



Washington State Energy Facility Site Evaluation Council AGENDA

MONTHLY MEETING
Tuesday June 21, 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 Kathleen Drew, EFSEC Chair
 - Meeting Minutes.....
 - May 17, 2022 Monthly Meeting Minutes
 - June 1, 2022 High Top & Ostrea Informational Meeting Minutes
 - June 1, 2022 High Top & Ostrea Land Use Hearing Minutes
5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates.....Amy Moon, 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. Horse Heaven Wind Farm
 - SEPA update.....Amy Moon, EFSEC Staff
 - DEIS Schedule update.....Ami Hafkemeyer, EFSEC Staff
 - Adjudication 101.....Adam Torem, ALJ
 - i. Goose Prairie Solar
 - Project Updates.....Joe Wood EFSEC Staff
 - j. Badger Mountain
 - Project Updates.....Ami Hafkemeyer, EFSEC Staff
 - k. Whistling Ridge
 - Project Updates.....Ami Hafkemeyer, EFSEC Staff
 - l. High Top & Ostrea
 - Project Updates.....Ami Hafkemeyer, EFSEC Staff
 - m. Wautoma Solar
 - Project Update.....Ami Hafkemeyer, EFSEC Staff
6. 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

Energy Facility Site Evaluation Council

May 17, 2022



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Verbatim Transcript of Monthly Council Meeting - 5/17/2022

<p style="text-align: right;">Page 1</p> <hr/> <p style="text-align: center;">WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL Olympia, Washington Tuesday, May 17, 2022 1:30 p.m.</p> <hr/> <p style="text-align: center;">VIRTUAL MONTHLY COUNCIL MEETING Verbatim Transcript of Proceedings</p> <p style="text-align: center;">(All participants appeared via videoconference)</p> <p>REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358 Buell Realtime Reporting, LLC 1325 Fourth Avenue, Suite 1840 Seattle, Washington 98101 (206) 287-9066 Seattle (360) 534-9066 Olympia (800) 846-6989 National www.buellrealtime.com</p>	<p style="text-align: right;">Page 3</p> <p>1 LACEY, WASHINGTON; MAY 17, 2022 2 1:30 P.M. 3 --oOo-- 4 P R O C E E D I N G S 5 6 CHAIR DREW: Good afternoon. This is 7 Kathleen Drew, Chair of the Energy Site Evaluation 8 Council, bringing our meeting to order. 9 Ms. Owens, will you call the roll, please? 10 MS. OWENS: Department of Commerce? 11 MS. KELLY: Kate Kelly, present. 12 MS. OWENS: Department of Ecology? 13 MR. LEVITT: Eli Levitt, present. 14 MS. OWENS: Department of Fish and Wildlife? 15 MR. LIVINGSTON: Mike Livingston, present. 16 MS. OWENS: Department of Natural Resources? 17 MR. YOUNG: Lenny Young, present. 18 MS. OWENS: Utilities and Transportation 19 Commission? 20 MS. BREWSTER: Stacey Brewster, present. 21 MS. OWENS: Local Government and Optional 22 State Agencies for the Horse Heaven Project, Department 23 of Agriculture? 24 MR. SANDISON: Derek Sandison, present. 25 MS. OWENS: Benton County?</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S 2 KATHLEEN DREW, Chair 3 STACEY BREWSTER, Utilities and Transportation Commission 4 LENNY YOUNG, Department of Natural Resources 5 MIKE LIVINGSTON, Department of Fish and Wildlife 6 KATE KELLY, Department of Commerce 7 ELI LEVITT, Department of Ecology 8 9 Local Government and Optional State Agency for the Horse 10 Heaven Project and Badger Mountain Project: 11 DEREK SANDISON, Department of Agriculture 12 JORDYN GIULIO, Douglas County 13 14 Assistant Attorney General: 15 16 JON THOMPSON 17 18 Administrative Law Judge: 19 20 ADAM TOREM 21 22 EFSEC Staff: 23 24 SONIA BUMPUS 25 AMI HAFKEMEYER ANDREA GRANTHAM STEW HENDERSON JOE WOOD AMY WOOD JOAN OWENS PATTY BETTS Guests: OWEN HURD, TUSO ENERGY ERIC MELBARDIS, EDP Renewables STEFANO SCHNITGER, Chehalis Generation Facility CHRIS SHERIN, Grays Harbor Energy BILL SHERMAN, Counsel for The Environment MEGAN SALLOMI, Counsel for The Environment MARSHALL SCHMITT, Columbia Generating Station</p>	<p style="text-align: right;">Page 4</p> <p>1 For Badger Mountain Project, Douglas County? 2 MS. GIULIO: Jordyn Giulio, Douglas County, 3 present. 4 MS. OWENS: Assistant Attorney General? 5 MR. THOMPSON: This is Jon Thompson, 6 present. 7 MS. OWENS: Administrative Law Judges, Adam 8 Torem? 9 JUDGE TOREM: This is Judge Torem, present. 10 MS. OWENS: Laura Bradley? 11 For EFSEC Council Staff, Sonia Bumpus? 12 MS. BUMPUS: Sonia Bumpus, present. 13 MS. OWENS: Ami Hafkemeyer? 14 MS. HAFKEMEYER: Present. 15 MS. OWENS: Amy Moon? 16 MS. MOON: Amy Moon, present. 17 MS. OWENS: Joe Wood? 18 MR. WOOD: Joe Wood, present. 19 MS. OWENS: Patty Betts? 20 MS. BETTS: Present. 21 MS. OWENS: Stew Henderson? 22 MR. HENDERSON: Present. 23 MS. OWENS: Andrea Grantham? 24 MS. GRANTHAM? Present. 25 MS. OWENS: For the operation updates,</p>

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<p>1 Kittitas Valley Wind Project?</p> <p>2 Wild Horse Wind Power Project?</p> <p>3 CHAIR DREW: She's not available. I think I</p> <p>4 did hear Eric there.</p> <p>5 MS. OWENS: I will try Kittitas Valley one</p> <p>6 more time.</p> <p>7 Eric Melbardis, are you on the line?</p> <p>8 Grays Harbor Energy Center?</p> <p>9 MR. SHERIN: Grays Harbor Energy Center,</p> <p>10 this is Chris Sherin.</p> <p>11 MS. OWENS: Thank you.</p> <p>12 Chehalis Generation Facility?</p> <p>13 MR. SCHNITGER: Stefano Schnitger, present.</p> <p>14 MS. OWENS: Columbia Generating Station?</p> <p>15 MR. SCHMITT: Marshall Schmitt, present.</p> <p>16 MS. OWENS: Columbia Solar?</p> <p>17 MR. HURD: Owen Hurd, present.</p> <p>18 MS. OWENS: Council for The Environment,</p> <p>19 Bill Sherman?</p> <p>20 MR. SHERMAN: Present.</p> <p>21 MS. OWENS: Megan Sallomi?</p> <p>22 MS. SALLOMI: Present.</p> <p>23 MS. OWENS: Thank you.</p> <p>24 Chair, there is a quorum for the regular</p> <p>25 Council.</p>	<p>1 I do have a couple of corrections. So on</p> <p>2 page 28, lines 15 to 17, there was a couple phrases</p> <p>3 missing there. It reads -- if you can go there. That's</p> <p>4 page 28, lines 15 to 17. After, "Both sites are owned</p> <p>5 by a single landowner who has submitted in addition to</p> <p>6 the application," we need to insert the words, "a letter</p> <p>7 of support for the projects." As Ami -- "As Ami noted,</p> <p>8 each project is," and then it will conclude with "80</p> <p>9 megawatts."</p> <p>10 Also, on page 31, line 3, "microsigning"</p> <p>11 should be "micrositing," s-i-t-i-n-g. And on line 5,</p> <p>12 "sign" should be "site," s-i-t-e.</p> <p>13 Were there any other corrections or changes</p> <p>14 from anyone?</p> <p>15 Hearing none, all those in favor of</p> <p>16 approving the minutes as amended, please say "aye."</p> <p>17 COUNCILMEMBERS: Aye.</p> <p>18 CHAIR DREW: Opposed?</p> <p>19 The minutes are amended.</p> <p>20 Moving on to our facility updates, Kittitas</p> <p>21 Valley Wind Project, Mr. Melbardis?</p> <p>22 MR. MELBARDIS: Good afternoon, Chair Drew,</p> <p>23 EFSEC Council, and Staff. There was nothing nonroutine</p> <p>24 to report at Kittitas Valley for the period. For the</p> <p>25 record, this is Eric Melbardis, with EDP Renewables.</p>
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<p>1 CHAIR DREW: And for the Horse Heaven?</p> <p>2 MS. OWENS: Oh, pardon, yes. And for the</p> <p>3 Horse Heaven Council.</p> <p>4 CHAIR DREW: Thank you.</p> <p>5 Moving on to our proposed agenda, you have</p> <p>6 it here before you. Councilmembers, is there a motion</p> <p>7 to adopt the agenda?</p> <p>8 MS. KELLY: Kate Kelly, motion to adopt the</p> <p>9 agenda.</p> <p>10 MR. YOUNG: Lenny Young, second.</p> <p>11 CHAIR DREW: Thank you.</p> <p>12 Any discussion?</p> <p>13 All those in favor, please say "aye."</p> <p>14 COUNCILMEMBERS: Aye.</p> <p>15 CHAIR DREW: The agenda is adopted.</p> <p>16 Moving on to the draft minutes, which are</p> <p>17 before you and were in your packet, is there a motion to</p> <p>18 approve the minutes?</p> <p>19 MS. BREWSTER: This is Stacey Brewster. I</p> <p>20 move to approve the minutes from the April 19th Council</p> <p>21 meeting.</p> <p>22 CHAIR DREW: Thank you.</p> <p>23 MR. LIVINGSTON: This is Mike Livingston. I</p> <p>24 will second that motion.</p> <p>25 CHAIR DREW: Thank you.</p>	<p>1 CHAIR DREW: Thank you.</p> <p>2 Moving on to Wild Horse Wind Power Project,</p> <p>3 Ms. Moon?</p> <p>4 MS. MOON: Thank you, Chair Drew. As</p> <p>5 Jennifer Galbraith is not here, I will just report that</p> <p>6 there's no nonroutine items to report. The April</p> <p>7 generation totaled 62,978 megawatt hours for an average</p> <p>8 capacity factor of 32.09 percent.</p> <p>9 CHAIR DREW: Thank you.</p> <p>10 Chehalis Generation Facility, Mr. Schnitger?</p> <p>11 MR. SCHNITGER: Good afternoon, Chair Drew,</p> <p>12 Councilmembers, and Staff. The Chehalis Generation</p> <p>13 Facility has a personnel change to report for the month</p> <p>14 of April. Michael Adams was hired as the new plant</p> <p>15 manager on April 21st.</p> <p>16 CHAIR DREW: Thank you.</p> <p>17 Grays Harbor Energy Center, Mr. Sherin?</p> <p>18 MR. SHERIN: Good afternoon, Chair Drew,</p> <p>19 Councilmembers, and Staff. For the month of April, the</p> <p>20 only nonroutine item I have to report is under the --</p> <p>21 you'll see in the notes, our operating updates is under</p> <p>22 the upcoming projects.</p> <p>23 We submitted an application for modification</p> <p>24 to our Air Operating Permit. Grays Harbor Energy Center</p> <p>25 is currently authorized to under -- operate under PSD</p>

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<p>1 Permit EFSEC/2001-01, Amendment 5, and Federal Operating 2 Permit EFSEC/94-01 Air Operating Permit initial. 3 So Grays Harbor Energy Center's current Air 4 Operating Permit was issued June 17th, 2020. And we're 5 requesting to amend our Air Operating Permit to reflect 6 the equipment upgrades that were approved with our Site 7 Certification Amendment approved in December of 2020. 8 Because of the equipment upgrades, EFSEC amended the 9 Prevention of Significant Deterioration Permit, 10 Amendment 5, in January of 2021. 11 Our operating permit needs to be updated to 12 reflect both the equipment upgrade and the PSD 13 Amendment. 14 That's all I have. 15 CHAIR DREW: Thank you. So you're working 16 with EFSEC Staff and the Air Agency on those permits 17 that will then come before us? 18 MR. SHERIN: Yes, Chair Drew. We just 19 submitted the request. 20 CHAIR DREW: Okay. Thank you very much. 21 Are there any other questions from the 22 Councilmembers? 23 Okay. Hearing none, moving on to Columbia 24 Generating Station, Mr. Schmitt? 25 MR. SCHMITT: Good afternoon, Chair Drew,</p>	<p>1 we detected in -- in two samples taken from the 2 composite sampler were 476 picocuries per liter and 3 900 picocuries per liter, and those samples were taken 4 about a month apart. 5 Also, they are well below the drinking water 6 limit of 20,000 picocuries per liter. 7 We're investigating the source of the 8 tritium, but it correlates with the commissioning of the 9 new Surface Water Treatment Facility that we're 10 constructing at the Industrial Development Complex. 11 There's no evidence to suggest that the 12 recent detection of tritium is related to the operation 13 of Columbia Generating Station. But the source water to 14 the water treatment facility does come from the Columbia 15 River, and Energy Northwest is engaged with the United 16 States Department of Energy for insight on the state of 17 known tritium plumes that are coming from the Hanford 18 Site, which all of our -- I say "all," Columbia and 19 Industrial Development Complex are situated upon. 20 We are currently developing an incident 21 report and investigation plan as requested by EFSEC for 22 a path forward. 23 That is all I have to report. 24 CHAIR DREW: Thank you. 25 Are there questions from Councilmembers?</p>
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<p>1 EFSEC Council, and Staff. This is Marshall Schmitt, 2 reporting for Energy Northwest. I have two main items 3 to report for the month of April. 4 First, on April 11th, Energy Northwest 5 notified EFSEC that we had a discrepancy in the runtime 6 meters for two of our Emergency Diesel Generators. And 7 this discrepancy challenges compliance with EFSEC 8 Order 873. 9 Specifically, we identified that the meters 10 are designed only to record engine runtime once the 11 engines reach rated speed and they stop recording when 12 the engine is switched to idle. 13 Energy Northwest met with EFSEC and 14 Department of Ecology on May 3rd to discuss this 15 discrepancy. 16 Despite the discrepancy, the actual engine 17 runtime is well below the limits in EFSEC Order 873. 18 And moreover, we have other methods in place to verify 19 the actual engine operational hours, which are going to 20 be used in the interim while we work with EFSEC and 21 Ecology to determine the appropriate corrective actions. 22 The second item I have to report, on 23 April 14th, Energy Northwest notified EFSEC that tritium 24 was detected in the Sanitary Waste Treatment Facility 25 influent composite sampler. The amount of activity that</p>	<p>1 Okay. We look forward to the resolution and 2 finding the source of that. Thank you. 3 MR. SCHMITT: Thank you, Chair Drew. 4 CHAIR DREW: Moving on to Columbia Solar, 5 Mr. Hurd? 6 MR. HURD: Good afternoon, Chair Drew, 7 Councilmembers, and EFSEC Staff. This is Owen Hurd, 8 from TUUSSO Energy, reporting on the Columbia Solar 9 projects. Just a quick construction update. 10 On Penstemon, PSE seems to have resolved the 11 final communications issues with the interconnection. 12 We'll get final confirmation on that tomorrow, but as of 13 last week, it looked like that was resolved. 14 On Camas, we achieved mechanical completion 15 on March 23rd, and substantial completion is now 16 expected June 10th, following resolution of these two 17 items. 18 The inverter malfunction issue has since 19 been resolved. And as mentioned above, the Penstemon 20 communication issues, which this is waiting on, has also 21 been resolved. We're doing a full witness test today 22 with PSE, so that's currently underway. 23 And then on Urtica, pile remediation is 24 still underway. Concrete collars being placed on 25 twisted piles. No change in schedule. Mechanical</p>

