

To:

efsec@efsec.wa.gov;Comments@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;amy.mo

From: lisasmith@outlook.com

Received: 2024-08-09T00:40:01+00:00

Subject: Horse Heave Hills Wind Turbine project

Has attachment? False

External Email

Hi,

As a resident of the city of Kennewick, I'm asking that you please stick to your original recommendation and stay unbiased and not be swayed by the opinions of the governor. The majority of the residents of Tri Cities don't want this project but we're willing to compromise so that there isn't as big of an impact on our community. I'm worried that the governor has ulterior motives which are not in the best interest of people in our community.

Please help to support us and do what's right!

Regards,

Lisa Smith

Attachments:

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To:

Comments@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;amy.moon@efsec.wa.gov;se

From: jtcj@icloud.com

Received: 2024-08-09T01:22:59+00:00

Subject: Horse Heaven wind mill project

Has attachment? False

External Email We are commenting on Governor Inslee's action of not accepting your through investigations and recommendations on this project and directing you to change your minds on the placement of these turbines. A lot of time, money and study was done by your group to address the problems this project would bring to ALL parties involved, we believe Gov. Inslee is looking at this with bias to leave his legacy as the Governor of Climate Change, because of instances like this, your group was formed and approved by our Government, so these type of projects could be done in the fairest and safest way possible to all with no bias, democracy at its best...Please don't be bullied and cave in to his demands, you were appointed to serve all parties in a fair way, we trust you will make the right decisions for all. Thank you for your consideration, Randy and Marleen Lechelt 34203 Cantera St. Kennewick, Wa. Sent from my iPad

Attachments:

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To:

efsec@efsec.wa.gov;Comments@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;amy.mo

From: youall@startmail.com

Received: 2024-08-09T02:44:53+00:00

Subject: Horse Heaven Hills Turbine Wind Peoject

Has attachment? False

External Email

We are very upset that Governor Inslee has disregarded 3 years of good faith effort by the EFSEC to develop the best plan for the Horse Heaven Hills Turbine Wind Project. What a waste of time and effort by many if he dictatorially overrides every recommendation and imposes his personal agenda over the will of the citizens of Washington. What a slap in the face, all for the sake of his own personal ego and misguided agenda! Shame on him!

David and Cindy Garber

Attachments:

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To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-09T15:08:30+00:00
Subject: FW: HH wind turbines.
Has attachment? False

From: Ira Johnson <johnsonira967@gmail.com>
Sent: Thursday, August 8, 2024 8:30 PM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: HH wind turbines.

External Email

Please I beg you to listen to the people. Do not let Inslee who cares nothing about the people who live here. In fact when his term is up he's moving to Idaho. He is brought and paid for.!!!

Sincerely
Ira Johnson

Attachments:

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To: Comments@efsec.wa.gov

From: j.mercure@frontier.com

Received: 2024-08-09T17:56:49+00:00

Subject: Horse Heaven Wind and Solar Project

Has attachment? False

External Email

Thank goodness Gov Jay Inslee is term-limited. His decision to disregard three years of analysis and public input in favor of restoring the project to its original size displays a total lack of concern for Eastern Washington. The eagle's nests and hawk habitats, the wildfire firefighting ability, the loss of property owner's value and enjoyment --- these concerns matter not at all to "our" governor. The proposal to reduce the size of this project was not based on a stubborn refusal to compromise. We don't believe in the windmill project because of the unreliability of the power it will generate and the negative impact on our way of life but we have accepted it as inevitable. The least the governor can do is consider our requests to reduce the number of intrusive structures we will have to live with. He ran for president a few years ago as the "environment" candidate. Please remind him of that.

Attachments:

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To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-09T20:02:39+00:00
Subject: FW: Horse Heaven Hills Wind Project
Has attachment? False

From: Patti Montroy <netprophet1253@gmail.com>
Sent: Friday, August 9, 2024 12:38 PM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Horse Heaven Hills Wind Project

External Email

Dear Sir/Madam,

The proposed wind farm project on Horse Heaven Hills is unfathomable! It is so wrong for so many reasons, least of which is that the wind turbines are not only ugly, they leak oil & are harmful to all birds in the area. They have also been proven to be essentially useless in the production of energy!

Please do not clutter up our hill sides with these monstrosities!

Thank you,

Patricia Montroy
Kennewick, WA

Attachments:

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To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2024-08-09T23:07:37+00:00

Subject: FW: Horse Heavens Hills wind farm

Has attachment? False

-----Original Message----- From: Susan Smith Sent: Friday, August 9, 2024 3:52 PM To: EFSEC (EFSEC) Subject: Horse Heavens Hills wind farm External Email What are you planning on doing with the wind mill blades that break? There is no way to recycle them. They don't produce enough power and are an eyesore. They should be locate in Olympia since that seems to be where all the windbags are, should be just up their alley. Susan Smith

Attachments:

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To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-11T16:34:34+00:00
Subject: FW: Anonymous User completed Share your comment, upload a document or a picture
Has attachment? False

From: Comments WA EFSEC <notifications@engagementhq.com>
Sent: Sunday, August 11, 2024 9:34:24 AM (UTC-08:00) Pacific Time (US & Canada)
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Anonymous User completed Share your comment, upload a document or a picture

External Email

Anonymous User just submitted the survey Share your comment, upload a document or a picture with the responses below.

Name

Michael Minelli

Email

compari64@gmail.com

Are you part of an Agency or Organization?

No

Share any comment

EFSEC Members: A sincere thank you to those in EFSEC who worked long and hard to consider all aspects of an extremely complex project. Your conclusion and recommendation to the Governor to reduce the turbine count and to specify their placement was welcomed by most. The impact of the wind farm will change the Tri Cities forever by way of :Firefighting without air support, Yakama Nation Cultural impacts, Visual Pollution despite

overwhelming public opposition, Limiting the urban growth of Kennewick, Costing Millions of \$\$\$ in property devaluations, endangering wildlife, air quality degradation especially during construction, Traffic congestion caused by hundreds of large turbine hauling trucks, Ingress and Egress on major roads including an Interstate, Reduced desirability to attract tourism and to build its infrastructure, Etc. After 3 years of hard work in a very complex project ...one person...has decided your recommendations are in need of major corrections. This must have been disappointing to most members of EFSEC. However, this decision came as no surprise. My question is... were several handpicked members of the Council selected to assure a predetermined outcome? I believe the honest answer is YES for the following reason: Governor Inslee in Nov. of 2022 at a United Nations Climate Conference in Egypt said, "REGULATORY REFORMS ARE NEEDED TO PREVENT LOCAL OPPONENTS FROM DELAYING PROJECTS". This statement was made almost 2 years before the EFSEC recommendations to the Governor?!? This statement leaves no question that the legitimacy of EFSEC and the process has a built in approval bias for Green Energy companies. We The People have been steamrolled! Without EFSEC members having the strength and courage to disagree with the Governor, both EFSEC and We The People will have been silenced by our own State Government and thrown under the bus. My hope and the hope of most Tri Citians is to ask EFSEC members to DO THE RIGHT THING and not become a contributor to... THE LEGACY OF INSLEE HILLS. Mike Minelli

Did you also share a video?

No

Attachments:

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To:

efsec@efsec.wa.gov;Comments@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;Sonja.Bumpus@efsec.wa.gov;amy.mc

From: dcasey@1791.com

Received: 2024-08-11T21:19:10+00:00

Subject: Horse Heaven Wind & Solar

Has attachment? False

External Email

To EFSEC,

I am writing to you in my concern about the Horse Heaven Wind and Solar proposal in Benton County. I am a longtime resident of Benton County, (46 years), and I have see a lot of changes. Most of them good ones, a few bad ones, and then this one, a really rotten one.

We have clean, sustainable energy potential in this area, and it is NOT with wind turbines, it is called Nuclear, and Hanford, of all the places in the world, is the place for it.

Have we not learned any lessons from Texas? The big hail storms in the mid-west that destroyed over 99% of the solar panels? Have we not learned from the 5 highest profile wind turbine fires, (1. San Geronio Pass, CA, 2. Piet de Wit Wind Farm, Netherlands, 3. Harvest Wind II, Elkton, MI, 4. Juniper Canyon, Klickitat, WA, and 5. Buffalo Gap, Abilene, Tx.), not to mention the millions of birds these turbines maim and kill every year.

How much taxes does the average citizen in this state have to pay when their governor acts like a king and dictator rather than a leader? How much of our homes, businesses, and property has to be destroyed before somebody listens to us?

This governor has made a mockery of the SEPA process, flagrantly disregarded environmental, Native American, Benton County, and Tri-Cities resident's interests. He put the applicant's interest ahead of the people he is supposedly serving, just to line his coffers with their money. He has wasted 3 years of analysis, public and adjudicative hearings and mostly our hard earned tax dollars, which in this economy we cannot afford. He has dismissed us, abused his office and is putting this whole area at risk for a devastating fire., not to mention that Washington will NOT receive any of the power that is supposedly going to be generated by this catastrophe in the making.

The EFSEC credibility is at stake here as well. If you significantly change what you have deliberated and approved by unanimous vote, then this whole process becomes a joke it will sow further distrust in this state's institutions, which right now are hanging by a thread. A project this size does not belong here.

I urge you to please listen to the voice of the people. For once, will someone listen to us?

Thank you for your time and attention,

Dianne Casey

Kiona, Wa.

Attachments:

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From: [EFSEC \(EFSEC\)](#)
To: [John Clement](#)
Subject: RE: Horse Heavens
Date: Monday, August 12, 2024 10:23:24 AM

From: John Clement <john@johnclementgallery.com>
Sent: Monday, August 12, 2024 9:54 AM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Horse heavens

External Email

Last night on cemetery rd in horse heavens some visible aurora couldn't shoot this with windmills scattered across the landscape



Sent from my iPhone

To: Comments@efsec.wa.gov

From: j.mercure@frontier.com

Received: 2024-08-12T13:39:58+00:00

Subject: Horse Heaven Wind and Solar Project

Has attachment? False

External Email

I recently sent an email speaking out against this Windmill project. I forgot to ask if the committee has considered how and where the company will dispose of the turbine blades? If not, I would suggest they research Grand Meadow, Minnesota;s experience. It has been a year's old nightmare for the residents. Wind energy may sound very green to the people who don't investigate it's economic benefit but turbine blades are not. Huge dumps will accumulate all over the country. In Grand Meadow the dump is right in the middle of a residential area. The companies involved cannot afford to transport the blades to another area because the blades are so large they can only fit ONE on a truck at a time. Please stop this idiocy before we find ourselves in their shoes.

Attachments:

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To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-12T15:25:58+00:00
Subject: FW: Horse Heaven Wind Turbins
Has attachment? False

From: Chris Powers <donnachrispowers@gmail.com>
Sent: Saturday, August 10, 2024 10:20 AM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Horse Heaven Wind Turbins

External Email

You put in three years of work, listened to and read thousands of messages regarding this project. You made an informed and logical recommendation and then were told you were wrong. Seriously?!?

Tell Governor Inslee you stand by your decision.

This project is not environmentally compatible with the site. If Inslee and others want to remove our dams then it must not be needed. Lastly there is no language leaving this power in Washington or even the Northwest.

Please stand by your previous work.

Chris and Donna Powers

Attachments:

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To: Comments@efsec.wa.gov

From: rr.singh@everyactioncustom.com

Received: 2024-08-13T19:53:38+00:00

Subject: Protect Washington's Biodiversity and Cultural Resources

Has attachment? False

External Email Dear EFSEC Members, I am writing as a concerned citizen to express my support for responsible clean energy development in our state. While I recognize the urgent need to reduce our reliance on fossil fuels and combat climate change, it is equally important to protect our state's biodiversity and cultural heritage. In reviewing Governor Inslee's May 23rd Letter of Direction to EFSEC, I am concerned about the potential impact to cultural sites, priority habitats, habitat corridors, and species such as the Ferruginous Hawk that would result from following his directive. These resources are essential to maintaining the ecological and cultural integrity of our state, as highlighted by recent investments in biodiversity. EFSEC is under pressure to compromise critically important recovery efforts for a state-endangered species. It is crucial for EFSEC to uphold the science-based restrictions put forth in your April 29 recommendation to the Governor. Achieving clean energy goals should not come at the expense of our state's valuable cultural and biological resources. I strongly urge EFSEC to adhere to its original, science-based recommendation, which aligns with the principles of both responsible clean energy development and biodiversity conservation. Thank you for considering my comments. Sincerely, Ms. Ravi Singh
30306 127th Pl SE Auburn, WA 98092-2108 rr.singh@outlook.com

Attachments:

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From: [Moon, Amy \(EFSEC\)](#)
To: [EFSEC mi Comments](#)
Subject: FW: Horse Heaven Wind Farm DOD Document
Date: Wednesday, August 14, 2024 8:36:32 AM

I believe these attachments are for a comment made by E. Kuhn.

From: Ernie Kuhn <erkuhn@charter.net>
Sent: Saturday, August 10, 2024 11:46 AM
To: Drew, Kathleen (EFSEC) <kathleen.drew@efsec.wa.gov>; Grantham, Andrea (EFSEC) <andrea.grantham@efsec.wa.gov>; Moon, Amy (EFSEC) <amy.moon@efsec.wa.gov>; Bumpus, Sonia (EFSEC) <sonia.bumpus@efsec.wa.gov>; ethan <ethan@yakamanation-olc.org>; jessica@yakamanation-olc.org; Reyneveld, Sarah (ATG) <Sarah.Reyneveld@atg.wa.gov>; bill.mckay@ci.kennewick.wa.us; rlukson@ci.richland.wa.us; Jerome.Delvin <Jerome.Delvin@co.benton.wa.us>; michael.alvarez@co.benton.wa.us; Will.McKay <Will.McKay@co.benton.wa.us>; Adam.Fyall@co.benton.wa.us; Rude, Skyler 2 <Skyler.Rude@leg.wa.gov>; Dye, Mary <mary.dye@leg.wa.gov>; Klicker, Mark <Mark.Klicker@leg.wa.gov>; erkuhn@charter.net
Cc: erkuhn@charter.net
Subject: Horse Heaven Wind Farm DOD Document

External Email

My apologies,
Attached are the DOD documents not attached to email sent earlier.
Thank you so much for your dedication to serving Washington residents, especially regarding this project.

Respectfully submitted,

Ernest Kuhn

E. Kuhn
509 – 405 -1564 Mobile
2820 Jacob Ct
Kennewick, WA 99338

DD-1-A 020

FIRST AMENDMENT TO AGREEMENT DATED NOVEMBER 10, 2020

**THE DEPARTMENT OF DEFENSE,
THE DEPARTMENT OF THE AIR FORCE, AND
HORSE HEAVEN WIND FARM, LLC,
ADDRESSING THE HORSE HEAVEN WIND PROJECT
NEAR KENNEWICK, WASHINGTON**

This is an amendment to the existing agreement among the Department of Defense (DoD), acting through the Military Aviation and Installation Assurance Siting Clearinghouse, the Department of the Air Force (DAF), acting through the Deputy Assistant Secretary of the Air Force for Installations, and Horse Heaven Wind Farm, LLC (Project Owner), executed November 10, 2020, (hereinafter, "the original agreement"). Together, these three entities are referred to as "parties" and individually as a "party." In this amendment, DoD does not include the United States Army Corps of Engineers when engaged in its civil works program, including any permitting actions.

This amendment to the original agreement is entered into pursuant to Section 183a of Title 10, United States Code; Part 211 of Title 32, Code of Federal Regulations; and Section 10.A of the original agreement.

Attachment A, *Substitute Federal Aviation Administration Filings for Horse Heaven Wind Project*, and Attachment B, *Horse Heaven Wind Project Map and Project Area Coordinates*, are attached to this amendment and made a part hereof.

The primary purpose of this amendment is to acknowledge the change in Federal Aviation Administration Filings and Project Area.

CHANGES TO THE ORIGINAL AGREEMENT.

The Parties agree to amend the original agreement as the follows:

- (1) Substitute Attachment A and Attachment B to this amendment in place of Attachment A and B to the original agreement. The original agreement's Attachment A and Attachment B will no longer have any force or effect. The Horse Heaven Wind Project is still limited to no more than 235 wind turbines with a maximum height of 499 feet above ground level (AGL).
- (2) Increase the maximum height for meteorological evaluation towers (METs) from 273 feet AGL to 330 feet AGL in Section 3.A. The Horse Heaven Wind Project is still limited to no more than four (4) MET towers.

This amendment does not modify any other terms, provisions, sections, or attachments of the original agreement.

[continued on the following page]

1 of 12

The parties represent and warrant that the signatories below have authority to sign on behalf of and bind each respective party, and that no other signature is required to bind that party.

IN WITNESS WHEREOF, the parties have executed and delivered this amendment.

FOR THE DEPARTMENT OF DEFENSE

OWENS.BREN
DAN.M.103045
1844

Digitally signed by
OWENS.BRENDAN.M.103
0451844
Date: 2023.02.23 13:28:24
-05'00'

02/23/2023

Brendan M. Owens
Assistant Secretary of Defense for
Energy, Installations, and Environment

Date

FOR THE DEPARTMENT OF THE AIR FORCE

MORIARTY.RO
BERT.E.101326
7584

Digitally signed by
MORIARTY.ROBERT.E.10
13267584
Date: 2023.02.09 09:18:41
-05'00'

02/09/2023

ROBERT E. MORIARTY, P.E., SES
Deputy Assistant Secretary of the Air Force
(Installations)

Date

FOR HORSE HEAVEN WIND FARM, LLC



Michael Rucker
President and Chief Executive Officer

Jan 20, 2023

Date

original application (General Electric [GE] 2.82 MW Turbine; GE 3.03 MW Turbine; GE 5.5 MW Turbine; and Siemens Gamesa 6.0 MW Turbine). Table 2.3-1 summarizes the characteristics of these four Turbine models. These models represent a reasonable range of Turbine options and subsequent parameters (e.g., size; rotor swept area; noise output) likely available at the time of construction, although the nameplate megawatt rating of these models may be greater due to technological improvements. As shown in Table 2.3-1, the four Turbine models are grouped into two Turbine array options (i.e., Turbine Layout Option 1 and Turbine Layout Option 2) based on the MW output and overall size of the Turbine models considered. Option 1, shown in Figure 2.3-1, consists of Turbines with a nameplate generating capacity of 2.82 MW and 3.03 MW of energy that would have a maximum blade tip height of about 496-499 feet (151-152 meters). Option 2, shown in Figure 2.3-2, consists of Turbines with a nameplate generating capacity of 5.5 and 6.0 MW of energy and have a maximum blade tip height of about 656-669 feet (200-204 meters). Fewer Turbines are needed in Option 2 to generate the same amount of energy as Option 1 due to the higher energy output per Turbine. As a result, fewer Turbines are included for Option 2. To ensure that the final Turbine model selected for the Project would not exceed the impacts described in this ASC, the resource specific analyses found in this ASC utilized the Turbine model (and associated parameters found in Table 2.3-1) that would have the greatest impact to said resource (see Sections 3 and 4 of this ASC for more details).

