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ENERGY FACILITY SITE EVALUATION COUNCIL
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VIRTUAL MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceedings

(All participants appeared via videoconference)

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A P P E A R A N C E S

KATHLEEN DREW, Chair
STACEY BREWSTER, Utilities and Transportation Commission
LENNY YOUNG, Department of Natural Resources
MIKE LIVINGSTON, Department of Fish and Wildlife
KATE KELLY, Department of Commerce
ELI LEVITT, Department of Ecology

Local Government and Optional State Agency for the Horse Heaven Project and Badger Mountain Project:
DEREK SANDISON, Department of Agriculture
JORDYN GIULIO, Douglas County

Assistant Attorney General:
JON THOMPSON

Administrative Law Judge:
ADAM TOREM

EFSEC Staff:
SONIA BUMPUS
AMI HAFKEMEYER
ANDREA GRANTHAM
STEW HENDERSON
JOE WOOD
AMY WOOD
JOAN OWENS
PATTY BETTS

Guests:
OWEN HURD, TUSSO ENERGY
ERIC MELBARDIS, EDP Renewables
STEFANO SCHNITGER, Chehalis Generation Facility
CHRIS SHERIN, Grays Harbor Energy
BILL SHERMAN, Counsel for The Environment
MEGAN SALLOMI, Counsel for The Environment
MARSHALL SCHMITT, Columbia Generating Station
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. 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. LIVINGSTON: Mike Livingston, present.
MS. OWENS: Department of Natural Resources?
MR. YOUNG: Lenny Young, present.
MS. OWENS: Utilities and Transportation Commission?
MS. BREWSTER: Stacey Brewster, present.
MS. OWENS: Local Government and Optional State Agencies for the Horse Heaven Project, Department of Agriculture?
MR. SANDISON: Derek Sandison, present.
MS. OWENS: Benton County?
For Badger Mountain Project, Douglas County?

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

MS. OWENS: Assistant Attorney General?

MR. THOMPSON: This is Jon Thompson, present.

MS. OWENS: Administrative Law Judges, Adam Torem?

JUDGE TOREM: This is Judge Torem, present.

MS. OWENS: Laura Bradley?

For EFSEC Council Staff, Sonia Bumpus?

MS. BUMPUS: Sonia Bumpus, present.

MS. OWENS: Ami Hafkemeyer?

MS. HAFKEMEYER: Present.

MS. OWENS: Amy Moon?

MS. MOON: Amy Moon, present.

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,
Kittitas Valley Wind Project?

Wild Horse Wind Power Project?

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

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

Eric Melbardis, are you on the line?

Grays Harbor Energy Center?

MR. SHERIN: Grays Harbor Energy Center, this is Chris Sherin.

CMS. OWENS: Thank you.

Chehalis Generation Facility?

MR. SCHNITGER: Stefano Schnitger, present.

MS. OWENS: Columbia Generating Station?


MS. OWENS: Columbia Solar?

MR. HURD: Owen Hurd, present.

MS. OWENS: Council for The Environment,

Bill Sherman?

MR. SHERMAN: Present.

MS. OWENS: Megan Sallomi?

MS. SALLOMI: Present.

MS. OWENS: Thank you.

Chair, there is a quorum for the regular Council.
CHAIR DREW: And for the Horse Heaven?

MS. OWENS: Oh, pardon, yes. And for the Horse Heaven Council.

CHAIR DREW: Thank you.

Moving on to our proposed agenda, you have it here before you. Councilmembers, is there a motion to adopt the agenda?

MS. KELLY: Kate Kelly, motion to adopt the agenda.

MR. YOUNG: Lenny Young, second.

CHAIR DREW: Thank you.

Any discussion?

All those in favor, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: The agenda is adopted.

Moving on to the draft minutes, which are before you and were in your packet, is there a motion to approve the minutes?

MS. BREWSTER: This is Stacey Brewster. I move to approve the minutes from the April 19th Council meeting.

CHAIR DREW: Thank you.

MR. LIVINGSTON: This is Mike Livingston. I will second that motion.

