



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 Station**
 - 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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September 16, 2026

EFSEC 2026 Monthly Meetings v.

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

September 16, 2026

Lacey, Washington

Reporter: Crystal D. Schaff, CCR 2025

1 APPEARANCES Page 2	1 MEETING INDEX Page 4
2 3 STATE AGENCY MEMBERS: 4 Kurt Beckett, Chair 5 Aaron Peterson, Department of Commerce 6 Blake Nelson, Department of Ecology 7 Nate Pamplin, Department of Fish and Wildlife 8 Kate Dean, Department of Natural Resources 9 Brian Rybarik, 10 Utilities & Transportation Commission 11 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES: 12 Goldeneye BESS: 13 Robby Eckroth, Skagit County 14 Cascade Renewable Transmission: 15 Asa Leckie, Skamania County 16 Jeff Brecke, City of Stevenson 17 Harold Cook, City of North Bonneville 18 Jan Sokol, Klickitat County 19 Jennifer Senecu, City of Camas 20 Melissa Curtis, Clark County 21 ASSISTANT ATTORNEYS GENERAL: 22 Jon Thompson 23 Zack Packer 24 Talia Thuet 25	2 3 EVENT: PAGE NO. 4 Call to order 5 5 Roll Call 8 6 Proposed Agenda 9 7 Minutes 11 8 July 7, 2026, Goose Prairie Solar site visit minutes 9 July 7, 2026, Ostrea Solar site visit minutes 10 July 15, 2026, monthly meeting minutes 11 Projects 12 Columbia Generating Station Ostrea Solar 12 13 Columbia Solar 14 14 Ostrea Solar 15 15 Carriger Solar 22 16 Cascade Renewables Transmission 24 17 Horse Heaven 104 18 Hop Hill Solar 106 19 Wallula Gap Solar 107 20 Goldeneye BESS 107 21 Other 22 Director update 108 23 Policy and tribal update 109 24 Adjournment 25
1 APPEARANCES (Continuing) Page 3	1 BE IT REMEMBERED that on Wednesday, Page 5
2 3 COUNCIL STAFF: 4 Dave Walker Ali Smith 5 Marco Lowe Karl Holappa 6 Ami Hafkemeyer Maria Belkina 7 Amy Moon Lisa McLean 8 Joan Owens Andrienne Barker 9 Andrea Grantham Catherine Taliafeero 10 Sean Greene Alondra Zalewski 11 Lance Caputo Sairy Reyes 12 John Barnes Trevin Taylor 13 Joanne Snarski Nabila Gomes 14 Alex Shiley Keith Quianata 15 16 17 OPERATIONAL UPDATES: 18 Jon Voltz 19 Ostrea Solar, Cypress Creek Renewables 20 21 COUNCIL FOR THE ENVIRONMENT: 22 Sarah Reyneveld 23 Yuriy Korol 24 25	2 September 16, 2026, at 621 Woodland Square Loop 3 Southeast, Olympia, Washington, at 1:39 p.m., the 4 following monthly meeting of the Washington State 5 Energy Facility Site Evaluation Council was held, to 6 wit: 7 8 <<<<<< >>>>>> 9 10 CHAIR BECKETT: Good morning, 11 everyone. Can you hear me? Okay. This is Kurt 12 Beckett, Chair of EFSEC council calling to order our 13 monthly meeting of September 16, 2026. Apologies to 14 all in the public for our delay. We had technical 15 issues getting us all going here. With that, 16 Ms. Barker, if you would call the roll, please. 17 MS. BARKER: Department of Commerce? 18 Department of Ecology? 19 MR. NELSON: Blake Nelson, present. 20 MS. BARKER: Department of Fish and 21 Wildlife? 22 MR. PAMPLIN: Nate Pamplin, present. 23 MS. BARKER: Department of Natural 24 Resources? 25 MS. DEAN: Kate Dean, present.

Page 6 1 MS. BARKER: Utilities & 2 Transportation Commission? 3 MR. RYBARIK: Brian Rybarik, 4 present. 5 MS. BARKER: Local government and 6 optional State agencies: For the Hop Hill Project, 7 Paul Krupin? 8 For the Wallula Gap Project, Adam Fyall? 9 For the Goldeneye BESS Project, Robby Eckroth? 10 MR. ECKROTH: Robby Eckroth, 11 present. 12 MS. BARKER: For the Cascade 13 Renewable Transmission Project, Skamania County? 14 MS. LECKIE: Asa Leckie, present. 15 MS. BARKER: City of Stevenson? 16 MR. BRECKEL: Jeff Breckel, present. 17 MS. BARKER: North Bonneville? 18 MR. COOK: Harold Cook, present. 19 MS. BARKER: Klickitat County? 20 MR. SOKOL: Jan Sokol, present. 21 MS. BARKER: City of Camas? Clark 22 County? 23 MS. CURTIS: Melissa Curtis, 24 present. 25 MS. BARKER: Assistant Attorney	Page 8 1 MR. CAPUTO: Present. 2 MS. BARKER: Operational Updates: 3 Columbia Generating Station? 4 MS. ELSETHAGEN: Kelly Elsethagen, 5 present. 6 MS. BARKER: Columbia Solar? 7 MS. HOCKENBERRY: Macey Hockenberry, 8 present. 9 MS. BARKER: Ostrea Solar? 10 MR. VOLTZ: John Voltz, present. 11 MS. BARKER: Is there anyone online 12 for the Council for the Environment? 13 MR. KOROL: Yuriy Korol and Sarah 14 Reyneveld, present. 15 MS. BARKER: Chair, there is a 16 quorum for all councils. 17 CHAIR BECKETT: Thank you. Council 18 members, before us, we have a proposed agency. I know 19 of no changes. Let me also do a friendly collective 20 reminder for us, before or certainly after you speak, 21 at latest, if you would state your name for the record 22 for the benefit of our court reporter here today. 23 Thank you, Chair Rybarik, for that good practice. 24 And with that, the chair would entertain a motion 25 to adopt the agenda.
Page 7 1 Generals, Jon Thompson? 2 MR. THOMPSON: Present. 3 MS. BARKER: Zach Packer? 4 MR. PACKER: Present. 5 MS. BARKER: Talia Thuet? 6 MS. THUET: Present. 7 MS. BARKER: For EFSEC staff, I will 8 only call those anticipated to speak today. 9 Marco Lowe? 10 MR. LOWE: Present. 11 MS. BARKER: Ami Hafkemeyer? 12 MS. HAFKEMEYER: Present. 13 MS. BARKER: Amy Moon? 14 MS. MOON: Present. 15 MS. BARKER: Sara Randolph? 16 MS. RANDOLPH: Present. 17 MS. BARKER: John Barnes? 18 MR. BARNES: Present. 19 MS. BARKER: Joanne Snarski? 20 MS. SNARSKI: Present. 21 MS. BARKER: Maria Belkina? 22 MS. BELKINA: Present. 23 MS. BARKER: Lisa McLean? 24 MS. MCLEAN: Present. 25 MS. BARKER: Lance Caputo?	Page 9 1 MS. DEAN: So moved. 2 CHAIR BECKETT: Thank you, Council 3 Dean. Is there a second? 4 MR. RYBARIK: Brian Rybarik. I will 5 second. 6 CHAIR BECKETT: Thank you. The 7 matter is on the table. Is there any further 8 discussion? Hearing none. All of those in favor of 9 adopting the agenda please say "aye." 10 MULTIPLE SPEAKERS: Aye. 11 CHAIR BECKETT: Opposed? Sustained? 12 Okay. We have the agency before us. 13 Moving on to minutes, again, sorry for the delay. 14 Accordingly, we do have confirmation that we can adopt 15 or -- yes, adopt these minutes as a package. And so 16 the Chair would entertain that motion -- the Chair 17 would entertain a motion to adopt all three sets of 18 minutes. I do have one item to flag once we get the 19 motion on the table. Is there a motion to adopt all 20 three meeting minutes? 21 MR. RYBARIK: Brian Rybarik, I will 22 move adoption of all three meeting minutes. 23 CHAIR BECKETT: Second? 24 MS. DEAN: Kate Dean. I will 25 second.

Page 10 1 CHAIR BECKETT: Thank you. With 2 that, Council, we have all three -- again, this is the 3 July 7, 2026, Goose Prairie Solar site visit minutes; 4 the July 27, 2026, Ostrea Solar site visit minutes; and 5 the July 15, 2026, monthly meeting minutes. 6 The one edit that I would like to include in our 7 adoption is on page 108; it is at the very tail end of 8 a long discussion, namely, on the Energy Northwest 9 presentation. And you will find on page 108, my 10 closing comment, "In the midst of a leadership 11 transmission" should read as "transition." And it's 12 understandable why that was heard that way. So change 13 to transition, please. So I believe staff have that 14 captured. 15 Was there any other discussion or changes to any 16 of the minutes? 17 MR. RYBARIK: This is Brian Rybarik. 18 Just a quick comment. I missed the site visits both 19 for Goose Prairie and Ostrea. They seem like excellent 20 opportunities to see on the ground some of the work 21 that we do here, so I am bummed that I missed that. I 22 am very much looking forward to some additional detail 23 on the cow dropping a rock and putting a hole in a 24 panel story that is referred to in the minutes. 25 CHAIR BECKETT: Very well. All	Page 12 1 With that, we will move on to the Columbia 2 Generating Station update, and Kelly Elsethagen of 3 Energy Northwest will provide it. 4 MS. ELSETHAGEN: Good afternoon, 5 Chair Beckett, council members, and staff. This is 6 Kelly Elsethagen for Energy Northwest Columbia 7 Generating Station and Washington Nuclear Project 1 and 8 4. We have a non-routine update for July. We have no 9 non-routine updates for August. 10 So for environmental compliance: On July 18, 11 2026, Energy Northwest's Environmental and Regulatory 12 Programs was notified that up to 10 gallons of 13 non-hazardous silicone compressor oil, Sullair 24KT, 14 had likely leaked through the service air 15 compressor (SA-C-1) heat exchanger (SA-HX-2) and 16 entered the Plant Service Water system. SA-C-1 was 17 removed from service on July 17th due to excessive oil 18 consumption. Operations inspected the Cooling Water 19 Basin on July 18th and did not observe an oil sheen. 20 The heat exchanger remained out of service and was 21 pressure tested on July 19th and was confirmed to have 22 a leak that would allow the silicone compressor oil to 23 migrate into Plant Service Water. Plant Service Water 24 cools the service air compressor and other 25 non-radioactive loads in the facility before returning
Page 11 1 right. Any other comments? All right. All in favor 2 -- 3 MR. PAMPLIN: Mr. Chair? 4 CHAIR BECKETT: Yes? Please, 5 Council Pamplin. 6 MR. PAMPLIN: This is Nate Pamplin. 7 I just wanted to acknowledge that I also did not 8 participate in the two site visits. So, as we are 9 approving the minutes as a bundle package, I am not 10 sure -- there's not a way under Robert's Rules to 11 abstain with a partial motion. So, it looks like the 12 record is accurate, but just wanted to note that I was 13 not present for those two site visits. Thank you. 14 CHAIR BECKETT: Appreciate that. 15 Counsel Thompson, any advice? Should they be voting or 16 not voting? 17 MR. THOMPSON: I think with that 18 caveat, it's clear what the intention is. 19 CHAIR BECKETT: Okay. All right. 20 Then all council members can affirm or reject as they 21 wish. But all those in favor of adopting all three 22 minute sets, please say "aye." 23 MULTIPLE VOICES: Aye. 24 CHAIR BECKETT: Opposed? 25 Abstention? Thank you.	Page 13 1 to the Circulating Water basin, where it's mixed with 2 circulating water and may enter a system again such as 3 Plant Service Water, Circulating Water, or Fire 4 Protection water. Because Plant Service Water returns 5 to the Circulating Water basin, it has the potential to 6 be discharged to the Columbia River with circulating 7 water blowdown via Columbia Generating Station Outfall 8 001, causing the potential noncompliance. Upon 9 confirmation of heat exchanger SA-HX-2 failure on July 10 19th, Energy Northwest completed notifications to the 11 National Response Center, Washington State Department 12 of Ecology, EFSEC, and the Department of Natural 13 Resources of the potential noncompliance. The failed 14 heat exchanger was replaced July 21st, and the 15 replacement equipment successfully pressure tested to 16 specification and returned to service by July 22nd. An 17 investigation is being conducted into what caused the 18 failure of the heat exchanger. 19 CHAIR BECKETT: Thank you. Any 20 comment, question, discussion from Council? Okay. 21 Hearing none, appreciate the diligence and detail. And 22 I am sorry, thank you, Ms. Elsethagen. I also should 23 have noted here, as we got into the projects, that for 24 those who are following along, I guess, in any format, 25 there are two months' worth of monthly reports. We did

Page 14 1 not have an August meeting. That's why each project 2 will have two months' worth of updates. Anything else, 3 Ms. Elsethagen? 4 MS. ELSETHAGEN: No. Thank you. 5 CHAIR BECKETT: Okay. Thank you. 6 Moving on to the Columbia Solar project and Macey 7 Hockenberry of Altus Power will provide the update. 8 MS. HOCKENBERRY: Yes. So this is a 9 July report. During July, there were no non-routine 10 updates. And the site -- all sites were performing as 11 normal. 12 If you are able to switch to the August report? 13 Yeah. During August, the Penstemon Project had one 14 inverter offline for about two weeks due to a breaker 15 issue. This breaker was replaced, it has since been 16 fixed, and the inverted is now back online. 17 For the Camas Project: A tracker underperformance 18 issue was found. And this was traced to a sensor. 19 This has since been resolved by our technical team as 20 well. 21 And then, for all three sites, we had a 12-hour 22 utility outage on August 1st that was due to wildfire 23 response in the area. This has all been since 24 resolved, and all sites are currently back online. 25 CHAIR BECKETT: Thank you. Council,	Page 16 1 EFSEC with comments addressed, and then addressing 2 final punch list items, and remediating the vegetation 3 that we had received approval to mitigate after the 4 thermal event that had occurred in mid-June. 5 There was a council -- or an inspection that 6 performed -- that was performed on 7/21. Also, as 7 mentioned earlier, there was a site visit on July 7th, 8 and so those minutes have been adopted. 9 You can move on to the August report where there 10 are some continuing updates of the facility being a 11 similar status. Major updates for the month of August 12 are that the final performance test was complete. We 13 received the results, but the results are currently 14 under analysis to see if they obtain passing criteria. 15 The vegetation management is about 90 percent 16 complete with the mowing and weed control items out 17 there. 18 Punch list items are being addressed. We expect 19 to have those wrapped up this month. 20 We received comments back on three of the 21 operational plans from EFSEC, and so those revisions 22 are underway and should be resubmitted shortly. 23 Other important updates: We did have inspection 24 from the -- a visit from the Yakima County Weed Board 25 that occurred in August that -- to inspect -- I guess,
Page 15 1 any question or discussion? 2 MR. RYBARIK: Just one quick 3 question. Macey, thanks for those updates. This is 4 Brian Rybarik. I did notice that the overall output in 5 August was lower than that output in July. I mean, I 6 am sure there's a lot of reasons for that. But the 7 reasons you just gave, or the updates you just gave 8 seem to be an explanation for those, I guess, capacity 9 factors being slightly lower in August; is that a fair 10 conclusion? 11 MS. HOCKENBERRY: Yeah, that's fair. 12 MR. RYBARIK: All right. Very good. 13 Thank you. 14 CHAIR BECKETT: Other comments? 15 Seeing none, okay. 16 Moving on to Ostrea Solar, and Jon Voltz will 17 provide the update. 18 MR. VOLTZ: Good afternoon, Chair 19 Beckett, council members, and staff. This is Jon Voltz 20 with the Cypress Creek Renewables representing the 21 Ostrea Solar Project. For the month of July, I had a 22 lot of items winding down: Demobilizing of 23 construction equipment was ongoing, installed the 24 permanent PMBs, final performance testing of the 25 facility is ongoing, submitted operational plans to	Page 17 1 the species that were involved in the stabilization -- 2 vegetation stabilization process. And so did get the 3 feedback that stabilization has been achieved, but 4 there was a large quantity of weeds over the desired 5 species. And so we are incorporating a reseeding in 6 our management strategy into the operational vegetation 7 noxious weed management plan that will be submitted 8 with revisions shortly. 9 Other items to note: We do have an operational 10 personnel change where Fred Hageman is no longer the 11 primary contact on-site. He's being replaced by Andrew 12 Poulsen. His contact information will be provided in 13 upcoming reports. 14 Final items. Even though this event occurred in 15 September, I have included it here since it was earlier 16 in the month, there was a ribbon-cutting event that 17 occurred on September 2nd. And so very pleased with 18 the outcome there and from the attendance from both 19 EFSEC council members, but also Governor Bob Ferguson. 20 We had a lot of other local involvement. And so very 21 grateful for the support that was displayed there for 22 Ostrea Solar wrapping up major construction activities 23 and beginning the transition to operation. So, thank 24 you for your attendance and support for the project. 25 CHAIR BECKETT: Thank you.

Page 18 1 MR. VOLTZ: Any questions or 2 comments? 3 CHAIR BECKETT: I guess I will take 4 the privilege of a quick opening comment, and then I 5 will turn to my fellow council members. Having now 6 participated in both the site visit and -- of the EFSEC 7 council, and then the ribbon cutting, again, on behalf 8 of the Governor, who I worked for as the chair, but 9 really on behalf of the EFSEC council, to convey, you 10 know, both thanks to the Governor for his attendance 11 and putting focus on this important milestone and 12 accomplishment, and, again, something running, right? 13 Something energized that is ultimately affirming our 14 ability to keep the lights on, especially in the days 15 and moments when we need them on most. This project is 16 a living example of that. And all the work and people 17 that went into it. And thank you to the EFSEC staff 18 that preceded my being a member of the EFSEC council 19 who made that statement possible. 20 The other thing I think worth noting is the 21 attendance of, I believe, two of the Yakima County 22 Commissioners. And one in particular we had the 23 privilege and honor to meet with in a quick circle 24 huddle with Director Lowe, and myself, and Karl Holappa 25 to discuss just a little bit more of some of the	Page 20 1 Hopefully, I think any other local pathway too. But it 2 is, certainly, part of the benefit of EFSEC that it 3 does capture and put on display exactly this kind of 4 work. So, thanks to the staff for helping shepherd all 5 that through and, Mr. Voltz, again, to your team who 6 make that possible. 7 With that, Council, any further comments or 8 questions? Council Dean. 9 MS. DEAN: If I may? This is Kate 10 Dean. I did attend the tour on July 7th, and want to 11 compliment Mr. Voltz on the quality of the staff who 12 provided tours at the two sites. I was really 13 impressed to see, having worked in economic development 14 in rural areas previously, seeing the level of 15 professionalism and expertise that they are able to 16 attract for on-site labor. It was really, really 17 impressive. I learned a ton. They were patient with 18 some rookie questions. And very impressive, both 19 facilities, so thank you. 20 CHAIR BECKETT: Other council 21 members? 22 MR. RYBARIK: Jon, this is Brian 23 Rybarik. I will just add in the congratulations on -- 24 I have asked a lot of questions about commercial 25 operation during our previous council meetings. And
Page 19 1 perspective he was sharing in more informal 2 conversation, including just, you know, within Yakima, 3 where there are places that make sense from the 4 County's perspective. So, certainly, I always put a 5 premium on what can we do to better help projects keep 6 local, right? Where is our keep-it-local toolbox? I 7 think that's work that we should always continue to be 8 dedicated to, both as EFSEC, but whether within 9 ecology, or the Clean Energy site council, I think we 10 are all committed to that work. In this case, we tried 11 to have the quick in-the-moment huddle and, hopefully, 12 some further follow-up conversation with the county 13 commissioner in that regard. 14 So that is somewhat of my field report, if you 15 will, from having attended. Appreciate staff. And 16 John Barnes also was there that day. So thank you, 17 John, for making the trip. 18 With that, thank you, Mr. Voltz, again for hosting 19 us twice, as well as the added updates as you are in 20 the midst of going operational. And, again, working 21 out the little details that do matter. I grew up on a 22 farm and understand what noxious weeds mean in various 23 forms, including sometimes to livestock, so those 24 details matter, and I think are just part of the 25 commitment of those who have applied to EFSEC.	Page 21 1 this one, maybe not exactly a commercial operation 2 quite yet, but a ribbon cutting certainly gets a lot of 3 attention here. So, congratulations to you and the 4 team and to all the folks who have worked on this, 5 including all the folks at EFSEC. 6 MR. VOLTZ: Thank you very much. 7 CHAIR BECKETT: Thank you. Well, as 8 a point of transition and moving on here, I realized 9 somewhere in the course of approved minutes, I should 10 have again provided a thank you, and maybe I did in the 11 last meeting, Council Pamplin, who appreciated Mike 12 Livingston, and Mike Ritter, who actually popped up 13 there on the Goose Prairie visit, and it was a real 14 privilege to have them. But also, to hear Mike Ritter 15 just speak to what he saw in those moments. I thought 16 that was especially impactful. I see a number of staff 17 nodding their heads here. Nate, I just want to flag 18 for your team that it was just -- again, we all see 19 different things, right? And that's part of why having 20 an integrated approach, I think, not that that's always 21 possible, but that is part of the mindset that, I 22 think, you know, has long been the work at EFSEC, but I 23 think we are trying to put that on further display. 24 MR. PAMPLIN: Thank you. 25 CHAIR BECKETT: Thank you. All

Page 22 1 right. Cascade Renewable Transmission is our next 2 item, and it is the big one. Or am I looking at an old 3 agenda again? All right. Joanne Snarski, I saw you 4 there motioning. Thank you, Council Dean. 5 MS. SNARSKI: All set? 6 CHAIR BECKETT: Over to you. 7 MS. SNARSKI: All right. Thank you, 8 Chair Beckett and the council members. For the record, 9 this is Joanne Snarski, the Siting Specialist for 10 Carriger Solar in Klickitat County. At the end of 11 June, we received draft copies of the following 12 pre-construction plans for the Carriger project: 13 Vegetation and weed management, habitat restoration and 14 mitigation, and the initial site restoration plan or 15 the ISRP. By the end of July, we provided the 16 developer with Washington Department of Fish & 17 Wildlife's comments on the first two plans and our 18 comments on the ISRP. The developer and the Yakima 19 Nation decided to work directly with each other on the 20 Tribe's comments on all three reports. The developer 21 is currently working to resolve some final issues with 22 the Yakima, and plan to get us both second drafts for 23 review in the next week or so. The Yakima have 24 requested an additional 45 days for their second 25 review, and we are prepared to respond within that time	Page 24 1 spoke to that, you know, may not be appropriate to be 2 on a milestone list, but those milestones should 3 continue. And so with that, we will leave that to 4 Director Lowe and Ms. Hafkemeyer to take that or 5 others, however I can help. 6 Okay. Now, we will move on to our big item. 7 Seeing it is 2:01, despite our slightly late start, the 8 thing I would note for anyone -- either the public, or 9 any of the associated applicants' team who may be on, I 10 would think that the Cascade Renewables, or CRTs, as we 11 will probably start calling it here, will probably take 12 an hour. If anyone is waiting, I will keep an eye on 13 the clock in case we go faster than I am predicting, 14 but just wanted to share that for better use of your 15 time unless -- certainly, welcome to listen to CRT 16 discussion. 17 Let me first acknowledge council members and -- 18 Ms. Barker, can you remind us of the project council 19 members who are with us today? 20 MS. BARKER: Certainly. We have 21 Skamania County, Asa Leckie; City of Stevenson, Jeff 22 Breckel; City of North Bonneville, Harold Cook; 23 Klickitat County, Jan Sokol; Clark County, Melissa 24 Curtis. 25 CHAIR BECKETT: Thank you very much.
Page 23 1 frame as well. 2 As a reminder, per WAC 463-72-030, the initial 3 site restoration plan must also be approved by Council. 4 This plan identifies, evaluates, and resolves all major 5 environmental and public health safety issues, and 6 includes the provisions to fund those efforts on 7 termination of project. 8 Once these secondary reviews are completed and 9 plans are finalized, we will provide the ISRP to the 10 Council for review. Prior to Council action, we will 11 post the plan for public review and a 14-day comment 12 period. Once we receive the revised ISRP, we will 13 advise the Council on -- excuse me -- the Council on 14 the -- and the public of the timeline for the comment 15 and proposed council action. 16 I am happy to answer any questions or receive 17 feedback. 18 CHAIR BECKETT: Council members, 19 questions or comments? Seeing none, in general, I will 20 make one quick more in-the-moment example in case it's 21 also replicated elsewhere, and then given other 22 priorities, I hadn't brought it up, but I will take it 23 up now. On this milestone list, when there is an 24 appeal, that is a fact that should be on our list. 25 Obviously, there's other details here that you just	Page 25 1 And just wanted to remind the permanent council 2 members, our good local partners who are with us, and 3 thank you for coming along on ultimately a complicated 4 project with a complicated series of topics. I am 5 sure, in most cases -- first, for each of our local 6 project council members, just wanted to acknowledge 7 that journey, and your duty, and presence here with us. 8 So, however we can improve that journey, know that we 9 are always open to that feedback. 10 Accordingly, let me just own a couple of things 11 here process-wise, and then we will get right into more 12 of the topic that we will be briefing on. There's, as 13 you already knew but feel in the various waves of 14 material that have been coming into your inboxes, and 15 most importantly the 733 public commenters, and the 16 people attached to those comments. Sometimes that's 17 organization and far more names than are on the 18 signature block, and, obviously, others who represent 19 individual voices that have submitted, whether a quick 20 email or, certainly, some, you know, that are very 21 thoughtful and detailed, and I want to thank each of 22 you for your time in sharing that. The Council does 23 pay close attention to that despite the volume. And, 24 certainly, where materials can come to Council earlier 25 rather than later, and both are truths as far as when

