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September 20, 2024

EFSEC Wautoma v.

#EF-220355

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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of:)
)
Wautoma Solar Energy Project,)
Applicant Docket #EF-220355)

VIDEOCONFERENCE FINAL STATUS, PREHEARING CONFERENCE
BEFORE OAH DAN GERARD

September 20, 2024
Taken Remotely via Zoom

PREPARED BY: Michelle D. Elam, RPR, CCR 3335

1 APPEARANCES

2 FOR THE APPLICANT (via Zoom):

3 VAN NESS FELDMAN, LLP
4 Erin Anderson

5 FOR BENTON COUNTY (via Zoom):

6 BENTON COUNTY PROSECUTING ATTORNEY
7 LeeAnn Holt

8 FOR THE ENVIRONMENT (via Zoom):

9 OFFICE OF THE WASHINGTON STATE ATTORNEY GENERAL
10 Yuriy Korol

11 FOR EFSEC (via Zoom):

12 Andrea Grantham
13 Jonathan Thompson
14 Joan Owens
15 Alex Shiley
16 Cathy Taliaferro
17 Adrienne Barker
18 Audra Allen
19 Lance Caputo
20 Zachary Packer

1 BE IT REMEMBERED that on Friday,
2 September 20, 2024, at 9:00 a.m., before Michelle D.
3 Elam, Certified Court Reporter, RPR, the following Final
4 Status, Prehearing Conference, was held, to wit:

5
6 <<<<<< >>>>>>

7
8 OAH DAN GERARD: Good morning.

9 This is Administrative Law Judge Dan Gerard with
10 the Washington State Office of Administrative Hearings,
11 calling on a recorded line in the matter of Wautoma
12 Solar, OH Docket 279466, on September 20th of 2024 at
13 9:00 a.m. Pacific.

14 I would like someone to go ahead and unmute very
15 quick. I will just call someone randomly.

16 Ms. Taliaferro, can you hear me? I'll use you
17 as a sample to see if everyone else can hear me as well.

18 CATHERINE TALIAFERRO: Yes, I can definitely
19 hear you.

20 OAH DAN GERARD: Excellent.

21 All right. So we're going to start today by
22 taking a roll call to see who is present and who they are
23 here on behalf of.

24 We'll then segue into discussing the exhibits,
25 or proposed exhibits, rather, as well as the witness list

1 and then handle any other prehearing matters that need to
2 be handled ahead of the hearing next week.

3 So let's go ahead and go around the board, from
4 what I can see on my Teams screen, to confirm that
5 everybody who is listed is present, and perhaps those who
6 are not listed are participating jointly with somebody
7 else who will be announced.

8 Give me just a moment, please.

9 So I'll start with who appears to be on behalf
10 of EFSEC.

11 Mr. Caputo, are you present?

12 LANCE CAPUTO: Yes, sir.

13 OAH DAN GERARD: Thank you.

14 And just for the record, that's Lance Caputo.

15 And I'll go ahead and use everyone's full name,
16 just so the record is clear.

17 Joan Owens, are you present?

18 JOAN OWENS: I am present.

19 OAH DAN GERARD: And, Andrea Grantham, are you
20 present?

21 ANDREA GRANTHAM: I am present.

22 OAH DAN GERARD: Very good.

23 Ms. Taliaferro, you spoke up just a moment ago,
24 so I don't need any confirmation that you're here.

25 Ami Hafkemeyer, are you present as well?

1 AMI HAFKEMEYER: Yes, I am. Thank you.

2 OAH DAN GERARD: And I think those are all of
3 the people, at least from the screen that I have up who
4 are currently with EFSEC.

5 I see some people tangentially related to EFSEC,
6 and that includes the Attorney Generals.

7 Mr. Thompson, or John Thompson, are you present?

8 JOHN THOMPSON: Yes, I am.

9 OAH DAN GERARD: Very good.

10 And Audra Allen, are you present as well?

11 AUDRA ALLEN: I am present.

12 OAH DAN GERARD: Very good.

13 And as far as those who are associated with
14 EFSEC, is there anybody who either I did not announce or
15 simply missed?

16 ADRIENNE BARKER: Adrienne Barker, present.

17 OAH DAN GERARD: Thank you, Ms. Barker. I
18 actually had you down, but for some reason I didn't call
19 you out. Thank you.

20 ZACHARY PACKER: Zach Packer, Assistant Attorney
21 General, present.

22 OAH DAN GERARD: I'm sorry, is it Packer,
23 P-a-c-k-e-r?

24 ZACHARY PACKER: Yes.

25 OAH DAN GERARD: There it is. I see it now.

1 And you're acting -- are you acting in the same
2 capacity as Mr. Thompson and I believe Ms. Allen?

3 ZACHARY PACKER: I am, yes.

4 OAH DAN GERARD: Anybody else?

5 AUDRA ALLEN: Oh, no. This is Audra Allen.

6 I just wanted to clarify. I am in records with
7 Catherine Taliaferro.

8 OAH DAN GERARD: Thank you for that.

9 That was a separate AAG. Unfortunately, I
10 forgot her name.

11 Mr. Thompson, please extend my condolences or
12 apologies for forgetting her name.

13 Anybody else here on behalf of EFSEC?

14 All right. Let's move on, then, to the
15 applicant.

16 I do see the applicant's attorney, Erin Anderson
17 is at least listed present.

18 Ms. Anderson, are you present?

19 ERIN ANDERSON: Yes, I am, Your Honor.

20 OAH DAN GERARD: And will anybody else be
21 participating on behalf of the applicant besides you
22 today?

23 ERIN ANDERSON: I will be the only individual
24 speaking, but I do have my colleagues, Clara Park and
25 Andrew Lewis listening in.

1 OAH DAN GERARD: Ms. Park, are you present?

2 CLARA PARK: Yes, present. Thank you.

3 OAH DAN GERARD: Thank you.

4 And, Mr. Lewis, are you present as well?

5 ANDREW LEWIS: Yes, Your Honor.

6 OAH DAN GERARD: Very good.

7 Anybody else, Ms. Anderson?

8 ERIN ANDERSON: On behalf of my client, I have
9 several individuals listening in. That would be Leslie
10 McClain, Linnea Fossum and --

11 OAH DAN GERARD: Let's slow down because I like
12 to write these down and put them in the order. So let's
13 take them one at a time.

