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December 20, 2023

Washington State Energy Facility Site Evaluation Council v.

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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
MONTHLY MEETING
December 20, 2023
Reporter: Christy Sheppard, CCR, RPR

1 COUNCIL MEMBERS:

2 Chair, Kathleen Drew
3 Elizabeth Osborne
4 Eli Levitt
5 Mike Livingston
6 Lenny Young
7 Stacey Brewster

8 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

9 Ed Brost, Horse Heaven, Benton County
10 Jordyn Guilio, Badger Mountain, Douglas County
11 Paul Gonseth, WSDOT
12 Paul Krupin, Hop Hill Solar, Benton County
13 Matt Chiles, Carriger Solar, Klickitat County

14 ASSISTANT ATTORNEY GENERAL:

15 Jon Thompson
16 Jenna Slocum
17 Zack Pakcer

18 ADMINISTRATIVE LAW JUDGE:

19 Adam Torem

20 COUNCIL STAFF:

21 Ami Hafkemeyer
22 Amy Moon
23 Stew Henderson
24 Joan Owens
25 Andrea Grantham
26 Dave Walker
27 Sonja Skaland
28 Lisa Masengale
29 Sara Randolph
30 Sean Greene
31 Lance Caputo
32 John Barnes
33 Joanne Snarski
34 Alex Shiley
35 Ali Smith
36 Karl Holappa
37 Audra Allen

38 COUNSEL FOR THE ENVIRONMENT:

39 Sarah Reyneveld

1 CHAIR DREW: Good afternoon. This is
2 Kathleen Drew, Chair of the Energy Facility Site
3 Evaluation Council calling our December 20th, December
4 regular monthly meeting to order.

5 Ms. Grantham, will you call the roll?

6 MS. GRANTHAM: Department of Commerce?

7 MS. OSBORNE: Elizabeth Osborne,
8 present.

9 MS. GRANTHAM: Department of Ecology?

10 MR. LEVITT: Eli Levitt, present.

11 MS. GRANTHAM: Department of Fish and
12 Wildlife?

13 MR. LIVINGSTON: Mike Livingston,
14 present.

15 MS. GRANTHAM: Department of Natural
16 Resources?

17 MR. YOUNG: Lenny Young, present.

18 MS. GRANTHAM: Utilities and
19 Transportation Commission?

20 MS. BREWSTER: Stacey Brewster,
21 present.

22 MS. GRANTHAM: Local government and
23 option state agencies for the Horse Heaven project for
24 Benton County, Ed Brost?

25 MR. BROST: Ed Brost is present.

1 MS. GRANTHAM: For the Badger Mountain
2 project for Douglas County, Jordyn Guilio?

3 MS. GUILIO: Jordyn Guilio.

4 MS. GRANTHAM: For the Wautoma Solar
5 project for Benton County, Dave Sharp?

6 The Washington State Department of Transportation,
7 Paul Gonseth?

8 MR. GONSETH: Paul Gonseth, present.

9 MS. GRANTHAM: For the Hop Hill Solar
10 project for Benton County, Paul Krupin?

11 MR. KRUPIN: Paul Krupin, present.

12 MS. GRANTHAM: For the Carriger Solar
13 project for Klickitat County, Matt Chiles?

14 MR. CHILES: Matt Chiles, present.

15 MS. GRANTHAM: Assistant Attorney
16 General, Jon Thompson?

17 MR. THOMPSON: Present.

18 MS. GRANTHAM: Jenna Slocum?

19 MS. SLOCUM: Present.

20 MS. GRANTHAM: Zack Packer?

21 MR. PACKER: Present.

22 MS. GRANTHAM: Administrative Law
23 Judges, Adam Torem?

24 JUDGE TOREM: This is Judge Torem,
25 present.

1 MS. GRANTHAM: Laura Bradley? Dan
2 Gerard? Joni Derifield?
3 And for Council Staff, Sonia Bumpus? Ami
4 Hafkemeyer?
5 MS. HAFKEMEYER: Present.
6 MS. GRANTHAM: Amy Moon?
7 MS. MOON: Amy Moon, present.
8 MS. GRANTHAM: Stew Henderson?
9 MR. HENDERSON: Present.
10 MS. GRANTHAM: Joan Owens?
11 MS. OWENS: Present.
12 MS. GRANTHAM: Dave walker?
13 MR. WALKER: Present.
14 MS. GRANTHAM: Sonja Skaland?
15 MS. SKALAND: Present.
16 MS. GRANTHAM: Lisa Masengale?
17 MS. MASENGALE: Present.
18 MS. GRANTHAM: Sara Randolph.
19 MS. RANDOLPH: Present.
20 MS. GRANTHAM: Sean Greene?
21 MR. GREENE: Present.
22 MS. GRANTHAM: Lance Caputo?
23 MR. CAPUTO: Present.
24 MS. GRANTHAM: John Barnes?
25 MR. BARNES: Present.

1 MS. GRANTHAM: Joanne Snarski?
2 MS. SNARSKI: Present.
3 MS. GRANTHAM: Alex Shiley?
4 MS. SHILEY: Alex Shiley is present.
5 MS. GRANTHAM: Ali Smith?
6 MS. SMITH: Ali Smith, present.
7 MS. GRANTHAM: Karl Holappa?
8 MR. HOLAPPA: Karl Holappa, present.
9 MS. GRANTHAM: Audra Allen?
10 MS. ALLEN: Present.
11 MS. GRANTHAM: For Operation Updates,
12 Kittitas Valley Wind project?
13 MR. MELBARDIS: Eric Melbardis,
14 present.
15 MS. GRANTHAM: Wild Horse Wind Power
16 project?
17 MS. GALBRAITH: Jennifer Galbraith,
18 present.
19 MS. GRANTHAM: Grays Harbor Energy
20 Center?
21 MR. SHERIN: Chris Sherin, present.
22 MS. GRANTHAM: Chehalis Generation
23 Facility?
24 Columbia Generating Station?
25 MS. NAJERA-PAXTON: Felicia

1 Najera-Paxton, present.

2 MS. GRANTHAM: Columbia Solar? Goose
3 Prairie Solar?

4 MR. CHRIST: Jacob Christ, present.

5 MS. GRANTHAM: And do we have someone
6 for the Counsel for the Environment?

7 MS. REYNEVELD: Yes, Sarah Reyneveld,
8 present.

9 MS. GRANTHAM: Chair Drew, there is a
10 quorum for the regular Council and all of the outside
11 councils.

12 CHAIR DREW: Thank you. Next item on
13 our agenda is the proposed agenda you have in front of
14 you. That proposed agenda, is there a motion to approve
15 the proposed agenda?

16 MR. YOUNG: Lenny Young, so moved.

17 MS. BREWSTER: Stacey Brewster,
18 second.

19 CHAIR DREW: Any discussion? All
20 those in favor say aye. Opposed? The agenda is adopted.

21 Moving on to the meeting minutes from November 15th,
22 2023, the monthly meeting minutes, you have the draft in
23 front of you. Is there a motion to approve the meeting
24 minutes from November 15th?

25 MS. OSBORNE: This is Liz Osborne, so

1 moved.

2 CHAIR DREW: Second?

3 MS. BREWSTER: Stacey Brewster,
4 second.

5 CHAIR DREW: Thank you. I have one
6 correction on Page 22, Line 4, Within 60 days of receipt
7 of the Council's recommendation, the "governor" and not
8 the "government," will take one of three actions. That's
9 my only correction. Any others?

10 MS. BREWSTER: Yes, this is Stacey
11 Brewster on Page 42, Line 12, it says "shrub set" and I
12 believe that should say "shrubsteppe."

13 CHAIR DREW: Thank you. In favor of
14 adopting the minutes with those two changes please say
15 aye. Opposed? The minutes are adopted.

16 Project updates, Kittitas Valley, Mr. Melbardis.

17 MR. MELBARDIS: Good afternoon, Chair
18 Drew, EFSEC and Council Staff. For the reporting period
19 of November I did have a nonroutine item to report. It
20 was a neighboring nonparticipating landowner complaint.
21 The complaint was for shadow flicker. Many, many years
22 ago, probably six months after operational phase we
23 implemented a system that automatically curtailed a
24 couple of turbines that were known to have caused shadow
25 flicker. The system is fully automatic and it runs on a

1 schedule. Daylight saving time ended on November 5th and
2 the complaint came in on November 7th, and it was due to
3 the failure of the automated system to follow the time
4 change. We had it corrected and it's been working fine
5 ever since. We continue to monitor it, but it was just a
6 flip of the controller.

