

Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

June 21, 2022



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
OLYMPIA, WASHINGTON
TUESDAY, JUNE 21, 2022
1:30 p.m.

VIRTUAL MONTHLY COUNCIL MEETING
VERBATIM TRANSCRIPT OF PROCEEDINGS

(All participants appeared via videoconference)

REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR 2121

A P P E A R A N C E S

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KATHLEEN DREW, Chair
STACEY BREWSTER, Utilities and Transportation Commission
LENNY YOUNG, Department of Natural Resources
Local Government and Optional State Agency for the Horse
Heaven Project and Badger Mountain Project:

DEREK SANDISON, Department of Agriculture
JORDYN GIULIO, Douglas County
ED BROST

Assistant Attorney General:

JON THOMPSON

Administrative Law Judge:

ADAM TOREM

EFSEC Staff:

SONIA BUMPUS
AMI HAFKEMEYER
ANDREA GRANTHAM
DAVE WALKER
STEWART HENDERSON
JOE WOOD
AMY MOON
PATTY BETTS

Guests:

OWEN HURD, Tusso Energy
FELICIA PAXTON, Columbia Generating Station, WNP 1/4
STEFANO SCHNITGER, Chehalis Generation Facility
CHRIS SHERIN, Grays Harbor Energy
BILL SHERMAN, Counsel for the Environment
MEGAN SALLOMI, Counsel for the Environment
SARAH REYNEVELD, Counsel for the Environment
JENNIFER GALBRAITH, Puget Sound Energy

1 OLYMPIA, WASHINGTON; JUNE 21, 2022

2 1:30 P.M.

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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 Washington Energy Site --
8 Facility Site Evaluation Council. I'm calling our
9 meeting today, June 21st, to order.

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

11 MS. OWENS: Department of Commerce.

12 CHAIR DREW: Excused.

13 MS. OWENS: Department of Ecology.

14 CHAIR DREW: Excused.

15 MS. OWENS: Department of Fish and Wildlife.

16 (No verbal response.)

17 MS. OWENS: Department of Natural Resources.

18 MR. YOUNG: Lenny Young, present.

19 MS. OWENS: Utilities and Transportation
20 Commission.

21 MS. BREWSTER: Stacey Brewster, present.

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

25 MR. SANDISON: Derek Sandison, present.

1 MS. OWENS: Benton County?

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

4 Moving on to Badger Mountain, Douglas
5 County.

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

8 MS. OWENS: Thank you.

9 For -- the Assistant Attorney General Jon
10 Thompson.

11 MR. THOMPSON: Jon Thompson, present.

12 MS. OWENS: Administrative Law Judge Adam
13 Torem.

14 JUDGE TOREM: I'm here on the line.

15 MS. OWENS: Is Laura Bradley on the line?
16 For EFSEC Council staff, Sonya Bumpus.

17 MS. BUMPUS: Sonia Bumpus, present.

18 MS. OWENS: Ami Hafkemeyer.

19 MS. HAFKEMEYER: Present.

20 THE COURT: Amy Moon.

21 MS. MOON: Amy Moon, present.

22 MS. OWENS: Joe Wood.

23 MR. WOOD: Joseph Wood, present.

24 MS. OWENS: Patty Betts.

25 MS. BETTS: Patty Betts, present.

1 MS. OWENS: Stew Henderson.

2 MR HENDERSON: Stewart Henderson, here.

3 MS. OWENS: Andrea Grantham.

4 MS. GRANTHAM: Andrea Grantham, present.

5 MS. OWENS: Dave Walker.

6 MR. WALKER: Dave Walker, present.

7 MS. OWENS: For operational updates,
8 Kittitas Valley Wind Project.

9 Wild Horse Wind Power Project.

10 MS. GALBRAITH: Jennifer Galbraith, present.

11 MS. OWENS: Grays Harbor Energy Center.

12 MR. SHERIN: Chris Sherin, present.

13 MS. OWENS: Chehalis Generation Facility.

14 MR. SCHNITGER: Stefano Schnitger present.

15 MS. OWENS: Columbia Generating Station and
16 WNP 1/4.

17 MS. PAXTON: Felicia Nahara-Paxton, present.

18 MS. OWENS: Columbia Solar.

19 MR. HURD: Owen Hurd, present.

20 MS. OWENS: Counsel for the Environment,
21 Bill Sherman.

22 MR. SHERMAN: Bill Sherman is present.

23 However, to -- to clarify, Sarah Reyneveld, who is also
24 on the line, is counsel for the Environment for Horse
25 Heaven and for High Top & Ostrea.

