

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation Council
June 16, 2020



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Lacey, Washington
Tuesday, June 16, 2020
1:30 p.m.

TELEPHONIC MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceedings

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1 A P P E A R A N C E S

2 Councilmembers:

- 3 KATHLEEN DREW, Chair
- 4 KATE KELLY, Department of Commerce
- 5 ROBERT DENGEL, Department of Ecology
- 6 MIKE LIVINGSTON, Department of Fish and Wildlife
- 7 DAN SIEMANN, Department of Natural Resources
- 8 STACEY BREWSTER, Utilities and Transportation Commission

9 Assistant Attorney General:

10 JON THOMPSON

11 EFSEC Staff:

- 12 SONIA BUMPUS
- 13 AMI KIDDER
- 14 AMY MOON
- 15 TAMMY MASTRO
- 16 JOAN AITKEN
- 17 KYLE OVERTON

18 Also Present:

- 19 JENNIFER DIAZ, Puget Sound Energy
- 20 ERIC MELBARDIS, Kittitas Valley
- 21 CHRIS SHERIN, Grays Harbor Energy
- 22 KARA WARNER, Golder Associates
- 23 KIP WHITEHEAD, Energy Northwest
- 24 JEREMY SMITH, Chehalis Power
- 25 MARK MILLER, PacifiCorp
- TIM MCMAHAN, Stoel Rives
- BILL SHERMAN, The Environment

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1 LACEY, WASHINGTON; JUNE 16, 2020

2 1:30 P.M.

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4 P R O C E E D I N G S

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6 CHAIR DREW: Good afternoon. This is
7 Kathleen Drew, Chair of the Washington State Energy
8 Facility Site Evaluation Council, and I'm calling our
9 meeting of June 16th to order.

10 Ms. Mastro, will you please call the roll?

11 MS. MASTRO: Department of Commerce?

12 MS. KELLY: Kate Kelly, present.

13 MS. MASTRO: Department of Ecology?

14 MR. DENGEL: Rob Dengel, present.

15 MS. MASTRO: Fish and Wildlife?

16 MR. LIVINGSTON: Mike Livingston, present.

17 MS. MASTRO: Department of Natural

18 Resources?

19 MR. SIEMANN: Dan Siemann, present.

20 MS. MASTRO: Utilities and Transportation

21 Commission?

22 MS. BREWSTER: Stacey Brewster, present.

23 CHAIR DREW: Next I'll ask for -- oh, go

24 ahead. Sorry.

25 MS. MASTRO: Chair, you're present?

1 CHAIR DREW: Yes.

2 MS. MASTRO: There is a quorum of the EFSEC
3 Council.

4 CHAIR DREW: Thank you.

5 Next I will ask for the EFSEC Staff to
6 introduce themselves.

7 MS. BUMPUS: This is Sonia Bumpus, EFSEC
8 manager.

9 MS. KIDDER: This is Ami Kidder, EFSEC
10 siting and compliance manager.

11 MR. OVERTON: This is Kyle Overton, EFSEC
12 site specialist.

13 MS. MOON: This is Amy Moon, EFSEC site
14 specialist.

15 CHAIR DREW: Thank you.

16 Is there anyone else on the call who would
17 like to introduce themselves at this point?

18 MR. SMITH: This is Jeremy Smith for
19 Chehalis Power.

20 MS. DIAZ: Jennifer Diaz for Puget Sound
21 Energy.

22 MR. MCMAHAN: Tim McMahan, Stoel Rives.

23 MR. SHERMAN: Bill Sherman from the Attorney
24 General's Office as counsel for The Environment.

25 MR. SHERIN: Chris Sherin, Grays Harbor

1 Energy Center.

2 MR. THOMPSON: This is Jon Tompson --

3 MR. MELBARDIS: This is Eric Melbardis,
4 Energy Northwest.

5 MR. THOMPSON: Sorry. This is Jon Thompson
6 with the Attorney General's Office as EFSEC advisor.

7 MR. WHITEHEAD: Kip Whitehead, Energy
8 Northwest.

9 MS. WARNER: This is Kara Warner --

10 MR. MELBARDIS: Eric Melbardis --

11 MS. WARNER: -- with Golder Associates.

12 MR. MILLER: Mark Miller with the PacifiCorp
13 Chehalis Generating Facility.

14 CHAIR DREW: Anyone else?

15 Okay. With that, let's move on to the
16 proposed agenda. You have the agenda in front of you.
17 Is there a motion to approve the agenda?

