

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation Council
October 18, 2022



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
OCTOBER 18, 2022
1:30 P.M.

Virtual Council Meeting
Verbatim Transcript of Proceedings
(All participants appearing via videoconference.)

DATE TAKEN: OCTOBER 18, 2022

REPORTED BY: DANIELLE SCHEMM, CCR 3395

1 A P P E A R A N C E S

2 Councilmembers:

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

6 Wautoma Solar Project:

- DAVE SHARP, Benton County
- 7 PAUL GONSETH, Washington State Department of Transportation

8 Assistant Attorney General:

9 JON THOMPSON

10 Administrative Law Judge:

- ADAM TOREM
- 11 LAURA BRADLEY
- DAN GERARD

12 EFSEC Staff:

- 13 SONIA BUMPUS
- AMI HAFKEMEYER
- 14 AMY MOON
- STEW HENDERSON
- 15 ANDREA GRANTHAM
- DAVE WALKER
- 16 SONJA SKAVLAND
- SARA RANDOLPH
- 17 SEAN GREENE

- 18 ERIC MELBARDIS, Kittitas Valley Wind
- CHRIS SHERIN, Grays Harbor Energy Center
- 19 STEFANO SCHNITGER, Chehalis Generation Facility
- MARSHALL SCHMITT, Columbia Generating Station
- 20 OWEN HURD, TUUSSO Energy
- MEGAN SALLOMI, Counsel for The Environment

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1 [Council meeting commenced at 1:30 p.m.]

2 CHAIR DREW: Good afternoon. This is Kathleen Drew,
3 chair of the Energy Facilities Site Evaluation Council,
4 and bringing to order our regular monthly meeting, Tuesday
5 October 18th.

6 Ms. Grantham, will you please call the roll?

7 MS. GRANTHAM: Yes. Department of Commerce?

8 MS. KELLY: Kate Kelly, present.

9 MS. GRANTHAM: Department of Ecology?

10 MR. LEVITT: Eli Levitt, present.

11 MS. GRANTHAM: Department of Fish and Wildlife?

12 Department of Natural Resources?

13 MR. YOUNG: Lenny Young, present.

14 MS. GRANTHAM: Utilities and Transportation
15 Commission?

16 MS. BREWSTER: Stacey Brewster, present.

17 MS. GRANTHAM: Local government and optional state
18 agencies for the Horse Heaven Project, Department of
19 Agriculture?

20 Benton County, Ed Brost?

21 For the Badger Mountain Project, Douglas County?

22 For the Wautoma Solar Project, Benton County, Dave
23 Sharp?

24 MR. SHARP: Dave Sharp, present.

25 MS. GRANTHAM: Washington State Department of

1 Transportation?

2 MR. GONSETH: Paul Gonseth, Washington State
3 Department of Transportation, present.

4 MS. GRANTHAM: The Assistant Attorney General?

5 MR. THOMPSON: Hi, this is Jon Thompson, present.

6 MS. GRANTHAM: Administrative law judges, Adam Torem?

7 JUDGE TOREM: This is Judge Torem, if you can hear me,
8 I'm present.

9 MS. GRANTHAM: Thank you. Laura Bradley?

10 JUDGE BRADLEY: This is Judge Bradley, present.

11 MS. GRANTHAM: Dan Gerard?

12 JUDGE GERARD: Judge Gerard, present.

13 MS. GRANTHAM: For EFSEC Staff, Sonia Bumpus?

14 MS. BUMPUS: Sonia Bumpus is present.

15 MS. GRANTHAM: Ami Hafkemeyer?

16 MS. HAFKEMEYER: Ami Hafkemeyer, present.

17 MS. GRANTHAM: Amy Moon?

18 MS. MOON: Amy Moon, present.

19 MS. GRANTHAM: Patty Betts?

20 Stew Henderson?

21 MR. HENDERSON: Stew Henderson, here.

22 MS. GRANTHAM: Joan Owens?

23 Dave Walker?

24 MR. WALKER: Dave Walker, present.

25 MS. GRANTHAM: Sonja Skavland?

1 MS. SKAVLAND: Sonja Skavland, present.

2 MS. GRANTHAM: Lisa Masengale?

3 Sara Randolph?

4 MS. RANDOLPH: Sara Randolph, present.

5 MS. GRANTHAM: Sean Greene?

6 MR. GREENE: Sean Greene, present.

7 MS. GRANTHAM: For the operational updates, Kittitas
8 Valley Wind Project?

9 Wild Horse Wind Power Project?

10 MS. RANDOLPH: If Jennifer can't make it, I will speak
11 on her behalf.

12 MS. GRANTHAM: Thank you.

13 MS. SALLOMI: Hi. Sorry to interrupt before you
14 finish the roll call. This is Megan Sallomi for Counsel
15 for the Environment. I think I missed when you called me.

