



Washington State Energy Facility Site Evaluation Council

AGENDA

POTENTIAL ACTION ITEM

MONTHLY MEETING
Wednesday August 16, 2023
1:30 PM

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

- 1. Call to Order Kathleen Drew, EFSEC Chair
- 2. Roll Call Andrea Grantham, EFSEC Staff
- 3. Proposed Agenda Kathleen Drew, EFSEC Chair
- 4. Minutes
 - Meeting Minutes Kathleen Drew, EFSEC Chair
 - July 13, 2023 Desert Claim SCA Amendment Informational Meeting Minutes
 - July 19, 2023 Monthly Meeting Minutes
- 5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates Eric Melbardis, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates Jennifer Galbraith, Puget Sound Energy
 - c. Chehalis Generation Facility
 - Operational Updates Jeremy Smith, Chehalis Generation
 - d. Grays Harbor Energy Center
 - Operational Updates Chris Sherin, Grays Harbor Energy
 - e. Columbia Solar
 - Operational Updates Thomas Cushing, Greenbacker Capital
 - f. Columbia Generating Station
 - Operational Updates Felicia Najera-Paxton, Energy Northwest
 - g. WNP – 1/4
 - Non-Operational Updates Felicia Najera-Paxton, Energy Northwest
 - h. Goose Prairie Solar
 - Project Updates Cody Burttschell, Brookfield Renewable
 - i. High Top & Ostrea
 - Project Updates Sara Randolph, EFSEC Staff
 - j. Whistling Ridge
 - Project Updates Lance Caputo, EFSEC Staff
 - k. Desert Claim
 - Project Updates Amy Moon, EFSEC Staff
 - l. Horse Heaven Wind Farm
 - Project Updates Amy Moon, EFSEC Staff
 - m. Badger Mountain
 - Project Updates Joanne Snarski, EFSEC Staff
 - n. Wautoma Solar
 - Project Updates Lance Caputo, EFSEC Staff
 - o. Hop Hill Solar
 - Project Updates John Barnes, EFSEC Staff
 - p. Carriger Solar
 - Project Updates Joanne Snarski, EFSEC Staff
 - Land Use Order decision Joanne Snarski, EFSEC Staff

The Council may consider and take FINAL ACTION on the Land Use Order for the Carriger Solar project.
- 7. Adjourn Kathleen Drew, EFSEC Chair

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

Energy Facility Site Evaluation Council
Informational Public Meeting, Desert Claim Wind Project - July 13, 2023

1 ENERGY FACILITY SITE EVALUATION COUNCIL

2

3 Desert Claim Wind Project

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5 Request to Amend Site Certification Agreements

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7 Informational Public Meeting

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10

11 July 13, 2023

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14 Via Teams Video Conferencing

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25 Reported by: STEVEN B. CRANDALL, CER

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Certified Electronic Reporter #1198

<p style="text-align: right;">Page 2</p> <p>1 (Meeting called to order at 5:00 p.m.)</p> <p>2</p> <p>3 CHAIR DREW: Good evening. This is</p> <p>4 Kathleen Drew, chair of the Washington Energy Facility</p> <p>5 Site Evaluation Council, calling this meeting to order.</p> <p>6 This is the informational public meeting pursuant to</p> <p>7 Washington Administrative Code 463-66-030 regarding the</p> <p>8 Desert Claim Wind Power Project and their amendment</p> <p>9 request. We will hear from the certificate holder and</p> <p>10 EFSEC staff about the process and then we will move to</p> <p>11 any public comments.</p> <p>12 Ms. Grantham, will you call the role?</p> <p>13 STAFF GRANTHAM: Certainly. Department of</p> <p>14 Commerce.</p> <p>15 KATE KELLY: Kate Kelley, present.</p> <p>16 STAFF GRANTHAM: Department of Ecology.</p> <p>17 ELI LEVITT: Eli Levitt, present.</p> <p>18 STAFF GRANTHAM: Department of Fish and</p> <p>19 Wildlife.</p> <p>20 (No response.)</p> <p>21 Department of Natural Resources.</p> <p>22 LENNY YOUNG: Lenny Young, present.</p> <p>23 STAFF GRANTHAM: Utilities and</p> <p>24 Transportation Commission.</p> <p>25 STACEY BREWSTER: Stacey Brewster,</p>	<p style="text-align: right;">Page 4</p> <p>1 (No response.)</p> <p>2 Sara Randolph.</p> <p>3 (No response.)</p> <p>4 Sean Greene.</p> <p>5 (No response.)</p> <p>6 Lance Caputo.</p> <p>7 (No response.)</p> <p>8 John Barnes.</p> <p>9 JOHN BARNES: Present.</p> <p>10 STAFF GRANTHAM: Osta Davis.</p> <p>11 OSTA DAVIS: Present.</p> <p>12 STAFF GRANTHAM: Joanne Snarski.</p> <p>13 (No response.)</p> <p>14 STAFF GRANTHAM: Alex Shiley.</p> <p>15 ALEX SHILEY: Present.</p> <p>16 STAFF GRANTHAM: Ali Smith.</p> <p>17 (No response.)</p> <p>18 And Karl Holappa.</p> <p>19 KARL HOLAPPA: Present.</p> <p>20 STAFF GRANTHAM: And do we have anyone for</p> <p>21 the Counsel for the Environment present?</p> <p>22 BILL SHERMAN: Bill Sherman from the</p> <p>23 Counsel for the Environment.</p> <p>24 STAFF GRANTHAM: Thank you, Bill. Chair,</p> <p>25 there is a quorum.</p>
<p style="text-align: right;">Page 3</p> <p>1 present.</p> <p>2 STAFF GRANTHAM: Assistant Attorney</p> <p>3 Generals. Jenna Slocum.</p> <p>4 (No response.)</p> <p>5 John Thompson.</p> <p>6 JON THOMPSON: Jon Thompson is present.</p> <p>7 STAFF GRANTHAM: Administrative Law Judge,</p> <p>8 Dan Gerard.</p> <p>9 JUDGE GERARD: Present.</p> <p>10 STAFF GRANTHAM: For council staff, Sonia</p> <p>11 Bumpus.</p> <p>12 (No response.)</p> <p>13 Ami Hafkemeyer.</p> <p>14 AMI HAFKEMEYER: Present.</p> <p>15 STAFF GRANTHAM: Amy Moon.</p> <p>16 AMY MOON: Amy Moon, present.</p> <p>17 STAFF GRANTHAM: Stew Henderson.</p> <p>18 (No response.)</p> <p>19 Joan Owens.</p> <p>20 JOAN OWENS: Present.</p> <p>21 STAFF GRANTHAM: Dave Walker.</p> <p>22 (No response.)</p> <p>23 Sonja Skavland.</p> <p>24 SONJA SKAVLAND: Present.</p> <p>25 STAFF GRANTHAM: Lisa Masengale.</p>	<p style="text-align: right;">Page 5</p> <p>1 DAVE WALKER: And Andrea, this is Dave</p> <p>2 Walker. I am present. I couldn't get off mute.</p> <p>3 Apologies.</p> <p>4 STAFF GRANTHAM: Thank you, Dave. No</p> <p>5 worries.</p> <p>6 CHAIR DREW: Thank you. So with that, we</p> <p>7 have the agenda in front of us and we will move on now</p> <p>8 to the certificate holder presentation. Go ahead.</p> <p>9 RICK MILLER: Okay. Thank you very much,</p> <p>10 Kathleen. Good evening, chair, council members, EFSEC</p> <p>11 staff, members of the public, other members who just</p> <p>12 said they were present. Thank you for all taking the</p> <p>13 time to attend this public meeting for the Desert Claim</p> <p>14 Wind Project. We greatly appreciate everyone's time on</p> <p>15 this matter. We'd like to briefly describe, for those</p> <p>16 of you that are not familiar with the project, a little</p> <p>17 bit about it so that you could become more familiar with</p> <p>18 it and we can explain the rationale and basis for our</p> <p>19 request for an additional extension of time to complete</p> <p>20 the construction of the proposed project.</p> <p>21 So, let me start by saying first, my name is</p> <p>22 Rick Miller. I am a senior development director at a</p> <p>23 company called EDF Renewables. We have been the owner</p> <p>24 and developer of the Desert Claim Wind Project, LLC</p> <p>25 project for several years, quite a long time, actually.</p>

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1 And it's been our pleasure to work with EFSEC staff in
 2 the past and the local community in getting the most
 3 recent SCA approval completed. With me is my colleague,
 4 Levi Cox. He is --
 5 KAREN MCGAFFEY: Why don't we advance the
 6 slide. I think you're going to have to tell them, Rick.
 7 RICK MILLER: Oh, gotcha. Sorry. Thank
 8 you, Karen. Levi Cox, thank you, is a project
 9 developer. He's relatively new to the Desert Claim
 10 Project, like some of the EFSEC members, so we're all on
 11 the same boat. Levi is an experienced developer and he
 12 is well versed in projects that have complicated
 13 permitting approvals and mitigation plans. He's most
 14 famously done several very large BLM projects in
 15 southern California and Riverside County that are our
 16 solar PV. And he has some experience in wind as well.
 17 We've been working together for almost 15 years.
 18 So, I wanted to take this opportunity to
 19 introduce Levi Cox to the EFSEC members and the members
 20 of the public as he will likely become the lead
 21 developer for the project moving forward. And then,
 22 Karen McGaffey from Perkins Coie, who I think some of
 23 you know. She's been helping EDF Renewables with this
 24 project since its inception, a very long time. Helping
 25 to keep us on the straight and narrow and always

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1 appreciate her counsel.
 2 And so, I'm going to run through some of the
 3 project and then Karen can run through some of the SCA
 4 amendment requests and then we can answer any questions
 5 you might have.
 6 Could you advance to the next slide, please.
 7 So this is simply a project location map. The
 8 project is in Kittitas County in central Washington.
 9 It's shown here on the map. The project has a maximum
 10 generating capacity of one hundred megawatts.
 11 If we could turn to the next slide, please.
 12 And I just want to say, if anyone has any
 13 questions, I don't mind taking questions as I go.
 14 Otherwise, I'm going to just run through the slides but
 15 do not feel shy to raise your hand or ask me a question.
 16 I'm happy to stop, and pause, if a question arises.
 17 More specifically, this project is located approximately
 18 eight miles north of the town of Ellensburg. The site
 19 is outlined there in blue. You can see Ellensburg there
 20 in the lower right hand corner. You see Interstate 90
 21 running through on this map. You can see where Highway
 22 97 runs north from I-90, just to the left of the project
 23 for orientation.
 24 Next slide, please.
 25 So the project is on approximately 4,000 acres.

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1 The land is described generally as agricultural land.
 2 It's currently used for grazing, dry-land farming. The
 3 entire project area is designated as rural in the
 4 county's comprehensive plan and the individual parcels
 5 that make up the project are zoned either agricultural
 6 20 or forest and range. The site area is relatively
 7 flat. It does rise gradually from the south to the
 8 north, gaining approximately 400 feet in elevation from
 9 front to back. There are six high-voltage transmission
 10 lines that run across the project, BPA and Puget Sound
 11 Energy lines. You sort of see them on the base map
 12 here.
 13 So as folks know, you know, renewable energy,
 14 and wind specifically, is very site specific. This site
 15 -- one of the reasons why it isn't built yet -- is it
 16 suffers from relatively low wind resource. Not bad wind
 17 resource, but relatively low. It's not a screaming net
 18 capacity factor but it does have very close proximity to
 19 transmission. And the project substation will be
 20 located right under the PSE 230 kV line and we will line
 21 cap and break that 230 kV line. So it does have
 22 excellent transmission access.
 23 On the next slide is simply a demonstration of
 24 a possible turbine layout. You know, a 100 megawatt
 25 project, the permit allows for up to 31 individual

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1 units. We showed several different figures in the 2018
 2 EFSEC permit application. This is one of the possible
 3 configurations. Just, for what it's worth, each yellow
 4 dot is a turbine pad tower and generating unit with road
 5 and electrical collection being shown with the lines
 6 connecting the different units together. And then
 7 you'll see there's a project substation down there by
 8 what's shown as B12.
 9 On the next slide -- we can always go back to
 10 anything if you want -- and the next slide is just to
 11 give context for EFSEC members that are not familiar
 12 with Desert Claim because it hasn't been heard by you
 13 all in quite a while now. These are some of the other
 14 projects that you might be familiar with that are in
 15 close proximity to the project. Immediately in front of
 16 the project, if you will, to the west is the Kittitas
 17 Valley Wind Power Project and then a smaller Sauk Valley
 18 Wind Project as well. And then, if you would, behind it
 19 to the east is the Wild Horse Wind Facility owned and
 20 operated by PSE. And then a little further back is the
 21 Vantage Wind Project.
 22 So barring any questions, we can flip to the
 23 next slide. And this is when Karen gets to take it over
 24 and give you a little bit about the EFSEC process.
 25 Thanks again for your time and attention to the slides.

