AGENDA

MONTHLY MEETING
Tuesday July 19, 2022
1:30 PM

1. Call to Order

2. Roll Call

3. Proposed Agenda

4. Minutes

- May 17, 2022 Monthly Meeting Minutes
- June 1, 2022 High Top & Ostrea Informational Meeting Minutes
- June 1, 2022 High Top & Ostrea Land Use Hearing Minutes
- June 21, 2022 Monthly Meeting Minutes

5. Projects

   a. Kittitas Valley Wind Project
      - Operational Updates

   b. Wild Horse Wind Power Project
      - Operational Updates

   c. Chehalis Generation Facility
      - Operational Updates

   d. Grays Harbor Energy Center
      - Operational Updates

   e. Columbia Generating Station
      - Operational Updates

   f. WNP – 1/4
      - Non-Operational Updates

   g. Columbia Solar
      - Project Updates

   h. Horse Heaven Wind Farm
      - SEPA update

   i. Goose Prairie Solar
      - Project Updates

   j. Badger Mountain
      - Project Updates

   k. Whistling Ridge
      - Project Updates

   l. High Top & Ostrea
      - Project Updates
      - Extension request

   m. Wautoma Solar
      - Project Update

6. Other

   - 1st Quarter cost allocation
   - Transition update

7. 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
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)

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APPEARANCES

CHAIR DREW: Good afternoon. This is Kathleen Drew, Chair of the Energy Site Evaluation Council, bringing our meeting to order.

Ms. Owens, will you call the roll, please?

Ms. Kelly: Kate Kelly, present.

Ms. Levitt: Eli Levitt, present.

Ms. Livingston: Mike Livingston, present.

Ms. Owens: Department of Fish and Wildlife?

Ms. Thompson: Jon Thompson, present.

Ms. Torem: Judge Torem, present.

Ms. Bumpus: Laura Bradley, present.

Ms. Bumpus: Sonia Bumpus, present.

Ms. Owens: Administrative Law Judges, Adam Torem?

Judge Torem: This is Judge Torem, present.

Ms. Owens: The Assistant Attorney General?

Mr. Thompson: This is Jon Thompson, present.

Ms. Owens: Assistant Attorney General?

Ms. Owens: Ami Hafkemeyer?

Ms. Owens: Amy Moon?

Ms. Owens: Joe Wood?

Mr. Wood: Joe Wood, present.

Ms. Owens: Patty Betts?

Ms. Betts: Present.

Ms. Owens: Stew Henderson?

Mr. Henderson: Present.

Ms. Owens: Andrea Grantham?

Ms. Grantham: Present.

Ms. Owens: For the operation updates,
<table>
<thead>
<tr>
<th>Page 5</th>
<th>Page 7</th>
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<tbody>
<tr>
<td>1. Kittitas Valley Wind Project?</td>
<td>1. I do have a couple of corrections. So on</td>
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<tr>
<td>2. Wild Horse Wind Power Project?</td>
<td>2. page 28, lines 15 to 17, there was a couple phrases</td>
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<td>3. CHAIR DREW: She's not available. I think I did hear Eric there.</td>
<td>3. missing there. It reads -- if you can go there. That's</td>
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<td>4. MS. OWENS: I will try Kittitas Valley one more time.</td>
<td>4. page 28, lines 15 to 17. After, &quot;Both sites are owned</td>
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<td>5. Eric Melbardis, are you on the line?</td>
<td>5. by a single landowner who has submitted in addition to</td>
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<td>6. Grays Harbor Energy Center?</td>
<td>6. the application,&quot; we need to insert the words, &quot;a letter</td>
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<td>7. MR. SHERIN: Grays Harbor Energy Center, this is Chris Sherin.</td>
<td>7. of support for the projects.&quot; As Ami -- &quot;As Ami noted,</td>
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<td>8. MS. BREWSTER: Thank you.</td>
<td>8. each project is,&quot; and then it will conclude with &quot;80</td>
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<td>10. MR. SHERIN: Present.</td>
<td>10. Also, on page 31, line 3, &quot;microsigning&quot;</td>
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<td>11. MS. OWENS: Thank you.</td>
<td>11. should be &quot;microsigning,&quot; s-i-t-i-n-g. And on line 5,</td>
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<td>13. MR. SCHNITGER: Stefano Schnitger, present.</td>
<td>13. Were there any other corrections or changes from anyone?</td>
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<td>14. MS. OWENS: Columbia Solar?</td>
<td>14. approving the minutes as amended, please say &quot;aye.&quot;</td>
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<td>17. MR. HURD: Owen Hurd, present.</td>
<td>17. The minutes are amended.</td>
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<td>18. MS. OWENS: Council for The Environment, Bill Sherman?</td>
<td>18. Moving on to our facility updates, Kittitas Valley Wind Project,</td>
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<td>19. MR. SHERMAN: Present.</td>
<td>19. Mr. Melbardis?</td>
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<td>20. MS. OWENS: Megan Sallomi?</td>
<td>20. EFSEC Council, and Staff. There was nothing nonroutine</td>
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<td>21. MS. SALLOMI: Present.</td>
<td>21. to report at Kittitas Valley for the period. For the</td>
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<td>22. MS. OWENS: Thank you.</td>
<td>22. record, this is Eric Melbardis, with EDP Renewables.</td>
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<td>23. Chair, there is a quorum for the regular Council.</td>
<td>23.</td>
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<td>25. Horse Heaven Council.</td>
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<td>1. CHAIR DREW: Thank you.</td>
<td>1. Moving on to Wild Horse Wind Power Project,</td>
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<td>2. MS. OWENS: Oh, pardon, yes. And for the Horse Heaven.</td>
<td>2. Ms. Moon?</td>
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<td>3. CHAIR DREW: Thank you.</td>
<td>3. MS. MOON: Thank you, Chair Drew. As</td>
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<td>4. Moving on to our proposed agenda, you have it here before you.</td>
<td>4. Jennifer Galbraith is not here, I will just report that</td>
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<td>5. Councilmembers, is there a motion to adopt the agenda?</td>
<td>5. there's no nonroutine items to report. The April</td>
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<td>6. MS. KELLY: Kate Kelly, motion to adopt the agenda.</td>
<td>6. generation totaled 62,978 megawatt hours for an average</td>
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<td>7. MR. YOUNG: Lenny Young, second.</td>
<td>7. capacity factor of 32.09 percent.</td>
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<td>8. CHAIR DREW: Thank you.</td>
<td>8. CHAIR DREW: Thank you.</td>
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<td>9. Any discussion?</td>
<td>9. Chehalis Generation Facility, Mr. Schnitger?</td>
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<td>10. All those in favor, please say &quot;aye.&quot;</td>
<td>10. MR. SCHNITGER: Good afternoon, Chair Drew,</td>
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<td>11. COUNCILMEMBERS: Aye.</td>
<td>11. Councilmembers, and Staff. The Chehalis Generation Facility has a</td>
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<td>12. CHAIR DREW: The agenda is adopted.</td>
<td>12. personnel change to report for the month of April. Michael</td>
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<td>13. Moving on to the draft minutes, which are before you and were in your packet, is there a motion to approve the minutes?</td>
<td>13. Adams was hired as the new plant manager on April 21st.</td>
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<td>14. MS. BREWSTER: This is Stacey Brewster. I move to approve the minutes from the April 19th Council meeting.</td>
<td>14. CHAIR DREW: Thank you.</td>
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<td>15. CHAIR DREW: Thank you.</td>
<td>15. Grays Harbor Energy Center, Mr. Sherin?</td>
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<td>16. MR. LIVINGSTON: This is Mike Livingston. I will second that motion.</td>
<td>16. MR. SHERIN: Good afternoon, Chair Drew,</td>
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<td>17. CHAIR DREW: Thank you.</td>
<td>17. 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.</td>
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<td>18. CHAIR DREW: Thank you.</td>
<td>18. We submitted an application for modification to our Air Operating Permit. Grays Harbor Energy Center is currently authorized to under -- operate under PSD</td>
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<td>19. CHAIR DREW: Thank you.</td>
<td>19.</td>
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<td>20. CHAIR DREW: Thank you.</td>
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<td>21. CHAIR DREW: Thank you.</td>
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<td>22. CHAIR DREW: Thank you.</td>
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<td>23. CHAIR DREW: Thank you.</td>
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<td>25. CHAIR DREW: Thank you.</td>
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we detected in -- in two samples taken from the composite sampler were 476 picocuries per liter and 900 picocuries per liter, and those samples were taken about a month apart.

