



Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Wednesday April 19, 2023
1:30 PM

VIRTUAL MEETING ONLY
Click here to join the meeting
Conference number: (253) 372-2181
ID: 56502492#

- 1. Call to Order
2. Roll Call
3. Proposed Agenda
4. Minutes
5. Projects
a. Kittitas Valley Wind Project
b. Wild Horse Wind Power Project
c. Chehalis Generation Facility
d. Grays Harbor Energy Center
e. Columbia Generating Station
f. WNP - 1/4
g. Columbia Solar
h. Horse Heaven Wind Farm
i. Goose Prairie Solar
j. Badger Mountain
k. High Top & Ostrea
l. Wautoma Solar
m. Hop Hill Solar
n. Carriger Solar

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

6. Other

- **Employee Updates**
 - Patty's Resolution
 - New Employee Introduction – Alex Shiley
- **4th Quarter Cost Allocation**.....Sonia Bumpus, EFSEC Staff

7. Adjourn

.....Kathleen Drew, EFSEC Chair

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Energy Facility Site Evaluation Council
Informational Public Meeting, Hop Hill Solar Project - February 23, 2023

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ENERGY FACILITY SITE EVALUATION COUNCIL

Hop Hill Solar Project
Informational Public Meeting

February 23, 2023

Three Rivers Convention Center, Halls G & H
7016 West Grandridge Blvd.
Kennewick, WA 993366
and
via Teams Video Conferencing

Transcribed by: STEVEN B. CRANDALL, CER
Certified Electronic Reporter #1198

Energy Facility Site Evaluation Council
Informational Public Meeting, Hop Hill Solar Project - February 23, 2023

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1 CHAIR DREW: Thank you. I am calling --
 2 I'm Kathleen Drew, chair of the Energy Facility Site
 3 Evaluation Council, calling to order our public meeting,
 4 public informational meeting, for the Hop Hill Solar
 5 Project to order. Will Ms. Grantham call the role.
 6 STAFF GRANTHAM: Certainly. Department of
 7 Commerce.
 8 KATE KELLY: Kate Kelly present.
 9 STAFF GRANTHAM: Department of Ecology.
 10 ELI LEVITT: Eli Levitt present.
 11 STAFF GRANTHAM: Department of Fish and
 12 Wildlife.
 13 (No response)
 14 STAFF GRANTHAM: Department of Natural
 15 Resources.
 16 LENNY YOUNG: Lenny Young present.
 17 STAFF GRANTHAM: Utilities and
 18 Transportation Commission.
 19 STACEY BREWSTER: Stacey Brewster present.
 20 STAFF GRANTHAM: Assistant Attorney
 21 General Jenna Slocum.
 22 JENNIFER SLOCUM: Present.
 23 STAFF GRANTHAM: John Thompson.
 24 (No response)
 25 STAFF GRANTHAM: The Hop Hill Project,

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1 Benton County, Paul Krupin.
 2 PAUL KRUPIN: Present.
 3 STAFF GRANTHAM: Oh, I just wanted to let
 4 you know, those of you who are in here to unmute your
 5 mic and speak into it. You just have to click the red
 6 button. So next I have Administrative Law Judge Dan
 7 Gerard.
 8 JUDGE GERARD: Present.
 9 STAFF GRANTHAM: For EFSEC staff, Sonia
 10 Bumpus.
 11 SONIA BUMPUS: Sonia Bumpus, present.
 12 STAFF GRANTHAM: Ami Hafkemeyer.
 13 AMI HAFKEMEYER: Present.
 14 STAFF GRANTHAM: Amy Moon.
 15 (No response)
 16 STAFF GRANTHAM: Patty Betts.
 17 (No response)
 18 STAFF GRANTHAM: Stew Henderson.
 19 (No response)
 20 STAFF GRANTHAM: Joan Owens.
 21 JOAN OWENS: Present.
 22 STAFF GRANTHAM: Dave Walker.
 23 (No response)
 24 STAFF GRANTHAM: Sonya Skavland.
 25 (No response)

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1 STAFF GRANTHAM: Lisa Masengale.
 2 LISA MASENGALE: Lisa Masengale present.
 3 STAFF GRANTHAM: Sara Randolph.
 4 (No response)
 5 STAFF GRANTHAM: Sean Greene.
 6 SEAN GREENE: Sean Greene present.
 7 STAFF GRANTHAM: Lance Caputo.
 8 (No response)
 9 STAFF GRANTHAM: John Barnes.
 10 JOHN BARNES: Present.
 11 STAFF GRANTHAM: Osta Davis.
 12 (No response)
 13 STAFF GRANTHAM: And Joanne Snarski.
 14 JOANNE SNARSKI: Present.
 15 STAFF GRANTHAM: And do we have a Counsel
 16 for the Environment present?
 17 MEGAN SALLOMI: Megan Sallomi present.
 18 STAFF GRANTHAM: Thank you. Chair, there
 19 is a quorum.
 20 CHAIR DREW: Thank you, Ms. Grantham. So
 21 as a introduction, the EFSEC Council, when they receive
 22 an application for an energy facility site, is required
 23 by statute to have an in-person meeting in the community
 24 within the first 60 days for information, to provide an
 25 introduction by the applicant to the community, as well

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1 as to take public comments.
 2 And that is followed tonight by our land use
 3 hearing. And so we will be holding these two meetings
 4 back to back, which is what we prefer to do. So folks
 5 only have to come out once and not twice for this.
 6 We will go through the presentations, as you
 7 see on the agenda, and then we will ask people who are
 8 here from the public to comment. Each will have three
 9 minutes to speak. And following that, depending on how
 10 long that takes, we will have a break and then move into
 11 the land use informational meeting, land use consistency
 12 hearing. Excuse me.
 13 So that's the plan for this evening. And we
 14 have people signed up to testify both here in person as
 15 well as through Microsoft Teams. So it is a hybrid
 16 meeting this evening. Thank you again all for being
 17 here. And with that, I will ask BrightNight to come
 18 forward for the project presentation.
 19 PAUL CAUDILL: Is this on now? Okay.
 20 Thank you very much. Good evening. No. Is that --
 21 CHAIR DREW: I would also like to add that
 22 Mike Livingston from the Department of Fish and Wildlife
 23 is here with us this evening.
 24 PAUL CAUDILL: Good evening. Thanks
 25 Chairman Drew and Council members for inviting us here

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1 to talk about Hop Hill. My name is Paul Caudill. I'm
 2 on the Board of Directors for BrightNight and sit on the
 3 company's customer advisory council.
 4 I've been working directly with the company and
 5 its customers since the first quarter of 2019 when I
 6 retired as CEO and President of one of Berkshire
 7 Hathaway's large regulated power and gas utility
 8 businesses here in the western United States.
 9 For the purpose of tonight's focus, however,
 10 it's probably more important for me to note that I'm a
 11 native of Benton County. I was born here, not sad to
 12 say, a long time ago at Kadlec Hospital and grew up in
 13 Richland in the Tri-Cities.
 14 My father worked at Hanford and my mom worked
 15 in the Kennewick school system and for the city of
 16 Richland. I still take a little pride in being a
 17 graduate of Columbia High School class of '72, and was
 18 fortunate to begin my career in the power business with
 19 Bechtel here at WNP-2 not long after graduating from
 20 college.
 21 I drove out to the Hop Hill site yesterday with
 22 an old friend. We took the back roads through West
 23 Richland, Benton City, and Prosser. It didn't take long
 24 for me to reflect on the drive how markets, local
 25 community interest, and government permitting processes

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1 over time determine what the most productive use of land
 2 is.
 3 I grew up hiking, camping, and fishing on some
 4 of the same land we drove through yesterday, especially
 5 when we drove through the Yakima River area. If it was
 6 irrigated, our farmer neighbors at that point in time
 7 planted it in sugar beets and alfalfa or grew cherry and
 8 apple trees.
 9 Further north, as you got up into Sunnyside and
 10 towards Yakima, it was hops. The less productive land
 11 was left to nature, which led to some of the epic dust
 12 storms that I can remember in our lower here in the
 13 Tri-Cities yet.
 14 Yesterday confirmed these changes. Much of
 15 this land is now covered with wine grapes and more hops.
 16 The land use decisions made here over the last 25 years
 17 or so have created a whole new industry helping
 18 diversify the regional economy in a way that my parents
 19 never imagined.
 20 I stood on the ridge at the site yesterday and
 21 see clearly that Hop Hill is a great site for a solar
 22 facility and for grazing. I give credit for the
 23 progress being made, not to just my colleagues at
 24 BrightNight, but the vision and commitment of local
 25 landowners, community leaders, and stakeholders who see

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1 the opportunity to use this project to take another step
 2 forward in the region's progress.
 3 But I know, as my dad used to say, that one
 4 man's treasure is another man's trash. While many of us
 5 see Hop Hill as progress, there are rightfully others
 6 who see it differently. And I recognize that.
 7 There's an important point here, and one that
 8 I've learned through experience developing,
 9 constructing, and operating large solar projects like
 10 Hop Hill. Permitting processes, like the one we're in
 11 with Hop Hill don't have to create winners and losers.
 12 Land use decisions, especially with a project of this
 13 size, don't have to result in a binary win/lose outcome.
 14 There are issues with a project of this size.
 15 I've talked with a couple of the folks -- neighbors
 16 about traffic, for example. We recognize that. I know
 17 it is in BrightNight's best interest, and Ron and the
 18 team are committed to work in good faith with
 19 stakeholders involved, to achieve outcomes beneficial to
 20 as many people as practical.
 21 Before I turn over to Ron Kiecana,
 22 BrightNight's Chief Development Officer, I want to
 23 reinforce a key point. Projects like Hop Hill take
 24 years to put together. It is a complex, time consuming,
 25 challenging, expensive, and some would say risky

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1 process. Take years to get to the point we're at today.
 2 And I know from personal experience the difference
 3 between what I would call a good project, one that can
 4 and will develop -- will deliver for a wide range of
 5 stakeholders, and a bad project, one that delivers for
 6 the developer only. Hop Hill is a really good project
 7 and I'm back home to help anyway I can move it forward.
 8 Ron?
 9 RON KIECANA: Thank you. Thank you Paul.
 10 Thank you Chairman Drew, EFSEC Council, staff, and the
 11 community for the opportunity to speak. BrightNight is
 12 a founder-owned and operated renewable independent power
 13 producer or IPP. Being an IPP means we will be a part
 14 of the development, construction, and operation of the
 15 projects.
 16 (Technical issue)
 17 RON KIECANA: Next slide please. Let's go
 18 one more. Yeah. Thank you.
 19 Yeah, so our involvement in all phases of the
 20 project means that we will be a long-term partner with
 21 the community. The Journey already began as we have
 22 started the development of the Hop Hill Project over two
 23 years ago now.
 24 In our experience, early community engagement
 25 is important because every community's needs and ideas

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1 are different. The feedback we have received from this
 2 community has helped us to shape the proposed project we
 3 are talking about here today.
 4 As a company, BrightNight is focused on the
 5 development of utility scale renewable power projects
 6 here in the US and Asia Pacific. In the US we are
 7 largely focused on solar, energy storage, and green
 8 hydrogen projects, and we now have 68 projects in
 9 development across the US.
 10 We have some of the most well-respected
 11 financial partners in the industry in Global
 12 Infrastructure Partners and Cordelio Power, which is
 13 owned by the Canadian pension fund. The BrightNight
 14 team is 118 people and deeply talented and experienced,
 15 and in our past, we have collectively delivered more
 16 than 10 gigawatts of conventional and renewable power
 17 projects combined. Seven of our team members live right
 18 here in the Pacific Northwest.
 19 BrightNight was founded on providing its
 20 customers and partners with differentiated solutions
 21 with a focus on safety, value, and reliability, and
 22 best-in-class execution. Our customers are power buyers
 23 and the community.
 24 Two areas of BrightNight differentiation I'd
 25 like to mention, our technology and our customer-centric

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1 approach. We have a proprietary software platform we
 2 use to deliver innovative and optimized project
 3 solutions at the highest value to our customers. Our
 4 customer-focused approach helps to understand what the
 5 customer really wants and needs.
 6 BrightNight's technology and our customer focus
 7 differentiation has already given us results. We have a
 8 power sale agreement in place for 280 megawatts of clean
 9 power for the Hop Hill Project. Power sales is a
 10 significant risk for any project, and we have taken a
 11 very big step to making this project a reality for the
 12 community in Washington State by selling this initial
 13 280 megawatts. Excuse me. We are now talking with
 14 other industry participants about the sale of the
 15 remaining 220 megawatts, and the interest is strong.
 16 Next slide please.
 17 Our focus on delivering successful projects to
 18 our customers and the communities where we desire to be
 19 a trusted partner is our highest priority here at
 20 BrightNight. We have the tools, the system, the
 21 financial support, and the people to ensure that this
 22 happens.
 23 We have already -- we already have in place, as
 24 you can see here, a highly experienced team dedicated to
 25 the delivery of the Hop Hill Project. This provides the

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1 focus needed to deliver large complex infrastructure
 2 projects such as this.
 3 In closing, we are excited to partner with this
 4 community to further its legacy beyond nuclear and hydro
 5 generation and to support Washington State's leadership
 6 in the energy industry. My colleague, Chris
 7 Wissel-Tyson, VP of Development for BrightNight, will
 8 now give you an overview of the project.
 9 Next slide and thank you.
 10 CHRIS WISSEL-TYSON: Thank you Chairman
 11 Drew, EFSEC Council, and staff. Purposes of this
 12 hearing is to talk about why we sited the project here
 13 and how it was developed. So I'm going to walk you
 14 through the development of the site.
 15 Hope Hill is a 500 megawatts solar and 500
 16 megawatt battery storage project, which we've been
 17 developing in this community for the last two years.
 18 Hop Hill is located on 5000 acres just south of
 19 Rattlesnake Hills. It'll be interconnected to the
 20 electrical grid through three different interconnection
 21 options on the BPA system.
 22 We often get the question, why did you decide
 23 to site here? Just happened a few minutes ago. Well,
 24 we sited and developed Hop Hill for four main goals.
 25 Our first goal is to provide low cost, reliable energy.

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1 This area has a strong solar resource which we can
 2 utilize with a battery to shift that energy to when
 3 customers need it. Further, there are excellent
 4 existing generation resources like hydro and nuclear we
 5 can pair with to provide dependable and affordable
 6 energy to the region.
 7 Two, want to avoid lengthy infrastructure
 8 projects. As many of you know, there's significant
 9 constraints in the transmission system or moving
 10 electrical energy here in the Pacific Northwest. A
 11 potential project can trigger line upgrades throughout
 12 both Washington and Oregon, cost hundreds of millions of
 13 dollars, and take 10 to 15 years to build. By utilizing
 14 existing infrastructure we can reduce these impacts to
 15 our communities and produce cheaper power.
 16 Goal three, we want to minimize impacts to
 17 natural resources, the community -- and the community
 18 while maximizing community benefits. First, we
 19 specifically targeted, non-irrigated grazing land that
 20 had both low commercial value but also avoided natural
 21 habitat -- valuable natural habitat.
 22 We also sited the project in a location that is
 23 shield from the surrounding community so Benton County
 24 residents can enjoy the benefits of this project,
 25 including \$253 million in tax revenue over the project

<p style="text-align: right;">Page 14</p> <p>1 life, without experiencing the significant impact to 2 their viewshed. 3 Last, our fourth goal, was to develop a project 4 that honors and preserves the productive nature of the 5 land. We were challenged with this goal early on, and 6 we're excited to bring agrivoltaics to the Hop Hill 7 site, which is the combination of renewable generation 8 and traditional agricultural uses on the same land. 9 This shows that agriculture and renewable energy can 10 work in concert and not conflict with each other. 11 Next slide please. 12 Once we decide on a general siting location for 13 a project, we refine our final location by addressing a 14 number of constraints or considerations. First, we work 15 to avoid natural resources, both species and habitat. 16 With Hop Hill we worked early on with Department of Fish 17 and Wildlife to avoid impacts to the (inaudible) 18 hackberry habitat, by shifting the site from the 19 northwest corner to the southeast portion of the site. 20 Next we performed transact cultural resource 21 surveys and avoided as well as buffered any resources we 22 found in the area. Last we worked to avoid valuable 23 habitat both on state and federal lands. By starting 24 with this larger siting area, we're able to avoid these 25 impacts as well as micro-site the project throughout</p>	<p style="text-align: right;">Page 16</p> <p>1 Hesch. I'm going to address the third purpose of this 2 presentation, which includes environmental, social, and 3 economic impacts. In doing so, I will share an overview 4 with you of the project diligence, potential impacts, 5 and mitigation measures proposed. You can see on the 6 slide a list of the many studies and plans to create the 7 best project possible for host communities. The project 8 layout is preliminary and we will continue to refine 9 design as a part of this process. Your input is 10 important to helping us design the best project 11 possible. 12 Based on the results of these studies, we have 13 been able to verify the constructability of the site, 14 avoid impacts to wetlands and their buffers, minimize 15 proposed water body impacts to ephemeral drainages, 16 avoid impacts to all cultural resource sites identified 17 during survey, and as Chris mentioned a bit earlier, 18 shift the project layout east to reduce potential 19 impacts to species and their habitats. 20 The majority of the project within the solar 21 array perimeter fence is planned to occur on pasture, 22 grass land, and developed environments, but a smaller 23 portion is planned on shrubsteppe habitat. Although the 24 project worked to site around species and their 25 habitats, we have develop a draft habitat mitigation</p>
<p style="text-align: right;">Page 15</p> <p>1 this process. 2 Next slide. 3 On my next slides, we'll look at some of the 4 visual renderings what this project will look like. 5 This first slide shows the view from Snipes Road 6 directly south of the site. It shows the same view, but 7 after the project is installed. You can see the part of 8 the array on the far right hand side, but it's largely 9 shielded by the hill south of the ranch. 10 Next slide. 11 This is a visual from Missimer Road on the 12 northern portion of the ranch, so actually kind of in 13 the center of the where the project will be. 14 Next slide. 15 In this slide you can see the majority of the 16 project. We wanted to show a close up rendering on the 17 project site, giving you -- to give you an idea of what 18 the panels will look like as well as the transmission 19 line. The panels will stand around eight feet tall, but 20 they'll be much shorter than the 18 to 20 foot hop 21 trellises to the south. Now, I'm going to hand it over 22 to Lindsey Hesch our permitting director to talk about 23 site diligence and mitigation. 24 LINDSEY HESCH: Next slide, please. 25 Thanks, Chris. Good evening. I'm Lindsey</p>	<p style="text-align: right;">Page 17</p> <p>1 plan to compensate for any loss to shrubsteppe. 2 BrightNight strives to hire locally whenever 3 possible. Our project is estimated to create 4 approximately 300 plus construction jobs and three to 5 five permanent jobs. Our goal is to hire a majority of 6 the onsite construction workforce locally to the extent 7 workers are available, with an estimated 75% of the 8 workforce expected to already reside within a one-hour 9 commute of the project area. Our socioeconomic review 10 indicates that the area has a large construction 11 workforce to pull from and that there is sufficient 12 housing for any temporary workers needed. 13 Moving forward, we have multiple plans -- 14 listed on the slide you see here -- that will be 15 finalized to protect the community and the environment, 16 such as those for emergency response, traffic control, 17 cultural resources, decommissioning, stormwater, and 18 vegetation management. 19 Next slide, please. 20 The proposed project is low impact and 21 minimally invasive that allows for the continued use of 22 agriculture during operation. Before I go into each of 23 these boxes you see on the slide here, I'd like to note 24 a few things about Hop Hill that will make us a good 25 neighbor in general. Our project is safe and quiet.</p>

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1 It will provide real benefits to the
 2 surrounding community, including the ability to continue
 3 agricultural uses within and surrounding the project.
 4 The project creates a large overall tax benefit and cash
 5 flow into the community and uses minimal community
 6 support services, facilities, and utilities to host it.
 7 The solar panels are not harmful. Millions of
 8 Americans have installed them on their homes,
 9 businesses, schools, and farmland. The project will not
 10 produce harmful chemicals, will not emit odor, and would
 11 not be audible outside of the perimeter fence during
 12 operations. At the end of the project's useful life,
 13 the site would be decommissioned and can return to its
 14 pre existing use.
 15 Now, starting with the boxes you see on the
 16 slide moving top left to right, some key examples that
 17 demonstrate our further commitment to create a project
 18 in harmony with the existing land and the community
 19 include:
 20 First, we began to review the project in a very
 21 large 11,000 acre siting area to identify the best
 22 approximate 5,000 acre place for the proposed fenced
 23 area. This has allowed us to site the project around
 24 environmental constraints more than we would typically
 25 be able to do so.

