Washington State
Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Tuesday June 21, 2022
1:30 PM

1. Call to Order

2. Roll Call

3. Proposed Agenda

4. Minutes

5. Projects

   a. Kittitas Valley Wind Project
   b. Wild Horse Wind Power Project
   c. Chehalis Generation Facility
   d. Grays Harbor Energy Center
   e. Columbia Generating Station
   f. WNP – 1/4
   g. Columbia Solar
   h. Horse Heaven Wind Farm
   i. Goose Prairie Solar
   j. Badger Mountain
   k. Whistling Ridge
   l. High Top & Ostrea
   m. Wautoma Solar

6. Adjourn

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
WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Olympia, Washington  
Tuesday, May 17, 2022  
1:30 p.m.

VIRTUAL MONTHLY COUNCIL MEETING  
Verbatim Transcript of Proceedings  
(All participants appeared via videoconference)

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358  
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APPEARANCES

1 LACEY, WASHINGTON; MAY 17, 2022  
2 1:30 P.M.  
3 --o0o--  
4 PROCEEDINGS  
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?

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For Badger Mountain Project, Douglas County?  
26 MS. GIULIO: Jordyn Giulio, Douglas County,  
27 present.  
28 MS. OWENS: Assistant Attorney General?  
29 MR. THOMPSON: This is Jon Thompson,  
30 present.  
31 MS. OWENS: Administrative Law Judges, Adam  
32 Torem?  
33 JUDGE TOREM: This is Judge Torem, present.  
34 MS. OWENS: Laura Bradley?  
35 For EFSEC Council Staff, Sonia Bumpus?  
36 MS. BUMPUS: Sonia Bumpus, present.  
37 MS. OWENS: Ami Hafkemeyer?  
38 MS. HAFKEMEYER: Present.  
39 MS. OWENS: Amy Moon?  
40 MS. MOON: Amy Moon, present.  
41 MS. OWENS: Joe Wood?  
42 MR. WOOD: Joe Wood, present.  
43 MS. OWENS: Patty Betts?  
44 MS. BETTS: Present.  
45 For the operation updates,

1 (Pages 1 to 4)
Verbatim Transcript of Monthly Council Meeting - 5/17/2022

CHAIR DREW: Thank you.

Mr. Livingston: This is Mike Livingston. I did hear Eric there.

Ms. Brewster: This is Stacey Brewster. I will try Kittitas Valley one more time.

Eric Melbardis, are you on the line?

Grays Harbor Energy Center?

Mr. SHERIN: Grays Harbor Energy Center, Mr. Sherin?

This is Chris Sherin.

CHAIR DREW: Thank you.

Mr. SHERIN: Good afternoon, Chair Drew, Councilmembers, and Staff. For the month of April, the only nonroutine item I have to report is under the -- you'll see in the notes, our operating updates is under the upcoming projects.

We submitted an application for modification to our Air Operating Permit. Grays Harbor Energy Center is currently authorized to under -- operate under PSD.

CHAIR DREW: Thank you.

Kittitas Valley Wind Project?

Wild Horse Wind Power Project?

CHAIR DREW: She's not available. I think I did hear Eric there.

Ms. OWENS: I will try Kittitas Valley one more time.

Eric Melbardis, are you on the line?

Grays Harbor Energy Center?

Mr. SHERIN: Grays Harbor Energy Center, Mr. Sherin?

This is Chris Sherin.

CHAIR DREW: Thank you.

Ms. Brewster: This is Stacey Brewster. I will try Kittitas Valley one more time.

Grays Harbor Energy Center?

Mr. SHERIN: Grays Harbor Energy Center, Mr. Sherin?

This is Chris Sherin.

CHAIR DREW: Thank you.

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This is Chris Sherin.

CHAIR DREW: Thank you.

Ms. Brewster: This is Stacey Brewster. I will try Kittitas Valley one more time.

Grays Harbor Energy Center?

Mr. SHERIN: Grays Harbor Energy Center, Mr. Sherin?
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<thead>
<tr>
<th>Page 9</th>
<th>Page 10</th>
<th>Page 11</th>
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<tbody>
<tr>
<td>1. Permit EFSEC/2001-01, Amendment 5, and Federal Operating</td>
<td>1. we detected in -- in two samples taken from the</td>
<td>1. we detected in -- in two samples taken from the</td>
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<td>2. Permit EFSEC/94-01 Air Operating Permit initial.</td>
<td>composite sampler were 476 picocuries per liter and</td>
<td>composite sampler were 476 picocuries per liter and</td>
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<td>3. So Grays Harbor Energy Center's current Air</td>
<td>900 picocuries per liter, and those samples were taken</td>
<td>900 picocuries per liter, and those samples were taken</td>
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<td>4. Operating Permit was issued June 17th, 2020. And we're</td>
<td>about a month apart.</td>
<td>about a month apart.</td>
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<td>5. requesting to amend our Air Operating Permit to reflect</td>
<td>Also, they are well below the drinking water</td>
<td>Also, they are well below the drinking water</td>
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<td>6. the equipment upgrades that were approved with our Site</td>
<td>limit of 20,000 picocuries per liter.</td>
<td>limit of 20,000 picocuries per liter.</td>
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<td>7. Certification Amendment approved in December of 2020.</td>
<td>We're investigating the source of the</td>
<td>We're investigating the source of the</td>
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<td>8. Because of the equipment upgrades, EFSEC amended the</td>
<td>tritium, but it correlates with the commissioning of the</td>
<td>tritium, but it correlates with the commissioning of the</td>
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<td>9. Prevention of Significant Deterioration Permit, Amendment 5,</td>
<td>new Surface Water Treatment Facility that we're</td>
<td>new Surface Water Treatment Facility that we're</td>
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<td>10. in January of 2021.</td>
<td>constructing at the Industrial Development Complex.</td>
<td>constructing at the Industrial Development Complex.</td>
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<td>11. Our operating permit needs to be updated to reflect both the</td>
<td>There's no evidence to suggest that the</td>
<td>There's no evidence to suggest that the</td>
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<td>12. equipment upgrade and the PSD Amendment.</td>
<td>recent detection of tritium is related to the operation</td>
<td>recent detection of tritium is related to the operation</td>
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<td>13. That's all I have.</td>
<td>of Columbia Generating Station. But the source water to</td>
<td>of Columbia Generating Station. But the source water to</td>
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<td>14. CHAIR DREW: Thank you. So you're working with EFSEC Staff and</td>
<td>the water treatment facility does come from the Columbia</td>
<td>the water treatment facility does come from the Columbia</td>
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<td>15. the Air Agency on those permits that will then come before us.</td>
<td>River, and Energy Northwest is engaged with the United States</td>
<td>River, and Energy Northwest is engaged with the United States</td>
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<td>16. MR. SHERIN: Yes, Chair Drew. We just submitted the request.</td>
<td>Department of Energy for insight on the state of known tritium plumes</td>
<td>Department of Energy for insight on the state of known tritium plumes</td>
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<td>17. CHAIR DREW: Okay. Thank you very much.</td>
<td>that are coming from the Hanford Site, which all of our -- I say</td>
<td>that are coming from the Hanford Site, which all of our -- I say</td>
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<td>18. Are there any other questions from the Councilmembers?</td>
<td>&quot;all,&quot; Columbia and Industrial Development Complex are situated upon.</td>
<td>&quot;all,&quot; Columbia and Industrial Development Complex are situated upon.</td>
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<td>19. Okay. Hearing none, moving on to Columbia Generating Station,</td>
<td>We are currently developing an incident report and investigation plan</td>
<td>We are currently developing an incident report and investigation plan</td>
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<td>20. Mr. Schmitt?</td>
<td>as requested by EFSEC for a path forward.</td>
<td>as requested by EFSEC for a path forward.</td>
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<td>21. Councilmembers?</td>
<td>That is all I have to report.</td>
<td>That is all I have to report.</td>
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<td>22. MR. SCHMITT: Good afternoon, Chair Drew,</td>
<td>CHAIR DREW: Thank you.</td>
<td>CHAIR DREW: Thank you.</td>
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<td>23. Okay. Hearing none, moving on to Columbia Generating Station,</td>
<td>Are there questions from Councilmembers?</td>
<td>Are there questions from Councilmembers?</td>
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<td>24. Mr. Schmitt?</td>
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<td>25. MR. SCHMITT: Good afternoon, Chair Drew,</td>
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<td>1. EFSEC Council, and Staff. This is Marshall Schmitt, reporting</td>
<td>1. Okay. We look forward to the resolution and finding the source of</td>
<td>1. Okay. We look forward to the resolution and finding the source of</td>
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<td>2. for Energy Northwest. I have two main items to report for the</td>
<td>that. Thank you.</td>
<td>that. Thank you.</td>
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<td>3. month of April.</td>
<td>MR. SCHMITT: Thank you, Chair Drew.</td>
<td>MR. SCHMITT: Thank you, Chair Drew.</td>
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<td>4. First, on April 11th, Energy Northwest notified EFSEC that we</td>
<td>CHAIR DREW: Moving on to Columbia Solar, Mr. Hurd?</td>
<td>CHAIR DREW: Moving on to Columbia Solar, Mr. Hurd?</td>
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<td>5. had a discrepancy in the runtime meters for two of our</td>
<td>MR. HURD: Good afternoon, Chair Drew, Councilmembers, and EFSEC</td>
<td>MR. HURD: Good afternoon, Chair Drew, Councilmembers, and EFSEC</td>
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<td>6. Emergency Diesel Generators. And this discrepancy challenges</td>
<td>Staff. This is Owen Hurd, from TUUSSO Energy, reporting on the</td>
<td>Staff. This is Owen Hurd, from TUUSSO Energy, reporting on the</td>
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<td>8. Specifically, we identified that the meters are designed only to</td>
<td>10. On Penstemon, PSE seems to have resolved the final communications</td>
<td>10. On Penstemon, PSE seems to have resolved the final communications</td>
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<td>9. record engine runtime once the engines reach rated speed and</td>
<td>issues with the interconnection. We'll get final confirmation on</td>
<td>issues with the interconnection. We'll get final confirmation on</td>
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<td>10. they stop recording when the engine is switched to idle.</td>
<td>that tomorrow, but as of last week, it looked like that was</td>
<td>that tomorrow, but as of last week, it looked like that was</td>
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<td>12. May 3rd to discuss this discrepancy.</td>
<td>On Camas, we achieved mechanical completion on March 23rd, and</td>
<td>On Camas, we achieved mechanical completion on March 23rd, and</td>
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<td>13. Despite the discrepancy, the actual engine runtime is well</td>
<td>substantial completion is now expected June 10th, following</td>
<td>substantial completion is now expected June 10th, following</td>
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<td>14. below the limits in EFSEC Order 873.</td>
<td>resolution of these two items.</td>
<td>resolution of these two items.</td>
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<td>15. And moreover, we have other methods in place to verify the</td>
<td>15. The inverter malfunction issue has since been resolved.</td>
<td>15. The inverter malfunction issue has since been resolved.</td>
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<td>16. actual engine operational hours, which are going to be used</td>
<td>And as mentioned above, the Penstemon communication issues, which</td>
<td>And as mentioned above, the Penstemon communication issues, which</td>
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<td>17. in the interim while we work with EFSEC and Ecology to</td>
<td>this is waiting on, has also been resolved. We're doing a full</td>
<td>this is waiting on, has also been resolved. We're doing a full</td>
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<td>18. determine the appropriate corrective actions.</td>
<td>witness test today with PSE, so that's currently underway.</td>
<td>witness test today with PSE, so that's currently underway.</td>
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<td>19. The second item I have to report, on April 14th, Energy</td>
<td>19. And then on Urtica, pile remediation is still underway. Concrete</td>
<td>19. And then on Urtica, pile remediation is still underway. Concrete</td>
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<td>20. Northwest notified EFSEC that tritium was detected in the</td>
<td>collars being placed on twisted piles. No change in schedule.</td>
<td>collars being placed on twisted piles. No change in schedule.</td>
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<td>21. Sanitary Waste Treatment Facility influent composite sampler.</td>
<td>Mechanical</td>
<td>Mechanical</td>
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<td>22. The amount of activity that was detected in the Sanitary Waste</td>
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<td>23. Treatment Facility influent composite sampler. The amount of</td>
<td></td>
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<td>24. activity that was detected in the Sanitary Waste Treatment</td>
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<td>25. Facility influent composite sampler. The amount of activity</td>
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<td>completion is expected late June, substantial is late July.</td>
<td>on EFSEC's work with the Washington Attorney General's Office on a land use order, as well as a brief update on the adjudication plans.</td>
<td>CHAIR DREW: Thanks.</td>
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<td>Other than that, the new site restoration financial assurance has been posted by Greenbacker, and</td>
<td>CHAIR DREW: Thank you.</td>
<td>So to recap maybe a little bit more information. The Land Use Consistency Order is one part of our process, which EFSEC is required to do, and it's laid out in the order.</td>
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<td>I think that the hard copy of the standby trust, I think EFSEC Staff is still awaiting the hard copy of the standby trust agreement. But that is supposedly in transit.</td>
<td>Ms. Hafkemeyer?</td>
<td>So, members of the public, you can also look at the order. But essentially what we're -- what we're saying in this order is that we -- the plans for the Horse Heaven project are consistent and in compliance with the overall land use requirements of Benton County.</td>
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<td>And we've been updating our impact calculations based on final layouts, which will be using to form an updated planting plan that we will be submitting to EFSEC Staff shortly.</td>
<td>MS. HAFKEMEYER: Thank you, Chair Drew and Ms. Moon. Good afternoon, Council. For the record, this is Ami Hafkemeyer. In your Council packet is the draft Land Use Order as directed by the Council to be prepared at the April Council meeting.</td>
<td>Saying not -- since it's an allowable use that's allowed conditionally under the Benton County land use, then we are just saying in this order essentially that it is an allowable use.</td>
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<td>CHAIR DREW: Thank you.</td>
<td>Judge Torem is on the line, as well as Jon Thompson, if there are any questions. EFSEC Staff are recommending that the Council vote to approve this draft order at today's meeting.</td>
<td>We will come back in future. We're not -- in -- in this action, we are not taking up the whole of the project. We are taking up only whether or not this is an allowable use within the local land use.</td>
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<td>Are there any questions from Councilmembers?</td>
<td>CHAIR DREW: Thank you. We can take this item up now, and then we'll come back for the update on the adjudication.</td>
<td>So if there are conditions that come up that the project needs to address, those will come up during adjudication.</td>
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<td>Thank you.</td>
<td>Councilmembers, you have the proposed draft order on land use consistency. Are there questions or discussion?</td>
<td>So I just wanted to make that clear, that is essentially the action that the Council is being asked to make today.</td>
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<td>Moving on to the next item, which is Desert Claim Wind Power Project, Ms. Moon.</td>
<td>MS. BREWSTER: This is Stacey Brewster. Not so much question, as this is a process we've been working through most recently. I do want to thank Staff and attorney generals and Judge Torem for their work on this. It was quite clear and informative. Thank you.</td>
<td>Are there any questions? Any other</td>
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<td>CHAIR DREW: Thank you.</td>
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</table>
Chair Drew, in -- in the draft order that the Council is reviewing in their packets, I believe the GMAAD is referring to the Growth Management Act agricultural land use designation.