Table 2.3-1. Potential Turbine Specifications

Turbine Parameters/Features	Turbine Layout: Option 1		Turbine Layout: Option 2	
	GE 2.82 MW Turbine	GE 3.03 MW Turbine	GE 5.5 MW Turbine	SG 6.0 MW Turbine
Tower Type	Tubular	Tubular	Tubular	Tubular steel / Hybrid
Maximum Number of Turbines considered	231	231	147	147
Turbine Rotor Diameter	127 / 417 (meters/feet)	140 / 459 (meters/feet)	158 / 518 (meters/feet)	170 / 557 (meters/feet)
Turbine Hub Height (ground to nacelle)	89 / 292 (meters/feet)	81 / 266 (meters/feet)	125 / 411 (meters/feet)	115 / 377 (meters/feet)
<u>Maximum Total Height (ground to blade tip)</u>	152 / 499 (meters/feet)	151 / 496 (meters/feet)	204 / 671 (meters/feet)	200 / 657 (meters/feet)
Tower Base Diameter	4.6 / 15.1 (meters/feet)	4.6 / 15.1 (meters/feet)	4.6 / 15.1 (meters/feet)	4.7 / 15.5 (meters/feet)

Note: All values are approximate.

Utilizing this approach allows the Applicant to select the optimal Turbine model available at the time the Turbines are acquired, so long as the Turbines selected result in no greater impact than is allowed for in applicable authorizations and permits, and that all the pre-construction conditions of these authorizations/permits are met.

The final number of Turbines that would be used, as well as the specific model used, would be determined near the time of construction and would reflect additional survey data, final engineering design, actual nameplate rating, and the Applicant's ongoing process of avoiding and minimizing potential impacts. To allow avoidance of resources that may be discovered

To: Comments@efsec.wa.gov

From: njmccam@everyactioncustom.com

Received: 2024-08-14T21:01:06+00:00

Subject: Protect Washington's Biodiversity and Cultural Resources

Has attachment? False

External Email Dear EFSEC Members, I am writing to express my support for responsible, clean energy development in Washington. While I recognize the need to reduce our reliance on fossil fuels and combat climate change, it is equally important to protect our state's biodiversity and cultural heritage. In reviewing Governor Inslee's May 23rd Letter of Direction to EFSEC, I am concerned about the potential impact to cultural sites, priority habitats, habitat corridors, and species such as the Ferruginous Hawk that would result from following his directive. These resources are essential to maintaining the ecological and cultural integrity of our state, as highlighted by recent investments in biodiversity. EFSEC is under pressure to compromise critically important recovery efforts for a state-endangered species. It is crucial for EFSEC to uphold the science-based restrictions put forth in your April 29 recommendation to the Governor. Achieving clean energy goals should not come at the expense of our state's valuable cultural and biological resources. Please adhere to the original, science-based recommendation, which aligns with the principles of both responsible clean energy development and biodiversity conservation. Thank you for considering my comments. Sincerely, Ms. Nancy McCambridge 76 Horseshoe Ln Republic, WA 99166-9537 njmccam@gmail.com

Attachments:

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To:

efsec@efsec.wa.gov;Comments@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;amy.mo

From: vkeller_2000@yahoo.com

Received: 2024-08-15T14:08:23+00:00

Subject: Horse Heaven Wind Farm

Has attachment? False

External Email

I am writing to say how disappointed I am in this committee. How political you are and how you have let Washington residents down as a good Inslee appointed committee does.

You have spent months listening to experts, citizens and reviewing documents that provided you with necessary information to conclude that the Horse Heaven Hills Wind Farm poses a threat to the environment and habitat located in our beautiful hills. Yet, you don't have the backbone or class to defend your decision when our bully of a governor tells you to change your decision.

I am disappointed in your characters, I am disgusted with your inability to make your own decision and defend it and I am appalled that you wasted the time of hundreds of people and agencies when in the end you cave like a sack of bread. But in all reality, this is exactly what the majority of us knew would happen. The fact that there is not one person in Washington State willing to fight for common sense your waffling, although disgusting, is not surprising.

I am writing to voice my demand that you uphold your original decision regarding the footprint for the Horse Heaven Hills wind farm. Stand up to the whims of this feckless governor that is so green eyed in his energy policies that he is willing to forgo common sense and science to drive Washington even further into an energy nightmare.

One thing I will say as you determine to sell your soul, does Inslee live as he mandates? Is he, or even you, living green. I want to know if your home, business, activities are purely green. Do you generate your power from wind or solar, or do you still gas your cars, plug in your appliances and charge your cell devices to the fossil fuel power grid? I am over this rabbit hole this government forces Washington down.

It won't be long before the citizens of our state know whether this committee has integrity or is just another puppet to the man.

DO THE RIGHT THING - TELL INSLEE TO GO FLY A KITE that is about all you can do with his green energy.

Attachments:

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To: Comments@efsec.wa.gov

From: andrea.grantham@efsec.wa.gov

Received: 2024-08-15T15:09:11+00:00

Subject: FW: Subject: Horse Heaven Wind Farm Project Governor Inslee's Response dated May 23; 2024; August 10; 2024;

Has attachment? False

From: Ernie Kuhn <erkuhn@charter.net>

Sent: Wednesday, August 14, 2024 8:34 PM

To: Drew, Kathleen (EFSEC) <kathleen.drew@efsec.wa.gov>; Grantham, Andrea (EFSEC)

<andrea.grantham@efsec.wa.gov>; Moon, Amy (EFSEC) <amy.moon@efsec.wa.gov>; Bumpus, Sonia (EFSEC)

<sonia.bumpus@efsec.wa.gov>; ethan <ethan@yakamanation-olc.org>; jessica@yakamanation-olc.org; Reyneveld, Sarah (ATG) <Sarah.Reyneveld@atg.wa.gov>; bill.mckay@ci.kennewick.wa.us; rlukson@ci.richland.wa.us; Jerome.Delvin <Jerome.Delvin@co.benton.wa.us>; michael.alvarez@co.benton.wa.us; Will.McKay <Will.McKay@co.benton.wa.us>; Adam.Fyall@co.benton.wa.us; Rude, Skyler 2 <Skyler.Rude@leg.wa.gov>; Dye, Mary <mary.dye@leg.wa.gov>; Klicker, Mark <Mark.Klicker@leg.wa.gov>

Cc: erkuhn@charter.net

Subject: Subject: Horse Heaven Wind Farm Project Governor Inslee's Response dated May 23; 2024; August 10; 2024;

External Email

August 14, 2024

Subject: Horse Heaven Wind Farm Project

Recommendation to Governor dated April 29, 2024

Governor Inslee's response dated May 23, 2024

Energy Facility Site Evaluation Council

Dear Chair Drew, Director Bumpus, and EFSEC Members,

I am still expressing my sincere appreciation for the tremendous collaborative effort that you, the EFSEC members, various Washington State department officials and your consultants expended in developing the recommendations in the DRAFT Site Certification Agreement and report submitted to Governor Inslee regarding the proposed Horse Heaven Wind Farm Project.

Council members: I encourage each of you, do not violate your personal/professional ethics/moral compass and sully your extreme dedication to the service of the residents of Washington State to satisfy the governor's egotistical desire to leave his mark/burdening the backs of the citizens and the incoming administration as his parting shot before leaving office. Hopefully, when this is done, you will be comfortable with yourself every time you look in a mirror, knowing you served all of us well, and did the right thing.

After further review of Sean Greene's Mitigation Alternatives, I believe it is absolutely critical to re-review the DOD document:

"First Amendment To Agreement Dated November 16, 2020

The Department of Defense,

The Department of the Air Force, and

Horse Heaven Wind Farm, LLC,

Addressing the Horse Heaven Wind Project

Near Kennewick, Washington"

Copy of this document (3 pages) emailed to EFSEC Chair and members, states, **"The Horse Heaven Wind Project is still limited to no more than 235 wind turbines with a maximum height of 499 feet above ground level (AGL)." Option 2 turbines GE 5.5 MW at 671 feet AGL and SG 6.0 MW Turbine at 657 feet AGL are not permitted in accordance with the DOD document.**

According to that DOD document, there can be no reference to "Option 2" in the Mitigation Alternatives or in any other document related to this project. Accordingly, Option 2 turbines violate the DOD specification and are not Mitigation Alternatives.

I do find this a travesty for the area and its citizens with this project continuing to be so staunchly advocated by the Governor. It is at odds with so many citizen comments over the last couple of years overwhelmingly voicing total opposition of the proposed project. A preponderance of the commenting citizens are unanimously against this project. And in a democracy, usually, majority rules but in this case? with a legislature enabled dictator

trying to encumber his successor?

Regarding impacts and mitigation; FEIS 4.0 Chapter 4; 4.1 This chapter **presents the analysis of environmental impacts** of the proposed horse Heaven Wind Farm concerning the elements of the environment identified in Chapter 3 and **identifies any required measures for mitigating those impacts**. Also, **mitigation decisions are at the discretion of EFSEC**. These may include but not be limited to, mitigation identified in the EIS, other mitigation identified outside the EIS, or mitigation identified during adjudication.

5.0 Chapter 5 Cumulative Impacts (40 Code of Federal Regulations 1508.7). The Washington State Environmental Policy Act (SEPA) requires that agencies address cumulative impacts.

This is not a case of Nimbyism where complainants only don't want something in their back yard but would not oppose if it were placed somewhere else. In this case, it's the entire project that is not wanted, where ever it would be placed in Washington State due to the lack of steady power supply from either source, having to depend on the vagaries of wind and sunshine. Surprisingly, the obvious answer has not occurred to the Governor or his minions. SMR (Small Modular Reactors), constant level power source, do not require 1,000s of acres, already have a local site, Energy Northwest Property, transformer yard hook up to Bonneville Power is on site. Steady state power not dependent on wind/solar.

This is part of my attempt contribution in accordance with RCW 43.21C.020 **(2) (b)** Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings; **(c)** Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; **(d)** Preserve important historic, cultural, and natural aspects of our national heritage;

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that **each person has a responsibility to contribute to the preservation and enhancement of the environment**. This is my attempt to exercise my responsibility to contribute.

In the report to the Governor, Docket No. EF-220011, Page 13 of 20, 1st Para, "Council recommends excluding all such turbines and their associated sections of the wind micro-siting corridor from development. All Class 3 turbines are within 2 miles of a historically identified ferruginous hawk nest. **The Council heard testimony and received evidence that 2-mile buffers around both active and historic nest sites are critical for ferruginous hawks, a state endangered species.** The Council believes that prohibiting the siting of wind turbines in these areas would not only minimize habitat disruption and risk of turbine strikes for ferruginous hawks if they use or return to these nesting areas, but would also result in substantial decreases in Project impacts to Yakama Nation cultural resources, the Horse Heaven Hills viewshed, paragliding and hang gliding, and areas of greatest concern regarding possible obstructions to aerial firefighting. This recommended restriction on the placement of wind turbines is set forth in Spec-5 in the draft SCA. It replaces the Spec-5 mitigation measure from the Final EIS. In addition, and for the same reasons, the Council recommends prohibiting the siting of other primary Project components (specifically solar arrays and BESS) within 0.5 miles of historically identified ferruginous hawk nest. The Spec-5 mitigation measure has been included within Appendix 2 of the draft SCA."

Respectfully submitted,

Ernest R. Kuhn

2820 Jacob Ct.

Kennewick, WA 99338

509-405-1564

Attachments:

□

To:

efsec@efsec.wa.gov;Comments@efsec.wa.gov;Ami.hofkemeuer@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;amy.m

From: isaacstanfield@gmail.com

Received: 2024-08-15T15:52:07+00:00

Subject: Horse Heaven Hills wind farm project

Has attachment? False

External Email

Please hold to your previous recommendation and do not let Jay Inslee bully his way into maintaining the corrupt status quo. The people who will be affected by this project do not want it. We do not want these machines built in our area. They are detrimental to environmental health in many ways, during construction and in operation. There is not one single positive benefit from building these, and we already have thousands of them marring the eastern Washington landscape.

A two-megawatt windmill is made of 260 tons of steel that required 300 tons of iron ore and 170 tons of coking coal, all mined, transported and produced by hydrocarbons. It uses 700 gallons of oil and hydraulic fluid, and this needs to be replaced every 9 months.

People might fall for the idea that we can merrily run on sunshine and breezes alone, but with a few trillion dollars worth of mythical mega-batteries providing backup for a few minutes, it could spin until it falls apart over and over again and never generate as much energy as was invested in building it.

Attachments:

□

To:

efsec@efsec.wa.gov;Comments@efsec.wa.gov;Sean.green@efsec.wa.gov;amy.moon@efsec.wa.gov;sonia.bumpus@

From: pixelate@mathsavers.com

Received: 2024-08-16T18:27:33+00:00

Subject: Horse Heaven Hills Turbine Wind Project - A Disaster By Design

Has attachment? False

External Email

Hello Washington State EFSEC Administration –

Subject: The HHH (Horse Heaven Hills) Wind, Solar and Battery Storage Project proposed for the TriCities.

Context: I am the owner of 40 acres of mixed-use land in West Richland. Part of that land is presently being used for agricultural purposes. The land will eventually be developed for residential dwellings.

This Project should be cancelled or minimized for many reasons, specifically:

- Solar and wind power are neither renewable nor economically viable. They are both first order derivatives of hydrocarbon fuels.
- The sunlight and wind are renewable; the machines used to “harvest” the sun and wind are not. These so-called green energy solutions require continued maintenance and ultimately, they must be replaced.
- The total energy necessary for the mining, refining, manufacturing, transportation, installation, maintenance, and decommissioning of a wind turbine, along with hot-standby power that must be incorporated into the electrical supply systems (the wind blows intermittently), far exceeds the energy generated over a wind turbine’s service life.
- This project is a disastrous misallocation of resources and will destroy the landscape and beauty of the Horse Heaven Hills. This project will crater property values in the area. Nobody wants to live next to or see a power plant near their home or business. This power operation will extend over 25 miles and be visible to much of the 300,000 people living and working in the TriCities.
- Washington State already receives over 70% of its electricity from efficient hydroelectric power. The plan to tear down existing dams on the Snake River while constructing an economically and environmentally damaging power station is beyond absurd.

Construction of the HHH Wind “Farm” would be a disaster for the environment, citizens of the TriCities and anyone that enjoins to relocate to the area.

Thank you for taking the time to read and understand my position.

Regards,

Patrick D. Grengs II / Landowner and Farmer in West Richland (owner of 40 acres).

Credentials: MS in Computer Science with 30+ years professional experience as a mathematician, software engineer, project manager, technical trainer, employee of multiple companies and contractors, plus lifetime entrepreneur and business developer. I am an internationally accomplished speaker and presenter. I will publicly debate anyone regarding the Climate Change Scam, and in particular the Wind Power Fraud, given ample notice. Although I have been formally retired from the software industry since 2019, my calendar is typically booked months in advance.

Wind Power is Proven to be an Economic Failure Across the Globe:

- Top Wind Firm Profits Tumble 98% in New Blow to Clean Energy / Goldwind squeezed by lower prices, sector’s surplus capacity.
 - o <https://www.bloomberg.com/news/articles/2023-10-26/goldwind-profits-plunged-even-as-wind-power-surges-in-china>
- Orsted A/S shares slumped to their lowest level in six years after the Danish utility dropped two US wind projects and recorded 28.4 billion kroner (\$4 billion) in impairments as the crisis in the wind industry worsens.
 - o <https://www.bloomberg.com/news/articles/2023-11-01/orsted-drops-us-wind-projects-taking-4-billion-impairment-hit>
- The crisis engulfing the US offshore wind industry escalated as Orsted A/S and BP Plc became the latest developers to take large write-downs on projects, putting President Joe Biden’s targets for renewable energy generation at risk.

- o <https://www.bloomberg.com/news/articles/2023-11-01/us-offshore-wind-crisis-escalates-with-5-billion-in-writedowns>
- The US offshore wind industry is “fundamentally broken” due to cost pressures and permitting delays, according to a top executive at BP Plc.
 - o <https://www.bloomberg.com/news/articles/2023-11-01/bp-says-us-offshore-wind-industry-is-fundamentally-broken>
- Siemens Gamesa's turnaround plan underwhelms / Shares in Siemens Energy have recovered strongly since then but fell as much as 11.7% on Tuesday after focus shifted again to Siemens Gamesa, the world's largest maker of offshore wind turbines, where quality issues and ramp-up problems caused a 4.6 billion euro annual net loss.
 - o <https://www.reuters.com/business/energy/siemens-energys-struggling-wind-unit-unveils-436-million-cost-cuts-2023-11-21/>
- Why America's Wind Power Failures Are Good for GE / Ahead of CEO Larry Culp's upcoming conglomerate breakup, recently canceled projects will free the company from more than \$1 billion in unprofitable turbine contracts.
 - o <https://www.bloomberg.com/news/articles/2023-11-16/why-america-s-wind-power-failures-are-good-for-ge>

Wind Turbine Demolition / Turbines are Clearly Not being Recycled:

- When wind turbines are no longer useful: They get explosive demolition.
 - o <https://wattsupwiththat.com/2021/05/22/when-wind-turbines-are-no-longer-useful-they-get-explosive-demolition/>
- Twenty-One (21) Wind Turbines are destroyed - Controlled Demolition, Inc.
 - o <https://youtu.be/LbDnLiu6DCE?si=1-OLkEk4zwYAqNIO>
- Wind Turbine Blades Can't Be Recycled, So They're Piling Up in Landfills.
 - o <https://www.bloomberg.com/news/features/2020-02-05/wind-turbine-blades-can-t-be-recycled-so-they-re-piling-up-in-landfills>

Dissent and Truth are Cancelled by the Green Narrative:

- One of the most successful and prominent websites for exposing the fraud of the wind industry has been cancelled (shut-down). The voices for dissent and truth are being eradicated in the name of supporting political and financial fraud on a global scale. “Stop These Things” has recently been silenced. <https://stopthesethings.com/author/stopthesethings/>
- And yet, the voices to expose the wind power fraud remain alive and well on one of the most long-standing and successful websites for truth: “Watts Up With That” has been shining the brilliant light of facts, science and objectivity on the green-scam for nearly two decades, wind energy is in the center of the cross-hairs: <https://wattsupwiththat.com/category/energy/wind-power/>

Wind Turbines Cost More to Build than the Power They Produce:

- In spite of the green narrative, it is easily computable that the total power generated by a wind turbine over its operational lifetime will never eclipse the costs for its implementation (mining, refining, fabrication, shipping, construction, operation, maintenance, insurance, decommissioning). The green narrative fails to include two of the most basic elements concerning the life of a modern windmill: the concrete base that supports the tower and the cost for so-called “recycling.” As mentioned earlier, wind turbines are not recycled. Rather, they are demolished, cut into pieces and placed into landfills. Ample evidence for this exists both online and via county-assessor's offices where the spent turbine junk is sequestered. Further, the costs for setting the concrete base (2,500 tons plus rebar and wood forms) are never included in the total cost allotment. These things are not green: the CO2 generated in the creation of the 600,000 pounds of cement needed for the base of each 2MW turbine is nearly 300 tons.
- Wind turbines are supported, in large measure, by financial incentives including: tax breaks for the contractor during construction, ongoing municipal tax breaks during wind plant operation, plus the requirement that utilities purchase their wholesale power from the wind-plants whenever that power is available.
- None of these wind turbines are necessary. Washington State receives over 70% of its electricity from the clean-green 100% reliable hydroelectric power. It is political folly that hydropower has not been designated as “renewable.” This effort is advanced as the means to replace the LSRD (Lower Snake River Dams) with economically and environmentally damaging wind plants.
- The largest cost associated with wind-turbines comes from the fact that wind is not consistent. Wind turbines

provide, at most, 30 percent consistent power. When the wind stops, or the velocity is below the turbine cut-in speed, hot-standby power must be instantly available. This is typically provided by natural gas. As such, the infrastructure for a natural gas plant must be three times that of the combined optimal power provided by wind. This green-renewable crowd never seems to acknowledge this fundamental element of power generation mathematics.

