



Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Tuesday July 19, 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 Andrea Grantham, 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
 - June 21, 2022 Monthly Meeting Minutes
- 5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates..... Amy Moon, EFSEC Staff
 - 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..... Felicia Najera-Paxton, Energy Northwest
 - f. WNP – 1/4
 - Non-Operational Updates..... Felicia Najera-Paxton, Energy Northwest
 - g. Columbia Solar
 - Project Updates..... Owen Hurd, Tuusso Energy
 - h. Horse Heaven Wind Farm
 - SEPA update..... Amy Moon, EFSEC Staff
 - 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
 - Extension request..... Ami Hafkemeyer, EFSEC Staff
 - m. Wautoma Solar
 - Project Update..... Ami Hafkemeyer, EFSEC Staff
- 6. Other
 - 1st Quarter cost allocation..... Sonia Bumpus, EFSEC Director
 - Transition update..... Dave Walker, EFSEC Staff
- 7. Adjourn..... Kathleen Drew, EFSEC Chair

Note: "FINAL ACTION" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020

Verbatim Transcript of Monthly Council Meeting

Energy Facility Site Evaluation Council

May 17, 2022



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



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

VIRTUAL MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceedings

(All participants appeared via videoconference)

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358
Buell Realtime Reporting, LLC
1325 Fourth Avenue, Suite 1840
Seattle, Washington 98101
(206) 287-9066 | Seattle
(360) 534-9066 | Olympia
(800) 846-6989 | National
www.buellrealtime.com

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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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<p>1 Kittitas Valley Wind Project? 2 Wild Horse Wind Power Project? 3 CHAIR DREW: She's not available. I think I 4 did hear Eric there. 5 MS. OWENS: I will try Kittitas Valley one 6 more time. 7 Eric Melbardis, are you on the line? 8 Grays Harbor Energy Center? 9 MR. SHERIN: Grays Harbor Energy Center, 10 this is Chris Sherin. 11 MS. OWENS: Thank you. 12 Chehalis Generation Facility? 13 MR. SCHNITGER: Stefano Schnitger, present. 14 MS. OWENS: Columbia Generating Station? 15 MR. SCHMITT: Marshall Schmitt, present. 16 MS. OWENS: Columbia Solar? 17 MR. HURD: Owen Hurd, present. 18 MS. OWENS: Council for The Environment, 19 Bill Sherman? 20 MR. SHERMAN: Present. 21 MS. OWENS: Megan Sallomi? 22 MS. SALLOMI: Present. 23 MS. OWENS: Thank you. 24 Chair, there is a quorum for the regular 25 Council.</p>	<p>1 I do have a couple of corrections. So on 2 page 28, lines 15 to 17, there was a couple phrases 3 missing there. It reads -- if you can go there. That's 4 page 28, lines 15 to 17. After, "Both sites are owned 5 by a single landowner who has submitted in addition to 6 the application," we need to insert the words, "a letter 7 of support for the projects." As Ami -- "As Ami noted, 8 each project is," and then it will conclude with "80 9 megawatts." 10 Also, on page 31, line 3, "microsigning" 11 should be "micrositing," s-i-t-i-n-g. And on line 5, 12 "sign" should be "site," s-i-t-e. 13 Were there any other corrections or changes 14 from anyone? 15 Hearing none, all those in favor of 16 approving the minutes as amended, please say "aye." 17 COUNCILMEMBERS: Aye. 18 CHAIR DREW: Opposed? 19 The minutes are amended. 20 Moving on to our facility updates, Kittitas 21 Valley Wind Project, Mr. Melbardis? 22 MR. MELBARDIS: Good afternoon, Chair Drew, 23 EFSEC Council, and Staff. There was nothing nonroutine 24 to report at Kittitas Valley for the period. For the 25 record, this is Eric Melbardis, with EDP Renewables.</p>
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<p>1 CHAIR DREW: And for the Horse Heaven? 2 MS. OWENS: Oh, pardon, yes. And for the 3 Horse Heaven Council. 4 CHAIR DREW: Thank you. 5 Moving on to our proposed agenda, you have 6 it here before you. Councilmembers, is there a motion 7 to adopt the agenda? 8 MS. KELLY: Kate Kelly, motion to adopt the 9 agenda. 10 MR. YOUNG: Lenny Young, second. 11 CHAIR DREW: Thank you. 12 Any discussion? 13 All those in favor, please say "aye." 14 COUNCILMEMBERS: Aye. 15 CHAIR DREW: The agenda is adopted. 16 Moving on to the draft minutes, which are 17 before you and were in your packet, is there a motion to 18 approve the minutes? 19 MS. BREWSTER: This is Stacey Brewster. I 20 move to approve the minutes from the April 19th Council 21 meeting. 22 CHAIR DREW: Thank you. 23 MR. LIVINGSTON: This is Mike Livingston. I 24 will second that motion. 25 CHAIR DREW: Thank you.</p>	<p>1 CHAIR DREW: Thank you. 2 Moving on to Wild Horse Wind Power Project, 3 Ms. Moon? 4 MS. MOON: Thank you, Chair Drew. As 5 Jennifer Galbraith is not here, I will just report that 6 there's no nonroutine items to report. The April 7 generation totaled 62,978 megawatt hours for an average 8 capacity factor of 32.09 percent. 9 CHAIR DREW: Thank you. 10 Chehalis Generation Facility, Mr. Schnitger? 11 MR. SCHNITGER: Good afternoon, Chair Drew, 12 Councilmembers, and Staff. The Chehalis Generation 13 Facility has a personnel change to report for the month 14 of April. Michael Adams was hired as the new plant 15 manager on April 21st. 16 CHAIR DREW: Thank you. 17 Grays Harbor Energy Center, Mr. Sherin? 18 MR. SHERIN: Good afternoon, Chair Drew, 19 Councilmembers, and Staff. For the month of April, the 20 only nonroutine item I have to report is under the -- 21 you'll see in the notes, our operating updates is under 22 the upcoming projects. 23 We submitted an application for modification 24 to our Air Operating Permit. Grays Harbor Energy Center 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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<p style="text-align: right;">Page 13</p> <p>1 completion is expected late June, substantial is late 2 July.</p> <p>3 Other than that, the new site restoration 4 financial assurance has been posted by Greenbacker, and 5 I think that the hard copy of the standby trust, I think 6 EFSEC Staff is still awaiting the hard copy of the 7 standby trust agreement. But that is supposedly in 8 transit.</p> <p>9 And we've been updating our impact 10 calculations based on final layouts, which we will be 11 using to form an updated planting plan that we will be 12 submitting to EFSEC Staff shortly.</p> <p>13 CHAIR DREW: Thank you. 14 Are there any questions from Councilmembers? 15 Thank you. 16 Moving on to the next item, which is Desert 17 Claim Wind Power Project, Ms. Moon.</p> <p>18 MS. MOON: Good afternoon, Council Chair 19 Drew and members of the Council. For the record, this 20 is Amy Moon, providing the Desert Claim update. 21 EFSEC Staff continue to coordinate with 22 Desert Claim; however, there are no project updates at 23 this time.</p> <p>24 CHAIR DREW: Thank you. 25 Moving on to the Horse Heaven Wind Farm,</p>	<p style="text-align: right;">Page 15</p> <p>1 on EFSEC's work with the Washington Attorney General's 2 Office on a land use order, as well as a brief update on 3 the adjudication plans.</p> <p>4 CHAIR DREW: Thank you. 5 Ms. Hafkemeyer? 6 MS. HAFKEMEYER: Thank you, Chair Drew and 7 Ms. Moon. Good afternoon, Council. For the record, 8 this is Ami Hafkemeyer. In your Council packet is the 9 draft Land Use Order as directed by the Council to be 10 prepared at the April Council meeting.</p> <p>11 Judge Torem is on the line, as well as Jon 12 Thompson, if there are any questions. EFSEC Staff are 13 recommending that the Council vote to approve this draft 14 order at today's meeting.</p> <p>15 CHAIR DREW: Thank you. We can take this 16 item up now, and then we'll come back for the update on 17 the adjudication.</p> <p>18 Councilmembers, you have the proposed draft 19 order on land use consistency. Are there questions or 20 discussion? 21 MS. BREWSTER: This is Stacey Brewster. Not 22 so much question, as this is a process we've been 23 working through most recently. I do want to thank Staff 24 and attorney generals and Judge Torem for their work on 25 this. It was quite clear and informative. Thank you.</p>
<p style="text-align: right;">Page 14</p> <p>1 Ms. Moon, the SEPA update, please. 2 MS. MOON: Yes. Good afternoon, Council. 3 This is Amy Moon once again. In April, EFSEC Staff 4 continued to work on the preparation of the draft 5 Environmental Impact Statement, or draft EIS. This 6 includes working closely with our contractor, Golder, 7 reviewing their draft EIS chapters, refining chapters, 8 and developing proposed minimization and mitigation 9 opportunities.</p> <p>10 The draft EIS agency coordination in the 11 past month has continued the draft EIS chapter reviews 12 in conjunction with other Washington State agencies who 13 are the State environmental resource experts.</p> <p>14 EFSEC Staff continue to work closely with 15 the Washington Department of Fish and Wildlife on 16 wildlife and habitat issues, including impact analysis 17 and opportunities for avoidance and minimization of 18 impacts.</p> <p>19 The work continues to support the applicant 20 in refining an updated mitigation plan. 21 Does the Council have any questions? 22 CHAIR DREW: Are there any questions from 23 Councilmembers? 24 MS. MOON: Okay. Then moving on. If there 25 are no questions, Ami Hafkemeyer will present an update</p>	<p style="text-align: right;">Page 16</p> <p>1 CHAIR DREW: Thanks. 2 So to recap maybe a little bit more 3 information. The Land Use Consistency Order is one part 4 of our process, which EFSEC is required to do, and it's 5 laid out in the order.</p> <p>6 So, members of the public, you can also look 7 at the order. But essentially what we're -- what we're 8 saying in this order is that we -- the plans for the 9 Horse Heaven project are consistent and in compliance 10 with the overall land use requirements of Benton County.</p> <p>11 Saying not -- since it's an allowable use 12 that's allowed conditionally under the Benton County 13 land use, then we are just saying in this order 14 essentially that it is an allowable use.</p> <p>15 We will come back in future. We're not -- 16 in -- in this action, we are not taking up the whole of 17 the project. We are taking up only whether or not this 18 is an allowable use within the local land use.</p> <p>19 So if there are conditions that come up that 20 the project needs to address, those will come up during 21 adjudication.</p> <p>22 So I just wanted to make that clear, that 23 that is essentially the action that the Council is being 24 asked to make today. 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?</p> <p>2 MS. BREWSTER: Stacey Brewster, aye.</p> <p>3 MS. OWENS: EFSEC Chair?</p> <p>4 CHAIR DREW: Kathleen Drew, aye.</p> <p>5 Is Mr. Brost on the line?</p> <p>6 MS. OWENS: No. But Department of</p> <p>7 Agriculture, Derek Sandison, should be on the line.</p> <p>8 MR. SANDISON: Derek Sandison, aye.</p> <p>9 CHAIR DREW: Thank you.</p> <p>10 MS. OWENS: The ayes have it, Chair Drew.</p> <p>11 CHAIR DREW: Thank you.</p> <p>12 Thank you all. So we have approved the</p> <p>13 order for land use consistency or for finding the</p> <p>14 proposed site consistent with land use regulations.</p> <p>15 Moving on now to the next portion of our</p> <p>16 conversation on -- are we going to talk about</p> <p>17 adjudication now, Ms. Hafkemeyer?</p> <p>18 MS. HAFKEMEYER: Thank you, Chair Drew. I</p> <p>19 only have a brief update on the adjudication.</p> <p>20 Staff are still working closely with Judge</p> <p>21 Torem to weigh decisions regarding hearing logistics and</p> <p>22 timing. We anticipate having more information on the</p> <p>23 prehearing conference and adjudication available to the</p> <p>24 Council and the public at the next Council meeting.</p> <p>25 CHAIR DREW: Okay. Thank you.</p>	<p>1 that was open from March 14th through April 12th. EFSEC</p> <p>2 Staff received 14 comments from the public, seven</p> <p>3 comment letters from other State agencies, and one</p> <p>4 comment letter from the Yakima Nation.</p> <p>5 We are working with our contractor to</p> <p>6 develop recommendations to the SEPA-responsible</p> <p>7 official, Ms. Bumpus, on what topics we would recommend</p> <p>8 to include in the Environmental Impact Statement, or</p> <p>9 EIS, for the proposal.</p> <p>10 And Staff are also continuing to coordinate</p> <p>11 with the applicant and our contracted agencies on our</p> <p>12 review of the application.</p> <p>13 Are there any questions?</p> <p>14 CHAIR DREW: Are there any questions?</p> <p>15 Are those SEPA comment letters available on</p> <p>16 our website at this point?</p> <p>17 MS. HAFKEMEYER: Yes. All the comments that</p> <p>18 we received are available on the project website for --</p> <p>19 sorry, on the Badger Mountain page of the EFSEC website.</p> <p>20 CHAIR DREW: Okay. Thank you.</p> <p>21 Moving on to Whistling Ridge Energy Project,</p> <p>22 Ms. Hafkemeyer.</p> <p>23 MS. HAFKEMEYER: Thank you, Chair Drew. At</p> <p>24 the April Council meeting, Staff provided an update</p> <p>25 about the Whistling Ridge project that Staff were</p>
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<p>1 Are there any questions from the</p> <p>2 Councilmembers?</p> <p>3 Thank you all.</p> <p>4 Moving to the next item on our agenda, I</p> <p>5 think we're on Goose Prairie Solar Project. We are.</p> <p>6 And...</p> <p>7 MR. WOOD: Hello, this is -- this is Joe</p> <p>8 Wood.</p> <p>9 CHAIR DREW: It's you. Okay, Mr. Wood. I</p> <p>10 was looking for my agenda so I could make sure --</p> <p>11 MR. WOOD: No problem.</p> <p>12 CHAIR DREW: -- who was coming next. Go</p> <p>13 ahead.</p> <p>14 MR. WOOD: This is Joe -- Joe Wood,</p> <p>15 providing the update on the Goose Prairie Solar Project.</p> <p>16 Currently, EFSEC and the applicant are</p> <p>17 working together to put together various preconstruction</p> <p>18 plans and permits for the next phase of the projects and</p> <p>19 will update the Council and Staff in future meetings.</p> <p>20 That's it.</p> <p>21 CHAIR DREW: Thank you.</p> <p>22 For Badger Mountain, Miss Hafkemeyer?</p> <p>23 MS. HAFKEMEYER: Thank you, Chair Drew.</p> <p>24 EFSEC Staff are reviewing the State Environmental Policy</p> <p>25 Act, or SEPA, scoping comments from the comment period</p>	<p>1 working with the developer to prepare an amendment to</p> <p>2 the current Whistling Ridge Site Certification</p> <p>3 Agreement, or SCA.</p> <p>4 At that meeting, Councilmember Young</p> <p>5 requested that Staff bring the Council up to date on the</p> <p>6 activity related to the project. In response to that</p> <p>7 request, Staff has enclosed related documents in your</p> <p>8 packets, and these include the five-year update that was</p> <p>9 provided to the Council in 2018 by the developer.</p> <p>10 Also available in the Council packet is the</p> <p>11 developer's request for an extension of the SCA dated</p> <p>12 March 2nd, as well as a letter from the developer,</p> <p>13 indicating that an SCA transfer request would be</p> <p>14 forthcoming to EFSEC and requests that the Council</p> <p>15 consider these actions together.</p> <p>16 Are there any questions about these</p> <p>17 documents before I provide an overview of the history of</p> <p>18 this project up to this point?</p> <p>19 CHAIR DREW: Are there any questions right</p> <p>20 now?</p> <p>21 Go ahead.</p> <p>22 MS. HAFKEMEYER: Thank you. The application</p> <p>23 for the project was submitted to EFSEC in 2009. In</p> <p>24 2012, then Governor Gregoire approved the Site</p> <p>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.
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~~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

