



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

August 15, 2006 Special Meeting Minutes

On Tuesday, August 15, 2006, at 9 a.m., EFSEC Chair Jim Luce convened a meeting^[1] to discuss his recent efforts regarding an update to the “2001 Earl Report.” The Earl Report was commissioned by the Governor in April 2001 to look at EFSEC’s processes and procedures and to recommend possible changes to enhance and streamline the siting of major energy facilities in Washington. A copy of the “update” summary and flow charts accompanying it are available for review at the EFSEC Offices, 925 Plum Street SE, Building 4, Olympia, Washington, 98504. Requests for documents should be made to Mariah Laamb, Council Secretary at 360-956-2048 or at her email address: mariahl@cted.wa.gov. A list of attendees is attached.

Those attending the meeting (including some Council members) discussed possible changes to EFSEC’s business practices in four areas: (1) processing applications; (2) governance; (3) jurisdiction; and (4) funding.

There was significant support for some changes to EFSEC’s current practice for processing of applications, especially as regards to: (1) pre-application work between applicants and the Council and (2) the completion of the SEPA process before the beginning of the adjudicative hearing. Requesting staff to prepare recommendations for the Council regarding an application prior to the hearing was also discussed; however, the attendees asked Karen McGaffey, Danielle Dixon, and Darrel Peoples to report back to the Council regarding these possible changes.

There was little support for changing “governance” i.e., citizen members that make the final siting decision, and stronger support for retaining the current composition of the Council consisting of state agency representatives who make the siting recommendations to the Governor. Attendees believed that the current model brings the needed expertise to the Council deliberations and a policy and political accountability to the final decision by the Governor.

Jurisdiction issues were noted that would require legislation. EFSEC is not requesting legislation but will work with legislators who might initiate such an effort. This included EFSEC’s current threshold of 350 MW and whether that should be lowered as smaller projects frequently have significant impacts on the environment. No consensus was asked for during this meeting.

^[1] The meeting was noticed as a special meeting” pursuant to RCW 42.30.080.

A separate but related issue discussed was whether “alternative resource” applicants should be able to turn to EFSEC after having been denied a permit at the local level. The attendees seemed to favor no “double-dipping” but there were some differing views on how that could be legislated.

Finally, EFSEC funding was discussed. Since the mid 1980’s EFSEC receives its funding from applicants and EFSEC licensees. A question was raised whether EFSEC should be partially funded through general state funding. Some attendees noted that it seemed reasonable that some general state funding would be appropriate. Also raised was the question of whether EFSEC staff could or should “contract out” its expertise to potential developers, although it was recognized that this might present an appearance of fairness and there would be a conflict if the parties with whom EFSEC contracted later requested an EFSEC siting permit.

Jim Luce committed to keep interested parties informed as to further developments on any activities relating the items discussed. Chair Luce intends to discuss these issues further with the Governor’s Office at an appropriate time, and to coordinate its activities with the Director of the Department of Community, Trade, and Economic Development.

The meeting adjourned at 11:21 a.m.

Attachment A – Attendees List

Council members present were:

Jeff Tayer	Department of Fish and Wildlife
Judy Wilson	Department of Natural Resources
Tim Sweeney	Utilities and Transportation Commission
Jim Luce	Chair

Staff in attendance were:

Allen Fiksdal – EFSEC Manager, Mike Mills – Compliance Manager

Guests in attendance were:

Tony Usibelli – CTED Energy Policy, Mark Anderson – CTED Energy Policy, Danielle Dixon – NW Energy Coalition, Karen McGaffey – Perkins Coie, Dave Arbaugh – Arbaugh & Associates, Grant Bailey – Golder and Associates, Darrel Peeples – Attorney for PSE/Horizon Wind, Scott Williams – Puget Sound Energy, Tim Boyd – ICNU, Dean Sutherland – Clark Public Utilities, Allen Fiksdal – EFSEC Managing Director, Mike Mills – EFSEC Compliance Manager, Neil Parekh – PNWER, Kent Lopez – WRECA, Scott Richards – House of Reps. Tech. Comm., Dave Warren – WA PUD Association, Mot Hedges – Energy Northwest