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August 20, 2025

EFSEC 2025 Monthly Meetings

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

August 20, 2025

Conducted Remotely via Microsoft Teams

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

APPEARANCES

STATE AGENCY MEMBERS:

Kurt Beckett, Chair

Elizabeth Osborne, Department of Commerce

Eli Levitt, Department of Ecology

Nate Pamplin, Department of Fish and Wildlife

Lenny Young, Department of Natural Resources

Stacey Brewster,
Utilities & Transportation Commission

LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

Badger Mountain:

Jordyn Guilio, Douglas County

Hop Hill Solar:

Paul Krupin, Benton County

Carriger Solar:

Matt Chiles, Klickitat County

Wallula Gap:

Adam Fyall, Benton County

Goldeneye BESS:

Robby Eckroth, Skagit County

ASSISTANT ATTORNEY GENERAL:

Jon Thompson

Zack Packer

APPEARANCES (Continuing)

COUNCIL STAFF:

Sonia Bumpus	Audra Allen
Ami Hafkemeyer	Maria Belkina
Amy Moon	Lisa McLean
Joan Owens	Adrienne Barker
Andrea Grantham	Catherine Taliaferro
Sonja Skavland	Alondra Zalewski
Sean Greene	Trevin Taylor
Joanne Snarski	Dave Walker
Alex Shiley	Nabila Gomes
Ali Smith	

OPERATIONAL UPDATES:

Jarred Caseday
Kittitas Valley Wind, EDP Renewables

Jennifer Galbraith
Wild Horse Wind Power Project, Puget Sound Energy

Eric Pace
Grays Harbor Energy Center, Grays Harbor Energy

Jeremy Smith
Chehalis Generation Facility, PacifiCorp

Kelly Elsethagen
Columbia Generating Station & WNP-1/4, Energy
Northwest

Elizabeth Drachenberg
Columbia Solar, Tuusso Energy

APPEARANCES (Continuing)

OPERATIONAL UPDATES (Continuing):

Jon Voltz
Ostrea Solar, Cypress Creek Renewables

COUNSEL FOR THE ENVIRONMENT:

Sarah Reyneveld
Yuriy Korol

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BE IT REMEMBERED that on Wednesday,
August 20, 2025, at 1:31 p.m. Pacific time, the
following Monthly Meeting of the Washington State
Energy Facility Site Evaluation Council was held,
remotely via Microsoft Teams videoconference, to wit:

<<<<<< >>>>>>

CHAIR BECKETT: Good afternoon,
everyone. This is Kurt Beckett, chair of the Energy
Facility Site Evaluation Council, calling our
Wednesday, August 20th, meeting to order at 1:31.

And, Ms. Barker, if you could please call the
roll.

MS. BARKER: Certainly.

Department of Commerce.

MS. OSBORNE: Elizabeth Osborne,
present.

MS. BARKER: Department of Ecology.

MR. LEVITT: Eli Levitt, present.

MS. BARKER: Department of Fish and
Wildlife.

MR. PAMPLIN: Nate Pamplin,
present.

MS. BARKER: Department of Natural

1 Resources.

2 MR. YOUNG: Lenny Young, present.

3 MS. BARKER: Utilities and
4 Transportation Commission.

5 MS. BREWSTER: Stacy Brewster,
6 present.

7 MS. BARKER: Local government and
8 optional State agencies.

9 For the Badger Mountain project, Jordyn Guilio.

10 For the Hop Hill project, Paul Krupin.

11 MR. KRUPIN: Paul Krupin, present.

12 MS. BARKER: For the Carriger Solar
13 project, Matt Chiles.

14 MR. CHILES: Matt Chiles, Klickitat
15 County, present.

16 MS. BARKER: For the Wallula Gap
17 project, Adam Fyall.

18 MR. FYALL: Adam Fyall, Benton
19 County, is here. Thank you.

20 MS. BARKER: For the Goldeneye BESS
21 project, Robby Eckroth.

22 MR. ECKROTH: Robby Eckroth,
23 present.

24 MS. BARKER: Assistant attorney
25 generals.

Jon Thompson.

MR. THOMPSON: Present.

MS. BARKER: Zack Packer.

MR. PACKER: Present.

MS. BARKER: Talia Thuet.

For the EFSEC staff, I will call those anticipated
to speak today.

Sonia Bumpus.

MS. BUMPUS: Present.

MS. BARKER: Ami Hafkemeyer.

MS. HAFKEMEYER: Present.

MS. BARKER: Amy Moon.

MS. MOON: I'm here, present.

MS. BARKER: Sean Greene.

MR. GREENE: Present.

MS. BARKER: Joanne Snarski.

MS. SNARSKI: Present.

MS. BARKER: Trevin Taylor.

MR. TAYLOR: Present.

MS. BARKER: For operational
updates: Kittitas Valley wind project.

MR. CASEDAY: Jarred Caseday,
present.

MS. BARKER: Wild Horse Wind Power
Project.

MS. GALBRAITH: Jennifer Galbraith,
present.

MS. BARKER: Grays Harbor Energy
Center.

MR. PACE: Eric Pace --

MS. BARKER: Chehalis --

MR. PACE: -- present.

MS. BARKER: I'm sorry.

MR. PACE: Pace, present.

MS. BARKER: Chehalis Generation
Facility.

MR. SMITH: Jeremy Smith, present.

MS. BARKER: Columbia Generating
Station.

MS. ELSETHAGEN: Kelly Elsethagen,
present.

MS. BARKER: Columbia Solar.

MS. DRACHENBERG: Elizabeth
Drachenberg, present.

MS. BARKER: Goose Prairie Solar.
Ostrea Solar.

MR. VOLTZ: Jon Voltz, present.

MS. BARKER: Is there anyone online
for the counsel for the environment?

MS. REYNEVELD: Yes. Sarah

1 Reyneveld and Yuriy Korol are present.

2 MS. BARKER: Chair, there is a
3 quorum for all councils.

4 MR. PAMPLIN: You're muted, Chair.

5 CHAIR BECKETT: Let's hope that's
6 the last time. Thank you, Council Pamplin. Saving me
7 as always.

8 Council, we have a agenda before us for today's
9 meeting. I would entertain a motion to adopt the
10 agenda.

11 Is there a motion?

12 MR. YOUNG: Lenny Young. So moved.

13 CHAIR BECKETT: Thank you.

14 **A second?**

15 MR. PAMPLIN: Second. I'll second.

16 CHAIR BECKETT: Thank you, Council
17 Pamplin.

18 Council, there's a motion and a second on the
19 table.

20 Are there any -- is there any discussion or
21 changes to the agenda?

22 Try and keep an eye on hands raised here. We are
23 virtual today, and my first time chairing a virtual
24 meeting. So thanks, everyone, for bearing with me.

25 Hearing none. All those in favor of adopting the

1 agenda, please say "aye."

2 MULTIPLE SPEAKERS: Aye.

3 CHAIR BECKETT: Opposed?

4 Thank you. We've adopted the agenda.

5 Next item up, we have the monthly meeting minutes
6 from our July 16th, 2025, EFSEC Council meeting.

7 Is there a motion to adopt the minutes?

8 MS. BREWSTER: Stacy Brewster. So
9 moved.

10 CHAIR BECKETT: Council, is there a
11 second?

12 MS. OSBORNE: Elizabeth Osborne.
13 Second.

14 CHAIR BECKETT: Thank you, Council
15 Osborne.

16 The minutes have been put on the table. Are there
17 any edits or discussion or amendments to the monthly
18 meeting minutes?

19 I did not have any. I will speak for myself
20 obviously.

21 Okay. With that, then, all those in favor of
22 adopting the July 16th meeting minutes, please say
23 "aye."

24 MULTIPLE SPEAKERS: Aye.

25 CHAIR BECKETT: Opposed?

1 The minutes are adopted.

2 Moving on to project updates. The Kittitas Valley
3 wind project. Mr. Caseday.

4 MR. CASEDAY: Yes. Good afternoon,
5 Chair Beckett, EFSEC Council, and staff. This is
6 Jarred Caseday with EDP Renewables for the wind --
7 excuse me -- for Kittitas Valley wind power project.

8 We had nothing nonroutine to report for the
9 period.

10 CHAIR BECKETT: Thank you.

11 MR. CASEDAY: Thank you.

12 CHAIR BECKETT: Next up, Wild Horse
13 Wind Power Project. Ms. Galbraith.

14 MS. GALBRAITH: Yes. Thank you,
15 Chair Beckett, Council members, and staff. This is
16 Jennifer Galbraith with Puget Sound Energy representing
17 the Wild Horse wind facility.

18 The only nonroutine update I have is related to
19 the damaged wind turbine tower initially reported to
20 the Council on July 14th. As of today, there has been
21 no change to the damaged tower, and it remains
22 standing. PSE continues to monitor the turbine 24/7.
23 And emergency responders are still on standby in the
24 event of tower failure.

25 PSE is assessing options to safely decommission

1 the tower after the wildfire season has ended. For
2 public safety, Wild Horse will remain closed to the
3 public -- to public access for the remainder of 2025.
4 And we are coordinating with the Washington State
5 Department of Fish and Wildlife to ensure hunters are
6 provided with advanced notice about the closure so they
7 can plan for alternate access during the upcoming
8 hunting seasons.

9 That's all I have.

10 CHAIR BECKETT: Very well.

11 Council members, are there any comments or
12 questions for Ms. Galbraith given the added issue
13 today?

14 Council Pamplin, I see your hand. Thank you.

15 MR. PAMPLIN: Thanks, Chair. And
16 thanks for the update, Ms. Galbraith.

17 Is -- understanding that you're wanting to keep
18 the site closed for public access, is there areas
19 outside of the vicinity of the -- the turbine that can
20 be opened up? And if the turbine is successfully
21 decommissioned earlier in this fall, will you be able
22 to open it up through the remainder of the calendar
23 year? It sounds like it was -- you were saying it was
24 closed through December 31st of 2025, if I understood
25 your remarks correctly. Thank you.

MS. GALBRAITH: Yes, that's correct. The site closes typically beginning December 1st for the winter. So out of an abundance of caution, PSE has determined to close the site during the hunting season. So starting -- it's already closed, and it'll be closed through the remainder of the year.

At this point, we do not have any plans for reopening, just because there's too many unknowns at this point and the risk is too high right now. So...

MR. PAMPLIN: Thank you.

CHAIR BECKETT: Other questions?

Seeing none.

Thank you, Ms. Galbraith. Appreciate the update.

MS. GALBRAITH: Thank you.

CHAIR BECKETT: Moving on to the Chehalis Generation Facility. Mr. Smith or --

MR. SMITH: Good afternoon --

CHAIR BECKETT: -- perhaps --

MR. SMITH: -- Chair Beckett.

CHAIR BECKETT: Good afternoon.

MR. SMITH: Good afternoon, Chair Beckett, EFSEC staff, and Council. This is Jeremy Smith, the operations manager for -- representing the Chehalis Generation Facility.

I have no nonroutine items to report outside of

1 what's reported in the pamphlet.

2 CHAIR BECKETT: Very well.

3 And I believe, Ami Hafkemeyer, you may have a
4 further comment at this time as well, if I'm correct.

5 MS. HAFKEMEYER: Yes. Thank you,
6 Chair Beckett. And good afternoon, Council.

7 Recently the facility, operating under use of
8 their -- their reserve water, was tentatively going to
9 need to purchase water from the City. That did not end
10 up happening. We got sufficient rainfall that they
11 could resume regular water use.

12 But staff did want to take this moment to consider
13 modifying the process around this activity. We plan to
14 work with the facility and bring some more information
15 to the Council at a future meeting.

16 The first time that the facility needed to
17 purchase additional water was in 2021, and this was
18 before changes to the OPMA that prompted public comment
19 on Council actions.

20 Given the timeline spelled out in the site
21 certificate agreement of a 15-day notification, this
22 does put a bit of a constraint on the opportunity for
23 public comment ahead of Council action regarding
24 purchase of water for the facility. So staff propose
25 to work with the facility to see what we can do to make

1 this process a little bit more friendly to public
2 comments should the need arise again in the future.

3 CHAIR BECKETT: Certainly appreciate
4 that sentiment and effort.

5 Are there other comments or questions from
6 Council?

7 Ms. Hafkemeyer.

8 MS. HAFKEMEYER: I have nothing
9 further. But happy to --

10 CHAIR BECKETT: Okay.

11 MS. HAFKEMEYER: -- answer Council
12 questions.

13 CHAIR BECKETT: I don't see any at
14 the moment. Certainly someone -- any Council please
15 raise your hand if you like. Otherwise, I think most
16 likely you would be encouraged to do what you've
17 described, so -- certainly you do for me. So thank
18 you.

19 And seeing no other comments. We will then move
20 on to the Grays Harbor Energy Center. Mr. Pace.

21 MR. PACE: Good afternoon, Chair
22 Beckett, EFSEC Council, and staff. My name's Eric
23 Pace, the plant engineer for Grays Harbor Energy
24 Center, and I'm representing the site today.

25 Grays Harbor Energy has nothing nonroutine to

1 report for the period.

