



Washington State
Energy Facility Site Evaluation Council

POTENTIAL ACTION ITEM

RESCHEDULED AGENDA

MONTHLY MEETING

Wednesday January 31, 2024
3:00 PM

VIRTUAL MEETING ONLY

[Click here to join the meeting](#)

Conference number: 564-999-2000 ID: 734749921#

1. Call to OrderKathleen Drew, EFSEC Chair
2. Roll CallAndrea Grantham, EFSEC Staff
3. Proposed AgendaKathleen Drew, EFSEC Chair
4. Minutes Meeting Minutes.....Kathleen Drew, EFSEC Chair
- November 29, 2023 Horse Heaven Special Meeting Minutes
 - December 20, 2023 Monthly Council Meeting Minutes
5. Projects
- a. Kittitas Valley Wind Project
- Operational Updates.....Eric Melbardis, 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.....Thomas Cushing, Greenbacker Capital
- f. Columbia Generating Station
- Operational Updates.....Felicia Najera-Paxton, Energy Northwest
- g. WNP – 1/4
- Non-Operational Updates.....Felicia Najera-Paxton, Energy Northwest
- h. Goose Prairie Solar
- Project Updates.....Jacob Christ, Brookfield Renewable
- i. High Top & Ostrea
- Project Updates.....Sara Randolph, EFSEC Staff
- j. Whistling Ridge
- Project Updates.....Lance Caputo, EFSEC Staff
- k. Badger Mountain
- Project Updates.....Joanne Snarski, EFSEC Staff
- l. Wautoma Solar
- Project Updates.....Lance Caputo, EFSEC Staff
- m. Hop Hill Solar
- Project Updates.....John Barnes, EFSEC Staff
- n. Carriger Solar
- Project Updates.....Joanne Snarski, EFSEC Staff
- o. Horse Heaven Wind Farm
- Extension Request.....Amy Moon, EFSEC Staff
- The Council may consider and take FINAL ACTION on the extension request for the Horse Heaven Wind Farm project.*
- Mitigation discussion.....Sean Greene, EFSEC Staff
- The Council may take action to direct staff on preparation of documents to support their recommendation to the governor.*
- p. Cascade Renewable Transmission
- Pre-application announcement.....Ami Hafkemeyer, EFSEC Staff

Note: "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

6. Other

- 3rd Quarter Cost Allocation.....Sonia Bumpus, EFSEC Staff

Employee Updates

- New employee introduction – Maria Belkina and Zia Ahmed.....Ami Hafkemeyer, EFSEC Staff
- New employee introduction – Lisa McLean.....Dave Walker, EFSEC Staff
- New employee introduction – Adrienne Barker.....Joan Owens, EFSEC Staff

7. Adjourn.....Kathleen Drew, EFSEC Chair

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ENERGY FACILITY SITE EVALUATION COUNCIL

Horse Heaven Wind Farm

Final Environmental Impact Statement

Special Meeting

November 29, 2023

Via Teams Video Conferencing

Reported by: STEVEN B. CRANDALL, CER

Certified Electronic Reporter #1198

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<p style="text-align: right;">Page 2</p> <p>1 (Meeting called to order at 1:30 p.m.)</p> <p>2</p> <p>3 CHAIR DREW: Good afternoon. This is</p> <p>4 Kathleen Drew, Chair of the Washington State Energy</p> <p>5 Facility Site Evaluation Council, bringing our Special</p> <p>6 Meeting of Wednesday, November 29th, to order. Ms.</p> <p>7 Grantham, will you call the role for the Horse Heaven</p> <p>8 Council.</p> <p>9 STAFF GRANTHAM: Certainly. Department of</p> <p>10 Commerce.</p> <p>11 ELIZABETH OSBORNE: Elizabeth Osborn,</p> <p>12 present.</p> <p>13 STAFF GRANTHAM: Department of Ecology.</p> <p>14 ELI LEVITT: Eli Levitt, present.</p> <p>15 STAFF GRANTHAM: Department of Fish and</p> <p>16 Wildlife.</p> <p>17 MIKE LIVINGSTON: Mike Livingston,</p> <p>18 present.</p> <p>19 STAFF GRANTHAM: Department of Natural</p> <p>20 Resources.</p> <p>21 LENNY YOUNG: Lenny Young, present.</p> <p>22 STAFF GRANTHAM: Utilities and</p> <p>23 Transportation Commission.</p> <p>24 STACEY BREWSTER: Stacey Brewster,</p> <p>25 present.</p>	<p style="text-align: right;">Page 4</p> <p>1 CHAIR DREW: Opposed.</p> <p>2 (No response.)</p> <p>3 The agenda is approved. I do want to make a</p> <p>4 note today to everybody who's participating. Thank you</p> <p>5 very much for your attention and interest in this</p> <p>6 Project. Our meeting for today is really a work session</p> <p>7 for the Council to ask questions of the technical staff</p> <p>8 about the Final EIS. So we will not be having the chat</p> <p>9 on today. We will be just taking questions from Council</p> <p>10 members. And first on our agenda is the Final EIS</p> <p>11 presentation, Mr. Sean Greene.</p> <p>12 SEAN GREENE: Thank you. Let me see if I</p> <p>13 can get the presentation started here.</p> <p>14 SARAH R.: Yeah, I'm on.</p> <p>15 SEAN GREENE: Are you all seeing the</p> <p>16 presentation now?</p> <p>17 SARAH R.: I am, but I don't --</p> <p>18 CHAIR DREW: Yes, we are. Thank you.</p> <p>19 SEAN GREENE: Okay. Yes. So as Chair</p> <p>20 Drew mentioned, this is kind of the second half of</p> <p>21 the -- intended to be the second half of the discussion</p> <p>22 for Council members about the EIS recommendation --</p> <p>23 recommended mitigation for the Horse Heaven Project.</p> <p>24 This will be similar to our last meeting earlier this</p> <p>25 month and that we'll go through the mitigation measures</p>
<p style="text-align: right;">Page 3</p> <p>1 STAFF GRANTHAM: The Local Government and</p> <p>2 Optional State Agency for Benton County, Ed Brost.</p> <p>3 (No response.)</p> <p>4 I do understand that Mr. Brost is present, so I</p> <p>5 will just mark him as present on here. And then for</p> <p>6 Council staff, I will be calling those who might be</p> <p>7 speaking today. Sonia Bumpus.</p> <p>8 (No response.)</p> <p>9 Ami Hafkemeyer.</p> <p>10 AMI HAFKEMEYER: Present.</p> <p>11 STAFF GRANTHAM: Amy Moon.</p> <p>12 AMY MOON: Amy Moon, present.</p> <p>13 STAFF GRANTHAM: Sean Greene.</p> <p>14 SEAN GREENE: Sean Greene, present.</p> <p>15 STAFF GRANTHAM: And we have a quorum and</p> <p>16 that is everybody. Chair Drew, you are on mute.</p> <p>17 CHAIR DREW: Thank you. Council members,</p> <p>18 before you is the proposed agenda. Is there a motion to</p> <p>19 approve the proposed agenda?</p> <p>20 LENNY YOUNG: Lenny Young, so move.</p> <p>21 CHAIR DREW: Second.</p> <p>22 MIKE LIVINGSTON: Mike Livingston, second.</p> <p>23 CHAIR DREW: All those in favor say,</p> <p>24 "aye".</p> <p>25 COUNCIL MEMBERS: Aye.</p>	<p style="text-align: right;">Page 5</p> <p>1 and be available to answer any Council questions or</p> <p>2 concerns. The difference this time is that we have</p> <p>3 subject-matter experts from other state agencies as well</p> <p>4 as EFSEC's consultant WSP present to provide more</p> <p>5 technical answers.</p> <p>6 Before we get to the mitigation, though, I</p> <p>7 wanted to follow up on two outstanding questions from</p> <p>8 our previous meeting. The first being from Mr. Young,</p> <p>9 who asked if the determination to reduce speed limits on</p> <p>10 site from 25 miles an hour to 15 miles an hour was based</p> <p>11 on specific data calculations or just a general</p> <p>12 understanding that lower speeds will result in fewer</p> <p>13 fugitive dust emissions.</p> <p>14 I did want to clarify that fugitive dust</p> <p>15 emissions modeling was not performed at the</p> <p>16 25-mile-per-hour and 15-mile-per-hour rates, but</p> <p>17 existing research which has been placed on the Council</p> <p>18 Library for your perusal, if you are interested, would</p> <p>19 suggest that a 10-mile-per-hour reduction should result</p> <p>20 in approximately 20% fewer dust emissions from vehicle</p> <p>21 traffic.</p> <p>22 The second outstanding question was regarding</p> <p>23 culvert installation BMPs, again from Mr. Young, and the</p> <p>24 question was how did the USDA BMPs that were indicated</p> <p>25 in the mitigation compared and how those BMPs compared</p>

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<p style="text-align: right;">Page 6</p> <p>1 to the WDFW BMPs. The WDFW BMPs meet or exceed all 2 recommendations within the USDA BMPs. And if the 3 Council would prefer, we can modify the mitigation to 4 mandate that the Applicant adhere to the WDFW BMPs in 5 lieu of the USDA BMPs. And that's something that we can 6 work out after this meeting if that's the desire. 7 CHAIR DREW: Thanks. Mr. Young. 8 LENNY YOUNG: Yeah. Thanks. Really 9 appreciate the follow up on both those items. On the 10 first item where it says the 15-mile-per-hour speed 11 limit is expected to reduce dust emissions by 20%, about 12 20%, is that compared to 25 or compared to some other 13 higher rate of speed? 14 SEAN GREENE: It's compared to 25. 15 Existing research suggests about a 20% reduction for 16 every 10 miles per hour reduced in the speed limit. 17 LENNY YOUNG: Thank you. 18 SEAN GREENE: Any other questions here? 19 Okay. And again, before we get to the mitigation, this 20 is a reminder both to the Council and to our 21 subject-matter experts that specifically wildlife and 22 cultural resource discussions as part of this meeting 23 may involve reference to confidential information, 24 including the master prep -- provided to the Council 25 under separate cover alongside the Final EIS. However,</p>	<p style="text-align: right;">Page 8</p> <p>1 regarding this mitigation measure? Okay. 2 Wildlife-2 is a requirement -- 3 CHAIR DREW: Hold on just a second. Mr. 4 Young. 5 LENNY YOUNG: Yeah. 6 CHAIR DREW: Sorry. Could you go back to 7 the -- 8 SEAN GREENE: Yes. 9 LENNY YOUNG: Just starting to read the 10 text in the first sub bullet. It says, "Prior to 11 initiation of the operation, the Applicant would 12 develop, in coordination with the Technical Advisory 13 Committee (TAC) and approved..." et cetera. What is 14 the Technical Advisory Committee's specific role? Do 15 they -- do they share the responsibility for developing 16 the monitoring program, or are they consulted? Do they 17 do a sort of a pre-review before it comes to the 18 Council? What is the Technical Advisory Committee's 19 specific role? 20 SEAN GREENE: Sure. So the Technical 21 Advisory Committee is composed of technical experts from 22 state agencies as well as independent biologists and 23 locals in the area who have specific knowledge of the 24 land and potential concerns, and their role is to 25 essentially serve as EFSEC's technical experts for the</p>
<p style="text-align: right;">Page 7</p> <p>1 this meeting and its recording will be publicly 2 available. 3 So to ensure that the trust that was placed on 4 us with the sharing of this data is not breached and to 5 maintain the security of the data, confidential 6 information should not be directly discussed during this 7 meeting, but it can be referenced indirectly and Council 8 members can refer other Council members to areas of the 9 maps that they have jointly access to. So saying 10 something like, "Turbine X is a concern because it is 1 11 mile away from a Ferruginous Hawk Nest" is something 12 that we would like to avoid in this meeting. But saying 13 more general geographic-scale statements like, "The 14 turbines along the ridge are more likely to impact the 15 Ferruginous Hawk" would be fine. 16 So with that, we can start on our walls of 17 text. So the first wildlife mitigation measure defines 18 the post-construction bird and bat fatality monitoring 19 program and outlines the specifics of the monitoring and 20 management programs and the role of the Technical 21 Advisory Committee, which I'll refer to as TAC from here 22 on. This mitigation measure is intended to allow for 23 continued monitoring and operation phase wildlife 24 mortalities -- of wildlife mortalities and allow for 25 adaptive management. Are there any Council questions</p>	<p style="text-align: right;">Page 9</p> <p>1 development and management of a variety of mostly 2 wildlife plans and vegetation plans that the Applicant 3 will be developing. So they -- the Applicant is 4 intended to develop these plans in coordination with the 5 Technical Advisory Committee who will then provide the 6 finished plans to EFSEC for approval along with any 7 specific guidance or knowledge that the Technical 8 Advisory Committee has that is relevant. 9 LENNY YOUNG: So the term "in 10 coordination" is a little ambiguous. Who is actually 11 responsibility -- is responsible for the soundness and 12 the good quality of the monitoring program? Is that the 13 Applicant's responsibility, or is that a shared 14 responsibility between the Applicant and the TAC? 15 CHAIR DREW: Ms. Moon. 16 AMY MOON: Oh, thank you. I was just 17 going to point out that mitigation measure Habitat-4 -- 18 it outlines what the Technical Advisory Committee is as 19 well as the Pre-operational Technical Advisory Group. 20 And I don't think that Sean has a slide on that, but the 21 technic -- the TAC would be working in consultation with 22 EFSEC and the Applicant, and there would be agreed upon 23 members to that TAC, and that it's ultimately the -- 24 let's see if I could find the right words here, but do 25 you want to know, like, who would be the representatives</p>

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<p style="text-align: right;">Page 10</p> <p>1 on there or was your question just on who was going to 2 have the ultimate approval? 3 LENNY YOUNG: Well, really neither. I 4 guess what I'm asking is would the -- does the creation 5 of a TAC shift or remove or reduce any level of 6 responsibility from the Applicant for creating a good 7 monitoring program? 8 AMY MOON: Oh, I -- Sean, you can answer 9 that. 10 SEAN GREENE: I would say no. Ultimately, 11 whether or not the plan is sufficient is made -- that 12 determination is made by EFSEC. If, in our opinion, the 13 plan is not sound then we can send it back to the 14 Applicant with changes that we need to see in a 15 finalized version. Ultimately, the point -- the purpose 16 of the TAC is to essentially get that process started 17 earlier. In terms of making sure that the plans are 18 sound and sufficient to address the potential concerns 19 before it gets to EFSEC and a decision is made. The TAC 20 is not intended to be a decision-making body by any 21 means. It is just kind of an extra level of review. 22 LENNY YOUNG: Okay. I don't want to hang 23 us up at this point, but maybe when we get to a spec -- 24 if we get to today or when's the right time -- if we get 25 to a specific description of the TAC and its</p>	<p style="text-align: right;">Page 12</p> <p>1 staff as well as the subject-matter experts. When do 2 we, you know, what if -- as Sean's going through here 3 there's -- we have something else that we want to 4 discuss, when do we interject that and just kind of a 5 lay of the land for today's meeting? I'd appreciate 6 that. Thank you. 7 SEAN GREENE: Sure. I think, Council 8 members are welcome to ask questions of the 9 subject-matter experts and staff at any point that they 10 feel it's relevant. This presentation is meant for the 11 Council's benefit. So if you want to address matters 12 earlier or wait until there's an applicable mitigation 13 on the screen, it's entirely up to you. Our 14 subject-matter experts are, I believe, all present so we 15 are prepared to address any questions that you have. 16 CHAIR DREW: Would you introduce the 17 subject-matter experts please, Sean. 18 SEAN GREENE: I don't have a list of them. 19 I don't know if Ami Hafkemeyer or Amy Moon might. 20 AMY MOON: Well, I have a short list. I 21 might accidentally leave somebody out, but from 22 Washington Department of Fish and Wildlife, there's Mike 23 Ritter, Jason Fidorra, and James Watson. And then we 24 have our support from EFSEC's contractor consultants, 25 WSP is -- there's Jeremy Paris, Kevin Rauhe, Kate Moss,</p>
<p style="text-align: right;">Page 11</p> <p>1 responsibilities, might pick up some of these questions 2 again, but yeah, thanks for what you've shared so far. 3 SEAN GREENE: Yeah. And like Amy Moon 4 just shared that is in our Hab-4 mitigation measure, 5 which is part of this presentation. Depending on time, 6 I assume we should be able to get to that today, at 7 least. 8 CHAIR DREW: And I would just add to this 9 from our own experience at EFSEC, for example, there was 10 an issue that came up at Wild Horse. I can't remember 11 what it was, but the TAC had disagreed about some issue. 12 It came to staff, and then the staff actually brought 13 that forward to the Council in terms of identifying the 14 response to that. So within our own work on Technical 15 Advisory Committees in the past, the staff are very much 16 involved in monitoring, we're taking -- listening to the 17 advice, but there are different points along the way 18 that that work would also come to the Council for 19 review. Mr. Livingston. 20 MIKE LIVINGSTON: Thank you, Chair. I'm 21 wondering -- so I wasn't able to make the or, you know, 22 the monthly meeting last meeting and didn't -- I'm just 23 not sure how this is going to unfold for today. And I'm 24 just wondering if you guys could back up for a second 25 and just explain how we're going to interact both with</p>	<p style="text-align: right;">Page 13</p> <p>1 and Marlis Muschal, and if I butchered your name I'm 2 sorry, Marlis. And then there's also Sierra. I'm not 3 sure if I missed anyone. I don't know. If you -- if, 4 Ami or Sean, if you see anyone that I missed, add them 5 in. 6 CHAIR DREW: And the ones from our 7 contractor are ones who have worked specifically on the 8 Final EIS with us and with the other experts on the 9 Final EIS on these subjects, specifically wildlife and 10 habitat visual. Oh, then there's Sierra. Go ahead. 11 Sierra? 12 SIERRA HARMENING: Yes. Sorry. We also 13 have Kirby Lastinger here from WSP. 14 CHAIR DREW: And -- 15 SIERRA HARMENING: I just wanted to make 16 sure we had a full roll call. 17 CHAIR DREW: Thank you. Thank you. So as 18 to the question, yes. If you'd like to -- I mean, you 19 can see, if you will -- I think it would make sense to 20 talk about the specific mitigation as it comes up but if 21 you have a broader issue right now that you want to 22 bring up, the Council can certainly do that. 23 MIKE LIVINGSTON: Thank you. I appreciate 24 that. 25 SEAN GREENE: Okay. Are there any further</p>

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<p style="text-align: right;">Page 14</p> <p>1 questions at this point?</p> <p>2 CHAIR DREW: Are you -- Okay. Are you now</p> <p>3 taking up the whole slide here on posts -- on bird and</p> <p>4 bat adaptive management strategy and development and the</p> <p>5 monitoring program? Sean.</p> <p>6 SEAN GREENE: Yes. Are there any more</p> <p>7 questions about this mitigation measure? And I</p> <p>8 understand it's lengthy, so I don't expect everybody to</p> <p>9 read through it right now. Much of the length is</p> <p>10 attributable to the level of detail and specifics about</p> <p>11 the survey and management programs. But if there are no</p> <p>12 more questions about this measure, we can move on to the</p> <p>13 next.</p> <p>14 CHAIR DREW: So let's wait for just a</p> <p>15 minute because it is a meaty one to start off with. We</p> <p>16 didn't have any practice ones. Right. So --</p> <p>17 SEAN GREENE: Again, I do apologize. A</p> <p>18 number of -- specifically, the wildlife mitigation</p> <p>19 measures are pretty lengthy just due to the detail in</p> <p>20 here and then.</p> <p>21 CHAIR DREW: Mr. Livingston.</p> <p>22 MIKE LIVINGSTON: Yeah. Thank you. Maybe</p> <p>23 I will -- I'm going to put one of DFW's experts on the</p> <p>24 spot for a moment. I'd like to ask Mike Ritter, given</p> <p>25 that he's been in the renewable energy position for a</p>	<p style="text-align: right;">Page 16</p> <p>1 So this particular one is using the best available</p> <p>2 science and information to understand the fatalities for</p> <p>3 bats, which is -- this is really specific to bats. The</p> <p>4 bird fatality monitoring industry wide, it's been pretty</p> <p>5 consistent. And the ones I saw here for this Project</p> <p>6 are also consistent with what's been done in the state</p> <p>7 and for industry.</p> <p>8 MIKE LIVINGSTON: Thank you. That's</p> <p>9 really helpful. Appreciate it.</p> <p>10 MIKE RITTER: You're welcome.</p> <p>11 CHAIR DREW: Thank you. And I would add</p> <p>12 Council members, as we look at the recommended</p> <p>13 mitigation, and our next step will be what our</p> <p>14 recommendation is to the Governor and to have that</p> <p>15 conversation. But part of what we will do with the</p> <p>16 mitigation is it will become part of -- if a</p> <p>17 recommendation to approve the Project in some form is</p> <p>18 recommended to the Governor, this type of mitigation</p> <p>19 will be in our Site Certification Agreement. The Site</p> <p>20 Certification Agreement is signed by the Applicant and</p> <p>21 the Governor. So the level of specificity that we're</p> <p>22 talking about here will be legally binding. With that,</p> <p>23 any other questions for this or comments or thoughts on</p> <p>24 this particular slide?</p> <p>25 SEAN GREENE: Okay. And then we'll move</p>
<p style="text-align: right;">Page 15</p> <p>1 number of years now for the Department, how did the -- I</p> <p>2 would like to ask you, Mr. Ritter, how the -- how this</p> <p>3 mitigation program that is proposed here compares to</p> <p>4 some of the others -- on the other wind farms in</p> <p>5 Washington state? What's your experience with how those</p> <p>6 work? Just, you know, just some general thoughts</p> <p>7 related to this, you know, bats and bird collisions and</p> <p>8 the fatalities and all the different studies that have</p> <p>9 been done over the years. From my perspective, we have</p> <p>10 a lot of information on that but how does this program</p> <p>11 that's being proposed for this Project, if it's</p> <p>12 approved, compare to some of those others that you're</p> <p>13 familiar with, if you don't mind.</p> <p>14 MIKE RITTER: Thank you. Chair Drew and</p> <p>15 Council Livingston. This particular bird and bat</p> <p>16 monitoring plan is probably the best. We -- about, I</p> <p>17 don't know, months ago reviewed the initial bird and bat</p> <p>18 monitoring plan. I think it was specifically related to</p> <p>19 bats, and we wrote a comment letter to EFSEC. And much</p> <p>20 of the language you see in this right here came out of</p> <p>21 that letter.</p> <p>22 So the curtailment, the fatality numbers, the</p> <p>23 triggers, the monitoring of three years over a five-year</p> <p>24 period that need not be consecutive, curtailment, the</p> <p>25 recent literature cited is -- was all in that letter.</p>	<p style="text-align: right;">Page 17</p> <p>1 to the next batch of mitigation measures. So Wildlife-2</p> <p>2 is a requirement that all trash containers be wildlife</p> <p>3 resistant on the Project site.</p> <p>4 Wildlife-3 requires that the Applicant supply</p> <p>5 EFSEC with a summary of their consultation with US Fish</p> <p>6 and Wildlife regarding eagle mortality so that we can</p> <p>7 develop adaptive management measures if necessary.</p> <p>8 And Wildlife-4 bars the use of pesticides</p> <p>9 unless the Applicant develops a management plan,</p> <p>10 additional mitigation, and receives EFSEC approval. And</p> <p>11 this measure is intended to help avoid impacts for both</p> <p>12 prey species like rodents as well as the species that</p> <p>13 predate upon them. Are there any questions on these</p> <p>14 measures? Okay.</p> <p>15 Next is Wildlife-5 which requires that</p> <p>16 sensitive areas like wildlife colonies nests be flagged</p> <p>17 as exclusion zones. If and when encroachment upon those</p> <p>18 zones would be required, the Applicant would need to</p> <p>19 develop additional mitigation and receive EFSEC approval</p> <p>20 before that encroachment occurs.</p> <p>21 And Wildlife-6 would result in the development</p> <p>22 and maintenance of a road mortality database throughout</p> <p>23 the construction and operation phases of the Project.</p> <p>24 For areas or periods with frequent mortalities, the</p> <p>25 Applicant would need to develop additional mitigation,</p>

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<p style="text-align: right;">Page 18</p> <p>1 such as signage or temporary road closures, and receive 2 approval by EFSEC prior to implementation. Are there 3 any questions on these measures? Okay. 4 Wildlife-7 states that construction activities 5 should be limited to daytime hours when feasible to 6 reduce disturbance to nocturnal species. 7 Wildlife-8 implements a quarter-mile buffer 8 around all known raptor nests where wind turbines would 9 not be allowed to be constructed without EFSEC approval 10 and the preparation of a monitoring and management plan. 11 And Wildlife-9 would exclude vegetation 12 clearing and grubbing within bird breeding periods, when 13 feasible, and require additional mitigation if such 14 clearing occurs during those periods, if avoidance was 15 not feasible. Are there any questions on these 16 measures? 17 CHAIR DREW: Go ahead. 18 MIKE LIVINGSTON: Yeah. So this number 19 eight, I'm curious about. Let's see here. One moment. 20 I'm going to process this in my head before you move on. 21 So the buffer, this is just strictly during the 22 construction phase is that right, Sean? So I'm trying 23 to figure out exactly where this buffer zone for all 24 known raptor nests would apply, and I know there's 25 separate requirements for ferruginous hawks. So we're</p>	<p style="text-align: right;">Page 20</p> <p>1 JASON FIDORRA: Sure. Well, you know, 2 this is a quarter mile and usually this kind of buffer 3 applies to a construction buffer so you're avoiding 4 disturbance to a nesting raptor or nest site. With 5 turbines -- well, applying it to wind turbines seems a 6 little unusual because it's actually a mortality cause 7 that extends beyond construction. And then, of course, 8 you know, I'm grappling with understanding this one too 9 and so apologies. 10 I think a quarter mile would be suitable for 11 avoiding disturbance during a construction period for 12 borrowing owls and other -- I think we do have greater 13 buffers for some other raptors that are typically used 14 but, you know, that isn't going to result in reduced 15 mortality after construction when the home ranges and 16 foraging areas of these nesting raptors will exceed a 17 quarter mile, if that's helpful. 18 MIKE LIVINGSTON: Yeah. 19 JASON FIDORRA: So I think a quarter mile 20 is a sufficient standard construction buffer to avoid 21 disturbance, but there could be impacts beyond nest 22 disturbance during construction. 23 CHAIR DREW: Are -- I guess my question 24 would be, are there other projects that require buffer 25 zones around turbines for the raptors we're talking</p>
<p style="text-align: right;">Page 19</p> <p>1 talking about other raptors including burrowing owls, I 2 assume, red-tailed hawks, prairie falcon, these other 3 species that were, you know, were in the Project area. 4 Can you just explain this one a little bit more to me? 5 SEAN GREENE: Sure. So this would -- this 6 is intended to primarily focus on where Project 7 components are sited, specifically wind turbines, and it 8 would create a quarter-mile buffer around all known 9 raptor nests and require that all wind turbines be 10 placed outside of that buffer unless there is prior 11 approval by EFSEC specifically for those turbines that 12 would encroach upon the buffer in concert with the 13 development of a monitoring and management plan. 14 MIKE LIVINGSTON: Okay. So I would like 15 to ask, and I'm not sure who to send this to -- Mr. 16 Watson perhaps -- what he would recommend for burrowing 17 owls as for a buffer, if a quarter mile would be 18 adequate from his perspective. 19 JAMES WATSON: Yeah. Thanks for the 20 opportunity to join in. This might be a better question 21 for Jason. A quarter mile is a fairly large and 22 adequate, I would say, for burrowing owls based on 23 general habitat use. But, again, that might be 24 something we need to take a closer look at. Jason, I 25 don't know if you have any comments on that.</p>	<p style="text-align: right;">Page 21</p> <p>1 about here? 2 JASON FIDORRA: I personally am not too 3 familiar with the other -- how the other wind 4 projects -- maybe that might be better for Mike Ritter. 5 CHAIR DREW: Or perhaps for our 6 technical -- go ahead, Mike. 7 MIKE RITTER: I'm sorry. I don't mean to 8 jump in, but thank you. The only buffers I'm aware of 9 are related to, let's say, perhaps golden eagle nest 10 areas, but I can't recall any others or other raptors in 11 the state at this point. 12 CHAIR DREW: So thank you. 13 MIKE RITTER: You're welcome. 14 CHAIR DREW: Yeah. So this mitigation 15 measure goes beyond what others currently do right now? 16 MIKE RITTER: I believe the .25 miles is 17 in a document prepared by WDFW, and it's specifically 18 related to construction disturbance near inactive raptor 19 nests. And as Jason alluded to, it has nothing to do 20 with mortality. 21 CHAIR DREW: Okay. Thank you. 22 MIKE RITTER: You're welcome. 23 CHAIR DREW: Mr. Young. 24 LENNY YOUNG: Yeah. Is -- what's the 25 acronym PTAG? Is that another acronym for the same</p>

