

**Verbatim Transcript of Monthly Council Meeting**  
**Washington State Energy Facility Site Evaluation Council**  
**January 18, 2022**



**206.287.9066 | 800.846.6989**  
1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101  
[www.buellrealtime.com](http://www.buellrealtime.com)  
email: [info@buellrealtime.com](mailto:info@buellrealtime.com)



WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
TUESDAY, JANUARY 18, 2022  
1:31 P.M.

Virtual Special Meeting  
Verbatim Transcript of Proceedings

(All participants appearing via videoconference.)

DATE TAKEN: JANUARY 18, 2022

REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018

A P P E A R A N C E S

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Councilmembers:  
KATHLEEN DREW, Chair  
ELI LEVITT, Department of Ecology  
KATE KELLY, Department of Commerce  
STACEY BREWSTER, Utilities and Transportation Commission  
LENNY YOUNG, Department of Natural Resources  
MIKE LIVINGSTON, Department of Fish & Wildlife  
Local Government and Optional State Agencies:  
BILL SAURIOL, Goose Prairie  
DEREK SANDISON, Horse Heaven  
ED BROST, Benton County  
Assistant Attorney General:  
JON THOMPSON  
Administrative Law Judge:  
ADAM TOREM  
LAURA BRADLEY  
Council Staff:  
SONIA BUMPUS  
AMI HAFKEMEYER  
AMY MOON  
JOE WOOD  
SEAN CHISHOLM  
PATTY BETTS  
LINDSAY REMFREY  
STEW HENDERSON  
ANDREA GRANTHAM  
JOAN OWENS  
ERIC MELBARDIS, Kittitas Valley Wind  
JENNIFER GALBRAITH, Wild Horse Wind Power Project  
CHRIS SHERIN, Grays Harbor Energy Center  
STEFANO SCHNITGER, Chehalis Generation Facility  
MARY RAMOS & BRAD BARFUSS, Columbia Generating Station  
OWEN HURD, TUUSSO Energy  
BILL SHERMAN, Counsel for The Environment  
MEGAN SALLOMI, Counsel for The Environment  
Roxy Borgio, TVW  
Tiana Rowland, Douglas County  
Jordyn Giulio, Douglas County

1                                    January 18, 2022  
2                                    1:31 P.M.  
3                                    -oOo-

4                                    P R O C E E D I N G

5                                    CHAIR DREW: Good afternoon. This is Kathleen  
6 Drew, chair of the energy facility site evaluation  
7 counsel bringing our council meeting for today to order.

8                                    Ms. Owens, will you call the roll?

9                                    MS. OWENS: Department of Commerce?

10                                   MS. KELLY: Kate Kelly, present.

11                                   MS. OWENS: Department of Ecology?

12                                   MR. LEVITT: Eli Levitt, present.

13                                   MS. OWENS: Department of Fish and Wildlife?

14                                   MR. LIVINGSTON: Mike Livingston, present.

15                                   MS. OWENS: Department of Natural Resources?

16                                   MR. YOUNG: Lenny Young, present.

17                                   MS. OWENS: Utilities and Transportation  
18 Commission?

19                                   MS. BREWSTER: Stacey Brewster, present.

20                                   MS. OWENS: Local government and optional  
21 state agencies for the Goose Prairie Project, Department  
22 of Transportation?

23                                   MR. SAURIOL: Bill Sauriol, present.

24                                   MS. OWENS: For the Horse Heaven Project,  
25 Department of Agriculture?

1 MR. SANDISON: Derek Sandison, present.

2 MS. OWENS: Benton County?

3 The assistant attorney general?

4 MR. THOMPSON: This is John Thompson, present.

5 MS. OWENS: Administrative Law Judge Johnette  
6 Sullivan? Adam Torem?

7 MR. TOREM: This is Judge Torem. I'm on.

8 MS. OWENS: Laura Bradley?

9 MS. BRADLEY: This is Judge Bradley. I'm  
10 present.

11 CHAIR DREW: Ms. Owens, can you pause for a  
12 minute, please?

13 MS. OWENS: Yes.

14 CHAIR DREW: It seems that our court reporter  
15 cannot -- is not getting the audio.

16 MS. OWENS: Yes. I can hear you. Is that  
17 Carisa?

18 CHAIR DREW: We will pause for a moment so  
19 that we can see if we can make sure our court reporter is  
20 able to hear the meeting.

21 MS. OWENS: Carisa, can you hear me now?

22 And I do have a recording that I can share with  
23 her after the meeting. Okay. It looks like she has  
24 logged off and will come back.

25 Carisa, can you hear us now? Carisa, are you

1 there? I saw your video for a moment.

2 CHAIR DREW: Well, let us continue and we will  
3 get the audio to her. Hopefully she can figure out her  
4 technical issues. I just see -- and also it may help,  
5 Carisa, if you call in over the phone line.

6 MS. OWENS: Oh, she says she can hear now.

7 CHAIR DREW: Okay. Resuming. And I did hear  
8 you call Mr. Brost. And I see he had joined in the chat.  
9 So I believe he's here.

