



# Washington State Energy Facility Site Evaluation Council

## AGENDA

**MONTHLY MEETING**  
Tuesday June 21, 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
    - May 17, 2022 Monthly Meeting Minutes
    - June 1, 2022 High Top & Ostrea Informational Meeting Minutes
    - June 1, 2022 High Top & Ostrea Land Use Hearing Minutes
- 5. Projects
  - a. Kittitas Valley Wind Project
    - Operational Updates..... Amy Moon, EDP Renewables
  - b. Wild Horse Wind Power Project
    - Operational Updates..... Jennifer Galbraith, Puget Sound Energy
  - c. Chehalis Generation Facility
    - Operational Updates..... Stefano Schnitger, 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. Horse Heaven Wind Farm
    - SEPA update..... Amy Moon, EFSEC Staff
    - DEIS Schedule update..... Ami Hafkemeyer, EFSEC Staff
    - Adjudication 101..... Adam Torem, ALJ
  - i. Goose Prairie Solar
    - Project Updates..... Joe Wood EFSEC Staff
  - j. Badger Mountain
    - Project Updates..... Ami Hafkemeyer, EFSEC Staff
  - k. Whistling Ridge
    - Project Updates..... Ami Hafkemeyer, EFSEC Staff
  - l. High Top & Ostrea
    - Project Updates..... Ami Hafkemeyer, EFSEC Staff
  - m. Wautoma Solar
    - Project Update..... Ami Hafkemeyer, EFSEC Staff
- 6. 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

## Energy Facility Site Evaluation Council

May 17, 2022



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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Olympia, Washington  
Tuesday, May 17, 2022  
1:30 p.m.

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VIRTUAL MONTHLY COUNCIL MEETING  
Verbatim Transcript of Proceedings

(All participants appeared via videoconference)

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358  
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1 APPEARANCES  
2 KATHLEEN DREW, Chair  
3 STACEY BREWSTER, Utilities and Transportation Commission  
4 LENNY YOUNG, Department of Natural Resources  
5 MIKE LIVINGSTON, Department of Fish and Wildlife  
6 KATE KELLY, Department of Commerce  
7 ELI LEVITT, Department of Ecology  
8  
9 Local Government and Optional State Agency for the Horse  
10 Heaven Project and Badger Mountain Project:  
11 DEREK SANDISON, Department of Agriculture  
12 JORDYN GIULIO, Douglas County  
13  
14 Assistant Attorney General:  
15 JON THOMPSON  
16  
17 Administrative Law Judge:  
18 ADAM TOREM  
19  
20 EFSEC Staff:  
21 SONIA BUMPUS  
22 AMI HAFKEMEYER  
23 ANDREA GRANTHAM  
24 STEW HENDERSON  
25 JOE WOOD  
AMY WOOD  
JOAN OWENS  
PATTY BETTS  
Guests:  
OWEN HURD, TUSO ENERGY  
ERIC MELBARDIS, EDP Renewables  
STEFANO SCHNITGER, Chehalis Generation Facility  
CHRIS SHERIN, Grays Harbor Energy  
BILL SHERMAN, Counsel for The Environment  
MEGAN SALLOMI, Counsel for The Environment  
MARSHALL SCHMITT, Columbia Generating Station

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1 LACEY, WASHINGTON; MAY 17, 2022  
2 1:30 P.M.  
3 --oOo--  
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 Energy Site Evaluation  
8 Council, bringing our meeting to order.  
9 Ms. Owens, will you call the roll, please?  
10 MS. OWENS: Department of Commerce?  
11 MS. KELLY: Kate Kelly, present.  
12 MS. OWENS: Department of Ecology?  
13 MR. LEVITT: Eli Levitt, present.  
14 MS. OWENS: Department of Fish and Wildlife?  
15 MR. LIVINGSTON: Mike Livingston, present.  
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 Horse Heaven Project, Department  
23 of Agriculture?  
24 MR. SANDISON: Derek Sandison, present.  
25 MS. OWENS: Benton County?

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1 For Badger Mountain Project, Douglas County?  
2 MS. GIULIO: Jordyn Giulio, Douglas County,  
3 present.  
4 MS. OWENS: Assistant Attorney General?  
5 MR. THOMPSON: This is Jon Thompson,  
6 present.  
7 MS. OWENS: Administrative Law Judges, Adam  
8 Torem?  
9 JUDGE TOREM: This is Judge Torem, present.  
10 MS. OWENS: Laura Bradley?  
11 For EFSEC Council Staff, Sonia Bumpus?  
12 MS. BUMPUS: Sonia Bumpus, present.  
13 MS. OWENS: Ami Hafkemeyer?  
14 MS. HAFKEMEYER: Present.  
15 MS. OWENS: Amy Moon?  
16 MS. MOON: Amy Moon, present.  
17 MS. OWENS: Joe Wood?  
18 MR. WOOD: Joe Wood, present.  
19 MS. OWENS: Patty Betts?  
20 MS. BETTS: Present.  
21 MS. OWENS: Stew Henderson?  
22 MR. HENDERSON: Present.  
23 MS. OWENS: Andrea Grantham?  
24 MS. GRANTHAM? Present.  
25 MS. OWENS: For the operation updates,

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|   |  |
|---|--|
| Page 5  | Page 7   |
| <p>1 Kittitas Valley Wind Project?<br/>                 2 Wild Horse Wind Power Project?<br/>                 3 CHAIR DREW: She's not available. I think I<br/>                 4 did hear Eric there.<br/>                 5 MS. OWENS: I will try Kittitas Valley one<br/>                 6 more time.<br/>                 7 Eric Melbardis, are you on the line?<br/>                 8 Grays Harbor Energy Center?<br/>                 9 MR. SHERIN: Grays Harbor Energy Center,<br/>                 10 this is Chris Sherin.<br/>                 11 MS. OWENS: Thank you.<br/>                 12 Chehalis Generation Facility?<br/>                 13 MR. SCHNITGER: Stefano Schnitger, present.<br/>                 14 MS. OWENS: Columbia Generating Station?<br/>                 15 MR. SCHMITT: Marshall Schmitt, present.<br/>                 16 MS. OWENS: Columbia Solar?<br/>                 17 MR. HURD: Owen Hurd, present.<br/>                 18 MS. OWENS: Council for The Environment,<br/>                 19 Bill Sherman?<br/>                 20 MR. SHERMAN: Present.<br/>                 21 MS. OWENS: Megan Sallomi?<br/>                 22 MS. SALLOMI: Present.<br/>                 23 MS. OWENS: Thank you.<br/>                 24 Chair, there is a quorum for the regular<br/>                 25 Council.</p>   | <p>1 I do have a couple of corrections. So on<br/>                 2 page 28, lines 15 to 17, there was a couple phrases<br/>                 3 missing there. It reads -- if you can go there. That's<br/>                 4 page 28, lines 15 to 17. After, "Both sites are owned<br/>                 5 by a single landowner who has submitted in addition to<br/>                 6 the application," we need to insert the words, "a letter<br/>                 7 of support for the projects." As Ami -- "As Ami noted,<br/>                 8 each project is," and then it will conclude with "80<br/>                 9 megawatts."<br/>                 10 Also, on page 31, line 3, "microsigning"<br/>                 11 should be "micrositing," s-i-t-i-n-g. And on line 5,<br/>                 12 "sign" should be "site," s-i-t-e.<br/>                 13 Were there any other corrections or changes<br/>                 14 from anyone?<br/>                 15 Hearing none, all those in favor of<br/>                 16 approving the minutes as amended, please say "aye."<br/>                 17 COUNCILMEMBERS: Aye.<br/>                 18 CHAIR DREW: Opposed?<br/>                 19 The minutes are amended.<br/>                 20 Moving on to our facility updates, Kittitas<br/>                 21 Valley Wind Project, Mr. Melbardis?<br/>                 22 MR. MELBARDIS: Good afternoon, Chair Drew,<br/>                 23 EFSEC Council, and Staff. There was nothing nonroutine<br/>                 24 to report at Kittitas Valley for the period. For the<br/>                 25 record, this is Eric Melbardis, with EDP Renewables.</p> |
| Page 6  | Page 8   |
| <p>1 CHAIR DREW: And for the Horse Heaven?<br/>                 2 MS. OWENS: Oh, pardon, yes. And for the<br/>                 3 Horse Heaven Council.<br/>                 4 CHAIR DREW: Thank you.<br/>                 5 Moving on to our proposed agenda, you have<br/>                 6 it here before you. Councilmembers, is there a motion<br/>                 7 to adopt the agenda?<br/>                 8 MS. KELLY: Kate Kelly, motion to adopt the<br/>                 9 agenda.<br/>                 10 MR. YOUNG: Lenny Young, second.<br/>                 11 CHAIR DREW: Thank you.<br/>                 12 Any discussion?<br/>                 13 All those in favor, please say "aye."<br/>                 14 COUNCILMEMBERS: Aye.<br/>                 15 CHAIR DREW: The agenda is adopted.<br/>                 16 Moving on to the draft minutes, which are<br/>                 17 before you and were in your packet, is there a motion to<br/>                 18 approve the minutes?<br/>                 19 MS. BREWSTER: This is Stacey Brewster. I<br/>                 20 move to approve the minutes from the April 19th Council<br/>                 21 meeting.<br/>                 22 CHAIR DREW: Thank you.<br/>                 23 MR. LIVINGSTON: This is Mike Livingston. I<br/>                 24 will second that motion.<br/>                 25 CHAIR DREW: Thank you.</p> | <p>1 CHAIR DREW: Thank you.<br/>                 2 Moving on to Wild Horse Wind Power Project,<br/>                 3 Ms. Moon?<br/>                 4 MS. MOON: Thank you, Chair Drew. As<br/>                 5 Jennifer Galbraith is not here, I will just report that<br/>                 6 there's no nonroutine items to report. The April<br/>                 7 generation totaled 62,978 megawatt hours for an average<br/>                 8 capacity factor of 32.09 percent.<br/>                 9 CHAIR DREW: Thank you.<br/>                 10 Chehalis Generation Facility, Mr. Schnitger?<br/>                 11 MR. SCHNITGER: Good afternoon, Chair Drew,<br/>                 12 Councilmembers, and Staff. The Chehalis Generation<br/>                 13 Facility has a personnel change to report for the month<br/>                 14 of April. Michael Adams was hired as the new plant<br/>                 15 manager on April 21st.<br/>                 16 CHAIR DREW: Thank you.<br/>                 17 Grays Harbor Energy Center, Mr. Sherin?<br/>                 18 MR. SHERIN: Good afternoon, Chair Drew,<br/>                 19 Councilmembers, and Staff. For the month of April, the<br/>                 20 only nonroutine item I have to report is under the --<br/>                 21 you'll see in the notes, our operating updates is under<br/>                 22 the upcoming projects.<br/>                 23 We submitted an application for modification<br/>                 24 to our Air Operating Permit. Grays Harbor Energy Center<br/>                 25 is currently authorized to under -- operate under PSD</p>             |

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1 Permit EFSEC/2001-01, Amendment 5, and Federal Operating  
 2 Permit EFSEC/94-01 Air Operating Permit initial.  
 3 So Grays Harbor Energy Center's current Air  
 4 Operating Permit was issued June 17th, 2020. And we're  
 5 requesting to amend our Air Operating Permit to reflect  
 6 the equipment upgrades that were approved with our Site  
 7 Certification Amendment approved in December of 2020.  
 8 Because of the equipment upgrades, EFSEC amended the  
 9 Prevention of Significant Deterioration Permit,  
 10 Amendment 5, in January of 2021.  
 11 Our operating permit needs to be updated to  
 12 reflect both the equipment upgrade and the PSD  
 13 Amendment.  
 14 That's all I have.  
 15 CHAIR DREW: Thank you. So you're working  
 16 with EFSEC Staff and the Air Agency on those permits  
 17 that will then come before us?  
 18 MR. SHERIN: Yes, Chair Drew. We just  
 19 submitted the request.  
 20 CHAIR DREW: Okay. Thank you very much.  
 21 Are there any other questions from the  
 22 Councilmembers?  
 23 Okay. Hearing none, moving on to Columbia  
 24 Generating Station, Mr. Schmitt?  
 25 MR. SCHMITT: Good afternoon, Chair Drew,

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1 EFSEC Council, and Staff. This is Marshall Schmitt,  
 2 reporting for Energy Northwest. I have two main items  
 3 to report for the month of April.  
 4 First, on April 11th, Energy Northwest  
 5 notified EFSEC that we had a discrepancy in the runtime  
 6 meters for two of our Emergency Diesel Generators. And  
 7 this discrepancy challenges compliance with EFSEC  
 8 Order 873.  
 9 Specifically, we identified that the meters  
 10 are designed only to record engine runtime once the  
 11 engines reach rated speed and they stop recording when  
 12 the engine is switched to idle.  
 13 Energy Northwest met with EFSEC and  
 14 Department of Ecology on May 3rd to discuss this  
 15 discrepancy.  
 16 Despite the discrepancy, the actual engine  
 17 runtime is well below the limits in EFSEC Order 873.  
 18 And moreover, we have other methods in place to verify  
 19 the actual engine operational hours, which are going to  
 20 be used in the interim while we work with EFSEC and  
 21 Ecology to determine the appropriate corrective actions.  
 22 The second item I have to report, on  
 23 April 14th, Energy Northwest notified EFSEC that tritium  
 24 was detected in the Sanitary Waste Treatment Facility  
 25 influent composite sampler. The amount of activity that

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1 we detected in -- in two samples taken from the  
 2 composite sampler were 476 picocuries per liter and  
 3 900 picocuries per liter, and those samples were taken  
 4 about a month apart.  
 5 Also, they are well below the drinking water  
 6 limit of 20,000 picocuries per liter.  
 7 We're investigating the source of the  
 8 tritium, but it correlates with the commissioning of the  
 9 new Surface Water Treatment Facility that we're  
 10 constructing at the Industrial Development Complex.  
 11 There's no evidence to suggest that the  
 12 recent detection of tritium is related to the operation  
 13 of Columbia Generating Station. But the source water to  
 14 the water treatment facility does come from the Columbia  
 15 River, and Energy Northwest is engaged with the United  
 16 States Department of Energy for insight on the state of  
 17 known tritium plumes that are coming from the Hanford  
 18 Site, which all of our -- I say "all," Columbia and  
 19 Industrial Development Complex are situated upon.  
 20 We are currently developing an incident  
 21 report and investigation plan as requested by EFSEC for  
 22 a path forward.  
 23 That is all I have to report.  
 24 CHAIR DREW: Thank you.  
 25 Are there questions from Councilmembers?

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1 Okay. We look forward to the resolution and  
 2 finding the source of that. Thank you.  
 3 MR. SCHMITT: Thank you, Chair Drew.  
 4 CHAIR DREW: Moving on to Columbia Solar,  
 5 Mr. Hurd?  
 6 MR. HURD: Good afternoon, Chair Drew,  
 7 Councilmembers, and EFSEC Staff. This is Owen Hurd,  
 8 from TUUSSO Energy, reporting on the Columbia Solar  
 9 projects. Just a quick construction update.  
 10 On Penstemon, PSE seems to have resolved the  
 11 final communications issues with the interconnection.  
 12 We'll get final confirmation on that tomorrow, but as of  
 13 last week, it looked like that was resolved.  
 14 On Camas, we achieved mechanical completion  
 15 on March 23rd, and substantial completion is now  
 16 expected June 10th, following resolution of these two  
 17 items.  
 18 The inverter malfunction issue has since  
 19 been resolved. And as mentioned above, the Penstemon  
 20 communication issues, which this is waiting on, has also  
 21 been resolved. We're doing a full witness test today  
 22 with PSE, so that's currently underway.  
 23 And then on Urtica, pile remediation is  
 24 still underway. Concrete collars being placed on  
 25 twisted piles. No change in schedule. Mechanical

