Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Wednesday, October 21, 2026
1:30 PM

HYBRID
621 Woodland Square Loop SE, Lacey WA 98503
Click here to join the meeting
Conference number: 564-999-2000
ID: 100581938#

1. Call to Order .....Kurt Beckett, EFSEC Chair

2. Roll Call .....Adrienne Barker, EFSEC Staff

3. Proposed Agenda .....Kurt Beckett, EFSEC Chair

4. Minutes .....Kurt Beckett, EFSEC Chair

- September 16, 2026, monthly meeting minutes

5. Projects

- **Chehalis Generating Facility**
  - Project update.....John Barnes, EFSEC Staff

    Air operating permit renewal
- **Goose Prairie Solar**
  - Project updates.....John Barnes, EFSEC Staff

    Construction stormwater general permit
- **Ostrea Solar**
  - Construction updates.....Jon Voltz, Cypress Creek Renewables
- **Carriger Solar**
  - Project updates.....Joanne Snarski, EFSEC Staff
- **Goldeneye BESS**
  - Project updates.....Joanne Snarski, EFSEC Staff
- **Horse Heaven**
  - Project updates.....Amy Moon, EFSEC Staff
- **Hop Hill Solar**
  - Project updates.....John Barnes, EFSEC Staff
- **Wallula Gap Solar**
  - Project updates.....John Barnes, EFSEC Staff

Notes: The following projects are not on the agenda due to lack of project activity: High Top Solar, Transmission PEIS, and Wautoma Solar.

"**FINAL ACTION**" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020 This is not the final action on this application review, and there will be additional opportunities for public comment on this project.

- **Cascade Renewables Transmission**
  - Project updates.....Maria Belkina, EFSEC Staff

  Staff presentation on land use consistency analysis and Council deliberation on land use consistency next steps.

  Council may take action on having any additional land use hearings, public comment will be taken at the time of action.

6. EFSEC Updates

- Director update.....,,Marco Lowe, EFSEC Director
- Rulemaking update.....Lisa McLean, EFSEC Staff
- Centennial Accord update.....Lisa McLean, EFSEC Staff

NOTE:

The following project updates are routine and available for review in the Council packet: Columbia Generating Station, Columbia Solar, WNP - 1/4, Grays Harbor Energy Center, Kittitas Valley Wind, and Wild Horse Wind. Projects with non-routine updates will be discussed in the public Council meeting.

Notes: The following projects are not on the agenda due to lack of project activity: High Top Solar, and Wautoma Solar.

"**FINAL ACTION**" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020 This is not the final action on this application review, and there will be additional opportunities for public comment on this project.

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STRATEGY • TECHNOLOGY • DESIGN • DEPOSITIONS

WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

September 16, 2026

Lacey, Washington

Reporter: Crystal D. Schaff, CCR 2025

APPEARANCES

STATE AGENCY MEMBERS:

Kurt Beckett, Chair

Aaron Peterson, Department of Commerce

Blake Nelson, Department of Ecology

Nate Pamplin, Department of Fish and Wildlife

Kate Dean, Department of Natural Resources

Brian Rybarik,
Utilities & Transportation Commission

LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:
Goldeneye BESS:
Robby Eckroth, Skagit County
Cascade Renewable Transmission:
Asa Leckie, Skamania County
Jeff Brecke, City of Stevenson
Harold Cook, City of North Bonneville
Jan Sokol, Klickitat County
Jennifer Senecu, City of Camas
Melissa Curtis, Clark County

ASSISTANT ATTORNEYS GENERAL:
Jon Thompson
Zack Packer
Talia Thuet

APPEARANCES (Continuing)

COUNCIL STAFF:

Dave Walker	Ali Smith
Marco Lowe	Karl Holappa
Ami Hafkemeyer	Maria Belkina
Amy Moon	Lisa McLean
Joan Owens	Andrienne Barker
Andrea Grantham	Catherine Taliafeero
Sean Greene	Alondra Zalewiski
Lance Caputo	Sairy Reyes
John Barnes	Trevin Taylor
Joanne Snarski	Nabila Gomes
Alex Shiley	Keith Quianata

OPERATIONAL UPDATES:
Jon Voltz
Ostrea Solar, Cypress Creek Renewables

COUNCIL FOR THE ENVIRONMENT:

Sarah Reyneveld
Yuriy Korol

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BE IT REMEMBERED that on Wednesday, September 16, 2026, at 621 Woodland Square Loop Southeast, Olympia, Washington, at 1:39 p.m., the following monthly meeting of the Washington State Energy Facility Site Evaluation Council was held, to wit:

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

CHAIR BECKETT: Good morning, everyone. Can you hear me? Okay. This is Kurt Beckett, Chair of EFSEC council calling to order our monthly meeting of September 16, 2026. Apologies to all in the public for our delay. We had technical issues getting us all going here. With that, Ms. Barker, if you would call the roll, please.

MS. BARKER: Department of Commerce?

Department of Ecology?

MR. NELSON: Blake Nelson, present.

MS. BARKER: Department of Fish and Wildlife?

MR. PAMPLIN: Nate Pamplin, present.

MS. BARKER: Department of Natural Resources?

MS. DEAN: Kate Dean, present.

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MS. BARKER: Utilities & Transportation Commission?
MR. RYBARIK: Brian Rybarik, present.
MS. BARKER: Local government and optional State agencies: For the Hop Hill Project, Paul Krupin?
For the Wallula Gap Project, Adam Fyall?
For the Goldeneye BESS Project, Robby Eckroth?
MR. ECKROTH: Robby Eckroth, present.
MS. BARKER: For the Cascade Renewable Transmission Project, Skamania County?
MS. LECKIE: Asa Leckie, present.
MS. BARKER: City of Stevenson?
MR. BRECKEL: Jeff Breckel, present.
MS. BARKER: North Bonneville?
MR. COOK: Harold Cook, present.
MS. BARKER: Klickitat County?
MR. SOKOL: Jan Sokol, present.
MS. BARKER: City of Camas? Clark County?
MS. CURTIS: Melissa Curtis, present.
MS. BARKER: Assistant Attorney

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Generals, Jon Thompson?
MR. THOMPSON: Present.
MS. BARKER: Zach Packer?
MR. PACKER: Present.
MS. BARKER: Talia Thuet?
MS. THUET: Present.
MS. BARKER: For EFSEC staff, I will only call those anticipated to speak today.
Marco Lowe?
MR. LOWE: Present.
MS. BARKER: Ami Hafkemeyer?
MS. HAFKEMEYER: Present.
MS. BARKER: Amy Moon?
MS. MOON: Present.
MS. BARKER: Sara Randolph?
MS. RANDOLPH: Present.
MS. BARKER: John Barnes?
MR. BARNES: Present.
MS. BARKER: Joanne Snarski?
MS. SNARSKI: Present.
MS. BARKER: Maria Belkina?
MS. BELKINA: Present.
MS. BARKER: Lisa McLean?
MS. MCLEAN: Present.
MS. BARKER: Lance Caputo?

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MR. CAPUTO: Present.
MS. BARKER: Operational Updates: Columbia Generating Station?
MS. ELSETHAGEN: Kelly Elsethagen, present.
MS. BARKER: Columbia Solar?
MS. HOCKENBERRY: Macey Hockenberry, present.
MS. BARKER: Ostrea Solar?
MR. VOLTZ: John Voltz, present.
MS. BARKER: Is there anyone online for the Council for the Environment?
MR. KOROL: Yuriy Korol and Sarah Reyneveld, present.
MS. BARKER: Chair, there is a quorum for all councils.
CHAIR BECKETT: Thank you. Council members, before us, we have a proposed agency. I know of no changes. Let me also do a friendly collective reminder for us, before or certainly after you speak, at latest, if you would state your name for the record for the benefit of our court reporter here today. Thank you, Chair Rybarik, for that good practice.
And with that, the chair would entertain a motion to adopt the agenda.

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MS. DEAN: So moved.
CHAIR BECKETT: Thank you, Council Dean. Is there a second?
MR. RYBARIK: Brian Rybarik. I will second.
CHAIR BECKETT: Thank you. The matter is on the table. Is there any further discussion? Hearing none. All of those in favor of adopting the agenda please say "aye."
MULTIPLE SPEAKERS: Aye.
CHAIR BECKETT: Opposed? Sustained? Okay. We have the agency before us.
Moving on to minutes, again, sorry for the delay. Accordingly, we do have confirmation that we can adopt or -- yes, adopt these minutes as a package. And so the Chair would entertain that motion -- the Chair would entertain a motion to adopt all three sets of minutes. I do have one item to flag once we get the motion on the table. Is there a motion to adopt all three meeting minutes?
MR. RYBARIK: Brian Rybarik, I will move adoption of all three meeting minutes.
CHAIR BECKETT: Second?
MS. DEAN: Kate Dean. I will second.

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CHAIR BECKETT: Thank you. With that, Council, we have all three -- again, this is the July 7, 2026, Goose Prairie Solar site visit minutes; the July 27, 2026, Ostrea Solar site visit minutes; and the July 15, 2026, monthly meeting minutes.

The one edit that I would like to include in our adoption is on page 108; it is at the very tail end of a long discussion, namely, on the Energy Northwest presentation. And you will find on page 108, my closing comment, "In the midst of a leadership transmission" should read as "transition." And it's understandable why that was heard that way. So change to transition, please. So I believe staff have that captured.

Was there any other discussion or changes to any of the minutes?

MR. RYBARIK: This is Brian Rybarik. Just a quick comment. I missed the site visits both for Goose Prairie and Ostrea. They seem like excellent opportunities to see on the ground some of the work that we do here, so I am bummed that I missed that. I am very much looking forward to some additional detail on the cow dropping a rock and putting a hole in a panel story that is referred to in the minutes.

CHAIR BECKETT: Very well. All

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right. Any other comments? All right. All in favor --

MR. PAMPLIN: Mr. Chair?

CHAIR BECKETT: Yes? Please, Council Pamplin.

MR. PAMPLIN: This is Nate Pamplin. I just wanted to acknowledge that I also did not participate in the two site visits. So, as we are approving the minutes as a bundle package, I am not sure -- there's not a way under Robert's Rules to abstain with a partial motion. So, it looks like the record is accurate, but just wanted to note that I was not present for those two site visits. Thank you.

CHAIR BECKETT: Appreciate that. Counsel Thompson, any advice? Should they be voting or not voting?

MR. THOMPSON: I think with that caveat, it's clear what the intention is.

CHAIR BECKETT: Okay. All right. Then all council members can affirm or reject as they wish. But all those in favor of adopting all three minute sets, please say "aye."

MULTIPLE VOICES: Aye.

CHAIR BECKETT: Opposed? Abstention? Thank you.

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With that, we will move on to the Columbia Generating Station update, and Kelly Elsethagen of Energy Northwest will provide it.

MS. ELSETHAGEN: Good afternoon, Chair Beckett, council members, and staff. This is Kelly Elsethagen for Energy Northwest Columbia Generating Station and Washington Nuclear Project 1 and 4. We have a non-routine update for July. We have no non-routine updates for August.

So for environmental compliance: On July 18, 2026, Energy Northwest's Environmental and Regulatory Programs was notified that up to 10 gallons of non-hazardous silicone compressor oil, Sullair 24KT, had likely leaked through the service air compressor (SA-C-1) heat exchanger (SA-HX-2) and entered the Plant Service Water system. SA-C-1 was removed from service on July 17th due to excessive oil consumption. Operations inspected the Cooling Water Basin on July 18th and did not observe an oil sheen. The heat exchanger remained out of service and was pressure tested on July 19th and was confirmed to have a leak that would allow the silicone compressor oil to migrate into Plant Service Water. Plant Service Water cools the service air compressor and other non-radioactive loads in the facility before returning

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to the Circulating Water basin, where it's mixed with circulating water and may enter a system again such as Plant Service Water, Circulating Water, or Fire Protection water. Because Plant Service Water returns to the Circulating Water basin, it has the potential to be discharged to the Columbia River with circulating water blowdown via Columbia Generating Station Outfall 001, causing the potential noncompliance. Upon confirmation of heat exchanger SA-HX-2 failure on July 19th, Energy Northwest completed notifications to the National Response Center, Washington State Department of Ecology, EFSEC, and the Department of Natural Resources of the potential noncompliance. The failed heat exchanger was replaced July 21st, and the replacement equipment successfully pressure tested to specification and returned to service by July 22nd. An investigation is being conducted into what caused the failure of the heat exchanger.

CHAIR BECKETT: Thank you. Any comment, question, discussion from Council? Okay. Hearing none, appreciate the diligence and detail. And I am sorry, thank you, Ms. Elsethagen. I also should have noted here, as we got into the projects, that for those who are following along, I guess, in any format, there are two months' worth of monthly reports. We did

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not have an August meeting. That's why each project will have two months' worth of updates. Anything else, Ms. Elsethagen?

MS. ELSETHAGEN: No. Thank you.

CHAIR BECKETT: Okay. Thank you.

Moving on to the Columbia Solar project and Macey Hockenberry of Altus Power will provide the update.

MS. HOCKENBERRY: Yes. So this is a July report. During July, there were no non-routine updates. And the site -- all sites were performing as normal.

If you are able to switch to the August report? Yeah. During August, the Penstemon Project had one inverter offline for about two weeks due to a breaker issue. This breaker was replaced, it has since been fixed, and the inverted is now back online.

For the Camas Project: A tracker underperformance issue was found. And this was traced to a sensor. This has since been resolved by our technical team as well.

And then, for all three sites, we had a 12-hour utility outage on August 1st that was due to wildfire response in the area. This has all been since resolved, and all sites are currently back online.

CHAIR BECKETT: Thank you. Council,

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any question or discussion?

MR. RYBARIK: Just one quick question. Macey, thanks for those updates. This is Brian Rybarik. I did notice that the overall output in August was lower than that output in July. I mean, I am sure there's a lot of reasons for that. But the reasons you just gave, or the updates you just gave seem to be an explanation for those, I guess, capacity factors being slightly lower in August; is that a fair conclusion?

MS. HOCKENBERRY: Yeah, that's fair.

MR. RYBARIK: All right. Very good. Thank you.

CHAIR BECKETT: Other comments? Seeing none, okay.

Moving on to Ostrea Solar, and Jon Voltz will provide the update.

MR. VOLTZ: Good afternoon, Chair Beckett, council members, and staff. This is Jon Voltz with the Cypress Creek Renewables representing the Ostrea Solar Project. For the month of July, I had a lot of items winding down: Demobilizing of construction equipment was ongoing, installed the permanent PMBs, final performance testing of the facility is ongoing, submitted operational plans to

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EFSEC with comments addressed, and then addressing final punch list items, and remediating the vegetation that we had received approval to mitigate after the thermal event that had occurred in mid-June.

There was a council -- or an inspection that performed -- that was performed on 7/21. Also, as mentioned earlier, there was a site visit on July 7th, and so those minutes have been adopted.

You can move on to the August report where there are some continuing updates of the facility being a similar status. Major updates for the month of August are that the final performance test was complete. We received the results, but the results are currently under analysis to see if they obtain passing criteria.

The vegetation management is about 90 percent complete with the mowing and weed control items out there.

Punch list items are being addressed. We expect to have those wrapped up this month.

We received comments back on three of the operational plans from EFSEC, and so those revisions are underway and should be resubmitted shortly.

Other important updates: We did have inspection from the -- a visit from the Yakima County Weed Board that occurred in August that -- to inspect -- I guess,

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the species that were involved in the stabilization -- vegetation stabilization process. And so did get the feedback that stabilization has been achieved, but there was a large quantity of weeds over the desired species. And so we are incorporating a reseeding in our management strategy into the operational vegetation noxious weed management plan that will be submitted with revisions shortly.

Other items to note: We do have an operational personnel change where Fred Hageman is no longer the primary contact on-site. He's being replaced by Andrew Poulsen. His contact information will be provided in upcoming reports.

Final items. Even though this event occurred in September, I have included it here since it was earlier in the month, there was a ribbon-cutting event that occurred on September 2nd. And so very pleased with the outcome there and from the attendance from both EFSEC council members, but also Governor Bob Ferguson. We had a lot of other local involvement. And so very grateful for the support that was displayed there for Ostrea Solar wrapping up major construction activities and beginning the transition to operation. So, thank you for your attendance and support for the project.

CHAIR BECKETT: Thank you.

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MR. VOLTZ: Any questions or comments?

CHAIR BECKETT: I guess I will take the privilege of a quick opening comment, and then I will turn to my fellow council members. Having now participated in both the site visit and -- of the EFSEC council, and then the ribbon cutting, again, on behalf of the Governor, who I worked for as the chair, but really on behalf of the EFSEC council, to convey, you know, both thanks to the Governor for his attendance and putting focus on this important milestone and accomplishment, and, again, something running, right? Something energized that is ultimately affirming our ability to keep the lights on, especially in the days and moments when we need them on most. This project is a living example of that. And all the work and people that went into it. And thank you to the EFSEC staff that preceded my being a member of the EFSEC council who made that statement possible.

The other thing I think worth noting is the attendance of, I believe, two of the Yakima County Commissioners. And one in particular we had the privilege and honor to meet with in a quick circle huddle with Director Lowe, and myself, and Karl Holappa to discuss just a little bit more of some of the

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perspective he was sharing in more informal conversation, including just, you know, within Yakima, where there are places that make sense from the County's perspective. So, certainly, I always put a premium on what can we do to better help projects keep local, right? Where is our keep-it-local toolbox? I think that's work that we should always continue to be dedicated to, both as EFSEC, but whether within ecology, or the Clean Energy site council, I think we are all committed to that work. In this case, we tried to have the quick in-the-moment huddle and, hopefully, some further follow-up conversation with the county commissioner in that regard.

So that is somewhat of my field report, if you will, from having attended. Appreciate staff. And John Barnes also was there that day. So thank you, John, for making the trip.

With that, thank you, Mr. Voltz, again for hosting us twice, as well as the added updates as you are in the midst of going operational. And, again, working out the little details that do matter. I grew up on a farm and understand what noxious weeds mean in various forms, including sometimes to livestock, so those details matter, and I think are just part of the commitment of those who have applied to EFSEC.

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Hopefully, I think any other local pathway too. But it is, certainly, part of the benefit of EFSEC that it does capture and put on display exactly this kind of work. So, thanks to the staff for helping shepherd all that through and, Mr. Voltz, again, to your team who make that possible.

With that, Council, any further comments or questions? Council Dean.

MS. DEAN: If I may? This is Kate Dean. I did attend the tour on July 7th, and want to compliment Mr. Voltz on the quality of the staff who provided tours at the two sites. I was really impressed to see, having worked in economic development in rural areas previously, seeing the level of professionalism and expertise that they are able to attract for on-site labor. It was really, really impressive. I learned a ton. They were patient with some rookie questions. And very impressive, both facilities, so thank you.

CHAIR BECKETT: Other council members?

MR. RYBARIK: Jon, this is Brian Rybarik. I will just add in the congratulations on -- I have asked a lot of questions about commercial operation during our previous council meetings. And

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this one, maybe not exactly a commercial operation quite yet, but a ribbon cutting certainly gets a lot of attention here. So, congratulations to you and the team and to all the folks who have worked on this, including all the folks at EFSEC.

MR. VOLTZ: Thank you very much.

CHAIR BECKETT: Thank you. Well, as a point of transition and moving on here, I realized somewhere in the course of approved minutes, I should have again provided a thank you, and maybe I did in the last meeting, Council Pamplin, who appreciated Mike Livington, and Mike Ritter, who actually popped up there on the Goose Prairie visit, and it was a real privilege to have them. But also, to hear Mike Ritter just speak to what he saw in those moments. I thought that was especially impactful. I see a number of staff nodding their heads here. Nate, I just want to flag for your team that it was just -- again, we all see different things, right? And that's part of why having an integrated approach, I think, not that that's always possible, but that is part of the mindset that, I think, you know, has long been the work at EFSEC, but I think we are trying to put that on further display.

MR. PAMPLIN: Thank you.

CHAIR BECKETT: Thank you. All

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right. Cascade Renewable Transmission is our next item, and it is the big one. Or am I looking at an old agenda again? All right. Joanne Snarski, I saw you there motioning. Thank you, Council Dean.

MS. SNARSKI: All set?

CHAIR BECKETT: Over to you.

MS. SNARSKI: All right. Thank you, Chair Beckett and the council members. For the record, this is Joanne Snarski, the Siting Specialist for Carriger Solar in Klickitat County. At the end of June, we received draft copies of the following pre-construction plans for the Carriger project: Vegetation and weed management, habitat restoration and mitigation, and the initial site restoration plan or the ISRP. By the end of July, we provided the developer with Washington Department of Fish & Wildlife's comments on the first two plans and our comments on the ISRP. The developer and the Yakima Nation decided to work directly with each other on the Tribe's comments on all three reports. The developer is currently working to resolve some final issues with the Yakima, and plan to get us both second drafts for review in the next week or so. The Yakima have requested an additional 45 days for their second review, and we are prepared to respond within that time

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frame as well.

As a reminder, per WAC 463-72-030, the initial site restoration plan must also be approved by Council. This plan identifies, evaluates, and resolves all major environmental and public health safety issues, and includes the provisions to fund those efforts on termination of project.

Once these secondary reviews are completed and plans are finalized, we will provide the ISRP to the Council for review. Prior to Council action, we will post the plan for public review and a 14-day comment period. Once we receive the revised ISRP, we will advise the Council on -- excuse me -- the Council on the -- and the public of the timeline for the comment and proposed council action.

I am happy to answer any questions or receive feedback.

CHAIR BECKETT: Council members, questions or comments? Seeing none, in general, I will make one quick more in-the-moment example in case it's also replicated elsewhere, and then given other priorities, I hadn't brought it up, but I will take it up now. On this milestone list, when there is an appeal, that is a fact that should be on our list. Obviously, there's other details here that you just

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spoke to that, you know, may not be appropriate to be on a milestone list, but those milestones should continue. And so with that, we will leave that to Director Lowe and Ms. Hafkemeyer to take that or others, however I can help.

Okay. Now, we will move on to our big item. Seeing it is 2:01, despite our slightly late start, the thing I would note for anyone -- either the public, or any of the associated applicants' team who may be on, I would think that the Cascade Renewables, or CRTs, as we will probably start calling it here, will probably take an hour. If anyone is waiting, I will keep an eye on the clock in case we go faster than I am predicting, but just wanted to share that for better use of your time unless -- certainly, welcome to listen to CRT discussion.

Let me first acknowledge council members and -- Ms. Barker, can you remind us of the project council members who are with us today?

MS. BARKER: Certainly. We have Skamania County, Asa Leckie; City of Stevenson, Jeff Breckel; City of North Bonneville, Harold Cook; Klickitat County, Jan Sokol; Clark County, Melissa Curtis.

CHAIR BECKETT: Thank you very much.

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And just wanted to remind the permanent council members, our good local partners who are with us, and thank you for coming along on ultimately a complicated project with a complicated series of topics. I am sure, in most cases -- first, for each of our local project council members, just wanted to acknowledge that journey, and your duty, and presence here with us. So, however we can improve that journey, know that we are always open to that feedback.

Accordingly, let me just own a couple of things here process-wise, and then we will get right into more of the topic that we will be briefing on. There's, as you already knew but feel in the various waves of material that have been coming into your inboxes, and most importantly the 733 public commenters, and the people attached to those comments. Sometimes that's organization and far more names than are on the signature block, and, obviously, others who represent individual voices that have submitted, whether a quick email or, certainly, some, you know, that are very thoughtful and detailed, and I want to thank each of you for your time in sharing that. The Council does pay close attention to that despite the volume. And, certainly, where materials can come to Council earlier rather than later, and both are truths as far as when

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materials are able to be processed by the staff after a comment period closes is part of the work and, you know, kind of the process-improvement journey that any organization is in. We certainly are doing that also in real time here at EFSEC. And so I want to thank the staff and acknowledge those, you know, double duties at times that go with our work. So happy to take, you know, your user experience of this particular meeting, the prep, and what we do afterwards, which we can do in the meeting here as you wish, but certainly happy to take that feedback in any form after the meeting as well.

One thing that I will have thought about and ultimately drifted away from in acting upon it for a myriad of reasons was just if there are larger known topics like here is the history of the Columbia Gorge Scenic Area, that might be a reader document or couple of links to the right sources that could go more in June, when you have more time, rather than in September. Certainly, I will try and do better for you all as the chair knowing you may not have time for that kind of reader ahead, but if that is mixed in when we are actually getting into the details and comments around, certainly something I took away from my own experience in this case.

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So, Ms. Senecu, I saw your hand, and let me make sure I make some space here in case you had a question or comment.

MS. SENECU: Yes, thank you so much. I am Jennifer Senecu, and I represent the City of Camas on the CRT. I wasn't mentioned. I wanted to make sure you guys knew I was here.

CHAIR BECKETT: Oh, thank you very much. Thanks for -- please, always speak up or raise your hand if you are not --

MS. SENECU: I am --

CHAIR BECKETT: -- I am not calling on someone --

MS. SENECU: I didn't know how to raise my hand. Thank you very much.

CHAIR BECKETT: When in doubt, please jump in. As much as I appreciate your patience and kind of decorum that goes with this, thanks and welcome.

All right. Well, sorry for the long preface. But like I say, there is a lot here. And I will say a corridor like this having -- kind of bounced this question through a couple of staff earlier. There hasn't been a generation in this agency that has done a corridor project, let alone one that's three counties

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and 100 miles long in one of the most, you know, yes, treasured, for sure, but also complicated just, you know, stretches of Washington and Oregon. And I think we just need to acknowledge that that is what has been sent to us, and that is to which we are assigned, and all here today to come around. So I think -- it's always my lines are let's work together and learn together and stick together. We may not decide things together in terms of your votes individually. But that's certainly what I have experienced with you all to date. And as we get deeper into the next chapters of real work, I want to just, you know, kind of make that a theme, if you will, in our operating condition.

So we have a PowerPoint that Maria Belkina will soon lead, along with other staff who, I think, will be jumping in. Let me double-check.

Ms. Hafkemeyer, was there any opening comment you wanted to make before?

MS. HAFKEMEYER: I don't have an opening comment to get us started, but I believe Ms. Belkina might have some additional broader project updates before she gets into her slides.

CHAIR BECKETT: Okay. Also, let me just, for context, we will have this opening and the PowerPoint. Counsel Thompson has his own special last

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slide that he will be speaking to that is intended to try and just, you know, work through -- before we get into the details of particular issues or comments, you know, here's all the moving jurisdictions, here's the different considerations.

I think, ultimately, as you may feel, but let me reaffirm, today is more of a briefing and discussion. Ultimately, the Council needs to, you know, affirm, not today, but in the time ahead, you know, will be making a land use consistency determination. And so, certainly, as part of that, we are, I think, here first establishing the record. So establish first, determine second. So, ultimately, we are in the establish part of this, which I just note for everyone's kind of collective clarity. That's how I have come to describe it. And also, as we jump in, again, remember that -- I share this especially for our project council, if you look at the essence function of what is EFSEC, we are two things in particular: It's not the only things we do, but one is we are the integrator of the State's permits set for these kinds of, in particular, corridor projects, many others, but we are an integrator. And so, we take all the different parts and pieces and try to put them together in as logic means that we can. It's not easy, and it is certainly not easy on this

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project.
The other thing is that at the end of the day -- and this is, again, unique to the Council more than the staff, much as I see those as, you know, shared operating environments -- we are a balancer. We are to take all these competing demands, as well as there -- is there an abundance of clean energy at a reasonable cost? How are we doing right by the environment? Our six mission pillars. Ultimately, we are to strike the balance, and ultimately the facts and the record from which we have established, and then we are to determine. So that is -- one step is the land use. But, ultimately, all of this rolls towards our widgets at the end of the day affectionately known as a site certification agreement or the SCA.
So I just share all of that for kind of collective alignment, as well as for, hopefully, some benefit of the public and the many commenters that have come to this stage of the project.
So, without further ado -- and, I guess, let me check with Council first. Were there questions, or comments, anything I needed to clarify from my opening remarks? Okay?
Then we will move on at 2:09 to Maria Belkina.
MS. BELKINA: Thank you, Chair

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Beckett, and council members. For the record, my name is Maria Belkina, Siting Specialist assigned to the Cascade Renewable Transmission Project.
Since the last council update, EFSEC completed the additional public comment period on the applicant's updated land use consistency information. The comment period ran from July 27 through August 26. Staff have reviewed and organized the comments received, and a summary of the primary issues and requests raised by commenters has been prepared for the Council's consideration today.
EFSEC also continued government-to-government consultation with Tribes. Since my last update, consultations were held with the Confederated Tribes of Grand Ronde on July 21 and with the Confederated Tribes of the Umatilla Indian Reservation on August 26. Staff continue to coordinate with our Tribal Liaison regarding consultation and issues raised by the Tribes. Staff have also completed Data Request No. 2, which includes technical follow-up questions resulting from our review of the applicant's responses to the first data request and supplemental application materials. Coordination continues with the U.S. Army Corps of Engineers and the Oregon Department of Energy on the environmental review process, including the NEPA and

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SEPA schedules, technical studies, cultural resources, and other areas where the agencies can coordinate their reviews.
Staff are now continuing preparation for the Draft EIS and coordinating with the applicant, our contractors, and reviewing agencies on outstanding technical information needed to support that review.
Before I conclude, I have a few slides that provide some additional context of the project process to date, including the public engagement and plan use consistency review, information requested from the applicant, and some of the issues that arose during the review.
This presentation provides a concise overview of the CRT public process, the additional land use record, and approvals that remain separate from EFSEC's land use consistency determination. Here you can see some of the project overview. Cascade Renewable Transmission is a proposed high-voltage electric transmission project that would connect the BPA Big Eddy substation near The Dalles, Oregon, to the PGE Harborton substation near Portland, Oregon. The project would extend for approximately 100 miles, with most of the transmission line located within the Columbia Riverbed. About 40 miles of the project would

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be located in Washington and about 58 miles in Oregon. In Washington, the project would also include approximately 7.6 miles of underground cable in Skamania County to bypass the Bonneville Locks and Dam area.
Additional project information, including application materials, maps, SEPA documents, notices, and upcoming meeting information, can be found on the EFSEC project web page or by scanning the QR code shown here.
MR. CAPUTO: My name is Lance Caputo, site specialist assisting Maria on this project. I will be reviewing the next three slides. This timeline shows that public engagement began well before the November 2025 hearings.
CRT submitted its formal Pre-application Request and Plan in December 2023. EFSEC then began the required pre-application review and coordination process.
In February 2024, EFSEC held public informational meetings in Clark, Skamania, and Klickitat counties. This pre-application process also included stakeholder notification and corridor coordination.
EFSEC received the Application for Site Certification on October 6, 2025.

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In November 2025, EFSEC held informational and land use consistency hearings in the three counties.

In 2026, EFSEC conducted SEPA scoping, including separate Tribal and public meetings on May 27.

Most recently, EFSEC opened a focused comment period on the applicant's additional land use information. EFSEC received 772 submittals during that period. There are currently six local representatives serving on the Council for this project.

The local membership includes representatives for Clark, Skamania, and Klickitat Counties. It also includes representatives for the cities of Camas, Stevenson, and North Bonneville.

Local representatives joined the Council as their jurisdictions completed their appointment processes. Those appointments did not all occur at the same time. The agencies that may choose to appoint a council member to the review of an application, which are the Military Department, the Department of Agriculture, the Department of Transportation, and the Department of Health, all declined to appoint a representative for this application review. The Port of Skamania and the City of Bingen also each declined to appoint a council member.

EFSEC staff also reached out to the cities of

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White Salmon and Washougal, which the project would pass by without entering the city limits. Neither of these jurisdictions contested the determination that the project would not enter city limits, and as such, did not appoint a council member.

Next please. This slide addresses three common questions raised about the process.

First, why did EFSEC begin its review while the applicant was still developing information? Filing the application started the site certification review. It did not establish that the application was complete. State law requires EFSEC to hold an informational hearing within 60 days after receiving the application. Technical review and information requests continue after filing.

Second, why did the hearings occur before all local representatives joined the Council? RCW 80.50.090(1) establishes the 60-day deadline for the informational public hearing. RCW 80.50.090(2) requires a land use consistency hearing after the informational hearing, but it does not impose the same 60-day deadline. EFSEC has long held the two hearings at the same time and location. Several local appointments remained pending when the informational hearing deadline arrived. Council members appointed

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after the hearings received the hearing record for review, and neither hearing decided land use consistency.

Third, did the November record contain all the land use detail EFSEC needed? No. Staff identified gaps and issued Data Request No. 1. EFSEC then opened a focused public comment period on the applicant's additional information. Together, those steps continued the land use hearing process begun in November and extended the opportunity for people and entities to be heard. The public will also have an opportunity to comment in writing on the draft decisional document before the Council considers it in November. The Council may also choose to accept oral comments.

Next slide, please. After the November hearings, staff reviewed the land use record and identified areas that required additional detail.

In March 2026, EFSEC issued Data Request No. 1 to the applicant. The request sought clearer jurisdictional boundaries and project segment descriptions. It also requested additional shoreline and zoning analysis, along with revised figures.

The applicant submitted its responses in May 2026. EFSEC reviewed the materials, placed them in the public

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docket, and sought input from the affected jurisdictions. Not every jurisdiction submitted comments, so staff continued compiling the applicable requirements from the available record.

EFSEC then opened a focused public comment period from July 27 through August 26. This gave people and entities an additional opportunity to address the applicant's revised land use information and continued the hearing process that began in November. EFSEC received 772 submittals. The public will have another opportunity to comment on the draft decisional document before Council action.

Now, I will turn it over to our Assistant Attorney General.

