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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

June 20, 2024

Lacey, Washington

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

1 APPEARANCES

2 STATE AGENCY MEMBERS:

3 Kathleen Drew, Chair

4 Elizabeth Osborne, Department of Commerce

5 Eli Levitt, Department of Ecology

6 Mike Livingston, Dept. of Fish and Wildlife

7 Lenny Young, Department of Natural Resources

8 Stacey Brewster,
9 Utilities & Transportation Commission

10
11 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

12 Horse Heaven:

13 Ed Brost, Benton County

14 Badger Mountain:

15 Jordyn Guilio, Douglas County (*)

16 Wautoma Solar:

17 Dave Sharp, Benton County (*)

18 Paul Gonseth, Washington State Dept. of
19 Transportation (*)

20 Wallula Gap:

21 Adam Fyall, Benton County (*)

1 APPEARANCES (Continuing)

2 ASSISTANT ATTORNEYS GENERAL:

3 Jon Thompson

4 Jenna Slocum (*)

5 Zack Packer (*)

6
7 ADMINISTRATIVE LAW JUDGES:

8 Adam Torem (*)

9 Laura Bradley (*)

10 Dan Gerard (*)

11
12 COUNCIL STAFF:

13 Sonia Bumpus

Ali Smith

14 Ami Hafkemeyer

Karl Holappa

15 Stew Henderson

Audra Allen

16 Joan Owens

Maria Belkina

17 Andrea Grantham

Lisa McLean

18 Sonja Skavland

Adrienne Barker

19 Sara Randolph (*)

Catherine Taliaferro

20 Sean Greene

Alondra Zalewski

21 Lance Caputo

Sairy Reyes

22 John Barnes

Martin McMurray

23 Joanne Snarski

Trevin Taylor

24 Alex Shiley

1 APPEARANCES (Continuing)

2 OPERATIONAL UPDATES:

3 Jarred Caseday (*)
4 Kittitas Valley Wind, EDP Renewables

5 Jennifer Galbraith (*)
6 Wild Horse Wind Power Project, Puget Sound Energy

7 Sara Randolph, EFSEC staff (*)
8 Grays Harbor Energy Center, Grays Harbor Energy

9 Jeremy Smith (*)
10 Chehalis Generation Facility, PacifiCorp

11 Denis Mehinagic (*)
12 Columbia Generating Station & WNP-1/4, Energy
13 Northwest

14 Thomas Cushing (*)
15 Columbia Solar, Tuusso Energy

16 Jacob Crist (*)
17 Goose Prairie Solar, Brookfield Renewable

18 COUNSEL FOR THE ENVIRONMENT:

19 Sarah Reyneveld (*)

20 Yuriy Korol (*)

21 (*) indicates remote attendee

22 Note: All attendees listed above have been
23 verified as being present despite some
24 having been omitted from the oral roll call.
25

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1 BE IT REMEMBERED that on Thursday,
2 June 20, 2024, at 621 Woodland Square Loop Southeast,
3 Lacey, Washington, at 12:30 p.m., the following
4 Monthly Meeting of the Washington State Energy
5 Facility Site Evaluation Council was held, to wit:

6
7 <<<<<< >>>>>>

8
9 CHAIR DREW: Good afternoon. This
10 is Kathleen Drew, Chair of the EFSEC Council, calling
11 to order our monthly meeting for June.

12 Ms. Grantham, will you call the roll of the
13 general EFSEC Council.

14 MS. GRANTHAM: Certainly, Chair
15 Drew.

16 Department of Commerce.

17 MS. OSBORNE: Elizabeth Osborne,
18 present.

19 MS. GRANTHAM: Department of
20 Ecology.

21 MR. LEVITT: Eli Levitt, present.

22 MS. GRANTHAM: Department of Fish
23 and Wildlife.

24 MR. LIVINGSTON: Mike Livingston,
25 present.

1 MS. GRANTHAM: Department of Natural
2 Resources.

3 MR. YOUNG: Lenny Young, present.

4 MS. GRANTHAM: Utilities &
5 Transportation Commission.

6 MS. BREWSTER: Stacey Brewster,
7 present.

8 MS. GRANTHAM: Chair, there is a
9 quorum of the regular Council.

10 CHAIR DREW: Thank you.

11 At this time, I'm going to call an executive
12 session. The purpose of the session is listed under
13 RCW 42.30.110, Sub 1. And the purpose -- the subject
14 is the Whistling Ridge energy project site
15 certification agreement, and the purpose is discussing
16 with legal counsel representing the agency matters
17 relating to potential litigation or legal risks of the
18 proposed actions to approve transfer and to extend the
19 Whistling Ridge energy project site certification
20 agreement.

21 We plan to return by 1:30. Thank you.

22 (Pause in proceedings from
23 12:31 p.m. to 1:30 p.m.)
24

25 CHAIR DREW: Good afternoon. This

1 is Kathleen Drew, Chair of the EFSEC Energy Facility
2 Site Evaluation Council, bringing our monthly meeting
3 back to order now that our executive session has
4 closed.

5 Ms. Grantham, will you please call the roll.

6 MS. GRANTHAM: Certainly. And,
7 Chair Drew, really quick, would you like me to recall
8 the roll of the regular Council or just start from the
9 local government and optional State agency council?

10 CHAIR DREW: Go ahead and start with
11 the local government.

12 MS. GRANTHAM: Perfect.

13 Okay. So for local government and optional State
14 agencies: For the Horse Heaven council, for Benton
15 County, Ed Brost.

16 For the Badger Mountain, for Douglas County,
17 Jordyn Guilio.

18 MS. GUILIO: Jordyn Guilio.

19 MS. GRANTHAM: For Wautoma Solar,
20 for Benton County, Dave Sharp.

21 MR. SHARP: Dave Sharp, present.

22 MS. GRANTHAM: Washington State
23 Department of Transportation, Paul Gonseth.

24 MR. GONSETH: Paul Gonseth, present.

25 MS. GRANTHAM: Hop Hill Solar, for

1 Benton County, Paul Krupin.

2 For Carriger Solar, for Klickitat County, Matt
3 Chiles.

4 And for Wallula Gap, for Benton County, Adam
5 Fyall.

6 MR. FYALL: Adam Fyall is here.

7 MS. GRANTHAM: For assistant
8 attorney generals: Jon Thompson.

9 MR. THOMPSON: Present.

10 MS. GRANTHAM: Jenna Slocum.

11 MS. SLOCUM: Present.

12 MS. GRANTHAM: Zack Packer.

13 MR. PACKER: Present.

14 MS. GRANTHAM: And do we have any
15 administrative law judges on the line?

16 ALJ GERARD: Dan Gerard.

17 MS. GRANTHAM: I have Mr. Gerard.
18 And was there someone else present?

19 ALJ TOREM: Yeah. Judge Torem.

20 MS. GRANTHAM: Thank you.

21 For EFSEC staff -- oh.

22 ALJ BRADLEY: Also Judge Bradley.

23 MS. GRANTHAM: Thank you, Judge
24 Bradley.

25 And I will go over to EFSEC staff. I will be

1 calling those anticipated to possibly speak today.

2 For EFSEC staff, Sonia Bumpus.

3 MS. BUMPUS: Present.

4 MS. GRANTHAM: Ami Hafkemeyer.

5 MS. HAFKEMEYER: Present.

6 MS. GRANTHAM: Sara Randolph.

7 MS. RANDOLPH: Present.

8 MS. GRANTHAM: Sean Greene.

9 MR. GREENE: Present.

10 MS. GRANTHAM: Lance Caputo.

11 MR. CAPUTO: Present.

12 MS. GRANTHAM: John Barnes.

13 MR. BARNES: Present.

14 MS. GRANTHAM: Joanne Snarski.

15 MS. SNARSKI: Present.

16 MS. GRANTHAM: Mar- -- excuse me.

17 Martin McMurray.

18 MR. McMURRAY: Present.

19 MS. GRANTHAM: And Trevin Taylor.

20 MR. TAYLOR: Present.

21 MS. GRANTHAM: And for operational
22 updates: Kittitas Valley Wind Project.

23 MR. CASEDAY: Jarred Caseday,
24 present.

25 MS. GRANTHAM: Wild Horse Wind Power

1 Project.

2 MS. GALBRAITH: Jennifer Galbraith,

3 present.

4 MS. GRANTHAM: Grays Harbor Energy

5 Center.

6 Chehalis Generation Facility.

7 MR. SMITH: Jeremy Smith, present.

8 MS. GRANTHAM: Columbia Generating

9 Station.

10 MR. MEHINAGIC: Denis Mehinagic,

11 present.

12 MS. GRANTHAM: Columbia Solar.

13 MR. CUSHING: Thomas Cushing,

14 present.

15 MS. GRANTHAM: Goose Prairie Solar.

16 MR. CRIST: Jacob Crist, present.

17 MS. GRANTHAM: And do we have anyone

18 present for the counsel for the environment?

