



ONE-WEEK TRANSCRIPT TURNAROUND

Digital Transcripts • Internet Realtime • HD Legal Video • Picture-in-Picture Depositions
Remote Depositions • Designation Editing • Nationwide Scheduling • HD Videoconferencing

Transcript of Proceedings

January 18, 2023

EFSEC 2023 Monthly Council Meetings v.

Thank you for choosing BA Litigation Services for your court reporting, legal video, and deposition technology needs. It is always our goal to provide you with exceptional service. If there is anything we can do to assist you, please don't hesitate to let us know.

Sarah Fitzgibbon, CCR
Vice President



The Premier Advantage™
PDF transcript bundle contains:

- Full-size and condensed transcripts
- Printable word index
- Hyperlinked selectable word index
- Embedded printable exhibit scans
- Hyperlinked selectable exhibit viewing
- Common file formats: txt, lrf, mdb
accessed via *paperclip* icon

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENERGY FACILITY SITE EVALUATION COUNCIL

Monthly Council Meeting

January 18, 2023

held via Teams Video Conferencing

Reported by: ANN MARIE G. ALLISON, CCR
Certified Court Reporter #3375

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

A P P E A R A N C E S

CHRISTOPHER WISSEL-TYSON, BrightNight

RON KIECANA, BrightNight

1 BE IT REMEMBERED that on Wednesday,
2 January 18, 2023, 1:30 p.m., the following proceedings were
3 held before Ann Marie Allison, Certified Court Reporter
4 residing in Pierce County, Washington.

5 (All parties present via Teams)

6
7 *** MEETING CALLED TO ORDER 1:30 p.m. ***

8
9 CHAIR DREW: Good afternoon. This is
10 Kathleen Drew, chair of the Energy Facility Site Evaluation
11 Counsel, bringing our meeting to order.

12 We have had some feedback -- (No audio.)

13 SPEAKER GRANTHAM: Start from the beginning,
14 Chair Drew. For some reason it got muted from our sides.

15 CHAIR DREW: Certainly.

16 SPEAKER GRANTHAM: Apologies.

17 CHAIR DREW: Good afternoon, this is Kathleen
18 Drew, chair of the Energy Facility Site Evaluation Council,
19 calling to order our January monthly meeting.

20 All of those of you who have microphones out there
21 that may be open, please check your microphones -- we're
22 getting some feedback in the room -- and make sure that they
23 are off.

24 Ms. Grantham, will you please call the roll?

25 SPEAKER GRANTHAM: Certainly.

1 Department of Commerce.

2 SPEAKER KELLY: Kate Kelly present.

3 SPEAKER GRANTHAM: Department of Ecology.

4 SPEAKER LEVITT: Eli Levitt present.

5 SPEAKER GRANTHAM: Department of Fish and
6 Wildlife.

7 SPEAKER LIVINGSTON: Mike Livingston present.

8 SPEAKER GRANTHAM: Department of Natural
9 Resources.

10 SPEAKER YOUNG: Lenny Young present.

11 SPEAKER GRANTHAM: Utilities and
12 Transportation Commission.

13 SPEAKER BREWSTER: Stacey Brewster present.

14 SPEAKER GRANTHAM: Local government and
15 optional state agencies for the Horse Heaven Project,
16 Department of Agriculture.

17 SPEAKER SANDISON: Derek Sandison present.

18 SPEAKER GRANTHAM: Benton County, Ed Brost.

19 SPEAKER BROST: I'm here.

20 SPEAKER GRANTHAM: For the Badger Mountain
21 Project, Douglas County.

22 (No response)

23 SPEAKER GRANTHAM: For the Wautoma Solar
24 Project for Benton County, Dave Sharp.

25 (No response)

1 SPEAKER GRANTHAM: Washington State
2 Department of Transportation.

3 (No response)

4 SPEAKER GRANTHAM: The Assistant Attorney
5 General.

6 SPEAKER THOMPSON: This is John Thompson,
7 Assistant Attorney General.

8 SPEAKER GRANTHAM: Thank you.
9 Administrative law judges, Adam Torem.

10 JUDGE TOREM: This is Judge Torem. I'm here.

11 SPEAKER GRANTHAM: Laura Bradley.

12 JUDGE BRADLEY: This is Judge Bradley; I'm
13 here. Also, I've heard from Judge Gerard that he's having
14 difficulty joining the meeting, so he may not be with us
15 yet.

16 JUDGE GERARD: I'm in now. Thank you.

17 SPEAKER GRANTHAM: Perfect. Thank you. Dan
18 Gerard is present. Thank you.

19 For EFSEC staff, Sonia Bumpus.

20 (No response)

21 SPEAKER GRANTHAM: Amy Hafkemeyer.

22 SPEAKER HAFKEMEYER: Amy Hafkemeyer present.

23 SPEAKER GRANTHAM: Amy Moon.

24 SPEAKER MOON: Amy Moon present.

25 SPEAKER GRANTHAM: Patty Betts.

1 (No response)

2 SPEAKER GRANTHAM: Stew Henderson.

3 (No response)

4 SPEAKER GRANTHAM: Joan Owens.

5 SPEAKER J. OWENS: Present.

6 SPEAKER GRANTHAM: Dave Walker.

7 SPEAKER WALKER: Dave Walker present.

8 SPEAKER GRANTHAM: Sonya Skavland.

9 SPEAKER SKAVLAND: Sonya Skavland present.

10 SPEAKER GRANTHAM: Lisa Masengale.

11 SPEAKER MASENGALE: Lisa Masengale present.

12 SPEAKER GRANTHAM: Sara Randolph.

13 SPEAKER RANDOLPH: Sara Randolph present.

14 SPEAKER GRANTHAM: Sean Greene.

15 (No response)

16 SPEAKER GRANTHAM: Lance Caputo.

17 SPEAKER CAPUTO: Lance Caputo present.

18 SPEAKER GRANTHAM: John Barnes.

19 SPEAKER BARNES: John Barnes present.

20 SPEAKER GRANTHAM: Osta Davis.

21 SPEAKER DAVIS: Osta Davis --

22 SPEAKER GRANTHAM: Joanne Snarski.

23 SPEAKER SNARSKI: Present.

24 SPEAKER GRANTHAM: For the operational

25 updates, Kittitas Valley Wind Project.

