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## Transcript of Proceedings

*August 16, 2023*

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### Energy Facility Site Evaluation Council v.

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

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August 16, 2023

Lacey, Washington

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

1 APPEARANCES

2 STATE AGENCY MEMBERS:

3 Kathleen Drew, Chair (\*)

4 Eli Levitt, Department of Ecology

5 Mike Livingston, Dept. of Fish and Wildlife

6 Lenny Young, Department of Natural Resources

7 Stacey Brewster, Utilities & Transportation Comm.

8  
9 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

10 Badger Mountain:

11 Jordyn Guilio, Douglas County

12 Carriger Solar:

13 Matt Chiles, Klickitat County

14 ASSISTANT ATTORNEY GENERAL:

15 Jon Thompson

16 Jenna Slocum

17  
18 ADMINISTRATIVE LAW JUDGE:

19 Adam Torem

1 APPEARANCES (Continuing)

2 COUNCIL STAFF:

3	Sonia Bumpus	Sonja Skavland
4	Ami Hafkemeyer	Sara Randolph
5	Amy Moon	Sean Greene
6	Stew Henderson	John Barnes
7	Joan Owens	Joanne Snarski
8	Andrea Grantham (*)	Ali Smith
9	Dave Walker	Karl Holappa

10 OPERATIONAL UPDATES:

11 Eric Melbardis  
12 Kittitas Valley Wind, EDP Renewables

13 Jennifer Galbraith  
14 Wild Horse Wind Power Project, Puget Sound Energy

15 Chris Sherin  
16 Grays Harbor Energy Center, Grays Harbor Energy

17 Jeremy Smith  
18 Chehalis Generation Facility, PacifiCorp

19 Felicia Najera-Paxton  
20 Columbia Generating Station & WNP-1/4, Energy  
Northwest

21 Sara Randolph (EFSEC staff)  
22 Columbia Solar, Tuusso Energy

23 Cody Burttschell  
24 Goose Prairie Solar, Brookfield Renewable

25 (\*) indicates that the participant is attending in person in Lacey, Washington. (All other participants are attending remotely.)

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1 BE IT REMEMBERED that on Wednesday,  
2 August 16, 2023, at 621 Woodland Square Loop  
3 Southeast, Lacey, Washington, at 1:30 p.m., the  
4 following Monthly Meeting of the Washington State  
5 Energy Facility Site Evaluation Council was held, to  
6 wit:

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

9  
10 CHAIR DREW: Good afternoon. This  
11 is Kathleen Drew, Chair of the Energy Facility Site  
12 Evaluation Council, calling our August meeting to  
13 order.

14 Ms. Grantham, will you call the roll.

15 MS. GRANTHAM: Certainly.

16 Department of Commerce.

17 Department of Ecology.

18 Department of Fish and Wildlife.

19 COUNCIL MEMBER LIVINGSTON: Mike  
20 Livingston, present.

21 MS. GRANTHAM: Department of  
22 Natural Resources.

23 COUNCIL MEMBER YOUNG: Lenny Young,  
24 present.

25 MS. GRANTHAM: Utilities &

1 Transportation Commission.

2 COUNCIL MEMBER BREWSTER: Stacey

3 Brewster, present.

4 MS. GRANTHAM: For local government  
5 and optional State agencies:

6 For the Horse Heaven project: Department of  
7 Agricultural.

8 Benton County, Ed Brost.

9 For the Badger Mountain project: For Douglas  
10 County, Jordyn Guilio.

11 MS. GUILIO: Jordyn Guilio, Douglas  
12 County, present.

13 MS. GRANTHAM: For the Wautoma Solar  
14 Project: For Benton County, Dave Sharp.

15 For the Department of Transportation, Paul  
16 Gonseth.

17 For the Hop Hill Solar Project: For Benton  
18 County, Paul Krupin.

19 For the Carriger Solar: For Klickitat County,  
20 Matt Chiles.

21 MR. CHILES: Matt Chiles, present.

22 MS. GRANTHAM: Assistant attorney  
23 generals.

24 Jon Thompson.

25 MR. THOMPSON: Present.



1 MS. GRANTHAM: Jenna Slocum.  
2 MS. SLOCUM: Present.  
3 MS. GRANTHAM: Administrative law  
4 judges.  
5 Adam Torem.  
6 JUDGE TOREM: I'm here.  
7 MS. GRANTHAM: Laura Bradley.  
8 Dan Gerard.  
9 Joni Derifield.  
10 For Council staff: Sonia Bumpus.  
11 MS. BUMPUS: Sonia Bumpus, present.  
12 MS. GRANTHAM: Ami Hafkemeyer.  
13 MS. HAFKEMEYER: Present.  
14 MS. GRANTHAM: Amy Moon.  
15 MS. MOON: Amy Moon, present.  
16 MS. GRANTHAM: Stew Henderson.  
17 MR. HENDERSON: Stew Henderson here.  
18 MS. GRANTHAM: Joan Owens.  
19 MS. OWENS: Present.  
20 MS. GRANTHAM: Dave Walker.  
21 MR. WALKER: Present.  
22 MS. GRANTHAM: Sonja Skavland.  
23 MS. SKAVLAND: Present.  
24 MS. GRANTHAM: Lisa Masengale.  
25 Sara Randolph.