MR. THOMPSON: Actually, could you go back one slide, please? For the record, this is John Thompson, Assistant Attorney General. I am lead advisor to EFSEC. Before I -- so before I start this slide, I wanted -- I wanted to maybe just provide a little additional context on the land use consistency determination and what that's for. Despite the fact that the application has been before EFSEC for quite a few months now, we are really fairly early in the process. So the land use consistency determination is not a determination about the merits of the case, or

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whether it should be approved. It's really just a way point where we're looking at is the site or, in this case, the route that's proposed by the project developer, is that area within local zoning, or is it -- is the project of this type allowed, or is it prohibited, or is it perhaps conditionally allowed? You know, are there a set of criteria that have to be met before something like an electric transmission facility can be approved in a land use under the applicable local zoning codes?

And if the answer is that the particular type of energy facility is prohibited in a particular zoning district, then that's not -- that's not the basis for denying the project, necessarily. What it does is -- with that information we decide, okay, in that case, we have to set this for a particular type of adjudicative hearing where the Council will deliberate on the question of whether it -- despite this inconsistency with local zoning, that it should nonetheless still recommend to the Governor that the project be approved, essentially preempting the inconsistent local zoning. So that's one particular pathway that we might go on depending on the answer to this threshold land use consistency condition.

Or if it's just, you know, projects of this type,

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like your transmission facilities, are allowed in this particular zone, of which there are many along the course of this route, then if it's allowed outright, then, you know, that's a fact that we will consider in the further deliberations down the line, including adjudication, or general adjudication. Or if there are particular conditions that have to be met, those will get considered as well in future deliberations: In the adjudication, in the environmental impact statement, and in your ultimate deliberations on what to recommend to the Governor further down the road. So, I just wanted to put that into perspective first.

And then, the comments have raised many different sorts of legal issues, which -- some of which are actually outside -- I wanted to clarify, are outside the ambit of what we are really considering here at this initial land use consistency determination level. So, and they are outside, I will also say, of what EFSEC's one-stop permitting process can actually address as well.

So, first of all, I will say, one of the chief areas or one of the areas that a lot of the comments deal with is the application -- or the applicability of the National Scenic Area Act and ordinances that have been adopted thereunder by local jurisdictions to

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implement the Act and the Management Plan that was adopted by the Columbia River Gorge Commission. Those are -- those look like zoning ordinances, and certainly they are. They regulate land use in certain areas within the Scenic Area. But they are not zoning ordinances that are adopted strictly pursuant to state law; they are implementing federal law. And, therefore, in my opinion and my advice to you is they are not something that are subsumed under a site certification agreement under EFSLA or our Act. So there's a lot of debate in the comments over whether the Columbia Gorge Act and City Management Plan apply to the route proposed in the river as opposed to only on land, and that's an important question, but it's not one that we have to resolve here because it's outside of our scope.

There also are issues raised about -- actually -- why don't we go to the next slide, because I -- this -- this is something I put together, just how I think about it in my own mind, sort of a map, if you will, of what are the issues and where do they fall within EFSEC's jurisdiction not. So, there's kind of the big circle on the left there where it's labeled site certification under EFSLA. This is intended to encompass state-law imposed regulations, permits of the

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project, including approvals required under local land use provisions adopted under state law. And that's a subset of everything we are considering under state law. And our land use consistency determination is just a first look at that to kind of get the lay of the land.

There's, as I mentioned earlier, the Columbia Gorge matters outside of that, of that bubble, of that jurisdictional circle. Also outside are -- it should say -- that center circle should say federal environmental regulation. Well, hold on. Oh, yeah, this is bit -- sorry. This should have been proofread a little bit closer.

The second circle is meant to represent federal approvals that are required. It shouldn't say state environmental regulations.

CHAIR BECKETT: It's in lower left, there's federal permitting. Floating --

MS. HAFKEMEYER: The text within the circle, there's --

CHAIR BECKETT: But you are getting through it. Keep at it.

MR. THOMPSON: Anyhow. So, what we have there is permits required to be obtained from -- the developer will need to get from the US Army Corps

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of Engineers. So, under the Federal River and Harbors Act, under the Federal Clean Water Act. And the State has a role in that actually. There's something called Section 401 of the Clean Water Act in which the State has to certify to the federal authorities that the project seeking a permit would meet state water quality standards, but they still have to obtain the federal permit.

And then, on the right there, another major topic is DNR leasing of state aquatic lands, which the Columbia River does -- is a state-owned aquatic land to the Port of Oregon. And so DNR will have a separate decision on whether to lease the right-of-way necessary for the project. That's outside of EFSEC ambit.

So, I think that covers what I wanted to say about that. If there's any questions on that? Again, we are just looking at the -- at the comments now. And it's just intended to help you make sense of what you really need to pay attention to in the comments.

Again, our focus is local county and city shoreline master plans, which are regulatory as to land use in the river and on the 200 feet land worth of that. And you are also looking at land use designations adopted under state planning, land use planning laws that apply along the route. And it's

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going to be a bit of a task to just go along the route and say which zoning designation applies to each segment; what the local regulations actually say with regard to this type of a facility, like your transmission facility in that zone, whether it's prohibited, allowed conditionally, or allowed outright; and then that's the focus part.

CHAIR BECKETT: I believe Council Pamplin may have a question.

MR. PAMPLIN: Yeah. Thank you, Mr. Chair. Thank you, Mr. Thompson, for preparation of this slide. I think it's helpful. But I also think that there's some incorrect text, and just want to make sure that we have that clarified for the record. So, when I am looking at the circle, and if there's colors on this, I am colorblind, so I am just going to refer to the circles here. But the circle that has the point for federal permitting, and then it lists a number of state issues, that text in the middle of that bubble, I think should be struck and instead insert things like NEPA, or any permits from the Corps, etc.; is that correct?

MR. THOMPSON: Correct. That should -- that was carried over, I think, a cutting and pasting error from the bubble for the state

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certification under EFSLA. Yeah, it should say US Army -- federal permitting, including US Army Corps of Engineers, Rivers and Harbors Act, Clean Water Act, and NEPA review. Yeah, that would be about it.

CHAIR BECKETT: And I would just add, council members, in fairness to Counsel Thompson, that -- thank you for -- there was an earlier version of this that I saw earlier and -- that Counsel had brought under his own thoughtful leadership, so I think would like to reaffirm that. If that has transitioned into this slide quickly, please know, Council, that this is -- rather than just verbalize this, to have, you know, a graphic to go along with it was the intent. I think it can be certainly further refined and make sure we have, you know, the accurate record here. We will get to that as well. That's the context behind the late slide shall we say.

Counsel Thompson, was there anything else you wanted to add?

MR. THOMPSON: Yeah. Maybe I will speak to a couple of procedural matters. There's a couple of arguments raised in the comments about asserting procedural problems. One is that the -- an argument that the application that was submitted wasn't final because it was marked draft. That's been -- it's

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been clarified that the applicant's intention was to -- was for that to be their application. They also paid their -- the deposit that's required to initiate the application review. We are proceeding on the timeline assuming that was their application. That's why the timing was such as it was with the initial public informational hearing.

And, secondly, there's an argument that the land use consistency hearing that took place in the three counties shouldn't have proceeded because all of the council members weren't seated yet. What I would say to that is that the statute says that the hearing has to occur subsequent to the public informational meeting. The opportunity to be heard is continuing at this point basically. It started in November, we've continued other opportunities to hear from the applicant on this topic, and then to hear from the public on this topic. And as was noted, there's going to be another opportunity for the public to be heard on this topic again, perhaps in November, when -- if that's when it's before the Council on a final decision document and to take issue with any sort of proposed final things we have in there. I think that will -- my advice to you is that would satisfy the hearing requirement, and it will include all members of the

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Council of the jurisdictions that have been willing to appoint a member. Those are just a couple of procedural matters I wanted to address as well.

MS. DEAN: I have some questions.

CHAIR BECKETT: Okay. Let me deal with some online questions first. I must confess, I have Jan Sokol and Jennifer Senecu.

MR. SOKOL: It's Sokol from Klickitat County.

CHAIR BECKETT: Please proceed.

MR. SOKOL: Yeah, I just -- just for the public online, just a clarification, regardless of what decision the Council makes on the land use consistency determination, both the other circles show that the federal government has to make a determination; the Columbia River Gorge Scenic Area Commission may also have to make a determination, as well as DNR has to make a determination. So regardless of what we determine as whether it's compliant with land use issues throughout the state, those other determinations will also be necessary for the project applicant.

CHAIR BECKETT: Correct.

MR. THOMPSON: Agreed. That's a good additional clarification. I appreciate that.

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Thank you.

CHAIR BECKETT: I guess I can -- we will go to Council Dean next. Let me just grab the moment to note part of the work, and I know this sounds very basic, but one of the key functions in any organization, but especially one like ours, is the sorting. Right? You know, where do these various issues go? And a lot comes to EFSEC by nature because we are supposed to be the one-stop integrated shop. But that is uniquely untrue on the Columbia River and the Columbia River Scenic Gorge area. So, as we work -- I think in your email you've received a couple of times from Ms. Hafkemeyer just talking about, you know, here's what's coming, here's what we are going to do just to make this an attempt as clear as we can. And I think that's always a work in process.

There is some additional information intended, I think, in October that would really kind of take this to the next level that takes, you know, information and kinds of lays it out on, okay, these are each of the pieces through the corridor and how those tie to jurisdictions, and those that are specifically material to EFSLA and EFSEC, those going to the Columbia Gorge Commission or to Skamania County, I guess first, if not beyond that, and, then, yes, other, you know, other

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ones that will be on that list. So, for process-wise, that's part of our evolution here.

So thanks for helping inform that journey. Whether in this meeting or, again, after, if something else comes to mind, do not hesitate to email the staff. Or procedurally, process-wise, certainly, you can include me. On the project questions, you know, keep that by individual council member to staff. Because, otherwise, the Council, you know, we discuss and we exchange information here; we do not do that outside of this meeting on this project, as many know, but just for the record.

Council Dean?

MS. DEAN: Thank you, Chair. This is Kate Dean. Thank you, Mr. Thompson. A couple of questions. I am curious if you can talk a little more about the basis for the management plan, which was adopted by a couple of counties into their comprehensive plans and/or zoning? Curious why that then does not qualify as local land use adopted under state law when that process is governed by state law. And I am thinking, having come from county government, I was trying to think of a parallel example. For example, we take FEMA risk maps, those are federally created maps, and adopt those into ordinance at the

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county level. And I can't think of why that would be treated any differently once it is adopted at the local level. So, just curious if you can help me understand that basis a little better?

MR. THOMPSON: Yes. Thanks for the question. Yes. So, RCW 80.50 -- first of all -- first part of the answer is RCW 80.50 is pretty clear in defining what it means by a land use plan, or zone, or ordinance, and its plans and ordinances are adopted under certain state land use planning statutes. The thing about the -- so, first I will give an example of how under the Shoreline Management Plan, okay? So, Shoreline Management Plan requires counties and cities with shorelines to adopt a Shoreline Management Plan, which is both a plan and a regulation for the shoreline, land use and shoreline, and that does expressly get incorporated into -- it has to be integrated by statute into the land use plans and ordinances adopted pursuant to those other planning statutes.

The Columbia River Gorge National Scenic Area Act is an act of Congress that adopted an interstate compact between Oregon and Washington. And it said -- it essentially made it federal law. And it has its own process spelled out in it about how this land use

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regulation is supposed to work in this national scenic area. And provides for the counties to adopt ordinances that implement a management plan that's developed by this interstate agency, the Gorge Commission, which is kind of a quasi-federal agency, because it's a creature of federal law as well as state law. And so -- and states are bound to -- once that -- once Congress adopts, under the federal constitution, the interstate compact, they are bound to comply with that. And so EFSEC has no authority as it does with respect to the local ordinance adopted under state law to preempt them. So we can't -- EFSEC can't say, oh, yeah, that's pretty good, but we are not going to literally require you to comply with that land use code, in this case, because we can think this project is too important for example, right? You can't say that about -- we have to comply strictly with it, and with the ordinances adopted under the Scenic Act. And decisions under those have to be appealed to the Gorge -- appealable to the Gorge Commission. And then there's a specific process for legal appeals of those decisions that's just -- that is incompatible with our one-stop site certification that goes to the Governor with one chance for appeal. They just don't mesh. It has to be on its own path. I hope that makes sense.

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MS. DEAN: Yeah, yeah. Thank you. It sounds like it is a separate -- it is a separate pathway that other --

MR. THOMPSON: Yeah.

MS. DEAN: -- growth management statutes, not regarding EFSEC.

MR. THOMPSON: I will say there are ways that states obtain federal authority, and that -- and that EFSEC has obtained that authority as well, such as Section 401 water quality certifications, which we can do. And we can also issue -- EFSEC, that is, can issue air quality permits that are compliant with the Federal Clean Air Act. And there may be a way for EFSEC to obtain the ability to make decisions under the Scenic Area Act if EFSEC were to enter into an interagency agreement with the counties, but we would have to do that first. That may be something we will be referring to later in this process if there's a willingness to do that.

MS. DEAN: I had one more question if you don't mind?

CHAIR BECKETT: Please, Council Dean.

MS. DEAN: Similarly, in the staff comment summary memo, it mentions that cities'

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comprehensive plans and zoning are not analyzed. I am curious why that does not fall under that local land use bubble.

CHAIR BECKETT: Do you have a page for that summary?

MS. DEAN: Yes, it is page 4 of 5. Near the top of the second bullet point. Questions about completeness of the record.

UNIDENTIFIED VOICE: If you can point me to it?

MS. DEAN: Updated summary.

UNIDENTIFIED VOICE: How about just read it?

MS. DEAN: Sure. So, again, under the section titled "Questions about the completeness of the record," second -- excuse me, yeah, second bullet point says, "The analysis of project segments within unincorporated county limits reports no aboveground components in any of the three counties while aboveground components are located within the incorporated cities of Stevenson and North Bonneville whose comprehensive plans and zoning are not analyzed."

CHAIR BECKETT: I may know, but go ahead, Ms. Hafkemeyer.

MS. HAFKEMEYER: So I would --

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CHAIR BECKETT: If you want, I bet Commissioner Leckie -- sorry. We have a couple of comments online. I think I know the answer, but --

MS. HAFKEMEYER: Would Commissioner Leckie like to go first?

CHAIR BECKETT: Commissioner Leckie, would you like -- I bet you have some input here, and then Council Peterson, we will come back to you next.

MR. LECKIE: No. I just had a question, because -- and, you know, and it's related to the previous question, is, you know, where it says, "No certificate of consistency has been submitted by any jurisdiction." Skamania County adopts the National Gorge Scenic Area regulations under our Title 22 code. So, if there's no land use consistency certificate from the county, then is it consistent overall with the National Gorge Scenic Area? I mean, I know we are not addressing that right now. But how is that determination made later, you know, if we haven't had a land use consistency hearing, and we haven't looked at how Title 22 applies locally and federally? Because we basically mirror what the National George Scenic Area regulations are into county code to make it simpler. Thank you.

CHAIR BECKETT: So, I can try and

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take one crack at this and state it as I understand it, and then if staff want to clean it up, or can, please. And then we will take up Council Peterson, who has been waiting, and then Council Sokol. Does that work for everybody?

MR. SOKOL: Yes.

CHAIR BECKETT: So, states and the federal government agree, and there is a national scenic area. From that, what shall we do with land use? There's three different designations. Someone will have to help me state the three. There's a management area, there's a something, and then there's the urban areas. Urban areas are exempted, but they are not -- they are not included in land use zoning or code, however we describe it. That does apply to the two other areas. Under the specialist management area, the Forest Service has a role in that, and then the Columbia Gorge Commission has a role either in that and/or everything else. And the Commission, in its earlier days, promulgated an interpretation of what the Act was saying that should then be deployed at the local level in local areas that are subject to really federal land use interpretation. And those counties or jurisdictions that were to respond to the scenic area, and in this case, the Commission, the Act is giving the

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power to the Commission, and the Commission has, you know, put rules out there, and the counties have a chance to either adopt and -- I don't know if there were any tweaks -- but nonetheless, they adopted them. And those now are really federal rules that guide land use in those areas, in those local jurisdictions. That is why it is not subject to EFSLA, because we can't play in that area, because it is not on our list of lands that are subject to state land use.

In this case, I believe, Klickitat County, back in the early days of the Act, decided that it did not want to adopt those regulations. And so the Gorge Commission promulgates land use in some form -- and Council Sokol I am sure will clean this up here too in a moment -- but the Gorge Commission speaks to those issues more than the County, because the County chose to have the commission do it. And the other counties chose to take those rules and make them their own. But, really, they reflect the Scenic Act and the Gorge Commission's interpretation. If in the course of all of that, if there are issues that come up, they are worked through their local jurisdiction first where applicable, not Klickitat. That can get appealed to the Commission, Gorge Commission, and then there's a further superior court state judicial review that is

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tied to those particular matters. That's my general understanding.

Council Peterson, I said I would call on you first -- Counsel Thompson, does that sound right?

MR. THOMPSON: The later threshold -- there was a little confusion in the beginning about -- yeah, it doesn't -- it's kind of immaterial for today. But there's a plan adopted by the Commission, right, and then there's --

CHAIR BECKETT: The Gorge Commission.

MR. THOMPSON: Gorge Commission. And as part of that, it has special management areas that are regulated by --

CHAIR BECKETT: The Forest Service.

MR. THOMPSON: And it has general management areas that are under -- that are regulated in the first instance by the counties.

CHAIR BECKETT: I believe the Commission. But then the counties if they opt in, and if not, but then back to the Commission.

MR. THOMPSON: Right. But otherwise, agreed. I am worried that there's a bit of confusion on the record now. There was Council Member Dean's question about what does this thing mean.

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CHAIR BECKETT: I believe -- what I am getting to is the urban areas were exempted.

MR. THOMPSON: Yes.

CHAIR BECKETT: So, it's important to note that the cities and areas under the Scenic Act, they are not subject to these matters. Sorry to have missed the closing connection. Back to you.

MR. THOMPSON: If I may? I am not sure that is what is in this memo. I think it's just saying -- it's just recounting what some of the commenters said.

CHAIR BECKETT: That's correct. This is not from staff. This is summation. Well, it is, but it's summarizing what was submitted. Hence, let me just -- with no -- again, we appreciate all the public comments. But as these come in, then, you know, I can be misstating things. Sometimes comments could confuse -- well-intentioned as it may be, nonetheless, it could be -- we are still resolving is it correct or is it not. I think that might have been part of the basis.

Okay. Again, everyone, there's a lot here. It is complicated. I just want to call that out again. These discussions are intended ultimately to get to further clarity. That takes some time and patience and

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cleaning up here and there. I just think that's part of the work. I appreciate that we are doing it together.

Council Peterson and then Council Sokol are up. Council Peterson?

MR. PETERSON: Yes. Thank you, Chair. On the screen currently, page 3 of 4, and the section Requests Directed to Council -- you just moved it. Thank you. New hearings. At the bottom of that first paragraph, I am wondering if this is required or related to what comments say versus what they mean or are required. "Commenter states that the Skamania County hearing was not published in the County's legal paper of record, The Skamania County Pioneer." The majority of these comments and these meetings occur online and through email. Ordinances are required to be published by cities and towns, summaries of ordinances are required. This might not be at that level. But if Mr. Thompson could guide us as to is that comment about not being published in the legal paper of record valid, or was it missed? Was it -- is it not required? Or did the paper not put it in, or similar, or we just don't know? Because MSRC gives very clear guidance on the requirement to publish these things in one paper.

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CHAIR BECKETT: I would suggest that Ms. Hafkemeyer jump in, and then there might be accompaniment by Mr. Thompson.

MS. HAFKEMEYER: Thank you. Yes. There was, for that section meeting, an error with the paper. We did submit the notice. But we discovered after the fact that the notice did not run in the issue of the paper prior to the meeting. That was -- that is accurate in that comment, that that notice did not run in that local paper.

MR. PETERSON: Thank you for the clarification.

CHAIR BECKETT: Does that cover everything? Okay. Council Sokol, and then Council Breckel, and then Council Nelson. Just trying to recognize hands that are up and have been up, especially Council Sokol.

MR. SOKOL: Thank you, Mr. Chair. I am also looking at, I guess, page 3 of 4 where the third point is that the applicant had stated that the jurisdictional boundaries of Klickitat and Clark Counties did not extend beyond the shoreline. But, apparently, now they have acknowledged that it does. And staff has noted, but the application hasn't updated the application or corrected it. It certainly would be

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helpful for Klickitat County to know whether they believe that this project is consistent or allowed under the Shoreline Management Plan, and I specifically point to a Section 4.63 of that plan relating to instream structures.

CHAIR BECKETT: Comment -- I would say some of this, if it needs to be -- we have a record going here. But in terms of follow-up items, there is a category for that. Is there initial feedback to that question?

MS. HAFKEMEYER: Staff have reached out to the counties to seek input. We have not heard anything to date, but we are happy to follow up further.

MR. THOMPSON: Yeah. So this is Jon Thompson again. I would say, as a matter of statute, that the boundaries of the counties on the Columbia River extend to the state boundary and the river. I don't really think there's any question about that. That's the case.

And my opinion and advice is that the Shoreline Master Program of Klickitat County clearly does apply in the river in Klickitat County.

CHAIR BECKETT: So, I would just note, though, I think there's an open item of when is

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the application corrected. And it says, you know, it hasn't been yet. Is that an issue? Is it not an issue? We should certainly clarify, I think, either way.

MS. HAFKEMEYER: If I could add some more here? Again, this is Amy Hafkemeyer for the record. Data request responses should be considered supplements to the application. They are additional materials that supplement the original application. The acknowledgment listed here on this page came in the data request response. And so the overarching record of the application does contain that correction. That being said, there are other identified time points in the review of an application where updates to the application are submitted, and we would expect that this correction would be made in one of those future submissions required by our rules. So the information is caught in the response to the data request, which is considered to be part of the application, but the overarching document will be updated as well at a future milestone.

CHAIR BECKETT: Thank you for that. I guess I will take an opportunity to mention a broader topic, and then we will move -- I think we are to Council Breckel next.

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Completeness of an application is a big topic. It's a big topic in multiple states, if not all the states. What constitutes a complete application. I certainly believe, as a chair believe, you know, an application, if we can make it as complete as possible, knowing that is a diverse answer in terms of what is the project, what are the site conditions, what are the different issues, so that we avoid, we minimize as much confusion as that is, you know, updated and goes through the process. And I think staff have long, and before me, certainly advocated pre-application, right, as part of that important period to do that work. Now, whether or not we have accomplished that here is probably an open question. It's a very complicated stretch of territory. But, inherently, however you determine it's complete, the application will iterate. Now, that can be confusing in that, you know, well, which one am I supposed to be looking at. I think wherever we can forecast when those next updates are coming. So if we know, hey, it's going to be six months, but six months out, we are going to -- all these little -- lots of little details across evidently 100 miles of transmission line, how do we forecast when that next clarification moment is coming. So that would be one kind of process improvement or just

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practice that we can further lean in on if we know we have got it right already.

In this case, you know, part of that iteration, though, is to -- if you don't get into the application of the work, then you can't do the analysis that actually responds to the concerns, the feedback that we are looking at here today in various ways, some of which are not specific to land use, but, you know, bring up other issues that we know are going to be part of SEPA, part of the EIS that has already been determined that will be part of this project.

So, I just want to call out that iterative aspect of the work is designed to be responsive to, you know, all the different considerations, the treaties, the laws, the ground truths of, you know, when and where does the river scour, right, all those very important details. That is just in essence what we have on display here today. I want to try to connect, you know, kind of the broader process to the moment.

With that, I believe I am over to Commissioner -- Council Sokol. No. If we could take hands down as we are moving through them, someone, that would be helpful? Council Breckel, over to you.

MR. BRECKEL: Thank you. Just a couple of questions, and I appreciate, Mr. Chair, your

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clarification on a number of these issues. Yes, the urban areas are areas that are subject to, you know, the state land use planning laws. But it's also important to note, for example, within the urban area of the City of Stevenson, that's not all within the City of Stevenson; still a portion of that is within the county. The city limits do not extend to the full urban area boundary. So, just as a point of clarification there.

Looking at the overland route as proposed for this project, and looking at ultimately the SEPA evaluation, would we expect within the SEPA evaluation to look at alternative overland routes other than the one the proponent has suggested? And if so, how would that affect your land use consistency determination if we may have different land use designations come in to play? So, just a question there in terms of how you might sort of reconcile what we would expect to see in terms of SEPA analysis and options there, and how that might affect a land use designation.

And, finally, I am still sort of struggling with how we treat the Scenic Area. I mean, I look at what we see for state-designated authorities or delegated authorities under the Clean Water Act and the Clean Air Act. Could we look at the way the counties are

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implementing the Gorge Act as a delegated authority largely from the Gorge Commission? And would that suggest, perhaps, a different approach or a different role for EFSEC in terms of those determinations?

CHAIR BECKETT: Does staff want to take an initial --

MS. HAFKEMEYER: Yes.

CHAIR BECKETT: -- attempt?

MS. HAFKEMEYER: There were a few questions in there, so bear with me. I will try to make sure I hit all of them. Acknowledging your question that there's different segments either within city limits or outside city limits, but within the county or urban areas, I would like to ask us to consider that staff will be presenting some information that's in the record, but we are in the process of developing, in coordination with our legal counsel, functionally a segment-by-segment table for each of the segments of the project within Washington, both in the river and on land, identifying for all of those segments which areas have county regulations that apply, which ones have shoreline management provisions that apply, and are anticipating sharing this with the Council at the October meeting. So, hopefully, that will make more clear how the different regulations

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apply to all of the different pieces of this project. So, the answer to that question is that there will be more information -- the information is in the record and available right now, but we are working on laying it out in a way that is hopefully more easily digestible, and we will bringing that forward next month.

With your next question with respect to alternatives and how that applies to land use, we do know that as part of the NEPA analysis for this project, the Army Corps and the applicant are developing language around what alternatives are considered. And a lot of that analysis will be present in the NEPA document, which we are looking to adopt in some form or fashion. How much and the mechanism with which we adopt that is a little bit unknown at this point because we have yet to see drafts of those documents. But we do know that alternatives will be covered in that document, and we do expect to be adopting that document and supplementing with our own additional state-specific SEPA review.

With respect to how that relates to the land use consistency, those alternatives are not necessarily in front of us, and so the scope of the land use consistency evaluation is the project as proposed.

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And one additional thought for consideration is that the alternatives analysis that we can perform is limited because this is a private project and not a state-funded project. Limited to alternatives within -- within the bounds of what's proposed. So we, EFSEC, you know, have our limitations in what we can analyze for alternatives. We do expect that there will be some broader alternatives analysis in the NEPA documentation. But the land use consistency does not extend to whatever those alternatives may be. That's limited to the project as proposed. I am sorry. I don't recall your third question.

MR. BRECKEL: I am not sure I do either at this point.

MS. HAFKEMEYER: Sorry.

MR. BRECKEL: But it is interesting to me in terms of scoping and EIS, which I assume we will be doing for SEPA, that we wouldn't be looking for what are alternatives in terms of the land route for this particular project, and -- rather than simply relying on what the applicant has proposed.

MS. HAFKEMEYER: So, just to clarify a little bit further. When it's a state-proposed, a state-funded, or essentially a government-funded or proposed project, there's a broader requirement for

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alternatives analysis. When it's a private proposal or a private project, the scope of alternatives analysis that you have authority to do narrows down quite a bit.

CHAIR BECKETT: If I may? By the way, I think Council Rybarik can help on number three that's still there. But let me just say in my plain speak or attempt at it. When I asked this question, Council Breckel, pertaining to -- another question exists, right, well, why not the interstate, about the right-of-way and the interstate. And I raised this however many months ago now. The answer was, you know, this is feet, inches within the proposed corridor; it's not much beyond that. Maybe it's a little more than inches, but it's not, you know, miles inland, or even on the Oregon interstate, which has been spoken to. So that was my understanding of the parameters of like if not here, where? Can you adjust this? That was more tweaking within the proposed corridor. So, you want to hit number three, Council?

MR. RYBARIK: It was a question, I think, on the legal side. Jon, I think it was coming to you. Council Breckel, I think you gave some examples of other federal laws that we -- preempt wasn't the right word, but it was like -- there was a question about the legal standard, yeah. You go ahead,

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Council Breckel, and -- if that helped jog your memory.

MR. BRECKEL: Well, it does in that I was looking at what we have in terms of many of our state agencies in terms of delegated legal authority, particularly the Department of Ecology for Clean Air and Clean Water. When we look at the fact that the Gorge Act allows the delegation of that land use planning authority to the counties, it's still subject to Gorge Commission or that sort of the quasi-federal review, just as, you know, implementing statutes are for the Clean Water and Clean Air Act. So, how does that -- how is -- I guess, how does it differ in terms of what we are looking at as sort of a delegated authority from the Commission to the counties?

MR. PETERSON: Yeah. I think I understand your question. This is Jon Thompson again. Yeah, each federal delegation situation presents its own issues, right? So like under the -- for example, under the Clean Air Act, there's a state implementation plan that needs to be approved by the EPA. In order for EFSEC to get the authority to issue permits -- the air permits that are compliant with the Clean Air Act, like we had to get EFSEC added to the state implementation plan and approved by EPA, right? So, there's some hoops you have to jump through to get the

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federal government to say, yeah, EFSEC can do this federally delegated thing.

In this case, it's my understanding, and this could -- this will -- you can correct this down the line, because we are going to have a couple of more meetings where this is discussed -- but I believe that the Scenic Area Act is pretty specific as to the six counties in the Scenic Area having -- adopting those ordinances or the Gorge Commission itself, if they don't adopt the ordinance, standing in their stead, right?

There be a way here, as I said, for -- the counties within the Scenic Area Act have transferred authority to each other through Interlocal Cooperation Act Agreements. And we may -- EFSEC may be able to benefit from that as well by getting, for example, a transfer of authority to implement the Scenic Area Act ordinances on behalf of, say, Skamania County, if the County was to agree to that. That may be something we will bring to you in a future meeting. So, I mean, that's just how -- you just have to do some things to give that line of federal delegation to get to the right place. Hopefully that answers your question.

MR. BRECKEL: Yeah, I know -- there were just some simple areas there that I thought I

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should raise. I am not quite sure what the merit is of those if we look at them in greater detail.

MR. PETERSON: Well, going back to your second question, I guess, about the alternatives. In some of the land use provisions, I will note, that there -- it does say, for example in some of the shoreline zones, that, you know, there shouldn't be a linear transmission facility, for example, I am just sort of paraphrasing, and I may be getting this wrong, but there shouldn't be a non-water dependent linear transmission facility unless there's no other reasonable alternative. Something to that effect. So, I think that necessarily will come -- will be a topic that is fair game for parties to address, and should be addressed, because it is a requirement of the local ordinances, and that's something that needs to be addressed. But not in the initial land use consistency determination, which is narrower. And it's just looking at is this -- are these types of facilities prohibited in the county zoning versus are they conditional. And if they're prohibited, they go in one bucket. If they are conditional, then we look at the conditions on down the line.

CHAIR BECKETT: But, again, those are on lands that are within the scope of authority of

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EFSLA. And, in this case, any county, any city that we are talking about under which literally a square yard of, you know, territory -- again, there's the Stevenson and non-Stevenson urban area, right? But it's all under the Scenic Act. So, if it's in the Scenic Act, it's subject to the land use determinations from the Act, to the Commission, to the county. Which is to say, it is not subject to our interpretation; it is the Gorge Commissions.

MR. THOMPSON: Well, let me stop you there. So, the Scenic Area Act carves out urban areas.

CHAIR BECKETT: They are exempt.

MR. THOMPSON: They are exempt. But the urban -- I think the point that was being made was that the urban area for Stevenson is bigger than the city of Stevenson by a little bit.

CHAIR BECKETT: Yep.

MR. THOMPSON: So, there's areas in there that are under county zoning that is adopted under state planning provisions and not the Gorge Act that have to be addressed.

MR. BRECKEL: That's correct.

CHAIR BECKETT: Okay. Well, without confusing it further, we will park that one for the day. But I just want to be generally clear with the

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public, and those who are, you know, very sensitive to these issues, any EFSLA land use determination is one thing. And those lands under the control of the Columbia Gorge National Scenic Area, are not. Those are not going to be part of our determination here. I just want to make that clear for those who wonder where did the Gorge Commission go in these proceedings? The fact is they haven't gone anywhere because they are still in charge of the Columbia Scenic Gorge Area. Okay.

So, Council Nelson and then Council Pamplin.

MR. NELSON: Thank you, Chair Beckett. This is Blake Nelson. Before I begin, I wanted to ask Council Pamplin if his hand was up in regards to those three questions we just discussed? Okay. Great. I am going to talk for a minute, so I wanted to make sure that it didn't float away.

So, this is a point of clarification for me. What's before us today, correct, like what we are currently discussing, is -- I am going to read it off this here paper -- Council to provide direction to staff to either seek additional information from the applicant, schedule an additional land use hearing, or prepare decisional documents. That's specifically the decision point we are going to come to today?