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| Page 13  | Page 15  |
| <p>1 completion is expected late June, substantial is late<br/>2 July.</p> <p>3 Other than that, the new site restoration<br/>4 financial assurance has been posted by Greenbacker, and<br/>5 I think that the hard copy of the standby trust, I think<br/>6 EFSEC Staff is still awaiting the hard copy of the<br/>7 standby trust agreement. But that is supposedly in<br/>8 transit.</p> <p>9 And we've been updating our impact<br/>10 calculations based on final layouts, which we will be<br/>11 using to form an updated planting plan that we will be<br/>12 submitting to EFSEC Staff shortly.</p> <p>13 CHAIR DREW: Thank you.<br/>14 Are there any questions from Councilmembers?<br/>15 Thank you.<br/>16 Moving on to the next item, which is Desert<br/>17 Claim Wind Power Project, Ms. Moon.</p> <p>18 MS. MOON: Good afternoon, Council Chair<br/>19 Drew and members of the Council. For the record, this<br/>20 is Amy Moon, providing the Desert Claim update.<br/>21 EFSEC Staff continue to coordinate with<br/>22 Desert Claim; however, there are no project updates at<br/>23 this time.</p> <p>24 CHAIR DREW: Thank you.<br/>25 Moving on to the Horse Heaven Wind Farm,</p>  | <p>1 on EFSEC's work with the Washington Attorney General's<br/>2 Office on a land use order, as well as a brief update on<br/>3 the adjudication plans.</p> <p>4 CHAIR DREW: Thank you.<br/>5 Ms. Hafkemeyer?<br/>6 MS. HAFKEMEYER: Thank you, Chair Drew and<br/>7 Ms. Moon. Good afternoon, Council. For the record,<br/>8 this is Ami Hafkemeyer. In your Council packet is the<br/>9 draft Land Use Order as directed by the Council to be<br/>10 prepared at the April Council meeting.</p> <p>11 Judge Torem is on the line, as well as Jon<br/>12 Thompson, if there are any questions. EFSEC Staff are<br/>13 recommending that the Council vote to approve this draft<br/>14 order at today's meeting.</p> <p>15 CHAIR DREW: Thank you. We can take this<br/>16 item up now, and then we'll come back for the update on<br/>17 the adjudication.</p> <p>18 Councilmembers, you have the proposed draft<br/>19 order on land use consistency. Are there questions or<br/>20 discussion?<br/>21 MS. BREWSTER: This is Stacey Brewster. Not<br/>22 so much question, as this is a process we've been<br/>23 working through most recently. I do want to thank Staff<br/>24 and attorney generals and Judge Torem for their work on<br/>25 this. It was quite clear and informative. Thank you.</p>                                    |
| Page 14  | Page 16  |
| <p>1 Ms. Moon, the SEPA update, please.</p> <p>2 MS. MOON: Yes. Good afternoon, Council.<br/>3 This is Amy Moon once again. In April, EFSEC Staff<br/>4 continued to work on the preparation of the draft<br/>5 Environmental Impact Statement, or draft EIS. This<br/>6 includes working closely with our contractor, Golder,<br/>7 reviewing their draft EIS chapters, refining chapters,<br/>8 and developing proposed minimization and mitigation<br/>9 opportunities.</p> <p>10 The draft EIS agency coordination in the<br/>11 past month has continued the draft EIS chapter reviews<br/>12 in conjunction with other Washington State agencies who<br/>13 are the State environmental resource experts.</p> <p>14 EFSEC Staff continue to work closely with<br/>15 the Washington Department of Fish and Wildlife on<br/>16 wildlife and habitat issues, including impact analysis<br/>17 and opportunities for avoidance and minimization of<br/>18 impacts.</p> <p>19 The work continues to support the applicant<br/>20 in refining an updated mitigation plan.<br/>21 Does the Council have any questions?<br/>22 CHAIR DREW: Are there any questions from<br/>23 Councilmembers?<br/>24 MS. MOON: Okay. Then moving on. If there<br/>25 are no questions, Ami Hafkemeyer will present an update</p> | <p>1 CHAIR DREW: Thanks.<br/>2 So to recap maybe a little bit more<br/>3 information. The Land Use Consistency Order is one part<br/>4 of our process, which EFSEC is required to do, and it's<br/>5 laid out in the order.</p> <p>6 So, members of the public, you can also look<br/>7 at the order. But essentially what we're -- what we're<br/>8 saying in this order is that we -- the plans for the<br/>9 Horse Heaven project are consistent and in compliance<br/>10 with the overall land use requirements of Benton County.</p> <p>11 Saying not -- since it's an allowable use<br/>12 that's allowed conditionally under the Benton County<br/>13 land use, then we are just saying in this order<br/>14 essentially that it is an allowable use.</p> <p>15 We will come back in future. We're not --<br/>16 in -- in this action, we are not taking up the whole of<br/>17 the project. We are taking up only whether or not this<br/>18 is an allowable use within the local land use.</p> <p>19 So if there are conditions that come up that<br/>20 the project needs to address, those will come up during<br/>21 adjudication.</p> <p>22 So I just wanted to make that clear, that<br/>23 that is essentially the action that the Council is being<br/>24 asked to make today.<br/>25 Are there any questions? Any other</p> |

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1 questions or comments?  
 2 I will address just the last part on page 9.  
 3 The Council orders that Scout Clean Energy's  
 4 application is consistent and in compliance with local  
 5 land use plans and zoning regulations.  
 6 Two, that Scout Clean Energy's application  
 7 would require a conditional use permit under local  
 8 zoning regulations.  
 9 And three, the matter shall be set for an  
 10 adjudication to consider any conditions which might be  
 11 required for the construction, operation, and  
 12 maintenance of the facility with growth management --  
 13 I'm not sure what GMAAD is there -- consistent with  
 14 Benton County's conditional use criteria in effect at  
 15 the time of the application for site certification was  
 16 filed with EFSEC.  
 17 The adjudication may be held concurrent with  
 18 or separate from the adjudication related to the  
 19 application for site certification agreement.  
 20 So that is essentially the action that the  
 21 Council would take if you were to approve this order.  
 22 MS. BUMPUS: Chair Drew?  
 23 CHAIR DREW: Yes?  
 24 MS. BUMPUS: Thank you, Chair Drew. For the  
 25 record, this is Sonia Bumpus.

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1 Chair Drew, in -- in the draft order that  
 2 the Council is reviewing in their packets, I believe the  
 3 GMAAD is referring to the Growth Management Act  
 4 agricultural land use designation.  
 5 CHAIR DREW: Thank you.  
 6 MS. BUMPUS: And then there is another  
 7 section -- I found this on page 8 -- where it refers to  
 8 the Growth Management Act Agricultural District.  
 9 CHAIR DREW: Thank you. I hadn't made  
 10 that -- when I saw the letters, I hadn't remembered  
 11 exactly what it was, so I appreciate you finding that  
 12 within the document and bringing that to our attention.  
 13 Okay. Thank you.  
 14 Are there questions from Councilmembers?  
 15 Mr. Young.  
 16 MR. YOUNG: Thank you, Chair Drew.  
 17 Could Staff explain the time relationship  
 18 between EFSEC's adjudication and Scout Clean Energy  
 19 obtaining an approved conditional use permit under local  
 20 zoning regulations? Is EFSEC's process contingent upon  
 21 the applicant containing that permit or is it separate  
 22 from that?  
 23 CHAIR DREW: I --  
 24 MR. THOMPSON: So this is Jon Thompson.  
 25 CHAIR DREW: Thank you, Mr. Thompson. I was

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1 going to take a stab at it, but I thought perhaps our AG  
 2 would be most appropriate. Go ahead.  
 3 MR. THOMPSON: Okay. Right. So -- so  
 4 the -- the EFSEC process of reviewing an application for  
 5 site certification takes the place of local conditional  
 6 use permitting. So -- so there is no conditional use  
 7 permit process before the County when a -- when a  
 8 facility comes to EFSEC for a site certification  
 9 agreement.  
 10 But as Chair Drew was saying earlier and --  
 11 and kind of reciting the last directives of the order  
 12 there, where -- where the Commission -- or excuse me,  
 13 where the Council can determine as here that -- that a  
 14 proposed land use is not -- not prohibited by local  
 15 zoning, but it is -- it is something that can be  
 16 permitted as a conditional use, then it's been EFSEC's  
 17 practice to say that that's -- that it's consistent and  
 18 in compliance with local land use plans and zoning  
 19 ordinances.  
 20 But then to essentially have the same sort  
 21 of process as you would have at the County where the  
 22 applicant has to go before a hearing examiner and  
 23 demonstrate that it meets -- or that it can meet with  
 24 the imposition of conditions, the -- the County's  
 25 conditional use criteria.

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1 So -- so basically that -- that part of the  
 2 County process is sort of subsumed and taken up in  
 3 EFSEC's adjudication process when -- when -- when EFSEC  
 4 is having an adjudication for a particular application  
 5 process.  
 6 So hopefully that -- hopefully that explains  
 7 it.  
 8 MR. YOUNG: Yeah, I think so. I guess to me  
 9 that -- that sounds like really point number two under  
 10 the Council orders is mooted out and is not a  
 11 requirement, and it's replaced by EFSEC's adjudication;  
 12 is that correct?  
 13 MR. THOMPSON: I'm not -- I'm not certain  
 14 what you mean by "point number two."  
 15 MR. YOUNG: The point that says under the  
 16 Council orders, it says, "Scout Clean Energy's  
 17 application would require a conditional use permit under  
 18 local zoning regulations."  
 19 Does that mean, if the applicant was trying  
 20 to get the project permitted under local authority, it  
 21 would require that permit, but it's not required if the  
 22 applicant is proceeding through EFSEC?  
 23 MR. THOMPSON: Yes, that's exactly right.  
 24 MR. YOUNG: Okay. Thank you for that  
 25 clarification. Appreciate that.

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1 CHAIR DREW: Yes. And at the same time, we  
 2 both are -- EFSEC is required to take into consideration  
 3 any conditions that would be required under the local  
 4 county law as well.  
 5 So -- so essentially EFSEC is bringing those  
 6 conditions under consideration in a later part of the  
 7 process because we do need to consider that.  
 8 MR. YOUNG: Right. But as a matter of  
 9 permitting process, because of the manner in which the  
 10 applicant is proceeding through EFSEC, it does not also  
 11 need to obtain a conditional use permit from the County?  
 12 CHAIR DREW: Correct.  
 13 MR. YOUNG: Okay. Thank you very much.  
 14 CHAIR DREW: Yep. Thank you.  
 15 Are there any additional questions or  
 16 discussion?  
 17 MS. KELLY: Chair Drew, this is Kate Kelly.  
 18 CHAIR DREW: Go ahead.  
 19 MS. KELLY: And so this -- this might be  
 20 another question for Jon, but I'm just trying to  
 21 understand the difference between the zoning  
 22 regulations, what's referred to as the zoning  
 23 regulations, and then the comprehensive plan, which may  
 24 or may not be the same as the local land use plans.  
 25 So just about the -- and I -- and it may

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1 become an issue when we do the equivalency with the  
 2 conditional use, but just trying to understand what we  
 3 are deciding this application is consistent with.  
 4 CHAIR DREW: Mr. Thompson?  
 5 MR. THOMPSON: Right. So -- so the -- the  
 6 zoning ordinances are adopted to -- you know, consistent  
 7 with and to -- and to implement the comprehensive plan,  
 8 which is a more general sort of a planning document.  
 9 So sort of where the rubber hits the road,  
 10 so to speak, is the actual zoning ordinances that say  
 11 what uses are allowed outright or can be conditionally  
 12 permitted within a particular zoning district.  
 13 So, you know, once the County has -- has  
 14 adopted a zoning code, then, I mean, that really becomes  
 15 the relevant consideration.  
 16 The -- sometimes the conditional use  
 17 criteria will, you know, point to -- point back to the  
 18 comprehensive plan, you know, the goals of it, and so  
 19 forth and -- and point to a need for consistency with  
 20 the goals of a particular district, you know, or what  
 21 have you.  
 22 So it doesn't -- it doesn't become  
 23 completely irrelevant, but the real details of what's  
 24 permitted and under what conditions in a particular  
 25 zoning district is -- is really spelled out in the

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1 zoning code.  
 2 MS. KELLY: A follow-up, Chair Drew.  
 3 CHAIR DREW: Yes.  
 4 MS. KELLY: So -- and in the part of the  
 5 order that's on the screen right now, Jon, is the --  
 6 under line 34(1), it says that the application is  
 7 consistent and in compliance with local land use plans.  
 8 That's not a comprehensive plan.  
 9 MR. THOMPSON: It is the comprehensive plan.  
 10 MS. KELLY: Okay.  
 11 MR. THOMPSON: Yes.  
 12 CHAIR DREW: If I can add a little further,  
 13 it is consistent and in compliance because it's an  
 14 allowable use in the agricultural district and requires  
 15 a conditional use permit.  
 16 MR. THOMPSON: Yeah. I might just offer  
 17 one -- one correction maybe to that. There's sort of a  
 18 terminology that's used sometimes between "allowable  
 19 uses" and "conditionally permitted uses."  
 20 CHAIR DREW: Thank you.  
 21 MR. THOMPSON: So -- yeah. So there's  
 22 some -- some -- some uses might be allowed outright,  
 23 meaning you don't have to get a conditional use permit  
 24 for them.  
 25 But in this case, a solar or wind farm,

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1 major solar or wind farms within this particular  
 2 agricultural district are not allowed outright, but they  
 3 are potentially permissible as a conditional use. So...  
 4 CHAIR DREW: Thank you for that  
 5 clarification.  
 6 Other questions or comments? Discussion?  
 7 I think what I need is a motion. I don't  
 8 believe we have a motion before us yet.  
 9 A motion to approve Council order?  
 10 MR. YOUNG: Lenny Young, so moved.  
 11 CHAIR DREW: Thank you.  
 12 Second?  
 13 MS. BREWSTER: Stacey Brewster, second.  
 14 CHAIR DREW: Thank you.  
 15 I would like us to have a roll call vote on  
 16 the order. Ms. Owens?  
 17 MS. OWENS: Department of Commerce?  
 18 MS. KELLY: Kate Kelly, aye.  
 19 MS. OWENS: Department of Ecology?  
 20 MR. LEVITT: Eli Levitt, aye.  
 21 MS. OWENS: Department of Fish and Wildlife?  
 22 MR. LIVINGSTON: Mike Livingston, aye.  
 23 MS. OWENS: Department of Natural Resources?  
 24 MR. YOUNG: Lenny Young, aye.  
 25 MS. OWENS: Utilities and Transportation

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| <p>1 Commission?<br/>                 2 MS. BREWSTER: Stacey Brewster, aye.<br/>                 3 MS. OWENS: EFSEC Chair?<br/>                 4 CHAIR DREW: Kathleen Drew, aye.<br/>                 5 Is Mr. Brost on the line?<br/>                 6 MS. OWENS: No. But Department of<br/>                 7 Agriculture, Derek Sandison, should be on the line.<br/>                 8 MR. SANDISON: Derek Sandison, aye.<br/>                 9 CHAIR DREW: Thank you.<br/>                 10 MS. OWENS: The ayes have it, Chair Drew.<br/>                 11 CHAIR DREW: Thank you.<br/>                 12 Thank you all. So we have approved the<br/>                 13 order for land use consistency or for finding the<br/>                 14 proposed site consistent with land use regulations.<br/>                 15 Moving on now to the next portion of our<br/>                 16 conversation on -- are we going to talk about<br/>                 17 adjudication now, Ms. Hafkemeyer?<br/>                 18 MS. HAFKEMEYER: Thank you, Chair Drew. I<br/>                 19 only have a brief update on the adjudication.<br/>                 20 Staff are still working closely with Judge<br/>                 21 Torem to weigh decisions regarding hearing logistics and<br/>                 22 timing. We anticipate having more information on the<br/>                 23 prehearing conference and adjudication available to the<br/>                 24 Council and the public at the next Council meeting.<br/>                 25 CHAIR DREW: Okay. Thank you.</p> | <p>1 that was open from March 14th through April 12th. EFSEC<br/>                 2 Staff received 14 comments from the public, seven<br/>                 3 comment letters from other State agencies, and one<br/>                 4 comment letter from the Yakima Nation.<br/>                 5 We are working with our contractor to<br/>                 6 develop recommendations to the SEPA-responsible<br/>                 7 official, Ms. Bumpus, on what topics we would recommend<br/>                 8 to include in the Environmental Impact Statement, or<br/>                 9 EIS, for the proposal.<br/>                 10 And Staff are also continuing to coordinate<br/>                 11 with the applicant and our contracted agencies on our<br/>                 12 review of the application.<br/>                 13 Are there any questions?<br/>                 14 CHAIR DREW: Are there any questions?<br/>                 15 Are those SEPA comment letters available on<br/>                 16 our website at this point?<br/>                 17 MS. HAFKEMEYER: Yes. All the comments that<br/>                 18 we received are available on the project website for --<br/>                 19 sorry, on the Badger Mountain page of the EFSEC website.<br/>                 20 CHAIR DREW: Okay. Thank you.<br/>                 21 Moving on to Whistling Ridge Energy Project,<br/>                 22 Ms. Hafkemeyer.<br/>                 23 MS. HAFKEMEYER: Thank you, Chair Drew. At<br/>                 24 the April Council meeting, Staff provided an update<br/>                 25 about the Whistling Ridge project that Staff were</p> |
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| <p>1 Are there any questions from the<br/>                 2 Councilmembers?<br/>                 3 Thank you all.<br/>                 4 Moving to the next item on our agenda, I<br/>                 5 think we're on Goose Prairie Solar Project. We are.<br/>                 6 And...<br/>                 7 MR. WOOD: Hello, this is -- this is Joe<br/>                 8 Wood.<br/>                 9 CHAIR DREW: It's you. Okay, Mr. Wood. I<br/>                 10 was looking for my agenda so I could make sure --<br/>                 11 MR. WOOD: No problem.<br/>                 12 CHAIR DREW: -- who was coming next. Go<br/>                 13 ahead.<br/>                 14 MR. WOOD: This is Joe -- Joe Wood,<br/>                 15 providing the update on the Goose Prairie Solar Project.<br/>                 16 Currently, EFSEC and the applicant are<br/>                 17 working together to put together various preconstruction<br/>                 18 plans and permits for the next phase of the projects and<br/>                 19 will update the Council and Staff in future meetings.<br/>                 20 That's it.<br/>                 21 CHAIR DREW: Thank you.<br/>                 22 For Badger Mountain, Miss Hafkemeyer?<br/>                 23 MS. HAFKEMEYER: Thank you, Chair Drew.<br/>                 24 EFSEC Staff are reviewing the State Environmental Policy<br/>                 25 Act, or SEPA, scoping comments from the comment period</p>   | <p>1 working with the developer to prepare an amendment to<br/>                 2 the current Whistling Ridge Site Certification<br/>                 3 Agreement, or SCA.<br/>                 4 At that meeting, Councilmember Young<br/>                 5 requested that Staff bring the Council up to date on the<br/>                 6 activity related to the project. In response to that<br/>                 7 request, Staff has enclosed related documents in your<br/>                 8 packets, and these include the five-year update that was<br/>                 9 provided to the Council in 2018 by the developer.<br/>                 10 Also available in the Council packet is the<br/>                 11 developer's request for an extension of the SCA dated<br/>                 12 March 2nd, as well as a letter from the developer,<br/>                 13 indicating that an SCA transfer request would be<br/>                 14 forthcoming to EFSEC and requests that the Council<br/>                 15 consider these actions together.<br/>                 16 Are there any questions about these<br/>                 17 documents before I provide an overview of the history of<br/>                 18 this project up to this point?<br/>                 19 CHAIR DREW: Are there any questions right<br/>                 20 now?<br/>                 21 Go ahead.<br/>                 22 MS. HAFKEMEYER: Thank you. The application<br/>                 23 for the project was submitted to EFSEC in 2009. In<br/>                 24 2012, then Governor Gregoire approved the Site<br/>                 25 Certification Agreement.</p>      |

