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## **Memorandum**

**To:** Energy Facility Site Evaluation Council

**From:** EFSEC staff

**Date:** July 10, 2025

**RE: Update to EFSEC Policy #16-01**

**PROPOSAL:** Staff propose to update EFSEC Policy #16-01 to reflect changes in the agency since the 2022 amendments to RCW 80.50.

Policy #16-01 is a policy that delegates to the EFSEC Director the authority to approve construction and operations plans identified within facility site certificate agreements (SCA). EFSEC has implemented this policy for several years with the intent of providing certificate holders a more efficient and predictable pre-construction process. There are often several prescriptive SCA requirements related to plans. Furthermore, different types of plans are being required in current SCAs as compared to those required historically. With the increase in project applications under review, multiple recently approved SCAs, and the expanded scope of facility types that may come before EFSEC, updating this policy will allow for the continued efficient and effective review of plans. The delegation of approval to the Director has helped to minimize added time and administrative burden during the pre-construction phase.

EFSEC maintains several interagency agreements to support coordination between the certificate holder, EFSEC staff, and identified parties with expertise during the development and review of required plans. The Department of Fish and Wildlife, the Department of Ecology, and the Department of Archaeology and Historic Preservation are regular participants in the review of multiple standard construction and operation phase plans. Input is also regularly provided by local fire response districts, interested tribes, and local governments.

This policy update was proposed initially for the June 25, 2025 Council meeting. Highlights of the proposed edits on the June 25, 2025 agenda include:

1. replacing "Manager" with "Director", to reflect the change in EFSEC's staffing structure when EFSEC became an independent agency in June 2022;

2. combining construction and operation plans into 1-line item, instead of calling each plan out individually by phase;
3. combining and broadening species-specific plans into one line item that will capture any species-specific monitoring and mitigation plans that might apply to a project;
4. modifying the line item for noise and shadow flicker modeling to include additional energy generation types, beyond only wind facilities; and
5. modifying the line item for Habitat Restoration Plan to include movement corridors and mitigation plans.

Because the policy update was on the June Council agenda as a potential final action item, the draft policy was posted for public comment. In response to the comments received, staff is proposing some additional edits.

These additional edits are primarily to provide clarity around questions raised by commenters and to correct a citation to a statute that was amended in 2022. One sentence was removed as irrelevant, because any additional State Environmental Policy Act (SEPA) review is not pertinent to the delegation of authority to the EFSEC Director to approve plans. Any additional state environmental policy act (SEPA) review would be conducted by the Director pursuant to her designation as EFSEC's SEPA responsible official in WAC 463-47-050.