

Verbatim Transcript of Monthly Council Meeting

Energy Facility Site Evaluation Council

May 17, 2022



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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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1 A P P E A R A N C E S

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

8 Local Government and Optional State Agency for the Horse
9 Heaven Project and Badger Mountain Project:

10 DEREK SANDISON, Department of Agriculture
11 JORDYN GIULIO, Douglas County

12 Assistant Attorney General:

13 JON THOMPSON

14 Administrative Law Judge:

15 ADAM TOREM

16 EFSEC Staff:

17 SONIA BUMPUS
18 AMI HAFKEMEYER
19 ANDREA GRANTHAM
20 STEW HENDERSON
21 JOE WOOD
22 AMY WOOD
23 JOAN OWENS
24 PATTY BETTS

25 Guests:

26 OWEN HURD, TUSSO ENERGY
27 ERIC MELBARDIS, EDP Renewables
28 STEFANO SCHNITGER, Chehalis Generation Facility
29 CHRIS SHERIN, Grays Harbor Energy
30 BILL SHERMAN, Counsel for The Environment
31 MEGAN SALLOMI, Counsel for The Environment
32 MARSHALL SCHMITT, Columbia Generating Station

1 LACEY, WASHINGTON; MAY 17, 2022

2 1:30 P.M.

3 --o0o--

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

5

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

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

10 MS. OWENS: Department of Commerce?

11 MS. KELLY: Kate Kelly, present.

12 MS. OWENS: Department of Ecology?

13 MR. LEVITT: Eli Levitt, present.

14 MS. OWENS: Department of Fish and Wildlife?

15 MR. LIVINGSTON: Mike Livingston, present.

16 MS. OWENS: Department of Natural Resources?

17 MR. YOUNG: Lenny Young, present.

18 MS. OWENS: Utilities and Transportation

19 Commission?

20 MS. BREWSTER: Stacey Brewster, present.

21 MS. OWENS: Local Government and Optional
22 State Agencies for the Horse Heaven Project, Department
23 of Agriculture?

