Public Meeting (Date of Recording August 8, 2022)

In Re: Wautoma Solar Project

August 8, 2022
WAUTOMA SOLAR INFORMATIONAL MEETING/LAND USE CONSISTENCY HEARING
August 8, 2022

Present at Meeting:

STATE AGENCY MEMBERS
Kathleen Drew, Chair; Kate Kelly, Commerce;
Eli Levitt, Ecology; Mike Livingston, Fish and Wildlife;
Lenny Young, Natural Resources

WAUTOMA SOLAR:
Dave Sharp, Benton County; Paul Gonseth, WSDOT

COUNCIL STAFF:
Sonia Bumpus, Ami Hafkemeyer, Joe Wood, Stew Henderson,
Joan Owens, Andrea Grantham

Counsel for the Environment: Megan Sallomi

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Official Transcript of Recording
Court-Certified Transcription

TRANScribed BY: Marjorie Jackson, CET
CHAIRMAN DREW: Good evening. I'm Kathleen Drew, Chair of the Energy Facility Site Evaluation Council. And I hear an echo. Is this my own?

JUDGE GERARD: (Inaudible) your computer. You got to be on mute.

CHAIRMAN DREW: Huh. That was me leaving my computer unmuted. So for all of you out there, please don't do what I just did, and mute your computers or your phones if you are attending virtually.

This is the first of our meetings which we've held both in person and virtually, so bear with us if we stumble a little bit through this venue. But we welcome you all, whether you're here in person or virtually attending.

This is the two meetings here tonight. One is the Informational Public Meeting for the Wautoma Project, and the second will be the Land Use Consistency Hearing. There is opportunity to provide public comment in both meetings. And if you speak to one, for example, the public informational meeting, and want to also give your comment about land use at the same time, that's fine, too. We can sort them out to where they belong.

But to begin with, let me just state that this is for the
application for site certification from Innergex Renewable Development, LLC, the applicant for a 470 megawatt solar volt- -- photo voltaic PV generation facility with battery storage located in unincorporated Benton County, Washington. The ASC and -- again, that's the application -- and other materials are posted on our website on the application page.

As required by RCW 80.50.090 and WAC 463-26-025, EFSEC is holding this public informational meeting. At this meeting, EFSEC staff and the Applicant will introduce themselves, and the counsel for the environment, and Assistant Attorney General appointed by the Washington Attorney General will be introduced and will explain the duties of this position. The Applicant and EFSEC staff will then make presentations. Following the presentations, the public will be invited to provide comments.

And at this point, I would ask Ms. Grantham to call the roll for the EFSEC Council.

MS. GRANTHAM: Department of Commerce.

MS. KELLY: Kate Kelly, present.

MS. GRANTHAM: Thank you.

Department of Ecology.

MR. LEVITT: Eli Levitt, present.

MS. GRANTHAM: Department of Fish and Wildlife.

MR. LIVINGSTON: Mike Livingston, present.

MS. GRANTHAM: Department of Natural Resources.
MR. YOUNG: Lenny Young, present.

MS. GRANTHAM: Utilities and Transportation Commission.

CHAIRMAN DREW: Excused.

MS. GRANTHAM: Local Government and Optional State Agencies, Benton County.

MR. SHARP: Present.

MS. GRANTHAM: Washington State Department of Transportation.

MR. GONSETH: Paul Gonseth.

MS. GRANTHAM: Administrative -- or excuse me -- Assistant Attorney General.

(No audible reply)

MS. GRANTHAM: Administrative Law Judge.

JUDGE GERARD: Dan Gerard, present.

MS. GRANTHAM: For EFSEC staff, Sonia Bumpus.

MS. BUMPUS: Sonia Bumpus, present.

MS. GRANTHAM: Ami Hafkemeyer.

MS. HAFKEMEYER: Ami Hafkemeyer, present.

MS. GRANTHAM: Amy Moon.

CHAIRMAN DREW: Excused.

MS. GRANTHAM: Joe Wood.

MR. WOOD: Joe Wood, present.

MS. GRANTHAM: Patty Betts.

(No audible reply)
MS. GRANTHAM: Stew Henderson.

MR. HENDERSON: Stew Henderson, present.

MS. GRANTHAM: Joan Owens.

JOAN OWENS: Present.

MS. GRANTHAM: Dave Walker.

(No audible reply)

MS. GRANTHAM: For the Counsel for the Environment, Bill Sherman.

MS. SALLOMI: It's just Megan Sallomi as Counsel for the Environment.

MS. GRANTHAM: Okay. Thank you.

CHAIRMAN DREW: Thank you. There is a quorum of the Council tonight.

First -- next on our agenda is the introduction of the Counsel for the Environment. Ms. Sallomi, will you -- it did say you were here. Will you please let the people who are attending know what your role is as Counsel for the Environment?

MS. SALLOMI: Sure. Thank you, Chairman Drew. I'm here on video so hopefully you can see me. My name is Megan Sallomi. I'm an attorney with the Washington State Attorney General's office. The Attorney General appointed me to represent the public and its interests in protecting the quality of the environment in this proceeding in this proceeding before EFSEC.
That means that I may be presenting evidence or argument to the Energy Facilities Site Evaluation Council, which they can take into account when they make their decision on the Wautoma solar project.

So I do not work for the Council, and I am not going to make the ultimate the decision on whether to approve the project, but I will be advocating for the public and their interests in protecting the environment before the Council in his case.

And I'll also just say that I'm going to be attending to this meeting tonight, but also if anyone would like to speak with me outside of this meeting about environmental questions or other public interest concerns regarding this project, I would be happy to hear from you. My phone number is 206-389-2437, and I will also put that into the chat if I can. Thank you.

CHAIRMAN DREW: Thank you.

Next on our agenda is the presentation by Innergex. And if you give us just a couple of minutes so that we can walk away from the stage here, and we do have seats down there. It might take us a couple minutes.

MS. O'NEILL: Okay. Good evening, Chair Drew, Councilmembers, and all attendees. Thank you for having us here to present information about the proposed Wautoma Solar
Project. How are we doing?

Okay. There you go. There we go. We'll start over. That's better. Good evening, Chair Drew, Councilmembers, and all attendees. Thanks for having us here to present information on the proposed Wautoma Solar Project. My name is Laura O'Neil. I'm a senior coordinator in Innergex's environment group, and I'm joined by my colleagues Nuno Louzeiro our director of development, and Ellen Bird, our manager of community relations. We represent Innergex Renewable Energy, which is a publicly traded renewable power generator.

Next slide, please.

The intent today is to provide an overview of Innergex and the Wautoma Solar Project. We'll cover information on how the project was selected, site selection; environmental studies conducted, project benefits, and the projected development timeline. I'll now turn things over to Ellen to provide an introduction to Innergex.

MS. BIRD: Okay. So as -- oh, sorry, next slide, please.

As a publicly traded dividend-paying company, we intend to be the long-turn [sic] -- term owner and operator of the project, and therefore we have a long-term commitment to the community. This is a fundamental value for Innergex, which
guides our development practices and where we integrate people, the planet and shared prosperity.

Next slide, please.

So we were founded over 30 years ago in 1990. We've been active in the U.S. for 15 of those years. And we're a leader in solar, wind and hydro operations, and we have these operations across Canada, the U.S., Chile, and France. While our headquarters are in Canada, we have a head office in San Diego, California, and regional development offices in Massachusetts, Texas, and Hawaii. And we currently have 83 projects in operation.

All right. Over to Nuno.

MR. LOUZEIRO: Next slide, please. So as part of the Clean Energy Transformation Act, the Washington State mandated a greenhouse gas neutral electricity supply by 2030 and 100 percent renewable or non-emitting electricity supply by 2045.

This mandate has created a strong demand for new renewable energy resources for major utilities and corporations and -- in the region.

Next slide, please.

So in response to this demand, we are proposing the Wautoma Project, which is up to 470 megawatts in capacity and with a 4-hour battery energy-storage system as an option.
While we are permitting for the largest anticipated project size of 470 megawatts, our current vision for this project is likely more like 400 megawatts, and we'll keep the public informed of that as it progresses.