- By the year 2030, there will be over 800,000 wind turbines installed world-wide, including offshore. They all have a shelf life. The ones offshore degrade more quickly in the high-saline content environment. By 2045, the landscape will be littered with these rotting hulks. The energy necessary for their decommission will not be available as it will be apportioned to agriculture, housing, and basic transportation because of the ever-diminishing EROI (Energy Return On Investment) on hydrocarbons and the double-digit annual depletion rates on natural gas wells. Only then, will the insane misallocation of resources be fully acknowledged. This diabolical waste will be the legacy of so-called sustainable energy and political parasitism.

Property Values Crater when Power Plants such as Wind are Installed:

- Nobody in their right mind wants to live next to an industrial power plant. The HHH wind plant will destroy the beautiful vistas and skyline of the TriCities if the Seattle Space Needle sized towers are allowed to pollute the landscape. Only the scientifically and economically illiterate would be in favor of this destructive eyesore. Property values will drop 20-40 percent in context of the proximity to the massive 25-mile-long industrial plant.
- I own 40 acres of mix-use land within sight of the proposed "wind plant." My million-dollar one-acre view lots atop Sandhill will crater in value in the context of this environmentally destructive eye-sore.

Regarding Washington State Governor Jay Inslee and his ignorance, corruption and sociopathology:

- If EFSEC significantly changes what you have deliberated and approved by majority vote, it will shred the credibility of the EFSEC process and sow further distrust in our state institutions. You have threaded the needle trying to balance the multiple and significant impacts of the "out of place" HHH project. A project of this size does not fit or belong here, and one person should not be able to trump the SEPA process by undoing years of work and millions of dollars spent by state agencies and interested parties.
- The Governor convened a gang of seven, made up primarily of lawyers and state policy experts, and in a period of about two weeks erased three years of effort that went into the review of this project. This is an action of an ignorant, corrupt, sociopath treading toward a predetermined outcome. He is a lame duck and will go down in history as doing irreparable harm to Washington with a bias against Eastern Washington.
- The Governor's letter focused on the power needs of the State. Unfortunately, he knows just enough about power to be dangerous. First, the project does not commit any renewable energy to Washington electric customers. Second, the "1150 mw of generation" that the governor states as the project size is fictitious. He conflates generation as energy (megawatt hours) and nameplate (megawatts which is an instantaneous number). In reality, the project will only provide about 25-30% of the nameplate as a yearly average. In times of need, like the depths of winter when the wind does not blow and the sun does not shine, we can expect only about 10%, or about 100 mw of energy. The governor discusses the reliability of the electric grid, but a project such as this is what will cause grid instability. Weather-dependent energy is not reliable.
- Scout has been disingenuous about the project from the very beginning. Their lack of transparency has been stunning. They still have not told the parties of their intent. They say the worst-case scenario was used for impact, which is a lie. The visualizations used the smaller nameplate turbine, rather than the huge and close to the ground rotor span options, which is clearly the worst-case scenario from a visual impact.
- The letter sent by the Governor had numerous dictates to EFSEC. He did not get what he wanted, so change the project. Has any other Governor made such a sweeping change in an EFSEC proceeding? If you do what the Governor demands, you are setting Washington up for any unscrupulous developer to come in and expect approval for any project they propose, regardless of the impact.
- The EFSEC reorganization performed years ago did not anticipate that all power would be vested in one man. Display the courage you showed in the deliberation process and formulate your final plan to be equivalent to what you earlier agreed on.
- Through his directive, the Governor focused on the "need" for this project. That topic was not allowed to be a part of the adjudicative hearings and addressed by expert witnesses, so he does not get to use it as a basis for his argument in directing you to change the project to its full build-out capacity.
- The Governor is exercising the sociopathic tendencies found in envy-intoxicated individuals. He would, by edict, saddle the citizens of the TriCities with an environmentally and economically disastrous eyesore while he plans his retirement far outside the visual impact of Scout's proposed Fraud-Induced Catastrophe.

Attachments:

From: [Scott Hanson](#)
Subject: HH Project - EFSEC
Date: Sunday, August 18, 2024 8:31:38 AM

External Email

I would like to request that we reduce the impact that the Wind Mills will produce. It has been a complete tax payer waste of money and put everyone in the immediate area at jeopardy.

Waste of 3 years of analysis, public and adjudicative hearings, and taxpayer dollars.

Restoring has Dismissed safety, health, and property risks. Reduced use of aerial firefighting.

The Governor with leaving office has put the Applicant's interests ahead of the people he's supposed to serve.

Made a mockery of the SEPA process.

Disregarded environmental, Native American, Benton County, and Tri-City residents' interest.

Acted like a dictator instead of an elected official for the people

Dismissed the Applicant's refusal to commit the power to WA state.

Will increase the death of more migratory birds, make the downwind more drier contributing to more wildfires

A complete eye sore of the horizon

<https://stopthesethings.com/2024/08/01/no-go-zones-how-the-wind-industry-has-wrecked-rural-communities-everywhere/>



No Go Zones: How The Wind Industry Has Wrecked Rural Communities Everywhere

Abandoning perfectly habitable homes to escape neighbouring industrial wind turbine aggregations is a serious response aimed at avoiding a perpetually miserable future. Being deprived of the opport...

stopthesethings.com

To: Comments@efsec.wa.gov

From: patloera1212@gmail.com

Received: 2024-08-19T23:26:34+00:00

Subject: No wind turbines

Has attachment? False

External Email Council, Please do not be bullied by our governor and stand by your decision to significantly reduce the size of the HH wind farm project. Your 3 years of hard work and analysis and the public input should not be dismissed. We need to respect our community and uphold the democratic process. Thank you, Patricia Loera Sent from my iPad

Attachments:

☐

To: Comments@efsec.wa.gov

From: loerajp@gmail.com

Received: 2024-08-19T23:51:10+00:00

Subject: HH wind farm

Has attachment? False

External Email Council, Please do not be bullied by our governor and stand by your decision to significantly reduce the size of the HH wind farm project. Your 3 years of hard work and analysis and the public input should not be dismissed. We need to respect our community and uphold the democratic process. Thank you, Jose Loera Sent from my iPad

Attachments:

☐

From: [Moon, Amy \(EFSEC\)](#)
To: [EFSEC mi Comments](#)
Subject: FW: CE.A.S.E. TURBINE BLADE LOSS FIRE
Date: Monday, August 26, 2024 3:07:15 PM

From: Dave Sharp <davesharp.pe@gmail.com>
Sent: Monday, August 26, 2024 6:26 AM
To: CEASE2020 <cease2020@aol.com>
Cc: Greene, Sean (EFSEC) <sean.greene@efsec.wa.gov>; Hafkemeyer, Ami (EFSEC) <ami.hafkemeyer@efsec.wa.gov>; Moon, Amy (EFSEC) <amy.moon@efsec.wa.gov>
Subject: Re: CE.A.S.E. TURBINE BLADE LOSS FIRE

External Email

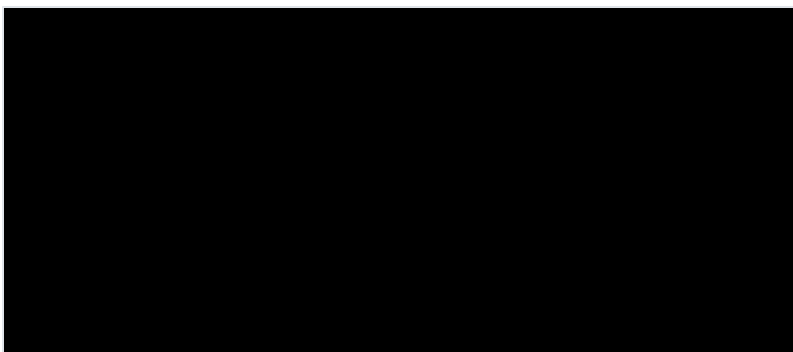
Am I correct that this would be at least the second fire that was started from a wind turbine in the Goldendale area?

Would be interesting to know how far the blade carried from the tower. The wind farm I had in Wyoming snapped off a blade and it went down the ridge over 100 yards. Was this a project that had been repowered with larger rotors? From the picture it appears that the rotor to tower height ratio is pretty high indicating low ground clearance.

The latest design trend in wind turbine design is to repower with a larger rotor to marginally generate more by having a lower cut in wind speed. However, the bigger the rotor with longer blades increases the forces and stresses placed on blades and hub. This failure is near the hub where forces are greatest.

On Sat, Aug 24, 2024 at 6:31 AM CEASE2020 <cease2020@aol.com> wrote:

[Blade falls off wind tower](#)



Blade falls off wind tower

Lou Marzeles

MISSING BLADE: A blade from this wind tower fell off Tuesday evening and started a brush fire. The fire was quic...

From: [EFSEC \(EFSEC\)](#)
To: [EFSEC mi Comments](#)
Subject: FW: Visual Impact- HHH Project Application Tool Link.
Date: Tuesday, August 27, 2024 8:28:12 AM
Attachments: [Public Comment Visual August 25.pdf](#)

From: Dave Sharp <dave@tricitescares.org>
Sent: Sunday, August 25, 2024 10:59 PM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Visual Impact- HHH Project Application Tool Link.

External Email

Public Comment-Horse Heaven Hills Project
Dave Sharp
Topic-Visual
Time Sent 10:58 PM August 25, 2024

This link below is the Application that TCC developed that uses the National Wind Turbine Data with the US census data to determine the population living distances from wind turbines. An earlier comment that had the link in the body of the attachment, I inadvertently left it out of the comment email. I am also including the original attachment so they are in the same document.

[https://app.powerbi.com/view?
r=eyJrIjoiTGyNGNmY2UtZGFIMS00NmUzLWE2OWItOTFwMmUyNWJlMTRhIiwidCI6IjY3NGQxNWZlLTAzYzYtNGE2Mi1hYzlkLTZkNWNjZWViOGZiYiIsImMiOiN9&pageName=ReportSection16229c66d1b91798e8d2](https://app.powerbi.com/view?r=eyJrIjoiTGyNGNmY2UtZGFIMS00NmUzLWE2OWItOTFwMmUyNWJlMTRhIiwidCI6IjY3NGQxNWZlLTAzYzYtNGE2Mi1hYzlkLTZkNWNjZWViOGZiYiIsImMiOiN9&pageName=ReportSection16229c66d1b91798e8d2)

David Sharp
Vice President, Tri-Cities CARES
Email: dave@tricitescares.org
Webpage: www.tricitescares.org

Public Comment

Dave Sharp representing Tri-Cities CARES

Visual Impacts

Precedent is a word that has been used many times, whether it be EFSEC precedent from previous projects, or the Scout argument that the Nine Canyon project sets precedent for the HHH project. Tri-Cities CARES disagrees.

Websters Definition Precedent: 1. an earlier occurrence of something similar. 2. a : something done or said that may serve as an example or rule to authorize or justify a subsequent act of the same or an analogous kind.

EFSEC routinely sets precedent and is frequently reminded of that by the Applicant. There has been no specific precedent on this topic for EFSEC projects to our knowledge, and we reject the Applicant's argument that the tiny, well designed Nine Canyon is a precedent for this monster project. If EFSEC allow this project to built as the Applicant desires, there will be no limit to encroachment that will take place.

We urge EFSEC to leave the Visual mitigation measures identified in the deliberations in place.

Conclusion-We have shown using our population/proximity interactive tool, Link follows, from a population standpoint alone, the HHH Project is significantly more impactful than other wind projects in the State, in the Northwest, and we believe nationally. The HHH project has approximately 15 times the amount of people located within three miles than the average of all other state wind projects and 7 times the population as the next highest county. We provided population proximity information during the comment period and provided testimony about the stark difference of population to large projects identified by the Applicant and the HHH projects.

Because of the many differences between the NC project and the HHH project, discussed below, we vehemently disagree that NC has set precedence.

The Governor's response to EFSEC. The Governor offers two reasons for rejecting meaningful visual mitigation; 1. His opinion, 2. An argument that the State needs the renewable energy. That argument will be made separately, but by the Applications own documentation, they can only inject 850mw into the BPA system, and even with the reduced project and solar buildout the project would still be the largest ever for Washington State.

Precedent Discussion-Tri-Cities CARES has argued that this project does not follow general wind industry practices, among other things, being a long continuous project that skirts the boundary of a 25-mile metropolitan area of over 300,000 people. The project parallels 4 cities urban grow areas and associated zoned residential communities with many thousands of residents living within 2 and 3 miles of turbines.

We also argue that the NC project is not a precedent for other reasons. From a visual standpoint, the NC original project was sited North of and at the base of Jumpoff Joe Butte. The height of the turbines was largely screened by intervening topography between the turbines and Kennewick. The last phase of the NC project installed larger turbines, but they were blended in with existing vertical

infrastructure on Jumpoff Joe or built South of the Butte. This mitigated the vertical contrast. They were out of sight, and out of mine.

Conversely, the HHH turbines are located on prominent ridges overtopping lower elevation residences. In the West central section where a large percentage of turbines are located the upsloping topography will highlight views of the entire turbine tower, and multiple rows. It should be noted that there are no structures taller than 150' West of HW 395 except temporary met towers, and no structures or towers from Kiona ridge to East of Badger Canyon drainage.

Applicant Visual Representations did not represent Worst Case Impact-The Applicant justified their generic application by saying they were using the worst-case impact scenario. For example, the tallest turbine, largest rotor diameter, etc. The visual representations prepared by the Applicant chose the least visually impactful turbine models for visual impact analysis of each height category. The more visually prominent turbines look short and squat with low ground clearance. That calls into question whether the entire Visual Section needs to be redone. We are unsure if this was merely a mistake not noticed or corrected after the Applicant added larger different designed turbines. If it was purposeful, there is a provision in RCW 80.50.130 that can cause revocation or suspension of an SCA.

Interactive Tool Application-The Applicant provided no tools to estimate the proximity of the project to population. Similarly, they Applicant did not provide coordinate locations so local landowners and residents could determine the distance from a turbine location and whether topography would screen them visually.

We had an interactive tool developed that combined data from the US Census, and the National Wind Turbine Data Base to easily analyze existing wind projects, and manually input key turbine coordinates from the HHH project not yet on the national wind turbine data base. That allowed a comparison of HHH with other wind projects. We found that the HHH project was in a different stratosphere regarding proximity to people.

For example, the HHH project had 15 times as many people located within three miles compared to the average of all other state projects.

Population Proximity Application

<https://app.powerbi.com/view?r=eyJrIjoiaZTgyNGNmY2UtZGFhMS00NmUzLWE2OWItOTcwMmUyNWl3MTRhIiwidCI6IjY3NGQxNWZlLTAzYzYtNGE2Mi1hYzlkLTZkNWNjZWViOGZiYiIsImMiOiJN9&pageName=ReportSection16229c66d1b91798e8d2>

The Order and Recommendation to the Governor. The Order and The HHH project just went through arguably the longest and most thorough SEPA review process of any project EFSE had ever undertaken.

Both the independent Visual Expert from SWCA, and TCC's own visual expert agreed that the visual impacts were significant and unavoidable.

Order #892 confirmed what all who have studied the project knew. It created significant and unavoidable visual and other environmental impacts.

Screenshots on Google Maps to Demonstrate Proximity-The messaging in the Application references a distance of “4 miles from Kennewick”. It is much more than that, the All of Benton City Limits are within 4 miles as is a good part of the Yakima Valley. In the Central Part of the Project

Screenshot #1- The entire city limits of Benton City is within 4 miles of the project. The included google map screenshot measures out the 4 mile distance. The closest residence and business are approximately 0.9 miles from a turbine that towers looms over them by ~2000 feet.

Screenshot #2-In the West Central part of the project shows the project extending just into the Richland City limits at 4 miles, but engulfing communities and urban growth areas from the closest turbine.

Screenshot #2A-This was supposed to be the KOP at which Scout was supposed to create a Visual Representation. It is the closest point of the project boundary to a community. Somehow Scout altered the public comment request for a panoramic view from this KOP and created a new location about 2 miles West on Badger Road overlooking a rural farm setting. This calls into question the methods and basic ethics of this Applicant. Instead of being transparent about the actual visual impact their effort went into obscurity and trickery. I say trickery, because if EFSEC will look back at the early data requests for visual, you will find that Scout effectively tricked you into accepting the new location.

