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In the Matter of:

EFSEC 2023 Monthly Council Meetings

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**REMOTE JUNE**

*June 21, 2023*

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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
JUNE 21, 2023  
1:30 p.m.

Monthly Council Meeting  
Verbatim Transcript of Remote Proceedings  
Taken via  
Microsoft Teams

REPORTED BY: Lori Haworth, RPR, CCR #2958

A P P E A R A N C E S

State Agency Members:

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

Local Government and Optional State Agencies:

Horse Heaven:

DEREK SANDISON, Department of Agriculture

Badger Mountain:

JORDYN GUILIO, Douglas County

Wautoma Solar:

DAVE SHARP, Benton County

Hop Hill Solar:

PAUL KRUPIN, Benton County

Carriger Solar:

MATT CHILES, Klickitat County

Assistant Attorney General:

JENNA SLOCUM

Administrative Law Judges:

ADAM TOREM  
DAN GERARD  
MICAH LARRIPA

(Continued on next page.)

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

Council Staff:

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

Operational Updates:

Kittitas Valley Wind, EDP Renewables:

ERIC MELBARDIS

Wild Horse Wind Power Project, Puget Sound Energy:

SARA RANDOLPH (EFSEC Staff)

Grays Harbor Energy Center, Grays Harbor Energy:

SARA RANDOLPH (EFSEC Staff)

Chehalis Generation Facility, PacifiCorp:

JEREMY SMITH

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

MARY RAMOS

Goose Prairie Solar, Brookfield Renewable

CODY BURTTSCHELL

Counsel for the Environment:

SARAH REYNEVELD

--o0o--

1 VIA MICROSOFT TEAMS; WEDNESDAY, JUNE 21, 2023

2 1:30 P.M.

3 --o0o--

4  
5  
6 CHAIR DREW: Good afternoon. This is  
7 Kathleen Drew, Chair of the Energy Facility Site  
8 Evaluation Council, calling our June meeting to order.

9 Ms. Grantham, will you call the role.

10 MS. GRANTHAM: Certainly, Chair Drew.

11 Department of Commerce?

12 MS. KELLY: Kate Kelly present.

13 MS. GRANTHAM: Department of Ecology?

14 Department of Fish and Wildlife?

15 MR. LEVITT: Sorry. Ecology, Eli Levitt  
16 present.

17 MS. GRANTHAM: Thank you.

18 Back to, Department of Fish and Wildlife?

19 Department of Natural Resources?

20 MR. YOUNG: Lenny Young present.

21 MS. GRANTHAM: Utilities and  
22 Transportation Commission?

23 MS. BREWSTER: Stacey Brewster present.

24 MS. GRANTHAM: Local government and  
25 optional state agencies. For the Horse Heaven Project,

1 for the Department of Agriculture?

2 MR. SANDISON: Derek Sandison present.

3 MS. GRANTHAM: For Benton County?

4 MR. SHARP: Dave Sharp present.

5 MS. GRANTHAM: This is for Horse Heaven,  
6 Benton County, Ed Brost; although, I don't see him.

7 MR. SHARP: Oh. I am sorry. I got to  
8 wait.

9 MS. GRANTHAM: No problem.

10 For Badger Mountain, Douglas County?

11 MS. GUILIO: Jordyn Guilio present.

12 MS. GRANTHAM: For the Wautoma Solar  
13 Project, for Benton County, Mr. Sharp?

14 MR. SHARP: Present.

15 MS. GRANTHAM: Thank you.

16 Washington State Department of Transportation?

17 For the Hop Hill Solar Project, for Benton  
18 County, Paul Krupin?

19 For the Carriger Solar Project, for Klickitat  
20 County, Matt Chiles?

21 MR. CHILES: Matt Chiles present.

22 MS. GRANTHAM: Thank you.

23 For the Assistant Attorney Generals, Jon  
24 Thompson?

25 Jenna Slocum?

1 MS. SLOCUM: Jenna Slocum present.  
2 MS. GRANTHAM: Administrative Law Judges,  
3 Adam Torem?  
4 JUDGE TOREM: Present.  
5 MS. GRANTHAM: Laura Bradley?  
6 Dan Gerard?  
7 JUDGE GERARD: Present.  
8 MS. GRANTHAM: Micah Larripa?  
9 JUDGE LARRIPA: Present.  
10 MS. GRANTHAM: For EFSEC Council Staff,  
11 Sonia Bumpus?  
12 MS. BUMPUS: Present.  
13 MS. GRANTHAM: Ami Hafkemeyer?  
14 MS. HAFKEMEYER: Present.  
15 MS. GRANTHAM: Amy Moon?  
16 MS. MOON: Amy Moon present.  
17 MS. GRANTHAM: Stew Henderson?  
18 MR. HENDERSON: Stew Henderson present.  
19 MS. GRANTHAM: Joan Owens?  
20 MS. OWENS: Present.  
21 MS. GRANTHAM: Dave Walker?  
22 MR. WALKER: Present.  
23 MS. GRANTHAM: Sonja Skavland?  
24 MS. SKAVLAND: Present.  
25 MS. GRANTHAM: Lisa Masengale?

1 Sara Randolph?

2 MS. RANDOLPH: Present.

3 MS. GRANTHAM: Sean Greene?

4 MR. GREENE: Present.

5 MS. GRANTHAM: Lance Caputo?

6 MR. CAPUTO: Present.

7 MS. GRANTHAM: John Barnes?

8 MR. BARNES: Present.

9 MS. GRANTHAM: Osta Davis?

10 Joanne Snarski?

11 MS. SNARSKI: Present.

12 MS. GRANTHAM: Alex Shiley?

13 MS. SHILEY: Present.

14 MS. GRANTHAM: For the operational

15 updates, Kittitas Valley Wind Power Project -- or,

16 "Project," excuse me, Eric Melbardis?

17 MR. MELBARDIS: Present.

18 MS. GRANTHAM: For the Wild Horse Wind

19 Power Project?

20 MS. RANDOLPH: This is Sara Randolph. I

21 will be speaking for Wild Horse.

22 MS. GRANTHAM: For the Grays Harbor Energy

23 Center?

24 **THE WITNESS: Again this is Sara Randolph.**

25 **I will be speaking for Grays Harbor.**



1 MS. GRANTHAM: Chehalis Generation  
2 Facility?

3 MR. SMITH: This is Jeremy Smith. I am  
4 present.

5 MS. GRANTHAM: Thank you.  
6 Columbia Generating Station?

7 MS. RAMOS: For Columbia Generating  
8 Station, this is Mary Ramos.

9 MS. GRANTHAM: Thank you.  
10 Columbia Solar?  
11 Goose Prairie Solar?

12 MR. BURTTSCHELL: Cody Burttschell  
13 present.

14 MS. GRANTHAM: And do we have someone for  
15 the Counsel for the Environment?

16 MS. ~~RANDOLPH~~ <sup>REYNEVELD</sup>: Yes. ~~Sara Randolph~~ <sup>Sarah Reyneveld</sup>  
17 present.

18 MS. GRANTHAM: Thank you.

19 Chair, there is a quorum for the regular  
20 council, Horse Heaven council, Badger Mountain council,  
21 Wautoma Solar council, Hop Hill council, and Carriger  
22 Solar council. Thank you.

23 CHAIR DREW: Thank you.

24 You Council Members see the proposed agenda in  
25 front of us. Is there a motion to adopt the proposed

1 agenda?

