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Energy Facility Site Evaluation Council v.

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

July 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 Lenny Young, Department of Natural Resources

7 Stacey Brewster,
8 Utilities & Transportation Commission

9
10 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

11 Horse Heaven:

12 Ed Brost, Benton County (*)

13 Badger Mountain:

14 Jordyn Guilio, Douglas County (*)

15 Wautoma Solar:

16 Dave Sharp, Benton County (*)

17 Paul Gonseth, Washington State Department of
18 Transportation (*)

19 Hop Hill Solar:

20 Paul Krupin, Benton County (*)

21 Carriger Solar:

22 Matt Chiles, Klickitat County (*)
23
24
25

APPEARANCES (Continuing)

ASSISTANT ATTORNEYS GENERAL:

Jon Thompson

Jenna Slocum (*)

Zack Packer (*)

ADMINISTRATIVE LAW JUDGES:

Adam Torem (*)

Laura Bradley (*)

COUNCIL STAFF:

Sonia Bumpus

John Barnes

Ami Hafkemeyer

Joanne Snarski

Amy Moon (*)

Alex Shiley (*)

Stew Henderson

Karl Holappa

Joan Owens

Maria Belkina

Andrea Grantham

Lisa McLean (*)

Sara Randolph (*)

Adrienne Barker (*)

Sean Greene

Martin McMurray

Lance Caputo

Trevin Taylor

OPERATIONAL UPDATES:

Jarred Caseday (*)

Kittitas Valley Wind, EDP Renewables

1 APPEARANCES (Continuing)

2 OPERATIONAL UPDATES (Continuing):

3 Sara Randolph
4 Wild Horse Wind Power Project, Puget Sound Energy

5 Chris Sherin (*)
6 Grays Harbor Energy Center, Grays Harbor Energy

7 Jeremy Smith (*)
8 Chehalis Generation Facility, PacifiCorp

9 Katie Hall
10 Columbia Generating Station & WNP-1/4, Energy
11 Northwest

12 Thomas Cushing (*)
13 Columbia Solar, Tuusso Energy

14 Patrick McNelis
15 Goose Prairie Solar, Brookfield Renewable

16 COUNSEL FOR THE ENVIRONMENT:

17 Bill Sherman (*)

18 (*) indicates remote attendee

19 Note: All attendees listed above have been
20 verified as being present despite some
21 having been omitted from the oral roll call.
22
23
24
25

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1 BE IT REMEMBERED that on Wednesday,
2 July 17, 2024, at 621 Woodland Square Loop Southeast,
3 Lacey, Washington, at 1:37 p.m., the following
4 Monthly Meeting of the Washington State Energy
5 Facility Site Evaluation Council was held, to wit:

6
7 <<<<<< >>>>>>

8
9 CHAIR DREW: Good afternoon. This
10 is Kathleen Drew, Chair of the -- what am I Chair of?
11 No -- the Energy Facility Site Evaluation Council.

12 My apologies for the technical difficulties here.
13 We'll try and get everything into order.

14 And as we begin, Ms. Grantham, will you call the
15 roll.

16 MS. GRANTHAM: Certainly, Chair
17 Drew.

18 Department of Commerce.

19 MS. OSBORNE: Elizabeth Osborne,
20 present.

21 MS. GRANTHAM: Department of
22 Ecology.

23 MR. LEVITT: Eli Levitt, present.

24 MS. GRANTHAM: Department of Fish
25 and Wildlife.

1 Department of Natural Resources.

2 MR. YOUNG: Lenny Young, present.

3 MS. GRANTHAM: Utilities and
4 Transportation Commission.

5 MS. BREWSTER: Stacey Brewster,
6 present.

7 MS. GRANTHAM: Local government and
8 optional State agencies: For Horse Heaven, we have
9 Benton County, Ed Brost.

10 I know I saw Mr. Brost online. If you are
11 online, please press pound 6 or star 6. You might
12 have gotten muted. I will move on for now.

13 For Badger Mountain, for Douglas County, Jordyn
14 Guilio.

15 MS. GUILIO: Jordyn Guilio,
16 present.

17 MS. GRANTHAM: For the Wautoma
18 Solar project, for Benton County, Dave Sharp.

19 MR. SHARP: Dave Sharp, present.

20 MS. GRANTHAM: Washington State
21 Department of Transportation, Paul Gonseth.

22 MR. GONSETH: Paul Gonseth,
23 present.

24 MS. GRANTHAM: Hop Hill Solar, for
25 Benton County, Paul Krupin.

1 MR. KRUPIN: Paul Krupin, present.

2 MS. GRANTHAM: For the Carriger
3 Solar, for Klickitat County, Matt Chiles.

4 MR. CHILES: Matt Chiles, present.

5 MS. GRANTHAM: For Wallalu Gap, for
6 Benton County, Adam Fyall.

7 And I will circle back for Benton County, for
8 Horse Heaven. Mr. Brost, are you able to unmute
9 yourself?

10 MR. BROST: I hope so.

11 MS. GRANTHAM: We can hear you.

12 MR. BROST: This is Ed. Can you
13 hear me?

14 MS. GRANTHAM: Yes.

15 MR. BROST: Okay. Super.

16 MS. GRANTHAM: Thank you.

17 MR. BROST: Thank you.

18 MS. GRANTHAM: Okay. Moving down
19 to assistant attorney generals. Jon Thompson.

20 MR. THOMPSON: Present.

21 MS. GRANTHAM: Jenna Slocum.

22 MS. SLOCUM: Present.

23 MS. GRANTHAM: Zack Packer.

24 Administrative law judges. Adam Torem.

25 ALJ TOREM: Hi. This is Judge

1 Torem. Can you hear me?

2 MS. GRANTHAM: Yes, we can. Thank
3 you.

4 Laura Bradley.

5 ALJ BRADLEY: Judge Bradley,
6 present.

7 MS. GRANTHAM: Dan Gerard.

8 And Travis Dupree.

9 Moving on to EFSEC staff. I will be calling
10 those who may be anticipated to speak today.

11 Sonia Bumpus.

12 MS. BUMPUS: Sonia Bumpus, present.

13 MS. GRANTHAM: Ami Hafkemeyer.

14 MS. HAFKEMEYER: Present.

15 MS. GRANTHAM: Amy Moon.

16 MS. MOON: Amy Moon, present.

17 MS. GRANTHAM: Sara Randolph.

18 MS. RANDOLPH: Present.

19 MS. GRANTHAM: Sean Greene.

20 MR. GREENE: Present.

21 MS. GRANTHAM: Lance Caputo.

22 MR. CAPUTO: Present.

23 MS. GRANTHAM: John Barnes.

24 MR. BARNES: Present.

25 MS. GRANTHAM: Joanne Snarski.

1 MS. SNARSKI: Present.

2 MS. GRANTHAM: And Zia Ahmed.

3 Moving on to operational updates. Excuse me.

4 Kittitas Valley wind project.

5 MR. CASEDAY: Jarred Caseday,
6 present.

7 MS. GRANTHAM: Wild Horse Wind
8 Power Project.

9 Grays Harbor Energy Center.

10 MR. SHERIN: Chris Sherin's
11 present.

12 MS. GRANTHAM: Chehalis Generation
13 Facility.

14 MR. SMITH: Jeremy Smith, present.

15 MS. GRANTHAM: Columbia Generating
16 Station.

17 MS. HALL: Katie Hall, present.

18 MS. GRANTHAM: Columbia Solar.

19 MR. CUSHING: Thomas Cushing,
20 present.

21 MS. GRANTHAM: And Goose Prairie
22 Solar.

23 MR. McNELIS: Patrick McNelis,
24 present.

25 MS. GRANTHAM: And then do we have

1 anyone present for the counsel for the environment?

2 MR. SHERMAN: Yes. This is Bill
3 Sherman. I'm pinch hitting today for Yuriy Korol and
4 Sarah Reyneveld.

5 MS. GRANTHAM: Thank you.

6 Chair, we have a quorum for all of the councils.
7 Thank you.

8 CHAIR DREW: Thank you.

9 Council, in front of us, we have the proposed
10 agenda.

11 Is there a motion to adopt the proposed agenda?

12 MR. YOUNG: Lenny Young. So moved.

13 CHAIR DREW: Second?

14 MS. BREWSTER: Stacey Brewster.
15 Second.

16 CHAIR DREW: All those in favor,
17 say "aye."

18 MULTIPLE SPEAKERS: Aye.

19 CHAIR DREW: Opposed?

20 The minutes are -- excuse me. The agenda is
21 approved.

22 Moving on to the meeting minutes. You have in
23 front of you the June 20th, 2024, monthly council
24 meeting minutes.