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1 In 2013, the Washington Supreme Court issued  
 2 a decision, denying an appeal of the project.  
 3 Between 2013 and 2015, Bonneville Power  
 4 Administration, or BPA, worked on a national  
 5 Environmental Policy Act final Environmental Impact  
 6 Statement and its supplement in response to comments  
 7 that they had received.  
 8 In 2018, the Ninth Circuit Court of Appeals  
 9 issued a decision, denying an appeal filed in 2015  
 10 regarding BPA's decision to grant interconnection of the  
 11 project.  
 12 Between 2018 and 2022, the original  
 13 certificate holder began discussions regarding the sale  
 14 of the company assets to multiple potential buyers,  
 15 which included the sale of the property Whistling Ridge  
 16 would be build on to Twin Creeks lumber -- I'm sorry,  
 17 Twin Creeks Timber, LLC, who are managed by Green  
 18 Diamond Management Company, and that brings us to the  
 19 present.  
 20 EFSEC's rule in Washington Administrative  
 21 Code 463-66-030 addresses requests for amendments to  
 22 Site Certification Agreements and indicates that the  
 23 Council consider the request for SCA amendment and  
 24 determine a schedule for action at the next feasible  
 25 Council meeting.

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1 In this case, the developer has requested  
 2 that the extension and the request for transfer of  
 3 ownership be considered together.  
 4 Based on our discussions with the developer,  
 5 Staff recommends that the Council wait to set a schedule  
 6 of the review of the SCA amendment request until such a  
 7 time that the developer provides the other materials  
 8 needed to complete the amendment request.  
 9 We believe this would be in accordance with  
 10 WAC 463-66-030 and would allow the Council to take up  
 11 all aspects of the amendment request under one review  
 12 process.  
 13 Are there any questions?  
 14 CHAIR DREW: Do you have an idea of how long  
 15 it might take for the rest of -- for us to receive the  
 16 rest of the application materials?  
 17 MS. HAFKEMEYER: The developer anticipates  
 18 submitting the rest of the materials tentatively in the  
 19 next few weeks, but certainly no later than the end of  
 20 June.  
 21 CHAIR DREW: Thank you.  
 22 Mr. Young?  
 23 MR. YOUNG: Yeah. Would our -- question for  
 24 Staff. Are you prepared or could you summarize the  
 25 nature of the litigation that led to the Washington

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1 Supreme Court challenging the Site Certification  
 2 Agreement and the litigation that led to the Ninth  
 3 Circuit challenging BPA's work? Is that possible or --  
 4 or -- or is that asking too much for right here on the  
 5 spot?  
 6 MS. BUMPUS: Chair Drew, if I may.  
 7 I -- thank you for the -- for the question,  
 8 Councilmember Young. I -- I think that it might be a  
 9 good idea if we have the folks from Whistling Ridge,  
 10 perhaps their legal counsel. I'm not sure if they're on  
 11 the line, but we could potentially schedule a time for  
 12 them to come in and do an update about those  
 13 particulars.  
 14 I'd want us to be -- I'd want the Staff to  
 15 be very careful about trying to characterize the  
 16 actions --  
 17 MR. YOUNG: Sure.  
 18 MS. BUMPUS: -- for the litigation.  
 19 MR. YOUNG: Also, alternatively, would it be  
 20 possible to provide some links to the -- to the  
 21 appropriate documents around those two court cases?  
 22 MS. BUMPUS: Yes, I think that would be --  
 23 that would be something we could probably do.  
 24 MR. YOUNG: I'm certainly not asking for a  
 25 legal interpretation. I'm just curious as to the

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1 general nature of the challenges, and if -- if we had  
 2 access to the relevant court documents, I think that  
 3 could be quickly discerned.  
 4 CHAIR DREW: That would be a great idea.  
 5 MS. HAFKEMEYER: If I could jump in here  
 6 briefly, Councilmember Young. There are links to some  
 7 of that information. I don't know that it's necessarily  
 8 all of the information you're looking for, but some of  
 9 the information on the appeals and some of the judicial  
 10 review on the Whistling Ridge project of EFSEC's  
 11 website.  
 12 MR. YOUNG: Great. Thank you.  
 13 CHAIR DREW: And maybe if we could ask  
 14 Mr. Thompson, if you could at least help us with making  
 15 sure we have the documents pertinent to the State  
 16 Supreme Court on our website. I think what we don't  
 17 have is -- and we weren't involved in -- was the case  
 18 that -- that involved BPA.  
 19 MR. YOUNG: And I'd like to maybe just be  
 20 clear for the record that my interest in this is more to  
 21 fully understand the history of what's taken place in  
 22 the past, and I'm not trying to connect any past events  
 23 to anything new or anything that is going forward.  
 24 CHAIR DREW: I think that's a -- I think  
 25 it's a good idea just for us to have the knowledge of

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1 that history. So I appreciate that. Thank you.  
 2 Are there other questions?  
 3 MS. KELLY: Chair Drew?  
 4 CHAIR DREW: Go ahead, Ms. Kelly.  
 5 MS. KELLY: Thank you. I just -- I read  
 6 through the whole document. I just got a little con- --  
 7 so the extension is the request for three years because  
 8 the SCA has been in place for ten years now, although a  
 9 lot of that was taken up with litigation.  
 10 And -- and the amendment is a separate  
 11 thing. We're not amending the SCA to extend the time;  
 12 correct? That's a separate action?  
 13 CHAIR DREW: Either Ms. Hafkemeyer or  
 14 Ms. Bumpus, if you want to answer the question, what the  
 15 extension -- the other piece that's not yet -- that we  
 16 don't yet have is the transfer of ownership.  
 17 Ms. Bumpus -- oh, either one.  
 18 MS. HAFKEMEYER: Sure. I can -- I can hop  
 19 in here. So they are two separate -- two separate  
 20 items. We just also have a request from the developer  
 21 that they be considered together.  
 22 One action is the request for extension  
 23 because the project is -- was certified quite some time  
 24 ago. The new owner would like some time to take action,  
 25 such as do some -- some renewed fieldwork to update

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1 their studies that were initially associated with the  
 2 project.  
 3 And then there is another action related to  
 4 the transfer of ownership. Because of the sale of the  
 5 property, one of the requirements of Site Certification  
 6 Agreement is that the Council approve of the transfer of  
 7 Site Certification Agreements.  
 8 So there are two actions: One request for  
 9 the transfer of ownership and one request for an  
 10 extension. But the developer has requested that the  
 11 Council consider that actions together. And that's in  
 12 the letter in your Council packet as well.  
 13 CHAIR DREW: And that would be -- that --  
 14 that is an amendment request, which I think is what your  
 15 specific question was.  
 16 MS. KELLY: Thank you.  
 17 CHAIR DREW: Are there other questions?  
 18 Okay. We will consider -- we will continue  
 19 to provide information. The Staff will continue to  
 20 provide information about this as we move forward.  
 21 Okay. Moving on to the High Top and Ostrea  
 22 Solar Project update.  
 23 MS. HAFKEMEYER: Thank you. EFSEC Staff are  
 24 currently working on our review of the application for  
 25 these projects. We have also reached out to other

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1 agencies, such as WDFW, Ecology, Department of Natural  
 2 Resources, and Department of Archeology and Historic  
 3 Preservation to begin coordination of their review of  
 4 the application.  
 5 EFSEC Staff are also working to schedule the  
 6 public informational meeting and land use consistency  
 7 hearing for this project, which is currently tentatively  
 8 set for Wednesday evening, June 1st.  
 9 Are there any questions?  
 10 CHAIR DREW: You should have access to the  
 11 application materials, and we do have some hard copies  
 12 available, as well as some thumb drives available. So  
 13 be sure to contact Ms. Owens if you would like one of  
 14 those for this project.  
 15 Any questions?  
 16 Okay. Thanks.  
 17 Moving on to Wautoma Solar Project,  
 18 Ms. Hafkemeyer?  
 19 MS. HAFKEMEYER: Thank you. EFSEC Staff  
 20 received application materials for a proposed facility  
 21 referred to as Wautoma Solar, which is a 470-megawatt  
 22 solar facility with battery storage proposed in Benton  
 23 County.  
 24 EFSEC Staff are coordinating with our  
 25 contracted agencies to initiate review and looking to

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1 schedule the initial required meetings for the proposal.  
 2 Laura O'Neil, with the developer, has  
 3 prepared a brief presentation for the Council on this  
 4 project.  
 5 CHAIR DREW: Thank you.  
 6 Ms. O'Neil?  
 7 MS. O'NEIL: Hello. Thanks for having me  
 8 today. I can either share my screen and run the slides  
 9 myself, but I think I would need to be granted  
 10 permission to do that, or someone else could just roll  
 11 through the slides that are included in the packet.  
 12 CHAIR DREW: Ms. Owens?  
 13 MS. OWENS: One moment and I can make you a  
 14 presenter as soon as I find you on the list here.  
 15 MS. O'NEIL: Great. Okay. There we go.  
 16 Okay. Are my slides showing?  
 17 CHAIR DREW: Yes, we can see them.  
 18 MS. O'NEIL: Perfect. Okay.  
 19 Thank you, Chair Drew, Councilmembers, and  
 20 all attendees for having me here today to present about  
 21 the proposed Wautoma Solar Project. My name is Laura  
 22 O'Neil. I'm the senior coordinator of environment for  
 23 Innergex Renewable Energy.  
 24 We will provide an introduction.  
 25 As you know, our application for site

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1 certification was submitted on May 6th. Innergex  
 2 develops, constructs, and operates renewable energy  
 3 projects that we own for the long term. We believe in  
 4 sustainable development that balances people, our  
 5 planet, and prosperity.  
 6 We were invented over 30 years ago, in 1990.  
 7 Innergex is a global leader with solar, wind, and hydro  
 8 operations across the United States, Canada, Chile, and  
 9 France.  
 10 We currently have 80 facilities in  
 11 operation. While our headquarters are in Canada, we've  
 12 worked in the U.S. for over 15 years and have a main  
 13 office in San Diego, with regional offices in Hawaii,  
 14 Massachusetts, and Texas.  
 15 In response to Washington's clean energy  
 16 mandates, we're proposing a project of up to 470  
 17 megawatts with a four-hour battery energy storage system  
 18 as an option.  
 19 At this output, we would have enough to  
 20 power over 70,000 Washington households. And for  
 21 reference, the county in which we're located, Benton  
 22 County, contains approximately 74,000 households.  
 23 As mentioned, we're in Benton County. We're  
 24 located about 12 and a half miles northeast of Sunnyside  
 25 and one mile south of the State Routes 241 and 24

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1 interchange.  
 2 We've chosen this location for several  
 3 reasons. It has an excellent solar resource. It's  
 4 adjacent to a point in the regional transmission system,  
 5 which will not require substantial upgrades.  
 6 We'll interconnect to the BTA Wautoma  
 7 substation, which is located within the project area.  
 8 The site is generally level and open with few  
 9 environmental constraints. And importantly, we're  
 10 fortunate to be working with interested and supportive  
 11 landowners.  
 12 And here, you'll see our preliminary layout.  
 13 While we've studied more than 3500 acres, the blackout  
 14 line, the solar field, and associated infrastructure as  
 15 currently contemplated are anticipated to occupy about  
 16 3,000 acres.  
 17 This land has avoided environmental and  
 18 cultural resource constraints identified from field  
 19 investigations, including wetlands and streams, a  
 20 burrowing owl nest, a cystic half-moon up in the  
 21 northwest corner, and small patches of callous habitat  
 22 and Columbia milk vetch.  
 23 We've also incorporated passageways through  
 24 the solar array fencing to allow big game to pass  
 25 through the project area.

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1 Of course, through the permitting and  
 2 engineering process, we anticipate changes to the  
 3 project size or configuration may occur.  
 4 We have engaged Tetra Tech as our lead  
 5 environmental consultant for the project. In  
 6 preparation for the application for site certification,  
 7 they've conducted field surveys and completed a part  
 8 four analysis of all relevant environment aspects.  
 9 This included standalone studies on the  
 10 following topics: Wetland delineation, plant and  
 11 wildlife habitat, cultural and archaeological resources,  
 12 visual and acoustic impacts, glint and glare, and  
 13 traffic and transportation.  
 14 Once completed, several plans will be  
 15 developed to describe how we will avoid, minimize, and  
 16 mitigate potential impacts through construction and  
 17 operation. A list of these plans is on the next slide.  
 18 There are many stakeholders for the project.  
 19 Agencies, EFSEC, of course, along with others, such as  
 20 WDFW, Ecology, and DAHP, tribal governments, Benton  
 21 County commissioners, our participating landowners, as  
 22 well as adjacent landowners.  
 23 To date, we've held several meetings to  
 24 introduce the project to the community. We had an  
 25 in-person meeting in March with participating and

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1 adjacent landowners, a virtual meeting open to the  
 2 public was held in April, and we presented to the Benton  
 3 County Board of Commissioners just this morning.  
 4 As far as jobs and services go, we -- we  
 5 always strive to buy locally and hire local contractors  
 6 where possible. And a local procurement policy will be  
 7 put in place to ensure benefits reach local skilled  
 8 workers and local businesses during construction and  
 9 operation.  
 10 We anticipate about 3- to 400 people will be  
 11 employed on-site during construction, and peak points  
 12 may reach 1- or 200 more. During the 30-to-50-year  
 13 project operations term, we expect to employ three or  
 14 four full-time technical positions, plus external  
 15 maintenance contracts.  
 16 In addition to opportunities for local  
 17 employment, the project will provide the following  
 18 benefits: A source of annual property tax revenue to  
 19 Benton County. For example, a 400-megawatt project  
 20 would be expected to contribute three to four million in  
 21 the first year of operation, benefitting schools, the  
 22 Port, roads, and other county services.  
 23 It will provide a source of stable long-term  
 24 revenue for participating landowners, along with  
 25 community investments, and, of course, a source of

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1 clean, reliable, renewable energy.  
 2 As noted earlier, we've completed the  
 3 applicable environmental and engineering surveys  
 4 throughout 2021 and recently submitted our ASC.  
 5 Next steps, we'll work with Ms. Hafkemeyer's  
 6 team to schedule the initial public meeting and land use  
 7 consistency hearing likely in early July. And our aim  
 8 is to work towards issuance of the SCA in late 2023. On  
 9 this timeline, we anticipate the earliest construction  
 10 start would be Q1 2024.  
 11 And finally, thank you again for having me.  
 12 We're really excited to begin the permitting process and  
 13 work with EFSEC in service of Washington's clean energy  
 14 goals.  
 15 If you have any questions at any later time,  
 16 my contact information is on this slide, as well as the  
 17 link to the project's website.  
 18 CHAIR DREW: Thank you, Ms. O'Neil.  
 19 Are there any questions from Councilmembers?  
 20 MS. BREWSTER: This is Stacey Brewster. I'm  
 21 curious, is there any plans for battery storage with  
 22 this solar array?  
 23 MS. O'NEIL: There are. We've -- we've  
 24 included them in our ASC application as part of the  
 25 preliminary layout and -- because we are looking at

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1 several different options, but it is likely to include  
 2 batteries, yes.  
 3 CHAIR DREW: Thank you.  
 4 Any other questions?  
 5 We look forward to working with you  
 6 throughout this process. And as you said, our next step  
 7 is to schedule that opportunity to hear from the public  
 8 on the project. So thank you for being here today and  
 9 appreciate it.  
 10 MS. O'NEIL: Thank you again.  
 11 CHAIR DREW: Moving on to our legislative  
 12 update, which I think is actually our -- our  
 13 implementation of the legislation update by  
 14 Ms. Bumpus.  
 15 But before she begins, I would like to take  
 16 this opportunity to introduce a new member of our team,  
 17 Dave Walker.  
 18 MR. WALKER: Hello, folks. My name is Dave  
 19 Walker. I just recently on the project, working House  
 20 Bill 1812 to get the transition completed. We've got a  
 21 lot of work ahead of us, but I think things are going  
 22 well so far, and really appreciate the opportunity to be  
 23 serving again. Thank you.  
 24 CHAIR DREW: Thank you. Dave comes to us  
 25 after being recently retired at 30-plus years in State