18 Ms. Brewster?

19 MS. BREWSTER: Chair Drew, I'll move that we
20 approve the proposed agenda for today's meeting.

21 CHAIR DREW: Is there a second?

22 MR. DENGEL: Second.

23 CHAIR DREW: And that was?

24 MR. DENGEL: Rob Dengel.

25 CHAIR DREW: Mr. Dengel, thank you.

1 Are there any additions or corrections? If
2 not, all those in favor of approving and adopting the
3 agenda for today, please say "aye."

4 COUNCILMEMBERS: Aye.

5 CHAIR DREW: Opposed? The agenda is
6 adopted.

7 Moving on to the meeting minutes. Is there
8 a motion to approve the meeting minutes from
9 May 19th, 2020?

10 MS. BREWSTER: Chair Drew, this is Stacey
11 Brewster. I move that the Council approve the minutes
12 from the May 19th Council meeting.

13 CHAIR DREW: Is there a second?

14 MR. SIEMANN: This is Dan Siemann, I'll
15 second it.

16 CHAIR DREW: Thank you.

17 Are there any comments on the draft minutes?
18 Hearing none, all those in favor of approving the
19 minutes from May 19th, 2020, please say "aye."

20 COUNCILMEMBERS: Aye.

21 CHAIR DREW: Opposed? The minutes are
22 approved. Thank you.

23 Now moving on to our facility updates.
24 First is the Kittitas Valley Wind Power Project.

25 MR. MELBARDIS: Good afternoon, Chair Drew,

1 EFSEC Council, and Staff. For the record, this is Eric
2 Melbardis with EDP Renewables for the Kittitas Valley
3 Wind Power Project. During the period, there was
4 nothing nonroutine to report. However, as of June 8th
5 of this month, per Governor Inslee's phase two orders
6 for Kittitas County, we have begun merging remote
7 employees back into the office, still maintaining
8 separation and all the rest of the guidelines.

9 CHAIR DREW: Are there any questions?

10 Thank you.

11 Okay. Let's move on to our next agenda
12 item, Wild Horse Wind Facility, Ms. Diaz?

13 MS. DIAZ: Yes. Thank you, Chair Drew,
14 Councilmembers. For the record, this is Jennifer Diaz
15 with Puget Sound Energy at the Wild Horse Wind Facility.
16 Only have one nonroutine item to report for the month of
17 May. We re- -- reopened the site for public access and
18 recreation on May 5th. All recreation permits are
19 available online only. The renewable energy center, or
20 the visitor center, remain closed to the public during
21 the month of May. And that's all I have.

22 CHAIR DREW: Are there any questions?

23 Okay. Thank you.

24 Our next agenda item is Chehalis Generation
25 Facility, and we have Mr. Jeremy Smith. Yes?

1 MR. SMITH: Apologies. Good afternoon,
2 Chair Drew, Council, and Staff. This is Jeremy Smith,
3 the environmental analyst for Chehalis Generation
4 Facility. I have no abnormal reports for the month of
5 May.

6 CHAIR DREW: Thank you.

7 MR. SMITH: Questions?

8 CHAIR DREW: Any questions?

9 Okay. Thank you.

10 Okay. Now we have Grays Harbor Energy
11 Center, Mr. Sherin.

12 MR. SHERIN: Good afternoon, Chair Drew and
13 Councilmembers. For the May report, there is -- I
14 don't -- I have no nonroutine items to report.

15 CHAIR DREW: Are there any questions?
16 Hearing none, let's move to the next item on our agenda,
17 which is the Title V update, Mr. Overton.

18 MS. MOON: Sorry, this is Amy Moon. Can I
19 interject? Could we go back to Desert Claim and
20 Columbia Solar?

21 CHAIR DREW: Oh, did I miss that? I'm
22 sorry.

23 MS. MOON: Yeah.

24 CHAIR DREW: I was looking at the documents
25 as they came up rather than the agenda. We can do that.

1 So sorry about that, Kyle. We will come
2 back to you.

3 Desert Claim, Ms. Moon.

4 MS. MOON: Thank you, Chair Drew. Good
5 afternoon, Council Chair Drew and Councilmembers. This
6 is Amy Moon providing an update for the Desert Claim
7 project. EFSEC Staff continues to coordinate with
8 Desert Claim; however, at this time, there are no other
9 project updates.

