

Verbatim Transcript of Proceedings

Washington State Energy Facility Site Evaluation Council

August 16, 2022



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
LACEY, WASHINGTON
AUGUST 16, 2022
1:30 P.M.

VIRTUAL MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceedings

(All participants appeared via Teams)

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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

2 Councilmembers:

- 3 KATHLEEN DREW, Chair
4 STACEY BREWSTER, UTC
5 MIKE LIVINGSTON, Fish and Wildlife
6 LENNY YOUNG, Natural Resources

7 Local Government and Optional State Agencies
8 for the Horse Heaven Project:

- 9 DEREK SANDISON, Department of Agriculture
10 ED BROST, Benton County

11 Badger Mountain Project:

- 12 JORDYN GIULIO, Douglas County

13 Wautoma Solar Project:

- 14 DAVE SHARP, Benton County
15 PAUL GONSETH, Department of Transportation

16 Assistant Attorney General:

- 17 JON THOMPSON

18 Administrative Law Judges:

- 19 ADAM TOREM
20 LAURA BRADLEY
21 DAN GERARD

22 EFSEC Staff:

- 23 SONIA BUMPUS
24 AMY HAFKEMEYER
25 AMY MOON
JOE WOOD
STEW HENDERSON
JOAN OWENS
DAVE WALKER
ANDREA GRANTHAM

1 A P P E A R A N C E S (Cont.)

2
3 Also Present:

- 4 ERIC MELBARDIS, Kittitas Valley
5 JENNIFER GALBRAITH, Wild Horse
6 CHRIS SHERIN, Grays Harbor Energy
7 STEFANO SCHNITGER, Chehalis Generation Facility
8 MARSHALL SCHMITT, Columbia Generating Station
9 OWEN HURD, Columbia Solar
10 MEGAN SALLOMI, Counsel for The Environment
11 KAREN MCGAFFEY, GHE Counsel

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1 LACEY, WASHINGTON; AUGUST 16, 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: This is Kathleen Drew, Chair of
7 the Washington State Energy Facility Site Evaluation
8 Council, calling our August meeting to order.

9 Ms. Grantham, will you call the roll?

10 MS. GRANTHAM: Department of Commerce?

11 Department of Ecology?

12 Fish and Wildlife?

13 MR. LIVINGSTON: Mike Livingston, here.

14 MS. GRANTHAM: Department of Natural

15 Resources?

16 MR. YOUNG: Lenny Young, present.

17 MS. GRANTHAM: Utilities and Transportation

18 Commission?

19 MS. BREWSTER: Stacey Brewster, present.

20 MS. GRANTHAM: Local Government and Optional

21 State Agencies for the Horse Heaven Project, Department

22 of Agriculture?

23 MR. SHARP: Dave Sharp, present.

24 (Multiple speakers.)

