POTENTIAL ACTION ITEM

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
Public Meeting (Date of Recording August 8, 2022)

In Re: Wautoma Solar Project

August 8, 2022
CHAIRMAN DREW: Good evening. I'm Kathleen Drew, Chair of the Energy Facility Site Evaluation Council. And I hear an echo. Is this my own? Judge Gerard: (Inaudible) your computer. You got to be on mute.

CHAIRMAN DREW: Huh. That was me leaving my computer unmuted. So for all of you out there, please don’t do what I just did, and mute your computers or your phones if you are attending virtually. This is the first of our meetings which we’ve held both in person and virtually, so bear with us if we stumble a little bit through this venue. But we welcome you all, whether you’re here in person or virtually attending. This is the two meetings here tonight. One is the Informational Public Meeting for the Wautoma Project, and the second will be the Land Use Consistency Hearing. There is opportunity to provide public comment in both meetings. And if you speak to one, for example, the public informational meeting, and want to also give your comment about land use at the same time, that’s fine, too. We can sort them out to where they belong. But to begin with, let me just state that this is for the application for site certification from Innergex Renewable Development, LLC, the applicant for a 470 megawatt solar-volt -- photo voltaic PV generation facility with battery storage located in unincorporated Benton County, Washington. The ASC and -- again, that's the application -- and other materials are posted on our website on the application page. As required by RCW 80.50.090 and WAC 463-26-025, EFSEC is holding this public informational meeting. At this meeting, EFSEC staff and the Applicant will introduce themselves, and the counsel for the environment, and Assistant Attorney General appointed by the Washington Attorney General will be introduced and will explain the duties of this position. The Applicant and EFSEC staff will then make presentations. Following the presentations, the public will be invited to provide comments.

And at this point, I would ask Ms. Grantham to call the roll for the EFSEC Council.

MS. GRANTHAM: Department of Commerce.

MS. KELLY: Kate Kelly, present.

MS. GRANTHAM: Thank you.

Department of Ecology.

MR. LEVITT: Eli Levitt, present.

MS. GRANTHAM: Department of Fish and Wildlife.

MR. LIVINGSTON: Mike Livingston, present.

MS. GRANTHAM: Department of Natural Resources.

MR. YOUNG: Lenny Young, present.

MS. GRANTHAM: Utilities and Transportation Commission.

CHAIRMAN DREW: Excused.

MS. GRANTHAM: Local Government and Optional State Agencies, Benton County.

MR. SHARP: Present.

MS. GRANTHAM: Washington State Department of Transportation.

MR. GONSETH: Paul Gonseth.

MS. GRANTHAM: Administrative -- or excuse me -- Assistant Attorney General.

(No audible reply)

MS. GRANTHAM: Administrative Law Judge.

JUDGE GERARD: Dan Gerard, present.

MS. GRANTHAM: For EFSEC staff, Sonia Bumpus.

MS. BUMPUS: Sonia Bumpus, present.

MS. GRANTHAM: Ami Hafkemeyer.

MS. HAFKEMEYER: Ami Hafkemeyer, present.

MS. GRANTHAM: Amy Moon.

CHAIRMAN DREW: Excused.

MS. GRANTHAM: Joe Wood.

MR. WOOD: Joe Wood, present.

MS. GRANTHAM: Patty Betts.

(No audible reply)
That means that I may be presenting evidence or argument to the Energy Facilities Sight Evaluation Council, which they can take into account when they make their decision on the Wautoma solar project. So I do not work for the Council, and I am not the ultimate decision on whether to approve the project. But I will be advocating for the public and their interests in protecting the environment before the Council in his case. And I'll also just say that I'm going to be attending to this meeting tonight, but also if anyone would like to speak with me outside of this meeting about environmental questions or other public interest concerns regarding this project, I would be happy to hear from you. My phone number is 206-389-2437, and I will also put that into the chat if I can. Thank you.

Next on our agenda is the presentation by Innergex. And if you give us just a couple of minutes so that we can walk away from the stage here, and we do have seats down there. It might take us a couple minutes. MS. O'NEILL: Okay. Good evening, Chair Drew, Councilmembers, and all attendees. Thank you for having us here to present information about the proposed Wautoma Solar Project. How are we doing?
While we are permitting for the largest anticipated project size of 470 megawatts, our current vision for this project is likely more like 400 megawatts, and we'll keep the public informed of that as it progresses. The estimated annual production at this output is 875 gigawatt hours, estimate, which is -- to put that into context, enough power to -- enough power for about 70,000 Washington households. And then further to put that into context, Benton County has approximately 74,000 households.

Next slide, please.

So as mentioned, the project is located in Benton County, and this slide shows -- shows the location as -- as -- where we're proposing. It is about 12 and a half miles northeast of the City of Sunnyside and one mile south of the State Route 241 and 24 interchange. So we chose this region for several key reasons. First, it's -- this area has an excellent solar resource. Also, it is directly adjacent to a point on the regional transmission system with capacity for a project of this size without the need for substantial or costly upgrades. Also, the site is generally level and open, and there are few environmental constraints. And, importantly, we are fortunate to be working with interested and supportive landowners, and some of them are here with us today.

We have also been encouraged by the positive feedback we've received from local and state officials regarding the location selected for the site.

Next slide, please.

So the last slide provided a bit of an indication of the location and what the land looks like. But I will mention that there is a low percentage of agricultural land that is now being used -- that we are proposing to utilize for the solar project. The area inside the project security fence totals 0.5 percent approximately of the 650,000 acres of land in the Growth Management Act agricultural district in Benton County.

We are, with our landowners, investigating dual use alternatives, and some of this includes using -- using portions of the solar project area for grazing -- and -- but we are also looking at also a coexistence of the solar panels with some cross [sic] -- crops on a small area of the project. And we appreciate the interest of our landowners in actually leading some of those efforts with us.

Also, water -- so we -- water required for construction and operations phases is anticipated to be sourced from existing wells with valid water rights or from a municipal site, a -- municipal cert -- source located off site.

We're -- we continue to investigate those with our landowners, and -- and that will be further investigated.

The volume of water used during project construction would be considerably less than is typically used in irrigation practices. And we anticipate that during operations there would be a minimal use.

Next slide.

So this -- this slide shows a preliminary layout of the project. While we have studied a larger area, which is outlined in black on this slide, the solar field and associated infrastructure, as currently contemplated, are anticipated to occupy approximately 3,000 acres.

The layout has avoided known environmental and cultural resource constraints identified from field investigations, and Laura will go into this in a bit more detail later in the presentation. We do anticipate changes to the project size and configuration as we progress through the permitting process as well as further our engineering design in consideration of environmental, technical and community engagement input.

Next slide, please.

MS. O'NEILL: All right. As promised, I will now speak more to those environment studies. We engaged Tetra Tech as our lead environmental consultant for the project, and as part of the application for site certification, they have conducted field surveys and completed an analysis of all relevant environmental aspects as well as completing stand-alone studies on the following topics:

- Wetland delineation, plant and wildlife habitat,
- Cultural and archaeological resources, visual and acoustic impacts, glint and glare, and traffic and transportation.

Next slide, please.

Based on the studies completed, several plans will be developed to describe how we will avoid, minimize, and mitigate potential impacts through construction and while the project operates. A list of these plans is seen on this slide.

In addition, the project's design has avoided wetlands and streams, listed cultural resources, as well as small patches of sensitive species found during habitat surveys, some talus habitat and Columbian milk vetch. Minimal shrub step was found in the project area, and this will also be largely avoided.

To address concerns over habitat productivity for big game in the area, we've incorporated passageways through the solar array to allow big game to pass through the project area in north/south corridors. We've designed the exterior fencing to allow small game to pass underneath, as well as omitted the typical strands of barbed wire along the top of the chain-link fence.
We've been in discussions with the Washington Department of Fish and Wildlife throughout the development process, meeting with them prior to and following habitat and wildlife surveys. We will be working with them on habitat management plans over the next several months.

We are also aware that wildfire is a concern in the area, and we’ve been in discussions with our landowners who have been in the area for decades, as well as WDFW and Benton County Emergency Services to understand the local concerns and develop a robust fire response strategy.

Next slide, please.

Oh, it’s over to Nuno.

MR. LOUIZERO: So we strive to buy locally and hire local contractors where possible, and a local procurement policy will be put in place to ensure benefits reach local skilled workers and local businesses during construction as well as operation.

We anticipate the 470-megawatt project would require about 300 to 400 people on site during construction, but there would be peaks which could involve another 1- or 200 more.

During the 30- to 50-year project operations term, we would expect to employ three or four full-time technical positions, as well as have external maintenance contracts.

MS. BIRD: Next slide, please.

So in addition to opportunities for local employment and services, the project will also provide the following benefits. It’s a source of annual property tax revenue to Benton County. So, for example, a 400-megawatt project is expected to contribute 3- to $4 million in its first year of operation and would follow the county property tax schedule for subsequent years for the lifetime of the project. And this would benefit schools, the Port of Benton, roads, county services, and the like.

It’s also a source of stable, long-term revenue for the participating landowners. It can provide infrastructure investment for transmission upgrades or road upgrades. We aim to leave the roads in as good, if not better, condition than they were before we got there.

And then community investment, which could include sponsorships, donations, participation in community events and efforts. This month, for example, we will be a sponsor at the Benton Franklin rodeo and fair.

And then we also -- we strongly believe that communities who host the project should benefit from the project. So in response to community feedback, we recognize that, given the remote location of this project, there may not be shared amenities or programs utilized by the community members who are closest to this project.

So, therefore, we are developing an annual community contribution program with the idea that payments could be made directly to neighboring residences that have a view of the project and -- ensuring that these additional benefits are received by those community members who would be hosting this project, and we’re in the process of rolling this out.

And then last but not least, it is a source of local, clean, reliable, renewable energy in the region.

Next slide, please.

So we have reached out to the following folks, and some of these efforts are still in the earlier stages, but several of them we’ve developed more in-depth discussions, and they’re quite advanced. But these include agencies such as EFSEC, of course, and then along with others such as Washington Department of Fish and Wildlife, Ecology, Department of Archaeology and Historic Preservation, travel governments and staff, the Benton County Commissioners and Planning Department, local emergency services and local organizations, including those related to conservation, agriculture, economic development and jobs, the participating landowners that we’ve leased from, and the adjacent landowners, those in the community near the project, those in the broader community.

In April -- actually, in March we held a community meeting with folks that lived closer to the project. In April we hosted a virtual meeting that was advertised widely for the

broader community. And May, Laura presented here to EFSEC, and we presented to the Bent- -- at a public Benton County Board of Commissioners meeting, and we were encouraged by the positive feedback that we received about the project and about the site selected.

Next slide, please.

MS. O’NEILL: All right. Thanks, Ellen. So behind me is a slide of development milestones, and we’ve been working on development of the project since mid-2020, including the list you see behind me. As mentioned, we completed the applicable environmental and engineering survey throughout 2021, and the application for site certification was submitted in June. Our aim is to work towards issuance of the site certification agreement in Q3 2024.

As far as construction goes, a full build-out would entail approximately a 20- to 22-month construction period; however, we’re investigating the possibility of construction in phases. For example, a 200-megawatt project would be about a 14- to 16-month construction timeline. So the earliest possible construction completion would be late 2023.

Next slide, please.

And that’s the closing. Thank you again for having us, giving us the opportunity to present. We’re excited to
continue in the permitting process and work with EFSEC in service of Washington's clean energy goals. If you have questions at any time, our contact information is on the slide as well as a link to the project’s website, or EFSEC has all the information as well on their site. Thank you.

CHAIRMAN DREW: Our next presentation is going to be about the EFSEC process by Ami Hafkemeyer. Oh, excuse me, Joe Wood.

MR. WOOD: Check, check. Everybody hear me okay?