16 MS. GRANTHAM: Oh, I haven't gotten to you yet, but I
17 can mark you off already.

18 MS. SALLOMI: Oh, sorry.

19 MS. GRANTHAM: No worries. I just won't call you
20 again.

21 MS. SALLOMI: I thought you already started the
22 agenda. Okay.

23 MS. GRANTHAM: Oh, no. Thank you, Megan.

24 Grays Harbor Energy Center?

25 MR. SHERIN: This is Chris Sherin for Grays Harbor

1 Energy Center.

2 MS. GRANTHAM: Thank you.

3 Chehalis Generation Facility?

4 MR. SCHNITGER: Stefano Schnitger, present.

5 MS. GRANTHAM: Columbia Generating Station?

6 MR. SCHMITT: Marshall Schmitt, present.

7 MS. GRANTHAM: Columbia Solar?

8 MR. HURD: Owen Hurd, present.

9 MS. GRANTHAM: Chair, there is a quorum for the
10 regular council and for the Wautoma Solar council. Thank
11 you.

12 CHAIR DREW: I believe there is also quorum for the
13 Horse Heaven council.

14 MS. GRANTHAM: I did not hear Derek Sandison or Ed
15 Brost, if we want to --

16 CHAIR DREW: I believe we have five out of eight
17 members. Ms. Bumpus, will you perhaps verify that for me?

18 MS. BUMPUS: I think I will defer to Jon Thompson.

19 CHAIR DREW: Okay.

20 MS. BUMPUS: Jon, are you on the line?

21 MR. THOMPSON: Yes, I am. Sorry, I'm just trying to
22 recall who -- I think we're missing --

23 CHAIR DREW: We're missing Fish and Wildlife,
24 Mr. Livingston, and Derek Sandison and Ed Brost. So that
25 makes us five of eight from my count.

1 MR. THOMPSON: Okay. Yeah, so quorum is just a
2 majority of voting members.

3 MS. GRANTHAM: Okay. That is correct. I apologize.
4 There is a quorum. Thank you.

5 MS. BUMPUS: Thank you, Jon.

6 CHAIR DREW: Okay. So moving onto the proposed
7 agenda. The agenda is before you. Is there a motion to
8 approve the agenda?

9 MR. YOUNG: Lenny Young, so moved.

10 CHAIR DREW: Second?

11 MS. KELLY: Kate Kelly, second.

12 CHAIR DREW: Go ahead, Ms. Kelly.

13 MS. KELLY: Kate Kelly, second.

14 CHAIR DREW: Thank you. All those -- are there any
15 questions or comments on the proposed agenda? All those
16 in favor please say "aye."

17 COUNCILMEMBERS: Aye.

18 CHAIR DREW: Those opposed to approving the agenda?
19 The agenda is approved.

20 Moving onto the monthly minutes from
21 September 20th, 2022, one set of minutes today to review.
22 The minutes package is in front of us. Is there a motion
23 to approve the September 20th minutes?

24 MS. BREWSTER: This is Stacey Brewster, I'll move we
25 approve the September 20, 2022 meeting minutes.

1 CHAIR DREW: Thank you. Second?

2 MR. YOUNG: Lenny Young, second.

3 CHAIR DREW: Thank you. I do have one change that I
4 saw in the minutes. On page 35, line 17, instead of the
5 words -- 17 and 18 -- "were board," it should be "We're
6 happy you are aboard."

7 Any other changes to the minutes? Corrections?

8 MS. BREWSTER: Chair Drew, I noticed one correction
9 for page 14, line 21, it says "implementation of the
10 omissions allowance auction process." I believe that
11 should be "emissions."

12 CHAIR DREW: And that's, again, page 14? Okay. Line?

13 MS. BREWSTER: 21.

14 CHAIR DREW: Oh, okay. Yes, it says emissions on
15 line 19 and then -- but, yes, on line 21 it should be
16 emissions instead of omissions. Yes. Thank you.

17 Any others? Hearing none, with those two
18 amendments, all those in favor of the minutes as amended
19 please say "aye."

20 COUNCILMEMBERS: Aye.

21 CHAIR DREW: All those opposed? The minutes as
22 amended are approved.

23 Moving onto our meeting -- our project updates,
24 Kittitas Valley Wind Power Project, is Mr. Melbardis with
25 us?

1 MR. MELBARDIS: I am. Good afternoon Chair Drew,
2 EFSEC Council, and staff. For the record, this is Eric
3 Melbardis with EDP Renewables for the Kittitas Valley Wind
4 Power Project. And as typical, I have nothing nonroutine
5 to report for the period.

6 CHAIR DREW: Thank you.

7 Wild Horse Wind Facility?

8 MS. RANDOLPH: Hi, everyone. This is Sara Randolph,
9 and I am filling in for Jennifer Galbraith. She is in the
10 field today. There are no nonroutine updates for
11 September for Wild Horse.

12 CHAIR DREW: Thank you.

13 Moving onto the Chehalis Generation Facility,
14 Mr. Schnitger?

15 MR. SCHNITGER: Good afternoon Chair Drew, EFSEC
16 Council, and staff. For the reporting period of
17 September 20th, Chehalis Generation Facility received a
18 noise complaint. Upon investigation, the cause of the
19 noise was determined to be a leak in a crossover pipe
20 on unit 1 steam reheater. That unit was shutdown so
21 repairs could be made. It was restarted with no other
22 issues.

23 Besides that, I have nothing else nonroutine to
24 report for the period.

25 CHAIR DREW: Great. Thank you.

1 Moving onto the Grays Harbor Energy Center.

2 MR. SHERIN: Good afternoon Chair Drew, Council,
3 staff. This is Chris Sherin, the plant manager from Grays
4 Harbor Energy Center. So the only non-repeat item this
5 month is our relative accuracy test audit, and H2SO4 and
6 HO2 source tests, that was actually a retest, and we
7 submitted those results to EFSEC and Orca, which is
8 routine.

9 But the H2SO4/SO2 results, again, had an
10 unexplainably higher ratio, greater than 1; that ratio
11 should be less than 1. And when this report was generated
12 we were still -- we weren't sure why, and we were working
13 with our test contractor to review the unexpected data
14 again.

15 In the meantime our contractor has let us know
16 that, as part of their investigation, we passed this --
17 now I'm passing along information we shared with EFSEC
18 staff this week.