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1 I'm happy to come back and answer any questions you
2 might have about the project.
3 KAREN MCGAFFEY: Okay. Thanks, Rick. And
4 thank you, council, staff, and members of the public. I
5 just want to give a little bit of context about the
6 EFSEC process that has occurred. As many of you
7 probably know, the Desert Claim Project has been on
8 EFSEC's roster of energy facilities for some time now.
9 EFSEC originally recommended approval of the project and
10 the governor executed the Site Certification Agreement
11 initially in 2010.
12 At that time, the company had proposed quite a
13 large project. It would have been more than 5,200
14 acres. It would've had almost a 100 turbines. And it
15 would've had a capacity of about 190 megawatts. As
16 you -- so that was kind of the initial plan. Then in
17 2018, the company came back to EFSEC with a redesign
18 project.
19 And Rick has kind of explained some of the
20 details of that project. It's smaller. It takes up
21 less area. It's only a third as many turbines with the
22 maximum of 31. And it's only about half the capacity
23 with a 100 megawatts.
24 Now, by reducing the size of the project, that
25 significantly reduced the environmental impacts

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1 associated with the project. And it also allowed the
2 company to reduce the impacts on neighboring property
3 owners by moving the turbines further away from
4 neighboring residences.
5 So in 2018, when the company came to EFSEC with
6 this redesigned project, EFSEC did a pretty rigorous
7 review of that project. It started with the certificate
8 holder submitting new environmental studies on all of
9 the, sort of, different potential effects of the
10 project. EFSEC staff sent a series of information
11 requests to the applicant or to the certificate holder
12 which they then provided additional information about
13 the project.
14 Ultimately EFSEC developed a SEPA addendum
15 associated with the redesign project and, of course, the
16 council held hearings in the community. Back in the
17 days when we actually went to the community and were
18 able to meet in person. So it was a pretty robust
19 project, a pretty robust process in 2018, and that
20 resulted in amendment one to the Site Certification
21 Agreement.
22 So if we could go to the next slide, please.
23 Now, for those of you who are familiar with
24 EFSEC Site Certification Agreements for wind projects,
25 the Desert Claim SCA looks pretty familiar. It

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1 incorporates the best practices for wind projects that
2 have been developed over time. It also incorporates
3 some agreements that were entered into with the Counsel
4 for the Environment and other stakeholders throughout
5 this process. So I think much of it will look familiar
6 to you. It has a lot of, kind of, the similar features.
7 For example, before the company can begin
8 construction of the project, it has to submit literally
9 dozens of plans to EFSEC for review, detailed review,
10 and approval. During construction, there are a lot of
11 different measures and requirements to minimize and
12 avoid environmental impacts and an environmental monitor
13 is required. During operations, there are also various
14 types of monitoring that were required. And there's a
15 technical advisory committee or TAC like you have with,
16 I believe, both The Kittitas Valley and Wild Horse
17 Projects. So a lot of these things that you see in the
18 Site Certification Agreement, I think, are very familiar
19 and are similar to what you've seen in other wind
20 project SCAs. What I want to assure you today is that
21 the company is not requesting any changes to any of
22 these provisions that were approved in 2018. What the
23 company is really just requesting is an extension in the
24 timeframe to complete construction of the project.
25 So if we can go to the next slide, I will pass

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1 it back to Rick to explain a little bit more about why
2 you want the extension.
3 RICK MILLER: Right. Thank you, Karen.
4 So in the -- in the existing permit approval, we're
5 supposed to have construction substantially completed by
6 November of 2023. In anticipation of not starting
7 construction, we sent a letter on May 5th outlining a
8 request for a 5-year extension. And the purpose for
9 that, as Karen kind of alluded to, the project, we
10 believe, has a very high likelihood of still succeeding
11 and getting built.
12 What we're -- what we've been working on is a
13 long-term energy contract with an offtaker such as a
14 utility or a large C&I, commercial or industrial,
15 customer. That's typically what you see for a wind
16 project, a 15 or 20 year like power purchase agreement,
17 for instance. And we're still marketing the project and
18 attempting to secure that type of an agreement which
19 would allow us the financial surety to begin the
20 construction of the project, which is a relatively high
21 capital intensive endeavor.
22 We think the project has a high likelihood of
23 success. Maintaining the SCA and the EFSEC approval is
24 paramount to our ability to do that, though. And as
25 Karen said, we feel confident that the permit approval

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1 and all the mitigation measures that were originally
 2 required will be -- can and would be complied with when
 3 we get the project off the ground.
 4 You know, Washington state, I don't need to
 5 tell you, you're all in the forefront of it, but it is
 6 really leading the nation in the transition to a clean
 7 and decarbonized energy generation system. We believe
 8 Desert Claim Project can be a part of that future. We
 9 know that Washington state specifically is looking, you
 10 know, to almost -- they'll have almost double their
 11 electricity demand by the year 2050. So we know that
 12 the demand is there for a product like Desert Claim and
 13 we think that this 100 megawatt wind product will fit
 14 nicely into that energy mix for the state.
 15 So it's our deep hope and desire that we can
 16 answer any questions you have and we can seek this
 17 5-year extension to the permit allowing us a nice runway
 18 to continue to market the project, complete some of the
 19 other outstanding development items, such as finalizing
 20 and executing an interconnection agreement, which are
 21 still being worked out, for instance. So, you know, the
 22 development process is a long one but we are still
 23 dedicated to trying to see this one through to
 24 completion with your assistance. Of course, without
 25 being too wordy, I think that probably wraps up what I

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1 wanted to say and happy to answer any questions anyone
 2 might have.
 3 CHAIR DREW: Council members, do you have
 4 any questions? Mr. Young.
 5 LENNY YOUNG: Yeah. Without revealing or
 6 disclosing any proprietary information that you need to
 7 hold close. Could you briefly sketch out what kind of
 8 obstacles you're running into that are preventing you
 9 from being in a power purchase agreement right now?
 10 RICK MILLER: Yeah, absolutely. I think
 11 it's a combination of factors. One, net capacity
 12 factor. The megawatt hours generated from a 100
 13 megawatt project significantly impacts the megawatt hour
 14 price. And so, for instance, you know, a site that
 15 enjoys a 40 percent net capacity factor versus, like, a
 16 relatively low 30 percent net capacity factor will have
 17 a significant difference in power purchase price.
 18 And this site does not enjoy what I would call
 19 a robust wind regime but a relatively steady and
 20 middle-of-the-road wind regime. And so it challenges
 21 the power price that the utility would pay to secure it.
 22 So at different times it looks more or less attractive
 23 compared to alternate -- to alternatives such as
 24 hydroelectric power or solar PV. And we went through a
 25 period of time recently where solar photovoltaics were

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1 going down in price precipitously and it was difficult
 2 for wind generation to compete in The Pacific Northwest
 3 with that. I think that pendulum is likely to swing
 4 back the other way, but that was one factor.
 5 So technology type and a relatively challenged
 6 wind regime made the power purchase price a little
 7 difficult. I'd also don't mind saying that there are
 8 always -- you'll hear this a lot in renewable energy in
 9 general -- but the electrical grid was really set up at
 10 a time when renewables weren't even imagined. And there
 11 are a lot of transmission constraints on the system, on
 12 the native utility system, that make it difficult to
 13 move some of this power generation around and move it to
 14 load. And this area is somewhat cut off from the load
 15 centers to the west.
 16 And so, with some of the host utilities and
 17 some other companies, we've ran into some challenges in
 18 our ability to move the power to their load and need,
 19 again, some of those upgrades are always happening. But
 20 I would say a -- in summary, kind of a combination of
 21 relatively high energy price, but everything's relative,
 22 and transmission constraints have added to the
 23 challenges in getting and securing a power purchase
 24 agreement.
 25 LENNY YOUNG: Thank -- thank you. I

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1 really appreciate that explanation.
 2 CHAIR DREW: Any other questions from
 3 council members? Ms. Brewster.
 4 STACEY BREWSTER: You mentioned the
 5 challenging wind capacity there. What capacity do you
 6 expect the Desert Claim to operate at?
 7 RICK MILLER: It's a very fair question.
 8 And the -- and it's generated by the way I answered the
 9 question. Different turbine generating technologies
 10 will garner different net capacity factors so, for
 11 instance, like, a smaller generating capacity machine
 12 of, like, two megawatts normally will garner a larger
 13 NCF and a larger generating capacity machine, like a
 14 three to four megawatt machine, would have a lower net
 15 capacity factor in comparison.
 16 So, in this example, we're looking at a low 30
 17 percent net capacity factor somewhere between, say, 30
 18 and 33, 34 percent. And for comparison, for what it's
 19 worth, on the same type of scale, the center of the
 20 country -- the bread basket, if you will -- Oklahoma,
 21 Texas, areas that have a lot of wind, those are seeing
 22 sites that are almost 50 percent net capacity factor as
 23 a comparison tool. And in California, some of the areas
 24 in, like, the desert southwest are similarly in the low
 25 30 percent and some of the robust wind areas in, like,

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1 the Altamont would be, like, 40 to 45 percent net
 2 capacity factor. I hope that's helpful.
 3 CHAIR DREW: So is that not unusual in
 4 Washington state, that net capacity factor?
 5 RICK MILLER: It is not unusual, yeah.
 6 Not as bad as Arizona, where the wind does not blow at
 7 all, but that net capacity factor for wind is relatively
 8 low. And we like this site because of its setting and
 9 we think the net capacity factor is robust enough to
 10 eventually be a good economical project for rate payors
 11 and helping to add to the decarbonization of the grid.
 12 CHAIR DREW: Did you have another
 13 question, Ms. Brewster?
 14 STACEY BREWSTER: No. Thanks. I
 15 appreciate the comparison because I'm thinking about
 16 Kittitas Valley and Iron Horse nearby with similar
 17 capacities. Thank you.
 18 CHAIR DREW: Other questions from council
 19 members? Okay. Hearing none. Thank you very much for
 20 the presentation and we'll move on to Ms. Hafkemeyer
 21 who's going to talk about our process.
 22 AMI HAFKEMEYER: Thank you, Chair Drew.
 23 Welcome, everybody. Thank you for making the time this
 24 evening. My name is Ami Hafkemeyer, the Director of
 25 Siting Compliance for EFSEC and I'll be giving a brief

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1 presentation on the EFSEC amendment review process.
 2 Next.
 3 **A little bit of history about EFSEC. EFSEC was**
 4 **created in 1970 for the siting of thermal power plants.**
 5 **The intent was to create one-stop permitting agency for**
 6 **large energy facilities. EFSEC is comprised of state**
 7 **and local government members who review each application**
 8 **before voting to make a council recommendation to the**
 9 **governor. If recommending approval, the package to the**
 10 **governor includes a draft Site Certification Agreement,**
 11 **or SCA, which defines all preconstruction, construction,**
 12 **and operation plans. If approved by the governor's**
 13 **office, this decision preempts other state and local**
 14 **regulations.**
 15 Next.
 16 **Multiple energy facilities fall under EFSEC's**
 17 **jurisdiction. Some projects are required to be sited**
 18 **through EFSEC such as nuclear facilities with the**
 19 **primary purpose of generating and selling electricity,**
 20 **thermal power plants greater than 350 megawatts, while**
 21 **others such as wind, solar, green hydrogen storage, or**
 22 **clean-energy manufacturing can opt into the EFSEC**
 23 **process. And there are a handful of other facility**
 24 **types that may also opt into the process as well.**
 25 Next.