Also, they are well below the drinking water limit of 20,000 picocuries per liter.

We're investigating the source of the tritium, but it correlates with the commissioning of the new Surface Water Treatment Facility that we're constructing at the Industrial Development Complex.

There's no evidence to suggest that the recent detection of tritium is related to the operation of Columbia Generating Station. But the source water to the water treatment facility does come from the Columbia River, and Energy Northwest is engaged with the United States Department of Energy for insight on the state of known tritium plumes that are coming from the Hanford Site, which all of our -- I say "all," Columbia and Industrial Development Complex are situated upon.

We are currently developing an incident report and investigation plan as requested by EFSEC for a path forward.

That is all I have to report.

CHAIR DREW: Thank you.

Are there questions from Councilmembers?
### Page 13

| 1 | completion is expected late June, substantial is late July. Other than that, the new site restoration financial assurance has been posted by Greenbacker, and 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. 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. CHAIR DREW: Thank you. Are there any questions from Council members? Thank you. Moving on to the next item, which is Desert Claim Wind Power Project, Ms. Moon. | 25 |
| 2 | MS. MOON: Good afternoon, Council Chair Drew and members of the Council. For the record, this is Amy Moon, providing the Desert Claim update. EFSEC Staff continue to coordinate with Desert Claim; however, there are no project updates at this time. | 24 |
| 3 | CHAIR DREW: Thank you. | 23 |

### Page 14

| 1 | Ms. Moon, the SEPA update, please. | 1 |
| 2 | MS. MOON: Yes. Good afternoon, Council. This is Amy Moon once again. In April, EFSEC Staff continued to work on the preparation of the draft Environmental Impact Statement, or draft EIS. This includes working closely with our contractor, Golder, reviewing their draft EIS chapters, refining chapters, and developing proposed minimization and mitigation opportunities. The draft EIS agency coordination in the past month has continued the draft EIS chapter reviews in conjunction with other Washington State agencies who are the State environmental resource experts. EFSEC Staff continue to work closely with the Washington Department of Fish and Wildlife on wildlife and habitat issues, including impact analysis and opportunities for avoidance and minimization of impacts. The work continues to support the applicant in refining an updated mitigation plan. Does the Council have any questions? CHAIR DREW: Are there any questions from Council members? MS. MOON: Okay. Then moving on. If there are no questions, Ami Hafkemeyer will present an update 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. CHAIR DREW: Thank you. | 2 |
| 2 | CHAIR DREW: Thanks. 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. 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. 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. 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. So if there are conditions that come up that the project needs to address, those will come up during adjudication. So I just wanted to make that clear, that is essentially the action that the Council is being asked to make today. Are there any questions? Any other | 16 |
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.
Chair Drew is asking questions of EFSEC's
Chairman regarding the proposed conditional use
permit process. The Chairman is clarifying the
process.
MR. YOUNG: Yes, that's exactly right.
MR. THOMPSON: 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: Yep. Thank you.

MR. LIVINGSTON: Mike Livingston, aye.

MS. OWENS: Department of Natural Resources?

MS. KELLY: Kate Kelly, aye.

CHAIR DREW: Thank you.

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,

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: Thank you for that clarification.

Other questions or comments? Discussion?

I think what I need is a motion. I don't believe we have a motion before us yet.

A motion to approve Council order?

MR. YOUNG: Lenny Young, so moved.

CHAIR DREW: Thank you.

Second?

MS. BREWSTER: Stacey Brewster, second.

CHAIR DREW: Thank you.

I would like us to have a roll call vote on the order. Ms. Owens?

MS. OWENS: Department of Commerce?

MS. KELLY: Kate Kelly, aye.

MS. OWENS: Department of Ecology?

MR. LEVITT: Eli Levitt, aye.

MS. OWENS: Department of Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston, aye.

MS. OWENS: Department of Natural Resources?

MR. YOUNG: Lenny Young, aye.

MS. OWENS: Utilities and Transportation
**Council Meeting Minutes - 5/17/2022**

**Commission?**

- MS. BREWSTER: Stacey Brewster, aye.
- MS. OWENS: EFSEC Chair?
- CHAIR DREW: Kathleen Drew, aye.
- Is Mr. Brost on the line?
- MS. OWENS: No. But Department of Agriculture, Derek Sandison, should be on the line.
- MR. SANDISON: Derek Sandison, aye.
- CHAIR DREW: Thank you.
- MS. OWENS: The ayes have it, Chair Drew.
- CHAIR DREW: Thank you.

**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 other questions?**

- CHAIR DREW: Are there any questions?
- MS. HAFKEMEYER: Thank you, Chair Drew. At the April Council meeting, Staff provided an update about the Whistling Ridge project that Staff were working with the developer to prepare an amendment to the current Whistling Ridge Site Certification Agreement, or SCA.
- CHAIR DREW: Are there any questions?
- 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 to the next item on our agenda, I think we're on Goose Prairie Solar Project. We are.**

- Are there any questions about these documents before I provide an overview of the history of the project up to this point?
- MS. HAFKEMEYER: The application was approved in March 2010. The developer's request for an extension of the SCA dated March 2nd, as well as a letter from the developer, indicating that an SCA transfer request would be forthcoming to EFSEC and requests that the Council consider these actions together.
- CHAIR DREW: Are there any questions right now?
- Go ahead.
- MS. HAFKEMEYER: Thank you. The application for the project was submitted to EFSEC in 2009. In 2012, then Governor Gregoire approved the Site Certification Agreement.

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**Commission?**

- MS. BREWSTER: Stacey Brewster, aye.
- MS. OWENS: EFSEC Chair?
- CHAIR DREW: Kathleen Drew, aye.
- Is Mr. Brost on the line?
- MS. OWENS: No. But Department of Agriculture, Derek Sandison, should be on the line.
- MR. SANDISON: Derek Sandison, aye.
- CHAIR DREW: Thank you.
- MS. OWENS: The ayes have it, Chair Drew.
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- CHAIR DREW: Are there any questions right now?
- Go ahead.
- MS. HAFKEMEYER: Thank you. The application for the project was submitted to EFSEC in 2009. In 2012, then Governor Gregoire approved the Site Certification Agreement.
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
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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 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