The estimated annual production at this output is 875 gigawatt hours estimate, which is -- to put that into context, enough power to -- enough power for about 70,000 Washington households. And then further to put that into context, Benton County has approximately 74,000 households.

Next slide, please.

So as mentioned, the project is located in Benton County, and this slide here shows -- shows the location as -- as -- where we're proposing. It is about 12 and a half miles northeast of the City of Sunnyside and one mile south of the State Route 241 and 24 interchange.

So we chose this region for several key reasons. First, it's -- this area has an excellent solar resource. Also, it is directly adjacent to a point on the regional transmission system with capacity for a project of this size without the need for substantial or costly upgrades. Also, the site is generally level and open, and there are few environmental constraints. And, importantly, we are fortunate to be working with interested and supportive landowners, and some of them are here with us today.

We have also been encouraged by the positive feedback
we've received from local and state officials regarding the location selected for the site.

Next slide, please.

So the last slide provided a bit of an indication of the location and what the land looks like. But I will mention that there is a low percentage of agricultural land that is now being util- -- that we are proposing to utilize for the solar project. The area inside the project security fence totals 0.5 percent approximately of the 650,000 acres of land in the Growth Management Act agricultural district in Benton County.

We are, with our landowners, investigating dual use alternatives, and some of this includes using -- using portions of the solar project area for grazing -- and -- but we are also looking at also a coexistence of the solar panels with some cross [sic] -- crops on a small area of the project. And we appreciate the interest of our landowners in actually leading some of those efforts with us.

Also, water -- so we -- water required for construction and operations phases is anticipated to be sourced from existing wells with valid water rights or from a municipal site, a -- municipal cert- -- source located off site. We're -- we continue to investigate those with our landowners, and -- and that will be further investigated.
The volume of water used during project construction would be considerably less than is typically used in irrigation practices. And we anticipate that during operations there would be a minimal use.

Next slide.

So this -- this slide shows a preliminary layout of the project. While we have studied a larger area, which is outlined in black on this slide, the solar field and associated infrastructure, as currently contemplated, are anticipated to occupy approximately 3,000 acres.

The layout has avoided known environmental and cultural resource constraints identified from field investigations, and Laura will go into this in a bit more detail later in the presentation. We do anticipate changes to the project size and configuration as we progress through the permitting process as well as further our engineering design in consideration of environmental, technical and community engagement input.

Next slide, please.

MS. O'NEILL: All right. As promised, I will now speak more to those environment studies. We engaged Tetra Tech as our lead environmental consultant for the project, and as part of the application for site certification, they have conducted field surveys and completed an analysis of all relevant environmental
aspects as well as completing stand-alone 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.

Next slide, please.

Based on the studies completed, several plans will be developed to describe how we will avoid, minimize, and mitigate potential impacts through construction and while the project operates. A list of these plans is seen on this slide.

In addition, the project's design has avoided wetlands and streams, listed cultural resources, as well as small patches of sensitive species found during habitat surveys, some talus habitat and Columbian milk vetch. Minimal shrub step was found in the project area, and this will also be largely avoided.

To address concerns over habitat productivity for big game in the area, we've incorporated passageways through the solar array to allow big game to pass through the project area in north/south corridors. We've designed the exterior fencing to allow small game to pass underneath, as well as omitted the typical strands of barbed wire along the top of the chain-link fence.
We've been in discussions with the Washington Department of Fish and Wildlife throughout the development process, meeting with them prior to and following habitat and wildlife surveys. We will be working with them on habitat management plan over the next several months.

We are also aware that wildfire is a concern in the area, and we've been in discussions with our landowners who have been in the area for decades, as well as WDFW and Benton County Emergency Services to understand the local concerns and develop a robust fire response strategy.

Next slide, please.

Oh, it's over to Nuno.

MR. LOUZEIRO: So we 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 as well as operation.

We anticipate the 470-megawatt project would require about 300 to 400 people on site during construction, but there would be peaks which could involve another 1- or 200 more.

During the 30- to 50-year project operations term, we would expect to employ three or four full-time technical positions, as well as have external maintenance contracts.

MS. BIRD: Next slide, please.
So in addition to opportunities for local employment and services, the project will also provide the following benefits. It's a source of annual property tax revenue to Benton County. So, for example, a 400-megawatt project is expected to contribute 3- to $4 million in its first year of operation and would follow the county property tax schedule for subsequent years for the lifetime of the project. And this would benefit schools, the Port of Benton, roads, county services, and the like.

It's also a source of stable, long-term revenue for the participating landowners. It can provide infrastructure investment for transmission upgrades or road upgrades. We aim to leave the roads in as good, if not better, condition than they were before we got there.

And then community investment, which could include sponsorships, donations, participation in community events and efforts. This month, for example, we will be a sponsor at the Benton Franklin rodeo and fair.

And then we also -- we strongly believe that communities who host the project should benefit from the project. So in response to community feedback, we recognize that, given the remote location of this project, there may not be shared amenities or programs utilized by the community members who are closest to this project.

So, therefore, we are developing an annual community
contribution program with the idea that payments could be made directly to neighboring residences that have a view of the project and -- ensuring that these additional benefits are received by those community members who would be hosting this project, and we're in the process of rolling this out.

And then last but not least, it is a source of local, clean, reliable, renewable energy in the region.

Next slide, please.

So we have reached out to the following folks, and some of these efforts are still in the earlier stages, but several of them we've developed more in-depth discussions, and they're quite advanced. But these include agencies such as EFSEC, of course, and then along with others such as Washington Department of Fish and Wildlife, Ecology, Department of Archaeology and Historic Preservation, travel governments and staff, the Benton County Commissioners and Planning Department, local emergency services and local organizations, including those related to conservation, agriculture, economic development and jobs, the participating landowners that we've leased from, and the adjacent landowners, those in the community near the project, those in the broader community.

In April -- actually, in March we held a community meeting with folks that lived closer to the project. In April we hosted a virtual meeting that was advertised widely for the
broader community. And May, Laura presented here to EFSEC, and we presented to the Bent- -- at a public Benton County Board of Commissioners meeting, and we were encouraged by the positive feedback that we received about the project and about the site selected.

Next slide, please.

MS. O'NEILL: All right. Thanks, Ellen. So behind me is a slide of development milestones, and we've been working on development of the project since mid-2020, including the list you see behind me. As mentioned, we completed the applicable environmental and engineering survey throughout 2021, and the application for site certification was submitted in June. Our aim is to work towards issuance of the site certification agreement in Q3 2024.

As far as construction goes, a full build-out would entail approximately a 20- to 22-month construction period; however, we're investigating the possibility of construction in phases. For example, a 200-megawatt project would be about a 14- to 16-month construction timeline. So the earliest possible construction completion would be late 2025.

Next slide, please.

And that's the closing. Thank you again for having us, giving us the opportunity to present. We're excited to
continue in the permitting process and work with EFSEC in service of Washington's clean energy goals. If you have questions at any time, our contact information is on the slide as well as a link to the project's website, or EFSEC has all the information as well on their site. Thank you.

CHAIRMAN DREW: Our next presentation is going to be about the EFSEC process by Ami Hafkemeyer. Oh, excuse me, Joe Wood.

MR. WOOD: Check, check. Everybody hear me okay?

Welcome, everybody, and thank you for coming to participate this evening. My name is Joe Wood; I'm a siting specialist with the Energy Facility Site Evaluation Council, and I've been asked to give a short presentation on the EFSEC site certification process.

Next slide, please.

So a little bit of background, EFSEC was originally created in 1970 for the siting of thermal power plants, and the intent was to create a one-stop permitting agency for these large energy facilities.

MS. GRANTHAM: Just speak into the mic a little bit better. It's not picking you up.

MR. WOOD: Sure.

FEMALE SPEAKER: Just speak into the -- yeah,

(inaudible).

