

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation Council
December 19, 2012



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Richard Hemstad Building
1300 South Evergreen Park Drive Southwest
Conference Room 206
Olympia, Washington
Tuesday, December 19, 2012
1:35 p.m.

MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceeding

REPORTED BY: SHERRILYN SMITH, CCR# 2097

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A P P E A R A N C E S

Councilmembers Present:

- Jim Luce, Chair
- Dick Fryhling, Department of Commerce
- Hedia Adelsman, Ecology
- Andrew Hayes, Department of Natural Resources
- Dennis Moss, Utilities and Transportation Commission
- Doug Sutherland, Skamania County (via phone)

Staff in Attendance:

- Stephen Posner, Compliance Manager
- Jim LaSpina, EFS Specialist
- Tammy Talburt, Commerce Specialist
- Kayce Michelle, Administrative Assistant 3
- Amber George, Office Assistant 3
- Kyle Crews, Assistant Attorney General
- Ann Essko, Assistant Attorney General

Guests in Attendance:

- T. Patrick Sanchez, PacifiCorp Energy
- Rich Downen, Grays Harbor Energy
- Liz Klumpp, Bonneville Power
- Al Wright

Guests in Attendance Via Phone:

- Jennifer Diaz, Puget Sound Energy
- Eric Melbardis, Kittitas Valley Wind Power Project
- Shannon Khounnala, Energy Northwest
- Ray Richards, A Better Way for BPA
- Dave Bricklin, A Better Way for BPA

1 CHAIR LUCE: Today is December 19th,
2 2012. It's about 1:35 p.m. We are having the monthly
3 meeting of the Washington State Energy Facility Site
4 Evaluation Council.

5 Having called the order, I would ask -- called
6 the meeting to order, I would ask the clerk to call
7 the roll.

8 THE CLERK: Department of Commerce?

9 MR. FRYHLING: Dick Fryhling is here.

10 THE CLERK: Department of Ecology?

11 MS. ADELSMAN: I am here in person.

12 THE CLERK: Fish & Wildlife?

13 Natural Resources?

14 MR. HAYES: Andy Hayes is here.

15 THE CLERK: Utilities and Transportation
16 Commission?

17 MR. MOSS: Dennis Moss is here.

18 THE CLERK: Doug, we know you are here,
19 from Skamania County.

20 And Chair --

21 MR. SUTHERLAND: I am indeed here.

22 THE CLERK: Chair?

23 CHAIR LUCE: Chair is present.

24 THE CLERK: There is a quorum.

25 CHAIR LUCE: May I ask those on the

1 phone to please identify themselves.

2 MR. RICHARDS: Ray Richards, a Better
3 Way for BPA.

4 MR. BRICKLIN: Dave Bricklin,
5 representing the same group.

6 MS. DIAZ: Jennifer Diaz, Puget Sound
7 Energy, Wild Horse Wind Facility.

8 MS. KHOUNNALA: Shannon Khounnala,
9 Energy Northwest.

10 CHAIR LUCE: Anyone else?

11 Hearing no --

12 MR. MELBARDIS: Eric Melbardis, Kittitas
13 Valley Wind Power Project.

14 CHAIR LUCE: Okay.

15 I will assume that that's everyone that's on
16 the phone. We will move ahead to the proposed agenda.

17 The councilmembers had a chance to review the
18 agenda.

19 MS. ADELSMAN: Yes.

20 CHAIR LUCE: Any changes? Additions?
21 Deletions? All right. The agenda is adopted as
22 proposed.

23 Minutes. We have verbatim minutes from the
24 last council meeting. Does anyone have changes to the
25 verbatim minutes?

1 Hearing none, all in favor of --

2 MR. FRYHLING: I will make a motion to
3 approve the minutes.

4 CHAIR LUCE: Thank you.

5 MR. MOSS: I'll second that.

6 CHAIR LUCE: All right. We have a
7 motion and a second to adopt the minutes. All in
8 favor say "aye."

9 MULTIPLE SPEAKERS: Aye.

10 CHAIR LUCE: Let the record reflect the
11 vote was unanimous.

12 The first item on the agenda is the I-5
13 Corridor Reinforcement Project, which Bonneville has
14 been working on for some period of time. Liz Klumpp
15 is here to give us a report. Recently, the preferred
16 alternative in the draft EIS was announced and there
17 will be a series of meetings -- is already a series of
18 meetings, and will be more, regarding this particular
19 project, until such time as the final EIS is completed
20 and a record of decision has been issued.