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CHAIR BECKETT: Those are the elements of the path ahead.
MR. NELSON: Great. Okay. That's fine.
CHAIR BECKETT: Ultimately, I think given, you know, the conversation, this is more of a briefing and discussion than --
MR. NELSON: Absolutely.
CHAIR BECKETT: I think -- thank you for the question. If there are feedback on any of those three, because I will take us here in a moment, we should hear feedback from everyone on those is what I am thinking. I really appreciate you bringing that up, because we will get there, I think, soon enough.
MR. NELSON: Okay.
CHAIR BECKETT: Please continue with other questions or comments that you have.
MR. NELSON: Thank you. Well, in that case, I mean, I am almost jumping to the end then. You know, I have thoughts on that.
But, let's see, one thing I did want to state, and maybe this is something, Mr. Thompson, you can tell me, I might be incorrect on this, is from my view, and this was just brought up, sort of like the limited scope we are looking at here, the biggest land use consistency

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question to me is the Skamania County Shoreline Master Program Section 53.113 that states -- this is in summary from the staff summary, actually -- it's the one that directs non-water oriented utility transmission facilities to be located outside shoreline jurisdiction wherever feasible. I will put a... I am sure you are familiar with the question. I think, if I am interpreting this right, and this is kind of where my head is at, there's a staff recommendation to obtain the applicant's response on that if it can feasibly be located outside the natural designated shoreline, for the Shoreline Master Plan there. Now, regardless of the applicant's response, I don't know that that would render it out of compliance with the land use designation, you know, regardless of what they said. If they said we've analyzed this, and it's -- you know, the answer is yes, it could go somewhere else. Or we've analyzed this, and the answer is no, it's got to go here. I am not smart enough to know if that's -- you know, if that could be considered out of compliance with land use consistency. You know, if that's something that would actually hold it up, or if that would be something to just ask them for clarification perhaps in the future.
MR. THOMPSON: Yeah. So this --

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this is the distinction -- well, this goes back to the definition of the use for land use consistency, which simply asks is the proposed facility prohibited outright unequivocally in that zoning district. That's the only thing we are trying to answer at this point. If there's conditions, including conditions that say like, oh, could you feasibly do this elsewhere, then you have to, right? That's like still -- we could consider that still consistent and in compliance, because there's a pathway to get it approved. Even if it ends up not being approved, right? We are still into that mode of we're going to address that question in a different kind of adjudicative context.
MR. NELSON: That makes perfect sense. Thank you, Mr. Thompson. Yep. In that case, I don't have that ask currently.
CHAIR BECKETT: Thank you. Council Pamplin?
MR. PAMPLIN: Thank you, Mr. Chair.
A couple of items here. One is very fine scale, one that's a core-scale question, and then I would like to offer some thoughts on next steps here. So first, hopefully, these are very quick questions to ask the EFSEC team. There was a commenter that raised a concern that the updated records weren't available for

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their review and comment. It was commenter tagged as 0023, and I was looking back at notes from a week and a half ago or so, and that's what I recorded rather than the individual's name or entity. But just -- did we chase that down? Is -- were all records available for comment posted and available on the website -- EFSEC website, please?
CHAIR BECKETT: Thank you, Council Pamplin. That's a very important question, and one that we are -- glad that you have taken us to. Do staff want to speak to that here in a moment? It is noted that there was at least -- there were more than one.
MR. PAMPLIN: Yeah.
CHAIR BECKETT: So, we may need to add that to the follow-up list. But if we can, I think, at least clarify something in the moment, that would be most helpful?
MS. HAFKEMEYER: So, to respond to that specific question, yes, all of the project application materials received have been posted to the website. There are some project documents pending posting, but those are staff-generated documents. For example, our SEPA scoping memo, which are in process to be posted. But all of the records received,

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particularly as they pertain to the application materials, and data request responses, and the land -- the additional land use information from the applicant contained therein, are all confirmed uploaded to the website.

MR. PAMPLIN: Thanks, Ms. Hafkemeyer.

So, now, I will turn to more of a core-scale question that's probably a broader EFSEC process question, but I think would just be helpful here, and it was something that we talked about even following the November 2025 hearings. So, a project applicant can work with the local jurisdiction and request a certificate of -- or an attestation essentially that the project is consistent with the local jurisdiction land use hearings. That's avenue number one. Avenue number two is the applicant can make a proposal to EFSEC about how they feel like their project application is interpreted by -- or consistent with the local land use jurisdictions.

My question is: Does EFSEC ask the local jurisdictions on whether or not the project application is consistent with their land use designations? I just think that answer would really inform us. Even -- I mean, obviously, if they have the certificate of

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attestation, that's great. That feels like, you know, they can pass go, at least for the next step of the EFSEC review. But hearing directly from the local jurisdictions on their thoughts, they're the authority on their own local land use plans. I know I would benefit hearing directly from them on their interpretation of the application to then inform our adjudication process, if it goes that direction.

CHAIR BECKETT: Thank you for the good question.

MS. HAFKEMEYER: Thank you, Council Pamplin. Staff have reached out to the local jurisdictions to seek this information. To date, we have not received anything. We can continue to reach out and try and seek this information. But to date, we have not received interpretation.

MR. PAMPLIN: Well, that's very reassuring then. We are putting a lot of work on the local jurisdictions, but I am glad that we are making that ask and not just looking to the applicant, after the application has been filed, to do that work. Because, like I said, hearing directly from the jurisdictions would be helpful.

That was the part -- I guess, when I was walking into the land use hearings in November, I was

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anticipating that we would be hearing from local jurisdictions on this, and that was not the case.

So, I guess the last item, Mr. Chairman, is --

CHAIR BECKETT: Council Pamplin, sorry to cut in.

MR. PAMPLIN: Please.

CHAIR BECKETT: I think Council Breckel may have a comment that further ties to the last item that you were raising. So before you move on, can we double-check that? Council Breckel?

MR. BRECKEL: Thank you, Mr. Chair. Yes, it does. In terms of getting a statement out of the local jurisdiction as to whether or not the project is consistent with their land use controls, I think may be a little difficult because many of those jurisdictions don't understand, I think, what they are saying in that declaration. If I understand correctly, it's just that it's allowed or it's allowed with conditions, and it's not outright prohibited. I think if they understood that, if that were clear in terms of the statement, I think you could get a response. But coming back and simply saying is it consistent with your land use regulations, they may be saying, well, yeah, it is but with conditions, so we are not going to say outright that it's consistent. If you want us to

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say it's not prohibited, yeah, I think you could probably -- it would be easier for local jurisdictions to make that response.

MR. PAMPLIN: And through the Chair, Mr. Breckel, thank you for that response. That makes sense. And, I guess, that's the type of information that I think would be helpful, is to hear from a local jurisdiction about here's the questions that they have, here's the aspects of the project that seem consistent, and here are areas that may be inconsistent, or that they would need additional information from the project application. I just feel like that's a way to hit the fast-forward button, quite frankly, in this analysis by hearing the -- at least a first take based on the authority that the local jurisdictions have and their understanding of their own zoning and ordinances.

My last comment, Mr. Chairman, is I appreciated Mr. Thompson's comment about -- that this is part of an ongoing review, that we were still taking comments, and we are still in an ongoing solicitation of comments, even though the land use hearings in November of 2025, we did not have all the local jurisdiction's feedback on whether or not they wanted to appoint a council member, and then whether or not those council members were seated. I do feel, given the size, complexity of

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the project, Mr. Chairman, that you noted in your opening remarks for this particular agenda item, that my initial thoughts would be that having an additional land use hearing with the full complement of the Council present would be beneficial. Anyway, that's my initial thought in terms of the question that's in the agenda. Thank you.

CHAIR BECKETT: Well, thank you. And as Council Nelson helped me tee up, let me just remind us of the three items that we can provide feedback on, and then I would proceed, and Council Leckie would be up next. They are -- and, again, they are in the emails from Ami Hafkemeyer; they are listed in short form on the agenda: Develop documents to support a determination on land use consistency, meaning that staff should develop those; schedule additional land use hearing; and request additional information from the applicant. Not that any of those, or all -- I guess some of them are necessary, in terms of the land use consistency document. But those are the three things. If you have feedback on those in general, let's move to that knowing we are at 3:26. We can take as much time as Council wishes. But with that, Council Leckie.

MR. LECKIE: Yeah. I just want to

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echo the sentiment of my fellow council member. I agree. In fact, Chair, if you are looking for a motion, I would make that motion now that we should schedule another land use hearing. Thank you.

CHAIR BECKETT: Okay. We are not here with actions today. So, in that regard, we don't need to do that formally, I think, but the feedback is certainly material. And I think staff are listening. I certainly am, and I think all of your fellow council members.

Council Nelson?

MR. NELSON: Thank you, Chair Beckett. This is Council Blake Nelson with Department of Ecology. I just want to say -- chime in here because I have been critical of the speed of those first meetings, and I actually mentioned that I was kind of worried about public comment. I just wanted to thank EFSEC staff for -- that is no longer a concern I hold. Those first -- I went to all three meetings in person. We received robust comments. And this -- I said about two months ago I thought we were going to need to have another public meeting, public land use consistency meeting, or allow like a really big comment period, and you chose the latter. And we got 772 comments. So, I personally feel like there's been

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plenty of public comment opportunity, and that the EFSEC staff and the leadership have done a great job meeting that obligation.

Now, it's another question regarding the local council being seated or not. You know, hearing from Council Breckel there and Council Pamplin, yeah, that's an interesting one to me. I almost would suggest a virtual meeting, because, as far as I am concerned, EFSEC has met their obligation to hold the meetings in the three counties in person. That legal obligation has been met. So, you know, if there's -- you know, some -- if it would be welcome to make sure that all local council is represented at the meeting, that would probably be my suggestion, would be to do like an online format meeting.

CHAIR BECKETT: Thank you, Council Nelson.

And Council Leckie.

MR. LECKIE: Yeah. I would disagree slightly just because that the land use determination -- land use consistency has not been addressed in a public format. And I think that the local member -- local community members deserve an in-person one to respond to those concerns.

CHAIR BECKETT: Thank you, Council

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Leckie.

Are there other -- well, questions? I guess we are moving more into the feedback and helping inform next steps. So, are there other comments accordingly? Council Dean.

MS. DEAN: Thank you. Kate Dean here. I appreciate the options listed on our agenda, although I think there's -- I am curious because there's a couple that aren't included. One is that we are still expecting more information from staff, including the report that Ms. Hafkemeyer referenced. And then it sounds like we are not, at this point, considering calling for adjudication; is that correct?

CHAIR BECKETT: I think Counsel Thompson can weigh in. But my understanding is that because an EIS has been decided, that that includes -- that process includes adjudication. And as such, if there is a need for an adjudication, once a determination has been made on land use consistency, and if that triggers an adjudication under that provision, right, that it's inconsistent, then we would need to do an adjudication. However, that will be rolled into the adjudication that will be later -- probably farther down the road of the adjudication of the full EIS. Did I get that right, Counsel Thompson?

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MR. THOMPSON: Correct. It's not -- just a small correction. The adjudication is not on the EIS, but it's triggered by the fact that there is an EIS.

CHAIR BECKETT: Yes. If there are issues that are contested, then we would use the trial-like process, as the memo says, for the adjudication.

Ms. Hafkemeyer, did you have a supplemental comment?

MS. HAFKEMEYER: Similar comment to what Mr. Thompson stated about the EIS being adjudicated.

CHAIR BECKETT: Thank you.

MS. DEAN: What I am most interested in is getting the information that Ms. Hafkemeyer referenced, which is seeing, you know, whether a matrix, or some sort of jurisdiction by jurisdiction, does it appear that there's -- it's allowed use, prohibited use, or conditional use. And this is having spent months of my life working on those very tables and the work that goes into that. That -- I am most interested in getting that piece of information. And I don't have a strong feeling about the hearing. I feel like I would probably have a stronger feeling about it

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once I see that information. So, in some ways, I would like to continue this conversation next month, and then decide on next steps.

CHAIR BECKETT: Okay. Thank you. Are there -- Council Leckie.

MR. LECKIE: Yeah. Regarding your earlier comments about not hearing from the local jurisdictions, and I would have to ask our planning staff, but are local jurisdictions responding to the applicant directly, or do they respond to EFSEC on behalf of the applicant? And if they are responding to the applicant directly, maybe that's where the gap in communications hearing from the local jurisdictions is coming from. Thank you.

MS. HAFKEMEYER: Staff are reaching out to the local jurisdictions directly. What I think we can propose to do is take a look at how our previous outreach has been framed, and try to narrow down that distinction based on recommendations made this afternoon, and follow up and see if we can seek some additional input directly from the local jurisdictions.

CHAIR BECKETT: I see heads nodding here for those in person. Thank you for your responsiveness, as well as how we can, you know, take action on the follow-up.

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Council Rybarik.

MR. RYBARIK: One thing to add to the list. It sounds like, hearing from the other council members, I like the idea of kind of getting the table together, what are the specific things we want to potentially move forward with an additional hearing on, discuss that in October. I want to add to the list of things to discuss whether or not we want to define the scope of an additional land use hearing to some of these specific inconsistencies, or potentially other inconsistencies.

I am -- I will just tell you, I am comfortable with the legal analysis that has been performed here on the Columbia River Gorge Scenic Area Management piece that I do not think that that applies. I agree with that legal analysis. So, I would like us to discuss whether we want to sort of limit the scope of the discussion to only those issues that are legally within our jurisdiction. So, that's my conclusion at this point. But I think that would be worth an additional point as we look forward to a potential additional hearing.

CHAIR BECKETT: Appreciate that. Council Leckie.

MR. LECKIE: Yeah. If the Columbia

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River National Scenic Act doesn't apply, does that mean that local Title 22 wouldn't apply either? Thank you.

CHAIR BECKETT: I, at least, could use further understanding of what that Title references, and maybe Counsel Thompson can answer, or if you can, Council Leckie.

MR. LECKIE: Oh, Title 22 is the local adoption of the Columbia River Gorge National Scenic Act and is the local ordinance.

CHAIR BECKETT: Thank you.

MR. THOMPSON: It certainly -- that title certainly applies and would have to be met by this project. But the question is: Does EFSEC determine that, or does the Gorge Commission determine that? And when we say it doesn't apply, it just means it's not for EFSEC to determine. Does that help?

CHAIR BECKETT: Basically, of those lands, they need a determination. And EFSEC cannot make that determination, unless it's, I guess, delegated. There are some options that you have kind of referenced, but we are not going to get briefed on that today. But either way, the conditions set forth in the county code, from the Act, to the Commission, to the county are those land use provisions, right? Those will guide. Whatever we might directly or indirectly

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reference in our work, we are going to follow what the land use ordinances of the Gorge Commission are for the lands that are subject to their jurisdiction. Does that -- it's an attempt of mine in the moment, but help me out here.

MR. RYBARIK: The Gorge Commission makes that determination.

MR. THOMPSON: The Gorge Commission, yeah, exactly. But we don't -- we can be aware of it, but we can't do anything about it, we don't have to follow it. It's just not within our scope. We are looking at compliance with state laws and state ordinances.

MR. RYBARIK: And to the extent my comment was that it doesn't apply, I meant what you just said. Is that it --

CHAIR BECKETT: To us.

MR. RYBARIK: Yeah, it is not within the scope of EFSEC to apply that.

MS. DEAN: At this time. It could be, right, in the future.

CHAIR BECKETT: Council Leckie.

MR. LECKIE: Yeah. That's another question I would have then. If it doesn't apply, but somebody -- let's say that the local land use

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consistency is approved, and then somebody cites Title 22 as a -- to challenge that, then under Title 22 and the Gorge Scenic Area, that appeal would go to the Gorge Commission. But under this EFSEC process, would it not? That's, I guess, another thing that's kind of confusing. So, if we have the scope of the hearing, are we excluding something that, you know, may have jurisdiction or not? I mean, I would have to talk to my planners to get more guidance on that. I don't even have the answer myself. That's why I am raising it. Thank you.

MR. THOMPSON: Yeah. Just briefly. So where things stand now, the developer will have to go to Skamania County and get -- I am not sure exactly what, maybe a conditional use permit, or the F2 zone between Stevenson and North Bonneville through which the route would pass. You know, there may be some criteria that have to be met in the project; the planning division manager or something like that, from what I recall of what the code says, has to make that determination. So they would need to get that from Skamania County.

CHAIR BECKETT: And all the --

MR. RYBARIK: And every county that has adopted an ordinance pursuant to the Scenic

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Management Plan.

MS. DEAN: (Inaudible.)

MR. RYBARIK: Well, in theory, they would also have to go to the Oregon counties that have adopted those ordinances.

MR. THOMPSON: Yeah. But there is this open question of does it apply in the riverbed. The only place that goes on land is in Skamania County.

MR. RYBARIK: I see.

MR. LECKIE: Yeah. But some of that land crossing could cross special management area, and then any appeal would go to the Gorge Commission, unless I am reading -- some of the maps are kind of -- they are not as detailed as I would like, so I may be interpreting them incorrectly, but they could pass through an SMA area.

MR. THOMPSON: It doesn't go through a special management area; it goes through a general management area, and that's the Skamania County's jurisdiction. And that decision would be appealable to the Gorge Commission.

MR. LECKIE: Got it. Thank you.

CHAIR BECKETT: I would encourage -- thank you for the helpful and, obviously, robust discussion, despite its inherent nature of -- it's not

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always clear.

As we look at our process here, both EFSEC's, but also, if we are sorting -- again, key word of "sorting," right? -- these are the matters going through the county to the Commission, but if we can aid collectively everyone to kind of clarify -- like, if we are going to have a hearing, and this may not be possible, so bear with me, it just helps clarify, you know, can we do anything jointly? Is that worse if we do things jointly? Is it more efficient, and clearer, and accessible for everyone? We should -- we should keep an eye on that because it's confusing enough. And rather than have, you know, sequential -- important, I don't mean to diminish the input or, you know, let alone decisions coming out of it, but where we have more of those comment periods, more of those forums, it's not going to aid clarity for the collective authorizers. I think that's been the intent of the staff, and the Corps, and the Oregon -- you know, like Oregon, Washington, and the Corps have been trying to do this work with that statement in mind. How do we integrate? How do we make this more clear, more efficient? That's a journey. Obviously, we are here today amidst it.

So, where those pieces that are more down selected

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into the EFSEC and/or local points of interaction through local government and the Gorge Commission, let's keep an eye on what can we do to help one another as we go through the process and be respectful of everyone's time, including, yes, the applicant's, as well as the public, and other busy officials, including those in our local government partners over the course of the corridor. So, that would be my one closing comment.

Another would be as much as I am always open to being in a meeting and hearing from the community, and at times if that's, you know, a repeated message, I certainly have participated and believed in that. But I also think, again, my same theme here as has been echoed by a couple of council members, let's work in the month ahead, and as we come into the October meeting, how do we help narrow, you know, what we need to now focus on? Because we have heard a lot of input. We are trying to reflect that and act about it. Sometimes repeating that is helpful. But I think in this case it will only kind of add to the diversity of information we are trying to manage. So, where we can downscope appropriately without rushing anybody, or making sure -- you know, words and voices aren't heard. We are hearing them. And so that's the motivation

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behind how do we kind of downscope where appropriate.

So, Ms. Hafkemeyer, you might have a comment it looks like.

MS. HAFKEMEYER: I do have a proposal in that we are in September now, but the end of the year comes quickly and it does take a little bit of time to reserve venues for meetings and schedule logistics. I would propose that staff reach out for availability for some of the logistic work of scheduling a hearing so that if the Council decides in October that you would like to have an additional hearing, either virtual or in-person, then some of that preparatory work has been done. So that then we can do that, acknowledging that once we hit November, December, people's availability and venue ability and scheduling can be more challenging. But then in October, the Council would then take up the question do you want to have an additional hearing. Do you want that additional hearing to be in person, etc.

CHAIR BECKETT: I think that's a fine suggestion. Appreciate it. Again, that does not presume that there's a decision on additional hearings or, you know, virtual versus in-person. Regardless, if they are in-person, they are hybrid, so that generally comes as part of the package.

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I would also note that having done that last November, that would probably fall into the week before Thanksgiving in a realistic planning sense. After beginning month meetings, there are often elections, so we will probably be here the week before Thanksgiving. And that will probably also include a virtual regular council meeting, as we did last year in that, you know, busy time, which is fine. I am certainly up for that if that is the will of the Council.

Relatedly, are there other comments, next steps -- actually, let me add one more on the develop documents to support a determination on land use consistency. As we can tell from our experience, our user experience today, that is a labor. And I think the sooner that staff are empowered to begin drafting documents, that no matter what is decided, those documents and those words will be needed. So, that may need to come after you get work done to prepare for the October meeting. But I would call the question of sorts. Is there any concern from council members that they'd like to voice now of the staff being authorized to begin drafting documents with -- again, no matter what we decide, how everybody votes, we are going to need the documents. So, I would encourage staff to proceed drafting those. And if you need more clarification of all these various

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topics first, let's get those clarified. But, otherwise, a lot of those details will get tweaked in what otherwise are just underlying procedural documents that, again, we want more time so that we make sure they are done properly. So when we are looking at them, the public, the Council, that we are not, you know, cleaning things up in the moment, which I don't think is ever the intent. It's hard to avoid some of that. But that's why we should get started on that now. So, is there any concern from the Council on proceeding to develop documents to support a determination on land use consistency under EFSLA? Hearing or seeing none -- Commissioner Leckie -- or Council Leckie.

MR. LECKIE: So, you are talking about directing staff to go to a determination with or without a hearing; is that correct?

CHAIR BECKETT: No. Just that the drafting of those documents, no matter when we take them up, but if we are going to take them up sometime this year, that if staff were, you know, green-lighted, authorized to begin drafting those now, then even if we don't need them until December or, frankly, if we don't need them until next March for sake of argument, I am not encouraging that, but, you know, these things take

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time, and there are more projects coming into EFSEC, so reserving time is not an unimportant matter. And out of respect to the applicant, I would just -- you know, if we can get started on those -- there's no pre anything. The Council will determine. So, writing those documents now really doesn't, you know, presume anything.

MS. HAFKEMEYER: If it helps, there's a lot of preparatory work in drafting the orders, such as compiling the records, summarizing the activity to date, all of which we can get started on before the Council approaches your decision.

CHAIR BECKETT: And Council Leckie, I would like to turn this back to you in case you want to, you know, raise other concerns. Because I very much appreciate from our local project members and especially elected officials, you know, that can be a sensitive matter. So, I don't want that that activity is happening to be misinterpreted. Because --

MR. LECKIE: Thank you, Chair. That's kind of what I was concerned about was the appearance of directing, you know, resolution documents without having further public outreach concerning the volume and the subject matter of the comments we received and a lot of questions. That's all. You

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know, that's just -- public perception matters on how these things happen, and I just don't want EFSEC to maybe make a perceived misstep in -- because we are doing a lot of great outreach and listening. I just don't want to, you know, undo that.

CHAIR BECKETT: No, I appreciate that. So, again, if the other council members want to weigh in here, I welcome it because it's an important matter. And the perception here, right, we don't need to add to our complicated matters. But I want to be very clear for the record. My motivation in this is to help ensure that documents, that regardless we will need, no matter what determination is made, thumbs up, thumbs down, etc., if we start on them now, they will be better written, they will be more clear, they will be more accessible when they go to public comment, if they go to the public comment. Again, this Council will decide that. We are not deciding everything today. I am not trying to, you know, further lobby anyone. I just want to be very clear in case any of that gets misperceived along the way. My motivation is out of providing clarity on a big set of topics on behalf of the public interest. So, but, again, if that's going to get twisted around and misrepresented out in the real world, then I am okay to wait. But

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that's my motivation behind it.

And, Council Leckie, again, I really appreciate you and multiple -- and all our participants today, all council members. I am very mindful of the position of our council members who live and -- you know, participate in these meetings from the communities on the Columbia River. With that, is there any further input on --

MR. RYBARIK: I guess the way I thought about it -- Council Leckie, thank you for bringing it up. Thank you, Mr. Chairman -- is we are essentially asking staff to write the choose-your-own-adventure book and that requires a lot of work on behalf of staff. But I think that makes the process go -- if we can do some of that work now, identify what the options are so that as we learn more and we understand the finer points of some of these comments that we have discussed today, we can choose those adventures -- we can choose those pathways, but we have most of the groundwork for any of them done, and so we can move quickly at that time. So, it's kind of a slowdown to speed up that we are going to really think deeply about what the different options are, get staff working on providing those options, and the documents that will be needed regardless of which

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option we select. So, that's the way I thought about it.

CHAIR BECKETT: Appreciate that. Council Dean.

MS. DEAN: If I may? This is Kate Dean. I think, too, it's not unusual to have staff prepare documents like that in advance for consideration and deliberation by a body like ours. I don't think there's anything particularly --

MR. RYBARIK: (Unintelligible.)

MS. DEAN: Correct. Yeah, thank you.

CHAIR BECKETT: Well, unless there's other comments -- I mean, are there other comments? It sounds like there would be a general belief that we should proceed. But if there's any other sensitivities, let's speak to them now. Frankly, if they pop up -- if we are to proceed here, and for our local project members, if there's any question or concern or members of the public today who want to send a further comment in, please do. We are open for business in our inbox today. So, by all means, share your -- any input. But if you have comments on proceeding, that, too. Happy to further follow up with any member of the public, maybe not me as chair at the

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moment, but one of our staff certainly can.
Council Dean.
MS. DEAN: Kate Dean again. One question that we did not get to today that I would love some information on at our October meeting is if and how Tribal treaty rights play into this. You know, they are underlying, but not inherent in local land use authorities. So, that would be helpful and appreciated.
CHAIR BECKETT: And, yes, thank you. That reminds me of one other endless item here. On the North Bonneville fishing site, I am probably getting it off by a word, but I would just note for the record that staff are working and have been, but I would encourage it, and that's why I am going to call it out here, that we need -- we need a little further understanding of the history as well as, you know, the embodiment. As I read it, it's more the embodiment of the treaty, right. So, I think we need, you know, a little further discussion on that in the October meeting. So, if I could flag that as a thought.
I see Council Leckie.
MR. LECKIE: No. That's also what was in the back of my mind is that since the last hearings, we've had a lot of government-to-government

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tribal consultations. And having another hearing en route to where we're arriving at a decision would also give the Tribes more opportunity to give input. Thank you.
CHAIR BECKETT: Thank you, Council Leckie. I appreciate that, and I would agree. Okay. Last call for anything you got on the Cascade Renewable Transmission Project. And also, I would like to highlight and thank -- it's in the comments. Sorry, folks. Bear with me just a second. I want to thank Dena Horton and the Pacific Northwest Waterways Association for nearly 90 minutes ago noted that CRT may be confused with the Columbia River Treaty. Thank you for that comment. Normally I wouldn't call out a person by name, but I appreciate what you did. I don't know how we come up with a different acronym, but it's a fair point. The Columbia River Treaty is not a small matter, but I don't -- I can't say that three words the whole time in every meeting. We will work on that. Thank you for pointing it out.
Okay. Well, thank you for everyone's diligence and duration of ability to stick with this work. I think this conversation is very helpful. Obviously, today was going to be, you know, what it has been, and some of that is a little messy here and there. Just,

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you know, how do we organize all of these facts and the legal basis around it. I think October, you know, we will have a furtherance of that next greater ability to already be a little more up to speed and then have documents that will further build on what we have covered here today.
With that, I see no further hands raised, so we will move on to the final item. And my agenda of course is not buried under several documents. But I believe Horse Heaven is next up. Ms. Moon, I believe you are still here with us.
MS. MOON: I am still here, Chair Beckett. So, good afternoon, EFSEC council members. EFSEC staff prepared a letter for our executive director, the approval of mitigation measure Wildlife 1, also known as Wild 1, the post-construction bird and bat fatality monitoring plan. The certificate holder, Horse Heaven Wind Farm, LLC, prepared this plan to meet the requirements of the Horse Heaven site certification agreement to submit the details for a monitoring program that would meet the post-construction monitoring requirements to track both bird and bat fatalities for a minimum of three years. The bird and bat fatality data will inform adaptive management strategies to be applied during sensitive migratory

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periods, and to determine whether mortality thresholds are exceeded. The certificate holder is also required to not only review the results of the monitoring, but also to consult with the technical advisory committee, EFSEC staff, and the Washington Department of Fish and Wildlife after each monitoring period to determine whether the mitigation measures outlined in the Wild 1 adaptive management strategy should be revised or adjusted. Does the Council have any questions?
CHAIR BECKETT: Council members? Questions, comments?
Council Dean.
MS. DEAN: Kate Dean here. Do you have any anticipated date for when you expect to hear on the legal decision regarding this proposal?
MS. MOON: Can you clarify what the proposal is?
MS. DEAN: Is this not the project that's being considered by the Supreme Court right now?
MS. MOON: Oh, so I cannot answer that. Maybe Jon Thompson can answer that. I can answer questions about the site certification at Horse Heaven.
MR. THOMPSON: I wish I could say. It's unpredictable. Hopefully, within the next couple

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of months.
CHAIR BECKETT: Other questions?
Okay.
We will move on to the Hop Hill Solar Project.
John Barnes, you're up.
MR. BARNES: Thank you, Chair Beckett, and council members. This is John Barnes, on-site staff for the Hop Hill application. Staff are currently working with the applicant to update and cement additional information that is needed for the application's supplemented cultural resource survey report. Staff are also continuing to work with the applicant in the submission of updated application materials for the Hop Hill project associated with the revised and updated site layout currently in development by the applicant. As a reminder, the supplement application material will include substantial changes to project layout and siting areas. The applicant has notified staff that they anticipate submitting their supplemental materials for the application this fall 2026. Are there any questions?
CHAIR BECKETT: Council members? Comments? Okay. We will move on -- let me read my agenda after burying it -- the Wallula Gap Solar project. John Barnes is up again.

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MR. BARNES: Thank you, Chair Beckett and council members. This is John Barnes, EFSEC staff for the Wallula application. Staff are continuing to work with the applicant, OneEnergy, and the Yakima Nation Cultural Resource Program staff regarding impacts identified in the TCPs, Traditional Cultural Property study, and the report conducted by the Yakima Nation for this application. The applicant is currently in the process of updating the application's visual impact assessment report regarding additional potential impacts that have been identified. Are there any questions?
CHAIR BECKETT: Council? Questions? Hearing none, we will move on to the Goldeneye Project, and Joanne Snarski will provide the update.
MS. SNARSKI: Thank you. Again, this is Joanne Snarski, the siting specialist for the proposed Goldeneye Battery Energy Storage Facility in Skagit County. Staff are working with the developer and our consultant to assess the potential impact from the proposed project as required by the State Environmental Act.
Also, during our July meeting, we mentioned that we were working with the Department of Archeological and Historic Preservation to address concerns expressed

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by the Upper-Skagit Indian Tribe regarding the project's potential impacts to TCPs, Traditional Cultural Properties. This resulted in us making a request to the developer to begin working with the Upper Skagit Indian Tribe to develop a confidential report on TCPs and potential impacts from the project. Last we spoke with the developers, they were in the process of initiating discussions with the Tribe and working towards a plan for completing a TCP report. May I answer any questions?
CHAIR BECKETT: Council members? Okay. Thank you, Ms. Snarski. I think that will be that for today. Director Lowe.
MR. LOWE: I will be quick, given the time. It's just been eight weeks since I spoke with an update. It's been a whirl wind. CRT shows us the very complexity of the work here and how important it is. One thing you may be aware that staff worked on the process maps with a visualization of this system that we have, and it's been really helpful. I think the more we can -- you know, our lawyer, Jon Thompson's diagram, as well the visualization of the work, I think is helpful for all of us and the public to understand what we are doing, and how we are doing it, and where we are in the process. I will skip through some of the

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trips and everything. I will say Washington is beautiful, and south central Washington does not disappoint.
One quick technical update. Since our last meeting, Badger Mountain was before you for an extension of their permit time. They have since pulled back their permit. We have notified all interested parties, the Tribes, and counties, as well as members of this Council, but I wanted to pass that along as well. That's it today.
CHAIR BECKETT: Thank you. Mr. Lowe.
Ms. McLean.
MS. MCLEAN: Yes.
CHAIR BECKETT: Share the highpoints, as I am sure you were intending.
MS. MCLEAN: Yeah. I am going to speed through this as well.
CHAIR BECKETT: We know you will be back, too.
MS. MCLEAN: For the record, Lisa. McLean, legislative policy manager and tribal liaison. I was supposed to give a policy and a tribal update. On policy, I just want to tell you that we are making progress on the rules, and it's complicated, and we

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hope that we will have some draft rules in front of you in October. To talk about CRT again, I mean, we can talk about rules.

And then on tribal --

CHAIR BECKETT: Sorry. Can you remind us of which rule?

MS. MCLEAN: I could.

CHAIR BECKETT: If I would shut up.

MS. MCLEAN: No, no. I was trying to skip over them. No. So, the rules that we are working on are the chapter on adjudication trying to establish clarity and move some of the things to 46 -- to the chapter on issuance of the site certification agreement. We have been working with our -- our counsel and with the Office of Administrative Hearings on that process. The chapter on application, that is just adding some simple language on pre-application, trying to encourage it, and telling people how to do that. And then the last one is the site restoration chapter, which is we are trying to clarify the financial -- the language that we have in there about financial assurance. We usually write that chapter out. That chapter was last updated in 2004, and there's a lot of information that we put in to site certification agreements that we would like to sort of

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codify them. That's what the rules are.

CHAIR BECKETT: Thank you.

MS. MCLEAN: On Tribal, it was an active summer. Maria mentioned the trips that we took to Grand Ronde and to Umatilla. We also went to Umatilla to talk to them about the Cascade Advance Energy Project, that's the SMR. And we also had a tribal listing session, which is what we committed to as part of our tribal guidelines. We committed to holding an annual meeting where we would communicate to the Tribes about what we are doing, what we are expecting to do, and see if we have any feedback from them. I wouldn't say that it was -- we didn't get any feedback, or anything, but it was a good meeting, and I am happy that we did that.

We also attended an event at the end of July that the Association of Washington Tribes put on with legislatures. It was organized in conjunction with the Arriving of the Canoes at Nisqually, and that was a good meeting.

I have to say -- and then yesterday -- yesterday and Monday, we are at AT&I's annual conference up in Snoqualmie. So, just as a summary, I will just say, I think what we are hearing, a lot of these discussions that we are having, we are trying to focus the

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conversation on energy and do we have a shared sort of objective with regard to energy and can move forward together on that process? And one of the things that we are also seeing as kind of a side distraction of what -- is that data centers is really top of mind for Tribes, and they are really concerned about it. And, you know, so, sometimes the energy conversation is also a data center conversation. More about the, you know, again, the siting of data centers in our area, and then the use of water, right? Not so much electricity, but use of water. But that's the way it comes up in discussion.