7 CHAIR DREW: Thank you.

8 MR. MELBARDIS: Any questions about
9 that?

10 CHAIR DREW: Any questions from
11 Council members? Thank you. And thank you for
12 correcting it and finding that quickly.

13 Moving on to Wild Horse Wind Power project, Ms.
14 Galbraith.

15 MS. GALBRAITH: Thank you, Chair Drew,
16 Council members and Staff. This is Jennifer Galbraith
17 with Puget Sound Energy representing the Wild Horse Wind
18 facility. I have one nonroutine update for the month of
19 November. In accordance with the fire control plan and
20 the fire services agreement with Kittitas Valley Fire
21 District No. 2, PSE and the District met to review and
22 train on the fire safety plan, including site orientation
23 map, site access, identification of potential electrical
24 hazards, and lessons learned from the 2022 Vantage fire,
25 and that's all I have.

1 CHAIR DREW: Thank you. Chehalis
2 Generation Facility, Is Mr. Smith online?

3 MR. SMITH: Yes.

4 CHAIR DREW: Go ahead.

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

10 CHAIR DREW: Thank you. Grays Harbor
11 Energy Center, Mr. Sherin.

12 MR. SHERIN: Good afternoon, Chair
13 Drew, Council members and Staff. This is Chris Sherin
14 for the Grays Harbor Energy Center, and I have nothing
15 nonroutine to report for the month of November either.

16 CHAIR DREW: Thank you. Columbia
17 Solar, is Mr. Cushing there or Ms. Randolph?

18 MS. RANDOLPH: Thank you. Good
19 afternoon, Chair Drew, Council members and Staff. For
20 the record, this is Sara Randolph, site specialist,
21 providing an update for Columbia Solar. The facility
22 update is provided in your packet. There were no
23 nonroutine updates to report.

24 CHAIR DREW: Thank you. Columbia
25 Generating Station, Ms. Najera-Paxton.

1 MS. NAJERA-PAXTON: Good afternoon,
2 Chair Drew, Council members and Staff, this is Felicia
3 Najera-Paxton providing updates for Energy Northwest
4 Columbia Generating Station. In November we had routine
5 operations. On November 20th we did have one update that
6 EFSEC provided additional questions on the June 2023
7 circulating water/oil release that occurred. Energy
8 Northwest submitted follow-up information on that
9 incident to EFSEC as requested on December 12th, 2023.

10 CHAIR DREW: Thank you. Goose Prairie
11 Solar, Mr. Christ.

12 MR. CHRIST: Good afternoon, Chair
13 Drew, EFSEC Council and Staff. Jacob Christ, senior
14 project manager on behalf of Brookfield Renewable Goose
15 Prairie Solar project update. For construction update,
16 starting with the substation reported last month that we
17 were still waiting on a PT delivery so we can say that we
18 successfully had both PTs delivered and the buildout is
19 complete, so that the substation buildout for the rest of
20 the remaining structures will now continue in
21 anticipation for the remaining gear that we expect to
22 receive sometime early next year.

23 Predrilling activities on the job site is complete.
24 Pile driving and perimeter fence continue along with
25 medium voltage cable install, and all three of those

1 activities are nearing completion.

2 Racking installation started last month. And then
3 looking ahead to January we have got some modular
4 inverter install that will start in early January.

5 We do continue with ongoing environmental
6 inspections weekly by WSP, and a weekly call with the
7 EFSEC specialist.

8 And then for public outreach update, I don't have
9 the final numbers yet but we did successfully complete a
10 project with monetary donations and toys both. I'm just
11 awaiting final numbers on that so I can report in the
12 January meeting to the Council. Any questions?

13 CHAIR DREW: Thank you. Are there any
14 questions for Mr. Christ? Thank you.

15 High Top and Ostrea, Ms. Randolph.

16 MS. RANDOLPH: Thank you. For the
17 record, this is Sara Randolph, site specialist for High
18 Top and Ostrea. EFSEC Staff are continuing to work the
19 developer on the construction requirements and plans. We
20 have no other updates at this time.

21 Mr. CHAIR DREW: Thank you. Whistling
22 Ridge, ~~Ms.~~ Barnes are you giving Mr. Caputo's update?

23 MR. BARNES: Yes, I am, Chair Drew.
24 Thank you, Chair Drew, and Council members. This is John
25 Barnes on behalf of Lance Caputo, who is the site

1 specialist for this project. Staff are working to
2 schedule the hearing for the Whistling Ridge extension
3 request and transfer request. Details of the hearing
4 will be announced once they are available.

5 CHAIR DREW: Thank you. Desert Claim
6 project update, Ms. Moon.

7 MS. MOON: Good afternoon, Chair Drew
8 and Council members. For the record, this is Amy Moon
9 providing a project update on Desert Claim. The Desert
10 Claim Site Certification Agreement, Amendment No. 2, as
11 approved by the Council at the November 15th, 2023
12 council meeting, has been finalized and posted to the
13 EFSEC Desert Claim Site Certification Agreement public
14 website. There are no further project updates at this
15 time.

16 Does the Council have any questions?

17 CHAIR DREW: Any questions for Ms.
18 Moon? Okay. Thank you.

19 I apologize. I'm trying to figure out how to get us
20 out of this dark that I see on our screen here because
21 there's lack of light. It's one image that is a dark
22 area. I apologize for the momentary delay. Thank you.

23 Moving on to Badger Mountain project update, Ms.
24 Snarski.

25 MS. SNARSKI: Thank you, Chair Drew,

1 and good afternoon Council members. For the record, this
2 is Joanne Snarski, the siting specialist for Badger
3 Mountain Solar. Progress is continuing with the
4 development of the draft environmental impact statement
5 for the proposed Badger Mountain Solar project.

6 Efforts are also continuing on the development of
7 the Supplemental Cultural Resources Survey. A work plan
8 has been completed for the initial ground survey.
9 Currently, we are looking at the possibility of
10 completing the initial survey work in January if the snow
11 remains at bay in the proposed project boundary.

12 Additionally, we are working with the Department of
13 Natural Resources to obtain an agreement for our
14 subcontractors to gain access to the relatively small
15 portion of the project that is located on state lands.

16 Finally, we hope the more detailed survey work will
17 be completed this spring. As a reminder, the findings of
18 this survey will inform the cultural resources section of
19 the draft environmental impact statement. Are there any
20 questions?

21 CHAIR DREW: Are there any questions
22 for Ms. Snarski? Thank you.

23 Wautoma Solar project update, Mr. Barnes.

24 MR. BARNES: Thank you, Chair Drew,
25 and Council members. Once again, this is John Barnes on

1 behalf of Lance Caputo who is the siting specialist for
2 this project.

3 Applicants for the Wautoma Solar Energy project
4 recently submitted the final Supplemental Cultural
5 Resource Survey requested by EFSEC, and the Department of
6 Archeology, ~~and has started~~ and historic preservation, and we are
7 presently reviewing the report for compliance.

8 Staff are also coordinating with the Yakama Nation's
9 cultural resource program staff on identifying potential
10 mitigation to form our SEPA determination.

11 Lastly, Staff are currently working with our AAGs
12 and the Office of Administrative Hearings to ensure that
13 we are prepared for the forthcoming adjudicative
14 proceeding for this project.

15 CHAIR DREW: Thank you. Hop Hill
16 Solar, Mr. Barnes.

17 MR. BARNES: Thank you, Chair Drew,
18 and Council members. For the record, this is John
19 Barnes, EFSEC staff, for the Hop Hill application. We
20 are continuing to coordinate and review of the
21 application with our contractor, contracted agencies, and
22 tribal governments. At this time the applicant would
23 like to request a 12-month application review extension.

24 The original application review deadline was set to
25 expire December 22nd, 2023. The 12-month extension would

1 allow the applicant to complete data collection studies
2 needed for EFSEC to be able to conduct our SEPA review
3 and determination.

