

Public Meeting (Date of Recording August 8, 2022)

In Re: Wautoma Solar Project

August 8, 2022



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WAUTOMA SOLAR INFORMATIONAL MEETING/LAND USE CONSISTENCY HEARING

August 8, 2022

Present at Meeting:

STATE AGENCY MEMBERS

Kathleen Drew, Chair; Kate Kelly, Commerce;
Eli Levitt, Ecology; Mike Livingston, Fish and Wildlife;
Lenny Young, Natural Resources

WAUTOMA SOLAR:

Dave Sharp, Benton County; Paul Gonseth, WSDOT

COUNCIL STAFF:

Sonia Bumpus, Ami Hafkemeyer, Joe Wood, Stew Henderson,
Joan Owens, Andrea Grantham

Counsel for the Environment: Megan Sallomi

Official Transcript of Recording

Court-Certified Transcription

TRANSCRIBED BY: Marjorie Jackson, CET

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August 8, 2022

CHAIRMAN DREW: Good evening. I'm Kathleen Drew,
Chair of the Energy Facility Site Evaluation Council.
And I hear an echo. Is this my own?

JUDGE GERARD: (Inaudible) your computer. You got to
be on mute.

CHAIRMAN DREW: Huh. That was me leaving my computer
unmuted. So for all of you out there, please don't do what
I just did, and mute your computers or your phones if you
are attending virtually.

This is the first of our meetings which we've held both in
person and virtually, so bear with us if we stumble a little
bit through this venue. But we welcome you all, whether
you're here in person or virtually attending.

This is the two meetings here tonight. One is the
Informational Public Meeting for the Wautoma Project, and
the second will be the Land Use Consistency Hearing. There
is opportunity to provide public comment in both meetings.
And if you speak to one, for example, the public
informational meeting, and want to also give your comment
about land use at the same time, that's fine, too. We can
sort them out to where they belong.

But to begin with, let me just state that this is for the

1 application for site certification from Innergex Renewable
2 Development, LLC, the applicant for a 470 megawatt solar
3 volt- -- photo voltaic PV generation facility with battery
4 storage located in unincorporated Benton County, Washington.
5 The ASC and -- again, that's the application -- and other
6 materials are posted on our website on the application page.

7 As required by RCW 80.50.090 and WAC 463-26-025, EFSEC is
8 holding this public informational meeting. At this meeting,
9 EFSEC staff and the Applicant will introduce themselves, and
10 the counsel for the environment, and Assistant Attorney
11 General appointed by the Washington Attorney General will be
12 introduced and will explain the duties of this position.
13 The Applicant and EFSEC staff will then make presentations.
14 Following the presentations, the public will be invited to
15 provide comments.

16 And at this point, I would ask Ms. Grantham to call the
17 roll for the EFSEC Council.

18 MS. GRANTHAM: Department of Commerce.

19 MS. KELLY: Kate Kelly, present.

20 MS. GRANTHAM: Thank you.

21 Department of Ecology.

22 MR. LEVITT: Eli Levitt, present.

23 MS. GRANTHAM: Department of Fish and Wildlife.

24 MR. LIVINGSTON: Mike Livingston, present.

25 MS. GRANTHAM: Department of Natural Resources.

1 MR. YOUNG: Lenny Young, present.

2 MS. GRANTHAM: Utilities and Transportation
3 Commission.

4 CHAIRMAN DREW: Excused.

5 MS. GRANTHAM: Local Government and Optional State
6 Agencies, Benton County.

7 MR. SHARP: Present.

8 MS. GRANTHAM: Washington State Department of
9 Transportation.

10 MR. GONSETH: Paul Gonseth.

11 MS. GRANTHAM: Administrative -- or excuse me --
12 Assistant Attorney General.

13 (No audible reply)

14 MS. GRANTHAM: Administrative Law Judge.

15 JUDGE GERARD: Dan Gerard, present.

16 MS. GRANTHAM: For EFSEC staff, Sonia Bumpus.

17 MS. BUMPUS: Sonia Bumpus, present.

18 MS. GRANTHAM: Ami Hafkemeyer.

19 MS. HAFKEMEYER: Ami Hafkemeyer, present.

20 MS. GRANTHAM: Amy Moon.

21 CHAIRMAN DREW: Excused.

22 MS. GRANTHAM: Joe Wood.

23 MR. WOOD: Joe Wood, present.

24 MS. GRANTHAM: Patty Betts.

25 (No audible reply)

1 MS. GRANTHAM: Stew Henderson.

2 MR. HENDERSON: Stew Henderson, present.

3 MS. GRANTHAM: Joan Owens.

4 JOAN OWENS: Present.

5 MS. GRANTHAM: Dave Walker.

6 (No audible reply)

7 MS. GRANTHAM: For the Counsel for the Environment,
8 Bill Sherman.

9 MS. SALLOMI: It's just Megan Sallomi as Counsel for
10 the Environment.

11 MS. GRANTHAM: Okay. Thank you.

12 CHAIRMAN DREW: Thank you. There is a quorum of the
13 Council tonight.

14 First -- next on our agenda is the introduction of the
15 Counsel for the Environment. Ms. Sallomi, will you -- it
16 did say you were here. Will you please let the people who
17 are attending know what your role is as Counsel for the
18 Environment?

19 MS. SALLOMI: Sure. Thank you, Chairman Drew.
20 I'm here on video so hopefully you can see me. My name is
21 Megan Sallomi. I'm an attorney with the Washington State
22 Attorney General's office. The Attorney General appointed
23 me to represent the public and its interests in protecting
24 the quality of the environment in this proceeding in this
25 proceeding before EFSEC.

1 That means that I may be presenting evidence or
2 argument to the Energy Facilities Sight Evaluation
3 Council, which they can take into account when they make
4 their decision on the Wautoma solar project.

5 So I do not work for the Council, and I am will not make
6 the ultimate the decision on whether to approve the project,
7 But I will be advocating for the public and their interests
8 in protecting the environment before the Council in
9 his case

10 And I'll also just say that I'm going to be attending
11 to this meeting tonight, but also if anyone would like
12 to speak with me outside of this meeting about
13 environmental questions or other public interest
14 concerns regarding this project, I would be happy to
15 hear from you. My phone number is 206-389-2437, and I
16 will also put that into the chat if I can. Thank you.

17 CHAIRMAN DREW: Thank you.

18 Next on our agenda is the presentation by Innergex. And
19 if
20 you give us just a couple of minutes so that we can walk
21 away from the stage here, and we do have seats down there.
22 It might take us a couple minutes.

23 MS. O'NEILL: Okay. Good evening, Chair Drew,
24 Councilmembers, and all attendees. Thank you for having us
25 here to present information about the proposed Wautoma Solar

1 Project. How are we doing?

2 Okay. There you go. There we go. We'll start over.
3 That's better. Good evening, Chair Drew,
4 Councilmembers, and all attendees. Thanks for having us
5 here to present information on the proposed Wautoma
6 Solar Project. My name is Laura O'Neil. I'm
7 a senior coordinator in Innergex's environment group, and
8 I'm joined by my colleagues Nuno Louzeiro our director
9 of development, and Ellen Bird, our manager of
10 community relations. We represent Innergex Renewable
11 Energy, which is a publicly traded renewable power
12 generator.

13 Next slide, please.

14 The intent today is to provide an overview of Innergex and
15 the Wautoma Solar Project. We'll cover information on how
16 the project was selected, site selection; environmental
17 studies conducted, project benefits, and the projected
18 development timeline. I'll now turn things over to Ellen to
19 provide an introduction to Innergex.

20 MS. BIRD: Okay. So as -- oh, sorry, next slide,
21 please.

22 As a publicly traded dividend-paying company, we intend to
23 be the long-turn [sic] -- term owner and operator of the
24 project, and therefore we have a long-term commitment to the
25 community. This is a fundamental value for Innergex, which

1 guides our development practices and where we integrate
2 people, the planet and shared prosperity.

3 Next slide, please.

4 So we were founded over 30 years ago in 1990. We've been
5 active in the U.S. for 15 of those years. And we're a
6 leader in solar, wind and hydro operations, and we have
7 these operations across Canada, the U.S., Chile, and France.
8 While our headquarters are in Canada, we have a head office
9 in San Diego, California, and regional development offices
10 in Massachusetts, Texas, and Hawaii. And we currently have
11 83 projects in operation.

12 All right. Over to Nuno.

13 MR. LOUZEIRO: Next slide, please. So as part of the
14 Clean Energy Transformation Act, the Washington State
15 mandated a greenhouse gas neutral electricity supply by
16 2030 and 100 percent renewable or non-emitting
17 electricity supply by 2045.

18 This mandate has created a strong demand for new
19 renewable energy resources for major utilities and
20 corporations and -- in the region.

21 Next slide, please.

22 So in response to this demand, we are proposing the
23 Wautoma Project, which is up to 470 megawatts in capacity
24 and with a 4-hour battery energy-storage system as an
25 option.

1 While we are permitting for the largest anticipated
2 project size of 470 megawatts, our current vision for
3 this project is likely more like 400 megawatts, and
4 we'll keep the public informed of that as it progresses.

5 The estimated annual production at this output is 875
6 gigawatt hours estimate, which is -- to put that into
7 context, enough power to -- enough power for about 70,000
8 Washington households. And then further to put that into
9 context, Benton County has approximately 74,000 households.

