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## Transcript of Proceedings

*May 17, 2023*

### EFSEC 2023 Monthly Council Meetings v.

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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
MAY 17, 2023  
1:30 p.m.  
  
Council Meeting  
Verbatim Transcript of Hybrid Proceedings  
Taken at  
621 Woodland Square Loop Southeast  
Lacey, Washington

REPORTED BY: Lori Haworth, RPR, CCR #2958

A P P E A R A N C E S

Local Government and Optional State Agencies:

The Horse Heaven Project:

DEREK SANDISON, Department of Agriculture  
ED BROST, Benton County

Badger Mountain:

JORDYN GUILIO, Douglas County

Carriger Solar:

MATT CHILES, Klickitat County

Assistant Attorney General:

JON THOMPSON  
JENNA SLOCUM

Administrative Law Judges:

ADAM TOREM  
DAN GERARD

Council Staff:

SONIA BUMPUS  
AMI HAFKEMEYER  
AMY MOON  
STEW HENDERSON  
JOAN OWENS  
ANDREA GRANTHAM  
DAVE WALKER  
SONJA SKAVLAND  
LISA MASENGALE  
SARA RANDOLPH  
SEAN GREENE  
LANCE CAPUTO  
JOHN BARNES  
JOANNE SNARSKI  
ALEX SHILEY

(Continued on next page.)

A P P E A R A N C E S (Continued)

State Agency Members:

KATHLEEN DREW, Chair  
KATE KELLY, Department of Commerce  
ELI LEVITT, Department of Ecology  
MIKE LIVINGSTON, Department of Fish and Wildlife  
LENNY YOUNG, Department of Natural Resources  
STACEY BREWSTER, Utilities & Transportation  
Commission

Operational Updates:

Kittitas Valley Wind, EDP Renewables:

SARA RANDOLPH

Wild Horse Wind Power Project, Puget Sound Energy:

SARA RANDOLPH

Grays Harbor Energy Center, Grays Harbor Energy:

CHRIS SHERIN

Chehalis Generation Facility, PacifiCorp:

MICHAEL ADAMS

Columbia Generating Station & WNP-1/4, Energy Northwest:

FELICIA NAJERA-PAXTON

Columbia Solar, Tuusso Energy:

TOM CUSHING

Counsel for the Environment:

MEGAN SALLOMI

1 (COUNCIL MEETING COMMENCED AT 1:31 P.M.)

2 --o0o--

3  
4  
5 CHAIR DREW: Good afternoon. This is  
6 Kathleen Drew, Chair of the Energy Facility Site  
7 Evaluation Council, calling today's monthly meeting  
8 May 17, 2023, to order.

9 Ms. Grantham, will you call the role?

10 MS. GRANTHAM: Certainly.

11 Department of Commerce?

12 Department of Ecology?

13 MR. LEVITT: Eli Levitt present.

14 MS. GRANTHAM: Department of Fish and  
15 Wildlife?

16 MR. LIVINGSTON: Mike Livingston present.

17 MS. GRANTHAM: Department of Natural  
18 Resources?

19 MR. YOUNG: Lenny Young present.

20 MS. GRANTHAM: Utilities and  
21 Transportation Commission?

22 MS. BREWSTER: Stacey Brewster present.

23 MS. GRANTHAM: For local government and  
24 optional state agencies. For the Horse Heaven Project,  
25 Department of Agriculture?

1 MR. SANDISON: Derek Sandison present.  
2 MS. GRANTHAM: Benton County, Ed Brost?  
3 MR. BROST: Ed Brost present.  
4 MS. GRANTHAM: For the Badger Mountain  
5 Project, for Douglas County?  
6 MS. GUILIO: Jordyn Guilio, Douglas  
7 County.  
8 MS. GRANTHAM: For the Wautoma Solar  
9 Project, for Benton County, Dave Sharp?  
10 For the Washington State Department of  
11 Transportation?  
12 For the Hop Hill Solar Project, for Benton  
13 County, Paul Krupin?  
14 For the Carriger Solar Project, for Klickitat  
15 County?  
16 MR. CHILES: Matt Chiles present.  
17 MS. GRANTHAM: The assistant attorney  
18 generals, Jon Thompson?  
19 MR. THOMPSON: Jon Thompson present.  
20 MS. GRANTHAM: Jenna Slocum?  
21 MS. SLOCUM: Jenna Slocum present.  
22 MS. GRANTHAM: Administrative law judges,  
23 Adam Torem?  
24 JUDGE TOREM: This is Judge Torem. I am  
25 on the line.

1 MS. GRANTHAM: Laura Bradley?  
2 JUDGE GERARD: Judge Bradley won't make it  
3 today.  
4 MS. GRANTHAM: Thank you. And was that  
5 Dan Gerard?  
6 JUDGE GERARD: It was. Thank you.  
7 MS. GRANTHAM: And Michael Larripa?  
8 JUDGE GERARD: Judge Larripa will also not  
9 be here today. (Inaudible comment.)  
10 MS. GRANTHAM: Thank you.  
11 For EFSEC council staff, Sonia Bumpus?  
12 MS. BUMPUS: Sonia Bumpus is present.  
13 MS. GRANTHAM: Ami Hafkemeyer?  
14 MS. HAFKEMEYER: Present.  
15 MS. GRANTHAM: Amy Moon?  
16 MS. MOON: Amy Moon present.  
17 MS. GRANTHAM: Stew Henderson?  
18 Joan Owens is present.  
19 Dave Walker?  
20 Sonja Skavland?  
21 MS. SKAVLAND: Sonja Skavland present.  
22 MS. GRANTHAM: Lisa Masengale?  
23 MS. MASENGALE: Lisa Masengale present.  
24 MS. GRANTHAM: Sara Randolph?  
25 MR. WALKER: Dave Walker is -- sorry.

