



Washington State Energy Facility Site Evaluation Council

REVISED AGENDA

MONTHLY MEETING
Tuesday September 20, 2022
1:30 PM

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

- 1. Call to Order
2. Roll Call
3. Proposed Agenda
4. Minutes
5. Projects
6. Adjourn

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

Public Meeting (Date of Recording August 8, 2022)

In Re: Wautoma Solar Project

August 8, 2022



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 WAUTOMA SOLAR INFORMATIONAL MEETING/LAND USE CONSISTENCY HEARING
 August 8, 2022

Present at Meeting:

STATE AGENCY MEMBERS
 Kathleen Drew, Chair; Kate Kelly, Commerce;
 Eli Levitt, Ecology; Mike Livingston, Fish and Wildlife;
 Lenny Young, Natural Resources

WAUTOMA SOLAR:
 Dave Sharp, Benton County; Paul Gonseth, WSDOT

COUNCIL STAFF:
 Sonia Bumpus, Ami Hafkemeyer, Joe Wood, Stew Henderson,
 Joan Owens, Andrea Grantham

Counsel for the Environment: Megan Sallomi

Official Transcript of Recording
 Court-Certified Transcription

TRANSCRIBED BY: Marjorie Jackson, CET

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1 application for site certification from Innergex Renewable
 2 Development, LLC, the applicant for a 470 megawatt solar
 3 volt- -- photo voltaic PV generation facility with battery
 4 storage located in unincorporated Benton County, Washington.
 5 The ASC and -- again, that's the application -- and other
 6 materials are posted on our website on the application page.
 7 As required by RCW 80.50.090 and WAC 463-26-025, EFSEC is
 8 holding this public informational meeting. At this meeting,
 9 EFSEC staff and the Applicant will introduce themselves, and
 10 the counsel for the environment, and Assistant Attorney
 11 General appointed by the Washington Attorney General will be
 12 introduced and will explain the duties of this position.
 13 The Applicant and EFSEC staff will then make presentations.
 14 Following the presentations, the public will be invited to
 15 provide comments.
 16 And at this point, I would ask Ms. Grantham to call the
 17 roll for the EFSEC Council.
 18 MS. GRANTHAM: Department of Commerce.
 19 MS. KELLY: Kate Kelly, present.
 20 MS. GRANTHAM: Thank you.
 21 Department of Ecology.
 22 MR. LEVITT: Eli Levitt, present.
 23 MS. GRANTHAM: Department of Fish and Wildlife.
 24 MR. LIVINGSTON: Mike Livingston, present.
 25 MS. GRANTHAM: Department of Natural Resources.

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1 -oOo-
 2 August 8, 2022
 3

4 CHAIRMAN DREW: Good evening. I'm Kathleen Drew,
 5 Chair of the Energy Facility Site Evaluation Council.
 6 And I hear an echo. Is this my own?
 7 JUDGE GERARD: (Inaudible) your computer. You got to
 8 be on mute.
 9 CHAIRMAN DREW: Huh. That was me leaving my computer
 10 unmuted. So for all of you out there, please don't do what
 11 I just did, and mute your computers or your phones if you
 12 are attending virtually.
 13 This is the first of our meetings which we've held both in
 14 person and virtually, so bear with us if we stumble a little
 15 bit through this venue. But we welcome you all, whether
 16 you're here in person or virtually attending.
 17 This is the two meetings here tonight. One is the
 18 Informational Public Meeting for the Wautoma Project, and
 19 the second will be the Land Use Consistency Hearing. There
 20 is opportunity to provide public comment in both meetings.
 21 And if you speak to one, for example, the public
 22 informational meeting, and want to also give your comment
 23 about land use at the same time, that's fine, too. We can
 24 sort them out to where they belong.
 25 But to begin with, let me just state that this is for the

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1 MR. YOUNG: Lenny Young, present.
 2 MS. GRANTHAM: Utilities and Transportation
 3 Commission.
 4 CHAIRMAN DREW: Excused.
 5 MS. GRANTHAM: Local Government and Optional State
 6 Agencies, Benton County.
 7 MR. SHARP: Present.
 8 MS. GRANTHAM: Washington State Department of
 9 Transportation.
 10 MR. GONSETH: Paul Gonseth.
 11 MS. GRANTHAM: Administrative -- or excuse me --
 12 Assistant Attorney General.
 13 (No audible reply)
 14 MS. GRANTHAM: Administrative Law Judge.
 15 JUDGE GERARD: Dan Gerard, present.
 16 MS. GRANTHAM: For EFSEC staff, Sonia Bumpus.
 17 MS. BUMPUS: Sonia Bumpus, present.
 18 MS. GRANTHAM: Ami Hafkemeyer.
 19 MS. HAFKEMEYER: Ami Hafkemeyer, present.
 20 MS. GRANTHAM: Amy Moon.
 21 CHAIRMAN DREW: Excused.
 22 MS. GRANTHAM: Joe Wood.
 23 MR. WOOD: Joe Wood, present.
 24 MS. GRANTHAM: Patty Betts.
 25 (No audible reply)

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1 MS. GRANTHAM: Stew Henderson.
 2 MR. HENDERSON: Stew Henderson, present.
 3 MS. GRANTHAM: Joan Owens.
 4 JOAN OWENS: Present.
 5 MS. GRANTHAM: Dave Walker.
 6 (No audible reply)
 7 MS. GRANTHAM: For the Counsel for the Environment,
 8 Bill Sherman.
 9 MS. SALLOMI: It's just Megan Sallomi as Counsel for
 10 the Environment.
 11 MS. GRANTHAM: Okay. Thank you.
 12 CHAIRMAN DREW: Thank you. There is a quorum of the
 13 Council tonight.
 14 First -- next on our agenda is the introduction of the
 15 Counsel for the Environment. Ms. Sallomi, will you -- it
 16 did say you were here. Will you please let the people who
 17 are attending know what your role is as Counsel for the
 18 Environment?
 19 MS. SALLOMI: Sure. Thank you, Chairman Drew.
 20 I'm here on video so hopefully you can see me. My name is
 21 Megan Sallomi. I'm an attorney with the Washington State
 22 Attorney General's office. The Attorney General appointed
 23 me to represent the public and its interests in protecting
 24 the quality of the environment in this proceeding in this
 25 proceeding before EFSEC.

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1 That means that I may be presenting evidence or
 2 argument to the Energy Facilities Sight Evaluation
 3 Council, which they can take into account when they make
 4 their decision on the Wautoma solar project.
 5 So I do not work for the Council, and I am will not make
 6 the ultimate the decision on whether to approve the project,
 7 But I will be advocating for the public and their interests
 8 in protecting the environment before the Council in
 9 his case
 10 And I'll also just say that I'm going to be attending
 11 to this meeting tonight, but also if anyone would like
 12 to speak with me outside of this meeting about
 13 environmental questions or other public interest
 14 concerns regarding this project, I would be happy to
 15 hear from you. My phone number is 206-389-2437, and I
 16 will also put that into the chat if I can. Thank you.
 17 CHAIRMAN DREW: Thank you.
 18 Next on our agenda is the presentation by Innergex. And
 19 if
 20 you give us just a couple of minutes so that we can walk
 21 away from the stage here, and we do have seats down there.
 22 It might take us a couple minutes.
 23 MS. O'NEILL: Okay. Good evening, Chair Drew,
 24 Councilmembers, and all attendees. Thank you for having us
 25 here to present information about the proposed Wautoma Solar

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1 Project. How are we doing?
 2 Okay. There you go. There we go. We'll start over.
 3 That's better. Good evening, Chair Drew,
 4 Councilmembers, and all attendees. Thanks for having us
 5 here to present information on the proposed Wautoma
 6 Solar Project. My name is Laura O'Neil. I'm
 7 a senior coordinator in Innergex's environment group, and
 8 I'm joined by my colleagues Nuno Louzeiro our director
 9 of development, and Ellen Bird, our manager of
 10 community relations. We represent Innergex Renewable
 11 Energy, which is a publicly traded renewable power
 12 generator.
 13 Next slide, please.
 14 The intent today is to provide an overview of Innergex and
 15 the Wautoma Solar Project. We'll cover information on how
 16 the project was selected, site selection; environmental
 17 studies conducted, project benefits, and the projected
 18 development timeline. I'll now turn things over to Ellen to
 19 provide an introduction to Innergex.
 20 MS. BIRD: Okay. So as -- oh, sorry, next slide,
 21 please.
 22 As a publicly traded dividend-paying company, we intend to
 23 be the long-turn [sic] -- term owner and operator of the
 24 project, and therefore we have a long-term commitment to the
 25 community. This is a fundamental value for Innergex, which

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1 guides our development practices and where we integrate
 2 people, the planet and shared prosperity.
 3 Next slide, please.
 4 So we were founded over 30 years ago in 1990. We've been
 5 active in the U.S. for 15 of those years. And we're a
 6 leader in solar, wind and hydro operations, and we have
 7 these operations across Canada, the U.S., Chile, and France.
 8 While our headquarters are in Canada, we have a head office
 9 in San Diego, California, and regional development offices
 10 in Massachusetts, Texas, and Hawaii. And we currently have
 11 83 projects in operation.
 12 All right. Over to Nuno.
 13 MR. LOUZEIRO: Next slide, please. So as part of the
 14 Clean Energy Transformation Act, the Washington State
 15 mandated a greenhouse gas neutral electricity supply by
 16 2030 and 100 percent renewable or non-emitting
 17 electricity supply by 2045.
 18 This mandate has created a strong demand for new
 19 renewable energy resources for major utilities and
 20 corporations and -- in the region.
 21 Next slide, please.
 22 So in response to this demand, we are proposing the
 23 Wautoma Project, which is up to 470 megawatts in capacity
 24 and with a 4-hour battery energy-storage system as an
 25 option.

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1 While we are permitting for the largest anticipated
 2 project size of 470 megawatts, our current vision for
 3 this project is likely more like 400 megawatts, and
 4 we'll keep the public informed of that as it progresses.
 5 The estimated annual production at this output is 875
 6 gigawatt hours estimate, which is -- to put that into
 7 context, enough power to -- enough power for about 70,000
 8 Washington households. And then further to put that into
 9 context, Benton County has approximately 74,000 households.
 10 Next slide, please.
 11 So as mentioned, the project is located in Benton County,
 12 and this slide here shows -- shows the location as -- as --
 13 where we're proposing. It is about 12 and a half miles
 14 northeast of the City of Sunnyside and one mile south of the
 15 State Route 241 and 24 interchange.
 16 So we chose this region for several key reasons. First,
 17 it's -- this area has an excellent solar resource. Also, it
 18 is directly adjacent to a point on the regional transmission
 19 system with capacity for a project of this size without the
 20 need for substantial or costly upgrades. Also, the site is
 21 generally level and open, and there are few environmental
 22 constraints. And, importantly, we are fortunate to be
 23 working with interested and supportive landowners, and some
 24 of them are here with us today.
 25 We have also been encouraged by the positive feedback

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1 we've received from local and state officials regarding the
 2 location selected for the site.
 3 Next slide, please.
 4 So the last slide provided a bit of an indication of the
 5 location and what the land looks like. But I will mention
 6 that there is a low percentage of agricultural land that is
 7 now being util- -- that we are proposing to utilize for the
 8 solar project. The area inside the project security fence
 9 totals 0.5 percent approximately of the 650,000 acres of
 10 land in the Growth Management Act agricultural district in
 11 Benton County.
 12 We are, with our landowners, investigating dual use
 13 alternatives, and some of this includes using -- using
 14 portions of the solar project area for grazing -- and -- but
 15 we are also looking at also a coexistence of the solar
 16 panels with some cross [sic] -- crops on a small area of
 17 the project. And we appreciate the interest of our
 18 landowners in actually leading some of those efforts with
 19 us.
 20 Also, water -- so we -- water required for construction
 21 and operations phases is anticipated to be sourced from
 22 existing wells with valid water rights or from a municipal
 23 site, a -- municipal cert- -- source located off site.
 24 We're -- we continue to investigate those with our
 25 landowners, and -- and that will be further investigated.

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1 The volume of water used during project construction would
 2 be considerably less than is typically used in irrigation
 3 practices. And we anticipate that during operations there
 4 would be a minimal use.
 5 Next slide.
 6 So this -- this slide shows a preliminary layout of the
 7 project. While we have studied a larger area, which is
 8 outlined in black on this slide, the solar field and
 9 associated infrastructure, as currently contemplated,
 10 are anticipated to occupy approximately 3,000 acres.
 11 The layout has avoided known environmental and cultural
 12 resource constraints identified from field investigations,
 13 and Laura will go into this in a bit more detail later in
 14 the presentation. We do anticipate changes to the project
 15 size and configuration as we progress through the permitting
 16 process as well as further our engineering design in
 17 consideration of environmental, technical and community
 18 engagement input.
 19 Next slide, please.
 20 MS. O'NEILL: All right. As promised, I will now
 21 speak more to those environment studies. We engaged
 22 Tetra Tech as our lead environmental consultant for the
 23 project, and as part of the application for site
 24 certification, they have conducted field surveys and
 25 completed an analysis of all relevant environmental

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1 aspects as well as completing stand-alone studies on the
 2 following topics:
 3 Wetland delineation, plant and wildlife habitat,
 4 cultural and archaeological resources, visual and
 5 acoustic impacts, glint and glare, and traffic and
 6 transportation.
 7 Next slide, please.
 8 Based on the studies completed, several plans will be
 9 developed to describe how we will avoid, minimize, and
 10 mitigate potential impacts through construction and while
 11 the project operates. A list of these plans is seen on this
 12 slide.
 13 In addition, the project's design has avoided wetlands and
 14 streams, listed cultural resources, as well as small patches
 15 of sensitive species found during habitat surveys, some
 16 talus habitat and Columbian milk vetch. Minimal shrub step
 17 was found in the project area, and this will also be largely
 18 avoided.
 19 To address concerns over habitat productivity for big game
 20 in the area, we've incorporated passageways through the
 21 solar array to allow big game to pass through the project
 22 area in north/south corridors. We've designed the exterior
 23 fencing to allow small game to pass underneath, as well as
 24 omitted the typical strands of barbed wire along the top of
 25 the chain-link fence.

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1 We've been in discussions with the Washington Department
 2 of Fish and Wildlife throughout the development process,
 3 meeting with them prior to and following habitat and
 4 wildlife surveys. We will be working with them on habitat
 5 management plan over the next several months.
 6 We are also aware that wildfire is a concern in the area,
 7 and we've been in discussions with our landowners who have
 8 been in the area for decades, as well as WDFW and Benton
 9 County Emergency Services to understand the local concerns
 10 and develop a robust fire response strategy.
 11 Next slide, please.
 12 Oh, it's over to Nuno.
 13 MR. LOUZEIRO: So we strive to buy locally and hire
 14 local contractors where possible, and a local
 15 procurement policy will be put in place to ensure
 16 benefits reach local skilled workers and local
 17 businesses during construction as well as operation.
 18 We anticipate the 470-megawatt project would
 19 require about 300 to 400 people on site during construction,
 20 but there would be peaks which could involve another 1- or
 21 200 more.
 22 During the 30- to 50-year project operations term, we
 23 would expect to employ three or four full-time technical
 24 positions, as well as have external maintenance contracts.
 25 MS. BIRD: Next slide, please.