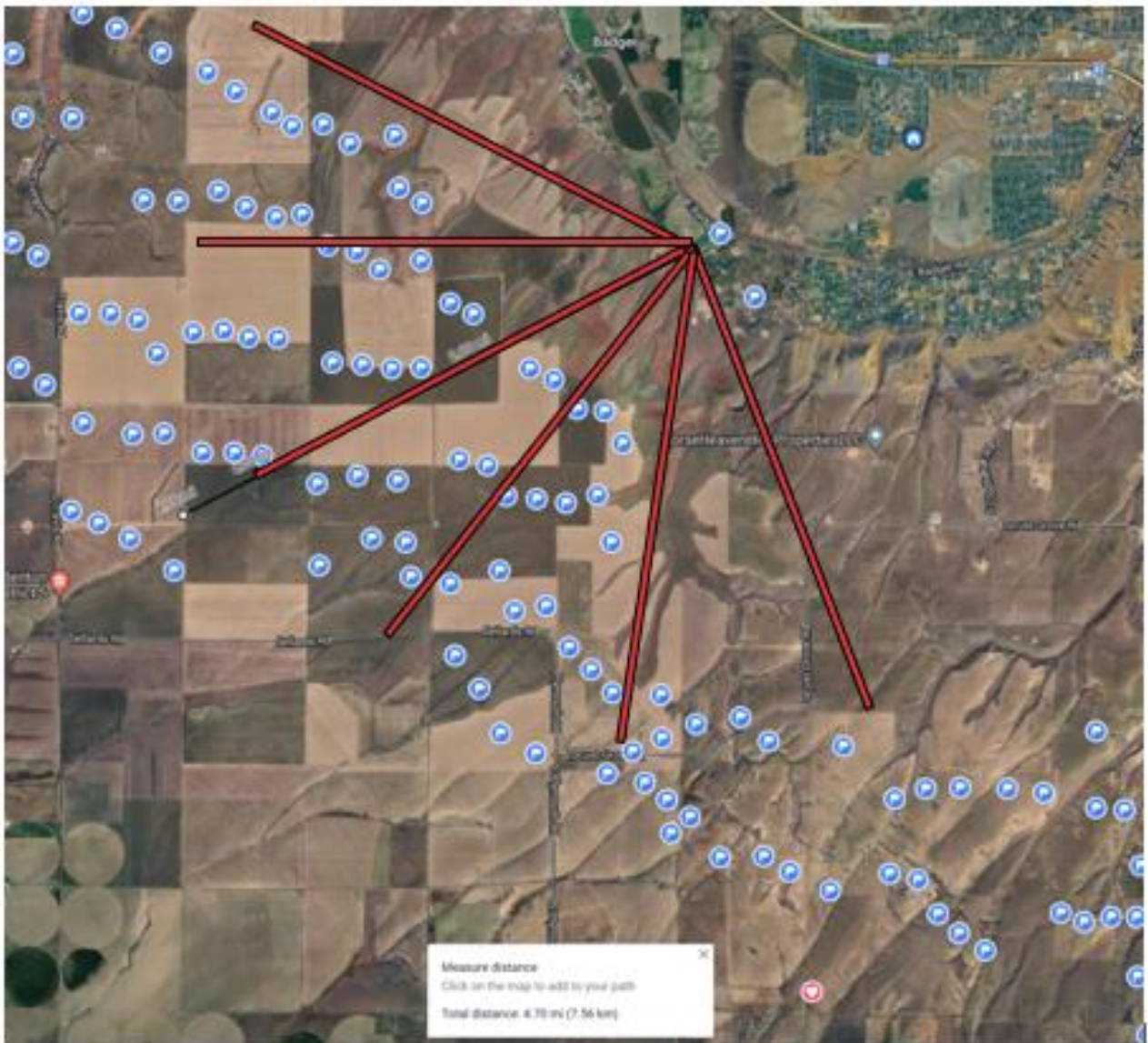
Screenshot 1, Benton City showing the entire City limits within 4 miles.



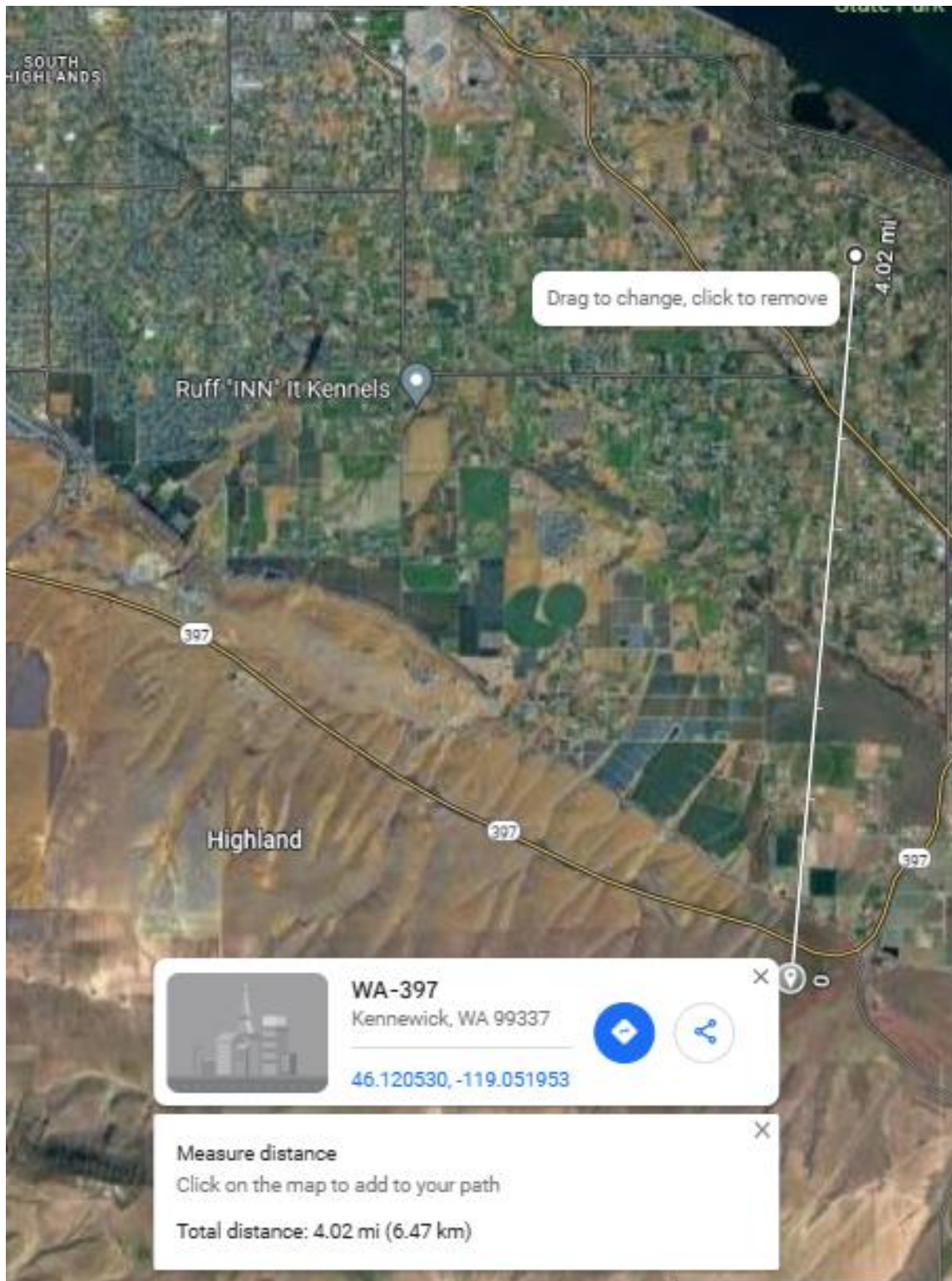
2- West Central Project-Distance from turbines to the communities between Richland City Limits and the project.



Screenshot 2a-The Real KOP 10-Not the one that was invented by the Applicant. Length of spokes approximately scaled to 4 miles in length. This is the visual representation that Scout did not want EFSEC to see.



Screen Shot 3-East Project-Extends will into Finley



From: [Paul Krupin](#)
To: [EFSEC mi Comments](#)
Subject: Tri-City Herald Editorial Opinion - Does WA state energy council have the courage to stand up to Gov. Inslee?
Date: Tuesday, August 27, 2024 8:26:55 AM
Attachments: [image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[Herald Board Editorial August 27 Does WA state energy council have the courage to stand up to Gov Inslee.pdf](#)

External Email

PDF file version attached. Full text copied below.

Does WA state energy council have the courage to stand up to Gov. Inslee? | Editorial

BY THE TRI-CITY HERALD EDITORIAL BOARD

AUGUST 27, 2024 5:00 AM



BOB BRAWDY *Tri-City Herald* file

Washington's Energy Facility Site Evaluation Council (EFSEC) meets Thursday to decide the fate of the Horse Heaven Hills wind turbine project. Before the vote, council members should ask themselves whether they serve the people of Washington or Gov. Jay Inslee.

When Scout Clean Energy, a Colorado-based company recently purchased by a Canadian investment firm, proposed building hundreds of turbines hundreds of feet in the air on a ridgeline south of the Tri-Cities, [local residents mobilized in opposition.](#)

They noted that the project would disrupt endangered ferruginous hawk habitat. It would impinge on lands held sacred by Native Americans. And it would mar scenic vistas.

EFSEC heard those concerns. It also heard from green energy advocates who parachuted in from Seattle to support a project whose impacts they would not feel.

After listening to everyone, EFSEC struck a fair compromise. The project could go forward, but not at the scale originally proposed.

That wasn't good enough for the governor. Inslee believes that the need for green energy must trump any concerns. This is no time to worry about native lands and endangered species, he argues, at least not if they stand in the way of windmills. He wants the council to forget about the compromise and allow the project to go ahead as proposed.

So whom do council members serve?

If they understand that their constituency is all Washingtonians, not just the one who lives in the governor's mansion, they will stick with their compromise when they meet at 3 p.m. on Thursday, Aug. 29.

Inslee is a lame duck governor, set to leave office in just a few months. He can afford to override the council's professional recommendation in pursuit of a political legacy because he won't have to live with the consequences. The next governor will have to deal with the fallout.

So too, will EFSEC. Compliance with Inslee's request would devastate the council's credibility.

Some fallout could hit as soon as the November election. Voters will decide whether to prohibit taxes on carbon and repeal the cap-and-trade program.

If Inslee's strong-arm green tactics prevail, it could well sour some swing voters on his climate agenda and convince them to support Initiative 2117. No one likes a bully, not even a climate bully.

If EFSEC sides with Inslee, it almost certainly will lead to lawsuits. Environmental, tribal and community advocates won't just roll over. The council should decide whether to roll the dice on litigation and delay or clear the way for a reasonable number of windmills to go up as soon as possible.

In 2022, [state lawmakers passed a bill](#) that gave EFSEC more independence and authority. The Legislature wanted the council to support green energy development “while also encouraging meaningful public comment and participation in energy facility decisions.”

Members of the council should reflect on the word ‘meaningful.’ They listened to Tri-Cities residents, local tribes and environmentalists at public hearings and in testimony. That led to a compromise that respected local concerns while allowing a significant green energy project to go forward.

If council members now capitulate to the governor, the years of debate and dialogue will have been rendered meaningless.

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AUGUST 13, 2024 6:42 PM

[Does WA state energy council have the courage to stand up to Gov. Inslee? | Opinion | Tri-City Herald](#)

From: Karen Brun

Sent: Tuesday, August 27, 2024 7:36 AM

To: efsec@efsec.wa.gov; comments@efsec.wa.gov; Hafkemeyer, Ami (EFSEC) <ami.hafkemeyer@efsec.wa.gov>; Moon, Amy (EFSEC) <amy.moon@efsec.wa.gov>; sonia.bumpus@efsec.wa.gov; kathleen.drew@efsec.wa.gov

Cc: Dave Sharp <Dave@tricityscare.org>; Paul Krupin <Paul@presari.com>; Pam Minelli <Pam@tricityscare.org>; Rick Aramburu <Rick@aramburulaw.com>; Shona Voelckers <shona@yakamanation-olc.org>; Ken Harper <kharper@mjb.com>

Subject: Tri-City Herald Editorial Opinion - Horse Heaven Wine Farm - 8/27/24

The link below is to a Tri-City Herald Editorial Board opinion piece on the Horse Heaven Wind Farm published today. EFSEC would do well to take it to heart. Governor Inslee's opinion isn't the only one that should count.

[Tri-City Herald](#)

Karen Brun
Treasurer, TRI-CITIES C.A.R.E.S.
Phone: 509-392-1156
Email: karen@tricityscare.org

TRI-CITIES C.A.R.E.S.

Community Action for Responsible Environmental Stewardship
Visit: www.TriCitiesCARES.org

Appreciatively,

Paul J. Krupin, BA, MS, JD
Board Member on behalf of TRI-CITIES C.A.R.E.S
Visit: <http://www.TriCitiesCARES.org>
509-531-8390 cell 509-582-5174 landline Paul@Presari.com

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AUGUST 27, 2024 5:00 AM



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LOCAL

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HEALTH & SCIENCE

New \$75M Eastern WA lab will fast track next-gen battery storage research

AUGUST 13, 2024 6:42 PM

[Does WA state energy council have the courage to stand up to Gov. Inslee? | Opinion | Tri-City Herald](#)

To:

efsec@efsec.wa.gov;Comments@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;amy.moon@efsec.wa.gov;sonia.bump

From: karen@tricityscares.org

Received: 2024-08-27T14:36:00+00:00

Subject: Tri-City Herald Editorial Opinion - Horse Heaven Wine Farm - 8/27/24

Has attachment? False

External Email

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[Tri-City Herald](#)

Karen Brun

Treasurer, TRI-CITIES C.A.R.E.S.

Phone: 509-392-1156

Email: karen@tricityscares.org

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Visit: www.TriCitiesCARES.org

Attachments:

☐

To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-27T21:09:24+00:00
Subject: FW: Anonymous User completed Share your comment, upload a document or a picture
Has attachment? False

From: Comments WA EFSEC <notifications@engagementhq.com>
Sent: Tuesday, August 27, 2024 2:09:15 PM (UTC-08:00) Pacific Time (US & Canada)
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Anonymous User completed Share your comment, upload a document or a picture

External Email

Anonymous User just submitted the survey Share your comment, upload a document or a picture with the responses below.

Name

Greg Hammer

Email

Greg@inlinecomputer.com

Are you part of an Agency or Organization?

No

Share any comment

Dear EFSEC members, on the subject of the HHH windfarm project. Please do not waste all of the time and effort that was put in to the meetings, comments, reports, studies and other, that brought you to your original recommendation to limit the size and scope of the Horse Heaven Wind Farm project. The data showed that was the best path forward, now you are being asked to reconsider all of these findings. The wind farm will

negatively impact local residents of the Tri-Cities due to it's location that is so close to populated areas. It will impact wildlife. It will impact the ability of fire fighters to do their job fighting wildfires with aircraft. In short the impacts will be huge for a project that will need to transmit the energy to other locations where it can be used. There are far better locations for projects of this scale. Again please at the very least commit to your original recommendations to the governor. Thank you Best Regards, Greg Hammer

Did you also share a video?

No



Attachments:

[]

From: [CEASE2020](#)
To: [GOVOutBound](#); [Office of Governor Inslee](#); [Inslee, Jay \(GOV\)](#); [Washington Department of Ecology PDO](#); [DNR NEWS](#); [Hilary Franz](#); [Park, Sage \(ECY\)](#); [Watson, Laura \(ECY\)](#); [EFSEC mi Comments](#); [EFSEC \(EFSEC\)](#); [Drew, Kathleen \(EFSEC\)](#); [Greene, Sean \(EFSEC\)](#); [Bumpus, Sonia \(EFSEC\)](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Randolph, Sara \(EFSEC\)](#); [Owens, Joan \(EFSEC\)](#); [Moon, Amy \(EFSEC\)](#); [Shiley, Alex \(EFSEC\)](#); [Snarski, Joanne \(EFSEC\)](#); [Grantham, Andrea \(EFSEC\)](#); [osta.davis@efsec.wa.gov](#); [comment@efsec.wa.gov](#); [Drew Kathleen \(UTC\)](#)
Subject: Wind Project Editorial from Tri-City Herald
Date: Wednesday, August 28, 2024 7:55:31 AM
Attachments: [TCH opinion Aug 27.pdf](#)

External Email

OPINION

By The Tri-City Herald Editorial Board

August 27, 2024

Does state energy council have the courage to stand up to Gov. Inslee?



Washington's Energy Facility Site Evaluation Council (EFSEC) meets Thursday to decide the fate of the Horse Heaven Hills wind turbine project. Before the vote, council members should ask themselves whether they serve the people of Washington or Gov. Jay Inslee.

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Indeed, the EFSEC website highlights that the council is an "Independent State Agency." It should act like one, not capitulate to a governor in search of a green legacy no matter the cost.

To:

Comments@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;amy.moon@efsec.wa.gov;se.

From: steve.alan.short@gmail.com

Received: 2024-08-28T04:39:25+00:00

Subject: Reject changes to original recommendation

Has attachment? False

External Email

Please reject the Governor's unprecedented attempt to determine the outcome of a legislatively defined process. He should not be able to dictate the conclusions of the EFSEC when he is neither an engineer, an environmental scientist nor a spokesman for the Tribal Nations. The recommendations of the EFSEC are supposed to consider the inputs of science, as well as from the Tribal Nations and from the residents of the surrounding communities.

This proposed wind farm is ill conceived. It will rob Washingtonians of the opportunity to use the available winds to power the state. Installation of this project serves no one other than Scout Energy who will export the power and the Governor who can establish his legacy.

Please stick to your original recommendation to downsize the project.

Protect the ferruginous hawk nesting grounds.

Protect the property along the ridge by maintaining aerial access for firefighting.

Protect native people's access to their sacred lands.

Protect the aesthetics of this region from the blight of the wind farm.

Steve Short

Old and In the Way

Attachments:

□

To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-28T18:46:49+00:00
Subject: FW: Anonymous User completed Share your comment, upload a document or a picture
Has attachment? False

From: Comments WA EFSEC <notifications@engagementhq.com>
Sent: Wednesday, August 28, 2024 11:46:39 AM (UTC-08:00) Pacific Time (US & Canada)
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Anonymous User completed Share your comment, upload a document or a picture

External Email

Anonymous User just submitted the survey Share your comment, upload a document or a picture with the responses below.

Name

Craig Brown

Email

ocbrown1@gmail.com

Are you part of an Agency or Organization?

No

Share any comment

As indicated in the Tri-City Herald Editorial Board comments in the Sunday paper June 2, 2024, Governor Inslee told the Washington state Energy Facility Site Evaluation Council (EFSEC) "...the potential impacts, mitigation measures that substantially reduce the generation capacity of the proposed project should not be required." Hence, the size of this project is apparently more important than potential local impacts and mitigation

measures. Inslee indicated that the 1,150 MW of wind only provides 5% of what is needed by the state by 2030, hence, "...the region will need to build roughly twenty additional clean energy projects of this magnitude (totaling 21,850 MW more) to meet Washington's projected electricity load growth by 2035. Indeed, for these reasons the EFSEC Council's statute makes clear that the siting and permitting of clean energy facilities is a critical priority for Washington." Really? Where are these going to go? The 2021 Northwest power planning council report recommends adding 3,500 MW renewable capacity by 2027. This is equivalent to one Columbia Generating station (nuclear). The EFSEC should consider a recommendation to not build this wind farm at all and add one or two more nuclear power stations. The California governor wants to extend the life of their remaining nuclear plant to 2030, which would reduce their need for more imported Washington power from wind mills. Inslee also reminded the EFSEC of a state statute to be followed, "To provide abundant clean energy at reasonable cost." There is no information provided by either Inslee or Scout Clean Energy relative to the cost of the electricity for this project. There should be provided to the EFSEC the cost (cents/kWh) of the electricity produced. This needs to include for renewables back-up generation costs for intermittency, load balancing, and demand response. It should also highlight any "production" credits or subsidies and who gets them. In 2018 Inslee put out a policy brief that said wind energy was now \$43/MWh (or 4.3 cents/kWh) and "continues to fall" by the year. So, if it is that cheap, why is nothing ever said about it by either Inslee or Scout Clean Energy? It is because it will end up being very expensive. California electricity (lots of wind mills and solar farms) is now 30 cents/kWh, well over three times more expensive than in Benton County. Clean energy from this wind farm will be neither abundant nor at a reasonable cost. In 2008 in his book, Apollo's Fire, Inslee states, "Soon virtually every nation will be crying for new technologies to battle the scourge of global warming." That was stated 16 years ago. Certainly wind and solar are not it. They are a poor solution to a problem that is proving to be neither a scourge nor a catastrophic emergency. Beyond that they will do nothing to significantly change the global climate. The only climate that will change is the home range of the ferruginous hawk. The EFSEC should include some consideration for the above before a revised recommendation is made imposing this on Benton County.