25 Is there a motion to approve those minutes?

1 MS. OSBORNE: Elizabeth Osborne.

2 So moved.

3 CHAIR DREW: Thanks.

4 Second?

5 MS. BREWSTER: Stacey Brewster.

6 Second.

7 CHAIR DREW: Thanks.

8 I have two edits/changes to the minutes.

9 One is on Page 45, Line 24. The word "habit"
10 should be "habitat."

11 And on Page 47, Line 25, the word "thee,"
12 t-h-e-e, should be "tree."

13 All those in favor of approving the minutes as
14 amended, please say "aye."

15 MULTIPLE SPEAKERS: Aye.

16 CHAIR DREW: Opposed?

17 The minutes are approved as amended.

18 Moving on to our operational updates. Kittitas
19 Valley wind project. Mr. Caseday.

20 MR. CASEDAY: Good afternoon, Chair
21 Drew, EFSEC Council, and staff. This is Jarred
22 Caseday with EDP Renewables for Kittitas Valley wind
23 power project.

24 We had nothing nonroutine to report for the
25 period.

1 CHAIR DREW: Thank you.

2 MR. CASEDAY: Thank you.

3 CHAIR DREW: Wild Horse Wind Power
4 Project. Ms. Randolph.

5 MS. RANDOLPH: Thank you.

6 Good afternoon, Chair Drew and Council members.
7 For the record, this is Sara Randolph, site
8 specialist, for Wild Horse.

9 The facility update is provided in your packet.
10 There were no nonroutine updates to report.

11 CHAIR DREW: Thank you.

12 Moving on to Chehalis Generation Facility.
13 Mr. Smith.

14 MR. SMITH: Good afternoon, Chair
15 Drew, Council members, and staff. This is Jeremy
16 Smith, the operations manager, representing the
17 Chehalis Generation Facility.

18 I do not have anything nonroutine to note for the
19 month of June.

20 CHAIR DREW: Thank you.

21 Grays Harbor Energy Center. Mr. Sherin.

22 MR. SHERIN: Good afternoon, Chair
23 Drew, Council members, and EFSEC staff. This is
24 Chris Sherin, plant manager, with Grays Harbor Energy
25 Center.

1 For the month of June, the only nonroutine item
2 we had -- had to report is that we did -- Grays
3 Harbor Energy Center made EFSEC staff aware of three
4 emission exceedances during start-ups following our
5 hot gas path inspection or major gas turbine work and
6 upgrades during our annual maintenance outage.

7 I believe the issues other -- all but the third
8 event have been resolved. The third event was just
9 CO on a ~~star~~^{start}-up/shutdown limit of 500 pounds was
10 exceeded. So Grays Harbor Energy Center is currently
11 working with the gas turbine equipment manufacturer
12 to determine the cause of these emissions events and
13 ensure a resolution.

14 CHAIR DREW: Thank you.

15 Are there any questions?

16 MS. RANDOLPH: Chair.

17 CHAIR DREW: Go ahead.

18 MS. RANDOLPH: We -- this is Sara
19 Randolph. We had one other update.

20 CHAIR DREW: Yes.

21 MS. RANDOLPH: The EPA has reviewed
22 the air operating permit, or the AOP, and has no
23 objections. The Council action to vote on the
24 issuance of the permit was open for public comment,
25 and none were received. Staff recommend that the

1 Council vote to issuance [sic] the amended AOP.

2 There are no other updates.

3 CHAIR DREW: Okay. So we go ahead
4 and make a motion to approve the Title V AOP for the
5 Grays Harbor project.

6 MR. LEVITT: Can I just --

7 MR. YOUNG: Lenny Young.

8 Go ahead, Eli.

9 MR. LEVITT: Yeah. Just a quick
10 question to make sure.

11 So there were no public comments, but I also want
12 to make sure that no members of the community or
13 public asked for a public hearing; is that correct?

14 UNIDENTIFIED SPEAKER: That is
15 correct.

16 MR. LEVITT: Okay. Thank you.

17 CHAIR DREW: Mr. Young.

18 MR. YOUNG: Lenny Young. So moved.

19 CHAIR DREW: Thank you.

20 Second?

21 MS. BREWSTER: Stacey Brewster.

22 Second.

23 CHAIR DREW: Are there any comments
24 or questions?

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

1 MULTIPLE SPEAKERS: Aye.

2 CHAIR DREW: Opposed?

3 Motion carries. Thank you. And thank you,
4 staff, for all of your work on this as well.

5 Moving on to Columbia Solar operational --

6 MR. CUSHING: Good afternoon --

7 CHAIR DREW: -- update.

8 MR. CUSHING: -- Chair --

9 CHAIR DREW: Mr. Cushing.

10 MR. CUSHING: Good afternoon, Chair

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

12 Cushing speaking on behalf of Columbia Solar.

13 There are no nonroutine updates to report.

14 CHAIR DREW: Thank you.

15 Columbia Generating Station. Ms. Hall. Is that
16 correct?

17 MS. HALL: Yes, that is correct.

18 Good afternoon, Chair Drew, Council members, and
19 EFSEC staff. This is Katie Hall speaking on behalf
20 of Columbia Generating Station and Washington Nuclear
21 Project 1 and 4.

22 There are no nonroutine items to report for
23 either Columbia Generating Station or the Washington
24 Nuclear Project 1 and 4, which is also commonly known
25 as the Industrial Development Complex. Thank you.

1 CHAIR DREW: Thank you. Thank you.
2 Goose Prairie Solar. Patrick, I didn't catch
3 your last name.

4 MR. McNELIS: Patrick McNelis. I'm
5 filling in for Jacob Crist.

6 CHAIR DREW: Thank you.

7 MR. McNELIS: And good afternoon,
8 EFSEC staff and Council.

9 Project is on schedule. Upcoming milestones are
10 a 90-day soak. That's TBD when it's going to start.
11 Goose Prairie is considered mechanically complete.
12 On or around September 30th, we'll get sign-off from
13 Utility for COD.

14 All major scope items are complete. Cleanup
15 items are current. Punch list items are completed.
16 Hot commissioning and BPA testing remains. O&M site
17 certificate deliverables in draft with Brookfield and
18 O&M from Tetra Tech.

19 For environmental compliance, no discharge on the
20 site reported in June. Frequent monitoring is
21 occurring through WSP, with no findings reported for
22 June other than some filter socks that needed
23 replaced.

24 During upcoming projects, O&M office building
25 permit has been submitted to Yakima County with EFSEC

1 on copy. And currently we're preparing for a
2 transition to Brookfield operations, and a new
3 contract list is in draft and will be provided as
4 soon as possible.

5 CHAIR DREW: Thank you.

6 MR. McNELIS: And no further
7 updates. Thank you.

8 CHAIR DREW: High Top and Ostrea.
9 Ms. Randolph.

10 MS. RANDOLPH: Thank you, Chair
11 Drew, Council members. For the record, this is Sara
12 Randolph, site specialist, for High Top and Ostrea.

13 EFSEC staff are continuing to work with the
14 certificate holder and our contractors to review and
15 refine pre-construction plans. In particular, staff
16 are coordinating with the certificate holder on final
17 revisions to the initial site restoration plan, or
18 the ISRP, which will come to the Council for review
19 for the August Council meeting and approval once
20 fully refined.

21 There are no further updates at this time.

22 CHAIR DREW: Thank you.

23 And, again, that's for the Ostrea project?

24 MS. RANDOLPH: Correct. Yes.

25 CHAIR DREW: Okay. Badger Mountain

1 project update. Ms. Snarski.

2 MS. SNARSKI: Thank you, Chair
3 Drew. And good afternoon, Council members. For the
4 record, this is Joanne Snarski, the siting
5 specialist, for Badger Mountain Solar.

6 On June 27th, EFSEC received a formal request
7 from Avangrid Renewables, the applicant, to place all
8 project activities on hold for the next two to three
9 months. As you will see in your Council packet, they
10 stated that they intend to reevaluate public
11 comments, including from project landowners and
12 affected tribal nations. This request has paused the
13 development of the draft environmental impact
14 statement, wetlands characterization, and the
15 cultural resources survey.

16 I can answer any questions.

17 CHAIR DREW: Thank you.

18 So we were in the midst of a cultural resources
19 survey, so we're stopping at midstream.

20 How much more work was left to be done on that?

21 MS. SNARSKI: I would say
22 approximately two-thirds to half.

23 CHAIR DREW: Was left?

24 MS. SNARSKI: Was remaining.

25 Correct.

1 CHAIR DREW: Okay. Thank you.

2 Any other questions from Council members?

3 Thank you.

4 Moving on to Wautoma Solar project update.

5 Mr. Caputo.

6 MR. CAPUTO: Am I coming through?

7 Very good.

8 Thank you, Chair Drew and Council members. On
9 June 9th, 2022, Innergex Renewable Development USA,
10 LLC, submitted its application for site certification
11 for the Wautoma Solar energy project to the Council
12 for our review and your recommendation to the
13 governor. The Council convened its land-use
14 consistency hearing on August 8, 2022. On November
15 15, 2022, the Council issued its final order, project
16 inconsistent with land-use regulations, and set the
17 matter for adjudication.

