



Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Tuesday October 18, 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. Other
7. 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

Verbatim Transcript of Proceedings

Washington State Energy Facility Site Evaluation Council

September 20, 2022



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
SEPTEMBER 20, 2022
1:30 P.M.

Virtual Council Meeting
Verbatim Transcript of Proceedings

(All participants appearing via videoconference.)

DATE TAKEN: SEPTEMBER 20, 2022
REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018

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1 APPEARANCES
2 Councilmembers:
3 KATHLEEN DREW, Chair
4 ELI LEVITT, Department of Ecology
5 LENNY YOUNG, Department of Natural Resources
6 KATE KELLY, Department of Commerce
7 STACEY BREWSTER, Utilities and Transportation Commission
8 MIKE LIVINGSTON, Department of Fish & Wildlife
9 Local Government and Optional State Agencies:
10 ED BROST, Benton County
11 Badger Mountain Project:
12 JORDYN GIULIO, Douglas County
13
14 Wautoma Solar Project:
15 Paul Gonseth, Washington State Department of
16 Transportation
17
18 Assistant Attorney General:
19 JON THOMPSON
20 Administrative Law Judge:
21 ADAM TOREM
22 LAURA BRADLEY
23 DAN GERARD
24
25 EFSEC Staff:
SONIA BUMPUS
AMI HAFKEMEYER
AMY MOON
PATTY BETTS
ANDREA GRANTHAM
JOAN OWENS
SONJA SKAVLAND
LISA MASENGALE
ERIC MELBARDIS, Kittitas Valley Wind
JENNIFER GALBRAITH, Wild Horse Wind Power Project
CHRIS SHERIN, Grays Harbor Energy Center
STEFANO SCHNITGER, Chehalis Generation Facility
FELICIA NAJERA-PAXTON, Columbia Generating Station
OWEN HURD, TUUSSO Energy
SARAH REYNEVELD, Counsel for The Environment

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1 September 20, 2022
2 1:30 P.M.
3 -oOo-
4
5 PROCEEDING
6
7 CHAIR DREW: Good afternoon. This is
8 Kathleen Drew, chair of the Washington State Energy
9 Facilities Site Evaluation Council. Calling to order our
10 meeting today, September 20, 2022.
11 Ms. Grantham, will you call the roll?
12 MS. GRANTHAM: Department of Commerce?
13 Department of Ecology?
14 MR. LEVITT: Eli Levitt, present.
15 MS. GRANTHAM: Department of Fish & Wildlife?
16 MR. LIVINGSTON: Mike Livingston, present.
17 MS. GRANTHAM: Department of Natural
18 Resources?
19 MR. YOUNG: Lenny Young, present.
20 MS. GRANTHAM: Utilities and Transportation
21 Commission?
22 MS. BREWSTER: Stacey Brewster, present.
23 MS. GRANTHAM: Local government and optional
24 state agencies for the Horse Heaven Project, Department
25 of Agriculture?
CHAIR DREW: Excused.

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1 MS. GRANTHAM: Benton County, Ed Brost?
2 For the Badger Mountain Project, Douglas
3 County?
4 MS. GIULIO: Jordyn Giulio, Douglas County,
5 present.
6 MS. GRANTHAM: For the Wautoma Solar Project,
7 Benton County, Dave Sharp?
8 Washington State Department of Transportation?
9 MR. GONSETH: Paul Gonseth, Washington State
10 Department of Transportation.
11 MS. GRANTHAM: Thank you.
12 The Assistant Attorney General?
13 MS. REYNEVELD: Sarah Reyneveld, present.
14 MS. GRANTHAM: Administrative law judges,
15 Adam Torem?
16 JUDGE TOREM: This is Judge Torem. I'm on the
17 line.
18 MS. GRANTHAM: And sorry. I'm going to be
19 back to the assistant attorney general.
20 Sarah Reyneveld, you answered for that instead
21 of Council for the Environment.
22 Is Jon Thompson present?
23 MR. THOMPSON: Yes, I'm present. This is Jon
24 Thompson.
25 MS. GRANTHAM: Back to administrative law

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<p>1 judges, Laura Bradley? 2 JUDGE BRADLEY: This is Judge Bradley, I'm 3 present. 4 MS. GRANTHAM: Judge Gerard? 5 JUDGE GERARD: Judge Gerard, also present. 6 MS. GRANTHAM: For EFSEC staff, Sonia Bumpus? 7 MS. BUMPUS: This is Sonia Bumpus. I'm 8 present. 9 MS. GRANTHAM: Ami Hafkemeyer? 10 MS. HAFKEMEYER: Present. 11 MS. GRANTHAM: Amy Moon? 12 MS. MOON: This is Amy Moon, present. 13 MS. GRANTHAM: Patty Betts? 14 Stew Henderson? 15 Joan Owens? 16 MS. OWENS: Joan Owens, present. 17 MS. GRANTHAM: Dave Walker? 18 Sonja Skavland? 19 MS. SKAVLAND: Sonja Skavland, present. 20 MS. GRANTHAM: Lisa Masengale? 21 MS. MASENGALE: Lisa Masengale, present. 22 MS. GRANTHAM: For the operational updates, 23 Kittitas Valley Wind Project? 24 MR. MELBARDIS: Eric Melbardis, present. 25 MS. GRANTHAM: Wild Horse Wind Power Project?</p>	<p>1 & Ostrea. 2 Moving on then to the next item of business, 3 which is our meeting minutes. 4 We will first review the meeting minutes for the 5 August 8, 2022, Wautoma Solar informational meeting and 6 land use hearing. 7 Is there a motion to put that before us? To 8 approve? 9 MR. YOUNG: Lenny Young, so moved. 10 CHAIR DREW: Okay. Let me back up. 11 I missed adopting the agenda. Let's do that 12 first. 13 Is there a motion to adopt the proposed agenda? 14 MS. KELLY: Kate Kelly, move to adopt the 15 agenda. 16 CHAIR DREW: Thank you. Second? 17 MR. LEVITT: Eli Levitt, second. 18 CHAIR DREW: All those in favor, please say 19 "aye." 20 COUNCILMEMBERS: Aye. 21 CHAIR DREW: Opposed? 22 The agenda is adopted. 23 Moving on to the August 8th, 2022, minutes for 24 the Wautoma Solar informational meeting land use hearing 25 minutes.</p>
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<p>1 MS. GALBRAITH: Jennifer Galbraith, present. 2 MS. GRANTHAM: Grays Harbor Energy Center? 3 MR. SHERIN: Chris Sherin, present. 4 MS. GRANTHAM: Chehalis Generation Facility? 5 MR. SCHNITGER: Stefano Schnitger, present. 6 MS. GRANTHAM: Columbia Generating Station? 7 MS. NAJERA-PAXTON: Felicia Najera-Paxton, 8 present. 9 MS. GRANTHAM: Columbia Solar? 10 MR. HURD: Owen Hurd, present. 11 MS. GRANTHAM: And then for the -- Council for 12 the Environment, Sarah Reyneveld, you said you were 13 present? 14 MS. REYNEVELD: That's correct. Thank you. 15 MS. GRANTHAM: Thank you. 16 Chair, there is a quorum for the regular council 17 and for the Wautoma council. Thank you. 18 MS. KELLY: This is Kate Kelly from Department 19 of Commerce. Do you mind if -- I think I didn't get 20 called. 21 MS. GRANTHAM: Thank you. Thank you. 22 MS. KELLY: Okay. 23 CHAIR DREW: I believe even though we don't 24 have items up, we also have quorums for the Horse Heaven 25 Wind Farm Project, for Badger Mountain, and for High Top</p>	<p>1 Is there a motion to approve those minutes? 2 MR. YOUNG: Lenny Young, so moved. 3 CHAIR DREW: Second? 4 MS. BREWSTER: Stacey Brewster -- 5 MR. SHARP: Dave Sharp, Benton County. 6 CHAIR DREW: Okay. That was Stacey Brewster 7 got in there for a second. Thank you. 8 I do have some corrections. On page 23, 9 line 20, the word "travel" should be "tribal," 10 t-r-i-b-a-l. 11 On page 25, line 24, "outer" should be "our," 12 o-u-r. 13 On page 48, line 23, "cap and tray" should be 14 "cap and trade," t-r-a-d-e. 15 Are there any other corrections to the 16 August 8th minutes? 17 MR. LIVINGSTON: Chair Drew, this is 18 Mike Livingston. 19 CHAIR DREW: Yes, go ahead. 20 MR. LIVINGSTON: Yeah. On page 33, lines 24 21 and 25, it should be "ceded," c-e-d-e-d instead of CETA. 22 CHAIR DREW: Okay. Thank you. 23 Any others? 24 MS. BREWSTER: Chair Drew, this is 25 Stacey Brewster. On page 40, line 21, there's a</p>