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1 **EFSEC is comprised of different state-level**
 2 **agencies. The chairperson is appointed by the governor**
 3 **and there are standing members from five other agencies**
 4 **appointed by those agencies to sit on the council. The**
 5 **current council is made up of Chairwoman Kathleen Drew,**
 6 **Eli Levitt from the Department of Ecology, Mike**
 7 **Livingston from the Department of Fish and Wildlife,**
 8 **Kate Kelly from the Department of Commerce, Lenny Young**
 9 **from the Department of Natural Resource, and Stacey**
 10 **Brewster from the Utilities and Transportation**
 11 **Commission.**
 12 **There are additional agencies that may elect to**
 13 **appoint a council member during the review of a new**
 14 **application. These agencies are the Department of**
 15 **Agriculture, the Department of Transportation, the**
 16 **Department of Health, and the Military Department for**
 17 **the review of an application amendment. This is not a**
 18 **part of the process. The standing council oversees**
 19 **those requests.**
 20 Next.
 21 **Here's a map of the facilities that are**
 22 **certificated or have applied for certification under**
 23 **EFSEC's jurisdiction. You can see, marked in green,**
 24 **there are six operating facilities, including two**
 25 **natural gas facilities, one nuclear facility, one solar**

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1 facility, and two wind facilities. If you'll recall
 2 from the previous presentation, the Kittitas Valley and
 3 Wild Horse wind facilities are EFSEC regulated
 4 facilities in the area but the other wind projects shown
 5 on that presentation did not elect to site through EFSEC
 6 and so they do not fall under our jurisdiction. The
 7 blue marks indicate the four additional facilities that
 8 are approved but not yet constructed, including the
 9 Desert Claim facility. The clear marker is the one
 10 facility in the process of decommissioning and EFSEC is
 11 currently reviewing applications for five projects
 12 marked in yellow.
 13 Next please.
 14 Here is a flowchart showing the general process
 15 an applicant will through when they submit an
 16 application for a new facility. The Desert Claim
 17 proposal underwent this multitiered review at the time
 18 of application as described in the previous
 19 presentation. Additional State Environmental Policy Act
 20 or SEPA analysis was conducted at the time of the 2018
 21 amendment request.
 22 Next please.
 23 The review process for an amendment differs
 24 from that of a new application. When an amendment
 25 request is received, an informational meeting is

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1 required, which brings us here this evening. With an
 2 administrative amendment, such as the one requested for
 3 this project, no SEPA addendum is required. Following
 4 the informational meeting, the council will review the
 5 request before them and vote to approve or deny the
 6 amendment. For decisions that substantially change the
 7 project, the recommendation is sent to the governor for
 8 final decision. For decisions that do not substantially
 9 change the project and/or are administrative in nature,
 10 this approval or denial may be decided by the council.

11 Next please.

12 That concludes my presentation for this
 13 evening. I don't actually see any members of the public
 14 on the call but if there's anybody there who I'm not
 15 seeing on the attendance list, I would like to remind
 16 you how you can submit comments. You can indicate that
 17 you would like to speak this evening. If you're joining
 18 virtually or by phone, you may call the EFSEC main line
 19 at 360-664-1345 to be added to the speaker list. And
 20 you may also send in written comments by postal mail to
 21 our office, 621 Woodland Square Loop, PO Box 43172,
 22 Olympia, Washington 98504-3172. Comments may also be
 23 submitted to our online comment database at
 24 <https://comments.efsec.wa.gov> and that is up on the
 25 screen and there's a link available on our website as

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1 well.

2 CHAIR DREW: Mr. Sherman, you also have a
 3 comment to make. Please go ahead.

4 BILL SHERMAN: Thank you, Chair Drew. I
 5 guess I have a question. This is probably directed at
 6 Ms. McGaffey. I expect that there's no reason to
 7 believe that the action that council may take would have
 8 any effect on the stipulation that your client and
 9 Counsel for the Environment came to in 2009, correct?

10 KAREN MCGAFFEY: Correct.

11 BILL SHERMAN: Great. That's my only
 12 question. Thank you so much.

13 CHAIR DREW: At this point, Judge -- Oh,
 14 Ms. Kelly. Go ahead.

15 KATE KELLY: Thank you, chair. And I only
 16 meant to raise my hand once. The question I have is,
 17 and I apologize if I might have missed it, is this -- is
 18 extension of the SCA for five years considered
 19 legislative and -- a legislative or just an
 20 administrative action in terms of the process that Amy
 21 just described.

22 CHAIR DREW: The process, it would be the
 23 council's decision.

24 KATE KELLY: Okay. That was my question.

25 CHAIR DREW: So, right. Right. To take

Page 24

1 that into consideration, not administrative through the
 2 staff, but through the council.

3 KATE KELLY: But not going to the
 4 governor?

5 CHAIR DREW: Correct. Correct. Because
 6 only decisions that would make a substantial change in
 7 the SCA -- only amendments that make substantial changes
 8 would go to the governor.

9 KATE KELLY: Okay. Thank you.

10 CHAIR DREW: Any other questions?

11 AMI HAFKEMEYER: That is spelled out in
 12 our WAC. That website is down so I don't have the
 13 citation for you this evening, but I can provide that.
 14 So, I can access the information if you'd like.

15 CHAIR DREW: I think that's just Bill
 16 Sherman and he asked his question, I believe. Unless
 17 you have another question.

18 BILL SHERMAN: Oh, I'm sorry. I didn't
 19 realize I hadn't lowered my hand. Thank you.

20 CHAIR DREW: That's okay. So Judge
 21 Gerard, at this point, what I'll do is I'll ask if
 22 there's anyone here who wants to make public comment
 23 in -- and we'll go from there. Is there anyone on
 24 this -- in this meeting, virtual meeting, who'd like to
 25 make a comment? Asking again, is there anyone in this

Page 25

1 meeting who would like to make a comment? One final
 2 time, is there anyone here who would like to make a
 3 comment? Hearing none, we will see what comments may
 4 come in through our other means of getting public
 5 comments, but this public hearing is -- public
 6 informational meeting is adjourned. Thank you all.

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 8 (Meeting adjourned at 5:33 p.m.)
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CERTIFICATE

I, Steven B. Crandall, certify that the foregoing transcript is a full, true, and accurate transcription of the proceedings and testimony taken in the matter of the above-entitled proceeding.

That the foregoing meeting was taken before me, via Teams video conference, completed on July 13, 2023, and thereafter transcribed by me:

That I am not a relative, employee, attorney, or counsel of any party to this action, or relative, or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my signature on this 27th day of July, 2023.



Steven B. Crandall, CER
Certified Electronic Reporter #1198

Energy Facility Site Evaluation Council
July, Monthly Council Meeting - July 19, 2023

WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

July 19, 2023

Lacey, Washington

Reporter: John M.S. Botelho, CCR, RPR

Energy Facility Site Evaluation Council
 July, Monthly Council Meeting - July 19, 2023

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 STATE AGENCY MEMBERS:</p> <p>3 Kathleen Drew, Chair</p> <p>4 Eli Levitt, Department of Ecology (*)</p> <p>5 Mike Livingston, Dept. of Fish and Wildlife (*)</p> <p>6 Lenny Young, Department of Natural Resources (*)</p> <p>7 Stacey Brewster, Utilities & Transportation Comm.</p> <p>8</p> <p>9 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:</p> <p>10 Horse Heaven:</p> <p>11 Ed Brost, Benton County (*)</p> <p>12 Wautoma Solar:</p> <p>13 Dave Sharp, Benton County (*)</p> <p>14 Paul Gonseth, WA Dept. of Transportation (*)</p> <p>15 Carriger Solar:</p> <p>16 Matt Chiles, Klickitat County (*)</p> <p>17 ASSISTANT ATTORNEY GENERAL:</p> <p>18 Jon Thompson (*)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 MEETING INDEX</p> <p>2 EVENT: PAGE NO.</p> <p>3 Call to order 6</p> <p>4 Roll call 6</p> <p>5 Proposed agenda 10</p> <p>6 Minutes</p> <p>7 6/9/2023 Special Meeting 11</p> <p>8 6/21/2023 Monthly Meeting 12</p> <p>9 Projects</p> <p>10 Kittitas Valley Wind Project 13</p> <p>11 Wild Horse Wind Power Project 15</p> <p>12 Chehalis Generation Facility 16</p> <p>13 Grays Harbor Energy Center 17</p> <p>14 Columbia Solar 18</p> <p>15 Columbia Generating Station & WNP-1/4 18</p> <p>16 Goose Prairie Solar 20</p> <p>17 High Top and Ostrea 20</p> <p>18 Whistling Ridge 21</p> <p>19 Desert Claim 21</p> <p>20 Horse Heaven Wind Farm 23</p> <p>21 Badger Mountain 25</p> <p>22 Wautoma Solar 26</p> <p>23 Hop Hill Solar 27</p> <p>24 Carriger Solar 27</p> <p>25 First-quarter cost allocation 28</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Continuing)</p> <p>2 COUNCIL STAFF:</p> <p>3 Ami Hafkemeyer Sara Randolph (*)</p> <p>4 Amy Moon (*) Sean Greene (*)</p> <p>5 Joan Owens (*) Lance Caputo</p> <p>6 Andrea Grantham John Barnes (*)</p> <p>7 Dave Walker (*) Alex Shiley</p> <p>8 Sonja Skavland (*) Ali Smith (*)</p> <p>9 Lisa Masengale (*) Karl Holappa</p> <p>10</p> <p>11 OPERATIONAL UPDATES:</p> <p>12 Eric Melbardis (*)</p> <p>13 Kittitas Valley Wind, EDP Renewables</p> <p>14 Jennifer Galbraith (*)</p> <p>15 Wild Horse Wind Power Project, Puget Sound Energy</p> <p>16</p> <p>17 Chris Sherin (*)</p> <p>18 Grays Harbor Energy Center, Grays Harbor Energy</p> <p>19 Jeremy Smith (*)</p> <p>20 Chehalis Generation Facility, PacifiCorp</p> <p>21</p> <p>22 Felicia Najera-Paxton (*)</p> <p>23 Columbia Generating Station & WNP-1/4, Energy</p> <p>24 Northwest</p> <p>25</p> <p>26 Sara Randolph (EFSEC staff) (*)</p> <p>27 Columbia Solar, Tuusso Energy</p> <p>28 Cody Burttschell (*)</p> <p>29 Goose Prairie Solar, Brookfield Renewable</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35 (*) indicates remote attendee</p>	<p style="text-align: right;">Page 5</p> <p>1 MEETING INDEX (Continuing)</p> <p>2 EVENT: PAGE NO.</p> <p>3 Employee updates</p> <p>4 New-employee introduction of Ali Smith 30</p> <p>5 New-employee introduction of Karl Holappa 31</p> <p>6 Contractor recognition of Cynthia Smith 33</p> <p>7 Adjournment 34</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 BE IT REMEMBERED that on Wednesday,
 2 July 19, 2023, at 621 Woodland Square Loop Southeast,
 3 Lacey, Washington, at 1:30 p.m., the following
 4 Monthly Meeting of the Washington State Energy
 5 Facility Site Evaluation Council was held, to wit:
 6
 7 <<<<<< >>>>>>
 8
 9 CHAIR DREW: Good afternoon. This
 10 is Kathleen Drew, Chair of the Energy Facility Site
 11 Evaluation Council, calling this July monthly meeting
 12 to order.
 13 Ms. Grantham, will you call the roll.
 14 MS. GRANTHAM: Certainly.
 15 Department of Commerce.
 16 Department of Ecology.
 17 MR. LEVITT: Department of Ecology.
 18 This is Eli Levitt, present.
 19 MS. GRANTHAM: Thank you.
 20 Department of Fish and Wildlife.
 21 MR. LIVINGSTON: Mike Livingston,
 22 present.
 23 MS. GRANTHAM: Department of
 24 Natural Resources.
 25 MR. YOUNG: Lenny Young, present.

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1 MS. GRANTHAM: Utilities and
 2 Transportation Commission.
 3 MS. BREWSTER: Stacey Brewster,
 4 present.
 5 MS. GRANTHAM: For local government
 6 and optional State agencies:
 7 For the Horse Heaven project: For Department of
 8 Agriculture, Derek Sandison.
 9 For Benton County, Ed Brost.
 10 For the Badger Mountain project, for Douglas
 11 County.
 12 For the Wautoma Solar Project, for Benton County,
 13 Dave Sharp.
 14 MR. SHARP: Dave Sharp is present.
 15 MS. GRANTHAM: Washington State
 16 Department of Transportation, Paul Gonseth.
 17 MR. GONSETH: Paul Gonseth is
 18 present.
 19 MS. GRANTHAM: For the Hop Hill
 20 Solar Project, for Benton County, Paul Krupin.
 21 For the Carriger Solar project, for Klickitat
 22 County, Matt Chiles.
 23 MR. CHILES: Matt Chiles is
 24 present.
 25 MS. GRANTHAM: Assistant Attorney

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1 Generals. Jon Thompson.
 2 MR. THOMPSON: Present.
 3 MS. GRANTHAM: Jenna Slocum.
 4 Administrative law judges. Adam Torem.
 5 Laura Bradley.
 6 Dan Gerard.
 7 Joni Derifield.
 8 For Council staff. Sonia Bumpus.
 9 Ami Hafkemeyer.
 10 MS. HAFKEMEYER: Present.
 11 MS. GRANTHAM: Amy Moon.
 12 MS. MOON: Amy Moon, present.
 13 MS. GRANTHAM: Stew Henderson.
 14 Joan Owens.
 15 MS. OWENS: Present.
 16 MS. GRANTHAM: Dave Walker.
 17 MR. WALKER: Present.
 18 MS. GRANTHAM: Sonja Skavland.
 19 MS. SKAVLAND: Present.
 20 MS. GRANTHAM: Lisa Masengale.
 21 MS. MASENGALE: Present.
 22 MS. GRANTHAM: Sara Randolph.
 23 MS. RANDOLPH: Present.
 24 MS. GRANTHAM: Sean Greene.
 25 MR. GREENE: Present.

