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April 17, 2024

WA State Energy Facility Site Evaluation Council v.

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

April 17, 2024

Lacey, Washington

Reporter: John M.S. Botelho, CCR, RPR

1 APPEARANCES

2 STATE AGENCY MEMBERS:

3 Kathleen Drew, Chair

4 Elizabeth Osborne, Department of Commerce (*)

5 Eli Levitt, Department of Ecology (*)

6 Mike Livingston, Dept. of Fish and Wildlife (*)

7 Lenny Young, Department of Natural Resources (*)

8 Stacey Brewster,
9 Utilities & Transportation Commission (*)

10
11 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

12 Horse Heaven:

13 Ed Brost, Benton County (*)

14 Badger Mountain:

15 Jordyn Guilio, Douglas County (*)

16 Wautoma Solar:

17 Dave Sharp, Benton County (*)

18 Carriger Solar:

19 Matt Chiles, Klickitat County (*)

20
21 ASSISTANT ATTORNEY GENERAL:

22 Jon Thompson

23 Jenna Slocum (*)

24 Zack Packer (*)

25

1 APPEARANCES (Continuing)

2 ADMINISTRATIVE LAW JUDGE:

3 (No administrative law judges present.)
4

5 COUNCIL STAFF:

6 Sonia Bumpus John Barnes (*)
7 Ami Hafkemeyer Joanne Snarski (*)
8 Amy Moon (*) Alex Shiley (*)
9 Stew Henderson (*) Karl Holappa (*)
10 Joan Owens (*) Maria Belkina (*)
11 Andrea Grantham Lisa McLean (*)
12 Dave Walker Adrienne Barker (*)
13 Sonja Skavland (*) Catherine Taliaferro (*)
14 Sara Randolph (*) Alondra Zalewski (*)
15 Sean Greene (*) Sairy Reyes (*)
16 Lance Caputo
17

18 OPERATIONAL UPDATES:

19 Sara Randolph (*)
20 Grays Harbor Energy Center, Grays Harbor Energy
21 Denis Mehinagic (*)
22 Columbia Generating Station & WNP-1/4, Energy
Northwest
23 Ethan Sanford (*)
24 Goose Prairie Solar, Brookfield Renewable
25

1 APPEARANCES (Continuing)

2 COUNSEL FOR THE ENVIRONMENT:

3 Sarah Reyneveld (*)

4 Yuriy Korol (*)

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21
22 (*) indicates remote attendee

23
24 Note: All attendees listed above have been
25 verified as being present despite some
having been omitted from the oral roll call.

MEETING INDEX	
EVENT:	PAGE NO.
Call to order	7
Roll call	7
Proposed agenda	12
Minutes	
3/20/2024 Monthly Council Meeting	12
Projects	
Kittitas Valley Wind Project	14
Wild Horse Wind Power Project	14
Chehalis Generation Facility	14
Grays Harbor Energy Center	15
Columbia Solar	15
Columbia Generating Station & WNP-1/4	15
Goose Prairie Solar	16
High Top and Ostrea	18
Whistling Ridge	18
Badger Mountain	18
Wautoma Solar	19
Hop Hill Solar	20
Carriger Solar	21
Horse Heaven Wind Farm	23
Wallula Gap	45
Fourth-quarter cost allocation	47

MEETING INDEX (Continuing)

EVENT :	PAGE NO.
Employee updates	
New-employee introduction of Alondra Zalewski	48
New-employee introduction of Sairy Reyes	48
Adjournment	48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
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1 BE IT REMEMBERED that on Wednesday,
2 April 17, 2024, at 621 Woodland Square Loop
3 Southeast, Lacey, Washington, at 1:31 p.m., the
4 following Monthly Meeting of the Washington State
5 Energy Facility Site Evaluation Council was held, to
6 wit:

7
8 <<<<<< >>>>>>

9
10 CHAIR DREW: Good afternoon. This
11 is Kathleen Drew, Chair of the Energy Facility Site
12 Evaluation Council, calling today's meeting to order.

13 For our EFSEC staff, we are calling roll a little
14 bit differently going forward. So if your name is
15 not called, it's because your name is not on the
16 agenda. But we appreciate you-all being here.

17 Ms. Grantham, will you call the roll.

18 MS. GRANTHAM: Certainly. Thank
19 you, Chair Drew.

20 Department of Commerce.

21 MS. OSBORNE: Elizabeth Osborne,
22 present.

23 MS. GRANTHAM: Department of
24 Ecology.

25 Department of Fish and Wildlife.

1 MR. LIVINGSTON: Mike Livingston,
2 present.

3 MS. GRANTHAM: Department of
4 Natural Resources.

5 MR. YOUNG: Lenny Young, present.

6 MS. GRANTHAM: Utilities and
7 Transportation Commission.

8 MS. BREWSTER: Stacey Brewster,
9 present.

10 MS. GRANTHAM: For local government
11 and optional State agencies:

12 For the Horse Heaven project, for Benton County,
13 Ed Brost.

14 I do understand that I saw Mr. Brost -- oh. Go
15 ahead. Was that Mr. Brost?

16 I will move on.

17 For Badger Mountain, Douglas County, Jordyn
18 Guilio.

19 MS. GUILIO: Jordyn Guilio,
20 present.

21 MS. GRANTHAM: Wautoma Solar:
22 Benton County, Dave Sharp.

23 MR. SHARP: Dave Sharp, present.

24 MS. GRANTHAM: Washington State
25 Department of Transportation, Paul Gonseth.

1 For Hop Hill Solar: For Benton County, Paul
2 Krupin.

3 For Carriger Solar: For Klickitat County, Matt
4 Chiles.

5 MR. CHILES: Chiles.

6 MS. GRANTHAM: For Wallula Gap:
7 For Benton County, Adam Fyall.

8 Assistant attorney generals: Jon Thompson.

9 MR. TOMPSON: Jon Thompson,
10 present.

11 MS. GRANTHAM: Jenna Slocum.

12 MS. SLOCUM: Present.

13 MS. GRANTHAM: Zack Packer.

14 MR. PACKER: Present.

15 MS. GRANTHAM: And do we have any
16 administrative law judges present today?

17 For Council staff: Sonia Bumpus.

18 MS. BUMPUS: Present.

19 MS. GRANTHAM: Ami Hafkemeyer.

20 MS. HAFKEMEYER: Present.

21 MS. GRANTHAM: Amy Moon.

22 MS. MOON: Amy Moon, present.

23 MS. GRANTHAM: Sara Randolph.

24 MS. RANDOLPH: Present.

25 MS. GRANTHAM: Sean Greene.

1 MR. GREENE: Present.

2 MS. GRANTHAM: Lance Caputo.

3 MR. CAPUTO: Present.

4 CHAIR DREW: John Barnes.

5 MR. BARNES: Present.

6 MS. GRANTHAM: Joanne Snarski.

7 MS. SNARSKI: Present.

8 MS. GRANTHAM: Catherine
9 Taliaferro.

10 MS. TALIAFERRO: Present.

11 MS. GRANTHAM: Alondra Zalewski.

12 MS. ZALEWSKI: Present.

13 MS. GRANTHAM: Sairy Reyes.

14 MS. REYES: Present.

15 MS. GRANTHAM: Moving on to
16 operational updates: Kittitas Valley wind.

17 MR. CASEDAY: Jarred Caseday,
18 present.

19 MS. GRANTHAM: Wild Horse Wind
20 Power Project.

21 MS. GALBRAITH: Jennifer Galbraith,
22 present.

23 MS. GRANTHAM: Grays Harbor Energy
24 Center.
25 Chehalis Generation Facility.

1 MR. SMITH: Jeremy Smith, present.

2 MS. GRANTHAM: Columbia Generating
3 Station.

4 MR. MEHINAGIC: Denis Mehinagic,
5 present.

6 MS. GRANTHAM: Columbia Solar.

7 MR. CUSHING: Thomas Cushing,
8 present.

9 MS. GRANTHAM: Goose Prairie Solar.

10 MR. SANFORD: Ethan Sanford,
11 present.

12 MS. GRANTHAM: And do we have
13 anyone present for the counsel for the environment?

14 MS. REYNEVELD: Yes. Sarah
15 Reyneveld and Yuriy Korol are present.

16 MS. GRANTHAM: Thank you.

17 Chair Drew, would you like me to go back to make
18 sure that Mr. Brost is on the line?

19 CHAIR DREW: Yes, please.

20 MS. GRANTHAM: Okay. Going back to
21 Horse Heaven, for Benton County: Ed Brost, are you
22 present?

23 Okay. Chair Drew, there is a quorum for all of
24 the councils. Thank you.

25 CHAIR DREW: Thank you.

1 Moving forward with our agenda. You have all
2 seen the -- Council members, you have all seen the
3 draft agenda.

4 Is there a motion to adopt the draft agenda?

5 MR. YOUNG: Lenny Young. So moved.

6 CHAIR DREW: Thank you.

7 Second?

8 MR. LIVINGSTON: Mike Livingston.

9 MS. OSBORNE: Elizabeth --

10 MR. LIVINGSTON: Second.

11 MS. OSBORNE: -- Osborne. Second.

12 CHAIR DREW: There were two people.

13 I didn't hear which.

14 MR. LIVINGSTON: Mike Livingston.

15 Second.

16 CHAIR DREW: Thank you,

17 Mr. Livingston.

18 Any discussion?

19 All those in favor of adopting the proposed
20 agenda, please say "aye."

21 MULTIPLE SPEAKERS: Aye.

22 CHAIR DREW: Opposed?

23 Motion carries. The agenda is adopted.

24 Moving on to approval of the meeting minutes.

25 You see the meeting minutes in front of you, Council.

1 Is there a motion to approve the draft meeting
2 minutes?

3 MS. OSBORNE: Elizabeth Osborne.
4 So moved.

5 CHAIR DREW: Okay. Thank you,
6 Ms. Osborne.

7 Is there a second?

8 MS. BREWSTER: Stacey Brewster.
9 Second.

10 CHAIR DREW: Thank you.

11 I did not find any corrections for the minutes
12 this month.

13 Is there anyone who has any corrections or edits?
14 Hearing none.

15 All those in favor of approving the meeting
16 minutes, please say "aye."

17 MULTIPLE SPEAKERS: Aye.

18 CHAIR DREW: Opposed?

19 The minutes are approved.

20 Before we move on to our -- our updates,
21 operational updates, I'd like to ask any of the
22 Council members who were called: If you are on the
23 line and heard your name called, can you please
24 respond in the chat that you are, in fact, present at
25 the meeting. Thank you.