10 CHAIR DREW: Okay. Thank you.

11 Are there any questions?

12 Okay. Moving on to Columbia Solar Project,
13 Ms. Kidder?

14 MS. KIDDER: Thank you. Good afternoon,
15 Chair Drew and Councilmembers. For the record, my name
16 is Ami Kidder. EFSEC Staff are continuing to coordinate
17 with the certificate holder as they refine their site
18 design plans. As design plans become more concrete,
19 Staff expects submission of site-specific --
20 site-specific facility plans to follow shortly. Staff
21 will continue to keep the Council updated as we
22 progress. Are there any questions?

23 CHAIR DREW: Okay. Thank you, Ms. Kidder.

24 Now we will move on to the Title V update
25 with Mr. Overton.

1 MR. OVERTON: Yes, thank you. This is Kyle
2 Overton, the EFSEC site specialist for the Grays Harbor
3 facility. Monday, June 8th, the Council received the
4 proposed final drafts for the Grays Harbor Title V Air
5 Operating Permit and technical support document, which
6 is available in your packets. These documents were
7 developed with the input from EFSEC Staff, ORCAA, the
8 EPA, and the facility. During this process -- process,
9 opportunity for comment was provided to members of the
10 public and other interested parties.

11 We received one comment on the draft permit,
12 which was determined to be outside of the scope of the
13 permit itself. The proposed final draft of the permit
14 and supporting documents have been updated to include
15 the permit number and end dates as necessary, but are
16 otherwise unchanged from the drafts previously reviewed
17 and approved by the Council for public comment.

18 At this time, EFSEC Staff would like to
19 request that the Council vote to approve the permit and
20 supports documents for issuance. Should the Council
21 choose to do so, the permit will become effective
22 tomorrow, June 17th, 2020. Any questions?

23 MR. DENGEL: This is Rob Dengel with the
24 Department of Ecology.

25 CHAIR DREW: Yes, Mr. Dengel?

1 MR. DENGEL: Yeah, so I had a question
2 regarding the -- basically the triggering event for the
3 AOP, because it looks like they were operating since
4 2008. And I was just wondering, was there something
5 that happened between now and then that -- did they
6 increase their emissions from that point or were they
7 always in the status of developing a permit?

8 MR. OVERTON: Yeah, this has been a very
9 long process. Part of the issue earlier was getting
10 some of the state and federal requirements in line for
11 their PSD, their potential for certificate
12 deterioration, I believe, permit, and that had to be
13 resolved before we could issue the AOP. So once that
14 was taken care of --

15 (Brief interruption.)

16 MR. OVERTON: So there was always the
17 requirement, it just was a long process in getting that
18 finished.

19 Did I answer your question?

20 MR. DENGEL: Okay. That -- that's what I
21 need to know. Thank you.

22 MR. OVERTON: Mm-hmm.

23 CHAIR DREW: Thank you. Any other
24 questions?

25 Mr. Dengel, do you want to make a motion to

1 approve the Title V Permit?

2 MR. DENGEL: Yes, so a motion to approve the
3 Title V Permit for Grays Harbor Energy Center as
4 written.

5 CHAIR DREW: Thank you.

6 Is there a second?

7 MR. SIEMANN: This is Dan Siemann, I'll
8 second that.

9 CHAIR DREW: Okay. Are there any further
10 discussions on this permit?

11 I think that what we'll do is call the roll
12 since I think that's a better way to vote in this
13 situation.

14 So, Ms. Mastro, will you call the roll,
15 please?

16 MS. MASTRO: Department of Commerce?

17 MS. KELLY: I vote to approve.

18 MS. MASTRO: Department of Ecology?

19 MR. DENGEL: Vote to approve.

20 MS. MASTRO: Fish and Wildlife?

21 MR. LIVINGSTON: Aye.

22 MS. MASTRO: Natural Resources?

23 MR. SIEMANN: Aye.

24 MS. MASTRO: Utilities and Transportation
25 Commission?

1 MS. BREWSTER: Aye.

2 MS. MASTRO: Chair Drew, your vote?

3 CHAIR DREW: Aye.

4 MS. MASTRO: It's unanimous.

5 CHAIR DREW: Thank you.

6 The Title V Permit for Grays Harbor Energy
7 Center is approved. Okay.

8 MR. OVERTON: Thank you.

9 CHAIR DREW: You're welcome.

10 The next item on the agenda is update on
11 WNP-1/4 and then Columbia Generating Station,
12 Mr. Whitehead.

13 MR. WHITEHEAD: Good afternoon, this is Kip
14 Whitehead from Energy Northwest. I'll be reporting on
15 WNP-1/4 and the Columbia Generating Station. There are
16 no nonroutine operating conditions that we'd like to
17 report for the May reporting period. Do -- do you have
18 any questions?

