



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

January 9, 2025

Kathleen Drew, Chair
Energy Facility Site Evaluation Council
1300 S. Evergreen Park SW
PO Box 43172
Olympia, WA 98504

RE: Wautoma Solar Energy Project
EFSEC Recommendation dated November 22, 2024

Dear Chair Drew:

Pursuant to RCW 80.50.100(3), I have approved and executed the enclosed Site Certification Agreement for the Wautoma Solar Energy Project in Benton County (Project), with the terms and conditions as recommended by the Energy Facility Site Evaluation Council (Council). After considering the record, I find that the Council evaluated this application in a manner consistent with the statutory requirements and intent of Chapter 80.50 RCW, and I concur with the Council's unanimous recommendation to approve the application and to preempt the Benton County local land use and zoning regulations as it relates to this Project.

As an initial matter, I will note that the Applicant submitted their original application in June of 2022, and thereafter amended their application twice, in June of 2024 and in August of 2024, to incorporate appropriate mitigation measures identified by the Council. In light of the adopted mitigation measures, the Council concluded the Project posed no probable significant adverse environmental impacts, consistent with the State Environmental Policy Act (SEPA), and ultimately issued a Final Revised Mitigated Determination of Non-Significance (Final MDNS). I agree with the Council's conclusion. I find the record demonstrates that environmental facts were adequately considered to establish compliance with SEPA, and that the Council based its decision to issue a Final MDNS on information sufficient to evaluate the Project's environmental impact.

The Council's review of this Project also required consideration of Benton County's ban on major solar facilities on all agricultural land. The County's ban designates all agricultural land, encompassing 59% of the County, as Agricultural Lands of Long-term Commercial Significance (ALLTCS). The ALLTCS designation does not consider

site-specific factors in its ban on solar facilities.

After determining that the Project was not consistent with Benton County's ban, the Council held an adjudicative hearing to determine whether it would recommend preemption of Benton County's ban. The Council found it was appropriate to recommend preemption of the County's ban on major solar facilities as it applied to the proposed Project site, subject to certain conditions¹.

I agree. The record demonstrates that the Project land has marginal value for agricultural purposes. For example, uncontested evidence presented to the Council described the site as extremely arid and not well suited for dryland farming, and the property's agricultural value is largely dependent on irrigation by a groundwater right in an aquifer that is steadily declining from over-withdrawal. As the Council noted in its adjudicative order, the Least-Conflict Solar Siting on the Columbia Plateau report, developed by Washington State University at the Legislature's direction, posited that lower productivity agricultural lands could be considered as potential low-conflict locations with respect to agricultural impacts when siting commercial scale solar.² In addition, the Project would provide generational income and would give the aquifer a chance to recharge. I find that the record amply supports the Council's recommendation to preempt this Project from the County's ban on major solar facilities³. The Project site is also ideally situated to take advantage of regional Bonneville Power Administration interconnection with transmission facilities that are already on site.

I further find that the Council carefully considered additional impacts, including impacts on habitat, wildlife, tribal cultural resources, public safety and visual aesthetics. I am pleased that the Applicant will maintain ongoing engagement with affected Tribes to facilitate, among other things, identification, location, and mitigation recommendations to the Council regarding potential impacts to tribal cultural properties. As regards visual impacts, the record demonstrates that the Project site is in a remote location, and visual impacts are minimal.

In conclusion, I find that this Project is appropriately sited, and that the site certificate is legally adequate. I further find that the Council carefully considered the environmental impacts of the Project, its consistency with the local land use and zoning regulations in effect, and a broad range of additional impacts. I concur with the Council's

¹ The conditions are outlined in the Final MDNS and address, among other things, project decommissioning, gravel use, soil monitoring, and soil management.

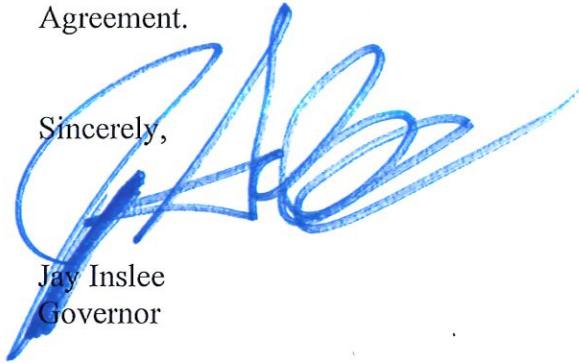
² Council's Adjudicative Order Recommending Preemption of Local Land Use Laws dated November 20, 2024 at 13.

³ See Council's Adjudicative Order Recommending Preemption of Local Land Use Laws, dated November 20, 2024. See also Benton County's Petition for Reconsideration, dated December 12, 2024, and the Council's Order No. 897, Order Denying Benton County Petition for Reconsideration, issued December 27, 2024.

Kathleen Drew
January 9, 2025
Page 3

recommendation and hereby approve this Project as proposed in the Site Certification Agreement.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Inslee', is written over the word 'Sincerely,'.

Jay Inslee
Governor

Enclosures

Cc:

Kathryn Leathers (via email only)
Sonia Bumpus (via email only)
Joan Owens (via email only)
Ami Hafkemeyer (via email only)