

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

Application Docket No. EF-230001

In the Matter of:

Cypress Creek Renewables, LLC,

Carriger Solar, LLC

Applicant

REPORT TO THE GOVERNOR ON APPLICATION DOCKET NO. EF-230001

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I. Executive Summary

A. Application

Carriger Solar, LLC (Applicant) has applied under the Energy Facility Site Locations Act, RCW 80.50, for site certification to construct and operate Carriger Solar LLC Project (Project) in unincorporated, Klickitat County. The Project is a 160 megawatt (MW) solar photovoltaic (PV) facility that will include a 63 MW battery energy storage system (BESS). The Project will interconnect with the Bonneville Power Administration (BPA) transmission system.

B. Recommendation

The Energy Facility Site Evaluation Council (EFSEC or Council) recommends the Governor approve the Project. The Council also recommends that certain conditions be imposed as part of the site certificate agreement (SCA), as detailed in this recommendation.

The Council carefully considered: (1) the policies set forth in RCW 80.50.010 regarding the need for abundant clean energy sources to meet the state's greenhouse gas reduction goals and to mitigate the effects of climate change while ensuring through reasonable methods that all energy facilities will produce minimal adverse impacts on the environment; (2) public comments; (3) the agency's State Environmental Policy Act review and mitigated determination of non-significance; (4) the issues raised during staff-level coordination with affected federally recognized tribes and during government-to-government consultation¹ as described in RCW 80.50.060(8); and (5) commitments made by the Applicant in its application, at hearings, and in other relevant documents.

The Council concludes that the conditions identified in this report and set forth in the accompanying draft SCA are reasonable methods to minimize the adverse impacts of the proposed Project on the environment and to consider the broad interests of the public including affected tribes. The Council finds that with the recommended mitigation measures, the proposed Project meets the requirements of applicable law and comports with the policies and intent of Chapter 80.50 RCW.

II. Detailed Summary of the Application and the Council's Review Process

A. Carriger Solar, LLC Project

Cypress Creek Renewables, LLC (CCR) filed an Application for Site Certification (ASC) on behalf of the Applicant on February 10, 2023. Carriger Solar, LLC is a wholly owned subsidiary of Cypress Creek Renewables, LLC. Carriger Solar, LLC headquarters are in Santa Monica, California.

The Project will construct and operate a solar PV electric generating facility that includes 160 MW of solar energy and 63 MW BESS.

¹ Per a letter received from Chairman Lewis, dated May 14, 2025, the Yakama Nation do not consider this meeting to meet the definition of government-to-government consultation. A response letter from EFSEC dated May 23, 2025 acknowledges this concern.

The Project is located north of SR 142 and along Knight Road, approximately two miles west/northwest of the City of Goldendale in unincorporated Klickitat County. The Project is located primarily on agricultural and rural residential lands, and the southern portion of the Project area is located in the Klickitat County Energy Overlay Zone (EOZ). The Project contains 2,108 acres and is composed of two non-contiguous areas across 25 parcels of private land that are under purchase or lease option for Project site control. A 1,326 acre or less subset of this area will contain the maximum Project footprint or maximum project extent (MPE). The MPE includes:

- A 30-foot corridor associated with the Project collector line in the Knight Road right-of-way (ROW).
- A 30-foot corridor associated with the Project access road and collector line within the BPA ROW.
- All the areas within the solar array fence lines minus exclusion areas where sensitive resources such as wetlands and streams are being avoided.
- In total, the MPE includes all solar arrays, Project substation, BESS facilities, operations and maintenance building, employee parking, access roads, collector lines, and laydown areas.

B. The Council and the Application review Process

EFSEC is an agency of the State of Washington established under RCW 80.50.010. One of the Council's responsibilities is to review applications from private developers for authorization to construct and operate specified energy facilities, including alternative energy resource facilities (such as solar) and electricity storage facilities that choose to apply for certification under RCW 80.50.060(1)(b). After reviewing the application and receiving information from the public, other agencies, and affected Tribes, the Council develops a recommendation for the Governor on whether to approve the application, and if so, on what conditions. If the Council recommends approval, it provides a draft SCA that includes its recommended conditions for signature by the Governor and the applicant. In developing a recommendation, the Council's mandate is to balance the need for abundant energy at a reasonable cost with the broad interests of the public. RCW 80.50.010; see also WAC 463-47-110.

Council representatives participating in this process are Kurt Beckett, Council Chair; Elizabeth Osborne, Department of Commerce; Eli Levitt, Department of Ecology; Nathan Pamplin, Department of Fish and Wildlife; Lenny Young, Department of Natural Resources; Stacey Brewster, Washington Utilities and Transportation Commission; and Matt Chiles, Klickitat County.

The Council's review of the Project ASC consisted of multiple separate and distinct procedural steps. A detailed summary of the activities associated with each step is provided below.