21 Liz, do you want to come forward and give us
22 your report?

23 MS. KLUMPP: (Complies.)

24 CHAIR LUCE: Thank you very much for
25 coming, by the way.

1 MS. KLUMPP: Thank you, councilmembers,
2 Chairman. My name is Liz Klumpp. I work for
3 Bonneville Power. I am here in the Olympia,
4 Washington office, and Stephen suggested I give about
5 a 15-minute overview and then see if you have any
6 questions.

7 I have a couple -- I dropped a hard copy of
8 the draft EIS -- there's an electronic version, it's
9 about 6 inches thick. DNR has a couple copies,
10 Ecology has a couple copies. I have the I-5 disk, and
11 I dropped maps off, too, for members, probably last
12 month, but I have a couple extras if anybody needs
13 them.

14 So the I-5 transmission project is roughly a
15 70-mile trans -- 500 kV transmission line that
16 Bonneville is proposing to build between roughly the
17 Castle Rock area and the Portland vicinity. We, last
18 month, released a preferred alternative. We analyzed
19 a number of alternatives --

20 CHAIR LUCE: Excuse me, Liz. If someone
21 is having a conversation on the phone, would you
22 please cease and desist.

23 MS. KLUMPP: I think it's actually an
24 echo.

25 CHAIR LUCE: You think it's an echo?

1 All right. I will turn the volume down.

2 (Discussion off the record.)

3 MS. KLUMPP: So the preferred route, if
4 you saw the map, runs from roughly Castle Rock, heads
5 south a little, crosses due east, comes down
6 predominantly through timber property owned by large
7 timber companies and/or DNR. Clearly, it crosses some
8 private property and residential areas too, but the
9 bulk of the route is through timberland. And then it
10 heads east and comes down to connect to an existing
11 river crossing by Camas. At the Camas river crossing,
12 there are currently three power lines crossing there,
13 and there is a space between two of them, and we are
14 going to cross the river in that open space. All
15 three of those lines aren't ours. I forget who owns
16 them.

17 So the purpose of the line is primarily to
18 meet load growth. There will be some -- there will
19 likely be some commercial use of that too, but it is
20 primarily to meet load growth in the Northwest
21 Oregon/Southwest Washington vicinity.

22 The draft EIS is available online. If you
23 went to BPA.gov it would be one of the things you
24 would find on our home page, because there's a great
25 deal of interest in this project.

1 The principles that drove our selection of an
2 alternative route were really our accountability to
3 the region, our responsibility to manage costs for
4 ratepayers, our role as responsible environmental
5 stewards, and goal to operate a reliable transmission
6 system.

7 We launched this project at least three years
8 ago, three years ago in September/October. We've had
9 a lot of staff doing a lot of fieldwork, a lot of
10 analysis of alternatives. We listened to a lot of
11 feedback from the original proposal and actually added
12 a number of segments based on feedback we were
13 getting.

14 The time lines are now, that we would issue a
15 final EIS in 2014. So right now it's December 2012.
16 We are taking comments through March 1st. That's a
17 hundred-day comment period from when we released. And
18 then we will spend the rest of 2013 reviewing the
19 comments, addressing them, and producing a final EIS
20 sometime in 2014. If the decision is made to build,
21 we would then have a build window between the --
22 primarily the summer seasons of 2015 through 2018.

23 As part of our business practice, for any line
24 that is getting built to meet load growth, we are also
25 analyzing alternatives to actually building a line.

1 Are there other ways to meet the electrical service
2 needed in this vicinity? Nothing we've analyzed has
3 said we don't need the line, but we've identified a
4 few investments that perhaps give us more time to
5 finish it. Some of those investments include
6 substation upgrades that increase the capacity at that
7 point. There are more complicated commercial
8 transactions we are looking at that we -- that might
9 be cost effective investments to make, that might give
10 us more time in terms of constructing the line.

11 Generally speaking, we've released our draft.
12 We're looking for feedback. I've made offers to folks
13 in state government that we're happy to come to
14 Olympia or to Southwest Washington staff down in the
15 Battle Ground/Castle Rock area to review in depth the
16 draft EIS or materials in it.

