holder]



January 7, 2022

Sonia Bumpus
EFSEC Manager
PO Box 43172
Olympia WA, 98504-3172

Subject: Horse Heaven Wind Farm, LLC Extension Request (Agency Docket #EF-210011)

Dear Sonia,

This letter requests the Energy Facility Site Evaluation Council's agreement that the processing time of the Horse Heaven Wind Farm, LLC Application be extended an additional ten (10) months, to December 8, 2022.

The Horse Heaven Wind Farm, LLC Application for Site Certification was filed with EFSEC on February 8, 2021. RCW 80.50.100 requires that: *"The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant."*

Through discussions with EFSEC staff, we understand the preparation of the draft SEPA EIS has been delayed, primarily due to COVID 19 pandemic related staffing challenges. At this time, we are anticipating the draft EIS will be published for public comment in the second quarter of 2022, and then the adjudicatory hearing, preparation of the final EIS, Council recommendation and Governor's decision would follow.

The pace of regional utility clean energy supply procurement in the Pacific Northwest is currently driven by Washington and neighboring State's aggressive goals for significant reduction in greenhouse gas production. The intent to streamline application review for energy facilities to meet the state's energy goals is clear, and a necessary element of enabling regional utilities to be successful in achieving their regulatory mandates.

While we certainly hope that a recommendation from EFSEC and a decision by the Governor will occur by the end of this year, we also want to allow adequate time for all parties and agencies to have a robust engagement in the process.

Sincerely,

A handwritten signature in blue ink that reads "Michael Rucker".

Michael Rucker
President and CEO, Scout Clean Energy

Goose Prairie Solar Project

December 2021 project update

[Place holder]

Goose Prairie Solar Project

January 2022 project update

[Place holder]

Badger Mountain Solar Energy Project

December 2021 project update

[Place holder]

Badger Mountain Solar Energy Project

January 2022 project update

[Place holder]



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Ecology Division
PO Box 40117 • Olympia, WA 98504-0117 • 360-586-6770

MEMORANDUM

DATE: January 11, 2022

TO: Energy Facility Site Evaluation Council (EFSEC) Members for the Badger Mountain Solar Energy Project Application

FROM: Jon Thompson, Assistant Attorney General

SUBJECT: Land Use Consistency Determination under RCW 80.50.090(2) for the Proposed Badger Mountain Solar Site

Questions presented:

What determination should the council make under RCW 80.50.090(2) as to whether the proposed Badger Mountain Solar site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances?

What procedural steps follow from a determination that the proposed site is not in compliance with local zoning provisions?

Short answers:

Prior to Aurora Solar LLC submitting its application to EFSEC for site certification of the proposed Badger Mountain Solar Energy Project site in Douglas County, the Board of County Commissioners passed an ordinance amending its zoning regulations to include provisions that would prohibit the proposed facility from being sited at its proposed location. Although the applicant has asserted that the county adopted the regulations without first reviewing potential environmental impacts as required by the State Environmental Policy Act, there is no dispute that the proposed site is not in compliance with the terms of the regulations, which were in effect when the applicant submitted its application for site certification to EFSEC. As such, the council should determine that the site is not in compliance with county zoning ordinances.

EFSEC procedural rules provide that if the council determines a proposed energy facility site is inconsistent or not in compliance with local land use plans or zoning ordinances, it will schedule an adjudicative proceeding to consider whether to recommend to the governor that the state

ATTORNEY GENERAL OF WASHINGTON

Badger Mountain Land Use Consistency

January 11, 2022

Page 2

preempt the land use plans or zoning ordinances for the site proposed by the applicant. That adjudication may be combined or scheduled concurrent with the general adjudication required by RCW 80.50.090(3).

In order to ensure that the required adjudication on preemption can occur in a timely manner (whether combined or simply concurrent with the general adjudication), the council should direct EFSEC staff and the administrative law judge to develop an order for the council's adoption determining under RCW 80.50.090(2) that the site is not in compliance with county zoning in effect at the time of the application.

Analysis

Legal framework

RCW 80.50.075(1) provides that any person filing an application for certification of an energy facility or an alternative energy facility may apply to the council for expedited processing of its application. If the council grants expedited processing, it is not required to hold an adjudicative proceeding on the application. RCW 80.50.075(2)(b). However, the council may grant expedited processing only if it finds (1) that the environmental impact of the proposed energy facility is not significant or will be mitigated to a nonsignificant level, and (2) that the project is consistent and in compliance with local land use plans or zoning ordinances. RCW 80.50.075(1).

