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*November 15, 2023*

### Energy Facility Site Evaluation Council v.

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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

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November 15, 2023

Lacey, Washington

Reporter: Christy Sheppard, CCR, RPR

APPEARANCES

COUNCIL MEMBERS:

Chair, Kathleen Drew  
Elizabeth Osborne  
Eli Levitt  
Lenny Young  
Stacey Brewster

LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

Ed Brost, Horse Heaven, Benton County  
Dave Sharp, Wautoma Solar, Benton County  
Paul Gonseth, WSDOT  
Paul Krupin, Hop Hill Solar, Benton County

ADMINISTRATIVE LAW JUDGE:

Adam Torem  
Dan Gerard

COUNCIL STAFF:

Ami Hafkemeyer  
Amy Moon  
Joan Owens  
Andrea Grantham  
Sonja Skaland  
Sara Randolph  
Sean Greene  
Lance Caputo  
John Barnes  
Joanne Snarski  
Alex Shiley  
Ali Smith  
Karl Holappa

COUNCIL FOR THE ENVIRONMENT:

Sarah Reyneveld

CHAIR DREW: We will start our  
November meeting with the roll call.

MS. GRANTHAM: Department of Commerce?

MS. OSBORNE: Elizabeth Osborne,  
Department of Commerce.

MS. GRANTHAM: Department of Ecology?  
Department of Fish and Wildlife?

CHAIR DREW: Excused.

MS. GRANTHAM: Department of Natural  
Resources?

MS. YOUNG: Lenny Young, present.

MS. GRANTHAM: Utilities &  
Transportation Commission?

I note that Stacey Brewster told me she might be a  
little tardy but she does plan to attend.

Local Government and Optional State Agencies. For  
Horse Heaven do we have Benton County, Ed Brost.

MR. BROST: Here.

MS. GRANTHAM: Badger Mountain,  
Douglas County?

Wautoma Solar, Benton County, do we have Dave Sharp?

MR. SHARP: Present.

MS. GRANTHAM: Washington State  
Department of Transportation?

MR. GONSETH: Paul Gonseth present.

1 MS. GRANTHAM: Hop Hill Solar Project  
2 for Benton County, Paul Krupin?

3 For the Carriger Solar Project for Klickitat County?

4 Chair Drew, would you like me to go back to Mr.  
5 Krupin and Stacey Brewster at the end of the roll call to  
6 make sure they are here for a quorum?

7 CHAIR DREW: Yes.

8 MS. GRANTHAM: Okay. Assistant  
9 Attorney General Jon Thompson? Jenna Slocum? Zack  
10 Packer?

11 Administrative Law Judges, Adam Torem?

12 JUDGE TOREM: I'm actually on the  
13 line.

14 MS. GRANTHAM: Laura Bradley? Dan  
15 Gerard.

16 MR. GERARD: Present.

17 MS. GRANTHAM: Joni Derfield?  
18 For Council Staff, Sonia Bumpus? Ami Hafkemeyer?

19 MS. HAFKEMEYER: Present.

20 MS. GRANTHAM: Amy Moon?

21 MS. MOON: Present.

22 MS. GRANTHAM: Stew Henderson? Joan  
23 Owens?

24 MS. OWENS: Present.

25 MS. GRANTHAM: Dave Walker? Sonja

Skaland?

MS. SKALAND: Present.

MS. GRANTHAM: Lisa Masengale? Sara  
Randolph?

MS. RANDOLPH: Present.

MS. GRANTHAM: Sean Greene?

MR. GREENE: Present.

MS. GRANTHAM: Lance Caputo?

MR. CAPUTO: Present.

MS. GRANTHAM: John Barnes?

MR. BARNES: Present.

MS. GRANTHAM: Ossa Davis? Oh, Ossa  
is no longer with us. My apologies.

Joanne Snarski?

MS. SNARSKI: Present.

MS. GRANTHAM: Alex Shiley?

MS. SHILEY: Present.

MS. GRANTHAM: Ali Smith?

MS. SMITH: Ali Smith, present.

MS. GRANTHAM: Karl Holappa?

MR. HOLAPPA: Present.

MS. GRANTHAM: For the Operational  
Updates, Kittitas Valley Wind Project?

MR. MELBARDIS: Eric Melbardis,  
present.

MS. GRANTHAM: Wild Horse Wind Power  
Project?

MS. GALBRAITH: Jennifer Galbraith,  
present.

MS. GRANTHAM: Grays Harbor Energy  
Center? Chehalis Generation Facility? Columbia  
Generating Station?

MS. NAJERA-PAXTON: Alicia  
Najera-Paxton, present.

MS. GRANTHAM: Columbia Solar?

MR. CUSHING: Thomas Cushing, present.

MS. GRANTHAM: Goose Prairie Solar?

MR. CHRIST: Jacob Christ, present.

MS. GRANTHAM: And do we have anyone  
present for the Counsel for the Environment?

MS. REYNEVELD: Sarah Reyneveld,  
present.

MS. GRANTHAM: Thank you. And I will  
circle back to Council members quickly. Do we have  
Department of Ecology, Eli Levitt present?

MR. LEVITT: Yes, this is Eli.

MS. GRANTHAM: Thank you. And do we  
have Utilities & Transportation Commission, Stacey  
Brewster present?

And one last call Hop Hill Solar Project for Benton

1 County, Paul Krupin?

2 MR. KRUPIN: Paul Krupin is present.

3 MS. GRANTHAM: Chair Drew, we do have  
4 a quorum for Hop Hill Solar and as well for the regular  
5 Council.

6 CHAIR DREW: Thank you.

7 Now we have our agenda, our proposed agenda in front  
8 of us. Is there a motion to adopt the agenda?

9 MR. YOUNG: Lenny Young, so moved.

10 CHAIR DREW: Second?

11 MS. OSBORNE: Elizabeth Osborne,  
12 second.

13 CHAIR DREW: Comments or questions?  
14 All those in favor of adopting the proposed agenda say  
15 aye. Agenda is adopted.

16 Moving on to the meeting minutes from October 18,  
17 2023, our monthly meeting minutes, is there a motion to  
18 approve the minutes? Ms. Osborne?

19 MS. OSBORNE: I move that the minutes  
20 are adopted.

21 CHAIR DREW: Thank you.

22 MR. YOUNG: This is Lenny, second.

23 CHAIR DREW: I did not find any edits  
24 or changes. Anybody else have any comments or  
25 amendments? Hearing none, all those in favor of



1 approving the meeting minutes please say aye.

2 Opposed? Minutes are approved.

3 Moving on to our operational updates, Kittitas  
4 Valley Wind Project, Mr. Melbardis.

5 MR. MELBARDIS: Good afternoon, Chair  
6 Drew, EFSEC Council and Staff, this is Eric Melbardis for  
7 the Kittitas Valley Wind Power Project on behalf of EDP  
8 Renewables, we had nothing nonroutine to report for the  
9 period.

10 CHAIR DREW: Thank you. Wild Horse  
11 Wind Power Project, Ms. Galbraith.

12 MS. GALBRAITH: Yes, thank you, Chair  
13 Drew, Council members and Staff, this is Jennifer  
14 Galbraith with Puget Sound Energy providing updates for  
15 the Wild Horse Wind Facility.

16 I have a couple of updates for the Council this  
17 month. The general elk hunting season began on October  
18 28th and ran through November 5th. In accordance with  
19 the Wild Horse Hunting plan, additional security measures  
20 were implemented during that time to ensure the safety  
21 and security of the hunters, the general public, and the  
22 wind project personnel and facilities.

23 The Kittitas County Fire Marshal's Office conducted  
24 the annual fire, life, and safety inspection on October  
25 16th, and we remain in compliance with the requirements.

1 That's all I have.

2 CHAIR DREW: Thank you. Moving on to  
3 the Chehalis Generation Facility, Mr. Smith?

4 MR. SMITH: Good afternoon, Chair  
5 Drew, Council members and Staff, this is Jeremy Smith,  
6 maintenance manager representing the Chehalis Generation  
7 Facility, I have nothing nonroutine to note for the month  
8 of October.