2 CHAIR BECKETT: Thank you.

3 Next up, Columbia Solar. Ms. Drachenberg.

4 MS. DRACHENBERG: Good afternoon,
5 Chair, EFSEC Council, and staff. This is Elizabeth
6 Drachenberg for Columbia Solar.

7 And there are no nonroutine updates to report.

8 CHAIR BECKETT: Thank you.

9 Next up. And I'll offer to take two items as one.
10 The Columbia Generating Station, WNP 1 and 4. Kelsey
11 [sic] Elsethagen. Apologies if I got that off by a
12 little.

13 MS. ELSETHAGEN: Good afternoon,
14 Chair Beckett, EFSEC Council, and staff. This is Kelly
15 Elsethagen providing the update for Columbia Generating
16 Station and WNP 1 and 4.

17 We actually do have a issue that we'd like to
18 report, an environmental compliance issue.

19 On the evening of Friday, August 15th, based on a
20 report of possible oil sheen seen in circulating water
21 cooling towers, out of an abundance of caution, Energy
22 Northwest secured and stopped the discharge to the
23 Columbia River and made notifications to EFSEC and the
24 Washington Department of Ecology.

25 Energy Northwest, GrayMar Environmental, a

1 third-party cleanup contractor, and Washington State
2 Department of Ecology inspected the Columbia River, the
3 circulating water cooling towers, and the circulating
4 water pump house the evening of August 15th. No oil
5 sheen was observed.

6 GrayMar Environmental indicated the foam we were
7 seeing was likely biological based on their past
8 experience. Circulating water discharges to the
9 Columbia River were sampled for fats, oil, and grease.
10 The results were below detection limits.

11 During the investigation, Energy Northwest
12 identified a potential oil loss in one of the reactor
13 feed turbine heat exchangers and took the heat
14 exchanger out of service over the weekend. Follow-up
15 sampling results for fats, oil, and grease of
16 circulating water were still below detection limits.

17 Energy Northwest restored discharge to the
18 Columbia River August 18th and will submit a five-day
19 report detailing the incident and action taken to EFSEC
20 by the end of today, August 20th.

21 CHAIR BECKETT: Well, thank you for
22 the update.

23 Are there comments or questions from the Council?

24 Seeing none.

25 We will move on to Goose Prairie. And I believe,

1 Ami Hafkemeyer, you are providing that update today.

2 MS. HAFKEMEYER: Yes. Thank you,
3 Chair Beckett.

4 The Council -- I'm sorry. The facility update is
5 available in the Council pact. There were no
6 nonroutine items for this period to report.

7 CHAIR BECKETT: Thank you.

8 Moving on to Ostrea Solar. Mr. Voltz.

9 MR. VOLTZ: Good afternoon, Chair
10 Beckett, Council members, and staff. This is Jon Voltz
11 with Cypress Creek Renewables representing Ostrea
12 Solar.

13 This month, construction continues to progress.
14 The eastern parcel is essentially complete, moving on
15 all activities to the western parcel. Security fencing
16 is complete around the perimeter.

17 We did also receive the main power transformer at
18 the end of July.

19 So moving forward in all aspects. Nothing
20 nonroutine to report.

21 CHAIR BECKETT: Very well. Thank
22 you.

23 Moving, then, on to Carriger Solar.

24 I believe Joanne Snarski will provide the update.

25 MS. SNARSKI: Yes. Thank you, Chair

1 Beckett and Council members. For the record, this is
2 Joanne Snarski, the siting specialist for the proposed
3 Carriger Solar facility in Klickitat County.

4 On June 25th, 2025, the Council voted to send a
5 recommendation to approve the Carriger Solar facility
6 to the governor. We sent that on the day following
7 June 25th to the governor's office. And at that time,
8 the governor has 60 days, or until August 25th, to
9 review our recommendation and all the supporting
10 documentation. To date, we have not had any response
11 or requests from his office, but we anticipate that by
12 next Monday.

13 And that's all I have.

14 CHAIR BECKETT: Thank you for the
15 update.

16 Moving on, then, to Horse Heaven wind farm.

17 MS. MOON: Thank you, Council -- oh.

18 CHAIR BECKETT: Please go ahead.

19 MS. MOON: Okay. Thank you, Council
20 Chair Beckett and EFSEC Council members. This is Amy
21 Moon reporting on the Horse Heaven wind project, which
22 is in Benton County, Washington.

23 As a refresher, the site certification agreement,
24 or SCA requires that the certificate holder work with
25 the preoperational technical advisory group, which we

1 call the PTAG, to meet the conditions of the SCA
2 Articles IV(C) mitigation measures -- and that, for the
3 court reporter, "Article IV" is in Roman numerals --
4 and Article IV(G) PTAG, which is also in the SCA, as
5 well as the Spec-5 mitigation measure.

6 As I reported at the July Council meeting, the
7 certificate holder, Scout Clean Energy, submitted a
8 recommendation to the EFSEC director, Sonia Bumpus,
9 regarding the mitigation measure Spec-5, ferruginous
10 hawk.

11 The certificate holder recommendation outline the
12 certificate holder's proposed locations for
13 infrastructure placement within the siting corridor to
14 meet the conditions of Spec-5, which is short for
15 "Species-5." I think we all probably are tracking
16 that.

17 The recommendation package also included a PTAG
18 facilitator report that presents both the Spec-5
19 recommendation areas of agreement as well as the areas
20 of disagreement. EFSEC staff reviewed the certificate
21 holder's Spec-5 mitigation recommendation as well as
22 the facilitator's report and supporting documents
23 associated with the PTAG Spec-5 discussions.

24 And for a better understanding of Spec-5 and the
25 EFSEC staff review of the certificate holder's

1 submittal, EFSEC's State Environmental Policy Act, or
2 SEPA, specialist Sean Greene has a presentation. I
3 have written here "short," but now I understand it may
4 not be as short as we would all anticipate. But it's a
5 lot of information to go over.

6 So, Sean Greene, if you're ready, I'll pass it off
7 to you.

8 MR. GREENE: Yes. Thank you. And I
9 don't know if "short" is accurate, but it is
10 comprehensive at least.

11 And let me share my screen now.

12 Okay. Can someone confirm that you're seeing the
13 first slide of the presentation?

14 Okay. Thank you, Chair Beckett.

15 Okay. So thank you, Amy. And thank you, Chair
16 Beckett and Council members. My name is Sean Greene.
17 I am the State Environmental Policy Act, or SEPA,
18 specialist for EFSEC.

19 And the purpose of this presentation is to
20 describe for the Council the recent submission by the
21 certificate holder, Scout Clean Energy, in relation to
22 the Species-5 mitigation measure included within the
23 project site certification agreement.

24 Scout's request includes advice for the Council's
25 consideration from the pre-operational technical

1 advisory group, or PTAG, that the site certificate
2 holder -- that the site certificate agreement required
3 Scout to convene. This will include a refresher on the
4 project, the PTAG, and the relevant mitigation measure.
5 I will also walk the Council through several documents
6 produced by the PTAG and the certificate holder for the
7 Council to review and address the next steps
8 anticipated by EFSEC staff.

9 So I know that we have a few new Council members
10 since the Horse Heaven project was last considered by
11 the Council. And for those who are here, they can
12 probably use a refresher.

13 So Horse Heaven is a 1,150-megawatt mixed wind and
14 solar electric generating facility on 72,428 acres of
15 unincorporated Benton County that was initially
16 recommended for approval to the governor on April 29th
17 of 2024. Following a governor remand and Council
18 reconsideration, a revised recommendation for approval
19 was submitted on September 17th of 2024. The final
20 site certification agreement was signed by the governor
21 on October 18th of 2024.

22 For the executed site certification agreement, the
23 project will consist of one of two potential wind
24 turbine configuration options: One with more turbines
25 of a lower height, or one with fewer turbines but of a

1 taller height. The first option would max out at 222
2 turbines, and the second option would not exceed 671
3 feet in height.

4 Additionally, the project will include up to three
5 solar arrays capable of producing no more than 800
6 megawatts of energy and up to two battery energy
7 storage systems, BESSes, with no more than 300
8 megawatts of storage capacity.

9 All of these components are reflected in the
10 figure to the right of this slide, though I should note
11 that some of this extent has subsequently been
12 restricted by multiple redesign and exclusion measures.

13 For reference, the black dots are the tentative
14 proposed locations of the wind turbines, specifically
15 the Option 1 -- the -- the Turbine Option 1. Please
16 note that I did say "tentative." Other than areas
17 excluded by various mitigation measures, the
18 certificate holder has the authority to site these
19 turbines anywhere within a designated and defined wind
20 micro-siting corridor that totals 11,850 acres that was
21 reviewed and analyzed during the SEPA review process.

22 Also shown in this figure are the proposed solar
23 arrays. The yellow highlighted areas are the solar
24 siting areas that have been assessed for potential
25 impacts associated with solar array siting.

1 The hashed polygons within the solar siting areas
2 are the initial proposed locations of the solar arrays,
3 which will cover no more than 5,447 acres of land.

4 The final layout of the solar arrays will be
5 determined prior to construction but will not extend
6 outside of the solar siting areas. The east solar
7 array, meaning the hashed polygons to the bottom right
8 of this figure, will be of importance later in this
9 presentation.

10 The total project lease boundary, as I said
11 before, is 72,428 acres, though as you can see from the
12 figure, the final project footprint will be much
13 smaller than that total. The lease boundary is
14 generally located south and southwest of the city of
15 Kennewick and the larger Tri-Cities urban area.

16 So as part of the environmental review performed
17 by EFSEC staff and our consultants in preparation for
18 the final environmental impact statement, or FEIS, a
19 number of mitigation measures were developed and
20 recommended for inclusion within the final site
21 certification agreement.

22 One of these measures was one specific to the
23 ferruginous hawk, a state -- state endangered species,
24 and was titled Species-5. Following further
25 development of this measure as part of the Council

1 deliberations, it was included within the site
2 certification agreement.

3 I won't go through the entirety of Species-5 here,
4 as it won't fit on a single slide, but the essential
5 elements are as follows.

6 First, no wind turbines, solar arrays, or BESS,
7 which are in combination referred to as primary project
8 components, shall be sited within 0.6 miles of any
9 documented ferruginous hawk nest. This includes all
10 historic nests documented in the priority habitat
11 species database administered by the Washington
12 Department of Fish and Wildlife as well as any nest
13 identified in the certificate holder's nest surveys and
14 any new nest established prior to the start of
15 construction.

16 Second, no primary project component shall be
17 sited within two miles of a documented nest unless one
18 of two -- one of two criteria is shown to be met:
19 Either the nesting site, meaning the structure, like a
20 tree or a cliff face that the nest was built on rather
21 than the nest itself, is no longer available or the
22 foraging habitat within the two-mile buffer around that
23 nest is no longer viable to support the species.

24 If a nesting site ~~needs~~ ^{meets} either of these two
25 criteria, the siting of primary project components

1 between 0.6 and two miles of that nesting site is
2 allowed. However, the certificate holder must develop,
3 in consultation with the PTAG, a ferruginous hawk
4 mitigation and management plan for approval by EFSEC
5 that would apply to the placement of primary
6 infrastructure in that 0.6- to 2-mile buffer area.

7 One caveat to this measure is that the east BESS
8 is specifically exempted. This was done because the
9 east BESS is planned to be colocated with the east
10 substation, which, as a secondary component to the
11 project, is not subject to the exclusion buffers from
12 Species-5.

13 Since relocating the east BESS away from that
14 substation would only result in an increase in
15 environmental impacts with no mitigative effect, it has
16 been exempted from Species-5 so long as it remains
17 colocated with the east substation.

18 The final critical element of Species-5 is the use
19 of a preoperation technical advisory group, or PTAG, to
20 provide EFSEC with technical support in administering
21 this measure. I will cover the PTAG in more detail in
22 the next slide, but I want to make it clear that they
23 are a purely advisory group that was developed to
24 assist EFSEC in effectively and efficiently managing
25 this and several other mitigation measures.

1 So the PTAG was established as part of the
2 Habitat-4 mitigation measure included within the site
3 certification agreement, or SCA. As I noted, this is a
4 purely advisory body and was put together to serve as a
5 technical sounding board for a variety of mitigation
6 measures included within the SCA, including in this
7 case Species-5.

8 The purpose of this group is to collect informed
9 guidance from a selection of technical experts so that
10 EFSEC could make informed and efficient regulatory
11 determinations. The PTAG has no regulatory authority
12 on its own. The membership of this group is composed
13 of 13 primary members, several alternatives, and two
14 observers, one of which was me in my role as a SEPA
15 specialist for EFSEC.

16 The membership drew from a variety of groups with
17 technical expertise on the relevant environmental
18 resources. These groups included state and federal
19 resource agencies, several affected tribes, regional
20 organizations like the Audubon Society, Benton County,
21 independent contracted ecologists, and a local
22 landowner.

23 Between February and May of 2025, this group
24 convened for eight three-hour biweekly virtual meetings
25 and one all-day in-person meeting and site tour.

1 During this period, these meetings primarily focused on
2 analyzing ferruginous hawk nests and habitat mapping
3 data, developing standardized tools to make
4 determinations on nesting site availability and
5 foraging habitat viability, and developing
6 recommendations on the application of Species-5 to
7 provide to EFSEC.