CHAIR DREW: Thank you.

MS. BUMPUS: And then there is another section -- I found this on page 8 -- where it refers to the Growth Management Act Agricultural District.

CHAIR DREW: Thank you. I hadn't made that -- when I saw the letters, I hadn't remembered exactly what it was, so I appreciate you finding that within the document and bringing that to our attention.

Okay. Thank you.

Are there questions from Councilmembers?

Mr. Young.

MR. YOUNG: Thank you, Chair Drew.

Could Staff explain the time relationship between EFSEC's adjudication and Scout Clean Energy obtaining an approved conditional use permit under local zoning regulations? Is EFSEC's process contingent upon the applicant containing that permit or is it separate from that?

CHAIR DREW: I --

MR. THOMPSON: So this is Jon Thompson.

CHAIR DREW: Thank you, Mr. Thompson. I was going to take a stab at it, but I thought perhaps our AG would be most appropriate. Go ahead.

MR. THOMPSON: Okay. Right. So -- so the -- the EFSEC process of reviewing an application for site certification takes the place of local conditional use permitting. So -- so there is no conditional use permit process before the County when a -- when a facility comes to EFSEC for a site certification agreement.

But as Chair Drew was saying earlier and -- and kind of reciting the last directives of the order there, where -- where the Commission -- or excuse me, where the Council can determine as here that -- that a proposed land use is not -- not prohibited by local zoning, but it is -- it is something that can be permitted as a conditional use, then it's been EFSEC's practice to say that that's -- that it's consistent and in compliance with local land use plans and zoning ordinances.

But then to essentially have the same sort of process as you would have at the County where the applicant has to go before a hearing examiner and demonstrate that it meets -- or that it can meet with the imposition of conditions, the -- the County's conditional use criteria.

So -- so basically that -- that part of the County process is sort of subsumed and taken up in EFSEC's adjudication process when -- when EFSEC is having an adjudication for a particular application.

So hopefully that -- hopefully that explains it.

MR. YOUNG: Yeah, I think so. I guess to me that -- that sounds like really point number two under the Council orders is mooted out and is not a requirement, and it's replaced by EFSEC's adjudication; is that correct?

MR. THOMPSON: I'm not -- I'm not certain what you mean by "point number two."

MR. YOUNG: The point that says under the Council orders, it says, "Scout Clean Energy's application would require a conditional use permit under local zoning regulations."

Does that mean, if the applicant was trying to get the project permitted under local authority, it would require that permit, but it's not required if the applicant is proceeding through EFSEC?

MR. THOMPSON: Yes, that's exactly right.

MR. YOUNG: Okay. Thank you for that clarification. Appreciate that.
MS. KELLY: Chair Drew, this is Kate Kelly. CHAIR DREW: Correct.

MR. YOUNG: Okay. Thank you very much. CHAIR DREW: Go ahead. MS. KELLY: And so this -- this might be another question for Jon, but I'm just trying to understand the difference between the zoning regulations, what's referred to as the zoning regulations, and then the comprehensive plan, which may or may not be the same as the local land use plans.

So just about the -- and I -- and it may become an issue when we do the equivalency with the conditional use, but just trying to understand what we are deciding this application is consistent with. CHAIR DREW: Mr. Thompson?

MR. THOMPSON: Right. So -- so the -- the zoning ordinances are adopted to -- you know, consistent with and to -- and to implement the comprehensive plan, which is a more general sort of a planning document.

So sort of where the rubber hits the road, so to speak, is the actual zoning ordinances that say what uses are allowed outright or can be conditionally permitted within a particular zoning district. So, you know, once the County has -- has adopted a zoning code, then, I mean, that really becomes the relevant consideration. The -- sometimes the conditional use criteria will, you know, point to -- point back to the comprehensive plan, you know, the goals of it, and so forth and -- and point to a need for consistency with the goals of a particular district, you know, or what have you.

So it doesn't -- it doesn't become completely irrelevant, but the real details of what's permitted and under what conditions in a particular zoning district is -- is really spelled out in the zoning code.

MS. KELLY: A follow-up, Chair Drew.

CHAIR DREW: Yes. MS. KELLY: So -- and in the part of the order that's on the screen right now, Jon, is the -- under line 34(1), it says that the application is consistent and in compliance with local land use plans. That's not a comprehensive plan.

MR. THOMPSON: It is the comprehensive plan. MS. KELLY: Okay. MR. THOMPSON: Yes. CHAIR DREW: If I can add a little further, it is consistent and in compliance because it's an allowable use in the agricultural district and requires a conditional use permit.

MR. THOMPSON: Yeah. I might just offer one -- one correction maybe to that. There's sort of a terminology that's used sometimes between "allowable uses" and "conditionally permitted uses."

CHAIR DREW: Thank you. MR. THOMPSON: So -- yeah. So there's some -- some -- some uses might be allowed outright, meaning you don't have to get a conditional use permit for them.

But in this case, a solar or wind farm,
CHAIR DREW: Okay. Thank you.

Council and the public at the next Council meeting.

Torem to weigh decisions regarding hearing logistics and timing. We anticipate having more information on the timing.

Staff are still working closely with Judge Torem, and Judge Torem has been working with our contractor to develop recommendations to the SEPA-responsible official, Ms. Bumpus, on what topics we would recommend to include in the Environmental Impact Statement, or EIS, for the proposal.

And Staff are also continuing to coordinate with the applicant and our contracted agencies on our review of the application.

Are there any questions?

CHAIR DREW: Are there any questions?

Are those SEPA comment letters available on our website at this point?

MS. HAFKEMEYER: Yes. All the comments that we received are available on the project website for -- sorry, on the Badger Mountain page of the EFSEC website.

CHAIR DREW: Okay. Thank you.

Moving on to Whistling Ridge Energy Project, Ms. Hafkemeyer.

MS. HAFKEMEYER: Thank you, Chair Drew. At the April Council meeting, Staff provided an update about the Whistling Ridge project that Staff were.

Are there any questions from the Councilmembers?

Thank you all. So we have approved the order for land use consistency or for finding the proposed site consistent with land use regulations.

Moving on now to the next portion of our conversation on -- are we going to talk about adjudication now, Ms. Hafkemeyer?

MS. HAFKEMEYER: Thank you, Chair Drew. I only have a brief update on the adjudication.

Staff are still working closely with Judge Torem to weigh decisions regarding hearing logistics and timing. We anticipate having more information on the prehearing conference and adjudication available to the Council and the public at the next Council meeting.

CHAIR DREW: Okay. Thank you.

Are there any questions from the Councilmembers?

Thank you all.

Moving to the next item on our agenda, I think we're on Goose Prairie Solar Project. We are.

And...

MR. WOOD: Hello, this is -- this is Joe Wood.

CHAIR DREW: It's you. Okay, Mr. Wood. I was looking for my agenda so I could make sure --

MR. WOOD: No problem.

CHAIR DREW: -- who was coming next. Go ahead.

MR. WOOD: This is Joe -- Joe Wood, providing the update on the Goose Prairie Solar Project.

Currently, EFSEC and the applicant are working together to put together various preconstruction plans and permits for the next phase of the projects and will update the Council and Staff in future meetings.

That's it.

CHAIR DREW: Thank you.

For Badger Mountain, Miss Hafkemeyer?

MS. HAFKEMEYER: Thank you, Chair Drew.