Welcome, everybody, and thank you for coming to participate this evening. My name is Joe Wood; I'm a siting specialist with the Energy Facility Site Evaluation Council, and I've been asked to give a short presentation on the EFSEC site certification process.

Next slide, please.

So a little bit of background, EFSEC was originally created in 1970 for the siting of thermal power plants, and the intent was to create a one-stop permitting agency for these large energy facilities.

MS. GRANTHAM: Just speak into the mic a little bit better. It's not picking you up.

MR. WOOD: Sure.

FEMALE SPEAKER: Just speak into the -- yeah, (inaudible).

MR. WOOD: So today, large-scale thermal power plants are the only facilities requiring certification by EFSEC. EFSEC is comprised of state and local government members who review each application before voting to make council recommendation to the governor. This recommendation comes along with a site certification agreement, which defines all preconstruction, construction, and operational plans. Finally, if the application is approved by the governor’s office, the decision preempts other state and local regulations.

Next slide, please.

You can see here, the Council itself is made up from members from different state agencies. The chairperson, Kathleen Drew, is appointed by the governor’s office. We have five other standing members: Eli Levitt from Department of Ecology; Mike Livingston from Department of Fish and Wildlife; Kate Kelly from Department of Commerce; and Lenny Young from Department of Natural Resources; also Stacy Brewster from the Utilities and Transportation Commission.

Depending on the project, other agencies can also opt to have a representative. In the case of Wautoma, we have Paul Gonseth with Department of Transportation and, importantly, we have also Dave Sharp representing Benton County.

Next slide, please.

So the facilities that can be certified through EFSEC versus being certified or permitted through the County are thermal power plants greater than 50 -- 350 megawatts, and nuclear generation for the purpose of generating electricity. Other -- other sources of energy such as wind, solar, et cetera, can opt in to the certification process at any size.

Transmission lines greater than 115 can also opt in, 115 KV. And pipelines, refineries, and storage projects can also be certified. As of recently -- and I'll talk about this a little bit later -- EFSEC has also been granted the ability to certify clean energy product manufacturing facilities and hydrogen production facilities.

Next slide, please.

Here’s a map of the facilities that are currently either being reviewed or fall under EFSEC jurisdiction. We have five operating facilities. There are two natural gas facilities, the local Columbia generating station and two wind facilities that have been certified under EFSEC.

There are three additional marks on here that indicate the facilities that are approved but haven’t yet started construction. Two are wind facilities; one’s a PV solar facility. The clear circle is a facility in the process of decommissioning. And, importantly, EFSEC is also currently reviewing applications for four PV solar projects marked in red, including the Wautoma Project, which is why we are here tonight.

Next slide, please.

So now we come to the specifics of the EFSEC certification project, and I'm showing here a flowchart that shows the general process applicants go through when they submit an application to EFSEC. So you can see, there are three -- three sort of processes in tandem here. There is the land use and adjudication track; there is the SEPA threshold and SEPA determination track, and then there’s this identification acquisition of permits for the project as it goes through the process.

So I'll talk about these in a little bit more detail on the following slides.

Next slide, please.

So the adjudicative proceedings is one of the tracks, and this meeting tonight is sort of the initiation or the initial one of these proceedings. So much like any other court case, the proponent makes their application and we -- the -- sorry, I'm losing my place here.

The proponents and other parties are identified. When adjudication proceeding is required, parties to the adjudication are identified. Sometimes there are stipulations and settlements that come out between the parties. The Council looks at all the information in the
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<td>Council draws up their findings and conclusions from the information provided throughout the proceedings to incorporate those findings in their recommendation to the governor. Next slide, please.</td>
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<td>So this next sort of track is the SEPA threshold determination. Based on information provided in the application, the SEPA responsible official, which is generally the EFSEC manager, determines if this project meets the criteria of a determination of non-significance or a mitigated determination of non-significance. If there is a determination made for a mitigated determination of non-significance, there is a minimum 15-day comment period. If it is determined that the project qualifies for a determination of non-significance, there is no comment period. However, it is determined that there is a significance -- significant impact on resources, for instance, an EIS may be required. So when an EIS is required, the decision to prepare the EIS is made public, and public comments are taken on the scope of the EIS. After the public comment for scoping, the SEPA responsible official determines the scope of the EIS, and a draft EIS is prepared and issued with the minimum 30-day public comment period, after which the final EIS is prepared and released. Next slide, please.</td>
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<td>Okay. So I will mention the expedited siting process. To be considered for expedited processing, an applicant has to make the request in writing, and the project must meet two criteria. It must be determined to be consistent with local land use policy; and, two, the SEPA determination process must determine non-significance or a DNS or a mitigated determination of non-significance or MDNS. So in the expedited process, the adjudication step is not required. The Council prepares their recommendation to the governor in an expedited time frame under this process. Next slide, please.</td>
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<td>So the third track that is going on through the certification process is the identification and issuing of permits or preparation of permits, and EFSEC becomes the issuing agency for these -- all permits that may be required. And they are identified in the final order with the Council's recommendation to the governor. So finally, after the conclusion of the Council's review of the application, a recommendation is made to the governor to either approve or reject the application. This initiates a 60-day window within which the governor will then approve or reject the application or remand the application back to the Council for consideration. Any application that is rejected by the governor is a final decision for that application. When -- if an application is approved by the governor, EFSEC then has oversight of the environmental compliance for the life of the facility. So EFSEC has standing contracts with applicable state agencies that assist in the monitoring and enforcement of conditions either in the site certification agreement, identified permits, or stipulations in the EIS or the MDNS. EFSEC's enforcement authority extends to the issuance of any penalties as they may apply. I thought I would add a slide here that just kind of highlighted some new legislation that has been in the news recently. House Bill 1812 was passed in March of this year, and there -- I've listed a couple things here that I feel like are highlights from -- that affect the site certification. New projects -- oh, thanks. New projects can now come before EFSEC, new types of projects, including hydrogen production that I mentioned before and clean energy facilities. There is increased travel consultation and equity, a streamlined review process that does not reduce standards, greater transparency, and creation of EFSEC as an independent agency, essentially from a budget standpoint. So that pretty much covers it. Last slide, please, is just public input. I would like to remind everybody that they may -- how they can submit public comments. If you'd like to sign up to speak this evening, you can call the EFSEC main line or email comments to the mailbox or send in written comments as well. And that's all I have for this evening. CHAIRMAN DREW: Okay. That concludes our presentations for this evening, and I'm going to turn it over to Judge Gerard to preside over the public comment period. Those who are called will have three minutes for your comment. If you hear throughout the evening something that you want to respond to, please send an email to our website or provide that in writing because we are going to just go through our speakers one time. I think that we will now have Ms. Owens -- Andrea Grantham, Ms. Grantham will call the first speaker. Judge Gerard. DAN GERARD: Good evening, everyone. My name is Dan Gerard. I'm an administrative law judge with the Washington State Office of Administrative Hearings. Today when giving your comments we would ask that you do limit your comments to this project alone. As Chairman Drew stated, you will have three minutes to make your comments. That will be your single opportunity to make comments for this portion of the proceedings.</td>
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And if you do have any additional comments or things you would like to add after you’ve spoken, you may either email them or send them through physical mail in the address provided by Mr. Wood just a moment ago.

So thank you, and first witness -- or first speaker, go ahead and begin, please.

**MS. GRANTHAM:** The first speaker is Robin Roberts [sic].

**MR. ROBERT:** Hi.

**JUDGE GERARD:** Good evening.

**MR. ROBERT:** My name is Robin Robert. My address is 1521 Wautoma Road, 98944. And one of the first things, I was going to read a little about, I would like to see if the board would accept my comments as having interest in this project. And the Robert Ranch really looks forward to the solar project to really help us out. Farming sometimes kind of has good years and bad years.

And I have just two things to mention. First thing is about the location. It’s pretty desolate and dry where we’re located, and as the map shows that we’re 30 miles west of Tri-Cities, 12 miles north of Sunnyside, and 40 miles east of Yakima.

Outer north border is next to Joe Balmelli, who has a cattle ranch. Our east border is the Hanford Reach. The south border goes to the top of the Rattlesnake Hills and meets Jeff Werzman (phonetic), who’s a cattle rancher, too. Then our west border is right -- pretty close to Highway 24 -- 241, and there’s approximately 12 homes west of this that are close to the ranch.

And then the second thing, I was just going to give a quick little history of the ranch, our grandfather, Emil Robert, came in late 1890s when he was 15 years old. And he started out herding sheep in the area where our ranch is, and eventually he built it up to about 2,000 head of sheep and about 12,000 acres.

And just over the years we put a -- we only had an irrigation well that did 150 acres, and then in ’77 we put in a bigger well that did about 800 acres. And over the years things haven’t changed much. We did sell the sheep back in ’88, but the sheep are back the last two years on the ranch. And we’re hoping to use the sheep to graze the native grasses and the weeds underneath the solar panels, and we’re kind of going to go back to maybe only 150 acres on the ranch instead of 800 acres, and we hope the aquifer there will recharge itself.

And probably the only thing we’ll change maybe, there will be about 800 sheep on the ranch for controlling weeds, and probably the only change will be that the sheep will have shade. That’s it.

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**CHAIRMAN DREW:** Thank you.

**MR. ROBERT:** Thank you.

**JUDGE GERARD:** Thank you, sir.

**MS. GRANTHAM:** Next speaker is Maya Robert [sic].

**MS. ROBERT:** Hello. Can you hear me okay? My name is Maya Robert. My address is 708 South 60th Avenue, Yakima, Washington, 98908. I’m speaking today on behalf of my family and the Robert 5 + 1, LLC.

As my uncle mentioned, over 100 years ago my great grandfather began ranching in the Wautoma Valley. What originally started as a sheep ranch adapted in the mid-1980s to cattle and farming to keep up with the changing times.

Now, four generations later, we are looking to adapt once again. With declining crop production and decreased ground water supply, farming and ranching has become much more difficult.

One thing this area is not lacking, however, as we can see today, is sunshine. As mentioned previously, the ranch is located 17 miles north of Sunnyside and 36 miles east of Yakima, meaning that neighbors are few and far between.

This makes the ranch an ideal location for a solar farm such as this. Not only will we -- not only will this project provide for my family, it will provide renewable energy to help meet state quota, and this solar project would allow us to make productive use of unproductive land while keeping the ranch in the family for many more generations to come.

Thank you.

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**MS. GRANTHAM:** Next speaker is Dave Roberts [sic].

**MR. ROBERT:** I’m Dave Robert, and I’m one of the sons at the Robert’s Ranch, 5 + 1. One of the things I was just noticing when I was out at the ranch today, one thing I would like to do is if we could get, you know, all you folks here to go out and see it, I think that would make a real big impact because the location, the fact that it’s isolated in a beautiful valley, and just --

**JUDGE GERARD:** Mr. Roberts, can you speak (inaudible)?

**MR. ROBERT:** Okay. And we were just trying to think that this would really make -- the impact would be really neat if you guys could have a chance to go out and take a look at it and really see what it’s all about.

The thing about it is, you know, my brothers -- my two brothers that work extremely hard on the ranch using their own money at times because of farming and the way it works, our deep well has -- you know, has gone down some because of the irrigation. And we’re just hoping with Innergex and everybody working together we can, you know, have a great source of energy and also a good, stable source of revenue for my brothers so they can keep going on with the ranch.

Thank you very much for your time.
First, we grow wine grapes which are very sensitive to sunburn, and we are concerned about the reflection and radiation off the solar panels and the possibility of crop loss for our farm. We’re also concerned about water, especially during construction. I know the Applicant said that they were going to use existing wells, but I would hope for a bit more definition on where that water’s going to come from, and making sure it doesn’t impact adjacent farms or domestic wells. And lastly, Wautoma Road is a relatively small road, and envisioning 4- to 500 people at times working off of it, I’m struggling to envision how that’s going to take place. So just some consideration on how the roads are going to be managed and made usable for the existing residents and also the existing businesses that use both 241 and Wautoma Road for the future. Thank you.

