BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
SATSOP COMBUSTION TURBINE PROJECT
AMENDMENT NO. 5

A Land Use hearing in the above matter was held on Tuesday, December 15, 2009, at 310 West Spruce Avenue, Room 212, in Montesano, Washington at 7:15 p.m., before the Energy Facility Site Evaluation Council members.

* * * * *

CHAIR LUCE: We are now commencing the land use hearing. Good evening, my name is Jim Luce. I'm the EFSEC Chair and I'm presiding over now what is a land use hearing before the Washington Energy Facility Site Evaluation Council pursuant to our statutory provisions RCW 80.50 and other code provisions in that section.

This public hearing is being held in Room 212 at 310 West Spruce Avenue, Montesano, Washington, at 7:15, Tuesday, December 15, 2009. Public notice of this hearing was given in the Daily World published in Aberdeen and the Vidette published in Montesano. Notices were mailed to persons on the Council's interested person list.

Those of you who haven't been getting notices --
1 Raise your hand, Tammy -- she will mail you information
2 about this project if she knows where to mail it. So that
3 would be a good idea.
4 This land use hearing is held to receive public
5 testimony, both oral and written, with regard to the
6 expansion of Satsop Combustion Turbine Project Units 3 and 4
7 consistent with land use regulations. Grays Harbor, LLC,
8 has submitted an application to amend the Satsop Combustion
9 Turbine to construct and operate a second 650-megawatt
10 natural gas combustion electrical generation facility
11 referred to as Units 3 and 4 at the existing Satsop
13
14 MR. FIKSDAL: Breathe.
15 CHAIR LUCE: I'm testing my lung capacity.
16 Grays Harbor also proposes to formally change the
17 name of this project to Grays Harbor Energy Project which
18 you may hear during this proceeding.
19 All right. Here's the procedure. We're going to
20 hear first from the applicant Grays Harbor Energy, second
21 from members of the public, and third from staff. Now, bear
22 in mind this is not the public comment session. You will
23 get a chance to go back and make public comments. This is
24 on the land use hearing designation so appreciate that.
25 Each of you have an opportunity to provide
26 testimony or comments to the Council on the land use
hearing. Each person is going to be sworn and asked to
state your name and whom you represent. After your
testimony, Council members may have questions about your
comments so please stay at the microphone. Stay standing
until we find out whether there are questions for you.

During today's formal land use hearing there will
be no opportunity for discussion between speakers and
others. You're not speaking to the Council. Someone
earlier said -- I think you did, sir -- that you would like
to get to know each of us on a first-name basis. I
appreciate that; however, we are acting as judges. So the
first-name basis if I see you down at the Bee Hive, great to
say hello. Here in this room under this these circumstances
we have a different role, you have a different role so I
know you'll appreciate that.

Following the land use hearing, the Council will
consider the testimony and comments received and will make a
decision regarding consistency and compliance with county
and regional land use planning or zoning ordinances in
accordance with Council rules. That's required. We have to
make a determination on what the land use is and whether
it's consistent. If it's consistent we go down one fork in
the road. If it's not consistent, we'll go down another.

Anyone who plans to testify -- we have testifiers
on land use. Thank you -- should sign up which you have
done, and please remember that as I said the testimony right
now is limited to the consistency with the land use zoning
ordinances not with the respect to public comments to the
amendment itself.

So I will pause for a moment for those who wish to
testify to sign up. We've paused. I've got the sign-up
sheet in front of me. Staff has retrieved the sign-up
sheet, and we will now hear oral statements.

I will call first on the applicant.

MR. LINFORD: Can I sign up on that application
before you begin?

CHAIR LUCE: Sure you can. I'm not going to
forget you.

MR. LINFORD: I mean on the land use thing.

CHAIR LUCE: Right. I gotcha.

MR. LINFORD: I'm on the other one.

CHAIR LUCE: We'll get you on the land use too.

MR. LINFORD: Okay.

CHAIR LUCE: Relax. I'll breathe normally, you
relax. So who's going to stand up for the applicant and
make a statement with respect to the land use?

We've got a witness right here. Come on up or
don't come up actually.

MS. CHANEY: I'm not coming up because I'll be
short.
CHAIR LUCE: All right. State your name, your address, and please give us your testimony.

MS. CHANEY: My name is Katy Chaney, C-h-a-n-e-y. I work for the URS Corporation, 1501 Fourth Avenue, Suite 1400, Seattle, Washington.

(Katy Chaney being sworn on oath.)

CHAIR LUCE: Consider yourself sworn and give your testimony.