10 Next slide, please.

11 So as mentioned, the project is located in Benton County,
12 and this slide here shows -- shows the location as -- as --
13 where we're proposing. It is about 12 and a half miles
14 northeast of the City of Sunnyside and one mile south of the
15 State Route 241 and 24 interchange.

16 So we chose this region for several key reasons. First,
17 it's -- this area has an excellent solar resource. Also, it
18 is directly adjacent to a point on the regional transmission
19 system with capacity for a project of this size without the
20 need for substantial or costly upgrades. Also, the site is
21 generally level and open, and there are few environmental
22 constraints. And, importantly, we are fortunate to be
23 working with interested and supportive landowners, and some
24 of them are here with us today.

25 We have also been encouraged by the positive feedback

1 we've received from local and state officials regarding the
2 location selected for the site.

3 Next slide, please.

4 So the last slide provided a bit of an indication of the
5 location and what the land looks like. But I will mention
6 that there is a low percentage of agricultural land that is
7 now being util- -- that we are proposing to utilize for the
8 solar project. The area inside the project security fence
9 totals 0.5 percent approximately of the 650,000 acres of
10 land in the Growth Management Act agricultural district in
11 Benton County.

12 We are, with our landowners, investigating dual use
13 alternatives, and some of this includes using -- using
14 portions of the solar project area for grazing -- and -- but
15 we are also looking at also a coexistence of the solar
16 panels with some cross [sic] -- crops on a small area of
17 the project. And we appreciate the interest of our
18 landowners in actually leading some of those efforts with
19 us.

20 Also, water -- so we -- water required for construction
21 and operations phases is anticipated to be sourced from
22 existing wells with valid water rights or from a municipal
23 site, a -- municipal cert- -- source located off site.

24 We're -- we continue to investigate those with our
25 landowners, and -- and that will be further investigated.

1 The volume of water used during project construction would
2 be considerably less than is typically used in irrigation
3 practices. And we anticipate that during operations there
4 would be a minimal use.

5 Next slide.

6 So this -- this slide shows a preliminary layout of the
7 project. While we have studied a larger area, which is
8 outlined in black on this slide, the solar field and
9 associated infrastructure, as currently contemplated,
10 are anticipated to occupy approximately 3,000 acres.

11 The layout has avoided known environmental and cultural
12 resource constraints identified from field investigations,
13 and Laura will go into this in a bit more detail later in
14 the presentation. We do anticipate changes to the project
15 size and configuration as we progress through the permitting
16 process as well as further our engineering design in
17 consideration of environmental, technical and community
18 engagement input.

19 Next slide, please.

20 MS. O'NEILL: All right. As promised, I will now
21 speak more to those environment studies. We engaged
22 Tetra Tech as our lead environmental consultant for the
23 project, and as part of the application for site
24 certification, they have conducted field surveys and
25 completed an analysis of all relevant environmental

1 aspects as well as completing stand-alone studies on the
2 following topics:

3 Wetland delineation, plant and wildlife habitat,
4 cultural and archaeological resources, visual and
5 acoustic impacts, glint and glare, and traffic and
6 transportation.

7 Next slide, please.

8 Based on the studies completed, several plans will be
9 developed to describe how we will avoid, minimize, and
10 mitigate potential impacts through construction and while
11 the project operates. A list of these plans is seen on this
12 slide.

13 In addition, the project's design has avoided wetlands and
14 streams, listed cultural resources, as well as small patches
15 of sensitive species found during habitat surveys, some
16 talus habitat and Columbian milk vetch. Minimal shrub step
17 was found in the project area, and this will also be largely
18 avoided.

19 To address concerns over habitat productivity for big game
20 in the area, we've incorporated passageways through the
21 solar array to allow big game to pass through the project
22 area in north/south corridors. We've designed the exterior
23 fencing to allow small game to pass underneath, as well as
24 omitted the typical strands of barbed wire along the top of
25 the chain-link fence.

1 We've been in discussions with the Washington Department
2 of Fish and Wildlife throughout the development process,
3 meeting with them prior to and following habitat and
4 wildlife surveys. We will be working with them on habitat
5 management plan over the next several months.

6 We are also aware that wildfire is a concern in the area,
7 and we've been in discussions with our landowners who have
8 been in the area for decades, as well as WDFW and Benton
9 County Emergency Services to understand the local concerns
10 and develop a robust fire response strategy.

11 Next slide, please.

12 Oh, it's over to Nuno.

13 MR. LOUZEIRO: So we strive to buy locally and hire
14 local contractors where possible, and a local
15 procurement policy will be put in place to ensure
16 benefits reach local skilled workers and local
17 businesses during construction as well as operation.

18 We anticipate the 470-megawatt project would
19 require about 300 to 400 people on site during construction,
20 but there would be peaks which could involve another 1- or
21 200 more.

22 During the 30- to 50-year project operations term, we
23 would expect to employ three or four full-time technical
24 positions, as well as have external maintenance contracts.

25 MS. BIRD: Next slide, please.

1 So in addition to opportunities for local employment and
2 services, the project will also provide the following
3 benefits. It's a source of annual property tax revenue to
4 Benton County. So, for example, a 400-megawatt project is
5 expected to contribute 3- to \$4 million in its first year of
6 operation and would follow the county property tax schedule
7 for subsequent years for the lifetime of the project. And
8 this would benefit schools, the Port of Benton, roads,
9 county services, and the like.

10 It's also a source of stable, long-term revenue for the
11 participating landowners. It can provide infrastructure
12 investment for transmission upgrades or road upgrades. We
13 aim to leave the roads in as good, if not better, condition
14 than they were before we got there.

15 And then community investment, which could include
16 sponsorships, donations, participation in community events
17 and efforts. This month, for example, we will be a sponsor
18 at the Benton Franklin rodeo and fair.

19 And then we also -- we strongly believe that communities
20 who host the project should benefit from the project. So in
21 response to community feedback, we recognize that, given the
22 remote location of this project, there may not be shared
23 amenities or programs utilized by the community members who
24 are closest to this project.

25 So, therefore, we are developing an annual community

1 contribution program with the idea that payments could be
2 made directly to neighboring residences that have a view of
3 the project and -- ensuring that these additional benefits
4 are received by those community members who would be hosting
5 this project, and we're in the process of rolling this out.

6 And then last but not least, it is a source of local,
7 clean, reliable, renewable energy in the region.

8 Next slide, please.

9 So we have reached out to the following folks, and some of
10 these efforts are still in the earlier stages, but several
11 of them we've developed more in-depth discussions, and
12 they're quite advanced. But these include agencies such as
13 EFSEC, of course, and then along with others such as
14 Washington Department of Fish and Wildlife, Ecology,
15 Department of Archaeology and Historic Preservation, travel
16 governments and staff, the Benton County Commissioners and
17 Planning Department, local emergency services and local
18 organizations, including those related to conservation,
19 agriculture, economic development and jobs, the
20 participating landowners that we've leased from, and the
21 adjacent landowners, those in the community near the
22 project, those in the broader community.

23 In April -- actually, in March we held a community meeting
24 with folks that lived closer to the project. In April we
25 hosted a virtual meeting that was advertised widely for the

1 broader community. And May, Laura presented here to EFSEC,
2 and we presented to the Bent- -- at a public Benton County
3 Board of Commissioners meeting, and we were encouraged by
4 the positive feedback that we received about the project and
5 about the site selected.

6 Next slide, please.

7 MS. O'NEILL: All right. Thanks, Ellen. So behind me
8 is a slide of development milestones, and we've been
9 working on development of the project since mid-2020,
10 including the list you see behind me. As mentioned, we
11 completed the applicable environmental and engineering
12 survey throughout 2021, and the application for site
13 certification was submitted in June. Our aim is to work
14 towards issuance of the site certification agreement in
15 Q3 2024.

16 As far as construction goes, a full build-out would entail
17 approximately a 20- to 22-month construction period;
18 however, we're investigating the possibility of construction
19 in phases. For example, a 200-megawatt project would be
20 about a 14- to 16-month construction timeline. So the
21 earliest possible construction completion would be late
22 2025.

23 Next slide, please.

24 And that's the closing. Thank you again for having us,
25 giving us the opportunity to present. We're excited to

1 continue in the permitting process and work with EFSEC in
2 service of Washington's clean energy goals. If you have
3 questions at any time, our contact information is on the
4 slide as well as a link to the project's website, or EFSEC
5 has all the information as well on their site. Thank you.

6 CHAIRMAN DREW: Our next presentation is going to be
7 about the EFSEC process by Ami Hafkemeyer. Oh, excuse
8 me, Joe Wood.

9 MR. WOOD: Check, check. Everybody hear me okay?
10 Welcome, everybody, and thank you for coming to participate
11 this evening. My name is Joe Wood; I'm a siting specialist
12 with the Energy Facility Site Evaluation Council, and I've
13 been asked to give a short presentation on the EFSEC site
14 certification process.

15 Next slide, please.

16 So a little bit of background, EFSEC was originally
17 created in 1970 for the siting of thermal power plants, and
18 the intent was to create a one-stop permitting agency for
19 these large energy facilities.

