



Washington State Energy Facility Site Evaluation Council AGENDA

MONTHLY MEETING
Tuesday May 17, 2022
1:30 PM

CONFERENCE CALL ONLY
Conference number: (253) 372-2181 ID: 662593855#

1. Call to Order Kathleen Drew, EFSEC Chair
2. Roll Call Joan Owens, EFSEC Staff
3. Proposed Agenda Kathleen Drew, EFSEC Chair
4. Minutes
Meeting Minutes..... Kathleen Drew, EFSEC Chair
 - April 19, 2022 Monthly Meeting Minutes
5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates..... Eric Melbardis, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates..... Jennifer Galbraith, Puget Sound Energy
 - c. Chehalis Generation Facility
 - Operational Updates..... Stefano Schnitger, Chehalis Generation
 - d. Grays Harbor Energy Center
 - Operational Updates..... Chris Sherin, Grays Harbor Energy
 - e. Columbia Generating Station
 - Operational Updates..... Marshall Schmitt, Energy Northwest
 - f. WNP – 1/4
 - Non-Operational Updates..... Marshall Schmitt, Energy Northwest
 - g. Columbia Solar
 - Project Updates..... Owen Hurd, Tuusso Energy
 - h. Desert Claim
 - Project Updates..... Amy Moon, EFSEC Staff
 - i. Horse Heaven Wind Farm
 - SEPA update..... Amy Moon, EFSEC Staff
 - Land Use Order review and deliberation..... Adam Torem, ALJ

The Council may consider and take FINAL ACTION to review and vote on the Horse Heaven Land Use Order.
 - j. Goose Prairie Solar
 - Project Updates..... Joe Wood EFSEC Staff
 - k. Badger Mountain
 - Project Updates..... Ami Hafkemeyer, EFSEC Staff
 - l. Whistling Ridge
 - Project Updates..... Ami Hafkemeyer, EFSEC Staff
 - m. High Top & Ostrea
 - Project Updates..... Ami Hafkemeyer, EFSEC Staff
 - n. Wautoma Solar
 - New Application..... Ami Hafkemeyer, EFSEC Staff
 - Applicant presentation..... Laura O'Neil, Innergex
6. Other
 - Legislative update..... Sonia Bumpus, EFSEC Staff
7. Adjourn..... Kathleen Drew, EFSEC Chair

Note: "FINAL ACTION" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation Council
April 19, 2022



206.287.9066 | 800.846.6989
1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101
www.buellrealtime.com
email: info@buellrealtime.com



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<p style="text-align: right;">Page 1</p> <hr/> <p style="text-align: center;">WASHINGTON STATE</p> <p style="text-align: center;">ENERGY FACILITY SITE EVALUATION COUNCIL</p> <p style="text-align: center;">Olympia, Washington</p> <p style="text-align: center;">Tuesday, April 19, 2022</p> <p style="text-align: center;">1:30 p.m.</p> <hr/> <p style="text-align: center;">MONTHLY COUNCIL MEETING Verbatim Transcript of Proceedings</p> <hr/> <p style="text-align: center;">(All participants appeared via videoconference.)</p> <p>REPORTED BY: ROSE DETLOFF, RPR, CCR #21036100 Buell Realtime Reporting, LLC 1325 Fourth Avenue Suite 1840 Seattle, Washington 98101</p>	<p style="text-align: right;">Page 3</p> <p>1 OLYMPIA, WASHINGTON; APRIL 19, 2022</p> <p>2 1:30 p.m.</p> <p>3 -o0o-</p> <p>4 P R O C E E D I N G S</p> <p>5</p> <p>6 CHAIR DREW: Good afternoon. This is</p> <p>7 Kathleen Drew, the Chair of the Energy Facility Site</p> <p>8 Evaluation Council, calling our April 19th meeting to</p> <p>9 order.</p> <p>10 Ms. Grantham, will you call the roll.</p> <p>11 MS. GRANTHAM: Yes.</p> <p>12 Department of Commerce?</p> <p>13 MS. KELLY: Kate Kelly, present.</p> <p>14 MS. GRANTHAM: Department of Ecology?</p> <p>15 Department of Fish and Wildlife?</p> <p>16 MR. LEVITT: Sorry, for Ecology, this is Eli</p> <p>17 Levitt.</p> <p>18 MS. GRANTHAM: Thank you.</p> <p>19 Department of Fish and Wildlife?</p> <p>20 MR. LIVINGSTON: Mike Livingston is present.</p> <p>21 MS. GRANTHAM: Department of Natural</p> <p>22 Resources?</p> <p>23 MR. YOUNG: Lenny Young, present.</p> <p>24 MS. GRANTHAM: Utilities and Transportation</p> <p>25 Commission?</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 Councilmembers:</p> <p>3 KATHLEEN DREW, Chair</p> <p>4 STACEY BREWSTER, Utilities and Transportation Commission</p> <p>5 KATE KELLY, Department of Commerce</p> <p>6 ELI LEVITT, Department of Ecology</p> <p>7 MICHAEL LIVINGSTON, Department of Fish and Wildlife</p> <p>8 LENNY YOUNG, Department of Natural Resources</p> <p>9 Local Government and Optional State Agency for the Horse</p> <p>10 Heaven Project and Badger Mountain Project:</p> <p>11 ED BROST, Benton County</p> <p>12 JORDYN GIULIO, Douglas County</p> <p>13 DEREK SANDISON, Department of Agriculture</p> <p>14 Assistant Attorney General:</p> <p>15 JON THOMPSON</p> <p>16 Administrative Law Judge:</p> <p>17 ADAM TOREM</p> <p>18 LAURA BRADLEY</p> <p>19 EFSEC Staff:</p> <p>20 SONIA BUMPUS</p> <p>21 ANDREA GRANTHAM</p> <p>22 AMI HAFKEMEYER</p> <p>23 STEWART HENDERSON</p> <p>24 AMY MOON</p> <p>25 JOE WOOD</p> <p>Guests:</p> <p>ERIN BERGQUIST, Cypress Creek Renewables</p> <p>JENNIFER GALBRAITH, Puget Sound Energy</p> <p>OWEN HURD, TUUSSO Energy</p> <p>DENIS MEHINAGIC, Columbia Generating Station</p> <p>ERIC MELBARDIS, EDP Renewables</p> <p>JESS MOSLEH, Cypress Creek Renewables</p> <p>SARAH REYNEVELD, Counsel for the Environment</p> <p>MEGAN SALLOMI, Counsel for the Environment</p> <p>STEFANO SCHNITGER, Chehalis Generation Facility</p> <p>CHRIS SHERIN, Grays Harbor Energy</p> <p>BILL SHERMAN, Counsel for the Environment</p> <p>TAI WALLACE, Cypress Creek Renewables</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. BREWSTER: Stacey Brewster, present.</p> <p>2 MS. GRANTHAM: Thank you.</p> <p>3 Local Government and Optional State Agencies</p> <p>4 for the Horse Heaven Project, Department of Agriculture?</p> <p>5 MR. SANDISON: Derek Sandison, present.</p> <p>6 MS. GRANTHAM: Benton County?</p> <p>7 MR. BROST: Ed Brost, present.</p> <p>8 MS. GRANTHAM: For the Badger Mountain</p> <p>9 Project, Douglas County?</p> <p>10 MS. GIULIO: Jordyn Giulio, present.</p> <p>11 MS. GRANTHAM: The Assistant Attorney</p> <p>12 General?</p> <p>13 MR. THOMPSON: This is Jon Thompson,</p> <p>14 present.</p> <p>15 MS. GRANTHAM: Administrative Law Judges,</p> <p>16 Adam Torem?</p> <p>17 JUDGE TOREM: This is Judge Torem. I am on</p> <p>18 the line.</p> <p>19 MS. GRANTHAM: Laura Bradley?</p> <p>20 JUDGE BRADLEY: This is Judge Bradley. I'm</p> <p>21 here with you.</p> <p>22 MS. GRANTHAM: For EFSEC Council Staff,</p> <p>23 Sonia Bumpus?</p> <p>24 MS. BUMPUS: Sonia Bumpus, present.</p> <p>25 MS. GRANTHAM: Ami Hafkemeyer?</p>

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<p>1 MS. HAFKEMEYER: Ami Hafkemeyer, present. 2 MS. GRANTHAM: Amy Moon? 3 MS. MOON: Amy Moon, present. 4 MS. GRANTHAM: Joe Wood? 5 MR. WOOD: Joe Wood, present. 6 MS. GRANTHAM: Patty Betts? 7 Stew Henderson? 8 MR. HENDERSON: Here. 9 MS. GRANTHAM: Joan Owens? 10 For the operational updates -- 11 MS. BUMPUS: Joan Owens is excused. 12 MS. GRANTHAM: Thank you. 13 For the operational updates, Kittitas Valley 14 Wind Project? 15 MR. MELBARDIS: Eric Melbardis, present. 16 MS. GRANTHAM: Wild Horse Wind Power 17 Project? 18 MS. GALBRAITH: Jennifer Galbraith, present. 19 MS. GRANTHAM: Grays Harbor Energy Center? 20 MR. SHERIN: Chris Sherin is present. 21 MS. GRANTHAM: Chehalis Generation Facility? 22 MR. SCHNITGER: Stefano Schnitger is 23 present. 24 MS. GRANTHAM: Columbia Generating Station? 25 MR. MEHINAGIC: This is Denis Mehinagic,</p>	<p>1 second that. 2 CHAIR DREW: I think that was Mike 3 Livingston. Thank you. 4 All those in favor, please say "aye." 5 COUNCILMEMBERS: Aye. 6 CHAIR DREW: Opposed? 7 Motion is adopted. 8 Moving on to the meeting minutes. We have two 9 sets of minutes this month. First is the March 15th 10 monthly meeting minutes, which are in your packets and 11 on the screen appearing before you. 12 Is there a motion to approve the March 15th 13 monthly meeting minutes? 14 MS. BREWSTER: This is Stacey Brewster. 15 I'll move that we approve the March 15th monthly Council 16 meeting minutes. 17 CHAIR DREW: Thank you. 18 Second? 19 MS. KELLY: Kate Kelly, second. 20 CHAIR DREW: Are there any edits or changes? 21 MR. LEVITT: This is Eli. I think on the 22 March 15th one, on Page 9, instead of "siting" with a T, 23 it spells "siding" with a D. But I might be mixing it 24 up with the other set of minutes we're approving. 25 CHAIR DREW: Fair enough. I don't see it on</p>
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<p>1 present. 2 MS. GRANTHAM: Columbia Solar? 3 MR. HURD: Owen Hurd, present. 4 MS. GRANTHAM: Counsel for the Environment, 5 Bill Sherman? 6 MR. SHERMAN: Present. 7 MS. GRANTHAM: And Megan Sallomi? 8 MS. SALLOMI: Present. 9 MS. GRANTHAM: Chair, there is a quorum for 10 the regular Council and for the Horse Heaven and Badger 11 Mountain Councils. Thank you. 12 CHAIR DREW: Thank you. 13 MR. SHERMAN: This is Bill Sherman as 14 Counsel for the Environment. Let me also emphasize that 15 Sarah Reyneveld, who is Counsel for the Environment on 16 the Horse Heaven Wind Farm, is also on the line. 17 MS. GRANTHAM: Thank you, noted. 18 CHAIR DREW: Thank you. 19 Moving on to our proposed agenda, 20 Councilmembers, you see the agenda before you is -- I 21 think I froze there for a minute. 22 The agenda is before you. Is there a motion to 23 approve -- adopt the proposed agenda? 24 MR. YOUNG: Lenny Young, so moved. 25 MR. LIVINGSTON: Mike Livingston, and I'll</p>	<p>1 this one. 2 MR. LEVITT: Maybe it's the other set of 3 notes. Sorry. 4 CHAIR DREW: Okay. Let me quickly -- I'll 5 just skip forward and see on my own screen here. 6 So let's see that we will correct the word 7 "siding," from "siding" with a D to "siting" with a T, 8 if we find it in this document. 9 All those in favor of the minutes as amended, 10 please say "aye." 11 COUNCILMEMBERS: Aye. 12 CHAIR DREW: Opposed? 13 Okay. Motion carries. 14 Moving on to the meeting minutes for the Goose 15 Prairie Site Certification Agreement Amendment Hearing. 16 Is there a motion to approve those minutes? 17 Motion to approve the SCA Transfer Public Comment 18 Hearing meeting minutes? 19 MR. LEVITT: This is Eli. Motion to 20 approve. 21 CHAIR DREW: Thank you. 22 Second? 23 MS. BREWSTER: This is Stacey Brewster. 24 I'll second. 25 CHAIR DREW: Okay. And, again, if we find a</p>