8 There was a particular emphasis on seeking
9 consensus from the PTAG membership. This effort was
10 largely successful, as you will see when we start
11 discussing the ferruginous hawk nests. The PTAG was
12 able to reach consensus recommendation on 40 of the 45
13 nests considered.

14 So the PTAG meetings and discussions resulted in
15 the production of three primary types of documents for
16 the Council's consideration. The first are the
17 presentations that were shown at the various PTAG
18 meetings and the minutes of those meetings. These are
19 largely self-explanatory and represent the exact record
20 of the figures and data shown and discussed by the PTAG
21 in their -- in their deliberations.

22 The second document is the facilitator report.
23 This is a report from the independent facilitator who
24 organized the PTAG meetings. This report was developed
25 by the facilitator and was provided to the PTAG members

1 for review and edits prior to its distribution to
2 EFSEC.

3 The report is intended to provide an objective
4 summary of the deliberations, findings, and
5 recommendations of the PTAG. It reflects both -- both
6 scenarios where the PTAG membership reached a consensus
7 view and scenarios where there was a diversity of
8 opinion among the membership. The report seeks to
9 provide context to those areas of disagreement and
10 directly references the PTAG meeting minutes where
11 appropriate so that Council members can see the
12 discussions verbatim.

13 The final document provided as part of this
14 package is the certificate holder recommendation.
15 Certificate holder recommendation as to which
16 documented hawk nest locations EFSEC should determine
17 to require or not to require a 0.6- to two-mile setback
18 for primary infrastructure. This is a document
19 produced by the certificate holder following their
20 review of the PTAG's discussions and recommendations.

21 45 total nest locations were evaluated by the PTAG
22 under the SCA Species-5 criteria. The evaluation of
23 five of these nests resulted in some of the PTAG
24 members providing an opinion that a 0.6- to two-mile
25 setback must be observed. The certificate holder's

1 recommendation agrees that a 0.6- to two-mile buffer
2 must be observed with respect to one of those five
3 nests. But with respect to the remaining four nests in
4 contention, the certificate holder recommendation
5 proposes a determination that the primary
6 infrastructure should be -- that primary infrastructure
7 should be allowed within that buffer.

8 The certificate holder's recommendation on these
9 four nests asks the Council to balance what it asserts
10 to be the minimal impacts to the ferruginous hawk
11 against the considerable impacts to the project's
12 design and output if the full 0.6- to two-mile setbacks
13 were to be required for these nests.

14 Now, before we move on to the background
15 information -- move on from the background information
16 and into the discussion of specific nests and
17 recommendations, I want to take a moment to remind the
18 Council of the confidential nature of the information
19 we'll be discussing.

20 The location data for the ferruginous hawk nests
21 is largely drawn from the Washington Fish and
22 Wildlife -- Washington Department of Fish and
23 Wildlife's priority habitat and species database, which
24 is confidential. A few of these nests were
25 independently identified by the certificate holder in

1 their surveys. All of these nest location data,
2 regardless, are highly sensitive, and given the
3 nature -- the status of the species as endangered
4 within the state.

5 Both this meeting and this presentation is
6 available to the public and will be recorded for future
7 reference. As such, staff would request that the
8 Council members be as circumspect as possible in their
9 discussion of the nests and their relation to nearby
10 geographic or project features.

11 There is some leeway when necessary. For example,
12 there is some nest buffer interaction with the east
13 solar array that we will need to address. For that
14 case, just try to state as little location information
15 as practical. For instance, there shouldn't be a need
16 to state what direction the nest is or the exact
17 distance it is from the array.

18 The Council has been provided several figures
19 showing the nest locations specifically and how their
20 various buffers interact with the project components.
21 Those figures will not be displayed in this
22 presentation, but I will try to display figures showing
23 the general region of discussion so that observers can
24 get a sense of the areas.

25 Additionally, the Council figures include names

1 for the nests that we will be discussing. As these
2 names are generally related to the geographic features
3 around the nests, the Council has been provided a -- a
4 Word document for this discussion where, for example,
5 something labeled as the Smith Road nest in the Council
6 figures would instead be identified a "Nest G" in
7 discussion. For all the nests that we'll be
8 discussing, they have been assigned a letter in that
9 Word document, and we would request that those nests
10 only be referred to by that letter designation.

11 Okay. Now that we've covered all of that, we can
12 proceed into the discussion of the PTAG's nest buffer
13 recommendations.

14 First, to address the figure being shown on the
15 screen right now, this is a figure with no confidential
16 data being displayed and is primarily included as a
17 placeholder for viewers of this presentation to look at
18 while I walk through the Council -- while I walk the
19 Council through several figures that do, in fact,
20 contain confidential data. These confidential figures
21 have been included within the Council packet.

22 So if the Council members can bring up Figure 1
23 from the Council packet. They should have also
24 received these at -- directly via e-mail yesterday. I
25 can make an effort to explain what you'll be looking

1 at.

2 So, first, the steel blue shaded circles, which
3 are also being shown on the nonconfidential map up on
4 the screen right now, represent exclusion areas that
5 are unrelated to Species-5. These include
6 nonparticipating residences, which have a half-mile
7 setback, Webber Canyon, which has a one-mile setback to
8 address traditional cultural property impacts, and
9 areas of historic wildfires along the steep naturally
10 vegetated slopes near Benton City, which have a
11 quarter-mile setback to avoid interference with aerial
12 firefighting.

13 The small gray circles on the Council's Figure 1
14 represent the 0.6-mile buffers around documented
15 ferruginous hawk nests. The large gray circle around
16 Nest A is a unique scenario that I'll address in a
17 moment. Please refer to the cheat sheet that was
18 provided in your Council packet to see what Nest A is
19 labeled as in your figure.

20 So the small gray circles and all of the steel
21 blue circles combined represent areas of exclusion that
22 are either required by the terms of the SCA, or in the
23 case of Nest A, an area where the certificate holder is
24 not proposing to place any primary infrastructure.
25 Therefore, these areas are not subject to any Council

1 decision at this point.

2 The green circles represent the two-mile buffers
3 around documented ferruginous hawk nests where the PTAG
4 unanimously recommended that primary project components
5 could be allowed. In total, 39 nests received this
6 recommendation from the PTAG. For one of those 39
7 nests, the nesting site was determined to no longer be
8 available. For the other 38, the foraging habitat
9 within two miles of the nesting site was determined to
10 not be viable for the species due to development and
11 habitat conversion in those areas.

12 As unavailable -- as unavailability of a nest site
13 or lack of viable foraging habitat are the two -- two
14 criteria that, if met, would allow placement of primary
15 infrastructure between 0.6 and two miles of the
16 documented nest location, the PTAG agreed that primary
17 components could be sited within that buffer for these
18 nests provided the certificate holder produces an
19 approved species-specific mitigation and management
20 plan.

21 CHAIR BECKETT: Hey, Sean.

22 MR. GREENE: Yes.

23 CHAIR BECKETT: Mr. Greene. I
24 believe Council Young has a question, but also there
25 may be an issue of what is appearing on the screen or

1 not.

2 MR. GREENE: Okay.

3 CHAIR BECKETT: But, Council Young,
4 maybe if you want to jump in.

5 MR. YOUNG: Sure.

6 I'm looking at the materials that were sent to us.
7 If a green circle and a gray circle overlap, which of
8 those two classifications takes precedence?

9 MR. GREENE: Yes. That's a good
10 question. The gray circles and the steel blue circles
11 take precedence. So those are areas of absolute
12 exclusion. There is no scenario where primary project
13 components could be sited in those locations. So those
14 take --

15 MR. YOUNG: Okay.

16 MR. GREENE: -- precedence over the
17 green.

18 MR. YOUNG: So only -- if a gray
19 circle is overlapped by a green circle, only those
20 portions of the green circle that are outside the gray
21 circle would be in effect?

22 MR. GREENE: Yes, that's correct.
23 Only the areas of the green circles outside of the gray
24 and steel blue would, per -- would have received a
25 recommendation from the PTAG that primary project

1 components be allowed.

2 MR. YOUNG: Okay. Thank you.

3 MR. GREENE: Yes.

4 And, Chair Beckett, you had some question about
5 what was being displayed on the screen right now?

6 CHAIR BECKETT: No. I think we can
7 dispense --

8 MR. GREENE: Okay.

9 CHAIR BECKETT: -- with that. Thank
10 you for checking.

11 MR. GREENE: For sure.

12 Okay. So to continue, the pink circles around
13 Nests B, C, D, E, and F represent the two-mile buffers
14 around those nests where the PTAG -- PTAG membership
15 did not arrive at a consensus recommendation. In other
16 words, some of the PTAG members recommended a Council
17 determination that nesting sites are available and the
18 foraging habitat is viable and therefore the two-mile
19 buffer be applied, and some recognized a Council
20 determina- -- or recommended a Council determination
21 that the foraging habitat is not viable for species and
22 therefore only the 0.6-mile buffer be retained. It may
23 look like only four nests are represented by those pink
24 circles, but Nests E and F are essentially located in
25 the same location, so their circles heavily overlap.

1 All five of these nesting sites were determined to
2 still be available by all members of the PTAG, but
3 there was disagreement on whether the foraging habitat
4 within two miles was viable or whether the future
5 anticipated land-use changes in the area and the
6 infrequency of ferruginous hawk presence indicated that
7 the foraging habitat is not viable.

8 One of these nests, Nest B, represents a new nest
9 that was identified by the certificate holder in their
10 regular report nest surveys in the middle of a series
11 of PTAG meetings. This newly constructed nest had not
12 previously been recorded in any database and was
13 occupied by a nesting pair of ferruginous hawks who
14 were, in fact, successful in fledging young this past
15 nesting season.

16 Now, regarding Nest A, the PTAG believed that, as
17 written, Species-5 would allow for a segmented buffer
18 so long as it held to the 0.6- or two-mile options from
19 the mitigation measure. As a result, the PTAG's
20 recommendation was that the application of a two-mile
21 buffer for the northeast, northwest, and southwest
22 quadrants around this nest and a 0.6-mile buffer in the
23 southeast quadrant around this -- around the nest was
24 viable. This was seen as a way of protecting areas of
25 viable habitat around this nest -- which is mostly

1 present to the east, west, and north of the nest --
2 without unnecessary detriment to the project.

3 Subsequent to receiving the PTAG's recommendation,
4 EFSEC staff received guidance from our legal counsel
5 and senior staff that Species-5 as written only allows
6 for either a full 0.6 two -- pardon me -- either a full
7 0.6-mile buffer or a full two-mile buffer, depending on
8 the previously listed criteria. Any form of
9 intermediate buffer would require an SCA amendment,
10 which is an option the certificate holder is not
11 pursuing at this time due to time and cost concerns.

12 Regardless, EFSEC staff also received an opinion
13 from our legal counsel that, because Species-5 is
14 written so as to only apply to primary project
15 components that are proposed within two miles of a
16 documented ferruginous hawk nest and the SCA does not
17 authorize the siting of primary project components
18 within two miles of Nest A, there is no decision to be
19 made by EFSEC with regards to the application of
20 Species-5 to this nest. As a result, EFSEC staff is
21 recommending that no decision be made on whether Nest A
22 should receive a full -- a full two-mile buffer or not.

23 So I know this is a lot of information and the
24 Council's figure is pretty busy visually, so I want to
25 pause here to see if there are any questions that I can

1 answer before I go through the remaining figures.

2 As a summary, the small gray circles and steel
3 blue circles are areas where primary components will
4 not be allowed under any circumstance. The green areas
5 are where the components are subject to Species-5 but
6 all PTAG members are of the opinion that at least one
7 of the criteria is met to allow primary infrastructure.
8 And the pink are areas where the components are subject
9 to Species-5 but some -- and some but not all of the
10 PTAG members were of the opinion that some or all --
11 that -- of -- pardon me -- that -- where some or all --
12 okay. Some of the PTAG members were of the opinion
13 that the full two-mile setback must be required because
14 the nest sites are available and foraging habitat is
15 viable.

16 Okay. Council Member Young.

17 MR. YOUNG: Yeah, again, summarizing
18 the information that -- that you've presented and what
19 we've received previously, am I correct in concluding
20 that Nest B is the only active ferruginous hawk nest
21 within the project area?

22 MR. GREENE: That is correct.

23 MR. YOUNG: Thank you.

24 CHAIR BECKETT: Are there other
25 questions of the presentation? We can certainly take

1 comment or discussion as well, but let me see if we can
2 delineate on questions first.

3 Council Pamplin.

4 MR. PAMPLIN: Thanks, Chair.

5 Mr. Greene, appreciate the context that you're
6 providing here as we look at these figures.

7 Considering that it sounds like the group had
8 consensus around what to do with 39 of the sites but
9 there is still five or six that are more challenging --
10 and I haven't played with this at all here, but is
11 there -- is there a way to push some of the primary
12 components outside of those sites? Or, I mean, it's a
13 77,000-acre spot here. So what does that do as far as
14 reconfiguration, or is the -- is the project proponent,
15 you know, really married to that particular
16 configuration?

