



Washington State Energy Facility Site Evaluation Council AGENDA

MONTHLY MEETING

Wednesday June 25, 2025

1:30 PM

HYBRID MEETING

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Conference number: 564-999-2000 ID: 141231937#

1. Call to OrderKurt Beckett, EFSEC Chair
2. Roll CallAdrienne Barker, EFSEC Staff
3. Proposed AgendaKurt Beckett, EFSEC Chair
4. Minutes
 Meeting Minutes.....Kurt Beckett, EFSEC Chair
 - May 5, 2025 Carriger Solar Special Meeting Minutes
 - May 21, 2025 Monthly Meeting Minutes
5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates.....Jarred Caseday, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates.....Jennifer Galbraith, Puget Sound Energy
 - c. Chehalis Generation Facility
 - Operational Updates.....Jeremy Smith, Chehalis Generation
 - d. Grays Harbor Energy Center
 - Operational Updates.....Chris Sherin, Grays Harbor Energy
 - e. Columbia Solar
 - Operational Updates.....Elizabeth Drachenberg, Greenbacker Capital
 - f. Columbia Generating Station
 - Operational Updates.....Josh LaPorte, Energy Northwest
 - g. WNP - 1/4
 - Non-Operational Updates.....Josh LaPorte, Energy Northwest
 - h. Goose Prairie Solar
 - Operational Updates.....Nelson Jia, Brookfield Renewable
 - i. Ostrea Solar
 - Project Updates.....Jon Voltz, Cypress Creek Renewables
 - j. Carriger Solar
 - Project Updates.....Joanne Snarski, EFSEC Staff
 - Recommendation to Governor.....Kurt Beckett, EFSEC Chair

The Council may take FINAL ACTION on the Carriger recommendation to the governor.
 - k. Horse Heaven Wind Farm
 - Project Updates.....Amy Moon, EFSEC Staff
 - l. Hop Hill Solar
 - Project Updates.....John Barnes, EFSEC Staff
 - m. Wallula Gap
 - Project Updates.....John Barnes, EFSEC Staff
 - n. Goldeneye BESS
 - Project Updates.....Joanne Snarski, EFSEC Staff
 - o. Transmission PEIS
 - Project Updates.....Sean Greene, EFSEC Staff

Notes: The following projects are not on the agenda due to lack of project activity: Badger Mountain Solar, Wautoma Solar, and High Top Solar.

"FINAL ACTION" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020

p. Desert Claim

- SCA Termination Request.....Amy Moon, EFSEC Staff
The Council may take FINAL ACTION on the Desert Claim SCA termination.

6. Other

- Council Delegation of Authority to EFSEC Director.....Sonia Bumpus, EFSEC Staff
The Council may take FINAL ACTION on delegating authority to the EFSEC Director
- Website Update.....Dave Walker, EFSEC Staff

7. Adjourn.....Kurt Beckett, EFSEC Chair

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PUBLIC COMMENT HEARING

May 05, 2025

Carriger Solar Meeting

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Sarah Fitzgibbon, CCR
Vice President



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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

Carriger Solar Project
EFSEC Special Council Meeting
and
Public Comment Hearing

May 5, 2025

Goldendale, Washington

Reporter: John M. S. Botelho, CCR, RPR
(Reporter attending remotely)

APPEARANCES

STATE AGENCY MEMBERS:

Kurt Beckett, Chair

Elizabeth Osborne, Department of Commerce

Eli Levitt, Department of Ecology

Nate Pamplin, Department of Fish and Wildlife

Lenny Young, Department of Natural Resources

Stacey Brewster,
Utilities & Transportation Commission

LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

Carriger Solar:

Matt Chiles, Klickitat County

ASSISTANT ATTORNEY GENERAL:

Jon Thompson

COUNCIL STAFF:

Sonia Bumpus

Andrea Grantham

Ami Hafkemeyer

Alex Shiley

Joanne Snarski

Karl Holappa

Joan Owens

Sean Greene

COUNSEL FOR THE ENVIRONMENT:

Sarah Reyneveld

APPEARANCES (Continuing)

IN ATTENDANCE:

John Hanks
Cypress Creek Renewables

PUBLIC COMMENTS PROVIDED BY:

Matt Chiles
Delmer Eldred
Candy Magnusson
Elaine Harvey
Dave Barta
Greg Wagner
Dave Thies
Ken McKune
Gene Callan
Todd Andrews
Warren Dazey
Luke Throop
Virginia Fitzpatrick

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1 BE IT REMEMBERED that on Monday,
2 May 5, 2025, at Goldendale Grange, 228 East Darland
3 Drive, Goldendale, Washington, at 5:30 p.m., the
4 following Special Meeting of the Washington State
5 Energy Facility Site Evaluation Council was held, to
6 wit:

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

9
10 CHAIR BECKETT: Good afternoon. My
11 name's Kurt Beckett. I'm the chair of the Energy
12 Facility Site Evaluation Council. I'm calling this
13 special meeting to order.

14 And let me first begin by thanking our community
15 members who are here. And, please, for those who are
16 still joining us this evening, come on in. And
17 agendas are in the back. I think most folks have had
18 a chance to pick one of those up. But if you wish to
19 have an agenda, they are available in hard copy in
20 the back.

21 This is a hybrid meeting, so we do have a number
22 of potential participants online as well as a couple
23 of our Council members. So thanks for all the
24 Council members as well as the public using the
25 microphones clearly when you do, and I'll try to lead

1 by example in that regard.

2 I wanted to, beyond, again, thanking the
3 community, including those who have helped make sure
4 that we were able to host this important conversation
5 tonight -- appreciate being here; it's good to be here
6 again, I will say -- and I was going to further explain
7 just briefly the meeting agenda which will be adopted
8 by the Council here shortly, but just to kind of
9 explain what we're here to do.

10 And so, first, a two-part agenda. We have the
11 special Council meeting here at 5:30. And EFSEC, as
12 far as the "what," is holding a special Council meeting
13 to take up the request from Cypress Creek Renewables to
14 grant expedited processing of the application. That's
15 under WAC 80.50.05 for the authority that is associated
16 with this potential action.

17 Expedited processing means that instead of a
18 formal trial-type adjudicative hearing, at which expert
19 testimony and exhibits may be presented, subject to
20 cross-examination by attorneys for parties supporting
21 and opposing the project, the Council instead holds a
22 less-formal public comment hearing to help it develop
23 its final recommendation to the governor. And staff
24 will be further explaining both the time frame from
25 where this started to where we are tonight to a general

1 forecast of where we go from here in the staff
2 presentation shortly.

3 Upon the Council's discussion and potential action
4 here tonight, if -- if that expedited processing is
5 granted, then we would move into the public comment
6 hearing, which would then essentially allow public
7 comment on where the Council goes from here and the
8 staff additional processing.

9 So that's, in general, what we're planning for.
10 Thanks for putting up with me on my new first time at a
11 field meeting like this as the chair. And I will check
12 with staff just to make sure I haven't missed anything
13 in the initial overview of -- of tonight.

14 Okay. And, again, just for -- to consider for
15 your comments, I'll repeat some of this shortly, but
16 just in case you need to think about it, comments can
17 be left with staff in the box in the back. You are
18 welcome, of course, if you've signed up, to make verbal
19 testimony here tonight. You can certainly e-mail EFSEC
20 at the various e-mail addresses noted both online and
21 here in the room. If you wish to send us a comment to
22 supplement any verbal comments tonight or if you think
23 of something tomorrow morning or the next day, you can
24 e-mail us, and certainly we'll make sure your -- your
25 input is considered as part of the Council review going

1 forward.

2 So, with that, let me then move to asking our
3 clerk to call the roll.

4 MS. GRANTHAM: Thank you, Chair
5 Beckett. For the record, this is Andrea Grantham.

6 Starting with Department of Commerce.

7 Department of Ecology.

8 MR. LEVITT: Eli Levitt, present.

9 MS. GRANTHAM: Department of Fish
10 and Wildlife.

11 MR. PAMPLIN: Nathan Pamplin,
12 present.

13 MS. GRANTHAM: Department of Natural
14 Resources.

15 MR. YOUNG: Lenny Young, present.

16 MS. GRANTHAM: Utilities and
17 Transportation Commission.

18 MS. BREWSTER: Stacey Brewster,
19 present.

20 MS. GRANTHAM: For Klickitat County,
21 Matt Chiles.

22 MR. CHILES: Matt Chiles, present.

23 MS. GRANTHAM: Assistant attorney
24 generals.

25 Jon Thompson.

MR. THOMPSON: Jon Thompson,
present.

MS. GRANTHAM: Zack Packer.
And Talia Thuet.

For Council staff, I will call Sonia Bumpus.

MS. BUMPUS: Sonia Bumpus, present.

MS. GRANTHAM: Ami Hafkemeyer.

MS. HAFKEMEYER: Ami Hafkemeyer,
present.

MS. GRANTHAM: Joanne Snarski.

MS. SNARSKI: Joanne Snarski,
present.

MS. GRANTHAM: Joan Owens is here as
well, as well as Alex Shiley and Karl Holappa.

And then do we have anyone present for the counsel
for the environment?

MS. REYNEVELD: Yes. Sarah
Reyneveld is present virtually.

MS. GRANTHAM: Thank you.
Chair, there is a quorum.

CHAIR BECKETT: Thank you.
Council, the -- Council has the agenda before you.
I'd like to entertain a motion to adopt the agenda.

MR. YOUNG: Lenny Young. So moved.

CHAIR BECKETT: Thank you.

1 Is there a second?

2 UNIDENTIFIED SPEAKER: Second.

3 CHAIR BECKETT: Motion to adopt the
4 agenda has been made and seconded.

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

6 MULTIPLE SPEAKERS: Aye.

7 CHAIR BECKETT: Opposed?

8 UNIDENTIFIED SPEAKER: Aye.

9 CHAIR BECKETT: Abstain?

10 Okay. The agenda is adopted.

11 And we will move into our staff presentation
12 first. And I believe we have some additional
13 information from Cypress Creek Renewables, who will
14 follow staff and -- in general, staff and Cypress Creek
15 are here to answer Council questions as we get into the
16 discussion shortly.

17 So with that, Director Bumpus, I'll direct it to
18 you first.

19 MS. BUMPUS: Thank you, Chair
20 Beckett. And good afternoon, Council members.

21 We have Joanne Snarski, our siting specialist
22 assigned for this project, who's going to do a staff
23 presentation. We'll discuss the SEPA information and
24 the comments that we received on the draft MDNS.

25 CHAIR BECKETT: And friendly

1 reminder to myself but also staff: Best we can on
2 acronyms as we go, especially since this will be a
3 verbal meeting. "MDNS" is, again, "mitigated
4 determination of nonsignificance." So you'll hear that
5 acronym a lot tonight. So "mitigated determination of
6 nonsignificance." That's a term under SEPA, the State
7 Environmental Policy Act. Thank you.

8 MS. SNARSKI: Okay. Good evening.
9 Again, this is Joanne Snarski, the siting specialist
10 for Carriger Solar.

11 Oh. Yeah. Let's get there.

12 Okay. Tonight I would like to review with you the
13 application activities that have led to this meeting.
14 The purpose is to bring you -- bring you Cypress Creek
15 Renewables' request for expedited processing of their
16 application.

17 I got too many buttons here.

18 So under RCW 80.50.075, it identifies two criteria
19 for an applicant to meet to be granted approval for
20 expedited processing of their application.

21 The first is the applicant's pro- -- is the
22 applicant's project must be found to be consistent and
23 in compliance with city, county, or regional land-use
24 plans or zoning ordinances at the time of the
25 application.

1 Second, the impacts to the environment from the
2 proposed facility are found to be not significant or
3 will be mitigated to nonsignificant level.

4 Carriger formally submitted their application to
5 EFSEC on February 10th, 2023. We held the public
6 information meeting in April that year at this same
7 facility. The following month, in May, we held a
8 virtual land-use consistency hearing and took written
9 comments and testimony on that topic.

10 On September 25th, 2023, EFSEC published
11 Order 889, confirming the project was consistent with
12 land-use requirements and meets the first requirement
13 for granting an expedited processing of the
14 application.

15 With regards to the second criteria towards
16 approval of expedited processing, during the formal
17 SEPA process, EFSEC issued a letter to Cypress Creek
18 Renewables on August 8th, 2023, notifying them that our
19 evaluation found that -- that identified project
20 impacts to visual and cultural resources were likely to
21 be significant. SEPA rules allow the applicant to work
22 with the lead agency to make further changes or
23 mitigation that reduce impacts down to the level of
24 nonsignificance.

25 Between August 2023 and July 2024, we worked

1 extensively with Cypress Creek Renewables, and they
2 were able to accommodate further setbacks from the
3 roadways on both SR 142 and Knight Road.

4 In mid 2023, the Yakama Nation made it known --
5 made it known that the project would have impacts to
6 traditional cultural properties in the area. EFSEC
7 entered into an interagency agreement with them to
8 allow them time to study and identify those impacts.

9 To that end, on October 28th, 2024, they provided
10 EFSEC with the final traditional and cultural resources
11 report. As it was and it will remain confidential, the
12 Yakama Nation were able to provide a summary letter
13 that we were able to subsequently share with Cypress
14 Creek Renewables.

15 Based on the information in that letter, Cypress
16 Creek Renewables proposed mitigation measures for the
17 Yakama's consideration. Following further discussions
18 with both the tribe and Cypress Creek Renewables, EFSEC
19 approved, with modifications, mitigation measures to
20 traditional and cultural properties on March 12th,
21 2025.

22 To finalize the formal SEPA process, on April 7th,
23 2025, EFSEC published the notice for a mitigated
24 determination of nonsignificance for a 14-day public
25 comment period. Following -- following review of all

1 the comments, it was determined that the proposed
2 mitigation in the notice met the requirements for
3 reducing all impacts down to a level of
4 nonsignificance. With the determination of land-use
5 consistency and a final MDNS, the Carriger project
6 meets the requirements for expedited processing.

7 In preparation for this meeting, EFSEC posted a
8 draft order for public comment between April 29th and
9 May 1st, 2025. We received eight comments. Seven of
10 the comments were directed at either opposition or in
11 support of the project. Comments from the Yakama
12 Nation requested the Council decline the request for
13 expedited processing and instead allow for a formal
14 adjudicative process.

15 Next steps start with tonight. Where we are now
16 is determination of expedited process. To follow,
17 depending on the outcome, will be the public comment
18 meeting. During our next Council meeting, scheduled
19 for May 21st, the Council deliberations action as
20 desired, and the same with the June meeting, June 18th,
21 2025.

22 I think one thing I left off of this slide was
23 actually tomorrow, May 6, we will be having a on-site
24 visit for the Council members to show them the specific
25 areas that we're speaking of for this facility.

1 And that's it.

2 CHAIR BECKETT: Were there any other
3 verbal comments, Director Bumpus, before we move to
4 Cypress Creek, if that's the next step?

5 MS. BUMPUS: Thank you, Chair
6 Beckett.

7 The only comment I'd make -- and I think this
8 was -- may have been noted in the presentation -- is
9 that we are working with the Yakama Nation to schedule
10 a discussion and potentially consultation with our
11 chair. Those discussions are under way. But to my
12 knowledge, we do not yet have a meeting with the Yakama
13 scheduled yet. So that's something that is what we
14 anticipate in -- being included in the steps ahead.

15 CHAIR BECKETT: Very good.

16 Joanne, if you could help me, then, introduce our
17 guests from Cypress Creek and how this next
18 presentation will go.

19 MS. SNARSKI: Yeah. John Hanks with
20 Cypress Creek Renewables, he will be presenting a
21 short -- a short overview of some of the changes that
22 have occurred over the last couple of years from where
23 we started to where we've landed. I think it's very
24 brief.

25 And I'm sorry. I don't remember your title, John.

1 Director of development.

2 CHAIR BECKETT: Very good.

3 UNIDENTIFIED SPEAKER: Thank you.

4 CHAIR BECKETT: And I'm sorry. If
5 you could reintroduce yourself to the --

6 MR. HANKS: Sure.

7 CHAIR BECKETT: -- the group that's
8 also in the room, we'd appreciate that.

9 MR. HANKS: Yeah. John Hanks,
10 Cypress Creek Renewables, director of development. And
11 apologize if I'm not facing everybody, but --

12 CHAIR BECKETT: It's okay.

13 MR. HANKS: -- I'll have to face
14 this direction of the microphone.

15 What's that? All right. We'll keep it short and
16 sweet.

17 We had a longer presentation at the land-use
18 meeting two years ago. And so we'll do a two-slides
19 quick refresher of what we shared in that presentation
20 and then another slide of the changes that we've made
21 in the two years since.

22 So this first slide you can see is an overlay of
23 our project area with the zoning code at the time of
24 our project application. The -- the purple areas you
25 can see here, those are areas of Carriger Solar. And

1 then the yellow and green, those are the -- the zoning
2 at the time.

3 And as you can see, the red hatched area, that's
4 the energy overlay zone. And we tried to keep as much
5 of the project in that energy overlay zone as we could.

6 You'll see that there -- there is some project
7 that's north of there. And that -- the reason for it
8 is the Knight substation, the BPA substation is north
9 of there, and that's where we are connecting to the --
10 the grid.

11 So everything down in the hatched area was allowed
12 per zoning at the time of the application. Everything
13 in the north was allowed by -- by CUP.

14 And this is clearly way too small to read, but
15 we'll go over the -- the high level. The maximum
16 project extent, that's the maximum area that our -- our
17 project is -- is contained within. We tried to design
18 it in a way that avoided environmental impacts, so we
19 are minimizing any impacts to wetlands and other
20 sensitive habitats.

21 Housing and residential, where we have the minimum
22 of 500-foot setbacks for any residences to the project.

23 And, you know, economy. It's over 300 jobs,
24 construction jobs at the peak of construction. And
25 some operational jobs following the -- the delivery.

1 There's also a significant tax base as a result of
2 the project for the County.

3 Next slide, please.

4 Since then, we've worked with EFSEC and others to
5 produce some changes to the project. The first one is
6 increased setbacks. So we've increased the setbacks at
7 Knight Road a minimum of a hundred feet to the fence,
8 120 feet to the panels. We also increased the setbacks
9 from the DNR property, the State-owned lands that are
10 south of the Knight substation.

11 We've revised the fence design. Originally we had
12 a cyclone fence, a chain-link fence with barbed wire on
13 top. So we've changed that design so it's now a welded
14 wire game fence to better blend in with the
15 surroundings.

16 You know, additional wetland considerations. In
17 2024, the Department of Ecology came out and did
18 additional fieldwork to -- to locate additional vernal
19 pools and wetland. So we stayed within our maximum
20 project extent but were able to relocate some of the --
21 the solar panels to avoid the additional wetlands that
22 were discovered.

23 And then noise monitoring. If you go through the
24 MDNS from -- from EFSEC, you'll see that there are
25 requirements for -- for noise monitoring to make sure

1 that we're staying within the -- the noise ordinance
2 and code.

3 We also worked with the Department of Agriculture
4 to review our project and talk with the farmers and
5 ranchers in the area that are participating. And as a
6 result of that, we came up with some soil testing
7 regimen by which we'll test the soil during the project
8 and pass those results on to Department of Agriculture.

9 And then, finally, the MDNS. We don't have time
10 to go through everything in the MDNS. But if you read
11 through it, you'll see that there's an additional list
12 of mitigation measures that have been included for the
13 project.

14 That's it. Thank you.

15 CHAIR BECKETT: Thank you,
16 Mr. Hanks.

17 I believe that concludes the formal presentation,
18 unless there was anything further, Ami or Sonia. Let
19 me check with you, and otherwise, I believe there's
20 probably questions from the Council and discussion that
21 we would jump into next.

22 But anything further from staff first?

23 MS. BUMPUS: No, Chair Beckett. I
24 think we'll see what questions Council has.

25 CHAIR BECKETT: Okay. Well, let me

1 turn this to my colleagues to see if there are
2 comments, questions. All are welcome. So we'll take
3 in order of the table or whoever's got their hand up.

4 MS. BREWSTER: Lenny Young has his
5 hand --

6 CHAIR BECKETT: Yeah. Thank you.
7 Mr. Young, I believe. Council Brewster flagging
8 it. You are up.

9 MR. YOUNG: Thank you, Chair
10 Beckett.

11 I will be voting "no" on expedited processing.
12 I'm citing to the letter from Yakama Nation that the
13 Council received on May 1st, a few days ago, and to the
14 particular statement in that letter, that without an
15 adjudication, Yakama Nation has no direct or
16 confidential avenue to communicate the project's
17 negative impacts on our membership nor to propose
18 appropriate avoidance or mitigation measures for your
19 consideration.

20 And I think it's very important that Yakama Nation
21 has this opportunity, so I will be voting "no."

22 CHAIR BECKETT: Thank you,
23 Mr. Young.

24 Mr. Chiles seems to be ready.

25 MR. CHILES: Yes, Chair Beckett.

1 Thank you.

2 I also have a question about the Yakama Nation.
3 I'm not sure who would be able to address it.

4 But it seemed that the Yakama's concerns were
5 addressed and now they are not addressed. So it --
6 what is the true situation? And what concerns were
7 addressed, and why are they complaining with, I assume,
8 justifiable complaints that there are still concerns
9 that need to be addressed? Can someone speak more to
10 that?

11 MR. GREENE: I can speak to that.
12 For the record, this is Sean Greene. I'm a SEPA
13 specialist for EFSEC attending virtually.

14 The -- in our discussions with the Yakama Nation,
15 they had identified several different impact types
16 associated with traditional cultural properties in the
17 region where the project is to be located. These
18 included things such as visual impacts to TCPs,
19 traditional cultural properties, from the project's
20 development as well as loss of quality of experience by
21 tribal members who would be accessing these TCPs to
22 continue traditional cultural practices and loss of
23 sense of place and cultural attachments to the areas.

24 We had several discussions with the Yakama Nation
25 to try to identify mitigation measures that could be

1 applied to the project that would address these
2 concerns. Staff came to the conclusion that sufficient
3 mitigation was available to reduce these impacts to a
4 level below significant. The Yakama Nation does not
5 agree with that determination by staff.

6 That is the point of contention at this point, is
7 we have identified mitigation, and the applicant has
8 agreed to implement that mitigation that we believe,
9 based on updated visual simulations that the applicant
10 has provided, do reduce those impacts to a level below
11 significance, and the Yakama Nation does not agree.

12 CHAIR BECKETT: Thank you,
13 Mr. Greene.

14 If you had other question -- if you have other
15 questions, Mr. Chiles, or comment, you're certainly
16 welcome to make them now or in a few minutes. Just
17 want to make sure you understood, if you've got other
18 questions, we're happy to hear them.

19 MR. CHILES: Thank you. That was my
20 main at this point, but I may have one -- a couple more
21 in a bit.

22 CHAIR BECKETT: Sure. Very well.
23 Other comments or questions from the Council for
24 staff or applicant, or one another, yes, too.

25 MS. BUMPUS: Chair Beckett.

1 CHAIR BECKETT: Director Bumpus.

2 MS. BUMPUS: Thank you, Chair
3 Beckett.

4 For the record, this is Sonia Bumpus.

5 Mr. Greene, on -- on the line, talked a little bit
6 about the work with the Yakama to address concerns and
7 application of the mitigation that's in the MDNS.

8 I wonder if Mr. Greene could talk a little bit
9 about the concerns that are specific to the adjacent
10 parcel that the Yakama had communicated to us.

11 MR. GREENE: Yeah. So I don't know
12 in how much detail we want to go, as this is a public
13 meeting, and the -- the location and nature of TCPs are
14 a confidential matter. But the -- the Yakama Nation
15 did produce a -- a traditional cultural properties
16 survey at -- at the Yakama Nation's request. Was part
17 of EFSEC's SEPA process to help the Yakama Nation
18 identify TCPs in the region and explain to EFSEC their
19 inherent values to the tribe, the anticipated impact to
20 those TCPs from the project. And the Yakama Nation did
21 provide several mitigation measures that they stated
22 would be a -- an appropriate beginning point for
23 providing technical mitigation to those impacts.

24 The primary mitigation that EFSEC has employed to
25 address those impacts is -- are setbacks. The project

1 has been redesigned several times through
2 communications with the applicant. And EFSEC has
3 employed setbacks along Knight Road and the state route
4 nearby the project that would reduce visual impacts to
5 tribal members who use those primary arterial routes to
6 access TCPs in the area, and EFSEC has implemented
7 setbacks elsewhere on the project that would -- that
8 would reduce visual impacts to TCPs in the area.

9 The Yakama Nation also identified cumulative
10 impacts that were of substantial concern to them that
11 would be resultant from this project and a future
12 reasonably foreseeable project that EFSEC and the
13 Yakama Nation are aware in the area that is currently
14 in preapplication with EFSEC.

15 Based on the information available to EFSEC, it is
16 anticipated that the reasonably foreseeable project in
17 the future would have much more substantial impacts to
18 the TCPs that have been identified, and EFSEC believes
19 that more substantial mitigation should be applied to
20 that future project as opposed to this project, as it
21 would have a much higher degree of impact.

22 MS. BUMPUS: And so just to add
23 to -- this is -- for the record, this is Sonia Bumpus.

24 Just to add to what Mr. Greene just said, that
25 proposal that he mentioned as a reasonably foreseeable

1 future action, it is in preapplication status right
2 now, but it is not -- it has not submitted a formal
3 application. It's not formally before the Council to
4 make any determination or decision on.

5 So what we anticipate is that if that project
6 moves forward, EFSEC does receive an application for
7 site certification, SEPA would be conducted on that
8 site and the impacts from that proposal, and we
9 anticipate that some of these concerns that we've heard
10 about for this proposal are -- are likely to be
11 something that we'll be analyzing and evaluating as
12 part of that SEPA review.

13 CHAIR BECKETT: Could you also
14 expand, Director Bumpus, as I understand it, on what
15 EFSEC and then by extension the Council can or cannot
16 do on this project in terms of anticipating those
17 potential future conflicts? Is that allowable to be
18 considered under SEPA?

19 MS. BUMPUS: Under the --

20 CHAIR BECKETT: This project? My
21 understanding is, is that it is not, but would
22 appreciate your clarification to make sure we
23 understand clearly.

24 MS. BUMPUS: Under the State
25 Environmental Policy Act, you can analyze cumulative

1 impacts. My understanding is that the -- we did look
2 at -- we did look at, evaluate some cumulative impacts.
3 We certainly talked about it internally as we were
4 analyzing the impacts and reviewing the application.
5 And the primary concern -- one of the primary concerns
6 had to do with access to the other site for which EFSEC
7 has no control.

8 So under the State Environmental Policy Act, we
9 can only mitigate for impacts that are proposed from
10 this project that's before us. We could do a
11 cumulative impact assessment on the other application
12 if it were to come before us. You can do cumulative
13 effects assessments. But understanding that this
14 was -- this seemed to be a concern about access and
15 this applicant has no site control for this adjacent
16 site, we really did not see any way to -- we didn't
17 identify any mitigation that would address that issue.

18 MR. GREENE: And if I can add onto
19 that. Again, for the record, this is Sean Greene, SEPA
20 specialist for EFSEC.

21 Under SEPA, we should and in fact are required to
22 perform cumulative impact analysis of any project for
23 which we are taking an action or reviewing an
24 application. And that is a -- the cumulative impacts
25 are the impacts of the project when combined with other

1 past, present, or reasonably foreseeable future
2 developments.

3 When assigning mitigation, however, mitigation for
4 cumulative impacts for a specific project should be
5 commensurate with that project's contribution to those
6 cumulative impacts.

7 So like Director Bumpus mentioned, one area of
8 particular concern for the Yakama Nation is a property
9 that does contain a TCP for which the Yakama Nation
10 still uses for -- for cultural practices on a regular
11 basis. That property is outside of the project
12 boundary for this project, but it is within the
13 boundary of that reasonably foreseeable future project.
14 That is why the mitigation that staff have recommended
15 for this project, Carriger, we believe is commensurate
16 to this project's contribution to impacts to that --
17 that external property. For that reasonably
18 foreseeable future project, we would anticipate much
19 more substantial mitigation as it would result in
20 direct physical impacts to that -- that TCP property.

21 CHAIR BECKETT: Very good. Thank
22 you for the clarification.

23 I do have a question on adjudication and the
24 tribal consultation. I just want to acknowledge it.
25 But let me first see if there were other questions or

1 comments other Council would like to make.

2 MR. CHILES: I have another comment,
3 Mr. Chair.

4 CHAIR BECKETT: Okay.

5 MR. CHILES: Or a question, rather.
6 Can you speak a little bit more about the welded
7 wire game fence? How tall is that? Is it allow --
8 designed to allow game to pass through or over, or to
9 exclude game? What would that look like?

10 MR. HANKS: It's an eight --
11 eight-foot fence. And the bottom is not flush with the
12 ground. So as the ground undulates, there will be room
13 for small mammals to pass underneath. We walk through
14 the design with the Department of Fish and Wildlife to
15 make sure that they were comfortable with it, and
16 that's how we came up with that -- that plan both for
17 the wildlife perspective and the visual impact.

18 MR. CHILES: Do you have any -- any
19 way for deer to get through, or is this a large deer
20 barrier?

21 MR. HANKS: We have wildlife
22 corridors that we've planned into the project. If you
23 look at the application, I believe we have a figure
24 that shows those wildlife corridors. And happy to
25 provide additional info on that as well.

1 MR. CHILES: Okay. But it is the
2 intent, just so I'm clear, that deer are not living
3 within the project area; is that correct?

4 MR. HANKS: That's -- that's
5 correct. The intent --

6 MR. CHILES: Okay.

7 MR. HANKS: -- is they'll be able to
8 pass in multiple locations through the project --

9 MR. CHILES: Right.

10 MR. HANKS: -- but not in the actual
11 solar arrays.

12 MR. CHILES: Okay.

13 CHAIR BECKETT: Thank you.

14 Council Pamplin, I think.

15 MR. PAMPLIN: Yeah.

16 CHAIR BECKETT: It looked like you
17 had a question or comment.

18 MR. PAMPLIN: Thanks, Mr. Chair.

19 Maybe this is a question or clarification from
20 Director Bumpus. But appreciated in the staff overview
21 kind of the history of the different events and some of
22 the comments received on the draft order. There was
23 concerns that it was just a three-day comment period.
24 And just wanted to ask for kind of clarification and
25 explanation on why it was an abbreviated comment

1 period.

2 MS. BUMPUS: Thank you for the
3 question. For the record, this is Sonia Bumpus.

4 So there's a couple of reasons for the, I guess
5 you could say slightly compressed comment period.

6 First off, the -- the requirement for EFSEC to
7 take comment on draft documents and proposed action
8 items on our agendas, that is relatively recent. It
9 was in 2022 that the Open Public Meetings Act was
10 changed. And all final actions that are taken up by a
11 body such as this have to provide opportunity for
12 public comment prior to taking any final action.

13 So because of that requirement, we now -- EFSEC
14 now puts draft documents that are the subject of a --
15 of a potential action item out for public comment.

16 In this case, we -- we only have an application
17 extension to, I believe it's June 25th. So we -- we do
18 not have a whole lot of time to complete our steps that
19 we're required to complete to get the recommendation
20 completed. And so for -- one is the requirement under
21 the OPMA which requires public comment. This is in
22 addition to public comment requirements that are
23 already in rules that we -- other rules that we adopt,
24 either ours or others, and then also a pretty
25 compressed project schedule.

1 CHAIR BECKETT: Thanks.

2 MR. PAMPLIN: Mr. Chair -- yeah,
3 thanks, Director Bumpus. That's helpful to me. And
4 just wanted to address that, because that was something
5 that was reiterated throughout the comments on the
6 draft order.

7 My next question is more just of a process
8 question so I can understand kind of what happens next
9 for this particular fork in the road.

10 So if the Council were to grant the order, is
11 that -- does that later become, you know, in the --
12 later in May or the June meeting Council deliberation,
13 a yes/no on the project, or is there an avenue from
14 that step to go back to an EIS and other things that
15 Yakama Nation was requesting?

16 MS. HAFKEMEYER: For the record,
17 this is Ami Hafkemeyer.

18 So the decision in front of the Council today is
19 to take up the question of expedited process. Going --
20 so that would be a decision of whether or not to grant
21 expedited process and move forward with a less formal
22 comment hearing and then into a recommendation.

23 In the statute -- and I apologize. I'll have to
24 look up the exact citation. But the statute indicates
25 60 days from the granting of expedited process to a

1 recommendation to the governor. And so the tentative
2 schedule in front of us that was on Ms. Snarski's
3 slides falls within that time frame. If the Council
4 were to not grant expedited process, that would then be
5 the path of an adjudicative process.

6 MR. PAMPLIN: Mr. Chair, thanks.
7 Thanks. Thanks.

8 So within the 60 days, if the expedite -- the
9 order was granted. We're in the expedited review
10 process. There's no off-ramp back to the adjudicative
11 process, then?

12 MS. BUMPUS: So the -- I believe the
13 statute -- I believe the statute that talks about --
14 our statute that talks about expedited process, RCW --
15 Revised Code of Washington 80.50.075, says that the --
16 basically that the Council may grant expedited process,
17 and that if it chooses to grant expedited process, it
18 is not required to conduct an adjudicative process.
19 There's a few other things that it mentions, but one of
20 them is adjudicative process.

21 So it does not say that the Council is precluded
22 from conducting an adjudication. But I suppose you
23 could wonder at why you would grant expedited process
24 if you're going to adjudicate.

25 MR. PAMPLIN: Thanks. Thanks,

1 Ms. Bumpus. I was just trying to think about, as we
2 get more information -- like, for instance, if the
3 Council were to grant the expedited process, well, then
4 there's a public hearing, and so if there's then new
5 information that would then, you know, want us to shift
6 to a different direction, then that would be
7 informative for me anyway, so thank you.

8 CHAIR BECKETT: Please.

9 MS. BUMPUS: Thank you, Chair
10 Beckett.

11 I just wanted to note one other thing, and this is
12 to some of the earlier questions.

13 We -- we did have an indication from the Yakama
14 Nation that they did wish to hold consultation.
15 That -- and I think I mentioned earlier that that has
16 not been scheduled yet. So as far as following steps,
17 there's the ones that Ms. Hafkemeyer talked about, but
18 also, if we were to hold consultation and the chair
19 meets with the tribe, if there were things that came
20 out of that, those are also things that could be
21 included and considered in the Council's deliberations
22 on their recommendation. We just have not scheduled
23 that yet, and I'm not sure if that will take place or
24 not at this time.

25 MR. PAMPLIN: Great. Thank you.

CHAIR BECKETT: Council,
(unintelligible) just to close up.

UNIDENTIFIED SPEAKER: No. I'm
good. Thanks.

CHAIR BECKETT: Okay.
(Unintelligible) welcome if you think about other
things, so...

MR. CHILES: This is Matt Chiles --

CHAIR BECKETT: (Unintelligible.)

MR. CHILES: -- again for the
record.

Director Bumpus, following up on the questions
about expedited process and particular related to the
Yakamas, as Lenny Young emphasized in the letter, the
Yakamas are concerned that if we did the expedited
process, they would not have an opportunity to give
input. Is that correct? Or would they still have
opportunity to input and such through the expedited
process?

MS. BUMPUS: That's a very good
question. For the record, this is Sonia Bumpus.

So my opinion is that, yes, there is an
opportunity for the Yakama to propose other ideas,
other mitigation that may not have been offered up at
this time. Through the consultation process, there --

1 there is an opportunity there, I think. And there is
2 time for -- with the proposed schedule that we have,
3 there is time to bring that information to the Council
4 by way of the chair reporting to the Council and for
5 the Council to consider that in its recommendation.

6 So in my opinion, there is opportunity even though
7 we may not be going the route of an adjudication.

8 CHAIR BECKETT: Anything further,
9 Mr. Chiles? Welcome if you do.

10 MR. CHILES: Nothing further at this
11 point. Thank you.

12 CHAIR BECKETT: Okay. Other Council
13 questions or comments?

14 MS. GRANTHAM: Chair, this is Andrea
15 Grantham.

16 I see that Eli Levitt has his hand raised on
17 Teams.

18 CHAIR BECKETT: Thank you.
19 Mr. Levitt.

20 MR. LEVITT: Hi, Director Bumpus.
21 This is Eli Levitt from the Department of Ecology.

22 I was just curious about what you just said in
23 terms of would the Yakama Tribe be able to provide
24 confidential information to EFSEC during an expedited
25 process. I think that was -- that was a key

1 consideration in their -- in their recent concerns, at
2 least as I heard it earlier in the meeting.