Regardless of whether an applicant requests expedited processing, RCW 80.50.090(2) requires the council to conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the local planning authority may not change its land use plans or zoning ordinances so as to affect the proposed site. *Id.*

RCW 80.50.020(22) defines "zoning ordinance" as "an ordinance. . . of local government regulating the use of land" that is adopted pursuant to one of various statutes authorizing and requiring local land use planning and zoning regulation, including RCW 36.70A, the Growth Management Act, and RCW 36.70, the Planning Enabling Act.

WAC 463-28-060 provides that if the council determines that a site or any portion of a site is inconsistent with land use plans or zoning ordinances, it will schedule an adjudicative proceeding to consider whether to recommend to the governor that the state preempt the land use plans, zoning ordinances, or other development regulations for the site proposed by the applicant. The proceeding for preemption may be combined or scheduled concurrent with the adjudicative proceeding held under RCW 80.50.090(3).

ATTORNEY GENERAL OF WASHINGTON

Badger Mountain Land Use Consistency
January 11, 2022
Page 3

The Badger Mountain Application

Aurora Solar, LLC, submitted an application to EFSEC on October 7, 2021, for site certification of Badger Mountain Solar Energy Project, a proposed 200-megawatt solar photovoltaic energy generation facility with an optional 200-megawatt battery energy storage system to be located in unincorporated Douglas County. The project would be located approximately 3.5 miles east of the East Wenatchee city limit boundary and south of Badger Mountain Road.

According to the application, the proposed solar project would be located partially within the county’s Rural Resource 20 (RR-20) zoning district, and partly within the county’s Dryland Agriculture (A-D) zoning district. Application for Site Certification, Attachment D: Land Use Consistency Review at Sec. 2.3.1 and Sec. 2.4.1.

The council conducted a hearing to receive testimony and legal argument on whether the proposed Badger Mountain Solar site is consistent and in compliance with Douglas County land use plans and regulations on November 17, 2021.

The applicant has not requested expedited processing of its application under RCW 80.50.075, citing Douglas County ordinance TLS 21-17-47B adopted by the Board of County Commissioners effective July 20, 2021, as an applicable zoning ordinance with which the proposed site is not in compliance.

Douglas County Ordinance TLS 21-17-47B

The Board of County Commissioners’ resolution setting forth ordinance TLS 21-17-47B (Appendix A to this memo) states that the County is adopting “Interim Controls for Placement and Permitting of Alternative Energy-Specific to Wind and Solar Energy Farms” effective for twelve months from the date of adoption of the ordinance (July 20, 2021), unless renewed or otherwise extended as provided in RCW 36.70.795.

In support of a finding “that the review and evaluation required for the establishment of interim controls pursuant to RCW 36.70.795 have occurred,” the resolution explains (in its introductory clauses) that:

. . . [T]he Douglas County Land Services has been receiving [a] number of inquiries related to the development of wind and solar energy farms within Douglas County unincorporated areas; . . .

. . . [T]he Douglas County Land Service Staff are under the development pressure with inquires specific to wind and solar energy farms; . . .

ATTORNEY GENERAL OF WASHINGTON

Badger Mountain Land Use Consistency

January 11, 2022

Page 4

. . . [T]he Douglas County Land Services Staff desires expert and/or professional recommendations from local, state and federal agencies and also wind and solar energy farm businesses for drafting proposed amendments to Douglas County Zoning Ordinance as it relates specific to wind and solar energy farms; . . .

. . . [T]he Douglas County Board of Commissioners and Staff has been reviewing the Douglas County Zoning Ordinance with respect to wind and solar energy farms and have determined that interim control amendments may be necessary to protect health, safety and general welfare; . . .

. . . [T]his Board of County Commissioners has identified the following issues as of concern:

1. Wind and solar energy farms create undesired visual impacts within certain areas of Douglas County.
2. No clear regulated placement and development standards specific to wind and solar energy farms identified within Douglas County Zoning Ordinance.
3. The large amount of consumptive land desired for the development of wind and solar energy farms are of concern.

. . . [T]he Board of County Commissioners has assigned the Land Services Division the responsibility to prepare draft zoning ordinance interim control amendments language as it pertains specific to wind and solar energy farms for consideration by the Board of County Commissioners that would address the above concerns, where possible; . . .