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<p>1 spelling error of "siding" -- to change it from a D to a 2 T. 3 Oh, on Page 20? Okay. I'm now seeing that 4 there's -- on Page 21, we will make those corrections. 5 With that amendment, all those in favor, please 6 say "aye." 7 COUNCILMEMBERS: Aye. 8 CHAIR DREW: Opposed? 9 The meeting minutes are approved with the 10 correction of that spelling error. 11 Okay. Moving on now to our project and 12 facility updates. 13 First, Kittitas Valley Wind Project, 14 Mr. Melbardis. 15 MR. MELBARDIS: Good afternoon, Chair Drew, 16 EFSEC Council, and Staff. For the record, Eric 17 Melbardis from EDP Renewables for the Kittitas Valley 18 Wind Power Project. We have nothing nonroutine to 19 report during the period. 20 CHAIR DREW: Thank you. 21 For the Wild Horse Wind Power Project, 22 Ms. Galbraith. 23 MS. GALBRAITH: Yes. Thank you, Chair Drew, 24 EFSEC Councilmembers, and Staff. This is Jennifer 25 Galbraith with Puget Sound Energy for the Wild Horse</p>	<p>1 MR. SHERIN: Good afternoon, Chair Drew, 2 Councilmembers, and Staff. This is Chris Sherin, the 3 plant manager at Grays Harbor Energy Center. 4 For the month of March, the only nonroutine 5 item we have to report is that we submitted our stack 6 emissions retesting results of our sulfuric acid and 7 sulfur dioxide tests. The results, though much 8 improved, were getting problematic and unrealistic. 9 And Grays Harbor Energy Center -- we did have a 10 meeting with EFSEC Staff. We proposed corrective action 11 and submitted those proposed actions to the EFSEC Staff. 12 CHAIR DREW: Thank you. 13 Are there any questions from Councilmembers? 14 MS. BREWSTER: This is Stacey Brewster. I'm 15 wondering if you can give us a quick idea of what you'll 16 be doing next for corrective action. 17 MR. SHERIN: The high level is we're going 18 to use CTM-013 instead of EPA's Method 8. And CTM, I 19 think, is just -- if I remember right, it's Conditional 20 Test Method 013. It's the same method we used in the 21 prior stack testing that we did here at Grays Harbor 22 successfully, and it's supposed to be less susceptible 23 to moisture and particulate in the exhaust gas. 24 CHAIR DREW: Thank you. 25 Ms. Hafkemeyer?</p>
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<p>1 Wind Facility. I have no nonroutine updates for the 2 month of March. 3 CHAIR DREW: Thank you. 4 Moving on to the Chehalis Generation Facility, 5 Mr. Schnitger. 6 MR. SCHNITGER: Good afternoon, Chair Drew, 7 EFSEC Councilmembers, and Staff. For the record, this 8 is Stefano Schnitger, operations manager reporting from 9 Chehalis Generation Facility. 10 For the reporting period of March 2022, the 11 Chehalis Generation Facility conducted its annual RATA 12 test, its Relative Accuracy Test Audit on the continuous 13 emissions monitoring system. For the RATA, the 14 preliminary results were within compliance requirements. 15 They were reported to EFSEC Staff. 16 During the RATA, Sean Chisholm with EFSEC 17 visited the land site, and also Clint Lamoreaux with 18 SWCAA visited the land site. They requested to review 19 several documents which were provided to them, and there 20 were no corrective actions required from the documents 21 provided. 22 That's all I have to report for the Chehalis 23 Generation Facility. 24 CHAIR DREW: Thank you. 25 Grays Harbor Energy, Mr. Sherin?</p>	<p>1 MS. HAFKEMEYER: Thank you, Chair Drew. For 2 the record, this is Ami Hafkemeyer with EFSEC Staff. 3 I just wanted to let the Council know that 4 EFSEC Staff and SWCAA and Ecology are all discussing the 5 Facility's proposal to make sure that that will address 6 the issue and determine whether or not any other 7 follow-up action is needed, and we're still coordinating 8 with each other and with the Facility on this. 9 CHAIR DREW: Thank you. I appreciate that. 10 Any other questions or comments from 11 Councilmembers? Okay. Thank you. 12 Moving on to Columbia Generating Station and 13 Washington Nuclear Project 1 and 4. 14 MR. MEHINAGIC: Good afternoon, Chair Drew, 15 EFSEC Council, and Staff. This is Denis Mehinagic 16 reporting for Energy Northwest. For the month of March, 17 I have no updates. 18 CHAIR DREW: Okay. Thank you. 19 Let's see. Next on our agenda is Columbia 20 Solar, Mr. Hurd. 21 MR. HURD: Good afternoon, Chair Drew, 22 Councilmembers, and EFSEC Staff. This is Owen Hurd from 23 TUUSSO Energy reporting on the Columbia Solar Projects. 24 The update on Penstemon is that Puget Sound 25 Energy was up there last week resolving final</p>

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<p style="text-align: right;">Page 13</p> <p>1 communication issues on the interconnection. I believe 2 that work is now complete. I will have confirmation of 3 that in the next day or two. But if so, then Penstemon 4 is complete. 5 Camas is mechanically complete. We're 6 expecting mechanical or substantial completion in early 7 May. I think the notes that I submitted said April 8 22nd, but I think it's looking more like May 10th. But 9 that all seems on track. 10 Urtica, we're continuing to deal with issues 11 around power remediation. We'll be installing some 12 concrete collars around some of the twisted piles. I 13 think we're looking at late June or early July for 14 completion of that project. 15 And then beyond that, the site restoration 16 assurance -- as you may recall, that was going to be 17 replaced by Greenbacker, and that was a condition for 18 the indirect change of control of that permit. I 19 believe that security has now been posted, and so I 20 think we'll be revisiting that in a future Council 21 meeting to kind of complete the indirect transfer of 22 control. 23 So nothing else to report. 24 CHAIR DREW: Okay. Thank you. 25 Any questions from Councilmembers? Okay.</p>	<p style="text-align: right;">Page 15</p> <p>1 continues to support the applicant in refining an 2 updated mitigation plan. The preparation of the draft 3 environmental impact statement has involved several data 4 requests, supplemental report review, and significant 5 work on the format for presenting impact analysis. 6 As a result, EFSEC Staff would like to provide 7 a draft EIS schedule update. At this time, we 8 anticipate the draft EIS will be issued for public 9 comment no earlier than June of 2022 rather than May, 10 which is what we had reported earlier this year. 11 EFSEC Staff continued to anticipate a minimum 12 30-day public comment period. The working schedule was 13 developed with several assumptions, and updates to the 14 schedule are not unusual as the draft EIS process 15 evolves. 16 In addition to working on the draft EIS in 17 close collaboration with our contractor, EFSEC is 18 working with the Washington Attorney General's Office 19 planning the adjudication process, which is part of the 20 site certification application review process. 21 Does the Council have any questions? 22 CHAIR DREW: Are there any questions for 23 Ms. Moon? Thank you. 24 Moving on to our adjudication update, 25 Ms. Hafkemeyer.</p>
<p style="text-align: right;">Page 14</p> <p>1 Hearing none. 2 Moving on to the next item on our agenda, which 3 is the Desert Claim Wind Power Project, Ms. Moon. 4 MS. MOON: Good afternoon, Council Chair 5 Drew and members of the Council. For the record, this 6 is Amy Moon providing the Desert Claim update. 7 EFSEC Staff continue to coordinate with Desert 8 Claim; however, currently there are no project updates. 9 CHAIR DREW: Thank you. And while I have 10 you, moving on to Horse Heaven Wind Farm, SEPA update, 11 Ms. Moon. 12 MS. MOON: Yes. Again, good afternoon, 13 Council Chair Drew and Councilmembers. This is Amy 14 Moon, once again, with the update for the Horse Heaven 15 Wind Project. 16 In March, EFSEC Staff continued to work on the 17 preparation of the draft environmental impact statement, 18 otherwise known as the DEIS. This includes the review 19 of our contractor Golder's work drafting the DEIS as 20 well as coordinating the draft and final impact 21 statement chapter reviews with Washington State 22 agencies. 23 EFSEC staff continued to work on wildlife and 24 habitat, including impact analysis and opportunities for 25 avoidance and minimization of impacts. The work</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. HAFKEMEYER: Thank you, Chair Drew. 2 Good afternoon, Chair and Council. For the record, this 3 is Ami Hafkemeyer. 4 I have a brief update for you today on the 5 Horse Heaven adjudication process. Staff have been 6 coordinating with Judge Torem to begin planning the 7 logistics of the adjudication and are still working to 8 finalize details as we approach the initial stages of 9 the process. This information includes timing of 10 noticing, prehearing conferences, and public 11 participation. And EFSEC will bring that information to 12 the Council and the public as we finalize these details. 13 At this time, EFSEC Staff would like to request 14 that the Council direct Staff to coordinate with Judge 15 Torem to prepare a land use consistency order to then be 16 brought to the Council for deliberation and potentially 17 for Council action at the May Council meeting. This 18 order would include the information brought forward at 19 the land use hearing at which Judge Torem presided on 20 March 30th, 2021, and Staff and Judge Torem's 21 recommendation on consistency. 22 Are there any questions? 23 CHAIR DREW: Are there questions from 24 Councilmembers? If not, is there a motion to direct 25 Staff to bring to the May Council meeting a draft land</p>

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<p>1 use consistency order for our consideration?</p> <p>2 MS. BREWSTER: This is Stacey Brewster.</p> <p>3 I'll move that the Council direct Staff to prepare a</p> <p>4 land use consistency order to bring to the Council</p> <p>5 meeting in May for our consideration.</p> <p>6 CHAIR DREW: Thank you.</p> <p>7 Is there a second?</p> <p>8 MR. LEVITT: This is Eli Levitt. I'll</p> <p>9 second.</p> <p>10 CHAIR DREW: Thank you.</p> <p>11 Is there a discussion?</p> <p>12 We will certainly work to have that draft for</p> <p>13 you to review in a timely manner before the May meeting</p> <p>14 so that you will have time to review that before our</p> <p>15 discussion.</p> <p>16 All those in favor, signify by saying "aye."</p> <p>17 COUNCILMEMBERS: Aye.</p> <p>18 CHAIR DREW: Opposed?</p> <p>19 The motion carries. Thank you.</p> <p>20 Moving on to Goose Prairie Solar Project</p> <p>21 update, Mr. Wood.</p> <p>22 MR. WOOD: Good afternoon, Chair Drew,</p> <p>23 Councilmembers, and Staff. This is Joe Wood, EFSEC site</p> <p>24 specialist, providing a quick update on the status of</p> <p>25 the Goose Prairie Solar Project.</p>	<p>1 Goose Prairie Solar, LLC. A draft of this order was</p> <p>2 sent to the Council on April 5th. Some additional</p> <p>3 comments were received by EFSEC on the draft order, and</p> <p>4 those were sent to the Council, I believe, by e-mail</p> <p>5 yesterday.</p> <p>6 Staff have reviewed the changes that were</p> <p>7 proposed by the certificate holder, and we did not have</p> <p>8 any concerns with those. And with that, we are</p> <p>9 recommending that the Council approve the order, which</p> <p>10 would allow the transfer of the SCA from One Renewable</p> <p>11 Energy (sic) to Goose Prairie Solar, LLC.</p> <p>12 CHAIR DREW: So the order that we received</p> <p>13 yesterday has these track changes in them and is also in</p> <p>14 your packets, Councilmembers. And there are just a</p> <p>15 couple of minor changes from what I can see.</p> <p>16 Is there a motion to approve the order on the</p> <p>17 Goose Prairie Solar Project on the transfer of site</p> <p>18 certification from OneEnergy Renewables to Brookfield?</p> <p>19 MR. YOUNG: Lenny Young, so moved.</p> <p>20 CHAIR DREW: Thank you.</p> <p>21 Is there a second?</p> <p>22 MS. KELLY: Kate Kelly, second.</p> <p>23 CHAIR DREW: Is there a discussion?</p> <p>24 I think this is fairly straightforward. We</p> <p>25 certainly had a lot of information about the resources</p>
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<p>1 The only update I have on this project today is</p> <p>2 that EFSEC Staff is coordinating with the applicant on</p> <p>3 preconstruction plans and activities. I'll be updating</p> <p>4 the Council and Staff regarding these plans and</p> <p>5 activities and any other significant developments as we</p> <p>6 progress.</p> <p>7 And that's all I have for today. Thanks.</p> <p>8 CHAIR DREW: Thank you.</p> <p>9 And then we also have action to potentially</p> <p>10 take here on the site certification agreement transfer.</p> <p>11 We had that hearing and reviewed those minutes on -- I</p> <p>12 think it was -- well, we reviewed them earlier today,</p> <p>13 but the meeting was on March 15th.</p> <p>14 Ms. Bumpus, do you have an update for us?</p> <p>15 MS. BUMPUS: Yes. Thank you, Chair Drew.</p> <p>16 Good afternoon, Chair Drew and Councilmembers.</p> <p>17 For the record, this is Sonia Bumpus.</p> <p>18 As you were saying, Chair Drew -- so a public</p> <p>19 comment hearing was held on the Goose Prairie request to</p> <p>20 transfer the SCA on May 15th -- or excuse me, March</p> <p>21 15th.</p> <p>22 And then based off direction from the Council</p> <p>23 from the March Council meeting, the Staff have prepared</p> <p>24 a draft order that would allow the transfer of the site</p> <p>25 certification agreement from OneEnergy Renewables to</p>	<p>1 of Brookfield -- that will be the new owner -- and</p> <p>2 certainly significant experience in constructing and</p> <p>3 operating solar facilities of this scale. So I don't</p> <p>4 think there are -- we did not have testimony and had a</p> <p>5 good opportunity to have questions answered during the</p> <p>6 public hearing.</p> <p>7 So all those in favor of approving this</p> <p>8 transfer, please say "aye."</p> <p>9 COUNCILMEMBERS: Aye.</p> <p>10 CHAIR DREW: Opposed?</p> <p>11 The order is adopted. Thank you. And we will</p> <p>12 get you a finalized copy, certainly, with all of these</p> <p>13 corrections, these couple of corrections included.</p> <p>14 And then the next step, as I understand it, is</p> <p>15 we will also send you a link to the amended site</p> <p>16 certification agreement. We're not asking you, the</p> <p>17 Council as a whole, to review that since really what</p> <p>18 we're doing is a name change in ownership. So it's</p> <p>19 fairly straightforward in terms of finalizing that</p> <p>20 amendment. But we will send it to you when the work is</p> <p>21 completed.</p> <p>22 Is there anything else you'd like to say,</p> <p>23 Ms. Bumpus?</p> <p>24 MS. BUMPUS: No, that actually was all I was</p> <p>25 going to add, was that we would be updating this and</p>