KATY CHANEY,

having been first duly sworn on oath,

testified as follows:

TESTIMONY OF KATY CHANEY

On behalf of the applicant I am entering a statement that was prepared by Grays Harbor County. Brian Shea will be submitting that land use consistency so I would like to concede my position over to Brian.

CHAIR LUCE: All right. Brian, are you out there?

MR. SHEA: Yes, I am.

(Brian Shea sworn on oath.)

CHAIR LUCE: Come forward or stay where you are and give us your testimony.

BRIAN SHEA,

having been first duly sworn on oath,

testified as follows:
Good evening. I'm Brian Shea, the Planning and Building Division Director for Grays Harbor County. That's S-h-e-a and Brian with an i.

CHAIR LUCE: And your address is?

MR. SHEA: Our address is 100 West Broadway Avenue. That's in Montesano 98563.

Mr. Chair, we have provided correspondence to you dated November 25, 2009, and it concerns our examination of the proposal for an expansion of the Grays Harbor Energy facility located at 401 Keys Road within the Satsop Development Park in unincorporated Grays Harbor County.

The proposed expansion of the existing Grays Harbor Facility involves the addition of two gas turbines and the addition of ten acres for the total operational areas. Our review of the proposal has resulted in the following findings:

First, the proposal in conformance with Grays Harbor County Comprehensive Plan. The County has opted to Satsop Development Park Master Plan as a subarea element and component of the Grays Harbor County Comprehensive Plan on April 7, 2008. We've included a copy of that activity on the part of the county commissioners as Attachment 1 to our November 25, 2009 correspondence.

Number two, the property is located within the
Satsop Development Park Zoning District. The proposal is in conformance with the provisions of Grays Harbor County Code 17.57.020(H) which lists energy generation facilities and activities as a permitted use within the Satsop Development Park Zoning District. We've included a copy of that zoning district from our county code as Attachment 2 to our November 25, 2009 correspondence.

Those two reviews and our determination and the findings lead us to believe that the project as proposed is in conformance with our land use regulations currently in place in unincorporated Grays Harbor County.

CHAIR LUCE: Thank you. Appreciate that.

Council Members have any questions?

No questions. Thank you for your testimony.

Mr. David Linford. You did sign up.

MR. LINFORD: I didn't think I did.

(David Linford sworn on oath.)

CHAIR LUCE: All right. Offer us your testimony.

DAVID LINFORD,

having been first duly sworn on oath,

testified as follows:

TESTIMONY OF DAVID LINFORD

I've only got about three questions in the
CHAIR LUCE: Give me your name.

MR. LINFORD: Okay. That has there ever been two of these things built anywhere in the United States together? That was my main question.

CHAIR LUCE: All right.

MR. LINFORD: Okay? I understand there never has been. That's one of the real issues that I wish you guys would check before you do because I don't believe there ever has been. Now, it can't comply if the whole neighborhood doesn't sleep. They put a building -- have you guys been there? Have you guys ever been there? They put up a big building. We went to the first meeting and they said that we would not hear. They put a big huge berm, you know, big, I mean 30 foot. There's a 30-foot prism seriously. They go all the way around it and that we would not hear it period. I never call anybody, but I can't believe it's in any kind of variance because there isn't anybody from miles that's not complaining about it that they can't sleep. It's louder than anything, woke me up. So how can it be in compliance? But my big issue really is that not only are you burning up our water but what if there is two of them? I mean what happens when you put two of these monsters together in one spot?

CHAIR LUCE: Okay.
MR. LINFORD: That's a fair thing to ask because you guys drove by it. Right? And you're going to drive by it again, and my friends always go, oh, your hills on fire. When you drive by it imagine two of them and imagine what you're going to do to the environment on that particular spot and we're not rolling this out. We're putting it here. Okay? And I can't believe that is in compliance with what you think you're going to do.

CHAIR LUCE: Thank you, David. I think I'll accept those as both public comments and general comments on land use. The land use consistency itself is a legal question. We also understand and appreciate your questions about the project itself. So are there other comments with respect to the land use consistency issue, the statutory issue?

All right. I'm going to ask again are there any comments specifically with respect to land use consistency? I'll ask that once more.

Hearing none, we will adjourn the land use consistency hearing.

(Land Use hearing adjourned at 7:29 p.m.)
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In re: Satsop Combustion Turbine Project

AFFIDAVIT

I, Shaun Linse, CCR, do hereby certify that the foregoing transcript prepared under my direction is a full and complete transcript of proceedings held on December 15, 2009, in Montesano, Washington.

______________________________
Shaun Linse, CCR 2029