20 MS. GRANTHAM: Just speak into the mic a little bit
21 better. It's not picking you up.

22 MR. WOOD: Sure.

23 FEMALE SPEAKER: Just speak into the -- yeah,
24 (inaudible).

25 MR. WOOD: So today, large-scale thermal power plants

1 are the only facilities requiring certification by
2 EFSEC. EFSEC is comprised of state and local government
3 members who review each application before voting to
4 make council recommendation to the governor. This
5 recommendation comes along with a site certification
6 agreement, which defines all preconstruction,
7 construction, and operational plans.

8 Finally, if the application is approved by the governor's
9 office, the decision preempts other state and local
10 regulations.

11 Next slide, please.

12 You can see here, the Council itself is made up from
13 members from different state agencies. The chairperson,
14 Kathleen Drew, is appointed by the governor's office. We
15 have five other standing members: Eli Levitt from
16 Department of Ecology; Mike Livingston from Department of
17 Fish and Wildlife; Kate Kelly from Department of Commerce;
18 and Lenny Young from Department of Natural Resources; also
19 Stacy Brewster from the Utilities and Transportation
20 Commission.

21 Depending on the project, other agencies can also opt to
22 have a representative. In the case of Wautoma, we have Paul
23 Gonseth with Department of Transportation and, importantly,
24 we have also Dave Sharp representing Benton County.

25 Next slide, please.

1 So the facilities that can be certified through EFSEC
2 versus being certified or permitted through the County are
3 thermal power plants greater than 50 -- 350 megawatts, and
4 nuclear generation for the purpose of generating
5 electricity. Other -- other sources of energy such as wind,
6 solar, et cetera, can opt in to the certification process at
7 any size.

8 Transmission lines greater than 115 can also opt in,
9 115 KV. And pipelines, refineries, and storage projects can
10 also be certified. As of recently -- and I'll talk about
11 this a little bit later -- EFSEC has also been granted the
12 ability to certify clean energy product manufacturing
13 facilities and hydrogen production facilities.

14 Next slide, please.

15 Here's a map of the facilities that are currently either
16 being reviewed or fall under EFSEC jurisdiction. We have
17 five operating facilities. There are two natural gas
18 facilities, the local Columbia generating station and two
19 wind facilities that have been certified under EFSEC.

20 There are three additional marks on here that indicate the
21 facilities that are approved but haven't yet started
22 construction. Two are wind facilities; one's a PV solar
23 facility. The clear circle is a facility in the process of
24 decommissioning. And, importantly, EFSEC is also currently
25 reviewing applications for four PV solar projects marked in

1 red, including the Wautoma Project, which is why we are here
2 tonight.

3 Next slide, please.

4 So now we come to the specifics of the EFSEC certification
5 project, and I'm showing here a flowchart that shows the
6 general process applicants go through when they submit an
7 application to EFSEC. So you can see, there are three --
8 three sort of processes in tandem here. There is the land
9 use and adjudication track; there is the SEPA threshold and
10 SEPA determination track, and then there's this
11 identification acquisition of permits for the project as it
12 goes through the process.

13 So I'll talk about these in a little bit more detail on
14 the following slides.

15 Next slide, please.

16 So the adjudicative proceedings is one of the tracks, and
17 this meeting tonight is sort of the initiation or the
18 initial one of these proceedings. So much like any other
19 court case, the proponent makes their application and we --
20 the -- sorry, I'm losing my place here.

21 The proponents and other parties are identified. When
22 adjudication proceeding is required, parties to the
23 adjudication are identified. Sometimes there are
24 stipulations and settlements that come out between the
25 parties. The Council looks at all the information in the

1 adjudication record and then deliberate, and then the
2 Council draws up their findings and conclusions from the
3 information provided throughout the proceedings to
4 incorporate those findings in their recommendation to the
5 governor.

6 Next slide, please.

7 So this next sort of track is the SEPA threshold
8 determination. Based on information provided in the
9 application, the SEPA responsible official, which is
10 generally the EFSEC manager, determines if this project
11 meets the criteria of a determination of non-significance or
12 a mitigated determination of non-significance.

13 If there is a determination made for a mitigated
14 determination of non-significance, there is a minimum 15-day
15 comment period. If it is determined that the project
16 qualifies for a determination of non-significance, there is
17 no comment period. However, it is determined that there is
18 a significance -- significant impact on resources, for
19 instance, an EIS may be required.

20 So when an EIS is required, the deter- -- the decision to
21 prepare the EIS is made public, and public comments are
22 taken on the scope of the EIS. After the public comment for
23 scoping, the SEPA responsible official determines the scope
24 of the EIS, and a draft EIS is prepared and issued with the
25 minimum 30-day public comment period, after which the final

1 EIS is prepared and released.

2 Next slide, please.

3 Okay. So I will mention the expedited siting process. To
4 be considered for expedited processing, an applicant has to
5 make the request in writing, and the project must meet two
6 criteria. It must be determined to be consistent with local
7 land use policy; and, two, the SEPA determination process
8 must determine non-significance or a DNS or a mitigated
9 determination of non-significance or MDNS.

10 So in the expedited process, the adjudication step is not
11 required. The Council prepares their recommendation to the
12 governor in an expedited time frame under this process.

13 Next slide, please.

14 So the third track that is going on through the
15 certification process is the identification and issuing of
16 permits or preparation of permits, and EFSEC becomes the
17 issuing agency for these -- all permits that may be
18 required. And they are identified in the final order with
19 the Council's recommendation to the governor.

20 So finally, after the conclusion of the Council's review
21 of the application, a recommendation is made to the governor
22 to either approve or reject the application. This initiates
23 a 60-day window within which the governor will then approve
24 or reject the application or remand the application back to
25 the Council for consideration. Any application that is

1 rejected by the governor is a final decision for that
2 application.

3 When -- if an application is approved by the governor,
4 EFSEC then has oversight of the environmental compliance for
5 the life of the facility. So EFSEC has standing contracts
6 with applicable state agencies that assist in the monitoring
7 and enforcement of conditions either in the site
8 certification agreement, identified permits, or stipulations
9 in the EIS or the MDNS. EFSEC's enforcement authority
10 extends to the issuance of any penalties as they may apply.

11 I thought I would add a slide here that just kind of
12 highlighted some new legislation that has been in the news
13 recently. House Bill 1812 was passed in March of this year,
14 and there -- I've listed a couple things here that I feel
15 like are highlights from -- that affect the site
16 certification.

17 New projects -- oh, thanks. New projects can now come
18 before EFSEC, new types of projects, including hydrogen
19 production that I mentioned before and clean energy
20 facilities. There is increased ~~travel~~ ^{tribal} consultation and
21 equity, a streamlined review process that does not reduce
22 standards, greater transparency, and creation of EFSEC as an
23 independent agency, essentially from a budget standpoint.

24 So that pretty much covers it. Last slide, please, is
25 just public input. I would like to remind everybody that

1 they may -- how they can submit public comments. If you'd
2 like to sign up to speak this evening, you can call the
3 EFSEC main line or email comments to the mailbox or send in
4 written comments as well.

5 And that's all I have for this evening.

6 CHAIRMAN DREW: Okay. That concludes our
7 presentations
8 for this evening, and I'm going to turn it over to Judge
9 Gerard to preside over the public comment period. Those who
10 are called will have three minutes for your comment. If you
11 hear throughout the evening something that you want to
12 respond to, please send an email to our website or provide
13 that in writing because we are going to just go through our
14 speakers one time.

15 I think that we will now have Ms. Owens -- Andrea
16 Grantham, Ms. Grantham will call the first speaker.

17 Judge Gerard.

18 DAN GERARD: Good evening, everyone. My name is Dan
19 Gerard. I'm an administrative law judge with the Washington
20 State Office of Administrative Hearings. Today when giving
21 your comments we would ask that you do limit your comments
22 to this project alone. As Chairman Drew stated, you will
23 have three minutes to make your comments. That will be your
24 single opportunity to make comments for this portion of the
25 proceedings.

1 And if you do have any additional comments or things you
2 would like to add after you've spoken, you may either email
3 them or send them through physical mail in the address
4 provided by Mr. Wood just a moment ago.

5 So thank you, and first witness -- or first speaker, go
6 ahead and begin, please.

7 MS. GRANTHAM: The first speaker is Robin Roberts
8 [sic].

9 MR. ROBERT: Hi.

10 JUDGE GERARD: Good evening.

11 MR. ROBERT: My name is Robin Robert. My address is
12 1521
13 Wautoma Road, 98944. And one of the first things, I was
14 going to read a little about, I would like to see if the
15 board would accept my comments as having interest in this
16 project. And the Robert Ranch really looks forward to the
17 solar project to really help us out. Farming sometimes kind
18 of has good years and bad years.

19 And I have just two things to mention. First thing is
20 about the location. It's pretty desolate and dry where
21 we're located, and as the map shows that we're 30 miles west
22 of Tri-Cities, 12 miles north of Sunnyside, and 40 miles
23 east of Yakima.

24 Our
~~Outer~~ north border is next to Joe Balmelli, who has a
25 cattle ranch. Our east border is the Hanford Reach. The

1 south border goes to the top of the Rattlesnake Hills and
2 meets Jeff Werzman (phonetic), who's a cattle rancher, too.
3 Then our west border is right -- pretty close to Highway
4 24- -- 241, and there's approximately 12 homes west of this
5 that are close to the ranch.