3 CHAIR BECKETT: And if I may, thank
4 you, Council. And let me tag onto that, because that
5 was my question about adjudication, which may go to our
6 counsel here tonight. But I'll address it to you,
7 Director Bumpus, first.

8 Can you expand on why the confidentiality only
9 accompanies adjudication in terms of sensitive matters
10 that we all take seriously; in this case, the Yakama
11 Nation? Question I certainly had -- I appreciate
12 yours, Eli, as well -- and so if you could expand on
13 why that's so constrained, only an adjudication.
14 Because I would think, even if that's the law today,
15 there's -- I got to believe there's other means to kind
16 of get to some of those important conversations without
17 always having to only be able to do it in adjudication.

18 MR. THOMPSON: I'll just jump in
19 maybe. So this is Jon Thompson with the attorney
20 general's office.

21 So there's a -- it all comes down to the fact that
22 there's an exemption under the Public Records Act --

23 CHAIR BECKETT: Mm-hmm.

24 MR. THOMPSON: -- for -- well, for
25 archaeological resources, for one thing. And then

1 another is reports about traditional cultural places.
2 And that's the -- the exemption that -- that enables us
3 to protect sensitive information that's been disclosed
4 to us, like the report that was produced in this case
5 has been held as confidential under that exemption.
6 And then, you know, sort of the -- the contents of that
7 report as well we consider to be confidential.

8 So I think -- I think the -- from what I
9 understand, the Yakama Nation's concern is that they
10 want the -- they like the opportunity to present in
11 person to the full Council, I understand. But I don't
12 think it's -- I think it's -- it's the importance of
13 that opportunity to address the Council in spoken form.

14 CHAIR BECKETT: Right.

15 MR. THOMPSON: Which does create a
16 difficulty in terms of confidentiality. Because when
17 our Council meets -- when our Council meets as a
18 quorum, it has to be -- it has to be in an open public
19 meeting context, so necessarily public, so...

20 CHAIR BECKETT: Thank you.

21 I think Director Bumpus is going to supplement
22 perhaps.

23 MS. BUMPUS: Well, I was just going
24 to add -- for the record, this is Sonia Bumpus -- that
25 in the past, when the EFSEC chair has met with tribal

1 council, it's been in a -- in a closed meeting. So
2 the -- as Mr. Thompson mentioned, you know, there are
3 constraints around the -- sort of the audience with the
4 Council at large, but -- but for the consultation part
5 of our process that's yet to play out, that when we've
6 had those in the past, those have been discussions
7 between the chair and -- and the tribal council
8 members, and those have been closed discussions.

9 CHAIR BECKETT: Thank you.

10 Councilman Levitt, did that answer your question,
11 or did you wish to follow up since especially you're
12 online? Feel free to jump in here.

13 MR. LEVITT: Yes, that answered my
14 question. Thank you.

15 CHAIR BECKETT: Are there other
16 comments or questions? Other Council?

17 Okay. We are at 6:17. So thank you to our
18 members of the public who are here for letting the
19 Council conduct its business and a little longer than
20 originally forecast.

21 So, Director Bumpus, anything else you care to
22 add? If there's not further discussion, I assume we
23 will need to consider the action before us.

24 MS. BUMPUS: For the record, this is
25 Sonia Bumpus.

1 I would just reiterate what Ms. Hafkemeyer said
2 earlier. This is -- this decision is not your
3 recommendation on the project. There are still
4 opportunities for comment. There are still
5 opportunities for technical engagement with the tribe
6 and others. And there's still also the mechanism of
7 the pathway of consultation.

8 This action that's before you is only about
9 whether to grant the applicant's request for expedited
10 process, which is dependent upon meeting those two
11 criteria, the consistency with land use and that all
12 identified impacts are mitigated to levels of
13 nonsignificance. I just reiterate that.

14 CHAIR BECKETT: Thank you.

15 Also, I did remember my other question that I was
16 pausing there for a second to try and remember.

17 The 60 days that are require -- or that are -- is
18 the period associated with expedited review, given that
19 we also have a statutory deadline to review and make
20 recommendations on projects within one year -- and
21 clearly we're a little beyond that already on this
22 project -- can either Director Bumpus or Council
23 further expand on the realities of that deadline? I
24 sense there's some concern about just the nature of
25 speed and time, and 60 days will go quick.

1 So if you'd like to speak to what requirements or
2 latitude exist under that -- that pathway of expedited
3 review, that'd be appreciated.

4 MS. HAFKEMEYER: Certainly.

5 So in the initial -- I wouldn't call it an initial
6 statute, but in our -- our guiding statute, 80.50, the
7 requirement for reviewing a project within 12 months
8 is -- is outlined, or such time as mutually agreed upon
9 by the Council and the applicant.

10 RCW 80.50.075 then outlines what an expedited
11 process might look like and asks the Council to make
12 rules to adhere to that.

13 So then taking a look at EFSEC's rules in
14 Washington Administrative Code 463-43 are our rules for
15 expedited processing, and that is where the timelines
16 for that are laid out. The initial timeline is 120
17 days or such time as agreed upon by the Council and the
18 applicant to make the decision on expedited processing.
19 When the Carriger project initially approached that
20 deadline, EFSEC had issued that letter indicating that
21 it seemed like a determination of significance was
22 anticipated.

23 At that point, Cypress Creek Renewables requested
24 that EFSEC hold off on making a decision while they
25 exercised their right, as spelled out in the statute,

1 to make modifications to their project to try and
2 achieve a mitigated determination of nonsignificance.
3 And that is much of the work that Ms. Snarski described
4 for visual setbacks, additional work conducted by staff
5 and the applicant and other agencies.

6 So now that some of the milestones leading up to
7 expedited process have been met, that is the question
8 in front of the Council today. And then WAC 463-43-020
9 is the chapter that indicates that a decision -- or a
10 recommendation shall be made to the governor within 60
11 days of being granted expedited process, again, or such
12 time as agreed upon by the Council and the applicant.

13 Currently, the review period is through June 25th,
14 2025.

15 CHAIR BECKETT: And so if the
16 Council ultimately -- or staff or other parties, I
17 guess, associated with this entire process -- if, in
18 fact, Day 61 or beyond was needed, is there a cure in
19 basically adjusting the rule or no?

20 MS. HAFKEMEYER: I believe that
21 would be within -- within our options. Again, the --
22 the line, "...or such time as is agreed upon with the
23 Council and applicant," I think if we were to reach
24 that point, we would want to coordinate with Cypress
25 Creek and see which new timeline would be appropriate

1 to complete any remaining work.

2 CHAIR BECKETT: Okay. For the
3 record, I can assure you the staff will find my
4 question I just made ironic, (unintelligible) time
5 certain outcomes as the new chair, but thank you for --
6 for the added information.

7 I guess the comment I would -- would add is -- or
8 a couple. Pardon me while I gather my thoughts here in
9 the moment.

10 On the one hand, if Council were to agree to
11 expedited review, we have, I'm sure, different opinions
12 about the benefits or burdens of adjudication. It is
13 clearly a more litigious and just -- just
14 courtroom-like atmosphere, and there's good reasons for
15 that sometimes. And I take heavily, as Mr. Young
16 called out early -- and thank you, again, Council
17 Young, for sharing your -- your perspective in early,
18 and that's appreciated as far as where your thinking
19 is.

20 Ultimately, you know, how we engage with the
21 Yakama is critical to me. I believe it's critical to
22 the Council and to the staff. And as much as I
23 appreciate the benefits of adjudication to accomplish
24 that, I am in hopes that we also find some other
25 real-world ways to, you know, to come to an agreement

1 so that we can have a better exchange between the
2 Yakama Nation and the Council, both as a whole and in
3 this case it's been designated to the chair to conduct
4 that -- that consultation. And, I think, ultimately,
5 as I understand it, consultation is -- is often ongoing
6 and not just a singular moment, and I'm certainly
7 committed to that.

8 In this case, if that were to allow or we could
9 find a path to do that and not always have the burdens
10 that I think come both not just cost but on
11 communities, on other parties associated with any
12 application, that there's important rights and process
13 with adjudication, but there's also some pretty heavy
14 burdens that come with it. And so that's what I
15 reflect on as we grapple with this -- with this choice
16 here. And I don't think any of us want to rush to a
17 decision by any means, including as we look at our
18 members of this community, and I certainly look at you.
19 I know this is very important to you.

20 So we want to take the time we need, but obviously
21 we've been taking quite a bit of time. And I don't
22 know that adjudication is necessarily going to, you
23 know, resolve all the different issues that are
24 ultimately before us, including those -- the Yakama, as
25 much as I'm committed to trying to -- to find that

1 path.

2 So, ultimately, if I'm hearing that the expedited
3 review, while it has a 60-day clock to it that I think
4 I interpret many of the Council members are concerned
5 about, if there is a means to try to make that, you
6 know, that time frame, which I think we should, if the
7 Council were to, you know, to decide to go down that,
8 that path, then ultimately I think we have some
9 latitude of what to do if we need more time or if there
10 is a need to decide that, no, there wasn't adequate
11 ability to work with the Yakama in a way that the
12 Council, itself, as a whole, ultimately wanted the
13 Council and the chair to do so. Whether or not that,
14 you know, is appealing to the Council, I'll let each of
15 you decide ultimately, I guess, in your vote. We'll
16 see if there's other comments or questions here,
17 including from anything I've just shared.

18 But it would seem that we do have viable paths in
19 some form. I know the nonadjudicative path with the
20 Yakama Nation might be a little less clear at this
21 moment, but it seems that there -- there is some merit
22 to exploring that, at least from my perspective. So
23 I'll stop my comments there and see if there are other
24 questions or other clarifications of any errors I may
25 have made in the midst of my comment, so...

1 MS. HAFKEMEYER: Not an error you
2 made. An error my -- I made. If I could please
3 correct my citation earlier. The recommendation within
4 60 days is WAC 463-43.080, not 020. My apologies.

5 CHAIR BECKETT: Thanks for the
6 clarification.

7 Anything further from staff before I turn this to
8 Council for further questions and discussion?

9 Nothing from staff.

10 Council. Mr. Chiles.

11 MR. CHILES: Thank you, Mr. -- Chair
12 Beckett.

13 I have a question on adjudicated versus the
14 expedited. It seems to me that the expedited has
15 advantages over the adjudicated, in that the expedited
16 is a friendlier and more open place for people in the
17 community and such to be able to get their comments
18 forward.

19 Would you say that that is a correct thought, or
20 are they both kind of equal in that way, or is -- or am
21 I misreading things and adjudicated is actually an
22 easier way for the community to get their input in?

23 MR. THOMPSON: I'll try to address
24 that. Again, this is Jon Thompson.

25 The adjudicative process, as Chair Beckett alluded

1 to, is much more formal and requires parties to be
2 represented by attorneys and so forth. And in -- and
3 in some cases, yeah, there may not be parties that want
4 to make that investment to actually do that.

5 There is a public comment opportunity that's
6 associated with the adjudication, but -- but it does
7 require anybody who wants to take advantage of that to
8 submit their issue in writing in advance, whereas
9 the -- the public comment opportunity that would be
10 afforded if you went with expedited process just allows
11 just anybody who wants to state a comment to do so or
12 submit comments in writing.

13 So it is -- I think it's accurate that it's --
14 it's more kind of open process for the -- for the
15 less-formal approach.

16 MR. CHILES: Thank you, yeah,
17 Mr. Thompson. I can see where having to get an
18 attorney involved to get your point across suddenly
19 makes things exponentially more difficult, although in
20 the end, maybe that attorney can help you in whatever
21 your grievance may be. Thank you.

22 CHAIR BECKETT: Other questions or
23 comments from Council?

24 Anyone online that I'm missing? Ms. Grantham?

25 Okay. So with that, and also out of respect to

1 if -- depending on the action here, we may or may not
2 move into public comment. So let me see if there is a
3 motion to -- try and read this correctly.

4 Is there a motion to move to expedited review for
5 the Carriger Solar project?

6 Anything else I need to add to that, Council, to
7 make sure this is accurate for the record?

8 UNIDENTIFIED SPEAKER:

9 (Unintelligible.)

10 CHAIR BECKETT: Okay. So I've
11 attempted the motion to state, appreciate if someone
12 would care to move a motion, and -- Mr. Pamplin.

13 MR. PAMPLIN: Thank you --

14 CHAIR BECKETT: (Unintelligible.)

15 MR. PAMPLIN: -- Mr. Chair.

16 I move that the Council grant the expedited
17 processing per -- as described under Council Order
18 No. 899. And if there's a second, I would like to
19 briefly comment about it.

20 CHAIR BECKETT: And we will take
21 Council discussion after --

22 MR. PAMPLIN: (Unintelligible.)

23 CHAIR BECKETT: -- the motion if it
24 is put onto the table.

25 We have a motion. Is there a second?

MR. LEVITT: This is Eli Levitt.

I'll second.

CHAIR BECKETT: Thank you, Council
Levitt.

We have a motion and a second to adopt the motion
to move to expedited review for the Carriger Solar
project.

We'll now move to Council discussion on the
motion.

MR. PAMPLIN: Yeah, thanks,
Mr. Chair. And appreciate the second.

My comments are just very brief. In reviewing
this project, note that the MDNS has already been
granted. I'm interested in hearing from the public
this evening on the merits of the project as well as
appreciate, Chair Beckett, that you're going to be
meeting with Yakama Nation to understand further their
concerns, that you'd be bringing that back to the
Council for our deliberations if this order is granted.
So because we have a number of additional process
steps, I'm comfortable moving forward with the
expedited review. Thank you.

CHAIR BECKETT: Thanks for your
comment.

Other Council members who wish to make a comment

1 before the motion is considered?

2 MS. BREWSTER: This is Stacey
3 Brewster.

4 CHAIR BECKETT: Council Brewster.

5 MS. BREWSTER: I would just second
6 Councilman Hamplin [sic] -- excuse me -- Nate's
7 comments. If we move forward with expedited
8 processing, I would do so with the expectation that we
9 address Yakama Nation's concerns through an option
10 other than adjudicative process.

11 CHAIR BECKETT: Very well noted.
12 Thank you.

13 Any other Council comments? Or, again, if there
14 are questions, we're happy to take them. But might be
15 a little more in the discussion mode here, comments.

16 Online? Okay.

17 Then I will call for action to be considered here
18 in a vote. So for all those in favor of moving to
19 the -- sorry. My new meeting and too many pieces of
20 paper. As we move to the expedited review for the
21 Carriger Solar project, all those in favor saying
22 "aye."

23 MULTIPLE SPEAKERS: Aye.

24 CHAIR BECKETT: Opposed?

25 UNIDENTIFIED SPEAKER: Nay.

1 CHAIR BECKETT: And help me on my
2 word. To Abstain. Any abstentions?

3 Hearing none.

4 Okay. The motion, then, is adopted. And we will
5 move to expedited review, which then means that we
6 will -- I will soon conclude this meeting, and we will
7 move to our public comment period.

8 So without further question or anything else from
9 our Council, I will close the special meeting where
10 we've taken action, and I will open the -- just make
11 sure I get my (unintelligible) right here -- our public
12 comment hearing on the Carriger Solar application.

13 So we will now be moving into the public comment
14 period as expected. The time for -- I'm sorry -- for
15 concluding the last meeting was 6:32, and we have
16 opened at 6:33 p.m. to our special meeting for public
17 comments this evening. And I believe staff will help
18 me here in a moment with both those who have signed up
19 for public comment.

20 Please note that for those of you who may be
21 listening in but still wish to make a comment but
22 haven't signed up, you can phone (360) 664-1345.
23 Normally this is done before. Or you can e-mail EFSEC
24 at EFSEC@EFSEC.wa.gov. For anyone online as well as, I
25 think, those who are in online, if you note you're

1 interested in speaking, you might be able to capture
2 that in the chat. We'll do our best to make sure
3 everyone's heard.

4 In that regard, we will take comments for three
5 minutes from each person this evening. We are
6 scheduled to conclude at 8:00. If we do -- I think we
7 can get through most of the comments in that same
8 period of time. I just note that out of respect for
9 the staff and others who have put this hearing on as
10 well as our Council members, so we would like to
11 conclude at 8:00.

12 But let's move to hear from folks so we can
13 accomplish that goal. And appreciate everyone speaking
14 to the project specifically, is what we will take
15 testimony on. And, in particular, if there are local
16 considerations, things that in particular might be
17 comments that are relevant to a county commission
18 conditional use permit, so more local conditions, those
19 are in particular of not only interest, I think, always
20 to the Council but are comments in particular that are
21 appropriate for this public comment period especially.

22 So unless staff or Council would like to clarify
23 anything I've shared as to the purpose of this, I would
24 then note that Council Chiles would like to -- who
25 submitted a letter to the Council and is available for

1 the public -- would like to speak to that letter first.

2 And as a member of the Council, while we'd like to
3 keep moving expeditiously, please take the time that
4 you need, and then we will move into our public comment
5 period for three minutes. And the first person signed
6 up just as a heads-up in a few minutes: Delmer Eldred.
7 And then Candy Magnusson. So you'll be our first two
8 speakers up, which, again, I'll call you up. And
9 Andrea and Alex will help me with that as well.

10 So, Andrea, or Ms. Grantham.

11 MS. GRANTHAM: Yes. I would also
12 like to add that we also have a comment campaign live
13 right now online at comments.EFSEC.wa.gov. So anybody
14 online who doesn't want to speak at the meeting
15 tonight, they can also submit written comment.

16 CHAIR BECKETT: Thank you.

17 And, again, written comments, if you don't wish to
18 speak or supplement your verbal testimony, you also
19 have a comment box here physically in the room.

20 So with that, Council Chiles.

21 MR. CHILES: Thank you, Chair
22 Beckett. This is -- for the record, this is Matt
23 Chiles. And I am speaking on behalf of Klickitat
24 County as Klickitat County's representative for the
25 Carriger project on this board.

1 I'm going to basically be reading my letter that I
2 have written, with a few adjustments, because some new
3 stuff has come up today.

4 I'm writing today to clarify the concerns that
5 Klickitat County still has regarding the Carriger Solar
6 project and to propose various ways that those concerns
7 can be mitigated. This project is going to have a
8 large impact on the county, should it be built, and how
9 it is executed will directly impact not only the
10 greater project area but the willingness of the county
11 to participate in future potential solar developments
12 that the county may host.

13 Over the past few months, the County has been
14 working on writing a solar and BESS ordinance. I am on
15 the committee that is working to do that. And many of
16 the mitigation requests that I'm going to be bringing
17 before the Council today are a direct result of the
18 stuff we have been learning and studying as we pursue
19 that ordinance.

20 The direction that the committee is taking -- that
21 is, the -- the county committee -- as it writes the
22 ordinance is to allow solar and BESS projects in
23 Klickitat County but with a lot of mitigations. It is
24 our hope that EFSEC will, in fact, potentially be the
25 lead on a number of these future projects, because the

1 EFSEC process, we believe, is a good and secure way to
2 really cover all the bases in a way that a small county
3 like ours simply cannot staff as well as -- as the
4 State can through EFSEC.

5 Moving on to concerns. Concern No. 1: The
6 Carriger project is directly impacting adjacent
7 residences. I am pleased to see that the setback from
8 adjacent properties is up to 500 feet, so -- to
9 nonparticipating homes. And I would hope that's to
10 their nonparticipating property lines. Because just
11 because a home isn't on one side of the property
12 doesn't mean that the whole property is not impacted.

13 The second way that we can reduce that impact is
14 by creating visual barriers, such as earthen berms,
15 wooden fences, and vegetation that is planted and
16 maintained so that it can mitigate that visual impact
17 of the solar array.

18 Our next concern is that the project will look
19 industrial instead of rural. One of the things why
20 people live in a rural community is it is rural and
21 doesn't look like a center of industry. There's a
22 balance to that, because farms by their very nature are
23 industrial, and especially a successful farm has a lot
24 of trucks going back and forth. It may have a lot of
25 buildings and equipment going at all hours. However,

1 it's a little different for a true industry.

2 So to avoid the industrial look, I would suggest
3 that -- building security fencing in an agricultural
4 style. I'm pleased to see that Cypress Creek is moving
5 that direction with the proposed game fence as opposed
6 to barbed wire and -- excuse me -- chain link, razor
7 wire-type stuff.

8 I -- I think the fence is too high at eight foot.
9 It's still going to look pretty industrial. And if we
10 could drop that height down to five or six feet, it
11 appears they are concerned about deer in there. I
12 would like to see all wildlife be able to move through
13 the property. Because when wildlife are pushed to
14 corridors, it changes everything about them. In
15 particular, this Carriger project and future projects,
16 anything in a rural area, should not have razor wire,
17 chain-link fence, and other high-security-type fences.
18 Woven wire that is typical in agricultural areas is
19 sufficient with a strand or two of barbed wire on top,
20 and that can be supplemented by modern technology of
21 motion sensors and cameras and such.

22 Third concern is the destruction of good
23 agricultural land. Our solar and BESS ordinance is
24 moving very strongly toward requiring agrivoltaics,
25 which is that solar arrays need to coexist with

1 agriculture within the boundaries of the project and
2 that solar arrays should not be set aside as a
3 nonagricultural use.

4 We would request that the panels be designed in a
5 way that can be tilted up to 90 degrees so that farm
6 equipment and livestock can potentially move through
7 when needed be, especially farm equipment.

8 Especially we want to require that any existing
9 irrigation rights within the project area either be
10 transferred or banked to remain in beneficial use
11 within Klickitat County, because irrigation water is
12 something that we do not have much of, we cannot get
13 more of, and we can get less of if we lose it.

14 Another concern is the hazards of fighting grass
15 fires under solar arrays. We are proposing solutions,
16 again requiring that the panel design -- is designed in
17 such a way that the panels can be tilted up easily to
18 90 degrees. Suddenly allows easy access for
19 firefighting aircraft. And additionally designing a
20 grazing component into agrivoltaics can facilitate
21 vegetation reduction around the structures by allowing
22 cows, sheep, whatever it is, to move in around there.

23 Another concern is -- and this is a big concern --
24 is with the BESS units that are proposed. There is
25 still no way to put out a BESS fire. We would request

1 and our proposed ordinance will probably require that
2 BESS systems need to use an inherently firesafe
3 engineering, a system that cannot catch fire, such as
4 lead-acid batteries, sodium liquid systems which are in
5 development and very close to being deployed
6 commercially, but the existing lithium technology has
7 been demonstrated over and over again to be unsafe.

8 If the lithium-type batteries are moved, or are
9 used, we would request that they be either secured in
10 an underground bunker or inside of some sort of
11 aboveground concrete bunker of some sort so that in the
12 inevitable event of fire, fumes cannot get out to
13 disturb the neighbors, to pollute the lands, and to
14 potentially endanger the community's health. The
15 community really does not want to accept this risk
16 of -- of toxic fumes.

17 One other concern about BESS units is the noise.
18 I'm glad to see that that is also being addressed by
19 Carriger, or by the Carriger project. Noise is a very
20 sensitive thing that a lot of people in urban areas
21 don't understand, but in a rural area, even a noise as
22 low as 35 or 40 decibels is a noticeable noise. The
23 crickets are making a noise of 35 or 40 decibels, and
24 they're -- they're very loud.

25 In rural areas, we do not have a lot of background

1 noises a lot of the year. There's no freeway going by.
2 So at 50 or 60 decibels for fans, if you're hearing a
3 fan, that is going to drive you crazy. Because you're
4 not used to living next to a freeway or other -- other
5 things that are in urban areas.

6 One last concern is the impact on the community at
7 large. We would like to see this and future projects
8 engineered so that they can be integrated with the
9 local Klickitat County PUD in such a way that, in an
10 emergency, the county can directly tie to that grid to
11 supply -- to supply electricity to the county.

12 When the big one comes and the -- the grid goes
13 down on the west side, if we're not connected to the
14 electricity here, we cannot help. And all the
15 electricity that is being generated is -- is being lost
16 and can't even help locally. As an emergency
17 precaution, we want to see a way to -- for that
18 electricity to be emergency transferred into the local
19 grid.

20 We generate a lot of power in this county already
21 between wind, existing solar, and especially the dams.
22 And most of that county -- most of the electricity is
23 shipped out of state and is not benefitting this county
24 at all. We want to see benefits from the electricity
25 that's produced here that is impacting all of our

1 lives. We've lost our free-flowing rivers. We have
2 lost our beautiful hills to blinking red lights and
3 wind turbines, and it is looking like many of our
4 valleys will soon be covered in solar arrays. So with
5 this cost, we want to see a benefit come back to
6 Klickitat County if this is a cost that we are going to
7 be required to bear.

8 In addition to tying into the grid, we would like
9 to see some percentage of that electricity, of the
10 electricity being generated, either financially or as
11 direct electricity, go to our local PUD so that
12 everyone can benefit from some sort of lowered rates.
13 This kind of thing has been done in Klickitat County
14 before. When the public landfill, regional landfill
15 came in about 35 years ago, that was something that
16 really impacts the whole county even though most the
17 county can't see it, because it's a huge environmental
18 thing that's waiting for a potential catastrophe.

19 We've all benefitted in the meantime, though, not
20 just by taxes, but by seven cents per ton of fee that
21 is collected by the County for every ton of waste that
22 dumps into there. That benefits the whole county in
23 reducing all our property taxes. Something that can
24 benefit the whole county when so much of the county is
25 impacted by the change in the nature of the county as

1 it turns more industrial.

2 In conclusion, the Carriger project is a large and
3 highly visible project, near many people and easily
4 visible by many more. If this project is built, it
5 should be built as a demonstration project so the
6 people can positively see how solar can add to the
7 environment.

8 There are many projects that many of us have
9 driven by around the Northwest that are lousy
10 demonstration projects. We can look just as far north
11 as Ellensburg and see beautiful alfalfa fields that are
12 now covered in gravel and solar panels. If you've been
13 down near Salem recently, you'll see similar things.
14 We would like to see solar integrated with agriculture
15 instead of replacing agriculture.

16 If EFSEC and the solar industry do not address
17 these concerns, I am personally concerned that solar
18 will become very much a pariah, not only in rural areas
19 like ours but even in urban areas, and that will be to
20 the detriment of not just us but to the whole nation,
21 because we do need electricity. And so if -- if we are
22 going to be doing solar, then we need to be doing it
23 responsibly in a way that we can be proud of and not in
24 a way that it's going to be taking large tracts of
25 agricultural land out of production.

1 Thank you very much.

2 CHAIR BECKETT: Thank you, Council
3 Chiles. And thank you as well for the time and thought
4 that you put into that letter that was submitted to the
5 Council for the record and is available to all members
6 of the public. So thank you, again.

7 So with that, let me turn to Alex and Andrea.
8 Pardon my first names as I try and get through here the
9 first go-around for me.

10 So I believe I read our first member of the public
11 to come forward is Delmer Eldred. Again, we'll be
12 taking your comments on the project for three minutes.
13 We see the clock is up here. We appreciate your
14 understanding and respect for that.

15 And Mr. Eldred. And then, Candy Magnusson, you
16 will be up next.

17 Welcome.

18 MR. ELDRED: Please consider not
19 approving the project on Knight Road. This is good,
20 valuable farm- and ranchland that needs to be preserved
21 for agricultural use. And placing a large industrial
22 solar site will make this land unusable for food
23 production forever. These solar sites will soon be
24 replaced with reliable, efficient form of energy, and
25 the destruction of good agricultural land will all be

1 for nothing.

2 The only ones that will benefit are Carriger,
3 making a fortune on our government subsidies. The end
4 result and short life of these solar sites will be
5 massive environmental disaster of millions and millions
6 of decommissioned solar panels for the next generation
7 to deal with.

8 Also the amount of devastation to the habitats and
9 wildlife as well. And I have not -- the solar sites
10 that I've looked at, the wildlife has not been able to
11 graze in these areas, which they have to try to move
12 and relocate in different locations, which make the
13 food source less and less for each of them. And also
14 the birds, that think that this solar panel is a body
15 of water, land on there and get fried. So this has a
16 very bad reputation for the habitat, the wildlife.

17 And, you know, the common-sense thing is not to
18 allow this project to be approved. And I ask you to
19 please deny this application. And if anybody thinks
20 that the bottom line of Carriger is to spend as much
21 money as possible to satisfy the people in the area
22 that they're putting these solar sites in, you're
23 living in a fantasy world.

24 These -- this company is dedicated to profit, and
25 that's what it's all about. Anybody that has looked at

1 millions and millions of panels in California that are
2 sitting there, because they don't have anything to do
3 with these decommissioned. They're just going to let
4 them sit there. And who knows what will ever come of
5 them? But that land is -- it's just sitting there with
6 panels that are not even being used. And we're going
7 to be in the same situation. It isn't going to be any
8 different here than it is there.

9 And so this is not beneficial. It stops all --
10 any kind of productive thing that this county could do
11 will be sewed up with this solar that has taken the
12 area. And you can't have a subdivision. You can't
13 have anything else going, because you have solar. And
14 to think that they are going to try and work with the
15 community and spend an excess amount of money, I don't
16 know. That's not going to happen.

17 CHAIR BECKETT: Thank you for your
18 comments, Mr. Eldred.

19 Ms. Magnusson, if you would, please.

20 MS. MAGNUSSON: I'm going to speak
21 for myself but also for people that can't come here,
22 that have given up speaking. They say it's a done
23 deal. It's sad. And I hope you looked, when you came
24 through, how beautiful this area is. 'Cause it's not
25 going to be that way anymore. And I'll tell you why.

1 Greg Wagner lives up there where it's going to be.
2 And I've been a Realtor for 27 years, and I know the
3 value of land. Okay? His property is going to --
4 right now, if he put a "for sale" sign up on his
5 property, guess what. He's not going to sell it. He
6 can't sell it. Nobody's going to buy it, because he is
7 obligated to tell people, Hey, there's going to be a
8 couple thousand acres of solar right here across the
9 road. And knowing Greg, he would tell it. He wouldn't
10 lie. He would say that. Okay?

11 The secrecy. The secrecy of these people that's
12 come in here and sign up leases: Don't tell. Don't
13 tell. That's right on the leases. Don't tell.

14 So it took a while for people to wise up. Okay?
15 Because related friends and stuff like that. Well, it
16 so happens that now people -- I ask them, Do you know
17 where the leases are? Most people do not know where
18 their leases are. It's secret. There's going to be
19 2,000 acres or a thousand acres south of Goldendale
20 right up to the city limits. What do you think that's
21 going to be? That's going to affect the houses in
22 town, out of town, all the value. Businesses are going
23 to leave. Businesses aren't coming when they see this
24 mess. No.

25 Schools. Going to affect the schools, the

1 hospital, and everybody that lives around them. Their
2 value of their land is going to be going down, and God
3 help them if they can sell it, because I don't think
4 they can.

5 The -- also it's going to affect -- those panels
6 have chemicals in them. If a hailstorm comes and wipes
7 out half of them -- which we've had hailstorms here,
8 okay? -- that leaks chemicals into the ground, into the
9 water. People living down below -- water runs
10 downhill, guys -- the wells are going to be
11 contaminated.

12 Do you think that -- he's going to say different.
13 Do you think that company is going to come and pick up
14 all those panels and take care of it? No. They're
15 going to go bankrupt. And the biggest, the biggest
16 solar company in the world, in the world, has gone
17 bankrupt last month. Okay? Thank you.

18 CHAIR BECKETT: Thank you very much,
19 Ms. Magnusson.

20 Elaine Harvey and then Dave Barta.

21 MS. HARVEY: Good evening.

22 CHAIR BECKETT: Good evening.

23 MS. HARVEY: I hope you can hear me.
24 My name's Elaine Harvey. I'm a resident, a lifetime
25 resident of this area. I'm from the Ka-milt-pah Band.

1 My people's been here forever. I left to go to
2 college, and I came back. I work for my tribe for 20
3 years. My last two years, I was evaluating more than
4 40 projects that are impacting Yakama, ceded
5 territories, that are impacting our food, our salmon.

6 These companies come. They suck the water out of
7 these giant creeks. There's steelhead in there. Do
8 they care? No. Do they care about us and our food
9 that we gather?

10 I have big concerns with the MDNS decision. I
11 live here. I live there at the proposed site. I chose
12 to live there because of the food. Our traditional
13 foods and medicines. I gather food there. I'm a
14 walking, living specimen. I'm a Yakama tribal member.
15 Nobody can deny that.

16 This project is going through our -- our
17 traditional food-gathering route. There are many
18 culturally significant plants in this area that's going
19 to be impacted. The state lands south of Fish Hatchery
20 Hill Road, along Hill Road. We gather there. I'm
21 worried about the water resources that's going to be
22 impacted, because the water resources impact our
23 cultural resources.

24 The traditional cultural properties that Yakama
25 Nation spoke about in that letter. I live there. I

1 know there is state species of concern on the DNR list.
2 Ferruginous hawks. There is resident bald and golden
3 eagles there. There are many wildlife there. This is
4 a migratory corridor from the Simcoe Mountains to the
5 valley. And there is hunting that occurs, state
6 hunting that's going to be impacted. And the hatchery.
7 Is all these getting taken under consideration in this
8 expedited process that you guys just voted on?

9 There are many residences that live there. There
10 is a BESS, two-acres lithium battery across the road
11 from me. I'm going to be impacted. I'm worried about
12 my children and grandchildren. What's going to happen
13 when there's a fire? I live there. What is EFSEC
14 going to do? What is the people leasing the land going
15 to do when something happens? Are you guys going to be
16 there to help? And my property values are going to go
17 down? I pay for views. My viewsheds are going to be
18 gone. And I don't want to go dig roots and look at
19 solar panels. And these solar panels are going to
20 impact our roots.

21 I know that. And it's really detrimental what's
22 happening here, what's going to happen to this very
23 important land, what we call home, and to the wildlife
24 especially. And to our people who are here. We never
25 moved to the reservation. We live here. We gather our

1 foods here. People can say, yeah, Yakama's over there.
2 But no. We're here. We're the Ka-milt-pah Band, one
3 of the 14 tribes and bands that make the Yakama Nation.
4 We never relocated.

5 And this project will significantly impact our
6 cultural resources. And I'm speaking on behalf of my
7 band. And I have that right for my chief, Bronsco Jim,
8 Jr., Yúum Tiicám.

9 CHAIR BECKETT: Thank you,
10 Ms. Harvey.

11 Mr. Barta. Dave Barta.

12 MR. BARTA: Good evening, Council
13 members. My name's Dave Barta. I live west of
14 Goldendale. Thanks for the opportunity to comment on
15 EFSEC's desire to expedite Carriger's permitting.

16 The original land-use consistency determination
17 was made largely based on EOZ document and the
18 conditional-use process present in the Klickitat County
19 Comprehensive Plan. The land-use consistency appears
20 to have -- appears to have ignored Klickitat County
21 Board of Commissioners Resolution 01121, which required
22 all projects hooking up to the Knight Road substation
23 be required to go through the conditional use process.

24 The BOCC Resolution 01121 states, whereas it's the
25 intent of the Klicki- -- of Klickitat County Zoning

1 Ordinance No. 62678 as amended to provide uniform,
2 equitable, and reasonable standards to govern the usage
3 of land and structures in the interest of public
4 health, safety, and general welfare, et cetera.

5 And then the land-use order -- which I know isn't
6 under debate now, but I'm just taking us back there a
7 little bit -- goes on to say, well, quarrying is
8 allowed, so solar panel should. I don't know of any
9 2,300-acre quarries in the county. I know of one
10 that's maybe 40 acres, one that's five, and maybe one
11 other that's ten. Reasonable standards.

12 The resolution does clearly -- 01121 does clearly
13 address land-use planning, and it's not moratorium. It
14 simply clarifies the application of the energy overlay
15 zone, and the BPA substation is outside the EOZ. That
16 this resolution may have been ignored in the land-use
17 consistency order makes me wonder what else was.

18 You talked about cumulative impacts. A little
19 while ago, I had the pleasure of having a toothache, I
20 remember, about eight or nine years ago. And so I went
21 to the dentist and of course took an x-ray. Oh, you
22 got to have a filling. I have to have a filling. So I
23 had a filling. Two days later, I got a great big thing
24 swollen on my face. Eventually got about half the size
25 of a hard ball and baseball because the x-ray didn't

1 get the root of the tooth where there was an abscess.

2 You can't look at one single thing like the
3 Carriger project and say, Well, we can only determine
4 one project at a time. I understand the law and the
5 legal and all that. But you're ignoring a reality. We
6 all know how many acres have been pre-optioned. It's
7 pretty well-known. So you need to consider cumulative
8 right now in this process.