17 MR. GREENE: Yeah, so -- thanks for
18 the question. The -- the site certificate holder is
19 fully aware that there will be a substantial project
20 redesign to accommodate exclusion measures either both
21 from Species-5 and the other ones that were mentioned
22 before. And they are in the process of working through
23 those engineering redesigns now.

24 They have some more specific concerns associated
25 with the application of Species-5, both specific to the

1 location of some of the nests in contention and also
2 large concerns for the -- the total production capacity
3 of the project just because of how much of the project
4 would be affected by these -- these full two-mile
5 exclusion areas of these five nests.

6 And -- and I know I mentioned 39 and the 40 number
7 for the nests. The PTAG came to a consensus on 40 of
8 the nests of the 45 nests in consideration. I said 39
9 before because Nest A, the PTAG did come into a
10 consensus viewpoint, but it was a viewpoint that EFSEC
11 subsequently determined to not be a viable option for
12 the application of Species-5.

13 So it is the five nests that are located in the --
14 the center of the project area that you're looking at
15 that are the ones where there's still an open question
16 about how the Council wants to apply Species-5 or how
17 the Council has determined that Species-5 should be
18 most accurately applied.

19 MR. PAMPLIN: Thank you.

20 MR. GREENE: Yes, Council Member
21 Young.

22 CHAIR BECKETT: Mr. Young.

23 MR. YOUNG: Is there historical
24 information on what years Nests B, C, D, E, and F were
25 active?

1 MR. GREENE: Yes. I know that those
2 are in the -- the studies that the applicant provide --
3 or pardon me -- the certificate holder provided when
4 the FEIS was being complete and the SCA was being
5 drafted. They might also be included in -- in some of
6 the PTAG documents that were submitted, but I'm not
7 sure on that front.

8 I can say, prior to Nest B being occupied this
9 past nesting season, it had been several years -- I
10 don't -- I don't want to say the exact number, because
11 I'm not sure. But it had been several years before any
12 active ferruginous hawk nest had been identified within
13 the entire project area. And I think, on average,
14 they're seeing a single nesting pair of ferruginous
15 hawks active in this area every three to five years at
16 this point.

17 MR. YOUNG: Okay. If I wanted to
18 look at that historical information, what document
19 should I go back and look at?

20 MR. GREENE: I can look it up after
21 this presentation --

22 MR. YOUNG: Yeah.

23 MR. GREENE: -- and let you know via
24 e-mail --

25 MR. YOUNG: Thanks.

1 MR. GREENE: -- if that works for
2 you.

3 MR. YOUNG: That's perfect. Thank
4 you.

5 CHAIR BECKETT: Are there other
6 questions or comments at this point from Council?

7 I see none at the moment.

8 Let me double-check with you, Mr. Greene. Did you
9 have other -- any other details or further context you
10 wanted to share based on the questions beyond what you
11 already have?

12 MR. GREENE: No. I think that's it
13 for Figure 1. And if there are no more questions, I
14 can move -- move on to Figure 2 and discuss the
15 specifics of that one.

16 CHAIR BECKETT: Let's proceed, then.
17 Yes. Thank you.

18 MR. GREENE: Okay. So moving on to
19 Figure 2. Council should have access to that in the
20 same location that they received Figure 1. This is
21 similar to Figure 1 that we just looked at but
22 represents what the exclusion areas would look like if
23 EFSEC were to implement the most restrictive nest
24 buffer recommendations proposed by some members of the
25 PTAG.

1 As you can see, Nests A, B, C, D, E, and F would
2 receive a two-mile setback in this scenario. Though,
3 again, staff is not recommending that EFSEC make a
4 decision on Nest A.

5 Are there any questions specific to this figure?
6 Okay. I see none.

7 CHAIR BECKETT: I see none,
8 Mr. Greene.

9 MR. GREENE: This was largely a
10 recap of the first figure as well, so we can move on to
11 Figure 3 now, if the Council is ready.

12 CHAIR BECKETT: Council Pamplin does
13 have a comment --

14 MR. GREENE: Oh. Please.

15 CHAIR BECKETT: -- or question.

16 MR. PAMPLIN: Mr. Chair, so on
17 the -- Mr. Greene, on the image that you have displayed
18 for everyone --

19 MR. GREENE: Yes.

20 MR. PAMPLIN: -- and in the -- in
21 the Spec-5 requirements here, there is the exemption
22 for the east BESS. Could you comment about that,
23 please, as it relates to the nest discussion here.

24 MR. GREENE: Yes.

25 So the east BESS is, explicitly in the language of

1 Species-5, exempted from all of Species-5. I mentioned
2 in a previous slide that the proposed location of the
3 east BESS is colocated with the east substation that
4 the applicant -- or the certificate holder intends to
5 develop there.

6 For the purpose of Species-5, the -- the Council
7 at the time of the SCA determined that it should only
8 be applied to primary project components, so wind
9 turbines, solar arrays, and BESSes. Since the east
10 substation would not -- or would not be subject to
11 Species-5 and the east BESS was colocated with that
12 substation, there would be no additional environmental
13 impacts associated with locating the BESS there.

14 There was some discussion about what would
15 occur if the east BESS was subject to Species-5. It
16 would have to be located elsewhere, then -- the east
17 substation -- which would increase environmental
18 impacts but have no associated mitigative effect, and
19 it was determined by staff that there would be no
20 benefit to that, so it was explicitly exempted so long
21 as it remains colocated with the east substation. And
22 for the purposes of applying Species-5 here, it remains
23 exempted.

24 MR. PAMPLIN: Thanks, Mr. Greene.
25 Just as a quick follow-up, then.

1 So the PTAG's discussions did not, like, revisit
2 the BESS 5 exemption, then, when I'm looking at
3 Figure 2 that you e-mailed us.

4 MR. GREENE: Correct. The east BESS
5 would -- would be allowed to be sited in that location
6 regardless of the application of Species-5 to other
7 primary -- primary project components.

8 MR. PAMPLIN: Thanks. Thanks for
9 taking another lap around the track for me on that one.

10 MR. GREENE: Yeah.

11 MR. PAMPLIN: Appreciate it.

12 MR. GREENE: No worries.

13 CHAIR BECKETT: Council Young, I
14 believe you have your hand up.

15 MR. YOUNG: Sure.

16 Do you have any more specific information of,
17 within that east solar area, exactly where the BESS is
18 going to be located?

19 You're saying it would be colocated with the
20 substation. Does that mean it's immediately adjacent
21 to the substation or just some -- someplace within that
22 east solar area?

23 MR. GREENE: Yeah, so it is
24 immediately adjacent to the substation. It -- it can't
25 be moved outside if it were to be suggested to be

1 located elsewhere within that solar siting area. That
2 would not meet its criteria for exemption from
3 Species-5, and it would -- it would fall under the
4 application of Species-5 again.

5 MR. YOUNG: Okay. So we're kind of
6 looking at sort of a big red dot on the map for the --

7 MR. GREENE: Correct.

8 MR. YOUNG: -- the substation.

9 With respect to that, where would the -- where
10 would the BESS show up, and how big would it be
11 compared to that red dot?

12 MR. GREENE: I don't have the
13 acreage of that BESS available, but it would be
14 relatively small. And it would be right next to the
15 substation, so it would be essentially part of that
16 same red dot.

17 MR. YOUNG: Okay. Thank you.

18 MR. GREENE: Yes.

19 CHAIR BECKETT: I don't see other
20 hands, Mr. Greene. So I don't know if you have other
21 slides you wanted to move to.

22 MR. GREENE: Not more slides, but
23 more discussion on the figures that Council has
24 available.

25 So we can proceed to Council Figure 3 now.

Figure 3 is the first of several certificate holder recommendations that represent their attempt to balance the findings of the PTAG with the financial and engineering needs of the project.

For Nests A, C, D, E, and F, the certificate holder has recommended that primary project components be allowed within 0.6 to two miles of the -- of the nests. They have also proposed additional restrictions as part of the hawk mitigation and management plan for some of these nests that I will cover in our discussion of the next figure.

For Nest B, which as a reminder was the nest that was active and successfully fledged young this past nesting season, the certificate holder has recommended a full two-mile buffer commensurate with the most -- more conservative opinions from PTAG membership.

The certificate holder's rationale for these recommendations was largely based on their determination that the foraging habitat surrounding these five nests is not viable for the species, noting that prior to Nest B, there had only been one active ferruginous hawk nest within the area in the previous five-year span. The certificate holder argues that the factors that have contributed to the decline of nesting activity in this region, including land conversion to

1 agricultural and urban and residential development
2 pressure, have not been addressed by conservation
3 actions in the area, and the area will only continue to
4 grow less suitable for this species.

5 The certificate holder has stated that applying
6 the larger buffers would reduce the project's
7 generating capacity by approximately 348 megawatts, or
8 about 33 percent of the nameplate generating capacity,
9 and restricting the project to the extent envisioned by
10 the PTAG members from WDFW, U.S. Fish and Wildlife, the
11 Yakama Nation, the Lower Columbia Basin Audubon
12 Society, the Umatilla, and others, would represent a
13 severe curtailment of the project's renewable energy
14 production for the purpose of protecting historic,
15 largely unsuitable habitat for a species that only
16 nests in the region every few years.

17 Further information supporting the certificate
18 holder's recommendation can be found in their
19 certificate holder recommendation document, which is
20 uploaded to the Council SharePoint, and -- or rather
21 might be on the Council SharePoint. If not, it will be
22 uploaded by the end of today.

23 Are there any figures regarding -- or any
24 questions regarding this figure before I move on to the
25 next figure?

1 CHAIR BECKETT: I do not see any
2 hands raised, Mr. Greene.

3 MR. GREENE: Okay. So moving on,
4 then.

5 As I mentioned in the discussion of the last
6 figure, the certificate holder has proposed some
7 additional restrictions on their recommendations that
8 would be codified in the hawk mitigation and management
9 plan. For -- sorry. We've moved on to the next figure
10 now, I should point out.

11 For Nest A, the certificate holder recommends a
12 determination that no 0.6- to two-mile buffer is
13 required but would nonetheless voluntarily exclude the
14 siting of any primary project components in the
15 northeast, northwest, or southwest quadrants of the
16 0.6- to two-mile buffer represented in this figure by
17 the bright blue circles.

18 This would result in an exclusion area that
19 matches the consensus recommendation of the PTAG in
20 Figure 1 but would not require an SCA amendment.

21 For Nest C, the certificate holder proposes a
22 determination that no 0.6- to two-mile buffer is
23 required but would similarly voluntarily exclude
24 primary project components in the northern half of the
25 0.6- to two-mile buffer as shown with the bright blue

1 voluntary exclusion area.

2 Finally, for Nests E and F, the certificate holder
3 would propose a voluntary exclusion area for all areas
4 within the 0.6- to two-mile buffer other than those
5 that overlap with the two-mile buffer of Nest D. No
6 voluntary exclusion areas are proposed for Nest D, and
7 the certificate holder still recommends a determination
8 that no 0.6- to two-mile buffer be required for that
9 nest.

10 This figure represents the certificate holder's
11 preferred application of Species-5, as they believe
12 that it best represents the balance of the
13 environmental needs of the ferruginous hawk with the
14 financial and engineering needs of the project.

15 If this layout is not approved by the Council,
16 however, the certificate holder has prepared a less
17 preferred option with some additional restrictions that
18 I'll cover in our final recommendation figure,
19 Figure 5.

20 Before that, are there any questions specific to
21 this figure, Figure 4?

22 CHAIR BECKETT: I do not see any
23 hands raised, Mr. Greene.

24 MR. GREENE: Okay.

25 CHAIR BECKETT: Proceed.

1 MR. GREENE: Okay. So to reiterate,
2 certificate holder's preferred recommendation was that
3 represented in Figure 4. If that were not to be
4 approved by EFSEC, however, the certificate holder has
5 proposed an additional restriction specific to Nest D,
6 shown here in Figure 5.

7 The yellow and purple hashed area around Nest D is
8 the 0.6- to two-mile buffer area. The certificate
9 holders's alternate proposal would be a determination
10 that no 0.6- to two-mile buffer be required for this
11 nest but that a commitment from the certificate holder
12 that they -- that would be codified in their hawk
13 nest -- hawk mitigation and management plan to not site
14 any wind turbines within the 0.6- to two-mile buffer
15 would be sufficient. This proposal would still allow
16 for the siting of solar arrays within the 0.6- to
17 two-mile buffer.

18 And this is where we have to touch on some
19 intentionally obfuscated location information.
20 Nest D's 0.6- to two-mile buffer area would include
21 potential restrictions to the east solar array. The
22 certificate holder has stated that the development of
23 the east solar array is critical to the project for
24 both financial and site design reasons. As noted in
25 the figure, the BPA substation and east BESS are not

1 subject to Species-5.

2 For economy-of-scale reasons, a sizable portion of
3 the power generation from this project is designed to
4 enter the grid through the east BPA substation while
5 the remainder enters the grid through the BPA
6 substation located in the western extreme of the
7 project area.