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1 MS. GRANTHAM: Lance Caputo.
 2 MR. CAPUTO: Lance Caputo, present.
 3 MS. GRANTHAM: John Barnes.
 4 MR. BARNES: Present.
 5 MS. GRANTHAM: Osta Davis.
 6 Joanne Snarski.
 7 Alex Shiley.
 8 MS. SHILEY: Present.
 9 MS. GRANTHAM: Ali Smith.
 10 MS. SMITH: Ali Smith, present.
 11 MS. GRANTHAM: Karl Holappa.
 12 MR. HOLAPPA: Present.
 13 MS. GRANTHAM: For operational
 14 updates, Kittitas Valley wind project.
 15 MR. MELBARDIS: Eric Melbardis,
 16 present.
 17 MS. GRANTHAM: Wild Horse wind
 18 power project.
 19 MS. GALBRAITH: Jennifer Galbraith,
 20 present.
 21 MS. GRANTHAM: Grays Harbor Energy
 22 Center.
 23 MR. SHERIN: Chris Sherin, present.
 24 MS. GRANTHAM: Chehalis Generation
 25 Facility.

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1 Columbia Generating Station.
 2 MS. NAJERA-PAXTON: Felicia
 3 Najera-Paxton, present.
 4 MS. GRANTHAM: Columbia Solar.
 5 Goose Prairie Solar.
 6 MR. BURTTSCHELL: Cody Burttschell,
 7 present.
 8 MS. GRANTHAM: And do we have
 9 anyone present for the counsel for the environment?
 10 Hearing none.
 11 Chair, there is a quorum for the regular council,
 12 Wautoma Solar council, and Carriger Solar council.
 13 Thank you.
 14 CHAIR DREW: Thank you.
 15 Moving on to the proposed agenda. You see the
 16 agenda in front of you.
 17 Is there anyone who would like to move to adopt
 18 the agenda?
 19 Ms. Brewster.
 20 MS. BREWSTER: I move we adopt the
 21 agenda for today's meeting.
 22 CHAIR DREW: Second?
 23 MR. YOUNG: Lenny Young.
 24 MR. LEVITT: Eli Levitt.
 25 MR. YOUNG: Second.

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1 MR. LEVITT: Second.
 2 CHAIR DREW: Lenny Young, second.
 3 Okay.
 4 All those in favor, say "aye."
 5 MULTIPLE SPEAKERS: Aye.
 6 CHAIR DREW: Opposed? Opposed?
 7 Motion carries. Agenda is adopted.
 8 Moving on to the meeting minutes. We have two
 9 sets of minutes in front of us today.
 10 First is the June 9th special meeting minutes.
 11 Is there a motion to approve the special meeting
 12 minutes?
 13 Go ahead.
 14 MS. BREWSTER: Stacey Brewster.
 15 Motion to approve the special meeting minutes from
 16 June 9th.
 17 CHAIR DREW: Second?
 18 MR. LIVINGSTON: Mike Livingston.
 19 Second.
 20 CHAIR DREW: Thank you.
 21 Are there any changes or edits? I did not find
 22 any, myself. So anyone else have edits to the
 23 special meeting from June 9th?
 24 Hearing none.
 25 All those in favor of approving the minutes,

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1 please say -- say "aye."
 2 MULTIPLE SPEAKERS: Aye.
 3 CHAIR DREW: Opposed?
 4 Minutes are approved.
 5 Moving on to the June 21st, 2023, monthly meeting
 6 minutes.
 7 Is there a motion to approve those minutes?
 8 MR. YOUNG: Lenny Young. So move.
 9 CHAIR DREW: Thank you.
 10 MS. BREWSTER: Stacey Brewster.
 11 Second.
 12 CHAIR DREW: Okay. On these
 13 minutes, I do have a few changes.
 14 Page 8, Line 16. The person speaking is not Sara
 15 Randolph. It is Sarah, S-a-r-a-h, Reyneveld,
 16 R-e-y-n-e-v-e-l-d.
 17 On Page 23, Line 22, the word "pecking,"
 18 p-e-c-k-i-n-g, should be "checking," c-h-e-c-k-i-n-g.
 19 On Page 30th -- on Page 30, Line 21, the person
 20 speaking is not Ms. Grantham. It is Ms. Voelckers,
 21 V-o-e-l-c-k-e-r-s.
 22 Page 33, Line 12, the person speaking is not
 23 Ms. Bumpus. It is Ms. Voelckers, V-o-e-l-c-k-e-r-s.
 24 Those are the corrections I have to make. Anyone
 25 else have corrections?

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1 Hearing none.
 2 All in favor of the June 21 monthly meeting
 3 minutes to approve as amended, please say "aye."
 4 MULTIPLE SPEAKERS: Aye.
 5 CHAIR DREW: Opposed?
 6 The minutes are approved.
 7 Moving on to the operational updates.
 8 Kittitas Valley Wind Project. Mr. Melbardis.
 9 MR. MELBARDIS: Good afternoon,
 10 Chair Drew, Council members, and EFSEC staff. For
 11 the record, this is Eric Melbardis with EDP
 12 Renewables for the Kittitas Valley wind power
 13 project. I have nothing nonroutine to report for the
 14 period.
 15 CHAIR DREW: Thank you.
 16 Your report for the month did talk about blade
 17 inspections, and you were making some repairs.
 18 Is there any more --
 19 MR. MELBARDIS: Right.
 20 CHAIR DREW: -- information on
 21 that?
 22 MR. MELBARDIS: Yeah, I -- yes, I
 23 could go into that briefly for you. I'm in the field
 24 again today, working on another current job, so I
 25 didn't have that in front of me.

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1 CHAIR DREW: Okay.
 2 MR. MELBARDIS: The -- we -- we do
 3 annual -- an annual sample of blade inspections with
 4 a drone company, and we sample about 33 percent of
 5 the project every year. And this time around, they
 6 found three fairly significant cracks in our blades,
 7 and so that led us to do two things.
 8 We first hired a crane company to come and take
 9 down all three of those rotors for fiberglass repairs
 10 on the ground. It turns out it looks like it was a
 11 manufacturing defect or a process of during
 12 manufacturing where they found a wrinkle in the
 13 fiberglass and had smoothed it out. And it looks
 14 like it lasted about 14 years. And so we got those
 15 repaired and put back up.
 16 And then the second thing that caused us to do
 17 was to call our drone inspectors back to do 100
 18 percent of the project this year instead of just the
 19 33 percent. So they're currently in the process of
 20 doing that. We haven't found anything else.
 21 But I think I included that. Just not -- it's
 22 not really regulatory but just as a due diligence of
 23 what we do to keep -- to make sure we're not going to
 24 toss a blade into the field.
 25 CHAIR DREW: I appreciate that.

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1 And I appreciate the detail.
 2 Do you plan to change the way you do inspections
 3 a third year once these have been -- 'cause you said
 4 now they're four- -- have been operated for 14
 5 years, so will there be anything that will change
 6 moving forward?
 7 MR. MELBARDIS: That's probably up
 8 to our blade engineers. They -- they definitely take
 9 this very serious. So, I mean, we may end up doing
 10 100 percent annually moving forward just to see if we
 11 find anything. And if we don't for over the course
 12 of a number of years, maybe we drop back to -- to a
 13 third of the project.
 14 That's not really a decision that I make, but
 15 it's quite possible. Our drone inspections, the --
 16 the 33 percent a year, it's like \$5,000. It's not
 17 that much cost-wise.
 18 CHAIR DREW: Thank you.
 19 Are there questions from other Council members?
 20 Okay. Thank you very much.
 21 Moving on to Kitti- -- sorry -- Wild Horse wind
 22 power project. Ms. Galbraith.
 23 MS. GALBRAITH: Yes. Thank you,
 24 Chair Drew, Council members, and staff. For the
 25 record, this is Jennifer Galbraith with Puget Sound

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1 Energy representing the Wild Horse wind facility.
 2 And I have no nonroutine updates for the month of
 3 June.
 4 CHAIR DREW: Thank you.
 5 Chehalis Generation Facility. Is Mr. Smith on
 6 the line? If not --
 7 MR. SMITH: For --
 8 CHAIR DREW: Oh. Go ahead.
 9 MR. SMITH: Good afternoon, Chair
 10 Drew, EFSEC Council. This is Jeremy Smith. I'm the
 11 maintenance manager for Chehalis Generation Facility.
 12 I have one nonroutine item to note. The Chehalis
 13 plant was restricted on water purchases during the
 14 month of June, starting on June 27th, due to low
 15 river flow. That is all.
 16 CHAIR DREW: Thank you.
 17 Do you --
 18 MR. SMITH: Are there any
 19 questions?
 20 CHAIR DREW: Yes. At one year, I
 21 remember there was -- we -- we did get down to the
 22 point -- you did at the facility -- as to whether or
 23 not you had enough water to, you know, continue
 24 regular operations.
 25 Do you have -- will you just continue to report

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1 to us the status of that?
 2 MR. SMITH: Well, that did change
 3 this week, Chair Drew. The USGS did calibrate their
 4 meter. And we are back, able to receive water.
 5 We're working with the City of Chehalis to coordinate
 6 that.
 7 CHAIR DREW: Okay.
 8 MR. SMITH: So currently that is
 9 not the status. If it does change, we'll update the
 10 Council.
 11 CHAIR DREW: Okay. Any other
 12 questions from Council members?
 13 Thank you.
 14 Moving on to Grays Harbor Energy Center.
 15 Mr. Sherin.
 16 MR. SHERIN: Good afternoon, Chair
 17 Drew, Council members, and staff. This is Chris
 18 Sherin, a plant manager for Grays Harbor Energy
 19 Center.
 20 We really pretty much don't have any nonroutine
 21 items to report. But I'll mention that we ended our
 22 annual audits the first day of June, and we did
 23 submit our annual relative accuracy test / audit test
 24 plan to EFSEC and ORCAA.
 25 CHAIR DREW: Thank you.

Page 18

1 Any questions --

2 MR. SHERIN: You're welcome.

3 CHAIR DREW: -- from the Council --

4 Council members?

5 Moving on to Columbia Solar. Mr. Cushing. Or is

6 that Ms. Randolph?

7 MS. RANDOLPH: I think I have it

8 today.

9 CHAIR DREW: Go ahead.

10 MS. RANDOLPH: Good afternoon,

11 Chair Drew, Council members, and staff. For the

12 record, this is Sara Randolph, site specialist for

13 Columbia Solar.

14 The facility update is provided in your packet.

15 There were no nonroutine updates to report.

16 Any questions?

17 CHAIR DREW: Any questions?

18 Thank you.

19 Columbia Generating Station and WNP-1 and -4.

20 Ms. Najera-Paxton.

21 MS. NAJERA-PAXTON: Good afternoon,

22 Chair Drew, EFSEC Council, and staff. For the

23 record, I am Felicia Najera-Paxton with Energy

24 Northwest for WNP-1 and -4. I do not have any

25 nonroutine items to report.

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1 I do have one item to report for Columbia

2 Generating Station. Following the oil retrieval

3 efforts in the Columbia Generating Station

4 circulating water system and deployment of the

5 pollution prevention and mitigation strategies into

6 the Columbia River, normal blowdown operations have

7 resumed at CGS as authorized by the site's National

8 Pollution Discharge Elimination System, or NPDES,

9 permit.

10 There was no sheen observed on the Columbia River

11 during the three days of monitored blowdown, which

12 were June 20th through June 22nd, which allowed

13 normal blowdown operations to resume the evening of

14 June 22nd. No sheen has been observed in the cooling

15 towers since the date of June 20th, and the observed

16 booms have been removed from the system -- sorry --

17 and the absorbent booms have been removed from the

18 system as they are no longer collecting oil.

19 Energy Northwest will prepare a final report as

20 required by EFSEC. And Energy Northwest sincerely

21 appreciates the support received by -- from EFSEC and

22 the Washington State Department of Ecology Spill

23 Prevention, Preparedness, and Response Program and

24 also from GrayMar Environmental Services to develop

25 an overarching strategy that was protective of the

Page 20

1 environment and supported returning to normal

2 operations as CGS exited our refueling and

3 maintenance outage 20 -- R-26.

4 So there are no other nonroutine items to report,

5 and all routine reports were submitted on time.