1 Dave Walker is present. I couldn't get it off mute.

2 MS. GRANTHAM: No problem. Thank you,  
3 Dave.

4 Sara Randolph?

5 MS. RANDOLPH: Sara Randolph present.

6 MS. GRANTHAM: Sean Greene?

7 MR. GREENE: Sean Greene present.

8 MS. GRANTHAM: Lance Caputo?

9 MR. CAPUTO: Lance Caputo present.

10 MS. GRANTHAM: John Barnes?

11 MR. BARNES: John Barnes present.

12 MS. GRANTHAM: Osta Davis?

13 Joanne Snarski?

14 MS. SNARSKI: Joanne Snarski present.

15 MS. GRANTHAM: And Alex Shiley is present.

16 For operational updates, Kittitas Valley Wind  
17 Project?

18 Wild Horse Wind Power Project?

19 MS. RANDOLPH: Actually, this is Sara  
20 Randolph. I will be speaking for both of those.

21 MS. GRANTHAM: Thank you.

22 MS. RANDOLPH: Good afternoon, Chair Drew,  
23 council members, and staff. For the record, this is  
24 Sara Randolph, Site Specialist --

25 CHAIR DREW: Sara? If you could pause



1 just a minute. We were just doing roll call.

2 MS. RANDOLPH: Oh. I am sorry.

3 CHAIR DREW: That's okay. We will be back  
4 in a couple minutes.

5 MS. GRANTHAM: No worries.

6 Thank you, Chair Drew.

7 For Grays Harbor Energy Center?

8 MR. SHERIN: For Grays Harbor Energy  
9 Center, Chris Sherin.

10 MS. GRANTHAM: Chehalis Generation  
11 Facility?

12 MR. ADAMS: Mike Adams present.

13 MS. GRANTHAM: Columbia Generating  
14 Station?

15 Columbia Solar?

16 MR. CUSHING: Tom Cushing present.

17 MS. GRANTHAM: And do we have someone  
18 present for the Counsel for the Environment?

19 MS. SALLOMI: Megan Sallomi present.

20 MS. GRANTHAM: Thank you, Ms. Sallomi.

21 Chair, there is a quorum for the regular  
22 council, Horse Heaven council, Badger Mountain council,  
23 and Carriger Solar council. Thank you.

24 MS. KELLY: Madam Chair, this is Kate  
25 Kelly. I apologize, I am late. Present.

1 CHAIR DREW: Thank you.

2 Thank you. So moving on to our proposed  
3 agenda. You see the agenda, proposed agenda in front of  
4 you. Is there a motion to adopt the agenda?

5 MR. YOUNG: Lenny Young. So moved.

6 CHAIR DREW: Second?

7 MS. BREWSTER: Stacey Brewster. Second.

8 CHAIR DREW: All those in favor, say  
9 "aye."

10 MULTIPLE SPEAKERS: Aye.

11 CHAIR DREW: Opposed?

12 Agenda is adopted.

13 Moving on to the meeting minutes. The first in  
14 front of us are the monthly meeting minutes from  
15 April 19, 2023. Is there a motion to approve the  
16 April 19th monthly meeting minutes?

17 MS. BREWSTER: Stacey Brewster. I move to  
18 approve the April 19th monthly meeting minutes.

19 CHAIR DREW: Second?

20 MS. KELLY: Kate --

21 MR. LIVINGSTON: Mike Livingston --

22 MS. KELLY: -- Kelly. Second.

23 MR. LIVINGSTON: -- second.

24 CHAIR DREW: Thank you, Kate Kelly and  
25 Mike Livingston.

1 I did not find any corrections. Are there any  
2 other corrections or changes to the April 19, 2023,  
3 monthly meeting minutes?

4 Hearing none, all in favor of approving those  
5 minutes, please say "aye."

6 MULTIPLE SPEAKERS: Aye.

7 CHAIR DREW: Opposed?

8 Minutes are approved.

9 Moving on to the April 25, 2023, Carriger Solar  
10 informational meeting minutes. Is there a motion to  
11 approve those minutes?

12 MR. CHILES: Matt Chiles. So moved.

13 CHAIR DREW: Thank you. Second?

14 MR. YOUNG: Lenny Young. Second.

15 CHAIR DREW: Thank you.

16 The corrections I have, and I will just make a  
17 statement upfront, is, I only was reviewing the -- those  
18 of us who were representing the council. I am not  
19 trying to amend any comments from people who made  
20 comments to the meeting, so those will stand as they are  
21 written. But in several instances, we find that Eli  
22 Levitt was identified as the speaker when it was in fact  
23 another person.

24 So on page 50, line 25, Eli Levitt should be  
25 Mike A-l-l-e-r-i-t-t.

1           And on page 55, line 21, the speaker identified  
2 as Eli Levitt should be Judge Larripa.

3           And on page 57, line 1, the speaker identified  
4 as Eli Levitt should be Kenneth McCune.

5           So those are the changes I have to amend those  
6 Carriger Solar informational meeting minutes. Are there  
7 any other changes?

8           Hearing none, all those in favor of approving  
9 the minutes as amended, please say "aye."

10           MULTIPLE SPEAKERS: Aye.

11           CHAIR DREW: Opposed?

12           The meeting minutes are approved as amended.

13           Moving on to the Kittitas Valley Wind Project  
14 update and Wild Horse Wind Power Project update.

15 Ms. Sara Reynolds.

16           MS. REYNOLDS: Thank you.

17           Good afternoon, Chair Drew, council members,  
18 and staff.

19           For the record, this is Sara Randolph, Site  
20 Specialist for Kittitas Valley Facility. I am speaking  
21 on behalf of Eric Melbardis. The facility update is  
22 available in your council packet. There are no  
23 nonroutine updates for this reporting period.