19 As a result of their investigation, they
20 determined that the SO2 and H2SO4 samples were swapped
21 causing the ratio to be backwards, or high, instead of
22 lower than 1. So the investigation is still ongoing as to
23 how the mix-up occurred, and they're going to provide us
24 with more details, which we'll pass onto EFSEC staff and
25 Orca when we get that information, just sharing.

1 That's it for now.

2 CHAIR DREW: Thank you. So to clarify, the testing
3 contractor, it appears, had the two confused?

4 MR. SHERIN: The testing contractor or their -- the
5 lab they used swapped the samples was the initial
6 findings.

7 CHAIR DREW: Okay. Thank you. I just wanted to make
8 sure I was understanding exactly what you were reporting
9 to us there.

10 Are there any other questions from councilmembers?
11 Okay. Thank you very much, Mr. Sherin.

12 Moving onto Columbia Generating Station and
13 Washington Nuclear Projects 1 and 4, Mr. Schmitt?

14 MR. SCHMITT: Good afternoon Chair Drew, EFSEC Council
15 and staff. For the record this is Marshall Schmitt. I
16 have three items to report for September.

17 First off, the ~~tridium~~^{tritium} investigation plan is still
18 ongoing. Since the investigation plan was put into place
19 in August of this year, we have not identified any levels
20 of ~~tridium~~^{tritium} above the lower limit of detection, which for
21 our lab is 300 picocuries per liter. None of our samples
22 have hit that or really even been close to it.

23 Our last phase has been isolating the last of the
24 three intake pipes to see if maybe there was a slug in the
25 pipe we did not open. And the information here is a

1 little outdated. I can say that the data we've seen since
2 we isolated that pipe is in line with everything else. We
3 have not found tridium above that lower limit of
4 detection. So we're in the process of drafting the EFSEC
5 required report on the investigation plan to submit.

6 Second, on September 7th we received the Draft
7 National Pollutant Discharge Elimination System Permit,
8 and the permit fact sheet from EFSEC, so we have begun our
9 facility review of those documents and expect to have
10 comments back to EFSEC here in the near future.

11 On September 27th, we were also able to provide a
12 tour of the facility to the EFSEC site specialist and the
13 permit writer, which is something we appreciated being
14 able to do.

15 Additionally on September 7th, we submitted a
16 letter to EFSEC and Ecology regarding the potential to
17 rewire the run-time meters for two of our station
18 emergency diesel generators. The technical evaluation for
19 this work is still in progress, and we have noted the
20 known discrepancy in run time in our report that we
21 submitted on September 29th.

22 That concludes my updates. Are there any
23 questions?

24 CHAIR DREW: Are there any questions from
25 councilmembers? Hearing none, thank you for your report,

1 and we look forward to continuing updates. Thank you.

2 Moving onto Columbia Solar Project, Mr. Hurd?

3 MR. HURD: Good afternoon Chair Drew, Councilmembers,
4 and EFSEC staff. This is Owen Hurd from TUUSSO Energy
5 reporting on the Columbia Solar Projects. Penstemon's
6 online, as it's been for awhile now.

7 Camas, we've finally achieved substantial
8 completion on October 5th. After having several delays on
9 that, we're now kind of beyond substantial completion.

10 Urtica is trailing behind. It's been most
11 recently delayed due to some communications issues that
12 PSE is having within interconnection. We're working to
13 resolve those. Hoping to have the witness test where PSE
14 will kind of be there to turn on the plant at the end of
15 this month or early next month. So it's been a little bit
16 of a moving target on the schedule just based on trying to
17 resolve this issue.

18 And then beyond that, we had our on-site meeting
19 with WDFW and the landowners regarding the planting plan
20 and, I think, reached general agreement on where the woody
21 species will be planted, so we're just finalizing that
22 revised plan, and then we expect planting and seeding to
23 commence fairly shortly.

24 Some of that is a little bit impacted by the
25 Urtica schedule because we need to get to substantial

1 completion so then we can remove the rocks that are on
2 site before we do the litha planting.

3 But anyway, that's moving forward, and it was a
4 productive meeting, so that's all I have.

5 CHAIR DREW: Great. Thank you. Are there any
6 questions for Mr. Hurd?

7 MS. BREWSTER: This is Stacey Brewster. Mr. Hurd, can
8 you let us know, do you have data on how much energy
9 Penstemon is generating at this point?

10 MR. HURD: I can get that. I don't have it offhand,
11 but, yeah, I can -- I can follow up. Should I follow up
12 directly with you or with EFSEC staff or?

13 CHAIR DREW: Go ahead and follow up with EFSEC staff,
14 and they'll share it with the council.

15 MR. HURD: Okay. Okay.

16 MS. BREWSTER: Thank you.

17 MR. HURD: Yup.

18 CHAIR DREW: Thank you. Any other questions? Okay.
19 Thanks.

20 Now we will get our update on the Horse Heaven
21 Wind Project.

22 MS. MOON: Thank you. Good afternoon Council Chair
23 Drew and councilmembers. For the record this is Amy Moon,
24 EFSEC staff member. I am providing the State
25 Environmental Policy Act or SEPA update on the Horse

1 Heaven Wind Project.

2 EFSEC staff continued its work preparing the Draft
3 Environment Impact Statement or Draft EIS. We are focused
4 on finalizing all resource topic sections, including final
5 refinement of the proposed de-minimization and mitigation
6 opportunities.

7 We continue to work closely with our contractor
8 Golder to compile the Draft EIS as well as prepare an
9 executive summary and fact sheet. As mentioned at the
10 September 20th council meeting, 30 days is the minimum
11 required comment period. However, due to -- that's the
12 comment period for the Draft EIS.

13 However, due to the timing of the Draft EIS
14 issuance, EFSEC is extending this by 15 days, as allowed
15 by Washington Administrative Code or WAC 197.11.455
16 Subpart 7, to allow the public time to review in light of
17 the winter holidays.

