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1 ENERGY FACILITY SITE EVALUATION COUNCIL

2
3 Horse Heaven Wind Farm

4 Final Environmental Impact Statement

5 Special Meeting

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8 November 29, 2023

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12 Via Teams Video Conferencing

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24 Reported by: STEVEN B. CRANDALL, CER

25 Certified Electronic Reporter #1198

1 (Meeting called to order at 1:30 p.m.)

2
3 CHAIR DREW: Good afternoon. This is
4 Kathleen Drew, Chair of the Washington State Energy
5 Facility Site Evaluation Council, bringing our Special
6 Meeting of Wednesday, November 29th, to order. Ms.
7 Grantham, will you call the roll for the Horse Heaven
8 Council.

9 STAFF GRANTHAM: Certainly. Department of
10 Commerce.

11 ELIZABETH OSBORNE: Elizabeth Osborn,
12 present.

13 STAFF GRANTHAM: Department of Ecology.

14 ELI LEVITT: Eli Levitt, present.

15 STAFF GRANTHAM: Department of Fish and
16 Wildlife.

17 MIKE LIVINGSTON: Mike Livingston,
18 present.

19 STAFF GRANTHAM: Department of Natural
20 Resources.

21 LENNY YOUNG: Lenny Young, present.

22 STAFF GRANTHAM: Utilities and
23 Transportation Commission.

24 STACEY BREWSTER: Stacey Brewster,
25 present.

1 STAFF GRANTHAM: The Local Government and
2 Optional State Agency for Benton County, Ed Brost.

3 (No response.)

4 I do understand that Mr. Brost is present, so I
5 will just mark him as present on here. And then for
6 Council staff, I will be calling those who might be
7 speaking today. Sonia Bumpus.

8 (No response.)

9 Ami Hafkemeyer.

10 AMI HAFKEMEYER: Present.

11 STAFF GRANTHAM: Amy Moon.

12 AMY MOON: Amy Moon, present.

13 STAFF GRANTHAM: Sean Greene.

14 SEAN GREENE: Sean Greene, present.

15 STAFF GRANTHAM: And we have a quorum and
16 that is everybody. Chair Drew, you are on mute.

17 CHAIR DREW: Thank you. Council members,
18 before you is the proposed agenda. Is there a motion to
19 approve the proposed agenda?

20 LENNY YOUNG: Lenny Young, so move.

21 CHAIR DREW: Second.

22 MIKE LIVINGSTON: Mike Livingston, second.

23 CHAIR DREW: All those in favor say,
24 "aye".

25 COUNCIL MEMBERS: Aye.

1 CHAIR DREW: Opposed.

2 (No response.)

3 The agenda is approved. I do want to make a
4 note today to everybody who's participating. Thank you
5 very much for your attention and interest in this
6 Project. Our meeting for today is really a work session
7 for the Council to ask questions of the technical staff
8 about the Final EIS. So we will not be having the chat
9 on today. We will be just taking questions from Council
10 members. And first on our agenda is the Final EIS
11 presentation, Mr. Sean Greene.

12 SEAN GREENE: Thank you. Let me see if I
13 can get the presentation started here.

14 SARAH R.: Yeah, I'm on.

15 SEAN GREENE: Are you all seeing the
16 presentation now?

17 SARAH R.: I am, but I don't --

18 CHAIR DREW: Yes, we are. Thank you.

19 SEAN GREENE: Okay. Yes. So as Chair
20 Drew mentioned, this is kind of the second half of
21 the -- intended to be the second half of the discussion
22 for Council members about the EIS recommendation --
23 recommended mitigation for the Horse Heaven Project.
24 This will be similar to our last meeting earlier this
25 month and that we'll go through the mitigation measures

1 and be available to answer any Council questions or
2 concerns. The difference this time is that we have
3 subject-matter experts from other state agencies as well
4 as EFSEC's consultant WSP present to provide more
5 technical answers.

6 Before we get to the mitigation, though, I
7 wanted to follow up on two outstanding questions from
8 our previous meeting. The first being from Mr. Young,
9 who asked if the determination to reduce speed limits on
10 site from 25 miles an hour to 15 miles an hour was based
11 on specific data calculations or just a general
12 understanding that lower speeds will result in fewer
13 fugitive dust emissions.

14 I did want to clarify that fugitive dust
15 emissions modeling was not performed at the
16 25-mile-per-hour and 15-mile-per-hour rates, but
17 existing research which has been placed on the Council
18 Library for your perusal, if you are interested, would
19 suggest that a 10-mile-per-hour reduction should result
20 in approximately 20% fewer dust emissions from vehicle
21 traffic.

22 The second outstanding question was regarding
23 culvert installation BMPs, again from Mr. Young, and the
24 question was how did the USDA BMPs that were indicated
25 in the mitigation compared and how those BMPs compared

1 to the WDFW BMPs. The WDFW BMPs meet or exceed all
2 recommendations within the USDA BMPs. And if the
3 Council would prefer, we can modify the mitigation to
4 mandate that the Applicant adhere to the WDFW BMPs in
5 lieu of the USDA BMPs. And that's something that we can
6 work out after this meeting if that's the desire.

7 CHAIR DREW: Thanks. Mr. Young.

8 LENNY YOUNG: Yeah. Thanks. Really
9 appreciate the follow up on both those items. On the
10 first item where it says the 15-mile-per-hour speed
11 limit is expected to reduce dust emissions by 20%, about
12 20%, is that compared to 25 or compared to some other
13 higher rate of speed?

14 SEAN GREENE: It's compared to 25.
15 Existing research suggests about a 20% reduction for
16 every 10 miles per hour reduced in the speed limit.

17 LENNY YOUNG: Thank you.

18 SEAN GREENE: Any other questions here?
19 Okay. And again, before we get to the mitigation, this
20 is a reminder both to the Council and to our
21 subject-matter experts that specifically wildlife and
22 cultural resource discussions as part of this meeting
23 may involve reference to confidential information,
24 including the master prep -- provided to the Council
25 under separate cover alongside the Final EIS. However,

1 this meeting and its recording will be publicly
2 available.

3 So to ensure that the trust that was placed on
4 us with the sharing of this data is not breached and to
5 maintain the security of the data, confidential
6 information should not be directly discussed during this
7 meeting, but it can be referenced indirectly and Council
8 members can refer other Council members to areas of the
9 maps that they have jointly access to. So saying
10 something like, "Turbine X is a concern because it is 1
11 mile away from a Ferruginous Hawk Nest" is something
12 that we would like to avoid in this meeting. But saying
13 more general geographic-scale statements like, "The
14 turbines along the ridge are more likely to impact the
15 Ferruginous Hawk" would be fine.

16 So with that, we can start on our walls of
17 text. So the first wildlife mitigation measure defines
18 the post-construction bird and bat fatality monitoring
19 program and outlines the specifics of the monitoring and
20 management programs and the role of the Technical
21 Advisory Committee, which I'll refer to as TAC from here
22 on. This mitigation measure is intended to allow for
23 continued monitoring and operation phase wildlife
24 mortalities -- of wildlife mortalities and allow for
25 adaptive management. Are there any Council questions

1 regarding this mitigation measure? Okay.

2 Wildlife-2 is a requirement --

3 CHAIR DREW: Hold on just a second. Mr.
4 Young.

5 LENNY YOUNG: Yeah.

6 CHAIR DREW: Sorry. Could you go back to
7 the --

8 SEAN GREENE: Yes.

9 LENNY YOUNG: Just starting to read the
10 text in the first sub bullet. It says, "Prior to
11 initiation of the operation, the Applicant would
12 develop, in coordination with the Technical Advisory
13 Committee (TAC) and approved..." et cetera. What is
14 the Technical Advisory Committee's specific role? Do
15 they -- do they share the responsibility for developing
16 the monitoring program, or are they consulted? Do they
17 do a sort of a pre-review before it comes to the
18 Council? What is the Technical Advisory Committee's
19 specific role?

20 SEAN GREENE: Sure. So the Technical
21 Advisory Committee is composed of technical experts from
22 state agencies as well as independent biologists and
23 locals in the area who have specific knowledge of the
24 land and potential concerns, and their role is to
25 essentially serve as EFSEC's technical experts for the

1 development and management of a variety of mostly
2 wildlife plans and vegetation plans that the Applicant
3 will be developing. So they -- the Applicant is
4 intended to develop these plans in coordination with the
5 Technical Advisory Committee who will then provide the
6 finished plans to EFSEC for approval along with any
7 specific guidance or knowledge that the Technical
8 Advisory Committee has that is relevant.

9 LENNY YOUNG: So the term "in
10 coordination" is a little ambiguous. Who is actually
11 responsibility -- is responsible for the soundness and
12 the good quality of the monitoring program? Is that the
13 Applicant's responsibility, or is that a shared
14 responsibility between the Applicant and the TAC?

15 CHAIR DREW: Ms. Moon.

16 AMY MOON: Oh, thank you. I was just
17 going to point out that mitigation measure Habitat-4 --
18 it outlines what the Technical Advisory Committee is as
19 well as the Pre-operational Technical Advisory Group.
20 And I don't think that Sean has a slide on that, but the
21 technic -- the TAC would be working in consultation with
22 EFSEC and the Applicant, and there would be agreed upon
23 members to that TAC, and that it's ultimately the --
24 let's see if I could find the right words here, but do
25 you want to know, like, who would be the representatives

1 on there or was your question just on who was going to
2 have the ultimate approval?

3 LENNY YOUNG: Well, really neither. I
4 guess what I'm asking is would the -- does the creation
5 of a TAC shift or remove or reduce any level of
6 responsibility from the Applicant for creating a good
7 monitoring program?

8 AMY MOON: Oh, I -- Sean, you can answer
9 that.

10 SEAN GREENE: I would say no. Ultimately,
11 whether or not the plan is sufficient is made -- that
12 determination is made by EFSEC. If, in our opinion, the
13 plan is not sound then we can send it back to the
14 Applicant with changes that we need to see in a
15 finalized version. Ultimately, the point -- the purpose
16 of the TAC is to essentially get that process started
17 earlier. In terms of making sure that the plans are
18 sound and sufficient to address the potential concerns
19 before it gets to EFSEC and a decision is made. The TAC
20 is not intended to be a decision-making body by any
21 means. It is just kind of an extra level of review.

22 LENNY YOUNG: Okay. I don't want to hang
23 us up at this point, but maybe when we get to a spec --
24 if we get to today or when's the right time -- if we get
25 to a specific description of the TAC and its

1 responsibilities, might pick up some of these questions
2 again, but yeah, thanks for what you've shared so far.

3 SEAN GREENE: Yeah. And like Amy Moon
4 just shared that is in our Hab-4 mitigation measure,
5 which is part of this presentation. Depending on time,
6 I assume we should be able to get to that today, at
7 least.

8 CHAIR DREW: And I would just add to this
9 from our own experience at EFSEC, for example, there was
10 an issue that came up at Wild Horse. I can't remember
11 what it was, but the TAC had disagreed about some issue.
12 It came to staff, and then the staff actually brought
13 that forward to the Council in terms of identifying the
14 response to that. So within our own work on Technical
15 Advisory Committees in the past, the staff are very much
16 involved in monitoring, we're taking -- listening to the
17 advice, but there are different points along the way
18 that that work would also come to the Council for
19 review. Mr. Livingston.

20 MIKE LIVINGSTON: Thank you, Chair. I'm
21 wondering -- so I wasn't able to make the or, you know,
22 the monthly meeting last meeting and didn't -- I'm just
23 not sure how this is going to unfold for today. And I'm
24 just wondering if you guys could back up for a second
25 and just explain how we're going to interact both with

1 staff as well as the subject-matter experts. When do
2 we, you know, what if -- as Sean's going through here
3 there's -- we have something else that we want to
4 discuss, when do we interject that and just kind of a
5 lay of the land for today's meeting? I'd appreciate
6 that. Thank you.

7 SEAN GREENE: Sure. I think, Council
8 members are welcome to ask questions of the
9 subject-matter experts and staff at any point that they
10 feel it's relevant. This presentation is meant for the
11 Council's benefit. So if you want to address matters
12 earlier or wait until there's an applicable mitigation
13 on the screen, it's entirely up to you. Our
14 subject-matter experts are, I believe, all present so we
15 are prepared to address any questions that you have.

16 CHAIR DREW: Would you introduce the
17 subject-matter experts please, Sean.

18 SEAN GREENE: I don't have a list of them.
19 I don't know if Ami Hafkemeyer or Amy Moon might.

20 AMY MOON: Well, I have a short list. I
21 might accidentally leave somebody out, but from
22 Washington Department of Fish and Wildlife, there's Mike
23 Ritter, Jason Fidorra, and James Watson. And then we
24 have our support from EFSEC's contractor consultants,
25 WSP is -- there's Jeremy Paris, Kevin Rauhe, Kate Moss,

1 and Marlis Muschal, and if I butchered your name I'm
2 sorry, Marlis. And then there's also Sierra. I'm not
3 sure if I missed anyone. I don't know. If you -- if,
4 Ami or Sean, if you see anyone that I missed, add them
5 in.

6 CHAIR DREW: And the ones from our
7 contractor are ones who have worked specifically on the
8 Final EIS with us and with the other experts on the
9 Final EIS on these subjects, specifically wildlife and
10 habitat visual. Oh, then there's Sierra. Go ahead.
11 Sierra?

12 SIERRA HARMENING: Yes. Sorry. We also
13 have Kirby Lastinger here from WSP.

14 CHAIR DREW: And --

15 SIERRA HARMENING: I just wanted to make
16 sure we had a full roll call.

17 CHAIR DREW: Thank you. Thank you. So as
18 to the question, yes. If you'd like to -- I mean, you
19 can see, if you will -- I think it would make sense to
20 talk about the specific mitigation as it comes up but if
21 you have a broader issue right now that you want to
22 bring up, the Council can certainly do that.