1 MS. RANDOLPH: Present.

2 MS. GRANTHAM: Sean Greene.

3 MR. GREENE: Present.

4 MS. GRANTHAM: Lance Caputo.

5 John Barnes.

6 MR. BARNES: Present.

7 MS. GRANTHAM: Osta Davis.

8 Joanne Snarski.

9 MS. SNARSKI: Present.

10 MS. GRANTHAM: Alex Shiley.

11 Ali Smith.

12 CHAIR DREW: Please mute your --

13 MS. SMITH: Ali Smith, present.

14 CHAIR DREW: -- microphone.

15 MS. GRANTHAM: And we are hearing

16 some feedback. If you can please mute your microphone

17 if you are not called on.

18 Karl Holappa.

19 MR. HOLAPPA: Karl Holappa, present.

20 MS. GRANTHAM: For the operational

21 updates: For Kittitas Valley wind project.

22 MR. MELBARDIS: Eric Melbardis,

23 present.

24 MS. GRANTHAM: Wild Horse wind power

25 project.

1 MS. GALBRAITH: Jennifer Galbraith,  
2 present.

3 MS. GRANTHAM: Grays Harbor Energy  
4 Center.

5 MR. SHERIN: Chris Sherin, present.

6 MS. GRANTHAM: Chehalis Generation  
7 Facility.

8 MR. SMITH: Jeremy Smith, present.

9 MS. GRANTHAM: Columbia Generating  
10 Station.

11 Columbia Solar.

12 Goose Prairie Solar.

13 And do we have someone present for the counsel for  
14 the environment?

15 Chair, there is a quorum for the regular Council  
16 and for Badger Mountain and Carriger Solar councils.  
17 Thank you.

18 CHAIR DREW: I did also see that  
19 Mr. Eli Levitt from the Department of Ecology is  
20 present, although I think he missed the roll call by a  
21 few seconds.

22 MS. GRANTHAM: That is probably  
23 correct.

24 I just want to confirm: Is Eli Levitt there?

25 COUNCIL MEMBER LEVITT: Yes.

1 Present.

2 MS. GRANTHAM: Thank you.

3 CHAIR DREW: Okay. We will begin  
4 by -- with a motion to adopt our proposed agenda.

5 Is there a motion?

6 COUNCIL MEMBER YOUNG: Lenny Young.

7 So moved.

8 CHAIR DREW: Second?

9 COUNCIL MEMBER BREWSTER: Stacey  
10 Brewster. Second.

11 CHAIR DREW: Stacey Brewster,  
12 second. Thank you.

13 Any discussion?

14 All those in favor, please say "aye."

15 MULTIPLE SPEAKERS: Aye.

16 CHAIR DREW: Opposed?

17 The agenda is adopted.

18 Moving on to our meeting minutes. The first that  
19 we'll take up is the July 13th, 2023, Desert Claim SCA  
20 amendment information meeting minutes.

21 I have a few corrections.

22 On Page 18, Line 16, the word "Iron" should be  
23 changed to "Wild."

24 Page 20, and this is Line 16 to 18.

25 Can you make that a little bit bigger, when you

1 find it, Ms. Grantham?

2 I can see it over here. There should be a period  
3 after "Department." Let me see. 16 to 18. Wait.

4 Page 20. We're looking at Page 20. We're on --  
5 oh, that is Page 20. Okay. Let me look through my  
6 notes here. Line 16 to 18. Add a period after  
7 "Department."

8 Oh, yes. So after "the Military Department," a  
9 period. And then we start the next sentence with, "For  
10 the review of an application amendment." Apparently my  
11 notes aren't very good here.

12 Yes, it's a period after "Military Department."  
13 "For the review of an application amendment, this is  
14 not part of the process."

15 So there's no period after "amendment." That's a  
16 continuation of a sentence. And this is important. So  
17 that next sentence would read, starting with "for":  
18 "For the review of an application amendment, this is  
19 not a part of the process," period. "The standing  
20 council oversees those requests." Okay?

