

Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

June 15, 2021



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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

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

2
3 Councilmembers:

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

7
8 Local Government and Optional State Agencies Goose
Prairie:

- 9 BILL SAURIOL
10 Goose Prairie, Department of Transportation
11 JON THOMPSON
Assistant Attorney General

12
13 EFSEC Staff:

- 14 JOAN OWENS
15 AMI KIDDER
AMY MOON
16 KYLE OVERTON
SONIA BUMPUS
17 PATTY BETTS
STEWART HENDERSON

18 Also in Attendance:

- 19 JUDGE TOREM
20 ERIC MELBARDIS, Kittitas Valley
JENNIFER GALBRAITH, Wild Horse
21 MARK MILLER, Chehalis Generation
BILL SHERMAN, Counsel for the Environment
22 MEGAN SALLOMI, Counsel for the Environment
OWEN HURD, TUUSSO Energy
23 BLAKE BJORNSON, One Energy
DAVID KOBUS, Scout Clean Energy
24 TIM McMAHAN, Stoel Rives

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1 LACEY, WASHINGTON; JUNE 15, 2021

2 1:32 P.M.

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

5

6 CHAIR DREW: We will begin. Thanks,
7 everybody, for your patience. This is Kathleen Drew,
8 chair of Washington's Energy Facility Site Evaluation
9 Council and I'm calling our June meeting to order. I
10 want to start by saying in addition to our recording of
11 this meeting, we are also being recorded by TVW, so
12 just to let everyone know.

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

15 MS. OWENS: Department of Commerce?

16 MS. KELLY: Kate Kelly, present.

17 MS. OWENS: Department of Ecology?

18 MR. DENGEL: Rob Dengel, present.

19 MS. OWENS: Department of Fish and
20 Wildlife?

21 MR. LIVINGSTON: Mike Livingston,
22 present.

23 MS. OWENS: Department of Natural
24 Resources?

25 MR. YOUNG: Lenny Young, present.

1 MS. OWENS: Utilities and Transportation
2 Commission?

3 MS. BREWSTER: Stacey Brewster, present.

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

6 MR. SAURIOL: Bill Sauriol, present.

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

9 CHAIR DREW: Excused.

10 MS. OWENS: Benton County?

11 CHAIR DREW: Excused.

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

14 MR. THOMPSON: This is Jon Thompson,
15 present.

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

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

20 MS. OWENS: For Council staff, Sonia
21 Bumpus?

22 MS. BUMPUS: This is Sonia Bumpus.

23 MS. OWENS: Ami Kidder?

24 MS. KIDDER: Ami Kidder, present.

25 MS. OWENS: Amy Moon?

1 MS. MOON: Amy Moon, present.

2 MS. OWENS: Kyle Overton?

3 MR. OVERTON: Kyle Overton here.

4 MS. OWENS: Patty Betts?

5 MS. BETTS: Patty Betts, present.

6 MS. OWENS: Stew Henderson?

7 MR. HENDERSON: Stew Henderson, here.

8 MS. OWENS: Stephen Posner? Okay. And

9 I see we have our court reporter on the line. Can you
10 please identify yourself?

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

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

15 MR. MELBARDIS: Eric Melbardis, present.

16 MS. OWENS: Wild Horse Wind Power
17 project?

18 MS. GALBRAITH: Jennifer Galbraith,
19 present.

20 MS. OWENS: Grays Harbor Energy Center?

21 CHAIR DREW: Excused.

22 MS. OWENS: Chehalis Generation
23 facility?

24 MR. MILLER: Mark Miller, present.

25 MS. OWENS: Columbia Generating Station?

1 MS. MOON: Hi. Mary Ramos isn't here
2 today, so I'll read for her.

3 CHAIR DREW: Thank you.

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

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

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

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

14 MR. HURD: Owen Hurd from --

15 MR. BJORNSON: Blake Bjornson, here.

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

18 MR. HURD: Yes.

19 CHAIR DREW: And then Blake?

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

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

24 CHAIR DREW: Thank you.

25 MR. McMAHAN: Tim McMahan with Stole

1 Rives law firm.

2 CHAIR DREW: Okay. With that we will
3 move to our proposed agenda. You see that on the
4 screen and you've received it ahead of time.
5 Councilmembers, is there a motion to adopt the proposed
6 agenda?