4 The applicant has drafted an application review
5 extension letter that has been placed on the EFSEC
6 website for public review and comments ahead of the
7 meeting from December 11th through December 15th. No
8 comments were received. If granted, the new application
9 deadline would become December 22, 2024.

10 At this time Staff recommends the Council to vote to
11 approve the application extension now in front of you.
12 Are there any questions?

13 CHAIR DREW: Are there any questions
14 for Mr. Barnes? The letter is in your packet and on the
15 screen. Are there any comments by Council members? Is
16 there a motion to approve the extension request from
17 Bright Night for the Hop Hill Solar application?

18 MR. YOUNG: Lenny Young, I move to
19 approve the extension request.

20 CHAIR DREW: Second?

21 MR. LEVITT: Eli Levitt, second.

22 CHAIR DREW: Thank you. Discussion?
23 Hearing none, all those in favor please say aye.
24 Opposed? The extension request is approved. Thank you.
25 Carriger Solar project, Ms. Snarski.

1 MS. SNARSKI: Thank you, Chair Drew,
2 and Council members. For the record, this is Joanne
3 Snarski, the siting specialist for Carriger Solar.

4 EFSEC Staff continue to work with Carriger Solar
5 applicant to address anticipated visual impacts from the
6 proposed project. In accordance with RCW 80.50.080 Sub
7 3, Sub A, the applicant is allowed to provide
8 clarification or make changes to the proposal to mitigate
9 the anticipated environmental impacts.

10 We recently agreed on a few supplemental visual
11 simulations that we believe will help us better
12 understand the potential options for mitigating visual
13 impacts. When received, these new simulations will lead
14 to further discussions with the applicant, and will
15 hopefully result in a formal written response from the
16 applicant for initial SEPA notification to them.

17 Staff, with support from our Assistant Attorney
18 General, are very near final execution of an interagency
19 agreement for the completion of a traditional cultural
20 properties study by the Yakama Nation for this site.

21 All of the language in the contract has been
22 mutually agreed to and is currently with the Yakama
23 Nation for their processing and their signature. This
24 contract will also now serve as a model for additional
25 TCP studies at other proposed facilities with tribal

1 cultural resource concerns. Are there any questions?

2 CHAIR DREW: Are there any questions
3 for Ms. Snarski? I don't see any questions from Council
4 members. Thank you.

5 Moving on to the Horse Heaven Wind Farm project, Ms.
6 Moon, project update.

7 MS. MOON: Good afternoon, Council
8 Chair Drew and EFSEC Council members. For the record,
9 this is Amy Moon providing an update on the Horse Heaven
10 Wind project.

11 Since issuing the Horse Heaven Wind project final
12 environmental site assessment, known as the EIS, on
13 October 31, 2022, EFSEC Staff have been addressing
14 Council feedback and questions posed at the November 15th
15 Council meeting and the November 29th special Council
16 meeting regarding mitigation measures.

17 The follow-up on the questions posed in the November
18 Council meeting regarding the roles of the Washington
19 Department of Natural Resources or DNR and fire response
20 and suppression, EFSEC Staff sent the questions to DNR
21 and I want to go over those questions an responses from
22 the DNR. There's five in total.

23 Question one, we asked if DNR had any project
24 specific concerns regarding fire suppression, for
25 example, access to the site or access to fire suppression

1 materials, and the DNR response was, "DNR does not have
2 the direct fire protection responsibility for the
3 proposed project area."

4 Second question we asked, Would DNR be one of the
5 potential responders to a range fire in the Horse Heaven
6 Hills, specifically within the proposed project location?

7 The DNR response, "DNR could be a potential
8 responder through agreements with fire districts and/or
9 state mobilization. DNR is the primary responder for
10 wildfire aviation on nonfederal lands statewide."

11 The third question from the Council was, Would the
12 proposed turbine height of the 657 feet maximum total
13 height, ground to blade tip, affect fire suppression
14 methodology?

15 The DNR response, Turbines up to 657 feet would
16 severely restrict or prohibit the use of tactical
17 aircraft, known as UAS, which is unmanned aircraft system
18 and we could probably just call it a drone, so turbines
19 up to that 657 foot height would severely restrict or
20 prohibit the use of drones for tactical fire suppression.

21 Question four, What is the typical height planes and
22 helicopters fly when responding to a range fire for
23 suppression.

24 DNR responded, "Nearly all tactical wildland
25 missions are conducted below 500 feet above ground

1 level."

2 And the last question, five, Are there any other
3 aerial criteria or accommodation for planes or
4 helicopters that will require DNR fire response related
5 to access to water and/or fire retardants, and the
6 follow-up, is there any specific turnaround criteria for
7 the aircraft?

8 The DNR response, "Nothing specific. The density
9 and spacing of the towers would essentially create a no
10 fly zone over the entire project area. We would require
11 an additional safety buffer of one to two tower heights
12 around the project to ensure safe separation for aircraft
13 operations."

14 And I also want to mention that before this meeting
15 we did post to the website that the Council may be taking
16 action, and we did receive nine comments from the public.
17 They were general comments against the project.

18 Are there any questions on those DNR questions and
19 responses?

20 CHAIR DREW: Are there any questions
21 from Council members?

22 MR. LIVINGSTON: Amy, could you reread
23 the third question response?

24 MS. MOON: Okay. Turbines up to 657
25 feet would severely restrict or prohibit the use of

1 tactical aircraft, and unmanned aircraft systems known as
2 drones, for tactical fire suppression.

3 MR. LIVINGSTON: Thank you for
4 rereading it. The first time around I didn't quite get
5 it, but the response actually deals with two different
6 things, tactical aircraft, which are different from
7 unmanned aerial systems, so it's both piloted aircraft
8 and drones that would be involved here?

9 MS. MOON: Yes, I believe that's the
10 answer. I did kind of flub my acronyms and explaining
11 when I first read that so thank you for asking again.

12 CHAIR DREW: Ms. Moon, what I heard
13 from the collection of questions, and thank you for
14 getting those, certainly is that in the area that on the
15 project itself that would be a nonfly zone; however, they
16 would consider one to two turbine lengths from the
17 closest turbine as their safety zone outside of -- or
18 from where the turbines are to where they would be able
19 to use their equipment; is that correct?

20 MS. MOON: So I'm not sure if that's
21 quite how that should be interpreted, and there may be
22 somebody on the line from DNR that could respond to that.
23 I took the answer as one to two tower heights above the
24 project, but it could be like you posed, outside the
25 project limits. I could certainly follow up on that.

1 CHAIR DREW: Okay. Do we have
2 somebody online to answer questions? Okay. That would
3 be helpful because I was looking at it similarly to how
4 we look at the distance between a turbine and a
5 neighboring resident, so that would be good to clarify.

6 MS. MOON: I will do that. And any
7 other questions on this?

8 MR. LIVINGSTON: This is new
9 information for Council to consider. We have been
10 working through with Staff on the mitigation, initial
11 mitigation we might want to apply around the final EIS,
12 so how should we anticipate when we use this information
13 to looking at, you know, various turbines and how to
14 propose the mitigation?

15 MS. MOON: That is a fairly complex
16 question, Mr. Livingston. Ami Hafkemeyer might be able
17 to help out on this or Sean Greene. We are looking at
18 more dialogue with the DNR on their answers to this, and
19 particularly on whether they have a mitigation measure
20 ideas or criteria, and we will -- I'm hoping that I can
21 report that back to you in January, but as of yet, partly
22 due to the holiday season and the end of the year, I
23 wasn't able to have that dialogue with DNR so can we hold
24 a more formal response until January?

25 MR. LIVINGSTON: Yes, absolutely. I

1 just wanted to make sure I understood when we might be
2 able to get that information. So thank you, Amy, I
3 appreciate that.

4 MS. MOON: You are welcome. Any
5 further questions?

6 CHAIR DREW: If you could pause for a
7 second. Ms. Hafkemeyer is trying to ensure her
8 microphone is on.

9 MS. HAFKEMEYER: I don't think this
10 microphone is on, but can people on the line hear me?
11 All right. I think I have a working microphone. Okay.

12 So thank you, Council Member Livingston. One of the
13 things to continue the discussion, Sean Greene is
14 available this afternoon to discuss some of the
15 mitigation changes that we have heard that Council may
16 want to consider this afternoon. So if the Council would
17 like to discuss some additional mitigation in response to
18 the concern for additional space, either around or above
19 the footprint of the project, you know, we can certainly
20 work to clarify that.