1 SPEAKER MELBARDIS: Eric Melbardis present.
2 SPEAKER GRANTHAM: Wild Horse Wind Power
3 Project.
4 SPEAKER GALBRAITH: Jennifer Galbraith
5 present.
6 SPEAKER GRANTHAM: Grays Harbor Energy
7 Center.
8 SPEAKER SHERIN: Chris Sherin present.
9 SPEAKER GRANTHAM: Chehalis Generation
10 Facility.
11 SPEAKER ADAMS: Mike Adams present.
12 SPEAKER GRANTHAM: Columbia Generating
13 Station.
14 SPEAKER SCHMIDT: Marshall Schmidt present.
15 SPEAKER GRANTHAM: Columbia Solar.
16 SPEAKER HURD: Owen Hurd present.
17 SPEAKER GRANTHAM: And do we have someone
18 here for the counsel for the environment?
19 (No response)
20 Hearing none, Chair, there is a quorum for the
21 regular counsel, the Horse Heaven counsel and the Wautoma
22 counsel. Thank you.
23 SPEAKER BREWSTER: This is Stacey Brewster.
24 I move that we approve the November monthly meeting minutes.
25 UNIDENTIFIED SPEAKER: Second.

1 SPEAKER KELLY: Kate Kelly, second.

2 (No audio)

3 CHAIR DREW: I'm sorry. I'll start again.

4 I have two changes to make. The first one is on
5 page 8, line 21. The word "professional" should be
6 "facility," and on page 52, line 3, before the word "walk,"
7 it should say "I will."

8 Are there any other changes for the November
9 monthly meeting minutes?

10 SPEAKER KELLY: Chair Drew, this is Kate
11 Kelly. Can you hear me?

12 CHAIR DREW: Yes. Go ahead.

13 SPEAKER KELLY: Okay. We're just having a
14 little trouble hearing you sometimes.

15 I have two changes on page 21 for some reason.
16 The top line, Line No. 1, "effective" should be "executive."

17 CHAIR DREW: Thank you.

18 SPEAKER KELLY: Line 14, the word "quart"
19 should be "short."

20 CHAIR DREW: Thank you.

21 SPEAKER KELLY: You're welcome.

22 CHAIR DREW: Are there any other changes for
23 the monthly meeting minutes?

24 Hearing none, all those in favor of the November
25 monthly meeting minutes as amended, please say "Aye."

1 (Aye.)

2 CHAIR DREW: Opposed?

3 The minutes are amended.

4 I'm going to take a step backwards and ask for
5 approval of adopting the agenda for today's meeting. Is
6 there a motion to approve the agenda for today's meeting?

7 SPEAKER YOUNG: Lenny Young, so move.

8 CHAIR DREW: Thank you.

9 SPEAKER BREWSTER: Stacey Brewster, second.

10 CHAIR DREW: Thank you. All those in favor
11 of approving the agenda for today, please say "Aye."

12 (Aye.)

13 All those opposed?

14 The agenda is approved.

15 Okay. Now moving on to the second set of minutes,
16 as I get there on my screen. Is there a motion to approve
17 the minutes for the November 29th special meeting?

18 SPEAKER KELLY: Kate Kelly, move to approve
19 the minutes.

20 CHAIR DREW: Thank you. Second?

21 SPEAKER LEVITT: Eli Levitt, second.

22 CHAIR DREW: Are there any changes to that
23 set of minutes?

24 Hearing none, all those in favor of approving the
25 minutes for the September -- I'm sorry -- November 29th

1 special meeting please say "Aye."

2 (Aye.)

3 CHAIR DREW: Opposed?

4 The minutes are approved.

5 Okay. Moving on in our agenda to the facility
6 updates. Mr. Melbardis with Kittitas Valley Wind Project,
7 please go ahead.

8 SPEAKER MELBARDIS: Good afternoon, Chair
9 Drew, EFSEC council and staff. For the record, this is Eric
10 Melbardis. I think you asked us to spell that this time.
11 M-E-L --

12 CHAIR DREW: Mr. Melbardis, we have you on
13 the list that we will send to the court reporter, so yes.

14 SPEAKER MELBARDIS: Okay. So yes, I am with
15 EDP Renewables for the Kittitas Valley Wind Power Project,
16 and I have nothing non-routine to report for the period.

17 CHAIR DREW: Thank you.

18 Moving on to Wild Horse Wind Power Facility,
19 Ms. Galbraith.

20 SPEAKER GALBRAITH: Thank you, Chair Drew,
21 council members and staff. This is Jennifer Galbraith with
22 Puget Sound Energy, representing the Wild Horse Wind
23 Facility, and I have nothing non-routine to report for the
24 month of November or December.

25 CHAIR DREW: Thank you.

1 Grays Harbor Energy Facility, Mr. Sherin.

2 SPEAKER SHERIN: Good afternoon, Chair Drew,
3 council members, staff. This is Chris Sherin, the ~~land~~ ^{plant}
4 manager at Grays Harbor Energy Center.

5 For the month of November, I have no non-routine
6 items to report. I will note though that we ~~were~~ ^{were} (ph.)
7 limited to one-by-one operation for two weeks, due to
8 transmission line maintenance on the Paul ^{to} Olympia ^{to} Satsop ~~sub~~
9 ~~or~~ transmission ^{lines} ~~line~~.