19 MS. REYNEVELD: Yes. Sarah

20 Reyneveld and Yuriy Korol are present.

21 MS. GRANTHAM: Thank you.

22 Chair, there is a quorum for all councils.

23 CHAIR DREW: Thank you.

24 Moving on to our proposed agenda. Council

25 members, you see that in front of you.

1 Is there a motion to adopt the proposed amended --
2 excuse me -- a proposed agenda?

3 MR. YOUNG: Lenny Young. So moved.

4 MR. LIVINGSTON: Mike Livingston.

5 Second.

6 CHAIR DREW: Thanks.

7 Any discussion?

8 All in favor, please say "aye."

9 MULTIPLE SPEAKERS: Aye.

10 CHAIR DREW: Opposed?

11 The agenda is adopted.

12 Moving on to the meeting minutes.

13 First, the May 15, 2024, monthly Council minutes.

14 I did not find any -- first of all, let's have a motion
15 to approve the monthly Council minutes.

16 MR. LIVINGSTON: Move to approve the
17 Council minutes from May.

18 CHAIR DREW: Second?

19 MR. LEVITT: Second. Eli Levitt.

20 CHAIR DREW: I did not find any
21 corrections or changes. Did anyone find anything in
22 that set of minutes?

23 Okay. All those in favor of approving those
24 monthly Council minutes, please say "aye."

25 MULTIPLE SPEAKERS: Aye.

1 CHAIR DREW: All those opposed?

2 Minutes are approved.

3 Move on to -- we have the May 16th Whistling Ridge
4 transfer and extension request meeting minutes, and
5 they're two sets of minutes. So we can take them as
6 one, but I do have corrections on both.

7 So let's go ahead and move to approve the May
8 16th, 2024, Whistling Ridge transfer and extension
9 request meeting minutes. Motion?

10 MS. BREWSTER: Stacey Brewster. So
11 moved.

12 CHAIR DREW: Second?

13 MS. OSBORNE: Elizabeth Osborne.
14 Second.

15 CHAIR DREW: Okay. So the changes
16 that I have are, for the transfer request, Page 21,
17 Line 1, in the sentence, quote, "No secret addendum is
18 required," it should say "SEPA," S-E-P-A.

19 Then moving on to the extension request.

20 Are there any other corrections from that set of
21 minutes from anybody? Okay.

22 Then moving on to the extension request. I have a
23 few. On Page 15, Li- -- excuse me. Page 17, Line 15,
24 the word "city" should be "EFSEC," E-F-S-E-C.

25 Page 22, Line 22, the word "fourth," should be

1 "forest."

2 On Page 53, Line 6, I believe "2013" should be
3 "2023."

4 And on Page 54, Line 2, "EPA" should be "BPA," the
5 letter "B" as in "boy."

6 Okay. Any other corrections or edits?

7 All those in favor, please say "aye," of the
8 minutes as amended.

9 MULTIPLE SPEAKERS: Aye.

10 CHAIR DREW: Opposed?

11 The minutes are approved.

12 Moving on now to our operational updates.

13 Kittitas Valley wind project. Mr. Caseday.

14 MR. CASEDAY: Good afternoon, Chair
15 Drew, EFSEC Council, and staff. This is Jarred Caseday
16 with EDP Renewables for the Kittitas Valley wind power
17 project.

18 We have nothing nonroutine to report for the
19 period.

20 CHAIR DREW: Thank you.

21 Wild Horse --

22 MR. CASEDAY: Thank you.

23 CHAIR DREW: -- wind power project.

24 Ms. Galbraith.

25 MS. GALBRAITH: Yes. Thank you,

1 Chair Drew, Council members, and EFSEC staff. For the
2 record, this is Jennifer Galbraith from Puget Sound
3 Energy representing the Wild Horse wind facility.

4 And for the month of May, we had no nonroutine
5 updates.

6 CHAIR DREW: Thank you.

7 Chehalis Generation Facility. Mr. Smith.

8 MR. SMITH: Good afternoon, Chair
9 Drew, Council members, and staff. This is Jeremy
10 Smith, the operations manager, representing the
11 Chehalis Generation Facility.

12 I have nothing nonroutine to report for the month
13 of May.

14 CHAIR DREW: Thank you.

15 Grays Harbor Energy Center. Mr. Sherin or
16 Ms. Randolph.

17 MS. RANDOLPH: That would be me
18 today. Thank you, Chair Drew and Council members. For
19 the record, this is Sara Randolph, site specialist, for
20 Grays Harbor.

21 The public comment period began May 20th and ends
22 today. There have not been any public comments at this
23 time. Following the public comment period, the draft
24 permit documents as well as responses to any
25 substantive comments will go to the EPA for a 45-day

1 review. The acid rain permit application is under
2 review. There are no other updates to report at this
3 time.

4 CHAIR DREW: Are there any questions
5 for Ms. Randolph? Thank you.

6 Columbia Solar. Mr. Cushing.

7 MR. CUSHING: Good afternoon, Chair
8 Drew, Council members, EFSEC staff. This is Thomas
9 Cushing speaking on behalf of Columbia Solar.

10 There are no nonroutine updates to report.

11 CHAIR DREW: Thank you.

12 Columbia Generating Station and WNP 1 and 4.
13 Mr. Mehinagic.

14 MR. MEHINAGIC: Good afternoon,
15 Chair Drew and Council members. This is Denis
16 Mehinagic on behalf of Columbia Generating Station and
17 Washington Nuclear Projects 1 and 4.

18 I do have one small update under environmental
19 compliance. An evaluation of the
20 halogenation/dehalogenation system was completed by
21 Energy Northwest and the system vendor following the
22 total residual halogen maximum daily discharge limit
23 exceedance in March 2024. The system experienced a
24 malfunction due to incorrect data inputs after firewall
25 maintenance. To prevent recurrence, any future

1 firewall maintenance that could affect the
2 halogenation/dehalogenation system will require
3 approval by the chemistry department prior to
4 implementation.

5 Additionally, the vendor has implemented an extra
6 layer of surveillance for the system in case of network
7 feed lockup. If data inputs become frozen, an
8 automatic notification will be sent to the chemistry
9 department for verification.

10 That is all I had.

11 CHAIR DREW: Are there any questions
12 from Council members? Thank you.

13 Goose -- Goose Prairie Solar project update.
14 Mr. Crist.

15 MR. CRIST: Yeah. Thank you, and
16 good afternoon, Chair Drew, EFSEC Council, and staff.
17 This is Jacob Crist, senior project manager, on behalf
18 of Brookfield Renewable North America, so providing the
19 Goose Prairie Solar project update.

20 So the project remains on schedule, actually ahead
21 of schedule. Some upcoming milestones have shifted for
22 commissioning activities due to some independent
23 engineer review that we're working through. The start
24 of our energization for test purposes will now be July
25 1st. It was originally expected to be June 18th.

1 We currently sit at -- I guess Brookfield
2 considers the site mechanically complete at this time,
3 pending that IE mechanical completion certificate. And
4 then on or around September 30th, we're looking to have
5 a utility sign-off and consider the project COD.

6 All major scope items are complete: Module,
7 racking, trackers, and substation. Cleanup items and
8 punch list items are underway, such as road repairs and
9 improvements to project roads and neighboring roads.
10 Back feed of the substation is complete up to the
11 inverters, where we have load break disconnects locked
12 and tagged so we cannot flow power out. And we --
13 again, punch list items, hot commissioning, and
14 remaining BPA testing is -- is basically the remaining
15 scope for our site at this point.

16 O&M site certificate deliverables are in draft
17 with Brookfield O&M team and Tetra Tech.

18 There was no discharge on the site reported for
19 the month of May. We do continue to receive frequent
20 inspections weekly from WSP, and the latest that
21 included Ecology and WSP occurred on Tuesday, June
22 18th, so Tuesday of this week, to inspect B&Ps and
23 vegetation growth. And, you know, what you're seeing
24 on the screen, I did submit a couple photos for -- for
25 all the folks to see. If there's any questions on the

1 updates, please let me know.

2 CHAIR DREW: Thank you. And
3 congratulations. And we are seeing on our screen here
4 the photos from the site. And those are major
5 accomplishments. And we look forward to perhaps having
6 a time around September 30th to perhaps have some sort
7 of official congratulations on the completion of the
8 project.

9 MR. CRIST: Thank you.

10 CHAIR DREW: Any other? Thank you.

11 High Top and Ostrea project updates.

12 Ms. Randolph.

13 MS. RANDOLPH: Thank you, Chair Drew
14 and Council members. For the record, this is Sara
15 Randolph, site specialist, for High Top and Ostrea.

16 EFSEC staff are continuing to work with the
17 developer on preconstruction requirements and plans.
18 We are reviewing the initial site restoration plan, or
19 the ISRP, and anticipate providing it to the Council
20 for your review ahead of the July Council meeting.

21 We have no other updates at this time.

22 CHAIR DREW: Thank you.

23 Badger Mountain project update. Ms. Snarski.

24 MS. SNARSKI: Thank you, Chair Drew.

25 And good afternoon, Council members. For the record,

1 this is Joanne Snarski, the siting specialist for
2 Badger Mountain Solar.

