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### HEARING TO RECEIVE PUBLIC COMMENTS VERBATIM RECORD OF PROCEEDINGS

*October 03, 2024*

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Energy Facility Site Evaluation Council

EF-220355

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1 APPEARANCES

2 (All parties appearing remotely.)

3 Energy Facility Site Evaluation Council Members:

4 Kathleen Drew, Chair

5 Elizabeth Osborne  
6 Department of Commerce

7 Eli Levitt  
8 Department of Ecology

9 Mike Livingston  
10 Department of Fish and Wildlife

11 Lenny Young  
12 Department of Natural Resources

13 Stacey Brewster  
14 Utilities & Transportation Commission

15 Local Government and Optional State Agencies:

16 Wautoma Solar:

17 Dave Sharp, Benton County

18 Administrative Law Judge:

19 Dan Gerard

20 Council Staff:

21 Adrienne Barker Lance Caputo

22 Alex Shiley Andrea Grantham

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1 BE IT REMEMBERED that on Thursday,  
2 October 3, 2024, at 5:00 p.m. Pacific time, before  
3 the Washington Energy Facility Site Evaluation  
4 Council; Kathleen Drew, Chair; and Dan Gerard,  
5 Administrative Law Judge, the following proceedings  
6 were had, via videoconference, to wit:

7  
8 <<<<<< >>>>>>

9  
10 CHAIR DREW: Okay. Good evening,  
11 everyone. This is Kathleen Drew, chair of the Energy  
12 Facility Site Evaluation Council, calling this  
13 meeting to order.

14 This meeting is -- first of all, this meeting is  
15 for the Wautoma Solar energy project. This is a  
16 public hearing on the adjudicative hearing for this  
17 project. The purpose of this adjudicative proceeding  
18 is to determine if the Council should recommend to  
19 the governor preemption of the local jurisdiction's  
20 land-use provisions, and if so, what conditions  
21 should be included in the draft site certification  
22 agreement which considers state or local governmental  
23 or community interests affected by the project. For  
24 those of you who are offering comments, I ask that  
25 you stay within that topic.

1 To begin, Ms. Grantham, will you call the roll.

2 MS. GRANTHAM: Certainly, Chair  
3 Drew.

4 The Department of Commerce.

5 MS. OSBORNE: Elizabeth Osborne,  
6 present.

7 MS. GRANTHAM: Department of  
8 Ecology.

9 MR. LEVITT: Eli Levitt, present.

10 MS. GRANTHAM: Department of Fish  
11 and Wildlife.

12 MR. LIVINGSTON: Mike Livingston,  
13 present.

14 MS. GRANTHAM: Department of  
15 Natural Resources.

16 MR. YOUNG: Lenny Young, present.

17 MS. GRANTHAM: Utilities and  
18 Transportation Commission.

19 MS. BREWSTER: Stacey Brewster,  
20 present.

21 MS. GRANTHAM: For local government  
22 and optional state agencies: For Benton County, do  
23 we have Dave Sharp?

24 MR. SHARP: Dave Sharp, present.

25 MS. GRANTHAM: And Washington State

1 Department of Transportation, Paul Gonseth.

2 Moving on. Administrative law judge: Dan  
3 Gerard.

4 JUDGE GERARD: Present.

5 MS. GRANTHAM: And do we have  
6 anyone present for the counsel for the environment?

7 Chair, there is a quorum.

8 CHAIR DREW: Thank you.

9 At this point, I'll turn it over to Judge Gerard.

10 JUDGE GERARD: Good evening,  
11 everyone. And thank you for your attendance tonight.  
12 As Chair Drew had stated just a moment ago, the  
13 topics are limited to what she articulated just a  
14 moment ago.

15 I would ask that everyone do speak loudly and  
16 clearly. We are recording these proceedings. And we  
17 have asked that everyone limit their comments to  
18 three minutes.

19 So without further ado, if we are ready, I'll go  
20 ahead and call the first participant.

21 David Robert, are you present?

22 DAVID ROBERT: Yes, I am.

23 JUDGE GERARD: All right. If you'd  
24 like to make a comment, sir, please go ahead and  
25 begin.

1                   DAVID ROBERT: Could you just tell  
2 the -- the -- what we're supposed to comment? I  
3 missed that real quick. I'm sorry.

4                   JUDGE GERARD: Sure. Chair Drew --

5                   DAVID ROBERT: Limit it to --

6                   JUDGE GERARD: I'll let her -- if  
7 you don't mind, Chair Drew, would you repeat just  
8 the -- the scope of the -- the proceedings --

9                   DAVID ROBERT: Yes.

10                  JUDGE GERARD: -- just so all the  
11 rest of everyone else is aware? If not, I can  
12 certainly take it up and -- and repeat it.