14 So Leslie?

15 ERIN ANDERSON: Leslie McClain.

16 OAH DAN GERARD: Thank you.

17 ERIN ANDERSON: Linnea Fossum.

18 OAH DAN GERARD: I don't see her name actually
19 written down. Oh, there it is. I see it now.

20 ERIN ANDERSON: And it's possible that others
21 may join afterward, but I don't see them on the screen at
22 the moment.

23 OAH DAN GERARD: Very good.

24 And I do see there was a late joiner for EFSEC,
25 and that's Alex Shiley.

1 Are you present as well?

2 ALEX SHILEY: I am present.

3 OAH DAN GERARD: Let's move onto Benton County.

4 I do see Benton County's attorney of record,
5 LeeAnn Holt, is present.

6 Ms. Holt, are you there?

7 LEEANN HOLT: I am.

8 OAH DAN GERARD: And will anybody else be
9 participating or observing today on behalf of Benton
10 County?

11 LEEANN HOLT: Yes. Observing will be Michelle
12 Mercer and Greg Wendt.

13 OAH DAN GERARD: And, Ms. Mercer, are you
14 present?

15 MICHELLE MERCER: Yes, I am.

16 OAH DAN GERARD: Thank you.

17 Mr. Wendt, are you present as well?

18 GREG WENDT: Yes, I am.

19 OAH DAN GERARD: Anybody else, Ms. Holt, besides
20 the three of you?

21 LEEANN HOLT: No, Your Honor.

22 OAH DAN GERARD: All right. And I do see we
23 have on behalf of counsel for the environment, Yuriy
24 Korol.

25 Mr. Korol are you there as well?

1 YURIY KOROL: Yes, Your Honor. Present.

2 OAH DAN GERARD: Will anybody else be
3 participating on behalf of the counsel for the
4 environment besides you?

5 YURIY KOROL: No, Your Honor.

6 OAH DAN GERARD: And we also do have a court
7 reporter, Michelle Elam or Elam. Pardon me for the
8 mispronunciation.

9 Are you on the call as well?

10 MICHELLE ELAM: Yes, I am.

11 OAH DAN GERARD: Thank you.

12 I see another -- I'm trying to -- give me a
13 moment while I look through the list to see who I know
14 has been called and who hasn't that.

15 I do see a -- just a moment, please -- Paris
16 Valdez.

17 Paris Valdez, are you on the call?

18 PARIS VALDEZ: Hi. Yes. I'm with Yakima Nation
19 Fisheries.

20 OAH DAN GERARD: Thank you.

21 And do you know if anybody else will be
22 participating on behalf of Yakima Nation Fisheries
23 besides you, or just observing? You're actually not a
24 party.

25 PARIS VALDEZ: I think it's just me.

1 OAH DAN GERARD: And I also see a Megan Raymond.
2 Ms. Raymond, are you on the call?

3 MEGAN RAYMOND: Sorry. I was having trouble
4 with my mic.

5 Yep, I'm on the call. Just a member of the
6 public, just listening.

7 OAH DAN GERARD: That's perfectly fine. I just
8 need to know who you are and if you are participating.
9 So thank you for that.

10 MEGAN RAYMOND: Thank you.

11 OAH DAN GERARD: Based on the list that I do
12 see, I think I have all except for Mr. Witt, who has just
13 recently joined, or I just noticed.

14 David Witt, are you present as well?

15 DAVID WITT: Yes, I am here. Nonparticipating.
16 Just as a member of DAHP, Department of Archeology &
17 Historic Preservation.

18 OAH DAN GERARD: Thank you, sir.

19 All right. And was there anybody else present
20 who either I have not announced or who has not announced
21 themselves, even if you're just observing? If so, go
22 ahead and take yourself off mute and please let me know.

23 Okay. Very good. So let's go ahead and begin.

24 Before we get into matters that may or may not
25 be before the council, I would like someone to speak up

1 who is currently representing the council or who can
2 speak on their behalf, go ahead and announce yourself.
3 Because I would like to make sure that no one who is
4 participating as a council member is present in this
5 prehearing conference because there is a possible
6 exposure to exhibits that may not be before them. And I
7 do not wish to taint their view of the case before we get
8 into it.

9 So who here can speak on behalf of the council
10 to confirm that none of them are present?

11 JOHN THOMPSON: Your Honor, this is John
12 Thompson.

13 There are no -- I don't see any council members
14 present, and I don't believe they were invited.

15 OAH DAN GERARD: Okay. Thank you, sir. I just
16 need to make sure, just so we don't build unnecessary
17 error into the record.

18 Okay. So with that, let's go ahead and -- well,
19 first I would like to discuss with -- just for everyone's
20 clarification, there are three parties who have submitted
21 intent to participate today. So those are the parties
22 I'm going to be speaking directly to.

23 That's Ms. Anderson with the applicant, Ms. Holt
24 with Benton County, and then Mr. Korol with the counsel
25 for the environment.

1 So of those individuals, are there -- we'll
2 start first with Ms. Anderson.

3 Is there anything we need to discuss ahead of
4 getting into the discussion of the exhibits and witness
5 lists?

6 ERIN ANDERSON: I had some questions, but I
7 think that they can follow the specific agenda. It was
8 just about procedure.

9 OAH DAN GERARD: You are correct. I had
10 anticipated discussing procedural matters at the end of
11 any questions.

12 But more, I just want to preempt anything that
13 would otherwise not make this necessary. I don't foresee
14 anything happening, but I also don't want to guess.
15 That's kind of the nature of the question.

16 ERIN ANDERSON: Thank you. We're good to go.

17 OAH DAN GERARD: Very good.

18 Ms. Holt, same question for you.

19 LEEANN HOLT: I agree on the same position. I
20 think we can proceed.

21 OAH DAN GERARD: Very good.

22 And, Mr. Korol?

23 YURIY KOROL: Likewise, Your Honor. We're good
24 to proceed.

25 OAH DAN GERARD: And is it Korol or Karol? I

1 hate to mispronounce your last name.

