



# Washington State Energy Facility Site Evaluation Council AGENDA

**MONTHLY MEETING**  
**Tuesday May 18, 2021**  
**1:30 PM**

**CONFERENCE CALL ONLY**  
Conference number: (253) 372-2181 ID: 662593855#

1. Call to Order ..... Kathleen Drew, EFSEC Chair
2. Roll Call ..... Joan Owens, EFSEC Staff
3. Proposed Agenda ..... Kathleen Drew, EFSEC Chair
4. Minutes  
**Meeting Minutes** ..... Kathleen Drew, EFSEC Chair
  - March 30, 2021 Horse Heaven Special Meeting
  - April 20, 2021 Monthly Meeting Minutes
5. Projects
  - a. Kittitas Valley Wind Project
    - Operational Updates ..... Eric Melbardis, EDP Renewables
  - b. Wild Horse Wind Power Project
    - Operational Updates ..... Jennifer Galbraith, Puget Sound Energy
  - c. Chehalis Generation Facility
    - Operational Updates ..... Mark Miller, Chehalis Generation
  - d. Grays Harbor Energy Center
    - Operational Updates ..... Chris Sherin, Grays Harbor Energy
  - e. Columbia Generating Station
    - Operational Updates ..... Mary Ramos, Energy Northwest
  - f. WNP – 1/4
    - Non-Operational Updates ..... Mary Ramos, Energy Northwest
  - g. Desert Claim
    - Project Updates ..... Amy Moon, EFSEC Staff
  - h. Columbia Solar
    - Project Updates ..... Kyle Overton, EFSEC Staff
    - Plans and Permits update ..... Kyle Overton, EFSEC Staff
  - i. Goose Prairie Solar
    - Project Updates ..... Kyle Overton, EFSEC Staff
    - SEPA Review and Expedited Process ..... Kyle Overton, EFSEC Staff
  - j. Horse Heaven Wind Farm
    - Project Updates ..... Amy Moon, EFSEC Staff
6. Adjourn ..... Kathleen Drew, EFSEC Chair

**Note: "FINAL ACTION"** means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020

# **Informational Meeting**

## **Scout Clean Energy-Horse Heaven Hills Wind Project**

**March 30, 2021**



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HORSE HEAVEN WIND FARM  
INFORMATIONAL MEETING  
March 30, 2021

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## PRESENT AT MEETING:

Chairperson Kathleen Drew

Councilmember Stacey Brewster  
Utilities and Transportation Commission  
Councilmember Robert Dengel  
Department of Ecology

Councilmember Michael Livingston  
Department of Fish and Wildlife  
Councilmember Lenny Young  
Department of Natural Resources

Councilmember Kate Kelly  
State Department of Commerce  
Councilmember Derek Sandison  
State Department of Agriculture

Councilmember Ed Brost  
Benton County Representative  
Judge Adam Torem  
Public Comment Facilitator

Bill Sherman  
Assistant Attorney General  
Counsel for the Environment

EFSEC STAFF:  
Sonia Bumpus, EFSEC Manager  
Ami Kidder, Siting and Compliance Manager  
Amy Moon, Energy Facility Site Specialist & Project Manager  
Kyle Overton, Energy Facility Site Specialist  
Joan Owens, Secretary Supervisor  
Stew Henderson, Senior Policy Advisor  
REPORTED BY: Katherine VanGrinsven, WA CCR No. 3415

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1 are -- have been appointed to the -- in addition to the  
2 regular Councilmembers for the Horse Heaven Wind  
3 Project, Derek Sandison.

4 COUNCILMEMBER SANDISON: Yeah. I'm Derek Sandison  
5 representing the Washington State Department of  
6 Agriculture.

7 CHAIRPERSON DREW: And Ed Brost.

8 COUNCILMEMBER BROST: Yes. I'm representing Benton  
9 County.

10 CHAIRPERSON DREW: Thank you.

11 If we could have our EFSEC staff introduce  
12 themselves, please.

13 MS. BUMPUS: My name is Sonia Bumpus. I am the EFSEC  
14 manager.

15 MS. KIDDER: My name is Ami Kidder. I am the EFSEC  
16 siting and compliance manager.

17 MS. MOON: Hello. My name is Amy Moon and I am the  
18 energy facility siting specialist and working as the  
19 Horse Heaven Project manager for EFSEC.

20 MR. OVERTON: Yes. And I am Kyle Overton. I'm  
21 another EFSEC site specialist with EFSEC.

22 MS. OWENS: Hi. My name is Joan Owens. I handle the  
23 administrative side of EFSEC.

24 MS. BETTS: My name is Patricia Betts and I provide  
25 support to EFSEC for conducting environmental review

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2 -oOo-

3  
4 CHAIRPERSON DREW: I guess I can call through our  
5 list. Stacey Brewster?

6 COUNCILMEMBER BREWSTER: Hi, I'm Stacey Brewster.  
7 I'm the EFSEC Councilmember for the Utilities and  
8 Transportation Commission.

9 CHAIRPERSON DREW: Keep trying here. Okay. And now  
10 Robert Dengel?

11 COUNCILMEMBER DENGEL: Rob Dengel. I am the EFSEC  
12 rep for the Department of Ecology.

13 CHAIRPERSON DREW: Michael Livingston.

14 COUNCILMEMBER LIVINGSTON: Good evening. My name is  
15 Mike Livingston. I'm with Washington Department of  
16 Fish and Wildlife and I represent Fish and Wildlife on  
17 the Council.

18 CHAIRPERSON DREW: Lenny Young?

19 COUNCILMEMBER YOUNG: Lenny Young representing the  
20 Department of Natural Resources.

21 CHAIRPERSON DREW: Kate Kelly.

22 COUNCILMEMBER KELLY: Hi. I'm Kate Kelly. I'm  
23 representing the State Department of Commerce on the  
24 Council.

25 CHAIRPERSON DREW: And for our Councilmembers who

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1 under the State Environmental Policy Act.

2 MR. HENDERSON: This is Stew Henderson. I'm a senior  
3 policy advisor with EFSEC.

4 CHAIRPERSON DREW: Thank you, everyone.

5 And we will hear from the counsel for the  
6 environment, who is a party to the EFSEC review of the  
7 application during our formal presentation as well.

8 So we have a few more minutes here if people continue  
9 to make sure, if you want to, you have that website  
10 open to see the presentations, the presentation slides.  
11 We will begin at 5:30.

12 (5:30 p.m.)

13 CHAIRPERSON DREW: Calling our informational meeting  
14 to order.

15 Good evening again, my name is Kathleen Drew and I am  
16 the Chair of the Washington Energy Facility Site  
17 Evaluation Council or E-F-S-E-C, EFSEC.

18 Welcome and thank you for joining EFSEC this evening  
19 for our public informational meeting and land use  
20 consistency hearing for the proposed Horse Heaven Wind  
21 Project. The purpose of EFSEC's meeting tonight is to  
22 share information about the Horse Heaven Wind Project  
23 and EFSEC's review process and to hear public comment  
24 on the project.

25 EFSEC statute RCW 80.40.090 requires EFSEC to conduct

1 (Pages 1 to 4)

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<p>1 a public informational meeting and land use consistency</p> <p>2 hearing within 60 days of receipt of an application for</p> <p>3 site certification.</p> <p>4 The applicant, Scout Energy, submitted their</p> <p>5 application. Their application is called an ASC, and</p> <p>6 they submitted that application to us, the Energy</p> <p>7 Facility Site Evaluation Council, on February 8, 2021.</p> <p>8 At this point I would ask the clerk to call the roll</p> <p>9 of the Council.</p> <p>10 MS. OWENS: Department of Commerce?</p> <p>11 COUNCILMEMBER KELLY: Kate Kelly present.</p> <p>12 MS. OWENS: Department of Ecology?</p> <p>13 COUNCILMEMBER DENGEL: Rob Dengel present.</p> <p>14 MS. OWENS: Department of Fish and Wildlife?</p> <p>15 COUNCILMEMBER LIVINGSTON: Mike Livingston present.</p> <p>16 MS. OWENS: Department of Natural Resources?</p> <p>17 COUNCILMEMBER YOUNG: Lenny Young present.</p> <p>18 MS. OWENS: Utilities and Transportation Commission?</p> <p>19 COUNCILMEMBER BREWSTER: Stacey Brewster present.</p> <p>20 MS. OWENS: For the Horse Heaven Project, Derek</p> <p>21 Sandison?</p> <p>22 COUNCILMEMBER SANDISON: Derek Sandison present.</p> <p>23 MS. OWENS: Ed Brost?</p> <p>24 COUNCILMEMBER BROST: Ed Brost present.</p> <p>25 MS. OWENS: Chair, there is a quorum for the EFSEC</p>	<p>1 time.</p> <p>2 Chair Drew and Councilmembers, Scout Clean Energy</p> <p>3 appreciates this opportunity to present the Horse</p> <p>4 Heaven Wind Farm application to the Council.</p> <p>5 I am Dave Kobus, the project manager, and reside in</p> <p>6 Richland, Washington. Earlier in my career I had</p> <p>7 developed the Nine Canyon Wind Project, which was built</p> <p>8 in three phases.</p> <p>9 A recent change in our application warrants an</p> <p>10 announcement before we get started:</p> <p>11 Scout Clean Energy has withdrawn our request for</p> <p>12 expedited processing of our application for site</p> <p>13 certification. We did this to ensure robust</p> <p>14 environmental review with the full participation of</p> <p>15 stakeholders and local area residents. This change</p> <p>16 demonstrates our willingness to pursue an environmental</p> <p>17 impact statement and participate in the associated</p> <p>18 proceedings.</p> <p>19 My project team and I will share in this</p> <p>20 presentation, although condensed for the limited time</p> <p>21 available. Let me first introduce Pat Landess, senior</p> <p>22 associate project manager, who supports the project</p> <p>23 team from our home office in Boulder, Colorado. Pat</p> <p>24 has been a valuable team member for several of Scout's</p> <p>25 portfolio of projects in the Midwest and Western</p>
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<p>1 regular Council and for the Horse Heaven Council.</p> <p>2 CHAIRPERSON DREW: Thank you. We will now proceed to</p> <p>3 the Scout Clean Energy presentation. Please remember</p> <p>4 to introduce your team. Thank you.</p> <p>5 They are putting their presentation forward so it</p> <p>6 will be just a minute here.</p> <p>7 MR. LANDESS: Can everyone hear me?</p> <p>8 CHAIRPERSON DREW: We're getting feedback.</p> <p>9 JUDGE TOREM: While Mr. Landess gets ready to make</p> <p>10 his presentation, can we ask all of you to check to</p> <p>11 see, if you're not a speaker, please mute your</p> <p>12 microphones. Thank you.</p> <p>13 (Meeting sign-in prompts)</p> <p>14 MR. LANDESS: Good evening. Can everyone hear me?</p> <p>15 CHAIRPERSON DREW: Try again there. We did get</p> <p>16 feedback.</p> <p>17 (Meeting sign-in prompts)</p> <p>18 CHAIRPERSON DREW: That's good.</p> <p>19 MR. LANDESS: Hi. Can you all hear me now?</p> <p>20 CHAIRPERSON DREW: Yes, we can.</p> <p>21 MR. LANDESS: Okay. I'm going to share my screen.</p> <p>22 Sorry about this.</p> <p>23 CHAIRPERSON DREW: Okay. You're ready? The screen</p> <p>24 is visible.</p> <p>25 MR. KOBUS: So as they say, it worked fine the last</p>	<p>1 regions and worked alongside me in the preparation of</p> <p>2 this application for site certification.</p> <p>3 So, Pat, let's dig in.</p> <p>4 MR. LANDESS: Thanks, Dave.</p> <p>5 I'll first go over the agenda. We'll go over a brief</p> <p>6 introduction to our company, discuss what is being</p> <p>7 proposed, give a discussion of our environmental</p> <p>8 analysis, a discussion of the economic benefits to the</p> <p>9 state and local community, consultation with</p> <p>10 stakeholders and residents of the Tri-Cities region.</p> <p>11 So Scout Clean Energy is a leading U.S. renewable</p> <p>12 energy developer, owner, and operator, headquartered in</p> <p>13 Boulder, Colorado. We have a local office in the</p> <p>14 Tri-Cities as well.</p> <p>15 Scout was founded in 2016 and is a relatively young</p> <p>16 company, but is made up of a longstanding management</p> <p>17 team with an extensive track record for developing</p> <p>18 large scale wind projects.</p> <p>19 So you've met Dave and I. I want to introduce you to</p> <p>20 Javon Smith as well. Javon is based in Bellingham,</p> <p>21 Washington, and has over 20 years experience in</p> <p>22 communications and community outreach for energy</p> <p>23 infrastructure projects.</p> <p>24 For the last 12 years, her focus has been on</p> <p>25 renewables, and over the past year Javon has been</p>

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<p>1 managing our efforts to engage with the local community 2 in Benton County.</p> <p>3 We are supported by a team of consultants that helped 4 us to prepare the application for site certification.</p> <p>5 So now I want to turn it back over to Dave, who will 6 discuss details of what is being proposed here in 7 Benton County.</p> <p>8 MR. KOBUS: Thanks, Pat.</p> <p>9 So the Horse Heaven Wind Farm Project will be located 10 just south of the Tri-Cities. At the closest point the 11 project is located approximately four miles 12 south-southwest of the city of Kennewick.</p> <p>13 The shaded area represents over 72,000 acres under 14 wind and solar energy lease and easement agreements 15 with participating landowners. The project area 16 consists primarily of private agricultural land.</p> <p>17 So when developers look for signals of a developing 18 power market, they then commit capital to develop 19 opportunities to meet the power supply needs, often 20 working years in advance to be ready when the market 21 becomes active.</p> <p>22 The best approach to mitigate impacts starts with 23 proper site selection. For wind and solar, the 24 resource must exist and be commercially viable. In the 25 Western U.S., the resource is a function of</p>	<p>1 assessed the region's power supply adequacy and it 2 concluded the region will be facing a huge resource gap 3 over the next decade.</p> <p>4 The Council's assessment notes three main reasons for 5 this gap. One, a booming population in the states, 6 including Washington, which is boosting demand on the 7 system; second, climate change is shifting the 8 production patterns of hydroelectric plants as well as 9 demand; and third, fossil fuels are being phased out 10 with early retirements announced and under way.</p> <p>11 In fact, this assessment determined that 8,000 12 megawatts of new capacity is needed by 2030 to keep up 13 with demand in the Pacific Northwest.</p> <p>14 Some of the generation resources being sought in this 15 region are clean renewable technologies, such as wind 16 and solar, as reliability can be enhanced through a 17 diverse power supply portfolio of all available 18 competitive alternatives.</p> <p>19 So Pat will now go over a few broader perspectives 20 before we get into our project specifics.</p> <p>21 MR. LANDESS: Thanks, Dave.</p> <p>22 Renewables have become a source of low cost energy 23 for Washington and the United States, helping the 24 nation move towards the goal of energy independence 25 while reducing pollution and carbon emissions.</p>
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<p>1 storm-driven climate and higher-elevation topography.</p> <p>2 You must have adjoining land tracts with the 3 participating landowners. You seek areas of the 4 country that promote new clean renewable energy 5 development, preferably in the time frame when 6 financial incentives are available to lower the price 7 of energy produced. And you must have economical 8 electrical access to power markets. So all of these 9 factors culminate in reduced environmental impacts for 10 the landowners and the community.</p> <p>11 Now I'd like to take a step back and talk about the 12 regional energy outlook and factors that are driving 13 the power supply demand. In terms of energy resources, 14 the Northwest was capacity rich for decades, meaning 15 the capability to supply load as it varies in realtime. 16 This created a vast energy export market. But these 17 conditions no longer exist and, as a consequence, 18 regional utilities must look for new sources for their 19 energy needs.</p> <p>20 Hydroelectric generation is clearly visible in the 21 region, as the resource is a prominent river system. 22 But other energy resources are also available within 23 the region to take advantage of existing 24 infrastructure.</p> <p>25 The Northwest Power and Conservation Council has</p>	<p>1 The cost of wind and solar have declined rapidly over 2 the last decade, with improved technology and US based 3 manufacturing making it competitive with traditional 4 energy sources.</p> <p>5 Modern wind turbines are more efficient and 6 affordable than those built even just a decade ago. 7 Lifecycle analysis shows that a typical wind turbine 8 has an energy payback of five to eight months and a 9 carbon payback of one year after operation.</p> <p>10 Modern wind turbines also have a recyclability rate 11 of 85 to 90 percent. Most components are metal, 12 including parts of the foundation, tower, gear box, and 13 generator, which will be easily salvaged.</p> <p>14 Turbine blades do represent a specific challenge. 15 Wind turbine blades are made up of composite materials 16 that boost the performance of wind energy by allowing 17 lighter and longer blades. The complexities of this 18 composite material requires specific processes for 19 recycling.</p> <p>20 For turbine blades that do enter the landfill stream, 21 they are among the most inert and nonproblematic waste 22 accepted, according to waste managers.</p> <p>23 Over the last few years, a number of solutions have 24 been developed to recycle wind turbine blades and a few 25 established methods for recycling the blades are</p>

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<p>1 currently available. Two examples of these blade 2 recycling programs are Global Fiberglass Solutions, a 3 Washington based company, and General Electric, GE, 4 which is using shredded blades to replace raw materials 5 in cement manufacturing.</p> <p>6 To ensure the wind farm is removed and a landowner's 7 property is reclaimed when the project is no longer 8 operational, the applicant is required to post security 9 to cover those costs. Details are included in the 10 preliminary decommissioning plan that is part of our 11 application for site certification. This means neither 12 the landowners nor the local government will have to 13 pay for removing project components.</p> <p>14 MR. KOBUS: Thank you, Pat.</p> <p>15 Now I would like to drive into the project details. 16 The panoramic photo on this slide was taken from Jump 17 Off Joe Butte facing west. The picture also shows the 18 existing wind energy project, which is a prominent 19 landmark feature above the Tri-Cities.</p> <p>20 There's a lot happening on this side of the project 21 layout. For those only listening, this is Figure 2.3-1 22 on page 100 of the materials on the EFSEC website. So 23 I need to cover several concepts about the map shown 24 relating to the overall permitting strategy.</p> <p>25 Regardless of the wind turbine manufacturer model</p>	<p>1 the aggregate impact is evaluated, which are the green 2 and red lines, but only one can be chosen.</p> <p>3 To be prepared for any change in Bonneville's plans 4 and assure the most impactful option is evaluated, all 5 alternate transmission lines are included in the 6 layout. If Bonneville's plans proceed as currently 7 envisioned, there will be no need for the eastern and 8 western points of interconnection, which is the blue 9 lines, to be tied together.</p> <p>10 Scout Clean Energy has been working to develop a wind 11 energy project in Benton County since 2016. Scout 12 recently acquired new interconnection capacity coupled 13 with new interconnection requests that will allow the 14 addition of solar and battery storage components that 15 will scale the project up to a potential 1,150 16 megawatts of renewable energy.</p> <p>17 So the project will consist of up to 244 wind turbine 18 generator locations, with the exact model and number 19 installed to be determined closer to construction and 20 based on product availability. We do anticipate the 21 project is likely to be constructed in phases.</p> <p>22 Depending on the preferences of an eventual purchaser 23 of a power sales agreement, or we refer to it as 24 "offtaker" for the Horse Heaven energy facility, the 25 relative wind, solar, and battery storage ratios may</p>
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<p>1 procured, the area of projected impact or the 2 micrositing remains valid. Micrositing refers to the 3 corridors which delineate the maximum extent of ground 4 disturbance while allowing flexibility for 5 unforeseeable circumstances.</p> <p>6 We will primarily focus on the Option 1 Wind Turbine 7 Layout, which is associated with the smaller size range 8 of wind turbine models anticipated to be available when 9 the project procurement occurs. This has the most 10 permitted sites and represents the most impactful full 11 build-out capability.</p> <p>12 We will show all potential solar areas, as they are 13 clustered at the points of interconnection with the 14 Bonneville grid, thus the impacted acreage evaluated 15 corresponds to the maximum permitted build-out 16 potential.</p> <p>17 There are two points of interconnection with the 18 Bonneville grid, one in the southernmost or eastern 19 part of the layout and another on the far western part 20 of the layout.</p> <p>21 Bonneville has commenced network upgrades for their 22 Tri-Cities reinforcement project, which impacts the 23 project's western interconnection, thus the western 24 point of interconnection has not yet been determined. 25 Therefore, both alternate locations are shown to assure</p>	<p>1 change, where additional solar is constructed with 2 correspondingly fewer turbines.</p> <p>3 In total, the permanent disturbance footprint would 4 include 6,869 acres for all of the alternatives scoped 5 in the analysis, representing 1.1 percent of 6 agriculturally zoned lands in Benton County.</p> <p>7 The project will also consist of underground 8 electrical collection lines, communication lines, two 9 electric substations, along with operations or 10 maintenance shops and other ancillary facilities.</p> <p>11 Combining wind, solar, and battery storage systems 12 helps to mitigate one of the biggest disadvantages of 13 renewable power, its variability. So design elements 14 take advantage of the availability resources and 15 evolving technologies: For winter-peaking wind, 16 coincident with high load demand and lower watershed; a 17 summer-peaking solar, coincident with high irrigation 18 load demand and low watershed, as well as dispatchable 19 electrical energy storage.</p> <p>20 Building these components at the same location can 21 enhance grid reliability by providing electrical 22 generation during more hours of the day as well as the 23 ability to store power for when it's needed most.</p> <p>24 Now I will talk about the equipment technologies 25 involved in the project, starting with the wind</p>



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<p>1 turbines.</p> <p>2 So modern wind turbines are now more efficient and</p> <p>3 the best-in-class models offer superior power</p> <p>4 performance. The models being considered will be</p> <p>5 required to be certified to international standards and</p> <p>6 offer state-of-the-art grid-compatible technology.</p> <p>7 The project anticipates utilizing the latest</p> <p>8 evolutionary technology to achieve the lowest cost of</p> <p>9 production, seeking manufacturing and design</p> <p>10 initiatives resulting in improved reliability,</p> <p>11 optimized maintenance access, reduced down time,</p> <p>12 improved performance, as well as lower noise.</p> <p>13 We anticipate the availability of two size</p> <p>14 categories. The 3 megawatt size we refer to as "Option</p> <p>15 1," and the 6 megawatt size we refer to as "Option 2."</p> <p>16 In the application we show this table for Layout</p> <p>17 Options 1 and 2 and the project will seek the most</p> <p>18 cost-effective model with available manufacturing</p> <p>19 production at the time turbine equipment is procured.</p> <p>20 Including this range of turbine sizing assures we</p> <p>21 have analyzed the most impactful case for every</p> <p>22 analyzed parameter in the event any evaluated turbine</p> <p>23 model becomes unavailable.</p> <p>24 I should also note that all turbine models evaluated</p> <p>25 exceed 200 feet in height and will require Federal</p>	<p>1 battery storage, which will consist of selfcontained</p> <p>2 battery banks that would be placed adjacent to the two</p> <p>3 solar project substations and would occupy up to</p> <p>4 approximately 6 acres each.</p> <p>5 Lithium-ion batteries are generally used in</p> <p>6 utility-scale installations, with current viable</p> <p>7 technology offering four-hour duration. The battery</p> <p>8 storage system facilities will be enclosed within a</p> <p>9 separate fence.</p> <p>10 The battery banks are often placed in standard-sized</p> <p>11 shipping containers on a concrete slab. Each container</p> <p>12 holds the batteries, a supervisor and power management</p> <p>13 system, cooling system, and fire prevention system.</p> <p>14 Now, external inverters and transformers are also</p> <p>15 necessary for system operation.</p> <p>16 By connecting multiple containers, the battery</p> <p>17 storage system can be scaled up to the desired</p> <p>18 capacity. Containers may also be stacked up to two</p> <p>19 levels, with an estimated maximum height of</p> <p>20 approximately 40 feet.</p> <p>21 MR. LANDESS: So over the last four years, our</p> <p>22 technical consulting team have conducted a thorough</p> <p>23 environmental analysis and reviewed potential impacts</p> <p>24 of the proposed project. Mitigation measures for the</p> <p>25 natural environment have been developed and are part of</p>
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<p>1 Aviation Administration approve the obstruction</p> <p>2 lighting, but not every turbine will need to be</p> <p>3 lighted.</p> <p>4 For the solar technology aspect, the project will</p> <p>5 optimize a layout that minimizes additional</p> <p>6 infrastructure and utilizing best available technology.</p> <p>7 Solar arrays will have minimally invasive mounting</p> <p>8 systems for efficient maintenance access. A single</p> <p>9 axis tracking design supported by steel posts, with</p> <p>10 state-of-the-art tracking technology, maximizes energy</p> <p>11 productions by following the sun throughout the day.</p> <p>12 Glare impacts will be reduced to the extent practical</p> <p>13 by designing for the installation of nonreflective</p> <p>14 materials.</p> <p>15 The three sites evaluated for solar installations are</p> <p>16 located adjacent to the points of interconnection with</p> <p>17 the electrical grid. But this land is considered</p> <p>18 permanently removed from agricultural production for</p> <p>19 the life of the project but can be reclaimed after the</p> <p>20 eventual decommissioning.</p> <p>21 Of the full project impact area previously mentioned,</p> <p>22 the solar arrays comprise 294 acres, which represents</p> <p>23 less than 1 percent of agriculturally zoned land in</p> <p>24 Benton County.</p> <p>25 I previously mentioned the design objectives for</p>	<p>1 our application materials.</p> <p>2 This review is a culmination of desktop and field</p> <p>3 surveys for natural resources, including air, wetlands,</p> <p>4 earth, habitat and vegetation, as well as fish and</p> <p>5 wildlife.</p> <p>6 Construction activities that could create fugitive</p> <p>7 dust include transportation, clearing and grading, and</p> <p>8 trenching or plowing. These activities will be</p> <p>9 relatively low magnitude and localized and temporary,</p> <p>10 resulting in nonsubstantial air quality impacts and no</p> <p>11 exceedances of air quality standards.</p> <p>12 Operation and maintenance impacts on air quality</p> <p>13 would be minimal and result from transportation of</p> <p>14 staff to perform standard and routine functions. This</p> <p>15 would be limited, intermittent, and localized.</p> <p>16 Best management practices will be implemented to</p> <p>17 control project generated fugitive emissions and dust.</p> <p>18 Separate permitting would be required for activities</p> <p>19 that produce air emissions.</p> <p>20 No wetlands or standing water have been identified</p> <p>21 within the micrositing corridors or the solar siting of</p> <p>22 areas to date. The project design and construction</p> <p>23 will avoid impacts to wetlands and other water bodies,</p> <p>24 like streams, when feasible. Construction and</p> <p>25 operation are anticipated to have minimal to no impacts</p>

