

Special Meeting

Washington State Energy Facility Site Evaluation Council

August 6, 2021



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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

A P P E A R A N C E S

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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

1 LACEY, WASHINGTON; AUGUST 6, 2021

2 11:00 A.M.

3 --oOo--

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

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

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

15 Will the clerk please call the roll?

16 MS. OWENS: Department of Commerce?

17 MS. KELLY: Kate Kelly, present.

18 MS. OWENS: Department of Ecology?

19 Department of Fish and Wildlife?

20 MR. LIVINGSTON: Mike Livingston's present.

21 MS. OWENS: Department of Natural Resources?

22 MR. YOUNG: Lenny Young, present.

23 MS. OWENS: Utilities and Transportation

24 Commission?

25 MS. BREWSTER: Stacey Brewster, present.

1 MS. OWENS: Local Government and Optional
2 State Agencies for the Goose Prairie Project, Department
3 of Transportation?

4 MR. SAURIOL: Bill Sauriol, present.

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

7 Oh, I think you were muted there.

8 CHAIR DREW: Judge Sullivan?

9 JUDGE SULLIVAN: My apologies, present.

10 MS. OWENS: Thank you.

11 Okay. For EFSEC Council, Sonia Bumpus?

12 CHAIR DREW: Excused.

13 MS. OWENS: Thank you.

14 Ami Hafkemeyer?

15 MS. HAFKEMEYER: Present.

16 MS. OWENS: Amy Moon?

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

19 MS. OWENS: Thank you.

20 Kyle Overton?

21 MR. OVERTON: Kyle Overton, here.

22 MS. OWENS: Joe Wood?

23 MR. WOOD: Joe Wood, present.

24 MS. OWENS: Sean Chisholm?

25 MS. HAFKEMEYER: Sean is also unavailable

1 this morning.

2 MS. OWENS: Thank you.

3 Patty Betts?

4 MS. BETTS: Present.

5 MS. OWENS: Stew Henderson?

6 Stephen Posner?

7 And our court reporter?

8 THE COURT REPORTER: Tayler Garlinghouse,
9 present.

10 MS. OWENS: Thank you.

11 Counsel for The Environment?

12 MR. SHERMAN: Bill Sherman and Megan
13 Sallomi.

14 MS. OWENS: Thank you.

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

17 CHAIR DREW: Thank you.

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

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

23 CHAIR DREW: Thank you.

24 MR. THOMPSON: Chair Drew, this is Jon
25 Thompson, Assistant Attorney General for EFSEC. Just

1 joining late, sorry.

2 CHAIR DREW: Thank you.

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

5 CHAIR DREW: Thank you.

6 MR. BJORNSON: Blake Bjornson with One
7 Energy Renewables.

8 MR. MCMAHAN: Tim McMahan representing One
9 Energy Renewables.

10 CHAIR DREW: Okay.

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

13 CHAIR DREW: Thank you.

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

17 MS. HAFKEMEYER: Thank you, Chair Drew.
18 Good morning, EFSEC Council. To give you some
19 background, EFSEC received an application for site
20 certification, or ASC, on January 19th of 2021 for the
21 Goose Prairie Solar Project.

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

25 Per WAC 463-43-050, a decision on expedited

1 processing is requested to be made 120 days after
2 receipt of application for expedited processing or such
3 later time as is mutually agreed upon by the applicant
4 and Council. The 120-day timeframe was extended from
5 May 21st to July 20th and further extended again to
6 August 6th by the Council with the agreement of the
7 applicant.

8 WAC 463-43-040 requires EFSEC to conduct a
9 public informational meeting and a land use consistency
10 hearing within 60 days of receipt of the expedited
11 processing application. This meeting was held on March
12 30th. During this land use hearing, a letter and
13 certificate of consistency in relation to land use from
14 Yakima County presented by the applicant per WAC
15 463-26-090.

16 On July 20th, the Council voted on the issue
17 of land use consistency and found the project proposal
18 to meet the conditions of consistency identified in WAC
19 463-26.