17 But that's -- oh, and we are starting -- we've
18 held six meetings, where they were really drop-in
19 sessions, primarily where a few of our staff and some
20 of our consultants were available, just to help people
21 sort out a draft EIS, if they've never seen one
22 before, because this is a fairly daunting one. So
23 helping folks identify, well, what are your interests
24 and where would you find that in the draft EIS, to
25 help facilitate them, offering comments. And of

1 course we got some questions there. They were sort of
2 casual, informal drop-in sessions.

3 Then we start our public meetings
4 January 10th, so we will hold six public meetings
5 January 10th to February 6th. We will take written
6 comments. We will take comments that will record
7 these meetings. These meetings will also be an
8 open-house format, where we will have lots of project
9 staff on hand to answer questions also.

10 We've made an offer to property owners along
11 the preferred path that our project team is prepared
12 to meet with them if they have questions, if they have
13 comments about possible modifications to the locations
14 of towers. So that's our primary offer right now to
15 property owners along the preferred alternative, is we
16 have team members who are available to you to answer
17 your questions and talk about what we -- you know, if
18 there are things we don't know about your property
19 that you still want us to know about, we're available
20 for one-on-one.

21 And that's kind of the status update of where
22 we are at.

23 CHAIR LUCE: Thank you.

24 Do councilmembers have any questions?

25 MR. MOSS: I do.

1 Dennis Moss for the UTC, Ms. Klumpp. Welcome.

2 You mentioned load growth and you mentioned
3 timing. I know that load growth projections by the
4 utilities we regulate at least at the UTC have changed
5 somewhat significantly over the past several years,
6 and I suspect that's true for other utilities that
7 would benefit from this project. I'm wondering how
8 that has affected the timing and consideration of
9 things.

10 MS. KLUMPP: When we started this
11 project in the summer/fall of '09, we had planned for
12 an energization date of 2015, and now we are planning
13 on a construction state of 2015.

14 MR. MOSS: So it was postponed by two to
15 three years?

16 MS. KLUMPP: Uh-huh.

17 MR. MOSS: And my other question is, I
18 did review the maps, and I noticed that a great deal
19 of the corridor appears to be, to me at least, either
20 adjacent to or across public land. Do you have in
21 mind what sort of the proportion is, public versus
22 private?

23 MS. KLUMPP: We absolutely have that. I
24 don't have it off the top of my tongue, but we have
25 spreadsheets on our website that indicate miles of

1 crossing of large timber owners, public land,
2 nonpublic land, miles of access road, miles of line.
3 We have a number of houses within 500 feet of
4 right-of-way, within 100 feet of right-of-way, acres
5 of timberland to be cleared on existing right-of-way
6 versus new right-of-way. We have lots of data.

7 MR. MOSS: So if I want that detail, I
8 could find that?

9 MS. KLUMPP: Yes.

10 MR. MOSS: I was really just looking for
11 a ballpark figure.

12 MS. KLUMPP: Honestly, I don't know.

13 MR. MOSS: Okay.

14 MS. KLUMPP: I mean, I would have to --

15 MR. MOSS: That's fine.

16 MS. KHOUNNALA: -- go through the
17 spreadsheet here.

18 MR. MOSS: And we would probably have to
19 distinguish between large timber tracts and so on and
20 so forth.

21 I thank you. Those were my two questions.

22 CHAIR LUCE: Other Councilmember
23 questions?

24 Staff, any comments?

25 Thank you very much.

1 MS. KLUMPP: Thank you.

2 CHAIR LUCE: We appreciate you coming.

3 The next item on the agenda is the Kittitas
4 Valley Wind Project.

5 Eric, are you on the phone? Is there
6 anyone --

7 MR. MELBARDIS: Yes, Eric Melbardis for
8 the Kittitas Valley Wind Power Project. Good
9 afternoon, Chair Luce, council. The operations update
10 for Kittitas Valley is as follows.

11 Our September -- I'm sorry, that's a typo.
12 Our November production summary, 8.9 megawatt hours,
13 wind speeds of 4.2 meters a second, or 9.4 [sic] miles
14 per hour, for a capacity factor of 12.3 percent. We
15 had no -- the project saw no safety incidents. The
16 project is in compliance as of December 14th, 2012,
17 with no sound complaints and no shadow flicker
18 complaints.

19 For environmental, we saw an overall graining
20 [sic] of the project, as the burned areas saw
21 significant new growth in the final quarter of 2012.
22 We continue to closely monitor the areas that were
23 damaged by the Taylor Bridge fire.

24 Our avian and bat fatality monitoring
25 continues, and we had no stormwater discharge to

1 report.