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<p>1 on groundwater.</p> <p>2 Now, within the category of Earth, the review and</p> <p>3 mitigation plan includes geology, soils, topography,</p> <p>4 unique physical features, seismicity, and erosion.</p> <p>5 Final siting intends to avoid geological hazards. No</p> <p>6 impacts expected to areas identified with combined</p> <p>7 erosion hazards and steep slopes, landslides, or</p> <p>8 liquefaction.</p> <p>9 Soil erosion and sediment will be controlled during</p> <p>10 construction through the use of best management</p> <p>11 practices. Project operations are anticipated to have</p> <p>12 no impact on soil erosion.</p> <p>13 Habitats were mapped and verified within the project</p> <p>14 lease boundary based on field surveys and desktop</p> <p>15 review of National Land Cover Database data. This</p> <p>16 mapping effort found that 89 percent of the project</p> <p>17 lease boundary was classified as agricultural, planted</p> <p>18 grassland, or developed to serve as land cover,</p> <p>19 indicating heavy modifications due to historic and</p> <p>20 current agricultural and grazing activities. Project</p> <p>21 facilities will be cited on previously disturbed areas</p> <p>22 to the extent feasible.</p> <p>23 Regarding fish and wildlife, project-specific surveys</p> <p>24 were conducted and coordinated with state and federal</p> <p>25 agencies regarding survey methods and results beginning</p>	<p>1 demonstrates the zones experiencing this phenomenon</p> <p>2 depicted by the hours per year of exposure relative to</p> <p>3 a residence.</p> <p>4 In the spirit of being a good neighbor, Scout</p> <p>5 establishes setbacks to address all statutory</p> <p>6 requirements and, where not available, implements</p> <p>7 industry standards.</p> <p>8 Viewshed simulations have been done for a reasonable</p> <p>9 representative number of vantage points. The viewshed</p> <p>10 analysis was performed using latest visual simulation</p> <p>11 technology that precisely represents the terrain within</p> <p>12 the visual study areas, with clear sky and bare earth</p> <p>13 producing realistic renderings to scale.</p> <p>14 This clip of the two alpha designated viewpoint</p> <p>15 offers a perspective for those nonparticipating</p> <p>16 landowners and residents living closest to the project</p> <p>17 and is facing to the southeast. This represents</p> <p>18 Option 1, which are the smaller models with greater</p> <p>19 number of turbines, and the closest potential turbine</p> <p>20 is approximately 3.9 miles away.</p> <p>21 Now, the visual simulation map shows vantage point</p> <p>22 distance, buffer zones, to identify the number of</p> <p>23 turbine locations with some portion of the turbine</p> <p>24 being visible, which may only be a blade tip. The</p> <p>25 greenish areas depict the fewest visible wind turbines.</p>
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<p>1 in 2017 through 2020. No wildlife species currently</p> <p>2 listed or candidates for listing under the federal</p> <p>3 Endangered Species Act are expected to occur at the</p> <p>4 project. The project is not located within a priority</p> <p>5 area for big game.</p> <p>6 The results of these studies, in coordination with</p> <p>7 wildlife agencies, informed the project engineering</p> <p>8 design to mitigate and avoid impacts to wildlife</p> <p>9 resources. In addition, a bird and bat conservation</p> <p>10 strategy was voluntarily prepared for the project to</p> <p>11 proactively address potential impacts to birds and</p> <p>12 bats. This includes best management practices for</p> <p>13 construction and operations of the proposed project.</p> <p>14 An adjacent wind project has been operational since</p> <p>15 2002 and has demonstrated low impact in</p> <p>16 post-construction studies and operational monitoring of</p> <p>17 that facility.</p> <p>18 MR. KOBUS: So significant analysis has been</p> <p>19 conducted to assess the environmental health aspects of</p> <p>20 the project. Health aspects include identified</p> <p>21 sensitive issues, per the State Environmental Policy</p> <p>22 Act standards, such as aesthetics, ambient noise, and</p> <p>23 shadow flicker, which were analyzed consistent with</p> <p>24 standard industry practice.</p> <p>25 For example, the clip of a shadow flicker simulation</p>	<p>1 In this landscape, more turbines are visible from</p> <p>2 further away, but the impact diminishes with distance</p> <p>3 and obstruction, such as houses or trees in the field</p> <p>4 of vision. Scout recognizes that an existing precedent</p> <p>5 has been established through the State Environmental</p> <p>6 Policy Act for a four-times-blade-tip-height setback,</p> <p>7 standard for nonparticipating residences.</p> <p>8 Pre-survey activities were conducted for agency and</p> <p>9 tribal coordination, cultural resource background</p> <p>10 research, archaeological surveys, and architectural</p> <p>11 inventory. Pedestrian surveys, on the ground surveys,</p> <p>12 have been completed with all findings appropriately</p> <p>13 logged and reported. Results were consistent with</p> <p>14 those expected for the traditional land use encounter.</p> <p>15 These efforts inform management recommendations for</p> <p>16 the project to avoid potentially sensitive areas. If</p> <p>17 necessary in some areas, further evaluation may</p> <p>18 demonstrate limited impact.</p> <p>19 MR. LANDESS: In addition to the environmental</p> <p>20 benefits of developing renewable energy in this region,</p> <p>21 there are also significant economic benefits that will</p> <p>22 be generated within the local community. An extensive</p> <p>23 economic impact analysis was recently completed by</p> <p>24 TetraTech, which details economic impacts of</p> <p>25 construction and operation to Benton and Franklin</p>



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<p>1 Counties.</p> <p>2 There are parcels of state school trust land, which</p> <p>3 may be able to support up to ten wind turbines plus a</p> <p>4 portion of a solar project. The revenue from these</p> <p>5 parcels would go directly to the school trust.</p> <p>6 The project is subject to state and local sales</p> <p>7 and use tax and the State of Washington does offer a</p> <p>8 program of up to 100 percent exemption to sales tax on</p> <p>9 qualifying equipment, construction materials, and other</p> <p>10 items used in construction and operation of the</p> <p>11 proposed project.</p> <p>12 At current levy rates, full build-out of the project,</p> <p>13 1,150 megawatts, could generate over \$19 million in</p> <p>14 just the first year of operation. Over the 35-year</p> <p>15 operating life of the project, that would bring in over</p> <p>16 \$260 million in additional tax revenue to Benton</p> <p>17 County.</p> <p>18 Under current allocations, the largest proportion of</p> <p>19 those funds would support local schools as well as</p> <p>20 increased funding to emergency services and road</p> <p>21 maintenance.</p> <p>22 Now, the results of our economic impact analysis also</p> <p>23 identified prospective construction jobs and long-term</p> <p>24 jobs. There's a large majority of local construction</p> <p>25 labor jobs, given the nature of the project site as a</p>	<p>1 information was available to minority communities</p> <p>2 through the use of print and social media as well as</p> <p>3 Spanish language radio outlets.</p> <p>4 Scout's engagement with the local community has</p> <p>5 included the list you see on the screen here; we</p> <p>6 developed a project website; we have a Facebook page,</p> <p>7 an email newsletter, paid advertising to local outlets.</p> <p>8 We've conducted outreach to stakeholder groups</p> <p>9 offering virtual or small group presentations, and in</p> <p>10 January 2021 we held a virtual open house where over 75</p> <p>11 people attended and were able to connect directly with</p> <p>12 the project team.</p> <p>13 We also completed a public opinion survey, which I'd</p> <p>14 like to talk about a little bit more next.</p> <p>15 So in December of 2020, Scout commissioned a public</p> <p>16 opinion survey to help determine community sentiment</p> <p>17 about the proposal and to help us identify those issues</p> <p>18 of greatest interest to the local community. The</p> <p>19 survey was conducted by EMC Research, a national</p> <p>20 research firm specializing in polling, focus groups,</p> <p>21 and public opinion research.</p> <p>22 EMC was founded in 1989 and has been involved in</p> <p>23 thousands of public opinion studies and assisted</p> <p>24 numerous cities, towns, and public agencies with</p> <p>25 research to determine community and voter opinions on</p>
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<p>1 metropolitan area. The low-end conservative projection</p> <p>2 for construction at full build-out is 930 jobs, and 56</p> <p>3 permanent long-term jobs are estimated for full</p> <p>4 build-out of the project.</p> <p>5 MS. SMITH: Good evening, everyone. Again, my name</p> <p>6 is Javon and I'd like to take a few moments to discuss</p> <p>7 Scout's outreach efforts in the local community.</p> <p>8 Over the past year, Scout has been working to provide</p> <p>9 the public with balanced and objective information on</p> <p>10 the project and potential impacts. We initiated a</p> <p>11 variety of public engagement activities beginning in</p> <p>12 February of 2020 and our efforts have sought to</p> <p>13 cultivate an open and transparent relationship with the</p> <p>14 community, where potentially interested parties were</p> <p>15 made aware of the proposal, had access to project</p> <p>16 details, and were provided opportunities to share</p> <p>17 feedback with the development team.</p> <p>18 The COVID-19 outbreak created a new reality for</p> <p>19 public participation. And in adherence to public</p> <p>20 health guidelines, we limited in-person meetings and</p> <p>21 used a combination of traditional and digital media</p> <p>22 tools so that we could continue sharing information and</p> <p>23 engage with the local population.</p> <p>24 Because the Mid-Columbia has a very diverse</p> <p>25 population, we also worked to ensure that project</p>	<p>1 local and regional issues.</p> <p>2 The live telephone survey of 500 registered voters in</p> <p>3 Benton County carries an overall margin of error of</p> <p>4 plus or minus 4.4 points. The 95 percent competence</p> <p>5 interval is representative of Benton County voters.</p> <p>6 So the results -- for those of you that can see the</p> <p>7 chart on the screen, I'll describe -- found that 80</p> <p>8 percent of voters think that government support for</p> <p>9 renewable energy is important and 70 percent feel</p> <p>10 support for wind energy is important. There was</p> <p>11 limited opposition to government support for wind</p> <p>12 energy sources.</p> <p>13 When asked about the Horse Heaven Project</p> <p>14 specifically, the researchers found that there is</p> <p>15 strong support, both initially and after voters heard</p> <p>16 arguments for and against the project.</p> <p>17 Prior to hearing any messaging about the project,</p> <p>18 Benton County voters support the project by a 19 point</p> <p>19 margin. And after hearing supporters and opponents</p> <p>20 messaging, the support for the project increased to 6</p> <p>21 in 10, about 61 percent.</p> <p>22 Among supporters, the environmental benefits were the</p> <p>23 top reason for their support, and the opponents</p> <p>24 mentioned that wind farms are not cost-effective and</p> <p>25 they also listed aesthetic objections.</p>

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<p>1 Unfortunately, there is a great deal of 2 misinformation regarding our project, and wind energy 3 in general, which can lead to concern and confusion 4 about what is being proposed and how the local 5 community might be impacted. We are always glad for 6 the opportunity to provide information about the 7 project and offer full transparency to those who are 8 interested in learning more.</p> <p>9 When we do have a chance to connect with local 10 residents about their questions, we find that most 11 concerns that are raised are alleviated with facts. 12 Scout is dedicated to maintaining these current 13 channels of communication with the local community 14 throughout this permitting process. You can visit our 15 website for more background information on Scout and 16 the project at horseheavenwindfarm.com.</p> <p>17 MR. KOBUS: Thank you, Javon.</p> <p>18 Together we've covered a lot of ground tonight. So 19 in closing I wish to say thank you to the EFSEC staff 20 for their effort and facilitation.</p> <p>21 Scout recognizes this is but the first step in a long 22 review process and that we stand poised to be 23 transparent and responsive with details of the various 24 elements of the project design and analyses.</p> <p>25 Thank you, Chair Drew and Councilmembers, for this</p>	<p>1 Hearing none, we will move on to next on our agenda, 2 which is the introduction of the counsel for the 3 environment.</p> <p>4 Under EFSEC statute, the attorney general appoints a 5 counsel for the environment to present information on 6 behalf of people and the environment, and we will now 7 introduce Mr. Bill Sherman.</p> <p>8 MR. SHERMAN: Thank you, Chair Drew.</p> <p>9 So again, my name is Bill Sherman. I'm an assistant 10 attorney general and I'm a division chief for the 11 environmental protection division of the AG's office. 12 The AG has appointed me as counsel for the environment 13 for this project.</p> <p>14 Under state law, the counsel for the environment 15 shall represent the public and its interest in 16 protecting the quality of the environment, and so 17 that's my role.</p> <p>18 You are welcome to contact me. My email address is 19 bill.sherman, s-h-e-r-m-a-n, @atg.wa.gov. I will put 20 it in the chat thread.</p> <p>21 Thank you very much, Chair Drew.</p> <p>22 CHAIRPERSON DREW: Thank you.</p> <p>23 Now we will move on to the EFSEC siting process 24 presentation by Ms. Ami Kidder.</p> <p>25 MS. KIDDER: Hello. Can you hear me?</p>
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<p>1 opportunity to present what we proudly believe is a 2 well-sited, thoroughly evaluated, and appropriately 3 mitigated clean renewable energy resource for this 4 region.</p> <p>5 So this concludes our prepared remarks and we stand 6 by to respond to any questions from the Council.</p> <p>7 CHAIRPERSON DREW: Thank you for your presentation. 8 Are there any questions from Councilmembers?</p> <p>9 COUNCILMEMBER BREWSTER: This is Stacey Brewster.</p> <p>10 CHAIRPERSON DREW: Yes.</p> <p>11 COUNCILMEMBER BREWSTER: I have one question 12 regarding the -- the tax revenue, you mentioned it was 13 based on the full build-out of the 1,150 megawatts. 14 Now, is that based on that sort of energy production? 15 Because I understand that's not expected to produce at 16 that capacity.</p> <p>17 MR. KOBUS: I'll answer that. Appreciate the 18 question.</p> <p>19 That tax revenue is related to the property taxes 20 that will be assessed on the value of the project. So 21 it's not a production tax, it's a property tax that 22 will be assessed by Benton County.</p> <p>23 COUNCILMEMBER BREWSTER: Thank you.</p> <p>24 CHAIRPERSON DREW: Thank you.</p> <p>25 Are other questions from Councilmembers? Okay.</p>	<p>1 CHAIRPERSON DREW: Yes, we can.</p> <p>2 MS. KIDDER. Okay. Great. If you could just let me 3 know if you can see my screen.</p> <p>4 CHAIRPERSON DREW: Not yet. It's loading.</p> <p>5 UNIDENTIFIED FEMALE: It's loading. I hope so.</p> <p>6 MS. KIDDER: Has it loaded?</p> <p>7 CHAIRPERSON DREW: It has not yet.</p> <p>8 UNIDENTIFIED MALE: (Inaudible).</p> <p>9 UNIDENTIFIED FEMALE: Windmills.</p> <p>10 UNIDENTIFIED MALE: They're what?</p> <p>11 CHAIRPERSON DREW: Can people please put their 12 telephones on mute and their audio on mute.</p> <p>13 Okay. Your presentation is up.</p> <p>14 MS. KIDDER: Great. Thank you.</p> <p>15 Welcome, everybody. Thank you all for coming to 16 participate this evening. My name is Ami Kidder, the 17 siting and compliance manager with the Energy Facility 18 Site Evaluation Council. I have a short presentation 19 to go over the EFSEC process for those who are new to 20 EFSEC.</p> <p>21 A little bit of history of the agency. EFSEC was 22 created in 1970 for the siting of thermal power plants. 23 The intent was to create a one-stop permitting agency 24 for large energy facilities.</p> <p>25 EFSEC is comprised of state and local government</p>

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<p>1 members who review each application before making a 2 recommendation to the governor. This decision preempts 3 other state or local governments.</p> <p>4 You can see here that EFSEC is comprised of members 5 from several different state level agencies. The 6 chairperson is appointed by the governor, and there are 7 standing members from five other agencies appointed by 8 those agencies to sit on the Council.</p> <p>9 The current Council is made up of Chairwoman Kathleen 10 Drew, Robert Dengel from the Department of Ecology, 11 Mike Livingston from the Department of Fish and 12 Wildlife, Kate Kelly from the Department of Commerce, 13 Lenny Young from the Department of Natural Resources, 14 and Stacey Brewster from the Utilities and 15 Transportation Commission.</p> <p>16 There are additional agencies that may elect to 17 appoint a Councilmember during the review of an 18 application. These agencies are the Department of 19 Agriculture, the Department of Transportation, the 20 Department of Health, and the Military Department.</p> <p>21 For the Horse Heaven Project, the Department of 22 Agriculture has appointed Derek Sandison.</p> <p>23 And the local government has also -- local 24 governments also have an option to appoint a 25 Councilmember for the review of a project in their</p>	<p>1 The blue marks indicate the three additional 2 facilities that are approved but have yet to start 3 construction, two being wind facilities and one solar 4 facility.</p> <p>5 The clear circle is the one facility that is 6 currently under decommissioning.</p> <p>7 EFSEC is currently reviewing applications for two 8 facilities marked in green, including the Horse Heaven 9 facility, which is, of course, what brings us here this 10 evening.</p> <p>11 Here is a flowchart showing the general process an 12 applicant will go through when they submit an 13 application to EFSEC. There are three concurrent 14 processes during an application review. The land use 15 consistency and adjudicative hearing process, the State 16 Environmental Policy Act or SEPA process, and the 17 permitting process for applicable environmental 18 permits.</p> <p>19 You can see that there are multiple processes that 20 happen concurrently when EFSEC is reviewing an 21 application. One process is the land use hearing and 22 adjudicative process, one process is the state 23 environmental policy or SEPA process, and the third 24 process is that of identifying and preparing applicable 25 environmental permits. All of these processes</p>
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<p>1 area. For the Horse Heaven Project, Ed Brost has been 2 appointed.</p> <p>3 When a project is located at or near a port, the Port 4 Authority may also appoint a member, though this 5 position is a nonvoting member.</p> <p>6 As I mentioned previously, EFSEC was created to 7 oversee the siting of thermal power plants. Facilities 8 falling into EFSEC's jurisdiction include any nuclear 9 facility where the primary purpose is to produce and 10 sell electricity. We also oversee nonhydro, nonnuclear 11 thermal facilities with the capacity of 350 megawatts 12 or greater.</p> <p>13 There is no threshold for alternative energy 14 resources, such as wind or solar, et cetera, but they 15 may choose to opt in, as well as transmission lines 16 over 115 kilovolts.</p> <p>17 Thresholds for pipelines, refineries, and storage 18 facilities that would fall under EFSEC jurisdiction are 19 found in the Revised Code of Washington or RCW 20 80.50.060.</p> <p>21 Here is a map of the facilities under EFSEC 22 jurisdiction. You can see marked in red there are five 23 operating facilities, including two natural gas 24 facilities, one nuclear facility, and two wind 25 facilities.</p>	<p>1 ultimately feed into the Council's recommendation made 2 to the governor.</p> <p>3 When an adjudicative proceeding is required, a record 4 is compiled and parties to the adjudication are 5 identified. In the process of preparing for the 6 adjudication, sometimes there are stipulations and 7 settlements that come out between the parties. The 8 Council looks at all the information and the 9 adjudication record and then deliberates.</p> <p>10 Finally the Council draws up their findings and 11 conclusions from the information provided throughout 12 these proceedings and incorporate those findings in 13 their recommendation to the governor.</p> <p>14 With regards to the SEPA process, when a decision to 15 prepare an Environmental Impact Statement or EIS is 16 made, public comments are taken on the scope of the 17 EIS. After public comments for scoping, the SEPA 18 responsible official determines the scope of the EIS. 19 A draft EIS is prepared and issued with a minimum 20 30-day public comment period, after which the final EIS 21 is prepared and released.</p> <p>22 When an applicant requests expedited process, a 23 review is done to establish whether or not the project 24 meets the criteria of a Determination of 25 Nonsignificance, a DNS, or a Mitigated Determination of</p>

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<p>1 Nonsignificant, or MDNS. If the SEPA responsible 2 official determines that a project meets the criteria 3 of a DNS or MDNS, an EIS is not required. 4 In this process, the determination is noticed to the 5 public and there is a minimum 15-day public comment 6 period on an MDNS. 7 To be considered for expedited processing, an 8 applicant must make the request in writing. The 9 project must meet two criteria: One, it must be 10 determined to be consistent with local land use policy; 11 and two, the SEPA determination must be that of an DNS 12 or MDNS. 13 In this process no adjudication is required. The 14 Council prepares their recommendation to the governor 15 in an expedited time frame under this process. 16 EFSEC is the issuing agency for any applicable 17 environmental permits a facility may require, which may 18 include water quality or air quality permits. The 19 permits are identified and included in the final order 20 with the Council's recommendation to the governor. 21 At the conclusion of the Council's review of an 22 application, a recommendation is made to the governor 23 to either approve or reject the application. This 24 initiates a 60-day window within which the governor 25 will then approve the application, reject the</p>	<p>1 There are two databases available for the duration of 2 the meeting, one for general comments and one for 3 comments specific to land use, and both of these will 4 be open until midnight. 5 Thank you. 6 CHAIRPERSON DREW: Thank you, Ms. Kidder. 7 We will now proceed to the public comment period. I 8 would ask for Judge Adam Torem to now facilitate the 9 next part of our meeting. 10 JUDGE TOREM: Thank you, Chair Drew. 11 We are going to take public comment and I'm going to 12 ask Ms. Kidder to tell us how many people are signed up 13 for public comment. It's now 6:30 p.m. We're 14 allocated another hour for public comments and we'll 15 see if we need to extend that. 16 Ms. Kidder? 17 MS. KIDDER: Um, I'm actually not in charge of the 18 sign-up list. I believe we are at 64 speakers signed 19 up at this moment. 20 MS. BUMPUS: That's correct. This is Sonia Bumpus -- 21 JUDGE TOREM: All right. Who's got the list -- 22 MS. BUMPUS: -- that's correct. 23 JUDGE TOREM: -- because I don't have that. Maybe 24 we could put the list in the chat so I know who to call 25 on.</p>
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<p>1 application, or remand the application back to the 2 Council for reconsideration. Any application that is 3 rejected by the governor is the final decision for that 4 application. 5 If an application is approved by the governor, EFSEC 6 then has oversight of the environmental compliance for 7 the life of the facility. EFSEC has standing contracts 8 with applicable state agencies that assist in the 9 monitoring and enforcement of the conditions, either in 10 the site certification agreement, applicable permits, 11 or stipulations in the EIS or MDNS. 12 EFSEC's enforcement authority extends to the issuance 13 of any penalties as they may apply. 14 And that wraps up my presentation for this evening. 15 Before I end, I'd like to remind everyone how they can 16 submit comments for this proposal. If you'd like to 17 sign up to speak this evening, you may call the EFSEC 18 main line at (360) 664-1345. You may email comments to 19 our main inbox at efsec. -- or sorry -- 20 efsec@utc.wa.gov. 21 You may also send in written comments by postal mail 22 to our office at 621 Woodland Square Loop, P.O. Box 23 43172, Olympia, Washington, 98504-3172. 24 Comments may also be submitted to our online comment 25 database at <a href="https://comments.efsec.wa.gov">https://comments.efsec.wa.gov</a>.</p>	<p>1 While we're getting that list in the chat, I just 2 want everybody who's on the line tonight to be aware of 3 certain ground rules and the way EFSEC wants to conduct 4 its public hearings. 5 First off, obviously the Council is committed to 6 providing a full, fair, and safe opportunity for all 7 voices to be heard in a respectful atmosphere. It's 8 very clear to me that monitoring the chat tonight, 9 there are people who favor this project and there are 10 people who oppose this project. That's fine. We're 11 going to hear all of you and consider all of your 12 comments. 13 If we were doing this public hearing in town in 14 Benton County -- we'd love to but, as you know, we 15 can't be there tonight due to restrictions with the 16 coronavirus and COVID-19 -- in town there's a 17 predilection for people to cheer for things that they 18 like or boo or hiss for things they don't. On the 19 phone tonight we're asking you, of course, not to do 20 that but to keep your microphones muted if you are not 21 speaking. 22 So here tonight I'm anticipating it will be less 23 lively than it might be if we were there in town and we 24 could see the expressions on your faces or maybe see 25 how you were reacting. But we need to give respect to</p>