8 The certificate holder has stated that the east
9 solar array is responsible for approximately 100
10 megawatts of this portion. And in order for the
11 project to replace the lost input from the east -- into
12 the east substation, extensive collector lines would
13 need to be run from turbines in the western part of the
14 project area to the east substation.

15 The certificate holder argues that the east solar
16 array, which will be sited exclusively on agricultural
17 lands, would be less impactful to ferruginous hawks
18 than the lengthy overhead collection lines that would
19 need to be constructed to replace the lost production.
20 Further discussion of this proposal can be found in the
21 certificate holder's recommendation document.

22 So a few notes on this proposal. The final
23 environmental impact statement did identify that there
24 are different types and magnitudes of environmental
25 impacts between wind and solar energy development but

1 made the decision to include both types of components
2 in the initial version of Species-5.

3 As Species-5 went through further development as
4 part of Council deliberations, the Council was
5 specifically prompted by staff as to whether the
6 updated version of Species-5 should apply to wind
7 turbines only or to all primary project components.
8 The Council at that time made the decision to apply it
9 to all primary project components in recognition that
10 they all could have substantial, if different, impacts
11 on the ferruginous hawk.

12 Additionally, formalizing any of the certificate
13 holder's recommendations that include a voluntary
14 exclusion area or the solar-only option for Nest D
15 would require a determination from EFSEC that either
16 the nesting sites are no longer available, which no one
17 is asserting to be the case, or that the foraging
18 habitat within two miles of that nest is not viable.
19 Without such a determination, a full unmodified
20 two-mile buffer is required per the language of
21 Species-5.

22 Are there any questions on this figure?

23 CHAIR BECKETT: Mr. Greene, I do not
24 see any hands raised.

25 MR. GREENE: Okay. So I can move on

1 to the final figure that we'll be discussing, and that
2 is Figure 6.

3 Figure 6 is a land cover map showing several types
4 of native land cover. This is a pretty large map, so
5 the PDF may take a moment to load, and I would
6 recommend that you zoom in to look at areas of interest
7 in more detail.

8 The native land covers identified in this map are
9 not intended to represent the only areas of ferruginous
10 hawk habitat, as that species will use agricultural
11 lands as marginal habitat. The native land covers are,
12 however, areas of inherently higher-quality habitat for
13 ferruginous hawks than other land covers in the area.

14 Ferruginous hawks primarily predate on small
15 mammals and reptiles like ground squirrels, pocket
16 gophers, and snakes, which are generally found in
17 higher densities in the types of native land covers
18 displayed on this map.

19 This map does not include any recommendations but
20 is meant as a tool for the Council to get a general
21 idea of where higher-quality ferruginous hawk habitat
22 is present and where that habitat is constrained. And
23 this data feeds into the determination of habitat
24 viability that is one of the two determining factors
25 for whether nests should or should not receive a 0.6-

1 to two-mile buffer.

2 Are there any questions on this figure?

3 CHAIR BECKETT: I do not see any
4 hands, Mr. Greene.

5 MR. GREENE: All right. With that,
6 staff believes it would be beneficial for the Council
7 to deliberate on the various recommendations before
8 them. Staff is available to answer any questions that
9 you may have, and it is our intent to develop a formal
10 decision document based on today's discussion that will
11 provide the certificate holder with EFSEC's
12 determination on the application of Species-5 to
13 primary project components.

14 Staff is expecting to develop this document
15 subsequent to this meeting and will publish it for
16 public comment with the expectation that the Council
17 may vote on whether to formalize the decision document
18 at the Council's regularly scheduled September 17th,
19 2025, meeting.

20 CHAIR BECKETT: Thank you,
21 Mr. Greene.

22 Council Young.

23 MR. YOUNG: I'd like to thank you
24 for your presentation. The graphics are excellent, and
25 your explanation has been very clear. Thank you.

1 MR. GREENE: Thank you.

2 CHAIR BECKETT: Thank you, Council
3 Young.

4 Council members, are there comments, questions, or
5 any discussion that you wish to have amongst
6 yourselves? In our public forum, just to be clear,
7 but...

8 Okay. Mr. Greene, I see no other hands. And we
9 thank you for the very fine update, as Council Young
10 articulated.

11 Last call for any further hands or items.

12 Council Pamplin.

13 MR. PAMPLIN: Thanks. Thanks,
14 Mr. Chair.

15 So, Mr. Greene, I mean, there's -- there's quite a
16 few places it sounds like your -- your memo back to
17 EFSEC could go. And my understanding is you're looking
18 for us right now for -- for -- to kind of talk through
19 some of the preliminary figures that you've described
20 to kind of telegraph perhaps where you should go as far
21 as writing up a memo. Is that correct? 'Cause I
22 just -- I feel like there's still some work to be done
23 here by the Council, but I want to make sure I
24 understand your request.

25 MR. GREENE: Yes, that's correct.

1 For -- for the six nests in particular where there is
2 some level of disagreement by the PTAG, staff is hoping
3 that the Council will give staff an indication of what
4 the Council believes is the appropriate application of
5 Species-5 to those nests.

6 Again, the -- for Nest A, staff is recommending
7 that the Council does not take any action. But for
8 Nests B, C, D, E, and F -- I think that's all of
9 them -- staff would appreciate it if the Council had
10 some discussion on those topics that staff could
11 formalize into that document.

12 CHAIR BECKETT: So, I guess, as a
13 facilitation comment and question, because I think
14 Mr. Greene acknowledged earlier there's -- there's a
15 lot of graphics, a lot of information that -- which is
16 on screen and that which is appropriately before you
17 confidentially.

18 Are you -- I guess if you have further questions
19 as you digest all of that, I think certainly the staff
20 are available to receive your questions and, you know,
21 work with you individually to -- to help answer those.
22 Obviously if there's general questions or, I think,
23 feedback you have in the moment here that is feasible,
24 then staff would welcome that.

25 If ultimately -- as chair, I would say, if you

1 feel you need to digest this more and, you know, have a
2 further discussion, I think that's part of the ultimate
3 plan here as well currently and for September. But,
4 you know, ultimately we would want to hear your
5 feedback and reflect how you want to proceed in terms
6 of pace. So hope that makes sense.

7 I know, Council Pamplin, since you were up last,
8 still on screen, if you have any -- you and Council
9 Young have been understandably active on this topic
10 today, so I might look to you two if there were other
11 discussion points you thought or at least a flag that
12 were on your minds, again, just so that it can be
13 transparent and that staff would have better guidance,
14 I think, as to --

15 MR. PAMPLIN: Well, thanks --

16 CHAIR BECKETT: -- what things to
17 do.

18 MR. PAMPLIN: -- Mr. Chair. I
19 appreciate -- and I don't mean to dominate and use all
20 my questions here, but I do appreciate the opportunity
21 to visit here publicly with everybody and with
22 Mr. Greene.

23 Mr. Greene, on Figure 5 -- and part of my -- my
24 challenge here is I am -- I am color-blind, and so
25 I'm --

1 MR. GREENE: Ah.

2 MR. PAMPLIN: -- trying to interpret
3 the circles, and so your verbal description was very
4 helpful for me. And then using the decoder ring here.
5 So the northern part of Nest C is -- under Figure 5
6 would not have the siting of primary components; is
7 that correct? And the components in Nest D would be
8 solar. Am I interpreting that correctly?

9 MR. GREENE: Sorry. I'm trying to
10 do this mostly through my head because I don't want to
11 inadvertently show one of the PDFs while I'm sharing my
12 screen.

13 Yes, so the -- the certificate holder's
14 recommendation in Figure 5 is that Nest C receive -- or
15 be determined to not contain -- or not possess viable
16 habitat for the species within the two-mile range of
17 that nest and therefore only receive a 0.6-mile buffer.
18 And then applicant, in their management and mitigation
19 plan, would voluntarily exclude siting any components
20 in the northern half of that 0.6- to two-mile buffer
21 area.

22 The -- app- -- or the certificate holder's
23 recommendation would allow for them to site components
24 in the southern half of that 0.6- to two-mile buffer
25 area.

1 And in Nest -- or sorry. In Figure 5, the
2 certificate holder's recommendation would be for -- for
3 nest -- oh, goodness. I need to pull up my decoder
4 ring now. Let me stop sharing my screen for a moment
5 just in case.

6 MR. PAMPLIN: Because it looks to me
7 like it would be voluntarily proposing solar in the --
8 the surrounding area of Nest B.

9 MR. GREENE: Nest B or D?

10 MR. PAMPLIN: Protecting Nest "beta"
11 and then --

12 MR. GREENE: Okay.

13 MR. PAMPLIN: -- solar in Nest
14 "delta."

15 MR. GREENE: Yes. So Nest
16 "delta" -- and the recommendation outlined in Figure 5
17 from the certificate holder would prohibit the
18 siting -- formally would recon- -- would make a
19 determination that there's not sufficient viable
20 habitat for the species within two miles of that nest,
21 and therefore it would only receive a 0.6-mile buffer.

22 The applicant, in their management and mitigation
23 plan, would voluntarily commit to not siting any wind
24 turbines within the 0.6- to two-mile buffer of Nest
25 "delta." They, in this recommendation, would be

1 allowed to site solar within that 0.6- to two-mile
2 buffer of Nest "delta."

3 MR. PAMPLIN: And in your
4 description of Figure 5, you were talking about the
5 challenge of, you know, transferring -- and I'm using
6 the wrong verbs here. I apologize, Mr. Greene. But
7 the ability to route the energy into the substation.
8 And so without having wind turbines there, it'd be some
9 more work to get it over to the western BPA substation,
10 and thus that's why the -- you know, increase the
11 density of solar in that eastern portion of the range;
12 is that correct?

13 MR. GREENE: Yes, I believe so. So
14 the -- as it's design -- as the project is
15 engineering -- design and engineering, it is up -- it
16 is connecting to the grid via two substations: One on
17 the western extreme of the project area and then one in
18 the east substation which is colocated with the east
19 BESS.

20 The project generally needs to split its
21 production -- energy production between those two
22 substations. For the east substation, I think -- I
23 don't remember the number. I said it earlier. Might
24 have been a hundred megawatts. I think it's a hundred
25 megawatts. But a substantial portion of the energy

1 production that was intended to enter the grid via the
2 east substation is to be produced by the east solar
3 array.

4 So in order to offset the potential loss of that
5 energy production, the certificate holder would have to
6 run collection lines from turbines in the western part
7 of the project area. Overhead connector lines. They
8 would have to run those east across the site to connect
9 to the east substation to continue to split the energy
10 production between those two substations.

11 MR. PAMPLIN: Thank you.

12 CHAIR BECKETT: So I know you're
13 digesting all this, so I don't want to rush anybody by
14 any means in terms of other questions or just comments,
15 discussion you wish to share.

16 Okay. Mr. Greene, we may be coming close here to
17 ending this portion of the meeting.

18 Anything else that you wanted to share upon
19 further reflection of comments or discussion,
20 Mr. Greene?

21 MR. GREENE: Just so it -- for --
22 for staff's clarification: It's -- it sounded like the
23 Council wants to take more time to consider these
24 recommendations before providing staff guidance on a
25 decision document?

1 UNIDENTIFIED SPEAKER: Yes.

2 CHAIR BECKETT: Mr. Young.

3 MR. YOUNG: Yeah, that -- that's
4 correct. I understood that you were not seeking a
5 decision or a recommendation from the Council
6 immediately this afternoon.

7 UNIDENTIFIED SPEAKER: That's
8 correct.

9 MR. YOUNG: I'd like to go back and
10 more thoroughly review parts of the PTAG materials and
11 then that -- the information on historical activity and
12 occupancy patterns that you said you could send me an
13 e-mail on.

14 Or have I -- have I misunderstood? Are you asking
15 for a Council recommendation this afternoon?

16 MS. BUMPUS: Chair Beckett, this is
17 Sonia Bumpus, if I may respond.

18 CHAIR BECKETT: Please.

19 MS. BUMPUS: Thank you for the
20 question, Council Member Young.

21 So that's correct. We are not -- we're not
22 expecting a decision today. We were just looking to
23 brief the Council on what the recommendations are that
24 came from the PTAG and also came from the certificate
25 holder and to share with you-all how some of those,

1 most of them -- most of them, there was a consensus
2 reached, but there are a few, as Mr. Greene discussed,
3 where there are differences in the PTAG recommendations
4 and the recommendations from the certificate holder.
5 So what we're looking for today is -- is some
6 direction.

7 One thing that we could do is, recognizing that
8 the Council are trying to digest this information, a
9 lot of it's technical -- we -- you know, staff are here
10 and available to help draft materials that might help
11 the Council digest this, might help to sort of
12 conceptualize the -- the versions -- right? -- the two,
13 you know, sort of recommended paths. And so I'm a
14 little hesitant to offer that we -- that we draft, you
15 know, sort of two versions of -- of a decision.

16 MR. YOUNG: I think that would -- I
17 think that would be premature. And I'm not -- I mean,
18 we've got six -- or five options that have been
19 presented and a lot of material to go with that. I'm
20 not ready to try to boil that down into two draft --
21 two draft recommendations this afternoon.