9 CHAIR DREW: Thank you. Any  
10 questions? Thanks.

11 Grays Harbor Energy Center, Mr. Sherin or Ms.  
12 Randolph?

13 MS. RANDOLPH: Thank you, Chair Drew,  
14 Council members and Staff. For the record, this is Sara  
15 Randolph, site specialist for Grays Harbor. There were  
16 no nonroutine updates to report.

17 CHAIR DREW: Thank you. Columbia  
18 Solar, Mr. Cushing.

19 MR. CUSHING: Good afternoon, Chair  
20 Drew, Council members and Staff, this is Thomas Cushing  
21 speaking on behalf Columbia Solar, and there are no  
22 nonroutine updates to report.

23 CHAIR DREW: Thank you. Columbia  
24 Generating Station and WNP-1/4, Ms. Najera-Paxton.

25 MS. NAJERA-PAXTON: Good afternoon,

1 Chair Drew, and Council. This is Felicia Najera-Paxton  
2 for Energy Northwest. For our facility, we have just an  
3 update that we are going to have a fire marshal  
4 inspection -- reinspection coming up at the end of this  
5 month, and otherwise it's normal operations.

6 CHAIR DREW: Thank you. Goose Prairie  
7 Solar, Mr. Christ.

8 MR. CHRIST: Good afternoon, Chair  
9 Drew, Council and Staff, this Jacob Christ, for the  
10 record, senior project manager on behalf of Brookfield  
11 Renewables providing the Goose Prairie Solar update  
12 today. For the construction updates, the substation  
13 build out is currently on hold until our second main  
14 power transformer arrives in our main branch. The main  
15 line roads, branch roads, and the site grading is  
16 complete or nearing completion.

17 We have commenced predrilling, pile driving, and  
18 perimeter fence activities, along with some medium  
19 voltage cable install. And then our typical ongoing  
20 environmental inspections weekly by WSP.

21 And then just for the public outreach update, we  
22 held -- that we have been reporting on, so November 1st  
23 we held our charitable giving event at the site where we  
24 provided a monetary donation to the City of Moxee, and  
25 our EPC contractor donated the sixth defibrillator unit

1 to the Moxee Police Department. We feel that it was a  
2 pretty successful event. We appreciate you, Chair Drew,  
3 attending and all of the others who attended. Any  
4 questions?

5 CHAIR DREW: I just want to thank you  
6 for hosting the event. I was really pleased to be able  
7 to have a tour of the construction and the work that's  
8 been done on the grading and environmental preparation of  
9 the property as well as the beginning of the  
10 construction. Thank you for all of that, as well as for  
11 your donations to the local community.

12 MS. CHRIST: Thank you.

13 CHAIR DREW: Moving on to High Top and  
14 Ostrea, Ms. Randolph.

15 MS. RANDOLPH: Thank you, Chair Drew.  
16 For the record, this is Sara Randolph, site specialist  
17 for High Top and Ostrea. EFSEC staff are continuing to  
18 work with the developer on preconstruction requirements  
19 and plans. We have no further updates at this time.

20 CHAIR DREW: Thank you. Whistling  
21 Ridge Project update, Ms. Hafkemeyer.

22 MS. HAFKEMEYER: Thank you, Chair  
23 Drew. For the record, this is Ami Hafkemeyer. Staff are  
24 working to schedule the hearings for the Whistling Ridge  
25 extension request and transfer request. Details of the

1 hearings will be announced once they are available. Are  
2 there any questions?

3 CHAIR DREW: Thank you. Desert Claim,  
4 Ms. Moon.

5 MS. MOON: Good afternoon, Chair Drew  
6 and Council members. This is Amy Moon providing a  
7 project update on Desert Claim. At the last Council  
8 meeting on October 18th, the Council approved Resolution  
9 353, Amendment No. 2, to the Desert Claim Wind Power  
10 Project Site Certification Agreement, or SCA. The  
11 approval was to extend the term of the agreement by five  
12 years for substantial completion to November 13th of  
13 2028.

14 This extension was to allow additional time for the  
15 certificate holder to secure a long term power purchase  
16 commitment. Additional Staff recommendations at that  
17 time in the resolution included were to apply to the  
18 Federal Aviation Administration, known as the FAA, for  
19 approval to install an aircraft detection lighting  
20 system, known as ADLS, as required in the Revised Code of  
21 Washington 70(a).550.020.

22 And the second Staff recommendation was to amend the  
23 SCA to require the certificate holder to include in its  
24 waste management plan a commitment to recycle project  
25 components during operation and maintenance, and at

1 decommissioning when recycling opportunities are  
2 reasonably available.

3 And the third Staff recommendation was to require  
4 the certificate holder to submit for the Council's  
5 review, prior to micrositng, an analysis of the  
6 feasibility of placing all turbines more than 0.5 miles  
7 from nonparticipating residences to avoid dominating  
8 views from the sensitive viewing locations.

9 As a result, the Site Certification Agreement was  
10 updated to include those changes listed in that  
11 Resolution 353 or 353, Amendment 2. A copy of the draft  
12 site certification changes is included in your Council  
13 packet. And to go over that, the individual requirements  
14 that were made to the SCA are in Article 4, Plans,  
15 Approvals, and Actions required prior to construction to  
16 apply to the FAA to instal ADLS, and submit a feasibility  
17 analysis to the Council to place turbines more than the  
18 0.5 miles from nonparticipating residences, and that's on  
19 pages 20 and 23 respectively.

20 Updates to the SCA regarding recycling components  
21 were made to Article 5, Project Construction, on Page 28,  
22 Article 7, Project Operation on Page 33, and Article 8,  
23 Project Decommissioning and Site Restoration on Page 34.

24 The revised SCA was posted for public comment ahead  
25 of today's meeting and no comments were received.

1 Does the Council have any questions?

2 CHAIR DREW: Are there any questions  
3 from Council members? So this is -- last month we  
4 directed the Staff to update the site certification,  
5 which has been done, and that will now be in effect going  
6 forward. Appreciate the update. There's no further  
7 action. Thank you, Ms. Moon.

8 Moving on to Badger Mountain Project update, Ms.  
9 Snarski.

10 MS. SNARSKI: Thank you, Chair Drew,  
11 and good afternoon Council members. For the record, this  
12 is Joanne Snarski, the siting specialist for Badger  
13 Mountain Solar. Progress is continuing with the  
14 development of the draft Environmental Impact Statement  
15 for the proposed Badger Mountain Solar project.

16 Efforts are also underway in the development of the  
17 Supplemental Cultural Resources Survey. A draft work  
18 plan for the initial ground survey is currently being  
19 circulated for review among the tribal and agency  
20 stakeholders. We hope to have their feedback soon so  
21 that our subcontractor can begin the initial survey work  
22 and be prepared for the more detailed survey work to be  
23 done this spring.

24 As a reminder, the findings of the survey will  
25 inform the Cultural Resources Section of the draft

1 Environmental Impact Statement.

2 Finally, while developing the water resources  
3 section of the draft EIS, Environmental Impact Statement,  
4 Department of Ecology staff requested additional wetland  
5 information be provided by the applicant. We are  
6 facilitating discussions among the wetlands specialist to  
7 determine the best path forward. Any questions?

8 CHAIR DREW: Are there any questions  
9 for Ms. Snarski?

10 CHAIR DREW: Thank you for your  
11 update. Wautoma Solar, Ms. Hafkemeyer.

12 MS. HAFKEMEYER: Thank you. For the  
13 record, this is Ami Hafkemeyer. The applicants for  
14 Wautoma Solar Energy Project recently submitted the  
15 Supplemental Cultural Resource Survey requested by EFSEC  
16 and the Department of Archeology & Historic Preservation.  
17 We are presently reviewing the report for compliance.  
18 The Yakama Nation Cultural Resource Program staff  
19 requested some additional time to complete their review.  
20 We expect their comments within the coming weeks. Once  
21 we have concurrence from DAHP, Department of Archeology &  
22 Historic Preservation, we will prepare a SEPA threshold  
23 determination. Are there any questions?