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1 service at the Department of Corrections and the  
 2 Department of Licensing, where he served as Deputy  
 3 Assistant Director for Business and Professions  
 4 Division, as well as the Assistant Director for the  
 5 Customer Relations Division.  
 6 So he has a lot of know-how in how our state  
 7 government operates, which is going to help us  
 8 transition to our next phase as an agency.  
 9 So really appreciate you being on -- on  
 10 board. Thanks.  
 11 And, Ms. Bumpus, would you like to give an  
 12 update?  
 13 MS. BUMPUS: Thank you, Chair Drew, for that  
 14 really wonderful introduction for Dave. It's been great  
 15 having Dave on our team, and we're making, I think, some  
 16 steady progress now on our transition efforts.  
 17 So for the record, this is Sonia Bumpus.  
 18 Good afternoon, Chair Drew and Councilmembers. Just a  
 19 couple of things on the legislative update. These will  
 20 probably get a little bit more detailed as we move  
 21 forward, so today's update's pretty high level.  
 22 But basically just to let the Council know  
 23 that we have been successfully working with the  
 24 Department of Enterprise Services Small Agency Services  
 25 group to identify the different support we will need,

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1 the different services we will need.  
 2 That discussion has been moving along really  
 3 well. We are now at a point where we're getting ready  
 4 to, I think, form some interagency agreements where we  
 5 can start to rely on some of those services in the  
 6 interim until June 30th when House Bill 1812 takes  
 7 effect. So that is -- that's going right along.  
 8 The other thing that I wanted to let the  
 9 Council know about is that we've also been working  
 10 internally, discussing organizational changes to the  
 11 structure of EFSEC.  
 12 So there will be more information  
 13 forthcoming about that, but that has included taking  
 14 advantage of our additional FTEs that we now will have  
 15 post June 29.  
 16 So we'll be adding siting specialists to  
 17 EFSEC. We're also going to be creating some new  
 18 positions for some of the things that we'll be needing  
 19 to do internally now, that we used to rely on the UTC to  
 20 do, so things such as records, support.  
 21 So there'll be a lot of -- a lot of new  
 22 information forthcoming about the structure of EFSEC,  
 23 what that's going to look like, new positions that we'll  
 24 be creating to take advantage of those additional and  
 25 badly needed FTEs. As we get more projects and, you

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1 know, the scope of our work grows, we'll certainly  
 2 need -- need to add staff to our team.  
 3 So I look forward to providing additional  
 4 updates about the organizational changes, the  
 5 transition, and hopefully the next time I provide an  
 6 update, we'll have some, perhaps, contracts in place so  
 7 that we can start taking advantage of those services  
 8 with -- with DES.  
 9 Are there any questions from Chair Drew or  
 10 Councilmembers about the transition? Anything you're  
 11 wondering about that I haven't mentioned or would like  
 12 to hear in the future?  
 13 CHAIR DREW: Councilmembers, do you have  
 14 questions or...  
 15 MS. KELLY: Chair Drew and Sonia, this is  
 16 Kate Kelly. I just -- I just want to, you know, say  
 17 congratulations and good luck to you in undertaking all  
 18 this expansion.  
 19 But anyway, I hope you please let  
 20 Councilmembers know how we can help as you take on what  
 21 is going to undoubtedly be big projects. So we stand  
 22 ready to help you in the transition.  
 23 MS. BUMPUS: Thank you very much.  
 24 CHAIR DREW: Thank you.  
 25 MS. BUMPUS: Appreciate that. Thank you.

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1 CHAIR DREW: Well, with that, our meeting is  
 2 adjourned. Thank you all.  
 3 (Adjourned at 2:32 p.m.)  
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1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON  
 4 COUNTY OF THURSTON  
 5  
 6 I, Tayler Garlinghouse, a Certified Shorthand  
 7 Reporter in and for the State of Washington, do hereby  
 8 certify that the foregoing transcript is true and  
 9 accurate to the best of my knowledge, skill and ability.  
 10  
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 25



~~Tayler Garlinghouse~~  
 Tayler Garlinghouse, CCR 3358

# Informational Public Meeting

## Cypress Creek Renewables-High Top Solar & Ostrea Solar Projects

June 1, 2022



**206.287.9066 | 800.846.6989**

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL

---

Docket No. EF-220212  
HIGH TOP SOLAR & OSTREA SOLAR PROJECTS  
INFORMATIONAL PUBLIC MEETING  
JUNE 1, 2022  
5:00 P.M.

VERBATIM TRANSCRIPT OF PROCEEDING

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

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1                   A P P E A R A N C E S  
2  
3                   (All participants appeared via Teams videoconference)  
4  
5                   STATE AGENCY MEMBERS PRESENT:  
6                   KATHLEEN DREW, Chair  
7                   KATE KELLY, Department of Commerce  
8                   ELI LEVITT, Department of Ecology  
9                   MIKE LIVINGSTON, Department of Fish and Wildlife  
10                  STACEY BREWSTER, Utilities and Transportation  
11                  Commission  
12                  LENNY YOUNG, Department of Natural Resources  
13  
14                  ASSISTANT ATTORNEY GENERAL:  
15                  JON THOMPSON  
16  
17                  COUNCIL STAFF:  
18                  AMI HAFKEMEYER  
19                  JOAN OWENS  
20                  ANDREA GRANTHAM  
21                  SONIA BUMPUS  
22                  STEWART HENDERSON  
23  
24                  COUNSEL FOR THE ENVIRONMENT:  
25                  SARA REYNEVELD  
26  
27                  GUESTS IN ATTENDANCE:  
28                  TAI WALLACE, Cypress Creek Renewables  
29                  JESS MOSLEH, Cypress Creek Renewables  
30                  PATTI LORENZ, TRC Companies  
31                  SUSAN DRUMMOND, Law Offices of Susan Drummond  
32                  ERIN BERGQUIST, TRC Companies  
33                  AMANDA MCKINNEY, Yakima County Commissioners  
34                  STAN ISLEY, Yakima Valley Audubon Society Conservation  
35                  Chair  
36                  MICHAEL TOBIN, North Yakima Conservation District

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1                   P R O C E E D I N G S  
2                   JUNE 1, 2022  
3                   5:00 P.M.  
4  
5                   CHAIR DREW: Good evening. My name is  
6                   Kathleen Drew, and I am chair of the Washington Energy  
7                   Facility Site Evaluation Council or EFSEC.  
8                   If I could begin by asking you all to make  
9                   sure that your microphones are muted unless you are  
10                  speaking to the group. And for those of you on the  
11                  phone, you could try a \*6 if -- if you don't have  
12                  another way to mute.  
13                  Welcome, and thank you for joining EFSEC  
14                  this evening for our public informational meeting and  
15                  land use consistency hearing for the proposed Cypress  
16                  Creek Renewables Projects, High Top Solar and Ostrea  
17                  Solar.  
18                  The purpose of EFSEC's meeting tonight is  
19                  to share information about the project, and EFSEC's  
20                  review process, and to hear your public comment.  
21                  EFSEC statute RCW 80.40.090 requires EFSEC  
22                  to conduct a public informational meeting within  
23                  60 days of receipt of an Application for Site  
24                  Certification, abbreviated ASC. The applicant,  
25                  Cypress Creek Renewables, submitted their application

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1                   or ASC to EFSEC on April 7th, 2022.  
2                   During the first hour this evening, and it  
3                   likely will take less time, 5:00 to 6:00, we will have  
4                   a presentation by the applicant about the proposed  
5                   project, introduce the Counsel for the Environment, or  
6                   CFE, and then have a presentation about EFSEC's review  
7                   process by EFSEC staff.  
8                   The presentations and information on how  
9                   to submit written comments are on our website,  
10                  www.efsec.wa.gov. Go to drop-down screen under Energy  
11                  Facilities to the Cypress Creek Projects page.  
12                  And following the presentations, we will  
13                  begin oral public comment on the project. Speakers  
14                  will be allowed three minutes each. Since we will  
15                  develop our recommendation with information developed  
16                  on our record, we very much want you to send us your  
17                  comments directly, either speaking at this meeting or  
18                  sending written comments to us through our comment  
19                  website before midnight tonight at the link on the  
20                  website, or at any time -- any time during the project  
21                  by emailing directly to efsec@utc.wa.gov.  
22                  Again, although this is a specific meeting  
23                  asking for comment, and a specific hearing on land use  
24                  consistency, we do accept comments throughout the  
25                  process.

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1 In the Chat, you see the Comment link.  
 2 Following the informational meeting, we will  
 3 convene -- and I will say that we will complete the  
 4 speakers that sign up and those that are present who  
 5 would like to speak, and then have a 15-minute break,  
 6 and we will then convene the Land Use Consistency  
 7 hearing as required by RCW 80.50.090, sub 2, and WAC,  
 8 W-A-C, that's Washington Administrative Code,  
 9 463-26-035.  
 10 This Land Use Consistency hearing may  
 11 begin before 6:30 p.m. During this hearing, the  
 12 public will be given an opportunity to provide  
 13 testimony regarding the proposed project's consistency  
 14 and compliance with land use plans and zoning  
 15 ordinances. The Land Use Consistency hearing will  
 16 begin no later than 30 minutes after the conclusion of  
 17 the informational public meeting. Again, I said I  
 18 plan to do a 15-minute break between the two, which  
 19 may end before 6:30 p.m.  
 20 The council is committed to providing a  
 21 full, fair, and safe opportunity for all voices to be  
 22 heard in a respectful atmosphere. To help us all have  
 23 a productive and safe meeting, we ask that you honor  
 24 the following ground rules.  
 25 All speakers must be respectfully treated.

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1 No clapping, cheering, or jeering during the meeting.  
 2 This includes speaking out of turn, loud talking  
 3 either in support or in opposition. Mute your  
 4 microphone unless you're called on to speak. And if  
 5 you don't have a mute button, again, try dialing \*6 to  
 6 mute/unmute, turn off your video cameras unless you  
 7 are speaking, and that's mostly to make sure we have  
 8 the bandwidth and nobody gets cut out. Please be  
 9 respectful to all participants within the chat.  
 10 I would like at this point to have our --  
 11 Ms. Owens call the roll for the council.  
 12 MS. OWENS: Thank you, Chair Drew. And --  
 13 CHAIR DREW: If I may for a second.  
 14 MS. OWENS: Yes.  
 15 CHAIR DREW: I would -- I would ask for  
 16 councilmembers to briefly turn on your video camera so  
 17 that the people who are at this meeting can see you.  
 18 Thank you.  
 19 Go ahead, Ms. Owens.  
 20 MS. OWENS: Department of Commerce?  
 21 MS. KELLY: Kate Kelly, present.  
 22 MS. OWENS: Department of Ecology?  
 23 MR. LEVITT: Eli Levitt, present.  
 24 MS. OWENS: Department of Fish and  
 25 Wildlife?

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1 MR. LIVINGSTON: Mike Livingston, present.  
 2 MS. OWENS: Department of Natural  
 3 Resources?  
 4 MR. YOUNG: Lenny Young, present.  
 5 MS. OWENS: Utilities and Transportation  
 6 Commission?  
 7 MS. BREWSTER: Stacey Brewster, present.  
 8 CHAIR DREW: Thank you. And you don't  
 9 have to leave your cameras on. I just -- I know  
 10 there's different connectivity issues, so I just  
 11 wanted to make sure people could see that you are here  
 12 with us this evening.  
 13 Also, I would like to say that, according  
 14 to our EFSEC statute, during the application process,  
 15 we extend an invitation to the local government to  
 16 supply us with an additional member during the  
 17 application process, and that is Yakima County. We  
 18 have sent letters to Yakima County, but have not yet  
 19 received a member to participate during this process.  
 20 So we look forward to having someone named by Yakima  
 21 County.  
 22 Moving on to the rest of the roll call,  
 23 will you also, Ms. Owens, call the EFSEC staff?  
 24 MS. OWENS: Yes. Sonia Bumpus.  
 25 MS. BUMPUS: Sonia Bumpus is present.

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1 MS. OWENS: Ami Hafkemeyer.  
 2 MS. HAFKEMEYER: Ami Hafkemeyer, present.  
 3 MS. OWENS: Amy Moon?  
 4 Joe Wood?  
 5 Patty Betts?  
 6 Stew Henderson?  
 7 MR. HENDERSON: Stew Henderson, here.  
 8 MS. OWENS: Andrea Grantham?  
 9 MS. GRANTHAM: Andrea Grantham, present.  
 10 MS. OWENS: And Dave Walker?  
 11 That's all the EFSEC staff, Chair.  
 12 CHAIR DREW: Thank you.  
 13 At this point, since we will call the  
 14 Counsel for the Environment for -- oh, let's introduce  
 15 our EFSEC Assistant Attorney General, Jon Thompson.  
 16 MR. THOMPSON: Yes. Hi. This is Jon  
 17 Thompson, present.  
 18 CHAIR DREW: Thank you.  
 19 And I will formally call this meeting to  
 20 order with the roll call of the councilmembers as we  
 21 have already begun.  
 22 At this point, we will move to the  
 23 introductions for the Cypress Creek Renewables  
 24 representatives. If you would like to introduce your  
 25 team, please.

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1 MR. WALLACE: Good evening, Chair Drew.  
 2 This is Tai Wallace, senior director of development  
 3 for Cypress Creek Renewables. On our team today, we  
 4 have Jess Mosleh, developer; we have Julie Alpert, who  
 5 is our environmental manager, senior environmental  
 6 manager; and then we also have Erin Bergquist from our  
 7 consultancy, TRC, who's supported us through the  
 8 environmental process on these projects. Thank you.  
 9 CHAIR DREW: Thank you.  
 10 And according to our agenda, we now have  
 11 the Counsel for the Environment introduction. If you  
 12 could, Counsel Sherman (phonetic), introduce yourself  
 13 and your team, and what role it is that you play  
 14 during this process.  
 15 MS. REYNEVELD: Hi. My name is Sara  
 16 Reyneveld, and I am managing assistant attorney  
 17 general with the Environmental Protection division,  
 18 and I am assigned as Counsel for the Environment on  
 19 these projects. As the Counsel for the Environment, I  
 20 represent the public and its interest in protecting  
 21 the quality of the environment in accordance with RCW  
 22 80.50.080. Thank you.  
 23 CHAIR DREW: Thank you.  
 24 Moving on now to the presentation by the  
 25 Cypress Creek. Oh, before we begin, this is one very

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1 important person I have yet to introduce, and that's  
 2 our administrative law judge, Laura Bradley.  
 3 JUDGE BRADLEY: Good afternoon, everyone.  
 4 Laura Bradley. I'm the administrative law judge  
 5 presiding over the proceedings this evening.  
 6 CHAIR DREW: Yes. And after we finish our  
 7 presentations and go to the public comment, Judge  
 8 Bradley will be the presider, as well as during the  
 9 land use consistency hearing.  
 10 Thank you, Judge Bradley.  
 11 JUDGE BRADLEY: Thank you.  
 12 CHAIR DREW: Okay. Presentation by the  
 13 applicant.  
 14 MS. MOSLEH: Hello. Thank you, Madam  
 15 Chair Drew, EFSEC councilmembers, and EFSEC staff and  
 16 stakeholders. Thank you all for your time today.  
 17 Next slide, please.  
 18 My name is Jess Mosleh, and I'm a Cypress  
 19 Creek Renewables project developer. It's an honor to  
 20 be here representing Cypress in our F-site application  
 21 for Ostrea and High Top projects.  
 22 Next slide, please.  
 23 Here's a quick overview of what we'll be  
 24 presenting to you all today. The team will be walking  
 25 you through our overall goal as a company, our west

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1 transmission team, project status for both Ostrea and  
 2 High Top, and we'll open up the discussion for  
 3 questions and comments at the end.  
 4 Next slide, please.  
 5 I'd like to start off by introducing our  
 6 team. Tai Wallace is senior development director for  
 7 our transmission scale projects. As you know, I'm a  
 8 project developer. Seija Stratton is our  
 9 environmental director. Julie Alpert is our senior  
 10 environmental manager. And last but definitely not  
 11 least is our TRC project manager consultant, Erin  
 12 Bergquist.  
 13 Our statement as an organiza- -- oh --  
 14 thank you. Our statement as an organization is:  
 15 Powering a Sustainable Future, One Project at a Time.  
 16 We have an incredible team at Cypress, and the company  
 17 takes a lot of pride in the work we do in terms of  
 18 management and development, as well -- as well as  
 19 financing, operating, and owning utility-scale  
 20 projects.  
 21 Over the last seven years, Cypress Creek  
 22 has developed over eight gigawatts of solar, and we  
 23 continue to increase our solar and storage pipeline  
 24 today.  
 25 I will now be handing the next few slides