18 Since the Council found the project inconsistent
19 with the County's land-use provisions, an
20 adjudicative proceeding must be held to determine if
21 the Council should recommend to the governor
22 preemption of the County's land-use provisions and
23 site the facility.

24 Because the EFSEC SEPA responsible official
25 issued a mitigated determination of nonsignificance

1 for this project in May of this year, the
2 adjudication can and has been limited to the issues
3 surrounding land use pursuant to RCW 80.50.090,
4 Section 4, Subsection b. A prehearing conference was
5 notified on July 2nd and is scheduled for next week
6 on July 22nd.

7 May I answer any questions?

8 CHAIR DREW: Are there any
9 questions for Mr. Caputo?

10 Thank you.

11 Hop Hill Solar Project. Mr. Barnes.

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

15 Work is continuing with the applicant to complete
16 studies and reports needed to make a SEPA
17 determination. We continue to coordinate and review
18 the application with our contractor, contracted
19 agencies, and tribal governments.

20 Are there any questions?

21 CHAIR DREW: Do I remember
22 correctly that it is Hop Hill Solar that was looking
23 at perhaps an addition to the application?

24 MR. BARNES: That is correct.

25 CHAIR DREW: Okay. Just to remind

1 everyone. Okay. Thank you.

2 MS. HAFKEMEYER: To clarify, Chair
3 Drew, that has been informally communicated to staff,
4 but we have not seen anything formally submitted yet.

5 CHAIR DREW: Okay. Thank you.
6 Carriger Solar. Ms. Snarski.

7 MS. SNARSKI: Thank you, Chair
8 Drew. Again, this is Joanne Snarski, the siting
9 specialist, for Carriger Solar.

10 We have -- EFSEC staff have been discussing the
11 proposed mitigation in the revised visual impacts
12 assessment provided to us by the applicant. Staff
13 believe the applicant's mitigation proposal will
14 reduce significant impacts to visual aesthetics. We
15 anticipate the final revised visual impact assessment
16 to be provided this week. It will then be posted on
17 the Carriger website.

18 Additionally, EFSEC staff received final approval
19 of the cultural resource survey report from the
20 Department of Archaeology and Historic Preservation
21 and the Yakama Nation Cultural Resources Program.

22 The next step for us is to complete the final
23 SEPA determination -- or excuse me -- in -- the next
24 step in determining this final SEPA determination is
25 for us to -- to receive the traditional cultural

1 property study that we've contracted with directly
2 with the Yakama Nation's Cultural Resources Program.
3 We expect this work to be completed in December 2024.

4 CHAIR DREW: So we will wait for
5 the conclusion of that study before --

6 MS. SNARSKI: The final SEPA
7 determination.

8 CHAIR DREW: -- the final SEPA
9 determination.

10 MS. HAFKEMEYER: If I could jump in
11 again. For the record, this is Ami Hafkemeyer.

12 If the Council will recall, when the applicant
13 submitted an extension request letter, they requested
14 an extension to allow for the completion of the study
15 and then some additional time for discussions with
16 the Yakama Nation depending on the findings of that
17 study to identify mitigation.

18 CHAIR DREW: Thank you.

19 Okay. Moving on to Wallula Gap project update.
20 Mr. Barnes.

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

24 Staff has developed and sent on July 2nd, 2024,
25 Data Request No. 1. Staff are continuing to review

1 the application with our contractor, contracted
2 agencies, and tribal governments.

3 Are there any questions?

4 CHAIR DREW: Any questions? Thank
5 you.

6 Whistling Ridge. Mr. Caputo.

7 MR. CAPUTO: Thank you, Chair Drew
8 and Council members.

9 In September 2023, EFSEC received two petitions
10 from Twin Creek Timber, LLC, regarding the Whistling
11 Ridge energy project. The first petition seeks
12 approval to transfer ownership of the site
13 certification agreement from SDS Lumber to Twin Creek
14 Timber. The second petition seeks an approval to
15 extend the expiration date of the site certification
16 agreement until November of 2026.

17 Last month, the Council directed staff to prepare
18 a draft order for consideration at today's meeting.
19 It is included in your information packets. The
20 public was notified of pending Council action on this
21 project. One comment was received from the Friends
22 of the Columbia Gorge.

23 Based upon this comment, some edited -- some
24 edits are proposed for Council consideration. Edits
25 included corrections of the spelling of names,

1 citations of applicable rules, and rewording of
2 sentences to provide clarity. There is a red-line
3 copy of the order in your packets. I will now
4 quickly go through the proposed changes individually.

5 On Page 1 of the order, some edits are proposed
6 to add clarity to the ownership of the company and
7 correct the spelling of Mr. Spadaro's name.
8 Corrections to the spelling of his name are carried
9 throughout the document.

10 On Page 2, it contains an additional grammatical
11 correction removing the possessive from "TCT."

12 Page 3, corrected a citation to refer to the
13 entirety of the section of the Washington
14 Administrative Code as well as a minor edit for
15 readability.

16 Page 5 contains in the footnote a correction of
17 the characterization of the position of Friends of
18 the Gorge.

19 Staff request the Council approve the order as
20 amended.

21 May I answer any questions?

22 CHAIR DREW: Any questions for
23 Mr. Caputo?

24 Council members, this is an issue which we
25 discussed at last meeting and had the -- held the

1 public hearings as well.

2 Is there a motion to approve the order which
3 denies the request for approval of transfer of
4 control and for an extension of site certifications
5 expiration date and declares the SCA expired and
6 denies as moot the Friends of Columbia Gorge's
7 petition for an adjudicative proceeding on TCT's
8 transfer and extension request?

9 Is there a motion to approve?

10 MS. BREWSTER: Stacey Brewster. So
11 moved.

12 MR. LEVITT: Eli Levitt. Second.

13 CHAIR DREW: Thank you.

14 Discussion?

15 I think we did talk about this quite a bit at the
16 last meeting. And the Council unanimously was
17 thinking at that point in time that the company did
18 not meet the requirements for the approval of
19 transfer of control and, therefore, an extension of
20 the site certification.

21 This is all laid out in the -- in the Council
22 order. So approving the order, I should change the
23 motion, if you-all agree, that we are approving an
24 order, No. 893.

25 All those in favor of Council Order 893, please

1 say "aye."

2 MULTIPLE SPEAKERS: Aye.

3 CHAIR DREW: All those opposed?

4 The order is approved. Thank you.

5 We are now moving on to Horse Heaven Wind Farm
6 project update.

7 For those Council members who are not present, if
8 you could turn on your cameras so that when we have
9 questions or we have discussion, I can better see
10 when you are interested in making a comment.

11 Mr. Brost, I don't know if you're able to, but we
12 will keep track of you. Okay?

13 Project update. Ms. Moon.

14 MS. MOON: Good afternoon, Council
15 Chair Drew and EFSEC Council members. For the
16 record, this is Amy Moon reporting on the Horse
17 Heaven wind project.

18 EFSEC staff continue to address feedback and
19 comments provided by the governor's office and the
20 EFSEC Council on the Horse Heaven recommendation
21 report. Sean Greene, EFSEC staff, has prepared a
22 slide presentation in response to Council questions
23 and requests stemming from the June 20th Council
24 meeting. And I'm just going to introduce Sean.

25 Sean, your turn.

1 MR. GREENE: Thank you.

2 All right. I'm going to share my screen. Okay.
3 That looks like it's displaying.

4 So as Amy mentioned, at the previous Council
5 meeting, the Council directed staff to identify
6 mitigation alternatives in relation to mitigation
7 options that were included within the draft site
8 certification agreement that were identified by the
9 governor's office as potentially reducing the
10 production potential (audio interference) -- are we
11 okay?

12 Okay. So following that guidance, staff have
13 identified several mitigation alternatives to
14 replace, supplement, or pull back on the mitigation
15 measures that were identified as having that
16 potential of reducing production potential of the
17 project.

18 To begin with, we're going to -- well, we're
19 going to go through several resource areas that were
20 affected in a mitigative sense from the SCA regarding
21 project impacts, the first of which is priority
22 habitat.

23 As a brief on non-exclusion mitigation measures
24 that were included within the FEIS and subsequently
25 incorporated into the SCA, there were several,

1 including Vegetation-1, which required that tree
2 removal be avoided where possible and mitigated where
3 necessary;

4 Vegetation-4, which requires an as-built report
5 and revegetation monitoring to ensure success of
6 revegetation and shrub-steppe restoration;

7 Vegetation-7, which require the preparation and
8 execution of a detailed site restoration plan and
9 revegetation plan, which, again, encompassed priority
10 habitat;

11 and Habitat-5 and -8, which outlined the process
12 through which an assessment of indirect habitat loss
13 and alteration would take place and outlined how
14 compensatory mitigation would be developed.