6 CHAIR DREW: Thank you.

7 Are there any questions from Council members?

8 Thank you very much for your report.

9 MS. NAJERA-PAXTON: Thank you.

10 CHAIR DREW: Moving on to Goose

11 Prairie Solar. Mr. Burttschell.

12 MR. BURTTSCHELL: Good afternoon,

13 everyone. This is Cody Burttschell with Brookfield

14 Renewable.

15 No nonroutine updates this month. The contractor

16 mobilized late last month of June. Start with civil

17 work on the substation. It should be moving into

18 structural foundation by the end of this month.

19 CHAIR DREW: Thank you.

20 Are there any questions from Council members?

21 Okay. Moving on to High Top and Ostrea project.

22 Ms. Randolph.

23 MS. RANDOLPH: Chair Drew, Council

24 members, and staff: For the record, this is Sara

25 Randolph, site specialist for High Top and Ostrea.

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1 EFSEC staff are coordinating with a certificate

2 holder on preconstruction plans and schedules.

3 Any questions?

4 CHAIR DREW: Any questions?

5 Thank you.

6 Whistling Ridge. Mr. Caputo.

7 MR. CAPUTO: Thank you, Chair Drew

8 and Council members. For the record, I am Lance

9 Caputo, siting specialist assigned to the Whistling

10 Ridge Energy facility.

11 Last month, the certificate holders for Whistling

12 Ridge Energy submitted request to the Council for

13 amending its site certification agreement. Staff are

14 still working to schedule the informational meeting

15 with the Council and will keep the Council informed

16 and the public updated as details become available.

17 Any questions?

18 CHAIR DREW: Any questions?

19 Thank you.

20 Desert Claim project update. Ms. Moon.

21 MS. MOON: Thank you, Council Chair

22 Drew and Council members. For the record, this is

23 Amy Moon providing a project update on Desert Claim.

24 On July 13th, 2023, earlier this month, EFSEC

25 held a public informational meeting on the requested

Page 22

1 amendment to the Desert Claim site certification
 2 agreement, or SCA. The site certificate holder, EDF
 3 Renewables, gave a presentation on their proposed
 4 amendment to the SCA that is requesting the Council
 5 extend the substantial completion date from November
 6 13th, 2023, to November 13th of 2028.
 7 The presentation also went through a brief
 8 history of the Desert Claim project with the location
 9 and the potential for energy production and
 10 off-takers of that energy. The EFSEC attorney
 11 general's office, they are preparing a legal brief
 12 for the Council's consideration regarding the
 13 extension request.
 14 The current signed site certification agreement
 15 authorizes the certificate holder to construct the
 16 project such that substantial completion is achieved
 17 no later than five years from the date that Amendment
 18 No. 1, which is what the SCA is currently under
 19 Amendment No. 1, which was approved by the Council on
 20 November 13th, 2018. So that's where the 2023 date
 21 for substantial completion came from.
 22 Does the Council have any questions as a result
 23 of that public informational meeting?
 24 CHAIR DREW: Are there any
 25 questions about the Desert Claim wind power project

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1 amendment request?
 2 Hearing none. That's -- thank you, Ms. Moon, for
 3 your report.
 4 Moving on to the Horse Heaven Wind Farm project
 5 update. Ms. Moon.
 6 MS. MOON: Again, good afternoon
 7 Council Chair Drew and EFSEC Council members. This
 8 is Amy Moon providing the update on the Horse Heaven
 9 wind project.
 10 EFSEC staff continue work on the preparation of
 11 the final environmental impact statement, or final
 12 EIS, by incorporating public comments received on the
 13 draft EIS. This effort includes working with
 14 Washington State agency subject matter experts on
 15 remaining impact analysis and recommended mitigation
 16 opportunities to incorporate into the final EIS.
 17 Does the Council have any questions?
 18 CHAIR DREW: Any questions for
 19 Ms. Moon?
 20 Thank you.
 21 And now for the adjudication update.
 22 Ms. Hafkemeyer.
 23 MS. HAFKEMEYER: There we go.
 24 Thank you. For the record, this is Ami Hafkemeyer
 25 providing the adjudication update.

Page 24

1 Staff would like to make the Council aware that
 2 in the Council SharePoint, there is prefiled
 3 testimony available for your review. Staff would
 4 like to request that Council begin to review these
 5 documents so that when we get into the hearings, they
 6 will have that context for the cross-examination
 7 occurring during those hearings.
 8 We are also expecting preparing briefs to be
 9 filed in the coming weeks, which we would also like
 10 to request that the Council take some time to review
 11 ahead of the adjudicative hearings.
 12 Staff can provide assistance to any Council
 13 members as requested in navigating the SharePoint to
 14 those documents. Please just reach out to -- to
 15 administrative staff for setting up notices of new
 16 documents or navigating to those documents as needed.
 17 Are there any --
 18 CHAIR DREW: So that would be Joan
 19 or Andrea or Ali?
 20 MS. HAFKEMEYER: Or Lisa Masengale.
 21 CHAIR DREW: Or Lisa.
 22 MS. HAFKEMEYER: And any of those
 23 staff should be able to assist in that, yes.
 24 CHAIR DREW: Okay. Thank you.
 25 Any questions for Ms. Hafkemeyer?

Page 25

1 MS. BREWSTER: Stacey Brewster.
 2 One quickly.
 3 Can you remind us of the date the prefiled briefs
 4 are due? I can also look it up. I just...
 5 MS. HAFKEMEYER: Well, so there is
 6 an order coming out. I was in transit to this
 7 meeting. I'm not sure if it came out ahead of this
 8 meeting. But I believe that the prehearing briefs
 9 will be filed by August 9th, is the new date.
 10 MS. BREWSTER: Okay. Thank you. I
 11 will check that order.
 12 MS. HAFKEMEYER: If it's not out
 13 already, it will be out shortly.
 14 MS. BREWSTER: Thanks.
 15 CHAIR DREW: Thank you.
 16 Any other questions? Okay.
 17 Let's go to Badger Mountain project update.
 18 Ms. Hafkemeyer.
 19 MS. HAFKEMEYER: Thank you, Chair
 20 Drew.
 21 Again, for the record, this is Ami Hafkemeyer.
 22 Progress continues to be made on the development of
 23 the draft environmental impact statement for the
 24 Badger Mountain project. Staff are currently working
 25 on coordinating internal review as well as review

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1 with our contracted agencies, including Department of
 2 Fish and Wildlife and Department of Ecology and
 3 Department of Natural Resources, for the development
 4 of this draft.
 5 Staff are also reviewing and coordinating with
 6 Department of Archaeologic and Historical
 7 Preservation and Department of Natural Resources in
 8 review of the revised cultural resource survey draft
 9 and have been meeting with those agencies as well as
 10 technical staff from the Colville Tribe and the
 11 Yakama Nation in this review and to determine next
 12 steps.
 13 CHAIR DREW: Are there any
 14 questions?
 15 Thank you.
 16 Next we have the Wautoma Solar Project.
 17 Mr. Caputo.
 18 MR. CAPUTO: Thank you, Chair Drew
 19 and Council members.
 20 For the record, this is Lance Caputo, siting
 21 specialist assigned to the Wautoma energy facility.
 22 The applicant for the proposed Wautoma energy
 23 facility, Innergex Renewable Development, is still
 24 conducting the additional field survey work requested
 25 by EFSEC and the Department of Archaeology and

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1 Historic Preservation.
 2 The applicant has notified us it intends to
 3 submit a draft report of its findings for our
 4 contracted agencies to review within several weeks.
 5 Thank you.
 6 CHAIR DREW: Thank you.
 7 Hop Hill Solar Project. Mr. Barnes.
 8 MR. BARNES: Thank you, Chair Drew
 9 and Council members.
 10 For the record, this is John Barnes, EFSEC staff,
 11 for the Hop Hill application update for June.
 12 We developed and sent Data Request No. 2. The
 13 applicant BrightNight has changed their application
 14 project manager. He hopes to attend the Council
 15 meeting next month to meet with EFSEC staff and
 16 Council. We are continuing to coordinate and review
 17 the application with our contractor, contracted
 18 agencies, and tribal governments. There are no other
 19 updates to report on.
 20 Are there any questions?
 21 CHAIR DREW: Any questions?
 22 Thank you.
 23 Carriger Solar. Ms. Hafkemeyer.
 24 MS. HAFKEMEYER: Thank you, Chair
 25 Drew.

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1 At the previous Council meeting, staff was
 2 directed to coordinate with the administrative law
 3 judge, or ALJ, to prepare a land-use consistency
 4 order. Also at the June Council meeting, Council
 5 Member Chiles indicated some questions with regards
 6 to the legal brief as provided. So staff are working
 7 with our AGs to revise the legal brief to reflect
 8 those concerns, and staff are coordinating with the
 9 ALJ and our AGs to repair [sic] the legal -- I'm
 10 sorry -- the land-use order. Both of these will be
 11 made available to the Council ahead of the August
 12 meeting for your review for discussion and vote at
 13 the August Council meeting.
 14 Staff are also working to complete the State
 15 Environmental Policy Act, or SEPA, determination.
 16 And we expect that that determination will come
 17 shortly as well.
 18 Are there any questions?
 19 CHAIR DREW: Any questions?
 20 Thank you.
 21 Next, we are going to go to the -- this is a
 22 little bit out of order, but that's okay. We're
 23 moving to the first-quarter cost allocation. 'Cause,
 24 of course, we go on fiscal year. So this is the
 25 first quarter of Fiscal Year 2024.

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1 Ms. Hafkemeyer.
 2 MS. HAFKEMEYER: Thank you.
 3 So the cost allocation for first quarter 2024 is
 4 as on the screen.
 5 Kittitas Valley wind power project: 4 percent.
 6 Wild Horse wind power: 4 percent.
 7 Columbia Generating Station: 20 percent.
 8 Columbia Solar: 4 percent.
 9 WNP-1: 2 percent.
 10 Whistling Ridge Energy: 3 percent.
 11 Grays Harbor 1 and 2: 6 percent.
 12 Chehalis Generation Facility: 6 percent.
 13 Desert Claim wind project: 4 percent.
 14 Goose Prairie Solar: 4 percent.
 15 Horse Heaven wind project: 15 percent.
 16 Badger Mountain solar project: 6 percent.
 17 Cypress Creek Renewables, also known as the High
 18 Top and Ostrea project: 4 percent.
 19 Wautoma Solar Project: 6 percent.
 20 Hop Hill Solar Project: 6 percent.
 21 And Carriger Solar project: 6 percent.
 22 Are there any questions?
 23 CHAIR DREW: Thank you.
 24 We also have two new employees to introduce. And
 25 we will turn now to Mr. Dave Walker.

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1 MR. WALKER: Thank you, Chair Drew,
2 Council members, and staff.
3 For the record, Dave Walker, director of
4 administrative services with EFSEC. Happy to
5 announce that we have two new employees this month
6 that we're going to be introducing, starting first
7 with Ali Smith.
8 Ali has taken our management analyst position and
9 is going to be providing me a lot of support as well
10 as other working that's within the agency as we move
11 forward, whether it be rules, legislation, so forth.
12 Ali came to us from the State of Michigan
13 Secretary of State's Office. So I would like to give
14 Ali an opportunity to introduce herself and say
15 hello.
16 MS. SMITH: Thank you, Dave, Chair
17 Drew, Council members, and staff. For the record, my
18 name is Ali Smith.
19 My first day with EFSEC was on June 26th of this
20 year. My position, as Dave said, is management
21 analyst, so I'll be working closely with him and the
22 administrative team at EFSEC.
23 With nearly six years of experience in state
24 government working with the State of Michigan
25 Department of State or Secretary of State -- it's

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1 kind of like the subdepartment -- I found myself
2 pretty keen on public service. I held positions that
3 were both external public-facing roles and internal
4 positions to aid our department in becoming more
5 comprehensive and efficient. While working
6 internally, I was part of the team that helped
7 modernize our business processes and our daily
8 business flow. This team developed and implemented a
9 new data entry and management system, and the project
10 allowed me to further gain experience in reviewing
11 and updating policies, procedures, practices, and
12 processes as well as data tracking and reporting.
13 So I'm very interested in keeping that train
14 moving, so I look forward to applying my knowledge
15 and experience to EFSEC as we continue the journey
16 that comes with being a newer agency. So thank you
17 for allowing the time for me to introduce myself
18 today.
19 MR. WALKER: Thank you, Ali.
20 CHAIR DREW: Thank you, and --
21 MR. WALKER: And --
22 CHAIR DREW: -- welcome aboard.
23 Go ahead.
24 MR. WALKER: Our next new employee
25 is Karl Holappa. Karl comes to us with a variety of