25 MS. GRANTHAM: Oh, Dave, you are for Benton

1 County Wautoma Solar. I will get to you in a second.

2 MR. SHARP: Okay. Oh, that's right. Yep,
3 gotcha.

4 MS. GRANTHAM: For Horse Heaven, for Benton
5 County, Ed Brost?

6 MR. BROST: Ed Brost is here.

7 CHAIR DREW: I don't know if we heard
8 Department of Agriculture.

9 MR. SANDISON: Derek Sandison, present.

10 CHAIR DREW: Thank you.

11 MS. GRANTHAM: Thank you.

12 For the Badger Mountain Project, Douglas
13 County?

14 MS. GIULIO: Jordyn Giulio, present.

15 MS. GRANTHAM: For the Wautoma Solar
16 Project, Benton County, Dave Sharp?

17 MR. SHARP: Dave Sharp, present.

18 MS. GRANTHAM: Thank you.

19 Washington State Department of
20 Transportation?

21 MR. GONSETH: Paul Gonseth, present.

22 MS. GRANTHAM: The assistant attorney
23 general?

24 MR. THOMPSON: Jon Thompson, present.

25 MS. GRANTHAM: Administrative law judges,

1 Adam Torem?

2 JUDGE TOREM: Present.

3 MS. GRANTHAM: Laura Bradley?

4 JUDGE BRADLEY: Present.

5 MS. GRANTHAM: Dan Gerard?

6 JUDGE GERARD: Present.

7 MS. GRANTHAM: For EFSEC Staff, Sonia

8 Bumpus?

9 MS. BUMPUS: Present.

10 MS. GRANTHAM: Ami Hafkemeyer?

11 MS. HAFKEMEYER: Present.

12 MS. GRANTHAM: Amy Moon?

13 MR. HENDERSON: Amy Moon, present.

14 MS. GRANTHAM: Joe Wood?

15 MR. WOOD: Joe Wood, present.

16 MS. GRANTHAM: Patty Betts?

17 Stew Henderson?

18 MR. HENDERSON: Here.

19 MS. GRANTHAM: Joan Owens?

20 MS. OWENS: Here.

21 MS. GRANTHAM: Dave Walker?

22 MR. WALKER: Present.

23 MS. GRANTHAM: For the operational updates,

24 Kittitas Valley Wind Project?

25 MR. MELBARDIS: Eric Melbardis, present.

1 MS. GRANTHAM: Wild Horse Wind Power
2 Project?

3 MS. GALBRAITH: Jennifer Galbraith, present.

4 MS. GRANTHAM: Grays Harbor Energy Center?

5 MR. SHERIN: Chris Sherin is present.

6 MS. GRANTHAM: Chehalis Generation Facility?

7 MR. SCHNITGER: Stefano Schnitger, present.

8 MS. GRANTHAM: Columbia Generating Station?

9 MR. SCHMITT: Marshall Schmitt, present.

10 MS. GRANTHAM: Columbia Solar?

11 MR. HURD: Owen Hurd, present.

12 MS. GRANTHAM: And for the counsel for The
13 Environment?

14 MS. SALLOMI: This is Megan Sallomi,
15 present.

16 MS. GRANTHAM: Thank you.

17 Chair, there is a quorum for the regular
18 Council, for the Horse Heaven, Badger Mountain, and
19 Wautoma Councils. Thank you.

20 CHAIR DREW: Thank you.

21 Our next item is the proposed agenda. You
22 see it before us. Councilmembers, is there a motion to
23 adopt the proposed agenda?

24 MR. LIVINGSTON: This is Mike Livingston. I
25 propose to adopt the agenda as presented.

1 CHAIR DREW: Thank you.

2 Second?

3 MS. BREWSTER: Stacey Brewster, second.

4 CHAIR DREW: Thank you.

5 Any discussion?

6 All those in favor, signify by saying "aye."

7 COUNCILMEMBERS: Aye.

8 CHAIR DREW: Opposed?

9 Motion carries.

10 Moving on to the minutes. We have one set
11 of minutes before us today, and that's the meeting
12 minutes from July 19th, 2022. Is there a motion to
13 approve the meeting minutes for July 19th, 2022?

14 MS. BREWSTER: This is Stacey Brewster.
15 I'll move we approve the minutes from the
16 July 19th, 2022 meeting.

17 CHAIR DREW: Thank you.

18 Second?

19 MR. LIVINGSTON: Mike Livingston, second.

20 CHAIR DREW: Thank you. Before we vote, I
21 do have two corrections. On page 14, line 11, undated
22 should be updated. And same, on page 14 -- line 14,
23 pack, p-a-c-k, should be capital T, capital A, capital
24 C. I believe that's a TAC, a Technical Advisory
25 Committee meeting.

1 Those are the corrections I have. Are there
2 any other corrections?

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

5 COUNCILMEMBERS: Aye.

6 CHAIR DREW: Thank you.

7 All those opposed?

8 Minutes are approved.

9 Moving on to our operational updates.
10 Kittitas Valley Wind Project, Mr. Melbardis.

11 MR. MELBARDIS: Good afternoon, Chair Drew,
12 EFSEC Council, and Staff. This is Eric Melbardis with
13 EDP Renewables for the Kittitas Valley Wind Power
14 Project. We had nothing nonroutine to report for the
15 period.

16 CHAIR DREW: Thank you. I do have a
17 question, Mr. Melbardis.

18 MR. MELBARDIS: Yes?

19 CHAIR DREW: Recently, there have been some
20 fires, but I think quite a bit to the east of you in
21 Kittitas Valley; is that correct?

22 MR. MELBARDIS: Yes, that's correct. In
23 fact, I'm out pulled over on the side of the road in the
24 middle of where one of the fires came through just east
25 of Wild Horse. Did not affect any of our operations.

1 In fact, our smoke levels have not been high yet this
2 year.

3 CHAIR DREW: Okay. Thank you. Appreciate
4 it.

5 Moving on to Wild Horse Wind Power Project,
6 Ms. Galbraith.

7 MS. GALBRAITH: Yes. Thank you, Chair Drew,
8 Councilmembers, and Staff. For the record, this is
9 Jennifer Galbraith, representing Puget Sound Energy for
10 the Wild Horse Wind Facility. I have only one
11 nonroutine update for the month of July, and that is the
12 annual update for the Technical Advisory Committee. Due
13 to increasing COVID case counts, the annual update was
14 provided to TAC members via email.

15 In addition, there were no proposed actions
16 that required an in-person meeting or TAC decision. The
17 update was very brief and included the change of the
18 EFSEC TAC facilitator from Kyle Overton to Amy Moon. No
19 questions or comments were received from TAC members.

20 I also wanted to provide an update on the
21 Vantage Highway Fire.

22 CHAIR DREW: Thank you.

23 MS. GALBRAITH: Sounds like Eric is nearby.
24 The wildfire started on August 1st, shortly after 12:00
25 p.m. It started along the roadside of the Vantage

1 Highway just a couple of miles east of the Wild Horse
2 site entrance. It started during red flag weather
3 conditions. Warm temperatures with very low humidity
4 and strong winds combined to produce extreme fire
5 behavior.

6 Additional resources were required to
7 suppress the fire as it continued to grow rapidly. A
8 Washington State Department of Natural Resources Type
9 III incident management team took command of the fire on
10 August 4th and soon after transitioned to a type II
11 incident management team equipped with more resources.

12 A total of 154 fire personnel were
13 responding to the fire and using Wild Horse as a staging
14 area. The fire initially moved east toward the Columbia
15 River, then changed directions back west up the
16 drainages toward the wind farm. Some areas of the town
17 of Vantage were under level three evacuations but were
18 scaled back to level two in about an hour.

