

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Wautoma Solar,

Applicant.

Docket No. 279466

**PREHEARING CONFERENCE ORDER ON
EVIDENCE AND PREHEARING MATTERS**

Agency: Energy Facility Site Evaluation
Council

Program: Land Use Consistency

Agency No. EF-220355

1. PREHEARING CONFERENCE SUMMARY:

1.1 Administrative Law Judge Dan Gerard conducted the prehearing conference for admission of evidence and other prehearing matters on Friday, September 20, 2024.

1.2 Parties Present:

1.2.1 Applicant Wautoma Solar

1.2.1.1. Erin Anderson, Attorney and Representative

1.2.1.2. Clara Park; Linnea Fossum, Andrew Lewis, Leslie McClain

1.2.2 Benton County

1.2.2.1. LeeAnne Holt, Attorney and Representative

1.2.2.2. Michelle Mercer, Greg Wendt

1.2.3 Counsel for the Environment

1.2.3.1. Yuriy Korol, Representative

1.2.4 Energy Facility Site Evaluation Council

1.2.4.1. Ami Hafkemeyer, Jon Thompson, Lance Caputo, Audra Allen, Andrea Grantham, Catherine Taliaferro, Joan Owens, Adrienne Barker, Alex Shiley, and Zachary Packer

1.2.5 Other Parties

1.2.5.1. David Witt, Department of Archeology and Historical Preservation.

- 1.2.5.2. Paris Valdez, Yakima Nation Fisheries
- 1.2.5.3. Megan Raymond, Member of the Public
- 1.2.5.4. Michelle Elam, Court Reporter

2. PURPOSE OF PREHEARING CONFERENCE:

2.1 The prehearing conference was conducted to entertain objections to proposed witnesses and exhibits and to preadmit exhibits for the Council's consideration ahead of the evidentiary hearing. Additionally, the prehearing conference was conducted to address any other prehearing matters or procedural questions of the parties.

3. RULINGS:

- 3.1 Applicant's Exhibits 2 through 6, 8 through 12, and 14 through 27 are admitted without objection.
- 3.2 Benton County's Exhibits A through E are admitted without objection.
- 3.3 Counsel for the Environment did submit any exhibits for consideration or a witness list of potential witnesses.
- 3.4 All witnesses listed by Applicant and Benton County will be permitted to provide sworn testimony in the evidentiary hearing.
- 3.5 Applicant, Benton County, and Counsel for the Environment will be given five minute to make voluntary opening statements and five minutes to make voluntary closing arguments.
- 3.6 Applicant, Benton County, and Counsel for the Environment may submit voluntary post-hearing briefs within one week of the close of record. If the current case schedule remains unchanged, the deadline for voluntary post-hearing briefs will be October 2, 2024, by 5:00 p.m., PDT.

///

///

///

4. ORDER:

IT IS HEREBY ORDERED:

4.1 This order governs this matter unless modified by the Administrative Law Judge.

ISSUED from Olympia, Washington, on the date of mailing.



Dan Gerard
Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE ATTACHED

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 279466

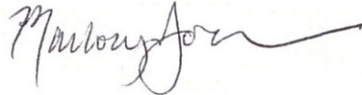
I certify that true copies of this document were served on those listed below, from Olympia, Washington via Consolidated Mail Services by one of the following: First Class Mail, Certified Mail, Hand Delivery via Messenger, Campus Mail, Facsimile, or by email.

<p>Innergex Renewable Development USA LLC Attn: Wautoma Solar Energy Project c/o Erin Anderson and Andrew Lewis Van Ness Feldman LLP 1191 Second Ave Ste 1800 Seattle, WA 98101 Applicant</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> E-mail</p>
<p>Erin Anderson Andrew Lewis Van Ness Feldman LLP 1191 Second Ave Ste 1800 Seattle, WA 98101 Applicant Representatives</p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> E-mail on 9/20/2024: eanderson@vnf.com alewis@vnf.com</p>
<p>Benton County c/o Leeann Holt Deputy Prosecuting Attorney, Civil 7122 W Okanogan PI Ste A230 Kennewick, WA 99336 Respondent</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> E-mail</p>
<p>Leeann Holt Deputy Prosecuting Attorney, Civil 7122 W Okanogan PI Ste A230 Kennewick, WA 99336 Respondent Representative</p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> E-mail on 9/20/2024: leeann.holt@co.benton.wa.us Eric.eisinger@co.benton.wa.us</p>

<p>Yuriy Korol, AAG Office of the Attorney General Environmental Protection Division MS: TB-14 800 5th Ave Ste 2000 Seattle, WA 98104 <i>Counsel for the Environment</i></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> E-mail on 9/20/2024: yuriy.korol@atg.wa.gov</p>
<p>Jonathan Thompson, AAG Jenna Slocum, AAG Office of the Attorney General Energy Facility Site Evaluation Council PO Box 40100 Olympia, WA 98504 <i>Agency Representatives</i></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> E-mail on 9/20/2024: adjudication@efsec.wa.gov jonathan.thompson@atg.wa.gov jenna.slocum@atg.wa.gov</p>

Date: Monday, September 23, 2024

OFFICE OF ADMINISTRATIVE HEARINGS



Mallory Jordan
Legal Assistant 2