CHAIR DREW: Thank you.
I do have a couple of corrections. So on page 28, lines 15 to 17, there was a couple phrases missing there. It reads -- if you can go there. That's page 28, lines 15 to 17. After, "Both sites are owned by a single landowner who has submitted in addition to the application," we need to insert the words, "a letter of support for the projects." As Ami -- "As Ami noted, each project is," and then it will conclude with "80 megawatts."

Also, on page 31, line 3, "microsigning" should be "micrositing," s-i-t-i-n-g. And on line 5, "sign" should be "site," s-i-t-e.

Were there any other corrections or changes from anyone?

Hearing none, all those in favor of approving the minutes as amended, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: Opposed?

The minutes are amended.

Moving on to our facility updates, Kittitas Valley Wind Project, Mr. Melbardis?

MR. MELBARDIS: Good afternoon, Chair Drew, EFSEC Council, and Staff. There was nothing nonroutine to report at Kittitas Valley for the period. For the record, this is Eric Melbardis, with EDP Renewables.
CHAIR DREW: Thank you.

Moving on to Wild Horse Wind Power Project, Ms. Moon?

MS. MOON: Thank you, Chair Drew. As Jennifer Galbraith is not here, I will just report that there's no nonroutine items to report. The April generation totaled 62,978 megawatt hours for an average capacity factor of 32.09 percent.

CHAIR DREW: Thank you.

Chehalis Generation Facility, Mr. Schnitger?

MR. SCHNITGER: Good afternoon, Chair Drew, Councilmembers, and Staff. The Chehalis Generation Facility has a personnel change to report for the month of April. Michael Adams was hired as the new plant manager on April 21st.

CHAIR DREW: Thank you.

Grays Harbor Energy Center, Mr. Sherin?

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

We submitted an application for modification to our Air Operating Permit. Grays Harbor Energy Center is currently authorized to under -- operate under PSD
Permit EFSEC/2001-01, Amendment 5, and Federal Operating Permit EFSEC/94-01 Air Operating Permit initial.

So Grays Harbor Energy Center's current Air Operating Permit was issued June 17th, 2020. And we're requesting to amend our Air Operating Permit to reflect the equipment upgrades that were approved with our Site Certification Amendment approved in December of 2020. Because of the equipment upgrades, EFSEC amended the Prevention of Significant Deterioration Permit, Amendment 5, in January of 2021.

Our operating permit needs to be updated to reflect both the equipment upgrade and the PSD Amendment.

That's all I have.

CHAIR DREW: Thank you. So you're working with EFSEC Staff and the Air Agency on those permits that will then come before us?

MR. SHERIN: Yes, Chair Drew. We just submitted the request.

CHAIR DREW: Okay. Thank you very much.

Are there any other questions from the Councilmembers?

Okay. Hearing none, moving on to Columbia Generating Station, Mr. Schmitt?

MR. SCHMITT: Good afternoon, Chair Drew,
EFSEC Council, and Staff. This is Marshall Schmitt, reporting for Energy Northwest. I have two main items to report for the month of April.

First, on April 11th, Energy Northwest notified EFSEC that we had a discrepancy in the runtime meters for two of our Emergency Diesel Generators. And this discrepancy challenges compliance with EFSEC Order 873.

Specifically, we identified that the meters are designed only to record engine runtime once the engines reach rated speed and they stop recording when the engine is switched to idle.

Energy Northwest met with EFSEC and Department of Ecology on May 3rd to discuss this discrepancy.

Despite the discrepancy, the actual engine runtime is well below the limits in EFSEC Order 873. And moreover, we have other methods in place to verify the actual engine operational hours, which are going to be used in the interim while we work with EFSEC and Ecology to determine the appropriate corrective actions.

The second item I have to report, on April 14th, Energy Northwest notified EFSEC that tritium was detected in the Sanitary Waste Treatment Facility influent composite sampler. The amount of activity that
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?
Okay. We look forward to the resolution and finding the source of that. Thank you.

MR. SCHMITT: Thank you, Chair Drew.

CHAIR DREW: Moving on to Columbia Solar,

Mr. Hurd?

MR. HURD: Good afternoon, Chair Drew, Councilmembers, and EFSEC Staff. This is Owen Hurd, from TUUSSO Energy, reporting on the Columbia Solar projects. Just a quick construction update.

On Penstemon, PSE seems to have resolved the final communications issues with the interconnection. We'll get final confirmation on that tomorrow, but as of last week, it looked like that was resolved.