1 Kittitas Valley wind project. Mr. Caseday.

2 MR. CASEDAY: Good afternoon, Chair
3 Drew, EFSEC Council, and staff. This is Jarred
4 Caseday with EDP Renewables for the Kittitas Valley
5 wind project.

6 We had nothing nonroutine to report for the
7 period.

8 CHAIR DREW: Thank you.

9 MR. CASEDAY: Thank you.

10 CHAIR DREW: Wild Horse Wind Power
11 Project. Ms. Galbraith.

12 MS. GALBRAITH: Yes. Thank you,
13 Chair Drew, Council, and EFSEC staff. For the
14 record, this is Jennifer Galbraith with Puget Sound
15 Energy representing the Wild Horse wind facility.

16 I have no nonroutine updates for the month of
17 March.

18 CHAIR DREW: Thank you.

19 Chehalis Generation Facility. Mr. Smith.

20 MR. SMITH: Good afternoon, Chair
21 Drew, Council members, and staff. This is Jeremy
22 Smith, the operations manager representing the
23 Chehalis Generation Facility.

24 I do not have anything nonroutine to note for the
25 month of March.

1 CHAIR DREW: Thank you.

2 MR. SMITH: Any questions?

3 CHAIR DREW: Thank you.

4 Grays Harbor Energy Center. I did not hear

5 Mr. Sherin on the roll call.

6 Ms. Randolph, do you have the update?

7 MS. RANDOLPH: I do. Thank you,

8 Chair Drew and Council members. For the record, this

9 is Sara Randolph, site specialist, for Grays Harbor.

10 Staff wanted to do a final prep for the

11 application for modification for the air operating

12 permit, or the AOP, ahead of the comment period to

13 make sure the document and notices were ready prior

14 to the Council for public comment. A national

15 pollutant discharge elimination system, NPDS, permit

16 is under review. There are no other updates to

17 report at this time.

18 CHAIR DREW: Thank you.

19 Columbia Solar. Mr. Cushing.

20 MR. CUSHING: Good afternoon, Chair

21 Drew, Council members, EFSEC staff. This is Thomas

22 Cushing speaking on behalf of Columbia Solar.

23 There are no nonroutine updates to report.

24 CHAIR DREW: Thank you.

25 Columbia Generating Station. Mr. Mehinagic.

1 MR. MEHINAGIC: Good afternoon,
2 Chair Drew and Council members. This is Denis
3 Mehinagic on behalf of Columbia Generating Station --

4 CHAIR DREW: Sorry.

5 MR. MEHINAGIC: -- and Washington
6 Nuclear Projects 1 and 4.

7 I do have a small update under environmental
8 compliance. Following the March 6, 2024, total
9 residual halogen maximum daily discharge summit
10 exceedance, Energy Northwest submitted a 5-Day
11 Discharge Noncompliance Report to the Energy Facility
12 Site Evaluation Council. An internal evaluation of
13 the halogenation/dehalogenation system malfunction
14 driven by the station's Corrective Action Program is
15 nearing completion. Energy Northwest will provide an
16 update to EFSEC once the evaluation is finalized.

17 That's all I had.

18 CHAIR DREW: Thank you,
19 Mr. Mehinagic.

20 Are there any other questions from Council
21 members?

22 Okay. Thank you.

23 Moving on to the Goose Prairie Solar project
24 update.

25 MR. SANFORD: Yes.

1 CHAIR DREW: Mr. Sanford.

2 MR. SANFORD: Yes.

3 Yeah, good afternoon, Chair Drew, EFSEC Council,
4 and staff. This is Ethan Sanford, project manager,
5 filling in for Jacob Crist on behalf of Brookfield
6 Renewable. I'll be providing the Goose Prairie Solar
7 project update.

8 The project is on -- currently on schedule. As
9 far as things go, we're installing perimeter fencing.
10 Substation fen- -- or the perimeter fencing is
11 installed and complete. Sorry. Substation fencing
12 is being installed.

13 The racking and tracker install are near
14 complete. Module installation continues, with about
15 six blocks remaining. Terminations have been started
16 on the inverters, aboveground wire management.
17 Installation is ongoing with cable hanging to the
18 combiner boxes and inverters. And the substation
19 work is progressing at approximately 90 percent
20 complete.

21 From an environmental perspective, no discharges
22 on the site reported in March. And frequent
23 monitoring is -- is occurring through WSP, with no
24 findings reported to date.

25 CHAIR DREW: Thank you for your

1 update.

2 High Top and Ostrea project update. Ms. Rand- --
3 Ms. Randolph. Sorry about that.

4 MS. RANDOLPH: Thank you again,
5 Chair Drew and Council members. For the record, this
6 is Sara Randolph, site specialist for High Top and
7 Ostrea.

8 EFSEC staff are continuing to work with the
9 developer on preconstruction requirements and plans.

10 We have no other updates at this time.

11 CHAIR DREW: Thank you.

12 Whistling Ridge project update. Mr. Caputo.

13 MR. CAPUTO: Thank you, Chair Drew
14 and Council members.

15 The public hearings before the Council to review
16 the certificate holder's petitions are tentatively
17 scheduled for Thursday, May 16th, 5 till 9 p.m.
18 Public notices will be published as soon as they are
19 finalized.

20 May I answer any questions?

21 CHAIR DREW: Any questions from
22 Council members?

23 Thank you.

24 Badger Mountain project update. Ms. Snarski.

25 MS. SNARSKI: Thank you, Chair

1 Drew. And good afternoon, Council members. For the
2 record, this is Joanne Snarski, the siting specialist
3 for Badger Mountain Solar.

4 EFSEC staff have finalized the land-use license
5 agreement with DNR, granting access to the DNR parcel
6 at Badger Mountain on April 1st. This agreement
7 allows us to access the parcel to perform fieldwork
8 for the supplemental cultural resources survey. The
9 work is set to begin in mid May.

10 Also, EFSEC and Department of Ecology have been
11 working with the applicant on identifying
12 supplemental field assessment work for wetlands and
13 other water resources. The work is intended to
14 confirm and/or eliminate wetland characteristics on
15 the proposed site. This work will also begin in mid
16 May.

17 Can I answer any questions?

18 CHAIR DREW: Are there any
19 questions for Ms. Snarski?

20 Thank you.

21 Wautoma project -- Wautoma Solar project update.
22 Mr. Caputo.

23 MR. CAPUTO: Thank you, Chair Drew
24 and Council members.

25 Staff are continuing coordination with our

1 contracted agencies, tribal governments, and the
2 applicant to refine identified mitigation. We are
3 finalizing documents in anticipation of the issuance
4 of an MDNS within the coming weeks. When the SEPA
5 determination is concluded, this -- this will be
6 noticed to the public, and a minimum 14-day public
7 comment period will commence. Staff are also working
8 in coordination with the Office of Administrative
9 Hearings and our assistant attorney general support
10 in preparation of the adjudicative proceedings'
11 logistics.

12 May I answer any of your questions?

13 CHAIR DREW: Are there any
14 questions for Mr. Caputo? Thank you.

15 Hop Hill Solar Project. Mr. Barnes.

16 MR. BARNES: Thank you, Chair Drew
17 and Council members. For the record, this is John
18 Barnes, EFSEC staff, for the Hop Hill application.

19 Work is continuing with the applicant to complete
20 studies and reports needed to make a SEPA
21 determination. As part of this work, the Department
22 of Ecology, who is an application review agency
23 partner, has requested access to the site to conduct
24 a water source survey of the project area. EFSEC,
25 along with the members of the applicant and their

1 contractor, SWCA, will be shadowing the Department of
2 Ecology as the fieldwork is conducted.

3 Results from the fieldwork will help to support
4 the EFSEC SEPA determination for the Hop Hill
5 application. We are continuing to coordinate and
6 review the application with our contractor,
7 contracted agencies, and tribal governments.

8 Are there any questions?

9 CHAIR DREW: Are there any
10 questions for Mr. Barnes?

11 Thank you.

12 Carriger Solar project. Ms. Snarski.

13 MS. SNARSKI: Again, thank you,
14 Chair Drew and Council members. For the record, this
15 is Joanne Snarski, the siting specialist for Carriger
16 Solar.

17 Yesterday we met with the applicant's consultants
18 and the Department of Ecology on-site to further
19 assess wetland characteristics within the boundary of
20 the proposed facility. Based on observations in the
21 field, we will be following up with Ecology staff and
22 working with the applicant to address the updated
23 findings. EFSEC staff will soon be making final
24 assessments regarding the revised visual impacts
25 assessment provided to us by the applicant. Next

1 steps will include meeting with the applicant
2 regarding their mitigation proposal to reduce
3 significant impacts to visual aesthetics.

4 May I answer any questions?

5 CHAIR DREW: Are there any
6 questions for Ms. Snarski?

7 Thank you very much.

8 Before we move on to Horse Heaven Wind Farm, I
9 would like to ask our staff, Ms. Grantham, to confirm
10 that Mr. Brost is online. And we will pause for a
11 minute until we confirm that.

12 MS. GRANTHAM: Sure thing, Chair
13 Drew.

14 CHAIR DREW: I need to wait in this
15 meeting until we find him. So can you contact Joan?

16 MS. BUMPUS: I have Council Member
17 Brost on the phone.

18 CHAIR DREW: Okay.

19 MS. BUMPUS: He's having audio --

20 CHAIR DREW: Okay.

21 MS. BUMPUS: -- difficulties,
22 and --

23 CHAIR DREW: We're not on right
24 now. I turned -- are we on? I turned off -- oh, I
25 guess I am. My microphone's still on. Okay. I said

1 we paused the meeting, but...

2 (Pause in proceedings.)

3

4 CHAIR DREW: I am sorry. That was
5 my technical error, everyone. So we will try this
6 again. My apologies.

7 Would you put Mr. Brost -- Ms. Bumpus, will you
8 put him on speakerphone.

9 Okay. Can he speak?

10 MS. BUMPUS: Ed, can you hear?

11 MR. BROST: Yes. Yes.

12 CHAIR DREW: Let's try...

13 MS. BUMPUS: Ed, can you say again?

14 MR. BROST: I can hear you, and
15 I've got my mike all the way up. Can you hear me
16 back?

17 MS. BUMPUS: Yes.

18 MR. BROST: Okay.

19 CHAIR DREW: Okay. Thank you,
20 everyone, for bearing with us. We have had technical
21 difficulties in the past, and I did not want to
22 proceed until we had that resolved.