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1 So in addition to opportunities for local employment and
 2 services, the project will also provide the following
 3 benefits. It's a source of annual property tax revenue to
 4 Benton County. So, for example, a 400-megawatt project is
 5 expected to contribute 3- to \$4 million in its first year of
 6 operation and would follow the county property tax schedule
 7 for subsequent years for the lifetime of the project. And
 8 this would benefit schools, the Port of Benton, roads,
 9 county services, and the like.
 10 It's also a source of stable, long-term revenue for the
 11 participating landowners. It can provide infrastructure
 12 investment for transmission upgrades or road upgrades. We
 13 aim to leave the roads in as good, if not better, condition
 14 than they were before we got there.
 15 And then community investment, which could include
 16 sponsorships, donations, participation in community events
 17 and efforts. This month, for example, we will be a sponsor
 18 at the Benton Franklin rodeo and fair.
 19 And then we also -- we strongly believe that communities
 20 who host the project should benefit from the project. So in
 21 response to community feedback, we recognize that, given the
 22 remote location of this project, there may not be shared
 23 amenities or programs utilized by the community members who
 24 are closest to this project.
 25 So, therefore, we are developing an annual community

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1 contribution program with the idea that payments could be
 2 made directly to neighboring residences that have a view of
 3 the project and -- ensuring that these additional benefits
 4 are received by those community members who would be hosting
 5 this project, and we're in the process of rolling this out.
 6 And then last but not least, it is a source of local,
 7 clean, reliable, renewable energy in the region.
 8 Next slide, please.
 9 So we have reached out to the following folks, and some of
 10 these efforts are still in the earlier stages, but several
 11 of them we've developed more in-depth discussions, and
 12 they're quite advanced. But these include agencies such as
 13 EFSEC, of course, and then along with others such as
 14 Washington Department of Fish and Wildlife, Ecology,
 15 Department of Archaeology and Historic Preservation, travel
 16 governments and staff, the Benton County Commissioners and
 17 Planning Department, local emergency services and local
 18 organizations, including those related to conservation,
 19 agriculture, economic development and jobs, the
 20 participating landowners that we've leased from, and the
 21 adjacent landowners, those in the community near the
 22 project, those in the broader community.
 23 In April -- actually, in March we held a community meeting
 24 with folks that lived closer to the project. In April we
 25 hosted a virtual meeting that was advertised widely for the

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1 broader community. And May, Laura presented here to EFSEC,
 2 and we presented to the Bent- -- at a public Benton County
 3 Board of Commissioners meeting, and we were encouraged by
 4 the positive feedback that we received about the project and
 5 about the site selected.
 6 Next slide, please.
 7 MS. O'NEILL: All right. Thanks, Ellen. So behind me
 8 is a slide of development milestones, and we've been
 9 working on development of the project since mid-2020,
 10 including the list you see behind me. As mentioned, we
 11 completed the applicable environmental and engineering
 12 survey throughout 2021, and the application for site
 13 certification was submitted in June. Our aim is to work
 14 towards issuance of the site certification agreement in
 15 Q3 2024.
 16 As far as construction goes, a full build-out would entail
 17 approximately a 20- to 22-month construction period;
 18 however, we're investigating the possibility of construction
 19 in phases. For example, a 200-megawatt project would be
 20 about a 14- to 16-month construction timeline. So the
 21 earliest possible construction completion would be late
 22 2025.
 23 Next slide, please.
 24 And that's the closing. Thank you again for having us,
 25 giving us the opportunity to present. We're excited to

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<p style="text-align: right;">Page 17</p> <p>1 continue in the permitting process and work with EFSEC in 2 service of Washington's clean energy goals. If you have 3 questions at any time, our contact information is on the 4 slide as well as a link to the project's website, or EFSEC 5 has all the information as well on their site. Thank you. 6 CHAIRMAN DREW: Our next presentation is going to be 7 about the EFSEC process by Ami Hafkemeyer. Oh, excuse 8 me, Joe Wood. 9 MR. WOOD: Check, check. Everybody hear me okay? 10 Welcome, everybody, and thank you for coming to participate 11 this evening. My name is Joe Wood; I'm a siting specialist 12 with the Energy Facility Site Evaluation Council, and I've 13 been asked to give a short presentation on the EFSEC site 14 certification process. 15 Next slide, please. 16 So a little bit of background, EFSEC was originally 17 created in 1970 for the siting of thermal power plants, and 18 the intent was to create a one-stop permitting agency for 19 these large energy facilities. 20 MS. GRANTHAM: Just speak into the mic a little bit 21 better. It's not picking you up. 22 MR. WOOD: Sure. 23 FEMALE SPEAKER: Just speak into the -- yeah, 24 (inaudible). 25 MR. WOOD: So today, large-scale thermal power plants</p>	<p style="text-align: right;">Page 19</p> <p>1 So the facilities that can be certified through EFSEC 2 versus being certified or permitted through the County are 3 thermal power plants greater than 50 -- 350 megawatts, and 4 nuclear generation for the purpose of generating 5 electricity. Other -- other sources of energy such as wind, 6 solar, et cetera, can opt in to the certification process at 7 any size. 8 Transmission lines greater than 115 can also opt in, 9 115 KV. And pipelines, refineries, and storage projects can 10 also be certified. As of recently -- and I'll talk about 11 this a little bit later -- EFSEC has also been granted the 12 ability to certify clean energy product manufacturing 13 facilities and hydrogen production facilities. 14 Next slide, please. 15 Here's a map of the facilities that are currently either 16 being reviewed or fall under EFSEC jurisdiction. We have 17 five operating facilities. There are two natural gas 18 facilities, the local Columbia generating station and two 19 wind facilities that have been certified under EFSEC. 20 There are three additional marks on here that indicate the 21 facilities that are approved but haven't yet started 22 construction. Two are wind facilities; one's a PV solar 23 facility. The clear circle is a facility in the process of 24 decommissioning. And, importantly, EFSEC is also currently 25 reviewing applications for four PV solar projects marked in</p>
<p style="text-align: right;">Page 18</p> <p>1 are the only facilities requiring certification by 2 EFSEC. EFSEC is comprised of state and local government 3 members who review each application before voting to 4 make council recommendation to the governor. This 5 recommendation comes along with a site certification 6 agreement, which defines all preconstruction, 7 construction, and operational plans. 8 Finally, if the application is approved by the governor's 9 office, the decision preempts other state and local 10 regulations. 11 Next slide, please. 12 You can see here, the Council itself is made up from 13 members from different state agencies. The chairperson, 14 Kathleen Drew, is appointed by the governor's office. We 15 have five other standing members: Eli Levitt from 16 Department of Ecology; Mike Livingston from Department of 17 Fish and Wildlife; Kate Kelly from Department of Commerce; 18 and Lenny Young from Department of Natural Resources; also 19 Stacy Brewster from the Utilities and Transportation 20 Commission. 21 Depending on the project, other agencies can also opt to 22 have a representative. In the case of Wautoma, we have Paul 23 Gonseth with Department of Transportation and, importantly, 24 we have also Dave Sharp representing Benton County. 25 Next slide, please.</p>	<p style="text-align: right;">Page 20</p> <p>1 red, including the Wautoma Project, which is why we are here 2 tonight. 3 Next slide, please. 4 So now we come to the specifics of the EFSEC certification 5 project, and I'm showing here a flowchart that shows the 6 general process applicants go through when they submit an 7 application to EFSEC. So you can see, there are three -- 8 three sort of processes in tandem here. There is the land 9 use and adjudication track; there is the SEPA threshold and 10 SEPA determination track, and then there's this 11 identification acquisition of permits for the project as it 12 goes through the process. 13 So I'll talk about these in a little bit more detail on 14 the following slides. 15 Next slide, please. 16 So the adjudicative proceedings is one of the tracks, and 17 this meeting tonight is sort of the initiation or the 18 initial one of these proceedings. So much like any other 19 court case, the proponent makes their application and we -- 20 the -- sorry, I'm losing my place here. 21 The proponents and other parties are identified. When 22 adjudication proceeding is required, parties to the 23 adjudication are identified. Sometimes there are 24 stipulations and settlements that come out between the 25 parties. The Council looks at all the information in the</p>

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<p>1 adjudication record and then deliberate, and then the 2 Council draws up their findings and conclusions from the 3 information provided throughout the proceedings to 4 incorporate those findings in their recommendation to the 5 governor. 6 Next slide, please. 7 So this next sort of track is the SEPA threshold 8 determination. Based on information provided in the 9 application, the SEPA responsible official, which is 10 generally the EFSEC manager, determines if this project 11 meets the criteria of a determination of non-significance or 12 a mitigated determination of non-significance. 13 If there is a determination made for a mitigated 14 determination of non-significance, there is a minimum 15-day 15 comment period. If it is determined that the project 16 qualifies for a determination of non-significance, there is 17 no comment period. However, it is determined that there is 18 a significance -- significant impact on resources, for 19 instance, an EIS may be required. 20 So when an EIS is required, the deter- -- the decision to 21 prepare the EIS is made public, and public comments are 22 taken on the scope of the EIS. After the public comment for 23 scoping, the SEPA responsible official determines the scope 24 of the EIS, and a draft EIS is prepared and issued with the 25 minimum 30-day public comment period, after which the final</p>	<p>1 rejected by the governor is a final decision for that 2 application. 3 When -- if an application is approved by the governor, 4 EFSEC then has oversight of the environmental compliance for 5 the life of the facility. So EFSEC has standing contracts 6 with applicable state agencies that assist in the monitoring 7 and enforcement of conditions either in the site 8 certification agreement, identified permits, or stipulations 9 in the EIS or the MDNS. EFSEC's enforcement authority 10 extends to the issuance of any penalties as they may apply. 11 I thought I would add a slide here that just kind of 12 highlighted some new legislation that has been in the news 13 recently. House Bill 1812 was passed in March of this year, 14 and there -- I've listed a couple things here that I feel 15 like are highlights from -- that affect the site 16 certification. 17 New projects -- oh, thanks. New projects can now come 18 before EFSEC, new types of projects, including hydrogen 19 production that I mentioned before and clean energy 20 facilities. There is increased travel consultation and 21 equity, a streamlined review process that does not reduce 22 standards, greater transparency, and creation of EFSEC as an 23 independent agency, essentially from a budget standpoint. 24 So that pretty much covers it. Last slide, please, is 25 just public input. I would like to remind everybody that</p>
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<p>1 EIS is prepared and released. 2 Next slide, please. 3 Okay. So I will mention the expedited siting process. To 4 be considered for expedited processing, an applicant has to 5 make the request in writing, and the project must meet two 6 criteria. It must be determined to be consistent with local 7 land use policy; and, two, the SEPA determination process 8 must determine non-significance or a DNS or a mitigated 9 determination of non-significance or MDNS. 10 So in the expedited process, the adjudication step is not 11 required. The Council prepares their recommendation to the 12 governor in an expedited time frame under this process. 13 Next slide, please. 14 So the third track that is going on through the 15 certification process is the identification and issuing of 16 permits or preparation of permits, and EFSEC becomes the 17 issuing agency for these -- all permits that may be 18 required. And they are identified in the final order with 19 the Council's recommendation to the governor. 20 So finally, after the conclusion of the Council's review 21 of the application, a recommendation is made to the governor 22 to either approve or reject the application. This initiates 23 a 60-day window within which the governor will then approve 24 or reject the application or remand the application back to 25 the Council for consideration. Any application that is</p>	<p>1 they may -- how they can submit public comments. If you'd 2 like to sign up to speak this evening, you can call the 3 EFSEC main line or email comments to the mailbox or send in 4 written comments as well. 5 And that's all I have for this evening. 6 CHAIRMAN DREW: Okay. That concludes our 7 presentations 8 for this evening, and I'm going to turn it over to Judge 9 Gerard to preside over the public comment period. Those who 10 are called will have three minutes for your comment. If you 11 hear throughout the evening something that you want to 12 respond to, please send an email to our website or provide 13 that in writing because we are going to just go through our 14 speakers one time. 15 I think that we will now have Ms. Owens -- Andrea 16 Grantham, Ms. Grantham will call the first speaker. 17 Judge Gerard. 18 DAN GERARD: Good evening, everyone. My name is Dan 19 Gerard. I'm an administrative law judge with the Washington 20 State Office of Administrative Hearings. Today when giving 21 your comments we would ask that you do limit your comments 22 to this project alone. As Chairman Drew stated, you will 23 have three minutes to make your comments. That will be your 24 single opportunity to make comments for this portion of the 25 proceedings.</p>

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1 And if you do have any additional comments or things you
 2 would like to add after you've spoken, you may either email
 3 them or send them through physical mail in the address
 4 provided by Mr. Wood just a moment ago.
 5 So thank you, and first witness -- or first speaker, go
 6 ahead and begin, please.
 7 MS. GRANTHAM: The first speaker is Robin Roberts
 8 [sic].
 9 MR. ROBERT: Hi.
 10 JUDGE GERARD: Good evening.
 11 MR. ROBERT: My name is Robin Robert. My address is
 12 1521
 13 Wautoma Road, 98944. And one of the first things, I was
 14 going to read a little about, I would like to see if the
 15 board would accept my comments as having interest in this
 16 project. And the Robert Ranch really looks forward to the
 17 solar project to really help us out. Farming sometimes kind
 18 of has good years and bad years.
 19 And I have just two things to mention. First thing is
 20 about the location. It's pretty desolate and dry where
 21 we're located, and as the map shows that we're 30 miles west
 22 of Tri-Cities, 12 miles north of Sunnyside, and 40 miles
 23 east of Yakima.
 24 Outer north border is next to Joe Balmelli, who has a
 25 cattle ranch. Our east border is the Hanford Reach. The

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1 south border goes to the top of the Rattlesnake Hills and
 2 meets Jeff Werzman (phonetic), who's a cattle rancher, too.
 3 Then our west border is right -- pretty close to Highway
 4 24- -- 241, and there's approximately 12 homes west of this
 5 that are close to the ranch.
 6 And then the second thing, I was just going to give a
 7 quick little history of the ranch, our grandfather, Emil
 8 Robert, came in late 1890s when he was 15 years old. And he
 9 started out herding sheep in the area where our ranch is,
 10 and eventually he built it up to about 2,000 head of sheep
 11 and about 12,000 acres.
 12 And just over the years we put a -- we only had an
 13 irrigation well that did 150 acres, and then in '77 we put
 14 in a bigger well that did about 800 acres. And over the
 15 years things haven't changed much. We did sell the sheep
 16 back in '88, but the sheep are back the last two years on
 17 the ranch. And we're hoping to use the sheep to graze the
 18 native grasses and the weeds underneath the solar panels,
 19 and we're kind of going to go back to maybe only 150 acres
 20 on the ranch instead of 800 acres, and we hope the aquifer
 21 there will recharge itself.
 22 And probably the only thing we'll change maybe, there will
 23 be about 800 sheep on the ranch for controlling weeds, and
 24 probably the only change will be that the sheep will have
 25 shade. That's it.

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1 CHAIRMAN DREW: Thank you.
 2 MR. ROBERT: Thank you.
 3 JUDGE GERARD: Thank you, sir.
 4 MS. GRANTHAM: Next speaker is Maya Robert [sic].
 5 MS. ROBERT: Hello. Can you hear me okay? My name is
 6 Maya Robert. My address is 708 South 60th Avenue,
 7 Yakima, Washington, 98908. I'm speaking today on behalf
 8 of my family and the Robert 5 + 1, LLC.
 9 As my uncle mentioned, over 100 years ago my great
 10 grandfather began ranching in the Wautoma Valley. What
 11 originally started as a sheep ranch adapted in the mid-1980s
 12 to cattle and farming to keep up with the changing times.
 13 Now, four generations later, we are looking to adapt once
 14 again. With declining crop production and decreased ground
 15 water supply, farming and ranching has become much more
 16 difficult.
 17 One thing this area is not lacking, however, as we can see
 18 today, is sunshine. As mentioned previously, the ranch is
 19 located 17 miles north of Sunnyside and 36 miles east of
 20 Yakima, meaning that neighbors are few and far between.
 21 This makes the ranch an ideal location for a solar farm such
 22 as this. Not only will we -- not only will this project
 23 provide for my family, it will provide renewable energy to
 24 help meet state quota, and this solar project would allow us
 25 to make productive use of unproductive land while keeping

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1 the ranch in the family for many more generations to come.
 2 Thank you.
 3 MS. GRANTHAM: Next speaker is Dave Roberts [sic].
 4 MR. ROBERT: I'm Dave Robert, and I'm one of the sons
 5 at the Robert's Ranch, 5 + 1. One of the things I was
 6 just noticing when I was out at the ranch today, one
 7 thing I would like to do is if we could get, you know, all
 8 you folks here to go out and see it, I think that would make
 9 a real big impact because the location, the fact that it's
 10 isolated in a beautiful valley, and just --
 11 JUDGE GERARD: Mr. Roberts, can you speak (inaudible)?
 12 MR. ROBERT: Okay. And we were just trying to think
 13 that this would really make -- the impact would be
 14 really neat if you guys could have a chance to go out
 15 and take a look at it and really see what it's all
 16 about.
 17 The thing about it is, you know, my brothers -- my two
 18 brothers that work extremely hard on the ranch using their
 19 own money at times because of farming and the way it works,
 20 our deep well has -- you know, has gone down some because of
 21 the irrigation. And we're just hoping with Innergex and
 22 everybody working together we can, you know, have a great
 23 source of energy and also a good, stable source of revenue
 24 for my brothers so they can keep going on with the ranch.
 25 Thank you very much for your time.