10 In the month of November, I have no non-routine
11 items to report.

12 CHAIR DREW: Thank you.

13 For Chehalis Generation Facility.

14 SPEAKER ADAMS: Yeah. Good afternoon, Chair
15 Drew, EFSEC council and staff. This is Mike Adams, plant
16 manager at the Chehalis Generation Facility. For the month
17 of November, I have no non-routine items to report.

18 CHAIR DREW: Thank you.

19 Columbia Generating Station.

20 SPEAKER SCHMIDT: Good afternoon, Chair Drew,
21 council members and staff. For the record, this is Marshall
22 Schmidt reporting for Columbia Generating Station.

23 For the month of November, I only have one update,
24 and that is on the 17th, Energy Northwest received approval
25 from EFSEC for the Columbia Generating Station annual air

1 emission source registration, and that's for 2020 and 2021.

2 For December, the only item I have to update is
3 that on the 1st of the month, Energy Northwest received the
4 inspection report for our 2022 Columbia Generating Station
5 synthetic minor air inspection that was conducted back in
6 October. There were no issues or findings identified in
7 that letter.

8 That is all that I have to update.

9 CHAIR DREW: Thank you.

10 For the Columbia Solar Projects, Mr. Hurd.

11 SPEAKER HURD: Good afternoon, Chair Drew,
12 council members and EFSEC staff. This is Owen Hurd
13 reporting for the Columbia Solar Projects. For the month of
14 November, total generation of 385 megawatt hours for the
15 Penstemon Project, 356 megawatt hours for the Camas Project
16 and on the Urtica Project for troubleshooting inverters and
17 substantial completion as expected in late January.

18 Thank you.

19 CHAIR DREW: Thank you.

20 Yes?

21 SPEAKER HAFKEMEYER: Sorry, Chair Drew. If I
22 could, I wanted to step back just a bit. We do have a line
23 item on the agenda for an update for the counsel on the
24 Columbia Generating Station NPDES permit provided by
25 Ms. Moon.

1 CHAIR DREW: And that was, for the record,
2 Ms. Hafkemeyer.

3 And I was following the sheets in my packet and
4 not the agenda, so my apologies there.

5 Ms. Moon, this is the NPDES permit update. Go
6 ahead, Ms. Moon.

7 SPEAKER MOON: Thank you.

8 Good afternoon Council Chair Drew and council
9 members. For the record, this is Amy Moon, EFSEC staff
10 member providing an update on the National Pollutant
11 Discharge Elimination System, or NPDES permit, at the
12 Columbia Generating Station.

13 The last time there was action taken by the
14 council on the NPDES permit was in 2019, and the council
15 members have changed quite a bit since then. And I want to
16 provide you and the public with a brief summary of the NPDES
17 permit and permit program.

18 Energy Northwest operates a nuclear-fueled steam
19 electric power generation plant known as the Columbia
20 Generating Station, that discharges to the Columbia River.
21 EFSEC regulates the discharge to the Columbia River under
22 the NPDES permit program.

23 This regulatory authority warrants a brief
24 explanation, beginning with the Clean Water Act. The
25 federal Clean Water Act, first enacted in 1972, established

1 water quality goals for the navigable surface waters of the
2 United States. One mechanism for achieving the goals of the
3 Clean Water Act is the NPDES, administered by the Federal
4 Environmental Protection Agency or EPA.

5 The EPA authorized the State of Washington to
6 manage the NPDES permit program in our state. The
7 Washington State Legislature accepted the delegation and
8 assigned the power and duty for conducting NPDES permitting
9 and enforcement to EFSEC for facilities under EFSEC
10 authority.

11 EFSEC worked with the Washington Department of
12 Ecology and issued the current NPDES permit on
13 September 30th of 2014. This permit was modified twice, on
14 February 8th of 2016 and again on March 19th of 2019.

15 Although the NPDES was issued with an
16 October 31st, 2019, expiration date, EFSEC administratively
17 extended the permit on September 13th, 2019, after accepting
18 the NPDES renewal application on August 6th, 2019, in
19 accordance with the Washington State Administrative
20 Procedure Act, which is the Revised Code of Washington
21 34.05.422(3) and the Washington Administrative Code
22 463-76-061(4).

23 Today I want to let you know that EFSEC has been
24 working with Ecology on the new NPDES permit and expects to
25 have the draft permit and fact sheet ready for presentation

1 to the council in February.

2 Does the council have any questions?

3 CHAIR DREW: Are there any questions from
4 council members?

5 No. Thank you.

6 Next item in the next order on our agenda is Horse
7 Heaven Wind Farm. Ms. Moon.

8 SPEAKER MOON: Thank you, Council, Chair Drew
9 and council members. Again, for the record, this is Amy
10 Moon, EFSEC staff member, providing a draft environmental
11 impact statement or draft EIS update on the Horse Heaven
12 Wind Project.

13 The draft EIS was issued December 19th, 2022, for
14 a 45-day comment period ending February 1st of 2023. Copies
15 of the draft EIS are posted for public review on the EFSEC
16 public website, and electronic copies were distributed to
17 public libraries near the Horse Heaven Wind Project -- or
18 proposed project area, as well as to the Washington State
19 Library in Olympia. Public comments may be submitted to the
20 EFSEC comment database or by US mail to the EFSEC mailing
21 address.

22 After the comment period closes, EFSEC will review
23 the comments received to determine if additional information
24 gathering and analysis should be done to improve the
25 environmental analysis for the final EIS.

1 Does the council have any questions?

2 CHAIR DREW: Any questions from council
3 members?

4 SPEAKER BREWSTER: Just a question of how
5 long you expect it to take to go through the comments.

6 SPEAKER MOON: Since we're still in the
7 comment period and we don't know how many comments or the
8 content of those comments, that's hard to answer.