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<p style="text-align: right;">Page 22</p> <p>1 Technical Advisory Group, or is that a different group?</p> <p>2 SEAN GREENE: Yeah. Sorry that's in a</p> <p>3 later mitigation measure, but is the pre-tech --</p> <p>4 pre-construction or, pardon me, Pre-operational</p> <p>5 Technical Advisory Group and its role is roughly</p> <p>6 synonymous with the Technical Advisory Committee. It's</p> <p>7 just -- as the TAC is defined in existing literature it</p> <p>8 can only be in operation post construction. But we</p> <p>9 needed that technical expertise available to EFSEC prior</p> <p>10 to construction for some of these siting, monitoring,</p> <p>11 and management plans.</p> <p>12 LENNY YOUNG: Okay. So one Technical</p> <p>13 Advisory Group's in place pre-construction, then that</p> <p>14 group goes away and it's replaced by another similar</p> <p>15 group?</p> <p>16 SEAN GREENE: Correct. And we imagine</p> <p>17 that the composition will probably be very similar, if</p> <p>18 not exactly the same.</p> <p>19 LENNY YOUNG: Thank you.</p> <p>20 SEAN GREENE: And I did want to add</p> <p>21 specific to the concern about burrowing owls. They --</p> <p>22 there is specific mitigation for that species later on</p> <p>23 in this presentation and within the EIS that addresses</p> <p>24 adverse and potential impacts more so than this measure</p> <p>25 here.</p>	<p style="text-align: right;">Page 24</p> <p>1 analysis been done to overlay those corridors on the</p> <p>2 Project plan and assess what proportion or what parts of</p> <p>3 the intended buildout would be precluded by this</p> <p>4 recommendation?</p> <p>5 SEAN GREENE: It has been. I don't have</p> <p>6 that map up on my screen right now, but I don't know if</p> <p>7 Kate Moss from WSP has an idea of what proportion of the</p> <p>8 Project was within corridors that were modeled as medium</p> <p>9 to very high linkage.</p> <p>10 KATE MOSS: I would need to go back and</p> <p>11 look for numbers. We did overlay the Project on top of</p> <p>12 corridors. We did the calculation in terms of the</p> <p>13 impact of the corridors, but not the other way around;</p> <p>14 how much the Project would be altered due to the -- due</p> <p>15 to avoiding corridors. There are features that bisect</p> <p>16 corridors. There's one specifically that runs</p> <p>17 north-south.</p> <p>18 LENNY YOUNG: So is that information</p> <p>19 that's just not available today, or is that in the FEIS,</p> <p>20 or in the FEIS, or was that just not done at all?</p> <p>21 KATE MOSS: So calculating how much the</p> <p>22 Project footprint would change to avoid the corridors</p> <p>23 wasn't done.</p> <p>24 LENNY YOUNG: Yeah. What pro -- I guess</p> <p>25 like, I'll -- a simple example would be what proportion</p>
<p style="text-align: right;">Page 23</p> <p>1 CHAIR DREW: Thank you. Any other</p> <p>2 comments on slide six -- seven? Questions? Ms.</p> <p>3 Brewster.</p> <p>4 STACEY BREWSTER: Hi. Regarding number</p> <p>5 nine and the definition of "feasible" who -- does EFSEC</p> <p>6 or the Applicant determine whether it's not feasible to</p> <p>7 clear; just do the grubbing?</p> <p>8 SEAN GREENE: Generally, that would be a</p> <p>9 conversation between the Applicant, EFSEC, and the, in</p> <p>10 this case, Pre-Technical Advisory Group. It would be a</p> <p>11 definition that's kind of developed as appropriate.</p> <p>12 STACEY BREWSTER: Okay. Thank you.</p> <p>13 SEAN GREENE: Any further questions on the</p> <p>14 side? Okay. And now we are into the habitat</p> <p>15 mitigation. This first measure, Habitat-1, would</p> <p>16 require the Applicant to locate all Project components</p> <p>17 outside of model movement corridors, specifically</p> <p>18 corridors modeled as medium to very high linkage by the</p> <p>19 Washington Wildlife Habitat Connectivity Working Group.</p> <p>20 And if components do need to be sited within these</p> <p>21 areas, the Applicant would need to prepare a corridor</p> <p>22 mitigation plan in concert with the PTAG and receive</p> <p>23 EFSEC approval prior to the siting of any components.</p> <p>24 Other questions here? Mr. Young.</p> <p>25 LENNY YOUNG: Has a simple overlay</p>	<p style="text-align: right;">Page 25</p> <p>1 of the turbines, or how many turbines, would be</p> <p>2 eliminated if the prohibition of siting turbines within</p> <p>3 the medium to high linkage corridors was applied.</p> <p>4 KATE MOSS: No. That analysis wasn't</p> <p>5 done.</p> <p>6 LENNY YOUNG: Okay. Thanks.</p> <p>7 CHAIR DREW: Is this a overlay that is in</p> <p>8 the Final EIS? Is it one of the confidential documents</p> <p>9 the Council has received? Is there a place where we can</p> <p>10 find this particular overlay?</p> <p>11 SEAN GREENE: It's not a confidential</p> <p>12 document. I believe it is within chapters -- Chapter</p> <p>13 3.6 or 4.6 within the EIS. I know I've seen the figure,</p> <p>14 so I imagine it was included in the EIS, but I can't say</p> <p>15 that for certain at this moment.</p> <p>16 LENNY YOUNG: If this is an analysis that</p> <p>17 would be appropriate, at this point, or possible for</p> <p>18 staff to carry out to overlay the modeled corridors,</p> <p>19 medium to very high linkage, on the Project plan and</p> <p>20 produce a description of what proportion of the Project</p> <p>21 as proposed would be impacted, that would be useful to</p> <p>22 me. But again, I don't want to ask for this if it's not</p> <p>23 appropriate for this to be done at this step in our</p> <p>24 process or it would be just something that would</p> <p>25 otherwise be not feasible to do.</p>

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<p style="text-align: right;">Page 26</p> <p>1 CHAIR DREW: I think that at this point, 2 if there is a visual overlay, I think the first step for 3 us would be to look at that. So I'm sorry. It looks 4 like my computer is going to be patched about now, so I 5 may disappear. But if the staff can identify that map, 6 that overlay, and let the Council know where it is then, 7 I know that in preparing for the December 20th meeting, 8 staff is going to reach out and talk to Council members 9 and we can find out what is feasible between now and 10 then. We have a comment by Jason Fidorra. 11 JASON FIDORRA: Yeah. Apologies. I 12 did -- I believe it's in the document. Figure 3.6-2 is 13 the overlay of the corridors. 14 CHAIR DREW: Thank you for that. Can we 15 see if we can make that available. Mr. Livingston? 16 MIKE LIVINGSTON: One thing that I want to 17 make sure I understand is, so in the Final EIS, Figure 18 2. -- 2-6 on 2-39, we have the map that shows the 19 different levels of impact, class zero through three. 20 The way I understand it, the movement corridors were not 21 one of the impacted resources that was considered within 22 that analysis, if that -- I just want to confirm my 23 understanding there. 24 SEAN GREENE: I don't know if movement 25 corridors were incorporated into that figure or not.</p>	<p style="text-align: right;">Page 28</p> <p>1 used to provide those impact classes. And again, just 2 to reiterate, the wildlife impacts were impacts based on 3 a two-mile buffer around the ferruginous hawk nests and 4 intersections within migratory corridor -- migratory 5 corridor classes of high or very high. 6 SEAN GREENE: Okay so the figures in 7 Chapter 2 are inclusive of wildlife corridors. That's 8 the figure you're looking at right now on your screen? 9 SIERRA HARMENING: Yes. 10 CHAIR DREW: Is that class three impact? 11 Is that class two impact? 12 SEAN GREENE: So the way that the class of 13 impacts were defined is whether that turbine location 14 would result in a high level of impact to a number of 15 resources. So any place more than class one could 16 potentially have a corridor component. But the figure 17 in Chapter 3, which you're now seeing on your screen, 18 any place that is highlighted in yellow or orange or red 19 are corridors that were classed as medium or above in 20 terms of linkage, and I don't think we have -- we 21 actually counted the number of turbines that are within 22 those areas, but this does give a visual representation 23 of what areas of the Project would potentially be 24 excluded by this mitigation measure. 25 LENNY YOUNG: Yeah. Just interested in</p>
<p style="text-align: right;">Page 27</p> <p>1 Sierra, do you know one way or the other? 2 SIERRA HARMENING: Yes. I believe they 3 were but I can double check in the next five minutes 4 just to confirm with our GIS analyst. But I do believe 5 that those corridors were involved in the rating of 6 those impacts. 7 MIKE LIVINGSTON: Okay. And I believe, 8 Councilman Young that -- is that what you were asking 9 for, then? 10 LENNY YOUNG: Yeah I did. I just was -- 11 what I -- and not at this point making any kind of a 12 judgment about this mitigation recommendation -- I just 13 would like to know, if this recommendation was applied 14 that there would be no Project components within medium 15 to very high linkage movement corridors. What 16 proportion of the Project would be essentially taken out 17 by the application of this recommendation. 18 SIERRA HARMENING: Again to verify, so I 19 have it in front of me now. So for wildlife impacts, 20 impacts are based on the following thresholds; so we 21 indicated intersection within a two-mile buffer around 22 the ferruginous hawk nests or intersection within 23 migratory corridor classes of high or very high for 24 wildlife impacts. So again, on those figures referenced 25 in Chapter 2, there are a series of impacts that were</p>	<p style="text-align: right;">Page 29</p> <p>1 looking at it both ways. And in one way, that I think 2 is depicted here, it assumes the turbines would be built 3 and then the impacts are characterized. The other way 4 of looking at it, is assuming that the corridors are 5 sacrosanct and that nothing would be built within them. 6 So what's the impact on the Project infrastructure at 7 that point? And it would be useful to have both of 8 those complementary assessments to address this topic. 9 SEAN GREENE: Yeah, I fully understand the 10 desire there. That's something that we can look at and 11 see if it's something that can be prepared for the next 12 Council meeting. And I don't know how much time that 13 might take, but we'll look into it for sure. 14 LENNY YOUNG: Thank you. 15 SEAN GREENE: And just as a note, I have a 16 WaTech patch that's going to shut off my computer in 25 17 minutes so if I disappear, that's why. Okay. Any 18 further questions on Habitat-1? 19 All right. Moving along. Habitat-2 would 20 minimize transmission line crossings of canyons and 21 draws with additional mitigation and EFSEC approval 22 necessary if such crossings are required. 23 And Habitat-3 requires that temporary laydown 24 yards avoid all impacts to shrubsteppe habitat with 25 additional mitigation and EFSEC approval again being</p>

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<p style="text-align: right;">Page 30</p> <p>1 required if such impacts are required. Other questions 2 here? 3 CHAIR DREW: Let's take a little bit to 4 absorb this. Questions from Council members? Ms. 5 Osborne. 6 ELIZABETH OSBORNE: Thank you, Chair. I 7 think I could use a little help understanding in 8 Habitat-2 what the sequence of events would be if EFSEC 9 would approve the final transmission layout, where would 10 that fit in time? It seems sort of like there could be 11 an iterative problem here where, you know, the 12 transmission line layout would change the Project 13 composition and then need to be looked at again. And I 14 guess I'm just wanting to understand that process a 15 little bit better. 16 SEAN GREENE: Sure. It -- and when it 17 comes to final Project design, it's going to be an 18 iterate process for any components and this would be no 19 different there. When the Applicant is at a point where 20 they believe they know where the transmission line 21 crossing or transmission line -- transmission lines 22 would like to be sited, if there are any that cross 23 canyons or draws, they would need to inform EFSEC of 24 that desire and we would, or EFSEC would, make a 25 determination about whether that crossing is necessary</p>	<p style="text-align: right;">Page 32</p> <p>1 funded? How would the participation of the various 2 organizations' personnel be paid for? 3 SEAN GREENE: So I don't know if Amy Moon 4 or Ami Hafkemeyer have better knowledge than me, but I 5 know that some element of it comes through our 6 contracted relationships with other state agencies. And 7 then when it comes to independent biologists or 8 Applicant representatives, those are funded by the -- 9 those can be funded by the Applicant. But I see Ami 10 Hafkemeyer has her hand up. 11 AMI HAFKEMEYER: Sure. So it does vary a 12 little bit. We have some of the costs of participation 13 and tax for other projects, other facilities, captured 14 in our interagency agreements with those agencies. Some 15 agencies elect to participate independently rather than 16 enter into an interagency agreement. And so it's 17 historically -- there's been some variation in how 18 support for those positions have been provided. For the 19 funds that are provided in interagency agreements, per 20 EFSEC's funding mechanisms, those are passed along 21 through invoices to the Applicant. 22 LENNY YOUNG: Thank you. 23 CHAIR DREW: Mr. Livingston. 24 MIKE LIVINGSTON: Well, this concept for 25 me was new. And maybe I just missed it in the past with</p>
<p style="text-align: right;">Page 31</p> <p>1 or if there is a feasible alternate route where that 2 crossing would be avoided. And if the crossing does -- 3 is the necessary route, then we would work with the 4 Applicant to develop additional mitigation measures. 5 ELIZABETH OSBORNE: Okay. So just to 6 clarify, we'd look at each potential site individually 7 or crossing. 8 SEAN GREENE: Yes. Any time that the 9 transmission line is crossing is proposed, we would look 10 at that one in isolation. 11 ELIZABETH OSBORNE: Thank you. Yeah. 12 That's helpful. 13 SEAN GREENE: Any further questions on 14 these two? Okay. 15 And this is another lengthy one, but Habitat-4 16 outlines the creation of the Pre-technical Advisor -- 17 Pre-operational Technical Advisory Group and Technical 18 Advisory Committee and includes guidance on determining 19 membership, determining roles, and assigning 20 responsibilities for the pre-construction, construction, 21 operation, and decommissioning phases of the Project. 22 And I'll give you some time to read through this and 23 offer any questions that you have. 24 Yes, Mr. Young. 25 LENNY YOUNG: How would these groups be</p>	<p style="text-align: right;">Page 33</p> <p>1 other particularly wind farm projects. I'm curious. Do 2 we have other examples where we put together the PTAG 3 and then also I would like to ask Mr. Ritter if, you 4 know, his perspective on this and then also if he's got 5 any experience with a PTAG. 6 SEAN GREENE: Let me just answer the 7 historic question before Mike takes a stab at it. But 8 the idea of the PTAG is new for this Project. In 9 previous projects, we have had the TAC operate prior -- 10 in a role that placed it prior to construction to look 11 at a lot of the siting and management plans that needed 12 to be developed. Like I said, the existing 13 documentation kind of indicates that the TAC is only 14 supposed to exist post construction for a Project. So 15 we developed this PTAG as a kind of a sister committee 16 that does a lot of the same work, but in an earlier 17 phase of the Project. And I'm sorry. I didn't mean to 18 cut you off, Ami Hafkemeyer, if you had something to 19 add. 20 AMI HAFKEMEYER: No. I was basically 21 going to say the same thing you just said, so nothing to 22 add. 23 SEAN GREENE: Okay. And then Mike Ritter, 24 if you want to go. 25 MIKE RITTER: Sure. Thank you, Mike</p>

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<p style="text-align: right;">Page 34</p> <p>1 Livingston, could you -- I just want to be sure I answer 2 your question or questions correctly. Can you rephrase 3 that or not rephrase, but restate it for me, please? 4 MIKE LIVINGSTON: Yeah, I sure can. So 5 the -- and it sounds like from what Sean had shared with 6 us that this is a new concept of having a PTAG, even 7 though there's been the Technical Advisory Committees 8 put together during construction. But this one is a 9 little different in that there's again, it seems to me, 10 and we'll get into more details with ferruginous hawks, 11 and that's what I'm just kind of priming the pump here 12 for that discussion. But I think I wanted to know from 13 your perspective generally how you view this new concept 14 of interacting as the Project is being designed, laid 15 out, you know, because it -- I don't believe we've had 16 these in the past this way. 17 MIKE RITTER: Thank you. And that's what 18 I thought I heard in your first kind of question about 19 it, but I'm glad you reiterated it and you asked for my 20 view on this. Yeah, this is the first Project ever to 21 have a PTAG. And when I read the roles or 22 responsibilities of what the PTAG is going to do; to 23 review and provide technical advice on documents 24 produced by the Applicant. 25 Well, that's what we have been doing for the</p>	<p style="text-align: right;">Page 36</p> <p>1 to seek a different opinion than agency staff that might 2 be participating or necessarily any new opinions. It's 3 meant to serve as a technical oversight board as these 4 plans are developed. 5 So for instance, when we get to it eventually 6 for pronghorn antelope, there's a requirement that the 7 Applicant do seasonal surveys prior to construction and 8 during operation. And the PTAG's role for that 9 pre-construction survey would be to weigh in on 10 methodology, on extent, on the technical aspects of 11 those surveys, and review the results, and provide that 12 guidance to EFSEC as EFSEC makes a determination about 13 whether those surveys are sufficient to address 14 potential concerns for that species. And that role for 15 the PTAG is expanded to a number of mostly wildlife 16 mitigation throughout the EIS. 17 CHAIR DREW: So in other words, it's part 18 of adaptive management. When we find that perhaps what 19 we predicted to happen isn't happening exactly the way 20 we predicted it to happen, there's a mechanism for 21 changing the mitigation. 22 SEAN GREENE: Yes. You're absolutely 23 correct. That's another big role of the PTAG and the 24 TAC is developing adaptive management procedures in 25 concert with EFSEC to address any kind of deficiencies</p>
<p style="text-align: right;">Page 35</p> <p>1 last several years on this Project, making 2 recommendations, providing technical advice, as well as 3 others have been -- who would also be part of the PTAG. 4 So I don't know how we would provide anything new or 5 different from our conservation perspective on this 6 Project. So that would be my view. 7 It seems like we've provided what we can 8 already, and I'm just -- and maybe you can hear from 9 my -- I'm trying to choose words and think, but I'm just 10 confused by this PTAG. That's all. 11 CHAIR DREW: Well for, I guess, for one 12 example, I think one of the mitigations I read about in 13 the Final EIS, and please everybody correct me if I'm 14 wrong, is that we're con -- the FEIS expressed concerns 15 about migratory bat species and would like to see more 16 studies done before construction. 17 And the PTAG would be the Technical Advisory 18 Group that would look at that study that hasn't been 19 completed, but is additional work that likely would need 20 to be done, and then comment on how that would have 21 impact on the construction of the Project. Sean, Amy, 22 is this or is this what you're looking for in this type 23 of committee? 24 SEAN GREENE: Yeah, I think that's a fair 25 characterization. And the objective of the PTAG is not</p>	<p style="text-align: right;">Page 37</p> <p>1 that come about throughout the life span of the Project. 2 CHAIR DREW: Thanks. Ms. Hafkemeyer. 3 AMI HAFKEMEYER: I just wanted to build a 4 little bit on what Mike Ritter said. It is very much 5 like the support they've been giving this Project over 6 the last several years and is, you know, in part to 7 ensure that those continued conversations and that 8 continued input is happening, you know, recognizing that 9 there are groups outside of EFSEC that we work with with 10 expertise in these areas and ensuring that we have the 11 appropriate parties for that ongoing review, and input, 12 and adaptive management. 13 CHAIR DREW: And one of the reasons, from 14 my perspective, I think it's a good idea is that this is 15 not just behind the scenes work. The work that will 16 come up through the PTAG will be public through reports 17 and will come to the Council as well as the staff in 18 terms of information sharing. So I think it's a way to 19 hold the Applicant accountable, in my view. Ms. Moon. 20 AMY MOON: Thank you. I just wanted to 21 point out, in case somebody wants to post it on the 22 screen, is Table 4.6-10: Summary of Milestones. Is 23 there really informat -- it's full of information on 24 what the differences is or the responsibilities of the 25 PTAG and the TAC, and it has a construction timeline on</p>

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<p style="text-align: right;">Page 38</p> <p>1 there and operation. So all of the timing of what 2 documents and what review each of those groups are doing 3 is in that Summary of Milestones, Table 4.6-10, and 4 there it is. 5 SEAN GREENE: Are there any further 6 questions at this point on the PTAG or the TAC? 7 Okay. Habitat-5 covers indirect habitat loss 8 through the development of an Indirect Habitat Loss 9 Management Plan that we'd be developed in coordination 10 with the PTAG. And this plan would include the 11 development of criteria to be used to compensate for 12 loss of habitat function and value and a commitment to 13 compensatory mitigation. And I'll give you time to read 14 through this and develop questions. Are there any 15 questions on Habitat-5? 16 Okay. Habitat-6 ensures that as the Project 17 layout is further refined closer to the start. Sorry. 18 What was that? Okay. 19 CHAIR DREW: It isn't a Council member. 20 Yeah. Go ahead. 21 SEAN GREENE: Okay. Yeah as the Project 22 layout is further refined closer to the start of 23 construction, all changes would be coordinated with the 24 PTAG and EFSEC. 25 And Habitat-7 requires that all roads built for</p>	<p style="text-align: right;">Page 40</p> <p>1 acquisition. 2 SEAN GREENE: I'm sorry. I don't think I 3 understand the question. 4 MIKE LIVINGSTON: So you have Option 1 5 conservation easement in parentheses there, right? 6 That's, you know, that's just buying, for example, the 7 development rights on a piece of property. So that's 8 one form of doing conservation. Another form would be 9 to buy the property outright and put it into full 10 conservation status, not just development rights 11 stripped from the property, but it's -- say it becomes 12 public land, for example. So I'm not, and maybe I'm 13 missing something in this -- all the material here -- 14 but you said that the Option 1 would be the likely 15 preferred outcome, and I'm just wondering why we would 16 limit ourselves to that. 17 SEAN GREENE: If -- so the Applicant has 18 developed a plan to meet all the compensatory mitigation 19 needs through the purchase of conservation easements. 20 That's not necessarily a preference that's been stated 21 by EFSEC. That's the Applicant's preference. We have 22 outlined here other potential options for meeting those 23 same compensatory needs. All three are standard methods 24 through which that compensation can be reached, so I 25 don't -- yeah, I guess that preference is coming from</p>
<p style="text-align: right;">Page 39</p> <p>1 the Project would be removed and the land restored 2 during decommissioning. If any roads are intended to be 3 left in place following the lifespan of the Project, for 4 example at landowner request, the Applicant would be 5 required to work with EFSEC on the development of 6 additional mitigation. Are there any questions on these 7 measures? 8 Okay. Habitat-8 requires compensatory 9 mitigation for all habitat loss and alteration as a 10 result of the Project, either through the development of 11 conservation easements or fee-based mitigation to WDFW 12 or a third party identified by WDFW. At this point the 13 Project as proposed, should be able to meet all 14 compensatory mitigation needs through Option 1, which is 15 the conservation easement. And I'll let you read 16 through this and develop questions. 17 And I want to state that the ratios that have 18 been developed for this compensatory mitigation are in 19 Table 4.5-3 within the EIS, and I can put those on the 20 screen now if Council would like. But first, Mr. 21 Livingston. 22 MIKE LIVINGSTON: Yeah Sean, thanks. I'm 23 curious. The Option 1 conservation easement, why be 24 prescriptive upfront as far as what the, you know, 25 what's the desired outcome, easement versus fee title</p>	<p style="text-align: right;">Page 41</p> <p>1 the Applicant. 2 MIKE LIVINGSTON: Okay. Thank you for the 3 clarity. 4 SEAN GREENE: Yes. I'm sorry. I think I 5 saw another hand, but I don't -- I can't look at 6 everybody. 7 CHAIR DREW: I think it was Mr. Young, but 8 I think he took it down. 9 SEAN GREENE: Okay. And would the Council 10 like to see the Habitat Offset Ratios? 11 MIKE LIVINGSTON: Sure. 12 SEAN GREENE: Okay. These are the ratios 13 that were established when the -- within the EIS. And 14 again I apologize, I have a WaTech patch that's going to 15 force itself to install and restart my computer several 16 times here in the next 90 seconds. So I don't know if 17 maybe Andrea can pull up the presentation and the 18 Council can continue to discuss while I have to go 19 through several restarts. 20 STAFF GRANTHAM: I am also getting the 21 same patch. So I believe Alex Shiley said, because we 22 have been talking in the background, she said she should 23 be good from the patch, so hopefully she can pull it up 24 and share it while we're all restarting on our end. 25 SEAN GREENE: Okay. Good.</p>