9 In August of 2023, Director Bumpus wrote a letter
10 that said, We think there might be a determination of
11 significance. I felt like in reading through the MDNS.
12 It was -- her concerns, frankly, were largely ignored,
13 in my opinion. They generally were visual impacts.
14 We'll paint the batteries a different color. And --
15 and they did move panels back a few dozen yards from
16 the road and -- from some residences. And then there
17 was also the tribal concerns, which you talked about at
18 length.

19 I suggest that you meet in person with the tribe.
20 If that's how they wish to communicate, please do that.
21 Doing it any other way, it does -- I'm sure there are
22 mechanisms in place that can make that happen.

23 The term "applicant" is used throughout the MDNS.
24 It doesn't say "applicant owner." I know it's a minor
25 point. It concerns me. Carriger sells projects. So

1 I'm hoping the term "applicant" applies to whoever's
2 down the road when you have to decommission it. I
3 don't know the answer to that, but I hope it's true.

4 I think for all these reasons, expedited
5 processing is a mistake. I hope that you will take
6 into account seriously the concerns that local citizens
7 and the tribe have concerning this project and the
8 future of Klickitat County. Thank you.

9 CHAIR BECKETT: Thank you,
10 Mr. Barta.

11 Up next, we have Greg Wagner and Dave Thies. And
12 then Ms. Grantham will -- or Alex will assist me with
13 those who have also signed up.

14 MR. WAGNER: The name's Greg Wagner
15 with C.E.A.S.E.

16 A portion of this project is outside the energy
17 overlay zone. It's not consistent with land-use zoning
18 and would require a conditional use permit. This man
19 here said he got a conditional use permit. I don't
20 remember that ever happening at the County.

21 Issuing your land-use consistency decision was
22 wrong and should be null and void. The best system is
23 not a permitted use and the energy overlay zone and any
24 other zone in the county. It requires a County
25 conditional use permit. BESS cannot be permitted

1 without a conditional use permit from the County.

2 Proposed BESS has not been reviewed properly by EFSEC
3 members.

4 You have failed to address the real dangers to the
5 people. The people's safety, health, and welfare have
6 not been taken in consideration. BESS dangers are
7 real, as proven by the Moss Landing BESS fire that
8 burned uncontrollably for five days, injured people,
9 and forced them from their homes.

10 This Carriger -- this BESS was a state-of-the-art
11 facility, but that didn't prevent the fire, explosion,
12 and release of deadly fumes. Carriger's BESS will have
13 the same dangers. Rural 7 Fire is unprepared
14 untrained, and ill-equipped to extinguish a BESS fire.
15 The remote location does not have a water source for
16 fire suppression, and Rural 7 lacks enough tenders to
17 supply the needed water.

18 EFSEC required the Wautoma Solar Projects -- and
19 it had BESS -- to have an artificial water source for
20 helicopter fire suppression and a 10,000-gallon water
21 cistern for fire suppression. Are these the same
22 requirements for the Carriger Solar and BESS project?
23 A fire at a Carriger BESS will pose a great danger to
24 the people, the wildlife, and the environment, and
25 these issues have not been addressed.

1 The inconsistent zone -- inconsistent zoning and
2 BESS issues are significant, and your MDS -- MDNS was
3 premature and improperly issued and must be rescinded.
4 You cannot grant expedited processing, and this -- for
5 this ill-conceived project. It must go through the
6 adjudication process.

7 And I understand now we have this project here.
8 It's 2,008 acres. That's only Phase 1. Carriger plans
9 probably another 4,000 acres. There'll be a Phase 2
10 and a Phase 3 just like Avangrid's Lund Hill, Bluebird,
11 and now they have enough land for another project out
12 on the east end of the county.

13 And I think it's shameful for you folks to go to
14 expedited processing when you still don't have all the
15 conclusions from the Yakama Tribe concerns. I don't
16 think that's fair. I don't believe you should be doing
17 that.

18 We live here. You don't live here. We have to
19 put up with this. You don't. You can go home. You
20 don't have to look at this. Your property values, your
21 way of life will not change. I hate to say it, but I
22 don't think you care about us. All these renewables,
23 this useless renewables forced upon us by Governor
24 Inslee and now Ferguson, the Climate Commitment Act,
25 the Clean Energy Transformation Act, and all these

1 policies that the County put in place is all
2 detrimental. It's all focused to us on the east side
3 of the state.

4 You guys don't have solar sites. You can't call
5 it a farm. It isn't growing nothing green. It's not
6 growing anything good. It's all bad. These people are
7 takers, whether it's Cypress Creek, Avangrid,
8 Invenergy, NextEra, ConnectGen. All these companies
9 that are wanting to lease land here, they're here to
10 take advantage of our county. They don't give nothing
11 back. When they leave, when they go bankrupt, all
12 their mess will be on -- on us, and that includes
13 you-all.

14 And their high util- -- their energy is costly.
15 And that comes to you at your house too. Your rates go
16 up. We get impacted by it, negatively impact by it,
17 and you-all are just going to pass it. You'll go home
18 and just say, Well, boy, we got that done.

19 You don't seem to have any compassion for the
20 people who are forced to live by this junk. And these
21 guys that go back home to Santa Monica and his buddy
22 Tai Wallace and all of them, they don't care either.
23 If this is so good, build this by your house, and see
24 how you like it. We don't want it. Thank you.

25 CHAIR BECKETT: Thank you.

1 Mr. Thies.

2 MR. THIES: Well, I wish I was as
3 good a speakers as the people that have gone before me.
4 But I'm not. My name's Dave Thies. I'm representing
5 the Columbia Gorge Audubon Society this evening.

6 First, your decision to dispose of the opportunity
7 for the public to make judicial appeal. Gee, I wish
8 that would have happened after we had a chance to talk.
9 It just seems like that would have been the best way to
10 do it. But, you know, there's a benefit to having the
11 option at least of judicial appeal. And that benefit
12 is that it reminds everybody both beforehand and after
13 that there could be consequence to decisions. Okay?
14 That's a real benefit. Yeah, it's -- it's a tough
15 thing to do. But it's a benefit. And it's a
16 constitutional-protected benefit to appeal, for the
17 right of the people to appeal. That's gone. Okay.

18 It seems like EFSEC has quite a lot of time to
19 hear from proponents of energy projects and very little
20 time to hear from the impacted public. We respectively
21 suggest that limiting the public comment to three days
22 on the critical design decisions you are making is
23 simply inadequate. This brief comment period suggests
24 to us that EFSEC fears public comment.

25 We request that you extend the public comment

1 period for writing letters so that our citizens can
2 feel we are actually being encouraged to participate
3 through this process. The comment period should be
4 long enough for us to provide a considered review and
5 have time to write by hand, as I have to do, our
6 letters and time for those letters to be mailed and
7 received by you.

8 As for myself representing Audubon, I have -- I
9 would like to write about three pages of comments. I
10 can't send it by computer. Perhaps you have a fax
11 number. We hope that this request does not sound
12 unreasonable to you. Thank you.

13 CHAIR BECKETT: Thank you. Thank
14 you, Mr. Thies.

15 Alex, if you could help us call the next two
16 people. And some of this may be online, just for
17 everyone's awareness here in a moment.

18 MS. SHILEY: Of course.

19 For the record, this is Alex Shiley. I will be
20 calling up our next signed-up speaker. That is Kim
21 McKune. Or Ken McKune. My apologies.

22 MR. MCKUNE: (Unintelligible) right
23 here from Goldendale.

24 CHAIR BECKETT: Welcome.

25 MR. MCKUNE: Have you guys checked

1 to see what's going on in Washington, D.C.? I thought
2 President Trump was going to cut the alternative energy
3 projects. Is Carriger or Cypress Creek still going to
4 get subsidies to build this? You know, does that put a
5 change in their plans if they're not going to get our
6 taxpayer money for their projects?

7 And you might be thinking, Well, what do you got
8 bet- -- what do you got that's better than the solar
9 panels, you know, and BESS and -- and the site -- the
10 visual pollution, the seas of black glass? You know,
11 right now it's green grass and golden grass, and it's
12 pleasant to the eye. A sea of solar panels, it just
13 changes this area so greatly. It's just so unnatural
14 compared to what we're all so used to.

15 And so I was kind of wondering if I could submit
16 an alternative for these fellows, these farmers. And I
17 know a lot of them. And, you know, in a way, I can't
18 blame them for wanting that money, but they can make
19 more off of their land with hemp --

20 UNIDENTIFIED SPEAKER: Go hemp.

21 MR. MCKUNE: -- per acre than they
22 can the solar.

23 You seed it. You use a seeder. You get it in the
24 ground. You watch it grow. It gets the best, the
25 tallest and skinniest you can grow, the fibers. You

1 can make paper fiber, food. Some of the best -- you're
2 not going to believe this one. Next to mother's milk,
3 there is nothing better for a baby than hemp milk made
4 from soaking the seeds. And for all of us. It's
5 healthy. It's got a natural antibiotic in it. And it
6 also has a molecule that makes it good for developing
7 fuel, because it explodes.

8 It's just so multifaceted. It's been around for
9 thousands of years. Our forefathers promoted it. And
10 the only reason it isn't prominent in our society today
11 is because of the marijuana scare, the -- DuPont and
12 the -- the big -- can't think of his name from San
13 Francisco, who made newspapers. They all got it all
14 outlawed and brought a big -- the marijuana scare. And
15 they're use -- hemp farms used to be a mainstay of our
16 economy until -- until they made it illegal.

17 So can I submit this to you and have you take it
18 back, take -- take it back and look at it and look at
19 the possibilities of having a hemp -- hemp -- hemp
20 economy? Hemp economy.

21 CHAIR BECKETT: We're certainly
22 happy to take the materials. Our staff in the back
23 have a box by which we can submit them. That'd be
24 fine. We appreciate your joining us tonight.

25 MR. McKUNE: Get through World War

1 II.

2 CHAIR BECKETT: Thank you, sir.

3 MS. SHILEY: Our next signed-up
4 speaker is Todd Andrews.

5 CHAIR BECKETT: Mr. Andrews is
6 outside.

7 Is there the next speaker, and we can come back to
8 Mr. Andrews?

9 MS. SHILEY: Of course.

10 The next speaker signed up is Gene Callan.

11 CHAIR BECKETT: I'm sorry. Could
12 you spell that last name for us.

13 Thank you, sir.

14 MR. SHILEY: Mr. Callan is quicker
15 on the gun than I am. It is C-a-l-l-a-n, for the
16 record.

17 CHAIR BECKETT: Thank you, sir.

18 MR. CALLAN: (Unintelligible)
19 adjacent to the project. I think three -- three of our
20 property lines abut it. In fact, I think one of our
21 family members has a 52-acre parcel that's completely
22 engulfed by it. I'm not sure what the access is.

23 I'll keep my comments really short, mainly because
24 as I was sitting there, thinking, I think this is the
25 sixth or seventh time I've testified at a variety of

1 sessions over the last few years, and at least that
2 many or more letters written to all the various reports
3 that have come out over the years. So in the spirit of
4 that, I appreciate all the comments before me, and I
5 agree with them, but my comment is basically this --
6 this is -- this just -- this project is not sited
7 properly.

8 Are there other locations in our county that could
9 have industrial solar? Possibly. Probably. But this
10 is not the right location. I mean, it comes down to a
11 simple common-sense question. We can go through all
12 the engineering analysis, and we can spin all we want.
13 The bottom line is it doesn't belong in the Goldendale
14 valley. So that's -- I'll summarize, and I'll save a
15 minute and a half. But it's just in the wrong place.
16 Thank you.

17 CHAIR BECKETT: Thank you. Thank
18 you for attending.

19 MS. SHILEY: (Videoconference audio
20 distortion) Mr. Todd Andrews.

21 CHAIR BECKETT: Welcome,
22 Mr. Andrews.

23 MR. ANDREWS: Thank you, Chair.

24 Bring the trash can up. Events like this are -- I
25 know that I -- kind of at that point where, about to

1 throw up. I have a weak stomach for things like this.
2 It saddens me. And so I'm Klickitat County
3 commissioner only four months. Maybe I'll have thicker
4 skin after another couple years.

5 So it saddens me because -- you know, so the
6 EFSEC, that whole process, it's a fine process, but to
7 expedite it to go against, you know -- and I heard all
8 the comments at the beginning. There seem to be a
9 great concern of dealing with Yakama Nation and dealing
10 with some of the residents, but then maybe not so much,
11 since you decided to expedite it. And they just
12 requested -- they just wanted their say-so as well as
13 the citizens in this room. They just want a proper
14 process.

15 This county -- I've been in this county now 30
16 years, and they're not people that are "not in my
17 backyard" kind of people. They are very common-sense,
18 great people. They -- they do not -- they don't mind
19 industry. They don't mind all these things. As long
20 as it -- if they have a say-so. That's the reason why
21 we have ordinances. That's the reason why we have
22 zoning.

23 And we have the EOZ for almost 20 years now, and
24 it very clearly states that solar projects are
25 anticipated to be small in size and number. This is

1 not small in size, and the projects will not be small
2 in number.

3 There's a number of other things in the EOZ that
4 state -- and I don't know how many of you people have
5 been to this site. I just -- just came, just left
6 Knight Road right before coming here. Only my second
7 time that I was with people in the area that kind of
8 know it better, so we stopped.

9 So as you go there tomorrow, turn around multiple
10 times. My guess is you'll only go to one -- one
11 location. But as you drive that whole Knight Road,
12 make sure and turn around and look, because my guess is
13 50 to 75 percent of the homes on the east end, every
14 home in eastern Klickitat County you can see from these
15 sites.

16 So if -- you could not pick a better site if you
17 wanted to be the most intrusive and lower the most home
18 values that you could. This is the perfect site. If
19 that is the intent, to decimate home values, it's the
20 perfect site.

21 And so -- and the other thing, what Elaine stated,
22 was just wonderful. And I'd just like to reiterate
23 that Klickitat County welcomes projects like this just
24 as long as their concerns are met. Reasonable
25 concerns. Thank you.

1 CHAIR BECKETT: Thank you,
2 Commissioner.

3 MS. SHILEY: Chair, this represents
4 the end of the speakers who've signed up to speak. At
5 this time, we usually ask people who are online and
6 wishing to speak to use the Teams function to raise
7 your hand, or if you're calling in by phone, to go
8 ahead and speak up quickly so we can make a note that
9 you'd like to speak. If you're here in person and have
10 decided you'd like to share your thoughts, we ask that
11 you line up at the microphone, and if possible, state
12 and spell your name for the benefit of the court
13 reporter.

14 CHAIR BECKETT: Thank you, Alex. A
15 fine better -- fine job. Better than I would have
16 done.

17 Welcome. If you could -- if you could state your
18 name for the record.

19 MR. DAZEY: My name's Warren Dazey.
20 Last name's D-a-z-e-y.

21 And I was by that Knight Road project today as
22 well. I live next to it. It borders my property.
23 I've got 44 acres there. For the man from the Audubon
24 Society, I'm not a birder, but I've identified 35
25 different species of birds on my property. I'm in a

1 major wildlife migration pattern. I get dozens of deer
2 go through my place.

3 Any kind of change in the wind, if there's a
4 problem with solar, is going to come my way. Where am
5 I going to go? I didn't move here to have to hide in a
6 motel or go out of state. I live here.

7 And as far as the presentation that was here when
8 I walked in, was well said. Not all of it was true.
9 We talked about 300, 350 jobs. Are those going to come
10 from Klickitat County? No. You know that. They're
11 going to be out-of-state contractors. I mean, it's not
12 rocket science. The green energy tax credits are
13 drying up. The President says it's a scam. I believe
14 him. So we expedite things. We hurry up and try and
15 lock in as much funds as we can before it dries up.

16 Well, I don't know where it all started. I don't
17 know if it was commissioners, what happened. But
18 Klickitat County's been sold out. And if you think the
19 governor or the attorney general, anybody in Olympia
20 gives a rip about Klickitat County, think again. They
21 don't care about Klickitat County. It's full of people
22 that are uneducated like me. We don't know what's
23 going on. We know what's going on. And you do too.
24 You're sitting there, but you know what's going on.

25 Anyway, I'm kind of fed up with the whole thing.

1 I've testified at these things several times before
2 too. I'm not sure it does any good. You can make it
3 happen. You can -- you can change things, if you want
4 to. Common sense. It's been said before. Thank you.

5 CHAIR BECKETT: Thank you,
6 Mr. Dazey.

7 Were there others who wished to come forward?

8 Welcome. If you could state your name again for
9 the record, we'd appreciate it.

10 MR. THROOP: Luke Throop, Klickitat
11 County, resident of Goldendale. Got family out 142.
12 Drive by Knight Road all the time. Can't imagine
13 seeing all that solar out there. Kind of heartbreaking
14 really.

15 As I sit here and listen tonight, I wasn't going
16 to testify. I wasn't going to say anything, because
17 it's all been said before. What you're not seeing here
18 before are the hundreds of citizens in Klickitat County
19 who have attended meeting after meeting, public comment
20 after public comment, county commissioner meetings, all
21 the meetings.

22 I happened to sit on the BESS committee with
23 Mr. Chiles to help represent the citizens of Klickitat
24 County, and the overwhelming sense in Klickitat County
25 is -- it's -- it's not that we don't want solar. It's

1 just let's -- we hear "common sense" time and time
2 again. This is the worst possible place to put a great
3 big solar farm.

4 There are places that nobody's going to argue,
5 Hey, yeah, we got land. Let's put it out there.
6 That's going to work. But why are we putting it here?
7 Why are we taking on all this risk for so little or no
8 benefit? What's in it for us? Nothing? It seems like
9 we're being exploited.

10 The question that comes to my mind this evening
11 is, is there anything, is there a word, an image, a
12 phrase, a song, a sonnet, is there anything that would
13 move you deeply to consider where everybody's coming
14 from? Not just the people in the room. These are the
15 vanguard here. These are the diehards. These are
16 people that are so committed to making sure that this
17 doesn't get pushed through, bulldozing over the EOZ,
18 bulldozing over the will of the people. We're here to
19 be heard. But we're representing thousands upon
20 thousands, a significant percentage of the population,
21 2,000 -- I'm sorry -- 27,000 people in Klickitat
22 County. That's not a lot, right?

23 But we're people. We're a community. We've got
24 identity. We've got cultural heritage that's being
25 ignored completely. I heard it tonight. You guys say,

1 Oh, you know, well, we got some concerns about this and
2 that. Maybe we can mitigate that. Maybe we can't.
3 Has it been mitigated? I don't know. I don't think
4 it's been mitigated. Maybe. I don't know. Well,
5 let's go ahead and expedite it.

6 I'm not sure that that's the wisest decision. Is
7 that prudent? If it was to go to litigation, is that
8 going to stand? That would be for counsel to decide.
9 Just based on the minutes of the meeting tonight, I
10 don't know that it would.

11 Please, to the voting members of the body,
12 consider you're making decisions on behalf of a lot of
13 people. It's a touchy issue. People get emotionally
14 charged because it touches their lives, their
15 livelihoods, their children, their grandchildren, their
16 cultural heritage. That's all at stake right now.
17 It's not a simple decision. It's not something we want
18 to just, you know, bulldoze, we want to just push it
19 through because time, we got a 60-day deadline end of
20 June. Things move fast. Sometimes the more prudent
21 option is to slow down, take a step back, and say, Are
22 we doing the right thing?

23 I just ask that you would sleep with that tonight.
24 Consider that moving forward. Thank you.

25 CHAIR BECKETT: Thank you.

1 MS. SHILEY: Ms. Grantham, do we
2 have anyone indicating they'd like to speak from
3 online?

4 MS. GRANTHAM: None that I am seeing
5 at the moment.

6 MS. SHILEY: All right. We would
7 like to invite you, if you are calling in, to unmute
8 yourself and speak up if you're not able to use the
9 hand-raise function. If you are, please raise your
10 hand. Otherwise, the meeting is scheduled to end after
11 the last speaker, so this would be the final call for
12 anyone who'd like to speak in person or online.

13 If you'd like to speak, please feel free to just
14 approach the microphone. Just make sure to speak, and
15 if possible, spell your name for the benefit of our
16 court reporter.

17 CHAIR BECKETT: If you could make
18 sure the mike hears you in that way.

19 MS. FITZPATRICK: F-i-t-z --

20 CHAIR BECKETT: Thank you.

21 MS. FITZPATRICK: -- p-a-t-r-i-c-k.
22 And I live in Goldendale. And I agree with everything
23 I've heard here tonight. And we have. There's some
24 diehards of us that have written letters. We've
25 attended these meetings. It falls on deaf ears. Like,

1 tonight, this is, to me, an exercise in futility. The
2 only thing I get out of it is you guys have to sit in
3 these hard chairs too, you know.

4 I mean, honest to God. You already voted. And
5 then you want our comments? I mean, I'm sorry. We're
6 not stupid here. We know what you're doing. So,
7 anyway, I hope you do listen to the last man and do
8 rethink your decision tonight. Thank you.

9 CHAIR BECKETT: Thank you.

10 MS. SHILEY: All right. With that,
11 Chair --

12 CHAIR BECKETT: Any other comments?

13 MS. SHILEY: -- I don't believe we
14 have any more comments.

15 CHAIR BECKETT: Okay. I believe
16 that will nearly conclude us. Let me look to Council
17 if there were any quick comments that you wish to make.
18 Let me just, out of respect to each of you, ask. And
19 then I'll turn this to staff if there are other closing
20 comments after Council. None online, I take it.

21 Okay. Director Bumpus, any further closing
22 comment from staff? Or we'll soon wrap this up.

23 Okay. Well, thank you again. These are not easy
24 topics. We appreciate each of you having made the
25 effort to not only -- for those in attendance, for

1 those who have listened in and participated online.
2 Again, other comments are being gathered. They -- they
3 certainly will be considered of not only the record but
4 of this Council deliberation.

5 And also for everyone's awareness in the moment,
6 the Council will be gathering tomorrow morning, May
7 6th, at 9:30 a.m., at World War II Park, where we
8 will -- at 213 East Burgen Street, which I'm sure many
9 of you know, in particular, and we will depart on the
10 site tour from there. It is an open public meeting.
11 You are welcome to attend. It will be more of
12 following along the Council as we are ultimately not
13 taking public comment as well as that we need to see
14 the site with staff alone, as I understand it.

15 So, nonetheless, it is a public meeting with the
16 Council in full having gathered itself to take the
17 tour. So, again, 9:30 tomorrow morning at World War II
18 Park.

19 And with that, at 7:32, I will conclude this
20 public comment hearing. And thank you, again, for your
21 time and participation. We're adjourned at 7:32.

22 (Meeting adjourned at
23 7:32 p.m.)
24
25

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

3
4 That the foregoing Special Council Meeting and Public
5 Comment Hearing of the Washington State Energy Facility Site
6 Evaluation Council were conducted in my presence, appearing
7 remotely via videoconference, and adjourned on May 5, 2025,
8 and thereafter was transcribed under my direction; that the
9 transcript is a full, true and complete transcript of the
said meeting and hearing, transcribed to the best of my
ability;

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

11
12 IN WITNESS WHEREOF, I have hereunto set my hand
this 20th day of May, 2025.

13
14
15
16
17 _____
/s/John M.S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
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May 21, 2025

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

May 21, 2025

Lacey, Washington

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

APPEARANCES

STATE AGENCY MEMBERS:

Kurt Beckett, Chair

Eli Levitt, Department of Ecology (*)

Nate Pamplin, Dept. of Fish and Wildlife

Lenny Young, Department of Natural Resources (*)

Stacey Brewster,
Utilities & Transportation Commission

LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

Carriger Solar:

Matt Chiles, Klickitat County (*)

Goldeneye BESS:

Robby Eckroth, Skagit County (*)

ASSISTANT ATTORNEY GENERAL:

Jon Thompson

Zack Packer (*)

APPEARANCES (Continuing)

COUNCIL STAFF:

Sonia Bumpus	Joanne Snarski
Ami Hafkemeyer	Alex Shiley (*)
Amy Moon	Karl Holappa (*)
Joan Owens	Maria Belkina
Andrea Grantham	Lisa McLean
Sonja Skavland (*)	Adrienne Barker
Sara Randolph (*)	Alondra Zalewski (*)
Sean Greene	Sairy Reyes (*)
Lance Caputo	Trevin Taylor
John Barnes	Dave Walker

OPERATIONAL UPDATES:

Jarred Caseday (*)
Kittitas Valley Wind, EDP Renewables

Sara Randolph (*)
Wild Horse Wind Power Project, Puget Sound Energy

Sara Randolph (*)
Grays Harbor Energy Center, Grays Harbor Energy

Jeremy Smith (*)
Chehalis Generation Facility, PacifiCorp

Josh LaPorte (*)
Columbia Generating Station & WNP-1/4, Energy Northwest

Sara Randolph (*)
Elizabeth Drachenberg (*)
Columbia Solar, Tuusso Energy

APPEARANCES (Continuing)

OPERATIONAL UPDATES (Continuing):

Nelson Jia (*)
Goose Prairie Solar, Brookfield Renewable

Jon Voltz (*)
Ostrea Solar, Cypress Creek Renewables

COUNSEL FOR THE ENVIRONMENT:

Sarah Reyneveld (*)

Yuriy Korol (*)

(*) indicates remote attendee

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1 BE IT REMEMBERED that on Wednesday,
2 May 21, 2025, at 621 Woodland Square Loop Southeast,
3 Lacey, Washington, at 1:30 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 BECKETT: Good afternoon.
10 This is Kurt Beckett, chair of EFSEC, calling our May
11 21st meeting to order.

12 And, Ms. Grantham, if you would call the roll,
13 please.

14 MS. GRANTHAM: It will actually be
15 Ms. Barker.

16 CHAIR BECKETT: Oh. Thank you.

17 MS. BARKER: Department of
18 Commerce.

19 CHAIR BECKETT: We might do a mike
20 check too just to make sure for our Council members
21 online.

22 Can you hear us here in the room? We're using
23 the above-our-head mikes today rather than on the
24 table.

25 MR. YOUNG: Yes, I can hear -- I

1 can hear the room.

2 CHAIR BECKETT: Thank you,
3 Councilman Young. We can mark as here.

4 MS. BARKER: Department of Ecology.

5 MR. LEVITT: -- Levitt, present.

6 MS. BARKER: Department of Fish and
7 Wildlife.

8 MR. PAMPLIN: Nate Pamplin,
9 present.

10 MS. BARKER: Department of Natural
11 Resources.

12 MR. YOUNG: Lenny Young, present.

13 MS. BARKER: Local -- Utilities and
14 Transportation Commission.

15 MS. BREWSTER: Stacey Brewster,
16 present.

17 MS. BARKER: Local government and
18 optional State agencies.

19 For the Hop Hill project, Benton County, Paul
20 Krupin.

21 For the Carriger Solar project, Klickitat County,
22 Matt Chiles.

23 MR. CHILES: Matt Chiles, present.

24 MS. BARKER: For the Wallula Gap
25 project, Benton County, Adam Fyall.

1 For the Goldeneye BESS project, Skagit County,
2 Robert -- Robby Eckroth.

3 MR. ECKROTH: (Videoconference
4 audio distortion), present.

5 MS. BARKER: Assistant attorney
6 generals. Jon Thompson.

7 MR. THOMPSON: Present.

8 MS. BARKER: Zack Packer.

9 MR. PACKER: Present.

10 MS. BARKER: Talia Thuet.

11 For EFSEC staff, I will call those anticipated to
12 speak today.

13 Sonia Bumpus.

14 MS. BUMPUS: Present.

15 MS. BARKER: Ami Hafkemeyer.

16 MS. HAFKEMEYER: Present.

17 MS. BARKER: Amy Moon.

18 MS. MOON: Amy Moon, present.

19 MS. BARKER: Sean Greene.

20 MR. GREENE: Present.

21 MS. BARKER: Sara Randolph.

22 MS. RANDOLPH: Present.

23 MS. BARKER: John Barnes.

24 MR. BARNES: Present.

25 MS. BARKER: Joanne Snarski.

1 MS. SNARSKI: Present.

2 MS. BARKER: Dave Walker.

3 MR. WALKER: Present.

4 MS. BARKER: Lisa McLean.

5 MS. McLEAN: Present.

6 MS. BARKER: For operational

7 updates: Kittitas Valley wind project.

8 MR. CASEDAY: Jarred Caseday,

9 present.

10 MS. BARKER: Wild Horse Wind Power

11 Project.

12 Grays Harbor Energy Center.

13 Chehalis Generation Facility.

14 MR. SMITH: Jeremy Smith, present.

15 MS. BARKER: Columbia Generating

16 Station.

17 MR. LaPORTE: Josh LaPorte,

18 present.

19 MS. BARKER: Columbia Solar.

20 Goose Prairie Solar.

21 MR. JIA: Nelson Jia, present.

22 MS. BARKER: Ostrea Solar.

23 UNIDENTIFIED SPEAKER:

24 (Unintelligible), present.

25 MS. BARKER: Is there anyone online

1 for the counsel for the environment?

2 MS. REYNEVELD: Yes. Sarah
3 Reyneveld and Yuriy Korol are present.

4 MS. BARKER: Chair, there is a
5 quorum for all councils.

6 CHAIR BECKETT: Very well. Thank
7 you.

8 Moving on. Council, we have a proposed agenda
9 before us. And before I entertain a motion to adopt
10 the agenda, I would like to note a welcome update.
11 If someone would incorporate this into proposed
12 motion. Oversight on my part was, in our No. 6,
13 "Other," in addition to the rulemaking update that is
14 published there, there's an intent to have a short
15 verbal legislative session update. So we would add
16 that into the second item under "Other."

17 And with that context from the chair, I would
18 entertain a motion on the agenda.

19 Councilman Pamplin.

20 MR. PAMPLIN: Yeah. Thanks,
21 Mr. Chair. I move that we approve the agenda with
22 the addition of the legislative briefing under
23 Item No. 6.

24 CHAIR BECKETT: Thank you. Is
25 there a second?

MS. BREWSTER: Stacey Brewster --

MR. YOUNG: Lenny Young.

MS. BREWSTER: -- seconds.

MR. YOUNG: Second.

CHAIR BECKETT: Stacey by a nose, I guess. Thank you, Councilman Young.

There's a motion on the table and seconded. Any further discussion, Council?

Hearing none.

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

MULTIPLE SPEAKERS: Aye.

CHAIR BECKETT: Opposed?

All right. The agenda is adopted as amended.

Moving on to the meeting minutes. April 16 monthly meeting minutes have been shared with Council. Are there any edits or additions to the minutes? I as chair have reviewed them and did not have any substantive changes to add to this month. Further -- I'm sorry. And could I have a motion on to adopt (unintelligible).

MR. PAMPLIN: Mr. Chair, I'll go ahead and move to approve the April 16, 2025, monthly meeting minutes.

CHAIR BECKETT: Thank you.

Is there a second?

MS. BREWSTER: Stacey Brewster.
Second.

CHAIR BECKETT: Thank you, Council
Brewster.

Motion to adopt the minutes is on the table. Is
there any further discussion or edits, amendments to
the minutes?

Hearing none.

All in favor of adopting the minutes, please
signify by saying "aye."

MULTIPLE SPEAKERS: Aye.

CHAIR BECKETT: Opposed?

All right. Minutes are adopted.

We will move on to the operational updates,
starting with Jarred Caseday of Kittitas Valley Wind.

MR. CASEDAY: Yeah. Good
afternoon, Chair Beckett, EFSEC Council, and staff.
This is Jarred Caseday with EDP Renewables for the
Kittitas Valley wind power project.

We had nothing nonroutine to report for the
period.

CHAIR BECKETT: Thank you.

Moving on to Wild Horse.

MR. CASEDAY: Thank you.

CHAIR BECKETT: Sara Randolph may

1 be --

2 MS. RANDOLPH: Yes.

3 CHAIR BECKETT: -- covering the
4 project today.

5 MS. RANDOLPH: Good afternoon.
6 Thank you, Chair Beckett, Council members, and staff.
7 This is Sara Randolph, site specialist for Wild
8 Horse.

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

11 CHAIR BECKETT: Thank you.

12 I'm moving on to the Chehalis Generation
13 Facility. Mr. Smith.

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

18 There are no nonroutine items to report for this
19 period.

20 CHAIR BECKETT: Thank you,
21 Mr. Smith.

22 Moving on to Grays Harbor Energy Center. Chris
23 Sherin.

24 MS. RANDOLPH: Chair Beckett, this
25 is Sara Randolph. I didn't hear Chris on the line.

1 So I'll go ahead and give the update.

2 CHAIR BECKETT: Yes, please.

3 MS. RANDOLPH: The facility update
4 is provided in your packet. There are no nonroutine
5 updates to report.

6 CHAIR BECKETT: Very well. Thank
7 you.

8 Moving on to Columbia Solar. I'm not certain I
9 heard a representative of either on the roll call.

10 MS. RANDOLPH: I'll go ahead and
11 give that update as well. This is Sara Randolph,
12 site specialist for Columbia Solar.

13 The facility update is provided in your packet.
14 There are no nonroutine updates to report.

15 CHAIR BECKETT: Thank you.

16 Moving on to the report for both the Columbia
17 Generating Station, number one, and number two, WNP 1
18 and 4. Mr. LaPorte.

19 MR. LaPORTE: Good afternoon, Chair
20 Beckett, EFSEC Council, and staff. This is Josh
21 LaPorte representing Columbia Generating Station and
22 Washington Nuclear Projects 1 and 4.

23 The facility update is included in your packet
24 for both sites. There are no nonroutine updates to
25 report.

1 CHAIR BECKETT: Thank you.

2 Goose Prairie Solar. Mr. Jia.

3 MR. JIA: Hi. Nelson here.

4 So for the month of April, approximate generation
5 was 19,700 megawatt-hours. We had similar inverter
6 issues compared to the previous month. Outside of
7 that, no nonroutine issues operationally or
8 environmentally or any safety issues to bring up.
9 Thank you.

10 CHAIR BECKETT: Thank you.

11 Moving on to Ostrea Solar.

12 MR. VOLTZ: Good afternoon. This
13 is Jon Voltz with Cypress Creek Renewables.

14 The construction is underway on the project. We
15 are on schedule. Road construction is -- is getting
16 close to being done. Laydown yards have been
17 installed. Current activities ongoing are pile
18 installation, fence installation, some trenching and
19 cable install as well as some of the work of the
20 substation foundations going in.

21 No -- no major environmental or safety incidents
22 to report.

23 CHAIR BECKETT: Very well. Thank
24 you, Mr. Voltz. Appreciate the update.

25 So looks like we are already moving on to our

1 Carriger Solar briefing by our staff. Ms. Snarski
2 will give the opening brief.

3 MS. SNARSKI: Thank you, Chair
4 Beckett.

5 This is Joanne Snarski, the siting specialist for
6 the proposed Carriger Solar project in Klickitat
7 County.

8 Since the Council's last regularly scheduled
9 monthly meeting, a special Council meeting was held
10 on May 5th at the grange hall in Goldendale. The
11 purpose of that meeting was to address the
12 applicant's request for expedited processing. At
13 that meeting, the Council voted to approve the
14 expedited processing for Carriger Solar.

15 On the following day, May 6th, staff provided a
16 site tour of the proposed location of the project to
17 the Council members.

18 For today's update, staff prepared a presentation
19 on past and future actions that will provide context
20 to meet the purpose of today's update and request for
21 Carriger Solar. Sean Greene, our SEPA specialist,
22 our site -- State Environmental Policy Act specialist
23 assigned to the project, will take you through this
24 presentation.

25 Sean.

1 MR. GREENE: Thank you.

2 Let me just share during mine.

3 Okay. Thank you, Joanne. And thank you, Chair
4 Beckett and Council members. My name is Sean Greene.
5 I am a State Environmental Policy Act, or SEPA,
6 specialist for EFSEC.

7 And the purpose of this presentation is to
8 describe for the Council the process that staff went
9 through in the preparation of the mitigated
10 determination of nonsignificance, or MDNS, for the
11 Carriger Solar project; introduce the Council to
12 changes that staff plans to include in the revised
13 mitigated determination of nonsignificance, or RMDNS,
14 in response to comments received during the
15 associated public comment period; describe the
16 expedited process that the project is now in; and
17 explain today's staff request for Council action.

18 As we're going to be covering a number of topics,
19 I anticipate there may be questions from Council
20 members. I will try to keep an eye out for raised
21 hands, but if I miss a Council member, please feel
22 free to let me know.

23 And to begin, I'd like to take a minute to remind
24 the Council of some of the specifics regarding the
25 Carriger project.