www.buellrealtime.com

email: info@buellrealtime.com



Informational Public Meeting - 6/1/2022

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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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<p style="text-align: right;">Page 9</p> <p>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</p>	<p style="text-align: right;">Page 11</p> <p>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</p>
<p style="text-align: right;">Page 10</p> <p>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</p>	<p style="text-align: right;">Page 12</p> <p>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</p>

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1 since early 2018.
 2 Cypress's mission is to power a
 3 sustainable future, one project at a time. Obviously,
 4 in this case, we're presenting two projects, but these
 5 projects have both been thoughtfully sited to minimize
 6 impacts to the environment and community while, in our
 7 view, augmenting economic and workforce development
 8 (audio disruption).
 9 The projects are part -- part of
 10 Cypress Creek's \$500 million of planned capital
 11 investments in clean energy in the state of Washington
 12 through (audio disruption) environment. Cypress is
 13 committed to helping Washington and Washington-based
 14 organizations meet their decarbonization targets now
 15 and into the future. These targets and mandates are
 16 some of the most comprehensive in the nation, and will
 17 require the build-out of solar and renewable resources
 18 to achieve it.
 19 Next slide, please.
 20 So, as a values-oriented organization --
 21 and I'm not going to dictate or -- or read back what's
 22 on the slides here, but I will, however, summarize how
 23 we approach development with the intention of
 24 protecting the environment, creating opportunities for
 25 those in the communities where our projects are

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1 located, and supporting both local and state
 2 initiatives (audio disruption).
 3 You know, in this presentation, we'll
 4 highlight our conviction in creating community
 5 benefit, demonstrated by our requirement of our
 6 general contractor to employ a community workforce
 7 agreement for the construction of the Ostrea project.
 8 This agreement will ensure that we have
 9 preferred access for local workforce, as well as
 10 targets for the hiring of women, persons of color,
 11 veterans, other protected and disadvantaged (audio
 12 disruption). You know, we'll be highlighting the fact
 13 that we have secured offtake for the energy and
 14 environmental attributes associated with the Ostrea
 15 project, a Washington-based corporation, so the
 16 collaborative effort with our partner that we'll
 17 announce later this year in a little bit more of a
 18 formal fashion. But you know -- you know, we look to
 19 ensure that Ostrea creates a net positive benefit to
 20 the environment, community, and the work (audio
 21 disruption). We're working to replicate this with
 22 High Top in terms of offtake, and to have -- you know,
 23 with another set of partners, so we can provide the
 24 same type of local community as Ostrea.
 25 We employed our collective creativity both

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1 with our project team, inclusive of our consultants,
 2 developers, engineers, and in coordination and close
 3 consultation with a number of agencies and
 4 stakeholders, many of whom are here today at this
 5 hearing.
 6 We -- we aim to site these projects in
 7 areas where they mitigate conflict with local land
 8 use, conform with long-range land use planning, and
 9 avoid, to the greatest extent possible, any potential
 10 impacts, or serious impacts to cultural resources,
 11 sensitive habitats, species of concern, and water
 12 resources.
 13 These are all benefits in addition to the
 14 expected \$22 to \$30 million in projected property tax
 15 revenue that we will generate for the county of Yakima
 16 and its residents over the (audio disruption) of these
 17 projects.
 18 Next slide, please.
 19 So I'm going to end my introduction and
 20 pass it back over to Jess with just a couple comments
 21 here on our core competencies as an organization. You
 22 know, this is something that we feel stakeholders are
 23 always, you know, interested about, and interested in,
 24 you know, what are our capabilities to manage and
 25 develop these projects.