C. Informational Public Hearing

The Council must conduct an informational public hearing in the County of a proposed project no later than sixty days following the receipt of an application.² This hearing shall consist of a presentation of the proposed project by the applicant, and the general public shall be afforded an opportunity to provide written or oral comments.³

Consistent with this requirement, the Council conducted an informational public hearing on April 25, 2023, in person and virtually at the Goldendale Grange Hall in Klickitat County. Notice of the meeting was provided through local newspapers, the project mailing list⁴, and to interested tribes. Pursuant to RCW 80.50.090(1) and WAC 436-26-025, the Applicant and EFSEC staff gave presentations about the Project proposal and EFSEC application review process, respectively. The Counsel for the Environment was introduced and provided a description of the duties of this position. EFSEC staff provided public notice and invited the public to comment at this hearing.

The Council received a total of 35 oral comments during the informational public hearing and an additional 48 written comments. The comments were largely in opposition to the Project. Many expressed concerns that the location was not desirable due to the proximity and visibility to the city of Goldendale and the rural residential location. Other commenters discussed the solar development moratorium in Klickitat County at the time of the application, or expressed concern for wildlife, loss of agricultural lands, and possible hazards to public health from the BESS and solar panels. A few commenters expressed support due to potential economic opportunities for jobs and to those leasing or selling their lands for the project.

D. Land Use Consistency Hearing

Subsequent to the informational public hearing, EFSEC must conduct a land use consistency hearing pursuant to RCW 80.50.090(2) and WAC 463-26-050. The Council must then decide whether the proposed site is consistent and in compliance with local land use plans and zoning ordinances.⁵

The Council held a Land Use Consistency hearing virtually on May 16, 2023 to determine whether the Project's use of the proposed site is consistent with local or regional land use plans and zoning ordinances in effect at the time the ASC was submitted.⁶ Notice of the meeting was provided through local newspapers, and the project mailing list. Testimony was provided by CCR, the County (including 2 county commissioners), and 5 local citizens during this hearing. The Council determined the Project to be consistent with Klickitat County land use plans and zoning ordinances in effect as of February 10, 2023, the filing date of the ASC.⁷ The Council

² RCW 80.50.090(1), WAC 463-26-025.

³ WAC 463-26-025.

⁴ A project mailing list is developed for each EFSEC project to include interested members of the public, agencies, and tribal contacts.

⁵ RCW 80.50.090(2); see also WAC 463-26-110.

⁶ RCW 80.50.090, WAC 463-14-030.

⁷ [EFSEC Order 886](#)

determined it to be consistent because the Project was eligible to be approved under the Energy Overlay Zone and conditional use provisions of Klickitat County Code Title 19. On September 25, 2023, EFSEC published Order 889 affirming land use consistency.

E. Compliance with Chapter 80.50 RCW and State Environmental Policy Act

The Council must comply with State Environmental Policy Act (SEPA), Chapter 43.21C RCW, which requires consideration of probable significant adverse environmental impacts of certain government actions, including approval or denial of an application to site an energy facility, and possible mitigation. EFSEC's SEPA rules are set out in Chapter 463-47 WAC. The Council's responsible SEPA official is the EFSEC Director.⁸ If the Council's SEPA official finds that adverse environmental impacts can be mitigated to nonsignificant levels, EFSEC may issue a mitigated determination of non-significance (MDNS).

On April 7, 2025, EFSEC's Director, Sonia Bumpus, issued an MDNS followed by a 14-day public comment period. Notice of the comment period was provided through local newspapers, and the project mailing list. On June 16, 2025, EFSEC issued a Revised MDNS for a 7-day comment period to reflect changes made in response to comments received during the April comment period. All mitigation measures identified in the Revised MDNS have been included as conditions of the draft SCA.⁹

F. Tribal Engagement

Consistent with RCW 80.50.060(8), EFSEC seeks ways to avoid, minimize, or mitigate any adverse effects on tribal resources and rights and aims to include methods for increased protection of tribal cultural resources, archaeological sites, and sacred sites in its recommended conditions for energy facility siting.

RCW 80.50.060(8) requires EFSEC to provide opportunities for early and meaningful participation and input from federally recognized tribal governments that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed, both during the siting review process and in ongoing compliance monitoring of proposed energy facilities.

Prior to the submission of the ASC, the Applicant met with Yakama Nation Cultural Resource Program (CRP) staff in preparation for the cultural resource survey (Survey) work¹⁰. In turn, the CRP staff indicated awareness and continuing interest in the Project to EFSEC staff. On March 15, 2023, EFSEC staff formally notified receipt of application], providing direction for access and review of the Project materials, to 11 federally recognized tribal nations identified by the Department of Archeology and Historic Preservation (DAHP) as having treaty rights to the proposed Project location. EFSEC received no response to this notice, which offered government-to-government consultation. However, on March 30, 2023, the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) Cultural Resource Program (CRP) sent

⁸ WAC 463-47-051.