23 MIKE LIVINGSTON: Thank you. I appreciate
24 that.

25 SEAN GREENE: Okay. Are there any further

1 questions at this point?

2 CHAIR DREW: Are you -- Okay. Are you now
3 taking up the whole slide here on posts -- on bird and
4 bat adaptive management strategy and development and the
5 monitoring program? Sean.

6 SEAN GREENE: Yes. Are there any more
7 questions about this mitigation measure? And I
8 understand it's lengthy, so I don't expect everybody to
9 read through it right now. Much of the length is
10 attributable to the level of detail and specifics about
11 the survey and management programs. But if there are no
12 more questions about this measure, we can move on to the
13 next.

14 CHAIR DREW: So let's wait for just a
15 minute because it is a meaty one to start off with. We
16 didn't have any practice ones. Right. So --

17 SEAN GREENE: Again, I do apologize. A
18 number of -- specifically, the wildlife mitigation
19 measures are pretty lengthy just due to the detail in
20 here and then.

21 CHAIR DREW: Mr. Livingston.

22 MIKE LIVINGSTON: Yeah. Thank you. Maybe
23 I will -- I'm going to put one of DFW's experts on the
24 spot for a moment. I'd like to ask Mike Ritter, given
25 that he's been in the renewable energy position for a

1 number of years now for the Department, how did the -- I
2 would like to ask you, Mr. Ritter, how the -- how this
3 mitigation program that is proposed here compares to
4 some of the others -- on the other wind farms in
5 Washington state? What's your experience with how those
6 work? Just, you know, just some general thoughts
7 related to this, you know, bats and bird collisions and
8 the fatalities and all the different studies that have
9 been done over the years. From my perspective, we have
10 a lot of information on that but how does this program
11 that's being proposed for this Project, if it's
12 approved, compare to some of those others that you're
13 familiar with, if you don't mind.

14 MIKE RITTER: Thank you. Chair Drew and
15 Council Livingston. This particular bird and bat
16 monitoring plan is probably the best. We -- about, I
17 don't know, months ago reviewed the initial bird and bat
18 monitoring plan. I think it was specifically related to
19 bats, and we wrote a comment letter to EFSEC. And much
20 of the language you see in this right here came out of
21 that letter.

22 So the curtailment, the fatality numbers, the
23 triggers, the monitoring of three years over a five-year
24 period that need not be consecutive, curtailment, the
25 recent literature cited is -- was all in that letter.

1 So this particular one is using the best available
2 science and information to understand the fatalities for
3 bats, which is -- this is really specific to bats. The
4 bird fatality monitoring industry wide, it's been pretty
5 consistent. And the ones I saw here for this Project
6 are also consistent with what's been done in the state
7 and for industry.

8 MIKE LIVINGSTON: Thank you. That's
9 really helpful. Appreciate it.

10 MIKE RITTER: You're welcome.

11 CHAIR DREW: Thank you. And I would add
12 Council members, as we look at the recommended
13 mitigation, and our next step will be what our
14 recommendation is to the Governor and to have that
15 conversation. But part of what we will do with the
16 mitigation is it will become part of -- if a
17 recommendation to approve the Project in some form is
18 recommended to the Governor, this type of mitigation
19 will be in our Site Certification Agreement. The Site
20 Certification Agreement is signed by the Applicant and
21 the Governor. So the level of specificity that we're
22 talking about here will be legally binding. With that,
23 any other questions for this or comments or thoughts on
24 this particular slide?

25 SEAN GREENE: Okay. And then we'll move

1 to the next batch of mitigation measures. So Wildlife-2
2 is a requirement that all trash containers be wildlife
3 resistant on the Project site.

4 Wildlife-3 requires that the Applicant supply
5 EFSEC with a summary of their consultation with US Fish
6 and Wildlife regarding eagle mortality so that we can
7 develop adaptive management measures if necessary.

8 And Wildlife-4 bars the use of pesticides
9 unless the Applicant develops a management plan,
10 additional mitigation, and receives EFSEC approval. And
11 this measure is intended to help avoid impacts for both
12 prey species like rodents as well as the species that
13 predate upon them. Are there any questions on these
14 measures? Okay.

15 Next is Wildlife-5 which requires that
16 sensitive areas like wildlife colonies nests be flagged
17 as exclusion zones. If and when encroachment upon those
18 zones would be required, the Applicant would need to
19 develop additional mitigation and receive EFSEC approval
20 before that encroachment occurs.

21 And Wildlife-6 would result in the development
22 and maintenance of a road mortality database throughout
23 the construction and operation phases of the Project.
24 For areas or periods with frequent mortalities, the
25 Applicant would need to develop additional mitigation,

1 such as signage or temporary road closures, and receive
2 approval by EFSEC prior to implementation. Are there
3 any questions on these measures? Okay.

4 Wildlife-7 states that construction activities
5 should be limited to daytime hours when feasible to
6 reduce disturbance to nocturnal species.

7 Wildlife-8 implements a quarter-mile buffer
8 around all known raptor nests where wind turbines would
9 not be allowed to be constructed without EFSEC approval
10 and the preparation of a monitoring and management plan.

11 And Wildlife-9 would exclude vegetation
12 clearing and grubbing within bird breeding periods, when
13 feasible, and require additional mitigation if such
14 clearing occurs during those periods, if avoidance was
15 not feasible. Are there any questions on these
16 measures?

17 CHAIR DREW: Go ahead.

18 MIKE LIVINGSTON: Yeah. So this number
19 eight, I'm curious about. Let's see here. One moment.
20 I'm going to process this in my head before you move on.
21 So the buffer, this is just strictly during the
22 construction phase is that right, Sean? So I'm trying
23 to figure out exactly where this buffer zone for all
24 known raptor nests would apply, and I know there's
25 separate requirements for ferruginous hawks. So we're

1 talking about other raptors including burrowing owls, I
2 assume, red-tailed hawks, prairie falcon, these other
3 species that were, you know, were in the Project area.
4 Can you just explain this one a little bit more to me?

5 SEAN GREENE: Sure. So this would -- this
6 is intended to primarily focus on where Project
7 components are sited, specifically wind turbines, and it
8 would create a quarter-mile buffer around all known
9 raptor nests and require that all wind turbines be
10 placed outside of that buffer unless there is prior
11 approval by EFSEC specifically for those turbines that
12 would encroach upon the buffer in concert with the
13 development of a monitoring and management plan.

14 MIKE LIVINGSTON: Okay. So I would like
15 to ask, and I'm not sure who to send this to -- Mr.
16 Watson perhaps -- what he would recommend for burrowing
17 owls as for a buffer, if a quarter mile would be
18 adequate from his perspective.

19 JAMES WATSON: Yeah. Thanks for the
20 opportunity to join in. This might be a better question
21 for Jason. A quarter mile is a fairly large and
22 adequate, I would say, for burrowing owls based on
23 general habitat use. But, again, that might be
24 something we need to take a closer look at. Jason, I
25 don't know if you have any comments on that.

1 JASON FIDORRA: Sure. Well, you know,
2 this is a quarter mile and usually this kind of buffer
3 applies to a construction buffer so you're avoiding
4 disturbance to a nesting raptor or nest site. With
5 turbines -- well, applying it to wind turbines seems a
6 little unusual because it's actually a mortality cause
7 that extends beyond construction. And then, of course,
8 you know, I'm grappling with understanding this one too
9 and so apologies.

10 I think a quarter mile would be suitable for
11 avoiding disturbance during a construction period for
12 borrowing owls and other -- I think we do have greater
13 buffers for some other raptors that are typically used
14 but, you know, that isn't going to result in reduced
15 mortality after construction when the home ranges and
16 foraging areas of these nesting raptors will exceed a
17 quarter mile, if that's helpful.

18 MIKE LIVINGSTON: Yeah.

19 JASON FIDORRA: So I think a quarter mile
20 is a sufficient standard construction buffer to avoid
21 disturbance, but there could be impacts beyond nest
22 disturbance during construction.

23 CHAIR DREW: Are -- I guess my question
24 would be, are there other projects that require buffer
25 zones around turbines for the raptors we're talking

1 about here?

2 JASON FIDORRA: I personally am not too
3 familiar with the other -- how the other wind
4 projects -- maybe that might be better for Mike Ritter.

5 CHAIR DREW: Or perhaps for our
6 technical -- go ahead, Mike.

7 MIKE RITTER: I'm sorry. I don't mean to
8 jump in, but thank you. The only buffers I'm aware of
9 are related to, let's say, perhaps golden eagle nest
10 areas, but I can't recall any others or other raptors in
11 the state at this point.

12 CHAIR DREW: So thank you.

13 MIKE RITTER: You're welcome.

14 CHAIR DREW: Yeah. So this mitigation
15 measure goes beyond what others currently do right now?

16 MIKE RITTER: I believe the .25 miles is
17 in a document prepared by WDFW, and it's specifically
18 related to construction disturbance near inactive raptor
19 nests. And as Jason alluded to, it has nothing to do
20 with mortality.

21 CHAIR DREW: Okay. Thank you.

22 MIKE RITTER: You're welcome.

23 CHAIR DREW: Mr. Young.

24 LENNY YOUNG: Yeah. Is -- what's the
25 acronym PTAG? Is that another acronym for the same

1 Technical Advisory Group, or is that a different group?

2 SEAN GREENE: Yeah. Sorry that's in a
3 later mitigation measure, but is the pre-tech --
4 pre-construction or, pardon me, Pre-operational
5 Technical Advisory Group and its role is roughly
6 synonymous with the Technical Advisory Committee. It's
7 just -- as the TAC is defined in existing literature it
8 can only be in operation post construction. But we
9 needed that technical expertise available to EFSEC prior
10 to construction for some of these siting, monitoring,
11 and management plans.

12 LENNY YOUNG: Okay. So one Technical
13 Advisory Group's in place pre-construction, then that
14 group goes away and it's replaced by another similar
15 group?

16 SEAN GREENE: Correct. And we imagine
17 that the composition will probably be very similar, if
18 not exactly the same.

19 LENNY YOUNG: Thank you.

20 SEAN GREENE: And I did want to add
21 specific to the concern about burrowing owls. They --
22 there is specific mitigation for that species later on
23 in this presentation and within the EIS that addresses
24 adverse and potential impacts more so than this measure
25 here.

1 CHAIR DREW: Thank you. Any other
2 comments on slide six -- seven? Questions? Ms.
3 Brewster.

4 STACEY BREWSTER: Hi. Regarding number
5 nine and the definition of "feasible" who -- does EFSEC
6 or the Applicant determine whether it's not feasible to
7 clear; just do the grubbing?

8 SEAN GREENE: Generally, that would be a
9 conversation between the Applicant, EFSEC, and the, in
10 this case, Pre-Technical Advisory Group. It would be a
11 definition that's kind of developed as appropriate.

12 STACEY BREWSTER: Okay. Thank you.

13 SEAN GREENE: Any further questions on the
14 side? Okay. And now we are into the habitat
15 mitigation. This first measure, Habitat-1, would
16 require the Applicant to locate all Project components
17 outside of model movement corridors, specifically
18 corridors modeled as medium to very high linkage by the
19 Washington Wildlife Habitat Connectivity Working Group.
20 And if components do need to be sited within these
21 areas, the Applicant would need to prepare a corridor
22 mitigation plan in concert with the PTAG and receive
23 EFSEC approval prior to the siting of any components.
24 Other questions here? Mr. Young.

25 LENNY YOUNG: Has a simple overlay

1 analysis been done to overlay those corridors on the
2 Project plan and assess what proportion or what parts of
3 the intended buildout would be precluded by this
4 recommendation?

5 SEAN GREENE: It has been. I don't have
6 that map up on my screen right now, but I don't know if
7 Kate Moss from WSP has an idea of what proportion of the
8 Project was within corridors that were modeled as medium
9 to very high linkage.

10 KATE MOSS: I would need to go back and
11 look for numbers. We did overlay the Project on top of
12 corridors. We did the calculation in terms of the
13 impact of the corridors, but not the other way around;
14 how much the Project would be altered due to the -- due
15 to avoiding corridors. There are features that bisect
16 corridors. There's one specifically that runs
17 north-south.

18 LENNY YOUNG: So is that information
19 that's just not available today, or is that in the FEIS,
20 or in the FEIS, or was that just not done at all?

21 KATE MOSS: So calculating how much the
22 Project footprint would change to avoid the corridors
23 wasn't done.

24 LENNY YOUNG: Yeah. What pro -- I guess
25 like, I'll -- a simple example would be what proportion

1 of the turbines, or how many turbines, would be
2 eliminated if the prohibition of siting turbines within
3 the medium to high linkage corridors was applied.

4 KATE MOSS: No. That analysis wasn't
5 done.

6 LENNY YOUNG: Okay. Thanks.

7 CHAIR DREW: Is this a overlay that is in
8 the Final EIS? Is it one of the confidential documents
9 the Council has received? Is there a place where we can
10 find this particular overlay?

11 SEAN GREENE: It's not a confidential
12 document. I believe it is within chapters -- Chapter
13 3.6 or 4.6 within the EIS. I know I've seen the figure,
14 so I imagine it was included in the EIS, but I can't say
15 that for certain at this moment.

16 LENNY YOUNG: If this is an analysis that
17 would be appropriate, at this point, or possible for
18 staff to carry out to overlay the modeled corridors,
19 medium to very high linkage, on the Project plan and
20 produce a description of what proportion of the Project
21 as proposed would be impacted, that would be useful to
22 me. But again, I don't want to ask for this if it's not
23 appropriate for this to be done at this step in our
24 process or it would be just something that would
25 otherwise be not feasible to do.

