Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

June 15, 2021
WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

Tuesday, June 15, 2021
1:30 P.M.

(All participants appearing via Microsoft Teams.)

Monthly Council Meeting
Verbatim Transcript of Proceedings

DATE TAKEN: JUNE 15, 2021
REPORTED BY: PATSY D. JACOY, CCR 2348
APPEARANCES

Councilmembers:

KATHLEEN DREW, Chair
KATE KELLY, Department of Commerce
LENNY YOUNG, Department of Natural Resources
STACEY BREWSTER, UTC
ROBERT DENGEL, Department of Ecology
MIKE LIVINGSTON, Department of Fish and Wildlife

Local Government and Optional State Agencies Goose Prairie:

BILL SAURIOL
Goose Prairie, Department of Transportation
JON THOMPSON
Assistant Attorney General

EFSEC Staff:

JOAN OWENS
AMI KIDDER
AMY MOON
KYLE OVERTON
SONIA BUMPUS
PATTY BETTS
STEWART HENDERSON

Also in Attendance:

JUDGE TOREM
ERIC MELBARDIS, Kittitas Valley
JENNIFER GALBRAITH, Wild Horse
MARK MILLER, Chehalis Generation
BILL SHERMAN, Counsel for the Environment
MEGAN SALLOMI, Counsel for the Environment
OWEN HURD, TUUSSO Energy
BLAKE BJORNSON, One Energy
DAVID KOBUS, Scout Clean Energy
TIM McMAHAN, Stoel Rives
CHAIR DREW: We will begin. Thanks, everybody, for your patience. This is Kathleen Drew, chair of Washington's Energy Facility Site Evaluation Council and I'm calling our June meeting to order. I want to start by saying in addition to our recording of this meeting, we are also being recorded by TVW, so just to let everyone know.

I will start by asking our clerk, Ms. Owens, to call the roll.

MS. OWENS: Department of Commerce?

MS. KELLY: Kate Kelly, present.

MS. OWENS: Department of Ecology?

MR. DENGEL: Rob Dengel, present.

MS. OWENS: Department of Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston, present.

MS. OWENS: Department of Natural Resources?

MR. YOUNG: Lenny Young, present.
MS. OWENS: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster, present.

MS. OWENS: For the Goose Prairie project, Department of Transportation?

MR. SAURIOL: Bill Sauriol, present.

MS. OWENS: For the Horse Heaven project, Department of Agriculture?

CHAIR DREW: Excused.

MS. OWENS: Benton County?

CHAIR DREW: Excused.

MS. OWENS: Thank you. The assistant attorney general?

MR. THOMPSON: This is Jon Thompson, present.

MS. OWENS: Administrative law judges, Johnette Sullivan? Adam Torem?

MR. TOREM: This is Judge Torem, I'm on the line.

MS. OWENS: For Council staff, Sonia Bumpus?

MS. BUMPUS: This is Sonia Bumpus.

MS. OWENS: Ami Kidder?

MS. KIDDER: Ami Kidder, present.

MS. OWENS: Amy Moon?
MS. MOON: Amy Moon, present.

MS. OWENS: Kyle Overton?

MR. OVERTON: Kyle Overton here.

MS. OWENS: Patty Betts?

MS. BETTS: Patty Betts, present.

MS. OWENS: Stew Henderson?

MR. HENDERSON: Stew Henderson, here.

MS. OWENS: Stephen Posner? Okay. And I see we have our court reporter on the line. Can you please identify yourself?

COURT REPORTER: Yes, my name is Patsy Jacoy, J-A-C-O-Y.

MS. OWENS: Thank you. For operational updates, Kittitas Valley Wind?

MR. MELBARDIS: Eric Melbardis, present.

MS. OWENS: Wild Horse Wind Power project?

MS. GALBRAITH: Jennifer Galbraith, present.

MS. OWENS: Grays Harbor Energy Center?

CHAIR DREW: Excused.

MS. OWENS: Chehalis Generation facility?

MR. MILLER: Mark Miller, present.

MS. OWENS: Columbia Generating Station?
MS. MOON: Hi. Mary Ramos isn't here today, so I'll read for her.

CHAIR DREW: Thank you.

MS. OWENS: Thank you. Counsel for the Environment?

MR. SHERMAN: Bill Sherman as counsel for the Environment. Also with me is Megan Sallomi from our division.