24 MR. SANDISON: Derek Sandison, present.

25 MS. OWENS: Benton County?

1 For Badger Mountain Project, Douglas County?

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

4 MS. OWENS: Assistant Attorney General?

5 MR. THOMPSON: This is Jon Thompson,
6 present.

7 MS. OWENS: Administrative Law Judges, Adam
8 Torem?

9 JUDGE TOREM: This is Judge Torem, present.

10 MS. OWENS: Laura Bradley?

11 For EFSEC Council Staff, Sonia Bumpus?

12 MS. BUMPUS: Sonia Bumpus, present.

13 MS. OWENS: Ami Hafkemeyer?

14 MS. HAFKEMEYER: Present.

15 MS. OWENS: Amy Moon?

16 MS. MOON: Amy Moon, present.

17 MS. OWENS: Joe Wood?

18 MR. WOOD: Joe Wood, present.

19 MS. OWENS: Patty Betts?

20 MS. BETTS: Present.

21 MS. OWENS: Stew Henderson?

22 MR. HENDERSON: Present.

23 MS. OWENS: Andrea Grantham?

24 MS. GRANTHAM? Present.

25 MS. OWENS: For the operation updates,

1 Kittitas Valley Wind Project?

2 Wild Horse Wind Power Project?

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

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

7 Eric Melbardis, are you on the line?

8 Grays Harbor Energy Center?

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

11 MS. OWENS: Thank you.

12 Chehalis Generation Facility?

13 MR. SCHNITGER: Stefano Schnitger, present.

14 MS. OWENS: Columbia Generating Station?

15 MR. SCHMITT: Marshall Schmitt, present.

16 MS. OWENS: Columbia Solar?

17 MR. HURD: Owen Hurd, present.

18 MS. OWENS: Council for The Environment,
19 Bill Sherman?

20 MR. SHERMAN: Present.

21 MS. OWENS: Megan Sallomi?

22 MS. SALLOMI: Present.

23 MS. OWENS: Thank you.

24 Chair, there is a quorum for the regular
25 Council.

1 CHAIR DREW: And for the Horse Heaven?

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

4 CHAIR DREW: Thank you.

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

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

10 MR. YOUNG: Lenny Young, second.

11 CHAIR DREW: Thank you.

12 Any discussion?

13 All those in favor, please say "aye."

14 COUNCILMEMBERS: Aye.

15 CHAIR DREW: The agenda is adopted.

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

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

22 CHAIR DREW: Thank you.

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

25 CHAIR DREW: Thank you.

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

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

13 Were there any other corrections or changes
14 from anyone?

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

17 COUNCILMEMBERS: Aye.

18 CHAIR DREW: Opposed?

19 The minutes are amended.

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

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

1 CHAIR DREW: Thank you.

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

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

9 CHAIR DREW: Thank you.

10 Chehalis Generation Facility, Mr. Schnitger?

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

16 CHAIR DREW: Thank you.

17 Grays Harbor Energy Center, Mr. Sherin?

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

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

1 Permit EFSEC/2001-01, Amendment 5, and Federal Operating
2 Permit EFSEC/94-01 Air Operating Permit initial.

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

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

14 That's all I have.

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

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

20 CHAIR DREW: Okay. Thank you very much.
21 Are there any other questions from the
22 Councilmembers?

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

25 MR. SCHMITT: Good afternoon, Chair Drew,

1 EFSEC Council, and Staff. This is Marshall Schmitt,
2 reporting for Energy Northwest. I have two main items
3 to report for the month of April.

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

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

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

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

22 The second item I have to report, on
23 April 14th, Energy Northwest notified EFSEC that tritium
24 was detected in the Sanitary Waste Treatment Facility
25 influent composite sampler. The amount of activity that

1 we detected in -- in two samples taken from the
2 composite sampler were 476 picocuries per liter and
3 900 picocuries per liter, and those samples were taken
4 about a month apart.

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

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

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

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

23 That is all I have to report.

24 CHAIR DREW: Thank you.

25 Are there questions from Councilmembers?

1 Okay. We look forward to the resolution and
2 finding the source of that. Thank you.

3 MR. SCHMITT: Thank you, Chair Drew.

4 CHAIR DREW: Moving on to Columbia Solar,
5 Mr. Hurd?

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

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

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

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

23 And then on Urtica, pile remediation is
24 still underway. Concrete collars being placed on
25 twisted piles. No change in schedule. Mechanical

1 completion is expected late June, substantial is late
2 July.

3 Other than that, the new site restoration
4 financial assurance has been posted by Greenbacker, and
5 I think that the hard copy of the standby trust, I think
6 EFSEC Staff is still awaiting the hard copy of the
7 standby trust agreement. But that is supposedly in
8 transit.

9 And we've been updating our impact
10 calculations based on final layouts, which we will be
11 using to form an updated planting plan that we will be
12 submitting to EFSEC Staff shortly.

13 CHAIR DREW: Thank you.

14 Are there any questions from Councilmembers?

15 Thank you.

16 Moving on to the next item, which is Desert
17 Claim Wind Power Project, Ms. Moon.

18 MS. MOON: Good afternoon, Council Chair
19 Drew and members of the Council. For the record, this
20 is Amy Moon, providing the Desert Claim update.

21 EFSEC Staff continue to coordinate with
22 Desert Claim; however, there are no project updates at
23 this time.

24 CHAIR DREW: Thank you.

25 Moving on to the Horse Heaven Wind Farm,

1 Ms. Moon, the SEPA update, please.

2 MS. MOON: Yes. Good afternoon, Council.
3 This is Amy Moon once again. In April, EFSEC Staff
4 continued to work on the preparation of the draft
5 Environmental Impact Statement, or draft EIS. This
6 includes working closely with our contractor, Golder,
7 reviewing their draft EIS chapters, refining chapters,
8 and developing proposed minimization and mitigation
9 opportunities.

10 The draft EIS agency coordination in the
11 past month has continued the draft EIS chapter reviews
12 in conjunction with other Washington State agencies who
13 are the State environmental resource experts.

14 EFSEC Staff continue to work closely with
15 the Washington Department of Fish and Wildlife on
16 wildlife and habitat issues, including impact analysis
17 and opportunities for avoidance and minimization of
18 impacts.

19 The work continues to support the applicant
20 in refining an updated mitigation plan.

21 Does the Council have any questions?

22 CHAIR DREW: Are there any questions from
23 Councilmembers?

24 MS. MOON: Okay. Then moving on. If there
25 are no questions, Ami Hafkemeyer will present an update

1 on EFSEC's work with the Washington Attorney General's
2 Office on a land use order, as well as a brief update on
3 the adjudication plans.

4 CHAIR DREW: Thank you.

5 Ms. Hafkemeyer?

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

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

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

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

21 MS. BREWSTER: This is Stacey Brewster. Not
22 so much question, as this is a process we've been
23 working through most recently. I do want to thank Staff
24 and attorney generals and Judge Torem for their work on
25 this. It was quite clear and informative. Thank you.