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<p>1 everybody who's going to talk tonight, even in this 2 virtual atmosphere.</p> <p>3 What I want you to understand is everybody's going to 4 be treated respectfully and be heard. So tonight 5 that's a little bit easier, I hope, virtually and those 6 are the grounds rules, so everybody has dignity and 7 respect and their opinion is heard.</p> <p>8 What I'm going to do is once we get a list of how 9 many speakers and the names that are signed up, I can 10 call on you individually. I'll give you probably two 11 to three minutes, maybe longer if we have more time.</p> <p>12 I want you to understand that your comments are 13 simply that. They may have questions, but tonight this 14 isn't the forum in which the applicant necessarily, or 15 the County -- Benton County's deputy prosecuting 16 attorney will talk later in the land use hearing, but 17 neither of those potential new parties to the hearing 18 or members of the Council are going to have the 19 opportunity to actually respond to your questions in 20 this forum.</p> <p>21 Staff will be, as you know, recording this meeting, 22 and if you identify yourself and provide either a phone 23 number in the chat or an email address in a written 24 form of the comment, you have a great chance of hearing 25 back individually to your question and comment so it</p>	<p>1 CHAIRPERSON DREW: Thank you. At this point no. I 2 think those are the first 20 speakers. And if you 3 expand the arrow, you can expand and see the names in 4 the chat.</p> <p>5 MS. BUMPUS: And, Judge Torem, this is Sonia Bumpus. 6 I just wanted to let you know that Joan Owens does have 7 the list, she's posted it there, but she is planning on 8 being the timekeeper for the two minutes.</p> <p>9 JUDGE TOREM: All right. Ms. Owens, can you tell me 10 the names of the first three commenters we're going to 11 be calling tonight?</p> <p>12 MS. OWENS: Yes. One moment please. Bill Boyce is 13 first and Will McKay is second and Greg Wendt is 14 third.</p> <p>15 JUDGE TOREM: All right. I only heard portions of 16 what you said, so perhaps you can put the names in the 17 chat so I can read them.</p> <p>18 MS. OWENS: Okay. I also emailed it to you just now.</p> <p>19 JUDGE TOREM: All right. I'll see what I can do to 20 pull that up. Bear with me, please.</p> <p>21 CHAIRPERSON DREW: And Ms. Owens will put on the 22 Skype screen the time when the speaker begins.</p> <p>23 Isn't that correct?</p> <p>24 MS. OWENS: That is correct.</p> <p>25 JUDGE TOREM: All right. We have our first speaker,</p>
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<p>1 can be addressed specifically.</p> <p>2 All of your questions are going to become part of the 3 record tonight, but I encourage you to put those same 4 comments in writing and submit them so that people can 5 read them. Some people are audio learners, some people 6 are visual learners. It will help to see that in any 7 format. And again, repeating those comments in writing 8 is recommended.</p> <p>9 Finally, I'm looking at a list that I can't see the 10 names on, Ms. Bumpus, but I can see there's a list of 11 20 now in the chat but it's too big in the chat for me 12 to see the actual names.</p> <p>13 With 20 different speakers, it's likely that some of 14 your comments are going to overlap. So if you're 15 listening tonight and you're later in the commenting 16 queue and you heard somebody you agree with and they 17 captured the essence of your comments, please keep it 18 brief and just say, "I agree with Mr. Smith" or "I 19 agree" or "disagree wholeheartedly with Mrs. Jones and 20 here's why." But you don't need to repeat something 21 that the Council's already heard, unless you have a 22 specific way of putting it that's in, again, a 23 respectful manner for the Council to hear your opinion.</p> <p>24 Chair Drew, is there anything else you want me to add 25 before I ask for the first speaker to be called?</p>	<p>1 his name is Bill Boyce.</p> <p>2 Mr. Boyce, are you on the line? Mr. Boyce, are you 3 still present tonight?</p> <p>4 MS. OWENS: He may need to unmute his microphone. 5 I'm going to try unmuting everybody that's currently 6 muting.</p> <p>7 Is Bill Boyce unmuted?</p> <p>8 JUDGE TOREM. All right. I'm going to move on to the 9 next speaker. That is Commissioner, from Benton 10 County, Will McKay.</p> <p>11 Commissioner McKay, are you on the line?</p> <p>12 COMMISSIONER MCKAY: Yes, I'm here.</p> <p>13 JUDGE TOREM: All right. I'm going to -- hopefully 14 you can see the two-minute timer and I'm going to give 15 you your two minutes.</p> <p>16 Joan, are you ready? There we go.</p> <p>17 Go ahead.</p> <p>18 COMMISSIONER MCKAY: Thank you for the opportunity. 19 After detailed review of the submitted application, 20 February 8th, Benton County commissioners oppose this 21 project. The location and size and scope of this 22 project is inconsistent with the County's --</p> <p>23 UNIDENTIFIED MALE: I can hear it.</p> <p>24 COMMISSIONER MCKAY: -- goal of preserving rural --</p> <p>25 UNIDENTIFIED MALE: I can hear him from over there.</p>



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<p>1 COMMISSIONER MCKAY: -- character, enhancing natural 2 resource-based industries, preserving agricultural 3 lands and long-term commercial significance, and 4 preserving the natural-setting views and rich history 5 of Benton County and the greater Tri-Cities area. 6 The County has received over 400 calls and emails 7 from area residents regarding this project and also 8 hosted a public townhall meeting. The overwhelming 9 majority, approximately 90 percent of the people that 10 provided comments, do not support this proposal. 11 They have wide-range concerns, including loss of 12 habitat, agricultural, negative impacts to wildlife, 13 property values decreasing, concerns relating to health 14 and noise, and impacts to viewsheds related to the 15 county's natural setting, history, and tourism. People 16 in Benton County and the Tri-City region are deeply 17 about preserving their ridges and skylines for future 18 generations. 19 This project is being proposed to occur only four 20 miles south of one of the largest urban areas in 21 Eastern Washington. The 24-mile-long proposal is 22 situated in an area with unique geological features, 23 compromised [sic] in natural vegetation, steep slopes, 24 native habitat, and commercially significant 25 agricultural land, visual resources.</p>	<p>1 (Inaudible) -- 2 COMMISSIONER MCKAY: -- use permit, and the 3 requirements of the Benton County critical area 4 ordinances. 5 JUDGE TOREM: -- (inaudible) time. 6 COMMISSIONER MCKAY: Further, the public has 7 overwhelmingly stated its desire to preserve and 8 protect the region's unique geological features, ridge, 9 and skyline for future generations. 10 Once again, the Benton County Commissioners wish to 11 thank you for the opportunity to comment and to let the 12 Council know that Benton County Commissioners do not -- 13 JUDGE TOREM: Okay. I've muted Commissioner McKay's 14 microphone. His comment time is over. 15 Thank you, Commissioner McKay. 16 UNIDENTIFIED FEMALE: Oh. 17 UNIDENTIFIED MALE: Son of a bitch. 18 JUDGE TOREM: I'm going to ask the others -- 19 UNIDENTIFIED FEMALE: I agree with him 100 percent. 20 JUDGE TOREM: I'm going to ask the others to mute 21 their microphone or we'll ask you to submit your 22 comments in writing. As I said, we need to have 23 decorum in this. 24 All right. The previous speaker that we invited was 25 Bill --</p>
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<p>1 As referred to in the applicant's proposal, the wind 2 turbines will be visible from up to 87 percent of the 3 land within a 10-mile radius of the project. The 4 visual impacts will be significant with the turbines 5 likely to be able to be seen from the majority of the 6 incorporated cities and densely populated county 7 neighbors, as far as Franklin County, Walla Walla 8 County, and the state of Oregon. 9 The local municipalities -- 10 UNIDENTIFIED FEMALE: Thank you. 11 COMMISSIONER MCKAY: -- utility districts, have not 12 shown any interest in needing or wanting the additional 13 energy created by the project. This is why -- these 14 are -- these and many other concerns are examples of 15 why we, the Benton County Commissioners, are opposed to 16 this project. 17 In summary, Benton County finds that this proposed 18 project as submitted, with it's significant adverse 19 environmental impacts, is not consistent and does not 20 comply with the goals and policies of the Benton County 21 comprehensive plan -- 22 JUDGE TOREM: Thank you, Commissioner McKay. 23 COMMISSIONER MCKAY: -- the criteria required to 24 obtain a Benton County conditional -- 25 JUDGE TOREM: Thank you, Commissioner McKay.</p>	<p>1 UNIDENTIFIED FEMALE: He said we were allowed to -- 2 JUDGE TOREM: -- Bill Boyce. 3 UNIDENTIFIED FEMALE: -- say that we agree. 4 JUDGE TOREM: When I call on people, you can say you 5 agree if you're signed up for speaking. If you're not 6 signed up, this is a great time to mute your 7 microphone. 8 Is Bill Boyce available? 9 Okay. The next speaker that's signed up, we have two 10 from the Benton County Planning Office, there is Greg 11 Wendt, he'll be followed by Michelle Cooke. 12 Mr. Wendt, are you ready? 13 MR. WENDT: ...project does not comply with the 14 following: 15 One, the Washington State Growth Management Act, 16 specifically as it relates to the preservation of 17 agricultural lands; 18 Number 2, numerous provisions in the Benton County 19 comprehensive plan, specifically goals and policies 20 that understand the uniqueness of the Horse Heaven 21 Hills, to protect our agricultural lands, protect 22 naturally vegetative steep slopes, wildlife, and 23 habitat; value the county's ridgelines and scenic 24 views, facilitate tourism, support a robust 25 agricultural economy, and protect the county's rural</p>

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<p>1 character;</p> <p>2 Number 3, the Benton County zoning ordinance,</p> <p>3 including the conclusions required to obtain a</p> <p>4 conditional use permit;</p> <p>5 And No. 4, the Benton County critical area</p> <p>6 regulations.</p> <p>7 Further, it's been determined through this review</p> <p>8 that this project is likely to have a significant</p> <p>9 adverse environmental impact. At a minimum, the County</p> <p>10 would like to see additional studies and analysis</p> <p>11 completed for impacts the project will have, including</p> <p>12 the following:</p> <p>13 Commercially significant agricultural lands; the</p> <p>14 county's habitat, including our locally important</p> <p>15 habitats; streams and water; our aquifer recharge</p> <p>16 areas; public roadways; wildland wildfire risks; shadow</p> <p>17 flicker; and of course the most important of all,</p> <p>18 probably the views and visual impacts, as this</p> <p>19 facility is located approximately four miles south of</p> <p>20 the Tri-Cities urban area.</p> <p>21 While this is just a brief overview of our findings,</p> <p>22 the County did submit additional information into the</p> <p>23 record earlier today with more specific references.</p> <p>24 Michelle Cooke, from the planning division, will also</p> <p>25 provide additional details this evening.</p>	<p>1 Due to the size and the scope of the proposed project</p> <p>2 and the fact that nearly 7,000 acres or 1 percent of</p> <p>3 the county's agricultural lands would be permanently</p> <p>4 disturbed, the County requests that further studies</p> <p>5 analysis, which address the loss of such a considerable</p> <p>6 amount of the county's agricultural lands of long-term</p> <p>7 commercial significance, should be required.</p> <p>8 The County has identified shrub-steppe habitat as a</p> <p>9 habitat of significant local importance. To date it</p> <p>10 appears that only 44 of the proposed 244 turbines sites</p> <p>11 and none of the solar sites have been adequately</p> <p>12 studied.</p> <p>13 The County requests that all potential sites be fully</p> <p>14 studied and evaluated to identify site-specific impacts</p> <p>15 and appropriate mitigation measures for habitat</p> <p>16 conservation and wildlife connectivity.</p> <p>17 The application further states that 149 acres of the</p> <p>18 project site is located within the designated critical</p> <p>19 aquifer recharge area. This area is equivalent to</p> <p>20 roughly 25 percent of the entire Rock/Glade Watershed's</p> <p>21 mapped CARA areas for dry land and range land.</p> <p>22 Such a large impact to the watershed CARAs has the</p> <p>23 potential to significantly change the hydrology and</p> <p>24 increase groundwater contamination in these areas due</p> <p>25 to the degradation or loss of the protection area as</p>
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<p>1 I appreciate your time this evening and thank you.</p> <p>2 JUDGE TOREM: Thank you, Mr. Wendt.</p> <p>3 Michelle Cooke, are you on the line?</p> <p>4 MS. COOKE: I am.</p> <p>5 JUDGE TOREM: All right. Are you ready?</p> <p>6 MS. COOKE: I am.</p> <p>7 Thank you --</p> <p>8 JUDGE TOREM: Please go ahead.</p> <p>9 MS. COOKE: -- for your time this evening. I</p> <p>10 appreciate your time and attention and would briefly</p> <p>11 like to discuss a few highlights from the County's</p> <p>12 review of the application as it relates to the</p> <p>13 project's adverse environmental impacts.</p> <p>14 The Horse Heaven Hills are an iconic geological</p> <p>15 feature which visually define Benton County. The</p> <p>16 expanse of this project would cover over 43 percent of</p> <p>17 the entire ridgeline.</p> <p>18 Additionally, the proposed project would visually</p> <p>19 impact over 81 percent of properties within a ten mile</p> <p>20 radius of the project site, including the greatest</p> <p>21 visual impact to densely established residential</p> <p>22 neighborhoods. For this reason, the County maintains</p> <p>23 that there would be a significant adverse environmental</p> <p>24 impact to the existing neighborhoods, which would</p> <p>25 affect an overwhelming majority of local residents.</p>	<p>1 well as the significant increase to impervious</p> <p>2 surfaces.</p> <p>3 With this, the County's requesting that a</p> <p>4 site-specific study with a hydrogeological evaluation</p> <p>5 be conducted to assess the project's impact on the</p> <p>6 area's ability to recharge groundwater.</p> <p>7 Thank you for your time this evening.</p> <p>8 JUDGE TOREM: Thank you, Ms. Cooke. I appreciate</p> <p>9 your wrapping up quickly.</p> <p>10 For those listening tonight, I want you to understand</p> <p>11 the context of these public comments are just the</p> <p>12 beginning of an extensive evidentiary process that will</p> <p>13 be collected. This is just the first opportunity for</p> <p>14 first impressions on a project that we'll be going</p> <p>15 through, as Scout Clean Energy indicated tonight, a</p> <p>16 full environmental impact statement. So many of the</p> <p>17 things that Commissioner McKay and those in the County</p> <p>18 Planning Department are asking for will be extensively</p> <p>19 researched and another opportunity for public comment</p> <p>20 on those specific environmental aspects will be offered</p> <p>21 at a later time, hopefully located right in your</p> <p>22 community, not online like we're doing tonight. We'll</p> <p>23 see how things go in the months ahead when we can come</p> <p>24 safely to Benton County.</p> <p>25 We're going to call --</p>

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<p>1 UNIDENTIFIED FEMALE: (Inaudible).</p> <p>2 JUDGE TOREM: -- the next couple of speakers. The</p> <p>3 next one is Doug Nordwall, followed by Bill Jenkins,</p> <p>4 and then -- I'm sure I'm butchering the name -- Gunnar</p> <p>5 Leidel.</p> <p>6 Is Doug Nordwall ready to speak?</p> <p>7 UNIDENTIFIED FEMALE: (Inaudible) connected to Galaxy</p> <p>8 S-10.</p> <p>9 JUDGE TOREM: I'm going to ask only Mr. Nordwall to</p> <p>10 please open his microphone if he's ready to speak.</p> <p>11 All right. I don't hear Mr. Nordwall, so we'll call</p> <p>12 you again in a moment. Bill Jenkins is next.</p> <p>13 Mr. Jenkins, are you available?</p> <p>14 All right. I don't hear Bill Jenkins either. Maybe</p> <p>15 Mr. Jenkins and Mr. Nordwall have submitted comments in</p> <p>16 writing.</p> <p>17 Next is Gunnar Leidel, and then he'll be followed</p> <p>18 hopefully by John Christensen and Staci West.</p> <p>19 Mr. Leidel?</p> <p>20 MR. LEIDEL: Yes. Can you hear me now?</p> <p>21 JUDGE TOREM: I can. I'm going to mute my microphone</p> <p>22 and ask the timer to start. Go ahead, sir.</p> <p>23 MR. LEIDEL: All right. My name is Gunnar Leidel. I</p> <p>24 live in (inaudible) area. A lot of the things have</p> <p>25 been talked up already tonight. I (inaudible), but I</p>	<p>1 If that household can please mute their phone, that</p> <p>2 would help with the sound qualities so we can hear</p> <p>3 everybody's opinion.</p> <p>4 Mr. Christensen, I'm going to ask the timer to start.</p> <p>5 Go ahead, sir.</p> <p>6 MR. CHRISTENSEN: Yes. I'm a long-time resident of</p> <p>7 South Kennewick. As a property owner in the Horse</p> <p>8 Heaven Hills, I strongly oppose this project. Wind</p> <p>9 energy is not good --</p> <p>10 UNIDENTIFIED MALE: (Inaudible) the fuck is that?</p> <p>11 MR. CHRISTENSEN: -- for the Pacific Northwest and</p> <p>12 the local utilities have just chose not to support this</p> <p>13 project.</p> <p>14 I support the proposal and it is -- I support the</p> <p>15 Benton County's comprehensive plan update and I believe</p> <p>16 that this proposal is in violation of that</p> <p>17 comprehensive plan.</p> <p>18 Also, this wind farm proposal is in violation of a</p> <p>19 wildlife priority area. This is within the boundaries</p> <p>20 of the United States Department of Agriculture's</p> <p>21 Ferruginous Hawk SAFE Program. This an area in Benton</p> <p>22 County created to address priority national resource</p> <p>23 concerns, primarily the ferruginous hawk, whose</p> <p>24 populations continue to decline.</p> <p>25 On the federal level, this is a species of special</p>
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<p>1 would --</p> <p>2 UNIDENTIFIED FEMALE: Just the court reporter, I</p> <p>3 cannot hear anything.</p> <p>4 MR. LEIDEL: I would like to point out that</p> <p>5 (inaudible) meeting (inaudible) March, there was a</p> <p>6 couple of things brought up as far as the --</p> <p>7 (Burping noise)</p> <p>8 MR. LEIDEL: -- allowed the (inaudible), they're very</p> <p>9 low, lower than a lot of (inaudible) thought, and just</p> <p>10 the fact that the construction, the over (inaudible)</p> <p>11 men and women that would be working on this job, that</p> <p>12 money will go back into our community. So I would just</p> <p>13 say I support this and I (inaudible).</p> <p>14 UNIDENTIFIED FEMALE: (Inaudible).</p> <p>15 MR. LEIDEL: Thank you.</p> <p>16 JUDGE TOREM: Thank you, Mr. Leidel.</p> <p>17 Is John Christensen available?</p> <p>18 UNIDENTIFIED MALE: Place your phone on the table and</p> <p>19 leave it alone.</p> <p>20 UNIDENTIFIED FEMALE: (Inaudible).</p> <p>21 MR. CHRISTENSEN: Yes, this is John.</p> <p>22 JUDGE TOREM: All right. And again, I'm going to ask</p> <p>23 those of you that may have your phones unmuted to</p> <p>24 please mute them. I can hear someone indicating just</p> <p>25 to leave their phone on the table and leave it alone.</p>	<p>1 concern. Washington State considers the ferruginous</p> <p>2 hawk as a threatened species, but the Fish and Wildlife</p> <p>3 Commission is in the process of changing status from</p> <p>4 threatened to endangered.</p> <p>5 So simply, you should not, you cannot, construct a</p> <p>6 kill-zone line of wind turbines in the middle of this</p> <p>7 priority area. Any deaths to this threatened species</p> <p>8 within this area and attributed to wind turbines would</p> <p>9 be completely unacceptable.</p> <p>10 In conclusion, I cannot mitigate -- you cannot</p> <p>11 mitigate to nonsignificance this visual pollution of a</p> <p>12 24-mile spinning picket fence of enormous wind</p> <p>13 turbines, with nighttime flashing lights and daytime</p> <p>14 flickering blades, located within sight of 300,000</p> <p>15 community residents.</p> <p>16 Thank you.</p> <p>17 JUDGE TOREM: Thank you, Mr. Christensen.</p> <p>18 Next up is going to be Staci West followed by I</p> <p>19 believe it's Jacob LaRivera and Markus Soffer [sic].</p> <p>20 Ms. West, are you on the line?</p> <p>21 UNIDENTIFIED FEMALE: (Inaudible) missing anymore?</p> <p>22 JUDGE TOREM: Staci West?</p> <p>23 Is Jacob LaRivera ready go? Mr. LaRivera?</p> <p>24 All right. Let me go back to the people that we</p> <p>25 tried to call earlier. Doug Nordwall? Bill Jenkins?</p>

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<p>1 All right. Staci West? Mr. Jacob LaRivera?</p> <p>2 All right. Moving on then to Markus Soffer.</p> <p>3 UNIDENTIFIED FEMALE: I think all the people are</p> <p>4 muted.</p> <p>5 JUDGE TOREM: Well, they'll take themselves off mute if</p> <p>6 they're ready to speak.</p> <p>7 UNIDENTIFIED MALE: I believe the phone bridge --</p> <p>8 UNIDENTIFIED FEMALE: I don't believe they can.</p> <p>9 UNIDENTIFIED MALE: -- may also have a mute.</p> <p>10 (Dog barking)</p> <p>11 UNIDENTIFIED MALE: Does the phone bridge *6 work to</p> <p>12 unmute?</p> <p>13 UNIDENTIFIED FEMALE: Yes.</p> <p>14 JUDGE TOREM: Markus Soffer?</p> <p>15 UNIDENTIFIED FEMALE: People, you can put --</p> <p>16 MR. STAUFFER: This is Markus Stauffer. Can you --</p> <p>17 UNIDENTIFIED FEMALE: -- *6 to unmute yourself.</p> <p>18 MR. STAUFFER: -- hear me?</p> <p>19 JUDGE TOREM: I'm sorry. Did I hear Markus Soffer,</p> <p>20 please?</p> <p>21 MR. STAUFFER: Yes. My name is Markus Stauffer. Can</p> <p>22 you hear me?</p> <p>23 JUDGE TOREM: I can hear you, Mr. Soffer. We're</p> <p>24 going to start your time now. We'll call back to the</p> <p>25 other people again.</p>	<p>1 with the Space Needle. Then imagine 244 space needles</p> <p>2 lined up from Seattle all the way to Tacoma. That's 25</p> <p>3 miles as the crow flies. So this is the scale of the</p> <p>4 Horse Heaven Hills Wind Farm Project, 25 miles of 500</p> <p>5 to 670 foot towers. We don't wish that on Seattle, so</p> <p>6 please don't do that to the Tri-Cities.</p> <p>7 Thank you.</p> <p>8 JUDGE TOREM: Thank you, Mr. Stauffer.</p> <p>9 UNIDENTIFIED MALE: (Inaudible) rocks (inaudible).</p> <p>10 JUDGE TOREM: I've seen some comments and questions</p> <p>11 in the chat and I've heard a few of you pipe up and ask</p> <p>12 for how to unmute yourself. If you're on Skype, at the</p> <p>13 bottom of the screen, there should be some visual cues</p> <p>14 there as to a microphone or a video. No, we don't need</p> <p>15 the video tonight, but your microphone can be showed --</p> <p>16 UNIDENTIFIED MALE: (Inaudible) --</p> <p>17 JUDGE TOREM: -- as muted or unmuted.</p> <p>18 UNIDENTIFIED MALE: -- (inaudible). Sit on your</p> <p>19 bottom, please.</p> <p>20 UNIDENTIFIED FEMALE: Most people are on phone, so</p> <p>21 how do we --</p> <p>22 JUDGE TOREM: Those people that are on phone --</p> <p>23 UNIDENTIFIED FEMALE: -- unmute ourselves? Yes.</p> <p>24 JUDGE TOREM: Those people that are on telephone</p> <p>25 tonight and have some reason we can't hear you, you</p>
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<p>1 Go ahead, Mr. Soffer.</p> <p>2 MR. STAUFFER: I started the website a year ago, it's</p> <p>3 called save-our-ridges.org, and I did that to collect</p> <p>4 information about this huge project and to share it</p> <p>5 with others.</p> <p>6 I live in Pasco in Franklin County. I would like to</p> <p>7 point out that tourism is big business in our region.</p> <p>8 We've got a lot of people here to go to the vineyards</p> <p>9 and sample wine at Red Mountain, play golf here, or</p> <p>10 some even retire here when they're tired of the rain on</p> <p>11 the West Side.</p> <p>12 I talked to the tourism office, Tri-City Visitor</p> <p>13 Bureau, and they told me in 2019 tourism brought in</p> <p>14 \$560 million in revenue and created 6,370 jobs with</p> <p>15 54 million in taxes. So the Scout numbers pale in</p> <p>16 comparison to that. People don't come here to look at</p> <p>17 giant industrial operations on the horizon.</p> <p>18 We don't need the electricity. We already produce --</p> <p>19 UNIDENTIFIED FEMALE: (Inaudible) comment. Why don't</p> <p>20 you let people know how to unmute themselves?</p> <p>21 MR. STAUFFER: We produce about 40 percent of all</p> <p>22 electricity in Washington state, and much of that goes</p> <p>23 to the West Side. We don't need it here.</p> <p>24 I'd like to leave you a final image here that you can</p> <p>25 relate to. Picture a panorama of the Seattle skyline</p>	<p>1 can't unmute, I encourage to you hang up and call back</p> <p>2 in. That should reset your microphone.</p> <p>3 UNIDENTIFIED MALE: (Inaudible).</p> <p>4 JUDGE TOREM: I'll call those people who may have</p> <p>5 been missed because of a mute issue again shortly.</p> <p>6 The next, moving on for time tonight, Tom Blakney and</p> <p>7 then Scott "Lee-vy" or "Le-vy," followed by Brent</p> <p>8 Strecker.</p> <p>9 Is Mr. Tom Blakney available?</p> <p>10 MR. BLAKNEY: I am here.</p> <p>11 JUDGE TOREM: Mr. Blakney, thank you very much. I'm</p> <p>12 going to ask for your timer to start and we'll go from</p> <p>13 there. Go ahead, sir.</p> <p>14 UNIDENTIFIED FEMALE: I need to (inaudible) --</p> <p>15 MR. BLAKNEY: My name is Tom Blakney. I am a --</p> <p>16 UNIDENTIFIED FEMALE: -- (inaudible), but I can't get</p> <p>17 it to go off.</p> <p>18 MR. BLAKNEY: -- retired person that has long roots</p> <p>19 in Benton County, and also Sherman County, Oregon. My</p> <p>20 families were pioneers of both states. My great</p> <p>21 grandfather was John Golden, who founded Goldendale,</p> <p>22 which in 1980 became the site of the first Boeing Mod-2</p> <p>23 developmental wind turbines.</p> <p>24 I currently have farming interests in Benton County,</p> <p>25 where Scout intends to build the Horse Heaven Wind</p>