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1 JUDGE GERARD: Thank you.
 2 MS. GRANTHAM: Next speaker is Stan Isley.
 3 MR. ISLEY: Thank you. I'm Stan Isley from the -- I'm
 4 The conservation chair of the Yakima Valley Audubon Society.
 5 Can you hear me now?
 6 Stan Isley. My address is 806 South 18th Avenue,
 7 Yakima, Washington, 98902. I'm offering my comments
 8 tonight on behalf of Yakima Valley Audubon. I'd like to
 9 be very clear right at the front that Yakima Valley Audubon
 10 Society supports our imperative transition away from
 11 dirty fossil fuels for our energy source in Washington State
 12 and globally. We support our transition to clean energy
 13 sources like solar energy, wind energy and others.
 14 And so, therefore, the Yakima Valley Audubon Society does
 15 offer support tonight for this Wautoma Solar Project. Our
 16 support is conditional, however. We expect and ask the
 17 proponents to do it right. We want you to build this
 18 project in a way that avoids environmental impact as much as
 19 possible and, where it is unavoidable, that you fully
 20 mitigate for the environmental impacts on impacted acres.
 21 We ask that you avoid impacting sagebrush step lands,
 22 including currently impacted, currently fire-ravaged
 23 sagebrush step lands.
 24 we ask expect that the sensitive lands like prairie
 25 lands, wetlands, stream corridor, riparian areas will be

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1 protected and not impacted.
 2 We ask also that you not have any negative impact to
 3 Native American cultural resources.
 4 Now, of course, there will be acreage that will be
 5 impacted. I was pleased to see that you're proposing to
 6 examine still grazing and still potentially exploring other
 7 agricultural uses that could be made on the impacted
 8 acreage. Ag lands, we do want to have either -- have you
 9 fully mitigate for the lost functions and values currently
 10 provided by the impacted acreage
 11 Permanent air preservation we envision for
 12 mitigation lands that you identify, permanent mitigation by
 13 way of establishing conservation easements in perpetuity on
 14 those lands.
 15 We ask that you work with Washington Department
 16 of Fish and Wildlife to determine mitigation ratios
 17 for these mitigation acreages that you will identify
 18 Also to work with WDFW and other to identify wildlife
 19 movement in migration corridors and protect those,
 20 establish and protect those permanently.
 21 These industrial scale solar projects are going to be
 22 required in order to have us fully transition to
 23 renewable energy sources. So we would love to see, also,
 24 however, some distributed and disbursed solar development on
 25 rooftops across -- on already as-built acreage homes and

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1 stores and warehouses across eastern Washington. That would
 2 be a wonderful way to go, but we do recognize --
 3 JUDGE GERARD: Sir, just a moment. We have reached
 4 the three-minute time. If you could go ahead and please
 5 wrap up your comments.
 6 MR. ISLEY: Oh. We recognize that we will have to
 7 have industrial scale solar projects like this, and so
 8 we support this, as I said, conditionally. Thank you.
 9 JUDGE GERARD: Thank you.
 10 MS. GRANTHAM: The next speaker is Brendan Mercer.
 11 JUDGE GERARD: Mr. Mercer, if you are speaking you are
 12 on mute.
 13 MR. MERCER: Can you hear me now?
 14 JUDGE GERARD: Would you speak up just a bit for us,
 15 please?
 16 MR. MERCER: Yeah, can you hear me now?
 17 JUDGE GERARD: Better, thank you.
 18 MR. MERCER: Hi, my name is Brendan Mercer. My wife
 19 and I own a section of land that is adjacent or bordered
 20 by the project on two sides of 520 Wautoma Road.
 21 In general, my wife and I support green energy and
 22 generally support the project. However, we do have a
 23 few concerns related to our farm that we hope the
 24 Council and Applicant will take into consideration in
 25 developing it.

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1 First, we grow wine grapes which are very sensitive to
 2 sunburn, and we are concerned about the reflection and
 3 radiation off of the solar panels and the possibility of
 4 crop loss for our farm. We're also concerned about water,
 5 especially during construction. I know the Applicant said
 6 that they were going to use existing wells, but I would hope
 7 for a bit more definition on where that water's going to
 8 come from, and making sure it doesn't impact adjacent farms
 9 or domestic wells.
 10 And lastly, Wautoma Road is a relatively small road, and
 11 envisioning 4- to 500 people at times working off of it,
 12 I'm struggling to envision how that's going to take place.
 13 So just some consideration on how the roads are going to be
 14 managed and made usable for the existing residents and
 15 also the existing businesses that use both 241 and Wautoma
 16 Road for the future. Thank you.
 17 JUDGE GERARD: Thank you, Mr. Mercer.
 18 MS. GRANTHAM: Next speaker is Jeanie Polehn.
 19 MS. POLEHN: Hello, I'm Jeanie Polehn, and I'm from
 20 the Kennewick area. I'm here for the Benton County
 21 Republican Party, and I do have a question. Most of you
 22 live in Seattle, if I understand it right; you don't
 23 live around here. So I don't know if you ever go out
 24 driving and stuff, but if you see a bunch of windmills
 25 and stuff and you see a bunch of solar panels, that's

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1 visual pollution; that does not make our land look
 2 better.
 3 And it also impacts the wildlife and -- would you want
 4 that in your backyard? I'll just put it that way. I
 5 would not.
 6 The other thing is -- I'll wait for the technical session
 7 to go on further with this and stuff because I think that
 8 people won't want to hear the rest of the technical piece
 9 that I have. Okay. That's all I have.
 10 CHAIRMAN DREW: Thank you.
 11 JUDGE GERARD: Thank you. You did drop something, as
 12 well, ma'am; I'm not sure if you had seen that. Ms. Polehn,
 13 did you drop something?
 14 Thank you, sir.
 15 MS. GRANTHAM: The next speaker is George Penn.
 16 MR. PENN: Good evening. My name is George Penn; I'm
 17 a resident of Benton County, and I am not in favor of
 18 this solar panel project. The reasons being are that,
 19 you know, like the previous speaker said, they're not
 20 aesthetically pleasing, both the solar panels, the
 21 windmills.
 22 I am a fan of solar power, but my opinion is that there
 23 are other areas of Benton County that might be more suited
 24 towards this solar panel project, areas like the Hanford
 25 Reservation where there are literally thousands of acres

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1 dedicated towards energy production. Why do we have to take
 2 and put the solar panels out into the -- into the rural
 3 Benton County when we have a perfectly good area to keep
 4 things like that contained?
 5 The other objection I have is the solar panels, they are
 6 not, more than likely, produced here in the United States;
 7 they are a direct import from China.
 8 And then my third point is, is this something that the
 9 Benton County Commissioners said, "Yes, we want this"? I'm
 10 not 100 percent sure on that, and I believe that there may
 11 be a few folks here in the room that would be speaking
 12 towards that at a later point in time this evening. Again,
 13 I'm George Penn, and I'm a Benton County resident, and I
 14 oppose the solar panel farm in rural Benton County.
 15 MS. GRANTHAM: The next speaker is Rylan Grimes.
 16 MR. GRIMES: My name's Rylan -- Rylan Grimes, and I'm
 17 an organizer with the IB- -- the International
 18 Brotherhood of --
 19 JUDGE GERARD: (Inaudible).
 20 MR. GRIMES: Yeah, is that better?
 21 JUDGE GERARD: Yes.
 22 MR. GRIMES: My name's Rylan Grimes, and I'm an
 23 organizer with the International Brotherhood of
 24 Electrical Workers in Kennewick, Washington; I'm also a
 25 Benton County resident. And we represent 1,200

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1 electricians in Southeast Washington and Northeast
 2 Oregon. And right now we've got a lot of -- we're doing
 3 a lot of solar projects, and we are in favor of this
 4 project. The majority of our membership lives in
 5 Washington, and they're currently working in Oregon with a
 6 lot of our data center work and some other solar projects.
 7 And so having this project on this side of the river would
 8 be a welcome relief from the -- with -- for them. Most of
 9 these individuals are commuting down to Oregon from the
 10 Tri-Cities area, and, to a lesser extent, from the Yakima
 11 area. But those of our members that live in Yakima are
 12 actually commuting to a project in Klickitat County.
 13 So having the location of this project in particular
 14 and -- is fantastic because it is well within commuting
 15 distance of all of Yakima County or all of the Yakima Valley
 16 area and the Tri-Cities. So, again, IBW Local 112 is very
 17 much in favor of this project, and we look forward to
 18 working with the contractors that end up getting this
 19 project. Thank you.
 20 MS. GRANTHAM: The next speaker is Laurie Ness.
 21 MS. NESS: I'm Laurie Ness, and I am a native of
 22 Eastern Washington, Tri-Cities, actually. And I'm also
 23 very concerned about wildlife and our shrub step in the
 24 area and how we're losing a lot of that. The land use
 25 is changing. and one of the concerns I have is that

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1 when you put something into solar, you pretty much take,
 2 you know, it out of any other land use, from my
 3 understanding just by looking at it.
 4 I know that it's very important to be transitioning to
 5 clean energy, and I do support that. We've had solar panels
 6 for nine years on our roof, which is -- have been a great
 7 thing for us. But what I'm looking at is the amount of
 8 solar that is -- this is not the only project out here. I'm
 9 looking at a large-scale connectivity for wildlife.
 10 And mitigating -- I think, you know, this is one project
 11 -- and of course you told me not to talk about other
 12 Projects; I'm not going to. But in a big scale of things,
 13 SEPA requires that we look at the environmental impacts as
 14 cumulative effects.
 15 And I believe that it's very important that EFSEC
 16 coordinates and makes -- you know, looks at the map and
 17 says, "Okay. We've got a project here and a project here,
 18 and how are we going to look at connectivity for the bugs,
 19 the bunnies, and the elk?" These are important things
 20 because we do have a unique environment that's very, very
 21 endangered. Shrub step is the fastest disappearing habitat
 22 in Washington state.
 23 So -- and I also ask that this project coordinate with
 24 other projects. Yes, there is a substation right near this
 25 project, but the next solar project isn't going to probably

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1 have a sub- -- it's probably going to go to that substation
 2 because I don't think that they're all that close. I don't
 3 really know. But in any case, coordinate to where this
 4 project and other projects are thinking on the larger scale.
 5 I think that's really important.
 6 And that is pretty much all I have to say. Thank you for
 7 listening.
 8 JUDGE GERARD: Thank you.
 9 MS. GRANTHAM: That was our last speaker on my list.
 10 JUDGE GERARD: At this time we are going to open up to
 11 those who did not sign up. And if you wish to speak, for
 12 those present, please go ahead and raise your hand, and
 13 we'll put you on the list. For those of you who are remote,
 14 please go ahead and raise the hand icon so we know you wish
 15 to speak. We're going to give everyone a few minutes to see
 16 if we do have any additional speakers. I see a hand raised.
 17 MS. GRANTHAM: I see Aubrey Newton in the teams.
 18 JUDGE GERARD: Ms. Newton, if you wish to speak, go
 19 ahead, please.
 20 MS. NEWTON: Okay. Can you hear me?
 21 JUDGE GERARD: We can, thank you.
 22 MS. NEWTON: Wonderful. Good evening and thank you to
 23 everyone, to the entire commission for the opportunity
 24 to speak this evening. My name is Aubrey Newton. I
 25 work with the Laborers International Union of North

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1 American of the Northwest Region. I've also lived in the
 2 State of Washington nearly my entire life and grew up in the
 3 Central Washington area. I work to represent hundreds
 4 of union men and women across the State of Washington and
 5 eight other states in the Northwest region.
 6 In our region, union members build and maintain gas
 7 distribution pipelines, construct wind and solar forums
 8 as well as build and maintain coal, gas, hydropower, and
 9 nuclear power plants.
 10 In Washington, specifically, the laborers have members
 11 working throughout six different locales, representing
 12 about 15,000 members. Our members are trained, skilled,
 13 qualified, ready to work on wind -- excuse me -- on
 14 solar projects alike. And the Northwest Region, we have
 15 recruitment systems, reaching statewide, focusing on
 16 good-paying jobs for the communities where our members
 17 live.
 18 LIUNA works with our employers, also, to make sure
 19 that workers on the job are skilled, trained, reliable,
 20 get the job done ahead of schedule, and go home safely
 21 at the end of the day.
 22 Outside of the licensed crafts needed for this
 23 specific goal -- specific project, essentially LIUNA is
 24 already trained and ready to handle nearly 60 percent of
 25 the project --

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1 JUDGE GERARD: Ms. Newton -- Ms. Newton, I'm going to
 2 stop you there just a moment. This is Judge Gerard.
 3 This needs to be related to the project as opposed to
 4 what your union does, please. If we can get to that
 5 point so that the subject is --
 6 MS. NEWTON: Sure.
 7 JUDGE GERARD: Thank you.
 8 MS, NEWTON: Absolutely. So, with that being said, I
 9 am here this evening in support on behalf of many of our
 10 members in the local area that cover the Tri-Cities and
 11 surrounding areas for this project. We are in support
 12 of the project. And I am here speaking on behalf of
 13 them for this reason and the reasons listed above, for
 14 level of the community focus, local hire and tribal
 15 relations that Innergex intends to have for this
 16 project.
 17 This project will bring good jobs to the area and
 18 bring long-term careers to the people of this community.
 19 We have had the privilege of speaking with Innergex and
 20 believe that their intentions are not for a short-term
 21 build and sell of this project, but to truly understand
 22 the communities in which those impacted live in and
 23 intention to build local and provide opportunities for
 24 those in the local community.
 25 So, again, thank you for your time, and that is all I

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1 have for my comment. Thank you.
 2 JUDGE GERARD: Thank you.
 3 So one last opportunity for additional speakers.
 4 Sir, I see you raised your hand. It looks like there's no
 5 one remotely. Please step up to the podium, and just
 6 introduce yourself first.
 7 MR. TORRESCANO: Hi, I'm Moses A. Torresco. I'm a
 8 Benton County resident; I'm also a member of the
 9 International Brotherhood of Electrical Workers.
 10 Speaking for a lot of our members that are working in
 11 Oregon that live in Washington, we would like to bring
 12 our tax dollars back to our state instead of taking all
 13 of our tax dollars down into Oregon. It would be nice
 14 to bring that work to our members and to the local
 15 community. Thank you.
 16 MS. GRANTHAM: We have Dana Ward on Teams.
 17 MR. WARD: Yes, can you hear me?
 18 JUDGE GERARD: Yes, we can. Thank you.
 19 MR. WARD: Yes, this is Dana Ward, lower Columbia
 20 Basin Audubon Society Conservation Chair. I noted in
 21 the introduction that you are seeking comments nad
 22 positions from the local land owners that surround the
 23 project, but I did not notice that you contacted the
 24 U.S. Fish and Wildlife Services, which manages the
 25 Hanford Reach National Monument, the Ari Lands Ecology

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1 Reserve, which bounds on the eastern side of the
 2 project. It think something you need to do is contact
 3 the U.S. Fish and Wildlife Service, see what impacts
 4 might occur to --
 5 JUDGE GERARD: Mr. Ward, just a moment, sir.
 6 MR. WARD: Yes.
 7 JUDGE GERARD: Mr. Ward, I don't think we can quite
 8 understand you. There is something wrong with the
 9 connectivity. If you can speak a little bit clearer,
 10 maybe not louder, into the receiver so we can hear what
 11 you're saying. I am going to go ahead and reset the timer
 12 because I didn't hear and I'm not sure anyone else did.
 13 MR. WARD: Okay, I'll try again. Can you hear me?
 14 JUDGE GERARD: I can, and a bit slower also just so we
 15 can understand you, sir. Thank you.
 16 MR. WARD: Okay. This is Dana Ward, conservation
 17 Chair for the Lower Columbia Basin Audubon Society. I
 18 have one comment. Please contact the adjacent
 19 landowners, which are the Department of Energy, which
 20 owns the Hanford site, which bounds the project on the
 21 east; the Arid Lands Ecology Reserve, which is managed
 22 by the U.S. Fish and Wildlife Service. Please contact
 23 the U.S. Fish and Wildlife Service to see if there's
 24 going to be any impacts to the shrub step and the elk
 25 that reside on the Arid Lands Ecology Reserve. Thank

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1 you.
 2 JUDGE GERARD: Thank you, sir. I don't see any other
 3 hands raised within the electronic, but I do see --
 4 CHAIRMAN DREW: Couple more.
 5 JUDGE GERARD: I was just -- sir, please go ahead and
 6 step up to the podium and announce yourself.
 7 MR. SEARS: Good evening. Matt Sears. I'm out of
 8 Sunnyside, Washington. I, too, am with the International
 9 Brotherhood of Electrical Workers. For me, I'm for this
 10 100 percent. You know, as these guys talked, most of us are
 11 traveling, doing these solar projects. We got 20 to 22
 12 months of work, it sounds like. It's huge.
 13 Also, it sounds like this is private land, and I guess I'm
 14 having trouble understanding, like -- it sounds like they're
 15 going to lease out the land. How are we -- how are we able
 16 to oppose what a farmer can do with his land? So with that
 17 being said, thank you, guys.
 18 MR. PLACZEK: Good afternoon. My name is Eric
 19 Placzek. I am a neighbor two miles to the north of the
 20 Robert Ranch. My wife and I have raised ten kids in the
 21 neighborhood. The one thing that comes to the neighborhood
 22 once a year is the Sunnyside Hill Climb. You should come;
 23 it's a real spectacle. But it's done after two days.
 24 This project is a huge impact to the neighborhood. You'd
 25 have to come to really -- to really soak in how big of an

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1 impact and positive for the area. So we're looking to live
 2 there for a much longer time and use a lot of electricity
 3 that comes out of the sky. Thank you very much.
 4 JUDGE GERARD: Thank you, sir. I don't see any
 5 (Inaudible) -- oh, we have one (inaudible).
 6 MR. GASPER: Thank you for the opportunity to provide
 7 some input. My name's Dan Gasper. I've been a resident
 8 of Kennewick and Richland for about 22 years. 100
 9 percent support this project. I think that this is a
 10 great thing for our region. We're already leaders in
 11 Washington state energy production, and this will just
 12 expand our leadership.
 13 I think it brings jobs of all sorts; it helps the farmers
 14 in that region, and for those who aren't so keen on the way
 15 that these fields look, I really doubt they're going to be
 16 out there seeing them that often. This is a very remote
 17 area, and for those of us who do like to see those kinds of
 18 farm projects -- solar farm projects, I'm happy to drive out
 19 there and take a look. Thank you very much.
 20 JUDGE GERARD: (Inaudible). At this point this does
 21 conclude the public comment section. (Inaudible).
 22 CHAIRMAN DREW: Thank you.
 23 It is 6:45, and so we now -- this meeting is closed. We
 24 will convene the land use consistency hearing at seven
 25 o'clock p.m.