24 CHAIR DREW: Are there any questions  
25 for Ms. Hafkemeyer? Thank you. Hop Hill Solar Project



1 update, Mr. Barnes.

2 MR. BARNES: Thank you, Chair Drew and  
3 Council members. For the record, this is John Barnes,  
4 EFSEC Staff of the Hop Hill application with an update  
5 for October.

6 We are continuing to coordinate and review the  
7 application with our contractor and contracted agencies  
8 and tribal governments. A land use order of  
9 inconsistency has been drafted by our administrative law  
10 judge and reviewed by our Assistant Attorney Generals.  
11 Our AAG is available on the call if there are any  
12 questions.

13 The land use order was placed on the EFSEC website  
14 for public review and comments ahead of this meeting. No  
15 comments were received. At this time, Staff recommends  
16 the Council vote to approve the land use order now in  
17 front of you. Are there any questions?

18 CHAIR DREW: Are there any questions  
19 for Mr. Barnes or for Jon Thompson and Judge Gerard is  
20 also on the line. Council members, you have received the  
21 information about the recommendation for -- that the  
22 project is inconsistent with the land use regulation and  
23 zoning, so is there a motion to support that  
24 recommendation?

25 MR. YOUNG: Lenny Young, so moved.

1 CHAIR DREW: Thank you. Is there a  
2 second?

3 MS. BREWSTER: Stacey Brewster,  
4 second.

5 CHAIR DREW: Thank you. Any questions  
6 or comments? Okay. I think it's a pretty  
7 straightforward action. All those in favor of finding  
8 that the land use is inconsistent for the Hop Hill Solar  
9 Project please say aye.

10 All those opposed? Motion is adopted. The order  
11 has been supported by the Council. We will post that  
12 following the meeting.

13 Okay. Moving on to Carriger Solar.

14 MS. SNARSKI: Thank you, Chair Drew  
15 and Council members. For record, this is Joanne Snarski,  
16 the siting specialist for Carriger Solar. EFSEC Staff  
17 continue to work with the Carriger Solar applicant to  
18 address anticipated visual impacts to the proposed  
19 project. In accordance with RCW 80.50.909(3)(a) the  
20 applicant is allowed to provide clarification or make  
21 changes to the proposal to mitigate the anticipated  
22 environmental impacts.

23 We are currently in the process of evaluating the  
24 needs for supplemental visual simulations to help us  
25 better understand those potential impacts. These new

1 simulations will lead to further potential mitigation  
2 discussions and will result in a formal written response  
3 from the applicant to our initial SEPA determination.

4 Staff, with support from our Assistant Attorney  
5 General, are nearing completion of an interagency  
6 agreement for the completion of a traditional cultural  
7 properties study by the Yakama Nation for this site.  
8 This is the first time our agency has contracted directly  
9 with a Tribe to complete this type of a study. A portion  
10 of the study will be funded using funds EFSEC received  
11 from the legislature last year, and those funds are  
12 intended to specifically assist Tribes with these types  
13 of studies. Are there any questions?

14 CHAIR DREW: Thank you. Are there any  
15 questions for Ms. Snarski? Thank you for your report.  
16 Horse Heaven Wind Farm, Ms. Moon.

17 MS. MOON: Once again, good afternoon  
18 Chair Drew and EFSEC Council members. This is Amy Moon  
19 providing an update on the Horse Heaven Wind Project.  
20 The Horse Heaven Wind Project's final Environmental Site  
21 Assessment, EIS, was issued October 31st, 2023. The EIS  
22 was updated to address comments received on the draft EIS  
23 issued in December of 2022 on December 19th, as well as  
24 to incorporate updated information included in the post  
25 adjudication application for site certification received

1 from the applicant on September 22nd, 2023.

2 The Council requested to speak with subject matter  
3 experts, commonly known as SMEs, to better understand  
4 information and mitigation presented in the final EIS,  
5 thus a meeting is scheduled for Wednesday, November 29th  
6 at 1:30 p.m. in order to speak with those SMEs. Does the  
7 Council have any questions?

8 CHAIR DREW: Are there questions from  
9 Council members for Ms. Moon on this update? Okay.  
10 Thank you.

11 MS. MOON: No questions. So then I am  
12 going to introduce Sean Greene who has a presentation for  
13 the Council regarding next steps for the final EIS.

14 CHAIR DREW: Thank you. Mr. Greene.

15 MR. GREENE: Thank you. Good  
16 afternoon, Chair Drew and Council members. For the  
17 record, this is Sean Greene, SEPA specialist for EFSEC.  
18 I am going to try to share my screen right now for the  
19 presentation. Can you confirm you are looking at the  
20 presentation now?

21 CHAIR DREW: We are.

22 MR. GREENE: Okay. Thank you. The  
23 purpose of this presentation is to provide the Council an  
24 opportunity to discuss mitigation for the Horse Heaven  
25 Project that was identified within the EIS, and to have

1 Staff available to answer any questions that might have  
2 come up during the Council's initial review.

3 Before we start going through that fairly extensive  
4 list of mitigation, however, there are a few relevant  
5 topics that I wanted to go through that I think will help  
6 the Council understand its authorities and  
7 responsibilities and the next steps with regard to the  
8 Horse Heaven Project.

9 First, I wanted to explain based -- based on  
10 Washington Administrative Code with the purpose of what  
11 the EIS is, which is to inform decisionmakers and the  
12 public of significant environmental impacts, reasonable  
13 alternatives, and mitigation measures that would avoid or  
14 minimize adverse impacts.

15 For private projects such as the one before the  
16 Council right now, Horse Heaven, the EIS is only required  
17 to evaluate reasonable alternatives for achieving the  
18 proposal's objective on the same site and the no action  
19 alternative.

20 The EIS for Horse Heaven is inclusive of multiple  
21 design and construction alternatives to the proposed  
22 action, most notably the two turbine options that are  
23 outlined within the EIS. Options such as solar only or  
24 wind only facilities were not addressed within the EIS as  
25 they would not have met the proposal's stated objective

1 in terms of energy production potential.

2 And how the EIS is related to SEPA is that it is not  
3 required to evaluate and document all possible effects  
4 associated with the project, rather it focuses  
5 exclusively on the environmental impacts, and it's  
6 intended to be used in concert with other relevant  
7 documents by decisionmakers. SEPA contemplates general  
8 welfare, social, and economic and other considerations of  
9 State policy, and SEPA actively encourages decisionmakers  
10 to seek out other relevant documents to review in concert  
11 with the EIS to make a final determination. So any  
12 relevant documents from the adjudication process, Council  
13 members' independent research or produced by Staff are  
14 intended to be treated with equal respective  
15 consideration.

16 And on the left of this slide is a flowchart of the  
17 EFSEC site certification process with stars currently  
18 placed at the relative current steps in the process. And  
19 the next step that will happen from here is the Council's  
20 review of the EIS and other relevant documents, and the  
21 Council is -- will have to make a recommendation to the  
22 Governor. That recommendation can either be a  
23 recommended approval of the project, along with a draft  
24 Site Certification Agreement that would incorporate any  
25 conditions and mitigation that the Council deems

1 appropriate for that project, or the Council may  
2 recommend rejection of the proposal to the Governor.  
3 Within 60 days of receipt of the Council's  
4 recommendation, the <sup>Governor</sup>~~government~~ will take one of three  
5 actions. They will either approve the application and  
6 execute the Site Certification Agreement, reject the  
7 application, or remand that application back to EFSEC and  
8 direct the Council to reconsider certain aspects of the  
9 SCA, the Site Certification Agreement.

10 In terms of authorities that Council has, the  
11 Council has the authority to deny the proposal in its  
12 entirety based on the finding of significant adverse  
13 environmental impacts within the Environmental Impact  
14 Statement. It should be noted that the Council is not  
15 required to completely eliminate significant impacts  
16 through mitigation for a project as a condition of  
17 approval, so the Council may either deny the proposal as  
18 it stands due to the significant impacts that have been  
19 identified, or approve the proposal with the identified  
20 significant impacts.