21 But if the Council would like to consider
22 mitigation, that can be discussed this afternoon when the
23 Council is discussing the other mitigation measures being
24 presented, and when giving Staff direction on what to
25 prepare, we can incorporate some of those details to then

1 present to the Council ahead of the January meeting.

2 CHAIR DREW: Okay. Thank you. Ms.
3 Moon, is that the end of your report, and are we ready to
4 move forward to the mitigation discussion?

5 MS. MOON: That's basically the end of
6 my report. I was going to introduce Sean Greene. He's
7 available for any questions or dialogue about mitigation
8 measures. Also, Staff would like the Council -- well, I
9 will hold that. We will go into the mitigation measures
10 so, yes, I'm done. Thank you.

11 CHAIR DREW: Mr. Greene.

12 MR. GREENE: Thank you, Chair Drew,
13 and Council members. For the record, this is Sean
14 Greene, specialist for EFSEC. There are two sets of
15 proposed changes to mitigation measures that I want to
16 walk you through today. Both were provided to Council
17 members last week for their review. I will see if I can
18 get this to work so we can just start going through
19 these.

20 These are all changes that Staff have prepared in
21 response to Council discussions during these two November
22 meetings. So the first is for Air-1. There was some
23 Council discussion about how this measure which limits
24 the speed of project vehicles to 15 miles per hour
25 onsite, there was discussion by the Council how this

1 would be managed and enforced. We have proposed changes
2 that were developed in coordination with our consultants
3 that would indicate a posting of signage, training for
4 all employees, periodic speed checks by construction
5 contractors health and safety officers to be reviewed
6 monthly, and a requirement be the applicant to notify
7 EFSEC of any identified routine exceeding of the speed
8 limit alongside a corrective action plan.

9 CHAIR DREW: Are there any comments or
10 questions about this updated mitigation item? If not, I
11 think we will just -- I will just ask you to raise your
12 hands if you would like to discuss the changes that were
13 made, and otherwise we will presume that they are
14 understood by the Council.

15 MR. GREENE: And just for
16 clarification, does that -- understood by Council, does
17 that indicate that the Council would like the mitigation
18 as it is now proposed to be incorporated in the --

19 CHAIR DREW: Yes. Thank you. Should
20 they take that action? Yes. We haven't gotten that far
21 but, yes.

22 MR. GREENE: Okay. The next measure
23 is in regard to culvert installation best management
24 practices. There was discussion by Council members as to
25 whether the applicant should be required to adhere to

1 WDFW fish passage best management practices in lieu of US
2 Department of Agricultural best management practices.
3 And Staff reviewed WDFW BMPs and they exceed all USDA
4 BMPs.

5 Okay. The third measure is Water-6, which deals
6 with spill response equipment in project vehicles. There
7 were Council concerns about which vehicles that would be
8 present on project areas would be subject to this
9 requirement. We have updated the mitigation to indicate
10 that this would apply to project vehicles, specifically
11 vehicles owned by the project that regularly access the
12 site. It's specifically excluding employee personal
13 vehicles.

14 And there was also some Council discussion about
15 what type of equipment would be required, so there has
16 been some specificity in that regard.

17 The next measure is Vegetation-6, which dealt with
18 how mitigation measures would be updated in the event
19 that legislative requirements change between the point of
20 execution of a potential SCA and the actual time of
21 decommissioning of the project. And the language has
22 been changed to indicate that if legislative requirements
23 at the time of decommissioning are more restrictive than
24 at time of the execution of the SCA that those higher
25 level of requirements would take precedence. This also

1 clarifies that any potential weakening of legislative
2 requirements would not undercut any mitigation measures
3 within the executed SCA. Any questions here?

4 All right. The next is Wildlife-1, which is the
5 post-construction bird and bat fatality monitoring prom.
6 This didn't actually come up through Council discussion,
7 but this was a Staff recognition that at several points
8 within this mitigation measure duties were assigned to
9 the technical advisory committee that should have been
10 assigned to the preoperational technical advisory
11 group -- or excuse me, the pre-construction technical
12 advisory group, just based on the timing of when those
13 two technical groups would exist.

14 CHAIR DREW: So if I can ask about
15 this one, post-construction bird and bat fatality
16 monitoring, but before the initiation of operations?

17 MR. GREENE: Yes. I can clarify.
18 Part of this mitigation measure involves the development
19 of monitoring plans prior to start of construction, and
20 the development of those plans would be subject to the
21 PTAG for review because at that point in time because the
22 TAC would not exist yet.

23 CHAIR DREW: So it would transfer to
24 the new group, correct?

25 MR. GREENE: Yes.

1 CHAIR DREW: Mr. Young, did you have a
2 question?

3 MR. YOUNG: Yeah, it was just
4 addressed, the point of clarification I was looking for.

5 CHAIR DREW: Thank you.

6 MR. GREENE: Any further questions on
7 this change?

8 Okay. The next is Habitat-1. There was -- this is
9 the mitigation requirement that would not allow project
10 components within areas that have been identified as
11 being very high linkage for wildlife movement corridors.
12 As the mitigation is currently written, there is a
13 process through which the applicant could place project
14 components within those medium to very high linkage areas
15 with additional mitigation and management plans as
16 outlined in the text.

17 There was some Council discussion in the November
18 meetings about whether this avoidance of the movement
19 corridor should be a firm area of nonallowance and
20 without the possibility of exceptions as outlined in the
21 current mitigation, so this is where we would like the
22 Council's guidance on which version they prefer.

23 CHAIR DREW: And this is on the
24 movement corridors?

25 MR. GREENE: Correct.

1 CHAIR DREW: Mr. Livingston.

2 MR. LIVINGSTON: Yeah, I appreciate
3 Staff hearing those concerns, and I like the changes that
4 have been made throughout. Thumbs up on that.

5 CHAIR DREW: Mr. Young.

6 MR. YOUNG: Ditto what Mr. Livingston
7 just said, I prefer the changed version.

8 CHAIR DREW: So one question I have is
9 that there would be a process if the applicant wants to
10 propose some connective, or some project components,
11 would this eliminate all project components? Can you
12 talk a little bit about that?

13 MR. GREENE: Sure. As currently
14 written, there is a process through with the applicant
15 could request to site project components within the
16 medium to very high linkage areas for wildlife movement,
17 and there are various steps that they would have to go
18 through in the developments of a corridor mitigation plan
19 that would need EFSEC approval prior to the allowance of
20 any project components in those areas under the current
21 mitigation.

22 With the changes that are being presented to Council
23 here, that process does not exist and no project
24 components would be allowed to be sited within medium to
25 very high linkage areas. And in the email that Council

1 members received last week that included the presentation
2 and subsequent one, there was some data indicating how
3 much of the project is in one of those medium to very
4 high linkage corridors, just an indication of how much of
5 the project would actually be excluded.

6 And there is also the option for Council to suggest
7 changes here that differ from the changes that are
8 currently on your screen.

9 CHAIR DREW: Would you happen to have
10 a map of the high?

11 MR. GREENE: Yes, I can find one.

12 CHAIR DREW: Thank you. I find that
13 helpful.

14 MR. GREENE: So the areas highlighted
15 on the map in yellow are rated as medium linkage. There
16 is a light red are high linkage, and dark red are very
17 high linkage. There is no area of very high linkage
18 within the project boundary.

19 CHAIR DREW: Okay. And that would
20 include linking up to any transmission throughout the
21 project as well?

22 MR. GREENE: With the change that is
23 currently on that presentation that the Council has
24 access to, that would include all project components.
25 There is potential, if the Council wishes, to allow

1 certain necessary project components or interconnecting
2 transmission lines if the Council wants to give us
3 direction on that.

4 CHAIR DREW: Mr. Livingston or Mr.
5 Young, thoughts?

6 MR. YOUNG: Looking at this map and,
7 Chair Drew, reflecting your question, we might want to be
8 able to consider a proposal from the applicant for an
9 exception in the medium, but I would be -- I would be
10 opposed to anything in the high or very high.