JUDGE GERARD: Thank you, Mr. Mercer.

MS. GRANTHAM: Next speaker is Jeanie Polehn.

MS. POLEHN: Hello, I’m Jeanie Polehn, and I’m from the Kennewick area. I’m here for the Benton County Republican Party, and I do have a question. Most of you live in Seattle, if I understand it right; you don’t live around here. So I don’t know if you ever go out driving and stuff, but if you see a bunch of windmills and stuff you see a bunch of solar panels, that's...
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| visual pollution; that does not make our land look better. And it also impacts the wildlife and -- would you want that in your backyard? I'll just put it that way. I would not. The other thing is -- I'll wait for the technical session to go on further with this stuff because I think that people won't want to hear the rest of the technical piece that I have. Okay. That's all I have. | electricians in Southeast Washington and Northeast Oregon. And right now we've got a lot of -- we're doing a lot of solar projects, and we are in favor of this project. The majority of our membership lives in Washington, and they're currently working in Oregon with a lot of our data center work and some other solar projects. And so having this project on this side of the river would be a welcome relief from the -- with for them. Most of these individuals are commuting down to Oregon from the Tri-Cities area, and, to a lesser extent, from the Yakima area. But those of our members that live in Yakima are actually commuting to a project in Klickitat County. So having the location of this project in particular and -- is fantastic because it is well within commuting distance of all of Yakima County or all of the Yakima Valley area and the Tri-Cities. So, again, IBW Local 112 is very much in favor of this project, and we look forward to working with the contractors that end up getting this project. Thank you. |}

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| dedicated towards energy production. Why do we have to take and put the solar panels out into the -- into the rural Benton County when we have a perfectly good area to keep things like that contained? The other objection I have is the solar panels, they are not, more than likely, produced here in the United States; they are a direct import from China. And then my third point is, is something that the Benton County Commissioners said, "Yes, we want this"? I'm not 100 percent sure on that, and I believe that there may be a few folks in the room that would be speaking towards that at a later point in time this evening. Again, I'm George Penn, and I'm a Benton County resident, and I oppose the solar panel farm in rural Benton County. MS. GRANTHAM: The next speaker is Rylan Grimes. MR. GRIMES: My name's Rylan Grimes, and I'm an organizer with the International Brotherhood of Electrical Workers in Kennewick, Washington; I'm also a Benton County resident. And we represent 1,200 | when you put something into solar, you pretty much take, you know, it out of any other land use, from my understanding just by looking at it. I know that it's very important to be transitioning to clean energy, and I do support that. We've had solar panels for nine years on our roof, which is -- have been a great thing for us. But what I'm looking at is the amount of solar that is -- this is not the only project out here. I'm looking at a large-scale connectivity for wildlife. And mitigating -- I think, you know, this is one project -- and of course you told me not to talk about other Projects; I'm not going to. But in a big scale of things, SEPA requires that we look at the environmental impacts as cumulative effects. And I believe that it's very important that EFSEC coordinates and makes -- you know, looks at the map and says, "Okay. We've got a project here and a project here, and how are we going to look at connectivity for the bugs, the bunnies, and the elk?" These are important things because we do have a unique environment that's very, very endangered. Shrub step is the fastest disappearing habitat in Washington state. So -- and I also ask that this project coordinate with other projects. Yes, there is a substation right near this project, but the next solar project isn't going to probably |}

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<td>have a sub- -- it's probably going to go to that substation because I don't think that they're all that close. I don't really know. But in any case, coordinate to where this project and other projects are thinking on the larger scale. I think that's really important. And that is pretty much all I have to say. Thank you for listening.</td>
<td>JUDGE GERARD: Ms. Newton -- Ms. Newton, I'm going to stop you there just a moment. This is Judge Gerard. This needs to be related to the project as opposed to what your union does, please. If we can get to that point so that the subject is --</td>
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<td>JUDGE GERARD: Thank you. MS. GRANTHAM: That was our last speaker on my list.</td>
<td>MS. NEWTON: Sure.</td>
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<td>MS. GRANTHAM: I see Aubrey Newton in the teams.</td>
<td>JUDGE GERARD: Thank you.</td>
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<td>JUDGE GERARD: Ms. Newton, if you wish to speak, go ahead, please.</td>
<td>MS. NEWTON: Absolutely. So, with that being said, I am here this evening in support on behalf of many of our members in the local area that cover the Tri-Cities and surrounding areas for this project. We are in support of the project. And I am here speaking on behalf of them for this reason and the reasons listed above, for level of the community focus, local hire and tribal relations that Innergex intends to have for this project.</td>
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<td>MS. GRANTHAM: I see Aubrey Newton in the teams.</td>
<td>JUDGE GERARD: Yes, we can. Thank you.</td>
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<td>JUDGE GERARD: Ms. Newton, if you wish to speak, go ahead, please.</td>
<td>MR. TORRESCAN: Hi, I'm Moses A. Torrescano. I'm a Benton County resident; I'm also a member of the International Brotherhood of Electrical Workers.</td>
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<td>MS. GRANTHAM: That was our last speaker on my list.</td>
<td>Speaking for a lot of our members that are working in Oregon that live in Washington, we would like to bring our tax dollars back to our state instead of taking all of our tax dollars down into Oregon. It would be nice to bring that work to our members and to the local community. Thank you.</td>
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<td>Have a comment. Thank you.</td>
<td>MS. GRANTHAM: We have Dana Ward on Teams.</td>
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<td>JUDGE GERARD: Thank you.</td>
<td>MR. WARD: Yes, can you hear me?</td>
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<td>So one last opportunity for additional speakers.</td>
<td>JUDGE GERARD: Yes, we can. Thank you.</td>
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<td>Sir, I see you raised your hand. It looks like there's no one remotely. Please step up to the podium, and just introduce yourself first.</td>
<td>MR. WARD: Yes, this is Dana Ward, lower Columbia Basin Audubon Society Conservation Chair. I noted in the introduction that you are seeking comments nad positions from the local land owners that surround the project, but I did not notice that you contacted the U.S. Fish and Wildlife Services, which manages the Hanford Reach National Monument, the Ari Lands Ecology</td>
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<td>American of the Northwest Region. I've also lived in the State of Washington nearly my entire life and grew up in the Central Washington area. I work to represent hundreds of union men and women across the State of Washington and eight other states in the Northwest region. In our region, union members build and maintain gas distribution pipelines, construct wind and solar forums as well as build and maintain coal, gas, hydropower, and nuclear power plants. In Washington, specifically, the laborers have members working throughout six different locales, representing about 15,000 members. Our members are trained, skilled, qualified, ready to work on wind -- excuse me -- on solar projects alike. And the Northwest Region, we have recruitment systems, reaching statewide, focusing on good-paying jobs for the communities where our members live. LIUNA works with our employers, also, to make sure that workers on the job are trained, trained, reliable, get the job done ahead of schedule, and go home safely at the end of the day. Outside of the licensed crafts needed for this specific goal -- specific project, essentially LIUNA is already trained and ready to handle nearly 60 percent of the project --</td>
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Reserve, which bounds on the eastern side of the project. It think something you need to do is contact the U.S. Fish and Wildlife Service, see what impacts might occur to --

JUDGE GERARD: Mr. Ward, just a moment, sir.

MR. WARD: Yes.

JUDGE GERARD: Mr. Ward, I don't think we can quite understand you. There is something wrong with the connectivity. If you can speak a little bit clearer, maybe not louder, into the receiver so we can hear what you're saying. I am going to go ahead and reset the timer because I didn't hear and I'm not sure anyone else did.

MR. WARD: Okay, I'll try again. Can you hear me?

JUDGE GERARD: I can, and a bit slower also just so we can understand you, sir. Thank you.

MR. WARD: Okay. This is Dana Ward, conservation Chair for the Lower Columbia Basin Audubon Society. I have one comment. Please contact the adjacent landowners, which are the Department of Energy, which owns the Hanford site, which bounds the project on the east; the Arid Lands Ecology Reserve, which is managed by the U.S. Fish and Wildlife Service. Please contact the U.S. Fish and Wildlife Service to see if there's going to be any impacts to the shrub step and the elk that reside on the Arid Lands Ecology Reserve. Thank you.

you.

JUDGE GERARD: Thank you, sir. I don't see any other hands raised within the electronic, but I do see --

CHAIRMAN DREW: Couple more.

JUDGE GERARD: I was just -- sir, please go ahead and step up to the podium and announce yourself.

MR. SEARS: Good evening. Matt Sears. I'm out of Sunnyside, Washington. I, too, am with the International Brotherhood of Electrical Workers. For me, I'm for this 100 percent. You know, as these guys talked, most of us are traveling, doing these solar projects. We got 20 to 22 months of work, it sounds like. It's huge.

Also, it sounds like this is private land, and I guess I'm having trouble understanding, like -- it sounds like they're going to lease out the land. How are we -- how are we able to oppose what a farmer can do with his land? So with that being said, thank you, guys.

MR. PLACZEK: Good afternoon. My name is Eric Placzek. I am a neighbor two miles to the north of the Robert Ranch. My wife and I have raised ten kids in the neighborhood. The one thing that comes to the neighborhood once a year is the Sunnyside Hill Climb. You should come; it's a real spectacle. But it's done after two days. This project is a huge impact to the neighborhood. You'd have to come to really -- to really soak in how big of an impact and positive for the area. So we're looking to live there for a much longer time and use a lot of electricity that comes out of the sky. Thank you very much.

JUDGE GERARD: Thank you, sir. I don't see any (inaudible) -- oh, we have one (inaudible).

MR. GASPER: Thank you for the opportunity to provide some input. My name's Dan Gasper. I've been a resident of Kennewick and Richland for about 22 years. 100 percent support this project. I think that this is a great thing for our region. We're already leaders in Washington state energy production, and this will just expand our leadership.

I think it brings jobs of all sorts; it helps the farmers in that region, and for those who aren't so keen on the way that these fields look, I really doubt they're going to be out there seeing them that often. This is a very remote area, and for those of us who do like to see those kinds of farm projects -- solar farm projects, I'm happy to drive out there and take a look. Thank you very much.

JUDGE GERARD: (Inaudible). At this point this does conclude the public comment section. (Inaudible).

CHAIRMAN DREW: Thank you.

It is 6:45, and so we now -- this meeting is closed. We will convene the land use consistency hearing at seven o'clock p.m.
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1. Department of Transportation.
2. MS. GRANTHAM: Chair, there is a quorum.
3. CHAIRMAN DREW: If we could ask, I know that we have our Benton County representative from -- for another project on, but for the Wautoma Project for a Benton County member.
4. MR. SHARP: Dave Sharp, present.
5. And, Judge Gerard, if you will start our land use hearing.
6. JUDGE GERARD: We call to order the EFSEC land use hearing to order for the Wautoma Solar Project as required by Revised Code of Washington 80.50.090 and Washington Administrative Code 463-26-035.
7. EFSEC is beginning the land use hearing for the Wautoma Solar Project, and during this hearing the public will be given an opportunity to provide testimony regarding the proposed project's consistency and compliance with the land use plan and zoning ordinances. If you are not speaking at the beginning of the evening, you can email or mail your comments into EFSEC at the email address provided earlier or as well as a physical address provided on an earlier slide or the website.
8. Before starting comments we have already done a roll call. We will begin with the Applicant presenting their statements. We will then move on to anyone within the --

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1. what county?
2. CHAIRMAN DREW: Benton County.
3. JUDGE GERARD: With Benton County, and then we'll move on to public counties -- or public comments from individual citizens if they choose to make any.
4. So that being said, Applicant Wautoma Solar, please begin, if you choose to do so.
5. MS. GRANTHAM: Good evening. Can you hear me?
6. Community members, Judge Gerard, my name's Erin Anderson, I represent Innergex Renewable Development in this proceeding. My business address is 207 South Pearl in Ellensburg, 98926, and I also have offices in Seattle, but I am a Kittitas County resident.
7. And I have to thank you for having us here tonight and apologize if I trip over any of my words. This -- I'm very excited. This is the first live, in-person proceeding I've attended in the last two and a half years, and I appreciate the audience, the Applicant, and the board for taking the time to travel far from your homes on a night to hear what the people that live in this community and the people who rely on energy have to say.
8. I'm here today, as you know, with Laura O'Neil, Nuno Louzeiro, and Ellen Bird. I also anticipate that at least one stakeholder to this proceeding, Allison Keel (phonetic), may testify this evening regarding land use.