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1 We have minimized impacts to water bodies and
 2 avoided them entirely for wetlands. We have applied a
 3 conservative 100-foot buffer for ephemeral drainages and
 4 only proposed impacts of water bodies at crossing
 5 locations for access and collector lines. We have
 6 reviewed fencing perimeters to allow for wildlife
 7 movement.
 8 We will avoid impacts to cultural resource
 9 sites identified to date and are committed to working
 10 with the Washington Department of Archeology and
 11 Historic Preservation and Native American tribes to
 12 avoid impacts to the greatest -- to the greatest extent
 13 possible. We are also committing to onsite cultural
 14 resources monitoring for all phases of construction.
 15 We have designed the project to work around
 16 areas with steep topography and will minimize grading to
 17 the greatest extent feasible. Moving on to the next
 18 trail. Sorry, that's me, apologies. The project area
 19 is largely set back from major roads and populated
 20 areas, preserving the viewshed for neighbors.
 21 We are utilizing existing transmission
 22 infrastructure, and the project has been predominantly
 23 sited on existing non-irrigated grazed pasture. We know
 24 that agricultural preservation is important to the
 25 Benton County community, and we are excited to propose

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1 dual use of the site to keep the land productive while
 2 the facility is in operations. We are evaluating
 3 fencing options that would best balance the needs for
 4 predation protection, wildlife movement, and security.
 5 And lastly, we are planning to purchase water
 6 from a permitted offsite source. Thank you as this
 7 concludes my high level overview of project impacts and
 8 proposed mitigation, and I will hand it back over to
 9 Chris.
 10 CHRIS WISSEL-TYSON: Thank you, Lindsey.
 11 Next slide.
 12 So we'd like the industry and the public to see
 13 solar panels as farm equipment and the sun as a solar
 14 resource, but we know we have a lot of work to do.
 15 Agrivoltaics, in this case, combining grazing and solar
 16 generation shows the benefits we can bring to
 17 traditional agricultural communities.
 18 By adding panels to the project site we can
 19 shade the property, increasing water conservation by up
 20 to 300%, and double plant growth as their growth is
 21 water limited here in eastern Washington. That's --
 22 this adds up to an increase in carrying capacity of 10%
 23 for sheep grazing when adding solar panels to a
 24 property.
 25 With agrivoltaics we're also able to restore

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1 and preserve a historic grazing operation that spans all
 2 the way back to the original homesteading of the land.
 3 The same family plans to own and operate this grazing
 4 operation through operations.
 5 Last we just don't want to help set a new
 6 standard for the industry, but we want to contribute to
 7 its improvement. For the Hop Hill site we're sponsoring
 8 through local universities an agrivoltaics research
 9 project on the transportation of nutrients under the
 10 panels.
 11 So thank you guys for your time. You know, we
 12 would love the opportunity to show you we can be a good
 13 neighbor and also be able to produce clean reliable
 14 energy to your community? Thank you.
 15 CHAIR DREW: Thank you. There we go. I'm
 16 going to ask the Council members if they have questions.
 17 And I'll start off with one. As I looked at the
 18 application, I noticed especially -- I focused in a
 19 little bit on the shrubsteppe habitat -- and I noticed
 20 that there are some 1000 plus acres that's classified as
 21 altered shrubsteppe. And so I didn't understand whether
 22 that was then going to have panels on it, if it was
 23 outside a fenced area, was wildlife going to have access
 24 to that? If you could answer some of that, I'd
 25 appreciate it.

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1 LINDSEY HESCH: Yes. So my understandings
 2 of the classifications are permanent, altered, and
 3 temporary. And so temporary is just that. It would be
 4 outside the perimeter fence, once that was operational
 5 and moves on. Permanent would be considered like a
 6 direct impact. So where the operations and maintenance
 7 building would be or where the sub parking area
 8 substation, you know, an actual gravel pad or an impact
 9 from a piling. And then the altered habits is really
 10 considered everything else within the perimeter fence
 11 that is still allowed or still offers ecological benefit
 12 but doesn't have the direct habitat so -- or doesn't
 13 have the direct impact to the habitat. So it will be
 14 basically the area within the panels that's still
 15 naturally vegetated within and around the panels, if
 16 that makes sense.
 17 CHAIR DREW: So I guess my question is
 18 then, two part, that for the time that there's solar
 19 panels, wildlife -- except for perhaps small critters --
 20 wouldn't have access to that habitat. And secondly,
 21 would those areas also be the ones that would be grazed
 22 by sheep or would it be other areas? So I'm wondering
 23 about what the impact to the that shrubsteppe habitat
 24 would be over time in reality.
 25 LINDSEY HESCH: Yeah. No. I understand

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1 your concern that -- well, the site is currently being
 2 grazed, so yes, we are planning on using the entire site
 3 for grazing so and I'm so sorry, but can you repeat the
 4 first question?
 5 CHAIR DREW: So that there's not access to
 6 wildlife --
 7 LINDSEY HESCH: Right.
 8 CHAIR DREW: -- for the wildlife habitat
 9 in those intervening years where it's being used for the
 10 solar facility, then?
 11 LINDSEY HESCH: Right, yeah. So we are
 12 evaluating fencing options that would balance the needs
 13 for the sheep grazing for any security measures we need
 14 with the facility, as well as being wildlife friendly.
 15 And we are very willing to work with WDFW and figuring
 16 out what the best kind of options are to make sure that
 17 it's still in use, ecological, as much as feasible.
 18 CHAIR DREW: Thank you. Are there other
 19 questions from Council members?
 20 COUNCIL MEMBER: So the fence question is
 21 what I was going to follow up with is, you know, you
 22 guys are proposing a fairly innovative project here with
 23 the agriculture integration. Are you -- so on the fence
 24 piece, you know, we struggle with the notion that these
 25 are chain link fences that are eight feet tall. So

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1 they're pretty much barriers to wildlife movement. So
 2 do you have some ideas on other designs and options that
 3 we can -- you'll be entertaining so that we can review
 4 those?
 5 CHRIS WISSEL-TYSON: Yeah. You know, I'd
 6 say first of all, as a company, we're very interested in
 7 pro wildlife friendly fencing. As long as it can pass
 8 safety standards, we can get through financing and, you
 9 know, local fire marshal's okay with it. There is this
 10 added complexity with this project, which, you know,
 11 we're starting to realize is, if we add this grazing
 12 component, there is a predation aspect.
 13 And so the owners and the people that'll be
 14 running this grazing operation are worried about
 15 predation. And so things like leaving a gap under the
 16 fence, you know, those sort of options that we really
 17 like is, you know, as a company that becomes a worry
 18 when you have coyotes that can come in and get into the
 19 sheep.
 20 So, you know, that's something we're -- it's a
 21 little bit of give and take. We're going back and forth
 22 and saying if there's, like, a happy medium, if there's
 23 any way we can provide access to certain pastures during
 24 a part of the year because there's different tranches of
 25 the site. So the sheep can be grazing in one area and

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1 we open up a wildlife corridor during that time, and we
 2 shift it back and forth.
 3 You know, we're trying to think of different
 4 options, but this is a little bit of uncharted territory
 5 in terms of trying to do both these things together.
 6 And so we're just trying to -- we're, you know, willing
 7 to work with you guys and WDFW to kind of figure out
 8 what the best solution would be, you know.
 9 CHAIR DREW: Thank you. Do you also -- do
 10 you have a question at this point in time?
 11 LINDSEY HESCH: I was just going to add
 12 one more. I'll be brief. Yeah. I was just going to
 13 say there's also -- we definitely want to listen and,
 14 you know, hear from all stakeholders, like he was saying
 15 about balancing it. There are some resources out there,
 16 one in particular by Colorado Parks and Wildlife. I
 17 think WDFW might have referenced it in some other
 18 guidelines, but there are some resources out there to
 19 pull from regionally and, you know, it's just a matter
 20 of, like, working with the agency and finding out what's
 21 most appropriate here.
 22 COUNCIL MEMBER: Thank you Chairman --
 23 Chairwoman. I want to say thank you for coming to
 24 Tri-Cities. This is really noteworthy given the weather
 25 and conditions you're experiencing. And it was the

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1 weather that drove me to answer -- ask the following
 2 question, how much power can you generate on a day like
 3 today? And two, how many days of sunshine in
 4 Tri-Cities, at the site, will you experience? How many
 5 days do you expect?
 6 RON KIECANA: So yeah, we both -- we'll
 7 see production from the facility during the winter
 8 months, there actually will be production from the
 9 facility during overcast days as well. It will be
 10 reduced, and it really will depend on, you know, if it's
 11 intermittent and just how thick that cloud cover really
 12 is. Chris can speak to the actual capacity factor and
 13 what we're expecting to see for production from the
 14 facility on an annualized basis. And, Chris, I'll hand
 15 it over to you.
 16 CHRIS WISSEL-TYSON: Sure. I mean, I
 17 think we're looking in the mid 20% for capacity factor.
 18 You know, very logically in the summer, middle of the
 19 day, you have very large spikes in production. And
 20 that's one of the ideas of having a battery; to shift
 21 that power in the summertime.
 22 In the wintertime, if you look at that kind of
 23 peak you can get during the summer, your probably
 24 average day is -- your production is probably 30% of
 25 that, you know, in the middle of winter. So it is a hit

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1 to production.
 2 But, you know, we are a business -- we put a
 3 MET station out there for a year and measured the
 4 rate -- the solar radiance -- we have a very good idea
 5 of it and we're here because it's a very strong resource
 6 for the region.
 7 COUNCIL MEMBER: How much of that
 8 information is in the ASC and, forgive me, I was only
 9 appointed last Friday, so I haven't read the ASC and I
 10 saw it over there in the corner, but if you'd just kind
 11 of share with me how much is in there.
 12 CHRIS WISSEL-TYSON: If the production
 13 numbers aren't in there, I believe we'd be able to share
 14 those.
 15 COUNCIL MEMBER: All right.
 16 LINDSEY HESCH: I don't know if they're in
 17 there.
 18 CHRIS WISSEL-TYSON: Yeah. We're not
 19 exactly -- yeah, we could double check if they're in
 20 there.
 21 CHAIR DREW: And if you could send that to
 22 our siting specialist so that it will be shared with all
 23 the Council, because that's one of the things we need to
 24 do is make sure the information doesn't go to one, but
 25 to all of us who are participating.

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1 CHRIS WISSEL-TYSON: Okay.
 2 COUNCIL MEMBER: Thank you.
 3 CHAIR DREW: Thank you. Council members
 4 who are on Teams, are there any questions?
 5 STACEY BREWSTER: This is Stacey Brewster.
 6 CHAIR DREW: Go ahead, Ms. Brewster.
 7 STACEY BREWSTER: Thanks. Thanks.
 8 (Inaudible)
 9 CHAIR DREW: We're not hearing you very
 10 well.
 11 STACEY BREWSTER: I will hold my question
 12 for later than, thanks.
 13 CHAIR DREW: We can hear you now.
 14 STACEY BREWSTER: Okay. Speaking about
 15 shrubsteppe earlier, I noticed in the preliminary site
 16 plan that there's some overlay. Actually quite a bit in
 17 the northeast corner of the solar area. Can you talk
 18 about that and how the effects of grazing on that
 19 shrubsteppe will be looked at?
 20 CHRIS WISSEL-TYSON: Yeah. I think I
 21 covered in, you know, the presentation here. You know,
 22 the reason we've shifted over into that corner -- I
 23 mean, again, this is kind of a balancing of resources
 24 and impacts -- was, you know, early on we worked with
 25 Mike at WDFW and there was a strong concern and want to

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1 preserve prey habitat, shrubsteppe or not, that was
 2 present on the northwestern portion of the site.
 3 So we had in terms of actual shrubsteppe
 4 habitat, a lot less impact over there, but we were
 5 closer to a nesting or nesting Ferruginous Hawks that
 6 were using that area to catch pray. And so the decision
 7 was made, you know, that was maybe the priority
 8 according to WDFW and so it was better to shift over and
 9 go into that shrubsteppe habitat as opposed to impacting
 10 that prey area.
 11 The land is currently grazed. You know, we can
 12 follow up with maybe some more specifics around the
 13 impact of sheep grazing versus the cows and (inaudible)
 14 they have out there already. But I want to be clear
 15 that everywhere we're siting on this property is still
 16 being grazed by the landowner.
 17 CHAIR DREW: Thank you. Any other
 18 questions from Council members? Next on our agenda.
 19 Thank you very much for your presentation and for
 20 answering our questions. Up next is the exciting
 21 process presentation, Ms. Hafkemeyer.
 22 AMI HAFKEMEYER: Thank you. Good evening.
 23 For the record, this is Ami Hafkemeyer. I am the --
 24 thank you -- Director of Siting Compliance for EFSEC.
 25 And I will be giving a short presentation on the EFSEC

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1 siting process for those of you who are new to our
 2 agency.
 3 Next slide.
 4 A little bit of history of the EFSEC agency.
 5 The Energy Facility Site Evaluation Council was created
 6 in 1970 for the siting of thermal power plants. The
 7 intent was to create a one-stop permitting agency for
 8 large energy facilities. EFSEC is comprised of state
 9 and local government members who review each application
 10 before voting to make a Council recommendation to the
 11 Governor. This recommendation comes along with a draft
 12 Site Certification Agreement, or SCA, which defines all
 13 pre-construction, construction, operation, and
 14 decommissioning plans. If approved by the Governor the
 15 decision preempts other state or local regulations.
 16 Next slide.
 17 EFSEC is comprised of members from several
 18 different state level agencies. The chairperson is
 19 appointed by the Governor, and there are standing
 20 members from five other agencies appointed by those
 21 agencies to sit on the Council full time.
 22 The current Council is made up of Chairwoman
 23 Kathleen Drew, Eli Levitt from the Department of
 24 Ecology, Mike Livingston from the Department of Fish and
 25 Wildlife, Kate Kelly from the Department of Commerce,

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1 Lenny Young from the Department of Natural Resources,
 2 and Stacey Brewster from the Utilities and
 3 Transportation Commission.
 4 There are additional agencies that may elect to
 5 appoint a Council member during the review of an
 6 application. These agencies are the Department of
 7 Agriculture, the Department of Transportation, the
 8 Department of Health, and the Military Department. To
 9 this point, none of these agencies have elected to
 10 appoint a member for the review of this application.
 11 The local county shall also appoint a Council
 12 member for the review of an application. Benton County
 13 has appointed Paul Krupin for the review of the Hop Hill
 14 Project.
 15 Next slide please.
 16 So, to reiterate, there are types of projects
 17 that can be certified through EFSEC and some projects,
 18 such as thermal power plants over 350 megawatts and
 19 nuclear facilities for the purpose of generating
 20 electricity, are required to site through EFSEC.
 21 Others, such as wind, solar, and renewable
 22 hydrogen, geothermal, wave tidal, et cetera, may opt in
 23 at any size. Transmission lines greater than 115
 24 kilovolts can also opt in. And there are additional
 25 thresholds for pipelines, refineries, and other storage

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1 facilities that can also elect to site through EFSEC.
 2 And those thresholds are found in the Revised Code of
 3 Washington 80.50.020.
 4 Next slide.
 5 Here is a map of the facilities that are
 6 certified or have applied for certification under
 7 EFSEC's jurisdiction. You can see marked in green there
 8 are six operating facilities, including two natural gas
 9 facilities, one nuclear facility, one solar facility,
 10 and two wind facilities. The blue marks indicate the
 11 three additional facilities that have been approved but
 12 have yet to start construction. Two being wind
 13 facilities and one being a solar facility. The clear or
 14 transparent marker is the one facility that is in the
 15 process of decommissioning. And EFSEC is currently
 16 reviewing applications for six projects, including the
 17 Hop Hill Project, which is what brings us here this
 18 evening.
 19 Next slide, please.
 20 Here is a flow chart showing the general
 21 process an applicant will go through when they submit an
 22 application to EFSEC. You can see that there are
 23 multiple processes that happen concurrently while EFSEC
 24 is reviewing an application. On the left, you will see
 25 there's a land use hearing -- an adjudicative process,

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1 in the middle, the State Environmental Policy Act or
 2 SEPA process, and on the right, the third process
 3 involving identifying and preparing additional
 4 applicable environmental permits. All these processes
 5 ultimately feed into the Council's recommendation made
 6 to the Governor.
 7 Next slide.
 8 Where an adjudicative proceeding is required, a
 9 record is compiled and parties to the adjudication are
 10 identified. In the process of preparing for the
 11 adjudication, parties are identified and the issues to
 12 be adjudicated are determined, exhibits and testimony
 13 are provided, after which the Council looks at all the
 14 information, the adjudication record, and deliberates.
 15 Finally, the Council draws up their findings of
 16 fact and conclusions of law from the information
 17 provided throughout these proceedings and incorporate
 18 those findings into their recommendation to the Governor
 19 along with the SEPA review and associated permit
 20 requirements and conditions.
 21 Next slide, please.
 22 For every proposed project, a SEPA review is
 23 performed. When a determination of significance and a
 24 decision to prepare an Environmental Impact Statement or
 25 EIS is made, public comments are taken on the scope of

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1 the EIS. After public comment for scoping, the SEPA
 2 responsible official determines the scope of the EIS. A
 3 draft EIS is prepared and issued with a minimum 30-day
 4 public comment period, after which the final EIS is
 5 prepared and released.
 6 In some instance a Determination of
 7 Nonsignificance, a DNS, or a Mitigated Determination of
 8 Nonsignificance, MDNS, is issued. If the SEPA
 9 responsible official determines that a project meets the
 10 criteria of a DNS or MDNS, an EIS is not required. In
 11 this process the determination is noticed to the public
 12 and there's a minimum 15 day public comment for an MDNS
 13 while a DNS requires no public comment period.
 14 Next slide.
 15 EFSEC is the issuing agency for any applicable
 16 environmental permits that a facility may require, which
 17 may include water quality and air quality permits.
 18 These permits are identified in the final order with the
 19 Council's recommendation to the Governor.
 20 Next slide, please.
 21 At the conclusion of the Council's review of an
 22 application, a recommendation is made to the Governor to
 23 either approve or reject the application. This
 24 initiates a 60-day window within which the Governor will
 25 then approve the application, reject the application, or

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1 remand the application back to the Council for further
 2 consideration. Any application that is rejected by the
 3 Governor is a final decision for that application.
 4 Next slide, please.
 5 If an application is approved by the Governor,
 6 EFSEC then has oversight of the environmental compliance
 7 for the life of the facility through decommissioning.
 8 EFSEC has standing contracts with appropriate state
 9 agencies that assist in the monitoring and enforcement
 10 of conditions either in the site certification
 11 agreement, identified permits, or stipulations in the
 12 EIS or MDNS. EFSEC's enforcement authority extends to
 13 the issuance of any penalties that may apply.
 14 Next slide, please.
 15 That concludes my presentation for this
 16 evening. Before I end, I'd like to remind everybody how
 17 they may submit comments for this proposal. If you'd
 18 like to sign up to speak this evening and you are
 19 joining us virtually or by phone, you can call the EFSEC
 20 mainline at 360-664-1345 to be added to the speaker
 21 list. You may also send in written comments by postal
 22 mail to our office at 621 Woodland Square Loop, PO Box
 23 43172, Olympia, Washington 98504-3172.
 24 Comments may also be submitted to our online
 25 comment database at <https://comments.efsec.wa.gov>.