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1 Cypress is not just a renewable energy
 2 developer. In the past eight years, we have become a
 3 differentiated, vertically-integrated, independent
 4 power producer, a long-term asset manager and
 5 owner-operator of renewable projects across the
 6 country.
 7 We develop projects with the intent to
 8 retain those projects, and be stakeholders in those
 9 projects that we're able to create. Our development
 10 division has developed over eight gigawatts of
 11 utility-scale projects, and this is growing
 12 increasingly over time.
 13 We develop both on the transmission and
 14 distribution in community scale for utility-scale
 15 projects across the country. We're an American-based
 16 company that has financed over \$3 billion in solar
 17 projects through partnerships and relationships that
 18 we've developed over the last decade, and we also
 19 performed asset management and operations and
 20 maintenance services for our own fleet of over 200
 21 operating assets across the country, as well as for
 22 owners of hundreds of third-party operating projects
 23 across the country.
 24 Finally, Cypress Creek is financially
 25 stable. We're backed by our investor-owner, EQT

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<p style="text-align: right;">Page 17</p> <p>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</p>	<p style="text-align: right;">Page 19</p> <p>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.</p>
<p style="text-align: right;">Page 18</p> <p>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.</p>	<p style="text-align: right;">Page 20</p> <p>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</p>

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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

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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

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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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<p>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.</p>	<p>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</p>
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<p>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</p>	<p>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</p>

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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 2 process and confirm that later. 3 Another question I have, though, also is 4 about SEPA compliance, State Environmental Policy Act 5 compliance. And I -- I want to ensure -- I want to 6 recommend that these two projects, Ostrea and High 7 Top, are considered as one project under the State 8 Environmental Policy Act. Certainly, it is not 9 consistent with SEPA guidelines to piecemeal a 10 project's environmental impacts, to do a piecemeal 11 review, but rather to consider the environmental 12 impacts of the total ultimate project, and I believe 13 this represents one project. 14 It brings up another point I'd like to 15 make, and that is for consideration. The Goose 16 Prairie project east of these two projects we're 17 looking at tonight, and the Black Rock project, 18 apparently, in -- in the very close vicinity of these 19 two projects, represent four projects, and there may 20 be additional proposed solar generation projects in 21 this Black Rock Valley, Moxee Valley area. 22 So perhaps there needs to be a -- some 23 greater environmental impact consideration for the 24 combined ultimate effects, environmental impacts to 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 2 generally, the siting is of grave concern to us. 3 I will point out to the council the 4 preexisting voluntary stewardship program. It is a 5 program where the Washington Growth Management Act 6 requires counties to develop a managed population and 7 development. Those plans, under the Growth 8 Management, must identify critical areas, including 9 those on agricultural lands. It's always been a 10 tenuous situation having that requirement. 11 The voluntary stewardship program was 12 enacted into law in 2011, I believe, and it creates a 13 process where a county authority is able to join and 14 use a voluntary approach to address not only the 15 impacts of critical areas on agricultural lands, but 16 how to enhance those agricultural lands for 17 agricultural viability. 18 I will read the law. 19 [As read] It is the intent of Chapter 300, 20 laws of 2011, to promote plans to protect and enhance 21 critical areas within the area where agricultural 22 activities are conducted, while maintaining and 23 improving the long-term viability of agriculture in 24 the state of Washington, and reduce the conversion of 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 2 Moxee Valley. That could mean possible environmental 3 impact statement. It could mean a possible even state 4 legislative action to perhaps set up a mitigation fund 5 for mitigating for negative impacts, environmental 6 impacts. 7 This represents an opportunity for the 8 project proponents. Environmentalists generally 9 support -- I support this trans- -- transition to 10 solar energy, renewable energy, and away from burning 11 fossil fuels, so let's do this project right. We have 12 to do these projects right, and not make impacts. 13 That means minimize any impact -- avoid impacts where 14 we can, and mitigate fully, even for acreage that is 15 not currently existing shrubsteppe lands. 16 I guess my time's up. I'll -- I'll stop 17 there. Thank you. 18 JUDGE BRADLEY: Thank you very much. The 19 council will take your comments under consideration. 20 I note that Michael Tobin has raised his hand, and 21 also that an email was sent requesting time to speak. 22 So Michael Tobin? 23 MR. TOBIN: Thank you. 24 I'm the district manager for the North 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 2 county commissioners resolved in 2011, as part of 27 3 counties in the state of Washington, that include our 4 neighbors to the -- to the east, Benton County. 5 So what I'm talking about here, I'll just 6 point out, it's nice to be involved in a public 7 meeting for two, which are really being treated as one 8 application. But when you step back and you look at 9 the landscape from Goose Prairie to Black Rock to High 10 Top to Ostrea to the Wautoma, just in Benton County at 11 the Silver Dollar Cafe, to actions including the hop 12 hills that are currently being discussed in Solway 13 (phonetic) along the Yak- -- Benton County line, you 14 will find a very effective habitat fence that excludes 15 over 100,000 acres that is currently used by 16 shrubsteppe species that are dependent upon these 17 huge, massive landscapes. The only reason these are 18 being sited here is because -- by virtue of ill-sited 19 BPA Power lines generations ago. 20 So, again, the siting of this, I will -- 21 I'll add a -- a little number. If all of these came 22 into play in Yakima County, it would be -- constitute 23 8 miles of the open 12.5 miles along Highway 24 would 24 be changed forever. This is a land conversion that 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 --

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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

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1 C E R T I F I C A T E
 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

email: 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

Page 2

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

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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,

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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

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<p style="text-align: right;">Page 9</p> <p>1 presentation.</p> <p>2 In terms of comprehensive plan</p> <p>3 consistency, the project is consistent with the</p> <p>4 county's objective of considering energy supply</p> <p>5 alternatives, and also diversifying the regional</p> <p>6 agricultural economy.</p> <p>7 The county plan's rural and agriculture</p> <p>8 goals are also met. The project provides economic</p> <p>9 support to minimize land conversion risks.</p> <p>10 On the site itself, crop production has</p> <p>11 been nonexistent for over 25 years, and the weedy</p> <p>12 species which are dominant in the previously plowed</p> <p>13 areas are not well-suited for year-round livestock</p> <p>14 grazing. And then, of course, after its commercial</p> <p>15 life, the project would be decommissioned and removed.</p> <p>16 If we could move to the next slide.</p> <p>17 These are criteria 7b and 7g, which dive</p> <p>18 into consistency with neighboring uses. This is a</p> <p>19 very rural, remote area. As we heard earlier, the</p> <p>20 project is north of State Route 24, it's south of the</p> <p>21 Yakima Training Center, and it's 20 to 22 miles east</p> <p>22 of -- of Moxee.</p> <p>23 On the preliminary site plans, solar</p> <p>24 panels and access roads will not be within 300 feet of</p> <p>25 the Yakima Training Center, and the applicant has</p>	<p style="text-align: right;">Page 11</p> <p>1 county requirements.</p> <p>2 The County also, of course, if this were a</p> <p>3 proceeding before the hearing examiner, would have</p> <p>4 authority to impose conditions on the project, and the</p> <p>5 application for cite certification identifies</p> <p>6 development standards, and identifies mitigation to</p> <p>7 address material impacts, environmental or otherwise.</p> <p>8 At attachment O to the application, mitigation</p> <p>9 measures are outlined in the application.</p> <p>10 So the applicant has documented that the</p> <p>11 project is consistent with the county code, and by</p> <p>12 consistency, it means that they can be permitted</p> <p>13 conditionally under that the zoning code, and is</p> <p>14 consistent with the plan. And the applicant asks that</p> <p>15 the council determine that the project is consistent</p> <p>16 with the county's code and plan.</p> <p>17 Thank you. If there are any questions,</p> <p>18 I'm happy to address those.</p> <p>19 JUDGE BRADLEY: I'll start with Chair</p> <p>20 Drew. Did you have any questions for the applicant?</p> <p>21 CHAIR DREW: I do not. Thank you.</p> <p>22 JUDGE BRADLEY: Do any of the</p> <p>23 councilmembers have questions for the applicant?</p> <p>24 MS. BREWSTER: This is Stacey Brewster.</p> <p>25 One quick question regarding the property</p>
<p style="text-align: right;">Page 10</p> <p>1 consulted with the training center and completed a</p> <p>2 glare analysis, and no issues have arose in there.</p> <p>3 Also, the -- there's grazing to the east</p> <p>4 and to the west. On the west, the nearest structure</p> <p>5 is 2 -- 2 and a half to 3.6 miles away. To the east,</p> <p>6 the nearest structure is 850 feet east from Ostrea's</p> <p>7 boundary, and three miles from High Top's boundary, so</p> <p>8 there's few homes in the area. There are no schools</p> <p>9 in the vicinity. So this is an ideal location for</p> <p>10 the -- this proposed use.</p> <p>11 With regard to transportation impacts, the</p> <p>12 State Route 24 approach onto the private access road</p> <p>13 will be improved for safety and access, and, of</p> <p>14 course, county and WS-DOT requirements will all be</p> <p>15 met. The Washington State Department of</p> <p>16 Transportation has provided conceptual approval of the</p> <p>17 access, and that's at attachment P to the application.</p> <p>18 With regard to regulatory compliance and</p> <p>19 the property size, we heard earlier about the size of</p> <p>20 the property that was outlined and is under the lease</p> <p>21 control is larger than what is actually needed, so</p> <p>22 this has been ideally sized to -- for this particular</p> <p>23 use. And the county -- or the applicant will fully</p> <p>24 comply with all of the county's codes, and that</p> <p>25 includes building codes, fire codes, and any other</p>	<p style="text-align: right;">Page 12</p> <p>1 size and its compliance.</p> <p>2 Is that the two projects together are</p> <p>3 within compliance, or are we considering these</p> <p>4 separately in regard with compliance?</p> <p>5 MS. DRUMMOND: I should have clarified</p> <p>6 at -- at the outset. My comments address both</p> <p>7 projects. I know I may have referred to them in the</p> <p>8 singular, but they are both projects. And both</p> <p>9 projects have been cited so that they would fully</p> <p>10 comply with the code, and that there's plenty of room</p> <p>11 on those sites. So more is under -- for both</p> <p>12 projects, more is under lease control than is needed</p> <p>13 for those -- those projects.</p> <p>14 Also, I did want to emphasize, I mentioned</p> <p>15 earlier, on the certificate of land use consistency,</p> <p>16 I -- I believe I mentioned that, that that was -- is</p> <p>17 attached to the application for site certification.</p> <p>18 That's at the very end of attachment A. Those are</p> <p>19 the -- the correspondence from the County documenting</p> <p>20 the project's consistency with the land use code.</p> <p>21 Did that -- did that answer your question?</p> <p>22 MS. BREWSTER: Yes. Thank you.</p> <p>23 JUDGE BRADLEY: Any other councilmembers</p> <p>24 with questions?</p> <p>25 Not hearing any, Ms. Owens, are you aware</p>