24           CHAIR DREW: Thank you.

25           And then Wild Horse Wind Power Project. Sara

1 Randolph.

2 MS. RANDOLPH: I am speaking on behalf of  
3 Jennifer Galbraith. The facility update is available in  
4 your council packet. There are no nonroutine updates  
5 for this reporting period. Thank you.

6 CHAIR DREW: Thank you. Chehalis  
7 Generation Facility. Mr. Adams.

8 MR. ADAMS: Good afternoon, Chair Drew,  
9 EFSEC council, and staff. For the record, this is Mike  
10 Adams, Plant Manager, representing Chehalis Generation  
11 Facility.

12 I have one comment for the period of April. We  
13 did upgrade both of our continuous emission monitoring  
14 systems on each unit. We are currently in the  
15 certification process, that which should be completed  
16 next week with stack testing on those units. Otherwise,  
17 I have no nonroutine comments.

18 CHAIR DREW: Thank you.

19 Grays Harbor Energy Center. Mr. Sherin.

20 MR. SHERIN: Good afternoon, Chair Drew,  
21 council members, staff. This is Chris Sherin, Plant  
22 Manager for Grays Harbor Energy Center. For the month  
23 of April, we have no nonroutine items to report.

24 CHAIR DREW: Thank you.

25 Columbia Generating Station.

1 MS. NAJERA-PAXON: Good afternoon, Chair  
2 Drew, council members, and staff. For the record, this  
3 is Felicia Najera-Paxon representing Columbia Generating  
4 Station and the Washington Nuclear Projects 1 and 4.  
5 For the month of April, we have no nonroutine items to  
6 present.

7 CHAIR DREW: Thank you.

8 We do have another subject in front of us, an  
9 NPDES permit. Ms. Moon.

10 MS. MOON: Thank you. Good afternoon,  
11 Council Chair Drew and council members. For the record,  
12 this is Amy Moon, EFSEC staff member. I am providing an  
13 update on the national pollutant discharge elimination  
14 system, or NPDES, permit at the Columbia Generating  
15 Station.

16 I last provided an update on this project to  
17 the council at the February 15, 2023, council meeting.  
18 Since that time, the public comment period closed on the  
19 March -- on March 18th of -- for the draft permit, and  
20 EFSEC worked with the Washington Department of Ecology  
21 to address the comments received and finalize the NPDES  
22 permit. The only comments were received from the  
23 Washington Department of Natural Resources and Energy  
24 Northwest.

25 The Department of Natural Resources submitted a

1 statement that Energy Northwest must obtain  
2 authorization for operations on state-owned aquatic  
3 land. This comment does not affect any specific NPDES  
4 permit condition and, therefore, was not added to the  
5 permit.

6 The comments received from Energy Northwest  
7 were substantive and were addressed in the final NPDES.  
8 A copy of the final permit and the fact sheet were  
9 included in the May council packet.

10 The Columbia Generating Station has been  
11 operating under an administrative extension of the  
12 permit since September 13, 2019. This administrative  
13 extension was granted at a time the Washington State  
14 Department of Ecology was not staffed with an NPDES  
15 permit ~~rider~~ <sup>writer</sup> to prepare the new permit that was set to  
16 expire on October 31st of 2019. The final permit  
17 included in the council packet has date placeholders  
18 that will be populated prior to issuing the permit. The  
19 permit effective date must be at least 30 days after the  
20 permit issuance date and should be effective on the 1st  
21 of a month for the permittee to meet the reporting  
22 requirements. For this reason, if the council approves  
23 the issuance of the NPDES permit, I suggest the issuance  
24 date be prior to May 31, 2023, to accommodate an  
25 effective date of July 1, 2023.

1                   **Does the council have any questions?**

2                   CHAIR DREW: Are there any questions from  
3 the council?

4                   And this permit has had the 30-day review, and  
5 we have heard the comments. Are you recommending that  
6 the council make a motion on this item?

7                   MS. MOON: Yes. I am recommending that  
8 the council make a motion to issue this final NPDES  
9 permit.

10                  CHAIR DREW: Thank you.

11                  Is there a motion to issue the NPDES permit for  
12 Columbia Generating Station?

13                  MR. LEVITT: This is Eli Levitt. I move  
14 to approve this NPDES permit.

15                  CHAIR DREW: Thank you.

16                  Second?

17                  MS. BREWSTER: Stacey Brewster. Second.

18                  CHAIR DREW: Okay.

19                  Any comments?

20                  All those in favor of approving the NPDES  
21 permit for Columbia Generating Station, please say  
22 "aye."

23                  MULTIPLE SPEAKERS: Aye.

24                  CHAIR DREW: Did we have to say that it  
25 should have a date before May 31st? I am sorry.



1 MS. MOON: Well, if -- the most seamless  
2 way to issue this and have the first -- the effective  
3 date be July 1st would be for us to issue it before  
4 May 31st so that we can have, you know, from June to  
5 July, that waiting period, for it to be effective.

6 CHAIR DREW: And with this motion, you  
7 will have that.

8 MS. MOON: Okay. Thank you.

9 CHAIR DREW: All those in favor, please  
10 say "aye."

11 MULTIPLE SPEAKERS: Aye.

12 CHAIR DREW: Opposed?

13 Okay. The NPDES permit is approved.

14 MS. MOON: Thank you, Chair Drew, council  
15 members, and staff. We appreciate it.

16 CHAIR DREW: Thank you.

17 Next on our agenda is the Columbia Solar  
18 operational update. Mr. Cushing.

19 MR. CUSHING: Good afternoon, Chair Drew,  
20 EFSEC council, and staff. This is Thomas Cushing  
21 representing Columbia Solar, for the record. There is  
22 no nonroutine items to report for operation.