1 CHAIR DREW: Thanks.

2 So to recap maybe a little bit more
3 information. The Land Use Consistency Order is one part
4 of our process, which EFSEC is required to do, and it's
5 laid out in the order.

6 So, members of the public, you can also look
7 at the order. But essentially what we're -- what we're
8 saying in this order is that we -- the plans for the
9 Horse Heaven project are consistent and in compliance
10 with the overall land use requirements of Benton County.

11 Saying not -- since it's an allowable use
12 that's allowed conditionally under the Benton County
13 land use, then we are just saying in this order
14 essentially that it is an allowable use.

15 We will come back in future. We're not --
16 in -- in this action, we are not taking up the whole of
17 the project. We are taking up only whether or not this
18 is an allowable use within the local land use.

19 So if there are conditions that come up that
20 the project needs to address, those will come up during
21 adjudication.

22 So I just wanted to make that clear, that
23 that is essentially the action that the Council is being
24 asked to make today.

25 Are there any questions? Any other

1 questions or comments?

2 I will address just the last part on page 9.

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

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

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

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

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

22 MS. BUMPUS: Chair Drew?

23 CHAIR DREW: Yes?

24 MS. BUMPUS: Thank you, Chair Drew. For the
25 record, this is Sonia Bumpus.

1 Chair Drew, in -- in the draft order that
2 the Council is reviewing in their packets, I believe the
3 GMAAD is referring to the Growth Management Act
4 agricultural land use designation.

5 CHAIR DREW: Thank you.

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

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

14 Are there questions from Councilmembers?

15 Mr. Young.

16 MR. YOUNG: Thank you, Chair Drew.

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

23 CHAIR DREW: I --

24 MR. THOMPSON: So this is Jon Thompson.

25 CHAIR DREW: Thank you, Mr. Thompson. I was

1 going to take a stab at it, but I thought perhaps our AG
2 would be most appropriate. Go ahead.

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

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

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

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

6 So hopefully that -- hopefully that explains
7 it.

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

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

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

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

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

24 MR. YOUNG: Okay. Thank you for that
25 clarification. Appreciate that.

1 CHAIR DREW: Yes. And at the same time, we
2 both are -- EFSEC is required to take into consideration
3 any conditions that would be required under the local
4 county law as well.

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

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

12 CHAIR DREW: Correct.

13 MR. YOUNG: Okay. Thank you very much.

14 CHAIR DREW: Yep. Thank you.

15 Are there any additional questions or
16 discussion?

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

18 CHAIR DREW: Go ahead.

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

25 So just about the -- and I -- and it may

1 become an issue when we do the equivalency with the
2 conditional use, but just trying to understand what we
3 are deciding this application is consistent with.

4 CHAIR DREW: Mr. Thompson?

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

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

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

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

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

1 zoning code.

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

3 CHAIR DREW: Yes.

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

9 MR. THOMPSON: It is the comprehensive plan.

10 MS. KELLY: Okay.

11 MR. THOMPSON: Yes.

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

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

20 CHAIR DREW: Thank you.

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

25 But in this case, a solar or wind farm,

1 major solar or wind farms within this particular
2 agricultural district are not allowed outright, but they
3 are potentially permittable as a conditional use. So...

4 CHAIR DREW: Thank you for that
5 clarification.

6 Other questions or comments? Discussion?

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

9 A motion to approve Council order?

10 MR. YOUNG: Lenny Young, so moved.

11 CHAIR DREW: Thank you.

12 Second?

13 MS. BREWSTER: Stacey Brewster, second.

14 CHAIR DREW: Thank you.

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

17 MS. OWENS: Department of Commerce?

18 MS. KELLY: Kate Kelly, aye.

19 MS. OWENS: Department of Ecology?

20 MR. LEVITT: Eli Levitt, aye.

21 MS. OWENS: Department of Fish and Wildlife?

22 MR. LIVINGSTON: Mike Livingston, aye.

23 MS. OWENS: Department of Natural Resources?

24 MR. YOUNG: Lenny Young, aye.

25 MS. OWENS: Utilities and Transportation

1 Commission?

2 MS. BREWSTER: Stacey Brewster, aye.

3 MS. OWENS: EFSEC Chair?

4 CHAIR DREW: Kathleen Drew, aye.

5 Is Mr. Brost on the line?

6 MS. OWENS: No. But Department of
7 Agriculture, Derek Sandison, should be on the line.

8 MR. SANDISON: Derek Sandison, aye.

9 CHAIR DREW: Thank you.

10 MS. OWENS: The ayes have it, Chair Drew.

11 CHAIR DREW: Thank you.

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

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

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

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

25 CHAIR DREW: Okay. Thank you.

1 Are there any questions from the
2 Councilmembers?

3 Thank you all.

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

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

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

11 MR. WOOD: No problem.

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

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

16 Currently, EFSEC and the applicant are
17 working together to put together various preconstruction
18 plans and permits for the next phase of the projects and
19 will update the Council and Staff in future meetings.
20 That's it.