1 CHAIR DREW: I think that at this point,
2 if there is a visual overlay, I think the first step for
3 us would be to look at that. So I'm sorry. It looks
4 like my computer is going to be patched about now, so I
5 may disappear. But if the staff can identify that map,
6 that overlay, and let the Council know where it is then,
7 I know that in preparing for the December 20th meeting,
8 staff is going to reach out and talk to Council members
9 and we can find out what is feasible between now and
10 then. We have a comment by Jason Fidorra.

11 JASON FIDORRA: Yeah. Apologies. I
12 did -- I believe it's in the document. Figure 3.6-2 is
13 the overlay of the corridors.

14 CHAIR DREW: Thank you for that. Can we
15 see if we can make that available. Mr. Livingston?

16 MIKE LIVINGSTON: One thing that I want to
17 make sure I understand is, so in the Final EIS, Figure
18 2. -- 2-6 on 2-39, we have the map that shows the
19 different levels of impact, class zero through three.
20 The way I understand it, the movement corridors were not
21 one of the impacted resources that was considered within
22 that analysis, if that -- I just want to confirm my
23 understanding there.

24 SEAN GREENE: I don't know if movement
25 corridors were incorporated into that figure or not.

1 Sierra, do you know one way or the other?

2 SIERRA HARMENING: Yes. I believe they
3 were but I can double check in the next five minutes
4 just to confirm with our GIS analyst. But I do believe
5 that those corridors were involved in the rating of
6 those impacts.

7 MIKE LIVINGSTON: Okay. And I believe,
8 Councilman Young that -- is that what you were asking
9 for, then?

10 LENNY YOUNG: Yeah I did. I just was --
11 what I -- and not at this point making any kind of a
12 judgment about this mitigation recommendation -- I just
13 would like to know, if this recommendation was applied
14 that there would be no Project components within medium
15 to very high linkage movement corridors. What
16 proportion of the Project would be essentially taken out
17 by the application of this recommendation.

18 SIERRA HARMENING: Again to verify, so I
19 have it in front of me now. So for wildlife impacts,
20 impacts are based on the following thresholds; so we
21 indicated intersection within a two-mile buffer around
22 the ferruginous hawk nests or intersection within
23 migratory corridor classes of high or very high for
24 wildlife impacts. So again, on those figures referenced
25 in Chapter 2, there are a series of impacts that were

1 used to provide those impact classes. And again, just
2 to reiterate, the wildlife impacts were impacts based on
3 a two-mile buffer around the ferruginous hawk nests and
4 intersections within migratory corridor -- migratory
5 corridor classes of high or very high.

6 SEAN GREENE: Okay so the figures in
7 Chapter 2 are inclusive of wildlife corridors. That's
8 the figure you're looking at right now on your screen?

9 SIERRA HARMENING: Yes.

10 CHAIR DREW: Is that class three impact?
11 Is that class two impact?

12 SEAN GREENE: So the way that the class of
13 impacts were defined is whether that turbine location
14 would result in a high level of impact to a number of
15 resources. So any place more than class one could
16 potentially have a corridor component. But the figure
17 in Chapter 3, which you're now seeing on your screen,
18 any place that is highlighted in yellow or orange or red
19 are corridors that were classed as medium or above in
20 terms of linkage, and I don't think we have -- we
21 actually counted the number of turbines that are within
22 those areas, but this does give a visual representation
23 of what areas of the Project would potentially be
24 excluded by this mitigation measure.

25 LENNY YOUNG: Yeah. Just interested in

1 looking at it both ways. And in one way, that I think
2 is depicted here, it assumes the turbines would be built
3 and then the impacts are characterized. The other way
4 of looking at it, is assuming that the corridors are
5 sacrosanct and that nothing would be built within them.
6 So what's the impact on the Project infrastructure at
7 that point? And it would be useful to have both of
8 those complementary assessments to address this topic.

9 SEAN GREENE: Yeah, I fully understand the
10 desire there. That's something that we can look at and
11 see if it's something that can be prepared for the next
12 Council meeting. And I don't know how much time that
13 might take, but we'll look into it for sure.

14 LENNY YOUNG: Thank you.

15 SEAN GREENE: And just as a note, I have a
16 WaTech patch that's going to shut off my computer in 25
17 minutes so if I disappear, that's why. Okay. Any
18 further questions on Habitat-1?

19 All right. Moving along. Habitat-2 would
20 minimize transmission line crossings of canyons and
21 draws with additional mitigation and EFSEC approval
22 necessary if such crossings are required.

23 And Habitat-3 requires that temporary laydown
24 yards avoid all impacts to shrubsteppe habitat with
25 additional mitigation and EFSEC approval again being

1 required if such impacts are required. Other questions
2 here?

3 CHAIR DREW: Let's take a little bit to
4 absorb this. Questions from Council members? Ms.
5 Osborne.

6 ELIZABETH OSBORNE: Thank you, Chair. I
7 think I could use a little help understanding in
8 Habitat-2 what the sequence of events would be if EFSEC
9 would approve the final transmission layout, where would
10 that fit in time? It seems sort of like there could be
11 an iterative problem here where, you know, the
12 transmission line layout would change the Project
13 composition and then need to be looked at again. And I
14 guess I'm just wanting to understand that process a
15 little bit better.

16 SEAN GREENE: Sure. It -- and when it
17 comes to final Project design, it's going to be an
18 iterative
~~iterate~~ process for any components and this would be no
19 different there. When the Applicant is at a point where
20 they believe they know where the transmission line
21 crossing or transmission line -- transmission lines
22 would like to be sited, if there are any that cross
23 canyons or draws, they would need to inform EFSEC of
24 that desire and we would, or EFSEC would, make a
25 determination about whether that crossing is necessary

1 or if there is a feasible alternate route where that
2 crossing would be avoided. And if the crossing does --
3 is the necessary route, then we would work with the
4 Applicant to develop additional mitigation measures.

5 ELIZABETH OSBORNE: Okay. So just to
6 clarify, we'd look at each potential site individually
7 or crossing.

8 SEAN GREENE: Yes. Any time that the
9 transmission line is crossing is proposed, we would look
10 at that one in isolation.

11 ELIZABETH OSBORNE: Thank you. Yeah.
12 That's helpful.

13 SEAN GREENE: Any further questions on
14 these two? Okay.

15 And this is another lengthy one, but Habitat-4
16 outlines the creation of the Pre-technical Advisor --
17 Pre-operational Technical Advisory Group and Technical
18 Advisory Committee and includes guidance on determining
19 membership, determining roles, and assigning
20 responsibilities for the pre-construction, construction,
21 operation, and decommissioning phases of the Project.
22 And I'll give you some time to read through this and
23 offer any questions that you have.

24 Yes, Mr. Young.

25 LENNY YOUNG: How would these groups be

1 funded? How would the participation of the various
2 organizations' personnel be paid for?

3 SEAN GREENE: So I don't know if Amy Moon
4 or Ami Hafkemeyer have better knowledge than me, but I
5 know that some element of it comes through our
6 contracted relationships with other state agencies. And
7 then when it comes to independent biologists or
8 Applicant representatives, those are funded by the --
9 those can be funded by the Applicant. But I see Ami
10 Hafkemeyer has her hand up.

11 AMI HAFKEMEYER: Sure. So it does vary a
12 little bit. We have some of the costs of participation
13 and ~~tax~~ TACs for other projects, other facilities, captured
14 in our interagency agreements with those agencies. Some
15 agencies elect to participate independently rather than
16 enter into an interagency agreement. And so it's
17 historically -- there's been some variation in how
18 support for those positions have been provided. For the
19 funds that are provided in interagency agreements, per
20 EFSEC's funding mechanisms, those are passed along
21 through invoices to the Applicant.

22 LENNY YOUNG: Thank you.

23 CHAIR DREW: Mr. Livingston.

24 MIKE LIVINGSTON: Well, this concept for
25 me was new. And maybe I just missed it in the past with

1 other particularly wind farm projects. I'm curious. Do
2 we have other examples where we put together the PTAG
3 and then also I would like to ask Mr. Ritter if, you
4 know, his perspective on this and then also if he's got
5 any experience with a PTAG.

6 SEAN GREENE: Let me just answer the
7 historic question before Mike takes a stab at it. But
8 the idea of the PTAG is new for this Project. In
9 previous projects, we have had the TAC operate prior --
10 in a role that placed it prior to construction to look
11 at a lot of the siting and management plans that needed
12 to be developed. Like I said, the existing
13 documentation kind of indicates that the TAC is only
14 supposed to exist post construction for a Project. So
15 we developed this PTAG as a kind of a sister committee
16 that does a lot of the same work, but in an earlier
17 phase of the Project. And I'm sorry. I didn't mean to
18 cut you off, Ami Hafkemeyer, if you had something to
19 add.

20 AMI HAFKEMEYER: No. I was basically
21 going to say the same thing you just said, so nothing to
22 add.

23 SEAN GREENE: Okay. And then Mike Ritter,
24 if you want to go.

25 MIKE RITTER: Sure. Thank you, Mike

1 Livingston, could you -- I just want to be sure I answer
2 your question or questions correctly. Can you rephrase
3 that or not rephrase, but restate it for me, please?

4 MIKE LIVINGSTON: Yeah, I sure can. So
5 the -- and it sounds like from what Sean had shared with
6 us that this is a new concept of having a PTAG, even
7 though there's been the Technical Advisory Committees
8 put together during construction. But this one is a
9 little different in that there's again, it seems to me,
10 and we'll get into more details with ferruginous hawks,
11 and that's what I'm just kind of priming the pump here
12 for that discussion. But I think I wanted to know from
13 your perspective generally how you view this new concept
14 of interacting as the Project is being designed, laid
15 out, you know, because it -- I don't believe we've had
16 these in the past this way.

17 MIKE RITTER: Thank you. And that's what
18 I thought I heard in your first kind of question about
19 it, but I'm glad you reiterated it and you asked for my
20 view on this. Yeah, this is the first Project ever to
21 have a PTAG. And when I read the roles or
22 responsibilities of what the PTAG is going to do; to
23 review and provide technical advice on documents
24 produced by the Applicant.

25 Well, that's what we have been doing for the

1 last several years on this Project, making
2 recommendations, providing technical advice, as well as
3 others have been -- who would also be part of the PTAG.
4 So I don't know how we would provide anything new or
5 different from our conservation perspective on this
6 Project. So that would be my view.

7 It seems like we've provided what we can
8 already, and I'm just -- and maybe you can hear from
9 my -- I'm trying to choose words and think, but I'm just
10 confused by this PTAG. That's all.

11 CHAIR DREW: Well for, I guess, for one
12 example, I think one of the mitigations I read about in
13 the Final EIS, and please everybody correct me if I'm
14 wrong, is that we're con -- the FEIS expressed concerns
15 about migratory bat species and would like to see more
16 studies done before construction.

17 And the PTAG would be the Technical Advisory
18 Group that would look at that study that hasn't been
19 completed, but is additional work that likely would need
20 to be done, and then comment on how that would have
21 impact on the construction of the Project. Sean, Amy,
22 is this or is this what you're looking for in this type
23 of committee?

24 SEAN GREENE: Yeah, I think that's a fair
25 characterization. And the objective of the PTAG is not

1 to seek a different opinion than agency staff that might
2 be participating or necessarily any new opinions. It's
3 meant to serve as a technical oversight board as these
4 plans are developed.

5 So for instance, when we get to it eventually
6 for pronghorn antelope, there's a requirement that the
7 Applicant do seasonal surveys prior to construction and
8 during operation. And the PTAG's role for that
9 pre-construction survey would be to weigh in on
10 methodology, on extent, on the technical aspects of
11 those surveys, and review the results, and provide that
12 guidance to EFSEC as EFSEC makes a determination about
13 whether those surveys are sufficient to address
14 potential concerns for that species. And that role for
15 the PTAG is expanded to a number of mostly wildlife
16 mitigation throughout the EIS.

17 CHAIR DREW: So in other words, it's part
18 of adaptive management. When we find that perhaps what
19 we predicted to happen isn't happening exactly the way
20 we predicted it to happen, there's a mechanism for
21 changing the mitigation.

22 SEAN GREENE: Yes. You're absolutely
23 correct. That's another big role of the PTAG and the
24 TAC is developing adaptive management procedures in
25 concert with EFSEC to address any kind of deficiencies

1 that come about throughout the life span of the Project.

2 CHAIR DREW: Thanks. Ms. Hafkemeyer.

3 AMI HAFKEMEYER: I just wanted to build a
4 little bit on what Mike Ritter said. It is very much
5 like the support they've been giving this Project over
6 the last several years and is, you know, in part to
7 ensure that those continued conversations and that
8 continued input is happening, you know, recognizing that
9 there are groups outside of EFSEC that we work with with
10 expertise in these areas and ensuring that we have the
11 appropriate parties for that ongoing review, and input,
12 and adaptive management.

13 CHAIR DREW: And one of the reasons, from
14 my perspective, I think it's a good idea is that this is
15 not just behind the scenes work. The work that will
16 come up through the PTAG will be public through reports
17 and will come to the Council as well as the staff in
18 terms of information sharing. So I think it's a way to
19 hold the Applicant accountable, in my view. Ms. Moon.

20 AMY MOON: Thank you. I just wanted to
21 point out, in case somebody wants to post it on the
22 screen, is Table 4.6-10: Summary of Milestones. Is
23 there really informat -- it's full of information on
24 what the differences is or the responsibilities of the
25 PTAG and the TAC, and it has a construction timeline on

1 there and operation. So all of the timing of what
2 documents and what review each of those groups are doing
3 is in that Summary of Milestones, Table 4.6-10, and
4 there it is.