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<p>1 misspelling of the word "and." Line reads "comments nad 2 positions." That should read "and." 3 CHAIR DREW: Okay. Thank you. 4 MS. BREWSTER: And on line 25, "Hanford Reach 5 National Monument," the "Ari lands Ecology Preserve" 6 should be "arid lands" with a D. 7 CHAIR DREW: Thank you. 8 Any other corrections? 9 Thank you all. 10 Let us know move to voting on the approval of 11 the minutes as corrected. 12 All those in favor, please say "aye." 13 COUNCILMEMBERS: Aye. 14 CHAIR DREW: Opposed? 15 The minutes are approved. 16 Moving on to the August 16, 2022, monthly 17 meeting minutes. 18 Is there a motion to approve these minutes? 19 MR. YOUNG: Lenny Young, so moved. 20 CHAIR DREW: Second? 21 MR. LIVINGSTON: Mike Livingston, second. 22 CHAIR DREW: Thank you. 23 Are there any corrections? I did not catch any 24 myself. 25 Hearing none, all those in favor of approving</p>	<p>1 MR. SCHNITGER: Good afternoon, Chair Drew, 2 EFSEC Council, and staff. 3 There is nonroutine to report for the period. 4 CHAIR DREW: Thank you. 5 Moving on to the Grays Harbor Energy Center, 6 Mr. Sherin. 7 MR. SHERIN: This is Chris Sherin, the plant 8 manager for Grays Harbor Energy Center. Good afternoon, 9 Chair Drew, Councilmembers, and staff. 10 For the month of August, the only nonroutine 11 item -- or report, is that we did submit a memorandum 12 stating that we submitted a memorandum to EFSEC staff 13 stating that we finalized the solution to our CO startup 14 emissions issue that we encountered at the end of 2021. 15 CHAIR DREW: Thank you. 16 Ms. Bumpus. 17 MS. BUMPUS: Thank you. 18 Good afternoon, Chair Drew, and Councilmembers. 19 For the record, this is Sonia Bumpus. 20 Council will recall at the August Council 21 meeting, at the direction of the Council, EFSEC staff 22 were asked to prepare a draft resolution, Draft 23 Resolution No. 351. It should be in your packets. This 24 draft resolution approves Grays Harbor Energy's request 25 that's related to the compliance with their greenhouse</p>
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<p>1 the minutes for the August 16, 2022, monthly meeting, 2 please say "aye." 3 COUNCILMEMBERS: Aye. 4 CHAIR DREW: Opposed? 5 The meetings are -- the minutes are approved. 6 Okay. Now we move on to our facility updates. 7 First, Kittitas Valley Wind Power Project, 8 Mr. Melbardis. 9 MR. MELBARDIS: Good afternoon, Chair Drew, 10 EFSEC Council, and staff. This is Eric Melbardis with 11 EDP Renewables for the Kittitas Valley Wind Power 12 Project. 13 We had nothing nonroutine to discuss for the 14 period. 15 CHAIR DREW: Thank you. 16 The Wild Horse Wind Facility, Ms. Galbraith. 17 MS. GALBRAITH: Yes. Thank you, Chair Drew, 18 Councilmembers, and staff. For the record, this is 19 Jennifer Galbraith with Puget Sound Energy representing 20 the Wild Horse Wind Facility. 21 For the month of August, I have no nonroutine 22 updates. 23 CHAIR DREW: Thank you. 24 For the Chehalis Generation Facility, 25 Mr. Schnitger.</p>	<p>1 gas mitigation plan. This item was discussed quite a bit 2 during the meeting last month. A copy of that 3 resolution, as I said, is in your packets. It was also 4 sent to the Council for review last week. 5 In the meantime, EFSEC also received one public 6 comment related to this draft of resolution. The comment 7 was received by the permittee. A copy of that comment 8 was also provided to the Council for review and 9 preparation for the proposed action today. That public 10 comment was reviewed by staff and EFSEC's assistant 11 attorney general. It proposes modification to the last 12 stanza of the resolution to make some clarifications with 13 respect to the engagement in the Climate Commitment Act. 14 And staff are prepared to make changes to the resolution 15 in light of that comment if the Council concurs today. 16 So I'll leave it right there for now. 17 I also wanted to make mention to the Council 18 that Jon Thompson is on the line to answer questions 19 regarding his review and the resolution. 20 We also have Karen McGaffey on the line as well 21 if there's questions about the comment from the 22 permittee. 23 CHAIR DREW: Thank you. 24 Are there any questions for staff? 25 If you could, Ms. Owens, turn to page 41 of the</p>

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1 packet where we have the language of the resolution.
 2 Thank you.
 3 Is there a motion putting the resolution before
 4 us for approval?
 5 Councilmembers?
 6 MS. KELLY: This is Kate Kelly. I move we --
 7 CHAIR DREW: Approve.
 8 MS. KELLY: -- approve the resolution.
 9 MR. YOUNG: Point of clarification, Chair
 10 Drew.
 11 CHAIR DREW: Yes.
 12 MR. YOUNG: That this appears to be the
 13 previous version of the resolution --
 14 CHAIR DREW: Yes.
 15 MR. YOUNG: -- rather than the more recent one.
 16 Is that -- is that intended?
 17 CHAIR DREW: Yes. We will amend it.
 18 MR. YOUNG: Thank you.
 19 CHAIR DREW: Yes.
 20 So second?
 21 MR. YOUNG: Lenny Young. Second.
 22 CHAIR DREW: Thank you.
 23 So the language that we will be requesting an
 24 amendment on is to change -- if you look at the first
 25 sentence, "Having considered GHE's request and the

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1 recommendation of EFSEC, the Council hereby confirms that
 2 Grays Harbor Energy LLC's purchase of allowances under
 3 the Climate Commitment Act, will satisfy the company's
 4 obligations under the greenhouse mitigation plan approved
 5 by the Council in 2003."
 6 I'm requesting an amendment that would change
 7 that sentence to read same first clause, "Having
 8 considered GHE's request and the recommendation of EFSEC
 9 staff," this is what will change, "the Council hereby
 10 confirms that by purchasing or contracting for allowances
 11 under the Climate Commitment Act, Grays Harbor Energy
 12 LLC, will satisfy the company's obligations under the
 13 greenhouse gas mitigation plan approved by the Council in
 14 2003."
 15 The second sentence remains the same, which
 16 reads, "However, GHE shall remain obligated to make
 17 payments in accordance with the 2003 plan. If at any
 18 time GHE is relieved of, or determined not to be subject
 19 to the requirement to purchase emissions allowances under
 20 the Climate Commitment Act, including during the duration
 21 of any delay in implementation of the omissions allowance
 22 auction process."
 23 MR. THOMPSON: Chair Drew.
 24 CHAIR DREW: Is there a motion to -- to make
 25 that amendment?