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

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

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

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

16 COUNCILMEMBERS: Aye.

17 CHAIR DREW: All those opposed? Agenda
18 is adopted.

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

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

25 CHAIR DREW: Is there a second?

1 MR. LIVINGSTON: Mike Livingston will
2 second.

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

5 MS. KELLY: Thank you, Madam Chair.
6 Yes, if you look at page 2 of the minutes where it
7 talks about the Councilmembers' appearances, it just
8 needs to be corrected to reflect who actually was there
9 and what agency they were representing because it
10 doesn't do that currently.

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

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

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

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

24 And Ms. Owens, you'll work with our court
25 reporter to make sure that those corrections are made?

1 MS. OWENS: I will correct the minutes,
2 yes.

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

6 COUNCILMEMBERS: Aye.

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

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

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

16 CHAIR DREW: Thank you. I do see that
17 you had a monthly -- you had a capacity factor of over
18 50 percent for the month of May.

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

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

24 MS. GALBRAITH: Yes, thank you Chair
25 Drew, Councilmembers and staff. This is Jennifer

1 Galbraith with Puget Sound Energy with the Wild Horse
2 Wind Facility. For the month of May I have one
3 nonroutine item and that is the Kittitas County Fire
4 Marshal conducted the annual fire, life and safety
5 inspection on May 24th. A couple of minor items were
6 identified during the inspection and were either
7 resolved during the inspection or are in the process of
8 being resolved. And that's all I have.

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

12 MS. GALBRAITH: Thank you.

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

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

20 As mentioned in the April report, the Chehalis
21 plant conducted an annual relative accuracy test audit
22 of continuous submission monitors during the last week
23 of April. After reviewing the laboratory analysis of
24 the volatile organic carbon components, we believe that
25 the analysis results were suspect due to a laboratory

1 quality assurance issue. Therefore, we remobilized the
2 stack sampling contractor to pull new samples for VOC
3 analysis at a different laboratory. The follow-up
4 stack sampling was conducted on Friday, June 4th and we
5 are waiting for follow-up laboratory analysis results.

6 The final RATA report will be reviewed by
7 PacifiCorp corporate environmental staff prior to being
8 submitted to EFSEC staff later this week or early next
9 week.

10 Are there any questions?

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

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

16 CHAIR DREW: Oh.

17 MR. MILLER: Yeah, I think it stopped.

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

23 MR. OVERTON: Yes, thank you. This is
24 Kyle Overton, the EFSEC site specialist for the Grays
25 Harbor facility. This month Grays Harbor had no

1 nonroutine items to report.

2 Any questions?

3 CHAIR DREW: Any questions? Thank you,
4 Mr. Overton.

5 MR. OVERTON: Thank you.

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

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

15 At Columbia Generating Station, on
16 April 23, 2021, EFSEC responded to Energy Northwest's
17 comment addressing federal preemption of Washington
18 State's authority to regulate the Columbia Generating
19 Station, otherwise known as CGS, radioactive air
20 emissions. And on May 26th Energy Northwest submitted
21 a response and requested a meeting with EFSEC to
22 discuss the next steps for further coordination with
23 EFSEC and Department of Health. And an upcoming event
24 is on May -- on May 8th Energy Northwest began its R25
25 refueling and maintenance outage which is a target

1 duration of 35 days which I believe would be this
2 Thursday to conclude, and there's no updates for WNP-1
3 and 4.

4 Any questions?

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

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

14 CHAIR DREW: Work in progress.

15 MS. MOON: About radioactive air
16 emissions.

17 CHAIR DREW: Thank you.

18 MS. MOON: Yes, you're welcome.

19 CHAIR DREW: Any other questions? Okay.
20 We will move on to Desert Claim Wind Power Project.
21 Ms. Moon, you're back up.

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

24 So for the record, this is Amy Moon providing
25 an update on the Desert Claim Project. EFSEC staff

1 continued to coordinate with Desert Claim. However,
2 there are no project updates at this time.