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<p style="text-align: right;">Page 42</p> <p>1 ALEX SHILEY: Unfortunately, I did also 2 get the same information. So it looks like it's just 3 poor timing here. 4 CHAIR DREW: Well, and it could be a 5 circular process so some of us will go at different 6 times. I think all of us have received that. So let's 7 keep going. And we may have to take an unscheduled few 8 minute break. So let's just say that. 9 SEAN GREENE: Okay. Then we might want to 10 schedule that for now because I'm going to get kicked 11 off here in 30 seconds. 12 CHAIR DREW: Okay. Let's take a short 13 five-minute break and be back -- well, back at 2:43 14 p.m., like six minutes. Okay. We are on break. 15 (Recess.) 16 CHAIR DREW: So we are here on Habitat-8 17 and this is the mitigation measures, and we had some 18 conversation about -- I mean, I'm sorry, this is the 19 compensation for habitat loss and alteration. Are there 20 any other questions or comments from Council members? I 21 see a hand up. Go ahead. I'm not seeing who it is on 22 my screen. 23 LENNY YOUNG: Yeah, Chair Drew, this is 24 Lenny Young. My question is, for the second part of 25 this, the fee-based mitigation, how are the funds that</p>	<p style="text-align: right;">Page 44</p> <p>1 Ellensburg might use a, you know, a typical land trust 2 and things like that. 3 LENNY YOUNG: Is the idea that the funds 4 would be used to acquire habitat in the general vicinity 5 of the Project? 6 MIKE RITTER: Yes, that is correct. 7 It's -- we -- that's one of the primary overriding 8 things is the -- whatever we do with the money, and we 9 leave it wide open, whether it's restoration, 10 conservation, acquisition occurs in the county where the 11 impact occurred. 12 LENNY YOUNG: Thank you. 13 MIKE RITTER: You're welcome. 14 CHAIR DREW: Okay. Perhaps we're ready to 15 move on to the next. 16 SEAN GREENE: Now we're progressing into 17 the species specific mitigation. This first one targets 18 the striped whipsnake and sagebrush lizard and requires 19 pre-construction surveys for those species with a 20 management plan to follow if either species is confirmed 21 to be present during -- within the Lease Boundary during 22 those surveys. I'll give you a moment to read through 23 this and present any questions that you have. 24 Okay. Hearing no questions, we'll move on. 25 Species-2 targets the American white pelican and</p>
<p style="text-align: right;">Page 43</p> <p>1 are raised through this part of the mitigation used? 2 Where does the money go? What's it pay for? 3 SEAN GREENE: So there's two routes that 4 the fee-based mitigation can go through, either directly 5 through WDFW or a third party identified by WDFW. I'm 6 not familiar with how WDFW disperses those funds or I 7 don't know if one of the WDFW SMEs might be more 8 knowledgeable. 9 MIKE RITTER: This is Ritter. Is that 10 okay if I respond? 11 SEAN GREENE: Certainly for me. 12 MIKE RITTER: Thank you. In the past, the 13 third party has held the money and we've worked with the 14 third party kind of as an advisory role to help all of 15 us figure out conservation on the land through granting 16 opportunities working with other partners. So we don't 17 hold the money. They do. 18 LENNY YOUNG: Who's that party? What kind 19 of an organization is the third party? 20 MIKE RITTER: Down here in the Columbia 21 Basin, it's been very challenging to find a third party 22 that operates in that kind of business. So we've been 23 using the Benton and Franklin Conservation District for 24 ours down here, which has been really, really good. I 25 would think that projects closer to Yakima and</p>	<p style="text-align: right;">Page 45</p> <p>1 mandates the creation of an observation database to 2 persist throughout operation of the Project with 3 adaptive management potentially developed based on 4 mortality records and the need for management. 5 And then Species-3 is specific to eagles and 6 requires the Applicant to implement WDFW recommended 7 buffers for all bald and golden eagle nest and pursue 8 requisite take permits from US Fish and Wildlife. Are 9 there any questions on these two mitigation measures? 10 CHAIR DREW: Ms. Brewster. 11 STACEY BREWSTER: Yeah. Curious about the 12 pelican database. Can you talk a little bit about how 13 those observations are recorded? Will they be surveys 14 or are they -- are you counting on staff to record 15 observations. 16 SEAN GREENE: Yeah. So this would be 17 staff recording observations during the operation phase 18 of the Project. If there is a need for or if there is 19 determined to be a need for formal surveys, that is kind 20 of baked into this mitigation measure as part of the 21 adaptive management, if EFSEC believes it is necessary. 22 The expectation, based on the data available 23 and presented in Chapter 3.6 of the EIS, is that the 24 species will be transversing the site but will not be 25 nesting within the Lease Boundary. So it's more of a</p>

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<p style="text-align: right;">Page 46</p> <p>1 concern of potential mortality of the species through 2 strikes with turbines. And if we see that there are a 3 concerning number of mortality events, than we would 4 develop adaptive management. 5 STACEY BREWSTER: Thanks. 6 CHAIR DREW: And Mr. Young. 7 LENNY YOUNG: I've got a couple of 8 questions for Mr. Watson on Spec-3 eagles. Jim, I'm 9 mostly familiar with the concept of incidental take 10 under the endangered species act and how does that -- 11 does the concept of incidental take also now operate 12 under the bald and golden eagle protection act or how -- 13 where do we stand both at the federal level and state 14 level for thinking about and implementing incidental 15 take considerations for bald and golden eagles? 16 JAMES WATSON: Yeah. Incidental take is 17 really -- the process has really changed over the years 18 such that now the Applicant in anticipation of eagle 19 kills, for example, on this Project would apply 20 beforehand to take a certain number of eagles and then 21 the mitigation that would come through, you know, 22 retrofits on power lines, that kind of thing, would 23 account for those eagles that are killed. And then that 24 threshold that's anticipated of kill, if that is 25 exceeded, then there would be additional mitigation. Is</p>	<p style="text-align: right;">Page 48</p> <p>1 JAMES WATSON: Yeah, I might be speaking 2 out of term, because I'm not sure if the Project has 3 actually calculated that. You would have to actually 4 address -- they would actually have to address that. So 5 but again, based on my perspective, it would be very 6 very low to be, you know, expected. So. 7 LENNY YOUNG: Great. Thank you very much. 8 JAMES WATSON: Sure. 9 SEAN GREENE: Again, I would just say to 10 this point, I don't believe that a calculation of 11 estimated take has occurred yet, but as was mentioned, 12 there's not anticipated to be much. I think then -- 13 there's no bald eagle nest anywhere near the site and I 14 think the closest golden eagle nest is at least four 15 miles away. Are there any other questions on these two? 16 Yes, Jason. 17 JASON FIDORRA: I might have misheard you 18 or maybe you misspoke, but the -- I'm not sure if there 19 is a golden eagle nest within four miles of the property 20 and there would be bald eagle nests along the river 21 within probably I'm guessing that's four or five miles. 22 So maybe the bald eagles are along the river not too far 23 from the property. 24 SEAN GREENE: Yeah, sorry. I think I 25 conflated the two. I believe that's accurate. Okay.</p>
<p style="text-align: right;">Page 47</p> <p>1 that kind of along the lines, Lenny, of what you've 2 traditionally -- 3 LENNY YOUNG: Yeah. What law or 4 regulation is that continuing incidental take 5 requirement flowing from? Where do -- what's the 6 authority for that? 7 JAMES WATSON: The Bald Eagle Protection 8 Act. Yeah. 9 LENNY YOUNG: Okay. Great. Yeah. And 10 then it sounds like the estimates of incidental take due 11 to the Project, have those been done? Do we have those 12 now in hand? 13 JAMES WATSON: I don't know if I've seen 14 those, but I would point out that there is no -- there 15 aren't any nesting eagles on this Project nor are there 16 likely to be in the future. It's simply not the habitat 17 for them. So it would be sole birds, you know, flying 18 through the area and incidental strikes of non breeders. 19 LENNY YOUNG: Okay. So the -- that type 20 of thing, like incidental bird strike, that would 21 trigger the need to address that as incidental take, but 22 we're not -- because the anticipation isn't there. It's 23 not as if the Project has estimated a level of 24 incidental take that would occur over the life of the 25 Project or anything like that.</p>	<p style="text-align: right;">Page 49</p> <p>1 Hearing no further questions. 2 Species-4 is specific to the burrowing owl and 3 requires pre-construction surveys for the species with a 4 half-mile buffer applied to any identified nest with a 5 management plan being developed in coordination with the 6 PTAG if any nests are identified. I'll give the Council 7 time to read through this. Are there any questions on 8 Species-4? Okay. Yes? 9 MIKE LIVINGSTON: Yeah, Sean. So okay, so 10 the WDFW recommended seasonal buffers would be applied 11 around the nest, and that's -- that seasonal buffer 12 would be for construction, right? And then if there's 13 owls' nests, burrows identified within, I don't know, x 14 distance of turbines there'd be an effort to realign the 15 turbines to avoid those. What would be the -- let's see 16 here -- it doesn't prescribe what the distance would be 17 if you're trying to avoid an active burrowing owl nest 18 and that would just be left up to the PTAG to work 19 through. Is that what you are planning? 20 SEAN GREENE: Yes. The PTAG would weigh 21 in on that and as WDFW would have membership on that, 22 that group, EFSEC would take their technical guidance 23 into strong consideration. 24 MIKE LIVINGSTON: Okay. Thank you. 25 SEAN GREENE: Any other questions? Okay.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Species-5 is our most, I think, complex and lengthy 2 mitigation measure, so it actually takes up the next 3 three slides so I can move back and forth as the Council 4 is discussing, but it can essentially be described as a 5 requirement that all Project components be sited at 6 least two miles from any identified ferruginous hawk 7 nest. This two-mile buffer would be applied to all 55 8 nests within the Lease Boundary as well as an additional 9 eight that are within two miles of the Lease Boundary, 10 for a total of 63.</p> <p>11 This mitigation does outline a process through 12 which the Applicant may site components within two miles 13 of the nest under specific circumstances, which would 14 include; first, a determination through a current survey 15 that the nest is not currently occupied by the 16 ferruginous hawk, and second, a determination that the 17 habitat on which the Project infrastructure would be 18 sited does not represent viable ferruginous hawk 19 foraging habitat, presumably as a result of landscape 20 level conversion into cropland or residential 21 development or similar where the ferruginous hawk would 22 be unable to forage.</p> <p>23 And I'm just going to move to the next side so 24 you can continue to read along, but, again, we can move 25 back and forth.</p>	<p style="text-align: right;">Page 52</p> <p>1 James has raised his hand. So Watson, right? I'm on my 2 cell phone so I can't see everything.</p> <p>3 JAMES WATSON: That's correct. Thank you.</p> <p>4 I just wanted to correct that as to my information. If 5 the 55 nests plus are ones that we provided those, in 6 fact, have been confirmed at one time to have been used 7 by ferruginous hawks. We've done, in the past, an 8 extensive review of nests to eliminate those that are 9 not known to be have been used. And, of course, those 10 nests individually don't represent a nesting pair.</p> <p>11 Rather, there are 18 nesting pairs associated with those 12 nests because a particular pair of birds can use more 13 than one nest over time. So again, 18 territories, 55 14 plus nests. Anyway, more of that clarification.</p> <p>15 SEAN GREENE: I appreciate the 16 clarification. The vast majority of those nests did 17 come from WDFW data sets. A few of them were identified 18 by the Applicant during their five years of survey, but 19 the vast majority are from WDFW. So those would be 20 nests that have been confirmed to have been occupied by 21 the ferruginous hawk at one point in time.</p> <p>22 JAMES WATSON: That's correct.</p> <p>23 SEAN GREENE: Thank you.</p> <p>24 CHAIR DREW: I see Mr. Livingston and one 25 other. So go ahead.</p>
<p style="text-align: right;">Page 51</p> <p>1 CHAIR DREW: Can we just pause there for a 2 second --</p> <p>3 SEAN GREENE: Sure.</p> <p>4 CHAIR DREW: -- because I think this is 5 important for all of the Council members and, in fact, 6 the public who are participating to understand when you 7 speak about 55 to about 60 or so nests they are not 8 necessarily filled or expected to be filled with 9 ferruginous hawks right now. Can you describe what this 10 includes in terms of the ferruginous hawk.</p> <p>11 SEAN GREENE: Yes. So those 63 nests are 12 nests that have been historically recorded as 13 constructed within that area that could serve as 14 ferruginous hawk nests. It's not confirmed necessarily 15 whether a ferruginous hawk has actually built or ever 16 occupied those nests. During the, I believe, five years 17 of nest surveys that the Applicant has performed in 18 preparation for this Project two nests, I believe, have 19 been confirmed to be occupied by ferruginous hawks. One 20 for a single year and a second nest for two years.</p> <p>21 Currently, none of this -- or as of the most 22 recent survey which was performed earlier this year, 23 none of the 63 nests were occupied by the ferruginous 24 hawk.</p> <p>25 CHAIR DREW: And but -- oh, okay. And</p>	<p style="text-align: right;">Page 53</p> <p>1 MIKE LIVINGSTON: Thanks, Chair. So this 2 question's for Mr. Watson. So the approach here that is 3 proposed to putting a buffer of two miles around 4 individual nest sites, how does that capture and provide 5 protection compared to what you stated was territories 6 of 18 pairs in the area? Is this nest-buffer approach 7 the appropriate way to protect those 18 territories?</p> <p>8 JAMES WATSON: Good question. If you'll 9 bear with me just a minute. The -- our recommendation 10 from the beginning has been to protect a two-mile core 11 buffer area, the core area of a home range of 12 ferruginous hawks. And I'll use this illustration so 13 everybody can understand, kind of a layperson 14 description, would be like your house.</p> <p>15 The ferruginous hawks, you know, on a regular 16 basis, daily in and out, would rest in a particular 17 place at the nest. They may, you know, go to a, you 18 know, a different room in the house and all those kinds 19 of things like we would but that would be the regular 20 use area. And, in fact, they would put a lock on the 21 door. Now this, I'll illustrate why that's important as 22 well, and that's to prevent, you know, disturbance 23 within that core area.</p> <p>24 Now the point is, we've recommended only on 25 average, extends out to about six miles from the nest.</p>

<p style="text-align: right;">Page 55</p> <p>1 And so if you can envision if you left your home on a 2 daily basis to go to the grocery store or go to work or, 3 you know, take a run that might not be as regular as the 4 area you use in the core area but it would nonetheless 5 be vital to, you know, your existence. Yet it's a 6 little less certain as to where those areas are out in 7 the landscape and they're also more distant from your 8 home, of course.</p> <p>9 The point would be, that's why we've chosen to 10 really focus on a two-mile core habitat as being 11 critical to protecting the integrity of these 18 12 territories because there's uncertainty and would be 13 prohibitive to suggest a six-mile buffer across the 14 landscape for protecting these 18 territories. But 15 nonetheless, that's essential habitat.</p> <p>16 So I just point that out because these birds, 17 as we protect them, are going to be covering the entire 18 landscape, you know, several miles out from where these 19 nests are. So that two-mile area becomes all the more 20 important to protect in terms of integrity. And so with 21 that illustration, Mike, I don't know if that helps or 22 if you've got a specific question about that, but that 23 kinda lays the groundwork as to our process and how we 24 came up with the buffers that we recommended.</p> <p>25 MIKE LIVINGSTON: Yeah. If I may follow</p>	<p style="text-align: right;">Page 56</p> <p>1 impacting the birds through loss of foraging habitat or, 2 you know, disturbance at the nest.</p> <p>3 Those are critical aspects. And I mentioned 4 disturbance again in mortality because in the EIS and, 5 in fact, in the earlier thing that was presented and 6 maybe it's on this page. Actually, it doesn't mention 7 that within that two-mile zone one of the critical 8 aspects of impact is potential turbine strike or 9 disturbance to the birds. It mentions here loss of 10 habitat and loss of nest structure. I believe, so 11 anyway.</p> <p>12 CHAIR DREW: I'd like to follow up. I'm 13 trying to understand. Are the two miles of the 14 identified nests, and I understand they're used by -- 15 they have been used historically by 18 pairs and they 16 could used by multiple, so right? Is that different 17 than two miles from the core area? Is that what you're 18 saying?</p> <p>19 JAMES WATSON: Right. So within -- if you 20 envision, these nests for these pairs are not that far 21 apart, so they're not like miles apart. So within this 22 home range, you actually have a core area that you may 23 have a couple nests that would shift this two-mile core 24 area to make it slightly larger. But relatively 25 speaking, we're talking again that, essentially within a</p>
<p style="text-align: right;">Page 55</p> <p>1 up. So what is being described here as the approach, 2 how close is that to what you've been recommending to 3 EFSEC staff?</p> <p>4 JAMES WATSON: Yeah. The big difference 5 is they are recommending turbines be placed within that 6 two-mile core area, essentially within your house. You 7 know, the area that I would look at is the most critical 8 to be protected because that's going to be the area that 9 they use on a daily basis, flying in and out of turbines 10 on a daily basis within that core area. And so this 11 proposal actually does include, in the two different 12 options, it does include a number of turbines within the 13 core zone.</p> <p>14 In fact, I computed for 12 territories there 15 are an average of -- in those 12 territories are ones 16 in which there were turbines proposed in the core area. 17 And for those 12 territories, there are an average of 18 14.8 turbines per territory proposed for Option 1.</p> <p>19 So again, what's the probability of one of 20 these birds hitting a turbine within that two-mile zone 21 when you have 14 turbines on average, 14.8 turbines 22 within the core area? Well, there's some probability 23 there, but all I can say is when you increase the 24 disturbance and number of turbines within that core area 25 you're increasing the probability of a turbine strike or</p>	<p style="text-align: right;">Page 57</p> <p>1 two-mile core area zone. It's not, you know, so these 2 birds might nest within a couple 100 meters of an 3 alternative nest. So it's not significantly different.</p> <p>4 CHAIR DREW: Okay. So the two miles of a 5 ferruginous hawk nest pretty much correlates with what 6 you're talking about, two miles of core area?</p> <p>7 JAMES WATSON: That's correct.</p> <p>8 CHAIR DREW: Okay. But your concern is 9 the specifics that are laid out for, if a turbine could 10 be located, like the exception role that's laid out in 11 this mitigation, is that what you're concerned about?</p> <p>12 JAMES WATSON: That was one of the 13 striking things that it didn't include anything about 14 disturbance or mortality, fatality strikes. These birds 15 are obviously susceptible to turbine strikes. And yet 16 what's mentioned here is it would be considered if 17 habitat is no longer viable in the -- in that area or I 18 think there was a mention of nest site structure.</p> <p>19 And actually that's unclear as well. It says 20 the nest site is no longer available. And I'm a 21 presuming that means the supporting nest structure, 22 rather than the nest material itself. These birds do 23 return to unoccupied territories up to 20 years after 24 they've been used. So as long as there's nest 25 structure, suitable foraging habitat, and then a lack of</p>

<p style="text-align: right;">Page 58</p> <p>1 development on those areas, that's what we're looking 2 for to reoccupy and recover the species overall. 3 CHAIR DREW: So you would -- you would 4 prefer no turbines within that two-mile buffer. 5 JAMES WATSON: That's correct. 6 CHAIR DREW: Okay. 7 JAMES WATSON: That's what we've 8 recommended. 9 CHAIR DREW: Okay. Yeah. And yeah. And 10 yes, I think that -- and I understand what the FEIS says 11 is -- I want to ask our team I -- if there's anything 12 else you want to add to this discussion. And I do see 13 you, Mr. Young. So we will get to that too. But I just 14 wanted to clarify that. And I think that that's 15 certainly some different information. I mean, it's 16 included in this recommendation. It's just that there 17 was an exception process within the recommendation. So 18 I hear you, what you're saying there. Sean, or -- are 19 there -- is there anyone who else who wants to comment 20 on this from the staff? 21 SEAN GREENE: Sure. Just a few notes. 22 One, this mitigation measure does not recommend a 23 construction of any Project components within that 24 two-mile buffer. That exception clause is kind of -- it 25 is meant to be an exceptional circumstance. And the</p>	<p style="text-align: right;">Page 60</p> <p>1 discussion in the EIS. 2 CHAIR DREW: Okay. So this measure, as I 3 hear it, is to say there should be no turbines within 4 this two miles unless there's an exception approved. 5 And I understand what we heard from Mr. Watson is, he 6 prefers it with no turbines in there. So I -- Mr. 7 Young. 8 LENNY YOUNG: Yeah, kind of along the same 9 line. In the first line of the Spec-5 paragraph starter 10 says that, "would avoid siting Project components within 11 core habitat in...territories, defined as the habitat 12 within a 2-mile radius." Does that mean that Project 13 components could be sited within a two-mile radius if 14 they are not constructed in a vegetation type that is 15 considered habitat or is all the land area within the 16 two-mile radius considered to be habitat and Project 17 components would be completely excluded? 18 CHAIR DREW: Mr. Greene. 19 SEAN GREENE: Yeah. So that kind of 20 blends into the exception methodology where Project 21 components would be allowed to be sited within two miles 22 if the Applicant essentially makes a case that the site 23 upon which the component is intended to be constructed 24 no longer represents viable ferruginous hawk habitat, 25 usually through landscape-level conversion. In this</p>
<p style="text-align: right;">Page 59</p> <p>1 process through which that exception would take place 2 does go through the PTAG with final EFSEC approval for 3 each individual turbine and involves additional steps 4 which are covered in the rest of this mitigation, which 5 are -- which is on the next slide and a half, if we want 6 to go to those. But it does involve additional 7 development of mitigation and management for that 8 species, including turbine curtailment if during 9 periods -- the periods of high activity for the species. 10 And the other thing was, I just wanted to say, 11 that the reading of no nesting structures, it -- what 12 was accurate is meant to indicate that the actual 13 structure upon which a nest was constructed is no longer 14 available, not necessarily just the nesting material. 15 JAMES WATSON: Okay. Thank you. 16 SEAN GREENE: I saw a couple of hands pop 17 up, but they're gone now. 18 CHAIR DREW: Okay. Ms. Hafkemeyer, do you 19 want to add something at this point? 20 AMI HAFKEMEYER: I just wanted to direct 21 the Council, if you're looking for information or 22 discussion on mortality and turbine strikes, we do have 23 that information in the text in Chapter 4 in the impacts 24 discussion. I think maybe those -- that verbiage isn't 25 in this mitigation measure here but we do have that</p>	<p style="text-align: right;">Page 61</p> <p>1 area, would primarily be to cropland which is not 2 suitable for the species. 3 And they would perform surveys to justify 4 essentially their argument, present that to the PTAG, 5 and the PTAG would consider the merits of that 6 determination and provide EFSEC with a recommendation as 7 to whether or not that particular area does represent 8 habitat. If it does represent viable habitat, then the 9 Project component would not be allowed to be sited there 10 under any circumstances with this mitigation. 11 If that recommendation includes an 12 acknowledgment that the site no longer contains suitable 13 habitat, then they would -- the process would begin for 14 developing additional mitigation and management for the 15 species to allow for the construction within the 16 two-mile buffer. 17 LENNY YOUNG: I think the concept is clear 18 the way you explained it. Thank you. But the language 19 could probably stand to be cleaned up a little bit, 20 because what's sort of hard to express the way this is 21 written, I think, is the idea that whether the same 22 vegetation type would be considered habitat or not 23 depends upon an assessment of the viability of the 24 entire territory. And that -- the way it's written is a 25 little wonky right now, but don't have to wordsmith it</p>

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<p style="text-align: right;">Page 62</p> <p>1 today, of course, but that'll be something maybe to look 2 at this paragraph and make sure that it's as clear as it 3 possibly can be. 4 CHAIR DREW: Well, certainly, if we -- if 5 the Council decides that there's a recommendation in 6 some form, we can look at the conditions associated with 7 that and address any needs there. Thanks. Other 8 questions about this slide, noting that there are some 9 other additional recommended mitigations on ferruginous 10 hawk. Mr. Livingston. 11 MIKE LIVINGSTON: Yeah, I'm -- so this 12 PTAG and the onus being put on the Applicant to 13 demonstrate that the habitat is no longer viable is one 14 thing that has, you know, since I read it when the FEIS 15 came out, has concerned me a bit because it puts -- it 16 will put WDFW's biologist in a position of having to 17 then argue against what the Applicant's going to put 18 forward. Because I can envision, in many cases here, 19 the Applicant's going to try to describe why the habitat 20 is not viable in a particular turbine zone or a 21 ferruginous hawk buffer. 22 So I think we really need to think about this 23 one because I'd rather not set ourselves up for a bunch 24 of back and forth during the PTAG environment and remove 25 as much of that uncertainty as possible as we're going</p>	<p style="text-align: right;">Page 64</p> <p>1 that concern further if we move towards a 2 recommendation. Okay. Next slide. 3 SEAN GREENE: Sure. And I just want to 4 make it abundantly clear that in this mitigation, as in 5 all mitigation, EFSEC is the final decision-making 6 authority. So it's not necessarily, or it would not be 7 the case, that the PTAG is making a decision about 8 whether to site components within the two-mile buffer. 9 They would be providing guidance and EFSEC would make a 10 final decision. 11 So this is most of the rest of Species-5 and it 12 essentially outlines the process through which, if the 13 Applicant has performed surveys, to make a case that the 14 identified nest is not currently occupied or the nesting 15 structure is no longer present and the impact of habitat 16 is not viable for the species, that they would submit 17 the results for the P -- to the PTAG for consideration. 18 And then the PTAG would work with the Applicant 19 to develop a monitoring, mitigation, and management plan 20 for the species which would include compensatory 21 mitigation that would result in a net gain for the 22 ferruginous hawk in terms of habitat and could involve 23 other methods such as turbine curtailment during periods 24 of high activity. And the PTAG would provide a final 25 recommendation to EFSEC, upon which the EFSEC would have</p>
<p style="text-align: right;">Page 63</p> <p>1 forward with this Project. Because it's, certainly from 2 my perspective, I can see where it puts the biologist in 3 a really adversarial role here after -- if we were to 4 approve this Project and make a recommendation to the 5 Governor for it. So it's just -- it's a concern for 6 my -- of mine since the beginning -- since I read this 7 notion of a PTAG, and I think I heard that from Mr. 8 Ritter as well as his concerns related to this too. 9 CHAIR DREW: Okay. Good. Thank you. Mr. 10 Young. 11 LENNY YOUNG: Yeah. I would take that 12 even further and suggest that the State DFW would play 13 the role that is described here for PTAG for this 14 particular species and these particular decisions that 15 are laid out. That this process is, don't task this to 16 the PTAG. Have DFW do this with EFSEC instead of the 17 PTAG. 18 CHAIR DREW: Okay. I think those are all 19 good things for us to consider as well as perhaps the 20 other impacts of some of these turbines when we have our 21 discussion next month but thank you for bringing it up 22 now. And I didn't mean to stall off any other comments 23 by saying that. So any more comments on this 24 particular -- I think this is one we're very concerned 25 about and the Council will have an opportunity to shape</p>	<p style="text-align: right;">Page 65</p> <p>1 approval decision-making powers on the siting of a any 2 components within that two-mile buffer of an identified 3 nest. 4 CHAIR DREW: Are there comments, questions 5 about this mitigation measure? 6 SEAN GREENE: I think I saw Mr. Watson's 7 hand go up. 8 CHAIR DREW: Thank you. Mr. Watson. 9 JAMES WATSON: Sure. Just one quick 10 additional comment. One thing some of our current 11 research is showing is that with wind power projects and 12 some other projects the number of other nesting species, 13 and Lenny will understand this, particularly ravens and 14 great horned owls, increases pretty significantly on 15 wind power projects. And both of these species are not 16 only competitors with ferruginous hawks but also they 17 predate eggs and young. So that's another concern we 18 have with the changes in the immediate landscape around 19 these ferruginous hawk nests. Thank you. 20 CHAIR DREW: Okay. Thanks. Mr. Young. 21 LENNY YOUNG: Yeah. Two questions for Mr. 22 Watson. First, following up on what you just spoke. 23 Jim, do you see a need here for possible lethal control 24 of ravens and or great horned owls? 25 JAMES WATSON: Great question and Lenny</p>