Upload a picture (optional)

<https://s3-us-west-1.amazonaws.com/ehq-production-us-california/f1c31befd4f830b5b06c2b5f2d50e94982a25fa9/original/1724870488/91a9bad9be9cb42130752dba8e7c>



Attachments:



To: Comments@efsec.wa.gov
From: ocbrown1@gmail.com
Received: 2024-08-28T19:17:33+00:00
Subject: Horse Heaven Hills Wind Project
Has attachment? False

External Email

Horse Heaven Hills Wind Project
EFSEC Reconsideration

Hello

I am aware that the comment time period closed several days ago for this project. I was out of town last week and missed the submittal deadline. (No excuse on my part.)

However, I believe what I say below is relevant to the EFSEC reconsideration and should be considered.

Thanks,
Craig Brown

SUBMITTED COMMENT-

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Craig Brown

Richland

Attachments:

□

To:

GOVOutBound@gov.wa.gov;govoutbound@iq.governor.wa.gov;solar@commerce.wa.gov;Comments@efsec.wa.gov

From: cease2020@aol.com

Received: 2024-08-29T01:03:22+00:00

Subject: C.E.A.S.E. Goldendale man killed by wind turbine

Has attachment? False

External Email

Hi, Chad Mitchell a Goldendale resident was killed by a wind turbine in 2007. Unfortunately, he is one many who have been injured or killed by so-called clean energy. Cold hearted Inslee and EFSEC do not care as long as their useless green energy plans move forward. Sadly, Chad was just renewable collateral damage. Greg Wagner C.E.A.S.E.

<https://duckduckgo.com/?q=Chad+Mitchell+killed+in+wind+turbine+Goldendale%2C+Wa.+2008&t=brave>

Attachments:

☐

To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-29T02:51:48+00:00
Subject: FW: WADeathDoula completed Share your comment, upload a document or a picture
Has attachment? False

From: Comments WA EFSEC <notifications@engagementhq.com>
Sent: Wednesday, August 28, 2024 7:51:39 PM (UTC-08:00) Pacific Time (US & Canada)
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: WADeathDoula completed Share your comment, upload a document or a picture

External Email

WADeathDoula just submitted the survey Share your comment, upload a document or a picture with the responses below.

Name

Cathleen Bircher

Email

cathleen.bircher@yahoo.com

Are you part of an Agency or Organization?

No

Share any comment

I was born& lived in WA for over 55yrs. I don't understand spending millions of windmills that kill millions of birds a yr& run on oil. Also we shouldn't be spendingIndy on anything until Hanford Nuclear Waste site is cleaned up. It's sitting right there in the MidSouth of WA for my whole life. It's the worst nuclear waste site in the world holding hundreds of millions of pounds of nuclear waste& radiation seeping into the ground in 5

square miles& going into the Columbia River. Inslee& Democrats saying WA is green or they support Green are a joke You want to install windmills in WA that offer little to nothing energy, run on oil, are broken down laying on the ground throughout America that will take hundreds of years to desinagate They kill millions of birds a year All while the world's biggest nuclear radiation dumb is in the middle of WA state oozing into the ground in 5 square miles& into the Columbia River. Also our once Emerald City Seattle has turned into The Toilet Bowl Of WA do something to clean that up from the homeless drug addicts used needles/urine/fecees drug dealers gang members and criminals. I've lived here 55yrs. The Democrats have ruined the state. I know WA was a purple state since it's statehood until 1982 mail in voting& Dominion voting machines it's never voted Red since which is pretty strange since most of WA hates Democrats and Idiot Inslee

Did you also share a video?

No



Attachments:

[]

To: Comments@efsec.wa.gov
From: fundingslandpaul@gmail.com
Received: 2024-08-29T16:16:34+00:00
Subject: The Nuclear Option
Has attachment? False

External Email

EFECC members,

The proposed Horse Haven Wind Farm should be put on hold until a thorough review into an equivalent power source based on Small Nuclear Reactor technology can be investigated. Our Governor and the legislature are determined to be leaders in confronting climate change. Wind systems are not on the leading edge of modern energy production. If our state is really serious about leading, it needs to thoroughly investigate Small Modular Nuclear technology.

There is even one significant nuclear organization right in our area. NuScale out of Portland Oregon has just been given a contract to build SMRs at two sites in Pennsylvania and Ohio. Energy Northwest is planning to use X-Energy SMRs in Benton County.

SMR technology has impressive advantages. SMRs can be made to fit both small and large energy needs. Modules can be added together to total almost any size necessary. Their footprint is a fraction of wind farm sites. They can be manufactured for installation to be delivered by semi, rail or ship. Some can use the waste fuel produced by older reactors. They emit no CO2. They can last up to 40-50 years. They don't kill raptors. They work through all weather conditions 24/7/365. And these new models cannot blow up or melt down as they all use passive restraint systems.

On the other hand, Horse Haven sports a massive, visually invasive footprint. Wind farms are notorious for killing raptors. Their actual generated electrical energy averages out to around 40% of their nameplate. They only last 15 - 20 years,

The energy produced is erratic, depending on the whims of the weather and climate. As such, it has zero dependability on when the grid needs it to produce. Installing an energy system that is weather dependent when the climate is projected to become more extreme and erratic does not make pragmatic sense.

Wind systems need an equivalent back up energy system which usually means coal, gas, hydro or nuclear. This causes the costs to be extraordinarily high because two energy systems are needed to do the same job. So, in addition to the location and installation of the wind system, another location or locations will be necessary for whatever backup system is chosen.

Wind systems actually degrade the electrical grid making it more unreliable. I am already getting emails from Puget Sound Energy warning me to be vigilant during "Flex Hours" and encouraging me to not use electric power during those days and hours whenever possible. Adding more erratic wind energy into the grid is only going to exacerbate this issue.

Before you commit to allowing the gigantic wind farm at Horse Haven to proceed, It might be wise and fruitful to contact NuScale and/or Energy Northwest to have them give you an idea of what their SMR power systems can do in comparison to the Horse Haven Wind farm system you are considering.

Paul Fundingsland
Olympia Washington
fundingslandpaul@gmail.com
701-330-5134

Attachments:

[]

To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-08-30T17:46:38+00:00
Subject: FW: Anonymous User completed Share your comment, upload a document or a picture
Has attachment? False

From: Comments WA EFSEC <notifications@engagementhq.com>
Sent: Friday, August 30, 2024 10:46:29 AM (UTC-08:00) Pacific Time (US & Canada)
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Anonymous User completed Share your comment, upload a document or a picture

External Email

Anonymous User just submitted the survey Share your comment, upload a document or a picture with the responses below.

Name

Patricia Wilson

Email

patty_wilson@msn.com

Are you part of an Agency or Organization?

No

Share any comment

Please do not accept the Governor's request. I love our part of the country. It may not be green like the South side of Washington but it does have its own beauty. I have read alot about wind power and it does not seem to be as green as some would like you to think. Where is the benefit for Washington. From what I understand most of the power generated would go to other states. It will harm the wildlife in our area. There already to

many animals on our endangered list, let's not help and add more.

Did you also share a video?

No



Attachments:

[]

To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2024-08-30T19:42:47+00:00

Subject: FW: NO Horse Heaven Hills Wind Turbines.

Has attachment? False

-----Original Message----- From: William Craven Sent: Thursday, August 29, 2024 7:37 PM To: EFSEC (EFSEC)
Subject: NO Horse Heaven Hills Wind Turbines. External Email PLEASE, PLEASE, PLEASE - NO wind turbines on or near the Horse Heaven Hills near the Tri-Cities. They destroy the skyline and are a blight on our beautiful area. They contribute nothing to our base load and are ecologically horrible, killing thousands of endangered birds each year. Note NO. William D. Craven Richland, WA

Attachments:

□

To: GOVOutBound@gov.wa.gov;govoutbound@iq.governor.wa.gov

From: cease2020@aol.com

Received: 2024-08-30T21:54:51+00:00

Subject: C.E.A.S.E. HORSE HEAVEN WIND INSLEE

Has attachment? False

External Email

- [Still no decision on WA's largest wind farm project near Tri-Cities. What happened? \(Tri-City Herald\)](#)
- [Final vote could come soon on controversial Horse Heaven wind farm project \(The Center Square\)](#)
- [Scout CEO: Inslee 'must' override EFSEC if needed \(Capital Press\)](#)

If Inslee overrides EFSEC's decision this will prove he is a dictator and not a governor of the people. EFSEC made their recommendations to Inslee based on state laws. Laws that Inslee help put in place. Now Inslee wants EFSEC to violate those laws so he can have his way. HHH project does more harm than good. But Inslee doesn't care because it's not in his backyard. He is the biggest NIMBY of all. What a hypocrite! Inslee will destroy the lives and future of all the people in eastern Washington. People he is supposed to care about. Renewables will never supply the needed energy now or in the future. Only idiots believe this. All renewables will do is weaken our great state and nation. Greg Wagner C.E.A.S.E. CITIZENS EDUCATED ABOUT SOLAR ENERGY

Attachments:

□

To: Comments@efsec.wa.gov
From: flieske1117@gmail.com
Received: 2024-08-31T11:29:53+00:00
Subject: Horse Heaven Hills wind farm proposal
Has attachment? False

External Email

I strongly encourage the EFSEC to stick to their conclusions and recommendation that was given to the Govenor.
Lloyd Frederick Lieske Jr

Attachments:

[]

To: efsec@efsec.wa.gov;Comments@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;joan.owens@efsec.wa.gov
From: kmbrun@gmail.com
Received: 2024-08-31T15:21:02+00:00
Subject: Robert's Rules of Order Violation
Has attachment? False

External Email

At the 8/29/24 Special Meeting on the Horse Heaven SCA, Chair Drew made a unilateral decision to postpone the vote on the 2nd draft SCA even though there was a quorum at this meeting. She also did this without a motion, a second, or a vote by the Council.

I believe this is a clear violation of Robert's Rules of Order.

Karen Brun
Kennewick

Attachments:

☐

From: [Karen Brun](#)
To: [EFSEC \(EFSEC\)](#); [EFSEC mi Comments](#)
Cc: [Drew, Kathleen \(EFSEC\)](#); [Bumpus, Sonia \(EFSEC\)](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Moon, Amy \(EFSEC\)](#); [Greene, Sean \(EFSEC\)](#)
Subject: Tri-Cities C.A.R.E.S Responses to EFSEC 8/29/24 Special Meeting
Date: Tuesday, September 3, 2024 7:22:27 AM
Attachments: [TCC Response to EFSEC 8.29.24 Special Meeting.pdf](#)

External Email

Attached please find TCC's response to the meeting held last Wednesday.

Karen Brun
Treasurer, TRI-CITIES C.A.R.E.S.
Phone: 509-392-1156
Email: karen@tricityscare.org

TRI-CITIES C.A.R.E.S.
Community Action for Responsible Environmental Stewardship
Visit: www.TriCitiesCARES.org



1360 N. Louisiana Street, #A-175
Kennewick, WA 99336
September 3, 2024

Sent via Electronic Mail

Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172
efsec@efsec.wa.gov

RE: SPECIAL EFSEC MEETING on 8/29/24 - HORSE HEAVEN WIND PROJECT

Chair Drew and EFSEC Members:

Tri-Cities C.A.R.E.S. is offering the following comments related to the EFSEC Special Meeting on Thursday, August 29, 2024.

1. Chair Kathleen Drew stated that the **need** for wind energy was not going to be taken into consideration by the Council. Yet, Governor Inslee's directive to EFSEC is predicated by this very premise ("the siting and permitting of clean electricity projects is vital to addressing Washington state's power supply and clean energy requirements.") and all his demands in the letter are centered on **need**. Altering the draft SCA to satisfy the Governor's "need" premise, while forbidding that very topic in the adjudication and Council discussions, is the height of hypocrisy.
2. **Spec-5 Ferruginous Hawk.** Chair Drew and Sean Greene stated that EFSEC would decide which entities would appoint a subject matter expert (SME) to serve as a part of PTAG with the SMEs rotating in and out depending on the topic being reviewed. This statement conflicts with Hab-4 of the FEIS where it is stated "The Applicant, in consultation with EFSEC, shall establish a PTAG and TAC." "The PTAG and TAC may include representation by WDFW, the Washington Department of Natural Resources, interested tribes, Benton County, and the USFWS. The PTAG and TAC may also include local interest groups, not-for-profit groups, and landowners. The exact composition of the PTAG and TAC would be determined through discussions between the Applicant and EFSEC and would depend on the relevance and/or availability of proposed members." Given Scout's history of disregard for input from interested tribes, local interest groups, not-for-profit groups, and [non-participating] landowners, EFSEC

can be assured that Scout is NOT going to include any of these entities in the PTAG as they would just be a fly in the ointment.

The nebulousness of Scout's application is concerning. The Council really doesn't know what they are voting on. The exclusion areas in the initial draft SCA that addressed cumulative impacts have been eliminated and buffer zones are a range rather than the 2-mile WDFW compromise.

3. **PHS-2 Firefighting Aircraft Standoff Buffers.** EFSEC is still insisting on following DNR aerial firefighting even though it has been given ample documentation and testimony to prove that the helicopters and light aircraft DNR uses is not sufficient for the steep slopes in the Tri-Cities. The rationale for this statement "This mitigation measure ensures that DNR firefighting aircraft can safely and effectively be deployed to areas of higher wildfire likelihood within and adjacent to the Project Lease Boundary to assist in firefighting when needed" is ludicrous and puts the health and safety of the people, animals, and property in grave danger.
4. **General Comment:** The solicitation of public comments on the draft SCAs has been a useless exercise and a waste of time and money as none of the comments have ever been seriously considered. Of the 120+ public comments received on the second draft SCA, only a handful were in support of the changes. Yet EFSEC staff are plowing on to please a governor who is only interested in his legacy and is on his way out the door. EFSEC is doing a great disservice to the public, the Yakama Nation, and the wildlife. You should be ashamed of yourselves.

S/ Dave Sharp, Karen Brun, Paul Krupin, and Pam Minelli of Tri-Cities C.A.R.E.S.

From: [connie Krier](#)
To: [Energy Facility Site Evaluation Council; EFSEC mi Comments](#)
Subject: Re: Horse Heaven Wind Farm Special Council Meeting Notice - Rescheduled
Date: Wednesday, September 4, 2024 11:33:19 AM

External Email

It appears that your notice regarding the horse haven special meeting will again refuse public comment. According WAC RCW 42.30.240 Public comment. (1) Except in an emergency situation, the governing body of a public agency shall provide an opportunity at or before every regular meeting at which final action is taken for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

In addition it appears that EFSEC never allows for public comment at any regularly scheduled meeting, per their documents and notices being sent out.

RCW 42.30.030 Meetings declared open and public. (1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter. (2) Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

I attended the 8/21 meeting in person as were multiple other members of the public in attendance online. None were allowed an opportunity for public comment. During a recent public disclosure request to your agency I was told public comment was in fact allowed at the 8/21 meeting. EFSEC cannot prevent public comment then later indicate in official records it allowed for it.

I have sent a complaint to the Attorney General's office for investigation into the legality of how EFSEC has been conducting their meetings.

Connie Krier

On Wed, Sep 4, 2024 at 10:50 AM Energy Facility Site Evaluation Council
<WAEFSEC@public.govdelivery.com> wrote:

Having trouble viewing this email? [View it as a Web page.](#)

EFSEC banner graphic



- September 4, 2024 -

efsec@efsec.wa.gov

**HORSE HEAVEN WIND FARM
SPECIAL COUNCIL MEETING NOTICE
SEPTEMBER 13, 2024 3:30 PM**

Members of the Energy Facility Site Evaluation Council (EFSEC) will meet virtually on Friday, September 13, 2024 at 3:30 pm to take a vote on the Horse Heaven Wind proposal. This meeting is open to the public; however, no public comments will be received during the meeting.

This notice is being provided as required by RCW 42.30.080 for special meetings under the Open Public Meetings Act.

Virtual meeting only

Conference Number: +1 564-999-2000

Conference ID: 298 655 276#

Teams link: https://bit.ly/HH_SpecialMtgVote2

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This email was sent to cckrier@gmail.com using govDelivery Communications Cloud on behalf of: State of Washington, Energy Facility Site Evaluation Council · 621 Woodland Square Loop SE · Lacey, WA 98503



To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2024-09-05T21:25:13+00:00

Subject: FW: Horse Heaven Windfarm

Has attachment? False

-----Original Message----- From: Chris wright Sent: Thursday, September 5, 2024 1:40 PM To: EFSEC (EFSEC)

Subject: Horse Heaven Windfarm External Email If Jay Inslee told you to put an oil refinery at say, deception pass state park and forget about the environmental review process, would you do it? Chris Wright Sent from my iPhone

Attachments:

☐

To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2024-09-05T22:59:06+00:00

Subject: FW: Horse Heaven Windfarm

Has attachment? False

-----Original Message----- From: Chris wright Sent: Thursday, September 5, 2024 3:39 PM To: EFSEC (EFSEC)
Subject: Re: Horse Heaven Windfarm External Email How about a Windfarm in the Hoh rainforest? Old growth timber, spotted owl and marbled murrelet habitat? Would you approve that if Governor Inslee told you to? Just asking Thanks Chris Wright Sent from my iPhone > On Sep 5, 2024, at 1:39 PM, Chris wright wrote: > > If Jay Inslee told you to put an oil refinery at say, deception pass state park and forget about the environmental review process, would you do it? > > Chris Wright > Sent from my iPhone

Attachments:

□

To: Comments@efsec.wa.gov
From: pjdavison47@gmail.com
Received: 2024-09-07T18:45:40+00:00
Subject: Horse Heaven Hills project
Has attachment? False

External Email

Dear Committee Members:

Interesting that after reaching a recommendation based on a three-years of study the governor and Scout Clean Energy representatives would then pressure the committee to modify (make less restrictive to make more profitable for Scout) the recommendation.

Since the original recommendation was based on testimony by professionals and tribal members, it would seem it was based on sound information. Now it seems any recommendation will be based more on economics and supporting the governors wishes (his legacy).

What a shame decisions based on science can be overturned by those who would profit (financially or otherwise) from the changes.

Sincerely,

Jim Davisojn
PO Box 425
Waitsburg, WA 99361-0425

Attachments:

☐

To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2024-09-09T15:11:11+00:00

Subject: FW: Northwest Conservation Viewpoint on Renewable Energy Future

Has attachment? False

From: Karen Brun <karen@tricitescares.org>

Sent: Friday, September 6, 2024 7:43 AM

To: EFSEC (EFSEC) <efsec@efsec.wa.gov>; Drew, Kathleen (EFSEC) <kathleen.drew@efsec.wa.gov>; Bumpus, Sonia (EFSEC) <sonia.bumpus@efsec.wa.gov>; Hafkemeyer, Ami (EFSEC) <ami.hafkemeyer@efsec.wa.gov>; Moon, Amy (EFSEC) <amy.moon@efsec.wa.gov>; Greene, Sean (EFSEC) <sean.greene@efsec.wa.gov>

Subject: Northwest Conservation Viewpoint on Renewable Energy Future

External Email

EFSEC would do well to read and heed what is being said in this article

<https://conservationnw.org/news-updates/for-washington-to-meet-clean-energy-goals-governor-inslee-must-guide-projects-to-optimal-locations/>.