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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,

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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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 24
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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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 25



Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

June 21, 2022



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



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<hr/> <p>WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL OLYMPIA, WASHINGTON TUESDAY, JUNE 21, 2022 1:30 p.m.</p> <hr/> <p>VIRTUAL MONTHLY COUNCIL MEETING VERBATIM TRANSCRIPT OF PROCEEDINGS</p> <hr/> <p>(All participants appeared via videoconference)</p> <p>REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR 2121</p>	<p>1 OLYMPIA, WASHINGTON; JUNE 21, 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 Washington Energy Site -- 8 Facility Site Evaluation Council. I'm calling our 9 meeting today, June 21st, to order. 10 Ms. Owens, will you please call the roll? 11 MS. OWENS: Department of Commerce. 12 CHAIR DREW: Excused. 13 MS. OWENS: Department of Ecology. 14 CHAIR DREW: Excused. 15 MS. OWENS: Department of Fish and Wildlife. 16 (No verbal response.) 17 MS. OWENS: Department of Natural Resources. 18 MR. YOUNG: Lenny Young, present. 19 MS. OWENS: Utilities and Transportation 20 Commission. 21 MS. BREWSTER: Stacey Brewster, present. 22 MS. OWENS: The local government and 23 optional state for the Horse Heaven project, Department 24 of Agriculture. 25 MR. SANDISON: Derek Sandison, present.</p>
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<p>1 A P P E A R A N C E S 2 3 KATHLEEN DREW, Chair 4 STACEY BREWSTER, Utilities and Transportation Commission 5 LENNY YOUNG, Department of Natural Resources 6 Local Government and Optional State Agency for the Horse 7 Heaven Project and Badger Mountain Project: 8 9 DEREK SANDISON, Department of Agriculture 10 JORDYN GIULIO, Douglas County 11 ED BROST 12 13 Assistant Attorney General: 14 15 JON THOMPSON 16 17 Administrative Law Judge: 18 19 ADAM TOREM 20 21 EFSEC Staff: 22 23 SONIA BUMPUS 24 AMI HAFKEMEYER 25 ANDREA GRANTHAM DAVE WALKER STEWART HENDERSON JOE WOOD AMY MOON PATTY BETTS Guests: OWEN HURD, Tusso Energy FELICIA PAXTON, Columbia Generating Station, WNP 1/4 STEFANO SCHNITGER, Chehalis Generation Facility CHRIS SHERIN, Grays Harbor Energy BILL SHERMAN, Counsel for the Environment MEGAN SALLOMI, Counsel for the Environment SARAH REYNEVELD, Counsel for the Environment JENNIFER GALBRAITH, Puget Sound Energy</p>	<p>1 MS. OWENS: Benton County? 2 I saw Ed on the line earlier. I'm not sure 3 if he's muted. 4 Moving on to Badger Mountain, Douglas 5 County. 6 MS. GIULIO: Jordyn Giulio, Douglas County, 7 present. 8 MS. OWENS: Thank you. 9 For -- the Assistant Attorney General Jon 10 Thompson. 11 MR. THOMPSON: Jon Thompson, present. 12 MS. OWENS: Administrative Law Judge Adam 13 Torem. 14 JUDGE TOREM: I'm here on the line. 15 MS. OWENS: Is Laura Bradley on the line? 16 For EFSEC Council staff, Sonya Bumpus. 17 MS. BUMPUS: Sonia Bumpus, present. 18 MS. OWENS: Ami Hafkemeyer. 19 MS. HAFKEMEYER: Present. 20 THE COURT: Amy Moon. 21 MS. MOON: Amy Moon, present. 22 MS. OWENS: Joe Wood. 23 MR. WOOD: Joseph Wood, present. 24 MS. OWENS: Patty Betts. 25 MS. BETTS: Patty Betts, present.</p>

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<p>1 MS. OWENS: Stew Henderson. 2 MR HENDERSON: Stewart Henderson, here. 3 MS. OWENS: Andrea Grantham. 4 MS. GRANTHAM: Andrea Grantham, present. 5 MS. OWENS: Dave Walker. 6 MR. WALKER: Dave Walker, present. 7 MS. OWENS: For operational updates, 8 Kittitas Valley Wind Project. 9 Wild Horse Wind Power Project. 10 MS. GALBRAITH: Jennifer Galbraith, present. 11 MS. OWENS: Grays Harbor Energy Center. 12 MR. SHERIN: Chris Sherin, present. 13 MS. OWENS: Chehalis Generation Facility. 14 MR. SCHNITGER: Stefano Schnitger present. 15 MS. OWENS: Columbia Generating Station and 16 WNP 1/4. 17 MS. PAXTON: Felicia Nahara-Paxton, present. 18 MS. OWENS: Columbia Solar. 19 MR. HURD: Owen Hurd, present. 20 MS. OWENS: Counsel for the Environment, 21 Bill Sherman. 22 MR. SHERMAN: Bill Sherman is present. 23 However, to -- to clarify, Sarah Reyneveld, who is also 24 on the line, is counsel for the Environment for Horse 25 Heaven and for High Top & Ostrea.</p>	<p>1 So let's move on, then, to the project and 2 operational updates. 3 Kittitas Valley Wind Project. That would be 4 Amy Moon. Ms. Moon. 5 MS. MOON: Yes. Thank you, Council Chair 6 Drew and Council. 7 For the record, this is Amy Moon providing 8 an update for Eric Melbardis of Kittitas Valley. 9 Mr. Melbardis is not available to present the update. 10 I'm going to direct your attention to the 11 Council packet for a written copy of his update. There 12 are no non-routine items to report. And if you look at 13 his written update, he provided the power generated at 14 30,958 megawatt hours capacity factor of 41 percent with 15 no incidents, no sound complaints, and no shadow flicker 16 complaints. 17 Are there any questions? 18 CHAIR DREW: Thank you. 19 Moving on to the Wild Horse Wind Facility. 20 Ms. Galbraith. 21 MS. GALBRAITH: Yes. Thank you, Chair and 22 Council Members. 23 This is Jennifer Galbraith with Puget Sound 24 Energy at the Wild Horse Wind Facility. 25 CHAIR DREW: Ms. Galbraith, your sound is</p>
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<p>1 And Megan Sallomi will be joining us later 2 as counsel for the Environment for Badger Mountain and 3 will be for Wautoma Solar when we have an opportunity to 4 send an appointment letter. 5 MS. OWENS: Okay. Great. Thank you. I've 6 got that down. 7 Chair, I believe there's a quorum for the 8 Council and for the additional projects, Horse Heaven 9 and Benton and Badger Mountain. 10 CHAIR DREW: I am actually not sure we have 11 a quorum for the Council. However, we do not have 12 Council action, so we can proceed. 13 Because I count three for the Council. I 14 did not hear that Mr. Livingston was on the line. 15 So we would have a quorum for Horse Heaven 16 and for Badger Mountain but not our regular Council. 17 But again, as we do not have actions planned, that won't 18 inhibit our work today. 19 So moving forward, then. I think what I 20 need to do, perhaps, is to forgo the approval of the 21 monthly minutes and the informational minutes until we 22 do have a quorum. And I will say we will move forward 23 on our proposed agenda. 24 We will take the minutes up in our July 25 meeting.</p>	<p>1 echoing there. 2 MS. GALBRAITH: I know. I hear that. I'm 3 not sure why. Interesting. 4 CHAIR DREW: I think you are good now. 5 MS. GALBRAITH: Shall I try to continue? 6 CHAIR DREW: Yes, please. 7 MS. GALBRAITH: Okay. Thank you. 8 So, again, this is Jennifer Galbraith with 9 Puget Sound Energy at the Wild Horse Wind Facility and I 10 have no non-routine updates for the month of May. Thank 11 you. 12 CHAIR DREW: Thank you. It may be that 13 someone is not muted who is on this call in this 14 meeting. So if you can check to make sure you're muted 15 if you're not speaking, that will help us hear those who 16 are speaking more clearly. 17 Okay. Moving on to the Chehalis Generation 18 Facility, Mr. Schnitger. 19 MR. SCHNITGER: Good afternoon, Chair Drew, 20 Council members and staff. This is Stefano Schnitger, 21 Operations Manager for the Chehalis Generation Facility. 22 The Chehalis Plant was in a planned 23 maintenance outage for the month of May. And other than 24 that, I have nothing else non-routine to report. 25 CHAIR DREW: Thank you.</p>