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1 journalistic experience as well as PIO work with a
2 police department. I believe it was in Illinois, but
3 I'm going to let him talk about that. Karl is just
4 recently hired into our communications and outreach
5 position.
6 So, Karl, if you don't mind.
7 MR. HOLAPPA: All right. Hello,
8 Council, EFSEC staff member [sic], and everybody else
9 on the call. My name's Karl Holappa. And, yeah, I'm
10 really excited to be in this -- this newly created
11 position with our nascent agency. My first day was
12 last Monday.
13 Prior to working at this agency, I was a public
14 information officer for the Aurora Police Department
15 in Illinois, second-largest municipal police
16 department in that state. Managed a team of sworn
17 officers to work on public relations tactics,
18 large-scale social media management, and crisis
19 mitigation issues involving media-facing interviews
20 and other techniques like that. And so did a lot of
21 training with FEMA and the FBI-LEEDA program for that
22 type of crisis management work.
23 And then prior to that, I'm actually from
24 Washington, born and raised. I was a reporter for
25 the Ellensburg Daily Record in central Washington,

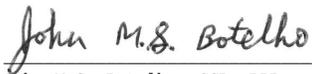
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1 where I covered environment, agriculture, state and
2 county government.
3 And, yeah, I'm very happy to be back and
4 surrounded by mountains again, being in the Midwest.
5 So I look forward to working with all of you.
6 CHAIR DREW: Thank you. Welcome.
7 With that --
8 MR. WALKER: And --
9 CHAIR DREW: Oh. Go ahead.
10 MR. WALKER: Oh, I'm sorry. One
11 thing I would like to add. We brought on Cynthia
12 Smith last year as a contractor to assist us not only
13 with media issues and establishing some of the
14 internal processes within the agency. She was
15 absolutely pivotal in helping us develop our
16 strategic plan for 2023-2025 biennium.
17 Cindy's contract ends with us at the end of this
18 month, so I just wanted to recognize Cindy for her
19 efforts and absolute professionalism that she brought
20 to the job.
21 CHAIR DREW: Thank you.
22 And thank you very much, Cindy, for all you did
23 as -- as we moved to be our own agency and all the --
24 all the work that you set up for us to be able to
25 handle as well as handling it during this past year.

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1 Really appreciate it.
 2 And with that, that concludes our business. And
 3 our meeting is adjourned.
 4 (Meeting adjourned at
 5 2:03 p.m.)
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1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
) ss a certified court reporter
 2 County of Pierce) in the State of Washington, do
 hereby certify:
 3
 4
 5 That the foregoing Monthly Meeting of the Washington
 State Energy Facility Site Evaluation Council was conducted
 6 in my presence and adjourned on July 19, 2023, and
 thereafter was transcribed under my direction; that the
 transcript is a full, true and complete transcript of the
 7 said meeting, transcribed to the best of my ability;
 8 That I am not a relative, employee, attorney or counsel
 of any party to this matter or relative or employee of any
 9 such attorney or counsel and that I am not financially
 interested in the said matter or the outcome thereof;
 10
 11 IN WITNESS WHEREOF, I have hereunto set my hand
 this 31st day of July, 2023.
 12
 13
 14 
 15 _____
 16 John M.S. Botelho, CCR, RPR
 Certified Court Reporter No. 2976
 (Certification expires 5/26/2024.)
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EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: August 8, 2023
Reporting Period: December 2022
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 41,565.80 MWh
 - Wind speed: 9.7 m/s
 - Capacity Factor: 48.3%
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: August 2, 2023
Report Period: July 2023
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

July generation totaled 47,273 MWh for an average 23.31%.

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: August 1, 2023
Reporting Period: July 2023
Site Contact: Jeremy Smith, Maintenance 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.

- 137,496 net MW-hrs. generated in the reporting period for a capacity factor of 38.29%

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

Environmental Compliance

-Monthly Water Usage: 1,175,856 gallons

-Monthly Wastewater Returned: 329,240 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 2922 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.).
 - Chehalis Generation remains restricted with water purchases due to low Chehalis River flows.
- 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,



Jeremy Smith
Gas Plant Maintenance Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date: August 23, 2023

Reporting Period: July 2023

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 429,692MWh during the month and 1,916,283MWh YTD.

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

Environmental Compliance

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

-Routine monthly, quarterly, and annual reporting to EFSEC Staff.

- Monthly Outfall Discharge Monitor Report (DMR).
- Quarterly Stormwater Discharge Monitor Report (DMR).
- Quarterly Air Emissions Data Report (EDR).

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 Update

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

Operator: Tuusso Energy, LLC

Report Date: August 4, 2023

Reporting Period: 30 days ending August 4, 2023

Site Contact: Thomas Cushing

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Currently operational
 - Total Generation during the month of July was 1.388 Gigawatt hours

 - Camas
 - Currently operational
 - Total Generation during the month of July was 1.513 Gigawatt hours

 - Urtica
 - Currently operational
 - Total Generation during the month of July was 1.697 Gigawatt hours
-

EFSEC Monthly Council Meeting

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

Operator: **Energy Northwest**

Report Date: **August 15, 2023**

Reporting Period: **July 2023**

Site Contact: **Felicia Najera-Paxton**

Facility SCA Status: **Operational**

CGS Net Electrical Generation July 2023: **830,721 Mega Watt-Hours.**

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

Environmental Compliance:

No non-routine items to report.

Safety Compliance

On July 13, 2023, the Washington State Patrol (WSP) Fire Protection Bureau (FPB) completed a fire alarm acceptance inspection of the Columbia Generating Station (CGS) buildings 76, 77, 78, 79, and 80. No violations noted. EN received a no further actions letter from EFSEC on 7/24/23.

Current or Upcoming Projects

No update.

Other

No update.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar

Operator: Brookfield Renewable US

Report Date: 8/4/23

Reporting Period: 7/1/23 to 8/4/23

Site Contact: Jacob Crist

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

Construction Status (only applicable for projects under construction)

-On schedule or not. If not, provide additional information/explanation.

1. Project is on schedule.

-Phase/Brief update on status/month in review.

1. Laydown yards are currently under construction

2. Substation grading and foundations are under construction to meet a critical BPA utility outage window starting in September

3. Frequent Monitoring is occurring thru WSP.

-Other?

Operations & Maintenance (only applicable for operating facilities)

-Energy generated for the reporting period.

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

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

Environmental Compliance

-Permit status if any changes.

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

-Any EFSEC-related inspections that occurred.

1. WSP inspections are re-occurring weekly on behalf of EFSEC

-Any EFSEC-related complaints or violations that occurred.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

Current or Upcoming Projects

-Planned site improvements.

-Upcoming permit renewals.

-Additional mitigation improvements or milestones.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

-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).

1. Jacob Crist, Sr. Project Manager for Brookfield Renewable will now be providing the updates for the Goose Prairie Project.

-Public outreach of interest (e.g., schools, public, facility outreach).

High Top and Ostrea Solar Project

August 2023 project update

[Place holder]

Whistling Ridge Energy Project

August 2023 project update

[Place holder]

Desert Claim Wind Power Project

August 2023 project update

[Place holder]

Horse Heaven Wind Project

August 2023 project update

[Place holder]

Badger Mountain Solar Energy Project

August 2023 project update

[Place holder]

Wautoma Solar

August 2023 project update

[Place holder]

Hop Hill Solar Project

August 2023 project update

[Place holder]

Carriger Solar

August 2023 project update

[Place holder]



Washington Energy Facility Site Evaluation Council
Joanne Snarski, Energy Facility Site Specialist
P.O. Box 43172
Olympia, Washington 98504

August 15, 2023

Subject: Carriger Solar Application Process Request

Dear Ms. Snarski,

Cypress Creek Renewables, LLC recently received a letter from Sonia Bumpus, EFSEC Director dated August 11, 2023 concerning potential impacts under SEPA on the Carriger Solar, LLC project.

The Carriger Solar Application for Site Certification (ASC) was filed with EFSEC on February 10, 2023. Included in the submission was a request that EFSEC conduct its review using the Expedited Process (Chapter 463-43 in the Washington Administrative Code). In the Expedited Process, EFSEC Council is required to determine eligibility within four months (120 days) of application submittal, which would be June 10, 2023. That date was then extended to August 17, 2023 in response to a previous extension request.

Cypress Creek is working diligently on a substantive response to the aforementioned letter from Ms. Bumpus, as well as on a request for a further extension. We will communicate with EFSEC staff on the submittal timing of both, and request that the Council not take action on the Expedited Process request at this time.

Sincerely,

DocuSigned by:

CE77D9E69260481...

Tai Wallace
Senior Director, West Transmission
Cypress Creek Renewables, LLC

cc: John Hanks, Associate Director
Lauren Altick, Project Developer
Julie Alpert, Senior Environmental Manager, Western Region

Service Date:

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application
No. _____
Docket No. EF-230001

Council Order No. _____

CARRIGER SOLAR PROJECT –
Cypress Creek Renewables, LLC, for
Carriger Solar, LLC, Applicant

ORDER GRANTING A FINDING
OF LAND USE CONSISTENCY

BACKGROUND

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

1 **Nature of Proceeding.** This matter involves an application for site certification (Application) filed on February 10, 2023, by Cypress Creek Renewables, LLC, on behalf of Carriger Solar, LLC, to construct and operate the Carriger Solar Project (Project or facility). The Project is a proposed solar photovoltaic (PV) electric generating facility, battery energy storage, associated interconnection, and ancillary support infrastructure. The Project would be located on a total of 25 parcels in unincorporated Klickitat County approximately two miles west of the City of Goldendale.

2 As part of a request for expedited processing of its Application, the Applicant requested that EFSEC find that the proposed Project site is consistent and in compliance with applicable land use plans and zoning ordinances.¹

¹ RCW 80.50.090(2); WAC 463-26-110.

- 3 The Applicant and the Council mutually agreed to extend the one hundred twenty-day timeline for the Council to issue an order on the land use consistency and to decide the request for expedited process, to the later time of the Council’s monthly meeting on August 16, 2023.
- 4 **Land Use Consistency Hearing.** RCW 80.50.090(2) requires EFSEC to “conduct a public hearing to determine whether or not a proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances.” On April 27, 2023, EFSEC issued a Notice of Land Use Consistency Hearing and scheduled a virtual hearing by Microsoft Teams or by telephone participation for 5:00 p.m. on Tuesday, May 16, 2023.²
- 5 On May 16, 2023, the Council conducted a virtual land use consistency hearing, to hear testimony regarding whether the facility was consistent and in compliance with Klickitat County’s local land use provisions. The following EFSEC members were present at the May 16, 2023, hearing: Kate Kelly (Department of Commerce), Eli Levitt (Department of Ecology), Mike Livingston (Department of Fish and Wildlife), Lenny Young (Department of Natural Resources), and Stacey Brewster (Utilities and Transportation Commission). Kathleen Drew, EFSEC Chair, called the hearing to order.
- 6 Linda Atkins, attorney from Davis Wright Tremaine LLP, represented the Applicant and spoke on the Applicant’s behalf.
- 7 Klickitat County Commissioners Dan Christopher and Lori Zoller testified in opposition to a finding of land use consistency.
- 8 Members of the public, Greg Wagner, Deborah Wagner, Sheri Bousquet, Dana Peck, Russ Hanson, Amy Hanson, Gene Callan, Dave Barta, Elaine Harvey, Justin Bousquet, and Steve Heitmann, testified in opposition to a finding of land use consistency.
- 9 **Applicant’s Description of Proposed Project.** The Project is a solar PV electric generating facility with a capacity of 160 megawatts (MW) of alternating current (AC) solar energy and 63 MW of battery energy storage, with associated interconnection and ancillary support infrastructure. The proposal is to site the Project in unincorporated Klickitat county approximately two miles west/northwest of the City of Goldendale, north of State Route 142 and along Knight Road, Fairgrounds Road West, Mesecher Road West, Fish Hatchery Road, Butts Road, and Pine Forest Road.

² The Council sent this Notice to all interested persons on the Project mailing list, and the Notice was published in the Goldendale Sentinel and White Salmon Enterprise.