21 And then on Page 21, Line 15, add the word "go"  
22 after the word "will." "Will go through."

23 That's all.

24 Are there any other proposed changes to these  
25 amendments, corrections?

1           Hearing none. All those in -- is there a motion  
2 to approve the minutes as amended?

3                           COUNCIL MEMBER BREWSTER: Stacey  
4 Brewster. Motion to approve the minutes as amended.

5                           CHAIR DREW: Thank you.

6           Second?

7                           COUNCIL MEMBER YOUNG: Lenny Young.  
8 Second.

9                           CHAIR DREW: Thank you.

10          All those in favor, please say "aye."

11                          MULTIPLE SPEAKERS: Aye.

12                          CHAIR DREW: Opposed?

13          The minutes are amended.

14          Now moving on to the July 19th, 2023, monthly  
15 meeting minutes.

16          I have no changes or corrections.

17          Is there anyone who has changes or corrections  
18 to -- well, let's bring it up in front of us, then.

19          Is there a motion to approve the July 19th monthly  
20 meeting minutes?

21                          MR. CHILES: Matt Chiles. So moved.

22                          CHAIR DREW: Thank you.

23          Second?

24                          COUNCIL MEMBER LIVINGSTON: Mike  
25 Livingston. Second.

1 CHAIR DREW: Thank you.

2 All those in favor, please say "aye."

3 MULTIPLE SPEAKERS: Aye.

4 CHAIR DREW: Opposed?

5 The meeting minutes are approved.

6 Okay. Moving on to the Kittitas Valley wind  
7 project operational update. Mr. Melbardis.

8 MR. MELBARDIS: Good afternoon,  
9 Chair Drew, EFSEC Council, and staff. For the record,  
10 this is Eric Melbardis with EDP Renewables representing  
11 the Kittitas Valley wind power project.

12 We had nothing nonroutine to report for the  
13 period.

14 CHAIR DREW: Thank you.

15 Wild Horse wind power project. Ms. Galbraith.

16 MS. GALBRAITH: Yes. Thank you,  
17 Chair Drew, Council members, and staff. This is  
18 Jennifer Galbraith representing Puget Sound Energy for  
19 the Wild Horse wind facility.

20 And I also have no nonroutine updates for the  
21 month of July. Thank you.

22 CHAIR DREW: Thank you.

23 Chehalis Generation Facility. Mr. Smith.

24 MR. SMITH: Good afternoon, Chair  
25 Drew, Council members, and staff. This is Jeremy

1 Smith, the maintenance manager, representing the  
2 Chehalis Generation Facility.

3 I have no nonroutine items to note for the month  
4 of July.

5 CHAIR DREW: Thank you.

6 Grays Harbor Energy Center. Mr. Sherin.

7 MR. SHERIN: Good afternoon, Chair  
8 Drew, Council members, staff. This is Chris Sherin, a  
9 plant manager from Grays Harbor Energy Center.

10 And I'm also joining the "no nonroutine items"  
11 party for the month of July.

12 CHAIR DREW: Thank you. Quiet  
13 month.

14 Moving on to Columbia Solar.

15 MS. RANDOLPH: Good afternoon, Chair  
16 Drew, Council members, and staff. For the record, this  
17 is Sara Randolph, site specialist for Columbia Solar.

18 The facility update is provided in your packet.  
19 There were no nonroutine updates to report.

20 Any questions?

21 CHAIR DREW: Thank you.

22 MS. RANDOLPH: Thank you.

23 CHAIR DREW: Moving on to the  
24 Columbia Solar -- oh, no. We just did the Columbia  
25 Solar.



1 Columbia Generating Station.

2 MS. NAJERA-PAXTON: Good afternoon,  
3 Chair Drew, EFSEC Council members, and staff. For the  
4 record, this is Felicia Najera-Paxton with Energy  
5 Northwest.

6 I have only one item to report for Columbia  
7 Generating Station. And that was that on July 13th,  
8 the Washington State Patrol Fire Protection Bureau  
9 completed a fire alarm acceptance inspection at CGS  
10 buildings, the 76, 77, 78, and 79 and 80. Those are  
11 our warehouse buildings. And no violations were noted.

12 CHAIR DREW: Thank you.

13 MS. NAJERA-PAXTON: Thank you.

14 CHAIR DREW: Goose Prairie Solar,  
15 project update.

16 MR. BURTTSCHELL: Good afternoon,  
17 everyone. This is Cody Burttschell with Brookfield.

18 Project is currently on schedule. Right now the  
19 laydown yards are under construction. The substation  
20 grading and foundations are under construction as well.  
21 And frequent monitoring is occurring through WSP.  
22 Those are occurring weekly on behalf of EFSEC.

23 CHAIR DREW: And WSP is the on-site  
24 con...

25 MR. BURTTSCHELL: Yeah, that's our

1 environmental consultant.

2 CHAIR DREW: Environmental  
3 consultant. Thank you.

4 I always think that sounds like "Washington State  
5 Patrol" to me, so I always have to take a second look  
6 at it.

7 MR. BURTTSCHELL: Yeah --

8 CHAIR DREW: Okay.

9 MR. BURTTSCHELL: -- no, they're  
10 definitely not on-site every week.

11 CHAIR DREW: Thank you.

12 Moving on to High Top and Ostrea. 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 EFSEC staff are coordinating with a certificate  
17 holder on preconstruction plans and schedules.