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<p>1 completion is expected late June, substantial is late 2 July.</p> <p>3 Other than that, the new site restoration 4 financial assurance has been posted by Greenbacker, and 5 I think that the hard copy of the standby trust, I think 6 EFSEC Staff is still awaiting the hard copy of the 7 standby trust agreement. But that is supposedly in 8 transit.</p> <p>9 And we've been updating our impact 10 calculations based on final layouts, which we will be 11 using to form an updated planting plan that we will be 12 submitting to EFSEC Staff shortly.</p> <p>13 CHAIR DREW: Thank you. 14 Are there any questions from Councilmembers? 15 Thank you.</p> <p>16 Moving on to the next item, which is Desert 17 Claim Wind Power Project, Ms. Moon.</p> <p>18 MS. MOON: Good afternoon, Council Chair 19 Drew and members of the Council. For the record, this 20 is Amy Moon, providing the Desert Claim update. 21 EFSEC Staff continue to coordinate with 22 Desert Claim; however, there are no project updates at 23 this time.</p> <p>24 CHAIR DREW: Thank you. 25 Moving on to the Horse Heaven Wind Farm,</p>	<p>1 on EFSEC's work with the Washington Attorney General's 2 Office on a land use order, as well as a brief update on 3 the adjudication plans.</p> <p>4 CHAIR DREW: Thank you. 5 Ms. Hafkemeyer?</p> <p>6 MS. HAFKEMEYER: Thank you, Chair Drew and 7 Ms. Moon. Good afternoon, Council. For the record, 8 this is Ami Hafkemeyer. In your Council packet is the 9 draft Land Use Order as directed by the Council to be 10 prepared at the April Council meeting.</p> <p>11 Judge Torem is on the line, as well as Jon 12 Thompson, if there are any questions. EFSEC Staff are 13 recommending that the Council vote to approve this draft 14 order at today's meeting.</p> <p>15 CHAIR DREW: Thank you. We can take this 16 item up now, and then we'll come back for the update on 17 the adjudication.</p> <p>18 Councilmembers, you have the proposed draft 19 order on land use consistency. Are there questions or 20 discussion?</p> <p>21 MS. BREWSTER: This is Stacey Brewster. Not 22 so much question, as this is a process we've been 23 working through most recently. I do want to thank Staff 24 and attorney generals and Judge Torem for their work on 25 this. It was quite clear and informative. Thank you.</p>
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<p>1 Ms. Moon, the SEPA update, please.</p> <p>2 MS. MOON: Yes. Good afternoon, Council. 3 This is Amy Moon once again. In April, EFSEC Staff 4 continued to work on the preparation of the draft 5 Environmental Impact Statement, or draft EIS. This 6 includes working closely with our contractor, Golder, 7 reviewing their draft EIS chapters, refining chapters, 8 and developing proposed minimization and mitigation 9 opportunities.</p> <p>10 The draft EIS agency coordination in the 11 past month has continued the draft EIS chapter reviews 12 in conjunction with other Washington State agencies who 13 are the State environmental resource experts.</p> <p>14 EFSEC Staff continue to work closely with 15 the Washington Department of Fish and Wildlife on 16 wildlife and habitat issues, including impact analysis 17 and opportunities for avoidance and minimization of 18 impacts.</p> <p>19 The work continues to support the applicant 20 in refining an updated mitigation plan.</p> <p>21 Does the Council have any questions? 22 CHAIR DREW: Are there any questions from 23 Councilmembers? 24 MS. MOON: Okay. Then moving on. If there 25 are no questions, Ami Hafkemeyer will present an update</p>	<p>1 CHAIR DREW: Thanks. 2 So to recap maybe a little bit more 3 information. The Land Use Consistency Order is one part 4 of our process, which EFSEC is required to do, and it's 5 laid out in the order.</p> <p>6 So, members of the public, you can also look 7 at the order. But essentially what we're -- what we're 8 saying in this order is that we -- the plans for the 9 Horse Heaven project are consistent and in compliance 10 with the overall land use requirements of Benton County.</p> <p>11 Saying not -- since it's an allowable use 12 that's allowed conditionally under the Benton County 13 land use, then we are just saying in this order 14 essentially that it is an allowable use.</p> <p>15 We will come back in future. We're not -- 16 in -- in this action, we are not taking up the whole of 17 the project. We are taking up only whether or not this 18 is an allowable use within the local land use.</p> <p>19 So if there are conditions that come up that 20 the project needs to address, those will come up during 21 adjudication.</p> <p>22 So I just wanted to make that clear, that 23 that is essentially the action that the Council is being 24 asked to make today. 25 Are there any questions? Any other</p>

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<p>1 questions or comments?</p> <p>2 I will address just the last part on page 9.</p> <p>3 The Council orders that Scout Clean Energy's</p> <p>4 application is consistent and in compliance with local</p> <p>5 land use plans and zoning regulations.</p> <p>6 Two, that Scout Clean Energy's application</p> <p>7 would require a conditional use permit under local</p> <p>8 zoning regulations.</p> <p>9 And three, the matter shall be set for an</p> <p>10 adjudication to consider any conditions which might be</p> <p>11 required for the construction, operation, and</p> <p>12 maintenance of the facility with growth management --</p> <p>13 I'm not sure what GMAAD is there -- consistent with</p> <p>14 Benton County's conditional use criteria in effect at</p> <p>15 the time of the application for site certification was</p> <p>16 filed with EFSEC.</p> <p>17 The adjudication may be held concurrent with</p> <p>18 or separate from the adjudication related to the</p> <p>19 application for site certification agreement.</p> <p>20 So that is essentially the action that the</p> <p>21 Council would take if you were to approve this order.</p> <p>22 MS. BUMPUS: Chair Drew?</p> <p>23 CHAIR DREW: Yes?</p> <p>24 MS. BUMPUS: Thank you, Chair Drew. For the</p> <p>25 record, this is Sonia Bumpus.</p>	<p>1 going to take a stab at it, but I thought perhaps our AG</p> <p>2 would be most appropriate. Go ahead.</p> <p>3 MR. THOMPSON: Okay. Right. So -- so</p> <p>4 the -- the EFSEC process of reviewing an application for</p> <p>5 site certification takes the place of local conditional</p> <p>6 use permitting. So -- so there is no conditional use</p> <p>7 permit process before the County when a -- when a</p> <p>8 facility comes to EFSEC for a site certification</p> <p>9 agreement.</p> <p>10 But as Chair Drew was saying earlier and --</p> <p>11 and kind of reciting the last directives of the order</p> <p>12 there, where -- where the Commission -- or excuse me,</p> <p>13 where the Council can determine as here that -- that a</p> <p>14 proposed land use is not -- not prohibited by local</p> <p>15 zoning, but it is -- it is something that can be</p> <p>16 permitted as a conditional use, then it's been EFSEC's</p> <p>17 practice to say that that's -- that it's consistent and</p> <p>18 in compliance with local land use plans and zoning</p> <p>19 ordinances.</p> <p>20 But then to essentially have the same sort</p> <p>21 of process as you would have at the County where the</p> <p>22 applicant has to go before a hearing examiner and</p> <p>23 demonstrate that it meets -- or that it can meet with</p> <p>24 the imposition of conditions, the -- the County's</p> <p>25 conditional use criteria.</p>
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<p>1 Chair Drew, in -- in the draft order that</p> <p>2 the Council is reviewing in their packets, I believe the</p> <p>3 GMAAD is referring to the Growth Management Act</p> <p>4 agricultural land use designation.</p> <p>5 CHAIR DREW: Thank you.</p> <p>6 MS. BUMPUS: And then there is another</p> <p>7 section -- I found this on page 8 -- where it refers to</p> <p>8 the Growth Management Act Agricultural District.</p> <p>9 CHAIR DREW: Thank you. I hadn't made</p> <p>10 that -- when I saw the letters, I hadn't remembered</p> <p>11 exactly what it was, so I appreciate you finding that</p> <p>12 within the document and bringing that to our attention.</p> <p>13 Okay. Thank you.</p> <p>14 Are there questions from Councilmembers?</p> <p>15 Mr. Young.</p> <p>16 MR. YOUNG: Thank you, Chair Drew.</p> <p>17 Could Staff explain the time relationship</p> <p>18 between EFSEC's adjudication and Scout Clean Energy</p> <p>19 obtaining an approved conditional use permit under local</p> <p>20 zoning regulations? Is EFSEC's process contingent upon</p> <p>21 the applicant containing that permit or is it separate</p> <p>22 from that?</p> <p>23 CHAIR DREW: I --</p> <p>24 MR. THOMPSON: So this is Jon Thompson.</p> <p>25 CHAIR DREW: Thank you, Mr. Thompson. I was</p>	<p>1 So -- so basically that -- that part of the</p> <p>2 County process is sort of subsumed and taken up in</p> <p>3 EFSEC's adjudication process when -- when -- when EFSEC</p> <p>4 is having an adjudication for a particular application</p> <p>5 process.</p> <p>6 So hopefully that -- hopefully that explains</p> <p>7 it.</p> <p>8 MR. YOUNG: Yeah, I think so. I guess to me</p> <p>9 that -- that sounds like really point number two under</p> <p>10 the Council orders is mooted out and is not a</p> <p>11 requirement, and it's replaced by EFSEC's adjudication;</p> <p>12 is that correct?</p> <p>13 MR. THOMPSON: I'm not -- I'm not certain</p> <p>14 what you mean by "point number two."</p> <p>15 MR. YOUNG: The point that says under the</p> <p>16 Council orders, it says, "Scout Clean Energy's</p> <p>17 application would require a conditional use permit under</p> <p>18 local zoning regulations."</p> <p>19 Does that mean, if the applicant was trying</p> <p>20 to get the project permitted under local authority, it</p> <p>21 would require that permit, but it's not required if the</p> <p>22 applicant is proceeding through EFSEC?</p> <p>23 MR. THOMPSON: Yes, that's exactly right.</p> <p>24 MR. YOUNG: Okay. Thank you for that</p> <p>25 clarification. Appreciate that.</p>

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<p>1 CHAIR DREW: Yes. And at the same time, we 2 both are -- EFSEC is required to take into consideration 3 any conditions that would be required under the local 4 county law as well. 5 So -- so essentially EFSEC is bringing those 6 conditions under consideration in a later part of the 7 process because we do need to consider that. 8 MR. YOUNG: Right. But as a matter of 9 permitting process, because of the manner in which the 10 applicant is proceeding through EFSEC, it does not also 11 need to obtain a conditional use permit from the County? 12 CHAIR DREW: Correct. 13 MR. YOUNG: Okay. Thank you very much. 14 CHAIR DREW: Yep. Thank you. 15 Are there any additional questions or 16 discussion? 17 MS. KELLY: Chair Drew, this is Kate Kelly. 18 CHAIR DREW: Go ahead. 19 MS. KELLY: And so this -- this might be 20 another question for Jon, but I'm just trying to 21 understand the difference between the zoning 22 regulations, what's referred to as the zoning 23 regulations, and then the comprehensive plan, which may 24 or may not be the same as the local land use plans. 25 So just about the -- and I -- and it may</p>	<p>1 zoning code. 2 MS. KELLY: A follow-up, Chair Drew. 3 CHAIR DREW: Yes. 4 MS. KELLY: So -- and in the part of the 5 order that's on the screen right now, Jon, is the -- 6 under line 34(1), it says that the application is 7 consistent and in compliance with local land use plans. 8 That's not a comprehensive plan. 9 MR. THOMPSON: It is the comprehensive plan. 10 MS. KELLY: Okay. 11 MR. THOMPSON: Yes. 12 CHAIR DREW: If I can add a little further, 13 it is consistent and in compliance because it's an 14 allowable use in the agricultural district and requires 15 a conditional use permit. 16 MR. THOMPSON: Yeah. I might just offer 17 one -- one correction maybe to that. There's sort of a 18 terminology that's used sometimes between "allowable 19 uses" and "conditionally permitted uses." 20 CHAIR DREW: Thank you. 21 MR. THOMPSON: So -- yeah. So there's 22 some -- some -- some uses might be allowed outright, 23 meaning you don't have to get a conditional use permit 24 for them. 25 But in this case, a solar or wind farm,</p>
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<p>1 become an issue when we do the equivalency with the 2 conditional use, but just trying to understand what we 3 are deciding this application is consistent with. 4 CHAIR DREW: Mr. Thompson? 5 MR. THOMPSON: Right. So -- so the -- the 6 zoning ordinances are adopted to -- you know, consistent 7 with and to -- and to implement the comprehensive plan, 8 which is a more general sort of a planning document. 9 So sort of where the rubber hits the road, 10 so to speak, is the actual zoning ordinances that say 11 what uses are allowed outright or can be conditionally 12 permitted within a particular zoning district. 13 So, you know, once the County has -- has 14 adopted a zoning code, then, I mean, that really becomes 15 the relevant consideration. 16 The -- sometimes the conditional use 17 criteria will, you know, point to -- point back to the 18 comprehensive plan, you know, the goals of it, and so 19 forth and -- and point to a need for consistency with 20 the goals of a particular district, you know, or what 21 have you. 22 So it doesn't -- it doesn't become 23 completely irrelevant, but the real details of what's 24 permitted and under what conditions in a particular 25 zoning district is -- is really spelled out in the</p>	<p>1 major solar or wind farms within this particular 2 agricultural district are not allowed outright, but they 3 are potentially permissible as a conditional use. So... 4 CHAIR DREW: Thank you for that 5 clarification. 6 Other questions or comments? Discussion? 7 I think what I need is a motion. I don't 8 believe we have a motion before us yet. 9 A motion to approve Council order? 10 MR. YOUNG: Lenny Young, so moved. 11 CHAIR DREW: Thank you. 12 Second? 13 MS. BREWSTER: Stacey Brewster, second. 14 CHAIR DREW: Thank you. 15 I would like us to have a roll call vote on 16 the order. Ms. Owens? 17 MS. OWENS: Department of Commerce? 18 MS. KELLY: Kate Kelly, aye. 19 MS. OWENS: Department of Ecology? 20 MR. LEVITT: Eli Levitt, aye. 21 MS. OWENS: Department of Fish and Wildlife? 22 MR. LIVINGSTON: Mike Livingston, aye. 23 MS. OWENS: Department of Natural Resources? 24 MR. YOUNG: Lenny Young, aye. 25 MS. OWENS: Utilities and Transportation</p>

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<p>1 Commission?</p> <p>2 MS. BREWSTER: Stacey Brewster, aye.</p> <p>3 MS. OWENS: EFSEC Chair?</p> <p>4 CHAIR DREW: Kathleen Drew, aye.</p> <p>5 Is Mr. Brost on the line?</p> <p>6 MS. OWENS: No. But Department of</p> <p>7 Agriculture, Derek Sandison, should be on the line.</p> <p>8 MR. SANDISON: Derek Sandison, aye.</p> <p>9 CHAIR DREW: Thank you.</p> <p>10 MS. OWENS: The ayes have it, Chair Drew.</p> <p>11 CHAIR DREW: Thank you.</p> <p>12 Thank you all. So we have approved the</p> <p>13 order for land use consistency or for finding the</p> <p>14 proposed site consistent with land use regulations.</p> <p>15 Moving on now to the next portion of our</p> <p>16 conversation on -- are we going to talk about</p> <p>17 adjudication now, Ms. Hafkemeyer?</p> <p>18 MS. HAFKEMEYER: Thank you, Chair Drew. I</p> <p>19 only have a brief update on the adjudication.</p> <p>20 Staff are still working closely with Judge</p> <p>21 Torem to weigh decisions regarding hearing logistics and</p> <p>22 timing. We anticipate having more information on the</p> <p>23 prehearing conference and adjudication available to the</p> <p>24 Council and the public at the next Council meeting.</p> <p>25 CHAIR DREW: Okay. Thank you.</p>	<p>1 that was open from March 14th through April 12th. EFSEC</p> <p>2 Staff received 14 comments from the public, seven</p> <p>3 comment letters from other State agencies, and one</p> <p>4 comment letter from the Yakima Nation.</p> <p>5 We are working with our contractor to</p> <p>6 develop recommendations to the SEPA-responsible</p> <p>7 official, Ms. Bumpus, on what topics we would recommend</p> <p>8 to include in the Environmental Impact Statement, or</p> <p>9 EIS, for the proposal.</p> <p>10 And Staff are also continuing to coordinate</p> <p>11 with the applicant and our contracted agencies on our</p> <p>12 review of the application.</p> <p>13 Are there any questions?</p> <p>14 CHAIR DREW: Are there any questions?</p> <p>15 Are those SEPA comment letters available on</p> <p>16 our website at this point?</p> <p>17 MS. HAFKEMEYER: Yes. All the comments that</p> <p>18 we received are available on the project website for --</p> <p>19 sorry, on the Badger Mountain page of the EFSEC website.</p> <p>20 CHAIR DREW: Okay. Thank you.</p> <p>21 Moving on to Whistling Ridge Energy Project,</p> <p>22 Ms. Hafkemeyer.</p> <p>23 MS. HAFKEMEYER: Thank you, Chair Drew. At</p> <p>24 the April Council meeting, Staff provided an update</p> <p>25 about the Whistling Ridge project that Staff were</p>
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<p>1 Are there any questions from the</p> <p>2 Councilmembers?</p> <p>3 Thank you all.</p> <p>4 Moving to the next item on our agenda, I</p> <p>5 think we're on Goose Prairie Solar Project. We are.</p> <p>6 And...</p> <p>7 MR. WOOD: Hello, this is -- this is Joe</p> <p>8 Wood.</p> <p>9 CHAIR DREW: It's you. Okay, Mr. Wood. I</p> <p>10 was looking for my agenda so I could make sure --</p> <p>11 MR. WOOD: No problem.</p> <p>12 CHAIR DREW: -- who was coming next. Go</p> <p>13 ahead.</p> <p>14 MR. WOOD: This is Joe -- Joe Wood,</p> <p>15 providing the update on the Goose Prairie Solar Project.</p> <p>16 Currently, EFSEC and the applicant are</p> <p>17 working together to put together various preconstruction</p> <p>18 plans and permits for the next phase of the projects and</p> <p>19 will update the Council and Staff in future meetings.</p> <p>20 That's it.</p> <p>21 CHAIR DREW: Thank you.</p> <p>22 For Badger Mountain, Miss Hafkemeyer?</p> <p>23 MS. HAFKEMEYER: Thank you, Chair Drew.</p> <p>24 EFSEC Staff are reviewing the State Environmental Policy</p> <p>25 Act, or SEPA, scoping comments from the comment period</p>	<p>1 working with the developer to prepare an amendment to</p> <p>2 the current Whistling Ridge Site Certification</p> <p>3 Agreement, or SCA.</p> <p>4 At that meeting, Councilmember Young</p> <p>5 requested that Staff bring the Council up to date on the</p> <p>6 activity related to the project. In response to that</p> <p>7 request, Staff has enclosed related documents in your</p> <p>8 packets, and these include the five-year update that was</p> <p>9 provided to the Council in 2018 by the developer.</p> <p>10 Also available in the Council packet is the</p> <p>11 developer's request for an extension of the SCA dated</p> <p>12 March 2nd, as well as a letter from the developer,</p> <p>13 indicating that an SCA transfer request would be</p> <p>14 forthcoming to EFSEC and requests that the Council</p> <p>15 consider these actions together.</p> <p>16 Are there any questions about these</p> <p>17 documents before I provide an overview of the history of</p> <p>18 this project up to this point?</p> <p>19 CHAIR DREW: Are there any questions right</p> <p>20 now?</p> <p>21 Go ahead.</p> <p>22 MS. HAFKEMEYER: Thank you. The application</p> <p>23 for the project was submitted to EFSEC in 2009. In</p> <p>24 2012, then Governor Gregoire approved the Site</p> <p>25 Certification Agreement.</p>