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1 over to our senior director, Tai Wallace, and he will  
 2 provide background on Cypress Creek and how we operate  
 3 in our markets.  
 4 Next slide, please.  
 5 MR. WALLACE: Thank you, Jess. I  
 6 apologize. I'm not able to turn my camera on;  
 7 otherwise, I would.  
 8 But good evening, Madam Chair Drew, EFSEC  
 9 councilmembers, EFSEC staff, Yakima County, and  
 10 interested parties. Thank you for this opportunity to  
 11 present our High Top and Ostrea projects to you this  
 12 evening.  
 13 So, as I said, I'm -- I'm the senior  
 14 director of development for Cypress Creek. I manage  
 15 our western transmission-scale markets, so these are  
 16 our large project, large interconnection, high voltage  
 17 projects. I lead project and market development  
 18 across the western United States, and oversee the team  
 19 that's developing these two projects here today.  
 20 Cypress is a mission-driven organization,  
 21 as Jess indicated, and -- and we support the  
 22 transition to clean, affordable, renewable sources of  
 23 energy. We've had a presence in the Pacific Northwest  
 24 market since our founding, and have been thoughtfully  
 25 developing these projects that are before you today

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|  |  |
|--|--|
| <p style="text-align: right;">Page 13</p> <p>1 since early 2018.<br/>                 2 Cypress's mission is to power a<br/>                 3 sustainable future, one project at a time. Obviously,<br/>                 4 in this case, we're presenting two projects, but these<br/>                 5 projects have both been thoughtfully sited to minimize<br/>                 6 impacts to the environment and community while, in our<br/>                 7 view, augmenting economic and workforce development<br/>                 8 (audio disruption).<br/>                 9 The projects are part -- part of<br/>                 10 Cypress Creek's \$500 million of planned capital<br/>                 11 investments in clean energy in the state of Washington<br/>                 12 through (audio disruption) environment. Cypress is<br/>                 13 committed to helping Washington and Washington-based<br/>                 14 organizations meet their decarbonization targets now<br/>                 15 and into the future. These targets and mandates are<br/>                 16 some of the most comprehensive in the nation, and will<br/>                 17 require the build-out of solar and renewable resources<br/>                 18 to achieve it.<br/>                 19 Next slide, please.<br/>                 20 So, as a values-oriented organization --<br/>                 21 and I'm not going to dictate or -- or read back what's<br/>                 22 on the slides here, but I will, however, summarize how<br/>                 23 we approach development with the intention of<br/>                 24 protecting the environment, creating opportunities for<br/>                 25 those in the communities where our projects are</p>   | <p style="text-align: right;">Page 15</p> <p>1 with our project team, inclusive of our consultants,<br/>                 2 developers, engineers, and in coordination and close<br/>                 3 consultation with a number of agencies and<br/>                 4 stakeholders, many of whom are here today at this<br/>                 5 hearing.<br/>                 6 We -- we aim to site these projects in<br/>                 7 areas where they mitigate conflict with local land<br/>                 8 use, conform with long-range land use planning, and<br/>                 9 avoid, to the greatest extent possible, any potential<br/>                 10 impacts, or serious impacts to cultural resources,<br/>                 11 sensitive habitats, species of concern, and water<br/>                 12 resources.<br/>                 13 These are all benefits in addition to the<br/>                 14 expected \$22 to \$30 million in projected property tax<br/>                 15 revenue that we will generate for the county of Yakima<br/>                 16 and its residents over the (audio disruption) of these<br/>                 17 projects.<br/>                 18 Next slide, please.<br/>                 19 So I'm going to end my introduction and<br/>                 20 pass it back over to Jess with just a couple comments<br/>                 21 here on our core competencies as an organization. You<br/>                 22 know, this is something that we feel stakeholders are<br/>                 23 always, you know, interested about, and interested in,<br/>                 24 you know, what are our capabilities to manage and<br/>                 25 develop these projects.</p>                          |
| <p style="text-align: right;">Page 14</p> <p>1 located, and supporting both local and state<br/>                 2 initiatives (audio disruption).<br/>                 3 You know, in this presentation, we'll<br/>                 4 highlight our conviction in creating community<br/>                 5 benefit, demonstrated by our requirement of our<br/>                 6 general contractor to employ a community workforce<br/>                 7 agreement for the construction of the Ostrea project.<br/>                 8 This agreement will ensure that we have<br/>                 9 preferred access for local workforce, as well as<br/>                 10 targets for the hiring of women, persons of color,<br/>                 11 veterans, other protected and disadvantaged (audio<br/>                 12 disruption). You know, we'll be highlighting the fact<br/>                 13 that we have secured offtake for the energy and<br/>                 14 environmental attributes associated with the Ostrea<br/>                 15 project, a Washington-based corporation, so the<br/>                 16 collaborative effort with our partner that we'll<br/>                 17 announce later this year in a little bit more of a<br/>                 18 formal fashion. But you know -- you know, we look to<br/>                 19 ensure that Ostrea creates a net positive benefit to<br/>                 20 the environment, community, and the work (audio<br/>                 21 disruption). We're working to replicate this with<br/>                 22 High Top in terms of offtake, and to have -- you know,<br/>                 23 with another set of partners, so we can provide the<br/>                 24 same type of local community as Ostrea.<br/>                 25 We employed our collective creativity both</p> | <p style="text-align: right;">Page 16</p> <p>1 Cypress is not just a renewable energy<br/>                 2 developer. In the past eight years, we have become a<br/>                 3 differentiated, vertically-integrated, independent<br/>                 4 power producer, a long-term asset manager and<br/>                 5 owner-operator of renewable projects across the<br/>                 6 country.<br/>                 7 We develop projects with the intent to<br/>                 8 retain those projects, and be stakeholders in those<br/>                 9 projects that we're able to create. Our development<br/>                 10 division has developed over eight gigawatts of<br/>                 11 utility-scale projects, and this is growing<br/>                 12 increasingly over time.<br/>                 13 We develop both on the transmission and<br/>                 14 distribution in community scale for utility-scale<br/>                 15 projects across the country. We're an American-based<br/>                 16 company that has financed over \$3 billion in solar<br/>                 17 projects through partnerships and relationships that<br/>                 18 we've developed over the last decade, and we also<br/>                 19 performed asset management and operations and<br/>                 20 maintenance services for our own fleet of over 200<br/>                 21 operating assets across the country, as well as for<br/>                 22 owners of hundreds of third-party operating projects<br/>                 23 across the country.<br/>                 24 Finally, Cypress Creek is financially<br/>                 25 stable. We're backed by our investor-owner, EQT</p> |

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1 Infrastructure, and a network of some of the biggest  
 2 creditors and investors in the world.  
 3 Next slide, please. And Jess, back to  
 4 you. Thank you.  
 5 MS. MOSLEH: Thank you, Tai.  
 6 So this slide demonstrates visual  
 7 representation of a few of our Cypress regional  
 8 transmission-scale projects. As Tai mentioned, we  
 9 develop, permit, and operate projects of many  
 10 different sizes across the country, but I'd like to  
 11 emphasize that we have direct experience developing in  
 12 the western region. I also have personal experience  
 13 developing the Texas market, and you can see one of  
 14 our operating Texas assets on the bottom left corner.  
 15 Next slide, please.  
 16 Moving on to our Ostrea project status.  
 17 Ostrea is an 80-megawatt project in Yakima County.  
 18 We're currently en route to achieve our commercial  
 19 operating date by the second quarter of 2024.  
 20 Our Bonneville facility study is in  
 21 process, and we're expecting our engineering and  
 22 procurement agreement and interconnection agreement  
 23 this year.  
 24 We've received our PacifiCorp affected  
 25 facility study, and we've also been granted long-term

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1 firm transmission service rights for the project. We  
 2 have over 1,600 acres under site control for Ostrea,  
 3 and I'd like to highlight that our development process  
 4 is thoughtful, and from the very beginning, we focus  
 5 on micrositing. We intentionally acquired over 1,600  
 6 acres with the intent to reduce the acreage and be  
 7 mindful of land feature -- land features surrounding  
 8 the project area.  
 9 For Ostrea, we avoided shrubsteppes,  
 10 slopes, wetlands, flood plain, and other features in  
 11 order to have as minimal of impact as possible on the  
 12 land. The topographic and ALTA boundary surveys have  
 13 been completed, as well as the geotechnical and  
 14 hydrologic and hydraulic assessments. Additionally,  
 15 the modules and equipment procured for the project are  
 16 from North America.  
 17 A very exciting update on Ostrea is that  
 18 we recently secured offtake for the project. We  
 19 successfully executed a purchase power agreement with  
 20 an investment grade rated commercial counterparty.  
 21 One hundred percent of the renewable energy credits  
 22 and energy produced from Ostrea will be delivered to  
 23 Washington customers, powering a Washington-based  
 24 investment grade customer's energy demand, and helping  
 25 that customer achieve its carbon mitigation targets.

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1 As we move forward with the project this  
 2 year, we are on schedule to achieve financial notice  
 3 to proceed by December 2022.  
 4 Next slide, please.  
 5 Moving on to the environmental studies  
 6 completed for Ostrea, as you can see on the table on  
 7 the left-hand side of this slide, we completed several  
 8 reports from land use to rare plants, wildlife  
 9 connectivity analysis, wetlands, glare, and many  
 10 others.  
 11 The primary goal of each environmental  
 12 report was to gain a deep understanding of the land's  
 13 sensitive areas in order to avoid and help mitigate  
 14 any impacts the project may have on-site.  
 15 Fortunately, the study results were favorable, and  
 16 they indicated no major impact on the project  
 17 location.  
 18 Next slide, please.  
 19 The consultation and outreach performed  
 20 for Ostrea consisted of reaching out to several local,  
 21 state, tribal, and federal agencies. Shown on the  
 22 table on this slide, you can see we coordinated with  
 23 16 different agencies for guidance for zoning for the  
 24 project layout.  
 25 Next slide, please.

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1 Cypress Creek has a community workforce  
 2 agreement in place for Ostrea that supports objectives  
 3 in WAC chapter 296-140 to promote and ensure access  
 4 for women, persons of color, veterans, and other  
 5 disadvantaged groups, as well as preferred access for  
 6 local workers.  
 7 Cypress -- Cypress will be providing jobs  
 8 with whole prevailing wage through this agreement.  
 9 There is a demand and preference for workers that  
 10 live -- live in or near the project area. We'll be  
 11 responsible for the outreach efforts to obtain bids  
 12 from engineering and procurement contractors that meet  
 13 this criteria.  
 14 Not only are we implementing the standard  
 15 for Ostrea, but providing jobs for local minorities in  
 16 every project -- excuse me -- in every project area we  
 17 develop in is a priority.  
 18 Aside from targeting a local workforce,  
 19 Cypress also sponsors several college programs across  
 20 the markets we work in. In the state of Washington,  
 21 we currently have a partnership with the Oregon  
 22 Institute of Technology where we sponsor a scholarship  
 23 for students in the renewable energy space.  
 24 We met with one of their representatives  
 25 this past month and discussed paid internships for the

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1 student's work with Cypress during the summer break  
 2 for those involved with the program, and to get some  
 3 hands-on experience in the solar industry. This also  
 4 opens up many opportunities for these students who  
 5 potentially work with Cypress after graduation.  
 6 Next slide, please.  
 7 Onto our High Top project. I realize this  
 8 may seem a bit duplicative from our Ostrea slide, but  
 9 since both projects are under one application, we  
 10 thought it was important to highlight the project size  
 11 on a clear table for both.  
 12 High Top is adjacent to Ostrea, and both  
 13 projects are under the same landowner. High Top is  
 14 also an 80-megawatt project with a commercial  
 15 operating date of late 2024.  
 16 Similar to Ostrea, the topographic and  
 17 ALTA boundary surveys for High Top are complete, and  
 18 the geotechnical and hydrologic and hydraulic  
 19 assessments are also finalized.  
 20 We do not currently have an offtaker for  
 21 the project, but one of the main goals we're working  
 22 through is to have an offtaker secured by the end of  
 23 2022.  
 24 Like Ostrea, we secured over 1,500 acres  
 25 with the intention to reduce the acreage on the

Page 22

1 project site to avoid any land features, such as  
 2 wetlands, flood plains, slopes, and shrubsteppe.  
 3 We are in the process of adding storage to  
 4 the project, which will amplify energy security when  
 5 needed.  
 6 Next slide, please.  
 7 We completed the same studies for High Top  
 8 as we did for Ostrea, and the environmental studies  
 9 confirmed no major impacts on this land.  
 10 Working together side by side with our  
 11 dedicated consultant, TRC, we ensured the  
 12 environmental reports captured every topic from land  
 13 use to airspace.  
 14 Next slide, please.  
 15 The same local, state, tribal, and federal  
 16 agencies were contacted for High Top, and on the  
 17 left-hand side of the slide, you can see the zoning  
 18 layout for the project.  
 19 As shown on the site plan, one can see  
 20 where the panels will be placed, which clearly  
 21 demonstrates working around slopes and streams that  
 22 were not suitable for the placement of the RA area.  
 23 Next slide, please.  
 24 Thank you all very much for your time  
 25 today. We will now be opening up this time for

Page 23

1 questions and comments.  
 2 CHAIR DREW: Councilmembers, do you have  
 3 questions at this point?  
 4 MS. MCKINNEY: Hi, this is Yakima County  
 5 Commissioner Amanda McKinney. Is this the correct  
 6 time to make public comment on behalf of Yakima  
 7 County?  
 8 CHAIR DREW: We will be taking public  
 9 comment after the presentations both here, and then we  
 10 have an EFSEC presentation on our process. Thank you.  
 11 So we will call you after that.  
 12 MS. MCKINNEY: Thank you, Kathleen.  
 13 CHAIR DREW: So, for questions, you  
 14 mentioned that you have similar processes in place for  
 15 the two projects. Does that include the community  
 16 project/workforce project agreement? Is that in place  
 17 for both?  
 18 MR. WALLACE: Madam Chair Drew, I'll take  
 19 that question. That is not in place yet for High Top.  
 20 That is something that is part of the conversation  
 21 with our offtake partners. We always propose when we  
 22 go out in the state of Washington that we do either a  
 23 project labor agreement or community workforce  
 24 agreement. But ultimately, you know, we have to make  
 25 sure that our offtaker is comfortable with the (audio

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1 disruption) file for those. But in general, you know,  
 2 that -- that is our -- our hope and intent is to  
 3 follow the same path as Ostrea.  
 4 CHAIR DREW: Okay. Thank you.  
 5 Another question I have is, the area is  
 6 known for the travel of wildlife from the reserva- --  
 7 the Yakima military property north of you --  
 8 Department of Defense property north of you to other  
 9 areas south. How will your project impact that?  
 10 MR. WALLACE: We are currently still, you  
 11 know, completing our wildlife connectivity analysis.  
 12 I believe TRC, if they're on, could speak a little bit  
 13 more to that, where we're at in the process. But in  
 14 general, we have attempted to site the Ostrea project  
 15 to maintain a lot of that north-to-south connectivity  
 16 between the two subarrays.  
 17 The High Top site will also be split by  
 18 the easement associated with the transmission lines,  
 19 to allow for east-to-west connectivity, and that will  
 20 also adhere to the Ostrea site as well.  
 21 So in general, for, you know, the impacts  
 22 of our project, we've tried to be very thoughtful, you  
 23 know, in leaving open those areas, as well as any  
 24 areas associated with delineated features or for  
 25 (audio disruption) or, you know, associated high

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1 topographic feature areas.  
 2 We have also stayed away from the northern  
 3 boundaries getting up close to the Yakima Training  
 4 Center, so I don't believe that we actually abut any  
 5 of those boundaries or fence lines associated with the  
 6 training center, allowing for connectivity in those  
 7 areas as well.  
 8 CHAIR DREW: Thank you.  
 9 MS. BERGQUIST: Erin Bergquist from TRC,  
 10 and I will follow up.  
 11 We will have a wildlife connectivity  
 12 analysis in shortly. It is based on the WDFW data  
 13 showing where the lease path cost analysis is for the  
 14 wildlife moving through the site. And as Tai noted,  
 15 the site has been designed to avoid the corridors and  
 16 keep open those riparian areas, or those (audio  
 17 disruption) stream channels.  
 18 CHAIR DREW: You mentioned there's one  
 19 property owner, and you didn't purchase the property;  
 20 you are -- purchased a lease. Is that correct?  
 21 MR. WALLACE: That's correct.  
 22 MS. BERGQUIST: That's correct.  
 23 MR. WALLACE: So we have -- we currently  
 24 have the option to lease, and we will exercise that  
 25 option upon approval, obviously.