6 And then the second thing, I was just going to give a
7 quick little history of the ranch, our grandfather, Emil
8 Robert, came in late 1890s when he was 15 years old. And he
9 started out herding sheep in the area where our ranch is,
10 and eventually he built it up to about 2,000 head of sheep
11 and about 12,000 acres.

12 And just over the years we put a -- we only had an
13 irrigation well that did 150 acres, and then in '77 we put
14 in a bigger well that did about 800 acres. And over the
15 years things haven't changed much. We did sell the sheep
16 back in '88, but the sheep are back the last two years on
17 the ranch. And we're hoping to use the sheep to graze the
18 native grasses and the weeds underneath the solar panels,
19 and we're kind of going to go back to maybe only 150 acres
20 on the ranch instead of 800 acres, and we hope the aquifer
21 there will recharge itself.

22 And probably the only thing we'll change maybe, there will
23 be about 800 sheep on the ranch for controlling weeds, and
24 probably the only change will be that the sheep will have
25 shade. That's it.

1 CHAIRMAN DREW: Thank you.

2 MR. ROBERT: Thank you.

3 JUDGE GERARD: Thank you, sir.

4 MS. GRANTHAM: Next speaker is Maya Robert [sic].

5 MS. ROBERT: Hello. Can you hear me okay? My name is
6 Maya Robert. My address is 708 South 60th Avenue,
7 Yakima, Washington, 98908. I'm speaking today on behalf
8 of my family and the Robert 5 + 1, LLC.

9 As my uncle mentioned, over 100 years ago my great
10 grandfather began ranching in the Wautoma Valley. What
11 originally started as a sheep ranch adapted in the mid-1980s
12 to cattle and farming to keep up with the changing times.
13 Now, four generations later, we are looking to adapt once
14 again. With declining crop production and decreased ground
15 water supply, farming and ranching has become much more
16 difficult.

17 One thing this area is not lacking, however, as we can see
18 today, is sunshine. As mentioned previously, the ranch is
19 located 17 miles north of Sunnyside and 36 miles east of
20 Yakima, meaning that neighbors are few and far between.
21 This makes the ranch an ideal location for a solar farm such
22 as this. Not only will we -- not only will this project
23 provide for my family, it will provide renewable energy to
24 help meet state quota, and this solar project would allow us
25 to make productive use of unproductive land while keeping

1 the ranch in the family for many more generations to come.
2 Thank you.

3 MS. GRANTHAM: Next speaker is Dave Roberts [sic].

4 MR. ROBERT: I'm Dave Robert, and I'm one of the sons
5 at the Robert's Ranch, 5 + 1. One of the things I was
6 just noticing when I was out at the ranch today, one
7 thing I would like to do is if we could get, you know, all
8 you folks here to go out and see it, I think that would make
9 a real big impact because the location, the fact that it's
10 isolated in a beautiful valley, and just --

11 JUDGE GERARD: Mr. Roberts, can you speak (inaudible)?

12 MR. ROBERT: Okay. And we were just trying to think
13 that this would really make -- the impact would be
14 really neat if you guys could have a chance to go out
15 and take a look at it and really see what it's all
16 about.

17 The thing about it is, you know, my brothers -- my two
18 brothers that work extremely hard on the ranch using their
19 own money at times because of farming and the way it works,
20 our deep well has -- you know, has gone down some because of
21 the irrigation. And we're just hoping with Innergex and
22 everybody working together we can, you know, have a great
23 source of energy and also a good, stable source of revenue
24 for my brothers so they can keep going on with the ranch.
25 Thank you very much for your time.

1 JUDGE GERARD: Thank you.

2 MS. GRANTHAM: Next speaker is Stan Isley.

3 MR. ISLEY: Thank you. I'm Stan Isley from the -- I'm
4 The conservation chair of the Yakima Valley Audubon Society.
5 Can you hear me now?

6 Stan Isley. My address is 806 South 18th Avenue,
7 Yakima, Washington, 98902. I'm offering my comments
8 tonight on behalf of Yakima Valley Audubon. I'd like to
9 be very clear right at the front that Yakima Valley Audubon
10 Society supports our imperative transition away from
11 dirty fossil fuels for our energy source in Washington State
12 and globally. We support our transition to clean energy
13 sources like solar energy, wind energy and others.

14 And so, therefore, the Yakima Valley Audubon Society does
15 offer support tonight for this Wautoma Solar Project. Our
16 support is conditional, however. We expect and ask the
17 proponents to do it right. We want you to build this
18 project in a way that avoids environmental impact as much as
19 possible and, where it is unavoidable, that you fully
20 mitigate for the environmental impacts on impacted acres.

21 We ask that you avoid impacting sagebrush step lands,
22 including currently impacted, currently fire-ravaged
23 sagebrush step lands.

24 we ask expect that the sensitive lands like prairie
25 lands, wetlands, stream corridor, riparian areas will be

1 protected and not impacted.

2 We ask also that you not have any negative impact to
3 Native American cultural resources.

4 Now, of course, there will be acreage that will be
5 impacted. I was pleased to see that you're proposing to
6 examine still grazing and still potentially exploring other
7 agricultural uses that could be made on the impacted
8 acreage. Ag lands, we do want to have either -- have you
9 fully mitigate for the lost functions and values currently
10 provided by the impacted acreage

11 Permanent air preservation we envision for
12 mitigation lands that you identify, permanent mitigation by
13 way of establishing conservation easements in perpetuity on
14 those lands.

15 We ask that you work with Washington Department
16 of Fish and Wildlife to determine mitigation ratios
17 for these mitigation acreages that you will identify

18 Also to work with WDFW and other to identify wildlife
19 movement in migration corridors and protect those,
20 establish and protect those permanently.

21 These industrial scale solar projects are going to be
22 required in order to have us fully transition to
23 renewable energy sources. So we would love to see, also,
24 however, some distributed and disbursed solar development on
25 rooftops across -- on already as-built acreage homes and

1 stores and warehouses across eastern Washington. That would
2 be a wonderful way to go, but we do recognize --

3 JUDGE GERARD: Sir, just a moment. We have reached
4 the three-minute time. If you could go ahead and please
5 wrap up your comments.

6 MR. ISLEY: Oh. We recognize that we will have to
7 have industrial scale solar projects like this, and so
8 we support this, as I said, conditionally. Thank you.

9 JUDGE GERARD: Thank you.

10 MS. GRANTHAM: The next speaker is Brendan Mercer.

11 JUDGE GERARD: Mr. Mercer, if you are speaking you are
12 on mute.

13 MR. MERCER: Can you hear me now?

14 JUDGE GERARD: Would you speak up just a bit for us,
15 please?

16 MR. MERCER: Yeah, can you hear me now?

17 JUDGE GERARD: Better, thank you.

18 MR. MERCER: Hi, my name is Brendan Mercer. My wife
19 and I own a section of land that is adjacent or bordered
20 by the project on two sides of 520 Wautoma Road.

21 In general, my wife and I support green energy and
22 generally support the project. However, we do have a
23 few concerns related to our farm that we hope the
24 Council and Applicant will take into consideration in
25 developing it.

1 First, we grow wine grapes which are very sensitive to
2 sunburn, and we are concerned about the reflection and
3 radiation off of the solar panels and the possibility of
4 crop loss for our farm. We're also concerned about water,
5 especially during construction. I know the Applicant said
6 that they were going to use existing wells, but I would hope
7 for a bit more definition on where that water's going to
8 come from, and making sure it doesn't impact adjacent farms
9 or domestic wells.

10 And lastly, Wautoma Road is a relatively small road, and
11 envisioning 4- to 500 people at times working off of it,
12 I'm struggling to envision how that's going to take place.
13 So just some consideration on how the roads are going to be
14 managed and made usable for the existing residents and
15 also the existing businesses that use both 241 and Wautoma
16 Road for the future. Thank you.

17 JUDGE GERARD: Thank you, Mr. Mercer.

18 MS. GRANTHAM: Next speaker is Jeanie Polehn.

19 MS. POLEHN: Hello, I'm Jeanie Polehn, and I'm from
20 the Kennewick area. I'm here for the Benton County
21 Republican Party, and I do have a question. Most of you
22 live in Seattle, if I understand it right; you don't
23 live around here. So I don't know if you ever go out
24 driving and stuff, but if you see a bunch of windmills
25 and stuff and you see a bunch of solar panels, that's

1 visual pollution; that does not make our land look
2 better.

3 And it also impacts the wildlife and -- would you want
4 that in your backyard? I'll just put it that way. I
5 would not.

6 The other thing is -- I'll wait for the technical session
7 to go on further with this and stuff because I think that
8 people won't want to hear the rest of the technical piece
9 that I have. Okay. That's all I have.

10 CHAIRMAN DREW: Thank you.

11 JUDGE GERARD: Thank you. You did drop something, as
12 well, ma'am; I'm not sure if you had seen that. Ms. Polehn,
13 did you drop something?

14 Thank you, sir.

15 MS. GRANTHAM: The next speaker is George Penn.

16 MR. PENN: Good evening. My name is George Penn; I'm
17 a resident of Benton County, and I am not in favor of
18 this solar panel project. The reasons being are that,
19 you know, like the previous speaker said, they're not
20 aesthetically pleasing, both the solar panels, the
21 windmills.