5 SEAN GREENE: Are there any further
6 questions at this point on the PTAG or the TAC?

7 Okay. Habitat-5 covers indirect habitat loss
8 through the development of an Indirect Habitat Loss
9 Management Plan that we'd be developed in coordination
10 with the PTAG. And this plan would include the
11 development of criteria to be used to compensate for
12 loss of habitat function and value and a commitment to
13 compensatory mitigation. And I'll give you time to read
14 through this and develop questions. Are there any
15 questions on Habitat-5?

16 Okay. Habitat-6 ensures that as the Project
17 layout is further refined closer to the start. Sorry.
18 What was that? Okay.

19 CHAIR DREW: It isn't a Council member.
20 Yeah. Go ahead.

21 SEAN GREENE: Okay. Yeah as the Project
22 layout is further refined closer to the start of
23 construction, all changes would be coordinated with the
24 PTAG and EFSEC.

25 And Habitat-7 requires that all roads built for

1 the Project would be removed and the land restored
2 during decommissioning. If any roads are intended to be
3 left in place following the lifespan of the Project, for
4 example at landowner request, the Applicant would be
5 required to work with EFSEC on the development of
6 additional mitigation. Are there any questions on these
7 measures?

8 Okay. Habitat-8 requires compensatory
9 mitigation for all habitat loss and alteration as a
10 result of the Project, either through the development of
11 conservation easements or fee-based mitigation to WDFW
12 or a third party identified by WDFW. At this point the
13 Project as proposed, should be able to meet all
14 compensatory mitigation needs through Option 1, which is
15 the conservation easement. And I'll let you read
16 through this and develop questions.

17 And I want to state that the ratios that have
18 been developed for this compensatory mitigation are in
19 Table 4.5-3 within the EIS, and I can put those on the
20 screen now if Council would like. But first, Mr.
21 Livingston.

22 MIKE LIVINGSTON: Yeah Sean, thanks. I'm
23 curious. The Option 1 conservation easement, why be
24 prescriptive upfront as far as what the, you know,
25 what's the desired outcome, easement versus fee title

1 acquisition.

2 SEAN GREENE: I'm sorry. I don't think I
3 understand the question.

4 MIKE LIVINGSTON: So you have Option 1
5 conservation easement in parentheses there, right?
6 That's, you know, that's just buying, for example, the
7 development rights on a piece of property. So that's
8 one form of doing conservation. Another form would be
9 to buy the property outright and put it into full
10 conservation status, not just development rights
11 stripped from the property, but it's -- say it becomes
12 public land, for example. So I'm not, and maybe I'm
13 missing something in this -- all the material here --
14 but you said that the Option 1 would be the likely
15 preferred outcome, and I'm just wondering why we would
16 limit ourselves to that.

17 SEAN GREENE: If -- so the Applicant has
18 developed a plan to meet all the compensatory mitigation
19 needs through the purchase of conservation easements.
20 That's not necessarily a preference that's been stated
21 by EFSEC. That's the Applicant's preference. We have
22 outlined here other potential options for meeting those
23 same compensatory needs. All three are standard methods
24 through which that compensation can be reached, so I
25 don't -- yeah, I guess that preference is coming from

1 the Applicant.

2 MIKE LIVINGSTON: Okay. Thank you for the
3 clarity.

4 SEAN GREENE: Yes. I'm sorry. I think I
5 saw another hand, but I don't -- I can't look at
6 everybody.

7 CHAIR DREW: I think it was Mr. Young, but
8 I think he took it down.

9 SEAN GREENE: Okay. And would the Council
10 like to see the Habitat Offset Ratios?

11 MIKE LIVINGSTON: Sure.

12 SEAN GREENE: Okay. These are the ratios
13 that were established when the -- within the EIS. And
14 again I apologize, I have a WaTech patch that's going to
15 force itself to install and restart my computer several
16 times here in the next 90 seconds. So I don't know if
17 maybe Andrea can pull up the presentation and the
18 Council can continue to discuss while I have to go
19 through several restarts.

20 STAFF GRANTHAM: I am also getting the
21 same patch. So I believe Alex Shiley said, because we
22 have been talking in the background, she said she should
23 be good from the patch, so hopefully she can pull it up
24 and share it while we're all restarting on our end.

25 SEAN GREENE: Okay. Good.

1 ALEX SHILEY: Unfortunately, I did also
2 get the same information. So it looks like it's just
3 poor timing here.

4 CHAIR DREW: Well, and it could be a
5 circular process so some of us will go at different
6 times. I think all of us have received that. So let's
7 keep going. And we may have to take an unscheduled few
8 minute break. So let's just say that.

9 SEAN GREENE: Okay. Then we might want to
10 schedule that for now because I'm going to get kicked
11 off here in 30 seconds.

12 CHAIR DREW: Okay. Let's take a short
13 five-minute break and be back -- well, back at 2:43
14 p.m., like six minutes. Okay. We are on break.

15 (Recess.)

16 CHAIR DREW: So we are here on Habitat-8
17 and this is the mitigation measures, and we had some
18 conversation about -- I mean, I'm sorry, this is the
19 compensation for habitat loss and alteration. Are there
20 any other questions or comments from Council members? I
21 see a hand up. Go ahead. I'm not seeing who it is on
22 my screen.

23 LENNY YOUNG: Yeah, Chair Drew, this is
24 Lenny Young. My question is, for the second part of
25 this, the fee-based mitigation, how are the funds that

1 are raised through this part of the mitigation used?
2 Where does the money go? What's it pay for?

3 SEAN GREENE: So there's two routes that
4 the fee-based mitigation can go through, either directly
5 through WDFW or a third party identified by WDFW. I'm
6 not familiar with how WDFW disperses those funds or I
7 don't know if one of the WDFW SMEs might be more
8 knowledgeable.

9 MIKE RITTER: This is Ritter. Is that
10 okay if I respond?

11 SEAN GREENE: Certainly for me.

12 MIKE RITTER: Thank you. In the past, the
13 third party has held the money and we've worked with the
14 third party kind of as an advisory role to help all of
15 us figure out conservation on the land through granting
16 opportunities working with other partners. So we don't
17 hold the money. They do.

18 LENNY YOUNG: Who's that party? What kind
19 of an organization is the third party?

20 MIKE RITTER: Down here in the Columbia
21 Basin, it's been very challenging to find a third party
22 that operates in that kind of business. So we've been
23 using the Benton and Franklin Conservation District for
24 ours down here, which has been really, really good. I
25 would think that projects closer to Yakima and

1 Ellensburg might use a, you know, a typical land trust
2 and things like that.

3 LENNY YOUNG: Is the idea that the funds
4 would be used to acquire habitat in the general vicinity
5 of the Project?

6 MIKE RITTER: Yes, that is correct.
7 It's -- we -- that's one of the primary overriding
8 things is the -- whatever we do with the money, and we
9 leave it wide open, whether it's restoration,
10 conservation, acquisition occurs in the county where the
11 impact occurred.

12 LENNY YOUNG: Thank you.

13 MIKE RITTER: You're welcome.

14 CHAIR DREW: Okay. Perhaps we're ready to
15 move on to the next.

16 SEAN GREENE: Now we're progressing into
17 the species specific mitigation. This first one targets
18 the striped whipsnake and sagebrush lizard and requires
19 pre-construction surveys for those species with a
20 management plan to follow if either species is confirmed
21 to be present during -- within the Lease Boundary during
22 those surveys. I'll give you a moment to read through
23 this and present any questions that you have.

24 Okay. Hearing no questions, we'll move on.
25 Species-2 targets the American white pelican and

1 mandates the creation of an observation database to
2 persist throughout operation of the Project with
3 adaptive management potentially developed based on
4 mortality records and the need for management.

5 And then Species-3 is specific to eagles and
6 requires the Applicant to implement WDFW recommended
7 buffers for all bald and golden eagle nest and pursue
8 requisite take permits from US Fish and Wildlife. Are
9 there any questions on these two mitigation measures?

10 CHAIR DREW: Ms. Brewster.

11 STACEY BREWSTER: Yeah. Curious about the
12 pelican database. Can you talk a little bit about how
13 those observations are recorded? Will they be surveys
14 or are they -- are you counting on staff to record
15 observations.

16 SEAN GREENE: Yeah. So this would be
17 staff recording observations during the operation phase
18 of the Project. If there is a need for or if there is
19 determined to be a need for formal surveys, that is kind
20 of baked into this mitigation measure as part of the
21 adaptive management, if EFSEC believes it is necessary.

22 The expectation, based on the data available
23 and presented in Chapter 3.6 of the EIS, is that the
24 species will be transversing the site but will not be
25 nesting within the Lease Boundary. So it's more of a

1 concern of potential mortality of the species through
2 strikes with turbines. And if we see that there are a
3 concerning number of mortality events, than we would
4 develop adaptive management.

5 STACEY BREWSTER: Thanks.

6 CHAIR DREW: And Mr. Young.

7 LENNY YOUNG: I've got a couple of
8 questions for Mr. Watson on Spec-3 eagles. Jim, I'm
9 mostly familiar with the concept of incidental take
10 under the endangered species act and how does that --
11 does the concept of incidental take also now operate
12 under the bald and golden eagle protection act or how --
13 where do we stand both at the federal level and state
14 level for thinking about and implementing incidental
15 take considerations for bald and golden eagles?

16 JAMES WATSON: Yeah. Incidental take is
17 really -- the process has really changed over the years
18 such that now the Applicant in anticipation of eagle
19 kills, for example, on this Project would apply
20 beforehand to take a certain number of eagles and then
21 the mitigation that would come through, you know,
22 retrofits on power lines, that kind of thing, would
23 account for those eagles that are killed. And then that
24 threshold that's anticipated of kill, if that is
25 exceeded, then there would be additional mitigation. Is

1 that kind of along the lines, Lenny, of what you've
2 traditionally --

3 LENNY YOUNG: Yeah. What law or
4 regulation is that continuing incidental take
5 requirement flowing from? Where do -- what's the
6 authority for that?

7 JAMES WATSON: The Bald Eagle Protection
8 Act. Yeah.

9 LENNY YOUNG: Okay. Great. Yeah. And
10 then it sounds like the estimates of incidental take due
11 to the Project, have those been done? Do we have those
12 now in hand?

13 JAMES WATSON: I don't know if I've seen
14 those, but I would point out that there is no -- there
15 aren't any nesting eagles on this Project nor are there
16 likely to be in the future. It's simply not the habitat
17 for them. So it would be sole birds, you know, flying
18 through the area and incidental strikes of non breeders.

19 LENNY YOUNG: Okay. So the -- that type
20 of thing, like incidental bird strike, that would
21 trigger the need to address that as incidental take, but
22 we're not -- because the anticipation isn't there. It's
23 not as if the Project has estimated a level of
24 incidental take that would occur over the life of the
25 Project or anything like that.

1 JAMES WATSON: Yeah, I might be speaking
2 out of term, because I'm not sure if the Project has
3 actually calculated that. You would have to actually
4 address -- they would actually have to address that. So
5 but again, based on my perspective, it would be very
6 very low to be, you know, expected. So.

7 LENNY YOUNG: Great. Thank you very much.

8 JAMES WATSON: Sure.

9 SEAN GREENE: Again, I would just say to
10 this point, I don't believe that a calculation of
11 estimated take has occurred yet, but as was mentioned,
12 there's not anticipated to be much. I think then --
13 there's no bald eagle nest anywhere near the site and I
14 think the closest golden eagle nest is at least four
15 miles away. Are there any other questions on these two?
16 Yes, Jason.

17 JASON FIDORRA: I might have misheard you
18 or maybe you misspoke, but the -- I'm not sure if there
19 is a golden eagle nest within four miles of the property
20 and there would be bald eagle nests along the river
21 within probably I'm guessing that's four or five miles.
22 So maybe the bald eagles are along the river not too far
23 from the property.

24 SEAN GREENE: Yeah, sorry. I think I
25 conflated the two. I believe that's accurate. Okay.

1 Hearing no further questions.

2 Species-4 is specific to the burrowing owl and
3 requires pre-construction surveys for the species with a
4 half-mile buffer applied to any identified nest with a
5 management plan being developed in coordination with the
6 PTAG if any nests are identified. I'll give the Council
7 time to read through this. Are there any questions on
8 Species-4? Okay. Yes?

9 MIKE LIVINGSTON: Yeah, Sean. So okay, so
10 the WDFW recommended seasonal buffers would be applied
11 around the nest, and that's -- that seasonal buffer
12 would be for construction, right? And then if there's
13 owls' nests, burrows identified within, I don't know, x
14 distance of turbines there'd be an effort to realign the
15 turbines to avoid those. What would be the -- let's see
16 here -- it doesn't prescribe what the distance would be
17 if you're trying to avoid an active burrowing owl nest
18 and that would just be left up to the PTAG to work
19 through. Is that what you are planning?

20 SEAN GREENE: Yes. The PTAG would weigh
21 in on that and as WDFW would have membership on that,
22 that group, EFSEC would take their technical guidance
23 into strong consideration.

24 MIKE LIVINGSTON: Okay. Thank you.

25 SEAN GREENE: Any other questions? Okay.

1 Species-5 is our most, I think, complex and lengthy
2 mitigation measure, so it actually takes up the next
3 three slides so I can move back and forth as the Council
4 is discussing, but it can essentially be described as a
5 requirement that all Project components be sited at
6 least two miles from any identified ferruginous hawk
7 nest. This two-mile buffer would be applied to all 55
8 nests within the Lease Boundary as well as an additional
9 eight that are within two miles of the Lease Boundary,
10 for a total of 63.