. . . [T]he Land Services Staff has reported that additional time will be necessary to prepare the proposal request by the Board of County Commissioners and has recommended the interim controls be adopted by the Board of County Commissioners; . . .

. . . [T]he Board of Douglas County Commissioners conducted a public hearing on Tuesday, October 6, 2020 at 10:30 am as required by RCW 36.70.795 and RCW 36.70A.390 for Ordinance TLS No. 20-05-45B Moratoria on Permitting of Alternative Energy- Specific to Wind and Solar Energy Farms.

The resolution provides that a prior ordinance (one that imposed a moratorium on wind and solar energy farms) is repealed and replaced with new and amended zoning code sections set forth in an attachment to the ordinance.

ATTORNEY GENERAL OF WASHINGTON

Badger Mountain Land Use Consistency

January 11, 2022

Page 5

Again citing RCW 36.70.795 (a provision of the Planning Enabling Act which provides, in part, that an “interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period”), the ordinance states:

. . . [T]he work program for Douglas County Staff is as follows:

August 2021- Planning Commission workshop.
State and Environmental Review adoption process.
September 2021- Planning Commission Public Hearing.
September 2021- Board workshop.
September/ October 2021- Board hearing and adoption.

Documents posted on the Douglas County Planning Commission webpage as of the date of this memorandum show that the Commission has been meeting generally in accordance with this schedule and that the county planning staff has developed a recommendation for the permanent adoption of zoning code provisions substantially the same as the interim controls adopted by TLS 21-17-47B. (Appendix B to this memo)

Attachment “A” to Ordinance No. TLS 21-17-47B sets forth the new and amended sections to the county’s zoning code adopted as interim controls. Under the new and amended code sections, energy generation facilities, including solar projects, are ostensibly allowed as outright permitted uses (meaning a conditional use permit is not required) in both the A-D and RR-20 zones. Douglas County Code (DCC) 18.31.020(T), 18.40.020(T). However, the code requires that such facilities “must go through the Energy Facility Site Evaluation Council per Chapter 80.50 RCW to determine appropriate location and mitigation measures.” DCC 18.16.355(A). If this is where the ordinance stopped, then it would be possible to conclude that a proposed solar site within the A-D and RR-20 zones is consistent and in compliance with local zoning.

The ordinance does not end there, however, but instead goes on to stipulate that such wind and solar energy generation facilities cannot be located within:

- seven miles from an urban growth area boundary, or city/town limits boundary, municipal airport boundary, Pangborn Airport boundary, and Pangborn Airport outer overlay zone boundary; or
- seven miles from “habitat associated with sensitive, candidate, threatened or endangered plants or wildlife as identified on state and federal list[s].”

ATTORNEY GENERAL OF WASHINGTON

Badger Mountain Land Use Consistency

January 11, 2022

Page 6

DCC 18.16.355(B), (C). The project in question is, by the applicant's admission, inconsistent with each of the above location restrictions or avoidance buffers. Figure A-7 in Attachment A of Aurora Energy, LLC's application for site certification (Appendix C to this memo) shows that all of the proposed project area is within the seven mile required buffer from the East Wenatchee city limits, the East Wenatchee Urban Growth Area Boundary, the Pangborn Airport Boundary, and the Pangborn Airport outer overlay zone boundary. The applicant also posits that all of Douglas County, including the proposed project site, is within seven miles of habitat associated with sensitive, candidate, threatened or endangered plants or wildlife as identified on state or federal lists.

Turning to the RCW 80.50.020(22) definition of "zoning ordinance," it is clear that ordinance TLS 21-17-47B—including the land use regulations that it enacted—is a "zoning ordinance" as defined under RCW 80.50.020(22). TLS 21-17-47B is an "ordinance of local government regulating the use of land" and it purports to be adopted under RCW 36.70, one of the statutes listed in the definition.

The applicant argues in its legal memorandum submitted November 15, 2021, that the ordinance was not properly adopted because the county did not follow the SEPA process. However, at the hearing the applicant's legal counsel, Tim McMahan, did not press this argument, stating that the ordinance is "tantamount to a prohibition on this site and others" and conceding that the application is not eligible for expedited processing.

The validity of an ordinance can only be determined by a court, or possibly in an appeal to the Growth Management Hearings Board. *See Matson v. Clark Cnty. Bd. of Comm'rs*, 79 Wn. App. 641 (1995); *Davidson Serles & Assocs. v. City of Kirkland*, 159 Wn. App. 616 (2011). Taken on its face, the ordinance is a zoning ordinance that was in effect on the date of the application, and the proposed site is not in compliance with that zoning ordinance.