19 PSE self-evacuated site personnel from Wild
20 Horse and closed the visitor center.

21 The Quilomene and Whiskey Dick Wildlife Area
22 units within the L.T. Murray Wildlife Area located east
23 of the wind farm were temporarily closed to protect
24 public safety. And a total of 30,659 acres of shrub
25 step habitat was burned and one cabin and three

1 outbuildings were burned at Scammons Landing located on
2 the banks of the Columbia River.

3 The fire did reach the wind farm on the
4 eastern boundary and burned up to one of our turbine
5 access roads at which point fire personnel were able to
6 contain the fire. The gravel turbine access road acted
7 as a fire break preventing the fire from expanding
8 further.

9 Approximately 50 acres were burned within
10 the Wild Horse site boundary. There was no fire damage
11 to wind turbines or associated infrastructure. And as
12 of August 11th, the fire was a hundred percent
13 contained. And I believe the cause of the fire's under
14 investigation and still undetermined at this point.

15 CHAIR DREW: Thank you --

16 MS. GALBRAITH: And that's all.

17 CHAIR DREW: -- for the very complete
18 report.

19 Are there any questions from Councilmembers?

20 Okay. Thank you very much.

21 Moving on to the Chehalis Generation
22 Facility operational update, Stefano Schnitger?

23 MR. SCHNITGER: Good afternoon, Chair Drew,
24 Councilmembers, and Staff. Chehalis has nothing
25 nonroutine to report for the period.

1 CHAIR DREW: Thank you.

2 Moving on to the Grays Harbor Energy Center,
3 the operational update, Mr. Sherin?

4 MR. SHERIN: Good afternoon, Chair Drew,
5 Councilmembers, Staff. For the month of July, the only
6 nonroutine item I have to report is the -- that we
7 submitted our annual Relative Accuracy Test Audit test
8 plan and remedial Stack Test plan to EFSEC, and that's
9 actually underway as we speak.

10 CHAIR DREW: Thank you.

11 Moving on to our Greenhouse Gas Mitigation
12 Plan update, Ms. Bumpus?

13 MS. BUMPUS: Thank you. For the record, my
14 name is Sonia Bumpus.

15 Good afternoon, Chair Drew and
16 Councilmembers. I'm addressing the Council today to
17 discuss a request that EFSEC has received from our
18 certificate holder, Grays Harbor Energy, LLC, concerning
19 the Grays Harbor's facility obligation to mitigate
20 greenhouse gas emissions in light of the recent passage
21 of the Climate Commitment Act.

22 Karen McGaffey is here. She is the
23 certificate holder's legal counsel, and she'll be
24 introducing Grays Harbor's request. There is a copy of
25 Grays Harbor's written request in the Councilmembers'

1 packets. It's a letter dated June 6th, 2022, and I
2 believe it's Appendix 1 of the Staff memo.

3 Karen's introduction will be followed by
4 remarks from Jon Thompson, EFSEC's legal counsel. Jon
5 is planning to discuss some of the key takeaways from
6 EFSEC Staff's legal memo that was provided in an email
7 to Councilmembers for their review on August 5th, 2022.

8 After we go through these presentations, if
9 there aren't any other questions or if there are and
10 once we get past those questions, I'll proceed with
11 Staff's recommendation and a proposed action to act on
12 the request that we've received.

13 So with that, I will go ahead and hand this
14 over to Karen to begin the introduction for the request.

15 MS. MCGAFFEY: Thank you, Sonia.

16 Good afternoon, Chair Drew, Councilmembers,
17 and Staff. My name's Karen McGaffey, and I represent
18 Grays Harbor Energy, which, as you know, operates the
19 Grays Harbor Energy Center.

20 I'm here today to speak to you about
21 Washington's Climate Commitment Act and how that statute
22 relates to the Greenhouse Gas Mitigation Plan that
23 applies to the Grays Harbor Energy Center.

24 We provided EFSEC Staff with a letter dated
25 June 6th, and I know that that, along with the Staff

1 memorandum and a number of materials, are in your packet
2 today. I'm not going to repeat all of the details that
3 are in that large stack of documents, but I will try to
4 provide a brief summary to start us out.

5 EFSEC first permitted the Grays Harbor
6 Energy Project back in 1996. It was actually one of the
7 first projects I worked on as a then-young attorney.
8 Since then, EFSEC's amended the Site Certification
9 Agreement several times. An amendment in 2001 allowed
10 the Grays Harbor Energy to install larger turbines than
11 had originally been proposed, but it also required that
12 Grays Harbor Energy submit a Greenhouse Gas Mitigation
13 Plan before the facility came online. Grays Harbor
14 Energy did so, and the Council approved that mitigation
15 plan in 2003.

16 The mitigation plan was loosely based on a
17 requirement that was then in effect in Oregon and a
18 similar mitigation requirement that the Council then
19 imposed on another project.

20 I don't think there's any need to go into
21 the details of the plan at this point, but in very broad
22 terms, I'll explain that Grays Harbor Energy is required
23 to make a payment to the Climate Trust each year for the
24 first 30 years of its operation. The Climate Trust then
25 uses that money to finance various greenhouse gas offset

1 projects, and I believe your materials have a list of
2 those -- some of those projects in them.

3 The amount that Grays Harbor Energy is
4 required to pay under the plan is based on a calculation
5 that, in effect, has Grays Harbor Energy paying a price
6 per ton to offset a portion of its carbon emissions.