23 Moving on: Ms. Moon, project update for Horse
24 Heaven Wind Farm.

25 MS. MOON: Thank you.

1 Good afternoon, Council Chair Drew and EFSEC
2 Council members. For the record, this is Amy Moon
3 reporting on the Horse Heaven Wind Project.

4 As directed by the Council at the March 20th,
5 2024, Council meeting, EFSEC staff prepared and
6 posted the draft site certification agreement, or
7 draft SCA, along with the draft report to the
8 governor for public comment on April 1st.

9 The public comment period was open from April 1st
10 until midnight on April 10th. Approximately 973
11 submissions were received and reviewed by EFSEC staff
12 and were made available for Council review. Sean
13 Greene, the EFSEC State Environmental Policy Act
14 specialist, will provide a synopsis of the
15 submissions and proposed changes to the draft SCA.

16 Sean.

17 MR. GREENE: Thank you. I will
18 share my screen now.

19 Are you-all able to see the presentation? Looks
20 like it.

21 Okay. So to begin, like Amy said, the -- the
22 campaign was open from April 1st to April 10th. We
23 received about 973 responses, the vast majority of
24 which were from members of the public. Approximately
25 10 to 15 of the responses were from interest groups.

1 Two were from the Yakama Nation, with no other tribal
2 responses received. One was from the applicant. And
3 we received no responses from federal or State
4 agencies.

5 The large majority of responses were expressions
6 of general opposition or support for the project,
7 with opposition primarily focused on the project's
8 impacts to visual, cultural, recreational, plant, and
9 wildlife resources, with multiple arguments made that
10 currently imposed mitigation is insufficient.

11 Comments in support were based generally on
12 support for renewable energy development, with
13 multiple arguments made that imposed mitigation as
14 currently envisioned is excessive.

15 In this presentation, I'll take you through
16 changes that staff have identified and proposed to
17 the SCA for modification based on public comments
18 that have been received.

19 So the first edit -- this is a format that we've
20 used prior for Council meetings where the original
21 text is on the left side and the text on the right is
22 representative of changes that staff is recommending.

23 So this first edit is to the SCA statement of
24 purpose. It was a request from a member of the
25 public that the full date for the final application

1 be listed as opposed to just the month and year. So
2 we have done so here.

3 Just pause to see if any Council member has
4 questions. I don't envision any.

5 Next is a comment that we received where, in the
6 SCA, we had explicitly stated the four turbine
7 options that the applicant had conceived of in their
8 application as representing the potential for the
9 turbines selected for the final project. In the ASC,
10 these were presented as examples of the types of
11 turbines that might be considered and some of which
12 are no longer commercially available.

13 So we have changed the text to indicate that,
14 while the total number of turbines and the turbine
15 height at blade tip are consistent with the ASC and
16 the EIS, we are not requiring one of those four
17 turbine options, and we are just indicating that
18 whatever turbine option is selected will not exceed
19 the examples that were considered within the draft
20 EIS or, rather, the final EIS.

21 Are there any Council questions for this?

22 Okay. The next is a simple typo correction.
23 There -- in this section of the SCA, there was a
24 double space. That's been corrected.

25 The next change was within the description for

1 the battery energy storage system. It was
2 described -- these systems were described as
3 including cooling systems, in parentheses, if needed,
4 and including a fire detection system. This was
5 inconsistent with how these systems were described in
6 the ASC and the FEIS, wherein a cooling system is
7 anticipated to be required for these -- these battery
8 systems, and they would include a fire suppression
9 system rather than a detection system, and the text
10 is now consistent within the SCA.

11 Are there any Council questions here? Okay.

12 The next was an update to how we are describing
13 the final ASC, the final application for site
14 certification. The applicant submitted documents
15 that amounted to the final ASC on Friday, September
16 22nd of last year and Sunday, September 24th of last
17 year. For clarity and consistency, we will be
18 referring to the operative date of the final ASC as
19 the date on which all documents amounting to that ASC
20 were received by EFSEC staff, which is Monday,
21 September 25th, 2023. And a change has been applied
22 to the draft site certification agreement.

23 The next is a correction in the "Definitions"
24 section. We had defined "micro-siting" as the
25 process by which solar project facilities could be

1 relocated within the micro-siting corridor. That
2 process is not inclusive to solar project facilities
3 and would apply to wind turbines and other project
4 components as well.

5 Okay. This is a clarification of text. The --
6 the wording was a little difficult for -- difficult
7 to follow. So rather than stating that the
8 certificate holder shall notify EFSEC of the
9 replacement of any significant portion of project
10 facilities no later than 30 days prior to the
11 replacement occurring, it is now just at least 30
12 days prior.

13 Next is clarification regarding other State and
14 local permits. We have added a sentence to the
15 description indicating that construction of the
16 project shall only be initiated upon EFSEC
17 determination that all applicable permits have been
18 issued. That was always intended to be the case, but
19 this makes sure that that authority is explicitly
20 stated.

21 Next is regarding the -- the PTAG, the
22 Pre-Operational Technical Advisory Group. We added
23 text indicating that EFSEC will be responsible for
24 approval of the proposed rules of procedure for the
25 PTAG prior to the inception of its operation. This

1 is, again, always intended to be the case, but now it
2 is explicitly stated as so.

3 Next is a slightly larger change. Regarding
4 Species 5, which is the ferruginous hawk mitigation,
5 we -- the original text had indicated that the
6 two-mile radius surrounding ferruginous hawk nests
7 documented within the priority habitat and species
8 database would be applied to that data set at the
9 time of construction based on the nests that were
10 documented at that time.

11 There was concern that was raised that, if that
12 were the case, then -- ~~and~~ ^{any} nests were removed from
13 that data set between now and the start of
14 construction, that the exclusion areas that the
15 Council had imposed to address a number of resources
16 beyond ferruginous hawk -- including visual,
17 cultural, recreation, fire management, and others --
18 would potentially be reduced in size.

19 It was staff's understanding that that would have
20 been contrary to the desires of the Council, so we
21 have added text indicating that the exclusion areas
22 would be applied to the PHS data set at the time of
23 SCA execution, and any nests added to that data set
24 between SCA execution and the time of construction
25 would also be considered to require those two-mile

1 buffer areas.

2 Are there any questions from Council members
3 regarding this change? Okay.

4 This was a change in wording for a later part of
5 that same ferruginous hawk mitigation, just to
6 indicate that the process through which project
7 components could be cited within two miles of a nest
8 subsequent to the determination that the nest is no
9 longer available and the foraging habitat is no
10 longer viable, that that process does not apply to
11 project infrastructure that has been excluded by an
12 earlier part of this mitigation measure, such as
13 turbines.

14 Again, this was always intended to be the case,
15 but now it is more explicitly stated that this
16 process only applies to otherwise allowed
17 infrastructure.

18 Are there any questions here? Okay.

19 Next is an error correction. We had copied some
20 text from a previous site certification agreement on
21 a different project that referenced Yakima County
22 Code. It has been updated now to reference the
23 appropriate Benton County Code, or the Revegetation
24 and Noxious Weed Management Plan.

25 This is again a typo correction. There was an

1 inadvertent use of the word "or" in the middle of a
2 statement that is otherwise irrelevant. It has been
3 removed.

4 This is a correction of an omission regarding the
5 construction traffic control plan. This plan in the
6 ASC and the FEIS included Benton County Public Works
7 Department as an agency to be consulted for final
8 development of this plan. That reference was not
9 carried over into the draft SCA initially. It is now
10 included there to make it consistent with the -- the
11 ASC and the FEIS.

12 This is in regards to the applicant providing
13 certification of water availability just to avoid any
14 confusion that that water availability proof was only
15 needed for vegetation management and solar panel
16 washing. It is applicable to all project actions,
17 including those -- those examples.

18 There was some question on the soil
19 destabilization notification and fugitive dust
20 control plan. The text didn't fully explain what the
21 certificate holder would be notifying EFSEC of at
22 least 90 days prior to commencing construction, and
23 that notification is of their intent to begin
24 construction, so now it is explicitly stated.

25 This is a terminology correction in the FAA

1 administrative review. It had stated that the
2 project would apply for FAA approval, and it should
3 have stated the certificate holder would apply for
4 that approval.

5 This is in regards to the fire control plan for
6 the -- construction fire control plan in the SCA. We
7 had included the Benton County Fire Districts 1 and 5
8 as agencies to coordinate with. That reference was
9 not carried over into the operations fire control
10 plan initially. It is -- it is so now, so that the
11 SCA is consistent throughout.

12 Next is this section is discussing the process
13 through which the applicant could decommission an
14 individual turbine during the operation phase of the
15 project prior to the decommissioning phase of the
16 entire project. The initial text indicated that
17 decommissioning of that turbine would not require the
18 removal of that turbine's foundation. That was meant
19 to indicate that that removal would not necessarily
20 need to occur at that time, but it would still be
21 required when the entire project was decommissioned.

22 So the language has been changed to indicate that
23 the foundation would still be removed, whether
24 immediately following the decommission of that
25 individual turbine or the decommissioning of the

1 entire project, consistent with Articles VIII.B and
2 VIII.D(2) within the SCA, which just define the
3 timing and extent of decommissioning.

4 Next, regarding that decommissioning process,
5 there was some question -- is there a -- sorry.
6 There was some question about the language that was
7 used in defining the scope and whether certain
8 project components would be excluded from being --
9 from the requirement to be removed from the -- the
10 site. And that is not intended to be the case, so
11 the language has been altered to indicate that all
12 project components, foundations, and facilities to a
13 depth of four feet below grade would be removed from
14 the project area following project decommissioning.

15 Next is, similar to the operations phase fire
16 control plan, the decommissioning phase fire control
17 plan should have also included Benton County's
18 fire -- Benton County Fire Districts 1 and 5 to be
19 consistent with the construction fire control plan.

20 And this slide represents a number of SCA
21 comments that were received from the public for which
22 staff have not recommended edits to the SCA.