Page 26 1 materials are able to be processed by the staff after a 2 comment period closes is part of the work and, you 3 know, kind of the process-improvement journey that any 4 organization is in. We certainly are doing that also 5 in real time here at EFSEC. And so I want to thank the 6 staff and acknowledge those, you know, double duties at 7 times that go with our work. So happy to take, you 8 know, your user experience of this particular meeting, 9 the prep, and what we do afterwards, which we can do in 10 the meeting here as you wish, but certainly happy to 11 take that feedback in any form after the meeting as 12 well. 13 One thing that I will have thought about and 14 ultimately drifted away from in acting upon it for a 15 myriad of reasons was just if there are larger known 16 topics like here is the history of the Columbia Gorge 17 Scenic Area, that might be a reader document or couple 18 of links to the right sources that could go more in 19 June, when you have more time, rather than in 20 September. Certainly, I will try and do better for you 21 all as the chair knowing you may not have time for that 22 kind of reader ahead, but if that is mixed in when we 23 are actually getting into the details and comments 24 around, certainly something I took away from my own 25 experience in this case.	Page 28 1 and 100 miles long in one of the most, you know, yes, 2 treasured, for sure, but also complicated just, you 3 know, stretches of Washington and Oregon. And I think 4 we just need to acknowledge that that is what has been 5 sent to us, and that is to which we are assigned, and 6 all here today to come around. So I think -- it's 7 always my lines are let's work together and learn 8 together and stick together. We may not decide things 9 together in terms of your votes individually. But 10 that's certainly what I have experienced with you all 11 to date. And as we get deeper into the next chapters 12 of real work, I want to just, you know, kind of make 13 that a theme, if you will, in our operating condition. 14 So we have a PowerPoint that Maria Belkina will 15 soon lead, along with other staff who, I think, will be 16 jumping in. Let me double-check. 17 Ms. Hafkemeyer, was there any opening comment you 18 wanted to make before? 19 MS. HAFKEMEYER: I don't have an 20 opening comment to get us started, but I believe 21 Ms. Belkina might have some additional broader project 22 updates before she gets into her slides. 23 CHAIR BECKETT: Okay. Also, let me 24 just, for context, we will have this opening and the 25 PowerPoint. Counsel Thompson has his own special last
Page 27 1 So, Ms. Senecu, I saw your hand, and let me make 2 sure I make some space here in case you had a question 3 or comment. 4 MS. SENEUCU: Yes, thank you so much. 5 I am Jennifer Senecu, and I represent the City of Camas 6 on the CRT. I wasn't mentioned. I wanted to make sure 7 you guys knew I was here. 8 CHAIR BECKETT: Oh, thank you very 9 much. Thanks for -- please, always speak up or raise 10 your hand if you are not -- 11 MS. SENEUCU: I am -- 12 CHAIR BECKETT: -- I am not 13 calling on someone -- 14 MS. SENEUCU: I didn't know how to 15 raise my hand. Thank you very much. 16 CHAIR BECKETT: When in doubt, 17 please jump in. As much as I appreciate your patience 18 and kind of decorum that goes with this, thanks and 19 welcome. 20 All right. Well, sorry for the long preface. But 21 like I say, there is a lot here. And I will say a 22 corridor like this having -- kind of bounced this 23 question through a couple of staff earlier. There 24 hasn't been a generation in this agency that has done a 25 corridor project, let alone one that's three counties	Page 29 1 slide that he will be speaking to that is intended to 2 try and just, you know, work through -- before we get 3 into the details of particular issues or comments, you 4 know, here's all the moving jurisdictions, here's the 5 different considerations. 6 I think, ultimately, as you may feel, but let me 7 reaffirm, today is more of a briefing and discussion. 8 Ultimately, the Council needs to, you know, affirm, not 9 today, but in the time ahead, you know, will be making 10 a land use consistency determination. And so, 11 certainly, as part of that, we are, I think, here first 12 establishing the record. So establish first, determine 13 second. So, ultimately, we are in the establish part 14 of this, which I just note for everyone's kind of 15 collective clarity. That's how I have come to describe 16 it. And also, as we jump in, again, remember that -- I 17 share this especially for our project council, if you 18 look at the essence function of what is EFSEC, we are 19 two things in particular: It's not the only things we 20 do, but one is we are the integrator of the State's 21 permits set for these kinds of, in particular, corridor 22 projects, many others, but we are an integrator. And 23 so, we take all the different parts and pieces and try 24 to put them together in as logic means that we can. 25 It's not easy, and it is certainly not easy on this

Page 30 1 project. 2 The other thing is that at the end of the day -- 3 and this is, again, unique to the Council more than the 4 staff, much as I see those as, you know, shared 5 operating environments -- we are a balancer. We are to 6 take all these competing demands, as well as there -- 7 is there an abundance of clean energy at a reasonable 8 cost? How are we doing right by the environment? Our 9 six mission pillars. Ultimately, we are to strike the 10 balance, and ultimately the facts and the record from 11 which we have established, and then we are to 12 determine. So that is -- one step is the land use. 13 But, ultimately, all of this rolls towards our widgets 14 at the end of the day affectionately known as a site 15 certification agreement or the SCA. 16 So I just share all of that for kind of collective 17 alignment, as well as for, hopefully, some benefit of 18 the public and the many commenters that have come to 19 this stage of the project. 20 So, without further ado -- and, I guess, let me 21 check with Council first. Were there questions, or 22 comments, anything I needed to clarify from my opening 23 remarks? Okay? 24 Then we will move on at 2:09 to Maria Belkina. 25 MS. BELKINA: Thank you, Chair	Page 32 1 SEPA schedules, technical studies, cultural resources, 2 and other areas where the agencies can coordinate their 3 reviews. 4 Staff are now continuing preparation for the Draft 5 EIS and coordinating with the applicant, our 6 contractors, and reviewing agencies on outstanding 7 technical information needed to support that review. 8 Before I conclude, I have a few slides that 9 provide some additional context of the project process 10 to date, including the public engagement and plan use 11 consistency review, information requested from the 12 applicant, and some of the issues that arose during the 13 review. 14 This presentation provides a concise overview of 15 the CRT public process, the additional land use record, 16 and approvals that remain separate from EFSEC's land 17 use consistency determination. Here you can see some 18 of the project overview. Cascade Renewable 19 Transmission is a proposed high-voltage electric 20 transmission project that would connect the BPA Big 21 Eddy substation near The Dalles, Oregon, to the PGE 22 Harborton substation near Portland, Oregon. The 23 project would extend for approximately 100 miles, with 24 most of the transmission line located within the 25 Columbia Riverbed. About 40 miles of the project would
Page 31 1 Beckett, and council members. For the record, my name 2 is Maria Belkina, Siting Specialist assigned to the 3 Cascade Renewable Transmission Project. 4 Since the last council update, EFSEC completed the 5 additional public comment period on the applicant's 6 updated land use consistency information. The comment 7 period ran from July 27 through August 26. Staff have 8 reviewed and organized the comments received, and a 9 summary of the primary issues and requests raised by 10 commenters has been prepared for the Council's 11 consideration today. 12 EFSEC also continued government-to-government 13 consultation with Tribes. Since my last update, 14 consultations were held with the Confederated Tribes of 15 Grand Ronde on July 21 and with the Confederated Tribes 16 of the Umatilla Indian Reservation on August 26. Staff 17 continue to coordinate with our Tribal Liaison 18 regarding consultation and issues raised by the Tribes. 19 Staff have also completed Data Request No. 2, which 20 includes technical follow-up questions resulting from 21 our review of the applicant's responses to the first 22 data request and supplemental application materials. 23 Coordination continues with the U.S. Army Corps of 24 Engineers and the Oregon Department of Energy on the 25 environmental review process, including the NEPA and	Page 33 1 be located in Washington and about 58 miles in Oregon. 2 In Washington, the project would also include 3 approximately 7.6 miles of underground cable in 4 Skamania County to bypass the Bonneville Locks and Dam 5 area. 6 Additional project information, including 7 application materials, maps, SEPA documents, notices, 8 and upcoming meeting information, can be found on the 9 EFSEC project web page or by scanning the QR code shown 10 here. 11 MR. CAPUTO: My name is Lance 12 Caputo, site specialist assisting Maria on this 13 project. I will be reviewing the next three slides. 14 This timeline shows that public engagement began well 15 before the November 2025 hearings. 16 CRT submitted its formal Pre-application Request 17 and Plan in December 2023. EFSEC then began the 18 required pre-application review and coordination 19 process. 20 In February 2024, EFSEC held public informational 21 meetings in Clark, Skamania, and Klickitat counties. 22 This pre-application process also included stakeholder 23 notification and corridor coordination. 24 EFSEC received the Application for Site 25 Certification on October 6, 2025.

Page 34 1 In November 2025, EFSEC held informational and 2 land use consistency hearings in the three counties. 3 In 2026, EFSEC conducted SEPA scoping, including 4 separate Tribal and public meetings on May 27. 5 Most recently, EFSEC opened a focused comment 6 period on the applicant's additional land use 7 information. EFSEC received 772 submittals during that 8 period. There are currently six local representatives 9 serving on the Council for this project. 10 The local membership includes representatives for 11 Clark, Skamania, and Klickitat Counties. It also 12 includes representatives for the cities of Camas, 13 Stevenson, and North Bonneville. 14 Local representatives joined the Council as their 15 jurisdictions completed their appointment processes. 16 Those appointments did not all occur at the same time. 17 The agencies that may choose to appoint a council 18 member to the review of an application, which are the 19 Military Department, the Department of Agriculture, the 20 Department of Transportation, and the Department of 21 Health, all declined to appoint a representative for 22 this application review. The Port of Skamania and the 23 City of Bingen also each declined to appoint a council 24 member. 25 EFSEC staff also reached out to the cities of	Page 36 1 after the hearings received the hearing record for 2 review, and neither hearing decided land use 3 consistency. 4 Third, did the November record contain all the 5 land use detail EFSEC needed? No. Staff identified 6 gaps and issued Data Request No. 1. EFSEC then opened 7 a focused public comment period on the applicant's 8 additional information. Together, those steps 9 continued the land use hearing process begun in 10 November and extended the opportunity for people and 11 entities to be heard. The public will also have an 12 opportunity to comment in writing on the draft 13 decisional document before the Council considers it in 14 November. The Council may also choose to accept oral 15 comments. 16 Next slide, please. After the November hearings, 17 staff reviewed the land use record and identified areas 18 that required additional detail. 19 In March 2026, EFSEC issued Data Request No. 1 to 20 the applicant. The request sought clearer 21 jurisdictional boundaries and project segment 22 descriptions. It also requested additional shoreline 23 and zoning analysis, along with revised figures. 24 The applicant submitted its responses in May 2026. 25 EFSEC reviewed the materials, placed them in the public
Page 35 1 White Salmon and Washougal, which the project would 2 pass by without entering the city limits. Neither of 3 these jurisdictions contested the determination that 4 the project would not enter city limits, and as such, 5 did not appoint a council member. 6 Next please. This slide addresses three common 7 questions raised about the process. 8 First, why did EFSEC begin its review while the 9 applicant was still developing information? Filing the 10 application started the site certification review. It 11 did not establish that the application was complete. 12 State law requires EFSEC to hold an informational 13 hearing within 60 days after receiving the application. 14 Technical review and information requests continue 15 after filing. 16 Second, why did the hearings occur before all 17 local representatives joined the Council? RCW 18 80.50.090(1) establishes the 60-day deadline for the 19 informational public hearing. RCW 80.50.090(2) 20 requires a land use consistency hearing after the 21 informational hearing, but it does not impose the same 22 60-day deadline. EFSEC has long held the two hearings 23 at the same time and location. Several local 24 appointments remained pending when the informational 25 hearing deadline arrived. Council members appointed	Page 37 1 docket, and sought input from the affected 2 jurisdictions. Not every jurisdiction submitted 3 comments, so staff continued compiling the applicable 4 requirements from the available record. 5 EFSEC then opened a focused public comment period 6 from July 27 through August 26. This gave people and 7 entities an additional opportunity to address the 8 applicant's revised land use information and continued 9 the hearing process that began in November. EFSEC 10 received 772 submittals. The public will have another 11 opportunity to comment on the draft decisional document 12 before Council action. 13 Now, I will turn it over to our Assistant Attorney 14 General. 15 MR. THOMPSON: Actually, could you 16 go back one slide, please? For the record, this is 17 John Thompson, Assistant Attorney General. I am lead 18 advisor to EFSEC. Before I -- so before I start this 19 slide, I wanted -- I wanted to maybe just provide a 20 little additional context on the land use consistency 21 determination and what that's for. Despite the fact 22 that the application has been before EFSEC for quite a 23 few months now, we are really fairly early in the 24 process. So the land use consistency determination is 25 not a determination about the merits of the case, or

Page 38 1 whether it should be approved. It's really just a way 2 point where we're looking at is the site or, in this 3 case, the route that's proposed by the project 4 developer, is that area within local zoning, or is it 5 -- is the project of this type allowed, or is it 6 prohibited, or is it perhaps conditionally allowed? 7 You know, are there a set of criteria that have to be 8 met before something like an electric transmission 9 facility can be approved in a land use under the 10 applicable local zoning codes? 11 And if the answer is that the particular type of 12 energy facility is prohibited in a particular zoning 13 district, then that's not -- that's not the basis for 14 denying the project, necessarily. What it does is -- 15 with that information we decide, okay, in that case, we 16 have to set this for a particular type of adjudicative 17 hearing where the Council will deliberate on the 18 question of whether it -- despite this inconsistency 19 with local zoning, that it should nonetheless still 20 recommend to the Governor that the project be approved, 21 essentially preempting the inconsistent local zoning. 22 So that's one particular pathway that we might go on 23 depending on the answer to this threshold land use 24 consistency condition. 25 Or if it's just, you know, projects of this type,	Page 40 1 implement the Act and the Management Plan that was 2 adopted by the Columbia River Gorge Commission. Those 3 are -- those look like zoning ordinances, and certainly 4 they are. They regulate land use in certain areas 5 within the Scenic Area. But they are not zoning 6 ordinances that are adopted strictly pursuant to state 7 law; they are implementing federal law. And, 8 therefore, in my opinion and my advice to you is they 9 are not something that are subsumed under a site 10 certification agreement under EFSLA or our Act. So 11 there's a lot of debate in the comments over whether 12 the Columbia Gorge Act and City Management Plan apply 13 to the route proposed in the river as opposed to only 14 on land, and that's an important question, but it's not 15 one that we have to resolve here because it's outside 16 of our scope. 17 There also are issues raised about -- actually -- 18 why don't we go to the next slide, because I -- this -- 19 this is something I put together, just how I think 20 about it in my own mind, sort of a map, if you will, of 21 what are the issues and where do they fall within 22 EFSEC's jurisdiction not. So, there's kind of the big 23 circle on the left there where it's labeled site 24 certification under EFSLA. This is intended to 25 encompass state-law imposed regulations, permits of the
Page 39 1 like your transmission facilities, are allowed in this 2 particular zone, of which there are many along the 3 course of this route, then if it's allowed outright, 4 then, you know, that's a fact that we will consider in 5 the further deliberations down the line, including 6 adjudication, or general adjudication. Or if there are 7 particular conditions that have to be met, those will 8 get considered as well in future deliberations: In the 9 adjudication, in the environmental impact statement, 10 and in your ultimate deliberations on what to recommend 11 to the Governor further down the road. So, I just 12 wanted to put that into perspective first. 13 And then, the comments have raised many different 14 sorts of legal issues, which -- some of which are 15 actually outside -- I wanted to clarify, are outside 16 the ambit of what we are really considering here at 17 this initial land use consistency determination level. 18 So, and they are outside, I will also say, of what 19 EFSEC's one-stop permitting process can actually 20 address as well. 21 So, first of all, I will say, one of the chief 22 areas or one of the areas that a lot of the comments 23 deal with is the application -- or the applicability of 24 the National Scenic Area Act and ordinances that have 25 been adopted thereunder by local jurisdictions to	Page 41 1 project, including approvals required under local land 2 use provisions adopted under state law. And that's a 3 subset of everything we are considering under state 4 law. And our land use consistency determination is 5 just a first look at that to kind of get the lay of the 6 land. 7 There's, as I mentioned earlier, the Columbia 8 Gorge matters outside of that, of that bubble, of that 9 jurisdictional circle. Also outside are -- it should 10 say -- that center circle should say federal 11 environmental regulation. Well, hold on. Oh, yeah, 12 this is bit -- sorry. This should have been proofread 13 a little bit closer. 14 The second circle is meant to represent federal 15 approvals that are required. It shouldn't say state 16 environmental regulations. 17 CHAIR BECKETT: It's in lower left, 18 there's federal permitting. Floating -- 19 MS. HAFKEMEYER: The text within the 20 circle, there's -- 21 CHAIR BECKETT: But you are getting 22 through it. Keep at it. 23 MR. THOMPSON: Anyhow. So, what we 24 have there is permits required to be obtained from -- 25 the developer will need to get from the US Army Corps

Page 42 1 of Engineers. So, under the Federal River and Harbors 2 Act, under the Federal Clean Water Act. And the State 3 has a role in that actually. There's something called 4 Section 401 of the Clean Water Act in which the State 5 has to certify to the federal authorities that the 6 project seeking a permit would meet state water quality 7 standards, but they still have to obtain the federal 8 permit. 9 And then, on the right there, another major topic 10 is DNR leasing of state aquatic lands, which the 11 Columbia River does -- is a state-owned aquatic land to 12 the Port of Oregon. And so DNR will have a separate 13 decision on whether to lease the right-of-way necessary 14 for the project. That's outside of EFSEC ambit. 15 So, I think that covers what I wanted to say about 16 that. If there's any questions on that? Again, we are 17 just looking at the -- at the comments now. And it's 18 just intended to help you make sense of what you really 19 need to pay attention to in the comments. 20 Again, our focus is local county and city 21 shoreline master plans, which are regulatory as to land 22 use in the river and on the 200 feet land worth of 23 that. And you are also looking at land use 24 designations adopted under state planning, land use 25 planning laws that apply along the route. And it's	Page 44 1 certification under EFSLA. Yeah, it should say US Army 2 -- federal permitting, including US Army Corps of 3 Engineers, Rivers and Harbors Act, Clean Water Act, and 4 NEPA review. Yeah, that would be about it. 5 CHAIR BECKETT: And I would just 6 add, council members, in fairness to Counsel Thompson, 7 that -- thank you for -- there was an earlier version 8 of this that I saw earlier and -- that Counsel had 9 brought under his own thoughtful leadership, so I think 10 would like to reaffirm that. If that has transitioned 11 into this slide quickly, please know, Council, that 12 this is -- rather than just verbalize this, to have, 13 you know, a graphic to go along with it was the intent. 14 I think it can be certainly further refined and make 15 sure we have, you know, the accurate record here. We 16 will get to that as well. That's the context behind 17 the late slide shall we say. 18 Counsel Thompson, was there anything else you 19 wanted to add? 20 MR. THOMPSON: Yeah. Maybe I will 21 speak to a couple of procedural matters. There's a 22 couple of arguments raised in the comments about 23 asserting procedural problems. One is that the -- an 24 argument that the application that was submitted wasn't 25 final because it was marked draft. That's been -- it's
Page 43 1 going to be a bit of a task to just go along the route 2 and say which zoning designation applies to each 3 segment; what the local regulations actually say with 4 regard to this type of a facility, like your 5 transmission facility in that zone, whether it's 6 prohibited, allowed conditionally, or allowed outright; 7 and then that's the focus part. 8 CHAIR BECKETT: I believe Council 9 Pamplin may have a question. 10 MR. PAMPLIN: Yeah. Thank you, 11 Mr. Chair. Thank you, Mr. Thompson, for preparation of 12 this slide. I think it's helpful. But I also think 13 that there's some incorrect text, and just want to make 14 sure that we have that clarified for the record. So, 15 when I am looking at the circle, and if there's colors 16 on this, I am colorblind, so I am just going to refer 17 to the circles here. But the circle that has the point 18 for federal permitting, and then it lists a number of 19 state issues, that text in the middle of that bubble, I 20 think should be struck and instead insert things like 21 NEPA, or any permits from the Corps, etc.; is that 22 correct? 23 MR. THOMPSON: Correct. That should 24 -- that was carried over, I think, a cutting and 25 pasting error from the bubble for the state	Page 45 1 been clarified that the applicant's intention was to -- 2 was for that to be their application. They also paid 3 their -- the deposit that's required to initiate the 4 application review. We are proceeding on the timeline 5 assuming that was their application. That's why the 6 timing was such as it was with the initial public 7 informational hearing. 8 And, secondly, there's an argument that the land 9 use consistency hearing that took place in the three 10 counties shouldn't have proceeded because all of the 11 council members weren't seated yet. What I would say 12 to that is that the statute says that the hearing has 13 to occur subsequent to the public informational 14 meeting. The opportunity to be heard is continuing at 15 this point basically. It started in November, we've 16 continued other opportunities to hear from the 17 applicant on this topic, and then to hear from the 18 public on this topic. And as was noted, there's going 19 to be another opportunity for the public to be heard on 20 this topic again, perhaps in November, when -- if 21 that's when it's before the Council on a final decision 22 document and to take issue with any sort of proposed 23 final things we have in there. I think that will -- my 24 advice to you is that would satisfy the hearing 25 requirement, and it will include all members of the