Although the council determined in its order granting expedited processing for the Columbia Solar facility in Kittitas County, Order Granting Expedited Processing, Docket EF-170823, In the Matter of Application No. 2017-01 of TUUSSO Energy, LLC, Columbia Solar Project (April 17, 2018), that a moratorium adopted by that county on applications for large solar projects did not meet the definition of a zoning ordinance, the same cannot be said of the interim controls here. In making its land use consistency determination in the Columbia Solar matter, the council relied on Washington case law that describes zoning moratoria as "the temporary suspension of established regulations" that "do[] not repeal, amend, or contradict" the existing regulations. *Id.* at 16, citing *Save our Scenic Area v. Skamania Cnty.*, 183 Wn.2d 455, 465, 352 P.3d 177 (2015). This description does not apply to Douglas County's ordinance establishing interim controls, which does amend sections of the county's zoning regulations to include mandatory seven mile buffers from various geographic features, thereby making the proposed Badger Mountain Solar Project site non-compliant.

ATTORNEY GENERAL OF WASHINGTON

Badger Mountain Land Use Consistency

January 11, 2022

Page 7

Despite the site's noncompliance with local zoning, the applicant wishes to proceed with EFSEC's review of its application. The applicant's legal counsel characterized the ordinance's seven mile buffers from various resource areas as a "blunt instrument," and stated his client's expectation that the issue of appropriate protections for resource areas addressed by the county regulations would be taken up in an adjudication before the council.

Based on RCW 80.50.110, the governor, on recommendation from the council, has authority to preempt local land use plans and zoning regulations to authorize the siting of an energy facility. *Residents Opposed to Kittitas Turbines v. State Energy Facility Site Evaluation Council and Christine O. Gregoire, Governor of the State of Washington*, 165 Wn.2d 275, 285–86, 197 P.3d 1153 (2008). By rule, the council has provided that it will conduct an adjudication to consider whether to recommend the state preempt local plans or regulations that would prohibit the site. WAC 463-28-060. The council's rules also state that "[i]f the council approves the request for preemption it shall include conditions in the draft certification agreement which consider state or local governmental or community interests affected by the construction or operation of the energy facility or alternative energy resource and the purposes of laws or ordinances, or rules or regulations promulgated thereunder that are preempted pursuant to RCW 80.50.110(2)." WAC 463-28-070.

Based on the foregoing, I recommend the council make a determination that the site is not in compliance with applicable Douglas County zoning and, in accordance with WAC 463-28-060, schedule an adjudicative proceeding to consider whether to recommend to the governor that the state preempt the ordinances as applied to the site proposed by the applicant. The council may decide at a later date whether the proceeding should be combined or scheduled concurrent with the adjudicative proceeding held under RCW 80.50.090(3).

ATTORNEY GENERAL OF WASHINGTON

Badger Mountain Land Use Consistency

January 11, 2022

Page 8

Appendices

A. Ordinance TLS 21-17-47B, including Attachment “A”

[ORD TLS 21-17-47B.PDF](#)



ORD TLS

21-17-47B.PDF

B. Agenda of Douglas County Planning Commission Meeting for November 10, 2021, including Staff Report on Amendments to Energy Generation Facilities Specific to Wind and Solar Farms

[November-10-2021 \(douglascountywa.net\)](#)

C. Figure A-7 in Attachment A of the Aurora Energy, LLC’s Application for Site Certification for the Badger Mountain Solar Energy Project

[02_Badger Mtn_ASC_Attach A_Maps \(1\).pdf](#)

Douglas County Code can be found online here:

[Chapter 18.12 USE DISTRICTS DESIGNATED \(codepublishing.com\)](#)

Energy Facility Site Evaluation Council

Non-Direct Cost Allocation for 3rd Quarter FY 2022

January 1, 2022 – March 31, 2022

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 2022

Kittitas Valley Wind Power Project	5%
Wild Horse Wind Power Project	5%
Columbia Generating Station	25%
Columbia Solar	11%
WNP-1	3%
Whistling Ridge Energy Project	3%
Grays Harbor 1&2	9%
Chehalis Generation Project	9%
Desert Claim Wind Power Project	3%
Goose Prairie Solar Project	7%
Horse Heaven Wind Farm Project	12%
Badger Mountain	8%

Sonia E. Bumpus, EFSEC Manager

Date: _____