On Camas, we achieved mechanical completion on March 23rd, and substantial completion is now expected June 10th, following resolution of these two items.

The inverter malfunction issue has since been resolved. And as mentioned above, the Penstemon communication issues, which this is waiting on, has also been resolved. We're doing a full witness test today with PSE, so that's currently underway.

And then on Urtica, pile remediation is still underway. Concrete collars being placed on twisted piles. No change in schedule. Mechanical
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 we 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 Councilmembers?
Thank you.
Moving on to the next item, which is Desert
Claim Wind Power Project, Ms. Moon.

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.

CHAIR DREW: Thank you.
Moving on to the Horse Heaven Wind Farm,
Ms. Moon, the SEPA update, please.

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 Councilmembers?

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.

Ms. Hafkemeyer?

MS. HAFKEMEYER: Thank you, Chair Drew and Ms. Moon. Good afternoon, Council. For the record, this is Ami Hafkemeyer. In your Council packet is the draft Land Use Order as directed by the Council to be prepared at the April Council meeting.

Judge Torem is on the line, as well as Jon Thompson, if there are any questions. EFSEC Staff are recommending that the Council vote to approve this draft order at today's meeting.

CHAIR DREW: Thank you. We can take this item up now, and then we'll come back for the update on the adjudication.

Councilmembers, you have the proposed draft order on land use consistency. Are there questions or discussion?

MS. BREWSTER: This is Stacey Brewster. Not so much question, as this is a process we've been working through most recently. I do want to thank Staff and attorney generals and Judge Torem for their work on this. It was quite clear and informative. Thank you.
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 that is essentially the action that the Council is being asked to make today.

Are there any questions? Any other
I will address just the last part on page 9.

The Council orders that Scout Clean Energy's application is consistent and in compliance with local land use plans and zoning regulations.

Two, that Scout Clean Energy's application would require a conditional use permit under local zoning regulations.

And three, the matter shall be set for an adjudication to consider any conditions which might be required for the construction, operation, and maintenance of the facility with growth management -- I'm not sure what GMAAD is there -- consistent with Benton County's conditional use criteria in effect at the time of the application for site certification was filed with EFSEC.

The adjudication may be held concurrent with or separate from the adjudication related to the application for site certification agreement.

So that is essentially the action that the Council would take if you were to approve this order.

MS. BUMPUS: Chair Drew?

CHAIR DREW: Yes?

MS. BUMPUS: Thank you, Chair Drew. For the record, this is Sonia Bumpus.
Chair Drew, in -- in the draft order that the Council is reviewing in their packets, I believe the GMAAD is referring to the Growth Management Act agricultural land use designation.

CHAIR DREW: Thank you.

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

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

Are there questions from Councilmembers?

Mr. Young.

MR. YOUNG: Thank you, Chair Drew.

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

CHAIR DREW: I --

MR. THOMPSON: So this is Jon Thompson.

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

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

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

But then to essentially have the same sort of process as you would have at the County where the applicant has to go before a hearing examiner and demonstrate that it meets -- or that it can meet with the imposition of conditions, the -- the County's conditional use criteria.
So -- so basically that -- that part of the County process is sort of subsumed and taken up in EFSEC's adjudication process when -- when -- when EFSEC is having an adjudication for a particular application process.

So hopefully that -- hopefully that explains it.

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

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

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

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

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

MR. YOUNG: Okay. Thank you for that clarification. Appreciate that.
CHAIR DREW: Yes. And at the same time, we both are -- EFSEC is required to take into consideration any conditions that would be required under the local county law as well.

So -- so essentially EFSEC is bringing those conditions under consideration in a later part of the process because we do need to consider that.

MR. YOUNG: Right. But as a matter of permitting process, because of the manner in which the applicant is proceeding through EFSEC, it does not also need to obtain a conditional use permit from the County?

CHAIR DREW: Correct.

MR. YOUNG: Okay. Thank you very much.

CHAIR DREW: Yep. Thank you.

Are there any additional questions or discussion?

MS. KELLY: Chair Drew, this is Kate Kelly.

CHAIR DREW: Go ahead.

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

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

CHAIR DREW: Mr. Thompson?