Page 46 1 Council of the jurisdictions that have been willing to 2 appoint a member. Those are just a couple of 3 procedural matters I wanted to address as well. 4 MS. DEAN: I have some questions. 5 CHAIR BECKETT: Okay. Let me deal 6 with some online questions first. I must confess, I 7 have Jan Sokol and Jennifer Senecu. 8 MR. SOKOL: It's Sokol from 9 Klickitat County. 10 CHAIR BECKETT: Please proceed. 11 MR. SOKOL: Yeah, I just -- just for 12 the public online, just a clarification, regardless of 13 what decision the Council makes on the land use 14 consistency determination, both the other circles show 15 that the federal government has to make a 16 determination; the Columbia River Gorge Scenic Area 17 Commission may also have to make a determination, as 18 well as DNR has to make a determination. So regardless 19 of what we determine as whether it's compliant with 20 land use issues throughout the state, those other 21 determinations will also be necessary for the project 22 applicant. 23 CHAIR BECKETT: Correct. 24 MR. THOMPSON: Agreed. That's a 25 good additional clarification. I appreciate that.	Page 48 1 ones that will be on that list. So, for process-wise, 2 that's part of our evolution here. 3 So thanks for helping inform that journey. 4 Whether in this meeting or, again, after, if something 5 else comes to mind, do not hesitate to email the staff. 6 Or procedurally, process-wise, certainly, you can 7 include me. On the project questions, you know, keep 8 that by individual council member to staff. Because, 9 otherwise, the Council, you know, we discuss and we 10 exchange information here; we do not do that outside of 11 this meeting on this project, as many know, but just 12 for the record. 13 Council Dean? 14 MS. DEAN: Thank you, Chair. This 15 is Kate Dean. Thank you, Mr. Thompson. A couple of 16 questions. I am curious if you can talk a little more 17 about the basis for the management plan, which was 18 adopted by a couple of counties into their 19 comprehensive plans and/or zoning? Curious why that 20 then does not qualify as local land use adopted under 21 state law when that process is governed by state law. 22 And I am thinking, having come from county government, 23 I was trying to think of a parallel example. For 24 example, we take FEMA risk maps, those are federally 25 created maps, and adopt those into ordinance at the
Page 47 1 Thank you. 2 CHAIR BECKETT: I guess I can -- we 3 will go to Council Dean next. Let me just grab the 4 moment to note part of the work, and I know this sounds 5 very basic, but one of the key functions in any 6 organization, but especially one like ours, is the 7 sorting. Right? You know, where do these various 8 issues go? And a lot comes to EFSEC by nature because 9 we are supposed to be the one-stop integrated shop. 10 But that is uniquely untrue on the Columbia River and 11 the Columbia River Scenic Gorge area. So, as we work 12 -- I think in your email you've received a couple of 13 times from Ms. Hafkemeyer just talking about, you know, 14 here's what's coming, here's what we are going to do 15 just to make this an attempt as clear as we can. And I 16 think that's always a work in process. 17 There is some additional information intended, I 18 think, in October that would really kind of take this 19 to the next level that takes, you know, information and 20 kinds of lays it out on, okay, these are each of the 21 pieces through the corridor and how those tie to 22 jurisdictions, and those that are specifically material 23 to EFSLA and EFSEC, those going to the Columbia Gorge 24 Commission or to Skamania County, I guess first, if not 25 beyond that, and, then, yes, other, you know, other	Page 49 1 county level. And I can't think of why that would be 2 treated any differently once it is adopted at the local 3 level. So, just curious if you can help me understand 4 that basis a little better? 5 MR. THOMPSON: Yes. Thanks for the 6 question. Yes. So, RCW 80.50 -- first of all -- first 7 part of the answer is RCW 80.50 is pretty clear in 8 defining what it means by a land use plan, or zone, or 9 ordinance, and its plans and ordinances are adopted 10 under certain state land use planning statutes. The 11 thing about the -- so, first I will give an example of 12 how under the Shoreline Management Plan, okay? So, 13 Shoreline Management Plan requires counties and cities 14 with shorelines to adopt a Shoreline Management Plan, 15 which is both a plan and a regulation for the 16 shoreline, land use and shoreline, and that does 17 expressly get incorporated into -- it has to be 18 integrated by statute into the land use plans and 19 ordinances adopted pursuant to those other planning 20 statutes. 21 The Columbia River Gorge National Scenic Area Act 22 is an act of Congress that adopted an interstate 23 compact between Oregon and Washington. And it said -- 24 it essentially made it federal law. And it has its own 25 process spelled out in it about how this land use

Page 50 1 regulation is supposed to work in this national scenic 2 area. And provides for the counties to adopt 3 ordinances that implement a management plan that's 4 developed by this interstate agency, the Gorge 5 Commission, which is kind of a quasi-federal agency, 6 because it's a creature of federal law as well as state 7 law. And so -- and states are bound to -- once that -- 8 once Congress adopts, under the federal constitution, 9 the interstate compact, they are bound to comply with 10 that. And so EFSEC has no authority as it does with 11 respect to the local ordinance adopted under state law 12 to preempt them. So we can't -- EFSEC can't say, oh, 13 yeah, that's pretty good, but we are not going to 14 literally require you to comply with that land use 15 code, in this case, because we can think this project 16 is too important for example, right? You can't say 17 that about -- we have to comply strictly with it, and 18 with the ordinances adopted under the Scenic Act. And 19 decisions under those have to be appealed to the Gorge 20 -- appealable to the Gorge Commission. And then 21 there's a specific process for legal appeals of those 22 decisions that's just -- that is incompatible with our 23 one-stop site certification that goes to the Governor 24 with one chance for appeal. They just don't mesh. It 25 has to be on its own path. I hope that makes sense.	Page 52 1 comprehensive plans and zoning are not analyzed. I am 2 curious why that does not fall under that local land 3 use bubble. 4 CHAIR BECKETT: Do you have a page 5 for that summary? 6 MS. DEAN: Yes, it is page 4 of 5. 7 Near the top of the second bullet point. Questions 8 about completeness of the record. 9 UNIDENTIFIED VOICE: If you can 10 point me to it? 11 MS. DEAN: Updated summary. 12 UNIDENTIFIED VOICE: How about just 13 read it? 14 MS. DEAN: Sure. So, again, under 15 the section titled "Questions about the completeness of 16 the record," second -- excuse me, yeah, second bullet 17 point says, "The analysis of project segments within 18 unincorporated county limits reports no aboveground 19 components in any of the three counties while 20 aboveground components are located within the 21 incorporated cities of Stevenson and North Bonneville 22 whose comprehensive plans and zoning are not analyzed." 23 CHAIR BECKETT: I may know, but go 24 ahead, Ms. Hafkemeyer. 25 MS. HAFKEMEYER: So I would --
Page 51 1 MS. DEAN: Yeah, yeah. Thank you. 2 It sounds like it is a separate -- it is a separate 3 pathway that other -- 4 MR. THOMPSON: Yeah. 5 MS. DEAN: -- growth management 6 statutes, not regarding EFSEC. 7 MR. THOMPSON: I will say there are 8 ways that states obtain federal authority, and that -- 9 and that EFSEC has obtained that authority as well, 10 such as Section 401 water quality certifications, which 11 we can do. And we can also issue -- EFSEC, that is, 12 can issue air quality permits that are compliant with 13 the Federal Clean Air Act. And there may be a way for 14 EFSEC to obtain the ability to make decisions under the 15 Scenic Area Act if EFSEC were to enter into an 16 interagency agreement with the counties, but we would 17 have to do that first. That may be something we will 18 be referring to later in this process if there's a 19 willingness to do that. 20 MS. DEAN: I had one more question 21 if you don't mind? 22 CHAIR BECKETT: Please, Council 23 Dean. 24 MS. DEAN: Similarly, in the staff 25 comment summary memo, it mentions that cities'	Page 53 1 CHAIR BECKETT: If you want, I bet 2 Commissioner Leckie -- sorry. We have a couple of 3 comments online. I think I know the answer, but -- 4 MS. HAFKEMEYER: Would Commissioner 5 Leckie like to go first? 6 CHAIR BECKETT: Commissioner Leckie, 7 would you like -- I bet you have some input here, and 8 then Council Peterson, we will come back to you next. 9 MR. LECKIE: No. I just had a 10 question, because -- and, you know, and it's related to 11 the previous question, is, you know, where it says, "No 12 certificate of consistency has been submitted by any 13 jurisdiction." Skamania County adopts the National 14 Gorge Scenic Area regulations under our Title 22 code. 15 So, if there's no land use consistency certificate from 16 the county, then is it consistent overall with the 17 National Gorge Scenic Area? I mean, I know we are not 18 addressing that right now. But how is that 19 determination made later, you know, if we haven't had a 20 land use consistency hearing, and we haven't looked at 21 how Title 22 applies locally and federally? Because we 22 basically mirror what the National George Scenic Area 23 regulations are into county code to make it simpler. 24 Thank you. 25 CHAIR BECKETT: So, I can try and

Page 54 1 take one crack at this and state it as I understand it, 2 and then if staff want to clean it up, or can, please. 3 And then we will take up Council Peterson, who has been 4 waiting, and then Council Sokol. Does that work for 5 everybody? 6 MR. SOKOL: Yes. 7 CHAIR BECKETT: So, states and the 8 federal government agree, and there is a national 9 scenic area. From that, what shall we do with land 10 use? There's three different designations. Someone 11 will have to help me state the three. There's a 12 management area, there's a something, and then there's 13 the urban areas. Urban areas are exempted, but they 14 are not -- they are not included in land use zoning or 15 code, however we describe it. That does apply to the 16 two other areas. Under the specialist management area, 17 the Forest Service has a role in that, and then the 18 Columbia Gorge Commission has a role either in that 19 and/or everything else. And the Commission, in its 20 earlier days, promulgated an interpretation of what the 21 Act was saying that should then be deployed at the 22 local level in local areas that are subject to really 23 federal land use interpretation. And those counties or 24 jurisdictions that were to respond to the scenic area, 25 and in this case, the Commission, the Act is giving the	Page 56 1 tied to those particular matters. That's my general 2 understanding. 3 Council Peterson, I said I would call on you first 4 -- Counsel Thompson, does that sound right? 5 MR. THOMPSON: The later threshold 6 -- there was a little confusion in the beginning about 7 -- yeah, it doesn't -- it's kind of immaterial for 8 today. But there's a plan adopted by the Commission, 9 right, and then there's -- 10 CHAIR BECKETT: The Gorge 11 Commission. 12 MR. THOMPSON: Gorge Commission. 13 And as part of that, it has special management areas 14 that are regulated by -- 15 CHAIR BECKETT: The Forest Service. 16 MR. THOMPSON: And it has general 17 management areas that are under -- that are regulated 18 in the first instance by the counties. 19 CHAIR BECKETT: I believe the 20 Commission. But then the counties if they opt in, and 21 if not, but then back to the Commission. 22 MR. THOMPSON: Right. But 23 otherwise, agreed. I am worried that there's a bit of 24 confusion on the record now. There was Council Member 25 Dean's question about what does this thing mean.
Page 55 1 power to the Commission, and the Commission has, you 2 know, put rules out there, and the counties have a 3 chance to either adopt and -- I don't know if there 4 were any tweaks -- but nonetheless, they adopted them. 5 And those now are really federal rules that guide land 6 use in those areas, in those local jurisdictions. That 7 is why it is not subject to EFSLA, because we can't 8 play in that area, because it is not on our list of 9 lands that are subject to state land use. 10 In this case, I believe, Klickitat County, back in 11 the early days of the Act, decided that it did not want 12 to adopt those regulations. And so the Gorge 13 Commission promulgates land use in some form -- and 14 Council Sokol I am sure will clean this up here too in 15 a moment -- but the Gorge Commission speaks to those 16 issues more than the County, because the County chose 17 to have the commission do it. And the other counties 18 chose to take those rules and make them their own. 19 But, really, they reflect the Scenic Act and the Gorge 20 Commission's interpretation. If in the course of all 21 of that, if there are issues that come up, they are 22 worked through their local jurisdiction first where 23 applicable, not Klickitat. That can get appealed to 24 the Commission, Gorge Commission, and then there's a 25 further superior court state judicial review that is	Page 57 1 CHAIR BECKETT: I believe -- what I 2 am getting to is the urban areas were exempted. 3 MR. THOMPSON: Yes. 4 CHAIR BECKETT: So, it's important 5 to note that the cities and areas under the Scenic Act, 6 they are not subject to these matters. Sorry to have 7 missed the closing connection. Back to you. 8 MR. THOMPSON: If I may? I am not 9 sure that is what is in this memo. I think it's just 10 saying -- it's just recounting what some of the 11 commenters said. 12 CHAIR BECKETT: That's correct. 13 This is not from staff. This is summation. Well, it 14 is, but it's summarizing what was submitted. Hence, 15 let me just -- with no -- again, we appreciate all the 16 public comments. But as these come in, then, you know, 17 I can be misstating things. Sometimes comments could 18 confuse -- well-intentioned as it may be, nonetheless, 19 it could be -- we are still resolving is it correct or 20 is it not. I think that might have been part of the 21 basis. 22 Okay. Again, everyone, there's a lot here. It is 23 complicated. I just want to call that out again. 24 These discussions are intended ultimately to get to 25 further clarity. That takes some time and patience and

Page 58 1 cleaning up here and there. I just think that's part 2 of the work. I appreciate that we are doing it 3 together. 4 Council Peterson and then Council Sokol are up. 5 Council Peterson? 6 MR. PETERSON: Yes. Thank you, 7 Chair. On the screen currently, page 3 of 4, and the 8 section Requests Directed to Council -- you just moved 9 it. Thank you. New hearings. At the bottom of that 10 first paragraph, I am wondering if this is required or 11 related to what comments say versus what they mean or 12 are required. "Committer states that the Skamania 13 County hearing was not published in the County's legal 14 paper of record, The Skamania County Pioneer." The 15 majority of these comments and these meetings occur 16 online and through email. Ordinances are required to 17 be published by cities and towns, summaries of 18 ordinances are required. This might not be at that 19 level. But if Mr. Thompson could guide us as to is 20 that comment about not being published in the legal 21 paper of record valid, or was it missed? Was it -- is 22 it not required? Or did the paper not put it in, or 23 similar, or we just don't know? Because MSRC gives 24 very clear guidance on the requirement to publish these 25 things in one paper.	Page 60 1 helpful for Klickitat County to know whether they 2 believe that this project is consistent or allowed 3 under the Shoreline Management Plan, and I specifically 4 point to a Section 4.63 of that plan relating to 5 instream structures. 6 CHAIR BECKETT: Comment -- I would 7 say some of this, if it needs to be -- we have a record 8 going here. But in terms of follow-up items, there is 9 a category for that. Is there initial feedback to that 10 question? 11 MS. HAFKEMEYER: Staff have reached 12 out to the counties to seek input. We have not heard 13 anything to date, but we are happy to follow up 14 further. 15 MR. THOMPSON: Yeah. So this is Jon 16 Thompson again. I would say, as a matter of statute, 17 that the boundaries of the counties on the Columbia 18 River extend to the state boundary and the river. I 19 don't really think there's any question about that. 20 That's the case. 21 And my opinion and advice is that the Shoreline 22 Master Program of Klickitat County clearly does apply 23 in the river in Klickitat County. 24 CHAIR BECKETT: So, I would just 25 note, though, I think there's an open item of when is
Page 59 1 CHAIR BECKETT: I would suggest that 2 Ms. Hafkemeyer jump in, and then there might be 3 accompaniment by Mr. Thompson. 4 MS. HAFKEMEYER: Thank you. Yes. 5 There was, for that section meeting, an error with the 6 paper. We did submit the notice. But we discovered 7 after the fact that the notice did not run in the issue 8 of the paper prior to the meeting. That was -- that is 9 accurate in that comment, that that notice did not run 10 in that local paper. 11 MR. PETERSON: Thank you for the 12 clarification. 13 CHAIR BECKETT: Does that cover 14 everything? Okay. Council Sokol, and then Council 15 Breckel, and then Council Nelson. Just trying to 16 recognize hands that are up and have been up, 17 especially Council Sokol. 18 MR. SOKOL: Thank you, Mr. Chair. I 19 am also looking at, I guess, page 3 of 4 where the 20 third point is that the applicant had stated that the 21 jurisdictional boundaries of Klickitat and Clark 22 Counties did not extend beyond the shoreline. But, 23 apparently, now they have acknowledged that it does. 24 And staff has noted, but the application hasn't updated 25 the application or corrected it. It certainly would be	Page 61 1 the application corrected. And it says, you know, it 2 hasn't been yet. Is that an issue? Is it not an 3 issue? We should certainly clarify, I think, either 4 way. 5 MS. HAFKEMEYER: If I could add some 6 more here? Again, this is Amy Hafkemeyer for the 7 record. Data request responses should be considered 8 supplements to the application. They are additional 9 materials that supplement the original application. 10 The acknowledgment listed here on this page came in the 11 data request response. And so the overarching record 12 of the application does contain that correction. That 13 being said, there are other identified time points in 14 the review of an application where updates to the 15 application are submitted, and we would expect that 16 this correction would be made in one of those future 17 submissions required by our rules. So the information 18 is caught in the response to the data request, which is 19 considered to be part of the application, but the 20 overarching document will be updated as well at a 21 future milestone. 22 CHAIR BECKETT: Thank you for that. 23 I guess I will take an opportunity to mention a broader 24 topic, and then we will move -- I think we are to 25 Council Breckel next.

Page 62 1 Completeness of an application is a big topic. 2 It's a big topic in multiple states, if not all the 3 states. What constitutes a complete application. I 4 certainly believe, as a chair believe, you know, an 5 application, if we can make it as complete as possible, 6 knowing that is a diverse answer in terms of what is 7 the project, what are the site conditions, what are the 8 different issues, so that we avoid, we minimize as much 9 confusion as that is, you know, updated and goes 10 through the process. And I think staff have long, and 11 before me, certainly advocated pre-application, right, 12 as part of that important period to do that work. Now, 13 whether or not we have accomplished that here is 14 probably an open question. It's a very complicated 15 stretch of territory. But, inherently, however you 16 determine it's complete, the application will iterate. 17 Now, that can be confusing in that, you know, well, 18 which one am I supposed to be looking at. I think 19 wherever we can forecast when those next updates are 20 coming. So if we know, hey, it's going to be six 21 months, but six months out, we are going to -- all 22 these little -- lots of little details across evidently 23 100 miles of transmission line, how do we forecast when 24 that next clarification moment is coming. So that 25 would be one kind of process improvement or just	Page 64 1 clarification on a number of these issues. Yes, the 2 urban areas are areas that are subject to, you know, 3 the state land use planning laws. But it's also 4 important to note, for example, within the urban area 5 of the City of Stevenson, that's not all within the 6 City of Stevenson; still a portion of that is within 7 the county. The city limits do not extend to the full 8 urban area boundary. So, just as a point of 9 clarification there. 10 Looking at the overland route as proposed for this 11 project, and looking at ultimately the SEPA evaluation, 12 would we expect within the SEPA evaluation to look at 13 alternative overland routes other than the one the 14 proponent has suggested? And if so, how would that 15 affect your land use consistency determination if we 16 may have different land use designations come in to 17 play? So, just a question there in terms of how you 18 might sort of reconcile what we would expect to see in 19 terms of SEPA analysis and options there, and how that 20 might affect a land use designation. 21 And, finally, I am still sort of struggling with 22 how we treat the Scenic Area. I mean, I look at what 23 we see for state-designated authorities or delegated 24 authorities under the Clean Water Act and the Clean Air 25 Act. Could we look at the way the counties are
Page 63 1 practice that we can further lean in on if we know we 2 have got it right already. 3 In this case, you know, part of that iteration, 4 though, is to -- if you don't get into the application 5 of the work, then you can't do the analysis that 6 actually responds to the concerns, the feedback that we 7 are looking at here today in various ways, some of 8 which are not specific to land use, but, you know, 9 bring up other issues that we know are going to be part 10 of SEPA, part of the EIS that has already been 11 determined that will be part of this project. 12 So, I just want to call out that iterative aspect 13 of the work is designed to be responsive to, you know, 14 all the different considerations, the treaties, the 15 laws, the ground truths of, you know, when and where 16 does the river scour, right, all those very important 17 details. That is just in essence what we have on 18 display here today. I want to try to connect, you 19 know, kind of the broader process to the moment. 20 With that, I believe I am over to Commissioner -- 21 Council Sokol. No. If we could take hands down as we 22 are moving through them, someone, that would be 23 helpful? Council Breckel, over to you. 24 MR. BRECKEL: Thank you. Just a 25 couple of questions, and I appreciate, Mr. Chair, your	Page 65 1 implementing the Gorge Act as a delegated authority 2 largely from the Gorge Commission? And would that 3 suggest, perhaps, a different approach or a different 4 role for EFSEC in terms of those determinations? 5 CHAIR BECKETT: Does staff want to 6 take an initial -- 7 MS. HAFKEMEYER: Yes. 8 CHAIR BECKETT: -- attempt? 9 MS. HAFKEMEYER: There were a few 10 questions in there, so bear with me. I will try to 11 make sure I hit all of them. Acknowledging your 12 question that there's different segments either within 13 city limits or outside city limits, but within the 14 county or urban areas, I would like to ask us to 15 consider that staff will be presenting some information 16 that's in the record, but we are in the process of 17 developing, in coordination with our legal counsel, 18 functionally a segment-by-segment table for each of the 19 segments of the project within Washington, both in the 20 river and on land, identifying for all of those 21 segments which areas have county regulations that 22 apply, which ones have shoreline management provisions 23 that apply, and are anticipating sharing this with the 24 Council at the October meeting. So, hopefully, that 25 will make more clear how the different regulations

Page 66 1 apply to all of the different pieces of this project. 2 So, the answer to that question is that there will be 3 more information -- the information is in the record 4 and available right now, but we are working on laying 5 it out in a way that is hopefully more easily 6 digestible, and we will bringing that forward next 7 month. 8 With your next question with respect to 9 alternatives and how that applies to land use, we do 10 know that as part of the NEPA analysis for this 11 project, the Army Corps and the applicant are 12 developing language around what alternatives are 13 considered. And a lot of that analysis will be present 14 in the NEPA document, which we are looking to adopt in 15 some form or fashion. How much and the mechanism with 16 which we adopt that is a little bit unknown at this 17 point because we have yet to see drafts of those 18 documents. But we do know that alternatives will be 19 covered in that document, and we do expect to be 20 adopting that document and supplementing with our own 21 additional state-specific SEPA review. 22 With respect to how that relates to the land use 23 consistency, those alternatives are not necessarily in 24 front of us, and so the scope of the land use 25 consistency evaluation is the project as proposed.	Page 68 1 alternatives analysis. When it's a private proposal or 2 a private project, the scope of alternatives analysis 3 that you have authority to do narrows down quite a bit. 4 CHAIR BECKETT: If I may? By the 5 way, I think Council Rybarik can help on number three 6 that's still there. But let me just say in my plain 7 speak or attempt at it. When I asked this question, 8 Council Breckel, pertaining to -- another question 9 exists, right, well, why not the interstate, about the 10 right-of-way and the interstate. And I raised this 11 however many months ago now. The answer was, you know, 12 this is feet, inches within the proposed corridor; it's 13 not much beyond that. Maybe it's a little more than 14 inches, but it's not, you know, miles inland, or even 15 on the Oregon interstate, which has been spoken to. So 16 that was my understanding of the parameters of like if 17 not here, where? Can you adjust this? That was more 18 tweaking within the proposed corridor. So, you want to 19 hit number three, Council? 20 MR. RYBARIK: It was a question, I 21 think, on the legal side. Jon, I think it was coming 22 to you. Council Breckel, I think you gave some 23 examples of other federal laws that we -- preempt 24 wasn't the right word, but it was like -- there was a 25 question about the legal standard, yeah. You go ahead,
Page 67 1 And one additional thought for consideration is 2 that the alternatives analysis that we can perform is 3 limited because this is a private project and not a 4 state-funded project. Limited to alternatives within 5 -- within the bounds of what's proposed. So we, EFSEC, 6 you know, have our limitations in what we can analyze 7 for alternatives. We do expect that there will be some 8 broader alternatives analysis in the NEPA 9 documentation. But the land use consistency does not 10 extend to whatever those alternatives may be. That's 11 limited to the project as proposed. I am sorry. I 12 don't recall your third question. 13 MR. BRECKEL: I am not sure I do 14 either at this point. 15 MS. HAFKEMEYER: Sorry. 16 MR. BRECKEL: But it is interesting 17 to me in terms of scoping and EIS, which I assume we 18 will be doing for SEPA, that we wouldn't be looking for 19 what are alternatives in terms of the land route for 20 this particular project, and -- rather than simply 21 relying on what the applicant has proposed. 22 MS. HAFKEMEYER: So, just to clarify 23 a little bit further. When it's a state-proposed, a 24 state-funded, or essentially a government-funded or 25 proposed project, there's a broader requirement for	Page 69 1 Council Breckel, and -- if that helped jog your memory. 2 MR. BRECKEL: Well, it does in that 3 I was looking at what we have in terms of many of our 4 state agencies in terms of delegated legal authority, 5 particularly the Department of Ecology for Clean Air 6 and Clean Water. When we look at the fact that the 7 Gorge Act allows the delegation of that land use 8 planning authority to the counties, it's still subject 9 to Gorge Commission or that sort of the quasi-federal 10 review, just as, you know, implementing statutes are 11 for the Clean Water and Clean Air Act. So, how does 12 that -- how is -- I guess, how does it differ in terms 13 of what we are looking at as sort of a delegated 14 authority from the Commission to the counties? 15 MR. PETERSON: Yeah. I think I 16 understand your question. This is Jon Thompson again. 17 Yeah, each federal delegation situation presents its 18 own issues, right? So like under the -- for example, 19 under the Clean Air Act, there's a state implementation 20 plan that needs to be approved by the EPA. In order 21 for EFSEC to get the authority to issue permits -- the 22 air permits that are compliant with the Clean Air Act, 23 like we had to get EFSEC added to the state 24 implementation plan and approved by EPA, right? So, 25 there's some hoops you have to jump through to get the