MR. WOOD: So today, large-scale thermal power plants
are the only facilities requiring certification by EFSEC. EFSEC is comprised of state and local government members who review each application before voting to make council recommendation to the governor. This recommendation comes along with a site certification agreement, which defines all preconstruction, construction, and operational plans.

Finally, if the application is approved by the governor's office, the decision preempts other state and local regulations.

Next slide, please.

You can see here, the Council itself is made up from members from different state agencies. The chairperson, Kathleen Drew, is appointed by the governor's office. We have five other standing members: Eli Levitt from Department of Ecology; Mike Livingston from Department of Fish and Wildlife; Kate Kelly from Department of Commerce; and Lenny Young from Department of Natural Resources; also Stacy Brewster from the Utilities and Transportation Commission.

Depending on the project, other agencies can also opt to have a representative. In the case of Wautoma, we have Paul Gonseth with Department of Transportation and, importantly, we have also Dave Sharp representing Benton County.

Next slide, please.
So the facilities that can be certified through EFSEC versus being certified or permitted through the County are thermal power plants greater than 50 -- 350 megawatts, and nuclear generation for the purpose of generating electricity. Other -- other sources of energy such as wind, solar, et cetera, can opt in to the certification process at any size.

Transmission lines greater than 115 can also opt in, 115 KV. And pipelines, refineries, and storage projects can also be certified. As of recently -- and I'll talk about this a little bit later -- EFSEC has also been granted the ability to certify clean energy product manufacturing facilities and hydrogen production facilities.

Next slide, please.

Here's a map of the facilities that are currently either being reviewed or fall under EFSEC jurisdiction. We have five operating facilities. There are two natural gas facilities, the local Columbia generating station and two wind facilities that have been certified under EFSEC.

There are three additional marks on here that indicate the facilities that are approved but haven't yet started construction. Two are wind facilities; one's a PV solar facility. The clear circle is a facility in the process of decommissioning. And, importantly, EFSEC is also currently reviewing applications for four PV solar projects marked in
red, including the Wautoma Project, which is why we are here tonight.

Next slide, please.

So now we come to the specifics of the EFSEC certification project, and I'm showing here a flowchart that shows the general process applicants go through when they submit an application to EFSEC. So you can see, there are three -- three sort of processes in tandem here. There is the land use and adjudication track; there is the SEPA threshold and SEPA determination track, and then there's this identification acquisition of permits for the project as it goes through the process.

So I'll talk about these in a little bit more detail on the following slides.

Next slide, please.

So the adjudicative proceedings is one of the tracks, and this meeting tonight is sort of the initiation or the initial one of these proceedings. So much like any other court case, the proponent makes their application and we -- the -- sorry, I'm losing my place here.

The proponents and other parties are identified. When adjudication proceeding is required, parties to the adjudication are identified. Sometimes there are stipulations and settlements that come out between the parties. The Council looks at all the information in the
adjudication record and then deliberate, and then the Council draws up their findings and conclusions from the information provided throughout the proceedings to incorporate those findings in their recommendation to the governor.

Next slide, please.

So this next sort of track is the SEPA threshold determination. Based on information provided in the application, the SEPA responsible official, which is generally the EFSEC manager, determines if this project meets the criteria of a determination of non-significance or a mitigated determination of non-significance.

If there is a determination made for a mitigated determination of non-significance, there is a minimum 15-day comment period. If it is determined that the project qualifies for a determination of non-significance, there is no comment period. However, it is determined that there is a significance -- significant impact on resources, for instance, an EIS may be required.

So when an EIS is required, the deter- -- the decision to prepare the EIS is made public, and public comments are taken on the scope of the EIS. After the public comment for scoping, the SEPA responsible official determines the scope of the EIS, and a draft EIS is prepared and issued with the minimum 30-day public comment period, after which the final
EIS is prepared and released.

Next slide, please.

Okay. So I will mention the expedited siting process. To be considered for expedited processing, an applicant has to make the request in writing, and the project must meet two criteria. It must be determined to be consistent with local land use policy; and, two, the SEPA determination process must determine non-significance or a DNS or a mitigated determination of non-significance or MDNS.

So in the expedited process, the adjudication step is not required. The Council prepares their recommendation to the governor in an expedited time frame under this process.

Next slide, please.

So the third track that is going on through the certification process is the identification and issuing of permits or preparation of permits, and EFSEC becomes the issuing agency for these -- all permits that may be required. And they are identified in the final order with the Council's recommendation to the governor.

So finally, after the conclusion of the Council's review of the application, a recommendation is made to the governor to either approve or reject the application. This initiates a 60-day window within which the governor will then approve or reject the application or remand the application back to the Council for consideration. Any application that is
rejected by the governor is a final decision for that
application.

When -- if an application is approved by the governor,
EFSEC then has oversight of the environmental compliance for
the life of the facility. So EFSEC has standing contracts
with applicable state agencies that assist in the monitoring
and enforcement of conditions either in the site
certification agreement, identified permits, or stipulations
in the EIS or the MDNS. EFSEC's enforcement authority
extends to the issuance of any penalties as they may apply.

I thought I would add a slide here that just kind of
highlighted some new legislation that has been in the news
recently. House Bill 1812 was passed in March of this year,
and there -- I've listed a couple things here that I feel
like are highlights from -- that affect the site
certification.

New projects -- oh, thanks. New projects can now come
before EFSEC, new types of projects, including hydrogen
production that I mentioned before and clean energy
facilities. There is increased travel consultation and
equity, a streamlined review process that does not reduce
standards, greater transparency, and creation of EFSEC as an
independent agency, essentially from a budget standpoint.

So that pretty much covers it. Last slide, please, is
just public input. I would like to remind everybody that
they may -- how they can submit public comments. If you'd like to sign up to speak this evening, you can call the EFSEC main line or email comments to the mailbox or send in written comments as well.

And that's all I have for this evening.

CHAIRMAN DREW: Okay. That concludes our presentations for this evening, and I'm going to turn it over to Judge Gerard to preside over the public comment period. Those who are called will have three minutes for your comment. If you hear throughout the evening something that you want to respond to, please send an email to our website or provide that in writing because we are going to just go through our speakers one time.

I think that we will now have Ms. Owens -- Andrea Grantham, Ms. Grantham will call the first speaker.

Judge Gerard.

DAN GERARD: Good evening, everyone. My name is Dan Gerard. I'm an administrative law judge with the Washington State Office of Administrative Hearings. Today when giving your comments we would ask that you do limit your comments to this project alone. As Chairman Drew stated, you will have three minutes to make your comments. That will be your single opportunity to make comments for this portion of the proceedings.
And if you do have any additional comments or things you would like to add after you've spoken, you may either email them or send them through physical mail in the address provided by Mr. Wood just a moment ago.

So thank you, and first witness -- or first speaker, go ahead and begin, please.

MS. GRANTHAM: The first speaker is Robin Roberts [sic].

MR. ROBERT: Hi.

JUDGE GERARD: Good evening.

MR. ROBERT: My name is Robin Robert. My address is 1521 Wautoma Road, 98944. And one of the first things, I was going to read a little about, I would like to see if the board would accept my comments as having interest in this project. And the Robert Ranch really looks forward to the solar project to really help us out. Farming sometimes kind of has good years and bad years.

And I have just two things to mention. First thing is about the location. It's pretty desolate and dry where we're located, and as the map shows that we're 30 miles west of Tri-Cities, 12 miles north of Sunnyside, and 40 miles east of Yakima. Our north border is next to Joe Balmelli, who has a cattle ranch. Our east border is the Hanford Reach.
south border goes to the top of the Rattlesnake Hills and
meets Jeff Werzman (phonetic), who's a cattle rancher, too.
Then our west border is right -- pretty close to Highway
24- -- 241, and there's approximately 12 homes west of this
that are close to the ranch.

And then the second thing, I was just going to give a
quick little history of the ranch, our grandfather, Emil
Robert, came in late 1890s when he was 15 years old. And he
started out herding sheep in the area where our ranch is,
and eventually he built it up to about 2,000 head of sheep
and about 12,000 acres.

