Washington State
Energy Facility Site Evaluation Council
AGENDA

MONTHLY MEETING
Tuesday May 18, 2021
1:30 PM

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 Melbardi, 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
March 30, 2021

-00-

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

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

CHAIRPERSON DREW: Keep trying here. Okay. And now Robert Dangel?

COUNCILMEMBER DENGEL: Rob Dangel. I am the EFSEC rep for the Department of Ecology.

CHAIRPERSON DREW: Michael Livingston.

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

CHAIRPERSON DREW: Lenny Young?

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

CHAIRPERSON DREW: Kate Kelly.

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

CHAIRPERSON DREW: And for our Councilmembers who are -- have been appointed to the -- in addition to the regular Councilmembers for the Horse Heaven Wind Project, Derek Sandison.

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

CHAIRPERSON DREW: And Ed Brost.

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

CHAIRPERSON DREW: Thank you.

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

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

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

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

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

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

MS. BETTS: My name is Patricia Betts and I provide support to EFSEC for conducting environmental review under the State Environmental Policy Act.

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

CHAIRPERSON DREW: Thank you, everyone. And we will hear from the counsel for the environment, who is a party to the EFSEC review of the application during our formal presentation as well.

So we have a few more minutes here if people continue to make sure, if you want to, you have that website open to see the presentations, the presentation slides.

We will begin at 5:30.

(5:30 p.m.)

CHAIRPERSON DREW: Calling our informational meeting to order.

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

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

EFSEC statute RCW 80.40.090 requires EFSEC to conduct
Chair Drew and Councilmembers, Scout Clean Energy appreciates this opportunity to present the Horse Heaven Wind Farm application to the Council.

I am Dave Kobus, the project manager, and reside in Richland, Washington. Earlier in my career I had developed the Nine Canyon Wind Project, which was built in three phases.

A recent change in our application warrants an announcement before we get started:

Scout Clean Energy has withdrawn our request for expedited processing of our application for site certification. We did this to ensure robust environmental review with the full participation of stakeholders and local area residents. This change demonstrates our willingness to pursue an environmental impact statement and participate in the associated proceedings.

My project team and I will share in this presentation, although condensed for the limited time available. Let me first introduce Pat Landess, senior associate project manager, who supports the project team from our home office in Boulder, Colorado. Pat has been a valuable team member for several of Scout's portfolio of projects in the Midwest and Western regions and worked alongside me in the preparation of this application for site certification.

So, Pat, let's dig in.

MR. LANDESS: Thanks, Dave.

I'll first go over the agenda. We'll go over a brief introduction to our company, discuss what is being proposed, give a discussion of our environmental analysis, a discussion of the economic benefits to the state and local community, consultation with stakeholders and residents of the Tri-Cities region.

So Scout Clean Energy is a leading U.S. renewable energy developer, owner, and operator, headquartered in Boulder, Colorado. We have a local office in the Tri-Cities as well.

Scout was founded in 2016 and is a relatively young company, but is made up of a longstanding management team with an extensive track record for developing large scale wind projects.

So you've met Dave and I. I want to introduce you to Javon Smith as well. Javon is based in Bellingham, Washington, and has over 20 years experience in communications and community outreach for energy infrastructure projects.

For the last 12 years, her focus has been on renewables, and over the past year Javon has been...
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<td>1. managing our efforts to engage with the local community in Benton County. We are supported by a team of consultants that helped us to prepare the application for site certification. So now I want to turn it back over to Dave, who will discuss details of what is being proposed here in Benton County.</td>
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<td>1. assessed the region’s power supply adequacy and it concluded the region will be facing a huge resource gap over the next decade. The Council’s assessment notes three main reasons for this gap. One, a booming population in the states, including Washington, which is boosting demand on the system; second, climate change is shifting the production patterns of hydroelectric plants as well as demand; and third, fossil fuels are being phased out with early retirements announced and under way. In fact, this assessment determined that 8,000 megawatts of new capacity is needed by 2030 to keep up with demand in the Pacific Northwest.</td>
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<td>2. Storm-driven climate and higher-elevation topography. You must have adjoining land tracts with the participating landowners. You seek areas of the country that promote new clean renewable energy development, preferably in the time frame when financial incentives are available to lower the price of energy produced. And you must have economical electrical access to power markets. So all of these factors culminate in reduced environmental impacts for the landowners and the community. Now I’d like to take a step back and talk about the regional energy outlook and factors that are driving the power supply demand. In terms of energy resources, the Northwest was capacity rich for decades, meaning the capability to supply load as it varies in real-time. This created a vast energy export market. But these conditions no longer exist and, as a consequence, regional utilities must look for new sources for their energy needs. Hydroelectric generation is clearly visible in the region, as the resource is a prominent river system. But other energy resources are also available within the region to take advantage of existing infrastructure. The Northwest Power and Conservation Council has concluded the region will be facing a huge resource gap over the next decade. The Council’s assessment notes three main reasons for this gap. One, a booming population in the states, including Washington, which is boosting demand on the system; second, climate change is shifting the production patterns of hydroelectric plants as well as demand; and third, fossil fuels are being phased out with early retirements announced and under way. In fact, this assessment determined that 8,000 megawatts of new capacity is needed by 2030 to keep up with demand in the Pacific Northwest.</td>
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<td>3. The cost of wind and solar have declined rapidly over the last decade, with improved technology and US based manufacturing making it competitive with traditional energy sources. Modern wind turbines are more efficient and affordable than those built even just a decade ago. Lifecycle analysis shows that a typical wind turbine has an energy payback of five to eight months and a carbon payback of one year after operation. Modern wind turbines also have a recyclability rate of 85 to 90 percent. Most components are metal, including parts of the foundation, tower, gear box, and generator, which will be easily salvaged. Turbine blades do represent a specific challenge. Wind turbine blades are made up of composite materials that boost the performance of wind energy by allowing lighter and longer blades. The complexities of this composite material requires specific processes for recycling. For turbine blades that do enter the landfill stream, they are among the most inert and nonproblematic waste accepted, according to waste managers. Over the last few years, a number of solutions have been developed to recycle wind turbine blades and a few established methods for recycling the blades are</td>
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Now I would like to drive into the project details. Therefore, both alternate locations are shown to assure the project's western interconnection, thus the western Tri-Cities reinforcement project, which impacts the Bonneville grid, one in the southernmost or eastern part of the layout and another on the far western part of the layout.

Regardless of the wind turbine manufacturer model currently available. Two examples of these blade recycling programs are Global Fiberglass Solutions, a Washington based company, and General Electric, GE, which is using shredded blades to replace raw materials in cement manufacturing.

To ensure the wind farm is removed and a landowner's property is reclaimed when the project is no longer operational, the applicant is required to post security to cover those costs. Details are included in the preliminary decommissioning plan that is part of our application for site certification. This means neither the landowners nor the local government will have to pay for removing project components.

MR. KOBUS: Thank you, Pat.

Now I would like to drive into the project details. The panoramic photo on this slide was taken from Jump Off Joe Butte facing west. The picture also shows the existing wind energy project, which is a prominent landmark feature above the Tri-Cities.

There's a lot happening on this side of the project layout. For those only listening, this is Figure 2.3-1 on page 100 of the materials on the EFSEC website. So I need to cover several concepts about the map shown relating to the overall permitting strategy.

Regardless of the wind turbine manufacturer model procured, the area of projected impact or the micrositing remains valid. Micrositing refers to the corridors which delineate the maximum extent of ground disturbance while allowing flexibility for unforeseeable circumstances.

We will primarily focus on the Option 1 Wind Turbine Layout, which is associated with the smaller size range of wind turbine models anticipated to be available when the project procurement occurs. This has the most permitted sites and represents the most impactful full build-out capability.

We will show all potential solar areas, as they are clustered at the points of interconnection with the Bonneville grid, thus the impacted acreage evaluated corresponds to the maximum permitted build-out potential.

There are two points of interconnection with the Bonneville grid, one in the southernmost or eastern part of the layout and another on the far western part of the layout.

Bonneville has commenced network upgrades for their Tri-Cities reinforcement project, which impacts the project's western interconnection, thus the western point of interconnection has not yet been determined. Therefore, both alternate locations are shown to assure the aggregate impact is evaluated, which are the green and red lines, but only one can be chosen.

To be prepared for any change in Bonneville's plans and assure the most impactful option is evaluated, all alternate transmission lines are included in the layout. If Bonneville's plans proceed as currently envisioned, there will be no need for the eastern and western points of interconnection, which is the blue lines, to be tied together.

Scout Clean Energy has been working to develop a wind energy project in Benton County since 2016. Scout recently acquired new interconnection capacity coupled with new interconnection requests that will allow the addition of solar and battery storage components that will scale the project up to a potential 1,150 megawatts of renewable energy.

So the project will consist of up to 244 wind turbine generator locations, with the exact model and number installed to be determined closer to construction and based on product availability. We do anticipate the project is likely to be constructed in phases. Depending on the preferences of an eventual purchaser of a power sales agreement, or we refer to it as "offtaker" for the Horse Heaven energy facility, the relative wind, solar, and battery storage ratios may change, where additional solar is constructed with correspondingly fewer turbines.

In total, the permanent disturbance footprint would include 6,869 acres for all of the alternatives scoped in the analysis, representing 1.1 percent of agriculturally zoned lands in Benton County.

The project will also consist of underground electrical collection lines, communication lines, two electric substations, along with operations or maintenance shops and other ancillary facilities.

Combining wind, solar, and battery storage systems helps to mitigate one of the biggest disadvantages of renewable power, its variability. So design elements take advantage of the availability resources and evolving technologies: For winter-peaking wind, coincident with high load demand and lower watershed; a summer-peaking solar, coincident with high irrigation load demand and low watershed, as well as dispatchable electrical energy storage.

Building these components at the same location can enhance grid reliability by providing electrical generation during more hours of the day as well as the ability to store power for when it's needed most.

Now I will talk about the equipment technologies involved in the project, starting with the wind
turbines.

So modern wind turbines are now more efficient and the best-in-class models offer superior performance. The models being considered will be required to be certified to international standards and offer state-of-the-art grid-compatible technology.

The project anticipates utilizing the latest evolutionary technology to achieve the lowest cost of production, seeking manufacturing and design initiatives resulting in improved reliability, optimized maintenance access, reduced down time, improved performance, as well as lower noise.

We anticipate the availability of two size categories. The 3 megawatt size we refer to as "Option 1," and the 6 megawatt size we refer to as "Option 2."

In the application we show this table for Layout Options 1 and 2 and the project will seek the most cost-effective model with available manufacturing production at the time turbine equipment is procured.

Including this range of turbine sizing assures we have analyzed the most impactful case for every analyzed parameter in the event any evaluated turbine model becomes unavailable.

I should also note that all turbine models evaluated exceed 200 feet in height and will require Federal Aviation Administration approve the obstruction lighting, but not every turbine will need to be lighted.

For the solar technology aspect, the project will optimize a layout that minimizes additional infrastructure and utilizing best available technology.

Solar arrays will have minimally invasive mounting systems for efficient maintenance access. A single axis tracking design supported by steel posts, with state-of-the-art tracking technology, maximizes energy productions by following the sun throughout the day.

Glare impacts will be reduced to the extent practical by designing for the installation of nonreflective materials.

The three sites evaluated for solar installations are located adjacent to the points of interconnection with the electrical grid. But this land is considered permanently removed from agricultural production for the life of the project but can be reclaimed after the eventual decommissioning.

Of the full project impact area previously mentioned, the solar arrays comprise 294 acres, which represents less than 1 percent of agriculturally zoned land in Benton County.

I previously mentioned the design objectives for battery storage, which will consist of selfcontained battery banks that would be placed adjacent to the two solar project substations and would occupy up to approximately 6 acres each.

Lithium-ion batteries are generally used in utility-scale installations, with current viable technology offering four-hour duration. The battery storage system facilities will be enclosed within a separate fence.

The battery banks are often placed in standard-sized shipping containers on a concrete slab. Each container holds the batteries, a supervisor and power management system, cooling system, and fire prevention system.

Now, external inverters and transformers are also necessary for system operation.

By connecting multiple containers, the battery storage system can be scaled up to the desired capacity. Containers may also be stacked up to two levels, with an estimated maximum height of approximately 40 feet.

MR. LANDESS: So over the last four years, our technical consulting team have conducted a thorough environmental analysis and reviewed potential impacts of the proposed project. Mitigation measures for the natural environment have been developed and are part of our application materials.

This review is a culmination of desktop and field surveys for natural resources, including air, wetlands, earth, habitat and vegetation, as well as fish and wildlife.

Construction activities that could create fugitive dust include transportation, clearing and grading, and trenching or plowing. These activities will be relatively low magnitude and localized and temporary, resulting in nonsubstantial air quality impacts and no exceedances of air quality standards.

Operation and maintenance impacts on air quality would be minimal and result from transportation of staff to perform standard and routine functions. This would be limited, intermittent, and localized.

Best management practices will be implemented to control project generated fugitive emissions and dust. Separate permitting would be required for activities that produce air emissions.

No wetlands or standing water have been identified within the micrositing corridors or the solar siting of areas to date. The project design and construction will avoid impacts to wetlands and other water bodies, like streams, when feasible. Construction and operation are anticipated to have minimal to no impacts.
Now, within the category of Earth, the review and mitigation plan includes geology, soils, topography, unique physical features, seismicity, and erosion. Final siting intends to avoid geological hazards. No impacts expected to areas identified with combined erosion hazards and steep slopes, landslides, or liquefaction.

Soil erosion and sediment will be controlled during construction through the use of best management practices. Project operations are anticipated to have no impact on soil erosion.

Habitats were mapped and verified within the project lease boundary based on field surveys and desktop review of National Land Cover Database data. This mapping effort found that 89 percent of the project lease boundary was classified as agricultural, planted grassland, or developed to serve as land cover, indicating heavy modifications due to historic and current agricultural and grazing activities. Project facilities will be cited on previously disturbed areas to the extent feasible.

Regarding fish and wildlife, project-specific surveys were conducted and coordinated with state and federal agencies regarding survey methods and results beginning 2002 and has demonstrated low impact in construction and operations of the proposed project. An adjacent wind project has been operational since 2002 and has demonstrated low impact in post-construction studies and operational monitoring of that facility.

MR. KOBUS: So significant analysis has been conducted to assess the environmental health aspects of the project. Health aspects include identified sensitive issues, per the State Environmental Policy Act standards, such as aesthetics, ambient noise, and shadow flicker, which were analyzed consistent with standard industry practice. For example, the clip of a shadow flicker simulation demonstrates the zones experiencing this phenomenon depicted by the hours per year of exposure relative to a residence.