23 The first was a number of comments that requested
24 that the SCA list all turbine -- either all turbines
25 allowed by the SCA or all turbines excluded by

1 mitigation -- by individual turbine identification
2 number. And staff believe that this would be
3 counterproductive, because the exclusions imposed by
4 the Council are intended to be area-based rather than
5 targeting specific turbine numbers.

6 We anticipate some level of micro-siting prior to
7 the start of construction, during which some turbines
8 that are currently excluded by mitigation member --
9 mitigation measures may be moved into areas of the
10 micro-siting corridor in which they would not be
11 excluded. And in a scenario like that, it might
12 cause confusion if that individual turbine number
13 were listed as excluded but ended up in the final
14 project design.

15 The second request was listing -- including a
16 table within the SCA listing all turbines by number
17 and listing their impacts for resource areas used for
18 the classification system that the Council is aware
19 of. This is again a case where staff felt that would
20 be counterproductive as mitigation is intend to be
21 area-based and not specific to those turbines. And
22 there was also some level of concern about some of
23 the res- -- or some of the resource data that was
24 used for the classification system being not -- not
25 publicly available.

1 The next request was that we identify a new
2 maximum number of allowable turbines, following the
3 imposed exclusion areas, which is anticipated to
4 substantially reduce the number of turbines within
5 the project area. And that request is impractical at
6 this time as the applicant is anticipated to need to
7 go through substantial project redesign to
8 accommodate exclusion areas, and the data available
9 right now to determine a new maximum number of
10 turbines is not available. But it will not be more
11 than what was initially proposed.

12 There were a number of requests to make
13 mitigation either more or less restrictive, depending
14 on the comment. And staff believed that mitigation
15 has been developed through the EIS process with
16 public comment available at a number of points and
17 considered by Council during deliberations with,
18 again, public comment periods available. And
19 mitigation as described within the SCA is
20 representative of the final Council determinations at
21 this time.

22 And, finally, there were a few requests to make
23 mitigation measures assigned to the Pre-Operational
24 Technical Advisory Group, the PTAG, or the Technical
25 Advisory Committee -- the TAC, more specific -- and

1 staff believe that those measures were intentionally
2 design- -- or written as they are to allow the PTAG
3 and the TAC a degree of latitude on defining and
4 providing methodology for mitigation and studies so
5 that these technical groups have the discretion to
6 develop the most effective and applicable mitigation
7 strategies.

8 And that is the summary of staff's work on
9 responding to public comments for the SCA. And
10 myself, Amy Moon, Ami Hafkemeyer are -- and Sonia
11 Bumpus are available to answer any questions that you
12 may have.

13 CHAIR DREW: Thank you, Mr. Greene.
14 And thank you, all, for your work over a short period
15 of time. And thank you to the public for the
16 tremendous amount of information and comments we
17 received. It has made our process and our documents
18 better. So appreciate all the comments that came in.

19 Council members, do you have any questions at
20 this point of staff?

21 Okay. Yes, Mr. Brost. Go ahead, please. Hang
22 on just one second.

23 MR. BROST: (Unintelligible), or
24 are those still TBD?

25 CHAIR DREW: Ms. Bumpus is going to

1 repeat your question.

2 Sorry. I didn't...

3 MS. BUMPUS: Council Member Brost
4 asked if we have any information about power purchase
5 agreements being in place for the project.

6 CHAIR DREW: That is not part of
7 our consideration.

8 MR. BROST: (Unintelligible.)

9 CHAIR DREW: Transmis- -- Mr. Brost
10 now asked if transmission would be in the same
11 category. And, yes, it would. We do not look at
12 transmission agreements.

13 MR. BROST: (Unintelligible.)

14 CHAIR DREW: The site restoration
15 plan and funding for that is his next question. And,
16 yes, there's an extensive requirement for site
17 restoration. And we just updated and clarified in
18 the site certification some elements of that. The
19 actual plan, we do not yet know what year the site
20 will be restored. And so although there will be a
21 preliminary site restoration plan before construction
22 begins, we expect over time that technology and
23 techniques may change. So we will not lock in a
24 applicant to do what was required when 30 years later
25 may be something different required.

1 However, the applicant is required, under our
2 statute, to post some sort of financial agreement --
3 I'm sorry -- some sort of financial assurance which
4 will ensure that the restoration is completed
5 regardless of the financial condition of that
6 company. And that will be, if the project is sold,
7 then, again, the Council will see that new owner of
8 the project and will require that same level of
9 financial assurance to ensure that the public does
10 not pay for site restoration or decommissioning.

11 Is that correct, Mr. Thompson?

12 MR. THOMPSON: Yes, that's correct,
13 Chair Drew.

14 CHAIR DREW: Thank you.

15 Mr. Brost, does that answer your questions?

16 MR. BROST: Yes, it answers the
17 question (unintelligible).

18 MS. BUMPUS: Council Member Brost
19 responded that that does answer his question. He
20 didn't like the answer, but it does answer the
21 question.

22 CHAIR DREW: Thank you.

23 Are there other questions from Council members at
24 this point in time?

25 I have a motion to suggest. The motion is to

1 recommend approval of the Horse Heaven Hills project
2 and recommendation report, subject to the conditions
3 set forth in the draft site certification agreement,
4 SCA, including edits to the draft SCA as recommended
5 today by EFSEC staff.

6 Is there someone who would like to offer this
7 motion?

8 MS. BREWSTER: Stacey Brewster. So
9 moved.

10 CHAIR DREW: Thank you.

11 Is there a second?

12 MR. LEVITT: Eli Levitt. Second.

13 CHAIR DREW: Thank you.

14 Are there comments from Council members,
15 discussion?

16 MS. BREWSTER: This is Stacey
17 Brewster. I would like to echo your statements
18 earlier thanking staff for all of their hard work on
19 this project. I appreciate all the last-minute
20 recommendation updates and their presentation to the
21 Council. Thank you.

22 CHAIR DREW: Thank you.

23 Other comments?

24 We have spent a lot of time reviewing this
25 project, gathering information about the impacts,

1 gathering information about the project, itself. And
2 by partially approving the Horse Heaven wind and
3 solar project and approving this motion, EFSEC is
4 balancing the need for renewable clean energy with
5 potential impacts on tribal cultural resources,
6 wildlife, and surrounding communities. If it is
7 approved, that is the work that we are doing. And we
8 thank the hundreds of community members who took the
9 time to participate and share their opinions on this
10 project.

11 I think what we are working on and what we have
12 worked on is -- is to show the value of taking in
13 public input and addressing those very important
14 issues as we move a project forward for the
15 governor's consideration.

16 I would ask -- if there are no further comments,
17 I would ask Ms. Grantham to call the roll for
18 approval of the Horse Heaven Hills project and
19 recommendation report as stated in the motion.

20 Please call the roll.

21 MS. GRANTHAM: Chair Drew.

22 CHAIR DREW: Aye.

23 MS. GRANTHAM: Department of
24 Commerce, Elizabeth Osborne.

25 MS. OSBORNE: Aye.

1 MS. GRANTHAM: Department of
2 Ecology, Eli Levitt.

3 MR. LEVITT: Aye.

4 MS. GRANTHAM: Department of Fish
5 and Wildlife, Mike Livingston.

6 MR. LIVINGSTON: Aye.

7 MS. GRANTHAM: Department of
8 Natural Resources, Lenny Young.

9 MR. YOUNG: Nay.

10 MS. GRANTHAM: Utilities and
11 Transportation Commission, Stacey Brewster.

12 MS. BREWSTER: Aye.

13 MS. GRANTHAM: And for Horse
14 Heaven, for Benton County, Ed Brost.

15 MR. BROST: No.

16 MS. BUMPUS: Council Member Brost
17 responds "no."

18 CHAIR DREW: The motion is
19 approved.

20 Thank you very much. This will then be forwarded
21 to the governor for his consideration.

22 I can't -- oh. Mr. Young.

23 MR. YOUNG: Yeah. After speaking
24 with staff yesterday and also checking in with
25 Mr. Thompson, I understand that I'll be able to

1 provide a short statement with signature in lieu of
2 my signature appearing with the other Council
3 members, and I just want to confirm that that will be
4 possible, and who should I send that statement to?

5 CHAIR DREW: You would send that to
6 me, and I will see that that is included.

7 MR. YOUNG: Thank you.

8 CHAIR DREW: And the same for
9 Mr. Brost. If you would like to include a statement
10 with your "no" vote, please send that to me, and I
11 will ensure that that is included on the signature
12 pages.

13 MR. BROST: Thank you, Chair. I
14 will do that. One of -- one of the
15 (unintelligible) -- one of the things that we're
16 basing this project on is the need for renewable
17 resources. And it seems to me that the action to rip
18 out the Snake River Dam -- separate action; I realize
19 that -- but it's -- it's more firm electric power
20 from a renewable resource. And if we're getting rid
21 of all of that resource, I'm not sure why we still
22 need more. So that's all.

23 CHAIR DREW: Okay.

24 MR. BROST: Thank you.

25 CHAIR DREW: Thank you, Mr. Brost.

1 And you certainly have been concerned about that
2 throughout our process, and we understand that.

3 And thank you. I want to thank certainly all the
4 Council members, but in particular, Mr. Brost for all
5 the time he has spent working on reviewing all the
6 document and participating with us through the
7 adjudication. Because it has been an extraordinary
8 effort. And I know that you have spent your own
9 personal time working on this project, and we very
10 much appreciate the perspective and the work and the
11 thoughts that you have brought forward, even if on
12 occasion we may have a disagreement.

13 So, again, very much value the work that you've
14 done as a member from the community on this Council.
15 Thank you.

16 MR. BROST: And you're very
17 welcome.

18 CHAIR DREW: Again, I look forward
19 to our continued work together on our other projects,
20 but thank you to the Council for the time and effort
21 you have put forward in -- in considering this
22 project.

23 We are now moving on to the Wallula Gap
24 application update.

25 Oh. Mr. Young, I missed you. Go ahead.

1 MR. YOUNG: Yeah, I just wanted to
2 add that, irrespective of my "no" vote, I also would
3 like to add my appreciation and thanks to staff for
4 all the hard work and great communications that
5 they've exhibited all throughout this. And also
6 extend those thanks to the office of the attorney
7 general and to the judge -- administrative law judges
8 who've assisted us throughout. So thank you, all,
9 very much.