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1 MR. THOMPSON: Chair Drew --
 2 CHAIR DREW: Yes.
 3 MR. THOMPSON: -- this is Jon Thompson.
 4 Just to -- just for clarification. Actually,
 5 there is one proposed change in that second sentence that
 6 you just read.
 7 CHAIR DREW: Okay.
 8 MR. THOMPSON: And the word "purchase" would
 9 become "provide." Where it says "purchase emissions
 10 allowances," it would be changed to "provide emissions
 11 allowances" as proposed by Grays Harbor Energy.
 12 CHAIR DREW: Oh, that's -- I had a
 13 different -- I had different language.
 14 So withdraw that amendment. And let's amend
 15 the -- you're suggesting to change the word "purchase" or
 16 "purchase of" to "provide"?
 17 Is that what you're suggesting?
 18 MR. THOMPSON: Well, as I'm reading the -- so
 19 the comment letter from Grays Harbor Energy, had a block
 20 quote of the language as it previously stood under the
 21 draft resolution. And then a new block quote with how
 22 they would request that it read. I believe the -- the
 23 only difference in the second sentence is to replace the
 24 word "purchase" with the word "provide."
 25 And this goes to their point that they might

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1 obtain --
 2 CHAIR DREW: Okay.
 3 MR. THOMPSON: -- allowances through a
 4 different method. And by purchasing them maybe as a
 5 credit on a -- on a --
 6 CHAIR DREW: Okay.
 7 MR. THOMPSON: -- power contract.
 8 CHAIR DREW: Yeah. I had purchasing or
 9 contracting. Provide is more -- is broader, so I can
 10 understand that.
 11 So --
 12 UNIDENTIFIED SPEAKER: [Inaudible].
 13 CHAIR DREW: Someone is speaking. If they're
 14 speaking to this issue, I can't hear them. If they're
 15 not, I hope they mute themselves.
 16 Okay. So the proposed amendment is to change
 17 the word "purchase" in the second -- second line,
 18 "Confirms that Grays Harbor Energy LLC's purchase of
 19 allowances."
 20 MR. THOMPSON: Yes. So -- so I believe, Chair
 21 Drew, that -- there's two changes.
 22 CHAIR DREW: Okay.
 23 MR. THOMPSON: First is in that first
 24 sentence.
 25 It says -- it would say, "The Council hereby

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1 confirms that Grays Harbor Energy LLC's purchase or
 2 contracting for allowances under the Climate Commitment
 3 Act," et cetera.
 4 CHAIR DREW: Okay.
 5 MR. THOMPSON: So there's -- there's a --
 6 CHAIR DREW: That is where I was going -- yes.
 7 MR. THOMPSON: Yeah.
 8 CHAIR DREW: Okay. Go ahead, Sonia.
 9 MS. BUMPUS: Sorry. Excuse me, Chair Drew.
 10 What I just going to say, yeah, I believe the
 11 language that you read before is consistent with that.
 12 It's -- it's the language from the letter, if I'm
 13 understanding --
 14 CHAIR DREW: Yes.
 15 MS. BUMPUS: -- Jon correctly, Mr. Thompson.
 16 MR. THOMPSON: Yes. So the thing -- the issue
 17 is with the second sentence. It's not identical. The --
 18 as I said before, the only change in the second sentence
 19 is from -- from purchase to provide.
 20 CHAIR DREW: Oh, that's where I was confused.
 21 I didn't see that change. Thank you.
 22 Okay. Pardon me. We will try this once again.
 23 We will -- I will request an amendment that
 24 changes in -- the word "purchase of allowances" adds
 25 "purchasing or contracting for allowances."

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1 There's a few other changes there. I'm not --
 2 MS. BUMPUS: Chair Drew, I would recommend we
 3 just -- you just read -- I believe that the language
 4 we're adding is language directly from the comment
 5 letter.
 6 CHAIR DREW: Yes.
 7 MS. BUMPUS: And so --
 8 CHAIR DREW: Can we bring that up?
 9 MS. BUMPUS: I think we could --
 10 CHAIR DREW: Do we have that in our packet?
 11 No.
 12 MS. BUMPUS: We should be able to bring it up.
 13 CHAIR DREW: Oh, I have it on Word.
 14 MS. BUMPUS: And I can also read it from the
 15 letter as well if we're not able to pull it up.
 16 CHAIR DREW: There we go.
 17 MS. BUMPUS: It will be on the last page of
 18 the letter where Grays Harbor Energy proposes the
 19 modification.
 20 CHAIR DREW: So I will ask for a motion to
 21 replace the paragraph under the subtitle "Resolution"
 22 with the following paragraph from the Grays Harbor letter
 23 for an amendment: "Having considered GHE's request and
 24 the recommendation of EFSEC staff, the Council hereby
 25 confirms that by purchasing or contracting for allowances

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1 under the Climate Commitment Act, Grays Harbor Energy
 2 LLC, will satisfy the company's obligation under the
 3 greenhouse gas mitigation plan approved by the Council in
 4 2003. However, GHE shall remain obligated to make
 5 payments in accordance with the 2003 plan if at any time
 6 GHE is relieved of, or determined not to be subject to
 7 the requirement to provide emissions allowances under the
 8 Climate Commitment Act, including during the duration of
 9 any delay in implementation of the emissions allowance
 10 auction process."
 11 Is there a Councilmember who would like to offer
 12 that amendment to the resolution which includes the
 13 entire document before us? This replaces the last full
 14 paragraph.
 15 MR. YOUNG: Chair, this is Lenny Young. I --
 16 I move that that replacement be made.
 17 CHAIR DREW: Thank you.
 18 Is there a second?
 19 MS. KELLY: Kate Kelly, second.
 20 CHAIR DREW: Thank you. Discussion. I'm
 21 sorry that was convoluted.
 22 Is there any discussion about this amendment?
 23 I believe it simply clarifies the potential
 24 actions that could occur.
 25 Okay. All those in favor of the amendment,

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1 please say "aye."
 2 COUNCILMEMBERS: Aye.
 3 Opposed?
 4 Okay. And now we will vote on the resolution as
 5 amended.
 6 And we already brought the resolution up before
 7 us. We voted on the amendment. And now we will discuss.
 8 Are there any comments?
 9 We did discuss this in detail last month, so I
 10 think the -- this resolution follows what the Council had
 11 requested.
 12 All those in favor of this resolution, please
 13 say "aye."
 14 COUNCILMEMBERS: Aye.
 15 CHAIR DREW: All those opposed?
 16 The resolution is adopted. Thank you.
 17 Moving on to the Columbia Generating Station and
 18 WNP-1/4, Ms. Najera-Paxton.
 19 MS. NAJERA-PAXTON: Good afternoon, Chair
 20 Drew, EFSEC Councilmembers, and staff. This is Felicia
 21 Najera-Paxton.
 22 I'm calling on behalf of Columbia Generating
 23 Station and Washington Nuclear Project 1 and 2. We have
 24 one update for this reporting period.
 25 In July of 2022, EN received approval from EFSEC

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1 to investigate a source of tritium that was measured
 2 during the commissioning of a new potable water system.
 3 The investigation is ongoing. And upon completion of the
 4 data collection, a report will be furnished to EFSEC
 5 which identifies the levels of tritium detected and
 6 coordination between the U.S. Department of Energy and
 7 Energy Northwest on the resolution.
 8 That completes my update.
 9 CHAIR DREW: Thank you.
 10 MR. YOUNG: Question, Chair Drew.
 11 CHAIR DREW: Yes. Go ahead, Mr. Young.
 12 MR. YOUNG: If Ms. Najera-Paxton could address
 13 what's the status of that potable water supply right now?
 14 Is it operational? Or has that been placed in abeyance
 15 until the investigation is complete?
 16 MS. NAJERA-PAXTON: It's operational only in
 17 that it's running for the purposes of collecting data.
 18 MR. YOUNG: But nobody is drinking from it at
 19 this point.
 20 MS. NAJERA-PAXTON: No, no. It's not actually
 21 functioning. And there's a component for the
 22 chlorination station that has not yet been installed.
 23 And there's other components that have to be implemented
 24 in the -- the equipment itself before it can become fully
 25 operational.

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1 MR. YOUNG: Thank you.
 2 CHAIR DREW: Thank you.
 3 Any other questions?
 4 Okay. Moving on to our next item. The Columbia
 5 Solar Project, Mr. Hurd.
 6 MR. HURD: Great. Good afternoon, Chair Drew,
 7 Councilmembers, and EFSEC staff. This is Owen Hurd from
 8 Tuusso Energy reporting on the Columbia Solar Project.
 9 Penstemon remains operational. We had it
 10 offline briefly yesterday for some mowing. But nothing
 11 to report there.
 12 On Camas, it had been delayed due to some
 13 breakers. And we're now expecting any day substantial
 14 completion, that is.
 15 Urtica is -- had been delayed due to financing.
 16 We've had a little bit more of a delay due to some
 17 communications issues with the interconnection. But
 18 we're expecting mechanical completion shortly and then
 19 substantial completion to follow next month.
 20 Other updates, we held our second TAC meeting at
 21 the end of August. And then had an on-site meeting just
 22 yesterday with WDFW and the landowners to discuss the
 23 planting plan revisions. The meeting was actually very
 24 productive and will be updating EFSEC staff in the next
 25 day on that.