21 The Council may also condition the proposal to  
22 exclude the possibility of specific project elements,  
23 actions, or areas based on the environmental impacts  
24 identified within the EIS, or they can additionally  
25 impose mitigation measures beyond those recommended by

1 Staff within the EIS if the Council believes that the  
2 measures are insufficient to address impacts that have  
3 been identified.

4 When developing mitigation, the Council is  
5 authorized to --

6 CHAIR DREW: Can we pause for just a  
7 moment. A lot of information is being put forward. Are  
8 there any questions at this point from Council members?  
9 Okay. And feel free as we are going through the  
10 presentation to raise your hand if you do have -- for  
11 Council members to raise your hands if you do have  
12 questions. Okay. Thank you. Please continue.

13 MS. GREENE: Absolutely. And there's  
14 not much more to this initial part of the presentation,  
15 and the rest of the time allotted for this discussion  
16 will be for Council discussion and Staff answering  
17 questions, so there will be quite a bit of time to answer  
18 any questions.

19 So when mitigation is being designed, the Council is  
20 authorized to do so through two separate avenues. The  
21 first is SEPA substantive authority, which is WAC  
22 197-11-660, which states that EFSEC, as the agency  
23 performing a SEPA review, can condition or deny a  
24 proposal under SEPA to mitigate for any identified  
25 environmental impacts.



1 And the second avenue is the enumerated Council  
2 Powers under RCW 80.50.040, which states that the Council  
3 can develop and apply environmental and ecological  
4 guidelines in relation to type, design, location,  
5 construction, initial operations, conditions of  
6 certification, as part of the review of proposed energy  
7 facility. However, any mitigation that has been designed  
8 by Staff or would be imposed by the Council should meet  
9 the three requirements outlined within Washington  
10 Administrative Code, which is that the mitigation should  
11 be reasonable, be capable of being accomplished, and be  
12 attributable to a specific environmental impact.

13 And how this mitigation plays in specifically to  
14 EFSEC is that under EFSEC's guiding policy, the Council  
15 is responsible for ensuring through available and  
16 reasonable methods that proposed energy facilities will  
17 produce minimal adverse impact on the environment. And  
18 this policy is why the EIS has produced, has identified  
19 significant unavoidable adverse impacts. These were  
20 environmental impacts where effective mitigation was  
21 either unavailable or unreasonable. In all other cases,  
22 where mitigation was available and reasonable, it has  
23 been recommended through the EIS.

24 And per Washington Administrative Code, mitigation  
25 can take one of several forms. With the options that are

1 listed here, generally in order from most effective to  
2 least effective in terms of mitigation potential can be  
3 summarized by avoidance, minimization, restoration,  
4 reduction, compensation, or monitoring.

5 (Noise interference.)

6 CHAIR DREW: Is there somebody --  
7 okay. Go ahead.

8 MR. GREENE: Sure. With that we can  
9 move into the discussion of mitigation. I did want to  
10 note that for four resource areas, wildlife and habitat,  
11 historic and cultural, visual aspects, light glare, and  
12 public health and safety, we are holding off on that  
13 discussion of mitigation for now until the November 29th  
14 Council meeting when subject matter experts will be  
15 available to address Council's questions directly.

16 And in terms of how we want to structure this  
17 discussion, I don't want to read these walls of texts to  
18 all of you. I don't think that benefits anybody, so  
19 these slides are intended to serve as a backdrop for  
20 Council's discussion. And I can kind of generally  
21 summarize that the mitigation measures do and what they  
22 are intended to address. And if the Council wants to  
23 discuss amongst its members, that's entirely welcome to,  
24 or if they have questions for Staff we can make our best  
25 effort to answer them.

1 CHAIR DREW: Okay. Go ahead.

2 MR. GREENE: Thank you. So the first  
3 resource area is earth resources. There was only one  
4 mitigation measure that we felt was necessary to  
5 implement that as all the other impacts were  
6 appropriately addressed by the applicant commitments.  
7 This mitigation measure is essentially a requirement to  
8 avoid construction during wet periods, and that's to  
9 avoid soil impacts, erosion disturbance, primarily during  
10 the construction and decommissioning phases of the  
11 project.

12 And you can see at the bottom of the slide it's  
13 additionally -- those are mitigation measures designed to  
14 primarily for other resources that we feel are applicable  
15 to earth resource concerns as well, and in the general  
16 sense those are limiting traffic speeds to avoid erosion,  
17 minimizing work in heavy rain to avoid erosion, and the  
18 rest, I think, are primarily dealing with restoration or  
19 vegetation, and other resources that will also have an  
20 impact on restoration of soil composition. This is for  
21 the Council to discuss or ask any questions they have  
22 about earth resources or mitigation efforts identified in  
23 the EIS.

24 CHAIR DREW: So I will say it this  
25 time -- oh, there we have Mr. Young. Go ahead.

1 MR. YOUNG: Question for Staff. Were  
2 any areas identified, considered, or discussed where  
3 topographic relief was such that landsliding during wet  
4 conditions was possible?

5 MR. GREENE: Not that I'm aware of.  
6 If there were any, it would be spelled out within the  
7 EIS, but I can't recall any areas where that was a  
8 significant concern.

9 MR. YOUNG: Thank you.

10 CHAIR DREW: Okay. Thank you for  
11 demonstrating what we want Council members to do now. If  
12 you don't have a question, that's fine. We will wait a  
13 few seconds and then move on. Go ahead to the next one.

14 MR. GREENE: Okay. The next resource  
15 area is air. These two mitigation measures are --  
16 generally the first limits traffic speeds by public  
17 vehicles to 15 miles per hour instead of the 25 miles per  
18 hour that was initially proposed by the applicant. And  
19 the second is a requirement to address future dust  
20 emissions as a potential issue for -- essentially a  
21 notification to EFSEC prior to the start of construction.

22 Are there any -- is there any discussion or  
23 questions?

24 CHAIR DREW: Mr. Young.

25 MR. YOUNG: Could you talk a little

1 bit more about the magnitude of a dust reduction dropping  
2 from 25 to 15, what's that based on, and what positive  
3 effects it's reasonably expected to achieve.

4 MR. GREENE: Yeah. So the data behind  
5 it is spelled out more in that resource section, which is  
6 Chapters 3.3 and 4.3 within the EIS, but the general  
7 understanding is that the primary method through which  
8 future dust emissions would come from construction  
9 operations is the movement of vehicles. And as those --  
10 if those vehicles are moving at a slower rate of speed  
11 there is less dust emission that is created from them.

12 MR. YOUNG: Is that just sort of a  
13 general commonsense idea that less dust at 15 than 25, or  
14 is it really based on some type of experiments or  
15 documentation as to a quantitative reduction in dust?

16 MR. GREENE: I don't know that we  
17 actually did emissions for 25 miles per hour and 15 miles  
18 per hour, but the 15 miles per hour rate is standard in  
19 other states within the area. I know that California is  
20 one. And it's a measure that we implemented in other  
21 EFSEC projects with the same goal. It is, I think, more  
22 of a commonsense mitigation measure rather than one that  
23 has the actual data analysis produced.

24 MR. YOUNG: Understood. Thanks.

25 CHAIR DREW: The follow-up to that is,

1 if it's a particularly dry time of year and there are  
2 complaints or problems with it, is there the  
3 contemplation that we would ask for it to be reduced to  
4 ten miles per hour or some other type of measure if there  
5 seems to be a significant problem?

6 MR. GREENE: So there are emission  
7 limits associated with fugitive dust. I don't think that  
8 the project is likely to exceed those limits, which would  
9 necessarily trigger further recommendation at either of  
10 these speeds. So I guess the concern would come about  
11 through members of the public, and I don't -- the  
12 mitigation as written doesn't allow for a further  
13 reduction, but there are several mitigation measures that  
14 do require constant communication with the applicant and  
15 in negotiation with EFSEC where I think that could be  
16 applied if we believed that was necessary.