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1 CHAIR DREW: Okay.  
 2 And then, in terms of the current use of  
 3 the property, what is the current use?  
 4 MR. WALLACE: The current use, I believe,  
 5 is limited grazing and -- and fallow land. I will  
 6 have to double-check, if I could reply back with our  
 7 (audio disruption) associated with it.  
 8 CHAIR DREW: Okay.  
 9 Councilmembers, are there any additional  
 10 questions?  
 11 Oh, I have one more. Sorry. Oh, I see  
 12 someone here.  
 13 Mr. Livingston, I'll let you go ahead and  
 14 then I'll come back.  
 15 MR. LIVINGSTON: Thank you, Chair Drew.  
 16 I'm just curious, is there any association with the --  
 17 the Black Rock project that's just to the east that's  
 18 been approved through Yakima County permitting  
 19 recently?  
 20 MR. WALLACE: There is not,  
 21 Mr. Livingston. That is a project that is developed  
 22 by another developer. I believe that is BayWa that  
 23 has been announced publicly in the press.  
 24 MR. LIVINGSTON: And just a follow-up.  
 25 So I appreciate the consideration for

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1 connectivity for wildlife habitat. Is there -- I'm  
 2 trying to think of how the -- the two projects -- the  
 3 two separate projects marry up to each other, or if  
 4 they do, or if that's -- they're separate, and -- and  
 5 why -- why you are doing two projects as opposed to  
 6 just one?  
 7 MR. WALLACE: I'm happy to answer both of  
 8 those to the best of my ability, Mr. Livingston.  
 9 So in terms of the abutment of the two  
 10 projects, ours and the others, I honestly am not quite  
 11 sure. We don't have their boundaries, you know,  
 12 and -- and know exactly where their fence line is.  
 13 That is something that, you know, we'll likely work to  
 14 confirm once we, you know, have some time to  
 15 investigate their presentation and approval.  
 16 But the one thing that I would like to  
 17 note is that, in general, if you look at the appendix,  
 18 I believe it is slide 21, our western-most project,  
 19 High Top, we are not going all the way over to the  
 20 eastern -- or sorry -- the western-most property line.  
 21 You know, we're keeping a pretty wide corridor open  
 22 there.  
 23 And so, that is property that is of this,  
 24 you know, area under site control, as we call it, but  
 25 it is not within our proposed fence line area and

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1 project area after we've gone through net mitigation.  
 2 So, you know, at least from what we see today, we do  
 3 believe that there will be north-to-south connectivity  
 4 there, as well as the east-west connectivity through  
 5 the transmission.  
 6 CHAIR DREW: I think Mr. Livingston was  
 7 asking you why you split your application into two --  
 8 is that correct, two projects?  
 9 MR. WALLACE: Certainly.  
 10 MR. LIVINGSTON: I would like the answer  
 11 to both of those questions, and so I appreciate the  
 12 clarification.  
 13 CHAIR DREW: Oh, okay. Good.  
 14 MR. WALLACE: And to Mr. Livingston, to  
 15 your second question, the reason there is due to our  
 16 actual interconnection. So Ostrea is interconnecting  
 17 with Bonneville Power's transmission line. This is a  
 18 115-kilovolt transmission line that runs parallel for  
 19 a short period of time to PacifiCorp's 115 -- or  
 20 sorry -- 230 kV transmission system, which is where  
 21 the High Top project is interconnecting.  
 22 From our view, when we were siting and,  
 23 you know, conceptualizing these projects, we thought  
 24 that it was best to try and find a location that was  
 25 as rural and -- and exurban as possible in the area of

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1 these transmission lines where they run alongside  
 2 parallel in the same corridor so as to -- to maintain  
 3 as much contiguity and consistency as possible, and to  
 4 mitigate any potential issues with, you know, land use  
 5 in more populated areas of the county.  
 6 CHAIR DREW: So, you mentioned that the --  
 7 I think it was Ostrea -- Ostrea, then, is going to be  
 8 connected to BPA but parallel to PacifiCorp, but you  
 9 also mentioned that you do have an agreement with  
 10 PacifiCorp for that Ostrea -- am I remembering that  
 11 correctly?  
 12 MR. WALLACE: Yeah. So PacifiCorp is an  
 13 affected transmission system for our Ostrea project,  
 14 so we have -- our facility study and our agreement is  
 15 being tendered with PacifiCorp for Ostrea for  
 16 associated upgrades to their transmission lines.  
 17 And then, for the High Top project, we  
 18 have a separate interconnection agreement already  
 19 executed for that project with PacifiCorp. And then  
 20 Ostrea will eventually have an interconnection  
 21 agreement with Bonneville Power.  
 22 CHAIR DREW: Okay. Okay.  
 23 I'm trying to -- to keep the two straight,  
 24 but I appreciate that. Thank you.  
 25 MR. WALLACE: Understood.

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1 CHAIR DREW: Are there any other questions  
 2 from councilmembers?  
 3 One more I had is you mentioned the Oregon  
 4 Institute of Technology, and -- and how it serves  
 5 Washington. Will it be Washington residents as well  
 6 who can apply to that program?  
 7 MR. WALLACE: So we currently have a  
 8 standing scholarship that are open to residents or  
 9 students from anywhere that are attending the -- the  
 10 university, the school. So they have three campuses  
 11 is my understanding, one in Seattle, one in Portland,  
 12 and one in Klamath Falls.  
 13 We've had that scholarship program running  
 14 for three years, and it's a four-year commitment. I  
 15 mean, we're working with them to extend and expand  
 16 upon that so that we can provide more opportunities  
 17 as, you know, we are an owner-operator, and our  
 18 intention is to, you know, hire in-market technicians  
 19 and operations and maintenance folks, you know, to  
 20 support the -- the operation of this project. And our  
 21 preference is always to try and, you know, hire folks  
 22 from the local community and -- and provide, you know,  
 23 well-paying jobs and benefits for -- for residents of  
 24 this community.  
 25 CHAIR DREW: Okay. Thank you. Thank you

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1 for your presentation.  
 2 At this point, I think we will move on to  
 3 the presentation about the EFSEC siting process.  
 4 MR. WALLACE: Thank you kindly for the  
 5 opportunity. Looking forward to the next  
 6 presentation.  
 7 MS. MOSLEH: Thank you for your time.  
 8 MS. HAFKEMEYER: Welcome, everybody.  
 9 Thank you all for coming to participate this evening.  
 10 My name is Ami Hafkemeyer, the Siting and Compliance  
 11 Manager with the Energy Facility Site Evaluation  
 12 Council. I have a short presentation to go over the  
 13 EFSEC process for those of you who are new to EFSEC.  
 14 A little bit of history of the agency.  
 15 EFSEC was created in 1970 for the siting of thermal  
 16 power plants. The intent was to create a one-stop  
 17 permitting agency for large energy facilities.  
 18 EFSEC is comprised of state and local  
 19 government members who review each application before  
 20 making a recommendation to the governor. This  
 21 decision preempts other state or local governments.  
 22 You can see here that EFSEC is comprised  
 23 of members from several different state-level  
 24 agencies. The chairperson is appointed by the  
 25 governor, and there are standing members from five

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1 other agencies, appointed by those agencies to sit on  
 2 the council.  
 3 The current council is made up of  
 4 Chairwoman Kathleen Drew, Eli Levitt from the  
 5 Department of Ecology, Mike Livingston from the  
 6 Department of Fish and Wildlife, Kate Kelly from the  
 7 Department of Commerce, Lenny Young from the  
 8 Department of Natural Resources, and Stacey Brewster  
 9 from the Utilities & Transportation Commission.  
 10 There are additional agencies that may  
 11 elect to appoint a councilmember during the review of  
 12 an application. These agencies are the Department of  
 13 Agriculture, the Department of Transportation, the  
 14 Department of Health, and the military department.  
 15 For the Horse Heaven project, the Department of  
 16 Agriculture has appointed Derek Sanderson --  
 17 Sanderson -- apologies.  
 18 Local governments must also appoint a  
 19 councilmember for the review of a project in their  
 20 area. For the Horse Heaven project, Ed Brost has been  
 21 appointed. For the Badger Mountain project, Jordan  
 22 Julia has been appointed. And as Chair Drew  
 23 mentioned, a councilmember has not yet been appointed  
 24 for the High Top and Ostrea projects, but we look  
 25 forward to that appointment.

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1 When a project is located at or near a  
 2 port, the Port Authority may also appoint a member,  
 3 though this position is a non-voting member.  
 4 As I mentioned previously, EFSEC was  
 5 created to oversee the siting of thermal power plants.  
 6 Facilities falling into EFSEC's jurisdiction include  
 7 any nuclear facility where the primary purpose is to  
 8 produce and sell electricity. We also oversee  
 9 non-hydro, non-nuclear thermal facilities with  
 10 capacity of 350 megawatts or greater.  
 11 There's no threshold for alternative  
 12 energy sources such as wind or solar, but they may  
 13 choose to opt in, as well as transmission lines over  
 14 150 kilovolts.  
 15 Thresholds for pipelines, refineries, and  
 16 storage facilities that would fall under EFSEC's  
 17 jurisdiction are found in the Revised Code of  
 18 Washington, or RCW 80.50.060.  
 19 Here is a map of the facilities under  
 20 EFSEC's jurisdiction. You can see marked in red,  
 21 there are five operating facilities, including two  
 22 natural gas facilities, one nuclear facility, and two  
 23 wind facilities. The blue marks indicate the four  
 24 additional facilities that are approved but are not  
 25 yet operating. There are two wind facilities and two

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1 solar facilities. The clear circle is the facility  
 2 under -- currently under decommissioning, and EFSEC is  
 3 currently reviewing applications for three projects  
 4 marked in green, including the High Top and Ostrea  
 5 projects, which are what bring us here this evening.  
 6 Here is a flowchart showing the general  
 7 process an applicant may go through when they submit  
 8 an application to EFSEC. Apologies. There are three  
 9 concurrent processes during an application review:  
 10 The land use and -- land use consistency and  
 11 adjudicative hearing process, the State Environmental  
 12 Policy Act or SEPA process, and the permitting process  
 13 for applicable environmental permits.  
 14 You can see that there are multiple  
 15 processes that happen concurrently when EFSEC is  
 16 reviewing an application. One process is the land use  
 17 hearing and adjudicative process. I'm sorry. I  
 18 didn't mean to repeat myself. All of these processes  
 19 ultimately feed into the council's recommendation made  
 20 to the governor.  
 21 Where an adjudication proceeding is  
 22 required, a record is compiled, and parties to the  
 23 adjudication are identified. In the process of  
 24 preparing for the adjudication, sometimes there are  
 25 stipulations and settlements that come out between the

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1 parties.  
 2 The council looks at all the information  
 3 in the adjudication record, and then deliberates.  
 4 Finally, the council draws their findings and  
 5 conclusions from the information provided throughout  
 6 these proceedings, and incorporates those finding in  
 7 their recommendation to the governor.  
 8 With regards to the SEPA process, when an  
 9 application -- applicant requests expedi- -- expedited  
 10 process, such as for this process, a review is done to  
 11 establish whether or not the project meets the  
 12 criteria of a determination of non-significance, a  
 13 DNS, or a mitigated determination of non-significance,  
 14 or MDNS.  
 15 If the SEPA-responsible official  
 16 determines that a project meets the criteria of a DNS  
 17 or MDNS, an environmental impact statement is not  
 18 required. In this process, a determination is noticed  
 19 to the public, and there is a minimum 15-day public  
 20 comment period on an MDNS.  
 21 When a determination of significance and a  
 22 decision to prepare an EIS is made, public comments  
 23 are taken on the scope of the EIS. After public  
 24 comments for scoping, the SEPA-responsible official  
 25 determines the scope of an EIS, a draft EIS is

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1 prepared and issued, with a minimum 30-day public  
 2 comment period, after which a final EIS is prepared  
 3 and released.  
 4 To be considered for expedited processing,  
 5 an applicant must make the request in writing. The  
 6 project must meet two criteria. First, it must be  
 7 determined to be consistent with local land use  
 8 policy, and, second, the SEPA determination must be  
 9 that of a DNS or MDNS, as I previously mentioned. In  
 10 this process, no adjudication is required. The  
 11 council prepares their recommendation to the governor  
 12 in an expedited time frame under this process.  
 13 EFSEC is the issuing agency for any  
 14 applicable environmental permits a facility may  
 15 require, which may include water quality and air  
 16 quality permits. These permits are identified in the  
 17 final order with the council's recommendation to the  
 18 governor.  
 19 At the conclusion of the council's review  
 20 of an application, a recommendation is made to the  
 21 governor to either approve or reject the application.  
 22 This initiates a 60-day window within which the  
 23 governor will then approve the application, reject the  
 24 application, or remand the application back to the  
 25 council for reconsideration.

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1 Any application that is rejected by the  
 2 governor is a final decision for that application. If  
 3 an application is approved by the governor, EFSEC then  
 4 has oversight of the environmental compliance for the  
 5 life of the facility.

6 EFSEC has standing contracts with  
 7 applicable state agencies that assist in the  
 8 monitoring and enforcement of conditions either in the  
 9 site certification agreement, identified permits, or  
 10 stipulations in the EIS or MDNS. EFSEC's enforcement  
 11 authority extends to the issuance of any penalties, as  
 12 they may apply.

13 That wraps up my presentation for the  
 14 evening. Before I end, I'd like to remind everybody  
 15 how they may submit comments for this proposal. If  
 16 you'd like to sign up to speak this evening, you may  
 17 call the EFSEC main line at 360-664-130 -- I'm  
 18 sorry -- 1345, or email comments to our main inbox at  
 19 EFSEC, E-F-S-E-C, @utc.wa.gov.

20 You may also send in written comments by  
 21 postal mail to our office at 621 Woodland Square Loop,  
 22 P.O. Box 43172, Olympia, Washington 98504. Comments  
 23 may also be submitted to our online comment database  
 24 at <https://comments.efsec.wa.gov>.

25 There are two databases available for the

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1 duration of the meeting until midnight, one for  
 2 general comments, and one for comments specific to  
 3 land use. And again, those comment databases will be  
 4 open until midnight.

5 CHAIR DREW: Thank you, Ms. Hafkemeyer.  
 6 At this point, I will ask Judge Bradley to  
 7 preside over the public comment period.

8 JUDGE BRADLEY: Thank you, Chair Drew. As  
 9 I understand it, two individuals notified us in  
 10 advance of their desire to make comments, so we'll  
 11 begin with them. And again, each speaking party will  
 12 have three minutes to make their comments, and I will  
 13 let folks know when the time has expired.

14 So I'm first going to call on Commissioner  
 15 Amanda McKinney.

16 MS. MCKINNEY: Thank you, councilmen and  
 17 women for the opportunity to speak, representing  
 18 District 1 of Yakima County.

19 We have seen in our county, obviously, a  
 20 lot of people wanting to come for the sunshine, and  
 21 now inclusive of people who want to create miles and  
 22 miles of solar panels across our beautiful  
 23 shrubsteppe. That is grazing land and provides a  
 24 livelihood for a lot of folks.

25 Our concern is not that we are wholly

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1 against solar power in Yakima County, but that there  
 2 is a massive rush to use this particular process to  
 3 bypass the local input that we believe our residents  
 4 absolutely should be given the opportunity to provide.

5 We want to make sure that local elected  
 6 officials are be -- are able to be the voice, to  
 7 determine how much -- and our concern is, going  
 8 through this process, we're creating a system that  
 9 provides a unique and perfect opportunity for folks,  
 10 as indicated on this application, to go straight to  
 11 your organization.

12 And while we know that there are many  
 13 members of your organization who give due  
 14 consideration to the people and the impacts to our  
 15 environment, with all due respect, we are the ones who  
 16 live here. We are the ones who look out over those  
 17 hills every day as we're driving our children to  
 18 work [sic] -- as we're going out to work in those  
 19 fields looking out over these hills.

20 This will fundamentally change the way our  
 21 community looks and feels. These hills are the fabric  
 22 of our community, and we need to have the ability to  
 23 say how fast, and whether or not we go forward with  
 24 turning the Eastern Washington corridor that we call  
 25 home into a reflection of solar panels.

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1 So we would ask that EFSEC consider that  
 2 we need to have input, and that our people are not  
 3 resoundingly in support, nor against. We just want  
 4 to have a voice for consideration of whether or not we  
 5 want to have this go forward, and how many of these  
 6 solar farms do we really want to see blanketing our  
 7 beautiful Yakima County. Thank you.

8 JUDGE BRADLEY: All right. Thank you.  
 9 The other individual who indicated the  
 10 desire to present comments this evening is Stan Isley.  
 11 Mr. Isley.

12 MR. ISLEY: Hello. Thank you. Thank you  
 13 for this opportunity to learn more about the  
 14 Cypress Creek Renewables projects, and also to offer  
 15 some comments.

16 I am the conservation chair for the Yakima  
 17 Valley Audubon Society chapter. I am offering these  
 18 comments on behalf of YVAS.