⁹ See Carriger Solar Revised MDNS, dated June 16, 2025.

¹⁰ The applicant provided a history of tribal outreach to EFSEC staff.

EFSEC staff a comment letter on the first draft of the Survey for the Project and confirmed their ongoing interest in engagement. EFSEC staff worked with Yakama Nation CRP staff and DAHP on the Survey over the following 17 months. The Survey was reviewed and revised multiple times in response to comments received from Yakama Nation CRP staff and DAHP after each revision.

In the summer of 2023, EFSEC staff engaged with Yakama Nation CRP staff specifically to address traditional and cultural properties (TCPs), as Yakama Nation CRP staff had determined that the Project could have significant impacts to TCPs. To support the Yakama Nation CRP staff, EFSEC also offered to finance a confidential study to be performed by Yakama Nation CRP staff through an inter-agency agreement. The duration of that agreement was for 1-year beginning in December 2023.

On August 15, 2024, the EFSEC Chair requested the Yakama Nation Chairman engage in government-to-government consultation on impacts to TCPs. Yakama Nation staff responded that they preferred not to engage until they completed the TCP study and technical staff had time to work through proposed mitigation options. Yakama Nation staff provided the confidential report to EFSEC staff on October 28, 2024.

Yakama Nation CRP staff subsequently offered to provide a summary letter of the TCP report for EFSEC staff to share with the Applicant so that mitigation could be negotiated. Following receipt of the summary letter, the Applicant developed proposed mitigation options for EFSEC staff to discuss with Yakama Nation staff. EFSEC staff met with Yakama Nation staff and their legal counsel to receive feedback on proposed mitigation. Following input from EFSEC's legal counsel concerning EFSEC's authority to impose the Yakama Nation's proposed mitigation request, it was determined EFSEC it determined it lacked legal authority to impose the specific mitigation requested by Yakama Nation staff.

By mid-March 2025, EFSEC had completed its technical and legal evaluation of the mitigation options proposed by the Applicant and Yakama Nation CRP staff. EFSEC, in coordination with its independent consultant and interagency contractors, identified mitigation measures to further reduce impacts for TCPs, for visual, traditional, and cultural resources. These measures are identified in EFSEC's Revised MDNS. Throughout that evaluation, EFSEC staff considered Yakama Nation CRP's feedback on proposals for mitigating TCP impacts attributable to the project currently under review by EFSEC. TCP impacts from a possible future project proposal on an adjacent state-owned parcel that was of greatest concern to Yakama Nation staff is reserved until an application is submitted.

Throughout the staff level negotiations, EFSEC staff continued to inquire about the potential for a meeting with the Tribal Council to fulfill their desire for government-to-government consultations. On May 2, 2025, the EFSEC Director sent a letter to the Yakama Nation Chairman requesting that an opportunity be afforded for the EFSEC Chair and Director to meet with the Yakama Nation Tribal Council on the Council's June meeting agenda. EFSEC Chair Beckett, Director Bumpus and select EFSEC staff and legal counsel met with the Yakama Nation Tribal Council on June 4, 2025. Following the meeting, Chair Beckett provided a confidential memo

per RCW 42.56.300(3) (Attachment 1) to all Council members prior to the June EFSEC monthly meeting for their consideration.

To address TCP impacts, the following mitigation measures are/have been incorporated into the SCA through the Revised MDNS:

- Increased setbacks of fencing and solar panels from SR 142 and Knight Road.
- Increased setbacks of fencing and solar panels on both the north and south side of a Department of Natural Resources managed parcel.
- Installation of natural screening tools, such as earthen berms, rock piles or native vegetation to further mitigate visual impacts to users of the north side of the adjacent state-owned parcel .

Additional conditions are included in the SCA following the June meeting between EFSEC and the Yakama Nation Tribal Council in response to concerns raised in that meeting. These conditions are discussed more fully in Attachment 1:

- The traffic control plan, as required in the SCA Article IV.K, will ensure that tribal access to TCPs is maintained throughout construction.
- EFSEC will include Yakama Nation in the review of the initial site restoration plan as required by SCA Article IV.G and in the review of the detailed site restoration plan as required by SCA Article VIII.A

G. Expedited Processing Decision and Order

The Revised Code of Washington (RCW) Chapter 80.50.075 allows the council to grant expedited processing of an ASC. The applicant can seek expedited processing when the following two conditions are met:

1. The project is found to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances, at the time the application is submitted.
2. The environmental impact of the proposed facility is not significant or will be mitigated to a nonsignificant level as defined in RCW 43.21C.031.

As noted in subsections D and E of this section, order 889 was issued on September 25, 2023, the MDNS was published on April 7, 2025, and the Revised MDNS was published on June 16, 2025. After publication of the MDNS the Project met both legal requirements (consistency with local zoning and no significant environmental impacts, as specified in RCW 80.50.075) for the Council to grant the Applicant's request for expedited processing. A public comment period on the draft order on expedited processing was open from April 29 through May 2, 2025. On May 5, 2025, a special meeting¹¹ was held in person and virtually at the Goldendale Grange Hall in Klickitat County. After considering comments received, the Council voted to grant expedited processing and issued Order 899.