22 I am a fan of solar power, but my opinion is that there
23 are other areas of Benton County that might be more suited
24 towards this solar panel project, areas like the Hanford
25 Reservation where there are literally thousands of acres

1 dedicated towards energy production. Why do we have to take
2 and put the solar panels out into the -- into the rural
3 Benton County when we have a perfectly good area to keep
4 things like that contained?

5 The other objection I have is the solar panels, they are
6 not, more than likely, produced here in the United States;
7 they are a direct import from China.

8 And then my third point is, is this something that the
9 Benton County Commissioners said, "Yes, we want this"? I'm
10 not 100 percent sure on that, and I believe that there may
11 be a few folks here in the room that would be speaking
12 towards that at a later point in time this evening. Again,
13 I'm George Penn, and I'm a Benton County resident, and I
14 oppose the solar panel farm in rural Benton County.

15 MS. GRANTHAM: The next speaker is Rylan Grimes.

16 MR. GRIMES: My name's Rylan -- Rylan Grimes, and I'm
17 an organizer with the IB- -- the International
18 Brotherhood of --

19 JUDGE GERARD: (Inaudible).

20 MR. GRIMES: Yeah, is that better?

21 JUDGE GERARD: Yes.

22 MR. GRIMES: My name's Rylan Grimes, and I'm an
23 organizer with the International Brotherhood of
24 Electrical Workers in Kennewick, Washington; I'm also a
25 Benton County resident. And we represent 1,200

1 electricians in Southeast Washington and Northeast
2 Oregon. And right now we've got a lot of -- we're doing
3 a lot of solar projects, and we are in favor of this
4 project. The majority of our membership lives in
5 Washington, and they're currently working in Oregon with a
6 lot of our data center work and some other solar projects.

7 And so having this project on this side of the river would
8 be a welcome relief from the -- with -- for them. Most of
9 these individuals are commuting down to Oregon from the
10 Tri-Cities area, and, to a lesser extent, from the Yakima
11 area. But those of our members that live in Yakima are
12 actually commuting to a project in Klickitat County.

13 So having the location of this project in particular
14 and -- is fantastic because it is well within commuting
15 distance of all of Yakima County or all of the Yakima Valley
16 area and the Tri-Cities. So, again, IBW Local 112 is very
17 much in favor of this project, and we look forward to
18 working with the contractors that end up getting this
19 project. Thank you.

20 MS. GRANTHAM: The next speaker is Laurie Ness.

21 MS. NESS: I'm Laurie Ness, and I am a native of
22 Eastern Washington, Tri-Cities, actually. And I'm also
23 very concerned about wildlife and our shrub step in the
24 area and how we're losing a lot of that. The land use
25 is changing. and one of the concerns I have is that

1 when you put something into solar, you pretty much take,
2 you know, it out of any other land use, from my
3 understanding just by looking at it.

4 I know that it's very important to be transitioning to
5 clean energy, and I do support that. We've had solar panels
6 for nine years on our roof, which is -- have been a great
7 thing for us. But what I'm looking at is the amount of
8 solar that is -- this is not the only project out here. I'm
9 looking at a large-scale connectivity for wildlife.

10 And mitigating -- I think, you know, this is one project
11 -- and of course you told me not to talk about other
12 Projects; I'm not going to. But in a big scale of things,
13 SEPA requires that we look at the environmental impacts as
14 cumulative effects.

15 And I believe that it's very important that EFSEC
16 coordinates and makes -- you know, looks at the map and
17 says, "Okay. We've got a project here and a project here,
18 and how are we going to look at connectivity for the bugs,
19 the bunnies, and the elk?" These are important things
20 because we do have a unique environment that's very, very
21 endangered. Shrub step is the fastest disappearing habitat
22 in Washington state.

23 So -- and I also ask that this project coordinate with
24 other projects. Yes, there is a substation right near this
25 project, but the next solar project isn't going to probably

1 have a sub- -- it's probably going to go to that substation
2 because I don't think that they're all that close. I don't
3 really know. But in any case, coordinate to where this
4 project and other projects are thinking on the larger scale.
5 I think that's really important.

6 And that is pretty much all I have to say. Thank you for
7 listening.

8 JUDGE GERARD: Thank you.

9 MS. GRANTHAM: That was our last speaker on my list.

10 JUDGE GERARD: At this time we are going to open up to
11 those who did not sign up. And if you wish to speak, for
12 those present, please go ahead and raise your hand, and
13 we'll put you on the list. For those of you who are remote,
14 please go ahead and raise the hand icon so we know you wish
15 to speak. We're going to give everyone a few minutes to see
16 if we do have any additional speakers. I see a hand raised.

17 MS. GRANTHAM: I see Aubrey Newton in the teams.

18 JUDGE GERARD: Ms. Newton, if you wish to speak, go
19 ahead, please.

20 MS. NEWTON: Okay. Can you hear me?

21 JUDGE GERARD: We can, thank you.

22 MS. NEWTON: Wonderful. Good evening and thank you to
23 everyone, to the entire commission for the opportunity
24 to speak this evening. My name is Aubrey Newton. I
25 work with the Laborers International Union of North

1 American of the Northwest Region. I've also lived in the
2 State of Washington nearly my entire life and grew up in the
3 Central Washington area. I work to represent hundreds
4 of union men and women across the State of Washington and
5 eight other states in the Northwest region.

6 In our region, union members build and maintain gas
7 distribution pipelines, construct wind and solar forums
8 as well as build and maintain coal, gas, hydropower, and
9 nuclear power plants.

10 In Washington, specifically, the laborers have members
11 working throughout six different locales, representing
12 about 15,000 members. Our members are trained, skilled,
13 qualified, ready to work on wind -- excuse me -- on
14 solar projects alike. And the Northwest Region, we have
15 recruitment systems, reaching statewide, focusing on
16 good-paying jobs for the communities where our members
17 live.

18 LIUNA works with our employers, also, to make sure
19 that workers on the job are skilled, trained, reliable,
20 get the job done ahead of schedule, and go home safely
21 at the end of the day.

22 Outside of the licensed crafts needed for this
23 specific goal -- specific project, essentially LIUNA is
24 already trained and ready to handle nearly 60 percent of
25 the project --

1 JUDGE GERARD: Ms. Newton -- Ms. Newton, I'm going to
2 stop you there just a moment. This is Judge Gerard.
3 This needs to be related to the project as opposed to
4 what your union does, please. If we can get to that
5 point so that the subject is --

6 MS. NEWTON: Sure.

7 JUDGE GERARD: Thank you.

8 MS, NEWTON: Absolutely. So, with that being said, I
9 am here this evening in support on behalf of many of our
10 members in the local area that cover the Tri-Cities and
11 surrounding areas for this project. We are in support
12 of the project. And I am here speaking on behalf of
13 them for this reason and the reasons listed above, for
14 level of the community focus, local hire and tribal
15 relations that Innergex intends to have for this
16 project.

17 This project will bring good jobs to the area and
18 bring long-term careers to the people of this community.
19 We have had the privilege of speaking with Innergex and
20 believe that their intentions are not for a short-term
21 build and sell of this project, but to truly understand
22 the communities in which those impacted live in and
23 intention to build local and provide opportunities for
24 those in the local community.

25 So, again, thank you for your time, and that is all I

1 have for my comment. Thank you.

2 JUDGE GERARD: Thank you.

3 So one last opportunity for additional speakers.

4 Sir, I see you raised your hand. It looks like there's no
5 one remotely. Please step up to the podium, and just
6 introduce yourself first.

7 MR. TORRESCANO: Hi, I'm Moses A. Torrescano. I'm a
8 Benton County resident; I'm also a member of the
9 International Brotherhood of Electrical Workers.
10 Speaking for a lot of our members that are working in
11 Oregon that live in Washington, we would like to bring
12 our tax dollars back to our state instead of taking all
13 of our tax dollars down into Oregon. It would be nice
14 to bring that work to our members and to the local
15 community. Thank you.

16 MS. GRANTHAM: We have Dana Ward on Teams.

17 MR. WARD: Yes, can you hear me?

18 JUDGE GERARD: Yes, we can. Thank you.

19 MR. WARD: Yes, this is Dana Ward, lower Columbia
20 Basin Audubon Society Conservation Chair. I noted in
21 the introduction that you are seeking comments ~~and~~
22 positions from the local land owners that surround the
23 project, but I did not notice that you contacted the
24 U.S. Fish and Wildlife Services, which manages the
25 Hanford Reach National Monument, the ~~Arid~~ ^{Arid} Lands Ecology

1 Reserve, which bounds on the eastern side of the
2 project. It think something you need to do is contact
3 the U.S. Fish and Wildlife Service, see what impacts
4 might occur to --

5 JUDGE GERARD: Mr. Ward, just a moment, sir.

6 MR. WARD: Yes.

7 JUDGE GERARD: Mr. Ward, I don't think we can quite
8 understand you. There is something wrong with the
9 connectivity. If you can speak a little bit clearer,
10 maybe not louder, into the receiver so we can hear what
11 you're saying. I am going to go ahead and reset the timer
12 because I didn't hear and I'm not sure anyone else did.