10 CHAIR DREW: Thank you. That's an
11 important point to our staff and the attorney
12 general's office and to the support as well for Judge
13 Adam Torem, our administrative law judge. Thank you
14 for that.

15 Mr. Young.

16 MR. YOUNG: I'm just trying to get
17 my hand down here.

18 CHAIR DREW: Okay.

19 MR. YOUNG: Okay. There it goes.

20 CHAIR DREW: Yeah. And thank you.
21 This -- in spite of what it might look to people, we
22 had very heartfelt discussions, both openly in our
23 public meetings as well as through the adjudication
24 process, and a great deal of listening to lots of
25 points of view. So appreciate everybody's effort on

1 that behalf.

2 Okay. Moving on to the Wallula Gap application
3 update. Mr. Barnes.

4 MR. BARNES: Thank you, Chair Drew
5 and Council members. For the record, this is John
6 Barnes, EFSEC staff, for the Wallula Gap application.

7 The information public hearing and land-use
8 hearing for the Wallula Gap solar application has
9 been scheduled for next Tuesday, April 23rd, 2024,
10 pursuant to RCW 80.50.90. The location of these
11 hearings will be Kennewick Valley Grange No. 731.
12 The location's address is 2611 South Washington
13 Street, Kennewick, Washington 99337. The open house
14 will begin at 5 p.m. and proceed until 5:30 p.m.
15 This will be followed by the informational public
16 hearing.

17 The public meeting will start at 5:30 and proceed
18 until 5 [sic] p.m. or last speaker. The land-use
19 consistency hearing will follow and begin at 7 p.m.
20 and proceed until 8 p.m. or last speaker. Further
21 details as well as a Spanish-translated notice can be
22 found by accessing the project website at
23 [https://www.EFSEC.wa.gov/energy-facilities/Wallula-](https://www.EFSEC.wa.gov/energy-facilities/Wallula-Gap)
24 [Gap.](https://www.EFSEC.wa.gov/energy-facilities/Wallula-Gap)

25 Are there any questions?

1 CHAIR DREW: Mr. Barnes, I might
2 have heard wrong, but can you go over the times of
3 the hearings? 'Cause -- so the public informational
4 meeting starts at 5. Go ahead. Just go over it
5 again, please.

6 MR. BARNES: So there's an open
7 house --

8 CHAIR DREW: An open house.

9 MR. BARNES: -- that will begin at
10 5 p.m. and proceed till 5:30. The informational
11 public meeting will begin at 5:30 and proceed until
12 7. The land-use consistency hearing will follow and
13 begin at 7 p.m. and proceed until 8 p.m.

14 CHAIR DREW: And we will have
15 information on sign-up for speaking at the meeting,
16 but is it also going to be a virtual meeting?

17 MR. BARNES: It will be both --
18 yes, will be a hybrid meeting, both virtual and in
19 person.

20 CHAIR DREW: So people will be able
21 to sign up to speak both online and in person?

22 MR. BARNES: Yes. And all -- if
23 they go to the project notification at that website,
24 all details can be found as far as accessing comments
25 and establishing comments can be found there.

1 CHAIR DREW: Thank you.

2 Ms. Hafkemeyer.

3 MS. HAFKEMEYER: I just wanted to
4 add that sign-ups prior to the start of the meeting
5 can be done through either e-mailing our EFSEC
6 general in-box or calling our EFSEC main line at
7 (360) 664-1345.

8 CHAIR DREW: Thank you.

9 Okay. Thank you very much.

10 Next item on our agenda is the fourth-quarter
11 cost allocation. Ms. Bumpus.

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

14 I am not going to read these off. They're
15 provided in the packet. And I'll just ask if the
16 Council has any questions.

17 CHAIR DREW: Are there any
18 questions from Council members?

19 Thank you.

20 And there is new -- we have new-employee updates.
21 Ms. Taliaferro.

22 MS. TALIAFERRO: Good afternoon,
23 Chair Drew and Council members. My -- for the
24 record, I am Catherine Taliaferro, and I'm the
25 records manager for EFSEC.

1 It is my pleasure today to announce that we have
2 two new employees who recently joined the records
3 management team: Alondra Zalewski and Sairy Reyes.

4 Alondra, do you want to take a moment to
5 introduce yourself?

6 MS. ZALEWSKI: Yes.

7 Hello. My name is Alondra Zalewski. Just moved
8 here from Texas. And I am just happy to be here and
9 excited to work for EFSEC.

10 MS. TALIAFERRO: Thank you,
11 Alondra.

12 How about you, Sairy.

13 MS. REYES: Hi, everybody. My name
14 is Sairy Reyes. I just came here from Western State
15 Hospital. I am very excited to be in this agency and
16 to work for EFSEC.

17 CHAIR DREW: Thank you. And
18 welcome to the team. We look forward to working with
19 you. Appreciate it.

20 With that, our meeting is adjourned.

21 (Meeting adjourned at
22 2:27 p.m.)

1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
2) ss a certified court reporter
3 County of Pierce) in the State of Washington, do
4 hereby certify:

5 That the foregoing Monthly Meeting of the Washington
6 State Energy Facility Site Evaluation Council was conducted
7 in my presence and adjourned on April 17, 2024, and
8 thereafter was transcribed under my direction; that the
9 transcript is a full, true and complete transcript of the
10 said meeting, transcribed to the best of my ability;

11 That I am not a relative, employee, attorney or counsel
12 of any party to this matter or relative or employee of any
13 such attorney or counsel and that I am not financially
14 interested in the said matter or the outcome thereof;

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 6th day of May, 2024.

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/s/John M.S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2024.)

<hr/> 1 <hr/>	<hr/> 6 <hr/>	administrative 9:16 20:8 32:1 44:7, 13
1 16:6 32:7 33:18	6 16:8	adopt 12:4
10 24:25	621 7:2	adopted 12:23
10th 24:10,22	<hr/> 7 <hr/>	adopting 12:19
14-day 20:6		Advisory 28:22 35:24,25
15 24:25	7 45:19 46:12,13	aesthetics 22:3
16th 18:17	731 45:11	afternoon 7:10 14:2,20 15:20 16:1 17:3 19:1 24:1 47:22
17 7:2	<hr/> 8 <hr/>	agencies 8:11 20:1 21:7 25:4 32:8
1:31 7:3		agency 20:22 31:7 48:15
1st 19:6 24:8,9,22	8 45:20 46:13	agenda 7:16 12:1,3,4,20,23 47:10
<hr/> 2 <hr/>	80.50.90 45:10	agreement 19:5,6 24:6 27:22 30:20 38:2 39:3
2023 27:21	<hr/> 9 <hr/>	agreements 37:5,12
2024 7:2 16:8 24:5 45:9	9 18:17	ahead 8:15 15:12 36:21 43:25 46:4
20th 24:4	90 17:19 31:22	air 15:11
22nd 27:16	973 24:10,23	allocation 47:11
23rd 45:9	99337 45:13	allowable 35:2
24th 27:16	<hr/> A <hr/>	allowed 30:16 33:25
25th 27:21		Alondra 10:11 48:3,4,7,11
2611 45:12	aboveground 17:16	altered 33:11
2:27 48:22	access 19:5,7 20:23	Ami 9:19 36:10
<hr/> 3 <hr/>	accessing 45:22 46:24	amount 36:16
30 28:10,11 37:24	accommodate 35:8	amounted 27:15
360 664-1345 47:7	Act 24:13	amounting 27:19
<hr/> 4 <hr/>	action 16:14 42:17,18	Amy 9:21,22 24:2,21 36:10
4 16:6	actions 31:16	and/or 19:14
<hr/> 5 <hr/>	actual 37:19	announce 48:1
5 18:17 29:4 32:7 33:18 45:14,18 46:4,10	Adam 9:7 44:13	answers 38:16
5-day 16:10	add 44:2,3 47:4	anticipate 34:6
5:30 45:14,17 46:10,11	added 28:14,22 29:21,23	anticipated 27:7 35:3,6
	address 21:22 29:15 45:12	anticipation 20:3
	addressing 40:13	AOP 15:12
	adjourned 48:20,21	apologies 23:6
	adjudication 43:7 44:23	appearing 42:2
	adjudicative 20:10	applicable 28:17 31:16 36:6
		applicant 19:11 20:2,19,25 21:22,

25 22:1 25:2 26:7 27:14 31:12 32:13 35:6 37:24 38:1		called 7:15 13:22,23
applicant's 21:17	<hr/> B <hr/>	calling 7:12,13 47:6
application 15:11 20:18,22 21:5,6 25:25 26:8 27:13 43:24 45:2,6,8	back 11:17,20 23:16	campaign 24:22
applied 27:21 29:8,22	Badger 8:17 18:24 19:3,6	Caputo 10:2,3 18:12,13 19:22,23 20:14
applies 30:16	balancing 40:4	carried 31:9 32:9
apply 28:3 30:10 32:2,3	Barnes 10:4,5 20:15,16,18 21:10 45:3,4,6 46:1,6,9,17,22	carries 12:23
appreciation 44:3	based 21:20 25:11,17 29:9	Carriger 9:3 21:12,15
approval 12:24 28:24 32:2,4 39:1 40:18	basing 42:16	case 28:18 29:1,12 30:14 33:10 34:19
approve 13:1	battery 27:1,7	Caseday 10:17 14:1,2,4,9
approved 13:19 40:7 41:19	bearing 23:20	category 37:11
approving 13:15 40:2,3	begin 19:9,15 24:21 31:23 45:14,19 46:9,11,13	Catherine 10:8 47:24
approximately 17:19 24:10,24	begins 37:22	Center 10:24 15:4
April 7:2 19:6 24:8,9,10,22 45:9	behalf 15:22 16:3 17:5 45:1	certificate 18:16 28:8 31:21 32:3
area 20:24 33:14 35:5	believed 35:14	certification 24:6 27:14,22 30:20 31:13 37:18 39:3
area-based 34:4,21	Benton 8:12,22 9:1,7 11:21 30:23 31:6 32:7 33:17,18 41:14	Chair 7:10,11,19 10:4 11:17,19,23, 25 12:6,12,16,22 13:5,10,18 14:2,8, 10,13,18,20 15:1,3,8,18,20,24 16:2, 4,18 17:1,3,25 18:5,11,13,21,25 19:18,23 20:13,16 21:9,14 22:5,12, 14,18,20,23 23:4,12,19 24:1 36:13, 25 37:6,9,14 38:13,14,22 39:10,13, 22 40:21,22 41:18 42:5,8,13,23,25 43:18 44:10,18,20 45:4 46:1,8,14,20 47:1,8,12,17,23 48:17
areas 29:14,21 30:1 34:9,17 35:3,8	bit 7:14	change 26:25 27:21 29:3 30:3,4 37:23
arguments 25:9,13	blade 26:15	changed 26:13 32:22
Articles 33:1	blocks 17:15	characteristics 19:14 21:19
ASC 26:9,15 27:6,13,15,18,19 31:6, 11	boundary 21:19	chat 13:24
assess 21:19	boxes 17:18	checking 41:24
assessment 19:12 21:25	Brewster 8:8 13:8 39:8,16,17 41:11, 12	Chehalis 10:25 14:19,23
assessments 21:24	Brookfield 17:5	Chiles 9:4,5
assigned 35:23	Brost 8:13,14,15 11:18,21 22:10,17 23:7,11,14,18 36:21,23 37:3,8,9,13 38:15,16,18 41:14,15,16 42:9,13,24, 25 43:4,16	cited 30:7
assistant 9:8 20:9	brought 43:11	clarification 28:5,13
assisted 44:8	buffer 30:1	clarified 37:17
assurance 38:3,9	Bumpus 9:17,18 22:16,19,21 23:7, 10,13,17 36:11,25 37:3 38:18 41:16 47:11,12,13	clarity 27:17
attorney 9:8 20:9 44:6,11		classification 34:18,24
audio 22:19	<hr/> C <hr/>	clean 40:4
authority 28:19	cable 17:17	
availability 31:13,14	call 7:17 15:5 40:17,20	
avoid 31:13		
aware 34:18		
aye 12:20,21 13:16,17 40:22,25 41:3,6,12		