¹¹ Pursuant to RCW 42.30.080, the meeting was noticed in local newspapers and to the project mailing list.

When an application is granted expedited processing, the Council does not hold an adjudicative proceeding but instead affords a less formal public meeting to take comments, as provided in RCW 80.50.090(5). By rule, within sixty days following the granting of expedited processing or such later time as is mutually agreed upon by the Applicant and the Council, the Council forwards its recommendation to the Governor. WAC 463-43-080.

III. RCW 80.50.010 Standard for Recommendation

State law establishes policies that inform how the Council is to exercise its authority to develop a recommendation to the Governor on an application for site certification.

With regard to the need for clean energy facilities and the interests of the public, RCW 80.50.010 provides as follows:

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities. It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods that the location and operation of all energy facilities . . . will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public.

State policy mandates the development of power that satisfies renewable energy requirements. Washington's greenhouse gas emissions reduction requirements include a statewide 45 percent reduction by 2030, 70 percent reduction by 2040, and 95 percent reduction by 2050.¹² The Climate Commitment Act contemplates that meeting Washington's climate goals will require coordinated, comprehensive, and multisectoral implementation of policies, programs, and laws.¹³ Among the State's economic and climate policies is the Clean Energy Transformation Act (CETA), which requires all electric utilities serving retail customers in Washington to be greenhouse gas neutral by 2030. By 2045, utilities cannot use offsets anymore and must supply Washington customers with electricity that is 100 percent renewable or non-emitting. It is amid this broader policy context, that the Washington legislature recognizes in RCW 80.50.010 the need for clean energy and has directed the Council to encourage the development of clean energy sources and the provision of abundant clean energy at reasonable cost.

In summary, in its recommendation to the Governor, the Council must carefully consider the evidence in the record and seek a balance between the need for clean energy at a reasonable cost

¹² RCW 70A.45.020(1)(a)(ii)–(iv).

¹³ RCW 70A.65.005(2).

and the need to ensure that the location of energy facilities will produce minimal adverse effects on the environment.

IV. Conclusion and Recommendation

The Council has considered the ASC, the land use consistency order, Revised MDNS, public comments, and information gathered in coordination with interagency contractors, Yakama Nation CRP staff, and Tribal Council. As a result of this review, the Council finds that the Project should be approved as conditioned. The Council is persuaded that the draft SCA includes appropriate conditions for the construction and operation of the proposed energy facility, and that appropriate consideration has been afforded under the draft agreement for wildlife movement corridors, agricultural lands, visual aesthetics, archaeological and architectural resources, traditional cultural properties, and water resources among other factors.

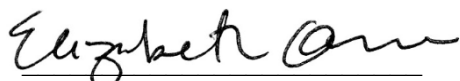
The record before the Council supports the decision to recommend approval, subject to the restrictions, mitigation, and protective measures identified in the SCA, Revised MDNS, and ASC. These elements will, in the Council's judgment, minimize the adverse local impacts of the Project as much as is reasonable consistent with the balancing of policies described in RCW 80.50.010. A letter of dissent written by Klickitat County council member Matt Chiles is included as Attachment 2.

Signatures

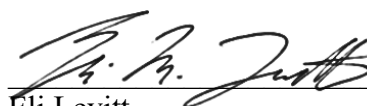
WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL



Kurt Beckett, Chair



Elizabeth Osborne
Department of Commerce



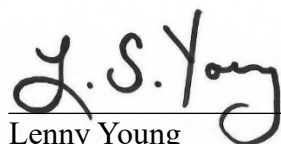
Eli Levitt
Department of Ecology



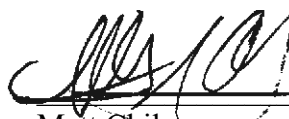
Stacey Brewster
Utilities and Transportation Commission



Nathan Pamplin
Department of Fish and Wildlife



Lenny Young
Department of Natural Resources



Matt Chiles
Klickitat County

NOTICE TO PARTIES: In accordance with WAC 463-30-335, administrative relief may be available through a petition for reconsideration of the Recommendation Package to the Governor. The Council requires requests for reconsideration to address all of the filing party's concerns raised by the Recommendation Package in a single petition. Petitions for reconsideration must be filed within 20 days of the service of this Order and the Recommendation Package to the Governor. If any such petition for reconsideration is filed timely , the deadline for answers is fourteen days after the date of service of each such petition. The formatting of petitions for reconsideration shall be governed by WAC 463-30-120 and shall be limited to 50 pages.