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1 CHAIR DREW: Thank you. I understand, too,
 2 there was a landowner change. And so I believe
 3 Ms. Hafkemeyer communicated to you or your team to make
 4 sure that person was up to speed as well.
 5 Thank you.
 6 MR. HURD: Okay. Thanks.
 7 CHAIR DREW: Moving on to Horse Heaven Wind
 8 Project. Ms. Moon, SEPA update.
 9 MS. MOON: No. I'm doing the -- yeah, the
 10 SEPA update on the project. Thank you.
 11 CHAIR DREW: Right.
 12 MS. MOON: Good afternoon Council, Chair Drew,
 13 and Councilmembers. For the record, this is Amy Moon, an
 14 EFSEC staff member.
 15 I'm providing the State Environmental Policy
 16 Act, or SEPA update, on the Horse Heaven Wind Project.
 17 EFSEC staff continued its work preparing the
 18 draft environmental impact statement, known as the draft
 19 EIS, in close cooperation with our contractor Golder.
 20 This work includes coordinating agency technical
 21 reviews as well as internal review and refinement of the
 22 draft EIS. Our work is focused on finalizing sections of
 23 the draft EIS, refinement of proposed minimization and
 24 mitigation opportunities, and establishing a new public
 25 comment database.

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1 Does the Council have any questions?
 2 CHAIR DREW: Are there any questions?
 3 Okay. Thank you. Oh, you have more.
 4 MS. MOON: I'm hearing no --
 5 CHAIR DREW: Oh, you have more.
 6 MS. MOON: I was going to say, hearing no
 7 questions, I'm going to hand it off to -- for draft EIS
 8 publication update from Amy Hafkemeyer.
 9 CHAIR DREW: Thank you.
 10 MS. HAFKEMEYER: Thank you, Ms. Moon. And
 11 good afternoon, Chair Drew, and Council. For the record,
 12 this is Amy Hafkemeyer.
 13 EFSEC staff have been working very hard towards
 14 the completion of the DEIS, as described by Ms. Moon. We
 15 are working towards a late fall issuance date. Because
 16 the comment period will cover multiple seasonal holidays,
 17 EFSEC is intending a 45-day comment period to allow the
 18 public sufficient time to review the documents.
 19 Are there any questions?
 20 CHAIR DREW: Are there any questions?
 21 Okay. Thank you.
 22 Moving on to the Goose Prairie Solar Project
 23 update, Ms. Hafkemeyer.
 24 MS. HAFKEMEYER: Thank you.
 25 EFSEC staff are working with the certificate

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<p>1 holder and our contractors to review and refine 2 preconstruction plans. The applicant is currently 3 working on their initial site restoration plan, or ISRP, 4 that will require Council review and approval. And we 5 will update the Council once that is received and ready 6 for the Council to review. 7 Are there any questions? 8 CHAIR DREW: Okay. Thank you. 9 Badger Mountain. We'll start with the scope 10 draft EIS overview, Ms. Hafkemeyer. 11 MS. HAFKEMEYER: Thank you. 12 Staff have been working with our contractor to 13 establish a working schedule for the draft of the 14 environmental impact statement or EIS. EFSEC will be 15 preparing the EIS in accordance with Washington 16 Administrative Code, or WAC 197-11 to include the 17 resource for further explanation as presented at the 18 August council meeting. 19 As a reminder, EFSEC staff identified the 20 resource topic to include water resources wetlands, 21 cultural and historic resources, vegetation, 22 transportation, and wildlife and habitat. 23 EFSEC will be working with the applicant and our 24 contractor towards a DEIS issuance of late first quarter 25 or early second quarter 2023.</p>	<p>1 Staff recommends that the Council approve this 2 extension request as presented by the applicant. 3 And I will ask if there are any questions. 4 CHAIR DREW: Any questions? 5 I do believe that we didn't give very much 6 notice on this action item. 7 So because of that, I will ask now if there is 8 anyone present, outside of Councilmembers, who wish to 9 make a comment on this extension request before the 10 Council votes on it. 11 Is there anyone present who would like to make a 12 comment on the extension request? Please raise your hand 13 or unmute your microphone. 14 Okay. Hearing none, we will proceed to Council 15 action. Is there -- 16 MS. KELLY: Madam Chair -- 17 CHAIR DREW: Yes. 18 MS. KELLY: -- this is Kate Kelly. I -- 19 can -- I have a quick question about the letter. 20 CHAIR DREW: Yes. Go ahead. 21 MS. KELLY: So in conclusion, the letter says 22 that they're requesting that the Council allocate the 23 appropriate resources to complete and deliver a 24 recommendation within the extended period. 25 I -- I'm not sure what that means or how -- the</p>
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<p>1 Are there any questions? 2 CHAIR DREW: Questions? Thank you. 3 And then moving on to the next item on our 4 agenda, the application for site certification extension 5 review. 6 Go ahead, Ms. Hafkemeyer. 7 MS. HAFKEMEYER: Thank you. 8 As hopefully, you can see on the screen, we have 9 a letter to request extension of the application review 10 in your Council packets. 11 Per WAC 463-64-020, the Council shall report to 12 the governor its recommendation as to the approval or 13 rejection of an application for certification within 14 12 months of receipt by the Council of such an 15 application, or such later time as is mutually agreed by 16 the Council and the applicant. 17 The application for site certification was 18 received by EFSEC on October 7, 2021. The applicant has 19 submitted a letter, which you can see here, which 20 requests an extension of 12 months to October 7, 2023. 21 The extension would allow time for the SEPA 22 process and the adjudication process to occur for this 23 project. Being an action by the Council, the request was 24 open for public comment prior to this meeting and none 25 were received.</p>	<p>1 Council -- does that just mean that they're -- that 2 because staffing shortage were occurring previous? Is 3 there some lack of resources at this point? 4 CHAIR DREW: I will let either Ms. Hafkemeyer 5 or Ms. Bumpus answer that question. 6 MS. BUMPUS: This is -- 7 MS. HAFKEMEYER: Sure. I can I jump in. Oh, 8 sorry, Sonia. 9 MS. BUMPUS: Sorry. Go ahead, Ms. Hafkemeyer. 10 Go ahead, Ms. Hafkemeyer. 11 MS. HAFKEMEYER: Okay. I was -- I was just 12 going to jump in and say I believe that is in reference 13 to staffing shortages that we've been working through 14 recently. 15 And just indicate that we do have additional 16 staff. We do have two new staff members with us here 17 today, if you all from the introduction. As well as two 18 more starting on Monday, the 26th. And additional 19 interviews and applicants incoming. 20 So we're making progress towards increasing our 21 staff. And hopefully this will assist in our work across 22 projects. Thank you. 23 CHAIR DREW: Okay. So with that, any other 24 questions? 25 Or is there a motion to approve the extension</p>

7 (Pages 25 to 28)

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1 requested for Badger Mountain?
 2 Motion to approve.
 3 MS. BREWSTER: This is Stacey Brewster.
 4 UNIDENTIFIED SPEAKER: Go ahead, Stacey.
 5 MS. BREWSTER: I move that we approve the
 6 extension that's been requested by Avangrid Renewables.
 7 CHAIR DREW: Thank you. Second.
 8 MS. KELLY: Kate Kelly. Second.
 9 CHAIR DREW: Kate second.
 10 Thank you. I will say that -- that of late,
 11 there have been some staffing challenges. But there are
 12 a lot of complex issues as well that have been discovered
 13 and are being worked on by multiple parties on the Badger
 14 Mountain Project. And that this will also -- because it
 15 is an EIS, requires us to go to an adjudication as well.
 16 So there are steps that we do have to move
 17 forward on. And I appreciate the agreement to an
 18 extension of one year which will give us quite sufficient
 19 time, and hopefully we won't use all of it. But quite
 20 sufficient time to conduct the necessary review and
 21 adjudication on this project.
 22 So with that, all those in favor of the
 23 extension -- approving the extension request, say "aye."
 24 COUNCILMEMBERS: Aye.
 25 CHAIR DREW: Opposed?