17 MS. HAFKEMEYER: Okay. I would like  
18 to jump in and add lowering to 15 is also in  
19 consideration, but it's a relatively dry area.  
20 Alternatively, during times where it's not as dry is  
21 where we would be cautious of having road traffic  
22 contributing to erosion. So part of the reducing to 15  
23 is in consideration that it's generally a dry area.

24 CHAIR DREW: Okay. And then, Mr.  
25 Young and then Ms. Brewster.

1 MR. YOUNG: Are there any places where  
2 accumulated road dust would possibly enter fish bearing  
3 waters during rain storms in the form of runoff, or just  
4 directly enter into such waters through other means?

5 MR. GREENE: Yes. So we do have a  
6 number of plans under the water resource mitigation  
7 section that deal with runoff and best management  
8 practices for wetlands and road runoff, including the  
9 requirements to minimize work in wet periods when there  
10 is rain.

11 In terms of fugitive dust specifically from vehicle  
12 traffic, I don't know that that's addressed individually.  
13 I think it was incorporated with the rest of the  
14 stormwater runoff plans.

15 CHAIR DREW: Ms. Brewster.

16 MS. BREWSTER: I'm curious, is there a  
17 mechanism for validating compliance for these speeds on  
18 roads? I know with large construction crews that might  
19 be hard to actually monitor or enforce.

20 MR. GREENE: Yeah, I understand the  
21 question. Obviously, we are not going to be in a  
22 position where we have people out there with radar guns  
23 looking at every project vehicle. EFSEC is involved  
24 throughout the operations of -- the construction and  
25 operations of these projects, so any case where this

1 speed limit is being exceeded by project traffic they  
2 would be in violation of the Site Certification  
3 Agreement. No, there is not a method through which we  
4 are regularly monitoring speed of project vehicles.

5 CHAIR DREW: We will have monitoring  
6 on site on a regular basis, and not like you said looking  
7 specifically at speed, but perhaps would notice if it was  
8 excessive.

9 MR. GREENE: Yes.

10 MS. BREWSTER: Is there an opportunity  
11 for say residents if they were noticing it to report it  
12 to EFSEC?

13 MR. GREENE: Yes. There's a hotline  
14 that is part of the mitigation specifically to other  
15 resources of concern, but if members of the public or  
16 residents in the area were to contact EFSEC and make us  
17 aware of any violation of this mitigation measure, we  
18 would certainly make an effort to validate those concerns  
19 and address them with the applicant.

20 MS. MOON: This is Amy Moon. Also,  
21 with the temporary erosion sediment control plan and the  
22 monitoring that's done for that, there's the requirement  
23 that you post a phone number or contact information, and  
24 fugitive dust is also handled -- I think that Sean talked  
25 about that a few minutes ago, but it is also handled



1 under that erosion and sediment control plan and  
2 oversight during construction. Dust can not only come  
3 into the air from driving, but also from some rain  
4 falling and then from mud coming off of the equipment and  
5 tires, you know, from the construction site onto a road  
6 and those are all in that purview of the erosion and  
7 sediment control plans and oversight.

8 And then to follow on the landslides, I did look,  
9 and within the project area no project components would  
10 be located in areas susceptible to landslides or ground  
11 instability.

12 CHAIR DREW: Okay. Any other  
13 questions on this measure?

14 MR. BROST: This is Ed Brost. If the  
15 County has any regulations or land use planning  
16 guidelines or anything like that, that impact this  
17 location where the project is, do the surveys and the  
18 work that the EFSEC do -- well, it's not EFSEC or maybe  
19 it is, but is any of that tied together in to this too as  
20 to how compatibility aligns with these things we are  
21 talking about, if there are some requirements from the  
22 County, which I don't know if there is or not, is that  
23 part of this review, consistency with the Benton County  
24 plans?

25 CHAIR DREW: Just for clarification,

1 are you talking about like construction requirements that  
2 are identified outside of the land use review that the  
3 Council has already --

4 MR. BROST: Yes. Yes. Is that part  
5 of the requirements that we are trying to assess whether  
6 Benton County by themselves if they have some? Is this  
7 process consistent with the County's or is that a  
8 separate thing and it's not part of our deliberation that  
9 we do and make our decision?

10 CHAIR DREW: It's part of the review.  
11 If you look at the sections within the EIS that cover the  
12 existing regulatory requirements, facilities applying  
13 through EFSEC are required to demonstrate consistency and  
14 compliance with local requirements, as well as federal  
15 and state, and so those local requirements for these  
16 topics are also reviewed in our analysis of what we would  
17 require for mitigation on top of -- or what we would  
18 recommend for mitigation on top of what is already  
19 required, and that includes the County requirements.

20 MR. BROST: Okay. Thank you. You  
21 clarified that question a lot better than I did.

22 CHAIR DREW: And we are still in the  
23 stage where we are considering all the information in  
24 front of us. If a project is approved, recommended by  
25 the Council and approved by the governor and moves

1 forward to construction as we recently have had, there  
2 will be opportunities for the County to be involved in  
3 the construction plans, and to review the plans, and to  
4 participate in monitoring through contract with us if  
5 they so desire. Sometimes the counties want to and  
6 sometimes the counties don't want to, but they should --  
7 should this project move forward like others have, that  
8 would be a place where it would be an opportunity for the  
9 County to participate in that as well.

10 MR. BROST: Thank you.

11 CHAIR DREW: I think we can move on  
12 from this one, Mr. Greene.

13 MR. GREENE: Okay. Next resource  
14 area. There's more than just these three mitigation  
15 measures. I tried to indicate in the bottom left how  
16 many slides there are for each resource area where we  
17 exceed one.

18 The first three that are relevant to water are  
19 essentially a requirement that the applicant observe  
20 least risk fish windows in terms of timing construction  
21 in intermittent streams.

22 The second is minimizing work during periods of  
23 heavy rain.

24 And the third is a requirement that if check dams  
25 are required for federal or intermittent streams that

1 they be approved by EFSEC in coordination with WDFW and  
2 Ecology prior to use.

3 These all three primarily address potential  
4 construction -- potential water impact associated with  
5 the construction of the project. Are there any questions  
6 regarding these first three?

7 So the next two mitigation measures are the  
8 requirement that the applicant would adhere to culvert  
9 installation, best management practices, as defined by  
10 the U.S. Department of Agriculture.

11 And the fifth mitigation measure is the requirement  
12 for employee training as part of the -- pardon me, I'm  
13 forgetting what the SPCC stands.

14 CHAIR DREW: Stormwater pollution --  
15 Spill Prevention Control and Countermeasures.

16 MR. YOUNG: How do the USDA PMPs  
17 compare to the State Department Fish and Wildlife culvert  
18 standards?

19 MR. GREENE: I do not know the answer  
20 to that question, but I can look into that.

21 MR. YOUNG: Thank you.

22 MR. GREENE: Any questions associated  
23 with these two mitigation measures?

24 The next three are a requirement for the creation of  
25 a Stormwater Pollution Prevention Plan for work within

1 the micrositng corridor adjacent to any identified  
2 wetlands, and that it would be in adherence with the PMPs  
3 from the Stormwater Management Manual for Eastern  
4 Washington.

5 The seventh is a requirement that any transmission  
6 lines avoid temporary disturbance within the 100-year  
7 floodplain so that the transmission towers are sited  
8 outside of the floodplain and the lines actually span the  
9 area.

10 And the eighth is the requirement that spill  
11 response equipment be stored in every vehicle accessing  
12 the site during construction, operation, or  
13 decommissioning of the project to avoid -- or to minimize  
14 the potential impacts associated with accidental spills.  
15 Are there any questions regarding these mitigation  
16 measures?

17 CHAIR DREW: Mr. Young.

18 MR. YOUNG: I'm trying to envision  
19 what type of spill response equipment it would be  
20 feasible to equip in every vehicle. Is the type of spill  
21 response equipment specified? Would that be in the Site  
22 Certification Agreement?