10 MS. OWENS: Yes. Benton County, Ed Brost, are  
11 you here? Shall I continue with --

12 MR. BROST: Can you hear me? I am here.

13 CHAIR DREW: Yes.

14 MR. BROST: This is Ed Brost. I'm sorry.

15 MS. OWENS: Thank you.

16 Okay. Continuing with council staff. Sonia  
17 Bumpus?

18 MS. BUMPUS: Sonia Bumpus is here.

19 MS. OWENS: Ami Hafkemeyer?

20 MS. HAFKEMEYER: Present.

21 MS. OWENS: Amy Moon?

22 MS. MOON: Amy Moon, present.

23 MS. OWENS: Kyle Overton?

24 Joe Wood.

25 MR. WOOD: Joe Wood, present.

1 MS. OWENS: Sean Chisholm?  
2 MR. CHISHOLM: Sean Chisholm, present.  
3 MR. OWENS: Patty Betts?  
4 MS. BETTS: Patty Betts, present.  
5 MS. OWENS: Lindsay Remfrey?  
6 MS. REMFREY: Lindsay Remfrey, present.  
7 MS. OWENS: Stew Henderson.  
8 MS. HENDERSON: Stewart Henderson, present.  
9 MS. OWENS: Andrea Grantham?  
10 MS. GRANTHAM: Andrea Grantham, present.  
11 MS. OWENS: And our court reporter?  
12 THE REPORTER: Carisa Kitselman, present.  
13 MS. OWENS: Thank you.  
14 For operational updates, Kittitas Valley Wind?  
15 MR. MELBARDIS: Eric Melbardis, present.  
16 MS. OWENS: Wild Horse Wind Power Project?  
17 MS. GALBRAITH: Jennifer Galbraith, present.  
18 MS. OWENS: Grays Harbor Energy Center?  
19 MR. SHERIN: Chris Sherin, present.  
20 MS. OWENS: Chehalis Generation Facility?  
21 MR. SCHNITGER: Stefano Schnitger, present.  
22 MS. OWENS: Columbia Generating Station?  
23 MR. BARFUSS: Brad Barfuss, present.  
24 MS. OWENS: Columbia Solar?  
25 MR. HURD: Owen Hurd, present.

1 MS. OWENS: For counsel for the environment,  
2 Bill Sherman?

3 MR. SHERMAN: Bill Sherman, counsel for the  
4 environment on Horse Heaven and Goose Prairie, present.

5 MS. OWENS: Thank you. And is Megan Sallomi  
6 with you?

7 MS. SALLOMI: Yes. I'm also present. This is  
8 Megan Sallomi for the Badger Mountain Project.

9 MS. OWENS: Great. Thank you.

10 Chair, there is a quorum for the regular  
11 counsel. The Goose Prairie and Horse Heaven counsel.  
12 You are on mute.

13 CHAIR DREW: Thank you.

14 A couple of notes for the council and members of  
15 public as we begin today.

16 First of all, I wanted to welcome Eli Levitt  
17 from the Department of Ecology who is replacing Rob  
18 Dengel. Eli is Ecology's information management and  
19 communications section manager for hazardous waste and  
20 toxics reduction program. And has also worked in water  
21 quality and climate policy with the Department of  
22 Ecology. And we welcome you as one of our members here  
23 today. Thank you for being here.

24 MR. LEVITT: Thank you, Chair Drew.

25 CHAIR DREW: You're welcome to say anything



1 else by introduction, if you wish. But...

2 MR. LEVITT: I guess I'll just briefly say  
3 I've been at the Department of Ecology for about 13 and a  
4 half years. As the Chair mentioned, I work for the  
5 climate policy group for three years. And then water  
6 quality for about six or seven. And now hazardous waste  
7 and toxics reduction for about three years. I'm happy to  
8 be here. And Rob Dengel could not make it today. He  
9 sends his regrets. So thank you.

10 CHAIR DREW: Thank you and welcome.

11 I would also like to say that we are working  
12 with the bad -- the Douglas County commissioners for a  
13 member of the council. And, as I understand, they were  
14 looking at changing their initial appointee and  
15 Ms. Giulio, who is the -- oh, here. Let me make sure I  
16 get her name. Jordyn Giulio, the County's risk manager,  
17 will be participating but we haven't yet received an  
18 appointment letter. What I would say, Ms. Giulio, is if  
19 as we go towards the Badger Mountain report, and if you  
20 would like to participate during the discussion but not  
21 vote, I would appreciate that. And then once we get your  
22 appointment letter from the County, we will have you as  
23 an official member.

24 Are you on the line?

25 MS. GIULIO: I am present, yes.

1 CHAIR DREW: Okay. So feel free to  
2 participate at the council member discussion during the  
3 Badger Mountain discussion, if you would like.