23 CHAIR DREW: Thank you.

24 The next item on our agenda is the Desert Claim  
25 amendment update. Ms. Moon.

1 MS. MOON: Good afternoon, Council Chair  
2 Drew and council members. Again this is Amy Moon,  
3 providing a project update on Desert Claim.

4 EFSEC received a request to amend the Desert  
5 Claim site certification agreement, or SCA, on May 5th  
6 of 2023 from EDF Renewables. The request was to extend  
7 the deadline for completing construction by five years  
8 to November 13, 2028.

9 The Desert Claim SCA is for a maximum -- I am  
10 sorry. The Desert Claim SCA is for a maximum production  
11 capacity of 100 megawatts from 31 turbines. The  
12 extension request is to require construction to be  
13 substantially completed by November of 2028.

14 The current SCA was initially executed  
15 February 1, 2010, and amended by Resolution No. 343 on  
16 November 13, 2018. The SCA Amendment No. 1 was to allow  
17 for the reconfiguration of the project site boundary and  
18 the installation of fewer but larger turbines than were  
19 originally authorized in the February 2010 SCA. The  
20 amended site certification agreement consists of 25 to  
21 31 turbines, not to exceed 492 feet in height, and a  
22 total capacity of no more than 100 megawatts, a  
23 reduction from up to 95 turbines with a maximum capacity  
24 of 190 megawatts. That was the first change, the first  
25 amended SCA. The SCA amendment also reduced the total

1 project footprint to approximately 4,400 acres with the  
2 removal of 1,271 acres.

3 The signed SCA authorizes the certificate  
4 holder to construct the project such that substantial  
5 completion is achieved no later than five years from the  
6 date that Amendment No. 1 was approved by the council on  
7 November 13, 2018. Therefore, the substantial  
8 completion date would be November 2023. EFSEC rule  
9 Washington Administrative Code, or WAC, 463-68-060,  
10 "Review and recording changes in the project status or  
11 site conditions," requires that if construction does not  
12 start within five years of the effective date of the SCA  
13 and thereupon continue in a reasonably uninterrupted  
14 fashion towards project completion, the certificate  
15 holder shall report to the council its intention to  
16 proceed or not to proceed with the project at least 90  
17 days prior to the end of the SCA five-year period.

18 The receipt of the request to amend the Desert  
19 Claim SCA on May 5, 2023, from EDF Renewables met the  
20 conditions of notification required under WAC  
21 463-68-060. WAC 463-68-070, known as a review of  
22 changes, states that construction may start only upon  
23 the council finding that no changes or amendments to the  
24 SCA, regulatory permits, or project related  
25 environmental documents are necessary or appropriate, or

1 upon the council's approval of any necessary or  
2 appropriate changes or amendments.

3 Does the council have any questions?

4 CHAIR DREW: Are there any questions?

5 So in terms of this amendment, are you going to  
6 brief us on what the next steps are?

7 MS. MOON: So the next steps would be for  
8 the council to either approve or not approve for  
9 pursuing the change or to create an Amendment No. 2.  
10 And so if I am directed to pursue Amendment No. 2, then  
11 I would be drawing-up the information for that amendment  
12 to be put before the council and you, Chair Drew. And  
13 with that, it's ensuring that if anything additional  
14 needed to be done to meet the requirements in the law,  
15 that that would be done. And since these aren't -- the  
16 only change of this is a date, I do not think that there  
17 is anything further required, let's say, for SEPA, which  
18 means that this is -- and maybe, Jon Thompson, if you  
19 know different, can interrupt here. But basically, this  
20 is just a request to extend this project date, the  
21 substantive completion date by another -- up until 2028.

22 CHAIR DREW: Ms. Hafkemeyer?

23 MS. HAFKEMEYER: I just wanted to jump in.  
24 I believe, because it is a request for an amendment,  
25 there is a public informational meeting associated with

1 the request, as well, so that EFSEC staff is working to  
2 schedule.

3 MS. MOON: Yes. You are correct. Thank  
4 you, Ami.

5 CHAIR DREW: And because it is an  
6 amendment that came to us, what -- I guess what I am  
7 curious about that I am hearing is that we can either  
8 move forward with it or not. And I thought we had to at  
9 least consider it, the amendment.

10 MS. MOON: Yeah. So the WAC 463-68-070,  
11 review of changes, says that construction can only start  
12 upon the council finding that no changes or amendments  
13 to the SCA or upon council's approval of any necessary  
14 or appropriate changes or amendments. So the change  
15 here would be that completion date; that substantive  
16 completion date.

17 CHAIR DREW: Okay. So our next steps then  
18 would be to schedule a public meeting, informational  
19 meeting, and hear from the public about this item.

20 MS. MOON: Yes. Thank you.

21 CHAIR DREW: Okay. That would be the next  
22 step. Okay. That's what I had remembered from the  
23 earlier processes.

24 So the staff is working on that and will get  
25 back to us. So there isn't a decision to be made at

1 this meeting or until we hear from the public on the  
2 matter.

3 MS. MOON: Correct. This is for  
4 information so that you know we received that request,  
5 and a little history on the project since most people on  
6 the current EFSEC council were not involved at all with  
7 Desert Claim. There is a couple people that were, but  
8 the majority were not. So bringing people just  
9 up-to-speed of, that we have a Desert Claim site  
10 certification agreement, construction has not been  
11 started, and a request was made to extend that date for  
12 substantial completion.

13 CHAIR DREW: Okay.

14 Any other questions from council members?

15 MS. KELLY: Chair, this is Kate Kelly.  
16 And I am glad we are going to have more time to kind of  
17 contemplate what's being asked here, for a hearing and  
18 other advice from EFSEC staff and council, but I am -- I  
19 guess I am particularly interested in any cumulative  
20 impact in terms of land use and so on. And I don't -- I  
21 wasn't here when this was originally proposed or amended  
22 the first time, so, but just understanding what the --  
23 really, the lay of the land is and if that needs to be  
24 taken in account. I just noticed that it's in Kittitas  
25 County.