2 YURIY KOROL: It's Korol.

3 OAH DAN GERARD: Korol. Neither one of them
4 were correct.

5 Okay. So let's go ahead and discuss what I did
6 receive, confirm that the parties did receive them, and
7 then we'll take up the admission of those in order.

8 I would like to start first with the applicants,
9 with the exhibits themselves. We'll talk about the
10 witnesses in just a moment as well.

11 Ms. Anderson, I did receive Applicant's
12 Exhibits -- proposed Exhibits 1 through 27.

13 Is that the totality of what was submitted by
14 the applicant for consideration?

15 If you're speaking, you're on mute.

16 ERIN ANDERSON: I'm sorry. Was the question, is
17 the accurate tally, and it is, yes.

18 OAH DAN GERARD: Thank you. Very good.

19 And, Ms. Holt, did you receive the applicant's
20 Exhibits 1 through 27?

21 LEEANN HOLT: I did.

22 OAH DAN GERARD: Mr. Korol, did you also receive
23 Exhibits 1 through 27?

24 YURIY KOROL: I did.

25 OAH DAN GERARD: All right. And, Ms. Anderson,

1 are you anticipating submitting all of those documents
2 for consideration in the hearing?

3 ERIN ANDERSON: No, I am not.

4 OAH DAN GERARD: Okay. Which ones are you not
5 anticipating submitting so we can just exit those from
6 the get-go?

7 ERIN ANDERSON: I'm not calling Laura O'Neil as
8 an expert. I'm not going to be submitting her resume.

9 OAH DAN GERARD: Okay. Let's -- we'll talk
10 about the witnesses in just a minute. I don't want to
11 cross streams. So let's just talk about the exhibits and
12 exhibit numbers so we can pull those out.

13 ERIN ANDERSON: Number 1.

14 OAH DAN GERARD: Okay.

15 ERIN ANDERSON: Number 7, and I'm not certain
16 about No. 13, so let's go ahead and leave that in and
17 I'll move to admit it at the hearing if we need it.

18 OAH DAN GERARD: Okay.

19 ERIN ANDERSON: I'm looking through the
20 remainder. That's all. The remainder should come in.

21 OAH DAN GERARD: All right. And you made a
22 qualifying statement that you may enter Exhibit No. 13 at
23 the record.

24 I want to know which ones today you anticipate
25 offering so we can get those to the council ahead of time

1 for review.

2 Is it all of them with the exception of 1, 7,
3 and 13 you will possibly offer --

4 ERIN ANDERSON: Yes.

5 OAH DAN GERARD: -- at the hearing? Is that
6 what I'm understanding?

7 ERIN ANDERSON: Correct.

8 OAH DAN GERARD: Okay. So with that, Ms. Holt,
9 do you have -- I would like to see what you don't have
10 objections to first so we can just carve those off. And
11 then if you have individual objections, we'll take them
12 in order.

13 So we'll start first with you.

14 Do you have -- are any of the Exhibits 2 through
15 6 and 8 through 27, with the exception of 13, that you
16 are not going to object to the admission?

17 LEEANN HOLT: We are not objecting to their
18 admission.

19 OAH DAN GERARD: On any of them?

20 LEEANN HOLT: Of any of them.

21 OAH DAN GERARD: That makes it easy. Thank you.
22 Okay. And, Mr. Korol, the same question for
23 you.

24 Are you going to object to the admission of any
25 of the documents I just referenced to Ms. Holt?

1 YURIY KOROL: No objection, Your Honor.

2 OAH DAN GERARD: Okay. Then at this point,
3 Applicant's Exhibits 2 through 6 and 8 through 12, 14
4 through 27 are admitted into the record.

5 And as soon as the prehearing conference is done
6 today, I will have -- I will ensure that they are
7 uploaded for the council's review.

8 So, Ms. Anderson, now we're going to go ahead
9 and talk about your witnesses.

10 I did see on the witness list you had four
11 witnesses listed; though, you've already told me that
12 you're going to not call Ms. O'Neil.

13 So Wally Jossier, Leslie McClain, and Robin
14 Robert.

15 Is that the entirety --

16 ERIN ANDERSON: Your Honor?

17 OAH DAN GERARD: Ms. Anderson.

18 ERIN ANDERSON: No, that's not correct. I'm not
19 calling Ms. O'Neil as an expert witness. I am calling
20 her.

21 OAH DAN GERARD: You're still calling her as a
22 witness, just not an expert witness? Is that --

23 ERIN ANDERSON: Correct. I am calling all four.
24 Three as lay; one as an expert.

25 OAH DAN GERARD: And which is the expert that

1 you anticipate?

2 ERIN ANDERSON: Ms. McClain.

3 OAH DAN GERARD: Thank you for that
4 clarification. I think I overreached in assuming since
5 you weren't calling her as a witness, you weren't calling
6 her at all.

7 Very good.

8 And, Ms. Holt, did you receive a copy of
9 applicant's witness list?

10 LEEANN HOLT: I did.

11 OAH DAN GERARD: Okay. Are you going to object
12 to their testimony of any of those witnesses?

13 LEEANN HOLT: No.

14 OAH DAN GERARD: Okay. And, Mr. Korol, the same
15 question for you.

16 YURIY KOROL: Yes, your Honor, I received it,
17 and I have no objections.

18 OAH DAN GERARD: Okay. Then all four of
19 applicant's witnesses will be allowed to testify at the
20 appropriate time.

21 Ms. Anderson, was there anything else from the
22 applicant, at least as far as witnesses and exhibits,
23 that we have not discussed?

24 ERIN ANDERSON: No, sir. Thank you.

25 OAH DAN GERARD: Very good.

1 Then let's move on to Benton County.

2 Ms. Holt, I did receive your exhibits, alpha
3 through egg. I'm not -- I don't speak the -- sorry. A
4 through E. Is that -- and then a witness list of two
5 witnesses. A George Wendt and a Michelle Mercer.