7 The 2001 and 2003 plan both predated any
8 comprehensive federal or state greenhouse gas mitigation
9 requirement. At the time the plan was approved, we also
10 assumed that a federal or state legislation would be
11 enacted at some point during the effect of the plan that
12 would establish a more comprehensive mitigation program.

13 So the Greenhouse Gas Mitigation Plan also
14 included a sunset provision to ensure that Grays Harbor
15 Energy would not be required to mitigate its missions --
16 its emissions, excuse me, multiple times under multiple
17 different programs.

18 At this point, I believe Grays Harbor Energy
19 is 15 years into that 30-year cycle of mitigation under
20 the plan, and it's paid more than \$5 million to The
21 Climate Trust to implement mitigation projects.

22 Last year, as you all know, the Washington
23 legislature enacted the Climate Commitment Act, which
24 required the development of an economy-wide carbon
25 cap-and-invest program. And the Department of Ecology

1 has been hard at work on various rulemakings to get that
2 program up and running. The program will take effect
3 January 1st, 2023.

4 The facilities that emit more than 25,000
5 tons of CO2 equivalent per year are covered by the
6 program, and they will be required to obtain allowances
7 for all of their emissions.

8 Grays Harbor Energy is required to comply
9 with the Climate Commitment Act, and under this
10 cap-and-invest program, an allowance will be required
11 for each ton of CO2 emissions from the Grays Harbor
12 Energy Center.

13 I think it's -- there's more detail about
14 this in the materials you have, but it's certainly fair
15 to say that this obligation under the Climate Commitment
16 Act will be much larger than the requirements of the
17 current mitigation plan.

18 Our request today is pretty simple. We
19 would like EFSEC to confirm that Grays Harbor Energy's
20 compliance with the Climate Commitment Act starting in
21 2023 will satisfy its obligation under the Greenhouse
22 Gas Mitigation Plan.

23 We hope you'll agree with the simple idea
24 that Grays Harbor Energy should not have to pay twice
25 for the same emissions. This is exactly the situation

1 in which the mitigation plan's sunset provision was
2 intended to come into play. Under the sunset provision,
3 Grays Harbor Energy should not be required to make
4 further payments to The Climate Trust as long as it
5 complies with the much more substantial Climate
6 Commitment Act.

7 So I think I'll stop there and, I think,
8 hand things over to Jon Thomas [sic], but I will be
9 happy to answer questions later if you have any. Thank
10 you.

11 CHAIR DREW: Thank you.

12 Mr. Thompson?

13 MR. THOMPSON: Yeah, thank you, Chair Drew.
14 So yeah, I -- I was trying to think of what to add here.
15 I think what I will focus on is sort of the operative
16 legal language in the -- in the documents to -- to --
17 for you to direct your attention to.

18 As you've heard, Grays Harbor Energy is
19 asking you to confirm that their obligations under their
20 Greenhouse Gas Mitigation Plan should be concluded.
21 There is language in their Site Certification Agreement
22 and in the language of the mitigation plan itself, which
23 is a Council-approved document from 2003. It was
24 approved by a Council vote at a -- at a meeting that
25 year. And we have as part of the packet the -- the

1 minutes of that meeting discussing -- discussing its
2 adoption.

3 So as Ms. McGaffey referred to, this was --
4 the occasion for adopting this plan was back in 2001
5 when -- well, let me -- let me step back from there.

6 In 1996, the -- the national gas turbine
7 was -- at the Satsop site was originally approved by the
8 Council by a Site Certification Agreement amendment.
9 And at that time, arguments were made by a counsel for
10 The Environment in favor of requiring greenhouse gas
11 mitigation. And at that time, the Council opted not to
12 do so for reasons that are -- that our outlined in our
13 memo. Mostly concerns with the expenses that would be
14 imposed on the facility operator.

15 But then, as Ms. McGaffey was referring to,
16 a few years later, in 2001, when an increase in the size
17 of the facility -- approval for an increase in the size
18 of the facility was requested, at that point, the
19 Council was ready to take a step toward requiring
20 mitigation of some portion of the facility's greenhouse
21 gases, and -- and -- and so required the preparation of
22 a plan.

23 It ended up requiring mitigation of -- you
24 know, by one document somewhere in the neighborhood of
25 21 percent of the emissions and through the payments to

1 the -- to The Climate Trust, which funds projects.

2 The question, though, is -- so in terms of
3 what you need to look at for this request, the language
4 of the plan itself, as I said, is relevant as is the
5 SCA. It talks about there's a preemption sunset
6 provision that says if new state or federal law imposes
7 requirements, you know, on the certificate holder's
8 limit mitigator offset greenhouse gases, you know, the
9 climate -- or the Council will try to, you know, get
10 credit or -- or to credit the certificate holder for
11 reductions they've already achieved.

12 That doesn't really apply here because there
13 really is no mechanism for that under the Climate
14 Commitment Act. But the language also says that if new
15 state or federal law preempts this mitigation plan, then
16 further obligations in the plan will terminate.