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<p>1 In 2013, the Washington Supreme Court issued 2 a decision, denying an appeal of the project. 3 Between 2013 and 2015, Bonneville Power 4 Administration, or BPA, worked on a national 5 Environmental Policy Act final Environmental Impact 6 Statement and its supplement in response to comments 7 that they had received. 8 In 2018, the Ninth Circuit Court of Appeals 9 issued a decision, denying an appeal filed in 2015 10 regarding BPA's decision to grant interconnection of the 11 project. 12 Between 2018 and 2022, the original 13 certificate holder began discussions regarding the sale 14 of the company assets to multiple potential buyers, 15 which included the sale of the property Whistling Ridge 16 would be build on to Twin Creeks lumber -- I'm sorry, 17 Twin Creeks Timber, LLC, who are managed by Green 18 Diamond Management Company, and that brings us to the 19 present. 20 EFSEC's rule in Washington Administrative 21 Code 463-66-030 addresses requests for amendments to 22 Site Certification Agreements and indicates that the 23 Council consider the request for SCA amendment and 24 determine a schedule for action at the next feasible 25 Council meeting.</p>	<p>1 Supreme Court challenging the Site Certification 2 Agreement and the litigation that led to the Ninth 3 Circuit challenging BPA's work? Is that possible or -- 4 or -- or is that asking too much for right here on the 5 spot? 6 MS. BUMPUS: Chair Drew, if I may. 7 I -- thank you for the -- for the question, 8 Councilmember Young. I -- I think that it might be a 9 good idea if we have the folks from Whistling Ridge, 10 perhaps their legal counsel. I'm not sure if they're on 11 the line, but we could potentially schedule a time for 12 them to come in and do an update about those 13 particulars. 14 I'd want us to be -- I'd want the Staff to 15 be very careful about trying to characterize the 16 actions -- 17 MR. YOUNG: Sure. 18 MS. BUMPUS: -- for the litigation. 19 MR. YOUNG: Also, alternatively, would it be 20 possible to provide some links to the -- to the 21 appropriate documents around those two court cases? 22 MS. BUMPUS: Yes, I think that would be -- 23 that would be something we could probably do. 24 MR. YOUNG: I'm certainly not asking for a 25 legal interpretation. I'm just curious as to the</p>
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<p>1 In this case, the developer has requested 2 that the extension and the request for transfer of 3 ownership be considered together. 4 Based on our discussions with the developer, 5 Staff recommends that the Council wait to set a schedule 6 of the review of the SCA amendment request until such a 7 time that the developer provides the other materials 8 needed to complete the amendment request. 9 We believe this would be in accordance with 10 WAC 463-66-030 and would allow the Council to take up 11 all aspects of the amendment request under one review 12 process. 13 Are there any questions? 14 CHAIR DREW: Do you have an idea of how long 15 it might take for the rest of -- for us to receive the 16 rest of the application materials? 17 MS. HAFKEMEYER: The developer anticipates 18 submitting the rest of the materials tentatively in the 19 next few weeks, but certainly no later than the end of 20 June. 21 CHAIR DREW: Thank you. 22 Mr. Young? 23 MR. YOUNG: Yeah. Would our -- question for 24 Staff. Are you prepared or could you summarize the 25 nature of the litigation that led to the Washington</p>	<p>1 general nature of the challenges, and if -- if we had 2 access to the relevant court documents, I think that 3 could be quickly discerned. 4 CHAIR DREW: That would be a great idea. 5 MS. HAFKEMEYER: If I could jump in here 6 briefly, Councilmember Young. There are links to some 7 of that information. I don't know that it's necessarily 8 all of the information you're looking for, but some of 9 the information on the appeals and some of the judicial 10 review on the Whistling Ridge project of EFSEC's 11 website. 12 MR. YOUNG: Great. Thank you. 13 CHAIR DREW: And maybe if we could ask 14 Mr. Thompson, if you could at least help us with making 15 sure we have the documents pertinent to the State 16 Supreme Court on our website. I think what we don't 17 have is -- and we weren't involved in -- was the case 18 that -- that involved BPA. 19 MR. YOUNG: And I'd like to maybe just be 20 clear for the record that my interest in this is more to 21 fully understand the history of what's taken place in 22 the past, and I'm not trying to connect any past events 23 to anything new or anything that is going forward. 24 CHAIR DREW: I think that's a -- I think 25 it's a good idea just for us to have the knowledge of</p>

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<p>1 that history. So I appreciate that. Thank you. 2 Are there other questions? 3 MS. KELLY: Chair Drew? 4 CHAIR DREW: Go ahead, Ms. Kelly. 5 MS. KELLY: Thank you. I just -- I read 6 through the whole document. I just got a little con- -- 7 so the extension is the request for three years because 8 the SCA has been in place for ten years now, although a 9 lot of that was taken up with litigation. 10 And -- and the amendment is a separate 11 thing. We're not amending the SCA to extend the time; 12 correct? That's a separate action? 13 CHAIR DREW: Either Ms. Hafkemeyer or 14 Ms. Bumpus, if you want to answer the question, what the 15 extension -- the other piece that's not yet -- that we 16 don't yet have is the transfer of ownership. 17 Ms. Bumpus -- oh, either one. 18 MS. HAFKEMEYER: Sure. I can -- I can hop 19 in here. So they are two separate -- two separate 20 items. We just also have a request from the developer 21 that they be considered together. 22 One action is the request for extension 23 because the project is -- was certified quite some time 24 ago. The new owner would like some time to take action, 25 such as do some -- some renewed fieldwork to update</p>	<p>1 agencies, such as WDFW, Ecology, Department of Natural 2 Resources, and Department of Archeology and Historic 3 Preservation to begin coordination of their review of 4 the application. 5 EFSEC Staff are also working to schedule the 6 public informational meeting and land use consistency 7 hearing for this project, which is currently tentatively 8 set for Wednesday evening, June 1st. 9 Are there any questions? 10 CHAIR DREW: You should have access to the 11 application materials, and we do have some hard copies 12 available, as well as some thumb drives available. So 13 be sure to contact Ms. Owens if you would like one of 14 those for this project. 15 Any questions? 16 Okay. Thanks. 17 Moving on to Wautoma Solar Project, 18 Ms. Hafkemeyer? 19 MS. HAFKEMEYER: Thank you. EFSEC Staff 20 received application materials for a proposed facility 21 referred to as Wautoma Solar, which is a 470-megawatt 22 solar facility with battery storage proposed in Benton 23 County. 24 EFSEC Staff are coordinating with our 25 contracted agencies to initiate review and looking to</p>
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<p>1 their studies that were initially associated with the 2 project. 3 And then there is another action related to 4 the transfer of ownership. Because of the sale of the 5 property, one of the requirements of Site Certification 6 Agreement is that the Council approve of the transfer of 7 Site Certification Agreements. 8 So there are two actions: One request for 9 the transfer of ownership and one request for an 10 extension. But the developer has requested that the 11 Council consider that actions together. And that's in 12 the letter in your Council packet as well. 13 CHAIR DREW: And that would be -- that -- 14 that is an amendment request, which I think is what your 15 specific question was. 16 MS. KELLY: Thank you. 17 CHAIR DREW: Are there other questions? 18 Okay. We will consider -- we will continue 19 to provide information. The Staff will continue to 20 provide information about this as we move forward. 21 Okay. Moving on to the High Top and Ostrea 22 Solar Project update. 23 MS. HAFKEMEYER: Thank you. EFSEC Staff are 24 currently working on our review of the application for 25 these projects. We have also reached out to other</p>	<p>1 schedule the initial required meetings for the proposal. 2 Laura O'Neil, with the developer, has 3 prepared a brief presentation for the Council on this 4 project. 5 CHAIR DREW: Thank you. 6 Ms. O'Neil? 7 MS. O'NEIL: Hello. Thanks for having me 8 today. I can either share my screen and run the slides 9 myself, but I think I would need to be granted 10 permission to do that, or someone else could just roll 11 through the slides that are included in the packet. 12 CHAIR DREW: Ms. Owens? 13 MS. OWENS: One moment and I can make you a 14 presenter as soon as I find you on the list here. 15 MS. O'NEIL: Great. Okay. There we go. 16 Okay. Are my slides showing? 17 CHAIR DREW: Yes, we can see them. 18 MS. O'NEIL: Perfect. Okay. 19 Thank you, Chair Drew, Councilmembers, and 20 all attendees for having me here today to present about 21 the proposed Wautoma Solar Project. My name is Laura 22 O'Neil. I'm the senior coordinator of environment for 23 Innergex Renewable Energy. 24 We will provide an introduction. 25 As you know, our application for site</p>

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<p>1 certification was submitted on May 6th. Innergex 2 develops, constructs, and operates renewable energy 3 projects that we own for the long term. We believe in 4 sustainable development that balances people, our 5 planet, and prosperity. 6 We were invented over 30 years ago, in 1990. 7 Innergex is a global leader with solar, wind, and hydro 8 operations across the United States, Canada, Chile, and 9 France. 10 We currently have 80 facilities in 11 operation. While our headquarters are in Canada, we've 12 worked in the U.S. for over 15 years and have a main 13 office in San Diego, with regional offices in Hawaii, 14 Massachusetts, and Texas. 15 In response to Washington's clean energy 16 mandates, we're proposing a project of up to 470 17 megawatts with a four-hour battery energy storage system 18 as an option. 19 At this output, we would have enough to 20 power over 70,000 Washington households. And for 21 reference, the county in which we're located, Benton 22 County, contains approximately 74,000 households. 23 As mentioned, we're in Benton County. We're 24 located about 12 and a half miles northeast of Sunnyside 25 and one mile south of the State Routes 241 and 24</p>	<p>1 Of course, through the permitting and 2 engineering process, we anticipate changes to the 3 project size or configuration may occur. 4 We have engaged Tetra Tech as our lead 5 environmental consultant for the project. In 6 preparation for the application for site certification, 7 they've conducted field surveys and completed a part 8 four analysis of all relevant environment aspects. 9 This included standalone studies on the 10 following topics: Wetland delineation, plant and 11 wildlife habitat, cultural and archaeological resources, 12 visual and acoustic impacts, glint and glare, and 13 traffic and transportation. 14 Once completed, several plans will be 15 developed to describe how we will avoid, minimize, and 16 mitigate potential impacts through construction and 17 operation. A list of these plans is on the next slide. 18 There are many stakeholders for the project. 19 Agencies, EFSEC, of course, along with others, such as 20 WDFW, Ecology, and DAHP, tribal governments, Benton 21 County commissioners, our participating landowners, as 22 well as adjacent landowners. 23 To date, we've held several meetings to 24 introduce the project to the community. We had an 25 in-person meeting in March with participating and</p>
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<p>1 interchange. 2 We've chosen this location for several 3 reasons. It has an excellent solar resource. It's 4 adjacent to a point in the regional transmission system, 5 which will not require substantial upgrades. 6 We'll interconnect to the BTA Wautoma 7 substation, which is located within the project area. 8 The site is generally level and open with few 9 environmental constraints. And importantly, we're 10 fortunate to be working with interested and supportive 11 landowners. 12 And here, you'll see our preliminary layout. 13 While we've studied more than 3500 acres, the blackout 14 line, the solar field, and associated infrastructure as 15 currently contemplated are anticipated to occupy about 16 3,000 acres. 17 This land has avoided environmental and 18 cultural resource constraints identified from field 19 investigations, including wetlands and streams, a 20 burrowing owl nest, a cystic half-moon up in the 21 northwest corner, and small patches of callous habitat 22 and Columbia milk vetch. 23 We've also incorporated passageways through 24 the solar array fencing to allow big game to pass 25 through the project area.</p>	<p>1 adjacent landowners, a virtual meeting open to the 2 public was held in April, and we presented to the Benton 3 County Board of Commissioners just this morning. 4 As far as jobs and services go, we -- we 5 always strive to buy locally and hire local contractors 6 where possible. And a local procurement policy will be 7 put in place to ensure benefits reach local skilled 8 workers and local businesses during construction and 9 operation. 10 We anticipate about 3- to 400 people will be 11 employed on-site during construction, and peak points 12 may reach 1- or 200 more. During the 30-to-50-year 13 project operations term, we expect to employ three or 14 four full-time technical positions, plus external 15 maintenance contracts. 16 In addition to opportunities for local 17 employment, the project will provide the following 18 benefits: A source of annual property tax revenue to 19 Benton County. For example, a 400-megawatt project 20 would be expected to contribute three to four million in 21 the first year of operation, benefitting schools, the 22 Port, roads, and other county services. 23 It will provide a source of stable long-term 24 revenue for participating landowners, along with 25 community investments, and, of course, a source of</p>