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<p>1 Farm. As a result, I am all for using wind for power 2 generation. As the farming friend said, "We have 3 become so used to cussing the wind, it would be a great 4 change to be able to encourage it to blow." 5 The technical aspects of generating wind power are 6 well understood, however the social aspects are fuzzy 7 because of a lot of bad intentions and mistaken 8 assumptions. I believe the fears of towers falling, 9 the flicker and the noise of the blades as they turn 10 and the flashing of required airport lights are blown 11 completely out of perspective, as well as saying that 12 turbines will ruin somebody's viewscape. 13 The Horse Heaven Wind Project will be located on the 14 south side of the Horse Heaven Hills and is miles away 15 and barely viewable from the Kennewick and Prosser 16 areas. Without a doubt these fears are largely 17 manufactured to support a presumed right of a private 18 individual who wish to have their way and would like to 19 micromanage their neighbor's property use. 20 Most property owners have mineral rights going very 21 deeply underground. I believe that property rights 22 also include using the airspace above the property for 23 almost anything, including fruit trees, buildings, and 24 wind power. 25 UNIDENTIFIED FEMALE: Martha, would you stop?</p>	<p>1 know, most of these are totally out of sight because 2 it's on the other side of the hill there -- but if you 3 have to get rid of some, I would suggest that the 4 megawatts be replaced with expanding your solar. The 5 size of the project's wonderful. 6 And when you do those solars, I think that you should 7 be pointing them east or at least have a fair amount of 8 them pointing east, maybe the ones that are replacing 9 the wind turbines should be pointing east. 10 The western -- 11 UNIDENTIFIED FEMALE: There's the dog, right there. 12 MR. LEVY: -- or the WAC, whatever it's called, 13 western grid, could really use some more of that early 14 sunrise, that dislocation -- 15 UNIDENTIFIED FEMALE: I can't get the car to start. 16 MR. LEVY: -- (inaudible) providing. 17 I won't be able to start your car, but thanks -- 18 UNIDENTIFIED FEMALE: (Inaudible) get the car 19 (inaudible). 20 MR. LEVY: -- for taking my comment. 21 JUDGE TOREM: Mr. Levy, thank you very much. 22 Brent Strecker is the next speaker. 23 MR. STRECKER: Yes, I'm here. Can you hear me? 24 JUDGE TOREM: Yeah. If you'll speak up a little bit 25 more and project, that will make it so the Council can</p>
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<p>1 MR. BLAKNEY: That's all. Thank you. 2 JUDGE TOREM: Thank you, Mr. Blakney. 3 Next is Scott "Le-vy" -- 4 UNIDENTIFIED FEMALE: I can't start the car. 5 JUDGE TOREM: -- or Scott "Lee-vy." 6 UNIDENTIFIED FEMALE: I don't (inaudible). 7 MR. LEVY: Yeah, Scott Levy here. Is this -- am I -- 8 JUDGE TOREM: All right. Mr. Levy, go ahead. We'll 9 start -- 10 MR. LEVY: -- audible? 11 JUDGE TOREM: -- your timer. Yeah, I can -- 12 UNIDENTIFIED FEMALE: What do you want me to do? I 13 can't start it. 14 JUDGE TOREM: -- hear you just fine. 15 I'm going to ask others to please self-mute their 16 microphones. If I can figure out how it is, we'll do 17 that. 18 Can you restart the timer for him? 19 Go ahead, Mr. Levy. 20 MR. LEVY: Yeah. My name is Scott Levy and this -- I 21 was looking at the viewsheds and things like that and 22 the ones I saw, there is some -- that the turbines were 23 somewhat close. And if you guys find that you have to 24 get rid of some of the turbines because of viewshed -- 25 I mean, like the previous caller was talking about, you</p>	<p>1 hear you as well. Go ahead, Mr. Strecker. 2 MR. STRECKER: Okay. Now can you hear me okay? 3 JUDGE TOREM: That's better, sir. Go ahead. 4 MR. STRECKER: Okay. Thank you. Yeah. This is Brent 5 Strecker. Benton County's been my home for over 50 years. 6 I enjoy the outdoors and have hiked and biked the Horse 7 Heavens my entire life. 8 I totally oppose the Horse Heaven Hills wind farm being 9 pushed on us by Scout Energy. Just last year I was able to 10 spot two large owls in one of the canyons. I witness 11 hundreds of sandhill cranes flying directly into the path of 12 the proposed wind turbine area year-round. The seemingly 13 thorough Horse Heaven wind farm bird and bat conservation 14 strategy does not reflect reality regarding the number of 15 birds in this migratory byway. 16 With regards to the massive 500 foot, hundred-mile-an-hour 17 blades, this is a much different situation in location and 18 size than the nearby Nine Canyon turbines. It will be a 19 meat grinder. The (inaudible) wind turbines are not a 20 novelty or a celebrated symbol of the environment virtue to 21 many of us here in Eastern Washington who live -- or to have 22 to live with them as an intruding presence along every path 23 we travel in our -- of our community and as our backdrop to 24 our favorite fishing, hunting, hiking -- 25 UNIDENTIFIED FEMALE: Here, here.</p>



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<p>1 MR. STRECKER: -- and sightseeing destinations. While  2 Governor Inslee continues to promote rapid and widespread  3 wind and solar power development in hydro-rich, already  4 clean Washington, I question whether this would be the case  5 if the sprawling wind farm with over 240 structures nearly  6 as tall as the Space Needle are -- and covering 25 miles of  7 the horizon were being built in his backyard.  8 The idea that my wife (inaudible) to live with the --  9 UNIDENTIFIED FEMALE: (Baby crying and dog barking).  10 MR. STRECKER: Some people can't get it, can they?  11 CHAIRPERSON DREW: Person with the dog, mute your mic.  12 UNIDENTIFIED MALE: Jesus Christ.  13 JUDGE TOREM: Mr. Strecker, I apologize for the  14 interruptions tonight. There's only so much control that I  15 have on the virtual environment here. I --  16 UNIDENTIFIED MALE: Unbelievable.  17 JUDGE TOREM: -- encourage you again because I want to  18 hear what you have to say to submit your comments in writing  19 or summarize them and put them into the portal tonight that  20 was described earlier.  21 For those of you again that are in a car or you're on your  22 phone, if could you self-mute your microphones that will  23 help. I'm trying to police this as best I can with the  24 technology.  25 Greg Gales is the next speaker. And then we'll hear from</p>	<p>1 MALE SPEAKER: It's working just fine.  2 MS. CAPRIO: Thank you.  3 JUDGE TOREM: Ms. Owens is indicating that email would  4 work. The address to send those email comments if you're  5 having problems with the portal is E-F-S-E-C, EFSEC, at  6 U-T-C, Uniform-Tango-Charlie, dot W-A, dot G-O-V,  7 efsec@ufc.wa.gov. We can get your emails there as well.  8 Please use the subject line of "Horse Heaven Wind" in the  9 subject line --  10 MALE SPEAKER: Can you take your (inaudible) off?  11 JUDGE TOREM: -- and "Public Comment." We'll know where  12 to direct your email.  13 All right. Our next speaker Greg Gales. Are you on the  14 line? All right. I'm going to go back. Doug Nordwall,  15 last call for Doug Nordwall.  16 Bill Jenkins. Last call for Bill Jenkins.  17 Last call for Staci West.  18 Last call for Jacob LaRiviera.  19 And last call for Greg Gales.  20 All right. Kayne Segura, you're No. 16 on the signup  21 list. Are you on the line?  22 MR. SEGURA: I am here.  23 JUDGE TOREM: All right. Two minutes will begin now. Go  24 ahead, sir.  25 MR. SEGURA: Thank you, Chair Drew, and the entire</p>
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<p>1 Kayne Segura and then from Mike Wingfield I believe it is.  2 Is Greg Gales on the line? While we wait for Mr. Gales,  3 I'm going to go back and ask is Bill Boyce on the line? We  4 missed you earlier. Last call for Bill Boyce. All right.  5 Mr. Boyce, if you're on the line and you're muted for some  6 reason, please submit your comments in writing. I'm not  7 going to call your name again.  8 MS. CAPRIO: Hey, real quick?  9 JUDGE TOREM: Who's this?  10 MS. CAPRIO: Hey, real quick?  11 JUDGE TOREM: Hey real quick, who's this?  12 MS. CAPRIO: I just wanted to let you guys know --  13 JUDGE TOREM: Please identify yourself.  14 MS. CAPRIO: Hi. This is Christina. And I just wanted to  15 let you know that it's --  16 JUDGE TOREM: Christina?  17 MS. CAPRIO: -- you can't --  18 Caprio (phonetic).  19 -- that you can't submit online on your portal. So I just  20 wanted to let you know because you're asking people to  21 submit comments written, and so I just wanted to let you  22 know it's not working.  23 JUDGE TOREM: I'll -- EFSEC staff will look at that. I  24 don't control the portal, Ms. Christina Caprio, so I'm going  25 to ask them to take a look at that and see what's going on.</p>	<p>1 Commission for allowing me the opportunity to speak to you  2 all this evening. My name is Kayne Segura, and I'm the  3 business manager of Laborers Local 348 in Richland,  4 Washington. I represent over a thousand hardworking men and  5 women in the Central Washington area, including  6 Benton County. I'm here today to fight for the workers of  7 Benton County.  8 Myself and other members who attended the previous town  9 hall meeting were approached by Mr. Barry Bush in regards to  10 his stance on the project. He summarized that he is all for  11 local jobs but this county does not need the power and it  12 won't create many jobs.  13 Unlike Mr. Bush's assumptions about the detriment of the  14 project and while we question Mr. Bush's loyalty to the  15 community as he was in favor of the Nine Mile Canyon Wind  16 project, we are in favor of the level of economic support  17 this project will bring to the community in all aspects.  18 To go further, in the environmental study produced,  19 Scout Energy discusses tax revenues going to schools and  20 fire districts. Phase I of this project would be paid to  21 schools with 32 percent of the total directly paid to local  22 school districts. Fire districts account for the next  23 largest share of revenues at 14 percent, followed by roads  24 at 12 percent.  25 In dollars terms, Phase I during the first year of</p>

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<p>1 operation would generate approximately 6.1 million in 2 school-related tax revenues with 3.4 million of this total 3 paid directly to local school districts. 4 It is clear that this project isn't just about providing 5 local jobs to local workers. It is about providing funding 6 to our fire districts that serve this community and to the 7 parents and children that learn and work in these school 8 districts in this community. 9 We ask the commission to consider approving this proposal 10 and permit for the people of Benton County, for the members 11 and workforce of Benton County, for the first responders, 12 and for our children and their families of Benton County. 13 Thank you for your time, sir. 14 JUDGE TOREM: Thank you, Mr. Segura. 15 Next is going to be Mike Wingfield followed by Pam Minelli 16 and Mike Minelli. And, Ms. Minelli, we have you on the 17 signup list twice. We're not going to let you have four 18 minutes of time. We'll give everybody the same two minutes. 19 So Mike Wingfield followed by Pam Minelli and Mike Minelli. 20 Mr. Wingfield, are you on the line? I'll call you again 21 in a moment. 22 Pam Minelli, are you on the line? Mike or Pam Minelli, 23 are either of you on the line? 24 UNIDENTIFIED WOMAN: (Baby crying). 25 UNIDENTIFIED MALE: Oh, Jesus.</p>	<p>1 JUDGE TOREM: Sure. Ms. Rouse, are you on the signup list 2 or do you want me to add you? 3 MS. ROUSE: No, I just wanted to let everybody know that 4 you're not letting anyone know how to make a comment, and -- 5 JUDGE TOREM: Ms. Rouse, you're clearly able to make a 6 comment. We have a signup process. You're interrupting the 7 process tonight. Can you please mute yourself? 8 MS. ROUSE: I understand that, but you're not letting 9 these people know how to get online to make a comment. 10 JUDGE TOREM: All right. I'm going to ask EFSEC staff to 11 come on again and explain the process briefly one more time. 12 Then we'll come back to you, Mr. Elguezabal. 13 MS. ROUSE: (Inaudible) know they have to hit star 86 to 14 make a comment. 15 MS. MINELLI: And this is Pam Minelli. 16 JUDGE TOREM: Oh, great, Ms. Minelli. We'll come back to 17 you here in a moment. Thank you for announcing yourself. 18 Ms. Rouse, I'm going to ask staff to do -- one more time 19 to explain how to do it. I can't tell you how to unmute 20 your phone any better than you know how to operate it. I've 21 said already before, if you think that somehow you've been 22 muted by Skype, hang up, call back in and you'll have a 23 fresh microphone. 24 Mr. Elguezabal, I'm going to take your comments now. Go 25 ahead, sir.</p>
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<p>1 JUDGE TOREM: All right. Next is Sydnie Roberts. Sydnie 2 Roberts? 3 And then Francisco Elguezabal. 4 Last call for Mike Wingfield. 5 Last call for Pam Minelli. Last call for Mike Minelli. 6 Again, the next speakers following that are Sydnie Roberts, 7 Francisco Elguezabal, and then Mary Dye and Jason Lohr. 8 Sydnie Roberts? Last call for Sydnie Roberts. 9 Francisco Elguezabal. 10 MR. ELGUEZABAL: Yes, I'm here. Can you hear me? 11 JUDGE TOREM: I can hear you just fine, sir. Your two 12 minutes are starting. Go ahead. 13 MS. ROUSE: How do (inaudible) comment? 14 MR. ELGUEZABAL: All right. Like I said, my name's 15 Francisco Elguezabal. You did a pretty good job. I want 16 to -- 17 JUDGE TOREM: Bear with me just a minute. Hold on, 18 Mr. Elguezabal. I have someone interrupting you. 19 MR. ELGUEZABAL: Okay. 20 MS. ROUSE: I want to say can I make a comment. You're 21 not telling us how to be able to make a comment. 22 JUDGE TOREM: Ma'am, I can clearly hear you. What is your 23 name, ma'am? 24 MS. ROUSE: My name is Lori Rouse (phonetic). I live at 25 the base of Cold Creek Canyon.</p>	<p>1 MR. ELGUEZABAL: Yeah, I'm still here. 2 JUDGE TOREM: Go ahead. We'll start your time again. Go 3 ahead. 4 MR. ELGUEZABAL: All right. I just want to thank you for 5 giving me the opportunity to speak tonight. I'm a 6 Benton County resident. I live in Plymouth, Washington, 7 just over the hill from where this wind project's going to 8 go. I am in favor for this project. It will provide a lot 9 of great paying jobs and boost our economy. 10 Plus, this is private land. I think it should be up to 11 the land owner if they want to have wind farms, wind mills 12 on their land. I recently just built a home over here in 13 Plymouth. They just built an onion processing plant about a 14 half mile from my house. I wasn't happy to see it, but 15 still, like I said, it's not my land. So I am definitely in 16 favor of this project. That's all I've got to say. 17 JUDGE TOREM: Thank you, Mr. Elguezabal. 18 Pam Minelli, you came on the line here. Are you still 19 there? 20 MS. MINELLI: Yes, I am. Thank you. 21 JUDGE TOREM: All right. Let's have your comment now. As 22 soon as -- let me get the timer reset here. Bear with me. 23 MS. MINELLI: Okay. 24 JUDGE TOREM: All right. It's reset. Go ahead, 25 Ms. Minelli.</p>

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<p>1 MS. MINELLI: Okay. Thank you for this opportunity. I  2 oppose the Horse Heaven wind farm project for a long list of  3 reasons. My comments here tonight will be limited to three  4 concerns. My first concern is Stout's request for an  5 expedited process, even though they've now withdrawn that  6 request. It raises several red flags.  7 More time is needed to determine the true impact of this  8 wind farm in our area. Examples of my concerns include much  9 of the data included in the applications paid for by  10 Stout Energy. Third party experts need to be added. Their  11 input needs to be added to this application. And an  12 environmental impact study needs to be done by a neutral  13 third party.  14 Most local (inaudible) contacted knew absolutely nothing  15 about the Horse Heaven wind farm. More time is needed to  16 inform residents, local businesses and industries, city  17 governments, developers, and more of this nonsense project.  18 In the public opinion survey included in Stout's  19 application showing local support is unbelievable.  20 Information showing local opposition to the Horse Heaven  21 wind farm gathered by Benton County Commissioners showed 336  22 against the 36 supporting the project as of March 22nd. And  23 we have an online petition that has 156 signatures showing  24 opposition. There are letters from City Council's elected  25 officials for other surveys that need to be added to Stout's</p>	<p>1 provide reduced lighting or no lighting unless there's an  2 approaching aircraft.  3 Expedite. Why has Scout been studying the Horse Heaven  4 Hills for the past several years, and immediately upon  5 submitting the application Scout requests an expedited  6 approval? What was the initial thinking of the request?  7 What was the hurry? Why has Scout decided the Tri-Cities'  8 people and commissioners lose the opportunity to communicate  9 and educate the people who are the most affected?  10 For or against. Very few Tri-Citians know about the wind  11 farm. If they have heard about it, they don't know the  12 details. Scout has recognized this in their study on the  13 public opinion. Quote, of those who say they are familiar,  14 most only recall general information.  15 I personally handed out about 200 flyers at hiking trails,  16 at various supermarkets. And the biggest comment that I get  17 once they tell me that they haven't heard about it is,  18 "You've got to be kidding. Where? What?"  19 A survey for or against, there was a huge difference, as  20 Pam has said. Scout shows 35 percent against and the  21 Benton County survey shows 90 percent against. Why is that?  22 There are legal issues. Why did Scout choose Tetra Tech,  23 a company with a long list of failed documented legal issues  24 such as --  25 JUDGE TOREM: Mr. Minelli, your time's up. Can you sum</p>
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<p>1 application to document strong local opposition to this wind  2 farm.  3 An additional (inaudible) showing visual impacts of the  4 wind farm from nearby neighbors such as Summit (inaudible)  5 have not been provided, even though we've requested. And  6 there are no nighttime photos showing the red flashing  7 lights along 24 miles of our areas (inaudible).  8 And there's no mention of the ADL, aircraft detention  9 light (inaudible) system as an option to control (inaudible)  10 lights.  11 JUDGE TOREM: Ms. Minelli, time has expired. Can you sum  12 up, please?  13 MS. MINELLI: Okay. I'm just saying that I am totally  14 opposed to this wind farm. Thank you.  15 JUDGE TOREM: Thank you, ma'am.  16 Is Mike Minelli available?  17 MS. MINELLI: Yes.  18 MR. MINELLI: Yes, I'm here.  19 JUDGE TOREM: All right. We'll start your time as soon as  20 you're ready, sir. You go? Ready?  21 MR. MINELLI: Yeah, I'd like to share some of my questions  22 that I have in my own mind, and Pam has covered some of them  23 so I'll skip over those or briefly talk about them. And the  24 first one is the ADLS. And I'm wondering why Scout has not  25 discussed and committed to their installation. These would</p>	<p>1 up, please?  2 MR. MINELLI: Yes. Fuzzy photos. The thoughts of 244  3 towers stretching for 24 miles. Because so few people in  4 the Tri-Cities area know what's going on, once the monstrous  5 towers start going up and polluting our skyline and the 24  6 miles of red lights are turned on, there will --  7 JUDGE TOREM: All right. Mr. Minelli, I've got to cut you  8 off there. Mr. Minelli, you have a lot of questions. I'm  9 going to encourage you to put them in writing and submit  10 them either by email or if you can get the portal to work,  11 that way.  12 MR. MINELLI: Okay.  13 JUDGE TOREM: I appreciate that we were able to get you  14 tonight. Thank you, sir.  15 MR. MINELLI: Thank you.  16 JUDGE TOREM: Mary Dye and Jason Lohr are the next  17 speakers.  18 Mary Dye, are you on the line? I saw you on the attendee  19 list.  20 REPRESENTATIVE DYE: Yes, I am. Thank you.  21 JUDGE TOREM: All right. Go ahead, ma'am. Two minutes.  22 REPRESENTATIVE DYE: Thank you. Thank you, Chairwoman  23 Drew and members of the Committee. My name's Mary Dye. I'm  24 a State Representative for the 9th Legislative District. I  25 want to thank you for having this hearing.</p>

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<p>1 The Horse Heaven Hills is unique. It boasts of about 2 15,532 acres of (inaudible) high-value vineyards, and it 3 represents 27 percent of Washington's total grape 4 production. And it is the source of only five 100-point 5 wines produced in the state.</p> <p>6 So the American -- or Horse Heaven Hills American 7 viticultural area produces some of Washington's most coveted 8 and expensive wines, and it's a unique and irreplaceable 9 microclimate that some of the state's most state of the art 10 viticulture is employed to produce some of the finest and 11 most unique wines.</p> <p>12 The proximity to the Columbia River and also the sandy 13 loam soils and the south-facing slopes are optimum for this 14 wine production region and it's unique in probably the 15 nation and the world. And it accounts, the entire wine 16 industry in the Tri-Cities and others, accounts for 17 \$8.4 billion of economic impact.</p> <p>18 So why? What would happen with a large wind farm? Wind 19 farm turbines in West Texas were studied by Nature Climate 20 Change, and it was evaluated to find that they create a lot 21 of turbulence raising temperatures .72 degrees on average 22 but really changing the microclimate of the land.</p> <p>23 And I'm very concerned about the impact that this change 24 could make. It could devastate some of the areas's most 25 important wine production areas. So I would urge you to</p>	<p>1 people millions of dollars to support their families and 2 provide a great deal for our local economy.</p> <p>3 I simply do not understand how we can trade food on 4 hundreds of people's tables for the view out of a few 5 people's windows of land they do not own. Thank you for 6 your time.</p> <p>7 UNIDENTIFIED FEMALE: Who was that guy? 8 JUDGE TOREM: Thank you, Mr. Lohr. 9 Barry Bush and Clark Stolle or Stolley (phonetic) will be 10 next and then Michael Novakovich. 11 Barry Bush? 12 MR. BUSH: Yes, I'm here. Can you hear me? 13 JUDGE TOREM: I can hear you just fine. Two minutes. Go 14 ahead, sir. 15 MR. BUSH: Okay. The proposed Scout Clean Energy project 16 is in the middle of the Pacific Flyway. For those of us 17 that live near the Horse Heaven Hills Wind Project, we can 18 attest to the fact that tens of thousands of geese, Canada 19 geese, fly through the site every year while migrating 20 south.</p> <p>21 We do not need the energy. These turbines and solar 22 panels will generate energy, but none of the four utilities 23 in this area are looking to take even one kilowatt. The 24 fact is the local utilities need energy when it's coldest 25 and hottest outside, and that's exactly when this site will</p>
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<p>1 really consider this when you're doing your studies and when 2 you're looking at the EIS, that you protect this 3 viticulture, this microclimate of the viticulture in the 4 area around Horse Heaven Hills.</p> <p>5 I appreciate your consideration this evening. Thank you 6 very much for giving me the time.</p> <p>7 JUDGE TOREM: Thank you, Representative Dye. Right on the 8 nose, two minutes. I knew you were professional at this.</p> <p>9 REPRESENTATIVE DYE: Thank you.</p> <p>10 JUDGE TOREM: Jason Lohr, a name that I think we all 11 recognize. Mr. Lohr?</p> <p>12 MR. LOHR: Hello. Thank you for your time. My name is 13 Jason Lohr, and I'm an electrician living here in Kennewick. 14 I'd like to bring up that this project is estimated to 15 employ over 900 people, and not just provide millions in tax 16 revenue to our schools but also millions of dollars back 17 into our local economy from the good paying local jobs.</p> <p>18 I think a lot of people on here might not understand that 19 construction follows, by about six months or a year, 20 developments in the overall economy. We are just now seeing 21 the slowdown from COVID because our jobs were already in 22 process when it happened.</p> <p>23 Construction, though our jobs are temporary, we make up a 24 great deal of this local economy. A large infrastructure 25 project right outside of town will provide hundreds of</p>	<p>1 not produce energy.</p> <p>2 We support President Biden's desire to build more offshore 3 wind projects. These projects are generally not viewable 4 from land and can be built much closer to where the load is 5 needed. The energy in our region is already carbon-free. 6 At Benton PUD we currently have a low profile that is 93 7 percent carbon-free.</p> <p>8 A wind solar project of this magnitude should never be 9 built by such a large population base. The Tri-Cities has 10 over 3,000 people. Energy Northwest in Richland was just 11 picked as one of the two locations by Department of Energy 12 to build two small modular nuclear plants. This base load 13 of power will generate 98 to 99 percent of the time, unlike 14 the 30 percent of the time that we get in -- that you will 15 get out of this proposed project.</p> <p>16 I'm not aware of a single local elected official, 17 government agency, city, or county board from the Tri-Cities 18 area that has come out in favor of building this project. I 19 can, however, count 36 city, county, state and federally 20 elected officials and community organizations that have come 21 out against this project.</p> <p>22 And finally, a disproportionate share of wind turbines are 23 being placed in Southeast Washington state with almost none 24 in Western Washington or coastal waters. The fair treatment 25 goal of environmental justice means no group of people</p>