11 This mitigation does outline a process through
12 which the Applicant may site components within two miles
13 of the nest under specific circumstances, which would
14 include; first, a determination through a current survey
15 that the nest is not currently occupied by the
16 ferruginous hawk, and second, a determination that the
17 habitat on which the Project infrastructure would be
18 sited does not represent viable ferruginous hawk
19 foraging habitat, presumably as a result of landscape
20 level conversion into cropland or residential
21 development or similar where the ferruginous hawk would
22 be unable to forage.

23 And I'm just going to move to the next side so
24 you can continue to read along, but, again, we can move
25 back and forth.

1 CHAIR DREW: Can we just pause there for a
2 second --

3 SEAN GREENE: Sure.

4 CHAIR DREW: -- because I think this is
5 important for all of the Council members and, in fact,
6 the public who are participating to understand when you
7 speak about 55 to about 60 or so nests they are not
8 necessarily filled or expected to be filled with
9 ferruginous hawks right now. Can you describe what this
10 includes in terms of the ferruginous hawk.

11 SEAN GREENE: Yes. So those 63 nests are
12 nests that have been historically recorded as
13 constructed within that area that could serve as
14 ferruginous hawk nests. It's not confirmed necessarily
15 whether a ferruginous hawk has actually built or ever
16 occupied those nests. During the, I believe, five years
17 of nest surveys that the Applicant has performed in
18 preparation for this Project two nests, I believe, have
19 been confirmed to be occupied by ferruginous hawks. One
20 for a single year and a second nest for two years.

21 Currently, none of this -- or as of the most
22 recent survey which was performed earlier this year,
23 none of the 63 nests were occupied by the ferruginous
24 hawk.

25 CHAIR DREW: And but -- oh, okay. And

1 James has raised his hand. So Watson, right? I'm on my
2 cell phone so I can't see everything.

3 JAMES WATSON: That's correct. Thank you.
4 I just wanted to correct that as to my information. If
5 the 55 nests plus are ones that we provided those, in
6 fact, have been confirmed at one time to have been used
7 by ferruginous hawks. We've done, in the past, an
8 extensive review of nests to eliminate those that are
9 not known to be have been used. And, of course, those
10 nests individually don't represent a nesting pair.
11 Rather, there are 18 nesting pairs associated with those
12 nests because a particular pair of birds can use more
13 than one nest over time. So again, 18 territories, 55
14 plus nests. Anyway, more of that clarification.

15 SEAN GREENE: I appreciate the
16 clarification. The vast majority of those nests did
17 come from WDFW data sets. A few of them were identified
18 by the Applicant during their five years of survey, but
19 the vast majority are from WDFW. So those would be
20 nests that have been confirmed to have been occupied by
21 the ferruginous hawk at one point in time.

22 JAMES WATSON: That's correct.

23 SEAN GREENE: Thank you.

24 CHAIR DREW: I see Mr. Livingston and one
25 other. So go ahead.

1 MIKE LIVINGSTON: Thanks, Chair. So this
2 question's for Mr. Watson. So the approach here that is
3 proposed to putting a buffer of two miles around
4 individual nest sites, how does that capture and provide
5 protection compared to what you stated was territories
6 of 18 pairs in the area? Is this nest-buffer approach
7 the appropriate way to protect those 18 territories?

8 JAMES WATSON: Good question. If you'll
9 bear with me just a minute. The -- our recommendation
10 from the beginning has been to protect a two-mile core
11 buffer area, the core area of a home range of
12 ferruginous hawks. And I'll use this illustration so
13 everybody can understand, kind of a layperson
14 description, would be like your house.

15 The ferruginous hawks, you know, on a regular
16 basis, daily in and out, would rest in a particular
17 place at the nest. They may, you know, go to a, you
18 know, a different room in the house and all those kinds
19 of things like we would but that would be the regular
20 use area. And, in fact, they would put a lock on the
21 door. Now this, I'll illustrate why that's important as
22 well, and that's to prevent, you know, disturbance
23 within that core area.

24 Now the point is, we've recommended only on
25 average, extends out to about six miles from the nest.

1 And so if you can envision if you left your home on a
2 daily basis to go to the grocery store or go to work or,
3 you know, take a run that might not be as regular as the
4 area you use in the core area but it would nonetheless
5 be vital to, you know, your existence. Yet it's a
6 little less certain as to where those areas are out in
7 the landscape and they're also more distant from your
8 home, of course.

9 The point would be, that's why we've chosen to
10 really focus on a two-mile core habitat as being
11 critical to protecting the integrity of these 18
12 territories because there's uncertainty and would be
13 prohibitive to suggest a six-mile buffer across the
14 landscape for protecting these 18 territories. But
15 nonetheless, that's essential habitat.

16 So I just point that out because these birds,
17 as we protect them, are going to be covering the entire
18 landscape, you know, several miles out from where these
19 nests are. So that two-mile area becomes all the more
20 important to protect in terms of integrity. And so with
21 that illustration, Mike, I don't know if that helps or
22 if you've got a specific question about that, but that
23 kinda lays the groundwork as to our process and how we
24 came up with the buffers that we recommended.

25 MIKE LIVINGSTON: Yeah. If I may follow

1 up. So what is being described here as the approach,
2 how close is that to what you've been recommending to
3 EFSEC staff?

4 JAMES WATSON: Yeah. The big difference
5 is they are recommending turbines be placed within that
6 two-mile core area, essentially within your house. You
7 know, the area that I would look at is the most critical
8 to be protected because that's going to be the area that
9 they use on a daily basis, flying in and out of turbines
10 on a daily basis within that core area. And so this
11 proposal actually does include, in the two different
12 options, it does include a number of turbines within the
13 core zone.

14 In fact, I computed for 12 territories there
15 are an average of -- in those 12 territories are ones
16 in which there were turbines proposed in the core area.
17 And for those 12 territories, there are an average of
18 14.8 turbines per territory proposed for Option 1.

19 So again, what's the probability of one of
20 these birds hitting a turbine within that two-mile zone
21 when you have 14 turbines on average, 14.8 turbines
22 within the core area? Well, there's some probability
23 there, but all I can say is when you increase the
24 disturbance and number of turbines within that core area
25 you're increasing the probability of a turbine strike or

1 impacting the birds through loss of foraging habitat or,
2 you know, disturbance at the nest.

3 Those are critical aspects. And I mentioned
4 disturbance again in mortality because in the EIS and,
5 in fact, in the earlier thing that was presented and
6 maybe it's on this page. Actually, it doesn't mention
7 that within that two-mile zone one of the critical
8 aspects of impact is potential turbine strike or
9 disturbance to the birds. It mentions here loss of
10 habitat and loss of nest structure. I believe, so
11 anyway.

12 CHAIR DREW: I'd like to follow up. I'm
13 trying to understand. Are the two miles of the
14 identified nests, and I understand they're used by --
15 they have been used historically by 18 pairs and they
16 could used by multiple, so right? Is that different
17 than two miles from the core area? Is that what you're
18 saying?

19 JAMES WATSON: Right. So within -- if you
20 envision, these nests for these pairs are not that far
21 apart, so they're not like miles apart. So within this
22 home range, you actually have a core area that you may
23 have a couple nests that would shift this two-mile core
24 area to make it slightly larger. But relatively
25 speaking, we're talking again that, essentially within a

1 two-mile core area zone. It's not, you know, so these
2 birds might nest within a couple 100 meters of an
3 alternative nest. So it's not significantly different.

4 CHAIR DREW: Okay. So the two miles of a
5 ferruginous hawk nest pretty much correlates with what
6 you're talking about, two miles of core area?

7 JAMES WATSON: That's correct.

8 CHAIR DREW: Okay. But your concern is
9 the specifics that are laid out for, if a turbine could
10 be located, like the exception role that's laid out in
11 this mitigation, is that what you're concerned about?

12 JAMES WATSON: That was one of the
13 striking things that it didn't include anything about
14 disturbance or mortality, fatality strikes. These birds
15 are obviously susceptible to turbine strikes. And yet
16 what's mentioned here is it would be considered if
17 habitat is no longer viable in the -- in that area or I
18 think there was a mention of nest site structure.

19 And actually that's unclear as well. It says
20 the nest site is no longer available. And I'm a
21 presuming that means the supporting nest structure,
22 rather than the nest material itself. These birds do
23 return to unoccupied territories up to 20 years after
24 they've been used. So as long as there's nest
25 structure, suitable foraging habitat, and then a lack of

1 development on those areas, that's what we're looking
2 for to reoccupy and recover the species overall.

3 CHAIR DREW: So you would -- you would
4 prefer no turbines within that two-mile buffer.

5 JAMES WATSON: That's correct.

6 CHAIR DREW: Okay.

7 JAMES WATSON: That's what we've
8 recommended.

9 CHAIR DREW: Okay. Yeah. And yeah. And
10 yes, I think that -- and I understand what the FEIS says
11 is -- I want to ask our team I -- if there's anything
12 else you want to add to this discussion. And I do see
13 you, Mr. Young. So we will get to that too. But I just
14 wanted to clarify that. And I think that that's
15 certainly some different information. I mean, it's
16 included in this recommendation. It's just that there
17 was an exception process within the recommendation. So
18 I hear you, what you're saying there. Sean, or -- are
19 there -- is there anyone who else who wants to comment
20 on this from the staff?

21 SEAN GREENE: Sure. Just a few notes.
22 One, this mitigation measure does not recommend a
23 construction of any Project components within that
24 two-mile buffer. That exception clause is kind of -- it
25 is meant to be an exceptional circumstance. And the

1 process through which that exception would take place
2 does go through the PTAG with final EFSEC approval for
3 each individual turbine and involves additional steps
4 which are covered in the rest of this mitigation, which
5 are -- which is on the next slide and a half, if we want
6 to go to those. But it does involve additional
7 development of mitigation and management for that
8 species, including turbine curtailment if during
9 periods -- the periods of high activity for the species.

10 And the other thing was, I just wanted to say,
11 that the reading of no nesting structures, it -- what
12 was accurate is meant to indicate that the actual
13 structure upon which a nest was constructed is no longer
14 available, not necessarily just the nesting material.

15 JAMES WATSON: Okay. Thank you.

16 SEAN GREENE: I saw a couple of hands pop
17 up, but they're gone now.

18 CHAIR DREW: Okay. Ms. Hafkemeyer, do you
19 want to add something at this point?

20 AMI HAFKEMEYER: I just wanted to direct
21 the Council, if you're looking for information or
22 discussion on mortality and turbine strikes, we do have
23 that information in the text in Chapter 4 in the impacts
24 discussion. I think maybe those -- that verbiage isn't
25 in this mitigation measure here but we do have that

1 discussion in the EIS.

2 CHAIR DREW: Okay. So this measure, as I
3 hear it, is to say there should be no turbines within
4 this two miles unless there's an exception approved.
5 And I understand what we heard from Mr. Watson is, he
6 prefers it with no turbines in there. So I -- Mr.
7 Young.

8 LENNY YOUNG: Yeah, kind of along the same
9 line. In the first line of the Spec-5 paragraph starter
10 says that, "would avoid siting Project components within
11 core habitat in...territories, defined as the habitat
12 within a 2-mile radius." Does that mean that Project
13 components could be sited within a two-mile radius if
14 they are not constructed in a vegetation type that is
15 considered habitat or is all the land area within the
16 two-mile radius considered to be habitat and Project
17 components would be completely excluded?

18 CHAIR DREW: Mr. Greene.

19 SEAN GREENE: Yeah. So that kind of
20 blends into the exception methodology where Project
21 components would be allowed to be sited within two miles
22 if the Applicant essentially makes a case that the site
23 upon which the component is intended to be constructed
24 no longer represents viable ferruginous hawk habitat,
25 usually through landscape-level conversion. In this

1 area, would primarily be to cropland which is not
2 suitable for the species.

3 And they would perform surveys to justify
4 essentially their argument, present that to the PTAG,
5 and the PTAG would consider the merits of that
6 determination and provide EFSEC with a recommendation as
7 to whether or not that particular area does represent
8 habitat. If it does represent viable habitat, then the
9 Project component would not be allowed to be sited there
10 under any circumstances with this mitigation.

11 If that recommendation includes an
12 acknowledgment that the site no longer contains suitable
13 habitat, then they would -- the process would begin for
14 developing additional mitigation and management for the
15 species to allow for the construction within the
16 two-mile buffer.

17 LENNY YOUNG: I think the concept is clear
18 the way you explained it. Thank you. But the language
19 could probably stand to be cleaned up a little bit,
20 because what's sort of hard to express the way this is
21 written, I think, is the idea that whether the same
22 vegetation type would be considered habitat or not
23 depends upon an assessment of the viability of the
24 entire territory. And that -- the way it's written is a
25 little wonky right now, but don't have to wordsmith it

1 today, of course, but that'll be something maybe to look
2 at this paragraph and make sure that it's as clear as it
3 possibly can be.

4 CHAIR DREW: Well, certainly, if we -- if
5 the Council decides that there's a recommendation in
6 some form, we can look at the conditions associated with
7 that and address any needs there. Thanks. Other
8 questions about this slide, noting that there are some
9 other additional recommended mitigations on ferruginous
10 hawk. Mr. Livingston.

11 MIKE LIVINGSTON: Yeah, I'm -- so this
12 PTAG and the onus being put on the Applicant to
13 demonstrate that the habitat is no longer viable is one
14 thing that has, you know, since I read it when the FEIS
15 came out, has concerned me a bit because it puts -- it
16 will put WDFW's biologist in a position of having to
17 then argue against what the Applicant's going to put
18 forward. Because I can envision, in many cases here,
19 the Applicant's going to try to describe why the habitat
20 is not viable in a particular turbine zone or a
21 ferruginous hawk buffer.