EFSEC Staff are reviewing the State Environmental Policy Act, or SEPA, scoping comments from the comment period that was open from March 14th through April 12th. EFSEC Staff received 14 comments from the public, seven comment letters from other State agencies, and one comment letter from the Yakima Nation.

We are working with our contractor to develop recommendations to the SEPA-responsible official, Ms. Bumpus, on what topics we would recommend to include in the Environmental Impact Statement, or EIS, for the proposal.

And Staff are also continuing to coordinate with the applicant and our contracted agencies on our review of the application.

Are there any questions?

CHAIR DREW: Are there any questions?

Are those SEPA comment letters available on our website at this point?

MS. HAFKEMEYER: Yes. All the comments that we received are available on the project website for -- sorry, on the Badger Mountain page of the EFSEC website.

CHAIR DREW: Okay. Thank you.

Moving on to Whistling Ridge Energy Project, Ms. Hafkemeyer.

MS. HAFKEMEYER: Thank you, Chair Drew. At the April Council meeting, Staff provided an update about the Whistling Ridge project that Staff were.

Are there any questions from the Councilmembers?

Thank you all.

Moving to the next item on our agenda, I think we're on Goose Prairie Solar Project. We are.

And...

MR. WOOD: Hello, this is -- this is Joe Wood.

CHAIR DREW: It's you. Okay, Mr. Wood. I was looking for my agenda so I could make sure --

MR. WOOD: No problem.

CHAIR DREW: -- who was coming next. Go ahead.

MR. WOOD: This is Joe -- Joe Wood, providing the update on the Goose Prairie Solar Project.

Currently, EFSEC and the applicant are working together to put together various preconstruction plans and permits for the next phase of the projects and will update the Council and Staff in future meetings.

That's it.

CHAIR DREW: Thank you.

For Badger Mountain, Miss Hafkemeyer?

MS. HAFKEMEYER: Thank you, Chair Drew.
In 2013, the Washington Supreme Court issued a decision, denying an appeal of the project. Between 2013 and 2015, Bonneville Power Administration, or BPA, worked on a national Environmental Policy Act final Environmental Impact Statement and its supplement in response to comments that they had received. In 2018, the Ninth Circuit Court of Appeals issued a decision, denying an appeal filed in 2015 regarding BPA’s decision to grant interconnection of the project. Between 2018 and 2022, the original certificate holder began discussions regarding the sale of the company assets to multiple potential buyers, which included the sale of the property Whistling Ridge would be built on to Twin Creeks lumber — I’m sorry, Twin Creeks Timber, LLC, who are managed by Green Diamond Management Company, and that brings us to the present. EFSEC’s rule in Washington Administrative Code 463-66-030 addresses requests for amendments to Site Certification Agreements and indicates that the Council consider the request for SCA amendment and determine a schedule for action at the next feasible Council meeting.

In this case, the developer has requested that the extension and the request for transfer of ownership be considered together. Based on our discussions with the developer, Staff recommends that the Council wait to set a schedule of the review of the SCA amendment request until such a time that the developer provides the other materials needed to complete the amendment request. We believe this would be in accordance with WAC 463-66-030 and would allow the Council to take up all aspects of the amendment request under one review process.

Are there any questions?
CHAIR DREW: Do you have an idea of how long it might take for the rest of -- for us to receive the rest of the application materials?
MS. HAFKEMEYER: The developer anticipates submitting the rest of the materials tentatively in the next few weeks, but certainly no later than the end of June.

CHAIR DREW: Thank you.
Mr. Young?
MR. YOUNG: Yeah. Would our -- question for Staff. Are you prepared or could you summarize the nature of the litigation that led to the Washington Supreme Court challenging the Site Certification Agreement and the litigation that led to the Ninth Circuit challenging BPA’s work? Is that possible or -- or -- or is that asking too much for right here on the spot?

MS. BUMPUS: Chair Drew, if I may.
I -- thank you for the -- for the question, Councilmember Young. I -- I think that it might be a good idea if we have the folks from Whistling Ridge, perhaps their legal counsel. I’m not sure if they’re on the line, but we could potentially schedule a time for them to come in and do an update about those particulars.
I’d want us to be -- I’d want the Staff to be very careful about trying to characterize the actions --

MR. YOUNG: Sure.
MS. BUMPUS: -- for the litigation.
MR. YOUNG: Also, alternatively, would it be possible to provide some links to the -- to the appropriate documents around those two court cases?
MS. BUMPUS: Yes, I think that would be -- that would be something we could probably do.

MR. YOUNG: I’m certainly not asking for a legal interpretation. I’m just curious as to the general nature of the challenges, and if -- if we had access to the relevant court documents, I think that could be quickly discerned.

CHAIR DREW: That would be a great idea.
MS. HAFKEMEYER: If I could jump in here briefly, Councilmember Young. There are links to some of that information. I don’t know that it’s necessarily all of the information you’re looking for, but some of the information on the appeals and some of the judicial review on the Whistling Ridge project of EFSEC’s website.

MR. YOUNG: Great. Thank you.
CHAIR DREW: And maybe if we could ask Mr. Thompson, if you could at least help us with making sure we have the documents pertinent to the State Supreme Court on our website. I think what we don’t have is -- and we weren’t involved in -- was the case that -- that involved BPA.

MR. YOUNG: And I’d like to maybe just be clear for the record that my interest in this is more to fully understand the history of what’s taken place in the past, and I’m not trying to connect any past events to anything new or anything that is going forward.

CHAIR DREW: I think that’s a -- I think it’s a good idea just for us to have the knowledge of
that history. So I appreciate that. Thank you.

Are there other questions?

MS. KELLY: Chair Drew?

CHAIR DREW: Go ahead, Ms. Kelly.

MS. KELLY: Thank you. I just -- I read through the whole document. I just got a little con-- so the extension is the request for three years because the SCA has been in place for ten years now, although a lot of that was taken up with litigation. And -- and the amendment is a separate thing. We're not amending the SCA to extend the time; correct? That's a separate action?

CHAIR DREW: Either Ms. Hafkemeyer or Ms. Bumpus, if you want to answer the question, what the extension -- the other piece that's not yet -- that we don't yet have is the transfer of ownership.

Ms. Bumpus -- oh, either one.

MS. HAFKEMEYER: Sure. I can -- I can hop in here. So they are two separate -- two separate items. We just also have a request from the developer that they be considered together.

One action is the request for extension because the project is -- was certified quite some time ago. The new owner would like some time to take action, such as do some -- some renewed fieldwork to update their studies that were initially associated with the project.

And then there is another action related to the transfer of ownership. Because of the sale of the property, one of the requirements of Site Certification Agreement is that the Council approve of the transfer of Site Certification Agreements.

So there are two actions: One request for the transfer of ownership and one request for an extension. But the developer has requested that the Council consider that actions together. And that's in the letter in your Council packet as well.

CHAIR DREW: And that would be -- that -- that is an amendment request, which I think is what your specific question was.

MS. KELLY: Thank you.

CHAIR DREW: Are there other questions? Okay. We will consider -- we will continue to provide information. The Staff will continue to provide information about this as we move forward. Okay. Moving on to the High Top and Ostrea Solar Project update.

MS. HAFKEMEYER: Thank you. EFSEC Staff are currently working on our review of the application for these projects. We have also reached out to other agencies, such as WDFW, Ecology, Department of Natural Resources, and Department of Archeology and Historic Preservation to begin coordination of their review of the application.

EFSEC Staff are also working to schedule the public informational meeting and land use consistency hearing for this project, which is currently tentatively set for Wednesday evening, June 1st.

Are there any questions?

CHAIR DREW: You should have access to the application materials, and we do have some hard copies available, as well as some thumb drives available. So be sure to contact Ms. Owens if you would like one of those for this project.

Any questions?

Okay. Thanks.

Moving on to Wautoma Solar Project, Ms. Hafkemeyer?

MS. HAFKEMEYER: Thank you. EFSEC Staff received application materials for a proposed facility referred to as Wautoma Solar, which is a 470-megawatt solar facility with battery storage proposed in Benton County.

EFSEC Staff are coordinating with our contracted agencies to initiate review and looking to schedule the initial required meetings for the proposal.

Laura O'Neil, with the developer, has prepared a brief presentation for the Council on this project.

CHAIR DREW: Thank you.

Ms. O'Neil?

MS. O'NEIL: Hello. Thanks for having me today. I can either share my screen and run the slides myself, but I think I would need to be granted permission to do that, or someone else could just roll through the slides that are included in the packet.

CHAIR DREW: Ms. Owens?

MS. OWENS: One moment and I can make you a presenter as soon as I find you on the list here.

MS. O'NEIL: Great. Okay. There we go. Okay. Are my slides showing?

CHAIR DREW: Yes, we can see them.

MS. O'NEIL: Perfect. Okay.

Thank you, Chair Drew, Councilmembers, and all attendees for having me here today to present about the proposed Wautoma Solar Project. My name is Laura O'Neil. I'm the senior coordinator of environment for Innergex Renewable Energy.

We will provide an introduction.

As you know, our application for site
certification was submitted on May 6th. Innergex develops, constructs, and operates renewable energy projects that we own for the long term. We believe in sustainable development that balances people, our planet, and prosperity.

We were invented over 30 years ago, in 1990. Innergex is a global leader with solar, wind, and hydro operations across the United States, Canada, Chile, and France.

We currently have 80 facilities in operation. While our headquarters are in Canada, we've worked in the U.S. for over 15 years and have a main office in San Diego, with regional offices in Hawaii, Massachusetts, and Texas.

In response to Washington's clean energy mandates, we're proposing a project of up to 470 megawatts with a four-hour battery energy storage system as an option.

At this output, we would have enough to power over 70,000 Washington households. And for reference, the county in which we're located, Benton County, contains approximately 74,000 households.

As mentioned, we're in Benton County. We're located about 12 and a half miles northeast of Sunnyside and one mile south of the State Routes 241 and 24 interchange.

We've chosen this location for several reasons. It has an excellent solar resource. It's adjacent to a point in the regional transmission system, which will not require substantial upgrades.

We'll interconnect to the BTA Wautoma substation, which is located within the project area. The site is generally level and open with few environmental constraints. And importantly, we're fortunate to be working with interested and supportive landowners.

And here, you'll see our preliminary layout. While we've studied more than 3500 acres, the blackout line, the solar field, and associated infrastructure as currently contemplated are anticipated to occupy about 3,000 acres.

This land has avoided environmental and cultural resource constraints identified from field investigations, including wetlands and streams, a burrowing owl nest, a cystic half-moon up in the northwest corner, and small patches of callous habitat and Columbia milk vetch.

We've also incorporated passageways through the solar array fencing to allow big game to pass through the project area.

Of course, through the permitting and engineering process, we anticipate changes to the project size or configuration may occur.

We have engaged Tetra Tech as our lead environmental consultant for the project. In preparation for the application for site certification, they've conducted field surveys and completed a part four analysis of all relevant environment aspects.

This included standalone studies on the following topics: Wetland delineation, plant and wildlife habitat, cultural and archaeological resources, visual and acoustic impacts, glint and glare, and traffic and transportation.

Once completed, several plans will be developed to describe how we will avoid, minimize, and mitigate potential impacts through construction and operation. A list of these plans is on the next slide.

There are many stakeholders for the project. Agencies, EFSEC, of course, along with others, such as WDFW, Ecology, and DAHP, tribal governments, Benton County commissioners, our participating landowners, as well as adjacent landowners.