22 MS. BUMPUS: Okay. And that's fine.
23 But I'm throwing that out there because we -- you know,
24 the staff understand that this is a lot to digest, and
25 we're happy to, you know, do what we can in the

1 meantime to help -- help the Council digest this and
2 whether it's, you know, preparing this or preparing
3 other materials to help understand the options that are
4 presented here.

5 MR. YOUNG: I think you've done an
6 admirable job this afternoon of presenting the options.
7 The -- the graphics are great. The explanation has
8 been really good. I'm just not sure how much further
9 we need you to try to go on our behalf this afternoon.

10 MR. PAMPLIN: Mr. Chair, yeah,
11 thanks --

12 CHAIR BECKETT: Please --

13 MR. PAMPLIN: -- Director Bumpus.

14 CHAIR BECKETT: -- Council Pamplin.

15 MR. PAMPLIN: And also agreed with
16 Council Member Young about how helpful this
17 presentation has been.

18 I do think, you know -- I would recommend as far
19 as thinking about what can be provided to the Council
20 to then tee up a decision. And I'm wondering, Director
21 Bumpus, if there's not a memo that just outlines some
22 key bullets associated with each figure. And in
23 particular, when it gets down to, like, Figure 5 or so,
24 there was some nuances that were -- that were provided
25 about here are things that are -- that are being done,

1 and it's consistent with the -- with Spec-5, but then
2 here's an additional provision that the -- the site
3 certificate holder would do voluntarily and kind of
4 what are those parameters that stays within the
5 flexibility of us approving this as it's kind of a
6 stand-alone decision that does not require going back
7 and revising the -- the overall site certificate.

8 So I just felt like there was probably some
9 explanation there that I know I would benefit by
10 probably seeing that written down and having it
11 crosswalked with Spec-5, please.

12 MS. BUMPUS: Okay. Yes, I think --
13 and I'll probably ask Mr. Greene for his input on this
14 as well. But I do think that we could put some
15 material together to -- to basically frame up the --
16 what the recommendation is, what it would be, what it
17 would mean. And it sounds like what we would be
18 looking for is to stay within parameters that would not
19 trigger an amendment, kind of starting there with. And
20 I know that, yes, I see --

21 MR. PAMPLIN: Yes, please.

22 MS. BUMPUS: Oh, I see Council
23 Member Young's hand is up.

24 MR. YOUNG: I would -- I would
25 vigorously oppose that we land on that -- any

1 particular course of action and ask staff to draft that
2 up.

3 MR. PAMPLIN: Yeah, Council Member
4 Young, yeah, if it sounded like that's what I was
5 offering, absolutely not. What I'm trying to ask is
6 that we have bullets for each of the options that were
7 presented and some additional context relative to what
8 can or can't be done that could stay within not having
9 to revise the overall site certificate. Just so
10 that -- so that when it does come to narrowing or
11 making a decision, we have that as a background
12 document.

13 MR. YOUNG: So are -- thanks, Nate.
14 And I didn't hear that so much from you. I thought I
15 heard a little bit of that more in what Director Bumpus
16 said about drafting an actual recommendation. But I'm
17 not sure we're ready to even say that, whatever we end
18 up doing, that it is -- that we've already decided that
19 whatever we recommend must not result in a change to
20 the site certification agreement. That -- it seems
21 like you are maybe advancing that idea as one baseline
22 component of anything we do, is that it has to result
23 in no modification of the SCA.

24 MR. PAMPLIN: Yeah, thanks. Thanks,
25 Council Member Young. I -- I guess I'm trying to

1 exhaust or explore options within the existing SCA
2 first, recognizing that an amendment might be needed,
3 but wanting to understand some of the things that
4 Mr. Greene was presenting to us that still fell within
5 the four corners of the site certificate agreement.

6 MR. YOUNG: Yeah, I think getting
7 that -- maybe that kind of stuff, like, broken down,
8 like you're saying, coming up with some bullet points,
9 I think that would -- that would be helpful.

10 And maybe one thing that I'm pulling away from
11 today is that there are certain things out of what's
12 been moving forward with all five of these
13 possibilities, there -- there may be something that --
14 something in there that has to be -- cause an SCA
15 modification, but then there are other things that
16 could be done voluntarily in terms of the site-specific
17 management plans that are not related to the SCA.

18 So we -- we may be looking at a hybrid here
19 anyway. And to break that all down and organize it, I
20 agree with you. I think that would be helpful.

21 MR. PAMPLIN: Thanks.

22 CHAIR BECKETT: Director Bumpus.

23 MS. BUMPUS: Thank you, Chair
24 Beckett.

25 Yes, so I think that having heard and listened to

1 your -- your remarks and discussion here, I do think
2 that staff can put something together that does that,
3 that discusses the -- the different options, and also
4 identifies are these things that fall within the
5 parameters of the site certification agreement, or are
6 they options or components of an option that do not,
7 right?

8 And so just putting all those out in a succinct
9 way. As succinct as we can -- right? -- given that it
10 is highly technical. But I think we can try to distill
11 that down and indicate where those areas are.

12 MR. YOUNG: Yeah, that's great.
13 That would be helpful.

14 MS. BUMPUS: Mr. Greene -- I will
15 check with my staff here. Mr. Greene, do we think that
16 we can do that? I just want to double-check with you
17 that -- are there any other considerations to this
18 idea?

19 MR. GREENE: No, I think what
20 Council Member Pamplin discussed about kind of a
21 crosswalk document where we can go through each of the
22 nests and describe the various options and how they fit
23 or do not fit within the -- the framework of Species-5
24 as -- as written into the site certification agreement
25 could work. And I think staff can have that prepared

1 for the next Council meeting, and the Council can go
2 through it then and potentially come to a determination
3 on the -- the final application of Species-5 to each of
4 these nests.

5 MS. BUMPUS: Thank you. Thanks for
6 that. I appreciate it.

7 CHAIR BECKETT: Anything further,
8 Director Bumpus, before we double-check with Council?

9 MS. BUMPUS: No.

10 MR. GREENE: And sorry. Just while
11 I'm here, Council Member Young.

12 CHAIR BECKETT: Sure. Please.

13 MR. GREENE: I did confirm that
14 the -- the history of nest activity for ferruginous
15 hawks is present in the facilitator report within the
16 PTAG documents, but I will -- I will send that to you
17 directly via e-mail after this -- this meeting as well.

18 CHAIR BECKETT: Okay.

19 MR. YOUNG: Thank you.

20 CHAIR BECKETT: Council, especially
21 any others who haven't weighed in, any further comment,
22 including based on the discussion between Council Young
23 and Pamplin and staff?

24 And seeing and hearing none. I believe we will
25 wrap the Horse Heaven project up.

1 MR. GREENE: Sorry. One quick
2 question.

3 CHAIR BECKETT: Sure.

4 MR. GREENE: Council Member Pamplin,
5 would it assist you if we try to prepare versions of
6 the figures that don't use colors as much?

7 MR. PAMPLIN: Thanks, Mr. Greene.
8 This is a lifelong challenge of interpreting species
9 distribution maps, so thank you. I will pull in one of
10 my admin assistants as I did earlier this morning and
11 ask them to help me interpret those maps. Thank you
12 for the outreach on that, but it's just a challenge
13 that I have especially during a live presentation.
14 Thank you.

15 MR. GREENE: Okay. Thank you.

16 CHAIR BECKETT: I would thank you,
17 Council Pamplin. I think it's also an important
18 reminder of, you know -- many of us take things for
19 granted that others just don't have, and so how we
20 best, you know, reflect on that, including in our
21 processes, I think is always healthy. So thanks for
22 being open about that and unto itself.

23 Okay. Last call for any comments or questions on
24 Horse Heaven.

25 All right. Seeing none.

1 We will move on to Hop Hill solar, and I believe
2 Trevin Taylor will provide the update.

3 MR. TAYLOR: This is Trevin Taylor
4 for John Barnes on -- for Hop Hill application update.
5 Thank you, Chair Beckett and Council members.

6 This application is pending supplemental materials
7 concerning project enlargement. The applicant has
8 informed EFSEC during a biweekly meeting that they
9 anticipate delivering this material in late fall of
10 '25. Once the material has been received, staff will
11 review and determine if the submitted materials contain
12 adequate information to issue SEPA threshold
13 determination for the project.

14 We continue to coordinate and review the
15 application with our contractor, contract agencies, and
16 tribal governments.

17 Are there any questions?

18 CHAIR BECKETT: Council, any
19 questions on Hop Holar -- Hop Hill solar? Excuse me.

20 I see none, so I believe then we will move on to
21 Wallula Gap. And, again, Mr. Taylor, I believe you're
22 up.

23 MR. TAYLOR: Thank you again, Chair
24 Beckett and Council members. This is Trevin Taylor on
25 behalf of John Barnes for the Wallula Gap application

1 update.

2 On August 11, 2025, EFSEC staff met with staff
3 from Yakama Nation to discuss the findings of
4 traditional cultural properties study, or TCPs,
5 conducted by the Yakama Nation. Results of the study
6 and meetings with the Yakama Nation are helping to
7 recognize any SEPA mitigation measures that may be
8 appropriate for the impacts identified.

9 We continue to coordinate and review the
10 application with our contracted agencies and tribal
11 governments.

12 Are there any questions?

13 CHAIR BECKETT: Council? I do not
14 see any. Okay.

15 MR. TAYLOR: Okay.

16 CHAIR BECKETT: Thank you,
17 Mr. Taylor.

18 And we will move on to our Goldeneye BESS project.
19 Joanne Snarski, please.

20 MS. SNARSKI: Hello again. This is
21 Joanne Snarski, the siting specialist for the proposed
22 Goldeneye battery energy storage facility in Skagit
23 County.

24 Staff are continuing to work with our partnering
25 agencies to review and seek information on the

1 application for site certification. Staff are
2 continuing to work with the Washington Department of
3 Fish and Wildlife on clarifying issues related to the
4 drainage ditch within the project boundary to the
5 adjacent Hansen Creek. As a reminder, Hansen creek is
6 a tributary to Skagit River.

7 I have no further updates. But I'm available for
8 questions.

9 CHAIR BECKETT: Thank you,
10 Ms. Snarski.

11 Any comments or questions from Council?

12 And seeing none. We will then move on to our
13 transmission programmatic environmental impact
14 statement update. And I believe, Mr. Greene, you are
15 back with us here on this one.

16 MR. GREENE: Yes. Thank you. This
17 will be much more brief.

18 So thank you, Chair Beckett and Council members.
19 This is again Sean Greene, SEPA specialist for EFSEC.

20 EFSEC staff continues to work with our consultant
21 WSP to make edits, revisions, and refinements to the
22 draft programmatic EIS. This work includes a digital
23 version of the programmatic EIS that will be hosted
24 online titled as the e-programmatic and other
25 associated tools intended to make the programmatic EIS

1 more accessible to users. We currently anticipate
2 publishing the final programmatic EIS on October 1st of
3 2025.

4 Are there any questions?

5 CHAIR BECKETT: I guess, if I may, I
6 would -- oh. Please. Council Levitt.

7 MR. LEVITT: Yeah, I guess I just
8 want to offer that I know there has been some interest
9 from tribes for a specific transmission project along
10 the Columbia River. And so I know this one is more
11 broad and general in its approach, but I guess I would
12 offer that I think it would be worthwhile to try to
13 involve tribal staff or representatives in getting
14 feedback. Because although it's general, it will
15 eventually be applied to specific projects.

16 MR. GREENE: Yes. And so a couple
17 points there. We have received requests for formal
18 consultation from the confederated tribes of the
19 Umatilla and Yakama Nation, and we are currently
20 working with them to try to schedule those formal
21 consultations regarding the transmission programmatic
22 EIS.

23 And specifically the project that you're
24 discussing along the Columbia River, while it is a
25 high-voltage transmission project, it's not within the

1 technical scope of this programmatic, because this
2 programmatic is -- doesn't -- it's the -- the types of
3 impacts that are associated with that project are very
4 site-specific and very technology-specific. It's a
5 type of construction that has never been used for
6 transmission projects in this state before, at least at
7 that scale.

8 So the programmatic EIS does discuss that those
9 types of projects would need an independent
10 project-level SEPA review as they exceed the -- the
11 technical specifications of this programmatic.

12 MR. LEVITT: Thank you, Mr. Greene.

13 CHAIR BECKETT: There any questions
14 from Council?

15 While I'm waiting, I'll just also note for both
16 Council, especially certainly members of the public as
17 well, the conversation with staff, I believe there's
18 understandable intent to have a solid briefing on the
19 programmatic in the October Council meeting, which I
20 believe is October 17th, the third Wednesday. So just
21 a heads-up in that regard. And appreciate the efforts
22 there.

23 Seeing no other hands raised. Then we will move
24 on to Desert Claim, I believe. And -- oh. Yes.
25 Sorry. I have an old agenda here. What do we have

1 next?

2 On to Badger.

3 MS. SNARSKI: I think that's me,
4 then. Okay.

5 CHAIR BECKETT: Yeah, let me just --

6 MS. SNARSKI: Thank you.

7 CHAIR BECKETT: Sorry. Let me do a
8 proper introduction. I --

9 MS. SNARSKI: Okay.

10 CHAIR BECKETT: -- made the mistake
11 of not printing out a hard copy agenda in my first
12 online meeting this morning, so apologies to the public
13 and Council about that.