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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 240 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 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
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<tr>
<th>Page 41</th>
<th>Page 43</th>
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<tr>
<td>clean, reliable, renewable energy.</td>
<td>service at the Department of Corrections and the</td>
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<td>As noted earlier, we've completed the</td>
<td>Department of Licensing, where he served as Deputy</td>
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<td>applicable environmental and engineering surveys</td>
<td>Assistant Director for Business and Professions</td>
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<td>throughout 2021 and recently submitted our ASC.</td>
<td>Division, as well as the Assistant Director for the</td>
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<td>Next steps, we'll work with Ms. Hafkemeyer's</td>
<td>Customer Relations Division.</td>
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<td>team to schedule the initial public meeting and land use</td>
<td>So he has a lot of know-how in how our state</td>
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<td>consistency hearing likely in early July. And our aim</td>
<td>government operates, which is going to help us</td>
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<td>is to work towards issuance of the SCA in late 2023. On</td>
<td>transition to our next phase as an agency.</td>
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<td>this timeline, we anticipate the earliest construction</td>
<td>So really appreciate you being on -- on</td>
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<td>start would be Q1 2024.</td>
<td>board. Thanks.</td>
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<td>And finally, thank you again for having me.</td>
<td>And, Ms. Bumpus, would you like to give an</td>
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<td>We're really excited to begin the permitting process and</td>
<td>update?</td>
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<td>work with EFSEC in service of Washington's clean energy</td>
<td>MS. BUMPUS: Thank you, Chair Drew, for that</td>
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<td>goals.</td>
<td>really wonderful introduction for Dave. It's been great</td>
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<td>If you have any questions at any later time,</td>
<td>having Dave on our team, and we're making, I think, some</td>
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<td>my contact information is on this slide, as well as the</td>
<td>steady progress now on our transition efforts.</td>
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<td>link to the project's website.</td>
<td>So for the record, this is Sonia Bumpus.</td>
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<td>CHAIR DREW: Thank you, Ms. O'Neil.</td>
<td>Good afternoon, Chair Drew and Councilmembers. Just a</td>
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<td>Are there any questions from Councilmembers?</td>
<td>couple of things on the legislative update. These will</td>
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<td>MS. BREWSTER: This is Stacey Brewster. I'm</td>
<td>probably get a little bit more detailed as we move</td>
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<td>curious, is there any plans for battery storage with</td>
<td>forward, so today's update's pretty high level.</td>
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<td>this solar array?</td>
<td>But basically just to let the Council know</td>
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<td>MS. O'NEIL: There are. We've -- we've</td>
<td>that we have been successfully working with the</td>
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<td>included them in our ASC application as part of the</td>
<td>Department of Enterprise Services Small Agency Services</td>
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<td>preliminary layout and -- because we are looking at</td>
<td>group to identify the different support we will need,</td>
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<td>several different options, but it is likely to include</td>
<td>the different services we will need.</td>
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<td>batteries, yes.</td>
<td>That discussion has been moving along really</td>
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<td>CHAIR DREW: Thank you.</td>
<td>well. We are now at a point where we’re getting ready</td>
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<td>Any other questions?</td>
<td>to, I think, form some interagency agreements where we</td>
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<td>We look forward to working with you</td>
<td>can start to rely on some of those services in the</td>
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<td>throughout this process. And as you said, our next step</td>
<td>interim until June 30th when House Bill 1812 takes</td>
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<td>is to schedule that opportunity to hear from the public</td>
<td>effect. So that is -- that's going right along.</td>
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<td>on the project. So thank you for being here today and</td>
<td>The other thing that I wanted to let the</td>
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<td>appreciate it.</td>
<td>Council know about is that we’ve also been working</td>
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<td>MS. O’NEIL: Thank you again.</td>
<td>internally, discussing organizational changes to the</td>
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<td>CHAIR DREW: Moving on to our legislative</td>
<td>structure of EFSEC.</td>
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<td>update, which I think is actually our -- our</td>
<td>So there will be more information</td>
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<td>implementation of the legislation update by</td>
<td>forthcoming about that, but that has included taking</td>
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<td>Ms. Bumpus.</td>
<td>advantage of our additional FTEs that we now will have</td>
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<td>But before she begins, I would like to take</td>
<td>post June 29.</td>
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<td>this opportunity to introduce a new member of our team,</td>
<td>So we’ll be adding siting specialists to</td>
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<td>Dave Walker.</td>
<td>EFSEC. We’re also going to be creating some new</td>
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<td>MR. WALKER: Hello, folks. My name is Dave</td>
<td>positions for some of the things that we’ll be needing</td>
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<td>Walker. I just recently on the project, working House</td>
<td>to do internally now, that we used to rely on the UTC to</td>
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<td>Bill 1812 to get the transition completed. We’ve got a</td>
<td>do, so things such as records, support.</td>
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<td>lot of work ahead of us, but I think things are going</td>
<td>So there’ll be a lot of -- a lot of new</td>
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<td>well so far, and really appreciate the opportunity to be</td>
<td>information forthcoming about the structure of EFSEC,</td>
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<td>serving again. Thank you.</td>
<td>what that’s going to look like, new positions that we’ll</td>
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<td>CHAIR DREW: Thank you. Dave comes to us</td>
<td>be creating to take advantage of those additional and</td>
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<td>after being recently retired at 30-plus years in State</td>
<td>badly needed FTEs. As we get more projects and, you</td>
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know, the scope of our work grows, we'll certainly
need -- need to add staff to our team.
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.
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.
CHAIR DREW: Well, with that, our meeting is
adjourned. Thank you all.
(Adjourned at 2:32 p.m.)

CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand
Reporter in and for the State of Washington, do hereby
certify that the foregoing transcript is true and
accurate to the best of my knowledge, skill and ability.

_________________________________
Tayler Garlinghouse, CCR 3358
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

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

STATE AGENCY MEMBERS PRESENT:
KATHLEEN DREW, Chair
KATE KELLY, Department of Commerce
ELI LEVITT, Department of Ecology
MIKE LIVINGSTON, Department of Fish and Wildlife
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 REYNEVELD

GUESTS IN ATTENDANCE:
TAI WALLACE, Cypress Creek Renewables
JESS MOSLEH, Cypress Creek Renewables
PATTI LORENZ, TRC Companies
SUSAN DRUMMOND, Law Offices of Susan Drummond
ERIN BERGQUIST, TRC Companies
ANANDA MCKINNEY, Yakima County Commissioners
STAN ISLEY, Yakima Valley Audubon Society Conservation Chair
MICHAEL TOBIN, North Yakima Conservation District
Informational Public Meeting - 6/1/2022

In the Chat, you see the Comment link.

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.

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 before 6:30 p.m.

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:

- All speakers must be respectfully treated.
- In the Chat, you see the Comment link.
- 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.

Thank you.

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.

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.

Moving on to the rest of the roll call, will you also, Ms. Owens, call the EFSEC staff?

MS. OWENS: Yes. Sonia Bumpus.

MS. BUMPUS: Sonia Bumpus is present.

Ms. Owens call the roll for the council.

MS. OWENS: Thank you, Chair Drew. And -- CHAIR DREW: If I may for a second.

MS. OWENS: Yes.

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.

Go ahead, Ms. Owens.

MS. OWENS: Department of Commerce?

MS. KELLY: Kate Kelly, present.

MS. OWENS: Department of Ecology?

MR. LEVITT: Eli Levitt, present.

MS. OWENS: Department of Fish and Wildlife?
Mr. Wallace: Good evening, Chair Drew. 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.

Chair Drew: Thank you. 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.

Ms. Reynefeld: Hi. My name is Sara Reynefeld, 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.

Chair Drew: Thank you.

Moving on now to the presentation by the Cypress Creek. Oh, before we begin, this is one very important person I have yet to introduce, and that's our administrative law judge, Laura Bradley.

Judge Bradley: Good afternoon, everyone. Laura Bradley. I'm the administrative law judge presiding over the proceedings this evening.

Chair Drew: Yes. And after we finish our presentations and go to the public comment, Judge Bradley will be the presider, as well as during the land use consistency hearing. Thank you, Judge Bradley.

Chair Drew: Thank you.

Judge Bradley: Thank you.

Chair Drew: Okay. Presentation by the applicant.

Ms. Mosleh: Hello. Thank you, Madam Chair Drew, EFSEC councilmembers, and EFSEC staff and stakeholders. Thank you all for your time today.

Next slide, please.

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.

Next slide, please.

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.

Next slide, please.

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.

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 financing, operating, and owning utility-scale projects.

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.

I will now be handing the next few slides over to our senior director, Tai Wallace, and he will provide background on Cypress Creek and how we operate in our markets.

Next slide, please.

Mr. Wallace: Thank you, Jess. I apologize. I'm not able to turn my camera on; otherwise, I would.

But good evening, Madam Chair Drew, EFSEC councilmembers, EFSEC staff, Yakima County, and interested parties. Thank you for this opportunity to present our High Top and Ostrea projects to you this evening.

So, as I said, I'm -- I'm the senior director of development for Cypress Creek. I manage our western transmission-scale markets, so these are our large project, large interconnection, high voltage projects. I lead project and market development across the western United States, and oversee the team that's developing these two projects here today.

Cypress is a mission-driven organization, as Jess indicated, and -- and we support the transition to clean, affordable, renewable sources of energy. We've had a presence in the Pacific Northwest market since our founding, and have been thoughtfully developing these projects that are before you today.
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...
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 shrubsteppe, 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.

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.
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 hydrologic 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're at 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...
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 connectivity for wildlife habitat. Is there -- I'm trying to think of how the -- the two separate projects marry up to each other, or if they do, or if that's -- they're separate, and -- and why -- why you are doing two projects as opposed to just one?

MR. WALLACE: I'm happy to answer both of those to the best of my ability, Mr. Livingston.

So in terms of the abutment of the two projects, ours and the others, I honestly am not quite sure. We don't have their boundaries, you know, and -- and know exactly where their fence line is.

That is something that, you know, we'll likely work to confirm once we, you know, have some time to investigate their presentation and approval.