6 Is that the entirety of the exhibits and
7 witnesses that Benton County is anticipating presenting
8 and proposing into the record?

9 LEEANN HOLT: Yes.

10 OAH DAN GERARD: Very good.

11 Ms. Anderson, did you receive Benton County's
12 Exhibits A through E as well as their witness list?

13 ERIN ANDERSON: I did.

14 OAH DAN GERARD: Mr. Korol, same question for
15 you.

16 Did you receive the witness list and the
17 exhibits?

18 YURIY KOROL: Yes, I did.

19 OAH DAN GERARD: Very good.

20 Ms. Anderson, the same -- first of all,
21 Ms. Holt, are you anticipating having both of those
22 witnesses testify?

23 LEEANN HOLT: I am.

24 OAH DAN GERARD: And are you offering all
25 Exhibits A through E into the record?

1 LEEANN HOLT: I am.

2 OAH DAN GERARD: Ms. Anderson, the same question
3 I asked Ms. Holt.

4 Are there any of those exhibits you are going to
5 object to? If so, let's pull those out first and we'll
6 go ahead and admit the other ones and then we'll take
7 them up one by one, if you do have any objections.

8 ERIN ANDERSON: I don't have any objections,
9 Your Honor. Thank you.

10 OAH DAN GERARD: And that's for both the
11 exhibits as well as the witnesses, just so we're clear?

12 ERIN ANDERSON: Correct. Yes.

13 OAH DAN GERARD: All right. Mr. Korol, any
14 objection to the admission of the exhibits or those
15 witnesses testifying?

16 YURIY KOROL: I have no objections to either the
17 exhibits or the witnesses.

18 OAH DAN GERARD: Excellent.

19 And, Ms. Holt, was there anything else besides
20 what we just discussed that Benton County will be
21 offering or witnesses testifying?

22 LEEANN HOLT: No, sir.

23 OAH DAN GERARD: Okay. And, Mr. Korol, I didn't
24 receive either a witness list or an exhibit list from
25 you. You're not required to. I just want to confirm

1 there wasn't a miscommunication along the way.

2 Did you submit anything for counsel for the
3 environment?

4 YURIY KOROL: I did not, Your Honor.

5 OAH DAN GERARD: All right. So those were the
6 issues I wanted to talk about in regards to the exhibits.

7 As I said before, I will make these available to
8 the council as soon as possible so they can review it
9 ahead of the hearing so they are not distracted by
10 shuffling through new or novel documents.

11 So now I would like to go around to the
12 participants and see if there are any other prehearing
13 matters we need to discuss, that I asked Ms. Anderson and
14 Ms. Holt to hold off until this point.

15 So, Ms. Anderson, what were those preliminary
16 questions or things you wanted to discuss outside of the
17 evidence?

18 ERIN ANDERSON: Thank you, Your Honor.

19 One thing I would note up front, we haven't
20 identified any rebuttal witnesses because we hadn't
21 received any prefiled testimony.

22 So it is possible that the parties may need
23 rebuttal witnesses, that we would identify at the time we
24 receive direct testimony.

25 Does that make -- is that acceptable to Your

1 Honor?

2 OAH DAN GERARD: Well, to request the rebuttal
3 witnesses. It will still be held by the same standard in
4 which rebuttal witnesses are given.

5 ERIN ANDERSON: Sure.

6 OAH DAN GERARD: So I cannot guarantee their
7 admission based on that. That will have to be determined
8 after the testimony is solicited.

9 ERIN ANDERSON: My point was I wanted to make it
10 clear that it is possible there's a universe of unknowns
11 out there.

12 OAH DAN GERARD: Of course.

13 ERIN ANDERSON: That's all.

14 The other two preliminary matters, and I've
15 discussed these with the remaining counsel. I am
16 interested in the opportunity for a brief five-minute
17 opening statement and then I wanted to, once we've
18 discussed that, discuss closing brief and the like.

19 So first request is, may we make a five-minute
20 opening statement?

21 OAH DAN GERARD: I had anticipated that,
22 actually, being practiced. If it was not anticipated,
23 then I'm not sure where the disconnect was.

24 Ms. Holt, I would give everyone the opportunity,
25 at least you and counsel for the environment, both the

1 same opportunity.

2 Do you have any reason why we can't do opening
3 statements if we limit them to five minutes?

4 LEEANN HOLT: I do not.

5 OAH DAN GERARD: And, Mr. Korol, same question
6 for you, sir.

7 YURIY KOROL: No objections, Your Honor.

8 OAH DAN GERARD: Okay. Then, Ms. Anderson, yes,
9 we'll go ahead and start everyone being allowed to, or at
10 least given the opportunity to make an opening statement.

11 Please move on to your next question.

12 ERIN ANDERSON: My next question is whether we
13 can have a five-minute summation at the end of the
14 proceeding and then submit written posthearing memoranda?

15 OAH DAN GERARD: As with opening statements, I
16 did anticipate making closing summations or closing
17 arguments.

18 As far as the hearing brief goes, this is --
19 although we are rather late in the process, there is
20 still a need to move the process forward.

21 So if we are going to do closing briefs, if the
22 other parties agree, it will be a very short window, like
23 a week, just so that counsel can start to prepare their
24 discussions on the matter. And then from there, they can
25 use your briefs in consideration.

1 But let's see what the other parties'
2 perspective is on that before we codify it.

3 Ms. Holt, do you have any reason why we can't do
4 closing statements and closing briefs with a week after
5 close of record for submission?

6 LEEANN HOLT: I would agree to both.

7 And I would request as well doing a closing
8 brief, I would be fine with even a short turnaround of
9 one week.

10 OAH DAN GERARD: Okay. And, Mr. Korol, same two
11 questions for you, sir.

12 YURIY KOROL: Your Honor, although I don't
13 anticipate filing a closing brief, I have no objections
14 to it.

15 OAH DAN GERARD: You're still a party of
16 interest, so I would like to get your input,
17 notwithstanding what you wish or don't wish to do.