13 MR. WARD: Okay, I'll try again. Can you hear me?

14 JUDGE GERARD: I can, and a bit slower also just so we
15 can understand you, sir. Thank you.

16 MR. WARD: Okay. This is Dana Ward, conservation
17 Chair for the Lower Columbia Basin Audubon Society. I
18 have one comment. Please contact the adjacent
19 landowners, which are the Department of Energy, which
20 owns the Hanford site, which bounds the project on the
21 east; the Arid Lands Ecology Reserve, which is managed
22 by the U.S. Fish and Wildlife Service. Please contact
23 the U.S. Fish and Wildlife Service to see if there's
24 going to be any impacts to the shrub step and the elk
25 that reside on the Arid Lands Ecology Reserve. Thank

1 you.

2 JUDGE GERARD: Thank you, sir. I don't see any other
3 hands raised within the electronic, but I do see --

4 CHAIRMAN DREW: Couple more.

5 JUDGE GERARD: I was just -- sir, please go ahead and
6 step up to the podium and announce yourself.

7 MR. SEARS: Good evening. Matt Sears. I'm out of
8 Sunnyside, Washington. I, too, am with the International
9 Brotherhood of Electrical Workers. For me, I'm for this
10 100 percent. You know, as these guys talked, most of us are
11 traveling, doing these solar projects. We got 20 to 22
12 months of work, it sounds like. It's huge.

13 Also, it sounds like this is private land, and I guess I'm
14 having trouble understanding, like -- it sounds like they're
15 going to lease out the land. How are we -- how are we able
16 to oppose what a farmer can do with his land? So with that
17 being said, thank you, guys.

18 MR. PLACZEK: Good afternoon. My name is Eric
19 Placzek. I am a neighbor two miles to the north of the
20 Robert Ranch. My wife and I have raised ten kids in the
21 neighborhood. The one thing that comes to the neighborhood
22 once a year is the Sunnyside Hill Climb. You should come;
23 it's a real spectacle. But it's done after two days.

24 This project is a huge impact to the neighborhood. You'd
25 have to come to really -- to really soak in how big of an

1 impact and positive for the area. So we're looking to live
2 there for a much longer time and use a lot of electricity
3 that comes out of the sky. Thank you very much.

4 JUDGE GERARD: Thank you, sir. I don't see any
5 (Inaudible) -- oh, we have one (inaudible).

6 MR. GASPER: Thank you for the opportunity to provide
7 some input. My name's Dan Gasper. I've been a resident
8 of Kennewick and Richland for about 22 years. 100
9 percent support this project. I think that this is a
10 great thing for our region. We're already leaders in
11 Washington state energy production, and this will just
12 expand our leadership.

13 I think it brings jobs of all sorts; it helps the farmers
14 in that region, and for those who aren't so keen on the way
15 that these fields look, I really doubt they're going to be
16 out there seeing them that often. This is a very remote
17 area, and for those of us who do like to see those kinds of
18 farm projects -- solar farm projects, I'm happy to drive out
19 there and take a look. Thank you very much.

20 JUDGE GERARD: (Inaudible). At this point this does
21 conclude the public comment section. (Inaudible).

22 CHAIRMAN DREW: Thank you.

23 It is 6:45, and so we now -- this meeting is closed. We
24 will convene the land use consistency hearing at seven
25 o'clock p.m.

1 (Recess)

2 CHAIRMAN DREW: Good evening. This is Kathleen Drew,
3 Chair of the Energy Facility Site Evaluation Council calling
4 the land use hearing for the Wautoma Project to order. If
5 Ms. Grantham will call the roll of the Councilmembers.

6 MS. GRANTHAM: Department of Commerce.

7 MS. KELLY: Kate Kelly, present.

8 MS. GRANTHAM: Department of Ecology.

9 (No audible response).

10 MS. GRANTHAM: Department of Fish and Wildlife.

11 MR. LEVITT: Sorry, Eli Levitt, present.

12 MS. GRANTHAM: Thank you.

13 Department of Fish and Wildlife.

14 MR. LIVINGSTON: Mike Livingston, present.

15 MS. GRANTHAM: Department of Natural Resources.

16 MR. YOUNG: Lenny Young, present.

17 MS. GRANTHAM: Utilities and Transportation
18 Commission.

19 CHAIRMAN DREW: Excused.

20 MS. GRANTHAM: Local Government and Optional State
21 Agencies for Benton County.

22 MALE SPEAKER: (Inaudible) is present.

23 MS. GRANTHAM: Washington State Department of
24 Transportation.

25 MR. GONSETH: Paul Gonseth, Washington State

1 Department of Transportation.

2 MS. GRANTHAM: Chair, there is a quorum.

3 CHAIRMAN DREW: If we could ask, I know that we have
4 our Benton County representative from -- for another
5 project on, but for the Waucoma Project for a Benton
6 County member.

7 MR. SHARP: Dave Sharp, present.

8 CHAIRMAN DREW: Thank you.

9 And, Judge Gerard, if you will start our land use hearing.

10 JUDGE GERARD: We call to order the EFSEC land use
11 hearing to order for the Wautoma Solar Project as
12 required by Revised Code of Washington 80.50.090 and
13 Washington Administrative Code 463-26-035.

14 EFSEC is beginning the land use hearing for the Wautoma
15 Solar Project, and during this hearing the public will be
16 given an opportunity to provide testimony regarding the
17 proposed project's consistency and compliance with the land
18 use plan and zoning ordinances. If you are not speaking at
19 the beginning of the evening, you can email or mail your
20 comments into EFSEC at the email address provided earlier or
21 as well as a physical address provided on an earlier slide
22 or the website.

23 Before starting comments we have already done a roll call.
24 We will begin with the Applicant presenting their
25 statements. We will then move on to anyone within the --

1 what county?

2 CHAIRMAN DREW: Benton County.

3 JUDGE GERARD: With Benton County, and then we'll move
4 on to public counties -- or public comments from
5 individual citizens if they choose to make any.

6 So that being said, Applicant Wautoma Solar, please begin,
7 if you choose to do so.

8 MS. ANDERSON: Good evening. Can you hear me?

9 Community members, Judge Gerard, my name's Erin Anderson.
10 I represent Innergex Renewable Development in this
11 proceeding. My business address is 207 South Pearl in
12 Ellensburg, 98926, and I also have offices in Seattle, but I
13 am a Kittitas County resident.

14 And I have to thank you for having us here tonight and
15 apologize if I trip over any of my words. This -- I'm very
16 excited. This is the first live, in-person proceeding I've
17 attended in the last two and a half years, and I appreciate
18 the audience, the Applicant, and the board for taking the
19 time to travel far from your homes on a night to hear what
20 the people that live in this community and the people who
21 rely on energy have to say.

22 I'm here today, as you know, with Laura O'Neil, Nuno
23 Louzeiro, and Ellen Bird. I also anticipate that at
24 least one stakeholder to this proceeding, Allison Keel
25 (phonetic), may testify this evening regarding land use.

1 You have in your records a memorandum from me, and it is
2 supported by a declaration from Ms. O'Neil, but we almost
3 didn't get here tonight because when the Applicant began
4 doing its due diligence on this project in Benton County,
5 solar energy major, meaning large energy facility powered
6 by solar, was a permitted use in Benton County with a
7 conditional use permit. And the reason for that is because
8 the Benton County comprehensive plan contemplated uses in
9 that zone that are compatible with each other.

10 And when Innergex came to Benton County after the passage
11 of SEPA, it was a use that was allowed conditionally in this
12 county. However, the Applicant made outreach to the County
13 in July of 2021 to start talking about what it would be like
14 to go through the local conditional use permit proceeding.

15 Nevertheless, as you'll find in my memo, the County, in
16 October, put a packet out that indicated they were going to
17 change the code to prohibit or remove from the uses that
18 were permissible in this zone large solar facilities. That
19 process moved very quickly. We discovered that expedited
20 review of the SEPA was granted by Department of Commerce.
21 And so between October and December, on December 21, the use
22 was no longer allowed. And consequently, the Applicant had
23 to come to EFSEC, did so, prepared the application for site
24 certification.

25 So I'm here tonight not to argue that there is land use

1 consistency; we agree that there is not. But what I am also
2 here tonight to speak about is still the need to review this
3 application, notwithstanding the lack of land use
4 consistency.

5 There are reasons why the project should receive the kind
6 of expedited review that RCW 80.50 -- I believe it's
7 100(1)(a), I could be wrong on that, but 80.50.100(1)(a)
8 contemplates that the Council will complete its work and
9 deliver a recommendation to the governor within 12 months of
10 the date of a completed application. So 12 months from
11 June, although there can be an extension of time between the
12 Council and the Applicant.

13 That's not the only reason why they're here before you
14 tonight and have submitted this application and are looking
15 forward to going through this process. It is because we
16 have passed the Clean Energy Transformation Act, which
17 anticipates and, in fact, requires utilities to have a
18 neutral consequence to the environment from greenhouse gas
19 emissions by 2030, and that is now slightly over eight years
20 away. We also have other legislation that has been passed
21 moving us in this direction that includes the low carbon
22 fuel standard. We are now a -- the second state in the
23 union to have a cap and ~~trade~~ ^{trade} or a cap and invest program and
24 legislation here in this state. So Washington is a leader
25 on these things.

1 Regardless of the wisdom of that, that is law in the State
2 of Washington. What that means is hundreds if not thousands
3 of megawatts of electricity that are now generated by
4 carbon-emitting fuels such as coal or natural gas need to be
5 offset completely by 2030. Hundreds if not thousands of
6 megawatts in 7 and a half years, and it takes a year,
7 arguably, under 80.50.100, just to get this project through
8 that process.