Attachment 1:

Confidential memo to Council members



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

Memorandum – **CONFIDENTIAL**

To: EFSEC Carriger Project Council:
Stacey Brewster, Utilities and Transportation Commission
Eli Levitt, Department of Ecology
Lenny Young, Department of Natural Resources
Elizabeth Osborn, Department of Commerce
Nathan Pamplin, Department of Fish and Wildlife
Matt Chiles, Klickitat County Representative

From: Kurt Beckett, EFSEC Chair

Date: June 19, 2025

RE: EFSEC meeting with Yakama Nation Tribal Council to discuss tribal concerns on the proposed Carriger Solar Project, June 4, 2025

This memo summarizes the interaction that EFSEC has had with the Yakama Nation's staff and Tribal Council since the Application for Site Certification (ASC) was first received; this memo is Attachment 1 to EFSEC's recommendation report to the governor. Efforts were made to limit redundant information in this memo and in other associated documents. However, certain information is repeated and/or paraphrased in this memo for sake of preserving coherence, context, and continuity of the subject matter for the reader.

This memo is being withheld from publication due to the sensitive information shared during the tribal engagement and consultation process, and to reflect both EFSEC's respect of tribal sovereignty, culture and traditions, and proper handling of the information as requested by the Yakama Nation. However, should there be a request for this document under the Public Records Act, only the portions that discuss the findings of the traditional cultural properties report are exempt from disclosure under RCW 42.56.300(3)(c).

Background on communications with Yakama Nation:

- On February 10, 2023, EFSEC received an ASC for the Carriger Solar Project (the Project) and issued a public notice announcing the receipt of the ASC¹.
- On March 15, 2023, EFSEC sent a letter offering government-to-government consultations to the Yakama Nation and ten other federally recognized tribes.

¹ Tribes were also notified of other public meetings, hearings, and public comment opportunities throughout the siting process, as discussed in the Council's Recommendation Report to the Governor.

- In summer of 2023, EFSEC staff engaged with Yakama Nation Cultural Resource Program (CRP) staff specifically to address traditional and cultural properties (TCPs).²
- In fall of 2023, EFSEC counsel worked with Yakama Nation counsel to develop a contractual agreement for EFSEC to fund a confidential study to be performed by the Yakama Nation CRP staff, with a duration of one year beginning in December 2023.
- On August 15, 2024, the EFSEC chair sent a letter seeking to begin the process of scheduling formal government-to-government consultations following the completion of the TCP study, prior to the completion of EFSEC's SEPA review. However, Yakama Nation staff informed EFSEC staff that the Tribal Council preferred not to engage until the TCP study was complete and technical staff-level discussions had been held to work through proposed mitigation options.
- Yakama Nation CRP staff provided their confidential TCP study to EFSEC staff on October 28, 2024.
- On December 11, 2024, Yakama Nation CRP staff provided a summary letter of the TCP report for EFSEC staff to share with the Applicant so that negotiations on mitigation could proceed.³

The confidential TCP study provided to EFSEC identified three primary TCPs, which included legendary, monumental, traditional use, and ceremonial site components. The nature and geographic extent of the TCPs, referred to here as TCPs 1-3, is described in the TCP study. The following is a brief description of how the three TCPs would be impacted by the Carriger Project, as described by the Yakama Nation Cultural Resources Program Manager in his letter of December 11, 2024.

- **TCP 1:** The project will diminish the abundance of, or access to, traditional plants at this location either through direct loss, loss of re-seeding populations resulting in an influx of disturbance species, introduce herbicides used to manage vegetation growth within the project, and create barriers via fencing placed around infrastructure. Beyond direct access and availability of specific plants, this development will alter the visual aspects of the landscape, introducing large black panels, fencing and industrial equipment into a landscape only effected at present by the more subtle nature of small-scale agriculture. As such, this facility will inhibit one's ability to gather resources in a culturally acceptable manner. This has implications for the facility footprint, as well as surrounding lands.
- **TCP 2:** Construction of the facility at this location would diminish the cultural experience of tribal members utilizing this resource for the purposes of traditional resources gathering. This interference can occur both through physical obstruction (denied access to gathering locations or passage through) or via impacts that occur due to changes to the traditional use, legendary and monumental landscape. Such changes can be visual in nature and can affect related traditional properties. It can, however, also be more subtle and results in less culturally favorable conditions for resource gathering. Culturally and historically, this represents a loss of that resource while the development remains in place, yet does not necessarily result in the permanent loss of the resource. Thus, the project would represent a temporary disturbance that would exist during the life of the project. Any archaeological component of this TCP would be at risk from permanent impacts caused by construction related disturbances.
- **TCP 3:** TCP 3 will be impacted by this development as well, largely through the visual landscape change that will result from the construction of this industrial facility. This will inhibit to some

² The term "traditional cultural properties" derives from language in the federal National Historic Preservation Act at 16 U.S.C. § 470a(d)(6)(A) ("properties of traditional religious and cultural importance") and refers to geographic places prominent in a group's cultural practices, beliefs, or values. RCW 80.50.060(8) and (9) require state consultation and coordination with affected federally recognized tribes on potential impacts to such places from proposed energy projects, with the goal of seeking ways to avoid, minimize, or mitigate any adverse effects.