Karen Brun

Treasurer, TRI-CITIES C.A.R.E.S.

Phone: 509-392-1156

Email: karen@tricitescares.org

TRI-CITIES C.A.R.E.S.

Community Action for Responsible Environmental Stewardship

Visit: www.TriCitiesCARES.org

Attachments:

□

To: Comments@efsec.wa.gov

From: barbaralynnvoss@everyactioncustom.com

Received: 2024-09-09T17:11:57+00:00

Subject: Protect Washington's Biodiversity and Cultural Resources

Has attachment? False

External Email Dear EFSEC Members, I am writing as a concerned citizen to express my support for responsible clean energy development in our state. While I recognize the urgent need to reduce our reliance on fossil fuels and combat climate change, it is equally important to protect our state's biodiversity and cultural heritage. In reviewing Governor Inslee's May 23rd Letter of Direction to EFSEC, I am concerned about the potential impact to cultural sites, priority habitats, habitat corridors, and species such as the Ferruginous Hawk that would result from following his directive. These resources are essential to maintaining the ecological and cultural integrity of our state, as highlighted by recent investments in biodiversity. EFSEC is under pressure to compromise critically important recovery efforts for a state-endangered species. It is crucial for EFSEC to uphold the science-based restrictions put forth in your April 29 recommendation to the Governor. Achieving clean energy goals should not come at the expense of our state's valuable cultural and biological resources. I strongly urge EFSEC to adhere to its original, science-based recommendation, which aligns with the principles of both responsible clean energy development and biodiversity conservation. Thank you for considering my comments. Sincerely, Ms Barbara Voss
4514 75th St SW Mukilteo, WA 98275-2509 barbaralynnvoss@gmail.com

Attachments:

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To:

efsec@efsec.wa.gov;amy.moon@efsec.wa.gov;ami.hafkemeyer@efsec.wa.gov;sonia.bumpus@efsec.wa.gov;Commei

From: vkeller_2000@yahoo.com

Received: 2024-09-13T23:25:44+00:00

Subject: Horse Heaven wind farm

Has attachment? False

External Email

Each of you are disgusting and typical government minions. You are good little community democrats that talk out of both sides of your mouth.

May you reap what you sow.

[Yahoo Mail: Search, Organize, Conquer](#)

Attachments:

[]

To: Comments@efsec.wa.gov

From: adam.maxwell@everyactioncustom.com

Received: 2024-09-16T08:00:09+00:00

Subject: Protect Washington's Biodiversity and Cultural Resources

Has attachment? False

External Email Dear EFSEC Members, I am writing as a concerned citizen to express my support for responsible clean energy development in our state. While I recognize the urgent need to reduce our reliance on fossil fuels and combat climate change, it is equally important to protect our state's biodiversity and cultural heritage. In reviewing Governor Inslee's May 23rd Letter of Direction to EFSEC, I am concerned about the potential impact to cultural sites, priority habitats, habitat corridors, and species such as the Ferruginous Hawk that would result from following his directive. These resources are essential to maintaining the ecological and cultural integrity of our state, as highlighted by recent investments in biodiversity. EFSEC is under pressure to compromise critically important recovery efforts for a state-endangered species. It is crucial for EFSEC to uphold the science-based restrictions put forth in your April 29 recommendation to the Governor. Achieving clean energy goals should not come at the expense of our state's valuable cultural and biological resources. I strongly urge EFSEC to adhere to its original, science-based recommendation, which aligns with the principles of both responsible clean energy development and biodiversity conservation. Thank you for considering my comments. Sincerely, Mr. Adam Maxwell 916 26th Ave S Seattle, WA 98144-3063 adam.maxwell@audubon.org

Attachments:

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To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2024-09-16T16:31:29+00:00
Subject: FW: Horse heaven hills
Has attachment? False

From: Jessica Murphy <jessdcardwell@gmail.com>
Sent: Friday, September 13, 2024 10:54 PM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Horse heaven hills

External Email

To Whom It May Concern:

Please reverse this decision. The costs savings are there for wind power. Wind power destroys the environment and the view. You five who voted yes should be ashamed. I'm extremely sad to hear of your vote

-Jessica Murphy

Attachments:

☐

To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2024-09-16T16:31:57+00:00

Subject: FW: Chairperson Kathleen Drew

Has attachment? False

-----Original Message----- From: DAVE KAAS Sent: Friday, September 13, 2024 6:21 PM To: EFSEC (EFSEC)

Subject: Chairperson Kathleen Drew External Email At this point I know you will never change your vote but, after all you are a politician above all else. I answered the request for comments on the scout proposal. Hoping that you would not follow governor Inslee's order and instead follow your supposedly independent agencies guidelines. Your following his orders shows you care nothing about the state but only wish to follow orders. You threw away the supposedly independent status of your agency. Thus making it easier to follow orders for the next request that shows up. Hopefully you will lose sleep over your political decision. However that will probably not happen since you are a true bureaucrat with all the negative connotations that implies. Follow all your orders like a true political bureaucrat. Un-respectfully Dave Sent from nowhere

Attachments:

☐

To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2024-09-18T15:16:59+00:00

Subject: FW: Horse Heaven Windfarm

Has attachment? False

-----Original Message----- From: Chris wright Sent: Tuesday, September 17, 2024 6:01 PM To: EFSEC (EFSEC)

Subject: Horse Heaven Windfarm External Email Your spineless capitulation to the governor is appalling. You should be ashamed of yourselves. So, can I put a Windfarm in the Hoh rainforest if I donate enough to governor Inslee? Apparently yes according to EFSEC. Chris Wright Sent from my iPhone

Attachments:

☐

From: [CEASE2020](#)
To: [GOVOutBound](#); [Office of Governor Inslee](#); [Inslee, Jay \(GOV\)](#); [Washington Office of the Governor](#)
Cc: [EFSEC mi Comments](#); [EFSEC \(EFSEC\)](#); [Bumpus, Sonia \(EFSEC\)](#); [Drew, Kathleen \(EFSEC\)](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Snarski, Joanne \(EFSEC\)](#); [Moon, Amy \(EFSEC\)](#); [Grantham, Andrea \(EFSEC\)](#); [comment@efsec.wa.gov](#); [EFSEC \(EFSEC\)](#); [Randolph, Sara \(EFSEC\)](#); [Greene, Sean \(EFSEC\)](#); [Owens, Joan \(EFSEC\)](#); [Shiley, Alex \(EFSEC\)](#); [patricia.betts@efsec.wa.gov](#); [osta.davis@efsec.wa.gov](#); [Energy Facility Site Evaluation Council](#); [EFSEC mi Rule Making](#)
Subject: C.E.A.S.E. Horse Hills project approval
Date: Friday, November 1, 2024 6:24:08 PM

External Email

Inslee approves the Horse Heaven Hills energy project in Benton County. He made sure the applicant his friends got what they wanted with no concern about the people he is paid to represent. Under his dictatorial rule our state and the people's future are in jeopardy. Greg Wagner C.E.A.S.E. Citizens Educated About Solar Energy
[20241018_HH_GovernorsResponseLetter.pdf](#)

From: kmbrun@gmail.com
To: [EFSEC \(EFSEC\)](#); [EFSEC mi Comments](#); [Drew, Kathleen \(EFSEC\)](#)
Subject: Horse Heaven Hills Project - Governor's Approval Posting Date
Date: Friday, November 1, 2024 6:24:28 PM

External Email

I'm writing to express my deep disgust that EFSEC waited for 16 days after the receipt of the Governor's approval letter to email a notification of it and to post it to your website for public view. This is one day past the Governor's requested deadline of 15 days from the date of his letter for formulation and convening of the PTAG. No tribal entities, community organizations or intervenors had the opportunity to request consideration to be a part of the PTAG within that 15 day period.

I would hope EFSEC would have enough common sense and decency to disregard the ridiculous deadlines urged by the Governor. There is absolutely no way to accomplish what he is requesting without putting the project and the community at risk.

Karen Brun
Kennewick, WA

From: [CEASE2020](#)
To: [EFSEC mi Comments](#); [EFSEC \(EFSEC\)](#); [Bumpus, Sonia \(EFSEC\)](#); [Drew, Kathleen \(EFSEC\)](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Moon, Amy \(EFSEC\)](#); [Snarski, Joanne \(EFSEC\)](#); [Graham, Andrea \(EFSEC\)](#); [Randolph, Sara \(EFSEC\)](#); [Greene, Sean \(EFSEC\)](#); [Owens, Joan \(EFSEC\)](#); [Shiley, Alex \(EFSEC\)](#); [patricia.betts@efsec.wa.gov](#); [osta.davis@efsec.wa.gov](#); [comment@efsec.wa.gov](#); [Energy Facility Site Evaluation Council](#); [EFSEC mi Rule Making](#)
Cc: [GOVOutBound](#); [Office of Governor Inslee](#); [Washington Office of the Governor](#); [Inslee, Jay \(GOV\)](#); [Washington Department of Ecology PDO](#); [Klicker, Mark](#); [Dye, Mary](#); [Boehnke, Matt \(LEG\)](#); [King, Curtis](#); [Corry, Chris \(LEG\)](#); [DOR Gina Mosbrucker](#); [Warnick, Judy](#); [COM Solar](#)
Subject: C.E.A.S.E. WIND TURBINE DATA
Date: Saturday, November 2, 2024 6:52:58 PM

External Email

[Turbine Accident Statistic](#) EFSEC, because you lack the backbone to stand up against the renewable dictator Inslee and changed your HHH recommendations going against state laws these turbine disasters are the future for the people of Benton County. Those people in eastern Washington that you could care less about. Greg Wagner C.E.A.S.E.

Turbine Accident Statistics

Summary of Wind Turbine Accident data to 30 September 2024 The table includes all documented cases of wind turbi...

[Wind Turbine Fire](#)

Wind Turbine Fire

Firetrace International

A wind turbine fire is no match for conventional fire fighting methods.
The height and location of wind turbines...

From: [Delmer Eldred](#)
To: [CEASE2020](#)
Cc: [GOVOutBound](#); [Office of Governor Inslee](#); [Inslee, Jay \(GOV\)](#); [Washington Office of the Governor](#); [EFSEC mi Comments](#); [EFSEC \(EFSEC\)](#); [Bumpus, Sonia \(EFSEC\)](#); [Drew, Kathleen \(EFSEC\)](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Snarski, Joanne \(EFSEC\)](#); [Moon, Amy \(EFSEC\)](#); [Grantham, Andrea \(EFSEC\)](#); [comment@efsec.wa.gov](#); [EFSEC \(EFSEC\)](#); [Randolph, Sara \(EFSEC\)](#); [Greene, Sean \(EFSEC\)](#); [Owens, Joan \(EFSEC\)](#); [Shiley, Alex \(EFSEC\)](#); [patricia.betts@efsec.wa.gov](#); [osta.davis@efsec.wa.gov](#); [Energy Facility Site Evaluation Council](#); [EFSEC mi Rule Making](#)
Subject: Re: C.E.A.S.E. Horse Hills project approval
Date: Saturday, November 2, 2024 12:36:54 AM

External Email

The dictatorial rule is right, but you haven't seen anything yet. These are the best days in this state, but it is going to get a whole lot worse. The Door is open, and Washington is going to be Wind and Solar wherever the developers want to put it.
Delmer Eldred

On Nov 1 2024, at 6:24 pm, CEASE2020 <cease2020@aol.com> wrote:

Inslee approves the Horse Heaven Hills energy project in Benton County. He made sure the applicant his friends got what they wanted with no concern about the people he is paid to represent. Under his dictatorial rule our state and the people's future are in jeopardy. Greg Wagner C.E.A.S.E. Citizens Educated About Solar Energy
[20241018_HH_GovernorsResponseLetter.pdf](#)

From: [Jared](#)
To: [EFSEC \(EFSEC\)](#)
Subject: Horse Heaven Wind Farm
Date: Sunday, November 3, 2024 8:44:21 PM

External Email

For the love of our state, its wildlife and natural beauty, do whatever is possible to stop Governor Inslees' plan to put up this wind farm. It is a terrible plan and a terrible solution to an energy problem that's far more easily solved with nuclear energy.

Thank you

From: [CEASE2020](#)
To: [Office of Governor Inslee](#); [GOVOutBound](#); [Inslee, Jay \(GOV\)](#); [Washington Office of the Governor](#)
Cc: [EFSEC mi Comments](#); [Bumpus, Sonia \(EFSEC\)](#); [Drew, Kathleen \(EFSEC\)](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Snarski, Joanne \(EFSEC\)](#); [Moon, Amy \(EFSEC\)](#); [EFSEC \(EFSEC\)](#); [Grantham, Andrea \(EFSEC\)](#); [Randolph, Sara \(EFSEC\)](#); [Greene, Sean \(EFSEC\)](#); [Owens, Joan \(EFSEC\)](#); [Shiley, Alex \(EFSEC\)](#); [patricia.betts@efsec.wa.gov](#); [osta.davis@efsec.wa.gov](#); [comment@efsec.wa.gov](#); [EFSEC \(EFSEC\)](#); [Energy Facility Site Evaluation Council](#); [EFSEC mi Rule Making](#); [EFSECWA Public Records Center](#); [COM Solar](#); [Washington Utilities and Transportation Commission](#); [Peterson, Aaron \(COM\)](#); [Celt, Stephanie \(COM\)](#); [COM Clean Energy Fund](#); [Brown, Lisa \(COM\)](#); [eli.king@commerce.wa.gov](#); [Executive - Secretary of State](#); [WA Office of the Secretary of State](#); [Green, Chris \(COM\)](#); [DNR NEWS](#); [Ocker, Kenny \(DNR\)](#); [DNR RE ML CEP](#); [Corry, Chris \(LEG\)](#); [King, Curtis](#); [Klicker, Mark](#); [Dye, Mary](#); [Cantwell, Maria](#); [Rep. Mary Dye](#); [Boehnke, Matt \(LEG\)](#); [Rep. Dan Newhouse](#); [Rep. Dan Newhouse](#); [Hilaryfranz Info](#); [Hilary Franz](#); [Hilaryfranz Info](#); [Warnick, Judy](#); [Warnick, Judy \(LEG\)](#)
Subject: C.E.A.S.E. Horse Heaven HILLS WIND/SOLAR
Date: Friday, November 22, 2024 10:51:55 AM

External Email

RENEWABLE DICTATOR INSLEE AND HIS SS SQUAD EFSEC IGNORE AND ABUSE THE PEOPLE OF BENTON COUNTY WITH THIS USELESS SO-CALLED CLEAN ENERGY PROJECT. THEY ARE DESTROYING EASTERN WASHINGTON AND THE ENTIRE STATE'S FUTURE. THEY ARE SO STUPID BECAUSE IT'S THEIR FUTURE TOO. GREG WAGNER C.E.A.S.E. CITIZENS EDUCATED ABOUT SOLAR ENERGY

- [EFSEC overrules county, approves solar panels on farmland \(Capital Press\)](#)
- [Deal signed for 'largest clean energy project in WA history.' Opponents race to stop it \(Tri-City Herald\)](#)
- [Despite years of local opposition, massive Tri Cities wind/solar project is a done deal \(The Center Square\)](#)

From: [EFSEC \(EFSEC\)](#)
To: [EFSEC mi Comments](#)
Subject: FW: Docket Number EF-210011
Date: Friday, December 6, 2024 8:04:43 AM

-----Original Message-----

From: Andy Taylor <wireman112@icloud.com>
Sent: Friday, December 6, 2024 8:00 AM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Docket Number EF-210011

External Email

Windmills are a joke. Scout energy is a joke. Destroying land that doesn't belong to you Windmills are not efficient. Scout is a selling a load of bullshit to an immoral moron for a governor. Scout has no business being in the state of Washington. Canadian owned. Labor cant see into the future. The environmental impact is extreme. Scout is a bunch of parasites. Puke on you. Stay home scum.

Sent from my iPad

To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2025-03-11T16:27:45+00:00
Subject: FW: PTAG Membership
Has attachment? False

From: Karen B <kmbrun@gmail.com>
Sent: Tuesday, March 11, 2025 8:25 AM
To: EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: PTAG Membership

External Email

I see that you have finally posted a list of the Horse Heaven PTAG members. However, this list does not indicate who is a voting member and who is not - that should be a part of this posting.

I take strong objection to the inclusion of Christopher Wiley and Jessica Wadsworth to this group as neither one has any expertise in species or their habitat - the main focus of this group. If they are voting members, it is blatantly obvious that they have been included to stack the deck in Scout's favor as both are on the record as supporting this project.

Karen Brun
Kennewick resident

Attachments:

□

To: Comments@efsec.wa.gov
From: efsec@efsec.wa.gov
Received: 2025-04-15T22:36:20+00:00
Subject: FW: EFSEC Council Meeting: Wednesday April 16, 2025, Wednesday 1:30 P.M.
Has attachment? False

From: Ob Server <jpolehn1@yahoo.com>
Sent: Tuesday, April 15, 2025 2:45 PM
To: Judy <goosie1515@aol.com>
Cc: Tricitiescares Info <info@tricityscare.org>; EFSEC (EFSEC) <efsec@efsec.wa.gov>
Subject: Re: EFSEC Council Meeting: Wednesday April 16, 2025, Wednesday 1:30 P.M.

External Email

Hi there, Judy! 4/15/25
Thanks much for sharing the meeting info & info links. I've provided comments to Rep. D. Newhouse asking him to vote against the "Inflation Reduction" Act & the renewable energy subsidies (see attached file). Will be on the meeting call line tomorrow afternoon to see if our input is falling on deaf ears. Hopefully, it's not.
Hope you have a pleasant day.
Jeanie

On Monday, April 14, 2025 at 03:42:33 PM PDT, Judy <goosie1515@aol.com> wrote:

Hello Everyone!

To virtually attend this months meeting:

1. Click on the following link:

https://www.efsec.wa.gov/sites/default/files/181034/00200/20250416_Agenda.pdf

2. Then click on: "Click here to join the meeting" in blue lettering at top right of above link.

or

Call Conference number: (564) 999-2000 ID: 141231937#

I. Horse Heaven Wind Farm

- Project Updates **Amy Moon, EFSEC Staff**

Reminder:

ALERT: Dan Newhouse is considering voting for subsidies for renewable energy which includes all wind turbine projects as well as the HHH turbine wind project. The whole Bill is not bad; just the subsidies for the wind turbines. We need everyone to contact Dan Newhouse that we favor reducing or eliminating the wind subsidies and ask him to support that position. We need to flood his in-box before it's too late. Go to this link and fill in the blanks for each page (1-5)

https://newhouse.house.gov/address_authentication?form=/contact

If you prefer, you can call and leave your comments at his Tri-City office: (509) 713-7374

Attached are ideas for sample letters; you can use whichever idea/s you want but use your own wording to the best of your ability.