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<p>1 clean, reliable, renewable energy.</p> <p>2 As noted earlier, we've completed the</p> <p>3 applicable environmental and engineering surveys</p> <p>4 throughout 2021 and recently submitted our ASC.</p> <p>5 Next steps, we'll work with Ms. Hafkemeyer's</p> <p>6 team to schedule the initial public meeting and land use</p> <p>7 consistency hearing likely in early July. And our aim</p> <p>8 is to work towards issuance of the SCA in late 2023. On</p> <p>9 this timeline, we anticipate the earliest construction</p> <p>10 start would be Q1 2024.</p> <p>11 And finally, thank you again for having me.</p> <p>12 We're really excited to begin the permitting process and</p> <p>13 work with EFSEC in service of Washington's clean energy</p> <p>14 goals.</p> <p>15 If you have any questions at any later time,</p> <p>16 my contact information is on this slide, as well as the</p> <p>17 link to the project's website.</p> <p>18 CHAIR DREW: Thank you, Ms. O'Neil.</p> <p>19 Are there any questions from Councilmembers?</p> <p>20 MS. BREWSTER: This is Stacey Brewster. I'm</p> <p>21 curious, is there any plans for battery storage with</p> <p>22 this solar array?</p> <p>23 MS. O'NEIL: There are. We've -- we've</p> <p>24 included them in our ASC application as part of the</p> <p>25 preliminary layout and -- because we are looking at</p>	<p>1 service at the Department of Corrections and the</p> <p>2 Department of Licensing, where he served as Deputy</p> <p>3 Assistant Director for Business and Professions</p> <p>4 Division, as well as the Assistant Director for the</p> <p>5 Customer Relations Division.</p> <p>6 So he has a lot of know-how in how our state</p> <p>7 government operates, which is going to help us</p> <p>8 transition to our next phase as an agency.</p> <p>9 So really appreciate you being on -- on</p> <p>10 board. Thanks.</p> <p>11 And, Ms. Bumpus, would you like to give an</p> <p>12 update?</p> <p>13 MS. BUMPUS: Thank you, Chair Drew, for that</p> <p>14 really wonderful introduction for Dave. It's been great</p> <p>15 having Dave on our team, and we're making, I think, some</p> <p>16 steady progress now on our transition efforts.</p> <p>17 So for the record, this is Sonia Bumpus.</p> <p>18 Good afternoon, Chair Drew and Councilmembers. Just a</p> <p>19 couple of things on the legislative update. These will</p> <p>20 probably get a little bit more detailed as we move</p> <p>21 forward, so today's update's pretty high level.</p> <p>22 But basically just to let the Council know</p> <p>23 that we have been successfully working with the</p> <p>24 Department of Enterprise Services Small Agency Services</p> <p>25 group to identify the different support we will need,</p>
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<p>1 several different options, but it is likely to include</p> <p>2 batteries, yes.</p> <p>3 CHAIR DREW: Thank you.</p> <p>4 Any other questions?</p> <p>5 We look forward to working with you</p> <p>6 throughout this process. And as you said, our next step</p> <p>7 is to schedule that opportunity to hear from the public</p> <p>8 on the project. So thank you for being here today and</p> <p>9 appreciate it.</p> <p>10 MS. O'NEIL: Thank you again.</p> <p>11 CHAIR DREW: Moving on to our legislative</p> <p>12 update, which I think is actually our -- our</p> <p>13 implementation of the legislation update by</p> <p>14 Ms. Bumpus.</p> <p>15 But before she begins, I would like to take</p> <p>16 this opportunity to introduce a new member of our team,</p> <p>17 Dave Walker.</p> <p>18 MR. WALKER: Hello, folks. My name is Dave</p> <p>19 Walker. I just recently on the project, working House</p> <p>20 Bill 1812 to get the transition completed. We've got a</p> <p>21 lot of work ahead of us, but I think things are going</p> <p>22 well so far, and really appreciate the opportunity to be</p> <p>23 serving again. Thank you.</p> <p>24 CHAIR DREW: Thank you. Dave comes to us</p> <p>25 after being recently retired at 30-plus years in State</p>	<p>1 the different services we will need.</p> <p>2 That discussion has been moving along really</p> <p>3 well. We are now at a point where we're getting ready</p> <p>4 to, I think, form some interagency agreements where we</p> <p>5 can start to rely on some of those services in the</p> <p>6 interim until June 30th when House Bill 1812 takes</p> <p>7 effect. So that is -- that's going right along.</p> <p>8 The other thing that I wanted to let the</p> <p>9 Council know about is that we've also been working</p> <p>10 internally, discussing organizational changes to the</p> <p>11 structure of EFSEC.</p> <p>12 So there will be more information</p> <p>13 forthcoming about that, but that has included taking</p> <p>14 advantage of our additional FTEs that we now will have</p> <p>15 post June 29.</p> <p>16 So we'll be adding siting specialists to</p> <p>17 EFSEC. We're also going to be creating some new</p> <p>18 positions for some of the things that we'll be needing</p> <p>19 to do internally now, that we used to rely on the UTC to</p> <p>20 do, so things such as records, support.</p> <p>21 So there'll be a lot of -- a lot of new</p> <p>22 information forthcoming about the structure of EFSEC,</p> <p>23 what that's going to look like, new positions that we'll</p> <p>24 be creating to take advantage of those additional and</p> <p>25 badly needed FTEs. As we get more projects and, you</p>

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<p style="text-align: right;">Page 45</p> <p>1 know, the scope of our work grows, we'll certainly 2 need -- need to add staff to our team.</p> <p>3 So I look forward to providing additional 4 updates about the organizational changes, the 5 transition, and hopefully the next time I provide an 6 update, we'll have some, perhaps, contracts in place so 7 that we can start taking advantage of those services 8 with -- with DES.</p> <p>9 Are there any questions from Chair Drew or 10 Councilmembers about the transition? Anything you're 11 wondering about that I haven't mentioned or would like 12 to hear in the future?</p> <p>13 CHAIR DREW: Councilmembers, do you have 14 questions or...</p> <p>15 MS. KELLY: Chair Drew and Sonia, this is 16 Kate Kelly. I just -- I just want to, you know, say 17 congratulations and good luck to you in undertaking all 18 this expansion.</p> <p>19 But anyway, I hope you please let 20 Councilmembers know how we can help as you take on what 21 is going to undoubtedly be big projects. So we stand 22 ready to help you in the transition.</p> <p>23 MS. BUMPUS: Thank you very much.</p> <p>24 CHAIR DREW: Thank you.</p> <p>25 MS. BUMPUS: Appreciate that. Thank you.</p>	<p style="text-align: right;">Page 47</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF WASHINGTON</p> <p>4 COUNTY OF THURSTON</p> <p>5</p> <p>6 I, Tayler Garlinghouse, a Certified Shorthand 7 Reporter in and for the State of Washington, do hereby 8 certify that the foregoing transcript is true and 9 accurate to the best of my knowledge, skill and ability.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <div style="text-align: right;">  <p>Tayler Garlinghouse Tayler Garlinghouse, CCR 3358</p> </div>
<p style="text-align: right;">Page 46</p> <p>1 CHAIR DREW: Well, with that, our meeting is 2 adjourned. Thank you all. 3 (Adjourned at 2:32 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

Informational Public Meeting

Cypress Creek Renewables-High Top Solar & Ostrea Solar Projects

June 1, 2022



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Informational Public Meeting - 6/1/2022

<p style="text-align: right;">Page 1</p> <hr/> <p style="text-align: center;">WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL</p> <hr/> <p style="text-align: center;">Docket No. EF-220212 HIGH TOP SOLAR & OSTREA SOLAR PROJECTS INFORMATIONAL PUBLIC MEETING JUNE 1, 2022 5:00 P.M.</p> <p style="text-align: center;">VERBATIM TRANSCRIPT OF PROCEEDING</p> <p>REPORTED BY: ANITA W. SELF, RPR, CCR #3032</p>	<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS 2 JUNE 1, 2022 3 5:00 P.M. 4 5 CHAIR DREW: Good evening. My name is 6 Kathleen Drew, and I am chair of the Washington Energy 7 Facility Site Evaluation Council or EFSEC. 8 If I could begin by asking you all to make 9 sure that your microphones are muted unless you are 10 speaking to the group. And for those of you on the 11 phone, you could try a *6 if -- if you don't have 12 another way to mute. 13 Welcome, and thank you for joining EFSEC 14 this evening for our public informational meeting and 15 land use consistency hearing for the proposed Cypress 16 Creek Renewables Projects, High Top Solar and Ostrea 17 Solar. 18 The purpose of EFSEC's meeting tonight is 19 to share information about the project, and EFSEC's 20 review process, and to hear your public comment. 21 EFSEC statute RCW 80.40.090 requires EFSEC 22 to conduct a public informational meeting within 23 60 days of receipt of an Application for Site 24 Certification, abbreviated ASC. The applicant, 25 Cypress Creek Renewables, submitted their application</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 (All participants appeared via Teams videoconference) 4 5 STATE AGENCY MEMBERS PRESENT: 6 KATHLEEN DREW, Chair 7 KATE KELLY, Department of Commerce 8 ELI LEVITT, Department of Ecology 9 MIKE LIVINGSTON, Department of Fish and Wildlife 10 STACEY BREWSTER, Utilities and Transportation 11 Commission 12 LENNY YOUNG, Department of Natural Resources 13 14 ASSISTANT ATTORNEY GENERAL: 15 JON THOMPSON 16 17 COUNCIL STAFF: 18 AMI HAFKEMEYER 19 JOAN OWENS 20 ANDREA GRANTHAM 21 SONIA BUMPUS 22 STEWART HENDERSON 23 24 COUNSEL FOR THE ENVIRONMENT: 25 SARA REYNEVELD 26 27 GUESTS IN ATTENDANCE: 28 TAI WALLACE, Cypress Creek Renewables 29 JESS MOSLEH, Cypress Creek Renewables 30 PATTI LORENZ, TRC Companies 31 SUSAN DRUMMOND, Law Offices of Susan Drummond 32 ERIN BERGQUIST, TRC Companies 33 AMANDA MCKINNEY, Yakima County Commissioners 34 STAN ISLEY, Yakima Valley Audubon Society Conservation 35 Chair 36 MICHAEL TOBIN, North Yakima Conservation District</p>	<p style="text-align: right;">Page 4</p> <p>1 or ASC to EFSEC on April 7th, 2022. 2 During the first hour this evening, and it 3 likely will take less time, 5:00 to 6:00, we will have 4 a presentation by the applicant about the proposed 5 project, introduce the Counsel for the Environment, or 6 CFE, and then have a presentation about EFSEC's review 7 process by EFSEC staff. 8 The presentations and information on how 9 to submit written comments are on our website, 10 www.efsec.wa.gov. Go to drop-down screen under Energy 11 Facilities to the Cypress Creek Projects page. 12 And following the presentations, we will 13 begin oral public comment on the project. Speakers 14 will be allowed three minutes each. Since we will 15 develop our recommendation with information developed 16 on our record, we very much want you to send us your 17 comments directly, either speaking at this meeting or 18 sending written comments to us through our comment 19 website before midnight tonight at the link on the 20 website, or at any time -- any time during the project 21 by emailing directly to efsec@utc.wa.gov. 22 Again, although this is a specific meeting 23 asking for comment, and a specific hearing on land use 24 consistency, we do accept comments throughout the 25 process.</p>

1 (Pages 1 to 4)

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<p>1 In the Chat, you see the Comment link. 2 Following the informational meeting, we will 3 convene -- and I will say that we will complete the 4 speakers that sign up and those that are present who 5 would like to speak, and then have a 15-minute break, 6 and we will then convene the Land Use Consistency 7 hearing as required by RCW 80.50.090, sub 2, and WAC, 8 W-A-C, that's Washington Administrative Code, 9 463-26-035.</p> <p>10 This Land Use Consistency hearing may 11 begin before 6:30 p.m. During this hearing, the 12 public will be given an opportunity to provide 13 testimony regarding the proposed project's consistency 14 and compliance with land use plans and zoning 15 ordinances. The Land Use Consistency hearing will 16 begin no later than 30 minutes after the conclusion of 17 the informational public meeting. Again, I said I 18 plan to do a 15-minute break between the two, which 19 may end before 6:30 p.m.</p> <p>20 The council is committed to providing a 21 full, fair, and safe opportunity for all voices to be 22 heard in a respectful atmosphere. To help us all have 23 a productive and safe meeting, we ask that you honor 24 the following ground rules. 25 All speakers must be respectfully treated.</p>	<p>1 MR. LIVINGSTON: Mike Livingston, present. 2 MS. OWENS: Department of Natural 3 Resources? 4 MR. YOUNG: Lenny Young, present. 5 MS. OWENS: Utilities and Transportation 6 Commission? 7 MS. BREWSTER: Stacey Brewster, present. 8 CHAIR DREW: Thank you. And you don't 9 have to leave your cameras on. I just -- I know 10 there's different connectivity issues, so I just 11 wanted to make sure people could see that you are here 12 with us this evening.</p> <p>13 Also, I would like to say that, according 14 to our EFSEC statute, during the application process, 15 we extend an invitation to the local government to 16 supply us with an additional member during the 17 application process, and that is Yakima County. We 18 have sent letters to Yakima County, but have not yet 19 received a member to participate during this process. 20 So we look forward to having someone named by Yakima 21 County.</p> <p>22 Moving on to the rest of the roll call, 23 will you also, Ms. Owens, call the EFSEC staff? 24 MS. OWENS: Yes. Sonia Bumpus. 25 MS. BUMPUS: Sonia Bumpus is present.</p>
Page 6	Page 8
<p>1 No clapping, cheering, or jeering during the meeting. 2 This includes speaking out of turn, loud talking 3 either in support or in opposition. Mute your 4 microphone unless you're called on to speak. And if 5 you don't have a mute button, again, try dialing *6 to 6 mute/unmute, turn off your video cameras unless you 7 are speaking, and that's mostly to make sure we have 8 the bandwidth and nobody gets cut out. Please be 9 respectful to all participants within the chat.</p> <p>10 I would like at this point to have our -- 11 Ms. Owens call the roll for the council.</p> <p>12 MS. OWENS: Thank you, Chair Drew. And -- 13 CHAIR DREW: If I may for a second. 14 MS. OWENS: Yes. 15 CHAIR DREW: I would -- I would ask for 16 councilmembers to briefly turn on your video camera so 17 that the people who are at this meeting can see you. 18 Thank you.</p> <p>19 Go ahead, Ms. Owens. 20 MS. OWENS: Department of Commerce? 21 MS. KELLY: Kate Kelly, present. 22 MS. OWENS: Department of Ecology? 23 MR. LEVITT: Eli Levitt, present. 24 MS. OWENS: Department of Fish and 25 Wildlife?</p>	<p>1 MS. OWENS: Ami Hafkemeyer. 2 MS. HAFKEMEYER: Ami Hafkemeyer, present. 3 MS. OWENS: Amy Moon? 4 Joe Wood? 5 Patty Betts? 6 Stew Henderson? 7 MR. HENDERSON: Stew Henderson, here. 8 MS. OWENS: Andrea Grantham? 9 MS. GRANTHAM: Andrea Grantham, present. 10 MS. OWENS: And Dave Walker? 11 That's all the EFSEC staff, Chair. 12 CHAIR DREW: Thank you.</p> <p>13 At this point, since we will call the 14 Counsel for the Environment for -- oh, let's introduce 15 our EFSEC Assistant Attorney General, Jon Thompson. 16 MR. THOMPSON: Yes. Hi. This is Jon 17 Thompson, present. 18 CHAIR DREW: Thank you.</p> <p>19 And I will formally call this meeting to 20 order with the roll call of the councilmembers as we 21 have already begun.</p> <p>22 At this point, we will move to the 23 introductions for the Cypress Creek Renewables 24 representatives. If you would like to introduce your 25 team, please.</p>

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<p>1 MR. WALLACE: Good evening, Chair Drew. 2 This is Tai Wallace, senior director of development 3 for Cypress Creek Renewables. On our team today, we 4 have Jess Mosleh, developer; we have Julie Alpert, who 5 is our environmental manager, senior environmental 6 manager; and then we also have Erin Bergquist from our 7 consultancy, TRC, who's supported us through the 8 environmental process on these projects. Thank you. 9 CHAIR DREW: Thank you. 10 And according to our agenda, we now have 11 the Counsel for the Environment introduction. If you 12 could, Counsel Sherman (phonetic), introduce yourself 13 and your team, and what role it is that you play 14 during this process. 15 MS. REYNEVELD: Hi. My name is Sara 16 Reyneveld, and I am managing assistant attorney 17 general with the Environmental Protection division, 18 and I am assigned as Counsel for the Environment on 19 these projects. As the Counsel for the Environment, I 20 represent the public and its interest in protecting 21 the quality of the environment in accordance with RCW 22 80.50.080. Thank you. 23 CHAIR DREW: Thank you. 24 Moving on now to the presentation by the 25 Cypress Creek. Oh, before we begin, this is one very</p>	<p>1 transmission team, project status for both Ostrea and 2 High Top, and we'll open up the discussion for 3 questions and comments at the end. 4 Next slide, please. 5 I'd like to start off by introducing our 6 team. Tai Wallace is senior development director for 7 our transmission scale projects. As you know, I'm a 8 project developer. Seija Stratton is our 9 environmental director. Julie Alpert is our senior 10 environmental manager. And last but definitely not 11 least is our TRC project manager consultant, Erin 12 Bergquist. 13 Our statement as an organiza- -- oh -- 14 thank you. Our statement as an organization is: 15 Powering a Sustainable Future, One Project at a Time. 16 We have an incredible team at Cypress, and the company 17 takes a lot of pride in the work we do in terms of 18 management and development, as well -- as well as 19 financing, operating, and owning utility-scale 20 projects. 21 Over the last seven years, Cypress Creek 22 has developed over eight gigawatts of solar, and we 23 continue to increase our solar and storage pipeline 24 today. 25 I will now be handing the next few slides</p>
Page 10	Page 12
<p>1 important person I have yet to introduce, and that's 2 our administrative law judge, Laura Bradley. 3 JUDGE BRADLEY: Good afternoon, everyone. 4 Laura Bradley. I'm the administrative law judge 5 presiding over the proceedings this evening. 6 CHAIR DREW: Yes. And after we finish our 7 presentations and go to the public comment, Judge 8 Bradley will be the presider, as well as during the 9 land use consistency hearing. 10 Thank you, Judge Bradley. 11 JUDGE BRADLEY: Thank you. 12 CHAIR DREW: Okay. Presentation by the 13 applicant. 14 MS. MOSLEH: Hello. Thank you, Madam 15 Chair Drew, EFSEC councilmembers, and EFSEC staff and 16 stakeholders. Thank you all for your time today. 17 Next slide, please. 18 My name is Jess Mosleh, and I'm a Cypress 19 Creek Renewables project developer. It's an honor to 20 be here representing Cypress in our F-site application 21 for Ostrea and High Top projects. 22 Next slide, please. 23 Here's a quick overview of what we'll be 24 presenting to you all today. The team will be walking 25 you through our overall goal as a company, our west</p>	<p>1 over to our senior director, Tai Wallace, and he will 2 provide background on Cypress Creek and how we operate 3 in our markets. 4 Next slide, please. 5 MR. WALLACE: Thank you, Jess. I 6 apologize. I'm not able to turn my camera on; 7 otherwise, I would. 8 But good evening, Madam Chair Drew, EFSEC 9 councilmembers, EFSEC staff, Yakima County, and 10 interested parties. Thank you for this opportunity to 11 present our High Top and Ostrea projects to you this 12 evening. 13 So, as I said, I'm -- I'm the senior 14 director of development for Cypress Creek. I manage 15 our western transmission-scale markets, so these are 16 our large project, large interconnection, high voltage 17 projects. I lead project and market development 18 across the western United States, and oversee the team 19 that's developing these two projects here today. 20 Cypress is a mission-driven organization, 21 as Jess indicated, and -- and we support the 22 transition to clean, affordable, renewable sources of 23 energy. We've had a presence in the Pacific Northwest 24 market since our founding, and have been thoughtfully 25 developing these projects that are before you today</p>