9 The state is behind, and it is time to start moving
10 forward to meeting those goals. And those goals benefit
11 everybody. This is an existential problem that is not
12 limited to King County or Benton County. The climate change
13 targets of this legislation are global.

14 So with that, I can't contend that the project is
15 consistent with the Benton County land use code because it
16 no longer is as of December 21 of 2021. However, the Benton
17 County comprehensive plan has not changed. The Benton
18 County comprehensive plan in the summer of 2021 was
19 consistent with the land use code that allowed large solar
20 as a conditional use permit, and I would argue that the
21 comprehensive plan has not changed. The project remains
22 consistent and can be rendered consistent through the
23 conditioning of the project.

24 And that's exactly what Benton County contemplated when
25 they did their SEPA checklist, and you'll find the reference

1 in my brief. They indicated that any site-specific project
2 would need to go through some site-specific SEPA evaluation.
3 Either the County was going to do it under conditional use
4 framework; now EFSEC is going to do it under the
5 adjudicative process that you will undertake.

6 We should get to the same place. SEPA is the same in this
7 county as it is everywhere else. And the environmental
8 review that you do, I would submit would lead to the same
9 kinds of recommended conditions that you would have found
10 had you gone through the county process.

11 And we know what the county's conditional use concerns
12 are, and you can look at what the code used to say because
13 that's appended to my memorandum, but they're worried about
14 land use consistency. You want to make sure that as you
15 introduce a new kind of use into an existing environment
16 that you condition it in a way that it remains consistent
17 and compatible with everything else that's going on.

18 So we look forward to the adjudicative process to
19 demonstrate how the project can be conditioned to make it
20 compatible. In the next year I would submit that you will
21 do SEPA much like Benton County would have done. The
22 Council has a lot of experience. The Council staff has a
23 lot of experience with SEPA; they know how to do this. This
24 is a company that has exclusively been in the energy --
25 renewable energy industry for over 30 years.

1 My point in making that is they also have a lot of
2 experience in knowing how to engage with stakeholders,
3 agencies that have an interest in what's going on over here,
4 and I would submit that those conversations which have begun
5 should continue. And the analysis in the application for
6 site certification should be given a hard look, because I
7 believe that it supports a mitigated determination of
8 non-significance precisely because fish and wildlife, the
9 applicant, staff, and the Council know how to process these
10 things, how to analyze these things, and how to develop a
11 body of recommendations that can render the project
12 consistent not only with the Benton County code but to
13 either -- oh, we say avoid, minimize, or mitigate impacts.
14 And we are here and Innergex is here in front of you today
15 and through this proceeding to address those kinds of
16 issues.

17 We do look forward to land use consistent -- land use
18 adjudication in this matter. I do believe and the Applicant
19 believes that we can, through the process of hearing from
20 the public, identifying their concerns, hearing from the
21 agencies, understanding what their concerns are, that we can
22 build a package that can be recommended to the governor for
23 approval not only preempting Benton County code but
24 conditioning it in a way that reflects the values and
25 interests of everybody that lives here in this county.

1 I'm happy to answer any questions that you have, and if
2 not, I look forward to moving forward and seeing an order
3 commencing adjudication in this matter in a relatively
4 timely fashion so that this project, and I'm sure many, many
5 others, can get moving forward to meet the goals of SEPA.
6 Thank you.

7 JUDGE GERARD: Thank you.

8 At this time do we have anyone representing Benton County
9 who wishes to speak? And good evening. Before we start,
10 I'll let you introduce yourself. I'll give you the same
11 amount of time --

12 MS. COOKE: Yes.

13 JUDGE GERARD: -- I gave the appellant -- or the
14 Applicant, rather, so that's about ten minutes. Just -- I
15 didn't clarify this earlier. All other speakers will be
16 given three minutes to speak, so --

17 MS. COOKE: Thank you.

18 JUDGE GERARD: -- please introduce you and
19 (inaudible).

20 MS. COOKE: Good evening, Council. My name is
21 Michelle Cooke. I'm the Benton County Planning Manager,
22 and I'd like to take a few minutes this evening to speak
23 to you regarding the Wautoma Solar Project's
24 inconsistency and lack of compliance with Benton
25 County's zoning ordinance and land use plan.

1 The proposed project fails to comply with both the
2 Washington State Growth Management Act and Benton County's
3 comprehensive plan which mandates and directs the County to
4 project and prevent the loss of long-term, commercially
5 significant agricultural lands of any size in Benton County.
6 The proposed location of the Wautoma Solar Project currently
7 has a land use designation of GMA agriculture, and as such,
8 nonagricultural uses are discouraged and restricted per the
9 County's comprehensive plan.

10 The proposed project is an industrial use, not an
11 agricultural one. And a 4,573-acre loss of commercially
12 significant agricultural land would be both inconsistent and
13 incompatible not only with the County's comprehensive plan
14 but also its implementing regulations such as the County's
15 zoning ordinance and the critical area regulations.

16 As with the land use designation for the project area, the
17 zoning district is also agricultural known as the Growth
18 Management Act Agricultural Zone. This zoning district
19 seeks to protect agricultural activities by allowing land
20 uses compatible with agriculture and prohibiting
21 nonagricultural uses.

22 Currently, industrial scale solar projects such as this
23 one are current- -- are prohibited in the GMA agricultural
24 zoning district and are not allowed as either an outright
25 allowed accessory or conditional use in this zone per the

1 County's zoning ordinance.

2 The Applicant is requesting that EFSEC preempt the
3 County's local land use plan and zoning ordinance, which do
4 not allow such a use to occur in agricultural lands. Based
5 upon the project's location, the proposal does not meet the
6 intent of RCW 36.70, is not consistent with the goals and
7 policies of the County's comprehensive plan, and does not
8 comply with the GMA agricultural zoning district as solar
9 farms are a prohibited use.

10 As such, it's the County's stance on this proposal that
11 the local county land use policies and zoning code should be
12 held in effect and should not be disregarded by the Wautoma
13 Solar Project application before us tonight. Thank you for
14 your time.

15 JUDGE GERARD: Do we have any speakers on the list?

16 MS. GRANTHAM: Yes. The next speaker is Allison
17 Keeler.

18 MS. KEELER: I hate microphones, sorry. I want the
19 board to accept my comments as having my interest in all
20 aspects of the project specifically, including, without
21 limitation, land use consistency. I'm sure I'm not
22 going to surprise anybody in this room by saying that
23 farming is hard work. It's hot days, back-breaking
24 labor, and is certainly best suited to the young and the
25 fit. However, if you look at the U.S. as a whole, the

1 average age of a farmer is 57 and a half years old, and
2 that number continues to climb with every agricultural
3 census that's taken.

4 In Benton County, 64 percent of farmers are between the
5 ages of 35 and 64 years old, and another 25 percent are over
6 the age of 65. As of 2017, 234 individuals who were farming
7 in Benton County were under the age of 35. Unless things
8 have dramatically changed since the last farming community
9 was counted in 2017, we have a significant dearth of farmers
10 who will be there to take the place of those who want to
11 retire.

12 I'm not a farmer; I do, however, represent an interesting
13 demographic in Benton County. The family office that I
14 represent recently purchased just over 1,500 acres of
15 farmland in Benton County, not because we were hoping to
16 farm it but because we knew it was under contract to a solar
17 developer. "Just another carpetbagger," I'm sure you're all
18 thinking, but I would frame it differently.

19 Since taking ownership of the property, we've worked with
20 Innergex to remove the existing vineyard from the solar
21 lease allowing us to continue to farm those 75 acres. We
22 hired a vineyard manager locally and are in discussions to
23 hire an additional five to eight full-time workers for the
24 vineyard.

25 We've shown Innergex that sheep make excellent mowing

1 machines, and they have been receptive to encouraging the
2 shepherd that has grazed his flock on the property to
3 continue to graze his sheep under the solar panels producing
4 benefits to both the solar producer and the rancher.

5 This will probably result in a couple of things: A
6 potential increase in the size of the shepherd's flock under
7 solar panel planting of native grasses that are better
8 suited to the drought-prone Columbia basin, and also
9 excellent forage for the sheep, and a continuation of
10 ranching on the property that will also be providing value
11 in the creation of electricity.

12 Solar has already brought quite a few benefits to Benton
13 County. It attracts the attention of active investors who
14 bring funds into the county. The right solar producers are
15 willing to work with existing farmers and ranchers to
16 accommodate to the extent possible dual-use strategies for
17 the land that is going under solar so that farming and
18 ranching do not necessarily disappear when solar land is
19 developed. And it allows farmers who do not have an exit
20 strategy other than to sell their family's land or find one
21 of the dwindling group of young farmers who might want to
22 farm someone else's land to continue to generate real
23 income, even if the land is no longer farmed.

24 I can't speak to all solar developers, but Innergex has
25 been an excellent partner for the farming and ranching

1 community in Benton County without even having broken ground
2 on its project. Thank you.