MS. OWENS: Thank you. Chair, there is a quorum.

CHAIR DREW: Thank you. Is there anyone else on the line who would like to introduce themselves?

MR. HURD: Owen Hurd from --

MR. BJORNSON: Blake Bjornson, here.

CHAIR DREW: Okay, so one at a time. I heard Owen Hurd from TUUSSO Energy, yes?

MR. HURD: Yes.

CHAIR DREW: And then Blake?

MR. BJORNSON: You've got Blake Bjornson from One Energy for Goose Prairie Solar.

MR. KOBUS: And David Kobus with Scout Clean Energy, Horse Heaven project.

CHAIR DREW: Thank you.

MR. McMahan: Tim McMahan with Stole
CHAIR DREW: Okay. With that we will move to our proposed agenda. You see that on the screen and you've received it ahead of time. Councilmembers, is there a motion to adopt the proposed agenda?

MR. DENGEL: Rob Dengel, motion to adopt agenda.

CHAIR DREW: Thank you. Any discussion? Oh, second? Let's get a second on the record.

MS. BREWSTER: Stacey Brewster, I'll second.

CHAIR DREW: Thank you. Is there any discussion? Hearing none, all those in favor of adopting the proposed agenda please say aye.

COUNCILMEMBERS: Aye.

CHAIR DREW: All those opposed? Agenda is adopted.

Moving on to the meeting minutes for our May 18th monthly meeting minutes, they're on the screen. Is there a motion to approve the minutes, Ms. Kelly?

MS. KELLY: Madam Chair, I move to approve the minutes.

CHAIR DREW: Is there a second?
MR. LIVINGSTON: Mike Livingston will second.

CHAIR DREW: Thank you. I believe there are some corrections, Ms. Kelly.

MS. KELLY: Thank you, Madam Chair.

Yes, if you look at page 2 of the minutes where it talks about the Councilmembers' appearances, it just needs to be corrected to reflect who actually was there and what agency they were representing because it doesn't do that currently.

CHAIR DREW: I believe under the appearances we need to add Rob Dengel from the Department of Ecology and we also have to add the Horse Heaven project and both Mr. -- when I checked the minutes, Mr. Brost and Mr. Sandison were both at that meeting.

MR. DENGEL: Thank you. This is Rob Dengel.

MS. KELLY: And as -- and I don't -- I don't -- I represent the Department of Commerce, not Ecology, so my name should have that.

CHAIR DREW: Oh, I missed that. Thank you. There we go.

And Ms. Owens, you'll work with our court reporter to make sure that those corrections are made?
MS. OWENS: I will correct the minutes, yes.

CHAIR DREW: Thank you. With those changes, all those in favor of approving the minutes from the May 18th counsel meeting please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: All those opposed? The minutes as amended are approved.

Moving to our facility updates, first we have Kittitas Valley Wind Power Project. Mr. Melbardis.

MR. MELBARDIS: Good afternoon, Chair Drew, EFSEC Council and staff. For the record, this is Eric Melbardis with EDP Renewables for the Kittitas Valley Wind Power Project. I have nothing nonroutine to report for the period.

CHAIR DREW: Thank you. I do see that you had a monthly -- you had a capacity factor of over 50 percent for the month of May.

MR. MELBARDIS: Yes, yes, we did, and pleasantly windy for a wind farm.

CHAIR DREW: Thank you. Moving on to our next facility, Wild Horse Wind Facility, Ms. Galbraith.

MS. GALBRAITH: Yes, thank you Chair Drew, Councilmembers and staff. This is Jennifer
Galbraith with Puget Sound Energy with the Wild Horse Wind Facility. For the month of May I have one nonroutine item and that is the Kittitas County Fire Marshal conducted the annual fire, life and safety inspection on May 24th. A couple of minor items were identified during the inspection and were either resolved during the inspection or are in the process of being resolved. And that's all I have.

CHAIR DREW: Thank you. I did see that, and congratulations for the very good safety inspection results.

MS. GALBRAITH: Thank you.

CHAIR DREW: Moving on to -- thank you -- Chehalis Generation Facility, Mr. Miller.

MR. MILLER: Good afternoon, Chair Drew, EFSEC Council and staff. This is Mark Miller, the plant manager representing the PacifiCorp Chehalis Generation Facility. I have one nonroutine note in the submitted report for the month of May.