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<p>1 assigning an order number and distributing to the 2 Council and posting to the website. 3 CHAIR DREW: Thank you. 4 Moving on to the Badger Mountain Project 5 update, Ms. Hafkemeyer. 6 MS. HAFKEMEYER: Thank you, Chair Drew. 7 Again, this is Ami Hafkemeyer, for the record. 8 EFSEC Staff have completed the EIS scoping 9 comment period for the Badger Mountain Project and are 10 now working on reviewing those comments. We received 18 11 comments from the public, including comments from 12 Washington Department of Transportation, Washington 13 Department of Fish and Wildlife, and the Counsel for the 14 Environment. 15 And once we have completed our review of those 16 comments, we will make a determination on what the scope 17 of the environmental impact statement for the Badger 18 Mountain Project will be. And in the meantime, we 19 continue to work with the applicant on some continued 20 studies associated with the proposal to make sure that 21 we have all the information that the EFSEC Staff will 22 need to incorporate into the environmental impact 23 statement. 24 Are there any questions? 25 CHAIR DREW: So at this point, we have</p>	<p>1 I've been asked to give a bit of background for Council 2 and Staff members who may be unfamiliar with the 3 project. 4 In March of 2009, Whistling Ridge Energy, LLC 5 submitted an application for site certification to 6 construct and operate the proposed wind energy project, 7 which at the time consisted of up to 50 1.2- to 8 2.5-megawatt wind turbines with a maximum generating 9 capacity of 75 megawatts. 10 The proposed project was located on Saddleback 11 Mountain in eastern Skamania County. A recommendation 12 in part was submitted to the governor in October of 13 2011, and a site certification agreement was 14 subsequently signed by the governor in March of 2012. 15 So today's update is that, at this time, EFSEC 16 Staff is coordinating with the applicant to put an SCA 17 amendment package in place. Once this package is in 18 place, we will bring the request to the Council and the 19 Staff for consideration. That is the update that I have 20 at this time. 21 CHAIR DREW: Thank you. 22 Are there any questions from Councilmembers? 23 MR. YOUNG: Joe, this is Lenny Young. 24 What's the actual physical status or a process status of 25 the project?</p>
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<p>1 closed the comment period. The Staff is reviewing with 2 our consultant on what studies we will determine that we 3 need to go forward on in the draft EIS. 4 MS. HAFKEMEYER: We are working with the 5 applicant on some studies that were previously 6 identified by EFSEC Staff and our contracted agencies. 7 What we anticipate identifying in the review of the 8 scoping comments are what resources should be covered in 9 depth in the environmental impact statement. 10 CHAIR DREW: Okay. Okay. So the studies 11 were already ones that we needed for additional 12 information, and in addition to that, we have then what 13 the EIS will include. 14 MS. HAFKEMEYER: Correct. 15 CHAIR DREW: Okay. Thank you. 16 Any other questions from Councilmembers? Okay. 17 Moving on to the next item, which is Whistling 18 Ridge Energy Project, Mr. Wood. 19 MR. WOOD: Hello and good afternoon, Chair 20 Drew and Councilmembers and Staff. For the record, 21 again, this is Joe Wood, EFSEC site specialist, 22 providing a brief update on the status of the Whistling 23 Ridge Energy Project. 24 So due to the amount of time that's passed 25 since this project has seen any action, so to speak,</p>	<p>1 MR. WOOD: Physically -- by physically, you 2 mean any sort of movement on construction or anything 3 like that? 4 MR. YOUNG: Yeah. Has there been any ground 5 disturbance or construction efforts, or has this thing 6 just been pending for a long time in preconstruction 7 consideration? 8 MR. WOOD: I would defer maybe to Ami 9 Hafkemeyer on this, as I'm really relatively new to it. 10 But I don't believe that anything has physically 11 happened at that site. But like I said, I would defer 12 to Ami and could get back to you with a verified answer. 13 MS. HAFKEMEYER: I can jump in there. 14 CHAIR DREW: Ms. Hafkemeyer, go ahead. 15 MS. HAFKEMEYER: Yeah. The Whistling Ridge 16 Project had several years of follow-up appeals and other 17 activity, and so they have not yet begun submitting 18 preconstruction plans or things like that to EFSEC. And 19 so they are still considered an approved facility, but 20 have not started the preconstruction plan process or 21 process of approval of those plans. 22 MR. YOUNG: So are there any administrative 23 or legal proceedings still underway, or has it just sort 24 of been mothballed for the last 11 years? 25 MS. HAFKEMEYER: The project has been, at</p>

6 (Pages 21 to 24)

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<p>1 least in terms of Council activity, EFSEC and Council 2 activity, I would say relatively dormant for several 3 years. I would have to go back and look at our timeline 4 to find out when the last legal activity that involved 5 EFSEC decisions or EFSEC materials were involved. But 6 they did -- I want to say in 2018 -- provide a five-year 7 update.</p> <p>8 MS. BUMPUS: Right. That's correct.</p> <p>9 MS. HAFKEMEYER: And there's been very 10 little activity since then.</p> <p>11 Yes, thank you.</p> <p>12 CHAIR DREW: And there were, in addition to 13 appeals -- to the EFSEC action appeals to the 14 transmission activity -- which I believe was a federal 15 appeal as well. So there are more details to the 16 appeals process, but largely, that is what has happened.</p> <p>17 But then there has not been any further 18 activity; is that correct, Ms. Bumpus? Ms. Hafkemeyer?</p> <p>19 MS. BUMPUS: That's our understanding, 20 yes -- this is Sonia Bumpus -- that they went through 21 several years of various appeals, and that was -- our 22 understanding is that's primarily the reason why the 23 project didn't move forward over all these years.</p> <p>24 But now, our understanding is that the 25 certificate holder is looking at options and looking at</p>	<p>1 MS. KELLY: Madam Chair, this is Kate Kelly. 2 I know it's not necessary, but I second Councilmember 3 Young's request.</p> <p>4 I recall having another project where 5 construction did not occur in it and it expired kind of 6 on its own by the terms of the SCA, I thought. So I'm 7 just curious what's different here, and I'm sure there's 8 an explanation.</p> <p>9 CHAIR DREW: Yes. And we will have that 10 information, which -- I know our AAG Jon Thompson will 11 also be able to provide us with additional information 12 as we go forward. We wanted to bring it up, even though 13 we don't have -- we know -- and there's been discussions 14 between Staff and the certificate holder.</p> <p>15 So we know it's coming to an amendment, so we 16 wanted to start the conversation with the Council, even 17 though we don't have that specific amendment in hand. 18 So that's why we don't have all the details about what 19 they're requesting at this point in time. But we do 20 want to start the conversation with the Council, and we 21 will have more information. Okay. Thank you.</p> <p>22 Moving on to the next item on our agenda, which 23 is High Top and Ostrea Solar Project, Ms. Hafkemeyer.</p> <p>24 MS. HAFKEMEYER: Thank you, Chair Drew. 25 EFSEC Staff would like to bring forward to the</p>
Page 26	Page 28
<p>1 the fate of the project, and we're working with their 2 legal counsel to put together what we think is going to 3 be an SCA amendment request that will include a couple 4 of different types of requests on this SCA.</p> <p>5 MR. YOUNG: The whole thing seems a little 6 murky to me. Could I request that Staff provides a 7 little bit more detailed account of the history of the 8 project and the status at the May meeting, our EFSEC May 9 meeting, if that's possible?</p> <p>10 MS. BUMPUS: Absolutely. And we also would 11 anticipate that at the meeting where we bring the SCA 12 amendment request -- once we do have it in hand -- to 13 the Council, similar to other SCA amendments, there will 14 be a presentation by the applicant, and they'll be 15 available to answer questions as well.</p> <p>16 So I just wanted to mention -- and it's 17 possible that in the May Council meeting, we will have 18 something in hand by then. So just also look forward to 19 that because that will be an opportunity for the Council 20 to ask questions.</p> <p>21 MR. YOUNG: It would be great to get a Staff 22 report in addition to whatever type of presentation the 23 applicant might be preparing for the amendment request.</p> <p>24 MS. BUMPUS: Yeah. Okay. Thank you.</p> <p>25 CHAIR DREW: Yes.</p>	<p>1 Council the new application that EFSEC has received on 2 April 7th for two proposed 80-megawatt solar facilities 3 named the High Top Project and the Ostrea Project.</p> <p>4 And the applicant is here with a brief 5 presentation to introduce their project to the Council.</p> <p>6 MS. BERGQUIST: Hello, this is Erin 7 Bergquist. I'm with TRC. I'm the consultant working 8 with Cypress Creek Renewables.</p> <p>9 And thank you, I was just going to ask about 10 the presentation. If you could go to the next slide.</p> <p>11 As Ami said, it's Ostrea Solar and High Top 12 Solar. The two projects are located in Yakima County on 13 the far eastern side, north of State Route 24, south of 14 the Yakima Training Center.</p> <p>15 Both sites are owned by a single landowner who 16 has submitted in addition to the application, 80 17 megawatts. They are separate, as each will have a 18 separate interconnection. High Top, which is the 19 project on the west -- and if you go to the -- actually, 20 two more slides down, we have it zoomed in. This is -- 21 actually one more is High Top. I tend to think left to 22 right on the -- this is High Top.</p> <p>23 It is going to connect to PacifiCorp Union 24 Gap-Midway 230-kilovolt line, which runs on the kind of 25 center of the project area. You can kind of see that</p>

7 (Pages 25 to 28)

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<p>1 line crossing. And then most of this site has been 2 farmed. You can kind of see it in the aerial. It is 3 quite weedy. You can see in those pictures there a lot 4 of mustards, kochia, Russian thistle. 5 And if you go back one, this is the Ostrea 6 Project. And this one is located just to the east of 7 High Top. And this one will connect to Bonneville Power 8 Administration Moxee to Midway 115-kilovolt T-line, 9 which runs more on the southern side of this one here, 10 and it's right below that interconnecting line that 11 crosses between the boxes. 12 The projects will not take up all the areas 13 shown on each of these maps. This is the project site 14 control parcel, which is the area that's been leased. 15 But each project will take up a smaller space within 16 there. 17 And the design and layout of those boundaries 18 do take into the consideration the results of cultural 19 and rare plant surveys that were conducted and the 20 resources that were identified with those for avoiding 21 impacts to both of those. 22 The application for site certification was 23 submitted April 7th to EFSEC, and we also submitted ten 24 hard copies and ten USBs. When we started the project 25 in January of 2021, we coordinated with Yakima County,</p>	<p>1 Cypress, our mission is to power a sustainable 2 future one project at a time. So we take a very intense 3 focus on microsigning, oftentimes putting under lease 4 option more land than we'll ultimately build so that we 5 have the ability to sign around constraints and features 6 as they're discovered during the permitting process. 7 Cypress, as an organization, is a near fully 8 vertically integrated independent power producer. We do 9 everything in-house or in partnership with consultants, 10 with the exception of engineering, procurement, and 11 construction. We do construction management, but we 12 typically outsource our construction to the best local 13 construction firms for our projects. 14 But we -- under the development division, we 15 develop and finance our projects. We also do fleet 16 ownership and asset management for internal projects as 17 well as third-party projects. 18 We have 1.6 gigawatts of solar projects, over 19 200 projects across the country in 14 states, that we 20 own and operate and also do the O&M for. And we have an 21 additional nearly gigawatt of projects that are 22 third-party projects for, you know, other funds, 23 investment funds, infrastructure funds, that we 24 asset-manage and operate as well. 25 We have an O&M business that is separate from</p>
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<p>1 EFSEC, WDFW, and other state agencies to identify what 2 surveys were required. And those are the surveys 3 conducted last summer. 4 We have one more round of rare plant surveys 5 which will hopefully occur next week. I tried last 6 week, and it was snowing out there. We also have some 7 additional cultural surveys to finish up. 8 And if you go back one more slide, that's our 9 note on CCR. And Tai Wallace is on, and I'm going to 10 let him introduce CCR and kind of what their company is. 11 Tai, I'll turn it over to you. 12 MR. WALLACE: Erin, thank you. 13 Madam Chair Drew, EFSEC Councilmembers and 14 Staff, thank you for your time today. 15 My name is Tai Wallace. I'm the director of 16 development for Cypress Creek for our transmission scale 17 projects and markets in the western United States. 18 On my team for this project or these projects, 19 we've got Jess Mosleh. She's an associate project 20 developer. We have Julie Alpert, who's our 21 environmental manager for the western region, and then 22 Seija Stratton, who's our environmental director, among 23 a number of other teams and professionals and verticals 24 that we have supporting the development of this 25 project -- these projects.</p>	<p>1 these divisions as well, and we do a first-party O&M for 2 all of our projects as well as third-party O&M for a 3 total of nearly four gigawatts. Wood Mackenzie ranked 4 us as the number four O&M in terms of size in the -- I 5 believe it was the 2020 report. 6 You know, with that, I just wanted to give a 7 little bit of an introduction. You know, we develop 8 quite a few projects of this scale. We have developed 9 quite a few projects of this scale, and we typically 10 retain a majority of those all the way through asset 11 management and contracting, you know, through our 12 various divisions at Cypress. 13 And with that, I just wanted to see if you had 14 any questions about Cypress that I could answer, you 15 know, other than the high level that I just gave. 16 CHAIR DREW: Thank you. 17 Are there any questions from Councilmembers? 18 Ms. Hafkemeyer? 19 MS. HAFKEMEYER: Thank you, Chair Drew. 20 I did want to bring to the Council's attention 21 that the applicant has requested expedited process, and 22 so we would like to keep that in mind as we go through 23 our review. Staff are currently working on scheduling 24 the initial public meetings associated with this project 25 to be held within the first 60 days of receipt of</p>