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<p style="text-align: right;">Page 66</p> <p>1 from the federal -- just to avoid the question, the 2 fed -- from the federal perspective, that would be very 3 difficult to do even with some of the shorebird species 4 that experience direct mortality from ravens, for 5 example, unless you can actually show numbers and have 6 physical evidence. The Fish and Wildlife Service is 7 reluctant to issue lethal control permits for ravens. 8 So in this case, it would probably be a stretch to say 9 that would be possible, but it's something to consider 10 for sure. 11 LENNY YOUNG: Okay. And then the second 12 question is, I saw the reference here to ground squirrel 13 colonies. That got me thinking about rodenticides and 14 maybe that was already covered earlier in our 15 conversation today in the general wildlife stuff, but do 16 we need anything here that is specific to preventing 17 ferruginous hawks from ingesting prey items that have 18 been contaminated with pesticides, rodenticides? Did 19 they scavenge -- do they scavenge at all? Is that part 20 of their food habits here in this part of the -- of 21 their range? 22 JAMES WATSON: They certainly do, and 23 probably more so from varmint hunting as far as 24 ingestion of lead, but I think, Sean didn't -- wasn't 25 there a section here on -- somewhere in the document on</p>	<p style="text-align: right;">Page 68</p> <p>1 finishes off the ferruginous hawk mitigation and then 2 moves on to Species-6 which is focused on the great blue 3 heron, and sandhill crane, and tundra swan and would 4 require the creation of an observation database, the 5 application of recommended buffers, and adaptive 6 management when necessary. So are there any final 7 questions on Species-5 or any questions on Species-6? 8 Okay. 9 CHAIR DREW: We are -- the time has -- 10 we're at 3:30 p.m. I know we had a bit of a break, but 11 we will continue to move on through our agenda today so 12 our meeting will be lasting longer. So I just wanted to 13 let folks know that this is critical information for the 14 Council to have and to be able to ask questions. So we 15 are going to continue. 16 SEAN GREENE: Okay. Moving on. Species-7 17 addresses the loggerhead shrike, sagebrush sparrow, sage 18 thrasher, and Vaux's swift and would minimize impacts to 19 suitable habitat and avoid the use of insecticides or 20 herbicides within the Lease Boundary. I'll give you a 21 moment to read through that. Yes, Jason? 22 JASON FIDORRA: Yeah. I'm not familiar 23 with the protocol, if I can interject, kind of, my own 24 thought on this, but I'll go ahead. So some of the -- a 25 lot of these species that we -- were just up on the</p>
<p style="text-align: right;">Page 67</p> <p>1 poison control or am I -- 2 LENNY YOUNG: There was something about 3 rodenticides in our very early part of our meeting today 4 up in the general wildlife. Maybe that covers it. 5 AMY MOON: It was, I believe, Wildlife-4. 6 SEAN GREENE: Rodenticide would not be 7 allowed within the Project Lease Boundary. 8 LENNY YOUNG: What about other types of 9 larger carcasses? Would ferruginous hawks in this area 10 ever scavenge livestock carcasses, coyote carcasses, any 11 larger carcasses that might be involved with poisonings 12 somehow? 13 JAMES WATSON: Very rarely. And, of 14 course, this species is migratory Lenny -- 15 LENNY YOUNG: Yeah. That's right. That's 16 right. 17 JAMES WATSON: -- so they're here during 18 breeding and they're going to be grabbing the small prey 19 to take to the nest. So probably occasional, but 20 probably not a significant concern. 21 LENNY YOUNG: Right. Thank you. 22 JAMES WATSON: Yeah. 23 CHAIR DREW: Okay. Perhaps we can move on 24 to the next slide. 25 SEAN GREENE: Absolutely. So this just</p>	<p style="text-align: right;">Page 69</p> <p>1 screen before and these ones, you know, they're talking 2 about habitat onsite and most of these are migrants. 3 The species on this list, particularly the 4 first three, are going to be nocturnal migrants and 5 they're going to have impacts -- the Project can have 6 potential impacts, lethal impacts, to populations in 7 Washington beyond the site boundary. So particularly 8 with the siting of this and for sandhill cranes as well, 9 roosting areas may not be adjacent immediately to the 10 Project boundary. 11 But, you know, we do know in West Richland 12 there's a major crane congregation area. We do know 13 that these species are going to be flying north-south, 14 the ones on this page, primarily nocturnal migrants at 15 elevations that, you know, I don't believe they did any 16 assessment of nocturnal migration through this area. 17 And we are on a major corridor in eastern Washington 18 with the Columbia River there. So I did just want to 19 raise that kind of concern that I haven't seen addressed 20 in the document. 21 CHAIR DREW: Ms. Brewster. 22 STACEY BREWSTER: Yeah. I'm just 23 wondering then, is there a case to be made for 24 curtailment during migratory periods that could be 25 studied?</p>

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<p style="text-align: right;">Page 70</p> <p>1 CHAIR DREW: Or perhaps the -- it would --</p> <p>2 could be that -- to monitor and if we find that there</p> <p>3 is, I mean, that would be the reason for the TAC perhaps</p> <p>4 to look at any kind of impact by turbine strikes</p> <p>5 throughout the Project.</p> <p>6 SEAN GREENE: Yes. And that references</p> <p>7 back to the Wildlife-1 mitigation, which is the</p> <p>8 post-construction bird mortality surveys that are</p> <p>9 performed for three of the first five years of the</p> <p>10 Project's operation and adaptive management is developed</p> <p>11 based on the results of those surveys, which can include</p> <p>12 turbine curtailment during periods of high activity.</p> <p>13 CHAIR DREW: Thank you.</p> <p>14 SEAN GREENE: Are there further questions</p> <p>15 on Species-7? Okay.</p> <p>16 Species-8 is for the prairie falcon and</p> <p>17 implements a mandate for pre-construction surveys and</p> <p>18 buffers of any identified nests.</p> <p>19 And Species-9 targets the ring-necked pheasant</p> <p>20 and requires consideration of native grass seed mix for</p> <p>21 mixes for revegetation as well as adopted management, if</p> <p>22 necessary. Mr. Livingston.</p> <p>23 CHAIR DREW: Mr. Livingston. Yeah.</p> <p>24 MIKE LIVINGSTON: Yeah. This one for</p> <p>25 prairie falcon, I'd like to know from either Jason or</p>	<p style="text-align: right;">Page 72</p> <p>1 want to add a winter pre-construction survey as well.</p> <p>2 SEAN GREENE: We can certainly incorporate</p> <p>3 that into mitigation and have it presented for the</p> <p>4 Council at the next meeting.</p> <p>5 CHAIR DREW: Thank you.</p> <p>6 SEAN GREENE: Any further questions on</p> <p>7 these two? Okay. Species-10 addresses the black-tailed</p> <p>8 jackrabbit and white-tailed jackrabbit and requires</p> <p>9 pre-construction surveys, and suitable habitat, and the</p> <p>10 development of a management plan with adaptive</p> <p>11 maintenance or adaptive management if the species are</p> <p>12 identified on site.</p> <p>13 And Species-11 addresses Townsend's big-eared</p> <p>14 bat and includes a requirement to retain potential</p> <p>15 roosting sites, restrict access to any potentially</p> <p>16 contaminated waters on site, and report all mortalities</p> <p>17 to EFSEC in preparation for adaptive management, if</p> <p>18 necessary. Are there any questions on these two? Okay.</p> <p>19 Species-12 is for Townsend's ground squirrel</p> <p>20 and mandates pre-construction surveys and would exclude</p> <p>21 Project components from being sited in areas rated</p> <p>22 medium or greater for habitat concentration for the</p> <p>23 species. And if components need to be sited in areas</p> <p>24 rated as medium or greater, a management and mitigation</p> <p>25 plan would be developed and submitted to EFSEC for</p>
<p style="text-align: right;">Page 71</p> <p>1 Jim their thoughts about wintering birds, because I do</p> <p>2 know that Horse Heaven Hills area can be a place for</p> <p>3 wintering raptors, prairie falcons is one of them. But</p> <p>4 what's the level of concern there for wintering birds?</p> <p>5 JAMES WATSON: Jason, I think you've done</p> <p>6 some work up there in the winter with raptors is that</p> <p>7 correct?</p> <p>8 JASON FIDORRA: Primarily incidental, but</p> <p>9 yeah they're -- I mean, the Horse Heaven Hills, I've</p> <p>10 seen gyrfalcons and snowy owl plus the more expected,</p> <p>11 you know, we do seem to see an influx of prairie</p> <p>12 falcons. Typically, you know, just from -- there's not</p> <p>13 a standardized survey or anything that's been conducted</p> <p>14 by myself but, you know, those open agricultural fields</p> <p>15 in the Project boundary are host to a lot of wintering</p> <p>16 birds of prey which can include golden eagles at times,</p> <p>17 certainly bald eagle, and the other aforementioned</p> <p>18 species. So, yeah, I would consider this pretty -- this</p> <p>19 area is kind of a hot spot for wintering raptor use.</p> <p>20 There may be some surveys. I have to check.</p> <p>21 There is an Oregon Audubon somewhat-related group that</p> <p>22 has established some winter raptor survey accounts. I</p> <p>23 don't know if any fall through the Project boundary or</p> <p>24 the adjacent Horse Heaven Hills area.</p> <p>25 CHAIR DREW: So perhaps, Sean, we would</p>	<p style="text-align: right;">Page 73</p> <p>1 approval along with the potential site for that</p> <p>2 component. Are there any questions here? Okay.</p> <p>3 And our last wildlife mitigation measure,</p> <p>4 Species-13, targets the pronghorn antelope and requires</p> <p>5 that fencing be limited to the greatest extent feasible</p> <p>6 and the implementation of a seasonal pronghorn study</p> <p>7 before construction and during operation with adaptive</p> <p>8 management developed as necessary throughout the life of</p> <p>9 the Project. And that -- also the creation of an</p> <p>10 observation database that is made available to WDFW,</p> <p>11 EFSEC, and the Yakima Nation.</p> <p>12 CHAIR DREW: We would need to perhaps have</p> <p>13 that, a conversation that may be confidential, than a</p> <p>14 confidential database amongst those three entities,</p> <p>15 correct?</p> <p>16 SEAN GREENE: I -- we would need to look</p> <p>17 into that, but I could certainly understand why it would</p> <p>18 potentially be so.</p> <p>19 CHAIR DREW: Okay. Marlis.</p> <p>20 MARLIS MUSCHAL: Yes. Thank you. My</p> <p>21 question is, would Yakima nation have their own</p> <p>22 subject-matter expert on one of those TAC or PTAGs?</p> <p>23 CHAIR DREW: Of course. I'm sorry,</p> <p>24 Marlis. I thought you were one of our contractors.</p> <p>25 MARLIS MUSCHAL: No worries.</p>

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<p style="text-align: right;">Page 74</p> <p>1 CHAIR DREW: So because we're trying to 2 keep just the questions to the Council members, but 3 absolutely the Yakima Nation would be invited. 4 MARLIS MUSCHAL: Pardon me. 5 CHAIR DREW: Okay. 6 MARLIS MUSCHAL: Thank you very much. 7 SEAN GREENE: Okay. Any questions on 8 Species-13? 9 And then we can move on to historic and 10 cultural resources. So there are only two mitigation 11 measures here but both are fairly lengthy and involve 12 additional work to be completed throughout the life of 13 the Project. Cultural Resources-1 reflects the concerns 14 for Project impacts to traditional cultural properties. 15 Traditional cultural properties include features of 16 tribal, cultural, or religious significance and are 17 considered extremely sensitive with avoidance being the 18 only fully effective mitigation measure identified. 19 As a result, the EIS has identified likely 20 significant impacts to this resource, but this 21 mitigation is designed to ensure that the Applicant, 22 affected Tribes, and EFSEC establish and continue an 23 ongoing dialogue throughout the life of the Project on 24 mitigation measures that may be effective at reducing 25 said impacts. Several examples of those potential</p>	<p style="text-align: right;">Page 76</p> <p>1 none of the private lands targeted for this Project have 2 an existing Access Agreement with any Tribe. 3 So in terms of continuing Access Agreements, 4 though, that would be on the publicly -- public parcels 5 within the Project area. I believe, one of the solar 6 arrays encroaches on a public -- an area of public land. 7 That's the solar array on the southwestern portion of 8 the site so that would be the only one that would 9 potentially impact current legal access to First Foods. 10 I believe that my memory is correct on that part. But 11 if anybody knows better they can speak up. 12 MIKE LIVINGSTON: Well, and perhaps that, 13 given we're going to get site specific, this is better 14 for a different conversation. I just -- I'm trying -- 15 I, you know, I'm trying to understand how, if we can, if 16 we're mitigating enough to avoid these impacts to these 17 access sites that are currently existing. 18 SEAN GREENE: Yeah. So like I said, the 19 only -- as far as Moore the only current legal access 20 site that the Tribes have access to would be the 21 public -- publicly owned lands. And the only 22 publicly -- public-owned land that the solar arrays 23 interact with is the parcel in the southwestern part of 24 the site. I don't have knowledge as to whether any of 25 the Project area currently contains First Foods or have</p>
<p style="text-align: right;">Page 75</p> <p>1 mitigation strategies are listed in this mitigation 2 measure. You can take a minute to read through that and 3 develop questions. Mr. Livingston. 4 MIKE LIVINGSTON: Yeah Sean, so the 5 statement about, "Enable continued access for Tribes 6 through an Access Agreement" or First Foods procurement. 7 Can you explain to me -- and I know there's sensitive 8 information here but I'm just trying to, generally 9 speaking, in the Project area, particular areas, you 10 know, it's going to be outside of wheat fields and CRP, 11 but I assume there's either public land or private land 12 where the Umatillas or Yakimas have access for currently 13 accessing foods, roots, and other plants. 14 And do we have any Project pro -- or 15 components, particularly like solar, that are proposed 16 for those areas? I couldn't quite -- I couldn't figure 17 out that in EIS and all the information that we 18 currently have. So I'm just, generally speaking, trying 19 to understand what the significant impact or what the 20 level of impact is. 21 SEAN GREENE: Sure. And so per the treaty 22 rights reserved by the Tribes, they have the right to 23 access any publicly owned lands to collect First Foods. 24 Access to private lands has to be made with -- by 25 agreement with that private landowner. To my knowledge,</p>	<p style="text-align: right;">Page 77</p> <p>1 been traditionally used by the Tribes for access to 2 those foods. 3 MIKE LIVINGSTON: Okay. Thank you. 4 SEAN GREENE: Are there any other 5 questions on this mitigation measure? Okay. 6 The second Cultural Resources mitigation 7 measure is focused on archeological and architectural 8 resources and is expanded further upon in Table 4.9-9 in 9 the EIS, which I can bring up if the Council desires. 10 But this table identifies the specific -- oh, sorry, Mr. 11 Levitt you have a question? 12 ELI LEVITT: Yeah. Sorry. I guess just 13 to go back to the left side for a moment. It seems like 14 one of the things we heard is the Tribes would strongly 15 prefer that these sites remain confidential. So does 16 this suggest that we would demarcate a culturally 17 significant site in the solar array area? I mean, I 18 guess just -- it just brings up if we're saying they're 19 a no-go area and it's on public lands, someone could 20 figure out what those sites are, potentially. 21 SEAN GREENE: Yes. And the demarcation of 22 any no-go areas would be a decision that's reached in 23 discussions with the Tribes. So that -- I understand 24 that the concern of inadvertently revealing any 25 traditional cultural property locations and that would</p>

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<p style="text-align: right;">Page 78</p> <p>1 be part of this ongoing discussion throughout the life 2 of the Project on what are mitigation measures that 3 could effectively maintain the security of those 4 resources, both from public knowledge and from Project 5 actions. 6 ELI LEVITT: Okay. Thank you, Sean. 7 SEAN GREENE: Of course. Okay. And 8 moving back into CR-2, Table 4.9-9 in the EIS identifies 9 specific mitigation that's required for each of the 52 10 archeological and architectural resources within the 11 Lease Boundary with a recommendation for avoidance of 12 all of those resources and a requirement to pursue the 13 relevant DAHP permit when necessary if avoidance is not 14 possible and coordination with Tribes, with affected 15 Tribes and DAHP where -- for resources where a permit is 16 not necessarily required. 17 And I don't know if it might be more effective 18 if I bring up that table. It's -- so this is the table 19 and it's divided by the resource type. So whether the 20 resource is archeological or architectural in nature and 21 the time period from which the resource is from, whether 22 it's precontact or historic and as well as whether that 23 resource is an isolate or a full site. 24 And this table identifies the sensitivity of 25 each of those types of resources with, again, a</p>	<p style="text-align: right;">Page 80</p> <p>1 are on break. 2 (Recess.) 3 CHAIR DREW: Okay. Kathleen Drew calling 4 us back to order here. I -- can you hear me? 5 SEAN GREENE: Yes. 6 CHAIR DREW: Okay. And you're back. 7 That's good. 8 SEAN GREENE: Yes. 9 CHAIR DREW: And we're about ready to 10 start on the conversation about visual impacts. And 11 again, what we're doing is we're looking at the 12 mitigation measures for the Council to better understand 13 what is in the proposed mitigation measures for the 14 Final EIS. So with that, go ahead and continue the 15 presentation. 16 SEAN GREENE: Thank you. So yes, like I 17 was saying, we wanted to show the Council a selection of 18 the visual simulations that were performed just to give 19 a general idea of what the Project looks like from 20 multiple vantage points. This first is a view from 21 South Clodfelter Road. And I should just say, the 22 visual simulations are all going to look -- follow the 23 same format where in the bottom right you see an arrow 24 showing the location and direction of the viewpoint 25 being expressed.</p>
<p style="text-align: right;">Page 79</p> <p>1 recommendation that all are avoided if possible, and if 2 not possible, then this final column indicates what 3 mitigation is required if that resource is to be 4 impacted. And for most of them, it is pursuing a permit 5 through the DAHP process, which is part of that process, 6 is coordinated with the Tribes as well. And for 7 resources that don't require a permit, it is just 8 coordination with the Tribes and DAHP regardless. Are 9 there any questions on Cultural Resources-2 or Table 10 4.9-9? Okay. 11 Next we will be moving into visual esthetics, 12 light and glare, and shadow flicker as a resource. And 13 before we do that, we wanted to go through a few of the 14 visual simulations that have been provided for the 15 Project. I believe there are 23 in total in the Final 16 ASC, but we selected a few of them here just to give an 17 idea of what the Project would look like from various 18 vantage points. 19 CHAIR DREW: I think, if we could, I think 20 that I'm going to ask for a five-minute health break -- 21 SEAN GREENE: Yes. 22 CHAIR DREW: -- for Council members and 23 perhaps for others who have been participating in the 24 meeting just to get a glass of water or whatever else. 25 And let's come back to the visual in five minutes. We</p>	<p style="text-align: right;">Page 81</p> <p>1 The top image is the existing conditions from 2 that vantage point. The second image is with Option-1, 3 so the higher number of turbines but at a shorter 4 height, and Option-2 with being the fewer number of 5 turbines at a higher height. So the primary viewer type 6 from this location would be residential and the distance 7 to the Project is approximately three miles. 8 The next simulation is from Chandler Butte 9 which is the northwestern extreme of the Project. The 10 primary viewer type would be recreational and the 11 distance to the Project is approximately two miles. And 12 I wanted to note that these blue dots that I added to 13 these simulations are indicative of turbines that have 14 subsequently been eliminated from consideration as a 15 result of Applicant commitments. So -- 16 CHAIR DREW: And -- 17 SEAN GREENE: Yes. 18 CHAIR DREW: Can I ask too, are these -- 19 who conducted the -- who developed these visual 20 simulations? 21 SEAN GREENE: The Applicant's consultant. 22 CHAIR DREW: Okay. And I noted within the 23 description as well that there were comments about the 24 hazing of the pictures. And so these are ones that do 25 not have the hazing is that correct?</p>

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<p style="text-align: right;">Page 82</p> <p>1 SEAN GREENE: That's correct. Subsequent 2 to the publication of the Draft EIS, the visual 3 simulations were re-performed by the Applicant's 4 consultant to remove hazing -- 5 CHAIR DREW: Okay. 6 SEAN GREENE: -- of the images. The next 7 visual stimulation is from the -- from Highland, also 8 known as the Finney -- Finley Area. And I did want to 9 note that in the -- can you guys see my mouse cursor? 10 No. Okay. In the -- 11 CHAIR DREW: Oh, yes. Yes, I can. 12 SEAN GREENE: Okay. 13 CHAIR DREW: I can. 14 SEAN GREENE: Okay. In the top image on 15 the right hand side of the image, that is the existing 16 Nine Canyon Wind Project. So those turbines already 17 exist within this viewshed and are not part of this 18 Project. The primary viewer site from this location 19 would be residential and the distance to the Project is 20 approximately two miles. And this is north of 21 essentially the eastern extreme of the Project area. 22 The next visual simulation is from South Travis 23 Road. The primary viewer types would be residential and 24 travelers and the distance to the Project is 25 approximately one mile and this is essentially south of</p>	<p style="text-align: right;">Page 84</p> <p>1 again, the one blue dot is a turbine that has been 2 removed from consideration, and this was added as a 3 result of public comments. 4 This is a view from Twin Sisters Rock east of 5 will the Wallula Gap. The primary viewer type would be 6 recreational and distance to the Project is 7 approximately five miles and was added as a result of 8 public comments to the DEIS. 9 And the final simulation is similar in location 10 but instead of on top of Twin Sisters Rock, this is 11 along US Route 730 and approximately the same location 12 east of the Wallula Gap, again, about five miles from 13 the Project. For this one, however, no Project 14 components will be visible from this location. They've 15 been shown here in light blue to indicate their actual 16 position geographically but they are blocked from view 17 by the existing topography. 18 And if we want to, we can refer back to those 19 as we go through visual mitigation but we can start 20 going through these now. The first, Visual-1, requires 21 that all turbines be located at least half a mile from 22 nonparticipating residences. So those are residences 23 that do not have a lease contract with the Applicant. 24 Visual-2 prohibits the installation of any 25 advertising or secondary non-Project components onto</p>
<p style="text-align: right;">Page 83</p> <p>1 the western part of the Project, looking north. 2 This is a simulation that is new to the Final 3 ASC, and it's a view from the Avennia Winery. The 4 primary viewer types would be commercial and travel 5 route. The distance to the Project is approximately 6 five miles. And again, the blue dots are turbines that 7 have subsequently been removed from consideration by 8 Applicant commitments. But this -- kind of the center 9 of the image -- is representative of Weber Canyon, which 10 was an area that was of particular concern to a number 11 of resources and has been targeted for several turbines 12 to be removed by Applicant commitments. 13 This is a view from Benton City. The primary 14 viewer types would be residential, commercial, and 15 travelers and the distance to the Project is 16 approximately 2.5 miles. This image and the subsequent 17 images as part of this presentation were all added -- 18 the simulation -- these simulations were added as a 19 result of public comments from the Draft EIS. So this 20 was a particular viewshed that public commenters were 21 concerned about. 22 This is a view from Interstate 82 traveling 23 through Bofer Canyon. Primary viewer type would be 24 traveler and the distance to the Project is zero miles. 25 This is directly in the center of the Project. And</p>	<p style="text-align: right;">Page 85</p> <p>1 turbines. 2 Visual-3 requires that turbines and nacelles be 3 cleaned in cases where they accumulate dirt or had 4 visual staining. 5 And Visual-4 ensures that, where feasible, 6 vegetation beneath solar arrays is not completely 7 cleared during construction so as to avoid exposing bare 8 earth. And this area also requires that in cases where 9 this is not able to be done, meaning that bare earth is 10 exposed, revegetation occurs following the completion of 11 construction. Does the Council have questions for these 12 measures for the visual simulations? And Chair Drew, 13 you mentioned that there was a figure that you wanted to 14 discuss. Would you prefer if we do that now or at the 15 end of visual? I think you're muted. 16 CHAIR DREW: Thank you. I think it'd be 17 fine to do it now. It was one that, as I reviewed the 18 Final EIS, I had questions about. And do you have that 19 one for me? 20 SEAN GREENE: Yes. It is right here and 21 it is a viewshed analysis of the first turbine layout 22 option. These -- I can zoom in a bit -- these yellow 23 dots are the KOPs that were included in -- they aren't 24 inclusive of all the KOPs because a few were added 25 subsequent to this, but most of the KOPs are the yellow</p>

