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

(All participants appeared via Teams)

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APPEARANCES

Councilmembers:
KATHLEEN DREW, Chair
STACEY BREWSTER, UTC
MIKE LIVINGSTON, Fish and Wildlife
LENNY YOUNG, Natural Resources

Local Government and Optional State Agencies for the Horse Heaven Project:
DEREK SANDISON, Department of Agriculture
ED BROST, Benton County

Badger Mountain Project:
JORDYN GIULIO, Douglas County

Wautoma Solar Project:
DAVE SHARP, Benton County
PAUL GONSETH, Department of Transportation

Assistant Attorney General:
JON THOMPSON

Administrative Law Judges:
ADAM TOREM
LAURA BRADLEY
DAN GERARD

EFSEC Staff:
SONIA BUMPUS
AMY HAFKEMEYER
AMY MOON
JOE WOOD
STEW HENDERSON
JOAN OWENS
DAVE WALKER
ANDREA GRANTHAM
Also Present:

ERIC MELBARDIS, Kittitas Valley
JENNIFER GALBRAITH, Wild Horse
CHRIS SHERIN, Grays Harbor Energy
STEFANO SCHNITGER, Chehalis Generation Facility
MARSHALL SCHMITT, Columbia Generating Station
OWEN HURD, Columbia Solar
MEGAN SALLOMI, Counsel for The Environment
KAREN MCGAFFEY, GHE Counsel
LACEY, WASHINGTON; AUGUST 16, 2022

1:30 P.M.

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PROCEEDINGS

CHAIR DREW: This is Kathleen Drew, Chair of the Washington State Energy Facility Site Evaluation Council, calling our August meeting to order.

Ms. Grantham, will you call the roll?

MS. GRANTHAM: Department of Commerce?

Department of Ecology?

Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston, here.

MS. GRANTHAM: Department of Natural Resources?

MR. YOUNG: Lenny Young, present.

MS. GRANTHAM: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster, present.

MS. GRANTHAM: Local Government and Optional State Agencies for the Horse Heaven Project, Department of Agriculture?

MR. SHARP: Dave Sharp, present.

(Multiple speakers.)

MS. GRANTHAM: Oh, Dave, you are for Benton
County Wautoma Solar. I will get to you in a second.

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

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

MR. BROST: Ed Brost is here.

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

MR. SANDISON: Derek Sandison, present.

CHAIR DREW: Thank you.

MS. GRANTHAM: Thank you.

For the Badger Mountain Project, Douglas County?

MS. GIULIO: Jordyn Giulio, present.

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

MR. SHARP: Dave Sharp, present.

MS. GRANTHAM: Thank you.

Washington State Department of Transportation?

MR. GONSETH: Paul Gonseth, present.

MS. GRANTHAM: The assistant attorney general?

MR. THOMPSON: Jon Thompson, present.

MS. GRANTHAM: Administrative law judges,
JUDGE TOREM: Present.

MS. GRANTHAM: Laura Bradley?

JUDGE BRADLEY: Present.

MS. GRANTHAM: Dan Gerard?

JUDGE GERARD: Present.

MS. GRANTHAM: For EFSEC Staff, Sonia Bumpus?

MS. BUMPUS: Present.

MS. GRANTHAM: Ami Hafkemeyer?

MS. HAFKEMEYER: Present.

MS. GRANTHAM: Amy Moon?

MR. HENDERSON: Amy Moon, present.

MS. GRANTHAM: Joe Wood?

MR. WOOD: Joe Wood, present.

MS. GRANTHAM: Patty Betts?

Stew Henderson?

MR. HENDERSON: Here.

MS. GRANTHAM: Joan Owens?

MS. OWENS: Here.

MS. GRANTHAM: Dave Walker?

MR. WALKER: Present.

MS. GRANTHAM: For the operational updates, Kittitas Valley Wind Project?

MR. MELBARDIS: Eric Melbardis, present.
MS. GRANTHAM: Wild Horse Wind Power Project?

MS. GALBRAITH: Jennifer Galbraith, present.

MS. GRANTHAM: Grays Harbor Energy Center?

MR. SHERIN: Chris Sherin is present.