19 CHAIR DREW: Are there any questions?

20 Okay. Thank you.

21 Now we will move on to Resolution 347,
22 Ms. Moon.

23 MS. MOON: Thank you, Chair Drew. I -- I
24 hope that everyone can hear me and that this holds out.
25 Good afternoon, Chair Drew and Councilmembers. For the

1 record, I am Amy Moon, a member of the EFSEC Staff. I
2 want to introduce to you a proposed resolution,
3 Resolution 347, authorizing fish collection for the
4 Radiological Environmental Monitoring Program at the
5 Columbia Generating Station.

6 At the May 2020 Council meeting, EFSEC Staff
7 presented the history on the annual fish collection at
8 the Columbia Generating Station that is a -- that is
9 required under the Radiological Environmental Monitoring
10 Program, which is known as REMP. The REMP is a
11 requirement of the Site Certification Agreement in which
12 annual fish monitoring is conducted to evaluate the
13 gamisotopes found in Columbia River resident fish
14 species at Station 30, which is River Mile 351 to 354 in
15 Benton and Franklin Counties.

16 Station 30 is located near Outfall 001 where
17 the authorized National Pollutant Discharge Elimination,
18 otherwise known as the NPDES Permit, wastewater is
19 discharged from the Columbia Generating Station to the
20 Columbia River.

21 Resolution 157 originally authorized fish
22 collection in 1979 at CGS as well as at other facilities
23 that were never constructed. The new proposed
24 resolution, Resolution 347 that you have in your June
25 Council packet, extends Resolution 157 and provides the

1 current fish collection conditions for CGS. The
2 proposed Resolution 347 is specific to the Columbia
3 Generating Station and updates the conditions of fish
4 collection.

5 Resolution 347 was prepared in consultation
6 with Washington Department of Fish and Wildlife and is
7 consistent with current Fish and Wildlife scientific
8 collection permits. Resolution 347 will serve in lieu
9 of an annual fish and wildlife permit.

10 The proposed Resolution 347 sets forth the
11 fish sampling conditions including collection and
12 handling methods, fish species and numbers, and annual
13 reporting. Resident fish including smallmouth bass,
14 walleye, yellow perch, common carp, channel catfish,
15 brown bullhead, yellow bullhead, and the largescale
16 sucker collection is authorized -- and large scale
17 sucker, I'm sorry, the fish collection is authorized
18 under the proposed Resolution 347 within the Columbia
19 River. Collection of sensitive species, Steelhead and
20 Chinook salmon, will be at the Columbia River Ringold
21 Fish Hatchery near Station 30 and at the Snake River
22 Lyons Ferry Fish Hatchery.

23 Preparation of the draft resolution included
24 a review of the National Marine Fishery Service, or
25 NMFS, March 10th, 2017, Endangered Species Act, Section

1 7A2, biological opinion, and the Magnuson-Stevens
2 Fishery Conservation and Management Act essential fish
3 habitat response for renewing the Nuclear Regulatory
4 Commission operating license or the Columbia Generating
5 Station.

6 The biological opinion examined effects on
7 threatened and endangered species as a result of the CGS
8 operation including fish collection for the REMP, intake
9 of cooling water from the Columbia River, and effluent
10 discharge monitoring. The biological opinion determined
11 relicensing the CGS, quote, is not likely to jeopardize
12 the continued existence of Upper Columbia River spring
13 run Chinook salmon and Upper Columbia River Steelhead,
14 and is not likely to result in a destruction or adverse
15 modification of the designated critical habitat, end
16 quote.

17 The fish collection method including the
18 proposed Resolution 347 follow the biological opinion
19 limits. The maximum number of nonlethal take or salvage
20 of Chinook salmon is two and ten for Steelhead. Energy
21 Northwest has successfully captured all the necessary
22 resident fish in the Columbia River in the past by
23 angling, and electrofishing is not planned. However, if
24 electrofishing is required, the proposed Resolution 347
25 provides conditions for electrofishing to minimize

1 impacts to Chinook salmon and Steelhead that are in
2 alignment with the biological opinion.