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

So sort of where the rubber hits the road, so to speak, is the actual zoning ordinances that say what uses are allowed outright or can be conditionally permitted within a particular zoning district.

So, you know, once the County has -- has adopted a zoning code, then, I mean, that really becomes the relevant consideration.

The -- sometimes the conditional use criteria will, you know, point to -- point back to the comprehensive plan, you know, the goals of it, and so forth and -- and point to a need for consistency with the goals of a particular district, you know, or what have you.

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

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

CHAIR DREW: Yes.

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

MR. THOMPSON: It is the comprehensive plan.

MS. KELLY: Okay.

MR. THOMPSON: Yes.

CHAIR DREW: If I can add a little further, it is consistent and in compliance because it's an allowable use in the agricultural district and requires a conditional use permit.

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

CHAIR DREW: Thank you.

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

But in this case, a solar or wind farm,
major solar or wind farms within this particular
agricultural district are not allowed outright, but they
are potentially permittable as a conditional use. So...

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
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.

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

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

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

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

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

Thank you all.

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

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

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

MR. WOOD: No problem.

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

MR. WOOD: This is Joe -- Joe Wood, providing the update on the Goose Prairie Solar Project. Currently, EFSEC and the applicant are working together to put together various preconstruction plans and permits for the next phase of the projects and will update the Council and Staff in future meetings. That's it.

CHAIR DREW: Thank you.

For Badger Mountain, Miss Hafkemeyer?

MS. HAFKEMEYER: Thank you, Chair Drew.

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

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

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

Are there any questions?

CHAIR DREW: Are there any questions?

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

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

CHAIR DREW: Okay. Thank you.

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

MS. HAFKEMEYER: Thank you, Chair Drew. At the April Council meeting, Staff provided an update about the Whistling Ridge project that Staff were
working with the developer to prepare an amendment to the current Whistling Ridge Site Certification Agreement, or SCA.

At that meeting, Councilmember Young requested that Staff bring the Council up to date on the activity related to the project. In response to that request, Staff has enclosed related documents in your packets, and these include the five-year update that was provided to the Council in 2018 by the developer.

Also available in the Council packet is 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.

Are there any questions about these documents before I provide an overview of the history of this project up to this point?

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 2013, the Washington Supreme Court issued a decision, denying an appeal of the project. Between 2013 and 2015, Bonneville Power Administration, or BPA, worked on a national Environmental Policy Act final Environmental Impact Statement and its supplement in response to comments that they had received.

In 2018, the Ninth Circuit Court of Appeals issued a decision, denying an appeal filed in 2015 regarding BPA's decision to grant interconnection of the project.

Between 2018 and 2022, the original certificate holder began discussions regarding the sale of the company assets to multiple potential buyers, which included the sale of the property Whistling Ridge would be build on to Twin Creeks lumber -- I'm sorry, Twin Creeks Timber, LLC, who are managed by Green Diamond Management Company, and that brings us to the present.

EFSEC's rule in Washington Administrative Code 463-66-030 addresses requests for amendments to Site Certification Agreements and indicates that the Council consider the request for SCA amendment and determine a schedule for action at the next feasible Council meeting.
In this case, the developer has requested that the extension and the request for transfer of ownership be considered together.

Based on our discussions with the developer, Staff recommends that the Council wait to set a schedule of the review of the SCA amendment request until such a time that the developer provides the other materials needed to complete the amendment request.

We believe this would be in accordance with WAC 463-66-030 and would allow the Council to take up all aspects of the amendment request under one review process.

Are there any questions?

CHAIR DREW: Do you have an idea of how long it might take for the rest of — for us to receive the rest of the application materials?

MS. HAFKEMEYER: The developer anticipates submitting the rest of the materials tentatively in the next few weeks, but certainly no later than the end of June.

CHAIR DREW: Thank you.

Mr. Young?

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

MS. BUMPUS: Chair Drew, if I may.

I -- thank you for the -- for the question, Councilmember Young. I -- I think that it might be a good idea if we have the folks from Whistling Ridge, perhaps their legal counsel. I'm not sure if they're on the line, but we could potentially schedule a time for them to come in and do an update about those particulars.

I'd want us to be -- I'd want the Staff to be very careful about trying to characterize the actions --

MR. YOUNG: Sure.