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1 The motion is adopted. Thank you.
 2 Moving on to our next item, Whistling Ridge.
 3 Ms. Hafkemeyer.
 4 MS. HAFKEMEYER: Thank you.
 5 EFSEC staff are waiting for the certificate
 6 holder to submit the remaining materials for the SCA
 7 amendment requests.
 8 And there are no further updates at this time.
 9 CHAIR DREW: Thank you. High Top and Ostrea,
 10 SEPA update, Ms. Hafkemeyer.
 11 MS. HAFKEMEYER: Thank you.
 12 EFSEC staff continue to work with the applicant
 13 and contractor agency for our review to refine and
 14 establish mitigation.
 15 EFSEC staff anticipate issuing a mitigated
 16 determination of nonsignificance, or MDNS, with a 15-day
 17 public comment period in the coming weeks. We are
 18 working with the applicant and our agency contractors to
 19 refine the mitigation to be included.
 20 Staff anticipates that the comment period will
 21 be complete and the MDNS will be prior to the October
 22 Council meeting.
 23 Looking forward, the applicant and the Council
 24 had previously agreed to extend the expedited process
 25 request decision to October 20th. Staff would like to

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1 identify that as a topic for Council consideration at the
 2 next Council meeting on October 18th.
 3 And I'd like to ask if you have any questions so
 4 far.
 5 CHAIR DREW: So as a reminder, for the
 6 expedited process request, the Council must consider land
 7 use consistency and the SEPA determination of a mitigated
 8 determination of nonsignificance. Those are the two
 9 parts to an expedited processing request.
 10 If I remember correctly, the Council has not yet
 11 made a decision on the land use consistency. But in our
 12 records from the land use consistency hearing, which was
 13 held maybe in August --
 14 MS. HAFKEMEYER: I believe it was June.
 15 CHAIR DREW: June. Okay.
 16 MS. HAFKEMEYER: Early June.
 17 CHAIR DREW: Early June. Okay. Thank you for
 18 that.
 19 That the applicant put forward that land use --
 20 there was land use consistency and there was a
 21 certificate from the county.
 22 Am I correctly stating that, Ms. Hafkemeyer?
 23 MS. HAFKEMEYER: Correct. We did receive
 24 materials that the applicant provided from the county
 25 indicating that the project was consistent.

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1 CHAIR DREW: Thank you.
 2 So the second piece, then, is the mitigated
 3 determination of nonsignificance, which you expect will
 4 be issued by the Council director, and is not a Council
 5 action, before the October meeting.
 6 MS. HAFKEMEYER: Correct. Staff are working
 7 with our contracted agencies to refine the language for
 8 the mitigation measures in the MDNS. And so are working
 9 to prepare and complete those documents and will -- will
 10 follow the process for issuing that as outlined in WAC
 11 197-11 for posting to the SEPA register and noticing for
 12 public comment.
 13 CHAIR DREW: For a 15-day period?
 14 MS. HAFKEMEYER: Correct.
 15 CHAIR DREW: Yes.
 16 So when we -- and the Council will also have
 17 access to review those materials, to see them, from the
 18 MDNS.
 19 So we will discuss further at our -- expect to
 20 discuss further at our Council meeting in October the
 21 expedited processing request.
 22 MS. HAFKEMEYER: Correct.
 23 CHAIR DREW: Okay. Are there any questions
 24 from Councilmembers?
 25 MS. BREWSTER: This is Stacey Brewster and

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1 this is tangentially related.
 2 I believe earlier on, Councilman Livingston had
 3 requested seeing a map that showed the placement of all
 4 the solar projects in that area that we are considering,
 5 and additionally any that are before the counties as well
 6 so that we would have the visualization of the multiple
 7 projects going on there.
 8 Is that possible to still get that prior to this
 9 October meeting?
 10 MS. HAFKEMEYER: Yes. That is -- that is
 11 something that we don't have on hand, but something that
 12 we can coordinate to put together.
 13 And related to that, staff have received
 14 comments, both from the public and from Councilman
 15 Livingston that habitat conductivity in the area is of
 16 particular concern. And staff has worked closely with
 17 DFW and the applicant to identify wildlife corridors put
 18 in place by the applicant and requested by DFW to
 19 maintain wildlife movement through the area.
 20 CHAIR DREW: So that could very well be part
 21 of the mitigations that we will see in the next couple of
 22 weeks.
 23 MS. HAFKEMEYER: In part. Some of that
 24 discussion will be covered in the existing project design
 25 and in part of the staff memo as part of our review of

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1 that concern. That would then support the MDNS.
 2 CHAIR DREW: Okay. Thank you.
 3 Does that help answer your questions,
 4 Ms. Brewster?
 5 MS. BREWSTER: Yes. Thank you very much.
 6 CHAIR DREW: Okay. Other questions?
 7 Okay. Thank you. Good discussion.
 8 Moving on to the Wautoma Solar Project update.
 9 MS. HAFKEMEYER: Thank you.
 10 EFSEC staff continue to work with the applicant
 11 and our contractors to review the application and work
 12 towards a SEPA threshold determination. EFSEC staff are
 13 preparing a data request for the applicant and will keep
 14 the Council updated as we progress.
 15 Are there any questions?
 16 CHAIR DREW: Questions?
 17 Okay. Thank you.
 18 At this time I have a couple of items for the
 19 good of the order.
 20 One is that I would like to ask our new staff
 21 members, perhaps, to say hello to the Council and
 22 introduce yourselves.
 23 We have another -- a Sonja -- no, a Sonja as
 24 opposed to a Sonya.
 25 So Sonja, would you mind turning on your camera

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1 so people can see who you are and say hello. Sonja is
 2 our commerce specialist.
 3 MS. SKAVLAND: I'm trying to figure out my
 4 background. But this is me. Hi.
 5 CHAIR DREW: And do you want to just say a
 6 very brief -- to put you on the spot -- a very brief word
 7 or two about your -- your background, you're a commerce
 8 specialist. And you will be working on contracts; is
 9 that correct?
 10 MS. SKAVLAND: Yes. I'll be working on
 11 contracts and invoicing. Working a lot with accounts
 12 payable. And just trying to learn everything I can.
 13 It's all brand new to me. Been here three weeks now with
 14 Washington State, and I'm excited to learn what I can.
 15 Everyone seems really nice and helpful. So it's a nice
 16 -- nice group that I'm working with.
 17 CHAIR DREW: Thank you. We're happy you were
 18 bored.
 19 MS. SKAVLAND: Thank you.
 20 CHAIR DREW: And then we have Lisa.
 21 MS. MASENGALE: Hello. Good afternoon. I'm
 22 Lisa Masengale. It's my second week at EFSEC. I
 23 previously worked most recently at the City of Riverside
 24 in California. And I'm going to be acting as the new
 25 public records officer doing office forms and records

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1 management for EFSEC.
 2 CHAIR DREW: Thank you very much.
 3 We're so happy to have you join our team.
 4 So the last item I would like to announce is
 5 that as of January 1, 2023, we are moving our council
 6 monthly meeting from the third Tuesday of the month to
 7 the third Wednesday of the month. So we'll change one
 8 day.
 9 And the reason for that is that it conflicts
 10 where it is on the third Tuesday with the governor's
 11 cabinet meetings, which I would like to attend.
 12 So we will be changing the meeting to the third
 13 Wednesday at 1:30 p.m. And it will also help us as
 14 multiple times in the year, we have discovered that our
 15 meeting falls the day after a three-day weekend which
 16 makes it a little more challenging for us to get all our
 17 items in order for the agenda.
 18 And so for that practical reason as well,
 19 starting in 2023, we will move the date of our council
 20 meetings to the third Wednesday at 1:30 p.m.
 21 So with that, thank you all for your
 22 participation and this meeting is adjourned.
 23 (Adjourned at 2:21 p.m.)
 24
 25

Verbatim Transcript of Proceedings - 9/20/2022

CERTIFICATE

STATE OF WASHINGTON
COUNTY OF KITSAP

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

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 4th day of October, 2022.



Carisa Kitselman
CARISA KITSELMAN, RPR, CCR #2018

EFSEC Monthly Council Meeting – Facility Update Format

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

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 22727 MWh
 - Wind speed: 6.6 m/s
 - Capacity Factor: 31.3%
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

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

Operations & Maintenance

September generation totaled 37,348 MWh for an average capacity factor of 19.03%.

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: October 06, 2022
Reporting Period: September 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.

- 245,449 net MW-hrs generated in the reporting period for a capacity factor of 71.2%.

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

Environmental Compliance

-Monthly Water Usage: 1,679,260 gallons

-Monthly Wastewater Returned: 421,872 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.

- On September 20th the Chehalis facility received a noise complaint. The cause of the noise was determined to be a leak on the reheat crossover pipe on Unit-1. The unit was taken offline so repairs could be made to the pipe, and then the unit was restarted with no other issues.