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1 There are two databases available for the duration of
 2 the meeting, one for general comments and one for
 3 comments specific to land use, both of which will be
 4 open until midnight this evening. Are there any
 5 questions?
 6 CHAIR DREW: Thank you. I would like to
 7 now invite the Counsel for the Environment, Megan
 8 Sallomi, to make a few -- say a few words to the
 9 audience here tonight. The Attorney General also
 10 through our statute, has a Counsel for the Environment
 11 that is there for any public members to talk to about
 12 the project and bring concerns forward. Ms. Sallomi.
 13 MEGAN SALLOMI: Hi. Can you turn my
 14 camera on? Or is that not possible?
 15 CHAIR DREW: Owen is working on it. He's
 16 got it.
 17 MEGAN SALLOMI: Okay. Hi, nice to see you
 18 all. My name is Megan Sallomi. As Chair Drew
 19 mentioned, I was appointed by the Attorney General to
 20 represent the public and its interest in protecting the
 21 quality of the environment before EFSEC when EFSEC makes
 22 a decision on this project. So my role is that of a
 23 party to the proceeding, similar to the applicant. I
 24 don't work for EFSEC, nor do I make a final decision on
 25 whether the project should be approved or denied. I

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1 just simply advocate to EFSEC regarding the public's
 2 environmental concerns for or against the project.
 3 And so in that regard, I'm very happy to hear
 4 from you. I'll be listening tonight. And if you want
 5 to reach out to me after the meeting to talk more, I
 6 would be happy to do that. I'll put my email and phone
 7 number in the chat. But for those of you who are here
 8 in person, my phone number is 206-389-2437 and my email
 9 is megan M-E-G-A-N dot sallomi S-A-L-L-O-M-I at A-T-G
 10 dot W-A dot G-O-V. Thank you.
 11 CHAIR DREW: Thank you very much. At this
 12 point, we will move to our public comments, and Judge
 13 Gerard is going to be presiding over the public
 14 comments. We will have Ms. Grantham call the names, and
 15 we will have a clock that will have three minutes.
 16 Judge Gerard.
 17 JUDGE GERARD: Everyone. I just want to
 18 give some clarification on what the comments are going
 19 to be and to articulate we'll have two sections tonight
 20 where comments can be made. This initial section is for
 21 general comments on the project.
 22 Secondly, when we get to the land use
 23 hearing, those will be limited exclusively to the land
 24 use hearing comments. So if you have a lot to say,
 25 reserve the land use comments to that particular portion

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1 of the hearing as you will be limited only to three
 2 minutes in comments at this point.
 3 We are recording these and there are people
 4 online so if you are either present in person or online,
 5 please be sure to articulate and speak up loudly so
 6 everyone can hear you. So with that, go ahead and call
 7 our first participant.
 8 CHAIR DREW: If we can pause just a second
 9 here. Do we have a court reporter tonight as well?
 10 STAFF GRANTHAM: Chairman Drew, this is
 11 Andrea Grantham. Currently, I'm not seeing a court
 12 reporter online, but I contacted our court reporter
 13 service. I let them know that we are recording. So, I
 14 will be sending this over. But for that, please,
 15 whenever I call your name and you come up to speak, can
 16 you please spell out your name fully for the record.
 17 CHAIR DREW: And we will start the time
 18 for your comments after you spell your name so that if
 19 you have a long name or a short name, it won't make a
 20 difference.
 21 CHRIS WISSEL-TYSON: Chairman Drew, Judge
 22 Gerard, Council we have a very short video with some
 23 public comments. Would now be the time to present that?
 24 CHAIR DREW: Why don't we give the folks
 25 here a chance to comment, and we can conclude the

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1 meeting with that.
 2 CHRIS WISSEL-TYSON: Excellent. Okay.
 3 Thank you.
 4 STAFF GRANTHAM: This is Andrea Grantham
 5 again, I will call the first person. I have Jason Lor.
 6 Is there a Jason Lor on the line?
 7 JUDGE GERARD: And for those you
 8 participating remotely, if you are on mute, that may be
 9 why we can't hear you. So go ahead and turn that off if
 10 that is the case.
 11 STAFF GRANTHAM: I will go ahead and call
 12 the next person, and if Jason Lor comes back, we can go
 13 back over to them. The next person I have is Stan
 14 Isley.
 15 STAN ISLEY: Yes. This is Stan Isley. My
 16 last name is I-S-L-E-Y. Thank you, Chair Drew and EFSEC
 17 members and staff for giving me this opportunity to
 18 comment tonight on the Hop Hill -- proposed Hop Hill
 19 Solar Project. Thanks also to the BrightNight
 20 representatives for presenting their information and
 21 giving us information about the proposed project.
 22 I'm the Conservation Chair for the Yakima
 23 Valley Audubon Society and I'm offering these comments
 24 this evening on behalf of Yakima Valley Audubon. Yakima
 25 Valley Audubon and the conservation community in general

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1 support the rapid transition away from fossil fuel
 2 energy sources in Washington to sustainable renewable
 3 energy sources like solar.
 4 We want, however to "do it right." To make
 5 this transition while avoiding negative environment
 6 impacts and other collateral damage. We encourage the
 7 development of dispersed solar energy generation, like
 8 rooftop, so we accept the need to develop utility-scale
 9 solar energy projects like this Hop Hill Solar Project
 10 to aid Washington State's rapid transition goals to
 11 clean energy.
 12 Washington State University Energy Program is
 13 currently leading an effort to develop maps of potential
 14 least conflict solar energy development sites across the
 15 Columbia Plateau of central and eastern Washington. A
 16 large group of volunteer stakeholders, myself included,
 17 we're participating in this project identifying areas
 18 that must be protected while, at the same time,
 19 identifying areas that represent potential solar farm
 20 sites with minimal likely conflicts or concerns.
 21 WSU's final report and maps will be finished
 22 and available to everyone by June 30th of this year --
 23 June 30th, 2023. Yakima Valley Audubon encourages EFSEC
 24 and permitting authorities and also the solar energy
 25 developers to use the least conflict maps to inform and

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1 guide future solar development in Washington's Columbia
 2 Plateau when they become available.
 3 In regards to this particular Hop Hill Solar
 4 Project, specifically Audubon is concerned about
 5 potential negative impacts to Ferruginous Hawks,
 6 negative impacts to Sage Brush Sparrow habitats, also
 7 negative impacts to shrubsteppe habitat, and impacts to
 8 the Arid Lands Initiative, Hanford core area.
 9 We recommend -- Yakima Valley Audubon -- we
 10 recommend that the Hop Hill solar developers work very
 11 closely with the experts at WDFW also with Washington
 12 Audubon staff and others to avoid negative impacts on
 13 the -- as the Hop Hill Project is developed and to
 14 ensure that unavoidable impacts are fully mitigated.
 15 I was a little concerned hearing about the
 16 impacts this project proposes to already grazed
 17 shrubsteppe. We've lost 80% of the shrubsteppe habitat
 18 that we -- that existed 200 years ago in this state and
 19 the shrubsteppe obvious are declining.
 20 JUDGE GERARD: Mr. Isley we have hit the
 21 three minute point. Thank you for your comments. You
 22 can send more in writing if you choose.
 23 STAFF GRANTHAM: The next person I have is
 24 Rylan Grimes. Do we have a Rylan Grimes on the line?
 25 Okay. I will call the next person I have Mike Alldritt.

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1 MIKE ALLDRITT: Council, my name is Mike
 2 Alldritt, M-I-K-E, A-L-L-D-R-I-T-T. I'm here tonight to
 3 speak in favor of the Hop Hill Solar Project. Not only
 4 does the project help Washington State get to its
 5 goals -- to get to the clean energy transition goals
 6 that have been set for the state, it also with
 7 developers like BrightNight, who have reached out to the
 8 local building trades.
 9 That's a great opportunity for local people,
 10 apprenticeship programs. These jobs provide living wage
 11 jobs, full family benefits, and a retirement with
 12 dignity. So I'm here to speak on behalf of Iron
 13 Workers, Local 14, as well as Local 29, Portland,
 14 Oregon. That's my comment. Thank you for giving me the
 15 opportunity.
 16 JUDGE GERARD: Thank you, Mr. Albert.
 17 STAFF GRANTHAM: The next person I have is
 18 Chad Higgins.
 19 CHAD HIGGINS: Hello. My name is Chad
 20 Higgins. You can spell my name as C-H-A-D,
 21 H-I-G-G-I-N-S. I come before you today to be an
 22 informational resource. As a researcher and professor
 23 at Oregon State University I have researched these
 24 systems for the past eight years, and much of the cited
 25 information in regards to the benefits of these systems,

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1 agrivoltaic systems, presented here tonight was taken
 2 from research that I performed here in the region.
 3 Briefly these systems, and I have dedicated my
 4 research efforts and life to finding ways to integrate
 5 energy systems into agricultural systems for mutual
 6 benefit and how those systems can increase the
 7 sustainability of our water, food, and energy resources
 8 as well as the sustainability of our local farmers. I
 9 come at this from a land preservation and agricultural
 10 land preservation perspective and recognizing also the
 11 need for renewable energy resources.
 12 In our research, we have shown that the water
 13 efficiency of plants within an agrivoltaic system in
 14 arid regions can increase by up to 300%, that we have
 15 doubled the production of parch pasture under these
 16 systems when properly managed, and that the sheep stress
 17 hormones are reduced, as well as we were able to graze
 18 more sheep per acre, more head of sheep per acre.
 19 I believe in -- the research has demonstrated
 20 that these systems are viable and really a step forward
 21 and a potential win-win-win situation for rural
 22 communities and our push towards a more sustainable
 23 future. Thank you, Chair Down and Council members.
 24 JUDGE GERARD: Thank you, Mr. Higgins.
 25 STAFF GRANTHAM: The next person I have is

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1 Jim Millbauer.
 2 JIM MILLBAUER: Chair Drew and committee
 3 members, thank you for the opportunity to comment
 4 tonight. My name is Jim, J-I-M, Millbauer,
 5 M-I-L-L-B-A-U-E-R and I'm a resident of Benton County,
 6 and I reside in Kennewick. I'm speaking in support of
 7 the Hop Hill Solar Project. I believe this project will
 8 help enable our clean energy transition and create local
 9 economic opportunities. It will do so by incorporating
 10 historic agricultural use.
 11 I personally have installed solar panels in my
 12 residence because I believe in having a diversified
 13 energy portfolio to rely upon and I apply the same
 14 belief to this project for our county, region, and
 15 state. This project will support our local labor
 16 workforce and therefore our economy. And given our
 17 state's renewable energy needs, the profound economic
 18 opportunity this project represents for the local
 19 community, and land use consistency with the county comp
 20 plan, I urge you to move forward with this project.
 21 Thank you for the opportunity.
 22 JUDGE GERARD: Thank you, Mr. Millbauer.
 23 STAFF GRANTHAM: The next person I have is
 24 James Remyey.
 25 JAMES REMMEY: James Remyey, J-A-M-E-S,

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1 R-E-M-M-E-Y. I am a member of the IBEW 112 here in --
 2 based out of Kennewick. I'm speaking in favor of the
 3 Hop Hill solar farm. We install solar panels all the
 4 time. This will enable hundreds of jobs for my local
 5 brothers and sisters in the IBEW 112 as well as other
 6 trades.
 7 We simply need to go in a more economical
 8 direction when it comes to providing energy, and the
 9 more energy sources that we have, the more cost
 10 effective it will be for everyone to have energy in
 11 their homes.
 12 And also the environmental impact, as far as
 13 I'm aware, is much less than hydro, wind, and nuclear.
 14 So I think it's a win-win to diversify in all these
 15 areas, but solar has a really great or low impact on the
 16 environment. Thank you very much.
 17 STAFF GRANTHAM: Next I have Kathryn
 18 Tominey.
 19 KATHRYN TOMINEY: Yes. Do you hear me?
 20 STAFF GRANTHAM: Yes, we can.
 21 KATHRYN TOMINEY: Okay. My name is
 22 Kathryn Tominey, K-A-T-H-R-Y-N, Tominey, T-O-M-I-N-E-Y.
 23 I'm a retired research scientists from the National Lab.
 24 I've lived here since February of 1968, but I grew up on
 25 a very traditional family dairy farm, so I've got

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1 technology history and farming history.
 2 I've been following agrivoltaics for some years
 3 now, primarily via NREL and what have you. And I've
 4 been very impressed with the approach of planning this
 5 project. It leaves the land pretty much, sort of, as
 6 is. Not a lot of irrigation, nothing overhead. The
 7 livestock, the sheep will have, not only good grazing
 8 but some shade on the really hot days, which makes a big
 9 difference.
 10 And I think the overall approach as laid out is
 11 working very hard to make a good balance between the
 12 ongoing grazing business, the sheep business, and the
 13 natural world. And last, the farming business, both
 14 grazing and crop have a lot of challenges because of
 15 markets. And the reliable stream of electricity revenue
 16 will be very helpful. It has been helpful in many other
 17 areas in stabilizing income and leaving the land in
 18 agriculture. Thank you.
 19 JUDGE GERARD: Thank you, Ms. Tominey.
 20 STAFF GRANTHAM: Next I have Carl
 21 Anderson.
 22 CARL ANDERSON: That's Carl Anderson,
 23 C-A-R-L, A-N-D-E-R-S-O-N. I am the fourth generation
 24 rancher on the proposed site. We do plan on
 25 re-introducing sheep just as my great grandparents did.

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1 That will help diversify the farm and along with the
 2 solar income, make it a sustainable situation. Land is
 3 non-irrigated, very low production. The cattle are
 4 spread out, about one pair -- Cow calf pair per 25 acres.
 5 Very dry.
 6 In my opinion, these solar panels are not much
 7 different than the apple orchards to the south, or the
 8 hop trellises, wine vineyards. It's just another
 9 product that the land can produce some income. It is a
 10 very isolated area. On a busy day, there might be two
 11 or three cars that drive by.
 12 The way the geography is, you cannot see it
 13 from town. Unlike the Horse Heaven Hills project, there
 14 shouldn't be any long-term effects with the neighbors or
 15 community. I speak in favor of the project. And thank
 16 you for being here tonight.
 17 JUDGE GERARD: Thank you, Mr. Anderson.
 18 STAFF GRANTHAM: Next, I have Steve
 19 Branch.
 20 STEVE BRANCH: Good evening. My name is
 21 Steve Branch. That's S-T-E-V-E, B-R-A-N-C-H. I'm with
 22 Zirkle Fruit Company. We are a true tree fruit and
 23 grape grower and part of the Hop Hills project will
 24 cross over a portion of our vineyard. We support this
 25 project and we also support the team that's been working

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1 on it. Hop Hill is going to provide significant solar
 2 power and storage towards the renewable energy demands
 3 of our communities. This project also directly aligns
 4 with the regional and state goals related to renewable
 5 energy.
 6 We've been consistently impressed with the
 7 project team and their approach and caring for the
 8 affected lands and ensuring that they do not disturb our
 9 operations and those also in the surrounding area.
 10 They've shown themselves to be honest and transparent
 11 partners at all points. And add as a little bit of an
 12 aside that, as a family-owned and operated farming
 13 operation, we can tend to be a little bit skeptical when
 14 people approach us to partner on projects, and we tend
 15 to be a little hesitant on comments of platitudes and
 16 trust us and those types of comments. However, we had
 17 the joy of actually hosting the founder of BrightNight
 18 at our facility and quickly realized that we both have a
 19 great care of environmental concerns. He himself is a
 20 regenerative farmer, which is something that we care
 21 very deeply about. And at every point during our
 22 conversations with BrightNight, they showed themselves
 23 to be very caring, honest, and transparent with us
 24 addressing our needs and concerns, all those points. So
 25 for all those reasons, we would encourage your support

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1 for this project and thank you for your time.
 2 JUDGE GERARD: Thank you, Mr. Branch.
 3 STAFF GRANTHAM: Next I have Ira Johnson.
 4 IRA JOHNSON: My name is Ira Johnson,
 5 I-R-A, Johnson, J-O-H-N-S-O-N, and I live in Kennewick.
 6 I have visited with everybody here. They've done an
 7 excellent job of presentation, much better than the wind
 8 project that the people want to put in.
 9 And my question is, who's going to pay for
 10 this? Us taxpayer's paying for it or is somebody else
 11 paying for it? Another question is, who gets the
 12 benefit of the electricity? Do we get it or does
 13 Seattle get it? If Seattle gets it, move it over there
 14 and let Seattle do it then.
 15 We talked about chain link fence and sheep and
 16 all that along the -- that area up there, deer and elk
 17 travel through there. So that's something you need to
 18 think about. Environmental-wise, you're going to have
 19 to have a lot of concrete and that includes having water
 20 to mix the concrete with. Where you going to get this?
 21 How is that going to increase the road traffic?
 22 All these things like that we need to consider.
 23 The -- it's good we're going to get to use local labor.
 24 It's good for our guys here. Lots of good points, you
 25 know. But I just want to know who's paying for it? Is

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1 it us taxpayers in Washington or who? You know, that's
 2 my question. Thank you for listening to me.
 3 JUDGE GERARD: Thank you, Mr. Johnson.
 4 STAFF GRANTHAM: Next I have is Mike
 5 Bosse.
 6 MIKE BOSSE: Thank you, Council. That's
 7 Mike, M-I-K-E, Bosse, B-O-S-S-E. Thank you for your
 8 time. Thank you for this opportunity to give public
 9 comment. I am a representative of Operating Engineers
 10 Local 302 representing 14,000 operating engineers
 11 through Alaska, Washington, and Idaho with about 1,200
 12 here locally. Projects such as the Hop Hill Project
 13 provides good sustainable family jobs here locally. On
 14 previous projects, we've heard the comments and the
 15 arguments that, hey, you know, these are just
 16 construction jobs. We build our careers one
 17 construction job after another. We build things. We
 18 move on. We build the next thing. So project such as
 19 this project is very important to our livelihood, and we
 20 support it. On a personal note, I think it's a good
 21 point to remember that this proposed land is already
 22 used as grazing land. So the impact of sheep to the
 23 shrubsteppe wouldn't impose, in my opinion, anymore
 24 impact than is already imposed upon it. This is also a
 25 private project proposed on private property that poses

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1 no real harm or risk to the public. So therefore
 2 preserving the rights of landowners to do what they need
 3 or can do on their own private property should be
 4 preserved. Appreciate your time and thank you.
 5 JUDGE GERARD: Thank you, Mr. Bosse.
 6 STAFF GRANTHAM: Next I have Aubrey
 7 Newton.
 8 AUBREY NEWTON: Good evening. Can you
 9 hear me okay?
 10 STAFF GRANTHAM: Yes, we can.
 11 AUBREY NEWTON: Okay. Great. Aubrey
 12 Newton, A-U-B-R-E-Y, N-E-W-T-O-N. Thank you, Chair Drew
 13 and EFSEC Council for the opportunity to speak to you
 14 this evening. As mentioned, I'm Aubrey Newton. I'm the
 15 Director of the Northwest Laborers'-Employers
 16 Cooperation and Education Team here this evening
 17 commenting as an affiliate of Laborers Local 348,
 18 located in the Tri-City area.
 19 BrightNight's proposal for the Hop Hill Solar
 20 Project is exactly the kind of project Washington's
 21 local workforce, and specifically the state's legacy
 22 fossil fuel workers, need in order to expand their
 23 skills so they can fully participate in new job
 24 opportunities created by the transition from fossil
 25 fuels to renewable energy. The Laborers are encouraged

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1 by and celebrate the efforts that the developer is
 2 taking and has taken to utilize local workers in
 3 Washington for projects such as this one.
 4 In addition to hiring local workers, we
 5 encourage the utility, the developer, and the EFSEC
 6 Council to leverage existing labor resources in the
 7 community such as construction trade unions, as they are
 8 doing, to meet the demand for the pipeline of energy
 9 projects expected to come online in the next few years.
 10 By partnering with construction unions like ours and
 11 others that you will hear tonight and taking advantage
 12 of our free apprenticeship and training programs, we can
 13 grow and train our own skilled local solar workforce
 14 while ensuring safe and quality construction at no
 15 additional cost to rate payors.
 16 Construction unions like ours and others have a
 17 base of workers with years of experience and the
 18 infrastructure to recruit and train local workers and
 19 the ability to work with our local contractor partners
 20 to ramp up quickly and safely. We bring this up because
 21 of the ability to quickly bring in a diverse workforce
 22 from disadvantage communities and inherently enhanced
 23 opportunities for women, veterans, and people of color
 24 to transition into projects -- energy projects -- like
 25 this one.