MS. BUMPUS: -- for the litigation.

MR. YOUNG: Also, alternatively, would it be possible to provide some links to the -- to the appropriate documents around those two court cases?

MS. BUMPUS: Yes, I think that would be -- that would be something we could probably do.

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

CHAIR DREW: That would be a great idea.

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

MR. YOUNG: Great. Thank you.

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

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

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

Are there other questions?

MS. KELLY: Chair Drew?

CHAIR DREW: Go ahead, Ms. Kelly.

MS. KELLY: Thank you. I just -- I read through the whole document. I just got a little con-- so the extension is the request for three years because the SCA has been in place for ten years now, although a lot of that was taken up with litigation.

And -- and the amendment is a separate thing. We're not amending the SCA to extend the time; correct? That's a separate action?

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

Ms. Bumpus -- oh, either one.

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

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

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

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

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

MS. KELLY: Thank you.

CHAIR DREW: Are there other questions?

Okay. We will consider -- we will continue to provide information. The Staff will continue to provide information about this as we move forward.

Okay. Moving on to the High Top and Ostrea Solar Project update.

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

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

Are there any questions?

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

Any questions?

Okay. Thanks.

Moving on to Wautoma Solar Project,

Ms. Hafkemeyer?

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

EFSEC Staff are coordinating with our contracted agencies to initiate review and looking to
schedule the initial required meetings for the proposal. Laura O'Neil, with the developer, has prepared a brief presentation for the Council on this project.

CHAIR DREW: Thank you.

Ms. O'Neil?

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

CHAIR DREW: Ms. Owens?

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

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

CHAIR DREW: Yes, we can see them.

MS. O'NEIL: Perfect. Okay.

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

We will provide an introduction.

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

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

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

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

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

As mentioned, we're in Benton County. We're located about 12 and a half miles northeast of Sunnyside and one mile south of the State Routes 241 and 24.
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 BPA 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 BPA line, the solar field, and associated infrastructure as currently contemplated are anticipated to occupy about 3,000 acres. This land has avoided environmental and cultural resource constraints identified from field investigations, including wetlands and streams, a burrowing owl nest, a cystic half-moon up in the northwest corner, and small patches of callous habitat and Columbia milk vetch.

We've also incorporated passageways through the solar array fencing to allow big game to pass through the project area.
Of course, through the permitting and engineering process, we anticipate changes to the project size or configuration may occur.

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

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

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

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

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

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

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

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

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

As noted earlier, we've completed the applicable environmental and engineering surveys throughout 2021 and recently submitted our ASC.

Next steps, we'll work with Ms. Hafkemeyer's team to schedule the initial public meeting and land use consistency hearing likely in early July. And our aim is to work towards issuance of the SCA in late 2023. On this timeline, we anticipate the earliest construction start would be Q1 2024.

And finally, thank you again for having me. We're really excited to begin the permitting process and work with EFSEC in service of Washington's clean energy goals.

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

CHAIR DREW: Thank you, Ms. O'Neil. Are there any questions from Councilmembers?

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

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

CHAIR DREW: Thank you.

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

MS. O'NEIL: Thank you again.

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

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

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

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

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

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

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

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

So for the record, this is Sonia Bumpus.

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

But basically just to let the Council know
that we have been successfully working with the
Department of Enterprise Services Small Agency Services
group to identify the different support we will need,
the different services we will need. That discussion has been moving along really well. We are now at a point where we're getting ready to, I think, form some interagency agreements where we can start to rely on some of those services in the interim until June 30th when House Bill 1812 takes effect. So that is -- that's going right along. The other thing that I wanted to let the Council know about is that we've also been working internally, discussing organizational changes to the structure of EFSEC. So there will be more information forthcoming about that, but that has included taking advantage of our additional FTEs that we now will have post June 29.

So we'll be adding siting specialists to EFSEC. We're also going to be creating some new positions for some of the things that we'll be needing to do internally now, that we used to rely on the UTC to do, so things such as records, support.

So there'll be a lot of -- a lot of new information forthcoming about the structure of EFSEC, what that's going to look like, new positions that we'll be creating to take advantage of those additional and badly needed FTEs. As we get more projects and, you
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.

[Signature]

Tayler Garlinghouse, CCR 3358