FYI:

Energy Transition: Visions, Delusions & Nightmares by Rick Dunn:

<https://rickdunn.substack.com/p/energy-transition-visions-delusions>

Lift the veil on wind power killing eagles:

<https://wattsupwiththat.com/2025/03/10/lift-the-veil-on-wind-power-killing-eagles/>

David Defeats Goliath. Again:

<https://wattsupwiththat.com/2025/03/22/david-defeats-goliath-again/>

Atlantic Shores Wind Project Sinks—And with It, A Green Illusion:

<https://wattsupwiththat.com/2025/03/31/atlantic-shores-wind-project-sinks-and-with-it-a-green-illusion/>

‘Cheap’ Wind and Solar Raise Electricity Prices:

<https://wattsupwiththat.com/2025/04/11/climate-change-weekly-540-cheap-wind-and-solar-raise-electricity-prices/>

Attachments:

□

To: Comments@efsec.wa.gov
From: johnsonira967@gmail.com
Received: 2025-05-06T02:12:57+00:00
Subject: Horse Heaven Wind Farms
Has attachment? False

External Email

I thought President Trump issued an executive order to stop this project?

Attachments:



To: Comments@efsec.wa.gov
From: chrisgo58park@gmail.com
Received: 2025-05-18T01:45:08+00:00
Subject: No for Horse Heaven windmills
Has attachment? False

External Email

Higher prices, unreliable, electrical network failures, raptor killing approach to energy production. NO! Stop the Horse heaven windmills Project. I can not believe this is nothing other than corruption. Do not proceed with this crap unless you underwrite it all at no cost to the population. What do we need this for? Stop the insanity!

Chris Chapman
58 Park St.
Richland, WA 99354
HP: 509-943-6795
Cell: 509-942-8681
Email: Chrisgo58park@gmail.com

Attachments:

□

To: Comments@efsec.wa.gov

From: efsec@efsec.wa.gov

Received: 2025-05-21T15:34:15+00:00

Subject: FW: Docket Number EF-210011

Has attachment? False

-----Original Message----- From: Mike Johnston Sent: Tuesday, May 20, 2025 7:20 PM To: EFSEC (EFSEC)
Subject: Docket Number EF-210011 External Email Dear EFSEC, Why are you approving a project of this scale right next to our city? There are thousands of square miles between the Tri-Cities and the Columbia river where this project could be located that would provide minimal visual impact to the 300,000 people who will reside in the tri-cities area. Most of those 300,000 will be within just a few miles of this project which will cover 25 miles of our most visible ridge line in the region! — Mike Johnston Sent from my iPad

Attachments:

□

1
2
3 BEFORE THE STATE OF WASHINGTON
4 ENERGY FACILITY SITING EVALUATION COUNCIL

5 In the Matter of the Application of:

6 Scout Clean Energy, LLC, for
7 Horse Heaven Wind Farm, LLC,
8 Applicant.

DOCKET NO. EF-210011

**FIRST ADDENDUM TO
OBJECTION BY INTERVENOR
TRI-CITIES C.A.R.E.S. TO PTAG
ESTABLISHMENT,
OPERATIONS, MEMBERSHIP
AND MEETINGS**

11
12 **I. NATURE OF FIRST ADDENDUM TO PRIOR OBJECTION.**

13 On March 28, 2025, Intervenor Tri-Cities C.A.R.E.S. ("TCC") filed and served an
14 "Objection to the Establishment, Membership and Continued Operation of the
15 Pre-Operational Technical Advisory Group" ("PTAG") established by EFSEC and the
16 applicant Scout Clean Energy ("Scout"). This Objection was posted to the EFSEC
17 website as entry "0947" on April 3, 2025.

18 Since that time, additional grounds for objection have been identified and thus
19 TCC files this First Addendum to the prior Objection.

20 **II. ADDENDUM TO PRIOR OBJECTION.**

21 As described in its original Objection, a Final Site Certification Agreement (SCA)
22 for the Horse Heaven project was signed by EFSEC and the applicant Scout Clean
23 Energy on November 21, 2024.

24 Regarding site certification agreement implementation, the Final SCA contains,
25 at page 20, Section IV.G, the following provision:

26
27
28 **FIRST ADDENDUM TO OBJECTION BY INTERVENOR
TRI-CITIES C.A.R.E.S. TO PTAG ESTABLISHMENT,
OPERATIONS, MEMBERSHIP AND MEETINGS - 1**

LAW OFFICES OF
J. RICHARD ARAMBURU, PLLC
705 2ND AVE., SUITE 1300
SEATTLE 98104
Telephone (206) 625-9515
FAX (206) 682-1376
aramburulaw.com

1 The Certificate Holder shall submit to EFSEC for approval proposed Rules
2 of Procedure describing how the PTAG shall operate, including but not
3 limited to a schedule for meetings, a meeting procedure, a process for
4 recording meeting discussions, a process for making and presenting
5 timely PTAG recommendations to the Council, and other procedures that
6 will assist the PTAG to function properly and efficiently. The Certificate
7 Holder will provide a copy of the proposed Rules of Procedure at the first
8 PTAG meeting for review and comment. Any modifications to the Rules of
9 Procedure suggested by the PTAG must be approved by EFSEC prior to
10 adoption.

11 (Emphasis supplied). This provision requires that EFSEC approve the Rules of
12 Procedure (ROP) that will govern PTAG procedures and operations.

13 On November 27, 2024, TCC filled a Petition for Judicial Review (“PFR”) in
14 Thurston County Superior Court challenging the approval of the Final Site Certification
15 Agreement, naming EFSEC and Governor Jay Inslee as respondents. Applicant Scout
16 Clean Energy thereafter intervened. In its PFR, TCC challenged the formation and
17 operation of the PTAG at Section 7.12, page 21. No responsive pleading was received
18 from EFSEC or the Governor to the PFR.

19 At the Council meeting on December 18, 2025, EFSEC staff reported to the
20 Council on progress of the formation of the PTAG:

21 The PTAG is the first committee to be established. And that is an integral
22 part of the final project design and is responsible for reviewing and
23 providing technical advice on wildlife and wildlife habitat documents
24 produced by the certificate holder, as well as reviewing and providing
25 advice to EFSEC on the final project design.

26 December 18, 2024 Council minutes at page 18, lines 17-23 (emphasis supplied).

27 See Attachment F to this Addendum.¹

28 Though an agenda and council packet for the January 15, 2025 EFSEC monthly
meeting were issued, the meeting was later cancelled “due to the change in the

¹ The Objection filed April 3, 2025, included Attachments A through E. To lessen possible confusion, TCC will continue with consecutive labeling of objection attachments.

1 appointment of the new Chair.” Kurt Beckett’s term as EFSEC Chair started on January
2 15, 2025.

3 The packet for that meeting included a page for the Horse Heaven project which
4 listed certain “Milestone Dates,” but there was no mention of the PTAG or Rules of
5 Procedure. The packet was posted at
6 [https://www.efsec.wa.gov/sites/default/files/181034/00200/20250115_CompletePacket.](https://www.efsec.wa.gov/sites/default/files/181034/00200/20250115_CompletePacket.pdf)
7 pdf; see the excerpt at Attachment G.

8 On or about February 14, 2024, the Council issued its Agenda and Packet for
9 the February monthly meeting, to be held on February 19, 2025. As regards the Horse
10 Heaven project, the February page was identical to the January submission, including
11 “Milestone Dates,” the latest of which was: “*November 21, 2024, Applicant Signed the*
12 *SCA.*” The entry indicated that the project “Status” was “SCA Signed” and it was not yet
13 in “Pre-Construction” phase. The agenda indicated that there would be “Project
14 Updates” for the Horse Heaven Wind Farm. See Attachment H. Neither the Agenda nor
15 Council Packet for the February 19, 2025, meeting mentioned discussion or
16 consideration of the PTAG Rules of Procedure or membership, and no draft or copy of
17 the Rules of Procedure was included in the Council packet for that meeting.²

18
19 ² The Council’s rules as set forth in WAC 463-18-020, EFSEC “Governing procedures” specify that
20 Council business “shall be conducted as prescribed by the agenda” and that the agenda shall be prepared
21 “in consultation with the chair.” The text of the regulation is set forth below.

22 The following procedures shall apply to proceedings under the Open Public Meetings Act, chapter
23 42.30 RCW and rule-making proceedings under the Administrative Procedure Act, chapter 34.05
24 RCW:

25 (1) A majority of the voting council members constitutes a quorum for the conduct of council business.

26 (2) All council decisions shall be transacted by motion. Motions may be made by any council member
27 and shall require a second.

28 (3) Voting on all motions shall be by voice vote unless a division is called for, in which case the chair
shall call the roll by agency and record the votes of each voting member present, “yea” or “nay.”

(4) The order of business shall be conducted as prescribed by the agenda.

(a) The council manager shall prepare each meeting’s agenda in consultation with the chair.

(b) The council may modify a meeting’s agenda.

(Emphasis supplied.)

1 The February 19, 2025 EFSEC monthly meeting was presided over by Kurt
2 Beckett, who was appointed EFSEC chair by Governor Ferguson effective January 15,
3 2025. At the beginning of the February 19 meeting, Chair Beckett stated:

4 I will also recuse myself from Council decision-making related to mitigation
5 measures and remaining project design, construction, and
micro-siting for the Horse Heaven Clean Energy Center project.

6 Minutes at page 15, lines 7-11; see Attachment I. Chair Beckett was a former lobbyist
7 for the Applicant Scout on the Horse Heaven project.³ However, just minutes after
8 making that announcement, Chair Beckett did preside over the discussion of the Horse
9 Heaven agenda entry, as noted at page 26, lines 8-11. Attachment I.

10 During the portion of the agenda dealing with Horse Heaven, EFSEC staffer
11 Amy Moon brought up the PTAG Rules of Procedure, though there was no motion to
12 amend the agenda for that discussion. See the transcript for the meeting at pages 26-
13 27 in Attachment I. As noted, EFSEC staffer Amy Moon reported that:

14 In accordance with the site certificate agreement, Article IV.G -- Article IV is
15 "Plans, Approvals and Actions Required Prior to Construction" -- EFSEC staff
and the certificate holder developed the rules of procedure for the
16 Pre-operational Technical Advisory Group, which is abbreviated to the acronym
P-T-A-G, or PTAG. These rules of procedure include the list of
PTAG participants.

17 Page 26, lines 16-23 (emphasis supplied). As described above, Article IV.G requires
18 EFSEC approval of the Rules of Procedure and any amendments. The record shows
19 Ms. Moon did not provide copies of the Rules of Procedure that had been "developed"
20

21 _____
22 ³ Indeed, the record indicates Mr. Beckett was involved in providing data to the Seattle Times on
23 locations of ferruginous hawk nests, which was the subject of a motion to enforce the confidentiality order
24 issued by Presiding ALJ in the adjudication. See "SCOUT CLEAN ENERGY, LLC'S OPPOSITION TO
25 THE CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION'S MOTION TO ENFORCE
26 PROTECTIVE ORDER" dated March 4, 2024 at PDF pages 27-28. As Mr. Kobus confirms: "Scout's
community relations representative gave Mr. Swanson (the Seattle Times reporter) a redacted copy of
27 Scout's public comment filing prior to the January 31, 2024 EFSEC meeting." The "community relations
representative" was either Mr. Beckett or one of the employees of his firm, Strategies 360. This
demonstrates that he was familiar with the Horse Heaven project and issues regarding confidentiality of
wildlife information.

1 to the Councilmembers. There is no record that EFSEC Councilmembers, or Chair
2 Beckett, ever saw a draft or final version of the PTAG ROP or the “list of PTAG
3 participants.” There was no disclosure that the Rules of Procedure had in fact been
4 adopted, as will be discussed below.

5 On the same day of the EFSEC monthly meeting at which Ms. Moon spoke,
6 (February 19, 2025), the “Horse Heaven PTAG Rules of Procedure” were posted on the
7 EFSEC website. They were presented as approved, and final, with no opportunity for
8 review or comment. No information was provided as to who approved them or when.

9 On April 5, 2025, TCC’s undersigned counsel emailed to EFSEC’s Assistant
10 Attorney General Jon Thompson inquiring as to who did approve the Rules of
11 Procedure and when the approval occurred. See Attachment J. On April 15, 2025,
12 Mr. Thompson replied and provided a copy of a letter dated February 6, 2025, from
13 EFSEC Council Manager Sonia Bumpus to Scout’s project manager Dave Kobus,
14 which summarily approved the Rules of Procedure.⁴ Attachment K. As shown in the
15 “cc” entry in the letter, it was distributed only to staff at EFSEC, not to the Council, not
16 to the public and not to Kurt Beckett, who took over as EFSEC Chair on January 15,
17 2025. Mr. Thompson’s reply did not explain why the February 6, 2025 approval letter
18 was not promptly posted to the EFSEC website.

19 As described above, the final SCA required the following:

20 The Certificate Holder will provide a copy of the proposed Rules of Procedure at
21 the first PTAG meeting for review and comment.

22 Emphasis supplied. The first meeting of the PTAG was held on February 28, 2025.
23 See agenda for that meeting posted on the EFSEC website. Attachment L. Though
24 meeting minutes for that meeting are not available, the available agenda for that

25 ⁴ Ms. Bumpus described herself in the February 6, 2025 letter as: “EFSEC Executive Director” a
26 position that does not exist under EFSEC statutes or rules. As described below, Ms. Bumpus is the
27 “Council Manager,” the administrator for the council with no decision making authority.

meeting did not provide for “review and comment” of the “proposed Rules of Procedure” by PTAG members. The record shows that the Rules of Procedure were put on the EFSEC website several days *before* that initial PTAG meeting.

Similarly, the SCA states the EFSEC must approve membership of the PTAG:

The exact composition of the PTAG will be determined through discussions between the Certificate Holder and EFSEC and will depend on the relevance and/or availability of proposed members.

Article IV.G of the SCA at page 20.

The February 19, 2025 Council minutes at pages 26-27 (Attachment I) also indicate that: “These rules of procedure include the list of PTAG participants.” However, the Rules of Procedure posted on February 19, 2025 did not include a list of participants and the list of PTAG members was not posted on the EFSEC website until March 3, 2025. Again, there was no disclosure of when the PTAG participants were approved, or by whom and there is no record that the EFSEC Councilmembers approved them, or even knew who they were. There were no EFSEC meetings held between February 19 and March 3, 2025.

In short, the Council did not approve PTAG’s Rules of Procedure nor its Membership and were never provided these materials during their meetings.

Councilmembers were left to read the EFSEC website after their February meeting to learn what happened.

The EFSLA statute makes clear that it is the EFSEC council, not some staff persons, that make decisions under the statute:

RCW 80.50.040

Energy facility site evaluation council—Powers enumerated.

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, initial operational conditions of

1 certification, and ongoing regulatory oversight under the regulatory authority
2 established in this chapter of energy facilities subject to this chapter;

3 (3) To establish rules of practice for the conduct of public hearings pursuant to
4 the provisions of the Administrative Procedure Act, as found in chapter 34.05
5 RCW;

6 (4) To prescribe the form, content, and necessary supporting documentation for
7 site certification;

8 Emphasis supplied. The responsibility of the Council is also set forth in its rules:

9 **WAC 463-18-020 Governing procedure.**

10 The following procedures shall apply to proceedings under the Open Public
11 Meetings Act, chapter 42.30 RCW and rule-making proceedings under the
12 Administrative Procedure Act, chapter 34.05 RCW:

13 (1) A majority of the voting council members constitutes a quorum for the
14 conduct of council business.

15 (2) All council decisions shall be transacted by motion. Motions may be made by
16 any council member and shall require a second.

17 (3) Voting on all motions shall be by voice vote unless a division is called for, in
18 which case the chair shall call the roll by agency and record the votes of each
19 voting member present, "yea" or "nay."

20 (4) The order of business shall be conducted as prescribed by the agenda.

21 (a) The council manager shall prepare each meeting's agenda in
22 consultation with the chair.

23 (b) The council may modify a meeting's agenda.

24 (Emphasis supplied).

25 The Open Public Meeting Act at RCW 42.30.060(1) provides:

26 (1) No governing body of a public agency shall adopt any ordinance, resolution,
27 rule, regulation, order, or directive, except in a meeting open to the public and
28 then only at a meeting, the date of which is fixed by law or rule, or at a meeting
of which notice has been given according to the provisions of this chapter.

19 In addition, RCW 42.30.240 provides that "the governing body of a public agency shall
20 provide an opportunity at or before every regular meeting at which final action is taken
21 for public comment." There was no opportunity to provide comment on the content of
22 the Rules of Procedure prior to Ms. Bumpus's "approval" of them on February 6, 2025.

23 For whatever reason, Ms. Bumpus did not provide notice of her intent to make a
24 decision, did not adopt the Rules of Procedure in a meeting open to the public and did
25 not provide any opportunity for public comments. These deliberate omissions clearly
26
27

1 violate the Open Public Meeting act.⁵

2 For reasons that remain unknown, not only did the EFSEC Councilmembers not
3 vote on the PTAG Rules of Procedure, they were not even provided draft copies of
4 them by Council staff or the applicant.⁶ The Council was not told during its meeting who
5 was making the decision on the procedural rules or PTAG membership.

6 WAC 463-10-010(6) describes the duties of the "Council manager:"

7 (6) "Council manager" means the individual who handles day-to-day
8 administration for the council, administers the decisions of the council, and
9 directs the staff that supports the council.

9 As seen, neither the EFSLA nor Council regulations give Council Manager Bumpus
10 authority to make decisions for the Council. The record does not disclose whether the
11 EFSEC Chair Beckett delegated authority to her to make decisions on the text of the
12 Rules of Procedure or the membership of PTAG. In any event, Ms. Bumpus cannot be
13 a presiding officer or decision maker under RCW 34.05.458 "Separation of Function,"
14 which provides:

15 (1) A person who has served as investigator, prosecutor, or advocate in an
16 adjudicative proceeding or in its preadjudicative stage, or one who is subject to
17 the authority, direction, or discretion of such a person, may not serve as a
18 presiding officer in the same proceeding.

18 Ms. Bumpus was an investigator and SEPA "responsible official" in proceedings leading
19 up to decisions on the PTAG, which includes comments in the January 31, 2024
20 meeting at pages 66-68. She accordingly cannot preside over decisions on the content
21 of the Rules of Procedure or the membership of the PTAG.

22 The blatant violation of EFSEC laws and procedures means the important Rules
23 of Procedure for the PTAG, that violate a host of rules themselves, were never legally

24 ⁵ TCC reserves all rights and remedies concerning potential violations of the Open Public Meeting Act
25 under RCW 42.30.120 and 42.30.130.

26 ⁶ Significantly, the EFSEC for the Horse Heaven project also included a representative (and EFSEC
27 voting member) from Benton County, so the local representative was kept in the dark as well.