18 Very good. Thank you.

19 All right. So, Ms. Anderson, then, yes, closing
20 brief, five-minutes summations, and you'll have a week
21 after close of record to submit voluntary posthearing
22 briefs.

23 ERIN ANDERSON: Thank you, Your Honor.

24 I have nothing further.

25 OAH DAN GERARD: And just so the parties are

1 clear, too, the deliberations, or at least my
2 construction of the summation of facts, will not wait
3 until the posthearing briefs are received. So that
4 analysis and that work is going to begin immediately.

5 So I think -- well, I just want to be clear, set
6 in stone, how exactly those are going to interplay with
7 the construction of the order.

8 All right. Anything else, Ms. Anderson? I
9 think you may have stated this, but I talked over you.

10 ERIN ANDERSON: No, that's all right.

11 I did have just a technical question about
12 sharing of exhibits.

13 Is that something that staff handles? Would you
14 like the attorney for the represented party to put the
15 exhibit up on the screen? Just interested in whichever
16 way makes it easiest for everybody.

17 OAH DAN GERARD: The hearing, if I'm correct, is
18 going to be held via Teams. And as far as my other
19 hearings with OAH, we use them extensively. And in those
20 practices, the party offering the document or wish to
21 share the document, they will simply utilize the share
22 function and then they will control the flow of the
23 information itself.

24 I would just ask before anybody does share
25 something, just to request my permission first so we can

1 ensure the documents that are being shared are entered in
2 the record and we don't inadvertently put something in
3 that otherwise doesn't need to be before the council.

4 ERIN ANDERSON: Very good. That's very helpful
5 information. Thank you.

6 OAH DAN GERARD: All right. Anything else?

7 ERIN ANDERSON: No, sir.

8 OAH DAN GERARD: All right. And, Ms. Holt, any
9 other prehearing matters you would like to discuss before
10 we end today's prehearing conference, with still going
11 around the table?

12 LEEANN HOLT: No, Your Honor. I believe
13 Ms. Anderson summed them up.

14 OAH DAN GERARD: Okay. And, Mr. Korol, anything
15 else we need to discuss before I go around and see if
16 there's any final -- anything else we need to discuss
17 today?

18 YURIY KOROL: I don't have anything to add, Your
19 Honor.

20 OAH DAN GERARD: Okay. So with that, we have
21 numerous participants, even if they are not parties of
22 interest, in this matter. I would like to see those of
23 the major ones, if there's anything else we need to
24 discuss today in their review? Whether or not we'll take
25 them up is dependent upon what those suggestions are.

1 So as far as EFSEC goes -- and someone will have
2 to designate who is going to speak on behalf of EFSEC --
3 is there anything else we need to discuss today that will
4 facilitate a smooth hearing next week?

5 AMI HAFKEMEYER: This is Ami Hafkemeyer speaking
6 for EFSEC staff.

7 EFSEC staff have no other issues for this
8 meeting.

9 We will be reaching out to the OAH office to
10 ensure any final logistics needed are worked out ahead of
11 next week's meeting.

12 OAH DAN GERARD: Okay. Thank you.

13 All right. And then -- well, we have two other
14 actual agencies here as well -- well, agency and a
15 nation.

16 Ms. Valdez, again, although you're not a
17 participant, you still have an interest in this matter.

18 Anything we need to discuss or any questions you
19 have before we end?

20 PARIS VALDEZ: No, I don't have any questions.

21 OAH DAN GERARD: And, Mr. Witt?

22 DAVID WITT: No, no questions.

23 OAH DAN GERARD: Okay. And members of the
24 public, I appreciate your participation, but I'm not
25 going to ask you, as you will simply be just observers.

1 So that was everything I needed to discuss
2 today. After the conclusion of today's prehearing
3 conference, I will memorialize what was agreed upon in a
4 prehearing conference order that will be sent to parties
5 immediately, as the hearing is next week.

6 I will also instruct my staff to upload the
7 admitted exhibits into the record for council's
8 consideration.

9 I'm going to open the floor to anybody who
10 wishes to speak on any questions, not testimony, before
11 we conclude today.

12 Is there anything else anybody has any questions
13 about before we conclude? If so, go ahead and turn
14 yourself off mute and we'll take them up in order, if
15 there are more than one.

16 All right. Hearing none, I will go ahead and
17 end today. Thank you all for your participation.

18 The time is 9:25 a.m., and the prehearing
19 conference is adjourned.

20 (Prehearing conference adjourned at
21 9:25 a.m.)

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C E R T I F I C A T E

I, MICHELLE D. ELAM, Certified Court Reporter in the State of Washington, residing in Mayer, Arizona, reported;

That the foregoing final status, prehearing conference was taken before me and completed on September 20, 2024, and thereafter was transcribed under my direction; that the final status, prehearing conference is a full, true and complete transcript;

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

That I am herewith securely sealing the said final status, prehearing conference and promptly delivering the same to EFSEC.

IN WITNESS WHEREOF, I have hereunto set my signature on the 7th day of October, 2024.

/s/MICHELLE D. ELAM, RPR, CCR
State of Washington CCR #3335
My CCR certification expires on 6/12/24