22 So I think we really need to think about this
23 one because I'd rather not set ourselves up for a bunch
24 of back and forth during the PTAG environment and remove
25 as much of that uncertainty as possible as we're going

1 forward with this Project. Because it's, certainly from
2 my perspective, I can see where it puts the biologist in
3 a really adversarial role here after -- if we were to
4 approve this Project and make a recommendation to the
5 Governor for it. So it's just -- it's a concern for
6 my -- of mine since the beginning -- since I read this
7 notion of a PTAG, and I think I heard that from Mr.
8 Ritter as well as his concerns related to this too.

9 CHAIR DREW: Okay. Good. Thank you. Mr.
10 Young.

11 LENNY YOUNG: Yeah. I would take that
12 even further and suggest that the State DFW would play
13 the role that is described here for PTAG for this
14 particular species and these particular decisions that
15 are laid out. That this process is, don't task this to
16 the PTAG. Have DFW do this with EFSEC instead of the
17 PTAG.

18 CHAIR DREW: Okay. I think those are all
19 good things for us to consider as well as perhaps the
20 other impacts of some of these turbines when we have our
21 discussion next month but thank you for bringing it up
22 now. And I didn't mean to stall off any other comments
23 by saying that. So any more comments on this
24 particular -- I think this is one we're very concerned
25 about and the Council will have an opportunity to shape

1 that concern further if we move towards a
2 recommendation. Okay. Next slide.

3 SEAN GREENE: Sure. And I just want to
4 make it abundantly clear that in this mitigation, as in
5 all mitigation, EFSEC is the final decision-making
6 authority. So it's not necessarily, or it would not be
7 the case, that the PTAG is making a decision about
8 whether to site components within the two-mile buffer.
9 They would be providing guidance and EFSEC would make a
10 final decision.

11 So this is most of the rest of Species-5 and it
12 essentially outlines the process through which, if the
13 Applicant has performed surveys, to make a case that the
14 identified nest is not currently occupied or the nesting
15 structure is no longer present and the impact of habitat
16 is not viable for the species, that they would submit
17 the results for the P -- to the PTAG for consideration.

18 And then the PTAG would work with the Applicant
19 to develop a monitoring, mitigation, and management plan
20 for the species which would include compensatory
21 mitigation that would result in a net gain for the
22 ferruginous hawk in terms of habitat and could involve
23 other methods such as turbine curtailment during periods
24 of high activity. And the PTAG would provide a final
25 recommendation to EFSEC, upon which the EFSEC would have

1 approval decision-making powers on the siting of a any
2 components within that two-mile buffer of an identified
3 nest.

4 CHAIR DREW: Are there comments, questions
5 about this mitigation measure?

6 SEAN GREENE: I think I saw Mr. Watson's
7 hand go up.

8 CHAIR DREW: Thank you. Mr. Watson.

9 JAMES WATSON: Sure. Just one quick
10 additional comment. One thing some of our current
11 research is showing is that with wind power projects and
12 some other projects the number of other nesting species,
13 and Lenny will understand this, particularly ravens and
14 great horned owls, increases pretty significantly on
15 wind power projects. And both of these species are not
16 only competitors with ferruginous hawks but also they
17 predate eggs and young. So that's another concern we
18 have with the changes in the immediate landscape around
19 these ferruginous hawk nests. Thank you.

20 CHAIR DREW: Okay. Thanks. Mr. Young.

21 LENNY YOUNG: Yeah. Two questions for Mr.
22 Watson. First, following up on what you just spoke.
23 Jim, do you see a need here for possible lethal control
24 of ravens and or great horned owls?

25 JAMES WATSON: Great question and Lenny

1 from the federal -- just to avoid the question, the
2 fed -- from the federal perspective, that would be very
3 difficult to do even with some of the shorebird species
4 that experience direct mortality from ravens, for
5 example, unless you can actually show numbers and have
6 physical evidence. The Fish and Wildlife Service is
7 reluctant to issue lethal control permits for ravens.
8 So in this case, it would probably be a stretch to say
9 that would be possible, but it's something to consider
10 for sure.

11 LENNY YOUNG: Okay. And then the second
12 question is, I saw the reference here to ground squirrel
13 colonies. That got me thinking about rodenticides and
14 maybe that was already covered earlier in our
15 conversation today in the general wildlife stuff, but do
16 we need anything here that is specific to preventing
17 ferruginous hawks from ingesting prey items that have
18 been contaminated with pesticides, rodenticides? Did
19 they scavenge -- do they scavenge at all? Is that part
20 of their food habits here in this part of the -- of
21 their range?

22 JAMES WATSON: They certainly do, and
23 probably more so from varmint hunting as far as
24 ingestion of lead, but I think, Sean didn't -- wasn't
25 there a section here on -- somewhere in the document on

1 poison control or am I --

2 LENNY YOUNG: There was something about
3 rodenticides in our very early part of our meeting today
4 up in the general wildlife. Maybe that covers it.

5 AMY MOON: It was, I believe, Wildlife-4.

6 SEAN GREENE: Rodenticide would not be
7 allowed within the Project Lease Boundary.

8 LENNY YOUNG: What about other types of
9 larger carcasses? Would ferruginous hawks in this area
10 ever scavenge livestock carcasses, coyote carcasses, any
11 larger carcasses that might be involved with poisonings
12 somehow?

13 JAMES WATSON: Very rarely. And, of
14 course, this species is migratory Lenny --

15 LENNY YOUNG: Yeah. That's right. That's
16 right.

17 JAMES WATSON: -- so they're here during
18 breeding and they're going to be grabbing the small prey
19 to take to the nest. So probably occasional, but
20 probably not a significant concern.

21 LENNY YOUNG: Right. Thank you.

22 JAMES WATSON: Yeah.

23 CHAIR DREW: Okay. Perhaps we can move on
24 to the next slide.

25 SEAN GREENE: Absolutely. So this just

1 finishes off the ferruginous hawk mitigation and then
2 moves on to Species-6 which is focused on the great blue
3 heron, and sandhill crane, and tundra swan and would
4 require the creation of an observation database, the
5 application of recommended buffers, and adaptive
6 management when necessary. So are there any final
7 questions on Species-5 or any questions on Species-6?
8 Okay.

9 CHAIR DREW: We are -- the time has --
10 we're at 3:30 p.m. I know we had a bit of a break, but
11 we will continue to move on through our agenda today so
12 our meeting will be lasting longer. So I just wanted to
13 let folks know that this is critical information for the
14 Council to have and to be able to ask questions. So we
15 are going to continue.

16 SEAN GREENE: Okay. Moving on. Species-7
17 addresses the loggerhead shrike, sagebrush sparrow, sage
18 thrasher, and Vaux's swift and would minimize impacts to
19 suitable habitat and avoid the use of insecticides or
20 herbicides within the Lease Boundary. I'll give you a
21 moment to read through that. Yes, Jason?

22 JASON FIDORRA: Yeah. I'm not familiar
23 with the protocol, if I can interject, kind of, my own
24 thought on this, but I'll go ahead. So some of the -- a
25 lot of these species that we -- were just up on the

1 screen before and these ones, you know, they're talking
2 about habitat onsite and most of these are migrants.

3 The species on this list, particularly the
4 first three, are going to be nocturnal migrants and
5 they're going to have impacts -- the Project can have
6 potential impacts, lethal impacts, to populations in
7 Washington beyond the site boundary. So particularly
8 with the siting of this and for sandhill cranes as well,
9 roosting areas may not be adjacent immediately to the
10 Project boundary.

11 But, you know, we do know in West Richland
12 there's a major crane congregation area. We do know
13 that these species are going to be flying north-south,
14 the ones on this page, primarily nocturnal migrants at
15 elevations that, you know, I don't believe they did any
16 assessment of nocturnal migration through this area.
17 And we are on a major corridor in eastern Washington
18 with the Columbia River there. So I did just want to
19 raise that kind of concern that I haven't seen addressed
20 in the document.

21 CHAIR DREW: Ms. Brewster.

22 STACEY BREWSTER: Yeah. I'm just
23 wondering then, is there a case to be made for
24 curtailment during migratory periods that could be
25 studied?

1 CHAIR DREW: Or perhaps the -- it would --
2 could be that -- to monitor and if we find that there
3 is, I mean, that would be the reason for the TAC perhaps
4 to look at any kind of impact by turbine strikes
5 throughout the Project.

6 SEAN GREENE: Yes. And that references
7 back to the Wildlife-1 mitigation, which is the
8 post-construction bird mortality surveys that are
9 performed for three of the first five years of the
10 Project's operation and adaptive management is developed
11 based on the results of those surveys, which can include
12 turbine curtailment during periods of high activity.

13 CHAIR DREW: Thank you.

14 SEAN GREENE: Are there further questions
15 on Species-7? Okay.

16 Species-8 is for the prairie falcon and
17 implements a mandate for pre-construction surveys and
18 buffers of any identified nests.

19 And Species-9 targets the ring-necked pheasant
20 and requires consideration of native grass seed mix for
21 mixes for revegetation as well as adopted management, if
22 necessary. Mr. Livingston.

23 CHAIR DREW: Mr. Livingston. Yeah.

24 MIKE LIVINGSTON: Yeah. This one for
25 prairie falcon, I'd like to know from either Jason or

1 Jim their thoughts about wintering birds, because I do
2 know that Horse Heaven Hills area can be a place for
3 wintering raptors, prairie falcons is one of them. But
4 what's the level of concern there for wintering birds?

5 JAMES WATSON: Jason, I think you've done
6 some work up there in the winter with raptors is that
7 correct?

8 JASON FIDORRA: Primarily incidental, but
9 yeah they're -- I mean, the Horse Heaven Hills, I've
10 seen gyrfalcons and snowy owl plus the more expected,
11 you know, we do seem to see an influx of prairie
12 falcons. Typically, you know, just from -- there's not
13 a standardized survey or anything that's been conducted
14 by myself but, you know, those open agricultural fields
15 in the Project boundary are host to a lot of wintering
16 birds of prey which can include golden eagles at times,
17 certainly bald eagle, and the other aforementioned
18 species. So, yeah, I would consider this pretty -- this
19 area is kind of a hot spot for wintering raptor use.

20 There may be some surveys. I have to check.
21 There is an Oregon Audubon somewhat-related group that
22 has established some winter raptor survey accounts. I
23 don't know if any fall through the Project boundary or
24 the adjacent Horse Heaven Hills area.

25 CHAIR DREW: So perhaps, Sean, we would

1 want to add a winter pre-construction survey as well.

2 SEAN GREENE: We can certainly incorporate
3 that into mitigation and have it presented for the
4 Council at the next meeting.

5 CHAIR DREW: Thank you.

6 SEAN GREENE: Any further questions on
7 these two? Okay. Species-10 addresses the black-tailed
8 jackrabbit and white-tailed jackrabbit and requires
9 pre-construction surveys, and suitable habitat, and the
10 development of a management plan with adaptive
11 maintenance or adaptive management if the species are
12 identified on site.

13 And Species-11 addresses Townsend's big-eared
14 bat and includes a requirement to retain potential
15 roosting sites, restrict access to any potentially
16 contaminated waters on site, and report all mortalities
17 to EFSEC in preparation for adaptive management, if
18 necessary. Are there any questions on these two? Okay.

19 Species-12 is for Townsend's ground squirrel
20 and mandates pre-construction surveys and would exclude
21 Project components from being sited in areas rated
22 medium or greater for habitat concentration for the
23 species. And if components need to be sited in areas
24 rated as medium or greater, a management and mitigation
25 plan would be developed and submitted to EFSEC for

1 approval along with the potential site for that
2 component. Are there any questions here? Okay.

3 And our last wildlife mitigation measure,
4 Species-13, targets the pronghorn antelope and requires
5 that fencing be limited to the greatest extent feasible
6 and the implementation of a seasonal pronghorn study
7 before construction and during operation with adaptive
8 management developed as necessary throughout the life of
9 the Project. And that -- also the creation of an
10 observation database that is made available to WDFW,
11 EFSEC, and the Yakima Nation.

12 CHAIR DREW: We would need to perhaps have
13 that, a conversation that may be confidential, than a
14 confidential database amongst those three entities,
15 correct?

16 SEAN GREENE: I -- we would need to look
17 into that, but I could certainly understand why it would
18 potentially be so.

19 CHAIR DREW: Okay. Marlis.

20 MARLIS MUSCHAL: Yes. Thank you. My
21 question is, would Yakima nation have their own
22 subject-matter expert on one of those TAC or PTAGs?

23 CHAIR DREW: Of course. I'm sorry,
24 Marlis. I thought you were one of our contractors.

25 MARLIS MUSCHAL: No worries.

1 CHAIR DREW: So because we're trying to
2 keep just the questions to the Council members, but
3 absolutely the Yakima Nation would be invited.

4 MARLIS MUSCHAL: Pardon me.

5 CHAIR DREW: Okay.

6 MARLIS MUSCHAL: Thank you very much.

7 SEAN GREENE: Okay. Any questions on
8 Species-13?

9 And then we can move on to historic and
10 cultural resources. So there are only two mitigation
11 measures here but both are fairly lengthy and involve
12 additional work to be completed throughout the life of
13 the Project. Cultural Resources-1 reflects the concerns
14 for Project impacts to traditional cultural properties.
15 Traditional cultural properties include features of
16 tribal, cultural, or religious significance and are
17 considered extremely sensitive with avoidance being the
18 only fully effective mitigation measure identified.