20 June 24th, the SEPA official, Sonia Bumpus,
21 issued a mitigated determination of nonsignificance for
22 comment. The comment period ran for two weeks, from
23 June 24th through July 8th, and 16 comments were
24 received. The comments received resulted in
25 identification of a new mitigation measure and two

1 clarification items. After incorporating these
2 revisions, a revised MDNS was issued on July 30th.

3 Are there any questions so far? Hearing
4 none --

5 CHAIR DREW: Are there any questions from
6 Councilmembers?

7 Okay. Go ahead.

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

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

24 And the Staff are available if the Council
25 have any questions.

1 CHAIR DREW: Are there any questions? We
2 did receive a packet of information, which included all
3 of this as well as a draft order. Councilmembers,
4 you've had a chance to review the information, are there
5 questions about any of the information and background or
6 about the draft order?

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

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

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

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

19 CHAIR DREW: Go ahead.

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

1 believe I did. So very much appreciate that.

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

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

8 I would like to say -- I think I will -- do
9 we have -- oh, there's the order in front of us right
10 now, and for those of you who can -- are on Teams and
11 can see it, it's about ten pages, which goes through the
12 background and findings of fact that One Energy
13 Washington Solar One LL -- LCC submitted an application
14 for site certification, as you heard, for a solar PV,
15 photovoltaic project with an optional battery storage
16 system on 1568 leased acres in Yakima County on June
17 22nd. Oh, I'm sorry. On -- that was January 19th,
18 2021, and then updated the application on June 22nd.

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

24 I would like to read the portion that the
25 Council orders. OER Washington Solar One LCC's request

1 for expedited processing is granted. EFSEC will
2 evaluate OER Washington Solar One LCC's application for
3 site certification of the Goose Prairie Solar Project
4 in an expedited process consistent with the requirements
5 of RCW 80.50.075 and WAC Chapter 463-43.

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

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

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

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

22 CHAIR DREW: Okay. Thank you.

23 And if we could move that the Council
24 approve the applicant's request for expedited process
25 with direction to Staff to update the draft order to

1 reflect an updated estimate for the start of
2 construction. Do you approve of --

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

6 CHAIR DREW: Thank you. Thank you.

7 Is there a second?

8 MR. DENGEL: Rob Dengel, second.

9 CHAIR DREW: Thank you.

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

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

1 Council.

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

9 Are there any other comments?

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

15 CHAIR DREW: Thank you.

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

19 CHAIR DREW: Sure.

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

1 CHAIR DREW: Thank you for that.

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

4 CHAIR DREW: Okay. Thank you.

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

7 MS. OWENS: Thank you.

8 Department of Commerce?

9 MS. KELLY: Department of Commerce votes
10 yes.

11 MS. OWENS: Department of Ecology?

12 MR. DENGEL: Aye.

13 MS. OWENS: Fish and Wildlife?

14 MR. LIVINGSTON: Aye.

15 MS. OWENS: Department of Natural Resources?

16 MR. YOUNG: Aye.

17 MS. OWENS: Utilities and Transportation
18 Commission?

19 MS. BREWSTER: Aye.

20 MS. OWENS: Department of Transportation?

21 MR. SAURIOL: Aye.

22 MS. OWENS: And Chair?

23 CHAIR DREW: Aye.

24 MS. OWENS: The ayes have it.

25 CHAIR DREW: Thank you. The order is

1 approved subject to that one reflection of the change in
2 date.

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

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

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

21 CHAIR DREW: Thank you. So we would -- we
22 would have some period of time for a comment period,
23 potentially a public meeting, which would be remote or,
24 you know, what we do here because we still don't have a
25 situation, unfortunately, due to the Delta variant to

1 come together in -- physically in the same location. I
2 think that's not wise yet for all of us.

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

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

23 And, for example, EFSEC still has the
24 compliance for state environmental laws with Columbia
25 Generating Station, the nuclear facility generating --

1 electric generating facility, and -- on the Hanford
2 area. And we continue to have compliance and oversight
3 of that facility even though it's been in existence for
4 over 40 years.

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

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

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

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

19 CHAIR DREW: Thank you.

20 So any other comments or questions from
21 Councilmembers?

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

25 Thank you, Councilmembers.

1 And the order for expedited processing has
2 been approved, and we will see you at our next meeting.
3 This meeting is adjourned.

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

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C E R T I F I C A T E

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.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358