So, but I think that, you know, there's another thing that we do we is have -- the chair is running an informal gathering with some tribes, some tribal staff, some legislatures where, again, we are just trying to bring things to the table, trying to talk about can we get -- everybody needs energy. How are we going to get there? Let's put it that way. That's a simple way to put it, right?

And we are getting ready for the Centennial Court, which, again, just in terms of that, we think -- normally there's a session called natural resources, and that conversation at the Centennial Court is largely focused on salmon. And the -- you know, the

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concerns that the Tribes have with the restoration of salmon areas, and so it occupies a lot of time usually with a Fish & Wildlife. We expect that there's going to be a conversation about energy, and we look forward to that conversation, and we're -- we will be able to report to you because it's right after -- right after Centennial Court we are having a council meeting, so we will be able to tell you what that was. There's a lot of stuff in national resources, so we can't necessarily predict what the Tribes want to talk about. But I think we have sort of been raising this issue. Chair, I think -- I keep pointing to the Chair for those of you online, you know, because he's done a lot of this work. So, sort of focus that conversation, and see if we can't get a conversation going on that.

Would you like to add anything, Chair Beckett, on that, because you have been doing a lot --

CHAIR BECKETT: No, appreciate it. You know, it's a shared effort, let's put it that way. Certainly I have been trying to dedicate my time to it. I appreciate it, but no.

MS. MCLEAN: Any questions?

CHAIR BECKETT: Council members? Thank you for the update. Obviously, it's been a long day.

MR. RYBARIK: Chair, if I could? Not a question, but more of a comment. Lisa, I want to thank you. You recently participated in a joint meeting held here at the -- at the Utilities and Transportation Commission, along with the Department of Commerce on resource adequacy. To put that in more common terms, making sure that Washington has enough of the generating -- enough energy capacity to meet the growing needs of Washington consumers, a significant issue for us thinking about it from utilities and public utilities across the state. And recognizing that permitting is a big challenge in that, Lisa came and presented to a large stakeholder group to talk about EFSEC and the work that we do here at EFSEC. So, I appreciate the time and effort there to educate more and to bring that message to a broader audience, so appreciate it.

MS. MCLEAN: Thank you.

CHAIR BECKETT: Other comments? I will just close with the shameless plug that -- on resource adequacy, which can't be renamed with the officially statutorily based version, but we should be noting in some more approachable language what resource adequacy means, because I have yet to find most normal humans that really know off the shelf what it means.

It just means do we have adequate resources to meet our customer's needs. Very logical. So, I just think it ought to be called the KTLO meeting, which is "keep the lights on" meeting because that's really what it's about at the end of the day.

So, with that, any other closing comments? I will do so other than say on a -- on the closing note, thank you all for your dedication and sticking with us on a longer meeting today. I am sure there will be more -- probably in October we will have a further forecast on the rest of the fall. We may have a new project coming in, so I will note that for those who are still hanging on here, and the Council in particular. With that, I will adjourn us at 4:16 p.m. on the 16th of September. Thank you.

(Proceedings adjourned at 4:16 p.m.)

C E R T I F I C A T E

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COUNTY OF PIERCE)

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/s/CRYSTAL D. SCHAFF,
State of Washington CCR #2053
My CCR Certification expires on 1/22/27
B&A Litigation Services
biia@balitigation.com

Chehalis Generation Facility
1813 Bishop Road
Chehalis, Washington 98532

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: October 1, 2026
Reporting Period: September 2026
Site Contact: Jeremy Smith, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

- 304,448 net MWhrs generated in the reporting period for a capacity factor of 86.91%

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Monthly Water Usage: 2,127,312 gallons

- No changes

-Monthly Wastewater Returned: 922,243 gallons

-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- Nothing to report

-Any EFSEC-related inspections that occurred.

- Nothing to report.

-Any EFSEC-related complaints or violations that occurred.

- Nothing to report

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period for a total of 4,079 days without a Lost Time Accident.

Chehalis Generation Facility
1813 Bishop Road
Chehalis, Washington 98532

Current or Upcoming Projects

-Planned site improvements.

- No planned changes.

-Upcoming permit renewals.

- Nothing to report.

-Additional mitigation improvements or milestones.

- Nothing to report.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- Nothing to report.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,



Jeremy Smith
Gas Plant Operations Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar
Operator: Brookfield Power US Asset Management
Report Date: 10/5/2026
Reporting Period: 9/1/2026 to 9/30/2026
Asset Manager: Nelson Jia
Facility SCA Status: **Operational**

Operations & Maintenance

- Total generation for the month of September-2026 was approximately 15,710 MWh

Goose BESS Construction

- Continued maintenance on temporary SWPPP BMP's

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

Permit status if any changes.

- Goose Prairie is proposing an amendment to the Washington State Construction Stormwater General Permit WAR 312049. The amendment would be to modify the Stormwater Pollution Prevention Plan (SWPPP) to reflect current site conditions. The amendment proposes closing out the solar area and removing it from the permit while leaving the BESS area to remain active under the permit.

  Today, the solar facility segments of the project have reached final grade stabilization requirements and are no longer undergoing earth-disturbing activities. Stabilization through permanent vegetation establishment and permanent stormwater controls.

  Access roadway construction and installation of a drainage diversion swale serving the proposed BESS area were completed on November 18, 2025. This approximately 2.15-acre area will remain stabilized and maintained in accordance with applicable Washington State regulatory requirements governing active and temporarily inactive construction sites.

  Based on the completion and stabilization of the areas described above, Goose Prairie Solar LLC respectfully requests EFSEC review and approval the amendment for the partial construction closure and acceptance of the revised SWPPP. Which would be to remove the solar portion from the active construction stormwater permit and keeping the proposed BESS area active.

Update on progress or completion of any mitigation measures identified.

- No Discharge on the site reported

Any EFSEC-related inspections that occurred.

- Construction & SWPPP inspections

Any EFSEC-related complaints or violations that occurred.

Chehalis Generation Facility
1813 Bishop Road
Chehalis, Washington 98532

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: October 1, 2026
Reporting Period: September 2026
Site Contact: Jeremy Smith, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

- 304,448 net MWhrs generated in the reporting period for a capacity factor of 86.91%

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Monthly Water Usage: 2,127,312 gallons

- No changes

-Monthly Wastewater Returned: 922,243 gallons

-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- Nothing to report

-Any EFSEC-related inspections that occurred.

- Nothing to report.

-Any EFSEC-related complaints or violations that occurred.

- Nothing to report

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period for a total of 4,079 days without a Lost Time Accident.

Chehalis Generation Facility
1813 Bishop Road
Chehalis, Washington 98532

Current or Upcoming Projects

-Planned site improvements.

- No planned changes.

-Upcoming permit renewals.

- Nothing to report.

-Additional mitigation improvements or milestones.

- Nothing to report.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- Nothing to report.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,



Jeremy Smith
Gas Plant Operations Manager
Chehalis Generation Facility

- None

Brief list of reports submitted to EFSEC during the monthly reporting period.

- None

Safety Compliance

- There were no non-routine events to report during this period.

Current or Upcoming Projects

- None

Other

Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- None

Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- None

Public outreach of interest (e.g., schools, public, facility outreach).

- None

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Ostrea Solar
Operator: Cypress Creek Renewables
Report Date: 10/12/2026
Reporting Period: 9/1/2026-9/30/2026
Site Contact: Andrew Poulsen
Facility SCA Status: Construction

Construction Status (only applicable for projects under construction)

- Demobilization of construction equipment complete
- Final performance testing results analysis complete, test was successfully passed
- Major punch list items addressed
- Vegetation management ~95% complete, remaining spot work to be completed by precision tools and hand

Operations & Maintenance (only applicable for operating facilities)

- Not yet operational

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance
-Permit status if any changes.
- None

-Update on progress or completion of any mitigation measures identified.
- None

-Any EFSEC-related inspections that occurred.
- Inspection occurred on 9/10
    - Direction provided to reinstall silt sock until NOT is issued
    - Forklift discovered without drip pan underneath
    - Site reported to be in good condition

-Any EFSEC-related complaints or violations that occurred.
- None

-Brief list of reports submitted to EFSEC during the monthly reporting period.
- Noise monitoring workplan under EFSEC review

Safety Compliance
- Nothing to report in the month of September

Current or Upcoming Projects
-Planned site improvements
- Current:
    - Complete vegetation mitigation

    - General housekeeping and cleanup
    - Perform re-seeding of area impacted by thermal event

- Upcoming Projects
    - Noise monitoring program
    - Re-installation of temporary BMPs
    - Vegetation stabilization survey
    - Submission of operational SPCC, SWPPP and VWMP

-Upcoming permit renewals.

- None

-Additional mitigation improvements or milestones.

- None

Other

-Current events of note.

- None

-Personnel changes as they may relate to EFSEC facility contacts:

- None

-Public outreach of interest

- None

Carriger Solar Project

General Description: A proposed 160 megawatts (MW) solar photovoltaic (PV) electric generating facility. Includes a proposed 63 MW of battery energy storage system (BESS). Project area: 2,108- acres of privately owned land.

Location: Unincorporated Klickitat County. Approximately 2 miles west of Goldendale.

Applicant: Carriger Solar LLC

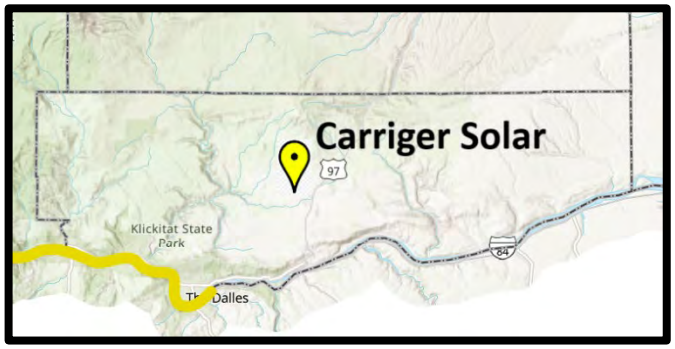
Milestone Dates:

- February 10, 2023, Original ASC Submitted
- September 25, 2023, Council issues Order No. 889 Granting a Finding of Land Use Consistency.
- April 7, 2025, SEPA Mitigated Determination of Non-Significance published.
- May 5, 2025, Council granted Expedited Process.
- June 25, 2025, Council approved Draft Site Certification Agreement (SCA) be sent to the Governor for approval.
- August 22, 2025 Governor Ferguson remanded the SCA to EFSEC for further consideration.
- October 21, 2025 Council approved Revised Draft SCA for re-submission to Governor Ferguson.
- On December 2, 2025 the Governor approved the SCA for execution.

Status:

- Application Approved
- SCA Signed
- **Pre-Construction**
- Construction
- Prior to Commercial Operations
- Operations
- Termination, Decommissioning, and Site Restoration

Location Map:



Goldeneye Battery Storage Project

General Description: A 200- megawatt (MW)/800-megawatt hour (MWh) battery energy storage system (BESS) project. The Project will not generate electricity but instead provide a buffer for Skagit County's (County) electrical grid. The Project will accomplish this by receiving energy (charging) from the Puget Sound Energy (PSE) electric transmission system, storing energy on site, and then later delivering energy (discharging) back to the point of interconnection Project area: approximately 16 acres, privately owned land.

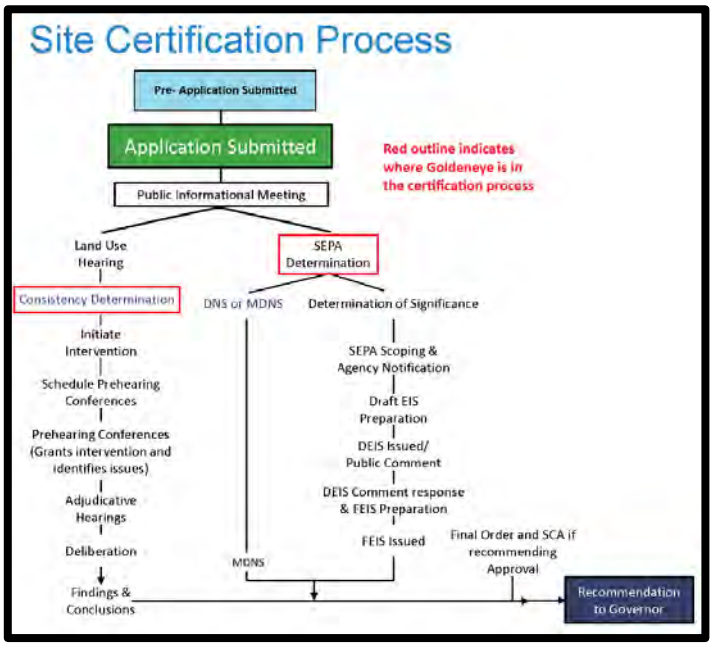
Location: Unincorporated Skagit County, Washington.

Applicant: Goldeneye Battery Storage, LLC.

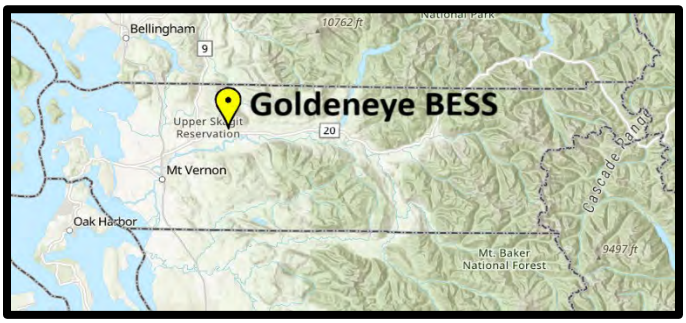
Milestone Dates:

- June 27, 2024, Original ASC Submitted
- August 13, 2024, Public Information Meeting and Land Use Consistency Hearing.
- February 19, 2025, Council approved Order 898 for project's Land Use Consistency

Status:



Location Map:



Horse Heaven Wind Project

General Description: Proposed construction of a renewable energy facility that would have a nameplate energy generating capacity of up to 1,150 megawatts (MWs) for a combination of wind and solar facilities as well as battery energy storage systems (BESS). Meteorological Towers (MET), overhead transmission lines, and Operations and Maintenance (O&M) Facilities are also proposed.

Project area: 72,428 acres, privately owned land in which five DNR parcels are located within.

Location: Unincorporated Central Benton County south of the Tri-Cities.

Applicant: Horse Heaven Wind Farm, LLC.

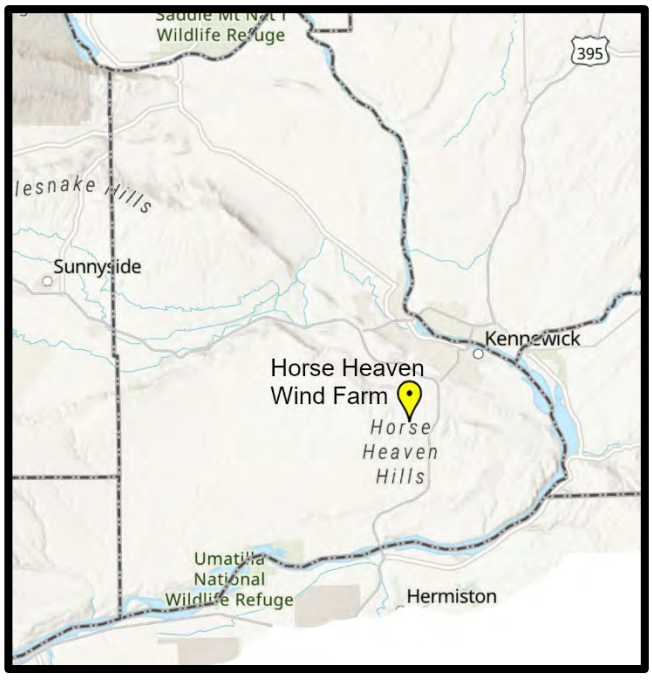
Milestone Dates:

- February 8, 2021, Original ASC Submitted.
- May 17, 2022, Council issues Order No. 883 of Land Use Consistency – Finding Proposed Site Consistent with Land Use Regulations.
- August 25, 2023, Conclusion of Adjudicative Hearings.
- September 22, 2023, Final ASC Submitted.
- October 31, 2023, Final Environmental Impact Statement Issued.
- April 17, 2024, Adjudicative Order Resolving Contested Issues.
- April 29, 2024, Recommendation to the Governor Submitted.
- May 25, 2024, Governor Remanded the Council's Recommendation.
- September 17, 2024, Final Recommendation to the Governor Submitted.
- October 18, 2024, Received Signed SCA and Final Decision from the Governor.
- November 21, 2024, Certificate Holder Signed the SCA.
- November 25, 2024, Governor's Approval Appealed to WA Supreme Court.

Status:

Application Approved
SCA Signed
Pre-Construction
Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

Location Map:



Hop Hill Solar Energy Project

General Description: HOHI bn, LLC (Applicant), a subsidiary of BNC DEVCO, LLC, which is a joint venture between BrightNight, LLC and Cordelio Power. Hop Hill Solar project is an up to 500-megawatt2 (MW) solar photovoltaic (PV) generation facility coupled with an up to 500-MW battery energy storage system (BESS). The Solar Array Siting Area encompasses approximately 11,179 buildable acres and the overhead 230-kV gen-tie line will be developed within a 150-foot-wide corridor and microsited within the approximately 10,841-acre Transmission Line Corridor Siting Area). The final solar array area anticipated to be approximately 6,000 acres.

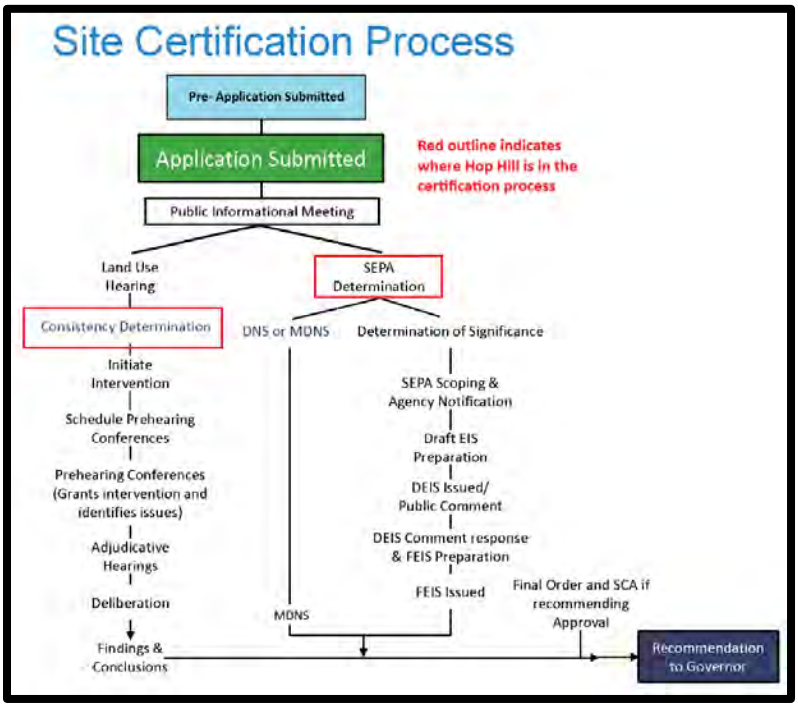
Location: Benton County, Washington.

Applicant: BrightNight, LLC.

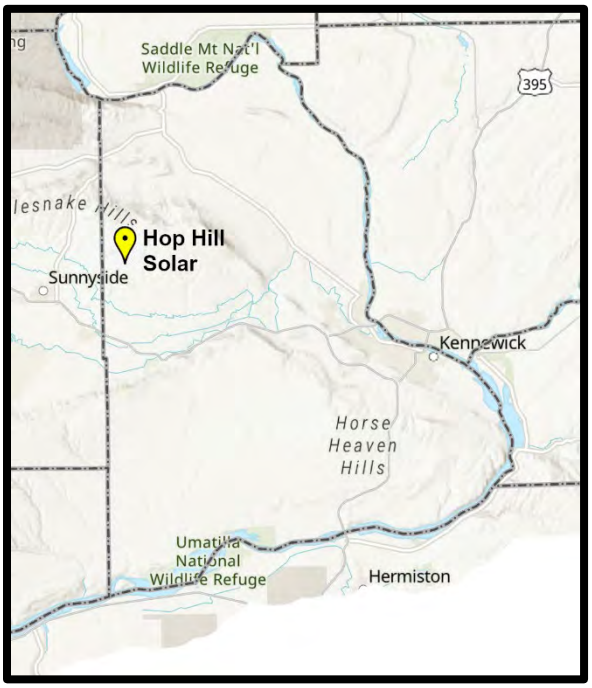
Milestone Dates:

- December 22. 2022, Original ASC Submitted
- February 23, 2023, Public Comment Hearing, Land Use Consistency Hearing
- May 16, 2023, Data Request #1
- July 13,2023, Data Request #2
- November 3, 2023, Brightnight requests application review extension (original date:12/22/23 to 12/22/24)
- November 15, 2023, Order finding Project Inconsistent with Land Use (Benton County) Regulations, setting the matter for adjudication.
- March 26, 2024, Data Request #3
- October 1, 2024, updated wildlife habitat survey report
- October 18 2024, updated wetlands & waters survey reports
- March 25, 2025, Data Request #4

Status:



Location Map:



Wallula Gap Solar Energy Project

General Description: Wallula Gap Solar, a 60-megawatt (MW) solar photovoltaic (PV) project with an optional battery energy storage system (BESS). The Facility would be located across a portion (approximately 437 acres) of three parcels. The optional BESS would not exceed the nominal 60-MW capacity of the Facility. Facility would interconnect through a line tap to Benton Public Utility District's (PUD) 115-kV line near the Prior #2 substation. The generation would then be connected to the Bonneville Power Administration's (BPA) facilities at the Plymouth tap (aka Paterson Tap), where Benton PUD and BPA facilities connect at BPA's McNary substation.

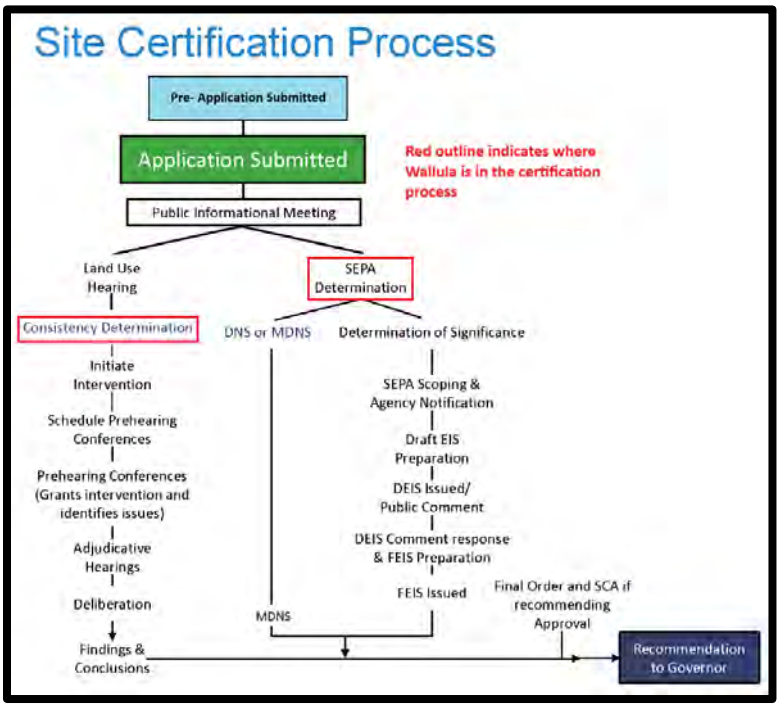
Location: Unincorporated community of Plymouth, Benton County, Washington.

Applicant: OneEnergy Development LLC

Milestone Dates:

- February 23, 2024, Original ASC Submitted
- April 23, 2024, Public Comment Hearing, Land Use Consistency Hearing
- May 20, 2024, Data Request #1
- July 2, 2025, TCP study report
- December 4, 2025, updated wetlands delineation report

Status:



Location Map:



Cascade Renewable Transmission Project

General Description: Request to construct and operate a high-voltage direct current (HVDC) (400-kilovolt [kV]), 1,100-megawatt (MW) electric transmission facility. The facility would interconnect the existing Bonneville Power Administration (BPA) Big Eddy substation, located near The Dalles, Wasco County, Oregon (Eastern Interconnection), and the existing Portland General Electric (PGE) Harborton substation, located in Portland, Multnomah County, Oregon (Western Interconnection). The Project would be constructed primarily in the bed of the Columbia River in both Oregon and Washington, with approximately 40.2 route miles located in Washington and approximately 58 route miles and two converter stations located in Oregon. The Project includes exiting and re-entering the Columbia River in Washington to place approximately 7.6 miles of overland buried transmission cable in Washington, primarily in road ROW, to avoid the Bonneville Locks and Dam.

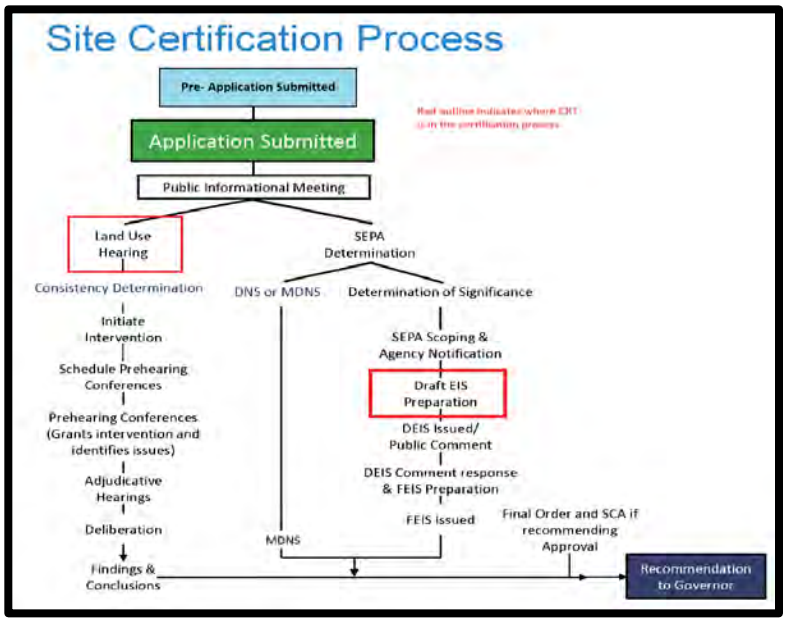
Location: Skamania, Klickitat, and Clark Counties, Washington.

Applicant: Cascade Renewable Transmission, LLC.

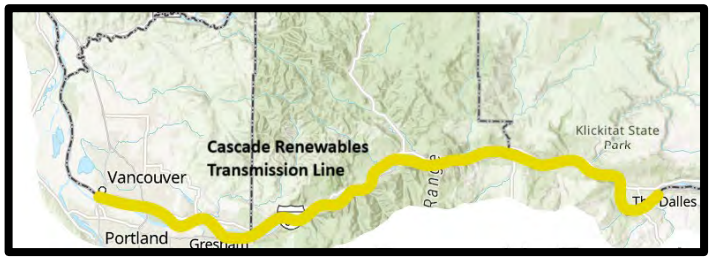
Milestone Dates:

- October 6, 2025, Original ASC Submitted
- November 17-19, 2025, Public Informational Meetings and Land Use Consistency Hearings
- May 1 – June 1, 2026 – SEPA EIS Scoping Period Conducted
- April 29, 2026 – Government-to-Government Consultation with the Cowlitz Indian Tribe
- July 7, 2026 – Government-to-Government Consultation with the Yakama Nation
- July 21, 2026 – Government-to-Government Consultation with the Confederated Tribes of Grand Ronde
- July 27 – August 26, 2026 – Additional Land Use Consistency Public Comment Period Conducted
- August 26, 2026 – Intial meeting with the Confederated Tribes of the Umatilla Indian Reservation

Status:



Location Map:





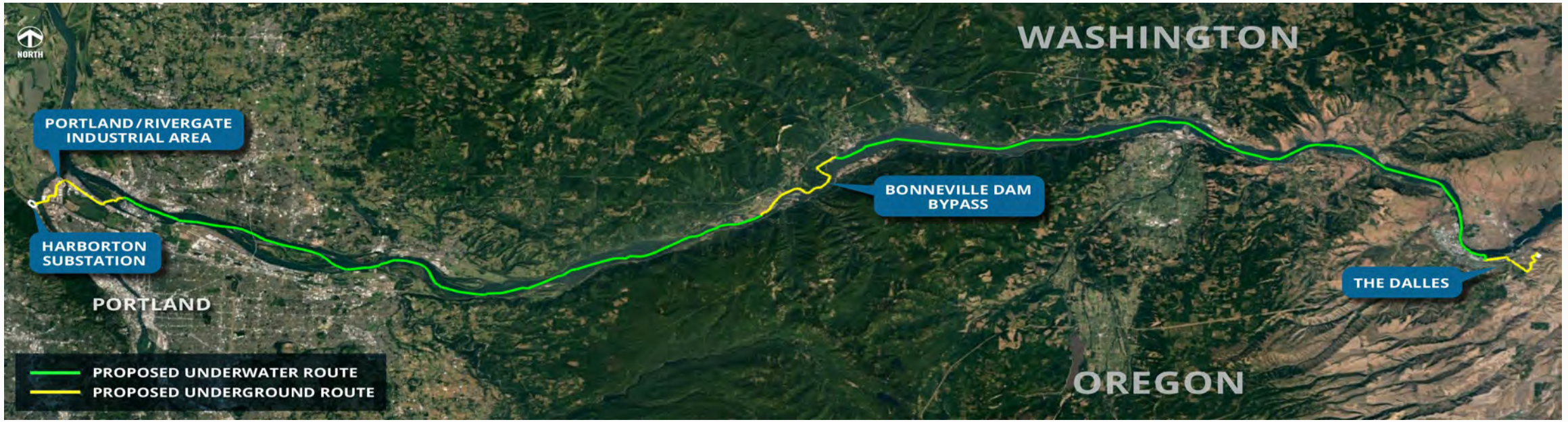
Cascade Renewable Transmission (CRT)

Land Use Consistency Review by Segment

October 2026

Project Overview

Cascade Renewable Transmission is a proposed 400-kilovolt (kV) high-voltage direct current (HVDC) electric transmission facility spanning about 100 miles between the BPA Big Eddy substation near The Dalles, Oregon, and the PGE Harborton substation in Portland, Oregon. The project would be built primarily within the Columbia River bed in both Oregon and Washington, with approximately 40 miles in Washington and 58 miles in Oregon, including about 7.6 miles of underground cable in Skamania County to bypass the Bonneville Locks and Dam.



Scope of the Land Use Consistency Review

This review addresses a focused land use question within a broader environmental and permitting process.

Included in this review

- Local land use plans and zoning ordinances in effect when EFSEC received the application
- Applicable local Shoreline Master Program provisions
- Staff's preliminary screen and the Council's consistency determination

Separate permits and authorities beyond EFSEC's jurisdiction

- Columbia River Gorge National Scenic Area requirements
- USACE Section 10 and 404 review; EFSEC Section 401 certification
- DNR authorization for state-owned aquatic lands
- Oregon EFSC review of the Oregon portion of the route

Other EFSEC review processes to come

- Environmental effects and mitigation through the EIS
- Contested issues and conditions through the adjudicative process
- Treaty rights through government-to-government consultation

How Staff Reviewed Each Segment

01 Map the proposed facilities

Compare the route, landfalls, HDD work areas, cofferdams, and temporary work areas with adopted local maps.

02 Confirm jurisdiction

Confirm the county or city and whether each segment lies in the river, on land, or within a road right-of-way.