3 The collection of sensitive species, i.e.
4 Chinook salmon and Steelhead, will be from two
5 hatcheries, as stated earlier, thus minimizing impacts
6 to Endangered Species Act listed species.

7 In response to a question posed by the EFSEC
8 Council at the May 2020 Council meeting regarding tribal
9 consultation, NMFS notified potentially affected tribes
10 during preparation of the biological opinion. The
11 Nasbert Tribe and the Confederated Tribes and Bands of
12 the Yakima Nation were notified. NMFS discussed their
13 draft findings with the Naz Perce Tribe and the Umatilla
14 Tribe. Neither requested further discussions or
15 government-to-government consultation.

16 Does the Council have any questions at this
17 time?

18 MR. LIVINGSTON: Chair Drew, I -- I do have
19 a comment and a recommendation. This is Mike Livingston
20 with Fish and Wildlife. Hello?

21 CHAIR DREW: Am I back on now? Can you hear
22 me?

23 UNIDENTIFIED SPEAKER: Yes, Chair Drew, we
24 can hear.

25 CHAIR DREW: Okay. So I had turned my mic

1 off so that we could give whatever broadband width we
2 needed to Ms. Moon.

3 So yes, Mr. Livingston, what I'd like to do
4 is to have us bring a motion up to approve the
5 resolution and then have a conversation about the
6 concern that -- that you have raised to our Staff.

7 So, Ms. Aitken, would you please put the
8 page 3 of the resolution?

9 MS. AITKEN: Yes, sorry, I -- think we're --

10 CHAIR DREW: Between page 3 and page 4 as we
11 talk about that.

12 And then, Mr. Livingston, if you'd like to
13 put a motion forward and we'll get a second and then
14 we'll talk about your recommendation.

15 MR. LIVINGSTON: Okay. So, Chair, I move
16 that the Council approve the proposed Resolution 347 on
17 the condition that EFSEC Staff amend the resolution to
18 remove Condition No. 4 and edit the following condition
19 numbers to reflect the deletion.

20 CHAIR DREW: Okay. Thank you.

21 Is there a second?

22 MS. BREWSTER: This is Stacey Brewster, I'll
23 second.

24 CHAIR DREW: Thank you.

25 And now we'll have a discussion before we

1 vote so everybody can hear what the issue is, but I
2 thought it was better to get that up.

3 So Mr. Livingston is recommending -- so,
4 Ms. Aitken, if you can go to page 4 there. Next page.
5 There we go. The deletion of the fourth item in the
6 resolution.

7 Mr. Livingston, would you like to speak to
8 your motion?

9 MR. LIVINGSTON: Yes, thanks, Chair. So
10 during review of the resolution, I noticed on page 4,
11 Condition No. 4, that the migration timing for Upper
12 Columbia River Steelhead is -- is not accurate. I
13 confirmed that with our district fish file just in the
14 area that the actual period runs late June through mid
15 October. So we wanted to make sure that we have the
16 right window.

17 But then also during review, we noticed on
18 page 3, Condition No. 2, that the resolution provides
19 Columbia Generating Station ability to nonlethally
20 handle or salvage Steelhead and spring Chinook. So it's
21 my opinion that Condition No. 4 is not needed and can be
22 completed from the resolution.

23 CHAIR DREW: Thank you.

24 Are there questions or comments from other
25 Councilmembers?

1 MS. BREWSTER: This is Stacey Brewster. So
2 I'm wondering, rather than amending No. 4 with the
3 appropriate date, you're recommending withdrawing it
4 entirely because of the safe handling listed in No. 2;
5 is that correct?

6 MR. LIVINGSTON: Yes, that's correct. Yeah.

7 CHAIR DREW: Any other questions, comments?

8 MR. SIEMANN: This is Dan Siemann from DNR,
9 and I guess I -- I'm leaning towards keeping it in,
10 No. 4 in, but perhaps removing the dates. And my
11 thinking here is one, it's an important statement to
12 make; but number two, that due to climate change, the
13 dates will continue to change and -- in terms of the
14 run. And so -- but I think that we could just specify
15 the first part without the dates and -- and be
16 successful.