3 Between May 28th and June 7th, supplemental
4 fieldwork was initiated on wetland characterization and
5 cultural resources. The consult- -- however, the
6 consultants were not able to access certain portions of
7 the site.

8 On June 3rd, Chair Drew and EFSEC staff
9 participated in government-to-government consultation
10 with the Colville Confederated Tribe Business Council
11 and Culture Committee.

12 That's it. May I answer any questions?

13 CHAIR DREW: Thank you.

14 And that is true. We -- we had a session with the
15 Colville Cultural Committee and appreciate their
16 comments, and we'll continue to work with them going
17 forward. And thank you very much.

18 Wautoma Solar project update. Mr. Caputo.

19 MR. CAPUTO: Thank you, Chair Drew
20 and Council members.

21 On May 20th of this year, EFSEC issued a mitigated
22 determination of nonsignificance on this project. The
23 MDNS identified probable impacts to the natural and
24 manmade environments and listed measures to mitigate
25 these impacts to a level of nonsignificance. The MDNS

1 was published in the State SEPA register followed by a
2 14-day public comment period. The comment period ended
3 June 4. EFSEC received five responses.

4 On Friday, June 16th of this year, EFSEC issued a
5 revised MDNS and published it in the State SEPA
6 register. The revised MDNS does not require a public
7 comment period. The revised MDNS contained language
8 clarifying mitigation measures.

9 Before you today is a request from the applicant
10 for an extension of its application for site
11 certification. The present expiration date is June
12 28th. The applicant is requesting the processing time
13 of the Wautoma Solar application be extended to
14 December 31st, 2024. Staff recommends the Council
15 approve the request.

16 On Tuesday, June 18th, EFSEC provided a draft
17 order commencing the process adjudicating the issue of
18 land use on the project. A copy of this order is
19 contained in your packets. Staff received one edit on
20 the draft language, which we'll see on Page 5 of the
21 document, to delete the word "undersigned."

22 Thank you. May I answer any questions?

23 CHAIR DREW: Thank you, Mr. Caputo.

24 So we have a few items before us on this. Are
25 there any questions about the MDNS or the revised MDNS

1 that I think you received for our SEPA officials?

2 Okay. Then moving on to the extension request.

3 Did we have this posted, Mr. Caputo?

4 MR. CAPUTO: Yes.

5 CHAIR DREW: And do we receive any
6 comments on the extension request?

7 MR. CAPUTO: Negative.

8 CHAIR DREW: Thank you.

9 So in front of us is the extension request.

10 Is there a motion to approve the extension request
11 to be extended to December 31st, 2024, for the Wautoma
12 Solar application?

13 MR. YOUNG: Lenny Young. So moved.

14 CHAIR DREW: Thank you.

15 Second?

16 MR. LEVITT: Eli Levitt. Second.

17 CHAIR DREW: Any discussion?

18 I think it's reasonable, given the project course
19 in front of us with the limited adjudication.

20 All those in favor, please say "aye."

21 MULTIPLE SPEAKERS: Aye.

22 CHAIR DREW: Opposed?

23 Motion carries. The extension is approved.

24 The next item we have is the order commencing
25 adjudication. What I would bring Council members'

1 attention to is the issues on Page 3 for adjudication.
2 In that, RCW 80.50.090(4)(b) provides that if the
3 environmental impact of the proposed facility in an
4 application for certification is not significant or
5 will be mitigated to a nonsignificant level under
6 RCW 43.21C.031, the Council may limit the topic of the
7 public hearing conducted as an adjudicative proceeding
8 under the section to whether any land-use plans or
9 zoning ordinances with -- excuse me -- with which the
10 proposed site is determined to be inconsistent should
11 be preempted.

12 And as you see and we discussed, that MDNS has
13 been issued. And so the Council in this adjudicative
14 order will limit the topic of the adjudicative
15 proceeding to whether the Council should recommend to
16 the governor that the State preempt the land-use plan,
17 zoning ordinances, or other development regulations for
18 the site for the alternative energy resource proposed
19 by the applicant and what conditions -- if that
20 preemption is approved, what conditions the Council
21 should include in any -- in a draft certification
22 agreement to consider state or local governmental or
23 community interests affected by the construction or the
24 operation of the project.

25 Are there any questions from the Wautoma council

1 members?

2 MR. SHARP: No.

3 Could you hear me? This is Dave Sharp.

4 CHAIR DREW: I could. Thank you,
5 Mr. Sharp, and for identifying yourself. Appreciated.

6 All those in favor of -- can we have a motion to
7 approve this adjudicative order?

8 MR. YOUNG: Lenny Young. So moved.

9 CHAIR DREW: Second?

10 MS. OSBORNE: Elizabeth Osborne.

11 Second.

12 CHAIR DREW: Any discussion?

13 All those in favor of approving the adjudicative
14 order, please say "aye."

15 MULTIPLE SPEAKERS: Aye.

16 CHAIR DREW: Opposed? Thank you.

17 And that concludes our items for the Wautoma Solar
18 project today.

19 Moving on to Hop Hill Solar Project update.

20 Mr. Barnes.

21 MR. BARNES: Thank you, Chair Drew
22 and Council members. For the record, this is John
23 Barnes, EFSEC staff, for the Hop Hill application.

24 The applicant continues to complete studies and
25 reports needed to make a SEPA determination. We

1 continue to coordinate and review the application with
2 our contractor, contracted agencies, and tribal
3 governments.

4 Are there any questions?

5 CHAIR DREW: Carriger Solar project
6 update. Ms. Snarski.

7 MS. SNARSKI: Thank you, Chair Drew.
8 For the record, again, this is Joanne Snarski, the
9 siting specialist for Carriger Solar.

10 EFSEC staff will soon be making the final
11 assessments regarding the revised visual impacts
12 assessment provided to us by the applicant. Staff will
13 meet next week to address the applicant's mitigation
14 proposal to reduce significant impacts to visual
15 aesthetics.

16 Additionally, EFSEC received a revised cultural
17 resource survey from the applicant on May 22nd. The
18 revision has been sent to the Department of Archaeology
19 and Historic Preservation and the Yakama Tribe. We
20 anticipate a response in the coming weeks.

21 And that's it. May I answer any questions?

22 CHAIR DREW: Are there any questions
23 for Ms. Snarski on Carriger Solar project?

24 Thank you.

25 Wallula Gap application update. Mr. Barnes.

1 MR. BARNES: For the record, this is
2 John Barnes, staff for the Wallula Gap application.

3 EFSEC received application review comments from
4 Washington State Department of Fish and Wildlife on
5 June 10, 2024. These comments were forwarded to
6 OneEnergy on June 11th, 2024. Staff are preparing a
7 data request, which we anticipate being sent to
8 OneEnergy in the coming week. Staff are continuing to
9 manage review of the application with our contractor,
10 contracted agencies, and tribal governments.

11 Are there any questions?

12 CHAIR DREW: Any questions?

13 Thank you.

14 Whistling Ridge transfer and extension requests.
15 Mr. Caputo.

16 MR. CAPUTO: Thank you, Chair Drew
17 and Council.

18 The applicant, Twin Creek Timber, submitted two
19 petitions to the Council in March 2022: The first
20 petition requesting approval of a transfer of
21 controlling interest of the site certification
22 agreement from SDS Lumber to Twin Creek Timber. The
23 second request is to amend the SCA, site certification
24 agreement, by extending the expiration date of their
25 agreement until November 2026.

1 On May 16, 2024, the Council convened separate
2 public hearings on these requests. 24 comments were
3 submitted online, through e-mail, and/or at the public
4 hearings. 21 comments were opposed to the petitions.
5 Objections referenced range from legal and
6 environmental issues to public notice and viewshed
7 concerns. We also received comments in favor of the
8 petitions. Staff request the Council consider these
9 requests and direct us to prepare any documentation
10 reflecting the Council's position.

11 Thank you. May I answer any questions?

12 CHAIR DREW: Any questions for
13 Mr. Caputo?

14 At this point, I'd like to perhaps take up the
15 transfer request and have discussion on that and any
16 questions or comments from Council members.

17 I would like to perhaps start us off with a
18 question for our counsel, Mr. Thompson.

19 And in looking at the requirements for a transfer,
20 can you briefly summarize for us what the applicable
21 criteria are for a transfer?

22 MR. THOMPSON: Certainly.

23 So the particular agency rule that's -- applies to
24 transfers of site certification agreements is
25 WAC 463-66-100. And the criteria for the Council to

1 apply in one of these requests is -- I want to focus in
2 on one part that I think's probably most germane -- is
3 Subpart 4(b), where it says that the applicant -- that
4 the Council may approve the transfer if the applicant
5 agrees to abide by all of the terms and conditions of
6 the site certification agreement to be transferred and
7 has demonstrated it has the organizational, financial,
8 managerial, and technical capability and is willing and
9 able to comply with the terms and conditions of the
10 certification agreement being transferred.