21 CHAIR DREW: Thank you.

22 For Badger Mountain, Miss Hafkemeyer?

23 MS. HAFKEMEYER: Thank you, Chair Drew.

24 EFSEC Staff are reviewing the State Environmental Policy
25 Act, or SEPA, scoping comments from the comment period

1 that was open from March 14th through April 12th. EFSEC
2 Staff received 14 comments from the public, seven
3 comment letters from other State agencies, and one
4 comment letter from the Yakima Nation.

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

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

13 Are there any questions?

14 CHAIR DREW: Are there any questions?

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

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

20 CHAIR DREW: Okay. Thank you.

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

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

1 working with the developer to prepare an amendment to
2 the current Whistling Ridge Site Certification
3 Agreement, or SCA.

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

10 Also available in the Council packet is the
11 developer's request for an extension of the SCA dated
12 March 2nd, as well as a letter from the developer,
13 indicating that an SCA transfer request would be
14 forthcoming to EFSEC and requests that the Council
15 consider these actions together.

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

19 CHAIR DREW: Are there any questions right
20 now?

21 Go ahead.

22 MS. HAFKEMEYER: Thank you. The application
23 for the project was submitted to EFSEC in 2009. In
24 2012, then Governor Gregoire approved the Site
25 Certification Agreement.

1 In 2013, the Washington Supreme Court issued
2 a decision, denying an appeal of the project.

3 Between 2013 and 2015, Bonneville Power
4 Administration, or BPA, worked on a national
5 Environmental Policy Act final Environmental Impact
6 Statement and its supplement in response to comments
7 that they had received.

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

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

20 EFSEC's rule in Washington Administrative
21 Code 463-66-030 addresses requests for amendments to
22 Site Certification Agreements and indicates that the
23 Council consider the request for SCA amendment and
24 determine a schedule for action at the next feasible
25 Council meeting.

1 In this case, the developer has requested
2 that the extension and the request for transfer of
3 ownership be considered together.

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

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

13 Are there any questions?

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

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

21 CHAIR DREW: Thank you.

22 Mr. Young?

23 MR. YOUNG: Yeah. Would our -- question for
24 Staff. Are you prepared or could you summarize the
25 nature of the litigation that led to the Washington

1 Supreme Court challenging the Site Certification
2 Agreement and the litigation that led to the Ninth
3 Circuit challenging BPA's work? Is that possible or --
4 or -- or is that asking too much for right here on the
5 spot?

6 MS. BUMPUS: Chair Drew, if I may.

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

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

17 MR. YOUNG: Sure.

18 MS. BUMPUS: -- for the litigation.

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

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

24 MR. YOUNG: I'm certainly not asking for a
25 legal interpretation. I'm just curious as to the

1 general nature of the challenges, and if -- if we had
2 access to the relevant court documents, I think that
3 could be quickly discerned.

4 CHAIR DREW: That would be a great idea.

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

12 MR. YOUNG: Great. Thank you.

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

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

24 CHAIR DREW: I think that's a -- I think
25 it's a good idea just for us to have the knowledge of

1 that history. So I appreciate that. Thank you.

2 Are there other questions?

3 MS. KELLY: Chair Drew?

4 CHAIR DREW: Go ahead, Ms. Kelly.

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

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

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

17 Ms. Bumpus -- oh, either one.

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

22 One action is the request for extension
23 because the project is -- was certified quite some time
24 ago. The new owner would like some time to take action,
25 such as do some -- some renewed fieldwork to update

1 their studies that were initially associated with the
2 project.

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

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

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

16 MS. KELLY: Thank you.

17 CHAIR DREW: Are there other questions?

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

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

23 MS. HAFKEMEYER: Thank you. EFSEC Staff are
24 currently working on our review of the application for
25 these projects. We have also reached out to other

1 agencies, such as WDFW, Ecology, Department of Natural
2 Resources, and Department of Archeology and Historic
3 Preservation to begin coordination of their review of
4 the application.