9 We do have a contractor that will be working on
10 sorting the comments and tabulating and figuring out what
11 topics we have and whether or not additional
12 information-gathering will need to be done and what
13 additional analysis will have to occur.

14 Does that answer your question it's a vague
15 answer, but...(pause).

16 SPEAKER BREWSTER: I expect so.

17 SPEAKER MOON: Okay. Thank you.

18 CHAIR DREW: Any other questions?

19 Okay. Thank you.

20 Moving on to the Goose Prairie Solar Project,
21 project updates. Ms. Randolph.

22 SPEAKER RANDOLPH: Good afternoon, Chair
23 Drew, council members and staff. For the record, this is
24 Sara Randolph, the site specialist for the Goose Prairie
25 Facility.

1 EFSEC staff received a draft of the initial site
2 restoration plan, or ISRP, from the certificate holder,
3 which is available to you in your packet. Staff have
4 reviewed the draft in consultation with our independent
5 contractor and our attorney general and determined that the
6 plan complies with the facility site certification
7 agreement, or SCA, an agreement and regulation, excuse me,
8 with Washington Administrative Code or WAC 463-72.

9 The ISRP is required to be approved by the
10 council, per WAC 463-72-030. At this time, staff are
11 recommending that the council vote to approve the ISRP as
12 provided.

13 EFSEC staff received two comments in the ISRP.
14 Neither comment warranted a change in the draft ISRP as we
15 received it.

16 Are there any questions?

17 CHAIR DREW: Are there any questions for
18 staff?

19 Hearing none, I would ask the council: Seeing and
20 having a chance to review the ISRP or initial site
21 restoration plan, is there a motion to approve that plan?

22 SPEAKER YOUNG: Lenny Young, so move.

23 CHAIR DREW: Thank you.

24 Second?

25 SPEAKER KELLY: Kate Kelly, second.

1 CHAIR DREW: Thank you.

2 Are there any comments?

3 The plan seems to me to be in good order and
4 certainly covers the -- what is required both in our rules
5 and in the site certification agreement, so I commend it to
6 you.

7 All those in favor of approving Goose Prairie
8 Solar Initial Site Restoration Plan, please say "Aye."

9 (Aye.)

10 CHAIR DREW: All those opposed?

11 The plan is approved. Thank you.

12 Badger Mountain Project update. Ms. Hafkemeyer.

13 SPEAKER HAFKEMEYER: Thank you, Chair Drew.

14 Good afternoon, council.

15 Staff have been working with our contractor in the
16 initial stages of drafting the environmental impact
17 statement. On December 27th, EFSEC staff sent a second data
18 request to the applicant in support of the draft EIS. Staff
19 have also received additional studies from the applicant as
20 coordinated with EFSEC staff and contracted agencies of
21 expertise.

22 Are there any questions?

23 CHAIR DREW: Are there -- so this is the
24 preparation of the draft EIS phase that we are in now for
25 Badger Mountain. Correct?

1 SPEAKER HAFKEMEYER: Correct. EFSEC staff
2 are working with our contractor to draft the sections of the
3 EIS, which will then be compiled for issuance later this
4 year.

5 CHAIR DREW: Thank you.

6 Any other questions? Okay. Thank you.

7 Whistling Ridge. Ms. Hafkemeyer.

8 SPEAKER HAFKEMEYER: Thank you, Chair Drew.

9 Again, this is Amy Hafkemeyer, for the record.

10 EFSEC staff are waiting for the certificate holder
11 to submit the remaining materials for the ~~FCA~~ ^{SCA} amendment
12 request. There are no further updates at this time.

13 CHAIR DREW: On to the next project, High Top
14 and Ostrea. Ms. Hafkemeyer.

15 SPEAKER HAFKEMEYER: Thank you. I'd like to
16 start by thanking the council for their attendance at the
17 conditional use criteria meeting last Wednesday. At that
18 meeting there were four speakers. EFSEC also received four
19 written comments, one of which was received verbally, as
20 well, and was one of the four commenters who spoke.

21 These comments included recommendations on fire
22 risk mitigation, recommendation on use of local labor, and
23 concerns about use of agricultural land and environmental
24 impacts and input on the EFSEC review process for this
25 project.

1 I'd like to take a moment to review the timeline
2 of this project to date, highlighting the opportunities that
3 we have had so far for public comment.

4 On April 7th, EFSEC received the application for
5 site certification ~~RASC~~ ^{or ASC}, as well as the letter requesting
6 expedited process.

7 On June 1st, EFSEC held the initial public
8 informational meeting to receive public comment, followed by
9 the land use consistency hearing to receive testimony from
10 the public. Both of these meetings were held virtually.

11 On July 19th, at the regularly scheduled council
12 meeting, the council reviewed and approved an extension of
13 the expedited process and determination by ten weeks.

14 On October 18th, the council voted to approve
15 Order 884 determining the proposal to be consistent with
16 local land use ordinances in place at the time of
17 application. Public comment was taken during the meeting on
18 this council action.

19 On October 1st, EFSEC issued a SEPA threshold
20 determination of mitigated determination of
21 non-significance, or MDNS, followed by a 14-day public
22 comment period.

23 On October 28, EFSEC issued the revised MDNS.

24 On November 2nd, the council went on a site tour
25 and viewed the High Top and Ostrea sites from a nearby

1 vantage point at which the public was welcome to attend.

2 With the land use consistency determination made
3 by Order 884 and the revised MDNS issued on October 28th,
4 the council voted to approve the applicant's expedited
5 request by Order 885 on November 15th. Council action was
6 open for public comment ahead of the November council
7 meeting.

8 On November 29th, the council reviewed and
9 approved the request to extend the timeline for the
10 recommendation to February 22nd. This action was open for
11 public comment ahead of the council meeting.