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

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

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

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

22 CHAIR DREW: Any questions? Go ahead.

23 MR. OVERTON: Okay. So this brings us
24 to a discussion on the ISRP, WAC 463.72.040 and Article
25 4 of the site certification agreements require the

1 approval by the Council of an initial site restoration
2 plan. This plan must document the process and
3 necessary requirements to restore each site to an
4 approximate pre-project conditions or better. The
5 Council were provided copies of the proposed plans on
6 June 1st for their review and consideration.

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

11 Any questions on that part?

12 CHAIR DREW: Are there any questions?
13 Mr. Dengel, will you make a motion?

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

18 CHAIR DREW: Uritca there.

19 MR. DENGEL: Uritca, my apologies.

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

22 MS. KELLY: Kate Kelly, second.

23 CHAIR DREW: Thank you. You've had
24 those plans to review. Are there any questions or
25 comments? Hearing none, all those in favor of

1 approving the initial site restoration plan, please say
2 "aye."

3 COUNCILMEMBERS: Aye.

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

8 MR. OVERTON: Yes, thank you.

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

17 In order to facilitate the construction
18 approval process, EFSEC staff is requesting the Council
19 to consider voting on a conditional approval for
20 granting coverage under the Ecology construction
21 stormwater general permit at this time. If no
22 substantial comments are received upon the close of the
23 comment period, the general stormwater permits would
24 then be issued. If substantive comments are received,
25 the permits would not be issued and EFSEC staff would

1 return to the Council with the comments and a
2 recommendation on permit issuance.

3 Are there any questions?

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

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

11 CHAIR DREW: Is there a second?

12 MS. BREWSTER: Stacey Brewster, second.

13 CHAIR DREW: Thank you. Any discussion?
14 I think that seeing that there haven't been any
15 comments received to date and the comment period ends
16 at the end of this week that, you know, as you heard
17 Mr. Overton state, should there be any substantive
18 comments received it will not go forward in this
19 motion, but I think this way we can facilitate moving
20 forward if we have no substantive comments.

21 All those in favor please say "aye."

22 COUNCILMEMBERS: Aye.

23 CHAIR DREW: All those opposed? The
24 motion carries, thank you. Is there anything else,
25 Mr. Overton?

1 MR. OVERTON: No, Chair Drew, that is
2 all I have for Columbia Solar. Thank you, everybody.

3 CHAIR DREW: Thank you, everyone. Oh,
4 go ahead.

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

13 CHAIR DREW: Mr. Overton?

14 MR. OVERTON: Yes, I can speak to that.
15 There's a couple things that need to happen for
16 Columbia Solar to be granted approval to start
17 construction. The first of those, like you mentioned,
18 is the stormwater permit. Any necessary permit would
19 be required to be in place and approved. There's also
20 several plans that need to be approved, one of those
21 being the initial site restoration plan that the
22 Council is required to vote on which was approved
23 earlier, and the rest of the required plans, and
24 there's several of them, such as public safety, fire
25 control plan, construction management plan, those also

1 need to be approved and that authority has been
2 delegated to the EFSEC manager, Sonia Bumpus. So once
3 all those plans and their permits are approved, then at
4 that point they've fulfilled their requirements under
5 the site certification agreement to begin construction.

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

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

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

16 CHAIR DREW: Sure.

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

20 CHAIR DREW: Perhaps we could have
21 Mr. Owen Hurd -- first of all, I want to say
22 congratulations that, you know, moving forward with
23 these three sites, but I do know you were on the call
24 and perhaps you would like to respond to that question.

25 MR. HURD: Yeah, thank you, Chair Drew,

1 Councilmembers and staff. That's correct, we're in the
2 process of preparing a motion that will go in front of
3 the Council for consideration that will both withdraw
4 the Typha and Fumaria projects and also contemplate a
5 transfer of the SCA and so those will be forthcoming.
6 But that is -- that is correct, those two projects
7 encountered problems that cannot be overcome and so
8 we'll be moving forward with just the three projects
9 that were discussed today.