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

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

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

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

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

15 So we would have a quorum for Horse Heaven
16 and for Badger Mountain but not our regular Council.
17 But again, as we do not have actions planned, that won't
18 inhibit our work today.

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

24 We will take the minutes up in our July
25 meeting.

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

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

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

7 For the record, this is Amy Moon providing
8 an update for Eric Melbardis of Kittitas Valley.
9 Mr. Melbardis is not available to present the update.

10 I'm going to direct your attention to the
11 Council packet for a written copy of his update. There
12 are no non-routine items to report. And if you look at
13 his written update, he provided the power generated at
14 30,958 megawatt hours capacity factor of 41 percent with
15 no incidents, no sound complaints, and no shadow flicker
16 complaints.

17 Are there any questions?

18 CHAIR DREW: Thank you.

19 Moving on to the Wild Horse Wind Facility.

20 Ms. Galbraith.

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

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

25 CHAIR DREW: Ms. Galbraith, your sound is

1 echoing there.

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

4 CHAIR DREW: I think you are good now.

5 MS. GALBRAITH: Shall I try to continue?

6 CHAIR DREW: Yes, please.

7 MS. GALBRAITH: Okay. Thank you.

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

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

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

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

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

25 CHAIR DREW: Thank you.

1 Moving on to the Grays Harbor Energy update.

2 Mr. Sherin.

3 MR. SHERIN: Chair Drew, Council members,
4 EFSEC staff, good afternoon. This is Chris Sherin, the
5 Plant Manager for Grays Harbor Energy Center. For the
6 month of May we have no new or non-routine items to
7 report and we did finish our maintenance outage
8 May 13th.

9 CHAIR DREW: Okay. Thank you.

10 I -- moving on to Columbia Generating
11 Station and Washington -- WNP, Washington Nuclear
12 Project 1 and 4. WNP 1 and 4.

13 We have a new person reporting to us today,
14 Felicia Nahara Paxton.

15 Is that how you pronounce your name?

16 MS. PAXTON: It is. You did a great job. I
17 appreciate that.

18 CHAIR DREW: Sure.

19 MS. PAXTON: Good afternoon, Chair Drew,
20 EFSEC Council and staff. I am speaking on behalf of
21 Columbia Generating Station. We had normal operations.
22 We -- May of 2022, we had one update regarding CGS
23 workers and contractors wrapping up the Dry Cask Storage
24 Campaign on May 27th.

25 And that is all. Thanks so much.

1 CHAIR DREW: Okay. Thank you.

2 Moving on to Columbia Solar.

3 Mr. Hurd.

4 MR. HURD: Good afternoon, Chair Drew,
5 Council members, and EFSEC staff. This is Owen Hurd
6 from Tuusso Energy reporting on the Columbia Solar
7 projects.

8 On Penstemon, all communications issues with
9 interconnections have now been resolved and the plant is
10 operational.

11 On Camas, we achieved completion back in
12 March and are just finishing up and testing and
13 preconditioning activities. Substantial completion is
14 expected shortly, either at the end of this month or
15 into July.

16 Urtica, we finally completed all the power
17 mediation and installation of the structures and the
18 modules. The schedule is looking like mechanical
19 completion potentially by the end of this month, but
20 more likely July and then substantial completion, I
21 think, early August, which is, I think, different than
22 it was when I submitted this. But, yeah.

23 Beyond that, we're updating ~~appointment~~ ^{planting}
24 plans, which will be submitted to EFSEC for review
25 shortly. And the site restoration financial assurance

1 for the facility has been provided to EFSEC from
2 Greenbacker. And so with this in place, my
3 understanding is that all of the provisions of the SC
4 transfer are complete.