18 Any questions?

19 CHAIR DREW: Thank you.

20 Moving on to Whistling Ridge. Mr. Caputo.

21 MS. HAFKEMEYER: Chair Drew, if I  
22 may, Mr. Caputo is out today, so this is Ami  
23 Hafkemeyer --

24 CHAIR DREW: Okay.

25 MS. HAFKEMEYER: -- providing the

1 Whistling Ridge update.

2 CHAIR DREW: Okay. Go ahead,  
3 Ms. Hafkemeyer.

4 MS. HAFKEMEYER: Thank you.

5 Good afternoon, Chair Drew and Council members.  
6 EFSEC staff recently met with representatives from the  
7 Whistling Ridge Energy facility to discuss their  
8 requests for amending the site certification agreement.  
9 The certificate holders are making minor revisions to  
10 their requests for clarity and will submit them after  
11 the Council concludes its adjudication hearings on the  
12 Horse Heaven project.

13 Staff are also working on finalizing the details  
14 of the public informational meeting, and those will be  
15 made available to the Council and the public when they  
16 are available.

17 Are there any questions?

18 CHAIR DREW: Are there any questions  
19 for Ms. Hafkemeyer?

20 Thank you.

21 Desert Claim project update. Ms. Moon.

22 MS. MOON: Good afternoon, Council  
23 Chair Drew and Council members. For the record, this  
24 is Amy Moon providing a project update on Desert Claim.

25 In July, the Desert Claim site certificate holder,

1 EDF Renewables, presented their proposed amendment to  
2 the site certification agreement, or SCA, at a public  
3 informational meeting. The request is to extend the  
4 substantial completion date from November 13th of 2023  
5 to November 13th of 2028. The EFSEC assistant attorney  
6 general's office is preparing a legal brief for the  
7 Council's consideration regarding the extension  
8 request. EFSEC staff anticipate the legal brief will  
9 be issued for your review ahead of the September  
10 Council meeting.

11 I have no other updates on Desert Claim at this  
12 time. Are there any questions?

13 CHAIR DREW: Thank you.

14 Are there any questions?

15 Okay. Horse Heaven Wind Farm project updates.

16 Ms. Moon.

17 MS. MOON: Again, this is Amy Moon.  
18 For the record, I'm providing an update on the Horse  
19 Heaven wind project.

20 EFSEC staff continued working on the preparation  
21 of the final environmental impact statement, or final  
22 EIS, by incorporating public comments and responses  
23 received on the draft EIS. This effort includes  
24 working with Washington State agency subject matter  
25 experts on remaining impact analysis and recommended

1 mitigation opportunities to incorporate it into the  
2 final environmental impact statement. Staff have been  
3 working hard reviewing the updated "affected  
4 environment" and "analysis of potential impact"  
5 sections prepared by our consultant, also WSP. The  
6 updates reflect public comments, agency input, and  
7 current information.

8 Does the Council have any questions?

9 CHAIR DREW: Does the Council -- do  
10 Council members have any questions for Ms. Moon on the  
11 project update?

12 Thank you.

13 I also want to note that we are in the midst of an  
14 adjudication. Just started this week. And I know some  
15 Council members would like some additional training on  
16 our SharePoint site in finding the -- the documents for  
17 the daily work that we are doing.

18 So you have received, Council members, a --  
19 invitation to a training for after this meeting. So  
20 just heads-up on that.

21 Moving on to Badger Mountain project update.  
22 Ms. Snarski.

23 MS. SNARSKI: Thank you, Chair Drew.  
24 And good afternoon, Council members. For the record,  
25 this is Joanne Snarski, the siting specialist for

1 Badger Mountain.

2 Progress continues to be made on the development  
3 of the draft environmental impact statement. Staff are  
4 also continuing to coordinate external review with our  
5 contracted agency partners on the natural resources  
6 chapters of the environmental impact statement. This  
7 currently includes Ecology, Fish and Wildlife, and the  
8 Department of Natural Resources.

9 Staff are also working with the Department of  
10 Archaeological and Historic Preservation, Department  
11 of -- Department of Natural Resources, the Yakama  
12 Nation technical staff, and Colville Confederated Tribe  
13 technical staff on review of the revised draft of the  
14 cultural resources survey report.

15 Along with those parties and the applicant, we are  
16 working to identify next steps and a schedule for those  
17 actions in support of the application review.

18 Are there any questions?

19 CHAIR DREW: Any questions for  
20 Ms. Snarski?

21 Thank you.

22 Wautoma Solar project update. I assume that would  
23 be Ms. Hafkemeyer.

24 MS. HAFKEMEYER: Yes. Thank you,  
25 Chair Drew.

1           Again, this is Ami Hafkemeyer, for the record.

2           The applicants for the Wautoma Solar energy  
3 project are preparing the final report for the  
4 additional field survey report -- I'm sorry --  
5 additional field survey work requested by EFSEC and the  
6 Department of Archaeology and Historic Preservation.

7           I have no further updates at this time.

8           Are there any questions?

9                           CHAIR DREW: Questions?

10          Thank you.

11          Hop Hill Solar Project. Mr. Barnes.

12                           MR. BARNES: Thank you, Chair Drew  
13 and Council members. For the record, this is John  
14 Barnes, EFSEC staff, with the Hop Hill application  
15 update for July.