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1 Therefore, we urge you to approve this project
 2 and set precedents for good developers like BrightNight
 3 that want to grow the economy, participate in
 4 Washington's energy transition, and create jobs for
 5 workers to grow in the Tri-City area. Thank you for
 6 your time. Thank you.
 7 JUDGE GERARD: Thank you, Ms. Newton.
 8 STAFF GRANTHAM: I will call on Jason Lor
 9 again. And lastly, I will call on Rylan Grimes one more
 10 time. Okay Judge, that is the end of my sign-up sheet.
 11 I understand that BrightNight brought in a sign-up
 12 sheet, so some people in the crowd might have signed up
 13 with that. I'm not sure how you how you want to go
 14 about that.
 15 JUDGE GERARD: Pardon. Who just spoke?
 16 GREG WAGNER: I guess I failed somehow not
 17 to sign up or something.
 18 JUDGE GERARD: Would you go ahead and
 19 state your name for us please.
 20 GREG WAGNER: Oh well.
 21 JUDGE GERARD: I need you to state and
 22 spell your name but you can go head and make your
 23 comments. Hello. Yes sir, I am speaking with you. If
 24 you wish to make comments now, I need to just state and
 25 spell your name.

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1 GREG WAGNER: Oh, I'll make a comment. My
 2 name is Greg Wagner. I'm with a group known as CEASE,
 3 Citizens Educated About Solar Energy.
 4 JUDGE GERARD: Wait. Slow down. I need
 5 you to spell your name also, please for the record, sir.
 6 GREG WAGNER: My what?
 7 JUDGE GERARD: I need you to spell your
 8 name, please.
 9 GREG WAGNER: Oh, I'm sorry. W-A-G-N-E-R.
 10 JUDGE GERARD: Go ahead, Mr. Wagner. You
 11 can make your comments now, at this point. Please go
 12 ahead and reset the clock.
 13 GREG WAGNER: Okay. Greg Wagner, with the
 14 group known as CEASE, Citizens Educated About Solar
 15 Energy. I oppose the solar project. It does harm to
 16 the environment, to the citizens.
 17 It will create a few temporary full-time jobs
 18 for union members. I support that but, if you really
 19 want to create jobs for union people, it should be
 20 full-time factory jobs that give them good benefits.
 21 They don't have to travel all across the country to work
 22 at a solar project.
 23 When that solar project is done, there'll be
 24 very few, if any, full-time positions for citizens in
 25 the area. The solar project will cover what -- 12,000

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1 acres of ground -- deliver very little electricity to
 2 the grid. It does more harm than it does good.
 3 Solar is not the future for America. If
 4 anything, it's going to destroy America. We need to
 5 have power plants powered by natural gas, coal, nuclear
 6 that will give us the reliable affordable electricity we
 7 need to make our country prosper. Solar energy is
 8 something that will just destroy our country.
 9 All for the sake of Governor Inslee's
 10 ridiculous green energy projects all earmarked on the
 11 east side of the Cascade Mountains, none near his home.
 12 This is all the hypocrisy, and it needs to change. Our
 13 future depends on it. Thank you very much.
 14 JUDGE GERARD: Thank you, Mr. Wagner.
 15 Okay. At this point, we're going to orderly offer up
 16 additional comments if someone would like to do that.
 17 We're going to start with individuals who are currently
 18 physically present.
 19 If you did not sign up and you wish to make
 20 comments, go ahead and step up to the podium. We'll
 21 give you a few minutes to do that. If no one does we'll
 22 move on to those who are participating virtually.
 23 So we do have one participant. So let's go
 24 ahead and let her go first, and you can go second. And
 25 then again, please state and spell your name for the

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1 record, and then go ahead and begin.
 2 KAREN BRUN: Karen Brun, K-A-R-E-N,
 3 B-R-U-N and I actually just have a question for
 4 BrightNight, if that's allowed. I believe you mentioned
 5 that you have a power contract for 280 megawatts is
 6 that -- I won't ask you specifically who that's to or
 7 with -- but is it a Washington utility?
 8 RON KIECANA: It's a company that --
 9 KAREN BRUN: So does that imply that the
 10 power is going to --
 11 JUDGE GERARD: If you are going to speak
 12 would you step to the podium so that participants who
 13 are here virtually can also hear you. Thank you.
 14 KAREN BRUN: I'm sorry.
 15 RON KIECANA: Yes. It's a -- the buyer
 16 has operations within the state of Washington.
 17 KAREN BRUN: So does that mean that the
 18 power will stay in Washington?
 19 RON KIECANA: The power is very likely to
 20 be consumed locally and regionally. If you look at
 21 where -- if you look at solar irradiance, it's much
 22 stronger to the south. I mean, I think, it would make
 23 more sense if -- I think you're implying or asking -- if
 24 the power may be sent elsewhere. I think it would be
 25 beneficial to build the project elsewhere. So I think

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1 having it here in this region, I think there's probably
 2 a high likelihood of that power staying here within this
 3 region.
 4 KAREN BRUN: Okay. Because my concern is
 5 that if that power goes someplace else, it's not going
 6 to do anything to work into Governor Inslee's, you know,
 7 goal?
 8 RON KIECANA: Sure. Yes.
 9 KAREN BRUN: Thank you.
 10 JUDGE GERARD: Thank you, Ms. Brun. And
 11 we do have additional comments. Before we do, the
 12 project will still be -- the participants will be around
 13 during the break before we get into the Land Use
 14 Consistency. If you do have any questions for them go
 15 ahead and reserve them at that point. Right now, this
 16 is just a public comment opportunity. So --
 17 DEKEN LETINICH: Good evening. Thank you,
 18 Chair Drew and the EFSEC Council for the opportunity to
 19 speak today. My name is Deken Letinich, D-E-K-E-N,
 20 L-E-T-I-N-I-C-H. I had signed up to speak during the
 21 land use, but I feel like my comments are probably more
 22 appropriate for this time, so I move myself up.
 23 I'm the Assistant Political and Legislative
 24 Director for the Washington & Northern Idaho District
 25 Council of Laborers. We have roughly 8,000 members

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1 across the state and locally Local 348 Laborers here in
 2 Richland. I'm here to speak in support of the Hop Hill
 3 Solar Project.
 4 It's been stated that this project will
 5 provide, it looks like, roughly 300 good jobs for this
 6 area in the Columbia Basin and the developer has made it
 7 clear that this project intends to use local resources
 8 for construction. And it's also worth noting the large
 9 amount of tax money that would go back into the
 10 community.
 11 Overall, the project is important to the
 12 workers who live here, their families, and generations
 13 to come. The work force is here. We're ready. And we
 14 hope that EFSEC would uplift developers that want to
 15 grow Washington's clean energy goals.
 16 I'm going to go off script for just a second.
 17 And to hear the actual landowners affected come and
 18 comment in favor of this project, I think, should be a
 19 big signal for everyone that their private land is being
 20 used for a project that they support. And to see the
 21 work by the developer to include consideration for --
 22 there's a fancy word over there, agrivoltaics, I think
 23 is really interesting.
 24 So for the benefits to the area, to the
 25 landowners, and the minimal impacts on the environment,

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1 I hope that EFSEC will support this project. Thank you.
 2 JUDGE GERARD: Thank you, Mr. Letinich.
 3 Any other participants wish to comment at this point who
 4 are live in the auditorium -- room? Let's move on to
 5 virtually. If you do wish to speak, go ahead and type
 6 your name into the chat so we can orderly do it. If we
 7 don't get any chats then we'll go ahead and end this
 8 portion of tonight's meeting. Right. Thank you. We'll
 9 also move on to the presenters last public comments.
 10 Okay.
 11 Before we move on to the presenters additional
 12 comments, those who did not speak or do have additional
 13 comments you wish to make, you may do so by 11:59 p.m.
 14 tonight. There is an email on the website, also in
 15 front of us now, efsec@efsec.wa.gov. Thank you.
 16 CHRIS WISSEL-TYSON: Thank you. I think
 17 there's a link on the last slide that we submitted of
 18 our presentation. I think we can find a short video
 19 there.
 20 RON KIECANA: Can I make a comment before
 21 the video starts?
 22 JUDGE GERARD: Yes. Go ahead.
 23 CHRIS WISSEL-TYSON: Yeah. No. I, you
 24 know, I think there's some general questions I'd love to
 25 make a comment about. I mean, one was about, you know,

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1 where the power is going. There's a, you know, a
 2 common, you know, thought or feeling that, you know, is
 3 the power going to California or out of the region. And
 4 Ron hit on this a lot. I mean, really, you want to
 5 produce power to use it.
 6 And one of the biggest issues, and I kinda hit
 7 on it, is the transmission system. There's a lot of
 8 constraints. And not only are there constraints in that
 9 system, there's a really high cost to move power. I
 10 mean, not only is solar not competitive in southern
 11 Oregon, let alone California, the cost to move it there
 12 is cost prohibitive. So we would never move the power
 13 that far, in general. I mean, the industry or the
 14 markets could change. But today that seems like quite a
 15 long-shot perspective.
 16 I think there is a, you know, also a thought
 17 of, you know, who's going to pay for it? This is very
 18 expensive. I mean, Ron and I grew up in the business.
 19 We built coal plants. I built natural gas plants with
 20 Ron. We know economics of these. Solar in the last 10
 21 years has become very competitive in the industry. It's
 22 in areas like Arizona or California, it's sometimes
 23 two-thirds the cost of coal. So it's very competitive.
 24 I mean, at the end of the day, we're a business
 25 and we're trying to generate some type of income or

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1 profit off these. And we're relatively technology
 2 agnostic as long as it's carbon neutral and these type
 3 of projects are profitable. So the thought that, you
 4 know, someone else is paying for it -- we're actually --
 5 have to participate in a competitive market to bid these
 6 projects.
 7 In the very last I think, you know, there's
 8 some thought around foundation and impact. In general,
 9 the panels are put on piles into the ground. We do not
 10 use concrete to hold the panels. We actually just push
 11 those into the ground. You know, I think maybe the most
 12 difficult part of that construction process is if
 13 there's any competent rock, we will do some drilling to
 14 get those poles in.
 15 VIDEO: Well, most of these so-called
 16 developers who come in on solar are really -- I compare
 17 them to some of the original, you know, gas lease guys
 18 going to Colorado and Texas trying to, you know, get
 19 mineral leases and stuff. They're just basically
 20 collecting land, to try to aggregate and put it together
 21 in a package that they're going to flip. That's not
 22 BrightNight.
 23 You know, BrightNight is looking at this for a
 24 long-term development. They want to be the owner
 25 operator, developer, owner operator. To me, that's

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1 important. You're working with somebody who's going to
 2 see it through to the end.
 3 Washington State has led the nation in
 4 sustainable energy for 70 years. It is what we do and
 5 we do it really well between nuclear, hydro power, and
 6 now growing into solar and wind. This is our strength.
 7 We have a lot of land here. And, right now, we
 8 have lots of non-arable land and we have to be able to
 9 provide farmers, especially small farmers, alternative
 10 ways in order to be able to generate income.
 11 This is good for the state. It brings in good
 12 paying jobs, union jobs often, and it moves us closer to
 13 our 2030 date of being 100% fossil fuel independent in
 14 Washington State.
 15 We depend on a steady flow of construction
 16 jobs. So even though they are temporary, they mean
 17 everything. It doesn't matter, necessarily, that
 18 they're temporary as long as there is always something
 19 else to go to.
 20 I think with this renewable energy that we are
 21 getting, I think we have to adjust to a little change.
 22 I think we're going to get a lot of benefit out of it.
 23 And that's important for every one of us.
 24 I've lived in the Tri-Cities since 1968. Well,
 25 I have an interest in the agrivoltaics, and I think

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1 coming into our area will be wonderful for the area.
 2 Wonderful for our farmers too.
 3 Renewable energy would be a big impact for the
 4 community, especially with the, you know, the dam
 5 situations, the hydro electric, the nuclear energy out
 6 of Hanford, and then the wind power, and the solar. The
 7 solar would be, you know, out of sight, out of mind type
 8 situation.
 9 What I want people to know about
 10 agrivoltaics and renewable power is that it's not an
 11 either-or choice. And it's not -- that, to me, is a
 12 false choice. These things can coexist and they can
 13 coexist for mutual benefit. Like there is gains that
 14 can be had on the agricultural side if you think about
 15 the sun as a farm resource that you can manage.
 16 You're going to have sheep at Hop Hill. So in
 17 addition to plants, which is the primary crop for Hop
 18 Hill, because the sheep have got to eat something. An
 19 interesting anecdote is whenever I do tours of our
 20 agrivoltaics research sites, I don't put up shade tents.
 21 I just say everybody find a spot where they want to be
 22 and where does everybody go? They all go under the
 23 solar panels and that's because, just like humans want
 24 to be comfortable out of the sun, sheep do the same.
 25 JUDGE GERARD: All right. Thank you, everyone. This

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1 concludes the Informational Meeting. We will reconvene
 2 at -- 15 minutes from now -- so right at 7:15 for the
 3 Land Use Consistency Hearing. Thank you all.
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1 CERTIFICATE
 2
 3 I, Steven B. Crandall, certify that the foregoing
 4 transcript is a full, true, and accurate transcription
 5 of the proceedings and testimony taken in the matter of
 6 the above-entitled proceeding.
 7
 8 That the foregoing was transcribed from an
 9 audio/video recording. The foregoing was transcribed to
 10 the best of my ability, taking into consideration poor
 11 sound quality, simultaneous speaking, background noise,
 12 quality of second-party telephone, audio, and video
 13 recordings.
 14
 15 That I am not a relative, employee, attorney, or
 16 counsel of any party to this action, or relative, or
 17 employee of any such attorney or counsel, and that I am
 18 not financially interested in the said action or the
 19 outcome thereof;
 20
 21 IN WITNESS WHEREOF, I have hereunto set my
 22 signature on this 21st day of March, 2023.
 23
 24
 25



Steven B. Crandall, CER
 Certified Electronic Reporter #1198

Energy Facility Site Evaluation Council
Land Use Consistency Hearing, Hop Hill Solar Project - February 23, 2023

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ENERGY FACILITY SITE EVALUATION COUNCIL

Hop Hill Solar Project
Land Use Consistency Hearing

February 23, 2023

Three Rivers Convention Center, Halls G & H
7016 West Grandridge Blvd.
Kennewick, WA 993366
and
via Teams Video Conferencing

Transcribed by: STEVEN B. CRANDALL, CER
Certified Electronic Reporter #1198

Page 2

1 CHAIR DREW: Kathleen Drew, again, Chair
 2 of the Energy Facility Site Evaluation Council, calling
 3 our Land Use Consistency Hearing to order today. Ms.
 4 Grantham will you call the role of the Council members?
 5 STAFF GRANTHAM: Certainly. Department of
 6 Commerce.
 7 KATE KELLY: Kate Kelly present.
 8 STAFF GRANTHAM: Department of Ecology.
 9 (No response)
 10 STAFF GRANTHAM: Department of Fish and
 11 Wildlife.
 12 MIKE LIVINGSTON: Mike Livingston present.
 13 STAFF GRANTHAM: Department of Natural
 14 Resources.
 15 LENNY YOUNG: Lenny Young present.
 16 STAFF GRANTHAM: Utilities and
 17 Transportation Commission.
 18 STACEY BREWSTER: Stacey Brewster present.
 19 STAFF GRANTHAM: The Hop Hill Project,
 20 Benton County, Paul Krupin.
 21 PAUL KRUPIN: Present.
 22 STAFF GRANTHAM: Chair, there's a quorum.
 23 CHAIR DREW: Thank you. Now I will turn
 24 it over to Judge Gerard.
 25 JUDGE GERARD: Good evening, everyone.

Page 3

1 Pursuant to the Revised Code of Washington -- pursuant
 2 to Revised Code of Washington 80.50.90 -- 090,
 3 subsection two and Washington Administrative Code
 4 463-26-035, we are now starting the Land Use Consistency
 5 Hearing. During this hearing the public will be allowed
 6 to provide testimony regarding the proposed project's
 7 consistency and compliance with the land use plan and
 8 zoning ordinances.
 9 We will not limit the speakers on time. We
 10 will however limit them on subject matter. Speakers
 11 will only be allowed to discuss the land use consistency
 12 measures, not other considerations you wish to bring
 13 forth.
 14 We will start off with the applicants
 15 presenting their comments on the land use, after which
 16 the county will be allowed to present their portion on
 17 the land use consistency meeting. You will then take
 18 public comments at that point. As before, after this
 19 hearing is completed, if there are additional comments
 20 you wish to make, you may do so online by 11 p.m. or
 21 11:59 p.m. tonight. So with that, applicants if you
 22 wish to begin, please do.
 23 CHRIS WISSEL-TYSON: Thank you Chairman
 24 Drew, Judge Gerard, EFSEC Council and staff.
 25 If you wouldn't mind going to the next slide.