And just over the years we put a -- we only had an
irrigation well that did 150 acres, and then in '77 we put
in a bigger well that did about 800 acres. And over the
years things haven't changed much. We did sell the sheep
back in '88, but the sheep are back the last two years on
the ranch. And we're hoping to use the sheep to graze the
native grasses and the weeds underneath the solar panels,
and we're kind of going to go back to maybe only 150 acres
on the ranch instead of 800 acres, and we hope the aquifer
there will recharge itself.

And probably the only thing we'll change maybe, there will
be about 800 sheep on the ranch for controlling weeds, and
probably the only change will be that the sheep will have
shade. That's it.
CHAIRMAN DREW: Thank you.

MR. ROBERT: Thank you.

JUDGE GERARD: Thank you, sir.

MS. GRANTHAM: Next speaker is Maya Robert [sic].

MS. ROBERT: Hello. Can you hear me okay? My name is Maya Robert. My address is 708 South 60th Avenue, Yakima, Washington, 98908. I'm speaking today on behalf of my family and the Robert 5 + 1, LLC.

As my uncle mentioned, over 100 years ago my great grandfather began ranching in the Wautoma Valley. What originally started as a sheep ranch adapted in the mid-1980s to cattle and farming to keep up with the changing times. Now, four generations later, we are looking to adapt once again. With declining crop production and decreased ground water supply, farming and ranching has become much more difficult.

One thing this area is not lacking, however, as we can see today, is sunshine. As mentioned previously, the ranch is located 17 miles north of Sunnyside and 36 miles east of Yakima, meaning that neighbors are few and far between. This makes the ranch an ideal location for a solar farm such as this. Not only will we -- not only will this project provide for my family, it will provide renewable energy to help meet state quota, and this solar project would allow us to make productive use of unproductive land while keeping
the ranch in the family for many more generations to come.

Thank you.

MS. GRANTHAM: Next speaker is Dave Roberts [sic].

MR. ROBERT: I'm Dave Robert, and I'm one of the sons at the Robert's Ranch, 5 + 1. One of the things I was just noticing when I was out at the ranch today, one thing I would like to do is if we could get, you know, all you folks here to go out and see it, I think that would make a real big impact because the location, the fact that it's isolated in a beautiful valley, and just --

JUDGE GERARD: Mr. Roberts, can you speak (inaudible)?

MR. ROBERT: Okay. And we were just trying to think that this would really make -- the impact would be really neat if you guys could have a chance to go out and take a look at it and really see what it's all about.

The thing about it is, you know, my brothers -- my two brothers that work extremely hard on the ranch using their own money at times because of farming and the way it works, our deep well has -- you know, has gone down some because of the irrigation. And we're just hoping with Innergex and everybody working together we can, you know, have a great source of energy and also a good, stable source of revenue for my brothers so they can keep going on with the ranch. Thank you very much for your time.
JUDGE GERARD: Thank you.

MS. GRANTHAM: Next speaker is Stan Isley.

MR. ISLEY: Thank you. I'm Stan Isley from the -- I'm The conservation chair of the Yakima Valley Audubon Society. Can you hear me now?

Stan Isley. My address is 806 South 18th Avenue, Yakima, Washington, 98902. I'm offering my comments tonight on behalf of Yakima Valley Audubon. I'd like to be very clear right at the front that Yakima Valley Audubon Society supports our imperative transition away from dirty fossil fuels for our energy source in Washington State and globally. We support our transition to clean energy sources like solar energy, wind energy and others.

And so, therefore, the Yakima Valley Audubon Society does offer support tonight for this Wautoma Solar Project. Our support is conditional, however. We expect and ask the proponents to do it right. We want you to build this project in a way that avoids environmental impact as much as possible and, where it is unavoidable, that you fully mitigate for the environmental impacts on impacted acres.

We ask that you avoid impacting sagebrush step lands, including currently impacted, currently fire-ravaged sagebrush step lands.

we ask expect that the sensitive lands like prairie lands, wetlands, stream corridor, riparian areas will be
protected and not impacted.

We ask also that you not have any negative impact to Native American cultural resources.

Now, of course, there will be acreage that will be impacted. I was pleased to see that you're proposing to examine still grazing and still potentially exploring other agricultural uses that could be made on the impacted acreage. Ag lands, we do want to have either -- have you fully mitigate for the lost functions and values currently provided by the impacted acreage

Permanent air preservation we envision for mitigation lands that you identify, permanent mitigation by way of establishing conservation easements in perpetuity on those lands.

We ask that you work with Washington Department of Fish and Wildlife to determine mitigation ratios for these mitigation acreages that you will identify.

Also to work with WDFW and other to identify wildlife movement in migration corridors and protect those, establish and protect those permanently.

These industrial scale solar projects are going to be required in order to have us fully transition to renewable energy sources. So we would love to see, also, however, some distributed and disbursed solar development on rooftops across -- on already as-built acreage homes and
stores and warehouses across eastern Washington. That would be a wonderful way to go, but we do recognize --

JUDGE GERARD: Sir, just a moment. We have reached the three-minute time. If you could go ahead and please wrap up your comments.

MR. ISLEY: Oh. We recognize that we will have to have industrial scale solar projects like this, and so we support this, as I said, conditionally. Thank you.

JUDGE GERARD: Thank you.

MS. GRANTHAM: The next speaker is Brendan Mercer.

JUDGE GERARD: Mr. Mercer, if you are speaking you are on mute.

MR. MERCER: Can you hear me now?

JUDGE GERARD: Would you speak up just a bit for us, please?

MR. MERCER: Yeah, can you hear me now?

JUDGE GERARD: Better, thank you.

MR. MERCER: Hi, my name is Brendan Mercer. My wife and I own a section of land that is adjacent or bordered by the project on two sides of 520 Wautoma Road. In general, my wife and I support green energy and generally support the project. However, we do have a few concerns related to our farm that we hope the Council and Applicant will take into consideration in developing it.
First, we grow wine grapes which are very sensitive to sunburn, and we are concerned about the reflection and radiation off of the solar panels and the possibility of crop loss for our farm. We're also concerned about water, especially during construction. I know the Applicant said that they were going to use existing wells, but I would hope for a bit more definition on where that water's going to come from, and making sure it doesn't impact adjacent farms or domestic wells.

And lastly, Wautoma Road is a relatively small road, and envisioning 4- to 500 people at times working off of it, I'm struggling to envision how that's going to take place. So just some consideration on how the roads are going to be managed and made usable for the existing residents and also the existing businesses that use both 241 and Wautoma Road for the future. Thank you.

JUDGE GERARD: Thank you, Mr. Mercer.

MS. GRANTHAM: Next speaker is Jeanie Polehn.

MS. POLEHN: Hello, I'm Jeanie Polehn, and I'm from the Kennewick area. I'm here for the Benton County Republican Party, and I do have a question. Most of you live in Seattle, if I understand it right; you don't live around here. So I don't know if you ever go out driving and stuff, but if you see a bunch of windmills and stuff and you see a bunch of solar panels, that's
visual pollution; that does not make our land look better.

And it also impacts the wildlife and -- would you want that in your backyard? I'll just put it that way. I would not.

The other thing is -- I'll wait for the technical session to go on further with this and stuff because I think that people won't want to hear the rest of the technical piece that I have. Okay. That's all I have.

CHAIRMAN DREW: Thank you.

JUDGE GERARD: Thank you. You did drop something, as well, ma'am; I'm not sure if you had seen that. Ms. Polehn, did you drop something?

Thank you, sir.

MS. GRANTHAM: The next speaker is George Penn.

MR. PENN: Good evening. My name is George Penn; I'm a resident of Benton County, and I am not in favor of this solar panel project. The reasons being are that, you know, like the previous speaker said, they're not aesthetically pleasing, both the solar panels, the windmills.

I am a fan of solar power, but my opinion is that there are other areas of Benton County that might be more suited towards this solar panel project, areas like the Hanford Reservation where there are literally thousands of acres
dedicated towards energy production. Why do we have to take and put the solar panels out into the -- into the rural Benton County when we have a perfectly good area to keep things like that contained?