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

9 Are there any questions?

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

15 Any questions?

16 Okay. Thanks.

17 Moving on to Wautoma Solar Project,
18 Ms. Hafkemeyer?

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

24 EFSEC Staff are coordinating with our
25 contracted agencies to initiate review and looking to

1 schedule the initial required meetings for the proposal.

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

5 CHAIR DREW: Thank you.

6 Ms. O'Neil?

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

12 CHAIR DREW: Ms. Owens?

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

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

17 CHAIR DREW: Yes, we can see them.

18 MS. O'NEIL: Perfect. Okay.

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

24 We will provide an introduction.

25 As you know, our application for site

1 certification was submitted on May 6th. Innergex
2 develops, constructs, and operates renewable energy
3 projects that we own for the long term. We believe in
4 sustainable development that balances people, our
5 planet, and prosperity.

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

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

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

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

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

1 interchange.

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

BPA

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

12 And here, you'll see our preliminary layout.

black outline

13 While we've studied more than 3500 acres, the ~~blackout~~
14 ~~line~~, the solar field, and associated infrastructure as
15 currently contemplated are anticipated to occupy about
16 3,000 acres.

line

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

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

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

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

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

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

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

23 To date, we've held several meetings to
24 introduce the project to the community. We had an
25 in-person meeting in March with participating and

1 adjacent landowners, a virtual meeting open to the
2 public was held in April, and we presented to the Benton
3 County Board of Commissioners just this morning.

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

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

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

23 It will provide a source of stable long-term
24 revenue for participating landowners, along with
25 community investments, and, of course, a source of

1 clean, reliable, renewable energy.

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

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

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

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

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

19 Are there any questions from Councilmembers?

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

23 MS. O'NEIL: There are. We've -- we've
24 included them in our ASC application as part of the
25 preliminary layout and -- because we are looking at

1 several different options, but it is likely to include
2 batteries, yes.

3 CHAIR DREW: Thank you.

4 Any other questions?

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

10 MS. O'NEIL: Thank you again.

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

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

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

24 CHAIR DREW: Thank you. Dave comes to us
25 after being recently retired at 30-plus years in State

1 service at the Department of Corrections and the
2 Department of Licensing, where he served as Deputy
3 Assistant Director for Business and Professions
4 Division, as well as the Assistant Director for the
5 Customer Relations Division.

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

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

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

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

17 So for the record, this is Sonia Bumpus.
18 Good afternoon, Chair Drew and Councilmembers. Just a
19 couple of things on the legislative update. These will
20 probably get a little bit more detailed as we move
21 forward, so today's update's pretty high level.

22 But basically just to let the Council know
23 that we have been successfully working with the
24 Department of Enterprise Services Small Agency Services
25 group to identify the different support we will need,

1 the different services we will need.

2 That discussion has been moving along really
3 well. We are now at a point where we're getting ready
4 to, I think, form some interagency agreements where we
5 can start to rely on some of those services in the
6 interim until June 30th when House Bill 1812 takes
7 effect. So that is -- that's going right along.

8 The other thing that I wanted to let the
9 Council know about is that we've also been working
10 internally, discussing organizational changes to the
11 structure of EFSEC.

12 So there will be more information
13 forthcoming about that, but that has included taking
14 advantage of our additional FTEs that we now will have
15 post June 29.

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

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

1 know, the scope of our work grows, we'll certainly
2 need -- need to add staff to our team.

3 So I look forward to providing additional
4 updates about the organizational changes, the
5 transition, and hopefully the next time I provide an
6 update, we'll have some, perhaps, contracts in place so
7 that we can start taking advantage of those services
8 with -- with DES.

9 Are there any questions from Chair Drew or
10 Councilmembers about the transition? Anything you're
11 wondering about that I haven't mentioned or would like
12 to hear in the future?

13 CHAIR DREW: Councilmembers, do you have
14 questions or...

15 MS. KELLY: Chair Drew and Sonia, this is
16 Kate Kelly. I just -- I just want to, you know, say
17 congratulations and good luck to you in undertaking all
18 this expansion.

19 But anyway, I hope you please let
20 Councilmembers know how we can help as you take on what
21 is going to undoubtedly be big projects. So we stand
22 ready to help you in the transition.

23 MS. BUMPUS: Thank you very much.

24 CHAIR DREW: Thank you.

25 MS. BUMPUS: Appreciate that. Thank you.

1 CHAIR DREW: Well, with that, our meeting is
2 adjourned. Thank you all.

3 (Adjourned at 2:32 p.m.)
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C E R T I F I C A T E

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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
Tayler Garlinghouse, CCR 3358