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<p>1 since early 2018.</p> <p>2 Cypress's mission is to power a</p> <p>3 sustainable future, one project at a time. Obviously,</p> <p>4 in this case, we're presenting two projects, but these</p> <p>5 projects have both been thoughtfully sited to minimize</p> <p>6 impacts to the environment and community while, in our</p> <p>7 view, augmenting economic and workforce development</p> <p>8 (audio disruption).</p> <p>9 The projects are part -- part of</p> <p>10 Cypress Creek's \$500 million of planned capital</p> <p>11 investments in clean energy in the state of Washington</p> <p>12 through (audio disruption) environment. Cypress is</p> <p>13 committed to helping Washington and Washington-based</p> <p>14 organizations meet their decarbonization targets now</p> <p>15 and into the future. These targets and mandates are</p> <p>16 some of the most comprehensive in the nation, and will</p> <p>17 require the build-out of solar and renewable resources</p> <p>18 to achieve it.</p> <p>19 Next slide, please.</p> <p>20 So, as a values-oriented organization --</p> <p>21 and I'm not going to dictate or -- or read back what's</p> <p>22 on the slides here, but I will, however, summarize how</p> <p>23 we approach development with the intention of</p> <p>24 protecting the environment, creating opportunities for</p> <p>25 those in the communities where our projects are</p>	<p>1 with our project team, inclusive of our consultants,</p> <p>2 developers, engineers, and in coordination and close</p> <p>3 consultation with a number of agencies and</p> <p>4 stakeholders, many of whom are here today at this</p> <p>5 hearing.</p> <p>6 We -- we aim to site these projects in</p> <p>7 areas where they mitigate conflict with local land</p> <p>8 use, conform with long-range land use planning, and</p> <p>9 avoid, to the greatest extent possible, any potential</p> <p>10 impacts, or serious impacts to cultural resources,</p> <p>11 sensitive habitats, species of concern, and water</p> <p>12 resources.</p> <p>13 These are all benefits in addition to the</p> <p>14 expected \$22 to \$30 million in projected property tax</p> <p>15 revenue that we will generate for the county of Yakima</p> <p>16 and its residents over the (audio disruption) of these</p> <p>17 projects.</p> <p>18 Next slide, please.</p> <p>19 So I'm going to end my introduction and</p> <p>20 pass it back over to Jess with just a couple comments</p> <p>21 here on our core competencies as an organization. You</p> <p>22 know, this is something that we feel stakeholders are</p> <p>23 always, you know, interested about, and interested in,</p> <p>24 you know, what are our capabilities to manage and</p> <p>25 develop these projects.</p>
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<p>1 located, and supporting both local and state</p> <p>2 initiatives (audio disruption).</p> <p>3 You know, in this presentation, we'll</p> <p>4 highlight our conviction in creating community</p> <p>5 benefit, demonstrated by our requirement of our</p> <p>6 general contractor to employ a community workforce</p> <p>7 agreement for the construction of the Ostrea project.</p> <p>8 This agreement will ensure that we have</p> <p>9 preferred access for local workforce, as well as</p> <p>10 targets for the hiring of women, persons of color,</p> <p>11 veterans, other protected and disadvantaged (audio</p> <p>12 disruption). You know, we'll be highlighting the fact</p> <p>13 that we have secured offtake for the energy and</p> <p>14 environmental attributes associated with the Ostrea</p> <p>15 project, a Washington-based corporation, so the</p> <p>16 collaborative effort with our partner that we'll</p> <p>17 announce later this year in a little bit more of a</p> <p>18 formal fashion. But you know -- you know, we look to</p> <p>19 ensure that Ostrea creates a net positive benefit to</p> <p>20 the environment, community, and the work (audio</p> <p>21 disruption). We're working to replicate this with</p> <p>22 High Top in terms of offtake, and to have -- you know,</p> <p>23 with another set of partners, so we can provide the</p> <p>24 same type of local community as Ostrea.</p> <p>25 We employed our collective creativity both</p>	<p>1 Cypress is not just a renewable energy</p> <p>2 developer. In the past eight years, we have become a</p> <p>3 differentiated, vertically-integrated, independent</p> <p>4 power producer, a long-term asset manager and</p> <p>5 owner-operator of renewable projects across the</p> <p>6 country.</p> <p>7 We develop projects with the intent to</p> <p>8 retain those projects, and be stakeholders in those</p> <p>9 projects that we're able to create. Our development</p> <p>10 division has developed over eight gigawatts of</p> <p>11 utility-scale projects, and this is growing</p> <p>12 increasingly over time.</p> <p>13 We develop both on the transmission and</p> <p>14 distribution in community scale for utility-scale</p> <p>15 projects across the country. We're an American-based</p> <p>16 company that has financed over \$3 billion in solar</p> <p>17 projects through partnerships and relationships that</p> <p>18 we've developed over the last decade, and we also</p> <p>19 performed asset management and operations and</p> <p>20 maintenance services for our own fleet of over 200</p> <p>21 operating assets across the country, as well as for</p> <p>22 owners of hundreds of third-party operating projects</p> <p>23 across the country.</p> <p>24 Finally, Cypress Creek is financially</p> <p>25 stable. We're backed by our investor-owner, EQT</p>

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<p>1 Infrastructure, and a network of some of the biggest 2 creditors and investors in the world. 3 Next slide, please. And Jess, back to 4 you. Thank you. 5 MS. MOSLEH: Thank you, Tai. 6 So this slide demonstrates visual 7 representation of a few of our Cypress regional 8 transmission-scale projects. As Tai mentioned, we 9 develop, permit, and operate projects of many 10 different sizes across the country, but I'd like to 11 emphasize that we have direct experience developing in 12 the western region. I also have personal experience 13 developing the Texas market, and you can see one of 14 our operating Texas assets on the bottom left corner. 15 Next slide, please. 16 Moving on to our Ostrea project status. 17 Ostrea is an 80-megawatt project in Yakima County. 18 We're currently en route to achieve our commercial 19 operating date by the second quarter of 2024. 20 Our Bonneville facility study is in 21 process, and we're expecting our engineering and 22 procurement agreement and interconnection agreement 23 this year. 24 We've received our PacifiCorp affected 25 facility study, and we've also been granted long-term</p>	<p>1 As we move forward with the project this 2 year, we are on schedule to achieve financial notice 3 to proceed by December 2022. 4 Next slide, please. 5 Moving on to the environmental studies 6 completed for Ostrea, as you can see on the table on 7 the left-hand side of this slide, we completed several 8 reports from land use to rare plants, wildlife 9 connectivity analysis, wetlands, glare, and many 10 others. 11 The primary goal of each environmental 12 report was to gain a deep understanding of the land's 13 sensitive areas in order to avoid and help mitigate 14 any impacts the project may have on-site. 15 Fortunately, the study results were favorable, and 16 they indicated no major impact on the project 17 location. 18 Next slide, please. 19 The consultation and outreach performed 20 for Ostrea consisted of reaching out to several local, 21 state, tribal, and federal agencies. Shown on the 22 table on this slide, you can see we coordinated with 23 16 different agencies for guidance for zoning for the 24 project layout. 25 Next slide, please.</p>
Page 18	Page 20
<p>1 firm transmission service rights for the project. We 2 have over 1,600 acres under site control for Ostrea, 3 and I'd like to highlight that our development process 4 is thoughtful, and from the very beginning, we focus 5 on micrositng. We intentionally acquired over 1,600 6 acres with the intent to reduce the acreage and be 7 mindful of land feature -- land features surrounding 8 the project area. 9 For Ostrea, we avoided shrubsteppes, 10 slopes, wetlands, flood plain, and other features in 11 order to have as minimal of impact as possible on the 12 land. The topographic and ALTA boundary surveys have 13 been completed, as well as the geotechnical and 14 hydrologic and hydraulic assessments. Additionally, 15 the modules and equipment procured for the project are 16 from North America. 17 A very exciting update on Ostrea is that 18 we recently secured offtake for the project. We 19 successfully executed a purchase power agreement with 20 an investment grade rated commercial counterparty. 21 One hundred percent of the renewable energy credits 22 and energy produced from Ostrea will be delivered to 23 Washington customers, powering a Washington-based 24 investment grade customer's energy demand, and helping 25 that customer achieve its carbon mitigation targets.</p>	<p>1 Cypress Creek has a community workforce 2 agreement in place for Ostrea that supports objectives 3 in WAC chapter 296-140 to promote and ensure access 4 for women, persons of color, veterans, and other 5 disadvantaged groups, as well as preferred access for 6 local workers. 7 Cypress -- Cypress will be providing jobs 8 with whole prevailing wage through this agreement. 9 There is a demand and preference for workers that 10 live -- live in or near the project area. We'll be 11 responsible for the outreach efforts to obtain bids 12 from engineering and procurement contractors that meet 13 this criteria. 14 Not only are we implementing the standard 15 for Ostrea, but providing jobs for local minorities in 16 every project -- excuse me -- in every project area we 17 develop in is a priority. 18 Aside from targeting a local workforce, 19 Cypress also sponsors several college programs across 20 the markets we work in. In the state of Washington, 21 we currently have a partnership with the Oregon 22 Institute of Technology where we sponsor a scholarship 23 for students in the renewable energy space. 24 We met with one of their representatives 25 this past month and discussed paid internships for the</p>

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<p>1 student's work with Cypress during the summer break 2 for those involved with the program, and to get some 3 hands-on experience in the solar industry. This also 4 opens up many opportunities for these students who 5 potentially work with Cypress after graduation. 6 Next slide, please. 7 Onto our High Top project. I realize this 8 may seem a bit duplicative from our Ostrea slide, but 9 since both projects are under one application, we 10 thought it was important to highlight the project size 11 on a clear table for both. 12 High Top is adjacent to Ostrea, and both 13 projects are under the same landowner. High Top is 14 also an 80-megawatt project with a commercial 15 operating date of late 2024. 16 Similar to Ostrea, the topographic and 17 ALTA boundary surveys for High Top are complete, and 18 the geotechnical and hydrologic and hydraulic 19 assessments are also finalized. 20 We do not currently have an offtaker for 21 the project, but one of the main goals we're working 22 through is to have an offtaker secured by the end of 23 2022. 24 Like Ostrea, we secured over 1,500 acres 25 with the intention to reduce the acreage on the</p>	<p>1 questions and comments. 2 CHAIR DREW: Councilmembers, do you have 3 questions at this point? 4 MS. MCKINNEY: Hi, this is Yakima County 5 Commissioner Amanda McKinney. Is this the correct 6 time to make public comment on behalf of Yakima 7 County? 8 CHAIR DREW: We will be taking public 9 comment after the presentations both here, and then we 10 have an EFSEC presentation on our process. Thank you. 11 So we will call you after that. 12 MS. MCKINNEY: Thank you, Kathleen. 13 CHAIR DREW: So, for questions, you 14 mentioned that you have similar processes in place for 15 the two projects. Does that include the community 16 project/workforce project agreement? Is that in place 17 for both? 18 MR. WALLACE: Madam Chair Drew, I'll take 19 that question. That is not in place yet for High Top. 20 That is something that is part of the conversation 21 with our offtake partners. We always propose when we 22 go out in the state of Washington that we do either a 23 project labor agreement or community workforce 24 agreement. But ultimately, you know, we have to make 25 sure that our offtaker is comfortable with the (audio</p>
Page 22	Page 24
<p>1 project site to avoid any land features, such as 2 wetlands, flood plains, slopes, and shrubsteppe. 3 We are in the process of adding storage to 4 the project, which will amplify energy security when 5 needed. 6 Next slide, please. 7 We completed the same studies for High Top 8 as we did for Ostrea, and the environmental studies 9 confirmed no major impacts on this land. 10 Working together side by side with our 11 dedicated consultant, TRC, we ensured the 12 environmental reports captured every topic from land 13 use to airspace. 14 Next slide, please. 15 The same local, state, tribal, and federal 16 agencies were contacted for High Top, and on the 17 left-hand side of the slide, you can see the zoning 18 layout for the project. 19 As shown on the site plan, one can see 20 where the panels will be placed, which clearly 21 demonstrates working around slopes and streams that 22 were not suitable for the placement of the RA area. 23 Next slide, please. 24 Thank you all very much for your time 25 today. We will now be opening up this time for</p>	<p>1 disruption) file for those. But in general, you know, 2 that -- that is our -- our hope and intent is to 3 follow the same path as Ostrea. 4 CHAIR DREW: Okay. Thank you. 5 Another question I have is, the area is 6 known for the travel of wildlife from the reserva- -- 7 the Yakima military property north of you -- 8 Department of Defense property north of you to other 9 areas south. How will your project impact that? 10 MR. WALLACE: We are currently still, you 11 know, completing our wildlife connectivity analysis. 12 I believe TRC, if they're on, could speak a little bit 13 more to that, where we're at in the process. But in 14 general, we have attempted to site the Ostrea project 15 to maintain a lot of that north-to-south connectivity 16 between the two subarrays. 17 The High Top site will also be split by 18 the easement associated with the transmission lines, 19 to allow for east-to-west connectivity, and that will 20 also adhere to the Ostrea site as well. 21 So in general, for, you know, the impacts 22 of our project, we've tried to be very thoughtful, you 23 know, in leaving open those areas, as well as any 24 areas associated with delineated features or for 25 (audio disruption) or, you know, associated high</p>