18 Does the council have any questions on that before
19 I go further?

20 CHAIR DREW: Any questions from councilmembers?

21 Go ahead, Ms. Moon.

22 MS. MOON: Okay. We are also working to schedule
23 EFSEC site tours of Horse Heaven in early November, but
24 details regarding the logistics are still being finalized,
25 and more information will be forthcoming.

1 That's my SEPA update. Any -- any questions now?

2 CHAIR DREW: Are there any questions?

3 MS. MOON: Okay. So I also have an application
4 extension request update.

5 CHAIR DREW: Okay.

6 MS. MOON: So if there are no further questions, I'd
7 like to direct your attention to the extension request
8 letter in your packet.

9 EFSEC statute states in the Revised Code of
10 Washington RCW 80.50.100, that the council shall report to
11 the governor its recommendations as to the approval or
12 rejection of an application for certification within
13 12 months of receipt by the council of such an application
14 or such later time as is mutually agreed by the council
15 and the applicant. So that's the quote from that RCW
16 80.50.100.

17 The application for site certification was
18 received by EFSEC on February 8th of 2021. The 12-month
19 recommendation for approval or rejection would have been
20 due February 7th of 2022. However, the applicant
21 submitted a letter dated January 7th, 2022 requesting an
22 extension to December 8th, 2022.

23 The council approved this extension at the
24 January 18th, 2022 council meeting. Since that time,
25 EFSEC received an additional extension request from the

1 applicant dated September 27th of this year. The
2 applicant requested that the processing time of the
3 application be extended an additional 7 months to July 8th
4 of 2023.

5 This extension would allow time for the SEPA and
6 adjudication process to occur for the proposed Horse
7 Heaven Wind Project. Being an action by the council, the
8 request was opened for public comment prior to this
9 meeting, and 6 comments were received. The comments
10 received were primarily focused on the Draft EIS issuance.

11 As I mentioned previously, staff is committed to a
12 45-day comment period which we believe addresses these
13 concerns. With regards to the extension request before
14 the council, staff recommends that the council approve
15 this extension request as presented by the applicant.

16 Are there any questions from the councilmembers?

17 CHAIR DREW: So this is for the Horse Heaven.

18 MS. MOON: Yes, Horse Heaven.

19 CHAIR DREW: Councilmembers, are there any questions
20 for the Horse Heaven -- from the Horse Heaven
21 councilmembers at this point? Which include all of our
22 regular council and a couple others, Mr. Brost and
23 Mr. Sandison.

24 Questions? Okay. Thank you. So then we will
25 move onto the recommended action item, and, again, it

1 would be the five members of the regular council who will
2 be voting on this because they are the ones of the Horse
3 Heaven council who are present at the meeting.

4 The applicant, Scout Clean Energy, has requested
5 an extension for the review of the application for site
6 certification for the Horse Heaven Wind Farm Project. Is
7 there a motion to approve the Horse Heaven extension
8 request to July 8th, 2023?

9 MS. KELLY: This is Kate Kelly, move to approve.

10 CHAIR DREW: Thank you. Is there a second?

11 MR. LEVITT: Eli Levitt, second.

12 CHAIR DREW: Thank you. Is there any discussion? I
13 think it's clear that we have a period of time for the
14 Draft EIS and the adjudication ahead of us still, so that
15 this is a reasonable request. Any other comments?

16 All those in favor of the extension request please
17 say "aye."

18 COUNCILMEMBERS: Aye.

19 CHAIR DREW: The motion is approved. Thank you all.

20 We now will move to an update on the Goose Prairie
21 Solar Project, and that is Ms. Hafkemeyer.

22 MS. HAFKEMEYER: Apologies. Thank you Chair Drew, and
23 good afternoon council. EFSEC staff are working with the
24 certificate holder and our contractors to review and
25 refine preconstruction plans. The certificate holder

1 continues to keep staff updated with their anticipated
2 construction schedule.

3 The certificate holder recently submitted multiple
4 preconstruction plans including the Initial Site
5 Restoration Plan or ISRP which staff are reviewing. This
6 is one of the plans that will require council approval
7 prior to the start of construction. EFSEC staff will
8 notify the council once the ISRP is ready for the council
9 to review and approve.

10 Are there any questions?

11 CHAIR DREW: Thank you, Ms. Hafkemeyer. And under our
12 new proceedings, that would also then be public for the
13 public to comment on before the meeting in which the
14 council takes action. So as that comes forward for an
15 action item, the public -- it will be on our agenda, and
16 the public will have an opportunity to comment in writing
17 on that plan. Which again, I know the letters but please
18 state the name of the plan again, the site restoration
19 plan.

20 MS. HAFKEMEYER: Initial site restoration plan.

21 CHAIR DREW: Initial site restoration plan. So that
22 would be the plan that talks about the end of the project
23 and what happens at its conclusion of the operating of the
24 project to restore the site. So members of public who
25 would be interested in it look forward to that in the

1 future.

2 Are there any questions from councilmembers?

3 Okay. Thank you.

4 Badger Mountain Solar Energy Project,

5 Ms. Hafkemeyer.

6 MS. HAFKEMEYER: Thank you. Staff have been working
7 with our contractor to prepare for drafting of the
8 Environment Impact Statement or EIS. EFSEC is
9 coordinating with our contractor to determine details such
10 as the structure of the EIS as well as alternatives to be
11 considered. Staff are also preparing a data request for
12 the applicant in support of drafting the EIS.