5 CHAIR DREW: That is correct. And we do
6 have the letter from Ms. Bumpus in the Council packet
7 saying that we have received and reviewed the Standby
8 Trust Agreement and Letters of Credit from Greenbacker
9 and that we have determined these instruments are
10 sufficient and hereby release Tuusso from financial
11 responsibility for these projects. Thank you.

12 MR. HURD: Great. Thank you.

13 CHAIR DREW: Next we have the Horse Heaven
14 Wind Project.

15 MS. MOON: Good afternoon, Council Chair
16 Drew and Council members.

17 For the record, this is Amy Moon providing a
18 State Environment Policy Act update on the Horse Heaven
19 Wind Project.

20 In May, EFSEC staff continued to work
21 closely with our contractor, Golder, on the preparation
22 of the Draft Environmental Impact Statement which people
23 shortened to "Draft EIS."

24 Most of the Draft EIS has been through a
25 first review and our focus is on completing second draft

1 reviews, refinement of the Draft EIS chapters, and
2 further development of proposed ~~de~~-minimization and
3 mitigation opportunities.

4 Ami Hafkemeyer will present an update on the
5 schedule and EFSEC's work with the Washington Attorney
6 General's Office regarding the adjudication plans.

7 Does the Council have any questions?

8 CHAIR DREW: Are there any questions from
9 Council members?

10 We will now move on to the DEIS schedule
11 update.

12 Ms. Hafkemeyer.

13 MS HAFKEMEYER: Thank you, Chair Drew and
14 Ms. Moon.

15 Good afternoon. For the record, this is Ami
16 Hafkemeyer. I do have an update for you on the Draft
17 EIS schedule. We are intending to issue the DEIS in
18 August of this year. EFSEC is working closely with our
19 contracted agencies and seeking some additional tribal
20 input for the EIS and the incorporation of this
21 information has extended the drafting of some sections
22 of the EIS as well as the staff's review of some
23 sections.

24 We are anticipating a 30-day public comment
25 period upon issuance of the EIS.

1 Are there any questions?

2 SCHAIR DREW: Are there any questions for
3 Ms. Hafkemeyer?

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

6 To what extent will the DEIS address
7 greenhouse gas emissions and carbon?

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

12 MR. YOUNG: Thank you.

13 CHAIR DREW: Any other questions?

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

17 CHAIR DREW: Go ahead.

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

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

1 SharePoint library for this project.

2 Are there any questions?

3 CHAIR DREW: Thank you.

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

6 JUDGE TOREM: Yes. Good afternoon, Chair
7 Drew and, of course, other Council members.

8 In fact, for all of our Council members, I'm
9 going to give you a brief, very high-level overview of
10 what to expect when we actually commence an adjudication
11 for the Horse Heaven Wind Project or any of the other
12 projects that might make it all the way to a contested
13 adjudication.

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

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

1 you truly are the judges.

2 What's your role in an adjudication?

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

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

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

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

24 You'll see this in the weeks ahead, probably
25 sometime in July or early August, when the Council

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

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

19 There will be in that order commencing
20 adjudicative proceeding a deadline for petitions for
21 intervention to be filed, and then those will be ruled
22 upon by the Council and various interveners will be
23 granted status and given status as to what their
24 limitations might be if they are on a particular topic.
25 If they are aligned with other parties, they will be

1 grouped together so we can have an efficient proceeding.

2 There are a number of details about how that
3 occurs in the order commencing adjudicative proceeding
4 and those are taken from our WAC as well and our RCWs.

5 At this point, the Council hasn't done
6 anything, but I, as the Administrative Law Judge for
7 Horse Heaven will then schedule a prehearing conference
8 with those interveners and other parties, and at that
9 time we'll start to really put dates on a calendar and
10 coordinate with the Council members to make sure we know
11 exactly when the hearing is going to be held; what
12 method it's going to be held by. Probably given our
13 current state of government and post-COVID restrictions,
14 it will be a hybrid hearing or an entirely virtual
15 hearing.