2 MR. YOUNG: Lenny Young. So moved.

3 CHAIR DREW: Second?

4 MR. LEVITT: Eli Levitt. Second.

5 CHAIR DREW: Thank you.

6 Any discussion?

7 All those in favor, say "aye."

8 MULTIPLE SPEAKERS: Aye.

9 CHAIR DREW: Opposed?

10 Agenda is adopted.

11 Moving on to the meeting minutes. We have two  
12 sets of meeting minutes in front of us, one from the  
13 May 16th Carriger Solar land use hearing minutes and one  
14 from the May 17th monthly meeting minutes.

15 Bringing the May 16th Carriger Solar land use  
16 hearing minutes in front of us. Is there a motion to  
17 approve the minutes?

18 MR. CHILES: Matt Chiles. So moved.

19 CHAIR DREW: Second?

20 **THE WITNESS: Stacey Brewster. Second.**

21 MS. GRANTHAM: Chair Drew, really quick.  
22 Apologies. I did not get the minutes into the Council  
23 packet somehow, so I will be pulling them up briefly.

24 CHAIR DREW: Oh, okay.

25 MS. GRANTHAM: Apologies.

1 CHAIR DREW: I don't have -- no worries.  
2 I have no corrections. I don't know if anyone else  
3 does.

4 Does anyone have corrections?

5 Hearing none, let's just take a vote on  
6 approving the May 16th Carriger Solar land use hearing  
7 minutes. All those in favor of approval, say "aye."

8 MULTIPLE SPEAKERS: Aye.

9 CHAIR DREW: Opposed?

10 The motion carries.

11 Moving on to the May 17th monthly meeting  
12 minutes. Is there a motion to approve the minutes?

13 MS. KELLY: Kate Kelly. Move to approve.

14 CHAIR DREW: Thank you.

15 Second?

16 MS. BREWSTER: Stacey Brewster.

17 CHAIR DREW: Thank you.

18 I only have one correction that I saw.

19 There is feedback. Whoever is -- has their  
20 mike open, please turn that off. I'd appreciate it.  
21 Thank you.

22 The only correction I found was on page 14,  
23 line 15. The word "rider," r-i-d-e-r, should be  
24 "writer," w-r-i-t-e-r.

25 Are there any other corrections?

1           Hearing none, all those in favor of approving  
2 the May 17th monthly meeting minutes as amended, please  
3 say "aye."

4           MULTIPLE SPEAKERS: Aye.

5           CHAIR DREW: Opposed?

6           Meeting minutes are approved.

7           Moving on to our operational updates. Kittitas  
8 Valley Wind Project; Eric Melbardis.

9           MR. MELBARDIS: Good afternoon, Chair  
10 Drew, EFSEC Council, and Staff. This is Eric Melbardis  
11 with EDP Renewables for the Kittitas Valley Wind Power  
12 Project. I have nothing nonroutine to report.

13          CHAIR DREW: Thank you.

14          Wild Horse Wind Power Project; Ms. Randolph.

15          MS. RANDOLPH: Good afternoon, Chair Drew,  
16 Council Members, and Staff. For the record, this is  
17 Sara Randolph, Site Specialist for Wild Horse Facility.  
18 The facility update is provided in your packet. There  
19 are no nonroutine updates to report.

20          Are there any questions?

21          CHAIR DREW: Thank you. Chehalis  
22 Generation Facility; Jeremy Smith.

23          MR. SMITH: Good afternoon, Chair Drew,  
24 Council, and EFSEC Staff. I am Jeremy Smith, the  
25 Maintenance Manager at the Chehalis Generation Facility.

1 The only -- we only have one nonroutine thing. The  
2 plant manager has recently resigned the position, and we  
3 are proceeding forward with filling our position.

4 CHAIR DREW: Thank you. Good luck with  
5 the search.

6 Moving on to Grays Harbor Energy Center;  
7 Ms. Randolph.

8 MS. RANDOLPH: Chair Drew, Council  
9 Members, and Staff, the facility update is provided in  
10 your packet. There are no nonroutine items to report.

11 Are there any questions?

12 CHAIR DREW: Thank you.

13 Columbia Solar. Is Mr. Cushing there or are --  
14 Ms. Randolph?

15 It looks like there are no nonroutine items to  
16 report there, as well.

17 Moving on to Columbia Generating Station;  
18 Ms. Ramos.

19 MS. RAMOS: Good afternoon, Chair Drew,  
20 EFSEC Council, and Staff. For the record, this is Mary  
21 Ramos with Energy Northwest. I do have with me in the  
22 room Marshall Schmitt and then also Felicia Najera-Paxon  
23 of Energy Northwest, as well.

24 For WNP 1 and 4, I do not have any nonroutine  
25 items to report. I do have one item to report for

1 Columbia Generating Station.

2 For Columbia Generating Station, on Tuesday,  
3 June 13th, when Columbia Generating Station was shut  
4 down for our refueling and maintenance outage, the  
5 facility experienced an unintended loss of no more than  
6 300 gallons of oil from the turbine oil heat exchanger  
7 when a tube failed during routine maintenance. The oil,  
8 which is labeled Mobil DTE 732, is not hazardous,  
9 according to the safety data sheet for the product. The  
10 oil was lost at a site cooling system which consists of  
11 six cooling towers, an intake structure in the river,  
12 and a discharge pipe to the Columbia River. The  
13 discharge, also termed a blowdown, is authorized by a  
14 national pollutant discharge elimination system permit  
15 which has been issued by EFSEC to Energy Northwest.

16 Once the failure was identified, the  
17 circulating water system was immediately isolated and  
18 discharge to the Columbia River ceased. Energy  
19 Northwest notified the U.S. Coast Guard, Washington  
20 State Emergency Management Division, and EFSEC of the  
21 potential discharge for the river on the day that it was  
22 identified, which was June 13th. Washington State  
23 Department of Ecology and Energy Northwest conducted  
24 independent visual observations of the Columbia River  
25 near the Columbia Generating Station discharge outfall

1 on June 13th and confirmed no visible oil sheen observed  
2 on the Columbia River.

3 Energy Northwest immediately worked with  
4 GrayMar Environmental Services, an approved and licensed  
5 environmental services company, to remove oil from the  
6 cooling water system. GrayMar assessed the cooling  
7 water system on the morning of June 14th to assess and  
8 develop a cleanup strategy. GrayMar began work to  
9 remove oil from the cooling water system using absorbent  
10 materials the morning of June 15th.

11 I apologize. There is a plant announcement.

12 CHAIR DREW: I am sorry, there is trouble  
13 with the audio.

14 Go ahead.

15 MS. RAMOS: I apologize for that  
16 interruption. There was a plant announcement, and I had  
17 to go on mute. So I will continue.

18 So like I was saying, GrayMar assessed the  
19 cooling water system on June 14th to assist in  
20 developing a cleanup strategy. GrayMar began work to  
21 remove oil from the cooling water system using absorbent  
22 materials the morning of June 15th.

23 This strategy for -- used for removing oil has  
24 been very effective. As of June 20th, approximately 137  
25 gallons of oil had been recovered, and this estimate is

1 based on the weight of oil-soaked absorbent materials.

2 As of today, no oil sheen is visible on the  
3 circulating water system, based on visual observation.  
4 However, as a precautionary measure, absorbent materials  
5 to remove oil from the circulating water remain in place  
6 and continue to be monitored.