13 There are no other updates at this time. Are
14 there any questions?

15 CHAIR DREW: Did you say staff are preparing a data
16 request?

17 MS. HAFKEMEYER: Correct.

18 CHAIR DREW: So when the data request goes out, it
19 will be posted and will be public for the public to see
20 that --

21 MS. HAFKEMEYER: Correct.

22 CHAIR DREW: -- for your information.

23 Any questions from councilmembers? Okay. Thank
24 you, Ms. Hafkemeyer.

25 And moving onto Whistling Ridge. Again.

1 MS. HAFKEMEYER: Thank you.

2 CHAIR DREW: You're still up.

3 MS. HAFKEMEYER: EFSEC staff are waiting for the
4 certificate holder to submit the remaining materials for
5 the SCA amendment requests. However, there are no further
6 updates at this time.

7 CHAIR DREW: Okay. And then to High Top and Ostrea
8 update, starting with the SEPA update and the MDNS, the
9 Mitigated Determination of Non-Significance.

10 Ms. Hafkemeyer?

11 MS. HAFKEMEYER: Thank you. For the SEPA update,
12 EFSEC issued a Mitigated Determination of Non-Significance
13 or MDNS on October 1st, 2022. The 14-day comment period
14 ran from October 1st through October 14th. During this
15 time staff received 4 comments on the MDNS.

16 As a result of these comments, EFSEC is revising 2
17 changes to the MDNS. In mitigation no. 10, EFSEC is
18 revising the MDNS to read "Prior to the start of
19 construction, habitat restoration and mitigation plans
20 will be developed in coordination with WDFW and EFSEC as
21 described in the ASC to include, one, considerations of
22 any potential setbacks as identified by WDFW or other
23 microcytic options that may be feasible to further reduce
24 the impacts to habitat productivity."

25 And then here's where the revision is: Two,

1 revegetation of disturbed areas within need of seed mix,
2 including the revegetation as a requirement is in response
3 to the comments that we received.

4 EFSEC is also including a new mitigation measure,
5 a new mitigation no. 11 to read "Prior to the start of
6 construction, the applicant will implement, where feasible
7 in coordination with EFSEC and WDFW, the raising of the
8 fences to allow for small animal passage."

9 Due to the inclusion of the new mitigation
10 measure, the following measures will need to be
11 renumbered. Staff will issue the revised MDNS and the
12 supplemental staff report responding to comments by the
13 end of this week. We just need a little bit of time for
14 finalizing the documents. The council will receive these
15 documents when they are distributed.

16 Are there any questions?

17 CHAIR DREW: Are there any questions about the SEPA
18 update and the MDNS plus the changes -- the amendments
19 that will be made due to the public comments? Okay.
20 Thank you.

21 And now we will move to the land use consistency
22 action item, Ms. Hafkemeyer.

23 MS. HAFKEMEYER: Thank you. As hopefully you can all
24 see on the screen, there's a draft land use order provided
25 in your packets prepared by Judge Bradley, EFSEC staff,

1 and our attorney Jon Thompson.

2 This order was prepared for your review, and at
3 this time staff recommends the council approve the order
4 deeming the project's consistent with the land use
5 regulations.

6 CHAIR DREW: Okay. There is the draft --

7 MS. HAFKEMEYER: Are there any questions?

8 CHAIR DREW: -- order. Okay. I'm just wanting to get
9 that one where I can read it better myself here.

10 So are there any questions from councilmembers on
11 this item? There we go.

12 We have seen the pieces of information that are
13 going into this land use -- finding of land use
14 consistency throughout the process, beginning with the
15 initial application, and specifically the document from
16 Yakima County which does indicate that the project would
17 be consistent with the land use -- Yakima County's
18 Comprehensive Plan and land use.

19 So if you go to the findings, let's take a --
20 conclusions of law, let's take a look at that, which is
21 page 9, and just do a walk-through of the conclusions of
22 law.

23 Number 1, the council has jurisdiction under RCW
24 80.50.075 and Washington Administrative Code Chapter
25 463-43; two, the council provided adequate notice to

1 interested ~~party~~ ^{parties} and has adequate information to render a
2 land use consistency decision; three, under Yakima County
3 Code Title 19 the facility meets definition of a power
4 generating facility.

5 Number 4, the proposed sites for the facility are
6 on land in the agricultural zoning district under Yakima
7 County Code. In the AG zoning district, power generating
8 facilities are a type-3 use.

9 Five, Yakima County determined the projects are
10 consistent with Yakima County Code Title 19 and would be
11 eligible for review and permitting under Yakima County
12 conditional use processes and issued the applicant a
13 certificate of zoning compliance.

14 Number 6, the applicant has met its burden of
15 proof of demonstrating that the sites are consistent and
16 in compliance with Yakima County's Comprehensive Plan and
17 applicable zoning ordinances as required by RCW 80.50.075
18 Sub 1.

19 Therefore the council orders, no. 1, Cypress Creek
20 Renewable, LLC's request for finding of land use
21 consistency is granted consistent with RCW 80.50.090 Sub 2
22 and 463-26-110, and, two, the council will provide a means
23 to receive information regarding site specific conditions
24 and criteria akin to what Yakima County would receive
25 during a conditional land use hearing.

1 So that is the essence of our action today. One
2 question for staff, this was also open for public review.
3 Did we receive any public comments on it?

4 MS. HAFKEMEYER: No, we did not receive any comments
5 on the draft land use order.

6 CHAIR DREW: Thank you. Are there any comments from
7 councilmembers?

8 MS. KELLY: Chair, this is Kate Kelly. It's not a
9 comment but a question. In this -- and under order and
10 then no. 2, where we say "will provide a means to receive
11 information." It's just, what does that mean exactly?