But the one thing that I would like to note is that, in general, if you look at the appendix, I believe it is slide 21, our western-most project, High Top, we are not going all the way over to the eastern -- or sorry -- the western-most property line.

You know, we're keeping a pretty wide corridor open there.

And so, that is property that is of this, you know, area under site control, as we call it, but it is not within our proposed fence line area and project area after we've gone through net mitigation.

So, you know, at least from what we see today, we do believe that there will be north-to-south connectivity there, as well as the east-west connectivity through the transmission.

CHAIR DREW: I think Mr. Livingston was asking you why you split your application into two -- is that correct, two projects?

MR. WALLACE: Certainly.

MR. LIVINGSTON: I would like the answer to both of those questions, and so I appreciate the clarification.

CHAIR DREW: Oh, okay. Good.

MR. WALLACE: And to Mr. Livingston, to your second question, the reason there is due to our actual interconnection. So Ostrea is interconnecting with Bonneville Power's transmission line. This is a 115-kilovolt transmission line that runs parallel for a short period of time to PacificCorp's 115 -- or sorry -- 230 kV transmission system, which is where the High Top project is interconnecting.

From our view, when we were siting and, you know, conceptualizing these projects, we thought that it was best to try and find a location that was as rural and -- and exurban as possible in the area of...
these transmission lines where they run alongside parallel in the same corridor so as to -- to maintain as much contiguity and consistency as possible, and to mitigate any potential issues with, you know, land use in more populated areas of the county.

CHAIR DREW: So, you mentioned that the --

1. I think it was Ostrea -- Ostrea, then, is going to be connected to BPA but parallel to PacifiCorp, but you also mentioned that you do have an agreement with PacifiCorp for that Ostrea -- am I remembering that correctly?

MR. WALLACE: Yeah. So PacifiCorp is an affected transmission system for our Ostrea project, so we have -- our facility study and our agreement is being tendered with PacifiCorp for Ostrea for 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.

1. I'm trying to -- to keep the two straight, but I appreciate that. Thank you.

MR. WALLACE: Understood.

---

CHAIR DREW: Are there any other questions from councilmembers?

1. 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 for 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.
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 expedite -- 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 livelihood for a lot of folks. miles of solar panels across our beautiful now inclusive of people who want to create miles and lot of people wanting to come for the sunshine, and District 1 of Yakima County.

MS. MCKINNEY: Thank you, councilmen and Amanda McKinney. So I’m first going to call on Commissioner let folks know when the time has expired. have three minutes to make their comments, and I will 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.

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 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.
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.

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 right project. 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.
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| So I would strongly consider resisting 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.  
I want to go back and put emphasis on the voluntary stewardship program. It is a program designed to enhance habitat areas, and we are dealing with shrubsteppe uniquely. I do know that Benton County, through the VSP program, is doing the same. We're dealing with species that not just only roam around like mule deer. We're dealing with sage-grouse, we're dealing with the state of Washington having spent tens of millions of dollars on sage-grouse planning, with the recovery efforts of any number of species.  
If you look at these things individually, yeah, I think you could discount, you could perhaps figure out a mitigation, and you could say, yes, let's go ahead. But you need to, as a council, look at these as a whole. You need to look at the authorities of the council, and knowing that, pretty much, when you get it, it's going to happen. But it is easy for a developer to bypass the local jurisdiction if they -- if they choose because they know it's easier. I'm just being honest.  
When -- when you look at these things, you have a change in -- I'm sorry.  
JUDGE BRADLEY: I'm sorry, Mr. Tobin. So we gave you a little extra time --

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<td>MR. TOBIN: Okay.</td>
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<td>JUDGE BRADLEY: -- but let's go ahead and submit additional comments in writing through the --</td>
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<td>MR. TOBIN: Thank you.</td>
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<td>JUDGE BRADLEY: -- through the email or the database. All right.</td>
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<td>Anyone else this evening?</td>
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<td>Ms. McKinney, again, one minute, please.</td>
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<td>MS. MCKINNEY: Thank you. I figured we might as well all go one more.</td>
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<td>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?</td>
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<td>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.</td>
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<td>Thank you.</td>
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<td>JUDGE BRADLEY: Thank you, Ms. McKinney -- Commissioner McKinney.</td>
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<td>I'm going to hand it back to you, Chair Drew. Thank you.</td>
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<td>CHAIR DREW: Thank you, Judge Bradley.</td>
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<td>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.</td>
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<td>Thank you, and we will be back at 6:15.</td>
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<td>I, ANITA W. SELF, 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.</td>
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<td>IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of June 2022.</td>
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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

1 (Pages 1 to 4)
Perfect.

So just some brief background on this.

The council in 2017 determined that, under its enabling legislation, it must ensure that certified projects are aligned with the objectives of reducing dependence on fossil fuels and transitioning to a clean energy project. That determination is, of course, consistent with other state statutes calling for carbon neutrality and carbon-free energy supplies, and it's consistent with recent amendments to EFSC's enabling legislation, which further promote clean energy development.

So with that context in mind, referring to the next -- next slide, the Yakima County Land Use Code and Comprehensive Plan are consistent with those objectives, and they support the project.

The county code authorizes this project as a power-generating facility that's an allowed Type 3 conditional use within the agricultural zoning district. The applicant consulted with the County planning department before submitting this application, and throughout its review process, and has documented consistency with the plan and code.

And attached to attachment A of the application for site certification is the correspondence from the County documenting the consistency with the land use code. And, of course, that's prima facie proof of consistency with the code.

I'd refer the council to Council Order 879 on the Goose Prairie project. That was order granting expedited processing with -- which documents the -- that consistency.

The applicant also prepared a very detailed land use review, which further documents consistency, and that is attachment A to the application for site certification. And that material goes through both the plan and code and the specific permitting criteria to document that -- that consistency.

So if we can move to the -- the next slide, and the next slide shows the --

JUDGE BRADLEY: Counsel --

MS. DRUMMOND: Yes, thank you. The County -- I'm sorry.

JUDGE BRADLEY: This is Judge Bradley. So if you could please slow down a little bit. We do have a court reporter making a transcript of the hearing, and we want to make sure we get a clear record. So just give her a chance to keep up with you, please.

Perfect.

MS. DRUMMOND: Thank you, your Honor. I will -- I will do so.

So these are the -- the county's nine criteria for granting conditional use permits. And we're not here tonight to evaluate these criteria, but I did want to point them out, and, of course, the application -- the first attachment to the application for site certification goes through these criteria.

But in general, just to provide an overview of that, they provide for land use compatibility with surrounding uses. And that assessment looks in the -- at the project in relationship to surrounding uses. It looks at whether the project is supported with infrastructure, and whether local code requirements can be met.

If we can move to the next slide.

So briefly, some highlights on the criteria. First, I want to look at where the project is. It's on vacant, non-irrigated land. It will not adversely impact public infrastructure or environmental resources. It fully complies with the county's critical area ordinance. It also supports the rural economy through tax revenue and lease payments, so it provides an overall benefit to the community, and that was touched on in the earlier
The property size, we heard earlier about the size of 19 includes building codes, fire codes, and any other 25 to comply with all of the county's codes, and that 23 use. And the county -- or the applicant will fully 22 this has been ideally sized to -- for this particular 21 control is larger than what is actually needed, so 20 this has been ideally sized to -- for this particular 19 use. And the county -- or the applicant will fully 18 comply with all of the county's codes, and that 17 includes building codes, fire codes, and any other 16 transportation impacts, the 15 State Route 24 approach onto the private access road 14 will be improved for safety and access, and, of 13 course, county and WS-DOT requirements will all be 12 met. The Washington State Department of 11 Transportation has provided conceptual approval of the 10 access, and that's at attachment P to the application. 9 With regard to regulatory compliance and 8 the property size, we heard earlier about the size of 7 the property that was outlined and is under the lease 6 control is larger than what is actually needed, so 5 this has been ideally sized to -- for this particular 4 use. And the county -- or the applicant will fully 3 comply with all of the county's codes, and that 2 includes building codes, fire codes, and any other 1 presentation.

In terms of comprehensive plan 2 consistency, the project is consistent with the 1 county's objective of considering energy supply 0 alternatives, and also diversifying the regional 9 agricultural economy.

The county plan's rural and agriculture 8 goals are also met. The project provides economic 7 support to minimize land conversion risks.