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1 One, I just wanted to share how we developed
 2 this site from a land use perspective. If you look at
 3 the timeline in the upper portion of the screen, you can
 4 see we started developing the Hop Hill project in 2020.
 5 In early 2021, we finalized the site location and
 6 started due diligence and site work.
 7 In November 2021, we heard there was a
 8 potential of a change in the zoning code and decide to
 9 submit a conditional use permit as it is a company
 10 policy to always work with the local community and
 11 county in the development of these projects, whenever
 12 possible.
 13 In December 2021, the county made significant
 14 changes to their zoning code which prevented the
 15 development of renewable projects in the county going
 16 forward.
 17 In 2022, we worked in collaboration with the
 18 county over a year to explore if there was a path
 19 through the local planning process. By the end of 2022,
 20 it became apparent that the county did not have the
 21 resources and staff to process our application in a
 22 timely manner and we also didn't want to overburdened
 23 local resources.
 24 The county dropped our CoP application at the
 25 end of last year due to a slight difference in opinion

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1 around utilizing EFSEC work in the SEPA process. Thus,
 2 we submitted a project application with EFSEC in
 3 December of last year, which brings us in front of you
 4 today.
 5 I do want to say again we, as a company, really
 6 focus on working with local community government. And
 7 early engagement with the county has been critical in
 8 understanding and addressing concerns with the project.
 9 And we're still utilizing that information today. And
 10 I'll hand it over to Tim McMahan.
 11 TIM MCMAHAN: Thank you, Chris. Tim
 12 McMahan, I'm with Stoel Rives law firm, and I have the
 13 privilege of being legal counsel to -- okay, all right,
 14 good -- I have the privilege of being legal counsel to
 15 this applicant and representing this project.
 16 As the Council's aware, land use has an unusual
 17 or the -- EFSEC has an unusual system for adjudicating
 18 land use. It's two steps. The first step is a Land Use
 19 Consistency Hearing tonight.
 20 And the second step is, much further down the
 21 road, when the Council conducts what I think Chair Drew
 22 has been calling the CUP process, the conditional use
 23 review, that at -- toward the end of the process the
 24 Council asks the county and members of the public to
 25 recommend conditions, mitigation measures, et cetera

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1 that best deal with local land use considerations in
 2 what would be a local process but for the EFSEC process.
 3 So tonight the focus is on land use
 4 consistency. And reflecting Judge Gerard's summary, the
 5 process -- the purpose is to determine, pursuant to RCW
 6 80.50.090 sub two, whether on the day of filing the
 7 application with EFSEC the proposed site was consistent
 8 and in compliance with the county's land use plan or
 9 zoning ordinances.
 10 We've supplied a land use memorandum, a
 11 relatively brief memorandum. Attached to that
 12 memorandum is a chronology that Chris summarized briefly
 13 of the steps the applicant took to try, through a lot of
 14 efforts, to file a local conditional use permit
 15 application and to be consistent with the local zoning
 16 and land use -- and land use plan provisions to --
 17 eventually to no avail.
 18 So the land use memorandum and the appendix
 19 really sort of provides the anatomy of a moratorium in
 20 kind of how a project that finds itself in a place where
 21 the county's comprehensive planning and zoning is
 22 evolving, one would say, in a way that would prohibit
 23 renewable energy, and how that affected an applicant
 24 that was trying very, very hard to find the pathway to
 25 permit this project locally. But as Chris indicated,

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1 that ended up being to no avail.
 2 So the applicant spent many months in
 3 pre-application processes with the county between
 4 October 21st and December 21st of -- or, excuse me,
 5 between October 21 and December 21, the county
 6 considered a moratorium through a series of public
 7 hearings. The applicant was very much involved in those
 8 hearings.
 9 And on December 20 of 21 when it was clear that
 10 the county would impose a moratorium, the applicant
 11 filed a conditional use application that reflected the
 12 prior considerations and efforts with the county. And
 13 on December 30th, the county found that the conditional
 14 use permit application was incomplete and further denied
 15 the project due to the imposed moratorium.
 16 So on one level, on the date the applicant
 17 filed the application for a site certification, the
 18 county had rescinded its allowance for utility scale
 19 solar facility. However, as the Judge indicated, at RCW
 20 80.50.090 requires consideration of whether the solar
 21 facility was in compliance with the zoning code at the
 22 time of the application for site certification or
 23 consistent with and in compliance with the comprehensive
 24 plan. We are unaware of any action that the county took
 25 to amend its comprehensive plan and we suggest that the

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1 citing Council consider this question when it considers
 2 the order that the Council will ultimately issue on land
 3 use consistency.
 4 We do wish to reflect, and the applicant has
 5 already, I think, emphasized this, that the applicant
 6 understands the growth management agricultural district
 7 zoning. The comprehensive plan provides guidance. And
 8 this application deliberately proposes a facility that
 9 enables the continued agricultural uses on this site
 10 through grazing.
 11 And we have submitted a land use consistency
 12 review document that cites the comprehensive plan
 13 provisions and explains them and indicates how this
 14 project is consistent with the local comprehensive plan.
 15 And a key factor with the comprehensive plan is, in
 16 fact, the preservation of agricultural land use in this
 17 county and opportunities for property owners to take
 18 advantage of their property rights in facilitating and
 19 participating in an application of this kind. So you
 20 have that document, and we'd be happy to talk about it
 21 if you have questions.
 22 So, I also wanted to explain why the applicant
 23 provided an application that reviews the now repealed
 24 conditional use permit criteria. We've done that
 25 because it's the best framework we have. So, in other

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1 words, we looked to the code that was repealed and we
 2 built the application and its land use consistency
 3 around those provisions in the code. Rather than just,
 4 sort of, turning it over to the Council to fashion that
 5 for yourself, we did use that as a framework for
 6 evaluating the criteria for the conditional use permit
 7 and the mitigation measures that could be considered
 8 under that prior code that is now repealed.
 9 And, again, it's the best model we had to
 10 really try to reflect some consistency with this
 11 county's framework for a conditional use permit. So it
 12 is our intention, and the applicant's intention, to make
 13 to make reasonable efforts to assist the Council in
 14 determining land use consistency now and in the future
 15 adjudication, the step two of land use review, which the
 16 Council calls a conditional use permit phase of the
 17 adjudication.
 18 We emphasize that there need not be conflict
 19 between agricultural use and habitat with this
 20 application and others pending in this county. This
 21 application for site certification will demonstrate and
 22 has demonstrated a thoughtful balance between habitat
 23 issues and agricultural impact issues, and we have
 24 provided an application -- this applicant has provided
 25 an application that does its best to actually account

<p style="text-align: right;">Page 10</p> <p>1 for ongoing agricultural uses on the site. So with 2 that, that's the conclusion of my comments. Thank you. 3 JUDGE GERARD: Thank you, Mr. McMahan. 4 All right, at this point, we're going to take the county 5 -- to allow their presentation. 6 MICHELLE COOKE: Good evening, and thank 7 you for your time. My name is Michelle Cooke, and I am 8 the Planning Manager for Benton County. I'd like to 9 speak to Hop Hill Solar Project's inconsistency and lack 10 of compliance with the Benton County land use plan and 11 zoning ordinance. 12 Prior to applying with EFSEC, as we've heard 13 tonight, the Hop Hill project initially submitted an 14 incomplete conditional use permit application to the 15 county on December 20, 2021 for the proposed solar 16 facility. This incomplete submittal was a hurried 17 attempt to obtain vesting at the eleventh hour for their 18 project, as the application was received less than 24 19 hours before the Board of County Commissioners amended 20 its zoning code to prohibit such uses. 21 It should be noted that the ordinance amendment 22 was not a temporary moratorium, as inferred by the 23 applicant in their memorandum, but rather a permanent 24 code change that staff had spent many prior months 25 drafting as a means to allow the county to protect its</p>	<p style="text-align: right;">Page 12</p> <p>1 The application before you tonight fails to 2 comply with both the Washington State Growth Management 3 Act and the Benton County comprehensive plan, which 4 mandates and directs the county to prevent and protect 5 agricultural lands of long-term significance. The 6 proposed location of the Hop Hill Solar Project has a 7 land use designation of GMA agriculture, and as such, 8 non-agricultural uses are discouraged and restricted per 9 the county's comprehensive plan. 10 The proposed project is an industrial use, not 11 an agricultural one, and the approximately 11,000 acre 12 loss of commercially significant land would be both 13 inconsistent and incompatible not only with the county's 14 comprehensive plan, but also it's implementing 15 regulations such as a zoning ordinance and the critical 16 area regulations. 17 The applicant is requesting that EFSEC preempt 18 the county's local land use plan and zoning ordinances 19 which do not allow such a large scale industrial use to 20 occur on agricultural land. Based upon the project's 21 location, the proposal does not meet the intent of RCW 22 36.70, it is not consistent with the goals and policies 23 of the county's comprehensive plan, and it does not 24 comply with the GMA agricultural zoning district as 25 solar farms are a prohibited use in the zone.</p>
<p style="text-align: right;">Page 11</p> <p>1 agricultural lands of long-term commercial significance. 2 Despite the misconstrued suggestion in the 3 applicant's memorandum that the county has animosity 4 towards renewable energy, the county's priority is to 5 protect its agricultural lands. The code change to the 6 GMA agricultural zone was made in order to protect the 7 long-term commercially significant agricultural lands 8 from conversion to incompatible industrial uses and to 9 ensure consistency and compliance with the county's 10 comprehensive plan and the GMA, which charges the county 11 to protect these lands. 12 The applicant's initial CUP application 13 submittal to the county was not vested under the zoning 14 code as it applied on December 20th, 2021 because it 15 failed to meet several requirements necessary to be 16 deemed a complete application. The county didn't notify 17 the applicant of the incompleteness of their submittal, 18 and the county only received the materials for a 19 complete application in March of 2022. 20 March 29th, 2022 is the date which the CUP 21 application was vested and which the zoning code would 22 apply. The county's zoning code at that time, and 23 currently, does not allow the proposed project as an 24 allowed accessory or a conditional use in the GMA 25 agricultural zone.</p>	<p style="text-align: right;">Page 13</p> <p>1 As we heard tonight, RCW 80 05 0902 cites that 2 the consistency with local land use shall occur on the 3 date of application to EFSEC. As such, it is our 4 position that the county's local land use policies and 5 zoning codes should be held in effect as they existed on 6 December 22nd, 2022 -- the date of the application to 7 EFSEC -- not the zoning codes as they previously existed 8 on any other date. Thank you for your time. 9 JUDGE GERARD: Thank you, Ms. Cooke. At 10 this point we're going to take public comments. 11 STAFF GRANTHAM: The person I have signed 12 up with me is Russell Walker. 13 RUSSELL WALKER: Russell Walker, 14 R-U-S-S-E-L-L, W-A-L-K-E-R. I'm with the Operating 15 Engineers Local 302. I'm speaking in support of the Hop 16 Hill solar program. This is an exciting project that 17 will not only help enable our clean energy transition 18 and create local economic opportunity. 19 JUDGE GERARD: Mr. Walker, stop you there 20 just a moment. This is for the land use. If there's 21 comments about how this complies with the land use or 22 does not, those comments are appropriate. These 23 comments about your support should've been made during 24 the informational session. I did make that clear in the 25 initial opening statements.</p>

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1 RUSSELL WALKER: I apologize.

2 JUDGE GERARD: So if you wish to make

3 comments about the land use, you're certainly welcome to

4 do so. If you wish to make additional comments about

5 your support that go beyond that scope, you're certainly

6 welcome to do through the website before 12 p.m.

7 tonight, 11:59.

8 RUSSELL WALKER: Okay. I think I might be

9 able to touch on that a bit here.

10 JUDGE GERARD: Of course. You're more

11 than welcome to. I'm just letting know the scope of

12 what your comments should be.

13 RUSSELL WALKER: Okay. Thank you, sir.

14 So I'll skip ahead here. It's also important to note

15 that the project and land use have remained consistent

16 with the applicable provisions of the Benton County comp

17 plan, and it's compliant with the zoning ordinances at

18 the time the applicant initially submitted a conditional

19 use permit to the county. So I hope that falls within

20 the parameters.

21 JUDGE GERARD: Yes sir. It does.

22 RUSSELL WALKER: Okay. You understand

23 that despite our region's stated clean energy goals, the

24 county has since eliminated the local pathway for

25 studying and permitting wind and solar projects. When a

Page 15

1 local permitting pathway doesn't exist to consider

2 project such as these, developers are only left to turn

3 to state permitting.

4 Given our state's renewable energy needs, the

5 profound economic opportunity the project represents for

6 the local community, and the land use consistency with

7 the county comp plan we urge you to move this project

8 forward.

9 On another note, as stated by the landowners

10 earlier tonight, this project makes their farming

11 operation more sustainable, which helps maintain the

12 current agricultural land use. Thank you very much.

13 JUDGE GERARD: Thank you, sir. And,

14 again, if you wish to make those additional comments

15 online, you're more than welcome to do so.

16 STAFF GRANTHAM: I don't have anyone else

17 signed up.

18 JUDGE GERARD: Okay. We're going to

19 proceed the same way we did before. We're going to take

20 anyone who wishes to make additional comments on the

21 land use who are currently in person, please go ahead

22 and step up to the podium. If we don't have any takers,

23 we'll go ahead and move online. We've waited the

24 requisite 10 seconds. Let's go head and see we have

25 anyone online.

Page 16

1 CHAIR DREW: Hearing no further comments. This meeting

2 is adjourned. Thank you all for participating.

Page 17

CERTIFICATE

1 I, Steven B. Crandall, certify that the foregoing

2 transcript is a full, true, and accurate transcription

3 of the proceedings and testimony taken in the matter of

4 the above-entitled proceeding.

5

6 That the foregoing was transcribed from an

7 audio/video recording. The foregoing was transcribed to

8 the best of my ability, taking into consideration poor

9 sound quality, simultaneous speaking, background noise,

10 quality of second-party telephone, audio, and video

11 recordings.

12 That I am not a relative, employee, attorney, or

13 counsel of any party to this action, or relative, or

14 employee of any such attorney or counsel, and that I am

15 not financially interested in the said action or the

16 outcome thereof;

17

18 IN WITNESS WHEREOF, I have hereunto set my

19 signature on this 21st day of March, 2023.

20



Steven B. Crandall, CER
Certified Electronic Reporter #1198

Washington State Energy Facility Site Evaluation Council
Council Meeting, - March 15, 2023

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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
MARCH 15, 2023
1:30 p.m.

Council Meeting
Verbatim Transcript of Hybrid Proceedings
Taken at
621 Woodland Square Loop Southeast
Lacey, Washington

REPORTED BY: Lori Haworth, RPR, CCR #2958

Washington State Energy Facility Site Evaluation Council
Council Meeting, - March 15, 2023

Page 2

1 A P P E A R A N C E S

2 Local Government and State Agencies for:

3 The Horse Heaven Project:

4 ED BROST

5 Wautoma Solar Project:

6 DAVE SHARP, Benton County

7 PAUL GONSETH, WSDOT

8 Assistant Attorney General:

9 JON THOMPSON

10 JENNA SLOCUM

11 Administrative Law Judges:

12 ADAM TOREM

13 DAN GERARD

14 EFSEC Staff:

15 SONIA BUMPUS

16 AMI HAFKEMEYER

17 AMY MOON

18 STEW HENDERSON

19 JOAN OWENS

20 ANDREA GRANTHAM

21 DAVE WALKER

22 SONJA SKAVLAND

23 LISA MASENGALE

24 SARA RANDOLF

25 SEAN GREENE

 LANCE CAPUTO

 JOHN BARNES

 OSTA DAVIS

 JOANNE SNARSKI

Councilmembers:

 KATHLEEN DREW, Chair

 KATE KELLY, Department of Commerce

 ELI LEVITT, Department of Ecology

 MIKE LIVINGSTON, Department of Fish and Wildlife

 LENNY YOUNG, Department of Natural Resources

 STACEY BREWSTER, Utilities & Transportation Commission

(Continued on next page.)

Page 4

1 (Council meeting commenced at 1:32 p.m.)

2

3 CHAIR DREW: Good afternoon. This is

4 Kathleen Drew, Chair of the Energy Facility Site

5 Evaluation Council, calling our March 15th monthly

6 meeting to order.

7 Ms. Grantham, will you call the roll?

8 MS. GRANTHAM: Certainly.

9 Department of Commerce?

10 MS. KELLY: Kate Kelly, present.

11 MS. GRANTHAM: Department of Ecology?

12 MR. LEVITT: Eli Levitt, present.

13 MS. GRANTHAM: Department of Fish and

14 Wildlife?

15 Department of Natural Resources?

16 MR. YOUNG: Lenny Young, present.

17 MS. GRANTHAM: Utilities and

18 Transportation Commission?

19 MS. BREWSTER: Stacey Brewster, present.

20 MS. GRANTHAM: Local government and

21 optional state agencies.

22 For Horse Heaven Project, Department of

23 Agriculture, Derek Sandison?

24 For Benton County, Ed Brost?

25 For the Badger Mountain Project, Douglas

Page 3

1 A P P E A R A N C E S (Continued)

2 Operational Updates:

3 Kittitas Valley Wind, EDP Renewables:

4 ERIC MELBARDIS

5 Wild Horse Wind Power Project, Puget Sound Energy:

6 JENNIFER GALBRAITH

7 Grays Harbor Energy Center, Grays Harbor Energy:

8 CHRIS SHERIN

9 Chehalis Generation Facility, PacifiCorp:

10 MICHAEL ADAMS

11 Columbia Generating Station & WNP-1/4, Energy Northwest:

12 MARY RAMOS

13 Columbia Solar, TUUSSO Energy:

14 TOM CUSHING

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Page 5

1 County?

2 For the Wautoma Solar Project, for Benton

3 County, Dave Sharp?

4 I know Dave was here.

5 If you have an open mic, can you please make

6 sure to mute. I heard a small echo.

7 For the Wautoma Solar Project, Washington State

8 Department of Transportation?

9 MR. GONSETH: Paul Gonseth, here.

10 MS. GRANTHAM: For the Hop Hill --

11 MR. SHARP: Dave Sharp checking in -- Dave

12 Sharp checking in late.

13 MS. GRANTHAM: Thank you, Dave.

14 For the Hop Hill Project, for Benton County,

15 Paul Krupin?

16 MR. KRUPIN: Present.

17 MS. GRANTHAM: The assistant attorney

18 generals, Jon Thompson?

19 MR. THOMPSON: Present.

20 MS. GRANTHAM: Jenna Slocum?

21 MS. SLOCUM: Present.

22 MS. GRANTHAM: Administrative law judges,

23 Adam Torem?

24 JUDGE TOREM: Here and off-mute for this

25 purpose.

Page 6

1 MS. GRANTHAM: Thank you.
 2 Laura Bradley?
 3 JUDGE GERARD: Judge Bradley couldn't
 4 attend today.
 5 MS. GRANTHAM: Okay. And was that Dan
 6 Gerard?
 7 JUDGE GERARD: It was. Judge Gerard, yes.
 8 MS. GRANTHAM: Thank you.
 9 For EFSEC Staff, Sonia Bumpus?
 10 Ami Hafkemeyer?
 11 MS. HAFKEMEYER: Ami Hafkemeyer, present.
 12 MS. GRANTHAM: Amy Moon?
 13 MS. MOON: Amy Moon, present.
 14 MS. GRANTHAM: Stew Henderson?
 15 Joan Owens is present.
 16 Dave Walker?
 17 MR. HENDERSON: Stew --
 18 MS. GRANTHAM: Oh.
 19 MR. HENDERSON: Stew Henderson here.
 20 MS. GRANTHAM: Thank you, Stew.
 21 Dave Walker?
 22 MR. WALKER: Dave Walker, present.
 23 MS. GRANTHAM: Sonja Skavland?
 24 MS. SKAVLAND: Sonja Skavland, present.
 25 MS. GRANTHAM: Lisa Masengale?

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1 MS. MASENGALE: Lisa Masengale, present.
 2 MS. GRANTHAM: Sara Randolf?
 3 MS. RANDOLF: Sara Randolf, present.
 4 MS. GRANTHAM: Sean Greene?
 5 MR. GREENE: Sean Greene, present.
 6 MS. GRANTHAM: Lance Caputo?
 7 MR. CAPUTO: Lance Caputo, present.
 8 MS. GRANTHAM: John Barnes?
 9 MR. BARNES: John Barnes, present.
 10 MS. GRANTHAM: Osta Davis?
 11 MS. DAVIS: Osta Davis, present.
 12 MS. GRANTHAM: Joanne Snarski?
 13 MS. SNARSKI: Joanne Snarski, present.
 14 MS. GRANTHAM: For the operational
 15 updates, Kittitas Valley Wind Project?
 16 MR. MELBARDIS: Eric Melbardis, present.
 17 MS. GRANTHAM: Wild Horse Wind Power
 18 Project?
 19 MS. GALBRAITH: Jennifer Galbraith,
 20 present.
 21 MS. GRANTHAM: Grays Harbor Energy Center?
 22 Cheha- --
 23 MR. SHERIN: Chris Sherin, present.
 24 MS. GRANTHAM: Thank you.
 25 Chehalis Generation Facility?