In this landscape, more turbines are visible from further away, but the impact diminishes with distance and obstruction, such as houses or trees in the field of vision. Scout recognizes that an existing precedent has been established through the State Environmental Policy Act for a four-times-blade-tip-height setback, standard for nonparticipating residences.

Pre-survey activities were conducted for agency and tribal coordination, cultural resource background research, archaeological surveys, and architectural inventory. Pedestrian surveys, on the ground surveys, have been completed with all findings appropriately logged and reported. Results were consistent with those expected for the traditional land use encounter.

These efforts inform management recommendations for the project to avoid potentially sensitive areas. If necessary in some areas, further evaluation may demonstrate limited impact.

MR. LANDESS: In addition to the environmental benefits of developing renewable energy in this region, there are also significant economic benefits that will be generated within the local community. An extensive economic impact analysis was recently completed by TetraTech, which details economic impacts of construction and operation to Benton and Franklin.
information was available to minority communities through the use of print and social media as well as Spanish language radio outlets.

Scout's engagement with the local community has included the list you see on the screen here; we developed a project website; we have a Facebook page, an email newsletter, paid advertising to local outlets.

We’ve conducted outreach to stakeholder groups offering virtual or small group presentations, and in January 2021 we held a virtual open house where over 75 people attended and were able to connect directly with the project team.

We also completed a public opinion survey, which I’d like to talk about a little bit more next.

So in December of 2020, Scout commissioned a public opinion survey to help determine community sentiment about the proposal and to help us identify those issues of greatest interest to the local community. The survey was conducted by EMC Research, a national research firm specializing in polling, focus groups, and public opinion research.

EMC was founded in 1989 and has been involved in thousands of public opinion studies and assisted numerous cities, towns, and public agencies with research to determine community and voter opinions on local and regional issues.

The live telephone survey of 500 registered voters in Benton County carries an overall margin of error of plus or minus 4.4 points. The 95 percent competence interval is representative of Benton County voters.

So the results -- for those of you that can see the chart on the screen, I’ll describe -- found that 80 percent of voters think that government support for renewable energy is important and 70 percent feel support for wind energy is important. There was limited opposition to government support for wind energy sources.

When asked about the Horse Heaven Project specifically, the researchers found that there is strong support, both initially and after voters heard arguments for and against the project.

Prior to hearing any messaging about the project, Benton County voters support the project by a 19 point margin. And after hearing supporters and opponents messaging, the support for the project increased to 6 in 10, about 61 percent.

Among supporters, the environmental benefits were the top reason for their support, and the opponents mentioned that wind farms are not cost-effective and they also listed aesthetic objections.
Unfortunately, there is a great deal of misinformation regarding our project, and wind energy in general, which can lead to concern and confusion about what is being proposed and how the local community might be impacted. We are always glad for the opportunity to provide information about the project and offer full transparency to those who are interested in learning more.

When we do have a chance to connect with local residents about their questions, we find that most concerns that are raised are alleviated with facts. Scout is dedicated to maintaining these current channels of communication with the local community throughout this permitting process. You can visit our website for more background information on Scout and the project at horseheavenwindfarm.com.

MR. KOBUS: Thank you, Javon.

Together we've covered a lot of ground tonight. So in closing I wish to say thank you to the EFSEC staff for their effort and facilitation.

Scout recognizes this is but the first step in a long review process and that we stand poised to be transparent and responsive with details of the various elements of the project design and analyses.

Thank you, Chair Drew and Councilmembers, for this opportunity to present what we proudly believe is a well-sited, thoroughly evaluated, and appropriately mitigated clean renewable energy resource for this region.

So this concludes our prepared remarks and we stand by to respond to any questions from the Council.

CHAIRPERSON DREW: Thank you for your presentation.

MS. KIDDER: Great. Thank you.

Okay. Your presentation is up.

CHAIRPERSON DREW: Yes, we can.

MS. KIDDER: Okay. Great. If you could just let me know if you can see my screen.

CHAIRPERSON DREW: Not yet. It's loading.

UNIDENTIFIED FEMALE: It's loading. I hope so.

MS. KIDDER: Has it loaded?

CHAIRPERSON DREW: It has not yet.

UNIDENTIFIED MALE: (Inaudible).

UNIDENTIFIED FEMALE: Windmills.

UNIDENTIFIED MALE: They're what?

CHAIRPERSON DREW: Can people please put their telephones on mute and their audio on mute.

Okay. Your presentation is up.

MS. KIDDER: Great. Thank you.

Welcome, everybody. Thank you all for coming to participate this evening. My name is Ami Kidder, the siting and compliance manager with the Energy Facility Site Evaluation Council. I have a short presentation to go over the EFSEC process for those who are new to EFSEC.

A little bit of history of the agency. EFSEC was created in 1970 for the siting of thermal power plants. The intent was to create a one-stop permitting agency for large energy facilities.

EFSEC is comprised of state and local government agencies.

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CHAIRPERSON DREW: Thank you.

For large energy facilities.

Under state law, the counsel for the environment shall represent the public and its interest in protecting the quality of the environment, and so that's my role.

You are welcome to contact me. My email address is bill.sherman, s-h-e-r-m-a-n, @atg.wa.gov. I will put it in the chat thread.

Thank you very much, Chair Drew.

CHAIRPERSON DREW: Thank you.

Now we will move on to the EFSEC siting process presentation by Ms. Ami Kidder.

MS. KIDDER: Hello. Can you hear me?
members who review each application before making a recommendation to the governor. This decision preempts other state or local governments.

You can see here that EFSEC is comprised of members from several different state level agencies. The chairperson is appointed by the governor, and there are standing members from five other agencies appointed by those agencies to sit on the Council.

The current Council is made up of Chairwoman Kathleen Drew, Robert Dengel from the Department of Ecology, Mike Livingston from the Department of Fish and Wildlife, Kate Kelly from the Department of Commerce, Lenny Young from the Department of Natural Resources, and Stacey Brewster from the Utilities and Transportation Commission.

There are additional agencies that may elect to appoint a Councilmember during the review of an application. These agencies are the Department of Agriculture, the Department of Transportation, the Department of Health, and the Military Department.

For the Horse Heaven Project, the Department of Agriculture has appointed Derek Sandison. And the local government has also -- local governments also have an option to appoint a Councilmember for the review of a project in their area. For the Horse Heaven Project, Ed Brost has been appointed.

When a project is located at or near a port, the Port Authority may also appoint a member, though this position is a nonvoting member.

As I mentioned previously, EFSEC was created to oversee the siting of thermal power plants. Facilities falling into EFSEC’s jurisdiction include any nuclear facility where the primary purpose is to produce and sell electricity. We also oversee nonhydro, nonnuclear thermal facilities with the capacity of 350 megawatts or greater.

There is no threshold for alternative energy resources, such as wind or solar, etc., but they may choose to opt in, as well as transmission lines over 115 kilovolts.

Thresholds for pipelines, refineries, and storage facilities that would fall under EFSEC jurisdiction are found in the Revised Code of Washington or RCW 80.50.060.

Here is a map of the facilities under EFSEC jurisdiction. You can see marked in red there are five operating facilities, including two natural gas facilities, one nuclear facility, and two wind facilities.
Nonsignificant, or MDNS. If the SEPA responsible official determines that a project meets the criteria of a DNS or MDNS, an EIS is not required. In this process, the determination is noticed to the public and there is a minimum 15-day public comment period on an MDNS. To be considered for expedited processing, an applicant must make the request in writing. The project must meet two criteria: One, it must be determined to be consistent with local land use policy; and two, the SEPA determination must be that of an DNS or MDNS.

In this process no adjudication is required. The Council prepares their recommendation to the governor in an expedited time frame under this process.

EFSEC is the issuing agency for any applicable environmental permits a facility may require, which may include water quality or air quality permits. The permits are identified and included in the final order with the Council's recommendation to the governor.

At the conclusion of the Council's review of an application, a recommendation is made to the governor to either approve or reject the application. This initiates a 60-day window within which the governor will then approve the application, reject the application, or remand the application back to the Council for reconsideration. Any application that is rejected by the governor is the final decision for that application.

If an application is approved by the governor, EFSEC then has oversight of the environmental compliance for the life of the facility. EFSEC has standing contracts with applicable state agencies that assist in the monitoring and enforcement of the conditions, either in the site certification agreement, applicable permits, or stipulations in the EIS or MDNS.

EFSEC's enforcement authority extends to the issuance of any penalties as they may apply. And that wraps up my presentation for this evening. Before I end, I'd like to remind everyone how they can submit comments for this proposal. If you'd like to sign up to speak this evening, you may call the EFSEC main line at (360) 664-1345. You may email comments to our main inbox at efsec@utc.wa.gov. You may also send in written comments by postal mail to our office at 621 Woodland Square Loop, P.O. Box 43172, Olympia, Washington, 98504-3172. Comments may also be submitted to our online comment database at https://comments.efsec.wa.gov.

There are two databases available for the duration of the meeting, one for general comments and one for comments specific to land use, and both of these will be open until midnight. Thank you.

CHAIRPERSON DREW: Thank you, Ms. Kidder.
We will now proceed to the public comment period. I would ask for Judge Adam Torem to now facilitate the next part of our meeting.

JUDGE TOREM: Thank you, Chair Drew. We are going to take public comment and I'm going to ask Ms. Kidder to tell us how many people are signed up for public comment. It's now 6:30 p.m. We're allocated another hour for public comments and we'll see if we need to extend that.

Ms. Kidder?

MS. KIDDER: Um, I'm actually not in charge of the sign-up list. I believe we are at 64 speakers signed up at this moment.

MS. BUMPUS: That's correct. This is Sonia Bumpus --

JUDGE TOREM: All right. Who's got the list --

MS. BUMPUS: -- that's correct.

JUDGE TOREM: -- because I don't have that. Maybe we could put the list in the chat so I know who to call on.

While we're getting that list in the chat, I just want everybody who's on the line tonight to be aware of certain ground rules and the way EFSEC wants to conduct its public hearings.

First off, obviously the Council is committed to providing a full, fair, and safe opportunity for all voices to be heard in a respectful atmosphere. It's very clear to me that monitoring the chat tonight, there are people who favor this project and there are people who oppose this project. That's fine. We're going to hear all of you and consider all of your comments.

If we were doing this public hearing in town in Benton County -- we'd love to but, as you know, we can't be there tonight due to restrictions with the coronavirus and COVID-19 -- in town there's a predilection for people to cheer for things that they like or boo or hiss for things they don't. On the phone tonight we're asking you, of course, not to do that but to keep your microphones muted if you are not speaking.

So here tonight I'm anticipating it will be less lively than it might be if we were there in town and we could see the expressions on your faces or maybe see how you were reacting. But we need to give respect to...
everybody who's going to talk tonight, even in this virtual atmosphere.

What I want you to understand is everybody's going to be treated respectfully and be heard. So tonight that's a little bit easier, I hope, virtually and those are the grounds rules, so everybody has dignity and respect and their opinion is heard.

What I'm going to do is once we get a list of how many speakers and the names that are signed up, I can call on you individually. I'll give you probably two to three minutes, maybe longer if we have more time.

I want you to understand that your comments are simply that. They may have questions, but tonight this isn't the forum in which the applicant necessarily, or the County -- Benton County's deputy prosecuting attorney will talk later in the land use hearing, but neither of those potential new parties to the hearing or members of the Council are going to have the opportunity to actually respond to your questions in this forum.

Staff will be, as you know, recording this meeting, and if you identify yourself and provide either a phone number in the chat or an email address in a written form of the comment, you have a great chance of hearing back individually to your question and comment so it can be addressed specifically.

All of your questions are going to become part of the record tonight, but I encourage you to put those same comments in writing and submit them so that people can read them. Some people are audio learners, some people are visual learners. It will help to see that in any format. And again, repeating those comments in writing is recommended.

Finally, I'm looking at a list that I can't see the names on, Ms. Bumpus, but I can see there's a list of 20 now in the chat but it's too big in the chat for me to see the actual names.

With 20 different speakers, it's likely that some of your comments are going to overlap. So if you're listening tonight and you're later in the commenting queue and you heard somebody you agree with and they captured the essence of your comments, please keep it brief and just say, "I agree with Mr. Smith" or "I agree" or "disagree wholeheartedly with Mrs. Jones and here's why." But you don't need to repeat something that the Council's already heard, unless you have a specific way of putting it that's in, again, a respectful manner for the Council to hear your opinion.

Chair Drew, is there anything else you want me to add before I ask for the first speaker to be called?

---

CHAIRPERSON DREW: Thank you. At this point no. I think those are the first 20 speakers. And if you expand the arrow, you can expand and see the names in the chat.

MS. BUMPUS: And, Judge Torem, this is Sonia Bumpus. I just wanted to let you know that Joan Owens does have the list, she's posted it there, but she is planning on being the timekeeper for the two minutes.

JUDGE TOREM: All right. Ms. Owens, can you tell me the names of the first three commenters we're going to be calling tonight?

MS. OWENS: Yes. One moment please. Bill Boyce is first and Will McKay is second and Greg Wendt is third.

JUDGE TOREM: All right. I only heard portions of what you said, so perhaps you can put the names in the chat so I can read them.

MS. OWENS: Okay. I also emailed it to you just now.

JUDGE TOREM: All right. I'll see what I can do to pull that up. Bear with me, please.

CHAIRPERSON DREW: And Ms. Owens will put on the Skype screen the time when the speaker begins.

Isn't that correct?

MS. OWENS: That is correct.

JUDGE TOREM: All right. We have our first speaker, his name is Bill Boyce.

Mr. Boyce, are you on the line? Mr. Boyce, are you still present tonight?

MS. OWENS: He may need to unmute his microphone.

I'm going to try unmuting everybody that's currently muting.

Is Bill Boyce unmuted?

JUDGE TOREM: All right. I'm going to move on to the next speaker. That is Commissioner, from Benton County, Will McKay.

Commissioner McKay, are you on the line?

COMMISSIONER MCKAY: Yes, I'm here.

JUDGE TOREM: All right. I'm going to -- hopefully you can see the two-minute timer and I'm going to give you your two minutes.

Joan, are you ready? There we go.

Go ahead.

COMMISSIONER MCKAY: Thank you for the opportunity. After detailed review of the submitted application, February 8th, Benton County commissioners oppose this project. The location and size and scope of this project is inconsistent with the County's --

UNIDENTIFIED MALE: I can hear it.