15 All of these measures and any other measures
16 outlined in this presentation are included in their
17 full text within your -- your Council packet.

18 So for priority habitat, the draft SCA measure
19 that was identified as potentially reducing energy
20 production potential of the project was
21 Vegetation-10. This was a measure that was crafted
22 by the Council following the publication of the final
23 environmental impact statement and, in essence,
24 prohibited the siting of solar arrays on rabbitbrush,
25 shrubland, or WDFW-designated priority habitat types,

1 of which the only one on-site would be shrub-steppe
2 or this project.

3 The result of this measure, if implemented, would
4 reduce the proposed solar siting area. And as a
5 reminder, that is the total area in which all solar
6 arrays could be sited, but the final footprint of the
7 solar arrays would not encompass the entire solar
8 siting area.

9 Approximately 5200 acres of solar arrays are
10 proposed by the applicant to be sited, and of those,
11 75 percent -- or pardon me -- 75 acres, or about 1
12 and a half percent, would be excluded from site --
13 their current -- siting on their current footprint by
14 this measure. Though it should be noted that there
15 is the option for the applicant to relocate
16 prohibited solar arrays to a different area of the
17 solar siting area where they would not impact these
18 habitat types.

19 In regards to the alternatives proposed by staff,
20 there -- what you see on the screen are essentially
21 the options: Either eliminating Vegetation-10 and
22 allowing for siting on these areas with the other
23 measures that were included in the final
24 environmental impact statement and draft SCA, which
25 are inclusive of applicant commitments to implement

1 compensatory mitigation for any impacts to designated
2 habitat types; or retaining the language from the
3 draft SCA, which would continue to exclude
4 approximately 10 percent of the solar siting area and
5 1 and a half percent of the proposed solar footprint.

6 CHAIR DREW: Mr. Brost. Or I'm
7 sorry. Who has the hand raised?

8 MR. YOUNG: Chair Drew, this is
9 Lenny Young.

10 CHAIR DREW: Hi.

11 MR. YOUNG: Could you -- could you
12 clarify? I think you characterized what we're
13 looking at as staff proposals. Are these -- or
14 excuse me. Staff recommendations. Are these staff
15 recommendations, or are these just possibilities that
16 staff is sharing with the Council?

17 CHAIR DREW: So, Ms. Bumpus, would
18 you like to take that question?

19 MS. BUMPUS: Yes. For the record,
20 this is Sonia Bumpus.

21 The PowerPoint presentation revisits what's --
22 what was in the FEIS and what was in the draft site
23 certification agreement sent to the governor. And in
24 some cases, we have offered an alternative to those
25 for discussion by the Council.

1 Vegetation-10 does not have another option that
2 we created for you to consider. We really just
3 wanted to show here the -- the difference between
4 what the measures in the FEIS for priority habitat
5 were versus those measures in addition to Veg-10,
6 which was drafted by the Council. This is --

7 MR. YOUNG: Yeah.

8 MS. BUMPUS: I'll just add that
9 this isn't a measure that, in the staff's view, we
10 found to have a significant difference in the overall
11 output of the project. As Mr. Greene mentioned,
12 there is the possibility of relocation even with
13 Veg-10 in place. And so we really didn't --
14 ultimately didn't really see that this was one that
15 had a substantial impact on the build-out. But
16 nonetheless, it does have some role in affecting the
17 potential build-out.

18 MR. YOUNG: Yeah, understood.

19 MS. BUMPUS: Is that -- mm-hmm.

20 MR. YOUNG: I think I heard
21 Mr. Greene, though, refer to this as a staff
22 recommendation. And I just was looking for clarity
23 on whether what we're being presented this afternoon
24 is analysis without a recommendation or, in fact, is
25 a staff recommendation.

1 MR. GREENE: You are correct.
2 These are not intended to be staff recommendations.
3 If I used that terminology, that was incorrect. We
4 went back and reviewed resource areas where the
5 Council had identified mitigation beyond those in
6 the -- the FEIS, which essentially operates as a
7 staff recommendation, and tried to identify
8 alternatives for the Council's consideration at this
9 meeting that are options for you to discuss.

10 The final versions of these mitigation, including
11 their -- retaining them as written in the SCA,
12 removing them, or adding onto them, is a
13 determination ~~date~~ that will be made by the Council
14 and can extend beyond the options presented on your
15 screen right now.

16 MR. YOUNG: Understood. Thank you
17 for clarifying.

18 CHAIR DREW: Mr. Young, what I'm
19 looking for today is the views from Council on each
20 of these areas to perhaps have then, at the
21 conclusion of our discussion, something we would
22 direct the staff to draft for the August meeting.

23 So, for example, as I look at Veg-10, I think
24 that this does not affect the output. I think it's a
25 common-sense approach. I think it retains vegetation

1 in priority areas. And for me, I guess I would ask
2 if the Council is comfortable retaining that.

3 Are there any views?

4 MS. BREWSTER: This is Stacey
5 Brewster. I'll agree with you on that. I think
6 the -- the impact is small. The benefits for
7 retaining that habitat is high and worthy of keeping
8 in place.

9 CHAIR DREW: Anyone who would like
10 to object, please say so. Otherwise, we'll move on
11 to the next slide.

12 Okay. We can come back to it if people have
13 questions. We just have a lot more material to get
14 through, so -- and we can have a motion if one -- if
15 the Council desires to do so at the end, and we can
16 discuss everything in that.

17 Okay. Thank you.

18 MR. GREENE: Okay. The next
19 resource area that was related to potential
20 mitigation measures that would reduce the production
21 energy potential of the project was wildlife movement
22 corridors.

23 There were several mitigation measures in the
24 FEIS that were incorporated into the SCA that did not
25 deal with exclusion of project components. That's

1 still mitigated for the resource, including
2 Wildlife-6, which required maintenance of a road
3 mortality database and enforced adaptive management
4 based on the results of that database data
5 collection;

6 Habitat-2, which required minimization of
7 transmission lines cross -- crossing canyons and
8 draws to reduce potential wildlife movement barriers;

9 and Habitat-7, which required that all project
10 roadways be removed during decommissioning to restore
11 pre-project levels of wildlife movement.

12 The exclusion mitigation measure that mitigated
13 for impact to this resource was Habitat-1. The FEIS
14 version of this measure required that all project
15 components located within medium-or-above wildlife
16 linkage corridors be avoided to the extent feasible.
17 And if they were cited within those medium-or-above
18 linkage corridors, they must be accompanied by a
19 corridor mitigation plan, which includes a number of
20 measures, including adjacent habitat improvements;
21 features to accommodate passage, such as culverts;
22 post-construction monitoring; and restoration.

23 The draft SCA version of the measure prohibited
24 the siting of primary project components --
25 specifically, turbines, solar, and BESS -- within

1 medium-or-above linkage corridors and prohibited the
2 siting of secondary project components, such as roads
3 and transmission lines, in high-or-above linkage
4 corridors unless colocated within existing
5 infrastructure. And maintained -- the SCA version
6 maintained the FEIS corridor mitigation plan for all
7 medium -- or all secondary components cited within
8 medium-or-above linkage corridors.

9 The result of implementation of the draft SCA
10 version of this mitigation would see approximately a
11 13 and a half percent reduction in the number of
12 turbines based on where they're currently proposed
13 within the project area as well as a 6 percent
14 reduction in the proposed solar siting area, though
15 none of the currently proposed solar footprint would
16 be affected.

17 There is also the matter of a 230-kilovolt
18 intertie transmission line that is propo- -- that the
19 applicant has requested the option of construction to
20 connect their eastern substation and western
21 substation at three points along its route. This
22 line would cross areas of high-or-above linkage
23 corridors and be precluded from being sited there, so
24 additional engineering redesign would be necessary
25 for about three and a half miles of that 19

1 -plus-mile intertie line.

2 CHAIR DREW: Mr. Greene, couple
3 questions for you.

4 First of all, when you look back at the FEIS
5 language -- and I know it's just summarized here.
6 And for the Council members, there is something that
7 is in the packet which you can't see there. But can
8 we maybe put it on the screen? The Habitat-1? Is
9 that the one?

10 MR. GREENE: Yes, I can.

11 CHAIR DREW: I think that would be
12 very good.

13 So in other projects that have come recently to
14 EFSEC, we've had a great deal of cooperation from
15 applicants to identify a wildlife corridor through
16 the project if that was raised as a concern.

17 When I read this that is in the FEIS and when you
18 read it, do you read it saying there must be a
19 wildlife movement corridor through the project?