2 CHAIR LUCE: Thank you.

3 Councilmembers have any questions?

4 Hearing no questions, we will proceed to
5 Satsop and Grays Harbor.

6 MR. DOWNEN: Good afternoon, Council and
7 Chair Luce. My name is Rich Downen, I'm the plant
8 manager at Grays Harbor Energy.

9 For the month of November, we had no accidents
10 or injuries. We conducted our normal training. From
11 an environmental perspective, we submitted normal
12 samples that were scheduled. We submitted the NPDES
13 Discharge Permit Renewal Application, and we received
14 the third river water sample that we have ongoing.

15 The unit did not operate during the month of
16 November. We didn't receive any complaints. We had
17 no site visits.

18 That's all I've got.

19 CHAIR LUCE: Thank you.

20 Staff, the PSD permit, do you want to talk to
21 me a little bit about that, talk to the council?

22 MR. POSNER: Yes.

23 CHAIR LUCE: What's happening on that --

24 MR. POSNER: Good afternoon, Chair Luce,
25 Councilmembers.

1 As we reported at the last council meeting, we
2 gave the council an update on the PSD permit for Units
3 3 and 4. Ecology is wrapping up. Basically, they are
4 almost done, I believe, with their draft. They will
5 be sending that draft to us for Staff to review, and
6 then we will move forward with the next steps, which
7 would be -- as council discussed last month, would be
8 issuing a public notice for the draft permit.

9 CHAIR LUCE: And we are looking to do
10 this during the December monthly meeting, the public
11 notice before then?

12 MR. POSNER: Probably January, the
13 permit will be ready to go, so we would issue a public
14 notice -- assuming the permit is ready to go, the
15 draft permit, a public notice early January,
16 mid-January, and then perhaps we could -- I'm not sure
17 of the timing of the council meeting, but perhaps you
18 could have the public comment meeting coincide as part
19 of the council meeting.

20 CHAIR LUCE: So has there been a
21 slippage, then? Because I was under the assumption
22 that December it was going to be completed.

23 MR. POSNER: Well, I think it was --
24 part of it was the staff workload at Ecology. The
25 permit writer was out of town, I believe, on vacation,

1 or out of the office for a couple of weeks. Yes, it's
2 fallen a few weeks, but I think we will have it ready
3 to go early January.

4 CHAIR LUCE: Okay. Thank you.

5 Do councilmembers have any questions about the
6 PSD permit or otherwise?

7 Hearing none, we will move on to the Chehalis
8 Generation Facility.

9 MR. SANCHEZ: Good afternoon, Chair
10 Luce, Councilmembers and Staff. My name is Patrick
11 Sanchez. I am here to provide the monthly report for
12 Chehalis Power.

13 In November 2012, we had no medical treatments
14 and the plant has achieved 3,707 days without a lost
15 time accident. Our stormwater, wastewater and air
16 emissions monitoring results are in compliance with
17 the permit limits for November 2012. Authorized plant
18 staffing is 19, and we have 19 positions filled.

19 For November 2012, the plant generated 361
20 megawatt hours at a capacity factor of .1 percent.
21 Year-to-date the plant has generated 860,514 megawatt
22 hours at a capacity factor of 21.42 percent.

23 Our 2012 outage, which began on October 24,
24 concluded on November 16th for Unit 2 and the steam
25 turbine. The outage was extended for additional work

1 on Unit 1. That work was completed on November 30th.
2 As of November 30th, the plant is available for 2 by 1
3 operation.

4 We had no spills or stormwater/wastewater
5 exceedances to report. There were no air emissions
6 exceedances reported. Under our sound monitoring
7 program, we have no noise complaints reported for the
8 month of November.

9 CHAIR LUCE: Thank you.

10 Questions?

11 Hearing no questions, Wild Horse.

12 MS. DIAZ: Chair Luce, for the record,
13 this is Jennifer Diaz. I'm the environmental manager
14 for Puget Sound Energy at the Wild Horse Wind
15 Facility.

16 For the month of November, wind generation
17 totals 41,244 megawatt hours for an average capacity
18 factor of 21 percent. The Solar Demonstration Project
19 generated 27 megawatt hours. There were no lost time
20 accidents or safety incidents to report in the month
21 of November.

22 On November 13th and 14th, six emergency
23 responders from the Kittitas Fire Districts No. 1 and
24 2 received 20 hours of high angle rescue training at
25 the Wild Horse Wind Facility. This training was

1 conducted by the Pierce County Department of Emergency
2 Management under a grant that was coordinated by the
3 Central Washington Renewable Energy Collaborative.