COMMISSIONER MCKAY: -- goal of preserving rural --

UNIDENTIFIED MALE: I can hear him from over there.
As referred to in the applicant's proposal, the wind turbines will be visible from up to 87 percent of the land within a 10-mile radius of the project. The visual impacts will be significant with the turbines likely to be able to be seen from the majority of the incorporated cities and densely populated county neighbors, as far as Franklin County, Walla Walla County, and the state of Oregon.

The local municipalities --

UNIDENTIFIED FEMALE: Thank you.

COMMISSIONER MCKAY: -- utility districts, have not shown any interest in needing or wanting the additional energy created by the project. This is why these are -- these and many other concerns are examples of why we, the Benton County Commissioners, are opposed to this project.

In summary, Benton County finds that this proposed project as submitted, with its significant adverse environmental impacts, is not consistent and does not comply with the goals and policies of the Benton County comprehensive plan --

JUDGE TOREM: Thank you, Commissioner McKay.

COMMISSIONER MCKAY: -- the criteria required to obtain a Benton County conditional --

JUDGE TOREM: Thank you, Commissioner McKay.
Michelle Cooke, from the planning division, will also provide additional details this evening. The County did submit additional information into the
county's habitat, including our locally important habitats; streams and water; our aquifer recharge areas; public roadways; wildland wildfire risks; shadow flicker; and of course the most important of all, probably the viewshed and visual impacts, as this facility is located approximately four miles south of the Tri-Cities urban area. While this is just a brief overview of our findings, the County did submit additional information into the record earlier today with more specific references. Michelle Cooke, from the planning division, will also provide additional details this evening.

I appreciate your time this evening and thank you. JUDGE TOREM: Thank you, Mr. Wendt. Michelle Cooke, are you on the line? MS. COOKE: I am. JUDGE TOREM: All right. Are you ready? MS. COOKE: I am. Thank you -- JUDGE TOREM: Please go ahead. MS. COOKE: -- for your time this evening. I appreciate your time and attention and would briefly like to discuss a few highlights from the County's review of the application as it relates to the project's adverse environmental impacts.

The Horse Heaven Hills are an iconic geological feature which visually define Benton County. The expanse of this project would cover over 43 percent of the entire ridgeline. Additionally, the proposed project would visually impact over 81 percent of properties within a ten mile radius of the project site, including the greatest visual impact to densely established residential neighborhoods. For this reason, the County maintains that there would be a significant adverse environmental impact to the existing neighborhoods, which would affect an overwhelming majority of local residents.

Due to the size and the scope of the proposed project and the fact that nearly 7,000 acres or 1 percent of the county's agricultural lands would be permanently disturbed, the County requests that further studies analysis, which address the loss of such a considerable amount of the county's agricultural lands of long-term commercial significance, should be required. The County has identified shrub-steppe habitat as a habitat of significant local importance. To date it appears that only 44 of the proposed 244 turbines sites and none of the solar sites have been adequately studied. The County requests that all potential sites be fully studied and evaluated to identify site-specific impacts and appropriate mitigation measures for habitat conservation and wildlife connectivity. The application further states that 149 acres of the project site is located within the designated critical aquifer recharge area. This area is equivalent to roughly 25 percent of the entire Rock/Glade Watershed's mapped CARA areas for dry land and range land. Such a large impact to the watershed CARAs has the potential to significantly change the hydrology and increase groundwater contamination in these areas due to the degradation or loss of the protection area as well as the significant increase to impervious surfaces.

With this, the County's requesting that a site-specific study with a hydrogeological evaluation be conducted to assess the project's impact on the area's ability to recharge groundwater. Thank you for your time this evening. JUDGE TOREM: Thank you, Ms. Cooke. I appreciate your wrapping up quickly. For those listening tonight, I want you to understand the context of these public comments are just the beginning of an extensive evidentiary process that will be collected. This is just the first opportunity for first impressions on a project that we'll be going through, as Scout Clean Energy indicated tonight, a full environmental impact statement. So many of the things that Commissioner McKay and those in the County Planning Department are asking for will be extensively researched and another opportunity for public comment on those specific environmental aspects will be offered at a later time, hopefully located right in your community, not online like we're doing tonight. We'll see how things go in the months ahead when we can come safely to Benton County.

We're going to call --
UNIDENTIFIED FEMALE: (Inaudible).
JUDGE TOREM: -- the next couple of speakers. The next one is Doug Nordwall, followed by Bill Jenkins, and then -- I'm sure I'm butchering the name -- Gunnar Leidel.
Is Doug Nordwall ready to speak?
UNIDENTIFIED FEMALE: (Inaudible) connected to Galaxy S-10.
JUDGE TOREM: I'm going to ask only Mr. Nordwall to please open his microphone if he's ready to speak. All right. I don't hear Mr. Nordwall, so we'll call you again in a moment. Bill Jenkins is next.
Mr. Jenkins, are you available?
All right. I don't hear Bill Jenkins either. Maybe Mr. Jenkins and Mr. Nordwall have submitted comments in writing.

Next is Gunnar Leidel, and then he'll be followed hopefully by John Christensen and Staci West.
Mr. Leidel?
MR. LEIDEL: Yes. Can you hear me now?
JUDGE TOREM: I can. I'm going to mute my microphone and ask the timer to start. Go ahead, sir.
MR. LEIDEL: All right. My name is Gunnar Leidel. I live in (inaudible) area. A lot of the things have been talked up already tonight. I (inaudible), but I would --
UNIDENTIFIED FEMALE: Just the court reporter, I cannot hear anything.
MR. LEIDEL: I would like to point out that (inaudible) meeting (inaudible) March, there was a couple of things brought up as far as the -- (Burping noise)
MR. LEIDEL: -- allowed the (inaudible), they're very low, lower than a lot of (inaudible) thought, and just the fact that the construction, the over (inaudible) money and women that would be working on this job, that money will go back into our community. So I would just say I support this and I (inaudible).
UNIDENTIFIED FEMALE: (Inaudible).
MR. LEIDEL: Thank you.
JUDGE TOREM: Thank you, Mr. Leidel.
Is John Christensen available?
UNIDENTIFIED MALE: Place your phone on the table and leave it alone.
UNIDENTIFIED FEMALE: (Inaudible).
MR. CHRISTENSEN: Yes, this is John.
JUDGE TOREM: All right. And again, I'm going to ask those of you that may have your phones unmuted to please mute them. I can hear someone indicating just to leave their phone on the table and leave it alone.

If that household can please mute their phone, that would help with the sound qualities so we can hear everybody's opinion.
Mr. Christensen, I'm going to ask the timer to start. Go ahead, sir.
MR. CHRISTENSEN: Yes. I'm a long-time resident of South Kennewick. As a property owner in the Horse Heaven Hills, I strongly oppose this project. Wind energy is not good --
UNIDENTIFIED MALE: (Inaudible) the fuck is that?
MR. CHRISTENSEN: -- for the Pacific Northwest and the local utilities have just chose not to support this project.
I support the proposal and it is -- I support the Benton County's comprehensive plan update and I believe that this proposal is in violation of that comprehensive plan.
Also, this wind farm proposal is in violation of a wildlife priority area. This is within the boundaries of the United States Department of Agriculture's Ferruginous Hawk SAFE Program. This an area in Benton County created to address priority national resource concerns, primarily the ferruginous hawk, whose populations continue to decline. On the federal level, this is a species of special concern. Washington State considers the ferruginous hawk as a threatened species, but the Fish and Wildlife Commission is in the process of changing status from threatened to endangered.
So simply, you should not, you cannot, construct a kill-zone line of wind turbines in the middle of this priority area. Any deaths to this threatened species within this area and attributed to wind turbines would be completely unacceptable.
In conclusion, I cannot mitigate -- you cannot mitigate to nonsignificance this visual pollution of a 24-mile spinning picket fence of enormous wind turbines, with nighttime flashing lights and daytime flickering blades, located within sight of 300,000 community residents.
Thank you.
JUDGE TOREM: Thank you, Mr. Christensen.
Next up is going to be Staci West followed by I believe it's Jacob LaRivera and Markus Soffer [sic].
Ms. West, are you on the line?
UNIDENTIFIED FEMALE: (Inaudible) missing anymore?
JUDGE TOREM: Staci West?
Is Jacob LaRivera ready go? Mr. LaRivera?
All right. Let me go back to the people that we tried to call earlier. Doug Nordwall? Bill Jenkins?
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| 1. All right. Staci West? Mr. Jacob LaRivera?  
2. All right. Moving on then to Markus Soffer.  
3. UNIDENTIFIED FEMALE: I think all the people are muted.  
4. JUDGE TOREM: Well, they'll take themselves off mute if they're ready to speak.  
5. UNIDENTIFIED MALE: I believe the phone bridge --  
6. UNIDENTIFIED FEMALE: I don't believe they can.  
7. UNIDENTIFIED MALE: -- may also have a mute.  
8. (Dog barking)  
9. UNIDENTIFIED MALE: Does the phone bridge *6 work to unmute?  
10. UNIDENTIFIED FEMALE: Yes.  
11. JUDGE TOREM: Markus Stauffer?  
12. UNIDENTIFIED FEMALE: People, you can put --  
13. MR. STAUFFER: This is Markus Stauffer. Can you --  
14. UNIDENTIFIED FEMALE: -- *6 to unmute yourself.  
15. MR. STAUFFER: -- hear me?  
16. JUDGE TOREM: I'm sorry. Did I hear Markus Soffer, please?  
17. MR. STAUFFER: Yes. My name is Markus Stauffer. Can you hear me?  
18. JUDGE TOREM: I can hear you, Mr. Soffer. We're going to start your time now. We'll call back to the other people again.  
19. Go ahead, Mr. Soffer.  
20. MR. STAUFFER: I started the website a year ago, it's called save-our-ridges.org, and I did that to collect information about this huge project and to share it with others.  
21. I live in Pasco in Franklin County. I would like to point out that tourism is big business in our region. We've got a lot of people here to go to the vineyards and sample wine at Red Mountain, play golf here, or some even retire here when they're tired of the rain on the West Side.  
22. I talked to the tourism office, Tri-City Visitor Bureau, and they told me in 2019 tourism brought in $560 million in revenue and created 6,370 jobs with 54 million in taxes. So the Scout numbers pale in comparison to that. People don't come here to look at giant industrial operations on the horizon.  
23. We don't need the electricity. We already produce --  
24. UNIDENTIFIED FEMALE: (Inaudible) comment. Why don't you let people know how to unmute themselves?  
25. MR. STAUFFER: We produce about 40 percent of all electricity in Washington state, and much of that goes to the West Side. We don't need it here. I'd like to leave you a final image here that you can relate to. Picture a panorama of the Seattle skyline with the Space Needle. Then imagine 244 space needles lined up from Seattle all the way to Tacoma. That's 25 miles as the crow flies. So this is the scale of the Horse Heaven Hills Wind Farm Project, 25 miles of 500 to 670 foot towers. We don't wish that on Seattle, so please don't do that to the Tri-Cities.  
26. Thank you.  
27. JUDGE TOREM: Thank you, Mr. Stauffer.  
28. UNIDENTIFIED MALE: (Inaudible) rocks (inaudible).  
29. JUDGE TOREM: I've seen some comments and questions in the chat and I've heard a few of you pipe up and ask for how to unmute yourself. If you're on Skype, at the bottom of the screen, there should be some visual cues there as to a microphone or a video. No, we don't need the video tonight, but your microphone can be showed --  
30. UNIDENTIFIED MALE: (Inaudible) --  
31. JUDGE TOREM: -- as muted or unmuted.  
32. UNIDENTIFIED MALE: -- (inaudible). Sit on your bottom, please.  
33. UNIDENTIFIED FEMALE: Most people are on phone, so how do we --  
34. JUDGE TOREM: Those people that are on phone --  
35. UNIDENTIFIED FEMALE: -- unmute ourselves? Yes.  
36. JUDGE TOREM: Those people that are on telephone tonight and have some reason we can't hear you, you can't unmute, I encourage you to hang up and call back in. That should reset your microphone.  
37. UNIDENTIFIED MALE: (Inaudible).  
38. JUDGE TOREM: I'll call those people who may have been missed because of a mute issue again shortly. The next, moving on for time tonight, Tom Blakney and then Scott "Lee-vy" or "Le-vy," followed by Brent Strecker. Is Mr. Tom Blakney available?  
39. MR. BLAKNEY: I am here.  
40. JUDGE TOREM: Mr. Blakney, thank you very much. I'm going to ask for your timer to start and we'll go from there. Go ahead, sir.  
41. UNIDENTIFIED FEMALE: I need to (inaudible) --  
42. MR. BLAKNEY: My name is Tom Blakney. I am a --  
43. UNIDENTIFIED FEMALE: -- (inaudible), but I can't get it to go off.  
44. MR. BLAKNEY: -- retired person that has long roots in Benton County, and also Sherman County, Oregon. My families were pioneers of both states. My great grandfather was John Golden, who founded Goldendale, which in 1980 became the site of the first Boeing Mod-2 developmental wind turbines. I currently have farming interests in Benton County, where Scout intends to build the Horse Heaven Wind...
Farm. As a result, I am all for using wind for power generation. As the farming friend said, "We have become so used to cursing the wind, it would be a great change to be able to encourage it to blow."

The technical aspects of generating wind power are well understood; however, the social aspects are fuzzy because of a lot of bad intentions and mistaken assumptions. I believe the fears of towers falling, the flicker and the noise of the blades as they turn and the flashing of required airport lights are blown completely out of perspective, as well as saying that turbines will ruin somebody's viewscape.

The Horse Heaven Wind Project will be located on the south side of the Horse Heaven Hills and is miles away and barely viewable from the Kennewick and Prosser areas. Without a doubt these fears are largely manufactured to support a presumed right of a private individual who wish to have their way and would like to micromanage their neighbor's property use.

Most property owners have mineral rights going very deeply underground. I believe that property rights also include using the airspace above the property for almost anything, including fruit trees, buildings, and wind power.

MR. BLAKNEY: That's all. Thank you.

MR. LEVY: Yeah, Scott Levy here. Is this -- am I --

UNIDENTIFIED FEMALE: I can't (inaudible).

MR. LEVY: -- (inaudible) providing.

JUDGE TOREM: -- or Scott "Le-vy."

MR. LEVY: Yeah, Scott Levy here. Is this -- am I --

JUDGE TOREM: All right. Mr. Levy, go ahead. We'll start --

MR. LEVY: -- audível?

JUDGE TOREM: -- your timer. Yeah, I can --

UNIDENTIFIED FEMALE: What do you want me to do? I can't start it.