³ Due to the confidentiality agreement within the contract for the study, the study was not shared directly with the Applicant.

degree the critical viewshed required to experience these features from a cultural standpoint. Affects to this resource will vary based upon TCP-element-proximity to the development.

The December 11, 2024, memo also offered three specific technical recommendations to reduce impacts to the TCPs described above. They are as follows:

- Washington State could consider siting regulations that limit adjoining projects or favor projects that secure surrounding parcels for non-industrial use.
- Washington State land managers and permitting agencies could consider omitting state lands from industrial developments where lands have been identified as containing sensitive tribal resources. Alternatively, applicants may consider the lease of state lands but agree to preserve the current (undeveloped) status of the parcels.
- TCP 2 spans a large geographic area and due to this, its full documentation has been challenging. The project proponent could provide a grant of funds to the Yakama Nation CRP for continued documentation of the archaeological/historical aspects of this TCP beyond the current study location. This would alleviate some impact to TCP by providing means to protect and perpetuate the larger cultural property.

Following receipt of the summary letter, the Applicant developed proposed mitigation options for EFSEC staff to discuss with Yakama Nation CRP staff. A meeting was held between EFSEC staff and Yakama Nation staff and their legal counsel on February 7, 2025, to receive feedback on the proposed mitigation.⁴

Throughout the staff level negotiations, EFSEC staff continued to inquire about the potential for a meeting with the Tribal Council to fulfill their desire for government-to-government consultations. By mid-March 2025, EFSEC had completed its technical and legal evaluation of the mitigation options proposed by the Applicant and Yakama Nation CRP staff. EFSEC, in coordination with its independent consultant and interagency contractors, identified mitigation measures to further reduce impacts for TCPs 1-3, for visual, traditional and cultural resources. These measures are identified in EFSEC's Revised Mitigated Determination of Non Significance (MDNS).

EFSEC acknowledges that other recommendations were proposed in the Yakama Nation CRP December letter. EFSEC determined those would not be feasible for purposes of avoiding or reducing impacts attributable to the Carriger Project. EFSEC holds no authority over state-owned land development and has no opportunity to gain site control of the adjacent DNR-leased parcel, the subject of a prospective solar energy project (Golden Solar) that is not currently before EFSEC. Should the Golden Solar project seek site certification through EFSEC, or another similar project within that footprint, EFSEC anticipates impacts to TCPs could be significant and the environmental review would include full analysis of impacts to cultural and traditional tribal resources.

The EFSEC director wrote to the Yakama Nation Chairman on May 2, 2025, requesting an opportunity for the new EFSEC chair to meet with the Yakama Nation Tribal Council to discuss the Project at the Council's June meeting. Yakama responded on May 14, noting multiple procedural concerns, including concerns about the issuance of the Revised MDNS and EFSEC's ability to conduct meaningful and confidential government-to-government consultation if all decision-makers (i.e., the full Council) would not be present. Despite these concerns, the Yakama Nation Chairman invited EFSEC to attend the Tribal Council agenda in June.

⁴ Proposed mitigation from the Applicant included obtaining an Applicant commitment to provide the Yakama Nation with funding up to \$100,000 for the purposes of continued TCP research in the area in response to the December 11 summary letter item.

On May 23, 2025, EFSEC Director Bumpus replied with a commitment to provide all requested materials by May 30, 2025, and a confirmation that no information about cultural resource impacts shared with any member of the EFSEC Council or staff in attendance at the meeting would be discussed in public forums. In an effort to acknowledge the Nation's understanding of government-to-government consultations, which differs from that defined in EFSEC's statute,⁵ Director Bumpus wrote, "While our respective procedural protocols lack congruency, our overarching intent remains to engage in a meaningful manner, to identify potential impacts to tribal rights, interests, and resources, and to consider potential mitigation measures."

EFSEC Chair and Yakama Nation Tribal Council Meeting June 4, 2025, Discussion:

Several issues were covered that speak to broader concerns from the Yakama Nation about energy and siting processes in general, as well as recognizing the Yakama Nation's leadership in certain energy developments they have advanced on behalf of their people. While these topics are important and can serve as topics for ongoing conversation between EFSEC and the Yakama Nation Tribal Council, this memo will not discuss them in detail. In particular, multiple council members expressed general support for renewable energy development, provided it is appropriately sited and mitigated. Multiple council members stated their desire that one or more Tribal representatives be appointed as voting members to EFSEC's Council. *EFSEC acknowledged these comments and the policy matter, but did not have anything further to add in the moment given the current EFSEC statutory construct.*