Code 30:22,23	31:5,22,24 32:6 33:19 34:7 37:21	
Columbia 11:2,6 15:19,22,25 16:3	consultants 21:17	D
combiner 17:18	consulted 31:7	daily 16:9
commence 20:7	contact 22:15	Dam 42:18
commencing 31:22	continued 43:19	data 29:8,13,22,23 34:23 35:8
comment 15:12,14 20:7 24:8,9 26:5 35:14,16,18	continues 17:14	database 29:8
comments 25:11,17 33:21,23 36:9, 16,18 39:14,23 40:16 46:24,25	continuing 18:8 19:25 20:19 21:5	date 17:24 25:25 27:18,19
Commerce 7:20 40:24	contracted 20:1 21:7	Dave 8:22,23
commercially 26:12	contractor 21:1,6	days 28:10,12 31:22
Commission 8:7 41:11	contrary 29:20	deal 44:24
Committee 35:25	control 31:5,20 32:5,6,9 33:16,19	decommission 32:13,24
communications 44:4	cooling 27:3,6	decommissioned 32:21
communities 40:6	coordinate 21:5 32:8	decommissioning 32:15,17,25 33:3,4,14,16 38:10
community 40:8 43:14	coordination 19:25 20:8	define 33:2
company 38:6	copied 30:19	defined 27:24
complete 17:11,14,20 20:19	correct 38:11,12	defining 33:7 36:3
completed 38:4	corrected 26:24	Definitions 27:23
completion 16:15	correction 26:22 27:23 30:19,25 31:4,25	degree 36:3
compliance 16:8	corrections 13:11,13	deliberations 35:17
components 28:4 30:7 33:8,12	Corrective 16:14	Denis 11:4 16:2
conceived 26:7	corridor 28:1 34:10	Department 7:20,23,25 8:3,25 19:10 20:21 21:1,18 31:7 40:23 41:1,4,7
concern 29:11 34:22	cost 47:11	depending 35:13
concerned 43:1	Council 7:5,12 9:17 12:2,25 13:22 14:3,13,21 15:8,14,21 16:2,12,20 17:3 18:5,14,15,22 19:1,24 20:17 21:14 22:16 24:1,2,4,5,12 25:20 26:3,21 27:11 29:15,20 30:2 34:4,18 35:17,20 36:19 37:3 38:7,18,23 39:14,21 41:16 42:2 43:4,14,20 45:5 47:16,18,23	depth 33:13
concluded 20:5	councils 11:24	describing 27:12
condition 38:5	counsel 11:13	description 26:25 28:15
conditions 39:2	counterproductive 34:3,20	design 34:14
conduct 20:23	County 8:12,17,22 9:1,3,7 11:21 30:21,23 31:6 32:7 33:18 41:14	design- 36:2
conducted 21:2	County's 33:17	desires 29:20
confirm 19:14 22:9,11 42:3	Crist 17:5	destabilization 31:19
confusion 31:14 34:12	cultural 19:8 25:8 29:17 40:5	details 45:21 46:24
consideration 37:7 40:15 41:21	Cushing 11:7 15:19,20,22	detection 27:4,9
considered 26:11,19 29:25 35:17		determination 20:5,21 21:4 28:17 30:8
consistency 27:17 45:19 46:12		determinations 35:20
consistent 26:15 27:10 31:10 32:11 33:1,19		determine 35:9
construction 28:15 29:9,14,24		

develop 36:6
developed 35:15
developer 18:9
development 25:12 31:8
differently 7:14
difficult 28:6
difficulties 22:21 23:21
directed 24:4
disagreement 43:12
discharge 15:15 16:9,11
discharges 17:21
discretion 36:5
discussing 32:12
discussion 12:18 39:15
discussions 44:22
Districts 32:7 33:18

DNR 19:5
document 15:13 43:6
documented 29:7,10
documents 20:3 27:14,19 36:17
double 26:24
Douglas 8:17
draft 12:3,4 13:1 24:6,7,15 26:19
27:22 31:9 39:3,4
Drew 7:10,11,19 10:4 11:17,19,23,
25 12:6,12,16,22 13:5,10,18 14:3,8,
10,13,18,21 15:1,3,8,18,21,24 16:2,
4,18 17:1,3,25 18:5,11,13,21 19:1,
18,23 20:13,16 21:9,14 22:5,13,14,
18,20,23 23:4,12,19 24:1 36:13,25
37:6,9,14 38:13,14,22 39:10,13,22
40:21,22 41:18 42:5,8,23,25 43:18
44:10,18,20 45:4 46:1,8,14,20 47:1,
8,12,17,23 48:17

driven 16:14
dust 31:19

E

e-mailing 47:5
earlier 30:12 39:18

echo 39:17
Ecology 7:24 19:10 20:22 21:2,18,
21 41:2
Ed 8:13 11:21 23:10,13 41:14
edit 25:19,23
edits 13:13 33:22 39:4
EDP 14:4
effective 36:6
effort 43:8,20 44:25
EFSEC 7:13 14:3,13 15:21 16:16
17:3 18:8 19:4,10 20:18,24 21:4,23
24:1,5,11,13 27:20 28:8,16,23 31:21
39:5 40:3 45:6 47:5,6,25 48:9,16
EIS 26:16,20 35:15
electric 42:19
elements 37:18
Eli 39:12 41:2
eliminate 19:14
elimination 15:15
Elizabeth 7:21 12:9 13:3 40:24
employees 48:2
ended 34:13
energy 7:5,11 10:23 14:15 15:4
16:10,11,15 25:12 27:1 40:4
ensure 38:4,9 42:11
entire 32:16,21 33:1
environment 11:13
environmental 16:7 17:21 24:13
envision 26:4
envisioned 25:14
error 23:5 30:19
establishing 46:25
Ethan 11:10 17:4
evaluation 7:5,12 16:12,16
everybody's 44:25
examples 26:10,19 31:17
exceed 26:18
exceedance 16:10

excessive 25:14
excited 48:9,15
excluded 30:11 33:8,25 34:8,11,13
exclusion 29:14,21 35:3,8
exclusions 34:3
execution 29:23,24
exhibited 44:5
expect 37:22
explain 31:20
explicitly 26:6 28:19 29:2 30:15
31:24
expressions 25:5
extend 44:6
extensive 37:16
extent 33:3
extraordinary 43:7

F

FAA 31:25 32:2
facilities 27:25 28:2,10 33:12
facility 7:5,11 10:25 14:15,19,23
16:11 21:20
fact 13:24
Farm 22:8 23:24
favor 12:19 13:15
federal 25:3
feet 33:13
FEIS 27:6 31:6,11
felt 34:19
fen- 17:10
fencing 17:9,10,11
ferruginous 29:4,6,16 30:5
field 19:12 21:21
fieldwork 19:7 21:2,3
filling 17:5
final 15:10 21:23 25:25 26:9,20
27:13,15,18 31:7 34:13 35:20
finalized 16:16 18:19 19:4