1 Carriger Solar, LLC, is a project that was
2 submitted to EFSEC for consideration on February
3 10th, 2023, by Cypress Creek Renewables, LLC. For
4 convenience, I will be referring to Cypress Creek
5 Renewables as "the applicant" throughout the
6 remainder of this presentation.

7 Carriger is a proposed 160-megawatt solar-only
8 generation facility with a 63-megawatt battery energy
9 storage system, or BESS, that is to be located on
10 2,108 acres of privately owned land approximately two
11 miles west and northwest of the city of Goldendale in
12 unincorporated Klickitat County.

13 As a note, that 2,108 acres represents the total
14 project lease boundary, meaning all lands that are
15 under project control. No more than 1,326 acres of
16 that area are proposed for the maximum project
17 extent, meaning the total footprint of all project
18 components.

19 When constructed, the project would interconnect
20 with the existing power grid through a 500-foot-long,
21 500-kilovolt overhead tie-in line to the Bonneville
22 Power Administration's Knight substation, which is
23 located on a parcel adjacent to the northern part of
24 the project boundary.

25 As with any project submitted to EFSEC, staff

1 reviewed the proposal to identify any adverse
2 environmental impacts associated with one or more
3 SEPA resources identified in Washington
4 Administrative Code, or WAC, 197-11-444. These
5 resources are listed here on the left half of the
6 slide. I will address the colored asterisks in a
7 moment, but I want to speak to the task that staff is
8 responsible for during a SEPA review.

9 Staff work with relevant subject matter experts
10 and other federal, state, and local agencies and at
11 our contractor WSP to assess the project, identify
12 and determine the magnitude of environmental impacts,
13 and recommend mitigation to reduce those impacts.

14 Of particular importance are impacts that are
15 deemed, quote, significant by SEPA, meaning those
16 that have a reasonable likelihood of more than
17 moderate adverse impacts or those that would have a
18 severe adverse impact.

19 EFSEC staff proposed mitigation for any
20 environmental impacts regardless of significance.
21 But if after the imposition of all reasonable
22 mitigation, an impact would remain significant, an
23 environmental impact statement would be required.

24 As evidenced by the fact that EFSEC has published
25 an MDNS for this project, staff have determined that

1 all impacts associated with the project have been
2 mitigated to a level below significance.

3 Now, as for the asterisks, for the purpose of
4 illustration, I have added asterisk indicators to the
5 listed resources to indicate how they have been
6 addressed by EFSEC staff and/or the applicant.

7 Those resources with blue asterisks have
8 mitigation measures that staff have proposed in the
9 MDNS for inclusion in the eventual site certification
10 agreement as conditions for project approval.

11 I should note that for resources where mitigation
12 was not proposed by staff, that does not mean that
13 there were no impacts identified. It simply means
14 that the impacts were appropriately addressed by
15 existing applicant commitments in the application.

16 In the interest of time, I won't go through each
17 individual mitigation measure in this presentation,
18 but I'd encourage anyone interested in seeing them to
19 read through the MDNS and/or the associated staff
20 memo, which is available on the project Web page on
21 the EFSEC site.

22 Those resources with red asterisks required
23 substantial project redesign as part of the
24 discussion between EFSEC staff, the applicant, and
25 other interested parties to address resource impacts.

1 These project redesigns resulted in the project
2 either avoiding or minimizing impacts to the relevant
3 resource by shifting or reducing the project
4 footprint. But these changes were incorporated as
5 applicant commitments that are now considered as
6 fundamental parts of the proposal and are therefore
7 not reflected in the listed mitigation measures shown
8 in the MDNS.

9 A more thorough discussion of impacts, mitigation
10 measures, applicant commitments, and redesigns can be
11 found in the staff memo which was attached to the
12 MDNS.

13 Next, I wanted to show a rough overview of some
14 of the project layout changes that have been
15 incorporated throughout the EFSEC review of the
16 project.

17 The figure on the left is from the original
18 application for site certification on February 10th
19 of 2023. And the figure on the right was provided by
20 the applicant on January 14th of 2025. These figures
21 aren't one-to-one on their symbology, so don't worry
22 about things like the light-blue DNR parcel suddenly
23 appearing the last two years. I can promise it was
24 there from the start.

25 As you may expect, the applicant is constantly

1 revising the project footprint to accommodate for
2 updated information and discussions with EFSEC. So
3 even the figure from January of this year is not
4 fully current. It does not show the setbacks from
5 the DNR parcel that were agreed to in April.

6 But to point out a few of the more substantial
7 layout changes, if you look at the southern third of
8 the project, you can see a number of the white
9 blocks, which represent solar arrays in this case,
10 have been removed from the plan. These panels were
11 removed to accommodate buffers to wetlands and vernal
12 pools, which are shallow depressions that are
13 seasonally full of water, that were identified during
14 the applicant's consultation with the Department of
15 Ecology.

16 In order to recover some of the lost energy
17 production potential from these panels, the applicant
18 has filled in a few gaps elsewhere in the project
19 area, the most obvious of which is the new wedge of
20 panels in the center east portion of the project.

21 It's not at all easy to see in these figures, so
22 I'll show you them in more detail in the next slides,
23 but you can also see where panels have been moved
24 back from State Route 142 along the southern boundary
25 of the project area and Knight Road, which is a

1 north-south road that bisects the project to reduce
2 visual impacts to motorists along those roads.

3 I should also state that there have been project
4 redesigns that have been made to reduce impacts to
5 traditional cultural properties identified by the
6 Yakama Nation. As both the nature and location of
7 traditional cultural properties are considered
8 confidential information, I will not be discussing
9 those redesigns -- redesigns related to those
10 resources in this public meeting so as not to risk
11 breaching confidentiality, but that information can
12 be directly communicated to the Council via other
13 methods.

14 And before we move on, I just want to make it
15 clear that the more recent figure on the right is in
16 no way final. As I mentioned, it doesn't show some
17 already agreed-upon setbacks, and the applicant may
18 continue to microsite the project up to the start of
19 construction with EFSEC approval so long as existing
20 setbacks and buffers are adhered to.

21 It is possible that some of the panels
22 tentatively removed from the southern portion of the
23 project may be reinserted prior to construction. But
24 in any scenario, the final design will be
25 constrained -- will constrain all components to areas

1 within the bold black line, which represents the
2 project lease boundary.

3 One environmental resource that EFSEC staff
4 initially identified as potentially significantly
5 impacted were -- was visual impacts associated to
6 experiences by motorists along State Route 142 and
7 Knight Road. EFSEC's staff and the applicant worked
8 on additional setbacks along those roads that, based
9 on updated visual simulations, EFSEC staff have
10 determined effectively reduce impacts to a level
11 below significance.

12 To give you an idea of what we're looking at
13 right now, we are located at the red dot in the mini
14 map to the right on State Route 142 along the
15 southern border of the project area. Following
16 EFSEC's initial indication that visual impacts along
17 this road were potentially significant, the applicant
18 proposed a redesign in which the fence line was moved
19 back 30 additional feet from the roadway, making the
20 project boundary at least 70 feet from the road.

21 Given the shortness of this point of interaction
22 with the project and the roadway, approximately one
23 quarter mile, and the speed that motorists will be
24 traveling along SR 142, with the speed limit of 50
25 miles per hour, these visual impacts were

1 subsequently determined to be less than significant.

2 For this and the setbacks shown on the next few
3 slides, I do have the visual simulations prepared by
4 the applicant ready to display to the Council if
5 there is an interest after the completion of the
6 presentation.

7 Another area where we initially identified
8 potentially significant visual impacts to motorists
9 was along Knight Road, a north-south road that
10 touches the project at four spots. Again, for
11 reference, the point that we're looking at in these
12 layouts corresponds to the red dot in the mini map on
13 the right.

14 The applicant proposed -- has proposed increasing
15 setbacks along the entire stretch of Knight Road.
16 Just to clarify that the setbacks that we're looking
17 at in these particular figures are not limited to
18 that area of the project. Following setbacks,
19 project fencing will be located at least 100 feet
20 from Knight Road, and panels will be located at least
21 120 feet from the road.

22 Again, based on updated visual simulations
23 produced showing reduced visual impacts to motorists
24 along the new setbacks, EFSEC staff determined that
25 the impacts are now less than significant.

1 Setbacks were also increased along the DNR parcel
2 that is located in between two sections of the
3 project. Potentially significant visual impacts to
4 visual aesthetics and quality of experience to users
5 of these public lands, including hunters and
6 recreationalists, were identified. And setbacks were
7 agreed to that would reduce these impacts.

8 These figures show that the fence line setback
9 along the southern boundary of the DNR parcel was
10 increased from 20 feet to 100 feet, and the panel
11 setback was increased from 75 feet to 125 feet.

12 Based on updated visual simulations produced
13 showing reduced visual impacts with the new setbacks,
14 EFSEC staff again determined that these impacts are
15 now less than significant.

16 And, finally, as was done with the southern
17 boundary, setbacks were increased along the northern
18 boundary of the DNR parcel to address similar
19 impacts. These figures show that the fence line and
20 panel setbacks have been increased by 50 feet, with
21 the fence at least 100 feet from the boundary and
22 panels at least 140 feet from the boundary.

23 For the purposes of the MDNS, staff determined
24 that the updated visual simulations produced showing
25 the new setbacks showed that visual impacts were less

1 than significant.

2 So following the implementation of all redesigns,
3 setbacks, and mitigation considered by EFSEC staff,
4 staff determined that all project impacts could be
5 reduced to a level below significant as defined by
6 SEPA. As a result, EFSEC issued a mitigated
7 determination of nonsignificance for the Carriger
8 project on April 7th of this year. A 14-day public
9 comment period was subsequently opened, as required
10 by Washington Administrative Code 197-11-340, that
11 closed on April 20th. Both the MDNS issuance and
12 public comment period were publicly noticed through
13 the SEPA Register, local newspapers, the EFSEC
14 website, and other means.

15 At the close of the public comment period, a
16 total of seven comments had been received: One from
17 the tribe, the Yakama Nation; three from state and
18 local government agencies; and three from members of
19 the public.

20 Based on these comments, additional discussion
21 with interested parties, and EFSEC staff review, it
22 is EFSEC's intention to issue a revised mitigated
23 determination of nonsignificance by the end of June
24 to reflect changes in response to comments received.
25 This time is needed to complete updated impact

1 assessments, finalize new mitigation measures, and
2 complete communications with interested parties.

3 So with the publication of the MDNS and the
4 Council's previous land-use consistency order issued
5 on September 25th of 2023, the project met the two
6 requirements to be potentially eligible for expedited
7 process. This is a process outlined in the Revised
8 Code of Washington, or RCW, Chapter 80.50.075 and
9 WAC 463-43.

10 But there are three primary results for the
11 project entering this process.

12 First, no further review of an application can be
13 done by an independent consultant except as needed as
14 part of a recommendation to the governor.

15 Second, no adjudicative proceeding under RCW
16 Chapter 34.05 will be held.

17 And, finally, within 60 days of the effective
18 date of the determination on expedited process, the
19 Council shall forward its recommendation for approval
20 or denial of the project to the governor.

21 Importantly, this 60-day timeline can be extended to
22 a later time if mutually agreed to by both the
23 applicant and the EFSEC Council.

24 As Joanne mentioned a bit earlier, on May 5th of
25 2025, the Council held a special meeting to consider

1 the request from the applicant that the project be
2 granted expedited processing. Prior to this action,
3 a public comment period was held from April 29th to
4 May 1st, during which a total of eight comments were
5 received. Five were comments opposed to the action
6 and the project due to concerns about the industrial
7 nature of the project and the loss of farmland. Two
8 were comments in favor of the action and the project
9 due to support for solar -- solar development
10 generally. And one comment was received from the
11 Yakama Nation, which requested that the Council delay
12 its decision on expedited processing until after
13 formal consultation had been held between the Yakama
14 Nation Council and the EFSEC Council.

15 Following Council deliberations and questions
16 that were addressed to EFSEC staff, the Council voted
17 on and approved the Carriger project for expedited
18 processing with an effective date of May 5th, 2025.
19 With the 60-day deadline included within expedited
20 processing, this results in a deadline for
21 recommendation to the governor for approval or denial
22 of the project of July 4th, 2025.

23 So as I said before, staff currently anticipates
24 preparing a revised MDNS based on comments received
25 on the MDNS. The first comment that we received that

1 was deemed substantiative enough to warrant a change
2 to the MDNS was a claim that the visual and
3 quality-of-experience impacts to users of the DNR
4 parcel -- specifically along the northern boundary --
5 would remain too high, even after the setbacks that
6 we have already discussed.

7 After considering the issue, EFSEC staff intend
8 to add a requirement to the revised MDNS that the
9 applicant install periodic earthen berms along the
10 half-mile shared border with the DNR parcel on its
11 northern boundary. This would both break up the
12 visibility of the project from the northern boundary
13 of the DNR parcel and allow for the project to blend
14 in more with the existing topography, which is
15 largely defined by small, gently sloped hills.

16 The second comment requiring an addition to the
17 MDNS was a concern that was raised regarding the
18 challenges with water dispersal in the event of a
19 fire on the site.

20 As the project is located approximately 15
21 minutes' drive time from the nearest fire station and
22 the local fire response agency, Rural 7 Fire &
23 Rescue, only possesses two fire tenders, which are
24 the trucks that supply water for the hoses on the
25 trucks, Rural 7 estimates that they would only be

1 able to disperse water for 30 minutes of every 60
2 minutes in the case of a fire on the site due to the
3 need to periodically drive back and refill their
4 tenders.

5 To address this impact to emergency response
6 services, EFSEC staff proposes to add a requirement
7 to the revised MDNS that the applicant install a
8 10,000-gallon water cistern on-site that will be
9 accessible for emergency response personnel use in
10 the event of a fire.

11 Based on the calculations staff have been
12 provided, Rural 7 has the capability of pumping at
13 full volume for approximately 30 minutes straight
14 using their 3,000-gallon and 5,000-gallon tenders.
15 Providing a 10,000-gallon cistern on-site would
16 provide an additional 30 to 45 minutes of pumping.

17 Combined, this should allow for at least one and
18 one-half hours of pumping, assuming the tenders
19 perform a refill round trip while the cistern is
20 used.

21 The final of the three changes that staff
22 anticipate incorporating into a revised MDNS is as a
23 result of multiple comments regarding the potential
24 environmental health and public safety impacts
25 associated with a fire at the project's battery

1 energy storage system, or BESS.

2 One potential avenue for addressing these impacts
3 that has been raised is changing the battery
4 chemistry currently proposed: Lithium iron phosphate
5 chemistry. Staff have assessed other potential
6 battery chemistries and believe that the currently
7 selected one is most appropriate for this project at
8 this time.

9 Some alternative chemistries, such as lead-acid,
10 have many of the same environmental risks as
11 lithium-ion-based batteries but have a much shorter
12 life span, resulting in excessive waste. Other
13 alternative chemistries, such as liquid sodium,
14 appear to have fewer environmental concerns but are
15 still immature technologies at this time that aren't
16 widely available commercially for BESSes.

17 Staff is satisfied that the lithium iron
18 phosphate chemistry, which was specifically selected
19 as it has a greater safety margin than other
20 lithium-ion chemistries, when combined with the
21 commitments and mitigation measures outlined in the
22 MDNS, is sufficient to address this impact.

23 These measures include the fact that the BESS
24 will consist of a self-contained -- self-contained
25 storage modules placed in racks with a cooling

1 system, will be mounted on a cement pad that will be
2 encircled with a gravel buffer, and will contain fire
3 suppression systems designed in accordance with all
4 applicable fire codes and the most current National
5 Fire Protection Association standards, especially
6 Standard 855, standard for the installation of
7 stationary energy storage systems, which was last
8 updated in 2023.

9 This system would include monitoring equipment,
10 alarm systems, condensed aerosol fire suppressants,
11 gaseous media fire extinguishing devices, and remote
12 shut-off capabilities. In recognition that battery
13 technology will assumedly develop over time, however,
14 staff propose adding a requirement that the applicant
15 assess alternate -- alternative battery chemistries
16 when the BESS is due to be replaced and recommend the
17 most environmentally friendly chemistry that is
18 widely commercially available at the time for EFSEC's
19 final approval. The applicant anticipates a 15- to
20 20-year life span for the BESS, at which point in
21 time new chemistries may be available that are less
22 impactful.

23 And before we complete the presentation and move
24 on to Council questions, deliberations, and potential
25 actions, staff wanted to present the Council with the

1 upcoming timeline for the Carriger application, now
2 that it has been granted expedited process.

3 First, an important caveat. I mentioned before
4 that the staff anticipates publishing a revised MDNS
5 by the end of June. For the purposes of SEPA, the
6 MDNS is considered a final document, so Council
7 actions made following the publication of the MDNS
8 are being done following the completion of EFSEC SEPA
9 review. The proposed changes to be added to the
10 revised MDNS can still be incorporated as conditions
11 into the site certification agreement pending --
12 pending Council decisions, but the publication date
13 of the RMDNS exists outside of this timeline and does
14 not affect anything listed here.

15 Okay. On to the timeline. On May 5th of 2025,
16 Council held a special meeting to address the
17 applicant's request for expedited process. Following
18 deliberations, the Council granted that request. And
19 immediately following a special -- this special
20 Council meeting, a public hearing was held, during
21 which several members of the local community
22 expressed their thoughts on the environmental impacts
23 of the project and their opinions on past and future
24 Council actions. The Council was present at this
25 hearing.

1 On May 6, the following day, the Council -- the
2 Council visited the proposed site of the Carriger
3 facility. And today, on May 21st, Council is holding
4 its regularly scheduled monthly meeting, where it
5 will consider staff's request on Council action that
6 I will explain in more detail on the next slide.

7 Depending on the Council's deliberation and
8 decision, staff may begin drafting documents to
9 support a future Council recommendation on approval
10 or denial of the project following today's meeting.

11 On June 4th, the chair, a subset of the Council,
12 or the entire Council is tentatively scheduled to
13 meet with the Yakama Nation Council to hold formal
14 consultation regarding the Carriger project. This
15 will be a closed meeting to allow the Yakama Nation
16 Council to discuss confidential tribal information on
17 traditional cultural properties. At this time, the
18 date and time of this consultation has not been
19 confirmed, but staff anticipate a confirmation in the
20 near future.

21 If the Council directs staff to prepare -- to
22 begin preparing draft documents today, staff will
23 have until June 9th to complete those draft documents
24 so that they can be submitted for public comment and
25 provided to the Council ahead of the June Council

1 meeting. Staff currently anticipates providing a
2 ten-day public comment period to receive comments on
3 the draft documents.

4 On June 18th, the Council will hold a regularly
5 scheduled monthly meeting, during which they may
6 direct staff to make changes to the draft
7 recommendation documents and/or make a final decision
8 on whether to formally recommend the project for
9 approval or denial to the governor.

10 If the Council does decide to vote to recommend
11 the project for approval or denial to the governor at
12 this meeting, they will simultaneously direct staff
13 to finalize the recommendation documents and prepare
14 a recommendation package for submittal to the
15 governor.

16 As matters currently stand, staff would have
17 until June 25th to make any directed edits and
18 prepare the recommendation package and submit it
19 along with the Council's recommendation.

20 June 25th is when the current application
21 extension previously agreed to by the Council and the
22 applicant expires, though it can be further extended
23 by mutual agreement of both parties.

24 July 4th represents the end of the 60-day
25 expedited process timeline, at which -- at -- at

1 which the Council's recommendation to the governor
2 would be due. This can also be extended by mutual
3 agreement between the Council and the applicant, but
4 as it comes after the ASC, or application for site
5 certification extension, the expiration deadline of
6 June 25th, it is moved for the time being.

7 And as you may be able to tell after that
8 rundown, there are several points in the upcoming
9 process with tight deadlines and quick turnarounds
10 both for the Council and for staff.

11 Staff anticipates that an increase in the ASC
12 extension and possibly an extension to the expedited
13 process deadline may be needed.

14 And so following this presentation, staff would
15 request that the Council take action on the
16 following. Staff requests that the Council vote to
17 direct staff to prepare draft recommendation
18 documents for approval or denial of the project.

19 As noted, these documents would be drafts and
20 would be subject to change as a result of any
21 decisions or discussions that occur in tribal
22 consultation, Council deliberations, or other avenues
23 and would be submitted for public comment.

24 If the Council directs staff to prepare draft
25 documents in the support -- to support a

1 recommendation for a project approval, staff plan to
2 use the mitigation measures outlined within the MDNS,
3 those shown on the previous slides that will be added
4 to the RMDNS, any mitigation measures that arrive
5 from tribal consultation, and any additional measures
6 that the Council identifies. These measures would be
7 made conditions for ultimate project approval.

8 And, finally, I want to make it clear that this
9 request is not for a final Council action on the
10 formal decision on whether to recommend the project
11 for approval or denial to the governor. That will
12 come at a future Council meeting after the Council
13 has provided the draft recommendation documents and
14 will be publicly noticed as a potential final action
15 ahead of time.

16 And with that, I and other staff are available to
17 answer any questions that the Council members may
18 have about the MDNS, RMDNS, expedited process, the
19 timeline, or the Carriger project in general.

20 CHAIR BECKETT: Very well. Thank
21 you, Sean and Joanne. Thank you as well for the
22 PowerPoint that I think does a nice job of at least
23 helping to summarize the original state and the
24 updated current state. Obviously there's some more
25 changes that are still in the mix and possible as

1 you've highlighted. So worthy of restating that, I
2 think.

3 With those comments, let me turn this to the
4 Council for your questions or comments on the
5 presentation. And then I would note, on the process
6 and what, you know, action may or may not be
7 considered today and some of the other future steps,
8 we will come to that next. So I would say this would
9 be more, for now, the discussion on the project
10 presentation, if that's acceptable to Council.

11 So with that, I see a hand from Councilman Young.

12 MR. YOUNG: Thank -- thank you,
13 Chair.

14 As regards Change No. 2 in the RMDNS, what is the
15 manner of filling and refilling the 10,000-gallon
16 cisterns? Where does the water come from, and how
17 long would it take to recharge the cisterns after the
18 water has been depleted?

19 MR. GREENE: As to the second part
20 of that question, I don't know right now how long it
21 takes to refill the cistern.

22 As to the source of the water, it would be the
23 same water source as the project would use for their
24 operations at this point, which is intended to be an
25 off-site water source from a utility provider in the

1 region.

2 MR. YOUNG: So would that water
3 have to be trucked in, or is there a pipeline to a
4 water source that fills the cisterns?

5 MR. GREENE: It would be trucked
6 in.

7 MR. YOUNG: Okay. I was thinking
8 along the lines of, if -- if the cistern water is
9 needed for firefighting, is it something that could
10 be periodically recharged and reused during that
11 firefighting, or is it sort of a, once it's gone,
12 it's -- it's gone for all practical purposes for the
13 remainder of that fire?

14 MR. GREENE: It's -- it's a
15 question of the equipment available to the fire
16 response agency. They -- the local agency, Rural 7,
17 only has two fire tenders available to them, so in
18 the event of a fire, they would assumedly be
19 refilling those tenders and using them immediately as
20 they came onto the site.

21 So if there were additional response equipment
22 from other agencies in the area, they might be able
23 to refill the cistern and keep making round trips.

24 MR. YOUNG: Did -- did staff
25 consider or did you talk with the applicant about the

1 potential requirement for the applicant to contract
2 and immediately engage contracted water tenders to
3 recharge and bring water to the fire beyond what the
4 local fire department has?

5 MR. GREENE: We can look into that.
6 I don't know in that scenario if there is, like, an
7 emergency response available from, like, local water
8 utilities, but we can certainly look into that.

9 MR. YOUNG: Yeah. And perhaps even
10 beyond public agencies, such as fire departments
11 or -- or water utilities, whether -- whether there
12 are contractors that would specialize in this type of
13 thing in an emergency situation and could be
14 immediately engaged to supplement what local agencies
15 can do.

16 MR. GREENE: We'll look into that.
17 Thank you.

18 MR. YOUNG: Thank you.

19 CHAIR BECKETT: Thank you, Council
20 Young.
21 Council Brewster.

22 MS. BREWSTER: Yeah, I have a
23 question following up on the fire emergency plan.

24 The rural fire district chief specifically
25 requested having the project provide another tender,

1 which is different than what staff is proposing. Was
2 that developed with the fire chief?

3 MR. GREENE: Yes. So in their
4 comment letter, Rural 7 did request that the
5 applicant furnish Rural 7 with a -- a new-build fire
6 tender built to their specifications.

7 Staff ran into a few issues with considering that
8 as part of the proposal. For one thing, that fire
9 tender would assumedly be used for other fire
10 response from -- from Rural 7 throughout the life of
11 the project, and there was a question of what -- what
12 responsibility the applicant would have if, for
13 instance, that fire tender was damaged or lost on a
14 fire off-site. Would the applicant be responsible
15 for producing a new fire tender?

16 This option, the water cistern, is something that
17 EFSEC has used on previous projects with the buy-in
18 of local fire response, and it was deemed to be a
19 more project-specific way of mitigating for the
20 potential impacts to water dispersal in the event of
21 a fire.

22 MS. BREWSTER: Thanks.

23 CHAIR BECKETT: Other...?

24 MR. CHILES: This is Matt Chiles
25 from Klickitat County. I've got a question.

1 CHAIR BECKETT: Please go ahead,
2 Council Chiles.

3 MR. CHILES: Thank you, Mr. Chair.

4 The -- for this fire stuff, I think the 10,000
5 gallons on-site there is a good idea. And as someone
6 locally, stretching that response time out to an hour
7 and a half of available water is going to give time
8 for DNR to fly in with helicopters and stuff like
9 that and air resources to continue the fighting
10 efforts, assuming the fire has not been extinguished
11 by then.

12 Has any thought been given to the possibility of
13 digging a pond that can be used as a cistern for
14 refilling helicopters on-site? Because a fast
15 turnaround can make a huge difference in filling --
16 in fighting a fire. If they can do a two-minute
17 turnaround because there's a pond within a mile or
18 half a mile, that can make a huge difference in
19 fighting a fire.

20 MR. GREENE: To answer your
21 question, yes, that was considered. As -- as the
22 project layout currently stands, the applicant is
23 pretty crunched for space to place their panels.

24 As you saw in the change in the project layout in
25 one of the earlier slides, they have reduced their

1 panel layout by a pretty substantial amount to
2 accommodate wetland buffers and vernal pool buffers
3 and visual setbacks along the roads and the DNR
4 parcel.

5 So at this time, I'm not sure that there would be
6 available space within project control to actually
7 install, like, an artificial reservoir.

8 MR. CHILES: Okay. Thank you.

9 I have one more question.

10 On the Recommended Change 3 regarding the BESS,
11 the concern of the County and especially of the
12 citizens isn't so much that the BESS is going to
13 catch fire and spread into surrounding areas,
14 although that is the risk that is being addressed by
15 this change.

16 The concern is that the fire will produce a toxic
17 plume, which is going to adversely affect the health
18 of the citizens of the county, and perhaps more
19 importantly, pollute a large swath of ground from
20 fallout, if you will, of heavy metals and such
21 for forever basically.

22 So our concern is not that that fire's going to
23 spread, but the fire is going to produce smoke. And
24 has EFSEC given any thought to a way in which smoke
25 can be prevented from escaping from a BESS system

1 fire and the toxic air pollution that is going to
2 come out of that?

3 MR. GREENE: Yeah, we certainly
4 have considered it. It is a difficult problem to
5 address. Rural 7 did state that they -- they use
6 water dispersal to kind of dampen smoke as it rises,
7 which diminishes how much the spoke is distributed
8 aerially. So that kind of feeds into the cistern
9 giving Rural 7 more time to dampen any fumes that
10 come off.

11 In terms of, like, heavy metals and the like
12 leaching into the ground nearby, the applicant would
13 be responsible for those damages and remediation
14 of -- of the soils as part of their smoke response
15 and control plan.

16 But staff believe that the -- the fire
17 suppression measures that are part of the BESS system
18 as well as the availability of water as part of the
19 water cistern are sufficient to reduce the potential
20 impacts from toxic fumes to a less-than-significant
21 level.

22 MR. CHILES: So are the fire
23 suppression systems in the BESS designed to actually
24 put out a fire? Because it is my understanding that
25 once a chemical fire of that nature starts, it's

1 going to keep burning until the chemical supply is
2 used up.

3 Have -- do they have a technology to stop that
4 fire?

5 MR. GREENE: So you're correct
6 that -- I mentioned the National Fire Protection
7 Association standards specific to this type of
8 structure that were updated in 2023. And as part of
9 that update, it was recommended that there is less
10 distribution of toxic chemicals and heavy metals into
11 the area of the surrounding soil if those -- those
12 elements are allowed to burn up within the fire as
13 opposed to trying to put the fire out.

14 There are elements within the fire suppression
15 system within the BESS that are intended to reduce
16 the risk of fire in one component from spreading to
17 others, including condensed aerosol fire suppressant
18 and gaseous media fire extinguishing devices as well
19 as remote shutoff devices in the BESS. So there are
20 elements within the BESS that are intended to
21 diminish the chance of all BESS components catching
22 on fire.

23 MR. CHILES: Okay. Thank you.

24 Yeah, the County would still like to see the -- a
25 hold on the installation of the BESS until such time

1 that the technology advances, that this is no longer
2 a risk. Because this is a risk that the County's,
3 frankly, not willing to take of a potential toxic
4 fallout that would not be allowed from any -- any
5 smokestack industry, for example, and yet there's a
6 significant probability that such a fallout could
7 land on our citizens.

8 So we would like to see -- and I know the -- the
9 applicant, at our meeting, expressed that he believed
10 that the -- the BESS system would -- they wanted to
11 approve it but didn't think it would be immediately
12 installed. I would like to see that "not immediately
13 installed" pushed out until the technology becomes
14 friendly enough that there is no risk of that toxic
15 fallout in the event of a fire.

16 CHAIR BECKETT: Director Bumpus.

17 MS. BUMPUS: Thank you, Chair
18 Beckett. And good afternoon, Council members.

19 I just wanted to make the comment generally that,
20 in terms of the mitigation that we're discussing
21 today, just bear in mind that I think, you know,
22 we're talking about risk, but the mitigation measures
23 that we're focusing on here really are around normal
24 operations. So just bear that in mind.

25 So while we have mitigation that I think

1 addresses risk -- the risk of, say, a fire with the
2 BESS -- the probability is low. And -- and so most
3 of the measures that we're focused on here are about
4 addressing impacts from normal operations.

5 The second thing I was going to mention is
6 that -- and Mr. Greene can add to this -- I believe
7 we have a requirement in the MDNS that involves the
8 review and approval of a fire protection plan --

9 MR. GREENE: Yeah.

10 MS. BUMPUS: -- and fire safety
11 response plan. And I think that that involves
12 coordination with the local fire response.

13 MR. GREENE: Yes. That's correct.
14 The applicant is required to produce a fire response
15 plan and an emergency management plan, both of which
16 will be drafted in coordination with Rural 7 Fire &
17 Rescue as well as the County. Both of those plans
18 will be submitted to EFSEC prior to the construction
19 for EFSEC approval.

20 And one of the mitigation measures that we have
21 added to the original MDNS was a requirement that
22 both of those plans be reviewed with Rural 7 and the
23 County on an annual basis throughout the life of the
24 project to update for any new guidelines or any new
25 trainings or any required equipment that would be

1 needed for a response to a fire on the facility.

2 CHAIR BECKETT: Thank you for the
3 context.

4 Mr. Chiles, did that complete your comments or
5 questions for now? And you're welcome to add to
6 yours --

7 MR. CHILES: Yeah, that --

8 CHAIR BECKETT: -- (unintelligible).

9 MR. CHILES: I appreciate your
10 guys's insight and stuff on that. I do believe,
11 though, I know we're talking about normal operations,
12 but when you look at -- at the -- at the risk of BESS
13 fires, it's -- it's a significant risk. It should be
14 considered part of normal operation. The risk so
15 far, historically speaking, has been not significant.
16 So to ignore it and just say, "Well, this is
17 something that's probably not going to happen," I
18 think is -- is very shortsighted in the long term and
19 ultimately going to be very detrimental to the
20 citizens of our county should one of these catch on
21 fire.

22 And that, I think, concludes my comments on -- on
23 this for now. Thank you.

24 CHAIR BECKETT: Thank you, Council
25 Chiles.

1 And perhaps, you know, in one form of follow-up,
2 meaning kind of e-mails in the interim but ultimately
3 would need to be part of our process and public
4 record, which it certainly will. Our process does
5 include extreme conditions or possibilities as part
6 of that rigor, much as the other is focused on normal
7 operations. I think that's worthy of reemphasis both
8 in the moment here, but as -- and then we got a
9 couple takeaways as far as follow-up from the fire
10 conversation. Clearly there's follow-on work that
11 comes, I believe even after potential -- an SCA
12 agreement. But this is all sort of reviewed
13 annually, things like that.

14 So if there's a means to kind of just capture
15 this discussion and you see questions that need
16 answers, knowing some are harder to have crystal
17 clear, black-or-white-type answers to them, but I
18 don't think those unknowns need to reflect a lack of
19 both diligence and rigor in the EFSEC process, and
20 perhaps I think given the understandable focus not
21 only in Klickitat but ultimately in any number of
22 BESS systems in the state, whether they come through
23 EFSEC or, frankly, go through a local process or go
24 through the Department of Ecology, this will be a
25 known topic.

1 And so I would agree that we take this specific
2 set of questions and map it to the specific project,
3 that clearly it's going to help inform the broader
4 ongoing path ahead. So I'd encourage our attention
5 and granted time and resource that goes with it to,
6 you know, help capture the myriad of issues that are
7 a part of having a BESS inside, in this case, the
8 solar project.

9 So, Director Bumpus, it looked like you may want
10 to add something to that. If not, that's fine.
11 (Unintelligible.)

12 MS. BUMPUS: I'll just add -- and I
13 appreciate your comments, Chair Beckett, about the
14 work that follows a site certification agreement,
15 right?

16 So once a site certification agreement with these
17 conditions is executed, there are a number of
18 facility plans that need to be drafted, reviewed.
19 There is coordination like we talked about that's
20 required for, say, the fire response plan for this
21 facility. So there's certainly opportunity for
22 refinement of those, addressing some of those issues
23 in those plans, which we could further clarify in the
24 SCA.

25 CHAIR BECKETT: Okay. I appreciate

1 that. And I guess I'll also acknowledge, agree there
2 are -- there is future work as well as annual ongoing
3 work for the life of the project and things like
4 decommissioning bonds and other things that are part
5 of the -- the full EFSEC package. At the same
6 juncture, in fairness to, you know, the public and
7 especially residents and fence-line neighbors to any
8 project in this case should one be approved here, you
9 know, we need to make the best, fullest decision
10 possible now, knowing that our intent isn't to just
11 say, well, we'll get to that later, but at the same
12 time, getting to those things on a regular basis both
13 for the project, you know, if it were to be done,
14 would be energized, or things like that, that there
15 is ongoing scrutiny for that beyond the rigor that we
16 bring, you know, in this both staff process and
17 recommendations as well as the Council's
18 considerations. So I want to acknowledge that kind
19 of both -- both parties of that work.

20 Other questions and comments?

21 I see a hand raised, but -- oh, I believe it's
22 Council Levitt, from our Council Levitt.

23 MR. LEVITT: Hi. This is Eli
24 Levitt from the Washington Department of Ecology.

25 I do just want to mention that EFSEC has some

1 experience learning about BESS systems and fire
2 prevention. I do believe there's national fire
3 prevention standards now or recently updated
4 standards. And so, you know, similar to what we've
5 been talking about, I -- you know, to the degree we
6 can require best practices up until this point in
7 time, I think that is a significant step to helping
8 to reduce risk for the community and the land in and
9 around the project.

10 CHAIR BECKETT: Thanks for that,
11 Council.

12 Let me just clarify in terms of a potential
13 question was in there. Is that also whether there's
14 any further standard that has already been
15 promulgated, I guess, at the national level, or is --
16 is that part of your question?

17 MR. LEVITT: No, I didn't have a
18 question. It's just a comment. I believe there are
19 national standards for -- you know, and there's steps
20 that companies can take, like putting nacelles in
21 smaller metal boxes that help contain potential -- I
22 don't know what the right word is -- leakage from one
23 cell to another when a small fire or chemical
24 reaction starts.

25 CHAIR BECKETT: Gotcha. Thank you.

1 And ultimately I think whatever form it comes in,
2 just kind of capturing existing documentation around
3 this, but this discussion and how does that look as
4 far as more of a summation of the considerations, I
5 think, would be welcome -- sounds like -- to the
6 Council, but I'm sure the members of the public as
7 well.