7 In addition, Energy Northwest worked with  
8 Washington State Department of Ecology, GrayMar, and  
9 EFSEC to develop and implement a pollution prevention  
10 strategy for restoring blowdowns; in other words,  
11 discharge of circulating cooling water to the Columbia  
12 River. On June 20th, absorbent booms were strategically  
13 placed downstream of the outfall, based on river flow  
14 and conditions. Blowdown was restarted on June 20th at  
15 approximately 10:51 a.m. for about eight hours. During  
16 the discharge period, GrayMar, Ecology, and Energy  
17 Northwest were on boats on the river near the outfall to  
18 visually monitor for oil sheens. In addition, drones  
19 were used to support the river monitoring. No visible  
20 oil sheen was observed by boat or drone.

21 Energy Northwest has been providing frequent  
22 updates to Ecology and EFSEC on the status of the oil  
23 recovery and during the planned restoration, a blowdown  
24 on June 20th. Communications with Ecology and EFSEC  
25 continue to work -- continue as the work progresses.



1 And I do want to add that Energy Northwest sincerely  
2 appreciates the collaboration and ongoing communications  
3 with EFSEC and Ecology on this incident.

4 That's all I have to report.

5 CHAIR DREW: Thank you for your update.

6 Are there questions from Council Members?

7 MS. BREWSTER: This is Stacey Brewster.  
8 Just a quick question. I am wondering what will the  
9 variables be to determine that cleanup is complete?

10 MS. RAMOS: Yes. This is Mary Ramos  
11 again. So we are continuing communication on the  
12 progress with EFSEC and Ecology. I am happy to report  
13 that as of today, there is no visible oil sheen on our  
14 circulating water system.

15 As far as duration of monitoring in the river,  
16 we are continuing those discussions with EFSEC and  
17 Ecology, and we have another meeting scheduled at 4:00  
18 p.m. this afternoon.

19 Does that help answer your question?

20 MS. BREWSTER: Yes. Thank you.

21 MS. RAMOS: Okay. Thank you.

22 CHAIR DREW: Other questions from Council  
23 Members?

24 MR. YOUNG: Chair Drew, this is Lenny  
25 Young. I have a question.

1 CHAIR DREW: Yes. Go ahead.

2 MR. YOUNG: I think you mentioned that 137  
3 pounds of oil has been recovered so far from the  
4 absorbent materials; is that correct?

5 MS. RAMOS: 137 gallons of oil, that  
6 was --

7 MR. YOUNG: Okay.

8 MS. RAMOS: -- an estimate based on  
9 yesterday, and it's based on the weight of the  
10 oil-soaked absorbent materials that we have gathered so  
11 far.

12 MR. YOUNG: Okay.

13 MS. RAMOS: Those absorbent materials  
14 do -- are -- continue to be in place to recover as much  
15 oil as possible from our circulating water system.

16 MR. YOUNG: So roughly, a little less than  
17 half the oil has been recovered?

18 MS. RAMOS: That's correct. And I do want  
19 to emphasize that the 300 gallons is a very conservative  
20 maximum potential release.

21 MR. YOUNG: Understood. Thank you.

22 MS. RAMOS: Thank you.

23 CHAIR DREW: Other questions from Council  
24 Members?

25 Well, we will continue to look forward to

1 updates from you. Thank everybody for their response  
2 during this effort, and appreciate your ability to give  
3 us this complete report today. Thank you.

4 Moving on to Goose Prairie Solar Project  
5 update. Mr. Burttschell, welcome. I don't know that we  
6 have heard from you before.

7 MR. BURTTSCHELL: Hi. No, this is my  
8 first meeting, so apologies if this isn't how it  
9 normally goes, but. Should I just go ahead and read off  
10 of the tick list or update form? I mean --

11 CHAIR DREW: Just provide us -- just --  
12 and you're just undergoing construction, so just give us  
13 an overview of what's happening and what you expect is  
14 next, and you can keep it short.

15 MR. BURTTSCHELL: I'll be short, yes.

16 CHAIR DREW: And answer questions if there  
17 are any.

18 MR. BURTTSCHELL: Got it. Yes.

19 So really, the project is in a soft  
20 mobilization phase right now with the full mobilization  
21 looking to be happening either the end of next week or  
22 the beginning of July. So at this time next month, the  
23 update will be a little bit more substantial. But at  
24 this point, it's just mobilization at the moment with  
25 construction starting probably first week of July.

1 CHAIR DREW: Do you have an estimate of  
2 how long construction might take?

3 MR. BURTTSCHELL: Right now, we are  
4 looking at a completion date of late October of 2024.  
5 Um, yeah. At this time, that's our ET -- current  
6 schedule. So about 16 months.

7 CHAIR DREW: Okay. Thank you. Are there  
8 any other questions from Council Members?

9 Thank you and welcome again.

10 MR. BURTTSCHELL: Thanks.

11 CHAIR DREW: Moving on to the High Top and  
12 Ostrea Project update; Ms. Randolph.

13 MS. RANDOLPH: Chair Drew, Council  
14 Members, and Staff, for the record, this is Sara  
15 Randolph, Site Specialist for High Top and Ostrea  
16 Facilities. EFSEC Staff are coordinating with the  
17 certificate holder on submission of preconstruction  
18 plans and schedules.

19 Are there any questions?

20 CHAIR DREW: Any questions?

21 Okay. Thank you.

22 Moving on to Whistling Ridge Energy Project  
23 update; Mr. Caputo.

24 MR. CAPUTO: Thank you, Chair Drew, and  
25 Council Members. For the record, my name is Lance

1 Caputo, and I am the Siting Specialist recently assigned  
2 to the Whistling Ridge Energy Facility.

3 On March 2, 2022, EFSEC received a request from  
4 Whistling Ridge Energy LLC for a three-year extension of  
5 its site certification agreement. Whistling Ridge  
6 Energy LLC is the certificate holder and owner of the  
7 proposed facility. Twin Creek -- excuse me. Twin  
8 Creeks Timber LLC is the owner of Whistling Ridge  
9 Energy.

10 The current agreement will expire in November  
11 of this year. The certificate holder's request will  
12 extend the site certification agreement until November  
13 2025. The certificate holder is requesting an extension  
14 to review the financial and environmental feasibility of  
15 constructing its proposed facility. Excuse me.

16 "Approved" facility. Updated environmental studies,  
17 some of which are species-specific and seasonally  
18 sensitive, need to be performed; hence, the request for  
19 three years.

20 On March 16, 2022, EFSEC received a request  
21 from Twin Creeks Timber LLC that they intended to submit  
22 a transfer request of ownership of Whistling Ridge  
23 Energy and requested the Council consider both requests  
24 simultaneously.

25 On April 27th of this year, EFSEC received a

1 request for transfer of ownership from the certificate  
2 holder. Staff will schedule a public informational  
3 meeting and will coordinate with the Council on its  
4 availabilities.

5 Thank you. And I am available for any  
6 questions.

7 CHAIR DREW: So the three years is from  
8 that first date in 2022; is that correct?

9 MR. CAPUTO: Well, from the date the  
10 certificate agreement will be -- have expired. It would  
11 have expired in November of this year. So they are  
12 requesting three years from this fall -- this November,  
13 upcoming November.

14 CHAIR DREW: Okay. So that's 2026. Okay.  
15 Ms. Hafkemeyer?

16 MS. HAFKEMEYER: Thank you, Chair Drew.  
17 I just wanted to jump in and indicate that  
18 Mr. McMahan is present on the line for some of these  
19 questions if the Council has additional questions about  
20 Whistling Ridge or the requests that have been  
21 submitted.