On the site itself, crop production has 6 been nonexistent for over 25 years, and the weedy 5 species which are dominant in the previously plowed 4 areas are not well-suited for year-round livestock 3 grazing. And then, of course, after its commercial 2 life, the project would be decommissioned and removed.

If we could move to the next slide.

These are criteria 7b and 7g, which dive 6 into consistency with neighboring uses. This is a 5 very rural, remote area. As we heard earlier, the 4 project is north of State Route 24, it's south of the 3 Yakima Training Center, and it's 20 to 22 miles east 2 of -- of Moxee.

On the preliminary site plans, solar 1 panels and access roads will not be within 300 feet of 0 the Yakima Training Center, and the applicant has
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.

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

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.

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

-o0o-

CERTIFICATE

STATE OF WASHINGTON )
) ss.
COUNTY OF KING )

I, ANITA W. SELF, 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.

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

ANITA W. SELF, RPR, CCR #3032
OLYMPIA, WASHINGTON; JUNE 21, 2022
1:30 P.M.

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PROCEEDINGS

CHAIR DREW: Good afternoon. This is Kathleen Drew, Chair of the Washington Energy Site -- Facility Site Evaluation Council. I'm calling our meeting today, June 21st, to order.

Ms. Owens, will you please call the roll?

MS. OWENS: Department of Commerce.

CHAIR DREW: Excused.

MS. OWENS: Department of Fish and Wildlife.

(No verbal response.)

MS. OWENS: Department of Natural Resources.

MR. YOUNG: Lenny Young, present.

MS. OWENS: The local government and optional state for the Horse Heaven project, Department of Agriculture.

MR. SANDISON: Derek Sandison, present.

MS. OWENS: Benton County?

I saw Ed on the line earlier. I'm not sure if he's muted.

Moving on to Badger Mountain, Douglas County.

MS. GIULIO: Jordyn Giulio, Douglas County, present.

MS. OWENS: Thank you.

For -- the Assistant Attorney General Jon Thompson.

MR. THOMPSON: Jon Thompson, present.

MS. OWENS: Administrative Law Judge Adam Torem.

JUDGE TOREM: I'm here on the line.

MS. OWENS: Is Laura Bradley on the line?

For EFSEC Council staff, Sonya Bumpus.

MS. BUMPUS: Sonya Bumpus, present.

MS. OWENS: Ami Hafkemeyer.

MS. HAFKEMEYER: Present.

THE COURT: Amy Moon.

MS. MOON: Amy Moon, present.

MS. OWENS: Joe Wood.

MR. WOOD: Joseph Wood, present.

MS. OWENS: Pattie Betts.

MS. BETTS: Pattie Betts, present.
MS. OWENS: Stew Henderson.

MR. HENDERSON: Stew Henderson, here.

MS. OWENS: Andrea Grantham.

MS. GRANTHAM: Andrea Grantham, present.

MS. OWENS: Dave Walker.

MR. WALKER: Dave Walker, present.

MS. OWENS: For operational updates,

8 Kittitas Valley Wind Project.
9 Wild Horse Wind Power Project.
10 MS. GALBRAITH: Jennifer Galbraith, present.
11 MS. OWENS: Grays Harbor Energy Center.
12 MR. SHERIN: Chris Sherin, present.
13 MS. OWENS: Chehalis Generation Facility.
14 MR. SCHNITGER: Stefano Schnitger present.
15 MS. OWENS: Columbia Generating Station and WNP 1/4.
16 MS. PAXTON: Felicia Nahara-Paxton, present.
18 MS. OWENS: Columbia Solar.
19 MR. HURD: Owen Hurd, present.
20 MS. OWENS: Counsel for the Environment, Bill Sherman.
22 MR. SHERMAN: Bill Sherman is present.
23 However, to -- to clarify, Sarah Reyneveld, who is also on the line, is counsel for the Environment for Horse Heaven and for High Top & Ostrea.

And Megan Sallomi will be joining us later as counsel for the Environment for Badger Mountain and will be for Wautoma Solar when we have an opportunity to send an appointment letter.

MS. OWENS: Okay. Great. Thank you. I've got that down.

Chair, I believe there's a quorum for the Council and for the additional projects, Horse Heaven and Benton and Badger Mountain.

CHAIR DREW: I am actually not sure we have a quorum for the Council. However, we do not have Council action, so we can proceed.

Because I count three for the Council. I did not hear that Mr. Livingston was on the line.

So we would have a quorum for Horse Heaven and for Badger Mountain but not our regular Council.

But again, as we do not have actions planned, that won't inhibit our work today.

So moving forward, then. I think what I need to do, perhaps, is to forgo the approval of the monthly minutes and the informational minutes until we do have a quorum. And I will say we will move forward on our proposed agenda.

We will take the minutes up in our July meeting.

So let's move on, then, to the project and operational updates.

Kittitas Valley Wind Project. That would be Amy Moon. Ms. Moon.

MS. MOON: Yes. Thank you, Council Chair Drew and Council.

For the record, this is Amy Moon providing an update for Eric Melbardis of Kittitas Valley.

Mr. Melbardis is not available to present the update.

I'm going to direct your attention to the Council packet for a written copy of his update. There are no non-routine items to report. And if you look at his written update, he provided the power generated at 30,958 megawatt hours capacity factor of 41 percent with no incidents, no sound complaints, and no shadow flicker complaints.

Are there any questions?

CHAIR DREW: Thank you.

Moving on to the Wild Horse Wind Facility.

Ms. Galbraith.

MS. GALBRAITH: Yes. Thank you, Chair and Council Members.

This is Jennifer Galbraith with Puget Sound Energy at the Wild Horse Wind Facility.

CHAIR DREW: Ms. Galbraith, your sound is echoing there.

MS. GALBRAITH: I know. I hear that. I'm not sure why. Interesting.

CHAIR DREW: I think you are good now.

MS. GALBRAITH: Shall I try to continue?

CHAIR DREW: Yes, please.

MS. GALBRAITH: Okay. Thank you.

So, again, this is Jennifer Galbraith with Puget Sound Energy at the Wild Horse Wind Facility and I have no non-routine updates for the month of May. Thank you.

CHAIR DREW: Thank you. It may be that someone is not muted who is on this call in this meeting. So if you can check to make sure you're muted if you're not speaking, that will help us hear those who are speaking more clearly.

Okay. Moving on to the Chehalis Generation Facility, Mr. Schnitger.

MR. SCHNITGER: Good afternoon, Chair Drew, Council members and staff. This is Stefano Schnitger, Operations Manager for the Chehalis Generation Facility.

The Chehalis Plant was in a planned maintenance outage for the month of May. And other than that, I have nothing else non-routine to report.

CHAIR DREW: Thank you.

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<tr>
<td>1. Moving on to the Grays Harbor Energy update.</td>
<td>1. for the facility has been provided to EFSEC from Greenbacker. And so with this in place, my understanding is that all of the provisions of the SC transfer are complete.</td>
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<td>2. Mr. Sherin.</td>
<td>2. CHAIR DREW: That is correct. And we do have the letter from Ms. Bumpus in the Council packet saying that we have received and reviewed the Standby Trust Agreement and Letters of Credit from Greenbacker and that we have determined these instruments are sufficient and hereby release Tuusso from financial responsibility for these projects. Thank you.</td>
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<td>3. MR. SHERIN: Chair Drew, Council members, EFSEC staff, good afternoon. This is Chris Sherin, the Plant Manager for Grays Harbor Energy Center. For the month of May we have no new or non-routine items to report and we did finish our maintenance outage May 13th.</td>
<td>3. MR. HURD: Great. Thank you.</td>
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<td>4. We have a new person reporting to us today, Felicia Nahara Paxton.</td>
<td>4. CHAIR DREW: Next we have the Horse Heaven Wind Project.</td>
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<td>5. Is that how you pronounce your name?</td>
<td>5. MS. MOON: Good afternoon, Council Chair Drew and Council members.</td>
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<td>6. MS. PAXTON: It is. You did a great job. I appreciate that.</td>
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<td>20. MS. MOON: Good afternoon, Council Chair Drew and Council members.</td>
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<td>21. And that is all. Thanks so much.</td>
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Are there any questions?

CHAIR DREW: Are there any questions for Ms. Hafkemeyer?