Page 70 1 federal government to say, yeah, EFSEC can do this 2 federally delegated thing. 3 In this case, it's my understanding, and this 4 could -- this will -- you can correct this down the 5 line, because we are going to have a couple of more 6 meetings where this is discussed -- but I believe that 7 the Scenic Area Act is pretty specific as to the six 8 counties in the Scenic Area having -- adopting those 9 ordinances or the Gorge Commission itself, if they 10 don't adopt the ordinance, standing in their stead, 11 right? 12 There be a way here, as I said, for -- the 13 counties within the Scenic Area Act have transferred 14 authority to each other through Interlocal Cooperation 15 Act Agreements. And we may -- EFSEC may be able to 16 benefit from that as well by getting, for example, a 17 transfer of authority to implement the Scenic Area Act 18 ordinances on behalf of, say, Skamania County, if the 19 County was to agree to that. That may be something we 20 will bring to you in a future meeting. So, I mean, 21 that's just how -- you just have to do some things to 22 give that line of federal delegation to get to the 23 right place. Hopefully that answers your question. 24 MR. BRECKEL: Yeah, I know -- there 25 were just some simple areas there that I thought I	Page 72 1 EFSLA. And, in this case, any county, any city that we 2 are talking about under which literally a square yard 3 of, you know, territory -- again, there's the Stevenson 4 and non-Stevenson urban area, right? But it's all 5 under the Scenic Act. So, if it's in the Scenic Act, 6 it's subject to the land use determinations from the 7 Act, to the Commission, to the county. Which is to 8 say, it is not subject to our interpretation; it is the 9 Gorge Commissions. 10 MR. THOMPSON: Well, let me stop you 11 there. So, the Scenic Area Act carves out urban areas. 12 CHAIR BECKETT: They are exempt. 13 MR. THOMPSON: They are exempt. But 14 the urban -- I think the point that was being made was 15 that the urban area for Stevenson is bigger than the 16 city of Stevenson by a little bit. 17 CHAIR BECKETT: Yep. 18 MR. THOMPSON: So, there's areas in 19 there that are under county zoning that is adopted 20 under state planning provisions and not the Gorge Act 21 that have to be addressed. 22 MR. BRECKEL: That's correct. 23 CHAIR BECKETT: Okay. Well, without 24 confusing it further, we will park that one for the 25 day. But I just want to be generally clear with the
Page 71 1 should raise. I am not quite sure what the merit is of 2 those if we look at them in greater detail. 3 MR. PETERSON: Well, going back to 4 your second question, I guess, about the alternatives. 5 In some of the land use provisions, I will note, that 6 there -- it does say, for example in some of the 7 shoreline zones, that, you know, there shouldn't be a 8 linear transmission facility, for example, I am just 9 sort of paraphrasing, and I may be getting this wrong, 10 but there shouldn't be a non-water dependent linear 11 transmission facility unless there's no other 12 reasonable alternative. Something to that effect. So, 13 I think that necessarily will come -- will be a topic 14 that is fair game for parties to address, and should be 15 addressed, because it is a requirement of the local 16 ordinances, and that's something that needs to be 17 addressed. But not in the initial land use consistency 18 determination, which is narrower. And it's just 19 looking at is this -- are these types of facilities 20 prohibited in the county zoning versus are they 21 conditional. And if they're prohibited, they go in 22 one bucket. If they are conditional, then we look at 23 the conditions on down the line. 24 CHAIR BECKETT: But, again, those 25 are on lands that are within the scope of authority of	Page 73 1 public, and those who are, you know, very sensitive to 2 these issues, any EFSLA land use determination is one 3 thing. And those lands under the control of the 4 Columbia Gorge National Scenic Area, are not. Those 5 are not going to be part of our determination here. I 6 just want to make that clear for those who wonder where 7 did the Gorge Commission go in these proceedings? The 8 fact is they haven't gone anywhere because they are 9 still in charge of the Columbia Scenic Gorge Area. 10 Okay. 11 So, Council Nelson and then Council Pamplin. 12 MR. NELSON: Thank you, Chair 13 Beckett. This is Blake Nelson. Before I begin, I 14 wanted to ask Council Pamplin if his hand was up in 15 regards to those three questions we just discussed? 16 Okay. Great. I am going to talk for a minute, so I 17 wanted to make sure that it didn't float away. 18 So, this is a point of clarification for me. 19 What's before us today, correct, like what we are 20 currently discussing, is -- I am going to read it off 21 this here paper -- Council to provide direction to 22 staff to either seek additional information from the 23 applicant, schedule an additional land use hearing, or 24 prepare decisional documents. That's specifically the 25 decision point we are going to come to today?

Page 74 1 CHAIR BECKETT: Those are the 2 elements of the path ahead. 3 MR. NELSON: Great. Okay. That's 4 fine. 5 CHAIR BECKETT: Ultimately, I think 6 given, you know, the conversation, this is more of a 7 briefing and discussion than -- 8 MR. NELSON: Absolutely. 9 CHAIR BECKETT: I think -- thank you 10 for the question. If there are feedback on any of 11 those three, because I will take us here in a moment, 12 we should hear feedback from everyone on those is what 13 I am thinking. I really appreciate you bringing that 14 up, because we will get there, I think, soon enough. 15 MR. NELSON: Okay. 16 CHAIR BECKETT: Please continue with 17 other questions or comments that you have. 18 MR. NELSON: Thank you. Well, in 19 that case, I mean, I am almost jumping to the end then. 20 You know, I have thoughts on that. 21 But, let's see, one thing I did want to state, and 22 maybe this is something, Mr. Thompson, you can tell me, 23 I might be incorrect on this, is from my view, and this 24 was just brought up, sort of like the limited scope we 25 are looking at here, the biggest land use consistency	Page 76 1 this is the distinction -- well, this goes back to the 2 definition of the use for land use consistency, which 3 simply asks is the proposed facility prohibited 4 outright unequivocally in that zoning district. That's 5 the only thing we are trying to answer at this point. 6 If there's conditions, including conditions that say 7 like, oh, could you feasibly do this elsewhere, then 8 you have to, right? That's like still -- we could 9 consider that still consistent and in compliance, 10 because there's a pathway to get it approved. Even if 11 it ends up not being approved, right? We are still 12 into that mode of we're going to address that question 13 in a different kind of adjudicative context. 14 MR. NELSON: That makes perfect 15 sense. Thank you, Mr. Thompson. Yep. In that case, I 16 don't have that ask currently. 17 CHAIR BECKETT: Thank you. Council 18 Pamplin? 19 MR. PAMPLIN: Thank you, Mr. Chair. 20 A couple of items here. One is very fine scale, one 21 that's a core-scale question, and then I would like to 22 offer some thoughts on next steps here. So first, 23 hopefully, these are very quick questions to ask the 24 EFSEC team. There was a commenter that raised a 25 concern that the updated records weren't available for
Page 75 1 question to me is the Skamania County Shoreline Master 2 Program Section 53.113 that states -- this is in 3 summary from the staff summary, actually -- it's the 4 one that directs non-water oriented utility 5 transmission facilities to be located outside shoreline 6 jurisdiction wherever feasible. I will put a... I am 7 sure you are familiar with the question. I think, if I 8 am interpreting this right, and this is kind of where 9 my head is at, there's a staff recommendation to obtain 10 the applicant's response on that if it can feasibly be 11 located outside the natural designated shoreline, for 12 the Shoreline Master Plan there. Now, regardless of 13 the applicant's response, I don't know that that would 14 render it out of compliance with the land use 15 designation, you know, regardless of what they said. 16 If they said we've analyzed this, and it's -- you know, 17 the answer is yes, it could go somewhere else. Or 18 we've analyzed this, and the answer is no, it's got to 19 go here. I am not smart enough to know if that's -- 20 you know, if that could be considered out of compliance 21 with land use consistency. You know, if that's 22 something that would actually hold it up, or if that 23 would be something to just ask them for clarification 24 perhaps in the future. 25 MR. THOMPSON: Yeah. So this --	Page 77 1 their review and comment. It was commenter tagged as 2 0023, and I was looking back at notes from a week and a 3 half ago or so, and that's what I recorded rather than 4 the individual's name or entity. But just -- did we 5 chase that down? Is -- were all records available for 6 comment posted and available on the website -- EFSEC 7 website, please? 8 CHAIR BECKETT: Thank you, Council 9 Pamplin. That's a very important question, and one 10 that we are -- glad that you have taken us to. Do 11 staff want to speak to that here in a moment? It is 12 noted that there was at least -- there were more than 13 one. 14 MR. PAMPLIN: Yeah. 15 CHAIR BECKETT: So, we may need to 16 add that to the follow-up list. But if we can, I 17 think, at least clarify something in the moment, that 18 would be most helpful? 19 MS. HAFKEMEYER: So, to respond to 20 that specific question, yes, all of the project 21 application materials received have been posted to the 22 website. There are some project documents pending 23 posting, but those are staff-generated documents. For 24 example, our SEPA scoping memo, which are in process to 25 be posted. But all of the records received,

Page 78 1 particularly as they pertain to the application 2 materials, and data request responses, and the land -- 3 the additional land use information from the applicant 4 contained therein, are all confirmed uploaded to the 5 website. 6 MR. PAMPLIN: Thanks, 7 Ms. Hafkemeyer. 8 So, now, I will turn to more of a core-scale 9 question that's probably a broader EFSEC process 10 question, but I think would just be helpful here, and 11 it was something that we talked about even following 12 the November 2025 hearings. So, a project applicant 13 can work with the local jurisdiction and request a 14 certificate of -- or an attestation essentially that 15 the project is consistent with the local jurisdiction 16 land use hearings. That's avenue number one. Avenue 17 number two is the applicant can make a proposal to 18 EFSEC about how they feel like their project 19 application is interpreted by -- or consistent with the 20 local land use jurisdictions. 21 My question is: Does EFSEC ask the local 22 jurisdictions on whether or not the project application 23 is consistent with their land use designations? I just 24 think that answer would really inform us. Even -- I 25 mean, obviously, if they have the certificate of	Page 80 1 anticipating that we would be hearing from local 2 jurisdictions on this, and that was not the case. 3 So, I guess the last item, Mr. Chairman, is -- 4 CHAIR BECKETT: Council Pamplin, 5 sorry to cut in. 6 MR. PAMPLIN: Please. 7 CHAIR BECKETT: I think Council 8 Breckel may have a comment that further ties to the 9 last item that you were raising. So before you move 10 on, can we double-check that? Council Breckel? 11 MR. BRECKEL: Thank you, Mr. Chair. 12 Yes, it does. In terms of getting a statement out of 13 the local jurisdiction as to whether or not the project 14 is consistent with their land use controls, I think may 15 be a little difficult because many of those 16 jurisdictions don't understand, I think, what they are 17 saying in that declaration. If I understand correctly, 18 it's just that it's allowed or it's allowed with 19 conditions, and it's not outright prohibited. I think 20 if they understood that, if that were clear in terms of 21 the statement, I think you could get a response. But 22 coming back and simply saying is it consistent with 23 your land use regulations, they may be saying, well, 24 yeah, it is but with conditions, so we are not going to 25 say outright that it's consistent. If you want us to
Page 79 1 attestation, that's great. That feels like, you know, 2 they can pass go, at least for the next step of the 3 EFSEC review. But hearing directly from the local 4 jurisdictions on their thoughts, they're the authority 5 on their own local land use plans. I know I would 6 benefit hearing directly from them on their 7 interpretation of the application to then inform our 8 adjudication process, if it goes that direction. 9 CHAIR BECKETT: Thank you for the 10 good question. 11 MS. HAFKEMEYER: Thank you, Council 12 Pamplin. Staff have reached out to the local 13 jurisdictions to seek this information. To date, we 14 have not received anything. We can continue to reach 15 out and try and seek this information. But to date, we 16 have not received interpretation. 17 MR. PAMPLIN: Well, that's very 18 reassuring then. We are putting a lot of work on the 19 local jurisdictions, but I am glad that we are making 20 that ask and not just looking to the applicant, after 21 the application has been filed, to do that work. 22 Because, like I said, hearing directly from the 23 jurisdictions would be helpful. 24 That was the part -- I guess, when I was walking 25 into the land use hearings in November, I was	Page 81 1 say it's not prohibited, yeah, I think you could 2 probably -- it would be easier for local jurisdictions 3 to make that response. 4 MR. PAMPLIN: And through the Chair, 5 Mr. Breckel, thank you for that response. That makes 6 sense. And, I guess, that's the type of information 7 that I think would be helpful, is to hear from a local 8 jurisdiction about here's the questions that they have, 9 here's the aspects of the project that seem consistent, 10 and here are areas that may be inconsistent, or that 11 they would need additional information from the project 12 application. I just feel like that's a way to hit the 13 fast-forward button, quite frankly, in this analysis by 14 hearing the -- at least a first take based on the 15 authority that the local jurisdictions have and their 16 understanding of their own zoning and ordinances. 17 My last comment, Mr. Chairman, is I appreciated 18 Mr. Thompson's comment about -- that this is part of an 19 ongoing review, that we were still taking comments, and 20 we are still in an ongoing solicitation of comments, 21 even though the land use hearings in November of 2025, 22 we did not have all the local jurisdiction's feedback 23 on whether or not they wanted to appoint a council 24 member, and then whether or not those council members 25 were seated. I do feel, given the size, complexity of

Page 82 1 the project, Mr. Chairman, that you noted in your 2 opening remarks for this particular agenda item, that 3 my initial thoughts would be that having an additional 4 land use hearing with the full complement of the 5 Council present would be beneficial. Anyway, that's my 6 initial thought in terms of the question that's in the 7 agenda. Thank you. 8 CHAIR BECKETT: Well, thank you. 9 And as Council Nelson helped me tee up, let me just 10 remind us of the three items that we can provide 11 feedback on, and then I would proceed, and Council 12 Leckie would be up next. They are -- and, again, they 13 are in the emails from Ami Hafkemeyer; they are listed 14 in short form on the agenda: Develop documents to 15 support a determination on land use consistency, 16 meaning that staff should develop those; schedule 17 additional land use hearing; and request additional 18 information from the applicant. Not that any of those, 19 or all -- I guess some of them are necessary, in terms 20 of the land use consistency document. But those are 21 the three things. If you have feedback on those in 22 general, let's move to that knowing we are at 3:26. We 23 can take as much time as Council wishes. But with 24 that, Council Leckie. 25 MR. LECKIE: Yeah. I just want to	Page 84 1 plenty of public comment opportunity, and that the 2 EFSEC staff and the leadership have done a great job 3 meeting that obligation. 4 Now, it's another question regarding the local 5 council being seated or not. You know, hearing from 6 Council Breckel there and Council Pamplin, yeah, that's 7 an interesting one to me. I almost would suggest a 8 virtual meeting, because, as far as I am concerned, 9 EFSEC has met their obligation to hold the meetings in 10 the three counties in person. That legal obligation 11 has been met. So, you know, if there's -- you know, 12 some -- if it would be welcome to make sure that all 13 local council is represented at the meeting, that would 14 probably be my suggestion, would be to do like an 15 online format meeting. 16 CHAIR BECKETT: Thank you, Council 17 Nelson. 18 And Council Leckie. 19 MR. LECKIE: Yeah. I would disagree 20 slightly just because that the land use determination 21 -- land use consistency has not been addressed in a 22 public format. And I think that the local member -- 23 local community members deserve an in-person one to 24 respond to those concerns. 25 CHAIR BECKETT: Thank you, Council
Page 83 1 echo the sentiment of my fellow council member. I 2 agree. In fact, Chair, if you are looking for a 3 motion, I would make that motion now that we should 4 schedule another land use hearing. Thank you. 5 CHAIR BECKETT: Okay. We are not 6 here with actions today. So, in that regard, we don't 7 need to do that formally, I think, but the feedback is 8 certainly material. And I think staff are listening. 9 I certainly am, and I think all of your fellow council 10 members. 11 Council Nelson? 12 MR. NELSON: Thank you, Chair 13 Beckett. This is Council Blake Nelson with Department 14 of Ecology. I just want to say -- chime in here 15 because I have been critical of the speed of those 16 first meetings, and I actually mentioned that I was 17 kind of worried about public comment. I just wanted to 18 thank EFSEC staff for -- that is no longer a concern I 19 hold. Those first -- I went to all three meetings in 20 person. We received robust comments. And this -- I 21 said about two months ago I thought we were going to 22 need to have another public meeting, public land use 23 consistency meeting, or allow like a really big comment 24 period, and you chose the latter. And we got 772 25 comments. So, I personally feel like there's been	Page 85 1 Leckie. 2 Are there other -- well, questions? I guess we 3 are moving more into the feedback and helping inform 4 next steps. So, are there other comments accordingly? 5 Council Dean. 6 MS. DEAN: Thank you. Kate Dean 7 here. I appreciate the options listed on our agenda, 8 although I think there's -- I am curious because 9 there's a couple that aren't included. One is that we 10 are still expecting more information from staff, 11 including the report that Ms. Hafkemeyer referenced. 12 And then it sounds like we are not, at this point, 13 considering calling for adjudication; is that correct? 14 CHAIR BECKETT: I think Counsel 15 Thompson can weigh in. But my understanding is that 16 because an EIS has been decided, that that includes -- 17 that process includes adjudication. And as such, if 18 there is a need for an adjudication, once a 19 determination has been made on land use consistency, 20 and if that triggers an adjudication under that 21 provision, right, that it's inconsistent, then we would 22 need to do an adjudication. However, that will be 23 rolled into the adjudication that will be later -- 24 probably farther down the road of the adjudication of 25 the full EIS. Did I get that right, Counsel Thompson?

Page 86 1 MR. THOMPSON: Correct. It's not -- 2 just a small correction. The adjudication is not on 3 the EIS, but it's triggered by the fact that there is 4 an EIS. 5 CHAIR BECKETT: Yes. If there are 6 issues that are contested, then we would use the 7 trial-like process, as the memo says, for the 8 adjudication. 9 Ms. Hafkemeyer, did you have a supplemental 10 comment? 11 MS. HAFKEMEYER: Similar comment to 12 what Mr. Thompson stated about the EIS being 13 adjudicated. 14 CHAIR BECKETT: Thank you. 15 MS. DEAN: What I am most interested 16 in is getting the information that Ms. Hafkemeyer 17 referenced, which is seeing, you know, whether a 18 matrix, or some sort of jurisdiction by jurisdiction, 19 does it appear that there's -- it's allowed use, 20 prohibited use, or conditional use. And this is having 21 spent months of my life working on those very tables 22 and the work that goes into that. That -- I am most 23 interested in getting that piece of information. And I 24 don't have a strong feeling about the hearing. I feel 25 like I would probably have a stronger feeling about it	Page 88 1 Council Rybarik. 2 MR. RYBARIK: One thing to add to 3 the list. It sounds like, hearing from the other 4 council members, I like the idea of kind of getting the 5 table together, what are the specific things we want to 6 potentially move forward with an additional hearing on, 7 discuss that in October. I want to add to the list of 8 things to discuss whether or not we want to define the 9 scope of an additional land use hearing to some of 10 these specific inconsistencies, or potentially other 11 inconsistencies. 12 I am -- I will just tell you, I am comfortable 13 with the legal analysis that has been performed here on 14 the Columbia River Gorge Scenic Area Management piece 15 that I do not think that that applies. I agree with 16 that legal analysis. So, I would like us to discuss 17 whether we want to sort of limit the scope of the 18 discussion to only those issues that are legally within 19 our jurisdiction. So, that's my conclusion at this 20 point. But I think that would be worth an additional 21 point as we look forward to a potential additional 22 hearing. 23 CHAIR BECKETT: Appreciate that. 24 Council Leckie. 25 MR. LECKIE: Yeah. If the Columbia
Page 87 1 once I see that information. So, in some ways, I would 2 like to continue this conversation next month, and then 3 decide on next steps. 4 CHAIR BECKETT: Okay. Thank you. 5 Are there -- Council Leckie. 6 MR. LECKIE: Yeah. Regarding your 7 earlier comments about not hearing from the local 8 jurisdictions, and I would have to ask our planning 9 staff, but are local jurisdictions responding to the 10 applicant directly, or do they respond to EFSEC on 11 behalf of the applicant? And if they are responding to 12 the applicant directly, maybe that's where the gap in 13 communications hearing from the local jurisdictions is 14 coming from. Thank you. 15 MS. HAFKEMEYER: Staff are reaching 16 out to the local jurisdictions directly. What I think 17 we can propose to do is take a look at how our previous 18 outreach has been framed, and try to narrow down that 19 distinction based on recommendations made this 20 afternoon, and follow up and see if we can seek some 21 additional input directly from the local jurisdictions. 22 CHAIR BECKETT: I see heads nodding 23 here for those in person. Thank you for your 24 responsiveness, as well as how we can, you know, take 25 action on the follow-up.	Page 89 1 River National Scenic Act doesn't apply, does that mean 2 that local Title 22 wouldn't apply either? Thank you. 3 CHAIR BECKETT: I, at least, could 4 use further understanding of what that Title 5 references, and maybe Counsel Thompson can answer, or 6 if you can, Council Leckie. 7 MR. LECKIE: Oh, Title 22 is the 8 local adoption of the Columbia River Gorge National 9 Scenic Act and is the local ordinance. 10 CHAIR BECKETT: Thank you. 11 MR. THOMPSON: It certainly -- that 12 title certainly applies and would have to be met by 13 this project. But the question is: Does EFSEC 14 determine that, or does the Gorge Commission determine 15 that? And when we say it doesn't apply, it just means 16 it's not for EFSEC to determine. Does that help? 17 CHAIR BECKETT: Basically, of those 18 lands, they need a determination. And EFSEC cannot 19 make that determination, unless it's, I guess, 20 delegated. There are some options that you have kind 21 of referenced, but we are not going to get briefed on 22 that today. But either way, the conditions set forth 23 in the county code, from the Act, to the Commission, to 24 the county are those land use provisions, right? Those 25 will guide. Whatever we might directly or indirectly