22 CHAIR DREW: I am just not sure if I heard  
23 the date right. So what date is it that they are asking  
24 for the extension until?

25 Mr. McMahan maybe?

1 MR. MCMAHAN: Thank you, Chair Drew. I  
2 appreciate the opportunity to respond to the questions.  
3 Tim McMahan, for the record, and I represent Twin Creeks  
4 Timber. Lance struggled with that. It is difficult to  
5 say quickly.

6 And just to do a really quick rewind. I don't  
7 want to take very much time here because really, this is  
8 all aimed to having a public meeting in the near future.

9 So the key thing that we really need to do here  
10 is to transfer the site certificate so that you have the  
11 right billing entity. Whistling Ridge Energy is the  
12 project, and there is an LLC, Whistling Ridge Energy  
13 LLC. But the way that the Council Staff interprets  
14 this, and I don't disagree, is, it's really the upstream  
15 owner that is responsible for making payments and  
16 staying on top of the conditioning of the project, et  
17 cetera, so that is Twin Creeks Timber. And we have  
18 provided you with some considerable financial  
19 information that we can talk about when we actually head  
20 into the adjudication, itself.

21 There is -- you know, I would say that there is  
22 some debate about the expiration of the site  
23 certificate. The -- and we will -- that's something we  
24 will need to talk about when we actually do meet here.  
25 But the -- I would say the shortest time frame that we

1 would be asking for is -- would be assuming expiration  
2 of the site certificate this fall in 2018, and for an  
3 additional three-year period is what we are requesting  
4 in order to --

5 MR. CAPUTO: 2026.

6 MR. MCMAHAN: Yeah. In 20- -- yeah.

7 Excuse me. Yeah.

8 And Greg Corbin, by the way, from TCT is on the  
9 line, as well.

10 So we will be requesting the extension in order  
11 to determine the feasibility of continuing with this  
12 project, and we are asking the Council's authorization  
13 to do so.

14 So, I guess, you know, I am available for  
15 additional questions, but I don't really want to, you  
16 know, kind of move into argument about the merits of  
17 this because that's really --

18 CHAIR DREW: No.

19 MR. MCMAHAN: -- what the upcoming hearing  
20 is for.

21 CHAIR DREW: That's fine. I was just  
22 ~~pecking~~ <sup>checking</sup>. But we will get back to the date after we hear  
23 more information --

24 MR. MCMAHAN: Right.

25 CHAIR DREW: -- at the public meeting.



1 Mr. Young?

2 MR. YOUNG: Yeah. I am just looking at  
3 the document that's on the screen. In the first  
4 paragraph, it looks like it says the extension is  
5 requested to November of 2025?

6 MR. CAPUTO: Yes.

7 CHAIR DREW: And that's what I heard  
8 Mr. Caputo say, so that's why I was raising the  
9 question, but that's okay. We will hear more as it goes  
10 on.

11 MR. CAPUTO: Thank you. And Chair Drew,  
12 if I could clarify one quick thing? That document was  
13 written a year ago. So we were asking for a three-year  
14 extension which will put us at 2026.

15 CHAIR DREW: Okay. Thank you.

16 And what we need to do, Council Members, is to  
17 conduct not an adjudication but a public informational  
18 meeting, and that will be the next step, and that will  
19 be a full presentation by the certificate -- well, let's  
20 just say by Twin...okay. Now I am forgetting.

21 MR. MCMAHAN: Twin Creeks Timber. Yeah.

22 CHAIR DREW: Twin Creeks Timber.

23 MR. MCMAHAN: Or the certificate holder.

24 CHAIR DREW: Certificate holder, about the  
25 change in ownership which would officially make them the

1 certificate holder.

2 MR. MCMAHAN: There you go.

3 CHAIR DREW: So. That's the complicating  
4 factor here. Okay.

5 So we will be able to discuss this in more  
6 detail with the public present at a virtual public  
7 informational meeting as soon as we schedule it.

8 Other questions?

9 MR. MCMAHAN: Thank you, Chair Drew.

10 CHAIR DREW: Thank you.

11 Moving on to Desert Claim site certification  
12 agreement amendment update; Ms. Moon.

13 MS. MOON: Yes. Good afternoon, Council,  
14 Chair Drew, and Council Members. Just, again, for the  
15 record, this is Amy Moon providing a project update on  
16 Desert Claim.

17 At the May 2023 Council meeting, I provided an  
18 update on the Desert Claim Project detailing the receipt  
19 of a request to amend the Desert Claim site  
20 certification agreement. We shortened that to "SCA."  
21 The request was received from EDF Renewables on May 5th  
22 of 2023 and was a request to extend the deadline for  
23 completing construction by five years, from the current  
24 date of November 13, 2023, to November 13, 2028.

25 The signed certification agreement authorizes

1 the certificate holder to construct the project such  
2 that substantial completion is achieved no later than  
3 five years from the date that Amendment No. 1 was  
4 approved by the Council. So we had an SCA, and then we  
5 had Amendment No. 1 to that SCA. The Council approved  
6 that on November 13th of 2018; therefore, the current  
7 SCA substantial completion date is November of 2023.

8 Review of the extension request is being  
9 completed by EFSEC Staff in consultation with the EFSEC  
10 legal counsel under the Washington Administrative Code  
11 463-68-080. An informational meeting on the SCA  
12 amendment is scheduled for Thursday, July 13, 2023, at  
13 5:00 p.m.

14 Does the Council have any questions?

15 CHAIR DREW: Are there any questions?

16 So at that meeting, we can expect a full  
17 presentation from the certificate holder, as well as  
18 comments from the public, and that, too, will be a  
19 virtual meeting.

20 MS. MOON: Yes. Thank you, Chair Drew.

21 CHAIR DREW: Thank you.

22 Moving on to the Horse Heaven Wind Farm Project  
23 update; Ms. Moon.

24 MS. MOON: Good afternoon again, Council,  
25 Chair Drew, and Council Members. I am providing an

1 update on the Horse Heaven Wind Project.

2 EFSEC Staff continued work on the preparation  
3 of the final environmental impact statement, or final  
4 EIS. Staff are currently engaged in reviewing revisions  
5 to the final EIS as prepared by our consultant  
6 WSP/Golder.

7 EFSEC Staff are also coordinating final EIS  
8 revision reviews by Washington state agency experts in  
9 resource topic areas such as wildlife and habitat,  
10 vegetation, and water resources.

11 Preparation of the final EIS includes  
12 incorporation of comments received from the public and  
13 agencies during the draft EIS public comment period  
14 which was held December 19th of 2022 through  
15 February 1st of 2023 in which over 2,500 written and  
16 oral comments were received.

17 Part of responding to the comments received on  
18 the draft EIS is to evaluate updated and additional  
19 information received. Responses to data requests on air  
20 quality, visual, water, and transportation are currently  
21 being evaluated and used to update the draft  
22 environmental impact statement. In addition, EFSEC  
23 Staff continue to actively engage with Washington state  
24 agencies regarding potential impact analysis and  
25 mitigation opportunities.

1           The final EIS preparation is also informed by  
2 the updated application for site certification submitted  
3 by the applicant in December 2022. In addition, an  
4 updated application scheduled for submittal after  
5 adjudication, which is a separate process from preparing  
6 the environmental impact statement under SEPA, will also  
7 inform the final EIS.

8           EFSEC Staff would also like to inform the  
9 Council that along with the pre-filed adjudication  
10 testimony already available, additional submissions will  
11 be added to the Council SharePoint for review as we  
12 approach the scheduled adjudication hearings.