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<p>1 topographic feature areas.</p> <p>2 We have also stayed away from the northern</p> <p>3 boundaries getting up close to the Yakima Training</p> <p>4 Center, so I don't believe that we actually abut any</p> <p>5 of those boundaries or fence lines associated with the</p> <p>6 training center, allowing for connectivity in those</p> <p>7 areas as well.</p> <p>8 CHAIR DREW: Thank you.</p> <p>9 MS. BERGQUIST: Erin Bergquist from TRC,</p> <p>10 and I will follow up.</p> <p>11 We will have a wildlife connectivity</p> <p>12 analysis in shortly. It is based on the WDFW data</p> <p>13 showing where the lease path cost analysis is for the</p> <p>14 wildlife moving through the site. And as Tai noted,</p> <p>15 the site has been designed to avoid the corridors and</p> <p>16 keep open those riparian areas, or those (audio</p> <p>17 disruption) stream channels.</p> <p>18 CHAIR DREW: You mentioned there's one</p> <p>19 property owner, and you didn't purchase the property;</p> <p>20 you are -- purchased a lease. Is that correct?</p> <p>21 MR. WALLACE: That's correct.</p> <p>22 MS. BERGQUIST: That's correct.</p> <p>23 MR. WALLACE: So we have -- we currently</p> <p>24 have the option to lease, and we will exercise that</p> <p>25 option upon approval, obviously.</p>	<p>1 connectivity for wildlife habitat. Is there -- I'm</p> <p>2 trying to think of how the -- the two projects -- the</p> <p>3 two separate projects marry up to each other, or if</p> <p>4 they do, or if that's -- they're separate, and -- and</p> <p>5 why -- why you are doing two projects as opposed to</p> <p>6 just one?</p> <p>7 MR. WALLACE: I'm happy to answer both of</p> <p>8 those to the best of my ability, Mr. Livingston.</p> <p>9 So in terms of the abutment of the two</p> <p>10 projects, ours and the others, I honestly am not quite</p> <p>11 sure. We don't have their boundaries, you know,</p> <p>12 and -- and know exactly where their fence line is.</p> <p>13 That is something that, you know, we'll likely work to</p> <p>14 confirm once we, you know, have some time to</p> <p>15 investigate their presentation and approval.</p> <p>16 But the one thing that I would like to</p> <p>17 note is that, in general, if you look at the appendix,</p> <p>18 I believe it is slide 21, our western-most project,</p> <p>19 High Top, we are not going all the way over to the</p> <p>20 eastern -- or sorry -- the western-most property line.</p> <p>21 You know, we're keeping a pretty wide corridor open</p> <p>22 there.</p> <p>23 And so, that is property that is of this,</p> <p>24 you know, area under site control, as we call it, but</p> <p>25 it is not within our proposed fence line area and</p>
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<p>1 CHAIR DREW: Okay.</p> <p>2 And then, in terms of the current use of</p> <p>3 the property, what is the current use?</p> <p>4 MR. WALLACE: The current use, I believe,</p> <p>5 is limited grazing and -- and fallow land. I will</p> <p>6 have to double-check, if I could reply back with our</p> <p>7 (audio disruption) associated with it.</p> <p>8 CHAIR DREW: Okay.</p> <p>9 Councilmembers, are there any additional</p> <p>10 questions?</p> <p>11 Oh, I have one more. Sorry. Oh, I see</p> <p>12 someone here.</p> <p>13 Mr. Livingston, I'll let you go ahead and</p> <p>14 then I'll come back.</p> <p>15 MR. LIVINGSTON: Thank you, Chair Drew.</p> <p>16 I'm just curious, is there any association with the --</p> <p>17 the Black Rock project that's just to the east that's</p> <p>18 been approved through Yakima County permitting</p> <p>19 recently?</p> <p>20 MR. WALLACE: There is not,</p> <p>21 Mr. Livingston. That is a project that is developed</p> <p>22 by another developer. I believe that is BayWa that</p> <p>23 has been announced publicly in the press.</p> <p>24 MR. LIVINGSTON: And just a follow-up.</p> <p>25 So I appreciate the consideration for</p>	<p>1 project area after we've gone through net mitigation.</p> <p>2 So, you know, at least from what we see today, we do</p> <p>3 believe that there will be north-to-south connectivity</p> <p>4 there, as well as the east-west connectivity through</p> <p>5 the transmission.</p> <p>6 CHAIR DREW: I think Mr. Livingston was</p> <p>7 asking you why you split your application into two --</p> <p>8 is that correct, two projects?</p> <p>9 MR. WALLACE: Certainly.</p> <p>10 MR. LIVINGSTON: I would like the answer</p> <p>11 to both of those questions, and so I appreciate the</p> <p>12 clarification.</p> <p>13 CHAIR DREW: Oh, okay. Good.</p> <p>14 MR. WALLACE: And to Mr. Livingston, to</p> <p>15 your second question, the reason there is due to our</p> <p>16 actual interconnection. So Ostrea is interconnecting</p> <p>17 with Bonneville Power's transmission line. This is a</p> <p>18 115-kilovolt transmission line that runs parallel for</p> <p>19 a short period of time to PacifiCorp's 115 -- or</p> <p>20 sorry -- 230 kV transmission system, which is where</p> <p>21 the High Top project is interconnecting.</p> <p>22 From our view, when we were siting and,</p> <p>23 you know, conceptualizing these projects, we thought</p> <p>24 that it was best to try and find a location that was</p> <p>25 as rural and -- and exurban as possible in the area of</p>

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<p>1 these transmission lines where they run alongside 2 parallel in the same corridor so as to -- to maintain 3 as much contiguity and consistency as possible, and to 4 mitigate any potential issues with, you know, land use 5 in more populated areas of the county. 6 CHAIR DREW: So, you mentioned that the -- 7 I think it was Ostrea -- Ostrea, then, is going to be 8 connected to BPA but parallel to PacifiCorp, but you 9 also mentioned that you do have an agreement with 10 PacifiCorp for that Ostrea -- am I remembering that 11 correctly? 12 MR. WALLACE: Yeah. So PacifiCorp is an 13 affected transmission system for our Ostrea project, 14 so we have -- our facility study and our agreement is 15 being tendered with PacifiCorp for Ostrea for 16 associated upgrades to their transmission lines. 17 And then, for the High Top project, we 18 have a separate interconnection agreement already 19 executed for that project with PacifiCorp. And then 20 Ostrea will eventually have an interconnection 21 agreement with Bonneville Power. 22 CHAIR DREW: Okay. Okay. 23 I'm trying to -- to keep the two straight, 24 but I appreciate that. Thank you. 25 MR. WALLACE: Understood.</p>	<p>1 for your presentation. 2 At this point, I think we will move on to 3 the presentation about the EFSEC siting process. 4 MR. WALLACE: Thank you kindly for the 5 opportunity. Looking forward to the next 6 presentation. 7 MS. MOSLEH: Thank you for your time. 8 MS. HAFKEMEYER: Welcome, everybody. 9 Thank you all for coming to participate this evening. 10 My name is Ami Hafkemeyer, the Siting and Compliance 11 Manager with the Energy Facility Site Evaluation 12 Council. I have a short presentation to go over the 13 EFSEC process for those of you who are new to EFSEC. 14 A little bit of history of the agency. 15 EFSEC was created in 1970 for the siting of thermal 16 power plants. The intent was to create a one-stop 17 permitting agency for large energy facilities. 18 EFSEC is comprised of state and local 19 government members who review each application before 20 making a recommendation to the governor. This 21 decision preempts other state or local governments. 22 You can see here that EFSEC is comprised 23 of members from several different state-level 24 agencies. The chairperson is appointed by the 25 governor, and there are standing members from five</p>
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<p>1 CHAIR DREW: Are there any other questions 2 from councilmembers? 3 One more I had is you mentioned the Oregon 4 Institute of Technology, and -- and how it serves 5 Washington. Will it be Washington residents as well 6 who can apply to that program? 7 MR. WALLACE: So we currently have a 8 standing scholarship that are open to residents or 9 students from anywhere that are attending the -- the 10 university, the school. So they have three campuses 11 is my understanding, one in Seattle, one in Portland, 12 and one in Klamath Falls. 13 We've had that scholarship program running 14 for three years, and it's a four-year commitment. I 15 mean, we're working with them to extend and expand 16 upon that so that we can provide more opportunities 17 as, you know, we are an owner-operator, and our 18 intention is to, you know, hire in-market technicians 19 and operations and maintenance folks, you know, to 20 support the -- the operation of this project. And our 21 preference is always to try and, you know, hire folks 22 from the local community and -- and provide, you know, 23 well-paying jobs and benefits for -- for residents of 24 this community. 25 CHAIR DREW: Okay. Thank you. Thank you</p>	<p>1 other agencies, appointed by those agencies to sit on 2 the council. 3 The current council is made up of 4 Chairwoman Kathleen Drew, Eli Levitt from the 5 Department of Ecology, Mike Livingston from the 6 Department of Fish and Wildlife, Kate Kelly from the 7 Department of Commerce, Lenny Young from the 8 Department of Natural Resources, and Stacey Brewster 9 from the Utilities & Transportation Commission. 10 There are additional agencies that may 11 elect to appoint a councilmember during the review of 12 an application. These agencies are the Department of 13 Agriculture, the Department of Transportation, the 14 Department of Health, and the military department. 15 For the Horse Heaven project, the Department of 16 Agriculture has appointed Derek Sanderson -- 17 Sandison -- apologies. 18 Local governments must also appoint a 19 councilmember for the review of a project in their 20 area. For the Horse Heaven project, Ed Brost has been 21 appointed. For the Badger Mountain project, Jordan 22 Julia has been appointed. And as Chair Drew 23 mentioned, a councilmember has not yet been appointed 24 for the High Top and Ostrea projects, but we look 25 forward to that appointment.</p>

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<p>1 When a project is located at or near a 2 port, the Port Authority may also appoint a member, 3 though this position is a non-voting member. 4 As I mentioned previously, EFSEC was 5 created to oversee the siting of thermal power plants. 6 Facilities falling into EFSEC's jurisdiction include 7 any nuclear facility where the primary purpose is to 8 produce and sell electricity. We also oversee 9 non-hydro, non-nuclear thermal facilities with 10 capacity of 350 megawatts or greater. 11 There's no threshold for alternative 12 energy sources such as wind or solar, but they may 13 choose to opt in, as well as transmission lines over 14 150 kilovolts. 15 Thresholds for pipelines, refineries, and 16 storage facilities that would fall under EFSEC's 17 jurisdiction are found in the Revised Code of 18 Washington, or RCW 80.50.060. 19 Here is a map of the facilities under 20 EFSEC's jurisdiction. You can see marked in red, 21 there are five operating facilities, including two 22 natural gas facilities, one nuclear facility, and two 23 wind facilities. The blue marks indicate the four 24 additional facilities that are approved but are not 25 yet operating. There are two wind facilities and two</p>	<p>1 parties. 2 The council looks at all the information 3 in the adjudication record, and then deliberates. 4 Finally, the council draws their findings and 5 conclusions from the information provided throughout 6 these proceedings, and incorporates those finding in 7 their recommendation to the governor. 8 With regards to the SEPA process, when an 9 application -- applicant requests expedi- -- expedited 10 process, such as for this process, a review is done to 11 establish whether or not the project meets the 12 criteria of a determination of non-significance, a 13 DNS, or a mitigated determination of non-significance, 14 or MDNS. 15 If the SEPA-responsible official 16 determines that a project meets the criteria of a DNS 17 or MDNS, an environmental impact statement is not 18 required. In this process, a determination is noticed 19 to the public, and there is a minimum 15-day public 20 comment period on an MDNS. 21 When a determination of significance and a 22 decision to prepare an EIS is made, public comments 23 are taken on the scope of the EIS. After public 24 comments for scoping, the SEPA-responsible official 25 determines the scope of an EIS, a draft EIS is</p>
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<p>1 solar facilities. The clear circle is the facility 2 under -- currently under decommissioning, and EFSEC is 3 currently reviewing applications for three projects 4 marked in green, including the High Top and Ostrea 5 projects, which are what bring us here this evening. 6 Here is a flowchart showing the general 7 process an applicant may go through when they submit 8 an application to EFSEC. Apologies. There are three 9 concurrent processes during an application review: 10 The land use and -- land use consistency and 11 adjudicative hearing process, the State Environmental 12 Policy Act or SEPA process, and the permitting process 13 for applicable environmental permits. 14 You can see that there are multiple 15 processes that happen concurrently when EFSEC is 16 reviewing an application. One process is the land use 17 hearing and adjudicative process. I'm sorry. I 18 didn't mean to repeat myself. All of these processes 19 ultimately feed into the council's recommendation made 20 to the governor. 21 Where an adjudication proceeding is 22 required, a record is compiled, and parties to the 23 adjudication are identified. In the process of 24 preparing for the adjudication, sometimes there are 25 stipulations and settlements that come out between the</p>	<p>1 prepared and issued, with a minimum 30-day public 2 comment period, after which a final EIS is prepared 3 and released. 4 To be considered for expedited processing, 5 an applicant must make the request in writing. The 6 project must meet two criteria. First, it must be 7 determined to be consistent with local land use 8 policy, and, second, the SEPA determination must be 9 that of a DNS or MDNS, as I previously mentioned. In 10 this process, no adjudication is required. The 11 council prepares their recommendation to the governor 12 in an expedited time frame under this process. 13 EFSEC is the issuing agency for any 14 applicable environmental permits a facility may 15 require, which may include water quality and air 16 quality permits. These permits are identified in the 17 final order with the council's recommendation to the 18 governor. 19 At the conclusion of the council's review 20 of an application, a recommendation is made to the 21 governor to either approve or reject the application. 22 This initiates a 60-day window within which the 23 governor will then approve the application, reject the 24 application, or remand the application back to the 25 council for reconsideration.</p>

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<p>1 Any application that is rejected by the 2 governor is a final decision for that application. If 3 an application is approved by the governor, EFSEC then 4 has oversight of the environmental compliance for the 5 life of the facility.</p> <p>6 EFSEC has standing contracts with 7 applicable state agencies that assist in the 8 monitoring and enforcement of conditions either in the 9 site certification agreement, identified permits, or 10 stipulations in the EIS or MDNS. EFSEC's enforcement 11 authority extends to the issuance of any penalties, as 12 they may apply.</p> <p>13 That wraps up my presentation for the 14 evening. Before I end, I'd like to remind everybody 15 how they may submit comments for this proposal. If 16 you'd like to sign up to speak this evening, you may 17 call the EFSEC main line at 360-664-130 -- I'm 18 sorry -- 1345, or email comments to our main inbox at 19 EFSEC, E-F-S-E-C, @utc.wa.gov.</p> <p>20 You may also send in written comments by 21 postal mail to our office at 621 Woodland Square Loop, 22 P.O. Box 43172, Olympia, Washington 98504. Comments 23 may also be submitted to our online comment database 24 at https://comments.efsec.wa.gov. 25 There are two databases available for the</p>	<p>1 against solar power in Yakima County, but that there 2 is a massive rush to use this particular process to 3 bypass the local input that we believe our residents 4 absolutely should be given the opportunity to provide.</p> <p>5 We want to make sure that local elected 6 officials are be -- are able to be the voice, to 7 determine how much -- and our concern is, going 8 through this process, we're creating a system that 9 provides a unique and perfect opportunity for folks, 10 as indicated on this application, to go straight to 11 your organization.</p> <p>12 And while we know that there are many 13 members of your organization who give due 14 consideration to the people and the impacts to our 15 environment, with all due respect, we are the ones who 16 live here. We are the ones who look out over those 17 hills every day as we're driving our children to 18 work [sic] -- as we're going out to work in those 19 fields looking out over these hills.</p> <p>20 This will fundamentally change the way our 21 community looks and feels. These hills are the fabric 22 of our community, and we need to have the ability to 23 say how fast, and whether or not we go forward with 24 turning the Eastern Washington corridor that we call 25 home into a reflection of solar panels.</p>
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<p>1 duration of the meeting until midnight, one for 2 general comments, and one for comments specific to 3 land use. And again, those comment databases will be 4 open until midnight.</p> <p>5 CHAIR DREW: Thank you, Ms. Hafkemeyer.</p> <p>6 At this point, I will ask Judge Bradley to 7 preside over the public comment period.</p> <p>8 JUDGE BRADLEY: Thank you, Chair Drew. As 9 I understand it, two individuals notified us in 10 advance of their desire to make comments, so we'll 11 begin with them. And again, each speaking party will 12 have three minutes to make their comments, and I will 13 let folks know when the time has expired.</p> <p>14 So I'm first going to call on Commissioner 15 Amanda McKinney.</p> <p>16 MS. MCKINNEY: Thank you, councilmen and 17 women for the opportunity to speak, representing 18 District 1 of Yakima County.</p> <p>19 We have seen in our county, obviously, a 20 lot of people wanting to come for the sunshine, and 21 now inclusive of people who want to create miles and 22 miles of solar panels across our beautiful 23 shrubsteppe. That is grazing land and provides a 24 livelihood for a lot of folks. 25 Our concern is not that we are wholly</p>	<p>1 So we would ask that EFSEC consider that 2 we need to have input, and that our people are not 3 resoundingly in support, nor against. We just want to 4 have a voice for consideration of whether or not we 5 want to have this go forward, and how many of these 6 solar farms do we really want to see blanketing our 7 beautiful Yakima County. Thank you.</p> <p>8 JUDGE BRADLEY: All right. Thank you.</p> <p>9 The other individual who indicated the 10 desire to present comments this evening is Stan Isley. 11 Mr. Isley.</p> <p>12 MR. ISLEY: Hello. Thank you. Thank you 13 for this opportunity to learn more about the 14 Cypress Creek Renewables projects, and also to offer 15 some comments.</p> <p>16 I am the conservation chair for the Yakima 17 Valley Audubon Society chapter. I am offering these 18 comments on behalf of YVAS.</p> <p>19 I had some questions. The project 20 proponents seem to have answered them somewhat. The 21 Ostrea project, that's 1,686 acres, and High Top at 22 1,564 acres, that's the total acreage, and I assume 23 that is going to be refined down and will not be the 24 actual acreage. There will be a lesser amount of 25 acreage that will be actually affected by the solar</p>