4 MS. GIULIO: Thank you.

5 CHAIR DREW: Yes.

6 Okay. Now moving on to the agenda in front of  
7 us.

8 Is there a motion to approve the -- excuse me --  
9 adopt the proposed agenda?

10 MR. LIVINGSTON: This is Mike Livingston.  
11 I'll make a move -- movement to adopt the agenda as  
12 proposed.

13 CHAIR DREW: Thank you. Second?

14 MR. YOUNG: Lenny Young, second.

15 CHAIR DREW: Questions? Discussions?

16 All those in favor signify by saying "aye."

17 COUNCILMEMBERS: Aye.

18 CHAIR DREW: Opposed? The motion carries.

19 Thank you.

20 We have three sets of minutes before us today  
21 for approval.

22 First, we have the November 16, 2021, monthly  
23 minute meetings.

24 Is there a motion to approve the November 16th  
25 monthly council meeting minutes?

1 MS. KELLY: Kate Kelly, motion to approve  
2 minutes from November 16, 2021.

3 MS. BREWSTER: Stacey Brewster, second.

4 CHAIR DREW: Thank you.

5 Are there any comments or corrections on the  
6 monthly meeting minutes from November 16th? Hearing  
7 none.

8 All those in favor of approving the minutes,  
9 please say "aye."

10 COUNCILMEMBERS: Aye.

11 CHAIR DREW: Opposed?

12 The meeting -- the meeting minutes are approved.

13 Moving on to the November 17th Badger Mountain  
14 informational meeting minutes.

15 Is there a motion to approve those minutes?

16 MS. BREWSTER: This is Stacey Brewster. I'll  
17 move that we approve the minutes from the November 17th  
18 Badger Mountain informational meeting as well as the land  
19 use hearing minutes.

20 CHAIR DREW: Thank you. Second?

21 MS. KELLY: Kate Kelly, second.

22 CHAIR DREW: Thank you.

23 I do have a couple of quick corrections in the  
24 informational meeting minutes.

25 First of all, on page 2 actually, we have the

1 administrative law judge named as Adam Torem, which is  
2 incorrect. It should be Laura Bradley.

3 And on page 45, line 16, we have the name  
4 Galbraith and it should be Grantham.

5 So with those two corrections, is -- are there  
6 any other corrections for either the public meeting or  
7 the land use consistency hearing?

8 MS. BREWSTER: This is Stacey Brewster.

9 I did notice one on page 13 of lines 13 and 14,  
10 refer to solar PD. I believe that should be PV,  
11 photovoltaic.

12 CHAIR DREW: Okay. Thank you.

13 With those changes, all those in favor of the  
14 minutes as amended, please say "aye."

15 COUNCILMEMBERS: Aye.

16 CHAIR DREW: Those opposed? The minutes are  
17 approved. Thank you all.

18 We'll now move to the agenda of the facility  
19 updates.

20 Starting with Kittitas Valley Wind Power  
21 Project, Mr. Melbardis.

22 MR. MELBARDIS: Good afternoon, Chair Drew.  
23 EFSEC staff, Councilmembers.

24 For the record, this is Eric Melbardis with EDP  
25 Renewables for the Kittitas Valley Wind Power Project.

1           There was nothing nonroutine to report for  
2 either period.

3           CHAIR DREW: Thank you.

4           Wild Horse Wind Facility, Ms. Galbraith?

5           MS. GALBRAITH: Yes. Thank you, Chair Drew,  
6 Councilmembers, and Staff. This is Jennifer Galbraith  
7 with Puget Sound Energy for the Wild Horse Wind facility.  
8 And I also have nothing nonroutine to report for the  
9 month of November and December. Wait a minute. There we  
10 go. There's December.

11          CHAIR DREW: Oh, thank you. Yes. Okay.  
12 Thank you.

13          MS. GALBRAITH: Thank you.

14          CHAIR DREW: For Chehalis Generating  
15 station -- generating facility. We have Mr. Schnitger.

16          Before we call on you, is Mr. Miller actually  
17 attending this meeting?

18          MR. SCHNITGER: No. Mr. Miller will not be  
19 attending the meeting today.

20          CHAIR DREW: Well, we would like you to share  
21 with him -- and we'll put into the minutes -- how much we  
22 appreciate his management and his relationship to EFSEC  
23 over a number of years. And I actually don't know how  
24 many years he has been with the facility.

25          But I know all of us here at EFSEC wish him well

1 in his retirement and we will miss his participation in  
2 our meetings and such a good partner as he has been. And  
3 certainly look forward to working with you in the same  
4 manner.

5 So please go ahead with your report.

6 MR. SCHNITGER: I'll pass that on to him.

7 This is the reporting period for November. I  
8 also sent out a reporting -- report for December.

9 And for the record, this is Stefano Schnitger  
10 with the Chehalis Generation Facility.

11 And, Chair Drew, did you want me to report on  
12 November or December?

13 CHAIR DREW: Both would be good, thank you.  
14 Since we didn't have our December meeting.

15 MR. SCHNITGER: Okay. So for November,  
16 there's not a whole lot unusual to report. The  
17 Washington State Fire Marshal, he did conduct his site  
18 inspection on November 4th. There were a few identified  
19 deficiencies from that inspection. And if we end up  
20 going to the December report, included in the December  
21 report, we provided the fire marshal with a resolution  
22 plan for those deficiencies. And he has accepted that  
23 plan and sent his approval to EFSEC.

24 Continuing on here for December, zero injuries  
25 for the recording period. The plant is now at 2,254 days

1 without a lost time accident.