Page 90 1 reference in our work, we are going to follow what the 2 land use ordinances of the Gorge Commission are for the 3 lands that are subject to their jurisdiction. Does 4 that -- it's an attempt of mine in the moment, but help 5 me out here. 6 MR. RYBARIK: The Gorge Commission 7 makes that determination. 8 MR. THOMPSON: The Gorge Commission, 9 yeah, exactly. But we don't -- we can be aware of it, 10 but we can't do anything about it, we don't have to 11 follow it. It's just not within our scope. We are 12 looking at compliance with state laws and state 13 ordinances. 14 MR. RYBARIK: And to the extent my 15 comment was that it doesn't apply, I meant what you 16 just said. Is that it -- 17 CHAIR BECKETT: To us. 18 MR. RYBARIK: Yeah, it is not within 19 the scope of EFSEC to apply that. 20 MS. DEAN: At this time. It could 21 be, right, in the future. 22 CHAIR BECKETT: Council Leckie. 23 MR. LECKIE: Yeah. That's another 24 question I would have then. If it doesn't apply, but 25 somebody -- let's say that the local land use	Page 92 1 Management Plan. 2 MS. DEAN: (Inaudible.) 3 MR. RYBARIK: Well, in theory, they 4 would also have to go to the Oregon counties that have 5 adopted those ordinances. 6 MR. THOMPSON: Yeah. But there is 7 this open question of does it apply in the riverbed. 8 The only place that goes on land is in Skamania County. 9 MR. RYBARIK: I see. 10 MR. LECKIE: Yeah. But some of that 11 land crossing could cross special management area, and 12 then any appeal would go to the Gorge Commission, 13 unless I am reading -- some of the maps are kind of -- 14 they are not as detailed as I would like, so I may be 15 interpreting them incorrectly, but they could pass 16 through an SMA area. 17 MR. THOMPSON: It doesn't go through 18 a special management area; it goes through a general 19 management area, and that's the Skamania County's 20 jurisdiction. And that decision would be appealable to 21 the Gorge Commission. 22 MR. LECKIE: Got it. Thank you. 23 CHAIR BECKETT: I would encourage -- 24 thank you for the helpful and, obviously, robust 25 discussion, despite its inherent nature of -- it's not
Page 91 1 consistency is approved, and then somebody cites Title 2 22 as a -- to challenge that, then under Title 22 and 3 the Gorge Scenic Area, that appeal would go to the 4 Gorge Commission. But under this EFSEC process, would 5 it not? That's, I guess, another thing that's kind of 6 confusing. So, if we have the scope of the hearing, 7 are we excluding something that, you know, may have 8 jurisdiction or not? I mean, I would have to talk to 9 my planners to get more guidance on that. I don't even 10 have the answer myself. That's why I am raising it. 11 Thank you. 12 MR. THOMPSON: Yeah. Just briefly. 13 So where things stand now, the developer will have to 14 go to Skamania County and get -- I am not sure exactly 15 what, maybe a conditional use permit, or the F2 zone 16 between Stevenson and North Bonneville through which 17 the route would pass. You know, there may be some 18 criteria that have to be met in the project; the 19 planning division manager or something like that, from 20 what I recall of what the code says, has to make that 21 determination. So they would need to get that from 22 Skamania County. 23 CHAIR BECKETT: And all the -- 24 MR. RYBARIK: And every county that 25 has adopted an ordinance pursuant to the Scenic	Page 93 1 always clear. 2 As we look at our process here, both EFSEC's, but 3 also, if we are sorting -- again, key word of 4 "sorting," right? -- these are the matters going 5 through the county to the Commission, but if we can aid 6 collectively everyone to kind of clarify -- like, if we 7 are going to have a hearing, and this may not be 8 possible, so bear with me, it just helps clarify, you 9 know, can we do anything jointly? Is that worse if we 10 do things jointly? Is it more efficient, and clearer, 11 and accessible for everyone? We should -- we should 12 keep an eye on that because it's confusing enough. And 13 rather than have, you know, sequential -- important, I 14 don't mean to diminish the input or, you know, let 15 alone decisions coming out of it, but where we have 16 more of those comment periods, more of those forums, 17 it's not going to aid clarity for the collective 18 authorizers. I think that's been the intent of the 19 staff, and the Corps, and the Oregon -- you know, like 20 Oregon, Washington, and the Corps have been trying to 21 do this work with that statement in mind. How do we 22 integrate? How do we make this more clear, more 23 efficient? That's a journey. Obviously, we are here 24 today amidst it. 25 So, where those pieces that are more down selected

Page 94 1 into the EFSEC and/or local points of interaction 2 through local government and the Gorge Commission, 3 let's keep an eye on what can we do to help one another 4 as we go through the process and be respectful of 5 everyone's time, including, yes, the applicant's, as 6 well as the public, and other busy officials, including 7 those in our local government partners over the course 8 of the corridor. So, that would be my one closing 9 comment. 10 Another would be as much as I am always open to 11 being in a meeting and hearing from the community, and 12 at times if that's, you know, a repeated message, I 13 certainly have participated and believed in that. But 14 I also think, again, my same theme here as has been 15 echoed by a couple of council members, let's work in 16 the month ahead, and as we come into the October 17 meeting, how do we help narrow, you know, what we need 18 to now focus on? Because we have heard a lot of input. 19 We are trying to reflect that and act about it. 20 Sometimes repeating that is helpful. But I think in 21 this case it will only kind of add to the diversity of 22 information we are trying to manage. So, where we can 23 downscope appropriately without rushing anybody, or 24 making sure -- you know, words and voices aren't heard. 25 We are hearing them. And so that's the motivation	Page 96 1 I would also note that having done that last 2 November, that would probably fall into the week before 3 Thanksgiving in a realistic planning sense. After 4 beginning month meetings, there are often elections, so 5 we will probably be here the week before Thanksgiving. 6 And that will probably also include a virtual regular 7 council meeting, as we did last year in that, you know, 8 busy time, which is fine. I am certainly up for that 9 if that is the will of the Council. 10 Relatedly, are there other comments, next steps -- 11 actually, let me add one more on the develop documents 12 to support a determination on land use consistency. As 13 we can tell from our experience, our user experience 14 today, that is a labor. And I think the sooner that 15 staff are empowered to begin drafting documents, that 16 no matter what is decided, those documents and those 17 words will be needed. So, that may need to come after 18 you get work done to prepare for the October meeting. 19 But I would call the question of sorts. Is there any 20 concern from council members that they'd like to voice 21 now of the staff being authorized to begin drafting 22 documents with -- again, no matter what we decide, how 23 everybody votes, we are going to need the documents. 24 So, I would encourage staff to proceed drafting those. 25 And if you need more clarification of all these various
Page 95 1 behind how do we kind of downscope where appropriate. 2 So, Ms. Hafkemeyer, you might have a comment it 3 looks like. 4 MS. HAFKEMEYER: I do have a 5 proposal in that we are in September now, but the end 6 of the year comes quickly and it does take a little bit 7 of time to reserve venues for meetings and schedule 8 logistics. I would propose that staff reach out for 9 availability for some of the logistic work of 10 scheduling a hearing so that if the Council decides in 11 October that you would like to have an additional 12 hearing, either virtual or in-person, then some of that 13 preparatory work has been done. So that then we can do 14 that, acknowledging that once we hit November, 15 December, people's availability and venue ability and 16 scheduling can be more challenging. But then in 17 October, the Council would then take up the question do 18 you want to have an additional hearing. Do you want 19 that additional hearing to be in person, etc. 20 CHAIR BECKETT: I think that's a 21 fine suggestion. Appreciate it. Again, that does not 22 presume that there's a decision on additional hearings 23 or, you know, virtual versus in-person. Regardless, if 24 they are in-person, they are hybrid, so that generally 25 comes as part of the package.	Page 97 1 topics first, let's get those clarified. But, 2 otherwise, a lot of those details will get tweaked in 3 what otherwise are just underlying procedural documents 4 that, again, we want more time so that we make sure 5 they are done properly. So when we are looking at 6 them, the public, the Council, that we are not, you 7 know, cleaning things up in the moment, which I don't 8 think is ever the intent. It's hard to avoid some of 9 that. But that's why we should get started on that 10 now. So, is there any concern from the Council on 11 proceeding to develop documents to support a 12 determination on land use consistency under EFSLA? 13 Hearing or seeing none -- Commissioner Leckie -- or 14 Council Leckie. 15 MR. LECKIE: So, you are talking 16 about directing staff to go to a determination with or 17 without a hearing; is that correct? 18 CHAIR BECKETT: No. Just that the 19 drafting of those documents, no matter when we take 20 them up, but if we are going to take them up sometime 21 this year, that if staff were, you know, green-lighted, 22 authorized to begin drafting those now, then even if we 23 don't need them until December or, frankly, if we don't 24 need them until next March for sake of argument, I am 25 not encouraging that, but, you know, these things take

Page 98 1 time, and there are more projects coming into EFSEC, so 2 reserving time is not an unimportant matter. And out 3 of respect to the applicant, I would just -- you know, 4 if we can get started on those -- there's no pre 5 anything. The Council will determine. So, writing 6 those documents now really doesn't, you know, presume 7 anything. 8 MS. HAFKEMEYER: If it helps, 9 there's a lot of preparatory work in drafting the 10 orders, such as compiling the records, summarizing the 11 activity to date, all of which we can get started on 12 before the Council approaches your decision. 13 CHAIR BECKETT: And Council Leckie, 14 I would like to turn this back to you in case you want 15 to, you know, raise other concerns. Because I very 16 much appreciate from our local project members and 17 especially elected officials, you know, that can be a 18 sensitive matter. So, I don't want that that activity 19 is happening to be misinterpreted. Because -- 20 MR. LECKIE: Thank you, Chair. 21 That's kind of what I was concerned about was the 22 appearance of directing, you know, resolution documents 23 without having further public outreach concerning the 24 volume and the subject matter of the comments we 25 received and a lot of questions. That's all. You	Page 100 1 that's my motivation behind it. 2 And, Council Leckie, again, I really appreciate 3 you and multiple -- and all our participants today, all 4 council members. I am very mindful of the position of 5 our council members who live and -- you know, 6 participate in these meetings from the communities on 7 the Columbia River. With that, is there any further 8 input on -- 9 MR. RYBARIK: I guess the way I 10 thought about it -- Council Leckie, thank you for 11 bringing it up. Thank you, Mr. Chairman -- is we are 12 essentially asking staff to write the 13 choose-your-own-adventure book and that requires a lot 14 of work on behalf of staff. But I think that makes the 15 process go -- if we can do some of that work now, 16 identify what the options are so that as we learn more 17 and we understand the finer points of some of these 18 comments that we have discussed today, we can choose 19 those adventures -- we can choose those pathways, but 20 we have most of the groundwork for any of them done, 21 and so we can move quickly at that time. So, it's kind 22 of a slowdown to speed up that we are going to really 23 think deeply about what the different options are, get 24 staff working on providing those options, and the 25 documents that will be needed regardless of which
Page 99 1 know, that's just -- public perception matters on how 2 these things happen, and I just don't want EFSEC to 3 maybe make a perceived misstep in -- because we are 4 doing a lot of great outreach and listening. I just 5 don't want to, you know, undo that. 6 CHAIR BECKETT: No, I appreciate 7 that. So, again, if the other council members want to 8 weigh in here, I welcome it because it's an important 9 matter. And the perception here, right, we don't need 10 to add to our complicated matters. But I want to be 11 very clear for the record. My motivation in this is to 12 help ensure that documents, that regardless we will 13 need, no matter what determination is made, thumbs up, 14 thumbs down, etc., if we start on them now, they will 15 be better written, they will be more clear, they will 16 be more accessible when they go to public comment, if 17 they go to the public comment. Again, this Council 18 will decide that. We are not deciding everything 19 today. I am not trying to, you know, further lobby 20 anyone. I just want to be very clear in case any of 21 that gets misperceived along the way. My motivation is 22 out of providing clarity on a big set of topics on 23 behalf of the public interest. So, but, again, if 24 that's going to get twisted around and misrepresented 25 out in the real world, then I am okay to wait. But	Page 101 1 option we select. So, that's the way I thought about 2 it. 3 CHAIR BECKETT: Appreciate that. 4 Council Dean. 5 MS. DEAN: If I may? This is Kate 6 Dean. I think, too, it's not unusual to have staff 7 prepare documents like that in advance for 8 consideration and deliberation by a body like ours. I 9 don't think there's anything particularly -- 10 MR. RYBARIK: (Unintelligible.) 11 MS. DEAN: Correct. Yeah, thank 12 you. 13 CHAIR BECKETT: Well, unless there's 14 other comments -- I mean, are there other comments? It 15 sounds like there would be a general belief that we 16 should proceed. But if there's any other 17 sensitivities, let's speak to them now. Frankly, if 18 they pop up -- if we are to proceed here, and for our 19 local project members, if there's any question or 20 concern or members of the public today who want to send 21 a further comment in, please do. We are open for 22 business in our inbox today. So, by all means, share 23 your -- any input. But if you have comments on 24 proceeding, that, too. Happy to further follow up with 25 any member of the public, maybe not me as chair at the

Page 102 1 moment, but one of our staff certainly can. 2 Council Dean. 3 MS. DEAN: Kate Dean again. One 4 question that we did not get to today that I would love 5 some information on at our October meeting is if and 6 how Tribal treaty rights play into this. You know, 7 they are underlying, but not inherent in local land use 8 authorities. So, that would be helpful and 9 appreciated. 10 CHAIR BECKETT: And, yes, thank you. 11 That reminds me of one other endless item here. On the 12 North Bonneville fishing site, I am probably getting it 13 off by a word, but I would just note for the record 14 that staff are working and have been, but I would 15 encourage it, and that's why I am going to call it out 16 here, that we need -- we need a little further 17 understanding of the history as well as, you know, the 18 embodiment. As I read it, it's more the embodiment of 19 the treaty, right. So, I think we need, you know, a 20 little further discussion on that in the October 21 meeting. So, if I could flag that as a thought. 22 I see Council Leckie. 23 MR. LECKIE: No. That's also what 24 was in the back of my mind is that since the last 25 hearings, we've had a lot of government-to-government	Page 104 1 you know, how do we organize all of these facts and the 2 legal basis around it. I think October, you know, we 3 will have a furtherance of that next greater ability to 4 already be a little more up to speed and then have 5 documents that will further build on what we have 6 covered here today. 7 With that, I see no further hands raised, so we 8 will move on to the final item. And my agenda of 9 course is not buried under several documents. But I 10 believe Horse Heaven is next up. Ms. Moon, I believe 11 you are still here with us. 12 MS. MOON: I am still here, Chair 13 Beckett. So, good afternoon, EFSEC council members. 14 EFSEC staff prepared a letter for our executive 15 director, the approval of mitigation measure Wildlife 16 1, also known as Wild 1, the post-construction bird and 17 bat fatality monitoring plan. The certificate holder, 18 Horse Heaven Wind Farm, LLC, prepared this plan to meet 19 the requirements of the Horse Heaven site certification 20 agreement to submit the details for a monitoring 21 program that would meet the post-construction 22 monitoring requirements to track both bird and bat 23 fatalities for a minimum of three years. The bird and 24 bat fatality data will inform adaptive management 25 strategies to be applied during sensitive migratory
Page 103 1 tribal consultations. And having another hearing en 2 route to where we're arriving at a decision would also 3 give the Tribes more opportunity to give input. Thank 4 you. 5 CHAIR BECKETT: Thank you, Council 6 Leckie. I appreciate that, and I would agree. Okay. 7 Last call for anything you got on the Cascade Renewable 8 Transmission Project. And also, I would like to 9 highlight and thank -- it's in the comments. Sorry, 10 folks. Bear with me just a second. I want to thank 11 Dena Horton and the Pacific Northwest Waterways 12 Association for nearly 90 minutes ago noted that CRT 13 may be confused with the Columbia River Treaty. Thank 14 you for that comment. Normally I wouldn't call out a 15 person by name, but I appreciate what you did. I don't 16 know how we come up with a different acronym, but it's 17 a fair point. The Columbia River Treaty is not a small 18 matter, but I don't -- I can't say that three words the 19 whole time in every meeting. We will work on that. 20 Thank you for pointing it out. 21 Okay. Well, thank you for everyone's diligence 22 and duration of ability to stick with this work. I 23 think this conversation is very helpful. Obviously, 24 today was going to be, you know, what it has been, and 25 some of that is a little messy here and there. Just,	Page 105 1 periods, and to determine whether mortality thresholds 2 are exceeded. The certificate holder is also required 3 to not only review the results of the monitoring, but 4 also to consult with the technical advisory committee, 5 EFSEC staff, and the Washington Department of Fish and 6 Wildlife after each monitoring period to determine 7 whether the mitigation measures outlined in the Wild 1 8 adaptive management strategy should be revised or 9 adjusted. Does the Council have any questions? 10 CHAIR BECKETT: Council members? 11 Questions, comments? 12 Council Dean. 13 MS. DEAN: Kate Dean here. Do you 14 have any anticipated date for when you expect to hear 15 on the legal decision regarding this proposal? 16 MS. MOON: Can you clarify what the 17 proposal is? 18 MS. DEAN: Is this not the project 19 that's being considered by the Supreme Court right now? 20 MS. MOON: Oh, so I cannot answer 21 that. Maybe Jon Thompson can answer that. I can 22 answer questions about the site certification at Horse 23 Heaven. 24 MR. THOMPSON: I wish I could say. 25 It's unpredictable. Hopefully, within the next couple

Page 106 1 of months. 2 CHAIR BECKETT: Other questions? 3 Okay. 4 We will move on to the Hop Hill Solar Project. 5 John Barnes, you're up. 6 MR. BARNES: Thank you, Chair 7 Beckett, and council members. This is John Barnes, 8 on-site staff for the Hop Hill application. Staff are 9 currently working with the applicant to update and 10 cement additional information that is needed for the 11 application's supplemented cultural resource survey 12 report. Staff are also continuing to work with the 13 applicant in the submission of updated application 14 materials for the Hop Hill project associated with the 15 revised and updated site layout currently in 16 development by the applicant. As a reminder, the 17 supplement application material will include 18 substantial changes to project layout and siting areas. 19 The applicant has notified staff that they anticipate 20 submitting their supplemental materials for the 21 application this fall 2026. Are there any questions? 22 CHAIR BECKETT: Council members? 23 Comments? Okay. We will move on -- let me read my 24 agenda after burying it -- the Wallula Gap Solar 25 project. John Barnes is up again.	Page 108 1 by the Upper-Skagit Indian Tribe regarding the 2 project's potential impacts to TCPs, Traditional 3 Cultural Properties. This resulted in us making a 4 request to the developer to begin working with the 5 Upper Skagit Indian Tribe to develop a confidential 6 report on TCPs and potential impacts from the project. 7 Last we spoke with the developers, they were in the 8 process of initiating discussions with the Tribe and 9 working towards a plan for completing a TCP report. 10 May I answer any questions? 11 CHAIR BECKETT: Council members? 12 Okay. Thank you, Ms. Snarski. I think that will be 13 that for today. Director Lowe. 14 MR. LOWE: I will be quick, given 15 the time. It's just been eight weeks since I spoke 16 with an update. It's been a whirl wind. CRT shows us 17 the very complexity of the work here and how important 18 it is. One thing you may be aware that staff worked on 19 the process maps with a visualization of this system 20 that we have, and it's been really helpful. I think 21 the more we can -- you know, our lawyer, Jon Thompson's 22 diagram, as well the visualization of the work, I think 23 is helpful for all of us and the public to understand 24 what we are doing, and how we are doing it, and where 25 we are in the process. I will skip through some of the
Page 107 1 MR. BARNES: Thank you, Chair 2 Beckett and council members. This is John Barnes, 3 EFSEC staff for the Wallula application. Staff are 4 continuing to work with the applicant, OneEnergy, and 5 the Yakima Nation Cultural Resource Program staff 6 regarding impacts identified in the TCPs, Traditional 7 Cultural Property study, and the report conducted by 8 the Yakima Nation for this application. The applicant 9 is currently in the process of updating the 10 application's visual impact assessment report regarding 11 additional potential impacts that have been identified. 12 Are there any questions? 13 CHAIR BECKETT: Council? Questions? 14 Hearing none, we will move on to the Goldeneye Project, 15 and Joanne Snarski will provide the update. 16 MS. SNARSKI: Thank you. Again, 17 this is Joanne Snarski, the siting specialist for the 18 proposed Goldeneye Battery Energy Storage Facility in 19 Skagit County. Staff are working with the developer 20 and our consultant to assess the potential impact from 21 the proposed project as required by the State 22 Environmental Act. 23 Also, during our July meeting, we mentioned that 24 we were working with the Department of Archeological 25 and Historic Preservation to address concerns expressed	Page 109 1 trips and everything. I will say Washington is 2 beautiful, and south central Washington does not 3 disappoint. 4 One quick technical update. Since our last 5 meeting, Badger Mountain was before you for an 6 extension of their permit time. They have since pulled 7 back their permit. We have notified all interested 8 parties, the Tribes, and counties, as well as members 9 of this Council, but I wanted to pass that along as 10 well. That's it today. 11 CHAIR BECKETT: Thank you. 12 Mr. Lowe. 13 Ms. McLean. 14 MS. MCLEAN: Yes. 15 CHAIR BECKETT: Share the 16 highpoints, as I am sure you were intending. 17 MS. MCLEAN: Yeah. I am going to 18 speed through this as well. 19 CHAIR BECKETT: We know you will be 20 back, too. 21 MS. MCLEAN: For the record, Lisa. 22 McLean, legislative policy manager and tribal liaison. 23 I was supposed to give a policy and a tribal update. 24 On policy, I just want to tell you that we are making 25 progress on the rules, and it's complicated, and we

Page 110 1 hope that we will have some draft rules in front of you 2 in October. To talk about CRT again, I mean, we can 3 talk about rules. 4 And then on tribal -- 5 CHAIR BECKETT: Sorry. Can you 6 remind us of which rule? 7 MS. MCLEAN: I could. 8 CHAIR BECKETT: If I would shut up. 9 MS. MCLEAN: No, no. I was trying 10 to skip over them. No. So, the rules that we are 11 working on are the chapter on adjudication trying to 12 establish clarity and move some of the things to 46 -- 13 to the chapter on issuance of the site certification 14 agreement. We have been working with our -- our 15 counsel and with the Office of Administrative Hearings 16 on that process. The chapter on application, that is 17 just adding some simple language on pre-application, 18 trying to encourage it, and telling people how to do 19 that. And then the last one is the site restoration 20 chapter, which is we are trying to clarify the 21 financial -- the language that we have in there about 22 financial assurance. We usually write that chapter 23 out. That chapter was last updated in 2004, and 24 there's a lot of information that we put in to site 25 certification agreements that we would like to sort of	Page 112 1 conversation on energy and do we have a shared sort of 2 objective with regard to energy and can move forward 3 together on that process? And one of the things that 4 we are also seeing as kind of a side distraction of 5 what -- is that data centers is really top of mind for 6 Tribes, and they are really concerned about it. And, 7 you know, so, sometimes the energy conversation is also 8 a data center conversation. More about the, you know, 9 again, the siting of data centers in our area, and then 10 the use of water, right? Not so much electricity, but 11 use of water. But that's the way it comes up in 12 discussion. 13 So, but I think that, you know, there's another 14 thing that we do we is have -- the chair is running an 15 informal gathering with some tribes, some tribal staff, 16 some legislatures where, again, we are just trying to 17 bring things to the table, trying to talk about can we 18 get -- everybody needs energy. How are we going to get 19 there? Let's put it that way. That's a simple way to 20 put it, right? 21 And we are getting ready for the Centennial Court, 22 which, again, just in terms of that, we think -- 23 normally there's a session called natural resources, 24 and that conversation at the Centennial Court is 25 largely focused on salmon. And the -- you know, the
Page 111 1 codify them. That's what the rules are. 2 CHAIR BECKETT: Thank you. 3 MS. MCLEAN: On Tribal, it was an 4 active summer. Maria mentioned the trips that we took 5 to Grand Ronde and to Umatilla. We also went to 6 Umatilla to talk to them about the Cascade Advance 7 Energy Project, that's the SMR. And we also had a 8 tribal listing session, which is what we committed to 9 as part of our tribal guidelines. We committed to 10 holding an annual meeting where we would communicate to 11 the Tribes about what we are doing, what we are 12 expecting to do, and see if we have any feedback from 13 them. I wouldn't say that it was -- we didn't get any 14 feedback, or anything, but it was a good meeting, and I 15 am happy that we did that. 16 We also attended an event at the end of July that 17 the Association of Washington Tribes put on with 18 legislatures. It was organized in conjunction with the 19 Arriving of the Canoes at Nisqually, and that was a 20 good meeting. 21 I have to say -- and then yesterday -- yesterday 22 and Monday, we are at AT&I's annual conference up in 23 Snoqualmie. So, just as a summary, I will just say, I 24 think what we are hearing, a lot of these discussions 25 that we are having, we are trying to focus the	Page 113 1 concerns that the Tribes have with the restoration of 2 salmon areas, and so it occupies a lot of time usually 3 with a Fish & Wildlife. We expect that there's going 4 to be a conversation about energy, and we look forward 5 to that conversation, and we're -- we will be able to 6 report to you because it's right after -- right after 7 Centennial Court we are having a council meeting, so we 8 will be able to tell you what that was. There's a lot 9 of stuff in national resources, so we can't necessarily 10 predict what the Tribes want to talk about. But I 11 think we have sort of been raising this issue. Chair, 12 I think -- I keep pointing to the Chair for those of 13 you online, you know, because he's done a lot of this 14 work. So, sort of focus that conversation, and see if 15 we can't get a conversation going on that. 16 Would you like to add anything, Chair Beckett, on 17 that, because you have been doing a lot -- 18 CHAIR BECKETT: No, appreciate it. 19 You know, it's a shared effort, let's put it that way. 20 Certainly I have been trying to dedicate my time to it. 21 I appreciate it, but no. 22 MS. MCLEAN: Any questions? 23 CHAIR BECKETT: Council members? 24 Thank you for the update. Obviously, it's been a long 25 day.