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1. You have in your records a memorandum from me, and it is supported by a declaration from Ms. O'Neil, but we almost didn't get here tonight because when the Applicant began doing its due diligence on this project in Benton County, solar energy major, meaning large energy facility powered by solar, was a permitted use in Benton County with a conditional use permit. And the reason for that is because the Benton County comprehensive plan contemplated uses in that zone that are compatible with each other.
2. And when Innergex came to Benton County after the passage of SEPA, it was a use that was allowed conditionally in this county. However, the Applicant made outreach to the County in July of 2021 to start talking about what it would be like to go through the local conditional use permit proceeding.
3. Nevertheless, as you'll find in my memo, the County, in October, put a packet out that indicated they were going to change the code to prohibit or remove from the uses that were permissible in this zone large solar facilities. That process moved very quickly. We discovered that expedited review of the SEPA was granted by Department of Commerce.
4. And so between October and December, on December 21, the use was no longer allowed. And consequently, the Applicant had to come to EFSEC, did so, prepared the application for site certification.
5. So I'm here tonight not to argue that there is land use consistency; we agree that there is not. But what I am also here tonight to speak about is still the need to review this application, notwithstanding the lack of land use consistency.
6. There are reasons why the project should receive the kind of expedited review that RCW 80.50 -- I believe it's 100(1)(a), I could be wrong on that, but 80.50.100(1)(a) contemplates that the Council will complete its work and deliver a recommendation to the governor within 12 months of the date of a completed application. So 12 months from June, although there can be an extension of time between the Council and the Applicant.
7. That's not the only reason why they're here before you tonight and have submitted this application and are looking forward to going through this process. It is because we have passed the Clean Energy Transformation Act, which anticipates and, in fact, requires utilities to have a neutral consequence to the environment from greenhouse gas emissions by 2030, and that is now slightly over eight years away. We also have other legislation that has been passed moving us in this direction that includes the low carbon fuel standard. We are now a -- the second state in the union to have a cap and trade or a cap and invest program and legislation here in this state. So Washington is a leader on these things.
Regardless of the wisdom of that, that is law in the State of Washington. What that means is hundreds if not thousands of megawatts of electricity that are now generated by carbon-emitting fuels such as coal or natural gas need to be offset completely by 2030. Hundreds if not thousands of megawatts in 7 and a half years, and it takes a year, arguably, under 80.50.100, just to get this project through that process.

The state is behind, and it is time to start moving forward to meeting those goals. And those goals benefit everybody. This is an existential problem that is not limited to King County or Benton County. The climate change targets of this legislation are global.

So with that, I can’t contend that the project is consistent with the Benton County land use code because it no longer is as of December 21 of 2021. However, the Benton County comprehensive plan has not changed. The Benton County comprehensive plan in the summer of 2021 was consistent with the land use code that allowed large solar as a conditional use permit, and I would argue that the comprehensive plan has not changed. The project remains consistent and can be rendered consistent through the conditioning of the project.

And that’s exactly what Benton County contemplated when they did their SEPA checklist, and you’ll find the reference in my brief. They indicated that any site-specific project would need to go through some site-specific SEPA evaluation. Either the County was going to do it under conditional use framework; now EFSEC is going to do it under the adjudicative process that you will undertake.

We should get to the same place. SEPA is the same in this county as it is everywhere else. And the environmental review that you do, I would submit would lead to the same kinds of recommended conditions that you would have found had you gone through the county process.

And we know what the county’s conditional use concerns are, and you can look at what the code used to say because that’s appended to my memorandum, but they’re worried about land use consistency. You want to make sure that as you introduce a new kind of use into an existing environment that you condition it in a way that it remains consistent and compatible with everything else that’s going on.

So we look forward to the adjudicative process to demonstrate how the project can be conditioned to make it compatible. In the next year I would submit that you will do SEPA much like Benton County would have done. The Council has a lot of experience. The Council staff has a lot of experience with SEPA; they know how to do this. This is a company that has exclusively been in the energy -- renewable energy industry for over 30 years.

I’m happy to answer any questions that you have, and if not, I look forward to moving forward and seeing an order commencing adjudication in this matter. I do believe and the Applicant believes that we can, through the process of hearing from the public, identifying their concerns, hearing from the agencies, understanding what their concerns are, that we can build a package that can be recommended to the governor for approval not only preempting Benton County code but conditioning it in a way that reflects the values and interests of everybody that lives here in this county.
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The proposed project fails to comply with both the Washington State Growth Management Act and Benton County's comprehensive plan which mandates and directs the County to project and prevent the loss of long-term, commercially significant agricultural lands of any size in Benton County. The proposed location of the Wautoma Solar Project currently has a land use designation of GMA agriculture, and as such, nonagricultural uses are discouraged and restricted per the County's comprehensive plan. The proposed project is an industrial use, not an agricultural one. And a 4,573-acre loss of commercially significant agricultural land would be both inconsistent and incompatible not only with the County's comprehensive plan but also its implementing regulations such as the County's zoning ordinance and the critical area regulations. As with the land use designation for the project area, the zoning district is also agricultural known as the Growth Management Act Agricultural Zone. This zoning district seeks to protect agricultural activities by allowing land uses compatible with agriculture and prohibiting nonagricultural uses. Currently, industrial scale solar projects such as this one are current -- are prohibited in the GMA agricultural zoning district and are not allowed as either an outright allowed accessory or conditional use in this zone per the County's zoning ordinance.

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County's zoning ordinance. The Applicant is requesting that EFSEC preempt the County's local land use plan and zoning ordinance, which do not allow such a use to occur in agricultural lands. Based upon the project's location, the proposal does not meet the intent of RCW 36.70, is not consistent with the goals and policies of the County's comprehensive plan, and does not comply with the GMA agricultural zoning district as solar farms are a prohibited use. As such, it's the County's stance on this proposal that the local county land use policies and zoning code should be held in effect and should not be disregarded by the Wautoma Solar Project application before us tonight. Thank you for your time.

JUDGE GERARD: Do we have any speakers on the list? MS. GRANTHAM: Yes. The next speaker is Allison Keeler.

MS. KEELER: I hate microphones, sorry. I want the board to accept my comments as having my interest in all aspects of the project specifically, including, without limitation, land use consistency. I'm sure I'm not going to surprise anybody in this room by saying that farming is hard work. It's hot days, back-breaking labor, and is certainly best suited to the young and the fit. However, if you look at the U.S. as a whole, the average age of a farmer is 57 and a half years old, and that number continues to climb with every agricultural census that's taken. In Benton County, 64 percent of farmers are between the ages of 35 and 64 years old, and another 25 percent are over age 65. As of 2017, 234 individuals who were farming in Benton County were under the age of 35. Unless things have dramatically changed since the last farming community was counted in 2017, we have a significant dearth of farmers who will be there to take the place of those who want to retire.

I'm not a farmer; I do, however, represent an interesting demographic in Benton County. The family office that I represent recently purchased just over 1,500 acres of farmland in Benton County, not because we were hoping to farm it but because we knew it was under contract to a solar developer. "Just another carpetbagger," I'm sure you're all thinking, but I would frame it differently. Since taking ownership of the property, we've worked with Innergex to remove the existing vineyard from the solar lease allowing us to continue to farm those 75 acres. We hired a vineyard manager locally and are in discussions to hire an additional five to eight full-time workers for the vineyard. We've shown Innergex that sheep make excellent mowing machines, and they have been receptive to encouraging the shepherd that has grazed his flock on the property to bring funds into the county. The right solar producers are continuing to graze his sheep under the solar panels producing benefits to both the solar producer and the rancher. This will probably result in a couple of things: A potential increase in the size of the shepherd's flock under solar panel planting of native grasses that are better suited to the drought-prone Columbia basin, and also excellent forage for the sheep, and a continuation of ranching on the property that will also be providing value in the creation of electricity.

Solar has already brought quite a few benefits to Benton County. It attracts the attention of active investors who bring funds into the county. The right solar producers are willing to work with existing farmers and ranchers to accommodate to the extent possible dual-use strategies for the land that is going under solar so that farming and ranching do not necessarily disappear when solar land is developed. And it allows farmers who do not have an exit strategy other than to sell their family's land or find one of the dwindling group of young farmers who might want to farm someone else's land to continue to generate real income, even if the land is no longer farmed. I can't speak to all solar developers, but Innergex has been an excellent partner for the farming and ranching...
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1. community in Benton County without even having broken ground on its project. Thank you.
   JUDGE GERARD: Thank you.
   MS. GRANTHAM: The next speaker is Brendan Mercer.
   JUDGE GERARD: If you are connecting remotely would you go ahead and turn yourself off mute and speak up, please?
   Would you please read the name of the participant?
   MS. GRANTHAM: Brendan Mercer.
   JUDGE GERARD: Let's go ahead and move on to the next.
   We'll come back to him at the end.
   MS. GRANTHAM: The next speaker is Jeanie Polehn.
   JUDGE GERARD: And if you are connecting remotely, please take it off mute and go ahead and begin speaking.
   (Inaudible).
   MS. POLEHN: Thank you for allowing me to speak today. I'm Jeanie Polehn of Benton County, and we're talking about land use consistency. And the last time I checked -- can you hear me?
   JUDGE GERARD: Can you drop the microphone down a little bit closer to your face?
   MS. POLEHN: Thank you. I'm short.
   JUDGE GERARD: Thank you.
   MS. POLEHN: This is (inaudible). Here we go. Okay. Can you hear me now?

2. MR. MELBAUER: Good evening, and thank you for your time and listening to my comments. My name is Jim Melbauer, and I am a resident of Benton County. And I am in favor of this project, and I speak to that. I think we need to diversify our energy portfolio, and this is one way of doing it. I have solar panels at my house and plan to add more, and I hope that's not discouraged by Benton County to help eliminate that. So I support this project, and I appreciate your time.
   Thank you.

3. JUDGE GERARD: Thank you.
   MR. PENN: Again, my name is George Penn; I'm a Benton County resident. And evidently there is a moratorium suggested on projects like this by the Benton County Commissioners. They are duly elected representatives of Benton County and, you know, if that's where we're at with this, we need to give this closer examination and let the will of the people be determined instead of an agency from the west side dictating to us how the land in Benton County is going to be used.
   Again, I'm George Penn, Benton County resident.
   JUDGE GERARD: Thank you.
   Sir.
   MR. MELBAUER: Good evening, and thank you for your time and listening to my comments. My name is Jim Melbauer, and I am a resident of Benton County. And I am in favor of this project, and I speak to that. I think we need to diversify our energy portfolio, and this is one way of doing it. I have solar panels at my house and plan to add more, and I hope that's not discouraged by Benton County to help eliminate that. So I support this project, and I appreciate your time.
   Thank you.