2 Our Title V air operating permit renewal has  
3 been completed. The new permit will expire on  
4 December 29, 2026. Thank you to everybody who helped  
5 support that renewal effort.

6 And as Chair Drew mentioned, Mark Miller, the  
7 plant manager, he has submitted his retirement notice.  
8 And his last day is officially this Friday, January 21st.  
9 That's all for Chehalis.

10 CHAIR DREW: Thank you. And, again, please  
11 give him our congratulations and our appreciation for the  
12 partnership he's had with us over the years.

13 MR. SCHNITGER: Will do.

14 CHAIR DREW: Okay. Moving on to Grays Harbor  
15 Energy, Mr. Sherin.

16 MR. SHERIN: Good afternoon, Chair Drew.  
17 Councilmembers, EFSEC staff. This is Chris Sherin, plant  
18 manager from Grays Harbor Energy Center.

19 So over the reporting period of November, we did  
20 submit startup and shutdown permit deviation to EFSEC.  
21 We're working to rectify that. It's essentially -- to  
22 sum it up, it's a result of the AOP upgrade and a change  
23 in the controls. So we're working with O&M to -- we've  
24 identified some -- the worst places to sit as far as  
25 combustion during our startup process. And we're --

1 we've identified some better options in our holds. So  
2 we're working through that. And the last couple startups  
3 have been successful but that's a pending issue.

4 CHAIR DREW: Thank you. And you'll --

5 MR. SHERIN: Also --

6 CHAIR DREW: -- continue to keep us updated on  
7 that, of course.

8 MR. SHERIN: Yes, we will, Chair Drew.

9 CHAIR DREW: Okay. Go ahead.

10 MR. SHERIN: We still owe you some more  
11 feedback in the future.

12 CHAIR DREW: Okay.

13 MR. SHERIN: Also in November the state fire  
14 marshal's office inspection was conducted. And we -- in  
15 response to that, we submitted a plan to correct a few  
16 minor violations.

17 And then the only nonroutine item I have for the  
18 month of December is to follow up with that. That the  
19 office of the state fire marshal reinspection report was  
20 received. And noted that all the prior items that we  
21 were deficient on have been corrected in December.

22 Are there any questions?

23 CHAIR DREW: Are there any questions? Thank  
24 you.

25 Columbia Generating Station and Washington



1 Nuclear Project 1 and 4 (WNP-1/4).

2 I heard -- who is -- who is on the line to  
3 report on those facilities for us?

4 MR. BARFUSS: Yes. Good afternoon. Chair  
5 Drew, EFSEC council and staff. This is Brad Barfuss.  
6 I'm the environmental and regulatory programs manager for  
7 Energy Northwest.

8 CHAIR DREW: Thank you.

9 MR. BARFUSS: And I have an update for  
10 Columbia Generating Station.

11 On December 6, 2021, Columbia Generating Station  
12 disconnected from the northwest grid for a planned  
13 maintenance outage. And workers installed balance  
14 weights on each end of a 34-foot, 133-ton low-pressure  
15 turbine that was replaced as part of Columbia's life  
16 cycle maintenance during the station's spring refueling  
17 outage.

18 And workers successfully completed this. And in  
19 addition, maintenance tasks were also completed during  
20 the week to ensure Columbia continues to produce  
21 reliable, carbon-free power for the region.

22 And on December 13th, 2021, Columbia Generating  
23 Station reconnected to the grid.

24 CHAIR DREW: Thank you. Are there --

25 MR. BARFUSS: And --

1 CHAIR DREW: Go ahead.

2 MR. BARFUSS: And I have no updates for  
3 Washington Nuclear Project 1 and 4.

4 CHAIR DREW: Thank you.

5 Are there any questions? Okay. Moving on to  
6 Columbia Solar Projects, Mr. Hurd.

7 MR. HURD: Okay. Good afternoon, Chair Drew,  
8 Councilmembers, and EFSEC staff. This is Owen Hurd from  
9 TUUSSO Energy reporting on the Columbia Solar Projects.

10 The update on construction is for Penstemon. We  
11 achieved mechanical completion in late December. And so  
12 now we're completing final testing before commercial  
13 operation will happen. PSE is also working on some final  
14 issues on communications with their inner connection  
15 hardware.

16 On Camas, we're still awaiting for the final  
17 delivery of modules that have been stuck in various ports  
18 and customs office and are now being kind of reshipped.  
19 Racking is complete in terms of the installation of --  
20 the installation of all of the racking is complete so  
21 we're just waiting on modules, and mechanical completion  
22 is expected probably sometime in March.

23 Urtica is also awaiting delivery of modules that  
24 have been held up by shipping delays. But we're also  
25 working on pile driving and racking installation. So I

1 would expect mechanical completion to trail Camas by  
2 probably another month. So put us into April.

3 Environmental compliance, inspections have been  
4 ongoing. But we had to skip last week due to weather.

5 Safety compliance, daily safety tailgate  
6 meetings continue to happen.

7 On the kind of other items, we closed the  
8 transaction with Greenbacker early in December. As  
9 described in our public information meeting, TUUSSO will  
10 remain involved in its current capacity until three  
11 projects are completed. So not much will change from a  
12 day-to-day perspective.