As mentioned in the April report, the Chehalis plant conducted an annual relative accuracy test audit of continuous submission monitors during the last week of April. After reviewing the laboratory analysis of the volatile organic carbon components, we believe that the analysis results were suspect due to a laboratory
quality assurance issue. Therefore, we remobilized the
stack sampling contractor to pull new samples for VOC
analysis at a different laboratory. The follow-up
stack sampling was conducted on Friday, June 4th and we
are waiting for follow-up laboratory analysis results.
The final RATA report will be reviewed by
PacifiCorp corporate environmental staff prior to being
submitted to EFSEC staff later this week or early next
week.

Are there any questions?

CHAIR DREW: Are there any questions from Council? I heard an echo. Ms. Owens, are you
also hearing an echo from me? I am hearing an echo.

MS. OWENS: Yes, I believe somebody
might have their microphone open.

CHAIR DREW: Oh.

MR. MILLER: Yeah, I think it stopped.

CHAIR DREW: Okay, thank you. Thank
you, Mr. Miller. Are there any questions from
Councilmembers? Okay, hearing none, we will move on to
our next update which is the Grays Harbor Center, Grays
Harbor Energy. Mr. Overton will make that report.

MR. OVERTON: Yes, thank you. This is
Kyle Overton, the EFSEC site specialist for the Grays
Harbor facility. This month Grays Harbor had no
nonroutine items to report.

Any questions?

CHAIR DREW: Any questions? Thank you,

Mr. Overton.

MR. OVERTON: Thank you.

CHAIR DREW: Moving on to Columbia Generating Station and WNP-1 and 4, and we will hear the report from Ms. Amy Moon.

MS. MOON: Thank you, Chair Drew. This is Amy Moon, EFSEC staff, I'm a facility site specialist. Mary Ramos had another engagement and couldn't make it today, so I'll read her report. This is actually for Columbia Generating Station as well as WNP-1 and 4.

At Columbia Generating Station, on April 23, 2021, EFSEC responded to Energy Northwest's comment addressing federal preemption of Washington State's authority to regulate the Columbia Generating Station, otherwise known as CGS, radioactive air emissions. And on May 26th Energy Northwest submitted a response and requested a meeting with EFSEC to discuss the next steps for further coordination with EFSEC and Department of Health. And an upcoming event is on May -- on May 8th Energy Northwest began its R25 refueling and maintenance outage which is a target
duration of 35 days which I believe would be this Thursday to conclude, and there's no updates for WNP-1 and 4.

Any questions?

CHAIR DREW: Thank you, Ms. Moon. And as I understand it, what Columbia Generating Station and staff and EFSEC staff will talk about with the Department of Health where there are overlaps and review those requirements. So you are all in the process of setting up a meeting to discuss that; is that correct?

MS. MOON: Correct, it's still an ongoing work in progress.

CHAIR DREW: Work in progress.

MS. MOON: About radioactive air emissions.

CHAIR DREW: Thank you.

MS. MOON: Yes, you're welcome.

CHAIR DREW: Any other questions? Okay.

We will move on to Desert Claim Wind Power Project.

Ms. Moon, you're back up.

MS. MOON: Okay, thank you, Chair Drew and Councilmembers. I was having a mouse problem.

So for the record, this is Amy Moon providing an update on the Desert Claim Project. EFSEC staff
continued to coordinate with Desert Claim. However, there are no project updates at this time.

CHAIR DREW: Thank you. Okay. Now we are moving on to the Columbia Solar Project. And we start with Mr. Kyle Overton.

MR. OVERTON: Yes, thank you. This is Kyle Overton, the EFSEC staff for Columbia Solar. There's a lot of stuff to go over today, so it would be in a couple different sections.

First, EFSEC staff are finalizing construction phase plan review in preparation for an anticipated start date of construction at the end of this month. Per the site certification agreements or SCAs for the three sites, all plans and necessary permits must be approved prior to beginning site preparation and construction activities. The EFSEC manager has been delegated authority to approve the required plans, save the initial site restoration plan, or ISRP, which must be approved by the Council.

Before I move on to the next part, is there any questions on that part of the update?

CHAIR DREW: Any questions? Go ahead.