Page 114 1 MR. RYBARIK: Chair, if I could? 2 Not a question, but more of a comment. Lisa, I want to 3 thank you. You recently participated in a joint 4 meeting held here at the -- at the Utilities and 5 Transportation Commission, along with the Department of 6 Commerce on resource adequacy. To put that in more 7 common terms, making sure that Washington has enough of 8 the generating -- enough energy capacity to meet the 9 growing needs of Washington consumers, a significant 10 issue for us thinking about it from utilities and 11 public utilities across the state. And recognizing 12 that permitting is a big challenge in that, Lisa came 13 and presented to a large stakeholder group to talk 14 about EFSEC and the work that we do here at EFSEC. So, 15 I appreciate the time and effort there to educate more 16 and to bring that message to a broader audience, so 17 appreciate it. 18 MS. MCLEAN: Thank you. 19 CHAIR BECKETT: Other comments? I 20 will just close with the shameless plug that -- on 21 resource adequacy, which can't be renamed with the 22 officially statutorily based version, but we should be 23 noting in some more approachable language what resource 24 adequacy means, because I have yet to find most normal 25 humans that really know off the shelf what it means.	Page 116 C E R T I F I C A T E STATE OF WASHINGTON)) ss. COUNTY OF PIERCE) I, the undersigned Washington Certified Court Reporter, do hereby certify: That the foregoing was taken stenographically before me and reduced to a type format under my direction; That I am not a relative or employee of any attorney or counsel or participant and that I am not financially or otherwise interested in the action or the outcome herein; That the foregoing is a full, true, and correct transcript of the proceedings, including questions and answers and all objections, motions, and examinations, and said transcript was prepared pursuant to the Washington Administrative Code 308-14-135 preparation guidelines;. That as a matter of firm policy, the stenographic notes of this transcript will be destroyed three years from the date appearing on this transcript, unless notice is received otherwise from any party or counsel on or before said date. _____ /s/CRYSTAL D. SCHAFF, State of Washington CCR #2053 My CCR Certification expires on 1/22/27 B&A Litigation Services biia@balitigation.com
Page 115 1 It just means do we have adequate resources to meet our 2 customer's needs. Very logical. So, I just think it 3 ought to be called the KTLO meeting, which is "keep the 4 lights on" meeting because that's really what it's 5 about at the end of the day. 6 So, with that, any other closing comments? I will 7 do so other than say on a -- on the closing note, thank 8 you all for your dedication and sticking with us on a 9 longer meeting today. I am sure there will be more -- 10 probably in October we will have a further forecast on 11 the rest of the fall. We may have a new project coming 12 in, so I will note that for those who are still hanging 13 on here, and the Council in particular. With that, I 14 will adjourn us at 4:16 p.m. on the 16th of September. 15 Thank you. 16 (Proceedings adjourned at 4:16 p.m.) 17 18 19 20 21 22 23 24 25	

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: 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.

EFSEC Council Update Format

- 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

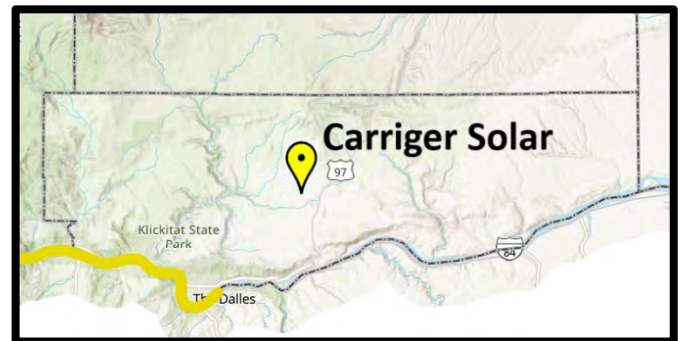
Milestone Dates:

- 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.

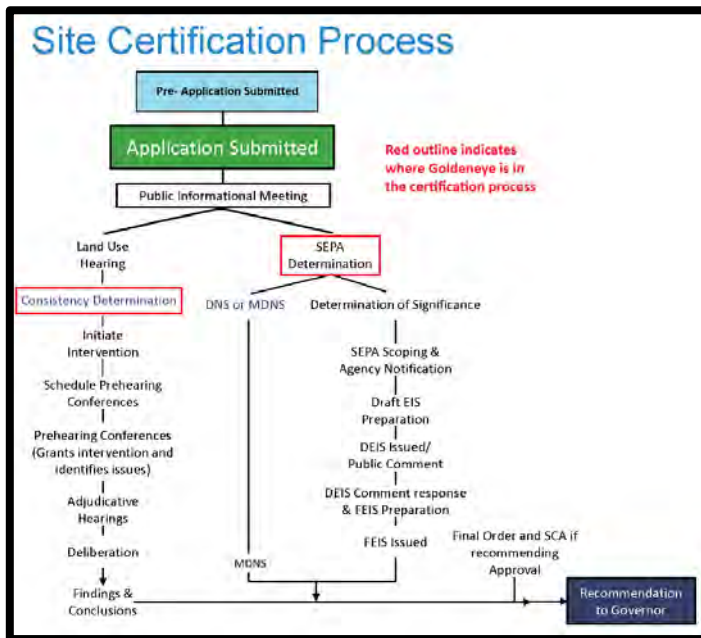
Applicant:

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.

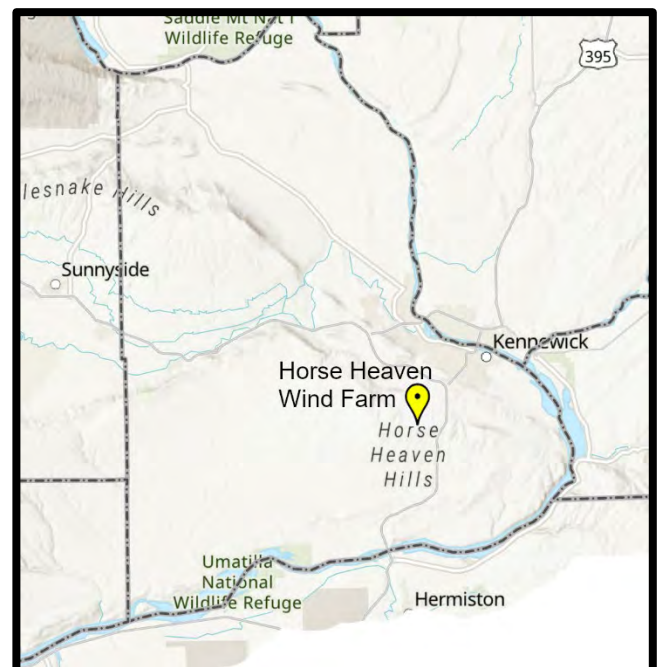
Milestone Dates:

- 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 micrositied 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.

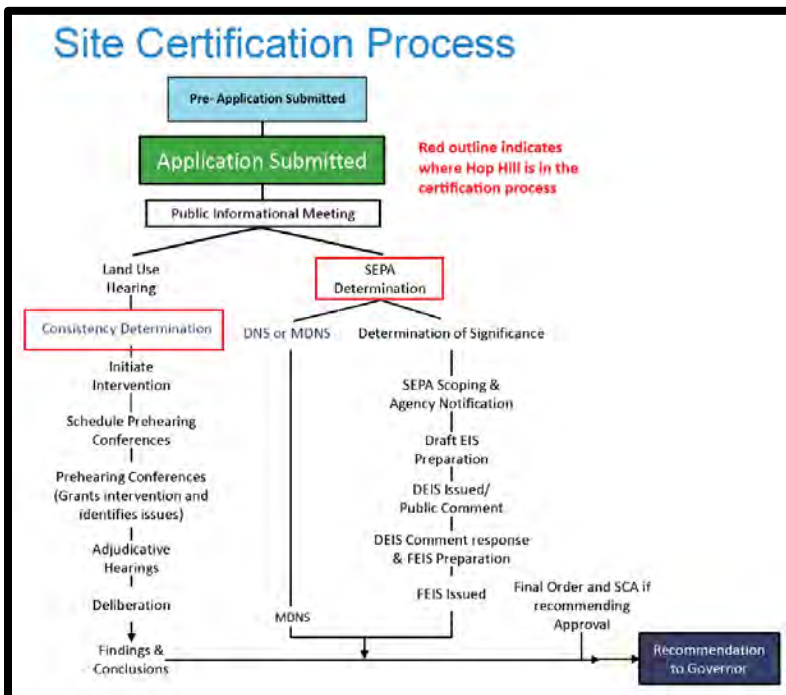
Applicant:

BrightNight, LLC.

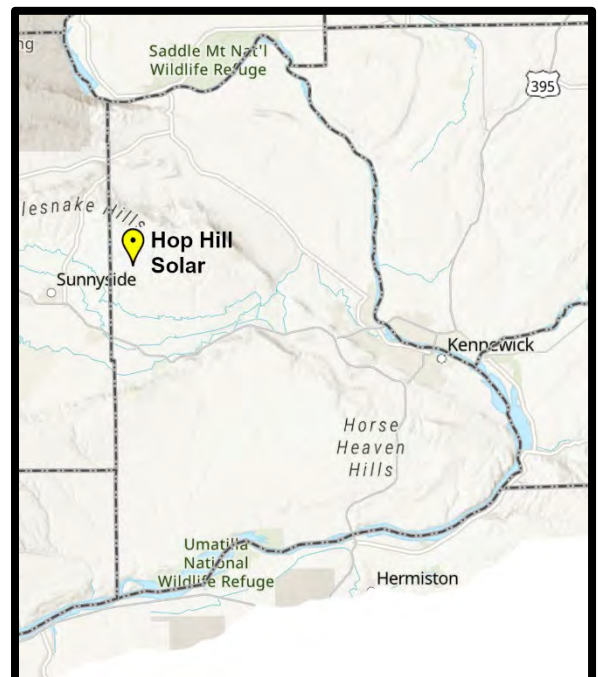
Milestone Dates:

- 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.

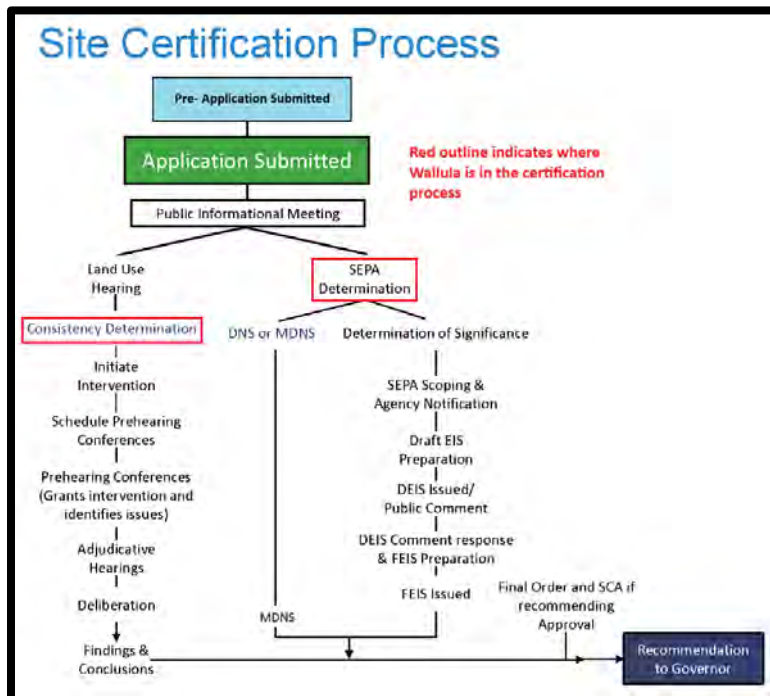
Applicant:

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:

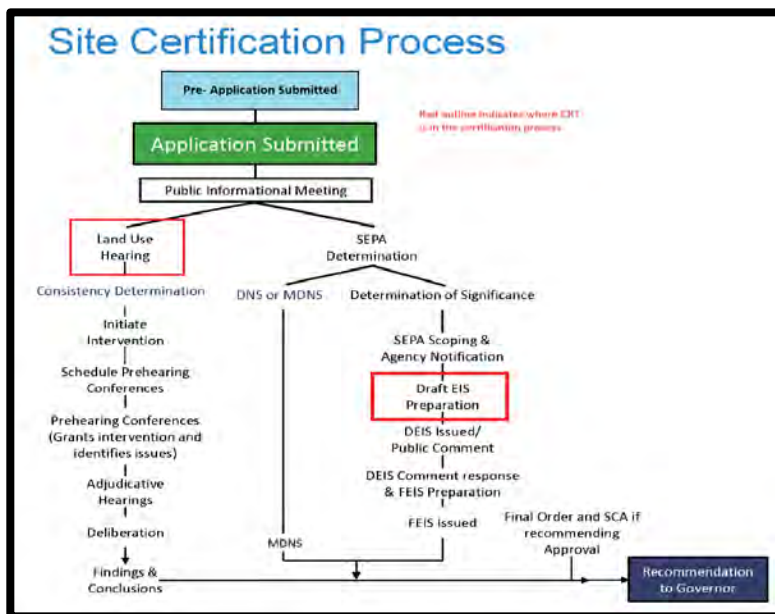
Cascade Renewable Transmission, LLC.

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 – Initial meeting with the Confederated Tribes of the Umatilla Indian Reservation

Status:

Location Map:



An aerial photograph of a wide river valley during sunset. The sun is low on the horizon, casting a warm orange and yellow glow across the sky and reflecting on the water. The valley is filled with dense green forests, and rolling hills are visible in the background under a cloudy sky.

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.

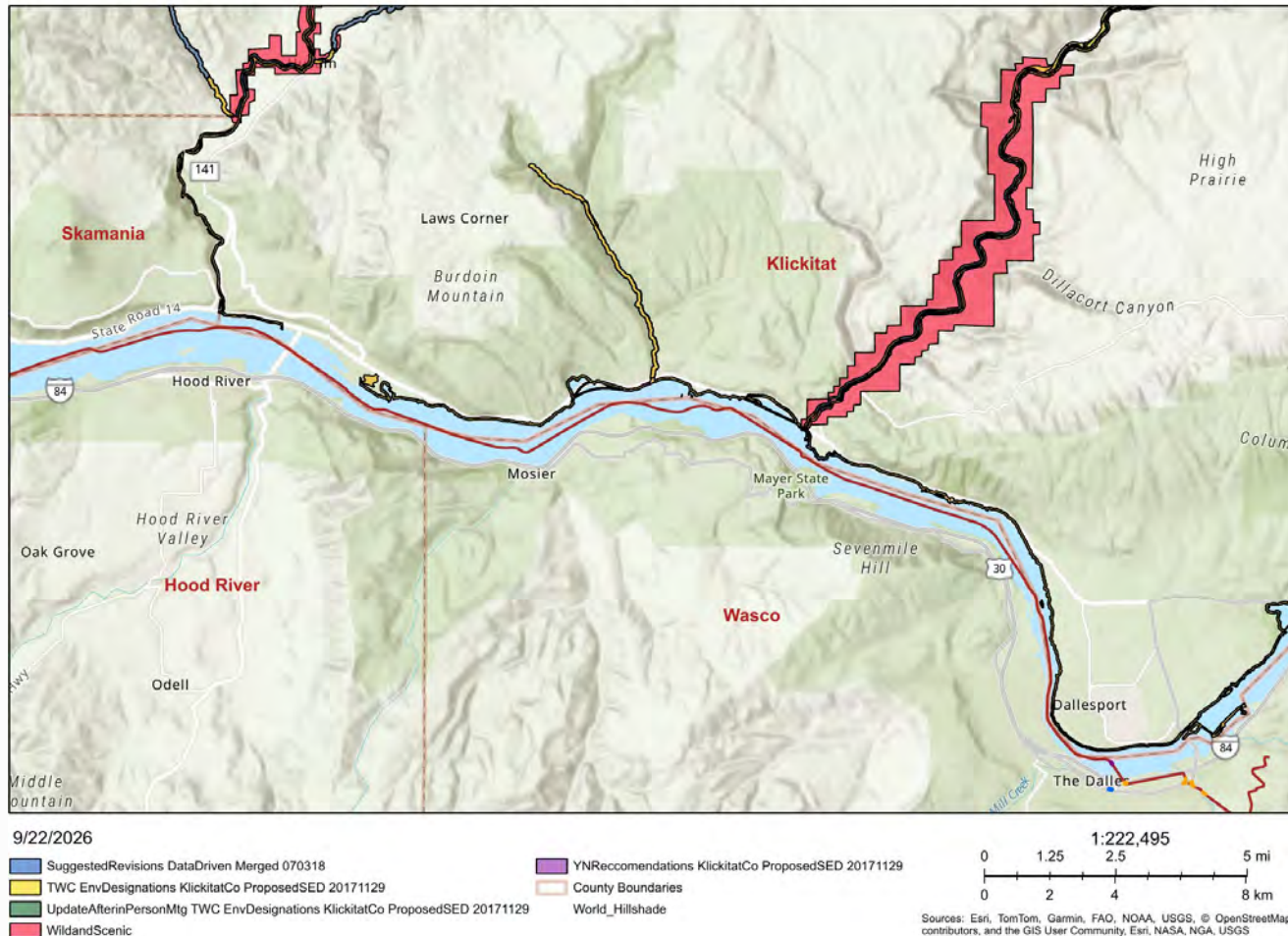
04 Compare regulations

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



Klickitat County

Klickitat County SMP with CRT



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.

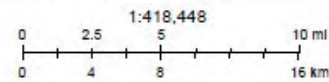
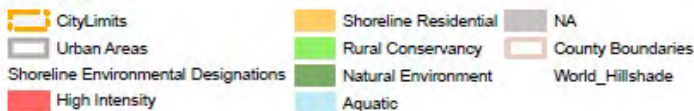


Skamania County

Skamania County SED



9/22/2026



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

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.

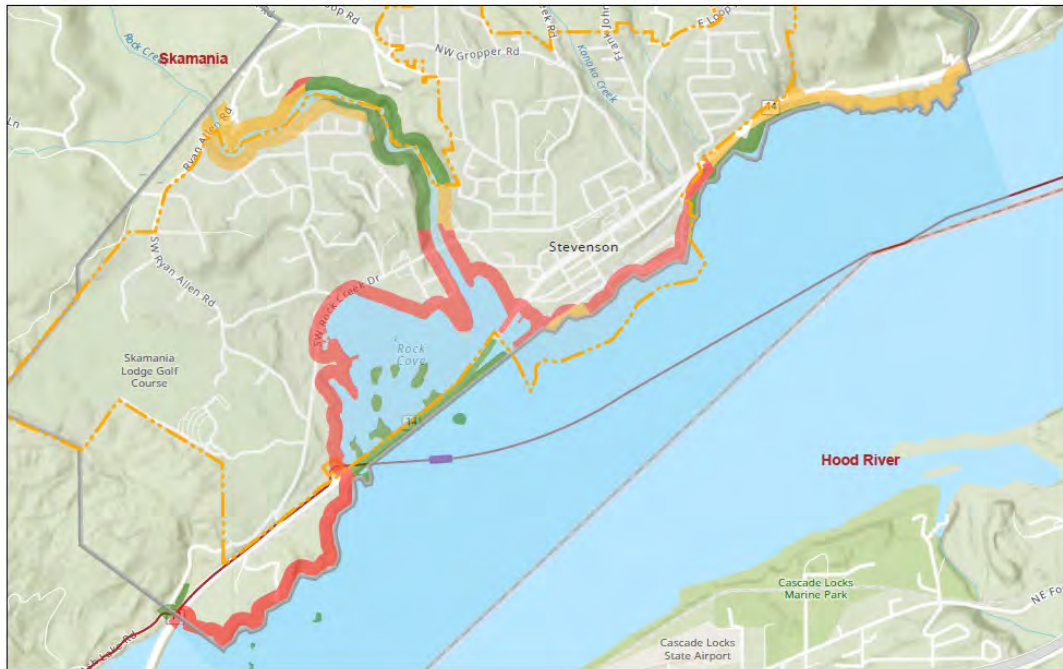
Separate Scenic Area Review

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



9/22/2026
 CityLimits Shoreline Residential World_Hillshade
 Urban Areas Natural
 Stevenson SED Aquatic
 Urban County Boundaries

0 0.15 0.3 0.6 mi
 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 Assessment and GIS.

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



9/22/2026
 CityLimits Shoreline Residential NA
 Urban Areas Rural Conservancy County Boundaries
 Shoreline Environmental Designations Natural Environment World_Hillshade
 High Intensity Aquatic

0 0.3 0.6 1.2 mi
 0 0.5 1 2 km
 This data was developed by Skamania County, Department of Assessment and GIS. This data was developed by Skamania County, Department of Assessment and GIS.