JUDGE TOREM: -- hear you just fine. I'm going to ask others to please self-mute their microphones. If I can figure out how it is, we'll do that.

Can you restart the timer for him?

Go ahead, Mr. Levy.

MR. LEVY: Yeah. My name is Scott Levy and this -- I was looking at the viewsheds and things like that and the ones I saw, there is some -- that the turbines were somewhat close. And if you guys find that you have to get rid of some of the turbines because of viewed --

I mean, like the previous caller was talking about, you know, most of these are totally out of sight because it's on the other side of the hill there -- but if you have to get rid of some, I would suggest that the megawatts be replaced with expanding your solar. The size of the project's wonderful.

And when you do those solars, I think that you should be pointing them east or at least have a fair amount of them pointing east, maybe the ones that are replacing the wind turbines should be pointing east.

The western --

MR. LEVY: -- or the WAC, whatever it's called, western grid, could really use some more of that early sunrise, that dislocation --

UNIDENTIFIED FEMALE: I can't get the car to start.

MR. LEVY: -- (inaudible) providing.

UNIDENTIFIED FEMALE: (Inaudible) get the car (inaudible).

MR. LEVY: -- for taking my comment.

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

Brent Strecker is the next speaker.

MR. STRECKER: Okay. Now can you hear me okay?

JUDGE TOREM: Yeah. If you'll speak up a little bit more and project, that will make it so the Council can hear you as well. Go ahead, Mr. Strecker.

MR. STRECKER: Okay. Now can you hear me okay?

JUDGE TOREM: That's better, sir. Go ahead.

MR. STRECKER: Okay. Thank you. Yeah. This is Brent Strecker. Benton County's been my home for over 50 years. I enjoy the outdoors and have hiked and biked the Horse Heavens my entire life.

I totally oppose the Horse Heaven Hills wind farm being pushed on us by Scout Energy. Just last year I was able to spot two large owls in one of the canyons. I witness hundreds of sandhill cranes flying directly into the path of the proposed wind turbine area year-round. The seemingly thorough Horse Heaven wind farm bird and bat conservation strategy does not reflect reality regarding the number of birds in this migratory byway.

With regards to the massive 500 foot, hundred-mile-an-hour blades, this is a much different situation in location and size than the nearby Nine Canyon turbines. It will be a meat grinder. The (inaudible) wind turbines are not a novelty or a celebrated symbol of the environment virtue to many of us here in Eastern Washington who live -- or to have to live with them as an intruding presence along every path we travel in our -- of our community and as our backdrop to.
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MR. STRECKER: -- and sightseeing destinations. While Governor Inslee continues to promote rapid and widespread wind and solar power development in hydro-rich, already clean Washington, I question whether this would be the case if the sprawling wind farm with over 240 structures nearly as tall as the Space Needle are -- and covering 25 miles of the horizon were being built in his backyard.

The idea that my wife (inaudible) to live with the --

UNIDENTIFIED MALE: (Baby crying and dog barking).

MR. STRECKER: Some people can't get it, can they?

CHAIRPERSON DREW: Person with the dog, mute your mic.

JUDGE TOREM: -- encourage you again because I want to hear what you have to say to submit your comments in writing. I'm not missing you earlier. Last call for Bill Boyce. All right. Mr. Boyce, if you're on the line and you're muted for some reason, please submit your comments in writing. I'm not going to call your name again.

MS. CAPRIO: Hey, real quick?

JUDGE TOREM: Who's this?

MS. CAPRIO: Hey, real quick?

JUDGE TOREM: Hey real quick, who's this?

MS. CAPRIO: I just wanted to let you guys know --

JUDGE TOREM: Please identify yourself.

MS. CAPRIO: Hi. This is Christina. And I just wanted to let you know that it's --

JUDGE TOREM: Christina?

MS. CAPRIO: -- you can't --

Caprio (phonetic).

-- that you can't submit online on your portal. So I just wanted to let you know because you're asking people to submit comments written, and so I just wanted to let you know it's not working.

JUDGE TOREM: I'll -- EFSEC staff will look at that. I don't control the portal, Ms. Christina Caprio, so I'm going to ask them to take a look at that and see what's going on.

Greg Gales is the next speaker. And then we'll hear from

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Kayne Segura and then from Mike Wingfield I believe it is. I'm going to go back and ask is Bill Boyce on the line? We missed you earlier. Last call for Bill Boyce. All right. Mr. Boyce, if you're on the line and you're muted for some reason, please submit your comments in writing. I'm not going to call your name again.

MS. CAPRIO: Hey, real quick?

JUDGE TOREM: Who's this?

MS. CAPRIO: Hey, real quick?

JUDGE TOREM: Hey real quick, who's this?

MS. CAPRIO: I just wanted to let you guys know --

JUDGE TOREM: Please identify yourself.

MS. CAPRIO: Hi. This is Christina. And I just wanted to let you know that it's --

JUDGE TOREM: Christina?

MS. CAPRIO: -- you can't --

Caprio (phonetic).

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MALE SPEAKER: It's working just fine.

MS. CAPRIO: Thank you.

JUDGE TOREM: Ms. Owens is indicating that email would work. The address to send those email comments if you're having problems with the portal is E-F-S-E-C, EFSEC, at U-T-C, Uniform-Tango-Charlie, dot W-A, dot G-O-V, dot efsec@ufc.wa.gov. We can get your emails there as well. Please use the subject line of "Horse Heaven Wind" in the subject line --

MALE SPEAKER: Can you take your (inaudible) off?

JUDGE TOREM: -- and "Public Comment." We'll know where to direct your email.

All right. Our next speaker Greg Gales. Are you on the line? All right. I'm going to go back. Doug Nordwall, last call for Doug Nordwall.

Bill Jenkins. Last call for Bill Jenkins.

Last call for Staci West.

Last call for Jacob LaRiviera.

And last call for Greg Gales.

All right. Kayne Segura, you're No. 16 on the signup list. Are you on the line?

MR. SEGURA: I am here.

JUDGE TOREM: All right. Two minutes will begin now. Go ahead, sir.

MR. SEGURA: Thank you, Chair Drew, and the entire

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Commission for allowing me the opportunity to speak to you all this evening. My name is Kayne Segura, and I'm the business manager of Laborers Local 348 in Richland, Washington. I represent over a thousand hardworking men and women in the Central Washington area, including Benton County. I'm here today to fight for the workers of Benton County.

Myself and other members who attended the previous town hall meeting were approached by Mr. Barry Bush in regards to his stance on the project. He summarized that he is all for local jobs but this county does not need the power and it won't create many jobs.

Unlike Mr. Bush's assumptions about the detriment of the project and while we question Mr. Bush's loyalty to the community as he was in favor of the Nine Mile Canyon Wind project, we are in favor of the level of economic support this project will bring to the community in all aspects.

To go further, in the environmental study produced, Scout Energy discusses tax revenues going to schools and fire districts. Phase I of this project would be paid to schools with 32 percent of the total directly paid to local school districts. Fire districts account for the next largest share of revenues at 14 percent, followed by roads at 12 percent.

In dollars terms, Phase I during the first year of 17 (Pages 65 to 68)
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- **JUDGE TOREM:** All right. Next is Sydnie Roberts. Sydnie Roberts?
- **MR. ELGUEZABAL:** Yeah, I'm still here.
- **JUDGE TOREM:** Go ahead. We'll start your time again. Go ahead.
- **MR. ELGUEZABAL:** All right. I just want to thank you for giving me the opportunity to speak tonight. I'm a Benton County resident. I live in Plymouth, Washington, just over the hill from where this wind project's going to go. I am in favor of this project. It will provide a lot of great paying jobs and boost our economy.
- **JUDGE TOREM:** Thank you, Mr. Elguezabal.
- **MR. ELGUEZABAL:** Pam Minelli, you came on the line here. Are you still there?
- **MS. MINELLI:** Yes, I am. Thank you.
MS. MINELLI: Okay. Thank you for this opportunity. I oppose the Horse Heaven wind farm project for a long list of reasons. My comments here tonight will be limited to three concerns. My first concern is Stout's request for an expedited process, even though they've now withdrawn that request. It raises several red flags.

More time is needed to determine the true impact of this wind farm in our area. Examples of my concerns include much of the data included in the applications paid for by Stout Energy. Third party experts need to be added. Their input needs to be added to this application. And an environmental impact study needs to be done by a neutral third party.

Most local (inaudible) contacted knew absolutely nothing about the Horse Heaven wind farm. More time is needed to inform residents, local businesses and industries, city governments, developers, and more of this nonsense project. In the public opinion survey included in Stout's application showing local support is unbelievable. "You've got to be kidding. Where? What?"

Information showing local opposition to the Horse Heaven wind farm gathered by Benton County Commissioners showed 336 against the 36 supporting the project as of March 22nd. And we have an online petition that has 156 signatures showing opposition. There are letters from City Council's elected officials for other surveys that need to be added to Stout's application to document strong local opposition to this wind farm.

An additional (inaudible) showing visual impacts of the wind farm from nearby neighbors such as Summit (inaudible) have not been provided, even though we've requested. And there are no nighttime photos showing the red flashing lights along 24 miles of our areas (inaudible). And there's no mention of the ADL, aircraft detention light (inaudible) system as an option to control (inaudible) lights.

JUDGE TOREM: Ms. Minelli, time has expired. Can you sum up, please?

MR. MINELLI: Yes. Fuzzy photos. The thoughts of 244 towers stretching for 24 miles. Because so few people in the Tri-Cities area know what's going on, once the monstrous towers start going up and polluting our skyline and the 24 miles of red lights are turned on, there will --

JUDGE TOREM: All right. Mr. Minelli, I've got to cut you off there. Mr. Minelli, you have a lot of questions. I'm going to encourage you to put them in writing and submit them either by email or if you can get the portal to work, that way.

MR. MINELLI: Okay.

JUDGE TOREM: I appreciate that we were able to get you tonight. Thank you, sir.

MR. MINELLI: Thank you.

JUDGE TOREM: Mary Dye and Jason Lohr are the next speakers.

Mary Dye, are you on the line? I saw you on the attendee list.

REPRESENTATIVE DYE: Yes, I am. Thank you.

JUDGE TOREM: All right. Go ahead, ma'am. Two minutes.

REPRESENTATIVE DYE: Thank you. Thank you, Chairwoman Drew and members of the Committee. My name's Mary Dye. I'm a State Representative for the 9th Legislative District. I want to thank you for having this hearing.
The Horse Heaven Hills is unique. It boasts of about 15,532 acres of (inaudible) high-value vineyards, and it represents 27 percent of Washington's total grape production. And it is the source of only five 100-point wines produced in the state.

So the American -- or Horse Heaven Hills American viticultural area produces some of Washington's most coveted and expensive wines, and it's a unique and irreplaceable microclimate that some of the state's most state of the art viticulture is employed to produce some of the finest and most unique wines.

The proximity to the Columbia River and also the sandy loam soils and the south-facing slopes are optimum for this wine production region and it's unique in probably the nation and the world. And it accounts, the entire wine industry in the Tri-Cities and others, accounts for $8.4 billion of economic impact.

So why? What would happen with a large wind farm? Wind farm turbines in West Texas were studied by Nature Climate Change, and it was evaluated to find that they create a lot of turbulence raising temperatures .72 degrees on average but really changing the microclimate of the land.

And I'm very concerned about the impact that this change could make. It could devastate some of the area's most important wine production areas. So I would urge you to really consider this when you're doing your studies and when you're looking at the EIS, that you protect this viticulture, this microclimate of the viticulture in the area around Horse Heaven Hills.

I appreciate your consideration this evening. Thank you very much for giving me the time.

JUDGE TOREM: Thank you, Representative Dye. Right on the nose, two minutes. I knew you were professional at this.

JUDGE TOREM: Jason Lohr, a name that I think we all recognize. Mr. Lohr?

MR. LOHR: Hello. Thank you for your time. My name is Jason Lohr, and I'm an electrician living here in Kennewick. I'd like to bring up that this project is estimated to employ over 900 people, and not just provide millions in tax revenue to our schools but also millions of dollars back into our local economy from the good paying local jobs.

I think a lot of people on here might not understand that construction follows, by about six months or a year, developments in the overall economy. We are just now seeing the slowdown from COVID because our jobs were already in process when it happened.

Construction, though our jobs are temporary, we make up a great deal of this local economy. A large infrastructure project right outside of town will provide hundreds of people millions of dollars to support their families and provide a great deal for our local economy.

I simply do not understand how we can trade food on hundreds of people's tables for the view out of a few people's windows of land they do not own. Thank you for your time.

UNIDENTIFIED FEMALE: Who was that guy?

JUDGE TOREM: Thank you, Mr. Lohr.

Barry Bush and Clark Stolle or Stolley (phonetic) will be next and then Michael Novakovich.

Barry Bush?

MR. BUSH: Okay. The proposed Scout Clean Energy project is in the middle of the Pacific Flyway. For those of us that live near the Horse Heaven Hills Wind Project, we can attest to the fact that tens of thousands of geese, Canada geese, fly through the site every year while migrating south.

We do not need the energy. These turbines and solar panels will generate energy, but none of the four utilities in this area are looking to take even one kilowatt. The fact is the local utilities need energy when it's coldest and hottest outside, and that's exactly when this site will not produce energy.

We support President Biden's desire to build more offshore wind projects. These projects are generally not viewable from land and can be built much closer to where the load is needed. The energy in our region is already carbon-free. At Benton PUD we currently have a low profile that is 93 percent carbon-free.

A wind solar project of this magnitude should never be built by such a large population base. The Tri-Cities has over 3,000 people. Energy Northwest in Richland was just picked as one of the two locations by Department of Energy to build two small modular nuclear plants. This base load of power will generate 98 to 99 percent of the time, unlike the 30 percent of the time that we get in -- that you will get out of this proposed project.

I'm not aware of a single local elected official, government agency, city, or county board from the Tri-Cities area that has come out in favor of building this project. I can, however, count 36 city, county, state and federally elected officials and community organizations that have come out against this project.

And finally, a disproportionate share of wind turbines are being placed in Southeast Washington state with almost none in Western Washington or coastal waters. The fair treatment goal of environmental justice means no group of people
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1. should bear a disproportionate share of the negative environmental consequences resulting from industrial, government, and commercial operations or policies. Thank you.