11 CHAIR DREW: And the high or very high
12 is the darker color, which to me looks like orange on the
13 screen.

14 MR. YOUNG: Yes, it looks like orange.
15 What I'm specifically looking at is that area kind of in
16 the middle of what we are looking at right now, that
17 looks like a yellow area between the orange to the south
18 and orange to the north, and if the applicant felt it was
19 absolutely critical to somehow connect the eastern and
20 western parts of the project through that yellow area, we
21 might -- we might want to allow the applicant to propose
22 an exception in that area, but not in the orange. Just
23 putting this out for conversation.

24 CHAIR DREW: Right. And the criteria
25 would have to be made that as to why that would be

1 needed. Mr. Livingston?

2 MR. LIVINGSTON: Are we talking
3 transmission or are we talking turbine strings or talking
4 all project components?

5 CHAIR DREW: We can define it as
6 transmission components if you like.

7 MR. YOUNG: Yeah, that's what's in
8 line with what I'm just thinking after looking at this is
9 it would not include turbines or fixed infrastructure,
10 but if there was some transmission connecting between the
11 eastern and western portions of the project. Again, not
12 saying this would definitely be allowed, but it would be
13 something that we could mirror that language where the
14 applicant could propose and we would look at whether or
15 not that would be something that would be approved.

16 CHAIR DREW: That makes sense to me as
17 to what I was wanting to look at. So let's say exception
18 potentially, based on the information and whether or
19 not -- what the impact is on wildlife or transmission
20 components.

21 MR. GREENE: Okay. And for my own
22 clarification, it would be disallowance of any project
23 components other than transmission lines in any areas
24 within the medium or above linkage, but the exception
25 process with the movement mitigation plan could be

1 allowed for transmission components only within the
2 medium linkage?

3 CHAIR DREW: Yes.

4 MR. GREENE: Okay. We can prepare a
5 version incorporating those details.

6 CHAIR DREW: Thank you.

7 MR. GREENE: Any further questions on
8 this change? Okay. So the next is Species-5, which is
9 the species specific mitigation for the ferruginous hawk.
10 There are two versions that were prepared based on the
11 Council's input, the first of which essentially turns the
12 two-mile buffer area surrounding the ferruginous hawk
13 nests into a firm buffer and not allowing any project
14 components within that two-mile radius under any
15 condition, as opposed to the original version which
16 allowed for the siting of project components within the
17 two-mile buffer if the applicant can demonstrate that the
18 nesting site and the nesting habitat within that area was
19 no longer viable for the species.

20 CHAIR DREW: So let's talk about what
21 this includes. Project components are no solar arrays,
22 no turbines, and no transmission, as well as battery
23 storage and roads?

24 MR. GREENE: Yes. With the change
25 before you, those would include all project components.

1 So, again, the Council can provide directions if they
2 want exceptions for some components or others or
3 maintaining the original version.

4 CHAIR DREW: Do you have a map
5 which -- I don't know that we have one that would
6 identify all the project components, but perhaps one of
7 the ones that we have indicates turbines in red that are
8 with -- one of the criteria is -- there we go.

9 MR. GREENE: So Council has a version
10 of this map available to them that includes the actual
11 locations or the buffers of the ferruginous hawk nests.
12 This is the publication version that is present within
13 the EIS. And one of the criteria that went into
14 identifying which of these turbines -- they are
15 classified by level of impact, and one of the criteria
16 that went into identifying their level of impact was
17 their proximity to ferruginous hawk nests.

18 CHAIR DREW: So can you kind of circle
19 the area that we just looked at if you can transpose from
20 that to the other where that wildlife corridor is. Where
21 is the highway? Where is Highway 82?

22 MR. GREENE: So Highway 82 is this
23 band right here, so it's east of the movement corridor
24 for wildlife.

25 CHAIR DREW: And where does -- oh,

1 here we are.

2 MR. GREENE: It is right here.

3 CHAIR DREW: Okay. And yet on the
4 east side of I-82 we still have ferruginous hawk impact
5 or other impact? We are not just saying that's
6 ferruginous hawk, right?

7 MR. GREENE: Yes. Those are what are
8 defined here as a Class 3 impact. The Council has
9 confidential versions that show buffers around
10 ferruginous hawk nests so they can see for themselves
11 which of these turbines are actually within --

12 CHAIR DREW: Well, my point in
13 bringing this up is that I actually want to bring up the
14 east solar field. I believe that the east solar field,
15 which -- and if the applicant has already removed the
16 portions that are west of I-82, but right there on the
17 map you can see those portions of the east solar field,
18 and I -- if we go forward with this proposal, my belief,
19 correct me if I'm wrong, is that that would be a project
20 component which would not be allowed?

21 MR. GREENE: If the changes that were
22 shown to Species-5 are implemented creating a firm buffer
23 around -- two miles around a ferruginous hawk nests, and
24 the east solar field is within one of those buffers then
25 it would be prohibited.

1 CHAIR DREW: Okay. So I actually want
2 to make that clear, and I support that for a couple of
3 reasons. And I think I asked you also to have a map
4 ready to show the Council as to why. I also wanted to
5 make it clear to the Council that we were also
6 potentially talking about -- we were talking about the
7 rest of the east solar field, so this is a picture from
8 the initial application which shows habitat types. The
9 break in between the two pieces, and I believe that's
10 I-82 again, and the western portion has already been
11 eliminated from the project by the applicant in terms
12 of --

13 MR. GREENE: This is indicative of the
14 area -- the areas highlighted in green are areas the
15 applicant has already committed to, including the --

16 CHAIR DREW: Oh, All the areas in
17 green?

18 MR. GREENE: Correct. So it is
19 essentially limited to, as their current proposal is,
20 these two locations, this location, and essentially this
21 much of those two locations.

22 CHAIR DREW: And what I want to draw
23 your attention to for the Council members is the two that
24 have a background color of green and kind of brown, which
25 currently, if you look at the habitat types, that's not

1 agricultural land. That is other kinds of habitats as
2 shrubsteppe -- well, not necessarily shrubsteppe, but --

3 MR. GREENE: They are classified here
4 as unidentified as shrub and unidentified grassland.

5 CHAIR DREW: Thank you. I was trying
6 to read the very small print. And so for those reasons,
7 I am concerned about a number of things, including within
8 those areas that perhaps the hawk might be most likely to
9 forage on areas that have not been developed, as well as
10 traditional cultural properties and impact on cultural
11 resources.

12 So I want to make it -- I guess I want to make a
13 statement that I support the elimination of the east
14 solar field from consideration. I went back and I looked
15 at the original application and read that the applicant
16 is currently studying -- this was, again, from the
17 original application, multiple potential solar array
18 sites, one on the east side of the project Lease
19 Boundary, and up to two potential sites on the west side.
20 **A determination of which of these potential solar array**
21 **sites would be chosen has not yet been made.**

22 So considering all of that, I'm proposing that the
23 east solar field be removed as a condition for approval
24 for the project. Are there any other questions or
25 comments?

1 MR. GREENE: So is it Council's
2 direction we incorporate that as a condition of an SCA?

3 CHAIR DREW: Council members, do you
4 want to -- if they are not speaking we will assume it is
5 agreed.

6 MR. GREENE: Okay.

7 CHAIR DREW: Lenny.

8 MR. YOUNG: I support what Chair Drew
9 just described.

10 CHAIR DREW: Thank you.

11 MR. GREENE: Okay. Returning to
12 Species-5, are there any questions or comments from
13 Council on this first version of the potential changes to
14 ferruginous hawk mitigation?

15 MS. BREWSTER: This is Stacey
16 Brewster. I just throw my support behind this version of
17 the mitigation that the boundaries are firm and there
18 will be no encroachment in the nest area.

19 MR. GREENE: Okay. Would Council like
20 to apply this to all project components or portions?

21 CHAIR DREW: Mr. Young.

22 MR. YOUNG: Yeah, I also support the
23 change. I would say it applies to all project
24 components. And I think it's important that we note that
25 when we are talking about the two-mile radius, it's

1 not -- we are talking about everything within that
2 two-mile radius, all the ground, and we were not just
3 talking about areas that have a dedication type that is
4 thought to be foraging habitat or something that's
5 specifically used by the hawks. The way this is written,
6 and the way I believe it's intended is that it covers the
7 entire area within that two-mile radius.