8 So okay. Director Bumpus.

9 MS. BUMPUS: And if it's -- if it's
10 helpful just to clarify, Chair Beckett, and for the
11 Council members, that EFSEC will be doing the plan
12 review, the fire plan review, and looking at the
13 requirements under the National Fire Protection
14 Association. So we are looking and comparing are
15 they meeting those standards, are they meeting the
16 requirements, the guidance for best practices.

17 CHAIR BECKETT: Thank you.
18 (Unintelligible.)

19 Other comments or questions for the project
20 presentation? Just to remind us, I guess, where
21 we're at. Project part.

22 Okay. Hearing none. I think -- oh. Council
23 Young.

24 MR. YOUNG: Is now the appropriate
25 time to comment on or discuss the upcoming June 4th

1 consultation with Yakama, or should I wait till this
2 segment of the discussion is over?

3 CHAIR BECKETT: I think it would be
4 probably most appropriate here ultimately. But if
5 others would advise differently, you can take it up
6 in a moment, but it would be more around the action
7 to be considered at that point, so I think --

8 MR. YOUNG: Okay.

9 CHAIR BECKETT: -- it's probably
10 more appropriate on the project update.

11 MS. BUMPUS: Yes, I --

12 CHAIR BECKETT: Director Bumpus.

13 MS. BUMPUS: Thank you, Chair
14 Beckett.

15 I think that some of this was highlighted in
16 Mr. Greene's presentation, that we have a tentative
17 date in early June to meet with the Yakama and
18 conduct government-to-government consultation.

19 The documents that -- that we would be preparing
20 if the Council were to take action and directing
21 staff to prepare the recommendation materials, we
22 would have placeholders in those documents so that
23 following the discussion with the Yakama that's
24 anticipated for early June, we could then include a
25 written report on what comes out of that, that

1 process.

2 One thing I'll note is, you know, at this time --
3 and I think Mr. Greene mentioned this as well -- that
4 these milestones are very close together. They're --
5 many of them, you know, very tentative. So there's a
6 lot of variables there. This could shift. If
7 there's need to maybe have follow-up conversation
8 with the tribe, I would anticipate that the technical
9 staff could do that. And then include that
10 information in the recommendation documents with --
11 but being respectful of protected tribal cultural
12 resource information. We would need to adhere to
13 that.

14 But there is the possibility for additional, you
15 know, time to consider what comes out of that, that
16 process. But for now, we anticipate the documents
17 could be prepared with placeholders and that
18 information could be added for the -- the Council to
19 be able to review in writing.

20 MR. YOUNG: Okay. Thanks.

21 I understand that. But I do have a couple of
22 points I'd like to make about how EFSEC approaches
23 that interaction with Yakama.

24 Is now the right time to raise that, or do we
25 have a next agenda item about what direction we give

1 to staff where that would be more appropriate?

2 CHAIR BECKETT: Council Young, let
3 me kind of ask you before I go act on the following.

4 One, it is appropriate to discuss this now. I
5 was going to add one comment as the chair who's
6 designated, you know, to do consultation for the
7 Council as far as our statute goes, and then I would
8 turn this to you for, you know, comments/questions
9 that you intend to make.

10 Is that -- is that -- is that acceptable for you
11 if I go first?

12 MR. YOUNG: Yeah, that's -- that's
13 fine.

14 CHAIR BECKETT: Okay. For my part,
15 including, you know, as the chair being designated
16 under statute to conduct consultation government to
17 government on behalf of the Council and EFSEC, I just
18 want to acknowledge a couple things in the letter
19 that we received from the chair.

20 And number one was thank you for that direct
21 communication as well as within it an invitation to
22 attend the Yakama Council meeting on the 4th of June,
23 which is our intent to do so. And appreciate, you
24 know, that that still exists, knowing that ultimately
25 there are a couple -- at least a couple -- maybe

1 there's more -- different definitions,
2 interpretations of consultation. I respect that.
3 I'm ultimately not saying that ours is the way or the
4 only way. Nonetheless, the EFSEC way is based on the
5 statute created by the legislature for the agency, so
6 we have that reality to acknowledge.

7 But I also acknowledge that the Yakama have
8 stated that they believe consultation is in person
9 government to government and the full Council of
10 EFSEC with the Yakama full council. And I respect
11 and I hear that, and I just want to acknowledge that
12 in public and on the record.

13 I don't have a reconciliation perfectly for that
14 yet. To the degree we can find alternate means that
15 accomplish more of the intent of government-to-
16 government consultation ultimately, whether we call
17 it that or is there some other useful means short of
18 that, including based on the Yakama interpretation, I
19 just want to acknowledge those issues, the fact that
20 I'm, you know, thinking about them and trying to find
21 some creative solutions on how best to work through
22 in this case this particular project, knowing there
23 were probably other broader issues also at play here
24 around this project and, frankly, you know,
25 throughout the territories of the Yakama.

1 And so that's just part of the work that has been
2 before I got here, and currently it is part of the
3 work now as a member of the Council.

4 So with that, I'm happy to answer questions or
5 clarify anything I've just shared. But let me first
6 just turn this to Council Young out of deference that
7 you have been waiting. But nonetheless, those are my
8 comments.

9 MR. YOUNG: Okay. Thank you.

10 First point I wanted to make is I think we should
11 stop referring to the upcoming interaction with
12 Yakama as government-to-government consultation, as
13 Yakama clearly stated in their letter what would be
14 upcoming is not government-to-government consultation
15 as Yakama understands that to be.

16 Rather, what we are doing is we would be
17 consulting pursuant to RCW 80.50.060, Part 8. And so
18 that -- that certainly is a type of consultation that
19 is specifically encouraged in and directed in RCW,
20 but it's not government-to-government consultations.
21 So I think we should stop calling it that.

22 And then my second point is that in that May 14th
23 letter, Yakama has requested two things prior to the
24 meeting taking place, and those were on the second
25 page of their letter, in the second-to-last paragraph

1 where, number one, they're requesting that certain
2 information that EFSEC has be transmitted to them
3 ahead of time so they apparent- -- you know, could
4 prepare for the meeting and understand what we've got
5 so far.

6 And then the second is they are asking for, ahead
7 of the meeting, written confirmation that no
8 information shared with EFSEC would be discussed in
9 public forums.

10 And I think that our direction to staff should
11 direct staff to do both of those two things. So
12 those are my two points.

13 CHAIR BECKETT: Thank you, Council
14 Young.

15 And as you noted -- and I perhaps in my own words
16 too, and I appreciate your more thorough citation --
17 you know, we do have a couple important but
18 nonetheless a couple, you know, separate realties to
19 deal with. It did catch my eye as well in the
20 PowerPoint, which I don't think obviously was done
21 with any -- out of bad intent, but nonetheless is
22 it's called government to government. And out of
23 respect to the Yakama, including the letter that
24 is -- they just see that differently. And I think
25 perhaps we don't need to compound those differences

1 of world view, that hopefully we get a better
2 resolution to. And I'm certainly happy to work as
3 appropriate with you, Council Young, on, you know,
4 what range of possibilities that ultimately might be.

5 So, Director Bumpus, I think you have some --
6 wish to add --

7 MS. BUMPUS: Thank you, Chair --

8 CHAIR BECKETT: -- comments.

9 MS. BUMPUS: -- Chair Beckett and
10 Council members.

11 I just wanted to let the Council know that I have
12 reviewed the Yakama's letter. And staff do intend to
13 provide the information that they requested, the two
14 pieces of information and assurance of the
15 confidentiality of the discussion.

16 CHAIR YOUNG: Thank you.

17 MS. BUMPUS: And we also -- you
18 know, I also recognize as well that while this is
19 consultation per our statute for our purposes, we do
20 recognize that it is not such for their purposes.

21 CHAIR BECKETT: Appreciate that.

22 Council Young, was there any, you know, further
23 question or comment you wanted to add? Appreciate
24 certain --

25 MR. YOUNG: No. Those --

1 CHAIR BECKETT: -- things you've
2 shared.

3 MR. YOUNG: Those were two points I
4 wanted to make. And I still have my concerns that I
5 expressed at our special meeting a couple weeks ago.
6 I'm still concerned that this is proceeding under
7 expedited processing versus regular procedures that
8 would allow adjudication. But the comments per --
9 per where we are at this point in time and Director
10 Bumpus's remarks there were satisfying the questions
11 that I had. So thank you.

12 CHAIR BECKETT: Very well. Thank
13 you, Council Young.

14 Other discussion from the Council? Questions?

15 Okay. Then at that point we'll conclude the
16 project briefing. And our next item to be considered
17 is -- someone may need to help me, because I didn't
18 write down what will then become a motion, but...

19 MR. GREENE: Would you like me to
20 navigate back to the previous slide?

21 CHAIR BECKETT: Yeah, that'd be
22 good. Thank you.

23 So with this, we will move to potential action.
24 Screen share again. Thank you.

25 So we have a potential action in front of us

1 where Council would direct staff to prepare draft
2 recommendation documents for approval or denial of
3 the project. Ultimately that would create the
4 documents that would go into a site certificate
5 agreement for the governor.

6 What is the will of the Council to entertain the
7 staff request to continue with an expedited process
8 with the time frame that has been shared in the
9 presentation? As it's been noted, today's intent
10 from the staff would be to essentially allow adequate
11 time for the documents to be prepared as well as
12 noted with adequate flexibility to continue to update
13 and change those documents based on other external
14 inputs or updates, requests from the Council. So
15 that is the essence of what the action would be.

16 Is there a motion by which to move directing
17 staff to prepare the draft recommendation documents
18 for approval or denial of the Carriger solar project?

19 MR. PAMPLIN: Thank you --

20 CHAIR BECKETT: Council Pamplin.

21 MR. PAMPLIN: -- Mr. Chair.

22 I move that we direct EFSEC staff to prepare the
23 draft recommendation documents for approval or denial
24 of the project, including in that recommendation for
25 approval that the staff include the conditions

1 outlined in the MDNS, those in the -- the -- the
2 slides presented today on the RMDNS, as well as any
3 proposed mitigation conditions following the
4 discussions with Yakama Nation.

5 CHAIR BECKETT: Thank you, Council.

6 Is there a second?

7 MS. BREWSTER: I think Director
8 Bumpus had something.

9 CHAIR BECKETT: If I could get --
10 thank you. We'll take -- I was going to note. I
11 should have at the outset, so I apologize. We'll
12 have discussion and further input unless you need to
13 amend the motion of statement, Director Bumpus.

14 MS. BUMPUS: That's correct, Chair
15 Beckett. The motion should be picking one, either to
16 approve -- prepare documents that recommend approval
17 or the denial, which I think the motion currently
18 directs staff to prepare the recommendation materials
19 for approval or denial. It has the word "or" in it.
20 And the Council needs to pick are they recom- -- do
21 they want us to prepare documents that recommend
22 approval or do you want us to prepare documents that
23 recommend denial.

24 CHAIR BECKETT: Thank you for the
25 clarification.

1 MR. PAMPLIN: Yeah. Mr. Chair,
2 hearing that, following Roberts Rules of Order, I
3 consider that a friendly amendment, and so --

4 CHAIR BECKETT: I would as well, as
5 chair, for the record.

6 MR. PAMPLIN: So then would --
7 would -- the proposal -- the motion's amended for
8 approval of the project.

9 CHAIR BECKETT: Thank you.
10 Is there a second?

11 MS. BREWSTER: Stacey Brewster.
12 Second.

13 CHAIR BECKETT: Motion has been
14 made and seconded. It's on the table. And we'll now
15 take discussion. Council Young, (unintelligible).

16 MR. YOUNG: Could the -- the motion
17 be restated? We took a couple of quick changes
18 there. Could the motion as it is right now be
19 restated fully? Thank you.

20 CHAIR BECKETT: I'll be happy to
21 (unintelligible), if you like --

22 MR. PAMPLIN: Well, I --

23 CHAIR BECKETT: -- (unintelligible).

24 MR. PAMPLIN: As the maker, I'll
25 try this again here.

1 So I moved that Council direct EFSEC staff to
2 prepare the draft recommendation documents for
3 approval of the project. Included in those draft
4 documents for recommendation for approval to include
5 the conditions outlined in the MDNS as well as on the
6 slides presented today on the RMDNS as well as any
7 proposed mitigation conditions following the
8 discussion with the Yakama Nation. And as there was
9 a second on that motion, there's a chance, Mr. Chair,
10 I will speak to my motion.

11 MR. YOUNG: Yeah, I'd like to
12 propose a friendly amendment that we include Point
13 No. 4 on the slide of any additional measures the
14 Council identifies. The motion only captures 1, 2,
15 and 3. As just read back, it does not right now
16 include No. 4. And I'd like to "friendly amendment"
17 that No. 4 be included as well.

18 CHAIR BECKETT: Council Young, I'm
19 just -- I'm not tracking No. 4, much as I appreciate
20 I think --

21 MR. PAMPLIN: Second bullet No. 3
22 is the way I'm interpreting that.

23 Is that right, Mr. Young?

24 MR. YOUNG: I'm looking at -- I'm
25 looking at what is on my screen right now. And there

1 are four numbered points under the second bullet, and
2 the fourth of those is any additional measures that
3 Council identifies.

4 Does everybody see that?

5 CHAIR BECKETT: We do now. We have
6 a couple --

7 MR. YOUNG: Okay.

8 CHAIR BECKETT: -- versions.

9 MR. YOUNG: That's what I was
10 referring to. Because the way the motion was just
11 read, only Points No. 1, 2, and 3 under the second
12 bullet were included, but No. 4 was not included.
13 And I'd like to make a friendly amendment that No. 4
14 be included as well.

15 MR. PAMPLIN: Mr. Chair, I agree
16 with that proposal. I'll look to Stacey -- Council
17 Member Brewster if she agrees. Okay.

18 CHAIR BECKETT: Council Brewster
19 has indicated, yes, she does.

20 So with that, motion is on the table and the
21 second as stated and is on screen for just clarifying
22 purposes for the public or others who are
23 participating in the meeting, especially online.

24 Council Pamplin, you may have a further comment.

25 MR. PAMPLIN: Yeah. Thanks,

1 Mr. Chair.

2 I just want to appreciate the folks that came and
3 attended the hearing on May 5th. I really
4 appreciated the -- the -- the sentiment and the
5 concerns shared. It really prompted me to -- to take
6 a second look and take another lap around the track,
7 so to speak, on all the documents associated with
8 this project. And in reviewing the MDNS, the staff
9 memo, the actual determination by Director Bumpus, as
10 well as hearing about the RMDNS now as well as
11 knowing that there's still further conversations with
12 Yakama Nation, I felt we're at a spot where I'm
13 comfortable at least proceeding this to the next
14 stage.

15 CHAIR BECKETT: Very well. Thank
16 you for the comment.

17 Are there other comments, Council?

18 Hearing none and seeing none. I will call the
19 question, then.

20 For all those in favor of the motion as stated,
21 please signify by saying "aye."

22 MULTIPLE SPEAKERS: Aye.

23 CHAIR BECKETT: Opposed?

24 ////

25 ////

(The following is inserted
by the reporter at the
instruction of Council.)

MR. CHILES: Nay.

(End of inserted portion.)

CHAIR BECKETT: And abstain?

Okay. The motion carries.

And with that, thank you, Council, for the good
discussion, as well as staff for a helpful
presentation and the work therein.

And unless there are any closing comments. Then
we will move on to our next item, the Horse Heaven
update. Amy Moon I'm told will give the update.

MS. MOON: Thank you.

Good afternoon, Council Chair Beckett and EFSEC
Council members. This is Amy Moon reporting on the
Desert Claim Wind Power Project -- or I'm sorry --
Horse Heaven. I apologize.

CHAIR BECKETT: No. No. You're
good. I thought it was me, so --

MS. MOON: No, it --

CHAIR BECKETT: -- (unintelligible)
double-check.

1 MS. MOON: It would be a technical
2 error.

3 Okay. So, once again, this is Amy Moon reporting
4 on the Horse Heaven wind project.

5 The certificate holder identified Gould Well as
6 the water source for construction, operation, and
7 decommissioning after the Horse Heaven environmental
8 impact statement, or EIS, was issued. And in
9 accordance with the Washington Administrative
10 Code 197-11-600, which is titled "When to Use
11 Existing Environmental Document," EFSEC determined
12 that an addendum to the final EIS was appropriate for
13 documenting the review under SEPA, or the State
14 Environmental Policy Act.

15 The Department of Natural Resources Gould Well
16 was identified in the October 2023 final EIS as a
17 potential water source in Section 2.2.9, Potential
18 Use. The final EIS for the Horse Heaven analyzed
19 impacts to water source from this aquifer. However,
20 the analysis did not specifically evaluate this water
21 source. The draft addendum identified Gould Well as
22 the source for process waters to be used for site
23 construction, operation, and maintenance.

24 EFSEC determined that the new information and
25 analysis for Gould Well as the water source does not

1 substantially change the final EIS analysis of
2 significant impacts and alternatives and that an
3 addendum was appropriate for documenting this review
4 under SEPA.

5 The addendum to the Horse Heaven final EIS was
6 posted to the EFSEC Horse Heaven State Environmental
7 Policy Act public website, and the public comment
8 period was open May 5th through May 19th. EFSEC
9 received comments from three people. Comments were
10 in general opposition to the project and concern over
11 the use of this water source for nonagricultural
12 uses. No comments were received from State agencies.

13 Let me see. I don't know. Is there anything
14 that the director or Amy Hafkemeyer would like to add
15 to this at this point?

16 MS. HAFKEMEYER: I have nothing
17 further --

18 MS. MOON: Okay.

19 MS. HAFKEMEYER: -- to add.

20 MS. MOON: All right.

21 MS. HAFKEMEYER: Thank you.

22 MS. MOON: The last part of my
23 monthly update to the Council is regarding the
24 Pre-Operational Technical Advisory Group, or the
25 PTAG. And this advisory group continues to meet,

1 review, and prepare technical advice on wildlife and
2 wildlife habitat management, mitigation, and project
3 design plans as required in the site certification
4 agreement. And they are working toward making
5 recommendations for EFSEC's consideration.

6 Does the Council have any questions?

7 CHAIR BECKETT: Council members?

8 None at this time. Thank you, Ms. Moon.

9 Moving on to Hop Hill Solar. John Barnes --

10 MR. BARNES: Thank you.

11 CHAIR BECKETT: -- EFSEC staff.

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

15 EFSEC met with the applicant on April 24th, 2025.
16 During this meeting, the applicant expressed the need
17 for additional time to submit project amendment
18 materials from May until September or October 2025.

19 The applicant needs additional time to update the
20 project amendments to reflect recently received field
21 data. We continue to coordinate and review the
22 application with our contractor, contracted agencies,
23 and tribal governments.

24 Are there any questions?

25 CHAIR BECKETT: Questions from the

1 Council?

2 Hearing none. Thank you, Mr. Barnes.

3 Moving on to Wallula Gap.

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

7 EFSEC met with the applicant on May 8th, 2025,
8 during which the applicant indicated an inability to
9 gain transmission access from the Bonneville Power
10 Authority, or BPA, for the project. As a result,
11 they would like to explore the option of pausing the
12 application process until they can determine a
13 transmission connection option is viable for the
14 project.

15 EFSEC has scheduled a meeting with the applicant
16 for this Thursday, May 22nd, 2025, to discuss further
17 details of this request. Staff will be bringing
18 further updates to the Council during the June 2025
19 Council meeting.

20 Are there any questions?

21 CHAIR BECKETT: Questions, Council?

22 Hearing none. Thank you, Mr. Barnes.

23 Moving on to the Goldeneye BESS project.

24 Ms. Snarski.

25 MS. SNARSKI: Yes. Thank you,

1 Chair Beckett. This is Joanne Snarski, the siting
2 specialist for the proposed Goldeneye battery energy
3 storage facility in Skagit County.

4 Staff are continuing to work with our partnering
5 agency to review and seek information on the
6 application for site certification. This month,
7 staff met with representatives from the Department of
8 Fish and Wildlife and the Skagit River System
9 Cooperative to further evaluate drainage and creek
10 buffers. Additionally, we anticipate receiving
11 written input from the Department of Ecology in early
12 June, and this would be based on their March 4th site
13 visit.

14 I have no further updates.

15 CHAIR BECKETT: Thank you.

16 Comments or questions from the Council?

17 Hearing none.

18 Moving on to the transmission programmatic EIS.

19 Mr. Greene.

20 MR. GREENE: Thank you.

21 Good afternoon, Chair Beckett and Council
22 members. Again, this is Sean Greene, SEPA specialist
23 for EFSEC.

24 I am here today to give you an update on our
25 progress on the transmission programmatic EIS. This

1 is a nonproject environmental review of electrical
2 transmission facilities with a nominal voltage of 230
3 kilovolts or greater that was assigned to EFSEC by
4 Washington State Senate Bill 5165 in 2023.

5 Since the last Council meeting, the public
6 comment period for the draft programmatic EIS that
7 began on March 31st has concluded. This period was
8 initially scheduled to end on April 30th but was
9 extended by EFSEC staff to May 15 to accommodate
10 requests for additional review time from tribes,
11 industry, and other organizations.

12 In addition to the online comment database,
13 e-mail, physical mail, and phone lines, EFSEC staff
14 provided members of the public with the opportunity
15 to submit comments at two public comment hearings
16 held on April 22nd and April 24th.

17 EFSEC staff also attended the midyear Affiliated
18 Tribes of Northwest Indians conference last week to
19 seek additional engagement with federally recognized
20 tribes.

21 EFSEC staff is currently reviewing all comments
22 received during this period, drafting responses that
23 will be included in the final programmatic EIS, and
24 developing and refining the draft programmatic EIS in
25 preparation for the publication of the final

1 programmatic EIS.

2 EFSEC staff have requested an extension of our
3 contract to complete work on the final programmatic
4 EIS from the Department of Enterprise Services, and
5 we feel approval is likely. We currently anticipate
6 publishing the final programmatic EIS in late
7 September of 2025.

8 Are there any questions?

9 CHAIR BECKETT: Council, questions
10 or comments.

11 Just check online.

12 I just had a quick one, which is thanks to both
13 the staff and ultimately the public and other key
14 constituencies who have been participating in many
15 cases for -- for past many months but specially in
16 more recent public comment times. And just want to
17 thank and acknowledge that engagement, including at
18 the Affiliated Tribes of Northwest Indians.

19 I would be remiss if I didn't thank some of
20 the -- of the mothers of the staff who traveled on
21 Mother's Day to help attend and set up at ATNI where
22 a booth was also available, you know, to help provide
23 ongoing engagement through the course of that
24 conference. So thank you for that added effort and
25 sacrifice.

1 Without other questions, then we'll move on to
2 the Desert Claim project. Amy Moon.

3 MS. MOON: All right. So good
4 afternoon again, Council Chair Beckett and EFSEC
5 Council members. This time it's Desert Claim. This
6 is Amy Moon reporting on Desert Claim.

7 EFSEC received a request to terminate the Desert
8 Claim wind project site certification agreement,
9 which we know as the SCA, on May 13th, 2025. The
10 termination request from the project proponent Desert
11 Claim Wind Power, LLC, stated that they no longer see
12 an economically feasible path to finance construction
13 and operation of the project and therefore are
14 requesting termination of the SCA.

15 As construction was never started and this
16 project has been on hold for several years, I want to
17 provide a brief history for the Council.

18 The Desert Claim wind project is for a
19 100-megawatt total maximum capacity wind power
20 project located on approximately 4,400 acres of
21 purchased land and land leased from public and
22 private owners in Kittitas County approximately eight
23 miles northwest of Ellensburg. The project consists
24 of a maximum of 31 turbines and associated electrical
25 collection system that would connect the project to

1 the regional high-voltage transmission grid.

2 EFSEC received the application for site
3 certification for the Desert Claim wind project in
4 November of 2006. The EFSEC Council approved the
5 proposal and signed the SCA on February 1st, 2010.

6 The Desert Claim SCA was amended twice. The
7 first amendment, executed November 13th, 2018,
8 updated the project footprint, reduced the total
9 acreage from 5,200 acres to 4,400 acres, reduced the
10 total number of turbines, increased the turbine
11 height, updated the site access route, and increased
12 the minimum turbine distance to all residences.

13 The second amendment was executed October 18th,
14 2023, to extend the deadline for completing
15 construction of the Desert Claim wind project by five
16 years to November 18th, 2028.

17 Termination of an SCA is considered an amendment
18 to the SCA per Washington Administrative
19 Code 463-66-020, Termination. When an amendment is
20 received in writing pursuant to WAC 463-66-030,
21 Request for Amendment, the Council will consider the
22 request and determine a schedule for action at the
23 next feasible Council meeting, which conceivably
24 could be today.

25 In addition to a public hearing session, the

1 EFSEC Council shall also consider four critical
2 criteria outlined in WAC 463-66-040, Amendment
3 Review.

4 One would be the original intent -- intention of
5 the SCA. 2, applicable rules and laws. 3, the
6 public health, safety, and welfare. And, 4, the
7 provisions of Chapter 463-72, which is site
8 restoration and preservation.

9 I want to introduce the Council's assistant
10 attorney general Jon Thompson to further explain the
11 review of these criteria for the Desert Claim
12 termination request, if you are able, Jon.

13 MR. THOMPSON: Yeah. So -- yeah.
14 So, again, Jon Thompson, EFSEC legal advisor.

15 So, yeah, I think what I -- yeah, what I need to
16 speak to is, so as Ms. Moon laid out, there is a
17 EFSEC procedural rule that says when there's a
18 request to terminate a site certification agreement,
19 it's treated as a request to amend.

20 If you look at the rules on amendment, there's
21 this requirement for at least one public hearing --

22 MS. BUMPUS: Right.

23 MR. THOMPSON: -- and consideration
24 of various criteria. It's my opinion that because
25 what the certificate holder here is proposing is

1 before any construction of any sort has started on
2 the site and before any financial assurance had to be
3 posted for site restoration because there's no -- no
4 ground has been broken, there's no infrastructure to
5 be removed, there's really little point in doing
6 anything than -- other than issuing a Council
7 resolution sort of acknowledging that the certificate
8 holder has basically surrendered or abandoned its
9 authority and presumably wants to stop paying for the
10 Council's oversight of its project.

11 So -- so that would be my recommendation. I
12 don't think it requires the same formality as say the
13 termination of a project that's, you know, partway
14 through construction or at the end of its useful life
15 where there's a need to sort of wind up the
16 operations and provide for the site restoration,
17 'cause construction never -- never even began.

18 So -- so I think procedurally it can be handled
19 pretty -- pretty easily. We might want to have staff
20 prepare appropriate resolution language maybe for the
21 next -- next Council meeting. That'd be my
22 recommendation.

23 CHAIR BECKETT: Thank you.

24 Director Bumpus.

25 MS. BUMPUS: Thank you, Chair

1 Beckett and Council members.

2 I did get a chance to look at the rules that
3 Mr. Thompson just talked about where there's a formal
4 process for SCA amendment request, which technically
5 a termination of an SCA does fall under that. But in
6 talking with our legal counsel, Mr. Thompson, I -- I
7 agree that we could, I think, go this route.

8 The other thing that I'll note as well is that in
9 those requirements, in our rules, there's a
10 requirement for a public hearing. But since 2022,
11 EFSEC takes public comment prior to any final action.

12 So even though we would not be having a public
13 hearing to take some comment on that, we -- we have
14 flagged this on the agenda, and there's public
15 comment opportunity that is, if you will, baked into
16 the Council meeting actions. So I didn't think we
17 were losing anything there.

18 CHAIR BECKETT: Okay. Appreciate
19 that update. I think ultimately as that gets
20 finalized, knowing it's close but final, was the
21 question of can this be accomplished in the June
22 meeting versus outside the June meeting in a separate
23 forum.

24 And it sounds like we're tracking that this would
25 come in the June meeting, the regular Council

1 meeting, pending final confirmation. But just to
2 update Council on -- on that versus a special
3 meeting, different time, which I think ultimately
4 will help, you know, promote as much ease of access
5 and transparency in the course of our regular meeting
6 versus, you know, a special alternative meeting. So
7 I think that will serve the public interest as well.

8 Any questions or comments, Council, to what's
9 been shared on Desert Claim?

10 Okay. Hearing none.

11 We will then move on to Item 6, "Other."

12 We have rulemaking update first, followed by a
13 brief legislative update.

14 Mr. Walker will take care of the rulemaking
15 update first.

16 MR. WALKER: Thank you, Chair
17 Beckett and Council. For the record, Dave Walker,
18 interim director of administrative services with
19 EFSEC.

20 We introduced these housekeeping rule changes at
21 last month's meeting, although we were not ready at
22 that time to take action on them. It is the
23 recommendation of EFSEC staff today that the Council
24 do consider taking action on housekeeping changes
25 made to 24 of the 26 chapters within Title 463 of the

1 Washington Administrative Code.

2 All Council members received this information, I
3 believe, at the beginning of last month. Is that
4 correct?

5 Ms. McLEAN: Mm-hmm.

6 MR. WALKER: Yeah. Beginning of
7 April for review.

8 Just as a reminder, these are housekeeping
9 changes that are being proposed, such as the agency's
10 physical address and telephone number, references to
11 old public records act, outdated details about
12 obtaining public records, references of EFSEC being
13 under umbrella agencies at that time, such as the UTC
14 and Commerce. EFSEC became a standalone agency in
15 2022.

16 The definition of nonsubstantive changes -- and I
17 just want to make sure that the Council is aware of
18 this, and we do believe as well as our AG that all of
19 the proposed language changes do meet these criteria.

20 To be nonsubstantive, one, they affect internal
21 operations that are not subject to violation by a
22 person, or they adopt or incorporate by reference
23 without material change of federal statutes or
24 regulations, Washington State statutes, rules, or
25 other Washington State agencies, or they correct

1 typographical errors and clarifying language without
2 changing the rule's effect. And we believe that all
3 of the changes meet these criterias as we've outlined
4 here.

5 Lisa and I are both ready if the Council has any
6 particular questions about the rules being
7 recommended for change.

8 CHAIR BECKETT: My main -- thank
9 you, Mr. Walker.

10 MR. WALKER: Mm-hmm.

11 CHAIR BECKETT: I have one comment
12 on more the motion, but let me go ahead and see if
13 there's questions or any further discussion, knowing
14 we really did that last month, as was the intent of
15 the public, but we'll check with Council first.

16 Okay. Then I will pledge to do a more thorough
17 up-front job of making sure I've got my actions ready
18 to state. Will you help me out, Mr. Walker, since I
19 can't find the number of the rule, to make sure that
20 the motion that we would need to entertain to approve
21 said rulemaking. What are we moving?

22 MS. McLEAN: For -- it's basically
23 to -- the motion should be to file -- to ask the --
24 direct the staff to file the CR 103 to amend the
25 changes to Title 463 of the Washington Administrative

1 Code. I say the title because it's 24 of 26 chapters
2 within that title, which I can read each one of the
3 24 statutes, or I would suggest just saying the
4 title.

5 And for the record, this is Lisa Mclean.

6 CHAIR BECKETT: Very well. So if
7 there was Council who was willing to entertain a
8 motion or I'm willing, as the chair, to entertain a
9 motion to direct the staff to file CR 103 to amend
10 the change to Title 463 of the Washington
11 Administrative Procedures Act.

12 MS. McLEAN: Code.

13 CHAIR BECKETT: Code.

14 MS. McLEAN: Washington
15 Administrative Code.

16 CHAIR BECKETT: Oh. WAC.

17 MS. McLEAN: Yeah.

18 CHAIR BECKETT: So if there was a
19 Council member who was supportive of action on this
20 rulemaking, if that motion would be entertained by
21 the chair.

22 MS. BREWSTER: Stacey Brewster.

23 MR. YOUNG: Lenny Young. So moved.

24 CHAIR BECKETT: Thank you, Council
25 Young.

1 Is there a second?

2 MS. BREWSTER: Stacey Brewster.

3 Second.

4 CHAIR BECKETT: Thank you, Council
5 Brewster.

6 The motion has been made and seconded.

7 Any further discussion by the Council?

8 Hearing none.

9 All those in favor of adopting the motion as
10 proposed, please say "aye."

11 MULTIPLE SPEAKERS: Aye.

12 CHAIR BECKETT: Opposed?

13 Abstain?

14 Motion carries.

15 Thank you, Council and staff.

16 And then moving on to the last update for the
17 day, Lisa Mclean will provide a legislative session
18 update, which I will note was still potential to
19 continue going up until yesterday afternoon when the
20 governor signed the budget. So this is a very fresh
21 moment in which you can update for the conclusion of
22 this session.

23 MR. WALKER: And I'll --

24 CHAIR BECKETT: Oh, and I'm sorry.

25 Dave --

1 MR. WALKER: That's okay. I'll go
2 ahead and take lead on the updates, and then of
3 course Lisa can be available --

4 CHAIR BECKETT: Oh. Sure.

5 MR. WALKER: -- if there are any --

6 CHAIR BECKETT: Sorry.

7 MR. WALKER: -- questions specific.

8 So there were two main bills obviously that
9 passed that we were watching. First was agency
10 request legislation, House Bill 1018. This added
11 fusion energy to the list of opt-in facilities,
12 the -- which provides facilities the option as to
13 whether they choose to follow EFSEC processes or work
14 with the local governments to lead their own
15 coordinated efforts on that. The bill will take
16 effect July 27th of this year and has been signed by
17 the governor.

18 The second bill is Senate Bill 5317, which
19 exempted local governments from certain appeals when
20 they provide services for review or oversight of
21 projects under EFSEC's jurisdiction.

22 It's going to be adding one small paragraph to
23 the RCW 80.50.120, which makes clear that City or
24 County actions undertaken based on an agreement with
25 EFSEC are not subject to appeal for inconsistency

1 within a local ordinance.

2 There were a few bills that did not obviously
3 pass this session. Were you also interested in
4 hearing about those, Chair Beckett?

5 CHAIR BECKETT: I think it was more
6 just the main --

7 MR. WALKER: Just an overall --

8 CHAIR BECKETT: -- actions,
9 unless --

10 MR. WALKER: Okay.

11 CHAIR BECKETT: -- Council had
12 other questions, but --

13 MR. WALKER: Okay. Perfect.

14 CHAIR BECKETT: -- I think -- I
15 think more of that which is now law.

16 MR. WALKER: Exactly. Exactly.

17 CHAIR BECKETT: It's certainly
18 always to be noted of bills that are proposed, should
19 they, you know, return --

20 MR. WALKER: Absolutely.

21 CHAIR BECKETT: -- in other
22 times that --

23 MR. WALKER: Which they -- we --

24 CHAIR BECKETT: -- we should not
25 lose sight --

1 MR. WALKER: -- expect they will.

2 CHAIR BECKETT: -- of those, but
3 other than having said and acknowledged that, I think
4 just those that were adopted.

5 MR. WALKER: Okay. Perfect.

6 And then of course the budget bill was signed
7 yesterday by the governor. There were a host of
8 vetoes, section vetoes that he noted. It was
9 approximately five- to six-page document, I believe,
10 covering all of the section vetoes from the governor.

11 There were a couple in particular that didn't
12 necessarily impact EFSEC directly, although I do see
13 some peripheral issues that we may need to consider.

14 The first one was the Department of Commerce
15 battery energy storage systems. It was a guidance
16 document that was being proposed that Commerce would
17 develop. That was vetoed as well as 500,000 set
18 aside for Ecology to study offshore wind projects.

19 So I -- you know, at this moment obviously we
20 won't -- we won't have anything more to do with those
21 particular issues, although I suspect they may come
22 up again in future budgets for deliberations.

23 CHAIR BECKETT: Yeah.

24 MR. WALKER: So...

25 CHAIR BECKETT: Thank you --

MR. WALKER: Mm-hmm.

CHAIR BECKETT: -- for the update.

I guess I'll just leave it at that for now.

So were there other questions or comments from Council at this time? You're always welcome.

Okay. Well, thank you, including for the request in this instance from Council Pamplin on the legislative update --

MS. GRANTHAM: Chair.

CHAIR BECKETT: -- which I -- which I appreciate, and...

MS. GRANTHAM: Chairman, there is -- Lenny Young has his hand raised.

CHAIR BECKETT: Council Young. Thank you.

MR. YOUNG: Yep. Thank you, Chair. If it's appropriate to ask at this time, we did not get an update on Badger Mountain project today. Could staff remind what is the status of the Badger Mountain project?

CHAIR BECKETT: Thank you, Council Young.

MS. SNARSKI: Go ahead, Ami.

CHAIR BECKETT: One's coming, in case you can't see that in the online mode.