13           Does the Council have any questions regarding  
14 the project update?

15           CHAIR DREW: Are there any questions for  
16 Ms. Moon about the project update?

17           MS. MOON: Okay. Hearing none --

18           CHAIR DREW: Go ahead with the -- yes.

19           MS. MOON: Okay.

20           CHAIR DREW: The extension request. Go  
21 ahead.

22           MS. MOON: Okay. So on the extension  
23 request. EFSEC Staff worked with the applicant to  
24 establish an updated commitment date to complete the  
25 processing of the Horse Heaven application for site

1 certification. This new date, referred to as the  
2 extension date, as defined in the Revised Code of  
3 Washington 80.50.100, that requires that the Council  
4 shall report to the Governor its recommendations as to  
5 the approval or rejection of an application for  
6 certification within 12 months of receipt by the Council  
7 of such an application or such later time as is mutually  
8 agreed by the Council and the applicant.

9 The current date to report to the Governor is  
10 set as July 8th of 2023. However, Scout Clean Energy  
11 submitted a third extension request to the EFSEC Council  
12 on June 12, 2023, to extend the application processing  
13 of the proposed Horse Heaven Wind Farm application for  
14 site certification to January 31st of 2024. A copy of  
15 the extension request letter is included in the Council  
16 packet, and it's on display on our screens.

17 Does the Council have any questions regarding  
18 the extension request?

19 CHAIR DREW: So the extension request was  
20 received on June 12th and posted to the Council's  
21 website and a request as a final action item was put  
22 out. Did we receive -- as is our practice, we take  
23 written comments unless we do not provide enough time  
24 for people to make those written comments. Did we  
25 receive any written comments on this item?

1 MS. MOON: I am going to have to refer to  
2 the EFSEC Office Staff. I am not aware of any written  
3 comments.

4 Joan or Andrea?

5 MS. GRANTHAM: Hi. This is Andrea, Chair  
6 Drew. I looked, and we did not receive any written  
7 comments for the comment campaign we put out last week.

8 CHAIR DREW: Okay. Thank you.

9 Council Members, are there questions?

10 I do see a hand by Shona Voelckers, I believe,  
11 with the Yakama Tribe. And I know we received a letter  
12 to the Council, but that was about adjudication. This  
13 is not an issue of adjudication. This is an issue of  
14 what is in front of us, is, the extension, which, we  
15 know the project will not be ready to be recommended one  
16 way or another to the Governor the first week of July,  
17 so our practice is not to take public comments if we  
18 have given people that opportunity to provide written  
19 comments ahead-of-time.

20 Council Members --

VOELCKERS

21 MS. GRANTHAM: If I may? Chair Drew, we  
22 did submit written comments, and I would just like to  
23 make that clear to the Council that we submitted a  
24 letter commenting on the specific extension request.  
25 Three of the parties did yesterday.

1 CHAIR DREW: Okay. Thank you for that. I  
2 will pull -- let's see. Andrea or Joan, can you pull  
3 that up? I -- let's pull that letter up. Thank you.

4 We will take a couple-minute break here so we  
5 can make sure the Council can see that.

6 (Pause in proceedings.)

7 MS. BUMPUS: Chair Drew, this is Sonia  
8 Bumpus. I just wanted to mention that when we opened  
9 the public comment period for this extension request,  
10 that was closed last week, so if this letter -- the  
11 letter that came in related to requesting more time for  
12 the adjudication in light of this extension, if it came  
13 in yesterday or what have you, it would be past the  
14 deadline to submit comments on this particular action.

15 CHAIR DREW: Okay. If we have a copy of  
16 the letter, I'd like it to be put forward for the  
17 Council to look at. Thank you.

18 MS. BUMPUS: Sure.

19 Joan and Andrea, do you have access to the  
20 letter?

21 MS. GRANTHAM: I -- this is Andrea  
22 Grantham. I am currently having issues finding it  
23 within the email.

24 Ms. Voelckers, do you know which email you sent  
25 it to, if it was maybe to the adjudication group or did



1 you have it directly listed as a comment for this item?

2 MS. VOELCKERS: It was submitted to EFSEC  
3 at "efsec.wa.gov" with the adjudication parties cc'd; to  
4 the full service list, including EFSEC Staff.

5 MS. BUMPUS: I think I have located an  
6 email with it. It looks like --

7 MR. MCMAHAN: Chair Drew --

8 MS. BUMPUS: It looks like it came in  
9 yesterday.

10 MS. GRANTHAM: Yes. I believe I have  
11 found it.

12 MR. MCMAHAN: Chair Drew, Tim McMahan. If  
13 I could just say something very quickly here concerning  
14 this matter?

15 CHAIR DREW: Go ahead.

16 MR. MCMAHAN: We were aware that this  
17 letter came in because Scout Clean Energy -- and, by the  
18 way, Tim McMahan with Scout Clean Energy.

19 Because we were certainly aware of the cutoff  
20 time for the letter, we did not respond. We didn't  
21 think that was in order. So I would -- I have some  
22 concerns with the Council considering this at this point  
23 in time.

24 CHAIR DREW: Okay. Thank you.

25 MS. BUMPUS: All right, Chair Drew. We

1 have the letter up so that the Council can take a look  
2 at this.

3 And I just wanted to remind the Council --

4 CHAIR DREW: This is an adjudication, and  
5 I read it as an adjudication letter.

6 May -- can we see the last page, please.

7 This is an adjudication issue, not an issue  
8 about the extension request, from my review here. The  
9 extension does not deal with adjudication. Adjudication  
10 is dealt with through Judge Torem and the adjudication  
11 process.

VOELCKERS

12 MS. ~~BUMPUS~~: We just respectfully request  
13 the Council be allowed to read the letter that was  
14 submitted to the Council. Thank you.

15 CHAIR DREW: We will read it. It is not  
16 germane to the issue of whether or not we have an  
17 extension of this project. It is germane to the  
18 adjudication. It is not germane to the extension  
19 request.

20 Council Members, are there questions?

21 MS. KELLY: Chair, this is Kate Kelly.

22 CHAIR DREW: Go ahead.

23 MS. KELLY: Just in reading this short  
24 letter from Scout Energy, it doesn't really ask for an  
25 extension date. I mean, it says that they extend with

1 an expectation of completing the adjudication. So that  
2 they are asking for an extension through January 31,  
3 2024; is that correct?

4 CHAIR DREW: Yes. The first paragraph  
5 there. And they are explaining why they are asking for  
6 that extension request to January 31, 2024. But that's  
7 the request. Okay?

8 MS. KELLY: Okay. Yes.

9 CHAIR DREW: Thank you.

10 Other questions from Council Members?

11 MR. YOUNG: Chair Drew, this is Lenny  
12 Young. Does Staff have comments for a recommendation,  
13 with respect to Scout's request?

14 CHAIR DREW: Thank you.

15 MS. BUMPUS: This is Sonia Bumpus, the  
16 Director for EFSEC. And this extension request is an  
17 administrative extension. It basically just allows --  
18 which, as the -- as the letter from Scout discusses, it  
19 allows EFSEC the time it needs to complete the SEPA  
20 review process, to conduct the adjudicative proceedings,  
21 and then to deliberate and make the recommendation, and  
22 so.

23 Staff's recommendation is that the Council go  
24 ahead and approve this extension request. It's going to  
25 allow us to complete our processes so that we can get

1 our recommendation package to the Governor, and the hope  
2 is that we would complete that before the January 31,  
3 2024, extension date.