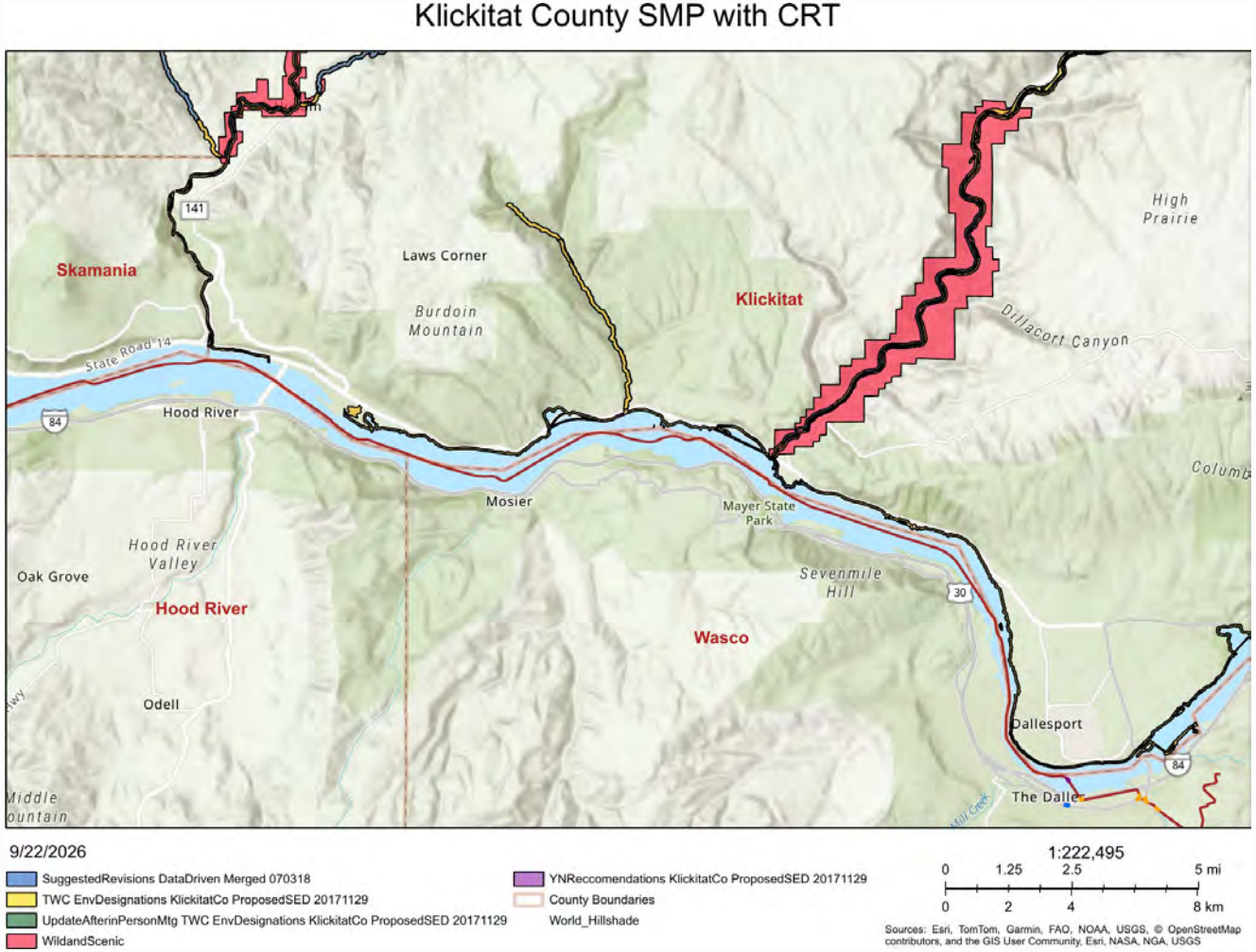
03 Identify designations

Record the applicable shoreline environment designation and zoning district shown on adopted maps.

04 Compare regulations

Compare the proposed use with the relevant land use plan, zoning code, and Shoreline Master Program.

Klickitat County



Project Area

In-water cable within Klickitat County jurisdiction in the Columbia River.

Applicable Designation

Aquatic shoreline environment.

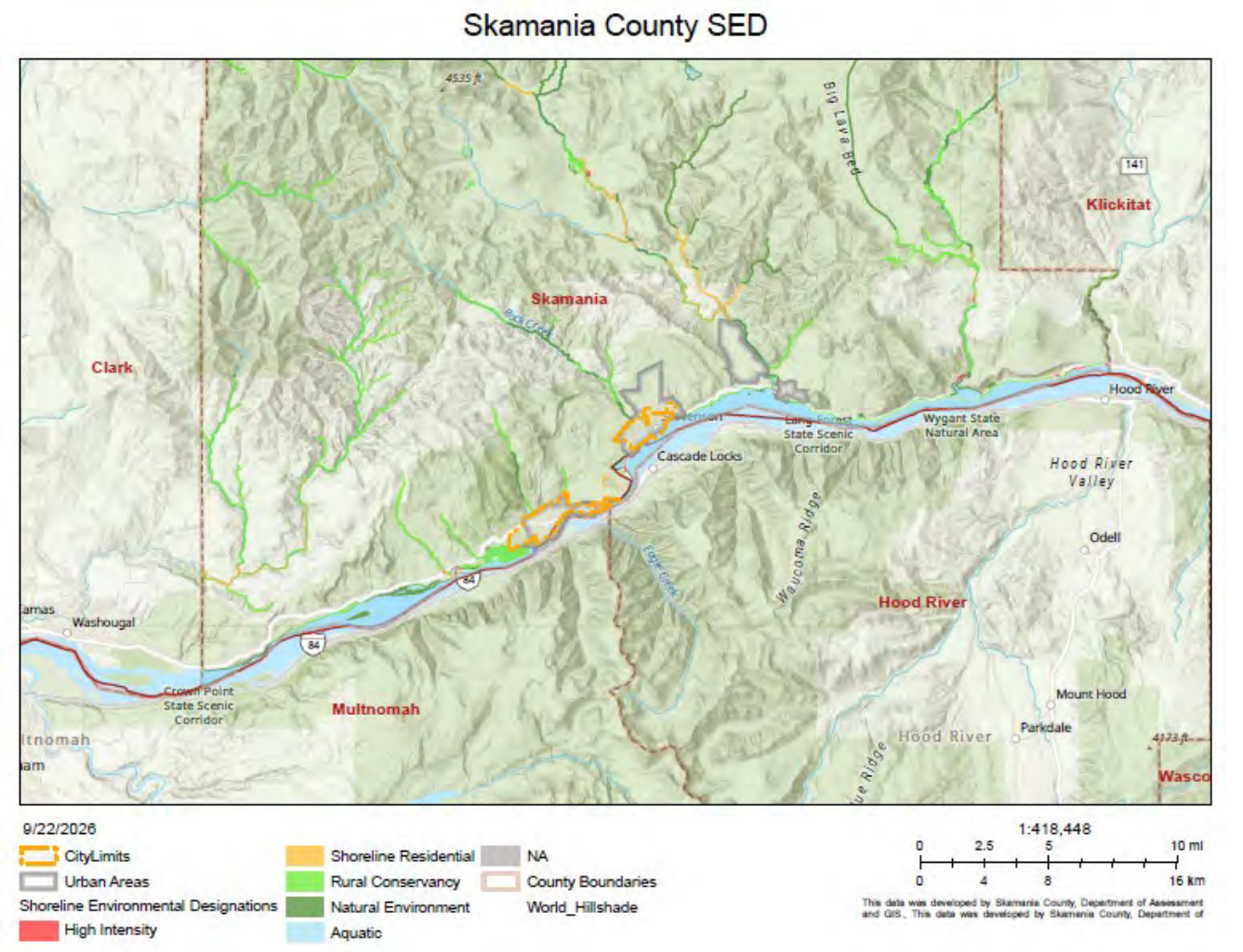
Preliminary Staff Screen

The SMP recognizes utility transmission as an in-stream structure. No unequivocal prohibition identified. Applicable standards and review still apply.

City Screening

The current alignment remains outside the City of Bingen and City of White Salmon unless the route changes.

Skamania County



Project Area

In-water cable plus an approximately 7.6-mile underground land bypass around Bonneville Locks and Dam, primarily in existing road rights-of-way.

Applicable Designations

Aquatic, Rural Conservancy, Natural, High Intensity, and applicable city zoning along the route.

Preliminary Staff Screen

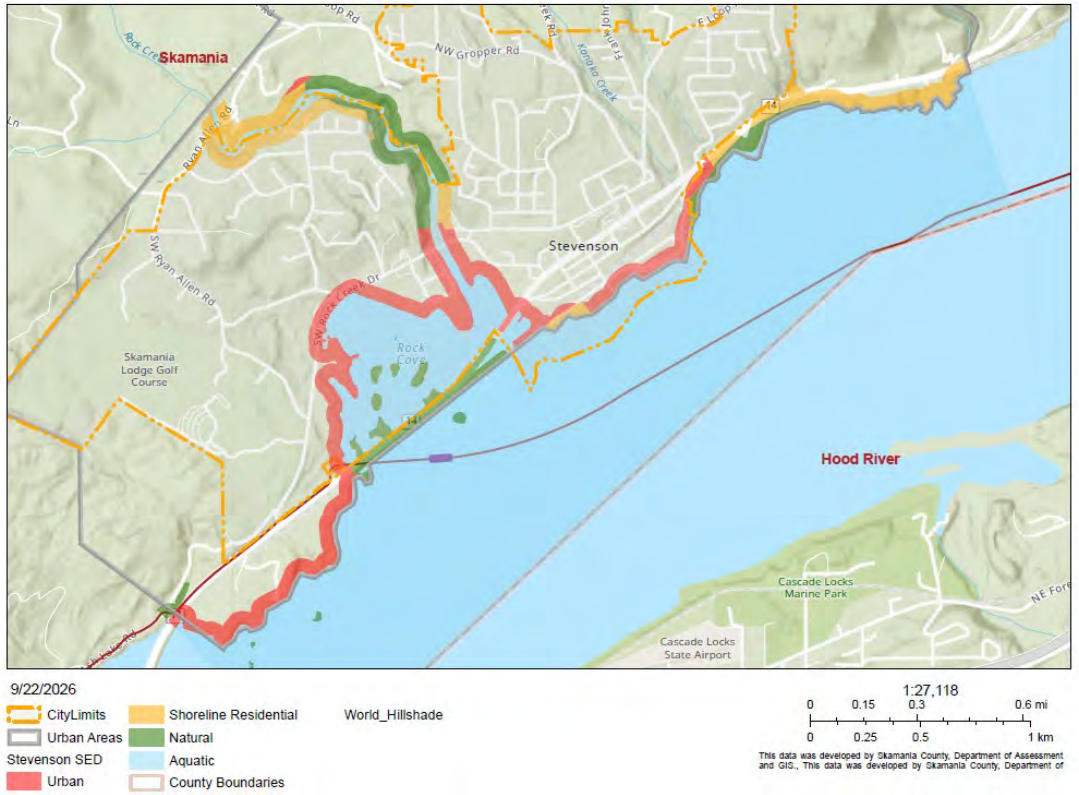
No unequivocal prohibition identified. Some segments may require the issuance of a condition use permit.

Separate Scenic Area Review

Portions of the route lie within the Columbia River Gorge National Scenic Area. EFSEC is coordinating on the applicable review framework.

Skamania County Land Bypass

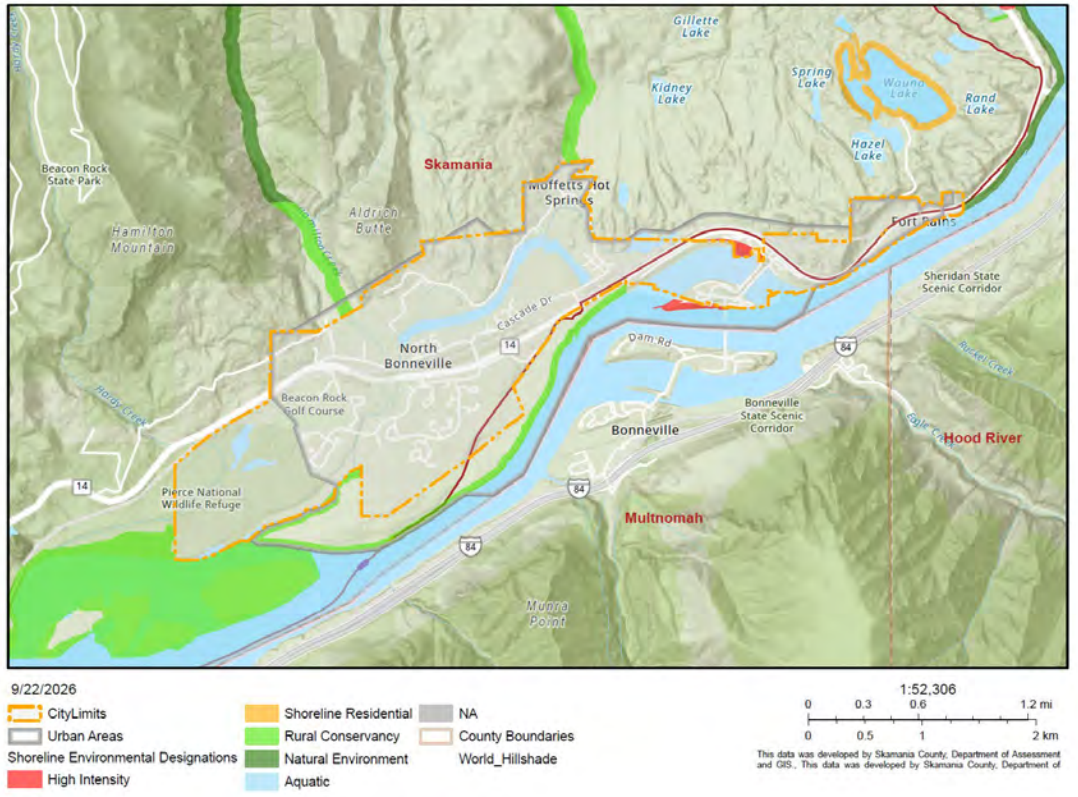
Stivenson SED



Stevenson

Underground cable and landfall segments, largely within SR 14 and other road rights-of-way. No unequivocal prohibition identified; shoreline or other review may apply.

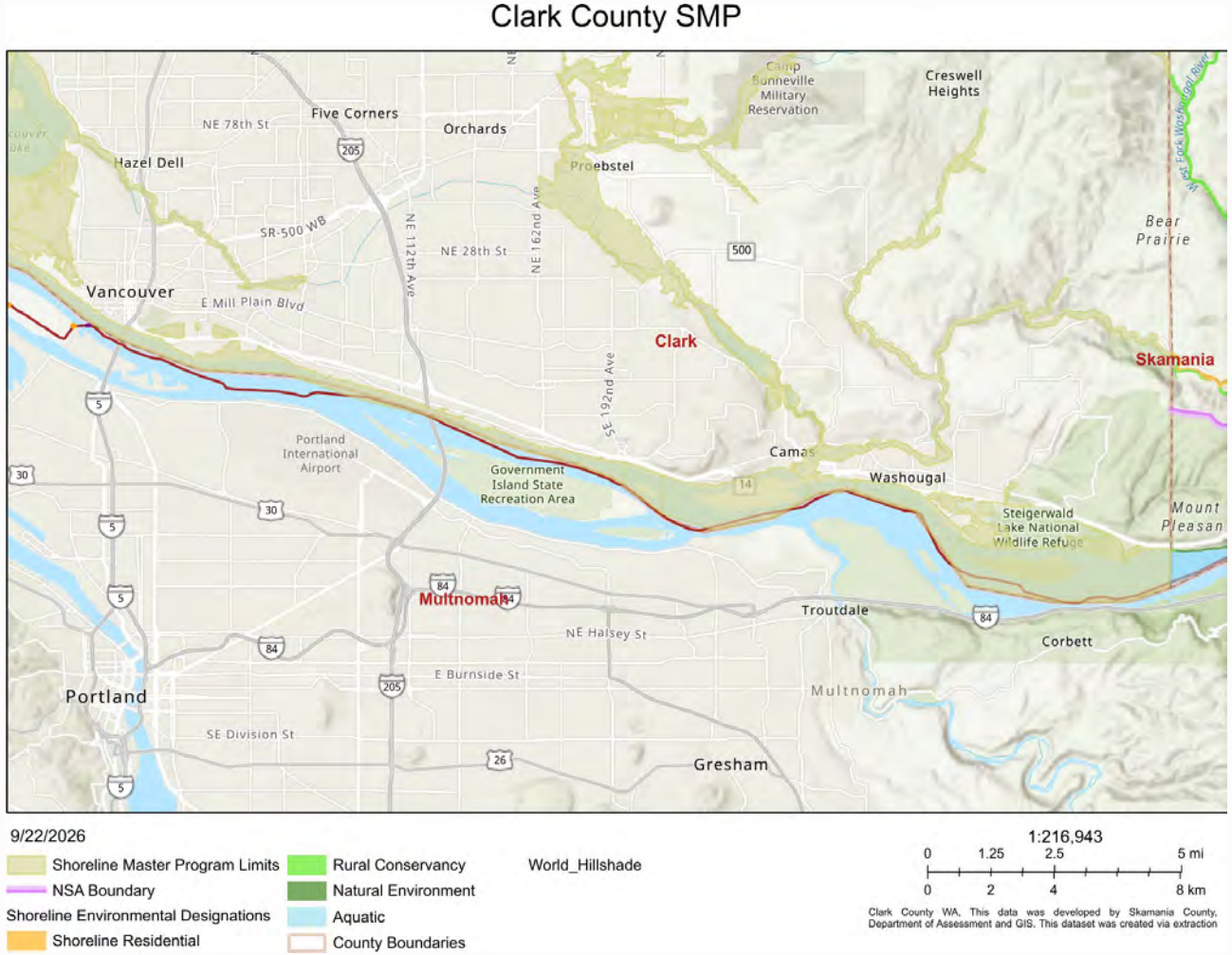
City of North Bonneville SED



North Bonneville

River landfall and underground cable along SR 14 and related road rights-of-way. No unequivocal prohibition identified; shoreline or other review may apply.

Clark County



Project Area

The in-water alignment crosses into Clark County near Camas.

Applicable Designations

County: Aquatic shoreline environment and Water land use designation.
City of Camas: applicable shoreline and zoning designations are identified in the segment table.

Preliminary Staff Screen

No unequivocal prohibition identified in staff's preliminary review. Conditional use or shoreline use permits may be required.

City Screening

Washougal and Vancouver remain outside the current alignment unless the route changes.

Current Status and Next Steps

Staff is validating the draft segment table with the affected counties and cities.

01	**Local technical review**	Draft segment tables and maps were sent to affected county and city planning departments. Staff requested corrections and preliminary input by October 15.
02	**Staff revisions**	Staff will incorporate corrections to jurisdictional boundaries, designations, citations, and preliminary conclusions, and will document any unresolved differences.
03	**Council record**	The updated materials will support any continued land use consistency hearing and the Council's determination.

Thank you!

Contacts

Maria Belkina
Siting Specialist
maria.belkina@efsec.wa.gov

Lance Caputo
Siting Specialist
lance.caputo@efsec.wa.gov

Trevin Taylor
SEPA Specialist
trevin.taylor@efsec.wa.gov

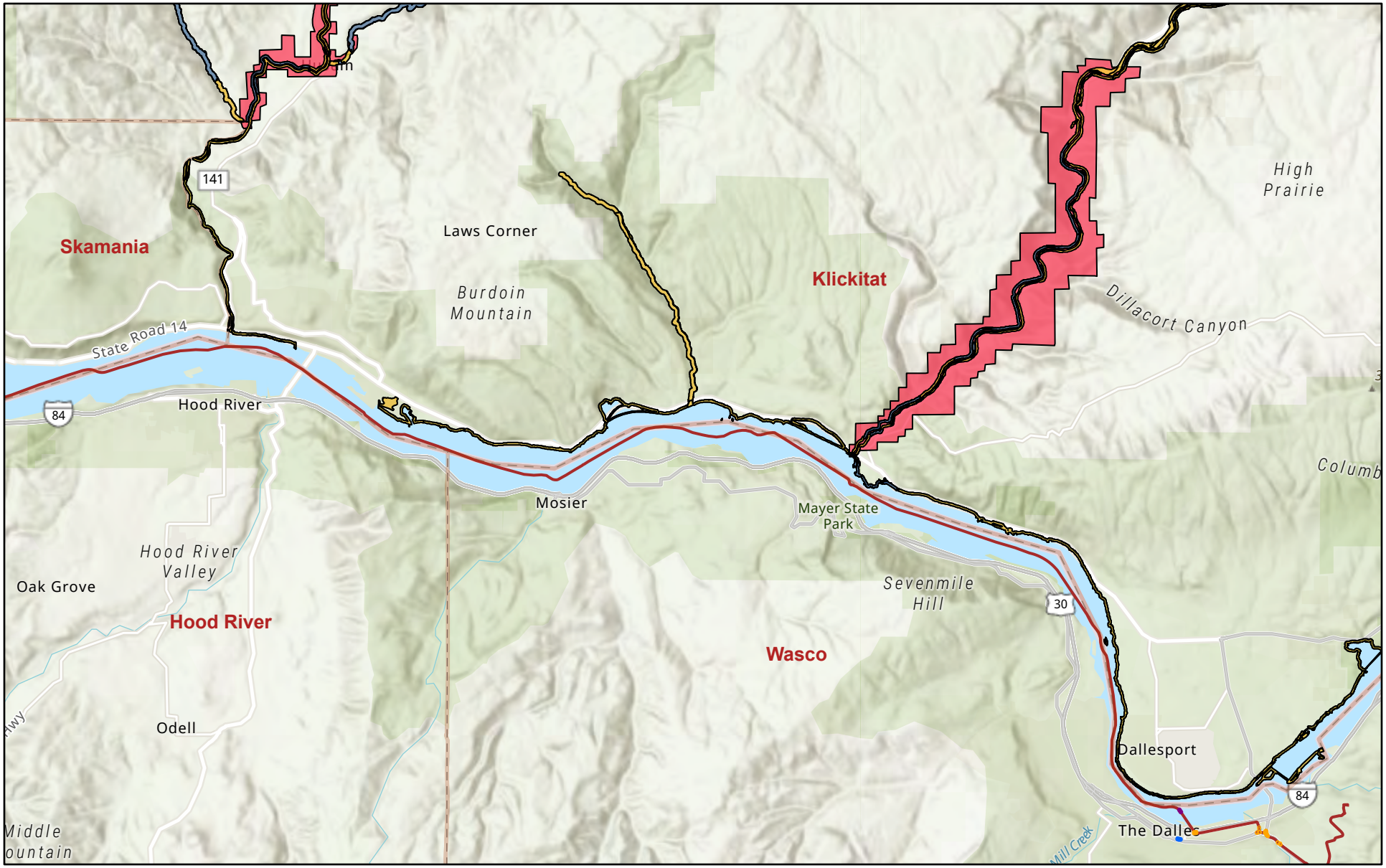
Cascade Renewable Transmission — Washington land-use consistency by segment

Segment	Location	In water / on land	What would be built	Designation	Shoreline program	Zoning code	Key provisions	What the rules say about a transmission line	Preliminary answer	Separate approvals (decided by others)	County and City comments
WA-01	Klickitat County — Columbia River	In water	Cable buried in the riverbed	Shoreline: Aquatic Zoning: river not zoned	Klickitat County SMP (2023 draft)	—	Klickitat County SMP §§4.6.3 and 3.6 — In-stream structures and Aquatic environment standards.	Section 4.6.3 identifies utility service transmission as a type of in-stream structure. Section 3.6 requires development and uses in navigable waters to minimize interference with navigation and public views, maintain safe passage for fish and wildlife, prevent degradation of water quality and hydrographic conditions, and avoid or mitigate adverse effects to assure no net loss of shoreline ecological functions.	Yes — no unequivocal prohibition identified.	Scenic Area: Gorge Commission Rule 350-082. DNR lease. USACE permits.	
WA-02	City of Bingen — Columbia River **Current CRT alignment appears outside city limits**	In water	Cable buried in the riverbed	Shoreline: Aquatic No current city segment	—	—	—	—	Not applicable to the current alignment. If the route entered Bingen, transmission facilities would be conditionally allowable in the Aquatic designation.	—	
WA-03	City of White Salmon — Columbia River **Current CRT alignment appears outside city limits**	In water	Cable buried in the riverbed	Shoreline: Aquatic No current city segment	—	—	—	—	Not applicable to the current alignment. If the route entered White Salmon, transmission facilities would be conditionally allowable in the Aquatic designation.	—	
WA-04	Skamania County — Columbia River (outside cities)	In water	Cable buried in the riverbed	Shoreline: Aquatic	Skamania County SMP	Skamania County Code	Skamania County SMP §§4.2.3 and 5.3.8; Table 5-1 and utility provisions in §5.3.13.	Table 5-1 (Utilities — Transmission Facilities) shows non-water-oriented PARALLEL facilities as X (not permitted) in the Aquatic designation, and conditional if perpendicular. The route runs along the river, not across it. Three provisions point the other way: §5.3.8 covers utility service transmission as an instream structure (conditional in Aquatic); §5.3.13 contains no prohibition; and the introduction to §5.3 states that where the table and the text conflict, the text prevails.	Preliminary yes — not unequivocally prohibited. Table 5-1 conflicts with the text; §5.3 says the text controls, and §§5.3.8 and 5.3.13 contemplate utility transmission.	Scenic Area review may also apply outside urban areas and is separate from EFSEC's consistency determination. DNR lease and USACE permits may also apply.	Skamania County planning staff reviewed the preliminary assessment and indicated that the use is not unequivocally prohibited, citing SMP §5.3.8 and Table 5-1. Staff also indicated that the remainder of the segment table is reasonably consistent with the applicable land use code.
WA-05	City of Stevenson — river and drilling landfall	In water and landfall	Horizontal directional drilling (PBB) from river to shore	Shoreline: Aquatic Zoning: Public Use and Recreation (PR) near the work area	Stevenson SMP (2022)	Stevenson Municipal Code	Stevenson SMP §3.2.4, Table 5-1 and §5.4.12 Utilities.	The river and drilling landfall are not road-ROW-only facilities. The SMP allows utility transmission subject to feasibility, minimization, undergrounding within the Columbia River shoreline, use of existing rights-of-way where possible, and a direct shoreline crossing unless another route would have less impact.	Yes — no unequivocal prohibition identified.	Urban area — Scenic Area rules do not apply. DNR lease. USACE permits.	Skamania County planning staff reviewed the table and indicated that the information is generally consistent with the applicable land use code. No additional corrections were identified for this segment.
WA-06	City of Stevenson — on land along SR 14 ROW	On land	Underground cable	Zoning: Public Use and Recreation (PR) Shoreline: Rural Conservancy	Stevenson SMP (2022)	Stevenson Municipal Code	Stevenson SMP Table 5-1 and §5.4.12 where shoreline jurisdiction applies. SMC §17.13.040; ch. 17.35 (PR); ch. 17.25 (CR)	The underground cable would be installed within the existing SR 14 right-of-way. The Stevenson SMP directs transmission facilities to use existing rights-of-way where feasible and requires shoreline impacts to be avoided or minimized. SMC §17.13.040 excludes underground cables, pipelines, vaults, and similar linear components from the Utility or Communication Facility use category; therefore, the buried cable is not separately classified under the PR district use table. Stevenson SMP Table 5-1 and §5.4.12 apply to portions within shoreline jurisdiction.	Yes — no prohibition identified. Placement within the existing ROW is consistent with the SMP siting standard, and the underground cable is not separately classified under the PR use table. Shoreline requirements apply where the route or construction footprint is within shoreline jurisdiction.	Urban area — Scenic Area rules do not apply.	Skamania County planning staff reviewed the table and indicated that the information is generally consistent with the applicable land use code. No additional corrections were identified for this segment.
WA-06A	Stevenson Urban Area outside city limits (Skamania County)	On land	Underground cable	Shoreline: Rural Conservancy Zoning: Skamania County — Commercial Recreation (CR) and General Industrial (MG)	Skamania County SMP	Skamania County Code	Skamania County SMP Table 5-1 and §5.3.13 where shoreline jurisdiction applies; Skamania County Title 21 zoning.	The cable is proposed within an existing road right-of-way. Under SCC §21.24.040, the ROW centerline generally serves as the zoning boundary; therefore, the applicable zoning depends on which side contains the final cable and construction footprint. In CR, public utility uses are conditional under SCC §21.50.030(C). Electrical transmission facilities are not expressly classified in MG. Within Rural Conservancy shoreline jurisdiction, a non-water-oriented utility running parallel to the shoreline is conditional.	Yes — no unequivocal prohibition identified. Existing ROW placement supports the siting rationale but does not eliminate zoning or shoreline review. Confirm the final alignment and work limits relative to the ROW centerline; CR is conditional, while MG requires County interpretation.	Urban area — Scenic Area rules do not apply.	Skamania County planning staff reviewed the table and indicated that the information is generally consistent with the applicable land use code. No additional corrections were identified for this segment.
WA-07	Skamania County — on land, Stevenson to North Bonneville, ROW	On land	Underground cable in or next to SR 14 and local roads	Shoreline: Natural and Rural Conservancy Zoning: Separate Scenic Area designations: GMA F-2	Skamania County SMP	Skamania County Code Title 21	Skamania County SMP Table 5-1 and §5.3.13. Skamania Title 21 for local zoning. Title 22 reviewed separately for Scenic Area lands.	The alignment follows existing SR 14 and local-road rights-of-way, consistent with §5.3.13's preference for existing ROWs. Because it runs generally parallel to the shoreline, Table 5-1 classifies the facility as conditional in both the Natural and Rural Conservancy environments. ROW placement does not eliminate conditional-use, shoreline, or critical-area review. A road may limit a functionally isolated buffer only through a case-specific critical-area review.	Allowed with conditions — no unequivocal prohibition identified. Confirm the final cable and construction footprint relative to the ROW centerline, shoreline jurisdiction, OHWM, underlying Title 21 zoning, and any case-specific functionally isolated buffer determination.	Scenic Area: GMA F-2 and GMA A-1(80) occur along mapped portions. Skamania County review under Title 22 is separate from EFSEC's consistency determination and may require demonstration that no practicable lower-impact alternative exists and that the facility is the minimum necessary size.	Skamania County planning staff reviewed the table and indicated that the information is generally consistent with the applicable land use code. No additional corrections were identified for this segment.
WA-08	City of North Bonneville — on land along SR 14, ROW	On land	Underground cable	Shoreline: Rural Conservancy shown in County GIS; Active Waterfront shown on the adopted City SMP map Zoning: Federal Ownership, Industrial/Business Park (I/BP), unmapped areas and ROW	North Bonneville SMP (2024)	North Bonneville Title 20	North Bonneville SMP Table 6-1 and §6.3.7; North Bonneville Title 20, including §§20.36.040(B), 20.36.050(N), 20.54 and 20.10.	The underground cable follows the existing SR 14 right-of-way, consistent with the SMP preference for existing corridors. Utilities are permitted in Active Waterfront if that is the controlling shoreline designation. In the I/BP district, an unlisted use is conditional and utilities must be underground. Federally owned areas are not subject to City zoning. The rule discouraging cables parallel to and below OHWM applies to in-water facilities, not the upland SR 14 ROW.	Allowed with conditions — no prohibition identified.	Urban area.	Skamania County planning staff reviewed the table and indicated that the information is generally consistent with the applicable land use code. No additional corrections were identified for this segment.
WA-09	Federal land — USACE, Bonneville project	On land	Underground cable	Federal ownership — no local designation	—	—	—	Local jurisdictions have not zoned this federal land.	No local land-use rules apply.	USACE permission for work affecting the Bonneville project.	—
WA-10	City of North Bonneville — river and landfall	In water and landfall	Drilling transition to shore; cofferdam if used	Shoreline: Aquatic at the river; Zoning: federal ownership or unmapped near the landfall	North Bonneville SMP (2024)	North Bonneville Title 20	North Bonneville SMP Table 6-1 and §6.3.7 Utilities.	The river and drilling landfall are not road-ROW-only facilities. Utilities are conditional in Aquatic and Natural environments. The landfall should be evaluated as a shoreline crossing based on the final HDD, cofferdam, and work-area footprint; the SMP provision discouraging cables parallel to and below OHWM is not the controlling description for a perpendicular landfall.	Allowed with conditions — no unequivocal prohibition identified.	Urban area. DNR lease. USACE permits.	Skamania County planning staff reviewed the table and indicated that the information is generally consistent with the applicable land use code. No additional corrections were identified for this segment.
WA-11	Clark County — Columbia River (outside cities)	In water	Cable buried in the riverbed; possible scour protection	Shoreline: Aquatic Zoning: Water	Clark County SMP (2024)	Clark County Code 40.460	Clark County SMP and Clark County Code Ch. 40.460, including §40.460.630(N) and the applicable use/modification table.	Transmission lines are conditionally allowed in the Aquatic designation. Shoreline stabilization is allowed only where it is the only way to protect public safety and existing primary structures.	Allowed with conditions.	Scenic Area: CCC 40.240. DNR lease. USACE permits.	