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<p style="text-align: right;">Page 86</p> <p>1 dots. The green squares are existing residences. And 2 the various colors of shading, as you can see in the 3 legend, are the number of turbines that would be visible 4 from those locations. 5 CHAIR DREW: And I noted in the 6 description that it actually said -- because I was 7 trying to figure out, you know, the purple areas -- 8 that's where larger numbers of turbines could be 9 visible. But that's because of -- it's not because 10 people have actually been there looking in that 11 direction but because of the height of the topography, 12 is that correct? 13 SEAN GREENE: Yes. 14 CHAIR DREW: So essentially, you're 15 looking across a valley and towards where this Project 16 will be located. 17 SEAN GREENE: Yes. The number of turbines 18 that's visible is a combi -- is determined by a 19 combination of distance from the Project and the 20 existing topography. So areas further away and higher 21 up, you will be able to see more turbines, but there's 22 kind of a balancing act there in that they will be much 23 smaller, obviously, because you're further away. So 24 that doesn't mean that the impacts to further distances 25 are necessarily less significant than viewer -- viewers</p>	<p style="text-align: right;">Page 88</p> <p>1 make sense to make sure some of our key observational 2 viewpoints are ones where we get feedback from a diverse 3 set of interested parties. 4 So, yeah, I don't know if you'd care to comment 5 on this, but it -- when I think about the view analysis 6 as well as the socioeconomic analysis, to me, there's 7 some crossover and maybe some potential for more 8 thinking in the future on projects like this? 9 SEAN GREENE: Yeah. And there's certainly 10 always more that can be done. But in the selection of 11 the KOPs, that was a consideration taken into account. 12 And in our analysis of the adherence of the Project to 13 the concept of environmental justice. In Chapter 4.16, 14 there is a discussion of whether or not the Project 15 would have disproportionate visual impacts on 16 underprivileged communities. So I agree that that's 17 always something that can be improved upon, but I think 18 there was an effort made with this analysis to take that 19 into account. 20 ELI LEVITT: Yeah, I hear you. I think in 21 that section, or maybe it's a different one, there's -- 22 there was an attempt to look at numbers by census track 23 too, and I thought that was interesting, because a lot 24 of those census tracks were really either in the site or 25 very close to the site. But in this particular case,</p>
<p style="text-align: right;">Page 87</p> <p>1 at closer distances. It's just a kind of a combination 2 of multiple factors that needed to be assessed. 3 CHAIR DREW: Okay. Thank you. 4 SEAN GREENE: Are there any other 5 questions on this figure? 6 CHAIR DREW: Mr. Levitt. 7 ELI LEVITT: Yeah. Hi, Sean. You know, I 8 guess I have to say before I ask, I really appreciate 9 all the work that EFSEC team has put into all of the EIS 10 analysis. I know it's tremendous and it took a lot of 11 time and it's a really big document. So I recognize it 12 was a really big investment. And perhaps my question 13 isn't entirely fair because it's after the process 14 versus during the process. But when doing the view 15 analysis, to me, there's maybe perhaps some crossover in 16 the future that could happen with making sure different 17 people and groups are represented. 18 So, you know, if you look at this map the, I 19 believe, ten-mile buffer would include roughly, you 20 know, between 200 or maybe around 200-250,000 people, 21 let's just say. And of those, if you look at the 22 socioeconomic analysis, a certain percentage are low 23 income and a significant percentage are people of color. 24 So I guess, you know, I'm not saying we can go back and 25 revisit the process, but in the future, I think it might</p>	<p style="text-align: right;">Page 89</p> <p>1 the impact goes beyond those census tracks. 2 SEAN GREENE: That's a good point. Okay. 3 Any further questions on these four measures? Okay. 4 Visual-5 requires the installation of 5 color-treated opaque fencing to screen views of solar 6 arrays where the arrays are sited within one-half mile 7 of roadways or residences. 8 Visual-6 requires that the battery stations be 9 constructed of materials and painted colors that would 10 result in the least po -- the least contrast to the 11 existing set -- setting feasible. 12 Visual-7 would require that the span length of 13 transmission lines be maximized to the extent feasible 14 to minimize the number of towers that would need to be 15 constructed. 16 And Visual-8 ensures that the type of 17 transmission tower selected for the Project match the 18 type of transmission towers that are currently in place 19 within the Project area to reduce visual contrast. Are 20 there any questions on these four? Okay. 21 And the final mitigation measures for this 22 resource, the first two are in reference to shadow 23 flicker, which is the rapid movement of shadows from 24 turbine blades across a single location. And the first 25 measure ensures that efforts are taken to minimize the</p>

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<p style="text-align: right;">Page 90</p> <p>1 effects of shadow flicker at nonparticipating 2 residences, including the construction of screening 3 where it's practical and stopping turbine operation 4 during periods of high or extended shadow flicker. 5 And how those periods would be determined is 6 mostly as a result of the second mitigation measure 7 here, which creates a complaint resolution hotline for 8 residents where they can report undesirable shadow 9 flicker, and the Applicant is required to take 10 resolution measures as a result of those complaints, 11 with both the complaint and the re -- the proposed 12 resolution being reported to EFSEC on a monthly basis 13 during regularly scheduled Council meetings. 14 And the final measure on this list is for light 15 and that requires the Project to use LEED-certified 16 building exteriors and security lighting to minimize 17 illumination at night. Are there questions on these 18 measures or sector? 19 CHAIR DREW: Ms. Brewster. 20 STACEY BREWSTER: Yeah. Thanks, Sean. I 21 was just wondering are these fairly standard mitigation 22 practices with other projects or do these go above and 23 beyond. What's standard? 24 SEAN GREENE: I think the light one is 25 fairly standard. The shadow flicker measures, I</p>	<p style="text-align: right;">Page 92</p> <p>1 health and safety. There's only one measure that we've 2 proposed as most of it -- most of our concerns for this 3 resource are captured within the Applicant's commitment 4 to provide a fire response plan for EFSEC consideration 5 and approval. But the mitigation measure that was added 6 was a requirement that turbine operation be shut down in 7 the event of a major wildfire where fire suppression 8 aircraft may need access to areas in proximity to the 9 Project. Are there any questions on this resource of 10 this mitigation? Mr. Young. 11 LENNY YOUNG: One thing that doesn't show 12 up here, but I wonder if it is worth looking at a little 13 bit would be in the event of a major wildfire in the 14 Project area where there are heavy smoke conditions and 15 greatly reduced visibility even during the daytime, 16 whether it would be prudent to require that the tower -- 17 the turbine lights, the warning lights that are normally 18 only activated when aircraft or nearby would be on full 19 time. So that's maybe suggesting a type of mitigation 20 enhancement that could provide additional safety for 21 aircraft operations in heavy smoke conditions. 22 ELI LEVITT: You know, that might be 23 something we need to check with the FAA about because 24 they write the rules on -- 25 LENNY YOUNG: Yeah.</p>
<p style="text-align: right;">Page 91</p> <p>1 believe, exceed what we have done on previous projects. 2 I don't know if Ami Hafkemeyer or Amy Moon are familiar 3 with some of our projects that predate my time with 4 EFSEC, but I don't believe that I've seen similar 5 mitigation to some of our previous projects. 6 AMY MOON: I believe that the Shadow 7 Flicker-1 is very similarly captured with Desert Claim, 8 which has not been constructed, and I'm not familiar 9 enough with our other projects to know on that. Maybe 10 Ami Hafkemeyer knows. 11 CHAIR DREW: Well. I do know that our 12 reports that we receive monthly from our operating 13 facilities that are under our oversight do say the 14 number of shadow flicker complaints that they receive, 15 which at this point in time, having been in operation 16 for a number of years, there are no further complaints 17 than there may have been at the future -- at the 18 beginning. 19 SEAN GREENE: Okay. So I guess these are 20 more similar to what we've done in the past. 21 STACEY BREWSTER: Thank you. 22 SEAN GREENE: Are there any other 23 questions regarding any of the visual mitigation or 24 simulations? Okay. 25 And our final resource for today is public</p>	<p style="text-align: right;">Page 93</p> <p>1 ELI LEVITT: -- on when the lights should 2 be on. 3 LENNY YOUNG: Yep. Agreed. And of 4 course, we would want to be very mindful of the new 5 state law that just got passed on that and not run 6 counter to that without being very thoughtful. 7 CHAIR DREW: Mr. Livingston. 8 MIKE LIVINGSTON: Yeah. I think at one 9 point we talked about having a subject-matter expert 10 from DNR join us on this. As far as from firefighting 11 perspective, the one question I continue to have in my 12 head is, the fire prone areas, that north face of the 13 re -- the Horse Heaven Hills between Prosser and Benton 14 City. It burns frequently and providing enough buffer, 15 turnaround space, for aerial support seems to be very 16 prudent. And I don't know what that distance would be 17 needed for aircraft to be able to safely make their 18 turns and apply fire retardant. And I still don't know 19 if I've seen that anywhere in the EIS or if we've had 20 that information yet. 21 LENNY YOUNG: Could we -- do we need to 22 trap all that now, or could this all be sort of rolled 23 into the development and the approval by EFSEC of the 24 fire plan? 25 CHAIR DREW: Good question. Good</p>

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<p style="text-align: right;">Page 94</p> <p>1 question. And I think that -- let's consider that as we 2 look at how we will structure our conversation in our 3 December 20th meeting as well. Ami Hafkemeyer, go 4 ahead.</p> <p>5 AMI HAFKEMEYER: Oh, I was just -- I know 6 we ran a little long. I wasn't sure if our fire or 7 public health and safety subject-matter expert. We 8 don't have anybody from DNR available, but we did ask 9 one of our contractor's SMEs to be available. If he's 10 still on the line he might be able to speak to that 11 question a little bit.</p> <p>12 CHAIR DREW: Oh, great.</p> <p>13 AMI HAFKEMEYER: But I can't tell if he's 14 still on the line or not.</p> <p>15 KIRBY LASTINGER: I'm still here. I think 16 the one thing that you would have to look at is probably 17 talk to -- I think that would probably take talking to 18 the local fire departments and see what they've had in 19 the past. Most of this area, looking at it, this is not 20 going to be forested area. It's going to be very low 21 grasses, dryland wheat, that type of stuff.</p> <p>22 And in most of these cases, they're not going 23 to come in and use aircraft for that because these are 24 going to be fairly low intensity, fast-moving fires. 25 They're going to use backfires and that type of stuff.</p>	<p style="text-align: right;">Page 96</p> <p>1 KIRBY LASTINGER: Yeah, that would be my 2 advice. And again, getting local resources that are 3 familiar with that. I think it's probably the better 4 way to proceed. You know, get those subject-matter 5 experts and say, you know, given the terrain, the 6 taper -- topography, and what is there, what would be 7 the recommended or from that standpoint, what would be 8 the applicable strategy and tactics that would be 9 applied? And they're going to be able to answer those 10 questions.</p> <p>11 LENNY YOUNG: I think the local -- as you 12 say, the local perspective is very important. But in 13 Washington state, most local jurisdictions do not 14 operate wildland firefighting aircraft --</p> <p>15 KIRBY LASTINGER: Right.</p> <p>16 LENNY YOUNG: -- and that is provided by 17 the state and federal and then contractors to the state 18 or federal. So I -- it'd be great to get a mix of 19 different expert perspectives to help us really resolve 20 this.</p> <p>21 KIRBY LASTINGER: Yeah. And the resources 22 in that area -- these are smaller departments and 23 looking at it, and speaking yesterday, there's a lot of 24 volunteers in that area so you're going to be really 25 limited in the resources, just as you're saying, that</p>
<p style="text-align: right;">Page 95</p> <p>1 Unless there's an interface where it would be near a 2 neighborhood or something like that. You start putting 3 water into a plane it is hundreds of thousands of 4 dollars and so when you look at the grasses that are 5 burning there, it's -- you're not going to get the 6 embers off of it that you would if you've got a wildland 7 fire in Oregon or Washington or that type of situation.</p> <p>8 CHAIR DREW: I think we do have -- had 9 experience in this particular area with aircraft fire 10 suppression.</p> <p>11 KIRBY LASTINGER: What do you use, 12 helicopter or planes? Were they using the helicopters 13 or the planes.</p> <p>14 CHAIR DREW: Go ahead, Lenny.</p> <p>15 LENNY YOUNG: Do we have -- do we have the 16 ability to, for our December meeting, to line up a 17 couple of wildland fire aviation specialists who could 18 come in and really help us take a harder look at this?</p> <p>19 CHAIR DREW: I think we -- I think that 20 what we could do is that we can talk about how we want 21 to structure this going forward, if we do have a 22 recommendation to go forward, that -- and I think it's 23 the fire suppression plan, because I don't think we're 24 going to know the details, and so I think we can specify 25 what we want to make sure is included there.</p>	<p style="text-align: right;">Page 97</p> <p>1 you're going to get from the local. And as with most 2 places, the firefighting comes from a state application 3 in most places, just like it does in Washington and 4 California and Oregon. So yeah, I -- that would be my 5 recommendation, is to have their input.</p> <p>6 CHAIR DREW: Thank you. Thank you.</p> <p>7 SEAN GREENE: Any further questions on 8 public health and safety? Okay. So that's it for the 9 EIS mitigation, the recommended mitigation. As for what 10 to expect for the next meeting on December 20th, the 11 Council has recommended several changes to mitigation 12 measures, both during the November 15th meeting and 13 today. These proposed changes have been noted by staff 14 and we will be developing updated versions that can be 15 presented to the Council prior to the next meeting on 16 December 20th.</p> <p>17 Additionally, staff will be asking the Council 18 direction at that December meeting as to what documents 19 the staff should prepare for the Council to vote on at 20 the January meeting. And throughout the intervening 21 time, staff will be available to address any Council 22 questions or concerns, and we will be proactively 23 reaching out to Council members directly to seek out, 24 again, any questions or concerns. And thank you for 25 this very lengthy time that you've given to this</p>

<p style="text-align: right;">Page 98</p> <p>1 Project, but if you have any questions now, we can take 2 them. Yes, Mr. Livingston. 3 MIKE LIVINGSTON: I don't have a question. 4 I want to thank you, Sean, all the staff, contractors, 5 everybody. It's a tremendous lift that you guys have 6 done here. And just really appreciate all the hard 7 work. And this opportunity here, in particular, to 8 finally be able to have a discussion with WDFW staff has 9 been helpful for me. So thank you. 10 CHAIR DREW: Thank you. Mr. Young. 11 LENNY YOUNG: Yeah, same exact thing for 12 me. Really appreciate the experts and helping us today, 13 spending time with us, answering our questions, and all 14 the areas we covered. I think it's safe to say we had 15 some of the more complex and challenging topics in -- on 16 the agenda today and really, really appreciate the 17 expertise that came to help us today. Thank you. 18 CHAIR DREW: Thank you both. And again, 19 we will be looking to have a conversation on December 20 20th at our meeting, our regular meeting, about this 21 Project and how the Council wants to structure any 22 recommendation moving forward. In the meantime, please 23 reach out to our staff if you have topics that you want 24 to discuss in more detail, because I know this is an, 25 you know, a limited period of time, an overview, and a</p>	<p style="text-align: right;">Page 100</p> <p style="text-align: center;">CERTIFICATE</p> <p>1 2 3 I, Steven B. Crandall, certify that the 4 foregoing transcript is a full, true, and accurate 5 transcription of the proceedings and testimony taken in 6 the matter of the above-entitled proceeding. 7 8 That the foregoing was transcribed from 9 an audio/video recording. The foregoing was transcribed 10 to the best of my ability, taking into consideration 11 poor sound quality, simultaneous speaking, background 12 noise, quality of second-party telephone, audio, and 13 video recordings. 14 15 That I am not a relative, employee, attorney, or 16 counsel of any party to this action, or relative, or 17 employee of any such attorney or counsel, and that I am 18 not financially interested in the said action or the 19 outcome thereof; 20 21 IN WITNESS WHEREOF, I have hereunto set my 22 signature on this 14th day of December, 2023. 23 24 25</p> <p style="text-align: right;"> Steven B. Crandall, CER Certified Electronic Reporter #1198</p>
<p style="text-align: right;">Page 99</p> <p>1 very complex set of additional mitigation measures that 2 is recommended in the Final EIS. 3 And so our December conversation will bring 4 that together, along with the information that we have 5 received through the adjudication too, to talk about how 6 we want to structure any sort of recommendation to the 7 Governor. So very important meeting in December and 8 reach out with your questions to staff and they also 9 will be reaching out to you as well. So with that, 10 thank you for spending several hours today on this 11 critical conversation about the Horse Heaven Wind and 12 Solar Project and we will next meet on December 20th. 13 Thanks everyone. We're adjourned. 14 15 (Meeting adjourned at 4:10 p.m.) 16 17 18 19 20 21 22 23 24 25</p>	

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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
MONTHLY MEETING
December 20, 2023
Reporter: Christy Sheppard, CCR, RPR

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<p style="text-align: right;">Page 2</p> <p>1 COUNCIL MEMBERS:</p> <p>2 Chair, Kathleen Drew</p> <p>3 Elizabeth Osborne</p> <p>4 Eli Levitt</p> <p>5 Mike Livingston</p> <p>6 Lenny Young</p> <p>7 Stacey Brewster</p> <p>8 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:</p> <p>9 Ed Brost, Horse Heaven, Benton County</p> <p>10 Jordyn Guilio, Badger Mountain, Douglas County</p> <p>11 Paul Gonseth, WSDOT</p> <p>12 Paul Krupin, Hop Hill Solar, Benton County</p> <p>13 Matt Chiles, Carriger Solar, Klickitat County</p> <p>14 ASSISTANT ATTORNEY GENERAL:</p> <p>15 Jon Thompson</p> <p>16 Jenna Slocum</p> <p>17 Zack Pakcer</p> <p>18 ADMINISTRATIVE LAW JUDGE:</p> <p>19 Adam Torem</p> <p>20 COUNCIL STAFF:</p> <p>21 Ami Hafkemeyer</p> <p>22 Amy Moon</p> <p>23 Stew Henderson</p> <p>24 Joan Owens</p> <p>25 Andrea Grantham</p> <p>26 Dave Walker</p> <p>27 Sonja Skaland</p> <p>28 Lisa Masengale</p> <p>29 Sara Randolph</p> <p>30 Sean Greene</p> <p>31 Lance Caputo</p> <p>32 John Barnes</p> <p>33 Joanne Snarski</p> <p>34 Alex Shiley</p> <p>35 Ali Smith</p> <p>36 Karl Holappa</p> <p>37 Audra Allen</p> <p>38 COUNSEL FOR THE ENVIRONMENT:</p> <p>39 Sarah Reyneveld</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. GRANTHAM: For the Badger Mountain</p> <p>2 project for Douglas County, Jordyn Guilio?</p> <p>3 MS. GUILIO: Jordyn Guilio.</p> <p>4 MS. GRANTHAM: For the Wautoma Solar</p> <p>5 project for Benton County, Dave Sharp?</p> <p>6 The Washington State Department of Transportation,</p> <p>7 Paul Gonseth?</p> <p>8 MR. GONSETH: Paul Gonseth, present.</p> <p>9 MS. GRANTHAM: For the Hop Hill Solar</p> <p>10 project for Benton County, Paul Krupin?</p> <p>11 MR. KRUPIN: Paul Krupin, present.</p> <p>12 MS. GRANTHAM: For the Carriger Solar</p> <p>13 project for Klickitat County, Matt Chiles?</p> <p>14 MR. CHILES: Matt Chiles, present.</p> <p>15 MS. GRANTHAM: Assistant Attorney</p> <p>16 General, Jon Thompson?</p> <p>17 MR. THOMPSON: Present.</p> <p>18 MS. GRANTHAM: Jenna Slocum?</p> <p>19 MS. SLOCUM: Present.</p> <p>20 MS. GRANTHAM: Zack Packer?</p> <p>21 MR. PACKER: Present.</p> <p>22 MS. GRANTHAM: Administrative Law</p> <p>23 Judges, Adam Torem?</p> <p>24 JUDGE TOREM: This is Judge Torem,</p> <p>25 present.</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIR DREW: Good afternoon. This is</p> <p>2 Kathleen Drew, Chair of the Energy Facility Site</p> <p>3 Evaluation Council calling our December 20th, December</p> <p>4 regular monthly meeting to order.</p> <p>5 Ms. Grantham, will you call the roll?</p> <p>6 MS. GRANTHAM: Department of Commerce?</p> <p>7 MS. OSBORNE: Elizabeth Osborne,</p> <p>8 present.</p> <p>9 MS. GRANTHAM: Department of Ecology?</p> <p>10 MR. LEVITT: Eli Levitt, present.</p> <p>11 MS. GRANTHAM: Department of Fish and</p> <p>12 Wildlife?</p> <p>13 MR. LIVINGSTON: Mike Livingston,</p> <p>14 present.</p> <p>15 MS. GRANTHAM: Department of Natural</p> <p>16 Resources?</p> <p>17 MR. YOUNG: Lenny Young, present.</p> <p>18 MS. GRANTHAM: Utilities and</p> <p>19 Transportation Commission?</p> <p>20 MS. BREWSTER: Stacey Brewster,</p> <p>21 present.</p> <p>22 MS. GRANTHAM: Local government and</p> <p>23 option state agencies for the Horse Heaven project for</p> <p>24 Benton County, Ed Brost?</p> <p>25 MR. BROST: Ed Brost is present.</p>	<p style="text-align: right;">Page 5</p> <p>1 MS. GRANTHAM: Laura Bradley? Dan</p> <p>2 Gerard? Joni Derifield?</p> <p>3 And for Council Staff, Sonia Bumpus? Ami</p> <p>4 Hafkemeyer?</p> <p>5 MS. HAFKEMEYER: Present.</p> <p>6 MS. GRANTHAM: Amy Moon?</p> <p>7 MS. MOON: Amy Moon, present.</p> <p>8 MS. GRANTHAM: Stew Henderson?</p> <p>9 MR. HENDERSON: Present.</p> <p>10 MS. GRANTHAM: Joan Owens?</p> <p>11 MS. OWENS: Present.</p> <p>12 MS. GRANTHAM: Dave walker?</p> <p>13 MR. WALKER: Present.</p> <p>14 MS. GRANTHAM: Sonja Skaland?</p> <p>15 MS. SKALAND: Present.</p> <p>16 MS. GRANTHAM: Lisa Masengale?</p> <p>17 MS. MASENGALE: Present.</p> <p>18 MS. GRANTHAM: Sara Randolph.</p> <p>19 MS. RANDOLPH: Present.</p> <p>20 MS. GRANTHAM: Sean Greene?</p> <p>21 MR. GREENE: Present.</p> <p>22 MS. GRANTHAM: Lance Caputo?</p> <p>23 MR. CAPUTO: Present.</p> <p>24 MS. GRANTHAM: John Barnes?</p> <p>25 MR. BARNES: Present.</p>

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<p>Page 6</p> <p>1 MS. GRANTHAM: Joanne Snarski?</p> <p>2 MS. SNARSKI: Present.</p> <p>3 MS. GRANTHAM: Alex Shiley?</p> <p>4 MS. SHILEY: Alex Shiley is present.</p> <p>5 MS. GRANTHAM: Ali Smith?</p> <p>6 MS. SMITH: Ali Smith, present.</p> <p>7 MS. GRANTHAM: Karl Holappa?</p> <p>8 MR. HOLAPPA: Karl Holappa, present.</p> <p>9 MS. GRANTHAM: Audra Allen?</p> <p>10 MS. ALLEN: Present.</p> <p>11 MS. GRANTHAM: For Operation Updates,</p> <p>12 Kittitas Valley Wind project?</p> <p>13 MR. MELBARDIS: Eric Melbardis,</p> <p>14 present.</p> <p>15 MS. GRANTHAM: Wild Horse Wind Power</p> <p>16 project?</p> <p>17 MS. GALBRAITH: Jennifer Galbraith,</p> <p>18 present.</p> <p>19 MS. GRANTHAM: Grays Harbor Energy</p> <p>20 Center?</p> <p>21 MR. SHERIN: Chris Sherin, present.</p> <p>22 MS. GRANTHAM: Chehalis Generation</p> <p>23 Facility?</p> <p>24 Columbia Generating Station?</p> <p>25 MS. NAJERA-PAXTON: Felicia</p>	<p>Page 8</p> <p>1 moved.</p> <p>2 CHAIR DREW: Second?</p> <p>3 MS. BREWSTER: Stacey Brewster,</p> <p>4 second.</p> <p>5 CHAIR DREW: Thank you. I have one</p> <p>6 correction or Page 22, Line 4, Within 60 days of receipt</p> <p>7 of the Council's recommendation, the "governor" and not</p> <p>8 the "government," will take one of three actions. That's</p> <p>9 my only correction. Any others?</p> <p>10 MS. BREWSTER: Yes, this is Stacey</p> <p>11 Brewster on Page 42, Line 12, it says "shrub set" and I</p> <p>12 believe that should say "shrubsteppe."</p> <p>13 CHAIR DREW: Thank you. In favor of</p> <p>14 adopting the minutes with those two changes please say</p> <p>15 aye. Opposed? The minutes are adopted.</p> <p>16 Project updates, Kittitas Valley, Mr. Melbardis.</p> <p>17 MR. MELBARDIS: Good afternoon, Chair</p> <p>18 Drew, EFSEC and Council Staff. For the reporting period</p> <p>19 of November I did have a nonroutine item to report. It</p> <p>20 was a neighboring nonparticipating landowner complaint.</p> <p>21 The complaint was for shadow flicker. Many, many years</p> <p>22 ago, probably six months after operational phase we</p> <p>23 implemented a system that automatically curtailed a</p> <p>24 couple of turbines that were known to have caused shadow</p> <p>25 flicker. The system is fully automatic and it runs on a</p>
<p>Page 7</p> <p>1 Najera-Paxton, present.</p> <p>2 MS. GRANTHAM: Columbia Solar? Goose</p> <p>3 Prairie Solar?</p> <p>4 MR. CHRIST: Jacob Christ, present.</p> <p>5 MS. GRANTHAM: And do we have someone</p> <p>6 for the Counsel for the Environment?</p> <p>7 MS. REYNEVELD: Yes, Sarah Reyneveld,</p> <p>8 present.</p> <p>9 MS. GRANTHAM: Chair Drew, there is a</p> <p>10 quorum for the regular Council and all of the outside</p> <p>11 councils.</p> <p>12 CHAIR DREW: Thank you. Next item on</p> <p>13 our agenda is the proposed agenda you have in front of</p> <p>14 you. That proposed agenda, is there a motion to approve</p> <p>15 the proposed agenda?</p> <p>16 MR. YOUNG: Lenny Young, so moved.</p> <p>17 MS. BREWSTER: Stacey Brewster,</p> <p>18 second.</p> <p>19 CHAIR DREW: Any discussion? All</p> <p>20 those in favor say aye. Opposed? The agenda is adopted.</p> <p>21 Moving on to the meeting minutes from November 15th,</p> <p>22 2023, the monthly meeting minutes, you have the draft in</p> <p>23 front of you. Is there a motion to approve the meeting</p> <p>24 minutes from November 15th?</p> <p>25 MS. OSBORNE: This is Liz Osborne, so</p>	<p>Page 9</p> <p>1 schedule. Daylight saving time ended on November 5th and</p> <p>2 the complaint came in on November 7th, and it was due to</p> <p>3 the failure of the automated system to follow the time</p> <p>4 change. We had it corrected and it's been working fine</p> <p>5 ever since. We continue to monitor it, but it was just a</p> <p>6 flip of the controller.</p> <p>7 CHAIR DREW: Thank you.</p> <p>8 MR. MELBARDIS: Any questions about</p> <p>9 that?</p> <p>10 CHAIR DREW: Any questions from</p> <p>11 Council members? Thank you. And thank you for</p> <p>12 correcting it and finding that quickly.</p> <p>13 Moving on to Wild Horse Wind Power project, Ms.</p> <p>14 Galbraith.</p> <p>15 MS. GALBRAITH: Thank you, Chair Drew,</p> <p>16 Council members and Staff. This is Jennifer Galbraith</p> <p>17 with Puget Sound Energy representing the Wild Horse Wind</p> <p>18 facility. I have one nonroutine update for the month of</p> <p>19 November. In accordance with the fire control plan and</p> <p>20 the fire services agreement with Kittitas Valley Fire</p> <p>21 District No. 2, PSE and the District met to review and</p> <p>22 train on the fire safety plan, including site orientation</p> <p>23 map, site access, identification of potential electrical</p> <p>24 hazards, and lessons learned from the 2022 Vantage fire,</p> <p>25 and that's all I have.</p>