-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 2,618 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: October 18, 2022
Reporting Period: September 2022
Site Contact: Chris Sherin
Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 423,326MWh during the month and 2,047,086MWh 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) and H₂SO₄/SO₂ Source Test Report was submitted to EFSEC and ORCAA. The H₂SO₄/SO₂ results produced an unexplainably high ratio (greater than 1) of H₂SO₄ to SO₂. The ratio of H₂SO₄/SO₂ is expected to be less than 1, based on what is known about the process of generating SO₂ and H₂SO₄ in gas turbine exhaust. GHEC is working with the source test contractor to review whether the unexpected data is a result of the sample collection and analysis process.

Safety Compliance

- PSD Startup, Shutdown and Malfunction Procedure Manual refresher training.

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

- Annual PSD SSMP (Startup, Shutdown and Malfunction Procedure) refresher training was conducted.

EFSEC Monthly Council Meeting

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

Operator: **Energy Northwest**

Report Date: **October 6, 2022**

Reporting Period: **September 2022**

Site Contact: **Marshall Schmitt**

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

Operations & Maintenance (only applicable for operating facilities)

CGS Net Electrical Generation September 2022: **820,076 MWh**

Environmental Compliance

The EFSEC-approved Tritium Investigation Plan is on-going. Since the Investigation Plan was initialized in August 2022, no levels of tritium above the Lower Limit of Detection (300 picocuries per liter) have been identified in any of the samples taken from the various locations in the system. Energy Northwest has isolated the last of the three intake pipes to investigate for tritium, and pending the results of the samples, will draft the required report on the Investigation Plan.

On September 7th, Energy Northwest received the draft National Pollutant Discharge Elimination System (NPDES) permit documentation and began the facility review of the draft permit and Fact Sheet. In support of the draft permit, Energy Northwest provided a facility tour of Columbia Generating Station to the EFSEC Site Specialist and the Washington State Department of Ecology NPDES Permit Writer on September 27th.

Also on September 7th, Energy Northwest submitted a letter to EFSEC and Ecology regarding the potential to re-wire the runtime meter on two of the station emergency diesel generators. The technical evaluation for this proposed work is still in progress. Energy Northwest noted the discrepancy in runtime in the annual Diesel Generator Runtime and Boiler Fuel Use Report, which was submitted on September 29th.

Safety Compliance

None.

Current or Upcoming Projects

None.

Other

None.

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 Oct 7, 2022

Site Contact: Owen Hurd

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Plant is currently operational
 - Camas
 - Achieved Substantial Completion on Oct 5th
 - Urtica
 - Mechanical Completion delayed again due to communications with the interconnection, which PSE is working to resolve. May take 1-2 weeks to resolve, pushing Substantial Completion to late-October or November.
-

Other

- Held on-site meeting with WDFW and landowners re: the planting plan and reached a general agreement on where the woody species will be planted. Planting and seeding to commence in the next 4-8 weeks.

Horse Heaven Wind Project

October 2022 project update

[Place holder]



September 27, 2022

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

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

Dear Sonia,

This letter requests the Energy Facility Site Evaluation Council's agreement that the processing time of the Horse Heaven Wind Farm, LLC Application be extended an additional seven (7) months, to July 8, 2023.

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

Through discussions with EFSEC staff, we understand the preparation of the SEPA draft Environmental Impact Statement (EIS) has been further delayed. At this time, we are anticipating the draft EIS will be published for public comment in the fourth quarter of 2022, and then the adjudicatory hearing, preparation of the final EIS, Council recommendation and Governor's decision would follow.

While we certainly hope that a recommendation from EFSEC and a decision by the Governor will occur by the first quarter of 2023 to keep pace with regional utility clean energy supply procurement in the Pacific Northwest being driven by Washington and neighboring State's aggressive goals for significant reduction in greenhouse gas production, we also want to allow adequate time for all parties and agencies to have a robust engagement in the process.

Sincerely,

A handwritten signature in blue ink that reads "Michael Rucker" with a long horizontal flourish extending to the right.

Michael Rucker

President and CEO, Scout Clean Energy

Goose Prairie Solar Project

October 2022 project update

[Place holder]

Badger Mountain Solar Energy Project

October 2022 project update

[Place holder]

Whistling Ridge Energy Project

October 2022 project update

[Place holder]

High Top and Ostrea Solar Project

October 2022 project update

[Place holder]

Service Date:

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application

Docket No. 270891

CYPRESS CREEK RENEWABLES –
High Top Solar, LLC and Ostrea
Solar, LLC

Council Order No.

ORDER GRANTING A FINDING
OF LAND USE CONSISTENCY

BACKGROUND

Synopsis. *Cypress Creek Renewables requested a finding of land use consistency to support its request for expedited review of an application it filed with the Energy Facility Site Evaluation Council (EFSEC or Council) for site certification and approval of the High Top Solar and Ostrea Solar Projects. The Council may find that the site proposed for a facility is consistent and in compliance with land use plans and zoning ordinances if the proposed use is one that can be approved under current land use and zoning laws conditionally or outright. The Council, by this order, concludes that the proposed sites of the projects are consistent with local land use plans and zoning ordinances because the projects can, with proper mitigation, be approved under the conditional use provisions of Yakima County Code (YCC) Title 19.*

- 1 **Nature of Proceeding.** This matter involves an application for site certification (Application or ASC) filed on April 7, 2022, by Cypress Creek Renewables (the Applicant) to construct and operate High Top Solar and Ostrea Solar (the Projects or the facility) solar photovoltaic (PV) projects with one planned and one optional battery storage system. The Projects would be located adjacent to one another on a total of eleven parcels in unincorporated Yakima County between SR-24 to the south and the Yakima Training Center to the north.
- 2 As part of a request for expedited processing of its Application, the Applicant has requested that EFSEC find that the proposed Project sites are consistent and in compliance with applicable land use plans and zoning ordinances.¹
- 3 The Applicant and the Council mutually agreed to extend the one hundred twenty-day

¹ RCW 80.50.090(2); WAC 463-26-110.

timeline for the Council to issue an order on the land use consistency and to decide the request for expedited process, by 10 weeks to encompass the later time of the Council's monthly meeting on October 18, 2022.

- 4 **Land Use Consistency Hearing.** RCW 80.50.090(2) requires EFSEC to “conduct a public hearing to determine whether or not a proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances.” On May 25, 2022, EFSEC issued a Notice of Informational Public Hearing and Land Use Consistency Hearing and scheduled a virtual hearing by Microsoft Teams or by telephone participation for 5:00 p.m. on Wednesday, June 1, 2022.²
- 5 On June 1, 2022, the Council conducted a virtual land use consistency hearing, to hear testimony regarding whether the facility was consistent and in compliance with Yakima County's local land use provisions. The following EFSEC members were present at the June 1, 2022, hearing: Kate Kelly (Department of Commerce), Eli Levitt (Department of Ecology), Leonard “Lenny” Young (Department of Natural Resources), and Stacey Brewster (Utilities and Transportation Commission). Kathleen Drew, EFSEC Chair, called the hearing to order.
- 6 Managing Assistant Attorney General Sara Reyneveld, Counsel for the Environment, was present for the land use consistency hearing.
- 7 Susan Drummond, attorney from Law Offices of Susan Drummond, represented the Applicant and spoke on the Applicant's behalf.
- 8 Michael Tobin testified in opposition to a finding of land use consistency.
- 9 **Applicant's Description of Proposed Facility.** The facility will consist of two projects, High Top Solar, LLC (High Top Project) and Ostrea Solar, LLC (Ostrea Project). Each Project will consist of solar PV modules mounted on single-axis trackers with an aggregated injection capacity limited to 80 megawatts (MW) of alternating current. The proposal is to site the Projects in unincorporated Yakima County north of SR-24 and south of the Yakima Training Center and 20 to 22 miles east of the town of Moxee. The eleven parcels on which the facility will be located will together constitute the “facility parcels.” All parcels involved are owned by Zin and Najiba Badissy. The Applicant has executed options to lease and easement agreements with the landowners for adequate acreage to accommodate the facility long-term. The landowners have provided letters of

² The Council sent this Notice to all interested persons on the application mailing list and the project mailing list. Further, the Council purchased a legal advertisement in the Yakima Herald.