2. JUDGE TOREM: Thank you, Mr. Bush. Appreciate you wrapping up.

3. Clark Stolle or Stolle.

4. MR. STOLLE: Yes. Clark Stolle. I'm here.

5. JUDGE TOREM: Clark Stolle. Your two --

6. MR. STOLLE: Can you hear me?

7. JUDGE TOREM: Yeah. You're No. 26 on my list. Just so everybody has an idea, we're at now 7:20 p.m. We have a total of 45 people signed up and a 46th person, the Mayor Don Britain who wants to be last. If we keep going at the rate we're going, we'll probably be going another 30 minutes.

8. So for those of you tuning in for the land use consistency hearing, I believe we're going to go ahead and start after the 7:30 start that's been advertised and noticed. So just stay on the line. Be patient with us, please.

9. If you're interested in the land use consistency hearing, again, that will be starting I'm guessing closer to eight o'clock. That will include, again, some comments and presentations by the applicant and the Benton County prosecuting office focusing on land use.

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1. We're still in the public comment hearing and will be for a little while tonight. We're on Speaker No. 26 out of at least 45 that have signed up. I'm going to ask staff to see if they can close the signup so that we can stop at a reasonable hour. It is a Tuesday night. And I know that Gonzaga Bulldogs have already won their game, so many of you are tuning in now. But we're going to go ahead now and pick back up with Clark Stolle.

2. Mr. Stolle, your two minutes now begins.

3. MR. STOLLE: Thank you very much. I'm opposed to the Scout proposal. Scout has represented this project is being in the interest of the greater Tri-Cities community.

4. However, rather than submitting the project to Benton County for review, they circumvented the existing processes and went directly to EFSEC and Governor Inslee to make them -- ask them to make this decision. I don't think that's appropriate.

5. Skipping through some of the words that have already been spoken, I just want to point out that at 500 to 670 feet tall, these enormous towers in a stretch, they're taller than the Space Needle. They're going to stretch across 24 miles of our most prominent ridge line in Benton County.

6. That is the equivalent of going from the capital building in Olympia south to Centralia or east to Tacoma. I think that's both significant and impactful.

7. Scout contracted to have various studies prepared to justify the project that repeatedly cite minimal or no impact to land, humans, birds, animals, tourism, property values, et cetera. I've read lots of EISs, and I know how they're written. These studies appear to be strongly biased toward the project and they warrant greater analysis. I'm glad to see we're doing an EIS now.

8. Although I haven't seen it published, it's highly likely that the power generated is not going to stay in Washington state. Be aware that several California counties, including Los Angeles, San Diego and San Bernadino, have been pushing back hard on new wind farms and have passed restrictions discouraging or outright banning developmental large-scale commercial wind farming.

9. The state of Vermont itself has established strict regulations that effectively halt any new wind farms on ridge lines. This is largely due to the strong backlash of negative community sentiment and environmental impacts. As a result, wind farm developers are now looking to project-friendly states. Is that what Washington is?

10. My family's been in Benton County for over 70 years, and like many others, we feel that the Horse Heaven Hills are a special scenic area that are there to be enjoyed by our community and its visitors. Why should it be valued any less than other notable sites in our state. There will be

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1. prominent around our ridge lines where the (inaudible) cannot hide them. The negative impacts to our view shed and the scenic vistas that are so important to the quality of our life will be lost forever if they're approved.

2. JUDGE TOREM: Thank you, Mr. Stolle.

3. MR. STOLLE: The tradeoff for short-term jobs and (inaudible) places is a legacy of negative anesthetic and environmental impacts for our community that --

4. JUDGE TOREM: Mr. Stolle, I have to cut you off.

5. MR. STOLLE: -- (inaudible). Thank you very much.

6. JUDGE TOREM: Thank you.

7. MR. STOLLE: I'm done.

8. JUDGE TOREM: Thank you, sir.

9. Next is Michael Novakovich and Chris Wright and then Brent Kirby.

10. I want to interject just for those of you that are using the comment thread to question other speakers or toss comments back and forth. It's really not what the comment thread is here for in this public comment hearing. I want everybody, as I said in the beginning, to give dignity and respect to each of the opinions.

11. And this is not a forum for you to have an argument.

12. We're not in a thread where we have comments on a newspaper article. This is a recorded meeting. It's for the Council to hear what each speaker has to say. And I'd just ask you
to refrain from those things.

If you agree with somebody, you can put, "I agree." If you disagree, that's fine. But let's keep the questioning and some of the other comments that are bordering on uncivil and consider how you'd want to be treated.

All right. Let's press on with our Speaker No. 27 on the list is Michael Novakovich.

Are you there, sir?

MR. NOVAKOVICH: Can you hear me? Yes, I am.

JUDGE TOREM: I can. Go ahead, sir. You're on.

MR. NOVAKOVICH: Thank you, Chair Drew and Council. I'm Mike Novakovich, President and CEO of Visit Tri-Cities. The Visit Tri-Cities board of directors is in opposition to the proposed Horse Heaven Wind Farm Project.

Our concern is the installation will have significant adverse impacts on our half-billion-dollar-a-year tourism economy. A competitive advantage in our region is our wine industry. Visitors to the Tri-Cities are literally in the heart of Washington wine country.

Our Red Mountain American Viticultural Area is home to rolling vineyards and estate wineries with incredible views of the Horse Heaven Hills. The beauty of our region and its rugged dessert hills are a significant tourism draw from wine lovers to visitors whose interests lie in exploration and understanding of the great Missoula floods. The Horse Heaven Hills provide a wealth of leisure opportunities which drive visitor spending and associated significant quality-of-life impacts.

The proposed Horse Heaven Wind Farm is expected to have adverse impacts on our tourism economy for years to come. The towering wind turbines that rob our region of its scenic beauty while creating a perception of a windy destination translating into a loss of visitation. Repeatedly, a downturn in our tourism economy translates to a loss of permanent jobs, businesses, business investments, and the quality-of-life activities impacts that are our activities fund.

As an example, I recently spoke with a hotel developer that terminated the development of a hotel project due to potential construction of this wind farm and its line-of-sight views. Tourism helps small businesses survive and supports roughly 6,000 jobs in the community, the over 50 million taxes in revenue that's generated by visitor spending helps to fund emergency services like police and fire, schools and teachers, maintenance of our roads, beautification of our parks and more.

In short, visitor spending helps to fund a safe community, educated community, employed community, and a beautiful community filled with many amenities for all community members to enjoy.

Any adverse impact to our tourism economy as a result of Scout Clean Energy's Horse Heaven wind farm will reduce the economic activity that provides for these quality-of-life benefits, and we would respectfully ask that you reject their application. I truly appreciate this opportunity to comment.

JUDGE TOREM: All right. Thank you, Mr. Novakovich.

It's now 7:30. I would have normally taken a break in between the two hearings. And because we have a court reporter that you can't see but is equally subject to the call of nature that all of us are, we're going to take a brief break. It's going to be until 7:40 p.m., so on my clock that's 13 minutes.

When we come back, the court reporter will let us know when she's ready to go on the record. And then it will be Chris Wright, Brent Kirby and Rey Espinoza. So for those of you listening, you can put your phones down for the next 12 minutes. And at 7:40 I'll reconvene this public comment hearing.

For those waiting for the land use hearing, that will start at approximately 8:30 if we hold everybody to two minutes at a time. We're going to recess the meeting now.

We're off the record. Go ahead and take a break. We're going to ask you all to mute your microphones. We'll be back at 7:40.
MR. ESPINOZA: Thank you. I appreciate the determination some of you have to put three minutes of comments into two.

JUDGE TOREM: Thank you. I appreciate the determination some of you have to put three minutes of comments into two.

MR. ESPINOZA: Thank you.

JUDGE TOREM: The court reporter is, frankly, suffering it, and the rate of speed sounds much more like the end of a Federal Express commercial.

MR. ESPINOZA: I'd also note that natural gas is going for 6.5 cents a kilowatt hour. In my opinion, it's not a wind farm or solar farm. It's a tax credit and emission credit farm, and I think it's disgusting.

JUDGE TOREM: Thank you. I appreciate the determination some of you have to put three minutes of comments into two.

MR. ESPINOZA: I'd also note that natural gas is going for 6.5 cents a kilowatt hour. In my opinion, it's not a wind farm or solar farm. It's a tax credit and emission credit farm, and I think it's disgusting.

JUDGE TOREM: All right. I can. Sir, go ahead. Your two minutes is starting.

MR. ESPINOZA: Thank you, Chair, and the entire Commission.
for allowing me the opportunity to speak to you this evening. My name is Rey Espinoza, and I'm the assistant regional manager for the Laborers International Union in North America. I am also a lifelong resident of the Tri-Cities and I have a strong support for the communities here.

I'm here today to speak in favor of this project. The workforce that would benefit from this project is more than a few, as many have continued to state. If we look at the work forecast for the Horse Heaven Hills project, construction of Phase I of the project is estimated to support 458 total district, indirect and induced jobs in Benton and Franklin counties and approximately 37 million in labor income with total economic output of approximately 70.6 million.

During Phase II, project construction is estimated to support approximately 472 to 539 total jobs and approximately 37.6 million to 41.9 million in labor income with a total economic output of approximately 73 million to 85.7 million.

On the Rattlesnake Ridge project just north of here in Adams County, a local workforce and support from elected officials created a successful renewable project with a project labor agreement. Workers were working 12 to 15 hours per day including getting double time on Sundays.

They brought in an average of 2700 to 3,000 per week after taxes. And according to the business manager in Local 348, members brought in a year's worth of pay in six to seven months. This is just an overview of what renewable projects would bring to communities like this.

The numbers seem to be clear. Renewable jobs provide not only a paycheck for local workers, they provide a good career for themselves and their families as well as the opportunity to give back to the communities that they live in.

Thank you, Commission, and thank you to the land owners.

They have no knowledge on.

I appreciate everybody's time and I appreciate your patience. This has been sure been frustrating and difficult for you in managing this, particularly at a virtual setting. Thank you.

JUDGE TOREM: Thank you, Dr. Miller. I appreciate that. I'm doing the best I can, and I appreciate your comments as well.

Is David Fritch available yet? I'm going to call you again. If not, we're going to go to Andrew Schmitt and then Jermaine Smiley and then Richard Sargent. And, Mr. Sargent, I know you were able to speak earlier, so hopefully by the time we get to you you're ready to unmute.

David Fritch, last call?

All right. Andrew Schmitt, are you out there?

MR. SCHMITT: Yeah. Can you hear me?

JUDGE TOREM: I can.

MR. SCHMITT: Okay.

JUDGE TOREM: Go ahead, sir.

MR. SCHMITT: Okay. Well, I think so far I am the only person with the direct experience to speak and directly involved in this project. So many of the things that people have said I could refute on their comments that they just have no knowledge on.

We own or operate a large part of where this project is going. And like many of the things -- if you look at the restricted lifetime usually, depending on what you look, somewhere between eight and 25 years. There's no plan that says what will happen when these turbines are no longer functional.

When a turbine is nonoperable, what will happen particularly if the company managing these is no longer financially solvent. So if, for example, Scout sells this to another company or Scout itself goes out of business or declares bankruptcy, who will take care and care for these turbines? Who will decommission them? And who will deconstruct them when they are no longer viable?

And that has a massive impact on the environment, both in the deconstruction but also if these are no longer functional, you have these large fields of nonoperable turbines being a blight to the environment and a blight to the view.

And this is one area that I've not heard anybody talk about, and I don't see anywhere in the proposal specifying what they will do particularly if the company is no longer solvent. And I would request that there be some type of escrow account set up where the company will be forced to capitalize the entirety of the decommissioning prior to them building to make sure that they can be taken care of appropriately if they are built.
The applicant has discussed the future needs of energy and basically transfer it to California? 

This is an extremely large project, a thousand megawatts, creates other facilities to moderate their generation and -- including the dams and CGS -- and this project will exacerbate those issues. Thank you.

The economic impact as has been said is huge and is not just for the farmers up there. It trickles down, as they've said, to all the workers. It's estimated to be over $700 million over this project, which for this economy or potential or probability. This calculates in forecasts when energy resources fail to meet the highest demands of our region.

Okay. The next speakers are going to be Bruce McAllister, I believe it's Jim Atkins, and Patrick D. Grengs II.

All right, moving on. Bruce McAllister, are you there?

MR. MCALLISTER: Can you hear me?

JUDGE TOREM: Now I can hear you, sir. Can you again state your name, make sure we've got the right speaker?

MR. MCALLISTER: Yes. I'm Bruce McAllister. I'm a resident in the Benton City area.

JUDGE TOREM: All right. Go ahead, sir. Two minutes.

MR. MCALLISTER: I have a front row seat here to all of these towers. I'd like to make a strong reminder to everyone, Scout Energy is a for-profit company. And you take any other company in the world that says, Hey, I want to build this up on the ridge, I think we'd have a lot of bigger uproar, because of the tutting of the clean energy.

It was brought up by a speaker just a moment ago that was a concern of mine is where is this power going? It was brought up by a speaker just a moment ago that was a concern of mine is where is this power going?

The generation profile of wind is one of the worst types of generations to improve this adequacy or to reduce the loss of load probability. It won't do much. To use wind to minimize adequate concerns and the loss probabilities would require a tremendous amount of overbuild of wind generation that would dramatically increase the cost of energy throughout this area. It would be, quite frankly, extremely wasteful.

Our area already has enough wind. We have an overabundance of wind at time. It -- what does it is it creates other facilities to moderate their generation and -- including the dams and CGS -- and this project will exacerbate those issues. Thank you.

JUDGE TOREM: Thank you, Mr. Sargent. I appreciate your brevity there.

Jermaine Smiley, last call.

for this community, it's just great. The construction jobs could be the jobs of your neighbor out there. And that's pretty much it. I'm fine.

JUDGE TOREM: All right. Thank you, Mr. Schmitt.

MS. ROUSE: Can I say something?

JUDGE TOREM: No. If you're not on the speakers list and I didn't call your name, thanks for interrupting.

Jermaine Smiley.

All right. Richard Sargent, are you out there?

MR. SARGENT: Yeah, I'm still here. Can you hear me?

JUDGE TOREM: I can hear you, Mr. Sargent. You're up next. Go ahead.


This is an extremely large project, a thousand megawatts, and far beyond the energy needs for what the localized area needs, which questions me: Where is this energy going? Who are the off-takers? Is this energy even being used in our region? Is it being used in Washington? Could it be used for the energy imbalance market coming up, which will basically transfer it to California?

The applicant has discussed the future needs of energy and the needs of energy adequacy in our region and quoted the Northwest Power Conservation Council. All true. And, however, the energy deficiencies that are coming to our region are caused mostly by the loss of base load facilities and not necessarily because of the growth.