16          On August 14th, we received the applicant's  
17 response to Data Request No. 2. As mentioned during  
18 last month's Council meeting, the applicant,  
19 BrightNight, has changed their application project  
20 manager. His name is Kevin Martin, and he is here  
21 today.

22          Kevin, can you please turn on your camera and  
23 introduce yourself to the Council.

24          I guess Kevin did not make it today. So we will  
25 move on.

1 I have no further comments, Council members and  
2 Chair Drew. We are continuing to continue our  
3 coordinated review application with our contractor and  
4 contracted agencies along with tribal governments and  
5 no other updates to report on.

6 Are there any questions?

7 CHAIR DREW: Thank you.

8 MR. BARNES: Thank you.

9 CHAIR DREW: Now for Carriger Solar  
10 project update. Ms. Snarski.

11 MS. SNARSKI: Thank you again, Chair  
12 Drew.

13 For the record, this is Joanne Snarski, the siting  
14 specialist for Carriger Solar.

15 As you know, for the past six months, we have been  
16 reviewing the Carriger Solar application for site  
17 certification in pursuit of making a state  
18 environmental policy act threshold determination as  
19 required by Washington Administrative Codes 197-11-330  
20 and 463-47.

21 As you will recall, the extension for the  
22 expedited processing was granted by the Council at the  
23 special meeting held on June 9th, 2023. That extension  
24 request was granted through August 17th, 2023, which is  
25 tomorrow.



1           In accordance with the Revised Code of Washington  
2   80.50.090, Sub 3, Sub a, on August 11th, 2023, the  
3   EFSEC director notified the applicant of the intent to  
4   issue a determination of significance under RCW,  
5   Revised Code of Washington, 43.21C.

6           Also, in accordance with Revised Code of  
7   Washington 880.50.090, Sub 3, Sub a, the applicant is  
8   allowed to provide clarification or make changes to the  
9   proposal to mitigate the anticipated environmental  
10   impacts. To that end, in your Council packet, you will  
11   find a letter from the applicant requesting the Council  
12   take no action on the matter of their application  
13   request for expedited processing while they develop  
14   their response to our notice and an additional  
15   extension request.

16           Are there any questions?

17                   CHAIR DREW: Council members, are  
18   there any questions at this point?

19           We had planned for, should the SEPA determination  
20   have come forward as mitigated determination of  
21   nonsignificance, that there may be an action on  
22   expedited processing. But given the information you  
23   heard from Ms. Snarski about the initial decision that  
24   now Carriger gets to respond to, we do not have that  
25   action in front of us for expedited processing.

1 Are there any questions about that?

2 Mr. Livingston.

3 COUNCIL MEMBER LIVINGSTON: Thanks,  
4 Chair Drew.

5 Can you -- somebody explain to me? So in this  
6 circumstance with the SEPA determination, the request  
7 for an extension coming to us, what's the process going  
8 forward? Just so that we can anticipate this. And  
9 maybe Ms. Bumpus can help me understand just what to  
10 anticipate over the next, you know, 60 days or  
11 whatever. Thank you.

12 CHAIR DREW: You're muted.

13 MS. BUMPUS: Thank you for the  
14 question, Council Member Livingston.

15 So what we anticipate, given the correspondence we  
16 recently received from Cypress Creek Renewables, we --  
17 we are going to be talking with them over the phone  
18 about their plans to address the impacts that were  
19 identified and trying to get a better understanding of  
20 what their -- their plan will be moving forward.

21 My understanding is that they -- they plan to do  
22 some additional work to address some of the -- the, I  
23 guess you could say, gaps in information. And also  
24 they are planning to submit another extension request  
25 to the Council once -- I believe once they've got a

1 better idea of how long that effort's going to take.

2 So I don't know when we will get the extension  
3 request, but I think that would be something  
4 forthcoming in the next couple of weeks, once we've had  
5 a chance to talk with them about what the scope of work  
6 is going to be as they work to address the -- the  
7 impacts identified in the MDNS.

8 COUNCIL MEMBER LIVINGSTON: Thank  
9 you.

10 MS. BUMPUS: You're welcome.

11 CHAIR DREW: Other questions?

12 MR. CHILES: This is Matt Chiles. I  
13 have a question. Matt Chiles --

14 CHAIR DREW: Sure.

15 MR. CHILES: -- from --

16 CHAIR DREW: Go ahead.

17 MR. CHILES: -- Klickitat County,  
18 for the record.

19 If it can just be clarified. The applicant is  
20 still requesting expedited process, but they want that  
21 decision delayed for another 120 days; is that correct?  
22 Or is expedited process no longer being requested?