13                  CHAIR DREW: I have it. It's right  
14 here in front of me.

15                  So this is the public hearing on the adjudicative  
16 hearing, and the Council has limited the adjudicative  
17 proceeding to the subject of land use and whether or  
18 not the Council should recommend to the governor  
19 preemption of the local jurisdiction's land-use  
20 provision, and if so, what conditions should be  
21 included in the draft site certification agreement,  
22 which consider state or local governmental or  
23 community interests affected by the project.

24                  So we're asking the public to comment, if they're  
25 commenting on this adjudicative proceeding, to keep



1 their comments limited to that topic. Okay?

2 DAVID ROBERT: Okay.

3 JUDGE GERARD: Very good.

4 DAVID ROBERT: Yeah, I'm -- I'm  
5 Dave Robert, one of the brothers who own the ranch  
6 where the site will be put at.

7 One of the things I wanted to say was the site, I  
8 think, is an excellent situation because we're 40  
9 miles west of the Tri-Cities and 12 miles north of  
10 Sunnyside. The land that will be under the solar,  
11 some -- just about 700 acres is irrigated, but we  
12 have a declining well, so the water in some sense is  
13 really not considered prime farmland anymore, and the  
14 rest of the land that's going to be on is pretty much  
15 sagebrush and CRP land.

16 So I just think it's just one of the best  
17 locations we could have for solar. It's very  
18 isolated. We're surrounded with no -- you know, no  
19 people able to even look in, 'cause we got the  
20 Rattlesnake Ridge on one side, the Hanford  
21 reservation on the other, and another small ridge.  
22 And just to the west of us, we have a few neighbors.  
23 So I'm just suggesting that this would be a great  
24 site, and it'd be -- it'd be a win-win for everybody.  
25 Thank you very much.

1 JUDGE GERARD: Thank you,  
2 Mr. Robert.

3 With that, we'll go ahead and move on to the next  
4 speaker who has signed up, and that would be Randy  
5 Robert.

6 Randy Robert, are you present?

7 RANDY ROBERT: I am.

8 JUDGE GERARD: Very good.

9 And if you'd like to make a comment, please go  
10 ahead and begin.

11 RANDY ROBERT: Yes. Kind of the  
12 same way my brother was saying, the Wautoma Solar  
13 energy project is a very good option for renewable  
14 energy. The location is very remote but has easy  
15 access to a BPA substation. The land that would be  
16 under solar panels is not prime farmland, along with  
17 the water table dropping in the aquifer makes for  
18 farming very challenging.

19 This project would save water and help replenish  
20 the aquifer. The Robert Ranch would still raise  
21 cattle and farm in the future. So, to me, this is a  
22 ideal spot, and -- and it would be good for our  
23 family going into the future. Thank you.

24 JUDGE GERARD: Thank you, sir.

25 All right. Moving on the next -- to the next

1 participant: Allison Keeler. There is a note that  
2 you may not be present, but if you are, go ahead and  
3 speak up, please.

4 All right. We'll come back to -- to Ms. Keeler  
5 at the end to see if she did join at that point. So  
6 let's move along to the next speaker.

7 Michael Robert, are you present, sir?

8 MICHAEL ROBERT: I am. This is --

9 JUDGE GERARD: (Speaking  
10 simultaneously.)

11 MICHAEL ROBERT: -- Michael Robert,  
12 also one of the Robert brothers. And I also want to  
13 comment that the -- the location for this solar panel  
14 project is -- is at -- is very, very isolated.  
15 There -- it's -- as indicated, it's at closest 12 to  
16 15 miles from any population area, and it is in a  
17 valley where -- where basically it is, you know, not  
18 easily seen.

19 There's two major highways that kind of go --  
20 that kind of go by the ranch and where the solar  
21 project is, but you would only see the -- see the  
22 project for about three miles on Highway 341, and you  
23 would only see it for about one mile on Highway 24.  
24 So it's a very -- it's a very good location for --  
25 for a solar panel project and at least from the

1 public viewpoint.

2 And also to reiterate, the well has dropped  
3 several hundred feet 'cause of the aquifer being  
4 depleted. And if -- without being able to irrigate  
5 this land, the land really is very marginal, you  
6 know, wheat country. The history of the ranch  
7 started as a sheep ranch, which didn't -- and then  
8 eventually a well was drilled to do farming. But  
9 with the well dropping, it is not -- not feasible to  
10 be farming in the way we used to do our farming.  
11 Thank you.

12 JUDGE GERARD: Thank you, sir.

13 Let's move on, then, next, to the next  
14 participant.

15 Mary Larsen, are you present?

16 Mary Larsen, if you're present, would you go  
17 ahead and turn yourself off "mute" and speak up. If  
18 not, we'll go ahead and come back to you at the end.

19 All right. It doesn't appear so at this point,  
20 so we'll go ahead and move on to the next speaker.  
21 Excuse me.

22 Celene Robert, are you present? Celene Robert,  
23 if you're present, go ahead and turn yourself off  
24 "mute," and speak up, please.

25 Okay. We'll go ahead and just for the sake of

1 time, we'll move on to the last signed-up  
2 participant, and we'll circle back to the other ones.