19 As a result, the EIS has identified likely
20 significant impacts to this resource, but this
21 mitigation is designed to ensure that the Applicant,
22 affected Tribes, and EFSEC establish and continue an
23 ongoing dialogue throughout the life of the Project on
24 mitigation measures that may be effective at reducing
25 said impacts. Several examples of those potential

1 mitigation strategies are listed in this mitigation
2 measure. You can take a minute to read through that and
3 develop questions. Mr. Livingston.

4 MIKE LIVINGTON: Yeah Sean, so the
5 statement about, "Enable continued access for Tribes
6 through an Access Agreement" or First Foods procurement.
7 Can you explain to me -- and I know there's sensitive
8 information here but I'm just trying to, generally
9 speaking, in the Project area, particular areas, you
10 know, it's going to be outside of wheat fields and CRP,
11 but I assume there's either public land or private land
12 where the Umatillas or Yakimas have access for currently
13 accessing foods, roots, and other plants.

14 And do we have any Project pro -- or
15 components, particularly like solar, that are proposed
16 for those areas? I couldn't quite -- I couldn't figure
17 out that in EIS and all the information that we
18 currently have. So I'm just, generally speaking, trying
19 to understand what the significant impact or what the
20 level of impact is.

21 SEAN GREENE: Sure. And so per the treaty
22 rights reserved by the Tribes, they have the right to
23 access any publicly owned lands to collect First Foods.
24 Access to private lands has to be made with -- by
25 agreement with that private landowner. To my knowledge,

1 none of the private lands targeted for this Project have
2 an existing Access Agreement with any Tribe.

3 So in terms of continuing Access Agreements,
4 though, that would be on the publicly -- public parcels
5 within the Project area. I believe, one of the solar
6 arrays encroaches on a public -- an area of public land.
7 That's the solar array on the southwestern portion of
8 the site so that would be the only one that would
9 potentially impact current legal access to First Foods.
10 I believe that my memory is correct on that part. But
11 if anybody knows better they can speak up.

12 MIKE LIVINGSTON: Well, and perhaps that,
13 given we're going to get site specific, this is better
14 for a different conversation. I just -- I'm trying --
15 I, you know, I'm trying to understand how, if we can, if
16 we're mitigating enough to avoid these impacts to these
17 access sites that are currently existing.

18 SEAN GREENE: Yeah. So like I said, the
19 only -- as far as Moore the only current legal access
20 site that the Tribes have access to would be the
21 public -- publicly owned lands. And the only
22 publicly -- public-owned land that the solar arrays
23 interact with is the parcel in the southwestern part of
24 the site. I don't have knowledge as to whether any of
25 the Project area currently contains First Foods or have

1 been traditionally used by the Tribes for access to
2 those foods.

3 MIKE LIVINGSTON: Okay. Thank you.

4 SEAN GREENE: Are there any other
5 questions on this mitigation measure? Okay.

6 The second Cultural Resources mitigation
7 measure is focused on archeological and architectural
8 resources and is expanded further upon in Table 4.9-9 in
9 the EIS, which I can bring up if the Council desires.
10 But this table identifies the specific -- oh, sorry, Mr.
11 Levitt you have a question?

12 ELI LEVITT: Yeah. Sorry. I guess just
13 to go back to the left side for a moment. It seems like
14 one of the things we heard is the Tribes would strongly
15 prefer that these sites remain confidential. So does
16 this suggest that we would demarcate a culturally
17 significant site in the solar array area? I mean, I
18 guess just -- it just brings up if we're saying they're
19 a no-go area and it's on public lands, someone could
20 figure out what those sites are, potentially.

21 SEAN GREENE: Yes. And the demarcation of
22 any no-go areas would be a decision that's reached in
23 discussions with the Tribes. So that -- I understand
24 that the concern of inadvertently revealing any
25 traditional cultural property locations and that would

1 be part of this ongoing discussion throughout the life
2 of the Project on what are mitigation measures that
3 could effectively maintain the security of those
4 resources, both from public knowledge and from Project
5 actions.

6 ELI LEVITT: Okay. Thank you, Sean.

7 SEAN GREENE: Of course. Okay. And
8 moving back into CR-2, Table 4.9-9 in the EIS identifies
9 specific mitigation that's required for each of the 52
10 archeological and architectural resources within the
11 Lease Boundary with a recommendation for avoidance of
12 all of those resources and a requirement to pursue the
13 relevant DAHP permit when necessary if avoidance is not
14 possible and coordination with Tribes, with affected
15 Tribes and DAHP where -- for resources where a permit is
16 not necessarily required.

17 And I don't know if it might be more effective
18 if I bring up that table. It's -- so this is the table
19 and it's divided by the resource type. So whether the
20 resource is archeological or architectural in nature and
21 the time period from which the resource is from, whether
22 it's precontact or historic and as well as whether that
23 resource is an isolate or a full site.

24 And this table identifies the sensitivity of
25 each of those types of resources with, again, a

1 recommendation that all are avoided if possible, and if
2 not possible, then this final column indicates what
3 mitigation is required if that resource is to be
4 impacted. And for most of them, it is pursuing a permit
5 through the DAHP process, which is part of that process,
6 is coordinated with the Tribes as well. And for
7 resources that don't require a permit, it is just
8 coordination with the Tribes and DAHP regardless. Are
9 there any questions on Cultural Resources-2 or Table
10 4.9-9? Okay.

11 Next we will be moving into visual esthetics,
12 light and glare, and shadow flicker as a resource. And
13 before we do that, we wanted to go through a few of the
14 visual simulations that have been provided for the
15 Project. I believe there are 23 in total in the Final
16 ASC, but we selected a few of them here just to give an
17 idea of what the Project would look like from various
18 vantage points.

19 CHAIR DREW: I think, if we could, I think
20 that I'm going to ask for a five-minute health break --

21 SEAN GREENE: Yes.

22 CHAIR DREW: -- for Council members and
23 perhaps for others who have been participating in the
24 meeting just to get a glass of water or whatever else.
25 And let's come back to the visual in five minutes. We

1 are on break.

2 (Recess.)

3 CHAIR DREW: Okay. Kathleen Drew calling
4 us back to order here. I -- can you hear me?

5 SEAN GREENE: Yes.

6 CHAIR DREW: Okay. And you're back.
7 That's good.

8 SEAN GREENE: Yes.

9 CHAIR DREW: And we're about ready to
10 start on the conversation about visual impacts. And
11 again, what we're doing is we're looking at the
12 mitigation measures for the Council to better understand
13 what is in the proposed mitigation measures for the
14 Final EIS. So with that, go ahead and continue the
15 presentation.

16 SEAN GREENE: Thank you. So yes, like I
17 was saying, we wanted to show the Council a selection of
18 the visual simulations that were performed just to give
19 a general idea of what the Project looks like from
20 multiple vantage points. This first is a view from
21 South Clodfelter Road. And I should just say, the
22 visual simulations are all going to look -- follow the
23 same format where in the bottom right you see an arrow
24 showing the location and direction of the viewpoint
25 being expressed.

1 The top image is the existing conditions from
2 that vantage point. The second image is with Option-1,
3 so the higher number of turbines but at a shorter
4 height, and Option-2 with being the fewer number of
5 turbines at a higher height. So the primary viewer type
6 from this location would be residential and the distance
7 to the Project is approximately three miles.

8 The next simulation is from Chandler Butte
9 which is the northwestern extreme of the Project. The
10 primary viewer type would be recreational and the
11 distance to the Project is approximately two miles. And
12 I wanted to note that these blue dots that I added to
13 these simulations are indicative of turbines that have
14 subsequently been eliminated from consideration as a
15 result of Applicant commitments. So --

16 CHAIR DREW: And --

17 SEAN GREENE: Yes.

18 CHAIR DREW: Can I ask too, are these --
19 who conducted the -- who developed these visual
20 simulations?

21 SEAN GREENE: The Applicant's consultant.

22 CHAIR DREW: Okay. And I noted within the
23 description as well that there were comments about the
24 hazing of the pictures. And so these are ones that do
25 not have the hazing is that correct?

1 SEAN GREENE: That's correct. Subsequent
2 to the publication of the Draft EIS, the visual
3 simulations were re-performed by the Applicant's
4 consultant to remove hazing --

5 CHAIR DREW: Okay.

6 SEAN GREENE: -- of the images. The next
7 visual stimulation is from the -- from Highland, also
8 known as the Finney -- Finley Area. And I did want to
9 note that in the -- can you guys see my mouse cursor?
10 No. Okay. In the --

11 CHAIR DREW: Oh, yes. Yes, I can.

12 SEAN GREENE: Okay.

13 CHAIR DREW: I can.

14 SEAN GREENE: Okay. In the top image on
15 the right hand side of the image, that is the existing
16 Nine Canyon Wind Project. So those turbines already
17 exist within this viewshed and are not part of this
18 Project. The primary viewer site from this location
19 would be residential and the distance to the Project is
20 approximately two miles. And this is north of
21 essentially the eastern extreme of the Project area.

22 The next visual simulation is from South Travis
23 Road. The primary viewer types would be residential and
24 travelers and the distance to the Project is
25 approximately one mile and this is essentially south of

1 the western part of the Project, looking north.

2 This is a simulation that is new to the Final
3 ASC, and it's a view from the Avennia Winery. The
4 primary viewer types would be commercial and travel
5 route. The distance to the Project is approximately
6 five miles. And again, the blue dots are turbines that
7 have subsequently been removed from consideration by
8 Applicant commitments. But this -- kind of the center
9 of the image -- is representative of Weber Canyon, which
10 was an area that was of particular concern to a number
11 of resources and has been targeted for several turbines
12 to be removed by Applicant commitments.

13 This is a view from Benton City. The primary
14 viewer types would be residential, commercial, and
15 travelers and the distance to the Project is
16 approximately 2.5 miles. This image and the subsequent
17 images as part of this presentation were all added --
18 the simulation -- these simulations were added as a
19 result of public comments from the Draft EIS. So this
20 was a particular viewshed that public commenters were
21 concerned about.

22 This is a view from Interstate 82 traveling
23 through Bofer Canyon. Primary viewer type would be
24 traveler and the distance to the Project is zero miles.
25 This is directly in the center of the Project. And

1 again, the one blue dot is a turbine that has been
2 removed from consideration, and this was added as a
3 result of public comments.

4 This is a view from Twin Sisters Rock east of
5 will the Wallula Gap. The primary viewer type would be
6 recreational and distance to the Project is
7 approximately five miles and was added as a result of
8 public comments to the DEIS.

9 And the final simulation is similar in location
10 but instead of on top of Twin Sisters Rock, this is
11 along US Route 730 and approximately the same location
12 east of the Wallula Gap, again, about five miles from
13 the Project. For this one, however, no Project
14 components will be visible from this location. They've
15 been shown here in light blue to indicate their actual
16 position geographically but they are blocked from view
17 by the existing topography.

18 And if we want to, we can refer back to those
19 as we go through visual mitigation but we can start
20 going through these now. The first, Visual-1, requires
21 that all turbines be located at least half a mile from
22 nonparticipating residences. So those are residences
23 that do not have a lease contract with the Applicant.

24 Visual-2 prohibits the installation of any
25 advertising or secondary non-Project components onto

1 turbines.

2 Visual-3 requires that turbines and nacelles be
3 cleaned in cases where they accumulate dirt or had
4 visual staining.

5 And Visual-4 ensures that, where feasible,
6 vegetation beneath solar arrays is not completely
7 cleared during construction so as to avoid exposing bare
8 earth. And this area also requires that in cases where
9 this is not able to be done, meaning that bare earth is
10 exposed, revegetation occurs following the completion of
11 construction. Does the Council have questions for these
12 measures for the visual simulations? And Chair Drew,
13 you mentioned that there was a figure that you wanted to
14 discuss. Would you prefer if we do that now or at the
15 end of visual? I think you're muted.

16 CHAIR DREW: Thank you. I think it'd be
17 fine to do it now. It was one that, as I reviewed the
18 Final EIS, I had questions about. And do you have that
19 one for me?

20 SEAN GREENE: Yes. It is right here and
21 it is a viewshed analysis of the first turbine layout
22 option. These -- I can zoom in a bit -- these yellow
23 dots are the KOPs that were included in -- they aren't
24 inclusive of all the KOPs because a few were added
25 subsequent to this, but most of the KOPs are the yellow

1 dots. The green squares are existing residences. And
2 the various colors of shading, as you can see in the
3 legend, are the number of turbines that would be visible
4 from those locations.

5 CHAIR DREW: And I noted in the
6 description that it actually said -- because I was
7 trying to figure out, you know, the purple areas --
8 that's where larger numbers of turbines could be
9 visible. But that's because of -- it's not because
10 people have actually been there looking in that
11 direction but because of the height of the topography,
12 is that correct?

13 SEAN GREENE: Yes.

14 CHAIR DREW: So essentially, you're
15 looking across a valley and towards where this Project
16 will be located.

17 SEAN GREENE: Yes. The number of turbines
18 that's visible is a combi -- is determined by a
19 combination of distance from the Project and the
20 existing topography. So areas further away and higher
21 up, you will be able to see more turbines, but there's
22 kind of a balancing act there in that they will be much
23 smaller, obviously, because you're further away. So
24 that doesn't mean that the impacts to further distances
25 are necessarily less significant than viewer -- viewers

1 at closer distances. It's just a kind of a combination
2 of multiple factors that needed to be assessed.