10 CHAIR DREW: Thank you.

11 MR. HURD: Yeah.

12 CHAIR DREW: Does that answer your
13 questions?

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

18 CHAIR DREW: Yes.

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

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

25 MS. KELLY: Okay. That's helpful.

1 CHAIR DREW: Okay.

2 MS. KELLY: Thank you.

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

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

7 CHAIR DREW: Okay.

8 MS. BUMPUS: More to follow on that.

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

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

14 MR. OVERTON: Yes, thank you again.
15 This is Kyle Overton, the site specialist for the Goose
16 Prairie Project. Staff are in the final stages of
17 application review and are coordinating with the
18 applicant and our contract agencies to finalize
19 development of a staff memo for the SEPA responsible
20 official's review. There will be more information on
21 that in a moment.

22 As you will remember, on March 30th, EFSEC
23 Council and staff held a virtual land use hearing to
24 allow for testimony on land use consistency. In
25 preparation for this meeting the applicant submitted a

1 letter to the Council dated March 12th that included a
2 certificate of consistency and compliance from Yakima
3 County.

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

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

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

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

24 The effect of a Council determination that
25 the -- that the proposed site conforms to land use

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

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

15 But there's another aspect that plays in here,
16 and that is that the One Energy, the developer of the
17 Goose Prairie site, has submitted a request for
18 expedited processing, as they're entitled to do under
19 the statute, and in order to grant a request for
20 expedited processing, which results in the waiving of
21 the adjudicative hearing, the two requirements for that
22 is that you make a determination of land use
23 consistency, and also that the environmental impacts of
24 the projects -- project are not significant or can be
25 mitigated to nonsignificant levels. So that's a

1 determination -- that second determination is one that
2 the EFSEC SEPA responsible official, which is the EFSEC
3 manager Sonia Bumpus, would make.

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

8 So I want to turn to the -- what does it mean
9 to be consistent and in compliance with local land use.
10 So -- so basically, the standard that the Council has
11 developed is that the project is said to be consistent
12 if it can be either permitted outright or conditionally
13 in the zone in which the project is proposed. And in
14 this case, as it has been spoken to in a certificate
15 submitted by Yakima County Planning, the -- the --
16 under the Yakima County code, the proposed facility is
17 considered to be -- meets the definition of a power
18 generating facility, and power generating facilities
19 that are proposed to be located in the agricultural
20 zoning district are considered type 3 uses under the
21 code, Yakima County code, and they are, quote, uses
22 which may be authorized subject to the approval of a
23 conditional use permit. Type 3 conditional uses are
24 not generally appropriate through the zoning district.
25 The type 3 uses require a hearing examiner review of

1 applications. So in other words, it is -- projects of
2 this sort are eligible to apply for a conditional use
3 permit, and consistent with how the Council has
4 previously addressed land use consistency, if a project
5 would be -- could be permitted conditionally, then it
6 is considered for purposes of this threshold land use
7 consistency determination to be consistent and in
8 compliance.

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

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

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

1 answer them.

2 CHAIR DREW: Thank you, Mr. Thompson.
3 Are there questions from Councilmembers? Okay, hearing
4 none --

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

8 CHAIR DREW: Go ahead.

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

14 CHAIR DREW: Mr. Thompson?

15 MR. THOMPSON: Yes, thank you. So the
16 way the Council has dealt with this in the past is to
17 say that, you know, whether the applicable conditional
18 use criteria are in fact met is a question for later
19 EFSEC proceedings. So if the County process is to have
20 a hearing examiner make a determination about whether
21 the conditional use criteria that are set forth in the
22 County code are met, then Council, the Council
23 precedent, you know, for these types of things is to
24 say that there will be some process provided for that
25 determination later -- later in EFSEC's review of the

1 SCA application. So there would need to be -- Council
2 would need to address that in making an expedited
3 processing determination.

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

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

8 CHAIR DREW: Go ahead.

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

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

14 MR. LIVINGSTON: Okay, okay.

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

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

21 So is there a motion, Mr. Livingston?

22 MR. LIVINGSTON: Yes.

23 CHAIR DREW: Okay, go ahead.

24 MR. LIVINGSTON: Yeah, I'd like to make
25 a motion, Chair. So I'd like to make a motion that

1 staff work with the administrative law judge to draft
2 an order that incorporates the Council's determination
3 on land use with the SEPA determination.