4 Under environmental, BFI Native Seeds restored
5 areas around the visitor center with native seeds
6 following chemical treatment of Russian thistle.

7 Viability markers were installed on new
8 pasture fencing in accordance with the Alternative
9 Sage-Grouse Conservation Measures as recommended by
10 the TAC and approved by EFSEC.

11 That's all I have.

12 CHAIR LUCE: Thank you.

13 Next matter, Columbia Generating Station and
14 Energy Northwest. Shannon, are you on the phone?

15 MS. KHOUNNALA: Yes, I am, Chair Luce.
16 Thank you.

17 This is Shannon Khounnala with Energy
18 Northwest, providing an update for Columbia Generating
19 Station.

20 Currently Columbia is operating at 100 percent
21 power, generating 1,115 megawatts. We have been
22 online for 204 days. This month, we have no events or
23 safety incidents or regulatory issues to report.

24 Are there any questions on the CGS status
25 before moving to WNP 1 and 4?

1 CHAIR LUCE: Why don't we proceed to WNP
2 1 or 4.

3 MS. KHOUNNALA: Okay.

4 Moving on. Energy Northwest and the
5 Department of Energy continue to remain on track with
6 our agreement to submit the water rights application.
7 Our first step is to amend the WNP 1 and 4 lease with
8 the supplemental lease agreement. We believe this
9 will be in place by the end of December or around the
10 1st of January. Once that amendment is in place, that
11 allows us to send in the water rights application with
12 the Department of Energy as the applicant.

13 We've spoken to EFSEC Staff, who have agreed
14 to participate in an initial meeting, combined with
15 Energy Northwest and the Department of Energy, to go
16 introduce the application and project to the
17 Department of Ecology. We expect that meeting will
18 take place sometime in the middle to end of January.

19 That's the update.

20 CHAIR LUCE: Great. Thank you.

21 MS. KHOUNNALA: Thank you.

22 CHAIR LUCE: Any comments or questions
23 from councilmembers?

24 Hearing none, Whistling Ridge. Mr. Posner.

25 MR. POSNER: Yes. Just one item to

1 report, just to update the council. November 30th the
2 supreme court sent out a letter to the parties
3 concerning a briefing schedule. It listed some dates
4 concerning briefing. I will just read the key dates.

5 The petitioner's opening briefs are to be
6 served and filed no later than February 15th, 2013,
7 and then respondent's and intervenor's response briefs
8 served and filed no later than April 2nd. The
9 petitioner's reply brief no later than May 3rd, 2013.

10 That's all I have to report.

11 CHAIR LUCE: Thank you.

12 I guess this is maybe an appropriate time to
13 note that there's going to be a substitution of
14 counsel. Kyle is regrettably leaving us for greener
15 pastures, warmer climates, I think I hear as well. We
16 want to take this opportunity to thank Kyle for his --
17 how many years, three?

18 MR. CREWS: Six.

19 CHAIR LUCE: -- six years of service.
20 Time flies.

21 You've been through a number of projects with
22 us, and we've had a lot of fun along the way,
23 sometimes more fun than other times. We do appreciate
24 your valuable legal counsel. On behalf of the
25 council, I want to present you with this card and this

1 token of our appreciation.

2 Councilmembers, do you have anything you would
3 like to say to Kyle, within the rules of civility?

4 MS. ADELSMAN: Thank you.

5 MR. CREWS: You're welcome.

6 MR. FRYHLING: I second that motion. I
7 thank you also.

8 MR. MOSS: Kyle, it's been a pleasure
9 working with you. I hope you do enjoy the next stage
10 of your life.

11 CHAIR LUCE: And welcoming our new
12 counsel, Ann Essko.

13 Ann, stand up so everyone can see you.

14 MS. ESSKO: (Complies.)

15 CHAIR LUCE: Ann and I have worked
16 together.

17 MS. ADELSMAN: You are returning.

18 CHAIR LUCE: Ann is returning. She
19 knows this council well, which is both a plus and a
20 minus. She will be representing us in the Whistling
21 Ridge litigation and other matters going forward from
22 here.

23 Ann, welcome back.

24 MS. ESSKO: Thank you.

25 CHAIR LUCE: I'm sure we will -- I think

1 we started in the wind projects in Kitsap County,
2 didn't we?

