Special Meeting

Washington State Energy Facility Site Evaluation Council

August 6, 2021
WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Friday, August 6th, 2021
11:00 a.m.

Virtual Special Meeting
Verbatim Transcript of Proceedings

DATE TAKEN: AUGUST 6, 2021
REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358
Councilmembers:

KATHLEEN DREW, Chair
KATE KELLY, Department of Commerce
ROB DENGEL, Department of Ecology
MIKE LIVINGSTON, Department of Fish & Wildlife
LENNY YOUNG, Department of Natural Resources
STACEY BREWSTER, Utilities and Transportation Commission

Administrative Law Judge:

JOHNETTE SULLIVAN

Assistant Attorney General:

JON THOMPSON

Local Government and Optional State Agencies for the Goose Prairie Project, Department of Transportation:

BILL SAURIOL

EFSEC Staff:

Ami Hafkemeyer
Patty Betts
Joan Owens
Kyle Overton
Joe Wood

Also in Attendance:

BILL SHERMAN, The Environment
MEGAN SALLOMI, The Environment
TIM McMAHAN, Stoel Rives
KARA WARNER, Golder Associates
BLAKE BJORNSON, One Energy
MARK HERKE, Yakima County
LACEY, WASHINGTON; AUGUST 6, 2021

11:00 A.M.

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PROCEEDINGS

CHAIR DREW: Good morning. This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council calling to order our special meeting for Friday, August 6th, at 11:00 a.m.

This special meeting is for the purpose of reviewing the Goose Prairie Solar Project SEPA determination and expedited process. The Council may consider and take final action on granting expedited processing.

Will the clerk please call the roll?

MS. OWENS: Department of Commerce?

MS. KELLY: Kate Kelly, present.

MS. OWENS: Department of Ecology?

Department of Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston's 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: Local Government and Optional State Agencies for the Goose Prairie Project, Department of Transportation?

MR. SAURIOL: Bill Sauriol, present.

MS. OWENS: Assistant Attorney General? Administrative Law Judge Johnette Sullivan?

Oh, I think you were muted there.

CHAIR DREW: Judge Sullivan?

JUDGE SULLIVAN: My apologies, present.

MS. OWENS: Thank you.

Okay. For EFSEC Council, Sonia Bumpus?

CHAIR DREW: Excused.

MS. OWENS: Thank you.

Ami Hafkemeyer?

MS. HAFKEMEYER: Present.

MS. OWENS: Amy Moon?

MS. HAFKEMEYER: Amy Moon is out of the office this afternoon -- or this morning.

MS. OWENS: Thank you.

Kyle Overton?

MR. OVERTON: Kyle Overton, here.

MS. OWENS: Joe Wood?

MR. WOOD: Joe Wood, present.

MS. OWENS: Sean Chisholm?

MS. HAFKEMEYER: Sean is also unavailable
this morning.

MS. OWENS: Thank you.

Patty Betts?

MS. BETTS: Present.

MS. OWENS: Stew Henderson?

Stephen Posner?

And our court reporter?

THE COURT REPORTER: Tayler Garlinghouse, present.

MS. OWENS: Thank you.

Counsel for The Environment?

MR. SHERMAN: Bill Sherman and Megan Sallomi.

MS. OWENS: Thank you.

Chair, there is a quorum for the regular Council and the Goose Prairie Council.

CHAIR DREW: Thank you.

If there is anyone else on the call in the meeting who would like to introduce themselves, please do so.

MR. DENGEL: This is Rob Dengel. I wasn't able to get on until now. So Ecology, present.

CHAIR DREW: Thank you.

MR. THOMPSON: Chair Drew, this is Jon Thompson, Assistant Attorney General for EFSEC. Just
joining late, sorry.

CHAIR DREW: Thank you.

MR. HERKE: I'm Mark Herke, Yakima County Farm Bureau.

CHAIR DREW: Thank you.

MR. BJORNSON: Blake Bjornson with One Energy Renewables.

MR. McMahan: Tim McMahan representing One Energy Renewables.

CHAIR DREW: Okay.

MS. WARNER: This is Kara Warner with Golder Associates.

CHAIR DREW: Thank you.

Okay. With that, let's proceed to our agenda. We will get an update on the Goose Prairie Project from Ms. Hafkemeyer.

MS. HAFKEMEYER: Thank you, Chair Drew.

Good morning, EFSEC Council. To give you some background, EFSEC received an application for site certification, or ASC, on January 19th of 2021 for the Goose Prairie Solar Project.

On January 21st, following the receipt of the ASC, a request for expedited processing was received in accordance with WAC 463-43 -- 463-43.

Per WAC 463-43-050, a decision on expedited
processing is requested to be made 120 days after receipt of application for expedited processing or such later time as is mutually agreed upon by the applicant and Council. The 120-day timeframe was extended from May 21st to July 20th and further extended again to August 6th by the Council with the agreement of the applicant.