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<p>1 panels. So we can confirm -- or I can watch this 2 process and confirm that later.</p> <p>3 Another question I have, though, also is 4 about SEPA compliance, State Environmental Policy Act 5 compliance. And I -- I want to ensure -- I want to 6 recommend that these two projects, Ostrea and High 7 Top, are considered as one project under the State 8 Environmental Policy Act. Certainly, it is not 9 consistent with SEPA guidelines to piecemeal a 10 project's environmental impacts, to do a piecemeal 11 review, but rather to consider the environmental 12 impacts of the total ultimate project, and I believe 13 this represents one project.</p> <p>14 It brings up another point I'd like to 15 make, and that is for consideration. The Goose 16 Prairie project east of these two projects we're 17 looking at tonight, and the Black Rock project, 18 apparently, in -- in the very close vicinity of these 19 two projects, represent four projects, and there may 20 be additional proposed solar generation projects in 21 this Black Rock Valley, Moxee Valley area.</p> <p>22 So perhaps there needs to be a -- some 23 greater environmental impact consideration for the 24 combined ultimate effects, environmental impacts to 25 these -- the development of these -- one after</p>	<p>1 speakers before, we are not for or against solar, but 2 generally, the siting is of grave concern to us.</p> <p>3 I will point out to the council the 4 preexisting voluntary stewardship program. It is a 5 program where the Washington Growth Management Act 6 requires counties to develop a managed population and 7 development. Those plans, under the Growth 8 Management, must identify critical areas, including 9 those on agricultural lands. It's always been a 10 tenuous situation having that requirement.</p> <p>11 The voluntary stewardship program was 12 enacted into law in 2011, I believe, and it creates a 13 process where a county authority is able to join and 14 use a voluntary approach to address not only the 15 impacts of critical areas on agricultural lands, but 16 how to enhance those agricultural lands for 17 agricultural viability.</p> <p>18 I will read the law. 19 [As read] It is the intent of Chapter 300, 20 laws of 2011, to promote plans to protect and enhance 21 critical areas within the area where agricultural 22 activities are conducted, while maintaining and 23 improving the long-term viability of agriculture in 24 the state of Washington, and reduce the conversion of 25 farmland to other uses. That is the law.</p>
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<p>1 another, the development of these projects in the 2 Moxee Valley. That could mean possible environmental 3 impact statement. It could mean a possible even state 4 legislative action to perhaps set up a mitigation fund 5 for mitigating for negative impacts, environmental 6 impacts.</p> <p>7 This represents an opportunity for the 8 project proponents. Environmentalists generally 9 support -- I support this trans- -- transition to 10 solar energy, renewable energy, and away from burning 11 fossil fuels, so let's do this project right. We have 12 to do these projects right, and not make impacts. 13 That means minimize any impact -- avoid impacts where 14 we can, and mitigate fully, even for acreage that is 15 not currently existing shrubsteppe lands.</p> <p>16 I guess my time's up. I'll -- I'll stop 17 there. Thank you.</p> <p>18 JUDGE BRADLEY: Thank you very much. The 19 council will take your comments under consideration. 20 I note that Michael Tobin has raised his hand, and 21 also that an email was sent requesting time to speak.</p> <p>22 So Michael Tobin? 23 MR. TOBIN: Thank you. 24 I'm the district manager for the North 25 Yakima Conservation District, and like the two</p>	<p>1 Yakima County is -- and the board of 2 county commissioners resolved in 2011, as part of 27 3 counties in the state of Washington, that include our 4 neighbors to the -- to the east, Benton County.</p> <p>5 So what I'm talking about here, I'll just 6 point out, it's nice to be involved in a public 7 meeting for two, which are really being treated as one 8 application. But when you step back and you look at 9 the landscape from Goose Prairie to Black Rock to High 10 Top to Ostrea to the Wautoma, just in Benton County at 11 the Silver Dollar Cafe, to actions including the hop 12 hills that are currently being discussed in Solway 13 (phonetic) along the Yak- -- Benton County line, you 14 will find a very effective habitat fence that excludes 15 over 100,000 acres that is currently used by 16 shrubsteppe species that are dependent upon these 17 huge, massive landscapes. The only reason these are 18 being sited here is because -- by virtue of ill-sited 19 BPA Power lines generations ago.</p> <p>20 So, again, the siting of this, I will -- 21 I'll add a -- a little number. If all of these came 22 into play in Yakima County, it would be -- constitute 23 8 miles of the open 12.5 miles along Highway 24 would 24 be changed forever. This is a land conversion that 25 would never go back.</p>

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<p>1 So I would strongly consider resiting 2 these. I would hope that Department of Fish and 3 Wildlife had a stronger voice on the council to do 4 such. 5 Thank you very much. 6 JUDGE BRADLEY: Thank you, Mr. Tobin. I 7 appreciate that. 8 So has anyone else called in or emailed to 9 express interest to speak this evening? 10 MS. OWENS: That is all I have received at 11 this point. 12 JUDGE BRADLEY: All right. 13 So, as a reminder, if you do want to speak 14 during this proceeding, you can call (360) 664-1345. 15 Again, the comments for these projects will be open, 16 the comment database, from now until midnight. And 17 again, those can be submitted at comments.efsec -- 18 E-F-S-E-C -- .wa.gov. And you can also submit your 19 comments at any time to EFSEC -- E-F-S-E-C -- 20 @utc.wa.gov. 21 Anyone else want to speak this evening? 22 CHAIR DREW: I think we could, Judge 23 Bradley, also take -- if anyone wants to raise their 24 hands at this point, since we have time left, to let 25 you know or indicate in the chat that they'd like to</p>	<p>1 substantially. It is an important migration and 2 movement corridor for wildlife. 3 A sea of sagebrush steppe that used to 4 exist 200 years ago throughout the entire inner basin 5 west is now kind of an endangered landscape, and so 6 it's going away fast. I believe we should do our very 7 best to find and protect and preserve sagebrush steppe 8 where we can, and identify, create, preserve wildlife 9 migration corridors. 10 So please, I encourage the proponents to 11 work carefully with WDFW, Washington Department of 12 Fish and Wildlife staff and -- and do their best to 13 protect and preserve sagebrush steppe, but also to 14 provide mitigation for all affected lands, perhaps on 15 a one-to-one acreage basis. 16 Thank you. 17 JUDGE BRADLEY: Thank you. All right. 18 So one last call here. 19 Mr. Tobin, did you raise your hand again? 20 MR. TOBIN: Yes, I did. 21 JUDGE BRADLEY: Okay. I believe we'll 22 give you the same minute we gave Mr. Isley. 23 MR. TOBIN: Thank you very much. I, too, 24 wish I knew I was only going to be limited to three 25 minutes.</p>
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<p>1 speak, I think we can do that at this point. 2 JUDGE BRADLEY: Wonderful. Thank you. 3 So if you do want to speak, please raise 4 your hand or let us know through the chat function. 5 I'm not seeing any hands or comments. We'll give 6 folks another minute or so to let us know that they 7 want to speak. I think we do see a hand raised. 8 And Mr. Isley, I just want to give other 9 folks a chance, and then if the council has no 10 objection, we'll let you speak again. 11 Chair Drew, any objection to allowing 12 Mr. Isley additional time? 13 CHAIR DREW: If he has just a minute; 14 otherwise, he can provide additional comments in -- in 15 writing. 16 MR. ISLEY: Thank you. I am feeling like 17 I'm getting a second bite at the apple. Sorry. I 18 didn't realize I was going to be limited to three 19 minutes. I could have been a little quicker, and a 20 little more to the point. 21 I want to also emphasize that it's 22 important to maintain wildlife migration corridors. 23 As some of the other speakers mentioned, this 24 development, in combination with other solar energy 25 projects in the area, will modify the landscape</p>	<p>1 I want to go back and put emphasis on the 2 voluntary stewardship program. It is a program 3 designed to enhance habitat areas, and we are dealing 4 with shrubsteppe uniquely. I do know that Benton 5 County, through the VSP program, is doing the same. 6 We're dealing with species that not just 7 only roam around like mule deer. We're dealing with 8 sage-grouse, we're dealing with the state of 9 Washington having spent tens of millions of dollars on 10 sage-grouse planning, with the recovery efforts of any 11 number of species. 12 If you look at these things individually, 13 yeah, I think you could discount, you could perhaps 14 figure out a mitigation, and you could say, yes, let's 15 go ahead. But you need to, as a council, look at 16 these as a whole. You need to look at the authorities 17 of the council, and knowing that, pretty much, when 18 you get it, it's going to happen. But it is easy for 19 a developer to bypass the local jurisdiction if 20 they -- if they so choose because they know it's 21 easier. I'm just being honest. 22 When -- when you look at these things, you 23 have a change in -- I'm sorry. 24 JUDGE BRADLEY: I'm sorry, Mr. Tobin. So 25 we gave you a little extra time --</p>

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1 MR. TOBIN: Okay.
 2 JUDGE BRADLEY: -- but let's go ahead and
 3 submit additional comments in writing through the --
 4 MR. TOBIN: Thank you.
 5 JUDGE BRADLEY: -- through the email or
 6 the database. All right.
 7 Anyone else this evening?
 8 Ms. McKinney, again, one minute, please.
 9 MS. MCKINNEY: Thank you. I figured we
 10 might as well all go one more.
 11 I, again, want to place emphasis, and I
 12 really appreciate the two previous speakers. Again,
 13 this is about a big picture. We are looking at
 14 fundamentally changing what we see when we drive
 15 through, and as has been so eloquently stated,
 16 significant impacts to the natural environment.
 17 So I just want to emphasize the aspect of
 18 the people who live here. There are environmental
 19 concerns that we have. But -- but the way of life,
 20 and our -- our being able to see continuity in our
 21 surroundings, again, you -- you hold that ability
 22 because we have been bypassed locally, to the previous
 23 speaker's point. That process allows for it, and as
 24 you can see, the numbers of these projects continue to
 25 increase, and it will only increase more, and where

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1 C E R T I F I C A T E
 2
 3 STATE OF WASHINGTON)
) ss.
 4 COUNTY OF KING)
 5
 6
 7 I, ANITA W. SELF, a Certified Shorthand
 8 Reporter in and for the State of Washington, do
 9 hereby certify that the foregoing transcript is true
 10 and accurate to the best of my knowledge, skill and
 11 ability.
 12 IN WITNESS WHEREOF, I have hereunto set my hand
 13 and seal this 10th day of June 2022.



Anita W. Self
 ANITA W. SELF, RPR, CCR #3032

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1 does it stop?
 2 I do think a novel idea is that, are there
 3 places to put these where they aren't so readily and
 4 easily visible for the people who traverse those
 5 corridors, again, where we take our kids to school,
 6 how we drive to work. They impact the way we feel
 7 about our community. We take pride in our natural
 8 environment. That's why we live here.
 9 Thank you.
 10 JUDGE BRADLEY: Thank you, Ms. McKinney --
 11 Commissioner McKinney.
 12 I'm going to hand it back to you, Chair
 13 Drew. Thank you.
 14 CHAIR DREW: Thank you, Judge Bradley.
 15 This will -- this concludes our public
 16 informational meeting. It's 6:01. So we will adjourn
 17 for 15 minutes to give people a break, and then we
 18 will start our land use consistency hearing at 6:15.
 19 Thank you, and we will be back at 6:15.
 20 (A break was taken from
 21 6:01 to 6:15 p.m.)
 22
 23 -o0o-
 24
 25

13 (Pages 49 to 51)

Land Use Consistency Hearing

Cypress Creek Renewables-High Top Solar & Ostrea Solar Projects

June 1, 2022



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

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Land Use Consistency Hearing - 6/1/2022

<p style="text-align: right;">Page 1</p> <hr/> <p style="text-align: center;">WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL</p> <hr/> <p style="text-align: center;">Docket No. EF-220212 HIGH TOP SOLAR & OSTREA SOLAR PROJECTS LAND USE CONSISTENCY HEARING JUNE 1, 2022 6:15 P.M.</p> <p style="text-align: center;">VERBATIM TRANSCRIPT OF PROCEEDING</p> <p>REPORTED BY: ANITA W. SELF, RPR, CCR #3032</p>	<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS 2 JUNE 1, 2022 3 6:15 P.M. 4 5 CHAIR DREW: It is now 6:15. I am calling 6 to order the land use hearing for the Cypress Creek 7 Renewable projects as required by RCW 80.50.090, and 8 WAC, Washington Administrative Code 463-26-035. 9 EFSEC is beginning the land use hearing 10 for the Cypress Creek Renewable projects, High Top 11 Solar, and Ostrea Solar. 12 During this hearing, the public will be 13 given an opportunity to provide testimony regarding 14 the project -- proposed project's consistency and 15 compliance with land use plans and zoning ordinances. 16 With me is Administrative Law Judge Laura 17 Bradley, who will preside over this hearing. 18 Will -- Ms. Owens, will you please call 19 the roll for the councilmembers? 20 MS. OWENS: Yes. Thank you. 21 Department of Commerce? 22 MS. KELLY: Kate Kelly, present. 23 MS. OWENS: Department of Ecology? 24 MR. LEVITT: This is Eli Levitt, present. 25 MS. OWENS: Department of Fish and</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 (All participants appeared via Teams videoconference) 4 5 STATE AGENCY MEMBERS PRESENT: 6 KATHLEEN DREW, Chair 7 KATE KELLY, Department of Commerce 8 ELI LEVITT, Department of Ecology 9 STACEY BREWSTER, Utilities and Transportation 10 Commission 11 LENNY YOUNG, Department of Natural Resources 12 13 ASSISTANT ATTORNEY GENERAL: 14 JON THOMPSON 15 16 COUNCIL STAFF: 17 AMI HAFKEMEYER 18 JOAN OWENS 19 ANDREA GRANTHAM 20 SONIA BUMPUS 21 STEWART HENDERSON 22 23 COUNSEL FOR THE ENVIRONMENT: 24 SARA REYNEVELD 25 26 GUESTS IN ATTENDANCE: 27 TAI WALLACE, Cypress Creek Renewables 28 JESS MOSLEH, Cypress Creek Renewables 29 PATTI LORENZ, TRC Companies 30 SUSAN DRUMMOND, Law Offices of Susan Drummond 31 ERIN BERGQUIST, TRC Companies 32 MICHAEL TOBIN, North Yakima Conservation District 33 *****</p>	<p style="text-align: right;">Page 4</p> <p>1 Wildlife? 2 Department of Natural Resources? 3 MR. YOUNG: Lenny Young, present. 4 MS. OWENS: Utilities and Transportation 5 Commission? 6 MS. BREWSTER: Stacey Brewster, present. 7 MS. OWENS: Chair, would you like me to 8 continue with the EFSEC staff roll call? Oh, you're 9 on mute. 10 CHAIR DREW: I think we're fine with just 11 the councilmembers. We have a quorum. 12 MS. OWENS: Thank you. 13 CHAIR DREW: Judge Bradley? Now you're on 14 mute. 15 JUDGE BRADLEY: Now I'm on mute. Sorry 16 about that. 17 Thank you, Chair Drew. So I think, at 18 this point, we'll proceed with the presentation from 19 the applicant. 20 MR. WALLACE: This is Tai Wallace. I just 21 wanted to introduce Susan Drummond from the 22 Cypress Creek project team. She's our local counsel 23 and will be presenting this presentation and hearing 24 on land use. 25 JUDGE BRADLEY: Thank you. Go ahead,</p>

1 (Pages 1 to 4)

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Land Use Consistency Hearing - 6/1/2022