11 That's really the -- that's really the core of it.

12 CHAIR DREW: Council members, you've
13 heard the criteria. Is there a conversation or
14 discussion about that?

15 Ms. Brewster.

16 MS. BREWSTER: Yeah. It -- it seems
17 clear the -- that the project, as approved initially,
18 would not be the same project that they would be able
19 to put together, and so therefore it seems we're not
20 discussing the same project, and I don't see how that
21 applies.

22 CHAIR DREW: I think too that the
23 key for me is whether or not the applicant certificate
24 holder -- I mean, if it's transferred -- has not
25 demonstrated that they have currently the

1 organizational and technical capability. There have
2 some -- have mentioned that there are partners out
3 there, but they are not under agreement at this point
4 in time in order to have the capacity to finish the
5 project even as it was put forward more than a decade
6 ago.

7 Is there a motion from the Council or any other
8 discussion regarding this transfer request?

9 MR. LIVINGSTON: Chair Drew.

10 CHAIR DREW: Mr. Livingston.

11 MR. LIVINGSTON: Yeah. Coming
12 through. Yeah, I just wanted to add on some of the
13 concerns that I would have with just a direct transfer
14 right now is the -- related to the fact that it's been
15 ten years since we've done all of the -- the background
16 work, the SCA was created, approved by the governor,
17 and the landscape has changed; the population's
18 changed; the technology's changed. There's a --
19 there's just a variety of different components to this
20 that we would need to consider in a new project
21 essentially. Possibly taller turbines we're
22 understanding need to be added in. And for these
23 reasons, I would make a motion that we deny the request
24 for the transfer.

25 CHAIR DREW: Second?

1 MS. BREWSTER: Stacey Brewster.
2 Second.

3 CHAIR DREW: All those in favor,
4 signify by saying "aye."

5 MULTIPLE SPEAKERS: Aye.

6 CHAIR DREW: Opposed?

7 Motion carries.

8 Moving on to the extension request, which at this
9 point in time would be moot without the transfer
10 request. But are there also comments about -- and I
11 think we heard some of them in terms of the change in
12 the landscape, in the rules, in the process that has
13 been significantly changed since this project was
14 originally approved.

15 If there is a desire on behalf of an applicant to
16 have a project as Mr. Livingston stated, it would have
17 to be significantly changed. And therefore, because
18 the SEPA work would have to be done again, because all
19 of the other work is required, would be similar to a
20 new application, I myself think that it would be much
21 more appropriate for the owners of the property now to
22 submit a new application.

23 Other comments?

24 All those -- is there a motion to deny the
25 extension request?

1 MR. THOMPSON: Chair Drew, if I
2 could make just a procedural point. In the -- I
3 noticed in the prior motion and then this one, you
4 phrased it in terms of a motion to deny. I wonder if
5 it might make more sense to make it a motion to direct
6 staff --

7 CHAIR DREW: Oh.

8 MR. THOMPSON: -- to prepare
9 decision documents --

10 CHAIR DREW: Thank you.

11 MR. THOMPSON: -- consistent with
12 that -- with that tentative decision, yeah.

13 CHAIR DREW: Okay. Let's take a
14 step back.

15 If we could ask the staff to draw up documents to
16 deny both the request for transfer and the request for
17 extension.

18 Is there a second?

19 MR. YOUNG: Lenny Young. Second.

20 CHAIR DREW: Discussion?

21 All those in favor to direct the staff to draw up
22 the necessary documents, please say "aye."

23 MULTIPLE SPEAKERS: Aye.

24 CHAIR DREW: Opposed?

25 Motion is approved. Thank you.

1 Moving on to the Horse Heaven Wind Farm Project
2 update. Ms. Hafkemeyer.

3 MS. HAFKEMEYER: Thank you. Good
4 afternoon, Chair Drew and Council members. For the
5 record, this is Ami Hafkemeyer for the Horse Heaven
6 Wind Project.

7 EFSEC staff submitted the Horse Heaven
8 recommendation report to the governor on April 29th as
9 directed by the Council at the April 17th Council
10 meeting. On May 20th, the applicant, Scout Clean
11 Energy, submitted a petition for reconsideration to
12 EFSEC for reconsideration of the Council's
13 recommendation. This filing met the 20-day filing
14 requirement for petitions for reconsideration as
15 defined in Washington Administrative Code 463-30-335,
16 Section 1.

17 Benton County, Yakama Nation, and Tri-City
18 C.A.R.E.S. submitted responses to the applicant's
19 petition on June 3rd, meeting the 14-day
20 reconsideration due date as defined in WAC 463-30-335,
21 Section 3. The Council issued its notice of intent to
22 defer decision on Tuesday, June 18th.

23 On May 23rd, the governor responded to the Council
24 recommendation with comments for Council
25 reconsideration. The governor requested that the

1 Council reconsider the conditions in mitigation in the
2 draft site certification agreement and provide a
3 response to his office within 90 days, by August 21st.
4 Staff have reviewed the response letter and have
5 prepared a presentation on mitigation measures within
6 the final EIS that we think are most directly related
7 to the request in the governor's letter.

8 Are there any questions before we move to the
9 presentation?

10 Mr. Greene.

11 MR. GREENE: Okay. Thank you.
12 Hello, Chair Drew and Council. For the record, I am
13 Sean Greene, EFSEC staff, and I'll be giving a
14 presentation just summarizing some of the content of
15 the governor's letter and identifying the mitigation
16 measures that we believe are most directly related to
17 his requests.

18 So as Ms. Hafkemeyer said, we received the letter
19 on May 23rd, 2024. The governor requested in the
20 letter that the Council complete its reconsideration
21 within 90 days, which would be August 21st, 2024. By
22 statute, Council reconsiderations are -- must be
23 conducted expeditiously according to RCW 80.50.100.
24 There is no statutory requirement on a number of days
25 through which the Council must complete its

1 reconsideration.

2 But in the governor's letter, the request that the
3 Council is directed to reconsider is the mitigation
4 that were included within the draft SCA. The governor
5 has indicated a preference for an approach that would
6 be, quote, more narrowly tailored to the specific
7 impacts identified, end quote, and is, quote,
8 consistent with achieving the full or near-full clean
9 energy generation capacity of the proposed project, end
10 quote.

11 In addition, the governor has requested that the
12 Council develop new measures that adhere to the --
13 adhere to the, quote, existing robust record and design
14 mitigation requirements, reduce the impacts wherever
15 reasonably feasible, and do not substantially reduce
16 the generation capacity of the proposed project, end
17 quote.

18 Staff have reviewed the mitigation measures
19 included within the draft site certification agreement
20 and identified three measures that we believe, if
21 implemented, would reduce the generation capacity of
22 the proposed project. Their inclusion here is not to
23 be understood as a recommendation from staff for the
24 retention, alteration, or removal of these mitigation
25 measures. We are just presenting them as the most

1 relevant for the Council's deliberations.

2 The first measure is Vegetation 10, which is the
3 prohibition of siting solar arrays on rabbitbrush
4 shrubland or WDFW-designated priority habitat types,
5 the only one of which that is within the project lease
6 boundary is shrubsteppe. This measure was intended to
7 address impact -- project impacts to wildlife habitat.

8 And a summary of the affected project components
9 are -- first I should say, the difference between
10 proposed solar siting area and proposed solar
11 footprint: The solar siting area is the micro-siting
12 area upon which all solar panels will be placed. The
13 solar footprint is the current proposed placement of
14 solar arrays. So the solar siting area is not subject
15 to change. The solar footprint could change throughout
16 the micro-siting process of the project.

17 But as currently proposed, approximately
18 10 percent of the proposed solar siting area would be
19 excluded from production as part of this mitigation
20 measure and about one and a half percent of the current
21 proposed solar footprint.

22 Are there any questions on this measure?

23 Yes.

24 MR. BROST: Just a question.

25 MR. GREENE: Yes.

1 MR. BROST: Can you repeat that last
2 part that you were talking about?

3 MR. GREENE: Sure. The difference
4 between the two solar? Okay.

5 So the solar siting area is the -- the -- the
6 total area -- the area in which all solar panels will
7 be placed as part of the -- the draft SCA. The current
8 solar footprint is the current layout proposed by the
9 applicant. So the current layout may change during the
10 micro-siting process, but the final disposition of all
11 solar arrays will be somewhere within the -- the solar
12 siting area that was proposed.

13 MR. BROST: Okay. Okay.

14 MR. GREENE: Any other questions?

15 CHAIR DREW: So in terms of the --
16 you have the acres.

17 MR. GREENE: Yes.

18 CHAIR DREW: So the first is of the
19 proposed solar siting area --

20 MR. GREENE: Correct.

21 CHAIR DREW: -- is one -- basically
22 1,100 of 10,700 acres. In the siting area, that's
23 across the project or in the one -- I guess it's --
24 does it just affect the one particular area?

25 MR. GREENE: So that's inclusive

1 of -- there are three solar siting areas.