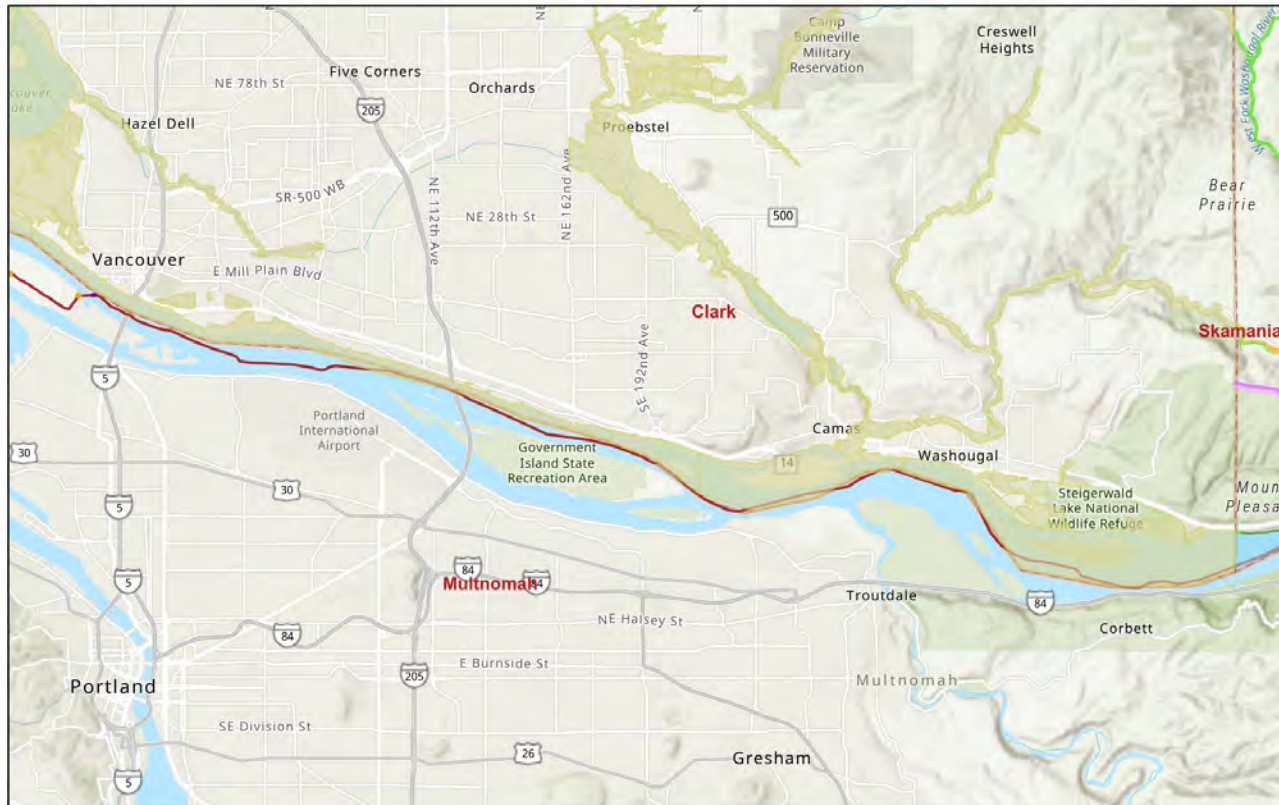
North Bonneville

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

Clark County SMP

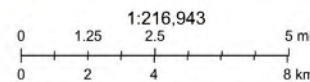


9/22/2026

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

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

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Siting Specialist

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Trevin Taylor

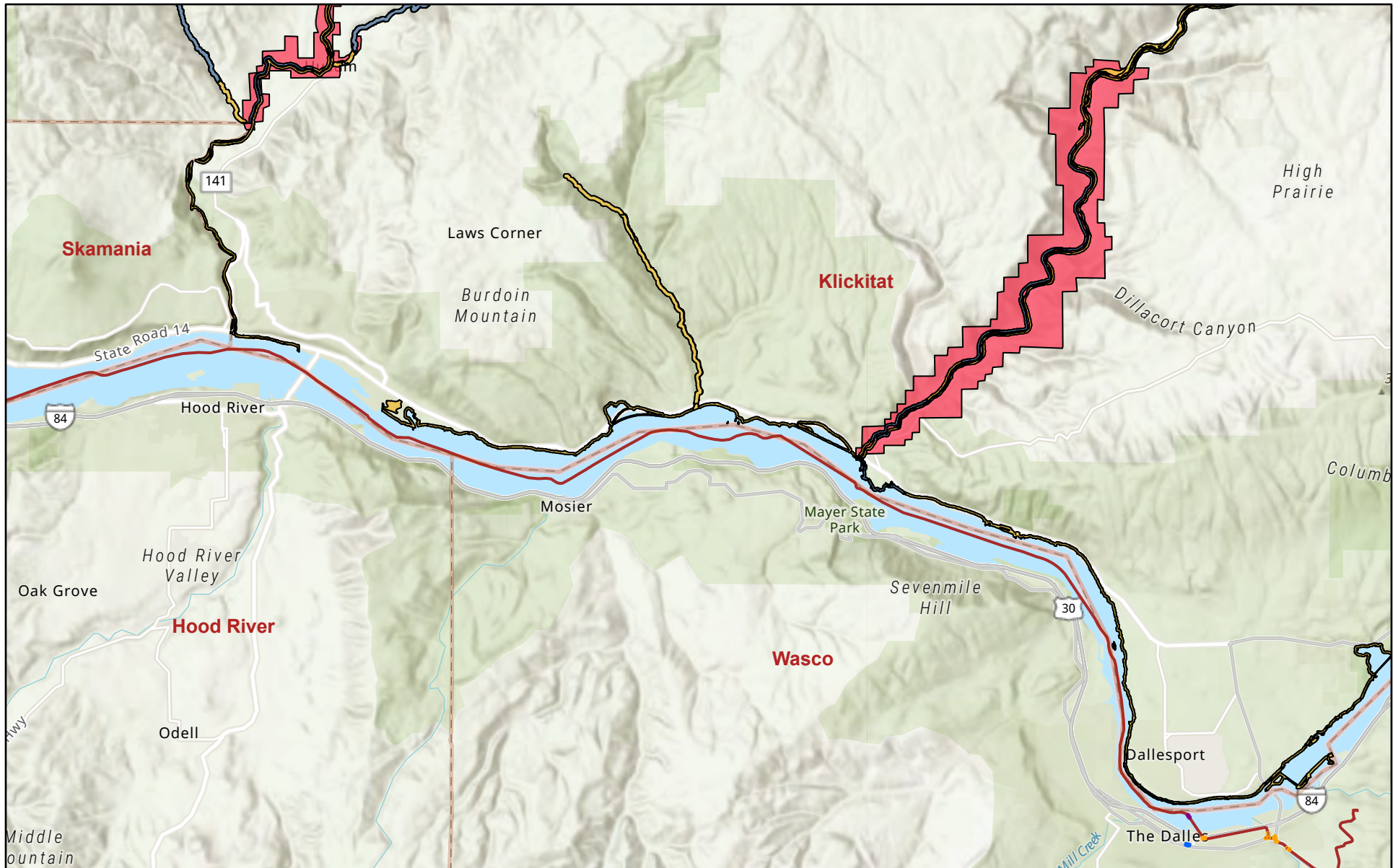
SEPA Specialist

trevin.taylor@efsec.wa.gov

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 §84.6.3 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 §84.2.3 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 in-stream 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 landfill	In water and landfill.	Horizontal directional drilling (HDD) 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 landfill 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(B) 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 §603.36.040(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 VBP 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 landfill	In water and landfill	Drilling transition to shore; cofferdam if used	Shoreline: Aquatic at the river; Zoning: federal ownership or unmapped near the landfill	North Bonneville SMP (2024)	North Bonneville Title 20	North Bonneville SMP Table 6-1 and §6.3.7 Utilities.	The river and drilling landfill are not road-ROW-only facilities. Utilities are conditional in Aquatic and Natural environments. The landfill 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 landfill.	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.	

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

Blue SuggestedRevisions DataDriven Merged 070318

Yellow TWC EnvDesignations KlickitatCo ProposedSED 20171129

Green UpdateAfterinPersonMtg TWC EnvDesignations KlickitatCo ProposedSED 20171129

Red WildandScenic

Purple YNReccomendations KlickitatCo ProposedSED 20171129

Orange County Boundaries

World_Hillshade

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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



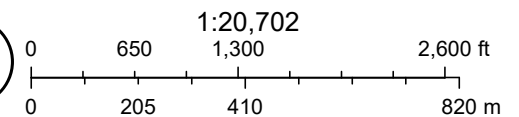
9/22/2026

 TWC EnvDesignations KlickitatCo ProposedSED 20171129

 YNReccomendations KlickitatCo ProposedSED 20171129

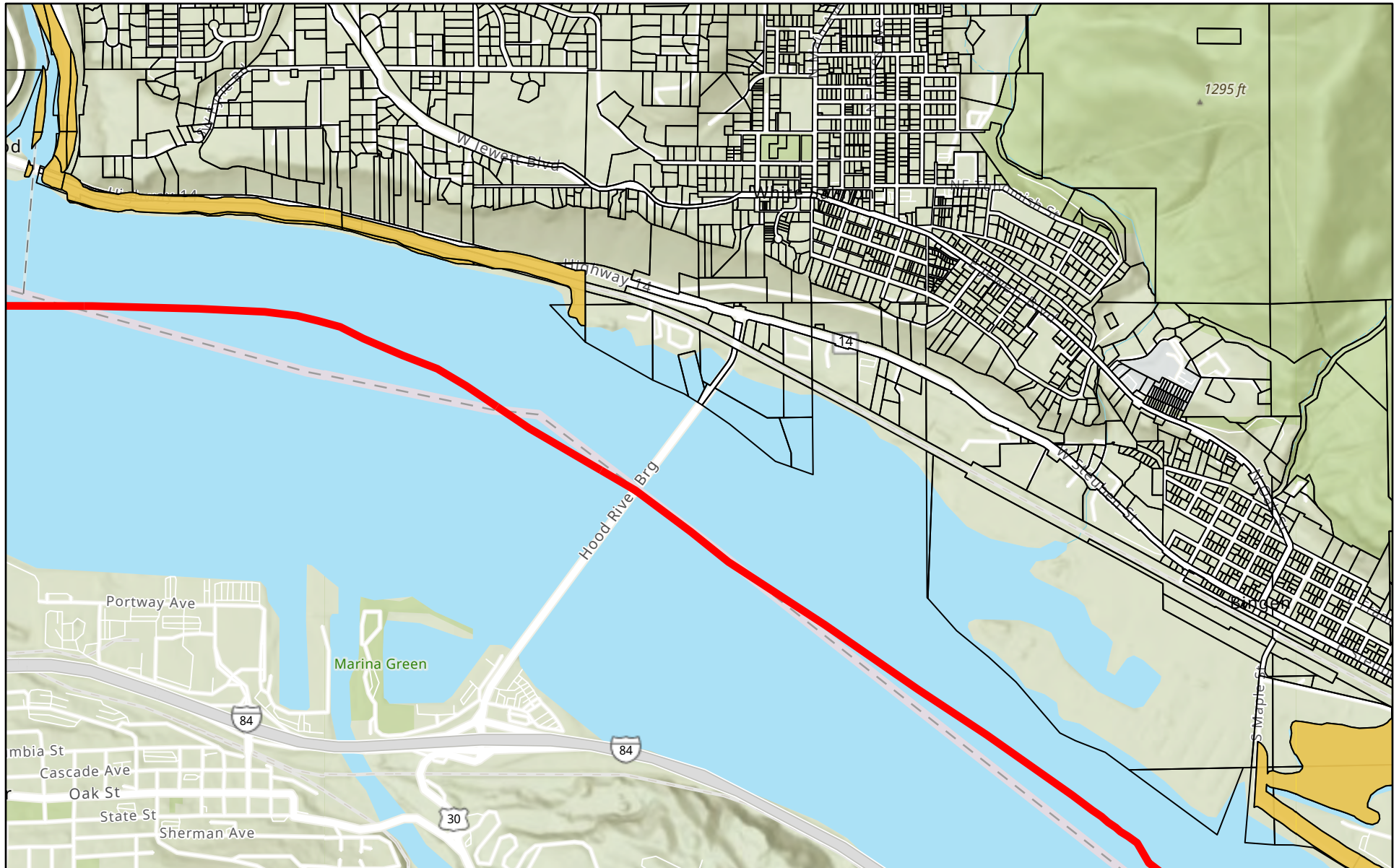
 County Boundaries

World_Hillshade



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



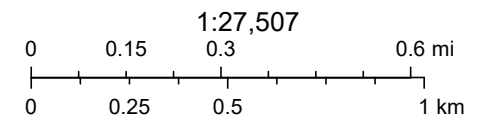
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TWC EnvDesignations KlickitatCo ProposedSED 20171129

YNReccomendations KlickitatCo ProposedSED 20171129

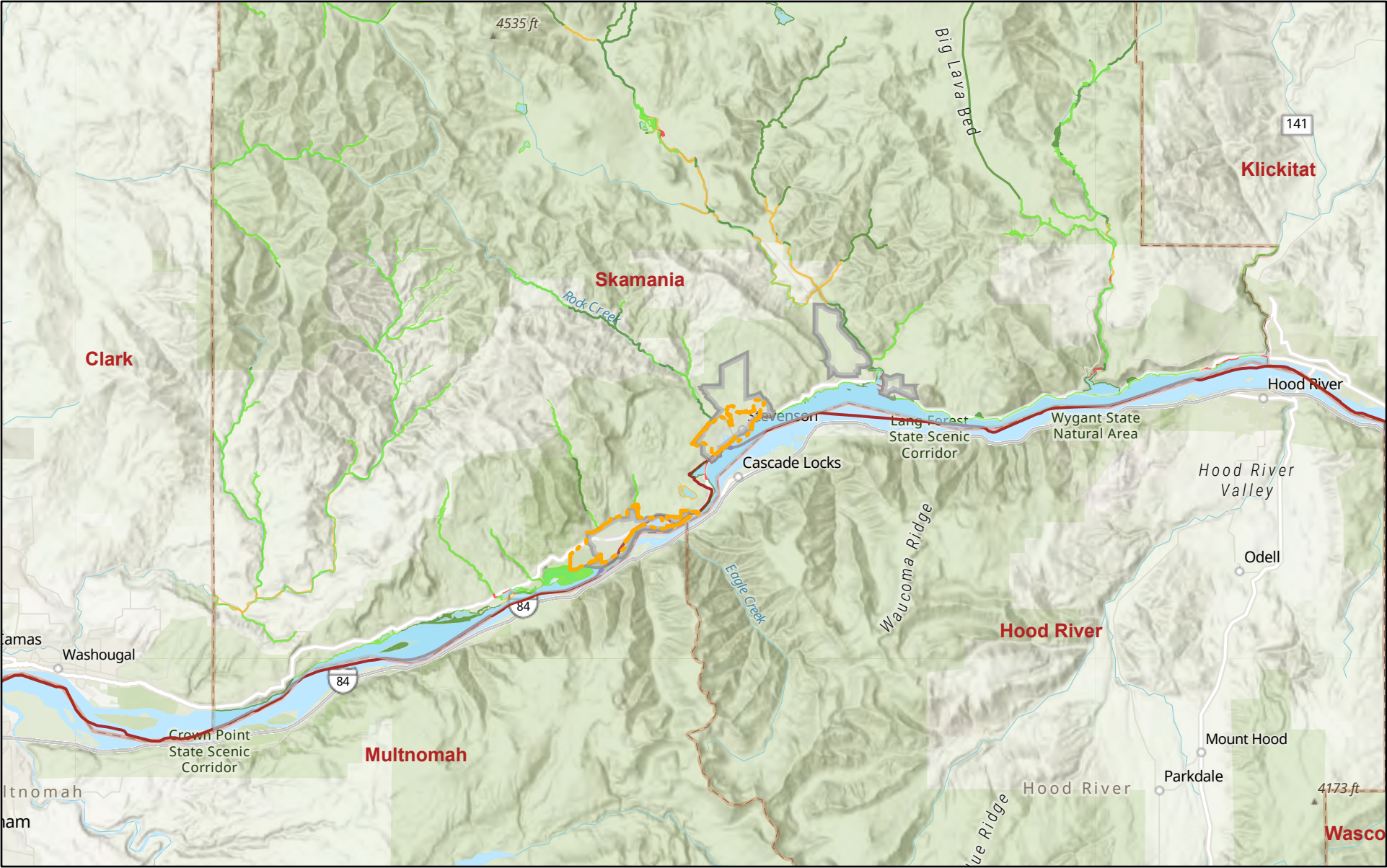
Current Parcels - Parcels 2026

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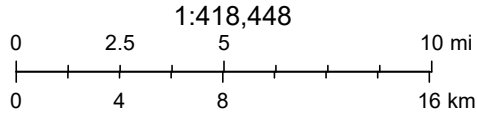
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS, FEMA

Skamania County SED



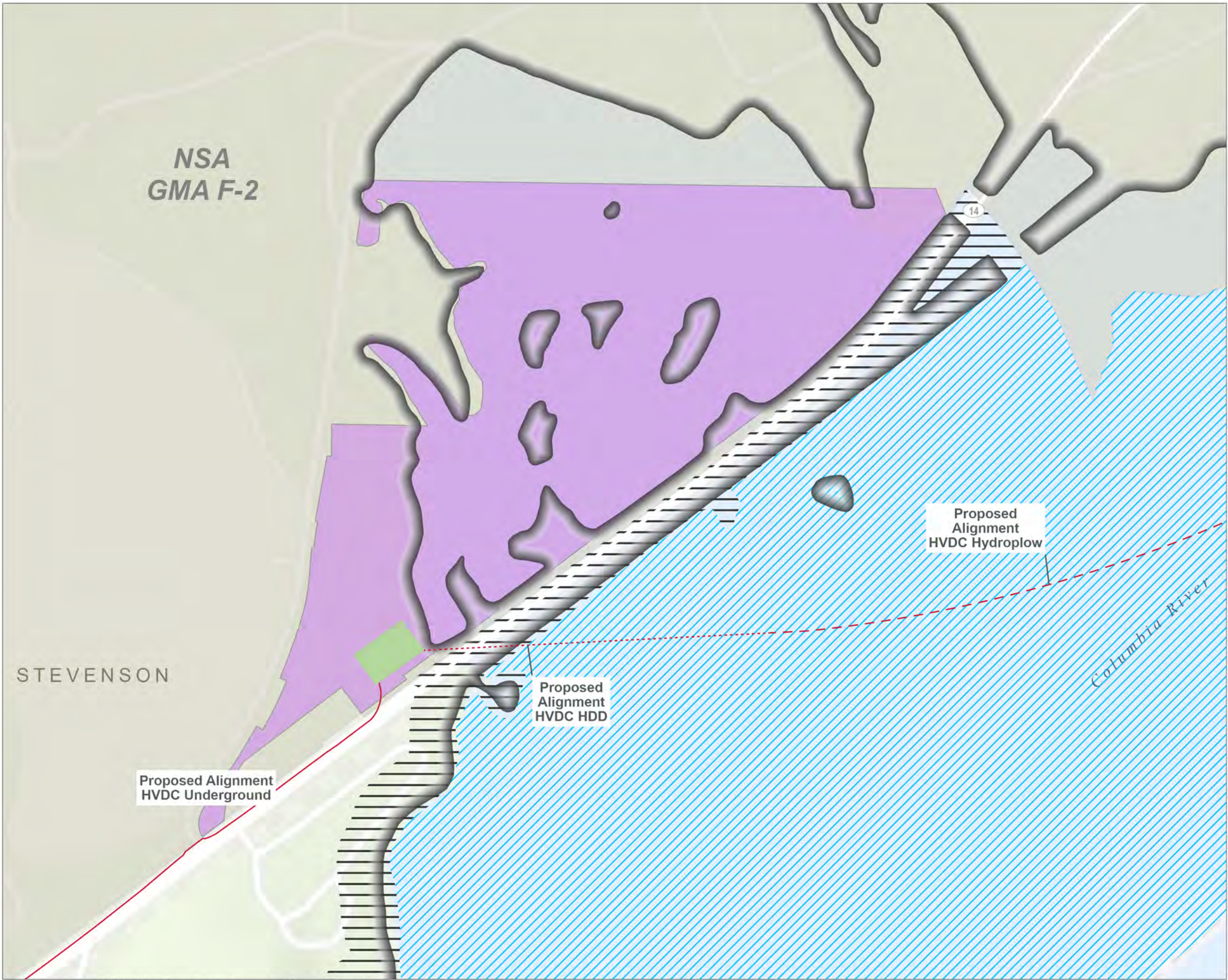
9/22/2026

- | | | |
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| City Limits | Shoreline Residential | NA |
| Urban Areas | Rural Conservancy | County Boundaries |
| High Intensity | Natural Environment | World_Hillshade |
| Aquatic | | |



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 HYDROFLOW
- 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)

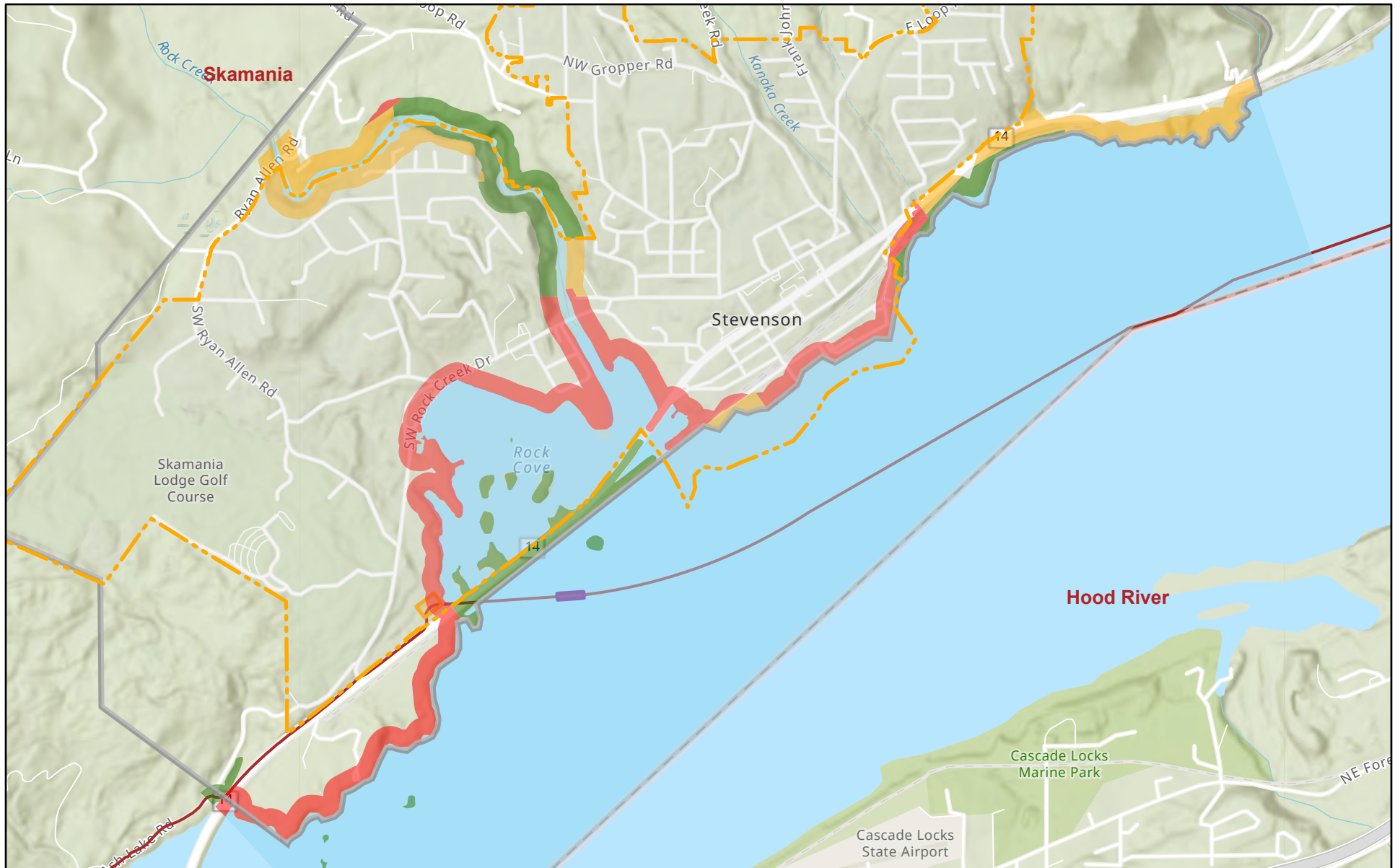
CASCADE RENEWABLE TRANSMISSION



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1:5,000



Stevenson SED



9/22/2026

City Limits

Urban Areas

Stevenson SED

Urban

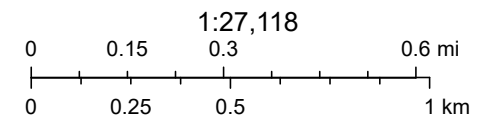
Shoreline Residential

Natural

Aquatic

County Boundaries

World_Hillshade



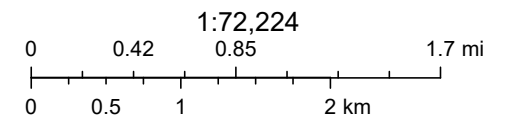
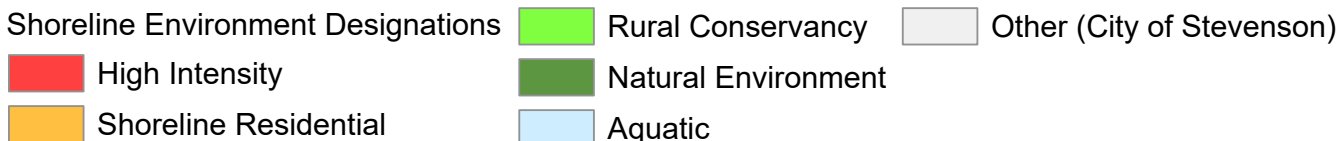
This data was developed by Skamania County, Department of Assessment and GIS., This data was developed by Skamania County, Department of