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<p>1 should bear a disproportionate share of the negative 2 environmental consequences resulting from industrial, 3 government, and commercial operations or policies. Thank 4 you.</p> <p>5 JUDGE TOREM: Thank you, Mr. Bush. Appreciate you 6 wrapping up.</p> <p>7 Clark Stolle or Stolle.</p> <p>8 MR. STOLLE: Yes. Clark Stolle. I'm here.</p> <p>9 JUDGE TOREM: Clark Stolle. Your two --</p> <p>10 MR. STOLLE: Can you hear me?</p> <p>11 JUDGE TOREM: Yeah. You're No. 26 on my list. Just so 12 everybody has an idea, we're at now 7:20 p.m. We have a 13 total of 45 people signed up and a 46th person, the Mayor 14 Don Britain who wants to be last. If we keep going at the 15 rate we're going, we'll probably be going another 30 16 minutes.</p> <p>17 So for those of you tuning in for the land use consistency 18 hearing, I believe we're going to go ahead and start after 19 the 7:30 start time that's been advertised and noticed. So 20 just stay on the line. Be patient with us, please.</p> <p>21 If you're interested in the land use consistency hearing, 22 again, that will be starting I'm guessing closer to eight 23 o'clock. That will include, again, some comments and 24 presentations by the applicant and the Benton County 25 prosecuting office focusing on land use.</p>	<p>1 Scout contracted to have various studies prepared to 2 justify the project that repeatedly cite minimal or no 3 impact to land, humans, birds, animals, tourism, property 4 values, et cetera. I've read lots of EISs, and I know how 5 they're written. These studies appear to be strongly biased 6 toward the project and they warrant greater analysis. I'm 7 glad to see we're doing an EIS now.</p> <p>8 Although I haven't seen it published, it's highly likely 9 that the power generated is not going to stay in Washington 10 state. Be aware that several California counties, including 11 Los Angeles, San Diego and San Bernadino, have been pushing 12 back hard on new wind farms and have passed restrictions 13 discouraging or outright banning developmental large-scale 14 commercial wind farming.</p> <p>15 The state of Vermont itself has established strict 16 regulations that effectively halt any new wind farms on 17 ridge lines. This is largely due to the strong backlash of 18 negative community sentiment and environmental impacts. As 19 a result, wind farm developers are now looking to 20 project-friendly states. Is that what Washington is?</p> <p>21 My family's been in Benton County for over 70 years, and 22 like many others, we feel that the Horse Heaven Hills are a 23 special scenic area that are there to be enjoyed by our 24 community and its visitors. Why should it be valued any 25 less than other notable sites in our state. There will be</p>
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<p>1 We're still in the public comment hearing and will be for 2 a little while tonight. We're on Speaker No. 26 out of at 3 least 45 that have signed up. I'm going to ask staff to see 4 if they can close the signup so that we can stop at a 5 reasonable hour. It is a Tuesday night. And I know that 6 Gonzaga Bulldogs have already won their game, so many of you 7 are tuning in now. But we're going to go ahead now and pick 8 back up with Clark Stolle.</p> <p>9 Mr. Stolle, your two minutes now begins.</p> <p>10 MR. STOLLE: Thank you very much. I'm opposed to the 11 Scout proposal. Scout has represented this project is being 12 in the interest of the greater Tri-Cities community.</p> <p>13 However, rather than submitting the project to Benton County 14 for review, they circumvented the existing processes and 15 went directly to EFSEC and Governor Inslee to make them -- 16 ask them to make this decision. I don't think that's 17 appropriate.</p> <p>18 Skipping through some of the words that have already been 19 spoken, I just want to point out that at 500 to 670 feet 20 tall, these enormous towers in a stretch, they're taller 21 that the Space Needle. They're going to stretch across 24 22 miles of our most prominent ridge line in Benton County.</p> <p>23 That is the equivalent of going from the capital building in 24 Olympia south to Centralia or east to Tacoma. I think 25 that's both significant and impactful.</p>	<p>1 prominent around our ridge lines where the (inaudible) 2 cannot hide them. The negative impacts to our view shed and 3 the scenic vistas that are so important to the quality of 4 our life will be lost forever if they're approved.</p> <p>5 JUDGE TOREM: Thank you, Mr. Stolle.</p> <p>6 MR. STOLLE: The tradeoff for short-term jobs and 7 (inaudible) places is a legacy of negative anesthetic and 8 environmental impacts for our community that --</p> <p>9 JUDGE TOREM: Mr. Stolle, I have to cut you off.</p> <p>10 MR. STOLLE: -- (inaudible). Thank you very much.</p> <p>11 JUDGE TOREM: Thank you.</p> <p>12 MR. STOLLE: I'm done.</p> <p>13 JUDGE TOREM: Thank you, sir.</p> <p>14 Next is Michael Novakovich and Chris Wright and then Brent 15 Kirby.</p> <p>16 I want to interject just for those of you that are using 17 the comment thread to question other speakers or toss 18 comments back and forth. It's really not what the comment 19 thread is here for in this public comment hearing. I want 20 everybody, as I said in the beginning, to give dignity and 21 respect to each of the opinions.</p> <p>22 And this is not a forum for you to have an argument.</p> <p>23 We're not in a thread where we have comments on a newspaper 24 article. This is a recorded meeting. It's for the Council 25 to hear what each speaker has to say. And I'd just ask you</p>



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<p>1 to refrain from those things.</p> <p>2 If you agree with somebody, you can put, "I agree." If</p> <p>3 you disagree, that's fine. But let's keep the questioning</p> <p>4 and some of the other comments that are bordering on uncivil</p> <p>5 and consider how you'd want to be treated.</p> <p>6 All right. Let's press on with our Speaker No. 27 on the</p> <p>7 list is Michael Novakovich.</p> <p>8 Are you there, sir?</p> <p>9 MR. NOVAKOVICH: Can you hear me? Yes, I am.</p> <p>10 JUDGE TOREM: I can. Go ahead, sir. You're on.</p> <p>11 MR. NOVAKOVICH: Thank you, Chair Drew and Council. I'm</p> <p>12 Mike Novakovich, President and CEO of Visit Tri-Cities. The</p> <p>13 Visit Tri-Cities board of directors is in opposition to the</p> <p>14 proposed Horse Heaven Wind Farm Project.</p> <p>15 Our concern is the installation will have significant</p> <p>16 adverse impacts on our half-billion-dollar-a-year tourism</p> <p>17 economy. A competitive advantage in our region is our wine</p> <p>18 industry. Visitors to the Tri-Cities are literally in the</p> <p>19 heart of Washington wine country.</p> <p>20 Our Red Mountain American Viticultural Area is home to</p> <p>21 rolling vineyards and estate wineries with incredible views</p> <p>22 of the Horse Heaven Hills. The beauty of our region and its</p> <p>23 rugged dessert hills are a significant tourism draw from</p> <p>24 wine lovers to visitors whose interests lie in exploration</p> <p>25 and understanding of the great Missoula floods. The Horse</p>	<p>1 Any adverse impact to our tourism economy as a result of</p> <p>2 Scout Clean Energy's Horse Heaven wind farm will reduce the</p> <p>3 economic activity that provides for these quality-of-life</p> <p>4 benefits, and we would respectfully ask that you reject</p> <p>5 their application. I truly appreciate this opportunity to</p> <p>6 comment.</p> <p>7 JUDGE TOREM: All right. Thank you, Mr. Novakovich.</p> <p>8 It's now 7:30. I would have normally taken a break in</p> <p>9 between the two hearings. And because we have a court</p> <p>10 reporter that you can't see but is equally subject to the</p> <p>11 call of nature that all of us are, we're going to take a</p> <p>12 brief break. It's going to be until 7:40 p.m., so on my</p> <p>13 clock that's 13 minutes.</p> <p>14 When we come back, the court reporter will let us know</p> <p>15 when she's ready to go on the record. And then it will be</p> <p>16 Chris Wright, Brent Kirby and Rey Espinoza. So for those of</p> <p>17 you listening, you can put your phones down for the next 12</p> <p>18 minutes. And at 7:40 I'll reconvene this public comment</p> <p>19 hearing.</p> <p>20 For those waiting for the land use hearing, that will</p> <p>21 start at approximately 8:30 if we hold everybody to two</p> <p>22 minutes at a time. We're going to recess the meeting now.</p> <p>23 We're off the record. Go ahead and take a break. We're</p> <p>24 going to ask you all to mute your microphones. We'll be</p> <p>25 back at 7:40.</p>
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<p>1 Heaven Hills provide a wealth of leisure opportunities which</p> <p>2 drive visitor spending and associated significant</p> <p>3 quality-of-life impacts.</p> <p>4 The proposed Horse Heaven Wind Farm is expected to have</p> <p>5 adverse impacts on our tourism economy for years to come.</p> <p>6 The towering wind turbines that rob our region of its scenic</p> <p>7 beauty while creating a perception of a windy destination</p> <p>8 translating into a loss of visitation. Repeatedly, a</p> <p>9 downturn in our tourism economy translates to a loss of</p> <p>10 permanent jobs, businesses, business investments, and the</p> <p>11 quality-of-life activities impacts that are our activities</p> <p>12 fund.</p> <p>13 As an example, I recently spoke with a hotel developer</p> <p>14 that terminated the development of a hotel project due to</p> <p>15 potential construction of this wind farm and its</p> <p>16 line-of-sight views. Tourism helps small businesses survive</p> <p>17 and supports roughly 6,000 jobs in our community, the over</p> <p>18 50 million taxes in revenue that's generated by visitor</p> <p>19 spending helps to fund emergency services like police and</p> <p>20 fire, schools and teachers, maintenance of our roads,</p> <p>21 beautification of our parks and more.</p> <p>22 In short, visitor spending helps to fund a safe community,</p> <p>23 educated community, employed community, and a beautiful</p> <p>24 community filled with many amenities for all community</p> <p>25 members to enjoy.</p>	<p>1 (Recess)</p> <p>2 JUDGE TOREM: This is the land -- sorry, this is the</p> <p>3 public comment hearing in the Horse Heaven Wind Farm</p> <p>4 Project. Again, today is March 30th. It's now 7:40 p.m.</p> <p>5 We were off the record for ten to 12 minutes so everybody</p> <p>6 could take a break. We've been going pretty much since</p> <p>7 five o'clock with our information open house and some</p> <p>8 questions there and this public information meeting that</p> <p>9 went starting at 5:30 p.m.</p> <p>10 The 7:30 p.m. land use consistency hearing has been</p> <p>11 deferred until we can complete public comment tonight. We</p> <p>12 estimate currently that will begin at 8:30 p.m.</p> <p>13 And again, my name is Judge Adam Torem. I'm an</p> <p>14 Administrative Law Judge presiding over these comments</p> <p>15 tonight. We're limiting speakers to two minutes. I'm</p> <p>16 waiting for the two minute clock to come back up on the</p> <p>17 screen so that folks can see where we're at.</p> <p>18 I'm not sure who on the EFSEC staff is trying to load</p> <p>19 that. Joan, is that you?</p> <p>20 MS. OWENS: It is. Can you not see it? I can see it on</p> <p>21 my screen.</p> <p>22 JUDGE TOREM: Mine is still loading. But if you --</p> <p>23 Mr. Wright, can you see it on your screen?</p> <p>24 MR. WRIGHT: Yes, sir.</p> <p>25 JUDGE TOREM: That's all that really matters.</p>

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<p>1 Joan, you can start the clock for Mr. Chris Wright. 2 Go ahead, sir. 3 MR. WRIGHT: All right. My name's Chris Wright. I live 4 in West Richland, Washington. I find Scout's position on 5 using EFSEC rather than Benton County to permit this project 6 interesting. At the March 15 public meeting with the 7 Benton County Commissioner, Scout's project manager stated, 8 quote, we are seeking approval through EFSEC rather than 9 Benton County because the project is too complicated and 10 required too many resources. 11 I find that funny since in Benton County we currently work 12 with a nuclear reactor, a hydroelectric dam, an airport, a 13 large potato plant, a uranium processing facility, some 14 production wineries, and the world's largest nuclear waste 15 site. 16 Scout has recently stated they wish to have more public 17 participation. I believe they could do that by withdrawing 18 their application to EFSEC and asking Benton County to be 19 the lead agency. 20 The wind farm impact. The proposed Horse Heaven Wind Farm 21 is amazingly inefficient. Scout states it will generate 22 power 27 percent of the time. This from a footprint 23 23 miles long. It will also generate 6 to 9 million pounds of 24 nonrecyclable waste each time the turbine blades are 25 changed. That's about every ten years. So we're looking at</p>	<p>1 JUDGE TOREM: Thank you. I appreciate the determination 2 some of you have to put three minutes of comments into two. 3 The court reporter is, frankly, suffering it, and the rate 4 of speed sounds much more like the end of a Federal Express 5 commercial. 6 So just out of some mercy for the court reporter -- I know 7 many of you have a lot to say -- we'll take all of your 8 comments in writing. We can read those at a leisurely pace. 9 But if you're speaking so fast that it's difficult for those 10 that might have hearing problems or otherwise to hear you 11 and the court reporter to hear every word you're saying and 12 make a clear record, it's difficult. 13 And I understand we have a limit of two minutes. This is 14 only the first of what will become many opportunities for 15 public comment. The best way for us to hear every word you 16 want is to type them up and then summarize the best two 17 minutes or perhaps three if we have more time when we come 18 to your community in person. And give us the highlights but 19 submit all your comments, whether they're at the portal, in 20 an email, or if you want us to hear your voice tonight, all 21 those comments are considered equally and given equal weight 22 based on your concerns. 23 Brent Kirby's been waiting. And I'm going to ask you, 24 Mr. Kirby, again to pay attention to the timer on your 25 screen. You have two minutes. Go ahead, sir.</p>
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<p>1 18 to 27 million pounds of waste. 2 And Scout's reclamation plan in the application is 3 somewhat vague about where it will go. But as Scout will be 4 long gone and the project owned by an LLC from Delaware, I 5 don't think they care. Gigantic, inefficient and wasteful, 6 and for these reasons the Horse Heaven Wind Farm should not 7 be approved. 8 I'd also note that natural gas is going for 6.5 cents a 9 kilowatt hour. In my opinion, it's not a wind farm or solar 10 farm. It's a tax credit and emission credit farm, and I 11 think it's disgusting. 12 And on the March 28th editorial, Scout stated most of the 13 people who disagree with this wind farm are those with 14 direct views of it. I would agree with that statement. And 15 using Scout's estimate, that's between 175- and 150,000 16 people in the Tri-Cities. So Scout is proposing 250 towers 17 500 feet tall with aircraft anticollision lights on top of a 18 ridge line that's 1500 feet above the surrounding terrain 19 and Scout is downplaying the impact. 20 And in addition, in November Scout stated that a wind farm 21 component would generate eight jobs -- 22 JUDGE TOREM: Mr. Wright? 23 MR. WRIGHT: -- for the project. One second. Not 800 but 24 eight. That's laughable. Scout's application should be 25 rejected. Thank you.</p>	<p>1 MR. KIRBY: Hello. My name is Brent Kirby. I'm a 2 resident of Kennewick. I'm speaking in strong support for 3 the project. I especially appreciate the inclusion of 4 energy storage, which is critical to including more 5 renewables on the grid. The climate change crisis demands 6 an all-of-the-above strategy for carbon-free energy. 7 The size of this project, over one gigawatt, is of the 8 scale necessary to have a significant impact on carbon 9 emissions as we displace fossil energy. 10 Modern large wind turbines spin slowly enough for birds to 11 avoid them. The impression that wind turbines kill birds 12 are based on older, faster spinning designs. Bird death is 13 not a major issue with these turbines. 14 For those opposed to on esthetic grounds, we need to allow 15 projects such as these, even at small personal sacrifice, to 16 avoid catastrophic effects of climate change across the 17 state, nation and planet. Thank you. 18 JUDGE TOREM: Thank you, Mr. Kirby. 19 The next three speakers are going to be Rey Espinoza, 20 David Fritch, and then Dr. D Joshua Miller. 21 Mr. Espinoza, are you out there? 22 MR. ESPINOZA: Yes, I am. Can you hear me? 23 JUDGE TOREM: All right. I can. Sir, go ahead. Your two 24 minutes is starting. 25 MR. ESPINOZA: Thank you, Chair, and the entire Commission</p>

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<p>1 for allowing me the opportunity to speak to you this  2 evening. My name is Rey Espinoza, and I'm the assistant  3 regional manager for the Laborers International Union in  4 North America. I am also a lifelong resident of the  5 Tri-Cities and I have a strong support for the communities  6 here.  7 I'm here today to speak in favor of this project. The  8 workforce that would benefit from this project is more than  9 a few, as many have continued to state. If we look at the  10 work forecast for the Horse Heaven Hills project,  11 construction of Phase I of the project is estimated to  12 support 458 total district, indirect and induced jobs in  13 Benton and Franklin counties and approximately 37 million in  14 labor income with total economic output of approximately  15 70.6 million.  16 During Phase II, project construction is estimated to  17 support approximately 472 to 539 total jobs and  18 approximately 37.6 million to 41.9 million in labor income  19 with a total economic output of approximately 73 million to  20 85.7 million.  21 On the Rattlesnake Ridge project just north of here in  22 Adams County, a local workforce and support from elected  23 officials created a successful renewable project with a  24 project labor agreement. Workers were working 12 to 15  25 hours per day including getting double time on Sundays.</p>	<p>1 limited lifetime usually, depending on what you look,  2 somewhere between eight and 25 years. There's no plan that  3 says what will happen when these turbines are no longer  4 functional.  5 When a turbine is nonoperable, what will happen  6 particularly if the company managing these is no longer  7 financially solvent. So if, for example, Scout sells this  8 to another company or Scout itself goes out of business or  9 declares bankruptcy, who will take care and care for these  10 turbines? Who will decommission them? And who will  11 deconstruct them when they are no longer viable?  12 And that has a massive impact on the environment, both in  13 the deconstruction but also if these are no longer  14 functional, you have these large fields of nonoperable  15 turbines being a blight to the environment and a blight to  16 the view.  17 And this is one area that I've not heard anybody talk  18 about, and I don't see anywhere in the proposal specifying  19 what they will do particularly if the company is no longer  20 solvent. And I would request that there be some type of  21 escrow account set up where the company will be forced to  22 capitalize the entirety of the decommissioning prior to them  23 building to make sure that they can be taken care of  24 appropriately if they are built.  25 I appreciate everybody's time and I appreciate your</p>
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<p>1 They brought in an average of 2700 to 3,000 per week after  2 taxes. And according to the business manager in Local 348,  3 members brought in a year's worth of pay in six to seven  4 months. This is just an overview of what renewable projects  5 would bring to communities like this.  6 The numbers seem to be clear. Renewable jobs provide not  7 only a paycheck for local workers, they provide a good  8 career for themselves and their families as well as the  9 opportunity to give back to the communities that they live  10 in.  11 Thank you, Commission, and thank you to the land owners.  12 JUDGE TOREM: Thank you, Mr. Espinoza.  13 Next is David Fritch followed by Dr. Miller and then  14 Andrew Schmitt and Jermaine Smiley.  15 Mr. Fritch, are you on the line? We'll come back for  16 Mr. Fritch.  17 Dr. Miller? Dr. Miller?  18 DR. MILLER: Hello? Can you hear me?  19 JUDGE TOREM: I can now. Go ahead, sir.  20 DR. MILLER: Perfect. Hi. My name is Dr. Josh Miller.  21 I'm a resident of the Tri-Cities area, and I wanted to say  22 that I'm strongly opposed to this proposed project.  23 One of my biggest concerns is I have not seen any kind of  24 plan for decommissioning these turbines. As is commonly  25 seen throughout the literature, these turbines have a</p>	<p>1 patience. This has I'm sure been frustrating and difficult  2 for you in managing this, particularly at a virtual setting.  3 Thank you.  4 JUDGE TOREM: Thank you, Dr. Miller. I appreciate that.  5 I'm doing the best I can, and I appreciate your comments as  6 well.  7 Is David Fritch available yet? I'm going to call you  8 again. If not, we're going to go to Andrew Schmitt and then  9 Jermaine Smiley and then Richard Sargent.  10 And, Mr. Sargent, I know you were able to speak up  11 earlier, so hopefully by the time we get to you you're ready  12 to unmute.  13 David Fritch, last call?  14 All right. Andrew Schmitt, are you out there?  15 MR. SCHMITT: Yeah. Can you hear me?  16 JUDGE TOREM: I can.  17 MR. SCHMITT: Okay.  18 JUDGE TOREM: Go ahead, sir.  19 MR. SCHMITT: Okay. Well, I think so far I am the only  20 person with the direct experience to speak and directly  21 involved in this project. So many of the things that people  22 have said I could refute on their comments that they just  23 have no knowledge on.  24 We own or operate a large part of where this project is  25 going. And like many of the things -- if you look at the</p>

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<p>1 map that was put up earlier, if you've ever been up there to  2 Horse Heaven -- which I'm not sure many of you actually  3 have, I'm up there every single day on every single piece of  4 property that this project is proposed on -- you would  5 realize that very few of these turbines are actually going  6 to be seen. And the solar arrays, they're never going to be  7 seen unless you actually drive up there and drive down the  8 roads.</p> <p>9 In response to disturbing these lands and the habitats, we  10 disturb them every single day. It's not -- if it's not  11 farmable land, it's not good land for turbines or solar.  12 There's no loss of habitat. All the habitat that they  13 talked about for wildlife is in the canyons, it's in the CRP  14 programs, it is safe from this stuff. Everything that this  15 is going on is farmed and tilled up every day.</p> <p>16 I deal with SEPA a lot. I have a lot of experience. And  17 so everybody knows that the SEPA determination for this is  18 of nonsignificance. So that's just pretty much a moot point  19 in this project.</p> <p>20 A small fraction of people that have no direct interest  21 are trying to put a thorn in the side of their neighbors.  22 The economic impact as has been said is huge and is not just  23 for the farmers up there. It trickles down, as they've  24 said, to all the workers. It's estimated to be over  25 \$700 million over this project, which for this economy or</p>	<p>1 the needs of energy adequacy in our region and quoted the  2 Northwest Power Conservation Council. All true. And,  3 however, the energy deficiencies that are coming to our  4 region are caused mostly by the loss of base load facilities  5 and not necessarily because of the growth.</p> <p>6 The energy adequacy benchmark is called a loss of load  7 potential or probability. This calculates in forecasts when  8 energy resources fail to meet the highest demands of our  9 region.</p> <p>10 The generation profile of wind is one of the worst types  11 of generations to improve this adequacy or to reduce the  12 loss of load probability. It won't do much. To use wind to  13 minimize adequate concerns and the loss probabilities would  14 require a tremendous amount of overbuild of wind generation  15 that would dramatically increase the cost of energy  16 throughout this area. It would be, quite frankly, extremely  17 wasteful.</p> <p>18 Our area already has enough wind. We have an  19 overabundance of wind at time. It -- what it does is it  20 creates other facilities to moderate their generation and --  21 including the dams and CGS -- and this project will  22 exacerbate those issues. Thank you.</p> <p>23 JUDGE TOREM: Thank you, Mr. Sargent. I appreciate your  24 brevity there.  25 Jermaine Smiley, last call.</p>
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<p>1 for this community, it's just great. The construction jobs  2 could be the jobs of your neighbor out there. And that's  3 pretty much it. I'm fine.</p> <p>4 JUDGE TOREM: All right. Thank you, Mr. Schmitt.  5 Jermaine Smiley, you're next.</p> <p>6 MS. ROUSE: Can I say something?</p> <p>7 JUDGE TOREM: No. If you're not on the speakers list and  8 I didn't call your name, thanks for interrupting.</p> <p>9 Jermaine Smiley.</p> <p>10 All right. Richard Sargent, are you out there?</p> <p>11 MR. SARGENT: Yeah, I'm still here. Can you hear me?</p> <p>12 JUDGE TOREM: I can hear you, Mr. Sargent. You're up  13 next. Go ahead.</p> <p>14 MR. SARGENT: Great. Thank you. My name's Richard  15 Sargent. I am a life-long Columbia Basin resident, and I  16 currently live in Richland. I'll minimize my complete  17 comments.</p> <p>18 This is an extremely large project, a thousand megawatts,  19 and far beyond the energy needs for what the localized area  20 needs, which questions me: Where is this energy going? Who  21 are the off-takers? Is this energy even being used in our  22 region? Is it being used in Washington? Could it be used  23 for the energy imbalance market coming up, which will  24 basically transfer it to California?</p> <p>25 The applicant has discussed the future needs of energy and</p>	<p>1 Okay. The next speakers are going to be Bruce McAllister,  2 I believe it's Jim Atkins, and Patrick D. Grengs II.  3 Jermaine Smiley, last call.</p> <p>4 All right, moving on. Bruce McAllister, are you there?  5 Bruce McAllister, are you there?</p> <p>6 MR. MCALLISTER: Can you hear me?</p> <p>7 JUDGE TOREM: Now I can hear you, sir. Can you again  8 state your name, make sure we've got the right speaker?</p> <p>9 MR. MCALLISTER: Yes. I'm Bruce McAllister. I'm a  10 resident in the Benton City area.</p> <p>11 JUDGE TOREM: All right. Go ahead, sir. Two minutes.</p> <p>12 MR. MCALLISTER: I have a front row seat here to all of  13 these towers. I'd like to make a strong reminder to  14 everyone, Scout Energy is a for-profit company. And you  15 take any other company in the world that says, Hey, I want  16 to build this up on the ridge, I think we'd have a lot of  17 bigger uproar, because of the touting of the clean energy.</p> <p>18 It was brought up by a speaker just a moment ago that was  19 a concern of mine is where is this power going?</p> <p>20 Scout Energy doesn't want to invest a bunch of money in a  21 project of this size without having a known market. They  22 know what the market is. It is not Washington.</p> <p>23 And a little bit -- one of the things I wanted to point  24 out, it's probably around 85 percent to 90 percent of the  25 county's population and most of (inaudible) Franklin</p>