- 10 The 25 privately-owned parcels on which the Project will be located total 2,108 acres, in two non-contiguous areas. The Applicant executed options to purchase or lease each parcel. The maximum Project footprint is approximately 1,326 acres.
- 11 As shown in the Preliminary Site Plan, the Project will consist of single-axis tracking PV modules, pile-driven racking equipment, cabling, power inverters and transformers mounted on concrete pads, and a system of overhead and underground cables. The Project also includes a battery energy storage system, Project substation, interconnection equipment, operations and maintenance building, employee parking, a laydown area, as well as access roads and perimeter fencing. The Project will connect to the Northwest transmission grid via the Knight Substation, located adjacent to the Project substation.
- 12 The site for the Project is in unincorporated lands of Klickitat County. The Project is located primarily on land designated as “agricultural/forest” (AF) in the County’s General Land Use Plan; Extensive Agriculture and General Rural zoning districts are included within this designation. The AF designation allows a conditional use for a non-agricultural or non-forest use when the use is not in conflict with agriculture and forest practices, and the use does not take out of production more land than is reasonably needed for the proposed use.
- 13 Two parcels totaling approximately 180 acres are within the General Rural district, while the remaining acreage is within the Extensive Agriculture district. Additionally, the southern portion of the Project is located within the Klickitat County Energy Overlay Zone.
- 14 The southern two-thirds of the Project footprint is located within areas covered by the County’s Energy Overlay Zone,³ which overlaps and supersedes previously mapped zoning districts. The purpose of this zone is twofold: 1) “[t]o provide areas suitable for the establishment of energy resource operations based on the availability of energy resources, existing infrastructure, and locations where energy projects can be sensitively sited and mitigated”; and 2) “[t]o provide siting criteria for the utilization of wind and solar energy resources.”⁴ Solar energy facilities, along with their associated buildings and infrastructure, are permitted uses in the Energy Overlay Zone.⁵
- 15 The majority of the northern one-third of the Project is located within the Extensive Agriculture district, outside of the Energy Overlay Zone. Conditional uses in the Extensive Agriculture district include “[u]tility facilities necessary for public service,”

³ Klickitat County Code (KCC) Chapter 19.39.

⁴ KCC 19.39:1.

⁵ KCC 19.39:4(B)-(C).

- and “[a]ny other uses judged by the board of adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as” the other listed uses.⁶
- 16 A small portion of the northern one-third of the Project is located within the General Rural district, also outside of the Energy Overlay Zone. Conditional uses in the General Rural District include “[b]uildings and uses of a public works, public service, or public utility nature,” and “[a]ny other uses judged by the board of adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as” the other listed uses.⁷
- 17 On March 30, 2021, the Klickitat County Board of County Commissioners enacted Ordinance No. 0033021, which provided that “no conditional use permit application shall be accepted by the Planning Department for commercial/industrial solar projects.” On January 10, 2023, the Klickitat County Board of County Commissioners enacted Resolution No. 00823, which imposed a moratorium on large-scale solar projects over one acre in size. It then extended the moratorium through October 18, 2023, via Resolution No. 04323.
- 18 Currently, the land on which the Project will sit is predominantly used for crop cultivation and pasturelands.
- 19 The Project Study Area⁸ contains six habitat types: agriculture, pastures, and mixed environs; dwarf shrub-steppe; urban and mixed environs; eastside (interior) riparian wetlands; ponderosa pine forest and woodlands (including eastside oak); and eastside (interior) grasslands. The majority of the Project Study Area is composed of agriculture, pastures, and mixed environs habitats.
- 20 No wildlife habitat concentration areas or wildlife priority habitat linkages were identified within the Project Study Area.
- 21 No part of the Project is located within the FEMA flood hazard area. There are a total of 18 wetlands, five vernal pools, and 14 stream segments (1 perennial, 5 intermittent, and 8 ephemeral) within the Project Study Area. It is anticipated that Project impacts for temporary and permanent access road crossings would occur to one ephemeral and two intermittent streams. As needed, the Applicant will obtain U.S. Army Corps of Engineers, Clean Water Act Section 404 permitting for these road crossings. Additionally, the Applicant will consult through EFSEC with the Washington

⁶ KCC 19.16.030(E), (H).

⁷ KCC 19.18.030(H), (Q).

⁸ The Project Study Area is the survey area for all of the resource-specific surveys conducted in preparation of the Application.

Department of Ecology as well as the Washington Department of Fish and Wildlife to obtain any required permits.

22 The Applicant requests that EFSEC allow the Applicant flexibility to microsite the precise location of Project components anywhere within the Maximum Project Extent.⁹

23 **Public Comment.** Two Klickitat County Commissioners spoke at the land use hearing in opposition to a finding of land use consistency, on the basis that Klickitat County has a moratorium on large-scale solar projects. Members of the public also offered comments in opposition, over concerns regarding the large scale of the Project, the moratorium, and potential disruption to the character, views, water, and wildlife of the area.

DISCUSSION

I. Land Use Consistency Determination

24 The purpose of the land use hearing is “to determine whether at the time of application the proposed facility was consistent and in compliance with land use plans and zoning ordinances.”¹⁰ In this order, the Council will refer to land use plans and zoning ordinances collectively as “land use provisions” and will refer to its decision as pertaining to “land use consistency.”

25 The Council’s evaluation of land use consistency is not dispositive of the Application and a determination of land use consistency is neither an endorsement nor an approval of the Project.¹¹ The evaluation pertains only to the general siting of categories of uses, considering only the site and not the project’s construction and operational conditions.

26 Whether a particular facility will create on- or off-site impacts (including impacts to the environment) is considered separately through the State Environmental Policy Act (SEPA) process, during the Council’s adjudication (if applicable), through the environmental permitting processes (if applicable), and through other Council processes (if applicable).¹² The Council’s ultimate recommendation to the Governor will be made

⁹ The Maximum Project Extent is a subset of the Project Study Area. It includes the approximately 1,326-acre area that contains the maximum Project footprint.

¹⁰ WAC 463-26-050.

¹¹ In re Whistling Ridge Energy Project, Council Order No. 868 at 9 (October 6, 2011) (Whistling Ridge Order). A determination of land use inconsistency simply results in the Council’s further consideration of whether local land use provisions should be preempted. WAC 463-28-060(1); *see also* RCW 80.50.110(2) and WAC 463-28-020. If they are preempted, the Council will include in any proposed site certification agreement conditions designed to recognize the purpose of the preempted provisions. WAC 463-28-070.

¹² RCW 80.50.090; RCW 80.50.040(9), (12); Chapter 463-30 WAC; Chapter 463-47 WAC; Chapter 463-76 WAC; and Chapter 463-78 WAC.

after full and thorough consideration of all relevant issues.

- 27 Under the test for land use consistency previously established by the Council, EFSEC considers whether the pertinent local land use provisions “prohibit” the site “expressly or by operation clearly, convincingly and unequivocally.” A facility meets this initial standard so long as it “can be permitted either outright or conditionally.”¹³ Whether applicable conditional use criteria are in fact met is a question for later EFSEC proceedings,¹⁴ after which EFSEC may recommend and impose conditions of approval in the Site Certification Agreement (SCA) to uphold Klickitat County’s conditional use permit criteria.¹⁵
- 28 The EFSEC process contemplates that the Applicant will coordinate with the local jurisdiction to attempt to determine whether the project would be consistent and compliant with the jurisdiction’s land use plans and ordinances.¹⁶ If through these discussions the local jurisdiction determines the project is indeed consistent and compliant with its land use plans and ordinances, it may provide, and the applicant may present to the Council, a certificate attesting to that fact. Such a certificate provides prima facie proof of consistency and compliance with County land use plans and zoning ordinances.¹⁷
- 29 The Applicant did not obtain certificates from local Klickitat County authorities attesting to land use consistency. Therefore, the Applicant retains the burden of proving the Project is indeed consistent and compliant with the local jurisdiction’s land use provisions.¹⁸
- 30 **Definitions of “Land Use Plan” and “Zoning Ordinances.”** The term “land use plan” is defined by statute as a “comprehensive plan or land use element thereof adopted . . . pursuant to” one of the listed planning statutes.¹⁹ EFSEC interprets this definition as referring to the portions of a comprehensive plan that outline proposals for an area’s development, typically by assigning general uses (such as housing) to land

¹³ In re Columbia Solar Project, Docket No. EF-170823, Council Order – Expedited Processing, ¶ 35. (April 17, 2018).

¹⁴ *Id.*, ¶ 36.

¹⁵ RCW 80.50.100(2); WAC 463-64-020.

¹⁶ WAC 463-26-090.

¹⁷ *Id.*

¹⁸ WAC 463-26-090. In cases where such certificates are obtained, they are regarded as prima facie proof of consistency and compliance with local land use plans and zoning ordinances, absent contrary demonstration by anyone present at the hearing.

¹⁹ RCW 80.50.020(18).

segments and specifying desired concentrations and design goals.²⁰ Comprehensive plan elements and provisions that do not meet this definition are outside of the scope of the Council’s present land use consistency analysis. The term “zoning ordinance” is defined by statute as an ordinance “regulating the use of land and adopted pursuant to” one of the listed planning statutes.²¹ EFSEC has interpreted this definition as referring to those ordinances that regulate land use by creating districts and restricting uses in the districts (i.e., number, size, location, type of structures, lot size) to promote compatible uses. Ordinances that do not meet this definition are outside of the scope of the Council’s present land use consistency analysis.

31 EFSEC has defined the phrase “consistent and in compliance” based on settled principles of land use law: “[z]oning ordinances require compliance; they are regulatory provisions that mandate performance. Comprehensive plan provisions, however, are guides rather than mandates and seek consistency.”²²

32 **Opposition to consistency and compliance.** EFSEC received numerous public comments opposing a finding of land use consistency due to the County’s moratorium on large-scale solar projects. The Council does not find this testimony persuasive because it is contrary to EFSEC’s previous precedent on the issue.

33 The Council previously concluded that a moratorium that neither repeals nor amends the county zoning code does not meet the definition of a zoning ordinance.

34 RCW 36.70.795 provides for the adoption of moratoria by boards of county commissioners in counties such as Klickitat that plan and regulate land use under the Planning Enabling Act (Act), Chapter 36.70 RCW.²³ The Act specifies that a moratorium “may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period.” The moratorium “may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.”²⁴ The purpose of a moratorium is typically to halt applications for new land uses and to thereby provide “breathing room” while the County’s legislative body considers whether to enact changes to its zoning ordinances.

35 The Act does not include moratoria within its definition of “development regulations,”

²⁰ In re Northern Tier Pipeline, Council Order No. 579 (Northern Tier Pipeline Order) at 9 (November 26, 1979).

²¹ RCW 80.50.020(30).

²² Whistling Ridge Order at 10 n 15.

²³ See Klickitat BOCC Resolution No. 04323 (citing RCW 36.70.795).

²⁴ *Id.*

- which are “the controls placed on development or land use activities.”²⁵ The Act’s definition of “development regulations” closely parallels the definition of “zoning ordinance” in RCW 80.50.020(30) (“an ordinance . . . regulating the use of land”).
- 36 Although the term “moratorium” is not defined in Chapter 36.70 RCW, the Washington Supreme Court in *Save Our Scenic Area v. Skamania County*, 183 Wn.2d 455, 465 (2015), described zoning moratoria as the “temporary suspension of established regulations” that “do[] not repeal, amend, or contradict” the existing regulations.
- 37 In *Friends of Columbia Gorge, Inc. v. State Energy Facility Site Evaluation Council*, 178 Wn.2d 320, 346-47 (2013), the Washington Supreme Court held that a Skamania County moratorium on the acceptance of SEPA checklists did not fall within the RCW 80.50 definition of “zoning ordinance,” which is “an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter ... 36.70[] or 36.70A.” The Court explained that the moratorium in that case “does not regulate how land is used. Rather, it regulates the county's processing of SEPA checklists and is not a land use regulation within the definition provided by EFSLA.” Similarly here, the County's moratorium on the acceptance of applications for large scale solar projects is not a land use regulation because it regulates the processing of applications and does not regulate how land is used.
- 38 Finally, under the holding previously established by the Council in *In the Matter of TUUSSO Energy, LLC Columbia Solar Project*,²⁶ under almost completely analogous facts, a moratorium that temporarily suspends the acceptance of applications for conditional use permit applications under the existing zoning ordinance in order to provide time to consider whether to amend the zoning ordinances, but that does not repeal, amend, or contradict those ordinances, cannot be said to be “not in compliance” with local “zoning ordinances” as defined in EFSLA.
- 39 Commenters at the land use consistency hearing argued that the County never considered the possibility of solar projects on the scale of the Project when adopting the energy overlay zone chapter of the zoning code in 2005. The chapter lists solar energy facilities as a permitted use in the zone.²⁷ The term “solar energy facilities” does not appear to be defined in the County’s land use plan or in any land use regulation except by excluding small-scale energy systems from the terms coverage. From that exclusion, it can be inferred that the term means solar generation facilities “with a rated capacity of . . . more than one hundred kilowatts (kW)” and “which is [not] intended to primarily generate power for on-site consumption.” In 2018, Klickitat County authorized the

²⁵ RCW 36.70.545 (incorporating RCW 36.70A.030 by reference).

²⁶ Order Granting Expedited Processing (April 17, 2018).