8 MR. GREENE: Yes. That was another
9 change to the mitigation based on Council last time they
10 used the word habitat, and, of course, that has been
11 changed to area just to make it abundantly clear.

12 CHAIR DREW: Thank you. The only
13 question I have remaining is thinking through whether
14 there would need to be any consideration of any
15 transmission connected if it completely bisects the
16 project. Mr. Livingston.

17 MR. LIVINGSTON: Yeah, so the red dots
18 on the map that Sean is showing right now are those Class
19 3 impacts, so those are multiple impacts not necessarily
20 just for ferruginous hawks, you know, and I understand
21 why we are doing it this way, but it's really difficult
22 to understand by looking at this map what it exactly
23 means for all project components, right? I just wanted
24 the highlight that.

25 You know, transmission lines, power lines, I would

1 feel more comfortable in saying that is not an absolute
2 not on that. I would feel more comfortable if EFSEC
3 Staff reached out to WDFW and asked that question about
4 the concerns with the turbines, the primary concern loss
5 of -- direct loss of habitat from the solar arrays are
6 another concern, transmission lines may or may not be in
7 this expansive of an area, so I would like to hear how
8 they would respond to that question.

9 I really appreciate removing the uncertainty that
10 this had before because I just didn't know what I would
11 be voting for. If I voted yes, I didn't know what I
12 would be voting for in the final outcome of the project
13 so this is certainly helpful for me.

14 CHAIR DREW: Ms. Hafkemeyer.

15 MS. HAFKEMEYER: Would the Council be
16 interested in reviewing, prior to the January meeting, a
17 revised mitigation as discussed today, including
18 additional feedback from WDFW subject matter experts?

19 CHAIR DREW: Is that what you are
20 asking for, Mr. Livingston?

21 MR. LIVINGSTON: Yes.

22 CHAIR DREW: Okay. So let's proceed
23 with -- if we are to move forward with the conditions of
24 the project, let's proceed with this as the revised
25 written. Certainly, if we want to -- if we go in that

1 direction and we want to tweak it in January we still can
2 to that. Is that agreeable to Council members?

3 MR. GREENE: Are there any further
4 questions on this version of Species-5? We can probably
5 skip the second version of Species-5 then. That
6 primarily just replaced the role of the PTAG and the
7 administration of this measure with WDFW based on
8 Council's thoughts.

9 CHAIR DREW: I agree. We can skip
10 that.

11 MR. GREENE: Next is Species-8, the
12 prairie falcon. The Council had indicated that they
13 would like to see pre-construction surveys be performed
14 for this species and that's been added. Any questions
15 for those changes?

16 Species-13 for the pronghorn antelope, there was
17 Council discussion about whether the database of
18 observations that the applicant maintained during
19 operations should be confidential or not, with the
20 understanding that the final determination would be made
21 between discussions with the applicant, and Council
22 language has been added here to indicate that the
23 database may be determined to be confidential when
24 developed. Any questions here?

25 Energy-6 which deals with the recycling of project

1 components. There was a question from the Council as to
2 whether EFSEC or the applicant would be responsible for
3 determining the recyclability of the components so
4 language has been added that the applicant has to provide
5 justification for the nonrecycling of any project
6 components to EFSEC, and EFSEC will have the final
7 determination about whether or not the component can be
8 recycled, and if so, it would be required to be. Any
9 questions here?

10 The next is Recreation-1, which involves
11 recreational activity coordination. There's two parts
12 here. The first was a concern expressed that DNR was
13 more involved in this measure than the necessarily should
14 be, and DNR only maintains responsibility for impacts to
15 its own land, so language has been added to indicate that
16 entities may only be consulted for impacts to recreation
17 impacts to their own administered land.

18 The second part of Council's concern was whether or
19 not additional entities should be added for coordination.
20 BLM was one of the suggestions, so the potential for
21 additional entities has been added to the language as
22 well. Are there any questions for this measure?

23 Next is the recreation safety management plan. The
24 Council had questions about what EFSEC's role would be in
25 regulating the accomplishment of this mitigation, so

1 language has been added indicating that EFSEC would be
2 responsible for determining whether or not the applicant
3 has sufficiently coordinated with all relevant entities
4 that promote recreational activities within the Lease
5 Boundary to clarify the regulatory role for EFSEC. Are
6 there any questions here?

7 CHAIR DREW: Just to make sure I
8 understand what area we are talking about, we are talking
9 about within the project area, the Lease Boundary of the
10 project area which is larger than the siting corridor in
11 the project components, but all the area which is leased?

12 MR. GREENE: Correct. The applicant
13 is a responsible for all impacts within the Lease
14 Boundary, which are all lands that have been leased by
15 the applicant, whether or not they site project
16 components on them. Any questions?

17 This is the final change from the Council
18 suggestions, which involves the requirement for
19 decommissioning housing survey to be performed prior to
20 the start of decommissioning. There was a Council
21 request that this analysis be consistent with Washington
22 Department of Labor & Industries guidelines, so that has
23 been added to the mitigation. Are there any questions
24 here?

25 MR. GREENE: Okay. I would like to

1 begin the other list of changes, potential changes to
2 mitigation that the Council was provided with last week.
3 These are changes that Staff have come up with following
4 discussions with the applicant, and are primarily meant
5 to clarify mitigation measures that might be -- that
6 there are no changes here that Staff believes materially
7 weaken any mitigation measures.

8 The first was a requirement that the applicant
9 adhere to least risk fish windows for all work within the
10 ephemeral and intermittent streams. Following discussion
11 with the applicant and WDFW determined that the least
12 risk fish windows are intended only to be used to apply
13 to in water work in streams with flowing water, so the
14 language has been changed to indicate that these windows
15 would be maintained during periods when these ephemeral
16 and intermittent streams actually have water in them.

17 Any questions about this change? Okay.

18 The next is Vegetation-9, which deals with the
19 maintenance of vegetation on the solar array fencing.
20 There was a request from the applicant to establish a
21 more specific protocol for fence clearing, and in
22 conversation with our consultant, we developed this
23 language that indicates that a monthly fence survey would
24 be conducted during periods where wildfire danger rating
25 as determined by the DNR is assessed as low, and when

1 that rating assessment is moderate or higher then weekly
2 surveys would be required. And surveys would include
3 removal of any built up vegetation. Any questions?

4 Okay. The next is the species specific mitigation
5 for Townsend's ground squirrels. As it was initially
6 written the mitigation measure required surveys for
7 Townsend's ground squirrel colonies within the Lease
8 Boundary and the ZOI, the zone of influence. As defined
9 in the EIS, the zone of influence is a half mile buffer
10 around the Lease Boundary. This mitigation measure would
11 require the applicant to have access and have people
12 access the areas outside of site control, so the
13 requirement for surveys within the ZOI has been removed
14 from this version. Staff believes that the mitigation
15 measure remains effective as mitigating impacts to the
16 species with this change. Any questions on this
17 potential change?

18 Okay. The next is Visual-3, which requires that
19 turbines themselves be maintained to be clean to avoid
20 any buildup of fluids or dirt. The applicant had
21 indicated that turbine cleanings are generally done in
22 batches and not one at a time, so they requested a
23 version of this mitigation that would allow for cleanings
24 only to take place when a specific number of turbines
25 have been determined to be not clean. They also

1 requested for clarification about how to define clean,
2 and this version of mitigation allows for EFSEC to make
3 those determinations, both whether or not a turbine is
4 clean, and how many turbines would not need to be -- need
5 to not be cleaned before requiring a cleaning crew to be
6 dispatched.

7 MS. BREWSTER: This is Stacey
8 Brewster. Just one question. Is this something that is
9 determined throughout the life of the project or is it
10 set in place prior to approval?

11 MR. GREENE: In terms of the numbers,
12 it would be a process that we would work with the
13 applicant in determining how it's defined clean, and then
14 the actual numbers of turbines that would be necessary to
15 not clean before requiring a cleaning crew is something
16 we would also work together in the life of the project,
17 so higher number in a more condensed area -- or pardon
18 me, a lower number in a more condensed area may require a
19 crew whereas a higher number in a more dispersed area
20 it's open to that kind of ongoing discussion.