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<p style="text-align: right;">Page 10</p> <p>1 CHAIR DREW: Thank you. Chehalis 2 Generation Facility, Is Mr. Smith online? 3 MR. SMITH: Yes. 4 CHAIR DREW: Go ahead. 5 MR. SMITH: Good afternoon, Chair 6 Drew, Council members and Staff. This is Jeremy Smith, 7 the operations manager representing the Chehalis 8 Generation Facility. I have nothing nonroutine to note 9 for the month of November. 10 CHAIR DREW: Thank you. Grays Harbor 11 Energy Center, Mr. Sherin. 12 MR. SHERIN: Good afternoon, Chair 13 Drew, Council members and Staff. This is Chris Sherin 14 for the Grays Harbor Energy Center, and I have nothing 15 nonroutine to report for the month of November either. 16 CHAIR DREW: Thank you. Columbia 17 Solar, is Mr. Cushing there or Ms. Randolph? 18 MS. RANDOLPH: Thank you. Good 19 afternoon, Chair Drew, Council members and Staff. For 20 the record, this is Sara Randolph, site specialist, 21 providing an update for Columbia Solar. The facility 22 update is provided in your packet. There were no 23 nonroutine updates to report. 24 CHAIR DREW: Thank you. Columbia 25 Generating Station, Ms. Najera-Paxton.</p>	<p style="text-align: right;">Page 12</p> <p>1 activities are nearing completion. 2 Racking installation started last month. And then 3 looking ahead to January we have got some modular 4 inverter install that will start in early January. 5 We do continue with ongoing environmental 6 inspections weekly by WSP, and a weekly call with the 7 EFSEC specialist. 8 And then for public outreach update, I don't have 9 the final numbers yet but we did successfully complete a 10 project with monetary donations and toys both. I'm just 11 awaiting final numbers on that so I can report in the 12 January meeting to the Council. Any questions? 13 CHAIR DREW: Thank you. Are there any 14 questions for Mr. Christ? Thank you. 15 High Top and Ostrea, Ms. Randolph. 16 MS. RANDOLPH: Thank you. For the 17 record, this is Sara Randolph, site specialist for High 18 Top and Ostrea. EFSEC Staff are continuing to work the 19 developer on the construction requirements and plans. We 20 have no other updates at this time. 21 CHAIR DREW: Thank you. Whistling 22 Ridge, Ms. Barnes are you giving Mr. Caputo's update? 23 MR. BARNES: Yes, I am, Chair Drew. 24 Thank you, Chair Drew, and Council members. This is John 25 Barnes on behalf of Lance Caputo, who is the site</p>
<p style="text-align: right;">Page 11</p> <p>1 MS. NAJERA-PAXTON: Good afternoon, 2 Chair Drew, Council members and Staff, this is Felicia 3 Najera-Paxton providing updates for Energy Northwest 4 Columbia Generating Station. In November we had routine 5 operations. On November 20th we did have one update that 6 EFSEC provided additional questions on the June 2023 7 circulating water/oil release that occurred. Energy 8 Northwest submitted follow-up information on that 9 incident to EFSEC as requested on December 12th, 2023. 10 CHAIR DREW: Thank you. Goose Prairie 11 Solar, Mr. Christ. 12 MR. CHRIST: Good afternoon, Chair 13 Drew, EFSEC Council and Staff. Jacob Christ, senior 14 project manager on behalf of Brookfield Renewable Goose 15 Prairie Solar project update. For construction update, 16 starting with the substation reported last month that we 17 were still waiting on a PT delivery so we can say that we 18 successfully had both PTs delivered and the buildout is 19 complete, so that the substation buildout for the rest of 20 the remaining structures will now continue in 21 anticipation for the remaining gear that we expect to 22 receive sometime early next year. 23 Predrilling activities on the job site is complete. 24 Pile driving and perimeter fence continue along with 25 medium voltage cable install, and all three of those</p>	<p style="text-align: right;">Page 13</p> <p>1 specialist for this project. Staff are working to 2 schedule the hearing for the Whistling Ridge extension 3 request and transfer request. Details of the hearing 4 will be announced once they are available. 5 CHAIR DREW: Thank you. Desert Claim 6 project update, Ms. Moon. 7 MS. MOON: Good afternoon, Chair Drew 8 and Council members. For the record, this is Amy Moon 9 providing a project update on Desert Claim. The Desert 10 Claim Site Certification Agreement, Amendment No. 2, as 11 approved by the Council at the November 15th, 2023 12 council meeting, has been finalized and posted to the 13 EFSEC Desert Claim Site Certification Agreement public 14 website. There are no further project updates at this 15 time. 16 Does the Council have any questions? 17 CHAIR DREW: Any questions for Ms. 18 Moon? Okay. Thank you. 19 I apologize. I'm trying to figure out how to get us 20 out of this dark that I see on our screen here because 21 there's lack of light. It's one image that is a dark 22 area. I apologize for the momentary delay. Thank you. 23 Moving on to Badger Mountain project update, Ms. 24 Snarski. 25 MS. SNARSKI: Thank you, Chair Drew,</p>

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<p style="text-align: right;">Page 14</p> <p>1 and good afternoon Council members. For the record, this 2 is Joanne Snarski, the siting specialist for Badger 3 Mountain Solar. Progress is continuing with the 4 development of the draft environmental impact statement 5 for the proposed Badger Mountain Solar project. 6 Efforts are also continuing on the development of 7 the Supplemental Cultural Resources Survey. A work plan 8 has been completed for the initial ground survey. 9 Currently, we are looking at the possibility of 10 completing the initial survey work in January if the snow 11 remains at bay in the proposed project boundary. 12 Additionally, we are working with the Department of 13 Natural Resources to obtain an agreement for our 14 subcontractors to gain access to the relatively small 15 portion of the project that is located on state lands. 16 Finally, we hope the more detailed survey work will 17 be completed this spring. As a reminder, the findings of 18 this survey will inform the cultural resources section of 19 the draft environmental impact statement. Are there any 20 questions? 21 CHAIR DREW: Are there any questions 22 for Ms. Snarski? Thank you. 23 Wautoma Solar project update, Mr. Barnes. 24 MR. BARNES: Thank you, Chair Drew, 25 and Council members. Once again, this is John Barnes on</p>	<p style="text-align: right;">Page 16</p> <p>1 allow the applicant to complete data collection studies 2 needed for EFSEC to be able to conduct our SEPA review 3 and determination. 4 The applicant has drafted an application review 5 extension letter that has been placed on the EFSEC 6 website for public review and comments ahead of the 7 meeting from December 11th through December 15th. No 8 comments were received. If granted, the new application 9 deadline would become December 22, 2024. 10 At this time Staff recommends the Council to vote to 11 approve the application extension now in front of you. 12 Are there any questions? 13 CHAIR DREW: Are there any questions 14 for Mr. Barnes? The letter is in your packet and on the 15 screen. Are there any comments by Council members? Is 16 there a motion to approve the extension request from 17 Bright Night for the Hop Hill Solar application? 18 MR. YOUNG: Lenny Young, I move to 19 approve the extension request. 20 CHAIR DREW: Second? 21 MR. LEVITT: Eli Levitt, second. 22 CHAIR DREW: Thank you. Discussion? 23 Hearing none, all those in favor please say aye. 24 Opposed? The extension request is approved. Thank you. 25 Carriger Solar project, Ms. Snarski.</p>
<p style="text-align: right;">Page 15</p> <p>1 behalf of Lance Caputo who is the siting specialist for 2 this project. 3 Applicants for the Wautoma Solar Energy project 4 recently submitted the final Supplemental Cultural 5 Resource Survey requested by EFSEC, and the Department of 6 Archeology, and has started preservation, and we are 7 presently reviewing the report for compliance. 8 Staff are also coordinating with the Yakama Nation's 9 cultural resource program staff on identifying potential 10 mitigation to form our SEPA determination. 11 Lastly, Staff are currently working with our AAGs 12 and the Office of Administrative Hearings to ensure that 13 we are prepared for the forthcoming adjudicative 14 proceeding for this project. 15 CHAIR DREW: Thank you. Hop Hill 16 Solar, Mr. Barnes. 17 MR. BARNES: Thank you, Chair Drew, 18 and Council members. For the record, this is John 19 Barnes, EFSEC staff, for the Hop Hill application. We 20 are continuing to coordinate and review of the 21 application with our contractor, contracted agencies, and 22 tribal governments. At this time the applicant would 23 like to request a 12-month application review extension. 24 The original application review deadline was set to 25 expire December 22nd, 2023. The 12-month extension would</p>	<p style="text-align: right;">Page 17</p> <p>1 MS. SNARSKI: Thank you, Chair Drew, 2 and Council members. For the record, this is Joanne 3 Snarski, the siting specialist for Carriger Solar. 4 EFSEC Staff continue to work with Carriger Solar 5 applicant to address anticipated visual impacts from the 6 proposed project. In accordance with RCW 80.50.080 Sub 7 3, Sub A, the applicant is allowed to provide 8 clarification or make changes to the proposal to mitigate 9 the anticipated environmental impacts. 10 We recently agreed on a few supplemental visual 11 simulations that we believe will help us better 12 understand the potential options for mitigating visual 13 impacts. When received, these new simulations will lead 14 to further discussions with the applicant, and will 15 hopefully result in a formal written response from the 16 applicant for initial SEPA notification to them. 17 Staff, with support from our Assistant Attorney 18 General, are very near final execution of an interagency 19 agreement for the completion of a traditional cultural 20 properties study by the Yakama Nation for this site. 21 All of the language in the contract has been 22 mutually agreed to and is currently with the Yakama 23 Nation for their processing and their signature. This 24 contract will also now serve as a model for additional 25 TCP studies at other proposed facilities with tribal</p>

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<p style="text-align: right;">Page 18</p> <p>1 cultural resource concerns. Are there any questions?</p> <p>2 CHAIR DREW: Are there any questions</p> <p>3 for Ms. Snarski? I don't see any questions from Council</p> <p>4 members. Thank you.</p> <p>5 Moving on to the Horse Heaven Wind Farm project, Ms.</p> <p>6 Moon, project update.</p> <p>7 MS. MOON: Good afternoon, Council</p> <p>8 Chair Drew and EFSEC Council members. For the record,</p> <p>9 this is Amy Moon providing an update on the Horse Heaven</p> <p>10 Wind project.</p> <p>11 Since issuing the Horse Heaven Wind project final</p> <p>12 environmental site assessment, known as the EIS, on</p> <p>13 October 31, 2022, EFSEC Staff have been addressing</p> <p>14 Council feedback and questions posed at the November 15th</p> <p>15 Council meeting and the November 29th special Council</p> <p>16 meeting regarding mitigation measures.</p> <p>17 The follow-up on the questions posed in the November</p> <p>18 Council meeting regarding the roles of the Washington</p> <p>19 Department of Natural Resources or DNR and fire response</p> <p>20 and suppression, EFSEC Staff sent the questions to DNR</p> <p>21 and I want to go over those questions and responses from</p> <p>22 the DNR. There's five in total.</p> <p>23 Question one, we asked if DNR had any project</p> <p>24 specific concerns regarding fire suppression, for</p> <p>25 example, access to the site or access to fire suppression</p>	<p style="text-align: right;">Page 20</p> <p>1 level."</p> <p>2 And the last question, five, Are there any other</p> <p>3 aerial criteria or accommodation for planes or</p> <p>4 helicopters that will require DNR fire response related</p> <p>5 to access to water and/or fire retardants, and the</p> <p>6 follow-up, is there any specific turnaround criteria for</p> <p>7 the aircraft?</p> <p>8 The DNR response, "Nothing specific. The density</p> <p>9 and spacing of the towers would essentially create a no</p> <p>10 fly zone over the entire project area. We would require</p> <p>11 an additional safety buffer of one to two tower heights</p> <p>12 around the project to ensure safe separation for aircraft</p> <p>13 operations."</p> <p>14 And I also want to mention that before this meeting</p> <p>15 we did post to the website that the Council may be taking</p> <p>16 action, and we did receive nine comments from the public.</p> <p>17 They were general comments against the project.</p> <p>18 Are there any questions on those DNR questions and</p> <p>19 responses?</p> <p>20 CHAIR DREW: Are there any questions</p> <p>21 from Council members?</p> <p>22 MR. LIVINGSTON: Amy, could you reread</p> <p>23 the third question response?</p> <p>24 MS. MOON: Okay. Turbines up to 657</p> <p>25 feet would severely restrict or prohibit the use of</p>
<p style="text-align: right;">Page 19</p> <p>1 materials, and the DNR response was, "DNR does not have</p> <p>2 the direct fire protection responsibility for the</p> <p>3 proposed project area."</p> <p>4 Second question we asked, Would DNR be one of the</p> <p>5 potential responders to a range fire in the Horse Heaven</p> <p>6 Hills, specifically within the proposed project location?</p> <p>7 The DNR response, "DNR could be a potential</p> <p>8 responder through agreements with fire districts and/or</p> <p>9 state mobilization. DNR is the primary responder for</p> <p>10 wildfire aviation on nonfederal lands statewide."</p> <p>11 The third question from the Council was, Would the</p> <p>12 proposed turbine height of the 657 feet maximum total</p> <p>13 height, ground to blade tip, affect fire suppression</p> <p>14 methodology?</p> <p>15 The DNR response, Turbines up to 657 feet would</p> <p>16 severely restrict or prohibit the use of tactical</p> <p>17 aircraft, known as UAS, which is unmanned aircraft system</p> <p>18 and we could probably just call it a drone, so turbines</p> <p>19 up to that 657 foot height would severely restrict or</p> <p>20 prohibit the use of drones for tactical fire suppression.</p> <p>21 Question four, What is the typical height planes and</p> <p>22 helicopters fly when responding to a range fire for</p> <p>23 suppression.</p> <p>24 DNR responded, "Nearly all tactical wildland</p> <p>25 missions are conducted below 500 feet above ground</p>	<p style="text-align: right;">Page 21</p> <p>1 tactical aircraft, and unmanned aircraft systems known as</p> <p>2 drones, for tactical fire suppression.</p> <p>3 MR. LIVINGSTON: Thank you for</p> <p>4 rereading it. The first time around I didn't quite get</p> <p>5 it, but the response actually deals with two different</p> <p>6 things, tactical aircraft, which are different from</p> <p>7 unmanned aerial systems, so it's both piloted aircraft</p> <p>8 and drones that would be involved here?</p> <p>9 MS. MOON: Yes, I believe that's the</p> <p>10 answer. I did kind of flub my acronyms and explaining</p> <p>11 when I first read that so thank you for asking again.</p> <p>12 CHAIR DREW: Ms. Moon, what I heard</p> <p>13 from the collection of questions, and thank you for</p> <p>14 getting those, certainly is that in the area that on the</p> <p>15 project itself that would be a nonfly zone; however, they</p> <p>16 would consider one to two turbine lengths from the</p> <p>17 closest turbine as their safety zone outside of -- or</p> <p>18 from where the turbines are to where they would be able</p> <p>19 to use their equipment; is that correct?</p> <p>20 MS. MOON: So I'm not sure if that's</p> <p>21 quite how that should be interpreted, and there may be</p> <p>22 somebody on the line from DNR that could respond to that.</p> <p>23 I took the answer as one to two tower heights above the</p> <p>24 project, but it could be like you posed, outside the</p> <p>25 project limits. I could certainly follow up on that.</p>

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<p style="text-align: right;">Page 22</p> <p>1 CHAIR DREW: Okay. Do we have 2 somebody online to answer questions? Okay. That would 3 be helpful because I was looking at it similarly to how 4 we look at the distance between a turbine and a 5 neighboring resident, so that would be good to clarify. 6 MS. MOON: I will do that. And any 7 other questions on this? 8 MR. LIVINGSTON: This is new 9 information for Council to consider. We have been 10 working through with Staff on the mitigation, initial 11 mitigation we might want to apply around the final EIS, 12 so how should we anticipate when we use this information 13 to looking at, you know, various turbines and how to 14 propose the mitigation? 15 MS. MOON: That is a fairly complex 16 question, Mr. Livingston. Ami Hafkemeyer might be able 17 to help out on this or Sean Greene. We are looking at 18 more dialogue with the DNR on their answers to this, and 19 particularly on whether they have a mitigation measure 20 ideas or criteria, and we will -- I'm hoping that I can 21 report that back to you in January, but as of yet, partly 22 due to the holiday season and the end of the year, I 23 wasn't able to have that dialogue with DNR so can we hold 24 a more formal response until January? 25 MR. LIVINGSTON: Yes, absolutely. I</p>	<p style="text-align: right;">Page 24</p> <p>1 present to the Council ahead of the January meeting. 2 CHAIR DREW: Okay. Thank you. Ms. 3 Moon, is that the end of your report, and are we ready to 4 move forward to the mitigation discussion? 5 MS. MOON: That's basically the end of 6 my report. I was going to introduce Sean Greene. He's 7 available for any questions or dialogue about mitigation 8 measures. Also, Staff would like the Council -- well, I 9 will hold that. We will go into the mitigation measures 10 so, yes, I'm done. Thank you. 11 CHAIR DREW: Mr. Greene. 12 MR. GREENE: Thank you, Chair Drew, 13 and Council members. For the record, this is Sean 14 Greene, specialist for EFSEC. There are two sets of 15 proposed changes to mitigation measures that I want to 16 walk you through today. Both were provided to Council 17 members last week for their review. I will see if I can 18 get this to work so we can just start going through 19 these. 20 These are all changes that Staff have prepared in 21 response to Council discussions during these two November 22 meetings. So the first is for Air-1. There was some 23 Council discussion about how this measure which limits 24 the speed of project vehicles to 15 miles per hour 25 onsite, there was discussion by the Council how this</p>
<p style="text-align: right;">Page 23</p> <p>1 just wanted to make sure I understood when we might be 2 able to get that information. So thank you, Amy, I 3 appreciate that. 4 MS. MOON: You are welcome. Any 5 further questions? 6 CHAIR DREW: If you could pause for a 7 second. Ms. Hafkemeyer is trying to ensure her 8 microphone is on. 9 MS. HAFKEMEYER: I don't think this 10 microphone is on, but can people on the line hear me? 11 All right. I think I have a working microphone. Okay. 12 So thank you, Council Member Livingston. One of the 13 things to continue the discussion, Sean Greene is 14 available this afternoon to discuss some of the 15 mitigation changes that we have heard that Council may 16 want to consider this afternoon. So if the Council would 17 like to discuss some additional mitigation in response to 18 the concern for additional space, either around or above 19 the footprint of the project, you know, we can certainly 20 work to clarify that. 21 But if the Council would like to consider 22 mitigation, that can be discussed this afternoon when the 23 Council is discussing the other mitigation measures being 24 presented, and when giving Staff direction on what to 25 prepare, we can incorporate some of those details to then</p>	<p style="text-align: right;">Page 25</p> <p>1 would be managed and enforced. We have proposed changes 2 that were developed in coordination with our consultants 3 that would indicate a posting of signage, training for 4 all employees, periodic speed checks by construction 5 contractors health and safety officers to be reviewed 6 monthly, and a requirement be the applicant to notify 7 EFSEC of any identified routine exceeding of the speed 8 limit alongside a corrective action plan. 9 CHAIR DREW: Are there any comments or 10 questions about this updated mitigation item? If not, I 11 think we will just -- I will just ask you to raise your 12 hands if you would like to discuss the changes that were 13 made, and otherwise we will presume that they are 14 understood by the Council. 15 MR. GREENE: And just for 16 clarification, does that -- understood by Council, does 17 that indicate that the Council would like the mitigation 18 as it is now proposed to be incorporated in the -- 19 CHAIR DREW: Yes. Thank you. Should 20 they take that action? Yes. We haven't gotten that far 21 but, yes. 22 MR. GREENE: Okay. The next measure 23 is in regard to culvert installation best management 24 practices. There was discussion by Council members as to 25 whether the applicant should be required to adhere to</p>

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<p style="text-align: right;">Page 26</p> <p>1 WDFW fish passage best management practices in lieu of US 2 Department of Agricultural best management practices. 3 And Staff reviewed WDFW BMPs and they exceed all USDA 4 BMPs. 5 Okay. The third measure is Water-6, which deals 6 with spill response equipment in project vehicles. There 7 were Council concerns about which vehicles that would be 8 present on project areas would be subject to this 9 requirement. We have updated the mitigation to indicate 10 that this would apply to project vehicles, specifically 11 vehicles owned by the project that regularly access the 12 site. It's specifically excluding employee personal 13 vehicles. 14 And there was also some Council discussion about 15 what type of equipment would be required, so there has 16 been some specificity in that regard. 17 The next measure is Vegetation-6, which dealt with 18 how mitigation measures would be updated in the event 19 that legislative requirements change between the point of 20 execution of a potential SCA and the actual time of 21 decommissioning of the project. And the language has 22 been changed to indicate that if legislative requirements 23 at the time of decommissioning are more restrictive than 24 at time of the execution of the SCA that those higher 25 level of requirements would take precedence. This also</p>	<p style="text-align: right;">Page 28</p> <p>1 CHAIR DREW: Mr. Young, did you have a 2 question? 3 MR. YOUNG: Yeah, it was just 4 addressed, the point of clarification I was looking for. 5 CHAIR DREW: Thank you. 6 MR. GREENE: Any further questions on 7 this change? 8 Okay. The next is Habitat-1. There was -- this is 9 the mitigation requirement that would not allow project 10 components within areas that have been identified as 11 being very high linkage for wildlife movement corridors. 12 As the mitigation is currently written, there is a 13 process through which the applicant could place project 14 components within those medium to very high linkage areas 15 with additional mitigation and management plans as 16 outlined in the text. 17 There was some Council discussion in the November 18 meetings about whether this avoidance of the movement 19 corridor should be a firm area of nonallowance and 20 without the possibility of exceptions as outlined in the 21 current mitigation, so this is where we would like the 22 Council's guidance on which version they prefer. 23 CHAIR DREW: And this is on the 24 movement corridors? 25 MR. GREENE: Correct.</p>
<p style="text-align: right;">Page 27</p> <p>1 clarifies that any potential weakening of legislative 2 requirements would not undercut any mitigation measures 3 within the executed SCA. Any questions here? 4 All right. The next is Wildlife-1, which is the 5 post-construction bird and bat fatality monitoring prom. 6 This didn't actually come up through Council discussion, 7 but this was a Staff recognition that at several points 8 within this mitigation measure duties were assigned to 9 the technical advisory committee that should have been 10 assigned to the preoperational technical advisory 11 group -- or excuse me, the pre-construction technical 12 advisory group, just based on the timing of when those 13 two technical groups would exist. 14 CHAIR DREW: So if I can ask about 15 this one, post-construction bird and bat fatality 16 monitoring, but before the initiation of operations? 17 MR. GREENE: Yes. I can clarify. 18 Part of this mitigation measure involves the development 19 of monitoring plans prior to start of construction, and 20 the development of those plans would be subject to the 21 PTAG for review because at that point in time because the 22 TAC would not exist yet. 23 CHAIR DREW: So it would transfer to 24 the new group, correct? 25 MR. GREENE: Yes.</p>	<p style="text-align: right;">Page 29</p> <p>1 CHAIR DREW: Mr. Livingston. 2 MR. LIVINGSTON: Yeah, I appreciate 3 Staff hearing those concerns, and I like the changes that 4 have been made throughout. Thumbs up on that. 5 CHAIR DREW: Mr. Young. 6 MR. YOUNG: Ditto what Mr. Livingston 7 just said, I prefer the changed version. 8 CHAIR DREW: So one question I have is 9 that there would be a process if the applicant wants to 10 propose some connective, or some project components, 11 would this eliminate all project components? Can you 12 talk a little bit about that? 13 MR. GREENE: Sure. As currently 14 written, there is a process through with the applicant 15 could request to site project components within the 16 medium to very high linkage areas for wildlife movement, 17 and there are various steps that they would have to go 18 through in the developments of a corridor mitigation plan 19 that would need EFSEC approval prior to the allowance of 20 any project components in those areas under the current 21 mitigation. 22 With the changes that are being presented to Council 23 here, that process does not exist and no project 24 components would be allowed to be sited within medium to 25 very high linkage areas. And in the email that Council</p>

<p style="text-align: right;">Page 30</p> <p>1 members received last week that included the presentation 2 and subsequent one, there was some data indicating how 3 much of the project is in one of those medium to very 4 high linkage corridors, just an indication of how much of 5 the project would actually be excluded. 6 And there is also the option for Council to suggest 7 changes here that differ from the changes that are 8 currently on your screen. 9 CHAIR DREW: Would you happen to have 10 a map of the high? 11 MR. GREENE: Yes, I can find one. 12 CHAIR DREW: Thank you. I find that 13 helpful. 14 MR. GREENE: So the areas highlighted 15 on the map in yellow are rated as medium linkage. There 16 is a light red are high linkage, and dark red are very 17 high linkage. There is no area of very high linkage 18 within the project boundary. 19 CHAIR DREW: Okay. And that would 20 include linking up to any transmission throughout the 21 project as well? 22 MR. GREENE: With the change that is 23 currently on that presentation that the Council has 24 access to, that would include all project components. 25 There is potential, if the Council wishes, to allow</p>	<p style="text-align: right;">Page 32</p> <p>1 needed. Mr. Livingston? 2 MR. LIVINGSTON: Are we talking 3 transmission or are we talking turbine strings or talking 4 all project components? 5 CHAIR DREW: We can define it as 6 transmission components if you like. 7 MR. YOUNG: Yeah, that's what's in 8 line with what I'm just thinking after looking at this is 9 it would not include turbines or fixed infrastructure, 10 but if there was some transmission connecting between the 11 eastern and western portions of the project. Again, not 12 saying this would definitely be allowed, but it would be 13 something that we could mirror that language where the 14 applicant could propose and we would look at whether or 15 not that would be something that would be approved. 16 CHAIR DREW: That makes sense to me as 17 to what I was wanting to look at. So let's say exception 18 potentially, based on the information and whether or 19 not -- what the impact is on wildlife or transmission 20 components. 21 MR. GREENE: Okay. And for my own 22 clarification, it would be disallowance of any project 23 components other than transmission lines in any areas 24 within the medium or above linkage, but the exception 25 process with the movement mitigation plan could be</p>
<p style="text-align: right;">Page 31</p> <p>1 certain necessary project components or interconnecting 2 transmission lines if the Council wants to give us 3 direction on that. 4 CHAIR DREW: Mr. Livingston or Mr. 5 Young, thoughts? 6 MR. YOUNG: Looking at this map and, 7 Chair Drew, reflecting your question, we might want to be 8 able to consider a proposal from the applicant for an 9 exception in the medium, but I would be -- I would be 10 opposed to anything in the high or very high. 11 CHAIR DREW: And the high or very high 12 is the darker color, which to me looks like orange on the 13 screen. 14 MR. YOUNG: Yes, it looks like orange. 15 What I'm specifically looking at is that area kind of in 16 the middle of what we are looking at right now, that 17 looks like a yellow area between the orange to the south 18 and orange to the north, and if the applicant felt it was 19 absolutely critical to somehow connect the eastern and 20 western parts of the project through that yellow area, we 21 might -- we might want to allow the applicant to propose 22 an exception in that area, but not in the orange. Just 23 putting this out for conversation. 24 CHAIR DREW: Right. And the criteria 25 would have to be made that as to why that would be</p>	<p style="text-align: right;">Page 33</p> <p>1 allowed for transmission components only within the 2 medium linkage? 3 CHAIR DREW: Yes. 4 MR. GREENE: Okay. We can prepare a 5 version incorporating those details. 6 CHAIR DREW: Thank you. 7 MR. GREENE: Any further questions on 8 this change? Okay. So the next is Species-5, which is 9 the species specific mitigation for the ferruginous hawk. 10 There are two versions that were prepared based on the 11 Council's input, the first of which essentially turns the 12 two-mile buffer area surrounding the ferruginous hawk 13 nests into a firm buffer and not allowing any project 14 components within that two-mile radius under any 15 condition, as opposed to the original version which 16 allowed for the siting of project components within the 17 two-mile buffer if the applicant can demonstrate that the 18 nesting site and the nesting habitat within that area was 19 no longer viable for the species. 20 CHAIR DREW: So let's talk about what 21 this includes. Project components are no solar arrays, 22 no turbines, and no transmission, as well as battery 23 storage and roads? 24 MR. GREENE: Yes. With the change 25 before you, those would include all project components.</p>