14 So, yes, let's move to the Badger Mountain Solar
15 project, and Joanne Snarski will provide the update.

16 MS. SNARSKI: Very good. Thank you,
17 Chair Beckett. For the record, this is Joanne Snarski,
18 the siting specialist for the proposed Badger Mountain
19 Solar facility in Douglas County.

20 At the previous Council meeting in June, I
21 explained that the applicant had requested all project
22 activities continue to be placed on hold and that an
23 extension for the application review be granted.

24 On July 29th, Avangrid provided us with a formal
25 request for a one-year extension, siting the factors of

1 site control, federal regulatory uncertainty, tax
2 changes, and other policy-related concerns. They also
3 noted that due to the proposed site's location and the
4 extensive efforts that have been taken on the project
5 to date, they continue to consider it an asset to their
6 portfolio.

7 We opened the extension request for public comment
8 between August 4th and 17th, and we received 18
9 comments. Comments included those from the Yakama
10 Nation as well as the Colville Confederated Tribes,
11 other conservation groups, and local residents.

12 All were opposed to the project and requested
13 denial of the extension. The primary reasons cited
14 were unresolved issues with traditional cultural
15 properties, lack of site control, impacts to sensitive
16 habitats and species, they do not support the
17 development of solar facilities in general, extension
18 requests are not substantive, and the site is
19 inconsistent with the WSU no-conflict siting.

20 As was stated at the April 16th, 2025, Council
21 meeting, EFSEC does not require site control be
22 demonstrated for the -- for review of the project.
23 However, this is one item the letter from the developer
24 indicated they are working to resolve during this
25 pause. This is relevant to EFSEC's review because when

1 the project requested the pause in 2024, staff were in
2 the midst of developing a draft environmental impact
3 statement.

4 While site control is not required for review of
5 an application, the developer will need site access to
6 gather the remaining information needed for the SEPA
7 review. It is through the SEPA process and the
8 adjudicative process that EFSEC expects to continue to
9 receive meaningful public input should the project
10 resume.

11 With regards to the substantive -- substance of
12 the extension request and how it fits into the overall
13 EFSEC process, Revised Code of Washington 80.50.100
14 states that the recommendations shall be made to the
15 governor within 12 months of receipt of a complete
16 application deemed complete by the director or such
17 later time as is mutually agreed by the Council and the
18 applicant.

19 There are no terms in Revised Code of Washington
20 or EFSEC rules as to what conditions apply to a
21 mutually agreed upon extension. This leaves the
22 details of the timeline and circumstances surrounding
23 the extension agreements at the discretion of the
24 Council and the applicant.

25 I understand that EFSEC's legal counsel, Jon

1 Thompson, is available online and may be able to expand
2 a little bit more on these subjects, or either of us
3 can answer additional questions you may have.

4 That's all I have.

5 CHAIR BECKETT: Thank you.

6 Yes, if we could hear from Counsel Thompson,
7 please.

8 MR. THOMPSON: Let me see here.
9 There we go.

10 Yeah, so I would just -- on this point, I guess
11 there's been questions about, you know, what's sort of
12 the applicable law to this kind of a request, if any,
13 and maybe what might the considerations be from a legal
14 standpoint. So if you'd like, I can speak to that.

15 As Ms. Snarski mentioned, there's the -- there's
16 the one reference in the statute to, you know, getting
17 a recommendation to the governor within a year or such
18 other time as is mutually agreed to by the Council and
19 the applicant. I've always looked at that as a -- it's
20 basically a directive to EFSEC to develop a
21 recommendation within that -- within that kind of rapid
22 time frame as long as that's what the applicant is
23 asking for or -- or as long as the applicant is
24 forthcoming with whatever information is necessary to
25 get to such a recommendation.

1 There's no -- yeah, there's no rule or precedent
2 really as to, like, if it -- if the applicant isn't --
3 isn't moving forward toward -- or providing the
4 information necessary to proceed to a recommendation,
5 you know, is there some point at which the Council
6 would not agree to a extension and thereby, you know,
7 effectively dismiss the -- the application.

8 There's -- there's plenty of precedent in my
9 reading of, you know, past Council review processes
10 over the decades of it taking -- of these processes
11 generally stretching out over several years sometimes
12 just because of the fits and starts of development
13 processes or applicant, you know, needs.

14 So I don't know there has been an instance of the
15 Council declining to grant an extension. I think it
16 basically comes down to as a practical matter that if
17 the Council weren't to agree to an extension, that
18 wouldn't preclude the applicant from coming back when
19 it's ready and filing a application for the same
20 project again, but -- but in that case you'd be in the
21 position of arguably having to -- to reconduct the
22 public informational meeting that's required within 60
23 days of the filing of an application and the -- and the
24 land-use consistency determination that the Council
25 does on a similar time frame.

1 And as far as I know, there hasn't been any change
2 in the -- the zoning that applies to this site, so
3 there -- there wouldn't be a different conclusion that
4 the site is -- the conclusion of this site was that the
5 zoning was -- basically prohibited the project at the
6 site, so it's inconsistent with the local zoning, and
7 therefore there's going to need to be an adjudication
8 on whether to -- whether the Council should recommend
9 preemption of the local zoning to authorize the
10 project.

11 Most of the really substantive public input and
12 comment opportunity still lies ahead in terms of the
13 adjudication and comment on a draft environmental
14 impact statement, which hasn't been published yet. So,
15 yeah, I'm not -- I mean, it's -- I'm not sure that
16 there's -- yeah, I think that maybe it boils down to a
17 question of does it make sense to have the applicant
18 have to go back and reapply and go through those just
19 initial stages of the application process again. I'm
20 not sure there'd be much utility in that.

21 The SEPA work that's already been done, of course,
22 could be re- -- kind of reused for new SEPA work. But,
23 I mean, I think that's -- I don't think there's
24 necessarily a prejudice to any party from a procedural
25 standpoint of granting an extension. Because, like I

1 said, there is that -- a lot of additional process and
2 input that would -- would need to be taken going
3 forward. And all of the input in terms of SEPA and
4 adjudicative hearings and so forth would have to be
5 up-to-date as of the current -- current time.

6 So, anyway, that's some -- that's some -- some
7 thoughts on this topic. Hopefully that's helpful. I'm
8 happy to answer questions too.

9 CHAIR BECKETT: Yes, that is helpful
10 and was intended to help, you know, clarify as well as
11 acknowledge the public comments. Certainly I've read
12 those amongst other Council members and staff. Which
13 appreciate the staff review here before today's meeting
14 as well. So thanks for trying to draw out some of
15 ultimately what Council should be considering here as
16 well as trying to answer some of the public concern and
17 ultimately criticism of this potential action.

18 So I do see a hand raised. I'm not tracking who
19 that is on my screen. If staff could clarify for me.

20 And in the meantime, were there other Council
21 members who wish provide any further comment back to
22 staff and Council's...

23 MS. HAFKEMEYER: I believe the hand
24 raised is Council Member Guilio, the project --
25 County-appointed Council member for this project.

1 CHAIR BECKETT: Thank you.

2 My apologies, Council member. I try to keep track
3 of everyone here on each project, but obviously that's
4 a work in progress. So my apologies. Please proceed
5 with your question or comment.

6 MS. GUILIO: No worries. I
7 understand there's lots of moving parts.

8 I did have a question. Even if we extend the
9 request, are there parts of the background work or
10 studies that, if this were to continue past a year or
11 two years if they did an additional extension, would
12 any of that work have to be redone anyways?

13 Is there, like, a period of validity essentially
14 where some of those, if you're four years out, you're
15 five years out, given that there's no completed
16 project, there's no draft EIS, none of that is compiled
17 and commented upon and accepted basically, will there
18 come a point where the extensions has -- is so long at
19 the front end that they would have to start some
20 aspects over anyways?

21 MR. THOMPSON: Should I field that,
22 or --

23 MS. BUMPUS: I can --

24 CHAIR BECKETT: Director Bumpus, why
25 don't you go ahead and jump in since you've started to,

1 please.

2 MS. BUMPUS: Okay. Well, so that
3 can happen. There can -- you know, if it were to go on
4 for many, many years you have fieldwork that you've
5 done, you've done surveys of the site, and now it's
6 been several years since and so now the question
7 becomes is that the actual situation on the site at the
8 time of permitting. So I think that that's a very good
9 consideration.

10 In this case, we were in the midst of preparing an
11 environmental impact statement. And there were, as I
12 understand it, multiple studies that needed to be done,
13 needed to be prepared, that have not been. And that's
14 where we have the connection to the issue of site
15 control where they need to be able to access the site
16 in order to do those studies and gather that
17 information that will then inform the EIS.

18 So I think -- I think that in this case we are at
19 a stage where we may not be running up against that
20 risk very much, because that -- that work has not all
21 been completed. I think if we were further along in
22 the process and we had already done our SEPA review,
23 that, you know, then pausing at that point and waiting
24 several years, I think that would present more
25 challenges potentially. But I think in this case we're

1 still early in the process where work is pending, that
2 we probably aren't going to run into that.

3 CHAIR BECKETT: Council Guilio, does
4 that cover your --

5 MS. GUILIO: That makes sense to me.
6 Yeah. So in some ways it's kind of an asset that
7 they're early on as far as the continuation of the --
8 the work. Makes sense.

9 CHAIR BECKETT: Very well.
10 Ms. Hafkemeyer.

11 MS. HAFKEMEYER: Thank you.
12 I'd just like to add, for the -- for the work and
13 the documents that have been prepared to this point,
14 staff would, as part of resuming project work, revisit
15 those completed documents and identify whether or not
16 it's appropriate to -- to update studies, update
17 fieldwork, update documents for the time that has
18 lapsed.

19 CHAIR BECKETT: Very good.
20 Are there other comments or discussion from
21 Council members? On both the briefing -- there is
22 obviously the question of action here today on a motion
23 to grant the 12-month extension request. Having noted
24 that, if there's other further discussion or
25 reflections Council would like to share, certainly

1 entertain that now.

2 Council Pamplin.

3 MR. PAMPLIN: Thanks, Mr. Chair.

4 You know, I just -- I know we have some time on
5 our agenda to talk about our public comment period, so
6 maybe this -- maybe this observation is -- is better in
7 just a few minutes.

8 But I just -- as we think about how EFSEC notifies
9 public comments or request for public comments, having
10 that -- the background information that this was --
11 this -- this public comment period was -- was really
12 about a process item and not soliciting comments on --
13 necessarily on the merits of the project.

14 I mean, people will interpret it as they see fit,
15 but there was a lot of concerns about the merits of
16 this particular application and the impacts to -- to
17 sage grouse and shrub-steppe and other really valid
18 concerns. And based on the briefing today, we are
19 going to get to those at another subsequent step for --
20 for the review of this project. But I guess I'm --
21 from a process standpoint, I would be endorsing the
22 extension. Thanks.

23 CHAIR BECKETT: Appreciate the
24 input.

25 Any other comments from Council? Or questions.

1 Okay. Well, I would just say for my comments
2 that, much as I believe in trying to move things, you
3 know, through but ultimately ensure that we're
4 providing objective review and not rushing to
5 prejudgment -- those are some of the issues I've -- you
6 know, have passed through my mind in various
7 considerations, and so I guess I would certainly
8 encourage the applicant to reflect on this discussion,
9 certainly obviously the comments that have been
10 submitted.

11 And I agree with you, Council Pamplin, that
12 ultimately we are trying to go step by step here. And
13 much as, you know, people have their rights and should
14 put -- you know, in many respects put their comments
15 into the record along the way, at the end of the day
16 the Council is to make sure that we're, you know,
17 taking this through proper procedures and steps
18 ultimately so that we can make the final decision
19 should we reach that point.

20 So knowing there are other issues certainly
21 affecting markets and, you know, other considerations
22 that the applicant has listed in their letter. And at
23 the same time at the end of the day, as we've heard
24 from many of our important -- all voices are important,
25 but those who have chosen to weigh in with EFSEC, I

1 would note, you know, that their concerned and ongoing
2 participation through an elongated application period
3 is ultimately an impact, you know, as well.

4 So would encourage all of us, including the
5 applicant, to consider those things. And that would be
6 my set of comments.

7 Are there others from Council or questions? And
8 otherwise I would soon move to state a motion for, you
9 know, for potential action. But before I do that,
10 anything else from Council members for the Badger
11 Mountain Solar project?

12 Okay. Then is there a motion to approve a
13 12-month extension for the Badger Mountain Solar site
14 certification, site certificate application? I'm happy
15 to restate that if that's helpful.

16 MR. PAMPLIN: Mr. Chair, I will --
17 this is Nate. I move that we grant the 12-month
18 extension on the Badger Mountain application.

19 MR. YOUNG: Lenny Young. Second.

20 CHAIR BECKETT: Thank you. The
21 motion has been moved and seconded.

22 I would note for the court reporter and for the
23 record that I tried to state the motion as it would be
24 taken up.