<hr/> <p style="text-align: center;">1</p> <hr/> <p>1 13:12,20,23 14:13 15:2</p> <p>12 16:3</p> <p>13 14:16,22 15:3,15</p> <p>14 16:3</p> <hr/>	<p>adjourned 27:19,20</p> <p>Administrative 3:9,10</p> <p>admission 13:7 15:16,18,24 19:14 21:7</p> <p>admit 14:17 19:6</p> <p>admitted 16:4 27:7</p> <p>Adrienne 5:16</p> <p>afterward 7:21</p> <p>agencies 26:14</p> <p>agency 26:14</p> <p>agenda 12:7</p> <p>agree 12:19 22:22 23:6</p> <p>agreed 27:3</p> <p>ahead 3:14 4:2,3,15 10:22,23 11:2, 18 12:3 13:5 14:16,25 16:8 19:6 20:9 22:9 26:10 27:13,16</p> <p>Alex 7:25 8:2</p> <p>Allen 5:10,11 6:2,5</p> <p>allowed 17:19 22:9</p> <p>alpha 18:2</p> <p>Ami 4:25 5:1 26:5</p> <p>analysis 24:4</p> <p>Anderson 6:16,18,19,23 7:7,8,15, 17,20 11:23 12:2,6,16 13:11,16,25 14:3,7,13,15,19 15:4,7 16:8,16,17, 18,23 17:2,21,24 18:11,13,20 19:2, 8,12 20:13,15,18 21:5,9,13 22:8,12 23:19,23 24:8,10 25:4,7,13</p> <p>Andrea 4:19,21</p> <p>Andrew 6:25 7:5</p> <p>announce 5:14 11:2</p> <p>announced 4:7 10:20</p> <p>anticipate 14:24 17:1 22:16 23:13</p> <p>anticipated 12:10 21:21,22</p> <p>anticipating 14:1,5 18:7,21</p> <p>apologies 6:12</p> <p>appears 4:9</p> <p>applicant 6:15,21 11:23 13:14 17:22</p> <p>applicant's 6:16 13:11,19 16:3</p>	<p>17:9,19</p> <p>applicants 13:8</p> <p>Archeology 10:16</p> <p>arguments 22:17</p> <p>Assistant 5:20</p> <p>assuming 17:4</p> <p>attorney 5:6,20 6:16 8:4 24:14</p> <p>Audra 5:10,11 6:5</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>Barker 5:16,17</p> <p>based 10:11 21:7</p> <p>begin 10:23 24:4</p> <p>behalf 3:23 4:9 6:13,21 7:8 8:9,23 9:3,22 11:2,9 26:2</p> <p>Benton 8:3,4,9 11:24 18:1,7,11 19:20</p> <p>board 4:3</p> <p>briefs 22:21,25 23:4,22 24:3</p> <p>build 11:16</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 3:15,22 5:18 9:9,17 10:2,5 16:12</p> <p>called 9:14</p> <p>calling 3:11 14:7 16:19,21,23 17:5</p> <p>capacity 6:2</p> <p>Caputo 4:11,12,14</p> <p>carve 15:10</p> <p>case 11:7</p> <p>Catherine 3:18 6:7</p> <p>Certified 3:3</p> <p>Clara 6:24 7:2</p> <p>clarification 11:20 17:4</p> <p>clarify 6:6</p> <p>clear 4:16 19:11 21:10 24:1,5</p> <p>client 7:8</p> <p>close 23:5,21</p>
<hr/> <p style="text-align: center;">2</p> <hr/> <p>2 15:14 16:3</p> <p>20 3:2</p> <p>2024 3:2,12</p> <p>20th 3:12</p> <p>27 13:12,20,23 15:15 16:4</p> <p>279466 3:12</p> <hr/>		
<hr/> <p style="text-align: center;">6</p> <hr/> <p>6 15:15 16:3</p> <hr/>		
<hr/> <p style="text-align: center;">7</p> <hr/> <p>7 14:15 15:2</p> <hr/>		
<hr/> <p style="text-align: center;">8</p> <hr/> <p>8 15:15 16:3</p> <hr/>		
<hr/> <p style="text-align: center;">9</p> <hr/> <p>9:00 3:2,13</p> <p>9:25 27:18,21</p> <hr/>		
<hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 3:2,13 27:18,21</p> <p>AAG 6:9</p> <p>acceptable 20:25</p> <p>accurate 13:17</p> <p>acting 6:1</p> <p>actual 26:14</p> <p>add 25:18</p>		

closing 21:18 22:16,21 23:4,7,13,19
codify 23:2
colleagues 6:24
conclude 27:11,13
conclusion 27:2
condolences 6:11
conference 3:4 11:5 16:5 25:10
27:3,4,19,20
confirm 4:4 11:10 13:6 19:25
confirmation 4:24
consideration 13:14 14:2 22:25
27:8
construction 24:2,7
control 24:22
copy 17:8
correct 12:9 13:4 15:7 16:18,23
19:12 24:17
council 10:25 11:1,4,9,13 14:25
20:8 25:3
council's 16:7 27:7
counsel 8:23 9:3 11:24 20:2 21:15,
25 22:23
County 8:3,10 11:24 18:1,7 19:20
County's 8:4 18:11
court 3:3 9:6
cross 14:11

D

DAHP 10:16
Dan 3:8,9,20 4:13,19,22 5:2,9,12,17,
22,25 6:4,8,20 7:1,3,6,11,16,18,23
8:3,8,13,16,19,22 9:2,6,11,20 10:1,
7,11,18 11:15 12:9,17,21,25 13:3,
18,22,25 14:4,9,14,18,21 15:5,8,19,
21 16:2,17,21,25 17:3,11,14,18,25
18:10,14,19,24 19:2,10,13,18,23
20:5 21:2,6,12,21 22:5,8,15 23:10,
15,25 24:17 25:6,8,14,20 26:12,21,
23
David 10:14,15 26:22
deliberations 24:1

Department 10:16
dependent 25:25
designate 26:2
determined 21:7
direct 20:24
directly 11:22
disconnect 21:23
discuss 11:19 12:3 13:5 20:13,16
21:18 25:9,15,16,24 26:3,18 27:1
discussed 17:23 19:20 21:15,18
discussing 3:24 12:10
discussion 12:4
discussions 22:24
distracted 20:9
Docket 3:12
document 24:20,21
documents 14:1 15:25 20:10 25:1

E

easiest 24:16
easy 15:21
EFSEC 4:10 5:4,5,14 6:13 7:24
26:1,2,6,7
egg 18:3
Elam 3:3 9:7,10
end 12:10 22:13 25:10 26:19 27:17
ensure 16:6 25:1 26:10
enter 14:22
entered 25:1
entirety 16:15 18:6
environment 8:23 9:4 11:25 20:3
21:25
Erin 6:16,19,23 7:8,15,17,20 12:6,16
13:16 14:3,7,13,15,19 15:4,7 16:16,
18,23 17:2,24 18:13 19:8,12 20:18
21:5,9,13 22:12 23:23 24:10 25:4,7
error 11:17
everyone's 4:15 11:19
evidence 20:17