3 MS. ESSKO: We did.

4 CHAIR LUCE: Sometimes things come full
5 circle. In any case, great.

6 Kyle, have fun.

7 MR. CREWS: Thank you.

8 CHAIR LUCE: Ann, try to have fun.

9 MS. ESSKO: Thank you.

10 CHAIR LUCE: I'm sure you will have fun.

11 MR. SUTHERLAND: Mr. Chair.

12 CHAIR LUCE: Yes, this is Mr. Chair.

13 MR. SUTHERLAND: This is Doug

14 Sutherland.

15 CHAIR LUCE: Yes, Doug.

16 MR. SUTHERLAND: First of all, could you
17 have Steve send me those dates by e-mail today? I
18 would sure appreciate it.

19 CHAIR LUCE: You are going to have to
20 speak up just a little bit, Doug.

21 MR. SUTHERLAND: I'm asking that Steve
22 send me the dates for Whistling Ridge.

23 CHAIR LUCE: The dates. Yes, by all
24 means.

25 Steve, maybe you can send out a copy of the

1 letter.

2 MR. POSNER: I will do that. It's on
3 our website, too --

4 CHAIR LUCE: All right.

5 MR. POSNER: -- just for your interest,
6 on the Whistling Ridge page.

7 CHAIR LUCE: Thank you.

8 MR. SUTHERLAND: Secondly, I'm thanking
9 our good attorney for his services. But not just six
10 years, we've worked together since the 1980s, when he
11 was still an attorney with the City of Tacoma. His
12 work then, as it is now, has always been remarkable.
13 Good service. So the best of -- and I wish you all
14 the best.

15 MR. CREWS: Thank you, Doug.

16 MR. SUTHERLAND: And lastly, this is my
17 last meeting with you folks. I will be notifying the
18 good commissioners of Skamania County that I will no
19 longer be representing them as a member of EFSEC.

20 I want to thank all members of the Staff, as
21 well as members of the board. You have been always
22 very helpful in allowing me to stumble around and try
23 to help make decisions that are beneficial to the
24 people of the state. I do appreciate all of your
25 efforts and your friendship, as well as the fun times

1 that we've had over these past couple of years.

2 The only thing I can say is that these
3 projects take way, way, way too long. Again, with
4 your efforts, and efforts of other members of the
5 board, I certainly hope that the legislation can be
6 convinced that these projects should not take the
7 amount of time that they do.

8 So with that, I wish you all a very merry
9 Christmas. Have a great New Year's. I will miss your
10 company. I just wish you the very best.

11 CHAIR LUCE: Well, Doug, we are sorry to
12 see you go. If we stumbled half as well as you around
13 these projects, we would probably be in great shape.
14 You have provided invaluable insights and assistance
15 in helping us understand the local communities'
16 perspective on these issues and contributed
17 significantly to what I think is a balanced decision,
18 with respect to the interests of all parties in the
19 Whistling Ridge case.

20 We will reserve the right to come down and see
21 you where it's warm.

22 MR. SUTHERLAND: You are welcome
23 anytime.

24 MS. ADELSMAN: Happy holidays, Doug.

25 MR. FRYHLING: I just want to say

1 thank you for serving with me on the council here. I
2 would like to also thank you for all the years you've
3 provided -- all your expertise and years you've served
4 the State of Washington. Thank you. Merry Christmas.

5 MR. SUTHERLAND: Thank you.

6 CHAIR LUCE: All right.

7 Today's agenda has sort of been appropriate
8 and helpful in the sense that it has led us to a
9 discussion of 2013 council meeting dates.

10 Andy, you had raised a question, and others
11 have as well, regarding the schedule and the need for
12 monthly council meetings. The reality is we don't
13 have any applications before us right now, and no
14 immediate prospect that I'm aware of, of having such
15 applications, either applications or other substantive
16 and significant matters that require the council to
17 meet on a regular basis. Which is not to say that we
18 shouldn't set a meeting schedule, because I think we
19 are required to do that, but recognizing at the same
20 time that in the event that the meeting would
21 constitute nothing more than the very helpful reports
22 by the different licensees, that those reports might
23 be sent out electronically to councilmembers to review
24 them, thereby avoiding the need to gather in Olympia
25 on a regular basis, recognizing that we will call

1 special meetings whenever it's appropriate to deal
2 with a substantive matter or a significant matter.