2 CHAIR DREW: Yes.

3 MR. GREENE: There are three
4 proposed solar arrays throughout the lease boundary,
5 and this is a combination of all of those into this --
6 this acreage total.

7 CHAIR DREW: Okay.

8 MR. GREENE: The only -- so the
9 eastern solar array, as currently proposed, has a
10 majority of the targeted wildlife habitat. There is a
11 tiny bit in the -- in one of the two western solar
12 siting areas, but the majority is within one of the
13 three.

14 CHAIR DREW: And then, again, and
15 then 75 of the current proposed solar footprint, so
16 that's where currently the solar arrays are now
17 designed?

18 MR. GREENE: As currently proposed.

19 CHAIR DREW: Okay.

20 MR. GREENE: Yes. And 70 -- it's
21 about 75 -- it's just over 75. 75 of them, of the
22 acres, are in the eastern solar array, and I think .4
23 acres are in one of the -- the two western solar
24 arrays.

25 CHAIR DREW: Okay. Thank you.

1 MR. GREENE: Any further questions?

2 Okay. The next measure is Habitat 1, which is the
3 prohibition of siting primary project components
4 defined as solar arrays, wind turbines, and battery --
5 BESSes, battery substations or battery stations, in
6 medium or higher linkage wildlife movement corridors
7 and the siting of secondary components, which is
8 defined as all other project components, primarily
9 transmission lines and roads, in high or -- or above
10 linkage wildlife movement corridors unless sited
11 alongside existing infrastructure.

12 This measure was intended to address impacts from
13 the project to wildlife movement corridors, and the
14 effective project components that would be excluded
15 from construction as a result of this measure is
16 approximately 13 percent of the turbines either for
17 Option 1 or Option 2, about 6 percent of the proposed
18 solar siting area, 0 percent of the current proposed
19 solar footprint, and 3.4 miles of the optional 230-
20 kilovolt 19.4-mile intertie transmission line, so about
21 17 percent of that line.

22 And I should say, these acreages and percentages,
23 there may be some overlap between or among these three
24 mitigation measures.

25 Are there any questions regarding Habitat 1?

1 MS. HAFKEMEYER: Just a quick
2 question, Mr. Greene. Are these the mitigation
3 measures as presented in the draft SCA that went to the
4 governor's office, or are these the mitigation measures
5 as they are presented in the final EIS?

6 MR. GREENE: These are the measures
7 that were incorporated into the draft SCA that was
8 submitted to the governor.

9 CHAIR DREW: So do we have
10 information on the differences between the measure as
11 it was in the SCA versus the recommendation in the
12 FEIS?

13 MR. GREENE: Yes, I can address --
14 for the first one, Vegetation 10, that was created as
15 part of the Council deliberations after the FEIS, so
16 there is no FEIS version of that, the final
17 environmental impact statement.

18 For Habitat 1, the version included in the final
19 environmental impact statement did not include hard
20 exclusion areas. It -- it required that the applicant
21 make an effort not to locate project components within
22 these linkage -- these medium and higher linkage
23 wildlife movement corridors but did not include
24 exclusion areas. And also it required additional
25 mitigation in the form of a wildlife corridor -- or a

1 wildlife movement management plan or mitigation plan.
2 I forget the terminology.

3 CHAIR DREW: Other questions on this
4 slide for Mr. Greene?

5 Go ahead.

6 MR. LIVINGSTON: I was going to
7 follow up, Chair, and just ask if this is helpful.

8 MR. GREENE: Sure.

9 MR. LIVINGSTON: This is very
10 helpful. If we could see that with the EIS too, the
11 side-by-side, it'd be very "information." Thanks.

12 MR. GREENE: Sure. Are there any
13 further questions on Habit 1?

14 CHAIR DREW: So essentially, I mean,
15 if we were to do the comparison, there was no
16 requirement of any turbine -- any exclusion based on
17 the FEIS.

18 MR. GREENE: Yes. The FEIS version
19 would not result in a reduction in production potential
20 for -- energy production potential for the project,
21 because it would just require additional mitigation for
22 any components that were sited within these movement
23 corridors.

24 MS. BREWSTER: You mentioned that
25 there is some overlap with the, I'm assuming the

1 Species 5.

2 MR. GREENE: Yes.

3 MS. BREWSTER: So if 30 out of the
4 222 turbines, some of those are also covered in
5 Species 5 reductions as well?

6 MR. GREENE: I believe the majority
7 are, if -- if not all. It's possibly all of them are
8 also covered by Species 5.

9 Any further questions? Okay.

10 And the last of the three measures that would
11 result in a -- a reduction of energy production
12 potential for the project is Species 5, which is the
13 prohibition of siting wind turbines within two miles of
14 a documented ferruginous hawk nest and the siting of
15 solar arrays or BESSES within half a mile of a
16 documented nest and additionally requires mitigation
17 for all components sited within two miles of a nest.

18 This measure was intended to address project
19 impacts to the ferruginous hawk, other avian wildlife,
20 wildlife habitat, traditional cultural properties,
21 visual aesthetics, safety for recreation, and aerial
22 firefighting as a part of public health and safety.

23 And the project components that would potentially
24 be excluded if this measure were to be implemented
25 would be approximately 48 percent of the wind turbines

1 either for Option 1 or Option 2, approximately 30
2 percent of the proposed solar siting area,
3 approximately 12 percent of the proposed solar
4 footprint, and one of the three proposed BESS sites,
5 though it should be noted that a maximum of two BESSes
6 would be constructed with the final project as part of
7 the draft SCA.

8 Are there any questions for Species 5?

9 CHAIR DREW: I'm sure there will be.

10 MR. GREENE: Okay. Yes.

11 CHAIR DREW: Mr. Brost, go ahead.

12 MR. GREENE: Yeah.

13 MR. BROST: Just one I have: Solar
14 versus the wind turbines. Is the impacts the same? Or
15 if you reduce wind turbines, you'll have more of an
16 impact than you would with a solar panel? That make
17 sense?

18 MR. GREENE: Yes, I understand the
19 question. The issue is they're different types of
20 impact. The primary impact that solar has on the
21 ferruginous hawk is the denial of access to potential
22 foraging habitat, whereas the primary impact that wind
23 turbines have is direct mortality through bird strikes
24 as they try to access that foraging habitat.

25 I will say, the -- in the discussions we've had

1 with WDFW staff, they have indicated a greater concern
2 with the impacts associated with wind turbines.
3 Although that may be a result of the -- the specific
4 proposed outlay of this -- or proposed layout of this
5 project.

6 MR. BROST: Thank you.

7 MS. BUMPUS: Chair Drew, if I may.

8 CHAIR DREW: Yes.

9 MS. BUMPUS: We have some slides
10 that have the FEIS measures. We could share some of
11 those. I think Species 5 might be one to go over as
12 that one relates to probably the -- the greatest impact
13 in terms of reduction of the output capacity of the
14 project.

15 CHAIR DREW: That would be great.
16 Do we also have them in printed copies for us so we can
17 actually see them?

18 MS. BUMPUS: We can get those.

19 CHAIR DREW: Thanks.

20 Do we need to pause our meeting in order to get
21 those?

22 MS. HAFKEMEYER: That would be
23 great.

24 MS. BUMPUS: Couple of minutes.

25 CHAIR DREW: So let's take a very

1 short break. Thank you.

2 (Pause in proceedings from
3 2:20 p.m. to 2:32 p.m.)
4

5 CHAIR DREW: Okay. Please bring
6 this Council meeting back to order. Will all people
7 please sit down.

8 Thank you. The meeting is now back to order, and
9 we will take up the -- concluding the slide show by
10 Mr. Greene on the options, the greater explanation of
11 what was in the FEIS and the SCA of the options of --
12 that limit the energy production of the site. Thank
13 you.

14 MR. GREENE: Thank you, Chair Drew
15 and Council.

16 Going through the three options again: For
17 Vegetation 10, there was no FEIS version. There is
18 other mitigation within the SCA and the FEIS that
19 target vegetation generally and wildlife habitat, which
20 would be inclusive of shrubsteppe and rabbitbrush
21 shrubland, but there are no other mitigation measures
22 that are exclusive to those two habitat types.

23 Questions here?

24 Okay. For ~~Habit~~ ^{Habitat} 1, you have the full text there
25 available to you, but the -- the summation of the

1 differences is the FEIS version requires that the
2 applicant locate project components outside of medium
3 and higher linkage areas to the extent feasible and
4 that they must provide a rationale and additional
5 mitigation, including a corridor mitigation plan for
6 any components sited within those medium and above
7 linkage corridors, whereas the SCA version prohibits
8 the siting of primary components of medium and above or
9 secondary and high and above.

10 CHAIR DREW: Questions?

11 Let's talk about Species 5.

12 MR. GREENE: Thank you.

13 So apologies. I think Species 5 is -- okay, it's
14 on two slides -- is a very long mitigation measure.
15 But, again, summation: The FEIS version requires that
16 the applicant, EFSEC, and the representatives of the
17 PTAG, the pretechnical -- or the Pre-Operational
18 Technical Advisory Group, go through a process where
19 they identify the availability of nesting sites for
20 historically identified ferruginous hawk nests and the
21 viability of foraging habitat within the two-mile
22 buffer home range of those nests. And if a
23 determination is made that the nesting site is
24 available and the habitat is viable, then there would
25 be a two-mile exclusion buffer placed on that nest for

1 wind turbines specifically.