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1 Moving on to the Grays Harbor Energy update.
 2 Mr. Sherin.
 3 MR. SHERIN: Chair Drew, Council members,
 4 EFSEC staff, good afternoon. This is Chris Sherin, the
 5 Plant Manager for Grays Harbor Energy Center. For the
 6 month of May we have no new or non-routine items to
 7 report and we did finish our maintenance outage
 8 May 13th.
 9 CHAIR DREW: Okay. Thank you.
 10 I -- moving on to Columbia Generating
 11 Station and Washington -- WNP, Washington Nuclear
 12 Project 1 and 4. WNP 1 and 4.
 13 We have a new person reporting to us today,
 14 Felicia Nahara Paxton.
 15 Is that how you pronounce your name?
 16 MS. PAXTON: It is. You did a great job. I
 17 appreciate that.
 18 CHAIR DREW: Sure.
 19 MS. PAXTON: Good afternoon, Chair Drew,
 20 EFSEC Council and staff. I am speaking on behalf of
 21 Columbia Generating Station. We had normal operations.
 22 We -- May of 2022, we had one update regarding CGS
 23 workers and contractors wrapping up the Dry Cask Storage
 24 Campaign on May 27th.
 25 And that is all. Thanks so much.

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1 CHAIR DREW: Okay. Thank you.
 2 Moving on to Columbia Solar.
 3 Mr. Hurd.
 4 MR. HURD: Good afternoon, Chair Drew,
 5 Council members, and EFSEC staff. This is Owen Hurd
 6 from Tuusso Energy reporting on the Columbia Solar
 7 projects.
 8 On Penstemon, all communications issues with
 9 interconnections have now been resolved and the plant is
 10 operational.
 11 On Camas, we achieved completion back in
 12 March and are just finishing up and testing and
 13 preconditioning activities. Substantial completion is
 14 expected shortly, either at the end of this month or
 15 into July.
 16 Urtica, we finally completed all the power
 17 mediation and installation of the structures and the
 18 modules. The schedule is looking like mechanical
 19 completion potentially by the end of this month, but
 20 more likely July and then substantial completion, I
 21 think, early August, which is, I think, different than
 22 it was when I submitted this. But, yeah.
 23 Beyond that, we're updating appointment
 24 plans, which will be submitted to EFSEC for review
 25 shortly. And the site restoration financial assurance

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1 for the facility has been provided to EFSEC from
 2 Greenbacker. And so with this in place, my
 3 understanding is that all of the provisions of the SC
 4 transfer are complete.
 5 CHAIR DREW: That is correct. And we do
 6 have the letter from Ms. Bumpus in the Council packet
 7 saying that we have received and reviewed the Standby
 8 Trust Agreement and Letters of Credit from Greenbacker
 9 and that we have determined these instruments are
 10 sufficient and hereby release Tuusso from financial
 11 responsibility for these projects. Thank you.
 12 MR. HURD: Great. Thank you.
 13 CHAIR DREW: Next we have the Horse Heaven
 14 Wind Project.
 15 MS. MOON: Good afternoon, Council Chair
 16 Drew and Council members.
 17 For the record, this is Amy Moon providing a
 18 State Environment Policy Act update on the Horse Heaven
 19 Wind Project.
 20 In May, EFSEC staff continued to work
 21 closely with our contractor, Golder, on the preparation
 22 of the Draft Environmental Impact Statement which people
 23 shortened to "Draft EIS."
 24 Most of the Draft EIS has been through a
 25 first review and our focus is on completing second draft

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1 reviews, refinement of the Draft EIS chapters, and
 2 further development of proposed de-minimization and
 3 mitigation opportunities.
 4 Ami Hafkemeyer will present an update on the
 5 schedule and EFSEC's work with the Washington Attorney
 6 General's Office regarding the adjudication plans.
 7 Does the Council have any questions?
 8 CHAIR DREW: Are there any questions from
 9 Council members?
 10 We will now move on to the DEIS schedule
 11 update.
 12 Ms. Hafkemeyer.
 13 MS HAFKEMEYER: Thank you, Chair Drew and
 14 Ms. Moon.
 15 Good afternoon. For the record, this is Ami
 16 Hafkemeyer. I do have an update for you on the Draft
 17 EIS schedule. We are intending to issue the DEIS in
 18 August of this year. EFSEC is working closely with our
 19 contracted agencies and seeking some additional tribal
 20 input for the EIS and the incorporation of this
 21 information has extended the drafting of some sections
 22 of the EIS as well as the staff's review of some
 23 sections.
 24 We are anticipating a 30-day public comment
 25 period upon issuance of the EIS.

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1 Are there any questions?
 2 CHAIR DREW: Are there any questions for
 3 Ms. Hafkemeyer?
 4 MR. YOUNG: Yeah, this is Lenny Young. I
 5 have a question.
 6 To what extent will the DEIS address
 7 greenhouse gas emissions and carbon?
 8 MS. HAFKEMEYER: We do have information in
 9 our air resources section of the Draft EIS where we will
 10 cover some discussions to the -- to those topics, to
 11 greenhouse gases and carbon.
 12 MR. YOUNG: Thank you.
 13 CHAIR DREW: Any other questions?
 14 MS. HAFKEMEYER: Are there any other
 15 questions? Or should I go on to the next part of my
 16 update?
 17 CHAIR DREW: Go ahead.
 18 MS. HAFKEMEYER: Okay. I also have a brief
 19 adjudication update before handing the floor over to
 20 Judge Torem.
 21 EFSEC staff have created a SharePoint
 22 document library in which we will be providing both SEPA
 23 and adjudication materials for the Council's review. So
 24 when exhibits or other materials are ready for the
 25 Council to review, they will be replaced in the Council

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1 SharePoint library for this project.
 2 Are there any questions?
 3 CHAIR DREW: Thank you.
 4 Judge Torem, you are now going to give us a
 5 presentation on adjudication?
 6 JUDGE TOREM: Yes. Good afternoon, Chair
 7 Drew and, of course, other Council members.
 8 In fact, for all of our Council members, I'm
 9 going to give you a brief, very high-level overview of
 10 what to expect when we actually commence an adjudication
 11 for the Horse Heaven Wind Project or any of the other
 12 projects that might make it all the way to a contested
 13 adjudication.
 14 If you've looked at our WACs, Chapter 463-30
 15 governs adjudicative proceedings. And as you may know
 16 from other quasi-judicial proceedings, we go forward
 17 under EFSEC using the Administrative Procedure Act or
 18 the APA.
 19 What's really important for you to know as
 20 Council members is that our -- our WAC makes the
 21 Council, as a whole, the presiding officer. It allows
 22 for us to utilize an Administrative Law Judge to handle
 23 the procedural things. But the ultimate decision on
 24 each of these projects comes from you, the individual
 25 Council members, acting individually and as a whole. So

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1 you truly are the judges.
 2 What's your role in an adjudication?
 3 It is a little different than today where
 4 you are listening for input and although we're not
 5 seeing any Council action today, when you take action
 6 under an adjudication, your role is an evaluator of
 7 evidence and you are the ultimate decision-makers.
 8 This means that there's going to be -- and
 9 I'll talk about this a little bit later, not today --
 10 limits on your ability to communicate with each other
 11 and limits on your ability to communicate with
 12 participants and the public. It's what we call "limits
 13 on ex parte communication."
 14 I'll give you a detailed handout on that in
 15 the future and a detailed briefing. But just know, as
 16 your role changes in an adjudication, your most
 17 important aspect to keep clear: You have to be fair;
 18 you have to be impartial in your fact finding; you've
 19 got to stay open-minded about the ultimate outcome of
 20 things; and you've got to be free from any undue
 21 influence.
 22 So keeping those roles in mind, what is an
 23 adjudication and how does it kick off?
 24 You'll see this in the weeks ahead, probably
 25 sometime in July or early August, when the Council