finalizing 20:3	Generating 11:2 15:25 16:3	hear 12:13 15:4 23:10,14,15
finally 35:22	Generation 10:25 14:19,23	heard 13:23 46:2
financial 38:2,3,5,9	Gonseth 8:25	hearing 13:14 45:7,8,16,19 46:12
find 13:11 22:15	good 7:10 14:2,20 15:20 16:1 17:3 19:1 24:1 47:22	hearings 18:15 20:9 45:11 46:3
findings 17:24 21:23	Goose 11:9 16:23 17:6	heartfelt 44:22
fire 27:4,8 29:17 32:5,6,7,9 33:15,16, 18,19	government 8:10	Heaven 8:12 11:21 22:8 23:24 24:3 39:1 40:2,18 41:14
firm 42:19	governments 20:1 21:7	height 26:15
Fish 7:25 41:4	governor 24:8 41:21	held 7:5
focused 25:7	governor's 40:15	High 18:2,6
follow 28:7 45:19 46:12	grade 33:13	Hill 9:1 20:15,18 21:4
foraging 30:9	Grange 45:11	Hills 39:1 40:18
format 25:19	Grantham 7:17,18,23 8:3,6,10,21, 24 9:6,11,13,15,19,21,23,25 10:2,6, 8,11,13,15,19,23 11:2,6,9,12,16,20 22:9,12 40:17,21,23 41:1,4,7,10,13	holder 28:8 31:21 32:3
forward 7:14 12:1 40:14 43:11,18, 21 48:18	granting 19:5	holder's 18:16
forwarded 41:20	Grays 10:23 15:4,9	Hop 9:1 20:15,18 21:4
found 45:22 46:24,25	great 44:4,24	Horse 8:12 10:19 11:21 14:10,15 22:8 23:23 24:3 39:1 40:2,18 41:13
foundation 32:18,23	Greene 9:25 10:1 24:13,17 36:13	Hospital 48:15
foundations 33:12	Group 28:22 35:24	house 45:13 46:7,8
fourth-quarter 47:10	groups 24:25 36:5	https://www.efsec.wa.gov/ energy-facilities/wallula- 45:23
frequent 17:22	guess 22:25	hundreds 40:8
Friday 27:15	Guilio 8:18,19	hybrid 46:18
front 12:25		
fugitive 31:19		
full 25:25	<hr/> H <hr/>	<hr/> I <hr/>
fully 31:20	habitat 29:7 30:9	identification 34:1
funding 37:15	Hafkemeyer 9:19,20 36:10 47:2,3	identified 20:2 25:16
Fyall 9:7	halogen 16:9	identify 35:1
<hr/> G <hr/>	halogenation/dehalogenation 16:13	identifying 19:11
Galbraith 10:21 14:11,12,14	hand 44:17	immediately 32:24
Gap 9:6 43:23 45:2,6,8,24	Hang 36:21	impacts 21:24 22:3 25:8 34:17 39:25 40:5
gathering 39:25 40:1	hanging 17:17	important 40:13 44:11
general 20:9 25:6 44:7 47:6	happy 48:8	imposed 25:10,13 29:15 34:3 35:3
general's 44:12	Harbor 10:23 15:4,9	impractical 35:5
generally 25:11	hard 39:18 44:4	in-box 47:6
generals 9:8	hawk 29:4,6,16 30:5	inadvertent 31:1
		inception 28:25

include 22:1 27:8 42:9		level 34:6,22 38:8
included 31:6,10 32:7 33:17 42:6,11	<hr/> J <hr/>	Levitt 39:12 41:2,3
including 27:3,4 29:16 31:17 34:15 39:4	Jacob 17:5	license 19:4
inclusive 28:2	Jarred 10:17 14:3	lieu 42:1
inconsistent 27:5	Jenna 9:11	list 33:24
indicating 26:17 28:15,23 29:21	Jennifer 10:21 14:14	listed 26:1 34:13
individual 32:14,25 34:1,12	Jeremy 11:1 14:21	listening 44:24
information 36:16 37:4 39:25 40:1 45:7 46:15	Joan 22:15	listing 34:15,16,17
informational 45:15 46:3,10	Joanne 10:6 19:2 21:15	Livingston 8:1 12:8,10,14,17 41:5,6
infrastructure 30:11,17	John 10:4 20:17 45:5	local 8:10 28:14
initial 32:16	joined 48:2	location 45:10
initially 31:9 32:10 35:11	Jon 9:8,9	location's 45:12
initiated 28:16	Jordyn 8:17,19	lock 37:23
input 40:13	judge 44:7,12,13	logistics 20:11
install 17:13	judges 9:16 44:7	longer 26:12 30:9,10
installation 17:14,17	<hr/> K <hr/>	Loop 7:2
installed 17:11,12	Kathleen 7:11	lot 39:24
installing 17:9	Kennewick 45:11,13	lots 44:24
insufficient 25:10	Kittitas 10:16 14:1,4	<hr/> M <hr/>
intend 34:20	Klickitat 9:3	made 24:12 25:9,13 36:17
intended 19:13 28:18 29:1 30:14 33:10 34:4	Korol 11:15	main 47:6
intent 31:23	Krupin 9:2	majority 24:23 25:5
intentionally 36:1	<hr/> L <hr/>	make 11:17 15:13 20:20 31:10 35:12,22
interest 24:25	Lacey 7:3	makes 28:19
internal 16:12	Lance 10:2	making 21:23
introduce 48:5	land-use 19:4 45:7,18 46:12	malfunxion 16:13
inverters 17:16,18	language 32:22 33:6,11	management 17:16 29:17 30:24 31:15 48:3
irrelevant 31:2	large 25:5	manager 14:22 17:4 47:25
irrespective 44:2	larger 29:3	March 14:17,25 16:8 17:22 24:4
issuance 20:3	last-minute 39:19	Matt 9:3
issued 28:18	latitude 36:3	maximum 16:9 35:2,9
issues 40:14	law 9:16 44:7,13	MDNS 20:4
item 47:10	left 25:21	meant 32:18
	Lenny 8:5 12:5 41:8	measure 30:12

measures 34:9 35:23 36:1

meeting 7:4,12 12:24,25 13:1,15,25
22:1,15 23:1 24:5 45:17 46:4,11,15,
16,18 47:4 48:20,21

meetings 25:20 44:23

Mehinagic 11:4 15:25 16:1,3,5,19

member 22:16 25:24 26:3 34:8 37:3
38:18 41:16 43:14

members 12:2 13:22 14:21 15:8,21
16:2,21 18:5,14,22 19:1,24 20:17,25
21:14 24:2,24 30:2 36:19 38:23
39:14 40:8 42:3 43:4 45:5 47:18,23

met 21:17

methodology 36:4

micro-siting 27:24 28:1 34:6,10

microphone's 22:25

mid 19:9,15

middle 31:1

midnight 24:10

mike 8:1 12:8,14 23:15 41:5

miles 30:7

minimum 20:6

minute 22:11

minutes 12:24,25 13:2,11,16,19

missed 43:25

mitigation 20:2 22:2 25:10,13 29:4
30:5,12 34:1,8,9,20 35:13,14,19,23
36:4,6

modification 15:11 25:17

Module 17:14

moment 48:4

Monday 27:20

monitoring 17:23

month 13:12 14:16,25 26:1

Monthly 7:4

Moon 9:21,22 23:23,25 24:2 36:10

motion 12:4,23 13:1 38:25 39:7
40:3,19 41:18

Mountain 8:17 18:24 19:3,6

move 8:16 13:20 22:8 40:14

moved 12:5 13:4 34:9 39:9 48:7

moving 10:15 12:1,24 16:23 23:23
43:23 45:2

multiple 12:21 13:17 25:9,13

N

Nation 25:1

national 15:14

Natural 8:4 41:8

Nay 41:9

nearing 16:15

necessarily 32:19

needed 20:20 27:3 31:15

nest 30:7,8

nests 29:6,9,12,23

new-employee 47:20

Noncompliance 16:11

nonroutine 14:6,16,24 15:23

Northwest 16:10,15

note 14:24

notice 45:21

noticed 20:6

notices 15:13 18:18

notification 31:19,23 46:23

notify 28:8

notifying 31:21

Noxious 30:24

NPDS 15:15

Nuclear 16:6

number 26:14 29:15 33:20,23 34:2,
12,16 35:2,4,9,12,16

numbers 34:5

O

observations 21:20

occasion 43:12

occur 32:20

occurring 17:23 28:11

offer 39:6

office 20:8 44:6,12

omission 31:4

on-site 21:18

ongoing 17:17

online 22:10 46:21

open 24:9,22 45:13 46:6,8

openly 44:22

operating 15:11

operation 28:25 32:14

operational 10:16 13:21

operations 14:22 32:9 33:15

operative 27:18

opinions 40:9

opposed 12:22 13:18 26:1

opposition 25:6,7

option 26:18

optional 8:11

options 26:7,17

order 7:12

original 25:20 29:5

Osborne 7:21 12:9,11 13:3,6 40:24,
25

Ostrea 18:2,7

owner 38:7

P

p.m. 7:3 18:17 45:14,18,19,20 46:10,
13 48:22

Packer 9:13,14

packet 47:15

pages 42:12

panel 31:15

parcel 19:5,7

parentheses 27:3

part 20:21 30:4,12 37:6

partially 40:2
participate 40:9
participating 43:6
partner 20:23
past 23:21
Paul 8:25 9:1
pause 22:10 23:2 26:3
paused 23:1
pay 38:10
people 12:12 44:21 46:20
percent 17:19
perform 19:7
perimeter 17:9,10
period 14:7 15:12 20:7 24:9 36:14
periods 35:18
permit 15:12,15
permits 28:14,17
person 46:19,21
personal 43:9
perspective 17:21 43:10
petitions 18:16
phase 32:14,15 33:15,16
phone 22:17
PHS 29:22
place 37:5
plan 30:24 31:5,8,20 32:5,6,10
33:16,17,19 37:15,19,21
plans 18:9
plant 25:8
pleasure 48:1
point 36:20 38:24 44:11
points 35:16 44:25
Policy 24:13
pollutant 15:15
portion 28:9
post 38:2
posted 24:6

potential 26:8 40:5
potentially 29:18
power 10:20 14:10 37:4 42:19
Prairie 11:9 16:23 17:6
Pre-operational 28:22 35:23
preconstruction 18:9
preliminary 37:21
prep 15:10
preparation 20:10
prepared 24:5
present 7:22 8:2,5,9,20,23 9:10,12,
14,16,18,20,22,24 10:1,3,5,7,10,12,
14,18,22 11:1,5,8,11,13,15,22 13:24
presentation 24:19 25:15 39:20
presented 26:10
previous 30:20
primarily 25:7
prior 15:13 25:20 28:10,12,25 31:22
32:15 34:6 47:4
priority 29:7
procedure 28:24
proceed 23:22 45:14,17,20 46:10,
11,13
proceedings 23:2
proceedings' 20:10
process 27:25 28:2 30:6,10,16
32:12 33:4 35:15 36:17 43:2 44:24
Program 16:14
progressing 17:19
project 8:12 10:20 14:1,5,11 16:23
17:4,7,8 18:2,12,24 19:21 20:15,24
21:12 23:23 24:3 25:6 26:9 27:25
28:2,3,9,16 30:6,11,21 31:16 32:2,
15,16,21 33:1,8,12,14 34:14 35:5,7
37:5 38:6,8 39:1,19,25 40:1,3,10,14,
18 42:16 43:9,22 45:22 46:23
project's 25:7
projects 16:6 43:19
proof 31:14
proposal 22:2

proposed 12:19 19:15 21:20 24:15
25:16 28:24 35:11
provide 16:15 24:14 42:1
provided 21:25 47:15
providing 17:6 31:12 36:4
PTAG 28:21,25 35:24 36:2
public 15:14 18:15,18 20:6 24:8,9,
24 25:17,25 31:6 33:21 35:16,18
36:9,15 38:9 40:13 44:23 45:7,15,17
46:3,11
publicly 34:25
published 18:18
Puget 14:14
purchase 37:4
purpose 25:24
pursuant 45:10
put 23:7,8 43:21