MS. GRANTHAM: Chehalis Generation Facility?

MR. SCHNITGER: Stefano Schnitger, present.

MS. GRANTHAM: Columbia Generating Station?


MS. GRANTHAM: Columbia Solar?

MR. HURD: Owen Hurd, present.

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

MS. SALLOMI: This is Megan Sallomi, present.

MS. GRANTHAM: Thank you.

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

CHAIR DREW: Thank you.

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

MR. LIVINGSTON: This is Mike Livingston. I propose to adopt the agenda as presented.
CHAIR DREW: Thank you.
Second?

MS. BREWSTER: Stacey Brewster, second.

CHAIR DREW: Thank you.

Any discussion?

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

COUNCILMEMBERS: Aye.

CHAIR DREW: Opposed?

Motion carries.

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

MS. BREWSTER: This is Stacey Brewster.

I'll move we approve the minutes from the July 19th, 2022 meeting.

CHAIR DREW: Thank you.

Second?

MR. LIVINGSTON: Mike Livingston, second.

CHAIR DREW: Thank you. Before we vote, I do have two corrections. On page 14, line 11, undated should be updated. And same, on page 14 -- line 14, pack, p-a-c-k, should be capital T, capital A, capital C. I believe that's a TAC, a Technical Advisory Committee meeting.
Those are the corrections I have. Are there any other corrections?

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

COUNCILMEMBERS: Aye.

CHAIR DREW: Thank you.

All those opposed?

Minutes are approved.

Moving on to our operational updates.

Kittitas Valley Wind Project, Mr. Melbardis.

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

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

MR. MELBARDIS: Yes?

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

MR. MELBARDIS: Yes, that's correct. In fact, I'm out pulled over on the side of the road in the middle of where one of the fires came through just east of Wild Horse. Did not affect any of our operations.
In fact, our smoke levels have not been high yet this year.

CHAIR DREW: Okay. Thank you. Appreciate it.

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

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

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

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

CHAIR DREW: Thank you.

MS. GALBRAITH: Sounds like Eric is nearby.

The wildfire started on August 1st, shortly after 12:00 p.m. It started along the roadside of the Vantage
Highway just a couple of miles east of the Wild Horse site entrance. It started during red flag weather conditions. Warm temperatures with very low humidity and strong winds combined to produce extreme fire behavior.

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

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

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

The Quilomene and Whiskey Dick Wildlife Area units within the L.T. Murray Wildlife Area located east of the wind farm were temporarily closed to protect public safety. And a total of 30,659 acres of shrub step habitat was burned and one cabin and three
outbuildings were burned at Scammons Landing located on the banks of the Columbia River. The fire did reach the wind farm on the eastern boundary and burned up to one of our turbine access roads at which point fire personnel were able to contain the fire. The gravel turbine access road acted as a fire break preventing the fire from expanding further.

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

CHAIR DREW: Thank you --

MS. GALBRAITH: And that's all.

CHAIR DREW: -- for the very complete report.

Are there any questions from Councilmembers?

Okay. Thank you very much.

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

MR. SCHNITGER: Good afternoon, Chair Drew, Councilmembers, and Staff. Chehalis has nothing nonroutine to report for the period.
CHAIR DREW: Thank you.

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

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

CHAIR DREW: Thank you.

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

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

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

Karen McGaffey is here. She is the certificate holder's legal counsel, and she'll be introducing Grays Harbor's request. There is a copy of Grays Harbor's written request in the Councilmembers'
packets. It's a letter dated June 6th, 2022, and I believe it's Appendix 1 of the Staff memo.

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

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

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

MS. MCGAFFEY: Thank you, Sonia.

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

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

We provided EFSEC Staff with a letter dated June 6th, and I know that that, along with the Staff
memorandum and a number of materials, are in your packet today. I'm not going to repeat all of the details that are in that large stack of documents, but I will try to provide a brief summary to start us out.

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

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

I don't think there's any need to go into the details of the plan at this point, but in very broad terms, I'll explain that Grays Harbor Energy is required to make a payment to the Climate Trust each year for the first 30 years of its operation. The Climate Trust then uses that money to finance various greenhouse gas offset
projects, and I believe your materials have a list of
those -- some of those projects in them.