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1 issues an order commencing adjudicative proceeding.
 2 That's the formal notice we give to all of the public
 3 that we're taking up an application and setting a formal
 4 hearing under the APA. We'll identify the parties to
 5 each one of these projects. All of you that are members
 6 of the Council, your agency is going to be a party and
 7 may be actively participating in it. The applicant will
 8 be a party. Council for Environment will also be a
 9 party.
 10 But then there come the interveners. These
 11 are other members of the public or group that think they
 12 have a sufficient and discrete interest in some or all
 13 aspects or a proposed project that they want to be
 14 actively involved as litigants, not just giving a public
 15 comment, but calling witnesses, cross-examining
 16 witnesses, and acting through counsel, typically, at the
 17 hearing to influence things and present evidence for you
 18 to consider.
 19 There will be in that order commencing
 20 adjudicative proceeding a deadline for petitions for
 21 intervention to be filed, and then those will be ruled
 22 upon by the Council and various interveners will be
 23 granted status and given status as to what their
 24 limitations might be if they are on a particular topic.
 25 If they are aligned with other parties, they will be

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1 grouped together so we can have an efficient proceeding.
 2 There are a number of details about how that
 3 occurs in the order commencing adjudicative proceeding
 4 and those are taken from our WAC as well and our RCWs.
 5 At this point, the Council hasn't done
 6 anything, but I, as the Administrative Law Judge for
 7 Horse Heaven will then schedule a prehearing conference
 8 with those interveners and other parties, and at that
 9 time we'll start to really put dates on a calendar and
 10 coordinate with the Council members to make sure we know
 11 exactly when the hearing is going to be held; what
 12 method it's going to be held by. Probably given our
 13 current state of government and post-COVID restrictions,
 14 it will be a hybrid hearing or an entirely virtual
 15 hearing.
 16 What do you have to do?
 17 Show up. Be there. Be ready.
 18 And what does it mean to "be ready"?
 19 Those prehearing conferences are going to
 20 set a schedule for parties to present their evidence.
 21 Some of it will be presented in advance. Parties,
 22 typically in these proceedings, have witnesses that give
 23 detailed expert opinions and they give the foundation
 24 for those topics that they are testifying on -- they
 25 give their background and qualifications and they submit

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1 that in writing in advance of what's called "pre-filed
 2 testimony."
 3 That's probably how the Horse Heaven Wind
 4 Project is going to go ahead.
 5 The parties will most likely choose to
 6 present their expert testimony direct exam in advance.
 7 They'll call the witness at the hearing; they'll adopt
 8 that written testimony. Maybe they'll add a few more
 9 things. But you've had to have read that in advance so
 10 you are ready to understand the content of the other
 11 party's cross-examination and ready to ask your own
 12 questions.
 13 You will be involved, at some point,
 14 probably using that document library that Ami referenced
 15 earlier to have access to pre-filed testimony and to
 16 prepare your questions.
 17 The APA hearing is where the parties bring
 18 everything together. That's the formal hearing. And
 19 again, you should plan on attending each and every
 20 hearing session so you can hear the evidence, see the
 21 evidence, and have that opportunity to ask questions.
 22 If you're absent, you're definitely going to
 23 be required to review a transcript from any missed
 24 session and that can be a bit tedious. But if
 25 necessary, if you have an excused absence, it makes sure

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1 that you are fully informed by the time we get to the
 2 end of the hearing.
 3 We'll be scheduling substantive
 4 presentations by topic. If you take a look at
 5 WAC 463-30-300, it has a general suggestion of how the
 6 Council expects to conduct the hearing by topic and
 7 schedule those things. And I'll be working with the
 8 parties, with the applicant, with Counsel for the
 9 Environment, and with the interveners to set up when
 10 those presentations will be going forward.
 11 We'll also have a separate public comment
 12 hearing so that members of the public have a chance to
 13 give you their input in one, two, or three minute
 14 bursts. We'll see how that goes, depending on how many
 15 people sign up.
 16 Then, deliberations. Once all the evidence
 17 is in, the Council has to put it all together. The
 18 applicant and the interveners will have done their job.
 19 Now it is up to us, as a council -- it is up to you as a
 20 council to make sure you've taken in all that evidence
 21 and evaluate it in conjunction with any of the legal
 22 briefing that's provided as well.
 23 I hear we're getting a bit of an echo. So
 24 if people could check their mute button.
 25 The idea for those deliberations is to

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1 resolve each and every contested issue presented to the
 2 Council as a result of the application and the
 3 adjudication.
 4 You're going to be discussing approval
 5 versus rejection of an application and all the
 6 appropriate conditions you would suggest on the project
 7 and on the individual sites.
 8 And, finally, that all gets reduced to
 9 writing as a recommendation to the Governor. The
 10 recommendation has a lot of moving parts and on top of
 11 the narrative that sets out who the parties were and who
 12 the issues -- what issues were raised and how the
 13 Council resolved them; there will be findings of fact
 14 and conclusions of law; and then there will also be the
 15 Final Environmental Impact Statement.
 16 The DEIS that has been mentioned multiple
 17 times leading up to today and is supposed to come out in
 18 August. That will be after the public comment and
 19 everything else turned into a Final Environmental Impact
 20 Statement or "FEIS," and that will go in the
 21 recommendation to the Governor.
 22 So the adjudication track is informed by
 23 SEPA and the DEIS, but those are two separate tracks
 24 that come together, again, in the recommendation to the
 25 Governor.

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<p style="text-align: right;">Page 21</p> <p>1 So what do you take from this? 2 We're really at the point where we're ready 3 to tell Council members soon. We'll be scheduling a 4 time for the adjudication. How much time, I can't tell 5 you. It depends on the number of witnesses and 6 contested issues, but it could be a week. It could be 7 longer. It could be a little bit shorter. But in the 8 ballpark of a full week of a hearing, multiple hours per 9 day and some evenings we'll be scheduling something 10 called an adjudication to what I've just given you -- 11 really the 30,000-foot overview of what to expect. 12 But again, your role, be there, evaluate, 13 and you individually judge and discuss and deliberate 14 that evidence. 15 Chair Drew, I hope that that gives them an 16 idea of what's coming in this case and perhaps in Badger 17 Mountain and others to follow. 18 CHAIR DREW: Thank you. 19 I will ask Council members -- that was a lot 20 of information from Judge Torem -- are there any 21 questions at this point? Understanding that we will 22 give more details and more opportunities for questions 23 as it goes forward. 24 MR. YOUNG: Judge Torem, this is Lenny Young 25 with DNR.</p>	<p style="text-align: right;">Page 23</p> <p>1 dates to participate in a hearing. 2 But if it is beyond procedural matters, you 3 would have to step out and excuse yourself. 4 If you do find yourself in a position where 5 you've heard things, step out of the room. But then 6 come back to the Council and you'll have a chance to 7 report, oh, I was at a meeting. I accidentally didn't 8 realize they were going to go into substance. But I did 9 step out of the room. 10 That kind of report can cure an ex parte 11 communication and make sure you're not unintentionally 12 disqualified from participating in some or all of the 13 ongoing adjudication. 14 I'll get you some more detailed rules and 15 suggestions on how to avoid ex parte communications that 16 are improper and give you a handout on that in the weeks 17 ahead for all Council members to review. 18 But just consider that you can't hear 19 anything and participate in anything that might unduly 20 influence your participation in EFSEC's adjudication. 21 I hope, Mr. Young, that gives you a little 22 flavor of what to avoid when you are back doing your 23 regular duties at DNR. 24 MR. YOUNG: Yes, it does. Thank you. 25 Would the same guidance generally apply to</p>
<p style="text-align: right;">Page 22</p> <p>1 Could you speak specifically to limits on 2 our communications within our own organization? In my 3 case, within my own agency. 4 JUDGE TOREM: Yes. Mr. Young, at this 5 point, as we get ready to have the adjudication, you're 6 a member of the Council and also doing your own job in 7 your agency. 8 For all of the Council members, you know the 9 Horse Heaven Project is something you can't discuss 10 actively with other members of your agency that might be 11 taking a position as a party in the case. They can't 12 have any communication with you that might influence 13 your deliberations that doesn't occur in an open EFSEC 14 meeting as part of adjudication or one of these monthly 15 meetings. 16 So if you're at DNR-specific meetings that 17 might bring up the Horse Heaven Project, be sure to 18 identify yourself as an EFSEC Council member and, 19 therefore, you might have to step out of the room and 20 not participate in any substantive discussions about 21 this project that's pending before your role as a 22 Council member. 23 You could be in the room for things that 24 just come up procedurally, such as talking about when 25 they might be scheduling a discussion or if there are</p>	<p style="text-align: right;">Page 24</p> <p>1 internal written communications and reports and memos 2 and such? 3 JUDGE TOREM: I would think, yes. I would 4 defer a little bit to your legal counsel or to Attorney 5 General John Thompson on specific items. If you're 6 receiving routine communications as part of a pass 7 around the agency and you've got to sign off on pieces, 8 you might ask your supervisors to take you off anything 9 that circulates on a project pending before EFSEC for a 10 contended adjudication. 11 It just depends on the nature of what's in 12 those written communications. If they are advocating a 13 DNR position that will be taken up before EFSEC, that's 14 a pretty clear line. 15 If they are just mentioning who they are 16 hiring to do their expert testimony, you're going to 17 know that in the course of things. So that would be a 18 procedural item, I would think. 19 If you have specific questions, you can -- 20 you can contact me and/or Mr. Thompson and we can go 21 over it with you today together and have a much more 22 "here's what's happening specifically" and give it more 23 specific advice. 24 MR. YOUNG: Thank you, sir. Much 25 appreciated.</p>

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1 JUDGE TOREM: You're welcome.
 2 CHAIR DREW: Are there other questions from
 3 Horse Heaven Wind Project, Council members?
 4 MR. BROST: This is Ed Brost. I just have
 5 one question for the judge.
 6 Would you have what you've said in the --
 7 the two-minute overview you gave, do you have that
 8 summarized in a written document of some sort you can
 9 share?
 10 JUDGE TOREM: I do, Mr. Brost. I just have
 11 a very brief bullet point outline that I can make sure
 12 you get the most updated copy of. I will submit that to
 13 the EFSEC manager and let her circulate that to Council
 14 members.
 15 There will also be -- still in process of
 16 being updated from the last one used in 2015 -- an
 17 adjudication introduction to the process. And that will
 18 also include the ex parte communication guidelines that
 19 we've mentioned today.
 20 So if you'd like the bullet point outline,
 21 that's available now. And I'll circulate the updated
 22 copy of that to EFSEC staff to pass that along.
 23 MR. BROST: Super. That would be great.
 24 Thank you.
 25 CHAIR DREW: Any other questions?