13 The current site restoration financial assurance  
14 will remain in place until it's replaced by Greenbacker  
15 which should be soon. And we'll be scheduling our  
16 initial tag meeting some time this next month.

17 Lastly just on weather, we got several feet of  
18 snow in the past few weeks which -- most of which is  
19 still on the ground. This will have the biggest impact  
20 on Urtica where we're still driving piles and doing  
21 on-site work.

22 So we're currently working through the timing  
23 implications. But I'll keep you posted once we have a  
24 better idea of what this looks like.

25 CHAIR DREW: Okay. Thank you.

1           Congratulations on the work with Greenbacker.  
2   And also on the -- on the progress on the construction.  
3   Tough time of year and tough weather situation  
4   definitely.

5           When do you think that Penstemon will begin  
6   commercial operation?

7           MR. HURD: I -- I would expect it to be in the  
8   next couple weeks. There were just a handful of things  
9   to kind of tie up. So we're working with PSE on kind of  
10   the sequencing of whether or not to -- we got permission  
11   to operate from Puget Sound Energy, although they are  
12   still working on these final communications items. So  
13   there's been some discussion about whether we should just  
14   let them complete their work and then -- and then turn it  
15   on. Or if we want to complete our kind of final testing,  
16   turn it on and then turn it back off while they wrap up  
17   their communication stuff. So I -- the next few weeks.

18           CHAIR DREW: Okay. Great. Thank you.

19           MR. HURD: Yeah. Thank you.

20           CHAIR DREW: Are there any other questions  
21   from Councilmembers?

22           Okay. Desert Claim Wind Power Project,  
23   Ms. Moon?

24           MS. MOON: Good afternoon, Council, Chair  
25   Drew, and members of the council.

1           For the record, this is Amy Moon providing the  
2 Desert Claim update.

3           EFSEC staff continued to coordinate with Desert  
4 Claim. However, currently there are no project updates.

5           CHAIR DREW: Thank you.

6           And while I have you here, report on Horse  
7 Heaven Wind power -- Wind Project, please.

8           MS. MOON: Okay. For the record, this is Amy  
9 Moon providing an update on the Horse Heaven Wind  
10 Project.

11           EFSEC staff continue to work on the preparation  
12 of the draft environmental impact statement, otherwise  
13 known as a DEIS. We were working on that in both  
14 November and December as well as today.

15           The work has included review of our contractor  
16 holders work on drafting the DEIS, as well as continued  
17 coordination regarding wildlife and habitat mitigation  
18 with the Washington Department of Fish & Wildlife and the  
19 Horse Heaven applicant.

20           The discussions have included impact analysis as  
21 well as opportunities for impact avoidance and  
22 minimization of impacts that will support the applicant  
23 in developing an updated mitigation plan.

24           EFSEC received responses to data requests  
25 regarding habitat, noise, service water, vegetation, and

1 wildlife. And these data requests were to the applicant.  
2 The information received from the data request is being  
3 used to inform the DEIS preparation as well as the  
4 habitat and wildlife mitigation discussions.

5 Additional noise baseline measurements near  
6 residential areas were included in a data request. And  
7 the applicant have been actively pursuing the additional  
8 measurements.

9 Does the Council have any questions?

10 CHAIR DREW: Are there any questions from  
11 Councilmembers? Okay. Thank you.

12 MS. MOON: Okay. And then we've also received  
13 a letter from the applicant regarding an extension of  
14 their application review period. Ami Hafkemeyer has more  
15 information on that.

16 CHAIR DREW: Okay. Ms. Hafkemeyer.

17 MS. HAFKEMEYER: Thank you, Ms. Moon. Good  
18 afternoon, Chair Drew and Council. For the record, this  
19 is Ami Hafkemeyer.

20 On January 10, 2022, EFSEC Staff received a  
21 letter from Scout Clean Energy, the applicant, requesting  
22 that the review of the application for site  
23 certification, or ASE, be extended ten months to  
24 December 8, 2022. This letter is available in the  
25 council packet for your review.

1 EFSEC statute states in the Revised Code of  
2 Washington, or RCW 80.50.100, that the council shall  
3 report to the governor its recommendations as to the  
4 approval or rejection of an application for certification  
5 within 12 months of receipt of the council -- by the  
6 council of such an application or such later time as is  
7 mutually agreed by the council and the applicant.

8 EFSEC received the application for the Horse  
9 Heaven Wind Farm on February 8, 2021. And the 12-month  
10 time frame would conclude -- would conclude on  
11 February 7, 2022, unless an extension is agreed upon by  
12 the council and the applicant.

13 As mentioned in the update from Ms. Moon, the  
14 work for the EIS is heavily underway. And staff are also  
15 continuing to coordinate with the administrative law  
16 judge, Judge Torem, to schedule the adjudicative  
17 proceedings. Staff and the applicant have coordinated on  
18 what we feel is an appropriate time frame for such an  
19 extension and recommend that the council approve the  
20 request.