1 MS. HAFKEMEYER: So the status that
2 we have is still that the project is on hold. We are
3 expecting a status update, hopefully decision, by the
4 developer in June.

5 MS. SNARSKI: Probably end of
6 month.

7 MS. HAFKEMEYER: So that may be the
8 end of June. If we have one in the next few weeks,
9 we'll bring it forward at the June Council meeting.
10 But it -- we may not have an update for the Council
11 until after that. So possibly -- possibly it will
12 come forward at the July Council meeting.

13 MR. YOUNG: Thank you.

14 CHAIR BECKETT: Other closing
15 questions/comments from Council?

16 Director Bumpus, we're good?

17 MS. BUMPUS: I'm good. Thank you.

18 CHAIR BECKETT: Okay. With that,
19 we -- I thank both staff and our external
20 participants as well as Council for hanging in here
21 on a longer meeting today.

22 It is now 3:10, and this meeting is adjourned.

23 (Meeting adjourned at

24 3:10 p.m.)
25

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

That the foregoing Monthly Meeting of the Washington
State Energy Facility Site Evaluation Council was conducted
in my presence and adjourned on May 21, 2025, and thereafter
was transcribed under my direction; that the transcript is a
full, true and complete transcript of the said meeting,
transcribed to the best of my ability;

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

IN WITNESS WHEREOF, I have hereunto set my hand
this 5th day of June, 2025.

/s/John M. S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2026.)

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: May 07, 2025

Reporting Period: April 2025

Site Contact: Jarred Caseday, Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 29,514.10 MWH.
 - Wind speed: 7.93 m/s.
 - Capacity Factor: 40.81%.
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: May 8, 2025
Report Period: April 2025
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

April generation totaled 56,859 MWh for an average capacity factor of 28.97%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: May 1, 2025
Reporting Period: April 2025
Site Contact: Jeremy Smith, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

- 58,432 net MWhrs generated in the reporting period for a capacity factor of 16.40%

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

- Monthly Water Usage: 1,665,796 gallons
 - No changes
- Monthly Wastewater Returned: 963,126 gallons
- Permit status if any changes.
 - No changes.
- Update on progress or completion of any mitigation measures identified.
 - Nothing to report
- Any EFSEC-related inspections that occurred.
 - Nothing to report.
- Any EFSEC-related complaints or violations that occurred.
 - Nothing to report
- Brief list of reports submitted to EFSEC during the monthly reporting period.
 - Nothing to report

Safety Compliance

- Safety training or improvements that relate to SCA conditions.
 - Zero injuries this reporting period for a total of 3,561 days without a Lost Time Accident.

Current or Upcoming Projects

-Planned site improvements.

- No planned changes.

-Upcoming permit renewals.

- Nothing to report.

-Additional mitigation improvements or milestones.

- Nothing to report.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- Nothing to report.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,



Jeremy Smith
Gas Plant Operations Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center

Operator: Grays Harbor Energy LLC

Report Date May 21, 2025

Reporting Period: Apr 2025

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 393,571MWh during the month and 1,361,647MWh YTD.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-There were no, outfall, or storm water deviations, during the month.

-Routine monthly, quarterly, and annual reporting submissions to EFSEC Staff.

- Monthly Discharge Monitor Report (DMR).
- Quarterly Q1 EDR

-20250403 GHEC experienced a combined-cycle gas turbine #1 (GTG1) NOx emission event on April 3rd, 2025, during hours 13 and 14, due to a combustion dynamics control malfunction. NOx emissions during hours 13 and 14 exceeded the limits identified in Applicable Requirement (AR) 2.4 of Air Operating Permit (AOP) #EFSEC/94-1 AOP-1st Modification. Reference Transmittal GHE551 submitted to EFSEC Staff for additional details.

Safety Compliance

- None.

Current or Upcoming Projects

- Submitting the application to renew the Air Operating Permit (AOP) for Grays Harbor Energy Center (GHEC) that is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Modification 1.

-Submitted the Acid Rain Permit Application for permit renewal in accordance with Permit Requirements 1(i) of Acid Rain Permit No. EFSEC/10-01-AR.

-NPDES permit renewal application submitted to EFSEC in December 2023 in accordance with Section S6.A of NPDES Permit No. WA0024961.

Other

-None.

EFSEC Monthly Council Meeting Facility Update

Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)

Operator: Tuusso Energy, LLC

Report Date: May 5, 2025

Reporting Period: 30 Days ending April 30, 2025

Site Contact: Liz Drachenberg & Brendan Clemente

Facility SCA Status: Operation

Construction Status

- Penstemon
 - Currently operational
 - Total Generation during the month of April was 1,353 Megawatt hours
 - Camas
 - Currently operational
 - Total Generation during the month of April was 1,281 Megawatt hours
 - Urtica
 - Currently operational
 - Total Generation during the month of April was 1,427 Megawatt hours
-

EFSEC Monthly Council Meeting

Facility Name: **Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)**

Operator: **Energy Northwest**

Report Date: **May 12th, 2025**

Reporting Period: **April 2025**

Site Contact: **Josh LaPorte**

Facility SCA Status: **Operational**

CGS Net Electrical Generation for January 2025: **232,919.76 Mega Watt-Hours.**

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance:

No update.

Safety Compliance

No update.

Current or Upcoming Projects

The Industrial Development Complex Landfill gas collection system has been installed, and the installation of the liner is underway. The liner membrane will be fully installed with a soil cap by May 15, 2025. Monitoring-well drilling will begin May 27th.

Other

Columbia Generating Station began Refueling Outage 27 on 4/11/2025 and will end the outage on 6/8/2025.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar

Operator: Brookfield Renewable US

Report Date: 4/30/2025

Reporting Period: 4/1/2025 to 4/30/2025

Asset Manager: Nelson Jia

Facility SCA Status: Operational

Construction Status

- N/A

Operations & Maintenance

- Total generation for the month of March-2025 was approximately 19,700 MWh
 - Fan power supply replacement occurred on inverter unit, but ultimately failed/faulted again
 - Many inverter-units continue to experience sampling faults and neutral point shift errors. Still waiting for Sungrow to implement firmware patch and to send more ac breakers to replace
 - Substation inspection completed
-

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

Permit status if any changes.

- None

Update on progress or completion of any mitigation measures identified.

- No Discharge on the site reported in March

Any EFSEC-related inspections that occurred.

- WSP inspections are re-occurring on behalf of EFSEC

Any EFSEC-related complaints or violations that occurred.

- None

Brief list of reports submitted to EFSEC during the monthly reporting period.

- None

Safety Compliance

- There were no non-routine events to report during this period.

Current or Upcoming Projects

- None

Other

Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- None

Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- None

Public outreach of interest (e.g., schools, public, facility outreach).

- None

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Ostrea Solar
Operator: Cypress Creek Renewables
Report Date: 5/8/2025
Reporting Period: 4/1/2025-4/30/2025
Site Contact: Fred Hageman
Facility SCA Status: Construction

Construction Status (only applicable for projects under construction)

- On schedule.
- Road construction over 70% complete
- Laydown yards installed
- Site entrance complete with permanent gate.
- Array Piles and Inverter Pile Installation started
 - Array Pile Installation started on East portion of the project.
- Security Fence installation has begun on East portion of the project.
- AC Cable installation ongoing from East blocks to Substation with 9,000LF complete.
- T-line Post hole drilling ongoing
- Substation Civil in continuing progress.

Operations & Maintenance (only applicable for operating facilities)

- Not yet operational.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Permit status if any changes.

- N/A

-Update on progress or completion of any mitigation measures identified.

- WSP weekly SWPPP inspections performed.
- BMP installations per Exhibits continue.
- On 3/7 a buried 55-gallon drum containing an unknown substance was uncovered.
 - The immediate area around the spill has been vacated and has been roped off for no access.
 - Only 2 gallons of liquid were in the drum.
 - Patriot Environmental (remediation company) has been contacted and is working on dispatching a crew to investigate.
 - No work will continue in the area until proper remediation efforts are completed.
 - Update 5/1 –
 - Patriot Environmental remediated the material and cleared the site. (tracking #25-0841)
 - WA Military Department, EPA, DOE and Ecology Spill Response were notified.

- Plant receiving manifest received for oil drum and provided to EFSEC

-Any EFSEC-related inspections that occurred.

- Site inspection performed by Lynn Bell on a weekly basis without any non-compliant elements being discovered

-Any EFSEC-related complaints or violations that occurred.

- Nothing in the month of April

-Brief list of reports submitted to EFSEC during the monthly reporting period.

1. Revised IFC drawings incorporating module change – Approved by EFSEC
2. Seed mix in line with previously approved vegetation management plan – Approved by EFSEC

Safety Compliance

- Safety training or improvements that relate to SCA conditions.
- No issues to note for April.

Current or Upcoming Projects

-Planned site improvements.

- Current:
 - Fence Installation
 - Inverter and Array Pile deliveries
 - Inverter and Array pile installation
 - East Property AC cable installation
- Upcoming Projects
 - West property Array cut and fill activities
 - Array Racking install
 - DC cable installation
 - West Property AC cable installation

-Upcoming permit renewals.

- None.

-Additional mitigation improvements or milestones.

- Completion of the road installation
- East property Basin and Swells complete
- Low Water Crossings brought to grade

Other

-Current events of note.

- N/A

-Personnel changes as they may relate to EFSEC facility contacts:

- None

-Public outreach of interest

- Nothing to note

Carriger Solar Project

General Description:

A proposed 160 megawatts (MW) solar photovoltaic (PV) electric generating facility. Includes a proposed 63 MW of battery energy storage system (BESS). Project area: 2,108- acres of privately owned land.

Location:

Unincorporated Klickitat County. Approximately 2 miles west of Goldendale.

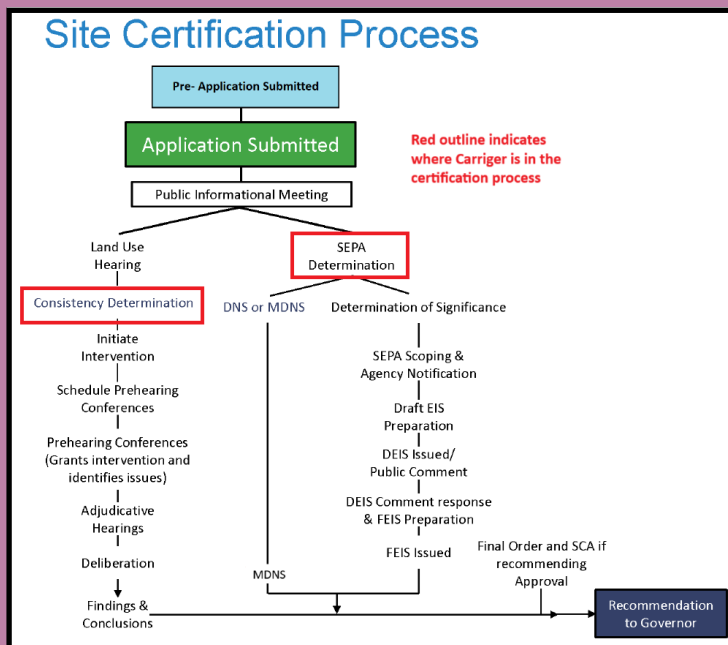
Applicant:

Cypress Creek Renewables, LLC.

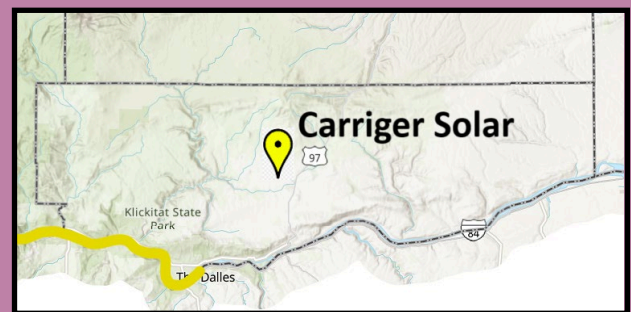
Milestone Dates:

- February 10, 2023, Original ASC Submitted
- September 25, 2023, Council issues Order No. 889 Granting a Finding of Land Use Consistency.

Status:



Location Map:



**SITE CERTIFICATION AGREEMENT
BETWEEN**

THE STATE OF WASHINGTON

AND

CARRIGER SOLAR, LLC



For the

**CARRIGER SOLAR ENERGY PROJECT
K L I C K I T A T COUNTY, WASHINGTON
EXECUTED **JULY/AUGUST XX, 2025****

ENERGY FACILITY SITE EVALUATION COUNCIL

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FOR THE CARRIGER SOLAR ENERGY PROJECT
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1. Appendix 1: Report to the Governor, Recommendation on Application Docket No. 230001
2. Appendix 2: Revised MDNS
3. Appendix 3: Legal Description

**SITE CERTIFICATION AGREEMENT
FOR THE CARRIGER SOLAR ENERGY PROJECT**

between

THE STATE OF WASHINGTON

and

CARRIGER SOLAR, LLC

This Site Certification Agreement (Agreement or SCA) is made pursuant to Revised Code of Washington (RCW) 80.50 by and between the State of Washington, acting by and through the Governor of Washington State, and Carriger Solar, LLC (Certificate Holder).

Cypress Creek Renewables, LLC, filed as permitted by law an application with the Energy Facility Site Evaluation Council (EFSEC or Council) for site certification for the construction and operation of a solar powered generation and battery energy storage system facility to be sited in Klickitat County, Washington. The Council reviewed Application 230001, conducted public meetings, and recommended approval of the application and a Site Certification Agreement by the Governor. On **Month XX, 2025**, the Governor approved the Site Certification Agreement authorizing Carriger Solar, LLC, to construct and operate the Carriger Solar, LLC, project (Project).

The parties hereby now desire to set forth all terms, conditions, and covenants in relation to such site certification in this Agreement pursuant to RCW 80.50.100(2).

ARTICLE I: SITE CERTIFICATION

A. Site Description

The Certificate Holder plans to construct and operate a solar photovoltaic (PV) electric generating facility with an optional battery storage system. The project is located on 25 parcels of privately owned land that is under purchase or lease option. It is in unincorporated Klickitat County 2 miles west/northwest of the city of Goldendale and includes two noncontiguous areas with a site control boundary of 2,108 acres. The project will have a capacity of 160 megawatts (MW) of solar energy and 63 MW of Battery Energy Storage System (BESS)

The Project will use solar modules configured in a solar array to convert energy from the sun into electric power. Solar arrays are comprised of single axis tracking PV modules, pile driven racking equipment, cabling, power inverters and transformers mounted on concrete pads, and an electrical collection system of overhead and underground cables.

The Project also includes the following supporting components: a BESS, a Project substation, interconnection equipment, operations & maintenance (O&M) building and employee parking, laydown area, access roads, and perimeter fencing. Fencing will be installed around the perimeter of the solar arrays, the Project substation, and BESS.

The Project will interconnect to the northwest transmission grid via Bonneville Power Administration's (BPA) existing Knight Substation located adjacent to the Project substation. An overhead collector line will be sited within the existing Klickitat County Knight Road right of way (ROW). Other access roads and collection lines will be sited within a portion of the existing BPA transmission line ROW associated with the existing North Bonneville-Midway No. 1 and Wautoma-Ostrander No.1 transmission lines.

B. Site Certification

The State of Washington hereby authorizes Carriger Solar, LLC, and any and all parent companies, and any and all assignees or successors approved by the Council, to construct and/or operate the Carriger Solar Energy Project as described herein, subject to the terms and conditions set forth in the Council Report to the Governor Recommending Site Certification (Attachment 1 to this Agreement), and this Agreement.

The construction and operation authorized in this Agreement shall be located within the areas designated herein and in the Application for Site Certification (ASC) submitted by Cypress Creek Renewables, LLC, on February 10, 2023.

This Agreement authorizes the Certificate Holder to construct the Project within the terms provided in WAC 463-68-030, and is subject to expiration as provided in WAC 463-68-080.

If the Certificate Holder does not begin construction of the Project within five (5) years of the effective date of the SCA and thereupon continue in a reasonably uninterrupted fashion toward project completion, then in accordance with WAC 463-68-060, at least ninety days prior to the end of the five year period, the Certificate Holder must report to the Council its intention to continue and will certify that the representations in the SCA, environmental conditions, pertinent technology, and regulatory conditions have remained current and applicable, or identify any changes and propose appropriate revisions to the Agreement to address changes. Construction may begin only upon prior Council authorization and approval of such certifications. If the Certificate Holder does not begin

construction of the Project within ten (10) years of the effective date of the SCA all rights under this SCA will cease.

C. Project Description

The Carriger Energy Project will consist of the following components:

1. *Photovoltaic Modules.* The Project will use high-efficiency commercially available Tier I PV modules that are Underwriters Laboratories (UL) listed. The principal materials incorporated into the PV modules include glass, steel, and materials that convert sunlight into electricity. These materials consist of monocrystalline silicon, polycrystalline silicon, amorphous silicon, or thin films of polymers, glass and other materials. Module strings and plant performance are remotely monitored for performance and faults 24/7 and condition assessed during routine maintenance inspections by on-site operations and maintenance personnel. Any damaged panels will be repaired or replaced as needed with spare modules stored on site. The final number of modules will be determined prior to submitting building plans for building and electrical permits.
2. *Ground Mount.* The PV modules will be mounted on single-axis tracking systems that will be arranged in north-south rows and the modules will rotate east to west tracking the sun throughout the day to maximize generation. Module clear row spacing could range from 8 to 25 feet of open space between the rows, with final spacing dependent on design considerations such as grading, physical and geological constraints, racking manufacturer selection, slope and grade, and inter-row shading. The maximum height of the solar panels will be 12 feet above grade at maximum tilt. The mounting system for the modules will be supported by posts driven into the ground or set into pre-drilled holes where hard weathered or solid bedrock exists at shallow depth below grade. Depending on soil and hydrologic conditions, the posts will be driven directly into the soil; however, other foundation designs may be used depending on final engineering design.
3. *Additional Project Electrical and Communication Equipment.* The Project will have a collection system connecting PV modules to the Project substation. The collection system may include underground or aboveground cable trays, overhead DC and AC electrical and communication cables, or a combination of these. DC collection lines will connect the PV modules to the inverter, which converts DC power to AC power. AC lines will connect inverters to the transformers, which increase the AC power to medium voltage (34.5 kV). The inverters and transformers will be mounted on concrete pads adjacent to each module block (collection of module rows). The inverters and transformers will transform the electricity from the arrays from DC to AC at the collector line voltage level. The southern and northern PV arrays will be connected electrically through an overhead 34.5kV collector line that will be constructed in the medium voltage collection line ROW. The overhead collection system may contain both electrical circuits and communication lines on the same structures. Overhead collection systems typically consist of wood or steel poles and are approximately 40 feet above grade with a typical span length of 35 feet. The underground collection system is typically buried in trenches to a depth of 36 to 48 inches. Final design will determine the use of buried, overhead lines or a combination of both.
4. *Meteorological Station.* The Project will have at least one 10-foot-tall meteorological station within the solar field. The total number of meteorological stations depends on final Project design. A meteorological station is a device that collects data related to weather and environment using an array of different sensors. The sensors may include a thermometer to take temperature readings, a barometer to measure pressure in the atmosphere, and other sensors to measure rain, wind, and humidity

5. *Energy Storage System.* The Project will have a BESS footprint of up to approximately two acres located near the Project substation. The primary BESS container components are battery storage modules comprised of lithium-ion phosphate (LFP) cells, placed in racks. LFP is one type of lithium-ion chemistry which has a greater safety margin compared to other common lithium-ion battery chemistries. Lithium-ion cells have a typical lifespan of 15 to 20 years depending on usage. The BESS system will have early detection systems that include smoke detectors, combustible gas detectors, and temperature detectors. Each individual battery module will also have voltage and current detectors. BESS battery containers will also be equipped with automatic fire suppression systems inside the battery containers. These include condensed aerosol fire suppressants and gaseous medial fire-extinguishing devices.

The BESS containers are mounted on foundations adjacent to power conversion systems, comprising inverters and 34.5kV transformers. The number of BESS containers may change depending on final engineering design, capacity maintenance strategy, and BESS manufacturer selected. The BESS will be designed to provide 4 hours of energy at full rated power of the system. The final number of BESS containers will not exceed the audible limits analyzed in the noise analysis.

6. *Project Substation and Transmission Interconnection System.* The Project will construct a new substation in an approximately 3-acre area within the Project Site Control Boundary, west of the BPA Knight Substation. The conceptual substation design for purposes of permitting will include a 500-kV step-up transformer, access roads, stormwater facilities, and electrical infrastructure such as circuit breaker, metering, communications, protection, and control equipment; and supervisory control and data acquisition (SCADA) and metering equipment. The substation will be interconnected to the BPA Knight Substation via a 500-kV overhead line. The Project's end of control is at the Project substation fence line along the property boundary of privately owned parcel where the 500-kV overhead line extends onto the adjacent BPA parcel at which point the overhead line is under BPA control and permitting. The Project's interconnection to BPA's system may require electrical and infrastructure upgrades to the BPA substation; however, the footprint of BPA's existing substation is not expected to change. Interconnection to a BPA transmission system is subject to review under the National Environmental Policy Act.
7. *Operations and Maintenance Building.* The Project includes an O&M building that will consist of a single-story structure with office space, warehousing space, a bathroom, and breakroom facilities. The O&M building could be up to 2,000 square feet in size on approximately 0.5-acre area including an on-site 10,000- square-foot graveled area for parking for employees and visitors (approximately 10 parking spaces) and an open staging area. The O&M building will be located near the Project's collector substation and surrounded by a security fence.

In addition, the Project's O&M area will include two 250-gallon above-ground water storage tanks. Water will be purchased from a permitted off-site source (i.e., municipal water source or vendor with a valid water right) and hauled to the Project site. Wastewater will be managed using a permitted onsite above ground septic system. Local utilities will provide electrical and communications/telephone connections.

8. *Access Roads and Internal Roads.* The Project will primarily be accessed from private driveways off Knight Road, Mesecher Road, Butts Road, and State Route 142. The Project's northern and southern solar array areas will be connected by the Collection Line ROW along Knight Road. Private interior roads will be built on private property for construction and operation. Access roads will have a compacted gravel surface, with a width of approximately 16 feet or 20 feet as

well as the required clearance and turning radius needed for emergency response vehicles, in accordance with fire code. Road improvements, including drainage upgrades and grading, may be required as part of the Project.

9. *Security and Lighting.* Permanent 12.5 gauge game fencing will be installed around the Project in order to restrict public access and will have a height of 8 feet. The fence posts will be set in concrete. Lighting may be needed for security and occasional after-hours work. Lighting will be controlled by motion sensors that are directed inwards, shielded, and have reduced lumens as required by Klickitat County Code. Lighting may be installed throughout the Project in locations such as the access points, O&M building, substation, BESS and major equipment locations. Any lighting will be shielded and directed downward to minimize the potential for glare or spillover to adjacent properties, as required in the code.
10. *Temporary Work Areas.* Construction staging and laydown areas will be established as needed for parking, construction, storage and use within the Project Study Area. The estimated acreage for temporary work and laydown area during construction is 22-acre.
11. *Off-site Operations Monitoring.* The Project will be remotely monitored 24 hours a day by the Applicant with remote shutoff capabilities and automatic, redundant, continuously operating combustion prevention systems supported by an independent power supply capable of operating without auxiliary or internal BESS power.

The location of Project facilities including, but not limited to, the solar panels, electrical collection and distribution system, electrical transformers, electrical generation tie lines, roadways, and other related infrastructure, is generally described in the ASC, as modified within this Agreement. The final location of the solar panels and other project facilities within the Project Footprint may vary from the locations shown on the conceptual drawings provided in the ASC but shall be consistent with the conditions of this Agreement and in accordance with the final construction plans approved by EFSEC pursuant to Article IV.S.

ARTICLE II: DEFINITIONS

Where used in this Site Certification Agreement, the following terms shall have the meaning set forth below:

1. “Application” or “ASC” means the Application for Site Certification, designated No. 230001, submitted by CCR on February 10, 2025.
2. “Approval” (by EFSEC) means an affirmative action by EFSEC or its authorized agents including those actions and consultations delegated to Council staff regarding documents, plans, designs, programs, or other similar requirements submitted pursuant to this Agreement.
3. “BMPs” means Best Management Practices.
4. “BPA” means Bonneville Power Administration.
5. “Carriger Solar Energy Project” or “Project” means those Carriger Solar Energy Project facilities described in the ASC, including solar panels and their construction areas; electrical collection/interconnection and communication systems; electrical step-up and interconnection transformers; optional Battery Energy Storage System; access roadways; temporary construction-

related facilities; and other related Project facilities. The specific components of the Project are identified in Article I.C.

6. “Certificate Holder” means Carriger Solar, LLC, any and all parent company(s), or an assignee or successor in interest authorized by the Council.
7. “Commence Commercial Operation” means the time when the Project begins generating and delivering electricity to the electric power grid, other than electricity that may be delivered as a part of testing and startup of the Project.
8. “Construction” means any of the following activities: Project Site clearing, grading, earth moving, cutting, or filling, excavation, preparation of roads and/or laydown areas, foundation construction including hole excavation, form work, rebar, excavation and pouring of concrete for the inverter pads and switchyard, or erection of any permanent, above-ground structures including any solar tracking assemblies, the transformer, transmission line poles, substation poles, or solar resource assessment stations.
9. “County” means Klickitat County, Washington.
10. “DAHP” means the Washington State Department of Archaeology and Historic Preservation.
11. “Ecology” means the Washington State Department of Ecology.
12. “Effective date” means the date on which the Governor executes this Agreement, although the Agreement must also be signed by the Applicant to become binding.
13. “EFSEC” or “Council” means the State of Washington Energy Facility Site Evaluation Council, or such other agency or agencies of the State of Washington as may hereafter succeed to the powers of EFSEC for the purposes of this Agreement.
14. “EFSEC Costs” means any and all reasonable costs, both direct and indirect, actually incurred by EFSEC with respect to this Site Certification Agreement (SCA), including but not limited to monitoring, staffing, and SCA maintenance.
15. “Micro-siting” or “micrositing” means the final technical and engineering process by which the Certificate Holder shall recommend to the Council the final location of solar project facilities on the Project Footprint.
16. “NPDES Permit” means National Pollutant Discharge Elimination System permit.
17. “Project Footprint” means that portion of the Project Site within the 2,108-acres where the facility infrastructure is planned to be located, as described in greater detail in Section 2.A.2 of the ASC.
18. “RCW” means the Revised Code of Washington.
19. “Revised MDNS” means the Revised Mitigated Determination of Non-Significance issued on July 16, 2025, by EFSEC.
20. “Site,” or “Project Site,” means the land on which the Carriger Solar Energy Project is to be constructed and operated.

21. "Site Certification Agreement," "SCA" or "Agreement" means this formal written agreement between the Certificate Holder and the State of Washington, including all attachments hereto and exhibits, modifications, amendments, and documents incorporated herein.
22. "State" or "state" means the State of Washington.
23. "WAC" means the Washington Administrative Code.
24. "WDFW" means the Washington Department of Fish and Wildlife.
25. "WSDOT" means the Washington State Department of Transportation.

ARTICLE III: GENERAL CONDITIONS

A. Legal Relationship

1. This Agreement shall bind the Certificate Holder, and its successors in interest, and the State and any of its departments, agencies, divisions, bureaus, commissions, boards, and its political subdivisions, subject to all the terms and conditions set forth herein, as to the approval of, and all activities undertaken with respect to the Project or the Site. The Certificate Holder shall ensure that any activities undertaken with respect to the Project or the Project Footprint by its agents (including affiliates), contractors, and subcontractors comply with this Agreement and applicable provisions of Title 463 WAC. The term "affiliates" includes any other person or entity controlling, controlled by, or under common control of or with the Certificate Holder.
2. This Agreement, which includes those commitments made by the Certificate Holder in the ASC and mitigation requirements included in the Revised MDNS, issued June 16, 2025, constitutes the whole and complete agreement between the State of Washington and the Certificate Holder, and supersedes any other negotiations, representations, or agreements, either written or oral.

B. Enforcement

1. This Agreement may be enforced by resort to all remedies available at law or in equity.
2. This Agreement may be suspended or revoked by EFSEC pursuant to RCW 34.05 and RCW 80.50, for failure by the Certificate Holder to comply with the terms and conditions of this Agreement, for violations of RCW 80.50 and the rules promulgated thereunder, or for violation of any applicable resolutions or orders of EFSEC.
3. When any enforcement action of the Council is required by or authorized in this Site Certification Agreement, the Council may, but shall not be legally obligated to, conduct a hearing pursuant to RCW 34.05.

C. Notices and Filings

Filing of any documents or notices required by this Agreement with EFSEC shall be deemed to have been duly made when delivery is made to EFSEC's offices at the Energy Facility Site Evaluation Council, 621 Woodland Square Loop SE, Olympia, WA 98504-3172 or to PO Box 43172, Olympia, WA 98504-3172.

Notices to be served by EFSEC on the Certificate Holder shall be deemed to have been duly made when deposited in first class mail, postage prepaid, addressed to the Certificate Holder at 3402 Pico Blvd, Santa Monica, California 90405 c/o General Counsel, legal@ccrenew.com.

D. Rights of Inspection

Throughout the duration of this Agreement, the Certificate Holder shall provide access to the Site, the Project structures, buildings and facilities, underground and overhead electrical lines, and all records relating to the construction and operation of the Project to designated representatives of EFSEC and EFSEC contractors in the performance of their official duties. Such duties include, but are not limited to, environmental monitoring as provided in this Agreement and monitoring and inspections to verify the Certificate Holder's compliance with this Agreement. EFSEC personnel or any designated representatives of EFSEC shall follow all worker safety requirements observed and enforced on the Project Site by the Certificate Holder and its contractors.

E. Retention of Records

The Certificate Holder shall retain such records as are necessary to demonstrate the Certificate Holder's compliance with this Agreement.

F. Consolidation of Plans and Submittals to EFSEC

Any plans required by this Agreement may be consolidated with other such plans if such consolidation is approved in advance by EFSEC. This Site Certification Agreement includes time periods for the Certificate Holder to provide certain plans and other information to EFSEC or its designees. The intent of these time periods is to provide sufficient time for EFSEC or its designees to review submittals without delay to the Project construction schedule, provided submittals made to EFSEC and/or its designees are complete.

G. Site Certification Agreement Compliance Monitoring and Costs

The Certificate Holder shall pay to the Council all EFSEC costs incurred during the construction and operation of the Project to assure compliance with the conditions of this Agreement, as required by RCW 80.50.071(2). The amount and manner of payment shall be prescribed by EFSEC pursuant to applicable procedures.

The Certificate Holder shall deposit with EFSEC a sum to guarantee payment of all EFSEC Costs as defined in Article II.13, consistent with RCW 80.50.071(2)(a), for the period commensurate with the activities of this Agreement.

H. Site Restoration

The Certificate Holder is responsible for site restoration pursuant to the Council's rules, WAC 463-72, in effect at the time of submittal of the Application.

The Certificate Holder shall develop an Initial Site Restoration Plan in accordance with the requirements set out in Article IV.G of this Agreement and submit it to EFSEC for approval. The Certificate Holder may not begin Site Preparation or Construction until the Council has approved the Initial Site Restoration Plan, and the required site restoration financial assurance.

The Certificate Holder shall submit a Detailed Site Restoration Plan to EFSEC for approval prior to decommissioning in accordance with the requirements of Article VIII.A of this Agreement.

I. EFSEC Liaison

No later than thirty (30) days from the effective date of this Agreement, the Certificate Holder shall designate a person to act as a liaison between EFSEC and the Certificate Holder.

J. Changes in Project Management Personnel

The Certificate Holder shall notify EFSEC of any change in the primary management personnel, or scope of responsibilities of such personnel, for the Project.

K. Amendment of Site Certification Agreement

1. This Agreement may be amended pursuant to EFSEC rules and procedures applicable at the time of the request for amendment. Any requests by the Certificate Holder for amendments to this Agreement shall be made in writing.
2. No change in ownership or control of the Project shall be effective without prior Council approval pursuant to EFSEC rules and procedures.
3. Repair, maintenance, and replacement of Project facilities:
 - a. The Certificate Holder is permitted, without any further amendment to this agreement, to repair and maintain Project Facilities described in Article I.C, consistent with the terms of this Agreement.
 - b. The Certificate Holder shall notify EFSEC of the replacement of any significant portion of the Project Facilities no later than thirty (30) days prior to the replacement occurring.
 - c. The Certificate Holder may replace any and all project facilities (including but not limited to equipment and structures) when necessary or to improve efficiency, without the need to amend this SCA, as long as the replacement facilities are within the physical dimensions authorized by this SCA, and do not present any environmental impacts greater than those evaluated in the MDNS. The fact that such replacements increase the generating capacity of the facility above 470 MW, shall not, by itself, require amendment of this SCA.
 - d. If facility replacements represent a significant departure from the originally approved construction plans, EFSEC may require the submission of new construction plans, in the same manner as for original construction plans.
4. In circumstances where the Project causes a significant adverse impact on the environment not previously analyzed or anticipated by this Agreement, or where such impacts are imminent, EFSEC shall take all steps it deems reasonably necessary, including imposition of specific conditions or requirements on the Certificate Holder as a consequence of such a situation in addition to the terms and conditions of this Agreement. Such additional conditions or requirements initially shall be effective for not more than ninety (90) days and may be extended once for an additional ninety (90) day period if deemed necessary by EFSEC to pursue ongoing, or continuing temporary, arrangements under other authority, including but not limited to RCW 34.05, RCW 80.50 RCW, or Title 463 WAC.

L. Order of Precedence

In the event of an inconsistency or apparent ambiguity in this Agreement, the inconsistency or ambiguity shall be resolved by giving precedence in the following order:

1. Applicable Federal statutes and regulations.

2. Applicable State of Washington statutes and regulations.
3. The body of this Site Certification Agreement, including any other provision, term, or material incorporated herein by reference or otherwise attached to, or incorporated in, this Agreement.
4. The application of common sense to affect a result consistent with law and the principles effected in this document.

M. Review and Approval Process; Exceptions

1. Except for the Initial and Final Site Restoration Plans, prior to any site work, the Council may delegate to the EFSEC Director authority to approve or deny the construction and operational plans required by this Agreement. The EFSEC Director shall ensure that the construction and operational plans have been sufficiently reviewed prior to approval.
2. The EFSEC Director may allow temporary exceptions from plan requirements or provisions of the SCA when such exceptions are not contrary to the purposes of the SCA, provided that a record is kept, and Council members are immediately notified. Any Council member may, within seven (7) days of the notice, put the item on a Council meeting agenda for review.

ARTICLE IV: PLANS, APPROVALS AND ACTIONS REQUIRED PRIOR TO CONSTRUCTION

A. Plan Submission Requirements

All identified plans and submissions must adhere to the requirements and obligations set forth in relevant regulations, this Agreement, the Revised MDNS, and the ASC.

Unless otherwise noted, all plans and submissions required prior to beginning site construction activities are required to be filed with EFSEC ninety (90) days prior to the start of Construction. The Certificate Holder shall not begin Construction activities until all applicable elements of the required plans or commitments outlined in this Agreement, the Revised MDNS, and the ASC are in place, and Council approval of required plans and authorization to begin construction has been obtained.

B. Notice of Federal, State, and Local Permit Approvals

No later than thirty (30) days after the effective date of this Agreement, the Certificate Holder shall notify the Council of all Federal, State, and Local permits, not delegated to EFSEC, that are required for construction and operation of the Project, if any, and the anticipated date of permit issuance to the Certificate Holder. The Certificate Holder shall notify the Council when all required permits have been obtained, no later than ten (10) business days after the permit has been issued.

C. Mitigation Measures

During construction, operation, decommissioning, and site restoration of this Project, the Certificate Holder shall implement the mitigation measures set forth in this Agreement, including, but not limited to, those presented in the ASC and those identified in the Revised MDNS. For each of these mitigation measures, the Certificate Holder shall in the same filing further identify the Construction Plan and/or Operation Plan addressing the methodology for its achievement.

The specific plans and submittals listed in the remainder of this Article IV, and Articles V, VI, VII, and VIII, shall incorporate these mitigation measures as applicable.

D. Construction Stormwater Pollution Prevention Plan

1. Notice of Intent. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall file with EFSEC a Notice of Intent to be covered by a General National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities.
2. Construction Stormwater Pollution Prevention Plan. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit to EFSEC a Construction Stormwater Pollution Prevention Plan (Construction SWPPP). The Construction SWPPP shall meet the objectives and requirements listed in the Construction Stormwater General Permit Special Conditions S.9 of the *National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activities* issued by the Department of Ecology on January 1, 2021, or as revised. The Certificate Holder shall include measures for temporary erosion and sedimentation control in the Construction SWPPP as included in the Stormwater Management Manual for Western Washington.