16 What do you have to do?

17 Show up. Be there. Be ready.

18 And what does it mean to "be ready"?

19 Those prehearing conferences are going to
20 set a schedule for parties to present their evidence.
21 Some of it will be presented in advance. Parties,
22 typically in these proceedings, have witnesses that give
23 detailed expert opinions and they give the foundation
24 for those topics that they are testifying on -- they
25 give their background and qualifications and they submit

1 that in writing in advance of what's called "pre-filed
2 testimony."

3 That's probably how the Horse Heaven Wind
4 Project is going to go ahead.

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

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

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

22 If you're absent, you're definitely going to
23 be required to review a transcript from any missed
24 session and that can be a bit tedious. But if
25 necessary, if you have an excused absence, it makes sure

1 that you are fully informed by the time we get to the
2 end of the hearing.

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

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

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

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

25 The idea for those deliberations is to

1 resolve each and every contested issue presented to the
2 Council as a result of the application and the
3 adjudication.

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

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

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

22 So the adjudication track is informed by
23 SEPA and the DEIS, but those are two separate tracks
24 that come together, again, in the recommendation to the
25 Governor.

1 So what do you take from this?

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

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

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

18 CHAIR DREW: Thank you.

19 I will ask Council members -- that was a lot
20 of information from Judge Torem -- are there any
21 questions at this point? Understanding that we will
22 give more details and more opportunities for questions
23 as it goes forward.

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

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

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

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

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

23 You could be in the room for things that
24 just come up procedurally, such as talking about when
25 they might be scheduling a discussion or if there are

1 dates to participate in a hearing.

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

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

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

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

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

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

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

25 Would the same guidance generally apply to

1 internal written communications and reports and memos
2 and such?

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

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

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

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

24 MR. YOUNG: Thank you, sir. Much
25 appreciated.

1 JUDGE TOREM: You're welcome.

2 CHAIR DREW: Are there other questions from
3 Horse Heaven Wind Project, Council members?

4 MR. BROST: This is Ed Brost. I just have
5 one question for the judge.

6 Would you have what you've said in the --
7 the two-minute overview you gave, do you have that
8 summarized in a written document of some sort you can
9 share?

10 JUDGE TOREM: I do, Mr. Brost. I just have
11 a very brief bullet point outline that I can make sure
12 you get the most updated copy of. I will submit that to
13 the EFSEC manager and let her circulate that to Council
14 members.

15 There will also be -- still in process of
16 being updated from the last one used in 2015 -- an
17 adjudication introduction to the process. And that will
18 also include the ex parte communication guidelines that
19 we've mentioned today.

20 So if you'd like the bullet point outline,
21 that's available now. And I'll circulate the updated
22 copy of that to EFSEC staff to pass that along.

23 MR. BROST: Super. That would be great.
24 Thank you.

25 CHAIR DREW: Any other questions?

1 Again, we're hearing typing, so whoever is
2 typing, please mute. Thank you.

3 Before we leave the topic of the Horse
4 Heaven Wind Project, I want to let the Council know --
5 I'm hearing an echo on myself there.

6 Okay.

7 And all those who are present at this
8 meeting that we did take an action during last monthly
9 meeting, which is the Order on Land Use Consistency.
10 And we were unable to hear from Councilman Brost during
11 the proceeding because of technical difficulties. But
12 he did send an email asking that his vote be recorded as
13 a "no" vote.

14 And so I wanted to say that into the record,
15 because that is how it is reflected following those
16 communications.

17 So moving on, then. I think are we ready to
18 move on to our next agenda item.

19 I think we are.

20 Goose Prairie Solar Project, and I believe
21 that is Mr. Wood.

22 Mr. WOOD: Yes, thank you.

23 Good afternoon, Chair Drew, EFSEC Council,
24 and staff.

25 This is Joe Wood providing the monthly

1 updating for the Goose Prairie Solar Project in Yakima
2 County, Washington.

3 EFSEC staff continues to work with
4 Brookefield, the new owner of Goose Prairie, LLC, on
5 preconstruction surveys and plans. Recently a rare
6 plant survey was performed. We don't know the results
7 of that yet. But the results of that will inform the
8 habitat mitigation plan and other pre-construction and
9 construction plans.