12 And then finally, last week, EFSEC held a
13 conditional use criteria meeting to receive public comment
14 on conditions related to the conditional use criteria as
15 identified in the Yakima County Code that could then be
16 included in a site certification agreement draft.

17 Are there any questions from the council on the
18 project activity to date?

19 CHAIR DREW: Are there any questions about
20 the timeline and the actions the council has taken or public
21 comment opportunities? Go ahead.

22 ~~UNIDENTIFIED SPEAKER:~~ AMI HAFKEMEYER: Thank you.

23 In consideration of our review of the application,
24 the issued MDNS, the determination of land use consistency
25 and the granting of expedited process, staff would like to

1 recommend that the council direct staff to prepare an order
2 with the recommendation of approval, a draft site
3 certification agreement and associated documents to be
4 reviewed and voted on at the February 15th council meeting.

5 CHAIR DREW: Thank you. Are there any
6 questions from council members?

7 Is there a motion to direct the staff to draft an
8 order recommending approval of the project for the February
9 meeting?

10 SPEAKER LEVITT: Eli Levitt, motion to direct
11 the staff.

12 CHAIR DREW: Second?

13 SPEAKER BREWSTER: Stacey Brewster, second.

14 CHAIR DREW: Thank you.

15 Are there any questions or comments on this
16 motion?

17 A lot of work has gone into reviewing the
18 application, working with agencies who have had concerns on
19 the project, that have been actually worked through in terms
20 of the mitigation. That has -- is all part of our package
21 as we go forward, and I commend this project to you and
22 encourage a yes vote.

23 I will ask for a roll call vote.

24 Clerk, will you call -- Ms. Grantham, will you
25 call the roll for the EFSEC council, which is also the High

1 **Top and Ostrea council.**

2 SPEAKER GRANTHAM: Yes. No problem.

3 Chair Drew.

4 CHAIR DREW: Aye.

5 SPEAKER GRANTHAM: Department of Commerce,
6 Kate Kelly.

7 SPEAKER KELLY: Aye.

8 SPEAKER GRANTHAM: Department of Fish and
9 Wildlife.

10 SPEAKER LIVINGSTON: Aye.

11 SPEAKER GRANTHAM: Department of Ecology, Eli
12 Levitt.

13 SPEAKER LEVITT: Aye.

14 SPEAKER GRANTHAM: Utilities and
15 Transportation Commission, Stacey Brewster.

16 SPEAKER BREWSTER: Aye.

17 SPEAKER GRANTHAM: Department of Natural
18 Resources, Lenny Young.

19 SPEAKER YOUNG: Aye.

20 CHAIR DREW: The motion is approved.

21 I will point out to the public that the order will
22 be drafted before the next council meeting, and you will
23 have time to send in your comments to us about that draft
24 order. So that's the next step. We haven't finalized the
25 order, so the opportunity will be to comment on the proposed

1 order before the next meeting. Thank you all.

2 Moving on to the next item on our agenda, which is
3 the Wautoma Solar Project update, Mr. Caputo.

4 SPEAKER CAPUTO: Thank you, Chair Drew and
5 council members. For the record, my name is Lance Caputo.
6 I'm the EFSEC staff assigned to the Wautoma Project.

7 The state briefly -- we are in the stage of the
8 process where we thoroughly review the application and then
9 request supplemental data.

10 In October of 2022, EFSEC sent the applicant a
11 request for additional information. We received the
12 applicant's response to Data Request No. 1 in mid November.

13 On the 27th of December, a second request for
14 additional information was sent. However, due to the
15 holiday season, the applicant requested a 45-day period to
16 respond. We anticipate a reply by 15th of January 2023, and
17 in the meantime, we are continuing to work with the
18 applicant and our contractors on this project.

19 CHAIR DREW: Thank you.

20 So those data requests are to help with the staff
21 completion of the determination of significance for the
22 project. Is that correct?

23 SPEAKER CAPUTO: Correct. They fill in
24 missing gaps in the application so that we can make a proper
25 SEPA determination.

1 CHAIR DREW: Thank you.

2 So the next step will be the SEPA determination,
3 which is made by Sonia Bumpus, our EFSEC director, and then
4 from there that information will come back to the council.

5 SPEAKER CAPUTO: Correct.

6 CHAIR DREW: Thank you.

7 Any questions? And we also had a site visit of
8 Wautoma as well, so I think that's helpful for us as we
9 consider that project.

10 Moving on to Hop Hill Solar, this is a new
11 application that has just recently come to EFSEC.

12 Ms. Hafkemeyer.

13 SPEAKER HAFKEMEYER: Thank you. For the
14 record, this is Amy Hafkemeyer.

15 On December 22nd, EFSEC staff received the
16 application for the proposed Hop Hill Solar Facility. The
17 applicant is here today to give a brief introduction to the
18 project, more detail on which will be provided at the public
19 informational meeting.

20 Staff are currently working to schedule this
21 meeting and will update the council and the public as
22 details become available.

23 Are there any questions?

24 CHAIR DREW: Any questions?

25 Go ahead.

1 SPEAKER HAFKEMEYER: Hearing none, I will
2 hand the floor over to the applicant to introduce themselves
3 to the council.

4 SPEAKER TYSON: Thank you, Chair Drew,
5 council members and staff. So excited to come here and talk
6 a little bit about the Hop Hill Project, but real quickly,
7 just as a matter of introductions, my name's Chris
8 Wissel-Tyson. I lead development here for BrightNight in
9 the Pacific Northwest. I'm based just north of Seattle, and
10 I'll let Ron introduce himself.