<p style="text-align: right;">Page 34</p> <p>1 So, again, the Council can provide directions if they 2 want exceptions for some components or others or 3 maintaining the original version.</p> <p>4 CHAIR DREW: Do you have a map 5 which -- I don't know that we have one that would 6 identify all the project components, but perhaps one of 7 the ones that we have indicates turbines in red that are 8 with -- one of the criteria is -- there we go.</p> <p>9 MR. GREENE: So Council has a version 10 of this map available to them that includes the actual 11 locations or the buffers of the ferruginous hawk nests. 12 This is the publication version that is present within 13 the EIS. And one of the criteria that went into 14 identifying which of these turbines -- they are 15 classified by level of impact, and one of the criteria 16 that went into identifying their level of impact was 17 their proximity to ferruginous hawk nests.</p> <p>18 CHAIR DREW: So can you kind of circle 19 the area that we just looked at if you can transpose from 20 that to the other where that wildlife corridor is. Where 21 is the highway? Where is Highway 82?</p> <p>22 MR. GREENE: So Highway 82 is this 23 band right here, so it's east of the movement corridor 24 for wildlife.</p> <p>25 CHAIR DREW: And where does -- oh,</p>	<p style="text-align: right;">Page 36</p> <p>1 CHAIR DREW: Okay. So I actually want 2 to make that clear, and I support that for a couple of 3 reasons. And I think I asked you also to have a map 4 ready to show the Council as to why. I also wanted to 5 make it clear to the Council that we were also 6 potentially talking about -- we were talking about the 7 rest of the east solar field, so this is a picture from 8 the initial application which shows habitat types. The 9 break in between the two pieces, and I believe that's 10 I-82 again, and the western portion has already been 11 eliminated from the project by the applicant in terms 12 of --</p> <p>13 MR. GREENE: This is indicative of the 14 area -- the areas highlighted in green are areas the 15 applicant has already committed to, including the --</p> <p>16 CHAIR DREW: Oh, All the areas in 17 green?</p> <p>18 MR. GREENE: Correct. So it is 19 essentially limited to, as their current proposal is, 20 these two locations, this location, and essentially this 21 much of those two locations.</p> <p>22 CHAIR DREW: And what I want to draw 23 your attention to for the Council members is the two that 24 have a background color of green and kind of brown, which 25 currently, if you look at the habitat types, that's not</p>
<p style="text-align: right;">Page 35</p> <p>1 here we are.</p> <p>2 MR. GREENE: It is right here.</p> <p>3 CHAIR DREW: Okay. And yet on the 4 east side of I-82 we still have ferruginous hawk impact 5 or other impact? We are not just saying that's 6 ferruginous hawk, right?</p> <p>7 MR. GREENE: Yes. Those are what are 8 defined here as a Class 3 impact. The Council has 9 confidential versions that show buffers around 10 ferruginous hawk nests so they can see for themselves 11 which of these turbines are actually within --</p> <p>12 CHAIR DREW: Well, my point in 13 bringing this up is that I actually want to bring up the 14 east solar field. I believe that the east solar field, 15 which -- and if the applicant has already removed the 16 portions that are west of I-82, but right there on the 17 map you can see those portions of the east solar field, 18 and I -- if we go forward with this proposal, my belief, 19 correct me if I'm wrong, is that that would be a project 20 component which would not be allowed?</p> <p>21 MR. GREENE: If the changes that were 22 shown to Species-5 are implemented creating a firm buffer 23 around -- two miles around a ferruginous hawk nests, and 24 the east solar field is within one of those buffers then 25 it would be prohibited.</p>	<p style="text-align: right;">Page 37</p> <p>1 agricultural land. That is other kinds of habitats as 2 shrubsteppe -- well, not necessarily shrubsteppe, but --</p> <p>3 MR. GREENE: They are classified here 4 as unidentified as shrub and unidentified grassland.</p> <p>5 CHAIR DREW: Thank you. I was trying 6 to read the very small print. And so for those reasons, 7 I am concerned about a number of things, including within 8 those areas that perhaps the hawk might be most likely to 9 forage on areas that have not been developed, as well as 10 traditional cultural properties and impact on cultural 11 resources.</p> <p>12 So I want to make it -- I guess I want to make a 13 statement that I support the elimination of the east 14 solar field from consideration. I went back and I looked 15 at the original application and read that the applicant 16 is currently studying -- this was, again, from the 17 original application, multiple potential solar array 18 sites, one on the east side of the project Lease 19 Boundary, and up to two potential sites on the west side.</p> <p>20 A determination of which of these potential solar array 21 sites would be chosen has not yet been made.</p> <p>22 So considering all of that, I'm proposing that the 23 east solar field be removed as a condition for approval 24 for the project. Are there any other questions or 25 comments?</p>

<p style="text-align: right;">Page 38</p> <p>1 MR. GREENE: So is it Council's</p> <p>2 direction we incorporate that as a condition of an SCA?</p> <p>3 CHAIR DREW: Council members, do you</p> <p>4 want to -- if they are not speaking we will assume it is</p> <p>5 agreed.</p> <p>6 MR. GREENE: Okay.</p> <p>7 CHAIR DREW: Lenny.</p> <p>8 MR. YOUNG: I support what Chair Drew</p> <p>9 just described.</p> <p>10 CHAIR DREW: Thank you.</p> <p>11 MR. GREENE: Okay. Returning to</p> <p>12 Species-5, are there any questions or comments from</p> <p>13 Council on this first version of the potential changes to</p> <p>14 ferruginous hawk mitigation?</p> <p>15 MS. BREWSTER: This is Stacey</p> <p>16 Brewster. I just throw my support behind this version of</p> <p>17 the mitigation that the boundaries are firm and there</p> <p>18 will be no encroachment in the nest area.</p> <p>19 MR. GREENE: Okay. Would Council like</p> <p>20 to apply this to all project components or portions?</p> <p>21 CHAIR DREW: Mr. Young.</p> <p>22 MR. YOUNG: Yeah, I also support the</p> <p>23 change. I would say it applies to all project</p> <p>24 components. And I think it's important that we note that</p> <p>25 when we are talking about the two-mile radius, it's</p>	<p style="text-align: right;">Page 40</p> <p>1 feel more comfortable in saying that is not an absolute</p> <p>2 not on that. I would feel more comfortable if EFSEC</p> <p>3 Staff reached out to WDFW and asked that question about</p> <p>4 the concerns with the turbines, the primary concern loss</p> <p>5 of -- direct loss of habitat from the solar arrays are</p> <p>6 another concern, transmission lines may or may not be in</p> <p>7 this expansive of an area, so I would like to hear how</p> <p>8 they would respond to that question.</p> <p>9 I really appreciate removing the uncertainty that</p> <p>10 this had before because I just didn't know what I would</p> <p>11 be voting for. If I voted yes, I didn't know what I</p> <p>12 would be voting for in the final outcome of the project</p> <p>13 so this is certainly helpful for me.</p> <p>14 CHAIR DREW: Ms. Hafkemeyer.</p> <p>15 MS. HAFKEMEYER: Would the Council be</p> <p>16 interested in reviewing, prior to the January meeting, a</p> <p>17 revised mitigation as discussed today, including</p> <p>18 additional feedback from WDFW subject matter experts?</p> <p>19 CHAIR DREW: Is that what you are</p> <p>20 asking for, Mr. Livingston?</p> <p>21 MR. LIVINGSTON: Yes.</p> <p>22 CHAIR DREW: Okay. So let's proceed</p> <p>23 with -- if we are to move forward with the conditions of</p> <p>24 the project, let's proceed with this as the revised</p> <p>25 written. Certainly, if we want to -- if we go in that</p>
<p style="text-align: right;">Page 39</p> <p>1 not -- we are talking about everything within that</p> <p>2 two-mile radius, all the ground, and we were not just</p> <p>3 talking about areas that have a dedication type that is</p> <p>4 thought to be foraging habitat or something that's</p> <p>5 specifically used by the hawks. The way this is written,</p> <p>6 and the way I believe it's intended is that it covers the</p> <p>7 entire area within that two-mile radius.</p> <p>8 MR. GREENE: Yes. That was another</p> <p>9 change to the mitigation based on Council last time they</p> <p>10 used the word habitat, and, of course, that has been</p> <p>11 changed to area just to make it abundantly clear.</p> <p>12 CHAIR DREW: Thank you. The only</p> <p>13 question I have remaining is thinking through whether</p> <p>14 there would need to be any consideration of any</p> <p>15 transmission connected if it completely bisects the</p> <p>16 project. Mr. Livingston.</p> <p>17 MR. LIVINGSTON: Yeah, so the red dots</p> <p>18 on the map that Sean is showing right now are those Class</p> <p>19 3 impacts, so those are multiple impacts not necessarily</p> <p>20 just for ferruginous hawks, you know, and I understand</p> <p>21 why we are doing it this way, but it's really difficult</p> <p>22 to understand by looking at this map what it exactly</p> <p>23 means for all project components, right? I just wanted</p> <p>24 the highlight that.</p> <p>25 You know, transmission lines, power lines, I would</p>	<p style="text-align: right;">Page 41</p> <p>1 direction and we want to tweak it in January we still can</p> <p>2 to that. Is that agreeable to Council members?</p> <p>3 MR. GREENE: Are there any further</p> <p>4 questions on this version of Species-5? We can probably</p> <p>5 skip the second version of Species-5 then. That</p> <p>6 primarily just replaced the role of the PTAG and the</p> <p>7 administration of this measure with WDFW based on</p> <p>8 Council's thoughts.</p> <p>9 CHAIR DREW: I agree. We can skip</p> <p>10 that.</p> <p>11 MR. GREENE: Next is Species-8, the</p> <p>12 prairie falcon. The Council had indicated that they</p> <p>13 would like to see pre-construction surveys be performed</p> <p>14 for this species and that's been added. Any questions</p> <p>15 for those changes?</p> <p>16 Species-13 for the pronghorn antelope, there was</p> <p>17 Council discussion about whether the database of</p> <p>18 observations that the applicant maintained during</p> <p>19 operations should be confidential or not, with the</p> <p>20 understanding that the final determination would be made</p> <p>21 between discussions with the applicant, and Council</p> <p>22 language has been added here to indicate that the</p> <p>23 database may be determined to be confidential when</p> <p>24 developed. Any questions here?</p> <p>25 Energy-6 which deals with the recycling of project</p>

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<p style="text-align: right;">Page 42</p> <p>1 components. There was a question from the Council as to 2 whether EFSEC or the applicant would be responsible for 3 determining the recyclability of the components so 4 language has been added that the applicant has to provide 5 justification for the nonrecycling of any project 6 components to EFSEC, and EFSEC will have the final 7 determination about whether or not the component can be 8 recycled, and if so, it would be required to be. Any 9 questions here?</p> <p>10 The next is Recreation-1, which involves 11 recreational activity coordination. There's two parts 12 here. The first was a concern expressed that DNR was 13 more involved in this measure than the necessarily should 14 be, and DNR only maintains responsibility for impacts to 15 its own land, so language has been added to indicate that 16 entities may only be consulted for impacts to recreation 17 impacts to their own administered land.</p> <p>18 The second part of Council's concern was whether or 19 not additional entities should be added for coordination. 20 BLM was one of the suggestions, so the potential for 21 additional entities has been added to the language as 22 well. Are there any questions for this measure?</p> <p>23 Next is the recreation safety management plan. The 24 Council had questions about what EFSEC's role would be in 25 regulating the accomplishment of this mitigation, so</p>	<p style="text-align: right;">Page 44</p> <p>1 begin the other list of changes, potential changes to 2 mitigation that the Council was provided with last week. 3 These are changes that Staff have come up with following 4 discussions with the applicant, and are primarily meant 5 to clarify mitigation measures that might be -- that 6 there are no changes here that Staff believes materially 7 weaken any mitigation measures.</p> <p>8 The first was a requirement that the applicant 9 adhere to least risk fish windows for all work within the 10 ephemeral and intermittent streams. Following discussion 11 with the applicant and WDFW determined that the least 12 risk fish windows are intended only to be used to apply 13 to in water work in streams with flowing water, so the 14 language has been changed to indicate that these windows 15 would be maintained during periods when these ephemeral 16 and intermittent streams actually have water in them.</p> <p>17 Any questions about this change? Okay.</p> <p>18 The next is Vegetation-9, which deals with the 19 maintenance of vegetation on the solar array fencing. 20 There was a request from the applicant to establish a 21 more specific protocol for fence clearing, and in 22 conversation with our consultant, we developed this 23 language that indicates that a monthly fence survey would 24 be conducted during periods where wildfire danger rating 25 as determined by the DNR is assessed as low, and when</p>
<p style="text-align: right;">Page 43</p> <p>1 language has been added indicating that EFSEC would be 2 responsible for determining whether or not the applicant 3 has sufficiently coordinated with all relevant entities 4 that promote recreational activities within the Lease 5 Boundary to clarify the regulatory role for EFSEC. Are 6 there any questions here?</p> <p>7 CHAIR DREW: Just to make sure I 8 understand what area we are talking about, we are talking 9 about within the project area, the Lease Boundary of the 10 project area which is larger than the siting corridor in 11 the project components, but all the area which is leased?</p> <p>12 MR. GREENE: Correct. The applicant 13 is a responsible for all impacts within the Lease 14 Boundary, which are all lands that have been leased by 15 the applicant, whether or not they site project 16 components on them. Any questions?</p> <p>17 This is the final change from the Council 18 suggestions, which involves the requirement for 19 decommissioning housing survey to be performed prior to 20 the start of decommissioning. There was a Council 21 request that this analysis be consistent with Washington 22 Department of Labor & Industries guidelines, so that has 23 been added to the mitigation. Are there any questions 24 here?</p> <p>25 MR. GREENE: Okay. I would like to</p>	<p style="text-align: right;">Page 45</p> <p>1 that rating assessment is moderate or higher then weekly 2 surveys would be required. And surveys would include 3 removal of any built up vegetation. Any questions?</p> <p>4 Okay. The next is the species specific mitigation 5 for Townsend's ground squirrels. As it was initially 6 written the mitigation measure required surveys for 7 Townsend's ground squirrel colonies within the Lease 8 Boundary and the ZOI, the zone of influence. As defined 9 in the EIS, the zone of influence is a half mile buffer 10 around the Lease Boundary. This mitigation measure would 11 require the applicant to have access and have people 12 access the areas outside of site control, so the 13 requirement for surveys within the ZOI has been removed 14 from this version. Staff believes that the mitigation 15 measure remains effective as mitigating impacts to the 16 species with this change. Any questions on this 17 potential change?</p> <p>18 Okay. The next is Visual-3, which requires that 19 turbines themselves be maintained to be clean to avoid 20 any buildup of fluids or dirt. The applicant had 21 indicated that turbine cleanings are generally done in 22 batches and not one at a time, so they requested a 23 version of this mitigation that would allow for cleanings 24 only to take place when a specific number of turbines 25 have been determined to be not clean. They also</p>

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<p style="text-align: right;">Page 46</p> <p>1 requested for clarification about how to define clean, 2 and this version of mitigation allows for EFSEC to make 3 those determinations, both whether or not a turbine is 4 clean, and how many turbines would not need to be -- need 5 to not be cleaned before requiring a cleaning crew to be 6 dispatched.</p> <p>7 MS. BREWSTER: This is Stacey 8 Brewster. Just one question. Is this something that is 9 determined throughout the life of the project or is it 10 set in place prior to approval?</p> <p>11 MR. GREENE: In terms of the numbers, 12 it would be a process that we would work with the 13 applicant in determining how it's defined clean, and then 14 the actual numbers of turbines that would be necessary to 15 not clean before requiring a cleaning crew is something 16 we would also work together in the life of the project, 17 so higher number in a more condensed area -- or pardon 18 me, a lower number in a more condensed area may require a 19 crew whereas a higher number in a more dispersed area 20 it's open to that kind of ongoing discussion.</p> <p>21 MS. BREWSTER: Thank you.</p> <p>22 CHAIR DREW: Do we know if there's 23 best practice regarding --</p> <p>24 MR. GREENE: So regarding?</p> <p>25 CHAIR DREW: Cleaning of nacelles and</p>	<p style="text-align: right;">Page 48</p> <p>1 in significant damage to turbines, and in previous 2 projects we have not required that the blades themselves 3 be stopped. We have required that operations of the 4 turbines be stopped to allow the blades to flow freely in 5 the wind, so they will still be moving at a much lower 6 speed and as a result cause let shadow flicker.</p> <p>7 The second part of this is an acknowledgement that 8 shadow flicker as a phenomenon is fairly limited. It's 9 based on the angle of the sun, the wind speed, and the 10 sky conditions, whether cloudy or clear skies, just to 11 indicate that not all shadows pass by these turbines are 12 necessarily qualified as shadow flicker.</p> <p>13 Any further questions on these changes? Okay.</p> <p>14 The next is Recreation-1. There have already been 15 changes to this measure that Council has proposed so we 16 can merge these changes. The applicant was concerned 17 that the measure was unbounded, that it had not 18 guidelines for how it would be to have been determined to 19 be successfully achieved, so language has been added that 20 indicated that EFSEC would be responsible for determining 21 whether the applicant has sufficiently coordinated with 22 all relevant entities to promote recreational activities 23 within the vicinity of the Lease Boundary.</p> <p>24 CHAIR DREW: Mr. Young.</p> <p>25 MR. YOUNG: This language on the</p>
<p style="text-align: right;">Page 47</p> <p>1 towers. I mean, I expect there are. There are a lot of 2 wind farms across the country.</p> <p>3 MR. GREENE: I don't know specific 4 best management practices for the actual process of the 5 cleaning.</p> <p>6 CHAIR DREW: Okay. I'm sure that we 7 will have a chance perhaps to look into that.</p> <p>8 MR. GREENE: Okay. Any further 9 questions on this measure?</p> <p>10 The next is Visual-5, which is a requirement or 11 opaque fencing within half a mile of any -- in the 12 original language observation points. To add clarity to 13 this measure, we removed the reference to observation 14 points and replaced it with linear viewpoints and 15 residences, just to clarify it does apply to all such 16 receptor sites, not just those that were specifically 17 identified in initial simulations.</p> <p>18 Any questions on this measure?</p> <p>19 Okay. Next is the shadow flicker mitigation. There 20 are two parts here. The first is the initial language 21 included the phrase -- or included a requirement that the 22 blades of the turbines be stopped during periods of 23 perceptible shadow flicker. As explained to the 24 applicant, stopping or locking the turbine blades for an 25 extended period of time or during high winds can result</p>	<p style="text-align: right;">Page 49</p> <p>1 right-hand side that changed the way the previous section 2 on recreation was to not seem to indicate that it is DNR 3 and Benton County who are somehow jointly managing all 4 the recreation in the project area. Could we go back and 5 bring in some of that other language to modify this a 6 little bit more?</p> <p>7 MR. GREENE: Yes, absolutely. We can 8 merge the changes here with the change that was proposed 9 by the Council for the same mitigation measure and use 10 that as the version of the text to incorporate into an 11 SCA should one be developed.</p> <p>12 MR. YOUNG: That's fine. Thank you.</p> <p>13 MR. GREENE: Okay. Any other 14 questions on this measure?</p> <p>15 The next concern that the applicant had were fairly 16 similar to the recreation safety management plan. This 17 is a measure where the Council had recommended changes of 18 their own so if the Council desires we can merge the 19 changes.</p> <p>20 The applicant was concerned that the measure was 21 unbounded and had not set guidelines for how it would be 22 determined it had been achieved, and similar language has 23 been added here indicating that EFSEC would make that 24 determination as to whether or not the applicant has 25 sufficiently coordinated with all relevant entities. Any</p>

<p style="text-align: right;">Page 50</p> <p>1 questions about these changes?</p> <p>2 CHAIR DREW: Mr. Young.</p> <p>3 MR. YOUNG: Again, some type of</p> <p>4 language merger would seem to be helpful here.</p> <p>5 MR. GREENE: And if you want, I can</p> <p>6 bring up the Council's version so you can see where it</p> <p>7 was --</p> <p>8 CHAIR DREW: I think we will just look</p> <p>9 for it to be merged and then have a chance to see it.</p> <p>10 MR. GREENE: Okay. And I think that's</p> <p>11 it. Those are all the changes that were proposed by the</p> <p>12 Council or were arrived at by Staff through discussions</p> <p>13 with the applicant.</p> <p>14 CHAIR DREW: Thank you. We are now at</p> <p>15 the point in our meeting today where our next step would</p> <p>16 be to ask the Staff to prepare the documents for a</p> <p>17 recommendation to the governor. Previous Councils have</p> <p>18 used the intent section of the EFSEC statute, RCW</p> <p>19 80.50.010, to guide their decisionmaking process. So I</p> <p>20 have asked for Ms. Grantham to put that RCW section on</p> <p>21 our screen.</p> <p>22 I think the focus, in terms of legislative findings,</p> <p>23 as you can zero in on the words that start about three</p> <p>24 fourths from the bottom, "Such action will be based on</p> <p>25 these premises," do you see that? Can you enlarge that</p>	<p style="text-align: right;">Page 52</p> <p>1 meaningful public comment and participation in energy</p> <p>2 facility decision.</p> <p>3 So that's our charge as we move to the next phase of</p> <p>4 consideration. I don't know if anybody has questions</p> <p>5 about that. As you can see, and as I think we are well</p> <p>6 aware, those require looking both at the environmental</p> <p>7 impacts, the need for clean energy, the impact on</p> <p>8 communities and on overburdened -- environmental justice</p> <p>9 for overburdened communities as well.</p> <p>10 So I just wanted to bring that forward as we move to</p> <p>11 thinking about all that we have learned from reviewing</p> <p>12 this project, from the many public comments/concerns that</p> <p>13 have been raised, from the adjudication, and our</p> <p>14 consideration of all that has been brought up there, and</p> <p>15 from our environmental impact statement, and the</p> <p>16 mitigations that are brought forward in the final</p> <p>17 environmental impact statement as we have reviewed and</p> <p>18 modified them.</p> <p>19 To prepare for our final recommendations to the</p> <p>20 governor, we need to ask the Staff to prepare those</p> <p>21 documents. As you can see, we want to make sure when we</p> <p>22 are talking about conditions that we fully understand</p> <p>23 what those conditions might be if we are moving in that</p> <p>24 direction. And that would provide us with the basis for</p> <p>25 further deliberations and a final vote on the</p>
<p style="text-align: right;">Page 51</p> <p>1 so that we are looking at that. There we go. I think</p> <p>2 there's one more. Oh, six is on the next page. Sorry</p> <p>3 about that. It ended up on the same page as mine.</p> <p>4 As we look at what step we want to take, I will just</p> <p>5 briefly verbally go over the directions in our statute.</p> <p>6 To assure citizens, where applicable, that</p> <p>7 operational safeguards are at least as stringent as the</p> <p>8 federal government.</p> <p>9 To preserve and protect the quality of the</p> <p>10 environment.</p> <p>11 To enhance the public's opportunity to enjoy the</p> <p>12 aesthetic and recreational benefits of the air, water,</p> <p>13 and land resources, to promote air cleanliness, to pursue</p> <p>14 beneficial changes in the environment, and to promote</p> <p>15 environmental justice for overburdened communities.</p> <p>16 To encourage the development and integration of</p> <p>17 clean energy sources, to provide abundant clean energy at</p> <p>18 reasonable cost.</p> <p>19 To avoid costs of complete site restoration and</p> <p>20 demolition of improvement and infrastructure at</p> <p>21 unfinished nuclear energy sites. That's not part of what</p> <p>22 we are looking at here.</p> <p>23 And to avoid costly duplication in the siting</p> <p>24 process, and ensure that decisions are made timely and</p> <p>25 without unnecessary delay, while also encouraging</p>	<p style="text-align: right;">Page 53</p> <p>1 recommendation to the governor at a later meeting.</p> <p>2 In my view, we have three options. One option is to</p> <p>3 ask the Staff to prepare documents to approve the Horse</p> <p>4 Heaven project as the applicant has modified it.</p> <p>5 A second is to ask the Staff to prepare the</p> <p>6 documents to reject the Horse Heaven project.</p> <p>7 And a third option is to ask the Staff to prepare</p> <p>8 documents to approve the Horse Heaven project with the</p> <p>9 conditions that were identified in the final EIS as we</p> <p>10 have discussed and modified them during today's</p> <p>11 discussion.</p> <p>12 So I would ask Council members if they have -- if</p> <p>13 you have a preferred option you want to consider at this</p> <p>14 point in time. Mr. Young.</p> <p>15 MR. YOUNG: Chair Drew, I'm not sure</p> <p>16 we are ready to make that decision today. We haven't had</p> <p>17 any discussion about mitigation of impacts to TCP, to</p> <p>18 traditional cultural properties. And I personally have</p> <p>19 not thoroughly read what the FEIS is specifying on that</p> <p>20 topic. How do you think that factors in to where we are</p> <p>21 today?</p> <p>22 CHAIR DREW: That's a really good</p> <p>23 question. And I guess myself I have spent a fair --</p> <p>24 quite a fair amount of time reviewing the map that we</p> <p>25 saw. Perhaps that map can be brought up again. That</p>