To date, we've held several meetings to introduce the project to the community. We had an in-person meeting in March with participating and adjacent landowners, a virtual meeting open to the public was held in April, and we presented to the Benton County Board of Commissioners just this morning.

As far as jobs and services go, we -- we always strive to buy locally and hire local contractors where possible. And a local procurement policy will be put in place to ensure benefits reach local skilled workers and local businesses during construction and operation.

We anticipate about 3- to 400 people will be employed on-site during construction, and peak points may reach 1- or 200 more. During the 30-to-50-year project operations term, we expect to employ three or four full-time technical positions, plus external maintenance contracts.

In addition to opportunities for local employment, the project will provide the following benefits: A source of annual property tax revenue to Benton County. For example, a 400-megawatt project would be expected to contribute three to four million in the first year of operation, benefitting schools, the Port, roads, and other county services.

It will provide a source of stable long-term revenue for participating landowners, along with community investments, and, of course, a source of
clean, reliable, renewable energy.

As noted earlier, we've completed the applicable environmental and engineering surveys throughout 2021 and recently submitted our ASC. Next steps, we'll work with Ms. Hafkemeyer's team to schedule the initial public meeting and land use consistency hearing likely in early July. And our aim is to work towards issuance of the SCA in late 2023. On this timeline, we anticipate the earliest construction start would be Q1 2024.

And finally, thank you again for having me.

We're really excited to begin the permitting process and work with EFSEC in service of Washington's clean energy goals.

If you have any questions at any later time, my contact information is on this slide, as well as the link to the project's website.

CHAIR DREW: Thank you, Ms. O'Neil.

Are there any questions from Councilmembers?

MS. BREWSTER: This is Stacey Brewster. I'm curious, is there any plans for battery storage with this solar array?

MS. O'NEIL: There are. We've -- we've included them in our ASC application as part of the preliminary layout and -- because we are looking at several different options, but it is likely to include batteries, yes.

CHAIR DREW: Thank you.

Any other questions?

We look forward to working with you throughout this process. And as you said, our next step is to schedule that opportunity to hear from the public on the project. So thank you for being here today and appreciate it.

MS. O'NEIL: Thank you again.

CHAIR DREW: Moving on to our legislative update, which I think is actually our -- our implementation of the legislation update by Ms. Bumpus.

But before she begins, I would like to take this opportunity to introduce a new member of our team, Dave Walker.

MR. WALKER: Hello, folks. My name is Dave Walker. I just recently on the project, working House Bill 1812 to get the transition completed. We've got a lot of work ahead of us, but I think things are going well so far, and really appreciate the opportunity to be serving again. Thank you.

CHAIR DREW: Thank you. Dave comes to us after being recently retired at 30-plus years in State service at the Department of Corrections and the Department of Licensing, where he served as Deputy Assistant Director for Business and Professions Division, as well as the Assistant Director for the Customer Relations Division.

So he has a lot of know-how in how our state government operates, which is going to help us transition to our next phase as an agency.

So really appreciate you being on -- on board. Thanks.

And, Ms. Bumpus, would you like to give an update?

MS. BUMPUS: Thank you, Chair Drew, for that really wonderful introduction for Dave. It's been great having Dave on our team, and we're making, I think, some steady progress now on our transition efforts.

So for the record, this is Sonia Bumpus.

Good afternoon, Chair Drew and Councilmembers. Just a couple of things on the legislative update. These will probably get a little bit more detailed as we move forward, so today's update's pretty high level.

But basically just to let the Council know that we have been successfully working with the Department of Enterprise Services Small Agency Services group to identify the different support we will need,
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| 1. Know, the scope of our work grows, we'll certainly need -- need to add staff to our team.  
2. So I look forward to providing additional updates about the organizational changes, the transition, and hopefully the next time I provide an update, we'll have some, perhaps, contracts in place so that we can start taking advantage of those services with -- with DES.  
3. Are there any questions from Chair Drew or Councilmembers about the transition? Anything you're wondering about that I haven't mentioned or would like to hear in the future?  
   CHAIR DREW: Councilmembers, do you have questions or...  
   MS. KELLY: Chair Drew and Sonia, this is Kate Kelly. I just -- I just want to, you know, say congratulations and good luck to you in undertaking all this expansion.  
   But anyway, I hope you please let Councilmembers know how we can help as you take on what is going to undoubtedly be big projects. So we stand ready to help you in the transition.  
   MS. BUMPUS: Thank you very much.  
   CHAIR DREW: Thank you.  
   MS. BUMPUS: Appreciate that. Thank you.  
4. CHAIR DREW: Well, with that, our meeting is adjourned. Thank you all.  
   (Adjourned at 2:32 p.m.)  
| 1. C E R T I F I C A T E  
2. STATE OF WASHINGTON  
3. COUNTY OF THURSTON  
4. I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.  
| 1. Tayler Garlinghouse, CCR 3358 |
Informational Public Meeting

Cypress Creek Renewables-High Top Solar & Ostrea Solar Projects

June 1, 2022
Informational Public Meeting - 6/1/2022

WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

Docket No. EF-220212
HIGH TOP SOLAR & OSTREA SOLAR PROJECTS
INFORMATIONAL PUBLIC MEETING
JUNE 1, 2022
5:00 P.M.

VERBATIM TRANSCRIPT OF PROCEEDING
REPORTED BY: ANITA W. SELF, RPR, CCR #3032

PROCEEDINGS
JUNE 1, 2022
5:00 P.M.

CHAIR DREW: Good evening. My name is Kathleen Drew, and I am chair of the Washington Energy Facility Site Evaluation Council or EFSEC.

If I could begin by asking you all to make sure that your microphones are muted unless you are speaking to the group. And for those of you on the phone, you could try a "*6 if -- if you don't have another way to mute.

Welcome, and thank you for joining EFSEC this evening for our public informational meeting and land use consistency hearing for the proposed Cypress Creek Renewables Projects, High Top Solar and Ostrea Solar.

The purpose of EFSEC's meeting tonight is to share information about the project, and EFSEC's review process, and to hear your public comment.

EFSEC statute RCW 80.40.090 requires EFSEC to conduct a public informational meeting within 60 days of receipt of an Application for Site Certification, abbreviated ASC. The applicant, Cypress Creek Renewables, submitted their application or ASC to EFSEC on April 7th, 2022.

During the first hour this evening, and it likely will take less time, 5:00 to 6:00, we will have a presentation by the applicant about the proposed project, introduce the Counsel for the Environment, or CFE, and then have a presentation about EFSEC's review process by EFSEC staff.

The presentations and information on how to submit written comments are on our website, www.efsec.wa.gov. Go to drop-down screen under Energy Facilities to the Cypress Creek Projects page.

And following the presentations, we will begin oral public comment on the project. Speakers will be allowed three minutes each. Since we will develop our recommendation with information developed on our record, we very much want you to send us your comments directly, either speaking at this meeting or sending written comments to us through our comment website before midnight tonight at the link on the website, or at any time -- any time during the project by emailing directly to efsec@utc.wa.gov.

Again, although this is a specific meeting asking for comment, and a specific hearing on land use consistency, we do accept comments throughout the process.

1 (Pages 1 to 4)

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<td><strong>In the Chat, you see the Comment link.</strong></td>
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<td><strong>Following the informational meeting, we will convene -- and I will say that we will complete the speakers that sign up and those that are present who would like to speak, and then have a 15-minute break, and we will then convene the Land Use Consistency hearing as required by RCW 80.50.090, sub 2, and WAC, W-A-C, that's Washington Administrative Code, 463-26-035.</strong></td>
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<td><strong>This Land Use Consistency hearing may begin before 6:30 p.m. During this hearing, the public will be given an opportunity to provide testimony regarding the proposed project's consistency and compliance with land use plans and zoning ordinances. The Land Use Consistency hearing will begin no later than 30 minutes after the conclusion of the informational public meeting. Again, I said I plan to do a 15-minute break between the two, which may end by 6:30 p.m.</strong></td>
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<td><strong>The council is committed to providing a full, fair, and safe opportunity for all voices to be heard in a respectful atmosphere. To help us all have a productive and safe meeting, we ask that you honor the following ground rules.</strong></td>
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<td><strong>All speakers must be respectfully treated.</strong></td>
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<td>*<em>No clapping, cheering, or jeering during the meeting. This includes speaking out of turn, loud talking either in support or in opposition. Mute your microphone unless you’re called on to speak. And if you don’t have a mute button, again, try dialing <em>6 to mute/unmute, turn off your video cameras unless you are speaking, and that’s mostly to make sure we have the bandwidth and nobody gets cut out. Please be respectful to all participants within the chat.</em></em></td>
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<td><strong>I would like at this point to have our -- Ms. Owens call the roll for the council.</strong></td>
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<td><strong>MS. OWENS: Thank you, Chair Drew. And -- CHAIR DREW: If I may for a second.</strong></td>
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<td><strong>MS. OWENS: Yes.</strong></td>
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<td><strong>CHAIR DREW: I would -- I would ask for councilmembers to briefly turn on your video camera so that the people who are at this meeting can see you. Thank you.</strong></td>
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<td><strong>Go ahead, Ms. Owens.</strong></td>
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<td><strong>MS. OWENS: Department of Commerce?</strong></td>
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<td><strong>MS. KELLY: Kate Kelly, present.</strong></td>
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<td><strong>MS. OWENS: Department of Ecology?</strong></td>
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<td><strong>MR. LEVITT: Eli Levitt, present.</strong></td>
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<td><strong>MS. OWENS: Department of Fish and Wildlife?</strong></td>
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<td><strong>MR. LIVINGSTON: Mike Livingston, present.</strong></td>
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<td><strong>MS. OWENS: Department of Natural Resources?</strong></td>
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<td><strong>MR. YOUNG: Lenny Young, present.</strong></td>
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<td><strong>MS. OWENS: Utilities and Transportation Commission?</strong></td>
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<td><strong>MS. BREWSTER: Stacey Brewster, present.</strong></td>
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<td><strong>CHAIR DREW: Thank you. And you don’t have to leave your cameras on. I just -- I know there’s different connectivity issues, so I just wanted to make sure people could see that you are here with us this evening.</strong></td>
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<td><strong>Also, I would like to say that, according to our EFSEC statute, during the application process, we extend an invitation to the local government to supply us with an additional member during the application process, and that is Yakima County. We have sent letters to Yakima County, but have not yet received a member to participate during this process. So we look forward to having someone named by Yakima County.</strong></td>
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<td><strong>Moving on to the rest of the roll call, will you also, Ms. Owens, call the EFSEC staff?</strong></td>
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<td><strong>MS. OWENS: Yes. Sonia Bumpus.</strong></td>
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<td><strong>MS. BUMPUS: Sonia Bumpus is present.</strong></td>
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<td><strong>MS. OWENS: Ami Hafkemeyer.</strong></td>
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<td><strong>MS. HAFKEMEYER: Ami Hafkemeyer, present.</strong></td>
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<td><strong>MS. OWENS: Amy Moon?</strong></td>
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<td><strong>Joe Wood?</strong></td>
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<td><strong>Patty Betts?</strong></td>
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<td><strong>Stew Henderson?</strong></td>
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<td><strong>MR. HENDERSON: Stew Henderson, here.</strong></td>
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<td><strong>MS. OWENS: Andrea Grantham?</strong></td>
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<td><strong>MS. GRANTHAM: Andrea Grantham, present.</strong></td>
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<td><strong>MS. OWENS: And Dave Walker?</strong></td>
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<td><strong>That’s all the EFSEC staff, Chair.</strong></td>
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<td><strong>CHAIR DREW: Thank you.</strong></td>
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<td><strong>At this point, since we will call the Counsel for the Environment for -- oh, let’s introduce our EFSEC Assistant Attorney General, Jon Thompson.</strong></td>
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<td><strong>MR. THOMPSON: Yes. Hi. This is Jon Thompson, present.</strong></td>
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<td><strong>CHAIR DREW: Thank you.</strong></td>
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<td><strong>And I will formally call this meeting to order with the roll call of the councilmembers as we have already begun.</strong></td>
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<td><strong>At this point, we will move to the introductions for the Cypress Creek Renewables representatives. If you would like to introduce your team, please.</strong></td>
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### Informational Public Meeting - 6/1/2022