20 MR. GREENE: So the FEIS version is
21 specific to modeled wildlife movement corridors by
22 the -- the Washington Wildlife Habitat Connectivity
23 Working Group. It is less a requirement that a
24 wildlife movement corridor be installed in the
25 project area and more a requirement that project

1 components seek to avoid being placed in already-
2 identified wildlife movement corridors, if that makes
3 sense.

4 CHAIR DREW: And, but to the extent
5 feasible.

6 MR. GREENE: Correct.

7 CHAIR DREW: So how do we ensure in
8 the FEIS measure that there is wildlife -- there will
9 be future wildlife movement through the project?

10 MR. GREENE: That is done through
11 the development of the corridor mitigation plan. And
12 you can see on your screen, there are a number of
13 different avenues that the applicant could work with
14 EFSEC and WDFW to identify which -- which and in what
15 level would be most effective at retaining available
16 wildlife movement areas following the potential for
17 project components to negatively impact, adversely
18 impact the modeled wildlife movement corridors.

19 Those can include things like improvement of
20 habitat adjacent to those modeled corridors or
21 installing movement infrastructure within the
22 project, such as open-bottom culverts that allow for
23 easier wildlife movement, in concert with the
24 installation of project components.

25 CHAIR DREW: Are there any other

1 questions or comments from Council members?

2 MR. BROST: I have one, if you can
3 hear me.

4 CHAIR DREW: Mr. Brost.

5 MR. BROST: Question on what's
6 feasible versus not. Who defines what that is? Is
7 there a definition of what is feasible?

8 MR. GREENE: There is not a
9 definition of what is feasible. That would be a
10 process that EFSEC would go through with the
11 applicant to determine which project components
12 were -- were necessary for an effective build-out of
13 the project and which could potentially be eliminated
14 if they were -- if they were not critical.

15 CHAIR DREW: But in addition to
16 EFSEC, when you say EFSEC, we do have the PTAG, and
17 we have Fish and Wildlife, Department of Fish and
18 Wildlife, who will also be part of this process, and
19 perhaps the tribe, the Yakama Tribe as well.

20 MR. GREENE: Yes, this is a measure
21 that would encompass the PTAG and subsequently the
22 TAC as part of the development of the mitigation plan
23 and the development of the performance standards and
24 adaptive mitigation throughout the life of the
25 project. So it would incorporate guidance from a

1 number of State agencies and potentially affected
2 tribe, should they wish to be members of the PTAG and
3 the TAC.

4 MR. BROST: One more question.
5 Does the community or the County have some input into
6 that if they have some?

7 MR. GREENE: We have had TACs on
8 previous projects that have included County
9 representatives. The exact membership of the PTAG
10 and TAC for this project have not been defined as of
11 yet.

12 CHAIR DREW: Certainly I would
13 think that if they were interested, they would be
14 able to participate.

15 Mr. Young.

16 MR. YOUNG: I have a concern that,
17 in and of itself, removing this provision of the
18 original SCA would allow the restoration of up to 30
19 turbines and 3.4 miles of 230 kV transmission line to
20 the project and that this would increase the
21 project's already significant impacts on Yakama
22 Nation traditional cultural properties.

23 CHAIR DREW: Thank you.

24 Are there other comments as to the Council's view
25 of retaining this as it is in the draft SCA,

1 returning perhaps to the FEIS language?

2 To me, it does -- and I hear Mr. Young. I do
3 think that if there are ways, as we're talking just
4 about -- I mean, we can also talk about tribal
5 cultural properties.

6 I'm really walking through this to perhaps
7 identify what mitigation goes with which impact. And
8 as a wildlife corridor impact, personally I would be
9 comfortable with the FEIS language. I do think the
10 fact that it's in the middle of the project and
11 there's potential for impact to a optional intertie
12 transmission line, that the outcome I would be
13 looking for in this would be that there is able to be
14 wildlife movement throughout the project after the
15 project is completed.

16 Any other comments?

17 MS. BREWSTER: This is Stacey
18 Brewster.

19 With the components that we're discussing, which
20 tend to be porous and allow for some movement, I see
21 where you're coming from, and I get your points.

22 I think initially identified and what we're
23 trying to move away from is the compounding impacts,
24 and I think initially we looked at that corridor
25 because it had multi- -- those turbines had multiple

1 impacts.

2 So in terms of movement, it seems to me the FEIS
3 conditions are probably adequate. You know, not
4 ideal, as I think we would like to avoid those
5 impacts entirely. But if we're talking about
6 movement, it seems to me the FEIS mitigation is
7 probably sufficient.

8 I would be interested in hearing the thoughts on
9 our Fish and Wildlife Council member, unfortunately
10 who is not with us today.

11 CHAIR DREW: Yes, he's not able to
12 be here.

13 But what we're talking about, I think, is asking
14 the staff to draft something. And we're not voting
15 on it, so we have time to consider it and look at
16 comments and then perhaps come back in August just to
17 have something in front of us to discuss.

18 Any other comments?

19 Okay. Let's move on to the next issue.

20 MR. GREENE: Okay. The next
21 resource is the ferruginous hawk.

22 There are several non-exclusion mitigation
23 measures from the FEIS that were incorporated into
24 the SCA, including Wildlife-1, which implements a
25 mortality monitoring program and adaptive management

1 strategy for all avian species, inclusive of the
2 ferruginous hawk. And that's a fairly lengthy
3 measure, and it's available, again, in that handout.

4 There is also Wildlife-8, which prohibits the
5 siting of turbines within a quarter mile of all
6 documented raptor nests, inclusive of the ferruginous
7 hawk. Currently this would exclude three of the 222
8 Option 1 turbines, or about 1 percent, or one of the
9 147 Option 2 turbines, just under 1 percent.

10 And the third measure is Wildlife-9, which
11 requires that vegetation clearing and grubbing during
12 the ferruginous hawk breeding -- during all avian
13 species' breeding periods, inclusive of ferruginous
14 hawk, be avoided where feasible and mitigated for if
15 necessary.

16 And the exclusion measure is -- there we go.
17 Okay. I don't know why my bottom part is showing.

18 But the FEIS version of Species-5 prohibits the
19 siting of project components within two miles of a
20 documented ferruginous hawk where that nesting site
21 is still available and where foraging habitat is
22 viable. For any components sited within two miles of
23 an unavailable or nonviable ferruginous hawk nest, a
24 ferruginous hawk mitigation and management plan would
25 be required, which includes habitat loss offsets,

1 turbine curtailment, active nest disturbance
2 avoidance, and pre- and post-construction monitoring,
3 as well as others. And, again, that is a fairly
4 lengthy measure, and it's available in your handout.

5 For all versions of Species-5, Wildlife-1,
6 Wildlife-8, and Wildlife-9 from the previous slide
7 would still apply.

8 The FEIS version would eliminate -- would exclude
9 anywhere between 0 and about 48 percent of the
10 project proposed turbines. The exact number would be
11 determined after the process of identifying which
12 nests are available and viable.

13 The range for excluded solar siting area is 0 to
14 30 percent, and the range of excluded current
15 proposed solar footprint would be 0 to 12 percent.
16 It would also potentially exclude up to one of the
17 three proposed BESS sites, though it should be noted
18 that the SCA only allows for a maximum of two BESSes
19 within the project area.

20 The draft SCA version of Species-5 implements a
21 hard buffer on all documented ferruginous hawk nests
22 of two miles, not allowing any turbines to be sited
23 within that two-mile buffer. It also applies a
24 half-mile buffer to all documented ferruginous hawk
25 nests for solar arrays and BESS. It continues the

1 requirement for a ferruginous hawk mitigation and
2 management plan for any components sited within two
3 miles of a documented nest. This measure would
4 exclude approximately 48 percent of the project
5 turbines, just under 10 percent of the proposed solar
6 siting area, and about 4 percent of the current
7 proposed solar footprint.

8 A third option which would be -- which is not
9 from the FEIS or the SCA but has been developed by
10 staff as something that could potentially address the
11 Council's concerns about impacts to this resource
12 would be a version of the draft SCA mitigation but
13 replacing the two-mile buffer with a .6-mile buffer
14 or one-kilometer buffer.

15 This buffer was adapted after review of the 2004
16 WDFW seasonal disturbance guidelines for active
17 ferruginous hawk nests, so it -- it should be made
18 clear that this guidance is not a direct one-to-one
19 comparison with how we're using it here, but it is
20 something that WDFW has published on the record
21 regarding what active projects should -- the distance
22 to which active projects should avoid disturbing
23 active ferruginous hawk nests.

24 This measure would prohibit the siting of all
25 primary project components -- so turbine, solar, and

1 BESS -- within .6 miles of a documented ferruginous
2 hawk nest and still require that any components sited
3 within two miles, again, require a ferruginous hawk
4 mitigation management plan.