3 CHAIR DREW: Okay. Thank you.

4 SEAN GREENE: Are there any other
5 questions on this figure?

6 CHAIR DREW: Mr. Levitt.

7 ELI LEVITT: Yeah. Hi, Sean. You know, I
8 guess I have to say before I ask, I really appreciate
9 all the work that EFSEC team has put into all of the EIS
10 analysis. I know it's tremendous and it took a lot of
11 time and it's a really big document. So I recognize it
12 was a really big investment. And perhaps my question
13 isn't entirely fair because it's after the process
14 versus during the process. But when doing the view
15 analysis, to me, there's maybe perhaps some crossover in
16 the future that could happen with making sure different
17 people and groups are represented.

18 So, you know, if you look at this map the, I
19 believe, ten-mile buffer would include roughly, you
20 know, between 200 or maybe around 200-250,000 people,
21 let's just say. And of those, if you look at the
22 socioeconomic analysis, a certain percentage are low
23 income and a significant percentage are people of color.
24 So I guess, you know, I'm not saying we can go back and
25 revisit the process, but in the future, I think it might

1 make sense to make sure some of our key observational
2 viewpoints are ones where we get feedback from a diverse
3 set of interested parties.

4 So, yeah, I don't know if you'd care to comment
5 on this, but it -- when I think about the view analysis
6 as well as the socioeconomic analysis, to me, there's
7 some crossover and maybe some potential for more
8 thinking in the future on projects like this?

9 SEAN GREENE: Yeah. And there's certainly
10 always more that can be done. But in the selection of
11 the KOPs, that was a consideration taken into account.
12 And in our analysis of the adherence of the Project to
13 the concept of environmental justice. In Chapter 4.16,
14 there is a discussion of whether or not the Project
15 would have disproportionate visual impacts on
16 underprivileged communities. So I agree that that's
17 always something that can be improved upon, but I think
18 there was an effort made with this analysis to take that
19 into account.

20 ELI LEVITT: Yeah, I hear you. I think in
21 that section, or maybe it's a different one, there's --
22 there was an attempt to look at numbers by census track
23 too, and I thought that was interesting, because a lot
24 of those census tracks were really either in the site or
25 very close to the site. But in this particular case,

1 the impact goes beyond those census tracks.

2 SEAN GREENE: That's a good point. Okay.
3 Any further questions on these four measures? Okay.

4 Visual-5 requires the installation of
5 color-treated opaque fencing to screen views of solar
6 arrays where the arrays are sited within one-half mile
7 of roadways or residences.

8 Visual-6 requires that the battery stations be
9 constructed of materials and painted colors that would
10 result in the least po -- the least contrast to the
11 existing set -- setting feasible.

12 Visual-7 would require that the span length of
13 transmission lines be maximized to the extent feasible
14 to minimize the number of towers that would need to be
15 constructed.

16 And Visual-8 ensures that the type of
17 transmission tower selected for the Project match the
18 type of transmission towers that are currently in place
19 within the Project area to reduce visual contrast. Are
20 there any questions on these four? Okay.

21 And the final mitigation measures for this
22 resource, the first two are in reference to shadow
23 flicker, which is the rapid movement of shadows from
24 turbine blades across a single location. And the first
25 measure ensures that efforts are taken to minimize the

1 effects of shadow flicker at nonparticipating
2 residences, including the construction of screening
3 where it's practical and stopping turbine operation
4 during periods of high or extended shadow flicker.

5 And how those periods would be determined is
6 mostly as a result of the second mitigation measure
7 here, which creates a complaint resolution hotline for
8 residents where they can report undesirable shadow
9 flicker, and the Applicant is required to take
10 resolution measures as a result of those complaints,
11 with both the complaint and the re -- the proposed
12 resolution being reported to EFSEC on a monthly basis
13 during regularly scheduled Council meetings.

14 And the final measure on this list is for light
15 and that requires the Project to use LEED-certified
16 building exteriors and security lighting to minimize
17 illumination at night. Are there questions on these
18 measures or sector?

19 CHAIR DREW: Ms. Brewster.

20 STACEY BREWSTER: Yeah. Thanks, Sean. I
21 was just wondering are these fairly standard mitigation
22 practices with other projects or do these go above and
23 beyond. What's standard?

24 SEAN GREENE: I think the light one is
25 fairly standard. The shadow flicker measures, I

1 believe, exceed what we have done on previous projects.
2 I don't know if Ami Hafkemeyer or Amy Moon are familiar
3 with some of our projects that predate my time with
4 EFSEC, but I don't believe that I've seen similar
5 mitigation to some of our previous projects.

6 AMY MOON: I believe that the Shadow
7 Flicker-1 is very similarly captured with Desert Claim,
8 which has not been constructed, and I'm not familiar
9 enough with our other projects to know on that. Maybe
10 Ami Hafkemeyer knows.

11 CHAIR DREW: Well. I do know that our
12 reports that we receive monthly from our operating
13 facilities that are under our oversight do say the
14 number of shadow flicker complaints that they receive,
15 which at this point in time, having been in operation
16 for a number of years, there are no further complaints
17 than there may have been at the future -- at the
18 beginning.

19 SEAN GREENE: Okay. So I guess these are
20 more similar to what we've done in the past.

21 STACEY BREWSTER: Thank you.

22 SEAN GREENE: Are there any other
23 questions regarding any of the visual mitigation or
24 simulations? Okay.

25 And our final resource for today is public

1 health and safety. There's only one measure that we've
2 proposed as most of it -- most of our concerns for this
3 resource are captured within the Applicant's commitment
4 to provide a fire response plan for EFSEC consideration
5 and approval. But the mitigation measure that was added
6 was a requirement that turbine operation be shut down in
7 the event of a major wildfire where fire suppression
8 aircraft may need access to areas in proximity to the
9 Project. Are there any questions on this resource of
10 this mitigation? Mr. Young.

11 LENNY YOUNG: One thing that doesn't show
12 up here, but I wonder if it is worth looking at a little
13 bit would be in the event of a major wildfire in the
14 Project area where there are heavy smoke conditions and
15 greatly reduced visibility even during the daytime,
16 whether it would be prudent to require that the tower --
17 the turbine lights, the warning lights that are normally
18 only activated when aircraft or nearby would be on full
19 time. So that's maybe suggesting a type of mitigation
20 enhancement that could provide additional safety for
21 aircraft operations in heavy smoke conditions.

22 ELI LEVITT: You know, that might be
23 something we need to check with the FAA about because
24 they write the rules on --

25 LENNY YOUNG: Yeah.

1 ELI LEVITT: -- on when the lights should
2 be on.

3 LENNY YOUNG: Yep. Agreed. And of
4 course, we would want to be very mindful of the new
5 state law that just got passed on that and not run
6 counter to that without being very thoughtful.

7 CHAIR DREW: Mr. Livingston.

8 MIKE LIVINGSTON: Yeah. I think at one
9 point we talked about having a subject-matter expert
10 from DNR join us on this. As far as from firefighting
11 perspective, the one question I continue to have in my
12 head is, the fire prone areas, that north face of the
13 re -- the Horse Heaven Hills between Prosser and Benton
14 City. It burns frequently and providing enough buffer,
15 turnaround space, for aerial support seems to be very
16 prudent. And I don't know what that distance would be
17 needed for aircraft to be able to safely make their
18 turns and apply fire retardant. And I still don't know
19 if I've seen that anywhere in the EIS or if we've had
20 that information yet.

21 LENNY YOUNG: Could we -- do we need to
22 trap all that now, or could this all be sort of rolled
23 into the development and the approval by EFSEC of the
24 fire plan?

25 CHAIR DREW: Good question. Good

1 question. And I think that -- let's consider that as we
2 look at how we will structure our conversation in our
3 December 20th meeting as well. Ami Hafkemeyer, go
4 ahead.

5 AMI HAFKEMEYER: Oh, I was just -- I know
6 we ran a little long. I wasn't sure if our fire or
7 public health and safety subject-matter expert. We
8 don't have anybody from DNR available, but we did ask
9 one of our contractor's SMEs to be available. If he's
10 still on the line he might be able to speak to that
11 question a little bit.

12 CHAIR DREW: Oh, great.

13 AMI HAFKEMEYER: But I can't tell if he's
14 still on the line or not.

15 KIRBY LASTINGER: I'm still here. I think
16 the one thing that you would have to look at is probably
17 talk to -- I think that would probably take talking to
18 the local fire departments and see what they've had in
19 the past. Most of this area, looking at it, this is not
20 going to be forested area. It's going to be very low
21 grasses, dryland wheat, that type of stuff.

22 And in most of these cases, they're not going
23 to come in and use aircraft for that because these are
24 going to be fairly low intensity, fast-moving fires.
25 They're going to use backfires and that type of stuff.

1 Unless there's an interface where it would be near a
2 neighborhood or something like that. You start putting
3 water into a plane it is hundreds of thousands of
4 dollars and so when you look at the grasses that are
5 burning there, it's -- you're not going to get the
6 embers off of it that you would if you've got a wildland
7 fire in Oregon or Washington or that type of situation.

8 CHAIR DREW: I think we do have -- had
9 experience in this particular area with aircraft fire
10 suppression.

11 KIRBY LASTINGER: What do you use,
12 helicopter or planes? Were they using the helicopters
13 or the planes.

14 CHAIR DREW: Go ahead, Lenny.

15 LENNY YOUNG: Do we have -- do we have the
16 ability to, for our December meeting, to line up a
17 couple of wildland fire aviation specialists who could
18 come in and really help us take a harder look at this?

19 CHAIR DREW: I think we -- I think that
20 what we could do is that we can talk about how we want
21 to structure this going forward, if we do have a
22 recommendation to go forward, that -- and I think it's
23 the fire suppression plan, because I don't think we're
24 going to know the details, and so I think we can specify
25 what we want to make sure is included there.

1 KIRBY LASTINGER: Yeah, that would be my
2 advice. And again, getting local resources that are
3 familiar with that. I think it's probably the better
4 way to proceed. You know, get those subject-matter
5 experts and say, you know, given the terrain, the
6 taper -- topography, and what is there, what would be
7 the recommended or from that standpoint, what would be
8 the applicable strategy and tactics that would be
9 applied? And they're going to be able to answer those
10 questions.

11 LENNY YOUNG: I think the local -- as you
12 say, the local perspective is very important. But in
13 Washington state, most local jurisdictions do not
14 operate wildland firefighting aircraft --

15 KIRBY LASTINGER: Right.

16 LENNY YOUNG: -- and that is provided by
17 the state and federal and then contractors to the state
18 or federal. So I -- it'd be great to get a mix of
19 different expert perspectives to help us really resolve
20 this.

21 KIRBY LASTINGER: Yeah. And the resources
22 in that area -- these are smaller departments and
23 looking at it, and speaking yesterday, there's a lot of
24 volunteers in that area so you're going to be really
25 limited in the resources, just as you're saying, that

1 you're going to get from the local. And as with most
2 places, the firefighting comes from a state application
3 in most places, just like it does in Washington and
4 California and Oregon. So yeah, I -- that would be my
5 recommendation, is to have their input.

6 CHAIR DREW: Thank you. Thank you.

7 SEAN GREENE: Any further questions on
8 public health and safety? Okay. So that's it for the
9 EIS mitigation, the recommended mitigation. As for what
10 to expect for the next meeting on December 20th, the
11 Council has recommended several changes to mitigation
12 measures, both during the November 15th meeting and
13 today. These proposed changes have been noted by staff
14 and we will be developing updated versions that can be
15 presented to the Council prior to the next meeting on
16 December 20th.

17 Additionally, staff will be asking the Council
18 direction at that December meeting as to what documents
19 the staff should prepare for the Council to vote on at
20 the January meeting. And throughout the intervening
21 time, staff will be available to address any Council
22 questions or concerns, and we will be proactively
23 reaching out to Council members directly to seek out,
24 again, any questions or concerns. And thank you for
25 this very lengthy time that you've given to this

1 Project, but if you have any questions now, we can take
2 them. Yes, Mr. Livingston.

3 MIKE LIVINGSTON: I don't have a question.
4 I want to thank you, Sean, all the staff, contractors,
5 everybody. It's a tremendous lift that you guys have
6 done here. And just really appreciate all the hard
7 work. And this opportunity here, in particular, to
8 finally be able to have a discussion with WDFW staff has
9 been helpful for me. So thank you.

10 CHAIR DREW: Thank you. Mr. Young.

11 LENNY YOUNG: Yeah, same exact thing for
12 me. Really appreciate the experts and helping us today,
13 spending time with us, answering our questions, and all
14 the areas we covered. I think it's safe to say we had
15 some of the more complex and challenging topics in -- on
16 the agenda today and really, really appreciate the
17 expertise that came to help us today. Thank you.

18 CHAIR DREW: Thank you both. And again,
19 we will be looking to have a conversation on December
20 20th at our meeting, our regular meeting, about this
21 Project and how the Council wants to structure any
22 recommendation moving forward. In the meantime, please
23 reach out to our staff if you have topics that you want
24 to discuss in more detail, because I know this is an,
25 you know, a limited period of time, an overview, and a

1 very complex set of additional mitigation measures that
2 is recommended in the Final EIS.

3 And so our December conversation will bring
4 that together, along with the information that we have
5 received through the adjudication too, to talk about how
6 we want to structure any sort of recommendation to the
7 Governor. So very important meeting in December and
8 reach out with your questions to staff and they also
9 will be reaching out to you as well. So with that,
10 thank you for spending several hours today on this
11 critical conversation about the Horse Heaven Wind and
12 Solar Project and we will next meet on December 20th.
13 Thanks everyone. We're adjourned.

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15 (Meeting adjourned at 4:10 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 was transcribed from an audio/video recording. The foregoing was transcribed to the best of my ability, taking into consideration poor sound quality, simultaneous speaking, background noise, quality of second-party telephone, audio, and video recordings.

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 14th day of December, 2023.



Steven B. Crandall, CER
Certified Electronic Reporter #1198