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<td>1</td>
<td>MR. WALLACE: Good evening, Chair Drew.</td>
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<td>transmission team, project status for both Ostrea and High Top, and we'll open up the discussion for questions and comments at the end.</td>
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<td>This is Tai Wallace, senior director of development for Cypress Creek Renewables. On our team today, we have Jess Mosleh, developer; we have Julie Alpert, who is our environmental manager, senior environmental manager; and then we also have Erin Bergquist from our consultancy, TRC, who's supported us through the environmental process on these projects. Thank you.</td>
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<td>Next slide, please.</td>
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<td>CHAIR DREW: Thank you.</td>
<td>3</td>
<td>I'd like to start off by introducing our team. Tai Wallace is senior development director for our transmission scale projects. As you know, I'm a project developer. Seija Stratton is our environmental director. Julie Alpert is our senior environmental manager. And last but definitely not least is our TRC project manager consultant, Erin Bergquist.</td>
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<td>And according to our agenda, we now have the Counsel for the Environment introduction. If you could, Counsel Sherman (phonetic), introduce yourself and your team, and what role it is that you play during this process.</td>
<td>4</td>
<td>Our statement as an organization is: Powering a Sustainable Future, One Project at a Time. We have an incredible team at Cypress, and the company takes a lot of pride in the work we do in terms of management and development, as well -- as well as financing, operating, and owning utility-scale projects.</td>
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<td>MS. REYNEVELD: Hi. My name is Sara Reyneveld, and I am managing assistant attorney general with the Environmental Protection division, and I am assigned as Counsel for the Environment on these projects. As the Counsel for the Environment, I represent the public and its interest in protecting the quality of the environment in accordance with RCW 80.50.080. Thank you.</td>
<td>5</td>
<td>Over the last seven years, Cypress Creek has developed over eight gigawatts of solar, and we continue to increase our solar and storage pipeline today.</td>
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<td>6</td>
<td>CHAIR DREW: Thank you.</td>
<td>6</td>
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<td>MS. MOSLEH: Hello. Thank you, Madam Chair Drew, EFSEC councilmembers, and EFSEC staff and stakeholders. Thank you all for your time today.</td>
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<td>14</td>
<td>My name is Jess Mosleh, and I'm a Cypress Creek Renewables project developer. It's an honor to be here representing Cypress in our F-site application for Ostrea and High Top projects.</td>
<td>14</td>
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<td>15</td>
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<td>15</td>
<td>Here's a quick overview of what we'll be presenting to you all today. The team will be walking you through our overall goal as a company, our west transmission team, project status for both Ostrea and High Top, and we'll open up the discussion for questions and comments at the end.</td>
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<td>16</td>
<td>This is Tai Wallace, senior director of development for Cypress Creek Renewables. On our team today, we have Jess Mosleh, developer; we have Julie Alpert, who is our environmental manager, senior environmental manager; and then we also have Erin Bergquist from our consultancy, TRC, who's supported us through the environmental process on these projects. Thank you.</td>
<td>16</td>
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<td>17</td>
<td>CHAIR DREW: Thank you.</td>
<td>17</td>
<td>I'd like to start off by introducing our team. Tai Wallace is senior development director for our transmission scale projects. As you know, I'm a project developer. Seija Stratton is our environmental director. Julie Alpert is our senior environmental manager. And last but definitely not least is our TRC project manager consultant, Erin Bergquist.</td>
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<td>18</td>
<td>And according to our agenda, we now have the Counsel for the Environment introduction. If you could, Counsel Sherman (phonetic), introduce yourself and your team, and what role it is that you play during this process.</td>
<td>18</td>
<td>Our statement as an organization is: Powering a Sustainable Future, One Project at a Time. We have an incredible team at Cypress, and the company takes a lot of pride in the work we do in terms of management and development, as well -- as well as financing, operating, and owning utility-scale projects.</td>
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<td>19</td>
<td>MS. REYNEVELD: Hi. My name is Sara Reyneveld, and I am managing assistant attorney general with the Environmental Protection division, and I am assigned as Counsel for the Environment on these projects. As the Counsel for the Environment, I represent the public and its interest in protecting the quality of the environment in accordance with RCW 80.50.080. Thank you.</td>
<td>19</td>
<td>Over the last seven years, Cypress Creek has developed over eight gigawatts of solar, and we continue to increase our solar and storage pipeline today.</td>
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SEATTLE 206.287.9066 OLYMPIA 360.534.9066 SPOKANE 509.624.3261 NATIONAL 800.846.6989
Cypress's mission is to power a sustainable future, one project at a time. Obviously, in this case, we're presenting two projects, but these projects have both been thoughtfully sited to minimize impacts to the environment and community while, in our view, augmenting economic and workforce development (audio disruption).

The projects are part -- part of Cypress Creek's $500 million of planned capital investments in clean energy in the state of Washington through (audio disruption) environment. Cypress is committed to helping Washington and Washington-based organizations meet their decarbonization targets now and into the future. These targets and mandates are some of the most comprehensive in the nation, and will require the build-out of solar and renewable resources to achieve it.

Next slide, please.

So, as a values-oriented organization -- and I'm not going to dictate or -- or read back what's on the slides here, but I will, however, summarize how we approach development with the intention of protecting the environment, creating opportunities for those in the communities where our projects are located, and supporting both local and state initiatives (audio disruption).

You know, in this presentation, we'll highlight our conviction in creating community benefit, demonstrated by our requirement of our general contractor to employ a community workforce agreement for the construction of the Ostrea project.

This agreement will ensure that we have preferred access for local workforce, as well as targets for the hiring of women, persons of color, veterans, other protected and disadvantaged (audio disruption). You know, we'll be highlighting the fact that we have secured offtake for the energy and environmental attributes associated with the Ostrea project, a Washington-based corporation, so the collaborative effort with our partner that we'll announce later this year in a little bit more of a formal fashion. But you know -- you know, we look to ensure that Ostrea creates a net positive benefit to the environment, community, and the work (audio disruption). We're working to replicate this with High Top in terms of offtake, and to have -- you know, with another set of partners, so we can provide the same type of local community as Ostrea.

We employed our collective creativity both since early 2018.

Cypress is not just a renewable energy developer. In the past eight years, we have become a differentiated, vertically-integrated, independent power producer, a long-term asset manager and owner-operator of renewable projects across the country.

We develop projects with the intent to retain those projects, and be stakeholders in those projects that we're able to create. Our development division has developed over eight gigawatts of utility-scale projects, and this is growing increasingly over time.

We develop both on the transmission and distribution in community scale for utility-scale projects across the country. We're an American-based company that has financed over $3 billion in solar projects through partnerships and relationships that we've developed over the last decade, and we also performed asset management and operations and maintenance services for our own fleet of over 200 operating assets across the country, as well as for owners of hundreds of third-party operating projects across the country.

Finally, Cypress Creek is financially stable. We're backed by our investor-owner, EQT.
Next slide, please. And Jess, back to you. Thank you.

**MS. MOSLEH:** Thank you, Tai.

So this slide demonstrates visual representation of a few of our Cypress regional transmission-scale projects. As Tai mentioned, we develop, permit, and operate projects of many different sizes across the country, but I’d like to emphasize that we have direct experience developing in the western region. I also have personal experience developing the Texas market, and you can see one of our operating Texas assets on the bottom left corner.

Next slide, please.

Moving on to our Ostrea project status.

Ostrea is an 80-megawatt project in Yakima County. We’re currently en route to achieve our commercial operating date by the second quarter of 2024.

Our Bonneville facility study is in process, and we’re expecting our engineering and procurement agreement and interconnection agreement this year.

We’ve received our PacifiCorp affected facility study, and we’ve also been granted long-term firm transmission service rights for the project. We have over 1,600 acres under site control for Ostrea, and I’d like to highlight that our development process is thoughtful, and from the very beginning, we focus on micrositing. We intentionally acquired over 1,600 acres with the intent to reduce the acreage and be mindful of land feature -- land features surrounding the project area.

For Ostrea, we avoided shrubsteppes, slopes, wetlands, flood plain, and other features in order to have as minimal of impact as possible on the land. The topographic and ALTA boundary surveys have been completed, as well as the geotechnical and hydrologic and hydraulic assessments. Additionally, the modules and equipment procured for the project are from North America.

A very exciting update on Ostrea is that we recently secured offtake for the project. We successfully executed a purchase power agreement with an investment grade rated commercial counterparty.

One hundred percent of the renewable energy credits and energy produced from Ostrea will be delivered to Washington customers, powering a Washington-based investment grade customer’s energy demand, and helping that customer achieve its carbon mitigation targets.

As we move forward with the project this year, we are on schedule to achieve financial notice to proceed by December 2022.

Next slide, please.

Moving on to the environmental studies completed for Ostrea, as you can see on the table on the left-hand side of this slide, we completed several reports from land use to rare plants, wildlife connectivity analysis, wetlands, glare, and many others.

The primary goal of each environmental report was to gain a deep understanding of the land’s sensitive areas in order to avoid and help mitigate any impacts the project may have on-site. Fortunately, the study results were favorable, and they indicated no major impact on the project location.

Next slide, please.

The consultation and outreach performed for Ostrea consisted of reaching out to several local, state, tribal, and federal agencies. Shown on the table on this slide, you can see we coordinated with 16 different agencies for guidance for zoning for the project layout.

Next slide, please.

Cypress Creek has a community workforce agreement in place for Ostrea that supports objectives in WAC chapter 296-140 to promote and ensure access for women, persons of color, veterans, and other disadvantaged groups, as well as preferred access for local workers.

Cypress -- Cypress will be providing jobs with whole prevailing wage through this agreement. There is a demand and preference for workers that live -- live in or near the project area. We’ll be responsible for the outreach efforts to obtain bids from engineering and procurement contractors that meet this criteria.

Not only are we implementing the standard for Ostrea, but providing jobs for local minorities in every project -- excuse me -- in every project area we develop in is a priority.

Aside from targeting a local workforce, Cypress also sponsors several college programs across the markets we work in. In the state of Washington, we currently have a partnership with the Oregon Institute of Technology where we sponsor a scholarship for students in the renewable energy space.

We met with one of their representatives this past month and discussed paid internships for the
student's work with Cypress during the summer break for those involved with the program, and to get some hands-on experience in the solar industry. This also opens up many opportunities for these students who potentially work with Cypress after graduation.

Next slide, please.

Onto our High Top project. I realize this may seem a bit duplicative from our Ostrea slide, but since both projects are under one application, we thought it was important to highlight the project size on a clear table for both.