5 This option, if implemented as written here,
6 would exclude about 5 and a half percent of the
7 proposed turbines, 12 percent of the proposed solar
8 siting area, or about 6 percent of the current
9 proposed solar footprint.

10 And, again, these are options given to the
11 Council for consideration. These are not the only
12 options available to the Council if they wish to
13 develop their own.

14 CHAIR DREW: Mr. Young.

15 MR. YOUNG: Yeah, I have two
16 comments here, and the first is that I do not believe
17 that it is appropriate scientifically to extrapolate
18 a seasonal activity buffer -- in this case, one
19 kilometer -- to a habitat protection buffer. Those
20 are two different concepts, if you will, that address
21 different aspects of the species life history, so
22 I -- I don't believe that the extrapolation of the
23 activity buffer to a habitat protection buffer is
24 appropriate.

25 And then, similarly, as with Habitat-1, I have

1 great concern that restoring a hundred and seven
2 turbines to the landscape would increase the project
3 footprint and would have a big impact on Yakama
4 Nation traditional cultural properties.

5 CHAIR DEW: Thank you.

6 Are there other questions or comments from
7 Council members?

8 So I will ask a question.

9 So in addition to the one-kilometer buffer, there
10 would still be not just -- would it just be seasonal
11 curtailment? Would it require, if there are active
12 nests before construction, to not have those turbines
13 constructed?

14 MR. GREENE: So any nest that would
15 be identified up to the start of construction would
16 be afforded the same buffer as any other documented
17 nest based on how this is written now.

18 As for seasonal curtailment, as the third option
19 is written, that would apply for any turbines
20 constructed within two miles of a documented nest.
21 Both of those -- those two as this is written now
22 could be altered by the Council, if you desire.

23 CHAIR DREW: If we look at the
24 FEIS, the FEIS has components prohibited within two
25 miles of documented ferruginous hawk nests where a

1 nesting site is available and foraging habitat is
2 viable.

3 We don't have the information of that yet. When
4 would you expect that? Would you expect that that
5 information would be required before the construction
6 plan is completed?

7 MR. GREENE: Yes. Prior to
8 construction, EFSEC, the PTAG, and the applicant
9 would go through the process of identifying which
10 nests are avail- -- which nesting sites are available
11 and which documented ferruginous hawk nests have
12 viable foraging habitat within that two-mile buffer.

13 For nests that meet both of those selection
14 criteria, they would be afforded that two-mile buffer
15 based on the FEIS version. Nests that do not meet
16 one or both of the criteria would allow project
17 components within the buffer so long as they are
18 accompanied by a mitigation and management plan which
19 includes a number of things, most -- perhaps most
20 importantly a seasonal curtailment plan. But that
21 would all be completed prior to the start of
22 construction.

23 CHAIR DREW: And that would be
24 based on available nests where foraging habitat is
25 viable, not necessarily actual nesting of a hawk.

1 MR. GREENE: Yes. So if there is
2 an active nest, it would automatically be determined
3 that the nesting site is available and the habitat is
4 viable. So any active nest would immediately be
5 given that -- that buffer based on the FEIS version.

6 CHAIR DREW: Questions or comments
7 or thoughts from Council members?

8 MS. BREWSTER: This is Stacey
9 Brewster. Initially my thought on the -- the new
10 option is that it's based on 20-year-old
11 recommendations and prior to the listing of the
12 ferruginous hawk as endangered. So I would hope that
13 we could get some more current science and
14 recommendations from Fish and Wildlife on which to --
15 to base any consideration we might make. I know that
16 might not be the case.

17 And I'm inclined to put the strictest protections
18 around ferruginous hawks at this point. That is my
19 leaning at the moment. I guess there's too many
20 questions as to identifying nests and their viability
21 and habitat from me at the moment.

22 MR. GREENE: And I would say that
23 the two-mile buffer outlined within the FEIS is based
24 on the most current recommendation from WDFW staff.
25 They have identified that as the home range of the

1 ferruginous hawk.

2 CHAIR DREW: Other comments?

3 Go ahead.

4 MR. LEVITT: This is Eli Levitt. I
5 think I just have one or two.

6 One is that, you know, it's kind of an exercise
7 in lumping and splitting, and I think the direction
8 we have gotten from the governor's office is to try
9 to look at the impacts individually and choose which
10 option fits best. So just, I guess, maybe a
11 reminder that we need to -- we're trying to think
12 about each one individually and think about the
13 option that works best for each of us as individuals
14 and the Council.

15 You know, the other -- I guess the other thing
16 for me is thinking about the FEIS and what it says.
17 It seems like a lot of the numbers would really come
18 down to how the technical group and the Council would
19 define "available" and "viable." And so it's a
20 little bit difficult to vote on a option that has
21 such a wide range of options. So I guess that's just
22 an observation for me.

23 CHAIR DREW: I do think that for
24 the overall consideration -- and for me; I'm speaking
25 for myself -- that we have a real challenge in that

1 we very much want to protect the home territory of
2 the ferruginous hawk, but we also don't have the
3 future knowledge of whether it will be there or not.
4 And that is really a very, very difficult challenge
5 for us to come to terms with.

6 I think having a hard buffer less than the two
7 miles makes sense for that reason. I think the one
8 kilometer is the other hard buffer that we have in
9 the record. So, again, you asked about information.
10 We -- this is -- this is the one that is in the
11 record.

12 And, again, I went back, and I listened to the
13 adjudication and to -- listened to particularly Don
14 McIvor -- there were a lot of experts, and we got a
15 lot of good information -- but talking about both the
16 risk and then the application of adaptive management,
17 which is why if -- the ferruginous hawk is one goal,
18 but it's not our only goal. And so trying to balance
19 these two in a way that's protective, I think one way
20 of doing that could be to have a short,
21 less-than-two-mile buffer with the FEIS adaptive
22 management.

23 So that is the way I'm looking at it. Not
24 assurance, but trying to balance the need for clean
25 energy and the potential impact for an endangered

1 species.

2 If it is available -- if the species does come
3 ~~from~~ to the site, I think we have hard stops. We
4 also have the ability with -- and that could include,
5 you know, if the turbines are constructed, then
6 seasonal curtailment. But with the FEIS, we also
7 have the potential to look at the most viable
8 habitat -- not ourselves, but our staff and
9 associates; Fish and Wildlife; tribal members, if
10 they wish to; others -- to identify those viable,
11 most viable areas, and have additional protection.

12 So that's why, I guess, that's where I'm leaning
13 at this point in time.

14 Other questions from Council members? Comments?
15 Discussion?

16 MR. BROST: Can I pose a question?

17 CHAIR DREW: Would you like to vote
18 on that now or as a -- part of a motion in the end?
19 If you're making the motion, we can look for a vote
20 right now.

21 MR. BROST: I didn't have a motion
22 to make. I was going to ask a question about the --
23 the buffer zones.

24 Is it -- is it a norm that the buffers for wind
25 and solar are the same? From the -- from the

1 nonscientific guy, it seems to me that the wind would
2 have a larger buffer than the solar would, but it
3 sounds like they're the same here. Am I correct --

4 MR. GREENE: Yes.

5 MR. BROST: -- on that, or
6 (videoconference audio distortion)?

7 MR. GREENE: The FEIS version and
8 the third option there do have the same buffer areas
9 for wind and solar. The draft SCA version had
10 different buffers for the two component types.

11 If the Council wants to identify preferred
12 buffers for the component types, we can work those
13 into final language.

14 CHAIR DREW: I -- I don't know what
15 the purpose of a one-kilometer buffer from solar and
16 BESS has.

17 MR. GREENE: So the primary impact
18 that solar and BESS construction would have on the
19 ferruginous hawk is the denial of available foraging
20 habitat. If -- if those nests were ever occupied,
21 the home range is the area within two miles. And
22 while those components may not be sited on ideal
23 foraging habitat, there may be some foraging activity
24 of that species within that area.

25 The primary impact that turbine construction

1 would have is direct mortality via strike. So all
2 three types of components have an impact. They're
3 just of differing types and degree.

4 CHAIR DREW: And would you say
5 that, with Veg-10, is the project reduction listed in
6 the draft SCA, the right column, overlap? Maybe
7 that's unfair to ask you.

8 MR. GREENE: No, so it's fine.
9 The -- the third option would only exclude areas of
10 the solar siting area within the east solar array.
11 That is the same area that is addressed by Veg-10.
12 So that 75-acre area of the solar footprint excluded
13 by Veg-10 would also be excluded by this measure.
14 The third option, or, honestly, any three of these
15 options. The two western solar arrays are without --
16 are outside of the two-mile buffer of any identified
17 nest, so they would not be affected by this measure
18 in any format.