17 There's a kind of a -- it's sort of unclear
18 what "preempt" means, but there's kind of parallel
19 language in the Site Certification Agreement itself,
20 which refers in similar terms to comprehensive federal
21 or state mitigation program being implemented. I think
22 if you look at those together, what it's talking about
23 is, you know, if there's -- if that anticipated
24 comprehensive greenhouse gas legislation comes along,
25 then the idea was that this -- that this first step that

1 EFSEC was making toward greenhouse gas mitigation
2 requirements would conclude. And that, if possible,
3 that some credit would -- would be given to the -- to
4 the certificate holder. Although, as I said, that's not
5 really possible under the Climate Commitment Act.

6 So -- so turning to what the Climate
7 Commitment Act requires, basically it sets a -- a cap on
8 emissions from covered entities in the state of
9 Washington, which gets increasingly smaller, reducing by
10 90 percent by the year 2050. And covered entities are
11 required to purchase allowances, emissions allowances,
12 at auction, which will likely become increasingly more
13 valuable, therefore, more expensive over time.

14 There's -- the request from Grays Harbor
15 Energy predicts that they may be somewhere in the
16 neighborhood of 70 times more -- something like 70 times
17 more costly than what's required under the -- of Grays
18 Harbor Energy under its current mitigation plan.

19 The revenues that are generated by that
20 auction will be used by the State of Washington to
21 offset other sources of greenhouse gas emissions and to
22 mitigate the effects of -- of climate change on -- on
23 different communities.

24 So in that sense, they're broadly like --
25 like mitigation requirements that are required under

1 the -- the -- the current greenhouse gas mitigation
2 plan.

3 So, you know, in summary, we've concluded
4 that it is reasonable to -- to say that the Climate
5 Commitment Act is the --

6 [Zoom disconnection.]

7 MR. THOMPSON: So it's reasonable to
8 conclude the Climate Commitment Act is the type of
9 comprehensive or preemptive greenhouse gas legislation.
10 The Site Certification Agreement and the -- and the
11 Greenhouse Gas Mitigation Plan indicate would sunset or
12 conclude the certificate holder's obligations under that
13 plan.

14 And so as I was saying, and I think as
15 Ms. Bumpus will probably further explain, Staff's
16 recommendation is to have -- to have Staff prepare a
17 resolution for the Council's vote confirming that
18 conclusion. So I'll stop there.

19 CHAIR DREW: Thank you.

20 Ms. Bumpus?

21 MS. BUMPUS: Thank you, Chair Drew, and
22 thank you, Jon and Karen. Really appreciate your
23 presentations on this.

24 So just to kind of segue and picking up
25 where Jon left off, so based off of Staff's review of

1 the intent of the Climate Commitment Act, what we
2 understand about the -- its programmatic design and how
3 it's going to be implemented, we are finding, you know,
4 that the new law appears to be consistent with the type
5 of carbon reduction regulation that EFSEC was
6 forward-thinking about when -- when they drafted the
7 Greenhouse Gas Mitigation Plan with the sunset provision
8 that -- that Jon and Karen both talked about.

9 So with that, our recommendation, the
10 Staff's recommendation is the Council direct the Staff
11 to develop a resolution that would be voted on by the
12 Council at the next public meeting -- that would be the
13 September Council meeting -- confirming that Grays
14 Harbor Energy's purchase of allowances under the Climate
15 Commitment Act would satisfy the company's obligations
16 under its Greenhouse Gas Mitigation Plan that we had
17 approved in 2003.

18 CHAIR DREW: Thank you.

19 I'm going to ask Councilmembers if they have
20 questions, but I have a comment and a thought first.
21 One of the things I liked best about the explanation is
22 looking back to what the earlier Council did in being
23 thoughtful about the future and providing for different
24 options should there be future action.

25 I guess one of the things I'm curious about,

1 we don't really expect this to happen, but I -- I would
2 also like the Staff to think about including some
3 condition if that program, the Climate Commitment Act
4 program, would ever be reversed so that -- that we
5 continue an obligation if the obligation goes away.
6 Does that make sense?

7 MS. BUMPUS: Yes. Yes, Chair Drew. And we
8 can -- we can certainly draft some language for the
9 draft resolution to capture that, I think.

10 CHAIR DREW: Great.

11 For those of you also who are listening in
12 and watching, you can get all these documents on our
13 Council website and you can look at them yourselves.
14 And we will be providing an opportunity for comments in
15 writing based on the draft resolution. It will be out
16 before the next meeting. So for those of you who have
17 comments, that's when we'll be taking them. So look
18 forward to that, and you can always communicate with our
19 Staff to ask how to comment.

20 Other Councilmembers, do you have questions
21 for any of the presenters on this item? I see a hand,
22 but I don't see who it belongs to.

23 Oh, Mr. Young. Go ahead.

24 MR. YOUNG: Thank you, Chair Drew. I would
25 like to see the resolution also include a contingency

1 against any type of a delay that might occur following
2 January 1, '23, if the offset program, the mechanism
3 under the Climate Commitment Act, is not fully
4 operational -- and that might occur months or a year or
5 two later -- that Grays Harbor would continue to operate
6 under its mitigation plan until the CCA mechanism comes
7 online.

8 CHAIR DREW: Okay. Thank you.

9 Other comments or questions from
10 Councilmembers?

11 We do have somebody who is not muted who is
12 participating. If you'd please mute your computers and
13 phones, I'd appreciate it.