High Top is adjacent to Ostrea, and both projects are under the same landowner. High Top is also an 80-megawatt project with a commercial operating date of late 2024.

Similar to Ostrea, the topographic and ALTA boundary surveys for High Top are complete, and the geotechnical and hydrological and hydraulic assessments are also finalized.

We do not currently have an offtaker for the project, but one of the main goals we're working through is to have an offtaker secured by the end of 2022.

Like Ostrea, we secured over 1,500 acres with the intention to reduce the acreage on the project site to avoid any land features, such as wetlands, flood plains, slopes, and shrubsteppe.

We are in the process of adding storage to the project, which will amplify energy security when needed.

Next slide, please.

We completed the same studies for High Top as we did for Ostrea, and the environmental studies confirmed no major impacts on this land.

Working together side by side with our dedicated consultant, TRC, we ensured the environmental reports captured every topic from land use to airspace.

Next slide, please.

The same local, state, tribal, and federal agencies were contacted for High Top, and on the left-hand side of the slide, you can see the zoning layout for the project.

As shown on the site plan, one can see where the panels will be placed, which clearly demonstrates working around slopes and streams that were not suitable for the placement of the RA area.

Next slide, please.

Thank you all very much for your time today. We will now be opening up this time for questions and comments.

CHAIR DREW: Councilmembers, do you have questions at this point?

MS. MCKINNEY: Hi, this is Yakima County Commissioner Amanda McKinney. Is this the correct time to make public comment on behalf of Yakima County?

CHAIR DREW: We will be taking public comment after the presentations both here, and then we have an EFSEC presentation on our process. Thank you. So we will call you after that.

MS. MCKINNEY: Thank you, Kathleen.

CHAIR DREW: So, for questions, you mentioned that you have similar processes in place for the two projects. Does that include the community project/workforce project agreement? Is that in place for both?

MR. WALLACE: Madam Chair Drew, I'll take that question. That is not in place yet for High Top. That is something that is part of the conversation with our offtake partners. We always propose when we go out in the state of Washington that we do either a project labor agreement or community workforce agreement. But ultimately, you know, we have to make sure that our offtaker is comfortable with the (audio disruption) file for those. But in general, you know, that -- that is our -- our hope and intent is to follow the same path as Ostrea.

CHAIR DREW: Okay. Thank you.

Another question I have is, the area is known for the travel of wildlife from the reserva- -- the Yakima military property north of you -- Department of Defense property north of you to other areas south. How will your project impact that?

MR. WALLACE: We are currently still, you know, completing our wildlife connectivity analysis. I believe TRC, if they're on, could speak a little bit more to that, where we are in the process. But in general, we have attempted to site the Ostrea project to maintain a lot of that north-to-south connectivity between the two subarrays.

The High Top site will also be split by the easement associated with the transmission lines, to allow for east-to-west connectivity, and that will also adhere to the Ostrea site as well.

So in general, for, you know, the impacts of our project, we've tried to be very thoughtful, you know, in leaving open those areas, as well as any areas associated with delineated features or for (audio disruption) or, you know, associated high
We have also stayed away from the northern boundaries getting up close to the Yakima Training Center, so I don't believe that we actually abut any of those boundaries or fence lines associated with the training center, allowing for connectivity in those areas as well.

CHAIR DREW: Thank you.

MS. BERGQUIST: Erin Bergquist from TRC, and I will follow up.

We will have a wildlife connectivity analysis in shortly. It is based on the WDFW data showing where the lease path cost analysis is for the wildlife moving through the site. And as Tai noted, the site has been designed to avoid the corridors and keep open those riparian areas, or those (audio disruption) stream channels.

CHAIR DREW: You mentioned there's one property owner, and you didn't purchase the property; you are -- purchased a lease. Is that correct?

MR. WALLACE: That's correct.

MS. BERGQUIST: That's correct.

MR. LIVINGSTON: So we have -- we currently have the option to lease, and we will exercise that option upon approval, obviously.

CHAIR DREW: Okay.

And then, in terms of the current use of the property, what is the current use?

MR. WALLACE: The current use, I believe, is limited grazing and -- and fallow land. I will have to double-check, if I could reply back with our (audio disruption) associated with it.

CHAIR DREW: Okay. Councilmembers, are there any additional questions?

Oh, I have one more. Sorry, Oh, I see someone here.

Mr. Livingston, I'll let you go ahead and then I'll come back.

MR. LIVINGSTON: Thank you, Chair Drew.

I'm just curious, is there any association with the -- the Black Rock project that's just to the east that's been approved through Yakima County permitting recently?

MR. WALLACE: There is not.

Mr. Livingston. That is a project that is developed by another developer. I believe that is BayWa that has been announced publicly in the press.

MR. LIVINGSTON: And just a follow-up. So I appreciate the consideration for...
CHAIR DREW: Okay. Thank you. Thank you well-paying jobs and benefits for -- for residents of the local community and -- and provide, you know, preference is always to try and, you know, hire folks and operations and maintenance folks, you know, to intention is to, you know, hire in-market technicians as, you know, we are an owner-operator, and our agreement with Bonneville Power. so we have -- our facility study and our agreement is associated upgrades to their transmission lines. And then, for the High Top project, we have a separate interconnection agreement already executed for that project with PacifiCorp. And then Ostrea will eventually have an interconnection agreement with Bonneville Power.

CHAIR DREW: Okay. Okay. I'm trying to try to keep the two straight, but I appreciate that. Thank you.

MR. WALLACE: Understood.

CHAIR DREW: Are there any other questions from councilmembers?

One more I had is you mentioned the Oregon Institute of Technology, and -- and how it serves Washington. Will it be Washington residents as well who can apply to that program?

MR. WALLACE: So we currently have a standing scholarship that are open to residents or students from anywhere that are attending the -- the university, the school. So they have three campuses is my understanding, one in Seattle, one in Portland, and one in Klamath Falls.

We've had that scholarship program running three years, and it's a four-year commitment. I mean, we're working with them to extend and expand upon that so that we can provide more opportunities as, you know, we are an owner-operator, and our intention is to, you know, hire in-market technicians and operations and maintenance folks, you know, to support the -- the operation of this project. And our preference is always to try and, you know, hire folks from the local community and -- and provide, you know, well-paying jobs and benefits for -- for residents of this community.

CHAIR DREW: Okay. Thank you. Thank you for your presentation.

At this point, I think we will move on to the presentation about the EFSEC siting process.

MR. WALLACE: Thank you kindly for the opportunity. Looking forward to the next presentation.

MS. MOSLEH: Thank you for your time.

MS. HAFKEMEYER: Welcome, everybody. Thank you all for coming to participate this evening. My name is Ami Hafkemeyer, the Siting and Compliance Manager with the Energy Facility Site Evaluation Council. I have a short presentation to go over the EFSEC process for those of you who are new to EFSEC. A little bit of history of the agency. EFSEC was created in 1970 for the siting of thermal power plants. The intent was to create a one-stop permitting agency for large energy facilities. EFSEC is comprised of state and local government members who review each application before making a recommendation to the governor. This decision preempts other state or local governments. You can see here that EFSEC is comprised of members from several different state-level agencies. The chairperson is appointed by the governor, and there are standing members from five other agencies, appointed by those agencies to sit on the council.

The current council is made up of Chairwoman Kathleen Drew, Eli Levitt from the Department of Ecology, Mike Livingston from the Department of Fish and Wildlife, Kate Kelly from the Department of Commerce, Lenny Young from the Department of Natural Resources, and Stacey Brewster from the Utilities & Transportation Commission.

There are additional agencies that may elect to appoint a councilmember during the review of an application. These agencies are the Department of Agriculture, the Department of Transportation, the Department of Health, and the military department. For the Horse Heaven project, the Department of Agriculture has appointed Derek Sanderson -- Sandison -- apologies.

Local governments must also appoint a councilmember for the review of a project in their area. For the Horse Heaven project, Ed Brost has been appointed. For the Badger Mountain project, Jordan Julia has been appointed. And as Chair Drew mentioned, a councilmember has not yet been appointed for the High Top and Ostrea projects, but we look forward to that appointment.
When a project is located at or near a port, the Port Authority may also appoint a member, though this position is a non-voting member. As I mentioned previously, EFSEC was created to oversee the siting of thermal power plants. Facilities falling into EFSEC's jurisdiction include any nuclear facility where the primary purpose is to produce and sell electricity. We also oversee non-hydro, non-nuclear thermal facilities with capacity of 350 megawatts or greater. There's no threshold for alternative energy sources such as wind or solar, but they may choose to opt in, as well as transmission lines over 150 kilovolts. Thresholds for pipelines, refineries, and storage facilities that would fall under EFSEC's jurisdiction are found in the Revised Code of Washington, or RCW 80.50.060. Here is a map of the facilities under EFSEC's jurisdiction. You can see marked in red, there are five operating facilities, including two natural gas facilities, one nuclear facility, and two wind facilities. The blue marks indicate the four additional facilities that are approved but are not yet operating. There are two wind facilities and two solar facilities. The clear circle is the facility under -- currently under decommissioning, and EFSEC is currently reviewing applications for three projects marked in green, including the High Top and Ostrea projects, which are what bring us here this evening. Here is a flowchart showing the general process an applicant may go through when they submit an application to EFSEC. Apologies. There are three concurrent processes during an application review: The land use and -- land use consistency and adjudicative hearing process, the State Environmental Policy Act or SEPA process, and the permitting process for applicable environmental permits.

You can see that there are multiple processes that happen concurrently when EFSEC is reviewing an application. One process is the land use hearing and adjudicative process. I'm sorry. I didn't mean to repeat myself. All of these processes ultimately feed into the council's recommendation made to the governor. Where an adjudication proceeding is required, a record is compiled, and parties to the adjudication are identified. In the process of preparing for the adjudication, sometimes there are stipulations and settlements that come out between the parties. The council looks at all the information in the adjudication record, and then deliberates. Finally, the council draws their findings and conclusions from the information provided throughout these proceedings, and incorporates those finding in their recommendation to the governor.

With regards to the SEPA process, when an application -- applicant requests expedited process, such as for this process, a review is done to establish whether or not the project meets the criteria of a determination of non-significance, a DNS, or a mitigated determination of non-significance, or MDNS.

If the SEPA-responsible official determines that a project meets the criteria of a DNS or MDNS, an environmental impact statement is not required. In this process, a determination is noticed to the public, and there is a minimum 15-day public comment period on an MDNS. When a determination of significance and a decision to prepare an EIS is made, public comments are taken on the scope of the EIS. After public comments for scoping, the SEPA-responsible official determines the scope of an EIS, a draft EIS is prepared and issued, with a minimum 30-day public comment period, after which a final EIS is prepared and released.

To be considered for expedited processing, an applicant must make the request in writing. The project must meet two criteria. First, it must be determined to be consistent with local land use policy, and, second, the SEPA determination must be that of a DNS or MDNS, as I previously mentioned. In this process, no adjudication is required. The council prepares their recommendation to the governor in an expedited time frame under this process. EFSEC is the issuing agency for any applicable environmental permits a facility may require, which may include water quality and air quality permits. These permits are identified in the final order with the council's recommendation to the governor.