The other objection I have is the solar panels, they are not, more than likely, produced here in the United States; they are a direct import from China.

And then my third point is, is this something that the Benton County Commissioners said, "Yes, we want this"? I'm not 100 percent sure on that, and I believe that there may be a few folks here in the room that would be speaking towards that at a later point in time this evening. Again, I'm George Penn, and I'm a Benton County resident, and I oppose the solar panel farm in rural Benton County.

MS. GRANTHAM: The next speaker is Rylan Grimes.

MR. GRIMES: My name's Rylan -- Rylan Grimes, and I'm an organizer with the International Brotherhood of --

JUDGE GERARD: (Inaudible).

MR. GRIMES: Yeah, is that better?

JUDGE GERARD: Yes.

MR. GRIMES: My name's Rylan Grimes, and I'm an organizer with the International Brotherhood of Electrical Workers in Kennewick, Washington; I'm also a Benton County resident. And we represent 1,200
electricians in Southeast Washington and Northeast Oregon. And right now we've got a lot of -- we're doing a lot of solar projects, and we are in favor of this project. The majority of our membership lives in Washington, and they're currently working in Oregon with a lot of our data center work and some other solar projects. And so having this project on this side of the river would be a welcome relief from the -- with -- for them. Most of these individuals are commuting down to Oregon from the Tri-Cities area, and, to a lesser extent, from the Yakima area. But those of our members that live in Yakima are actually commuting to a project in Klickitat County. So having the location of this project in particular and -- is fantastic because it is well within commuting distance of all of Yakima County or all of the Yakima Valley area and the Tri-Cities. So, again, IBW Local 112 is very much in favor of this project, and we look forward to working with the contractors that end up getting this project. Thank you.

MS. GRANTHAM: The next speaker is Laurie Ness.

MS. NESS: I'm Laurie Ness, and I am a native of Eastern Washington, Tri-Cities, actually. And I'm also very concerned about wildlife and our shrub step in the area and how we're losing a lot of that. The land use is changing. and one of the concerns I have is that
when you put something into solar, you pretty much take, you know, it out of any other land use, from my understanding just by looking at it.

I know that it's very important to be transitioning to clean energy, and I do support that. We've had solar panels for nine years on our roof, which is -- have been a great thing for us. But what I'm looking at is the amount of solar that is -- this is not the only project out here. I'm looking at a large-scale connectivity for wildlife.

And mitigating -- I think, you know, this is one project -- and of course you told me not to talk about other Projects; I'm not going to. But in a big scale of things, SEPA requires that we look at the environmental impacts as cumulative effects.

And I believe that it's very important that EFSEC coordinates and makes -- you know, looks at the map and says, "Okay. We've got a project here and a project here, and how are we going to look at connectivity for the bugs, the bunnies, and the elk?" These are important things because we do have a unique environment that's very, very endangered. Shrub step is the fastest disappearing habitat in Washington state.

So -- and I also ask that this project coordinate with other projects. Yes, there is a substation right near this project, but the next solar project isn't going to probably
have a sub- -- it's probably going to go to that substation because I don't think that they're all that close. I don't really know. But in any case, coordinate to where this project and other projects are thinking on the larger scale. I think that's really important.

And that is pretty much all I have to say. Thank you for listening.

JUDGE GERARD: Thank you.

MS. GRANTHAM: That was our last speaker on my list.

JUDGE GERARD: At this time we are going to open up to those who did not sign up. And if you wish to speak, for those present, please go ahead and raise your hand, and we'll put you on the list. For those of you who are remote, please go ahead and raise the hand icon so we know you wish to speak. We're going to give everyone a few minutes to see if we do have any additional speakers. I see a hand raised.

MS. GRANTHAM: I see Aubrey Newton in the teams.

JUDGE GERARD: Ms. Newton, if you wish to speak, go ahead, please.

MS. NEWTON: Okay. Can you hear me?

JUDGE GERARD: We can, thank you.

MS. NEWTON: Wonderful. Good evening and thank you to everyone, to the entire commission for the opportunity to speak this evening. My name is Aubrey Newton. I work with the Laborers International Union of North
American of the Northwest Region. I've also lived in the State of Washington nearly my entire life and grew up in the Central Washington area. I work to represent hundreds of union men and women across the State of Washington and eight other states in the Northwest region.

In our region, union members build and maintain gas distribution pipelines, construct wind and solar forums as well as build and maintain coal, gas, hydropower, and nuclear power plants.

In Washington, specifically, the laborers have members working throughout six different locales, representing about 15,000 members. Our members are trained, skilled, qualified, ready to work on wind -- excuse me -- on solar projects alike. And the Northwest Region, we have recruitment systems, reaching statewide, focusing on good-paying jobs for the communities where our members live.

LIUNA works with our employers, also, to make sure that workers on the job are skilled, trained, reliable, get the job done ahead of schedule, and go home safely at the end of the day.

Outside of the licensed crafts needed for this specific goal -- specific project, essentially LIUNA is already trained and ready to handle nearly 60 percent of the project --
JUDGE GERARD: Ms. Newton -- Ms. Newton, I'm going to stop you there just a moment. This is Judge Gerard. This needs to be related to the project as opposed to what your union does, please. If we can get to that point so that the subject is --

MS. NEWTON: Sure.

JUDGE GERARD: Thank you.

MS, NEWTON: Absolutely. So, with that being said, I am here this evening in support on behalf of many of our members in the local area that cover the Tri-Cities and surrounding areas for this project. We are in support of the project. And I am here speaking on behalf of them for this reason and the reasons listed above, for level of the community focus, local hire and tribal relations that Innergex intends to have for this project.

This project will bring good jobs to the area and bring long-term careers to the people of this community. We have had the privilege of speaking with Innergex and believe that their intentions are not for a short-term build and sell of this project, but to truly understand the communities in which those impacted live in and intention to build local and provide opportunities for those in the local community.

So, again, thank you for your time, and that is all I
have for my comment. Thank you.

  JUDGE GERARD: Thank you.

So one last opportunity for additional speakers.

  Sir, I see you raised your hand. It looks like there's no
one remotely. Please step up to the podium, and just
introduce yourself first.

  MR. TORRESCANO: Hi, I'm Moses A. Torrescano. I'm a
Benton County resident; I'm also a member of the
International Brotherhood of Electrical Workers.
Speaking for a lot of our members that are working in
Oregon that live in Washington, we would like to bring
our tax dollars back to our state instead of taking all
of our tax dollars down into Oregon. It would be nice
to bring that work to our members and to the local
community. Thank you.

  MS. GRANTHAM: We have Dana Ward on Teams.

  MR. WARD: Yes, can you hear me?

  JUDGE GERARD: Yes, we can. Thank you.

  MR. WARD: Yes, this is Dana Ward, lower Columbia
Basin Audubon Society Conservation Chair. I noted in
the introduction that you are seeking comments and
positions from the local land owners that surround the
project, but I did not notice that you contacted the
U.S. Fish and Wildlife Services, which manages the
Hanford Reach National Monument, the Arid and
Arid Lands Ecology
Reserve, which bounds on the eastern side of the project. It think something you need to do is contact the U.S. Fish and Wildlife Service, see what impacts might occur to --

JUDGE GERARD: Mr. Ward, just a moment, sir.

MR. WARD: Yes.

JUDGE GERARD: Mr. Ward, I don't think we can quite understand you. There is something wrong with the connectivity. If you can speak a little bit clearer, maybe not louder, into the receiver so we can hear what you're saying. I am going to go ahead and reset the timer because I didn't hear and I'm not sure anyone else did.

MR. WARD: Okay, I'll try again. Can you hear me?

JUDGE GERARD: I can, and a bit slower also just so we can understand you, sir. Thank you.

MR. WARD: Okay. This is Dana Ward, conservation Chair for the Lower Columbia Basin Audubon Society. I have one comment. Please contact the adjacent landowners, which are the Department of Energy, which owns the Hanford site, which bounds the project on the east; the Arid Lands Ecology Reserve, which is managed by the U.S. Fish and Wildlife Service. Please contact the U.S. Fish and Wildlife Service to see if there's going to be any impacts to the shrub step and the elk that reside on the Arid Lands Ecology Reserve. Thank
you.