²⁷ KCC 19.39:4.

construction of the 150 MW, 1,871 acre Lund Hill Solar Energy Project pursuant to the energy overlay zone. Another very large solar proposal, the Bluebird Solar Project is still going through the SEPA process. Regardless of whether solar photovoltaic facilities on the scale of the proposed Project were anticipated at the time the Klickitat County adopted the energy overlay zone in 2005, the proposed facility is not clearly and unequivocally prohibited by the terms of the energy overlay zoning ordinance.

40 On commenter who owns land adjacent to the proposed facility raised the issue of whether the Council would consider the non-compliance of the proposed solar project with a private covenant prohibiting certain types of development on a parcel or parcels within the proposed site. EFSEC's statutory authority extends only to determining consistency with land use plans and zoning ordinances of the local government.²⁸ A covenant is a private agreement, typically between a property owner and an adjacent property owner or owners, to restrict the use of property. The EFSEC process does not preempt or otherwise prevent a party that holds the legal right to enforce the terms of a covenant to bring an action in court seeking to enjoin the owner of the encumbered property from leasing or developing the property for a purpose prohibited by the valid covenant. However, EFSEC lacks authority to judge the validity of the covenant, or to enforce its terms.

41 Matt Chiles, Klickitat County's representative on EFSEC, submitted written argument following the land use hearing. Most notably, he asserts that Klickitat County's moratorium on solar projects was an "emergency zoning action" that has the force of law, since the County has no other means of quickly changing zoning in emergency situations. Furthermore, Mr. Chiles, a member of the Klickitat County Board of Adjustment (though not speaking on its behalf), stated his view that while the Project proponents could apply for a conditional use permit, a conditional use permit would almost certainly not be approved for such a project outside of the Energy Overlay Zone, and therefore the Council should not make a determination of consistency. These arguments are also in conflict with previous EFSEC precedent.

42 In two recent EFSEC land use decisions, Columbia Solar and Horse Heaven, the same argument was raised by the respective counties, that projects of this size would never actually be approved through the conditional use permit process, even if they were technically eligible to apply. In both cases, the Council determined that the projects were consistent with local zoning regulations because the projects would be eligible to apply for a conditional use permit, regardless of the likelihood of actual approval.

43 While the Klickitat County code does not expressly include solar energy facilities as projects eligible for a conditional use permit in either the Extensive Agriculture or

²⁸ RCW 80.50.090(2).

General Rural zones, the code provides two categories of conditional uses for which the Project could arguably qualify: (1) “[b]uildings and uses of a public works, public service, or public utility nature” in the General Rural zone,²⁹ and “[u]tility facilities necessary for public service” in the Extensive Agriculture zone;³⁰ or (2) the catch-all provision in both zones for “[a]ny other uses judged by the board of adjustment to be consistent with the purposes and intent of this chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as, the above listed [expressly eligible] uses.”³¹

- 44 There is no basis to conclude that solar generation facilities are outside the ordinary meaning of public utility uses or uses necessary for public service, and that such term only refers to energy transmission or distribution infrastructure. For instance, under Chapter 80.04 RCW, the Utilities and Transportation Commission regulates the rates and services of public service companies, including electric companies, which is defined to include any entity owning an “electric plant.” Electric plant, in turn, is defined to include all real estate, fixtures, and personal property “used or to be used for or in connection with or to facilitate *the generation*, transmission, distribution, sale or furnishing of electricity.”³²
- 45 Nor is there reason to conclude that the Project would be more detrimental to adjacent properties or different in type and character from the uses expressly eligible to apply for conditional use permitting. Some of the conditional uses listed in the County code for the General Rural zone are: (1) the excavation, removal and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials; (2) an airport or landing strip; and (3) solid waste disposal facilities. Similarly, the County code lists “[q]uarries, mines and sand and gravel pits” as conditional uses appropriate for the Extensive Agriculture zone.
- 46 In past decisions,³³ EFSEC concluded that where a project is potentially eligible for a conditional use permit, there is no inconsistency with local land use regulations, regardless of the likelihood of final county approval. In this case, the Project may fall under either the public utility or the general catch-all category to qualify as an eligible conditional use in the General Rural and Extensive Agricultural zones.
- 47 The question of a project’s likelihood of actually receiving approval for a conditional use

²⁹ KCC 19.18.030(H).

³⁰ KCC 19.16.030(E).

³¹ KCC 19.16.030(H); KCC 19.18.030(Q).

³² RCW 80.04.015 (emphasis added).

³³ In the Matter of TUUSSO Energy, LLC, Columbia Solar Project, Order Granting Expedited Processing (April 17, 2018); In the Matter of Scout Clean Energy, LLC, for Horse Heaven Wind Farm, LLC, Applicant, Order Finding Proposed Site Consistent with Land Use Regulations (May 17, 2022).

permit is incorporated into EFSEC's process in the form of an additional public hearing required under RCW 80.50.090(5) when EFSEC grants expedited processing, or in the adjudication required by RCW 80.50.090(4), in the event that expedited processing is not granted. These additional hearings have been used by the Council to receive public comment in a manner similar to what would be received by a county during a conditional use hearing in consideration of the county's conditional use criteria.

FINDINGS OF FACT

- 48 (1) On February 10, 2023, Cypress Creek Renewables, LLC submitted an application for site certification to construct and operate the Carriger Solar Project, a solar photovoltaic (PV) project with a battery storage system. The facility would be located on 2,108 purchased or leased acres in Klickitat County, Washington.
- 49 (2) Included in its February 10, 2023 application, the Applicant submitted a written request that the Council use the expedited processing procedure authorized by RCW 80.50.075. By mutual agreement, the Applicant and the Council set a later date of August 17, 2023, for the Council to issue an order on the request for expedited process.
- 50 (3) On May 16, 2023, the Council convened a virtual land use consistency hearing, pursuant to due and proper notice. The Council heard testimony from the Applicant's attorney, two Klickitat County Commissioners, and 11 community members.
- 51 (4) The proposed Project is located in unincorporated Klickitat County, Washington.

CONCLUSIONS OF LAW

- 52 (1) The Council has jurisdiction over the subject matter of this proceeding and the parties to it, pursuant to RCW 80.50.075 and Chapter 463-43 WAC.
- 53 (2) The Council provided adequate notice to interested parties, and the Council has adequate information to render a land use consistency decision.
- 54 (3) The southern two-thirds of the Project is located within Klickitat County's Energy Overlay Zone, which permits solar energy facilities. The Project is a solar energy facility which is permitted outright within the Energy Overlay Zone.
- 55 (4) With respect to the portion of the Project outside the Energy Overlay Zone, in the Extensive Agriculture district, proposed land uses eligible to apply for conditional use permits include utility facilities necessary for public service, and

other uses judged by the board of adjustment to be consistent with the purposes and intent of the chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as the expressly eligible uses, including quarries, mines, and sand and gravel pits. The Project is not clearly prohibited in the Extensive Agriculture district and is eligible to apply for permitting as a conditional use.

56 (5) As to the portion of the Project outside the Energy Overlay Zone, in the General Rural district, proposed land uses eligible to apply for conditional use permits include uses of a public works, public service, or public utility nature and other uses judged by the board of adjustment to be consistent with the purposes and intent of the chapter and to be no more detrimental to the adjacent properties than, and of the same type and character as the expressly eligible uses, including the excavation, removal, and processing of sand, gravel, stone, and other natural materials, airports, and solid waste disposal facilities. The Project is not clearly prohibited in the General Rural district and is eligible to apply for permitting as a conditional use.

57 (6) Klickitat County’s moratorium on large-scale solar projects is not a land use plan or zoning ordinance, and as such, does not preclude a finding of consistency and compliance.

58 (7) The Applicant met its burden of proof of demonstrating that the site is consistent and in compliance with Klickitat County’s Comprehensive Plan and applicable zoning ordinances, as required by RCW 80.50.075(1).

ORDER

THE COUNCIL ORDERS:

59 (1) Cypress Creek Renewable, LLC’s request for a finding of land use consistency is GRANTED, consistent with RCW 80.50.090(2) and WAC 463-26-110.

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DOCKET EF-230001
ORDER

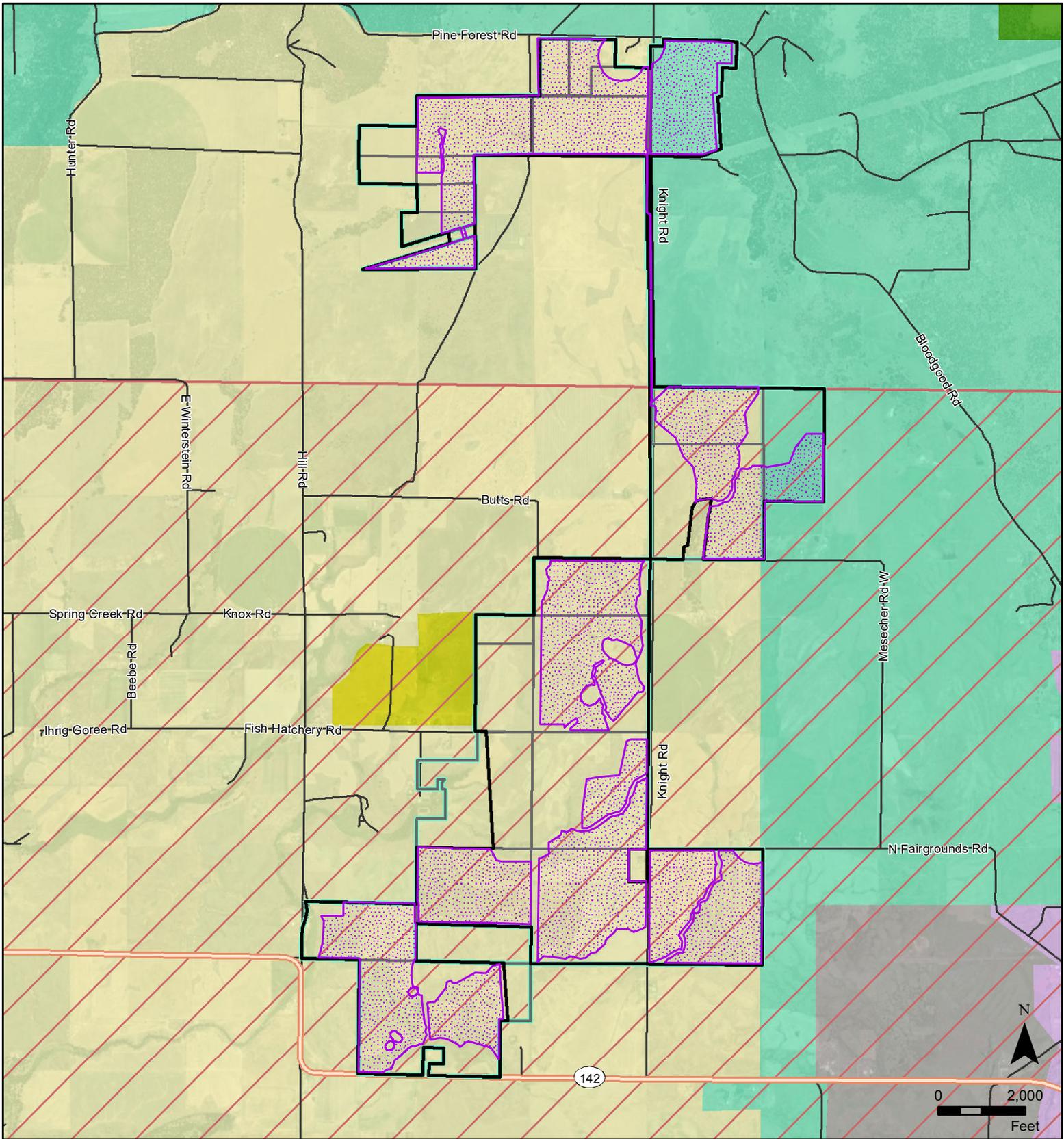
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- 60 (2) The Council will provide a means to receive information regarding site-specific conditions and criteria akin to what Klickitat County would receive during a conditional use hearing. This will occur either as part of the adjudication, if one is to be provided in this matter, or during the hearing required by RCW 80.50.090(5).

DATED at Olympia, Washington, and effective August __, 2023.

WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL

KATHLEEN DREW, Chair



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|---|-------------------------------|---|-------------------------------|
|  | Project Site Control Boundary |  | Extensive Agriculture-Cluster |
|  | Project Study Area |  | Forest Resource |
|  | Maximum Project Extent |  | General Rural |
|  | Project Parcels |  | Industrial Park |
|  | Energy Overlay Zone (EOZ) |  | Open Space |
| Zoning | |  | Rural Residential 2 |
|  | Extensive Agriculture | | |



**Figure 3
Zoning and EOZ**

Prepared for:
Carriger Solar, LLC Project
February 9, 2023