11 CHAIR DREW: If you can spell your name
12 for --

13 SPEAKER TYSON: Sorry about that.

14 CHAIR DREW: -- the court reporter.

15 SPEAKER TYSON: C-H-R-I-S-T-O-P-H-E-R. And I
16 have a hyphenated last name, W-I-S-S-E-L dash T-Y-S-O-N.

17 CHAIR DREW: Thank you.

18 SPEAKER KIECANA: And I'm Ron Kiecana,
19 K-I-E-C-A-N-A. I'm the chief development officer with
20 BrightNight Power. And thank you, Chair Drew and EFSEC
21 staff for the opportunity to introduce BrightNight and the
22 Hop Hill Project today.

23 SPEAKER TYSON: We'll move quickly to the
24 next slide and just a little background behind who we are
25 and the company BrightNight.

1 We're an independent power producer. I'd say
2 young in current formation, we were formed in 2018, but I'd
3 say old in pedigree and experience amongst the team. We are
4 the next iteration of a company that was started by Martin
5 Hermann, called 8minutenergy. 8minute, from around 2010 to
6 2018, was a large private solar developer in the United
7 States and really changed the way we looked at large
8 utility-scale solar projects. He built projects in Southern
9 California and Nevada and Arizona that set price records at
10 the time and really showed that large solar projects can be
11 competitive with fossil fuel projects.

12 But around 2017-2018, he started to come to the
13 realization that if we're going to truly decarbonize the
14 grid, we're going to have to move from as available
15 renewable technology, when wind blows or when it's sunny or
16 when the hydro's running with a large runoff in the spring,
17 to something that's more dispatchable, like a traditional
18 power plant. And that's why he formed BrightNight, and we
19 are a purpose-built team for that goal.

20 I'll get a little bit into that next slide, but
21 just real quick, we have a US portfolio of around 21
22 gigawatts, two gigawatts in the Asia Pacific. We have two
23 financial partners, CPPIB, the Canadian pension fund, is a
24 partner in all of our western projects, and we also have
25 GIP, Global Infrastructure Partners, which is one of the

1 largest infrastructure funds in the world, and they support
2 our US portfolio.

3 One point of clarification, we are an IDP. We
4 intend to develop, build and own these projects for up to 40
5 to 50 years. We are not trying to sell the project before
6 or right after construction. That's not how we're built.
7 So I think it does change, a little bit, how we do business
8 as a company. Stakeholders, neighbor relationships, just
9 the design of the plants and thinking about our rate payers
10 and customers, us, as power buyers, is very important to us
11 when we have that kind of -- you want to say something?

12 I was just going to check on the next part here.
13 And just moving along, we're now a team of about 110 people,
14 with operations here in the US, as well as over in Asia
15 Pacific. 85 people are located here in the US, and we have
16 a strong team here in the Northwest. They're located here;
17 six people reside here in the Northwest. We're a big
18 believer in being very close to the customers and to the
19 markets which we aspire to be a part of in the future.

20 If we can move on to the next slide here, I just
21 want to touch on -- this is something that is very different
22 and is part of BrightNight. And this is a proprietary
23 software platform that we have developed here at
24 BrightNight, and this supports our focus on structuring
25 clean power products for our customer.

1 And so as Chris mentioned, there is a difference
2 between clean energy and clean power. You're going to get
3 clean energy when the sun is shining, wind is blowing. We
4 focus on clean power and providing that power when the
5 customer really values it and needs it most. And it can
6 most be beneficial from an operations perspective for the
7 customer and for the transmission system.

8 So our PowerAlpha platform, very quickly, is able
9 to very quickly analyze immense amounts of data across
10 intermittent resources and identify where the gaps are. So
11 we look for opportunities to combine intermittent resources
12 to provide structured, more valuable clean power products to
13 customers.

14 Sometimes this does involve using energy storage.
15 Other times it may involve just layering in more
16 intermittent energy, such as wind, solar, possibly even
17 hydro. So again, very powerful tool core to BrightNight and
18 a big part of what we do here as a team here in the US.

19 SPEAKER TYSON: Two slides, I'll talk a
20 little bit about the Hop Hill Energy Project. This is a PVS
21 500-megawatt project in Benton County, Washington, Central
22 Washington, around 5,000 acres within the fence line. And
23 we actually have three different potential points of
24 interconnect and interconnect applications with the EPA.

25 We have four main goals with the Hop Hill Project.

1 One is to provide low-cost and reliable energy in an area
2 that compliments already-existing resources. And so that's
3 the Columbia River dams and what's really called the
4 Northwest hub, as well as other resources, such as nuclear,
5 to help meet growing needs in the region as well as the
6 state.

7 2. We wanted to avoid expensive and lengthy
8 infrastructure projects. I'm sure you guys know, but we are
9 extremely constrained here in Washington and Oregon as well,
10 mostly around the BPA system. There's just no transmission
11 left to bring a lot of new projects online to meet our
12 renewable goals.

13 If you put, for example, a project maybe closer to
14 Spokane, Eastern Washington, you can trigger upgrades on the
15 east and west side of Washington, as well as Portland and
16 Eastern Oregon. And those upgrades can take 10 to 15 years,
17 and it's a big impact on everyone that's experiencing those
18 upgrades.

19 So we looked across Washington's BPA system and
20 really tried to find a location where we can inject a large
21 amount of renewable power without triggering those long
22 upgrades, which allows us to come online in two to three
23 years and deliver to customers and help meet renewable goals
24 and not trigger all these projects across multiple states.

25 No. 3, minimizing natural resource impacts while

1 maximizing community benefits. So these projects bring a
2 lot of tax revenue to communities, but we heard, kind of,
3 three main concerns, and we worked with -- we've been
4 talking to Benton County over two-and-a-half years. I mean,
5 one is visual, and the other one is impact to productive
6 land, and a third is pristine habitat, impact to its
7 pristine habitat.