8 (Pages 29 to 32)

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<p>1 application. So more information will be coming to the 2 Council on that soon.</p> <p>3 CHAIR DREW: So April 7th would mean roughly 4 June 7th, we would -- and that would be true for any 5 project --</p> <p>6 MS. HAFKEMEYER: June 6th.</p> <p>7 CHAIR DREW: June 6th. Okay. That would be 8 true for any project, we would need to have the public 9 meeting and land use hearing. Well, the public meeting, 10 and we usually combine that with land use hearing.</p> <p>11 During that timeframe, I have discussed it for 12 Councilmembers with Ms. Bumpus. We're still in a place 13 following the guidelines of the State and the UTC where 14 we are still doing remote public meetings, and this 15 would fall under that for the Council's information.</p> <p>16 So we would look to -- as we've done with our 17 other recent projects, to have that back-to-back public 18 informational meeting, getting the general comments, as 19 well as the specific land use hearing following that.</p> <p>20 I see a question. Mr. Livingston?</p> <p>21 MR. LIVINGSTON: Thanks, Chair Drew.</p> <p>22 It's more of a comment that's related to the 23 number of projects that we're aware of that are popping 24 up in this valley.</p> <p>25 So we just approved the transfer of the SCA for</p>	<p>1 that we currently have in the area.</p> <p>2 So it's just more of a comment that I wanted to 3 make and see if Staff have any way of being able to look 4 at these various projects that are coming our way.</p> <p>5 Thank you.</p> <p>6 CHAIR DREW: Thank you. We'll take that 7 under consideration.</p> <p>8 I heard somebody. Okay.</p> <p>9 MS. HAFKEMEYER: Thank you for raising the 10 question, Councilmember Livingston. We will incorporate 11 that into our review.</p> <p>12 MR. LIVINGSTON: Thank you.</p> <p>13 CHAIR DREW: Questions or comments? Okay.</p> <p>14 With that, we have -- our next item on the 15 agenda is the fourth quarter cost allocation, 16 Ms. Bumpus.</p> <p>17 MS. BUMPUS: Thank you, Chair Drew and 18 Councilmembers. Again, for the record, this is Sonia 19 Bumpus.</p> <p>20 I am going to be going over the nondirect cost 21 allocation for fourth quarter fiscal year 2022, just as 22 we do at the beginning of each new quarter.</p> <p>23 One thing I did want to note before I go over 24 the cost allocation percentages, is that there is a typo 25 that we'll need to correct on this signed cost</p>
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<p>1 the Goose Prairie Project. There's another one called 2 Black Rock that's going through Yakima County's 3 permitting process that, to my understanding, is right 4 next to High Top. Then we have Ostrea. And then 5 there's a couple of others that I believe are in the 6 works, too, just to the south and east of these projects 7 in that area.</p> <p>8 And one thing that raises our concern is the 9 Yakima Training Center is a large block of shrub-steppe 10 habitat that is, you know, home to a lot of native 11 wildlife species. And then we have the Hanford Site to 12 the south and east of the Yakima Training Center. This 13 area is the connector between those two.</p> <p>14 And so there is some concern from our wildlife 15 biologists about impacts to habitat connectivity with 16 the number of projects that we're seeing pop up. And so 17 I don't know if we've done this before, but I think it 18 would be helpful to have some kind of a cumulative 19 impacts analysis related to all of these projects 20 instead of reviewing them individually.</p> <p>21 It would be helpful to understand, and for 22 everybody to be fully aware, of the number of projects 23 that are on the docket in this area. Because 24 eventually, we will -- I don't know if the grid can 25 handle it, but we're going to lose this connectivity</p>	<p>1 allocation form that's in your packets. The correction 2 is pretty minor. It's just in the sentence before the 3 cost allocation percentages that are listed, it refers 4 to the "third quarter" fiscal year 2022, and we just 5 need to change that to "fourth quarter."</p> <p>6 So we will get that corrected and update this 7 form, and that's what will be officially posted to the 8 website and provided to UTC Finance. So I just wanted 9 to make note of that.</p> <p>10 And now, I will go ahead and read off our cost 11 allocation percentages.</p> <p>12 For Kittitas Valley Wind Project, 4 percent; 13 Wild Horse Wind Power Project, 4 percent; Columbia 14 Generating Station, 24 percent; Columbia Solar, 7 15 percent; WNP-1, 3 percent; Whistling Ridge, 3 percent; 16 Grays Harbor 1 and 2, 10 percent; Chehalis Generation 17 Project is 9 percent; Desert Claim Wind Power, 3 18 percent; Goose Prairie Solar, 8 percent; Horse Heaven 19 Wind Farm is 15 percent; Badger Mountain, 7 percent; and 20 Cypress Creek, which is the High Top-Ostrea project, 3 21 percent.</p> <p>22 CHAIR DREW: Thank you.</p> <p>23 MS. BUMPUS: And that concludes the cost 24 allocation update. Thank you.</p> <p>25 CHAIR DREW: I've also asked Ms. Bumpus to</p>

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<p>1 give the Council an update. As I mentioned at the last 2 Council meeting, we had a substantial bill that passed 3 and was signed by the governor that goes into effect on 4 June 30th.</p> <p>5 And the reason for that -- it's a little 6 different than most other bills, either 60 days after 7 signing or after the signing period or the first of the 8 biennium. But that was a request by our Office of 9 Financial Management because we are, in the bill, 10 creating a new account, and need to move financial 11 resources into that account before the end of the 12 biennium, which is June 30th, and the new fiscal year 13 starts on July 1st.</p> <p>14 So she has been working with a transition team 15 with our Staff, and I asked her to give an update to the 16 Council.</p> <p>17 MS. BUMPUS: Thank you for that 18 introduction, Chair Drew.</p> <p>19 So, yep, again, Sonia Bumpus. 20 I'm going to just touch on a couple of things 21 about what we're calling the transition. Before I do 22 that, I want to also make note that, as Chair Drew 23 discussed and has talked a little bit about in past 24 Council meetings, there are a number of things that were 25 updated about EFSEC in House Bill 1812.</p>	<p>1 currently does with EFSEC. But we're going to need to 2 look at standing these services up with the small agency 3 services group at the Department of Enterprise Services.</p> <p>4 So the transition team that Chair Drew 5 mentioned, basically what they're doing is they're 6 coordinating with all of the different players at the 7 Department of Enterprise Services to start working on 8 contracts so that we can get those services under 9 contract as we prepare for this transition that will 10 take place June 30th.</p> <p>11 There was one other thing that I wanted to 12 mention about this. We are also going to be bringing on 13 for a project position Dave Walker. Dave starts 14 tomorrow. But he'll be working temporarily with EFSEC 15 to assist with the transition.</p> <p>16 As you all know, we have an unprecedented 17 amount of projects right now, and so it's quite a bit to 18 do given that we're working to transition and stand up 19 as an agency, and also working to continue the siting 20 and review of all of our projects. So we're looking 21 forward to meeting Dave tomorrow, and we'll definitely 22 be introducing him when we have our May Council meeting.</p> <p>23 So I think that those are the highlights. We 24 will definitely provide more updates. I suppose -- let 25 me just check my notes. There was one other thing I was</p>
Page 38	Page 40
<p>1 Staff are internally working on something like 2 a report that will summarize what these changes are for 3 EFSEC. So this has to do with things that were changed 4 in our statute, our jurisdictional authority procedural 5 changes. So there is going to be a document that will 6 sort of summarize all of that that will be made 7 available.</p> <p>8 But today, I'm just going to talk about the 9 transition piece, which has to do with just a few of the 10 things that are changes to EFSEC because of House Bill 11 1812. So for instance, four of EFSEC's positions are 12 funded -- four of our highest-paid positions are funded 13 through general fund.</p> <p>14 And then, of course, as Chair Drew mentioned, 15 EFSEC is given its own account, and we're also going to 16 be stood up as our own independent agency, which is an 17 excellent segue into what this transition is all about.</p> <p>18 So EFSEC, as the Council knows, currently 19 relies on the UTC for agency support services, which 20 are, you know, very significant and important for our 21 operations. These include finance support, the records 22 center at UTC supports us for records management, 23 activities, human resources support. We also get 24 support from their media folks.</p> <p>25 So there are a number of things that UTC</p>	<p>1 going to mention just in case Councilmembers are 2 curious.</p> <p>3 EFSEC Staff did do basically a service gap 4 analysis of small agency services with DES last month. 5 So we looked to see what kinds of things they might not 6 be able to provide to us that perhaps UTC does. We've 7 only identified a couple of things, and we think that 8 we'll be able to either fill those gaps by additional 9 hiring internally within EFSEC or by an interagency 10 agreement potentially with the UTC.</p> <p>11 So we will keep Councilmembers updated. But I 12 just wanted to let you all know sort of the goings-on as 13 far as the transition goes. And if you have any 14 questions about that, I'm available if you are curious 15 about how things are going on that front. Thank you.</p> <p>16 CHAIR DREW: Thank you.</p> <p>17 With that, that's the end of our agenda for 18 this monthly meeting. And we will be providing you the 19 draft order -- land use consistency order for Horse 20 Heaven Hills for review before the May meeting, and also 21 getting back to you probably before the May meeting on 22 what potential dates we would have for the Ostrea and 23 High Top public informational meeting and land use 24 consistency hearing.</p> <p>25 So with that, full agenda today. Thank you all</p>

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1 for your participation, and please let Ms. Bumpus know
 2 if you have questions or, of course, you can reach out
 3 to me. Thanks.

4 The meeting is adjourned.
 5 (Meeting adjourned at 2:28 p.m.)
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1 CERTIFICATE

2
 3 STATE OF WASHINGTON
 4 COUNTY OF KING
 5

6 I, Rose Detloff, a Certified Court Reporter in
 7 and for the State of Washington, do hereby certify that
 8 the foregoing transcript is true and accurate to the
 9 best of my knowledge, skill and ability.



10
 11 *Rose Detloff*
 12
 13 ROSE DETLOFF, CCR, RPR #21036100
 14
 15
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17 My commission expires:
 18 DECEMBER 6, 2022
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EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: May 2, 2022

Reporting Period: April 2022

Site Contact: Eric Melbardis, Sr Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 21,603 MWh
 - Wind speed: 6.6 m/s
 - Capacity Factor: 30%
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: May 3, 2022
Report Period: April 2022
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

April generation totaled 62,978 MWh for an average capacity factor of 32.09%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: May 6, 2022
Reporting Period: April 2022
Site Contact: Stefano Schnitger, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

- 211,965 net MW-hrs generated in April for a capacity factor of 58.7%.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Monthly Water Usage: 103,972 gallons

-Monthly Wastewater Returned: 217,668 gallons

-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- No issues or updates.

-Any EFSEC-related inspections that occurred.

- Nothing to report

-Any EFSEC-related complaints or violations that occurred.

- No issues or updates.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period for a total of 2,465 days without a Lost Time Accident.

Current or Upcoming Projects

- Planned site improvements.
 - No planned changes.
- Upcoming permit renewals.
 - Nothing to report.
- Additional mitigation improvements or milestones.
 - Nothing to report.