The energy adequacy benchmark is called a loss of load potential or probability. This calculates in forecasts when energy resources fail to meet the highest demands of our region.

The generation profile of wind is one of the worst types of generations to improve this adequacy or to reduce the loss of load probability. It won't do much. To use wind to minimize adequate concerns and the loss probabilities would require a tremendous amount of overbuild of wind generation that would dramatically increase the cost of energy throughout this area. It would be, quite frankly, extremely wasteful.

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It was brought up by a speaker just a moment ago that was a concern of mine is where is this power going?

Scout Energy doesn't want to invest a bunch of money in a project of this size without having a known market. They know what the market is. It is not Washington.

And a little bit -- one of the things I wanted to point out, it's probably around 85 percent to 90 percent of the county's population and most of (inaudible) Franklin

map that was put up earlier, if you've ever been up there to Horse Heaven -- which I'm not sure many of you actually have, I'm up there every single day on every single piece of property that this project is proposed on -- you would realize that very few of these turbines are actually going to be seen. And the solar arrays, they're never going to be seen unless you actually drive up there and drive down the roads.

In response to disturbing these lands and the habitats, we disturb them every single day. It's not -- if it's not farmland land, it's not good land for turbines or solar.

There's no loss of habitat. All the habitat that they talked about for wildlife is in the canyons, it's in the CRP programs, it is safe from this stuff. Everything that this is going on is farmed and tilled up every day.

I deal with SEPA a lot. I have a lot of experience. And so everybody knows that the SEPA determination for this is of nonsignificance. So that's just pretty much a moot point in this project.

A small fraction of people that have no direct interest are trying to put a thorn in the side of their neighbors. The economic impact as has been said is huge and is not just for the farmers up there. It trickles down, as they've said, to all the workers. It's estimated to be over $700 million over this project, which for this economy or potential or probability. This calculates in forecasts when energy resources fail to meet the highest demands of our region.

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And a little bit -- one of the things I wanted to point out, it's probably around 85 percent to 90 percent of the county's population and most of (inaudible) Franklin
amount of power produced is often significantly less than the calculations from the models. When you have over 260,000 wind turbines around the world that directly change the climate via significant reduction in surface convective air currents which dampen invective atmospheric mixing and nobody from the Sierra Club, Earth First, the IPCC, or the Friends of Global Progress is even bothering to waive a flag of concern, then you can be assured that climate change alarmism is less a matter of science and more a matter of politics and taxpayer financed corporatism. I am fully opposed to the project. Thank you for our opportunity to comment.

JUDGE TOREM: Thank you, Mr. Grengs.

Jim Atkins, calling again. Are you there?

MR. ATKINS: Yes, I'm here. Can you hear me?

JUDGE TOREM: I can hear you now, Mr. Atkins. Go ahead.

Your two minutes starts now.

MR. ATKINS: All right. Thank you. I have sent an email previously, and I will send another one after this. I am opposed to this project, and I am in agreement with the Benton County Commissioners and Dr. Miller. I would also like to know who paid for the Tetra Tech draft habitat mitigation plan.

And this project was held pretty quiet until last fall when it kind of got out and people started getting in an uproar about this. Also, Tetra Tech -- I mean, excuse me -- Scout Energy in their comments, they said they did extensive, thorough environmental analysis the last four years. Well, how come now they need to do an environmental impact statement? I would think that if they really cared that much, they would have already done that.

And then furthermore, the -- I understand that people are concerned about jobs, but they haven't said if it's union or nonunion work for those guys. But the moneys that Scout Energy throws out there, they're just -- they're not specific. They're not a firm number. It like, Okay, we'll throw this money out there and then maybe they'll jump on it. Here's $30 million.

Here's -- we're not going to -- we're going to pay for property tax money but we're not going to give you production money, you know, that the -- so they're going to make millions and millions and pay us a pittance of the money they make off of these projects, which, as is previously stated, it's all about government subsidies. Thank you very much.

JUDGE TOREM: All right. Thank you, Mr. Atkins.

The next speakers are going to be Frank Kliewer or Cliver (phonetic) -- I apologize if I'm butchering your name -- and Dennis Simmelink and then Michael Ritter.

Frank, with a K, Kliewer or Cliver.
are many things that need to be studied and looked at more

And I question this whole process. It needs to be brought forward with a lot of data. That was not believed to be the case before the withdrawal of the expedited permit. And I would invite you to come up to the Horse Heaven Hills and enjoy the best wine there is in the world. And that industry will -- it will create thousands of jobs long term.

JUDGE TOREM: Thank you, I appreciate it.

MR. KLIEWER: Thank you for your time, Judge. I appreciate it.

JUDGE TOREM: Dennis Simmelink, are you out there? All right. Mr. Simmelink, I'm going to call you again.

Next is Michael Ritter followed by Steve Simmons and Rylan -- I think it's Grimer (phonetic) or Grimmer (phonetic). I've seen your name in the comments string. You're going to be up in a few people.

Michael Ritter, are you there?

MR. RITTER: Yes, I am. And here I go. Are you ready?

JUDGE TOREM: All right. Ready.

MR. RITTER: All right. Hey, this is Mike Ritter. I'm with the Washington Department of Fish & Wildlife, and I'm the statewide technical lead for wind and solar development, and I live in Kennewick.

The Washington Department of Fish & Wildlife will be providing official comments in writing, and the following is taken directly from those comments.

The immense size of the project along the Horse Heaven Hills ridge line and the subsequent landscape scale impact to an important habitat and ecological connectivity corridor will be difficult, if not impossible, to mitigate. It is important to note that the lineal Horse Heaven Hills represents some of the last remaining functional and uninterrupted shrub-steppe and natural grasslands in Benton County.

The project's location and east/west orientation in the Horse Heaven Hills puts many of the turbines, microstirling corridors, transmission lines, solar arrays, etcetera, in close proximity to and crossing over many of the draws and canyons that provide some of the only native shrub-steppe and grassland habitat in the area as well as crossing over waters of the state.

Specifically, the solar, we consider impacts to vegetation inside the fenced area as permanent loss of existing habitat...
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| 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  |
| 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.  |

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| 1. I 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  |
| 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. GRIMMERS: 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. GRIMMERS: Okay. My name's Rylan Grimes, and I'm a  
11. lifelong resident 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 |
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<td>1. and will keep our grid reliable for decades. The windmills are nothing new in the Tri-Cities as</td>
<td>1. Well, in 1988, I lost a lot of crops. I -- and in a parquat application that was made in</td>
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<td>have been windmills in the face of Jumpoff Joe with the Nine Canyon project since I graduated</td>
<td>August of 1988 was important because it ended up drifting over 400 square miles of Tri-Cities.</td>
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<td>from high school at Southridge over 15 years ago. I haven’t once looked at them with disgust. In</td>
<td>And with that, the comprehensive meteorological analysis of a pesticide incident was written</td>
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<td>fact, I look at them with pride knowing that I worked on a few just like them when I was an</td>
<td>by Battelle Northwest, which did a lot of study on the topography and the terrain and how the</td>
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<td>apprentice electrician. IBW Local 112 looks forward to working with Scout Clean Energy and their</td>
<td>winds come down into the canyons and they circle around on the other side of the hill. And with</td>
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<td>electrical contractor to successfully complete this project in the near future. Thank you.</td>
<td>that, we are going to have so much noise from 140 turbines when the majority of those are at</td>
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<td>JUDGE TOREM: Mr. Grimes, is that it? MR. GRIMES: That is it. JUDGE TOREM: All right. Perfect. I</td>
<td>2,000 feet, somebody said 1500 but they’re 2,000 feet coming into the canyon down the --</td>
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<td>wasn’t sure the way you left off there. Margaret Hue, Matt Malin are next. Ms. Hue? MS. HUE: I</td>
<td>JUDGE TOREM: Ms. Hue, we’re running past your time. Can you sum up for me, please? MS. HUE:</td>
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<td>am trying to find it. JUDGE TOREM: I see you on the screen there, Ms. Hue. Let me know when you’re</td>
<td>So I just think that there is a critical piece of information from Battelle Northwest that is a</td>
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<td>ready. MS. HUE: I’m trying to find the microphone. There. Am I on? Okay. JUDGE TOREM: Yes, you’re.</td>
<td>meteorology study on winds and the -- and the air movement off of Horse Heavens and that is</td>
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<td>MS. HUE: Okay. I didn’t know that. JUDGE TOREM: All right.</td>
<td>going to significantly cause a lot of noise problems in Badger Canyon.</td>
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<td>JUDGE TOREM: Okay. Thank you, Ms. Hue. I’m going to have to cut you off there.</td>
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<td>MS. HUE: That’s okay. (inaudible). JUDGE TOREM: Matt Malin, are you on the line?</td>
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<td>MS. HUE: I’ve submitted a long letter to you. JUDGE TOREM: Excellent. We will read it.</td>
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<td>1. MS. HUE: Okay.</td>
<td>1. MS. HUE: Thank you.</td>
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<td>2. JUDGE TOREM: Go ahead. I’ll start your two minutes now.</td>
<td>2. JUDGE TOREM: Matt Malin, are you out there? Matt Malin?</td>
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<td>3. MS. HUE: All right.</td>
<td>3. Going once. Going twice. Because I promised the Mayor he’d be last, I can’t call you again.</td>
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<td>5. All right. Mr. Malin, if you have any comments if you’re still on the line, please submit them</td>
<td>5. Mayor Don Britain, are you on the line?</td>
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<td>6. in writing.</td>
<td>6. MAYOR BRITAIN: I am. Can you hear me?</td>
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<td>7.</td>
<td>7. JUDGE TOREM: Sir?</td>
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<td>8. Mayor Don Britain</td>
<td>8. MAYOR BRITAIN: Hello? Can you hear me?</td>
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<td>9.</td>
<td>9. JUDGE TOREM: Hello. I can hear you. You’re our last two minutes. I’d ask you to give us the</td>
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<td>10. courtesy of making it two minutes. I’ll cut you off and let you know when we get there.</td>
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<td></td>
<td>11. Two minutes, go ahead, sir.</td>
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<td>12. MAYOR BRITAIN: Judge, it will be less. I appreciate you placing me last. I was traveling all</td>
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<td>13. day today, and I was not sure when I’d be back in town.</td>
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<td>14. The City of Kennewick had prepared and submitted a letter, which I was going to read into the</td>
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<td>15. record tonight opposing Scout Energy’s request for expedited review. However, since Scout’s</td>
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<td>16. now withdrawn that application, and in fairness and respect for the time tonight, I am not</td>
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<td>17. going to read that into the record.</td>
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<td>18. But I do want to state that the primary reason for the opposition of the expedited review</td>
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<td>19. process was to be in</td>
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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 hearing.

JUDGE TOREM: We’re at 8:20. We’re closing that public 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) -00-
Land Use Consistency Hearing

Scout Clean Energy-Horse Heaven Hills Wind Project

March 30, 2021

206.287.9066  l  800.846.6989
1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101
www.buell realtime.com
email: info@buell realtime.com
JUDGE TOREM: Good evening, everyone. I think we still have over a hundred people with us. This is the Energy Facility Site Evaluation Council's set of hearings tonight on the Horse Heaven Wind Farm Project. We just completed, about 7, 8 minutes ago, the public information meeting. We're on a break right now until 8:30, just a few minutes away. My name is Adam Torem. I am the administrative law judge presiding over these hearings tonight. We're about to start the Land Use Consistency hearing at 8:30 p.m. I anticipate that should go at least an hour. We're going to have an opportunity to hear a roll call of the Applicant has withdrawn their request for expedited processing, so this discussion of land use tonight is just the beginning of a focus on whether or not this complies and is consistent with local land use ordinances and zoning rules and regulations. We'll be on the record in just a few minutes.

JUDGE TOREM: Thank you, Chair Drew. Again, my name is Adam Torem. This is a specific, very focused topic. It's not about general concerns. That was the previous meeting. This meeting is going to focus on land use, zoning and those kinds of issues. So if you already commented in a general way, there is no need to comment again in this matter. You can submit your land use comments electronically, by mail, through the EFSEC portal. Staff will describe that process again, how to comment on land use, and the rules as we begin the hearing in just a couple minutes. So bear with us. We're running about an hour past the budgeted time tonight, but we'll stay with this and, hopefully, about an hour for the Land Use Consistency hearing and maybe a little bit longer, depending on comments. And please realize that the Applicant has withdrawn their request for expedited processing, so this discussion of land use tonight is just the beginning of a focus on whether or not this complies and is consistent with local land use ordinances and zoning rules and regulations. We'll be on the record in just a few minutes.

JUDGE TOREM: I was about to click my unmute button. You beat me to it, Chair Drew.

CHAIRPERSON DREW: Judge Torem, are you ready to begin the Land Use Consistency hearing?

JUDGE TOREM: Trying to be timely. It's a long evening, and I appreciate all those who are participating with this. As required by RCW 80.50.090(2) and WAC 463-26-050 and WAC 463 -- that's Washington Administrative Code 463-26-060, I will call to order this Land Use Consistency hearing. And during this hearing, the public will be given an opportunity to provide testimony regarding the proposed projects, consistency and compliance with land use plans and zoning ordinances.

And with that, I will ask the clerk to call the roll of the Council.

THE CLERK: Department of Commerce?
THE COUNCILMEMBER KELLY: Kate Kelly, present.
THE COUNCILMEMBER DENGEL: Rob Dengel, present.
THE COUNCILMEMBER LIVINGSTON: Mike Livingston, present.
THE COUNCILMEMBER SANDISON: Derek Sandison.
THE CLERK: Department of Natural Resources.
(More audible reply)
THE COUNCILMEMBER BREWSTER: Stacey Brewster, present.
THE COUNCILMEMBER DENGEL: Kate Kelly, present.
THE COUNCILMEMBER LIVINGSTON: Mike Livingston, present.
THE COUNCILMEMBER SANDISON: Derek Sandison.

MR. SANDISON: Derek Sandison, present.
THE COUNCILMEMBER BROTHER: Present.
THE COUNCILMEMBER BREWSTER: Stacey Brewster, present.
THE CLERK: Adam Torem, present.

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THE COUNCILMEMBER LIVINGSTON: Mike Livingston, present.
THE COUNCILMEMBER SANDISON: Derek Sandison.