4 MR. YOUNG: Thank you.

5 CHAIR DREW: Are there questions from  
6 Council Members or discussion?

7 MS. KELLY: Chair Drew, this is Kate  
8 Kelly. I am just trying to understand what is the  
9 consequence if we were to not approve the extension;  
10 that extension request?

11 CHAIR DREW: Ms. Bumpus?

12 MS. BUMPUS: Yes.

13 So when an application is submitted, the  
14 applicant provides an initial deposit, and work  
15 commences on the review of the application, and all of  
16 these different processes I just talked about.

17 If the extension request is not granted,  
18 essentially we would cease our review on this  
19 application, and the review of this application for site  
20 certification would stop, and that would be it. So  
21 by -- so by the -- sorry.

22 CHAIR DREW: Other -- go ahead.

23 MS. BUMPUS: I was just going to -- I am  
24 just going to say that so by extending the request --  
25 or, providing this extension, it allows the process to

1 continue, and to allow us to complete all of these  
2 different steps that are part of our process that we  
3 need to complete before we can make our recommendation.  
4 But if then the Council were not to extend it, then the  
5 work would cease.

6 MS. KELLY: So -- this is Kate again.

7 So the adjudication schedule was set with the  
8 assumption that this deadline would be extended by the  
9 Council.

10 CHAIR DREW: It would...

11 MS. BUMPUS: So -- Chair Drew, do you want  
12 me to respond?

13 CHAIR DREW: Please. Yes. Thank you.

14 MS. BUMPUS: Well, so the extension -- the  
15 adjudication was scheduled, based off what steps  
16 remained left to be completed. We knew that we would  
17 likely need an extension, but -- in order to complete  
18 adjudication, but the question was, we also knew that we  
19 were going to need time to complete the final  
20 environmental impact statement, and so. You know, our  
21 goal is to not do multiple extensions if we don't need  
22 to do that, so what we did was, we worked with Scout on  
23 drafting and finalizing a schedule for the final  
24 environmental impact statement, and that helped to  
25 inform this extension request here, in hopes that we

1 would not be having to do multiple. You know. For  
2 instance, having to do another one right after  
3 adjudication; doing another one perhaps after the final  
4 environmental impact statement. So by trying to  
5 synchronize the schedules that were set for adjudication  
6 and what is estimated for the final environmental impact  
7 statement, we think we have got an extension request  
8 that captures, you know, the time needed to complete the  
9 full process.

10 Now, Council Member Kelly, I would add, though,  
11 that it's possible we would need more time, but we don't  
12 anticipate that at this point.

13 CHAIR DREW: Ms. Bumpus, can you describe  
14 the steps that take place after adjudication?

15 MS. BUMPUS: Well, there is quite a bit  
16 that goes into it. One of the things that will occur  
17 after the adjudication is that the applicant will have  
18 an opportunity to submit a final application for site  
19 certification. Well, I should say, rather, a revised or  
20 updated application for site certification. This  
21 typically reflects things that were proffered through  
22 the adjudicative proceeding. And so we would get an  
23 updated application for site certification. That  
24 information --

25 CHAIR DREW: And what is -- can you say

1 what the time frame is for that updated application  
2 after the adjudication?

3 MS. BUMPUS: Off the top of my head, I  
4 believe it's 60 days. I believe our rules say 60 days  
5 is their deadline. Within 60 days of ending the  
6 adjudicative proceeding, the applicant must submit an  
7 updated application for site certification. I'd want to  
8 double-check it, but I believe it's 60 days.

9 And so after that occurs -- or, I should say,  
10 concurrently, you know, as that is happening, the  
11 Council would be working with our Administrative Law  
12 Judge to prepare Findings of Fact and Conclusions of Law  
13 which are based off the adjudicative proceeding. And  
14 then once the application for site certification that's  
15 been updated is received, the Staff will take a look at  
16 that. It will also be shared with the public and the  
17 Council, posted to our website, et cetera, and we will  
18 look at that to see if there is anything in the final  
19 environmental impact statement that may need to be  
20 tweaked or, you know, edited in some way to reflect  
21 anything.

22 Usually, and historically, there is not, you  
23 know, vast differences between the original application  
24 and the application that follows adjudication, but every  
25 project is different. And so after those processes are

1 completed. The Council would have the final  
2 environmental impact statement completed, they would  
3 take some time to review that, and then there would be  
4 an opportunity to deliberate on the full record, which  
5 would be everything from the adjudicative proceeding,  
6 the final environmental impact statement, and anything  
7 that came in through tribal government to government  
8 consultation. And after that, a recommendation would be  
9 made to the Governor.

10 I am -- I am, you know, just very high level.  
11 There is a lot more to it. But those are sort of the  
12 big highlights.

13 CHAIR DREW: Other questions from Council  
14 Members?

15 Or, Ms. Kelly, does that answer your question?

16 MS. KELLY: That did. Thank you for that  
17 detail.

18 CHAIR DREW: Is there a motion on the  
19 extension request?

20 MS. BREWSTER: Stacey Brewster. I will  
21 move that the Council approve the extension request with  
22 the date of January 31, 2024.

23 CHAIR DREW: Thank you.

24 Is there a second?

25 MR. SANDISON: Derek Sandison. Second.



1 CHAIR DREW: Thank you.

2 All those in favor, please -- any more  
3 discussion, I should say? Is there any discussion about  
4 this item? We have had a lot of information. Do  
5 Council Members have comments?

6 MS. BREWSTER: This is Stacey Brewster  
7 again. Yeah, this is quite a project and quite a  
8 process that takes a lot of time and energy, and I  
9 appreciate all the information and all the hard work  
10 Staff has done. And I think the extra time will  
11 definitely give us the opportunity to fully assess the  
12 project.

13 CHAIR DREW: Thank you.

14 Mr. Young?

15 MR. YOUNG: Would it be fair to say that  
16 irrespective of Scout's request, that EFSEC Staff would  
17 need more time to conduct the process to its conclusion?

18 CHAIR DREW: So yes. The issue is how our  
19 law is structured.

20 Ms. Bumpus, do you want to -- so it says that  
21 an extension is agreed to by the applicant and EFSEC.  
22 Is that correct, Ms. Bumpus?

23 MS. BUMPUS: Correct.

24 CHAIR DREW: And so in order to do that,  
25 the Staff and the applicant work together, the Staff

1 knowing all the pieces that need to come together, the  
2 applicant also understanding that, to put forward an  
3 extension request, which, although I know there are  
4 people who have a lot of concern about extension  
5 requests, are -- actually happen with most of our  
6 projects that are complex.

7 Because of the amount of review that this one  
8 takes, I believe that we very much need this extension,  
9 and yes, Mr. Young, because we need it for the  
10 completion of the EIS, we need it for the adjudication,  
11 we need it for the steps after adjudication, and for all  
12 of that to come together so that the Council has time to  
13 deliberate before we make a recommendation to the  
14 Governor. So yes, for all of those reasons.

15 MR. YOUNG: Thank you.

16 MS. KELLY: Chair, this is Kate Kelly.

17 CHAIR DREW: Go ahead, Ms. Kelly. Yeah.

18 MS. KELLY: In reading that RCW which is  
19 cited in the -- Scout's letter, I -- you know, it works  
20 in the favor of the Council -- it seems to work in the  
21 favor of the Council to agree -- mutually agree to this  
22 extension with this applicant, just as a matter of due  
23 diligence, and -- and again, and also the complexity of  
24 the project.