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1 (Recess)
 2 CHAIRMAN DREW: Good evening. This is Kathleen Drew,
 3 Chair of the Energy Facility Site Evaluation Council calling
 4 the land use hearing for the Wautoma Project to order. If
 5 Ms. Grantham will call the roll of the Councilmembers.
 6 MS. GRANTHAM: Department of Commerce.
 7 MS. KELLY: Kate Kelly, present.
 8 MS. GRANTHAM: Department of Ecology.
 9 (No audible response).
 10 MS. GRANTHAM: Department of Fish and Wildlife.
 11 MR. LEVITT: Sorry, Eli Levitt, present.
 12 MS. GRANTHAM: Thank you.
 13 Department of Fish and Wildlife.
 14 MR. LIVINGSTON: Mike Livingston, present.
 15 MS. GRANTHAM: Department of Natural Resources.
 16 MR. YOUNG: Lenny Young, present.
 17 MS. GRANTHAM: Utilities and Transportation
 18 Commission.
 19 CHAIRMAN DREW: Excused.
 20 MS. GRANTHAM: Local Government and Optional State
 21 Agencies for Benton County.
 22 MALE SPEAKER: (Inaudible) is present.
 23 MS. GRANTHAM: Washington State Department of
 24 Transportation.
 25 MR. GONSETH: Paul Gonseth, Washington State

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1 Department of Transportation.
 2 MS. GRANTHAM: Chair, there is a quorum.
 3 CHAIRMAN DREW: If we could ask, I know that we have
 4 our Benton County representative from -- for another
 5 project on, but for the Waucoma Project for a Benton
 6 County member.
 7 MR. SHARP: Dave Sharp, present.
 8 CHAIRMAN DREW: Thank you.
 9 And, Judge Gerard, if you will start our land use hearing.
 10 JUDGE GERARD: We call to order the EFSEC land use
 11 hearing to order for the Wautoma Solar Project as
 12 required by Revised Code of Washington 80.50.090 and
 13 Washington Administrative Code 463-26-035.
 14 EFSEC is beginning the land use hearing for the Wautoma
 15 Solar Project, and during this hearing the public will be
 16 given an opportunity to provide testimony regarding the
 17 proposed project's consistency and compliance with the land
 18 use plan and zoning ordinances. If you are not speaking at
 19 the beginning of the evening, you can email or mail your
 20 comments into EFSEC at the email address provided earlier or
 21 as well as a physical address provided on an earlier slide
 22 or the website.
 23 Before starting comments we have already done a roll call.
 24 We will begin with the Applicant presenting their
 25 statements. We will then move on to anyone within the --

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1 what county?
 2 CHAIRMAN DREW: Benton County.
 3 JUDGE GERARD: With Benton County, and then we'll move
 4 on to public counties -- or public comments from
 5 individual citizens if they choose to make any.
 6 So that being said, Applicant Wautoma Solar, please begin,
 7 if you choose to do so.
 8 MS. ANDERSON: Good evening. Can you hear me?
 9 Community members, Judge Gerard, my name's Erin Anderson.
 10 I represent Innergex Renewable Development in this
 11 proceeding. My business address is 207 South Pearl in
 12 Ellensburg, 98926, and I also have offices in Seattle, but I
 13 am a Kittitas County resident.
 14 And I have to thank you for having us here tonight and
 15 apologize if I trip over any of my words. This -- I'm very
 16 excited. This is the first live, in-person proceeding I've
 17 attended in the last two and a half years, and I appreciate
 18 the audience, the Applicant, and the board for taking the
 19 time to travel far from your homes on a night to hear what
 20 the people that live in this community and the people who
 21 rely on energy have to say.
 22 I'm here today, as you know, with Laura O'Neil, Nuno
 23 Louzeiro, and Ellen Bird. I also anticipate that at
 24 least one stakeholder to this proceeding, Allison Keel
 25 (phonetic), may testify this evening regarding land use.

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1 You have in your records a memorandum from me, and it is
 2 supported by a declaration from Ms. O'Neil, but we almost
 3 didn't get here tonight because when the Applicant began
 4 doing its due diligence on this project in Benton County,
 5 solar energy major, meaning large energy facility powered
 6 by solar, was a permitted use in Benton County with a
 7 conditional use permit. And the reason for that is because
 8 the Benton County comprehensive plan contemplated uses in
 9 that zone that are compatible with each other.
 10 And when Innergex came to Benton County after the passage
 11 of SEPA, it was a use that was allowed conditionally in this
 12 county. However, the Applicant made outreach to the County
 13 in July of 2021 to start talking about what it would be like
 14 to go through the local conditional use permit proceeding.
 15 Nevertheless, as you'll find in my memo, the County, in
 16 October, put a packet out that indicated they were going to
 17 change the code to prohibit or remove from the uses that
 18 were permissible in this zone large solar facilities. That
 19 process moved very quickly. We discovered that expedited
 20 review of the SEPA was granted by Department of Commerce.
 21 And so between October and December, on December 21, the use
 22 was no longer allowed. And consequently, the Applicant had
 23 to come to EFSEC, did so, prepared the application for site
 24 certification.
 25 So I'm here tonight not to argue that there is land use

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1 consistency; we agree that there is not. But what I am also
 2 here tonight to speak about is still the need to review this
 3 application, notwithstanding the lack of land use
 4 consistency.
 5 There are reasons why the project should receive the kind
 6 of expedited review that RCW 80.50 -- I believe it's
 7 100(1)(a), I could be wrong on that, but 80.50.100(1)(a)
 8 contemplates that the Council will complete its work and
 9 deliver a recommendation to the governor within 12 months of
 10 the date of a completed application. So 12 months from
 11 June, although there can be an extension of time between the
 12 Council and the Applicant.
 13 That's not the only reason why they're here before you
 14 tonight and have submitted this application and are looking
 15 forward to going through this process. It is because we
 16 have passed the Clean Energy Transformation Act, which
 17 anticipates and, in fact, requires utilities to have a
 18 neutral consequence to the environment from greenhouse gas
 19 emissions by 2030, and that is now slightly over eight years
 20 away. We also have other legislation that has been passed
 21 moving us in this direction that includes the low carbon
 22 fuel standard. We are now a -- the second state in the
 23 union to have a cap and tray or a cap and invest program and
 24 legislation here in this state. So Washington is a leader
 25 on these things.

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1 Regardless of the wisdom of that, that is law in the State
2 of Washington. What that means is hundreds if not thousands
3 of megawatts of electricity that are now generated by
4 carbon-emitting fuels such as coal or natural gas need to be
5 offset completely by 2030. Hundreds if not thousands of
6 megawatts in 7 and a half years, and it takes a year,
7 arguably, under 80.50.100, just to get this project through
8 that process.

9 The state is behind, and it is time to start moving
10 forward to meeting those goals. And those goals benefit
11 everybody. This is an existential problem that is not
12 limited to King County or Benton County. The climate change
13 targets of this legislation are global.

14 So with that, I can't contend that the project is
15 consistent with the Benton County land use code because it
16 no longer is as of December 21 of 2021. However, the Benton
17 County comprehensive plan has not changed. The Benton
18 County comprehensive plan in the summer of 2021 was
19 consistent with the land use code that allowed large solar
20 as a conditional use permit, and I would argue that the
21 comprehensive plan has not changed. The project remains
22 consistent and can be rendered consistent through the
23 conditioning of the project.

24 And that's exactly what Benton County contemplated when
25 they did their SEPA checklist, and you'll find the reference

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1 in my brief. They indicated that any site-specific project
2 would need to go through some site-specific SEPA evaluation.
3 Either the County was going to do it under conditional use
4 framework; now EFSEC is going to do it under the
5 adjudicative process that you will undertake.

6 We should get to the same place. SEPA is the same in this
7 county as it is everywhere else. And the environmental
8 review that you do, I would submit would lead to the same
9 kinds of recommended conditions that you would have found
10 had you gone through the county process.

11 And we know what the county's conditional use concerns
12 are, and you can look at what the code used to say because
13 that's appended to my memorandum, but they're worried about
14 land use consistency. You want to make sure that as you
15 introduce a new kind of use into an existing environment
16 that you condition it in a way that it remains consistent
17 and compatible with everything else that's going on.

18 So we look forward to the adjudicative process to
19 demonstrate how the project can be conditioned to make it
20 compatible. In the next year I would submit that you will
21 do SEPA much like Benton County would have done. The
22 Council has a lot of experience. The Council staff has a
23 lot of experience with SEPA; they know how to do this. This
24 is a company that has exclusively been in the energy --
25 renewable energy industry for over 30 years.

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1 My point in making that is they also have a lot of
2 experience in knowing how to engage with stakeholders,
3 agencies that have an interest in what's going on over here,
4 and I would submit that those conversations which have begun
5 should continue. And the analysis in the application for
6 site certification should be given a hard look, because I
7 believe that it supports a mitigated determination of
8 non-significance precisely because fish and wildlife, the
9 applicant, staff, and the Council know how to process these
10 things, how to analyze these things, and how to develop a
11 body of recommendations that can render the project
12 consistent not only with the Benton County code but to
13 either -- oh, we say avoid, minimize, or mitigate impacts.
14 And we are here and Innergex is here in front of you today
15 and through this proceeding to address those kinds of
16 issues.

17 We do look forward to land use consistent -- land use
18 adjudication in this matter. I do believe and the Applicant
19 believes that we can, through the process of hearing from
20 the public, identifying their concerns, hearing from the
21 agencies, understanding what their concerns are, that we can
22 build a package that can be recommended to the governor for
23 approval not only preempting Benton County code but
24 conditioning it in a way that reflects the values and
25 interests of everybody that lives here in this county.

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1 I'm happy to answer any questions that you have, and if
2 not, I look forward to moving forward and seeing an order
3 commencing adjudication in this matter in a relatively
4 timely fashion so that this project, and I'm sure many, many
5 others, can get moving forward to meet the goals of SEPA.
6 Thank you.

7 JUDGE GERARD: Thank you.

8 At this time do we have anyone representing Benton County
9 who wishes to speak? And good evening. Before we start,
10 I'll let you introduce yourself. I'll give you the same
11 amount of time --

12 MS. COOKE: Yes.

13 JUDGE GERARD: -- I gave the appellant -- or the
14 Applicant, rather, so that's about ten minutes. Just -- I
15 didn't clarify this earlier. All other speakers will be
16 given three minutes to speak, so --

17 MS. COOKE: Thank you.

18 JUDGE GERARD: -- please introduce you and
19 (inaudible).

20 MS. COOKE: Good evening, Council. My name is
21 Michelle Cooke. I'm the Benton County Planning Manager,
22 and I'd like to take a few minutes this evening to speak
23 to you regarding the Wautoma Solar Project's
24 inconsistency and lack of compliance with Benton
25 County's zoning ordinance and land use plan.

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1 The proposed project fails to comply with both the
 2 Washington State Growth Management Act and Benton County's
 3 comprehensive plan which mandates and directs the County to
 4 project and prevent the loss of long-term, commercially
 5 significant agricultural lands of any size in Benton County.
 6 The proposed location of the Wautoma Solar Project currently
 7 has a land use designation of GMA agriculture, and as such,
 8 nonagricultural uses are discouraged and restricted per the
 9 County's comprehensive plan.
 10 The proposed project is an industrial use, not an
 11 agricultural one. And a 4,573-acre loss of commercially
 12 significant agricultural land would be both inconsistent and
 13 incompatible not only with the County's comprehensive plan
 14 but also its implementing regulations such as the County's
 15 zoning ordinance and the critical area regulations.
 16 As with the land use designation for the project area, the
 17 zoning district is also agricultural known as the Growth
 18 Management Act Agricultural Zone. This zoning district
 19 seeks to protect agricultural activities by allowing land
 20 uses compatible with agriculture and prohibiting
 21 nonagricultural uses.
 22 Currently, industrial scale solar projects such as this
 23 one are current- -- are prohibited in the GMA agricultural
 24 zoning district and are not allowed as either an outright
 25 allowed accessory or conditional use in this zone per the

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1 County's zoning ordinance.
 2 The Applicant is requesting that EFSEC preempt the
 3 County's local land use plan and zoning ordinance, which do
 4 not allow such a use to occur in agricultural lands. Based
 5 upon the project's location, the proposal does not meet the
 6 intent of RCW 36.70, is not consistent with the goals and
 7 policies of the County's comprehensive plan, and does not
 8 comply with the GMA agricultural zoning district as solar
 9 farms are a prohibited use.
 10 As such, it's the County's stance on this proposal that
 11 the local county land use policies and zoning code should be
 12 held in effect and should not be disregarded by the Wautoma
 13 Solar Project application before us tonight. Thank you for
 14 your time.
 15 JUDGE GERARD: Do we have any speakers on the list?
 16 MS. GRANTHAM: Yes. The next speaker is Allison
 17 Keeler.
 18 MS. KEELER: I hate microphones, sorry. I want the
 19 board to accept my comments as having my interest in all
 20 aspects of the project specifically, including, without
 21 limitation, land use consistency. I'm sure I'm not
 22 going to surprise anybody in this room by saying that
 23 farming is hard work. It's hot days, back-breaking
 24 labor, and is certainly best suited to the young and the
 25 fit. However, if you look at the U.S. as a whole, the

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1 average age of a farmer is 57 and a half years old, and
 2 that number continues to climb with every agricultural
 3 census that's taken.
 4 In Benton County, 64 percent of farmers are between the
 5 ages of 35 and 64 years old, and another 25 percent are over
 6 the age of 65. As of 2017, 234 individuals who were farming
 7 in Benton County were under the age of 35. Unless things
 8 have dramatically changed since the last farming community
 9 was counted in 2017, we have a significant dearth of farmers
 10 who will be there to take the place of those who want to
 11 retire.
 12 I'm not a farmer; I do, however, represent an interesting
 13 demographic in Benton County. The family office that I
 14 represent recently purchased just over 1,500 acres of
 15 farmland in Benton County, not because we were hoping to
 16 farm it but because we knew it was under contract to a solar
 17 developer. "Just another carpetbagger," I'm sure you're all
 18 thinking, but I would frame it differently.
 19 Since taking ownership of the property, we've worked with
 20 Innergex to remove the existing vineyard from the solar
 21 lease allowing us to continue to farm those 75 acres. We
 22 hired a vineyard manager locally and are in discussions to
 23 hire an additional five to eight full-time workers for the
 24 vineyard.
 25 We've shown Innergex that sheep make excellent mowing

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1 machines, and they have been receptive to encouraging the
 2 shepherd that has grazed his flock on the property to
 3 continue to graze his sheep under the solar panels producing
 4 benefits to both the solar producer and the rancher.
 5 This will probably result in a couple of things: A
 6 potential increase in the size of the shepherd's flock under
 7 solar panel planting of native grasses that are better
 8 suited to the drought-prone Columbia basin, and also
 9 excellent forage for the sheep, and a continuation of
 10 ranching on the property that will also be providing value
 11 in the creation of electricity.
 12 Solar has already brought quite a few benefits to Benton
 13 County. It attracts the attention of active investors who
 14 bring funds into the county. The right solar producers are
 15 willing to work with existing farmers and ranchers to
 16 accommodate to the extent possible dual-use strategies for
 17 the land that is going under solar so that farming and
 18 ranching do not necessarily disappear when solar land is
 19 developed. And it allows farmers who do not have an exit
 20 strategy other than to sell their family's land or find one
 21 of the dwindling group of young farmers who might want to
 22 farm someone else's land to continue to generate real
 23 income, even if the land is no longer farmed.
 24 I can't speak to all solar developers, but Innergex has
 25 been an excellent partner for the farming and ranching

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1 community in Benton County without even having broken ground
 2 on its project. Thank you.
 3 JUDGE GERARD: Thank you.
 4 MS. GRANTHAM: The next speaker is Brendan Mercer.
 5 JUDGE GERARD: If you are connecting remotely would
 6 you go ahead and turn yourself off mute and speak up,
 7 please?
 8 Would you please read the name of the participant?
 9 MS. GRANTHAM: Brendan Mercer.
 10 JUDGE GERARD: Let's go ahead and move on to the next.
 11 We'll come back to him at the end.
 12 MS. GRANTHAM: The next speaker is Jeanie Polehn.
 13 JUDGE GERARD: And if you are connecting remotely,
 14 please take it off mute and go ahead and begin speaking.
 15 (Inaudible).
 16 MS. POLEHN: Thank you for allowing me to speak today.
 17 I'm Jeanie Polehn of Benton County, and we're talking about
 18 land use consistency. And the last time I checked -- can
 19 you hear me?
 20 JUDGE GERARD: Can you drop the microphone down a
 21 little bit closer to your face?
 22 MS. POLEHN: Thank you. I'm short.
 23 JUDGE GERARD: Thank you.
 24 MS. POLEHN: This is (inaudible). Here we go. Okay.
 25 Can you hear me now?