23 MS. BUMPUS: They -- Chair Drew, may  
24 I respond?

25 CHAIR DREW: Yes.

1 MS. BUMPUS: They are intending on  
2 still requesting expedited processing, so that request  
3 still stands. They are anticipating submitting a  
4 request for an extension to allow them more time to do  
5 some additional work. And then at that point, we would  
6 be making a decision -- the Council would be making a  
7 decision -- about expedited process before that next  
8 extension, assuming that the Council grants it.

9 CHAIR DREW: So I'll add something  
10 in here, and that is, provided that the additional work  
11 or change in application or whatever comes back to us  
12 and actually back to Ms. Bumpus results in a mitigated  
13 determination of nonsignificance, but that has not  
14 yet -- that's not a foregone conclusion.

15 Does that help, Mr. Chiles?

16 MR. CHILES: Yes. Thank you very  
17 much.

18 CHAIR DREW: Okay. Mr. Young.

19 COUNCIL MEMBER YOUNG: Question for  
20 Ms. Bumpus.

21 Are you able to share the reasons leading to the  
22 anticipated determination of significance?

23 MS. BUMPUS: Well, basically I think  
24 that mainly there was some additional work identified  
25 to address cultural resource impacts. That is

1 definitely one of the -- one of the -- the major  
2 concerns. And the other is, I think, some impacts  
3 related to visual, without going into -- into detail.

4 CHAIR DREW: Ms. Hafkemeyer --

5 COUNCIL MEMBER YOUNG: Thank you.

6 CHAIR DREW: -- had her hand raised.

7 Ms. Hafkemeyer.

8 MS. BUMPUS: Oh. Yeah.

9 MS. HAFKEMEYER: Oh. I was just  
10 going to say what Director Bumpus said. So I don't  
11 have anything else to say now.

12 CHAIR DREW: Okay. Thanks. Okay.

13 MR. CHILES: Matt Chiles from  
14 Klickitat County here again.

15 CHAIR DREW: Yes.

16 MR. CHILES: And I have one other  
17 question.

18 With this extension, would there be an opportunity  
19 for a Council member such as myself to express concerns  
20 that Carriger could potentially address in -- in what  
21 they're talking about doing?

22 CHAIR DREW: This -- when the  
23 extension request comes before the Council, yes. In  
24 terms of the SEPA determination, that's determ- --  
25 determined by our SEPA official, Ms. Bumpus.

1 MR. CHILES: Very good. Thank you.

2 CHAIR DREW: Okay.

3 Okay. So with that, we will move on, then, to the  
4 proposed land-use order. The draft has been noticed  
5 and available for comments.

6 Are we going to have briefing on the land-use  
7 order? Ms. Snarski.

8 MS. SNARSKI: I have some  
9 information to begin perhaps the discussion on that.

10 CHAIR DREW: Thank you.

11 MS. SNARSKI: As you recall -- or I  
12 should say, this is Joanne Snarski, Carriger siting  
13 specialist, for the record.

14 As you recall, at the June Council meeting, staff  
15 were directed to develop a draft order on land-use  
16 consistency for Council consideration. You will find  
17 that draft order in your packet, along with a figure of  
18 the proposed facility with zoning and the EOZ, which is  
19 the energy overlay zone, overlying that area.

20 Also included in your personal packets are a  
21 write-up prepared by Council Member Chiles discussing  
22 his concerns mentioned at the June Council meeting as  
23 well as two attorney-client-privileged legal briefs:  
24 One of those briefs regarding -- regards the draft  
25 order and the other reflecting guidance in response to

1 Council Member Chiles' land-use consistency concerns.  
2 It's dated July 13th, 2023.

3 The draft land-use order was open for public  
4 comment from August 7th through close of business on  
5 August 11th. Staff received 14 comment submissions  
6 from members of the public. Those comments did not  
7 come up -- did not prompt any revisions to the draft  
8 order. One commenter, Dana Peck, requested that the  
9 order be edited to reflect their comment as in support  
10 of the project rather than as against the project.  
11 This language is in Item 8 on Page 2.

12 Additionally, the findings of fact, Item 2, on  
13 Page 11, within the draft order, speak to the Council  
14 making a decision on the expedited process request  
15 during today's Council meeting.

16 In light of the project updates given a few  
17 moments ago, staff would like to propose revising this  
18 statement to reflect that action is not being taken on  
19 the expedited process request today.

20 At this time, staff requests your consideration of  
21 the draft order and recommended -- recommend the order  
22 be approved by the Council with the suggested  
23 revisions.

24 Are there any questions?

25 CHAIR DREW: Are there any questions

1 from the Council?

2 MR. CHILES: This is Matt Chiles. I  
3 have some comments, but perhaps the time for those is  
4 after the motion has been seconded.

5 CHAIR DREW: Okay. Yes.

6 And I'd also like to ask Ms. Grantham. I found  
7 myself, with the different overlay zones, to want to  
8 have a picture. And that also was in your packet. And  
9 I asked her to display it here just for further  
10 clarification for Council members, should we need that.

11 I want to first ask Council members if you have  
12 questions about the action that is the land-use order  
13 for either our legal staff or our project staff.