21 Are there any questions from Councilmembers?

22 CHAIR DREW: Are there questions from  
23 Councilmembers?

24 MR. BROST: This is the Ed Brost. What is the  
25 extension request, for how long? Did you say ten --

1 MS. HAFKEMEYER: It would extend the review  
2 period for an additional ten months to December 8, 2022.

3 MR. BROST: Thank you.

4 CHAIR DREW: Any other questions?

5 Is there a motion to approve the extension  
6 request for ten months?

7 MR. SANDISON: So move. This is Derek  
8 Sandison, so move.

9 CHAIR DREW: Thank you. Second?

10 MR. LIVINGSTON: Mike Livingston, I'll second  
11 that.

12 CHAIR DREW: Thank you.

13 Is there any discussion?

14 I think we know that there's a lot of work that  
15 is going on that's important for our review. And we need  
16 to be able to support this extension in order to get that  
17 information to the council for our decision-making  
18 process.

19 All those in favor, please say "aye."

20 COUNCILMEMBERS: Aye.

21 CHAIR DREW: Opposed? Motion carries. Thank  
22 you.

23 Goose Prairie Solar Project, Ms. Hafkemeyer?

24 MS. HAFKEMEYER: Thank you, Chair Drew.

25 Again, for the record, this is Ami Hafkemeyer. A brief



1 update on the Goose Prairie Solar Project.

2 On December 20, 2021, the governor agreed with  
3 the EFSEC Council's recommendation and signed into  
4 approval the site certification agreement that was  
5 provided to his office. Staff are currently working to  
6 get that SCA finalized with all the appropriate  
7 signatures and look forward to beginning work with the  
8 certificate holder on preconstruction activity.

9 Are there any questions?

10 CHAIR DREW: Are there any questions?

11 Okay. Thank you. We'll look forward to an  
12 update and the start of report as we go through this  
13 process towards construction.

14 Badger Mountain Solar Energy Project,  
15 Mr. Chisholm?

16 MR. CHISHOLM: Good afternoon, Council,  
17 Chair Drew, and Councilmembers. For the record, this is  
18 Seam Chisholm providing an update for Badger Mountain  
19 Solar Energy Project.

20 EFSEC staff continues to process the Badger  
21 Mountain Solar Project application for site  
22 certification, or ASC that was received from Aurora Solar  
23 LLC October 7, 2021.

24 We're working with the project proponent  
25 Avangrid Renewables. Public information meeting --

1 public information -- informational meeting and land use  
2 hearing was held November 17, 2021. The public  
3 informational meeting provides information to the public  
4 about the proposed project and energy facilities site,  
5 information on the council review process, and an  
6 opportunity for the public to make comments on the  
7 project. EFSEC received 17 comments during the public  
8 informational meeting. EFSEC staff is currently working  
9 with contractors and state agencies reviewing the ASC as  
10 well as evaluating the project compared to Douglas County  
11 land use criteria.

12 We are currently reaching out to WDFW, or Fish &  
13 Wildlife, DNR, department of -- or also known as  
14 Department of National Resources, Colville Confederated  
15 tribes, Spokane tribes, and Yakama Nation on their  
16 interest dealing with this project.

17 Does the Council have any questions so far?

18 CHAIR DREW: Are there any questions from the  
19 Council?

20 Go ahead, Mr. Chisholm.

21 MR. CHISHOLM: Yeah. The land use hearing was  
22 held November 17, 2021, after the public information --  
23 informational meeting and public comment section.

24 EFSEC received two comments during the land use  
25 hearing. Ami Hafkemeyer has some more information on

1 that.

2 CHAIR DREW: Ms. Hafkemeyer?

3 MS. HAFKEMEYER: Thank you, Mr. Chisholm.

4 Thank you, Chair Drew.

5 For the record, again, this is Ami Hafkemeyer.

6 As Mr. Chisholm mentioned, the land use hearing  
7 for Badger Mountain was conducted in the evening on  
8 November 17th. And included in your packet is a legal  
9 briefing prepared by John Thompson with coordination from  
10 the administrative law judge, Judge Bradley.

11 In this briefing Mr. Thompson reviews the  
12 information received during the hearing and recommends  
13 that the council ~~determined~~ <sup>determine</sup> the land use not be in  
14 compliance and set the matter for an adjudicative  
15 proceeding in accordance with RCW 80.50.090.

16 Are there any questions?

17 CHAIR DREW: Are -- Mr. Thompson, would you  
18 like to make further comments?

19 MR. THOMPSON: Certainly, Chair Drew. Would  
20 you like me to just kind of provide a brief summary of  
21 the memorandum?

22 CHAIR DREW: That would be great. Certainly  
23 for all of the people who have joined us in addition to  
24 the Councilmembers who haven't had the opportunity to  
25 review it at this point. That would be terrific.

1 MR. THOMPSON: Sure. Okay. Just relatively  
2 briefly.

3 As you know, the EFSEC statute, specifically  
4 80.50.090, requires that when there's a new application  
5 for site certification, that the council will conduct a  
6 public hearing to determine whether or not the proposed  
7 site is consistent and in compliance with city, county,  
8 or regional land use plans or zoning ordinances. That  
9 has to be done within 60 days of the filing of the  
10 application.