17 MR. LIVINGSTON: Chair Drew, this is -- I'd
18 like to respond to that. Just part of the reason I made
19 the recommendation to remove it was it wasn't clear to
20 me when the sampling was going to occur. And -- and so
21 I was trying to provide maximum flexibility for Columbia
22 Generating Station staff and then also the fact that
23 the -- this is nonlethal take or salvage, so there
24 wouldn't be a long term impact on the population. I do
25 see what Councilman Siemann's suggesting could

1 potentially work, I just don't know what the -- the work
2 windows are for -- for staff and when they would be out
3 there doing the sampling.

4 CHAIR DREW: I guess as I look at -- if we
5 want to go back and look at the second No. 2 under -- in
6 the resolution, the collection and handling of fish may
7 include the threatened Upper Columbia River and the
8 endangered UCR spring run Chinook salmon, and the
9 maximum number of nonlethal take or salvage is limited
10 to two Chinook and ten Steelhead. I'm concerned that if
11 we keep the language in 4 without a window, there may
12 not be a window to conduct the testing and what we -- I
13 think the priority is that we need to have the testing
14 done to make sure that the species are appropriately
15 tested due to the potential harm from the activities of
16 Columbia Generating Station.

17 Other thoughts?

18 MR. DENGEL: Okay. I -- I think I've got a
19 stupid question here, so I'm going to apologize. This
20 is Rob Dengel with Ecology. I'm looking at this, and
21 I -- and so the -- the item No. 4, so I know there's
22 debate on when that window occurs. You have spring run
23 population, I mean, they're salmon, they -- they spawn
24 and they die. I believe that whole cycle is migratory,
25 so when would they biologically grab the -- the salmon

1 if they're not within the migratory window? I mean,
2 would it be before they're heading upstream? I mean, I
3 guess it would make sense from a power generation
4 standpoint. I'm missing something here, so if anybody
5 could help clue me in on that, I would -- I would deeply
6 appreciate it.

7 MR. LIVINGSTON: Chair Drew, can -- can I
8 respond to that?

9 CHAIR DREW: Please do, yes.

10 MR. LIVINGSTON: Yeah, I -- and I think --
11 Council Dengel, I think you put your finger on another
12 thing that for me was not consistent between this one
13 and No. 2, was the fact that there is a goal to actually
14 sample Steelhead and Chinook, and so you would be
15 sampling during their migration period. The period is
16 long enough that it would be hard to narrow it down to
17 them just being able to collect from November through --
18 to April. And so -- and those winter time periods can
19 be difficult and then you may not be able to get your
20 target species.

21 So I think that No. 4 for a couple reasons
22 is -- is not needed, and one of them is what you put
23 your finger on.

24 CHAIR DREW: If the Council doesn't mind,
25 I'll ask either Ms. Bumpus or Ms. Moon to talk about the

1 history of this development of this resolution, and I
2 think they may have also spoken with you,
3 Mr. Livingston, to make this -- to respond to your
4 conditions for this recommendation.

5 So, Ms. Bumpus, do you want to give the
6 Council some background on this?

7 MS. BUMPUS: Well, I think before I -- I add
8 anything in at this point, I'm going to defer to Amy
9 Moon. Amy Moon has worked very closely with the
10 Department of Fish and Wildlife and has reviewed the
11 federal documents and a lot of the historical documents
12 related to the old Resolution 157. So I'm going to give
13 Amy Moon an opportunity to -- to add what she can to
14 help the Council with this decision.

15 Amy?

16 MS. MOON: Thank you, Sonia, and thank you,
17 Chair Drew. So it is true that Chinook and Steelhead
18 are pretty much present year-round. There's a yearly
19 migration or yearly migrant time that the federal
20 government identified, there's an adult migrant time,
21 and then there's a spawning and varying time. And --
22 and when you combine all of those, they extend the
23 entire year.

24 So I agree with what Chair -- or what
25 Councilmember Livingston is saying, that it's confusing

1 to have item 4 when item 2 talks about that the handling
2 of both the Chinook and the Steelhead may occur and then
3 there's a -- a nonlethal take or salvage number with
4 that. Because when you -- when you're looking for
5 recovery of sport fish, fish that people may be eating,
6 that is generally collected during the sport fish
7 season, and it would be much more successful at that,
8 which then means that -- that -- that we are within some
9 of the -- the migrant window, but -- but there's
10 conditions around that on how you would have to -- how
11 Energy Northwest would have to handle those sensitive
12 species, and then there's reporting requirements on
13 that.