E. Temporary Erosion and Sediment Control Plan

The Certificate Holder shall develop a Temporary Erosion and Sediment Control (TESC) Plan. No later than sixty (60) days prior to the beginning of Site Preparation, the Certificate Holder shall submit the TESC Plan to EFSEC. As an alternative to submitting a separate TESC Plan, the Certificate Holder may include measures for temporary erosion and sedimentation control in the Construction SWPPP required in Article IV.D.2, above.

F. Construction Spill Prevention, Control and Countermeasures Plan

The Certificate Holder shall develop a Construction Spill Prevention, Control, and Countermeasures Plan (Construction SPCCP) if quantities of materials maintained on site are of sufficient quantity to qualify, consistent with the requirements of 40 CFR Part 112 and shall adhere to requirements identified in this agreement and the ASC. The Construction SPCCP shall include the Project Footprint, and all access roads. The Certificate Holder shall require all contractors working on the facility to have a spill prevention and countermeasure program consistent with the above requirements.

G. Initial Site Restoration Plan

The Certificate Holder is responsible for Project decommissioning and site restoration pursuant to Council rules. The Certificate Holder shall develop an Initial Site Restoration Plan in consultation with EFSEC staff pursuant to the requirements of WAC 463-72-040 in effect on the date of Application. The objective of the Plan shall be to restore the Project Site to approximate pre-Project condition or better.

The Initial Site Restoration Plan shall be prepared in detail commensurate with the time until site restoration is to begin. EFSEC staff will coordinate with Yakama Nation for input on site restoration. The scope of proposed monitoring shall be addressed in the Initial Site Restoration Plan pursuant to the requirements of WAC 463-72-020.

The Plan shall include the following elements:

1. A detailed engineering estimate of the costs of the Certificate Holder or Transferee hiring a third party to carry out Site Restoration. The estimate may not be reduced for “net present value” and may not be reduced by allowance for any salvage value that may be realized from the sale of

facility structures or equipment, property interests, or other assets associated with the facility at the time of decommissioning and Site Restoration.

2. Decommissioning Timing and Scope, as required by Article VIII.C of this Agreement.
3. Decommissioning Funding and Surety, as required by Article VIII.D of this Agreement.
4. Mitigation measures described in the Revised MDNS, the ASC, and this Agreement.
5. A plan that addresses both the possibility that site restoration will occur prior to, or at the end of, the useful life of the Project and the possibility of the Project being suspended or terminated during construction.
6. A description of the assumptions underlying the plan. For example, the plan should explain the anticipated useful life of the Project, the anticipated time frame of site restoration, and the anticipated future use of the Project Site.
7. An initial plan for demolishing facilities, salvaging equipment, and disposing of waste materials.
8. Performing an on-site audit and preparing an initial plan for disposing of hazardous materials (if any) present on the site and remediation of hazardous contamination (if any) at the site. If the Certificate Holder constructs the Project with solar panels incorporating hazardous materials, such as Cadmium Telluride, then the Certificate Holder shall use appropriate precautions during decommissioning and removal of the solar panels to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the panels' hazardous materials.

An initial plan for restoring the Project Site, including the removal of structures and foundations to a minimum of four feet below grade and the restoration of disturbed soils. This restoration should be informed by the soil monitoring conducted in accordance with the Soil Monitoring Plan developed as described in Article IV.H below.

9. Provisions for preservation or removal of Project facilities if the Project is suspended or terminated during construction.

H. Soil Monitoring Plan

The Certificate Holder shall develop a Soil Monitoring Plan, in consultation with EFSEC staff and Washington Department of Agriculture.

1. This Plan shall include a baseline soil test conducted prior to construction as well as regular sampling during operations.
2. The Plan shall include measures for adaptive management mitigation measure in the event that monitoring shows a decline in soil conditions.

I. Habitat Restoration and Mitigation Plan

The Certificate Holder shall develop a Habitat Restoration and Mitigation Plan, in consultation with EFSEC staff and WDFW.

1. The Plan shall specify the Certificate Holder's plan for meeting Compensatory Mitigation Obligations. The Certificate Holder's Compensatory Mitigation Obligations will be met through the mechanisms identified in the Revised MDNS.
2. Pre-construction Project layout drawings will show expected permanent and temporary land disturbances.
3. The Plan shall include a process to determine the actual impacts to habitat following the completion of construction. If actual impacts to habitat exceed the expected impacts determined prior to construction, the Habitat Mitigation Plan will include a mechanism for the Certificate Holder to provide supplemental compensatory mitigation (Supplemental Mitigation). In the event of such determination, WDFW shall provide evidence of such exceedance of impacts. Supplemental Mitigation, if any, will be proportional to impacts and may take the form of additional on-site habitat enhancement or the payment of an additional fee equivalent to the value of permanently disturbed project acres to WDFW in lieu of mitigation. Any supplemental mitigation will be established in coordination with WDFW and reviewed and approved by the EFSEC prior to implementation.

J. Vegetation and Weed Management Plan

The Certificate Holder shall develop a Vegetation and Weed Management Plan, in consultation with EFSEC staff, WDFW, and Ecology.

1. The Plan must address vegetation management activities related to Project construction and operation.
2. The Certificate Holder shall develop the Plan to require all temporarily disturbed areas to be reseeded with an appropriate native seed mix selected in coordination with WDFW.
3. In consultation with WDFW, the Plan shall include a restoration schedule that identifies timing windows during which restoration should take place, and an overall timeline for when all restoration activities will be completed.
4. The Plan shall also include benchmarks and a timeline for revegetation success, and a plan for monitoring revegetation to ensure success.
5. This plan must address the requirements set forth in WAC 463-60-332(3).
6. The Plan must specify methods that will be implemented for effective noxious weed control and revegetation.

K. Construction Traffic Control Plan

The Certificate Holder shall develop a Construction Traffic Control Plan, in consultation with EFSEC, Klickitat County, and WSDOT.

1. The Traffic Control Plan shall be informed by the traffic impact analysis and must address traffic management in the vicinity of the construction zone.
2. The plan must contain measures to facilitate safe movement of vehicles in the vicinity of the construction zone and be in accordance with 23 CFR Part 655, Subpart F.

3. The plan must ensure that tribal access to public lands is retained throughout construction.

L. Cultural and Archaeological Resources Unanticipated Discovery Plan

With the assistance of an experienced archaeologist, and in consultation with EFSEC, Department of Archaeology and Historic Preservation (DAHP), and any concerned Tribes, the Certificate Holder shall develop a Cultural and Archaeological Resources Unanticipated Discovery Plan for monitoring construction activities and responding to the discovery of archaeological resources or buried human remains.

1. Prior to construction, the Certificate Holder shall obtain any necessary DAHP permits and perform any additional necessary archaeological work in order to comply with RCW 27.53.
2. The Certificate Holder shall provide copies of the draft Plan for comment to the Yakama Nation and other potentially affected tribes prior to EFSEC approval.
3. The Plan shall include, but not be limited to, the following:
 - a. A copy of the final construction and micro-siting plans for the Project and shall provide for the avoidance of archaeological sites where practical.
 - b. For sites to be avoided, the boundaries of identified cultural resources and buffer zones located within project boundaries shall be staked in the field and flagged as no-disturbance areas to avoid inadvertent disturbance during construction. These site markings will be removed following construction.
 - c. The Plan shall address alternative mitigation measures developed in coordination with DAHP and affected tribes to be implemented if it is not practical to avoid archaeological sites or isolates.
 - d. The Plan shall address the possibility of the unanticipated discovery of archaeological artifacts during construction.
 - e. If any archaeological artifacts, including but not limited to human remains, are observed during construction, then disturbance and/or excavation in that area will cease, and the Certificate Holder shall notify DAHP, EFSEC, and any affected Tribes and, in the case of human remains, the County Coroner or Medical Examiner.
 - i. At that time, appropriate treatment and mitigation measures shall be developed in coordination with the agencies and tribes cited above and implemented following approval by EFSEC.
 - ii. The Certificate Holder Shall develop a Cultural and Archaeological Resources Monitoring and Mitigation Plan in coordination with the Yakama Nation, other effected Tribes and DAHP and submit the plan for EFSEC for final approval.

iii. If Project facilities cannot be moved or re-routed to avoid the resources, the Certificate Holder shall contact EFSEC and DAHP for further guidance, which may require the implementation of a treatment plan. If a treatment plan is required, it shall be developed in consultation with DAHP and any affected Tribes.

M. Construction Emergency Plan

The Certificate Holder shall prepare and submit a Construction Emergency Plan:

1. The Certificate Holder shall coordinate development and implementation of the Plan with applicable local and state emergency services providers.
2. The Certificate Holder shall retain qualified contractors familiar with the general construction techniques and practices to be used for the Project and its related support facilities.
3. The construction specifications shall require contractors to implement a safety program that includes a Construction Emergency Plan.

N. Construction Fire Control Plan

The Certificate Holder shall develop and implement a Construction Fire Control Plan in coordination with state and local agencies to minimize the risk of accidental fire during construction and to ensure effective response to any fire that does occur on the Project Footprint at any time.

O. Construction Health and Safety Plan

The Certificate Holder shall develop and implement a Construction Health and Safety Plan in consultation with local and state organizations providing emergency response services to ensure timely response in the event of an emergency.

P. Construction Site Security Plan

The Certificate Holder shall develop and implement a Construction Site Security Plan in consultation with local and state organizations providing emergency response services.

Q. Utilities

The Certificate Holder shall provide certification of water availability for process water used for site construction to include vegetation and dust management.

R. Construction Schedule

No later than thirty (30) days prior to the beginning of Construction, the Certificate Holder shall submit to EFSEC an overall construction schedule. Thereafter, the Certificate Holder shall notify EFSEC of any significant changes in the construction schedule.

S. Construction Plans and Specifications

The Certificate Holder shall submit to EFSEC those construction plans, specifications, drawings, and design documents that demonstrate the Project design complies with the conditions of this Agreement.

1. The Certificate Holder shall also provide copies to WDFW, Ecology, DAHP and other agencies as EFSEC may direct, for comment.

2. The plans shall include the overall Project site plans, equipment, and material specifications.
3. The construction plans and specifications shall be in compliance with Klickitat County construction and building codes.
4. The plans shall identify any items relevant to the mitigation measures contained in this Agreement, the Revised MDNS, and the ASC.
5. The Certificate Holder shall consult with emergency services suppliers prior to preparing final road construction plans, to ensure that interior all-weather access roads are sufficient to provide reliable access by emergency vehicles.
6. In its final design for construction, the Certificate Holder shall maximize the use of existing roads and pathways and minimize the construction of new roads as much as reasonable and practical to minimize disturbance of existing habitat. The final design shall be subject to approval by EFSEC as part of the overall construction plans and specifications.

ARTICLE V: PROJECT CONSTRUCTION

A. Environmental Monitoring During Construction

1. Environmental Monitor (EM). EFSEC shall provide on-site environmental monitoring for the construction phase of the Project, at the Certificate Holder's cost. The EM shall be an independent, qualified engineering firm (or a person) selected by EFSEC and shall report directly to EFSEC.
2. Environmental Compliance Program for Construction Activities. The Certificate Holder shall identify and develop an Environmental Compliance Program in consultation with the EM and other EFSEC designees.
3. The Environmental Compliance Program shall cover avoidance of sensitive areas during construction, waste handling and storage, stormwater management, spill prevention and control, habitat restoration efforts begun during the construction phase of the Project, and other mitigation measures required by this Agreement, the Revised MDNS, and the ASC.
4. The Environmental Compliance Program shall develop inspection criteria used to ensure relevant mitigation commitments, approved plans, and sensitive area avoidance activities are adhered to. Inspection criteria shall include inspection checklist items, "stop work" criteria, and procedures for responding to stop work notices and program deficiencies. The Certificate Holder shall implement the program to ensure that construction activities meet the conditions, limits, and specifications set out in the Site Certification Agreement, all Attachments thereto, and all other applicable state and federal environmental regulations.
5. Copies of Plans and Permits Kept on Site. A copy of the Site Certification Agreement, Plans approved by the Council or its designees, and all applicable construction permits shall be kept at the Project Site. The lead Project construction personnel and construction project managers will be required to read, follow, and be responsible for all required compliance activities.
6. Environmental Violations and Stop-Work Orders. Upon identification of an environmental noncompliance issue, the EM will work with the responsible subcontractor or direct-hire workers to correct the violation. If non-compliance is not corrected in a reasonable period, the EM shall

request that EFSEC issue a “stop-work” order for that portion of the work not in compliance with Project environmental requirements. EFSEC will promptly notify the EM of any “stop work” orders that have been issued. Failure to correct a violation at the request of the EM may be considered by EFSEC in exercising its authority under RCW 80.50.155 to issue penalties to persons who violate the SCA or an EFSEC issued permit.

B. Quarterly Construction Reports

The Certificate Holder shall submit quarterly construction progress reports to EFSEC no later than thirty (30) days after the end of each calendar quarter following the start of construction. Such reports shall describe the status of construction and identify any changes in the construction schedule.

C. Construction Inspection

EFSEC shall provide plan review and inspection of construction for all Project structures, underground and overhead electrical lines, and other Project facilities to ensure compliance with this Agreement. Construction shall be in accordance with the approved design and construction plans, and other relevant regulations. EFSEC may contract with Klickitat County, another appropriate agency, or an independent firm to provide these services.

D. As-Built Drawings

The Certificate Holder must provide an as-built report documenting the amount of temporary and permanent disturbance associated with the Project within 60 days of completion of construction. The Certificate Holder shall maintain a complete set of as-built drawings on file for the life of the Project and shall allow the Council or its designated representative access to the drawings on request following reasonable notice.

E. Habitat, Vegetation, Fish and Wildlife

The Certificate Holder shall use construction techniques and BMPs to minimize potential impacts to habitat and wildlife. Construction of the Project shall be performed in accordance with mitigation measures identified in the Revised MDNS, and the ASC.

F. Construction Noise

The Certificate Holder shall use construction techniques and BMPs to minimize potential impacts of construction related noise. Construction of the Project shall be performed in accordance with mitigation items identified in the Revised MDNS, and the ASC.

G. Construction Safety and Security

1. Federal and State Safety Regulations. The Certificate Holder shall comply with applicable federal and state safety regulations (including regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act), as well as local and state industrial codes and standards (such as the Uniform Fire Code). The Certificate Holder, its general contractor, and all subcontractors shall make every reasonable effort to maximize safety for individuals working on the Project.
2. Visitors' Safety. Visitors shall be provided with safety equipment where and when appropriate.

H. Contaminated Soils

If contaminated soils are encountered during construction, the Certificate Holder shall notify EFSEC and Ecology as soon as possible. The Certificate Holder shall manage, handle, and dispose of contaminated soils in accordance with applicable local, state, and federal requirements.

I. Light, Glare, and Aesthetics Lighting

Lighting

1. The Certificate Holder shall implement mitigation measures to minimize light and glare impacts as described in the ASC and the Revised MDNS.
2. The Certificate Holder shall minimize outdoor lighting to meet safety and security requirements. The Certificate Holder shall avoid the use of high intensity lights and utilize downward-directed lighting.

Glare

1. Solar panels with an anti-reflective coating shall be utilized.

Aesthetics

1. The Certificate Holder must institute the measures identified in the Revised MDNS regarding potential visual and aesthetic impacts once a final project design has been completed.

J. Construction Wastes and Clean-Up

The Certificate Holder's waste disposal plans and schedule shall be included in the site construction plans and specifications for review and approval by EFSEC.

1. The Certificate Holder shall dispose of sanitary and other wastes generated during construction at facilities authorized to accept such wastes.
2. The Certificate Holder shall properly dispose of all temporary structures not intended for future use upon completion of construction.
3. The Certificate Holder also shall dispose of used timber, brush, refuse, or flammable materials resulting from the clearing of lands or from construction of the Project.

ARTICLE VI: SUBMITTALS REQUIRED PRIOR TO THE BEGINNING OF COMMERCIAL OPERATION

A. Plan Submission Requirements

All identified plans and submissions must adhere to the requirements and obligations set forth in relevant regulations, this Agreement, the Revised MDNS, and the ASC.

Unless otherwise noted all plans and submissions required prior to the Beginning of Commercial Operation are required to be filed with EFSEC ninety (90) days prior to the Beginning of Commercial Operation. The Certificate Holder shall not begin operation until all applicable elements of the required plans or commitments outlined in this Agreement, the Revised MDNS, and the ASC are in place and Council approval of required plans and authorization to begin operation has been obtained.

B. Operations Stormwater Pollution Prevention Plan

The Certificate Holder shall prepare an Operations Stormwater Pollution Prevention Plan (Operations SWPPP) in consultation with Ecology.

1. The Operations SWPPP shall include an operation manual for permanent BMPs.

2. The Operations SWPPP shall be prepared in accordance with the guidance provided in the Ecology Stormwater Management Manual for Eastern Washington, July 2024 or as revised.
3. The Certificate Holder shall annually review the Operations SWPPP against the guidance provided in the applicable Ecology Stormwater Management Manual and make modifications as necessary to the Operations SWPPP to comply with current requirements for BMPs.
4. The Operations SWPPP shall specify that water used for washing of the solar panels is to not contain any solvents or other additives.

C. Operations Spill Prevention, Control and Countermeasure Plan

The Certificate Holder shall prepare an Operations Spill Prevention, Control and Countermeasures Plan (Operations SPCCP) in consultation with Ecology, if quantities of materials maintained on site are of sufficient quantity to qualify.

1. The Operations SPCCP shall be prepared pursuant to the requirements of 40 CFR Part 112, Sections 311 and 402 of the Clean Water Act, Section 402 (a)(1) of the Federal Water Pollution Control Act (FWPCA), and RCW 90.48.080.
2. The Operations SPCCP shall include the Project Footprint and all access roads as appropriate.
3. The Operations SPCCP shall be implemented within three (3) months of the beginning of Commercial Operation.
4. The Operations SPCCP must be updated and submitted to the EFSEC every two (2) years.

D. Vegetation and Weed Management Plan

The Certificate Holder shall develop an updated Vegetation and Weed Management Plan, in consultation with EFSEC staff, WDFW, and Ecology. The updated plan must address any relevant changes to the vegetation or weed management requirements and protocols identified prior to beginning site operation.

E. Operations Emergency Plan

The Certificate Holder shall submit an Operations Emergency Plan for the Project to provide for employee and public safety in the event of emergencies.

1. The Certificate Holder shall coordinate development of the plan with local and state agencies that provide emergency response services in the Project Footprint.
2. The Certificate Holder shall provide EFSEC with lists of emergency personnel, communication channels, and procedures and update them as needed.
3. The Operations Emergency Plan must be in compliance with WAC 463-60-352.

F. Operations Fire Control Plan

The Certificate Holder shall develop an Operations Fire Control Plan in coordination with state and local agencies to minimize the risk of accidental fire during operation and ensure effective response to any fire that does occur. The Fire Control Plan must consider and address potential wildfire risk minimization and response. If there's a determination between the Certificate holder and state and

local response agencies to include additional fire response support agreements, those agreements shall be included in the Plan.

G. Operations Health and Safety Plan

The Certificate Holder shall develop and implement an Operations Health and Safety Plan. The Certificate Holder shall consult with local and state organizations providing emergency response services during the development of the plan to ensure timely response in the event of an emergency.

H. Operations Site Security Plan

The Certificate Holder shall develop and implement an Operations Phase Site Security Plan. The Plan shall include, but shall not be limited to, the following elements:

1. Controlling access to the site by any visitors, contractors, vendors, or suppliers.
2. Installing security lighting and fencing; and securing access to solar panels, pad transformers, pad-mounted switch panels and other outdoor facilities.
3. A copy of the final Security Plan shall be provided to EFSEC, and other agencies involved in emergency response.

ARTICLE VII: PROJECT OPERATION

A. Plan Implementation and Adherence

The Certificate Holder shall adhere to and implement the provisions of the required plans, submittals, permits, the Revised MDNS, the ASC, and any relevant regulation during project operation.

B. Water Discharge

The Certificate Holder shall ensure that all stormwater control measures and discharges are consistent with the Operations SWPPP, required by Article VI.B and the Ecology Stormwater Management Manual for Eastern Washington, July 2024 or as revised.

C. Noise Emissions

The Certificate Holder shall operate the Project in compliance with applicable Washington State environmental noise regulations WAC 173-60, WAC 463-62-030, WAC 173-58, and RCW 70A.20.

D. Fugitive Dust Emissions

The Certificate Holder shall continue to implement dust abatement measures as necessary.

E. Safety and Security

1. Personnel Safety. The safety of operating personnel is governed by regulations promulgated under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act. The Certificate Holder shall comply with applicable federal and state safety laws and regulations (including regulations under the Federal Occupational Safety and Health Act and the Washington Industrial Safety and Health Act) as well as local and industrial codes and standards (such as the Uniform Fire Code).
2. Visitors' Safety. The Certificate Holder shall require visitors to observe the safety plans and shall provide them with safety equipment where and when appropriate.

F. Dangerous or Hazardous Materials

The Certificate Holder shall handle, treat, store, and dispose of all dangerous or hazardous materials including but not limited to those related to any battery backup power sources or the optional battery energy storage system in accordance with Washington state standards for hazardous and dangerous wastes, WAC 463-74, and WAC 173-303.

Following any abnormal seismic activity, volcanic eruption, severe weather activity, flooding, vandalism, or terrorist attacks the Certificate Holder shall inspect areas where hazardous materials are stored to verify that containment systems are operating as designed.

G. Utilities

The Certificate Holder shall provide certification of water availability for process waters used for site operation and maintenance to include potable water for site operations staff, vegetation management, and annual solar panel washing.

ARTICLE VIII: PROJECT TERMINATION, DECOMMISSIONING AND SITE RESTORATION

A. Detailed Site Restoration Plan

The Certificate Holder shall submit a Detailed Site Restoration Plan to EFSEC for approval within ninety (90) days from the time the Council is notified of the termination of the Project. The Detailed Site Restoration Plan shall provide for restoration of the Project Site within the timeframe specified in Article VIII.C, considering the Initial Site Restoration Plan and the anticipated future use of the Project Site. The Detailed Site Restoration Plan shall address the elements required to be addressed by WAC 463-72-020, and the requirements of the Council approved Initial Site Restoration Plan pursuant to Article IV.F of this Agreement. The Certificate Holder shall not begin Site Restoration activities without prior approval from the Council. The Certificate Holder shall consult with WDFW, and Ecology in preparation of the Detailed Site Restoration Plan. EFSEC staff will coordinate with Yakama Nation for input on site restoration.

B. Project Termination

1. Termination of this Site Certification Agreement, except pursuant to its own terms, is an amendment of this Agreement.
2. The Certificate Holder shall notify EFSEC of its intent to terminate the Project, including by concluding the plant's operations, or by suspending construction and abandoning the Project.
3. The Council may terminate the SCA through the process described in WAC 463-66- 090, and the Council may initiate that process where it has objective evidence that the certificate may be abandoned or when it deems such action to be necessary, including at the conclusion of the plant's operating life, or in the event the Project is suspended or abandoned during construction or before it has completed its useful operating life.

C. Site Restoration Timing and Scope

Site Restoration shall be conducted in accordance with the commitments made in the Detailed Site Restoration Plan required by Article VIII.A and in accordance with the following measures:

1. Timing. The Certificate Holder shall commence Site Restoration of the Project within twelve (12) months following the termination described in Article VIII.B above. The period to perform the

Site Restoration may be extended if there is a delay caused by conditions beyond the control of the Certificate Holder including, but not limited to, inclement weather conditions, equipment failure, wildlife considerations, or the unavailability of cranes or other equipment to support decommissioning.

2. Scope. Site Restoration shall involve removal of the solar panels and mounting structures; removal of foundations or other Project facilities to a depth of four (4) feet below grade; restoration of any disturbed soil to pre-construction condition; and removal of Project access roads and overhead poles and transmission lines (except for any roads and/or overhead infrastructure that Project Footprint landowner wishes to retain) (all of which shall comprise “Site Restoration”). Site Restoration shall also include the use of appropriate precautions during decommissioning and removal of any hazardous material to safely dispose of and to avoid, and, if necessary, remediate any soil contamination resulting from the hazardous materials.
3. Monthly Reports. If requested by EFSEC, the Certificate Holder shall provide monthly status reports until this Site Restoration work is completed.
4. Restoration Oversight. At the time of Site Restoration, the Project Site will be evaluated by a qualified biologist to determine the extent of and type of vegetation existing on the site and a qualified soil scientist to determine the soil conditions on site. Success criteria for Site Restoration will be established prior to commencement of decommissioning activities, based on the documented preconstruction conditions, experience gained with re-vegetation during operation and the condition of the Project Site at the time of Site Restoration. The restoration success criteria will be established in the Detailed Site Restoration Plan approved by EFSEC in consultation with the designated biologist and soil scientist. Once restoration of the Project Site is determined to be complete, a final report of restoration activities and results will be submitted to EFSEC in consultation with the designated biologist and soil scientist, for review and approval.

D. Site Restoration Financial Assurance

1. Except as provided in Article VIII.D.3 below, the Certificate Holder or any Transferee shall provide financial assurance sufficient, based on detailed engineering estimates, for required Site Restoration costs in the form of a surety bond, irrevocable letter of credit, or guaranty. The Certificate Holder must also provide pollution liability insurance coverage at an amount justified for the project. The Certificate Holder shall include a detailed engineering estimate of the cost of Site Restoration in its Initial Site Restoration Plan submitted to EFSEC. The estimate must be based on the costs of EFSEC hiring a third party to carry out Site Restoration. The estimate may not be reduced for “net present value” and may not be reduced by allowance for any salvage value that may be realized from the sale of facility structures or equipment, property interests, or other assets associated with the facility at the time of decommissioning and Site Restoration. During the active life of the facility, the Certificate Holder or Transferee must adjust the Site Restoration cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument used to provide financial assurance and must increase the financial assurance amount accordingly to ensure sufficient funds for Site Restoration.
2. The duty to provide such financial assurance shall commence sixty (60) days prior to the beginning of Construction of the Project and shall be continuously maintained through to the completion of Site Restoration. Construction of the Project shall not commence until adequate financial assurance is provided. On or before the date on which financial assurance must be established, the Certificate Holder shall provide EFSEC with one of the following financial assurance mechanisms that is reasonably acceptable to EFSEC:

- a. *Surety Bond.* The Certificate Holder or any Transferee shall provide financial security for the performance of its Site Restoration obligations through a Surety Bond issued by a surety listed as acceptable in Circular 570 of the U.S. Department of the Treasury. The Performance Bond shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by the Certificate Holder or Transferee to receive any funds that may be paid by the surety to be used to complete Site Restoration. The surety shall become liable for the bond obligation if the Certificate Holder or Transferee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the Certificate Holder or Transferee and EFSEC have received notice of cancellation. If the Certificate Holder or Transferee has not provided alternate financial assurance acceptable under this SCA within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the standby Site Restoration trust: or
- b. *Irrevocable Letter of Credit.* The Certificate Holder or any Transferee shall provide financial security for the performance of its Site Restoration obligations through an irrevocable letter of credit payable to or at the direction of EFSEC, that is issued by an institution that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or State agency. The letter of credit shall be in an amount equal to the Site Restoration costs. A standby trust fund for Site Restoration shall also be established by Certificate Holder or Transferee to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the Certificate Holder or Transferee and EFSEC at least one hundred twenty days before the current expiration date. If the Certificate Holder or Transferee fails to perform Site Restoration, or if the Certificate Holder or Transferee fails to provide alternate financial assurance acceptable to EFSEC within ninety days after notification that the letter of credit will not be extended, EFSEC may require that the financial institution provide the funds from the letter of credit to be used to complete Site Restoration: or
- c. *Guaranty.* Certificate Holder or any Transferee, as the case may be, shall provide financial assurance for the performance of its Site Restoration obligations by delivering a guaranty to fund the Certificate Holder or Transferee's Site Restoration obligations hereunder from an entity that meets the following financial criteria:
 - i. A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's.
 - ii. Tangible net worth at least six times the sum of the current Site Restoration cost estimates.
 - iii. Tangible net worth of at least ten million dollars; and
 - iv. Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current Site Restoration cost estimates.
- d. The guarantor entity's chief financial officer shall provide a corporate guaranty that the corporation passes the financial test at the time the Initial Site Restoration Plan is filed. This corporate guaranty shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to EFSEC a letter signed by the guaranteeing entity's chief financial officer that:

- i. Provides the information necessary to document that the entity passes the financial test.
 - ii. Guarantees that the funds to finance the required Site Restoration activities are available.
 - iii. Guarantees that the required Site Restoration activities will be completed.
 - iv. Guarantees that within thirty days if written notification is received from EFSEC that the entity no longer meets the above financial criteria, the entity shall provide an alternative form of financial assurance consistent with the requirements of this section.
 - v. Guarantees that the entity's chief financial officer will notify in writing the Certificate Holder or Transferee and EFSEC within fifteen days any time that the entity no longer meets the above financial criteria or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy.
 - vi. Guarantees that the entity's chief financial officer will notify in writing the Certificate Holder or Transferee and EFSEC within fifteen days any time that the entity no longer meets the above financial criteria or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy.
 - vii. Attaches a copy of the independent certified public accountant's report on examination of the entity's financial statements for the latest completed fiscal year; and
 - viii. Attaches a special report from the entity's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the entity's chief financial officer and has determined that the information is true and accurate.
 - e. If the Certificate Holder or any Transferee fails to perform Site Restoration covered by the guaranty in accordance with the approved Initial or Final Site Restoration plan, the guarantor will be required to complete the appropriate activities. The guaranty will remain in force unless the guarantor sends notice of cancellation by certified mail to the Certificate Holder or Transferee and EFSEC. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the Certificate Holder or Transferee and EFSEC. If the Certificate Holder or Transferee fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from EFSEC within ninety days after receipt of a notice of cancellation of the guaranty from the guarantor, the guarantor will provide such alternative financial assurance in the name of the Certificate Holder or Transferee.
3. If the SCA is transferred after its effective date, pursuant to applicable EFSEC laws and regulations, EFSEC has the right to require, consider, and approve other financial security that will provide for the Certificate Holder's performance of its Site Restoration obligations pursuant to Articles VIII.C and VIII.D of this Site Certification Agreement.

ARTICLE IX: SITE CERTIFICATION AGREEMENT - SIGNATURES

Dated and effective this _____ day of _____ 2025.

FOR THE STATE OF WASHINGTON

Bob Ferguson,
Governor

FOR CARRIGER SOLAR, LLC

John Hanks, Chief Development Officer
Carriger Solar, LLC

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

Application Docket No. EF-230001

In the Matter of:

Cypress Creek Renewables, LLC,

Carriger Solar, LLC

Applicant

REPORT TO THE GOVERNOR ON APPLICATION DOCKET NO. EF-230001

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I. Executive Summary

A. Application

Carriger Solar, LLC (Applicant) has applied under the Energy Facility Site Locations Act, RCW 80.50, for site certification to construct and operate Carriger Solar LLC Project (Project) in unincorporated, Klickitat County. The Project is a 160 megawatt (MW) solar photovoltaic (PV) facility that would include a 63 MW battery energy storage system (BESS). The Project would interconnect with the Bonneville Power Administration (BPA) transmission system.

B. Recommendation

The Energy Facility Site Evaluation Council (EFSEC or Council) recommends the Governor approve the Project. The Council also recommends that certain conditions be imposed as part of the site certificate agreement (SCA), as detailed in this recommendation.

The Council carefully considered: (1) the policies set forth in RCW 80.50.010 regarding the need for abundant clean energy sources to meet the state's greenhouse gas reduction goals and to mitigate the effects of climate change while ensuring through reasonable methods that all energy facilities will produce minimal adverse impacts on the environment; (2) public comments; (3) the agency's State Environmental Policy Act review and mitigated determination of nonsignificance; (4) the issues raised during staff-level coordination with affected federally recognized tribes and during government-to-government consultation¹ as set described in RCW 80.50.060(8); and (5) commitments made by the Applicant in its application, at hearings, and in other relevant documents.

The Council concludes that the conditions identified in this report and set forth in the accompanying draft SCA are reasonable methods to minimize the adverse impacts of the proposed Project on the environment and to consider the broad interests of the public including affected tribes. The Council finds that with the recommended mitigation measures, the proposed Project meets the requirements of applicable law and comports with the policies and intent of Chapter 80.50 RCW.

II. Detailed Summary of the Application and the Council's Review Process

A. Carriger Solar, LLC Project

Cypress Creek Renewables, LLC (CCR) filed an application for site certification (ASC) on behalf of the Applicant on February 10, 2023. Carriger Solar, LLC is a wholly owned subsidiary of Cypress Creek Renewables, LLC. Carriger Solar, LLC headquarters are in Santa Monica, California.

The Project will construct and operate a solar PV electric generating facility that includes 160 MW of solar energy and 63 MW BESS.

¹ Per a letter received from Chairman Lewis, dated May 14, 2025, the Yakama Nation do not consider this meeting to meet the definition of government-to-government consultation. A response letter from EFSEC dated May 23, 2025 acknowledges this concern.

The Project is located north of SR 142 and along Knight Road, approximately two miles west/northwest of the City of Goldendale in unincorporated Klickitat County. The Project is located primarily on agricultural and rural residential lands, and the southern portion of the Project area is located in the Klickitat County Energy Overlay Zone (EOZ). The Project contains 2,108 acres and is composed of two non-contiguous areas across 25 parcels of private land that are under purchase or lease option for Project site control. A 1,326 acre or less subset of this area will contain the maximum Project footprint or maximum project extent (MPE). The MPE includes:

- A 30-foot corridor associated with the Project collector line in the Knight Road right-of-way (ROW).
- A 30-foot corridor associated with the Project access road and collector line within the BPA ROW.
- All the areas within the solar array fence lines minus exclusion areas where sensitive resources such as wetlands and streams are being avoided.
- In total, the MPE includes all solar arrays, Project substation, BESS facilities, operations and maintenance building, employee parking, access roads, collector lines, and laydown areas.

B. The Council and the Application review Process

EFSEC is an agency of the State of Washington established under RCW 80.50.010. One of the Council's responsibilities is to review applications from private developers for authorization to construct and operate specified energy facilities, including alternative energy resource facilities (such as solar) and electricity storage facilities that choose to apply for certification under RCW 80.50.060(1)(b). After reviewing the application and receiving information from the public, other agencies, and affected Tribes, the Council develops a recommendation for the Governor on whether to approve the application, and if so, on what conditions. If the Council recommends approval, it provides a draft SCA that includes its recommended conditions for signature by the Governor and the applicant. In developing a recommendation, the Council's mandate is to balance the need for abundant energy at a reasonable cost with the broad interests of the public. RCW 80.50.010; see also WAC 463-47-110.

Council representatives participating in this process are Kurt Beckett, Council Chair; Elizabeth Osborne, Department of Commerce; Eli Levitt, Department of Ecology; Nahan Pamplin, Department of Fish and Wildlife; Lenny Young, Department of Natural Resources; Stacey Brewster, Washington Utilities and Transportation Commission; and Matt Chiles, Klickitat County.

The Council's review of the Project ASC consisted of multiple separate and distinct procedural steps. A detailed summary of the activities associated with each step is provided below.

C. Informational Public Hearing

The Council must conduct an informational public hearing in the County of a proposed project no later than sixty days following the receipt of an application.² This hearing shall consist of a presentation of the proposed project by the applicant, and the general public shall be afforded an opportunity to provide written or oral comments.³

Consistent with this requirement, the Council conducted an informational public hearing on April 25, 2023, in Klickitat County. Pursuant to RCW 80.50.090(1) and WAC 436-26-025, the Applicant and EFSEC staff gave presentations about the Project proposal and EFSEC application review process, respectively. The Counsel for the Environment was introduced and provided a description of the duties of this position. EFSEC staff provided public notice and invited the public to comment at this hearing.

The Council received a total of 35 oral comments during the informational public hearing and an additional 48 written comments. The comments were largely in opposition to the Project. Many expressed concerns that the location was not desirable due to the proximity and visibility to the city of Goldendale and the rural residential location. Other commenters discussed the solar development moratorium in Klickitat County at the time of the application, or expressed concern for wildlife, loss of agricultural lands, and possible hazards to public health from the BESS and solar panels. A few commenters expressed support due to potential economic opportunities for jobs and to those leasing or selling their lands for the project.