3 Robin Robert, are you present, sir?

4 ROBIN ROBERT: Yes, I am.

5 JUDGE GERARD: (Speaking  
6 simultaneously.)

7 ROBIN ROBERT: I'm one of the other  
8 brothers. Hi. I think my brothers pretty -- pretty  
9 much covered it all.

10 I'm 71 years old, and -- and it'd be nice if the  
11 solar went in. We'd have steady income for the next  
12 25 years. And they pretty much covered the whole  
13 thing about the water situation and the isolation of  
14 our ranch compared to other towns.

15 That's pretty much it. Thank you.

16 JUDGE GERARD: Thank you, sir.

17 All right. So let's go ahead and circle back to  
18 the three other names I called earlier. Then we can  
19 see if there's any other ones that have signed up  
20 that were not on the list I was provided.

21 Allison Keeler, have you managed to join us?

22 MR. SHARP: Judge Gerard and  
23 Kathleen Drew, this is Dave Sharp.

24 JUDGE GERARD: Yes, sir.

25 MR. SHARP: I'm not sure if she can

1 hear me, but, Kathleen Drew, when people are dialing  
2 in, you normally give instructions on how to mute and  
3 unmute themselves. I'm wondering if perhaps the  
4 people are dialing in and can't get unmuted.

5 CHAIR DREW: Ms. Grantham, do you  
6 see anyone who is trying to unmute?

7 MS. GRANTHAM: I do not see any  
8 phone calls who have called in, but in case anybody  
9 has joined through their Teams app maybe on their  
10 phone and is struggling to unmute, I can instruct you  
11 that you can attempt to use star 6 or pound 6.

12 Though I have been checking the participants for  
13 whenever ALJ Gerard is calling the names, and I do  
14 not see the names that he is calling at the moment.

15 JUDGE GERARD: Yeah.

16 CHAIR DREW: Thank you.

17 JUDGE GERARD: I was -- I was  
18 actually checking that as well, and I don't see these  
19 participants, but I was hoping or I was concerned  
20 that they maybe called in under someone else's name,  
21 but it doesn't appear that's the case.

22 Thank you, Mr. Sharp, for that.

23 So let's go ahead and call the next name or the  
24 party. Mary Larsen, have you joined?

25 Again, it doesn't appear so.

1           Let's move on to the final one. Celene Robert,  
2           are you on any of the calls, and if so, go ahead and  
3           turn yourself off "mute," and go ahead and make your  
4           comments.

5           Okay. Ms. Grantham, do we have any other  
6           participants that are not on the list that you had  
7           provided to me?

8                         MS. GRANTHAM: Not that I am aware  
9           of. I have been checking the EFSEC in-boxes that  
10          people have been e-mailing into to sign up, and we  
11          haven't received any new ones as of yet.

12                        JUDGE GERARD: Okay. So during  
13          this interim period, I'm going to pass the reins back  
14          to Chair Drew, and she will inform us all how -- how  
15          we'd like to proceed going forward now that all the  
16          speakers who are present have spoken.

17                        CHAIR DREW: I think at this point,  
18          ask anyone else who is on the line if they wish to  
19          speak, and if not, we'll conclude the hearing.

20                        JUDGE GERARD: Okay. So with that,  
21          if there are people who would like to speak, if you  
22          have the -- the program up, go ahead and raise your  
23          hand just so we can control the flow. If you don't  
24          have that functionality, go ahead and just speak up,  
25          and we'll -- we'll take you in order.

1           Is anybody else present who has not spoken that  
2 would like to add to the -- the public comment  
3 portion of this adjudication?

4           Chair Drew, I'm not seeing anybody. How long  
5 would you like to wait before you adjourn?

6                           CHAIR DREW: I think we have heard  
7 all the testimony that we're going to hear tonight,  
8 so I think it's time to adjourn.

9           Thank you very much for all your participation.  
10 This meeting's adjourned.

11   (Meeting adjourned at  
12   5:13 p.m.)



1 STATE OF WASHINGTON ) I, John M.S. Botelho, CCR, RPR,  
2 ) ss a certified court reporter  
3 County of Pierce ) in the State of Washington, do  
4 hereby certify:

5 That the foregoing HEARING TO RECEIVE PUBLIC COMMENTS  
6 DURING ADJUDICATIVE PROCEEDINGS of the Washington State  
7 Energy Facility Site Evaluation Council was conducted  
8 remotely in my presence and adjourned on October 3, 2024,  
9 and thereafter was transcribed under my direction; that the  
10 transcript is a full, true and complete transcript of the  
11 said hearing, transcribed to the best of my ability;

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

16 IN WITNESS WHEREOF, I have hereunto set my hand  
17 this 17th day of October, 2024.

18 \_\_\_\_\_  
19 /s/John M.S. Botelho, CCR, RPR  
20 Certified Court Reporter No. 2976  
21 (Certification expires 5/26/2025.)  
22  
23  
24  
25

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