<p style="text-align: right;">Page 54</p> <p>1 identified the most impactful turbines are identified in 2 red. What I understand we have done would be included as 3 a condition, would be to eliminate all of the turbines on 4 this map from consideration because they are within -- 5 they are highly impactful in a number of ways. 6 One way we specifically talked about is that they 7 are within the two-mile buffer of the ferruginous hawk. 8 They also impact cultural resources. We have the 9 confidential maps that we have looked at in terms of the 10 impact on a number of traditional cultural properties, so 11 elimination of these turbines won't eliminate all impacts 12 to traditional cultural properties, but will eliminate a 13 significant -- will eliminate impacts. I don't feel that 14 I can qualify that in a very specific way. 15 In addition to that, eliminating these turbines, if 16 you are to look at those turbines that have the most 17 impact on the community in terms of visual resources, the 18 community at large, I'm not talking about just -- not 19 just -- but I'm not talking about specific residences 20 that are in the area, but as you can see from this map, 21 this is the face to the larger -- to the community at 22 large, and so that will significantly reduce the visual 23 impact. It will reduce the number of turbines close to 24 the ridge line for firefighting purposes as we look at 25 those issues as we continue to look at that with the help</p>	<p style="text-align: right;">Page 56</p> <p>1 pieces together looking at this map and what we talked 2 about. The wildfire fighting, this is something, you 3 know, I would like to see what that looks like, and just 4 assure that we have those covered where there might be 5 setbacks. The wildlife corridor, it would be very 6 helpful to see that, you know, how does that affect the 7 various turbines. 8 And then the other question are we -- are you, Chair 9 Drew, as far as the yellow, so the two impacts those 10 areas versus the three impacts with the red, you know, 11 you say you removed those Class 2 impacts as well or 12 three? Those are just a few things for me right now that 13 I feel like I would like to see another iteration before 14 I provide my input on which direction to go. 15 CHAIR DREW: So I'm certainly open to 16 the Class 2 impacts, and even the Class 1 impacts. I'm 17 primarily, I guess, looking because its easier to see the 18 color green on here and the color red than it is to see 19 those, but I do want to know if you are talking about 20 where the canyon is. Maybe Staff can help me with that. 21 MR. GREENE: Sure. Straub Canyon is 22 this roughly north/south canyon that goes through here. 23 CHAIR DREW: Okay. Thank you. Other 24 comments? 25 MS. BREWSTER: This is Stacey</p>
<p style="text-align: right;">Page 55</p> <p>1 of the Department of Natural Resources. 2 Turbines would be further away from -- we understand 3 that we would not expect to have drones and other aerial 4 firefighting equipment within where the turbines are, but 5 this moves them away from the slope of a hill which is 6 really where that equipment, as I understand it from the 7 testimony we have had, has been used in the past. 8 So as I look at the map -- and thank you for asking 9 me the question because that all is in my mind from the 10 review that we have conducted, and we talked about the 11 wildlife corridors as well, and therefore, I do think, in 12 my opinion, that we can move forward at this point to ask 13 the Staff to prepare documents to condition the project 14 in this way. I would like to hear other opinions. 15 MR. YOUNG: I would ask if we have 16 Staff prepare a couple of variants. And one variant that 17 I would like to see us at least think about at this point 18 would be eliminating all the turbines and all the work 19 east of Straub Canyon, which is roughly in the middle of 20 the project running generally north/south. And my 21 primary push around that is around that TCP. 22 CHAIR DREW: Mr. Livingston. 23 MR. LIVINGSTON: At this point, I'm 24 where Lenny is. We talked about some additional 25 restrictions on the project. I can't put all those</p>	<p style="text-align: right;">Page 57</p> <p>1 Brewster. I guess, just a question about the -- if we 2 move today to have Staff prepare a document with the 3 conditions that we have laid out so far is how malleable 4 is that document? As we consider it a bit further, are 5 changes still able to be made? 6 CHAIR DREW: Ms. Hafkemeyer. 7 MS. HAFKEMEYER: So what Staff can do 8 is prepare documents, including maybe some placeholders 9 for some different conditions where we have highlighted, 10 you know, different degrees of specificity -- not degrees 11 of specificity, but where the Council would like to 12 consider potential different exclusions and conditions as 13 we get responses from DNR on aerial firefighting, and as 14 we get information from WDFW on potentially making 15 allowances for ancillary infrastructure, such as 16 transmission, and generally prepare documents to 17 condition the project and have placeholders for some of 18 that variation to allow the Council to review those 19 distinctions ahead of the January meeting. And then if 20 the Council would like to discuss further at the January 21 meeting and provide staff with the sort of, you know, 22 ultimate direction based on those options or another 23 variation thereof based on your discussion. Staff could 24 then make those edits following your discussion on the 25 January 24th meeting. I think that we would want to</p>

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<p style="text-align: right;">Page 58</p> <p>1 frame the discussion at that time so that Staff has clear 2 direction on what the Council would ultimately like to 3 see so that we can have everything submitted ahead of our 4 January 31st deadline for recommendation to the governor. 5 MS. DREW: I will comment a little bit 6 about that. That is one of the drivers, but I think that 7 if it happens that we don't make that deadline we will 8 figure out how to adjust that because I think we will be 9 pretty close. 10 What I do hear, and I appreciate it, is I hear the 11 Council coalescing, and tell me if I'm wrong, around the 12 option three to approve the project potentially as long 13 as we address the conditions that I have heard everybody 14 talking about even in this conversation. That doesn't 15 mean that we can't go back and say, you know, no, it 16 doesn't work, right. But if we ask the Staff to start 17 working on a potential recommendation, that would include 18 options. Does that meet the needs of Council members? 19 Mr. Young? 20 MR. YOUNG: Yeah. I would say yes. I 21 certainly do not favor the option you mentioned of -- 22 that we would proceed thinking we could approve the 23 project the way it's been described by the applicant. 24 And I don't think we are at a absolute no, there's no 25 part of this that could ever be done. We are in that</p>	<p style="text-align: right;">Page 60</p> <p>1 meeting? 2 MS. BREWSTER: Stacey Brewster, so 3 moved. 4 CHAIR DREW: Mr. Young. 5 MR. LEVITT: Eli Levitt, second. 6 MR. YOUNG: I will jump in here as now 7 we have a motion on the table. I could like to ensure 8 that the option we are asking Staff to develop, whether 9 it's a sub option or what, but that one of the things 10 that is being considered in what Staff puts together is 11 what I asked before is excluding all of the project as 12 described. 13 CHAIR DREW: Friendly amendment. Is 14 there any discussion? Any further discussion? Okay. 15 It's a lot of information that we have received and a lot 16 of considerations moving forward. I appreciate 17 everybody's work individually and the Staff's work on 18 this. All those in favor of this motion, please signify 19 by saying eye. And anyone opposed to this motion please 20 nay. The motion is adopted. Thank you. 21 At this point in time we have an employee update. 22 Go ahead Ms. Masengale. 23 MS. MASENGALE: Thank you, Chair Drew. 24 I'm Lisa Masengale. I am the Public Records Officer and 25 the Records Program Manager for EFSEC. I am very pleased</p>
<p style="text-align: right;">Page 59</p> <p>1 middle ground area. 2 CHAIR DREW: Okay. Do we need 3 further -- I guess we will move forward and have a motion 4 to ask the Staff to prepare documents to approve the 5 project with the conditions we have talked about, and 6 with options as we have discussed in preparation for a 7 more final decision in January. Do you need more 8 specificity than that? 9 MS. HAFKEMEYER: I would also like to 10 ask the Council if they would like Staff to incorporate 11 the other mitigation measures in the final EIS that were 12 not discussed for revision. Would the Council like to 13 see those included in draft documents as well as they are 14 in the FEIS? 15 CHAIR DREW: Thank you. So we would 16 have the documents with the conditions identified as 17 mitigations in the final EIS, plus the ones that we have 18 refined and the ones that we may have some options on 19 moving forward. Yes, we would want all of those 20 conditions included. 21 Okay. Is there a motion then to ask the Staff to 22 prepare these documents to approve the Horse Heaven 23 project with the conditions that were identified in the 24 final EIS, and with the refinements that were made today, 25 allowing for some options to be considered in a future</p>	<p style="text-align: right;">Page 61</p> <p>1 to introduce Audra Allen, our new Records Analyst 3. She 2 joins EFSEC from DSHS, so she has over five years of 3 experience in public disclosure. I will go ahead and 4 pass the microphone to Audra to introduce herself to the 5 Council. 6 MS. ALLEN: I moved to Washington five 7 years ago from Austin, Texas. I have been working for 8 the State since then. I'm very happy to be here and look 9 forward to meeting everyone. 10 CHAIR DREW: Thank you. And welcome 11 to the Staff. I appreciate that. 12 If there's nothing further to come before the 13 Council, our meeting is adjourned. 14 15 (Adjourned at 3:13 p.m.) 16 17 18 19 20 21 22 23 24 25</p>

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<p>1 STATE OF WASHINGTON) I, Christy Sheppard, CCR, RPR, 2) ss a certified court reporter 3 County of Pierce) in the State of Washington, do 4 hereby certify: 5 6 That the foregoing transcript of the EFSEC Monthly 7 Council Meeting was taken before me at 621 Woodland Square 8 Loop SE, Lacey, Washington, and completed on December 20, 9 2023, and thereafter was transcribed under my direction; 10 That I am not a relative, employee, attorney or counsel 11 of any party to this action or relative or employee of any 12 such attorney or counsel and that I am not financially 13 interested in the said action or the outcome thereof; 14 15 IN WITNESS WHEREOF, I have hereunto set my signature 16 December 7, 2024. 17 18 19 20 21 22 23 24 25</p> <p>_____ /s/Christy Sheppard, CCR, RPR Certified Court Reporter No. 1932 (Certification expires 05/06/24.)</p>	<p>Page 62</p>

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: January 12, 2024

Reporting Period: December 2023

Site Contact: Eric Melbardis, Sr Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 5976 MWh
 - Wind speed: 3.4 m/s
 - Capacity Factor: 7.85%
-

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: January 12, 2024
Report Period: December 2023
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

December generation totaled 33,247 MWh for an average capacity factor of 16.39%.

Environmental Compliance

The Wild Horse Technical Advisory Committee (TAC) met via conference call on December 5th for the annual meeting (see agenda and draft minutes attached). This was an informational meeting. There were no items that required formal actions/recommendations from the TAC for the Council's consideration.

In accordance with Article VI.A.2, the Operations Spill Prevention, Control and Countermeasure Plan (SPCCP) was updated and submitted to EFSEC staff on 12/18.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.

**Wild Horse Wind Power Project
Technical Advisory Committee
Video Conference Call
December 5, 2023, 10:00am
Meeting Minutes**

Attendance:

Ami Hafkemeyer	EFSEC	Norm Peck*	Kittitas Audubon
Sara Randolph	EFSEC	Bill Essman*	KCF&SC
Sean Greene	EFSEC	Tip Hudson*	WSU Extension
Jennifer Galbraith*	PSE	Marc Eylar*	KC Noxious Weeds
Andrea Crawford	PSE	Jim Woodward	DNR
Shelley Miller	PSE	Richard Barry	DNR
Kimberlee Nelson	PSE	Mike Ritter*	WDFW
Travis Pointer	PSE	Michelle Huppert	WDFW
Haley Olson	PSE	Robert Kruse*	FWWP
Jay Kehne	CNW	Eve Kruse	FWWP
Jordan Ryckman	CNW		

*Denotes a voting member of the TAC

1. Welcome and Introductions: Ami Hafkemeyer, EFSEC

TAC members and guests introduced themselves and the organization they represent. A quorum of voting TAC members was present. Member updates:

- Chad Unland (DNR) has stepped down from the TAC. DNR will be appointing a new representative.
- Gregg Kurz (USFWS) has stepped down from the TAC. Uncertain if USFWS will appoint a new representative.
- Sara Randolph (EFSEC) is the new Siting Specialist and facilitator for the Wild Horse TAC.

2. Year In Review: Jennifer Galbraith, PSE

Vantage Fire – August 1, 2022

- Started on 8/1 along the roadside of the Vantage Highway a couple miles east of the Wild Horse site entrance. Approx. 154 fire personnel responded to the fire and used Wild Horse as a staging area.
- PSE self-evacuated and closed the visitor center
- Over 30,000 acres were burned, including ~177 acres of PSE property, mostly in Section 27, the habitat mitigation parcel. This parcel was selected by WDFW to mitigate for all permanent and temporary impacts to habitat from construction/operation of Wild Horse. It is protected for the life of the project and was fenced to exclude livestock grazing.
- Some of the fencing was either damaged by the fire or cut by fire personnel for access.
- PSE worked with volunteer master hunters to repair some of the damaged fences.
- Smoke/ash damaged a transformer in one of the wind turbines, which had to be replaced.
- Two months following the fire (Oct 2022), PSE observed regrowth of native plants/vegetation.
- In May 2023, native vegetation had successfully reestablished with little to no noxious weeds and/or cheatgrass observed.

Fence Removal

- Volunteers from Timber Tamers 4x4 Jeep Club and CWU interns from the Wild Horse visitor center removed approximately 3,250 feet of old downed fence wire.

Straw Wattle & Erosion Control Blanket Removal

- PSE is systematically removing the non-biodegradable plastic netting in straw wattles and erosion control blankets found throughout the facility in response to the observation of 3 rattlesnake fatalities and 1 meadowlark fatality that were found entangled in the plastic material.
- The meadowlark was reported in accordance with the Wildlife Incident Reporting and Handling Systems which requires all bird/bat fatalities be reported for the life of the project.
- The straw wattles and erosion control blankets are no longer needed for erosion control since the site has been revegetated and is in stable condition.

Streaked Horned Lark Reintroduction Program

- The 2 year study funded by USFWS/WDFW and conducted by EcoStudies Institute is complete.
- The goal of the project was to evaluate capture, handling, and reintroduction methods using the common dusky horned lark (found at Wild Horse) as a surrogate for the streaked horned lark, which is a federally threatened subspecies located on the west side. Results from the project will help in developing tools to create and enhance streaked horned lark population and expand their distribution.
- Two temporary aviaries were installed at Wild Horse in 2022 & 2023.
- Horned lark adults, nestlings, and juveniles were captured and observed in the aviaries then released.
- The translocation trials were considered a success based on the fitness of the larks and their tolerance to the aviaries.
- Video footage of the larks in the aviaries and being released can be found on the EcoStudies Facebook page.

Hunting

- The 2023 hunting season at Wild Horse was successful. There were no issues to report.
- Permits are issued on-line through WDFW's Hunt by Reservation system.
- PSE contracted with WDFW Enforcement and Phoenix Security during the busy 9 day modern firearm elk season.
- At least three elk were harvested from the wind farm property.
- PSE and the Kittitas County Field and Stream Club (KCFSC) hosted a free Hunter Breakfast again on the Friday before general elk season at the visitor center.

3. Grazing Update – Tip Hudson, WSU Extension

- Tip provided an overview of the 2023 grazing season, including the planned and revised pasture rotation schedule and utilization monitoring locations in each pasture.
- The average utilization in 2023 was 26.4%.
- Trend monitoring methods show stable, healthy rangeland over the last 15 years of grazing.
- Late season (dormant/winter) grazing was planned in the eastern portion of the South Wild Horse pasture in an area that has not been easily reached by cows. Grazing in the dormant season may help decrease the probability of wildfires by reducing the amount of fuel (grass/cheatgrass) in the area. Unfortunately, snow arrived early and plans to graze this area were cancelled.

4. Virtual Fencing - Jay Kehne, Conservation Northwest

- PSE and WDFW are considering virtual fencing as a long term solution to the ongoing issues/challenges with physical fencing (i.e. costly to install/maintain, wildlife collisions/entanglement, wildfire damage) in the Wild Horse CRM area. Physical fencing, including WDFW provided specifications of "wildlife friendly" fencing is dangerous to wildlife as seen in photos of calf elk caught in wildlife friendly fencing at Wild Horse.
- How virtual fencing works: cows are fitted with GPS collars that communicate with radio base stations/towers and Herd Manager (software). Virtual fence lines are created (drawn) in Herd Manager and programed into each collar. When a cow gets close to a virtual fence line the collar sends an

auditory warning (beep) and will send a shock through the collar if the cow approaches closer to the virtual fence line.

- Only cows are collared, not calves or bulls.
- The rancher can track the location of cows in real time through Herd Manager on computer allowing for the rancher to respond more quickly if a cow is observed outside of a pre-set pasture.
- The flexibility/visibility allows for ranchers to have more ownership and accountability regarding their herd locations and allows them to create/move fence lines and pastures at the click of a button.
- Virtual fencing is currently being used in Okanogan, Douglas, Kittitas, and Klickitat Counties - over 800,000 acres are covered and over 2,000 cattle are collared in Washington with more projects being planned.
- CNW coordinated a site visit for PSE and WDFW to a couple of ranches near Mansfield, WA to see virtual fencing in action and to learn more from the ranchers using virtual fencing.
- Virtual fencing is being used in over 180 areas throughout the US.
- Cost of virtual fencing is much less than physical fencing. Physical fencing installation estimates are ~\$30-40k per mile. The virtual fencing base stations/towers cost \$12,500 and the collars are leased by the rancher at \$40-\$50/each/year.
- CNW is providing 2 base stations to PSE and WDFW is working to secure grant funding for 3 base stations, which should provide full coverage of the CRM area. Base stations will be placed in specific locations that provide the most coverage in the area, include canyons/riparian areas.
- Virtual fencing is planned for the Wild Horse CRM area in spring 2024. Existing physical fencing will remain in place until after the first grazing season (anticipated 2024) to ensure its working properly and to identify any issues/gaps in coverage that may need to be resolved.

5. Post-Meeting Deliverables & Action Items

Responsible Party	Task
Jennifer Galbraith, PSE	Email TAC members a copy of updated TAC Rules of Procedures (Emailed 12/20)
Jennifer Galbraith, PSE	Email TAC members DRAFT meeting minutes for review/approval (Emailed 12/20)
Jennifer Galbraith, PSE	Email TAC members copy of Year in Review Presentation (Emailed 12/4)
Tip Hudson, WSU	Email TAC members copy grazing presentation (Emailed 12/5)
Tip Hudson, WSU	Email TAC members 2023 grazing report (Emailed 12/20)
Tip Hudson, WSU	Email TAC members paper on winter grazing (Emailed 12/5)
Jay Kehne, CNW	Email TAC members copy of Virtual Fencing Presentation (Emailed 12/14)

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: January 2, 2024
Reporting Period: December 2023
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.

- 139,554 net MW-hrs. generated in the reporting period for a capacity factor of 36.69%

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Monthly Water Usage: 1,793,704 gallons

-Monthly Wastewater Returned: 1,003,457 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 3075 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: January 24, 2024

Reporting Period: December 2023

Site Contact: Chris Sherin

Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 231,381MWh during the month and 3,614,244MWh YTD.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

- There were no emissions, outfall, or storm water deviations, during the month.
- Routine monthly, quarterly, and annual reporting to EFSEC Staff.
 - Monthly Outfall Discharge Monitor Report (DMR).
 - Quarterly Stormwater Discharge Monitor Report (DMR).
- Submitted the 5yr Spill Prevention, Control and Countermeasures Plan (Spill Control Plan) review to include new Profession Engineer review of the plan.

Safety Compliance

- None.

Current or Upcoming Projects

- Application for a Modification to the Air Operating Permit submitted to EFSEC in April 2022. GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.
- 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: January 16, 2024

Reporting Period: 31 days ending December 31, 2023

Site Contact: Thomas Cushing

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Currently operational
 - Total Generation during the month of December was 134 Megawatt hours
 - Camas
 - Currently operational
 - Total Generation during the month of December was 115 Megawatt hours
 - Urtica
 - Currently operational
 - Total Generation during the month of December was 142 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: **January 24, 2024**

Reporting Period: **December 2023**

Site Contact: **Felicia Najera-Paxton**

Facility SCA Status: **Operational**

CGS Net Electrical Generation for December 2023: **816,431 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

No update.

Other

No update.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar

Operator: Brookfield Renewable US

Report Date: 1/05/24

Reporting Period: 12/11/23 to 1/5/24

Site Contact: Jacob Crist

Facility SCA Status: (Pre-construction/**Construction**/Operational/Decommission)

Construction Status (only applicable for projects under construction)

-On schedule or not. If not, provide additional information/explanation.

1. Project is on schedule.

-Phase/Brief update on status/month in review.

1. Laydown yards have been constructed

2. Substation grading and foundations are complete

3. Control house has been delivered to site and BPA work is complete until last mobilization in Q2, 2024

4. PV Array mainline roads are complete and feeder roads are now complete

5. PV Panels are arriving at the project ~52MWdc of 102MWdc delivered.

6. Both MPT's have arrived onsite and installation/buildout complete.

7. Civil grading is complete. SWPPP basins are complete for construction.

8. Pile Driving, predrilling, MV cable install are complete.

9. Perimeter fence and racking/tracker activities continue.

10. Module installation commenced in early January along with Inverter installation and the remaining substation buildout.

-Other?

Operations & Maintenance (only applicable for operating facilities)

-Energy generated for the reporting period.

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Permit status if any changes.

-Update on progress or completion of any mitigation measures identified.

-Any EFSEC-related inspections that occurred.

1. Frequent Monitoring is occurring through WSP with no findings reported to date.

-Any EFSEC-related complaints or violations that occurred.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

Current or Upcoming Projects

-Planned site improvements.

- Upcoming permit renewals.
- Additional mitigation improvements or milestones.

Other

- Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).
- 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).
- Public outreach of interest (e.g., schools, public, facility outreach).

High Top and Ostrea Solar Project

January 2024 project update

[Place holder]

Whistling Ridge Energy Project

January 2024 project update

[Place holder]

Badger Mountain Solar Energy Project

January 2024 project update

[Place holder]

Wautoma Solar

January 2024 project update

[Place holder]

Hop Hill Solar Project

January 2024 project update

[Place holder]

Carriger Solar

January 2024 project update

[Place holder]

Horse Heaven Wind Project

January 2024 project update

[Place holder]

January 24, 2024

Sonia Bumpus
EFSEC Manager
PO Box 43172
Olympia WA, 98504-3172

Subject: Horse Heaven Wind Farm, LLC Fourth Extension Request (Agency Docket #EF-210011)

Dear Ms. Bumpus:

This letter requests the Energy Facility Site Evaluation Council's agreement that the processing time of the Horse Heaven Wind Farm, LLC Application be extended and additional 90 days with an expectation of completing the adjudication followed by the remaining process to complete EFSEC's recommendation to the Governor by April 30, 2024.

The Horse Heaven Wind Farm, LLC Application for Site Certification was filed with EFSEC on February 8, 2021. RCW 80.50.100 requires that: *"The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant."*

We value the level of effort and analysis involved in the progress to date, most recently including preparation of the final Environmental Impact Statement (EIS), released on October 31, 2023.

We encourage EFSEC to make a recommendation to the Governor in a timely manner as continued delays make it challenging for the Applicant to keep pace with regional utility clean energy supply procurement in the Pacific Northwest being driven by Washington and neighbouring states' aggressive goals for significant reduction in greenhouse gas production.

Sincerely,



Michael Rucker
President and CEO
Scout Clean Energy

EFSEC Council Directed at the December 20, 2023 Council Meeting
Firefighting Response

At the November 15, 2023 EFSEC Council Meeting, the Council directed EFSEC staff to gather additional information on the potential impacts of the proposed Horse Heaven Wind Project on fire protection and firefighting. Additional questions were posed by the Council at the December 20, 2023 Council Meeting. EFSEC staff consulted with the Washington Department of Natural Resources (DNR) and the Benton County Fire District No. 1 (BCFD#1). Questions were initially submitted electronically to DNR and later discussed with BCFD#1. Responses were from Russ Lane, Division Manager, of the Washington Department of Natural Resources Wildland Fire Management Division, and Lonnie Click, Fire Chief for the Benton County Fire District #1.

Council Questions from the November 15, 2023 Council Meeting:

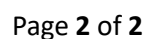
- 1) Does DNR have any project specific concerns regarding fire suppression? For example, access to the site or access to fire suppression materials?
DNR Response: *DNR does not have direct fire protection responsibility for the lands noted below [Project Location Map].*
- 2) Would DNR be one of the potential responders to a range fire in the Horse Heaven Hills, specifically within the proposed Project location?
DNR Response: *DNR could be a potential responder through agreements with fire districts and/or State Mobilization. DNR is the primary responder for wildfire aviation on non-federal land, statewide.*
- 3) Would the proposed turbine heights up to 657 feet maximum total height (ground to blade tip) affect fire suppression methodology?
DNR Response: *Turbines up to 657 would severely restrict or prohibit the use of tactical aircraft and UAS [Unmanned Aircraft System] (drones) for tactical fire suppression.*
- 4) What is the typical height planes and helicopters fly when responding to a range fire for suppression?
DNR Response: *Nearly all tactical wildland missions are conducted below 500' AGL [Above Ground Level].*
- 5) Are there any other aerial criteria or accommodations for planes or helicopters that we DNR fire response require? Related to access to water and/or fire retardants? Any specific turn around criteria for the aircraft?
DNR Response: *Nothing specific. The density and spacing of the towers would essentially create a no-fly zone over the entire project area. We would apply an additional "safety buffer" of 1-2 tower-heights around the project to ensure safe separation for aircraft operations.*

Follow-up Questions from the December 20, 2023 Council Meeting:

- 6) Due to turbine heights (up to 657 feet) and proposed turbine spacing, are there any DNR recommended mitigation measures that may address the impact on aerial firefighting activities?
DNR Response: *I do not see any way to mitigate conflict with tactical aerial operations.*
- 7) What is it about the turbines that prevents aerial fire suppression? Is it the height alone, or are there other concerns regarding the turbines?
DNR Response: *Yes, it is the height of vertical obstacles there are no other aircraft concerns associated with wind turbines.*
- 8) Per DNR Wildfire's answer to question #5, please clarify "safety buffer." Is this a vertical distance above the maximum tip height? A lateral distance from the Project boundaries? Or both?

9) **Additional comments from DNR:** *I [Russ] would also have high concern about damage to the wind farm that could likely occur from bucket or retardant drops in the wind farm area. Drops come down with the force of gravity and many thousands of pounds of water/retardant. They would easily snap off blades and could do other damage to towers. We take great care to avoid damage to high-value infrastructure when fighting fire. We could easily do more damage conducting aerial drops within a wind project than the fire itself might do. That potential would also likely lead us to a “no-go” call for aerial operations within the perimeter of a wind farm.*

Project Location Map Provided to DNR & BCFD#1 for reference:



Cascade Renewable Transmission

January 2024 project update

[Place holder]

Energy Facility Site Evaluation Council

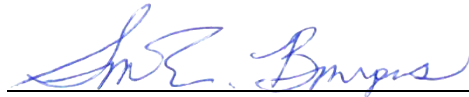
Non-Direct Cost Allocation for 3rd Quarter FY 2024

Jan 1, 2024 – March 30, 2024

The EFSEC Cost Allocation Plan (Plan) was approved by the Energy Facility Site Evaluation Council in September 2004. The Plan directed review of the past quarter's percentage of EFSEC technical staff's average FTE's, charged to EFSEC projects. This along with anticipated work for the quarter is used as the basis for determining the non-direct cost percentage charge, for each EFSEC project.

Using the procedures for developing cost allocation, and allowance for new projects, the following percentages shall be used to allocate EFSEC's non direct costs for the 3rd quarter of FY 2024

Kittitas Valley Wind Power Project	4%
Wild Horse Wind Power Project	4%
Columbia Generating Station	20%
Columbia Solar	4%
WNP-1	2%
Whistling Ridge Energy Project	3%
Grays Harbor 1&2	6%
Chehalis Generation Project	6%
Desert Claim Wind Power Project	4%
Goose Prairie Solar Project	4%
Horse Heaven Wind Farm Project	15%
Badger Mountain	6%
Cypress Creek Renewables	4%
Wautoma Solar Project	6%
Hop Hill	6%
Carriger Solar	6%



Sonia E. Bumpus, EFSEC Manager

Date: 01/17/2024