Page 8

1 MR. ADAMS: Mike Adams, present.
 2 MS. GRANTHAM: Columbia Generating
 3 Station?
 4 MS. RAMOS: Present.
 5 MS. GRANTHAM: Columbia Solar?
 6 MR. CUSHING: Thomas Cushing, present.
 7 MS. GRANTHAM: And do we have someone for
 8 the Counsel for the Environment?
 9 Chair, there is a quorum for the regular
 10 council, the Wautoma Solar council, and the Hop Hill
 11 council. Thank you.
 12 CHAIR DREW: Thank you.
 13 Moving on to the proposed agenda. There is a
 14 proposed agenda in front of you, Councilmembers. Is
 15 there a motion to adopt the proposed agenda?
 16 MR. YOUNG: So moved. Lenny Young.
 17 CHAIR DREW: Thank you.
 18 Second?
 19 MS. KELLY: Second, Kate Kelly.
 20 CHAIR DREW: Thank you.
 21 All those in favor, please say "Aye."
 22 COUNCILMEMBERS: Aye.
 23 CHAIR DREW: Opposed?
 24 The agenda is adopted.
 25 Moving on to the meeting minutes for

Page 9

1 February 15, 2023. Is there a motion to approve the
 2 minutes?
 3 MS. BREWSTER: Stacey Brewster. Motion to
 4 approve the meeting minutes from February 15, 2023.
 5 CHAIR DREW: Thank you.
 6 Second?
 7 MS. KELLY: Kate Kelly, second.
 8 CHAIR DREW: Thank you.
 9 I have a few changes for the meeting minutes.
 10 On page 8, line 8, the word "continued" should be the
 11 word "conditional."
 12 On page 11, line 16, the word S-I-F-C-O-R
 13 should be "PacifiCorp," P-A-C-I-F-I-C-O-R-P.
 14 Page 12, line 23 is correct.
 15 Page 18, line -- just checking. Line 14, the
 16 word "Tacoma" should be the letters capital T, capital
 17 A, capital C.
 18 Page 28, line 22, "accumulative" should be
 19 "cumulative."
 20 Those are the corrections that I have. Are
 21 there any other corrections?
 22 Hearing none, all those in favor of approving
 23 the minutes as amended, please say "Aye."
 24 COUNCILMEMBERS: Aye.
 25 CHAIR DREW: Opposed?

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1 The minutes are approved. On to our operating
 2 facilities reports. Kittitas Valley Wind Project,
 3 Mr. Melbardis?
 4 MR. MELBARDIS: Good afternoon, Chair
 5 Drew, EFSEC Council, and Staff.
 6 For the record, this is Eric Melbardis with EDP
 7 Renewables for the Kittitas Valley Wind Power Project.
 8 And we have nothing nonroutine to report.
 9 CHAIR DREW: Thank you.
 10 Wild Horse Wind Power Project, Ms. Galbraith?
 11 MS. GALBRAITH: Yes. Thank you, Chair
 12 Drew, Councilmembers, and Staff. This is Jennifer
 13 Galbraith with Puget Sound Energy regarding the Wild
 14 Horse Wind Facility. And I have nothing nonroutine to
 15 report for the month of February.
 16 CHAIR DREW: Thank you.
 17 Okay. Moving on to Chehalis Generation
 18 Facility, Mr. Adams?
 19 MR. ADAMS: Good afternoon, Chair Drew,
 20 EFSEC, Council, and Staff. For the record, this is Mike
 21 Adams, Plant Manager, representing Chehalis Generation
 22 Facility. For the month of February 2023, I have
 23 nothing nonroutine to report.
 24 CHAIR DREW: Okay. Thank you.
 25 Grays Harbor Energy Center, Mr. Sherin?

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1 MR. SHERIN: Good afternoon, Chair Drew,
 2 Councilmembers, EFSEC Staff. This is Chris Sherin,
 3 Plant Manager, Grays Harbor Energy Center. And for the
 4 month of February, I also have nothing nonroutine to
 5 report.
 6 CHAIR DREW: Columbia Generating Station?
 7 MS. RAMOS: Good afternoon, Chair Drew,
 8 Councilmembers, and EFSEC Staff. This is Mary Ramos
 9 reporting for Energy Northwest.
 10 For the month of February, I have two items to
 11 report for Columbia Generating Station.
 12 The first item is regarding an NPDES
 13 noncompliance. On February 21st, Energy Northwest
 14 discovered that a flow meter calibration required under
 15 the Columbia Generating Station National Pollutant
 16 Discharge Elimination System Permit exceeded the
 17 required annual calibration time frame.
 18 The calibration -- the task to calibrate the
 19 flow meter, it was inadvertently closed, due to human
 20 performance errors. The flow meter tracks potable water
 21 backwash to the on-site evaporation ponds and in no way
 22 impacts any discharge to the environment. The device
 23 was calibrated on March 2nd and was found to be within
 24 specification and did not require adjustment. We are
 25 evaluating additional corrective actions to prevent

Page 12

1 reoccurrence of this human performance error. And we
 2 are also evaluating if any additional paths were
 3 inadvertently closed, but so far, we have not found any.
 4 This was reported in the February Discharge Monitoring
 5 Report which was submitted to EFSEC yesterday.
 6 The second item I have to report for Columbia
 7 Generating Station is regarding our building 194 paint
 8 and blast shop. This paint and blast shop is governed
 9 under EFSEC Order 87- -- 837. And during calendar year
 10 2022, we exceeded the small quantity emission rate for
 11 one chemical under that permit. The -- essentially, the
 12 emission rate limit is 0.02 pound per hour under that
 13 EFSEC order, and our calculated maximum emission rate
 14 for calendar year '22 was 0.054 pounds per hour. This
 15 permit exceedance is also a result of human performance
 16 error. Paint shop personnel did not follow the
 17 procedure to validate chemical consumption limits prior
 18 to using the paint products.
 19 Similar to the item I noted earlier, we are
 20 evaluating additional corrective actions to prevent
 21 reoccurrence such as retraining of paint shop personnel
 22 and then also reevaluating the list of items -- or paint
 23 projects used at that facility. This noncompliance was
 24 reported in the 2022 air emission source registration
 25 for Columbia Generating Station.

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1 Are there any questions for me?
 2 CHAIR DREW: Thank you.
 3 Are there any questions from Councilmembers?
 4 MR. YOUNG: Chair, this is Lenny Young. I
 5 have one question for Ms. Ramos.
 6 CHAIR DREW: Go ahead.
 7 MR. YOUNG: Could you briefly explain what
 8 "potable water backwash" means? What's the -- what's a
 9 plain-language explanation of what that is?
 10 MS. RAMOS: Oh. It -- we have a
 11 flocculator building. It's, essentially, this flow
 12 meter tracks the backwash coming from our flocculator
 13 building to our on-site evaporation ponds.
 14 MR. YOUNG: What do you mean by
 15 "backwash"?
 16 MS. RAMOS: It is essentially -- I'm
 17 trying to -- I am drawing a blank on the words. It is
 18 essentially part of the cleaning process from our
 19 potable water system.
 20 MR. YOUNG: Okay. So water that is in the
 21 potable system somehow gets exited into the evaporating
 22 ponds; is that right?
 23 MS. RAMOS: Correct.
 24 MR. YOUNG: Thank you.
 25 CHAIR DREW: Thank you.

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1 Any other questions?

2 Okay. Thank you. We now are moving on to, we

3 have two resolutions in front of us. The first one,

4 Resolution Number 299, Amendment Number 1, the cooling

5 system sediment disposal. And it is in front of you

6 now. It's been in our packets.

7 Before we move on to consider this item, I'd

8 like to ask if there is anyone who would like to comment

9 from the public on this resolution. Please raise your

10 hand or open your mic to ask to be recognized.

11 Okay. At this point, we are not hearing that

12 there is anyone who would like to speak and provide us

13 with public comment on Resolution Number 299.

14 I guess I should have asked for the Staff --

15 sorry about that -- Ms. Moon, to go ahead and give us

16 the briefing on this.

17 MS. MOON: Thank you, Chairman Drew.

18 So good afternoon. Good afternoon, Chair Drew

19 and other Councilmembers. For the record, this is Amy

20 Moon, an EFSEC Staff Member. And this will be kind of a

21 repeat of what Chair Drew just said, but I want to

22 introduce to you the two proposed resolutions that have

23 been updated to reflect a dosimeter change as presented

24 to you at the last Council meeting on February 15, 2023.

25 As I presented last month, Resolution 299 is

Page 15

1 the Columbia Generating Station cooling system sediment

2 disposal. That's what the resolution deals with. And

3 then Resolution 332 is for the Columbia Generating

4 Station radiological environmental monitoring program.

5 As I presented last month, the radionuclide air

6 monitoring in both resolutions was historically done

7 using thermoluminescent dosimeters, or TLDs. The dose

8 measurement technology has evolved, and the more recent

9 technology uses optically stimulated luminescence, or

10 OSL, dosimeters. The updated resolutions included in

11 your Council packet reflect that change to OSL

12 dosimeters.

13 The change in dosimeters will continue to meet

14 the Nuclear Regulatory Commission requirements as

15 published in the NRC Regulatory Guide 4.13 for

16 environmental dosimetry, including meeting the American

17 National Standards Institute performance testing and

18 procedural specifications for dosimetry environmental

19 applications.

20 The NRC approved the license basis documents

21 which noted the change from thermoluminescence

22 dosimeters to optically stimulated luminescence

23 dosimeters. In addition, the Washington Department of

24 Health provides technical oversight for the Radiological

25 Environmental Monitoring Program -- we also use the

Page 16

1 acronym R-E-M-P, or REMP -- and is aware of the

2 dosimeter update and has no concerns or objections.

3 So as Chair Drew brought to your attention, the

4 updated Resolution 299 Amendment 1, and then the next

5 one that she was about to introduce is Resolution 332

6 Amendment 1, are included in the Council packet for your

7 consideration.

8 And are there any questions on those

9 resolutions?

10 CHAIR DREW: Any questions from

11 Councilmembers?

12 Okay. Before we move to take action, I will

13 try this once again, now that the public may know now

14 what we are actually talking about.

15 So are there any public comments for either

16 Resolution 299 or -- Amendment Number 1, or Resolution

17 Number 332 Amendment Number 1 regarding the optically

18 stimulated luminescence dosimeters?

19 At this point, I don't think we have any public

20 comment on either one of those. So if we would start,

21 Councilmembers, with Resolution Number -- oh. Go ahead.

22 MS. MOON: I see that Eli raised his hand.

23 Eli Levitt, Council -- or, Chairman -- Chairperson

24 Levitt.

25 CHAIR DREW: Councilmember Levitt?

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1 MR. LEVITT: Thank you, Amy.

2 This is Eli Levitt of Department of Ecology. I

3 just wanted to reiterate. I believe, from the last

4 briefing, you said this change in the technology we are

5 using is purely to monitor environmental impacts and is

6 not related to human health or personnel safety; is that

7 correct?

8 MS. MOON: Right. This is part of the

9 regional program that monitors air.

10 So the Nuclear Regulatory Commission, they of

11 course have the authority over the stack emissions;

12 basically, what comes out from producing the energy.

13 But there is potential for radiation energy, to put it

14 that way, out in the air, and so these air monitors

15 collect that, and the Department of Health monitors

16 those.

17 And so the monitoring is not being changed;

18 like, the fact that monitoring is being done will still

19 continue to be done. It's just, the type of monitor

20 that's being used is being changed. And it's -- they

21 are set at different intervals, away from the power

22 plant. And it's just part of the overall program that

23 monitors air and food, things, so that they -- we know

24 if there is any kind of environmental issue that needs

25 to be dealt with with -- in -- you know, in a fast

Page 18

1 manner that would be outside of something horrible like
 2 a meltdown.
 3 Does that answer your question, Eli, or did I
 4 get too off-track?
 5 MR. LEVITT: No. I think so, Amy. Yeah.
 6 It just reiterates. It's not about, you know, like,
 7 personnel safety. It's about --
 8 MS. MOON: No. Right.
 9 MR. LEVITT: -- general monitoring.
 10 MS. MOON: Yeah. And general monitoring
 11 for the outside world. And the personnel monitoring,
 12 Mary Ramos could answer questions on that, but. But
 13 there is in-plant monitors that are different.
 14 CHAIR DREW: So also --
 15 MR. LEVITT: Right. Okay. Thank you.
 16 CHAIR DREW: Thank you.
 17 MS. MOON: You're welcome.
 18 CHAIR DREW: And also, to reiterate. This
 19 type of monitoring is a different technology but has the
 20 same level of monitoring as has occurred in the past.
 21 MS. MOON: Correct, it has the same level
 22 of monitoring. It's a different technology, in which
 23 they can actually process the dosimeter more than once
 24 to -- to look at the measurement, which may be necessary
 25 sometimes with -- to double-check something or to make

Page 19

1 sure there wasn't a laboratory error.
 2 CHAIR DREW: Okay. Thank you.
 3 Are there other Councilmembers with questions?
 4 MS. KELLY: Madam Chair, this is Kate
 5 Kelly.
 6 CHAIR DREW: Go ahead.
 7 MS. KELLY: So I think, Amy, my question
 8 isn't directly related to that issue before us, but I am
 9 just wondering. It sounds like the sediment is being
 10 disposed -- or stored and monitored on the property.
 11 And I understand that this is air quality monitoring. I
 12 think. But is there something monitoring the --
 13 underneath where the sediment is being stored, as well?
 14 MS. MOON: So there is multiple monitoring
 15 going on at the Columbia Generating Station, and these
 16 are both having to do with the air.
 17 So things get put into the air in different
 18 ways, either it's -- it's -- but falling from the sky,
 19 because these dosimeters are also picking up background
 20 sources like from just the earth rocks and soils and the
 21 atmosphere cosmic rays, but there is also water
 22 monitoring done. The Department of Health is really in
 23 charge of that. But this is just one of -- one of the
 24 many ways that the radiological environmental monitoring
 25 program collects data that they use. And the NRC uses

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1 it in annual reports. And it's -- this is all pretty
 2 standard stuff.
 3 And, you know, I could invite somebody from
 4 Department of Health, a physicist, to come and give a
 5 presentation to the Council at some point that might
 6 help, since I -- I don't know as much as they do about
 7 it, but yeah, there is other sampling of things other
 8 than air; like you said, sludge and water, and then
 9 there is -- it goes way further than that. Like, the
 10 fish in the Columbia River, and vegetables, and milk
 11 products. It's really a comprehensive program.
 12 CHAIR DREW: Thank you.
 13 MS. MOON: Does that answer your
 14 questions?
 15 MS. KELLY: It did. Thank you.
 16 MS. MOON: Okay. You're welcome.
 17 CHAIR DREW: Thank you. And I think we
 18 can explore that, to have a presentation sometime in the
 19 future that provides our council with a little -- with
 20 some more background.
 21 **A few years ago, we did have a tour of the**
 22 **Columbia Generating Station, but that was before most of**
 23 **the members who are on the Council. And so that was**
 24 **very helpful at the time. And we'd be happy to see how**
 25 **we can provide some of that information to the current**

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1 **Councilmembers who were not yet with us at that time.**
 2 MS. MOON: Yes. Thank you, Chair Drew.
 3 That I think that would be really helpful to the
 4 Council, as well as the public, if we could arrange at
 5 least for a presentation in this format, this hybrid
 6 format.
 7 And then at this time, I want to make the Staff
 8 recommendation to the Council to take a vote to approve
 9 the amended Resolutions 299 and 332 as presented in your
 10 Council packet.
 11 CHAIR DREW: Thank you.
 12 Now we will move to, Councilmembers, Resolution
 13 299 and its Attachment 1. Is there a motion to amend
 14 Resolution Number 299 and its Attachment 1 to require
 15 full-time monitoring of direct radiation by optically
 16 stimulated luminescence dosimeters as specified in
 17 Attachment 1 to this resolution amendment? May I have a
 18 motion to approve this resolution?
 19 MR. YOUNG: Lenny Young --
 20 MR. LEVITT: Motion to approve -- oh.
 21 Sorry about that.
 22 MR. YOUNG: Lenny Young, second.
 23 No, that's all right, Eli.
 24 Lenny Young, second.
 25 CHAIR DREW: That was Councilmember Levitt

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1 who made the motion and Councilmember Young who seconded
 2 it. Thank you very much.
 3 Any discussion?
 4 All of those in favor, please say "Aye."
 5 COUNCILMEMBERS: Aye.
 6 CHAIR DREW: Opposed?
 7 The resolution is adopted.
 8 Moving on to Resolution 332 and its Amendment
 9 1. Its -- excuse me, its Attachment 1.
 10 The motion is, the Council hereby amends
 11 Resolution Number 332 and its Attachment 1 to require
 12 full-time monitoring of direct radiation by optically
 13 stimulated luminescence dosimeters, as specified in
 14 Attachment 1 to this amendment. In addition, the
 15 Council hereby amends Resolution Number 332,
 16 Attachment 1, Table 1, groundwater monitoring wells.
 17 May I have a motion to approve that resolution?
 18 MR. LEVITT: Eli Levitt, motion to
 19 approve.
 20 CHAIR DREW: Thank you.
 21 Second?
 22 MR. YOUNG: Lenny Young, second.
 23 CHAIR DREW: Any discussion?
 24 All those in favor, please say "Aye."
 25 COUNCILMEMBERS: Aye.

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1 CHAIR DREW: All those opposed?
 2 Resolution adopted. Thank you.
 3 Moving on to our next item. We skipped through
 4 WNP 1 and 4, non-operational update, I believe, unless
 5 it was combined with the -- I think there are no
 6 outstanding items to report. Is that right, Ms. Ramos?
 7 MS. RAMOS: That's correct. I do not have
 8 any nonroutine items to report for WNP 1 and 4.
 9 CHAIR DREW: Thank you.
 10 Okay. Now we are on the Columbia Solar
 11 Projects. Mr. Cushing? Welcome.
 12 MR. CUSHING: Good afternoon, Chair Drew,
 13 Councilmembers, EFSEC Staff. This is Thomas Cushing
 14 speaking on behalf of Columbia Solar. I am taking over
 15 for Owen Hurd from here on forward.
 16 And Penstemon was completely operational this
 17 month -- I mean since February, 591 megawatt hours.
 18 Camas is currently operational with 554
 19 megawatt hours for February.
 20 Urtica reached the potential completion
 21 February 8th and final completion March 2nd and produced
 22 627 megawatt hours for February.
 23 CHAIR DREW: Thank you.
 24 Moving on to the Horse Heaven Wind Farm Project
 25 update. Ms. Moon?

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1 MS. MOON: Good afternoon, Chair Drew and
 2 EFSEC Councilmembers. Again, this is Amy Moon, EFSEC
 3 Staff Member, providing an update on the Horse Heaven
 4 Wind Project.
 5 EFSEC Staff continue to coordinate with our
 6 consultant WSP, formerly known as Golder, reviewing
 7 comments received during the draft environmental impact
 8 statement public comment period, and we have been
 9 developing data requests to assist in development and
 10 preparation of a final environmental impact statement.
 11 This additional information and analysis from
 12 the data requests will touch on several resource topics,
 13 including, but not limited to, air, noise and vibration,
 14 water, and transportation. EFSEC Staff are also working
 15 on additional agency coordination that will inform the
 16 development and preparation of the final environmental
 17 impact statement.
 18 Does the Council have any questions?
 19 CHAIR DREW: Are there any questions from
 20 Councilmembers?
 21 Okay. Then moving on to the adjudication
 22 update.
 23 JUDGE TOREM: Yes. Good afternoon. Good
 24 afternoon, Chair Drew. I hope I can be heard both in
 25 the conference room you are in and over Microsoft Teams.

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1 If something happens here, as tends to bite me, I will
 2 call back in and give the report.
 3 CHAIR DREW: Okay. Thank you.
 4 JUDGE TOREM: As the Council knows, we
 5 issued an order commencing adjudication back in mid
 6 December of last year and set some deadlines in that for
 7 the petitions for intervention to come in, and they did
 8 last month. On February 3rd, we had two different
 9 petitioners, the Yakama Tribe and Tri-Cities Cares, a
 10 nonprofit organization over in Benton County, with
 11 interests as alleged about the wind farm.
 12 We also got formal notices of participation
 13 from the applicant Benton County and Counsel for the
 14 Environment. So we have five parties now, based on my
 15 order -- preliminary order of intervention allowing both
 16 Tri-Cities Cares and the Yakama Tribe to be parties to
 17 the adjudication which is in the process of being
 18 scheduled for the Horse Heaven Wind Project.
 19 We have a matter of scope of intervention to be
 20 determined. There was a limited objection from the
 21 applicant regarding the petition filed by Tri-Cities
 22 Cares. That has not yet been resolved. And as soon as
 23 we have a better idea of what the scope of the issues to
 24 be adjudicated might be, I will be issuing a ruling on
 25 that question.