MR. OVERTON: Okay. So this brings us to a discussion on the ISRP, WAC 463.72.040 and Article 4 of the site certification agreements require the
approval by the Council of an initial site restoration plan. This plan must document the process and necessary requirements to restore each site to an approximate pre-project conditions or better. The Council were provided copies of the proposed plans on June 1st for their review and consideration.

At this time, EFSEC staff are recommending the Council vote to approve the initial site restoration plans for the Urtica, Penstemon and Camas sites for the Columbia Solar Project.

Any questions on that part?

CHAIR DREW: Are there any questions?

Mr. Dengel, will you make a motion?

MR. DENGEL: Rob Dengel, Ecology. I would like to make a motion to approve the initial site remediation plans for the Camas, Penstemon and Urtica sites.

CHAIR DREW: Uritca there.

MR. DENGEL: Uritca, my apologies.

CHAIR DREW: That's okay. Is there a second?

MS. KELLY: Kate Kelly, second.

CHAIR DREW: Thank you. You've had those plans to review. Are there any questions or comments? Hearing none, all those in favor of
approving the initial site restoration plan, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: All those opposed? The motion carries. We have approved the initial site restoration plan for the Columbia Solar Project. Thank you, all. Mr. Overton?

MR. OVERTON: Yes, thank you.

Continuing on, the next part of the briefing here for Columbia Solar is that a notice of intent for each of the three sites for requesting coverage under a general construction stormwater permit was submitted by the certificate holder on April 28th. In accordance with WAC 463-76-041, a 30-day public comment period began on May 19th and will conclude on June 18th. To date, no comments have been received.

In order to facilitate the construction approval process, EFSEC staff is requesting the Council to consider voting on a conditional approval for granting coverage under the Ecology construction stormwater general permit at this time. If no substantial comments are received upon the close of the comment period, the general stormwater permits would then be issued. If substantive comments are received, the permits would not be issued and EFSEC staff would
return to the Council with the comments and a recommendation on permit issuance.

Are there any questions?

CHAIR DREW: Are there any questions for Mr. Overton? Hearing none, Mr. Dengel, would you like to make a motion?

MR. DENGEL: Yes, I'd like to make a motion to grant coverage under the Ecology construction stormwater general permit in the event that no substantive comments are received.

CHAIR DREW: Is there a second?

MS. BREWSTER: Stacey Brewster, second.

CHAIR DREW: Thank you. Any discussion?

I think that seeing that there haven't been any comments received to date and the comment period ends at the end of this week that, you know, as you heard Mr. Overton state, should there be any substantive comments received it will not go forward in this motion, but I think this way we can facilitate moving forward if we have no substantive comments.

All those in favor please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: All those opposed? The motion carries, thank you. Is there anything else, Mr. Overton?
Mr. Overton: No, Chair Drew, that is all I have for Columbia Solar. Thank you, everybody.

Chair Drew: Thank you, everyone. Oh, go ahead.

Ms. Kelly: Oh, this is Kate Kelly, Chair Drew. I just -- before we left Columbia Solar, I just was wanting to make sure I understood what needs to happen before construction can begin. It sounds like construction is going to begin in like two weeks. So I mean understandably the stormwater permit public comment period has to expire, but what else has to happen?

Chair Drew: Mr. Overton?

Mr. Overton: Yes, I can speak to that.

There's a couple things that need to happen for Columbia Solar to be granted approval to start construction. The first of those, like you mentioned, is the stormwater permit. Any necessary permit would be required to be in place and approved. There's also several plans that need to be approved, one of those being the initial site restoration plan that the Council is required to vote on which was approved earlier, and the rest of the required plans, and there's several of them, such as public safety, fire control plan, construction management plan, those also
need to be approved and that authority has been
delegated to the EFSEC manager, Sonia Bumpus. So once
all those plans and their permits are approved, then at
that point they've fulfilled their requirements under
the site certification agreement to begin construction.

CHAIR DREW: And you've received all of
those plans and permits and they have been going
through review and basically are awaiting maybe final
signoff; is that correct?

MS. OWENS: Correct, yeah, we're in the
very final stages of getting the rest of the plans
approved. Hopefully within the next week or so we'll
have that completed.

MS. KELLY: And one follow-up question,
Chair.

CHAIR DREW: Sure.

MS. KELLY: So the initial application
had five sites in it and now there's three. The other
two are not going to be developed; is that correct?