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<p>1 County's population is going to have a 180 degree view of 2 windmills. 3 The bird kill, the study that was done near the wind farm 4 that's near Biggs, both in Oregon and Washington, and they 5 claim that the average is about five birds per tower. So 6 you take five birds per tower times the amount of towers, 7 that's a lot of birds. 8 And the people that I see (inaudible) that are for this 9 are people that are going to have a short-term income 10 benefit. But others are going to suffer long term, which is 11 our wineries, quality of life, and tourism. And thank you 12 very much for having me and having this forum for us. Thank 13 you. 14 JUDGE TOREM: Thank you, Mr. McAllister. 15 The next speaker is going to be Jim Atkins. Mr. Atkins, 16 are you there? 17 Patrick Grengs, II? 18 MR. GRENGS: Yes, hello? Can you hear me? This is 19 Patrick Grengs. 20 JUDGE TOREM: All right, sir. I'm going to let you go 21 right now. Two minutes. 22 MR. GRENGS: All right. Greetings. I'm a 30-year 23 resident of the Tri-Cities, and I offer my comments. 24 Each of these wind turbines requires approximately 2500 25 tons of concrete for the foundation. The amount of the C02</p>	<p>1 amount of power produced is often significantly less than 2 the calculations from the models. 3 When you have over 260,000 wind turbines around the world 4 that directly change the climate via significant reduction 5 in surface convective air currents which dampen invective 6 atmospheric mixing and nobody from the Sierra Club, Earth 7 First, the IPCC, or the Friends of Global Progress is even 8 bothering to waive a flag of concern, then you can be 9 assured that climate change alarmism is less a matter of 10 science and more a matter of politics and taxpayer financed 11 corporatism. I am fully opposed to the project. Thank you 12 for our opportunity to comment. 13 JUDGE TOREM: Thank you, Mr. Grengs. 14 Jim Atkins, calling again. Are you there? 15 MR. ATKINS: Yes, I'm here. Can you hear me? 16 JUDGE TOREM: I can hear you now, Mr. Atkins. Go ahead. 17 Your two minutes starts now. 18 MR. ATKINS: All right. Thank you. I have sent an email 19 previously, and I will send another one after this. I am 20 opposed to this project, and I am in agreement with the 21 Benton County Commissioners and Dr. Miller. I would also 22 like to know who paid for the Tetra Tech draft habitat 23 mitigation plan. 24 And this project was held pretty quiet until last fall 25 when it kind of got out and people started getting in an</p>
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<p>1 generated to produce this concrete is enormous. The rate of 2 C02 production in terms of windmill installations around the 3 world would place this among the top C02 producing countries 4 were it made measured as such. 5 Insisting that windmills are somehow green is a blatant 6 scam. The turbine blades wear out due to stress fractures 7 and must be replaced over their operating lifetime, anywhere 8 from 15 to 30 years. The blades are similar to airplane 9 wings. They develop microfractures during use -- 10 JUDGE TOREM: Mr. Grengs, can you slow it down just a 11 little bit? Thanks. 12 MR. GRENGS: I will do that, sir. There are no current 13 cost effective methods for recycling the wind blades in 14 spite of the quote from Cynthia Langston of Casper, Wyoming, 15 Solid Waste Management. Some may find the appearance of the 16 turbines to be attractive, thinking only of the 17 instantaneous electricity produced. Others look at the 18 turbines as pollution, destroying the clean, open spaces. 19 The Columbia River Gorge has already been desecrated with 20 these eyesores. 21 Wind turbines change the wind velocity to such an extent 22 that the larger wind farms, the rows of turbines on the 23 trailing end move much more slowly. And as a result, the 24 momentum of the wind being significantly dampened, those 25 turbines out in the front of the wave. In short, the actual</p>	<p>1 uproar about this. Also, Tetra Tech -- I mean, excuse me -- 2 Scout Energy in their comments, they said they did 3 extensive, thorough environmental analysis the last four 4 years. Well, how come now they need to do an environmental 5 impact statement? I would think that if they really cared 6 that much, they would have already done that. 7 And then furthermore, the -- I understand that people are 8 concerned about jobs, but they haven't said if it's union or 9 nonunion work for those guys. But the moneys that 10 Scout Energy throws out there, they're just -- they're not 11 specific. They're not a firm number. It like, Okay, we'll 12 throw this money out there and then maybe they'll jump on 13 it. Here's \$30 million. 14 Here's -- we're not going to -- we're going to pay for 15 property tax money but we're not going to give you 16 production money, you know, that the -- so they're going to 17 make millions and millions and pay us a pittance of the 18 money they make off of these projects, which, as is 19 previously stated, it's all about government subsidies. 20 Thank you very much. 21 JUDGE TOREM: All right. Thank you, Mr. Atkins. 22 The next speakers are going to be Frank Kliewer or Cliver 23 (phonetic) -- I apologize if I'm butchering your name -- and 24 Dennis Simmelink and then Michael Ritter. 25 Frank, with a K, Kliewer or Cliver.</p>



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<p>1 MR. KLIEWER: Yes. That's okay. You're not the first to 2 butcher it. 3 JUDGE TOREM: Help me out here. 4 MR. KLIEWER: That's all right, Judge. Your doing great. 5 And this is an insurmountable task you've got, and I 6 appreciate what you're trying to do. 7 JUDGE TOREM: Let me give you your two minutes, and you do 8 what you need to here. Go ahead, sir. 9 MR. KLIEWER: All right. So I've got a long background in 10 planning and building and all of the mitigations and 11 conditional use permits and so forth. And I find this 12 process to be mind-boggling to see how the local 13 authorities, who are very competent, very capable of 14 managing these environmental studies in managing the 15 planning and the building process are being short-circuited 16 and have been ignored basically. 17 I mean, they're -- tonight we had a couple of minutes from 18 one and a couple minutes from another. And I realize, 19 Judge, you said that there's going to be more and more 20 comments. That was not believed to be the case before the 21 withdrawal of the expedited permit. 22 And I question this whole process. It needs to be brought 23 here locally. Obvious from tonight and all of the comments 24 that have been made, there's a huge, huge opposition. There 25 are many things that need to be studied and looked at more</p>	<p>1 interest. But let me ask you to submit those comments, the 2 data you have in writing. 3 MR. KLIEWER: Yes. 4 JUDGE TOREM: Or in a (inaudible) form if you can mail it. 5 But I'm going to ask you to stop your comments there. 6 MR. KLIEWER: I will do that. And I would invite you to 7 come up to the Horse Heaven Hills and enjoy the best wine 8 there is in the world. And that industry will -- it will 9 create thousands of jobs long term. 10 JUDGE TOREM: Thank you, I appreciate -- 11 MR. KLIEWER: Thousands of jobs. 12 JUDGE TOREM: -- it. We'd love to have a site visit. 13 This is a wind farm, not a wine farm. I know we're just one 14 letter away, but I've got six more commenters to squeeze in 15 here. I appreciate your courtesy. 16 MR. KLIEWER: Thank you for your time, Judge. I 17 appreciate it. 18 JUDGE TOREM: Dennis Simmelink, are you out there? All 19 right. Mr. Simmelink, I'm going to call you again. 20 Next is Michael Ritter followed by Steve Simmons and 21 Rylan -- I think it's Grimer (phonetic) or Grimmer 22 (phonetic). I've seen your name in the comments string. 23 You're going to be up in a few people. 24 Michael Ritter, are you there? 25 MR. RITTER: Yes, I am. And here I go. Are you ready?</p>
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<p>1 carefully. This whole job notion, which is I think the best 2 support it gets, the construction is a short-term job 3 opportunity. And then very few people will do the long-term 4 maintenance. 5 The bigger opportunity for jobs is the unique aspect of 6 the Horse Heaven Hills. And it got touched on by a couple 7 of people in terms of the winery aspect. We have the Horse 8 Heaven Hills AVA which denotes the special soil that we have 9 here. It's better than France. It's better than 10 California. 11 And if the governor, dear Governor Inslee, would just 12 promote with those land tracts that have been identified as 13 being the premier development tracts to the wine industry, 14 we could get wineries up from California, we could get 15 expansion of the vineyards. That land is precious. It's 16 unique because of the geologic conditions that we have. 17 That's why it's superior to the other wine areas. And I 18 could get into the facts and statistics on that, but it's 19 true. 20 JUDGE TOREM: I'm going to ask you -- 21 MR. KLIEWER: The long-term jobs -- 22 JUDGE TOREM: I'm going to ask you, sir -- 23 MR. KLIEWER: Yeah. 24 JUDGE TOREM: If you would -- and I know the interest you 25 have in wine. After hours I'm going to have a similar</p>	<p>1 JUDGE TOREM: All right. Ready. 2 MR. RITTER: All right. Hey, this is Mike Ritter. I'm 3 with the Washington Department of Fish &amp; Wildlife, and I'm 4 the statewide technical lead for wind and solar development, 5 and I live in Kennewick. 6 The Washington Department of Fish &amp; Wildlife will be 7 providing official comments in writing, and the following is 8 taken directly from those comments. 9 The immense size of the project along the Horse Heaven 10 Hills ridge line and the subsequent landscape scale impact 11 to an important habitat and ecological connectivity corridor 12 will be difficult, if not impossible, to mitigate. It is 13 important to note that the lineal Horse Heaven Hills 14 represents some of the last remaining functional and 15 uninterrupted shrub-steppe and natural grasslands in 16 Benton County. 17 The project's location and east/west orientation in the 18 Horse Heaven Hills puts many of the turbines, micrositng 19 corridors, transmission lines, solar arrays, etcetera, in 20 close proximity to and crossing over many of the draws and 21 canyons that provide some of the only native shrub-steppe 22 and grassland habitat in the area as well as crossing over 23 waters of the state. 24 Specifically, the solar, we consider impacts to vegetation 25 inside the fenced area as permanent loss of existing habitat</p>

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<p>1 functions and values in wildlife use. And for solar arrays  2 that have any draws or canyons or ephemeral drainages in  3 them, these areas should be maintained as open and connected  4 to the adjacent off-site habitats. Conservatively, we have  5 calculated 1,555 acres of temporary and permanent impacts.  6 And finally, the Horse Heaven Hills ridge line is an  7 important shrub-steppe habitat and landscape connectivity  8 area. We have worked closely with Benton County and private  9 developers to mitigate previous projects in a way that  10 conserves natural habitats and connectivity.  11 Constructing this project would result in the loss of  12 ecological connectivity and loss of wildlife species. We  13 would ask that the project focus on the south end. And I  14 will conclude there. Thank you so much.  15 JUDGE TOREM: Mr. Ritter, just so I'm clear -- again, this  16 is Judge Torem. Are you speaking on your own behalf or on  17 behalf of the agency?  18 MR. RITTER: On behalf of the agency.  19 JUDGE TOREM: Okay. Thank you. That's important for me  20 to know and for the Council as well.  21 Is Dennis Simmelink available yet?  22 All right. Steve Simmons.  23 MR. SIMMONS: Yes.  24 JUDGE TOREM: Steve Simmons, go ahead. Your two minutes.  25 MR. SIMMONS: So I am -- my name is Steve Simmons, and I</p>	<p>1 well as recreational flood control, medical uses, on-demand  2 energy and load shifting.  3 From my experience as an electrician, I know that the  4 construction of these wind farms are quick and fast jobs,  5 not long-term as has been stated. And from my experience as  6 a maintenance planner, I know that the majority of  7 maintenance jobs on these farms is done by specialized  8 contractors who bring in their own workers.  9 The economic benefits in our area -- to our area's  10 families and public services are being overexaggerated. And  11 I would just want to say that I do agree with the  12 Benton County Commissioners, the Benton County Planning  13 Commission, the gentleman with the comments about the Space  14 Needle, I agree with our Representative Mary Dye and also  15 the gentleman who just had the comments about bringing the  16 argument to our area because there are so many concerns.  17 And I just want to say thank you for your time. And I am a  18 electrician, a local electrician in this area as well.  19 JUDGE TOREM: Thank you, Mr. Simmons.  20 Last call for Dennis Simmelink. All right, sir. If  21 you're having a problem with your mute, Mr. Simmelink, or  22 you're still on the line, please send in your comments in  23 writing.  24 We have three more speakers, and then I've been notified  25 that the Mayor Don Britain wants to be the last speaker.</p>
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<p>1 am a lifetime resident of the Tri-City region, currently  2 live in Franklin County in Pasco. I just wanted to say  3 thank you for letting me have the opportunity to speak  4 tonight.  5 I am opposed to the Horse Heaven Wind Farm project. I  6 feel that we are moving too fast with clean energy  7 production in certain areas and not fast enough in others.  8 It seems that government officials want clean now and they  9 feel that we are following -- just following the green  10 trend.  11 If we sit back and ask ourselves: Do we want this so bad  12 that we are overemphasizing the supposed benefits while we  13 are underemphasizing serious concerns in the name of  14 choosing the green stamp of approval that our state  15 executive department wants so bad?  16 In reality, wind power just doesn't pencil out. We have  17 an abundance of fossil fuel that can be cleanly spent while  18 we develop and implement an energy approach that encompasses  19 all sources of energy and is not rushing subsidized sources  20 such as wind farms to use.  21 We have other sources in our area that produce more  22 benefit to the state, and most importantly to the people of  23 the Tri-City area. We have nuclear and hydropower -- and I  24 would also add in that we used to have coal power -- both of  25 which offer higher and longer-term regional employment as</p>	<p>1 And because no one signed up after him, we'll put him last.  2 You'll get the last word, sir.  3 Rylan Grimmer and then Margaret Hue and then Matt Malin  4 will precede the Mayor.  5 Mr. Grimmer, are you out there?  6 MR. GRIMES: Yeah. This is Rylan Grimes.  7 JUDGE TOREM: All right. Go ahead, sir. Two minutes.  8 And, again, if you can speak at a reasonable rate for the  9 court reporter, we appreciate it.  10 MR. GRIMES: Okay. My name's Rylan Grimes, and I'm a  11 lifelong residence of the Tri-Cities and I'm also the  12 organizer for the International Brotherhood of Electrical  13 Workers Local Union 112 here in Kennewick.  14 Local 112 represents over a thousand electricians in  15 Southeast Washington and Northeast Oregon, and we are in  16 support of this project because of the good-paying jobs it  17 will create both during and after construction.  18 Wind combined with solar and battery storage is a very  19 reliable source of energy generation, and IBW has been  20 proving this all over Oregon. We currently have a couple of  21 projects like this right now down in Moro and Gilliam County  22 in Oregon.  23 When we combine renewable energy with the hydroelectric  24 and the nuclear that we already have, it will give us a  25 healthy amount of diversification in our energy generation</p>

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1 and will keep our grid reliable for decades. The windmills  
2 are nothing new in the Tri-Cities as there have been  
3 windmills in the face of Jumpoff Joe with the Nine Canyon  
4 project since I graduated from high school at Southridge  
5 over 15 years ago. I haven't once looked at them with  
6 disgust. In fact, I look at them with pride knowing that I  
7 worked on a few just like them when I was an apprentice  
8 electrician.

9 IBW Local 112 looks forward to working with Scout Clean  
10 Energy and their electrical contractor to successfully  
11 complete this project in the near future. Thank you.

12 JUDGE TOREM: Mr. Grimes, is that it?

13 MR. GRIMES: That is it.

14 JUDGE TOREM: All right. Perfect. I wasn't sure the way  
15 you left off there.

16 Margaret Hue, Matt Malin are next.

17 Ms. Hue?

18 MS. HUE: I'm trying to find it.

19 JUDGE TOREM: I see you on the screen there, Ms. Hue. Let  
20 me know when you're ready.

21 MS. HUE: I'm trying to find the microphone. There. Am I  
22 on? Okay.

23 JUDGE TOREM: Yes, you're on.

24 MS. HUE: Okay. I didn't know that.

25 JUDGE TOREM: All right.

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1 Well, in 1988, I lost a lot of crops. I -- and in a  
2 paraquat application that was made in August of 1988 was  
3 important because it ended up drifting over 400 square miles  
4 of Tri-Cities. And with that, the comprehensive  
5 meteorological analysis of a pesticide incident was written  
6 by Battelle Northwest, which did a lot of study on the  
7 topography and the terrain and how the winds come down into  
8 the canyons and they circle around on the other side of the  
9 hill. And with that, we are going to have so much noise  
10 from 140 turbines when the majority of those are at 2,000  
11 feet, somebody said 1500 but they're 2,000 feet coming into  
12 the canyon down the --

13 JUDGE TOREM: Ms. Hue, we're running past your time. Can  
14 you sum up for me, please?

15 MS. HUE: So I just think that there is a critical piece  
16 of information from Battelle Northwest that is a meteorology  
17 study on winds and the -- and the air movement off of Horse  
18 Heavens and that is going to significantly cause a lot of  
19 noise problems in Badger Canyon.

20 JUDGE TOREM: Okay. Thank you, Ms. Hue. I'm going to  
21 have to cut you off there.

22 MS. HUE: That's okay. (Inaudible).

23 JUDGE TOREM: Matt Malin, are you on the line?

24 MS. HUE: I've submitted a long letter to you.

25 JUDGE TOREM: Excellent. We will read it.

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1 MS. HUE: Okay.

2 JUDGE TOREM: Go ahead. I'll start your two minutes now.

3 MS. HUE: All right. Well, thank you for letting me speak  
4 here. I live in Badger Canyon, and Badger Canyon is about  
5 13 miles long, and it's from I-82 and it goes around and  
6 meets at Kiona. So where about 140 of these machines are  
7 planning on going are right above me.

8 And people have said, "Oh, nobody's going to see these,"  
9 but they're absolutely wrong because some of these are --  
10 when I took Scout's map and enlarged, it said that some of  
11 these are going in at 500 foot level. That is inside of our  
12 Badger Canyon.

13 And Badger Canyon used to be the Yakima River before the  
14 Montana floods. So you get an idea of the train. We have  
15 hills on both sides. And some open up a little bit more,  
16 but we're long and narrow.

17 Well, with that we're -- in 1948, airplanes started  
18 applying herbicides, 2,4,5-T herbicide to the hills. And  
19 this is significant because it drifted onto grapes and wiped  
20 out grape fields and farms from Kiona all the way to Henley.  
21 Now, with that there is a lot of turmoil and back and forth.  
22 But not until the 1980s when they started using other  
23 herbicides. That has affected diversified all agriculture  
24 that was not growing wheat. And these were all wheat  
25 herbicides.

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1 MS. HUE: Thank you.

2 JUDGE TOREM: Matt Malin, are you out there? Matt Malin?  
3 Going once. Going twice. Because I promised the Mayor he'd  
4 be last, I can't call you again. Matt Malin, last call.

5 All right. Mr. Malin, if you have any comments if you're  
6 still on the line, please submit them in writing.

7 Mayor Don Britain, are you on the line?

8 MAYOR BRITAIN: I am. Can you hear me?

9 JUDGE TOREM: Sir?

10 MAYOR BRITAIN: Hello? Can you hear me?

11 JUDGE TOREM: Hello. I can hear you. You're our last two  
12 minutes. I'd ask you to give us the courtesy of making it  
13 two minutes. I'll cut you off and let you know when we get  
14 there. Two minutes, go ahead, sir.

15 MAYOR BRITAIN: Judge, it will be less. I appreciate you  
16 placing me last. I was traveling all day today, and I was  
17 not sure when I'd be back in town.

18 The City of Kennewick had prepared and submitted a letter,  
19 which I was going to read into the record tonight opposing  
20 Scout Energy's request for expedited review. However, since  
21 Scout's now withdrawn that application, and in fairness and  
22 respect for the time tonight, I am not going to read that  
23 into the record.

24 But I do want to state that the primary reason for the  
25 opposition of the expedited review process was to be in

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alignment with the Washington 2021 State Energy Strategy that identified the need for maximum outreach to communities, public involvement, and environmental impacts.

So with that, I just wanted to say that. I appreciate your time and effort and your patience tonight during this long public comment. You did a great job. And thank you for the opportunity to speak.

JUDGE TOREM: Thank you, Mayor.

Chair Drew, I think that is the end of our public comment listing. It's now 8:19 p.m. I'm going to suggest we take another ten-minute break, make sure the applicant and the County are ready to go at 8:30 for the land use consistency hearing.

Is there anything else that the chair wants to do before we close the public comment hearing that we've been on since 5:30 p.m.?

CHAIRPERSON DREW: No. I think that's an excellent suggestion. And I appreciate everybody's comments tonight and patience with a different kind of communication. And we are all here listening to your comments, and we will be reviewing all the written comments as well.

And with that, we will close the public information meeting. And we will come back at 8:30 for the land use consistency --

JUDGE TOREM: We're at 8:20. We're closing that public

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## C E R T I F I C A T E

STATE OF WASHINGTON )

)

COUNTY OF KING )

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings or other legal recordings were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including any changes made by the trial judge reviewing the transcript; that I received the electronic recording directly from the trial court conducting the hearing; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, 2021.

*Katherine VanGrinsven*

Katherine VanGrinsven, WA CCR No. 3415



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information and comment hearing. Thank you all. We're off the record at this point. We'll come back in ten minutes and I'll then formally open with the chair the land use consistency hearing. Back in ten minutes. Thank you.  
(Conclusion of Public Information and Comment Hearing)

-o0o-

**Land Use Consistency Hearing**

**Scout Clean Energy-Horse Heaven Hills Wind Project**

**March 30, 2021**



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DRAFT - UNAPPROVED COUNCIL MEETING MINUTES

Land Use Consistency Hearing - 3/30/2021

<p style="text-align: right;">Page 1</p> <hr/> <p>HORSE HEAVEN WIND FARM LAND USE CONSISTENCY HEARING Docket No. EF-210011 March 30, 2021 Administrative Judge Adam Torem Presiding</p> <hr/> <p>PRESENT AT HEARING: Chairperson Kathleen Drew Councilmember Stacey Brewster Utilities and Transportation Commission</p> <p>Councilmember Robert Dengel Department of Ecology Councilmember Michael Livingston Department of Fish and Wildlife</p> <p>Councilmember Kate Kelly State Department of Commerce Councilmember Derek Sandison State Department of Agriculture</p> <p>Councilmember Ed Brost Benton County Representative Bill Sherman Assistant Attorney General, Counsel for the Environment</p> <p>Timothy McMahan Attorney, Stoel Rives, representing Scout Clean Energy Ryan Brown, Benton County Deputy Prosecutor Sonia Bumpus, EFSEC Manager ~ Official Transcript of Recording ~ REPORTED BY: Marjorie Jackson, CET</p>	<p style="text-align: right;">Page 3</p> <p>1 electronically, by mail, through the EFSEC portal. 2 Staff will describe that process again, how to comment 3 on land use, and the rules as we begin the hearing in 4 just a couple minutes. So bear with us. We're running 5 about an hour past the budgeted time tonight, but we'll 6 stay with this and, hopefully, about an hour for the 7 Land Use Consistency hearing and maybe a little bit 8 longer, depending on comments. And please realize that 9 the Applicant has withdrawn their request for expedited 10 processing, so this discussion of land use tonight is 11 just the beginning of a focus on whether or not this 12 complies and is consistent with local land use 13 ordinances and zoning rules and regulations. We'll be 14 on the record in just a few minutes. 15 (Recess) 16 CHAIRPERSON DREW: Judge Torem, are you ready to begin 17 the Land Use Consistency hearing? 18 JUDGE TOREM: I was about to click my unmute button. 19 You beat me to it, Chair Drew. 20 CHAIRPERSON DREW: Trying to be timely. It's a long 21 evening, and I appreciate all those who are 22 participating with this. As required by 23 RCW 80.50.090(2) and WAC 463-26-050 and WAC 463 -- 24 that's Washington Administrative Code 463-26-060, I will 25 call to order this Land Use Consistency hearing. And</p>
<p style="text-align: right;">Page 2</p> <p>1 -o0o- 2 March 30, 2021 3 4 JUDGE TOREM: Good evening, everyone. I think we 5 still have over a hundred people with us. This is the 6 Energy Facility Site Evaluation Council's set of 7 hearings tonight on the Horse Heaven Wind Farm Project. 8 We just completed, about 7, 8 minutes ago, the public 9 information meeting. We're on a break right now until 10 8:30, just a few minutes away. My name is Adam Torem. 11 I am the administrative law judge presiding over these 12 hearings tonight. We're about to start the Land Use 13 Consistency hearing at 8:30 p.m. 14 I anticipate that should go at least an hour. We're 15 going to have an opportunity to hear a roll call of the 16 EFSEC Council to make sure we have a quorum. We're 17 going to hear from the Applicant. We're going to hear 18 from Benton County, and we may have some public comment, 19 land use comments as well. 20 This is a specific, very focused topic. It's not 21 about general concerns. That was the previous meeting. 22 This meeting is going to focus on land use, zoning and 23 those kinds of issues. So if you already commented in a 24 general way, there is no need to comment again in this 25 matter. You can submit your land use comments</p>	<p style="text-align: right;">Page 4</p> <p>1 during this hearing, the public will be given an 2 opportunity to provide testimony regarding the proposed 3 projects, consistency and compliance with land use plans 4 and zoning ordinances. 5 And with that, I will ask the clerk to call the roll 6 of the Council. 7 THE CLERK: Department of Commerce? 8 COUNCILMEMBER KELLY: Kate Kelly, present. 9 THE CLERK: Department of Ecology? 10 COUNCILMEMBER DENGEL: Rob Dengel, present. 11 THE CLERK: Department of Fish and Wildlife. 12 COUNCILMEMBER LIVINGSTON: Mike Livingston, present. 13 THE CLERK: Department of Natural Resources. 14 (No audible reply) 15 THE CLERK: Utilities and Transportation Commission? 16 COUNCILMEMBER BREWSTER: Stacey Brewster, present. 17 THE CLERK: For the Horse Heaven project, Derek 18 Sandison. 19 MR. SANDISON: Derek Sandison, present. 20 THE CLERK: Ed Brost. 21 COUNCILMEMBER BROST: Present. 22 THE CLERK: Chair, I believe we have a quorum for the 23 Council and for the Horse Heaven Council. 24 CHAIRPERSON DREW: Thank you. Judge Torem. 25 JUDGE TOREM: Thank you, Chair Drew. Again, my name</p>