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1 JUDGE GERARD: Yes.
 2 MS. POLEHN: Okay. The last time I checked, I have
 3 not seen solar panels grow by themselves. Anybody
 4 around here seen solar panels spurt up out of the ground
 5 and stuff, start growing themselves? You know, I don't
 6 think that's an agricultural situation.
 7 You know, we're talking about clean energy, okay, for our
 8 community. Well, what about the people over in China that
 9 are making those solar panels under slave labor? What about
 10 them producing all of that material using carbon materials?
 11 Fossil fuels. Is NIMBYism okay? I don't think that's okay.
 12 Also, the solar panels do have hazardous waste, and the
 13 batteries have hazardous waste. What -- why is that okay?
 14 And with our -- I'm trying to think -- the cost of living
 15 going up 9.1 percent inflation, I find it hard to believe
 16 that it's going to cost what is listed online to
 17 decommission the facility. I know we need jobs, and I
 18 recognize that, but we also have to take care of our
 19 environment. And if we lose this for something that we
 20 haven't thought through, shame on us. That's all I have.
 21 Thank you.
 22 JUDGE GERARD: Thank you.
 23 MS. GRANTHAM: That was our last speaker, so we can go
 24 back to see if Brendan Mercer is online.
 25 JUDGE GERARD: Let's go ahead and open it up to the --

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1 those participating in person. Anyone else wish to speak on
 2 the land use issue?
 3 Sir, go ahead.
 4 MR. PENN: Again, my name is George Penn; I'm a Benton
 5 County resident. And evidently there is a moratorium
 6 suggested on projects like this by the Benton County
 7 Commissioners. They are duly elected representatives of
 8 Benton County and, you know, if that's where we're at with
 9 this, we need to give this closer examination and let the
 10 will of the people be determined instead of an agency from
 11 the west side dictating to us how the land in Benton County
 12 is going to be used.
 13 Again, I'm George Penn, Benton County resident.
 14 JUDGE GERARD: Thank you.
 15 Sir.
 16 MR. MELBAUER: Good evening, and thank you for your
 17 time and listening to my comments. My name is Jim
 18 Melbauer, and I am a resident of Benton County. And I
 19 am in favor of this project, and I speak to that. I
 20 think we need to diversify our energy portfolio, and
 21 this is one way of doing it. I have solar panels at my
 22 house and plan to add more, and I hope that's not
 23 discouraged by Benton County to help eliminate that. So
 24 I support this project, and I appreciate your time.
 25 Thank you.

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1 JUDGE GERARD: Thank you.
 2 Sir, go ahead.
 3 MR. JENKIN: My name is Bill Jenkin; I'm a resident of
 4 Benton County. I'm here, much like the speaker two before,
 5 is that, you know, we went through this a little bit with
 6 the windmill project -- well, a lot with the windmill
 7 project coming through and went directly to your committee,
 8 and now -- now this is going directly to your committee.
 9 I do understand what -- and I'm told what was enacted
 10 recently by the County to -- moratorium or whatever you want
 11 to call it that makes the project people want to get going
 12 and they feel that they can't get going going through the
 13 County because it could be a while so that -- so the next
 14 option is going to you.
 15 I can see that thinking, but I think this is a long-term
 16 project, and I think something like this long-term needs to
 17 be decided by the County, not by a committee on the other
 18 side of the mountain. We need to have our own influence,
 19 and I know that that's a County decision. We have to work
 20 through that with the County, and that's what we intend to
 21 do.
 22 We need to have our own voice. Appreciate what you're
 23 doing. Well, I guess I really don't, but I appreciate that
 24 you're all here going through what needs to be done at this
 25 point. But, please, let Benton County make the decision and

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1 offer -- offer some type of response before your committee
 2 gets involved. Thank you.
 3 JUDGE GERARD: Thank you.
 4 Anybody else currently in the facility wish to speak
 5 before we go to the remote participants? Anyone who has
 6 connected remotely wish to speak before we pass the baton
 7 off to (inaudible)? Okay.
 8 CHAIRMAN DREW: There is somebody.
 9 JUDGE GERARD: Looks like Lorre Gefre.
 10 MS. GEFRE: Yes, can you hear me?
 11 JUDGE GERARD: We can, thank you.
 12 MS. GEFRE: You can hear me now? Okay. I live
 13 directly across from the Robert family. They are very
 14 good neighbors and they have to figure out what works
 15 best for their land. But what sometimes -- I feel bad
 16 for the farmers -- and I will say it real quickly -- I
 17 have been involved in not necessarily farming, but
 18 agricultural research, observations, wildlife habitat
 19 for many, many years. And we are destroying our
 20 predators with the wind turbines and the different
 21 things are being forced onto people where they don't
 22 have a vote or a say anymore. The batter waste -- and
 23 what's bad is, to me, is that the farmers don't always
 24 know the consequences of what may happen to their land
 25 if it returns back to them to use. Like the one

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1 Republican woman spoke about the battery waste. What
 2 are we going to do about all this battery waste?
 3 Again, I am not speaking against people doing what they
 4 want with their land, but I know that the counties also
 5 have ordinances that they need to follow and respect all
 6 people, as well.
 7 So Washington State has had a big problem over many,
 8 many years of the declining aquifers. They have not
 9 enforced the water laws that are public waters. This
 10 puts farmers in a bad bind when their aquifers are
 11 rapidly disappearing and they keep their land, try to
 12 farm it and then the water is gone and it's worthless.
 13 So how fair is this to the farmers? They have really
 14 been put in a bad spot and I see where the Robert family
 15 has been put in a bad spot like many. How do they
 16 continue when they don't know that they're going to have
 17 water to sell their land? We don't know that our water
 18 won't be polluted.
 19 And we do have voracious storms out here at times, and
 20 they are very bad. The flooding can be very bad.
 21 There's very violent windstorms. I don't know how these
 22 solar panels work but I do know about the wildlife. And
 23 when it's disappearing, you are going to have a major
 24 problem with your predators gone, with moles, gophers,
 25 these things that -- badgers, things like that can't

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1 keep living around all these things that are invading
 2 their territory to keep the habitat in someawaht of a
 3 balance. We're just being forced, like I said, without
 4 law -- mitigation means nothing. I have watched this.
 5 Nobody enforces the law. Once it's done, it's over. I
 6 have been in politics for a long time. And I'm not
 7 against the Robert family and I'm not against their
 8 land, but what I am against is what the state doesn't do
 9 and promises to do, and just like this, there's going to
 10 be big problems with all this waste -- battery waste,
 11 water pollution. What is the Robert family going to
 12 have in the end? These people sold on the idea that
 13 this is a great way to make money. It is, but what is
 14 their land going to be when it's all over? What's our
 15 earth going to be like when it's all over.
 16 People matter. Wildlife matter. I have marks on my
 17 tree from deer. People let -- let people shoot the elk
 18 and deer. Then when they want something, then they just
 19 destroy it so they don't have a way to even migrate --
 20 JUDGE GERARD: Ms. Gefre, I'm going to -- I'm going to
 21 just stop you there.
 22 MS. GEFRE: Okay, I am done. Thank you. I have
 23 nothing against the Robert family, but --
 24 JUDGE GERARD: We need to -- ma'am, hold on. We need
 25 to limit it to the land use of this particular project

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1 with -- for this one as opposed to broader things as
 2 opposed to you --
 3 MS. GEFRE: Well, it is for this one, the Robert
 4 family.
 5 JUDGE GERARD: Just a moment, please. Please let me
 6 finish just so we know the parameters of what we are
 7 going with. I am going to ask that you limit your
 8 comments just to the land use of this project, as
 9 opposed to broader scopes of other legal activities or
 10 inconsistencies. Thank you.
 11 MS. GEFRE: Okay. Well, I had what I had to say. I
 12 feel the Robert family and many farmers are in a bad
 13 spot, because the Washington water laws aren't enforced.
 14 And I think that Benton County and all counties should
 15 have a say in what happens to their land use, working
 16 with the farmers, working with the people, and I am
 17 going to leave it in the hands of the people that make
 18 these decisions but --
 19 JUDGE GERARD: All right. Thank you, ma'am.
 20 MS. GEFRE: -- I don't think that people always know
 21 what they are getting into to.
 22 JUDGE GERARD: Three minutes, ma'am. We've gone past
 23 a lot of time. Thank you for your comments.
 24 MS. GEFRE: Thank you.
 25 JUDGE GERARD: Thank you, ma'am.

Verbatim Transcript of Proceedings

Washington State Energy Facility Site Evaluation Council

August 16, 2022



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Verbatim Transcript of Proceedings - 8/16/2022

<p style="text-align: right;">Page 1</p> <hr/> <p style="text-align: center;">WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL LACEY, WASHINGTON AUGUST 16, 2022 1:30 P.M.</p> <hr/> <p style="text-align: center;">VIRTUAL MONTHLY COUNCIL MEETING Verbatim Transcript of Proceedings</p> <p style="text-align: center;">(All participants appeared via Teams)</p> <p>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</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S (Cont.) 2 3 Also Present: 4 ERIC MELBARDIS, Kittitas Valley 5 JENNIFER GALBRAITH, Wild Horse 6 CHRIS SHERIN, Grays Harbor Energy 7 STEFANO SCHNITGER, Chehalis Generation Facility 8 MARSHALL SCHMITT, Columbia Generating Station 9 OWEN HURD, Columbia Solar 10 MEGAN SALLOMI, Counsel for The Environment 11 KAREN MCGAFFEY, GHE Counsel 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S 2 Councilmembers: 3 KATHLEEN DREW, Chair 4 STACEY BREWSTER, UTC 5 MIKE LIVINGSTON, Fish and Wildlife 6 LENNY YOUNG, Natural Resources 7 8 Local Government and Optional State Agencies 9 for the Horse Heaven Project: 10 DEREK SANDISON, Department of Agriculture 11 ED BROST, Benton County 12 13 Badger Mountain Project: 14 JORDYN GIULIO, Douglas County 15 16 Wautoma Solar Project: 17 DAVE SHARP, Benton County 18 PAUL GONSETH, Department of Transportation 19 Assistant Attorney General: 20 JON THOMPSON 21 Administrative Law Judges: 22 ADAM TOREM 23 LAURA BRADLEY 24 DAN GERARD 25 EFSEC Staff: SONIA BUMPUS AMY HAFKEMEYER AMY MOON JOE WOOD STEW HENDERSON JOAN OWENS DAVE WALKER ANDREA GRANTHAM</p>	<p style="text-align: right;">Page 4</p> <p>1 LACEY, WASHINGTON; AUGUST 16, 2022 2 1:30 P.M. 3 --o0o-- 4 P R O C E E D I N G S 5 6 CHAIR DREW: This is Kathleen Drew, Chair of 7 the Washington State Energy Facility Site Evaluation 8 Council, calling our August meeting to order. 9 Ms. Grantham, will you call the roll? 10 MS. GRANTHAM: Department of Commerce? 11 Department of Ecology? 12 Fish and Wildlife? 13 MR. LIVINGSTON: Mike Livingston, here. 14 MS. GRANTHAM: Department of Natural 15 Resources? 16 MR. YOUNG: Lenny Young, present. 17 MS. GRANTHAM: Utilities and Transportation 18 Commission? 19 MS. BREWSTER: Stacey Brewster, present. 20 MS. GRANTHAM: Local Government and Optional 21 State Agencies for the Horse Heaven Project, Department 22 of Agriculture? 23 MR. SHARP: Dave Sharp, present. 24 (Multiple speakers.) 25 MS. GRANTHAM: Oh, Dave, you are for Benton</p>

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<p>1 County Wautoma Solar. I will get to you in a second. 2 MR. SHARP: Okay. Oh, that's right. Yep, 3 gotcha. 4 MS. GRANTHAM: For Horse Heaven, for Benton 5 County, Ed Brost? 6 MR. BROST: Ed Brost is here. 7 CHAIR DREW: I don't know if we heard 8 Department of Agriculture. 9 MR. SANDISON: Derek Sandison, present. 10 CHAIR DREW: Thank you. 11 MS. GRANTHAM: Thank you. 12 For the Badger Mountain Project, Douglas 13 County? 14 MS. GIULIO: Jordyn Giulio, present. 15 MS. GRANTHAM: For the Wautoma Solar 16 Project, Benton County, Dave Sharp? 17 MR. SHARP: Dave Sharp, present. 18 MS. GRANTHAM: Thank you. 19 Washington State Department of 20 Transportation? 21 MR. GONSETH: Paul Gonseth, present. 22 MS. GRANTHAM: The assistant attorney 23 general? 24 MR. THOMPSON: Jon Thompson, present. 25 MS. GRANTHAM: Administrative law judges,</p>	<p>1 MS. GRANTHAM: Wild Horse Wind Power 2 Project? 3 MS. GALBRAITH: Jennifer Galbraith, present. 4 MS. GRANTHAM: Grays Harbor Energy Center? 5 MR. SHERIN: Chris Sherin is present. 6 MS. GRANTHAM: Chehalis Generation Facility? 7 MR. SCHNITGER: Stefano Schnitger, present. 8 MS. GRANTHAM: Columbia Generating Station? 9 MR. SCHMITT: Marshall Schmitt, present. 10 MS. GRANTHAM: Columbia Solar? 11 MR. HURD: Owen Hurd, present. 12 MS. GRANTHAM: And for the counsel for The 13 Environment? 14 MS. SALLOMI: This is Megan Sallomi, 15 present. 16 MS. GRANTHAM: Thank you. 17 Chair, there is a quorum for the regular 18 Council, for the Horse Heaven, Badger Mountain, and 19 Wautoma Councils. Thank you. 20 CHAIR DREW: Thank you. 21 Our next item is the proposed agenda. You 22 see it before us. Councilmembers, is there a motion to 23 adopt the proposed agenda? 24 MR. LIVINGSTON: This is Mike Livingston. I 25 propose to adopt the agenda as presented.</p>
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<p>1 Adam Torem? 2 JUDGE TOREM: Present. 3 MS. GRANTHAM: Laura Bradley? 4 JUDGE BRADLEY: Present. 5 MS. GRANTHAM: Dan Gerard? 6 JUDGE GERARD: Present. 7 MS. GRANTHAM: For EFSEC Staff, Sonia 8 Bumpus? 9 MS. BUMPUS: Present. 10 MS. GRANTHAM: Ami Hafkemeyer? 11 MS. HAFKEMEYER: Present. 12 MS. GRANTHAM: Amy Moon? 13 MR. HENDERSON: Amy Moon, present. 14 MS. GRANTHAM: Joe Wood? 15 MR. WOOD: Joe Wood, present. 16 MS. GRANTHAM: Patty Betts? 17 Stew Henderson? 18 MR. HENDERSON: Here. 19 MS. GRANTHAM: Joan Owens? 20 MS. OWENS: Here. 21 MS. GRANTHAM: Dave Walker? 22 MR. WALKER: Present. 23 MS. GRANTHAM: For the operational updates, 24 Kittitas Valley Wind Project? 25 MR. MELBARDIS: Eric Melbardis, present.</p>	<p>1 CHAIR DREW: Thank you. 2 Second? 3 MS. BREWSTER: Stacey Brewster, second. 4 CHAIR DREW: Thank you. 5 Any discussion? 6 All those in favor, signify by saying "aye." 7 COUNCILMEMBERS: Aye. 8 CHAIR DREW: Opposed? 9 Motion carries. 10 Moving on to the minutes. We have one set 11 of minutes before us today, and that's the meeting 12 minutes from July 19th, 2022. Is there a motion to 13 approve the meeting minutes for July 19th, 2022? 14 MS. BREWSTER: This is Stacey Brewster. 15 I'll move we approve the minutes from the 16 July 19th, 2022 meeting. 17 CHAIR DREW: Thank you. 18 Second? 19 MR. LIVINGSTON: Mike Livingston, second. 20 CHAIR DREW: Thank you. Before we vote, I 21 do have two corrections. On page 14, line 11, undated 22 should be updated. And same, on page 14 -- line 14, 23 pack, p-a-c-k, should be capital T, capital A, capital 24 C. I believe that's a TAC, a Technical Advisory 25 Committee meeting.</p>