14 Mr. Young.

15 COUNCIL MEMBER YOUNG: Does the  
16 anticipated determination of significance that's been  
17 communicated to the applicant have any bearing  
18 whatsoever on the land-use consistency determination?

19 MS. SNARSKI: No.

20 COUNCIL MEMBER YOUNG: Thank you.

21 CHAIR DREW: Okay. Other questions  
22 for staff?

23 There's been a substantial amount of material to  
24 review in association with this, so let's go ahead and  
25 have a motion before the Council to approve the



1 land-use consistency order, granting a finding of  
2 land-use consistency.

3 Is there a motion?

4 COUNCIL MEMBER YOUNG: Lenny Young.

5 So moved.

6 CHAIR DREW: Thank you.

7 Second?

8 COUNCIL MEMBER BREWSTER: Stacey

9 Brewster. Second.

10 CHAIR DREW: Thank you.

11 Okay. Let's have discussion now.

12 Mr. Chiles.

13 MR. CHILES: Thank you, Chair Drew.

14 My chief concern is, with the moratorium that  
15 Klickitat County has put in place earlier in the year  
16 before the application was submitted, it continues to  
17 be my belief that a moratorium has essentially the same  
18 regulatory force and, thus, is essentially the same  
19 as -- as a zoning ordinance in that in this case it is  
20 denying solar to the area -- at least part of the area  
21 under question.

22 And I know that the Council in the past has chosen  
23 to ignore moratoriums in the case -- in the case of  
24 Klickitat -- or Kittitas County, to be specific. But I  
25 believe that that is a bad precedent to rely on. As we

1 saw in the brief from the -- second brief from the  
2 attorney general's office, they believe that ignoring  
3 the moratorium would expose EFSEC to a more likelihood  
4 of this decision being overturned in the future.

5 I think it would be better for all parties  
6 concerned if EFSEC starts a new precedent and  
7 recognizes that a moratorium is, in fact, a zoning  
8 ordinance, a short-term zoning ordinance. It is the  
9 only type of ordinance that is available for a county  
10 to work with in an emergency situation when emergency  
11 zoning needs to be made.

12 Klickitat County, in particular, has a record of  
13 using moratoriums in the past. A specific example is  
14 when Washington legalized cannabis use, and the County  
15 enacted a moratorium on cannabis retail and processing  
16 and growing facilities until such time that they could  
17 be properly incorporated into the code. That was done.  
18 The moratorium was lifted.

19 And this moratorium on industrial site solar is a  
20 similar sort of situation. It has the force of law,  
21 just on a temporary basis. So it is my belief that we  
22 should not find Carriger consistent because of the  
23 moratorium, which is, in fact, a local Klickitat County  
24 law, even though a short-term law, for a specified  
25 period of time.

1 Thank you, Chair Drew.

2 CHAIR DREW: Thank you.

3 I do have to say I appreciate your comments, but I  
4 don't believe that what the Council proposes to do is  
5 ignore the moratorium. It was not written to affect  
6 the Council or the work that we do. It was written to  
7 affect only applications coming to the County. And  
8 that is the same type of moratorium that was written in  
9 Kittitas County.

10 Other counties have written short-term or  
11 temporary land-use zoning ordinances, which can be  
12 treated differently. I did not read as you did that  
13 the -- that our ~~Council~~ <sup>Counsel</sup> recommended against us or  
14 recommended that we -- we take up the moratorium in our  
15 findings. So I would have to ask for perhaps  
16 Mr. Thompson to comment on that.

17 MR. THOMPSON: Yeah, Chair Drew, I  
18 mean, my -- I think our advice is just address the  
19 question of whether a moratorium can fit within the  
20 definition within RCW 80.50 of a zoning ordinance. And  
21 while there's -- there's certainly room for  
22 interpretation there, and there are arguments to be  
23 made on both sides, we think that you have the  
24 discretion to conclude that a moratorium does not fall  
25 within that definition and so can't be the basis of a

1 finding of inconsistency.

2 CHAIR DREW: Thank you.

3 MR. THOMPSON: Did that -- that  
4 address your question?

5 CHAIR DREW: Yes.

6 MR. CHILES: Thank you for that  
7 clarification, Mr. Thompson and Chair Drew. And, yeah,  
8 I stand by my -- my point that the moratorium is a --  
9 is a local zoning law. And I appreciate your guys's  
10 input on that. Thank you.

11 CHAIR DREW: Thank you.

12 Are there other comments from Council members?

13 Okay. Hearing none. I would like to, I guess,  
14 ask for a motion to amend based on the staff's  
15 recommendation that we correct the references to  
16 expedited processing -- in fact, remove the references  
17 to expedited processing in the order; that we correct  
18 on Page 2, Paragraph 8, that Dana Peck's comments were  
19 in favor of the project, not -- in favor of land-use  
20 consistency, not opposed; and that on Page 11, that we  
21 strike the Finding of Fact No. 2 that includes the  
22 expedited processing procedure.