21 MS. BREWSTER: Thank you.

22 CHAIR DREW: Do we know if there's
23 best practice regarding --

24 MR. GREENE: So regarding?

25 CHAIR DREW: Cleaning of nacelles and

1 towers. I mean, I expect there are. There are a lot of
2 wind farms across the country.

3 MR. GREENE: I don't know specific
4 best management practices for the actual process of the
5 cleaning.

6 CHAIR DREW: Okay. I'm sure that we
7 will have a chance perhaps to look into that.

8 MR. GREENE: Okay. Any further
9 questions on this measure?

10 The next is Visual-5, which is a requirement or
11 opaque fencing within half a mile of any -- in the
12 original language observation points. To add clarity to
13 this measure, we removed the reference to observation
14 points and replaced it with linear viewpoints and
15 residences, just to clarify it does apply to all such
16 receptor sites, not just those that were specifically
17 identified in initial simulations.

18 Any questions on this measure?

19 Okay. Next is the shadow flicker mitigation. There
20 are two parts here. The first is the initial language
21 included the phrase -- or included a requirement that the
22 blades of the turbines be stopped during periods of
23 perceptible shadow flicker. As explained to the
24 applicant, stopping or locking the turbine blades for an
25 extended period of time or during high winds can result

1 in significant damage to turbines, and in previous
2 projects we have not required that the blades themselves
3 be stopped. We have required that operations of the
4 turbines be stopped to allow the blades to flow freely in
5 the wind, so they will still be moving at a much lower
6 speed and as a result cause ^{less} ~~let~~ shadow flicker.

7 The second part of this is an acknowledgement that
8 shadow flicker as a phenomenon is fairly limited. It's
9 based on the angle of the sun, the wind speed, and the
10 sky conditions, whether cloudy or clear skies, just to
11 indicate that not all shadows pass by these turbines are
12 necessarily qualified as shadow flicker.

13 Any further questions on these changes? Okay.

14 The next is Recreation-1. There have already been
15 changes to this measure that Council has proposed so we
16 can merge these changes. The applicant was concerned
17 that the measure was unbounded, that it had not
18 guidelines for how it would be to have been determined to
19 be successfully achieved, so language has been added that
20 indicated that EFSEC would be responsible for determining
21 whether the applicant has sufficiently coordinated with
22 all relevant entities to promote recreational activities
23 within the vicinity of the Lease Boundary.

24 CHAIR DREW: Mr. Young.

25 MR. YOUNG: This language on the

1 right-hand side that changed the way the previous section
2 on recreation was to not seem to indicate that it is DNR
3 and Benton County who are somehow jointly managing all
4 the recreation in the project area. Could we go back and
5 bring in some of that other language to modify this a
6 little bit more?

7 MR. GREENE: Yes, absolutely. We can
8 merge the changes here with the change that was proposed
9 by the Council for the same mitigation measure and use
10 that as the version of the text to incorporate into an
11 SCA should one be developed.

12 MR. YOUNG: That's fine. Thank you.

13 MR. GREENE: Okay. Any other
14 questions on this measure?

15 The next concern that the applicant had were fairly
16 similar to the recreation safety management plan. This
17 is a measure where the Council had recommended changes of
18 their own so if the Council desires we can merge the
19 changes.

20 The applicant was concerned that the measure was
21 unbounded and had not set guidelines for how it would be
22 determined it had been achieved, and similar language has
23 been added here indicating that EFSEC would make that
24 determination as to whether or not the applicant has
25 sufficiently coordinated with all relevant entities. Any

1 questions about these changes?

2 CHAIR DREW: Mr. Young.

3 MR. YOUNG: Again, some type of
4 language merger would seem to be helpful here.

5 MR. GREENE: And if you want, I can
6 bring up the Council's version so you can see where it
7 was --

8 CHAIR DREW: I think we will just look
9 for it to be merged and then have a chance to see it.

10 MR. GREENE: Okay. And I think that's
11 it. Those are all the changes that were proposed by the
12 Council or were arrived at by Staff through discussions
13 with the applicant.

14 CHAIR DREW: Thank you. We are now at
15 the point in our meeting today where our next step would
16 be to ask the Staff to prepare the documents for a
17 recommendation to the governor. Previous Councils have
18 used the intent section of the EFSEC statute, RCW
19 80.50.010, to guide their decisionmaking process. So I
20 have asked for Ms. Grantham to put that RCW section on
21 our screen.

22 I think the focus, in terms of legislative findings,
23 as you can zero in on the words that start about three
24 fourths from the bottom, "Such action will be based on
25 these premises," do you see that? Can you enlarge that

1 so that we are looking at that. There we go. I think
2 there's one more. Oh, six is on the next page. Sorry
3 about that. It ended up on the same page as mine.

4 As we look at what step we want to take, I will just
5 briefly verbally go over the directions in our statute.

6 To assure citizens, where applicable, that
7 operational safeguards are at least as stringent as the
8 federal government.

9 To preserve and protect the quality of the
10 environment.

11 To enhance the public's opportunity to enjoy the
12 aesthetic and recreational benefits of the air, water,
13 and land resources, to promote air cleanliness, to pursue
14 beneficial changes in the environment, and to promote
15 environmental justice for overburdened communities.

16 To encourage the development and integration of
17 clean energy sources, to provide abundant clean energy at
18 reasonable cost.

19 To avoid costs of complete site restoration and
20 demolition of improvement and infrastructure at
21 unfinished nuclear energy sites. That's not part of what
22 we are looking at here.

23 And to avoid costly duplication in the siting
24 process, and ensure that decisions are made timely and
25 without unnecessary delay, while also encouraging

1 meaningful public comment and participation in energy
2 facility decision.

3 So that's our charge as we move to the next phase of
4 consideration. I don't know if anybody has questions
5 about that. As you can see, and as I think we are well
6 aware, those require looking both at the environmental
7 impacts, the need for clean energy, the impact on
8 communities and on overburdened -- environmental justice
9 for overburdened communities as well.

10 So I just wanted to bring that forward as we move to
11 thinking about all that we have learned from reviewing
12 this project, from the many public comments/concerns that
13 have been raised, from the adjudication, and our
14 consideration of all that has been brought up there, and
15 from our environmental impact statement, and the
16 mitigations that are brought forward in the final
17 environmental impact statement as we have reviewed and
18 modified them.

19 To prepare for our final recommendations to the
20 governor, we need to ask the Staff to prepare those
21 documents. As you can see, we want to make sure when we
22 are talking about conditions that we fully understand
23 what those conditions might be if we are moving in that
24 direction. And that would provide us with the basis for
25 further deliberations and a final vote on the

1 recommendation to the governor at a later meeting.

2 In my view, we have three options. One option is to
3 ask the Staff to prepare documents to approve the Horse
4 Heaven project as the applicant has modified it.

5 A second is to ask the Staff to prepare the
6 documents to reject the Horse Heaven project.

7 And a third option is to ask the Staff to prepare
8 documents to approve the Horse Heaven project with the
9 conditions that were identified in the final EIS as we
10 have discussed and modified them during today's
11 discussion.

12 So I would ask Council members if they have -- if
13 you have a preferred option you want to consider at this
14 point in time. Mr. Young.

15 MR. YOUNG: Chair Drew, I'm not sure
16 we are ready to make that decision today. We haven't had
17 any discussion about mitigation of impacts to TCP, to
18 traditional cultural properties. And I personally have
19 not thoroughly read what the FEIS is specifying on that
20 topic. How do you think that factors in to where we are
21 today?

22 CHAIR DREW: That's a really good
23 question. And I guess myself I have spent a fair --
24 quite a fair amount of time reviewing the map that we
25 saw. Perhaps that map can be brought up again. That

1 identified the most impactful turbines are identified in
2 red. What I understand we have done would be included as
3 a condition, would be to eliminate all of the turbines on
4 this map from consideration because they are within --
5 they are highly impactful in a number of ways.

6 One way we specifically talked about is that they
7 are within the two-mile buffer of the ferruginous hawk.
8 They also impact cultural resources. We have the
9 confidential maps that we have looked at in terms of the
10 impact on a number of traditional cultural properties, so
11 elimination of these turbines won't eliminate all impacts
12 to traditional cultural properties, but will eliminate a
13 significant -- will eliminate impacts. I don't feel that
14 I can qualify that in a very specific way.