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<p>1 Those are the corrections I have. Are there 2 any other corrections? 3 Hearing none, all those in favor of 4 approving the minutes as amended, please say "aye." 5 COUNCILMEMBERS: Aye. 6 CHAIR DREW: Thank you. 7 All those opposed? 8 Minutes are approved. 9 Moving on to our operational updates. 10 Kittitas Valley Wind Project, Mr. Melbardis. 11 MR. MELBARDIS: Good afternoon, Chair Drew, 12 EFSEC Council, and Staff. This is Eric Melbardis with 13 EDP Renewables for the Kittitas Valley Wind Power 14 Project. We had nothing nonroutine to report for the 15 period. 16 CHAIR DREW: Thank you. I do have a 17 question, Mr. Melbardis. 18 MR. MELBARDIS: Yes? 19 CHAIR DREW: Recently, there have been some 20 fires, but I think quite a bit to the east of you in 21 Kittitas Valley; is that correct? 22 MR. MELBARDIS: Yes, that's correct. In 23 fact, I'm out pulled over on the side of the road in the 24 middle of where one of the fires came through just east 25 of Wild Horse. Did not affect any of our operations.</p>	<p>1 Highway just a couple of miles east of the Wild Horse 2 site entrance. It started during red flag weather 3 conditions. Warm temperatures with very low humidity 4 and strong winds combined to produce extreme fire 5 behavior. 6 Additional resources were required to 7 suppress the fire as it continued to grow rapidly. A 8 Washington State Department of Natural Resources Type 9 III incident management team took command of the fire on 10 August 4th and soon after transitioned to a type II 11 incident management team equipped with more resources. 12 A total of 154 fire personnel were 13 responding to the fire and using Wild Horse as a staging 14 area. The fire initially moved east toward the Columbia 15 River, then changed directions back west up the 16 drainages toward the wind farm. Some areas of the town 17 of Vantage were under level three evacuations but were 18 scaled back to level two in about an hour. 19 PSE self-evacuated site personnel from Wild 20 Horse and closed the visitor center. 21 The Quilomene and Whiskey Dick Wildlife Area 22 units within the L.T. Murray Wildlife Area located east 23 of the wind farm were temporarily closed to protect 24 public safety. And a total of 30,659 acres of shrub 25 step habitat was burned and one cabin and three</p>
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<p>1 In fact, our smoke levels have not been high yet this 2 year. 3 CHAIR DREW: Okay. Thank you. Appreciate 4 it. 5 Moving on to Wild Horse Wind Power Project, 6 Ms. Galbraith. 7 MS. GALBRAITH: Yes. Thank you, Chair Drew, 8 Councilmembers, and Staff. For the record, this is 9 Jennifer Galbraith, representing Puget Sound Energy for 10 the Wild Horse Wind Facility. I have only one 11 nonroutine update for the month of July, and that is the 12 annual update for the Technical Advisory Committee. Due 13 to increasing COVID case counts, the annual update was 14 provided to TAC members via email. 15 In addition, there were no proposed actions 16 that required an in-person meeting or TAC decision. The 17 update was very brief and included the change of the 18 EFSEC TAC facilitator from Kyle Overton to Amy Moon. No 19 questions or comments were received from TAC members. 20 I also wanted to provide an update on the 21 Vantage Highway Fire. 22 CHAIR DREW: Thank you. 23 MS. GALBRAITH: Sounds like Eric is nearby. 24 The wildfire started on August 1st, shortly after 12:00 25 p.m. It started along the roadside of the Vantage</p>	<p>1 outbuildings were burned at Scammons Landing located on 2 the banks of the Columbia River. 3 The fire did reach the wind farm on the 4 eastern boundary and burned up to one of our turbine 5 access roads at which point fire personnel were able to 6 contain the fire. The gravel turbine access road acted 7 as a fire break preventing the fire from expanding 8 further. 9 Approximately 50 acres were burned within 10 the Wild Horse site boundary. There was no fire damage 11 to wind turbines or associated infrastructure. And as 12 of August 11th, the fire was a hundred percent 13 contained. And I believe the cause of the fire's under 14 investigation and still undetermined at this point. 15 CHAIR DREW: Thank you -- 16 MS. GALBRAITH: And that's all. 17 CHAIR DREW: -- for the very complete 18 report. 19 Are there any questions from Councilmembers? 20 Okay. Thank you very much. 21 Moving on to the Chehalis Generation 22 Facility operational update, Stefano Schnitger? 23 MR. SCHNITGER: Good afternoon, Chair Drew, 24 Councilmembers, and Staff. Chehalis has nothing 25 nonroutine to report for the period.</p>

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<p style="text-align: right;">Page 13</p> <p>1 CHAIR DREW: Thank you. 2 Moving on to the Grays Harbor Energy Center, 3 the operational update, Mr. Sherin? 4 MR. SHERIN: Good afternoon, Chair Drew, 5 Councilmembers, Staff. For the month of July, the only 6 nonroutine item I have to report is the -- that we 7 submitted our annual Relative Accuracy Test Audit test 8 plan and remedial Stack Test plan to EFSEC, and that's 9 actually underway as we speak. 10 CHAIR DREW: Thank you. 11 Moving on to our Greenhouse Gas Mitigation 12 Plan update, Ms. Bumpus? 13 MS. BUMPUS: Thank you. For the record, my 14 name is Sonia Bumpus. 15 Good afternoon, Chair Drew and 16 Councilmembers. I'm addressing the Council today to 17 discuss a request that EFSEC has received from our 18 certificate holder, Grays Harbor Energy, LLC, concerning 19 the Grays Harbor's facility obligation to mitigate 20 greenhouse gas emissions in light of the recent passage 21 of the Climate Commitment Act. 22 Karen McGaffey is here. She is the 23 certificate holder's legal counsel, and she'll be 24 introducing Grays Harbor's request. There is a copy of 25 Grays Harbor's written request in the Councilmembers'</p>	<p style="text-align: right;">Page 15</p> <p>1 memorandum and a number of materials, are in your packet 2 today. I'm not going to repeat all of the details that 3 are in that large stack of documents, but I will try to 4 provide a brief summary to start us out. 5 EFSEC first permitted the Grays Harbor 6 Energy Project back in 1996. It was actually one of the 7 first projects I worked on as a then-young attorney. 8 Since then, EFSEC's amended the Site Certification 9 Agreement several times. An amendment in 2001 allowed 10 the Grays Harbor Energy to install larger turbines than 11 had originally been proposed, but it also required that 12 Grays Harbor Energy submit a Greenhouse Gas Mitigation 13 Plan before the facility came online. Grays Harbor 14 Energy did so, and the Council approved that mitigation 15 plan in 2003. 16 The mitigation plan was loosely based on a 17 requirement that was then in effect in Oregon and a 18 similar mitigation requirement that the Council then 19 imposed on another project. 20 I don't think there's any need to go into 21 the details of the plan at this point, but in very broad 22 terms, I'll explain that Grays Harbor Energy is required 23 to make a payment to the Climate Trust each year for the 24 first 30 years of its operation. The Climate Trust then 25 uses that money to finance various greenhouse gas offset</p>
<p style="text-align: right;">Page 14</p> <p>1 packets. It's a letter dated June 6th, 2022, and I 2 believe it's Appendix 1 of the Staff memo. 3 Karen's introduction will be followed by 4 remarks from Jon Thompson, EFSEC's legal counsel. Jon 5 is planning to discuss some of the key takeaways from 6 EFSEC Staff's legal memo that was provided in an email 7 to Councilmembers for their review on August 5th, 2022. 8 After we go through these presentations, if 9 there aren't any other questions or if there are and 10 once we get past those questions, I'll proceed with 11 Staff's recommendation and a proposed action to act on 12 the request that we've received. 13 So with that, I will go ahead and hand this 14 over to Karen to begin the introduction for the request. 15 MS. MCGAFFEY: Thank you, Sonia. 16 Good afternoon, Chair Drew, Councilmembers, 17 and Staff. My name's Karen McGaffey, and I represent 18 Grays Harbor Energy, which, as you know, operates the 19 Grays Harbor Energy Center. 20 I'm here today to speak to you about 21 Washington's Climate Commitment Act and how that statute 22 relates to the Greenhouse Gas Mitigation Plan that 23 applies to the Grays Harbor Energy Center. 24 We provided EFSEC Staff with a letter dated 25 June 6th, and I know that that, along with the Staff</p>	<p style="text-align: right;">Page 16</p> <p>1 projects, and I believe your materials have a list of 2 those -- some of those projects in them. 3 The amount that Grays Harbor Energy is 4 required to pay under the plan is based on a calculation 5 that, in effect, has Grays Harbor Energy paying a price 6 per ton to offset a portion of its carbon emissions. 7 The 2001 and 2003 plan both predated any 8 comprehensive federal or state greenhouse gas mitigation 9 requirement. At the time the plan was approved, we also 10 assumed that a federal or state legislation would be 11 enacted at some point during the effect of the plan that 12 would establish a more comprehensive mitigation program. 13 So the Greenhouse Gas Mitigation Plan also 14 included a sunset provision to ensure that Grays Harbor 15 Energy would not be required to mitigate its missions -- 16 its emissions, excuse me, multiple times under multiple 17 different programs. 18 At this point, I believe Grays Harbor Energy 19 is 15 years into that 30-year cycle of mitigation under 20 the plan, and it's paid more than \$5 million to The 21 Climate Trust to implement mitigation projects. 22 Last year, as you all know, the Washington 23 legislature enacted the Climate Commitment Act, which 24 required the development of an economy-wide carbon 25 cap-and-invest program. And the Department of Ecology</p>

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1 has been hard at work on various rulemakings to get that
 2 program up and running. The program will take effect
 3 January 1st, 2023.
 4 The facilities that emit more than 25,000
 5 tons of CO2 equivalent per year are covered by the
 6 program, and they will be required to obtain allowances
 7 for all of their emissions.
 8 Grays Harbor Energy is required to comply
 9 with the Climate Commitment Act, and under this
 10 cap-and-invest program, an allowance will be required
 11 for each ton of CO2 emissions from the Grays Harbor
 12 Energy Center.
 13 I think it's -- there's more detail about
 14 this in the materials you have, but it's certainly fair
 15 to say that this obligation under the Climate Commitment
 16 Act will be much larger than the requirements of the
 17 current mitigation plan.
 18 Our request today is pretty simple. We
 19 would like EFSEC to confirm that Grays Harbor Energy's
 20 compliance with the Climate Commitment Act starting in
 21 2023 will satisfy its obligation under the Greenhouse
 22 Gas Mitigation Plan.
 23 We hope you'll agree with the simple idea
 24 that Grays Harbor Energy should not have to pay twice
 25 for the same emissions. This is exactly the situation

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1 in which the mitigation plan's sunset provision was
 2 intended to come into play. Under the sunset provision,
 3 Grays Harbor Energy should not be required to make
 4 further payments to The Climate Trust as long as it
 5 complies with the much more substantial Climate
 6 Commitment Act.
 7 So I think I'll stop there and, I think,
 8 hand things over to Jon Thomas [sic], but I will be
 9 happy to answer questions later if you have any. Thank
 10 you.
 11 CHAIR DREW: Thank you.
 12 Mr. Thompson?
 13 MR. THOMPSON: Yeah, thank you, Chair Drew.
 14 So yeah, I -- I was trying to think of what to add here.
 15 I think what I will focus on is sort of the operative
 16 legal language in the -- in the documents to -- to --
 17 for you to direct your attention to.
 18 As you've heard, Grays Harbor Energy is
 19 asking you to confirm that their obligations under their
 20 Greenhouse Gas Mitigation Plan should be concluded.
 21 There is language in their Site Certification Agreement
 22 and in the language of the mitigation plan itself, which
 23 is a Council-approved document from 2003. It was
 24 approved by a Council vote at a -- at a meeting that
 25 year. And we have as part of the packet the -- the

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1 minutes of that meeting discussing -- discussing its
 2 adoption.
 3 So as Ms. McGaffey referred to, this was --
 4 the occasion for adopting this plan was back in 2001
 5 when -- well, let me -- let me step back from there.
 6 In 1996, the -- the national gas turbine
 7 was -- at the Satsop site was originally approved by the
 8 Council by a Site Certification Agreement amendment.
 9 And at that time, arguments were made by a counsel for
 10 The Environment in favor of requiring greenhouse gas
 11 mitigation. And at that time, the Council opted not to
 12 do so for reasons that are -- that our outlined in our
 13 memo. Mostly concerns with the expenses that would be
 14 imposed on the facility operator.
 15 But then, as Ms. McGaffey was referring to,
 16 a few years later, in 2001, when an increase in the size
 17 of the facility -- approval for an increase in the size
 18 of the facility was requested, at that point, the
 19 Council was ready to take a step toward requiring
 20 mitigation of some portion of the facility's greenhouse
 21 gases, and -- and -- and so required the preparation of
 22 a plan.
 23 It ended up requiring mitigation of -- you
 24 know, by one document somewhere in the neighborhood of
 25 21 percent of the emissions and through the payments to

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1 the -- to The Climate Trust, which funds projects.
 2 The question, though, is -- so in terms of
 3 what you need to look at for this request, the language
 4 of the plan itself, as I said, is relevant as is the
 5 SCA. It talks about there's a preemption sunset
 6 provision that says if new state or federal law imposes
 7 requirements, you know, on the certificate holder's
 8 limit mitigator offset greenhouse gases, you know, the
 9 climate -- or the Council will try to, you know, get
 10 credit or -- or to credit the certificate holder for
 11 reductions they've already achieved.
 12 That doesn't really apply here because there
 13 really is no mechanism for that under the Climate
 14 Commitment Act. But the language also says that if new
 15 state or federal law preempts this mitigation plan, then
 16 further obligations in the plan will terminate.
 17 There's a kind of a -- it's sort of unclear
 18 what "preempt" means, but there's kind of parallel
 19 language in the Site Certification Agreement itself,
 20 which refers in similar terms to comprehensive federal
 21 or state mitigation program being implemented. I think
 22 if you look at those together, what it's talking about
 23 is, you know, if there's -- if that anticipated
 24 comprehensive greenhouse gas legislation comes along,
 25 then the idea was that this -- that this first step that

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1 EFSEC was making toward greenhouse gas mitigation
 2 requirements would conclude. And that, if possible,
 3 that some credit would -- would be given to the -- to
 4 the certificate holder. Although, as I said, that's not
 5 really possible under the Climate Commitment Act.
 6 So -- so turning to what the Climate
 7 Commitment Act requires, basically it sets a -- a cap on
 8 emissions from covered entities in the state of
 9 Washington, which gets increasingly smaller, reducing by
 10 90 percent by the year 2050. And covered entities are
 11 required to purchase allowances, emissions allowances,
 12 at auction, which will likely become increasingly more
 13 valuable, therefore, more expensive over time.
 14 There's -- the request from Grays Harbor
 15 Energy predicts that they may be somewhere in the
 16 neighborhood of 70 times more -- something like 70 times
 17 more costly than what's required under the -- of Grays
 18 Harbor Energy under its current mitigation plan.
 19 The revenues that are generated by that
 20 auction will be used by the State of Washington to
 21 offset other sources of greenhouse gas emissions and to
 22 mitigate the effects of -- of climate change on -- on
 23 different communities.
 24 So in that sense, they're broadly like --
 25 like mitigation requirements that are required under

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1 the -- the -- the current greenhouse gas mitigation
 2 plan.
 3 So, you know, in summary, we've concluded
 4 that it is reasonable to -- to say that the Climate
 5 Commitment Act is the --
 6 [Zoom disconnection.]
 7 MR. THOMPSON: So it's reasonable to
 8 conclude the Climate Commitment Act is the type of
 9 comprehensive or preemptive greenhouse gas legislation.
 10 The Site Certification Agreement and the -- and the
 11 Greenhouse Gas Mitigation Plan indicate would sunset or
 12 conclude the certificate holder's obligations under that
 13 plan.
 14 And so as I was saying, and I think as
 15 Ms. Bumpus will probably further explain, Staff's
 16 recommendation is to have -- to have Staff prepare a
 17 resolution for the Council's vote confirming that
 18 conclusion. So I'll stop there.
 19 CHAIR DREW: Thank you.
 20 Ms. Bumpus?
 21 MS. BUMPUS: Thank you, Chair Drew, and
 22 thank you, Jon and Karen. Really appreciate your
 23 presentations on this.
 24 So just to kind of segue and picking up
 25 where Jon left off, so based off of Staff's review of

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1 the intent of the Climate Commitment Act, what we
 2 understand about the -- its programmatic design and how
 3 it's going to be implemented, we are finding, you know,
 4 that the new law appears to be consistent with the type
 5 of carbon reduction regulation that EFSEC was
 6 forward-thinking about when -- when they drafted the
 7 Greenhouse Gas Mitigation Plan with the sunset provision
 8 that -- that Jon and Karen both talked about.
 9 So with that, our recommendation, the
 10 Staff's recommendation is the Council direct the Staff
 11 to develop a resolution that would be voted on by the
 12 Council at the next public meeting -- that would be the
 13 September Council meeting -- confirming that Grays
 14 Harbor Energy's purchase of allowances under the Climate
 15 Commitment Act would satisfy the company's obligations
 16 under its Greenhouse Gas Mitigation Plan that we had
 17 approved in 2003.
 18 CHAIR DREW: Thank you.
 19 I'm going to ask Councilmembers if they have
 20 questions, but I have a comment and a thought first.
 21 One of the things I liked best about the explanation is
 22 looking back to what the earlier Council did in being
 23 thoughtful about the future and providing for different
 24 options should there be future action.
 25 I guess one of the things I'm curious about,

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1 we don't really expect this to happen, but I -- I would
 2 also like the Staff to think about including some
 3 condition if that program, the Climate Commitment Act
 4 program, would ever be reversed so that -- that we
 5 continue an obligation if the obligation goes away.
 6 Does that make sense?
 7 MS. BUMPUS: Yes. Yes, Chair Drew. And we
 8 can -- we can certainly draft some language for the
 9 draft resolution to capture that, I think.
 10 CHAIR DREW: Great.
 11 For those of you also who are listening in
 12 and watching, you can get all these documents on our
 13 Council website and you can look at them yourselves.
 14 And we will be providing an opportunity for comments in
 15 writing based on the draft resolution. It will be out
 16 before the next meeting. So for those of you who have
 17 comments, that's when we'll be taking them. So look
 18 forward to that, and you can always communicate with our
 19 Staff to ask how to comment.
 20 Other Councilmembers, do you have questions
 21 for any of the presenters on this item? I see a hand,
 22 but I don't see who it belongs to.
 23 Oh, Mr. Young. Go ahead.
 24 MR. YOUNG: Thank you, Chair Drew. I would
 25 like to see the resolution also include a contingency