MR. YOUNG: Yeah, this is Lenny Young. I have a question.

to what extent will the DEIS address greenhouse gas emissions and carbon?

MS. HAFKEMEYER: We do have information in our air resources section of the Draft EIS where we will cover some discussions to the -- to those topics, to greenhouse gases and carbon.

MR. YOUNG: Thank you.

CHAIR DREW: Any other questions?

MS. HAFKEMEYER: Are there any other questions? Or should I go on to the next part of my update?

CHAIR DREW: Go ahead.

MS. HAFKEMEYER: Okay. I also have a brief adjudication update before handing the floor over to Judge Torem.

EFSEC staff have created a SharePoint document library in which we will be providing both SEPA and adjudication materials for the Council's review. So when exhibits or other materials are ready for the Council to review, they will be replaced in the Council

SharePoint library for this project.

Are there any questions?

CHAIR DREW: Thank you.

Judge Torem, you are now going to give us a presentation on adjudication?

JUDGE TOREM: Yes. Good afternoon, Chair Drew and, of course, other Council members. In fact, for all of our Council members, I'm going to give you a brief, very high-level overview of what to expect when we actually commence an adjudication for the Horse Heaven Wind Project or any of the other projects that might make it all the way to a contested adjudication.

If you've looked at our WACs, Chapter 463-30 governs adjudicative proceedings. And as you may know from other quasi-judicial proceedings, we go forward under EFSEC using the Administrative Procedure Act or the APA.

What's really important for you to know as Council members is that our -- our WAC makes the Council, as a whole, the presiding officer. It allows for us to utilize an Administrative Law Judge to handle the procedural things. But the ultimate decision on each of these projects comes from you, the individual Council members, acting individually and as a whole. So you truly are the judges.

What's your role in an adjudication?

It is a little different than today where you are listening for input and although we're not seeing any Council action today, when you take action under an adjudication, your role is an evaluator of evidence and you are the ultimate decision-makers.

This means that there's going to be -- and I'll talk about this a little bit later, not today -- limits on your ability to communicate with each other and limits on your ability to communicate with participants and the public. It's what we call "limits on ex parte communication."

I'll give you a detailed handout on that in the future and a detailed briefing. But just know, as your role changes in an adjudication, your most important aspect to keep clear: You have to be fair; you have to be impartial in your fact finding; you've got to stay open-minded about the ultimate outcome of things; and you've got to be free from any undue influence.

So keeping those roles in mind, what is an adjudication and how does it kick off?

You'll see this in the weeks ahead, probably sometime in July or early August, when the Council issues an order commencing adjudicative proceeding.

That's the formal notice we give to all of the public that we're taking up an application and setting a formal hearing under the APA. We'll identify the parties to each one of these projects. All of you that are members of the Council, your agency is going to be a party and may be actively participating in it. The applicant will be a party. Council for Environment will also be a party.

But then there come the interveners. These are other members of the public or group that think they have a sufficient and discrete interest in some or all aspects or a proposed project that they want to be actively involved as litigants, not just giving a public comment, but calling witnesses, cross-examining witnesses, and acting through counsel, typically, at the hearing to influence things and present evidence for you to consider.

There will be in that order commencing adjudicative proceeding a deadline for petitions for intervention to be filed, and then those will be ruled upon by the Council and various interveners will be granted status and given status as to what their limitations might be if they are on a particular topic. If they are aligned with other parties, they will be
grouped together so we can have an efficient proceeding.

There are a number of details about how that occurs in the order commencing adjudicative proceeding and those are taken from our WAC as well and our RCWs. At this point, the Council hasn’t done anything, but I, as the Administrative Law Judge for Horse Heaven will then schedule a prehearing conference with those interveners and other parties, and at that time we’ll start to really put dates on a calendar and coordinate with the Council members to make sure we know exactly when the hearing is going to be held; what method it’s going to be held by. Probably given our current state of government and post-COVID restrictions, it will be a hybrid hearing or an entirely virtual hearing.

What do you have to do?

Show up. Be there. Be ready.

And what does it mean to “be ready”?

Those prehearing conferences are going to set a schedule for parties to present their evidence. Some of it will be presented in advance. Parties, typically in these proceedings, have witnesses that give detailed expert opinions and they give the foundation for those topics that they are testifying on -- they give their background and qualifications and they submit that in writing in advance of what’s called “pre-filed testimony.” That’s probably how the Horse Heaven Wind Project is going to go ahead.

The parties will most likely choose to present their expert testimony direct exam in advance. They’ll call the witness at the hearing; they’ll adopt that written testimony. Maybe they’ll add a few more things. But you’ve had to have read that in advance so you are ready to understand the content of the other party’s cross-examination and ready to ask your own questions.

You will be involved, at some point, probably using that document library that Ami referenced earlier to have access to pre-filed testimony and to prepare your questions.

The APA hearing is where the parties bring everything together. That’s the formal hearing. And again, you should plan on attending each and every hearing session so you can hear the evidence, see the evidence, and have that opportunity to ask questions.

If you’re absent, you’re definitely going to be required to review a transcript from any missed session and that can be a bit tedious. But if necessary, if you have an excused absence, it makes sure that you are fully informed by the time we get to the end of the hearing.

We’ll be scheduling substantive presentations by topic. If you take a look at WAC 463-30-300, it has a general suggestion of how the Council expects to conduct the hearing by topic and schedule those things. And I’ll be working with the parties, with the applicant, with Counsel for the Environment, and with the interveners to set up when those presentations will be going forward.

We’ll also have a separate public comment hearing so that members of the public have a chance to give you their input in one, two, or three minute bursts. We’ll see how that goes, depending on how many people sign up.

Then, deliberations. Once all the evidence is in, the Council has to put it all together. The applicant and the interveners will have done their job. Now it is up to us, as a council -- it is up to you as a council to make sure you’ve taken in all that evidence and evaluate it in conjunction with any of the legal briefing that’s provided as well.

I hear we’re getting a bit of an echo. So if people could check their mute button.

The idea for those deliberations is to resolve each and every contested issue presented to the Council as a result of the application and the adjudication.

You’re going to be discussing approval versus rejection of an application and all the appropriate conditions you would suggest on the project and on the individual sites.

And, finally, that all gets reduced to writing as a recommendation to the Governor. The recommendation has a lot of moving parts and on top of the narrative that sets out who the parties were and who the issues -- what issues were raised and how the Council resolved them; there will be findings of fact and conclusions of law; and then there will also be the Final Environmental Impact Statement.

The DEIS that has been mentioned multiple times leading up to today and is supposed to come out in August. That will be after the public comment and everything else turned into a Final Environmental Impact Statement or "FEIS," and that will go in the recommendation to the Governor.

So the adjudication track is informed by SEPA and the DEIS, but those are two separate tracks that come together, again, in the recommendation to the Governor.
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**So what do you take from this?**

We’re really at the point where we’re ready to tell Council members soon. We’ll be scheduling a time for the adjudication. How much time, I can’t tell you. It depends on the number of witnesses and contested issues, but it could be a week. It could be longer. It could be a little bit shorter. But in the ballpark of a full week of a hearing, multiple hours per day and some evenings we’ll be scheduling something called an adjudication to what I’ve just given you -- really the 30,000-foot overview of what to expect.

But again, your role, be there, evaluate, and you individually judge and discuss and deliberate that evidence.

**Chair Drew,** I hope that that gives them an idea of what’s coming in this case and perhaps in Badger Mountain and others to follow.

**Chair Drew:** Thank you.

**MR. YOUNG:** Judge Torem, this is Lenny Young with DNR.

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**Could you speak specifically to limits on our communications within our own organization? In my case, within my own agency.**

**JUDGE TOREM:** Yes. Mr. Young, at this point, as we get ready to have the adjudication, you’re a member of the Council and also doing your own job in your agency.

For all of the Council members, you know the Horse Heaven Project is something you can’t discuss actively with other members of your agency that might be taking a position as a party in the case. They can’t have any communication with you that might influence your deliberations that doesn’t occur in an open EFSEC meeting as part of adjudication or one of these monthly meetings.

So if you’re at DNR-specific meetings that might bring up the Horse Heaven Project, be sure to identify yourself as an EFSEC Council member and, therefore, you might have to step out of the room and not participate in any substantive discussions about this project that’s pending before your role as a Council member.