8 So really tried to find a site that was a happy
9 medium between all these impacts. We wanted to avoid any
10 irrigated land. We also wanted to avoid those higher value
11 habitat areas and wanted to seat the project in a location
12 in which it was shielded from the rest of the community as
13 much as we could. That's how we picked this site just south
14 of Rattlesnake Hill, and it's on low-productivity grazing
15 land.

16 No. 4. One thing that's very important to us is
17 co-use, and we'll talk about this in two slides. But we
18 wanted to maintain the productive nature of the land. Even
19 though this is low productivity grazing land, we really
20 think that we can work in concert with traditional
21 agricultural practices.

22 So for this site we are doing sheep grazing across
23 the entire project, and it will probably be the largest
24 project, we think, in the Pacific Northwest to pursue this
25 type of agrivoltaics.

1 I'll talk about that. And if we can switch, go
2 one more slide.

3 Just real quick, on a little bit more about the
4 micrositing of the project. You guys understand, I think,
5 why we came to this area. And if you look on the south or
6 bottom of your screen there, you can see the white areas are
7 solar panels, so there's a lot of design considerations once
8 we narrowed into this site. One was natural resources.

9 We actually talk a lot to WDFW. One, about
10 habitat that borders, I'd say, to the north of the site, of
11 actual species that they were concerned about. In this
12 case, it was the Ferruginous Hawk, and so we actually moved
13 all our panels from the west to the east to try to avoid the
14 Ferruginous Hawk's prey habitat in that area.

15 Culture and archaeological, we did transect
16 surveys and we've hired, we think, very good local
17 consultants that understand our stakeholders and really
18 helped in that stakeholder outreach.

19 Water resources, there is some water in the draws
20 between the sites, but we'll really be able to avoid those
21 impacts through our crossings.

22 Visual impact, which I already talked about a
23 little bit, and then topography and existing agricultural
24 operations.

25 So with all these design considerations or

1 constraints, we came up with this layout which will be
2 included in our permit.

3 And I'll move to the next slide. I know we don't
4 have a lot of time.

5 This is one thing I really wanted to talk about.
6 I mean, because we really think that the industry -- this is
7 where the industry needs to go, and it really can be a part
8 of agriculture. So we're really focused on agrivoltaics in
9 the company. Our owner, Martin, has two regenerative farms.
10 It's a big focus of ours, and we think this is the way we're
11 going to have to do business and really work in a symbiotic
12 relationship in the future.

13 There's an agricultural Oregon State professor
14 that said: Solar panels are farm equipment and the sun is a
15 farm resource.

16 We like that. We think that's a good goal and
17 maybe where we can move, but we do think we already
18 complement existing traditional ag practices. And so for
19 this site, we're pursuing sheep grazing. And there's really
20 good research, locally, about the advantages of doing that.

21 There's a study, specifically, on sheep grazing,
22 same type of landscape and low-productivity grazing land.
23 They see up to about a 300 percent improvement in water
24 conservation just by the shading. By doing that shading you
25 get twice the plant growth. And it's because on the eastern

1 side of the Cascades here, we are water limited, not sun or
2 photon limited. And what does that equal? Actually, about
3 a ten percent increase in care and capacity of sheep on the
4 site.

5 So not only does this work well with an existing
6 ag practice, but actually improves it. So we really think
7 it's a great model going forward.

8 We're also very excited; this was actually -- this
9 property was an historic sheep operation since the landowner
10 originally homesteaded the land and expanded it, they raised
11 sheep for years and ran them up into the mountains. There
12 was, I'd say, a little bit of a crash in the wool market a
13 couple decades ago, and now trends are changing again and
14 it's starting to make more sense.

15 So we're really excited to bring this sheep
16 operation back to the property. And he will actually own
17 and run this, so it's quite exciting.

18 And lastly, we want to support agrivoltaics in the
19 future. I mean, this isn't just us in this project. We're
20 committed to really supporting the industry and making sure
21 that we're doing business in a way that works well with our
22 local communities.

23 So we're actually funding a research project
24 through a local university. We'll announce it soon, but
25 it's really on the impact of co-use on this project and

1 actually nutrient transport. Without getting into details,
2 sheep like to sit under the panels, and so they do certain
3 things there. So a lot of nutrients is concentrated under
4 those panels, and there's a lot of interest on how that
5 nutrient flows throughout the property.

6 That's about it. We do have a quick video, if we
7 do have time, about the project as well.

8 BRIGHTNIGHT: I just wanted to add one more
9 thing. We do have a power sale commitment in place for 280
10 megawatts of the 500 megawatts that's being shown here in
11 the application, and that power will -- clean energy power
12 will be used for future Washington State clean power
13 requirements.

14 (Video being played. No audio)

15 CHAIR DREW: Can we pause for a minute? I'm
16 seeing messages that there is not audio for those who are
17 not in this room.

18 SPEAKER GRANTHAM: Chair Drew, we may need to
19 make the video available afterwards. I believe there may be
20 an issue with playing video through Teams, where sound
21 doesn't come through.

22 CHAIR DREW: We apologize to everyone who is
23 participating in this meeting. There is a glitch that we
24 cannot play the audio from the video. So I think what I
25 will do is pause here and ask council members: Is that the

1 end of your presentation?

2 And we'll watch it afterwards, and we'll ask
3 others, also, to watch it afterwards, after we conclude our
4 meeting today, so we don't spend the time looking at a video
5 that no one else can see -- I mean, hear.

6 So are there questions from council members? Go
7 ahead, Ms. Kelly.

8 SPEAKER KELLY: Thank you, Chair Drew.

9 This is Kate Kelly from the Department of
10 Commerce. I just have a question for the proponents. I
11 thought I saw on some of the materials that this was going
12 to be -- that 5,000 acres was going to be fenced in. Is
13 that correct?