JUDGE GERARD: Thank you, sir. I don't see any other hands raised within the electronic, but I do see --

CHAIRMAN DREW: Couple more.

JUDGE GERARD: I was just -- sir, please go ahead and step up to the podium and announce yourself.

MR. SEARS: Good evening. Matt Sears. I'm out of Sunnyside, Washington. I, too, am with the International Brotherhood of Electrical Workers. For me, I'm for this 100 percent. You know, as these guys talked, most of us are traveling, doing these solar projects. We got 20 to 22 months of work, it sounds like. It's huge.

Also, it sounds like this is private land, and I guess I'm having trouble understanding, like -- it sounds like they're going to lease out the land. How are we -- how are we able to oppose what a farmer can do with his land? So with that being said, thank you, guys.

MR. PLACZEK: Good afternoon. My name is Eric Placzek. I am a neighbor two miles to the north of the Robert Ranch. My wife and I have raised ten kids in the neighborhood. The one thing that comes to the neighborhood once a year is the Sunnyside Hill Climb. You should come; it's a real spectacle. But it's done after two days.

This project is a huge impact to the neighborhood. You'd have to come to really -- to really soak in how big of an
impact and positive for the area. So we're looking to live there for a much longer time and use a lot of electricity that comes out of the sky. Thank you very much.

JUDGE GERARD: Thank you, sir. I don't see any (Inaudible) -- oh, we have one (inaudible).

MR. GASPER: Thank you for the opportunity to provide some input. My name's Dan Gasper. I've been a resident of Kennewick and Richland for about 22 years. 100 percent support this project. I think that this is a great thing for our region. We're already leaders in Washington state energy production, and this will just expand our leadership.

I think it brings jobs of all sorts; it helps the farmers in that region, and for those who aren't so keen on the way that these fields look, I really doubt they're going to be out there seeing them that often. This is a very remote area, and for those of us who do like to see those kinds of farm projects -- solar farm projects, I'm happy to drive out there and take a look. Thank you very much.

JUDGE GERARD: (Inaudible). At this point this does conclude the public comment section. (Inaudible).

CHAIRMAN DREW: Thank you.

It is 6:45, and so we now -- this meeting is closed. We will convene the land use consistency hearing at seven o'clock p.m.
(Recess)

CHAIRMAN DREW: Good evening. This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council calling the land use hearing for the Wautoma Project to order. If Ms. Grantham will call the roll of the Councilmembers.

MS. GRANTHAM: Department of Commerce.

MS. KELLY: Kate Kelly, present.

MS. GRANTHAM: Department of Ecology.

(No audible response).

MS. GRANTHAM: Department of Fish and Wildlife.

MR. LEVITT: Sorry, Eli Levitt, present.

MS. GRANTHAM: Thank you.

Department of Fish and Wildlife.

MR. LIVINGSTON: Mike Livingston, present.

MS. GRANTHAM: Department of Natural Resources.

MR. YOUNG: Lenny Young, present.

MS. GRANTHAM: Utilities and Transportation Commission.

CHAIRMAN DREW: Excused.

MS. GRANTHAM: Local Government and Optional State Agencies for Benton County.

MALE SPEAKER: (Inaudible) is present.

MS. GRANTHAM: Washington State Department of Transportation.

MR. GONSETH: Paul Gonseth, Washington State
Department of Transportation.

MS. GRANTHAM: Chair, there is a quorum.

CHAIRMAN DREW: If we could ask, I know that we have our Benton County representative from -- for another project on, but for the Waucoma Project for a Benton County member.

MR. SHARP: Dave Sharp, present.

CHAIRMAN DREW: Thank you.

And, Judge Gerard, if you will start our land use hearing.

JUDGE GERARD: We call to order the EFSEC land use hearing to order for the Wautoma Solar Project as required by Revised Code of Washington 80.50.090 and Washington Administrative Code 463-26-035.

EFSEC is beginning the land use hearing for the Wautoma Solar Project, and during this hearing the public will be given an opportunity to provide testimony regarding the proposed project's consistency and compliance with the land use plan and zoning ordinances. If you are not speaking at the beginning of the evening, you can email or mail your comments into EFSEC at the email address provided earlier or as well as a physical address provided on an earlier slide or the website.

Before starting comments we have already done a roll call. We will begin with the Applicant presenting their statements. We will then move on to anyone within the --
CHAIRMAN DREW: Benton County.

JUDGE GERARD: With Benton County, and then we'll move on to public counties -- or public comments from individual citizens if they choose to make any.

So that being said, Applicant Wautoma Solar, please begin, if you choose to do so.

MS. ANDERSON: Good evening. Can you hear me?

Community members, Judge Gerard, my name's Erin Anderson. I represent Innergex Renewable Development in this proceeding. My business address is 207 South Pearl in Ellensburg, 98926, and I also have offices in Seattle, but I am a Kittitas County resident.

And I have to thank you for having us here tonight and apologize if I trip over any of my words. This -- I'm very excited. This is the first live, in-person proceeding I've attended in the last two and a half years, and I appreciate the audience, the Applicant, and the board for taking the time to travel far from your homes on a night to hear what the people that live in this community and the people who rely on energy have to say.

I'm here today, as you know, with Laura O'Neil, Nuno Louzeiro, and Ellen Bird. I also anticipate that at least one stakeholder to this proceeding, Allison Keel (phonetic), may testify this evening regarding land use.
You have in your records a memorandum from me, and it is
supported by a declaration from Ms. O'Neil, but we almost
didn't get here tonight because when the Applicant began
doing its due diligence on this project in Benton County,
solar energy major, meaning large energy facility powered
by solar, was a permitted use in Benton County with a
conditional use permit. And the reason for that is because
the Benton County comprehensive plan contemplated uses in
that zone that are compatible with each other.

And when Innergex came to Benton County after the passage
of SEPA, it was a use that was allowed conditionally in this
county. However, the Applicant made outreach to the County
in July of 2021 to start talking about what it would be like
to go through the local conditional use permit proceeding.

Nevertheless, as you'll find in my memo, the County, in
October, put a packet out that indicated they were going to
change the code to prohibit or remove from the uses that
were permissible in this zone large solar facilities. That
process moved very quickly. We discovered that expedited
review of the SEPA was granted by Department of Commerce.
And so between October and December, on December 21, the use
was no longer allowed. And consequently, the Applicant had
to come to EFSEC, did so, prepared the application for site
certification.

So I'm here tonight not to argue that there is land use
consistency; we agree that there is not. But what I am also here tonight to speak about is still the need to review this application, notwithstanding the lack of land use consistency.

There are reasons why the project should receive the kind of expedited review that RCW 80.50 -- I believe it's 100(1)(a), I could be wrong on that, but 80.50.100(1)(a) contemplates that the Council will complete its work and deliver a recommendation to the governor within 12 months of the date of a completed application. So 12 months from June, although there can be an extension of time between the Council and the Applicant.

That's not the only reason why they're here before you tonight and have submitted this application and are looking forward to going through this process. It is because we have passed the Clean Energy Transformation Act, which anticipates and, in fact, requires utilities to have a neutral consequence to the environment from greenhouse gas emissions by 2030, and that is now slightly over eight years away. We also have other legislation that has been passed moving us in this direction that includes the low carbon fuel standard. We are now a -- the second state in the union to have a cap and trade or a cap and invest program and legislation here in this state. So Washington is a leader on these things.
Regardless of the wisdom of that, that is law in the State of Washington. What that means is hundreds if not thousands of megawatts of electricity that are now generated by carbon-emitting fuels such as coal or natural gas need to be offset completely by 2030. Hundreds if not thousands of megawatts in 7 and a half years, and it takes a year, arguably, under 80.50.100, just to get this project through that process.