Other

- Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).
 - Nothing to report.
- Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).
 - Michael Adams was hired as the new plant manager on April 21st.
- Public outreach of interest (e.g., schools, public, facility outreach).
 - Nothing to report.

Respectfully,

Stefano Schnitger

Stefano Schnitger
Operations Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date: May 17, 2022

Reporting Period: April 2022

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 186,956MWh during the month and 929,151MWh YTD.

-GHEC started the Annual (Maintenance) Outage on April 22nd.

-Compliance related maintenance planned for 2022 includes:

- Routine permit required maintenance.
- Preventive maintenance inspections and cleaning Heat Recovery Steam Generator 1's Selective Catalytic Reduction Catalyst and Ammonia Injection Grid.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-There were no emission, outfall, or storm water deviations, during the month.

-Routine monthly, quarterly, and annual reporting to EFSEC

- Monthly Outfall Discharge Monitor Report (DMR).
- Quarterly Stormwater Discharge Monitor Report (DMR).
- Quarterly Air Emissions Data Reports (EDR).
- AOP Semi-Annual Monitoring Report.
- AOP Annual Compliance Certifications for 2021.

Safety Compliance

-EHS Annual Training conducted in April included Hazard Communication and Identification and Electronic SDS refresher training.

Current or Upcoming Projects

-- Application for a Modification to the Air Operating Permit. GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.

Other

-None.

EFSEC Monthly Council Meeting

Facility Name: **Columbia Generating Station (CGS) and Washington Nuclear Projects 1 and 4 (WNP 1/4)**

Operator: **Energy Northwest**

Report Date: **May 5, 2022 (revised May 11, 2022)**

Reporting Period: **April 2022**

Site Contact: **Marshall Schmitt**

Facility SCA Status: (Pre-construction/Construction/Operational/Decommission) **Operational Operations & Maintenance (only applicable for operating facilities)**

CGS Net Electrical Generation April 2022: **827,383 MWh**

Environmental Compliance

On April 11, 2022, Energy Northwest (EN) notified EFSEC that a discrepancy was identified in the runtime meters for the Emergency Diesel Generators 1 and 2 that challenges compliance with EFSEC Order 873. Specifically, EN identified that the meters are designed only to record engine runtime once the engines reach rated speed and stop recording when the engine is switched to idle. Energy Northwest met with EFSEC and the Department of Ecology (Ecology) on May 3rd, 2022 to discuss the discrepancy. Despite the discrepancy, the actual engine runtime is well below the EFSEC Order 873 limits. EN has other methods in place to verify the actual engine operational hours, which will be used in the interim while EN works with EFSEC and Ecology to determine the appropriate corrective actions to take.

On April 14, 2022, Energy Northwest notified EFSEC that tritium was detected in the Sanitary Waste Treatment Facility (SWTF) influent composite sampler. The amount of activity detected in two samples, taken approximately a month apart at the composite sampler, was 476 picocuries per liter (pCi/L) and 900 pCi/L which are well below the drinking water limit of 20,000 pCi/L. The source of the tritium is under investigation but correlates with the commissioning of the new Surface Water Treatment Facility (WTF) at the Industrial Development Complex (IDC). There is no evidence to suggest the recent detection of tritium is related to the operation of Columbia Generating Station. The source water to the WTF comes from the Columbia River and Energy Northwest has engaged the United States Department of Energy (USDOE) for insight on the state of known tritium plumes from the adjacent Hanford Site. Energy Northwest is currently developing an Incident Report and Investigation Plan as requested by EFSEC.

Safety Compliance

None.

Current or Upcoming Projects

-Planned site improvements.

The Independent Spent Fuel Storage Installation (ISFSI) is being expanded to include an additional pad.

-Upcoming permit renewals.

Columbia Generating Station's National Pollutant Discharge Elimination System permit is in the process of being renewed.

Other

None.

EFSEC Monthly Council Meeting Facility Update

Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)

Operator: Tuusso Energy, LLC

Report Date: May 6, 2022

Reporting Period: 30-days ending May 6, 2022

Site Contact: Owen Hurd

Facility SCA Status: Construction

Construction Status

- Penstemon
 - PSE still working to resolve final communications issues with the interconnection; plant will remain offline until this is resolved, hopefully shortly
 - Camas
 - Achieved Mechanical Completion on March 23rd
 - Substantial Completion expected in late-May/early-June, following resolution of:
 - Inverter malfunction that presented during the initial attempted witness test with PSE
 - Penstemon communication issues (to avoid repeat on Camas)
 - Urtica
 - Pile remediation still underway (concrete collars being installed on twisted piles)
 - No change in schedule
 - Mechanical Completion: late June
 - Substantial Completion: late July
-

Other

- New Site Restoration Financial Assurance has been posted by Greenbacker
- Updating impact calculations based on final layouts, which will be used to update planting plans

Desert Claim Wind Power Project

May 2022 project update

[Place holder]

Horse Heaven Wind Project

May 2022 project update

[Place holder]

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application
No. 2021-
Docket No. EF-210011

Council Order No.

Scout Clean Energy, LLC, for
Horse Heaven Wind Farm, LLC,
Applicant

**ORDER FINDING PROPOSED
SITE CONSISTENT WITH LAND
USE REGULATIONS**

BACKGROUND

Synopsis. *Scout Clean Energy, LLC, submitted an application to the Energy Facility Site Evaluation Council (EFSEC or Council) on February 8, 2021, for site certification of the proposed Horse Heaven Wind Farm in Benton County. The applicant demonstrated that the Facility is not a prohibited use within the County’s agricultural zone but requires a conditional use permit (CUP). The County agrees that a CUP is required in order to approve the Facility. The Council determines the proposed Facility site was consistent with Benton County land use and zoning regulations at the time the application was filed. RCW 80.50.090(2). However, the Council has not yet determined whether the proposed Facility site meets the CUP criteria set out in Benton County’s zoning code, or whether it may require a variance from setback requirements. The Council will schedule an adjudicative proceeding to fully consider the Facility site’s suitability for a CUP and if so, whether the proposal qualifies for a setback variance under the local zoning code.*

- 1 **Nature of Proceeding.** This matter involves an application for site certification (Application or ASC) filed on February 8, 2021, by Scout Clean Energy (the Applicant) to construct and operate Horse Heaven Wind Farm (the Facility), a renewable energy generation facility including wind and solar energy generation with battery energy storage systems and supporting facilities. The Facility would be located in the Horse Heaven Hills area of unincorporated Benton County, Washington, approximately 4 miles south/southwest of the city of Kennewick and the larger Tri-Cities urban area, along the Columbia River (the Site). The Applicant estimates that the Facility would generate up to 1,150 megawatts (MW).

- 2 **Land Use Consistency Hearing.** RCW 80.50.090(2) requires EFSEC to “conduct a public hearing to determine whether or not a proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances.” On March 9, 2021, EFSEC issued a Notice of Informational Public Hearing and Land Use Consistency Hearing and scheduled a virtual hearing by Skype or by telephone participation for 5:30 p.m. on Tuesday, March 30, 2021.¹
- 3 On March 30, 2021, the Council conducted a virtual land use consistency hearing to hear testimony regarding whether the Facility was consistent and in compliance with Benton County’s local land use provisions. The following EFSEC members were present at the March 30, 2021, hearing: Robert Dengel (Department of Ecology), Kate Kelly (Department of Commerce), Mike Livingston (Department of Fish and Wildlife), Leonard “Lenny” Young (Department of Natural Resources), Derek Sandison (Department of Agriculture), Stacey Brewster (Utilities and Transportation Commission), and Ed Brost (Benton County). Kathleen Drew, EFSEC Chair, presided over the hearing.
- 4 Assistant Attorney General Bill Sherman, Counsel for the Environment, was present for the land use consistency hearing.
- 5 Timothy McMahan, Stoel Rives Law Firm, represented the Applicant and spoke on the Applicant’s behalf. Ryan Brown, Benton County Deputy Prosecutor, represented the County and spoke on the County’s behalf. The Council allowed for but did not receive any testimony from members of the public.
- 6 *Applicant’s Description of Proposed Facility.* The proposed Horse Heaven Wind Farm is a renewable energy generation facility designed to generate a maximum of 1,150 MW utilizing wind turbines and solar photovoltaic panels to convert energy from the wind and sun into electric power. This power would then be either directly transferred to the electric power grid or stored on up to three battery energy storage systems (BESS) on the Site. The Facility would be located in the Horse Heaven

¹ The Council sent this Notice to all interested persons on the mailing list for the Facility including landowners within one mile and to all subscribers to EFSEC’s general minutes and agenda list. Further, the Council posted this Notice in English and Spanish on its public website, distributed the Notice to local libraries, and purchased advertisement in the Tri-City Herald and the Corvallis Gazette Times, the local daily newspapers of general circulation.

Hills area of unincorporated Benton County, Washington, approximately 4 miles south/southwest of the city of Kennewick and the larger Tri-Cities urban area, along the Columbia River.

- 7 According to the Application, the Facility would be located entirely within the county's Growth Management Act Agricultural (GMA AG) land use designation and entirely within the county's corresponding Growth Management Act Agriculture District (GMAAD). Application for Site Certification, Sections 2.1.3 and 2.23.3.
- 8 The ASC seeks authorization for up to 244 wind turbine locations and three distinct solar arrays with BESS to be located on a maximum footprint of 6,869 acres of leased agricultural land, a figure representing 1.1 percent of County agricultural lands. Scout has executed leases covering all potentially affected parcels within the project lease boundary, a total area encompassing approximately 72,428 acres. Much of this land is privately owned and actively managed for dryland agriculture (primarily wheat farming) and livestock grazing; some parcels are managed by the Department of Natural Resources.² Application for Site Certification, Sections 2.1, 2.2, 2.3, 2.23, 3.1.2, 4.2.1, and 4.2.6.2; Tables 2.1-1, 2.3-1, and 4.2.6-4; Figures 2.1-1 and 2.1-2.
- 9 The Applicant contends the proposed Site is consistent and in compliance with Benton County's land use plans and zoning ordinances because the Facility is allowable as a conditional use in the GMAAD. The Applicant emphasizes that after construction and during operation of the Facility, existing agricultural land uses will continue on over 90 percent of the acreage within the project lease boundary. Scout also provided its analysis of how the Facility would meet the County's criteria for a conditional use permit (CUP).
- 10 *Benton County's Position.* Benton County contends that the Site proposed for the Facility is not consistent with its Comprehensive Plan's Agricultural zone because it would not preserve and protect prime agricultural land. The County stresses that eliminating over 1 percent of its prime agricultural land from actual or potential agricultural production is significant. Even so, the County concedes that the Facility *might* be allowed as a conditional use in the GMAAD, but only after an evidentiary hearing or adjudication. The County also objected to the Facility's proposed layout for security fencing around the solar arrays to span parcels, making compliance with

² The list of landowners within the project lease boundary is set out in Appendix F to the ASC.

existing setback provisions impossible.

DISCUSSION

I. Land Use Consistency Determination

- 11 The purpose of the land use hearing is “to determine whether at the time of application the proposed facility was consistent and in compliance with land use plans and zoning ordinances.”³ In this order, the Council will refer to land use plans and zoning ordinances collectively as “land use provisions” and will refer to its decision as pertaining to “land use consistency.”
- 12 The Council’s evaluation of land use consistency is not dispositive of the Application and a determination of land use consistency is neither an endorsement nor an approval of the Facility.⁴ The evaluation pertains only to the general siting of categories of uses, taking into account only the Site and not the Facility’s construction and operational conditions.
- 13 Whether a particular project will actually create on- or off-site impacts (including impacts to the environment) is considered separately through the State Environmental Policy Act (SEPA) process, during the Council’s adjudication, through the environmental permitting processes (if applicable), and through other Council processes (if applicable).⁵ The Council’s ultimate recommendation to the Governor will be made after full and thorough consideration of all relevant issues.
- 14 The Applicant did not obtain certificates from local Benton County authorities attesting to land use consistency. Therefore, the Applicant retains the burden of proving the Site is indeed consistent and compliant with the local jurisdiction’s land use provisions.⁶

3 WAC 463-26-050.

4 In re Whistling Ridge Energy Project, Council Order No. 868 at 9 (October 6, 2011) (Whistling Ridge Order). A determination of land use inconsistency simply results in the Council’s further consideration of whether local land use provisions should be preempted. WAC 463-28-060(1), see also RCW 80.50.110(2) and WAC 463-28-020. If they are preempted, the Council will include in any proposed site certification agreement conditions designed to recognize the purpose of the preempted provisions. WAC 463-28-070.

5 RCW 80.50.090(3), RCW 80.50.040(9), (12), WAC 463-30, WAC 463-47, WAC 463-76, WAC 463-78.

6 WAC 463-26-090. In cases where such certificates are obtained, they are regarded as *prima facie* proof of consistency and compliance with local land use plans and zoning ordinances absent contrary demonstration by anyone present at the hearing.