With respect to the overarching location of energy projects within the state of Washington, multiple council members stated that there has historically been, and continues to be, too much energy development in Yakama's ceded territories. One general council member suggested that some sort of financial incentive, compensation, or employment opportunities should be provided to the Nation for projects sited on its ceded territories. *The EFSEC Chair acknowledged the fact that renewable energy development is concentrated on Yakama's ceded territories and expressed the view that more should be sited in western Washington. EFSEC staff also noted that the agency does not choose the location of facilities that it reviews and sites.*

There were a number of comments about the need for EFSEC to engage earlier in the process and even claims that EFSEC ignored requests for consultation. EFSEC did not reply directly to these allegations but the record above details the agency's interaction with the Yakama Nation. *EFSEC did take the opportunity to note that it is its goal to engage early and often with Tribes. The EFSEC chair also acknowledged the differing definitions of "government-to-government consultations" in the EFSEC statute and Yakama Nation's expectations. He committed to be mindful of the distinction and seek solutions to bridge the gap where possible.*

The discussion gave EFSEC staff a chance to clarify a few things about the EFSEC process and the SEPA review of the Carriger Solar Project. In response to concerns about EFSEC's considerations of water usage and water sources, EFSEC staff noted:

- The environmental impacts associated with anticipated water use are analyzed during the SEPA review.
- Any water used for the Project would be sourced within the same water basin as the Project area.

⁵ RCW 80.50.060(8) provides that "The [EFSEC] chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process." Yakama Nation asserts that, from its perspective, government-to-government consultation with EFSEC would require a meeting with the full EFSEC Council, not just the Council chair.

- Any water used for the Project would be sourced from a vendor with sufficient existing water rights.
- The Site Certification Agreement is conditioned on the Applicant securing sufficient water prior to the start of construction. Failure for the Applicant to do so would leave them out of compliance and without approval to start construction.
- EFSEC does not require formal agreement on a water right until immediately prior to construction as such agreements are typically term-based. To require that the Applicant pay for water rights months or even years before they need them is impractical.
- EFSEC confirmed that if a change in water source, or a substantial change in proposed water consumption were to occur prior to the start of construction, new analysis would be performed.

Concerns were raised about the planned water cistern. Specifically, there was concern that the 10,000-gallon fire-response water cistern could serve as a source of contamination if the cistern was not properly maintained and algae was allowed to grow in the water. *EFSEC staff acknowledged the comment and committed to updating mitigation language to require that the cistern be opaque, an enclosed system, and maintained in good working condition at all times.*

A council member indicated concern over Project impacts to wildlife movement corridors in the area. EFSEC staff stated that Project design took into account wildlife movement permeability. *Staff also noted that Washington Department of Fish and Wildlife (WDFW) had approved the current design as resulting in no significant impacts to wildlife movement. Staff also confirmed that EFSEC was aware of a reasonably foreseeable development, the above-reference Golden Solar project, that could have cumulative impacts to wildlife movement, which would be addressed if and when that project submitted an application.*

A council member expressed concern associated with the environmental and public health hazards associated with a BESS fire. *EFSEC replied that the BESS would contain a fire suppression system that meets all current regulations and BMPs. Staff indicated that the 10,000-gallon water cistern could be used for smoke containment to limit the extent of any toxic fumes that would result from a BESS fire. Still, current best practice is to allow a BESS fire to burn itself out as the high temperature of the fire will burn up many of the toxic chemicals that might otherwise disperse into the surrounding ground or air.*

A council member expressed the importance of unobstructed landmarks and viewsheds for Tribal storytelling, history, and sense of place, with large industrial developments like this Project negatively impacting that cultural practice. *EFSEC acknowledged the comment and pointed out the mitigation measure regarding a combination of berms, vegetation, and rock piles to block the view of solar panels along the northern border of the DNR parcel, which is an area of open lands available for cultural use and experience, specifically tribal hunting and food/medicine gathering, within the regional TCP in which the Project is to be located.*

In addition, to protect the confidentiality of TCPs in the SEPA documentation, some measures were developed with the Applicant to mitigate for TCP impacts, however they were discussed as applicant commitments within different resource sections of the staff memo:

- In “Visual and Aesthetics” (page 20) we state, “Visual impacts would primarily be experienced by drivers on Knight Road and SR 142. Three KOPs(Key Observation Points) associated with these roads were determined likely to receive moderate contrast and visual impact ratings from the Project. Visual impacts were anticipated to be most pronounced along those portions of Knight Road where the Project would site panels on both sides of the road. *To address these impacts, the Applicant increased the fence setback along SR 142 by 30 feet (minimum 100 feet) and the fence and panel setbacks along Knight Road by 25-40 feet (minimum 100 feet for fence, minimum 120*

feet for panels). Updated visual simulations with these setbacks confirm that visual impacts to motorists on these roads would be less than significant.”