You could be in the room for things that just come up procedurally, such as talking about when they might be scheduling a discussion or if there are dates to participate in a hearing.

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### Page 23

**dates to participate in a hearing.**

But if it is beyond procedural matters, you would have to step out and excuse yourself.

If you do find yourself in a position where you’ve heard things, step out of the room. But then come back to the Council and you’ll have a chance to report, oh, I was at a meeting. I accidently didn’t realize they were going to go into substance. But I did step out of the room.

That kind of report can cure an ex parte communication and make sure you’re not unintentionally disqualified from participating in some or all of the ongoing adjudication.

I’ll get you some more detailed rules and suggestions on how to avoid ex parte communications that are improper and give you a handout on that in the weeks ahead for all Council members to review.

But just consider that you can’t hear anything and participate in anything that might unduly influence your participation in EFSEC’s adjudication.

I hope, Mr. Young, that gives you a little flavor of what to avoid when you are back doing your regular duties at DNR.

**MR. YOUNG:** Yes, it does. Thank you.

Would the same guidance generally apply to internal written communications and reports and memos and such?

**JUDGE TOREM:** I would think, yes. I would defer a little bit to your legal counsel or to Attorney General John Thompson on specific items. If you’re receiving routine communications as part of a pass around the agency and you’ve got to sign off on pieces, you might ask your supervisors to take you off anything that circulates on a project pending before EFSEC for a contended adjudication.

It just depends on the nature of what’s in those written communications. If they are advocating a DNR position that will be taken up before EFSEC, that’s a pretty clear line.

If they are just mentioning who they are hiring to do their expert testimony, you’re going to know that in the course of things. So that would be a procedural item, I would think.

If you have specific questions, you can -- you can contact me and/or Mr. Thompson and we can go over it with you today and have a much more "here’s what’s happening specifically" and give it more specific advice.

**MR. YOUNG:** Thank you, sir. Much appreciated.
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<td>CHAIR DREW: Are there other questions from Horse Heaven Wind Project, Council members?</td>
<td>EFSEC staff continues to work with Brookefield, the new owner of Goose Prairie, LLC, on preconstruction surveys and plans. Recently a rare plant survey was performed. We don't know the results of that yet. But the results of that will inform the habitat mitigation plan and other pre-construction and construction plans.</td>
</tr>
<tr>
<td>MR. BROST: This is Ed Brost. I just have one question for the judge.</td>
<td>In terms of construction schedule, I thought it was worth mentioning that Brookefield hopes to begin construction in the fall of 2022, if possible. But a target date of completion is actually before the end of 2023. And so that's largely due to apparently some supply chain issues. But construction schedule certainly depends on timely submission of draft plans and modifications to those.</td>
</tr>
<tr>
<td>Would you have what you've said in the -- the two-minute overview you gave, do you have that summarized in a written document of some sort you can share?</td>
<td>That said, EFSEC will continue to work with Brookefield to obtain all the required surveys and needed preconstruction and construction plans and we'll continue to update the Council as things progress.</td>
</tr>
<tr>
<td>JUDGE TOREM: I do, Mr. Brost. I just have a very brief bullet point outline that I can make sure you get the most updated copy of. I will submit that to the EFSEC manager and let her circulate that to Council members.</td>
<td>And that's all I have for today. Thanks.</td>
</tr>
<tr>
<td>There will also be -- still in process of being updated from the last one used in 2015 -- an adjudication introduction to the process. And that will also include the ex parte communication guidelines that we've mentioned today.</td>
<td>CHAIR DREW: Thank you.</td>
</tr>
<tr>
<td>So if you'd like the bullet point outline, that's available now. And I'll circulate the updated copy of that to EFSEC staff to pass that along.</td>
<td>Are there any questions for Mr. Wood?</td>
</tr>
<tr>
<td>MR. BROST: Super. That would be great.</td>
<td>Thank you.</td>
</tr>
<tr>
<td>Thank you.</td>
<td></td>
</tr>
<tr>
<td>CHAIR DREW: Any other questions?</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Page 26</th>
<th>Page 28</th>
</tr>
</thead>
<tbody>
<tr>
<td>Again, we're hearing typing, so whoever is typing, please mute. Thank you.</td>
<td>Moving on to our next item on the agenda is Badger Mountain update.</td>
</tr>
<tr>
<td>Before we leave the topic of the Horse Heaven Wind Project, I want to let the Council know -- I'm hearing an echo on myself there.</td>
<td>Ms. Hafkemeyer.</td>
</tr>
<tr>
<td>Okay.</td>
<td>MS. HAFKEMEYER: Thank you, Chair Drew.</td>
</tr>
<tr>
<td>And all those who are present at this meeting that we did take an action during last monthly meeting, which is the Order on Land Use Consistency.</td>
<td>Again, this is Ami Hafkemeyer for the record.</td>
</tr>
<tr>
<td>And we were unable to hear from Councilman Brost during the proceeding because of technical difficulties. But he did send an email asking that his vote be recorded as a &quot;no&quot; vote.</td>
<td>EFSEC staff are working in review of the SEPA scoping comments and with the SEPA-responsible official to narrow the resources to be examined for the Draft EIS.</td>
</tr>
<tr>
<td>And so I wanted to say that into the record, because that is how it is reflected following those communications.</td>
<td>EFSEC staff are also coordinating with the applicant and Department of Natural Resources to potentially schedule a site visit in the coming weeks as needed.</td>
</tr>
<tr>
<td>So moving on, then. I think we are ready to move on to our next agenda item.</td>
<td>Are there any questions?</td>
</tr>
<tr>
<td>I think we are.</td>
<td>CHAIR DREW: And that would be a site visit for the staff?</td>
</tr>
<tr>
<td>that is Mr. Wood.</td>
<td>MS. HAFKEMEYER: For EFSEC staff to attend with the applicant and the Department of Natural Resources in support of cultural resources information.</td>
</tr>
<tr>
<td>Mr. WOOD: Yes, thank you.</td>
<td>CHAIR DREW: Okay. Thank you. Thank you.</td>
</tr>
<tr>
<td>Good afternoon, Chair Drew, EFSEC Council, and staff.</td>
<td>For that purpose, we will plan to have a Council site visit in the future, but not during this phase of the project. I just wanted to clarify that.</td>
</tr>
<tr>
<td>This is Joe Wood providing the monthly</td>
<td>Are there any other questions for</td>
</tr>
</tbody>
</table>

BUELL REALTIME REPORTING, LLC
SEATTLE 206.287.9066 OLYMPIA 360.534.9066 SPOKANE 509.624.3261 NATIONAL 800.846.6989
1. Ms. Hafkemeyer?

   Okay. Thank you.

2. Moving on to the Whistling Ridge Project update.

   Ms. Hafkemeyer.

3. MS. HAFKEMEYER: Thank you.

4. EFSEC staff are waiting for the certificate holder to submit the remaining materials for the SCA amendment request. They have let us know that they will need a little bit more time to put that together. And we will keep the Council up-to-date as we receive more information.

5. CHAIR DREW: Thank you.

6. Moving on to High Top & Ostrea.

7. MS. HAFKEMEYER: Thank you.

8. On June 1st, EFSEC held the public informational meeting and the land use consistency hearing. We had three speakers at the informational meeting and one at the land use consistency hearing. No comments were received online for these meetings.

9. EFSEC is continuing its review of the application and coordination with our contracted agencies.

10. Are there any questions?

11. CHAIR DREW: Are there any questions?

12. And again, we will review and approve the minutes for those two projects at -- I mean, for those two meetings of that project at the next Council meeting since we are unable to do so today.


14. And then moving on to Wautoma Solar Project update.

15. Ms. Hafkemeyer.

16. MS. HAFKEMEYER: Thank you.

17. EFSEC staff are currently working on our review of this application and are coordinating with their contracted agencies for their review.

18. Staff are also working to schedule the public informational meeting and land use consistency hearings for this project. So if you have not already heard from EFSEC staff about your availability, we will be reaching out shortly to determine what everybody's schedules are for those meetings.