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<p>1 against any type of a delay that might occur following 2 January 1, '23, if the offset program, the mechanism 3 under the Climate Commitment Act, is not fully 4 operational -- and that might occur months or a year or 5 two later -- that Grays Harbor would continue to operate 6 under its mitigation plan until the CCA mechanism comes 7 online. 8 CHAIR DREW: Okay. Thank you. 9 Other comments or questions from 10 Councilmembers? 11 We do have somebody who is not muted who is 12 participating. If you'd please mute your computers and 13 phones, I'd appreciate it. 14 Hearing no other comments from 15 Councilmembers, is there a motion to direct the Staff to 16 develop a resolution to be voted on at our September 17 meeting confirming that the Grays Harbor Energy's 18 purchase of allowances under the Climate Commitment Act 19 will satisfy the company's obligations under the GHG 20 plan was that proved by EFSEC in 2003 and include the 21 two contingencies that we discussed today? 22 MR. YOUNG: Lenny Young, so moved. 23 CHAIR DREW: Thank you. 24 Second? 25 MR. LIVINGSTON: Mike Livingston, second.</p>	<p>1 source, the potential to move the intake structures 2 downstream, and any information we have that we get by 3 coordinating with United States Department of Energy 4 upon our completion of the plan. 5 Our second item, on July 18th, we received a 6 letter from EFSEC that directs Energy Northwest to 7 repair or replace the runtime meters for two of our 8 large emergency diesel generators. They were identified 9 in April of this year as having a discrepancy in their 10 runtime recording due to their design. We are currently 11 conducting an engineering evaluation to determine the 12 feasibility of correcting those meters. 13 And finally, on July 21st, Energy Northwest 14 received a response to the CGS Air Source Registration 15 as a draft for years 2020 and 2021. The response was 16 accompanied by a Review Comment Record, and we're 17 utilizing that to respond to the comments and get them 18 back to EFSEC and Ecology. 19 Those are all of the updates I have for 20 July. 21 CHAIR DREW: Are there any questions -- 22 Thank you. 23 Are there any questions from Councilmembers? 24 Okay. We look forward to further updates. 25 Moving on to the Columbia Solar Project,</p>
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<p>1 CHAIR DREW: Thank you. 2 All those in favor, please say "aye." 3 COUNCILMEMBERS: Aye. 4 CHAIR DREW: Opposed? 5 The motion is adopted. 6 Thank you all. And thank you to all the 7 presenters and to the Staff for the complete record and 8 documentation and work that went into this Council item. 9 Moving on to the Columbia Generating Station 10 and WNP-1/4, Felicia Najera-Paxton? 11 MR. SCHMITT: Good afternoon, Chair Drew, 12 EFSEC Council and Staff. For the record, this is 13 Marshall Schmitt reporting for Columbia Generating 14 Station and for the WNP-1/4. For July of this year, I 15 have three items to report on. 16 The first one, on July 11th, Energy 17 Northwest received approval from EFSEC to investigate 18 the tritium source that had been identified during the 19 commissioning of our new Surface Water Drinking 20 Facility, our treatment plant. The investigation was 21 set to begin in mid August. 22 We're about one week into it right now. 23 Once our investigation is concluded, we will furnish a 24 report to EFSEC that identifies the amounts of activity 25 of tritium that we found, a confirmation of the tritium</p>	<p>1 Mr. Hurd? 2 MR. HURD: Good afternoon, Chair Drew, 3 Councilmembers, and EFSEC Staff. This is Owen Hurd from 4 TUUSSO Energy reporting on the Columbia Solar Project. 5 Penstemon is complete, currently 6 operational. No change from last month. 7 Camas is mechanically complete, but we're 8 still working through some issues with some breakers 9 that are tripping, which have been delaying substantial 10 completion. We're hoping to resolve it this week. 11 And then on Urtica, we're in the final 12 stages of the interconnection. We're working through 13 some transformer issues prior to energization. I think 14 we'll be at mechanical completion later this month and 15 then substantial completion the following September. 16 We've submitted our revised planting plans 17 to EFSEC Staff, Department of Ecology, and WDFW and 18 currently awaiting feedback and will be discussing this 19 further with the TAC next week. We're holding our 20 second meeting next Tuesday. 21 And then we will also be meeting with the 22 weed board shortly on site to talk through just routine 23 maintenance plans for weed control and others. So 24 that's it. 25 CHAIR DREW: Thank you. I had the fortunate</p>

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1 opportunity to walk through the Penstamon site last
 2 week, and which was -- was great to see.
 3 Couple of questions for you. Put you on the
 4 spot. You did mention the weed control, and perhaps
 5 there are some in the community who have questions about
 6 that as well. So just to bring that up, what you're --
 7 you have a plan that is in for review, and then as I
 8 hear, you're also going to discuss it in a TAC meeting
 9 next week?
 10 MR. HURD: That's correct. Yeah. And so,
 11 unfortunately, when you were there, the -- the skeleton
 12 weeds were still standing. So yes, it made the site
 13 look worse than it actually was because the weeds were
 14 dead. But so we're --
 15 CHAIR DREW: They were clearly dead, yes.
 16 MR. HURD: Yeah. There was some discussion
 17 around whether -- how long we needed to leave the
 18 skeleton weeds there for it to really penetrate into the
 19 roots. And anyway, there's just a little bit of growing
 20 pains as we're kind of getting into the routine of when
 21 exactly things need to be done. But I think we're going
 22 to end up removing the skeleton weeds. There's some
 23 additional weeds I think that we found that were not hit
 24 on the western side of Camas that we're going to go back
 25 and hit.

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1 But -- but yeah, that's right. We've
 2 submitted this revised planting plan because we've got
 3 to get ground cover established especially on Penstamon
 4 and the eastern side of Urtica. For now, alfalfa is
 5 pretty good on Camas.
 6 CHAIR DREW: Thank you and thanks for the
 7 update on that.
 8 My second question is, I was really pleased,
 9 which I didn't -- I didn't know before or perhaps I
 10 didn't read the details, that at Penstamon, two
 11 megawatts of the power generated of the five, Puget
 12 Sound Energy is including in its community solar
 13 project. And I don't know if the community is aware of
 14 that either, but I think that's a real value. So I
 15 wanted to share that and ask if you have any comments on
 16 that.
 17 MR. HURD: Yeah, no, thanks. Yeah, it was
 18 kind of an interesting, I guess, aspect to that project
 19 as we essentially had to -- there was a program cap -- I
 20 guess there was a cap on project size. And so we
 21 essentially kind of created a subproject within the
 22 larger project that kind of met the requirements of --
 23 of the program. And now Puget Sound Energy is -- I
 24 believe that's their first site, but I'm not a hundred
 25 percent sure -- for this community solar program.

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1 CHAIR DREW: But that goes directly into,
 2 then, the Kittitas County community and the community
 3 solar program?
 4 MR. HURD: Yeah --
 5 CHAIR DREW: We can find out more
 6 information about it. Yeah.
 7 MR. HURD: Yeah.
 8 CHAIR DREW: And share that because I think
 9 those details are important for the community to know as
 10 well.
 11 MR. HURD: Yeah, yeah. That's right.
 12 CHAIR DREW: Okay. Thank you.
 13 Moving on to our next item, the Horse Heaven
 14 Wind Farm, Ms. Moon?
 15 MR. HENDERSON: Good afternoon, Council
 16 Chair Drew and Councilmembers. For the record, this is
 17 Amy Moon, EFSEC Staff member, providing a State
 18 Environmental Policy Act Update. We also shorten that
 19 to SEPA. The update is for the Horse Heaven Wind
 20 Project.
 21 In July, EFSEC Staff continued reviewing and
 22 refining the draft Environmental Impact Statement, and
 23 we shorten that to be the draft EIS. This included
 24 coordinating technical reviews with other Washington
 25 State agencies with emphasis on cultural resources

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1 including our dialogue and coordination with the
 2 Department of Archaeology and Historic Preservation,
 3 known as DAHP, the acronym DAHP, D-A-H-P, and the Yakima
 4 Nation technical Staff.
 5 So we're working closely with the state
 6 agency, DAHP, and with the Yakima Nation, which is
 7 definitely an interest -- interested party in this
 8 project.
 9 EFSEC Staff is focused on completing second
 10 and final draft reviews, refinement of draft EIS
 11 chapters, and the further development of proposed
 12 minimization and mitigation opportunities.
 13 Review and coordination with our consultant,
 14 Golder, will continue until all sections of the draft
 15 EIS is finalized and ready for compilation into a final
 16 document.
 17 Does the Council have any questions?
 18 CHAIR DREW: Are there any questions from
 19 Councilmembers?
 20 MR. BROST: I just have one. This is Ed
 21 Brost. Is there a timing on the draft being issued?
 22 MS. MOON: So we are working on a revised
 23 schedule, and I don't know if Ami Hafkemeyer has an
 24 update on that. I do not have a revised schedule.
 25 There is a lot of moving parts that need to come

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1 together.
 2 Ami, do you have anything to update the
 3 Council on that?
 4 MS. HAFKEMEYER: I don't -- thank you. For
 5 the record, this is Ami Hafkemeyer. I don't have a
 6 revised schedule that we can share at this time. We are
 7 working with our contractor to -- to update the schedule
 8 based on the remaining work and then to also account for
 9 the time needed for making sure the -- the document
 10 meets accessibility requirements and for printing and
 11 distribution. We hope to have an updated working
 12 schedule in the near future and we can share that.
 13 CHAIR DREW: So we will share that between
 14 Council meetings if -- when there's an update so
 15 Councilmembers and the public will be aware of that.
 16 MR. BROST: Super, thanks.
 17 CHAIR DREW: Thank you.
 18 Moving on --
 19 MR. LIVINGSTON: Chair Drew?
 20 CHAIR DREW: Go ahead.
 21 MR. LIVINGSTON: This is Mike Livingston.
 22 Just one question on the consultation with tribes. It
 23 was mentioned that the Yakima Nation was being
 24 consulted, which is good. Also that area is the CETA
 25 territory, parts of it is the CETA territory of the

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1 Umatilla tribe as well. So I was just curious if
 2 there's been some discussions with them just to make
 3 sure all the due diligence is being covered?
 4 CHAIR DREW: Ms. Bumpus or Ms. Hafkemeyer, I
 5 know we contacted them at the beginning of the project.
 6 Do you have additional information?
 7 MS. HAFKEMEYER: Well, just a quick point of
 8 clarification. We have reached out to the Umatilla. We
 9 have not actually done government-to-government
 10 consultation with the tribes to this point. We have had
 11 our technical Staff working with their technical Staff.
 12 But -- but actual consultation between the councils has
 13 not been established yet.
 14 We did receive feedback I believe earlier on
 15 from the Umatilla, but I would have to go back and look
 16 at what their comment letter said to know how far we are
 17 in working through those comments.
 18 Amy Moon might remember a little bit more of
 19 the details, but I do know that we reached out to them
 20 earlier on.
 21 MS. MOON: Yeah, we did reach out to them
 22 early on, and my recollection was they were wanting to
 23 see the draft EIS to comment on that. And I don't know
 24 anything beyond that point. I think that they were just
 25 waiting to comment on the draft EIS when it all comes

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1 together.
 2 CHAIR DREW: Thank you.
 3 So, Mr. Livingston, we will follow up and,
 4 when the draft EIS is out, make sure that contact is
 5 made again.
 6 MR. LIVINGSTON: Great. Thank you.
 7 CHAIR DREW: Moving on to the Goose Prairie
 8 Solar update.
 9 MR. WOOD: Hello. Good afternoon, Chair
 10 Drew, EFSEC Council, and Staff. This is Joe Wood
 11 providing the monthly update for the 80-megawatt Goose
 12 Prairie Solar Project in Yakima County.
 13 EFSEC Staff continues to work with
 14 Brookfield, the owner of Goose Prairie, LLC on
 15 preconstruction surveys and plans. Brookfield is
 16 working on finalizing habitat conservation and
 17 mitigation plans along with EFSEC and WDFW as well as
 18 fine-tuning the cultural resources report and associated
 19 unanticipated discovery plan with both DAHP and the
 20 Yakima tribe.
 21 EFSEC will continue to work with Brookfield
 22 to obtain all of the required preconstruction and
 23 construction plans and will update the Council on
 24 progress at future meetings.
 25 CHAIR DREW: Thank you.

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1 MR. WOOD: That's it.
 2 CHAIR DREW: Thank you. Any questions?
 3 Okay. Moving on to Badger Mountain,
 4 Ms. Hafkemeyer?
 5 MS. HAFKEMEYER: Thank you, Chair Drew.
 6 Good afternoon. For the record again, this is Ami
 7 Hafkemeyer. Staff has reviewed the comments received by
 8 the public during the 30-day SEPA scoping period that
 9 was open from March 14th to April 12th, 2022. We
 10 received 21 comments from public, State, local agencies,
 11 and tribes.
 12 Based on Staff's review and the
 13 recommendations from our contractor, EFSEC has
 14 identified five elements of the environment that will be
 15 reviewed in the Environmental Impact Statement, or EIS,
 16 with full discussions. These elements are water
 17 resources wetlands, vegetation, wildlife and habitat,
 18 historic and cultural resources, and transportation.
 19 The remaining elements will be discussed in
 20 the EIS with abbreviated discussions covering input from
 21 our contracted agencies and Staff's review summarizing
 22 impacts and proposed mitigation or noting why more study
 23 is not warranted.
 24 Staff are now working with the applicant and
 25 our contractor to establish a working timeline for

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1 drafting the EIS.
 2 Are there any questions?
 3 CHAIR DREW: Are there any questions on the
 4 Badger Mountain Solar Energy Project?
 5 Hearing none, thank you.
 6 Whistling Ridge, Ami Hafkemeyer.
 7 MS. HAFKEMEYER: Thank you. EFSEC Staff are
 8 waiting for the certificate holder to submit the
 9 remaining materials for the SCA amendment request, but
 10 there are no further updates at this time. We will keep
 11 the Council apprised as we receive more information.
 12 CHAIR DREW: Thank you. And then on to High
 13 Top and Ostrea, Ms. Hafkemeyer.
 14 MS. HAFKEMEYER: Thank you. EFSEC Staff
 15 continue to work with the applicant and contracted
 16 agencies for our review as we work towards a SEPA
 17 determination. We have initiated ongoing discussions
 18 with the applicant and DFW in particular to identify
 19 potential impacts and associated mitigation options for
 20 habitat connectivity.
 21 Are there any questions?
 22 CHAIR DREW: Any questions?
 23 Okay. Thank you.
 24 And to the Wautoma Solar Project. First of
 25 all, I would like to thank everybody who participated in

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1 our public informational meeting and land use hearing
 2 last week in person or via Microsoft Teams. And it was
 3 the first meeting we did in a hybrid configuration. And
 4 we have some lessons learned, particularly about being
 5 able to film the speakers while they are speaking, which
 6 I know was a frustration to several of those of you who
 7 were watching from the Teams option virtually.
 8 And I'm happy to say that our very talented
 9 Andrea Grantham has combined the video that was taken in
 10 the room from the camera on site, which much of the time
 11 showed the videographer in the corner, but also has
 12 taken the information from the videographer in order to
 13 make a much better video of the meeting and is on the
 14 Wautoma page. So for those of you who are interested in
 15 watching the hearing in this better videographed way, it
 16 is on our website.
 17 But I really want to thank the Staff and
 18 everybody who helped put that together because this is
 19 new territory for us. So I think we're doing what we
 20 can to make sure people can participate, and like I
 21 said, we have lessons learned to improve in the future.
 22 So we will take those and -- and improve going forward.
 23 With that, turn over the update to Mr. Wood.
 24 MR. WOOD: Yes, and thank you again. Good
 25 afternoon, Chair Drew, EFSEC Council, and Staff. This

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1 is, again, Joe Wood providing a monthly update for the
 2 proposed 470-megawatt Wautoma Solar Project in Benton
 3 County, Washington.
 4 On August 8th, Innergex and EFSEC held a
 5 public informational meeting in Benton County regarding
 6 the project and in addition held a land use consistence
 7 hearing.
 8 EFSEC received 17 written comments and 15
 9 spoken comments regarding the informational meeting and
 10 one written comment and eight spoken comments regarding
 11 the land use consistence hearing.
 12 EFSEC Staff continues to work with Innergex
 13 and relevant agencies to review the application and to
 14 identify any data gaps or outstanding questions that
 15 remain. EFSEC will continue to work with Innergex and
 16 relevant agencies and will update the Council on
 17 progress at future meetings.
 18 Any questions?
 19 CHAIR DREW: Thank you. Are there any
 20 questions?
 21 That concludes our business for today's
 22 meeting. Thank you all for your participation, and we
 23 look forward to our next meeting. And this meeting is
 24 adjourned.
 25 (Adjourned at 2:22 p.m.)