1 CHAIR DREW: Yes. Okay. So noted. We  
2 will make sure that we get some information to the  
3 council. Perhaps another -- a little bit longer  
4 briefing on the history of the project would be in good  
5 order because of the fact that the council isn't  
6 familiar with that amendment from 2018.

7 Ms. Hafkemeyer, did you have something else  
8 you'd like to share?

9 MS. HAFKEMEYER: Oh. I also just  
10 wanted -- if the council had any questions for the  
11 certificate holder, I believe they are also on the line.  
12 Or we could anticipate a longer presentation on the  
13 proposal at the informational hearing.

14 CHAIR DREW: Let's do that because I think  
15 it's better for the council to have that information to  
16 ask questions from. Thank you.

17 Okay. Moving -- go ahead.

18 MS. BUMPUS: Excuse me. Sorry. Chair  
19 Drew, this is Sonia Bumpus.

20 CHAIR DREW: Yes.

21 MS. BUMPUS: I just wanted to add for the  
22 council that there are some documents on land use  
23 consistency that go back to the original record for  
24 Desert Claim, and that may be something that would be  
25 helpful for council members to take a look at. Some of

1 that information is on our website. There is an Order  
2 825 on land use consistency, but there is also some  
3 other documents they may be interested in. So I just  
4 wanted to put this out there.

5 CHAIR DREW: Thank you, thank you. We  
6 will learn more about this project and look forward to  
7 the scheduling of the public meeting.

8 Horse Heaven Wind Farm Project update.  
9 Ms. Moon.

10 MS. MOON: Good afternoon, Council Chair  
11 Drew and EFSEC council members. Again, this is Amy Moon  
12 providing an update on the Horse Heaven Wind Project.

13 EFSEC staff continued work on the preparation  
14 of the final environmental impact statement, or final  
15 EIS. This included submitting Data Request No. 8 to the  
16 applicant on May 8, 2023, for additional information on  
17 air quality and visual simulations.

18 EFSEC staff continued to actively engage with  
19 Washington state agencies regarding potential impact  
20 analysis and mitigation opportunities.

21 EFSEC staff are working with the applicant to  
22 establish an updated commitment date to complete the  
23 processing of the Horse Heaven application for site  
24 certification. This new date is referred to as the  
25 extension date as defined in the Revised Code of



1 Washington 80.50.100 that requires that "the council  
2 shall report to the governor its recommendations as to  
3 the approval or rejection of an application for  
4 certification within 12 months of receipt by the council  
5 of such an application or at such later time as is  
6 mutually agreed by the council and the applicant." The  
7 current date to report to the governor is set as  
8 July 8th of 2022.

9 Does the council have any questions? I mean,  
10 yes, I am sorry, 2023. Thank you.

11 CHAIR DREW: You're welcome.

12 MS. MOON: Wrong year. I am in the past.

13 So does the council have any questions about  
14 that?

15 CHAIR DREW: So we don't have an extension  
16 request to consider at this point; is that --

17 MS. MOON: Yeah. Correct. We are working  
18 with the applicant on establishing a realistic  
19 commitment date because we are still working on the  
20 final environmental impact statement, taking into  
21 account public comments, agency comments, and then  
22 adjudication has been scheduled. So there is a couple  
23 parts here. The final EIS, the adjudication, the time  
24 necessary for the council to review the final EIS, and  
25 then make a recommendation to the governor, so working

1 on strategizing and trying to take all of this into  
2 account, and part of that is taking into account  
3 analysis that is being worked on but has not yet been  
4 completed that's required for the final EIS. So as of  
5 today, we do not have an agreed upon extension date with  
6 the applicant.

7 CHAIR DREW: Okay. Thank you.

8 Are there any other questions for Ms. Moon  
9 before we go to the adjudication update?

10 MR. BROST: I have a question. This is Ed  
11 Brost.

12 CHAIR DREW: Yes.

13 MR. BROST: What is the reason for the  
14 extension, or what has caused the extension request?  
15 It's just taken longer than they thought or what?

16 MS. MOON: Well, the reason is, is yes,  
17 the whole process is lengthy, and it's hard when you are  
18 working on something -- so the last extension that was  
19 granted was during the draft EIS. It's hard to judge or  
20 guess what kind of public comments and agency comments  
21 that was going to bring about. And so in looking at  
22 those comments, definitely July 8th is not an adequate  
23 time to vet and provide an answer and to update the  
24 final environmental impact statement.

25 CHAIR DREW: And I would add that

1 adjudication is planned for after that date. And so --

2 MS. MOON: Yeah.

3 CHAIR DREW: -- the date would give the  
4 council, the staff, the time to complete the EIS, the  
5 council the time for adjudication and consideration of  
6 the issues and deliberation before a recommendation to  
7 the governor.

8 Is that helpful, Mr. Brost?

9 Any other questions for staff?

10 Moving on to the adjudication update.

11 Ms. Hafkemeyer.

12 MS. HAFKEMEYER: Thank you. Good  
13 afternoon, Chair Drew, council, and staff. For the  
14 record, this is Ami Hafkemeyer.

15 On Tuesday, May 2nd, a third prehearing  
16 conference was held. Following that conference, EFSEC  
17 staff are working with Judge Torem to prepare and issue  
18 an order for filing dates, a protection order, and will  
19 also be issuing instructions for the filing protocols.

20 Are there any questions?

21 CHAIR DREW: Are there any questions  
22 for -- on the adjudication update?

23 MS. BREWSTER: This is Stacey Brewster.  
24 Following that prehearing conference, are we closer to  
25 setting dates for the adjudication?