19 CHAIR DREW: Okay. Any other
20 questions?

21 Let's move on to the traditional -- the next
22 slide, I'll just say.

23 MR. GREENE: Okay.

24 Okay. The next resource area is cultural
25 resources. There are two non-exclusion measures in

1 the FEIS and SCA. The first is Cultural Resources-1,
2 which requires that the applicant maintain ongoing
3 engagement with affected tribes and, where
4 appropriate, implement relevant and effective
5 mitigation measures that may be developed as part of
6 that ~~engage~~ ^{engagement}.

7 The second is Cultural Resources-2, which
8 outlines the specific DAHP -- Department of
9 Archeological and Historic Preservation -- permitting
10 and/or avoidance buffers required for specifically
11 identified archeological and architectural resources
12 of a historic and/or cultural nature, which can
13 include TCPs.

14 All of these identified resources that could be
15 impacted by the project have been outlined within
16 that measure in the table as is attached to it in
17 your handout.

18 Originally the SCA version of Species-5 was
19 developed to identify compounding impacts, including
20 impacts to traditional cultural properties, in an
21 effort to split up the mitigation to specifically
22 address resource areas. Staff have identified two
23 potential mitigation options that the Council can
24 consider for inclusion in the final version of the
25 SCA or the final draft of the SCA. Both of these are

1 new to this point, but they do draw on the existing
2 record.

3 On March 2nd of 2021, the Yakama Nation
4 identified Webber Canyon as an area of particular TCP
5 concern for them. These two measures on the left
6 impose a 0.5-mile buffer for turbines around Webber
7 Canyon. On the right, it is a full one-mile buffer
8 around the -- the maximum extent of Webber Canyon.
9 The .5-mile buffer would eliminate four turbines from
10 either option, about 2 percent of the project
11 proposed turbines. The one-mile buffer would exclude
12 17 Option 1 turbines, or 13 Option 2 turbines, for
13 approximately 8 percent of the total proposed
14 turbines.

15 CHAIR DREW: And, again, this is
16 one letter. We're not saying this addresses the
17 large extent of the Yakama Nation's concerns with
18 this project. But this is a specific one which is on
19 the -- in the actual project area that staff wanted
20 to draw attention to for the Council.

21 MR. GREENE: That is correct. The
22 Yakama Nation has identified multiple TCPs within the
23 project lease boundary and adjacent to it that would
24 be impacted by project construction and have
25 indicated that all proposed project components would

1 adversely impact TCPs.

2 This one was -- was proposed for inclusion here
3 because it is specifically outlined in the record as
4 an area where the Yakama Nation has identified
5 particular concerns. Any reduction in the project
6 footprint would have an associated reduction of
7 impacts to TCPs.

8 CHAIR DREW: Thank you. I
9 understand you might actually have a map of this one.

10 MR. GREENE: Yes.

11 So this is the Option 1 turbines, and I have an
12 associated map with Option 2 turbines, but they are
13 more or less the same.

14 The purple outline is the maximum geographic
15 extent of Webber Canyon. The black dots are, in
16 this -- in the case of this map, Option 1 turbines as
17 currently proposed for siting.

18 The yellow highlighted area would -- would be a
19 .5-mile buffer, with the orange being a full one-mile
20 buffer.

21 And the -- the number of turbines visible on this
22 map are not exactly the same as what you saw on this
23 slide, because some of these turbines have already
24 been removed from the application proposal by
25 applicant commitment. But the numbers in the -- the

1 previous slide that you saw are -- are accurate.

2 CHAIR DREW: Mr. Young.

3 MR. YOUNG: Yeah, my concern here
4 is I'm glad -- appreciate seeing the -- the concern
5 for TCPs to the extent that there may be associated
6 with Webber Canyon, but I don't know whether a
7 .5-mile buffer or a one-mile buffer, I don't know to
8 what extent that would provide necessary impact
9 reduction in this area.

10 And then in and of itself, as evidenced by all
11 the input we've received from Yakama Nation in the
12 two years subsequent to March '21 -- three years
13 subsequent to March '21, this is a very, very limited
14 reduction of impacts to Yakama Nation TCPs, if in
15 fact it does provide impact reduction for -- for a
16 TCP at all. So concerned with the very small amount,
17 the very limited scope of this, and not knowing
18 whether what's proposed would provide meaningful
19 protection or not.

20 CHAIR DREW: Thank you.

21 Other comments or questions?

22 MR. LEVITT: This is Eli Levitt. I
23 guess I would offer that that was a challenge of a
24 lot of the public comments we received across the
25 board almost, is that specific individuals and groups

1 did not tell us which mitigation measures would
2 suffice for them or how specific changes may help,
3 hinder, or -- or maintain their concerns.

4 So, you know, in some ways, as a Council, with
5 the exception of some of the more scientific
6 mitigation measures, we're operating without a lot of
7 detailed understanding for what would work for
8 individuals or groups.

9 CHAIR DREW: Mr. Young.

10 MR. YOUNG: Yeah, I would just add
11 that we have, again, multiple subsequent written
12 communications from Yakama Nation post March '21 that
13 do provide us some idea of the extent to which the
14 project would need to be modified to avert impacts to
15 Yakama Nation TCPs. We do have communications from
16 Yakama Nation that do speak to that.

17 CHAIR DREW: Thank you.

18 That's true. And we also do have communications
19 saying the SCA which was proposed to the governor was
20 insufficient, as everybody well knows.

21 Any other questions or comments here?

22 Okay. Thank you. Thanks for the work on this.

23 Next slide.

24 MR. GREENE: Yeah, so the final
25 resource that we're going to go through in this

1 presentation is public health and safety,
2 specifically in relation to aerial firefighting.
3 There is one non-exclusion measure in the FEIS and
4 SCA that deals with this resource. That is public
5 Health and Safety-1, which requires that turbines be
6 shut down in the event of a major wildfire occurring
7 in an area where fire suppression aircraft may need
8 access near the project.

9 Staff have identified two potential options for
10 the Council to consider regarding this resource.
11 Both are based on the perimeter of historic wildfires
12 in the area of the project since 2000.

13 The left would provide -- would eliminate any
14 turbines proposed within the perimeter of one or more
15 of those fires while the option on the right would
16 provide that perimeter with a 0.25-mile buffer. That
17 is done -- that is proposed in consideration of DNR
18 guidance that they provide all of their aerial
19 firefighting craft with a quarter-mile standoff
20 buffer from turbines when in operation. So no
21 turbines would be allowed to be sited within that
22 standoff buffer of the perimeter of any historic fire
23 since 2000.

24 The elimination of -- the exclusion of turbines
25 from the perimeters would eliminate about 1 -- 1

1 percent of the proposed turbines while adding that
2 quarter-mile buffer would exclude 3 to 5 percent of
3 the proposed turbines.

4 In the area that -- area of the project that
5 these historic fires have taken place is generally
6 the northwest ridge line of the lease boundary.

7 CHAIR DREW: Do you also have a map
8 of that?

9 MR. GREENE: I do.

10 This is adapted from a map that was provided to
11 the Council during adjudication. The various colors
12 are the perimeters of historic fires with the names
13 of the fires written as well.

14 All the block dots are Option 1 turbines as
15 currently proposed. You can see that -- my cursor, I
16 guess -- these three are the three that would be
17 within the perimeter while the ones surrounding it
18 are within the quarter-mile buffer. And, again, this
19 is not a direct one-to-one comparison to the numbers
20 that you saw on the slide, because some of these
21 turbines have voluntarily been removed from the
22 application by applicant commitment.

23 CHAIR DREW: Thank you.

24 Questions on this?

25 MS. BREWSTER: Just curious.

1 Firefighting is new to me. Is the use of historic
2 fires a common practice for delineating fire danger?

3 CHAIR DREW: Ms. Bumpus.

4 MS. BUMPUS: My -- my team is
5 leaving me hanging here.

6 For the record, this is Sonia Bumpus. I was just
7 going to say that one thought that came to mind is
8 that I think that this was -- that that rationale was
9 some of the rationale that was used in the original
10 recommendation.

11 MR. GREENE: Yeah, I would say
12 it's -- it's a fairly common practice to review the
13 perimeters of historic fires to identify areas where
14 topography or vegetation may limit the spread of
15 fires in the future and also to identify areas
16 where -- that are particularly fire-prone.

17 The reason that there have been so many fires in
18 this area is the prevailing winds in the area do whip
19 up the fire as they approach the ridge line. And you
20 can see this -- this bit here where it kind of goes
21 south is Webber Canyon. And that is, again, a case
22 where topography aids the spread of fire through the
23 canyon area and limits its spread from the bottom of
24 the canyon to the ridge line above it.