- 15 **Definitions of “Land Use Plan” and “Zoning Ordinances”.** The term “land use plan” is defined by statute as a “comprehensive plan or land use element thereof adopted ... pursuant to” one of the listed planning statutes.⁷ EFSEC interprets this definition as referring to the portions of a comprehensive plan that outline proposals for an area’s development, typically by assigning general uses (such as housing) to land segments and specifying desired concentrations and design goals.⁸ Comprehensive plan elements and provisions that do not meet this definition are outside of the scope of the Council’s present land use consistency analysis. The term “zoning ordinance” is defined by statute as an ordinance “regulating the use of land and adopted pursuant to” one of the listed planning statutes.⁹ EFSEC has interpreted this definition as referring to those ordinances that regulate land use by creating districts and restricting uses in the districts (i.e., number, size, location, type of structures, lot size) to promote compatible uses. Ordinances that do not meet this definition are outside of the scope of the Council’s present land use consistency analysis.
- 16 EFSEC has defined the phrase “consistent and in compliance” based on settled principles of land use law: “Zoning ordinances require compliance; they are regulatory provisions that mandate performance. Comprehensive plan provisions, however, are guides rather than mandates and seek consistency.”¹⁰
- 17 **The County’s Comprehensive Plan.** The portions of the Benton County Comprehensive Plan that meet the statutory definition are within Chapter 3 (Land Use Element), Chapter 4 (Natural Resource Land Elements), Chapter 5 (Economics Element), Chapter 8 (Parks, Recreation, Open Space and Historic Preservation Element), and Chapter 10 (Utilities Element). Chapter 3 identifies the land use designations assigned in the Comprehensive Plan, along with corresponding zone classifications present in each land use designation. Lands designated for “Growth Management Act Agriculture” (GMA AG) are considered agricultural lands of long-term commercial significance. Chapter 4 sets out policies to conserve GMA AG

7 RCW 80.50.020(14).

8 In re Northern Tier Pipeline, Council Order No. 579 (Northern Tier Pipeline Order) at 9 (November 26, 1979).

9 RCW 80.50.020(22).

10 Whistling Ridge Order at 10 n 15.

areas “for a broad range of agricultural uses to the maximum extent possible and protect these areas from the encroachment of incompatible uses,” but also to “recognize that only uses related or ancillary to, supportive of, complimentary to, and/or not in conflict with agricultural activities are appropriate in areas designated GMA Agriculture.”

- 18 **The County’s Zoning Ordinances.** The portions of the County’s zoning ordinances that meet the statutory definition are the County’s zoning map, Title 11 of the Benton County Code (Zoning), specifically BCC 11.17 GMAAD, and associated definitions. The entirety of the Facility is zoned Growth Management Act Agriculture District (GMAAD). BCC 11.17.010 describes the purpose of the GMAAD as “protection of agricultural lands of long term commercial significance” in the district “by limiting non-agricultural uses to those compatible with agriculture and by establishing minimum lot sizes in areas where soils, water, and climate are suitable for agricultural purposes.” In addition to farming, the following uses are among those allowed by BCC 11.17.040 in the GMAAD: single family dwellings, adult family homes, wineries/breweries/distilleries, airstrips (personal), schools and churches, kennels (commercial and private), single wind turbines less than sixty feet in height, and meteorological towers.
- 19 Under the Benton County Code, the Facility would meet the definitions of a “Solar Power Energy Facility, Major”¹¹ and of a “Wind Turbine Farm.”¹² Both of these uses may be permitted as a “conditional use” in Benton County’s GMAAD zoning district after notice and public hearing if they satisfy the conditional use criteria.¹³
- 20 Under Benton County Code Section 11.50.040(d), a conditional use is permitted when it:
- (a) Is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
 - (b) Will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;

¹¹ BCC 11.03.010(167).

¹² BCC 11.03.010(190) and (191).

¹³ BCC 11.17.070(t) and (cc).

- (c) Would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (d) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and
- (e) Would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

- 21 **The Test for Consistency and Compliance.** Under the test for land use consistency previously established by the Council, EFSEC considers whether the pertinent local land use provisions “prohibit” the site “expressly or by operation clearly, convincingly and unequivocally.” If a site can be permitted either outright or conditionally, it is consistent and in compliance with the local land use provisions.¹⁴
- 22 Applying the facts to the test established, we conclude the Site is consistent with the pertinent portions of the land use provisions because neither the pertinent portions of the Plan nor the pertinent portions of the zoning ordinances clearly, convincingly, and unequivocally prohibit the Facility. The Plan does not provide guidance on the siting of renewable energy facilities. The zoning ordinances specifically allow the proposed use to be authorized in the GMAAD zone as a conditional use. We note that the County previously permitted the Nine Canyon Wind Project (25 turbines) in this zoning district. Therefore, we conclude the pertinent land use provisions do not clearly, convincingly or unequivocally prohibit the Facility. Under the established precedent for a minimal threshold for determining land use consistency, the Facility is consistent and in compliance with Benton County’s land use provisions.
- 23 The Council’s land use consistency determination does not prejudice whether the Facility has met or can meet Benton County’s conditional use criteria. Additionally, the Council’s land use consistency determination also does not address the question raised by the County regarding specific parcel setback requirements for solar arrays.

¹⁴ In re Columbia Solar Project, Docket No. EF-170823, Council Order – Expedited Processing, ¶ 35 (April 17, 2018).

These are questions for later EFSEC proceedings,¹⁵ after which EFSEC may recommend and impose conditions of approval to address Benton County's CUP and variance¹⁶ criteria in a Site Certification Agreement (SCA).

FINDINGS OF FACT

- 24 (1) On February 8, 2021, Scout Clean Energy submitted an application for site certification to construct and operate Horse Heaven Wind Farm (the Facility), a renewable energy generation facility, including wind and solar energy generation with battery energy storage systems and supporting facilities to be located in Benton County, Washington.
- 25 (2) On March 30, 2021, the Council convened a virtual land use consistency hearing, pursuant to due and proper notice. The Council received presentations from the Applicant's attorney and the County's attorney. No testimony was presented.
- 26 (3) The Site is located in unincorporated Benton County, Washington. The Site is located entirely within the Growth Management Act Agricultural (GMA AG) land use designation and entirely within the county's corresponding Growth Management Act Agriculture District (GMAAD).

CONCLUSIONS OF LAW

- 27 (1) The Council has jurisdiction over the subject matter of this proceeding and the parties to it pursuant to RCW 80.50.090 and WAC chapter 463-26.
- 28 (2) The Council provided adequate notice to interested parties, and the Council has adequate information to render a land use consistency decision.
- 29 (3) Under the Benton County Code, the Facility meets the definitions of a "solar power generation facility, major" and a "wind turbine farm."
- 30 (4) The Facility Site is on land zoned GMAAD, an area of Benton County primarily dedicated for agricultural uses. However, major solar power generation facilities and wind turbine farms are conditionally permitted in the GMAAD.

¹⁵ Id., ¶ 36.

¹⁶ See BCC 11.50.030.

- 31 (5) A site is consistent and in compliance with land use plans and zoning ordinances if it is permitted absolutely or conditionally. To be inconsistent and noncompliant, the plan or ordinances must expressly, or by operation, clearly convincingly, and unequivocally prohibit the facility site.
- 32 (7) The Applicant has met its burden of proof of demonstrating that the site is consistent and in compliance with Benton County's Comprehensive Plan and applicable zoning ordinances in effect as of the date of the application as required by RCW 80.50.090(2).
- 33 (8) The matter will be scheduled for an adjudication to consider whether the Council should recommend approval of the Application and, if so, to determine specific conditions to include in a draft site certification agreement that address the County's criteria for issuance of a conditional use permit.

ORDER

THE COUNCIL ORDERS:

- 34 (1) Scout Clean Energy's application is consistent and in compliance with local land use plans and zoning regulations.
- 35 (2) Scout Clean Energy's application would require a conditional use permit under local zoning regulations.
- 36 (3) The matter shall be set for an adjudication to consider any conditions which might be required for the construction, operation and maintenance of the Facility in the GMAAD, consistent with Benton County's conditional use criteria in effect at the time the application for site certification was filed with EFSEC. The adjudication may be held concurrent with, or separate from the adjudication related to the application for site certification under RCW 80.50.090(3).

DATED at Olympia, Washington, and effective .

WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL

KATHLEEN DREW, Chair

Goose Prairie Solar Project

May 2022 project update

[Place holder]

Badger Mountain Solar Energy Project

May 2022 project update

[Place holder]

Whistling Ridge Energy Project

May 2022 project update

[Place holder]



SDS Lumber Company

P.O. Box 266
Bingen, WA 98605

Office: 509-493-2155
Fax: 509-493-2535

October 25, 2018

Kathleen Drew, Chair
Washington Energy Facility Siting Council
1300 S. Evergreen Park Dr. S.W.
PO box 47250
Olympia, WA 98504-7250

Dear Chair Drew and Councilmembers:

I am the President of SDS Lumber Company and Whistling Ridge Energy LLC, the owner of the Whistling Ridge Energy Project (“Whistling Ridge” or “Project”). I am submitting a status report for the Whistling Ridge project, in accordance with RCW 463-68-060. Attached to this report is a “Project History” timeline that helps in understanding the status of this Project.

The “Effective Date” of the Site Certificate Agreement (“SCA”) is November 18, 2013 -- the date when I executed the SCA (after conclusion of the Supreme Court appeal). Further opposition litigation followed the execution of the SCA, with 9th Circuit Court of Appeals challenges fully exhausted in July of this year. Due to the uncertainties associated with these appeals, thus far it has not been possible to move the Project forward.

We provide the following information, pursuant to RCW 463-68-060.

WAC 463-68-060

Review and reporting changes in the project status or site conditions.

(1) The nature and degree of any changes to the following since the effective date of the site certification agreement:

- (a) Project design;*
 - (b) Statements and information in the application;*
 - (c) Statements and information in project-related environmental documents;*
- and*
- (d) Project-related environmental conditions.*

(2) Whether any new information or changed conditions indicate the existence of probable significant adverse environmental impacts that were not covered in any project-related environmental documents, including, but not limited to, those prepared under chapter 43.21C RCW.

(3) Suggested changes, modification, or amendments to the site certification agreement and/or any regulatory permits.

RESPONSE:

Section 1: At this time, the Project is not proposing any changes as described in Section 1 of the statute.

Section 2: There is no new information or changed conditions known at this time that might indicate the existence of any probable significant adverse environmental impacts not previously addressed in the EFSEC FEIS.

Section 3: Finally, at this time, Whistling Ridge is not proposing any changes, modifications or amendments to the Site Certificate Agreement of any regulatory permits. It is possible that such changes will be proposed in the future.

Thank you for the opportunity to make this presentation. We will appreciate the opportunity to address any questions.

A handwritten signature in dark ink, appearing to read 'JS', with a stylized flourish extending to the right.

Jason S. Spadaro
President
SDS Lumber Company

Whistling Ridge Energy Project History

- 3/10/09 Application for Site Certification filed; history of adjudication can be found on EFSEC's Project web page.
- 1/5/12 EFSEC's Site Certificate Agreement and Recommendation submitted to Governor Gregoire.
- 3/5/12 Governor Gregoire approves the Final Order and signs the Site Certificate Agreement.
- 8/20/13 After appeal by project opponents, the Washington Supreme Court issues a unanimous decision denying appeal.
- 11/18/13 Jason Spadaro, Whistling Ridge Energy, signs the Site Certificate Agreement ("Effective Date" of Site Certificate Agreement)
- 2013-15 During this period, BPA worked on the FEIS and its Supplement to the FEIS, addressing further comments submitted post-FEIS by project opponents.
- 9/9/15 Project opponents file an appeal with the US 9th Circuit Court of Appeals, challenging BPA's NEPA FEIS, supporting BPA's decision to grant the Whistling Ridge Energy Project an interconnection to the Federal Columbia River Transmission System.
- 3/27/18 The 9th Circuit Court of Appeals issues a Memorandum Decision denying the appeal.
- 7/11/18 Following a petition by project opponents for a rehearing (*en banc*), the full US 9th Circuit Court of Appeals denied rehearing. This denial concluded all opposition litigation.

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of the Application No. 2009-01:
WHISTLING RIDGE ENERGY LLC:
WHISTLING RIDGE ENERGY PROJECT

WHISTLING RIDGE ENERGY LLC'S
REQUEST TO EXTEND TERM OF SITE
CERTIFICATE AGREEMENT
PURSUANT TO WAC 463-68-080

A. Introduction

The Applicant, Whistling Ridge Energy, LLC (Whistling Ridge or Applicant), requests that the Washington Energy Facility Site Evaluation Council (EFSEC or "Council") grant a three-year extension to the term of the Site Certification Agreement (effective November 18, 2013)¹ to November 2025. This request is based on the Council's discretionary authority to grant an extension pursuant to WAC 463-68-080(3).

If the Council grants this request, the Applicant will first fully review the financial and environmental feasibility of constructing the facility prior to commencing any studies. Only then would the Applicant move forward with studies, some of which are specific to certain times of the year.