14 And so these requirements are not only
15 impressed upon Energy Northwest and Columbia Generating
16 Station by the federal government, but also within this
17 resolution, even without the item No. 4. Is there
18 anything else I can answer?

19 CHAIR DREW: Mr. Siemann, I'd -- I'd like to
20 go back to you and see if this resolves the questions
21 and concerns that you have.

22 MR. SIEMANN: I guess the question I have
23 now is what was the original reason for putting No. 4
24 in, what is the genesis of that, and what is being
25 missed by -- by deleting it or what is being lost by

1 deleting it? Yeah, so I'd be curious from -- from
2 Council Staff and in -- in terms of their sense of that.

3 CHAIR DREW: Ms. Moon?

4 MS. MOON: Yeah, that's a great question,
5 Member Siemann. As far as -- I'm going to take
6 responsibility for this a hundred percent is item 4 is
7 in here in an errant fashion and it -- it should be
8 removed or I agree with Mr. Livingston's questioning of
9 it. It -- it doesn't add value to the fish collection
10 ability, it doesn't add value to Resolution 347, and --
11 and we discovered this error through our review, our
12 multiple review by Fish and Wildlife, Energy Northwest,
13 and EFSEC, and unfortunately, though, this mistake
14 wasn't found until the resolution was prepared and sent
15 to Council.

16 MS. BUMPUS: And this is Sonia Bumpus. I
17 just want to add, Staff have talked about this
18 internally once the question was raised about No. 4,
19 and -- and ultimately, you know, we -- we realized that
20 we had not itemized all of the applicable fish windows
21 for the different life stages for these species. And as
22 Amy Moon said earlier, if you were to apply and itemize
23 all of the -- all of the windows for these species
24 throughout their life stages, you would essentially be
25 left with really no -- no window of opportunity for the

1 sampling.

2 So I -- I did want to just add that that was
3 another reason where we -- we thought that -- or I think
4 that Councilmember Livingston's recommendation is -- is
5 a good one because the -- this -- this item of No. 4
6 does not include all of the windows that would be
7 applicable. But again, if you were to apply all those,
8 if I understand it correctly, and, Ms. Moon, please
9 interject if I'm incorrect, but that you would be
10 leaving Energy Northwest with really no opportunity to
11 do the sampling or rather a very narrow window where
12 they may not be successful in doing the sampling.

13 MS. MOON: Yeah, thank you, Sonia. This is
14 Amy Moon again. You're correct on that. And these --
15 these life stage windows, the migrant times of spawning
16 and varying are what Energy Northwest has to look at
17 what the federal government put in documentation for
18 their relicensing with that biological opinion. And --
19 and like Mr. Siemann said, I think it was Mr. Siemann,
20 where this time might change over the years, and if we
21 take out item 4, we will not have to continue to update
22 the resolution for that shift.

23 CHAIR DREW: Any other questions --

24 MS. BUMPUS: And --

25 CHAIR DREW: Oh, go ahead.

1 MS. BUMPUS: Sorry, Chair Drew. Pardon the
2 interruption. And I'd just add that, you know, in doing
3 that and removing 4, we're -- we're still protecting, so
4 we're not sacrificing the protection there either.

5 CHAIR DREW: Any other comments, questions
6 from Councilmembers?

7 MS. KELLY: Madame Chair, this is Kate Kelly
8 with Commerce.

9 CHAIR DREW: Yes?

10 MS. KELLY: The deeper dive into this
11 document has just provoked a question in my mind, and
12 I -- the -- the numbers that are listed in what is
13 currently No. 7, maximum take, are -- those are annual
14 numbers I assume. And so -- so my question is, is that
15 specified someplace else and is it a calendar year we're
16 talking about, January to December?

17 CHAIR DREW: Ms. Moon?

18 MS. MOON: That is a great question, and I'm
19 scrolling through the resolution to see if we specify --
20 we specify annual reporting, but I -- I think that
21 Councilmember Kelly has -- has touched on something that
22 may not be recovered in this resolution.

23 MS. BUMPUS: Chair Drew, I'd -- I would add
24 at this point that we -- so we don't have the -- the
25 clear answer to that question at this time, but we

1 certainly can check on that and add the information, add
2 that detail to the resolution.