23 MR. GREENE: I can -- I can check to  
24 see whether we actually outlined specific equipment.

25 CHAIR DREW: I think that there is

1 like vehicle kits that are available for spill response  
2 equipment. We can look into the specificity that's there  
3 and certainly add specificity.

4 MR. YOUNG: It seems like what's up on  
5 the screen right now it's just my first impression is  
6 that it might be designed to control spills of fluids  
7 from the vehicle itself, but what about any type of spill  
8 response equipment that would need to be on site more  
9 generally for a more major spill response that could  
10 result from a more significant accident?

11 MR. GREENE: That is incorporated  
12 within the EIS. I believe that our finding was that the  
13 applicant's commitment in regards to spill response  
14 equipment and planning and training was sufficient to  
15 address the potential impacts associated with that.

16 MR. YOUNG: Okay. And that was sort  
17 of supplemental with respect to vehicles?

18 MR. GREENE: Yes.

19 MR. YOUNG: Thank you.

20 MS. MOON: There's generally within  
21 vehicles and then outside of vehicles in specific  
22 locations there's things to contain a spill, to soak up a  
23 spill, and that can be like absorbant pads, absorbant  
24 booms. There's also like a dry compound you can place on  
25 it and mark the area, and then depending on the spill

1     there's an escalation of response to that. And, of  
2     course, the utmost importance is to protect any sort of  
3     waterway and to stop a spill from migrating, and like was  
4     stated earlier, the applicant has some commitments with  
5     that as that's part of basically every construction job.  
6     And Ecology is well versed in the spill equipment that's  
7     required, that's part of the -- a long list of best  
8     management practices as published by Ecology that EFSEC  
9     also adheres to when we are doing project management.

10                 MR. YOUNG: I'm trying to envision,  
11     for example, like say a technical team, contracted  
12     technical team flying into Tri-Cities Airport to do some  
13     type of work on site and picking up a rental car from the  
14     airport and what kind of spill response equipment they  
15     would be required to place in that vehicle before they  
16     entered the site.

17                 MS. MOON: Okay. I see the question.  
18     Yeah, I don't think that's really the scenario that this  
19     was written for was rental cars but more of construction  
20     vehicles.

21                 MR. YOUNG: Yeah, those words like  
22     every, and always, and never can be dangerous in a  
23     document like this.

24                 MS. MOON: Yes. Thank you for  
25     pointing that out.

1 MR. GREENE: The intent was for  
2 vehicles that are regularly accessing the site, so work  
3 trucks that are kept on site. That is a good point  
4 regarding the specificity of the language, and that is  
5 something that can be changed if this mitigation is one  
6 that the Council wants to adopt into the SCA.

7 CHAIR DREW: And having just visited  
8 the Goose Prairie site, and they were doing an excellent  
9 job of having the -- the spill response equipment was  
10 pointed out to me throughout that tour. I drove to the  
11 parking lot with my vehicle and then you don't access the  
12 rest of the site, you go within one of the vehicles that  
13 are on site, so I think that's a best practice as well.  
14 There was a little ways that I drove to access that main  
15 parking lot, and there will be -- so I think some of  
16 those site control practices will come into this as well.

17 MR. GREENE: Are there any other  
18 questions regarding these three? Okay. And the final  
19 mitigation measures associated with water are to  
20 essentially minimize water use, especially in times of  
21 drought or water shortage, and, again, in scenarios of  
22 drought or water shortages the mitigation would require  
23 rescheduling of regularly scheduled panel washing for the  
24 solar arrays.

25 And W11 is specific to the proposed concrete batch



1 plant that would be used during the construction of the  
2 project, requiring essentially a minimum 100-foot buffer  
3 be applied to all mapped streams and water bodies, and  
4 the batch plant would not be allowed within that 100-foot  
5 buffer.

6 CHAIR DREW: Mr. Young.

7 MR. YOUNG: With respect to W10, I'm  
8 not familiar with it. Is just plain pure water used for  
9 washing, or are there solvents and detergents that are  
10 mixed in to more effectively wash the panels, and if so,  
11 how would to be consistent with recycling?

12 MR. GREENE: Solvents can be added,  
13 but the applicant has made a commitment to only use pure  
14 water for the panel washing as part of this project.

15 MR. YOUNG: Thank you.

16 MR. GREENE: Okay. Any other  
17 questions regarding these mitigation measures? All  
18 right. We will move on to vegetation. The first  
19 mitigation measure is essentially a requirement to avoid  
20 removing or disturbing any trees within the lease  
21 boundary. There aren't that many trees within this area,  
22 but there's also an extension of a mitigation where if  
23 tree disturbance is required for any part of construction  
24 that it not be done prior to approval by EFSEC and we  
25 would develop additional mitigation to accommodate for

1 that necessary impact. To my knowledge, at this point, I  
2 don't believe the applicant is proposing any disturbance  
3 to any trees. Questions on this one?

4 Next is the requirement of pre-disturbance surveys  
5 for special status plant species throughout the lease  
6 boundary or within the lease boundary that would be  
7 potentially impacted by project actions. It goes into  
8 more specificity how those surveys would be designed and  
9 reported, which you can read through if you like. Are  
10 there any questions regarding this measure?

11 Okay. Veg 3 is in relation to special status plant  
12 species, and it's a requirement to provide environmental  
13 orientation to workers on the site, giving them --  
14 essentially how to identify special status plant species  
15 and informing them of what actions they should take if  
16 one is observed. Are there any questions regarding this  
17 measure?

18 All right. And Veg 4 is in relation to an as-built  
19 report, and that is the requirement that within 60 days  
20 of completing construction the applicant provide an  
21 as-built report that documents the actual impacts that  
22 came as a result of construction, and this is to account  
23 for any impacts that exceed those that were anticipated  
24 and included within the EIS, and as -- and would require  
25 EFSEC and the applicant to come to terms on mitigation

1 measures for any impacts that were unanticipated as part  
2 of construction, including monitoring mitigation under  
3 the existing offset ratios.

4 CHAIR DREW: So would this measure  
5 then apply to habitat, or do you have an additional one  
6 that habitat -- I'm thinking scrub grass or some of the  
7 rabbit brush habitat, is this a mitigation measure that  
8 would apply to that?

9 MR. GREENE: So there are mitigation  
10 measures specific to impact on priority habitat. The  
11 purpose of this particular measure is to essentially say  
12 that the applicant anticipated that 60 acres of <sup>shrub-steppe</sup> ~~shrub-set~~  
13 would be impacted by construction of a solar array, and  
14 after construction they do this as-built report resurvey  
15 the area and find that it was actually 62 acres, if they  
16 have mitigation that had been agreed upon prior to  
17 construction, that mitigation would need to be adjusted  
18 for the actual onsite conditions following construction.  
19 So this is to account for potential impacts that exceed  
20 those that were anticipated by the applicant and EFSEC.

21 CHAIR DREW: Okay. Thank you. Mr.  
22 Young.

23 MR. YOUNG: Can you talk a little bit  
24 more about what the offset ratios are? Are those one to  
25 one, or are those different than one to one for what

1 reasons?

2 MR. GREENE: So they are outlined  
3 within the EIS. They differ based on the specific  
4 habitat type and the type of impact, whether it is  
5 temporary or altered habit impacts or permanent impacts.  
6 In general, for priority habitats with permanent impacts  
7 the ratio is two to one. Priority habitats for temporary  
8 impacts is about one to one. And for all other habitats  
9 they are below these ratios depending on importance of  
10 that particular type of habitat. And there's a table  
11 within the vegetation section that actually outlines all  
12 the ratios for all the habitat types.

13 MR. YOUNG: Thank you.

14 MR. GREENE: Any other questions for  
15 this measure? Okay. These next three are all primarily  
16 associated with the decommissioning phase of the project.  
17 We are requiring the completion of the decommissioning  
18 dust control plan, and updating of mitigation measures  
19 that would be applied during decommissioning to ensure  
20 that they are applicable -- they are following the  
21 applicable legislative requirement at that time, which  
22 could be 20 plus years in the future following completion  
23 of construction, and requirement for a detailed site  
24 restoration plan that would be prepared and submitted to  
25 EFSEC for final revegetation prior to project

1 decommissioning with the intention of recovering all  
2 habitats to pre-project conditions.