CHAIR DREW: Perhaps we could have

Mr. Owen Hurd -- first of all, I want to say
congratulations that, you know, moving forward with
these three sites, but I do know you were on the call
and perhaps you would like to respond to that question.

MR. HURD: Yeah, thank you, Chair Drew,
Councilmembers and staff. That's correct, we're in the process of preparing a motion that will go in front of the Council for consideration that will both withdraw the Typha and Fumaria projects and also contemplate a transfer of the SCA and so those will be forthcoming. But that is -- that is correct, those two projects encountered problems that cannot be overcome and so we'll be moving forward with just the three projects that were discussed today.

CHAIR DREW: Thank you.

MR. HURD: Yeah.

CHAIR DREW: Does that answer your questions?

MS. KELLY: Thank you, Madam Chair, that just raised another question. About the transfer of the SCA, so that would be an ownership transfer of the --

CHAIR DREW: Yes.

MS. KELLY: -- of the project I guess?

CHAIR DREW: Yes, and we haven't received that information yet, but Mr. Hurd, who is with TUUSSO Energy, has notified the staff that that's in process, so we will hear about it and be able to examine that before, but we do vote on that.

MS. KELLY: Okay. That's helpful.
CHAIR DREW:  Okay.

MS. KELLY:  Thank you.

CHAIR DREW:  Anything else, Ms. Bumpus, that you would like to add?

MS. BUMPUS:  No, that's -- that covers everything, yeah.

CHAIR DREW:  Okay.

MS. BUMPUS:  More to follow on that.

CHAIR DREW:  Yes, yes. Thank you. In the meantime we look forward to the start of construction.

So moving on then to our next item, the Goose Prairie Solar Project. Mr. Overton.

MR. OVERTON:  Yes, thank you again.

This is Kyle Overton, the site specialist for the Goose Prairie Project. Staff are in the final stages of application review and are coordinating with the applicant and our contract agencies to finalize development of a staff memo for the SEPA responsible official's review. There will be more information on that in a moment.

As you will remember, on March 30th, EFSEC Council and staff held a virtual land use hearing to allow for testimony on land use consistency. In preparation for this meeting the applicant submitted a
letter to the Council dated March 12th that included a certificate of consistency and compliance from Yakima County.

At this time, staff recommend that the County make a determination that the proposed project is consistent and in compliance with County land use plans and zoning ordinances per RCW 80.50.090. Jon Thompson is on the call and can provide additional information on land use as well.

CHAIR DREW: Mr. Thompson, why don't you go ahead.

MR. THOMPSON: Yeah, Chair Drew and Councilmembers, this is Jon Thompson, assistant attorney general, I am EFSEC's legal advisor. I just wanted to provide a little of the statutory context for the land use consistency determination that you're being asked to vote on.

So under RCW 80.50.090, EFSEC is required to conduct a public hearing to determine whether or not a proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances. As Mr. Overton said, you had that -- you had that hearing in March over the virtual platform.

The effect of a Council determination that the -- that the proposed site conforms to land use
plans and zoning ordinances, one effect is that the statute states that the planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site. So -- so it's -- it serves a bit of a vesting function in that regard.

The -- but the -- but the Council's determination of land use consistency shouldn't be confused with an endorsement of the project or a decision on the application. It serves a narrower function which I'll get to here in a second with the standard that the Council has followed in the past decisions as to what it means to be consistent and in compliance.

But there's another aspect that plays in here, and that is that the One Energy, the developer of the Goose Prairie site, has submitted a request for expedited processing, as they're entitled to do under the statute, and in order to grant a request for expedited processing, which results in the waiving of the adjudicative hearing, the two requirements for that is that you make a determination of land use consistency, and also that the environmental impacts of the projects -- project are not significant or can be mitigated to nonsignificant levels. So that's a
determination -- that second determination is one that the EFSEC SEPA responsible official, which is the EFSEC manager Sonia Bumpus, would make.

So -- so but then turning to the -- so the -- so the land use consistency as you can see is a -- is a input to the -- to a decision on expedited processing from the Council.