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

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

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

17 CHAIR DREW: Thank you. Is there a
18 second?

19 MR. YOUNG: Lenny Young, second.

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

25 COUNCILMEMBERS: Aye.

1 CHAIR DREW: All those opposed? Motion
2 carries.

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

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

10 CHAIR DREW: Okay, thank you.

11 MS. KIDDER: Great, thank you so much.
12 As Kyle mentioned previously, staff are continuing in
13 coordination with the applicant and our contracted
14 agencies. Staff are finalizing documents for a staff
15 memo to the EFSEC manager who is the SEPA responsible
16 official and staff are preparing to issue a mitigated
17 determination of nonsignificance, or MDNS, which has
18 the 14-day public comment period requirement associated
19 with that. After the comment period, barring any
20 substantive comments or need for revision to the MDNS,
21 the SEPA process would be complete for Goose Prairie.

22 Are there any questions on that?

23 CHAIR DREW: Are there questions?
24 Mr. Livingston, did you have -- want additional
25 information?

1 MR. LIVINGSTON: No, that's helpful for
2 me. I was just interested in the status of it. I do
3 want to make a comment and appreciate the thorough work
4 that EFSEC staff have done to this point and for AG
5 Thompson's assistance on understanding the process that
6 we're in. It's thorough as usual and I really
7 appreciate it.

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

12 MS. KIDDER: Yes, sorry.

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

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

20 CHAIR DREW: Oh, yes, go ahead.

21 MS. KIDDER: All right. Thank you. WAC
22 463-43-050 states that a proposal is eligible for
23 expedited process when, one, the proposed site is
24 consistent and in compliance with city, county or
25 regional land use plans or zoning ordinances, and two,

1 the environmental impacts are not significant or may be
2 mitigated to a nonsignificant level under RCW
3 43-21C-031.

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

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

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

24 CHAIR DREW: Is there a second?

25 MS. KELLY: Kate Kelly, second.

1 CHAIR DREW: Thank you. Discussion.
2 There was a lot of -- there were a lot of steps to
3 putting this together, so I appreciate everybody's
4 patience with that, starting with the land use
5 consistency and now moving on with the SEPA
6 determination coming final -- being finalized by the
7 SEPA responsible official who is Sonia Bumpus.

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

21 COUNCILMEMBER: Yeah, clear.

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

24 CHAIR DREW: Sure.

25 MS. BUMPUS: Thank you, Chair Drew, and

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

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

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

25 COUNCILMEMBERS: Aye.

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

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

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

18 Does the Council have any questions?

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

21 MS. MOON: All right, thank you.

22 CHAIR DREW: Thank you. Okay.

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

25 CHAIR DREW: Yes.

1 MR. DENGEL: I was wondering if we could
2 get the approximate next steps on Horse Heaven.

3 CHAIR DREW: Okay.

4 MR. DENGEL: Time frame wise.

5 CHAIR DREW: Ms. Moon?

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

14 MR. DENGEL: Thank you very much.

15 MS. MOON: You're welcome.

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

21 MS. KIDDER: Thank you, Chair Drew. We
22 have -- are in the process of bringing on board two
23 additional EFSEC site specialists who will be helping
24 us address our workload both for the transmission
25 corridor work group, which I think we're going to hear

1 just a little bit more about in a moment, as well as
2 our application review. Mr. Joseph Wood and a Mr. Sean
3 Chisholm are starting with EFSEC tomorrow. So we will
4 look forward to introducing them to the Council at next
5 month's meeting.

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

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

23 It designated 18 members of that -- of the
24 work group, eight from state government and ten from
25 the private sector, as well as Bonneville Power

1 Administration and Department of Defense to make 20
2 total. And that -- although that was passed in 2019,
3 but that work was scheduled to -- that group was asked
4 to convene in July of 2021.

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

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

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

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

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

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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

Patricia D. Jacoy, CSR 2348