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1 Again, we're hearing typing, so whoever is
 2 typing, please mute. Thank you.
 3 Before we leave the topic of the Horse
 4 Heaven Wind Project, I want to let the Council know --
 5 I'm hearing an echo on myself there.
 6 Okay.
 7 And all those who are present at this
 8 meeting that we did take an action during last monthly
 9 meeting, which is the Order on Land Use Consistency.
 10 And we were unable to hear from Councilman Brost during
 11 the proceeding because of technical difficulties. But
 12 he did send an email asking that his vote be recorded as
 13 a "no" vote.
 14 And so I wanted to say that into the record,
 15 because that is how it is reflected following those
 16 communications.
 17 So moving on, then. I think are we ready to
 18 move on to our next agenda item.
 19 I think we are.
 20 Goose Prairie Solar Project, and I believe
 21 that is Mr. Wood.
 22 Mr. WOOD: Yes, thank you.
 23 Good afternoon, Chair Drew, EFSEC Council,
 24 and staff.
 25 This is Joe Wood providing the monthly

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1 updating for the Goose Prairie Solar Project in Yakima
 2 County, Washington.
 3 EFSEC staff continues to work with
 4 Brookefield, the new owner of Goose Prairie, LLC, on
 5 preconstruction surveys and plans. Recently a rare
 6 plant survey was performed. We don't know the results
 7 of that yet. But the results of that will inform the
 8 habitat mitigation plan and other pre-construction and
 9 construction plans.
 10 In terms of construction schedule, I thought
 11 it was worth mentioning that Brookefield hopes to begin
 12 construction in the fall of 2022, if possible. But a
 13 target date of completion is actually before the end of
 14 2023. And so that's largely due to apparently some
 15 supply chain issues. But construction schedule
 16 certainly depends on timely submission of draft plans
 17 and modifications to those.
 18 That said, EFSEC will continue to work with
 19 Brookefield to obtain all the required surveys and
 20 needed preconstruction and construction plans and we'll
 21 continue to update the Council as things progress.
 22 And that's all I have for today. Thanks.
 23 CHAIR DREW: Thank you.
 24 Are there any questions for Mr. Wood?
 25 Thank you.

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1 Moving on to our next item on the agenda is
 2 Badger Mountain update.
 3 Ms. Hafkemeyer.
 4 MS. HAFKEMEYER: Thank you, Chair Drew.
 5 Again, this is Ami Hafkemeyer for the
 6 record.
 7 EFSEC staff are working in review of the
 8 SEPA scoping comments and with the SEPA-responsible
 9 official to narrow the resources to be examined for the
 10 Draft EIS.
 11 EFSEC staff are also coordinating with the
 12 applicant and Department of Natural Resources to
 13 potentially schedule a site visit in the coming weeks as
 14 needed.
 15 Are there any questions?
 16 CHAIR DREW: And that would be a site visit
 17 for the staff?
 18 MS. HAFKEMEYER: For EFSEC staff to attend
 19 with the applicant and the Department of Natural
 20 Resources in support of cultural resources information.
 21 CHAIR DREW: Okay. Thank you. Thank you.
 22 For that purpose, we will plan to have a
 23 Council site visit in the future, but not during this
 24 phase of the project. I just wanted to clarify that.
 25 Are there any other questions for

Verbatim Transcript of Monthly Council Meeting - 6/21/2022

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1 Ms. Hafkemeyer?
 2 Okay. Thank you.
 3 Moving on to the Whistling Ridge Project
 4 update.
 5 Ms. Hafkemeyer.
 6 MS. HAFKEMEYER: Thank you.
 7 EFSEC staff are waiting for the certificate
 8 holder to submit the remaining materials for the SCA
 9 amendment request. They have let us know that they will
 10 need a little bit more time to put that together. And
 11 we will keep the Council up-to-date as we receive more
 12 information.
 13 CHAIR DREW: Thank you.
 14 Moving on to High Top & Ostrea.
 15 Ms. Hafkemeyer.
 16 MS. HAFKEMEYER: Thank you.
 17 On June 1st, EFSEC held the public
 18 informational meeting and the land use consistency
 19 hearing. We had three speakers at the informational
 20 meeting and one at the land use consistency hearing.
 21 No comments were received online for these
 22 meetings.
 23 EFSEC is continuing its review of the
 24 application and coordination with our contracted
 25 agencies.

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1 Are there any questions?
 2 CHAIR DREW: Are there any questions?
 3 And again, we will review and approve the
 4 minutes for those two projects at -- I mean, for those
 5 two meetings of that project at the next Council meeting
 6 since we are unable to do so today.
 7 Okay. Thank you.
 8 And then moving on to Wautoma Solar Project
 9 update.
 10 Ms. Hafkemeyer.
 11 MS. HAFKEMEYER: Thank you.
 12 EFSEC staff are currently working on our
 13 review of this application and are coordinating with
 14 their contracted agencies for their review.
 15 Staff are also working to schedule the
 16 public informational meeting and land use consistency
 17 hearings for this project. So if you have not already
 18 heard from EFSEC staff about your availability, we will
 19 be reaching out shortly to determine what everybody's
 20 schedules are for those meetings.
 21 CHAIR DREW: Do we have roughly a time frame
 22 that we are looking at for those meetings?
 23 MS. HAFKEMEYER: Our time frame, I'm afraid
 24 the date for the 60-day timeline is escaping me, but I
 25 want to say mid to late August.

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1 CHAIR DREW: Okay. And that's because of
 2 the fact that we received the application, but we
 3 received the deposit by the applicant later and we are
 4 going by the deposit -- the date of the deposit from the
 5 applicant for the 60-day time frame; is that correct?
 6 MS. HAFKEMEYER: Correct. Technically, the
 7 deposit is not -- or the application is not technically
 8 received in full until EFSEC has received the deposit.
 9 And so that's where we start calculating our timelines.
 10 CHAIR DREW: Thank you.
 11 I just wanted to also -- the Council members
 12 to have in mind an expectation of when those meetings
 13 might occur.
 14 So we're looking at mid to late August.
 15 MS. HAFKEMEYER: Correct.
 16 Are there any questions from Council members
 17 at this time?
 18 CHAIR DREW: Any other questions?
 19 Okay. Hearing none. Thank you.
 20 And that concludes our agenda for today.
 21 So at this point, we will adjourn and we'll
 22 see everybody next month. Thank you for your time.
 23 (Meeting concluded at 2:07 p.m.)
 24
 25 -o0o-

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1 C E R T I F I C A T E
 2
 3
 4 STATE OF WASHINGTON)
) ss.
 5 COUNTY OF KITSAP)
 6
 7 I, CRYSTAL R. McAULIFFE, a Certified Court
 8 Reporter in and for the State of Washington, do hereby
 9 certify that the foregoing transcript of the
 10 videoconference monthly Council meeting on JUNE 21,
 11 2022, is true and accurate to the best of my knowledge,
 12 skill and ability.
 13 IN WITNESS WHEREOF, I have hereunto set my hand
 14 and seal this 5th day of July, 2022.
 15
 16
 17 
 18 CRYSTAL R. McAULIFFE, RPR, CCR #2121
 19
 20
 21
 22
 23
 24
 25



EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: July 6, 2022
Reporting Period: June 2022
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 27975 MWh
 - Wind speed: 8.16 m/s
 - Capacity Factor: 38.55%
-

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: July 8, 2022
Report Period: June 2022
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

June generation totaled 39,024 MWh for an average capacity factor of 19.88%.

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: July 11, 2022
Reporting Period: June 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.

- 323 net MW-hrs generated in May for a capacity factor of 0.1%.

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

Environmental Compliance

-Monthly Water Usage: 37,400 gallons

-Monthly Wastewater Returned: 7,487 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 2,526 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 in June.
- 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: July 19, 2022

Reporting Period: June 2022

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 11,175MWh during the month and 940,353MWh YTD.

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

Environmental Compliance

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

-Routine monthly, quarterly, and annual reporting to EFSEC

- Monthly Outfall Discharge Monitor Report (DMR).

Safety Compliance

-None.