2 For the two-mile buffer surrounding nests,
3 historic nests where one or both of those criteria were
4 not reached, alternative mitigation was proposed in the
5 FEIS, which would include things like monitoring wind
6 turbine curtailment during periods of high activity and
7 adaptive management based on the results of monitoring,
8 including mortality events, whereas the version that
9 was included in the SCA has placed a two-mile exclusion
10 buffer on all historically documented ferruginous hawk
11 nests and a half mile for -- two-mile buffer for wind
12 turbines and a half-mile buffer for solar arrays and
13 batteries and still requires that -- that same
14 additional mitigation process for all components sited
15 within half a mile to two miles, which by the nature of
16 the SCA version would only include non-turbine project
17 components.

18 CHAIR DREW: So if we go to the
19 FEIS.

20 MR. GREENE: Okay.

21 CHAIR DREW: So we say "available"
22 in the FEIS.

23 MR. GREENE: Correct. For the
24 nesting site. And that's meant to indicate, like, the
25 ~~tree~~ ^{tree} in which a historic nest was located or the rock

1 outcropping where that historic nest was located. If
2 that site, itself, is still present and available for
3 re-nesting, then it would -- it would meet that
4 criteria.

5 CHAIR DREW: Because then you have
6 nonviable, but up here, this is -- okay.

7 MR. GREENE: Yes. Viability is in
8 relation to foraging habitat within the home range
9 of --

10 CHAIR DREW: Okay.

11 MR. GREENE: -- the historic nest.

12 MS. HAFKEMEYER: Chair Drew, if I
13 could just -- because it may not be clear to the
14 Council or potentially to people phoning in: Where the
15 slide says current as of 12/2023, that was an error on
16 my part, and it should indicate that that is the
17 language that's within the SCA. It should not say --

18 CHAIR DREW: Oh.

19 MS. HAFKEMEYER: -- as of 2023.

20 CHAIR DREW: Thank you. Okay. So
21 up on the subtitle, or on the title up at the top of
22 the page, this is current as of the SCA as submitted.

23 MS. HAFKEMEYER: Correct. Correct.

24 CHAIR DREW: Okay. Thank you.

25 Okay. Are there questions from Council members?

1 Do we know -- one, the FEIS develops a process to
2 determine what's available to the species, and that's
3 in the actual nesting location and viable as in the
4 habitat. Do I have that right?

5 MR. GREENE: Correct.

6 CHAIR DREW: Okay.

7 MR. GREENE: Yes.

8 CHAIR DREW: Whereas the SCA -- SCA
9 said no turbines within the two miles of an historic
10 nest.

11 MR. GREENE: Correct.

12 CHAIR DREW: Is that correct?

13 So we don't really know what the difference in --
14 or do you have some information to provide to us about
15 what's the difference in terms of the number of
16 turbines --

17 MR. GREENE: Yeah.

18 CHAIR DREW: -- that would be
19 eliminated?

20 MR. GREENE: You are correct.

21 The -- the process through which EFSEC, the applicant,
22 and the PTAG would identify available nesting sites and
23 viable habitat has not begun, and it would go on prior
24 to construction. So at this point, there's no way to
25 really know how many turbines would still be excluded

1 based on the FEIS version of the mitigation other than
2 it would maximi- -- it would -- the maximum amount
3 would be the same as it -- it was in the SCA, which is
4 about 48 percent. The minimum, unlikely, but
5 technically could be 0 percent of the turbines. So
6 it's somewhere within that range of 0 to 48 percent.

7 CHAIR DREW: Are there other
8 questions?

9 And if we do, as we go into discussion, have
10 questions, we can bring Mr. Greene into our
11 conversation, Ms. Hafkemeyer, if that makes sense to
12 Council members.

13 So if we're ready to now move into the discussion.
14 We have the governor's request for reconsideration.
15 And as I look at it -- and I'll ask for comments from
16 everybody -- I guess what I'm struck with is asking us
17 to look to our own record to see if there are ways to
18 narrowly tailor, more narrowly tailor the specific
19 impacts identified and not to really compound the
20 multiple impacts into a general -- into a general
21 prohibition. That's how I read it.

22 I know other people have other comments they'd
23 like to make on the general letter overall. And,
24 Mr. Brost, if you're ready, I think you wanted to talk
25 a little bit about that.

1 MR. BROST: Just on this sheet that
2 we're looking at, clarification. The first --

3 CHAIR DREW: Your microphone needs
4 to be on.

5 MR. BROST: Sorry. What you said.

6 CHAIR DREW: There you go. You're
7 on.

8 MR. BROST: So the first question I
9 have is on that second bullet point on the governor's
10 direction for reconsideration. First bullet: It's
11 more narrowly tailored project to the specific impacts
12 identified. The second bullet: Consistent with
13 achieving full or near-clean energy generation.

14 It seems like those two could be direct opposites.
15 Am I reading that right? Or is that a question we
16 should talk about when we...?

17 CHAIR DREW: Thank you. Just trying
18 to get the right page in front of me.

19 And your question is are they contradictory?

20 MR. BROST: Like, the two -- two
21 bullets are direct opposites, I think. And can we have
22 both? It's kind of like one or the other, to a large
23 extent, isn't it?

24 CHAIR DREW: I think the point,
25 again, that the governor was making, as I read it, is

1 that when we made the recommendation to exclude
2 turbines within a certain area, it was a compounding of
3 issues, not specifically tailored to each issue, such
4 as just the ferruginous hawk, just the visual, just the
5 cultural resources. And so the way I read the
6 governor's request to us is asking us to tailor our
7 mitigation to specific impacts.

8 MR. BROST: Thank you.

9 CHAIR DREW: And his goal, as he
10 states it, is to achieve the full or near-full clean
11 energy generation capacity of the proposed project.

12 But now would be the time for discussion, and I
13 think, Mr. Brost, you had some comments you wanted to
14 make overall in terms of some of the other issues such
15 as need.

16 MR. BROST: So I'm going to share
17 just -- just to give you this. I don't have anything
18 written down here. Okay?

19 CHAIR DREW: Okay.

20 MR. BROST: But -- but my thoughts
21 come from my role as a project manager for Bonneville
22 Power Administration involved in the building in
23 operation oversight. Okay? We weren't doing the
24 actual work. But Energy Northwest, various different
25 entities, were doing the actual work, with Bonneville

1 was funding all of the activity.

2 But what I was going to say is that -- now I
3 forgot what I was going to say.

4 But the location of the project in this particular
5 sense, without substantial reductions, is not going to
6 solve the problem of any of the species. The project,
7 itself, wind power, we keep talking -- not we, but in
8 the letter, the size of the project is 1500 megawatts.
9 Pick a number. That number doesn't mean anything when
10 it comes to the operation of the system. And these
11 renewable projects, whether it's solar or wind, have a
12 drastic impact on the reliability of the system,
13 especially in different areas.

14 Like, we have probably one of the worst areas for
15 wind -- probably one of the best areas, but it's still
16 not very good -- over in that area of Washington. And
17 whether you have a turbine that produces ten megawatts,
18 but the wind needs to be blowing to get that ten
19 megawatts. And that's what I don't see in any of this,
20 is that we're talking about the size of a project, and
21 there's a lot of good numbers.

22 When it comes down to the actual generation,
23 you've got different parts of the system -- nuclear
24 plants, coal, hydro projects that now are kind of
25 getting an endangered species themselves, I think, it

1 sounds like. But in any event, all of those pieces
2 come together to keep this system operating.

3 And just two weeks ago -- I'm part of our Kiwanis
4 back in the Tri-Cities. We always have a guest speaker
5 come in. And I didn't have anything to do with the
6 speaker. I didn't know it was coming. But the -- the
7 manager for Benton PUD was our speaker that day. And
8 he had some several slides that he was sharing with --
9 with the group. And one of the slides he had was the
10 reliability of the system and what impacts are.

11 And I think before we decide, I would recommend,
12 if it's possible for the Council to do it -- this is my
13 first shot at this, so I don't know. But I think it
14 would be real wise and real important for this
15 Council -- again, I don't know exactly what our charter
16 is or how we can do this. But it seems to me that is a
17 major issue that we should deal with before we say
18 "yes" or "no" to this project: What is the system
19 implications of a project like this versus the system
20 that we have? And does it make se- -- is it --
21 economically, is it smart for us?

22 I don't want my power going out middle of January,
23 which I've been there. But in any event, all of this
24 stuff, how this system is put together, taking out what
25 I call firm resources versus these not-so-firm

1 resources. You know, when the wind blows, when the sun
2 shines, you never know. And you turn on a nuclear
3 plant or a coal plant or a dam, for most part, it's --
4 it's when you turn it on, it's there for you.