1 MS. HAFKEMEYER: Yes. It's my  
2 understanding that at the third prehearing conference,  
3 the parties were informed of the adjudication dates and  
4 came to an agreement on slightly different pre-filing  
5 dates than what EFSEC staff had drafted, and so we will  
6 be seeing those dates in an order in the coming days  
7 very shortly from Judge Torem.

8 MS. BREWSTER: Thanks.

9 JUDGE TOREM: Yeah. This is Judge Torem.

10 I can just tell the council members you will be  
11 seeing the first round of testimony being filed I  
12 believe it's June 2nd, and the hearing, itself, the  
13 adjudication, will take place over a number of days in  
14 August. And hopefully your calendars, that they were  
15 cleared, by your submissions for unavailability.

16 We are going to start the adjudication on  
17 Thursday, August 10th, and Friday, August 11th. The  
18 following week, there will be two additional -- or two  
19 and a half additional days, August 14th is Monday and  
20 August 15th a Tuesday, and then simply taking a break in  
21 the afternoon on Wednesday, the 16th of August, so that  
22 we can have a hearing adjudication session in the  
23 morning and then the monthly council meeting in the  
24 afternoon.

25 If there is anything further to be done

1 Wednesday afternoon the 16th, it won't be involving  
2 council members but maybe some other housekeeping  
3 issues.

4 To look at the following week's schedule,  
5 August 21st through August 25th will be the other five  
6 days of adjudication. So hopefully, those are on your  
7 calendar. They will be the bulk of the day. We are  
8 breaking it up because it's virtual, into two or three  
9 sessions each day so that no one gets too much of a  
10 screen watch headache, and we will go on from there.  
11 But in the prehearing conference order that should come  
12 out later this week, all of the other dates leading up  
13 to the adjudication will be published, as well, so look  
14 for those.

15 CHAIR DREW: Thank you, Judge Torem.

16 Other questions?

17 Okay. Moving on to Goose Prairie Solar Project  
18 update. Sara Randolph.

19 MS. RANDOLPH: Good afternoon, Chair Drew,  
20 council members, and staff. For the record, this is  
21 Sara Randolph, Site Specialist for the Goose Prairie  
22 Facility.

23 EFSEC staff are continuing to receive review  
24 documents being sent by the certificate holder for  
25 preconstruction plans with construction planned to

1 commence on June 1st.

2 Goose Prairie Solar is requesting coverage  
3 under a general construction storm water permit that was  
4 submitted by the certificate holder March 2nd. In  
5 accordance with WAC 463-76-41, a 30-day comment period  
6 began on April 20th and will conclude on May 20th.  
7 There has been one comment received to-date that would  
8 not result in changes to the letter of coverage. The  
9 certificate holder and their consultant will be on the  
10 phone if there are any questions.

11 Are there any questions?

12 CHAIR DREW: Any questions on the Goose  
13 Prairie Solar Project update? Thank you.

14 Moving on to the Badger Mountain Project  
15 update. Joanne Snarski.

16 MS. SNARSKI: Thank you, Chair Drew, and  
17 good afternoon, council members. For the record, this  
18 is Joanne Snarski.

19 Since the April council meeting, we have  
20 received responses to Data Requests 1 and 2. After  
21 receiving the initial response from the applicant, our  
22 consultants have requested further clarification to  
23 several of the applicant's responses which we are  
24 referring to as Data Request 3. We anticipate a  
25 response to Data Request 3 on June 16th.

1           Included in the applicant's response to us was  
2 completion of initial drafts for a traffic impact study  
3 along with a traffic control plan. We are coordinating  
4 review of these documents with the Washington State  
5 Department of Transportation in Douglas County. The  
6 applicant has also submitted a revised draft of the  
7 cultural resources survey which is currently under  
8 review by EFSEC and our contracted agencies.

9           The information provided in response to these  
10 data requests shall be used to support the development  
11 of the draft environmental impact statement that is  
12 currently in-progress.

13           Finally, on May 11th, staff, along with Chair  
14 Drew and Director Bumpus, met with the Colville  
15 Confederated Tribes' Business Council. This meeting was  
16 conducted as government-to-government consultation, and  
17 Chair Drew has more information to share with the  
18 council about this meeting.

19           Would you like to do that now, Chair?

20           CHAIR DREW: Thank you. I will.

21           As you are aware, council members, EFSEC  
22 statute under RCW 80.50 requires the Chair to conduct  
23 government-to-government consultation with affected  
24 tribes during the review of an energy project  
25 application, and the Chair must provide an update to the

1 council on such project consultation efforts.

2 Since EFSEC received the Badger Mountain  
3 application in October 2021, EFSEC's been in  
4 communication with the Colville Tribe to coordinate the  
5 review of the initial cultural resources survey report  
6 and to arrange a formal government-to-government tribal  
7 consultation meeting.

8 After much planning, on May 4, 2023, the Chair  
9 and EFSEC staff met with the Colville Tribal Business  
10 Council in Nespelem, Washington for the purpose of  
11 conducting formal tribal consultation on the Badger  
12 Mountain application for site certification.

13 The staff and I were honored to meet with the  
14 Colville Tribal Business Council where we discussed the  
15 tribe's concerns regarding this proposal. We shared an  
16 open and honest discussion and agreed that both EFSEC  
17 and the Colville Tribe could expand on our technical  
18 coordination which we believe is particularly important  
19 as EFSEC prepares the Badger Mountain draft EIS over the  
20 next several months. So we have asked them to review  
21 documents as we prepare that EIS and look forward to  
22 their participation.

23 Are there any questions?

24 MS. SNARSKI: Chair Drew, I did want to  
25 make a clarification on my statement. That I said that



1 meeting took place on May 11th, but I think you  
2 corrected that in your statement. It did take place on  
3 May 4th.