14 Hearing no other comments from
15 Councilmembers, is there a motion to direct the Staff to
16 develop a resolution to be voted on at our September
17 meeting confirming that the Grays Harbor Energy's
18 purchase of allowances under the Climate Commitment Act
19 will satisfy the company's obligations under the GHG
20 plan was that proved by EFSEC in 2003 and include the
21 two contingencies that we discussed today?

22 MR. YOUNG: Lenny Young, so moved.

23 CHAIR DREW: Thank you.

24 Second?

25 MR. LIVINGSTON: Mike Livingston, second.

1 CHAIR DREW: Thank you.

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

3 COUNCILMEMBERS: Aye.

4 CHAIR DREW: Opposed?

5 The motion is adopted.

6 Thank you all. And thank you to all the
7 presenters and to the Staff for the complete record and
8 documentation and work that went into this Council item.

9 Moving on to the Columbia Generating Station
10 and WNP-1/4, Felicia Najera-Paxton?

11 MR. SCHMITT: Good afternoon, Chair Drew,
12 EFSEC Council and Staff. For the record, this is
13 Marshall Schmitt reporting for Columbia Generating
14 Station and for the WNP-1/4. For July of this year, I
15 have three items to report on.

16 The first one, on July 11th, Energy
17 Northwest received approval from EFSEC to investigate
18 the tritium source that had been identified during the
19 commissioning of our new Surface Water Drinking
20 Facility, our treatment plant. The investigation was
21 set to begin in mid August.

22 We're about one week into it right now.
23 Once our investigation is concluded, we will furnish a
24 report to EFSEC that identifies the amounts of activity
25 of tritium that we found, a confirmation of the tritium

1 source, the potential to move the intake structures
2 downstream, and any information we have that we get by
3 coordinating with United States Department of Energy
4 upon our completion of the plan.

5 Our second item, on July 18th, we received a
6 letter from EFSEC that directs Energy Northwest to
7 repair or replace the runtime meters for two of our
8 large emergency diesel generators. They were identified
9 in April of this year as having a discrepancy in their
10 runtime recording due to their design. We are currently
11 conducting an engineering evaluation to determine the
12 feasibility of correcting those meters.

13 And finally, on July 21st, Energy Northwest
14 received a response to the CGS Air Source Registration
15 as a draft for years 2020 and 2021. The response was
16 accompanied by a Review Comment Record, and we're
17 utilizing that to respond to the comments and get them
18 back to EFSEC and Ecology.

19 Those are all of the updates I have for
20 July.

21 CHAIR DREW: Are there any questions --

22 Thank you.

23 Are there any questions from Councilmembers?

24 Okay. We look forward to further updates.

25 Moving on to the Columbia Solar Project,

1 Mr. Hurd?

2 MR. HURD: Good afternoon, Chair Drew,
3 Councilmembers, and EFSEC Staff. This is Owen Hurd from
4 TUUSSO Energy reporting on the Columbia Solar Project.

5 Penstemon is complete, currently
6 operational. No change from last month.

7 Camas is mechanically complete, but we're
8 still working through some issues with some breakers
9 that are tripping, which have been delaying substantial
10 completion. We're hoping to resolve it this week.

11 And then on Urtica, we're in the final
12 stages of the interconnection. We're working through
13 some transformer issues prior to energization. I think
14 we'll be at mechanical completion later this month and
15 then substantial completion the following September.

16 We've submitted our revised planting plans
17 to EFSEC Staff, Department of Ecology, and WDFW and
18 currently awaiting feedback and will be discussing this
19 further with the TAC next week. We're holding our
20 second meeting next Tuesday.

21 And then we will also be meeting with the
22 weed board shortly on site to talk through just routine
23 maintenance plans for weed control and others. So
24 that's it.

25 CHAIR DREW: Thank you. I had the fortunate

1 opportunity to walk through the Penstamon site last
2 week, and which was -- was great to see.

3 Couple of questions for you. Put you on the
4 spot. You did mention the weed control, and perhaps
5 there are some in the community who have questions about
6 that as well. So just to bring that up, what you're --
7 you have a plan that is in for review, and then as I
8 hear, you're also going to discuss it in a TAC meeting
9 next week?

10 MR. HURD: That's correct. Yeah. And so,
11 unfortunately, when you were there, the -- the skeleton
12 weeds were still standing. So yes, it made the site
13 look worse than it actually was because the weeds were
14 dead. But so we're --

15 CHAIR DREW: They were clearly dead, yes.

16 MR. HURD: Yeah. There was some discussion
17 around whether -- how long we needed to leave the
18 skeleton weeds there for it to really penetrate into the
19 roots. And anyway, there's just a little bit of growing
20 pains as we're kind of getting into the routine of when
21 exactly things need to be done. But I think we're going
22 to end up removing the skeleton weeds. There's some
23 additional weeds I think that we found that were not hit
24 on the western side of Camas that we're going to go back
25 and hit.

1 But -- but yeah, that's right. We've
2 submitted this revised planting plan because we've got
3 to get ground cover established especially on Penstamon
4 and the eastern side of Urtica. For now, alfalfa is
5 pretty good on Camas.

6 CHAIR DREW: Thank you and thanks for the
7 update on that.

8 My second question is, I was really pleased,
9 which I didn't -- I didn't know before or perhaps I
10 didn't read the details, that at Penstamon, two
11 megawatts of the power generated of the five, Puget
12 Sound Energy is including in its community solar
13 project. And I don't know if the community is aware of
14 that either, but I think that's a real value. So I
15 wanted to share that and ask if you have any comments on
16 that.