So I want to turn to the -- what does it mean to be consistent and in compliance with local land use. So -- so basically, the standard that the Council has developed is that the project is said to be consistent if it can be either permitted outright or conditionally in the zone in which the project is proposed. And in this case, as it has been spoken to in a certificate submitted by Yakima County Planning, the -- the -- under the Yakima County code, the proposed facility is considered to be -- meets the definition of a power generating facility, and power generating facilities that are proposed to be located in the agricultural zoning district are considered type 3 uses under the code, Yakima County code, and they are, quote, uses which may be authorized subject to the approval of a conditional use permit. Type 3 conditional uses are not generally appropriate through the zoning district. The type 3 uses require a hearing examiner review of
applications. So in other words, it is -- projects of this sort are eligible to apply for a conditional use permit, and consistent with how the Council has previously addressed land use consistency, if a project would be -- could be permitted conditionally, then it is considered for purposes of this threshold land use consistency determination to be consistent and in compliance.

So when a local land use authority submits this kind of a certificate attesting to the consistency of the proposed project with the land use regulations, then that's considered prima facie evidence of consistency, meaning it's accepted as correct unless it's proved otherwise or rebutted.

So the Council didn't hear any -- any comment or evidence from any members of the public to challenge that assertion from the County, so -- so the Council has in front of it sufficient evidence with the -- with the certificate submitted by the County planning department to make the determination at this time as -- as staff is recommending.

So hopefully that provides you with a little more context for this and understanding of the significance of the -- of the decision that's in front of you. If you have any questions, I'd be happy to
answer them.

CHAIR DREW: Thank you, Mr. Thompson.

Are there questions from Councilmembers? Okay, hearing none --

MR. DENGEL: Oh, sorry, this is Rob Dengel at Ecology. I had a clarification question on the conditional use permit.

CHAIR DREW: Go ahead.

MR. DENGEL: And that is if we're -- if we make the determination that it's consistent with the land use laws, then can we make -- are we then bound to that determination when determining whether or not to issue a conditional -- a conditional use permit.

CHAIR DREW: Mr. Thompson?

MR. THOMPSON: Yes, thank you. So the way the Council has dealt with this in the past is to say that, you know, whether the applicable conditional use criteria are in fact met is a question for later EFSEC proceedings. So if the County process is to have a hearing examiner make a determination about whether the conditional use criteria that are set forth in the County code are met, then Council, the Council precedent, you know, for these types of things is to say that there will be some process provided for that determination later -- later in EFSEC's review of the
SCA application. So there would need to be -- Council would need to address that in making an expedited processing determination.

MR. DENGEL: Thank you for the clarification. That's very helpful.

MR. LIVINGSTON: Chair, I do have a question.

CHAIR DREW: Go ahead.

MR. LIVINGSTON: And this is for staff. Can we just get an update on the progress of SEPA analysis?

CHAIR DREW: I believe that they're ready to provide that next.

MR. LIVINGSTON: Okay, okay.

MS. OWENS: Yes, that is on the agenda.

CHAIR DREW: Yeah, and you know, because we need both determinations to do expedited processing, we're taking one at a time. So if we can deal with this on land use consistency, then we'll move on to that next update.

So is there a motion, Mr. Livingston?

MR. LIVINGSTON: Yes.

CHAIR DREW: Okay, go ahead.

MR. LIVINGSTON: Yeah, I'd like to make a motion, Chair. So I'd like to make a motion that
staff work with the administrative law judge to draft an order that incorporates the Council's determination on land use with the SEPA determination.

CHAIR DREW: Well, let's -- can we back up? There was another suggestion sent out late this morning that we start -- and this is my fault, I should have clarified. Let's first have a motion on land use consistency. And so perhaps -- perhaps we should have a motion to determine that the proposed project is consistent and in compliance with County land use plans and zoning ordinances.

Would you like to make that motion, Mr. Livingston?

MR. LIVINGSTON: Sure. So I'd like to make a motion that land use consistency is in compliance with County zoning and permitting processes.

CHAIR DREW: Thank you. Is there a second?

MR. YOUNG: Lenny Young, second.

CHAIR DREW: Okay. Discussion? I think we've heard the discussion that the County has provided the certificate, there hasn't been any statement to the contrary by any member of the public. All those in favor, please say "aye."

COUNCILMEMBERS: Aye.
CHAIR DREW: All those opposed? Motion carries.

Okay, let's now move on to the SEPA discussion. Mr. Overton.