14 BRIGHTNIGHT: Yes, that is correct.

15 SPEAKER KELLY: So that's a lot -- a lot of
16 fence. Is it -- what's the implications on wildlife?

17 BRIGHTNIGHT: Yeah. I mean, so we were
18 working on a number of things I kind of talked about on the
19 constraint side, you know. We were trying to move away from
20 where we thought there was valuable prey habitat and start
21 trying to avoid impacts on wildlife.

22 Currently, the site is grazed by couple hundred
23 cattle. So it's pretty well-impacted. But there is
24 wildlife, I'd say especially on the northern edge. So we
25 tried to pull the site down from that and as well as looked

1 at -- a lot of our other projects, we looked at migration
2 corridors and trying not to create a bottleneck in our
3 projects.

4 But we also have this, you know, competing
5 operation here with sheep, and we do need to protect them
6 from predation. So we are going to work with the landowner
7 through this whole process to really understand where we
8 need fencing and not.

9 We think there is some more fingers and, kind of,
10 migration pathways we can add to the site, but really, our
11 main goal was to try to avoid where we surveilled wildlife
12 or knew there was historic presence of wildlife or their
13 prey habitat. So we tried to move away from that, get more
14 into those grazing areas.

15 SPEAKER KELLY: And so just to come from --
16 the sheep would graze there year-round and not go up into
17 the hills.

18 BRIGHTNIGHT: Yes. So they would graze the
19 project year-round, mostly -- I mean, the grazing season is
20 spring, summer and then a little bit of fall, and then we
21 will have to supplement their feed in the winter.

22 SPEAKER KELLY: Thank you.

23 CHAIR DREW: And with some of our projects to
24 follow on that theme, the fencing is raised a little bit to
25 allow for the smaller critters.

1 BRIGHTNIGHT: Absolutely. In Idaho we've
2 been working with BLM on some sage grouse-friendly fencing,
3 essentially allow them -- that's kind of a standard we
4 wanted for these projects.

5 We are faced with an interesting situation here,
6 where there are coyotes and we have sheep. So we're working
7 with the landowner on, you know, What does that look like?
8 Can we have wildlife-friendly fencing? Can we move that
9 fencing? So that is something we are still working on the
10 project. But as far as the application, we kind of want to
11 take the worst-case scenario and say, we're putting this
12 fencing down to the ground, and then we're going to work and
13 see what we can do.

14 CHAIR DREW: Through the comments and issues
15 that might arise and work with that.

16 BRIGHTNIGHT: Yep.

17 CHAIR DREW: Thank you. Are there additional
18 questions from council members?

19 I wondered if you could share with us who is the
20 power off-taker.

21 BRIGHTNIGHT: Yeah, I'm sorry. That's not
22 public yet.

23 CHAIR DREW: Okay.

24 BRIGHTNIGHT: It will be sometime here in
25 2023.

1 CHAIR DREW: Okay. Appreciate that.
2 Understand.

3 Thank you for your presentation. We look forward
4 to viewing the video and also to hearing more about this
5 project as we review your application.

6 Moving into our good of the order and the next
7 item before us is the third quarter cost allocation.

8 Ms. Bumpus.

9 SPEAKER HAFKEMEYER: Chair Drew, Ms. Bumpus
10 asked that I cover the cost allocation for the council
11 meeting this afternoon.

12 CHAIR DREW: Thank you. I was actually
13 reading my agenda. Go ahead, Ms. Hafkemeyer.

14 SPEAKER HAFKEMEYER: Thank you.

15 So on the screen you'll see the cost allocation
16 for third quarter, which is January 1st through March 30th,
17 2023, and the allocation is as follows:

18 Kittitas Wind Valley -- Kittitas Valley Wind Power
19 project, four percent.

20 Wild Horse Wind, four percent.

21 Columbia Generating Station, 21 percent.

22 Columbia Solar, four percent.

23 WNP-1, three percent.

24 Whistling Ridge Energy, three percent.

25 Grays Harbor 1 and 2, eight percent.

1 Chehalis Generation Facility, seven percent.
2 Desert Claim Wind, three percent.
3 Goose Prairie Solar, four percent.
4 Horse Heaven Wind, 15 percent.
5 Badger Mountain Solar, six percent.
6 Cypress Creek Renewables, which is the High Top
7 and Ostrea Project, six percent.

8 Wautoma Solar, six percent.

9 Hop Hill, six percent.

10 Are there any questions?

11 CHAIR DREW: Any questions?

12 Thank you for that report. For the good of the
13 order, we do have some new staff members to introduce to the
14 council. Ms. Hafkemeyer.

15 SPEAKER HAFKEMEYER: Thank you, Chair Drew.

16 We do have a new addition to the EFSEC staff. A
17 knew siting specialist joined us on January 3rd. Joanne
18 Snarski is joining us as a siting specialist, and she will
19 be taking the lead on the Badger Mountain Project.

20 CHAIR DREW: Thank you. And we also have
21 Ms. Osta Davis with us, if you would like to introduce
22 yourself and tell about your role to the council.

23 SPEAKER DAVIS: Thank you, Chair Drew and
24 members of the council. My name is Osta Davis, and I'm
25 EFSEC's new legislative and policy manager. I will be

1 keeping track of all of the bills that go through the
2 legislature that affect EFSEC and make sure that EFSEC's
3 perspective is considered in the legislative process.

4 I wanted to introduce myself and offer up myself
5 as a resource to the council. If you do have any questions
6 about specific legislation or the legislative process, feel
7 free to reach out, and I'm happy to provide an update there.
8 Thanks.

9 CHAIR DREW: Thank you. And welcome, to both
10 Osta and to Joanna.

11 With that, there's no further business to come
12 before us, and the meeting is adjourned.

13 (Meeting concluded 2:31 p.m.)
14
15
16
17
18
19
20
21
22
23
24
25