19. CHAIR DREW: Do we have roughly a time frame that we are looking at for those meetings?

20. MS. HAFKEMEYER: Our time frame, I'm afraid the date for the 60-day timeline is escaping me, but I want to say mid to late August.
Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: July 6, 2022
Reporting Period: June 2022
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

**Operations & Maintenance (only applicable for operating facilities)**
- Power generated: 27975 MWh
- Wind speed: 8.16 m/s
- Capacity Factor: 38.55%

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**Environmental Compliance**
- No incidents

**Safety Compliance**
- Nothing to report

**Current or Upcoming Projects**
- Nothing to report

**Other**
- No sound complaints
- No shadow flicker complaints
EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: July 8, 2022
Report Period: June 2022
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance
June generation totaled 39,024 MWh for an average capacity factor of 19.88%.

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: July 11, 2022
Reporting Period: June 2022
Site Contact: Stefano Schnitzer, 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.
  - 323 net MW-hrs generated in May for a capacity factor of 0.1%.

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

Environmental Compliance
-Monthly Water Usage: 37,400 gallons
-Monthly Wastewater Returned: 7,487 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 2,526 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 in June.
- 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: July 19, 2022
Reporting Period: June 2022
Site Contact: Chris Sherin
Facility SCA Status: Operational

**Operations & Maintenance**
- GHEC generated 11,175 MWh during the month and 940,353 MWh YTD.

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

**Safety Compliance**
- None.

**Current or Upcoming Projects**
- Application for a Modification to the Air Operating Permit submitted to EFSEC in April. GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.

**Other**
- None.
EFSEC Monthly Council Meeting

Facility Name: **Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)**
Operator: **Energy Northwest**
Report Date: **July 7, 2022**
Reporting Period: **June 2022**
Site Contact: **Felicia Najera-Paxton**
Facility SCA Status: **Operational**

CGS Net Electrical Generation June 2022: **650,116 MW-Hrs**

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**Environmental Compliance:**
No update.

**Safety Compliance:**
- The 2022 World Association of Nuclear Operators (WANO) peer review of Columbia Generating Station (CGS) commenced at the June 21 emergency response organization (ERO) Emergency Preparedness drill. WANO completed the emergency management performance evaluation (EMPE) which reviews the ability of station workers to prepare for and respond to emergency conditions at the station.
- Washington State Fire Marshal re-inspection of the Industrial Development Complex and CGS non-power block buildings on June 15.

**Current or Upcoming Projects**
No update.

**Other**
No update.
Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)
Operator: Tuusso Energy, LLC
Report Date: July 8, 2022
Reporting Period: 30-days ending July 8, 2022
Site Contact: Owen Hurd
Facility SCA Status: Construction

Construction Status
- Penstemon
  - Plant is currently operational
  - Weeds have been sprayed
- Camas
  - Achieved Mechanical Completion on March 23\textsuperscript{rd}
  - Inverter issues recently resolved; Substantial Completion expected shortly
- Urtica
  - Mechanical Completion expected shortly
  - Substantial Completion expected in late-August

Other
- Currently in discussions with EFSEC staff re: planting plans
Horse Heaven Wind Project

July 2022 project update

[Place holder]
Goose Prairie Solar Project

July 2022 project update

[Place holder]
Badger Mountain Solar Energy Project

July 2022 project update

[Place holder]
Whistling Ridge Energy Project

July 2022 project update

[Place holder]
High Top and Ostrea Solar Project

July 2022 project update

[Place holder]
July 8, 2022

Washington Energy Facility Site Evaluation Council

Sonia Bumpus
EFSEC Manager
PO Box 43172

Subject: Extension Request for High Top Solar, LLC Project and Ostrea Solar, LLC Project

Dear Ms. Bumpus,

On behalf of Cypress Creek Renewables, LLC, project proponent, this letter requests the Energy Facility Site Evaluation Council's (EFSEC) agreement that the processing time of the High Top Solar, LLC Project and the Ostrea Solar, LLC Project Application for Site Certification (ASC) be extended an additional 10 weeks, to October 20, 2022.

The High Top Solar, LLC Project and the Ostrea Solar, LLC Project ASC was filed with EFSEC on April 7, 2022. Through discussions with EFSEC staff, we understand the review of the ASC application and the expedited requested has taken longer than anticipated due to delays in the formal agency response and staffing challenges.

While we certainly hope that a recommendation from EFSEC and a decision by the Governor will occur before the end of 2022, we also want to allow adequate time for all parties and agencies to review the ASC application, coordinate on the mitigation requests, and be able to conduct the requested reviews and approvals at the regularly scheduled EFSEC council staff meetings.

Sincerely,

Tai Wallace
Senior Director, Development
Cypress Creek Renewables, LLC

cc: Jess Mosleh, Associate Project Developer
Wautoma Solar

July 2022 project update

[Place holder]
Energy Facility Site Evaluation Council

Non-Direct Cost Allocation
for
1st Quarter FY 2023

July 1, 2022 – September 30, 2022

The EFSEC Cost Allocation Plan (Plan) was approved by the Energy Facility Site Evaluation Council in September 2004. The Plan directed review of the past quarter’s percentage of EFSEC technical staff’s average FTE’s, charged to EFSEC projects. This along with anticipated work for the quarter is used as the basis for determining the non-direct cost percentage charge, for each EFSEC project.

Using the procedures for developing cost allocation, and allowance for new projects, the following percentages shall be used to allocate EFSEC’s non direct costs for the 1st quarter of FY 2023

<table>
<thead>
<tr>
<th>Project</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kittitas Valley Wind Power Project</td>
<td>4%</td>
</tr>
<tr>
<td>Wild Horse Wind Power Project</td>
<td>4%</td>
</tr>
<tr>
<td>Columbia Generating Station</td>
<td>22%</td>
</tr>
<tr>
<td>Columbia Solar</td>
<td>5%</td>
</tr>
<tr>
<td>WNP-1</td>
<td>3%</td>
</tr>
<tr>
<td>Whistling Ridge Energy Project</td>
<td>3%</td>
</tr>
<tr>
<td>Grays Harbor 1&amp;2</td>
<td>8%</td>
</tr>
<tr>
<td>Chehalis Generation Project</td>
<td>8%</td>
</tr>
<tr>
<td>Desert Claim Wind Power Project</td>
<td>3%</td>
</tr>
<tr>
<td>Goose Prairie Solar Project</td>
<td>5%</td>
</tr>
<tr>
<td>Horse Heaven Wind Farm Project</td>
<td>15%</td>
</tr>
<tr>
<td>Badger Mountain</td>
<td>7%</td>
</tr>
<tr>
<td>Cypress Creek Renewables</td>
<td>7%</td>
</tr>
<tr>
<td>Wautoma Solar Project</td>
<td>6%</td>
</tr>
</tbody>
</table>

Date: 7/14/22
Sonia E. Bumpus, EFSEC Manager
EFSEC Transition Update

July 19, 2022
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sonia Bumpus</td>
<td>EFSEC Director</td>
</tr>
<tr>
<td>Joan Owens</td>
<td>Executive Assistant to the Director</td>
</tr>
<tr>
<td>Andrea Grantham</td>
<td>Admin Assistant 3</td>
</tr>
<tr>
<td>Ami Hafkemeyer</td>
<td>Director of Siting and Compliance</td>
</tr>
<tr>
<td>Dave Walker</td>
<td>Director of Administration (Temp)</td>
</tr>
<tr>
<td>Amy Moon</td>
<td>Senior Siting and Compliance Specialist (Lead)</td>
</tr>
<tr>
<td>Cindy Smith</td>
<td>Interim Contractor for Media Relations</td>
</tr>
</tbody>
</table>
Recruitments and New Positions:

Currently Recruiting:

- Environmental Planner
- Siting and Compliance Specialists (2)
- Commerce Specialist
- Forms and Records Analyst (New)

New – Not Yet Recruiting:

- Director of Administration
- Legislation, Policy and Rules Manager
- Admin Assistant
- Siting and Compliance Specialist
Priorities

- Recruit New and Vacant Positions
- Establish Contracts for Services (i.e., Media, Communications, Records Management, etc.)
- Update External Website and Develop Intranet Resources for Staff
- Begin Developing a Larger Presence for Open Data
- Establish Agency Policies
- Review Cost Recovery Model

Development of Internal Administrative Processes (i.e., PRRs, Public Comments Forum, Pre-Applications, Green Hydrogen, Clean Energy Manufacturing, etc.)
QUESTIONS?