Q

question 31:18 33:5,6 37:1,15
38:17,19,21
questions 15:2 16:20 18:20,21
19:17,19 20:12,14 21:8,10 22:4,6
26:4,21 27:11 30:2,18 36:11,19
38:15,23 45:25 47:16,18
quorum 11:23

R

racking 17:13
radius 29:6
raised 29:11
Rand- 18:2
Randolph 9:23,24 15:6,7,9 18:3,4,6
RCW 45:10
read 47:14
ready 15:13
realize 42:18
received 24:11,23 25:2,3,18 26:5
27:20 33:21 36:17

recently 48:2
recommend 39:1
recommendation 39:2,20 40:19
recommended 33:22 39:4
recommending 25:22
record 14:14 15:8 18:5 19:2 20:17
21:14 24:2 45:5 47:13,24
records 47:25 48:2
recreation 29:17
recreational 25:8
redesign 35:7
reduce 22:2 35:4
reduced 29:18
reference 30:22 31:8 32:8
referenced 30:21
referring 27:18
refine 20:2
relocated 28:1
remaining 17:15
REMEMBERED 7:1
removal 32:18,19
removed 29:12 31:3 32:23 33:9,13
renewable 17:6 25:12 40:4 42:16,
20
Renewables 14:4
repeat 37:1
replacement 28:9,11
report 14:6 15:17,23 16:11 24:7
39:2 40:19
reported 17:22,24
reporting 24:3
reports 20:20
representative 25:22 35:20
representing 14:15,22 26:8
represents 33:20
request 25:24 34:15 35:1,5
requested 20:23 33:23
requests 35:12,22

require 29:25 32:17 38:8
required 27:7 32:21 37:24,25 38:1
requirement 33:9 37:16
requirements 18:9
requiring 26:16
res- 34:23
residual 16:9
resolved 23:22
resource 34:17,23 42:20,21
resources 8:4 19:8,13 25:9 29:15
40:5 41:8 42:17
respond 13:24
responded 38:19
responding 36:9
responds 41:17
responses 24:23,25 25:2,3,5
responsible 28:23
restoration 37:14,17,21 38:4,10
restored 37:20
restrictive 35:13
Results 21:3
Revegetation 30:23
review 15:16 18:15 20:22 21:6
24:12 32:1
reviewed 24:11
reviewing 39:24 43:5
revised 21:24
Reyes 10:13,14 48:3,13,14
Reyneveld 11:14,15
rid 42:20
Ridge 18:12
rip 42:17
River 42:18
roll 7:13,17 15:5 40:17,20
rules 28:24

S

Sairy 10:13 48:3,12,14
Sanford 11:10 16:25 17:1,2,4
Sara 9:23 15:9 18:6
Sarah 11:14
SCA 24:7,15 25:17,23 26:6,23 27:10
29:23,24 31:9 32:6,11 33:2,20,22,
24,25 34:16 35:19 36:9 39:4
scenario 34:11
schedule 17:8
scheduled 18:17 45:9
scope 33:7
screen 24:18
Sean 9:25 24:12,16
section 26:23 27:24 32:12
selected 26:9,18
send 42:4,5,10
sentence 28:14
SEPA 20:4,20 21:4
separate 42:18
September 27:15,16,21
set 19:9 29:8,13,22,23 39:3
shadowing 21:1
share 24:18 40:9
Sharp 8:22,23
Sherin 15:5
short 36:14 42:1
show 40:12
sic 45:18
side 25:21
sign 46:21
sign-up 46:15
sign-ups 47:4
signature 42:1,2,11
significant 22:3 28:9
similar 33:15

simple 26:22	Stacey 8:8 13:8 39:8,16 41:11	surrounding 29:6 40:6
site 7:5,11 15:9 16:12 17:22 18:6 19:15 20:23 24:6 27:13,22 30:20 33:10 37:14,16,18,19,21 38:10 39:3	staff 7:13 9:17 14:3,13,21 15:10,21 17:4 18:8 19:4,25 20:7,18 21:21,23 22:9 24:5,11 25:16,22 27:20 33:22 34:2,19 35:14 36:1,20 39:5,18 41:24 44:3,11 45:6	survey 19:8 20:24
siting 19:2 21:15	staff's 29:19 36:8	SWCA 21:1
size 29:18	start 29:13 34:7 45:17 47:4	synopsis 24:14
slide 33:20	started 17:15	system 15:15 16:13 27:1,4,6,9 34:18,24
slightly 29:3	starts 46:4	systems 27:2,3,5,8
Slocum 9:11,12	State 7:4 8:11,24 24:13 25:3 28:13 48:14	<hr/> T <hr/>
small 16:7	stated 26:6 28:20 29:2 30:15 31:24 32:1,3 40:19	table 34:16
Smith 11:1 14:19,20,22 15:2	statement 25:23 31:2 42:1,4,9	TAC 35:25 36:3
Snake 42:18	statements 39:17	taking 40:12
Snarski 10:6,7 18:24,25 19:2,19 21:12,13,15 22:6	stating 28:7	Taliaferro 10:9,10 47:21,22,24 48:10
soil 31:18	Station 11:3 15:25 16:3	targeting 34:5
solar 8:21 9:1,3 11:6,9 15:19,22 16:23 17:6 19:3,21 20:15 21:12,16 27:25 28:2 31:15 40:3 45:8	station's 16:14	TBD 36:24
sold 38:6	statute 38:2	team 48:3,18
Sonia 9:17 36:10 47:13	steps 22:1	technical 23:5,20 28:22 35:24 36:5
sort 38:2,3	storage 27:1	techniques 37:23
Sound 14:14	strategies 36:7	technology 37:22
source 20:24	Street 45:13	tentatively 18:16
South 45:12	studies 20:20 36:4	Terminations 17:15
Southeast 7:3	subject 39:2	terminology 31:25
space 26:24	submissions 24:11,15	Texas 48:8
Spanish-translated 45:21	submitted 16:10 27:14	text 25:21 26:13 27:9 28:5,23 29:5, 21 30:20 31:20 32:16
speak 23:9 46:21	subsequent 30:8	thanking 39:18
speaker 45:18,20	substantial 35:7	thing 22:12
speakerphone 23:8	substantially 35:4	things 17:9 42:15
SPEAKERS 12:21 13:17	substation 17:10,11,18	Thomas 11:7 15:21
speaking 15:22 41:23 46:15	suggest 38:25	Thompson 9:8,9 38:11,12 41:25
specialist 15:9 18:6 19:2 21:15 24:14	summary 36:8	thoughts 43:11
species 29:4,7	summit 16:9	Thursday 18:17
specific 34:5,21 35:25	Sunday 27:16	till 18:17 46:10
spent 39:24 43:5,8	supplemental 19:8,12	time 15:17 18:10 29:9,10,22,24 32:20 35:6,21 36:15 37:22 38:24 39:24 40:9 43:5,9,20
spite 44:21	support 20:9 21:3 25:6,11,12 44:12	times 46:2
Square 7:2	suppression 27:8	

timing 33:3		Woodland 7:2
tip 26:15	<hr/> V <hr/>	word 31:1
today 9:16 39:5 48:1	Valley 10:16 14:1,4 45:11	wording 28:6 30:4
today's 7:12	vast 24:23	work 17:19 18:8 19:9,12,13,15 20:19,21 36:8,14 39:18 40:7 43:10, 13,19 44:4 48:9,16
TOMPSON 9:9	vegetation 31:15	worked 40:12
Top 18:2,6	viable 30:10	working 19:11 20:7 21:22 40:11 43:5,9 48:18
Torem 44:13	view 44:25	Works 31:6
total 16:8 26:14	VIII.B 33:1	written 36:2
tracker 17:13	VIII.D(2) 33:2	wrong 46:2
traffic 31:5	virtual 46:16,18	WSP 17:23
Transmis- 37:9	visual 21:24 22:3 25:8 29:16	
transmission 37:10,12	vote 42:10 44:2	<hr/> Y <hr/>
Transportation 8:7,25 41:11		Yakama 25:1
tremendous 36:16	<hr/> W <hr/>	Yakima 30:21
tribal 20:1 21:7 25:1 40:5	wait 22:14	year 26:1 27:16,17 37:19
Tuesday 45:9	Wallula 9:6 43:23 45:2,6,8	years 37:24
turbine 26:6,14,17,18 32:14,17,25 33:24 34:1,5,12	wanted 15:10 44:1 47:3	yesterday 21:17 41:24
turbine's 32:18	washing 31:16	you-all 7:16 24:19
turbines 26:9,11,14 28:3 30:13 33:24,25 34:7,16,21 35:2,4,10	Washington 7:3,4 8:24 16:5 45:12, 13	Young 8:5 12:5 41:8,9,22,23 42:7 43:25 44:1,15,16,19
turned 22:24	water 19:13 20:24 31:13,14	Yuriy 11:15
two-mile 29:6,25	Wautoma 8:21 19:21	<hr/> Z <hr/>
types 26:10	website 45:22 46:23	Zack 9:13
typo 26:22 30:25	Wednesday 7:1	Zalewski 10:11,12 48:3,6,7
<hr/> U <hr/>	Weed 30:24	
understand 8:14 41:25 43:2	weeks 20:4	
understanding 29:19	Western 48:14	
unintelligible 36:23 37:8,13 38:17 42:15	wetland 19:14 21:19	
update 15:6 16:7,16,24 17:7 18:1,2, 12,24 19:21 23:23 27:12 43:24 45:3	wetlands 19:12	
updated 21:22 30:22 37:17	Whistling 18:12	
updates 10:16 13:20,21 14:16 15:16,23 18:10 39:20 47:20	who've 44:8	
Utilities 8:6 41:10	Wild 10:19 14:10,15	
	wildlife 7:25 25:9 40:6 41:5	
	wind 10:16,19 14:1,5,10,15 22:8 23:24 24:3 28:3 40:2	
	wire 17:16	
	wit 7:6	