Current or Upcoming Projects

-- Application for a Modification to the Air Operating Permit submitted to EFSEC in April. 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

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

Operator: **Energy Northwest**

Report Date: **July 7, 2022**

Reporting Period: **June 2022**

Site Contact: **Felicia Najera-Paxton**

Facility SCA Status: **Operational**

CGS Net Electrical Generation June 2022: **650,116 MW-Hrs**

Environmental Compliance:

No update.

Safety Compliance:

- The 2022 World Association of Nuclear Operators (WANO) peer review of Columbia Generating Station (CGS) commenced at the June 21 emergency response organization (ERO) Emergency Preparedness drill. WANO completed the emergency management performance evaluation (EMPE) which reviews the ability of station workers to prepare for and respond to emergency conditions at the station.
- Washington State Fire Marshal re-inspection of the Industrial Development Complex and CGS non-power block buildings on June 15.

Current or Upcoming Projects

No update.

Other

No update.

EFSEC Monthly Council Meeting Facility Update

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

Operator: Tuusso Energy, LLC

Report Date: July 8, 2022

Reporting Period: 30-days ending July 8, 2022

Site Contact: Owen Hurd

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Plant is currently operational
 - Weeds have been sprayed
 - Camas
 - Achieved Mechanical Completion on March 23rd
 - Inverter issues recently resolved; Substantial Completion expected shortly
 - Urtica
 - Mechanical Completion expected shortly
 - Substantial Completion expected in late-August
-

Other

- Currently in discussions with EFSEC staff re: planting plans

Horse Heaven Wind Project

July 2022 project update

[Place holder]

Goose Prairie Solar Project

July 2022 project update

[Place holder]

Badger Mountain Solar Energy Project

July 2022 project update

[Place holder]

Whistling Ridge Energy Project

July 2022 project update

[Place holder]

High Top and Ostrea Solar Project

July 2022 project update

[Place holder]



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ENERGY FACILITY SITE
EVALUATION COUNCIL

July 8, 2022

Washington Energy Facility Site Evaluation Council

Sonia Bumpus
EFSEC Manager
PO Box 43172

Subject: Extension Request for High Top Solar, LLC Project and Ostrea Solar, LLC Project

Dear Ms. Bumpus,

On behalf of Cypress Creek Renewables, LLC, project proponent, this letter requests the Energy Facility Site Evaluation Council's (EFSEC) agreement that the processing time of the High Top Solar, LLC Project and the Ostrea Solar, LLC Project Application for Site Certification (ASC) be extended an additional 10 weeks, to October 20, 2022.

The High Top Solar, LLC Project and the Ostrea Solar, LLC Project ASC was filed with EFSEC on April 7, 2022. Through discussions with EFSEC staff, we understand the review of the ASC application and the expediated requested has taken longer than anticipated due to delays in the formal agency response and staffing challenges.

While we certainly hope that a recommendation from EFSEC and a decision by the Governor will occur before the end of 2022, we also want to allow adequate time for all parties and agencies to review the ASC application, coordinate on the mitigation requests, and be able to conduct the requested reviews and approvals at the regularly scheduled EFSEC council staff meetings.

Sincerely,

Tai Wallace

Senior Director, Development
Cypress Creek Renewables, LLC

cc: Jess Mosleh, Associate Project Developer

Wautoma Solar

July 2022 project update

[Place holder]

Energy Facility Site Evaluation Council

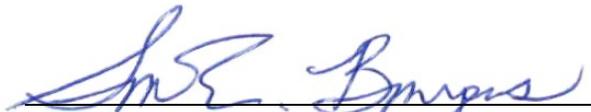
Non-Direct Cost Allocation for 1st Quarter FY 2023

July 1, 2022 – September 30, 2022

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

Using the procedures for developing cost allocation, and allowance for new projects, the following percentages shall be used to allocate EFSEC's non direct costs for the 1st quarter of FY 2023

Kittitas Valley Wind Power Project	4%
Wild Horse Wind Power Project	4%
Columbia Generating Station	22%
Columbia Solar	5%
WNP-1	3%
Whistling Ridge Energy Project	3%
Grays Harbor 1&2	8%
Chehalis Generation Project	8%
Desert Claim Wind Power Project	3%
Goose Prairie Solar Project	5%
Horse Heaven Wind Farm Project	15%
Badger Mountain	7%
Cypress Creek Renewables	7%
Wautoma Solar Project	6%


Sonia E. Bumpus, EFSEC Manager

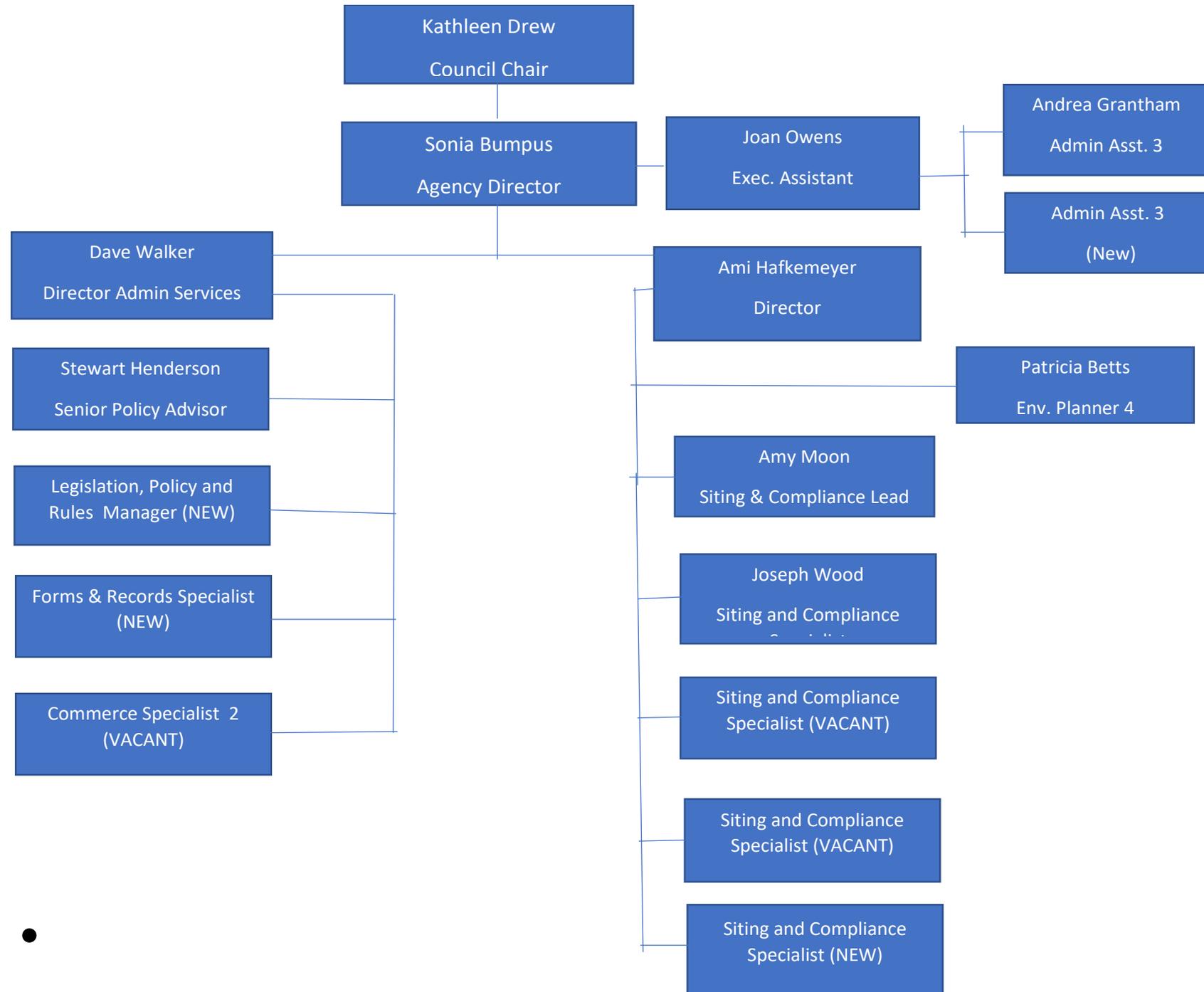
Date: 7/14/22



EFSEC Transition Update

July 19, 2022

Organizational Structure



What Changed?

Sonia Bumpus – EFSEC Director

Joan Owens – Executive Assistant to the Director

Andrea Grantham – Admin Assistant 3

Ami Hafkemeyer – Director of Siting and Compliance

Dave Walker – Director of Administration (Temp)

Amy Moon – Senior Siting and Compliance Specialist (Lead)

Cindy Smith – Interim Contractor for Media Relations

Recruitments and New Positions:

Currently Recruiting:

- Environmental Planner
- Siting and Compliance Specialists (2)
- Commerce Specialist
- Forms and Records Analyst (New)

New – Not Yet Recruiting:

- Director of Administration
- Legislation, Policy and Rules Manager
- Admin Assistant
- Siting and Compliance Specialist

Priorities



Recruit New and Vacant Positions



Establish Contracts for Services (i.e., Media, Communications, Records Management, etc.)



Update External Website and Develop Intranet Resources for Staff



Begin Developing a Larger Presence for Open Data



Establish Agency Policies



Review Cost Recovery Model



Development of Internal Administrative Processes (i.e., PRRs, Public Comments Forum, Pre-Applications, Green Hydrogen, Clean Energy Manufacturing, etc.)

QUESTIONS?