Cascade Renewable Transmission — Washington land-use consistency by segment

Segment	Location	In water / on land	What would be built	Designation	Shoreline program	Zoning code	Key provisions	What the rules say about a transmission line	Preliminary answer	Separate approvals (decided by others)	County and City comments
WA-12	City of Washougal — Columbia River **Current CRT alignment appears outside city limits**	In water	Cable buried in the riverbed	Shoreline: Aquatic Zoning: Water	—	—	—	—	Not applicable to the current alignment. Review Washougal requirements only if the final route or work area enters the city.	—	
WA-13	City of Camas — Columbia River In-water buried cable	In water	Cable buried in the riverbed	Shoreline: Aquatic Zoning: Water	Camas SMP (2021)	—	Camas SMP §§3.11, 4.3.1.4 and 6.3.15; Table 6-1.	No prohibition identified. The screening overlay confirms that the alignment enters Camas and is mapped as Water. Apply the utility provisions and use matrix to the final route and work area.	Yes — no unequivocal prohibition identified.	Scenic Area: CCC 40.240. DNR lease. USACE permits.	The map you provided shows a portion of the line inside the Camas UGA and shoreline jurisdiction as adopted in our current Shoreline Management Master Program. Underground utilities are allowed conditionally within the Aquatic designation listed in Table 6-1 in the SMP. Everything you have provided looks correct.
WA-14	City of Vancouver — Columbia River Current **CRT alignment appears outside city limits**	In water	Cable buried in the riverbed	Shoreline: Aquatic Zoning: Water	—	—	—	—	Not applicable to the current alignment. Review Vancouver requirements only if the final route or work area enters the city.	—	

Klickitat County SMP with CRT



9/22/2026

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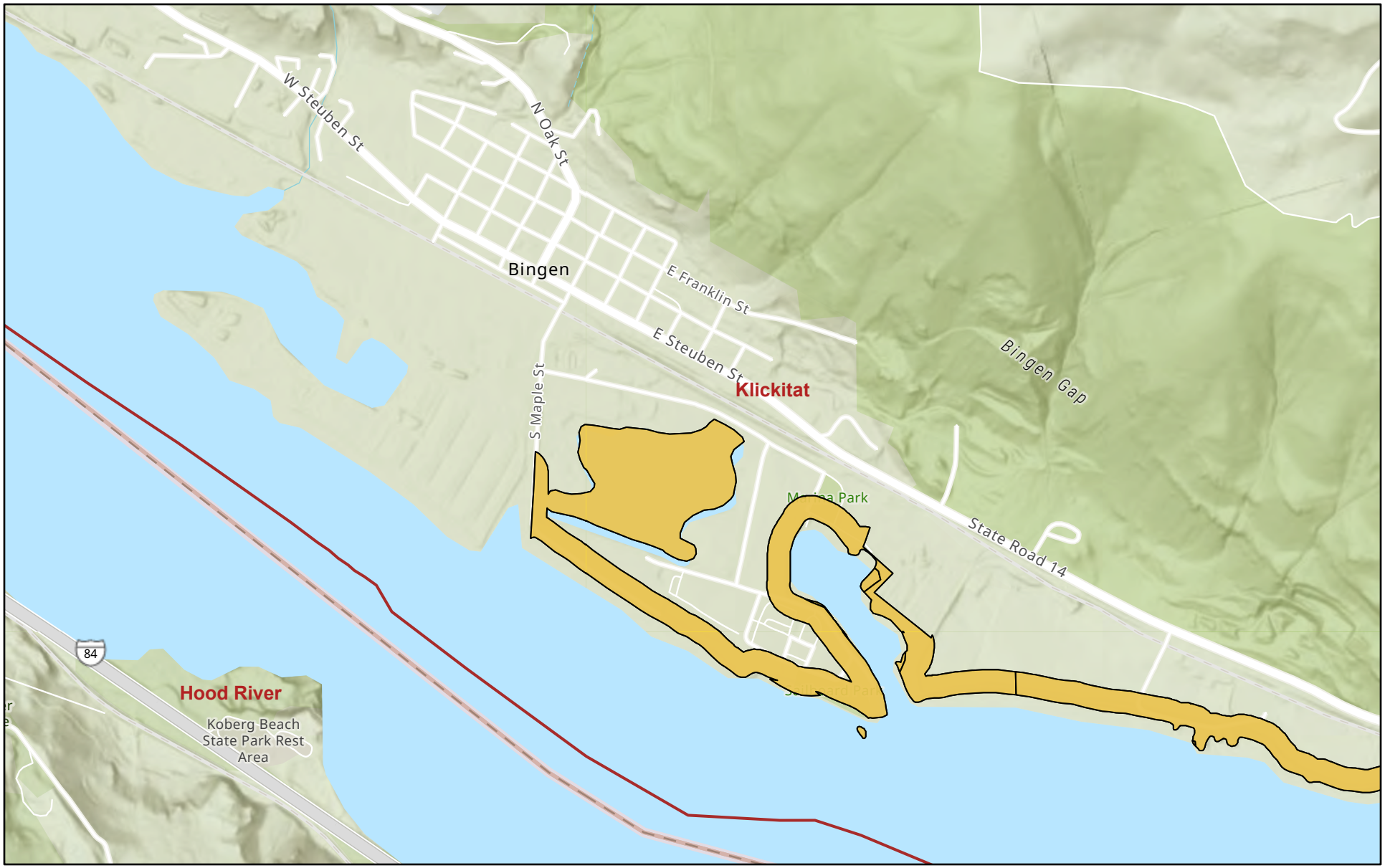
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- TWC EnvDesignations KlickitatCo ProposedSED 20171129
- UpdateAfterinPersonMtg TWC EnvDesignations KlickitatCo ProposedSED 20171129
- WildandScenic
- YNReccomendations KlickitatCo ProposedSED 20171129
- County Boundaries
- World_Hillshade

0 1.25 2.5 5 mi

0 2 4 8 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS

City of Bingen limits and CRT



9/22/2026

TWC EnvDesignations KlickitatCo ProposedSED 20171129

YNReccomendations KlickitatCo ProposedSED 20171129

County Boundaries

World_Hillshade

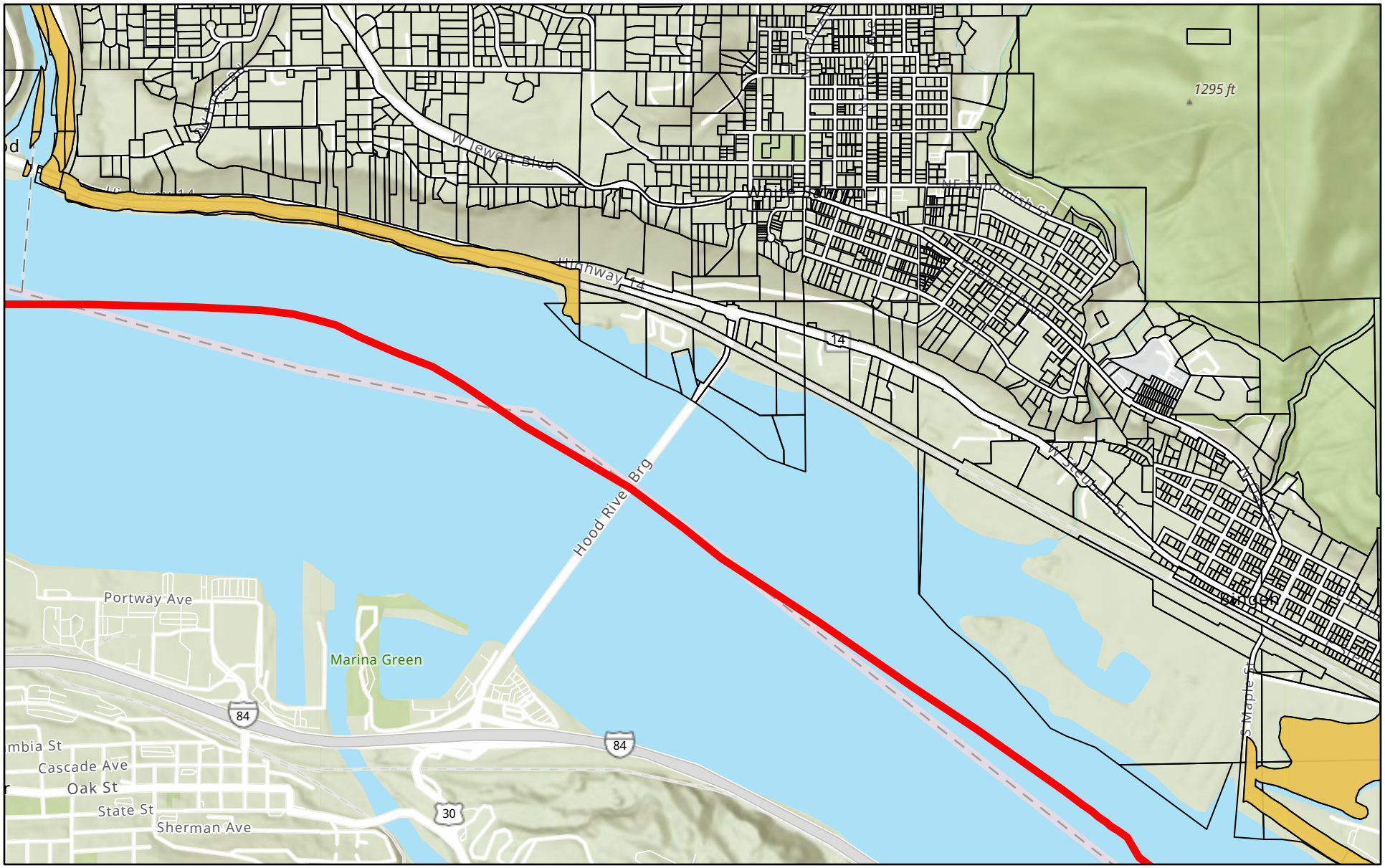
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0 205 410 820 m

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS, FEMA

City of White Salmon city limits



10/15/2026

TWC EnvDesignations KlickitatCo ProposedSED 20171129

YNReccomendations KlickitatCo ProposedSED 20171129

Current Parcels - Parcels 2026

World_Hillshade

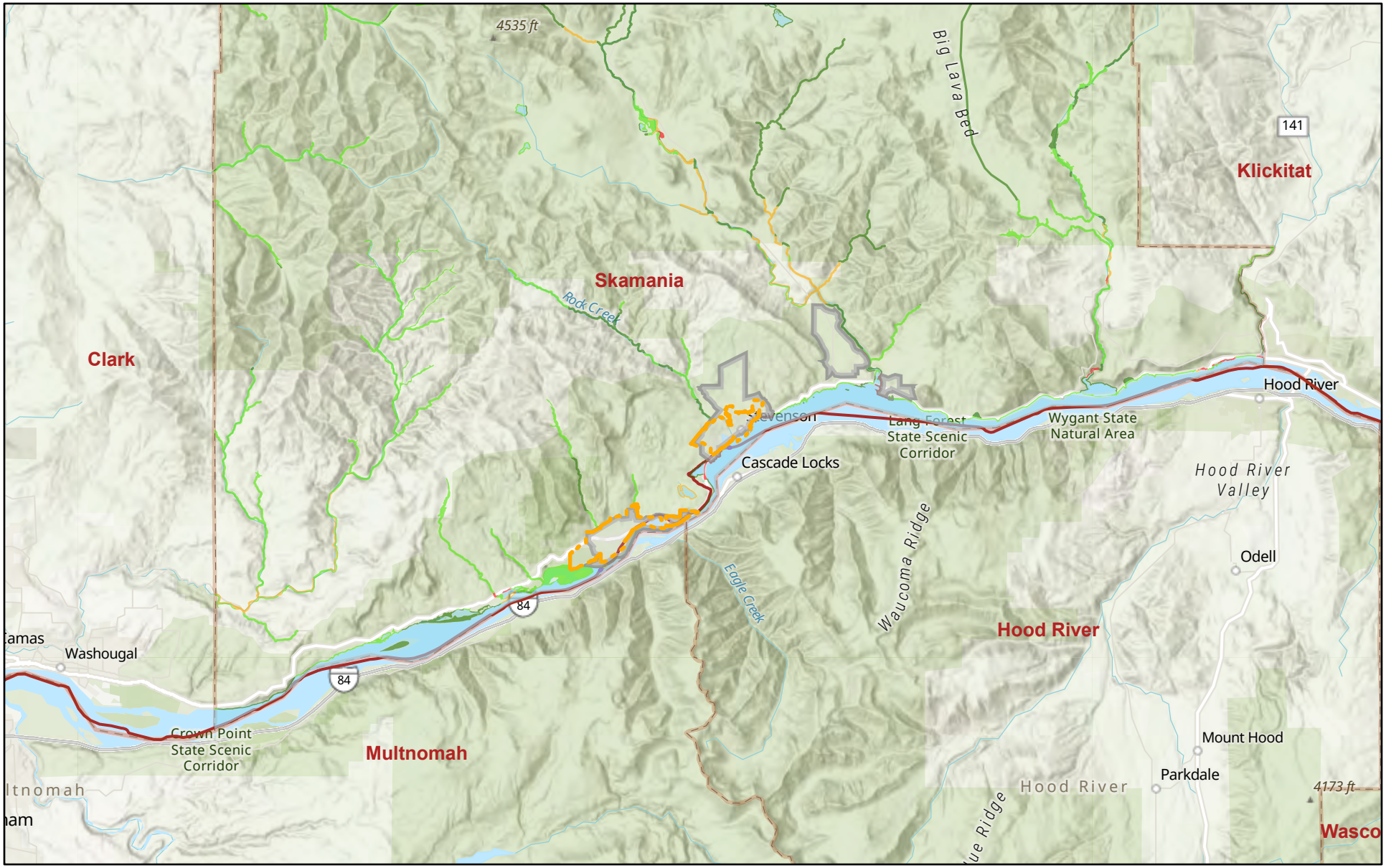
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Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS, FEMA

Skamania County SED



9/22/2026

1:418,448

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0 4 8 16 km

CityLimits

Urban Areas

Shoreline Environmental Designations

High Intensity

Shoreline Residential

Rural Conservancy

Natural Environment

Aquatic

NA

County Boundaries

World_Hillshade

This data was developed by Skamania County, Department of Assessment and GIS., This data was developed by Skamania County, Department of

FIGURE 4-3 STEVENSON ZONING

FOR INFORMATION ONLY - CONCEPT DRAWING

- PROPOSED ALIGNMENT - HVDC HDD
- PROPOSED ALIGNMENT - HVDC HYDROPLOW
- PROPOSED ALIGNMENT - HVDC UNDERGROUND
- TEMPORARY HORIZONTAL DIRECTIONAL DRILLING (HDD) AREA
- CITY/COUNTY BOUNDARY
- NSA - GMA F-2

SHORELINE ENVIRONMENTAL DESIGNATIONS

- AQUATIC
- HIGH INTENSITY

CITY OF STEVENSON ZONING DESIGNATIONS

- PUBLIC USE AND RECREATION (PR)

NSA
GMA F-2

STEVENSON

14

Proposed Alignment HVDC Hydroplow

Columbia River

Proposed Alignment HVDC HDD

Proposed Alignment HVDC Underground

CASCADE RENEWABLE TRANSMISSION



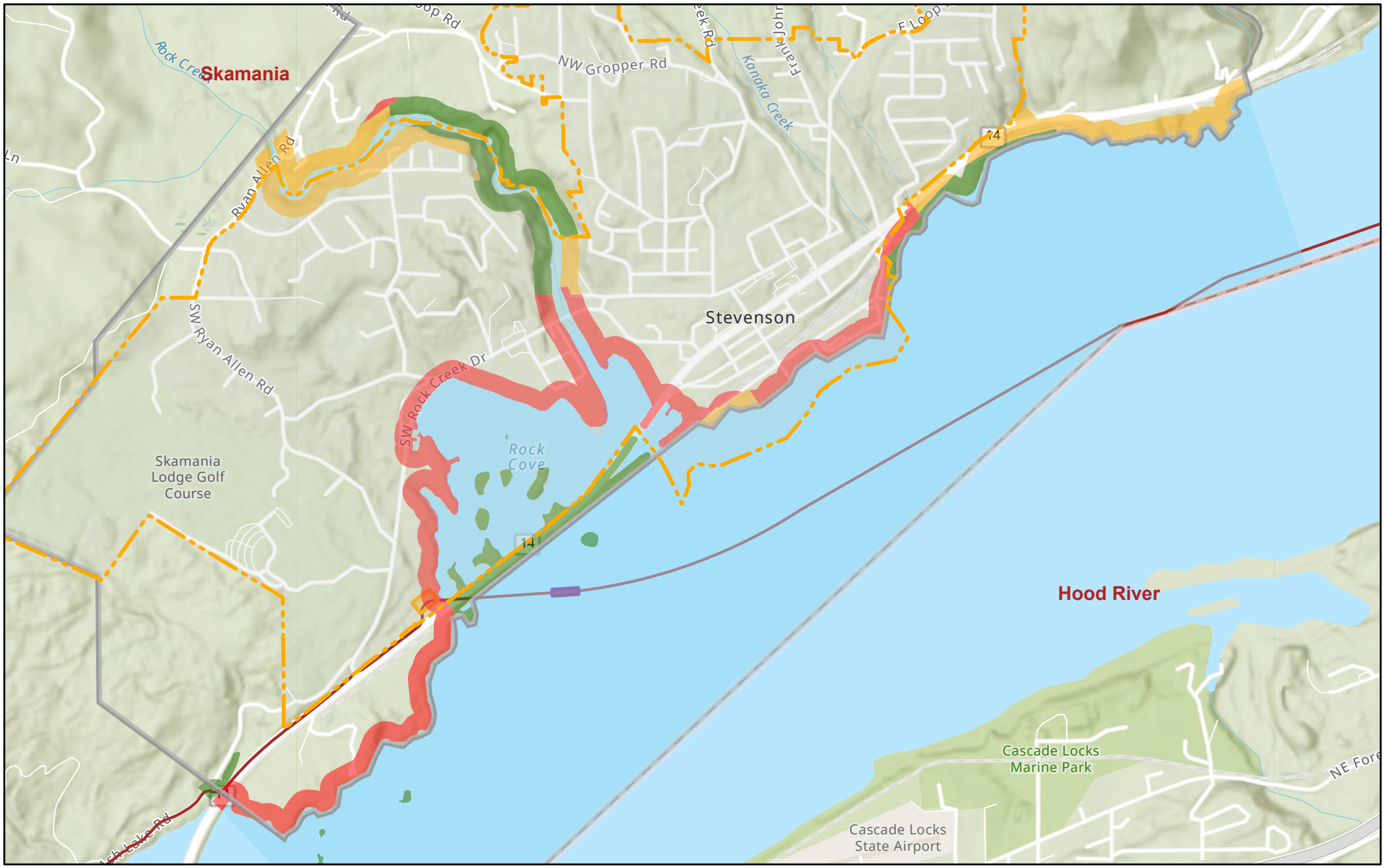
HDR

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5/14/2026 NAD 1983 State Plane Oregon North Feet Data Sources: Esri, HDR.

Stevenson SED



9/22/2026

CityLimits
Urban Areas
Stevenson SED
Urban
Shoreline Residential
Natural
Aquatic
County Boundaries

World_Hillshade

1:27,118

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0 0.25 0.5 1 km

This data was developed by Skamania County, Department of Assessment and GIS., This data was developed by Skamania County, Department of

Skamania County Shoreline Environment Designation



9/22/2026, 5:05:56 PM

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Shoreline Environment Designations

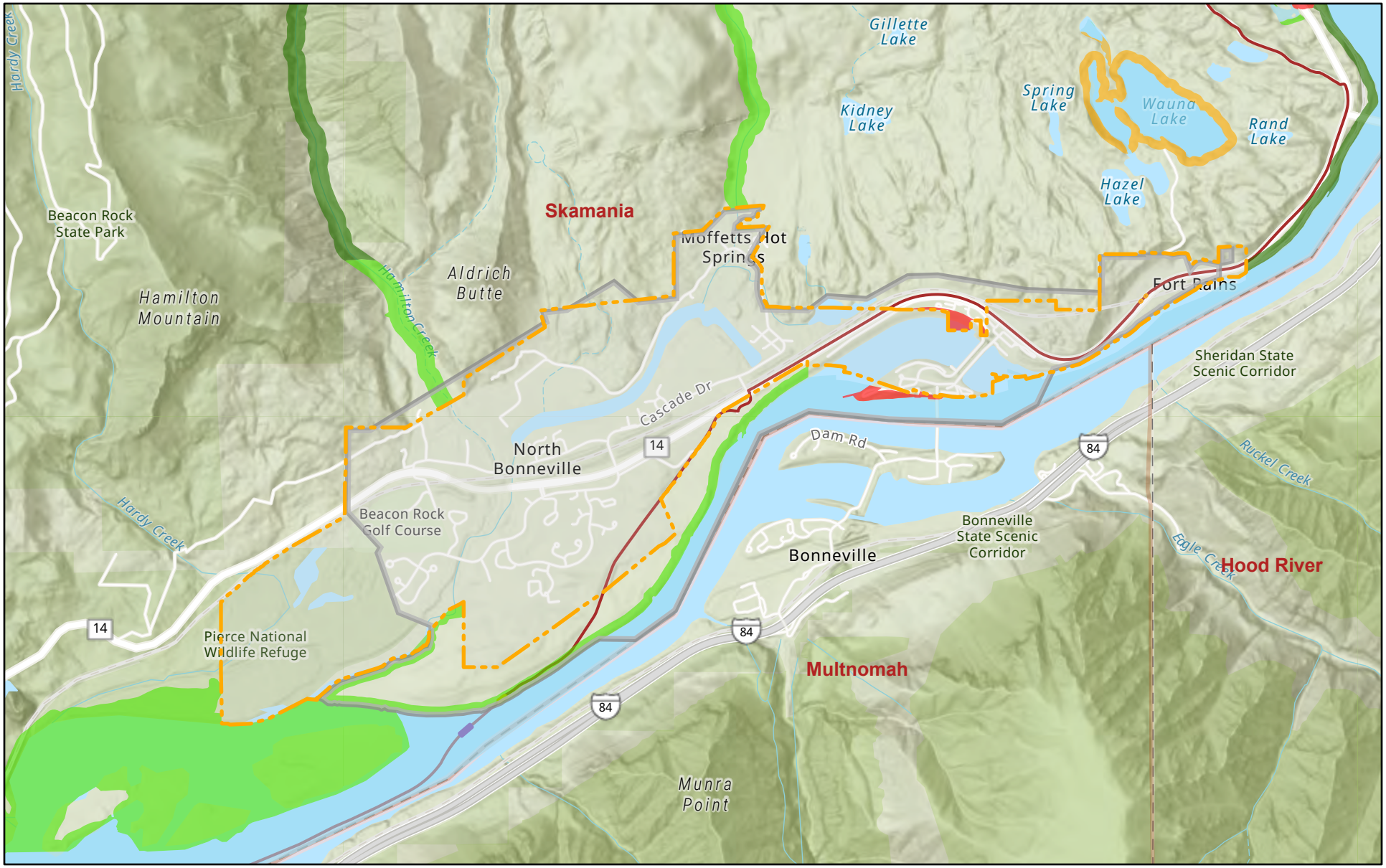
- High Intensity
- Shoreline Residential
- Rural Conservancy
- Natural Environment
- Aquatic
- Other (City of Stevenson)

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Earthstar Geographics

ArcGIS Web AppBuilder

Earthstar Geographics | Oregon Metro, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS |

City of North Bonneville SED



9/22/2026

1:52,306

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0 0.5 1 2 km

- CityLimits
- Urban Areas
- Shoreline Environmental Designations
  - High Intensity
  - Shoreline Residential
  - Rural Conservancy
  - Natural Environment
  - Aquatic
  - NA
- County Boundaries
- World_Hillshade

This data was developed by Skamania County, Department of Assessment and GIS., This data was developed by Skamania County, Department of

Skamania County Shoreline Environment Designation



9/22/2026, 5:07:24 PM

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0 0.5 1 2 km

Shoreline Environment Designations

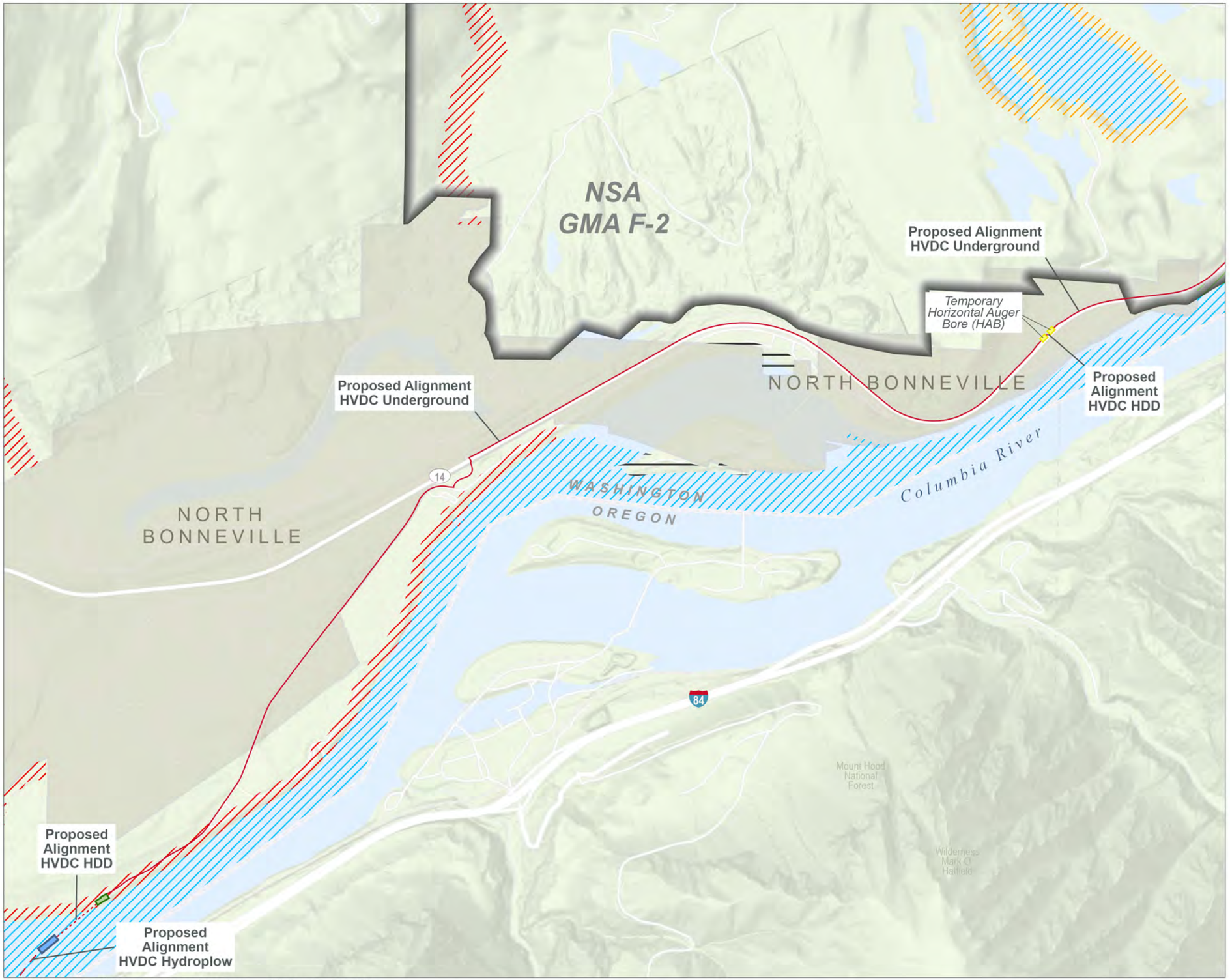
- High Intensity
- Shoreline Residential
- Rural Conservancy
- Natural Environment
- Aquatic
- Other (City of Stevenson)

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Earthstar Geographics

ArcGIS Web AppBuilder

Earthstar Geographics | Oregon Metro, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS |

FIGURE 4-4 NORTH BONNEVILLE ZONING



FOR INFORMATION ONLY - CONCEPT DRAWING

- PROPOSED ALIGNMENT - HVDC HDD
- PROPOSED ALIGNMENT - HVDC HYDROPLOW
- PROPOSED ALIGNMENT - HVDC UNDERGROUND
- TEMPORARY HORIZONTAL DIRECTIONAL DRILLING (HDD) AREA
- TEMPORARY HORIZONTAL AUGER BORE (HAB)
- TEMPORARY 3-SIDED WET COFFERDAM
- CITY/COUNTY BOUNDARY
- NSA - GMA F-2

SHORELINE ENVIRONMENTAL DESIGNATIONS

- AQUATIC
- HIGH INTENSITY
- NATURAL ENVIRONMENT
- RURAL CONSERVANCY
- SHORELINE RESIDENTIAL

CASCADE RENEWABLE TRANSMISSION

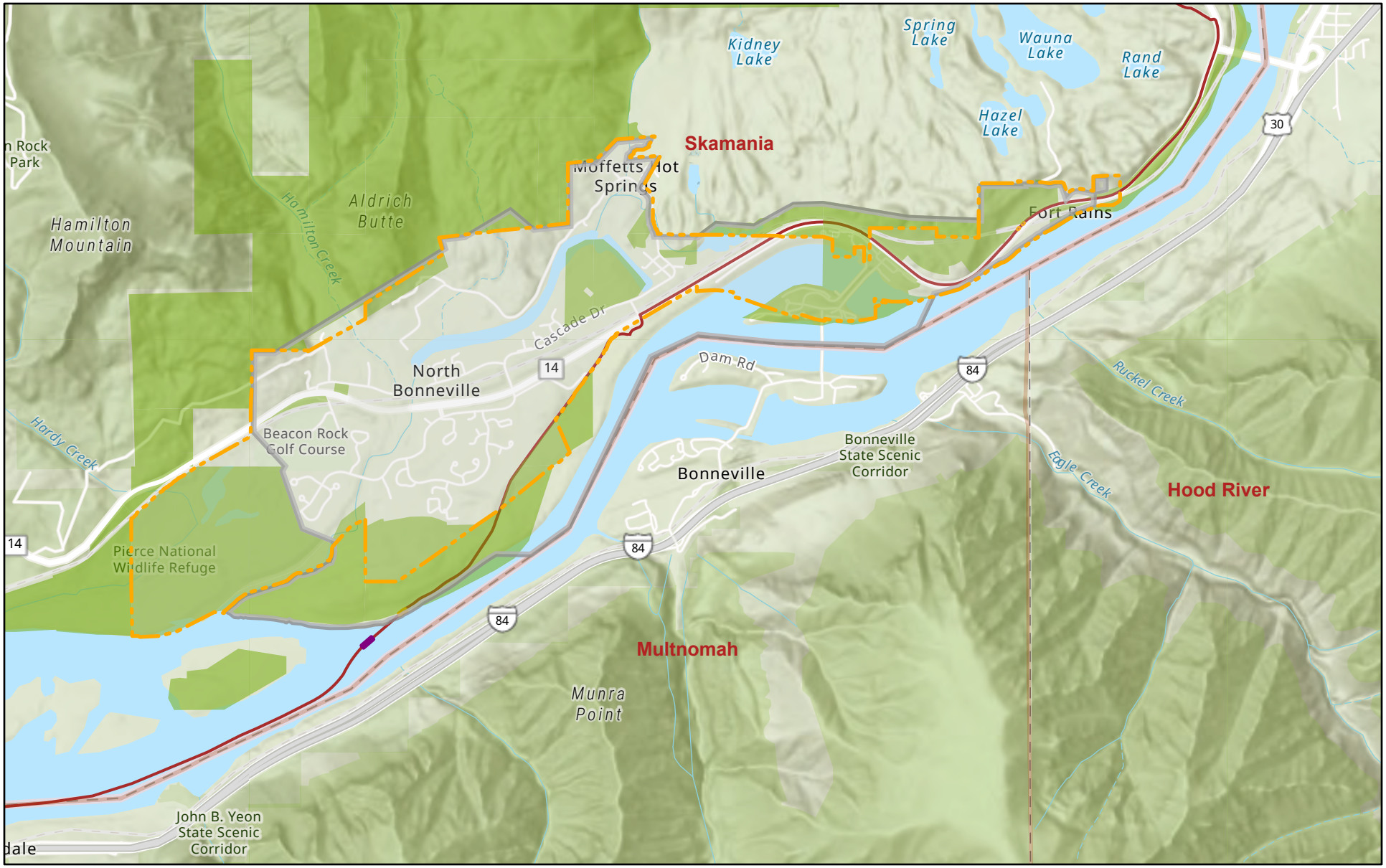


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5/15/2026 NAD 1983 State Plane Oregon North Feet Data Sources: Esri, HDR.