25 I will just say that with regard to public

1 comment that may have been or -- or attempted to be  
2 submitted on this, I -- it's just -- it's just so  
3 terribly important that we have an opportunity to hear  
4 from the public, so, as this project goes through the  
5 process, and I know there is processes for that, but  
6 just want to make the point that that's an important  
7 role for us as Council Members, is, to be part of that  
8 dialog with community and others who have an interest in  
9 this, so you'd hope that we can continue that.

10 Another point is, on the subject of the  
11 schedule and the steps that Sonia just went through,  
12 I -- the more communication we can get as Council  
13 Members on what the schedule -- what we should be  
14 anticipating and what work -- you know, review processes  
15 will be upcoming would be very helpful for us as  
16 part-time Council Members and real-time State employees,  
17 so thank you for that.

18 CHAIR DREW: Yes. And as -- this is truly  
19 an administrative allowance as long as it's -- you know,  
20 we do take public comment on it. We have a parallel  
21 process. That extending the time frame for the project  
22 doesn't rule on the adjudication. The adjudication  
23 is -- we have Judge Adam Torem who will be answering on  
24 behalf of the Council that -- those schedules, requests,  
25 and we can provide you with more information on that, as

1 well. So. I think that is part of the confusion, if  
2 you will, for the subject of today's meeting since this  
3 is about the extension of the project, it is not about  
4 the adjudication.

5 Are there more comments by Council Members?

6 Hearing none, all those in favor of approving  
7 the extension request, please say "aye."

8 MULTIPLE SPEAKERS: Aye.

9 CHAIR DREW: All those opposed?

10 Motion carries.

11 Thank you. Thank you for the robust  
12 discussion.

13 Moving on to the Badger Mountain Solar Energy  
14 Project update.

15 MS. SNARSKI: Thank you, Chair Drew, and  
16 good afternoon, Council Members. For the record, this  
17 is Joanne Snarski.

18 On June 19, 2023, we received responses to our  
19 third data request and also an update to the Badger  
20 Mountain grass pellet survey from the springs field  
21 work. The applicant has also submitted a revised draft  
22 of the cultural resources survey which is currently  
23 under review by our contracted agencies and  
24 participating tribal nations. We anticipate their  
25 feedback by the second week of July. The information

1 provided in response to these data requests shall be  
2 used to support the development of the draft  
3 environmental impact statement that is currently  
4 in-progress.

5 Are there any questions?

6 CHAIR DREW: Are there any questions?

7 Hearing none, thank you.

8 Moving on to -- I turned my mic off. Okay.

9 Moving on to the Wautoma Solar Project update;  
10 Mr. Caputo.

11 MR. CAPUTO: Thank you, Chair Drew, and  
12 Council Members. This one should be pretty  
13 straightforward.

14 On June 1st of this year, the Council received  
15 a request for a five-month extension of the application  
16 review date. As you will recall, on June 9th, at a  
17 special Council meeting, the Council granted this  
18 request. The applicant is performing additional culture  
19 resource field surveys as requested by EFSEC Staff in  
20 order to complete our SEPA threshold determination.

21 I am available for questions.

22 CHAIR DREW: Any questions?

23 Thank you.

24 Moving on to the Hop Hill Solar Project update;  
25 Mr. Barnes.

1 MR. BARNES: Thank you, Chair Drew, and  
2 Council Members. For the record, this is John Barnes,  
3 EFSEC Staff, for the Hop Hill application update for  
4 May.

5 We received additional materials from Brett  
6 Knight, the applicant, a revised cultural resource  
7 report which is being reviewed by Council Staff in  
8 coordination with the Washington Department of  
9 Archaeological and Historic Preservation. We have also  
10 received updated project production information from the  
11 applicant. These revisions include clarifications to  
12 the MWDC generating capacity and percentage of the AC  
13 capacity factor. This updated information can be found  
14 on the Hop Hill Project page on the EFSEC website.

15 We are continuing to coordinate and review the  
16 application with our contractor, contracted agencies,  
17 and tribal governments.

18 Are there any -- or, there are no updates to  
19 report on. No further updates to report on.

20 Are there any questions?

21 CHAIR DREW: Are there any questions for  
22 Mr. Barnes?

23 Thank you for your update.

24 Moving on to the Carriger Solar Project update;  
25 Ms. Snarski.

1 MS. SNARSKI: Thanks again, Chair Drew.  
2 Again, this is Joanne Snarski.

3 As you will recall, on June 9, 2023, the  
4 Council held a special meeting and voted to extend the  
5 time line for a decision on whether or not to grant  
6 expedited review. Extension extends that decision  
7 through August 17, 2023.

8 On June 16, 2023, we received responses to our  
9 first data request for supplemental information on the  
10 proposed Carriger Solar Facility. The information we  
11 received is assisting us in completing our State  
12 Environmental Policy Act threshold determination for  
13 this project.

14 Following the May 16th land use hearing for the  
15 proposed facility, Staff supported the development of  
16 the legal brief on the land use consistency the Council  
17 has received from our Assistant Attorney General, Jon  
18 Thompson. The legal brief is intended to provide  
19 Council Members legal context for your discussion on the  
20 project's consistency with local, County, and regional  
21 land use ordinances and codes for the forthcoming land  
22 use consistency determination.

23 At this time, EFSEC Staff would like to request  
24 that the Council direct Staff coordinate with the  
25 Administrative Law Judge to prepare a land use

1 consistency order to then be brought to the Council for  
2 deliberation and potentially for Council action at the  
3 August Council meeting.

4 Are there any questions?

5 CHAIR DREW: Are there any questions?

6 Council Members, so the process for this is  
7 that we would ask the Staff to work with the  
8 Administrative Law Judge to prepare a land use  
9 consistency order. I believe we are expecting to get  
10 that before the August meeting. We will ask for public  
11 comment about land use consistency. We have already had  
12 a hearing on land use consistency, but we will take  
13 additional written comments before that meeting, and  
14 then we will have those comments from the public. The  
15 order will be shared with the Council Members to review  
16 before the meeting, and then we would make a decision on  
17 the land use consistency order.

18 Are there questions about that?

19 MR. CHILES: Chair Drew, this is Matt  
20 Chiles. So we are not voting on the consistency at this  
21 point; it won't be until August, if I am reading things  
22 correctly?

23 CHAIR DREW: Correct. What we would be  
24 doing at this point would be directing the Staff to work  
25 with the Administrative Law Judge to prepare that



1 consistency order.

2 So what we are saying is, is the Staff  
3 recommending that they work with the Administrative Law  
4 Judge to prepare a land use consistency order?

5 Ms. Snarski?

6 MS. SNARSKI: Yes. That's correct.

7 CHAIR DREW: But we are not deciding that  
8 until the August meeting, but we are asking for the  
9 order to be drawn-up and drafted.

10 Does that answer your question? And it would  
11 be for consistency, Mr. Chiles.

12 MR. CHILES: Yes, that answers my  
13 question, I believe. So basically, we are asking for  
14 the Staff to draw something so we are ready for August,  
15 correct?