MR. SANDISON: Derek Sandison, present.
THE COUNCILMEMBER BROTHER: Present.
THE COUNCILMEMBER BREWSTER: Stacey Brewster, present.
THE CLERK: Adam Torem, present.
## Land Use Consistency Hearing - 3/30/2021

### Page 5

1. is Adam Torem. I'm an administrative law judge, and this is the Land Use Consistency hearing for the Washington Energy Facility Site Evaluation Council.
2. This is regarding Docket No. DF-210011. This is an application filed by Scout Clean Energy back on February 8th of 2021. The siting council has appointed me to facilitate the proceedings in this matter, and I'm presiding over tonight's land use hearing.
3. As the Chair said, this is being held pursuant to Revised Code of Washington 80.50.090 and Title 463 of the Washington Administrative Code or the WAC. This public hearing is being held online due to some ongoing health restrictions we have all become too familiar with. It's necessary due to the COVID-19 Coronavirus pandemic.
4. Council would normally be local in Benton County for these types of public hearings, and the Council does hope to be in your community later in this process whenever the health and well-being circumstances allow.
5. Notice of this particular land use hearing was published in your local newspapers, in the Tri-City Herald and in the Corvallis Gazette Times.
6. If you, as an individual, want to ensure you're notified and informed about all future EFSEC proceedings in this Horse Heaven Wind Farm Project proceeding, make sure you sign up on the EFSEC website and you will be getting email notices and you will be notified of every proceeding that's going on, and perhaps even every document that's filed so you can review it. There are public documents on the Energy Siting Council website. That's www.efsec -- E-F-S-E-C -- .wa.gov.
7. We have already called the roll and established there is a quorum. Tonight there is not going to be a vote or decision on Land Use Consistency. I want that to be clear. Both sides here, the Applicant and Benton County, have filed legal briefs, and the Council will be taking those under consideration after they hear the presentations tonight, and they will also be reviewing any public comments.
8. We're going to take public testimony in this particular hearing. It's not just a comment. So the testimony, if it's given by any witnesses -- again, not by the attorneys that might be making their points in presentations -- but I will swear in each individual to give their testimony so it's sworn. It can be taken tonight orally in the hearing. You can submit also written comments and electronic comments.
9. The focus of these comments should be with regard to whether, at this time of the application -- and again that's as of the laws in effect on February 8, 2021 --

### Page 6

1. whether this proposed Horse Heaven Wind Farm Project is and was consistent with local and regional land use plans and zoning ordinances. The Applicant, Scout Clean Energy, submitted their application to construct and operate a 1,150 megawatt wind turbine and solar electrical generation facility in Benton County, Washington. Again, that's 1,150 megawatts, as the name plate generation level.
2. This Council, the Energy Facility Site Evaluation Council, or EFSEC, the rules allow for the Applicant to provide what's called a certificate from the local authorities attesting to the fact that their proposal is consistent and in compliance with County or regional land use plans and zoning ordinances. That has not been provided, but if it is, whether tonight or at some later date, that certificate will be regarded as prima facie proof and evidence of land use consistency. So that means they will have carried their burden if they can present such a certificate, meaning that County is also in agreement and saying that this project is consistent with your local codes, ordinances and land use plans.
3. Now, if Scout Clean Energy does not or cannot provide such a land use consistency certificate from the County and they do not demonstrate compliance with local land use plans and zoning ordinances, then this Council will have to request testimony from the County -- sworn testimony, not just a summary presentation by the County Prosecutor's office tonight -- and only after hearing sworn testimony, subject to cross-examination as well, received throughout the process and in consideration of comments, only then will the Council take and make a determination about zoning and land use consistency. Tonight, in addition to those presentations, we have Assistant Attorney General Bill Sherman. He's known as Council for the environment. He has a separate interest in land use issues, as well, as counsel for the environment. And for the record tonight, Mr. Sherman, if you're still with us -- I know you were at the previous public information meeting -- if you're here I would like you to introduce yourself for this audience and this record and briefly explain your duties under Revised Code of Washington Chapter 80.50 for those that are still listening and present tonight.
4. Mr. Sherman, are you out there?
5. MR. SHERMAN: Thank you, Judge. Yes, I'm here. So, again, my name is Bill Sherman. I am an Assistant Attorney General with the Washington State Attorney General's Office. I am the division chief at the Environmental Protection Division of our office. And under state law, the Attorney General is authorized to...
JUDGE TOREM: All right. Again, this land use hearing is a separate process from the earlier public comment and information hearing. So, again, as I said, we’re focusing now on only one narrow aspect of the project, the land use consistency. And we’re going to begin with some presentations first from the Applicant and then from the County, from Benton County. I believe we have on the line legal counsel for Scout Clean Energy. I am anticipating hearing from Tim McMahan, a partner with Stoel Rives, LLP, in Portland, Oregon. Mr. McMahan, are you on the line?

MR. McMahan: Yes, I am, Judge Torem. Thank you.

JUDGE TOREM: And once we hear from Mr. McMahan, I believe we’re going to hear from the County attorney, Chief Deputy Prosecutor in the Civil Division, Ryan Brown.

Mr. Brown, are you on the line?

MR. BROWN: Yes, I’m here. Can you hear me?

JUDGE TOREM: I understand, gentlemen, that you’re each going to take about 15 minutes to make your presentation. That’s what we budgeted.

Mr. McMahan, is that going to be sufficient?

MR. McMahan: That should. Thank you, Your Honor.

JUDGE TOREM: And, Mr. Brown, is that going to work for you, as well?

Council, thank you for this opportunity to present this evening. We did file a hearing memorandum in the early morning hours of last Friday. Our circulation wasn’t perfect. I apologize to Ryan about the way that it was circulated, but in any event we did each receive each other’s presentations, and I don’t anticipate any objection from either of us with respect to that matter.

As Judge Torem indicated, Scout has withdrawn its request for expedited processing, which makes this hearing a lot less exciting than it would otherwise have been. Scout does not at this time intend to submit testimony concerning specific land use code provisions. We will not repeat the content in our land use memorandum, and we concur with the County’s attorney that an adjudicative hearing will be held later in this process to address these and other requirements and criteria, specifically the CUP criteria found in the Benton County code. That is not something we intend to address tonight; although we have written a summary judgment response to those criteria in the second half or so of our adjudicative hearing memorandum.

An adjudicative hearing is outside the scope of what is needed at this time and would be quite redundant with a later process that we, I think, agree on that will be informed by SEPA and will be informed by a full
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| evaluation of the ESC at that time.  
As I understand it, the County's argument,  
especially, just even setting aside the consistency --  
excuse me -- the expedited processing issue, is that the  
County disagrees with the Council's inquiry as explained  
in the Columbia Solar order, which I will talk about in  
a moment. The County takes issue with the expedited  
processing which, of course, is now mute. And there is  
accretion that a -- what we consider to be a somewhat  
debatable lot setback standard, which is not a land use  
zoning allowance question, may or may not have been  
accurately addressed in the application. We appreciate  
the comment that the County submitted and we will  
certainly look to ensuring that our narrative and the  
approach that we're taking to development conforms with  
that standard.  
So the Council's approach to land use consistency is  
not, as I indicated, it is not a land use adjudication,  
but it is a limited and very discreet inquiry at this  
point in time. As Judge Torem indicated under the EFSEC  
statute, 80.50.090(2), the question at this time is  
whether or not the proposed site is consistent and in  
compliance with city, county and regional land use plans  
or -- I emphasize "or" zoning ordinances, and prior to  
the issuance of the Council's recommendation to the  
| paragraph number 35, where the order explains the test  
for consistency and compliance. It states, "Under the  
test for land use consistency previously established by  
the Council, the Council considers whether the pertinent  
land use provisions "prohibit" -- and that's in  
quotes -- "the sites expressly or by operation, clearly,  
convincingly and unequivocally. If a site can be  
permitted either outright or conditionally, it is  
consistent and in compliance with the land use  
provisions."  
This project, this site can be permitted  
conditionally, consistent with the County's code. We  
did append to our land use memorandum discussion -- it  
was in email really -- from the County planning director  
that certainly indicated that the use is allowable  
conditionally under the conditional use criteria in the  
County code. So I really don't think that there is much  
thing to dispute about that at this point in time.  
As we understand it, the County's primary contention  
here is with the previous abbreviated consistency and  
compliance standard that's applicable to expedited  
permitting. The County argues that there is no  
statutory or regulatory support for the standard, and  
that Scout, by seeking expedited processing, which is  
now moot, is somehow dispensing with an adjudicative  

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| Governor, a public hearing conducted as an adjudicative  
proceeding will be held. So that is not, again, being  
held tonight.  
At the time -- excuse me. The statute -- the EFSEC  
rules that frame the purpose of the land use hearing  
indicate that the purpose is to determine whether at the  
time of the application the proposed facility was  
consistent and in compliance with land use plans and  
zoning.  
Now, at the time of the application the only thing  
that can be ascertained is whether a use is allowable,  
not whether it complies with all the specific land use  
criteria. That's what the adjudication is for at a  
later time.  
We have, as I indicated, evaluated in the second half  
of the memorandum the County's specific conditional use  
permit criteria, but we don't intend to go into that at  
al all. This evening because that is the subject of  
later adjudication. As I indicated before, if we were  
still pursuing expedited permitting, this would be a  
rather different conversation than I think we're having  
this evening.  
I am now just going to quote from what really is the  
most recent and controlling authority on what this all  
means. It was from the TUUSSO Columbia Solar order,  
| hearing.  
So in terms of the statutory support, RCW 50 -- or  
80.50 concerning expedited permitting expressly  
references the public hearing provision in  
RCW 80.50.090. So the legislature clearly intended that  
for the inquiry of consistency under Section 909. The  
decision would be based upon an adjudicative public  
hearing that's referenced in that statute. So the  
Council does have the authority to conduct multiple  
hearings, really, but certainly an adjudication dealing  
with land use compliance at a later time.  
Deference to EFSEC's interpretation. EFSEC's  
interpretation of the statute in WAC 463-26 is entitled  
to substantial deference. The Washington Supreme Court  
has been clear on giving great deference to an agency's  
interpretation of its own promulgated regulations. And  
that would be -- there is ample law controlling that,  
which I can certainly provide the citations to.  
An adjudicative hearing will be held, as I've  
indicated and as Judge Torem indicated. The Council may  
hold, also, "additional public hearings," under the  
statute as deemed necessary, and an adjudicative hearing  
will be held. This is how the process is actually  
intended to unfold. So the adjudicative hearing will  
allow an evidence-based level of unbiased objectivity  

4 (Pages 13 to 16)
Ms. Cooke’s statements at the beginning of the hearing

So I do want to comment briefly about Mr. Wendt’s and consistency.
meaning of the statute dealing with land use
believe that we have indicated compliance and how we
the planning director. So I think it’s clear enough why we’re here seeking a fair and objective review by EFSEC versus the County.
Finally, concerning preemption, ultimately the legislature directed that EFSEC and not the local jurisdiction would be the ultimate decision-maker to the siting and that land use consistency, while relevant in a Council’s analysis, may also be preempted under RCW 50 — or 80.50.110, WAC 463-28-010 and 020. For the court reporter I am hopeful that that was slow enough.
And then finally there is this issue about setbacks.
Again, we appreciate the comment from the County. We believe that we have indicated compliance and how we will comply with the setback. The setback, however, is not a zoning -- land use zoning ordinance within the meaning of the statute dealing with land use consistency.
So I do want to comment briefly about Mr. Wendt’s and Ms. Cooke’s statements at the beginning of the hearing.

this evening concerning the Growth Management Act, preservation of the agricultural land use as some indication that this use is not allowable. The Growth Management Act does not control. The local development per se in this County actually does have a code that allows wind generation facilities and the other -- the solar facility and the storage facility under the condition use criteria.
The County plan does have language in it concerning natural resource areas, tourism, rural character and the like. Again, the issue at this point in time is not whether or not this project is consistent with any specific comprehensive plan provisions, but whether or not comprehensive plan provisions somehow disallow the use as an allowable use versus a prohibited use.
There’s a vague and general indication that the project does not comply with the zoning ordinance. That’s not something we understand, nor is it reflected in the narrative that we have attached to our memorandum from the conversations that we had with the planning department. And then just general concerns about the critical areas, regulations and ordinance that we will certainly address as we move forward.
So at this point in time, that is the summary of Scout’s position on land use consistency. We believe

that within the meaning of the statute and the Columbia Solar order, that the project is, in fact, consistent with pertinent local land use provisions. They do not prohibit the sites expressly or by operation, convincingly or unequivocally and, therefore, the project is, for this purpose of this proceeding at this point in time, to be considered consistent with land use. Thank you.
JUDGE TOREM: Mr. McMahan, I appreciate being concise. That was 11 minutes, which is perfect.
Mr. Brown, you’re up. Go ahead, sir.
MR. BROWN: Good evening. Ryan Brown, Deputy Prosecuting Attorney on behalf of Benton County. Given the Applicant’s withdrawal of its request for expedited processing and the late hour that’s in front of us, I will rely primarily on the written materials I submitted to the Council and will keep my comments brief tonight.
As I understand this land use portion of the hearing, the determination now is not for purposes of determining if expedited processing will be granted. Rather, it is to identify the applicable local land use laws and the application status under the laws as of today’s date or the date of their application to make clear that the project won’t be judged based on new local land use provisions maybe adopted by the County at a later date.