Excellent 3:20 19:18
exception 15:2,15
exhibit 14:12,22 19:24 24:15
exhibits 3:24,25 11:6 12:4 13:9,12,
20,23 14:11 15:14 16:3 17:22 18:2,
6,12,17,25 19:4,11,14,17 20:6 24:12
27:7
exit 14:5
expert 14:8 16:19,22,24,25
exposure 11:6
extend 6:11
extensively 24:19

F

facilitate 26:4
facts 24:2
filing 23:13
final 3:3 25:16 26:10
fine 10:7 23:8
Fisheries 9:19,22
five-minute 21:16,19 22:13
five-minutes 23:20
floor 27:9
flow 24:22
follow 12:7
foresee 12:13
forgetting 6:12
forgot 6:10
forward 22:20
Fossum 7:10,17
Friday 3:1
front 20:19
full 4:15
function 24:22

G

General 5:21

Generals 5:6 George 18:5 Gerard 3:8,9,20 4:13,19,22 5:2,9,12, 17,22,25 6:4,8,20 7:1,3,6,11,16,18, 23 8:3,8,13,16,19,22 9:2,6,11,20 10:1,7,11,18 11:15 12:9,17,21,25 13:3,18,22,25 14:4,9,14,18,21 15:5, 8,19,21 16:2,17,21,25 17:3,11,14, 18,25 18:10,14,19,24 19:2,10,13,18, 23 20:5 21:2,6,12,21 22:5,8,15 23:10,15,25 24:17 25:6,8,14,20 26:12,21,23 get-go 14:6 give 4:8 9:12 21:24 good 3:8 4:22 5:9,12 7:6,23 10:23 12:16,17,21,23 13:18 17:7,25 18:10, 19 23:18 25:4 Grantham 4:19,21 Greg 8:12,18 guarantee 21:6 guess 12:14 <hr/> H <hr/> Hafkemeyer 4:25 5:1 26:5 handle 4:1 handled 4:2 handles 24:13 happening 12:14 hate 13:1 hear 3:16,17,19 hearing 4:2 14:2,17 15:5 20:9 22:18 24:17 26:4 27:5,16 hearings 3:10 24:19 held 3:4 21:3 24:18 helpful 25:4 Historic 10:17 hold 20:14 Holt 8:5,6,7,11,19,21 11:23 12:18,19 13:19,21 15:8,17,20,25 17:8,10,13 18:2,9,21,23 19:1,3,19,22 20:14 21:24 22:4 23:3,6 25:8,12 Honor 6:19 7:5 8:21 9:1,5 11:11	12:23 16:1,16 17:16 19:9 20:4,18 21:1 22:7 23:12,23 25:12,19 <hr/> I <hr/> identified 20:20 identify 20:23 immediately 24:4 27:5 inadvertently 25:2 includes 5:6 individual 6:23 15:11 individuals 7:9 12:1 information 24:23 25:5 input 23:16 instruct 27:6 intent 11:21 interest 23:16 25:22 26:17 interested 21:16 24:15 interplay 24:6 invited 11:14 issues 20:6 26:7 <hr/> J <hr/> Joan 4:17,18 John 5:7,8 11:11 join 7:21 joined 10:13 joiner 7:24 jointly 4:6 Josser 16:13 Judge 3:9 <hr/> K <hr/> Karol 12:25 kind 12:15 Korol 8:24,25 9:1,5 11:24 12:22,23, 25 13:2,3,22,24 15:22 16:1 17:14,16 18:14,18 19:13,16,23 20:4 22:5,7 23:10,12 25:14,18	<hr/> L <hr/> Lance 4:12,14 late 7:24 22:19 Laura 14:7 Law 3:9 lay 16:24 leave 14:16 Leeann 8:5,7,11,21 12:19 13:21 15:17,20 17:10,13 18:9,23 19:1,22 22:4 23:6 25:12 Leslie 7:9,14,15 16:13 Lewis 6:25 7:4,5 Likewise 12:23 limit 22:3 Linnea 7:10,17 list 3:25 9:13 10:11 16:10 17:9 18:4, 12,16 19:24 listed 4:5,6 6:17 16:11 listening 6:25 7:9 10:6 lists 12:5 logistics 26:10 <hr/> M <hr/> made 14:21 major 25:23 make 11:3,16 12:13 20:7,25 21:9,19 22:10 makes 15:21 24:16 making 22:16 matter 3:11 22:24 25:22 26:17 matters 4:1 10:24 12:10 20:13 21:14 25:9 Mcclain 7:10,15 16:13 17:2 meeting 26:8,11 Megan 10:1,3,10 member 10:5,16 11:4 members 11:13 26:23
---	--	---

memoranda 22:14
memorialize 27:3
Mercer 8:12,13,15 18:5
mic 10:4
Michelle 3:2 8:11,15 9:7,10 18:5
minute 14:10
minutes 22:3
miscommunication 20:1
mispronounce 13:1
mispronunciation 9:8
missed 5:15
moment 4:8,23 7:22 9:13,15 13:10
morning 3:8
move 6:14 8:3 14:17 18:1 22:11,20
mute 10:22 13:15 27:14

N

nation 9:18,22 26:15
nature 12:15
needed 26:10 27:1
Nonparticipating 10:15
note 20:19
noticed 10:13
notwithstanding 23:17
Number 14:13,15
numbers 14:12
numerous 25:21