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

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

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

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

Last year, as you all know, the Washington
legislature enacted the Climate Commitment Act, which
required the development of an economy-wide carbon
cap-and-invest program. And the Department of Ecology
has been hard at work on various rulemakings to get that program up and running. The program will take effect January 1st, 2023.

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

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

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

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

We hope you'll agree with the simple idea that Grays Harbor Energy should not have to pay twice for the same emissions. This is exactly the situation
in which the mitigation plan's sunset provision was intended to come into play. Under the sunset provision, Grays Harbor Energy should not be required to make further payments to The Climate Trust as long as it complies with the much more substantial Climate Commitment Act.

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

CHAIR DREW: Thank you.

Mr. Thompson?

MR. THOMPSON: Yeah, thank you, Chair Drew.

So yeah, I -- I was trying to think of what to add here. I think what I will focus on is sort of the operative legal language in the -- in the documents to -- to -- for you to direct your attention to.

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

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

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

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

It ended up requiring mitigation of -- you know, by one document somewhere in the neighborhood of 21 percent of the emissions and through the payments to
the -- to The Climate Trust, which funds projects.

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

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

There's a kind of a -- it's sort of unclear what "preempt" means, but there's kind of parallel language in the Site Certification Agreement itself, which refers in similar terms to comprehensive federal or state mitigation program being implemented. I think if you look at those together, what it's talking about is, you know, if there's -- if that anticipated comprehensive greenhouse gas legislation comes along, then the idea was that this -- that this first step that
EFSEC was making toward greenhouse gas mitigation requirements would conclude. And that, if possible, that some credit would -- would be given to the -- to the certificate holder. Although, as I said, that's not really possible under the Climate Commitment Act.

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

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

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

So in that sense, they're broadly like -- like mitigation requirements that are required under
the -- the -- the current greenhouse gas mitigation plan.

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

[Zoom disconnection.]

MR. THOMPSON: So it's reasonable to conclude the Climate Commitment Act is the type of comprehensive or preemptive greenhouse gas legislation.

The Site Certification Agreement and the -- and the Greenhouse Gas Mitigation Plan indicate would sunset or conclude the certificate holder's obligations under that plan.

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

CHAIR DREW: Thank you.

Ms. Bumpus?

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

So just to kind of segue and picking up where Jon left off, so based off of Staff's review of
the intent of the Climate Commitment Act, what we understand about the -- its programmatic design and how it's going to be implemented, we are finding, you know, that the new law appears to be consistent with the type of carbon reduction regulation that EFSEC was forward-thinking about when -- when they drafted the Greenhouse Gas Mitigation Plan with the sunset provision that -- that Jon and Karen both talked about.

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

CHAIR DREW: Thank you.

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

I guess one of the things I'm curious about,
we don't really expect this to happen, but I -- I would also like the Staff to think about including some condition if that program, the Climate Commitment Act program, would ever be reversed so that -- that we continue an obligation if the obligation goes away. Does that make sense?

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

CHAIR DREW: Great.

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

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

Oh, Mr. Young. Go ahead.

MR. YOUNG: Thank you, Chair Drew. I would like to see the resolution also include a contingency
against any type of a delay that might occur following January 1, ’23, if the offset program, the mechanism under the Climate Commitment Act, is not fully operational -- and that might occur months or a year or two later -- that Grays Harbor would continue to operate under its mitigation plan until the CCA mechanism comes online.

CHAIR DREW: Okay. Thank you.

Other comments or questions from Councilmembers?

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

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

MR. YOUNG: Lenny Young, so moved.

CHAIR DREW: Thank you.

Second?

MR. LIVINGSTON: Mike Livingston, second.
CHAIR DREW: Thank you.

All those in favor, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: Opposed?

The motion is adopted.

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

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

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

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

We're about one week into it right now.

Once our investigation is concluded, we will furnish a report to EFSEC that identifies the amounts of activity of tritium that we found, a confirmation of the tritium
source, the potential to move the intake structures
downstream, and any information we have that we get by
coordinating with United States Department of Energy
upon our completion of the plan.

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

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

Those are all of the updates I have for
July.