As discussed below, EFSEC's rules and the terms of Site Certificate Agreement (SCA) approved by EFSEC set permissive timeframes for the commencement of construction. Whistling Ridge believes that the intent behind the permissive "shelf life" of SCAs acknowledges that EFSEC jurisdictional projects which typically fulfill important statewide policy objectives often face multi-year litigation aimed at delaying applications and undermining the commercial viability of projects through costs and delays. As is the case here, once a Site Certification Application has undergone often multi-year evaluation and scrutiny, including extensive review through Washington's State Environmental Policy Act (SEPA, RCW 43.21C), such appeals are rarely successful, but they exact a significant cost for the Applicant. Here, litigation filed by project opponents commenced with a failed appeal before the Washington Supreme Court, followed by failed litigation and appeals before the Ninth Circuit Court of appeals. The appeals were concluded in July 2018.

¹ WAC 463-64-040(3) provides that the certification agreement "shall be binding upon execution by the governor and the applicant." [Emphasis added].

B. Whistling Ridge Project History and Timeline

- 3/10/09 Application for Site Certification filed; history of adjudication can be found on EFSEC's Project web page.
- 1/5/12 EFSEC's Site Certificate Agreement and Recommendation submitted to Governor Gregoire.
- 3/5/12 Governor Gregoire approves the Final Order and signs the Site Certificate Agreement.
- 8/20/13 After appeal by project opponents, the Washington Supreme Court issues a unanimous decision denying appeal.
- 11/18/13 Jason Spadaro, Whistling Ridge Energy, signs the Site Certificate Agreement ("Effective Date" of Site Certificate Agreement)
- 2013-15 During this period, BPA worked on the FEIS and its Supplement to the FEIS, addressing further comments submitted post-FEIS by project opponents.
- 9/9/15 Project opponents file an appeal with the US 9th Circuit Court of Appeals, challenging BPA's NEPA FEIS, supporting BPA's decision to grant the Whistling Ridge Energy Project an interconnection to the Federal Columbia River Transmission System.
- 3/27/18 The 9th Circuit Court of Appeals issues a Memorandum Decision denying the appeal.
- 7/11/18 Following a petition by project opponents for a rehearing (*en banc*), the full US 9th Circuit Court of Appeals denied rehearing. This denial concluded all opposition litigation.
- 10/25/18 Whistling Ridge files and presents its "Five Year Report" to EFSEC (WAC 463-68-060), confirming the following:

Section 1: At this time, the Project is not proposing any changes as described in Section 1 of the statute.

Section 2: There is no new information or changed conditions known at this time that might indicate the existence of any probable significant adverse environmental impacts not previously addressed in the EFSEC FEIS.

Section 3: Finally, at this time, Whistling Ridge is not proposing any changes, modifications or amendments to the Site Certificate Agreement of any regulatory permits. It is possible that such changes will be proposed in the future.

- 2018 – 2021 SDS Lumber Co. (parent company to Whistling Ridge Energy LLC) undergoes protracted internal discussions among the owners, ultimately resulting in the

decision to sell SDS Lumber Co. and related entities. A sale process was begun in 2021 and in November of 2021 all company assets were sold to multiple buyers. COVID complicates efforts to proceed with Whistling Ridge Energy construction.

2021 - 2022 Twin Creeks Timber, LLC (TCT) acquired a substantial portion of the SDS timberland assets, including Whistling Ridge Energy LLC and the property on which the project would be built, in November of 2021. The assets of TCT are managed by Green Diamond Management Company, a Washington corporation and subsidiary of Green Diamond Resource Company, a fifth-generation timberland owner in the State of Washington.

C. Effective Date of Site Certificate

Whistling Ridge executed the SCA only after completion of the Supreme Court appeal, where the Court issued a unanimous decision denying the appeal. Whistling Ridge believed that it would be unjust for the Project to lose any time established in the SCA on account of what proved to be a failed appeal filed to stop the project. *Friends of Columbia Gorge, Inc. v. State Energy Facility Site Evaluation Council*, 178 Wn.2d 320, 310 P.3d 780 (2013). RCW 80.50.100 confirms that the SCA is binding upon execution of *both* the Governor and the Applicant:

RCW 80.50.100 Recommendations to governor—Expedited processing—Approval or rejection of certification—Reconsideration.

* * *

(3)(a) Within sixty days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement;
or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within sixty days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant. * * *

Whistling Ridge chose to defer executing the Site Certificate Agreement until the Supreme Court appeal was resolved. The “effective date” of the Site Certification Agreement occurred at the time the two parties (the Governor and the Applicant) had executed the Site

Certificate Agreement. The “term” for start of construction commences within ten years of the “effective date” of the Site Certificate Agreement:

WAC 463-68-030 Term for start of construction. Subject to conditions in the site certification agreement and this chapter, construction may start any time within ten years of the effective date of the site certification agreement.

Furthermore, the Site Certificate Agreement allows construction deadlines to be extended to such time as when “all final state and federal permits necessary to construct an operate the Project are obtained and associated appeals have been exhausted:

Site Certification Agreement, Article I.B: “This Site Certification agreement authorizes the Certificate Holder to construct the Project such that Substantial Completion is achieved no later than ten (10) years from the date that all final state and federal permits necessary to construct and operation the Project are obtained and associated appeals have been exhausted.” (Page 8 of 42).

As noted in the Project History summary above, opposition appeals to the Bonneville Power Administration interconnection and related NEPA process were not concluded until July 2018. In summary, it was not until 2018 that appeals of all state and federal permits were “exhausted.”

The essential reason for this latitude for construction is that *no project facing fierce, multi-year litigation can secure financing or otherwise proceed if pending appeals jeopardize construction.* No prudent developer proceeds with construction and operation of an energy facility during litigation, where there is a risk of an appeal outcome that would require the dismantling of an operating facility and cause monumental contract breaches and power disruptions. In fact, it is unlikely that any utility or private purchaser of energy resources would even consider commitments to purchase a facility or power from an energy facility facing staunch appeal risks. It is that fundamental risk that stops projects during appeals, including appeals that have little or no merit.

D. Request to Extend Term of Site Certificate Agreement; Authority and Process

Whistling Ridge requests that the Council extend the term of the Site Certificate for a reasonable period (three years) to undertake due diligence work for the facility, and to update essential natural resource and other studies. WAC 463-68-080 confers discretion for the Council to grant this request. Whistling Ridge understands that the Council would need to conduct review of this request as an amendment to the Site Certificate Agreement, including one or more “public hearing sessions.” In seeking this request, the Applicant will utilize this time to consider commercial viability and to update environmental information and engage with stakeholders. The extension and amendment process are subject to the following Council Rules:

WAC 463-68-080 Site certification agreement expiration.

(1) If the certificate holder does not start or restart construction within ten years of the effective date of the site certification agreement, or has canceled the project, the site certification agreement shall expire.

(2) If commercial operations have not commenced within ten years of the effective date of the site certification agreement, the site certification agreement expires unless the certificate holder requests, and the council approves, an extension of the term of the site certification agreement.

(3) Upon a request to extend the term of the site certification agreement, the council may conduct a review consistent with the requirements of WAC 463-68-060 and 463-68-070, and other applicable legal requirements.

WAC 463-66-030 Request for amendment.

A request for amendment of a site certification agreement shall be made in writing by a certificate holder to the council. The council will consider the request and determine a schedule for action at the next feasible council meeting. The council may, if appropriate and required for full understanding and review of the proposal, secure the assistance of a consultant or take other action at the expense of the certificate holder. The council shall hold one or more public hearing sessions upon the request for amendment at times and places determined by the council.

WAC 463-66-040 Amendment review.

In reviewing any proposed amendment, the council shall consider whether the proposal is consistent with:

- (1) The intention of the original SCA;
- (2) Applicable laws and rules;
- (3) The public health, safety, and welfare; and
- (4) The provisions of chapter 463-72 WAC. [Concerns site restoration]

E. Matters to be Addressed in the Amendment to the ASC

The extension will allow Whistling Ridge Energy, through its new owner TCT, to review and if feasible to propose the installation of fewer but taller wind turbine generators and associated facilities within the designated and approved micrositing corridors. Additionally, **Attachment A** outlines what the Applicant considers to be related and necessary actions, including studies and reports needed to complete the amendment request. The Applicant would confer with EFSEC staff to ensure that all necessary information is developed. Most importantly, Whistling Ridge proposes to update natural resource studies including season-specific data (*e.g.* avian nesting surveys) and new visual simulations from key viewing areas (KVAs) within the Columbia River Gorge Scenic Area. Commencing these studies, including consultation with WDFW, local Tribes, and other agencies concerning sufficiency of information needed for updated wildlife and other surveys, will be essential.

DATED: March 2, 2022.

STOEL RIVES LLP



By: Timothy L. McMahan, WSBA #16377
tim.mcmahan@stoel.com

Attachment A

Likely (Tentative) Permitting Tasks and Actions Anticipated to Amend WREP Site Certificate

Action	Likely Timing (<i>tbd</i>)
Contact wildlife consultants; develop scopes of work; identify seasonally imperative work and schedule same: <ul style="list-style-type: none"> • Avian baseline updates (including passerines and bats) • Bald and Golden Eagle and other raptor nest surveys • Northern Spotted Owl survey update for confirmation • Sensitive plants. 	
Visual simulation updates; develop scope of work for modified WTGs and locations.	
Updated noise analysis.	
Develop schedule to complete all study work needed for Site Certificate Amendment Application and SEPA action.	
Agency meetings: <ul style="list-style-type: none"> • ODFW -- Confirm wildlife update work • EFSEC staff -- Discuss timing, cost, needs, process; outline amendment process, including SEPA process. Discuss and confirm mitigation parcel or alternative mitigation approaches. • USFWS -- BGEPA; NSO • DNR – Consultation as needed. • Consult with Tribal governments and representatives. 	
BPA contacts and confirmations.	
Complete all studies.	
Draft ASC Amendment; filing timing discussion with EFSEC, including evaluation of expected hearing proceedings.	
File amendment (public process begins).	
Complete all work on mitigation parcel, including agency (WDFW) concurrence; identify and address any other mitigation plans.	



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Seattle, WA 98101
(206) 224-5800 • greendiamond.com

RECEIVED

MAR 24 2022

ENERGY FACILITY SITE
EVALUATION COUNCIL

RECEIVED
MAR 22 2022

WASH. UT. & TR. COMM.

March 16, 2022

Ms. Sonia Bumpus
Siting Manager
Washington Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98504-3172

Dear Ms. Bumpus:

Green Diamond Management Company is the manager and authorized representative for Twin Creeks Timber, LLC (TCT), the new owner of Whistling Ridge Energy LLC (Whistling Ridge). TCT acquired Whistling Ridge as part of a larger acquisition in November of 2021.

As you know, on March 2, 2022, Whistling Ridge filed with the Energy Facility Site Evaluation Council (Council) a request to extend the Whistling Ridge Energy Project (Project) Site Certificate Agreement (SCA) for a period of three years.

This is the first of two filings. The second will be a request to amend the SCA to account for the change in ownership of Whistling Ridge from the prior owner to TCT. We anticipate filing a request for transfer in the next several weeks, and we anticipate seeking the Council's review of both the SCA extension request and the transfer request in a single process. We will work with Council staff on the most convenient date to initiate these processes. We ask that the Council not take action on either request until we are prepared to move forward on both.

Very truly yours,

DocuSigned by:
A handwritten signature in black ink that reads 'Greg Corbin'.
149EEAD3B9F34C4...

Greg Corbin
Senior Special Counsel

High Top and Ostrea Solar Project

May 2022 project update

[Place holder]



Renewable Energy.
Sustainable Development.

Wautoma Solar Energy Project

May 17, 2022

Innergex Renewable Energy



AGENDA

- Innergex Overview
- Project Overview
- Siting Considerations / Preliminary Layout
- Permitting and Studies
- Benefits
- Schedule



INNERGEX - A SUSTAINABLE BUSINESS MODEL

It all starts with **a shared vision.**

Integrating sustainable development into our strategic planning, decision-making process, and daily activities has always been part of our Corporate Culture.



People

We are a team of passionate individuals who build strong, long-term partnerships with local communities.



Planet

We believe that renewable energy is part of the solution to reducing the impacts of climate change.



Prosperity

We generate value for our employees, our shareholders, our partners and host communities.