15 In addition to that, eliminating these turbines, if
16 you are to look at those turbines that have the most
17 impact on the community in terms of visual resources, the
18 community at large, I'm not talking about just -- not
19 just -- but I'm not talking about specific residences
20 that are in the area, but as you can see from this map,
21 this is the face to the larger -- to the community at
22 large, and so that will significantly reduce the visual
23 impact. It will reduce the number of turbines close to
24 the ridge line for firefighting purposes as we look at
25 those issues as we continue to look at that with the help

1 of the Department of Natural Resources.

2 Turbines would be further away from -- we understand
3 that we would not expect to have drones and other aerial
4 firefighting equipment within where the turbines are, but
5 this moves them away from the slope of a hill which is
6 really where that equipment, as I understand it from the
7 testimony we have had, has been used in the past.

8 So as I look at the map -- and thank you for asking
9 me the question because that all is in my mind from the
10 review that we have conducted, and we talked about the
11 wildlife corridors as well, and therefore, I do think, in
12 my opinion, that we can move forward at this point to ask
13 the Staff to prepare documents to condition the project
14 in this way. I would like to hear other opinions.

15 MR. YOUNG: I would ask if we have
16 Staff prepare a couple of variants. And one variant that
17 I would like to see us at least think about at this point
18 would be eliminating all the turbines and all the work
19 east of Straub Canyon, which is roughly in the middle of
20 the project running generally north/south. And my
21 primary push around that is around that TCP.

22 CHAIR DREW: Mr. Livingston.

23 MR. LIVINGSTON: At this point, I'm
24 where Lenny is. We talked about some additional
25 restrictions on the project. I can't put all those

1 pieces together looking at this map and what we talked
2 about. The wildfire fighting, this is something, you
3 know, I would like to see what that looks like, and just
4 assure that we have those covered where there might be
5 setbacks. The wildlife corridor, it would be very
6 helpful to see that, you know, how does that affect the
7 various turbines.

8 And then the other question are we -- are you, Chair
9 Drew, as far as the yellow, so the two impacts those
10 areas versus the three impacts with the red, you know,
11 you say you removed those Class 2 impacts as well or
12 three? Those are just a few things for me right now that
13 I feel like I would like to see another iteration before
14 I provide my input on which direction to go.

15 CHAIR DREW: So I'm certainly open to
16 the Class 2 impacts, and even the Class 1 impacts. I'm
17 primarily, I guess, looking because its easier to see the
18 color green on here and the color red than it is to see
19 those, but I do want to know if you are talking about
20 where the canyon is. Maybe Staff can help me with that.

21 MR. GREENE: Sure. Straub Canyon is
22 this roughly north/south canyon that goes through here.

23 CHAIR DREW: Okay. Thank you. Other
24 comments?

25 MS. BREWSTER: This is Stacey

1 Brewster. I guess, just a question about the -- if we
2 move today to have Staff prepare a document with the
3 conditions that we have laid out so far is how malleable
4 is that document? As we consider it a bit further, are
5 changes still able to be made?

6 CHAIR DREW: Ms. Hafkemeyer.

7 MS. HAFKEMEYER: So what Staff can do
8 is prepare documents, including maybe some placeholders
9 for some different conditions where we have highlighted,
10 you know, different degrees of specificity -- not degrees
11 of specificity, but where the Council would like to
12 consider potential different exclusions and conditions as
13 we get responses from DNR on aerial firefighting, and as
14 we get information from WDFW on potentially making
15 allowances for ancillary infrastructure, such as
16 transmission, and generally prepare documents to
17 condition the project and have placeholders for some of
18 that variation to allow the Council to review those
19 distinctions ahead of the January meeting. And then if
20 the Council would like to discuss further at the January
21 meeting and provide staff with the sort of, you know,
22 ultimate direction based on those options or another
23 variation thereof based on your discussion. Staff could
24 then make those edits following your discussion on the
25 January 24th meeting. I think that we would want to

1 frame the discussion at that time so that Staff has clear
2 direction on what the Council would ultimately like to
3 see so that we can have everything submitted ahead of our
4 January 31st deadline for recommendation to the governor.

5 MS. DREW: I will comment a little bit
6 about that. That is one of the drivers, but I think that
7 if it happens that we don't make that deadline we will
8 figure out how to adjust that because I think we will be
9 pretty close.

10 What I do hear, and I appreciate it, is I hear the
11 Council coalescing, and tell me if I'm wrong, around the
12 option three to approve the project potentially as long
13 as we address the conditions that I have heard everybody
14 talking about even in this conversation. That doesn't
15 mean that we can't go back and say, you know, no, it
16 doesn't work, right. But if we ask the Staff to start
17 working on a potential recommendation, that would include
18 options. Does that meet the needs of Council members?
19 Mr. Young?

20 MR. YOUNG: Yeah. I would say yes. I
21 certainly do not favor the option you mentioned of --
22 that we would proceed thinking we could approve the
23 project the way it's been described by the applicant.
24 And I don't think we are at a absolute no, there's no
25 part of this that could ever be done. We are in that

1 middle ground area.

2 CHAIR DREW: Okay. Do we need
3 further -- I guess we will move forward and have a motion
4 to ask the Staff to prepare documents to approve the
5 project with the conditions we have talked about, and
6 with options as we have discussed in preparation for a
7 more final decision in January. Do you need more
8 specificity than that?

9 MS. HAFKEMEYER: I would also like to
10 ask the Council if they would like Staff to incorporate
11 the other mitigation measures in the final EIS that were
12 not discussed for revision. Would the Council like to
13 see those included in draft documents as well as they are
14 in the FEIS?

15 CHAIR DREW: Thank you. So we would
16 have the documents with the conditions identified as
17 mitigations in the final EIS, plus the ones that we have
18 refined and the ones that we may have some options on
19 moving forward. Yes, we would want all of those
20 conditions included.

21 Okay. Is there a motion then to ask the Staff to
22 prepare these documents to approve the Horse Heaven
23 project with the conditions that were identified in the
24 final EIS, and with the refinements that were made today,
25 allowing for some options to be considered in a future

1 meeting?

2 MS. BREWSTER: Stacey Brewster, so
3 moved.

4 CHAIR DREW: Mr. Young.

5 MR. LEVITT: Eli Levitt, second.

6 MR. YOUNG: I will jump in here as now
7 we have a motion on the table. I could like to ensure
8 that the option we are asking Staff to develop, whether
9 it's a sub option or what, but that one of the things
10 that is being considered in what Staff puts together is
11 what I asked before is excluding all of the project as
12 described.

13 CHAIR DREW: Friendly amendment. Is
14 there any discussion? Any further discussion? Okay.
15 It's a lot of information that we have received and a lot
16 of considerations moving forward. I appreciate
17 everybody's work individually and the Staff's work on
18 this. All those in favor of this motion, please signify
19 by saying eye. And anyone opposed to this motion please
20 nay. The motion is adopted. Thank you.

21 At this point in time we have an employee update.
22 Go ahead Ms. Masengale.

23 MS. MASENGALE: Thank you, Chair Drew.
24 I'm Lisa Masengale. I am the Public Records Officer and
25 the Records Program Manager for EFSEC. I am very pleased

1 to introduce Audra Allen, our new Records Analyst 3. She
2 joins EFSEC from DSHS, so she has over five years of
3 experience in public disclosure. I will go ahead and
4 pass the microphone to Audra to introduce herself to the
5 Council.

6 MS. ALLEN: I moved to Washington five
7 years ago from Austin, Texas. I have been working for
8 the State since then. I'm very happy to be here and look
9 forward to meeting everyone.

10 CHAIR DREW: Thank you. And welcome
11 to the Staff. I appreciate that.

12 If there's nothing further to come before the
13 Council, our meeting is adjourned.

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15 (Adjourned at 3:13 p.m.)
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1 STATE OF WASHINGTON) I, Christy Sheppard, 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 transcript of the EFSEC Monthly
6 Council Meeting was taken before me at 621 Woodland Square
7 Loop SE, Lacey, Washington, and completed on December 20,
8 2023, and thereafter was transcribed under my direction;

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

13 IN WITNESS WHEREOF, I have hereunto set my signature
14 December 7, 2024.

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