19 I had some questions. The project  
 20 proponents seem to have answered them somewhat. The  
 21 Ostrea project, that's 1,686 acres, and High Top at  
 22 1,564 acres, that's the total acreage, and I assume  
 23 that is going to be refined down and will not be the  
 24 actual acreage. There will be a lesser amount of  
 25 acreage that will be actually affected by the solar

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|   |  |
|---|--|
| <p style="text-align: right;">Page 41</p> <p>1 panels. So we can confirm -- or I can watch this<br/>2 process and confirm that later.<br/>3 Another question I have, though, also is<br/>4 about SEPA compliance, State Environmental Policy Act<br/>5 compliance. And I -- I want to ensure -- I want to<br/>6 recommend that these two projects, Ostrea and High<br/>7 Top, are considered as one project under the State<br/>8 Environmental Policy Act. Certainly, it is not<br/>9 consistent with SEPA guidelines to piecemeal a<br/>10 project's environmental impacts, to do a piecemeal<br/>11 review, but rather to consider the environmental<br/>12 impacts of the total ultimate project, and I believe<br/>13 this represents one project.<br/>14 It brings up another point I'd like to<br/>15 make, and that is for consideration. The Goose<br/>16 Prairie project east of these two projects we're<br/>17 looking at tonight, and the Black Rock project,<br/>18 apparently, in -- in the very close vicinity of these<br/>19 two projects, represent four projects, and there may<br/>20 be additional proposed solar generation projects in<br/>21 this Black Rock Valley, Moxee Valley area.<br/>22 So perhaps there needs to be a -- some<br/>23 greater environmental impact consideration for the<br/>24 combined ultimate effects, environmental impacts to<br/>25 these -- the development of these -- one after</p> | <p style="text-align: right;">Page 43</p> <p>1 speakers before, we are not for or against solar, but<br/>2 generally, the siting is of grave concern to us.<br/>3 I will point out to the council the<br/>4 preexisting voluntary stewardship program. It is a<br/>5 program where the Washington Growth Management Act<br/>6 requires counties to develop a managed population and<br/>7 development. Those plans, under the Growth<br/>8 Management, must identify critical areas, including<br/>9 those on agricultural lands. It's always been a<br/>10 tenuous situation having that requirement.<br/>11 The voluntary stewardship program was<br/>12 enacted into law in 2011, I believe, and it creates a<br/>13 process where a county authority is able to join and<br/>14 use a voluntary approach to address not only the<br/>15 impacts of critical areas on agricultural lands, but<br/>16 how to enhance those agricultural lands for<br/>17 agricultural viability.<br/>18 I will read the law.<br/>19 [As read] It is the intent of Chapter 300,<br/>20 laws of 2011, to promote plans to protect and enhance<br/>21 critical areas within the area where agricultural<br/>22 activities are conducted, while maintaining and<br/>23 improving the long-term viability of agriculture in<br/>24 the state of Washington, and reduce the conversion of<br/>25 farmland to other uses. That is the law.</p>  |
| <p style="text-align: right;">Page 42</p> <p>1 another, the development of these projects in the<br/>2 Moxee Valley. That could mean possible environmental<br/>3 impact statement. It could mean a possible even state<br/>4 legislative action to perhaps set up a mitigation fund<br/>5 for mitigating for negative impacts, environmental<br/>6 impacts.<br/>7 This represents an opportunity for the<br/>8 project proponents. Environmentalists generally<br/>9 support -- I support this trans- -- transition to<br/>10 solar energy, renewable energy, and away from burning<br/>11 fossil fuels, so let's do this project right. We have<br/>12 to do these projects right, and not make impacts.<br/>13 That means minimize any impact -- avoid impacts where<br/>14 we can, and mitigate fully, even for acreage that is<br/>15 not currently existing shrubsteppe lands.<br/>16 I guess my time's up. I'll -- I'll stop<br/>17 there. Thank you.<br/>18 JUDGE BRADLEY: Thank you very much. The<br/>19 council will take your comments under consideration.<br/>20 I note that Michael Tobin has raised his hand, and<br/>21 also that an email was sent requesting time to speak.<br/>22 So Michael Tobin?<br/>23 MR. TOBIN: Thank you.<br/>24 I'm the district manager for the North<br/>25 Yakima Conservation District, and like the two</p>  | <p style="text-align: right;">Page 44</p> <p>1 Yakima County is -- and the board of<br/>2 county commissioners resolved in 2011, as part of 27<br/>3 counties in the state of Washington, that include our<br/>4 neighbors to the -- to the east, Benton County.<br/>5 So what I'm talking about here, I'll just<br/>6 point out, it's nice to be involved in a public<br/>7 meeting for two, which are really being treated as one<br/>8 application. But when you step back and you look at<br/>9 the landscape from Goose Prairie to Black Rock to High<br/>10 Top to Ostrea to the Wautoma, just in Benton County at<br/>11 the Silver Dollar Cafe, to actions including the hop<br/>12 hills that are currently being discussed in Solway<br/>13 (phonetic) along the Yak- -- Benton County line, you<br/>14 will find a very effective habitat fence that excludes<br/>15 over 100,000 acres that is currently used by<br/>16 shrubsteppe species that are dependent upon these<br/>17 huge, massive landscapes. The only reason these are<br/>18 being sited here is because -- by virtue of ill-sited<br/>19 BPA Power lines generations ago.<br/>20 So, again, the siting of this, I will --<br/>21 I'll add a -- a little number. If all of these came<br/>22 into play in Yakima County, it would be -- constitute<br/>23 8 miles of the open 12.5 miles along Highway 24 would<br/>24 be changed forever. This is a land conversion that<br/>25 would never go back.</p> |

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1 So I would strongly consider resiting  
 2 these. I would hope that Department of Fish and  
 3 Wildlife had a stronger voice on the council to do  
 4 such.  
 5 Thank you very much.  
 6 JUDGE BRADLEY: Thank you, Mr. Tobin. I  
 7 appreciate that.  
 8 So has anyone else called in or emailed to  
 9 express interest to speak this evening?  
 10 MS. OWENS: That is all I have received at  
 11 this point.  
 12 JUDGE BRADLEY: All right.  
 13 So, as a reminder, if you do want to speak  
 14 during this proceeding, you can call (360) 664-1345.  
 15 Again, the comments for these projects will be open,  
 16 the comment database, from now until midnight. And  
 17 again, those can be submitted at comments.efsec --  
 18 E-F-S-E-C -- .wa.gov. And you can also submit your  
 19 comments at any time to EFSEC -- E-F-S-E-C --  
 20 @utc.wa.gov.  
 21 Anyone else want to speak this evening?  
 22 CHAIR DREW: I think we could, Judge  
 23 Bradley, also take -- if anyone wants to raise their  
 24 hands at this point, since we have time left, to let  
 25 you know or indicate in the chat that they'd like to

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1 speak, I think we can do that at this point.  
 2 JUDGE BRADLEY: Wonderful. Thank you.  
 3 So if you do want to speak, please raise  
 4 your hand or let us know through the chat function.  
 5 I'm not seeing any hands or comments. We'll give  
 6 folks another minute or so to let us know that they  
 7 want to speak. I think we do see a hand raised.  
 8 And Mr. Isley, I just want to give other  
 9 folks a chance, and then if the council has no  
 10 objection, we'll let you speak again.  
 11 Chair Drew, any objection to allowing  
 12 Mr. Isley additional time?  
 13 CHAIR DREW: If he has just a minute;  
 14 otherwise, he can provide additional comments in -- in  
 15 writing.  
 16 MR. ISLEY: Thank you. I am feeling like  
 17 I'm getting a second bite at the apple. Sorry. I  
 18 didn't realize I was going to be limited to three  
 19 minutes. I could have been a little quicker, and a  
 20 little more to the point.  
 21 I want to also emphasize that it's  
 22 important to maintain wildlife migration corridors.  
 23 As some of the other speakers mentioned, this  
 24 development, in combination with other solar energy  
 25 projects in the area, will modify the landscape

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1 substantially. It is an important migration and  
 2 movement corridor for wildlife.  
 3 A sea of sagebrush steppe that used to  
 4 exist 200 years ago throughout the entire inner basin  
 5 west is now kind of an endangered landscape, and so  
 6 it's going away fast. I believe we should do our very  
 7 best to find and protect and preserve sagebrush steppe  
 8 where we can, and identify, create, preserve wildlife  
 9 migration corridors.  
 10 So please, I encourage the proponents to  
 11 work carefully with WDFW, Washington Department of  
 12 Fish and Wildlife staff and -- and do their best to  
 13 protect and preserve sagebrush steppe, but also to  
 14 provide mitigation for all affected lands, perhaps on  
 15 a one-to-one acreage basis.  
 16 Thank you.  
 17 JUDGE BRADLEY: Thank you. All right.  
 18 So one last call here.  
 19 Mr. Tobin, did you raise your hand again?  
 20 MR. TOBIN: Yes, I did.  
 21 JUDGE BRADLEY: Okay. I believe we'll  
 22 give you the same minute we gave Mr. Isley.  
 23 MR. TOBIN: Thank you very much. I, too,  
 24 wish I knew I was only going to be limited to three  
 25 minutes.

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1 I want to go back and put emphasis on the  
 2 voluntary stewardship program. It is a program  
 3 designed to enhance habitat areas, and we are dealing  
 4 with shrubsteppe uniquely. I do know that Benton  
 5 County, through the VSP program, is doing the same.  
 6 We're dealing with species that not just  
 7 only roam around like mule deer. We're dealing with  
 8 sage-grouse, we're dealing with the state of  
 9 Washington having spent tens of millions of dollars on  
 10 sage-grouse planning, with the recovery efforts of any  
 11 number of species.  
 12 If you look at these things individually,  
 13 yeah, I think you could discount, you could perhaps  
 14 figure out a mitigation, and you could say, yes, let's  
 15 go ahead. But you need to, as a council, look at  
 16 these as a whole. You need to look at the authorities  
 17 of the council, and knowing that, pretty much, when  
 18 you get it, it's going to happen. But it is easy for  
 19 a developer to bypass the local jurisdiction if  
 20 they -- if they so choose because they know it's  
 21 easier. I'm just being honest.  
 22 When -- when you look at these things, you  
 23 have a change in -- I'm sorry.  
 24 JUDGE BRADLEY: I'm sorry, Mr. Tobin. So  
 25 we gave you a little extra time --

Informational Public Meeting - 6/1/2022

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1 MR. TOBIN: Okay.  
 2 JUDGE BRADLEY: -- but let's go ahead and  
 3 submit additional comments in writing through the --  
 4 MR. TOBIN: Thank you.  
 5 JUDGE BRADLEY: -- through the email or  
 6 the database. All right.  
 7 Anyone else this evening?  
 8 Ms. McKinney, again, one minute, please.  
 9 MS. MCKINNEY: Thank you. I figured we  
 10 might as well all go one more.  
 11 I, again, want to place emphasis, and I  
 12 really appreciate the two previous speakers. Again,  
 13 this is about a big picture. We are looking at  
 14 fundamentally changing what we see when we drive  
 15 through, and as has been so eloquently stated,  
 16 significant impacts to the natural environment.  
 17 So I just want to emphasize the aspect of  
 18 the people who live here. There are environmental  
 19 concerns that we have. But -- but the way of life,  
 20 and our -- our being able to see continuity in our  
 21 surroundings, again, you -- you hold that ability  
 22 because we have been bypassed locally, to the previous  
 23 speaker's point. That process allows for it, and as  
 24 you can see, the numbers of these projects continue to  
 25 increase, and it will only increase more, and where

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1 does it stop?  
 2 I do think a novel idea is that, are there  
 3 places to put these where they aren't so readily and  
 4 easily visible for the people who traverse those  
 5 corridors, again, where we take our kids to school,  
 6 how we drive to work. They impact the way we feel  
 7 about our community. We take pride in our natural  
 8 environment. That's why we live here.  
 9 Thank you.  
 10 JUDGE BRADLEY: Thank you, Ms. McKinney --  
 11 Commissioner McKinney.  
 12 I'm going to hand it back to you, Chair  
 13 Drew. Thank you.  
 14 CHAIR DREW: Thank you, Judge Bradley.  
 15 This will -- this concludes our public  
 16 informational meeting. It's 6:01. So we will adjourn  
 17 for 15 minutes to give people a break, and then we  
 18 will start our land use consistency hearing at 6:15.  
 19 Thank you, and we will be back at 6:15.  
 20 (A break was taken from  
 21 6:01 to 6:15 p.m.)  
 22  
 23 -o0o-  
 24  
 25

Page 51

1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON )  
 ) ss.  
 4 COUNTY OF KING )  
 5  
 6  
 7 I, ANITA W. SELF, a Certified Shorthand  
 8 Reporter in and for the State of Washington, do  
 9 hereby certify that the foregoing transcript is true  
 10 and accurate to the best of my knowledge, skill and  
 11 ability.  
 12 IN WITNESS WHEREOF, I have hereunto set my hand  
 13 and seal this 10th day of June 2022.  
 14  
 15  
 16  
 17   
 18 ANITA W. SELF, RPR, CCR #3032  
 19  
 20  
 21  
 22  
 23  
 24  
 25



# Land Use Consistency Hearing

## Cypress Creek Renewables-High Top Solar & Ostrea Solar Projects

June 1, 2022



**206.287.9066 | 800.846.6989**

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

[www.buellrealtime.com](http://www.buellrealtime.com)

email: [info@buellrealtime.com](mailto:info@buellrealtime.com)



Land Use Consistency Hearing - 6/1/2022

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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL

---

Docket No. EF-220212  
HIGH TOP SOLAR & OSTREA SOLAR PROJECTS  
LAND USE CONSISTENCY HEARING  
JUNE 1, 2022  
6:15 P.M.

VERBATIM TRANSCRIPT OF PROCEEDING

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

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1                   A P P E A R A N C E S  
2  
3                   (All participants appeared via Teams videoconference)  
4  
5                   STATE AGENCY MEMBERS PRESENT:  
6                   KATHLEEN DREW, Chair  
7                   KATE KELLY, Department of Commerce  
8                   ELI LEVITT, Department of Ecology  
9                   STACEY BREWSTER, Utilities and Transportation  
10                   Commission  
11                   LENNY YOUNG, Department of Natural Resources  
12  
13                   ASSISTANT ATTORNEY GENERAL:  
14                   JON THOMPSON  
15  
16                   COUNCIL STAFF:  
17                   AMI HAFKEMEYER  
18                   JOAN OWENS  
19                   ANDREA GRANTHAM  
20                   SONIA BUMPUS  
21                   STEWART HENDERSON  
22  
23                   COUNSEL FOR THE ENVIRONMENT:  
24                   SARA REYNEVELD  
25  
26                   GUESTS IN ATTENDANCE:  
27                   TAI WALLACE, Cypress Creek Renewables  
28                   JESS MOSLEH, Cypress Creek Renewables  
29                   PATTI LORENZ, TRC Companies  
30                   SUSAN DRUMMOND, Law Offices of Susan Drummond  
31                   ERIN BERGQUIST, TRC Companies  
32                   MICHAEL TOBIN, North Yakima Conservation District  
33                   \*\*\*\*\*

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1                   P R O C E E D I N G S  
2                   JUNE 1, 2022  
3                   6:15 P.M.  
4  
5                   CHAIR DREW: It is now 6:15. I am calling  
6                   to order the land use hearing for the Cypress Creek  
7                   Renewable projects as required by RCW 80.50.090, and  
8                   WAC, Washington Administrative Code 463-26-035.  
9                   EFSEC is beginning the land use hearing  
10                   for the Cypress Creek Renewable projects, High Top  
11                   Solar, and Ostrea Solar.  
12                   During this hearing, the public will be  
13                   given an opportunity to provide testimony regarding  
14                   the project -- proposed project's consistency and  
15                   compliance with land use plans and zoning ordinances.  
16                   With me is Administrative Law Judge Laura  
17                   Bradley, who will preside over this hearing.  
18                   Will -- Ms. Owens, will you please call  
19                   the roll for the councilmembers?  
20                   MS. OWENS: Yes. Thank you.  
21                   Department of Commerce?  
22                   MS. KELLY: Kate Kelly, present.  
23                   MS. OWENS: Department of Ecology?  
24                   MR. LEVITT: This is Eli Levitt, present.  
25                   MS. OWENS: Department of Fish and

Page 4

1                   Wildlife?  
2                   Department of Natural Resources?  
3                   MR. YOUNG: Lenny Young, present.  
4                   MS. OWENS: Utilities and Transportation  
5                   Commission?  
6                   MS. BREWSTER: Stacey Brewster, present.  
7                   MS. OWENS: Chair, would you like me to  
8                   continue with the EFSEC staff roll call? Oh, you're  
9                   on mute.  
10                   CHAIR DREW: I think we're fine with just  
11                   the councilmembers. We have a quorum.  
12                   MS. OWENS: Thank you.  
13                   CHAIR DREW: Judge Bradley? Now you're on  
14                   mute.  
15                   JUDGE BRADLEY: Now I'm on mute. Sorry  
16                   about that.  
17                   Thank you, Chair Drew. So I think, at  
18                   this point, we'll proceed with the presentation from  
19                   the applicant.  
20                   MR. WALLACE: This is Tai Wallace. I just  
21                   wanted to introduce Susan Drummond from the  
22                   Cypress Creek project team. She's our local counsel  
23                   and will be presenting this presentation and hearing  
24                   on land use.  
25                   JUDGE BRADLEY: Thank you. Go ahead,

Land Use Consistency Hearing - 6/1/2022

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1 please.  
 2 MS. DRUMMOND: I needed to unmute myself.  
 3 Thank you.  
 4 Thank you, Mr. Wallace, Judge Bradley.  
 5 Good evening. I'm Susan Drummond. I represent the  
 6 applicant, Cypress Creek Renewables, on the Ostrea  
 7 Solar and High Top Solar projects.  
 8 I'm not able to unmute my video. If I'm  
 9 able to do so, I'm -- I'm happy to, but I'm not able  
 10 to do so right now.  
 11 If we can move on the PowerPoint to the  
 12 agenda. Thank you.  
 13 I'll be fairly brief this evening, but  
 14 what I wanted to do was to first provide some very  
 15 brief context, and then move to the Yakima County Land  
 16 Use Code and Comprehensive Plan, and address how they  
 17 support the project. The County has determined there  
 18 is land use consistency, and I'll briefly address  
 19 that. And then, I'll briefly turn to the county's  
 20 conditional use permitting criteria, and address some  
 21 of the highlights of the project and how they are  
 22 consistent with those criteria.  
 23 If we can move to the next slide. I guess  
 24 the next -- we'll keep going -- one more, Context. If  
 25 we can move one page on the agenda. Yep. Thank you.