3 JUDGE GERARD: Thank you.

4 MS. GRANTHAM: The next speaker is Brendan Mercer.

5 JUDGE GERARD: If you are connecting remotely would
6 you go ahead and turn yourself off mute and speak up,
7 please?

8 Would you please read the name of the participant?

9 MS. GRANTHAM: Brendan Mercer.

10 JUDGE GERARD: Let's go ahead and move on to the next.
11 We'll come back to him at the end.

12 MS. GRANTHAM: The next speaker is Jeanie Polehn.

13 JUDGE GERARD: And if you are connecting remotely,
14 please take it off mute and go ahead and begin speaking.
15 (Inaudible).

16 MS. POLEHN: Thank you for allowing me to speak today.
17 I'm Jeanie Polehn of Benton County, and we're talking about
18 land use consistency. And the last time I checked -- can
19 you hear me?

20 JUDGE GERARD: Can you drop the microphone down a
21 little bit closer to your face?

22 MS. POLEHN: Thank you. I'm short.

23 JUDGE GERARD: Thank you.

24 MS. POLEHN: This is (inaudible). Here we go. Okay.
25 Can you hear me now?

1 JUDGE GERARD: Yes.

2 MS. POLEHN: Okay. The last time I checked, I have
3 not seen solar panels grow by themselves. Anybody
4 around here seen solar panels spurt up out of the ground
5 and stuff, start growing themselves? You know, I don't
6 think that's an agricultural situation.

7 You know, we're talking about clean energy, okay, for our
8 community. Well, what about the people over in China that
9 are making those solar panels under slave labor? What about
10 them producing all of that material using carbon materials?
11 Fossil fuels. Is NIMBYism okay? I don't think that's okay.
12 Also, the solar panels do have hazardous waste, and the
13 batteries have hazardous waste. What -- why is that okay?

14 And with our -- I'm trying to think -- the cost of living
15 going up 9.1 percent inflation, I find it hard to believe
16 that it's going to cost what is listed online to
17 decommission the facility. I know we need jobs, and I
18 recognize that, but we also have to take care of our
19 environment. And if we lose this for something that we
20 haven't thought through, shame on us. That's all I have.
21 Thank you.

22 JUDGE GERARD: Thank you.

23 MS. GRANTHAM: That was our last speaker, so we can go
24 back to see if Brendan Mercer is online.

25 JUDGE GERARD: Let's go ahead and open it up to the --

1 those participating in person. Anyone else wish to speak on
2 the land use issue?

3 Sir, go ahead.

4 MR. PENN: Again, my name is George Penn; I'm a Benton
5 County resident. And evidently there is a moratorium
6 suggested on projects like this by the Benton County
7 Commissioners. They are duly elected representatives of
8 Benton County and, you know, if that's where we're at with
9 this, we need to give this closer examination and let the
10 will of the people be determined instead of an agency from
11 the west side dictating to us how the land in Benton County
12 is going to be used.

13 Again, I'm George Penn, Benton County resident.

14 JUDGE GERARD: Thank you.

15 Sir.

16 MR. MELBAUER: Good evening, and thank you for your
17 time and listening to my comments. My name is Jim
18 Melbauer, and I am a resident of Benton County. And I
19 am in favor of this project, and I speak to that. I
20 think we need to diversify our energy portfolio, and
21 this is one way of doing it. I have solar panels at my
22 house and plan to add more, and I hope that's not
23 discouraged by Benton County to help eliminate that. So
24 I support this project, and I appreciate your time.
25 Thank you.

1 JUDGE GERARD: Thank you.

2 Sir, go ahead.

3 MR. JENKIN: My name is Bill Jenkin; I'm a resident of
4 Benton County. I'm here, much like the speaker two before,
5 is that, you know, we went through this a little bit with
6 the windmill project -- well, a lot with the windmill
7 project coming through and went directly to your committee,
8 and now -- now this is going directly to your committee.

9 I do understand what -- and I'm told what was enacted
10 recently by the County to -- moratorium or whatever you want
11 to call it that makes the project people want to get going
12 and they feel that they can't get going going through the
13 County because it could be a while so that -- so the next
14 option is going to you.

15 I can see that thinking, but I think this is a long-term
16 project, and I think something like this long-term needs to
17 be decided by the County, not by a committee on the other
18 side of the mountain. We need to have our own influence,
19 and I know that that's a County decision. We have to work
20 through that with the County, and that's what we intend to
21 do.

22 We need to have our own voice. Appreciate what you're
23 doing. Well, I guess I really don't, but I appreciate that
24 you're all here going through what needs to be done at this
25 point. But, please, let Benton County make the decision and

1 offer -- offer some type of response before your committee
2 gets involved. Thank you.

3 JUDGE GERARD: Thank you.

4 Anybody else currently in the facility wish to speak
5 before we go to the remote participants? Anyone who has
6 connected remotely wish to speak before we pass the baton
7 off to (inaudible)? Okay.

8 CHAIRMAN DREW: There is somebody.

9 JUDGE GERARD: Looks like Lorre Gefre.

10 MS. GEFRE: Yes, can you hear me?

11 JUDGE GERARD: We can, thank you.

12 MS. GEFRE: You can hear me now? Okay. I live
13 directly across from the Robert family. They are very
14 good neighbors and they have to figure out what works
15 best for their land. But what sometimes -- I feel bad
16 for the farmers -- and I will say it real quickly -- I
17 have been involved in not necessarily farming, but
18 agricultural research, observations, wildlife habitat
19 for many, many years. And we are destroying our
20 predators with the wind turbines and the different
21 things are being forced onto people where they don't
22 have a vote or a say anymore. The batter waste -- and
23 what's bad is, to me, is that the farmers don't always
24 know the consequences of what may happen to their land
25 if it returns back to them to use. Like the one

1 Republican woman spoke about the battery waste. What
2 are we going to do about all this battery waste?
3 Again, I am not speaking against people doing what they
4 want with their land, but I know that the counties also
5 have ordinances that they need to follow and respect all
6 people, as well.

7 So Washington State has had a big problem over many,
8 many years of the declining aquifers. They have not
9 enforced the water laws that are public waters. This
10 puts farmers in a bad bind when their aquifers are
11 rapidly disappearing and they keep their land, try to
12 farm it and then the water is gone and it's worthless.

13 So how fair is this to the farmers? They have really
14 been put in a bad spot and I see where the Robert family
15 has been put in a bad spot like many. How do they
16 continue when they don't know that they're going to have
17 water to sell their land? We don't know that our water
18 won't be polluted.

19 And we do have voracious storms out here at times, and
20 they are very bad. The flooding can be very bad.
21 There's very violent windstorms. I don't know how these
22 solar panels work but I do know about the wildlife. And
23 when it's disappearing, you are going to have a major
24 problem with your predators gone, with moles, gophers,
25 these things that -- badgers, things like that can't

1 keep living around all these things that are invading
2 their territory to keep the habitat in somewhat of a
3 balance. We're just being forced, like I said, without
4 law -- mitigation means nothing. I have watched this.
5 Nobody enforces the law. Once it's done, it's over. I
6 have been in politics for a long time. And I'm not
7 against the Robert family and I'm not against their
8 land, but what I am against is what the state doesn't do
9 and promises to do, and just like this, there's going to
10 be big problems with all this waste -- battery waste,
11 water pollution. What is the Robert family going to
12 have in the end? These people sold on the idea that
13 this is a great way to make money. It is, but what is
14 their land going to be when it's all over? What's our
15 earth going to be like when it's all over.

16 People matter. Wildlife matter. I have marks on my
17 tree from deer. People let -- let people shoot the elk
18 and deer. Then when they want something, then they just
19 destroy it so they don't have a way to even migrate --

20 JUDGE GERARD: Ms. Gefre, I'm going to -- I'm going to
21 just stop you there.

22 MS. GEFRE: Okay, I am done. Thank you. I have
23 nothing against the Robert family, but --

24 JUDGE GERARD: We need to -- ma'am, hold on. We need
25 to limit it to the land use of this particular project

1 with -- for this one as opposed to broader things as
2 opposed to you --

3 MS. GEFRE: Well, it is for this one, the Robert
4 family.

5 JUDGE GERARD: Just a moment, please. Please let me
6 finish just so we know the parameters of what we are
7 going with. I am going to ask that you limit your
8 comments just to the land use of this project, as
9 opposed to broader scopes of other legal activities or
10 inconsistencies. Thank you.

11 MS. GEFRE: Okay. Well, I had what I had to say. I
12 feel the Robert family and many farmers are in a bad
13 spot, because the Washington water laws aren't enforced.
14 And I think that Benton County and all counties should
15 have a say in what happens to their land use, working
16 with the farmers, working with the people, and I am
17 going to leave it in the hands of the people that make
18 these decisions but --

19 JUDGE GERARD: All right. Thank you, ma'am.

20 MS. GEFRE: -- I don't think that people always know
21 what they are getting into to.

22 JUDGE GERARD: Three minutes, ma'am. We've gone past
23 a lot of time. Thank you for your comments.

24 MS. GEFRE: Thank you.

25 JUDGE GERARD: Thank you, ma'am.

1 Any other participants? One last call, either remotely or
2 in person, before we -- before we move on? All right.

3 CHAIRMAN DREW: Thank you all. This concludes our
4 land use hearing. Thank you all for being here tonight
5 both virtually and in person. The meeting is adjourned.

6 (Conclusion of meeting)

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STATE OF WASHINGTON)
)
COUNTY OF KING)

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IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2022.


s/ Marjorie Jackson, CET