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1 On March 9th, I issued my preliminary order on
 2 intervention. It's pretty short. I hope it's concise
 3 and readable. But it does essentially what I just said.
 4 The following day, last Friday, March 10th of
 5 2023, we conducted, in the morning, at 9:00 a.m., a
 6 two-and-a-half-hour prehearing conference, and we
 7 covered -- in addition to a roll call, we covered six
 8 additional substantive items, and one of those is the
 9 question of venue. I know I talked with the EFSEC
 10 manager yesterday about the current decision that was
 11 made during COVID restrictions that this entire hearing
 12 would be held virtually, and I am asking that the Chair,
 13 on behalf of at least three of the parties that have
 14 lobbied me, to have you reconsider that decision. I
 15 will be speaking more with them on March 20th about the
 16 questions and justifications for having a portion of the
 17 hearing in-person or at least hybrid and asking them to
 18 submit those -- their logic and rationale for their
 19 request to you in writing so a full consideration can be
 20 made of how we are going to conduct this adjudication in
 21 the months ahead.
 22 We also talked about scheduling and the
 23 logistics that go into having an adjudication of this
 24 sort with pre-filed written testimony. And we may see
 25 written testimony come in to the Council. And I am

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1 advising all of those Councilmembers listening that your
 2 reading homework is going to go up. So if you need to
 3 see your optometrist about reading glasses, now is a
 4 good time. But on April 10th, you might expect to see
 5 the first round of pre-filed testimony coming in from
 6 one or more parties.
 7 We will be hammering away on the actual
 8 schedule, itself, on March 20th, and hope we come to
 9 some ideas for milestones and deadlines.
 10 We are switching, if we can, as agreed by all
 11 the parties, to electronic filing so there won't be as
 12 much paper. Counsel for the Environment was certainly
 13 rooting for that. And we will be coming up with some
 14 filing rules that make sense for our Staff to handle all
 15 the electronic items and make sure that all the parties
 16 are serving each other, so everything is instant,
 17 timely, and less burdensome than the paper.
 18 If we have a need to accommodate someone who
 19 prefers paper copies amongst the Councilmembers, please
 20 let our Staff know -- Lisa Masengale or Andrea Grantham
 21 might be a good person to send an email to -- and we
 22 will make sure, if you prefer written copies, hardcopies
 23 of things, that we can try and figure out a way whether
 24 to put that back on the filing parties or have Staff get
 25 you what you need.

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1 I am working today and hope to have a
 2 prehearing conference order filed out tomorrow that
 3 summarizes everything I have just told the Council
 4 today, Chair Drew and, in that, also give some further
 5 direction to the parties on how we expect the issues to
 6 be framed for the adjudication.
 7 Some of the submissions that came in lacked
 8 specificity, and others lacked the appropriate tone of
 9 neutrality, but I think the Council expects to take it
 10 up and to review all of the evidence in these questions
 11 before us that are raised not only in the DEIS but also
 12 the application, itself, and the tour that many members
 13 of the Council took a few months ago.
 14 So I am working to see if I can get past
 15 experience both from the Vancouver Energy, the Whistling
 16 Ridge, and my personal experience as the Judge in the
 17 Kittitas Valley and Wild Horse Wind Project to look at
 18 all those orders and how, in practice, the parties there
 19 cooperated to get to an agreement on, of all things, a
 20 disputed issues list. So if that's not an oxymoron, I
 21 don't know what it is. But I am herding the cats and
 22 trying to set expectations. And I hope that when the
 23 parties next meet I think on Friday this week is what I
 24 am informed, to collaborate and prepare, we will have a
 25 productive discussion next Monday afternoon at

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1 prehearing conference number two. You may have seen
 2 Joan Owens issue that notice earlier this week with the
 3 language about what we are going to be doing next
 4 Monday.
 5 I think, Chair Drew, I will stop there, but
 6 that should give you and all the Councilmembers a
 7 picture of what we are trying to do.
 8 We still have a July 8th deadline in which to
 9 make a recommendation to the Governor. I have expressed
 10 some concern to Staff about the timing that requires and
 11 for the writing, deliberation, and consideration that
 12 the Council will have to go through. But until and
 13 unless the applicant files for another extension out to
 14 the end of at least September, it's going to be a tight
 15 statutory bound deadline for us to get done, but the
 16 Council needs to, and that may start as early as the
 17 first week of June. More to come.
 18 If you have questions, I stand by.
 19 CHAIR DREW: Thank you, Judge Torem. I do
 20 have a question from Councilmember Levitt, or a comment,
 21 to ensure that all of the filing parties have current
 22 email addresses and Councilmember contact information.
 23 Are we receiving, as Councilmembers, filings
 24 directly from the parties or through you and the EFSEC
 25 Staff?

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1 JUDGE TOREM: That's an excellent question
 2 from Councilmember Levitt. And my preference, subject
 3 always to the legal opinion of the esteemed and
 4 honorable Jonathan Thompson, is that for ex parte
 5 reasons, I think it's best that the parties not
 6 communicate directly with any member of the Council but
 7 that they continue to communicate through the
 8 adjudication email. Lisa Masengale has masterfully set
 9 up a system where every filing that comes in, if sent to
 10 the proper email, can be distributed accordingly, based
 11 on what it is. So for a lot of the questions going
 12 around about deliberative process, procedural issues, we
 13 shouldn't be bothering you or the Councilmembers. And I
 14 am not asking our parties to send those kind of items
 15 directly to you or any Councilmember. When Lisa
 16 Masengale receives something that looks like it's
 17 Councilmember-worthy, and we will be getting into a list
 18 of those things as we get testimony pre-filed, certainly
 19 that will be shipped directly probably from Staff is
 20 what I am thinking. It will come in to the Council
 21 email box and then be shipped separately, as a Staff
 22 tasking, to filter what's coming in and what's
 23 appropriate for Council.
 24 Anything that's coming in that's appropriate
 25 for the public of course is going up on the website, but

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1 I am asking the Council to read what you are supposed to
 2 read and don't form your opinions early. And I think,
 3 by filtering this way, we will achieve a better chance
 4 to avoid any ex parte communications that might
 5 prejudice a Councilmember and lead for a motion to
 6 exclude them from the deliberations and the decision, at
 7 least as it goes into the recommendation to the
 8 Governor.
 9 CHAIR DREW: Perhaps I can bring
 10 Mr. Thompson in to the conversation here and ask for his
 11 advice to the Councilmembers in terms of the pre-filed
 12 material that they will be receiving.
 13 Is this only for Councilmembers and not to be
 14 shared with other parties?
 15 MR. THOMPSON: Well, the testimony will be
 16 served by each party on all of the other parties and
 17 then also distributed to the Councilmembers. So, you
 18 know, when the -- when a party's deadline for the filing
 19 of their pre-filed written testimony occurs, then, you
 20 know, every party to the adjudication will have an
 21 opportunity to look at that and formulate their
 22 responsive testimony.
 23 CHAIR DREW: So that's not necessarily
 24 protected or confidential information when we receive
 25 it, but it is our responsibility not to share

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1 information or our thoughts or any conversations about
 2 that material that we get with anyone else; is that
 3 correct?
 4 MR. THOMPSON: Well, the main concern with
 5 ex -- with the restriction on ex parte contacts is
 6 against Councilmembers, so, preside- -- what are
 7 referred to as presiding officers, under the
 8 Administrative Procedure Act. The restriction on ex
 9 parte contacts is that you not receive information
 10 pertinent to the decision before you from other sources,
 11 other than information that's gone through the filter of
 12 the adjudicative process. So certainly pre-filed
 13 testimony is -- you know, goes through the filter of the
 14 adjudicative process, so.
 15 And also, there is a -- actually, an exemption,
 16 under the Open Public Meetings Act, which generally
 17 requires members of a board or a council to only
 18 deliberate in -- at open public meetings. There is an
 19 exception to that when you are in an adjudication where
 20 you will have the opportunity to deliberate with one
 21 another, not in an open meeting context, about your
 22 recommendation to the Governor, based on what you hear
 23 in the adjudication. So that will all kind of unfold in
 24 due course, but.
 25 I hope that gives a general sense.

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1 CHAIR DREW: Yes. I guess one of the
 2 questions I was trying to get at, to speak more
 3 directly, is that none of the Councilmembers should be
 4 sharing their thoughts about the material that they are
 5 receiving with someone outside the Council, for example,
 6 or having those kinds of conversations, which could lead
 7 to ex parte communication --
 8 MR. THOMPSON: Right, right, right.
 9 CHAIR DREW: -- from that other party.
 10 MR. THOMPSON: Understood. Yeah.
 11 CHAIR DREW: Maybe I didn't say that
 12 directly enough.
 13 MR. THOMPSON: Yeah. Right, right, right.
 14 Yeah. So, yeah, certainly there is both the appearance
 15 of fairness and ex parte contact restriction where,
 16 yeah, right, you wouldn't want to -- you know, if folks
 17 are involved in the advocacy on another matter before
 18 the Council, for example, to, you know, discuss that
 19 current case and then -- and, you know, engage in
 20 dialogue with people about the case that they are
 21 sitting on.
 22 CHAIR DREW: Thank you.
 23 JUDGE TOREM: Yeah. And I will chime in,
 24 if I can, now, Chair Drew.
 25 I think, several months back, I gave a brief

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1 presentation on what it meant to be a Councilmember on
 2 an adjudication, and promised a future training on ex
 3 parte contacts, and how to handle all of these things.
 4 I think Judge Cassandra Noble, in the past, gave that
 5 presentation most recently, and I have got her
 6 materials. I want to update them, work with AAG Jon
 7 Thompson to make sure we have the most current ex parte
 8 rules under the APA, and then give that presentation.
 9 It could be at a monthly meeting or it could be at a
 10 special session. That's up to you.
 11 I will also say that in the past when
 12 Councilmembers had an interaction with a party or
 13 perhaps where somebody approached them to talk about an
 14 adjudication that was ongoing or upcoming, they just, on
 15 the record, divulged that contact, made a record of the
 16 contact, itself, and stated whether or not they thought
 17 they could still be fair and impartial in their duties
 18 as a Councilmember making their recommendation to the
 19 Governor under our 80.50.100 and 090 adjudication rules.
 20 So there are ways to cure these contacts. I
 21 don't want the Councilmembers to think they can't pick
 22 up the phone if somebody else in their agency who might
 23 be a witness in the proceeding calls them. But I think
 24 they should caution them that, "Hey, I am the
 25 decisionmaker on a recommendation to the Governor. I

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1 can't talk to you about that topic." But other agency
 2 business, certainly still fair game. They don't have to
 3 climb too high up the ivory tower. But those are the
 4 basic limits, as Mr. Thompson also described today.
 5 CHAIR DREW: Thank you. That's helpful.
 6 For all of us, including myself, this is our first
 7 adjudication, so we are trying to make sure we
 8 understand the responsibility and the roles.
 9 And Mr. Young, you have your hand up?
 10 MR. YOUNG: Yeah. Thank you, Chair.
 11 Could Staff remind us as to the status of SEPA
 12 work for this project and how that correlates to the
 13 time line that Judge Torem just sketched out?
 14 CHAIR DREW: Ms. Moon?
 15 MS. MOON: So as I stated in the update,
 16 SEPA; we completed the draft environmental impact
 17 statement, we had a public comment period that closed,
 18 and now we are reading all of those comments and taking,
 19 you know, heed of what the public had to say. And in
 20 order to develop the final environmental impact
 21 statement, there is plenty of work to be done of
 22 additional analysis, and we haven't finalized that yet.
 23 We haven't submitted any requests yet to the applicant,
 24 but that is part of the SEPA process. Rather than just
 25 reissue a draft environmental impact statement and stamp

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1 it as final, we look at the public comments. We look at
 2 new information. We look at the updated application for
 3 site certification that the applicant submitted to us.
 4 And we have to process all of that, do additional SEPA
 5 work, make additional analysis, produce a new document,
 6 the final environmental impact statement, and that also
 7 takes time, obviously. I do not have a clear estimate
 8 of how much time we think that will take, and I am going
 9 to defer to Ami Hafkemeyer. She might be able to speak
 10 on that.
 11 CHAIR DREW: An additional -- yeah. Thank
 12 you. Then I will call on --
 13 MS. MOON: You're welcome.
 14 CHAIR DREW: -- Ms. Hafkemeyer.
 15 I think an additional piece of information for
 16 the Council to know is that as we proceed further, we
 17 may have the adjudication running concurrently with
 18 finalizing the EIS, but we will not be coming to ask the
 19 Council to make a final recommendation until all the
 20 pieces of information are before the Council. And --
 21 MR. YOUNG: Thank you, Chair.
 22 CHAIR DREW: Yeah. Go ahead.
 23 MR. YOUNG: That's what I was driving at,
 24 is whether we would have the final EIS and Staff
 25 recommendation in-hand before we had to make a

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1 recommendation to the Governor.
 2 CHAIR DREW: Yes, yes.
 3 Is there anything else you'd like to add,
 4 Ms. Hafkemeyer?
 5 MR. YOUNG: How tight -- how tight is that
 6 timing going to be? How much time would there be
 7 between when we have a completed SEPA process and when
 8 we have to make a recommendation to the Governor?
 9 CHAIR DREW: Well, we certainly will need
 10 to work with the applicant and look at that July date,
 11 but our deliberations on this complex project will need
 12 to take into consideration both those pieces, as well as
 13 our consultation with the Yakama Nation which I have an
 14 update on, but I will go ahead and let Ms. Hafkemeyer
 15 also jump in here.
 16 MS. HAFKEMEYER: Thank you, Chair Drew.
 17 To speak to the time line question, as we are
 18 reviewing the comments and establishing the remaining
 19 analysis and revisions that are intended for the final
 20 EIS in response to comments received, we are also
 21 working with our contractor and contracted agencies to
 22 develop a time line of next steps and what we think that
 23 schedule will look like. We are not ready to set that
 24 schedule yet. It's still in-work. And part of that
 25 will depend on the time line for getting the remaining

<p style="text-align: right;">Page 38</p> <p>1 analysis completed. But hopefully, at one of the 2 upcoming Council meetings, we will be ready to share 3 with the Council the schedule that we are looking at for 4 the final EIS. 5 CHAIR DREW: And I would say -- 6 MR. YOUNG: Hey, Ami? 7 I am sorry. Go ahead. 8 CHAIR DREW: Go ahead. Ask your question. 9 Go ahead. 10 MR. YOUNG: I just would -- I guess what I 11 am looking at is, I hope there would be a reasonable 12 amount of time between when a final SEPA analysis is 13 available to the Council and when we have to make our 14 recommendation to the Governor, and that that's not so 15 tight that we don't have enough time to adequately 16 consider the EIS and the final determination. 17 CHAIR DREW: You are absolutely correct. 18 And as Chair, that's my concern, as well. And -- 19 JUDGE TOREM: And I want to jump in. 20 This is Judge Torem. 21 Councilmember Young, this is a primary concern 22 so that there is not any viability or -- oh. The right 23 word is just "vulnerability" to a remand from the 24 Supreme Court that we did not give adequate 25 consideration when we made our recommendation to the</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. YOUNG: Yeah. I am not necessarily 2 alluding to extending that July 8th deadline. Maybe 3 that's possible or necessary. Maybe it's not. But what 4 I guess I am getting at is, if July 8th is our working 5 deadline, then the SEPA work would -- or should be 6 completed reasonably before that July 8th deadline so we 7 can fully consider a completed SEPA analysis when making 8 our recommendation to the Governor. 9 JUDGE TOREM: I couldn't agree more fully. 10 And I am alluding to an extension request. I have done 11 it with the parties at the prehearing conference on that 12 record, and I will do it again today. Unless the 13 Council wants to go 24/7 at the end of June, July 8th is 14 looking like a really tight deadline to me to have a -- 15 issue a recommendation to the Governor that's 16 defensible. 17 MR. YOUNG: Thank you for that clarity. I 18 really appreciate that. 19 CHAIR DREW: Thank you. 20 As part of this update, I also want to give you 21 an update on consultation with the Yakama Nation. 22 As you perhaps know, EFSEC statute in RCW 23 80.50.060 Sub 8 requires EFSEC to offer 24 government-to-government consultation with affected 25 tribes during the Energy Facility Application Review</p>
<p style="text-align: right;">Page 39</p> <p>1 Governor and any party that might challenge this 2 Council's decision. If it seems too rushed, we are not 3 going to look good. And as Chair Drew said, we can work 4 with the applicant. But right now, we have to work with 5 July 8th. 6 CHAIR DREW: That's -- 7 MR. YOUNG: July 8th for the 8 recommendation to the Governor? 9 JUDGE TOREM: That's currently the 10 deadline, because if you look at the second extension 11 request that was approved by this Council, that's when 12 we extended it. 13 Now, again, let's be fair to what the statute 14 says, Councilmember Young. 12 months is what is 15 notionally involved. And we know that this project came 16 to the Council on February 8th of 2021. And I will do 17 public math and say that we have exceeded 12 months 18 already by a lot. So the applicant; we have a duty to 19 them, as well, but a duty to the public and a duty to 20 the Governor. These are competing issues of the 21 July 8th date. It's something that -- that's as far as 22 we have right now. If more can be negotiated or applied 23 for by the applicant, I am sure the Council will grant 24 more time, but the applicant has a right to a decision 25 and a recommendation in a timely fashion.</p>	<p style="text-align: right;">Page 41</p> <p>1 process. The statute also requires that regular updates 2 be provided to the Council by the EFSEC Chair throughout 3 the tribal consultation process. And the Chair 4 represents the Council during the process but is 5 responsible for providing that information back to the 6 Council. With that, I have an update on the Horse 7 Heaven application review concerning the 8 government-to-government consultation process. 9 As you are already aware from prior Staff 10 project updates, EFSEC Staff have been in communication 11 with staff from the Yakama Nation regarding the Horse 12 Heaven application for site certification, review, and 13 preparation of the draft environmental impact statement. 14 On March 7th, I, as the EFSEC Chair, met with 15 the Yakama Nation Council, Tribal Council Chair Lewis, 16 Tribal Council General Council and staff, along with 17 several members of the EFSEC Staff, to conduct a 18 government-to-government consultation meeting for the 19 Horse Heaven Wind Farm application for site 20 certification. 21 This consultation meeting provided a meaningful 22 opportunity to better understand the concerns of the 23 Yakama Nation and will be considered, in addition to 24 public comments received on the DEIS, and will help to 25 inform the SEPA review process for the Horse Heaven ASC.</p>

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1 The issues that were raised have connection to
 2 the draft EIS. And so at this point, we are looking for
 3 those issues as we continue to explore them with the
 4 Yakama Nation to be brought back to the Council perhaps
 5 with the final EIS. If not, there will be additional
 6 information that I provide to you on the conclusion of
 7 that consultation.

8 Are there any questions for me?

9 Thank you. Thank you for the questions for the
 10 information for the robust conversation on this really
 11 critical point during this project review.

12 Moving on to the Goose Prairie Solar Project
 13 update, Ms. Randolph?

14 MS. RANDOLF: Thank you.

15 Good afternoon, Chair Drew, Councilmembers, and
 16 Staff. For the record, this is Sara Randolph, the site
 17 specialist for Goose Prairie Facility.

18 EFSEC Staff are continuing to receive and
 19 review documents being sent by the certificate holder
 20 for preconstruction plans.

21 Are there any questions?

22 CHAIR DREW: Hearing none, thank you for
 23 that update.

24 On Badger Mountain, Ms. Snarski?

25 MS. SNARSKI: Thank you, Chair Drew, and

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1 good afternoon, Councilmembers and Staff.