3 So the floor is open for discussion on that
4 issue.

5 MR. HAYES: Thank you, Jim. I
6 appreciate it. I think you have covered sort of my
7 thoughts on it pretty well.

8 I certainly think it is worth, for the sake of
9 efficiency, just thinking about meeting on a slightly
10 less basis, quarterly maybe, something like that. I
11 certainly wouldn't want any of the business of the
12 council to suffer because of that. I think the
13 appropriateness of special meetings, et cetera, is a
14 good point. I think that's essentially my proposal.

15 CHAIR LUCE: Quarterly meetings is your
16 proposal?

17 MR. HAYES: Yes.

18 CHAIR LUCE: Other councilmembers have
19 suggestions?

20 MR. MOSS: I would just like to say
21 Chairman Luce, that I support the idea of having less
22 frequent meetings, quarterly perhaps, in principle. I
23 think we should await any decision on that question
24 until Staff has had an opportunity to explore the
25 burden that notice requirements might impose for

1 special meetings. I don't know off the top of my head
2 that there is any particular burden associated with
3 that. On the other hand, I do know that the State
4 Public Meetings Act imposes certain requirements in
5 that regard. I would want to be informed of those
6 before we launch down this path. It might be easier
7 to cancel the regular meeting than to schedule a
8 special meeting.

9 CHAIR LUCE: Other councilmembers?

10 Kyle, can you inform us at this time regarding
11 what the open public meeting law requires?

12 MR. CREWS: You are supposed to have an
13 adoption of regular meetings. If you deviate from
14 that, then you can have a special meeting. The burden
15 is a certain amount of notice to people that are on
16 the list that want to -- and the members of the
17 council. It can be worked out. I know we've done it
18 before.

19 CHAIR LUCE: If I recall, it's --
20 Stephen help me out -- two, three days? 24 hours?

21 MR. POSNER: 24 hours' notice for a
22 special meeting.

23 I can add a little background information --

24 CHAIR LUCE: Please.

25 MR. POSNER: -- that I can provide to

1 the councilmembers.

2 Specifically in our WAC, there is a section
3 that requires us to publish our meeting schedule
4 January -- in January, the beginning of every year.
5 That has to be published in the Washington state
6 register. We do have a requirement.

7 If the council was to make the decision that
8 you are only going to have quarterly meetings, we
9 would need to know that today probably, because it
10 needs to go out within the next couple weeks.

11 I've discussed this matter with EFSEC Staff.
12 The recommendation from Staff would be to basically
13 schedule a meeting each month, and then the council
14 has wide discretion to cancel meetings. We only
15 actually have to give -- I think all of our meetings
16 are considered special meetings. We only have to give
17 24 hours' notice to cancel a meeting, although we
18 would know probably two or three weeks before, whether
19 or not we had any action items, anything of importance
20 was going to be coming before the council that month.
21 If nothing was, we could propose -- Staff could
22 propose to the council early each month, this might be
23 a good month where maybe the council wants to consider
24 not having a meeting. We just send out a notice a
25 week before, informing people that that month's

1 meeting has been cancelled. In fact, we did that I
2 believe three times during the last year.

3 I talked to Kayce about this, who does all of
4 our scheduling for the room. It's much easier to
5 schedule the meeting -- especially for this room, to
6 set up, you know, the meeting for the third Tuesday of
7 each month for the whole year, than to go in a month
8 ahead and try to reschedule or try to get this room.
9 We've had problems in the past.

10 The recommendation from Staff would be to
11 continue scheduling -- at least for the state register
12 purposes, list a meeting each month, and then at the
13 beginning of each month, provide information to the
14 council so they could decide whether or not they want
15 to have a meeting that particular month.

16 CHAIR LUCE: Councilmembers?

17 To me that seems to be --

18 MR. SUTHERLAND: This is Doug.

19 CHAIR LUCE: Yes, Doug.

20 MR. SUTHERLAND: I would suggest you
21 also talk to those folks who report to you on a
22 regular basis -- so that they are not overly
23 working -- their ability to give you the reports. It
24 may take them longer than 24 hours to develop that
25 report, and if they didn't have to, why go through the

1 effort?

2 CHAIR LUCE: I tend to agree with that.
3 On the other hand, the information that is presented
4 in these monthly reports is rather basic information,
5 which I assume is also prepared for the owner of the
6 project, irrespective of whether we have a meeting or
7 not.