At the conclusion of the council's review of an application, a recommendation is made to the governor to either approve or reject the application. This initiates a 60-day window within which the governor will then approve the application, reject the application, or remand the application back to the council for reconsideration.
Our concern is not that we are wholly shrubsteppe. That is grazing land and provides a
miles of solar panels across our beautiful community looks and feels. These hills are the fabric
of our community, and we need to have the ability to say how fast, and whether or not we go forward with
these hills every day as we’re driving our children to live here. We are the ones who look out over those
hills every day as we’re driving our children to work [sic] -- as we’re going out to work in those
fields looking out over these hills.

This will fundamentally change the way our environment, with all due respect, we are the ones who
consideration to the people and the impacts to our members of your organization who give due
authority extends to the issuance of any penalties, as they may apply.

That wraps up my presentation for the evening. Before I end, I’d like to remind everybody how they may submit comments for this proposal. If you’d like to sign up to speak this evening, you may call the EFSEC main line at 360-664-130 -- I’m sorry -- 1345, or email comments to our main inbox at EFSEC, E-F-S-E-C, @utc.wa.gov.

You may also send in written comments by postal mail to our office at 621 Woodland Square Loop, P.O. Box 43172, Olympia, Washington 98504. Comments may also be submitted to our online comment database at https://comments.efsec.wa.gov.

There are two databases available for the duration of the meeting until midnight, one for general comments, and one for comments specific to land use. And again, those comment databases will be open until midnight.

CHAIR DREW: Thank you, Ms. Hafkemeyer.

At this point, I will ask Judge Bradley to preside over the public comment period.

JUDGE BRADLEY: Thank you, Chair Drew. As I understand it, two individuals notified us in advance of their desire to make comments, so we’ll begin with them. And again, each speaking party will have three minutes to make their comments, and I will let folks know when the time has expired.

So I’m first going to call on Commissioner Amanda McKinney.

MS. MCKINNEY: Thank you, councilmen and women for the opportunity to speak, representing District 1 of Yakima County.

We have seen in our county, obviously, a lot of people wanting to come for the sunshine, and now inclusive of people who want to create miles and miles of solar panels across our beautiful shrubsteppe. That is grazing land and provides a livelihood for a lot of folks.

Our concern is not that we are wholly against solar power in Yakima County, but that there is a massive rush to use this particular process to bypass the local input that we believe our residents absolutely should be given the opportunity to provide.

We want to make sure that local elected officials are be -- are able to be the voice, to determine how much -- and our concern is, going through this process, we’re creating a system that provides a unique and perfect opportunity for folks, as indicated on this application, to go straight to your organization.

And while we know that there are many members of your organization who give due consideration to the people and the impacts to our environment, with all due respect, we are the ones who live here. We are the ones who look out over those hills every day as we’re driving our children to work [sic] -- as we’re going out to work in those fields looking out over these hills.

This will fundamentally change the way our community looks and feels. These hills are the fabric of our community, and we need to have the ability to say how fast, and whether or not we go forward with turning the Eastern Washington corridor that we call home into a reflection of solar panels.

So we would ask that EFSEC consider that we need to have input, and that our people are not resoundingly in support, nor against. We just want to have a voice for consideration of whether or not we want to have this go forward, and how many of these solar farms do we really want to see blanketing our beautiful Yakima County. Thank you.

JUDGE BRADLEY: All right. Thank you.

The other individual who indicated the desire to present comments this evening is Stan Isley, Mr. Isley.

MR. ISLEY: Hello. Thank you. Thank you for this opportunity to learn more about the Cypress Creek Renewables projects, and also to offer some comments.

I am the conservation chair for the Yakima Valley Audubon Society chapter. I am offering these comments on behalf of YVAS.

I had some questions. The project proponents seem to have answered them somewhat. The Ostrea project, that’s 1,666 acres, and High Top at 1,564 acres, that’s the total acreage, and I assume that is going to be refined down and will not be the actual acreage. There will be a lesser amount of acreage that will be actually affected by the solar
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<td>1. panels. So we can confirm -- or I can watch this process and confirm that later.</td>
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<td>2. Another question I have, though, also is about SEPA compliance, State Environmental Policy Act compliance. And I -- I want to ensure -- I want to recommend that these two projects, Ostrea and High Top, are considered as one project under the State Environmental Policy Act. Certainly, it is not consistent with SEPA guidelines to piecemeal a project's environmental impacts, to do a piecemeal review, but rather to consider the environmental impacts of the total ultimate project, and I believe this represents one project.</td>
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<td>3. It brings up another point I'd like to make, and that is for consideration. The Goose Prairie project east of these two projects we're looking at tonight, and the Black Rock project, apparently, in -- in the very close vicinity of these two projects, represent four projects, and there may be additional proposed solar generation projects in this Black Rock Valley, Moxee Valley area. So perhaps there needs to be a -- some greater environmental impact consideration for the combined ultimate effects, environmental impacts to these -- the development of these -- one after another, the development of these projects in the Moxee Valley. That could mean possible environmental impact statement. It could mean a possible even state legislative action to perhaps set up a mitigation fund for mitigating for negative impacts, environmental impacts. This represents an opportunity for the project proponents. Environmentalists generally support -- I support this trans- -- transition to solar energy, renewable energy, and away from burning fossil fuels, so let's do this project right. We have to do these projects right, and not make impacts. That means minimize any impact -- avoid impacts where we can, and mitigate fully, even for acreage that is not currently existing shrubsteppe lands. I guess my time's up. I'll -- I'll stop there. Thank you. JUDGE BRADLEY: Thank you very much. The council will take your comments under consideration. I note that Michael Tobin has raised his hand, and also that an email was sent requesting time to speak. So Michael Tobin? MR. TOBIN: Thank you. I'm the district manager for the North Yakima Conservation District, and like the two speakers before, we are not for or against solar, but generally, the siting is of grave concern to us. I will point out to the council the preexisting voluntary stewardship program. It is a program where the Washington Growth Management Act requires counties to develop a managed population and development. Those plans, under the Growth Management, must identify critical areas, including those on agricultural lands. It's always been a tenuous situation having that requirement. The voluntary stewardship program was enacted into law in 2011, I believe, and it creates a process where a county authority is able to join and use a voluntary approach to address not only the impacts of critical areas on agricultural lands, but how to enhance those agricultural lands for agricultural viability. I will read the law. [As read] It is the intent of Chapter 300, laws of 2011, to promote plans to protect and enhance critical areas within the area where agricultural activities are conducted, while maintaining and improving the long-term viability of agriculture in the state of Washington, and reduce the conversion of farmland to other uses. That is the law.</td>
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<td>1. Yakima County is -- and the board of county commissioners resolved in 2011, as part of 27 counties in the state of Washington, that include our neighbors to the -- to the east, Benton County. So what I'm talking about here, I'll just point out, it's nice to be involved in a public meeting for two, which are really being treated as one application. But when you step back and you look at the landscape from Goose Prairie to Black Rock to High Top to Ostrea to the Wautoma, just in Benton County at the Silver Dollar Cafe, to actions including the hop hills that are currently being discussed in Solway (phonic) along the Yak -- Benton County line, you will find a very effective habitat fence that excludes over 100,000 acres that is currently used by shrubsteppe species that are dependent upon these huge, massive landscapes. The only reason these are being sited here is because -- by virtue of ill-sited BPA Power lines generations ago. So, again, the siting of this, I will -- I'll add a -- a little number. If all of these came into play in Yakima County, it would be -- constitute 8 miles of the open 12.5 miles along Highway 24 would be changed forever. This is a land conversion that would never go back.</td>
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<td><strong>Page 43</strong></td>
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<tr>
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So I would strongly consider resiting these. I would hope that Department of Fish and Wildlife had a stronger voice on the council to do such.

Thank you very much.

JUDGE BRADLEY: Thank you, Mr. Tobin. I appreciate that.

So has anyone else called in or emailed to express interest to speak this evening?

MS. OWENS: That is all I have received at this point.

JUDGE BRADLEY: All right.

So, as a reminder, if you do want to speak during this proceeding, you can call (360) 664-1345. Again, the comments for these projects will be open, the comment database, from now until midnight. And again, those can be submitted at comments.efsec -- E-F-S-E-C -- .wa.gov. And you can also submit your comments at any time to EFSEC -- E-F-S-E-C -- @utc.wa.gov.

Anyone else want to speak this evening?

CHAIR DREW: I think we could, Judge Bradley, also take -- if anyone wants to raise their hands at this point, since we have time left, to let you know or indicate in the chat that they'd like to speak, I think we can do that at this point.

JUDGE BRADLEY: Wonderful. Thank you.

So if you do want to speak, please raise your hand or let us know through the chat function. I'm not seeing any hands or comments. We'll give folks another minute or so to let us know that they want to speak. I think we do see a hand raised.

And Mr. Isley, I just want to give other folks a chance, and then if the council has no objection, we'll let you speak again.

Chair Drew, any objection to allowing Mr. Isley additional time?

CHAIR DREW: If he has just a minute; otherwise, he can provide additional comments in -- in writing.

MR. ISLEY: Thank you. I am feeling like I'm getting a second bite at the apple. Sorry. I didn't realize I was going to be limited to three minutes. I could have been a little quicker, and a little more to the point.

I want to also emphasize that it's important to maintain wildlife migration corridors.

As some of the other speakers mentioned, this development, in combination with other solar energy projects in the area, will modify the landscape substantially. It is an important migration and movement corridor for wildlife.

A sea of sagebrush steppe that used to exist 200 years ago throughout the entire inner basin west is now kind of an endangered landscape, and so it's going away fast. I believe we should do our very best to find and protect and preserve sagebrush steppe where we can, and identify, create, preserve wildlife migration corridors.

So please, I encourage the proponents to work carefully with WDFW, Washington Department of Fish and Wildlife staff and -- and do their best to protect and preserve sagebrush steppe, but also to provide mitigation for all affected lands, perhaps on a one-to-one acreage basis.

Thank you.

JUDGE BRADLEY: Thank you. All right.

So one last call here.

Mr. Tobin, did you raise your hand again?

MR. TOBIN: Yes, I did.

JUDGE BRADLEY: Okay. I believe we'll give you the same minute we gave Mr. Isley.

MR. TOBIN: Thank you very much. I, too, wish I knew I was only going to be limited to three minutes.
MR. TOBIN: Okay.

JUDGE BRADLEY: -- but let's go ahead and
submit additional comments in writing through the --

MR. TOBIN: Thank you.

JUDGE BRADLEY: -- through the email or
the database. All right.

Anyone else this evening?

Ms. McKinney, again, one minute, please.

MS. MCKINNEY: Thank you. I figured we
might as well all go one more.

I, again, want to place emphasis, and I
really appreciate the two previous speakers. Again,
this is about a big picture. We are looking at
fundamentally changing what we see when we drive
through, and as has been so eloquently stated,
significant impacts to the natural environment.

So I just want to emphasize the aspect of
the people who live here. There are environmental
concerns that we have. But -- but the way of life,
and our -- our being able to see continuity in our
surroundings, again, you -- you hold that ability
because we have been bypassed locally, to the previous
speaker's point. That process allows for it, and as
you can see, the numbers of these projects continue to
increase, and it will only increase more, and where
does it stop?

I do think a novel idea is that, are there
places to put these where they aren't so readily and
easily visible for the people who traverse those
corridors, again, where we take our kids to school,
how we drive to work. They impact the way we feel
about our community. We take pride in our natural
environment. That's why we live here.