4 CHAIR DREW: Thank you. I appreciate  
5 that.

6 So with no questions on those items, moving on  
7 to the High Top and Ostrea Project update.  
8 Ms. Randolph.

9 MS. RANDOLPH: Chair Drew --

10 CHAIR DREW: Back again.

11 MS. RANDOLPH: Chair Drew, council  
12 members, and staff. For the record, this is Sara  
13 Randolph, Site Specialist for High Top and Ostrea  
14 Facilities.

15 EFSEC staff are coordinating with the  
16 certificate holder on submission of preconstruction  
17 plans and schedules.

18 Are there any questions?

19 CHAIR DREW: Any questions? Thank you.

20 Wautoma Solar Project project update.  
21 Mr. Caputo.

22 MR. CAPUTO: Thank you, Chair Drew, and  
23 council members. For the record, this is Lance Caputo,  
24 Siting Specialist for the Wautoma Solar Facility.

25 On Friday, May 12th, EFSEC, in conjunction with

1 staff members from the Department of Ecology, conducted  
2 a site inspection of the proposed Wautoma Power  
3 Facility. We are continuing to coordinate with the  
4 applicant and stakeholders. Currently, the applicant is  
5 collecting additional information requested by EFSEC and  
6 the Department of Archaeology and Historic Preservation  
7 to support a SEPA threshold determination. Thank you.

8 CHAIR DREW: Thank you.

9 Hop Hill Solar Project update. Mr. Barnes.

10 MR. BARNES: Thank you, Chair Drew, and  
11 council members. For the record, this is John Barnes,  
12 EFSEC staff with the Hop Hill application update for  
13 April.

14 EFSEC met the applicant and WDFW to determine  
15 study procedures for upcoming field studies that are  
16 currently being conducted or will be completed later  
17 this spring and summer. These include procedures to  
18 survey area, baseline wildlife and habitat surveys,  
19 ground based raptor nest surveys, rare plant surveys.

20 EFSEC staff obtained a project production  
21 information request from Mr. Paul Krupin, EFSEC, Benton  
22 County Representative, about production information at  
23 the public informational meeting on February 23rd. This  
24 information has been obtained from the applicant and  
25 sent to Mr. Krupin and the council for review. This

1 information has also been updated to the Hop Hill  
2 Project page.

3 EFSEC has received from the applicant an  
4 updated site plan. The applicant discovered that direct  
5 impacts to site HHS11 were being incorrectly depicted in  
6 the preliminary site plan. The applicant sent a letter  
7 to update the preliminary site plan to reflect avoidance  
8 of site HHS11. This information has been updated to the  
9 Hop Hill Project page for your review.

10 Yesterday, May 16th, EFSEC sent to the  
11 applicant the first data request and letter requesting a  
12 30-day response time for comment. The applicant is  
13 currently revising the Hop Hill application cultural  
14 report to reflect comments provided by DAHP and Yakama  
15 Nation Cultural Resource Program staff.

16 We are continuing to coordinate and review the  
17 application with our contractor, contracted agencies,  
18 and tribal governments. There are no other updates to  
19 report on at this time.

20 Are there any questions?

21 CHAIR DREW: And "DAHP" does refer to the  
22 Department of Archaeology and Historic Preservation, for  
23 those who may not be familiar with that acronym.

24 Thank you, Mr. Barnes.

25 Are there any questions?

1 Moving on to Carriger Solar Project update.

2 Ms. Snarski.

3 MS. SNARSKI: Chair Drew, I believe your  
4 mic is not on.

5 CHAIR DREW: So two things I said. One,  
6 on the record here so people can actually hear me, was  
7 that "DAHP" refers to the Department of Archaeology and  
8 Historic Preservation -- not everybody is familiar with  
9 that acronym -- for the Hop Hill Solar update by  
10 Mr. Barnes.

11 And now --

12 MR. BARNES: Thank you, Chair Drew.

13 CHAIR DREW: And now we are moving on to  
14 the Carriger Solar Project update. Ms. Snarski.

15 MS. SNARSKI: Thank you, Chair Drew.  
16 Again, this is Joanne Snarski, for the record.

17 Cyprus Creek Renewables submitted their  
18 application for expedited processing on February 10,  
19 2023. On April 25, 2023, we held the public  
20 informational hearing at the Goldendale Grange hall. We  
21 held the land use hearing -- consistency hearing for the  
22 proposed project last night, May 16, 2023. The meeting  
23 was held virtually with the option to call-in with  
24 testimony. In addition to the applicant's testimony,  
25 two county commissioners provided testimony along with

1 11 citizens from the area. There were two additional  
2 that were signed-up but apparently didn't show up to  
3 present.

4 We are currently reviewing the testimony given,  
5 and we will provide guidance from that review and our  
6 legal counsel at a future meeting so the council can  
7 make a land use determination.

8 Additionally, on May 9, 2023, staff submitted  
9 Data Request 1 to the applicant. This supplemental  
10 information is needed to help us better assess potential  
11 impacts from the project and work toward completing the  
12 State Environmental Policy Act review in order to make a  
13 SEPA threshold determination on the project.

14 The SEPA threshold determination and the land  
15 use consistency determination must be completed prior to  
16 the council's decision on whether or not to grant the  
17 applicant's request for expedited processing.

18 It is important to note that June 10, 2023, is  
19 the deadline for meeting the 120 day decision for  
20 expedited processing. At this time, we believe it will  
21 be necessary for the council to vote on an extension for  
22 that decision, and a special meeting will likely be  
23 scheduled for early June. EFSEC staff will be reaching  
24 out for your availability to hold this special meeting.