The intent of my comments, therefore, are to describe the local zoning for this land and the proposed use by the Applicant just so we are all clear as to if and how the project would be evaluated by the County if the Applicant had not chosen to submit its application to Council but rather had submitted it through the normal process to our planning department. And then in doing so, allow you to determine at the appropriate point if the project is consistent with and in compliance with County zoning.
There is no disagreement by anyone that the zoning for this project is the County’s Growth Management Act agricultural zone and the project before you constitutes a use identified in that zoning code as a use that would only be allowed in that zone upon receipt of a conditional use permit. That permit, if Scout had applied to Benton County, might or might not have been issued. That would have been decided after an evidentiary hearing before the County’s hearing examiner. The burden of proof would have been on Scout at that hearing, and I assume it will be at the adjudicatory hearing that is going to be held by EFSEC, and they would have had to show or demonstrate, present evidence to allow the hearing examiner or, in this case, EFSEC to make five
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<td>conclusions in order for Scout to get that conditional</td>
<td>whether sufficient conditions could be imposed so as to</td>
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<td>and rear boundaries.</td>
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<td>2</td>
<td>use permit.</td>
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<td>And, finally, it's important to note that, if</td>
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<td>They would have to demonstrate that the use is compatible with the surrounding uses in the area.</td>
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<td>approved, this project would become the permanent use of</td>
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<td>Second, they would have to demonstrate and present evidence that the use would avoid materially endangering the health, safety and welfare of the surrounding community.</td>
<td>5</td>
<td>approximately 7,000 acres within the County's Growth</td>
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<td>Three, they would have to present evidence to allow a finding that the use will not cause traffic in the area to conflict with current traffic patterns.</td>
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<td>Management Act agricultural zoning district. All land</td>
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<td>Fourth, they would have to present evidence of the project does not adversely affect public services in the area. And lastly, fifth, they have to demonstrate that the project would not hinder or discourage development in the area, which, frankly, is probably one of the biggest problems they're going to have, to demonstrate that they would be entitled to a conditional use permit and would be able to undergo this project under the Benton County code.</td>
<td>7</td>
<td>within that district had been designated as prime agricultural land of long-term commercial significance.</td>
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<td>Mr. McMahan stated that it's his understanding -- and it's mine, too -- I just want to confirm that the compliance or satisfaction of those conditions will be the subject of the Council's adjudicatory hearing that will be held later, and that's fine with the County. But it's our position in that case, there's no reason to</td>
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<td>This was done as required by the Growth Management Act and its mandate to local governments to take necessary steps to maintain and enhance the local agricultural industry, to conserve productive agricultural lands and to discourage incompatible uses.</td>
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<td>The County is very concerned that a proposal that displaces nearly 7,000 acres or over 1 percent of the County's prime ag land is directly at odds with the intent of the Growth Management Act and the County's land use plan and ordinances that implement the Act's goals and mandates. For all these reasons, the County looks forward to the Council's evidentiary hearing that will afford the County and other interested parties the opportunity to develop the record as far as the project's potential long-term impacts on the every-so-important agricultural industry of Benton County. And it will allow the people of Benton County an opportunity to provide evidence of</td>
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6 (Pages 21 to 24)

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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.

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.

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)
WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Tuesday, March 20, 2021

Telephonic Monthly Council Meeting
Verbatim Transcript of Proceedings

REPORTED BY: Ronald L. Cook
CCR, CRR, RDR, FAPR

TUESDAY, APRIL 20, 2021
1:31 P.M.

--oo--

CHAIR DREW: Good afternoon, everyone.

This is Kathleen Drew, chair of the Washington Energy
Facility Site Evaluation Council, and I'm calling this
meeting to order.

This is our first council meeting using
the Microsoft Teams, so we think it all will work
well, but bear with us should we have any technical
issues, which I'm not expecting.

Ms. Kidder, will you call the roll.

MS. KIDDER: Thank you, Chair Drew.

Department of Commerce?

MS. KELLY: Kate Kelly, present.

MS. KIDDER: Department of Ecology?

MR. DENGEL: Rob Dengel, present.

MS. KIDDER: Department of Fish and
Wildlife?

MR. LIVINGSTON: Mike Livingston,
present.

MS. KIDDER: Department of Natural
Resources?

MR. YOUNG: Lenny Young, present.

MS. KIDDER: Utilities and Transportation
Commission?

MS. BREWSTER: Stacey Brewster, present.

MS. KIDDER: Local government and
optional state agencies for the Goose Prairie project,
Bill Sauriol?

MR. SAURIOL: Bill Sauriol, present.

MS. KIDDER: And for the Horse Heaven
project, Department of Agriculture?

MR. SANDISON: Derek Sandison, present.

MS. KIDDER: And Benton County?

Assistant Attorney General?

MR. THOMPSON: Jon Thompson.

MS. KIDDER: Council staff. Sonia
Bumpus?

MS. BUMPUS: Sonia Bumpus is present.

MS. KIDDER: Amy Moon?

MS. MOON: Amy Moon, present.

MS. KIDDER: Kyle Overton?

MR. OVERTON: Kyle Overton, present.

MS. KIDDER: Patty Betts?

MS. BETTS: Patty Betts, present.

MS. KIDDER: Stew Henderson?

Council for the Environment?

MR. SHERMAN: This is Bill Sherman.
MS. KIDDER: And now I'll -- Chair, there is a quorum for both the Horse Heaven project and the Goose Prairie project, as well as the EFSEC Regular Council.

CHAIR DREW: Thank you.

Would you please call the facilities (inaudible).

MS. KIDDER: Yes. Kittitas Valley, Mr. Melbardis?

Wild Horse Wind Facility, Jennifer Diaz?

MS. GALBRAITH: Yes, Jennifer Diaz, present.

MS. KIDDER: Chehalis Generation Facility, Jeremy Smith.

MR. MILLER: This is Mark Miller, plant manager for the Chehalis Generation Facility, participating today.

MS. KIDDER: Thank you.

Columbia Generating Station and WNP-1/4, Mary Ramos?

MS. RAMOS: Mary Ramos, present.

MS. KIDDER: Chair Drew, that is the representatives for all of our facilities.

CHAIR DREW: I didn't hear Grays Harbor Energy Center.

MS. KIDDER: Oh. I apologize. Grays Harbor Energy Center, Chris Sherin?

MR. SHERIN: This is Chris Sherin, for Grays Harbor Energy Center.

MS. KIDDER: Thank you. I apologize for that, Mr. Sherin.

CHAIR DREW: Is there anyone else on the line who, for the record, would like to introduce themselves, please do so now.

JUDGE TOREM: This is Judge Torem, administrative judge for the -- where are we? In the Tri-City project. The Horse Heaven project.

CHAIR DREW: Horse Heaven.

Thank you, Judge Torem. You should be on our list. We'll remember to do that.

MS. DOUGLAS: This is Maggie Douglas, from Association of Washington Cities.

MR. BJORNSON: This is Blake Bjornson, from Wenatchee Renewables, for the Goose Prairie Solar project.

MR. MCMAHAN: Tim McMahan here, Stoel Rives law firm, on behalf of Goose Prairie and Horse Heaven.

MS. McGAFFEY: Karen McGaffey, Perkins Coie.

CHAIR DREW: Thank you.

We'll now move into our proposed agenda. Council members, you have before you the proposed agenda for this meeting. Is there a motion to approve the agenda?

MR. DENGEL: Rob Dengel. Motion to approve the agenda.

CHAIR DREW: Second?

MS. KELLY: Kate Kelly --

MR. YOUNG: Lenny Young, second.

CHAIR DREW: I think we'll give it to Lenny. Thank you, Kate.

All those -- any discussion about the agenda?

All those in favor of approving the general -- proposed agenda, please say "Aye."

COUNCIL MEMBERS: Aye.

CHAIR DREW: Opposed?

The agenda is approved.

For the -- next on our agenda is the approval of the monthly meeting minutes for March 16th. You have had them for review. Is there a motion to approve the meeting minutes for March 16th?

MR. LIVINGSTON: This is Mike Livingston.

I'll move to approve the minutes from March 16th.

CHAIR DREW: Thank you.

Second, Kate Kelly?

MS. KELLY: Second. Kate Kelly.

CHAIR DREW: Thank you.

Any comments?

MS. BREWSTER: Chair Drew, this is Stacey Brewster.

CHAIR DREW: Yes.

MS. BREWSTER: I did notice one minor correction. On Page 15, Line 3, the public meeting was referred to as occurring at 5:00 a.m. It should read 5:00 p.m.

CHAIR DREW: Thank you. Yes. I don't believe any of us were there at 5:00 a.m.

So any other changes to the minutes? Hearing none, all those in favor of approving the minutes as amended from 5:00 a.m. to 5:00 p.m., please say "Aye."

COUNCIL MEMBERS: Aye.

CHAIR DREW: Opposed?

The meetings are approved.

Moving on to the March 16th Goose Prairie special meeting minutes, is there a motion to approve those minutes?

MS. BREWSTER: This is Stacey Brewster.
| I'll move to approve the meeting minutes from the Goose Prairie meeting. | For the month of March, the only nonroutine items to report is we did send EFSEC staff a notification of physical operational change for installation of AGB on both units, and just also noted that we're in the process of updating our CO2 mitigation plan annual payments. And it says in my notes I sent in for PSD No. 5. That should actually be per the site certification agreement. Correction.  
| MR. DENGEL: Rob Dengel. Second the motion. | MR. SHERIN: Yes, we actually -- it will be reported in next month's operational notes, but we actually -- yesterday I sent letter of notification of construction -- physical or operational change -- Excuse me. I'm looking at the wrong one. We sent the notification of commencement construction and PSD prior notice of start-up yesterday. So we started our spring outage on the 15th, Thursday. Last week. And we're still estimating approximately 31st of May operation.  
| CHAIR DREW: Thank you. | CHAIR DREW: Okay. Thank you. And do you have a date on when the advance gas plant work is going to be completed or started, I guess?  
| COUNCIL MEMEBERS: Aye. | MR. SHERIN: You're welcome.  
| CHAIR DREW: Opposed? | MS. RAMOS: Good afternoon, Chair Drew, outside Council members and staff. This is Mary Ramos reporting for Energy Northwest.  
| The meeting minutes are approved. | For the month of March, Energy Northwest reviewed and provided comments on a state waste discharge notice of temporary permit for Columbia Generating Station, and we're scheduled to meet with Ecology and EFSEC staff to discuss our comments this week.  
| We'll now move on to our operational updates. | No other updates for the month of March.  
| Kittatas Valley Wind project. | CHAIR DREW: Thank you.  
| MR. OVERTON: This is Kyle Overton, site specialist for the Kittitas Valley project. | Desert Claim, project update?  
| For the month of March, Kittitas Valley has no nonroutine items to report. | MS. MOON: Good afternoon, Council, Chair Drew, and Council members. For the record, this is Amy Moon, providing an update on the Desert Claim project.  
| CHAIR DREW: Thank you. | EFSEC staff continued to coordinate with  
| Moving on to the Wild Horse Wind Power project. Ms. Diaz? | Desert Claim; however, currently there are no other project updates.  
| MS. GALBRAITH: Yes. Thank you, Chair Drew. | CHAIR DREW: Thank you.  
| For the record, this is Jennifer | Columbia Solar project update?  
| I have no nonroutine updates for the month of March other than that my last name has changed from Diaz to Galbraith. | Mr. Overton. |
Mr. Overton, the EFSEC site specialist for Columbia Solar.

The -- no real major updates. EFSEC staff continue to coordinate with the facility and our contractors on the preconstruction plan review in anticipation for the beginning construction shortly.

Are there any questions?

CHAIR DREW: Are there any questions for Mr. Overton?

Okay. Thank you.

Goose Prairie Solar project.

Mr. Overton.

MR. OVERTON: Thank you. This is Kyle Overton, the site specialist for the Goose Prairie project.

For the update this month, the staff continue to coordinate with the applicant and our contractors on the review of their application materials. An initial data request was sent to the applicant at the end of March seeking additional information regarding the project proposal.

We are continuing to work with -- work through the SEPA process and are working closely with the applicant, WFW, and Ecology in preparation of developing a SEPA threshold determination and associated staff memo for review by the SEPA official. Also, on May 4th a site visit has been scheduled in coordination with the Department of Ecology to conduct on-site windlands review.

A SEPA determination is needed prior to making a decision regarding the applicant's request for expedited processing. WAC 463-43-050 requires a decision on expedited processing 120 days after receipt of a request or such later time as is mutually agreed by the applicant and the Council.

EFSEC received the request for expedited processing on January 21st, making May 21st the 120-day mark. While we have made and continue to make significant progress in the SEPA process, there may still be a need for further review. This would be to ensure a thorough SEPA review is completed and all topics for detailed analysis to evaluate potential significant impacts because of the proposed project.

EFSEC plans to issue a State Environmental Policy Act determination -- the acronym is ASC -- that was received in February. The project proponent, Scout Clean Energy, submitted a letter on March 29th, 2021, withdrawing their request for an expedited process.

EFSEC staff continue to process the Horse Heaven Wind Farm application for site certification -- the acronym is ASC -- that was received in February. The project proponent, Scout Clean Energy, submitted a letter on March 29th, 2021, withdrawing their request for an expedited process.

EFSEC plans to issue a State Environmental Policy Act determination -- the acronym is ASC -- that was received in February. The project proponent, Scout Clean Energy, submitted a letter on March 29th, 2021, withdrawing their request for an expedited process.

EFSEC staff continue to process the Horse Heaven Wind project.

ESFC staff continue to process the Horse Heaven Wind project.

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ESFC staff continue to process the Horse Heaven Wind project.

ESFC staff continue to process the Horse Heaven Wind project.
not -- Judge Torem, I have not yet seen the draft, and so what will happen is the draft will come to Council members, and we will review that probably before our next meeting, and I would think that you would get them at that time as a draft.

Ms. Bumpus?

MS. BUMPUS: That's correct, Chair Drew.

MS. KIDDER: If I can jump in here for the record. This is Ami Kidder. Typically we receive drafts within about 30 days.

CHAIR DREW: Thank you, Ms. Kidder.

Okay. Any other questions?

Okay. That concludes our project updates.

We now move on to the fourth quarter cost allocation. Ms. Bumpus.

MS. BUMPUS: Thank you, Chair Drew. For the record, this is Sonia Bumpus. Good afternoon, Council, Chair Drew and Council members.

As we do at the end of each quarter, we have a updated -- a nondirect cost allocation. I'm going to go through the allocation percentages for third quarter fiscal year 2021. This covers April 1, 2021, to June 30, 2021.

For the Kittitas Valley project, seven percent; Wild Horse, seven percent; Columbia Generating Station, 24 percent; Columbia Solar, nine percent; WNP-1, three percent; Whistling Ridge, three percent; Grays Harbor 1 and 2, 10 percent; Chehalis 12 percent; Desert Claim Wind Power project, five percent; Goose Prairie Solar, 10 percent; and Horse Heaven Wind Farm, 10 percent.

And that concludes my updates on the fourth quarter cost allocation.

CHAIR DREW: Thank you.

We've completed our agenda, and since there is no more business to come before the Councils today, we will make sure and provide you any updates between meetings. On any SEPA determination that may be made, as you heard, it may certainly occur in terms of starting the scoping session before our next meeting, but that will be determined by the EFSEC manager, and so you will receive notification, certainly, when that happens.

And other than that, our meeting for today is adjourned. Thank you very much.

(The proceedings were concluded at 1:52 p.m.)

---o---
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
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,

[Signature]

Mark A. Miller P75451
Manager, 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 15th. 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
  - 1st 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.
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

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]
Washington Energy Facility Site Evaluation Council
c/o Kyle Overton
621 Woodland Square Loop SE
Olympia, WA 98504-3172
Kyle.overton@utc.wa.gov

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.


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, Stoel Rives LLP
Horse Heaven Wind Project

May 2021 project update

[Place holder]