Thank you.

JUDGE BRADLEY: Thank you, Ms. McKinney --
Commissioner McKinney,
I'm going to hand it back to you, Chair
Drew. Thank you.

CHAIR DREW: Thank you, Judge Bradley.

This will -- this concludes our public
informational meeting. It's 6:01. So we will adjourn
for 15 minutes to give people a break, and then we
will start our land use consistency hearing at 6:15.

Thank you, and we will be back at 6:15.

(A break was taken from
6:01 to 6:15 p.m.)

-00-
Land Use Consistency Hearing

Cypress Creek Renewables-High Top Solar & Ostrea Solar Projects

June 1, 2022
WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

Docket No. EF-220212
HIGH TOP SOLAR & OSTREA SOLAR PROJECTS
LAND USE CONSISTENCY HEARING
JUNE 1, 2022
6:15 P.M.

VERBATIM TRANSCRIPT OF PROCEEDING
REPORTED BY: ANITA W. SELF, RPR, CCR #3032

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APPEARANCES

(All participants appeared via Teams videoconference)

STATE AGENCY MEMBERS PRESENT:
KATHLEEN DREW, Chair
KATE KELLY, Department of Commerce
ELI LEVITT, Department of Ecology
STACEY BREWSTER, Utilities and Transportation Commission
LENNY YOUNG, Department of Natural Resources

ASSISTANT ATTORNEY GENERAL:
JON THOMPSON

COUNCIL STAFF:
AMI HAFKEMEYER
JOAN OWENS
ANDREA GRANTHAM
SONIA BUMPUS
STEWART HENDERSON

COUNSEL FOR THE ENVIRONMENT:
SARA REYNELD

GUESTS IN ATTENDANCE:
TAI WALLACE, Cypress Creek Renewables
JESS MOSELY, Cypress Creek Renewables
PATTI LORENZ, TRC Companies
SUSAN DRUMMOND, Law Offices of Susan Drummond
ERIN BERQUIST, TRC Companies
MICHAEL TOBIN, North Yakima Conservation District

Wildlife?

Department of Natural Resources?

MR. YOUNG: Lenny Young, present.

MS. OWENS: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster, present.

MS. OWENS: Chair, would you like me to continue with the EFSEC staff roll call? Oh, you're on mute.

CHAIR DREW: I think we're fine with just the councilmembers. We have a quorum.

MS. OWENS: Thank you.

CHAIR DREW: Judge Bradley? Now you're on mute.

JUDGE BRADLEY: Now I'm on mute. Sorry about that.

Thank you, Chair Drew. So I think, at this point, we'll proceed with the presentation from the applicant.

MR. WALLACE: This is Tai Wallace. I just wanted to introduce Susan Drummond from the Cypress Creek project team. She's our local counsel and will be presenting this presentation and hearing on land use.

JUDGE BRADLEY: Thank you. Go ahead,
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<td>correspondence from the County documenting the</td>
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<td>MS. DRUMMOND: I needed to unmute myself.</td>
<td>consistency with the land use code. And, of course,</td>
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<td>Thank you.</td>
<td>that's prima facie proof of consistency with the code.</td>
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<td>Thank you, Mr. Wallace, Judge Bradley.</td>
<td>I'd refer the council to Council Order 879</td>
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<td>Good evening. I'm Susan Drummond. I represent the</td>
<td>on the Goose Prairie project. That was order granting</td>
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<td>applicant, Cypress Creek Renewables, on the Ostrea</td>
<td>expedited processing with -- which documents the --</td>
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<td>able to do so, I'm -- I'm happy to, but I'm not able</td>
<td>detailed land use review, which further documents</td>
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<td>to do so right now.</td>
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<td>If we can move on the PowerPoint to the</td>
<td>application for site certification. And that material</td>
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<td>agenda. Thank you.</td>
<td>goes through both the plan and code and the specific</td>
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<td>I'll be fairly brief this evening, but</td>
<td>permitting criteria to document that -- that</td>
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<td>what I wanted to do was to first provide some very</td>
<td>consistency.</td>
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<td>brief context, and then move to the Yakima County Land</td>
<td>So if we can move to the -- the next</td>
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<td>Use Code and Comprehensive Plan, and address how they</td>
<td>slide, and the next slide shows the --</td>
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<td>support the project. The County has determined there</td>
<td>JUDGE BRADLEY: Counsel --</td>
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<td>is land use consistency, and I'll briefly address</td>
<td>MS. DRUMMOND: Yes, thank you. The</td>
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<td>that. And then, I'll briefly turn to the county's</td>
<td>County -- I'm sorry.</td>
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<td>conditional use permitting criteria, and address some</td>
<td>JUDGE BRADLEY: This is Judge Bradley. So</td>
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<td>of the highlights of the project and how they are</td>
<td>if you could please slow down a little bit. We do</td>
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<td>consistent with those criteria.</td>
<td>have a court reporter making a transcript of the</td>
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<td>If we can move to the next slide. I guess</td>
<td>hearing, and we want to make sure we get a clear</td>
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<td>the next -- we'll keep going -- one more, Context. If</td>
<td>record. So just give her a chance to keep up with</td>
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<td>we can move one page on the agenda. Yep. Thank you.</td>
<td>you, please.</td>
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<td>MS. DRUMMOND: Thank you, your Honor. I</td>
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<td>will -- I will do so.</td>
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<td>So these are the -- the county's nine</td>
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<td>criteria for granting conditional use permits. And</td>
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<td>we're not here tonight to evaluate these criteria, but</td>
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<td>I did want to point them out, and, of course, the</td>
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<td>application -- the first attachment to the application</td>
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<td>for site certification goes through these criteria.</td>
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<td>But in general, just to provide an</td>
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<td>overview of that, they provide for land use</td>
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<td>compatibility with surrounding uses. And that</td>
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<td>assessment looks in the -- at the project in</td>
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<td>relationship to surrounding uses. It looks at whether</td>
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<td>the project is supported with infrastructure, and</td>
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<td>whether local code requirements can be met.</td>
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<td>So briefly, some highlights on the</td>
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<td>criteria. First, I want to look at where the project</td>
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<td>is. It's on vacant, non-irrigated land. It will not</td>
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<td>adversely impact public infrastructure or</td>
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<td>environmental resources. It fully complies with the</td>
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<td>county's critical area ordinance. It also supports</td>
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<td>the rural economy through tax revenue and lease</td>
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<td>payments, so it provides an overall benefit to the</td>
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<td>community, and that was touched on in the earlier</td>
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<td>1. presentation.</td>
<td>1. county requirements.</td>
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<td>2. In terms of comprehensive plan consistency, the project is consistent with the county's objective of considering energy supply alternatives, and also diversifying the regional agricultural economy.</td>
<td>2. The County also, of course, if this were a proceeding before the hearing examiner, would have authority to impose conditions on the project, and the application for cite certification identifies development standards, and identifies mitigation to address material impacts, environmental or otherwise.</td>
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<td>3. The county plan's rural and agriculture goals are also met. The project provides economic support to minimize land conversion risks.</td>
<td>3. At attachment O to the application, mitigation measures are outlined in the application.</td>
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<td>4. On the site itself, crop production has been nonexistent for over 25 years, and the weedy species which are dominant in the previously plowed areas are not well-suited for year-round livestock grazing. And then, of course, after its commercial life, the project would be decommissioned and removed.</td>
<td>4. So the applicant has documented that the project is consistent with the county code, and by consistency, it means that they can be permitted conditionally under that the zoning code, and is consistent with the plan. And the applicant asks that the council determine that the project is consistent with the county's code and plan.</td>
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<td>5. If we could move to the next slide.</td>
<td>5. Thank you. If there are any questions, I'm happy to address those.</td>
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<td>6. These are criteria 7b and 7g, which dive into consistency with neighboring uses. This is a very rural, remote area. As we heard earlier, the project is north of State Route 24, it's south of the Yakima Training Center, and it's 20 to 22 miles east of -- of Moxee.</td>
<td>6. JUDGE BRADLEY: I'll start with Chair Drew. Did you have any questions for the applicant?</td>
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<td>7. On the preliminary site plans, solar panels and access roads will not be within 300 feet of the Yakima Training Center, and the applicant has consulted with the training center and completed a glare analysis, and no issues have arose in there.</td>
<td>7. CHAIR DREW: I do not. Thank you.</td>
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<td>8. Also, the -- there's grazing to the east and to the west. On the west, the nearest structure is 850 feet east from Ostrea's boundary, and three miles from High Top's boundary, so there's few homes in the area. There are no schools in the vicinity. So this is an ideal location for the -- this proposed use.</td>
<td>8. JUDGE BRADLEY: Do any of the councilmembers have questions for the applicant?</td>
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<td>9. With regard to transportation impacts, the State Route 24 approach onto the private access road will be improved for safety and access, and, of course, county and WS-DOT requirements will all be met. The Washington State Department of Transportation has provided conceptual approval of the access, and that's at attachment P to the application.</td>
<td>9. MS. BREWSTER: This is Stacey Brewster.</td>
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<td>10. With regard to regulatory compliance and the property size, we heard earlier about the size of the property that was outlined and is under the lease control is larger than what is actually needed, so this has been ideally sized to -- for this particular use. And the county -- or the applicant will fully comply with all of the county's codes, and that includes building codes, fire codes, and any other size and its compliance.</td>
<td>10. One quick question regarding the property's consistency with the land use code.</td>
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<td>11. Is that the two projects together are within compliance, or are we considering these separately in regard with compliance?</td>
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<td>12. MS. DRUMMOND: I should have clarified at -- at the outset. My comments address both projects. I know I may have referred to them in the singular, but they are both projects. And both projects have been cited so that they would fully comply with the code, and that there's plenty of room on those sites. So more is under -- for both projects, more is under lease control than is needed for those -- those projects.</td>
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<td>13. Also, I did want to emphasize, I mentioned earlier, on the certificate of land use consistency, I -- I believe I mentioned that, that that was -- is attached to the application for site certification.</td>
<td>14. Also, I did want to emphasize, I mentioned earlier, on the certificate of land use consistency,</td>
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<td>15. That's at the very end of attachment A. Those are the -- the correspondence from the County documenting the project's consistency with the land use code.</td>
<td>15. Did that -- did that answer your question?</td>
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<td>17.</td>
<td>17. JUDGE BRADLEY: Any other councilmembers with questions?</td>
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<td>18.</td>
<td>18. Not hearing any, Ms. Owens, are you aware</td>
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3 (Pages 9 to 12)
of any requests to comment at this proceeding that were submitted in advance?

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

JUDGE BRADLEY: Thank you.

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

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

JUDGE BRADLEY: All right. Thank you.

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

MR. TOBIN: Understood.

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

Will not adversely impact the public infrastructure or environmental resources. Certainly, we've demonstrated earlier, the environmental resources as a habitat is dependent upon these large open spaces. The -- these infrastructures, individually and combined, will impact that, whether it's sage-grouse, which really hates this kind of stuff, won't even be in that region anymore.

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

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

Thank you.

JUDGE BRADLEY: Thank you.

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

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

CHAIR DREW: Thank you.

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

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

-o0o-
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
### 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:
  o Routine permit required maintenance.
  o 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
  o 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.
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


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.
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
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 Amí Hafkemeyer at 360.664.1305 or ami.hafkemeyer@utc.wa.gov.

Sincerely,

[Signature]

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]