The state is behind, and it is time to start moving forward to meeting those goals. And those goals benefit everybody. This is an existential problem that is not limited to King County or Benton County. The climate change targets of this legislation are global.

So with that, I can't contend that the project is consistent with the Benton County land use code because it no longer is as of December 21 of 2021. However, the Benton County comprehensive plan has not changed. The Benton County comprehensive plan in the summer of 2021 was consistent with the land use code that allowed large solar as a conditional use permit, and I would argue that the comprehensive plan has not changed. The project remains consistent and can be rendered consistent through the conditioning of the project.

And that's exactly what Benton County contemplated when they did their SEPA checklist, and you'll find the reference
in my brief. They indicated that any site-specific project would need to go through some site-specific SEPA evaluation. Either the County was going to do it under conditional use framework; now EFSEC is going to do it under the adjudicative process that you will undertake.

We should get to the same place. SEPA is the same in this county as it is everywhere else. And the environmental review that you do, I would submit would lead to the same kinds of recommended conditions that you would have found had you gone through the county process.

And we know what the county's conditional use concerns are, and you can look at what the code used to say because that's appended to my memorandum, but they're worried about land use consistency. You want to make sure that as you introduce a new kind of use into an existing environment that you condition it in a way that it remains consistent and compatible with everything else that's going on.

So we look forward to the adjudicative process to demonstrate how the project can be conditioned to make it compatible. In the next year I would submit that you will do SEPA much like Benton County would have done. The Council has a lot of experience. The Council staff has a lot of experience with SEPA; they know how to do this. This is a company that has exclusively been in the energy -- renewable energy industry for over 30 years.
My point in making that is they also have a lot of
experience in knowing how to engage with stakeholders,
agencies that have an interest in what's going on over here,
and I would submit that those conversations which have begun
should continue. And the analysis in the application for
site certification should be given a hard look, because I believe that it supports a mitigated determination of
non-significance precisely because fish and wildlife, the
applicant, staff, and the Council know how to process these
things, how to analyze these things, and how to develop a
body of recommendations that can render the project
consistent not only with the Benton County code but to
either -- oh, we say avoid, minimize, or mitigate impacts.
And we are here and Innergex is here in front of you today
and through this proceeding to address those kinds of
issues.

We do look forward to land use consistent -- land use
adjudication in this matter. I do believe and the Applicant
believes that we can, through the process of hearing from
the public, identifying their concerns, hearing from the
agencies, understanding what their concerns are, that we can
build a package that can be recommended to the governor for
approval not only preempting Benton County code but
conditioning it in a way that reflects the values and
interests of everybody that lives here in this county.
I'm happy to answer any questions that you have, and if not, I look forward to moving forward and seeing an order commencing adjudication in this matter in a relatively timely fashion so that this project, and I'm sure many, many others, can get moving forward to meet the goals of SEPA.

Thank you.

JUDGE GERARD: Thank you.

At this time do we have anyone representing Benton County who wishes to speak? And good evening. Before we start, I'll let you introduce yourself. I'll give you the same amount of time --

MS. COOKE: Yes.

JUDGE GERARD: -- I gave the appellant -- or the Applicant, rather, so that's about ten minutes. Just -- I didn't clarify this earlier. All other speakers will be given three minutes to speak, so --

MS. COOKE: Thank you.

JUDGE GERARD: -- please introduce you and (inaudible).

MS. COOKE: Good evening, Council. My name is Michelle Cooke. I'm the Benton County Planning Manager, and I'd like to take a few minutes this evening to speak to you regarding the Wautoma Solar Project's inconsistency and lack of compliance with Benton County's zoning ordinance and land use plan.
The proposed project fails to comply with both the Washington State Growth Management Act and Benton County's comprehensive plan which mandates and directs the County to project and prevent the loss of long-term, commercially significant agricultural lands of any size in Benton County. The proposed location of the Wautoma Solar Project currently has a land use designation of GMA agriculture, and as such, nonagricultural uses are discouraged and restricted per the County's comprehensive plan.

The proposed project is an industrial use, not an agricultural one. And a 4,573-acre loss of commercially significant agricultural land would be both inconsistent and incompatible not only with the County's comprehensive plan but also its implementing regulations such as the County's zoning ordinance and the critical area regulations.

As with the land use designation for the project area, the zoning district is also agricultural known as the Growth Management Act Agricultural Zone. This zoning district seeks to protect agricultural activities by allowing land uses compatible with agriculture and prohibiting nonagricultural uses.

Currently, industrial scale solar projects such as this one are current- -- are prohibited in the GMA agricultural zoning district and are not allowed as either an outright allowed accessory or conditional use in this zone per the
County's zoning ordinance.

The Applicant is requesting that EFSEC preempt the County's local land use plan and zoning ordinance, which do not allow such a use to occur in agricultural lands. Based upon the project's location, the proposal does not meet the intent of RCW 36.70, is not consistent with the goals and policies of the County's comprehensive plan, and does not comply with the GMA agricultural zoning district as solar farms are a prohibited use.

As such, it's the County's stance on this proposal that the local county land use policies and zoning code should be held in effect and should not be disregarded by the Wautoma Solar Project application before us tonight. Thank you for your time.

JUDGE GERARD: Do we have any speakers on the list?

MS. GRANTHAM: Yes. The next speaker is Allison Keeler.

MS. KEELER: I hate microphones, sorry. I want the board to accept my comments as having my interest in all aspects of the project specifically, including, without limitation, land use consistency. I'm sure I'm not going to surprise anybody in this room by saying that farming is hard work. It's hot days, back-breaking labor, and is certainly best suited to the young and the fit. However, if you look at the U.S. as a whole, the
average age of a farmer is 57 and a half years old, and that number continues to climb with every agricultural census that's taken.

In Benton County, 64 percent of farmers are between the ages of 35 and 64 years old, and another 25 percent are over the age of 65. As of 2017, 234 individuals who were farming in Benton County were under the age of 35. Unless things have dramatically changed since the last farming community was counted in 2017, we have a significant dearth of farmers who will be there to take the place of those who want to retire.

I'm not a farmer; I do, however, represent an interesting demographic in Benton County. The family office that I represent recently purchased just over 1,500 acres of farmland in Benton County, not because we were hoping to farm it but because we knew it was under contract to a solar developer. "Just another carpetbagger," I'm sure you're all thinking, but I would frame it differently.

Since taking ownership of the property, we've worked with Innergex to remove the existing vineyard from the solar lease allowing us to continue to farm those 75 acres. We hired a vineyard manager locally and are in discussions to hire an additional five to eight full-time workers for the vineyard.

We've shown Innergex that sheep make excellent mowing
machines, and they have been receptive to encouraging the shepherd that has grazed his flock on the property to continue to graze his sheep under the solar panels producing benefits to both the solar producer and the rancher.

This will probably result in a couple of things: A potential increase in the size of the shepherd's flock under solar panel planting of native grasses that are better suited to the drought-prone Columbia basin, and also excellent forage for the sheep, and a continuation of ranching on the property that will also be providing value in the creation of electricity.

Solar has already brought quite a few benefits to Benton County. It attracts the attention of active investors who bring funds into the county. The right solar producers are willing to work with existing farmers and ranchers to accommodate to the extent possible dual-use strategies for the land that is going under solar so that farming and ranching do not necessarily disappear when solar land is developed. And it allows farmers who do not have an exit strategy other than to sell their family's land or find one of the dwindling group of young farmers who might want to farm someone else's land to continue to generate real income, even if the land is no longer farmed.

I can't speak to all solar developers, but Innergex has been an excellent partner for the farming and ranching
community in Benton County without even having broken ground on its project. Thank you.

JUDGE GERARD: Thank you.

MS. GRANTHAM: The next speaker is Brendan Mercer.

JUDGE GERARD: If you are connecting remotely would you go ahead and turn yourself off mute and speak up, please?

Would you please read the name of the participant?

MS. GRANTHAM: Brendan Mercer.

JUDGE GERARD: Let's go ahead and move on to the next. We'll come back to him at the end.

MS. GRANTHAM: The next speaker is Jeanie Polehn.