Skamania County Shoreline Environment Designation



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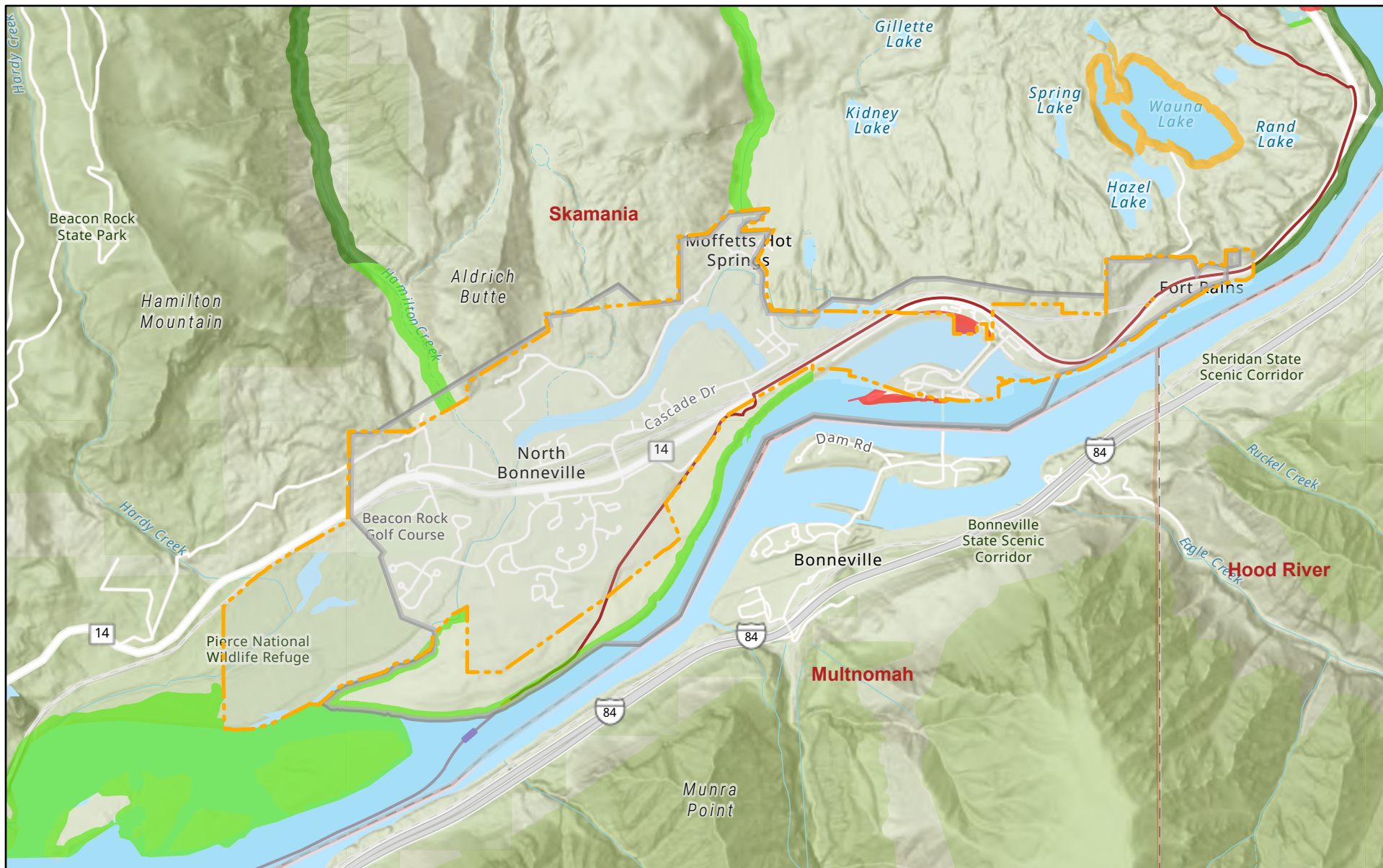
Shoreline Environment Designations



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

ArcGIS Web AppBuilder

City of North Bonneville SED



9/22/2026

City Limits

Urban Areas

Shoreline Environmental Designations

High Intensity

Shoreline Residential

Rural Conservancy

Natural Environment

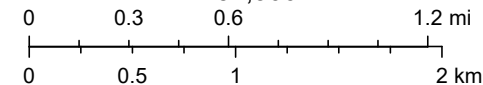
Aquatic

NA

County Boundaries

World_Hillshade

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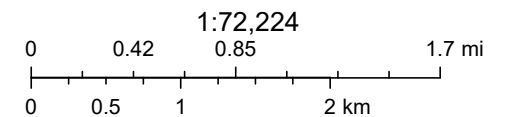
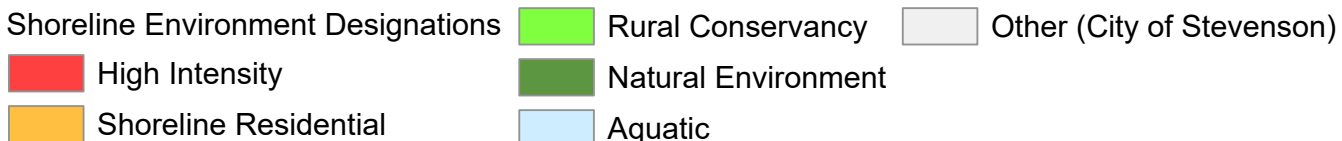
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Skamania County Shoreline Environment Designation



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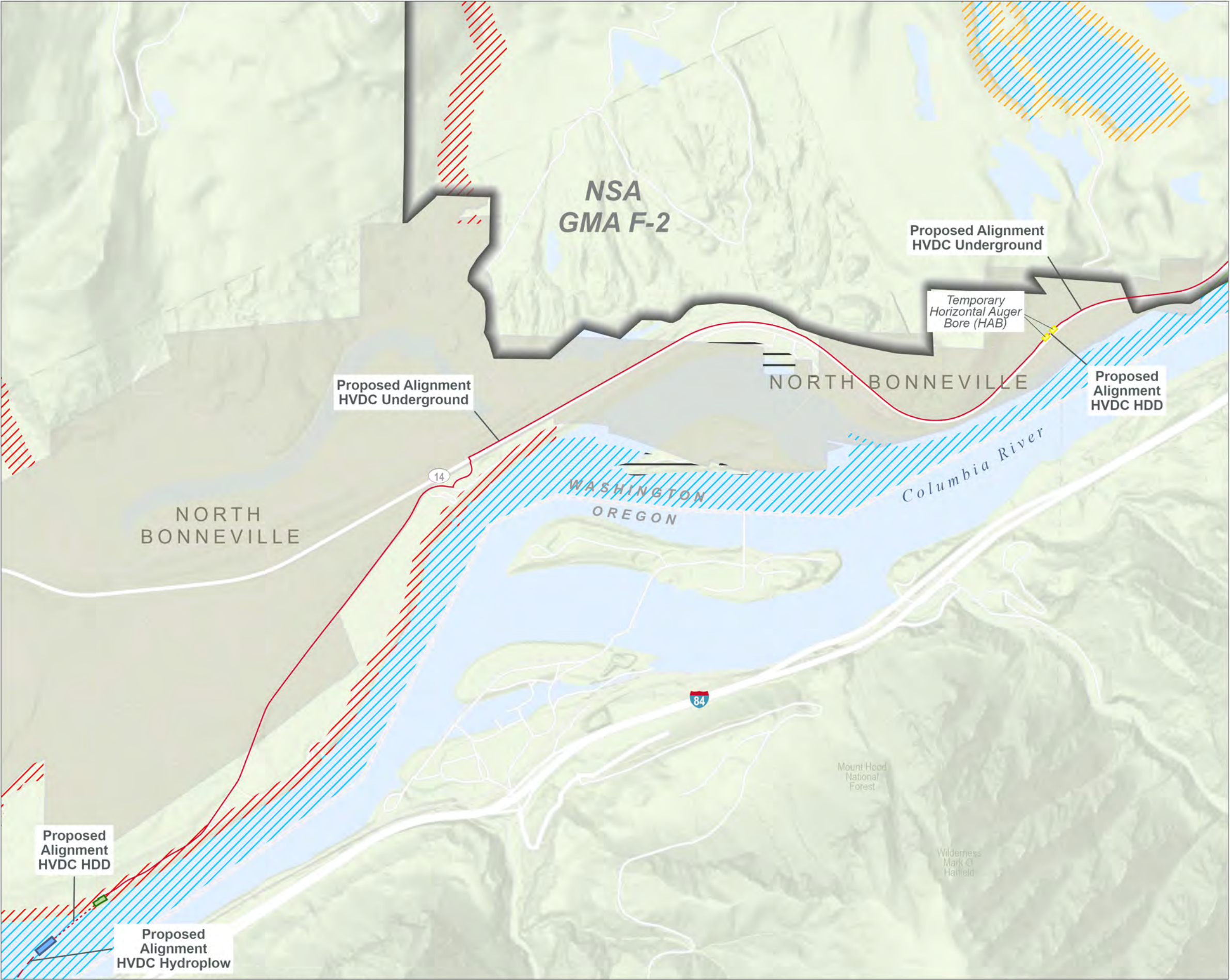
Shoreline Environment Designations



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

ArcGIS Web AppBuilder

FIGURE 4-4 NORTH BONNEVILLE ZONING



FOR INFORMATION ONLY - CONCEPT DRAWING

- PROPOSED ALIGNMENT - HVDC HDD
- PROPOSED ALIGNMENT - HVDC HYDROFLOW
- 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

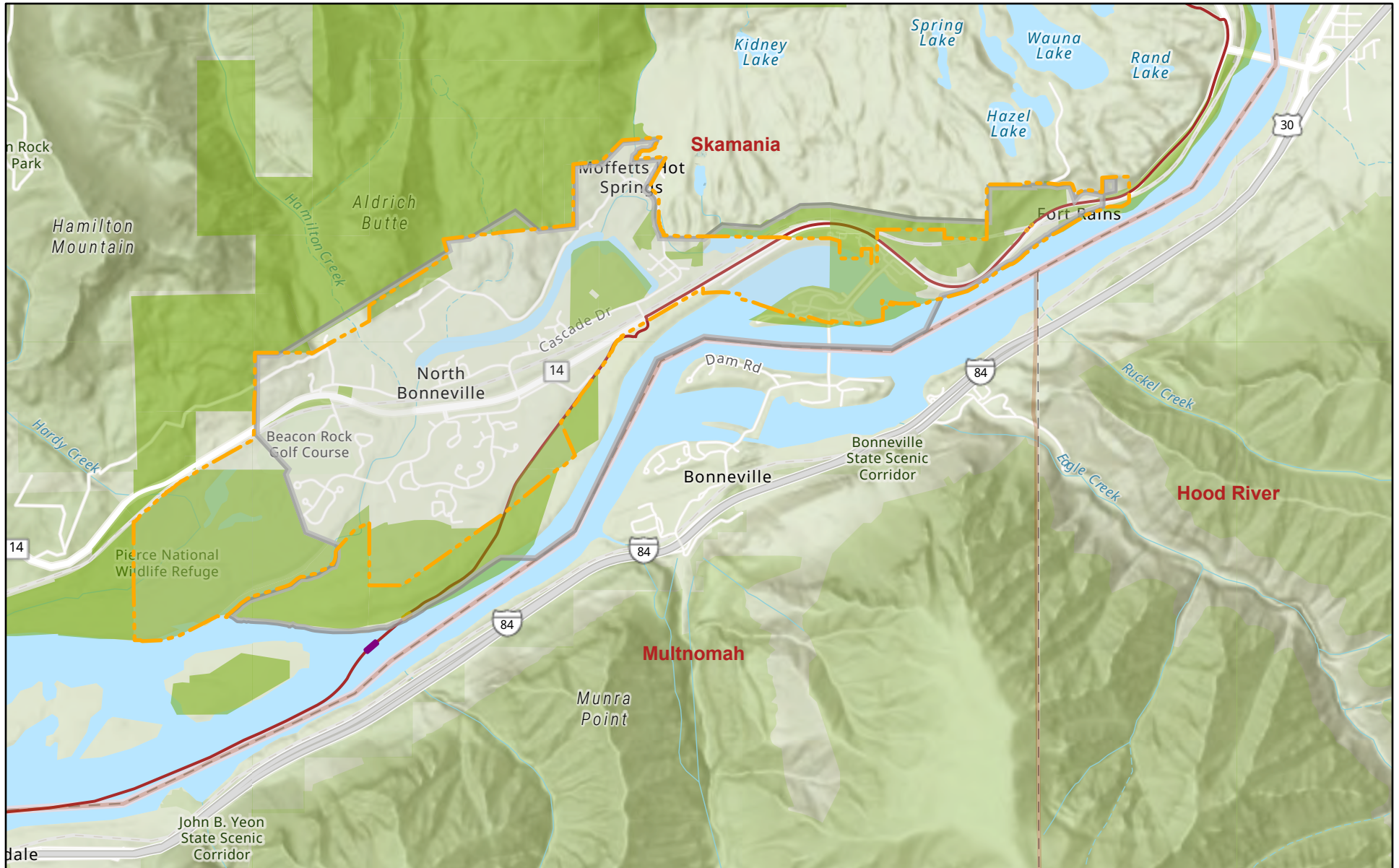
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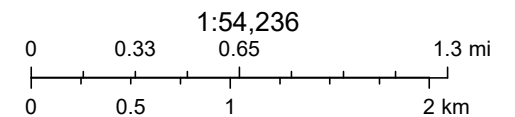
Skamania Federal lands



9/22/2026

- 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

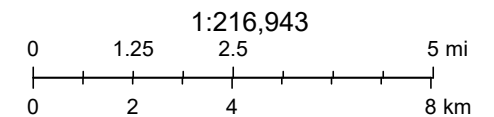
Clark County SMP



9/22/2026

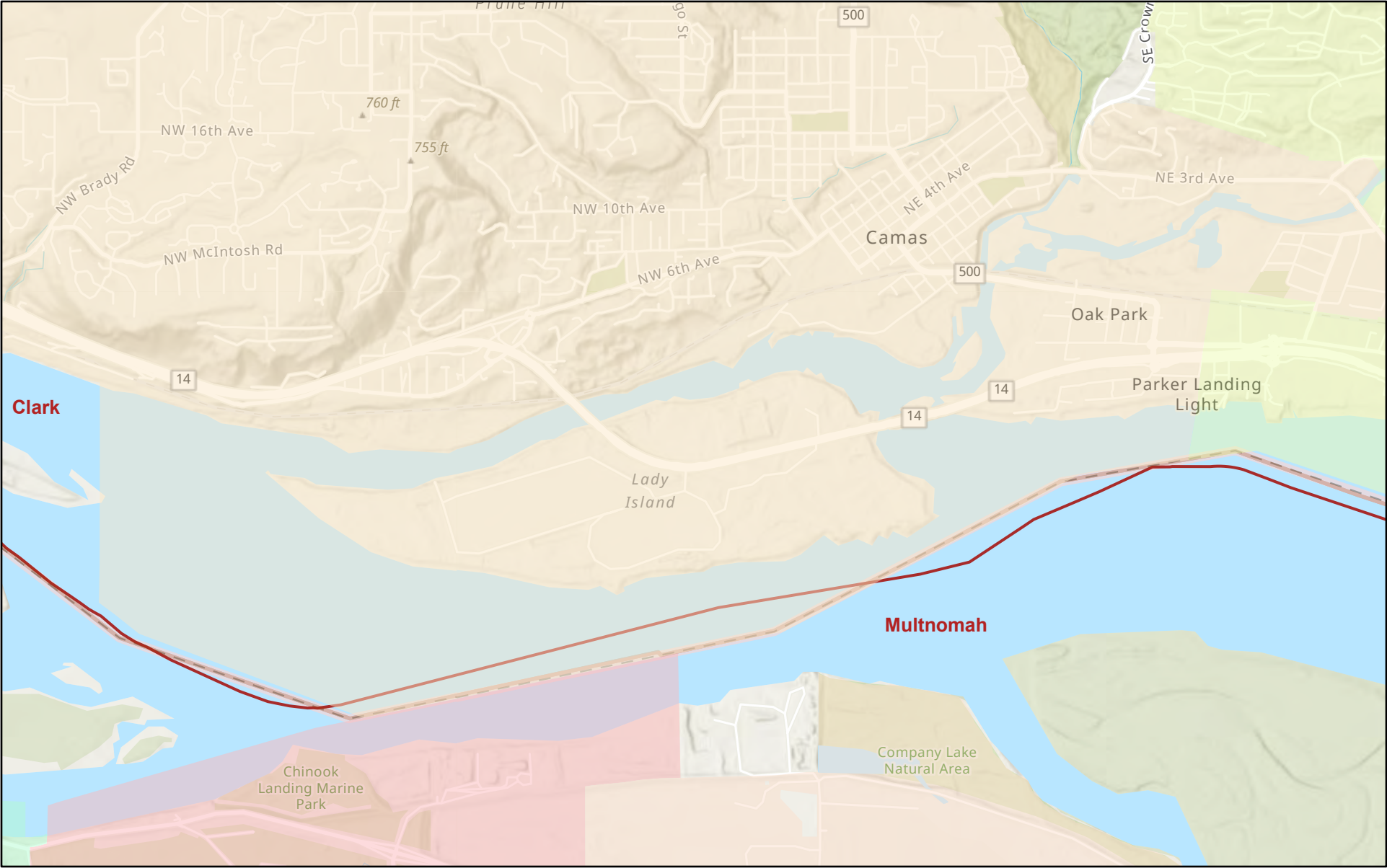
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|  Shoreline Master Program Limits |  Rural Conservancy |
|  NSA Boundary |  Natural Environment |
|  Shoreline Environmental Designations |  Aquatic |
|  Shoreline Residential |  County Boundaries |

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

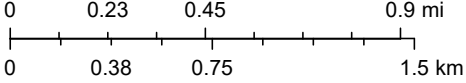
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County Boundaries

World_Hillshade

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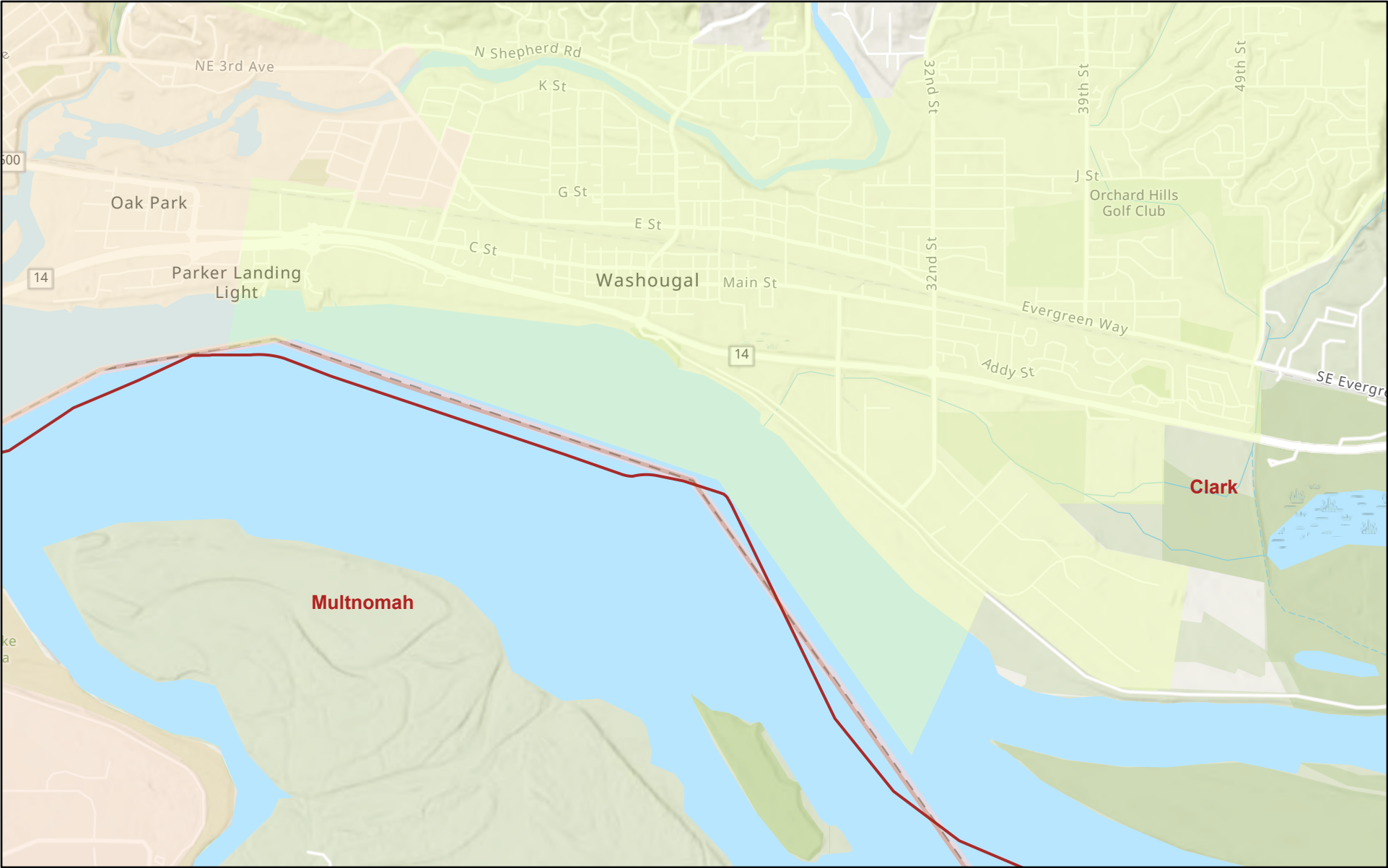
Metro
drc@oregonmetro.gov

Data

Resource

Center
, Sources: Esri,

Washougal city limits



9/22/2026

City Limits (poly)

Camas

Troutdale

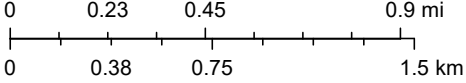
Washougal



County Boundaries

World_Hillshade

1:40,017



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



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.

(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.

[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

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.

[]

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.

(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.

[]

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;

(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.

[]

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.))~~

(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

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.

(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.

[]

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

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.~~

~~(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.

(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.

[]

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

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.

(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)

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

(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.

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.

(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

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.

[]

NEW SECTION

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.

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

DRAFT

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)

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~~((τ))~~:

(a) Conditions to protect state or local governmental or community interests affected by the construction or operation of the energy facility~~((τ))~~ 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

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;

(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:

(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:

- (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)

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.]

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.

(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.

(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));~~

(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

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.

(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;

(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

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.

[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.

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
 - o Currently operational
 - o Total Generation during the month was 939 Megawatt hours
- Camas
 - o Currently operational
 - o Total Generation during the month was 825 Megawatt hours
- Urtica
 - o Currently operational
 - o 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.
 - o Monthly Discharge Monitoring Report (DMR).
 - o 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.