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1 Perfect.  
 2 So just some brief background on this.  
 3 The council in 2017 determined that, under its  
 4 enabling legislation, it must ensure that certified  
 5 projects are aligned with the objectives of reducing  
 6 dependence on fossil fuels and transitioning to a  
 7 clean energy project. That determination is, of  
 8 course, consistent with other state statutes calling  
 9 for carbon neutrality and carbon-free energy supplies,  
 10 and it's consistent with recent amendments to EFSEC's  
 11 enabling legislation, which further promote clean  
 12 energy development.  
 13 So with that context in mind, referring to  
 14 the next -- next slide, the Yakima County Land Use  
 15 Code and Comprehensive Plan are consistent with those  
 16 objectives, and they support the project.  
 17 The county code authorizes this project as  
 18 a power-generating facility that's an allowed Type 3  
 19 conditional use within the agricultural zoning  
 20 district. The applicant consulted with the County  
 21 planning department before submitting this  
 22 application, and throughout its review process, and  
 23 has documented consistency with the plan and code.  
 24 And attached to attachment A of the  
 25 application for site certification is the

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1 correspondence from the County documenting the  
 2 consistency with the land use code. And, of course,  
 3 that's prima facie proof of consistency with the code.  
 4 I'd refer the council to Council Order 879  
 5 on the Goose Prairie project. That was order granting  
 6 expedited processing with -- which documents the --  
 7 that consistency.  
 8 The applicant also prepared a very  
 9 detailed land use review, which further documents  
 10 consistency, and that is attachment A to the  
 11 application for site certification. And that material  
 12 goes through both the plan and code and the specific  
 13 permitting criteria to document that -- that  
 14 consistency.  
 15 So if we can move to the -- the next  
 16 slide, and the next slide shows the --  
 17 JUDGE BRADLEY: Counsel --  
 18 MS. DRUMMOND: Yes, thank you. The  
 19 County -- I'm sorry.  
 20 JUDGE BRADLEY: This is Judge Bradley. So  
 21 if you could please slow down a little bit. We do  
 22 have a court reporter making a transcript of the  
 23 hearing, and we want to make sure we get a clear  
 24 record. So just give her a chance to keep up with  
 25 you, please.

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1 MS. DRUMMOND: Thank you, your Honor. I  
 2 will -- I will do so.  
 3 So these are the -- the county's nine  
 4 criteria for granting conditional use permits. And  
 5 we're not here tonight to evaluate these criteria, but  
 6 I did want to point them out, and, of course, the  
 7 application -- the first attachment to the application  
 8 for site certification goes through these criteria.  
 9 But in general, just to provide an  
 10 overview of that, they provide for land use  
 11 compatibility with surrounding uses. And that  
 12 assessment looks in the -- at the project in  
 13 relationship to surrounding uses. It looks at whether  
 14 the project is supported with infrastructure, and  
 15 whether local code requirements can be met.  
 16 If we can move to the next slide.  
 17 So briefly, some highlights on the  
 18 criteria. First, I want to look at where the project  
 19 is. It's on vacant, non-irrigated land. It will not  
 20 adversely impact public infrastructure or  
 21 environmental resources. It fully complies with the  
 22 county's critical area ordinance. It also supports  
 23 the rural economy through tax revenue and lease  
 24 payments, so it provides an overall benefit to the  
 25 community, and that was touched on in the earlier

Land Use Consistency Hearing - 6/1/2022

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1 presentation.  
 2 In terms of comprehensive plan  
 3 consistency, the project is consistent with the  
 4 county's objective of considering energy supply  
 5 alternatives, and also diversifying the regional  
 6 agricultural economy.  
 7 The county plan's rural and agriculture  
 8 goals are also met. The project provides economic  
 9 support to minimize land conversion risks.  
 10 On the site itself, crop production has  
 11 been nonexistent for over 25 years, and the weedy  
 12 species which are dominant in the previously plowed  
 13 areas are not well-suited for year-round livestock  
 14 grazing. And then, of course, after its commercial  
 15 life, the project would be decommissioned and removed.  
 16 If we could move to the next slide.  
 17 These are criteria 7b and 7g, which dive  
 18 into consistency with neighboring uses. This is a  
 19 very rural, remote area. As we heard earlier, the  
 20 project is north of State Route 24, it's south of the  
 21 Yakima Training Center, and it's 20 to 22 miles east  
 22 of -- of Moxee.  
 23 On the preliminary site plans, solar  
 24 panels and access roads will not be within 300 feet of  
 25 the Yakima Training Center, and the applicant has

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1 consulted with the training center and completed a  
 2 glare analysis, and no issues have arose in there.  
 3 Also, the -- there's grazing to the east  
 4 and to the west. On the west, the nearest structure  
 5 is 2 -- 2 and a half to 3.6 miles away. To the east,  
 6 the nearest structure is 850 feet east from Ostrea's  
 7 boundary, and three miles from High Top's boundary, so  
 8 there's few homes in the area. There are no schools  
 9 in the vicinity. So this is an ideal location for  
 10 the -- this proposed use.  
 11 With regard to transportation impacts, the  
 12 State Route 24 approach onto the private access road  
 13 will be improved for safety and access, and, of  
 14 course, county and WS-DOT requirements will all be  
 15 met. The Washington State Department of  
 16 Transportation has provided conceptual approval of the  
 17 access, and that's at attachment P to the application.  
 18 With regard to regulatory compliance and  
 19 the property size, we heard earlier about the size of  
 20 the property that was outlined and is under the lease  
 21 control is larger than what is actually needed, so  
 22 this has been ideally sized to -- for this particular  
 23 use. And the county -- or the applicant will fully  
 24 comply with all of the county's codes, and that  
 25 includes building codes, fire codes, and any other

Page 11

1 county requirements.  
 2 The County also, of course, if this were a  
 3 proceeding before the hearing examiner, would have  
 4 authority to impose conditions on the project, and the  
 5 application for cite certification identifies  
 6 development standards, and identifies mitigation to  
 7 address material impacts, environmental or otherwise.  
 8 At attachment O to the application, mitigation  
 9 measures are outlined in the application.  
 10 So the applicant has documented that the  
 11 project is consistent with the county code, and by  
 12 consistency, it means that they can be permitted  
 13 conditionally under that the zoning code, and is  
 14 consistent with the plan. And the applicant asks that  
 15 the council determine that the project is consistent  
 16 with the county's code and plan.  
 17 Thank you. If there are any questions,  
 18 I'm happy to address those.  
 19 JUDGE BRADLEY: I'll start with Chair  
 20 Drew. Did you have any questions for the applicant?  
 21 CHAIR DREW: I do not. Thank you.  
 22 JUDGE BRADLEY: Do any of the  
 23 councilmembers have questions for the applicant?  
 24 MS. BREWSTER: This is Stacey Brewster.  
 25 One quick question regarding the property

Page 12

1 size and its compliance.  
 2 Is that the two projects together are  
 3 within compliance, or are we considering these  
 4 separately in regard with compliance?  
 5 MS. DRUMMOND: I should have clarified  
 6 at -- at the outset. My comments address both  
 7 projects. I know I may have referred to them in the  
 8 singular, but they are both projects. And both  
 9 projects have been cited so that they would fully  
 10 comply with the code, and that there's plenty of room  
 11 on those sites. So more is under -- for both  
 12 projects, more is under lease control than is needed  
 13 for those -- those projects.  
 14 Also, I did want to emphasize, I mentioned  
 15 earlier, on the certificate of land use consistency,  
 16 I -- I believe I mentioned that, that that was -- is  
 17 attached to the application for site certification.  
 18 That's at the very end of attachment A. Those are  
 19 the -- the correspondence from the County documenting  
 20 the project's consistency with the land use code.  
 21 Did that -- did that answer your question?  
 22 MS. BREWSTER: Yes. Thank you.  
 23 JUDGE BRADLEY: Any other councilmembers  
 24 with questions?  
 25 Not hearing any, Ms. Owens, are you aware

Land Use Consistency Hearing - 6/1/2022

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1 of any requests to comment at this proceeding that  
 2 were submitted in advance?  
 3 MS. OWENS: I have not received any, no.  
 4 JUDGE BRADLEY: Thank you.  
 5 Chair Drew, would the council like to  
 6 entertain comments from others in attendance?  
 7 CHAIR DREW: Yes. If they are on the land  
 8 use consistency, we can see if anyone else wants to  
 9 comment with the three-minute limit. And let's just  
 10 allow one time this time.  
 11 JUDGE BRADLEY: All right. Thank you.  
 12 So if you would like to comment, please  
 13 raise your hand or indicate in the chat.  
 14 All right. Mr. Tobin, and again, three  
 15 minutes, and no second bite, please.  
 16 MR. TOBIN: Understood.  
 17 Interesting review of that, and question  
 18 to the community needs, it's vacant land. I think  
 19 it's clear that it is not vacant land. It is used as  
 20 habitat. It is also used as forage. That is an  
 21 agricultural input and a habitat input. So to -- to  
 22 say that it's vacant leads -- leads the -- leads  
 23 someone to believe that it's not there.  
 24 Will not adversely impact the public  
 25 infrastructure or environmental resources. Certainly,

Page 14

1 we've demonstrated earlier, the environmental  
 2 resources as a habitat is dependent upon these large  
 3 open spaces. The -- these infrastructures,  
 4 individually and combined, will impact that, whether  
 5 it's sage-grouse, which really hates this kind of  
 6 stuff, won't even be in that region anymore.  
 7 In terms of agriculture, range land  
 8 grazing is not predicated on having animals there  
 9 year-round. I could speak all day to how range land  
 10 agriculture, which leads to the fourth largest  
 11 commodity in the state of Washington, livestock, is --  
 12 uses these types of ranges earlier in the spring, they  
 13 move to other ranges, and then, in the winter, they  
 14 use supplemental feeding. It's part of an  
 15 agricultural process that uses and has used these  
 16 grounds forever, at least in terms of our existence  
 17 here, and -- I'm wondering, how does the conversion  
 18 from agriculture -- range land agriculture, converting  
 19 it to an industrial complex, actually enhance  
 20 agriculture? That connection was not made, so I don't  
 21 know how it meets the intent of the county's code.  
 22 Also, how does that same conversion to an  
 23 industrial complex diversify the regional agricultural  
 24 commodity? You're producing electricity. That is not  
 25 an agricultural product. So I believe those points

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1 are moot and misleading.  
 2 Thank you.  
 3 JUDGE BRADLEY: Thank you.  
 4 Anyone else in attendance who would like  
 5 to comment at this point? Okay, folks. Just another  
 6 minute or so to indicate an interest in commenting.  
 7 Chair Drew, I'm not seeing any other  
 8 requests to comment, so I will turn it back to you.  
 9 CHAIR DREW: Thank you.  
 10 With no other comments, the land use  
 11 hearing for the Cypress Creek Renewables project is  
 12 concluded, and the meeting is adjourned. Thank you  
 13 all for your participation tonight.  
 14 (Videoconference hearing concluded  
 15 at 6:33 p.m.)  
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Page 16

1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON )  
 4 ) ss.  
 5 COUNTY OF KING )  
 6  
 7 I, ANITA W. SELF, a Certified Shorthand  
 8 Reporter in and for the State of Washington, do  
 9 hereby certify that the foregoing transcript is true  
 10 and accurate to the best of my knowledge, skill and  
 11 ability.  
 12 IN WITNESS WHEREOF, I have hereunto set my hand  
 13 and seal this 10th day of June 2022.  
 14  
 15   
 16 ANITA W. SELF, RPR, CCR #3032  
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## EFSEC Monthly Council Meeting – Facility Update Format

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

### **Operations & Maintenance (only applicable for operating facilities)**

- Power generated: 30,958 MWh
  - Wind speed: 8 m/s
  - Capacity Factor: 41%
- 

### **Environmental Compliance**

- No incidents

### **Safety Compliance**

- Nothing to report

### **Current or Upcoming Projects**

- Nothing to report

### **Other**

- No sound complaints
- No shadow flicker complaints

## EFSEC Monthly Council Meeting – Facility Update

**Facility Name:** Wild Horse Wind Facility  
**Operator:** Puget Sound Energy  
**Report Date:** June 1, 2022  
**Report Period:** May 2022  
**Site Contact:** Jennifer Galbraith  
**SCA Status:** Operational

---

### **Operations & Maintenance**

May generation totaled 68,409 MWh for an average capacity factor of 33.73%.

### **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: June 2, 2022  
Reporting Period: May 2022  
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.

- 0 net MW-hrs generated in May for a capacity factor of 0%.

---

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

### Environmental Compliance

-Monthly Water Usage: 4,145,416 gallons

-Monthly Wastewater Returned: 23,929 gallons

-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.

- Nothing to report

-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 for a total of 2,496 days without a Lost Time Accident.

**Current or Upcoming Projects**

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

**Other**

- Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).
  - Plant was in a planned maintenance outage for the month of May.
- 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,

*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: June 21, 2022  
Reporting Period: May 2022  
Site Contact: Chris Sherin  
Facility SCA Status: Operational

#### Operations & Maintenance

- GHEC generated 0MWh during the month and 929,151MWh YTD.
- GHEC completed the Annual (Maintenance) Outage on May 13<sup>th</sup>.
- Compliance related maintenance completed in May includes:
  - o Routine permit required maintenance.
  - o Preventive maintenance inspections and cleaning Heat Recovery Steam Generator 1's Selective Catalytic Reduction Catalyst and Ammonia Injection Grid.

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**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
  - o Monthly Outfall Discharge Monitor Report (DMR).

#### Safety Compliance

-None.

#### Current or Upcoming Projects

-- Application for a Modification to the Air Operating Permit submitted to EFSEC. GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.

#### Other

-None.

## EFSEC Monthly Council Meeting – May 2022

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

Operator: **Energy Northwest**

Report Date: **June 2, 2022**

Reporting Period: **May 2022**

Site Contact: **Felicia Najera-Paxton**

Facility SCA Status: **Operational**

**Operations & Maintenance:** CGS Net Electrical Generation May 2022: **847,700 MW-Hrs**

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

**Environmental Compliance:**

No update.

**Safety Compliance**

No update.

**Current or Upcoming Projects**

Columbia Generating Station workers and contractors wrapped up the dry cask storage campaign on May 27<sup>th</sup>.

**Other**

No update.

## EFSEC Monthly Council Meeting Facility Update

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

Operator: Tuusso Energy, LLC

Report Date: June 3, 2022

Reporting Period: 30-days ending June 3, 2022

Site Contact: Owen Hurd

Facility SCA Status: Construction

### Construction Status

- Penstemon
    - All communications issues with the interconnection have now been resolved
    - Plant is currently operational
  - Camas
    - Achieved Mechanical Completion on March 23<sup>rd</sup>
    - Testing and pre-commissioning activities currently underway; Substantial Completion expected in late-June
  - Urtica
    - Completed pile remediation, installation of mounting structures/trackers, and installation of all solar modules
    - No change in schedule
      - Mechanical Completion: late June
      - Substantial Completion: late July
- 

### Other

- Updated planting plans will be submitted to EFSEC for review later this month



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

June 2, 2022

Owen Hurd  
TUUSSO Energy  
500 Yale Avenue North  
Seattle, WA 98109

Joy Smith  
Greenbacker Renewable Energy Corporation  
230 Park Ave., Suite 1560  
New York, NY 10169

**RE: Confirmation of financial assurance instruments for Greenbacker**

Mr. Hurd and Ms. Smith:

We have received and reviewed the Standby Trust Agreement and Letters of Credit from Greenbacker as financial assurance instruments for the Camas, Penstemon, and Urtica Solar projects. We have determined these instruments are sufficient and hereby release TUUSSO from financial responsibility for these projects.

If you have any questions concerning this letter, please contact Amí Hafkemeyer at 360.664.1305 or [ami.hafkemeyer@utc.wa.gov](mailto:ami.hafkemeyer@utc.wa.gov).

Sincerely,

Sonia Bumpus  
EFSEC Manager

Enclosures  
cc: Ami Hafkemeyer, EFSEC  
Joe Wood, EFSEC

# Horse Heaven Wind Project

June 2022 project update

[Place holder]

# Goose Prairie Solar Project

June 2022 project update

[Place holder]

# Badger Mountain Solar Energy Project

June 2022 project update

[Place holder]

# Whistling Ridge Energy Project

June 2022 project update

[Place holder]

# High Top and Ostrea Solar Project

June 2022 project update

[Place holder]

# Wautoma Solar

## June 2022 project update

[Place holder]