JUDGE GERARD: And if you are connecting remotely, please take it off mute and go ahead and begin speaking.

(Inaudible).

MS. POLEHN: Thank you for allowing me to speak today. I'm Jeanie Polehn of Benton County, and we're talking about land use consistency. And the last time I checked -- can you hear me?

JUDGE GERARD: Can you drop the microphone down a little bit closer to your face?

MS. POLEHN: Thank you. I'm short.

JUDGE GERARD: Thank you.

MS. POLEHN: This is (inaudible). Here we go. Okay. Can you hear me now?
JUDGE GERARD: Yes.

MS. POLEHN: Okay. The last time I checked, I have not seen solar panels grow by themselves. Anybody around here seen solar panels spurt up out of the ground and stuff, start growing themselves? You know, I don't think that's an agricultural situation.

You know, we're talking about clean energy, okay, for our community. Well, what about the people over in China that are making those solar panels under slave labor? What about them producing all of that material using carbon materials? Fossil fuels. Is NIMBYism okay? I don't think that's okay. Also, the solar panels do have hazardous waste, and the batteries have hazardous waste. What -- why is that okay?

And with our -- I'm trying to think -- the cost of living going up 9.1 percent inflation, I find it hard to believe that it's going to cost what is listed online to decommission the facility. I know we need jobs, and I recognize that, but we also have to take care of our environment. And if we lose this for something that we haven't thought through, shame on us. That's all I have. Thank you.

JUDGE GERARD: Thank you.

MS. GRANTHAM: That was our last speaker, so we can go back to see if Brendan Mercer is online.

JUDGE GERARD: Let's go ahead and open it up to the --
those participating in person. Anyone else wish to speak on
the land use issue?
    Sir, go ahead.

MR. PENN: Again, my name is George Penn; I'm a Benton
County resident. And evidently there is a moratorium
suggested on projects like this by the Benton County
Commissioners. They are duly elected representatives of
Benton County and, you know, if that's where we're at with
this, we need to give this closer examination and let the
will of the people be determined instead of an agency from
the west side dictating to us how the land in Benton County
is going to be used.

    Again, I'm George Penn, Benton County resident.

JUDGE GERARD: Thank you.

    Sir.

MR. MELBAUER: Good evening, and thank you for your
time and listening to my comments. My name is Jim
Melbauer, and I am a resident of Benton County. And I
am in favor of this project, and I speak to that. I
think we need to diversify our energy portfolio, and
this is one way of doing it. I have solar panels at my
house and plan to add more, and I hope that's not
discouraged by Benton County to help eliminate that. So
I support this project, and I appreciate your time.

    Thank you.
JUDGE GERARD: Thank you.

Sir, go ahead.

MR. JENKIN: My name is Bill Jenkin; I'm a resident of Benton County. I'm here, much like the speaker two before, is that, you know, we went through this a little bit with the windmill project -- well, a lot with the windmill project coming through and went directly to your committee, and now -- now this is going directly to your committee.

I do understand what -- and I'm told what was enacted recently by the County to -- moratorium or whatever you want to call it that makes the project people want to get going and they feel that they can't get going going through the County because it could be a while so that -- so the next option is going to you.

I can see that thinking, but I think this is a long-term project, and I think something like this long-term needs to be decided by the County, not by a committee on the other side of the mountain. We need to have our own influence, and I know that that's a County decision. We have to work through that with the County, and that's what we intend to do.

We need to have our own voice. Appreciate what you're doing. Well, I guess I really don't, but I appreciate that you're all here going through what needs to be done at this point. But, please, let Benton County make the decision and
offer -- offer some type of response before your committee
gets involved. Thank you.

JUDGE GERARD: Thank you.

Anybody else currently in the facility wish to speak
before we go to the remote participants? Anyone who has
connected remotely wish to speak before we pass the baton
off to (inaudible)? Okay.

CHAIRMAN DREW: There is somebody.

JUDGE GERARD: Looks like Lorre Gefre.

MS. GEFRE: Yes, can you hear me?

JUDGE GERARD: We can, thank you.

MS. GEFRE: You can hear me now? Okay. I live
directly across from the Robert family. They are very
good neighbors and they have to figure out what works
best for their land. But what sometimes -- I feel bad
for the farmers -- and I will say it real quickly -- I
have been involved in not necessarily farming, but
agricultural research, observations, wildlife habitat
for many, many years. And we are destroying our
predators with the wind turbines and the different
things are being forced onto people where they don't
have a vote or a say anymore. The batter waste -- and
what's bad is, to me, is that the farmers don't always
know the consequences of what may happen to their land
if it returns back to them to use. Like the one
Republican woman spoke about the battery waste. What are we going to do about all this battery waste?

Again, I am not speaking against people doing what they want with their land, but I know that the counties also have ordinances that they need to follow and respect all people, as well.

So Washington State has had a big problem over many, many years of the declining aquifers. They have not enforced the water laws that are public waters. This puts farmers in a bad bind when their aquifers are rapidly disappearing and they keep their land, try to farm it and then the water is gone and it's worthless.

So how fair is this to the farmers? They have really been put in a bad spot and I see where the Robert family has been put in a bad spot like many. How do they continue when they don't know that they're going to have water to sell their land? We don't know that our water won't be polluted.

And we do have voracious storms out here at times, and they are very bad. The flooding can be very bad. There's very violent windstorms. I don't know how these solar panels work but I do know about the wildlife. And when it's disappearing, you are going to have a major problem with your predators gone, with moles, gophers, these things that -- badgers, things like that can't
keep living around all these things that are invading their territory to keep the habitat in somewhat of a balance. We're just being forced, like I said, without law -- mitigation means nothing. I have watched this. Nobody enforces the law. Once it's done, it's over. I have been in politics for a long time. And I'm not against the Robert family and I'm not against their land, but what I am against is what the state doesn't do and promises to do, and just like this, there's going to be big problems with all this waste -- battery waste, water pollution. What is the Robert family going to have in the end? These people sold on the idea that this is a great way to make money. It is, but what is their land going to be when it's all over? What's our earth going to be like when it's all over.

People matter. Wildlife matter. I have marks on my tree from deer. People let -- let people shoot the elk and deer. Then when they want something, then they just destroy it so they don't have a way to even migrate --

JUDGE GERARD: Ms. Gefre, I'm going to -- I'm going to just stop you there.

MS. GEFRE: Okay, I am done. Thank you. I have nothing against the Robert family, but --

JUDGE GERARD: We need to -- ma'am, hold on. We need to limit it to the land use of this particular project
with -- for this one as opposed to broader things as opposed to you --

MS. GEFRE:  Well, it is for this one, the Robert family.

JUDGE GERARD:  Just a moment, please. Please let me finish just so we know the parameters of what we are going with. I am going to ask that you limit your comments just to the land use of this project, as opposed to broader scopes of other legal activities or inconsistencies. Thank you.

MS. GEFRE:  Okay. Well, I had what I had to say. I feel the Robert family and many farmers are in a bad spot, because the Washington water laws aren't enforced. And I think that Benton County and all counties should have a say in what happens to their land use, working with the farmers, working with the people, and I am going to leave it in the hands of the people that make these decisions but --

JUDGE GERARD:  All right. Thank you, ma'am.

MS. GEFRE:  -- I don't think that people always know what they are getting into to.

JUDGE GERARD:  Three minutes, ma'am. We've gone past a lot of time. Thank you for your comments.

MS. GEFRE:  Thank you.

JUDGE GERARD:  Thank you, ma'am.
Any other participants? One last call, either remotely or in person, before we -- before we move on? All right.

CHAIRMAN DREW: Thank you all. This concludes our land use hearing. Thank you all for being here tonight both virtually and in person. The meeting is adjourned.

(Conclusion of meeting)
CERTIFICATE

STATE OF WASHINGTON

COUNTY OF KING

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings or legal recordings were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including changes, if any, made by the trial judge reviewing the transcript; that I received the electronic recording in the proprietary court format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2022.

/s/ Marjorie Jackson, CET