- support for each Project making up the facility (Attachment M³ to the Application for Site Certification (ASC)).
- 10 Each Project will consist of single axis tracking PV modules and inverters connected to the Projects' substations. Each string of panels will be arranged in rows with at least eight feet of space between the rows when the modules are at the closest orientation point.
- 11 Throughout the Projects, inverters paired with medium voltage step-up transformers will convert the generated electricity from direct current (DC) to alternating current (AC). The output will be conveyed to a substation transformer. The substation transformer will house a generator step-up transformer, which will convert the power up to 230 kV interconnection voltage for the High Top Project and to 115 kilovolts (kV) interconnection voltage for the Ostrea Project.
- 12 If needed, the battery energy storage system (BESS) for the High Top Project will be located next to the High Top Project substation or in small battery containers collocated throughout the site. Battery energy storage systems would not exceed the nominal 80 MW capacity of the facility.
- 13 The Ostrea Project will have a BESS that would not exceed the nominal 80 MW capacity of the Project. The BESS will consist of individual battery modules organized in racks and located in containers with integrated thermal management systems. The containers will be placed on concrete pads to the west of the substation.
- 14 The High Top Project will interconnect through a dedicated switchyard located on the High Top Project Adjacent to PacifiCorp's Union Gap-Midway 230 kV transmission line that runs through the southern part of the Project.
- 15 The Ostrea Project will interconnect through a line tap to Bonneville Power Administration's (BPA) Midway to Moxee 115 kV transmission line that runs through the southern part of the project. The Midway to Moxee Transmission line connects to BPA's Moxee substation, which is approximately 25 miles west and north of the Project and BPA's shared Midway station nine miles east and north of the Project.
- 16 For both Projects, an Operations and Maintenance (O&M) trailer, and employee parking will be located just west of each Project substation. During construction, a temporary lay-down area will be utilized for delivery of major equipment. This area will convert to employee parking during operations. The facility will be accessed by an existing approach from Washington State Route 24. Access to the High Top Project

³ On the EFSEC website two attachments identified as M are listed. Although nearly identical, one attachment is the letter referencing the High Top Project and the other letter addresses the Ostrea Project.

will be from Washington State Route 24 (SR-24) on the east side of the Project. Access to the Ostrea Project will be from SR-24 on the west side of the eastern most parcel of the Project.

- 17 Sites for both Projects are in unincorporated lands of Yakima County. The land is designated as Agricultural Resource in the Yakima County Comprehensive Plan, also known as Horizon 2040.
- 18 Agricultural Resources areas are “those lands primarily devoted to or important for the long-term commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, see, Christmas trees not subject to excise tax imposed by state law, or livestock.”⁴
- 19 Lands designated to this category generally meet the criteria for lands of long term commercial significance and may: a) contain prime soils; b) include “pockets” of non-agricultural land uses; c) contain high-value crops including fruit trees, hops, specialty field crops, and dairies; d) include residential uses related to agricultural activities including farm worker housing and family farm dwellings; e) uses compatible with the marketing of regional agricultural products; and f) include non-agricultural accessory uses or activities consistent with the size, scale, and intensity of the existing land use.⁵ In addition, Agricultural Resource lands also include lands located outside established Urban Growth Areas.
- 20 Currently, the land on which the facility will sit is active rangeland. Approximately 69 percent of the Maximum Project Extent (MPE) for the High Top Project and 30 percent of the MPE for the Ostrea Project is designated farmland of unique importance. Farmland of statewide importance exists in 11 percent of the MPE of the High Top Project and 17 percent of the MPE for the Ostrea Project. The land on which the Projects will sit has not been used for crops in over 25 years. There is no on-site water supply for active cultivation of crops.
- 21 The land for both Projects’ MPE contains: cheatgrass dominated pasture and mixed environs, shrub-steppe, and disturbed/reclaimed land. The majority of the High Top MPE is in areas dominated by cheatgrass and mixed environs habitats. In the MPE for the Ostrea Project there is a fourth vegetation community of crested wheatgrass dominated pasture and mixed environs. The majority of the Ostrea MPE is in the shrub-steppe and cheatgrass dominated pasture and mixed environs habitats.
- 22 The parcels on which the facility is proposed are wholly outside of the 100-year FEMA floodplain. There are two isolated wetlands and several ephemeral channels in the

⁴ *Horizon 2040*, Section 5.10.2 citing WAC 365-190

⁵ *Horizon 2040*, Section 5.10.3

- project site control boundaries for each Project. The wetland and ephemeral channels are outside the High Top MPE, and the U.S. Army Corps of Engineers (USACE) has issued a “no permit required” letter for that Project. The Ostrea MPE construction and operation access roads cross five of the ephemeral channels. For the Ostrea Project, the applicant will obtain a Clean Water Act, Section 4040 Nationwide Permit from USACE as part of the project permitting and a 401 permit from the Department of Ecology, if required.
- 23 The total acreage of the facility parcels is 3264 acres. The Projects’ maximum project extents (MPEs) would not exceed 1740 acres. The project study area is the extent of the acreage that was surveyed for the wildlife, cultural and wetland surveys, which totals 2237.
- 24 The Applicant requests that EFSEC allow the Applicant flexibility to microsite the precise location of facility components within the facility area extent and provide an updated site plan prior to construction.
- 25 As shown in the Preliminary Site Plan (Attachment K to the ASC), the facilities would consist of PV panels, inverters, mounting infrastructure, an electrical collection system, operation and maintenance building, access roads, interior roads, security fencing, a new collector substation and electrical interconnection infrastructure.
- 26 **Yakima County’s Certificates.** On March 7, 2022, Jason Earles, Zoning and Subdivision Manager and the Yakima County Planning Official provided the Applicant with a Certificates of Zoning Compliance (Certificates) for both Facilities, which the Applicant in turn provided to the Council. According to the Certificates, the Projects are defined as Power Generating Facilities under Yakima County Code (YCC) Title 19, the Unified Land Development Code, and are proposed to be within the Agricultural Zoning District (AG). Power Generating Facilities are classified as a “Type 3” conditional use in the County’s AG zoning district (YCC Table 19.14-010). Type 3 Uses are “uses which may be authorized subject to the approval of a conditional use permit as set forth in Section 19.30.030. Type 3 conditional uses are not generally appropriate throughout the zoning district. Type 3 uses require Hearing Examiner review of applications subject to a Type 3 review under the procedures of Section 19.30.100 and YCC Subsection 16B.03.030(1)(c).” (YCC Title 19.19-010(2)). Therefore, the proposed facility site is consistent with Title 19 insofar as the Projects are eligible for review and permitting under Yakima County conditional use permit processes.⁶
- 27 **Public Comment.** A member of the public commented that he disagreed with the

⁶ Appendix A to Attachment A. Land Use Consistency Review for each project.

description of land use consistency provided by the Applicant because the proposed use is not consistent with agricultural use of the land.

DISCUSSION

I. Land Use Consistency Determination

- 28 The purpose of the land use hearing is “to determine whether at the time of application the proposed facility was consistent and in compliance with land use plans and zoning ordinances.”⁷ In this order, the Council will refer to land use plans and zoning ordinances collectively as “land use provisions” and will refer to its decision as pertaining to “land use consistency.”
- 29 The Council’s evaluation of land use consistency is not dispositive of the Application and a determination of land use consistency is neither an endorsement nor an approval of the Project.⁸ The evaluation pertains only to the general siting of categories of uses, considering only the site (in this case, the sites) and not the project’s construction and operational conditions.
- 30 Whether a particular facility will create on- or off-site impacts (including impacts to the environment) is considered separately through the State Environmental Policy Act (SEPA) process, during the Council’s adjudication (if applicable), through the environmental permitting processes (if applicable), and through other Council processes (if applicable).⁹ The Council’s ultimate recommendation to the Governor will be made after full and thorough consideration of all relevant issues.
- 31 Under the test for land use consistency previously established by the Council, EFSEC considers whether the pertinent local land use provisions “prohibit” the site “expressly or by operation clearly, convincingly and unequivocally.” A facility meets this initial standard so long as it “can be permitted either outright or conditionally.”¹⁰ Whether applicable conditional use criteria are in fact met is a question for later EFSEC

7 WAC 463-26-050.

8 In re Whistling Ridge Energy Project, Council Order No. 868 at 9 (October 6, 2011) (Whistling Ridge Order). A determination of land use inconsistency simply results in the Council’s further consideration of whether local land use provisions should be preempted. WAC 463-28-060(1), see also RCW 80.50.110(2) and WAC 463-28-020. If they are preempted, the Council will include in any proposed site certification agreement conditions designed to recognize the purpose of the preempted provisions. WAC 463-28-070.