CHAIR DREW: Are there any questions --
Thank you.

Are there any questions from Councilmembers?
Okay. We look forward to further updates.
Moving on to the Columbia Solar Project,
Mr. Hurd?

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

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

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

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

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

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

CHAIR DREW: Thank you. I had the fortunate
opportunity to walk through the Penstamon site last week, and which was -- was great to see.

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

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

CHAIR DREW: They were clearly dead, yes.

MR. HURD: Yeah. There was some discussion around whether -- how long we needed to leave the skeleton weeds there for it to really penetrate into the roots. And anyway, there's just a little bit of growing pains as we're kind of getting into the routine of when exactly things need to be done. But I think we're going to end up removing the skeleton weeds. There's some additional weeds I think that we found that were not hit on the western side of Camas that we're going to go back and hit.
But -- but yeah, that's right. We've submitted this revised planting plan because we've got to get ground cover established especially on Penstamon and the eastern side of Urtica. For now, alfalfa is pretty good on Camas.

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

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

MR. HURD: Yeah, no, thanks. Yeah, it was kind of an interesting, I guess, aspect to that project as we essentially had to -- there was a program cap -- I guess there was a cap on project size. And so we essentially kind of created a subproject within the larger project that kind of met the requirements of -- of the program. And now Puget Sound Energy is -- I believe that's their first site, but I'm not a hundred percent sure -- for this community solar program.
CHAIR DREW: But that goes directly into, then, the Kittitas County community and the community solar program?

MR. HURD: Yeah --

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

MR. HURD: Yeah.

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

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

CHAIR DREW: Okay. Thank you.

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

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

In July, EFSEC Staff continued reviewing and refining the draft Environmental Impact Statement, and we shorten that to be the draft EIS. This included coordinating technical reviews with other Washington State agencies with emphasis on cultural resources
including our dialogue and coordination with the Department of Archaeology and Historic Preservation, known as DAHP, the acronym DAHP, D-A-H-P, and the Yakima Nation technical Staff.

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

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

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

Does the Council have any questions?

CHAIR DREW: Are there any questions from Councilmembers?

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

MS. MOON: So we are working on a revised schedule, and I don't know if Ami Hafkemeyer has an update on that. I do not have a revised schedule.

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
ceded
24 consulted, which is good. Also that area is the CETA
ceded
territory, parts of it is the CETA territory of the
Umatilla tribe as well. So I was just curious if there's been some discussions with them just to make sure all the due diligence is being covered?

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

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

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

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

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

CHAIR DREW: Thank you.

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

MR. LIVINGSTON: Great. Thank you.

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

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

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

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

CHAIR DREW: Thank you.
MR. WOOD: That's it.

CHAIR DREW: Thank you. Any questions?

Okay. Moving on to Badger Mountain,

Ms. Hafkemeyer?

MS. HAFKEMEYER: Thank you, Chair Drew.

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

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

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

Staff are now working with the applicant and our contractor to establish a working timeline for
drafting the EIS.

Are there any questions?

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

Hearing none, thank you.

Whistling Ridge, Ami Hafkemeyer.

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

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

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

Are there any questions?

CHAIR DREW: Any questions?

Okay. Thank you.

And to the Wautoma Solar Project. First of all, I would like to thank everybody who participated in
our public informational meeting and land use hearing
last week in person or via Microsoft Teams. And it was
the first meeting we did in a hybrid configuration. And
we have some lessons learned, particularly about being
able to film the speakers while they are speaking, which
I know was a frustration to several of those of you who
were watching from the Teams option virtually.

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

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

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

MR. WOOD: Yes, and thank you again. Good
afternoon, Chair Drew, EFSEC Council, and Staff. This
is, again, Joe Wood providing a monthly update for the proposed 470-megawatt Wautoma Solar Project in Benton County, Washington.

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

EFSEC received 17 written comments and 15 spoken comments regarding the informational meeting and one written comment and eight spoken comments regarding the land use consistency hearing.

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

Any questions?

CHAIR DREW: Thank you. Are there any questions?

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

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

STATE OF WASHINGTON
COUNTY OF THURSTON

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

Tayler Garlinghouse, CCR 3358