12 CHAIR DREW: It's a public meeting, and it's where
13 people are invited to comment on -- you know, I'm going to
14 ask actually Mr. Thompson, since I'm going from the top of
15 my head. And we have done this before. We did it with
16 Goose Prairie Project. So Mr. Thompson?

17 MR. THOMPSON: Right, that's correct. I don't have
18 too much to add. I mean, it's the finding of land use
19 consistency, as we were just discussing, is just a finding
20 that the -- a project of this type would be eligible to
21 apply for a conditional use permit.

22 So it's not -- it's not -- it's not permitted
23 outright in the AG zone, but it requires a conditional use
24 permit. So at this -- at this stage the finding of
25 consistency is just based on that eligibility.

1 So there still needs to be an opportunity for the
2 public to comment on whether the Yakima County's
3 conditional use criteria are met for the project, or if
4 there are conditions that need to be imposed to ensure
5 that those conditional use criteria are met.

6 So, and that's -- yeah, that's how the council has
7 consistently dealt with situations where their -- where a
8 conditional use permit would be required at the county.
9 Does that answer your question?

10 MS. KELLY: Yeah. Just a little bit more, Madam
11 Chair, if you'll indulge. So as part of that process, I
12 understand hearing from the public and how important that
13 is, but do we also take -- take into consideration
14 whatever the county itself has to share in terms of what
15 site specific conditions might be?

16 CHAIR DREW: Oh, yes. And my recollection is during
17 Goose Prairie our staff worked with the county staff quite
18 closely in that process. Ms. Hafkemeyer, do you have
19 anything to add there?

20 MS. HAFKEMEYER: Not too much to add. The county
21 would obviously be noticed of the meeting and welcome to
22 attend as well as coordinate with staff directly if they
23 had any additional concerns or criteria that they had
24 questions or concerns about as part of the review process.

25 CHAIR DREW: And I would also add that the applicant

1 has provided information in the land use consistency
2 section of the application that does walk through that
3 criteria from the applicant's perspective as well.

4 MS. HAFKEMEYER: Correct. That can be found in
5 attachment A to the application. You'll actually see two
6 attachments; one for the High Top site and one for the
7 Ostrea site.

8 CHAIR DREW: So really, the council will -- our job
9 will then be to consider all of that information at --
10 during that whole application process and, when we get to
11 that point, to determine whether there are additional
12 mitigations that need to be made or to consider the
13 project in total.

14 MS. KELLY: Thank you all. That's very helpful.

15 CHAIR DREW: Okay. Thanks. Any other questions?

16 Okay. I will ask then if there is a motion to
17 approve the council order for the High Top and Ostrea
18 Projects with a finding of consistency with land use per
19 RCW 80.50.090 Sub 2 and WAC 463-26-110.

20 So, again, is there a motion to approve this order
21 with a finding of consistency -- land use consistency?

22 MS. BREWSTER: This is Stacey Brewster. I'll move
23 that the council approve the order granting a finding of
24 land use consistency.

25 CHAIR DREW: Is there a second?

1 MS. KELLY: Kate Kelly, second.

2 CHAIR DREW: Thank you. Discussion?

3 MR. YOUNG: Chair Drew, this is Lenny Young. Should
4 WAC be inserted in paragraph 47 prior to the numbers that
5 start with 463?

6 CHAIR DREW: Yes. Thank you for that. That's just a
7 technical error there.

8 MS. BUMPUS: Chair Drew, this is Sonia Bumpus. I did
9 note that we missed that abbreviation for the Washington
10 Administrative Code. We can make that change for the
11 final document.

12 CHAIR DREW: Okay. Thank you. Any other questions or
13 discussion or comments? All those in favor of approving
14 the council order say "aye."

15 COUNCILMEMBERS: Aye.

16 CHAIR DREW: Opposed? Motion carries. Thank you.

17 Now, we are -- let's see, just close that
18 document. Moving onto the discussion of expedited
19 processing.

20 MS. HAFKEMEYER: Thank you.

21 CHAIR DREW: So what we are looking at here -- go
22 ahead, Ms. Hafkemeyer.

23 MS. HAFKEMEYER: Oh. I was just going to give a
24 little bit of background for the council.

25 CHAIR DREW: Thank you.

1 MS. HAFKEMEYER: As you may recall at the July 19th
2 council meeting, the council agreed to the request from
3 the applicant to extend the expedited process decision to
4 October 20th to allow time to complete the SEPA review.

5 The two requirements to consider expedited process
6 include consistency with local land use regulations as
7 well as a determination of non-significance or a mitigated
8 determination of non-significance.

9 So now that the MDNS has completed the comment
10 period, and with the land use order having been voted to
11 be approved, staff would like the council to consider the
12 request for expedited process.

13 CHAIR DREW: And councilmembers, again, following up
14 on what Ms. Hafkemeyer just said, there are two criteria
15 for expedited processing. One is land use consistency,
16 which we just granted, and then the mitigated
17 determination of non-significance, which has been
18 determined not by the council but by the council director
19 Ms. Bumpus with a couple changes that -- you've heard what
20 those changes will be this week.

21 And our process moving forward would be to direct
22 the staff to prepare an order for the council's review in
23 November approving the Cypress Creek Renewables' request
24 granting expedited processing since the two criteria are
25 met. Are there questions or comments on that?

1 MR. YOUNG: Chair Drew, I was slightly confused
2 because the July letter seems to push in the opposite
3 direction of the April letter, and almost to the point
4 where the July letter seemed to almost withdraw the
5 request for expedited processing and ask for more time.

6 What's the relationship between those two
7 requests? Is the second letter still consistent with the
8 concept of expedited processing?