8 I would like to get this information, but I
9 don't think -- I don't want to impose a burden, but I
10 don't think there's a burden, because they've got to
11 do it anyway. I do think that it can be a burden to
12 ask individuals to actually come to a meeting, to give
13 us information that they could just as easily transmit
14 electronically.

15 MR. FRYHLING: Well, we should know two
16 weeks in advance that we don't -- whether we need a
17 meeting. We can give two weeks' notice to anybody.
18 There's no reason for a 24-hour time period. It could
19 be a minimum of two weeks. And I don't -- someplace
20 along the way, we could develop some kind of -- some
21 policy that we operate by, that we do at least have a
22 meeting every quarter, that we don't cancel them out,
23 so we don't have any meeting. But we have a meeting
24 every quarter, just for everybody to bring themselves
25 up to date. That would be my thought.

1 MR. HAYES: Similar to that, I was
2 thinking, I would want to make sure that -- you know,
3 this is a public body, and we have public meetings
4 where folks have an opportunity to come and talk about
5 issues that they have, et cetera. I would want some
6 predictability around that. You know, if we just
7 cancel it every, you know, month, and then we maybe go
8 six months without a meeting, that, to me, wouldn't be
9 as -- maybe as transparent as it could be by setting a
10 deliberate schedule up front.

11 I think we could continue to have the meetings
12 scheduled every month, but I would want to make sure
13 that, say, every quarter, we meet for sure.

14 MS. ADELSMAN: I share that. I prefer
15 to have the meeting like every two months, than to
16 just kind of schedule it every month and then say, oh,
17 we're going to cancel the next one and the one after.

18 I think there's also a benefit for people to
19 hear what other -- you know, the status from other
20 projects. I'm assuming everybody likes to hear what
21 some of the other project statuses are, so it's not
22 just to our benefit. Some predictability, I think,
23 would be really important; that we just don't get into
24 the habit of thinking we have nothing, let's go ahead
25 and cancel them.

1 I prefer to have every two months and to know
2 we're going to have them, than to have them every
3 month and then kind of having this uncertainty about
4 whether we're going to have them or not.

5 Maybe quarterly is too far, maybe every two
6 months.

7 CHAIR LUCE: I'm going to try and
8 summarize what I think I have heard.

9 We should set, from Council Staff's
10 recommendation, monthly meetings in the manner that's
11 set forth in the sheet denoted "Tentative 2013 EFSEC
12 Council Meeting Dates." We should cancel those
13 monthly meeting dates to the extent there are no
14 action items or substantive items presented.
15 Provided, however, that we would at a minimum hold an
16 informational meeting for the public and the council
17 at least once a quarter. Now, we may hold it more
18 often. We would keep an open mind with respect to
19 whether that's appropriate.

20 The documents that the project owners sent to
21 us are public information, so I'm not too concerned
22 about the other project owners not knowing what
23 everyone is doing. Those will be items which we can
24 distribute and post on our website or in some other
25 way make public information on a monthly basis.

1 That's kind of my summary of what I'm
2 thinking. Tell me if I'm off base or somebody wants
3 to modify that suggestion.

4 MR. MOSS: I think you captured it very
5 well, Chairman Luce.

6 I suppose that this can simply be a practice
7 that's adopted along the lines we've been discussing.
8 I don't know that we need to do anything formal today.
9 Just to let Staff know that we support the idea of
10 scheduling the monthly meetings and following the
11 practice that Chairman Luce outlined, continuing to
12 receive the monthly reports and posting them and so
13 forth. I would certainly support that sort of an
14 initiative.

15 CHAIR LUCE: I wasn't suggesting this
16 would be a motion, but just a general policy
17 directive.

18 Councilmembers, since we're not making a
19 motion, I'm sensing there is a general acceptance of
20 that. We will go forward and schedule our monthly
21 meetings with the caveats that we just discussed.

22 All right. That brings us to the point on the
23 agenda where we adjourn. Just as a footnote, there
24 may -- and my expectation is that there will -- be
25 legislation regarding EFSEC in the forthcoming

1 session. The exact shape that legislation takes has
2 yet to be determined, and will be interesting to
3 observe, both the proposal and the process that are
4 associated with it.

5 That's all I have.

6 Staff, do you have anything else?

7 MR. POSNER: That's it, except we do
8 have cake for Kyle.

9 CHAIR LUCE: We have a cake over here,
10 right. Let them eat cake.

11 (Council meeting concluded 2:15 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF KING

I, Sherrilyn Smith, a Certified
Shorthand Reporter in and for the State of Washington,
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