10 In terms of construction schedule, I thought
11 it was worth mentioning that Brookefield hopes to begin
12 construction in the fall of 2022, if possible. But a
13 target date of completion is actually before the end of
14 2023. And so that's largely due to apparently some
15 supply chain issues. But construction schedule
16 certainly depends on timely submission of draft plans
17 and modifications to those.

18 That said, EFSEC will continue to work with
19 Brookefield to obtain all the required surveys and
20 needed preconstruction and construction plans and we'll
21 continue to update the Council as things progress.

22 And that's all I have for today. Thanks.

23 CHAIR DREW: Thank you.

24 Are there any questions for Mr. Wood?

25 Thank you.

1 Moving on to our next item on the agenda is
2 Badger Mountain update.

3 Ms. Hafkemeyer.

4 MS. HAFKEMEYER: Thank you, Chair Drew.

5 Again, this is Ami Hafkemeyer for the
6 record.

7 EFSEC staff are working in review of the
8 SEPA scoping comments and with the SEPA-responsible
9 official to narrow the resources to be examined for the
10 Draft EIS.

11 EFSEC staff are also coordinating with the
12 applicant and Department of Natural Resources to
13 potentially schedule a site visit in the coming weeks as
14 needed.

15 Are there any questions?

16 CHAIR DREW: And that would be a site visit
17 for the staff?

18 MS. HAFKEMEYER: For EFSEC staff to attend
19 with the applicant and the Department of Natural
20 Resources in support of cultural resources information.

21 CHAIR DREW: Okay. Thank you. Thank you.

22 For that purpose, we will plan to have a
23 Council site visit in the future, but not during this
24 phase of the project. I just wanted to clarify that.

25 Are there any other questions for

1 Ms. Hafkemeyer?

2 Okay. Thank you.

3 Moving on to the Whistling Ridge Project
4 update.

5 Ms. Hafkemeyer.

6 MS. HAFKEMEYER: Thank you.

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

13 CHAIR DREW: Thank you.

14 Moving on to High Top & Ostrea.

15 Ms. Hafkemeyer.

16 MS. HAFKEMEYER: Thank you.

17 On June 1st, EFSEC held the public
18 informational meeting and the land use consistency
19 hearing. We had three speakers at the informational
20 meeting and one at the land use consistency hearing.

21 No comments were received online for these
22 meetings.

23 EFSEC is continuing its review of the
24 application and coordination with our contracted
25 agencies.

1 Are there any questions?

2 CHAIR DREW: Are there any questions?

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

7 Okay. Thank you.

8 And then moving on to Wautoma Solar Project
9 update.

10 Ms. Hafkemeyer.

11 MS. HAFKEMEYER: Thank you.

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

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

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

23 MS. HAFKEMEYER: Our time frame, I'm afraid
24 the date for the 60-day timeline is escaping me, but I
25 want to say mid to late August.

1 CHAIR DREW: Okay. And that's because of
2 the fact that we received the application, but we
3 received the deposit by the applicant later and we are
4 going by the deposit -- the date of the deposit from the
5 applicant for the 60-day time frame; is that correct?

6 MS. HAFKEMEYER: Correct. Technically, the
7 deposit is not -- or the application is not technically
8 received in full until EFSEC has received the deposit.
9 And so that's where we start calculating our timelines.

10 CHAIR DREW: Thank you.

11 I just wanted to also -- the Council members
12 to have in mind an expectation of when those meetings
13 might occur.

14 So we're looking at mid to late August.

15 MS. HAFKEMEYER: Correct.

16 Are there any questions from Council members
17 at this time?

18 CHAIR DREW: Any other questions?

19 Okay. Hearing none. Thank you.

20 And that concludes our agenda for today.

21 So at this point, we will adjourn and we'll
22 see everybody next month. Thank you for your time.

23 (Meeting concluded at 2:07 p.m.)

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STATE OF WASHINGTON)
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COUNTY OF KITSAP)

I, CRYSTAL R. MCAULIFFE, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the videoconference monthly Council meeting on JUNE 21, 2022, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of July, 2022.

Crystal McAuliffe



CRYSTAL R. MCAULIFFE, RPR, CCR #2121