9 RCW 80.50.090, RCW 80.50.040(9), (12), WAC 463-30, WAC 463-47, WAC 463-76, WAC 463-78

10 In re Columbia Solar Project, Docket No. EF-170823, Council Order – Expedited Processing, ¶ 35 (April 17, 2018).

proceedings,¹¹ after which EFSEC may recommend and impose conditions of approval in the Site Certification Agreement (SCA) to uphold Yakima County’s conditional use permit criteria¹².

32 The EFSEC process contemplates that the Applicant will coordinate with the local jurisdiction to attempt to determine whether the project would be consistent and compliant with the jurisdiction’s land use plans and ordinances.¹³ If through these discussions the local jurisdiction determines the project is indeed consistent and compliant with its land use plans and ordinances, it may provide, and the applicant may present to the Council, a certificate attesting to that fact. Such a certificate provides prima facie proof of consistency and compliance with County land use plans and zoning ordinances.¹⁴

33 **Definitions of “Land Use Plan” and “Zoning Ordinances.”** The term “land use plan” is defined by statute as a “comprehensive plan or land use element thereof adopted ... pursuant to” one of the listed planning statutes.¹⁵ EFSEC interprets this definition as referring to the portions of a comprehensive plan that outline proposals for an area’s development, typically by assigning general uses (such as housing) to land segments and specifying desired concentrations and design goals.¹⁶ Comprehensive plan elements and provisions that do not meet this definition are outside of the scope of the Council’s present land use consistency analysis. The term “zoning ordinance” is defined by statute as an ordinance “regulating the use of land and adopted pursuant to” one of the listed planning statutes.¹⁷ EFSEC has interpreted this definition as referring to those ordinances that regulate land use by creating districts and restricting uses in the districts (i.e., number, size, location, type of structures, lot size) to promote compatible uses. Ordinances that do not meet this definition are outside of the scope of the Council’s present land use consistency analysis.

34 EFSEC has defined the phrase “consistent and in compliance” based on settled principles of land use law: “Zoning ordinances require compliance; they are regulatory provisions that mandate performance. Comprehensive plan provisions, however, are

11 Id., ¶ 36.

12 RCW 80.50.100(2); WAC 463-64-020

13 WAC 463-26-090

14 Id.

15 RCW 80.50.020(18).

16 In re Northern Tier Pipeline, Council Order No. 579 (Northern Tier Pipeline Order) at 9 (November 26, 1979).

17 RCW 80.50.020(30).

guides rather than mandates and seek consistency.”¹⁸

- 35 **Proof of consistency and compliance.** EFSEC accepts the Certificates issued to the Applicant by Yakima County as prima facie proof of consistency and compliance with Yakima County land use plans and zoning ordinances. EFSEC received one comment from a member of the public challenging the use as not appropriate for agricultural resource lands. The Council does not find this testimony persuasive because the County’s comprehensive plan contemplates non-agricultural accessory uses for agricultural resource lands and Yakima County has expressly provided that power generating facilities may be authorized subject to qualifying for a conditional use permit.

FINDINGS OF FACT

- 36 (1) On April 7, 2020, Cypress Creek Renewables, LLC submitted an application for site certification to construct and operate High Top Solar and Ostrea Solar Projects (the facility), solar photovoltaic (PV) projects with an optional battery storage system at the High Top Project and battery storage at the Ostrea Project. The facility would be located on 3,263 leased acres in Yakima County, Washington.¹⁹
- 37 (2) On April 7, 2022, the Applicant submitted a written request that the Council use the expedited processing procedure authorized by RCW 80.50.075. By mutual agreement, the Applicant and the Council set a later time of October 18, 2022, for the Council to issue an order on the request for expedited process.
- 38 (3) On June 1, 2022, the Council convened a virtual land use consistency hearing, pursuant to due and proper notice. The Council received testimony from the Applicant’s attorney and community member, Michael Tobin.
- 39 (4) The Applicant presented Certificates of Zoning Compliance from Yakima County’s Zoning and Subdivision Manager, Jason Earles, attesting to the facility’s consistency and compliance with local land use plans and zoning ordinances.
- 40 (5) The facility sites are located in unincorporated Yakima County, Washington.

¹⁸ Whistling Ridge Order at 10 n 15.

¹⁹ The respective Project Site Control Boundaries are: 1,564 acres for High Top; and 1,699 acres for Ostrea.

CONCLUSIONS OF LAW

- 41 (1) The Council has jurisdiction over the subject matter of this proceeding and the parties to it pursuant to RCW 80.50.075 and WAC chapter 463-43.
- 42 (2) The Council provided adequate notice to interested parties, and the Council has adequate information to render a land use consistency decision.
- 43 (3) Under Yakima County Code Title 19, the facility meets the definition of a “power generating facility.”
- 44 (4) The proposed sites for the facility are on land in the Agricultural Zoning District (AG) under Yakima County Code. In the AG zoning district, power generating facilities are a Type 3 Use.
- 45 (5) Yakima County determined the Projects are consistent with YCC Title 19 and would be eligible for review and permitting under Yakima County conditional use permitting processes and issued the Applicant a Certificate of Zoning Compliance.
- 46 (6) The Applicant has met its burden of proof of demonstrating that the sites are consistent and in compliance with Yakima County’s Comprehensive Plan and applicable zoning ordinances as required by RCW 80.50.075(1).

ORDER

THE COUNCIL ORDERS:

- 47 (1) Cypress Creek Renewable, LLC’s request for a finding of land use consistency is GRANTED, consistent with RCW 80.50.090(2) and 463-26-110.
- 48 (2) The Council will provide a means to receive information regarding site-specific conditions and criteria akin to what Yakima County would receive during a conditional use hearing.

DATED at Olympia, Washington, and effective October 18, 2022.

WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL

KATHLEEN DREW, Chair



April 7th, 2022
Washington Energy Facility Site Evaluation Council
c/o Ami Hafkemeyer
Office - 360.664.1305
Cell - 360.706.4997

Via: ami.hafkemeyer@utc.wa.gov

SUBJECT: EXPEDITED PROCESSING FOR OSTREA SOLAR LLC

Dear Ms. Hafkemeyer,

Per WAC 463-43-020, I would like to formally request expedited processing for the Application for Site Certificate (ASC) that was submitted for Ostrea Solar LLC (Facility) on April 7th, 2022.

The ASC demonstrates that the Facility can mitigate environmental impacts to a nonsignificant level and the Land Use Consistency Review (Attachment A) demonstrates consistency and compliance with the Yakima County Comprehensive Plan and the Yakima County Code. The Land Use Conformance Letter was provided by the Yakima County Planning Department.

Please let me know if you have any questions or require additional information.

Sincerely,

DocuSigned by:

FA1FD5869B40485...

Chief Development Officer
424.265.4984
hyte@ccrenew.com



RECEIVED
July 12 2022

123 N. College Ave., Ste. 370
Fort Collins, CO 80524

POTENTIAL ACTION ITEM
T 970.484.3263
TRCcompanies.com

ENERGY FACILITY SITE
EVALUATION COUNCIL

July 8, 2022

Washington Energy Facility Site Evaluation Council

Sonia Bumpus
EFSEC Manager
PO Box 43172

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

Dear Ms. Bumpus,

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

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

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

Sincerely,

Tai Wallace

Senior Director, Development
Cypress Creek Renewables, LLC

cc: Jess Mosleh, Associate Project Developer

Wautoma Solar

October 2022 project update

[Place holder]

Energy Facility Site Evaluation Council

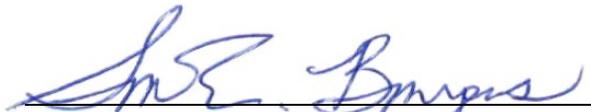
Non-Direct Cost Allocation for 2nd Quarter FY 2023

October 1, 2022 – December 31, 2022

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

Using the procedures for developing cost allocation, and allowance for new projects, the following percentages shall be used to allocate EFSEC's non direct costs for the 2nd quarter of FY 2023

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


Sonia E. Bumpus, EFSEC Manager

Date: 10/17/22