5 So anyway, I have a system perspective of this
6 stuff, and -- and that's why I have reservations about
7 this project, if that makes sense.

8 CHAIR DREW: Thank you. And thanks
9 for your comments.

10 It's not truly within our purview to look at it
11 vis-à-vis the system. We're looking at the project and
12 the specific impacts to it.

13 So, Ms. Bumpus, would you like to...?

14 MS. BUMPUS: Well, I was just going
15 to -- to say that, you know, I think that staff's
16 approach to this has been, based off the -- the letter
17 from the governor, that the record's complete. The
18 information's there. All the information needed to
19 re-tailor, if you will, some of the conditions that
20 would allow greater output capacity, all of that is
21 there. All the information's there in the record.

22 And so staff have looked to that to see if there
23 are measures that can be revised, implemented, that
24 would allow greater build-out but still provide
25 protection to the resource. And so that's -- that's

1 been our approach to this, and so we're -- we're -- I
2 don't know if that's helpful, but we're looking at it
3 very, you know, narrowly.

4 The Council's made a recommendation on this
5 project to recommend approval with conditions, and I
6 think now before us is just looking at this again to
7 see are there still protections we can put in place but
8 that allow for greater output.

9 CHAIR DREW: Thank you.

10 Are there additional comments from Council members
11 in terms of looking at this review process and what
12 we -- I agree certainly I think we should look within
13 our new -- our existing record, so not to bring
14 anything new or any additional subject matters into it.
15 What are the Council's views? And, if so, what are the
16 parts of the record that we would like to look at more
17 closely? Any comments?

18 MR. YOUNG: I have perhaps.

19 CHAIR DREW: We've got Mike
20 Livingston and then you.

21 MR. YOUNG: Okay.

22 MR. LIVINGSTON: Thank you.

23 Well, just generally, first, it seems the
24 difference here is where we landed with the
25 recommendation to the governor was there was some

1 substantial avoidance measures put in place that were
2 covering these various issues that were in the
3 presentation. It wasn't just -- even though it's
4 labeled "Species 5," we were talking about the
5 substantial comments we got from Yakama Nation on
6 cultural resources and then also the visual impacts
7 that we heard from the community loud and clearly.

8 So the balance that I feel we struck with the
9 recommendation to the governor was there's a project
10 here that's permitable, and it balances it with the
11 impacts that we heard both at the social as well as the
12 biological concerns that we heard very clearly through
13 the deliberative process.

14 The -- some of the measures that were in the final
15 EIS that I had concerns with that were specific to the
16 biological was I -- I couldn't tell you what the
17 project looked like in the end, because I didn't know
18 what we were voting on. Because if -- if we -- if the
19 PTAG had that process it set up, the -- the number of
20 turbines that would get built out would be determined
21 later.

22 And so how large was the project going to be? We
23 were voting on it with an impression of one size, and
24 it felt like it could potentially come back
25 significantly different than what we were asked to be

1 voting on. So I had some real reservations with that
2 PTAG measure that was in there with the assessment of
3 the viability of those -- those nest sites.

4 So I see the governor's recommendation is
5 narrowing that down. I don't know exactly how we do
6 that when we -- we have these multiple issues and
7 values that we're trying to balance with the renewable
8 energy goals that we have in this state.

9 And so where we landed, I was in favor of it. I
10 voted for it. Where we're headed, I don't know what
11 it's going to look like, and I don't know how I'll feel
12 about that. But I just wanted to put out some more
13 general observations about the whole lengthy, very --
14 you know, staff did a wonderful job, a ton of work. A
15 lot of back-and-forth with agency staff. And I was --
16 you know, I felt that it was the -- it was the right
17 thing that we -- we proposed.

18 But the governor has his -- his say, and that's
19 where we are today. And so I -- I do have concerns if
20 we're going to significantly reduce the avoidance
21 measures that we came up with and end up in a place
22 where it's much more like the FEIS. So just some
23 general statements, Chair.

24 CHAIR DREW: Mr. Young.

25 MR. YOUNG: I'm in a different

1 position than the majority of the Council. Obviously I
2 voted to not move ahead with the project as it was
3 originally composed and in the SCA. And I'm concerned
4 about a lot of the language in what the governor
5 provided in terms of becoming more focal and also with
6 some of the information that Mr. Greene presented to us
7 about how the project could potentially be reconfigured
8 to restore more of the original number of turbines,
9 more of the original energy production that was
10 envisioned.

11 Because, to me, if -- I didn't feel that the first
12 proposal to the governor sufficiently reduced impacts
13 to Yakama Nation traditional cultural properties. And
14 anything that puts more turbines back on the land,
15 increases the infrastructure footprint, is going to
16 make a revised recommendation to the governor even
17 worse when it comes to Yakama Nation traditional
18 cultural properties. So that's -- that's a big thing
19 that I'm thinking about right -- right now.

20 CHAIR DREW: Comments?

21 Okay. Thank you.

22 MS. OSBORNE: There's a reason I let
23 Mike do the mike. Thank you.

24 I also have concerns, I think, about what we're
25 being asked to reconsider. I am certainly willing to

1 reconsider the measures the governor has requested that
2 we take a look at, but I don't want to come across as
3 pre-approving, so to speak, the full or near-full clean
4 energy generation capacity of the proposed project. I
5 think we'd have to do a lot of -- I don't know that we
6 have in the record enough to support that, going that
7 far.

8 MR. LEVITT: This is Eli Levitt,
9 Department of Ecology. I guess, you know, maybe in
10 response to Mr. Brost's comments earlier, I come from a
11 different system of thinking, which is more around
12 climate policy and energy policy historically, not --
13 not an engineer's perspective perhaps. And, you know,
14 this is a hard part of what we're doing, is we're
15 balancing tradeoffs. And we only get to make a
16 decision on -- on this particular project, right?

17 So, I guess, from my perspective, I think I owe it
18 to current populations but also future generations to
19 look closely at the world we live in and the emissions
20 that come from our actions. And regardless of whether
21 from a -- from an engineering perspective this is
22 really reliable, we need dramatically more renewable
23 energy in the system in this state and the system
24 globally to have a sustainable future.

25 You know, my children, my grandchildren, all of

1 our children, it's -- it's difficult for me to think
2 that we're at the pace we need to be at to have a more
3 sustainable future even just if you break it down to a
4 state or region. I guess for those reasons, I'm
5 als- -- I'm wondering if maybe most of us could live
6 with some of these mitigation measures and even
7 potentially introduce a few more that might be a
8 compromise.

9 For example, we all heard that the visual impacts
10 were considerable and significant for -- for the people
11 that provided public comment and the people living in
12 the area. Could we -- and the scope and the scale is
13 so large. Could we consider asking the staff to tell
14 us how many turbines are within half a mile to a mile
15 of any residence or any business, and we could consider
16 a slightly larger buffer, like a mile or more, for
17 example.

18 Another option perhaps would be to ask staff are
19 there specific traditional cultural properties,
20 cultural resources where we could ask the applicant to
21 consider pushing back a little bit farther? I don't
22 think it would have -- I don't know the numbers. I'm
23 not an expert like Mr. Greene or Ms. Hafkemeyer. But I
24 don't think it would have a dramatic impact on energy
25 generation, but it would indicate that we're taking

1 this feedback and trying to consider the footprint of
2 the overall project.

3 So there are a few tribal cultural properties in
4 my mind or traditional cultural properties where you
5 could, you know, look at how -- how many turbines are
6 proposed within a half a mile and potentially move that
7 more out to a mile perhaps. So I guess these are
8 things I'm thinking about, but I don't have a much more
9 firm proposal than that.

10 MS. BREWSTER: This is Stacey
11 Brewster. I want to echo a bit of what Mike said. I
12 appreciate the balance we struck, and I think that was
13 important to us. And, for instance, say the Species 5
14 mitigations did indeed cover other compounding aspects
15 we needed to consider. So I think, you know, we
16 discussed some of the FEIS mitigations for those three
17 things, but I think we'll have to do considerable more
18 consideration for visual aspects, firefighting, and
19 protection of traditional cultural properties.

20 So if we're going to break them down specifically,
21 that might lead to more available build-out. I don't
22 know that it will, so -- but I would think we would
23 have to approach those individually. And I think we've
24 got some work to do if we're going to follow through.

25 CHAIR DREW: Yes.

1 MS. OSBORNE: I should have
2 identified myself last time. This is Elizabeth Osborne
3 from Commerce.

4 I share Council Member Levitt's concerns about the
5 amount of clean energy that we're going to need. I'm
6 not convinced that the size of this particular project
7 will be the only way to achieve it. And so I keep
8 going back to the, you know, the very difficult balance
9 that we struck in -- in our recommendation to the
10 governor. And that's where my hesitance comes, you
11 know, why I said what I said about not wanting to -- to
12 in any way preemptively or pre-approvingly indicate
13 that we'd like to see this project be a certain size.