4. JUDGE GERARD: Thank you.
   MR. JENKIN: My name is Bill Jenkin; I'm a resident of Benton County. I'm here, much like the speaker two before, is that, you know, we went through this a little bit with the windmill project -- well, a lot with the windmill project coming through and went directly to your committee, and now -- now this is going directly to your committee.
   I do understand what -- and I'm told what was enacted recently by the County to -- moratorium or whatever you want to call it that makes the project people want to get going and they feel that they can't get going going through the County because it could be a while so that -- so the next option is going to you.
   I can see that thinking, but I think this is a long-term project, and I think something like this long-term needs to be decided by the County, not by a committee on the other side of the mountain. We need to have our own influence, and I know that that's a County decision. We have to work through that with the County, and that's what we intend to do.
   We need to have our own voice. Appreciate what you're doing. Well, I guess I really don't, but I appreciate that you're all here going through what needs to be done at this point. But, please, let Benton County make the decision and
Republican woman spoke about the battery waste. What are we going to do about all this battery waste? Again, I am not speaking against people doing what they want with their land, but I know that the counties also have ordinances that they need to follow and respect all people, as well. So Washington State has had a big problem over many, many years of the declining aquifers. They have not enforced the water laws that are public waters. This puts farmers in a bad bind when their aquifers are rapidly disappearing and they keep their land, try to farm it and then the water is gone and it's worthless. So how fair is this to the farmers? They have really been put in a bad spot and I see where the Robert family has been put in a bad spot like many. How do they continue when they don't know that they're going to have water to sell their land? We don't know that our water won't be polluted. And we do have voracious storms out here at times, and they are very bad. The flooding can be very bad. There's very violent windstorms. I don't know how these solar panels work but I do know about the wildlife. And when it's disappearing, you are going to have a major problem with your predators gone, with moles, gophers, these things that -- badgers, things like that can't keep living around all these things that are invading their territory to keep the habitat in somewhat of a balance. We're just being forced, like I said, without law -- mitigation means nothing. I have watched this. Nobody enforces the law. Once it's done, it's over. I have been in politics for a long time. And I'm not against the Robert family and I'm not against their land, but what I am against is what the state doesn't do and promises to do, and just like this, there's going to be big problems with all this waste -- battery waste, water pollution. What is the Robert family going to have in the end? These people sold on the idea that this is a great way to make money. It is, but what is their land going to be when it's all over? What's our earth going to be like when it's all over. People matter. Wildlife matter. I have marks on my tree from deer. People let -- let people shoot the elk and deer. Then when they want something, then they just destroy it so they don't have a way to even migrate -- Ms. Gefre, I'm going to -- I'm going to just stop you there. Ms. Gefre: Okay, I am done. Thank you. I have nothing against the Robert family, but -- Ms. Gefre: We need to -- ma'am, hold on. We need to limit it to the land use of this particular project.
Any other participants? One last call, either remotely or in person, before we -- before we move on? All right.

CHAIRMAN DREW: Thank you all. This concludes our land use hearing. Thank you all for being here tonight both virtually and in person. The meeting is adjourned.

(Conclusion of meeting)

CERTIFICATE

STATE OF WASHINGTON
COUNTY OF KING

I, the undersigned, do hereby certify under penalty of perjury that the foregoing court proceedings or legal recordings were transcribed under my direction as a certified transcriptionist; and that the transcript is true and accurate to the best of my knowledge and ability, including changes, if any, made by the trial judge reviewing the transcript; that I received the electronic recording in the proprietary court format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2022.

s/ Marjorie Jackson, CET
A P P E A R A N C E S
Councilmembers:
KATHLEEN DREW, Chair
STACEY BREWSTER, UTC
MIKE LIVINGSTON, Fish and Wildlife
LENNY YOUNG, Natural Resources

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

Badger Mountain Project:
JORDYN GIULIO, Douglas County

Wautoma Solar Project:
DAVE SHARP, Benton County

PAUL GONSETH, Department of Transportation
Assistant Attorney General:
JON THOMPSON

Administrative Law Judges:
ADAM TOREM
LAURA BRADLEY
DAN GERARD

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

Also Present:
ERIC MELBARDIS, Kittitas Valley
JENNIFER GALBRAITH, Wild Horse
CHRIS SHERIN, Grays Harbor Energy

STEFANO SCHNITGER, Chehalis Generation Facility
MARSHALL SCHMITT, Columbia Generating Station

OWEN HURD, Columbia Solar
MEGAN SALLOMI, Counsel for The Environment
KAREN MCGAFFEY, GHE Counsel

ERIC MELBARDIS, Kittitas Valley
JENNIFER GALBRAITH, Wild Horse
CHRIS SHERIN, Grays Harbor Energy

STEFANO SCHNITGER, Chehalis Generation Facility
MARSHALL SCHMITT, Columbia Generating Station

OWEN HURD, Columbia Solar
MEGAN SALLOMI, Counsel for The Environment
KAREN MCGAFFEY, GHE Counsel

Also Present:
MR. LIVINGSTON: Mike Livingston, here.

MR. YOUNG: Lenny Young, present.

MS. GRANTHAM: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster, present.

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

MR. SHARP: Dave Sharp, present.

(Multiple speakers.)

MS. GRANTHAM: Oh, Dave, you are for Benton
1 County Wautoma Solar. I will get to you in a second.
2 MR. SHARP: Okay. Oh, that's right. Yep, 
3 gotcha.
4 MS. GRANTHAM: For Horse Heaven, for Benton 
5 County, Ed Brost?
6 MR. BROST: Ed Brost is here.
7 CHAIR DREW: I don't know if we heard 
8 Department of Agriculture.
9 MR. SANDISON: Derek Sandison, present.
10 CHAIR DREW: Thank you.
11 MS. GRANTHAM: Thank you.
12 For the Badger Mountain Project, Douglas 
13 County?
14 MS. GIULIO: Jordyn Giulio, present.
15 MS. GRANTHAM: For the Wautoma Solar 
16 Project, Benton County, Dave Sharp?
17 MR. SHARP: Dave Sharp, present.
18 MS. GRANTHAM: Thank you.
19 Washington State Department of 
20 Transportation?
21 MR. GONSETH: Paul Gonseth, present.
22 MS. GRANTHAM: The assistant attorney 
23 general?
24 MR. THOMPSON: Jon Thompson, present.
25 MS. GRANTHAM: Administrative law judges, 
26 Adam Torem?
27 JUDGE TOREM: Present.
28 MS. GRANTHAM: Laura Bradley?
29 JUDGE BRADLEY: Present.
30 MS. GRANTHAM: Dan Gerard?
31 JUDGE GERARD: Present.
32 MS. GRANTHAM: For EFSEC Staff, Sonia 
33 Bumpus?
34 MS. BUMPUS: Present.
35 MS. GRANTHAM: Ami Hafkemeyer?
36 MS. HAFKEMEYER: Present.
37 MS. GRANTHAM: Amy Moon?
38 MR. HENDERSON: Amy Moon, present.
39 MS. GRANTHAM: Joe Wood?
40 MR. WOOD: Joe Wood, present.
41 MS. GRANTHAM: Patty Betts?
42 Stew Henderson?
43 MR. HENDERSON: Here.
44 MS. GRANTHAM: Joan Owens?
45 MS. OWENS: Here.
46 MS. GRANTHAM: Dave Walker?
47 MR. WALKER: Present.
48 MS. GRANTHAM: For the operational updates, 
49 Kittitas Valley Wind Project?
50 MR. MELBARDIS: Eric Melbardis, present.
51 MS. GRANTHAM: Wild Horse Wind Power 
52 Project?
53 MS. GALBRAITH: Jennifer Galbraith, present.
54 MS. GRANTHAM: Grays Harbor Energy Center?
55 MR. SHERIN: Chris Sherin is present.
56 MS. GRANTHAM: Chehalis Generation Facility?
58 MS. GRANTHAM: Columbia Generating Station?
59 MR. HURD: Owen Hurd, present.
60 MS. GRANTHAM: Columbia Solar?
61 MS. GRANTHAM: And for the counsel for The 
62 Environment?
63 MS. SALLOMI: This is Megan Sallomi, 
64 present.
65 MS. GRANTHAM: Thank you.
66 Chair, there is a quorum for the regular 
67 Council, for the Horse Heaven, Badger Mountain, and 
68 Wautoma Councils. Thank you.
69 CHAIR DREW: Thank you.
70 Our next item is the proposed agenda. You 
71 see it before us. Councilmembers, is there a motion to 
72 adopt the proposed agenda?
73 MR. LIVINGSTON: This is Mike Livingston. I 
74 propose to adopt the agenda as presented.
75 CHAIR DREW: Thank you.
76 Second?
77 MS. BREWSTER: Stacey Brewster, second.
78 CHAIR DREW: Thank you.
79 Any discussion?
80 All those in favor, signify by saying "aye."
81 COUNCILMEMBERS: Aye.
82 CHAIR DREW: Opposed?
83 Motion carries.
84 Moving on to the minutes. We have one set 
85 of minutes before us today, and that's the meeting 
86 minutes from July 19th, 2022. Is there a motion to 
87 approve the meeting minutes for July 19th, 2022?
88 MS. BREWSTER: This is Stacey Brewster.
89 I'll move we approve the minutes from the 
90 July 19th, 2022 meeting.
91 CHAIR DREW: Thank you.
92 Second?
93 MR. LIVINGSTON: Mike Livingston, second.
94 CHAIR DREW: Thank you. Before we vote, I 
95 do have two corrections. On page 14, line 11, undated 
96 should be updated. And same, on page 14 -- line 14, 
97 pack, p-a-c-k, should be capital T, capital A, capital 
98 C. I believe that's a TAC, a Technical Advisory 
99 Committee meeting.
### Page 9

| 1 | Those are the corrections I have. Are there any other corrections? |
| 2 | Hearing none, all those in favor of approving the minutes as amended, please say “aye.” |
| 3 | COUNCILMEMBERS: Aye. |
| 4 | CHAIR DREW: Thank you. |
| 5 | All those opposed? |
| 6 | Minutes are approved. |
| 7 | Moving on to our operational updates. |
| 8 | Kittitas Valley Wind Project, Mr. Melbardis. |
| 9 | MR. MELBARDIS: Good afternoon, Chair Drew, EFSEC Council, and Staff. This is Eric Melbardis with EDP Renewables for the Kittitas Valley Wind Power Project. We had nothing nonroutine to report for the period. |
| 10 | CHAIR DREW: Thank you. I do have a question, Mr. Melbards. |
| 11 | MR. MELBARDIS: Yes? |
| 12 | CHAIR DREW: Recently, there have been some fires, but I think quite a bit to the east of you in Kittitas Valley; is that correct? |
| 13 | MR. MELBARDIS: Yes, that's correct. In fact, I'm out pulled over on the side of the road in the middle of where one of the fires came through just east of Wild Horse. Did not affect any of our operations. |