11 As Mr. Chisholm said, that -- that hearing was  
12 held on November 17th.

13 You heard from the applicant on the topic of  
14 land use consistency, the county didn't -- didn't appear.  
15 But -- but the -- you know, the details of the county  
16 zoning regulations were in evidence.

17 I should mention another reason why land use  
18 consistency comes up is because applicants have the  
19 option of selecting -- or requesting expedited  
20 processing, which means dispensing with the adjudication,  
21 essentially. If -- if the impacts of a project are not  
22 going to be significant or can be mitigated to -- to a  
23 nonsignificant level, and if the project is consistent  
24 and in compliance with local land use regulations.

25 In this case, the applicant Aurora Solar has not

1 requested expedited processing citing interim controls  
2 adopted by Douglas County that -- with which the proposed  
3 site for the project is inconsistent.

4 So the -- the application -- Aurora Solar, the  
5 application was filed October 7, 2021. A couple --  
6 two-plus months prior to that on July 20th, 2021, Douglas  
7 County had adopted an ordinance that was titled Interim  
8 Controls for Placement and Permitting of Alternative  
9 Energy specific to wind and solar energy farms.

10 And in relevant part, that basically -- there's  
11 a recounting of what the -- kind of the thinking behind  
12 that on Douglas County's part. But the important part is  
13 that the county amended its zoning code to include a  
14 requirement of seven-mile buffers from various geographic  
15 features within which a solar facility such as this  
16 cannot be constructed.

17 So those were -- seven miles from the urban  
18 growth area boundary, city or town limits boundary,  
19 municipal airport boundary. Specifically Pangborn  
20 airport boundary and Pangborn airport outer overlay zone  
21 boundary. And also seven miles from habitat associated  
22 with sensitive candidate threatened or endangered plants  
23 or wildlife.

24 The applicant concedes that it's proposed  
25 location is -- does fall within -- essentially each of

1 those seven-mile buffers. And so would not be consistent  
2 with that zoning provision.

3 So -- and consequently they have not requested  
4 expedited processing.

5 So in the past, the council has found that where  
6 there's just a moratorium in place on a particular type  
7 of energy facility but that the -- that the code section,  
8 you know, otherwise permits it or that -- in that case  
9 that there wouldn't be a -- there could be a finding of  
10 consistency, I should say. That's not what the case is  
11 here because Douglas County, in fact, amended its zoning  
12 code and added these specific prohibitions that I was  
13 just describing.

14 So it's my conclusion and recommendation to you  
15 that the council determine that the proposed site is not  
16 in compliance with local zoning provisions.

17 And in that case, the -- the council's  
18 procedural rules provide that based on that finding, that  
19 the council will set the matter for adjudication as to  
20 ~~weather~~ ~~whether~~ the council should recommend that the local --  
21 the inconsistent local zoning or land use regulations be  
22 preempted. And that adjudication can be set separately  
23 or together with the -- with the adjudication that's  
24 otherwise -- the general adjudication that's otherwise  
25 required.

1           So in order to, you know, ensure that the  
2 council is able to timely have that adjudication and --  
3 and complete its review within the statutory time period,  
4 my recommendation to you is that you make a -- you direct  
5 the administrative law judge to prepare an order for your  
6 review at the next council meeting, or at a future  
7 council meeting, determining land use inconsistency  
8 and -- and directing that the matter be set for -- for  
9 adjudication as to possible preemption. So --

10           CHAIR DREW: Thank you. In doing so, we're  
11 not setting a date at this point, correct?

12           MR. THOMPSON: Right. You needn't do that.  
13 I'm just suggesting that the -- yeah, that the scheduling  
14 be left to either a prehearing conference or some later  
15 determination.

16           CHAIR DREW: Okay.

17           MR. THOMPSON: Just simply that you decide to  
18 move forward to adjudicate that question.

19           CHAIR DREW: And just for a little bit further  
20 discussion. The -- and the discussion around potential  
21 preemption.

22           In the past is it correct that the council has  
23 looked at -- generally looked at a specific ordinance or  
24 a couple of specific ordinances for preemption and not --  
25 it's not preemption of all local laws; is that correct?

1 MR. THOMPSON: Right. It would be preemption  
2 of the -- the provisions that are inconsistent with the  
3 proposed site, essentially.

4 And then there's also -- this is also described  
5 in the -- in the council's rules that in the event that  
6 the council does make that recommendation to preempt,  
7 that it would include conditions to serve the purposes of  
8 the local -- the preempted local ordinances.

9 So -- so, yeah, right. You -- you would just be  
10 looking to -- whether to recommend, you know, the ~~citing~~ <sup>siting</sup>  
11 of the facility notwithstanding the inconsistent  
12 provisions. But still trying to -- to include conditions  
13 that would serve the purposes, if that makes sense.

14 CHAIR DREW: And that would be all discussed  
15 in the adjudication.

16 I wanted to clarify that. Because I think it's  
17 -- when people hear the term, some people do take it to  
18 be not considering any of the local laws. When, in fact,  
19 if there is an inconsistency we may or may not -- I'm not  
20 prejudging this matter. I just wanted to have a  
21 discussion publicly to clarify. That it would be very --  
22 it would be specific in nature and there would be work  
23 to -- to try to actually comply in as many ways as  
24 possible with local laws and ordinances. And that's all  
25 dependent on future decisions. This is hypothetical. I



1 also want to make that clear.