D. Land Use Consistency Hearing

Subsequent to the informational public hearing, EFSEC must conduct a land use consistency hearing pursuant to RCW 80.50.090(2) and WAC 463-26-050. The Council must then decide whether the proposed site is consistent and in compliance with local land use plans and zoning ordinances.⁴

The Council held a Land Use Consistency hearing on May 16, 2023 to determine whether the Project's use of the proposed site is consistent with local or regional land use plans and zoning ordinances in effect at the time the ASC was submitted.⁵ Testimony was provided by CCR, the County (including 2-county commissioners), and 5 local citizens during this hearing. The Council determined the Project to be consistent with Klickitat County land use plans and zoning ordinances in effect as of February 10, 2023, the filing date of the ASC.⁶ The Council determined it to be consistent because the Project was eligible to be approved under the Energy Overlay Zone and conditional use provisions of Klickitat County Code Title 19. On September 25, 2023, EFSEC published Order 889 affirming land use consistency.

² RCW 80.50.090(1), WAC 463-26-025.

³ WAC 463-26-025.

⁴ RCW 80.50.090(2); see also WAC 463-26-110.

⁵ RCW 80.50.090, WAC 463-14-030.

⁶ [EFSEC Order 886](#)

E. Compliance with Chapter 80.50 RCW and State Environmental Policy Act

The Council must comply with State Environmental Policy Act (SEPA), Chapter 43.21C RCW, which requires consideration of probable significant adverse environmental impacts of certain government actions, including approval or denial of an application to site an energy facility, and possible mitigation. EFSEC's SEPA rules are set out in Chapter 463-47 WAC. The Council's responsible SEPA official is the EFSEC Director.⁷ If the Council's SEPA official finds that adverse environmental impacts can be mitigated to nonsignificant levels, EFSEC may issue a mitigated determination of non-significance (MDNS).

On April 7, 2025, EFSEC's Director, Sonia Bumpus, issued an MDNS followed by a 14-day public comment period. On June 16, 2025, EFSEC issued a Revised MDNS for a 7-day comment period to reflect changes made in response to comments received during the April comment period. All mitigation measures identified in the Revised MDNS have been included as conditions of the draft SCA.⁸

F. Tribal Engagement

Consistent with RCW 80.50.060(8), EFSEC seeks ways to avoid, minimize, or mitigate any adverse effects on tribal resources and rights and aims to include methods for increased protection of tribal cultural resources, archaeological sites, and sacred sites in its recommended conditions for energy facility siting.

RCW 80.50.060(8) requires EFSEC to provide opportunities for early and meaningful participation and input from federally recognized tribal governments that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed, both during the siting review process and in ongoing compliance monitoring of proposed energy facilities.

Prior to the submission of the ASC, the Applicant met with Yakama Nation CRP staff in preparation for the cultural resource survey (Survey) work. In turn, the CRP staff indicated awareness and continuing interest in the Project to EFSEC staff. On March 15, 2023, EFSEC staff formally notified receipt of application to 11 federally recognized tribal nations identified by the Department of Archeology and Historic Preservation (DAHP) as having treaty rights to the proposed Project location. EFSEC received no response to this notice offering government-to-government consultation. However, on March 30, 2023, the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) Cultural Resource Program (CRP) sent EFSEC staff a comment letter on the first draft of the Survey for the Project and confirmed their ongoing interest in engagement. EFSEC staff worked with Yakama Nation CRP staff and DAHP on the Survey over the following 17 months. The Survey was reviewed and revised multiple times in response to comments received from CRP staff and DAHP after each revision.

In the summer of 2023, EFSEC staff engaged with Yakama Nation CRP staff specifically to address traditional and cultural properties (TCPs), as Yakama Nation CRP staff had determined

⁷ WAC 463-47-051.

⁸ See Carriger Solar Revised MDNS, dated June 16, 2025.

that the Project could have significant impacts to TCPs. To that end, EFSEC also offered to finance a confidential study to be performed by CRP staff on those impacts through an inter-agency agreement. The duration of that agreement was for 1-year beginning in December 2023.

On August 15, 2024, the EFSEC Chair requested the Yakama Nation Chairman engage in government-to-government consultation on impacts to TCPs. Yakama Nation staff responded that they preferred not to engage until they completed the TCP study and technical staff had time to work through proposed mitigation options. Yakama Nation staff provided the confidential report to EFSEC staff on October 28, 2024.

Yakama Nation CRP staff subsequently offered to provide a summary letter of the TCP report for EFSEC staff to share with the Applicant so that mitigation could be negotiated. Following receipt of the summary letter, the Applicant developed proposed mitigation options for EFSEC staff to discuss with Yakama Nation staff. EFSEC staff met with Yakama Nation staff and their legal counsel to receive feedback on proposed mitigation. EFSEC staff determined it lacked legal authority to impose the specific mitigation requested by Yakama Nation staff.

By mid-March 2025, EFSEC completed its technical and legal evaluation of the mitigation options proposed by the Applicant and Yakama Nation CRP. The EFSEC Director developed measures that she concluded would mitigate the significant adverse impacts from the Project to TCPs. Throughout that evaluation, EFSEC staff considered Yakama Nation CRP's feedback on proposals for mitigating TCP impacts attributable to the project currently under review by EFSEC but reserved for later analysis TCP impacts from a possible future project proposal on an adjacent state-owned parcel that was of greatest concern to Yakama Nation staff. On May 2, 2025, the EFSEC Director sent a letter to the Yakama Nation Chairman requesting that an opportunity be afforded for the EFSEC Chair and Director to meet with the Yakama Nation Tribal Council on the Council's June meeting agenda. EFSEC Chair Beckett, Director Bumpus and select EFSEC staff and legal counsel met with the Yakama Nation Tribal Council on June 4, 2025. Following the meeting, Chair Beckett provided a confidential memo per RCW 42.56.300(3) (Attachment 1) to all Council members prior to the June EFSEC monthly meeting for their consideration.

To address TCP impacts, the following mitigation measures are/have been incorporated into the SCA through the Revised MDNS:

- Increased setbacks of fencing and solar panels from SR 142 and Knight Road.
- Increased setbacks of fencing and solar panels on both the north and south side of a Department of Natural Resources managed parcel.
- Installation of natural screening tools, such as earthen berms, rock piles or native vegetation to further mitigate visual impacts to users of the north side of the DNR parcel.

Additional conditions are included in the SCA following the June meeting between EFSEC and the Yakama Nation Tribal Council in response to concerns raised in that meeting. These conditions are discussed more fully in Attachment 1:

- The traffic control plan, as required in the SCA Article IV.K, will ensure that tribal access to TCPs is maintained throughout construction.
- EFSEC will include Yakama Nation in the review of the initial site restoration plan as required by SCA Article IV.G and in the review of the detailed site restoration plan as required by SCA Article VIII.A

G. Expedited Processing Decision and Order

The Revised Code of Washington (RCW) Chapter 80.50.075 allows the council to grant expedited processing of an ASC. The applicant can seek expedited processing when the following two conditions are met:

1. The project is found to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances, at the time the application is submitted.
2. The environmental impact of the proposed facility is not significant or will be mitigated to a nonsignificant level as defined in RCW 43.21C.031.

As noted in subsections D and E of this section, order 889 was issued on September 25, 2023, the MDNS was published on April 7, 2025, and the Revised MDNS was published on June 16, 2025. After publication of the MDNS the Project met both legal requirements (consistency with local zoning and no significant environmental impacts, as specified in RCW 80.50.075) for the Council to grant the Applicant's request for expedited processing. A public comment period on the draft order on expedited processing was open from April 29 through May 2, 2025. On May 5, 2025, after considering comments received, the Council voted to grant expedited processing and issued Order 899.

When an application is granted expedited processing, the Council does not hold an adjudicative proceeding but instead affords a less formal public meeting to take comments, as provided in RCW 80.50.090(5). By rule, within sixty days following the granting of expedited processing or such later time as is mutually agreed upon by the Applicant and the Council, the Council forwards its recommendation to the Governor. WAC 463-43-080.

III. RCW 80.50.010 Standard for Recommendation

State law establishes policies that inform how the Council is to exercise its authority to develop a recommendation to the Governor on an application for site certification.

With regard to the need for clean energy facilities and the interests of the public, RCW 80.50.010 provides as follows:

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods that the location and operation of all energy facilities . . . will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public.

State policy mandates the development of power that satisfies renewable energy requirements. Washington's greenhouse gas emissions reduction requirements include a statewide 45 percent reduction by 2030, 70 percent reduction by 2040, and 95 percent reduction by 2050.⁹ The Climate Commitment Act contemplates that meeting Washington's climate goals will require coordinated, comprehensive, and multisectoral implementation of policies, programs, and laws.¹⁰ Among the State's economic and climate policies is the Clean Energy Transformation Act (CETA), which requires all electric utilities serving retail customers in Washington to be greenhouse gas neutral by 2030. By 2045, utilities cannot use offsets anymore and must supply Washington customers with electricity that is 100 percent renewable or non-emitting. It is amid this broader policy context, that the Washington legislature recognizes in RCW 80.50.010 the need for clean energy and has directed the Council to encourage the development of clean energy sources and the provision of abundant clean energy at reasonable cost.

In summary, in its recommendation to the Governor, the Council must carefully consider the evidence in the record and seek a balance between the need for clean energy at a reasonable cost and the need to ensure that the location of energy facilities will produce minimal adverse effects on the environment.

IV. Conclusion and Recommendation

The Council has considered the ASC, the land use consistency order, RMDNS, public comments, and information gathered in coordination with Yakama Nation CRP staff and Tribal Council. As a result of this review, the Council finds that the Project should be approved as conditioned. The Council is persuaded that the draft SCA includes appropriate conditions for the construction and operation of the proposed energy facility, and that appropriate consideration has been afforded under the draft agreement for wildlife movement corridors, agricultural lands, visual aesthetics, archaeological and architectural resources, traditional cultural properties, and water resources among other factors.

The record before the Council supports the decision to recommend approval, subject to the restrictions, mitigation, and protective measures identified in the SCA, Revised MDNS, and ASC. These elements will, in the Council's judgment, minimize the adverse local impacts of the Project as much as is reasonable consistent with the balancing of policies described in RCW 80.50.010.

⁹ RCW 70A.45.020(1)(a)(ii)–(iv).

¹⁰ RCW 70A.65.005(2).

Signatures

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

Kurt Beckett, Chair

Elizabeth Osborne
Department of Commerce

Eli Levitt
Department of Ecology

Stacey Brewster
Utilities and Transportation Commission

Nathan Pamplin
Department of Fish and Wildlife

Lenny Young
Department of Natural Resources

Matt Chiles
Klickitat County

NOTICE TO PARTIES: In accordance with WAC 463-30-335, administrative relief may be available through a petition for reconsideration of the Recommendation Package to the Governor. The Council requires requests for reconsideration to address all of the filing party's concerns raised by the Recommendation Package in a single petition. Petitions for reconsideration must be filed within 20 days of the service of this Order and the Recommendation Package to the Governor. If any such petition for reconsideration is filed timely , the deadline for answers is fourteen days after the date of service of each such petition. The formatting of petitions for reconsideration shall be governed by WAC 463-30-120 and shall be limited to 50 pages.

Attachment 1:

Horse Heaven Wind Project

General Description:

Proposed construction of a renewable energy facility that would have a nameplate energy generating capacity of up to 1,150 megawatts (MWs) for a combination of wind and solar facilities as well as battery energy storage systems (BESS). Meteorological Towers (MET), overhead transmission lines, and Operations and Maintenance (O&M) Facilities are also proposed.

Project area: 72,428 acres, privately owned land in which five DNR parcels are located within.

Location:

Unincorporated Central Benton County south of the Tri-Cities.

Applicant:

Horse Heaven Wind Farm, LLC.

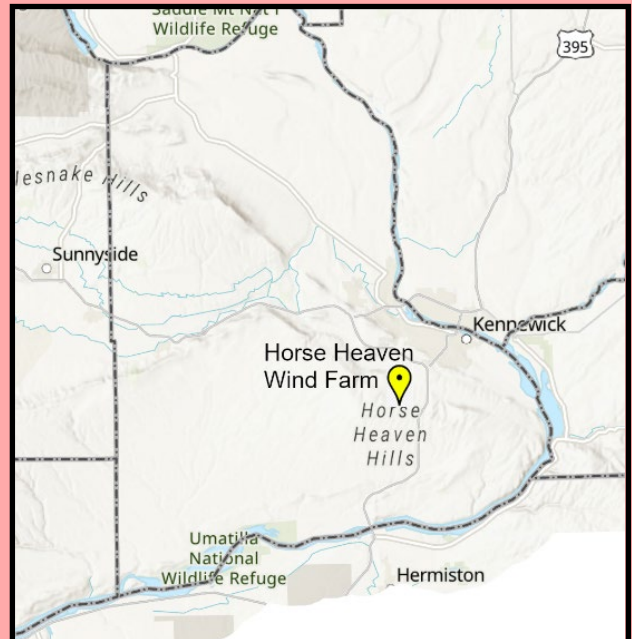
Milestone Dates:

- February 8, 2021, Original ASC Submitted
- May 17, 2022, Council issues Order No. 883 of Land Use Consistency – Finding Proposed Site Consistent with Land Use Regulations.
- October 31, 2023, Final Environmental Impact Statement Issued.
- April 17, 2024, Adjudicative Order Resolving Contested Issues.
- April 29, 2024, Recommendation to the Governor Submitted.
- May 25, 2024, Governor Remanded the Council's Recommendation.
- September 17, 2024, Final Recommendation to the Governor Submitted.
- October 18, 2024, Received Signed SCA and Final Decision from the Governor.
- November 21, 2024, Applicant Signed the SCA.

Status:

Application Approved
SCA Signed
Pre-Construction
Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

Location Map:



Hop Hill Solar Energy Project

General Description:

HOHI bn, LLC (Applicant), a subsidiary of BNC DEVCO, LLC, which is a joint venture between BrightNight, LLC and Cordelio Power. Hop Hill Solar project is an up to 500-megawatt² (MW) solar photovoltaic (PV) generation facility coupled with an up to 500-MW battery energy storage system (BESS). The Solar Array Siting Area encompasses approximately 11,179 buildable acres and the overhead 230-kV gen-tie line will be developed within a 150-foot-wide corridor and micrositied within the approximately 10,841-acre Transmission Line Corridor Siting Area). The final solar array area anticipated to be approximately 6,000 acres.

Location:

Benton County, Washington.

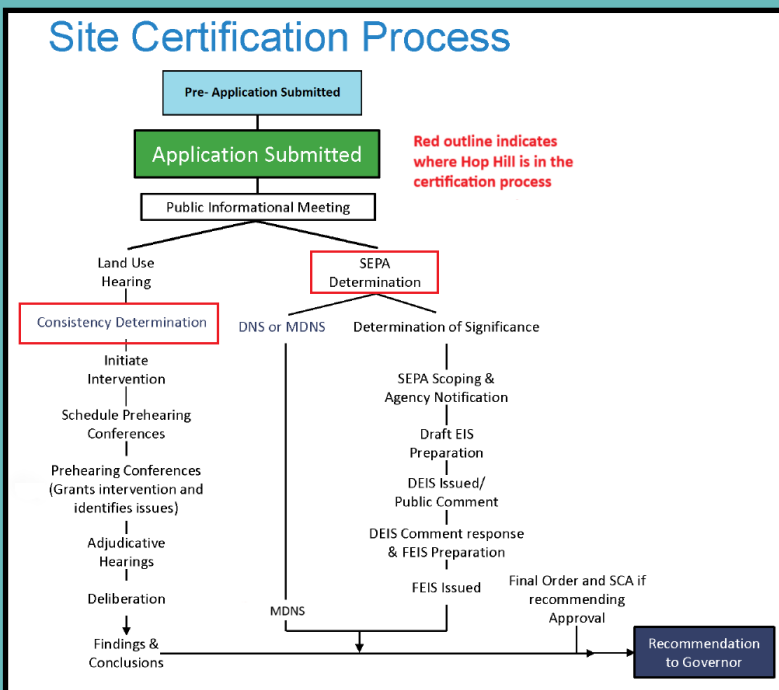
Applicant:

BrightNight, LLC.

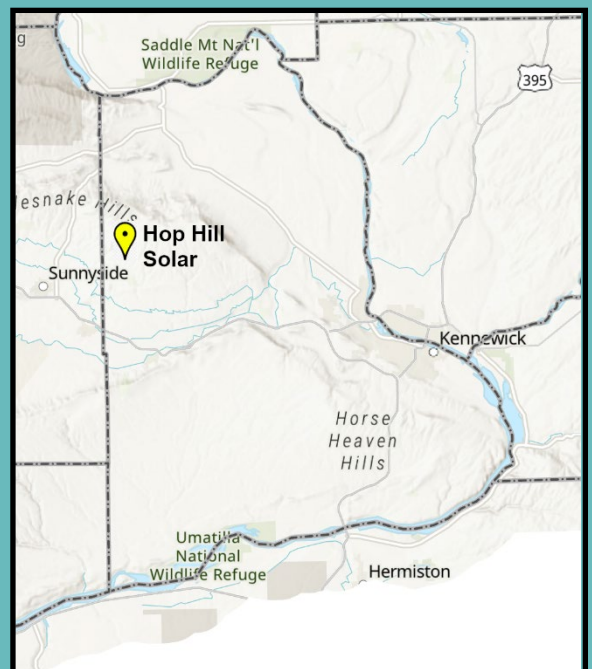
Milestone Dates:

- December 22, 2022, Original ASC Submitted
- February 23, 2023, Public Comment Hearing, Land Use Consistency Hearing
- November 3, 2023, Brightnight requests application review extension (original date:12/22/23 to 12/22/24)
- November 15, 2023, Order finding Project Inconsistent with Land Use (Benton County) Regulations, setting the matter for adjudication.

Status:



Location Map:



Wallula Gap Solar Energy Project

General Description:

Wallula Gap Solar, a 60-megawatt (MW) solar photovoltaic (PV) project with an optional battery energy storage system (BESS). The Facility would be located across a portion (approximately 437 acres) of three parcels. The optional BESS would not exceed the nominal 60-MW capacity of the Facility. Facility would interconnect through a line tap to Benton Public Utility District's (PUD) 115-kV line near the Prior #2 substation. The generation would then be connected to the Bonneville Power Administration's (BPA) facilities at the Plymouth tap (aka Paterson Tap), where Benton PUD and BPA facilities connect at BPA's McNary substation.

Location:

Unincorporated community of Plymouth, Benton County, Washington.

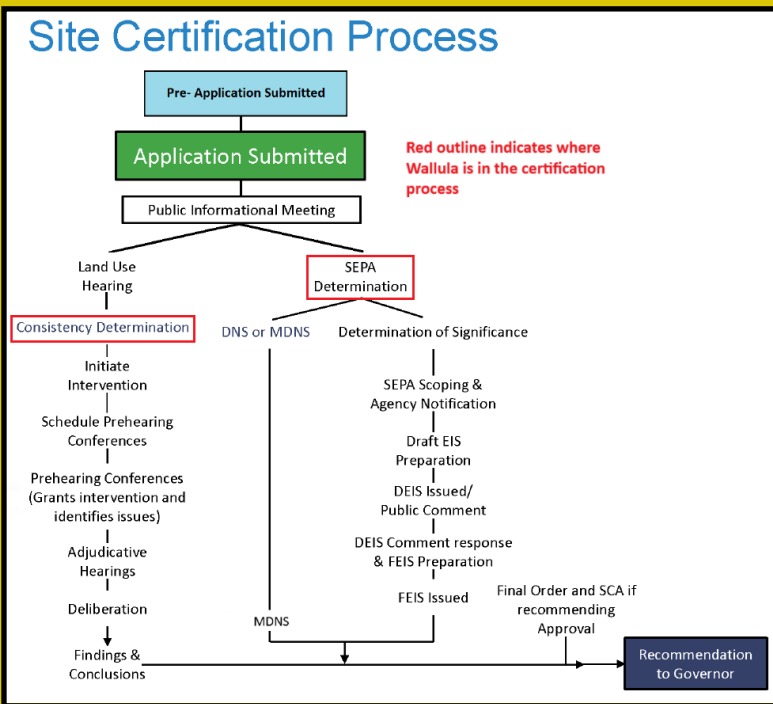
Applicant:

OneEnergy Development LLC

Milestone Dates:

- February 23, 2024, Original ASC Submitted
- April 23, 2024, Public Comment Hearing, Land Use Consistency Hearing

Status:



Location Map:



Goldeneye Battery Energy Storage Project

General Description:

A 200-megawatt (MW)/800-megawatt hour (MWh) battery energy storage system (BESS) project. The Project will not generate electricity, but instead provide a buffer for Skagit County's (County) electrical grid. The Project will accomplish this by receiving energy (charging) from the Puget Sound Energy (PSE) electric transmission system, storing energy on site, and then later delivering energy (discharging) back to the point of interconnection Project area: approximately 16 acres, privately owned land.

Location:

Unincorporated Skagit County, Washington.

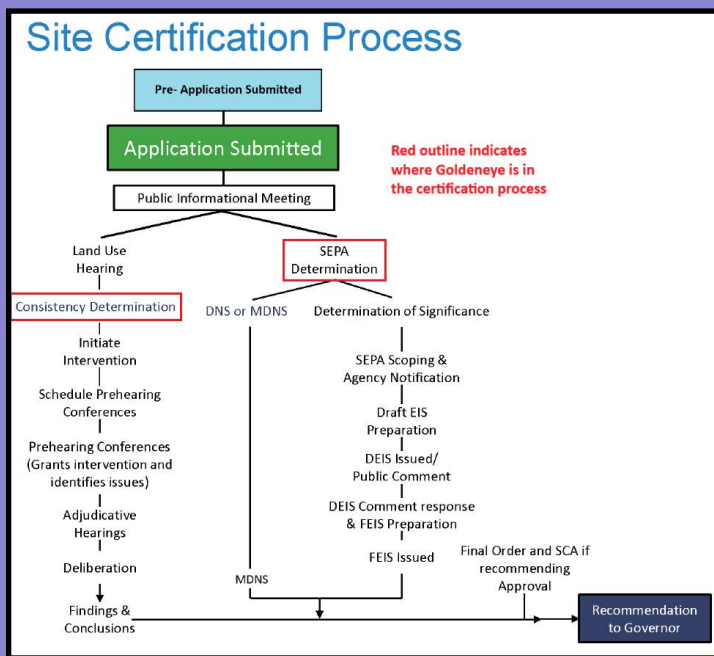
Applicant:

GOLDFINCH ENERGY STORAGE, LLC, 412 West 15th Street, 15th Floor. New York, New York 10011

Milestone Dates:

- June 27, 2024, Original ASC Submitted
- August 13, 2024, Public Information Meeting and Land Use Consistency Hearing

Status:



Location Map:



Transmission Programmatic Environmental Impact Statement

General Description:

A Programmatic EIS to assess probable significant adverse environmental impacts from electrical transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater at a broad level and identify avoidance, minimization, and other mitigation measures. EFSEC was directed to conduct this nonproject environmental review under RCW Chapter 43.21C.405.

Location:

Statewide

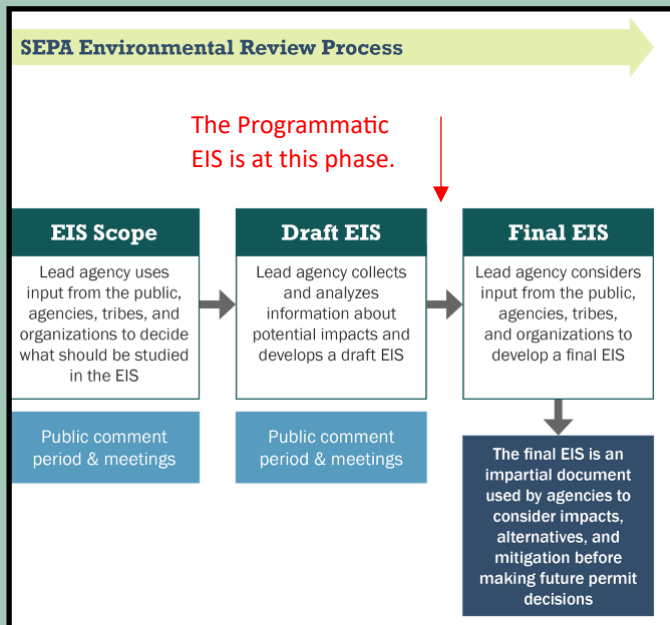
Originating Legislation:

Senate Bill 5165, Chapter 229, Laws of 2023

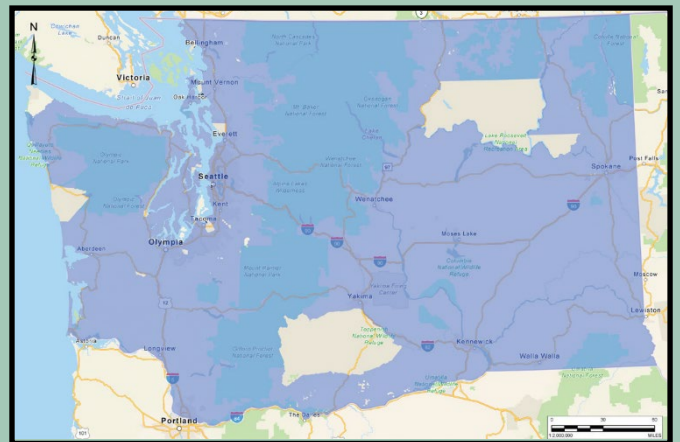
Milestone Dates:

- July 23, 2023, Effective Date of Originating Legislation
- June 28, 2024, EIS Scoping Memo Issued
- March 31, 2025, Draft EIS Issued
- April 8, 2025, Public Informational Meeting
- April 22 & 24, 2025, Public Comment Hearings
- May 15, 2025, End of Draft EIS Public Comment Period
- Late September, 2025, Anticipated Final EIS Issuance

Status:



Location Map:



Desert Claim Wind Power Project

General Description:

Proposed construction of a renewable energy facility that would have a nameplate energy generating capacity of up to 180 megawatts (MWs) from wind facilities. Meteorological Towers (MET), overhead transmission lines, and Operations and Maintenance (O&M) Facilities are also proposed.

Project area: 4,783 acres, of which 3,191 acres are privately owned land and 1,592 acres are DNR owned parcels.

Location:

Unincorporated Kittitas County, eight miles northwest of the city of Ellensburg.

Applicant:

Desert Claim Wind Power, LLC.

Milestone Dates:

- November 3, 2006, Original Application for Site Certification (SCA) Submitted
- February 1, 2010, SCA signed.
- November 13, 2018, SCA Amendment 1 executed.
- October 18, 2023, SCA Amendment 2 executed.
- May 13, 2025 SCA Termination request received.

Status:

Application Approved
SCA Signed
Pre-Construction
Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

Location Map:



WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
DRAFT RESOLUTION NO. 356
AMENDMENT NO. 3 TO THE
DESERT CLAIM WIND POWER PROJECT SITE CERTIFICATION AGREEMENT
TERMINATION

Nature of Action

On May 13, 2025, the Washington Energy Facility Site Evaluation Council (EFSEC or Council) received a written request from the Certificate Holder Desert Claim Wind Power LLC to terminate the Desert Claim Site Certification Agreement (SCA). According to the certificate holder's request, "given current market conditions, Desert Claim Wind Power LLC no longer sees an economically feasible path to finance construction and operation of the project" and therefore, requests termination of the SCA.

The Certificate Holder has never commenced construction of the facility and is essentially stating its intention to abandon its authority under the certificate.

The SCA was originally executed in 2010, with an expiration in 2020. The SCA expiration date has twice been extended by the Council, first to 2023 and then to 2028, on assurances from the Certificate Holder that it was still seeking to contract with an off-taker of the project's power, after which it would be able to commence construction.

Based on the Certificate Holder's current representation that it no longer sees a path to financing construction and wishes to terminate the certificate, the Council hereby grants the request and declares the Desert Claim Wind Power Project Site Certification Agreement to be terminated.

Background

Governor Gregoire executed the Desert Claim Site Certification Agreement (SCA) in 2010. The original SCA authorized Desert Claim to construct and operate a wind power facility consisting of a maximum of 95 wind turbines, an output capacity of 190 total megawatts (MW), tower height not to exceed a maximum of 410 feet, and a 5,200-acre project site. The project would have been located north and west of Ellensburg near the intersection of U.S. Route 97 and Smithson Road.

Having not yet started construction, in February 2018 Desert Claim requested that the Council amend its SCA to allow for the reconfiguration of its site boundary and the installation of fewer, but larger turbines than were originally authorized. The Council granted Desert Claim's request to amend its SCA in Resolution No. 343, dated November 13, 2018. The resulting SCA Amendment No. 1 reduced the project area to 4,400 acres. The number of authorized wind turbines was reduced to 31, not to exceed a height of 492 feet. SCA Amendment No. 1 also extended the original SCA's deadline for commencement of commercial operations by three years, to November 13, 2023.

Still not having commenced construction, on May 5, 2023, Desert Claim submitted a request to amend the SCA to extend the deadline for completing construction by five years. With Resolution No. 353, Amendment No. 2 to the Desert Claim Wind Power Project SCA Extension of Term, signed October 18, 2023, the Council granted approval of Desert Claim's request to extend the SCA's expiration date by five years requiring that substantial completion be achieved no later than November 13, 2028. The Council stated it would not entertain any additional extension requests.

Procedural Status

Washington Administrative Code (WAC) 463-66-020 (Termination) defines "termination of an SCA, except pursuant to its own terms, is an amendment of the agreement."

Pursuant to WAC 463-66-030 (Request for amendment), Desert Claim submitted its written request to terminate the SCA on May 13, 2025.

WAC 463-66-030 (Request for amendment) states the Council will consider the request and determine a schedule for action at the next feasible Council meeting, which was the May 21, 2025 regular monthly Council meeting.

At the Council's May 21, 2025, meeting, EFSEC staff reported to the Council that the certificate holder had submitted its request to terminate its SCA. EFSEC's legal counsel advised the Council that because site restoration is not required for this project (construction never having commenced) and the certificate holder has stated its intent to abandon its authority, the ordinarily applicable criteria for amendment of site certification agreements have no practical application this request. EFSEC Director, Sonia Bumpus stated her agreement that the Desert Claim SCA could be terminated by the Council's adoption of a resolution at its June 25 Council meeting, which would serve as the opportunity to take any written public comment prior to taking action per Revised Code of Washington 42.30.240 (Public comment).

An online public comment database was open June 16 – 22, 2025 prior to the June 2025 Council meeting. XX written comments were received as a result of the public comment opportunity.

Discussion

WAC 463-66-040 outlines the relevant factors that the Council shall consider prior to a decision to amend an SCA.

That rule provides that in reviewing any proposed amendment, the Council shall consider whether the proposal is consistent with:

- (1) The intention of the original SCA;
- (2) Applicable laws and rules;
- (3) The public health, safety, and welfare; and
- (4) The provisions of chapter 463-72 WAC.

The first criterion, consistency with the original SCA, is inapplicable here. Consistency with the intention of the original SCA only makes sense for evaluating a request to change the terms of an ongoing SCA. Because the certificate holder proposes to terminate the SCA entirely, there are no proposed new terms to compare against the intent of the original SCA.

Proceeding to the second and third criteria, because construction was never initiated, there are no laws or rules, or public health, safety, or welfare concerns, to prevent the certificate holder from voluntarily terminating its authority under the SCA.

Finally, as to the fourth criterion, WAC 463-72 is concerned with site restoration requirements at the end of a project's useful life and financial assurances for that purpose and is in no way implicated by the request.

EFSEC staff recommended that the requested termination be granted. There is no basis to deny the certificate holder's request.

RESOLUTION

For the foregoing reasons, the Council hereby grants Desert Claim Desert Claim Wind Power LLC's request and declares the Desert Claim Site Certification Agreement to be terminated.

DATED at Lacey, Washington and effective on June 25, 2025.

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

Kurt Beckett, EFSEC Chair

Sonia E. Bumpus, EFSEC Director



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

Energy Facility Site Evaluation Council (EFSEC)

Delegating Certain Plan Approvals to the EFSEC Director

Policy #16-01

June 25, 2025

POLICY PURPOSE

To establish a consistent and timely review and approval process for energy facility plans that do not require an amendment to a site certification agreement.

General Discussion

The Legislature intended, as part of the energy facility siting process, for EFSEC to preserve and protect the quality of the environment, assure that sufficient operational safeguards are in place, and avoid costly duplication in the siting process and ensure that decisions are made in a timely manner. See RCW 80.50.010.

A number of specific powers implementing this legislative intent are set forth in both statutes and rules. RCW 80.50.040(2) gives the Council the power “[t]o develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, and operational conditions of certification of energy facilities subject to this chapter.” Similarly, RCW 80.50.040 (9) authorizes the Council “[t]o prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council. . . .” WAC 463-68-050 states: “at least ninety days prior to start of construction . . . a certificate holder shall provide the plans and specifications required by the site certification agreement to the council for approval.” WAC 463-70-020 and 463-70-030 address compliance monitoring procedures and compliance determinations as prescribed by the council.

An energy facility must submit many types of plans to EFSEC for review and approval to ensure that the appropriate protocols are met. Many of the plans are detailed and contain technical/engineering documents for which EFSEC staff and state and local agencies have

expertise. To ensure EFSEC has access to additional expertise when needed, interagency agreements have been developed with appropriate agencies.

The Legislature has recognized that some work of the Council will be performed by Council staff. RCW 80.50.030(2)(b). The Council's rules also recognize the propriety and necessity of delegating some tasks to EFSEC staff. WAC 463-10-010 ("Council" means the energy facility site evaluation council ... and, where appropriate to the staff of the council"). Approval of this policy implements the legislature's directive by delegating to the EFSEC Council Director the authority to review and approve technical plans related to facility construction and operation when an amendment to a site certification is not required.

Implementing this policy will contribute to timely completion of the plan review process and is consistent with EFSEC's past practice of delegating certain review and approval authorities to the EFSEC Director. The adoption of this policy formalizes the delegation of this authority to the EFSEC Director and specifies the type of plans to which this delegated authority extends.

Approval of plans by the EFSEC Director may only occur after EFSEC staff and contractors, which may include state and local agencies, have identified and the certificate holder has addressed areas of concern. As a prerequisite to plan approval, EFSEC staff will obtain written verification from the appropriate agency documenting that review has taken place to ensure plans are compliant with applicable requirements. Deficiencies noted by EFSEC staff or reviewing agencies must be addressed before a plan may be considered for approval. EFSEC staff will update the Council of any plans which have been approved by the EFSEC Director.

For plans subject to EFSEC Director approval, the Director shall consider whether any individual plan should be forwarded to the Council for review and, at the Council's discretion, Council approval. The Director will forward to the Council for Council review any plan for which the EFSEC responsible official issues a SEPA Determination of Significance or a Mitigated Determination of Nonsignificance.

I. Plans Subject to EFSEC Director Approval:

- Construction Best Management Practices Plan
- Construction and Operations Emergency Plans
- Construction Management Plan
- Construction Phase and Operations Phase Health and Safety Plans
- Construction Phase and Operations Phase Site Security Plans
- Construction Phase and Operations Phase Stormwater Pollution Prevention Plans
- Construction Phase and Operations Phase Spill Prevention, Control and Countermeasures Plans
- Construction Phase and Operations Phase Soil Management Plans

- Construction Phase and Operations Phase Traffic Management Plans
- Habitat and Movement Corridor Mitigation and Restoration Plans
- Hunting, Livestock Grazing Plan
- Pre and Post Construction Technical Advisory Committee Rules of Procedure and Recommendations
- Construction Phase and Operations Phase Erosion and Sedimentation Control Plans
- Cultural and Archeological Resources Plan
- Construction Phase and Operations Phase Fire Control Plan
- Other Non-Specified Construction Plans
- Noise and Shadow Flicker Modeling, Monitoring, and Mitigation Plan
- Greenhouse Gases Mitigation Plan
- Environmental Monitoring Stop Work Criteria Plan
- Rare Plant Survey/Plant Conservation Plan
- Forest Practices Application Class 1 and II
- Solid Waste Control Plan
- Pre or Post Construction species-specific monitoring and mitigation plans.

II. **Plans/Actions Requiring Council Approval**

- Initial Site Restoration Plan
- Forest Practices Application – Class III and IV
- Wetlands Compensation Mitigation Plan
- Post Construction Bald Eagle/Golden Eagle Plan
- Detailed Site Restoration Plan
- Site Preservation Plan