23 Mr. Thompson, did you have a comment?

24 MR. THOMPSON: No. Sorry. I should  
25 have muted my -- my mike.

1 CHAIR DREW: Okay. I see blinking  
2 lights.

3 So that would be my proposed -- so can we have an  
4 amendment to the order, Council members?

5 COUNCIL MEMBER YOUNG: Lenny Young.  
6 I propose that the Council approves the order as  
7 amended as you described, Chair Drew.

8 CHAIR DREW: Thank you.

9 So okay. We have a motion up. And then this  
10 would be voting to amend the -- the order.

11 All those in favor, say "aye."

12 MULTIPLE SPEAKERS: Aye.

13 CHAIR DREW: All those opposed --  
14 okay. All those opposed to the amendment?

15 Okay. The order is amended.

16 And now for the final action on the order.

17 MR. CHILES: Chair Drew, can I  
18 request a roll-call vote on this?

19 CHAIR DREW: Absolutely.  
20 Absolutely.

21 MR. CHILES: That was Matt Chiles,  
22 for the record.

23 CHAIR DREW: Yes. Mr. Chiles.  
24 Thank you.

25 So let's take a roll-call vote on the order

1 granting a finding of land-use consistency.

2 Ms. Grantham, will you call the roll.

3 MS. GRANTHAM: Yes.

4 Chair Drew.

5 CHAIR DREW: Aye.

6 MS. GRANTHAM: Department of

7 Commerce, Elizabeth Osborne.

8 Department of Ecology, Eli Levitt.

9 COUNCIL MEMBER LEVITT: Aye.

10 MS. GRANTHAM: Department of Fish

11 and Wildlife, Mike Livingston.

12 COUNCIL MEMBER LIVINGSTON: Aye.

13 MS. GRANTHAM: Department of Natural

14 Resources, Lenny Young.

15 COUNCIL MEMBER YOUNG: Aye.

16 MS. GRANTHAM: Utilities &

17 Transportation Commission, Stacey Brewster.

18 COUNCIL MEMBER BREWSTER: Aye.

19 MS. GRANTHAM: And Carriger Solar:

20 Klickitat County, Matt Chiles.

21 MR. CHILES: No.

22 CHAIR DREW: Thank you. The order

23 is adopted.

24 Okay. I think that that concludes our business

25 before the Council today.

1 COUNCIL MEMBER YOUNG: Chair Drew --

2 CHAIR DREW: Yes.

3 COUNCIL MEMBER YOUNG: -- this is  
4 Lenny Young. Could I do a quick -- go back a single  
5 question for Ms. Najera-Paxton?

6 CHAIR DREW: Yes. Is she --

7 COUNCIL MEMBER YOUNG: My  
8 question --

9 CHAIR DREW: -- still on? Let's see  
10 if she's still on.

11 COUNCIL MEMBER YOUNG: Okay.

12 MS. NAJERA-PAXTON: I'm -- I'm still  
13 here.

14 CHAIR DREW: Okay. Thank you.  
15 Go ahead, Mr. Young.

16 COUNCIL MEMBER YOUNG: My -- my  
17 question is simply: Has that matter involving the  
18 inadvertent release of lubricating oil been completely  
19 resolved? Is that all in the past now?

20 MS. NAJERA-PAXTON: I believe so.  
21 We did actually send a letter out with more information  
22 to EFSEC. And I'm not sure. I would have to check on  
23 the status, but I believe it has been resolved.

24 Would you mind if I get back with you on the next  
25 Council meeting?

1 COUNCIL MEMBER YOUNG: Yep, that's  
2 just fine. Thank you.

3 MS. NAJERA-PAXTON: Thank you.

4 CHAIR DREW: Okay. Thank you.

5 Anything else for the good of the order?

6 Okay. Thank you, Council members. This meeting  
7 is adjourned.

8 (Meeting adjourned at  
9 2:15 p.m.)

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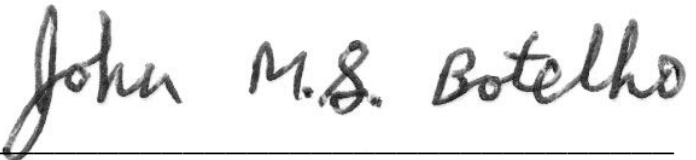


1 STATE OF WASHINGTON ) I, John M.S. Botelho, CCR, RPR,  
2 ) ss a certified court reporter  
3 County of Pierce ) in the State of Washington, do  
4 hereby certify:

5 That the foregoing Monthly Meeting of the Washington  
6 State Energy Facility Site Evaluation Council was conducted  
7 in my presence and adjourned on August 16, 2023, and  
8 thereafter was transcribed under my direction; that the  
9 transcript is a full, true and complete transcript of the  
10 said meeting, transcribed to the best of my ability;

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

15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this 29th day of August, 2023.

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John M.S. Botelho, CCR, RPR  
Certified Court Reporter No. 2976  
(Certification expires 5/26/2024.)