9 CHAIR DREW: Ms. Hafkemeyer?

10 MS. HAFKEMEYER: May I jump in?

11 CHAIR DREW: Yes, thank you.

12 MS. HAFKEMEYER: Thank you. So the second letter is
13 in keeping with the first letter. The initial request for
14 expedited process was received with the application on
15 April 7th. The timeline in the EFSEC rules -- I'm sorry,
16 the exact WAC is escaping me. I believe it's 463-43
17 provides a timeline of 120 days for the expedited process
18 decision.

19 So that decision would initially have needed to be
20 made, I believe, on August 6th. Staff were not prepared
21 to make a SEPA threshold determination at that time. We
22 were still coordinating with our contracted agencies to
23 get input.

24 And so the July 8th letter was to extend that
25 expedited process decision to allow staff sufficient time

1 to complete our SEPA determination.

2 MR. YOUNG: So the staff's interpretation is that
3 there is still a request for expedited processing on the
4 table?

5 MS. HAFKEMEYER: Correct.

6 MR. YOUNG: Thank you.

7 MS. KELLY: Chair, this is Kate Kelly again. The
8 expedited processing letter in our packet dated April 7th
9 only mentions Ostrea Solar Facility.

10 MS. HAFKEMEYER: I believe the application, I can
11 doublecheck, but I believe with the application there is a
12 letter for each site. So there is a letter with the
13 application for the Ostrea Solar and a letter with the
14 application for High Top Solar.

15 MS. KELLY: Chair, you're muted.

16 CHAIR DREW: Thank you. Why don't we take a minute
17 and confirm that.

18 MS. HAFKEMEYER: I'm looking right now. Yes, there is
19 a letter for each site, and those letters can be found on
20 the EFSEC website on the project page.

21 CHAIR DREW: Ms. Kelly, is that satisfactory?

22 MS. KELLY: It is. I'm still -- back to the previous
23 question about the connection between the two letters and
24 what we're being -- we're being asked to take action on
25 something right now or not?

1 CHAIR DREW: We're being asked to direct the staff to
2 prepare a draft order for our review for the November
3 meeting granting expedited processing. So our final
4 action on expedited processing will actually come in
5 November.

6 MS. KELLY: Even though the letter, the July 8th
7 letter, asks for an extension through this week, through
8 October 20th?

9 CHAIR DREW: Yes. So I'll ask the question to
10 Ms. Bumpus or perhaps Mr. Thompson. Do we need to also
11 have an extension letter from Cypress Creek Renewables?

12 MS. BUMPUS: This is Sonia Bumpus. We did discuss
13 that very question internally, and being that the two
14 criteria are met for qualifying for expedited processing,
15 we did not think we needed to request another extension
16 just to carry us to November when the draft order would
17 have been reviewed and then, you know, hopefully
18 presumptively approved.

19 Jon Thompson is here and can weigh in with
20 anything additional, but that was discussed internally.
21 And being that the MDNS is going to be completed, it's
22 already gone out for public comment, the proposal has
23 demonstrated that it meets those two qualifying criteria;
24 we did not think we needed to request another extension
25 letter.

1 But, Jon, did you want to add anything to that?

2 MR. THOMPSON: No, I don't have anything to add. The
3 deadline for making a decision on a request for expediting
4 processing is not statutory. It's self-imposed, if you
5 will, in an EFSEC rule, and so -- which is one
6 consideration.

7 And then another is, as Ms. Bumpus was explaining,
8 yeah, I think we have the information at this point before
9 you for you to, you know, make a presumptive decision and
10 then direct staff to prepare that order. Technically your
11 vote would come at the next meeting, but we felt like
12 that's in compliance with the spirit of the rule.

13 MR. YOUNG: This is Lenny Young. Follow-up question
14 on that. So for an order that we would be asked to vote
15 on in November, what date would be specified in that
16 order? Would it be October 20th, which at that time would
17 be a date that would be three to four weeks in the past,
18 or would it be a current or future date with respect to
19 the date of the November council meeting?

20 MR. THOMPSON: There is no intention of backdating or
21 anything like that. I think it would be signed as of the
22 date that I think Chair Drew would probably sign it as the
23 practice. So, yeah, it would be -- it would be a date
24 that it was actually signed.

25 MR. YOUNG: So the order would have a date that would

1 either be the same day or later than the council's
2 November meeting?

3 MR. THOMPSON: Correct.

4 MR. YOUNG: Okay.

5 CHAIR DREW: This is a council action too which,
6 again, the information has been prepared. We want time
7 for the council, and then it will also, under the new
8 statute, have an opportunity for the public to comment on
9 that final action.

10 So we want that to occur, but there isn't a lot of
11 wiggle room, if you will, in -- we're not -- we're not --
12 we -- there's no question that we've met the two criteria.
13 The criteria are quite cut and dried in this particular
14 action.

15 So from that standpoint, I think what we want is
16 to make sure the language in the order is appropriate for
17 the action, but we have enough information to see that the
18 two criteria have been met.

19 Does that make sense?

20 MR. YOUNG: Yes, I'm just not sure about the
21 continuing significance of the October 20 date mentioned
22 in the July TRC letter.

23 CHAIR DREW: Again, what I'm hearing from both
24 Ms. Bumpus and Mr. Thompson, that's a council rule, not a
25 statute. So we were -- we're in keeping with the date not

1 by signing the order but by having the two pieces clearly
2 met by that date, is what I hear them saying.

3 MR. YOUNG: Understood. Thank you.

4 CHAIR DREW: Okay. Thanks. Yeah, little bit
5 confusing I know.

6 But so other questions or comments? Is there a
7 motion to direct staff to prepare a draft order for the
8 council's review approving the Cypress Creek Renewables'
9 request granting expedited processing for the High Top and
10 Ostrea Solar projects? Motion, please?