17 MR. HURD: Yeah, no, thanks. Yeah, it was
18 kind of an interesting, I guess, aspect to that project
19 as we essentially had to -- there was a program cap -- I
20 guess there was a cap on project size. And so we
21 essentially kind of created a subproject within the
22 larger project that kind of met the requirements of --
23 of the program. And now Puget Sound Energy is -- I
24 believe that's their first site, but I'm not a hundred
25 percent sure -- for this community solar program.

1 CHAIR DREW: But that goes directly into,
2 then, the Kittitas County community and the community
3 solar program?

4 MR. HURD: Yeah --

5 CHAIR DREW: We can find out more
6 information about it. Yeah.

7 MR. HURD: Yeah.

8 CHAIR DREW: And share that because I think
9 those details are important for the community to know as
10 well.

11 MR. HURD: Yeah, yeah. That's right.

12 CHAIR DREW: Okay. Thank you.

13 Moving on to our next item, the Horse Heaven
14 Wind Farm, Ms. Moon?

15 MR. HENDERSON: Good afternoon, Council
16 Chair Drew and Councilmembers. For the record, this is
17 Amy Moon, EFSEC Staff member, providing a State
18 Environmental Policy Act Update. We also shorten that
19 to SEPA. The update is for the Horse Heaven Wind
20 Project.

21 In July, EFSEC Staff continued reviewing and
22 refining the draft Environmental Impact Statement, and
23 we shorten that to be the draft EIS. This included
24 coordinating technical reviews with other Washington
25 State agencies with emphasis on cultural resources

1 including our dialogue and coordination with the
2 Department of Archaeology and Historic Preservation,
3 known as DAHP, the acronym DAHP, D-A-H-P, and the Yakima
4 Nation technical Staff.

5 So we're working closely with the state
6 agency, DAHP, and with the Yakima Nation, which is
7 definitely an interest -- interested party in this
8 project.

9 EFSEC Staff is focused on completing second
10 and final draft reviews, refinement of draft EIS
11 chapters, and the further development of proposed
12 minimization and mitigation opportunities.

13 Review and coordination with our consultant,
14 Golder, will continue until all sections of the draft
15 EIS is finalized and ready for compilation into a final
16 document.

17 Does the Council have any questions?

18 CHAIR DREW: Are there any questions from
19 Councilmembers?

20 MR. BROST: I just have one. This is Ed
21 Brost. Is there a timing on the draft being issued?

22 MS. MOON: So we are working on a revised
23 schedule, and I don't know if Ami Hafkemeyer has an
24 update on that. I do not have a revised schedule.
25 There is a lot of moving parts that need to come

1 together.

2 Ami, do you have anything to update the
3 Council on that?

4 MS. HAFKEMEYER: I don't -- thank you. For
5 the record, this is Ami Hafkemeyer. I don't have a
6 revised schedule that we can share at this time. We are
7 working with our contractor to -- to update the schedule
8 based on the remaining work and then to also account for
9 the time needed for making sure the -- the document
10 meets accessibility requirements and for printing and
11 distribution. We hope to have an updated working
12 schedule in the near future and we can share that.

13 CHAIR DREW: So we will share that between
14 Council meetings if -- when there's an update so
15 Councilmembers and the public will be aware of that.

16 MR. BROST: Super, thanks.

17 CHAIR DREW: Thank you.

18 Moving on --

19 MR. LIVINGSTON: Chair Drew?

20 CHAIR DREW: Go ahead.

21 MR. LIVINGSTON: This is Mike Livingston.
22 Just one question on the consultation with tribes. It
23 was mentioned that the Yakima Nation was being ~~CETA~~ ceded
24 consulted, which is good. Also that area is the ~~CETA~~ ceded
25 territory, parts of it is the ~~CETA~~ territory of the

1 Umatilla tribe as well. So I was just curious if
2 there's been some discussions with them just to make
3 sure all the due diligence is being covered?

4 CHAIR DREW: Ms. Bumpus or Ms. Hafkemeyer, I
5 know we contacted them at the beginning of the project.
6 Do you have additional information?

7 MS. HAFKEMEYER: Well, just a quick point of
8 clarification. We have reached out to the Umatilla. We
9 have not actually done government-to-government
10 consultation with the tribes to this point. We have had
11 our technical Staff working with their technical Staff.
12 But -- but actual consultation between the councils has
13 not been established yet.

14 We did receive feedback I believe earlier on
15 from the Umatilla, but I would have to go back and look
16 at what their comment letter said to know how far we are
17 in working through those comments.

18 Amy Moon might remember a little bit more of
19 the details, but I do know that we reached out to them
20 earlier on.

21 MS. MOON: Yeah, we did reach out to them
22 early on, and my recollection was they were wanting to
23 see the draft EIS to comment on that. And I don't know
24 anything beyond that point. I think that they were just
25 waiting to comment on the draft EIS when it all comes

1 together.