O

O'NEIL 14:7 16:12,19
OAH 3:8,20 4:13,19,22 5:2,9,12,17, 22,25 6:4,8,20 7:1,3,6,11,16,18,23 8:3,8,13,16,19,22 9:2,6,11,20 10:1, 7,11,18 11:15 12:9,17,21,25 13:3, 18,22,25 14:4,9,14,18,21 15:5,8,19, 21 16:2,17,21,25 17:3,11,14,18,25 18:10,14,19,24 19:2,10,13,18,23 20:5 21:2,6,12,21 22:5,8,15 23:10, 15,25 24:17,19 25:6,8,14,20 26:9, 12,21,23

object 15:16,24 17:11 19:5
objecting 15:17
objection 16:1 19:14
objections 15:10,11 17:17 19:7,8, 16 22:7 23:13
observers 26:25
observing 8:9,11 9:23 10:21
offer 15:3
offering 14:25 18:24 19:21 24:20
office 3:10 26:9
open 27:9
opening 21:17,20 22:2,10,15
opportunity 21:16,24 22:1,10
order 7:12 13:7 15:12 24:7 27:4,14
overreached 17:4
Owens 4:17,18

P

P-A-C-K-E-R 5:23
Pacific 3:13
Packer 5:20,22,24 6:3
Pardon 9:7
Paris 9:15,17,18,25 26:20
Park 6:24 7:1,2
participant 26:17
participants 20:12 25:21
participate 11:21
participating 4:6 6:21 8:9 9:3,22 10:8 11:4
participation 26:24 27:17
parties 11:20,21 13:6 20:22 22:22 23:25 25:21 27:4
parties' 23:1
party 9:24 23:15 24:14,20
people 5:3,5
perfectly 10:7
permission 24:25
perspective 23:2

point 16:2 20:14 21:9
position 12:19
possibly 15:3
posthearing 22:14 23:21 24:3
practiced 21:22
practices 24:20
preempt 12:12
prefiled 20:21
prehearing 3:4 4:1 11:5 16:5 20:12 25:9,10 27:2,4,18,20
preliminary 20:15 21:14
prepare 22:23
present 3:22 4:5,11,17,18,20,21,25 5:7,10,11,16,21 6:17,18 7:1,2,4 8:1, 2,5,14,17 9:1 10:14,19 11:4,10,14
presenting 18:7
Preservation 10:17
procedural 12:10
procedure 12:8
proceed 12:20,24
proceeding 22:14
process 22:19,20
proposed 3:25 13:12
proposing 18:8
public 10:6 26:24
pull 14:12 19:5
put 7:12 24:14 25:2

Q

qualifying 14:22
question 12:15,18 13:16 15:22 17:15 18:14 19:2 22:5,11,12 24:11
questions 12:6,11 20:16 23:11 26:18,20,22 27:10,12
quick 3:15

R

randomly 3:15

Raymond 10:1,2,3,10
reaching 26:9
reason 5:18 22:2 23:3
rebuttal 20:20,23 21:2,4
receive 13:6,11,19,22 17:8 18:2,11,
16 19:24 20:24
received 17:16 20:21 24:3
recently 10:13
record 4:14,16 8:4 11:17 14:23 16:4
18:8,25 23:5,21 25:2 27:7
recorded 3:11
records 6:6
referenced 15:25
related 5:5
remainder 14:20
remaining 21:15
REMEMBERED 3:1
reporter 3:3 9:7
represented 24:14
representing 11:1
request 21:2,19 23:7 24:25
required 19:25
resume 14:8
review 15:1 16:7 20:8 25:24
Robert 16:14
Robin 16:13
roll 3:22
RPR 3:3

S

sample 3:17
screen 4:4 5:3 7:21 24:15
segue 3:24
separate 6:9
September 3:2,12
set 24:5
share 24:21,24

shared 25:1
sharing 24:12
Shiley 7:25 8:2
short 22:22 23:8
shuffling 20:10
simply 5:15 24:21 26:25
sir 4:12 10:18 11:15 17:24 19:22
22:6 23:11 25:7
slow 7:11
smooth 26:4
Solar 3:12
solicited 21:8
speak 10:25 11:2,9 18:3 26:2 27:10
speaking 6:24 11:22 13:15 26:5
specific 12:7
spoke 4:23
staff 24:13 26:6,7 27:6
standard 21:3
start 3:21 4:9 12:2 13:8 15:13 22:9,
23
State 3:10
stated 24:9
statement 14:22 21:17,20 22:10
statements 22:3,15 23:4
Status 3:4
stone 24:6
streams 14:11
submission 23:5
submit 20:2 22:14 23:21
submitted 11:20 13:13
submitting 14:1,5,8
suggestions 25:25
summation 22:13 24:2
summations 22:16 23:20
summed 25:13

T

table 25:11
taint 11:7
taking 3:22
Taliaferro 3:16,18 4:23 6:7
talk 13:9 14:9,11 16:9 20:6
talked 24:9
tally 13:17
tangentially 5:5
Teams 4:4 24:18
technical 24:11
testify 17:19 18:22
testifying 19:15,21
testimony 17:12 20:21,24 21:8
27:10
thing 20:19
things 20:16
Thompson 5:7,8 6:2,11 11:11,12
time 7:13 14:25 17:20 20:23 27:18
today 3:21 6:22 8:9 11:21 14:24
16:6 25:17,24 26:3 27:2,11,17
today's 25:10 27:2
told 16:11
totality 13:13
trouble 10:3
turn 27:13
turnaround 23:8

U

understanding 15:6
universe 21:10
unknowns 21:10
unmute 3:14
unnecessary 11:16
upload 27:6
uploaded 16:7

utilize 24:21

ZACHARY 5:20,24 6:3

V

Valdez 9:16,17,18,25 26:16,20

view 11:7

voluntary 23:21

W

wait 24:2

Wally 16:13

wanted 6:6 20:6,16 21:9,17

Washington 3:10

Wautoma 3:11

week 4:2 22:23 23:4,9,20 26:4 27:5

week's 26:11

Wendt 8:12,17,18 18:5

whichever 24:15

window 22:22

wishes 27:10

wit 3:4

witnesses 13:10 14:10 16:9,11
17:12,19,22 18:5,7,22 19:11,15,17,
21 20:20,23 21:3,4

Witt 10:12,14,15 26:21,22

work 24:4

worked 26:10

write 7:12

written 7:19 22:14

Y

Yakima 9:18,22

Yuriy 8:23 9:1,5 12:23 13:2,24 16:1
17:16 18:18 19:16 20:4 22:7 23:12
25:18

Z

Zach 5:20