### Page 10

| 1 | In fact, our smoke levels have not been high yet this year. |
| 2 | CHAIR DREW: Okay. Thank you. Appreciate it. |
| 3 | Moving on to Wild Horse Wind Power Project, Ms. Galbraith. |
| 4 | MS. GALBRAITH: Yes. Thank you, Chair Drew, Councilmembers, and Staff. For the record, this is Jennifer Galbraith, representing Puget Sound Energy for the Wild Horse Wind Facility. I have only one nonroutine update for the month of July, and that is the annual update for the Technical Advisory Committee. Due to increasing COVID case counts, the annual update was provided to TAC members via email. |
| 5 | In addition, there were no proposed actions that required an in-person meeting or TAC decision. The update was very brief and included the change of the EFSEC TAC facilitator from Kyle Overton to Amy Moon. No questions or comments were received from TAC members. I also wanted to provide an update on the Vantage Highway Fire. |
| 6 | CHAIR DREW: Thank you. |
| 7 | MS. GALBRAITH: Sounds like Eric is nearby. |
| 8 | The wildfire started on August 1st, shortly after 12:00 p.m. It started along the roadside of the Vantage Highway just a couple of miles east of the Wild Horse site entrance. It started during red flag weather conditions. Warm temperatures with very low humidity and strong winds combined to produce extreme fire behavior. |
| 9 | Additional resources were required to suppress the fire as it continued to grow rapidly. A Washington State Department of Natural Resources Type III incident management team took command of the fire on August 4th and soon after transitioned to a type II incident management team equipped with more resources. A total of 154 fire personnel were responding to the fire and using Wild Horse as a staging area. The fire initially moved east toward the Columbia River, then changed directions back west up the drainages toward the wind farm. Some areas of the town of Vantage were under level three evacuations but were scaled back to level two in about an hour. PSE self-evacuated site personnel from Wild Horse and closed the visitor center. The Quilomene and Whiskey Dick Wildlife Area units within the L.T. Murray Wildlife Area located east of the wind farm were temporarily closed to protect public safety. And a total of 30,659 acres of shrub step habitat was burned and one cabin and three outbuildings were burned at Scammons Landing located on the banks of the Columbia River. The fire did reach the wind farm on the eastern boundary and burned up to one of our turbine access roads at which point fire personnel were able to contain the fire. The gravel turbine access road acted as a fire break preventing the fire from expanding further. Approximately 50 acres were burned within the Wild Horse site boundary. There was no fire damage to wind turbines or associated infrastructure. And as of August 11th, the fire was a hundred percent contained. And I believe the cause of the fire's under investigation and still undetermined at this point. |
| 10 | CHAIR DREW: Thank you -- |
| 11 | MS. GALBRAITH: And that's all. |
| 12 | CHAIR DREW: -- for the very complete report. |
| 13 | Are there any questions from Councilmembers? |
| 14 | Okay. Thank you very much. |
| 15 | Moving on to the Chehalis Generation Facility operational update, Stefano Schnitger? |
| 16 | MR. SCHNITGER: Good afternoon, Chair Drew, Councilmembers, and Staff. Chehalis has nothing nonroutine to report for the period. |
Good afternoon, Chair Drew and Councilmembers. My name is Karen McGaffey, and I represent the certificate holder, Grays Harbor Energy, LLC, concerning the Grays Harbor Energy Center.

Since then, EFSEC's amended the Site Certification Agreement several times. An amendment in 2001 allowed the Grays Harbor Energy to install larger turbines than originally proposed, but it also required that Grays Harbor Energy submit a Greenhouse Gas Mitigation Plan before the facility came online. Grays Harbor Energy did so, and the Council approved that mitigation plan in 2003.

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

The amount that Grays Harbor Energy is required to pay under the plan is based on a calculation per ton to offset a portion of its carbon emissions. The 2001 and 2003 plan both predated any comprehensive federal or state greenhouse gas mitigation requirement. At the time the plan was approved, we also assumed that a federal or state legislation would be enacted at some point during the effect of the plan that would establish a more comprehensive mitigation program.

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

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

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

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

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

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

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

We hope you'll agree with the simple idea that Grays Harbor Energy should not have to pay twice for the same emissions. This is exactly the situation.

in which the mitigation plan's sunset provision was intended to come into play. Under the sunset provision, Grays Harbor Energy should not be required to make further payments to The Climate Trust as long as it complies with the much more substantial Climate Commitment Act.

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

CHAIR DREW: Thank you.

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

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

for you to direct your attention to.

As you've heard, Grays Harbor Energy is asking you to confirm that their obligations under their Greenhouse Gas Mitigation Plan should be concluded.

There is language in their Site Certification Agreement and in the language of the mitigation plan itself, which is a Council-approved document from 2003. It was approved by a Council vote at a -- at a meeting that year. And we have as part of the packet the -- the

minutes of that meeting discussing -- discussing its adoption.

So as Ms. McGaffey referred to, this was -- the occasion for adopting this plan was back in 2001 when -- well, let me -- let me step back from there. In 1996, the -- the national gas turbine was -- at the Satsop site was originally approved by the Council by a Site Certification Agreement amendment.

And at that time, arguments were made by a counsel for The Environment in favor of requiring greenhouse gas mitigation. And at that time, the Council opted not to do so for reasons that are -- that our outlined in our memo. Mostly concerns with the expenses that would be imposed on the facility operator.

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

It ended up requiring mitigation of -- you know, by one document somewhere in the neighborhood of 21 percent of the emissions and through the payments to

the -- to The Climate Trust, which funds projects.

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

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

There's a kind of a -- it's sort of unclear what "preempt" means, but there's kind of parallel language in the Site Certification Agreement itself, which refers in similar terms to comprehensive federal or state mitigation program being implemented. I think if you look at those together, what it's talking about is, you know, if there's -- if that anticipated comprehensive greenhouse gas legislation comes along, then the idea was that this -- that this first step that
EFSEC was making toward greenhouse gas mitigation requirements would conclude. And that, if possible, that some credit would -- would be given to the -- to the certificate holder. Although, as I said, that's not really possible under the Climate Commitment Act. So -- so turning to what the Climate Commitment Act requires, basically it sets a -- a cap on emissions from covered entities in the state of Washington, which gets increasingly smaller, reducing by 90 percent by the year 2050. And covered entities are required to purchase allowances, emissions allowances, at auction, which will likely become increasingly more valuable, therefore, more expensive over time. There's -- the request from Grays Harbor Energy predicts that they may be somewhere in the neighborhood of 70 times more -- something like 70 times more costly than what's required under the -- of Grays Harbor Energy under its current mitigation plan. The revenues that are generated by that auction will be used by the State of Washington to offset other sources of greenhouse gas emissions and to mitigate the effects of -- of climate change on -- on different communities. So in that sense, they're broadly like -- like mitigation requirements that are required under

the -- the -- the current greenhouse gas mitigation plan.

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

MR. THOMPSON: So it's reasonable to conclude the Climate Commitment Act is the type of comprehensive or preemptive greenhouse gas legislation. The Site Certification Agreement and the -- and the Greenhouse Gas Mitigation Plan indicate would sunset or conclude the certificate holder's obligations under that plan. And so as I was saying, and I think as Ms. Bumpus will probably further explain, Staff's recommendation is to have -- to have Staff prepare a resolution for the Council's vote confirming that conclusion. So I'll stop there.

CHAIR DREW: Thank you.

Ms. Bumpus?

MS. BUMPUS: Thank you, Chair Drew. And we don't really expect this to happen, but I -- I would also like the Staff to think about including some condition if that program, the Climate Commitment Act program, would ever be reversed so that -- that we continue an obligation if the obligation goes away. Does that make sense?

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

CHAIR DREW: Great.

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

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

Oh, Mr. Young. Go ahead.

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

CHAIR DREW: Okay. Thank you.

Other comments or questions from
Councilmembers?

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

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

MR. YOUNG: Lenny Young, so moved.

CHAIR DREW: Thank you.

Second?

MR. LIVINGSTON: Mike Livingston, second.

CHAIR DREW: Thank you.

All those in favor, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: Opposed?

The motion is adopted.

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

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

MR. SCHMITT: Good afternoon, Chair Drew,

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

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

We're about one week into it right now.

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

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

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

Those are all of the updates I have for
July.

CHAIR DREW: Are there any questions --

Thank you.

Are there any questions from Councilmembers?

Okay. We look forward to further updates.

Moving on to the Columbia Solar Project,
CHAIR DREW: But that goes directly into, then, the Kittitas County community and the community solar program?

MR. HURD: Yeah --

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

MR. HURD: Yeah.

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

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

CHAIR DREW: Okay. Thank you.

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

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

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

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

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

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

Does the Council have any questions?

CHAIR DREW: Are there any questions from Councilmembers?

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

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

There is a lot of moving parts that need to come
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<td>1 together.</td>
<td>1 together.</td>
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<tr>
<td>2 Ami, do you have anything to update the</td>
<td>2 CHAIR DREW: Thank you.</td>
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<td>3 Council on that?</td>
<td>4 So, Mr. Livingston, we will follow up and,</td>
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<td>4 MS. HAFKEMEYER: I don’t -- thank you. For</td>
<td>5 when the draft EIS is out, make sure that contact is</td>
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<td>5 the record, this is Ami Hafkemeyer. I don’t have a</td>
<td>6 made again.</td>
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<td>6 revised schedule that we can share at this time. We are</td>
<td>7 MR. LIVINGSTON: Great. Thank you.</td>
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<td>7 working with our contractor to -- to update the schedule</td>
<td>8 CHAIR DREW: Moving on to the Goose Prairie</td>
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<td>8 based on the remaining work and then to also account for</td>
<td>9 Solar update.</td>
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<td>9 the time needed for making sure the -- the document</td>
<td>10 MR. WOOD: Hello. Good afternoon, Chair</td>
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<td>10 meets accessibility requirements and for printing and</td>
<td>11 Drew, EFSEC Council, and Staff. This is Joe Wood</td>
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<td>11 distribution. We hope to have an updated working</td>
<td>12 providing the monthly update for the 80-megawatt Goose</td>
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<td>12 schedule in the near future and we can share that.</td>
<td>13 Prairie Solar Project in Yakima County.</td>
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<td>13 CHAIR DREW: So we will share that between</td>
<td>14 EFSEC Staff continues to work with</td>
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<td>14 Council meetings if -- when there’s an update so</td>
<td>15 Brookfield, the owner of Goose Prairie, LLC on</td>
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<td>15 Councilmembers and the public will be aware of that.</td>
<td>16 preconstruction surveys and plans. Brookfield is</td>
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<td>16 Mr. BROST: Super, thanks.</td>
<td>17 working on finalizing habitat conservation and</td>
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<td>17 CHAIR DREW: Thank you.</td>
<td>18 mitigation plans along with EFSEC and WDFW as well as</td>
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<td>18 Moving on --</td>
<td>19 fine-tuning the cultural resources report and associated</td>
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<td>19 MR. LIVINGSTON: Chair Drew?</td>
<td>20 unanticipated discovery plan with both DAHP and the</td>
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<td>20 CHAIR DREW: Go ahead.</td>
<td>21 Yakima tribe.</td>
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<td>21 MR. LIVINGSTON: This is Mike Livingston.</td>
<td>22 EFSEC will continue to work with Brookfield</td>
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<td>22 Just one question on the consultation with tribes. It</td>
<td>23 to obtain all of the required preconstruction and</td>
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<td>23 was mentioned that the Yakima Nation was being</td>
<td>24 construction plans and will update the Council on</td>
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<td>24 consulted, which is good. Also that area is the CETA</td>
<td>25 progress at future meetings.</td>
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<td>25 territory, parts of it is the CETA territory of the</td>
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<td>1 Umatilla tribe as well. So I was just curious if</td>
<td>1 MR. WOOD: That's it.</td>
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<td>2 there's been some discussions with them just to make</td>
<td>2 CHAIR DREW: Thank you. Any questions?</td>
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<td>3 sure all the due diligence is being covered?</td>
<td>3 Okay. Moving on to Badger Mountain,</td>
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<td>4 CHAIR DREW: Ms. Bumpus or Ms. Hafkemeyer, I</td>
<td>4 Ms. Hafkemeyer?</td>
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<td>5 know we contacted them at the beginning of the project.</td>
<td>5 MS. HAFKEMEYER: Thank you, Chair Drew.</td>
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<td>6 Do you have additional information?</td>
<td>6 Good afternoon. For the record again, this is Ami</td>
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<td>7 MS. HAFKEMEYER: Well, just a quick point of</td>
<td>7 Hafkemeyer. Staff has reviewed the comments received by</td>
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<td>8 clarification. We have reached out to the Umatilla. We</td>
<td>8 the public during the 30-day SEPA scoping period that</td>
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<td>9 have not actually done government-to-government</td>
<td>9 was open from March 14th to April 12th, 2022. We</td>
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<td>10 consultation with the tribes to this point. We have had</td>
<td>10 received 21 comments from public, State, local agencies,</td>
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<td>11 our technical Staff working with their technical Staff.</td>
<td>11 and tribes.</td>
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<td>12 But -- but actual consultation between the councils has</td>
<td>12 Based on Staff's review and the</td>
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<td>13 not been established yet.</td>
<td>13 recommendations from our contractor, EFSEC has</td>
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<td>14 We did receive feedback I believe earlier on</td>
<td>14 identified five elements of the environment that will be</td>
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<td>15 from the Umatilla, but I would have to go back and look</td>
<td>15 reviewed in the Environmental Impact Statement, or EIS,</td>
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<td>16 at what their comment letter said to know how far we are</td>
<td>16 with full discussions. These elements are water</td>
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<tr>
<td>17 in working through those comments.</td>
<td>17 resources wetlands, vegetation, wildlife and habitat,</td>
</tr>
<tr>
<td>18 Amy Moon might remember a little bit more of</td>
<td>18 historic and cultural resources, and transportation.</td>
</tr>
<tr>
<td>19 the details, but I do know that we reached out to them</td>
<td>19 The remaining elements will be discussed in</td>
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<tr>
<td>20 earlier on.</td>
<td>20 the EIS with abbreviated discussions covering input from</td>
</tr>
<tr>
<td>21 MS. MOON: Yeah, we did reach out to them</td>
<td>21 our contracted agencies and Staff's review summarizing</td>
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<td>22 early on, and my recollection was they were wanting to</td>
<td>22 impacts and proposed mitigation or noting why more study</td>
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<tr>
<td>23 see the draft EIS to comment on that. And I don’t know</td>
<td>23 is not warranted.</td>
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<tr>
<td>24 anything beyond that point. I think that they were just</td>
<td>24 Staff are now working with the applicant and</td>
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<tr>
<td>25 waiting to comment on the draft EIS when it all comes</td>
<td>25 our contractor to establish a working timeline for</td>
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Verbatim Transcript of Proceedings - 8/16/2022