MS. KIDDER: If I could jump in, Chair Drew, for the record, this is Ami Kidder, and if it's all right, I would like to provide the Council with an update on the status of SEPA and propose next steps for Goose Prairie.

CHAIR DREW: Okay, thank you.

MS. KIDDER: Great, thank you so much.

As Kyle mentioned previously, staff are continuing in coordination with the applicant and our contracted agencies. Staff are finalizing documents for a staff memo to the EFSEC manager who is the SEPA responsible official and staff are preparing to issue a mitigated determination of nonsignificance, or MDNS, which has the 14-day public comment period requirement associated with that. After the comment period, barring any substantive comments or need for revision to the MDNS, the SEPA process would be complete for Goose Prairie.

Are there any questions on that?

CHAIR DREW: Are there questions?

Mr. Livingston, did you have -- want additional information?
MR. LIVINGSTON: No, that's helpful for me. I was just interested in the status of it. I do want to make a comment and appreciate the thorough work that EFSEC staff have done to this point and for AG Thompson's assistance on understanding the process that we're in. It's thorough as usual and I really appreciate it.

CHAIR DREW: Okay, thank you. Are there other questions from Councilmembers about the status of the SEPA determination? We have been joined by Ms. Kidder's youngsters on the microphone here.

MS. KIDDER: Yes, sorry.

CHAIR DREW: No, no worries. Any other questions from Councilmembers? Okay. Hearing none, the idea here is that we have a motion and I think Mr. Livingston started that before, so let's go back to that previous motion.

MS. KIDDER: I can provide just a little bit more context if that's okay with you, Chair Drew.

CHAIR DREW: Oh, yes, go ahead.

MS. KIDDER: All right. Thank you. WAC 463-43-050 states that a proposal is eligible for expedited process when, one, the proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances, and two,
the environmental impacts are not significant or may be
mitigated to a nonsignificant level under RCW 43-21C-031.

So with the Council's determination of land use consistency today as well as the issuance of the MDNS, the required information will be available for the Council to make a decision on the applicant's request for expedited process. And staff at this time would like to request that the Council direct staff to draft an order which incorporates the land use decision and information about the SEPA decision into an order about expedited process that the Council can then discuss and vote on at the July Council meeting.

CHAIR DREW: Are there any questions about that process? Mr. Livingston, would you like to make a motion?

MR. LIVINGSTON: Yes. So I'd like to make a motion that staff work with the administrative law judge to draft an order that incorporates the Council's determination on the land use with SEPA determination and present that order to the Council for a vote on expedited processing at our July Council meeting.

CHAIR DREW: Is there a second?

MS. KELLY: Kate Kelly, second.
CHAIR DREW: Thank you. Discussion.

There was a lot of -- there were a lot of steps to putting this together, so I appreciate everybody's patience with that, starting with the land use consistency and now moving on with the SEPA determination coming final -- being finalized by the SEPA responsible official who is Sonia Bumpus.

What will happen between now and the next Council meeting is you all will get a draft order for expedited processing that you can review and provide comments back to staff on and so that will provide the justification in writing for both the land use consistency decision as well as describing the SEPA determination. So you will see that all in the draft of the order. And then we're not saying now that we approve that order, we're saying that we will -- or asking the staff to draft that, to send it to us, and that will be under consideration for us to determine whether or not to move forward with that order at our July meeting. Is that clear?

COUNCILMEMBER: Yeah, clear.

MS. BUMPUS: Chair Drew, this is Sonia Bumpus, I just wanted to -- may I address the Council?

CHAIR DREW: Sure.

MS. BUMPUS: Thank you, Chair Drew, and
good afternoon, Councilmembers, I didn't greet you earlier. I wanted to just add that when you get the draft order that staff would prepare, along with that you will also get the supporting documents for the SEPA determination. I realize that you have not seen those yet, they -- as staff discussed earlier, they have been in the works and I have been working closely with the staff as those are nearing finalization. But the Council will also get the SEPA staff memo and the MDNS supporting documents and so on, which as Chair Drew mentioned will be discussed in the order, but you'll also get those supporting documents. I just want to let the Councilmembers know that you will get those documents as well. Thank you.

CHAIR DREW: And if anyone has a question, certainly contact Ms. Bumpus about any of those materials when you receive them. And she'd be happy to discuss in detail with any of you individually any questions you might have.