3 Are there any questions for these measures?

4 CHAIR DREW: I do have a question.  
5 Veg No. 6, I guess my mind went immediately to what if  
6 the legislative requirements are less than what they are  
7 now? It kind of assumes it would be more.

8 MR. GREENE: I think that if there was  
9 a reduction in legislative requirements following the  
10 execution of the site certification agreement, then the  
11 site certification agreement requirements would still  
12 take precedence.

13 CHAIR DREW: Let's make sure.

14 MR. GREENE: For sure.

15 CHAIR DREW: Thank you.

16 MR. GREENE: And the last two for  
17 vegetation are the requirement for development of the  
18 noxious weed management plan for the decommission phase  
19 specifically, and a requirement that the fencing  
20 surrounding the solar array be maintained to stop the  
21 build up of any vegetative material like tumble weeds or  
22 entwining of vegetation within the fencing.

23 CHAIR DREW: So 9 is not -- is during  
24 operations?

25 MR. GREENE: Yes.

1 CHAIR DREW: And then on the bottom,  
2 the habitat ones, are we going to see those as well?

3 MR. GREENE: We will see those on the  
4 meeting -- during the meeting of the 29th. Those are  
5 part of the wildlife section. Those address concerns  
6 that are related to vegetation as well.

7 CHAIR DREW: Thank you.

8 MR. GREENE: Okay. Moving on to  
9 energy and natural resources. The first is the  
10 requirement that the applicant provide an executed  
11 agreement for water sourcing. The applicant has provided  
12 a potential source of water within the EIS that has been  
13 incorporated, but they are not able to execute that  
14 agreement until the project is actually finalized.

15 The second is a requirement for high efficiency  
16 fixtures, and third is for high efficiency security  
17 lighting. Any questions for these three?

18 CHAIR DREW: Any questions from  
19 Council members?

20 MR. GREENE: Okay. The other three  
21 for energy and natural resources are the installation of  
22 low flow -- or low water use flush toilets to reduce  
23 water needs for the project during operation, and that  
24 the applicant would capture recycled wash water do reduce  
25 water needs during operations.

1 And Energy 6 is a requirement to essentially recycle  
2 project components that are capable of being recycled as  
3 raw materials or for reuse in other projects. And it  
4 incorporates that as part of the applicant's commitment  
5 they have committed to removing all concrete foundations  
6 to a depth, I believe, of -- the exact depth is outlined  
7 within the EIS. I don't remember the exact number, but  
8 there's a stipulation that if any concrete foundations  
9 are being left then they are to submit it to EFSEC for  
10 approval, and update their decommissioning plan  
11 accordingly to incorporate potential future additional  
12 necessary mitigation.

13 CHAIR DREW: Ms. Brewster.

14 MS. BREWSTER: Yes. I'm just curious  
15 about the recycling component.

16 CHAIR DREW: You are cutting out a  
17 little bit. Did you hear the question, Sean?

18 MR. GREENE: I heard that it was  
19 referencing the recycling, but I didn't get the content  
20 of the question.

21 MS. BREWSTER: Sorry. Can you hear me  
22 better now?

23 CHAIR DREW: Yes.

24 MS. BREWSTER: I was just curious  
25 about the recycling and whether EFSEC monitors and

1 determines what is recyclable or is that left up to the  
2 applicant?

3 MR. GREENE: That is a fair question.

4 CHAIR DREW: I think that would be  
5 important to have.

6 MR. GREENE: Yes. Any other questions  
7 for energy and natural resources? All right.

8 The next resource area is land and shoreline use.  
9 The first is the requirement that the applicant provide a  
10 livestock management plan. The second is a dry land  
11 farming management plan. And the third is a requirement  
12 that the applicant ensure arrangements are made for  
13 removal of all livestock during construction and  
14 decommissioning so that there's no potential collision  
15 with livestock. Any questions regarding these measures?

16 Okay. The fourth is similar to the site restoration  
17 plan. It's a requirement that all temporary disturbance  
18 areas are restored or -- so this comes immediately  
19 following construction, so temporary disturbances that  
20 occur during construction will be restored to  
21 preconstruction status immediately following  
22 construction.

23 And LSU-5 is the detailed site restoration plan,  
24 which kind of calls for the restoration of all site areas  
25 to pre-project conditions. Any questions on these



1 measures or shoreline use in general? Okay.

2 The next resource area is noise and vibration. The  
3 first is a requirement that all sensitive noise receptor  
4 areas receive a 2500-foot buffer for lay down yards and  
5 storage parking areas.

6 Second is that large noise generating equipment is  
7 only to be used during daytime hours defined as seven  
8 a.m. to ten p.m., and that the loudest, most impulsive  
9 piece of construction would need to cease use by six p.m.  
10 Monday through Saturday.

11 And the third is that all construction activities  
12 that have the potential to impact sensitive noise  
13 receptors during nighttime operations be monitored and  
14 reduced if necessary so that they do not exceed state  
15 noise limits. Any questions on these three?

16 Okay. The fourth is the requirement for the  
17 development of a noise complaint resolution procedure  
18 that would allow residents in the area to call a  
19 complaint hotline, and it gives specific actions that  
20 need to be taken as a result of any lodged complaints.

21 And the fifth is essentially that requirement again  
22 but specific to the decommissioning phase. Any questions  
23 on these two?

24 Okay. The next resource area is recreation. The  
25 first is the requirement that the applicant coordinate

1 with the Department of Natural Resources and Benton  
2 County to identify new recreational activities, and/or to  
3 improve existing recreational activities within the lease  
4 boundary.

5 The second is the requirement for providing a  
6 minimum of five informational boards to -- at viewpoints  
7 within the lease boundary or the surrounding communities  
8 associated with scenic areas of interest. Any questions  
9 regarding these two?

10 CHAIR DREW: Mr. Young.

11 MR. YOUNG: Yeah. Why is DNR  
12 identified as one of the two coordinating entities for  
13 recreation?

14 MR. GREENE: I think because the  
15 project is anticipated to impact recreational activities  
16 at DNR properties within the area of the lease boundary,  
17 so there will be some loss of recreational activities  
18 within DNR lands.

19 MR. YOUNG: What portion of the  
20 project is -- I don't recall this, what proportion of the  
21 project area is DNR managed land?

22 CHAIR DREW: I believe there are five  
23 parcels that are within the lease boundary, that I  
24 remember.

25 MR. YOUNG: I guess I have sort of a

1 mild reaction that a lot of the recreation within or  
2 adjacent to the project area is not under the auspices of  
3 DNR, and so appreciate the consideration for how that  
4 might affect parcels that are managed by DNR, but there  
5 would seem to be perhaps other state and local agencies  
6 that have a greater responsibility for overall recreation  
7 in the area, so maybe those would need to be called out  
8 or considered in addition to the DNR in Benton County.

9 MR. GREENE: That's definitely a  
10 change that can be incorporated within the mitigation  
11 measures as part of the SCA.

12 MR. YOUNG: I think it's along the  
13 lines of the DNR does not manage recreation except on DNR  
14 managed lands.

15 CHAIR DREW: And that certainly could  
16 be added and coordinated with DNR and DNR land. There  
17 may be, depending on what lands are affected, maybe  
18 checking through that again to see if there are other  
19 entities. I think of Bureau of Land Management for one  
20 might be -- isn't within the lease project boundary, but  
21 adjacent to. Just taking a look at that and think about  
22 that.

23 MS. MOON: And I just looked up and I  
24 believe that the answer to how many acres, the acreage of  
25 DNR land within the lease boundary is 2,739 acres are in

1 state trust system managed by DNR, and of that, I  
2 believe, Chair Drew you said five DNR managed parcels and  
3 that's what's listed in the EIS.