2 CHAIR DREW: Thank you.

3 So, Mr. Livingston, we will follow up and,
4 when the draft EIS is out, make sure that contact is
5 made again.

6 MR. LIVINGSTON: Great. Thank you.

7 CHAIR DREW: Moving on to the Goose Prairie
8 Solar update.

9 MR. WOOD: Hello. Good afternoon, Chair
10 Drew, EFSEC Council, and Staff. This is Joe Wood
11 providing the monthly update for the 80-megawatt Goose
12 Prairie Solar Project in Yakima County.

13 EFSEC Staff continues to work with
14 Brookfield, the owner of Goose Prairie, LLC on
15 preconstruction surveys and plans. Brookfield is
16 working on finalizing habitat conservation and
17 mitigation plans along with EFSEC and WDFW as well as
18 fine-tuning the cultural resources report and associated
19 unanticipated discovery plan with both DAHP and the
20 Yakima tribe.

21 EFSEC will continue to work with Brookfield
22 to obtain all of the required preconstruction and
23 construction plans and will update the Council on
24 progress at future meetings.

25 CHAIR DREW: Thank you.

1 MR. WOOD: That's it.

2 CHAIR DREW: Thank you. Any questions?

3 Okay. Moving on to Badger Mountain,
4 Ms. Hafkemeyer?

5 MS. HAFKEMEYER: Thank you, Chair Drew.

6 Good afternoon. For the record again, this is Ami
7 Hafkemeyer. Staff has reviewed the comments received by
8 the public during the 30-day SEPA scoping period that
9 was open from March 14th to April 12th, 2022. We
10 received 21 comments from public, State, local agencies,
11 and tribes.

12 Based on Staff's review and the
13 recommendations from our contractor, EFSEC has
14 identified five elements of the environment that will be
15 reviewed in the Environmental Impact Statement, or EIS,
16 with full discussions. These elements are water
17 resources wetlands, vegetation, wildlife and habitat,
18 historic and cultural resources, and transportation.

19 The remaining elements will be discussed in
20 the EIS with abbreviated discussions covering input from
21 our contracted agencies and Staff's review summarizing
22 impacts and proposed mitigation or noting why more study
23 is not warranted.

24 Staff are now working with the applicant and
25 our contractor to establish a working timeline for

1 drafting the EIS.

2 Are there any questions?

3 CHAIR DREW: Are there any questions on the
4 Badger Mountain Solar Energy Project?

5 Hearing none, thank you.

6 Whistling Ridge, Ami Hafkemeyer.

7 MS. HAFKEMEYER: Thank you. EFSEC Staff are
8 waiting for the certificate holder to submit the
9 remaining materials for the SCA amendment request, but
10 there are no further updates at this time. We will keep
11 the Council apprised as we receive more information.

12 CHAIR DREW: Thank you. And then on to High
13 Top and Ostrea, Ms. Hafkemeyer.

14 MS. HAFKEMEYER: Thank you. EFSEC Staff
15 continue to work with the applicant and contracted
16 agencies for our review as we work towards a SEPA
17 determination. We have initiated ongoing discussions
18 with the applicant and DFW in particular to identify
19 potential impacts and associated mitigation options for
20 habitat connectivity.

21 Are there any questions?

22 CHAIR DREW: Any questions?

23 Okay. Thank you.

24 And to the Wautoma Solar Project. First of
25 all, I would like to thank everybody who participated in

1 our public informational meeting and land use hearing
2 last week in person or via Microsoft Teams. And it was
3 the first meeting we did in a hybrid configuration. And
4 we have some lessons learned, particularly about being
5 able to film the speakers while they are speaking, which
6 I know was a frustration to several of those of you who
7 were watching from the Teams option virtually.

8 And I'm happy to say that our very talented
9 Andrea Grantham has combined the video that was taken in
10 the room from the camera on site, which much of the time
11 showed the videographer in the corner, but also has
12 taken the information from the videographer in order to
13 make a much better video of the meeting and is on the
14 Wautoma page. So for those of you who are interested in
15 watching the hearing in this better videographed way, it
16 is on our website.

17 But I really want to thank the Staff and
18 everybody who helped put that together because this is
19 new territory for us. So I think we're doing what we
20 can to make sure people can participate, and like I
21 said, we have lessons learned to improve in the future.
22 So we will take those and -- and improve going forward.

23 With that, turn over the update to Mr. Wood.

24 MR. WOOD: Yes, and thank you again. Good
25 afternoon, Chair Drew, EFSEC Council, and Staff. This

1 is, again, Joe Wood providing a monthly update for the
2 proposed 470-megawatt Wautoma Solar Project in Benton
3 County, Washington.

4 On August 8th, Innergex and EFSEC held a
5 public informational meeting in Benton County regarding
6 the project and in addition held a land use consistence
7 hearing.

8 EFSEC received 17 written comments and 15
9 spoken comments regarding the informational meeting and
10 one written comment and eight spoken comments regarding
11 the land use consistence hearing.

12 EFSEC Staff continues to work with Innergex
13 and relevant agencies to review the application and to
14 identify any data gaps or outstanding questions that
15 remain. EFSEC will continue to work with Innergex and
16 relevant agencies and will update the Council on
17 progress at future meetings.

18 Any questions?

19 CHAIR DREW: Thank you. Are there any
20 questions?

21 That concludes our business for today's
22 meeting. Thank you all for your participation, and we
23 look forward to our next meeting. And this meeting is
24 adjourned.

25 (Adjourned at 2:22 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

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



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358