25 MS. BUMPUS: And I would add one

1 other thought to that, and that is that in thinking
2 about the framework around SEPA, the State
3 Environmental Policy Act, when you're identifying
4 impacts, you also consider -- you're considering
5 significant adverse impacts, but you also consider
6 the probability. And so I think that's also where
7 you -- where you have some basis for considering
8 historic fire activity at the site.

9 MS. BREWSTER: Thanks. Yeah.
10 Looking at the map, that makes sense. I was just
11 curious if it was a -- a practice.

12 CHAIR DREW: And we did hear from
13 DNR, Department of Natural Resources, about the
14 specific distance that you have in Option 2, correct?

15 MR. GREENE: Yes. That came from a
16 DNR source where they indicated that they provide a
17 quarter-mile buffer to all turbines for -- as a
18 standoff area for their aircraft.

19 CHAIR DREW: So my view on this one
20 specifically is that the Mitigation Option 2 is
21 appropriate, given what we heard about the concern
22 for fire and the testimony from DNR.

23 Oh. Mr. Young.

24 MR. YOUNG: Yeah, just a couple of
25 comments here.

1 Absolutely looking at historic fire patterns is
2 valuable in determining or estimating future fire
3 risk. But to point out the obvious, there is no hard
4 guarantee that future fires would occur exactly where
5 fires have occurred in the past.

6 And then just pointing out because I think I saw
7 in a previous slide that there was a reference to
8 having turbines stop operations if the blades come to
9 a halt during fire -- when fire -- aerial
10 firefighting is ongoing. And I would just point out
11 that the turbines, as tall vertical structures,
12 present a hazard to aircraft operations regardless of
13 whether the blade is turning or not.

14 CHAIR DREW: Oh, yes. I hear your
15 point there. I think that's what the buffer of
16 turbines -- the quarter mile from those -- those
17 fire-prone areas. But, as you said, that's no
18 guarantee that's where the fire is going to be. So,
19 understood.

20 MR. LEVITT: This is Eli Levitt.

21 Mr. Greene, do you know to what degree some of
22 these recommendations or mitigation measures the Venn
23 diagram overlap is between some of them? For
24 example, does Vegetation-10 overlap with this one or
25 any of the other ones?

1 MR. GREENE: Vegetation-10 doesn't
2 overlap with this one, because that deals
3 specifically with solar arrays placed on priority
4 habitat.

5 There is overlap between -- potentially overlap
6 between this measure, Species-5, dealing with
7 ferruginous hawk, and the measure that we discussed
8 just prior to this dealing with TCPs. Correct. Yes.
9 The -- the -- especially the northern half of Webber
10 Canyon, the turbines proposed there would be excluded
11 by any of those three measures. The southern half of
12 Webber Canyon would be excluded by this measure and
13 TCPs.

14 CHAIR DREW: Are there other
15 questions, other issues that the Council would like
16 to discuss?

17 I have a draft proposal. Why don't I -- would
18 you become the Chair of the meeting, and I'll make
19 the motion.

20 MS. BREWSTER: Okay.

21 CHAIR DREW: Rather than asking
22 anyone else to do so.

23 So I'm asking the Council to direct the staff --
24 the motion is to direct the staff to develop
25 amendments to the draft -- no -- amendments to the

1 draft site certification agreement for consideration
2 at August's meeting.

3 I would like to have a map of the Venn diagram,
4 as Eli put it, but a map that the Council can look at
5 that lays out these -- all these measures together.

6 And the -- so the motion is: Maintaining Veg-10.
7 That's not an amendment. Eliminating the draft SCA
8 prohibition of primary project components -- I guess
9 this is Habitat-1 wildlife movement corridors -- and
10 returning that to the FEIS language.

11 For the ferruginous hawk, to have a one-kilometer
12 buffer for all identified ferruginous hawk nests.

13 Is that the correct language, Mr. Greene?

14 MR. GREENE: Documented --

15 CHAIR DREW: Documented. Thank
16 you.

17 And to include all of the language that was in
18 the FEIS on Species-5.

19 To have a new mitigation option on traditional
20 cultural properties of -- of Mitigation Option 2 for
21 prohibit turbines within one mile of Webber Canyon.

22 And new mitigation option on Aerial Firefighting
23 Option 2.

24 Did I cover everything?

25 Okay. Is there a second to my motion?

1 MR. LEVITT: Eli Levitt. Second.

2 CHAIR DREW: Thank you.

3 Is there discussion?

4 Mr. Young.

5 MR. YOUNG: I'll be voting against
6 the motion. And I'd like to explain why.

7 I do support retaining Veg-10, and I do support
8 the last two pieces, although I view those last two
9 pieces of having fairly limited utility. But I am
10 opposed to the changes to Habitat-1 and Species-5, so
11 I would be voting against the motion.

12 CHAIR DREW: Thank you.

13 Any other comments? Oh, I just took over the
14 Chair. Whoops. Sorry. Ms. Brewster, that was for
15 you to do.

16 MS. BREWSTER: Are there any
17 comments or discussion?

18 This is Stacey Brewster. Just to seek a little
19 bit of clarification on the adjustments to Species-5.
20 You discussed the third option with the kilometer
21 buffer with the addition of the FEIS language that
22 would prohibit a two-mile -- two miles around
23 documented nests where nesting site is available and
24 habitat is viable.

25 So this is a combination of the two where

1 documentation of -- of viable nests and habitat would
2 lead to a two-mile buffer?

3 MR. GREENE: That is my
4 understanding of what Chair Drew proposed.

5 MS. BREWSTER: Thanks.
6 Are there any other comments?

7 All those in favor, say "aye."

8 MULTIPLE SPEAKERS: Aye.

9 MS. BREWSTER: Opposed?

10 MR. YOUNG: Nay.

11 MS. BREWSTER: The ayes have it.

12 CHAIR DREW: Yes. Thank you.

13 Would you like me to take the...?

14 MS. BREWSTER: Please take it.

15 CHAIR DREW: Thank you very much.

16 Okay. Thank you, all. That was a lot of
17 information to review and think about. And, again,
18 we will come back again, having that drafted for
19 discussion and votes, in August.

20 Back to the agenda. Okay. Next, we have the
21 Goldeneye BESS, battery storage system, new
22 application.

23 Mr. Ahmed.

24 MS. HAFKEMEYER: Chair Drew,
25 Mr. Ahmed is out of the office today, so I will be

1 introducing the project to the Council.

2 CHAIR DREW: Ms. Hafkemeyer.

3 MS. HAFKEMEYER: Thank you.

4 As mentioned, for the record, my name is Ami
5 Hafkemeyer.

6 EFSEC received an application for a standalone
7 BESS project, Goldeneye BESS, proposed by the
8 developer, Tenaska, who I believe is on the line to
9 introduce themselves. This is a BESS project that is
10 located in Skagit County -- "Skagit" County; one day
11 I'll remember that -- and on 16 acres of privately
12 owned ag land. And I will ask if the developer is on
13 the line to introduce themselves.

14 It sounds like they may not be with us today.

15 Staff are working on scheduling the informational
16 meeting for the project as well as the land-use
17 consistency hearing. And once those information --
18 once those details are available, the Council and the
19 public will be notified.

20 CHAIR DREW: And we will have a
21 presentation from them at that meeting?

22 MS. HAFKEMEYER: Correct.

23 CHAIR DREW: Moving on to the cost
24 allocation. Ms. Bumpus.

25 MS. BUMPUS: Good afternoon, Chair

1 Drew and Council members. For the record, this is
2 Sonia Bumpus reporting on the non-direct cost
3 allocation for Quarter 1, Fiscal Year 2025. This
4 covers July 1, 2024, through September 30, 2024.
5 Quite a long list to get through here for the
6 projects.

7 Kittitas Valley Wind Power Project: 4 percent.

8 Wild Horse: 4 percent.

9 Columbia Generating Station: 20 percent.

10 Columbia Solar: 4 percent.

11 WNP-1, 2 percent.

12 Grays Harbor 1 & 2: 6 percent.

13 Chehalis: 6 percent.

14 Desert Claim Wind Power Project: 4 percent.

15 Goose Prairie Solar Project: 4 percent.

16 Horse Heaven Wind Farm Project: 11 percent.

17 Badger Mountain: Adjusted to 0 percent given the
18 pause.

19 For High Top: 4 percent.

20 Ostrea: 4 percent.

21 Wautoma Solar: 7 percent.

22 Hop Hill: 5 percent.

23 Carriger Solar: 5 percent.

24 Wallula Gap: 5 percent.

25 And Goldeneye, our recent addition: 5 percent.

1 And that concludes my update for the updated
2 non-direct cost allocations.

3 CHAIR DREW: And with that, we
4 conclude our agenda, and this meeting is adjourned.
5 Thank you, all.

6 (Meeting adjourned at
7 3:12 p.m.)

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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 July 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 2nd day of August, 2024.

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John M.S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2025.)