Page 5	Page 7
<p>1 please.</p> <p>2 MS. DRUMMOND: I needed to unmute myself.</p> <p>3 Thank you.</p> <p>4 Thank you, Mr. Wallace, Judge Bradley.</p> <p>5 Good evening. I'm Susan Drummond. I represent the</p> <p>6 applicant, Cypress Creek Renewables, on the Ostrea</p> <p>7 Solar and High Top Solar projects.</p> <p>8 I'm not able to unmute my video. If I'm</p> <p>9 able to do so, I'm -- I'm happy to, but I'm not able</p> <p>10 to do so right now.</p> <p>11 If we can move on the PowerPoint to the</p> <p>12 agenda. Thank you.</p> <p>13 I'll be fairly brief this evening, but</p> <p>14 what I wanted to do was to first provide some very</p> <p>15 brief context, and then move to the Yakima County Land</p> <p>16 Use Code and Comprehensive Plan, and address how they</p> <p>17 support the project. The County has determined there</p> <p>18 is land use consistency, and I'll briefly address</p> <p>19 that. And then, I'll briefly turn to the county's</p> <p>20 conditional use permitting criteria, and address some</p> <p>21 of the highlights of the project and how they are</p> <p>22 consistent with those criteria.</p> <p>23 If we can move to the next slide. I guess</p> <p>24 the next -- we'll keep going -- one more, Context. If</p> <p>25 we can move one page on the agenda. Yep. Thank you.</p>	<p>1 correspondence from the County documenting the</p> <p>2 consistency with the land use code. And, of course,</p> <p>3 that's prima facie proof of consistency with the code.</p> <p>4 I'd refer the council to Council Order 879</p> <p>5 on the Goose Prairie project. That was order granting</p> <p>6 expedited processing with -- which documents the --</p> <p>7 that consistency.</p> <p>8 The applicant also prepared a very</p> <p>9 detailed land use review, which further documents</p> <p>10 consistency, and that is attachment A to the</p> <p>11 application for site certification. And that material</p> <p>12 goes through both the plan and code and the specific</p> <p>13 permitting criteria to document that -- that</p> <p>14 consistency.</p> <p>15 So if we can move to the -- the next</p> <p>16 slide, and the next slide shows the --</p> <p>17 JUDGE BRADLEY: Counsel --</p> <p>18 MS. DRUMMOND: Yes, thank you. The</p> <p>19 County -- I'm sorry.</p> <p>20 JUDGE BRADLEY: This is Judge Bradley. So</p> <p>21 if you could please slow down a little bit. We do</p> <p>22 have a court reporter making a transcript of the</p> <p>23 hearing, and we want to make sure we get a clear</p> <p>24 record. So just give her a chance to keep up with</p> <p>25 you, please.</p>
Page 6	Page 8
<p>1 Perfect.</p> <p>2 So just some brief background on this.</p> <p>3 The council in 2017 determined that, under its</p> <p>4 enabling legislation, it must ensure that certified</p> <p>5 projects are aligned with the objectives of reducing</p> <p>6 dependence on fossil fuels and transitioning to a</p> <p>7 clean energy project. That determination is, of</p> <p>8 course, consistent with other state statutes calling</p> <p>9 for carbon neutrality and carbon-free energy supplies,</p> <p>10 and it's consistent with recent amendments to EFSEC's</p> <p>11 enabling legislation, which further promote clean</p> <p>12 energy development.</p> <p>13 So with that context in mind, referring to</p> <p>14 the next -- next slide, the Yakima County Land Use</p> <p>15 Code and Comprehensive Plan are consistent with those</p> <p>16 objectives, and they support the project.</p> <p>17 The county code authorizes this project as</p> <p>18 a power-generating facility that's an allowed Type 3</p> <p>19 conditional use within the agricultural zoning</p> <p>20 district. The applicant consulted with the County</p> <p>21 planning department before submitting this</p> <p>22 application, and throughout its review process, and</p> <p>23 has documented consistency with the plan and code.</p> <p>24 And attached to attachment A of the</p> <p>25 application for site certification is the</p>	<p>1 MS. DRUMMOND: Thank you, your Honor. I</p> <p>2 will -- I will do so.</p> <p>3 So these are the -- the county's nine</p> <p>4 criteria for granting conditional use permits. And</p> <p>5 we're not here tonight to evaluate these criteria, but</p> <p>6 I did want to point them out, and, of course, the</p> <p>7 application -- the first attachment to the application</p> <p>8 for site certification goes through these criteria.</p> <p>9 But in general, just to provide an</p> <p>10 overview of that, they provide for land use</p> <p>11 compatibility with surrounding uses. And that</p> <p>12 assessment looks in the -- at the project in</p> <p>13 relationship to surrounding uses. It looks at whether</p> <p>14 the project is supported with infrastructure, and</p> <p>15 whether local code requirements can be met.</p> <p>16 If we can move to the next slide.</p> <p>17 So briefly, some highlights on the</p> <p>18 criteria. First, I want to look at where the project</p> <p>19 is. It's on vacant, non-irrigated land. It will not</p> <p>20 adversely impact public infrastructure or</p> <p>21 environmental resources. It fully complies with the</p> <p>22 county's critical area ordinance. It also supports</p> <p>23 the rural economy through tax revenue and lease</p> <p>24 payments, so it provides an overall benefit to the</p> <p>25 community, and that was touched on in the earlier</p>

2 (Pages 5 to 8)

Land Use Consistency Hearing - 6/1/2022

Page 9	Page 11
<p>1 presentation.</p> <p>2 In terms of comprehensive plan</p> <p>3 consistency, the project is consistent with the</p> <p>4 county's objective of considering energy supply</p> <p>5 alternatives, and also diversifying the regional</p> <p>6 agricultural economy.</p> <p>7 The county plan's rural and agriculture</p> <p>8 goals are also met. The project provides economic</p> <p>9 support to minimize land conversion risks.</p> <p>10 On the site itself, crop production has</p> <p>11 been nonexistent for over 25 years, and the weedy</p> <p>12 species which are dominant in the previously plowed</p> <p>13 areas are not well-suited for year-round livestock</p> <p>14 grazing. And then, of course, after its commercial</p> <p>15 life, the project would be decommissioned and removed.</p> <p>16 If we could move to the next slide.</p> <p>17 These are criteria 7b and 7g, which dive</p> <p>18 into consistency with neighboring uses. This is a</p> <p>19 very rural, remote area. As we heard earlier, the</p> <p>20 project is north of State Route 24, it's south of the</p> <p>21 Yakima Training Center, and it's 20 to 22 miles east</p> <p>22 of -- of Moxee.</p> <p>23 On the preliminary site plans, solar</p> <p>24 panels and access roads will not be within 300 feet of</p> <p>25 the Yakima Training Center, and the applicant has</p>	<p>1 county requirements.</p> <p>2 The County also, of course, if this were a</p> <p>3 proceeding before the hearing examiner, would have</p> <p>4 authority to impose conditions on the project, and the</p> <p>5 application for cite certification identifies</p> <p>6 development standards, and identifies mitigation to</p> <p>7 address material impacts, environmental or otherwise.</p> <p>8 At attachment O to the application, mitigation</p> <p>9 measures are outlined in the application.</p> <p>10 So the applicant has documented that the</p> <p>11 project is consistent with the county code, and by</p> <p>12 consistency, it means that they can be permitted</p> <p>13 conditionally under that the zoning code, and is</p> <p>14 consistent with the plan. And the applicant asks that</p> <p>15 the council determine that the project is consistent</p> <p>16 with the county's code and plan.</p> <p>17 Thank you. If there are any questions,</p> <p>18 I'm happy to address those.</p> <p>19 JUDGE BRADLEY: I'll start with Chair</p> <p>20 Drew. Did you have any questions for the applicant?</p> <p>21 CHAIR DREW: I do not. Thank you.</p> <p>22 JUDGE BRADLEY: Do any of the</p> <p>23 councilmembers have questions for the applicant?</p> <p>24 MS. BREWSTER: This is Stacey Brewster.</p> <p>25 One quick question regarding the property</p>
Page 10	Page 12
<p>1 consulted with the training center and completed a</p> <p>2 glare analysis, and no issues have arose in there.</p> <p>3 Also, the -- there's grazing to the east</p> <p>4 and to the west. On the west, the nearest structure</p> <p>5 is 2 -- 2 and a half to 3.6 miles away. To the east,</p> <p>6 the nearest structure is 850 feet east from Ostrea's</p> <p>7 boundary, and three miles from High Top's boundary, so</p> <p>8 there's few homes in the area. There are no schools</p> <p>9 in the vicinity. So this is an ideal location for</p> <p>10 the -- this proposed use.</p> <p>11 With regard to transportation impacts, the</p> <p>12 State Route 24 approach onto the private access road</p> <p>13 will be improved for safety and access, and, of</p> <p>14 course, county and WS-DOT requirements will all be</p> <p>15 met. The Washington State Department of</p> <p>16 Transportation has provided conceptual approval of the</p> <p>17 access, and that's at attachment P to the application.</p> <p>18 With regard to regulatory compliance and</p> <p>19 the property size, we heard earlier about the size of</p> <p>20 the property that was outlined and is under the lease</p> <p>21 control is larger than what is actually needed, so</p> <p>22 this has been ideally sized to -- for this particular</p> <p>23 use. And the county -- or the applicant will fully</p> <p>24 comply with all of the county's codes, and that</p> <p>25 includes building codes, fire codes, and any other</p>	<p>1 size and its compliance.</p> <p>2 Is that the two projects together are</p> <p>3 within compliance, or are we considering these</p> <p>4 separately in regard with compliance?</p> <p>5 MS. DRUMMOND: I should have clarified</p> <p>6 at -- at the outset. My comments address both</p> <p>7 projects. I know I may have referred to them in the</p> <p>8 singular, but they are both projects. And both</p> <p>9 projects have been cited so that they would fully</p> <p>10 comply with the code, and that there's plenty of room</p> <p>11 on those sites. So more is under -- for both</p> <p>12 projects, more is under lease control than is needed</p> <p>13 for those -- those projects.</p> <p>14 Also, I did want to emphasize, I mentioned</p> <p>15 earlier, on the certificate of land use consistency,</p> <p>16 I -- I believe I mentioned that, that that was -- is</p> <p>17 attached to the application for site certification.</p> <p>18 That's at the very end of attachment A. Those are</p> <p>19 the -- the correspondence from the County documenting</p> <p>20 the project's consistency with the land use code.</p> <p>21 Did that -- did that answer your question?</p> <p>22 MS. BREWSTER: Yes. Thank you.</p> <p>23 JUDGE BRADLEY: Any other councilmembers</p> <p>24 with questions?</p> <p>25 Not hearing any, Ms. Owens, are you aware</p>

3 (Pages 9 to 12)

Land Use Consistency Hearing - 6/1/2022

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1 of any requests to comment at this proceeding that
2 were submitted in advance?

3 MS. OWENS: I have not received any, no.

4 JUDGE BRADLEY: Thank you.

5 Chair Drew, would the council like to
6 entertain comments from others in attendance?

7 CHAIR DREW: Yes. If they are on the land
8 use consistency, we can see if anyone else wants to
9 comment with the three-minute limit. And let's just
10 allow one time this time.

11 JUDGE BRADLEY: All right. Thank you.

12 So if you would like to comment, please
13 raise your hand or indicate in the chat.

14 All right. Mr. Tobin, and again, three
15 minutes, and no second bite, please.

16 MR. TOBIN: Understood.

17 Interesting review of that, and question
18 to the community needs, it's vacant land. I think
19 it's clear that it is not vacant land. It is used as
20 habitat. It is also used as forage. That is an
21 agricultural input and a habitat input. So to -- to
22 say that it's vacant leads -- leads the -- leads
23 someone to believe that it's not there.

24 Will not adversely impact the public
25 infrastructure or environmental resources. Certainly,

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1 are moot and misleading.

2 Thank you.

3 JUDGE BRADLEY: Thank you.

4 Anyone else in attendance who would like
5 to comment at this point? Okay, folks. Just another
6 minute or so to indicate an interest in commenting.

7 Chair Drew, I'm not seeing any other
8 requests to comment, so I will turn it back to you.

9 CHAIR DREW: Thank you.

10 With no other comments, the land use
11 hearing for the Cypress Creek Renewables project is
12 concluded, and the meeting is adjourned. Thank you
13 all for your participation tonight.

14 (Videoconference hearing concluded
15 at 6:33 p.m.)

16 -o0o-

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1 we've demonstrated earlier, the environmental
2 resources as a habitat is dependent upon these large
3 open spaces. The -- these infrastructures,
4 individually and combined, will impact that, whether
5 it's sage-grouse, which really hates this kind of
6 stuff, won't even be in that region anymore.

7 In terms of agriculture, range land
8 grazing is not predicated on having animals there
9 year-round. I could speak all day to how range land
10 agriculture, which leads to the fourth largest
11 commodity in the state of Washington, livestock, is --
12 uses these types of ranges earlier in the spring, they
13 move to other ranges, and then, in the winter, they
14 use supplemental feeding. It's part of an
15 agricultural process that uses and has used these
16 grounds forever, at least in terms of our existence
17 here, and -- I'm wondering, how does the conversion
18 from agriculture -- range land agriculture, converting
19 it to an industrial complex, actually enhance
20 agriculture? That connection was not made, so I don't
21 know how it meets the intent of the county's code.

22 Also, how does that same conversion to an
23 industrial complex diversify the regional agricultural
24 commodity? You're producing electricity. That is not
25 an agricultural product. So I believe those points

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C E R T I F I C A T E

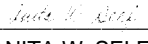
3 STATE OF WASHINGTON)

) ss.

4 COUNTY OF KING)

5
6
7 I, ANITA W. SELF, a Certified Shorthand
8 Reporter in and for the State of Washington, do
9 hereby certify that the foregoing transcript is true
10 and accurate to the best of my knowledge, skill and
11 ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 and seal this 10th day of June 2022.

14 
15 ANITA W. SELF, RPR, CCR #3032
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4 (Pages 13 to 16)

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EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: June 3, 2022

Reporting Period: May 2022

Site Contact: Eric Melbardis, Sr Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 30,958 MWh
 - Wind speed: 8 m/s
 - Capacity Factor: 41%
-

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: June 1, 2022
Report Period: May 2022
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

May generation totaled 68,409 MWh for an average capacity factor of 33.73%.

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: June 2, 2022
Reporting Period: May 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.

- 0 net MW-hrs generated in May for a capacity factor of 0%.

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

Environmental Compliance

-Monthly Water Usage: 4,145,416 gallons

-Monthly Wastewater Returned: 23,929 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 2,496 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.).

- Plant was in a planned maintenance outage for the month of May.

-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).

- Nothing to report.

-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: June 21, 2022

Reporting Period: May 2022

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 0MWh during the month and 929,151MWh YTD.

-GHEC completed the Annual (Maintenance) Outage on May 13th.

-Compliance related maintenance completed in May 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).

Safety Compliance

-None.

Current or Upcoming Projects

-- Application for a Modification to the Air Operating Permit submitted to EFSEC. 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 – May 2022

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

Operator: **Energy Northwest**

Report Date: **June 2, 2022**

Reporting Period: **May 2022**

Site Contact: **Felicia Najera-Paxton**

Facility SCA Status: **Operational**

Operations & Maintenance: CGS Net Electrical Generation May 2022: **847,700 MW-Hrs**

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

Environmental Compliance:

No update.

Safety Compliance

No update.

Current or Upcoming Projects

Columbia Generating Station workers and contractors wrapped up the dry cask storage campaign on May 27th.

Other

No update.

EFSEC Monthly Council Meeting Facility Update

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

Operator: Tuusso Energy, LLC

Report Date: June 3, 2022

Reporting Period: 30-days ending June 3, 2022

Site Contact: Owen Hurd

Facility SCA Status: Construction

Construction Status

- Penstemon
 - All communications issues with the interconnection have now been resolved
 - Plant is currently operational
 - Camas
 - Achieved Mechanical Completion on March 23rd
 - Testing and pre-commissioning activities currently underway; Substantial Completion expected in late-June
 - Urtica
 - Completed pile remediation, installation of mounting structures/trackers, and installation of all solar modules
 - No change in schedule
 - Mechanical Completion: late June
 - Substantial Completion: late July
-

Other

- Updated planting plans will be submitted to EFSEC for review later this month



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

June 2, 2022

Owen Hurd
TUUSSO Energy
500 Yale Avenue North
Seattle, WA 98109

Joy Smith
Greenbacker Renewable Energy Corporation
230 Park Ave., Suite 1560
New York, NY 10169

RE: Confirmation of financial assurance instruments for Greenbacker

Mr. Hurd and Ms. Smith:

We have received and reviewed the Standby Trust Agreement and Letters of Credit from Greenbacker as financial assurance instruments for the Camas, Penstemon, and Urtica Solar projects. We have determined these instruments are sufficient and hereby release TUUSSO from financial responsibility for these projects.

If you have any questions concerning this letter, please contact Ami Hafkemeyer at 360.664.1305 or ami.hafkemeyer@utc.wa.gov.

Sincerely,

Sonia Bumpus
EFSEC Manager

Enclosures
cc: Ami Hafkemeyer, EFSEC
Joe Wood, EFSEC

Horse Heaven Wind Project

June 2022 project update

[Place holder]

Goose Prairie Solar Project

June 2022 project update

[Place holder]

Badger Mountain Solar Energy Project

June 2022 project update

[Place holder]

Whistling Ridge Energy Project

June 2022 project update

[Place holder]

High Top and Ostrea Solar Project

June 2022 project update

[Place holder]

Wautoma Solar

June 2022 project update

[Place holder]