1 drafting the EIS.
2 Are there any questions?
3 CHAIR DREW: Are there any questions on the
4 Badger Mountain Solar Energy Project?
5 Hearing none, thank you.
6 Whistling Ridge, Ami Hafkemeyer.
7 MS. HAFKEMEYER: Thank you. EFSEC Staff are
8 waiting for the certificate holder to submit the
9 remaining materials for the SCA amendment request, but
10 there are no further updates at this time. We will keep
11 the Council apprised as we receive more information.
12 CHAIR DREW: Thank you. And then on to High
13 Top and Ostrea, Ms. Hafkemeyer.
14 MS. HAFKEMEYER: Thank you. EFSEC Staff
15 continue to work with the applicant and contracted
16 agencies for our review as we work towards a SEPA
17 determination. We have initiated ongoing discussions
18 with the applicant and DFW in particular to identify
19 potential impacts and associated mitigation options for
20 habitat connectivity.
21 Are there any questions?
22 CHAIR DREW: Any questions?
23 Okay. Thank you.
24 And to the Wautoma Solar Project. First of
25 all, I would like to thank everybody who participated in

our public informational meeting and land use hearing
last week in person or via Microsoft Teams. And it was
the first meeting we did in a hybrid configuration. And
we have some lessons learned, particularly about being
able to film the speakers while they are speaking, which
I know was a frustration to several of those who
were watching from the Teams option virtually.
And I'm happy to say that our very talented
Andrea Grantham has combined the video that was taken in
the room from the camera on site, which much of the time
showed the videographer in the corner, but also has
taken the information from the videographer in order to
make a much better video of the meeting and is on the
Wautoma page. So for those of you who are interested in
watching the hearing in this better videographed way, it
is on our website.
But I really want to thank the Staff and
everybody who helped put that together because this is
new territory for us. So I think we're doing what we
can to make sure people can participate, and like I
said, we have lessons learned to improve in the future.
So we will take those and -- and improve going forward.
With that, turn over the update to Mr. Wood.
MR. WOOD: Yes, and thank you again. Good
afternoon, Chair Drew, EFSEC Council, and Staff. This

is, again, Joe Wood providing a monthly update for the
proposed 470-megawatt Wautoma Solar Project in Benton
County, Washington.
On August 8th, Innergex and EFSEC held a
public informational meeting in Benton County regarding
the project and in addition held a land use consistency
hearing.
EFSEC received 17 written comments and 15
spoken comments regarding the informational meeting and
one written comment and eight spoken comments regarding
the land use consistency hearing.
EFSEC Staff continues to work with Innergex
and relevant agencies to review the application and to
identify any data gaps or outstanding questions that
remain. EFSEC will continue to work with Innergex
and relevant agencies and will update the Council on
progress at future meetings.
Any questions?
CHAIR DREW: Thank you. Are there any
questions?
That concludes our business for today's
meeting. Thank you all for your participation, and we
look forward to our next meeting. And this meeting is
adjourned.
(Adjourned at 2:22 p.m.)

C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

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

Tayler Garlinghouse, CCR 3358

I, Tayler Garlinghouse, CCR 3358

BUELL REALTIME REPORTING, LLC
SEATTLE 206.287.9066 OLYMPIA 360.534.9066 SPOKANE 509.624.3261 NATIONAL 800.846.6989
Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: September 1, 2022
Reporting Period: August 2022
Site Contact: Eric Melbardis, Sr Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)
- Power generated: 29690 MWh
- Wind speed: 7.63 m/s
- Capacity Factor: 39.6%

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: September 2, 2022  
Report Period: August 2022  
Site Contact: Jennifer Galbraith  
SCA Status: Operational

Operations & Maintenance  
August generation totaled 39,337 MWh for an average capacity factor of 19.40%.

Environmental Compliance  
Nothing to report.

Safety Compliance  
Nothing to report.

Current or Upcoming Projects  
Nothing to report.

Other  
Nothing to report.
EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility  
Operator: PacifiCorp  
Report Date: September 02, 2022  
Reporting Period: August 2022  
Site Contact: Stefano Schnitger, 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.
  - 229,129 net MW-hrs generated in the reporting period for a capacity factor of 65.8%.

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

Environmental Compliance
- Monthly Water Usage: 2,211,088 gallons  
- Monthly Wastewater Returned: 309,665 gallons  
- Permit status if any changes.
  - No changes.
- Update on progress or completion of any mitigation measures identified.
  - No issues or updates.
- Any EFSEC-related inspections that occurred.
  - Nothing to report
- Any EFSEC-related complaints or violations that occurred.
  - No issues or updates.
- 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 2,588 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,

Stefano Schnitger

Stefano Schnitger
Operations Manager
Chehalis Generation Facility
EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center
Operator: Grays Harbor Energy LLC
Report Date: September 20, 2022
Reporting Period: August 2022
Site Contact: Chris Sherin
Facility SCA Status: Operational

**Operations & Maintenance**
- GHEC generated 403,536MWh during the month and 1,623,760MWh YTD.

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

**Environmental Compliance**
- There were no emission, outfall, or storm water deviations, during the month.
- Routine monthly, quarterly, and annual reporting to EFSEC
- Submitted a memorandum stating we have finalized a solution to the CO startup emissions issue that occurred during a series of startups at the end of 2021.
- The Relative Accuracy Test Audit (RATA) Test Plan and remedial Stack Test were performed August 16th-17th.
- Submitted a letter of notice that we replaced a high CO analyzer on Unit 1 (Gas Turbine 1) to address failing analyzer components. 40CFR, Part 60, Appendix F was followed when the analyzer was installed and put in service prior to the RATA.

**Safety Compliance**
- None.

**Current or Upcoming Projects**
- Application for a Modification to the Air Operating Permit submitted to EFSEC in April. GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.

**Other**
- None.
WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

RESOLUTION NO. 351

GRAYS HARBOR ENERGY CENTER

Purchasing Emission Allowances under the Climate Commitment Act Will Replace Payment Obligation Under the 2003 Greenhouse Gas Mitigation Plan

Nature of Action

Beginning January 2023, the Washington Department of Ecology (Ecology) will launch Washington’s first comprehensive greenhouse gas (GHG) cap-and-invest program. Ecology is tasked with implementing a comprehensive carbon reduction program, per mandates in the new Climate Commitment Act (CCA) of 2021, RCW 70A.65. The goal of the CCA, combined with other climate policies, is to facilitate meeting Washington’s goal of net zero GHG emissions by 2050.

Generally, facilities emitting greater than 25,000 metric tons of CO₂ equivalent per year will be covered by the program. Consequently, Grays Harbor Energy LLC (GHE) has asked EFSEC to confirm that its compliance with Washington State’s CCA will fully satisfy the company’s obligation under its current greenhouse gas mitigation plan (GHG plan) that was approved by EFSEC in 2003.

GHE’s GHG plan was required as a condition of EFSEC’s approval of an SCA amendment in 2001. That amendment authorized an increase to the facility’s generating capacity from 490 megawatts to 650 megawatts, and its potential greenhouse gas emissions by 10 percent, when compared with the facility capacity originally approved in 1996.

At the time, there was no statewide GHG reduction or mitigation program. The GHE plan represents an early effort by EFSEC to require an energy facility to address the impacts of a portion of its anticipated carbon emissions. EFSEC realized this relatively novel GHG plan would likely be overtaken by comprehensive state or federal laws addressing greenhouse gases. In anticipation of this, EFSEC approved language in the GHG plan providing for its “sunset” or conclusion in that event.

The CCA represents a comprehensive approach to GHG emission pricing and phased reduction of statewide emissions. The Council concludes that the CCA is the type of comprehensive greenhouse gas reduction and mitigation regulation that EFSEC anticipated in the GHG Plan’s sunset provision. In this Resolution, the Council confirms that the certificate holder’s purchase of allowances under the CCA will satisfy its obligations under the GHG Plan approved by EFSEC in 2003.
Background

1. EFSEC required the 2003 GHG Plan in an effort to keep pace with the most stringent U.S. state carbon offset requirements then in effect for new fossil fuel generating facilities, and provided for the Plan to conclude if comprehensive state or federal greenhouse gas regulations were adopted.

To understand the purpose of the 2003 GHG plan, it is necessary to review how the site certification agreement (SCA) for the combined cycle combustion turbine facility at the Satsop site has been amended over time.

In 1996, when EFSEC approved the Washington Public Power Supply System (now Energy Northwest) proposal to construct a natural gas turbine generation facility at the Satsop site, it included language in the site certification agreement directing the holder to develop a GHG mitigation plan before commencing operation:

E. Greenhouse Gases and Carbon Dioxide Mitigation

1. The Supply System shall prepare and submit a report to the Council no later than one year prior to each turbine coming online, that presents and evaluates possible greenhouse gases and carbon dioxide mitigation techniques, and concentrates on those techniques that can offer cost effective mitigation measures.

2. If a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program, considering and appropriately crediting any measures that the Supply System has accomplished.1

Before the facility was built, the SCA was transferred to Duke Energy. At that time, Duke sought approval for a change in the authorized equipment and design of the planned facility, and an increase to its authorized generating capacity from 490 to 630 megawatts, representing a 10 percent increase in the potential greenhouse gas emissions. The Council approved the increase stating that:

[A]n increase of 10% in carbon dioxide emissions is not adverse to the environment given the decrease in emission per megawatt, the Council's authority to compel carbon dioxide mitigation consistent with a plan it will approve pursuant to the SCA, and elimination of the use and storage of diesel oil. . . .