Skamania Federal lands



9/22/2026

1:54,236

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0 0.5 1 2 km

- CityLimits
- Urban Areas
- ParcelOwner_Federal
- County Boundaries
- World_Hillshade

This data was developed by Skamania County, Department of Assessment and GIS., This data was developed by Skamania County, Department of

Clark County SMP



9/22/2026

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0 2 4 8 km

Shoreline Master Program Limits

NSA Boundary

Shoreline Environmental Designations

Shoreline Residential

Rural Conservancy

Natural Environment

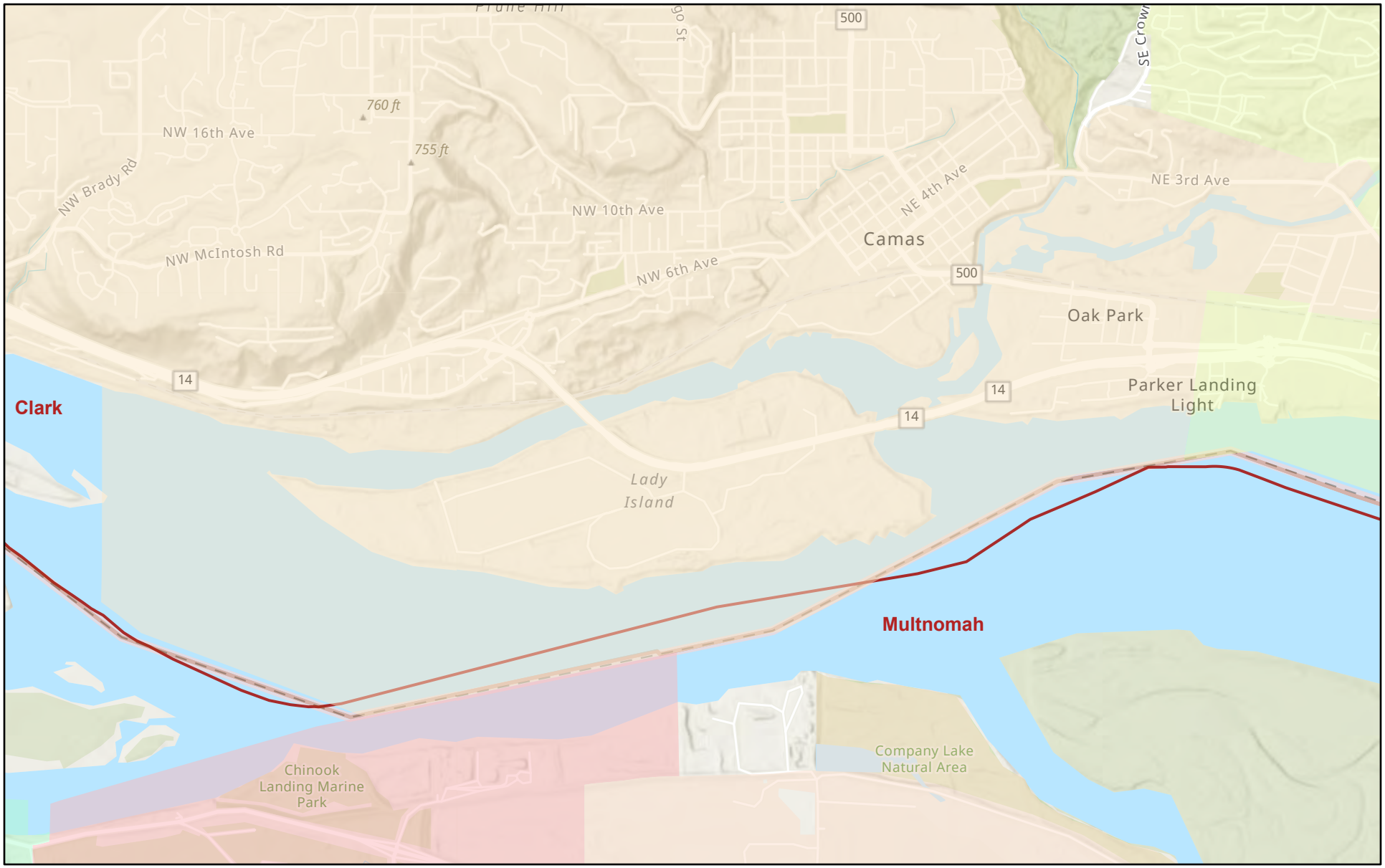
Aquatic

County Boundaries

World_Hillshade

Clark County WA, This data was developed by Skamania County, Department of Assessment and GIS. This dataset was created via extraction

Camas city limits



9/22/2026

City Limits (poly)
Camas
Fairview
Gresham
Troutdale
Washougal
County Boundaries
World_Hillshade

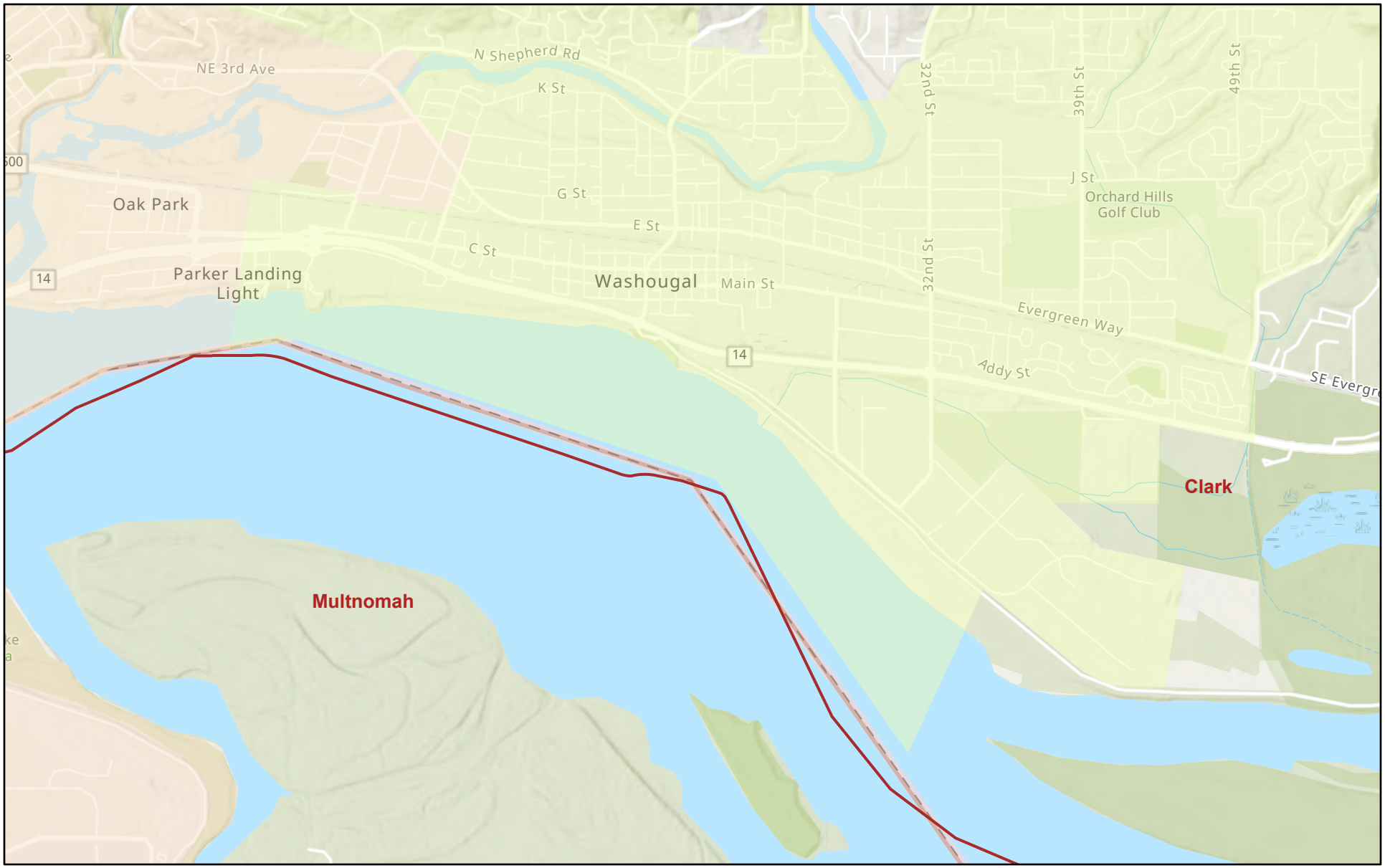
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Metro Data Resource Center
drc@oregonmetro.gov
, Sources: Esri,

Washougal city limits



9/22/2026

City Limits (poly)
Camas
Troutdale
Washougal
County Boundaries
World_Hillshade

1:40,017

0 0.23 0.45 0.9 mi

0 0.38 0.75 1.5 km

Metro Data Resource Center
drc@oregonmetro.gov
, Sources: Esri,

Washington State Energy Facility Site Evaluation Council

PO Box 43172 • Olympia, Washington 98503-3172
www.efsec.wa.gov

October 15, 2026

Memorandum

To: EFSEC Council Members

From: Lisa C. McLean, Legislative & Policy Manager; Noel Llewellyn, Rules Coordinator

RE: Amending EFSEC Rules

Summary

As part of EFSEC's continued process improvements, we first began to update the agency's regulations in July 2024 when we filed a comprehensive set of "housekeeping" amendments. Although there had been several amendments over the years necessary to continued implementation of EFSEC's statute, EFSEC's rules (Title 463 of the Washington Administrative Code) had not substantially changed since 2004 (20 years ago). Effective May 2025, the "housekeeping" amendments involved non-substantive changes intended to align EFSEC's regulations with its newly established independence as a stand-alone agency, as well as to align with other statutory amendments that govern EFSEC's process (e.g., the Environmental Health Reorganization Act of 2020). See the Concise Explanatory Statement on our website for more information about these amendments.

A second step to update EFSEC rules under the provisions of the Administrative Procedures Act (APA, Chapter 34.05 RCW) occurred in November 2025 when we filed a preproposal statement of inquiry (CR-101), seeking to open three chapters of our rules for amendments:

- **Adjudicative proceedings**, Chapter 463-30 WAC: update language to the current practice, clarify some processes, and move some regulations to Chapter 463-64 WAC (Issuance of site certification agreement)
- **Application process,** Chapter 463-60 WAC: add detail about the pre-application process
- **Site restoration and preservation**, Chapter 463-72 WAC: update language to the current practice

After much consultation internally and with other state agencies, we have drafted the rule amendments and are ready to submit the draft language to the Code Reviser's Office by November 4 for filing in the Washington State Register on November 18. In this memo, we share with you a summary of the key changes made to each chapter; and we attach the draft amended language that we plan to submit to the Code Reviser with the CR-102 (Proposed Rule Making) form. We would like to capture any suggestions for the draft rules that you may have at the

Council meeting on October 21 (or if you need more time, no later than October 28 to support our filing deadline of noon on November 4).

This rulemaking process is an important step forward in updating EFSEC's regulations, including to simplify documentation processes. See the expected timeline in the table below, which follows the process laid out in the APA (Chapter 34.05 RCW).

Council Review	File CR-102	Hold Public Hearing	Council Approval*	New Rules Take Effect
October 21	November 4	December 9	January 20	February 20

* Assumes no need for a major re-write due to comments received.

Detailed Description of Amendments for each Chapter

Chapter 463-30 WAC - Adjudicative proceedings

- Rewrites the purpose section, detailing two situations in which the council holds adjudications.
- Clarifies throughout the chapter the concept of presiding officer with an eye to explaining role of administrative law judge when operating on their own without direction from the council.
- Adds new sections on the summary of testimony and resolution of disputed issues of fact, public comment hearing sessions, prehearing conferences, administrative penalty assessment, hearing, appeal, and protective orders.
- Clarifies how member agencies affirm party status and sets clearer standards for intervention petitions, including grounds for denial and conditions on participation.
- Updates filing and service to electronic filing
- Consolidates or repeals outdated sections.
- Moves provisions related to the recommendation to the governor and reconsideration to Chapter 463-64 WAC (Issuance of site certification agreement).

Chapter 463-60 WAC - Applications for site certification (preapplication)

- Requires electronic submittal of applications.
- Adds a new Subpart B to establish (and explain benefits of engaging in) a voluntary preapplication process.
- Transmission facilities continue to follow preapplication procedures as outlined in Chapter 463-61 WAC (Electrical transmission facilities).

Chapter 463-64 WAC - Issuance of site certification agreement

- Inserts sections removed from adjudicative proceedings rules chapter on what the recommendation report to the governor should contain.
- Adds new sections on what the recommendation report should contain and what the decision-making record must contain.
- Goal is to have located in one chapter what the public, Tribes, or an applicant can expect from the recommendation report to the governor and the accompanying record of decision-making.

Chapter 463-72 WAC - Site restoration and preservation

- Restructures the chapter.
- Adds a new section describing requirements in an initial site restoration plan.
- Expands required plan elements and adds new requirements for detailed site restoration cost estimates.
- Adds new financial assurance requirements.
- Repeals sections -030, -040, -070, and -080 and consolidates them into amended rules.

AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-30-010 Purpose. (1) The purpose of this chapter is to ((~~set forth procedures by which adjudicative proceedings are to be conducted before the council under chapter 34.05 RCW. Except as indicated herein, the uniform procedural rules set forth in chapter 10-08 WAC shall not apply to adjudicative proceedings before the council~~)) establish procedures for conducting adjudicative proceedings before the council under chapter 34.05 RCW.

(2) The council conducts adjudicative proceedings in two primary circumstances:

(a) To hear arguments and evidence in opposition to and in support of an application for certification before the council issues its recommendation to the governor on the application, as required by RCW 80.50.090(4); and

(b) To provide certificate holders a hearing to contest penalties assessed against them under RCW 80.50.155 for violation of provisions of their site certification agreements or permits.

DRAFT

(3) Adjudication is the formal hearing process used by the council to resolve disputed issues and, in the case of the hearing required by RCW 80.50.090(4), to make a record of contentions presented by parties in opposition to and support of an application for site certification. Through adjudicative proceedings, the presiding officer receives evidence, hears testimony, and enters a final disposition. The council is not required to hold an adjudicative hearing on an application for certification when the council has granted expedited application processing under RCW 80.50.075.

(4) If the environmental impact of the facility proposed in an application for certification is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031, but the council has determined under RCW 80.50.090(2) that the proposed site would be inconsistent with local land use plans or zoning ordinances, the council will limit the scope of the adjudicative hearing to arguments and evidence presented for and against the council recommending preemption of inconsistent local land use provisions.

(5) Except as otherwise provided in this chapter, the uniform procedural rules in chapter 10-08 WAC do not apply to adjudicative proceedings before the council.

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[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-010, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-010, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-010, filed 11/16/76.]

AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-30-020 Council conducted hearings and administrative law judges. ((~~The council is the presiding officer at adjudicative proceedings pursuant to chapters 34.05 and 80.50 RCW. The council may utilize an administrative law judge provided by the office of administrative hearings to facilitate conduct of administrative hearings and all matters related thereto. Administrative hearings shall be governed by chapter 34.05 RCW and this chapter.~~)) (1) The council may preside in any adjudicative proceeding, alone, or with an administrative law judge. When the council presides, the council members are presiding officers as that term is used in chapter 34.05 RCW. When the council presides with an administrative law judge, the administrative law judge is also a presiding officer for the purpose of entering procedural and other evidentiary orders; however, the

council will enter a final summary of testimony and resolution of disputed issues of fact.

(2) The council may designate an administrative law judge to serve alone as the presiding officer. When serving alone as the presiding officer after the conclusion of the hearing, the administrative law judge must enter the initial disposition. The initial disposition will be either an initial summary of testimony and resolution of disputed issues of fact, as described under WAC 463-30-025, Summation of testimony and resolution of disputed issues of fact, or an initial order, as described under WAC 463-30-095, Administrative penalties. The initial disposition becomes final if no party petitions for administrative review within 20 days and the council does not review the initial disposition on its own motion. The council will enter a final disposition if a party petitions for, or the council on its own motion undertakes, administrative review.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-020, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-020, filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 80.50.040(1). WSR 82-10-027 (Order 82-2), § 463-30-020, filed 4/30/82; Order 109, § 463-30-020, filed 11/16/76.]

NEW SECTION

WAC 463-30-025 Summation of testimony and resolution of disputed issues of fact. (1) After the hearing required by RCW 80.50.090(4), the council must enter a summary of testimony and resolution of disputed issues of fact. When an administrative law judge is presiding alone, they must issue an initial summary of testimony and resolution of disputed issues of fact.

(2) The purpose of the summary of testimony and resolution of disputed issues of fact is not to make a final recommendation on the application, nor is it to provide an administrative appeal of the director's threshold determination or of the adequacy of the environmental impact statement under chapter 43.21C RCW.

(3) The summary of testimony and resolution of disputed issues of fact is to summarize the contentions presented by the parties in opposition to and support of the application for site certification, and to resolve any contested factual issues underlying those contentions.

(4) If the scope of the hearing is limited, as provided in RCW 80.50.090 (4)(b), to the topic of inconsistent local land use provisions, the presiding officer will summarize the contentions

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presented by the parties in favor of or opposition to the council recommending preemption of inconsistent local land use provisions. In this context, "preemption" means a decision that the application should be eligible for approval despite the proposed site's noncompliance with local land use provisions.

(5) The summary of testimony and resolution of disputed issues of fact must not include the council's ultimate decision on whether to recommend that the governor approve the application for site certification; that decision is reserved to the council's subsequent report and recommendation, which must also consider the environmental impact statement, government-to-government consultations, public comments, and the council's land use consistency determination.

(6) The summary of testimony and resolution of disputed issues of fact entered at the conclusion of the hearing required by RCW 80.50.090(4) is not subject to judicial review except by a petition for judicial review as authorized by RCW 80.50.140 following the governor's final decision on the application for site certification.

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AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-30-050 Status of members in adjudicative proceedings.

(1) All state agencies and local governments having members on the council ((~~are deemed to be parties to any adjudicative proceeding before the council. For purposes of any adjudicative proceeding, however,~~)) may participate as parties in the adjudicative proceeding that is required by RCW 80.50.090(4). The agency or local government representative on the council shall be deemed to be a member of the council and not a member of the agency or local government((~~. Members of the council~~)), and shall not communicate with employees of the represented agency or local government, who ((~~have participated in the proceeding or who are otherwise disqualified~~)) are participating in the adjudicative proceeding except for the limited purposes allowed by RCW 34.05.455.

(2) Upon issuance by the council of an order to commence adjudication, the council director will notify all state agencies and local governments having members on the council of their eligibility to participate as a party. The notification will include information about how to affirm participation as a party and a deadline for submitting that affirmation. Failure to affirm participation as a party by the deadline will be deemed a waiver of the right to participate.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-050, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-050, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-050, filed 11/16/76.]

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-30-060 Definitions—Persons and parties. The terms "person" and "party" when used in this chapter shall have the following meanings. The term "person" shall be defined according to RCW 80.50.020(19). The term "party" shall mean and be limited to the following:

(1) The "applicant" as defined in RCW 80.50.020(2).

(2) Each "member agency" as specified in RCW 80.50.030 (3) through (6) that affirms participation as provided in WAC 463-30-050(2).

(3) The "counsel for the environment" as defined in RCW 80.50.020(10).

(4) Each person admitted to an adjudicative proceeding as an "intervenor." ((~~is a party~~)) Intervenors are parties only for the

purposes, and is subject to any limitations and conditions, specified in the presiding officer's council order granting intervention. [Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-30-060, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-060, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-060, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-060, filed 11/16/76.]

NEW SECTION

WAC 463-30-065 Hearing—Public comment. (1) The presiding officer must convene one or more public comment hearing sessions as part of the public hearing required by RCW 80.50.090(4) to receive testimony from persons who are not parties in the proceeding, but who have raised one or more issues in writing as provided in subsection (2) of this section.

(2) Prior to such hearing session or sessions, the council must provide notice and an opportunity for such persons to submit in writing, their name, place of residence, and the specific issue or issues on which they wish to be heard.

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(3) A presiding officer will make an opening statement explaining the purpose of the public comment hearing session and will briefly summarize the principal issues in the matter. The presiding officer will administer an oath to those members of the public who have qualified to testify. The presiding officer will call each member of the public who has qualified to testify by raising one or more issues in writing as provided in subsection (2) of this section, will inquire briefly into the identity and interests of the witness, and will provide an opportunity for a brief statement. Typically, public witnesses may expect to have three to five minutes to make an oral statement. A public witness may supplement their oral statements with written comments signed by the witness.

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AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-30-080 Commencement of adjudicative proceedings. (1) The adjudicative proceeding((~~s~~)) required by RCW 80.50.090(4) shall commence upon issuance by the council of a formal ((~~notice of hearing or prehearing conference. The notice shall be served upon all parties~~

~~at least 20 days in advance of the initial hearing date, unless the council finds that an emergency exists requiring the hearing or prehearing conference to be held upon less notice.~~

~~The time and place of continued hearing sessions may also be set:~~

~~(1) Upon the record without further written notice to the parties; or~~

~~(2) By letter from the council director; or~~

~~(3) By letter from the presiding officer.~~

~~In such instances, 20 days' prior notice is not required.~~)) order commencing adjudication.

(2) At least 20 days in advance of the initial prehearing conference, the council will publish on its website and send a notification to its general email list that includes a link to the order commencing adjudication.

(3) The order commencing adjudication will:

(a) Describe all actions taken to date regarding the proposed project;

(b) State that any person may be heard in support of or in opposition to the application for site certification either at a public comment hearing session as provided in WAC 463-30-065 or by qualifying as an intervenor as provided in WAC 463-30-091;

(c) Provide a deadline for persons who wish to present testimony at a public comment hearing session to file the written submission described in WAC 463-30-065(2);

(d) Provide a deadline for persons who desire status as intervenors to submit petitions to intervene;

(e) State that if a limited English-speaking or hearing-impaired party or witness needs an interpreter, a qualified interpreter will be appointed and there will be no cost to the party or witness;

(f) Provide information about how to request a qualified interpreter; and

(g) Indicate that WAC 10-08-040 (3)(c), 10-08-045, 10-08-150, and 10-08-160(2) relating to procedures involving limited English-speaking or hearing-impaired persons shall apply.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-30-080, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-080, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1) and 34.05.250. WSR 98-01-084, § 463-30-080, filed 12/12/97, effective 1/12/98. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-080, filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 80.50.040(1). WSR 81-07-

019 (Order 81-1), § 463-30-080, filed 3/11/81; Order 109, § 463-30-080, filed 11/16/76.]

NEW SECTION

WAC 463-30-082 Prehearing conferences. (1) In its order commencing adjudication, the council will establish a prehearing conference on not less than 20 days' notice at a time established in the order.

(2) On its own motion or at the request of a party, the presiding officer may require the parties or their representatives to engage in such additional prehearing conferences as the presiding officer deems useful. Prehearing conferences may be held by telephone, video conference, or other electronic means.

(3) The purpose of prehearing conferences is to:

(a) Consider and rule on petitions for intervention;

(b) Identify and consider simplification of the issues and sequencing of subject matter at hearing;

(c) Establish a case schedule with all necessary deadlines and all procedural requirements of the parties;

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(d) Decide whether, and to what extent, discovery and subpoenas may be allowed;

(e) Consider any stipulations;

(f) Consider limitation on the number, and consolidation of the examination of witnesses; and

(g) Consider such other matters as may aid in the disposition or settlement of the proceeding.

(4) Following each prehearing conference, the presiding officer will issue an order reciting the action taken at the conference, and other matters as appropriate. If no other objection to the order is filed within seven days after the date the order is issued, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(5) Once established, the schedule may be changed with immediate effect through one of the following methods:

(a) Upon the record without further written notice to the parties; or

(b) By letter from the council director; or

(c) By letter from the presiding officer.

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AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-30-091 Intervention. ((~~On timely application in writing to the council, intervention shall be allowed to any person upon whom a statute confers a right to intervene and, in the discretion of the council, to any person having an interest in the subject matter and whose ability to protect such interest may be otherwise impaired or impeded. All petitions to intervene shall be verified under oath by the petitioner, shall adequately identify the petitioner, and shall establish with particularity an interest in the subject matter and that the ability to protect such interest may be otherwise impaired or impeded. In exercising discretion with regard to intervention, the council shall consider whether intervention by the petitioner would unduly delay the proceeding or prejudice the rights of the existing parties. The council may establish a date after which petitions to intervene will not be considered except for good cause shown. When such a date has been established, the council will assure that adequate public notice is given.~~))

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(1) Any person may file a written petition to intervene as a party in the hearing required by RCW 80.50.090(4) in support of or in opposition to the application for site certification.

(2) The council shall set a deadline for filing petitions to intervene in its order commencing adjudication and providing public notice of the deadline. Petitions received after the deadline will not be considered except for good cause shown.

(3) Participation as a party affords rights and imposes responsibilities in the adjudication, including:

(a) Sponsorship of expert witnesses;

(b) Cross-examination of the expert witnesses put forward by other parties; and

(c) Filing of briefs.

(4) Those wishing to participate as intervenors must file a petition to intervene that:

(a) Is submitted in writing;

(b) Is verified under oath by the petitioner;

(c) Clearly identifies the petitioner; and

(d) Describes in specific terms the petitioner's interest in the proceedings and explains how that interest may be impaired or impeded if intervention is not granted.

(5) The presiding officer may grant intervention to any person whom the presiding officer determines:

(a) Has a substantial interest in the subject matter of the proceeding; and

(b) Demonstrates that their ability to protect that interest may be impaired or impeded if they are not allowed to participate as a party.

(6) Petitions for intervention will be granted only to the extent that they raise genuine factual disputes as to the information provided in the application for site certification on the following general subjects:

(a) Description of the particular proposal;

(b) Consistency of the proposal with conditional use criteria or similar provisions in otherwise applicable zoning ordinances and what conditions may be included in a site certification agreement to recognize the purpose of such preempted ordinances;

(c) Physical site suitability including safety considerations;

(d) Any permits to be issued as part of the site certification agreement;

(e) On-site and local impacts (physical), including to wildlife and to aquatic and terrestrial resources;

(f) On-site and local impacts (societal), including housing, services, economics, recreation, transportation, health, and tax base;

(g) Cultural resource impacts;

(h) Peripheral area impacts, including viewshed impacts;

(i) Available and reasonable measures to minimize adverse impacts.

(7) The presiding officer may deny intervention to any person whose petition to intervene is determined by the presiding officer to raise issues or seek outcomes that are outside the scope of chapter 80.50 RCW.

(8) The presiding officer will timely grant or deny each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The presiding officer may modify the order at any time, stating the reasons for the modification. The presiding officer will promptly give notice of the decision granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

(9) If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a substantial interest demonstrated by the petition; and

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-091, filed 10/11/04, effective 11/11/04.]

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-30-093 Participation by county, city, and port district representatives. In any adjudicative hearing on an application for site certification ((~~proceeding~~)) in which the proposed site is to be located in more than one local government jurisdiction, designated council members representing local jurisdictions may discuss and, if

authorized, vote only on issues affecting their jurisdictions. Issues ((~~shall~~)) will be separated for purposes of discussion and voting. [Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-30-093, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-093, filed 10/11/04, effective 11/11/04.]

NEW SECTION

WAC 463-30-095 Administrative penalties—Assessment, hearing, and appeal. (1) When the director determines that a certificate holder has violated a provision of a site certification agreement or permit issued under chapter 80.50 RCW, the director may assess an administrative penalty against the certificate holder. The penalty must not exceed the amounts established in RCW 80.50.155.

(2) The director must serve the certificate holder with a written notice of penalty by certified mail, return receipt requested, or by personal service. The notice must:

(a) Identify the provision of the site certification agreement or permit alleged to have been violated;

(b) Describe the violation with reasonable particularity;

(c) State the amount of the penalty assessed and the factors considered in determining that amount; and

(d) State that the certificate holder may request a hearing to contest the penalty as provided in subsection (3) of this section.

(3) Request for hearing. A certificate holder may contest a penalty assessed under this section by filing a written request for hearing with the council within 30 days of the date of receipt of the notice of penalty. The date of receipt is determined as provided in RCW 80.50.155(3). A request for hearing must state the specific grounds on which the certificate holder contests the penalty and identify any relief sought.

(4) Upon receipt of a timely request for hearing, the council may refer the matter to an administrative law judge for an adjudicative proceeding conducted under chapter 34.05 RCW. The administrative law judge must issue an initial order that includes findings of fact and conclusions of law on whether the violation occurred and whether the penalty amount is appropriate.

(5) Either party may appeal the administrative law judge's initial order to the council by filing a petition for administrative review within 20 days of service of the initial order. The council

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must review the initial order and issue a final order. The council may adopt, modify, or reject the initial order.

(6) Penalty factors. In determining the amount of a penalty, the director must consider:

(a) The nature and seriousness of the violation;

(b) The duration of the violation;

(c) Any actual or potential harm to public health, safety, or the environment;

(d) Whether the certificate holder took prompt corrective action upon discovering the violation;

(e) The certificate holder's history of compliance with the site certification agreement or permit; and

(f) The economic benefit, if any, the certificate holder gained from the violation.

(7) Payment of penalty. A penalty assessed under this section becomes due and payable:

(a) Thirty days after the date of receipt of the notice of penalty, if no appeal is timely filed; or

(b) Upon issuance of the council's final order, if an appeal is filed.

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(8) Collection. If a penalty is not paid when due, the council may refer the matter to the attorney general to commence an action to recover the penalty.

(9) Reconsideration. Any party may file a petition for reconsideration of a final order under this section as provided in RCW 34.05.470.

(10) Judicial review. Judicial review of the council's final order is available pursuant to chapter 34.05 RCW.

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AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

WAC 463-30-100 Appearance and practice before the council. (1) General. In all adjudicative proceedings ((~~in which pleadings are filed and a hearing is held involving the taking of testimony on a record subject to review by the courts~~)) under this chapter, the following persons may appear in a representative capacity:

(a) ((~~Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;~~

~~(b)~~)) Attorneys at law duly qualified and entitled to practice before the highest court of any ((~~other~~)) state;

((~~(c)~~)) (b) Upon permission of the ((~~presiding officer~~)) administrative law judge, an authorized officer, partner, owner, or employee of a party or person seeking party status;

(c) Legal interns admitted to practice under the applicable admission to practice rules of the Washington state court rules as long as the conditions and limitations of the applicable rules are satisfied;

(d) Any other individual designated by an entity to serve as a spokesperson in a case, with the approval of the presiding officer.

(2) The presiding officer may expel a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.

((~~(2) Notices of appearance and withdrawal of attorneys. Attorneys or other authorized representatives appearing on behalf of a party or~~)) (3) An attorney or other representative withdrawing from a proceeding shall immediately so notify the council and all parties to the proceeding in writing or shall state such withdrawal on the record at a conference or hearing. Any substitution of any attorney or

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representative shall be accomplished by a written notification to the council and to all parties.

((~~(3) Unethical conduct.~~)) (4) All persons appearing in proceedings before the council in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington even if the representative is not an attorney. If any representative fails to conform to these standards, the ((~~council~~)) presiding officer may decline to permit the person to appear in a representative capacity in any proceeding before the council.

[Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-100, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-100, filed 11/16/76.]

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-30-120 Format, filing, and service of documents. (1) Format.

(a) ((~~All pleadings, motions, and other documents (including prefiled testimony) filed with the council shall be legibly written or~~

~~printed. The use of letter size paper (8 1/2 by 11 inches) is mandatory. The writing or printing shall appear on two sides of the page.~~

~~(b) The requirements of (a) of this subsection are not mandatory for exhibits but the use of exhibits that comply with (a) of this subsection is encouraged if it does not impair legibility.~~)) Unless otherwise required by law or ordered by the council, all filings, notices, and other communications shall be made electronically by electronic mail.

(b) If a party does not have the technological capacity to file electronically, a party may file by personal delivery, commercial delivery, fax, or first-class, registered, or certified mail.

(2) Filing.

(a) ((~~In each case, the council will specify the number of copies required for motions, related pleadings, and exhibits which must be filed with the council.~~

~~(b)~~)) Document(s) shall be deemed filed only upon actual receipt by the council director or designee during office hours.

((~~(c) Faxes.~~

~~(i) As used in this rule, "fax" means electronic telefacsimile transmission.~~

~~(ii) Except as specified in (c)(iii) of this subsection, receipt of a document in the council's fax machine does not constitute filing.~~

~~(iii) For good cause shown, a party may request and the council director or designee may in his or her sole discretion grant authority to file a document by fax.~~

~~(iv) Filing by fax is perfected when a complete legible copy of the document is reproduced on the council director's fax machine during the council's normal office hours, so long as the council receives the required number of nonfaxed originals on the next successive business day. If a transmission of a document by fax commences after the council's normal office hours, the document shall be filed on the next successive business day.~~

~~(v) Any document filed by fax must be accompanied by a cover page or other form identifying the party making the transmission, listing the address, telephone, and fax number of the party, identifying the adjudicative proceeding to which the document relates, and indicating the date faxed and total number of pages included in the transmission.~~

~~(vi) The party attempting to file a document by fax bears the risk that the document will not be timely received or legibly printed, regardless of the cause. If a fax is not received in legible form, it will be considered as if it had never been sent.~~

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~~(d) Email. The filing of documents with the council by electronic mail is not authorized without the express approval of the council director or designee and under such circumstances as the council director or designee allows.~~

~~(e)~~)) (b) Filing a document with the council does not constitute service ((~~upon the office of the attorney general or any other~~)) on a party. ((~~Likewise, service on the office of the attorney general does not constitute a filing with the council.~~

~~(f) Applications.~~)) (c) Applications for ((~~a~~)) site certificate shall be filed in the manner prescribed by the rules governing such applications.

(3) Service.

(a) Service by parties. Parties may serve pleadings, motions, and other documents electronically.

(i) Service by electronic transmission is deemed complete upon successful transmission, unless the sender receives notice that the transmission was not successfully completed or the council orders otherwise.

(ii) A copy of each pleading, motion, and document filed with the council shall be simultaneously served upon each party electronically.

((~~(b) Service by parties.~~

~~(i) Service of pleadings, motions, and other documents by parties shall be made by delivering one copy to each party (A) in person, (B) by mail, (C) by commercial parcel delivery company, or (D) for documents not exceeding 25 pages, if authorized by the council director or designee, by fax, where originals are mailed simultaneously.~~

~~(ii)~~)) (iii) Except as otherwise provided, when any party ((~~has appeared~~)) is represented by an attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party.

((~~(iii) Service of documents shall be deemed complete upon (A) personal delivery, (B) deposit in the United States mail properly addressed with appropriate first-class postage prepaid, (C) acceptance for delivery by a commercial parcel delivery company, properly tendered with fees prepaid, or (D) production by the fax machine of a confirmation of transmission by fax, with simultaneous deposit of the originals in the United States mail, properly addressed with appropriate first-class postage prepaid.~~

~~(c)~~)) (b) Service by the council. All notices, orders and other documents required to be served by the council may be served by delivery ((~~of one copy~~)) to each party ((~~(i) in person, (ii) by mail,~~

~~(iii)~~)) by electronic mail((~~, (iv) by commercial parcel delivery company, or (v) by fax, when originals are mailed simultaneously. Service of documents by the council shall be deemed complete upon (A) personal delivery, (B) deposit in the United States mail properly addressed with appropriate first-class postage prepaid, (C) acceptance for delivery by a commercial parcel delivery company, properly tendered with fees prepaid, or (D) production by the council's fax machine of a confirmation of the transmission by fax, with simultaneous deposit of the originals in the United States mail, properly addressed with appropriate first-class postage prepaid~~)).

((~~(d)~~)) (c) Certificate of service. There shall appear on or in a separate document accompanying the original of every pleading when filed with the council in accordance with this subsection, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by authorized method of service pursuant to WAC 463-30-120(3).

Dated at . . . . . this . . . . day of . . . .
(signature) . . . . . .

(4) ((~~Courtesy copies. Parties are encouraged to send courtesy copies of documents to the council and all other parties via~~

~~electronic mail.~~)) Paper copies. Paper copies shall not be required except:

(a) When specifically requested in writing by a party or interested person; or

(b) When ordered by the presiding officer upon a showing of good cause.

(5) Council authority. The council reserves the right to prescribe additional procedures, limitations, or conditions regarding filing and service to ensure accessibility, reliability, orderly process, and fairness in proceedings.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-30-120, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-120, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1) and 34.05.250. WSR 98-01-084, § 463-30-120, filed 12/12/97, effective 1/12/98. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-120, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-120, filed 11/16/76.]

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

WAC 463-30-190 Discovery practice. Discovery is available when permitted by the presiding officer and shall be conducted on the terms directed by the presiding officers and in accordance with RCW 34.05.446.

[Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-190, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-190, filed 11/16/76.]

NEW SECTION

WAC 463-30-195 Protective orders. (1) Upon motion of a party or on the presiding officer's own motion, the presiding officer may issue a protective order limiting the use, dissemination, or disclosure of designated information consistent with RCW 34.05.446 and applicable exemptions in chapter 42.56 RCW.