25 Are there any questions for me?

1 CHAIR DREW: Are there any questions from  
2 council members?

3 MR. YOUNG: Yeah. Joanne, this is Lenny  
4 Young. This may be a minor question, but.

5 Over the last couple of meetings, I have heard  
6 numerous people pronounce the name of the Solar Project  
7 in two different ways, "Carri-ger" and "Carri-ger." Is  
8 there a correct accepted pronunciation?

9 MS. SNARSKI: Well, I have never been good  
10 in English, but I have even heard people within Cyprus  
11 Creek pronounce it differently, so I think it's a  
12 preference thing. Either way is working so far. I am  
13 sorry I can't be clearer.

14 MR. YOUNG: That's kind of my impression,  
15 as well. Thank you.

16 CHAIR DREW: Any other questions?

17 So with the information gained from the meeting  
18 last night, we will look forward to analysis by the  
19 staff and by legal counsel on land use consistency,  
20 which I want to emphasize is one part of a decision for  
21 expedited processing that's required, and we don't know  
22 what the council will do at this point. And the other  
23 piece is the SEPA determination.

24 In addition to that, we would look -- if the  
25 council determines that the project is consistent, we

1 will consider all of the concerns raised about  
2 conditional use within the Klickitat County code at a  
3 point later in our review.

4 So our review has multiple steps. And I just  
5 wanted to make that clear both to the council and to the  
6 public that we are at the beginning of the review, and  
7 there are multiple steps to come. So we look forward to  
8 consider -- continuing review and analysis and bringing  
9 that back to the council.

10 MR. YOUNG: Chair Drew, this is Lenny  
11 Young again.

12 CHAIR DREW: Yes.

13 MR. YOUNG: One of the persons who  
14 testified at the land use hearing last night raised a  
15 point that I am not sure is -- I am not sure it's  
16 directly related to land use consistency, but I was  
17 hoping staff could look into it. And this person  
18 asserted that staff is aware of it and may have already  
19 consulted with the Office of the Attorney General, and  
20 that was the assertion that there was a deed restriction  
21 on some of the parcels that may be involved in the  
22 project, and that the deed restriction would prevent  
23 those parcels -- irrespective of any of EFSEC's  
24 jurisdiction, would prevent those parcels from being  
25 used for solar.

1           Could staff include looking at that particular  
2 matter in their analysis and come back to the council  
3 with that?

4           CHAIR DREW: I am looking to Mr. Thompson.

5           MR. THOMPSON: Yes. I heard that comment,  
6 as well, and we can certainly include that in our  
7 analysis.

8           MR. YOUNG: Thank you.

9           CHAIR DREW: Thanks for bringing that up.  
10          Are there any other questions or comments from  
11 council members?

12          MR. CHILES: This is Matt Chiles. And I  
13 think that there were a couple of commenters suggesting  
14 that EFSEC staff visit the site in-person, and I would  
15 like to emphasize that that's probably a good idea, for  
16 the credibility of EFSEC amongst the community for this  
17 project. Thank you.

18          CHAIR DREW: I will answer first, and then  
19 I will ask Ami Hafkemeyer to also add to that.

20          We do plan to have a site visit. I do believe  
21 staff has been there. But the council will have a site  
22 visit. We do schedule a site visit for the council for  
23 each of our new projects. So that definitely will be on  
24 the agenda.

25          As I laid out, we have many steps left for the



1 review. So oftentimes when we get either a SEPA  
2 determination, that's when we will then look at the site  
3 with that information in-hand so that we have some of  
4 that environmental analysis performed by our consultant  
5 and staff when we are on-site.

6 Ms. Hafkemeyer, would you like to add to that?

7 MS. HAFKEMEYER: Yes. In part, to echo  
8 what you just said, Chair Drew, we have a few sites that  
9 the council has not yet seen in-person, and so staff  
10 will be scheduling site visits for the council. Staff  
11 have been to each of the sites. And we do like to try  
12 and schedule site visits for the council, associated  
13 with project milestones so that the council can have the  
14 site in mind as they are reviewing those documents.

15 And because having the council together for the  
16 site visit constitutes a quorum, they will be noticed as  
17 public meetings, and logistics and details announced,  
18 along with that information, as well, for the public.

19 CHAIR DREW: Does that help answer your  
20 question, Mr. Chiles?

21 MR. CHILES: Yes. Thank you very much.  
22 And as I occasionally field questions from people in the  
23 grocery stores, I can let them know that. Thank you.

24 CHAIR DREW: Yes. Very much on the  
25 logistics. And again, they will be publicly noticed for

1 people to also attend, as well, but that there will be  
2 public meetings for the council to see the site.

3 Thank you.

4 MR. CHILES: Thank you.

5 CHAIR DREW: Any other comments from  
6 council members?

7 JUDGE TOREM: Chair Drew, this is Judge  
8 Torem. I just wanted to jump in and make a correction  
9 on the Horse Heaven Project as far as the first date for  
10 pre-filed testimony.

11 I said June 2nd earlier. I just misread my  
12 notes. I had the "2" right, but it's actually  
13 June 12th. And I just want to make sure any of the  
14 parties that were on the line didn't think it got  
15 accelerated by 10 days. So it's really June 12th that  
16 we will see the first round of pre-filed testimony.

17 CHAIR DREW: Thank you for your  
18 clarification on that, Judge Torem.

19 So we have come to the end of our meeting. And  
20 at this point, we very much have a full agenda. I  
21 encourage council members to contact our EFSEC staff if  
22 you have questions about any of these projects, and --  
23 or you can contact Ms. Hafkemeyer, myself, or  
24 Ms. Bumpus, as well. So. I know there was a lot of  
25 information put out to you today, so please let us know

1 if there is more that we can provide to you, and any  
2 clarifications.

3 With that, our meeting is adjourned. Thank you  
4 for your time.

5 (The meeting was adjourning at  
6 2:24 p.m.)  
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