**DRAFT - UNAPPROVED COUNCIL MEETING MINUTES**  
**Land Use Consistency Hearing - 3/30/2021**

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<p>1 is Adam Torem. I'm an administrative law judge, and 2 this is the Land Use Consistency hearing for the 3 Washington Energy Facility Site Evaluation Council. 4 This is regarding Docket No. DF-210011. This is an 5 application filed by Scout Clean Energy back on February 6 8th of 2021. The siting council has appointed me to 7 facilitate the proceedings in this matter, and I'm 8 presiding over tonight's land use hearing. 9 As the Chair said, this is being held pursuant to 10 Revised Code of Washington 80.50.090 and Title 463 of 11 the Washington Administrative Code or the WAC. This 12 public hearing is being held online due to some ongoing 13 health restrictions we have all become too familiar 14 with. It's necessary due to the COVID-19 Coronavirus 15 pandemic. 16 Council would normally be local in Benton County for 17 these types of public hearings, and the Council does 18 hope to be in your community later in this process 19 whenever the health and well-being circumstances allow. 20 Notice of this particular land use hearing was published 21 in your local newspapers, in the Tri-City Herald and in 22 the Corvallis Gazette Times. 23 If you, as an individual, want to ensure you're 24 notified and informed about all future EFSEC proceedings 25 in this Horse Heaven Wind Farm Project proceeding, make</p>	<p>1 whether this proposed Horse Heaven Wind Farm Project is 2 and was consistent with local and regional land use 3 plans and zoning ordinances. The Applicant, Scout Clean 4 Energy, submitted their application to construct and 5 operate a 1,150 megawatt wind turbine and solar 6 electrical generation facility in Benton County, 7 Washington. Again, that's 1,150 megawatts, as the name 8 plate generation level. 9 This Council, the Energy Facility Site Evaluation 10 Council, or EFSEC, the rules allow for the Applicant to 11 provide what's called a certificate from the local 12 authorities attesting to the fact that their proposal is 13 consistent and in compliance with County or regional 14 land use plans and zoning ordinances. That has not been 15 provided, but if it is, whether tonight or at some later 16 date, that certificate will be regarded as prima facie 17 proof and evidence of land use consistency. So that 18 means they will have carried their burden if they can 19 present such a certificate, meaning that County is also 20 in agreement and saying that this project is consistent 21 with your local codes, ordinances and land use plans. 22 Now, if Scout Clean Energy does not or cannot provide 23 such a land use consistency certificate from the County 24 and they do not demonstrate compliance with local land 25 use plans and zoning ordinances, then this Council will</p>
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<p>1 sure you sign up on the EFSEC website and you will be 2 getting email notices and you will be notified of every 3 proceeding that's going on, and perhaps even every 4 document that's filed so you can review it. There are 5 public documents on the Energy Siting Council website. 6 That's <a href="http://www.efsec.org">www.efsec.org</a> -- E-F-S-E-C -- .wa.gov. 7 We have already called the roll and established there 8 is a quorum. Tonight there is not going to be a vote or 9 decision on Land Use Consistency. I want that to be 10 clear. Both sides here, the Applicant and Benton 11 County, have filed legal briefs, and the Council will be 12 taking those under consideration after they hear the 13 presentations tonight, and they will also be reviewing 14 any public comments. 15 We're going to take public testimony in this 16 particular hearing. It's not just a comment. So the 17 testimony, if it's given by any witnesses -- again, not 18 by the attorneys that might be making their points in 19 presentations -- but I will swear in each individual to 20 give their testimony so it's sworn. It can be taken 21 tonight orally in the hearing. You can submit also 22 written comments and electronic comments. 23 The focus of these comments should be with regard to 24 whether, at this time of the application -- and again 25 that's as of the laws in effect on February 8, 2021 --</p>	<p>1 have to request testimony from the County -- sworn 2 testimony, not just a summary presentation by the County 3 Prosecutor's office tonight -- and only after hearing 4 sworn testimony, subject to cross-examination as well, 5 received throughout the process and in consideration of 6 comments, only then will the Council take and make a 7 determination about zoning and land use consistency. 8 Tonight, in addition to those presentations, we have 9 Assistant Attorney General Bill Sherman. He's known as 10 Council for the environment. He has a separate interest 11 in land use issues, as well, as counsel for the 12 environment. And for the record tonight, Mr. Sherman, 13 if you're still with us -- I know you were at the 14 previous public information meeting -- if you're here I 15 would like you to introduce yourself for this audience 16 and this record and briefly explain your duties under 17 Revised Code of Washington Chapter 80.50 for those that 18 are still listening and present tonight. 19 Mr. Sherman, are you out there? 20 MR. SHERMAN: Thank you, Judge. Yes, I'm here. So, 21 again, my name is Bill Sherman. I am an Assistant 22 Attorney General with the Washington State Attorney 23 General's Office. I am the division chief at the 24 Environmental Protection Division of our office. And 25 under state law, the Attorney General is authorized to</p>

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<p>1 appoint a counsel for the environment for projects like 2 this. Under state law, my role is to represent the 3 public and its interest in protecting the quality of the 4 environment in EFSEC proceedings. I will put that legal 5 citation to the law that authorizes this appointment and 6 my email address in the chat thread. 7 Thank you very much, Judge. 8 JUDGE TOREM: Mr. Sherman, we will look for that 9 information in the chat thread. Part of your audio cut 10 out at least on my end. And I know we're bearing with 11 some technical difficulties tonight. 12 MR. SHERMAN: I'm sorry, Judge. Is there a portion 13 that would be helpful for me to repeat? 14 JUDGE TOREM: Anything you said that I didn't hear 15 came after you said you would put something in the chat 16 thread. If you want to repeat from there, sir. 17 MR. SHERMAN: I think all I said was, "That's it." 18 JUDGE TOREM: Okay. 19 MR. SHERMAN: I don't think I had anything to say 20 after that. Thank you for checking. 21 JUDGE TOREM: Thank you. Those two words didn't get 22 to me, and they were not the most important words but 23 indicative of when you were done. Thank you, 24 Mr. Sherman. 25 MR. SHERMAN: Thank you.</p>	<p>1 MR. BROWN: Yes, I may not take that long since Scout 2 withdrew its request for expedited processing, but that 3 will be the maximum amount I would take. 4 JUDGE TOREM: All right. Mr. Brown, I might hold you 5 to that. You're right, in that notice today -- or we 6 got notice yesterday that the expedited processing was 7 being withdrawn and that a full environmental review 8 would be conducted on this project and environmental 9 impact statement. And I am sure that Mr. McMahan will 10 address that as well. 11 Does the Council or the Chair have any questions or 12 comments before I turn it over to the Applicant and the 13 County? 14 (No audible reply) 15 JUDGE TOREM: Hearing none, I am going to remind our 16 representatives of the parties to speak slowly and 17 deliberately. We do have a court reporter even though 18 you can't see her. She's been through enough already 19 tonight with the public comment hearing, and have mercy. 20 Mr. McMahan, I turn the floor over to you. We will 21 see if you go 15 minutes, and let me know if you need 22 more or less. Go ahead, sir. 23 MR. McMAHAN: Thank you, Your Honor. And I do have a 24 tendency to talk fast, so I will take that direction 25 seriously. Judge Torem, Chair Drew, members of the</p>
Page 10	Page 12
<p>1 JUDGE TOREM: All right. Again, this land use hearing 2 is a separate process from the earlier public comment 3 and information hearing. So, again, as I said, we're 4 focusing now on only one narrow aspect of the project, 5 the land use consistency. And we're going to begin with 6 some presentations first from the Applicant and then 7 from the County, from Benton County. I believe we have 8 on the line legal counsel for Scout Clean Energy. I am 9 anticipating hearing from Tim McMahan, a partner with 10 Stoel Rives, LLP, in Portland, Oregon. 11 Mr. McMahan, are you on the line? 12 MR. McMAHAN: Yes, I am, Judge Torem. Thank you. 13 JUDGE TOREM: And once we hear from Mr. McMahan, I 14 believe we're going to hear from the County attorney, 15 Chief Deputy Prosecutor in the Civil Division, Ryan 16 Brown. 17 Mr. Brown, are you on the line? 18 MR. BROWN: Yes, I'm here. Can you hear me? 19 JUDGE TOREM: I understand, gentlemen, that you're 20 each going to take about 15 minutes to make your 21 presentation. That's what we budgeted. 22 Mr. McMahan, is that going to be sufficient? 23 MR. McMAHAN: That should. Thank you, Your Honor. 24 JUDGE TOREM: And, Mr. Brown, is that going to work 25 for you, as well?</p>	<p>1 Council, thank you for this opportunity to present this 2 evening. We did file a hearing memorandum in the early 3 morning hours of last Friday. Our circulation wasn't 4 perfect. I apologize to Ryan about the way that it was 5 circulated, but in any event we did each receive each 6 other's presentations, and I don't anticipate any 7 objection from either of us with respect to that matter. 8 As Judge Torem indicated, Scout has withdrawn its 9 request for expedited processing, which makes this 10 hearing a lot less exciting than it would otherwise have 11 been. Scout does not at this time intend to submit 12 testimony concerning specific land use code provisions. 13 We will not repeat the content in our land use 14 memorandum, and we concur with the County's attorney 15 that an adjudicative hearing will be held later in this 16 process to address these and other requirements and 17 criteria, specifically the CUP criteria found in the 18 Benton County code. That is not something we intend to 19 address tonight; although we have written a summary 20 judgment response to those criteria in the second half 21 or so of our adjudicative hearing memorandum. 22 An adjudicative hearing is outside the scope of what 23 is needed at this time and would be quite redundant with 24 a later process that we, I think, agree on that will be 25 informed by SEPA and will be informed by a full</p>

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<p style="text-align: right;">Page 13</p> <p>1 evaluation of the ESC at that time.</p> <p>2 As I understand it, the County's argument,</p> <p>3 essentially, just even setting aside the consistency --</p> <p>4 excuse me -- the expedited processing issue, is that the</p> <p>5 County disagrees with the Council's inquiry as explained</p> <p>6 in the Columbia Solar order, which I will talk about in</p> <p>7 a minute. The County takes issue with the expedited</p> <p>8 processing which, of course, is now mute. And there is</p> <p>9 a contention that a -- what we consider to be a somewhat</p> <p>10 debatable lot setback standard, which is not a land use</p> <p>11 zoning allowance question, may or may not have been</p> <p>12 accurately addressed in the application. We appreciate</p> <p>13 the comment that the County submitted and we will</p> <p>14 certainly look to ensuring that our narrative and the</p> <p>15 approach that we're taking to development conforms with</p> <p>16 that standard.</p> <p>17 So the Council's approach to land use consistency is</p> <p>18 not, as I indicated, it is not a land use adjudication,</p> <p>19 but it is a limited and very discreet inquiry at this</p> <p>20 point in time. As Judge Torem indicated under the EFSEC</p> <p>21 statute, 80.50.090(2), the question at this time is</p> <p>22 whether or not the proposed site is consistent and in</p> <p>23 compliance with city, county and regional land use plans</p> <p>24 or -- I emphasize "or" zoning ordinances, and prior to</p> <p>25 the issuance of the Council's recommendation to the</p>	<p style="text-align: right;">Page 15</p> <p>1 paragraph number 35, where the order explains the test</p> <p>2 for consistency and compliance. It states, "Under the</p> <p>3 test for land use consistency previously established by</p> <p>4 the Council, the Council considers whether the pertinent</p> <p>5 land use provisions "prohibit" -- and that's in</p> <p>6 quotes -- "the sites expressly or by operation, clearly,</p> <p>7 convincingly and unequivocally. If a site can be</p> <p>8 permitted either outright or conditionally, it is</p> <p>9 consistent and in compliance with the land use</p> <p>10 provisions."</p> <p>11 This project, this site can be permitted</p> <p>12 conditionally, consistent with the County's code. We</p> <p>13 did append to our land use memorandum discussion -- it</p> <p>14 was in email really -- from the County planning director</p> <p>15 that certainly indicated that the use is allowable</p> <p>16 conditionally under the conditional use criteria in the</p> <p>17 County code. So I really don't think that there is much</p> <p>18 to dispute about that at this point in time.</p> <p>19 As we understand it, the County's primary contention</p> <p>20 here is with the previous abbreviated consistency and</p> <p>21 compliance standard that's applicable to expedited</p> <p>22 permitting. The County argues that there is no</p> <p>23 statutory or regulatory support for the standard, and</p> <p>24 that Scout, by seeking expedited processing, which is</p> <p>25 now moot, is somehow dispensing with an adjudicative</p>
<p style="text-align: right;">Page 14</p> <p>1 Governor, a public hearing conducted as an adjudicative</p> <p>2 proceeding will be held. So that is not, again, being</p> <p>3 held tonight.</p> <p>4 At the time -- excuse me. The statute -- the EFSEC</p> <p>5 rules that frame the purpose of the land use hearing</p> <p>6 indicate that the purpose is to determine whether at the</p> <p>7 time of the application the proposed facility was</p> <p>8 consistent and in compliance with land use plans and</p> <p>9 zoning.</p> <p>10 Now, at the time of the application the only thing</p> <p>11 that can be ascertained is whether a use is allowable,</p> <p>12 not whether it complies with all the specific land use</p> <p>13 criteria. That's what the adjudication is for at a</p> <p>14 later time.</p> <p>15 We have, as I indicated, evaluated in the second half</p> <p>16 of the memorandum the County's specific conditional use</p> <p>17 permit criteria, but we don't intend to go into that at</p> <p>18 all really this evening because that is the subject of</p> <p>19 later adjudication. As I indicated before, if we were</p> <p>20 still pursuing expedited permitting, this would be a</p> <p>21 rather different conversation than I think we're having</p> <p>22 this evening.</p> <p>23 I am now just going to quote from what really is the</p> <p>24 most recent and controlling authority on what this all</p> <p>25 means. It was from the TUUSSO Columbia Solar order,</p>	<p style="text-align: right;">Page 16</p> <p>1 hearing.</p> <p>2 So in terms of the statutory support, RCW 50 -- or</p> <p>3 80.50 concerning expedited permitting expressly</p> <p>4 references the public hearing provision in</p> <p>5 RCW 80.50.090. So the legislature clearly intended that</p> <p>6 for the inquiry of consistency under Section 090. The</p> <p>7 decision would be based upon an adjudicative public</p> <p>8 hearing that's referenced in that statute. So the</p> <p>9 Council does have the authority to conduct multiple</p> <p>10 hearings, really, but certainly an adjudication dealing</p> <p>11 with land use compliance at a later time.</p> <p>12 Deference to EFSEC's interpretation. EFSEC's</p> <p>13 interpretation of the statute in WAC 463-26 is entitled</p> <p>14 to substantial deference. The Washington Supreme Court</p> <p>15 has been clear on giving great deference to an agency's</p> <p>16 interpretation of its own promulgated regulations. And</p> <p>17 that would be -- there is ample law controlling that,</p> <p>18 which I can certainly provide the citations to.</p> <p>19 An adjudicative hearing will be held, as I've</p> <p>20 indicated and as Judge Torem indicated. The Council may</p> <p>21 hold, also, "additional public hearings," under the</p> <p>22 statute as deemed necessary, and an adjudicative hearing</p> <p>23 will be held. This is how the process is actually</p> <p>24 intended to unfold. So the adjudicative hearing will</p> <p>25 allow an evidence-based level of unbiased objectivity</p>



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<p>1 informed by a robust SEPA review, none of which is</p> <p>2 possible for this project in Benton County.</p> <p>3 Now, there have been several comments indicating that</p> <p>4 the project should be permitted locally. Well, we have</p> <p>5 heard the County commissioners indicate that they oppose</p> <p>6 the project and we have heard opposing testimony from</p> <p>7 the planning director. So I think it's clear enough why</p> <p>8 we're here seeking a fair and objective review by EFSEC</p> <p>9 versus the County.</p> <p>10 Finally, concerning preemption, ultimately the</p> <p>11 legislature directed that EFSEC and not the local</p> <p>12 jurisdiction would be the ultimate decision-maker to the</p> <p>13 siting and that land use consistency, while relevant in</p> <p>14 a Council's analysis, may also be preempted under</p> <p>15 RCW 50 -- or 80.50.110, WAC 463-28-010 and 020. For the</p> <p>16 court reporter I am hopeful that that was slow enough.</p> <p>17 And then finally there is this issue about setbacks.</p> <p>18 Again, we appreciate the comment from the County. We</p> <p>19 believe that we have indicated compliance and how we</p> <p>20 will comply with the setback. The setback, however, is</p> <p>21 not a zoning -- land use zoning ordinance within the</p> <p>22 meaning of the statute dealing with land use</p> <p>23 consistency.</p> <p>24 So I do want to comment briefly about Mr. Wendt's and</p> <p>25 Ms. Cooke's statements at the beginning of the hearing</p>	<p>1 that within the meaning of the statute and the Columbia</p> <p>2 Solar order, that the project is, in fact, consistent</p> <p>3 with pertinent local land use provisions. They do not</p> <p>4 prohibit the sites expressly or by operation,</p> <p>5 convincingly or unequivocally and, therefore, the</p> <p>6 project is, for this purpose of this proceeding at this</p> <p>7 point in time, to be considered consistent with land</p> <p>8 use. Thank you.</p> <p>9 JUDGE TOREM: Mr. McMahan, I appreciate being concise.</p> <p>10 That was 11 minutes, which is perfect.</p> <p>11 Mr. Brown, you're up. Go ahead, sir.</p> <p>12 MR. BROWN: Good evening. Ryan Brown, Deputy</p> <p>13 Prosecuting Attorney on behalf of Benton County. Given</p> <p>14 the Applicant's withdrawal of its request for expedited</p> <p>15 processing and the late hour that's in front of us, I</p> <p>16 will rely primarily on the written materials I submitted</p> <p>17 to the Council and will keep my comments brief tonight.</p> <p>18 As I understand this land use portion of the hearing,</p> <p>19 the determination now is not for purposes of determining</p> <p>20 if expedited processing will be granted. Rather, it is</p> <p>21 to identify the applicable local land use laws and the</p> <p>22 application status under the laws as of today's date or</p> <p>23 the date of their application to make clear that the</p> <p>24 project won't be judged based on new local land use</p> <p>25 provisions maybe adopted by the County at a later date.</p>
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<p>1 this evening concerning the Growth Management Act,</p> <p>2 preservation of the agricultural land use as some</p> <p>3 indication that this use is not allowable. The Growth</p> <p>4 Management Act does not control. The local development</p> <p>5 per se in this County actually does have a code that</p> <p>6 allows wind generation facilities and the other -- the</p> <p>7 solar facility and the storage facility under the</p> <p>8 condition use criteria.</p> <p>9 The County plan does have language in it concerning</p> <p>10 natural resource areas, tourism, rural character and the</p> <p>11 like. Again, the issue at this point in time is not</p> <p>12 whether or not this project is consistent with any</p> <p>13 specific comprehensive plan provisions, but whether or</p> <p>14 not comprehensive plan provisions somehow disallow the</p> <p>15 use as an allowable use versus a prohibited use.</p> <p>16 There's a vague and general indication that the</p> <p>17 project does not comply with the zoning ordinance.</p> <p>18 That's not something we understand, nor is it reflected</p> <p>19 in the narrative that we have attached to our memorandum</p> <p>20 from the conversations that we had with the planning</p> <p>21 department. And then just general concerns about the</p> <p>22 critical areas, regulations and ordinance that we will</p> <p>23 certainly address as we move forward.</p> <p>24 So at this point in time, that is the summary of</p> <p>25 Scout's position on land use consistency. We believe</p>	<p>1 The intent of my comments, therefore, are to describe</p> <p>2 the local zoning for this land and the proposed use by</p> <p>3 the Applicant just so we are all clear as to if and how</p> <p>4 the project would be evaluated by the County if the</p> <p>5 Applicant had not chosen to submit its application to</p> <p>6 Council but rather had submitted it through the normal</p> <p>7 process to our planning department. And then in doing</p> <p>8 so, allow you to determine at the appropriate point if</p> <p>9 the project is consistent with and in compliance with</p> <p>10 County zoning.</p> <p>11 There is no disagreement by anyone that the zoning for</p> <p>12 this project is the County's Growth Management Act</p> <p>13 agricultural zone and the project before you constitutes</p> <p>14 a use identified in that zoning code as a use that would</p> <p>15 only be allowed in that zone upon receipt of a</p> <p>16 conditional use permit.</p> <p>17 That permit, if Scout had applied to Benton County,</p> <p>18 might or might not have been issued. That would have</p> <p>19 been decided after an evidentiary hearing before the</p> <p>20 County's hearing examiner. The burden of proof would</p> <p>21 have been on Scout at that hearing, and I assume it will</p> <p>22 be at the adjudicatory hearing that is going to be held</p> <p>23 by EFSEC, and they would have had to show or</p> <p>24 demonstrate, present evidence to allow the hearing</p> <p>25 examiner or, in this case, EFSEC to make five</p>

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<p>1 conclusions in order for Scout to get that conditional 2 use permit. 3 They would have to demonstrate that the use is 4 compatible with the surrounding uses in the area. 5 Second, they would have to demonstrate and present 6 evidence that the use would avoid materially endangering 7 the health, safety and welfare of the surrounding 8 community. Three, they would have to present evidence 9 to allow a finding that the use will not cause traffic 10 in the area to conflict with current traffic patterns. 11 Fourth, they would have to present evidence that the use 12 of the project does not adversely affect public services 13 in the area. And lastly, fifth, they have to 14 demonstrate that the project would not hinder or 15 discourage development in the area, which, frankly, is 16 probably one of the biggest problems they're going to 17 have, to demonstrate that they would be entitled to a 18 conditional use permit and would be able to undergo this 19 project under the Benton County code. 20 Mr. McMahan stated that it's his understanding -- and 21 it's mine, too -- I just want to confirm that the 22 compliance or satisfaction of those conditions will be 23 the subject of the Council's adjudicatory hearing that 24 will be held later, and that's fine with the County. 25 But it's our position in that case, there's no reason to</p>	<p>1 whether sufficient conditions could be imposed so as to 2 address the problems created by this project or whether 3 the project simply needs to be denied. The County 4 believes at this point, particularly based on the type 5 of testimony and evidence you heard from the public 6 earlier this evening, that you will receive evidence at 7 the adjudicatory hearing that would require the denial 8 of the conditional use under the Benton County code 9 criteria. 10 At best, the County believes it is premature for the 11 Council to determine at this point if the project 12 actually is in compliance with the Benton County code as 13 far as whether the proposed use would be allowed or not. 14 Based on what you have heard from the public tonight, we 15 think it probably does not meet the criteria. 16 Just briefly on the setbacks, as outlined in the 17 County's brief, we would like to point out that even if 18 use were an outright allowed use under the County code, 19 the project as proposed is not consistent with the 20 specific County zoning standards regarding setback 21 requirements. The Applicant proposes that its solar ray 22 infrastructure be constructed to span parcel boundaries, 23 which clearly violates the Benton County's code section 24 requiring all structures associated with solar power or 25 generator facilities be set back from all parcel side</p>
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<p>1 issue an order now that the project is consistent with 2 the zoning because we don't know that until the evidence 3 is in, and we don't think that the Council should issue 4 that order now based on what we believe is an erroneous 5 legal test set forth in the TUUSSO opinion that was 6 quoted by Mr. McMahan and, frankly, is not supported by 7 any legal authority and is contrary to the language of 8 the statute. It's not to be a finding of whether this 9 might allowed under the local zoning. It's whether it 10 is in compliance and, frankly, none of us will know that 11 until all the evidence is received at the adjudicatory 12 hearing. 13 It's for those reasons the County was opposed to the 14 request for expedited processing because that hearing, 15 either before the County hearing examiner or before this 16 Council, has not been held in order to allow people to 17 offer evidence in opposition and present evidence on 18 those five criteria for a conditional use. 19 Whether the project is allowed under the local zoning 20 would be entirely dependent on the evidence received in 21 an evidentiary hearing, which the Council, as opposed to 22 the County's hearing examiner, will now hold at some 23 point in the future. 24 After receiving that evidence, the Council and the 25 Governor will have the information needed to determine</p>	<p>1 and rear boundaries. 2 And, finally, it's important to note that, if 3 approved, this project would become the permanent use of 4 approximately 7,000 acres within the County's Growth 5 Management Act agricultural zoning district. All land 6 within that district had been designated as prime 7 agricultural land of long-term commercial significance. 8 This was done as required by the Growth Management Act 9 and its mandate to local governments to take necessary 10 steps to maintain and enhance the local agricultural 11 industry, to conserve productive agricultural lands and 12 to discourage incompatible uses. 13 The County is very concerned that a proposal that 14 displaces nearly 7,000 acres or over 1 percent of the 15 County's prime ag land is directly at odds with the 16 intent of the Growth Management Act and the County's 17 land use plan and ordinances that implement the Act's 18 goals and mandates. 19 For all these reasons, the County looks forward to the 20 Council's evidentiary hearing that will afford the 21 County and other interested parties the opportunity to 22 develop the record as far as the project's potential 23 long-term impacts on the every-so-important agricultural 24 industry of Benton County. And it will allow the people 25 of Benton County an opportunity to provide evidence of</p>

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the various impacts that they will suffer from the project if it is approved, whether those be esthetic impacts or health impacts from light flicker and noise. No one here has a crystal ball. Maybe no credible evidence will be submitted to you to reflect these adverse impacts of the project, but the County ventures to guess that you will receive credible evidence regarding these and potentially other significant concerns of such magnitude that you can't address them through conditions of approval and that the Council will need to deny the project. But whichever the case may be, we're glad that it has been settled that an evidentiary hearing will be held to give the people the opportunity to present evidence of their concerns and for the Council to receive all the evidence necessary in order to make the appropriate findings and recommendation to the Governor.

In closing, I would just like to note that, for the people of Benton County, this is not some minor project, as you can tell from the turnout tonight. The Applicant proposes to put over 200 Space Needle magnitude structures on our horizon that will produce light flicker, noise and that will kill wildlife, in addition to taking thousands of acres of designated -- land designated as prime ag land out of potential service.

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This is difficult, obviously, for us and it's just as difficult for you to hear and understand the nature of everything going on over the phone and over Skype. I believe the Council is switching to Microsoft Teams in the future. That should be a little bit easier, we hope. And like I said, as soon as the Coronavirus restrictions allow for travel to the local community, I think you can count on this EFSEC Council being there in Benton County to see you and hear you. I will continue to rule with an iron fist from the bench to demand decorum and to demand that everybody treat everybody that you agree or disagree with, with dignity and respect. You can expect that from me. And we'll hope that you are able to do that in person when we're there in the County and --

(Conclusion of recording)

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This is a very big decision before you, as you well know, and we'll look forward to the evidentiary hearing to give you the best opportunity to make the appropriate recommendation to the Governor. Thank you.

JUDGE TOREM: Mr. Brown, thank you very much.

Councilmembers, it's now nine o'clock p.m. Do you have any questions for Mr. McMahan or Mr. Brown? I ask that because I understand from Staff that there are no other public commenters signed up for tonight. Does the Council or the Chair have any questions for Mr. McMahan or Mr. Brown?

(No audible reply)

JUDGE TOREM: Chair Drew, anything further tonight?

And I want to confirm that there are no public commenters requested to sign up. Those were all in the earlier hearing. Nobody has asked to comment for land use.

Ms. Bumpus, maybe you can confirm that on the record?

MS. BUMPUS: Yes, I believe that's correct, Judge Torem.

CHAIRPERSON DREW: And hearing no questions from Councilmembers, Judge Torem, I think the record is complete for this hearing for this evening.

JUDGE TOREM: I want to thank all those that were courteous tonight and listened and muted their phones.

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## CERTIFICATE

STATE OF WASHINGTON )  
)  
COUNTY OF SNOHOMISH )

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings or interviews were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including any changes made by the trial judge reviewing the transcript; that I received court audio and/or video files in the court format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, 2021.