4 CHAIR DREW: Thank you. So let's be  
5 more specific about the coordination with DNR for DNR  
6 lands.

7 MR. GREENE: Yes. Okay. And the  
8 final mitigation measure for recreation is the  
9 requirement that the applicant coordinate with local and  
10 regional recreation groups specific to paragliding and  
11 hang gliding and bicycling to ensure that access is  
12 continued to be allowed for those recreation activities  
13 where safe, identifying potential hazards, and including  
14 no fly zones, and providing opportunities in concert with  
15 those recreation groups either within the lease boundary  
16 or within the region to compensate for the loss of safe  
17 use of recreation activities within the lease boundary.

18 CHAIR DREW: What is our involvement  
19 with ensuring that this particular type of activity is  
20 completed? I guess I see it's a plan.

21 MR. GREENE: Yes, it would be a plan  
22 that would need to be submitted to EFSEC for approval,  
23 and we would be kept in the loop on any discussions that  
24 they have.

25 CHAIR DREW: I want to think about as

1 recreation is impacted maybe something a little more  
2 specific, but I don't have that on the top of my head  
3 right now.

4 MR. GREENE: Sure thing.

5 CHAIR DREW: Just identify that as  
6 something perhaps we want to come back to.

7 MR. GREENE: Absolutely. Any  
8 questions for recreation? Okay. Next is transportation.  
9 The first is essentially a requirement that the applicant  
10 develop procedures for loads that may be stuck at a  
11 railroad crossing.

12 The second is that the applicant work with WSDOT and  
13 Operation Lifesaver to provide safety presentations  
14 regarding trains.

15 And the third is the requirement that the applicant  
16 develop a traffic analysis prior to decommissioning  
17 specific to that phase of the project since the one  
18 provided now is primarily associated with the  
19 construction phase. Any questions on these three?

20 The next two is associated with the decommissioning  
21 phase, and it's a requirement for a route survey for --  
22 primarily intended to identify railroad crossings and  
23 grade changes and provide that information for -- to  
24 EFSEC and the haulers for the project.

25 And the fifth is essentially updating, again,

1 decommissioning plans to ensure they are consistent with  
2 the laws and regulations at the time of the  
3 decommissioning of the project. Any questions?

4 CHAIR DREW: So talk to me about TR-4  
5 with the Washington Utilities & Transportation Commission  
6 staff participating perhaps.

7 MR. GREENE: Yes. So there are a few  
8 mitigation measures within the EIS that are -- that we do  
9 not consider fully effective because they require actions  
10 from other agencies and we cannot mandate those agencies'  
11 involvement. This is one of them where the  
12 decommissioning route survey would require the Utilities  
13 & Transportation Commission staff to be involved to help  
14 determine whether the traffic control systems at the  
15 crossings are appropriate at that time, or if additional  
16 mitigation is needed for decommissioning truck routes.

17 CHAIR DREW: Thank you.

18 MR. GREENE: Any other questions on  
19 these two?

20 Okay. The last two transportation mitigation  
21 measures. The first is the stipulation of the actual  
22 routes for -- that have been identified within the  
23 traffic impact analysis, and essentially a requirement  
24 that the applicant may only use those routes that were  
25 analyzed as part of that traffic impact analysis, and if

1 other routes are desired for use then supplemental  
2 analysis and approval by EFSEC would be needed.

3 And then and the seventh is a requirement that the  
4 applicant coordinate with WSDOT, Benton County, and EFSEC  
5 prior to construction and decommissioning to identify  
6 potential safety concerns and develop mitigation  
7 measures. In our discussions with WSDOT they have  
8 identified primarily lower cost mitigation measures like  
9 warning signs, rumble strips to alert motorists of the  
10 potential safety concerns at those intersections. Any  
11 questions on these two?

12 The next resource area is public service and  
13 utilities. And that is just a requirement that the  
14 applicant use an appropriately licensed waste disposal  
15 facility for non recyclable project components. And you  
16 can look up what DNR 5 and 7 are. DNR 5 and 7 are the  
17 requirements for recycling wash water and recycling  
18 project components, so those cover elements that aren't  
19 covered by PS 1. Any questions here?

20 And the final resource area that we are covering in  
21 today's presentation is socioeconomic, and the only  
22 mitigation requirement that we believed needed to be  
23 imposed was essentially a housing analysis prior to  
24 decommissioning to account for any potential changes that  
25 have occurred since the construction phase of the

1 project. Any questions for socioeconomics?

2 CHAIR DREW: Mr. Young.

3 MR. YOUNG: Has the recommended  
4 mitigation here been correlated to all applicable  
5 Department of Labor & Industries' requirements for  
6 temporary worker housing?

7 MR. GREENE: The analysis that they  
8 would perform would be substantially similar to the one  
9 that was performed for the construction phase of the  
10 project, which I believe met the guidelines that you are  
11 discussing.

12 MR. YOUNG: It might not be a bad idea  
13 to specify in here in terms of what the applicant would  
14 be required to do, that it has to be consistent with and  
15 correlated with L&I requirements.

16 MR. GREENE: That's certainly  
17 something we can add. Any other questions on  
18 socioeconomics? Okay. Beyond that our staff is  
19 available to answer any questions that the Council comes  
20 up with during its review of the EIS, or development of  
21 mitigation measures that the Council wants to incorporate  
22 within the SCA should the project be recommended for  
23 approval by the Council.

24 CHAIR DREW: And Council members can  
25 reach out directly to you Sean and Amy Moon and Ami



1 Hafkemeyer to talk about any of these measures?

2 MR. GREENE: Absolutely.

3 CHAIR DREW: So give a heads up  
4 through phone call, Teams, email if you would like to  
5 talk about any of these measures with any of our staff.  
6 Are there additional questions or comments from Council  
7 members? Ms. Osborne.

8 MS. OSBORNE: Thanks, Chair Drew. I  
9 just wanted to check, Sean, is this presentation  
10 available for us to look at after we adjourn today?

11 MR. GREENE: I don't think it was  
12 included with the Council's packet for today, but I  
13 believe we can certainly make it available.

14 MS. OSBORNE: Thank you. I would  
15 appreciate that.

16 CHAIR DREW: It should also be posted  
17 following the meeting, I imagine, but we can get it to  
18 you right away.

19 MS. OSBORNE: No hurry, but I will  
20 want to refer back to it.

21 CHAIR DREW: Okay. Mr. Young.

22 MR. YOUNG: Yeah. I just want to say  
23 thank you to Sean and to EFSEC staff for the presentation  
24 today. For me this was a great preview for really  
25 digging into the EIS in a thorough way, so thank you very

1 much.

2 CHAIR DREW: In terms of the public it  
3 will be posted on our website. That's how you can have  
4 access to it. Thank you.

5 I do want to thank the Staff too. Certainly, the  
6 entire environmental review process, the publishing of  
7 the FEIS, and all the work that's gone into those  
8 reviewing all the issues, along with your consultants,  
9 and all the mitigation that has already been concluded by  
10 the applicant, plus all of this additional work is  
11 impressive. I really want to thank you for all your  
12 efforts in providing this to us and walking us through  
13 this portion of it today.

14 And I look forward to our conversation on November  
15 29th, and with that our meeting is adjourned. Thank you  
16 all.

17 (Meeting adjourned at  
18 3:02 p.m.)  
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1 STATE OF WASHINGTON ) I, Christy Sheppard, CCR, RPR,  
2 ) ss a certified court reporter  
County of Pierce ) in the State of Washington, do  
hereby certify:

3  
4 That the foregoing transcript of the EFSEC Monthly  
5 Council Meeting was taken before me via Zoom and  
completed on November 15, 2023, and thereafter was  
6 transcribed under my direction;

7 That I am not a relative, employee, attorney or  
counsel of any party to this action or relative or  
8 employee of any such attorney or counsel and that I am  
not financially interested in the said action or the  
9 outcome thereof;

10 IN WITNESS WHEREOF, I have hereunto set my signature  
11 on November 30, 2023.

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16 /s/Christy Sheppard, CCR, RPR  
17 Certified Court Reporter No. 1932  
(Certification expires 05/06/24.)  
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