14 I think we have -- we have in front of us a set of
15 impacts that are real, and they're there. And so if --
16 if they're there, I don't think we actually have the
17 ability to approve things that would worsen those
18 impacts. So I -- I think I'm -- I just wanted to
19 respond that I also am concerned about growing the
20 amount of clean energy that we need to serve Washington
21 customers, but I'm not sure that that needs to come at
22 the cost of some of the impacts that we saw in the
23 record. Thank you.

24 CHAIR DREW: In terms of my
25 perspective, I do think it's -- I think it makes sense

1 to look more specifically at impacts and not combine
2 them together in the compounding that we did. I think
3 a lot of it, even though we did talk about it in
4 compounding, it did rest on specifically the Species 5
5 and the recommendation for the two-mile buffer for
6 nests.

7 Myself, when this came up, I went back, and I -- I
8 reviewed the adjudication, because I thought that
9 that's really where the Council formed a very strong
10 view of the concern about the ferruginous hawk
11 specifically. And I reviewed specifically Don McIvor's
12 testimony.

13 And what I realized as I listened to that is that
14 when we're -- and I'm not a specialist in biology or
15 wildlife management in any way, shape, or form. But
16 specifically in that instance in an endangered hawk,
17 the probability of a strike, because of the few numbers
18 is low, but the impact of a strike is high, so where on
19 the dial do we, you know, look at that particular
20 impact, and how is it best for us, not knowing the
21 future, to really try and identify -- avoidance is one,
22 but it is -- it's the risk.

23 I mean, part of that risk is also there won't be
24 any. So I think we look at the avoidance side of it.
25 And it's a real struggle. No question about it. But

1 on the other hand, the impact of that to the project
2 overall was substantial.

3 So I do have questions about looking at perhaps
4 the curtailment that was talked about, the fact that
5 it's going to be at least a couple of years before we
6 have the project, if it were approved, actually goes to
7 construction. So we have years where I think it would
8 be advisable, for example, for EFSEC to have a
9 consultant that reports to our staff. I don't think we
10 would want to just ask the applicant to do that, for
11 example, and provide that information. And I am
12 sensitive to the back-and-forth that you were talking
13 about -- and you have before, Mike -- about --
14 Mr. Livingston -- about the Fish and Wildlife staff.
15 So that's why I think it's important perhaps for that
16 to be centered on someone that EFSEC would hire to --
17 to lead that type of effort.

18 But we really don't know what the next few years
19 will bring us in information about the hawk usage of
20 that site either or in the region. And I think those
21 uncertainties caused us very much to reduce the project
22 footprint. And I think there are ways we could look
23 at, specifically again talking about that, ways that we
24 can see what our ongoing review of the site by somebody
25 that is brought on by EFSEC will provide information to

1 the staff to identify where those really viable areas
2 are on the site. And that does leave an open question.

3 But it's both, in my mind, protective -- and yet
4 if -- if then we could even, for example, limit the
5 construction to periods of time outside of the times
6 when the hawk would be there. So I think there are
7 possibilities to put together -- maybe perhaps what
8 Mr. Levitt was talking about -- to more specifically
9 tailor impacts that would increase the potential for
10 power generation at the site. So that's -- that's
11 where I am.

12 I guess I would ask if there's a motion to request
13 the staff to develop from the record some specific
14 mitigations for us to consider for the next meeting.

15 Is that a motion anyone wishes to put forward?

16 MR. LEVITT: This is Eli Levitt.
17 I'll put forth this motion.

18 CHAIR DREW: Second?

19 MS. BREWSTER: Stacey Brewster.
20 Second.

21 CHAIR DREW: Discussion?

22 MR. LIVINGSTON: Yeah, Mike
23 Livingston. What are we asking them specifically to
24 do? Are we asking, if we're going to get a request for
25 a motion next month or August to vote on some measures

1 that staff have come up with, are we going to get more
2 information and understanding of what the impacts
3 potentially -- I heard a lot of questions, including my
4 own, about what is this -- if we were to reduce the
5 avoidance measures, what does this look like, and how
6 does that impact all of those values that we're trying
7 to protect?

8 MS. BUMPUS: Thank you, Council
9 Member Livingston, for the question. By the way, this
10 is Sonia Bumpus, for the record.

11 I think staff would continue to look at what we
12 can glean from our mitigation measures in the FEIS,
13 what they offer in terms of mitigating impacts. We
14 already know that the original recommendation included
15 avoidance measures essentially. And so what we would
16 be presenting to you at the next meeting would be
17 probably a combination of things that were in the FEIS,
18 perhaps some of the things that Chair Drew mentioned,
19 perhaps additional monitoring, data collection at the
20 outset for the site prior to operation.

21 But it would probably be a tailoring of measures
22 that you could look at that would not offer avoidance
23 necessarily but still protection. We are happy to
24 bring the information in, you know, from the FEIS and
25 talk about that as well. We can go over those measures

1 in more detail and look at what they offer. But based
2 off what I'm hearing, it sounds like we're -- we're
3 still wanting to -- to look at avoidance to some
4 degree. There's -- there's concern about, for just as
5 an example, relying on curtailment, for instance,
6 solely. You know, I'm not getting the sense that
7 that's something that the Council's comfortable with.
8 So I think we would be looking at the FEIS measures
9 and -- and then perhaps adding a few more things that
10 would help to answer some of those questions.

11 CHAIR DREW: Comments?

12 So I would -- there's a motion on the floor. I
13 would ask all those in favor to say "aye."

14 MULTIPLE SPEAKERS: Aye.

15 CHAIR DREW: Opposed?

16 MR. YOUNG: Opposed.

17 MR. BROST: Aye.

18 CHAIR DREW: Thank you. Motion
19 carries.

20 Thank you. And I encourage all of the Council
21 members to contact staff if you'd like to talk further,
22 and we will try to then have more specific options
23 developed for the July meeting. Okay? Thank you.

24 We now move into the "Other" -- yes, there's a
25 back to the agenda -- to staff introductions.

1 Ms. Bumpus.

2 MS. BUMPUS: Thank you, Chair Drew
3 and Council members. For the record, this is Sonia
4 Bumpus.

5 I just wanted to let everyone know that we are
6 welcoming a new employee to the EFSEC staff, Martin
7 McMurray here. He joined EFSEC on June 10th and is our
8 director of administration. He has over 22 years'
9 experience with the State. He's also worked private
10 sector, on budgets, financial advisements. He has a
11 vast array of experience, and we are really excited
12 that he's chosen to join the EFSEC team. So please
13 join me in welcoming Martin to our team.

14 (Applause.)

15
16 MR. McMURRAY: Thank you, Director
17 Bumpus, for that warm introduction.

18 Chair Drew, Council members, it's a pleasure and
19 an honor to be here with EFSEC. Like Director Bumpus
20 mentioned, 22-year State career in State government.
21 My most recent post was actually at the Department of
22 Commerce, where I was a budget director, CFO, and the
23 chief operating officer. So, happy to bring those
24 skills and help the team out, and everyone's been very
25 gracious in Day 7 for me. So, again, thank you.

1 CHAIR DREW: Welcome.

2 Ms. Hafkemeyer.

3 MS. HAFKEMEYER: Okay. Thank you,
4 Chair Drew, Council. I would also like to introduce
5 another new staff member. Trevin Taylor is our new
6 SEPA specialist. So he will be joining Sean in
7 tackling the SEPA review for the projects in front of
8 us. Trevin's first day was Monday, so we thought we
9 could just pop him in the deep end.

10 CHAIR DREW: No detailed questions
11 yet?

12 MS. HAFKEMEYER: Maybe, like, a
13 couple more days, I think, would probably be a good
14 idea.

15 But Travin has a great background in both SEPA and
16 NEPA experience, working at both the State and the
17 County level. So...

18 MR. TAYLOR: Yeah, thank you for
19 having me and for this opportunity. Yeah, I have about
20 25, 26 years of experience in environmental compliance
21 and also biological support. Trained as a habitat
22 biologist specialist for the most part and then have
23 been processing NEPA, SEPA, pretty much any permit
24 that's been out there for -- as part of that process
25 for many years. So, once again, thank you for having

1 me, and looking forward to the opportunity.

2 CHAIR DREW: Welcome.

3 (Applause.)

4
5 CHAIR DREW: And with that, our
6 meeting is adjourned. Thank you, all. And it's good
7 to see you-all in person.

8 (Meeting adjourned at
9 3:15 p.m.)

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1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
2) ss a certified court reporter
3 County of Pierce) in the State of Washington, do
4 hereby certify:

5 That the foregoing Monthly Meeting of the Washington
6 State Energy Facility Site Evaluation Council was conducted
7 in my presence and adjourned on June 20, 2024, and
8 thereafter was transcribed under my direction; that the
9 transcript is a full, true and complete transcript of the
10 said meeting, transcribed to the best of my ability;

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

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 8th day of July, 2024.

17 _____
18 /s/John M.S. Botelho, CCR, RPR
19 Certified Court Reporter No. 2976
20 (Certification expires 5/26/2025.)
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