16 CHAIR DREW: And we are asking for that to  
17 be an order of consistency, land use consistency. Okay?

18 MR. CHILES: Okay. I have some things  
19 where I do not believe it's consistent. Does that need  
20 to wait until August, or should I be in discussions with  
21 the Staff at this point? I have read the Attorney  
22 General's report, and there are a couple things that I  
23 do not believe they are interpreting properly. So if  
24 the Staff's report is going to be to basically do what  
25 the Attorney General said, then I am not going to be

1 voting for it in August. So that's my knowledge at this  
2 point, although obviously today is not the voting point.  
3 So --

4 CHAIR DREW: Correct.

5 MR. CHILES: -- my question is, do my  
6 concerns with -- would now be a good time for me to be  
7 directing those concerns to the Staff or the  
8 Administrative Law Judge or should I be waiting until  
9 the August when we have discussion on that?

10 CHAIR DREW: Okay. I see our -- one of  
11 our Assistant AGs, Jenna Slocum, will comment on that.

12 Go ahead.

13 MS. SLOCUM: Hi. I worked with Jon in  
14 preparing this memo. And I wanted to say that, first, I  
15 mean, I definitely want to hear from ALJ Larripa on this  
16 and how he sees this process, but from our side, we  
17 would very much like to have your input now, Council  
18 Member Chiles. It would be very helpful for us in  
19 preparing this, working with Staff, working with the  
20 ALJ, and working through this. I think, for the vote,  
21 you know, that will come at the August time line, but  
22 getting this -- this hashed out now would be very  
23 important.

24 MR. CHILES: Thank you. By "now," do you  
25 mean you want the input right now at the meeting or

1 should I contact you later in the week?

2 MS. SLOCUM: Right. I meant later in the  
3 week. I think we are going to be working on this for  
4 the next month, two months, something like that, so we  
5 will have plenty of time, but right. I mean, if you  
6 have questions right now, we can go into it. It might  
7 be helpful with the Council there. Or you could reach  
8 out to us separately; that would be great. Thank you.

9 MR. CHILES: I think it will be just fine  
10 for me to reach out to you separately.

11 MS. SLOCUM: Okay.

12 MR. CHILES: So I will do that. Thank you  
13 very much.

14 MS. SLOCUM: Yeah. Thank you.

15 CHAIR DREW: If any Council Members do  
16 have questions about the memo from the Attorney General,  
17 please reach out to either Ms. Slocum or Mr. Thompson,  
18 and they can answer your questions; provide additional  
19 information. And we will have robust conversation about  
20 that. You will get the land use consistency order  
21 before the meeting to review. So that will be coming  
22 later.

23 Are there additional questions?

24 Okay. All those in favor of -- oh, wait. I  
25 need a motion.

1           Okay. Is there a motion to direct Staff to  
2           coordinate with our Administrative Law Judge and Staff  
3           to coordinate -- which includes our Attorney General's  
4           Staff to coordinate with the Administrative Law Judge,  
5           to prepare a land use consistency order to be brought to  
6           the Council for deliberation and potentially for Council  
7           action at the August Council meeting.

8           MR. YOUNG: Lenny Young. So moved.

9           CHAIR DREW: Thank you.

10           **A second?**

11           MR. LEVITT: Eli Levitt. Second.

12           CHAIR DREW: Thank you.

13           Any further discussion?

14           MS. KELLY: Chair, this is Kate Kelly.  
15           And I have read the memo a couple times, and I -- the --  
16           there -- the possibility exists that we can find land  
17           use consistency with some of the -- part of the site and  
18           not with -- because there is three different zones  
19           implicated.

20           CHAIR DREW: Yes.

21           MS. KELLY: Is that correct? Is there --  
22           maybe that's something I should follow-up with the Staff  
23           after, but.

24           CHAIR DREW: I think it would be good to  
25           follow-up because the Council has precedent on what

1 consistency is.

2 Ms. Slocum, would you like to comment on what  
3 our determination of consistency is based on?

4 MS. SLOCUM: Sure.

5 So we look at past precedents, or past cases,  
6 past decisions that the Council has issued. And in this  
7 case, there is a Columbia Solar, is the name of the  
8 case, where they explained the test for whether or not  
9 it's consistent. So in this memo, what we were looking  
10 at was whether or not this specific case in Klickitat  
11 County fit with the tests previously established, so  
12 whether, at the time of application, the facility was  
13 consistent/in compliance with the land use plans and  
14 zoning ordinances, and then specifically at what  
15 constitutes land use plans and zoning ordinances, and  
16 then the -- go through -- and then the test being  
17 whether the pertinent local land use provisions  
18 expressly prohibit, or, by operation, clearly,  
19 convincingly, and unequivocally prohibit this type of  
20 use, so if it can be permitted through some type of  
21 separate conditional use permit or provision or the  
22 moratorium is only a short-term suspension rather than  
23 an outright prohibition.

24 According to the Council's precedent, that  
25 would mean that it's still consistent with land use.

1 And I think, in this case, we have got, you're right,  
2 three overlapping zones. I think two of them are  
3 overlapping, and then all of it is within the energy  
4 overlay zone. So you have got these two -- you have got  
5 the extensive agriculture and the general rural zone,  
6 and then about two-thirds of it also falls within the  
7 energy overlay zone. So we looked at each three of --  
8 each of those separately and tried to see how those  
9 would fit under the test. And none of them, as far as  
10 we could tell, have an outright prohibition, so. I  
11 mean, I definitely want to hear from Council Member  
12 Chiles on how he would interpret this, but as far as we  
13 looked at this from precedent from the Council, this  
14 would fall within the previous decision in Columbia  
15 Solar for finding that it is consistent.

16 CHAIR DREW: Does that answer your  
17 question, Ms. Kelly?

18 MS. KELLY: Yes. Thank you.

19 Thanks for that explanation, Jen.

20 MS. SLOCUM: M-hmm.

21 CHAIR DREW: Are there any other questions  
22 from Council Members?

23 MS. BREWSTER: This is Stacey Brewster.  
24 So just to get this clear in my head, so. With the  
25 precedent set prior and consistency doesn't necessarily

1 mean approved. There is still a process for the  
2 conditional use permit coming; is that right?

3 MS. SLOCUM: Yes. Absolutely. Yes.  
4 Right.

5 MS. BREWSTER: Thanks.

6 CHAIR DREW: Our consistency test has a  
7 threshold of, is it prohibited, and that's how the  
8 Council has made its decision prior to now.

9 Any other questions or comments?

10 Okay. We have a motion in front of us. All  
11 those in favor of directing the Staff to coordinate with  
12 the Administrative Law Judge to prepare a land use  
13 consistency order to be brought before the Council for  
14 deliberation and potential action at the August Council  
15 meeting, please say "aye."

16 MULTIPLE SPEAKERS: Aye.

17 CHAIR DREW: Opposed?

18 Motion carries. Thank you.

19 That concludes our agenda for today. Thank  
20 you, all. There were many complex issues before us.  
21 Or, not many, but a few. I appreciate the conversation,  
22 the questions, and the comments. And our business is  
23 concluded. The meeting is adjourned.

24 (The meeting was adjourned at  
25 2:42 p.m.)

1 STATE OF WASHINGTON ) I, Lori K. Haworth, CCR, RPR,  
2 ) ss a certified court reporter  
3 COUNTY OF PIERCE ) in the State of Washington, do  
4 hereby certify:

5 That the foregoing Monthly Meeting of the  
6 Washington State Energy Facility Site Evaluation Council  
7 was conducted in my presence and adjourned on June 21,  
8 2023; and thereafter was transcribed under my direction;  
9 that the transcript is a full, true and complete  
10 transcript of the said meeting, transcribed to the best  
11 of my ability;

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

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 this 5th day of July, 2023.

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Lori K. Haworth  
Lori K. Haworth, CCR, RPR  
Certified Court Reporter No. 2958