  
Marjorie Jackson, CET



**Verbatim Transcript of Monthly Council Meeting**  
**Washington State Energy Facility Site Evaluation Council**  
**April 20, 2021**



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Verbatim Transcript of Monthly Council Meeting - 4/20/2021

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL Tuesday, March 20, 2021</p> <p style="text-align: center;">Telephonic Monthly Council Meeting Verbatim Transcript of Proceedings</p> <p style="text-align: center;">REPORTED BY: Ronald L. Cook CCR, CRR, RDR, FAPR</p>	<p style="text-align: right;">Page 3</p> <p>1 TUESDAY, APRIL 20, 2021 2 1:31 P.M. 3 --o0o-- 4 5 CHAIR DREW: Good afternoon, everyone. 6 This is Kathleen Drew, chair of the Washington Energy 7 Facility Site Evaluation Council, and I'm calling this 8 meeting to order. 9 This is our first council meeting using 10 the Microsoft Teams, so we think it all will work 11 well, but bear with us should we have any technical 12 issues, which I'm not expecting. 13 Ms. Kidder, will you call the roll. 14 MS. KIDDER: Thank you, Chair Drew. 15 Department of Commerce? 16 MS. KELLY: Kate Kelly, present. 17 MS. KIDDER: Department of Ecology? 18 MR. DENGEL: Rob Dengel, present. 19 MS. KIDDER: Department of Fish and 20 Wildlife? 21 MR. LIVINGSTON: Mike Livingston, 22 present. 23 MS. KIDDER: Department of Natural 24 Resources? 25 MR. YOUNG: Lenny Young, present.</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 Council members: 4 KATHLEEN DREW, Chair 5 STACEY BREWSTER, Utilities and Transportation Commission 6 MIKE LIVINGSTON, Department of Fish and Wildlife 7 KATE KELLY, Department of Commerce 8 ROB DENGEL, Department of Ecology 9 LENNY YOUNG, Department of Natural Resources 10 11 Local Government and Optional State Agencies: 12 BILL SAURIOL 13 14 Assistant Attorney General: 15 JON THOMPSON 16 17 EFSEC Staff: 18 AMI KIDDER 19 SONIA BUMPUS 20 AMY MOON 21 PATTY BETTS 22 KYLE OVERTON 23 24 Also in attendance: 25 JENNIFER GALBRAITH, Puget Sound Energy CHRIS SHERIN, Grays Harbor Energy MARY RAMOS, Columbia Generating Station BILL SHERMAN, Counsel for the Environment BLAKE BJORNSON, Wenatchee Renewables DEREK SANDISON, Department of Agriculture MARK MILLER, Chehalis Generation Facility MAGGIE DOUGLAS, Association of Washington Cities TIM MCMAHAN, Stoel Rives KAREN MCGAFFEY, Perkins Coie JUDGE TOREM</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. KIDDER: Utilities and Transportation 2 Commission? 3 MS. BREWSTER: Stacey Brewster, present. 4 MS. KIDDER: Local government and 5 optional state agencies for the Goose Prairie project, 6 Bill Sauriol? 7 MR. SAURIOL: Bill Sauriol, present. 8 MS. KIDDER: And for the Horse Heaven 9 project, Department of Agriculture? 10 MR. SANDISON: Derek Sandison, present. 11 MS. KIDDER: And Benton County? 12 Assistant Attorney General? 13 MR. THOMPSON: Jon Thompson. 14 MS. KIDDER: Council staff. Sonia 15 Bumpus? 16 MS. BUMPUS: Sonia Bumpus is present. 17 MS. KIDDER: Amy Moon? 18 MS. MOON: Amy Moon, present. 19 MS. KIDDER: Kyle Overton? 20 MR. OVERTON: Kyle Overton, present. 21 MS. KIDDER: Patty Betts? 22 MS. BETTS: Patty Betts, present. 23 MS. KIDDER: Stew Henderson? 24 Council for the Environment? 25 MR. SHERMAN: This is Bill Sherman.</p>

Verbatim Transcript of Monthly Council Meeting - 4/20/2021

<p style="text-align: right;">Page 5</p> <p>1 MS. KIDDER: And now I'll -- Chair, there  2 is a quorum for both the Horse Heaven project and the  3 Goose Prairie project, as well as the EFSEC Regular  4 Council.  5 CHAIR DREW: Thank you.  6 Would you please call the facilities  7 (inaudible).  8 MS. KIDDER: Yes. Kittitas Valley,  9 Mr. Melbardis?  10 Wild Horse Wind Facility, Jennifer Diaz?  11 MS. GALBRAITH: Yes, Jennifer Diaz,  12 present.  13 MS. KIDDER: Chehalis Generation  14 Facility, Jeremy Smith.  15 MR. MILLER: This is Mark Miller, plant  16 manager for the Chehalis Generation Facility,  17 participating today.  18 MS. KIDDER: Thank you.  19 Columbia Generating Station and WNP-1/4,  20 Mary Ramos?  21 MS. RAMOS: Mary Ramos, present.  22 MS. KIDDER: Chair Drew, that is the  23 representatives for all of our facilities.  24 CHAIR DREW: I didn't hear Grays Harbor  25 Energy Center.</p>	<p style="text-align: right;">Page 7</p> <p>1 CHAIR DREW: Thank you.  2 We'll now move into our proposed agenda.  3 Council members, you have before you the proposed  4 agenda for this meeting. Is there a motion to approve  5 the agenda?  6 MR. DENGEL: Rob Dengel. Motion to  7 approve the agenda.  8 CHAIR DREW: Second?  9 MS. KELLY: Kate Kelly --  10 MR. YOUNG: Lenny Young, second.  11 CHAIR DREW: I think we'll give it to  12 Lenny. Thank you, Kate.  13 All those -- any discussion about the  14 agenda?  15 All those in favor of approving the  16 general -- proposed agenda, please say "Aye."  17 COUNCIL MEMEBERS: Aye.  18 CHAIR DREW: Opposed?  19 The agenda is approved.  20 For the -- next on our agenda is the  21 approval of the monthly meeting minutes for  22 March 16th. You have had them for review. Is there a  23 motion to approve the meeting minutes for March 16th?  24 MR. LIVINGSTON: This is Mike Livingston.  25 I'll move to approve the minutes from March 16th.</p>
<p style="text-align: right;">Page 6</p> <p>1 MS. KIDDER: Oh. I apologize. Grays  2 Harbor Energy Center, Chris Sherin?  3 MR. SHERIN: This is Chris Sherin, for  4 Grays Harbor Energy Center.  5 MS. KIDDER: Thank you. I apologize for  6 that, Mr. Sherin.  7 CHAIR DREW: Is there anyone else on the  8 line who, for the record, would like to introduce  9 themselves, please do so now.  10 JUDGE TOREM: This is Judge Torem,  11 administrative judge for the -- where are we? In the  12 Tri-City project. The Horse Heaven project.  13 CHAIR DREW: Horse Heaven.  14 Thank you, Judge Torem. You should be on  15 our list. We'll remember to do that.  16 MS. DOUGLAS: This is Maggie Douglas,  17 from Association of Washington Cities.  18 MR. BJORNSON: This is Blake Bjornson,  19 from Wenatchee Renewables, for the Goose Prairie Solar  20 project.  21 MR. MCMAHAN: Tim McMahan here, Stoel  22 Rives law firm, on behalf of Goose Prairie and Horse  23 Heaven.  24 MS. MCGAFFEY: Karen McGaffey, Perkins  25 Coie.</p>	<p style="text-align: right;">Page 8</p> <p>1 CHAIR DREW: Thank you.  2 Second, Kate Kelly?  3 MS. KELLY: Second. Kate Kelly.  4 CHAIR DREW: Thank you.  5 Any comments?  6 MS. BREWSTER: Chair Drew, this is Stacey  7 Brewster.  8 CHAIR DREW: Yes.  9 MS. BREWSTER: I did notice one minor  10 correction. On Page 15, Line 3, the public meeting  11 was referred to as occurring at 5:00 a.m. It should  12 read 5:00 p.m.  13 CHAIR DREW: Thank you. Yes. I don't  14 believe any of us were there at 5:00 a.m.  15 So any other changes to the minutes?  16 Hearing none, all those in favor of  17 approving the minutes as amended from 5:00 a.m. to  18 5:00 p.m., please say "Aye."  19 COUNCIL MEMEBERS: Aye.  20 CHAIR DREW: Opposed?  21 The meetings are approved.  22 Moving on to the March 16th Goose Prairie  23 special meeting minutes, is there a motion to approve  24 those minutes?  25 MS. BREWSTER: This is Stacey Brewster.</p>



## Verbatim Transcript of Monthly Council Meeting - 4/20/2021

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<p>1 I'll move to approve the meeting minutes from the 2 Goose Prairie meeting. 3 MR. DENGEL: Rob Dengel. Second the 4 motion. 5 CHAIR DREW: Thank you. 6 Are there any amendments or changes to 7 those Goose Prairie special meeting minutes? 8 Hearing none, all those in favor of 9 approving the March 16th Goose Prairie special meeting 10 minutes, please say "Aye." 11 COUNCIL MEMEBERS: Aye. 12 CHAIR DREW: Opposed? 13 The meeting minutes are approved. 14 We'll now move on to our operational 15 updates. Kittitas Valley Wind project. 16 MR. OVERTON: This is Kyle Overton, site 17 specialist for the Kittitas Valley project. 18 For the month of March, Kittitas Valley 19 has no nonroutine items to report. 20 CHAIR DREW: Thank you. 21 Moving on to the Wild Horse Wind Power 22 project. Ms. Diaz? 23 MS. GALBRAITH: Yes. Thank you, Chair 24 Drew. 25 For the record, this is Jennifer</p>	<p>1 manager from Grays Harbor Energy Center. 2 For the month of March, the only 3 nonroutine items to report is we did send EFSEC staff 4 a notification of physical operational change for 5 installation of AGB on both units, and just also noted 6 that we're in the process of updating our CO2 7 mitigation plan annual payments. And it says in my 8 notes I sent in for PSD No. 5. That should actually 9 be per the site certification agreement. Correction. 10 CHAIR DREW: Okay. Thank you. 11 And do you have a date on when the 12 advance gas plant work is going to be completed or 13 started, I guess? 14 MR. SHERIN: Yes, we actually -- it will 15 be reported in next month's operational notes, but we 16 actually -- yesterday I sent letter of notification of 17 construction -- physical or operational change -- 18 Excuse me. I'm looking at the wrong one. 19 We sent the notification of commencement 20 construction and PSD prior notice of start-up 21 yesterday. So we started our spring outage on the 22 15th, Thursday. Last week. And we're still 23 estimating approximately 31st of May operation. 24 CHAIR DREW: Great. Thank you for the 25 update.</p>
Page 10	Page 12
<p>1 Galbraith, formerly Diaz, with Puget Sound Energy, for 2 the Wild Horse Wind Facility. 3 I have no nonroutine updates for the 4 month of March other than that my last name has 5 changed from Diaz to Galbraith. 6 CHAIR DREW: Thank you. We'll make note 7 of it. 8 MS. GALBRAITH: Thanks. 9 CHAIR DREW: Appreciate it. 10 Chehalis Generation Facility. 11 MR. MILLER: Good afternoon, Chair Drew, 12 EFSEC Council, and staff. This is Mark Miller, the 13 plant manager, representing the Chehalis Generation 14 Facility. 15 I have one nonroutine note in the 16 submitted report from the month of March. We received 17 a letter -- deviation closeout letter from EFSEC staff 18 determining that no further action was required 19 regarding the December 2020 emissions deviation 20 related to a failed generator breaker. 21 And that's all I have. 22 CHAIR DREW: Thank you. 23 Grays Harbor Energy Center. Mr. Sherin? 24 MR. SHERIN: Good afternoon, Chair Drew, 25 Council members. This is Chris Sherin, the plant</p>	<p>1 MR. SHERIN: You're welcome. 2 CHAIR DREW: Columbia Generating Station. 3 Ms. Ramos? 4 MS. RAMOS: Good afternoon, Chair Drew, 5 outside Council members and staff. This is Mary Ramos 6 reporting for Energy Northwest. 7 For the month of March, Energy Northwest 8 reviewed and provided comments on a state waste 9 discharge notice of temporary permit for Columbia 10 Generating Station, and we're scheduled to meet with 11 Ecology and EFSEC staff to discuss our comments this 12 week. 13 No other updates for the month of March. 14 CHAIR DREW: Thank you. 15 Desert Claim, project update? 16 MS. MOON: Good afternoon, Council, Chair 17 Drew, and Council members. For the record, this is 18 Amy Moon, providing an update on the Desert Claim 19 project. 20 EFSEC staff continued to coordinate with 21 Desert Claim; however, currently there are no other 22 project updates. 23 CHAIR DREW: Thank you. 24 Columbia Solar project update? 25 Mr. Overton.</p>

## Verbatim Transcript of Monthly Council Meeting - 4/20/2021

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<p>1 MR. OVERTON: Yes, thank you. This is 2 Kyle Overton, the EFSEC site specialist for Columbia 3 Solar. 4 The -- no real major updates. EFSEC 5 staff continue to coordinate with the facility and our 6 contractors on the preconstruction plan review in 7 anticipation for the beginning construction shortly. 8 Are there any questions? 9 CHAIR DREW: Are there any questions for 10 Mr. Overton? 11 Okay. Thank you. 12 Goose Prairie Solar project. 13 Mr. Overton. 14 MR. OVERTON: Thank you. This is Kyle 15 Overton, the site specialist for the Goose Prairie 16 project. 17 For the update this month, the staff 18 continue to coordinate with the applicant and our 19 contractors on the review of their application 20 materials. An initial data request was sent to the 21 applicant at the end of March seeking additional 22 information regarding the project proposal. 23 We are continuing to work with -- work 24 through the SEPA process and are working closely with 25 the applicant, WFW, and Ecology in preparation of</p>	<p>1 expedited processing application. 2 Are there any questions? 3 CHAIR DREW: Are there any questions from 4 Council members? 5 Thank you -- 6 MR. OVERTON: Thank you. 7 CHAIR DREW: -- for the very thorough 8 update. 9 Horse Heaven Wind Farm. Ms. Moon. 10 MS. MOON: Good afternoon, Council, 11 Chairman Drew, and Council members. For the record, 12 this is Amy Moon, providing an update on the Horse 13 Heaven Wind project. 14 EFSEC staff continue to process the Horse 15 Heaven Wind project application for site 16 certification -- the acronym is ASC -- that was 17 received in February. The project proponent, Scout 18 Clean Energy, submitted a letter on March 29th, 2021, 19 withdrawing their request for an expedited process. 20 EFSEC plans to issue a State 21 Environmental Policy Act determination -- the acronym 22 for that is SEPA -- SEPA determination of significance 23 and request for comments on the scope of an 24 environmental impact statement that is otherwise known 25 as an EIS. The scoping process will identify the</p>
Page 14	Page 16
<p>1 developing a SEPA threshold determination and 2 associated staff memo for review by the SEPA official. 3 Also, on May 4th a site visit has been 4 scheduled in coordination with the Department of 5 Ecology to conduct on-site windlands review. 6 A SEPA determination is needed prior to 7 making a decision regarding the applicant's request 8 for expedited processing. WAC 463-43-050 requires a 9 decision on expedited processing 120 days after 10 receipt of a request or such later time as is mutually 11 agreed by the applicant and the Council. 12 EFSEC received the request for expedited 13 processing on January 21st, making May 21st the 14 120-day mark. While we have made and continue to make 15 significant progress in the SEPA process, there may 16 still be a need for further review. This would be to 17 ensure a thorough SEPA review is completed and all 18 aspects of the project have been addressed. 19 In order to accommodate this further 20 review and the planned site visit in May, a SEPA 21 threshold determination may not be feasible prior to 22 the May 21st deadline date. 23 Prior to the expiration of the date, 24 during the May Council meeting, EFSEC staff may 25 propose to the Council a new decision date for the</p>	<p>1 topics for detailed analysis to evaluate potential 2 significant impacts because of the proposed project. 3 Benton County appointed Ed Brost to the 4 EFSEC Council for the Horse Heaven Wind project on 5 March 16th, 2021. A public informational meeting and 6 land use hearing were held virtually within 60 days of 7 the application receipt on March 30th, 2021, as 8 required by WAC 463-43-040. Oral and written comments 9 were accepted at the informational meeting. Benton 10 County and the project applicant presented testimony 11 at the land use hearing. 12 Comment letters received from Washington 13 state agencies have been posted to the EFSEC public 14 project website. Comments received from the public 15 have also been posted to the project website. 16 Does the Council have any questions? 17 CHAIR DREW: Are there any questions for 18 Ms. Moon? 19 JUDGE TOREM: Amy Moon, this is Judge 20 Torem. Do you know when we expect a transcript of 21 those hearings to be posted on the website? 22 MS. MOON: Ami Kidder may be able to 23 answer that. I have not been updated on that 24 expectation. 25 MS. KIDDER: I have not yet -- and I have</p>

## Verbatim Transcript of Monthly Council Meeting - 4/20/2021

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<p>1 not -- Judge Torem, I have not yet seen the draft, and  2 so what will happen is the draft will come to Council  3 members, and we will review that probably before our  4 next meeting, and I would think that you would get  5 them at that time as a draft.  6 Ms. Bumpus?  7 MS. BUMPUS: That's correct, Chair Drew.  8 MS. KIDDER: If I can jump in here for  9 the record. This is Ami Kidder. Typically we receive  10 drafts within about 30 days.  11 CHAIR DREW: Thank you, Ms. Kidder.  12 Okay. Any other questions?  13 Okay. That concludes our project  14 updates.  15 We now move on to the fourth quarter cost  16 allocation. Ms. Bumpus.  17 MS. BUMPUS: Thank you, Chair Drew. For  18 the record, this is Sonia Bumpus. Good afternoon,  19 Council, Chair Drew and Council members.  20 As we do at the end of each quarter, we  21 have a updated -- a nondirect cost allocation. I'm  22 going to go through the allocation percentages for  23 fourth quarter fiscal year 2021. This covers April 1,  24 2021, to June 30, 2021.  25 For the Kittitas Valley project, seven</p>	<p>1 CERTIFICATE  2  3 STATE OF WASHINGTON )  4 ) ss.  5 COUNTY OF KING )  6  7 I, Ronald L. Cook, Certified Court Reporter,  8 Registered Diplomat Reporter, Certified Realtime  9 Reporter, and Notary Public in and for the State of  10 Washington, do hereby certify that the foregoing  11 proceedings were transcribed by me.  12 I further certify that the proceedings as  13 transcribed are a full, true and correct transcript,  14 including all objections, motions and exceptions of  15 counsel, made and taken, to the best of my ability.  16  17 I further certify that I am neither attorney  18 for nor a relative or employee of any of the parties to  19 the action; further, that I am not a relative or  20 employee of any attorney or counsel employed by the  21 parties hereto, nor financially interested in its  22 outcome.  23 As a matter of firm policy, the stenographic  24 notes of this transcript will be destroyed three years  25 from the date appearing on this transcript, unless  notice is received otherwise from any party or counsel  hereto on or before said date.    RONALD L. COOK, CCR, RDR, FAPR  State of Washington CCR #2523</p>
Page 18	
<p>1 percent; Wild Horse, seven percent; Columbia  2 Generating Station, 24 percent; Columbia Solar, nine  3 percent; WNP-1, three percent; Whistling Ridge, three  4 percent; Grays Harbor 1 and 2, 10 percent; Chehalis  5 12 percent; Desert Claim Wind Power project, five  6 percent; Goose Prairie Solar, 10 percent; and Horse  7 Heaven Wind Farm, 10 percent.  8 And that concludes my updates on the  9 fourth quarter cost allocation.  10 CHAIR DREW: Thank you.  11 We've completed our agenda, and since  12 there is no more business to come before the Councils  13 today, we will make sure and provide you any updates  14 between meetings. On any SEPA determination that may  15 be made, as you heard, it may certainly occur in terms  16 of starting the scoping session before our next  17 meeting, but that will be determined by the EFSEC  18 manager, and so you will receive notification,  19 certainly, when that happens.  20 And other than that, our meeting for  21 today is adjourned. Thank you very much.  22 (The proceedings were concluded at  23 1:52 p.m.)  24 ---O---  25</p>	

5 (Pages 17 to 19)

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## EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: May 10, 2021

Reporting Period: April 2021

Site Contact: Eric Melbardis, Sr Operations Manager

Facility SCA Status: Operational

### Operations & Maintenance (only applicable for operating facilities)

- Power generated: 26,080 MWh
  - Wind speed: 7 m/s
  - Capacity Factor: 35.9%
- 

### Environmental Compliance

- No incidents

### Safety Compliance

- Nothing to report

### Current or Upcoming Projects

- Nothing to report

### Other

- No sound complaints
- No shadow flicker complaints

## EFSEC Monthly Council Meeting – Facility Update

**Facility Name:** Wild Horse Wind Facility  
**Operator:** Puget Sound Energy  
**Report Date:** May 6, 2021  
**Report Period:** April 2021  
**Site Contact:** Jennifer Galbraith  
**SCA Status:** Operational

---

### Operations & Maintenance

April generation totaled 74,152 MWh for an average capacity factor of 37.78%.

### Environmental Compliance

Nothing to report.

### Safety Compliance

No lost-time accidents or safety injuries/illnesses.

### Current or Upcoming Projects

Nothing to report.

### Other

Nothing to report.



## EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility  
Operator: PacifiCorp  
Report Date: May 10, 2021  
Reporting Period: April 2021  
Site Contact: Mark A. Miller, Plant Manager  
Facility SCA Status: Operational

### Operations & Maintenance

- Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.
    - 267,148 MW-hrs generated in April for year-to-date generation of 834,702 MW-hrs and a capacity factor of 57.6%.
- 

**The following information must be reported to the Council if applicable to the facility:**

### Environmental Compliance

- Permit status if any changes.
  - No changes.
- Update on progress or completion of any mitigation measures identified.
  - No issues or updates.
- Any EFSEC-related inspections that occurred.
  - None.
- Any EFSEC-related complaints or violations that occurred.
  - None.
- Brief list of reports submitted to EFSEC during the monthly reporting period.
  - Conducted annual Relative Accuracy Test Audit of the continuous emission monitors during the last week of April. The preliminary results were within compliance requirements. A draft report will be submitted to EFSEC staff in May 2021.

### Safety Compliance

- Safety training or improvements that relate to SCA conditions.
  - Zero injuries this reporting period and a total of 2,100 days without a Lost Time Accident.

### Current or Upcoming Projects

- Planned site improvements.
    - No planned changes.
  - Upcoming permit renewals.
    - Title V Air Operating Permit Complete Renewal Package submitted on December 23, 2020. Title V AOP expires December 29, 2021.
  - Additional mitigation improvements or milestones.
    - No issues or updates.
-

**Other**

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- Jeremy Smith, Environmental Analyst for the Chehalis plant has left the company. The open position has been approved to re-fill. We are currently reviewing applications for this position.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,



Mark A. Miller P75451  
Manger, Gas Plant  
Chehalis Generation Facility

### EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date: May 18, 2021

Reporting Period: April 2021

Site Contact: Chris Sherin

Facility SCA Status: Operational

#### Operations & Maintenance

-GHEC generated 162,960MWh during the month and 1,046,539MWh YTD.

-GHEC Annual Maintenance Outage began on April 15<sup>th</sup>. Major Inspections and AGP installations will be performed on the units.

---

#### The following information must be reported to the Council if applicable to the facility:

##### Environmental Compliance

-There were no emission, outfall, or storm water deviations, during the month.

-GHEC submitted a letter notifying staff of and emissions event on April 8th. The event was a technical violation of the Air Operating Permit however, no environment limits were exceeded. GHEC is currently coordinating with ORCAA and EFSEC Staff for the next step with the event.

-Routine monthly and quarterly reporting to EFSEC

- Monthly Outfall Discharge Monitor Report (DMR)
- 2020 Annual Water Withdrawal Base Flow Report
- AGP Notice of Construction
- 1<sup>st</sup> Quarter EDR

-GHEC submitted a Receiving Water Study Sampling and Quality Assurance Plan.

##### Safety Compliance

-None.

##### Current or Upcoming Projects

-In the process of updating the CO2 Mitigation Plan annual payments per SCA. The installation of AGP necessitates change to the annual payments to The Climate Trust.

##### Other

-Ongoing COVID-19 mitigation efforts at the site.

## EFSEC Monthly Council Meeting – April 2021

Facility Name: **Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)**

Operator: **Energy Northwest**

Report Date: **May 5, 2021**

Reporting Period: **April 2021**

Site Contact: **Mary Ramos**

Facility SCA Status: (Pre-construction/Construction/Operational/Decommission): **Operational**

CGS Net Electrical Generation for April 2021: **746,667 MW-Hrs**

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### **Environmental Compliance**

Energy Northwest submitted a request for approval to operate nonroad engines with a cumulative size greater than 2,000 horsepower. The nonroad engines will be utilized to support Columbia's R-25 refueling and maintenance outage.

### **Current or Upcoming Projects**

No updates.

### **Other**

N/A

# Desert Claim Wind Power Project

May 2021 project update

[Place holder]



# Columbia Solar Project

May 2021 project update

[Place holder]

# Goose Prairie Solar Project

May 2021 project update

[Place holder]



@oneenergyinc May 14, 2021

2003 WESTERN AVE. Washington Energy Facility Site Evaluation Council  
SUITE 225 c/o Kyle Overton  
SEATTLE, WA 98121 621 Woodland Square Loop SE  
206.922.7072 Olympia, WA 98504-3172  
[Kyle.overton@utc.wa.gov](mailto:Kyle.overton@utc.wa.gov)

oneenergy  
renewables  
.com

RE: Expedited Processing Determination Extension Request Letter

Dear Mr. Overton:

OER WA Solar 1, LLC ("Applicant") requests an extension of the timeline for determination of expedited processing eligibility for Goose Prairie Solar to July 15, 2021.

The Applicant submitted an Application for Site Certificate on January 19, 2021 and submitted a request for expedited processing on January 21, 2021. Per WAC 463-43-050, the timeline for the EFSEC Council to make the determination for expedited processing would expire on May 21, 2021. The Applicant requests an extension of the timeline through the July 2021 Council meeting scheduled for July 15, 2021.

This extension is requested due to outstanding issues to resolve for the SEPA determination, which include determination of appropriate wildlife and habitat mitigation costs and measures, finalization of the cultural resource report and the required timeline for public comment on the SEPA determination.

Sincerely,

BLAKE BJORNSON  
MANAGER, PROJECT DEVELOPMENT  
206.900.9931 | DIRECT

Blake@OneEnergyRenewables.com

Cc: Tim McMahan, Steel Rives LLP

# Horse Heaven Wind Project

May 2021 project update

[Place holder]