WAC 463-43-040 requires EFSEC to conduct a public informational meeting and a land use consistency hearing within 60 days of receipt of the expedited processing application. This meeting was held on March 30th. During this land use hearing, a letter and certificate of consistency in relation to land use from Yakima County presented by the applicant per WAC 463-26-090.

On July 20th, the Council voted on the issue of land use consistency and found the project proposal to meet the conditions of consistency identified in WAC 463-26.

June 24th, the SEPA official, Sonia Bumpus, issued a mitigated determination of nonsignificance for comment. The comment period ran for two weeks, from June 24th through July 8th, and 16 comments were received. The comments received resulted in identification of a new mitigation measure and two
clarification items. After incorporating these revisions, a revised MDNS was issued on July 30th.

Are there any questions so far? Hearing none --

CHAIR DREW: Are there any questions from Councilmembers?

Okay. Go ahead.

MS. HAFKEMEYER: All right. So to determine if the project is eligible for expedited processing, two questions must be answered per WAC 463-43-030. The first being if the project is consistent and in compliance with local land use regulations; the second is if the environmental impact of the proposed project is nonsignificant or can be mitigated to a nonsignificant level under the State Environmental Policy Act.

With the decision regarding land use consistency made on July 20th and a revised MDNS issued on July 30th, both criteria have now been met. Having met the requirements of WAC 463-43, EFSEC Staff are requesting the Council to make a determination on the January 21st request for expedited processing of the Goose Prairie Solar ASC.

And the Staff are available if the Council have any questions.
CHAIR DREW: Are there any questions? We did receive a packet of information, which included all of this as well as a draft order. Councilmembers, you've had a chance to review the information, are there questions about any of the information and background or about the draft order?

MS. HAFKEMEYER: If I could jump in really quick, Chair Drew. I realize I misspoke a moment ago. The public informational meeting and land use consistency hearing for the Goose Prairie Project was held on March 16th, not March 30th.

CHAIR DREW: Oh, okay. Certainly. Thank you.

So in the packet on page 24 of 34 is the order granting expedited processing. Councilmembers, are there questions or comments?

MS. KELLY: Chair -- Chair Drew, this is Kate Kelly.

CHAIR DREW: Go ahead.

MS. KELLY: I -- I don't have a question, I just wanted to -- I read closely all of the materials that were shared with us and just very much appreciate the background that we got and the thoroughness with which they were written. So that might explain why there's no questions. It had everything we needed and I
believe I did. So very much appreciate that.

I would -- and you may be going to do this
after we get through our business, but it would be good
to hear about what our next steps are on this project
too.

CHAIR DREW: Okay. We -- let's put that
onto -- we'll talk about that after this.

I would like to say -- I think I will -- do
we have -- oh, there's the order in front of us right
now, and for those of you who can -- are on Teams and
can see it, it's about ten pages, which goes through the
background and findings of fact that One Energy
Washington Solar One LLC submitted an application
for site certification, as you heard, for a solar PV,
photovoltaic project with an optional battery storage
system on 1568 leased acres in Yakima County on June
22nd. Oh, I'm sorry. On -- that was January 19th,
2021, and then updated the application on June 22nd.

And you heard the information about the
consistency hearing, the expedited processing request,
the certificate for local authority to testing the
facilities the consistency and compliance with land use
plans and zoning.

I would like to read the portion that the
Council orders. OER Washington Solar One LLC's request
for expedited processing is granted. EFSEC will evaluate OER Washington Solar One LCC's application for site certification of the Goose Prairie Solar Project in an expedited process consistent with the requirements of RCW 80.50.075 and WAC Chapter 463-43.

In addition, Staff will develop a means to receive information akin to what the County would receive during a conditional use hearing as to site-specific conditions and criteria.

I wanted to read that aloud for those of you who are participating in the meeting, members of the public, because even though we have a consistency with land use, that's at the high level that it would qualify for a conditional use permit were it going through the County process. And so we will then have a process that would be similar to that in front of the EFSEC Council. So that's a piece that I think is important for the public to understand.

So with that, I would ask the Council if there is a motion to proceed.

MR. YOUNG: This is Lenny Young, I so move.

CHAIR DREW: Okay. Thank you.

And if we could move that the Council approve the applicant's request for expedited process with direction to Staff to update the draft order to
reflect an updated estimate for the start of
collection. Do you approve of --

MR. YOUNG: I so move. I don't see that
specific language up on the screen as it's a little bit
long, but that's my intention in -- in moving this.

CHAIR DREW: Thank you. Thank you.

Is there a second?

MR. DENGEL: Rob Dengel, second.

CHAIR DREW: Thank you.

And for suggestion purposes, in review of
the draft order, it referred to a construction -- start
of construction date in the third quarter of 2021. And
since we are there now, I thought it was best to ask the
Staff to update the draft order working with the
applicant to a more realistic timeframe. We don't have
to have a month of start of construction, but perhaps a
quarter and another future quarter that would be the
target for construction at this point in time, because
that's a little misleading to think that that's going to
occur in the next three months, because our process will
be -- will take that long at a minimum.