3 CHAIR DREW: So I'm going to ask another
4 question, because if this were not -- if -- if this were
5 not to impact the collections in this season, I would
6 say let's put this aside and bring it back to the
7 Council next month when we can clear up these issues.
8 However, I guess my next question is, does this
9 negatively impact the ability to do the sampling this
10 year if we put it off for another month?

11 MS. BUMPUS: Chair Drew, my understanding is
12 that yes, this -- this would be very important for the
13 facility to have before the end of this month before
14 July for their scheduled sampling.

15 CHAIR DREW: So we have two options. I
16 guess I'm looking for direction from the Council on
17 this. One option is that we can provide -- the Council
18 can provide the Staff the direction to address these two
19 issues, to delete 4 and to address what time period
20 No. 7 relates to. And then once those are correct, I
21 could then finalize and sign it. Or the other option is
22 for us to have the document prepared and sent back out
23 to you and to have a special meeting to approve it. So
24 I'm asking which is the preference of the Council?

25 MR. LIVINGSTON: Chair, this is Council

1 Livingston, I think -- I think we could probably amend a
2 motion that I made to include adding the annual time
3 frame to No. 7, and hopefully we could vote on it at
4 that point.

5 CHAIR DREW: Okay.

6 MR. LIVINGSTON: That -- that's my -- that
7 would be my suggestion.

8 CHAIR DREW: Thank you.

9 Other comments?

10 MS. KELLY: Madame Chair, this is Kate
11 Kelly. I -- that would address my concern as well.

12 CHAIR DREW: Okay. Any other comments?

13 MS. MOON: Chair Drew, this is Amy Moon. I
14 just wanted to clarify that that window, the -- the
15 annual permitting time period is July 1st through June
16 30th of the next year.

17 CHAIR DREW: And -- and that is found the
18 annual permit would -- from what source?

19 MS. MOON: That was from Energy Northwest's
20 application and from the scientific collection permit
21 that was -- that was prepared by Fish and Wildlife. So
22 if EFSEC didn't have the authority to issue a permit in
23 lieu of, a July 1st through June 30th collection permit
24 would have -- would have been issued by Fish and
25 Wildlife on an annual basis.

1 CHAIR DREW: And since what we do is in lieu
2 of other agency permits with the information provided by
3 our Fish and Wildlife contract, then that is the date
4 that you would put into this document; is that correct?

5 MS. MOON: That is correct.

6 CHAIR DREW: Okay. Thank you.

7 So we have a motion on the floor that adopts
8 the -- approves the resolution eliminating the No. 4
9 paragraph and adding the time period to No. 7 to be
10 between -- annually between July 1st and June 30th. Is
11 that -- that's what I hear the motion is on the floor.
12 Is there a second to that?

13 MR. LIVINGSTON: This is Council Livingston,
14 I will second that. Can I second my own motion?

15 CHAIR DREW: No, you would need someone --
16 let's find somebody else.

17 MS. KELLY: This is Councilmember Kelly.
18 I'll second that motion.

19 CHAIR DREW: Okay. Then are other -- are
20 there additional comments from Councilmembers before we
21 vote?

22 Okay. Ms. Mastro, will you call the roll?

23 MS. MASTRO: Department of Commerce?

24 MS. KELLY: Aye.

25 MS. MASTRO: Department of Ecology?

1 MR. DENGEL: Aye.

2 MS. MASTRO: Department of Fish and
3 Wildlife?

4 MR. LIVINGSTON: Aye.

5 MS. MASTRO: Department of Natural
6 Resources?

7 MR. SIEMANN: Aye.

8 MS. MASTRO: Utilities and Transportation
9 Commission?

10 MS. BREWSTER: Aye.

11 MS. MASTRO: Chair Drew, your vote?

12 CHAIR DREW: Aye.

13 MS. MASTRO: There -- it is a unanimous vote
14 to approve.

15 CHAIR DREW: Thank you. The resolution is
16 adopted.

17 I want to say thank you to the
18 Councilmembers, all of you with very thoughtful review
19 and help to make this a better product, and I really
20 appreciate your eyes and thoughts on it. So I'm very,
21 very appreciative of that as well of all the -- the work
22 that the Staff has done on it as well. So thank you.

23 And we will make those corrections before I
24 sign the resolution.

25 Okay. Let's go back to our agenda. And if

1 there is nothing else for us to discuss, which it seems
2 we are at the end of our agenda, our meeting is
3 adjourned. Thank you all.

4 (Adjourned at 2:15 p.m.)

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STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358