2 This is Joanne Snarski, for the record.

3 Just after your February Council meeting, we
 4 received a partial response from the applicant on our
 5 first of two data requests. We hope to have both data
 6 requests completed in the next few weeks. Or, excuse
 7 me, in the next week. The data and the information we
 8 requested will be reviewed and support the development
 9 of the draft environmental impact statement that is
 10 currently in-progress. Staff are working closely with
 11 our contractor and contracted agencies and the applicant
 12 to support the thorough evaluation of the potential
 13 impacts of the project and identify appropriate
 14 mitigation for those impacts.

15 Are there any questions?

16 CHAIR DREW: Are there any questions for
 17 Ms. Snarski?

18 Thank you for your report.

19 High Top and Ostrea Project, Ms. Hafkemeyer?

20 MS. HAFKEMEYER: Thank you. And good
 21 afternoon, Chair Drew and Council and Staff. For the
 22 record, this is Ami Hafkemeyer.

23 Following the February 15th Council meeting,
 24 EFSEC Staff sent the recommendation package to the
 25 Governor's Office on February 17th. The Governor's

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1 Office has 60 days to review the Council's
 2 recommendation. And Staff anticipate that we will know
 3 the result of that review by the April 18th deadline.

4 Are there any questions?

5 CHAIR DREW: Any questions?

6 Thank you.

7 Wautoma Solar Project update, Mr. Caputo?

8 MR. CAPUTO: Thank you, Chair Drew and
 9 Councilmembers.

10 Last month, EFSEC received the applicant's
 11 response to our Data Request Number 2. Presently, we
 12 are assessing the information with our consultant,
 13 coordinating with the appropriate state agencies, and
 14 collaborating with tribal nations. We anticipate
 15 updating the Council on the SEPA determination at the
 16 next Council meeting.

17 Any questions?

18 CHAIR DREW: Any questions?

19 Okay. Thank you.

20 Moving on to the Hop Hill Solar Project,
 21 Mr. Barnes?

22 MR. BARNES: Thank you, Chair Drew and
 23 Councilmembers.

24 For the record, this is John Barnes, EFSEC
 25 Staff, for the Hop Hill application.

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1 On March 10th, EFSEC received a Cultural
 2 Resource Report from the applicant which is available
 3 for Council review in a Council SharePoint. We are
 4 continuing to coordinate and review the application with
 5 our contractor and contracted agencies.

6 Are there any questions?

7 CHAIR DREW: Questions?

8 Okay. Thank you.

9 Moving on to Carriger Solar, Ms. Snarski?

10 MS. SNARSKI: Thank you, Chair Drew.

11 Again, this is Joanne Snarski, for the record.

12 On March 8, 2023, Staff sent out the initial
 13 notification letter for the project. This included
 14 notification to residents and property owners within a
 15 one mile radius of the proposed project. The notice
 16 provided an overview of the project and the location and
 17 identified the EFSEC web page where they can receive
 18 more detailed information.

19 Staff have also begun to review the application
 20 for the site certification and are working with our
 21 contractor and contracting agencies to identify any
 22 missing or necessary supplemental information.

23 Finally, Staff are working to confirm a final
 24 date and location for the upcoming informational meeting
 25 and land use hearing. We hope to confirm the date by

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1 the beginning of next week. Upon completion, we will
 2 again notify all the interested parties with this
 3 information. Tentatively, it looks as if April 13th
 4 will be the date for those meetings.
 5 That's all I have. Any questions?
 6 CHAIR DREW: Any questions from
 7 Councilmembers?
 8 Hearing none, before we move to adjourn the
 9 meeting, I would like to speak to my personal
 10 congratulations to Patty Betts, longtime member of our
 11 Staff and our SEPA lead, who is finally retiring, once
 12 again, having worked for multiple state agencies in her
 13 career, only to retire and come back to work with EFSEC
 14 for close to 10 years, I believe, to help us with our --
 15 as our SEPA lead, through the projects that have come
 16 forward.
 17 We have relied for many years on Patty's
 18 wisdom, knowledge, her spirit of working with everyone,
 19 sharing the information she has developed over a long
 20 and illustrious career and her love of her horses and
 21 her life in Thurston County. And she is going to have a
 22 lot more time to spend in the way she wants to, but we
 23 will sincerely miss her on our Staff. So
 24 congratulations to Patty Betts. Thank you.
 25 And with that, our meeting is adjourned.

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1 (Meeting adjourned at 2:31
 2 p.m.)
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C E R T I F I C A T E

1
 2
 3 STATE OF WASHINGTON)
 4) ss
 5 COUNTY OF PIERCE)
 6
 7 I, LORI K. HAWORTH, a Washington Certified Court
 8 Reporter, in and for the State of Washington, do hereby
 9 certify:
 10 That the foregoing proceedings were stenographically
 11 reported by me and thereafter reduced to a typed format
 12 under my direction; that the transcript is a full, true,
 13 and complete transcript of said proceedings, consisting
 14 of pages 1 through 47, to the best of my ability;
 15 That as a CCR in this state, I am bound by the Rules of
 16 Conduct as Codified in WAC 308-14-130; that court
 17 reporting arrangements and fees in this case are offered
 18 to all parties on equal terms;
 19
 20 That I am not a relative, employee, attorney, or counsel
 21 of any party to this action, or relative or employee of
 22 any such attorney or counsel, and I am not financially
 23 interested in the said action or the outcome thereof;
 24 That upon completion of signature, if required, the
 25 original transcript will be securely sealed and served
 upon the appropriate party.
 IN WITNESS WHEREOF, I have hereunto set my hand this
 26th day of March 2023. *Lori K. Haworth*
 Lori K. Haworth
 Lori K. Haworth, Certified Court
 Reporter 2958 for the State of
 Washington, residing in Gig Harbor,
 Washington.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: April 6, 2023

Reporting Period: March 2023

Site Contact: Eric Melbardis, Sr Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 16990 MWh
 - Wind speed: 5.25 m/s
 - Capacity Factor: 22.6%
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: April 7, 2023
Report Period: March 2023
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

March generation totaled 160,340 MWh for an average 32.35%.

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: February 6, 2023
Reporting Period: March 2023
Site Contact: Mike Adams, Plant 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.

- 309,678 net MW-hrs. generated in the reporting period for a capacity factor of 82.52%.

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

Environmental Compliance

-Monthly Water Usage: 3,323,364 gallons

-Monthly Wastewater Returned: 1,496,007 gallons

-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- Nothing to report

-Any EFSEC-related inspections that occurred.

- Nothing to report

-Any EFSEC-related complaints or violations that occurred.

- Nothing to report

-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 2800 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,



Mike Adams
Plant Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date: April 19, 2023

Reporting Period: March 2023

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 416,608MWh during the month and 925,050MWh 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 Staff.

- Monthly Outfall Discharge Monitor Report (DMR).
- AOP Semi-Annual Compliance Report.
- AOP Annual Compliance Report.
- Annual SCA Base Flow Report.

-Per NPDES, submitted 2022 Receiving Water Study results.

-Per NPDES, submitted the acute and chronic whole effluent toxicity results for the last winter prior to renewal.

Safety Compliance

- None.

Current or Upcoming Projects

-- Application for a Modification to the Air Operating Permit submitted to EFSEC in April 2022.

GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.

Other

-None.

EFSEC Monthly Council Meeting

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

Operator: **Energy Northwest**

Report Date: **April 6, 2023**

Reporting Period: **March 2023**

Site Contact: **Mary Ramos**

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

CGS Net Electrical Generation March 2023: **837,246 MWh**

Environmental Compliance

No non-routine items to report.

Safety Compliance

None.

Current or Upcoming Projects

None.

Other

Columbia Generating Station's 26th refueling outage (R-26) begins May 5, 2023, and is scheduled for 35 days. About 1,250 skilled workers, hired locally and from across the country, will join Energy Northwest's workforce of about 1,000 employees to support refueling and maintenance projects. The work conducted during the refueling outage ensures high levels of equipment reliability is maintained. Workers will replace 248 of 764 nuclear fuel assemblies in Columbia's core with new fuel. The refueling outage also provide the opportunity to perform required preventive maintenance and work that can only be accomplished when the reactor is offline.

EFSEC Monthly Council Meeting Facility Update

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

Operator: Tuusso Energy, LLC

Report Date: Apr 7, 2023

Reporting Period: 30 days ending Apr 7, 2023

Site Contact: Thomas Cushing

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Currently operational
 - Total Generation during the month of March was 798 megawatt hours

 - Camas
 - Currently operational
 - Total Generation during the month of March was 775.5 megawatt hours

 - Urtica
 - Currently operational
 - Total Generation during the month of March was 841.3 megawatt hours
-

Horse Heaven Wind Project

April 2023 project update

[Place holder]

Goose Prairie Solar Project

April 2023 project update

[Place holder]



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

April XX, 2023

John Soininen
Brookfield Renewable
200 Liberty St., 14th Floor
New York, NY 10281

RE: Coverage under the Construction Stormwater General Permit for the Goose Prairie facilities

Dear Mr. Soininen:

The Energy Facility Site Evaluation Council (EFSEC) received your Notice of Intent (NOI) for coverage under the Washington State Department of Ecology (Ecology) National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP). Revised Code of Washington (RCW) 80.50 and RCW 90.48, and Washington Administrative Code (WAC) 463-76-005 and WAC 463-76-010(27), authorize EFSEC to grant coverage under this general permit issued by Ecology. Permit compliance will be governed by applicable provisions of RCW 80.50, RCW 90.48, WAC 173-201A, WAC 463-76, and WAC 463-70. This is your letter of coverage. Your CSWGP coverage is effective 01/01/2023.

Please retain this permit coverage letter with your permit, stormwater pollution prevention plan (SWPPP), and site logbook. These materials are the official record of permit coverage for your site.

Except where noted below, all references to “Ecology” or “the department” within the CSWGP mean “EFSEC” or “the Council.” All references to the “Director” mean the “the Council”. This includes any instances of reporting, documentation requirements, and permissions.

All conditions of the CSWGP apply except as specifically modified below for compliance with EFSEC’s authorities and regulations. Please take time to read the entire permit and contact EFSEC if you have any questions.

John Soininen
Brookfield Renewable
April XX, 2023

Special Conditions Modifications

S2 Application Requirements

1. EFSEC received Brookfield's NOI as part of an application for site certification under RCW 80.50.060 and WAC 463-76-031. RCW 80.50 governs this application therefore the procedural requirements of **Condition S2** do not apply to this initial coverage. Permittee will follow the requirements in WAC 463-76-061 to reapply for coverage.
2. **Condition S2.A.2** does not apply to this permit coverage.
3. The following sentence is substituted for Condition S2.B in its entirety:
Public notice for this permit coverage is governed by the site certification procedure in RCW 80.50, and, in the case of reissuance, WAC 463-76-041 & 042.

S3.C.2 Compliance with Standards

For the purposes of Special Conditions S3.C.2, S4.B.1, S9.C, S9.D.13.d and G25.A.1, as well as for the Definitions in this permit, the referenced stormwater management manuals are those approved by the Ecology.

S4.C.5.b. Monitoring Requirements, Benchmarks, and Reporting Triggers

The following requirement is added to Condition S4.C.5.b.:

When phone reporting is required, dual notification shall be made to both EFSEC and Ecology. Notification to Ecology shall be made in accordance with Special Conditions S4.C.5.b.i. Notification to EFSEC shall be made via phone at (360) 664-1345.

S5.A High Turbidity Reporting

The following requirement is added to Condition S5.A.:

Whenever a report is required under this condition, dual notification to both EFSEC and Ecology shall be made. Notification to EFSEC shall be made via phone at (360) 664-1345. Notification to Ecology shall be made in accordance with Special Condition S5.A.

S5.B Reporting and Recordkeeping Requirements

The following requirement is substituted for Condition S5.B. in its entirety:

Permittees required to conduct water quality sampling in accordance with Special Conditions S4.C (Turbidity/Transparency), S4.D (pH), S8 (303(d)/TMDL sampling), and/or G13 (Additional Sampling) must submit the results to both Ecology and EFSEC. The first monitoring period begins at the commencement of construction of the facility. The falsification of information submitted to the Council shall constitute a violation of the terms and conditions of the Site Certification Agreement.

Permittees must submit monitoring data to Ecology electronically using Ecology's WQWebDMR web application accessed through Ecology's Water Quality Permitting Portal. To find out more information and to sign up for WQWebDMR go to:

<http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html>.

In addition to reporting through WQWebDMR, permittee must submit a signed paper copy of the DMR to the Council at the following address:

John Soininen
 Brookfield Renewable
 April XX, 2023

EFSEC
 P.O. Box 43172
 Olympia, WA 98504-3172

Permittees shall submit DMR forms to be received by EFSEC within 15 days following the end of each month.

If there was no discharge during a given monitoring period, all Permittees must submit a DMR as required with "no discharge" entered in place of the monitoring results. DMRs are required for the full duration of permit coverage (from issuance date to termination).

S5.F Noncompliance Notification

The following requirements are added to Condition S5.F.:

All notifications under this condition shall be made to both Ecology and EFSEC.

Notifications to Ecology should follow the procedures in S5.F.1 and S5.F.3.

4. All phone notifications required by this section must also be made to EFSEC via phone at (360) 664-1345. Any notification required to be sent to Ecology via paper copy or via WQWebPortal must also be sent via paper copy to EFSEC at:
 EFSEC
 P.O. Box 43172
 Olympia, WA 98504-3172
5. Sampling and analysis of any violation must be repeated and results submitted to the EFSEC within 30 days of the permittee becoming aware of the violation;
6. A detailed written report must be submitted to EFSEC within 30 days, unless requested earlier by the Council, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

S6. Permit Fees

Condition S6 does not apply to this permit coverage.

S10.B Notice of Termination

The following requirement is substituted for Condition S10.B in its entirety:

When the site is eligible for termination, the Permittee must submit a complete and accurate Notice of Termination (NOT) form, signed in accordance with General Condition G2, to:

EFSEC
 P.O. Box 43172
 Olympia, WA 98504-3172

EFSEC will review the NOT for consistency with the requirements of Condition S10.A, and notify the Permittee if the NOT is approved or denied.

Permittee is required to comply with all conditions and effluent limitations in the permit until the permit has been terminated.

Transfer of coverage may only be authorized by the Council.

John Soininen
Brookfield Renewable
April XX, 2023

General Conditions Modifications

G2. Signatory Requirements

For the purpose of compliance with Condition G2.B, all reports and information requested must be provided to both EFSEC and Ecology, and shall be signed by a person described in Condition G2.A, or by a duly authorized representative of that person. Authorization of a representative is made in writing, and submitted to both EFSEC and Ecology and specifies an individual or position as described in G2.B.2.

For the purpose of compliance with Condition G2.C, in the event of a change in personnel or organization such that the above authorization is no longer accurate, new authorization must be submitted to both EFSEC and Ecology either prior to or together with any reports, information, or applications signed by an authorized representative.

G3. Right of Inspection and Entry

For the purpose of compliance with Condition G3, the permittee must allow inspection and entry by an authorized representative of either Ecology or EFSEC, upon presentation of credentials and other such documents as may be required by law.

G.5 Revocation of Coverage under the Permit

The following is substituted for Condition G5 in its entirety:

Coverage under this permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Washington Administrative Code (WAC) 463-76-062 applicable to individual permit modification, revocation and termination. Grounds for modification, revocation and reissuance, or termination of coverage include, but are not limited to, the causes listed in WAC 463-76-055(2).

G8. Duty to Reapply

For the purpose of compliance with Condition G8, the Permittee must reapply by submitting an NOI to EFSEC, not Ecology, and follow the requirements of WAC 463-76-061.

G13. Penalties for Violating Permit Conditions

The following is substituted for Condition G13 in its entirety:

Enforcement actions for violations of this permit, including the issuance of penalties, shall be consistent with RCW 80.50.150, RCW 80.50.155, RCW 90.48, WAC 463-70 and WAC 463-76.

G23. Appeals

The following is substituted for Condition G23 in its entirety:

The terms and conditions of coverage under this permit, prepared as part of an application for site certification, are subject to judicial review pursuant to RCW 80.50.140. The Council's reissuance, modification, or revocation of the permit is subject to judicial review pursuant to the provisions of RCW 34.05 (WAC 463-76-063).

John Soininen
Brookfield Renewable
April XX, 2023

Questions or Additional Information

If you have questions regarding stormwater management at your construction site, please contact Sara Randolph of EFSEC at (360) 485-1594 or by email sara.randolph@efsec.wa.gov.

Sincerely,

Kathleen Drew
Chair
Energy Facility Site Evaluation Council

Badger Mountain Solar Energy Project

April 2023 project update

[Place holder]

High Top and Ostrea Solar Project

April 2023 project update

[Place holder]

Wautoma Solar

April 2023 project update

[Place holder]

Hop Hill Solar Project

April 2023 project update

[Place holder]

Carriger Solar

April 2023 project update

[Place holder]



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

RESOLUTION NO. 352

COMMENDING SERVICES OF EFSEC STAFF MEMBER PATRICIA BETTS

WHEREAS, Patty Betts has dedicated over 8 years of career service with the Energy Facility Site Evaluation Council with great distinction as the State Environmental Policy Act (SEPA) Specialist following 43 years of prior state service; and

WHEREAS, Patty Betts provided SEPA expertise on EFSEC's largest project to date (Vancouver Energy), EFSEC's first expedited process application (Columbia Solar), and many other applications during her tenure; and

WHEREAS, Patty Betts worked tirelessly to review and develop responses to over 250,000 comments received on the Vancouver Energy Draft Environmental Impact Statement (EIS), by far the most comments ever received on a single project by EFSEC; and

WHEREAS, Patty Betts worked meticulously with EFSEC staff and contracted agencies to prepare SEPA documents with the goal of improving each project that she reviewed; and

WHEREAS, Patty Betts provided the SEPA guidance for the development of EFSEC's streamlined solar application form, which has been used (in Beta testing) for every solar project received since its creation; and

WHEREAS, Patty Betts has respectfully worked with and in support of 3 Chairs, 17 Council members, and 25 staff; and

WHEREAS, Patty Betts delayed her retirement to share her SEPA knowledge in the training of many new EFSEC staff so that they may be successful in their current and future application reviews; and

WHEREAS, Patty Betts proclivity for chocolate became so well known, she was rarely caught in a working meeting without her jar of chocolate milk;

NOW, THEREFORE, BE IT RESOLVED, that the Energy Facility Site Evaluation Council hereby recognizes Patty Betts' outstanding, unwavering, and faithful contribution to the Energy Facility Site Evaluation Council staff and Council alike and gratefully expresses its sincere gratitude for her commitment, dedication, effort, professionalism, hard work, and consideration she has shown over the past years.

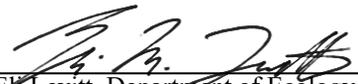
Dated this 19th day of April, 2023

Washington State Energy Facility Site Evaluation Council

By:


Kathleen Drew, EFSEC Chair


Lenny Young, Department of Natural Resources


Eli Levitt, Department of Ecology


Mike Livingston, Department of Fish and Wildlife


Kate Kelly, Department of Commerce


Stacey Brewster, Utilities & Transportation Commission

Energy Facility Site Evaluation Council

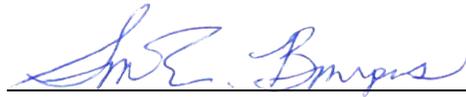
Non-Direct Cost Allocation for 4th Quarter FY 2023

April 1, 2023 – June 30, 2023

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 4th quarter of FY 2023

Kittitas Valley Wind Power Project	4%
Wild Horse Wind Power Project	4%
Columbia Generating Station	20%
Columbia Solar	4%
WNP-1	3%
Whistling Ridge Energy Project	3%
Grays Harbor 1&2	6%
Chehalis Generation Project	6%
Desert Claim Wind Power Project	3%
Goose Prairie Solar Project	4%
Horse Heaven Wind Farm Project	15%
Badger Mountain	6%
Cypress Creek Renewables	4%
Wautoma Solar Project	6%
Hop Hill	6%
Carriger Solar	6%



Sonia E. Bumpus, EFSEC Manager

Date: 4/12/2023