So just a little bit of explanation on why
that language is in, and I do -- as Chair, if this is
successful, I will sign the order and I will make sure
that's updated so I won't have to come back to the
Council.

Any further comments from Councilmembers? I know there was a great deal of work that the Staff put in in the work on the SEPA -- SEPA documentation with Fish and Wildlife and the applicant and also in responding to the 16 comments that we received on the draft MDNS. So thank you for -- for work in bringing parties together.

Are there any other comments?

MS. BREWSTER: This is Stacey Brewster. I'd also like to express my appreciation for all the work that Staff has done on this project. I know it's been a lot, and I appreciate the thorough information we've received.

CHAIR DREW: Thank you.

MR. BJORNSON: Hey, Chair Drew, this is Blake Bjornson with One Energy. Can I just make a quick comment?

CHAIR DREW: Sure.

MR. BJORNSON: I just -- yeah, first of all, thank you to everyone for being here today. But on the -- just off the top of this order, I'm seeing that it's LCC and it should be LLC. Looks like it's correct below, but just want to make sure we get that right on the order.
CHAIR DREW: Thank you for that.

MR. BJORNSON: Yeah, thank you all. I'm here for any questions if you all have some.

CHAIR DREW: Okay. Thank you.

With that, I will ask the clerk to call the roll for the vote of the Council.

MS. OWENS: Thank you.

Department of Commerce?

MS. KELLY: Department of Commerce votes yes.

MS. OWENS: Department of Ecology?

MR. DENGEL: Aye.

MS. OWENS: Fish and Wildlife?

MR. LIVINGSTON: Aye.

MS. OWENS: Department of Natural Resources?

MR. YOUNG: Aye.

MS. OWENS: Utilities and Transportation Commission?

MS. BREWSTER: Aye.

MS. OWENS: Department of Transportation?

MR. SAURIOL: Aye.

MS. OWENS: And Chair?

CHAIR DREW: Aye.

MS. OWENS: The ayes have it.

CHAIR DREW: Thank you. The order is
1 approved subject to that one reflection of the change in
date.

3 I think there was a request to talk about
what the next steps are. Ms. Hafkemeyer?

5 MS. HAFKEMEYER: Of course. So Staff will
make plans to coordinate a public comment period to
receive information akin to what would be received
during a land use conditional use permit proceeding
through the -- the local siting process, and once that
information is received, bring it back to the Council.
And the Council may at that time choose to direct Staff
to prepare documents to provide to the governor
indicating their decision. And if the Council so
chooses at that time, Staff may also prepare draft site
certification agreement documentation.

16 And the approximate timeline in the WAC for
expedited process would be 60 days from today. So we
would be moving fairly quickly to get all this work --
work done and information provided to the Council in a
timely manner.

21 CHAIR DREW: Thank you. So we would -- we
would have some period of time for a comment period,
potentially a public meeting, which would be remote or,
you know, what we do here because we still don't have a
situation, unfortunately, due to the Delta variant to
come together in -- physically in the same location. I think that's not wise yet for all of us.

So I would think we would have an opportunity for that as well as written comments. And then the Council would, upon receiving that, make a determination whether or not to proceed with a recommendation to the governor. And if it's a decision to proceed with a recommendation for approval, that would go with site certification agreement, which is essentially the contract between the proponent -- the applicant, excuse me, One Energy Renewables, and the governor of the State of Washington, which governs the project no matter who owns it, through the life of the facility through decommissioning and site restoration.

Which I -- I'd like everybody to understand that the compliance of that contract rests in the hands of EFSEC and the EFSEC Council through the decommissioning of the project, because I have heard concerns about whether or not there will be challenges with the disposal of materials should this be approved in 30 years or whatever the time of the contract runs out.

And, for example, EFSEC still has the compliance for state environmental laws with Columbia Generating Station, the nuclear facility generating --
electric generating facility, and -- on the Hanford area. And we continue to have compliance and oversight of that facility even though it's been in existence for over 40 years.

So I just want to assure everybody that as we go through the process, it doesn't get handed back to anybody should it be successful in its approval. And the governor will have -- should it be a recommendation anyway, the governor has 60 days to make a determination of whether to approve the project, deny the project, or send it back to the Council for additional work.

So just to give an outline of -- of what's expected in the future since this is a new process to many of the people who are following this.

Ms. Kelly, does that lay out specifics that you were looking for?

MS. KELLY: It does, Chair. Thank you for explaining that. Appreciate it.

CHAIR DREW: Thank you.

So any other comments or questions from Councilmembers?

Hearing none, thank you, Judge Sullivan, for your work on this order, and we will continue to be in touch with you.

Thank you, Councilmembers.
And the order for expedited processing has been approved, and we will see you at our next meeting.

This meeting is adjourned.

(Adjourned at 11:23 a.m.)
CERTIFICATE

STATE OF WASHINGTON

COUNTY OF THURSTON

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

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Tayler Garlinghouse, CCR 3358