- In “Recreation” (page 22) we state, “to address potential impacts to visual aesthetics and quality of experience to the adjacent DNR parcel located in the center of the Project Lease Boundary, the Applicant has increased fence and panel setbacks where the Project abuts the parcel on its northern and southern boundary. Setbacks for fences and panels were increased by 50 feet along the northern boundary (minimum 100 feet for fence, minimum 140 feet for panels), fence setbacks were increased by 80 feet along the southern boundary (minimum 100 feet), and solar panel setbacks were increased by 50 feet along the southern boundary (minimum 125 feet).”

A council member requested that the Yakama Nation be provided an opportunity to review the Site Restoration Plan for the Project prior to its implementation. *EFSEC confirmed that this request could be accommodated and promised to develop a new mitigation measure to do so. This new measure in response to the Yakama Nation is in the SCA Article IV.G (Initial Site Restoration Plan) and Article VIII.A (Detailed Site Restoration Plan).*

Finally, multiple council members and staff expressed concern for loss of access to lands currently accessible to tribal members for traditional cultural practices within a regional TCP in which the project is to be located, and the inability for lands to be fully recovered during site restoration. EFSEC acknowledged the comment. While EFSEC did not directly address the claim during the meeting, this Project would not result in any direct impacts or access restrictions to public lands within the regional TCPs. The Project is entirely sited on privately owned agricultural lands for which the Tribe has no legal access. As is acknowledged in the TCP study, these concerns are particular to the potential Golden Solar project (still in pre-application) that, if approved for siting on the DNR-managed state lands adjacent to the Carriger Project, would potentially impact access to traditional cultural use of lands to which the Tribe currently claims legal access. But those impacts will be addressed if and when that project submits an application, as required under SEPA. *Still, to further respond to tribal concerns about loss of access to nearby TCPs, EFSEC developed a new mitigation measure within the Carriger project to require that the Applicant maintain and honor tribal access rights during construction when construction activity could impede tribal access to the DNR parcel. This new measure in response to the Yakama Nation is located in the SCA Article IV.K.3 (Construction Traffic Control Plan).*

Lastly, the Yakama Nation Tribal Council indicated a desire for ongoing coordination and discussion, and EFSEC was invited back to both the Tribal Council and the Cultural Resources Committee. *EFSEC agrees with the sentiment whole heartedly and confirmed our commitment to that in a follow up communication to Chair Lewis dated June 17, 2025.*

Attachment 2:

Klickitat County Council Member Matt Chile's dissent letter

Matt Chiles
1006 Horseshoe Bend Rd
Centerville, WA 98613
mattchiles@horseshoebendbranch.net
509-250-3755

June 26, 2025

The Honorable Bob Ferguson
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

RE: Report from dissenting councilman Matt Chiles on the Carriger Solar/BESS Project

Dear Governor Ferguson:

I am writing as the dissenting EFSEC councilperson on the Carriger Solar/BESS Project in Klickitat County. I am the Klickitat County representative on the EFSEC board for this project. I believe it is important for you to understand the reasons for my dissenting vote on this project, as you will ultimately decide its fate.

Foremost, this project has been widely opposed the by people of Klickitat County, including all three County Commissioners. There has been consistent loud and vocal opposition to this project from what appears to be an overwhelming percentage of the local Klickitat County population. The primary reasons for this are:

1. This project is poorly sited in an area with many residences, close to the town of Goldendale. Because of the nature of this site in a large bowl-shaped valley it will be viewable from multiple directions for many miles.
2. This project includes a Battery Energy Storage Component. BESS system technologies are not yet safe, and these systems (including the technology proposed for the Carriger project) have been shown repeatedly to melt down in catastrophic fires. These fire events drop toxic fallout, including heavy metals, on neighborhoods downwind. Furthermore, the County does not have resources, training or equipment to notify residents in such a BESS fire emergency or to safely fight such a fire.
3. This system will remove thousands of acres of productive agricultural land from our County.

Solar systems are a needed component of our energy grid for the foreseeable future. However, this system is a poor example of how a solar installation should be designed. It is sited here only because of its proximity to existing energy infrastructure, with no regard for other factors.

I would strongly encourage you, as governor, to not approve this system.

The following steps should be taken by State government in the future to continue progress in installing new solar systems:

1. All new solar systems should be required to be agrivoltaic. That is, they will complement existing agriculture by including various types of agriculture under and around solar panel instead of replacing agriculture it by exclusion.
2. New solar energy facilities need to be required to give back to the greater community (not just owner landlords). Solar facilities have an outsized geographic footprint and impact on communities and need to repay those communities, especially considering that the energy generated is not typically used locally.
3. New BESS systems need to be required to use new technologies that are engineered to not overheat and catch fire, or alternatively the systems need to be placed in bunkers designed to completely contain noxious smoke and heavy metals in the event of a BESS fire.

Thank you for your consideration, and your work towards making solar a healthy and accepted green energy option in Washington. Please do not hesitate to contact me if you have questions or would like to discuss any options further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Chiles', is written over a horizontal line.

Matt Chiles

Klickitat County Representative for EFSEC
Carriger Solar/BESS Project