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

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: September 1, 2022
Reporting Period: August 2022
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 29690 MWh
 - Wind speed: 7.63 m/s
 - Capacity Factor: 39.6%
-

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: September 2, 2022
Report Period: August 2022
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

August generation totaled 39,337 MWh for an average capacity factor of 19.40%.

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: September 02, 2022
Reporting Period: August 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.

- 229,129 net MW-hrs generated in the reporting period for a capacity factor of 65.8%.
-

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

Environmental Compliance

-Monthly Water Usage: 2,211,088 gallons

-Monthly Wastewater Returned: 309,665 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 2,588 days without a Lost Time Accident.

Current or Upcoming Projects

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

Other

- Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).
 - Nothing to report.
- Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).
 - 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: September 20, 2022
Reporting Period: August 2022
Site Contact: Chris Sherin
Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 403,536MWh during the month and 1,623,760MWh 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
 - o Monthly Outfall Discharge Monitor Report (DMR).
- Submitted a memorandum stating we have finalized a solution to the CO startup emissions issue that occurred during a series of startups at the end of 2021.
- The Relative Accuracy Test Audit (RATA) Test Plan and remedial Stack Test were performed August 16th-17th.
- Submitted a letter of notice that we replaced a high CO analyzer on Unit 1 (Gas Turbine 1) to address failing analyzer components. 40CFR, Part 60, Appendix F was followed when the analyzer was installed and put in service prior to the RATA.

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.

**WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL**

RESOLUTION NO. 351

GRAYS HARBOR ENERGY CENTER

**Purchasing Emission Allowances under the Climate Commitment Act Will Replace
Payment Obligation Under the 2003 Greenhouse Gas Mitigation Plan**

Nature of Action

Beginning January 2023, the Washington Department of Ecology (Ecology) will launch Washington's first comprehensive greenhouse gas (GHG) cap-and-invest program. Ecology is tasked with implementing a comprehensive carbon reduction program, per mandates in the new Climate Commitment Act (CCA) of 2021, RCW 70A.65. The goal of the CCA, combined with other climate policies, is to facilitate meeting Washington's goal of net zero GHG emissions by 2050.

Generally, facilities emitting greater than 25,000 metric tons of CO₂ equivalent per year will be covered by the program. Consequently, Grays Harbor Energy LLC (GHE) has asked EFSEC to confirm that its compliance with Washington State's CCA will fully satisfy the company's obligation under its current greenhouse gas mitigation plan (GHG plan) that was approved by EFSEC in 2003.

GHE's GHG plan was required as a condition of EFSEC's approval of an SCA amendment in 2001. That amendment authorized an increase to the facility's generating capacity from 490 megawatts to 650 megawatts, and its potential greenhouse gas emissions by 10 percent, when compared with the facility capacity originally approved in 1996.

At the time, there was no statewide GHG reduction or mitigation program. The GHE plan represents an early effort by EFSEC to require an energy facility to address the impacts of a portion of its anticipated carbon emissions. EFSEC realized this relatively novel GHG plan would likely be overtaken by comprehensive state or federal laws addressing greenhouse gases. In anticipation of this, EFSEC approved language in the GHG plan providing for its "sunset" or conclusion in that event.

The CCA represents a comprehensive approach to GHG emission pricing and phased reduction of statewide emissions. The Council concludes that the CCA is the type of comprehensive greenhouse gas reduction and mitigation regulation that EFSEC anticipated in the GHG Plan's sunset provision. In this Resolution, the Council confirms that the certificate holder's purchase of allowances under the CCA will satisfy its obligations under the GHG Plan approved by EFSEC in 2003.

Background

- 1. EFSEC required the 2003 GHG Plan in an effort to keep pace with the most stringent U.S. state carbon offset requirements then in effect for new fossil fuel generating facilities, and provided for the Plan to conclude if comprehensive state or federal greenhouse gas regulations were adopted.**

To understand the purpose of the 2003 GHG plan, it is necessary to review how the site certification agreement (SCA) for the combined cycle combustion turbine facility at the Satsop site has been amended over time.

In 1996, when EFSEC approved the Washington Public Power Supply System (now Energy Northwest) proposal to construct a natural gas turbine generation facility at the Satsop site, it included language in the site certification agreement directing the holder to develop a GHG mitigation plan before commencing operation:

E. Greenhouse Gases and Carbon Dioxide Mitigation

1. The Supply System shall prepare and submit a report to the Council no later than one year prior to each turbine coming online, that presents and evaluates possible greenhouse gases and carbon dioxide mitigation techniques, and concentrates on those techniques that can offer cost effective mitigation measures.
2. If a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program, considering and appropriately crediting any measures that the Supply System has accomplished.¹

Before the facility was built, the SCA was transferred to Duke Energy. At that time, Duke sought approval for a change in the authorized equipment and design of the planned facility, and an increase to its authorized generating capacity from 490 to 630 megawatts, representing a 10 percent increase in the potential greenhouse gas emissions. The Council approved the increase stating that:

[A]n increase of 10% in carbon dioxide emissions is not adverse to the environment given the decrease in emission per megawatt, the Council's authority to compel carbon dioxide mitigation consistent with a plan it will approve pursuant to the SCA, and elimination of the use and storage of diesel oil. . . .

[T]he adoption of the amendments is made with the express acknowledgement that the Council is authorized under the SCA to compel Duke to prepare, submit and implement a Council approved greenhouse gas and carbon dioxide mitigation plan. In the event that Duke fails to prepare, submit, and implement the Council-approved mitigation plan, this resolution shall be null and void.²

¹SCA, Amend. 2, Art. 6.E. (May 21, 1996).

²Resolution No. 298, pp. 2, 4 (April 13, 2001).

With stakeholder input, Duke and EFSEC developed a plan under which the certificate holder would be required to make payments to a nonprofit organization for greenhouse gas mitigation projects designed to offset a portion of the facility's CO₂ emissions over thirty years of operation. The Satsop Combustion Turbine GHG mitigation plan was approved June 9, 2003.³ Once the facility began operations, the nonprofit Climate Trust used the payments to fund carbon offset projects, such as methane capture or reduction from dairy farms, composting facilities and landfills to reduce other sources of GHG emissions and forest planting or conservation projects for carbon capture.

The plan was intended to mirror requirements then in place in Oregon for new fossil fuel generating facilities, except that the Oregon regulation required a mitigation payment to be made in a lump sum at the start of operation, rather than annually over thirty years of facility operations.

The record of the Council's deliberations suggest that the Council was attempting to be close to a leading position among states requiring some degree of offset for new GHG emissions, but that the Council was also tempering its requirements based on concern about the costs to be borne by the facility operator. The Council's discussion and the terms of the approved plan reflect an expectation that more comprehensive carbon mitigation or regulation by state or federal rule or statute would likely be forthcoming, and that the holder should, if possible, receive some form of credit under the new scheme in that event.

The GHG plan approved by the Council includes the following sunset provision:

PREEMPTION AND SUNSET

If a new state or federal law imposes requirements on the Certificate Holders to limit, mitigate or offset greenhouse gas emissions, EFSEC will support the Certificate Holders in obtaining credit under any such new laws, regardless of preemption, for early action for offsets already funded under this Mitigation Plan.

If any new state or federal law pre-empts this Mitigation Plan, to the extent that any carbon offset or funding obligation hereunder has not been met at the time of such change in law, the Certificate Holders may meet any such obligation through compliance with the new program, and further obligations under this Mitigation Plan will terminate.⁴

Similarly, the GHE's site certification agreement, in Art. VII.B notes that the Council "has approved a mitigation plan for carbon dioxide emissions" and states that "[i]f a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program considering and appropriately crediting any measure that the Certificate Holders have accomplished."

³ Minutes of EFSEC Regular Meeting of June 9, 2003, pp. 9-20.

⁴ GHG Plan, p. 5.

GHE has neither requested credit, nor suggested that there would be any way for it to obtain credit, toward its forthcoming CCA obligations based on its past payments under the GHG plan. For purposes of GHE's present request, the important point is that, if comprehensive greenhouse gas regulations were adopted at the state or federal level and impose carbon offset or funding obligations on the facility, further payment obligations under the plan would terminate.

2. The amount of carbon emissions required to be offset under the plan is only a portion of the facility's potential annual CO₂ emissions, apparently because of concerns about the cost of purchasing offsets for the entire carbon output of the facility.

When EFSEC conducted its review of the then-certificate holder's initial application to construct a combustion turbine project at the Satsop site in 1996, the Council decided not to impose a greenhouse gas mitigation requirement for the annual 1.778 million tons of greenhouse gases the facility was expected to emit. The Council found that: "the Satsop CT Project uses the latest reasonable technology and that it will produce lower emissions of greenhouse gases than older natural gas combustion turbine facilities or other fossil fuel facilities."⁵

Among other things, the Council concluded that:

[b]urdensome greenhouse gas mitigation . . . could place the Applicant at a competitive disadvantage within the power producing market and deprive the market of a very efficient power producing facility. Balancing the respective interests, and recognizing that emission technology will advance and greenhouse mitigation measures may be enhanced as time passes, the Council will impose no fixed requirement upon the Applicant. . . . If a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program . . .⁶

As described above, the occasion for requiring a mitigation plan arose five years later with Duke Energy's request to amend the SCA that had been signed by the governor in 1996, in order to authorize a greater generating capacity than was originally approved, and to mitigate the resulting 10 percent increase in greenhouse gas emissions.⁷

The GHG mitigation plan that the Council eventually approved in 2003 states that: "Duke Energy proposes that the mitigation obligation be based upon the maximum potential CO₂ emissions that exceed a rate of 0.675 pounds of CO₂ per kilowatt hour (lb/kWh) over 30 years of the facility's operation." This formula resulted in the certificate holder paying to offset about 21 percent of the facility's total potential annual CO₂ emissions.⁸

⁵Order No. 694 at 13-14.

⁶Order No. 694 at 25.

⁷Resolution No. 298.

⁸ See Grays Harbor Energy Center LLC letter to Jim Luce, EFSEC Chair, February 4, 2008 stating that the maximum annual potential emissions for the project is 2,391,408 million tons, but the amount of emissions to be mitigated each year is just 514,103 tons)

According to GHE's request, GHE made its first mitigation payment to the Climate Trust in April 2008, and over the past 15 years, GHE has provided more than \$5 million in funding to the Climate Trust, with annual payments ranging from approximately \$300,000 to \$450,000.

3. The Climate Commitment Act is a comprehensive law that requires covered entities emitting GHGs above a specified annual threshold to purchase allowances at auction for their entire GHG output. The revenues thus generated are to be used to reduce other sources of GHG emissions or to mitigate the effects of climate change.

In 2021, the Washington Legislature passed the Climate Commitment Act, Laws of 2021, ch. 316, a comprehensive law that directs the Department of Ecology to develop and implement a statewide cap-and-invest program to cut carbon pollution.

The law sets a limit on overall carbon emissions in the state and requires emitters (covered entities) to obtain "emission allowances" equal to their covered greenhouse gas (GHG) emissions. The legislation directs the Department of Ecology to establish an emissions baseline based on total GHG emissions from covered entities from 2015-19, with an adjustment by October 1, 2026, to reflect the GHG emissions of newly covered entities. Each covered entity is then assigned a specific GHG allowance based on its proportionate share of GHG emissions compared to the baseline total. Allowances are then adjusted downward annually to achieve the GHG reduction goals set forth in RCW 70A.45.020. That statute sets progressively more strict state GHG reduction goals between now and 2050, culminating in a statewide limit of only five million metric tons of GHG emissions in 2050, equivalent to a 90 percent reduction below the state's 1990 GHG emissions.

The program will cover all entities that emit 25,000 metric tons of carbon dioxide equivalents annually, including entities who in the future build or modify facilities that exceed the metric ton threshold. Grays Harbor Energy's GHG mitigation plan states that the facility's potential annual CO₂ emissions is 2,200,000 tons. GHE's request states that it emitted 980,000 tons CO₂ emissions in 2020. Both numbers are well above the 25,000 metric ton threshold for a covered entity. GHE concedes that it is a covered entity, and is required to purchase emission allowances under the Climate Commitment Act.

Each covered entity must obtain GHG emissions allowances at least equal to its GHG emissions for each four-year compliance period. The first compliance period begins on January 1, 2023. Failure to comply may be punished by fines up to \$10,000 per day.

The CCA also permits carbon offsets to be used for compliance with GHG limits, although a covered entity may use offsets for no more than five percent of its compliance obligation for the first compliance period (2023-27), and four percent in the second compliance period (2028-31), although Ecology may modify these limits.

The CCA directs that funds from the purchase of allowances at auction be deposited into several new accounts that fund measures to reduce GHG emissions. Many, if not most of the authorized uses of the revenues generated by the state from auctioning emissions allowances are of the same general nature as the projects funded through GHE's payments to the Climate Trust.

It is likely that the cost of the emission allowances GHE will be required to purchase under the CCA will be dramatically greater than its payments under the GHG Plan.

GHE made its most recent payment under the GHG Plan in March 2022 for the twelve month period ending March 2023.⁹ The CCA will require GHE to purchase greenhouse gas allowances for its emissions starting January 1, 2023. Consequently, there will be an overlap of 2-3 months for which GHE has paid for offsets under the GHG Plan, and will also be purchasing GHG allowances under the CCA.

Resolution

Having considered GHE's request and the recommendation of EFSEC staff, the Council hereby confirms that Grays Harbor Energy LLC's purchase of allowances under the Climate Commitment Act will satisfy the company's obligations under the greenhouse gas mitigation plan approved by the Council in 2003. However, GHE shall remain obligated to make payments in accordance with the 2003 plan if at any time GHE is relieved of, or determined not to be subject to the requirement to purchase emissions allowances under the Climate Commitment Act, including during the duration of any delay in implementation of the emissions allowance auction process.

Dated and effective this 20th day of September, 2022.

Washington State Energy Facility Site Evaluation Council By:

Kathleen Drew, EFSEC Chair

Attest: _____

Sonia Bumpus, EFSEC Manager

⁹The GHG plan requires payment "on an annual basis *at the start of* each of the first 30 years in which the facility is operating." GHG Plan, p. 4.

EFSEC Monthly Council Meeting

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

Operator: **Energy Northwest**

Report Date: **September 2, 2022**

Reporting Period: **August 2022**

Site Contact: **Felicia Najera-Paxton**

Facility SCA Status: **Operational**

CGS Net Electrical Generation August 2022: **840,895 MW-Hrs.**

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

Environmental Compliance:

In July 2022 Energy Northwest (EN) received approval from the Energy Facility Site Evaluation Council (EFSEC) to investigate the source of tritium that was measured during the commissioning of the new potable water Surface Water Treatment Facility. The investigation began August 8th and is ongoing. Upon completion of the data collection a report will be furnished to EFSEC which identifies the levels of tritium detected and coordination between the United States Department of Energy (USDOE) and EN on a resolution.

Safety Compliance

No update.

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: Sep 2, 2022

Reporting Period: 30-days ending Sep 2, 2022

Site Contact: Owen Hurd

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Plant is currently operational
 - Camas
 - Achieved Mechanical Completion on March 23rd
 - Substantial Completion delayed due to breakers, now expected Sept 21
 - Urtica
 - Mechanical Completion delayed due to financing, now expected mid-Sept, with Substantial Completion to follow in October
-

Other

- Held second TAC meeting
- Planning to meet on-site with Ecology, WDFW & landowners to get closure on revised planting plan in next two weeks

Horse Heaven Wind Project

September 2022 project update

[Place holder]

Goose Prairie Solar Project

September 2022 project update

[Place holder]

Badger Mountain Solar Energy Project

September 2022 project update

[Place holder]



Sara Parsons
Authorized Representative

September 13th, 2022

Sonia Bumpus
EFSEC Director
P.O. Box 43172
Olympia WA 98504-3172

Dear Sonia,

This letter requests the Energy Facility Site Evaluation Council's agreement that the processing time of the Aurora Solar, LLC's Badger Mountain Solar Energy Project Application be extended an additional twelve months, to October 7, 2023.

The Aurora Solar, LLC Application for Site Certification was filed with EFSEC on October 7, 2021. RCW 80.50.100 requires that: "The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant."

Through discussions with EFSEC staff, we understand the preparation of the draft SEPA Environmental Impact Study (EIS) has been delayed due to staffing challenges and supplemental study and analysis. At this time, we anticipate that the draft EIS is expected to be published for public comment in the second quarter of 2023, followed by the adjudicatory hearing, preparation of the final EIS, Council recommendation, and Governor's decision.

The pace of regional utility clean energy supply procurement in the Pacific Northwest is currently driven by Washington's and neighboring States' aggressive greenhouse gas reduction goals.. We appreciate EFSEC staff's continued efforts to review the Badger Mountain Solar Energy Project Application and respectfully request that the Council allocate the appropriate resources to complete and deliver a recommendation to the Governor within a timeline consistent with these State goals.

Sincerely,

A DocuSigned signature block for Sara Parsons. It includes a small "DS" icon, a signature in blue ink, and the text "DocuSigned by: Sara Parsons" followed by a truncated ID number "7E3636F16E82493...".

Sara Parsons
Authorized Representative

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Internal Use

Whistling Ridge Energy Project

September 2022 project update

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High Top and Ostrea Solar Project

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Wautoma Solar

September 2022 project update

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