2 But I also -- since none of us on the council  
3 have actually participated in -- in this process to date,  
4 I think it's -- it's relevant to have discussion as we  
5 move forward and to have that discussion publicly for the  
6 understanding of -- of everyone who is interested in the  
7 project.

8 Are there other questions from Councilmembers?

9 And I also would say Ms. Giulio, that if you  
10 would like to ask a question, it would be appropriate as  
11 well.

12 Councilmembers?

13 MS. BREWSTER: This is Stacey Brewster. More  
14 of a comment. I just want to thank you and John Thompson  
15 for the thorough memo. The information was very helpful,  
16 and I do appreciate it.

17 CHAIR DREW: Thank you.

18 So the suggested motion has been sent to  
19 Councilmembers. Is there somebody who would like to  
20 offer that -- offer that or another motion today?

21 MS. KELLY: Madam Chair, this is Kate Kelly.  
22 I -- I, too, want to thank John Thompson.

23 And with that, I move that the council direct  
24 Laura Bradley, EFSEC administrative law judge for the  
25 Badger Mountain solar application, to draft an order

1 determining that the site is not in compliance with local  
2 zoning ordinances in setting the matter of whether to  
3 recommend preemption by the state for adjudication.

4 CHAIR DREW: Thank you.

5 Is there a second?

6 MS. BREWSTER: Stacey Brewster, second.

7 CHAIR DREW: Thanks. Discussion?

8 Okay. All those in favor, signify by saying  
9 "aye."

10 COUNCILMEMBERS: Aye.

11 CHAIR DREW: Opposed?

12 The motion is adopted. Thank you.

13 So we will look forward to a draft order coming  
14 to us for review and for consideration some time within  
15 the next month or so.

16 And we would also look to wait to determine a  
17 time for the adjudication until we have the SEPA  
18 determination for the project.

19 So we will be able to decide whether the  
20 adjudication on land use goes forward or if it's also in  
21 context with the environmental review.

22 Okay. Thank you. Moving on to the cost  
23 allocation report.

24 Ms. Hafkemeyer, is that you today?

25 MS. HAFKEMEYER: I believe so. I know I heard

1 Ms. Bumpus on the phone earlier. But I -- I believe I  
2 was going to step in for the cost allocation.

3 CHAIR DREW: Yes. She has been under the  
4 weather. So thank you.

5 MS. BUMPUS: Thank you, Ami.

6 MS. HAFKEMEYER: Any time. So presented here  
7 we have the non-direct cost allocation for the third  
8 quarter of fiscal year 2022. The cost allocation is the  
9 allocation of non-direct costs incurred by EFSEC to be  
10 allocated to the various facilities based on workload and  
11 projected upcoming work.

12 So if there are no questions, I'll get started  
13 on the list.

14 Kittitas wind -- Kittitas Valley Wind Power  
15 Project, 5 percent; Wild Horse Wind Power Project, 5  
16 percent; Columbia Generating Station, 25 percent;  
17 Columbia Solar, 11 percent; WNP-1, 3 percent; Whistling  
18 Ridge Energy Project, 3 percent; Grays Harbor 1 & 2, 9  
19 percent; Chehalis Generation Project, 9 percent; Desert  
20 Claim Wind Power Project, 3 percent; Goose Prairie Solar  
21 Project, 7 percent; Horse Heaven Wind Farm Project,  
22 12 percent; and Badger Mountain Solar Project, 8 percent.

23 CHAIR DREW: Thank you.

24 We have one more item for the good of the order.  
25 And at the beginning of the council meeting you heard a

1 new name on EFSEC staff. And I would like to introduce  
2 the council to Lindsay Remfrey. And I would ask  
3 Ms. Hafkemeyer to do the introduction.

4 MS. HAFKEMEYER: Thank you, Chair Drew.

5 EFSEC welcomes Lindsay Remfrey to our team. She  
6 is our new commerce specialist. Lindsay joins us with  
7 extensive project management experience from a long  
8 history with the U.S. Army Corps of Engineers and the  
9 U.S. Air Force. And we are very excited to have her with  
10 us. She will be handling our contracting work and  
11 invoices and our records management.

12 CHAIR DREW: Lindsay, if you would like to  
13 show -- say a hello. We don't require anything else.  
14 But just so people can see who you are, that would be  
15 terrific. Ms. Remfrey, I should say.

16 MS. REMFREY: Hello.

17 CHAIR DREW: We're happy to have you on board.  
18 Welcome.

19 MS. REMFREY: Thank you.

20 CHAIR DREW: With that, thank you, everybody.  
21 Our meeting is adjourned for Tuesday, January 18th.

22 (Virtual meeting adjourned at  
23 2:23 p.m.)  
24  
25

C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF KITSAP

I, Carisa Kitselman, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the virtual meeting on JANUARY 18, 2022, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of February, 2022.



*Carisa Kitselman*  
CARISA KITSELMAN, RPR, CCR #2018

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