INNERGEX RENEWABLE ENERGY - A GLOBAL LEADER

480
employees

80 facilities
in operation

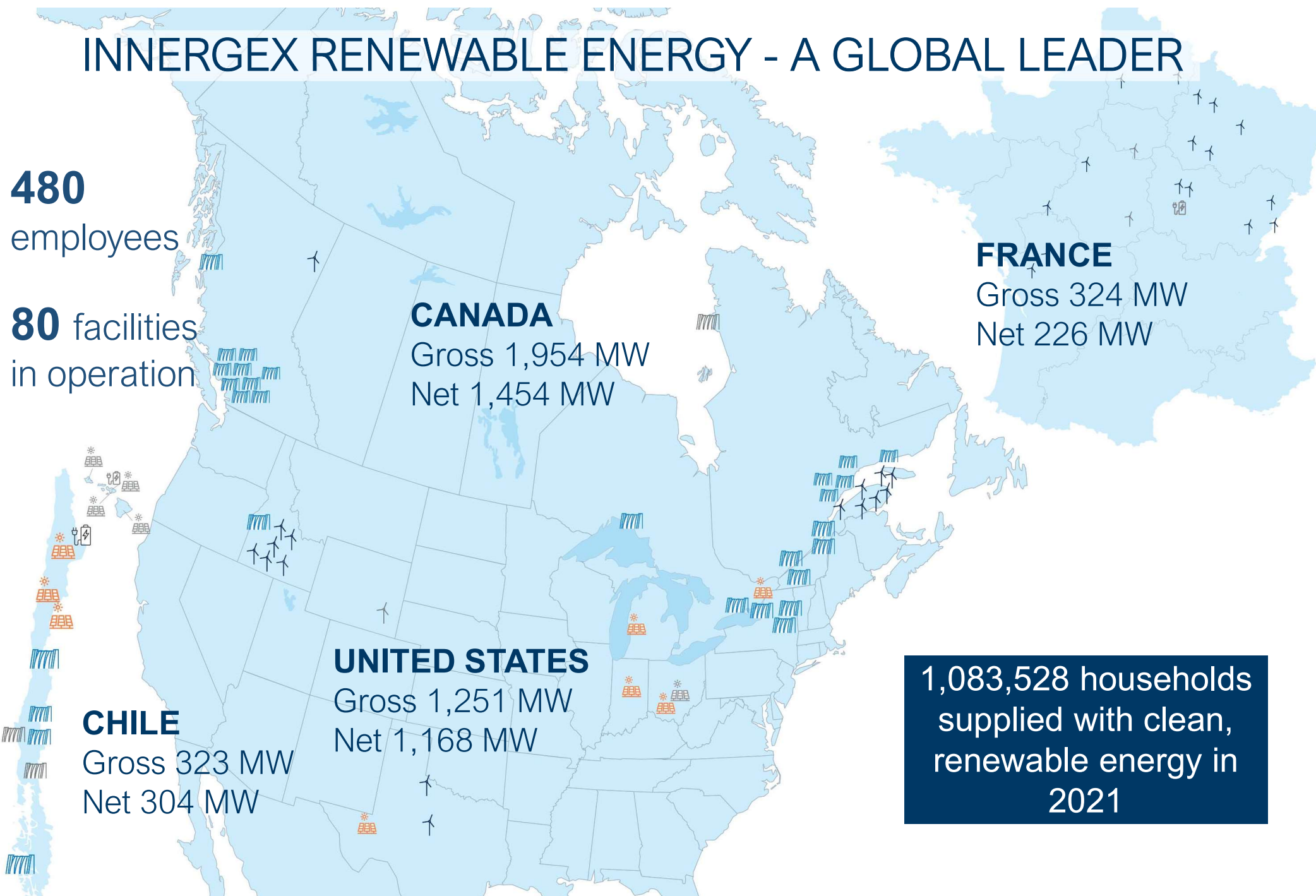
CANADA
Gross 1,954 MW
Net 1,454 MW

FRANCE
Gross 324 MW
Net 226 MW

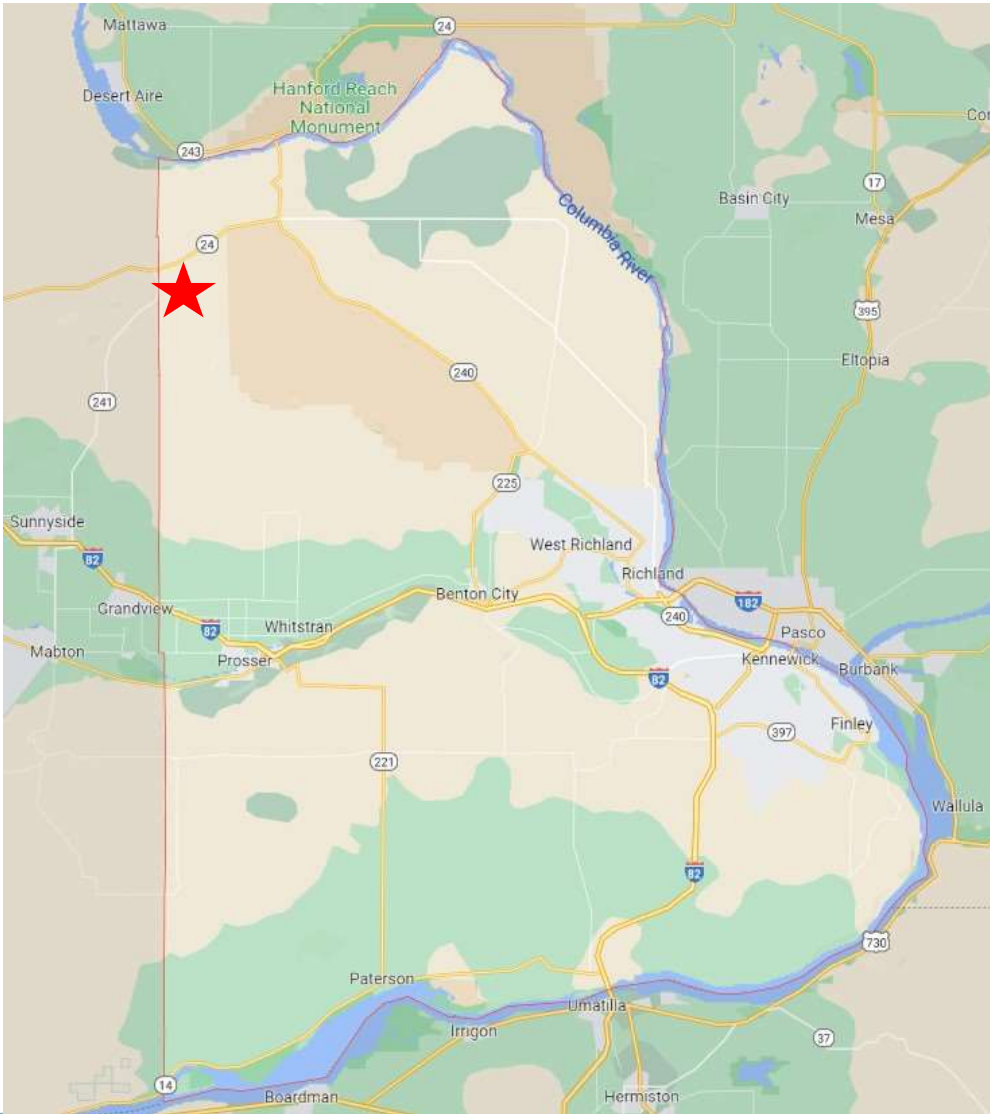
UNITED STATES
Gross 1,251 MW
Net 1,168 MW

CHILE
Gross 323 MW
Net 304 MW

1,083,528 households
supplied with clean,
renewable energy in
2021



WAUTOMA SOLAR ENERGY PROJECT



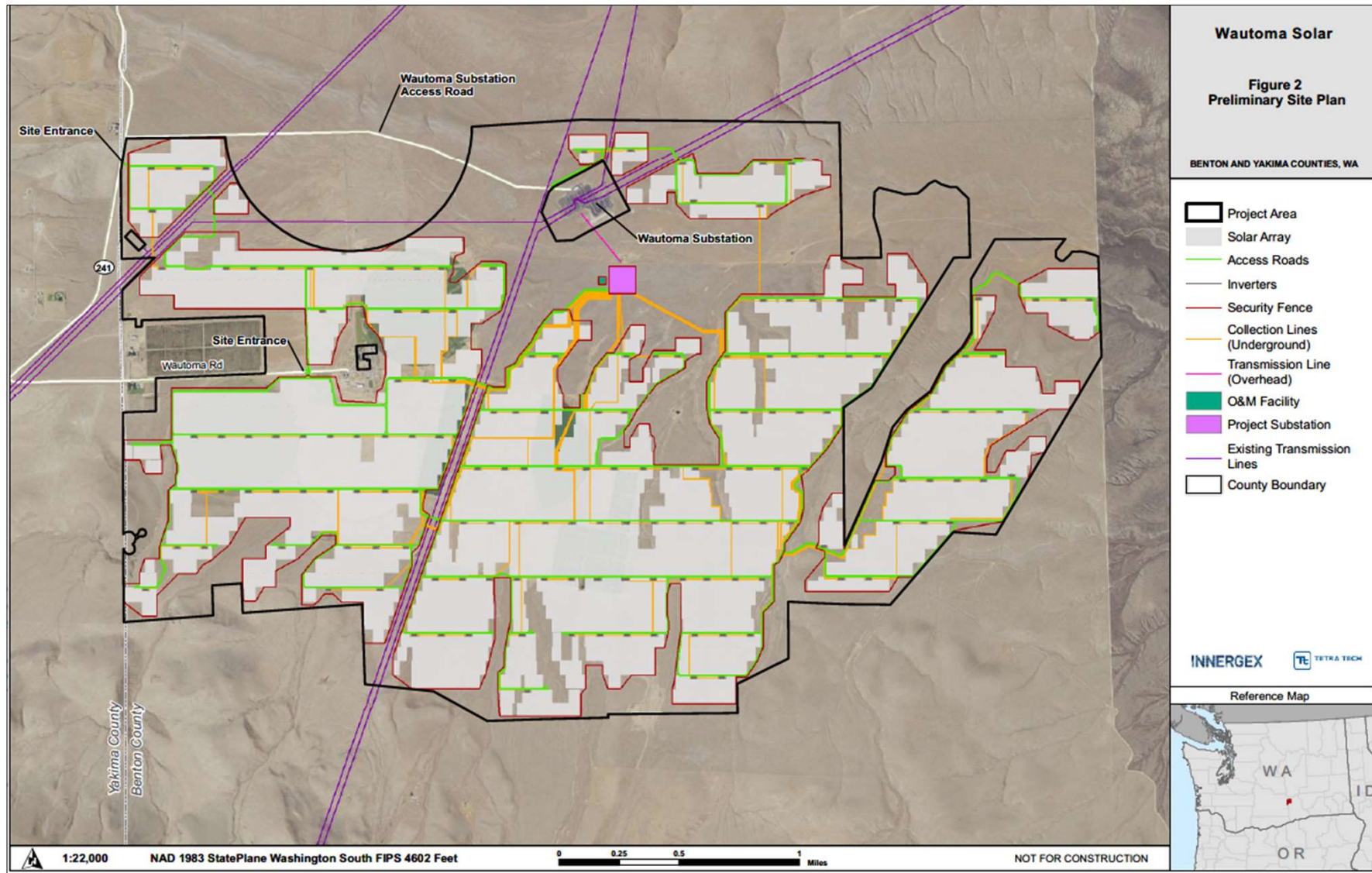
- NW Benton County
- Target of 400MW solar + storage
- 875 GWh; enough to power approx. 70,000 WA households



SITING CONSIDERATIONS



PRELIMINARY LAYOUT



PERMITTING AND STUDIES



Plant and Wildlife
Habitat Surveys

Delineation of
Wetlands and
Waters of the U.S.



Cultural and
Archaeological
Resources
Survey

Visual Impact
Assessment

Geotechnical &
Hydrology Studies

Glint & Glare
Analysis



Acoustic
Assessment

Traffic and
Transportation
Analysis



AVOIDING, MINIMIZING, AND MITIGATING IMPACTS

- Traffic Control Plan
- Vegetation Management Plan
- Habitat Mitigation Plan
- Emergency Response / Fire Response Plan
- Erosion and Sediment Control Plan
- Spill Prevention and Response Plan
- Stormwater Pollution Prevention Plan
- Decommissioning Plan



STAKEHOLDERS

- Agencies (EFSEC, WDFW, Ecology, DAHP)
- Tribal Governments
 - Confederated Tribes and Bands of the Yakama Nation
 - Confederated Tribes of the Warm Springs Reservation of Oregon
 - Samish Indian Nation
 - Wanapum Tribe
 - Confederated Tribes of the Colville Reservation
 - Confederated Tribes of the Umatilla Indian Reservation
- Benton County
- Participating Landowners
- Adjacent Landowners
- General Public



JOBS AND SERVICES



PROJECT BENEFITS

Local Tax
Revenue

Partnership
Agreements

Infrastructure
investments

Community
investment



Part of being a good neighbor means supporting the causes and efforts that have a broader impact in communities.

PROJECT STATUS AND ANTICIPATED SCHEDULE

Q2 2020	Participating Landowner Engagement
Q1 2021	Commencement of Environmental & Cultural Studies
Q2 2022	Community Meetings Start
Q2 2022	Application for Site Certification Submitted to EFSEC (followed by Public Meeting and Land Use Consistency Hearing)
Q2 2023	Large Generation Interconnection Agreement with BPA (Anticipated)
Q3 2023	Site Certification Agreement Issuance (Anticipated)
Q1 2024	Construction Start (Earliest)
Q3 2025	Phase 1 Commercial Operation Date (Earliest)

COMMUNITY ENGAGEMENT IS ONGOING THROUGHOUT
THE ENTIRE PROCESS



Renewable Energy.
Sustainable Development.

Thank you!

Reach us at:

loneill@innergex.com

wautomasolar@innergex.com

Website: www.wautomasolar.com

Innergex Renewable Energy