(2) If provided for in a protective order, a party may designate information produced in discovery as falling within an exemption under chapter 42.56 RCW.

(3) The designation must be made in writing at the time of production and must identify the legal basis for the claim, including citation to the applicable exemption in chapter 42.56 RCW.

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(4) Information subject to a protective order under subsection (2) of this section is not subject to public inspection or copying unless and until the council's public records officer determines otherwise. This information shall not be filed in the public record unless:

(a) Required by order of the presiding officer informed by the council's public records officer; or

(b) Offered as an exhibit at hearing.

(5) If information is filed, the filing party shall submit an unredacted version and a redacted version suitable for public disclosure.

(6) Any party challenging a designation shall file a motion. The presiding officer, with input from the council's public records officer, shall determine whether the claimed exemption or confidentiality protection applies.

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AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

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WAC 463-30-200 Subpoenas—Practice. (1) When allowed by the presiding officer, subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.05.446.

(2) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under their control at the time and place set for the hearing.

(3) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving them a copy thereof, or by leaving such copy at the place of their abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable and oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

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(5) No subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the council or any member of the council staff. For these purposes, the ((~~council's independent consultant is~~)) subject matter consultants to the director, whether employed at another agency or in a private firm, are deemed a member of the council staff.

(6) The council shall be responsible for paying only the witness fees of the witnesses which it subpoenas. Each subpoena shall bear the name of the party requesting or issuing the subpoena and the party responsible for paying the witness fees.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-30-200, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-200, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-200, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-200, filed 11/16/76.]

AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

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WAC 463-30-250 Stipulations of fact. (1) Definition. A stipulation is an agreement ((~~among~~)) between the applicant and one or more parties intended to establish one or more operative facts in an adjudicative proceeding.

(2) The council encourages parties to enter stipulations of fact((~~. The parties to an adjudicative proceeding before the council may agree to all of the facts or any portion of the facts involved in the proceeding. The parties to a stipulation may file it in writing or enter it orally into the record~~)) or stipulations as to amendments the applicant will make to its application to address a party's opposition to it.

(3) Form. A stipulation may be:

(a) Filed in writing; or

(b) Entered orally into the record.

(4) Effect. A stipulation, if accepted by the ((~~council~~)) presiding officer, is binding on the stipulating parties.

(5) Use as evidence. The parties may present the stipulation as evidence at the hearing.

(6) Council authority. The council may:

(a) Reject the stipulation; or

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(b) Require proof of the stipulated facts, despite the parties' agreement to the stipulation.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-250, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-250, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-250, filed 11/16/76.]

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

WAC 463-30-310 Rules of evidence. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.05.452.

(2) Where practicable, the presiding officer may order:

(a) That all documentary evidence which is to be offered during the hearing or portions of the hearing be submitted to the presiding officer and ((~~to~~)) the other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence;

(b) That documentary evidence not submitted in advance as required in (a) of this subsection be not received in evidence in the absence of a clear showing that the offering party had good cause for

((~~his or her~~)) their failure to produce the evidence sooner, unless it is submitted for impeachment purposes;

(c) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(3) When portions only of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the pertinent excerpts, ((~~in the form of copies,~~)) shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(4) ((~~No former employee of the council shall appear, except with the permission of the council, as an expert witness on behalf of other parties in a proceeding in which the former employee participated.~~

~~(5)~~)) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be grounds for striking all testimony of the witness.

((~~(6) Any party bound by stipulation or admission of record may, at any time prior to closure of the record, be permitted to withdraw its agreement in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.~~)) [Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-310, filed 2/13/90, effective 3/16/90; Order 109, § 463-30-310, filed 11/16/76.]

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-30-335 Petition for reconsideration of recommendations to the governor. A party may file a petition for reconsideration of ((~~a recommendation to the governor shall be filed with the council director~~)) the council's recommendation to the governor on an application for site certification under RCW 80.50.100.

(1) ((~~The petition for reconsideration shall be filed with the council within 20 days of the date of service of the recommendation to~~

~~the governor, unless a different place and time limit for filing the petition are specified in the recommendation to the governor in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.~~

~~(2) The petition for reconsideration shall specify the challenged portions of the recommendation to the governor and shall refer to the evidence of record and legal authority which is relied upon to support the petition.~~

~~(3) Any party may file an answer to a petition for reconsideration. The answer shall be filed with the council manager within 14 days after the date of service of the petition and copies of the answer shall be served upon all other parties or their representatives at the time the answer is filed.~~)) Within 10 days of publication of the council's recommendation to the governor as to the approval or rejection of an application for certification, any person that was a party to the adjudicative proceeding under RCW 80.50.090(4), if one was required, may file with the council a petition for reconsideration, stating the specific grounds upon which relief is requested or specifying the challenged portions of the summary of testimony and resolution of disputed issues of fact.

(2) If, within 20 days from the date the petition is filed, the council does not either:

(a) Dispose of the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition, the council shall be deemed to have denied the petition for reconsideration.

(3) Unless the petition for reconsideration is deemed denied under subsection (2) of this section, the council will dispose of the petition in writing by denying the petition, granting the petition and modifying the summary of testimony and resolution of disputed issues of fact or modifying its recommendation to the governor including any draft certification agreement.

(4) The filing of a petition for reconsideration is not a prerequisite for seeking judicial review, as provided in RCW 80.50.140, of the governor's final decision pursuant to RCW 80.50.100 on an application for certification. An order denying reconsideration is not subject to judicial review.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-30-335, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-30-335, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1) and 34.05.250. WSR 98-

01-084, § 463-30-335, filed 12/12/97, effective 1/12/98. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-30-335, filed 2/13/90, effective 3/16/90.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 463-30-085	Provisions regarding limited English-speaking and hearing impaired persons.
WAC 463-30-090	Publicity—Commencement of adjudicative proceedings.
WAC 463-30-092	Participation by intervenor.
WAC 463-30-230	Official notice.
WAC 463-30-240	Official notice—Evaluation of evidence.
WAC 463-30-251	Alternative dispute resolution.
WAC 463-30-252	Settlement.
WAC 463-30-253	Settlement consideration procedure.
WAC 463-30-254	Council discretion to accept or reject a proposed settlement or other agreement.
WAC 463-30-270	Prehearing conference.
WAC 463-30-300	Hearing schedule guidelines.
WAC 463-30-320	Preparation of recommendation to the governor.
WAC 463-30-345	Recommendation—Transmittal to governor.

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AMENDATORY SECTION (Amending WSR 09-05-067, filed 2/13/09, effective 3/16/09)

WAC 463-60-010 Purpose. (1) This chapter sets forth guidelines for preparation of applications for energy facility site certification pursuant to chapter 80.50 RCW. Applications for siting energy facilities must contain information regarding the standards required by chapter 463-62 WAC. Applications for fossil-fueled thermal and/or baseload electric generation facilities shall contain information required by chapters 463-80 and 463-85 WAC.

(2) The application shall provide the council with information regarding the applicant, the proposed project design and features, the natural environment, and the built environment. This information shall be in such detail as determined by the council director to enable ((~~the~~)) council staff to go forward with its application review.

((~~The~~)) (3) Council encourages applicants to consult with appropriate agencies for guidance in gathering sufficient detailed information, and development of comprehensive mitigation plans, for inclusion in their application.

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(4) Council staff offers a voluntary preapplication process described in Part B of this chapter to facilitate this early engagement and consultation process.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. WSR 09-05-067, § 463-60-010, filed 2/13/09, effective 3/16/09. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, amended and recodified as § 463-60-010, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 92-23-012, § 463-42-010, filed 11/6/92, effective 12/7/92. Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. WSR 81-21-006 (Order 81-5), § 463-42-010, filed 10/8/81; Order 113, § 463-42-010, filed 2/4/77. Formerly chapter 463-12 WAC.]

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-60-055 General—Form and number of copies. (1) Applications ((~~shall be on 8-1/2 by 11" sheets, in loose-leaf form with a hard cover binder. The applicants shall supply a sufficient number of copies of the application to the council, the number to be determined by the council in consultation with its staff, consultants,~~

~~and the applicant. The applicants shall also supply two copies to each county, two copies to each city, and one copy to each port district in which the proposed project would be located. In addition, one copy shall be supplied to each intervenor on admission to the proceedings. Information later submitted shall be by page-for-page substitutions suitable for insertion in the application binder, bearing the date of the submission.~~

~~(2) An applicant shall also provide the council copies of its application in a digital format for use in personal computers. Digital format shall be determined by the council in consultation with its staff, consultants, and the applicant.~~

~~(3) At the time of submittal of the application, the applicant shall submit one copy of the applicable land use plans and zoning ordinances for the project site.~~)) and supporting materials required under this chapter must be submitted to the council electronically by email or other electronic means approved by the council.

(2) Applications and supporting materials must be submitted in searchable electronic formats, such as PDF, or other formats approved by the council.

(3) Applications must be organized consistent with the requirements of this chapter and include clear section headings and

page numbers. Electronic submissions should include bookmarks or other navigational features to assist review.

(4) Unless otherwise directed by the council, council staff are responsible for electronically distributing the applications to affected agencies, local governments, and other entities as identified by the council.

(5) When submitting revisions, updates, or supplemental materials, the applicant must clearly identify the changes made and the date of revision. Revised materials may be submitted as:

(a) Replacement pages or sections; or

(b) Updated documents that clearly identify revisions.

(6) Applicable land use plans, zoning ordinances, or similar documents may be submitted as electronic copies or links to publicly available electronic sources, unless the council requests otherwise.

(7) The council may request additional electronic copies or formats if necessary for review or distribution.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-60-055, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, amended and recodified as § 463-60-055, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1). WSR 92-09-013, § 463-42-055, filed 4/2/92, effective

5/3/92. Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. WSR 81-21-006 (Order 81-5), § 463-42-055, filed 10/8/81. Formerly WAC 463-42-040.]

SUBPART B—PREAPPLICATION

NEW SECTION

WAC 463-60-120 Purpose and applicability of preapplication. (1) Except for applicants for site certification of electrical transmission facilities which are required to follow the preapplication process under chapter 463-61 WAC and RCW 80.50.330, the council strongly encourages a preapplication process for all prospective applicants seeking certification under chapter 80.50 RCW.

(2) The purpose of preapplication is to provide early engagement between potential applicants and council staff to:

(a) Clarify applicable laws, rules, and policies;

(b) Identify environmental, land use, and technical issues early in project development;

(c) Identify agencies and appropriate division within the agencies who can provide guidance and assistance in the development of initial studies and mitigation plans;

(d) Increase the completeness of formal applications; and

(e) Improve predictability, efficiency, and timeliness of the application review process.

(3) Preapplication outcomes can be submitted as part of a formal application to demonstrate early consultation and issue identification.

[]

NEW SECTION

WAC 463-60-121 Preapplication process—Overview. (1) A prospective applicant may initiate preapplication by submitting a written request to council staff describing the proposed facility and location.

(2) Upon acceptance of the preapplication request, council staff will schedule an initial meeting to:

(a) Discuss project scope and key issues;

(b) Identify stakeholders and participating agencies; and

(c) Outline recommended data needs and studies.

(3) After the initial meeting, the prospective applicant may decide to pursue a comprehensive preapplication process that involves

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the formal engagement of consultants and other agencies in an initial review of application materials.

(4) The preapplication process is not a formal application under this chapter and does not substitute for submission of an application for site certification. Preapplication participation does not obligate an applicant to submit a formal application or imply approval of any future application.

[]

NEW SECTION

WAC 463-60-122 Preapplication procedures and timelines. (1) Preapplication meetings should take place within 30 days of an initial request, unless a different schedule is mutually agreed upon.

(2) If the prospective applicant decides to pursue a comprehensive preapplication process, the council staff will organize follow-up meetings with appropriate subject matter experts, agencies, tribes, and partners.

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NEW SECTION

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WAC 463-60-123 Preapplication deliverables and expectations.

(1) At a minimum, a preapplication request should include:

(a) A description of the proposed facility and approximate location;

(b) Preliminary land use information; and

(c) Contact information for the prospective applicant.

(2) Council staff may recommend additional data collection, studies, or coordination with other agencies or tribes before or during the preapplication process.

[]

NEW SECTION

WAC 463-60-124 Preapplication fees and cost recovery. (1) **Initial consultations.** Initial meetings regarding materials required for an application will be conducted using existing council staff resources without the need for a preapplication deposit.

(2) **Preapplication review fee.** For a comprehensive preapplication review that requires consulting services or significant staffing resources, the prospective applicant shall pay the council $10,000.

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The council will use the $10,000 to open an account in the prospective applicant's name that is associated with the potential project.

(3) **Cost recovery and invoicing.** The project account opened with $10,000 will be used for staff to charge any expenses associated with the preapplication review. Council staff will regularly invoice the prospective applicant for reimbursement of these expenses and services provided.

(4) **Security deposit and default.** The deposit required under subsection (2) of this section shall be held by the council as security to ensure any payment of costs incurred during the preapplication review. If a prospective applicant fails to pay an invoice when due, the council will cease its preapplication review and, as a last resort, may apply funds from the deposit to the outstanding balance.

(5) **Refunds or transfer of funds.** Any unused portion of the preapplication deposit shall be returned to the prospective applicant after completion of preapplication services and payment of all outstanding balances. Alternatively, the preapplication deposit may be applied to the formal application deposit upon request by the prospective applicant.

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SUBPART ((~~B~~)) C—PROPOSAL

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AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-64-010 Purpose. This chapter ((~~sets forth rules relating to reporting recommendations to the governor as to approval or rejection of an application for site certification and~~)) explains the rules for:

(1) Preparation of a recommendation regarding approval or rejection of an application for site certification to the governor;

(2) Assembling the decision-making record to be provided with the recommendation to the governor; and

(3) The governor's actions regarding approval or rejection of certification or directing reconsideration of certain aspects of certification.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-64-010, filed 10/11/04, effective 11/11/04.]

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

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WAC 463-64-020 Recommendations to governor—Approval or rejection of certification. (1) The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within 12 months of receipt by the council of ((~~such~~)) an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant.

(2) The council's recommendation shall be accompanied by the council's record of decision making during the review of the application for site certification.

(3) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement ((~~with the report~~)). ((~~The~~))

(4) A draft site certification agreement shall include, but shall not be limited to((~~,~~)):

(a) Conditions to protect state or local governmental or community interests affected by the construction or operation of the energy facility((~~,~~)) pursuant to RCW 80.50.010(2); and

(b) Conditions designed to recognize the purpose of the laws or ordinances, or rules or regulations promulgated thereunder, that are

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preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-64-020, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-64-020, filed 10/11/04, effective 11/11/04.]

NEW SECTION

WAC 463-64-022 Recommendation to the governor—Recommendation report. The recommendation report to the governor referenced in WAC 463-64-020(1) shall summarize the council's review of the application and provide its recommendation to the governor for action on an application for certification.

(1) The recommendation report should generally include:

(a) An executive summary and statement of the council's recommendation;

(b) A summary of the proposed project and application;

(c) A summary of the council's review process, including public hearings and opportunities for comment;

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(d) A discussion of the council's land use consistency, environmental review, and other applicable requirements under chapter 80.50 RCW;

(e) A summary of tribal engagement conducted during the review process including formal government-to-government consultation;

(f) A summary of any adjudicative proceedings conducted by the council, when applicable; and

(g) Any other information the council determines will assist the governor in evaluating the application and the council's recommendation.

(2) The recommendation report may reference or incorporate materials contained within the decision-making record outlined in WAC 463-64-024.

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NEW SECTION

WAC 463-64-024 Recommendations to governor—Contents of the decision-making record. (1) The decision-making record referenced in WAC 463-64-020(2) shall include materials from the council's review process, which may include, but are not limited to:

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(a) The application and supporting materials submitted by the applicant;

(b) Records of public hearings and meetings held by the council, including transcripts, recordings, or other documentation;

(c) Records of land use consistency hearing(s) and the council's final order on its land use consistency determination as well as the transcript of the hearing(s);

(d) Documentation of compliance with chapter 80.50 RCW and State Environmental Policy Act (SEPA), including the final SEPA threshold determination and any final environmental impact statement (if prepared);

(e) Records of all tribal engagement conducted during the council's review process, including outreach, coordination, and any formal government-to-government consultations with federally recognized tribes, including any written reports and responses from participating tribes pursuant to RCW 80.50.060(8);

(f) All public comments received; and

(g) Transcripts of all council deliberations at public meetings.

(2) When applicable, the decision-making record shall also include:

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(a) The council's final adjudicative order describing the process, its participants, and the council's findings and conclusions;

(b) All transcripts of the adjudicative proceedings;

(c) All prehearing procedural orders, and the briefs and motions of the parties;

(d) All exhibits and testimony submitted and considered as part of the adjudicative proceedings;

(e) The request for expedited processing under RCW 80.50.075, if any;

(f) The order granting or denying expedited process under RCW 80.50.075, if any; and

(g) Transcripts of the public hearing held under RCW 80.50.090(5) following the decision to grant expedited process under RCW 80.50.075.

(3) An index of the decision-making record shall be a part of the recommendation package to be transmitted to the governor.

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AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

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WAC 463-64-030 Governor's action—Approval or rejection of certification, or reconsideration. Pursuant to RCW 80.50.100, within 60 days of receipt of the council's report, the governor will take one of the following actions:

(1) Approve the application and execute the draft certification agreement; the certification agreement shall be binding upon execution by the governor and the applicant; or

(2) Reject the application; or

(3) Direct the council to reconsider certain aspects of the draft certification agreement.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-64-030, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-64-030, filed 10/11/04, effective 11/11/04.]

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-64-040 Reconsideration of draft certification agreement. If directed by the governor under RCW 80.50.100 (3)(a)(iii) to

reconsider certain aspects of the draft certification agreement, the council shall:

(1) Reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, ((~~reopen~~)) reopening the adjudicative proceeding to receive additional evidence. Such reconsideration shall be conducted expeditiously.

(2) Resubmit the draft certification agreement to the governor incorporating any amendments deemed necessary upon reconsideration.

(3) Within 60 days of receipt of such draft certification agreement, the governor ((~~will~~)) shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-64-040, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-64-040, filed 10/11/04, effective 11/11/04.]

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Chapter 463-72 WAC
SITE RESTORATION AND ((~~PRESERVATION~~)) FINANCIAL ASSURANCE

AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-72-010 Purpose. This chapter sets forth ((~~rules for~~)):

(1) The requirement for the site certificate holder to prepare and to obtain council approval of a plan to restore the site at the end of the facility's operating life and to carry out that plan according to its terms.

(2) The content of, and ((~~timing of~~)) timelines for preparing the initial and detailed site restoration ((~~or preservation plans for implementation at the conclusion of a plant's operating life; if a project is terminated; or if construction is suspended. The council shall apply these rules to site certification agreements issued in connection with applications filed after the effective date of this chapter. Except for the provisions in chapter 463-66 WAC, these regulations shall not apply to energy facilities for which site certification agreements have been issued before the effective date of this chapter.~~)) plan.

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(3) The requirement for the certificate holder to establish a financial mechanism to fund site restoration if the certificate holder fails to meet its site restoration obligations.

(4) The types of financial mechanisms the council will accept for financial assurance of site restoration, and the general required terms for each such mechanism.

(5) The requirement for the certificate holder to prepare and implement a site preservation plan when construction of a facility is suspended.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-72-010, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-010, filed 10/11/04, effective 11/11/04.]

NEW SECTION

WAC 463-72-015 Site restoration and initial plan required. (1) Except as may otherwise be provided in a site certification agreement, a site certificate holder must restore the facility site to its preconstruction condition at the end of the facility's useful life.

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(2) At least 90 days prior to the beginning of construction, the certificate holder shall provide, for council approval, an initial site restoration plan that addresses site restoration occurring at the conclusion of the facility's operating life or in the event the project is suspended or terminated during construction or before it has completed its useful operating life as described in WAC 463-72-020.

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AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-72-020 Plan elements. ((~~Site restoration or preservation plans shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental and public health and safety issues, to include provisions for funding or bonding and monitoring. Specific plans shall:~~))

(1) The objective of the initial site restoration plan is to detail how the facility site will be restored to conditions that existed prior to the facility's construction, including resolving any environmental, public health, or safety risks that may arise during

operation or during demolition and removal of facility structures and materials.

(2) The initial site restoration plan must:

(a) Describe the process ((~~and/or~~)) and assumptions used to evaluate the options considered and the measures selected ((~~to restore or preserve~~)) for restoring the site ((~~to protect the environment and all segments of the public against risks and dangers resulting from the site operations and activities.~~

~~(2) Address provisions for funding or bonding to meet restoration or preservation costs. Financial assurance shall be provided to ensure that funding is available and sufficient for site restoration or preservation. Such financial assurances shall include evidence of pollution liability insurance coverage in an amount justified for the project, and a site closure bond, sinking fund, or other financial instrument or security in an amount justified in the initial site restoration plan.~~

~~(3) Address the scope of monitoring to be conducted during site restoration or preservation and possible continued monitoring to ensure site restoration is achieved~~));

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(b) Establish an estimated time frame and schedule for site restoration based on the complexity of disturbance, site conditions, seasonal constraints, and anticipated revegetation success;

(c) Describe a plan for demolishing and removing all facility structures, including salvaging equipment, and disposing of waste materials in accordance with regulatory requirements. If not all structures can practicably be removed, the plan must include a description of how such structures will safely remain on site in perpetuity;

(d) Provide a plan for restoring the project site to its preproject condition;

(e) Address any site restoration requirements imposed as mitigation measures in the facility's site certification agreement;

(f) Establish a plan for disposing of any hazardous materials present on the site; and

(g) Provide an estimate of the cost of restoration that complies with WAC 463-72-022.

(3) After the council approves an initial site restoration plan, at least every five years or upon any change in project status the certificate holder shall review its site restoration plan in light of

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relevant new conditions, technologies, and knowledge, and report to the council the results of its review.

(4) The council may direct the submission of an updated site restoration plan at any time during the development, construction, or operating life of a project based upon council's review of the project's status.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-020, filed 10/11/04, effective 11/11/04.]

NEW SECTION

WAC 463-72-022 Cost of site restoration. (1) Each certificate holder shall prepare a written cost estimate of site restoration based on a detailed engineering analysis.

(2) The cost estimate must be in current dollars and represent the cost likely to be incurred by the council (or another delegated state agency) to procure the services of a third party to carry out the plan if the certificate holder fails to meet its site restoration obligations at the end of the facility's useful life or upon the council's determination that the facility has been abandoned by the certificate holder.

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(3) The cost estimate may not be reduced for "net present value" and may not be reduced by allowance for any salvage value that may be realized from the sale of facility structures or equipment, real property rights, or other assets associated with the facility at the time of site restoration.

(4) The certificate holder must prepare a new cost estimate whenever:

(a) Changes in construction, facility design, or operational plans may affect the site restoration plan; or

(b) The council, for good cause, directs the certificate holder to revise the site restoration plan or cost estimate.

(5) During the operating life of the facility, the certificate holder must adjust the site restoration cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance and must increase the financial assurance amount accordingly to ensure sufficient funds for site restoration. For certificate holders using a corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the department. The adjustment may be made by recalculating the site restoration cost

estimate in current dollars, or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product or Gross Domestic Product* as published by the United States Department of Commerce in its survey of current business.

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NEW SECTION

WAC 463-72-025 Site restoration financial assurance required. (1) Prior to the start of construction and until completion of site restoration, each certificate holder shall establish and maintain a financial assurance mechanism in the amount of the inflation-adjusted site restoration cost estimate established under WAC 463-72-022.

(2) A certificate holder may use the following financial assurance mechanisms to meet the requirement of subsection (1) of this section:

(a) Deposit cash or liquid assets into an account segregated from certificate holder assets and outside the administrative control of the certificate holder and its subsidiaries or affiliates. The account may be in the form of a trust or escrow account with payment by certificate of deposit, deposit of government or other securities or

other method acceptable to the council. This trust or escrow account shall be established in writing and maintained at all times in the United States with an entity whose operations in which the deposit is managed are regulated and examined by a federal or state agency. The certificate holder must file with the council, no later than April 1st of each year, an annual audit report of the account conducted by a certified public accountant licensed in the state of Washington. The audit report must include calculations demonstrating the existence of the funds at least equal to the inflation-adjusted site restoration cost estimate established under WAC 463-72-022. The certificate holder, or the council if the certificate holder fails to satisfy its site restoration obligations, shall be entitled to withdraw funds from the financial assurance instrument only for payment of site restoration plan implementation expenses. After verification by the council of fulfillment of the site restoration plan, excess funds remaining in a financial assurance account must be released to the certificate holder.

(b) Surety bond(s) issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department. If this mechanism is used, a standby trust account for site restoration must also be established by the certificate holder to

receive any funds that may be paid by the surety company so that they may be held there until drawn upon by the council. The surety must become liable for the bond obligation if the certificate holder fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least 120 days after the certificate holder and the council have received notice of cancellation. If the certificate holder has not provided alternate financial assurance acceptable under this section within 90 days of the cancellation notice, the surety must pay the amount of the bond into the standby trust account to be used by the council to complete the required site restoration.

(c) Irrevocable letter of credit issued by an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. If this mechanism is used, a standby trust account for site restoration must also be established by the certificate holder to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit so that they may be held there until drawn upon by the council. The letter of credit must be irrevocable and issued for a period of at least one year, and automatically renewed annually, unless the issuing institution notifies the certificate holder and the council at least 120 days before the current expiration date. If the

certificate holder fails to perform activities according to the site restoration plan, or if the certificate holder fails to provide alternate financial assurance acceptable to the council within 90 days after notification that the letter of credit will not be extended, the council may require that the financial institution deposit the funds from the letter of credit into the standby trust account to be used by the council to complete the required site restoration.

(d) Insurance policy issued by an insurer who is licensed to transact the business of insurance in Washington or is eligible as an excess or surplus line insurer in one or more states, that:

(i) Guarantees that the funds will be available to complete those activities identified in the site restoration plan;

(ii) Guarantees that the insurer will be responsible for paying out funds for those activities;

(iii) Provides that the insurance is automatically renewable and that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium;

(iv) Provides that if there is a failure to pay the premium, the insurer may not terminate the policy until at least 120 days after the notice of cancellation has been received by the certificate holder and the council;

(v) Provides that termination of the policy may not occur and the policy must remain in full force and effect if:

(A) The council determines the facility has been abandoned;

(B) Termination and site restoration has been ordered by the council or a court of competent jurisdiction;

(C) The certificate holder has been named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy; or

(D) The premium due is paid;

(vi) The certificate holder is required to maintain the policy in full force and until an alternative financial assurance guarantee is provided or until the council has verified that site restoration has been completed in accordance with the approved site restoration plan; and

(vii) For purposes of this rule, insurance companies that are wholly owned subsidiaries controlled by the certificate holder or its parent company and established to insure the certificate holder or its parent company and its other subsidiaries are not an acceptable insurance company.

(e) A guarantee that those activities identified in the site restoration plan will be completed from a private corporation, which

may be the certificate holder or an affiliate, meeting the financial test set forth in (i) through (iv) below:

(i) To qualify, the private corporation shall meet the criteria of either option A or B:

(A) Option A - To pass the financial test under this option, the private corporation must have:

(I) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;

(II) Net working capital and tangible net worth each at least six times the sum of the current site restoration cost estimates;

(III) Tangible net worth of at least $25,000,000; and

(IV) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current site restoration cost estimates;

(B) Option B - To pass this alternative financial test, the private corporation must have:

(I) A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

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(II) Tangible net worth at least six times the sum of the current site restoration cost estimates;

(III) Tangible net worth of at least $25,000,000; and

(IV) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current site restoration cost estimates;

(ii) The guarantor or its chief financial officer must provide a corporate guarantee, together with a certification and documentation to show that the corporation passes the financial test at the time the initial site restoration plan in WAC 463-72-015 is filed. This corporate guarantee must be reconfirmed annually 90 days after the end of the corporation's fiscal year by submitting to the council a letter signed by the chief financial officer that:

(A) Guarantees that the funds to finance site restoration activities according to the approved site restoration plan requirements are available;

(B) Guarantees that site restoration activities will be completed according to the approved site restoration plan requirements;

(C) Guarantees that the guarantor's chief financial officer will notify in writing the council within 15 days any time that the guarantor no longer meets the criteria of the financial test or is

named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy;

(D) Acknowledges that the corporate guarantee is a binding obligation on the guarantor corporation and that the chief financial officer has the authority to bind the corporation to the guarantee;

(E) Attaches a copy of the independent certified public accountant's report on examination of the guarantor's financial statements for the latest completed fiscal year; and

(F) Attaches a special report from the guarantor's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the certificate holder's chief financial officer and has determined that the information is true and accurate;

(iii) The council may, based on a reasonable belief that the guarantor no longer meets the criteria of the financial test, require reports of the financial condition at any time in addition to the annual report. The council will specify the information required in the report. If the council finds, on the basis of the reports or other information, that the guarantor no longer meets the criteria of the financial test, the certificate holder must provide an alternative

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form of financial assurance consistent with the requirements of this section, within 30 days after notification by the council;

(iv) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the certificate holder and the council. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by the certificate holder and the council.

(3) If the certificate holder fails to provide alternate financial assurance as specified in this section and obtain the written approval of alternate assurance from the council within 90 days after receipt of a notice of cancellation of the guarantee from the guarantor, the guarantor must provide alternative financial assurance in the name of the certificate holder.

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AMENDATORY SECTION (Amending WSR 25-12-020, filed 5/22/25, effective 6/22/25)

WAC 463-72-050 Detailed site restoration plan—Terminated projects. (1) When a project is terminated, the certificate holder must submit a detailed site restoration plan ((~~shall be submitted~~))

for council approval within 90 days from the time the council is notified of the termination.

(2) An extension of time may be granted for good cause shown.

(3) The site detailed restoration plan shall address the elements required to be addressed in WAC ((~~463-72-040~~)) 463-72-020, 463-72-022, and 463-72-025, in detail commensurate with the time until site restoration is to begin. ((~~The council will act on the plan at the earliest feasible time and may take or require action as necessary to deal with extraordinary circumstances.~~))

(4) When a site is subject to restoration pursuant to a detailed site restoration plan, the certificate holder shall:

(a) Implement the plan according to its terms;

(b) Notify the council of unforeseen problems and other emergent circumstances at the site; and

(c) Provide progress reports to the council pursuant to the terms of the detailed site restoration plan.

(5) The council may require such information and take or require such action as is appropriate to protect the environment and the public against risks or dangers resulting from conditions or activities at the site.

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[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-72-050, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-050, filed 10/11/04, effective 11/11/04.]

AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-72-060 Site preservation plan—Suspended projects. (1) In the event that construction of a facility is suspended, a plan for site preservation shall be prepared at the earliest feasible time, as agreed to by the council, and ((~~the council shall be advised of interim concerns and the measures being taken to remedy those concerns. The site preservation plan shall address environmental, and public health and safety concerns, the scope of proposed monitoring and the provisions for funding or bonding to meet site preservation costs. It shall describe measures that will be taken to preserve the site or otherwise protect all segments of the public and environment against risks or danger resulting from the site. The preservation plan shall also address options for preservation and the costs and benefits associated with those options. The council will act on the plan at the~~

~~earliest feasible time and may take or require action as necessary to deal with the extraordinary circumstances~~)) implemented by the certificate holder.

(2) The purpose of the plan shall be to preserve the site and prevent threats to human health and the environment while construction is in suspension.

(3) During suspension of construction, the certificate holder shall advise the council of health, safety, and environmental concerns and the measures being taken to remedy those concerns.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-060, filed 10/11/04, effective 11/11/04.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 463-72-030	Council approval and schedules required.
WAC 463-72-040	Initial site restoration plan.
WAC 463-72-070	Site restoration—Terminated projects.
WAC 463-72-080	Site preservation or restoration plan.

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EFSEC Monthly Council Meeting

Facility Name: **Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)**
Operator: **Energy Northwest**
Report Date: **October 12, 2026**
Reporting Period: **September 2026**
Site Contact: **Kelly Elsethagen**
Facility SCA Status: **Operational**

CGS Net Electrical Generation for **September** 2026: **817,616.66 Mega Watt-Hours.**

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance:
No update.

Safety Compliance
No update.

Current or Upcoming Projects
No update.

Other
No update.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)
Operator: ACT Power Services (*Formerly Tuusso Energy, LLC*)
Report Date: October 8, 2026
Reporting Period: 30 Days, Ending September 30, 2026
Site Contact: James Lara (James.Lara@altuspower.com)
Facility SCA Status: Operation

Construction Status

- Penstemon
  - Currently operational
  - Total Generation during the month was 939 Megawatt hours

- Camas
  - Currently operational
  - Total Generation during the month was 825 Megawatt hours

- Urtica
  - Currently operational
  - Total Generation during the month was 980 Megawatt hours

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center
Operator: Grays Harbor Energy LLC
Report Date: October 21, 2026
Reporting Period: September 2026
Site Contact: Eric Pace
Facility SCA Status: Operational

Operations & Maintenance
-GHEC generated 346,595 MWh during the month and 1,062,803 MWh YTD.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance
-There weren't any outfall or stormwater deviations during the month.
-Routine monthly, quarterly, and annual reporting submissions to EFSEC Staff.
- Monthly Discharge Monitoring Report (DMR).
- Semi-Annual Monitoring Report

Safety Compliance
- None.

Current or Upcoming Projects
-Stack Source Testing – November 16-20, 2026

Other
-None.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: October 5, 2026
Reporting Period: September 2026
Site Contact: Jarred Caseday, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 20,021 MWH.
- Wind speed: 6.23 m/s.
- Capacity Factor: 27.59 %.

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: October 7, 2026
Report Period: September 2026
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

September generation totaled 36,425 MWh for an average capacity factor of 18.56%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.