Okay. We have a motion on the floor and a second and we've had some discussion. Is there any other discussion or questions? Hearing none, all those in favor of directing the staff to prepare the order for expedited processing, please say "aye."

COUNCILMEMBERS: Aye.
CHAIR DREW: All those opposed? The motion is adopted. Thank you, all.

We will now move on to our Horse Heaven Wind Project update. Ms. Moon.

MS. MOON: Yeah, good afternoon, Council Chair Drew and Councilmembers. For the record, this is Amy Moon providing an update on the Horse Heaven Wind Project. The comment period for the State Environmental Policy Act, aka SEPA, determination of significance and request for comments on scope of environmental impact statement which is -- the acronym is EIS, for the Horse Heaven Wind Project closed after a 30-day public comment period on June 10, 2021. A total of 361 comments were received during the comment period. EFSEC staff are processing the comments and working with our consultant Golder to identify the resources that require detailed analysis in the EIS.

Does the Council have any questions?

CHAIR DREW: Are there questions for Ms. Moon? Okay.

MS. MOON: All right, thank you.

CHAIR DREW: Thank you. Okay.

MR. DENGEL: Oh, sorry. Excuse me, Chair Drew, this is Rob Dengel.

CHAIR DREW: Yes.
MR. DENGEL: I was wondering if we could get the approximate next steps on Horse Heaven.

CHAIR DREW: Okay.

MR. DENGEL: Time frame wise.

CHAIR DREW: Ms. Moon?

MS. MOON: So Councilmember Dengel, the time frame has not been determined, that's a work in progress. We have to first go through the comments, identify what resources need the detailed analysis, and -- and we don't have a road map yet for that. So we'll have to give you an update at the next Council meeting and we should have it much more lined out by then.

MR. DENGEL: Thank you very much.

MS. MOON: You're welcome.

CHAIR DREW: Thank you. Other questions? Okay. We are at the end of our facility and project updates. However, we have a couple items for the good of the order. First of all, Ms. Kidder has some updates on staffing.

MS. KIDDER: Thank you, Chair Drew. We have -- are in the process of bringing on board two additional EFSEC site specialists who will be helping us address our workload both for the transmission corridor work group, which I think we're going to hear
just a little bit more about in a moment, as well as our application review. Mr. Joseph Wood and a Mr. Sean Chisholm are starting with EFSEC tomorrow. So we will look forward to introducing them to the Council at next month's meeting.

CHAIR DREW: Thank you. And also, Stew Henderson is going to give us a very short update about the transmission work group. That's a work group that is in the clean energy statute that has directed us to put together a transmission work group for a report back to the legislature by the end of 2023. So Mr. Henderson.

MR. HENDERSON: Yes, thank you, Chair Drew. Yes, the Section 25 of the Clean Energy Transformation Act of 2019 asked you as the chair of EFSEC to pull together a Clean Energy Transformation Act -- excuse me, not -- transmission corridor work group to study -- to basically review the need for upgrade and new electrical transmission distribution facilities, identify areas where those might be located, and look at environmental review options that might be required and recommend ways to expedite those.

It designated 18 members of that -- of the work group, eight from state government and ten from the private sector, as well as Bonneville Power
Administration and Department of Defense to make 20 total. And that -- although that was passed in 2019, but that work was scheduled to -- that group was asked to convene in July of 2021.

So we're working now on completing, gathering the membership of that -- of that group, and I just wanted to let folks know that we will be contacting your agencies, the heads of your agencies, to request their appointment of a member and you'll be cc'd on that and hopefully you might be able to help make sure that gets to the right person at the right time, and you'll be hearing more about that as we go forward.

CHAIR DREW: Thank you. So just so that you will be able to let your agencies know, please respond to our request for a participant.

So thank you very much. I think that's all the business to come before us today. So we will be again providing you with the draft order before our July meeting with plenty of time for your review which will also include the SEPA documentation and we will then prepare to have -- take action on that at our July 20th meeting.

So with that, this meeting of the EFSEC Council is adjourned. Thank you, all.

(Adjourned at 2:22 p.m.)
CERTIFICATE

STATE OF WASHINGTON )
) COUNTY OF KING )

I, Patricia D. Jacoy, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript taken on June 15, 2021 is true and accurate to the best of my knowledge, skill and ability.

Patricia D. Jacoy, CSR 2348