[T]he adoption of the amendments is made with the express acknowledgement that the Council is authorized under the SCA to compel Duke to prepare, submit and implement a Council approved greenhouse gas and carbon dioxide mitigation plan. In the event that Duke fails to prepare, submit, and implement the Council-approved mitigation plan, this resolution shall be null and void.2

With stakeholder input, Duke and EFSEC developed a plan under which the certificate holder would be required to make payments to a nonprofit organization for greenhouse gas mitigation projects designed to offset a portion of the facility’s CO2 emissions over thirty years of operation. The Satsop Combustion Turbine GHG mitigation plan was approved June 9, 2003.3 Once the facility began operations, the nonprofit Climate Trust used the payments to fund carbon offset projects, such as methane capture or reduction from dairy farms, composting facilities and landfills to reduce other sources of GHG emissions and forest planting or conservation projects for carbon capture.

The plan was intended to mirror requirements then in place in Oregon for new fossil fuel generating facilities, except that the Oregon regulation required a mitigation payment to be made in a lump sum at the start of operation, rather than annually over thirty years of facility operations.

The record of the Council’s deliberations suggest that the Council was attempting to be close to a leading position among states requiring some degree of offset for new GHG emissions, but that the Council was also tempering its requirements based on concern about the costs to be borne by the facility operator. The Council’s discussion and the terms of the approved plan reflect an expectation that more comprehensive carbon mitigation or regulation by state or federal rule or statute would likely be forthcoming, and that the holder should, if possible, receive some form of credit under the new scheme in that event.

The GHG plan approved by the Council includes the following sunset provision:

PREEMPTION AND SUNSET

If a new state or federal law imposes requirements on the Certificate Holders to limit, mitigate or offset greenhouse gas emissions, EFSEC will support the Certificate Holders in obtaining credit under any such new laws, regardless of preemption, for early action for offsets already funded under this Mitigation Plan.

If any new state or federal law pre-empts this Mitigation Plan, to the extent that any carbon offset or funding obligation hereunder has not been met at the time of such change in law, the Certificate Holders may meet any such obligation through compliance with the new program, and further obligations under this Mitigation Plan will terminate.4

Similarly, the GHE’s site certification agreement, in Art. VII.B notes that the Council “has approved a mitigation plan for carbon dioxide emissions” and states that “[i]f a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program considering and appropriately crediting any measure that the Certificate Holders have accomplished.”

---

4 GHG Plan, p. 5.
GHE has neither requested credit, nor suggested that there would be any way for it to obtain credit, toward its forthcoming CCA obligations based on its past payments under the GHG plan. For purposes of GHE’s present request, the important point is that, if comprehensive greenhouse gas regulations were adopted at the state or federal level and impose carbon offset or funding obligations on the facility, further payment obligations under the plan would terminate.

2. The amount of carbon emissions required to be offset under the plan is only a portion of the facility’s potential annual CO2 emissions, apparently because of concerns about the cost of purchasing offsets for the entire carbon output of the facility.

When EFSEC conducted its review of the then-certificate holder’s initial application to construct a combustion turbine project at the Satsop site in 1996, the Council decided not to impose a greenhouse gas mitigation requirement for the annual 1.778 million tons of greenhouse gases the facility was expected to emit. The Council found that: "the Satsop CT Project uses the latest reasonable technology and that it will produce lower emissions of greenhouse gases than older natural gas combustion turbine facilities or other fossil fuel facilities."

Among other things, the Council concluded that:

[b]urdensome greenhouse gas mitigation . . . could place the Applicant at a competitive disadvantage within the power producing market and deprive the market of a very efficient power producing facility. Balancing the respective interests, and recognizing that emission technology will advance and greenhouse mitigation measures may be enhanced as time passes, the Council will impose no fixed requirement upon the Applicant. . . . If a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program . . ..

As described above, the occasion for requiring a mitigation plan arose five years later with Duke Energy’s request to amend the SCA that had been signed by the governor in 1996, in order to authorize a greater generating capacity than was originally approved, and to mitigate the resulting 10 percent increase in greenhouse gas emissions.

The GHG mitigation plan that the Council eventually approved in 2003 states that: “Duke Energy proposes that the mitigation obligation be based upon the maximum potential CO2 emissions that exceed a rate of 0.675 pounds of CO2 per kilowatt hour (lb/kWh) over 30 years of the facility's operation.” This formula resulted in the certificate holder paying to offset about 21 percent of the facility’s total potential annual CO2 emissions.

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5 Order No. 694 at 13-14.
6 Order No. 694 at 25.
7 Resolution No. 298.
8 See Grays Harbor Energy Center LLC letter to Jim Luce, EFSEC Chair, February 4, 2008 stating that the maximum annual potential emissions for the project is 2,391,408 million tons, but the amount of emissions to be mitigated each year is just 514,103 tons)
According to GHE’s request, GHE made its first mitigation payment to the Climate Trust in April 2008, and over the past 15 years, GHE has provided more than $5 million in funding to the Climate Trust, with annual payments ranging from approximately $300,000 to $450,000.

3. **The Climate Commitment Act is a comprehensive law that requires covered entities emitting GHGs above a specified annual threshold to purchase allowances at auction for their entire GHG output. The revenues thus generated are to be used to reduce other sources of GHG emissions or to mitigate the effects of climate change.**

In 2021, the Washington Legislature passed the Climate Commitment Act, Laws of 2021, ch. 316, a comprehensive law that directs the Department of Ecology to develop and implement a statewide cap-and-invest program to cut carbon pollution.

The law sets a limit on overall carbon emissions in the state and requires emitters (covered entities) to obtain “emission allowances” equal to their covered greenhouse gas (GHG) emissions. The legislation directs the Department of Ecology to establish an emissions baseline based on total GHG emissions from covered entities from 2015-19, with an adjustment by October 1, 2026, to reflect the GHG emissions of newly covered entities. Each covered entity is then assigned a specific GHG allowance based on its proportionate share of GHG emissions compared to the baseline total. Allowances are then adjusted downward annually to achieve the GHG reduction goals set forth in RCW 70A.45.020. That statute sets progressively more strict state GHG reduction goals between now and 2050, culminating in a statewide limit of only five million metric tons of GHG emissions in 2050, equivalent to a 90 percent reduction below the state’s 1990 GHG emissions.

The program will cover all entities that emit 25,000 metric tons of carbon dioxide equivalents annually, including entities who in the future build or modify facilities that exceed the metric ton threshold. Grays Harbor Energy’s GHG mitigation plan states that the facility’s potential annual CO2 emissions is 2,200,000 tons. GHE’s request states that it emitted 980,000 tons CO2 emissions in 2020. Both numbers are well above the 25,000 metric ton threshold for a covered entity. GHE concedes that it is a covered entity, and is required to purchase emission allowances under the Climate Commitment Act.

Each covered entity must obtain GHG emissions allowances at least equal to its GHG emissions for each four-year compliance period. The first compliance period begins on January 1, 2023. Failure to comply may be punished by fines up to $10,000 per day.

The CCA also permits carbon offsets to be used for compliance with GHG limits, although a covered entity may use offsets for no more than five percent of its compliance obligation for the first compliance period (2023-27), and four percent in the second compliance period (2028-31), although Ecology may modify these limits.

The CCA directs that funds from the purchase of allowances at auction be deposited into several new accounts that fund measures to reduce GHG emissions. Many, if not most of the authorized uses of the revenues generated by the state from auctioning emissions allowances are of the same general nature as the projects funded through GHE’s payments to the Climate Trust.
It is likely that the cost of the emission allowances GHE will be required to purchase under the CCA will be dramatically greater than its payments under the GHG Plan.

GHE made its most recent payment under the GHG Plan in March 2022 for the twelve month period ending March 2023.\(^9\) The CCA will require GHE to purchase greenhouse gas allowances for its emissions staring January 1, 2023. Consequently, there will be an overlap of 2-3 months for which GHE has paid for offsets under the GHG Plan, and will also be purchasing GHG allowances under the CCA.

Resolution

Having considered GHE’s request and the recommendation of EFSEC staff, the Council hereby confirms that Grays Harbor Energy LLC’s purchase of allowances under the Climate Commitment Act will satisfy the company’s obligations under the greenhouse gas mitigation plan approved by the Council in 2003. However, GHE shall remain obligated to make payments in accordance with the 2003 plan if at any time GHE is relieved of, or determined not to be subject to the requirement to purchase emissions allowances under the Climate Commitment Act, including during the duration of any delay in implementation of the emissions allowance auction process.

Dated and effective this 20th day of September, 2022.

Washington State Energy Facility Site Evaluation Council By:

_______________________________
Kathleen Drew, EFSEC Chair

Attest: _________________________________
Sonia Bumpus, EFSEC Manager

\(^9\)The GHG plan requires payment “on an annual basis at the start of each of the first 30 years in which the facility is operating.” GHG Plan, p. 4.
EFSEC Monthly Council Meeting

Facility Name: Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)
Operator: Energy Northwest
Report Date: September 2, 2022
Reporting Period: August 2022
Site Contact: Felicia Najera-Paxton
Facility SCA Status: Operational

CGS Net Electrical Generation August 2022: 840,895 MW-Hrs.

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

Environmental Compliance:
In July 2022 Energy Northwest (EN) received approval from the Energy Facility Site Evaluation Council (EFSEC) to investigate the source of tritium that was measured during the commissioning of the new potable water Surface Water Treatment Facility. The investigation began August 8th and is ongoing. Upon completion of the data collection a report will be furnished to EFSEC which identifies the levels of tritium detected and coordination between the United States Department of Energy (USDOE) and EN on a resolution.

Safety Compliance
No update.

Current or Upcoming Projects
No update.

Other
No update.
Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)  
Operator: Tuusso Energy, LLC  
Report Date: Sep 2, 2022  
Reporting Period: 30-days ending Sep 2, 2022  
Site Contact: Owen Hurd  
Facility SCA Status: Construction

**Construction Status**
- **Penstemon**
  - Plant is currently operational
- **Camas**
  - Achieved Mechanical Completion on March 23rd
  - Substantial Completion delayed due to breakers, now expected Sept 21
- **Urtica**
  - Mechanical Completion delayed due to financing, now expected mid-Sept, with Substantial Completion to follow in October

**Other**
- Held second TAC meeting
- Planning to meet on-site with Ecology, WDFW & landowners to get closure on revised planting plan in next two weeks
Goose Prairie Solar Project

September 2022 project update

[Place holder]
Badger Mountain Solar Energy Project

September 2022 project update

[Place holder]
September 13th, 2022

Sonia Bumpus  
EFSEC Director  
P.O. Box 43172  
Olympia WA 98504-3172

Dear Sonia,

This letter requests the Energy Facility Site Evaluation Council’s agreement that the processing time of the Aurora Solar, LLC’s Badger Mountain Solar Energy Project Application be extended an additional twelve months, to October 7, 2023.

The Aurora Solar, LLC Application for Site Certification was filed with EFSEC on October 7, 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."

Through discussions with EFSEC staff, we understand the preparation of the draft SEPA Environmental Impact Study (EIS) has been delayed due to staffing challenges and supplemental study and analysis. At this time, we anticipate that the draft EIS is expected to be published for public comment in the second quarter of 2023, followed by the adjudicatory hearing, preparation of the final EIS, Council recommendation, and Governor's decision.

The pace of regional utility clean energy supply procurement in the Pacific Northwest is currently driven by Washington's and neighboring States’ aggressive greenhouse gas reduction goals. We appreciate EFSEC staff’s continued efforts to review the Badger Mountain Solar Energy Project Application and respectfully request that the Council allocate the appropriate resources to complete and deliver a recommendation to the Governor within a timeline consistent with these State goals.

Sincerely,

Sara Parsons  
Authorized Representative
Whistling Ridge Energy Project

September 2022 project update

[Place holder]
High Top and Ostrea Solar Project

September 2022 project update

[Place holder]