11 MS. KELLY: This is Kate Kelly. I move that we ask
12 staff to prepare the order as described.

13 CHAIR DREW: Thank you. Second?

14 MR. LEVITT: This is Eli. I'll second.

15 CHAIR DREW: Thank you. Anymore questions or comments
16 now that we have the action in front of us? Okay. All
17 those in favor please say "aye."

18 COUNCILMEMBERS: Aye.

19 CHAIR DREW: Opposed? The motion carries. Thank you.
20 Wautoma Solar Project, is this Ms. Hafkemeyer?

21 MS. HAFKEMEYER: Yes. Thank you. For the Wautoma
22 Solar Project, EFSEC staff continue to work with the
23 applicant and our contractors to review the project.

24 EFSEC sent a data request to the applicant to
25 facilitate our review which they're working on at this

1 time. We are also working to schedule a site tour in
2 early November and will provide details to the council and
3 the public as logistics are finalized.

4 Are there any questions?

5 CHAIR DREW: The site tour will also be a site tour at
6 the same time for the High Top and Ostrea Projects; is
7 that true?

8 MS. HAFKEMEYER: That -- because of logistics, we may
9 be able to -- be able to, you know, park near and sort of
10 look at where the High Top and Ostrea sites are. But due
11 to applicant availability and private landowner access
12 concerns, we may not be taking the public and the council
13 onto the High Top and Ostrea sites during that site visit.

14 CHAIR DREW: As I remembered, the access isn't created
15 yet either when we drove past.

16 MS. HAFKEMEYER: I think there is some dirt roads that
17 go that direction, but I think at this time we're
18 proposing sort of pointing people in the general direction
19 so that they can see where those sites will be --

20 CHAIR DREW: Yes.

21 MS. HAFKEMEYER: -- and then actually visit the
22 Wautoma site.

23 CHAIR DREW: Okay. Ms. Bumpus, go ahead. You were on
24 mute. Ms. Bumpus, did you want to add?

25 MS. BUMPUS: No, Chair Drew, I was just turning on my

1 camera, but thank you for asking.

2 CHAIR DREW: Oh, okay. You popped onto the screen,
3 and I thought, oh, she must want to say something.

4 MS. BUMPUS: No. Thank you for asking. I was just
5 testing it to make sure it was working.

6 CHAIR DREW: Okay. So, yes, for the Wautoma we do
7 have access to the site. For the High Top and Ostrea,
8 we'll be looking at it across Highway 24, as I recall when
9 I drove past it recently. But we'll at least get the
10 location of it so people can see; is that right,
11 Ms. Hafkemeyer?

12 MS. HAFKEMEYER: Correct.

13 CHAIR DREW: Okay. Thank you. Are there any other
14 questions? Okay. Thank you.

15 Now Ms. Bumpus, we have the non-direct cost
16 allocation which you will be going over for the council.

17 MS. BUMPUS: Yes. Thank you. Good afternoon, Chair
18 Drew and councilmembers. If it please the council, I have
19 an update on the non-direct cost allocation for second
20 quarter fiscal year 2023. This covers the non-direct cost
21 allocation for the periods October 1, 2022 to December 31,
22 2022. So I'll just read off the percentages as I
23 typically do, and let me know if you have any questions:

24 For Kittitas Valley, we have 4 percent.

25 Wild Horse, 4 percent.

1 Columbia Generating Station, 22 percent.

2 Columbia Solar, 5 percent.

3 WNP-1, 3 percent.

4 Whistling Ridge, 3 percent.

5 Grays Harbor 1 and 2, 8 percent.

6 Chehalis, 8 percent.

7 Desert Claim, 3 percent.

8 And Goose Prairie, 5 percent.

9 Horse Heaven, 15 percent.

10 Badger Mountain, 7 percent.

11 Cypress Creek Renewables, this is High Top and

12 Ostrea, 7 percent.

13 And Wautoma, 6 percent.

14 Are there any other questions on the non-direct
15 cost allocation update? Okay.

16 CHAIR DREW: Thank you.

17 MS. BUMPUS: Thank you.

18 CHAIR DREW: And now for our good of the order, we do
19 have new staff members who have come on board, and I'll
20 ask Ami Hafkemeyer to introduce them.

21 MS. HAFKEMEYER: Thank you. Yes, we do have two new
22 staff on board. I would like to first introduce Sara
23 Randolph who is joining us as one of our siting
24 specialists who will be overseeing primarily the
25 compliance of our existing facilities.

1 MS. RANDOLPH: Hi, everyone. It's nice to be here,
2 and I'm glad to be part of the team.

3 CHAIR DREW: There she is. Welcome. Welcome --

4 MS. RANDOLPH: Thank you.

5 CHAIR DREW: -- Ms. Randolph.

6 MS. HAFKEMEYER: All right. And we also have joining
7 us Sean Greene, who we are stealing back from Florida,
8 previously lived in Washington, and we're bringing him
9 back to step into the position of the SEPA adviser for
10 EFSEC staff.

11 MR. GREENE: Pleasure to meet you all.

12 CHAIR DREW: Thank you, and welcome to the team.

13 So with that, that concludes our business for
14 today, and the monthly meeting is adjourned. Thank you
15 all for your participation.

16 [Meeting adjourned at 2:31 p.m.]

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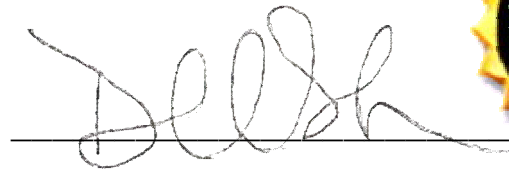
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