25 Thank you for restating it, Council Pamplin. I

1 think we have it covered between the two of us. Let me
2 double-check with counsel, Mr. Thompson, in case
3 anything needs to get restated. But, again, the motion
4 is to approve a 12-month extension for the Badger
5 Mountain Solar site certificate application. And we
6 have a motion to that effect and a second. So it is on
7 the table.

8 Let me first check for Jon Thompson, counsel, if
9 he has any issues with what I've stated. Otherwise, I
10 will then take it up for any further comment or
11 discussion by the Council. But, first, Mr. Thompson, I
12 see you off mike.

13 MR. THOMPSON: Yeah, I think that
14 was generally well stated. I mean, it's technically
15 for review of the application. That's the request.
16 So, yeah, with that clarification, I think -- I think
17 that language works.

18 CHAIR BECKETT: Thank you.

19 Council members, any further discussion on the
20 motion that is on the table?

21 MS. SNARSKI: Can I just ask --

22 CHAIR BECKETT: Ms. Snarski.

23 MS. SNARSKI: -- a clarifying --
24 yeah -- clarifying question.

25 So that 12-month extension would begin today and

1 extend through next August; is that correct?

2 CHAIR BECKETT: The intent, I
3 believe, is to pick it up from the time that it -- that
4 the prior expired, which I did not have in front of me.

5 MS. SNARSKI: Yes. Okay. And I
6 think that's technically July. And that's why I asked.

7 Do you have a sense of that, Jon, of the
8 appropriateness of that? There's someone else.

9 CHAIR BECKETT: Council Young.

10 MR. YOUNG: Just as a point of
11 order. Is it appropriate to extend an application
12 that's expired?

13 CHAIR BECKETT: Mr. Thompson.

14 MR. THOMPSON: Well, so another
15 aspect of this -- of this statute we were referring to
16 that says 12 months or as long as is agreed to by the
17 Council and the applicant, there's no -- there's no
18 consequence of -- provided in the statute of exceeding
19 that.

20 So, and for example, sometimes statutes will say,
21 you know, if the agency doesn't take action within some
22 period of time, then -- then a, you know,
23 application -- or a permit request or something is
24 deemed granted or something, or it's deemed denied.
25 Anyway, neither of those is the case.

1 So, yeah, in effect, you'd be -- you'd be kind
2 of -- since the prior extension already -- already ran
3 out, you'd kind of be retroactively, you know, That's
4 okay, and we're going to extend it 12 months beyond
5 that date, if that's -- it seems like probably the most
6 accurate interpretation of what the request is here.
7 And I think that's -- that's okay from a legal
8 standpoint.

9 MR. YOUNG: Thank you.

10 CHAIR BECKETT: Thank you, Council
11 Young, for the question. Appreciate it.

12 Ms. Hafkemeyer.

13 MS. HAFKEMEYER: I just wanted to
14 add for some additional context with the expiration,
15 that is to some degree self-imposed. The initial
16 request received from the developer in April was
17 open-ended. And so staff, when bringing that request
18 to the Council, had recommended a shorter-term
19 extension to work out something more definitive with
20 the applicant. The Ju- -- I'm sorry. The July 30th
21 deadline was not something that was proposed by the
22 applicant initially; rather, a -- a checkpoint where we
23 expected to have more information.

24 CHAIR BECKETT: Okay. Thank you.

25 So, Mr. Thompson, the motion that's on the table

1 is still accurate and subject to action, or if it needs
2 to be stated differently, then please let me know how
3 it should be stated.

4 MR. THOMPSON: Yeah, I apologize.
5 Now I'm a little -- I think we may have a lingering
6 question of when does this 12-month extension start.
7 And I guess I might ask Ms. Hafkemeyer if -- if -- was
8 there a -- was there then an expiration date of the
9 prior extension, or was it -- it sounded as if you were
10 saying there was just a check-in date.

11 MS. HAFKEMEYER: The April extension
12 request letter that we received was open-ended, and so
13 staff recommended setting an extension period through
14 the end -- or through July. I think, ultimately,
15 between staff and Council discussion, it was decided
16 that the end of July would be an appropriate extension
17 period for that request. And since this request letter
18 came in with the 12-month extension ahead of July 30th,
19 perhaps it would be appropriate to consider this
20 current extension from August 1 through July 30th of
21 next year.

22 MR. THOMPSON: That makes sense.

23 CHAIR BECKETT: Okay.

24 All right. So --

25 MR. PAMPLIN: Mr. Chair, if I can --

1 if it's okay with Council Member Young, who seconded my
2 motion, I guess I would revise my motion to state that
3 the -- the request for a 12-month extension of the
4 Badger Mountain Solar permit application review is
5 approved through July 31st of 2026.

6 MR. YOUNG: I concur.

7 CHAIR BECKETT: And the chair would
8 note that would be a friendly amendment, and I believe
9 it is welcome from Council Young, who provided your
10 second, just for the record.

11 So the motion is on the table, has been seconded.
12 Are there any questions or further clarifications
13 Council wish, given the extended discussion here,
14 before I call the vote?

15 Okay. All in favor of approving the motion,
16 please say "aye."

17 MULTIPLE SPEAKERS: Aye.

18 CHAIR BECKETT: Opposed?

19 Motion is approved. Thank you, staff. Thank you,
20 Council members.

21 And with that, Ms. Snarski, is there any other
22 remaining item for Badger Mountain Solar? I don't know
23 of any, but let me double-check.

24 MS. SNARSKI: No, there are no
25 further updates. Thank you for the clarification as

1 well.

2 CHAIR BECKETT: No. Appreciated the
3 question. I assure you.

4 Okay. Then we will move to our final item, which
5 I believe is the update on comment periods by Director
6 Bumpus.

7 MS. BUMPUS: Thank you, Chair
8 Beckett and Council members. Good afternoon.

9 Just an update on activities that staff are
10 involved in with respect to the way in which EFSEC
11 conducts public comment under the OPMA.

12 So just a bit of a recap here. And this is
13 something that's come up in prior meetings more
14 recently with the public comment that was conducted for
15 the delegation of authority to the director from the
16 Council. I believe that was Policy 16-01.

17 So the OPMA requires that we hold public comment
18 before taking final action. And the comment can be
19 done, prior to the final action, you can request that
20 written comments be submitted in advance and notice,
21 you know, the public comment opportunity. You can also
22 take verbal comment at the meeting prior to taking
23 final action.

24 So given that EFSEC has received many comments
25 particularly recent that take issue with the duration

1 of the comment period, the noticing of the comment
2 period, and also just information about what the
3 comment period is in relation to, we are working to
4 revamp how we carry out our public comment
5 opportunities under the OPMA. And one of the things
6 that we think we need to do is to set a time frame.
7 We're looking at doing two weeks, providing two weeks
8 public comment for most materials that are associated
9 with a final action.

10 The -- one of the benefits we think to doing this
11 is that it provides a longer period of time than we've
12 typically been providing for different documents.
13 It's -- it's been -- it has not been consistent in
14 terms of the amount of time we've provided for
15 different opportunities for public comment, so we want
16 to be more consistent with that.

17 We also are working to make changes to our new
18 website that's recently come online to create a page
19 that's going to provide more information and more
20 detail about what the public comment period is about,
21 what the final action is associated with, what it
22 means, and again, providing more time for public
23 comment in general.

24 So the idea is that we'll provide 14 days public
25 comment for most materials. We also recognize, though,

1 that not all of the final actions that come before the
2 Council may warrant that long. So we are looking at
3 having some categories of materials like housekeeping
4 items, administrative actions, those types of things
5 that might only need, you know, say a week. But we
6 will be setting, I think, a one-week minimum for this
7 and -- and really with the goal of providing everybody
8 a pretty consistent two-week comment opportunity.

9 And I want to add also, you know, this is in the
10 works. This is something that we haven't finalized.
11 But we also recognize that there may be cases where we
12 think we need longer than two weeks because of the
13 nature of the action. So the idea, the behind-the-
14 scenes work with -- between myself and staff is to
15 identify what types of materials, you know, require
16 what duration of comment and make sure that the comment
17 periods are more commensurate with the nature of the
18 action.

19 So, again, lots -- lots happening with respect to
20 this. I will be providing more information to the
21 Council once we have identified more of the -- nailed
22 down more of the details around how this will work.
23 And we will be, as I said, making changes to the
24 website to also make sure we're communicating this.

25 And this -- you know, this will include

1 communicating to our facilities, communicating to all
2 of the clients that we work with. Because it does mean
3 that they will need to get their deliverables and
4 certain information to us by a pretty -- pretty hard
5 deadline in order to make sure that we have enough time
6 to conduct the public comment opportunities and also
7 very importantly so that Council and staff have enough
8 time to review the comments that come in and think
9 about those comments and if we need to get advice from
10 our assistant attorney generals.

11 So these are things that I think are going to
12 improve -- improve our work and the engagement of the
13 public. So happy to answer questions.

14 CHAIR BECKETT: Thank you, Director
15 Bumpus.

16 Mr. -- Council Levitt. Take you first.

17 MR. LEVITT: Yeah. Director Bumpus,
18 thank you so much for taking the time to work on this.
19 Both, you know, my appreciation to you and to staff.

20 I do think we, during my tenure as a Council
21 member, have received considerable feedback about, you
22 know, communication around comment periods and the
23 length of comment periods. So I am hoping this, you
24 know, providing more consistency, hopefully a general
25 rule of thumb that most comment periods should be two

1 weeks or longer especially if they're not
2 administrative in nature.

3 And, you know, for things that are really quite
4 complex or potentially contentious, highly detailed in
5 terms of technical information, you know, I hope those
6 will be two weeks or longer. And I look forward to
7 seeing what you and staff recommend. So, yeah, again,
8 thank you for working on it.

9 MS. BUMPUS: Thank you.

10 CHAIR BECKETT: Other comments,
11 questions from the Council?

12 I will add one before I double-check again. But,
13 yes, thank you as well, Director Bumpus and staff. I
14 would note thank you on the Badger Mountain item,
15 obviously one that has certainly attention to it that
16 did provide 14 days today. That's just one step in the
17 larger commitment and description that you provided us,
18 Director Bumpus, so -- and ultimately there are, as
19 within most organizations, many moving pieces in terms
20 of how things come forward and materials and posting.
21 And at the end of the day, that's just part of our
22 obligation and job obviously as the agency is entrusted
23 on behalf of the public, which I know staff are
24 committed to and understand, and certainly I am as
25 chair, and I believe my fellow Council members as well.

1 So just note that for the collective as well as for the
2 record.

3 So any further comments on the public comment
4 briefing that we've had?

5 Seeing none.

6 Director Bumpus, anything else from you today on a
7 closing note? Or I will adjourn the meeting. Let me
8 check with you first.

9 MS. BUMPUS: I did just have one
10 update, and there will be more information to follow.

11 There were two lawsuits filed with respect to
12 EFSEC's decision to approve the delegation authority.
13 This was the policy I mentioned earlier. One was
14 file -- one county that the challenges were filed in
15 was Clark County, and the other was Yakima County.

16 We are consulting with our legal counsel on next
17 steps, and we'll be providing more information to the
18 Council about how you can engage with the -- the legal
19 counsel team on what our options are. So I -- I'll
20 leave it to Jon Thompson if he'd like to add anything
21 to that.

22 MR. THOMPSON: I don't have anything
23 to add. I would just say that the suit in Yakima
24 County was brought by the Yakama Nation, and the suit
25 in Clark County was brought by Tri-Cities C.A.R.E.S. and

1 Friends of the Columbia Gorge.

2 And the claims were basically to the effect that
3 the delegation policy should have been adopted through
4 formal rule making or that the Council lacked the
5 authority to delegate certain decisions to the
6 director. There also was a claim in there about the
7 length of the comment period that was -- that was
8 provided under the OPMA.

9 So those are the topics. And like Ms. Bumpus
10 said, my thought was we could put this on the agenda
11 perhaps for the next Council meeting to have a
12 executive session discussion of options on that. So...

13 CHAIR BECKETT: Very well.

14 Appreciate you both bringing that forward here in
15 our -- in our shared forum, obviously public forum. So
16 appreciate that.

17 Let me double-check. Anything else, Director
18 Bumpus, on that or any others?

19 MS. BUMPUS: Nothing else. Thank
20 you.

21 CHAIR BECKETT: With that, Council
22 members, any closing comments from -- or questions for
23 the record?

24 Well, I would just close by saying thank you, all,
25 especially Council members for your time today, as well

1 as ultimately all our participants, whether as project
2 members or members of the public.

3 So, with that, at 3:41, our meeting is adjourned.
4 Thank you very much.

5 (Meeting adjourned at
6 3:41 p.m.)
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1 STATE OF WASHINGTON) I, John M. S. Botelho, CCR, RPR,
2) ss a certified court reporter
County of Pierce) in the State of Washington, do
hereby certify:

3
4 That the foregoing Monthly Meeting of the Washington
5 State Energy Facility Site Evaluation Council was conducted
6 in my presence and adjourned on August 20, 2025, and
7 thereafter was transcribed under my direction; that the
8 transcript is a full, true and complete transcript of the
9 said meeting, transcribed to the best of my ability;

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

14
15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 3rd day of September, 2025.

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25

/s/John M. S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2026.)

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