1 adopted or approved and as such have no force and effect. Under the EFSLA, "Council
2 staff may make recommendations to the council on conditions that would allow site
3 approval" (RCW 80.50.085(3)) but neither the statute nor rules vest decision-making
4 power in staff. Given the multiple violations of law and rules identified in TCC's
5 Objection, it is no wonder that the authors of the Rules of Procedure did not want them
6 to be subject to public comment.

7 Because the Rules of Procedure dealt with important questions of impact on
8 wildlife, they were also required to meet the following criteria:

9 **WAC 463-62-040 Fish and wildlife.**

10 The council's intent is to achieve no net loss of habitat functions and values by
11 maintaining the functions and values of fish and wildlife habitat in the areas
12 impacted by energy development.

13 (1) The council encourages applicants to select sites that avoid impacts to any
14 species on federal or state lists of endangered or threatened species or to
15 priority species and habitats.

16 (2) Standards.

17 (a) An applicant must demonstrate no net loss of fish and wildlife habitat function
18 and value.

19 (Emphasis supplied). The ROP placed on the EFSEC website did not require Scout to
20 "demonstrate no net loss of fish and wildlife habitat." As noted in our original Objection,
21 the Rules of Procedure approved by Ms. Bumpus allow Scout to influence PTAG
22 decision-making with potential economic impacts which might override the "no net loss"
23 requirement.⁷

24 Moreover, that abdication of responsibility by the Council on the Horse Heaven
25 project at the February 19 meeting was presided over by Chair Beckett, who had
26 obvious, and admitted, conflicts of interest as the former lobbyist for the applicant on
27 this very project. He was uniquely familiar with issues of the confidentiality of wildlife
28 information from his involvement with Scout's project manager, Mr. Kobus, and his

29 ⁷ As discussed in TCC's Objection at IV.F, economic considerations were disallowed during
30 adjudication and cannot be interjected now.

1 lobbying of the Seattle Times. As set forth in TCC's Objection, the Rules of Procedure
2 approved by Ms. Bumpus contained no provision to protect the dissemination of
3 confidential wildlife information and neither the Chair nor the Council Manager
4 disclosed this fact to the EFSEC Councilmembers at the February 19, 2025 Council
5 meeting.

6 TCC strenuously objects to the manner in which the PTAG Rules of Procedure
7 were adopted and particularly the failure of the EFSEC Council to allow public comment
8 and take a public vote on them.

9 These omissions described here, and in TCC's original Objection, cannot be
10 considered insignificant or non-prejudicial. EFSEC staff advised the Council in
11 December, 2024 that the PTAG process was "an integral part of the final project
12 design." See page 2 above. Scout itself contended as far back as October, 2024 that
13 the Council was "shirking its primary duty to actually site the Project, instead
14 impermissibly delegating that key decision to the PTAG and to WDFW. . . ." See page
15 3 of TCC's original Objection. Scout estimated that the PTAG would be addressing
16 "about half the generating infrastructure." *Id.* Half the generating infrastructure would
17 be more than 100 turbines.

18 The abdication of authority over this "integral part of the final project design" and
19 the subsequent takeover by staff (with the apparent assistance from the applicant)
20 violates not only the explicit terms of the SCA, but the Council's responsibility under
21 EFSLA. It further violates long established standards for administration of land use
22 codes as set forth in *Eastlake Cmty. Council v. Roanoke Assocs.*, 82 Wn.2d 475, 482,
23 513 P.2d 36, 41-42 (1973):

24 We have held that:


25 The acts of administering a zoning ordinance do not go back to the
26 questions of policy and discretion which were settled at the time of the
27 adoption of the ordinance. *Administrative authorities are properly*

1 *concerned with questions of compliance with the ordinance, not with its wisdom.*
2 (italics ours.) *State ex rel. Ogden v. Bellevue*, 45 Wn.2d 492, 495, 275 P.2d 899
3 (1954). This rule is of equal force in the administration of a building code. To
4 permit another course of administrative behavior, thereby inviting discretion, may
5 well result in violations of the equal protection of the laws. The code is positive in
6 its requirements and contains no exceptional procedures like those employed
7 here; hence, no city officer was authorized to permit its violation. The duty of
8 those empowered to enforce the codes and ordinances of the city is to insure
9 compliance therewith and not to devise anonymous procedures available to the
10 citizenry in an arbitrary and uncertain fashion.

11 Emphasis supplied.

12 TCC files this First Addendum to its original Objection and requests that EFSEC
13 immediately cancel all past and current reviews by the PTAG and disband the PTAG
14 entirely until all laws and regulations, as set forth herein and in TCC's original
15 Objection, are fully executed and compliance therewith is demonstrated.

16 DATED this 18th day of April, 2025.

17 

18 J. Richard Aramburu, WSBA #466
19 Attorney for Tri-Cities C.A.R.E.S.

DECLARATION OF SERVICE

I hereby certify that I have this day served the foregoing upon the parties of record in this proceeding (listed below my signature block) by authorized method of service pursuant to WAC 463-30-120(3) to the email addresses for parties as provided.

Dated at Seattle, Washington this 18th day of April, 2025.



Carol Cohoe, Legal Assistant
Law Offices of J. Richard Aramburu, PLLC

PARTIES OF RECORD

Kenneth Harper, Aziza Foster
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By Email: kharper@mjbe.com;
zfoster@mjbe.com; Julie@mjbe.com

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**FIRST ADDENDUM TO OBJECTION BY INTERVENOR
TRI-CITIES C.A.R.E.S. TO PTAG ESTABLISHMENT,
OPERATIONS, MEMBERSHIP AND MEETINGS - 12**

LAW OFFICES OF
J. RICHARD ARAMBURU, PLLC
705 2ND AVE., SUITE 1300
SEATTLE 98104
Telephone (206) 625-9515
FAX (206) 682-1376
aramburulaw.com

	Objection Attachments
A	20241007_SCE_PetForReconsideration_RevisedSCA
B	20250204_PTAG_RulesOfProcedure_Clean_0
C	20250303 PTAG Participants
D	Email string with EFSEC staff
E	EFSEC PTAG Agendas post 3-21-25
	Objection Addendum Attachments
F	December 18, 2024 Council minutes excerpt
G	January 15, 2025 Agenda and Horse Heaven project excerpt (pages 1, 2, 25)
H	February 19, 2025 Agenda and Horse Heaven project excerpt (pages 1, 2, 35)
I	February 19, 2025 EFSEC monthly meeting minutes (transcript) excerpt (pages 1, 2, 15, 26, 27)
J	Email string with EFSEC AG
K	EFSEC AAG Thompson email producing Bumpus 2/6/25 ROP letter
L	Agenda for first PTAG meeting held 2/28/25

Attachment J

Rick Aramburu

From: Rick Aramburu
Sent: Saturday, April 5, 2025 10:01 AM
To: 'Thompson, Jonathan C (ATG)'
Cc: Bumpus, Sonia (EFSEC); Taliaferro, Catherine (EFSEC); Hafkemeyer, Ami (EFSEC)
Subject: RE: Horse Heaven Wind Farm: Objection by Intervenor Tri-Cities C.A.R.E.S. To PTAG Establishment, Operations, Membership and Meetings, with five attachments.

Mr. Thompson:

Thank you for your prompt response to our inquiry.

In your email you state that:

We anticipate that EFSEC staff, and/or the Council will take up decisions on those site certification agreement implementation matters that the PTAG is intended to inform, as explained in the PTAG Rules of Procedure.

Regarding “site certification agreement implementation matters,” we note that the following, found on page 20 of the Final SCA:

“The Certificate Holder shall submit to EFSEC for approval proposed Rules of Procedure describing how the PTAG shall operate, including but not limited to a schedule for meetings, a meeting procedure, a process for recording meeting discussions, a process for making and presenting timely PTAG recommendations to the Council, and other procedures that will assist the PTAG to function properly and efficiently.”

(Emphasis supplied). Please advise when EFSEC approved the Rules of Procedure that were posted on the EFSEC website on February 19, 2025. Also please advise who approved them and provide documentation of that approval. While the February 19, 2025 Council meeting minutes at page 26-27, indicate “development” of the Rules of Procedure by staff, I find no action by the Council to approve them. The Council packet for the February 19, 2025 meeting which referenced the Horse Heaven project does not include Rules of Procedure and does not mention PTAG at all under “Milestone Dates.”

Similarly, EFSEC must approve membership of PTAG:

The exact composition of the PTAG will be determined through discussions between the Certificate Holder and EFSEC and will depend on the relevance and/or availability of proposed members.

The February 19, 2025 Council minutes at page 26-27 also indicate that: “These rules of procedure include the list of PTAG participants.” However, the Rules of Procedure posted on February 19, 2025 does not include a list of participants and the list of members was not posted until March 3, 2025. Please advise who approved the list of participants and provide any documentation of that approval.

Thank you in advance for your clarification of these important provisions of the SCA.

Rick Aramburu
Law Offices of J. Richard Aramburu

705 2nd Ave #1300
Seattle, Washington 98104
Telephone: (206) 625-9515
Email: rick@aramburu-eustis.com

This email may be protected by the Attorney-Client Privilege; if received in error, please discard and notify this office. Thank you.

From: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Sent: Friday, April 4, 2025 1:59 PM
To: Rick Aramburu <Rick@aramburulaw.com>
Cc: Bumpus, Sonia (EFSEC) <sonia.bumpus@efsec.wa.gov>; Taliaferro, Catherine (EFSEC) <catherine.taliaferro@efsec.wa.gov>; Hafkemeyer, Ami (EFSEC) <ami.hafkemeyer@efsec.wa.gov>
Subject: RE: Horse Heaven Wind Farm: Objection by Intervenor Tri-Cities C.A.R.E.S. To PTAG Establishment, Operations, Membership and Meetings, with five attachments.

Mr. Aramburu,

The documents you submitted have been posted under general facility comments because there is no open proceeding or open public comment campaign to which they pertain.

The adjudication in which you represented Tri-Cities C.A.R.E.S. as an intervenor has concluded. That proceeding was held in compliance with RCW 80.50.090(4), which says: "Prior to the issuance of a council recommendation to the governor under RCW [80.50.100](#) a public hearing, conducted as an adjudicative proceeding under chapter [34.05](#) RCW, the administrative procedure act, shall be held."

We anticipate that EFSEC staff, and/or the Council will take up decisions on those site certification agreement implementation matters that the PTAG is intended to inform, as explained in the PTAG Rules of Procedure. However, no such decision is currently before EFSEC.

Director Bumpus's staff is considering your objection, and may provide a response. We take your submission as being submitted under RCW 80.50.140(2), which neither allows for nor requires a response, nor does it require the publication of such objection on a website or in any other manner.

I hope this explanation is helpful to you.

Jon Thompson
Senior Counsel
Ecology Division
Office of the Attorney General of Washington
(360) 586-6740

From: Rick Aramburu <Rick@aramburulaw.com>
Sent: Thursday, April 3, 2025 4:18 PM
To: Bumpus, Sonia (EFSEC) <sonia.bumpus@efsec.wa.gov>; Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>; Taliaferro, Catherine (EFSEC) <catherine.taliaferro@efsec.wa.gov>
Subject: RE: Horse Heaven Wind Farm: Objection by Intervenor Tri-Cities C.A.R.E.S. To PTAG Establishment, Operations, Membership and Meetings, with five attachments.

[EXTERNAL]

EFSEC Staff:

In response to our email below, we see that EFSEC has posted TCC's Objection as "0947" on its website today (April 3, 2025), without further description. We are not sure what the number refers to, but this entry is the only one we can find, in the 44 pages of Horse Heaven documents on the website, without a title or descriptor for the document. We ask that our submittal be accurately identified as were the more than 800 documents filed in the Horse Heaven matter.

Thank you for your assistance.

Rick Aramburu
Law Offices of J. Richard Aramburu
705 2nd Ave #1300
Seattle, Washington 98104
Telephone: (206) 625-9515
Email: rick@aramburu-eustis.com

This email may be protected by the Attorney-Client Privilege; if received in error, please discard and notify this office. Thank you.

From: Rick Aramburu

Sent: Wednesday, April 2, 2025 12:52 PM

To: Bumpus, Sonia (EFSEC) <sonia.bumpus@efsec.wa.gov>; jonathan.thompson@atg.wa.gov;
catherine.taliaferro@efsec.wa.gov

Subject: Horse Heaven Wind Farm: Objection by Intervenor Tri-Cities C.A.R.E.S. To PTAG Establishment, Operations, Membership and Meetings, with five attachments.

On Friday, March 28, 2025, our office filed and served "Objection by Intervenor Tri-Cities C.A.R.E.S. To PTAG Establishment, Operations, Membership and Meetings," with five attachments. In looking at the EFSEC website today, I don't see our Objection listed as a document for the Horse Heaven project. Please advise whether there is a problem with our filing or otherwise inform us as why our filing is not on website.

Thank you for your assistance.

Rick Aramburu
Law Offices of J. Richard Aramburu
705 2nd Ave #1300
Seattle, Washington 98104
Telephone: (206) 625-9515
Email: rick@aramburu-eustis.com

This email may be protected by the Attorney-Client Privilege; if received in error, please discard and notify this office. Thank you.

Attachment K

RE: Horse Heaven Wind Farm: Objection by Intervenor Tri-Cities C.A.R.E.S. To PTAG Establishment, Operations, Membership and Meetings, with five attachments.

From Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Date Tue 4/15/2025 4:15 PM
To Rick Aramburu <Rick@aramburulaw.com>
Cc Bumpus, Sonia (EFSEC) <sonia.bumpus@efsec.wa.gov>; Taliaferro, Catherine (EFSEC) <catherine.taliaferro@efsec.wa.gov>; Hafkemeyer, Ami (EFSEC) <ami.hafkemeyer@efsec.wa.gov>

 1 attachment (513 KB)

RE: Letter from Sonia Bumpus regarding PTAG Rules of Procedure Approval - CORRECTED;

Mr. Aramburu,

In response to your questions which I have highlighted in the email below, I'm providing documentation of EFSEC Director Sonia Bumpus' approval of the PTAG Rules of Procedure by letter of February 6, 2025, to Dave Kobus of Scout Clean Energy. That communication attached a copy of the PTAG Rules of Procedure including Attachment B, PTAG Participants. (Attachment B has since been updated to include the individuals that were designated by various agencies included on the initial list, as reflected in the version of Attachment B that is posted on the website.)

I hope this is helpful to you.

Jon Thompson
Senior Counsel
Ecology Division
Office of the Attorney General of Washington
(360) 586-6740

From: Rick Aramburu Rick@aramburulaw.com
Sent: Saturday, April 5, 2025 10:01 AM
To: Thompson, Jonathan C (ATG) jonathan.thompson@atg.wa.gov
Cc: Bumpus, Sonia (EFSEC) sonia.bumpus@efsec.wa.gov; Taliaferro, Catherine (EFSEC) catherine.taliaferro@efsec.wa.gov; Hafkemeyer, Ami (EFSEC) ami.hafkemeyer@efsec.wa.gov
Subject: RE: Horse Heaven Wind Farm: Objection by Intervenor Tri-Cities C.A.R.E.S. To PTAG Establishment, Operations, Membership and Meetings, with five attachments.

[EXTERNAL]

Mr. Thompson:

Thank you for your prompt response to our inquiry.

In your email you state that:

From: [Owens, Joan \(EFSEC\)](#)
Sent on: Thursday, February 06, 2025 4:46:07 PM
To: [Dave Kobus](#)
CC: [Bumpus, Sonia \(EFSEC\)](#); [Andrew Pinger](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Moon, Amy \(EFSEC\)](#); [Grantham, Andrea \(EFSEC\)](#)
Subject: RE: Letter from Sonia Bumpus regarding PTAG Rules of Procedure Approval - CORRECTED
Attachments: 20250206_PTAG Rules of Procedure Approval_Ltr_Corrected.pdf (168.68 KB),
20250204_PTAG_RulesOfProcedure_Clean.pdf (310.62 KB)

Good afternoon,
Please see the attached corrected letter from Sonia Bumpus, EFSEC Director.
Thanks,
~Joan Owens
Energy Facility Site Evaluation Council
Executive Assistant
Email: joan.owens@efsec.wa.gov
Phone number: (360) 664-1920
EFSEC Email: efsec@efsec.wa.gov
EFSEC phone number: (360) 664-1345
Address: 621 Woodland Square Loop SE, Lacey WA 98503-3172
Mailstop/P.O. Box: 43172
www.efsec.wa.gov

From: Grantham, Andrea (EFSEC)
Sent: Thursday, February 6, 2025 12:31 PM
To: Dave Kobus
Cc: Bumpus, Sonia (EFSEC) ; Hafkemeyer, Ami (EFSEC) ; Moon, Amy (EFSEC) ; Andrew Pinger
Subject: Letter from Sonia Bumpus regarding PTAG Rules of Procedure Approval
Good afternoon,
Please see the attached letter and document from Sonia Bumpus, EFSEC Director.
Thanks,
Andrea Grantham
(she/her)
Energy Facility Site Evaluation Council
Administrative Assistant 4
Email: andrea.grantham@efsec.wa.gov
EFSEC Email: efsec@efsec.wa.gov
EFSEC phone number: (360) 664-1345
Address: 621 Woodland Square Loop SE, Lacey WA 98503-3172
Mailstop/P.O. Box: 43172
www.efsec.wa.gov



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98503-3172

February 6, 2025

Dave Kobus
Scout Clean Energy
5775 Flatiron Parkway, Suite 120
Boulder, CO 80301

Re: PTAG Rules of Procedure

Dear Mr. Kobus,

This letter is regarding the Energy Facility Site Evaluation Council's (EFSEC) review of the draft Pre-Construction Technical Advisory Group (PTAG) Rules of Procedure (attached), as required by the Horse Heaven Site Certification Agreement (SCA), Article IV.G.

EFSEC reviewed the proposed draft document and found it to be consistent with the requirements outlined for the Rules of Procedure as described in the SCA.

Pursuant to the SCA, the PTAG shall be provided "a copy of these Rules of Procedure at the first meeting for review and comment. Any modifications to the Rules of Procedure suggested by the PTAG must be approved by EFSEC prior to adoption."

EFSEC looks forward to our continued coordination, and we appreciate your ongoing effort and meaningful engagement. If you have any questions, please reach out to Amy Moon at 360-664-1362 or amy.moon@efsec.wa.gov.

Sincerely,

Sonia E. Bumpus
EFSEC Executive Director

Enclosures: Horse Heaven PTAG Rules of Procedure

CC: Ami Hafkemeyer, EFSEC Director of Siting and Compliance
Amy Moon, EFSEC Siting and Compliance Lead
Andrew Pinger, Scout Clean Energy

Pre-Operational Technical Advisory Group Rules of Procedure

The Site Certification Agreement (SCA) for the Horse Heaven Wind Farm (the “Project”) includes mitigation measures referred to in this Charter as “Conditions.” Site Certificate Agreement (SCA) Condition Hab-4 requires the Certificate Holder to establish a Pre-Operational Technical Advisory Group (PTAG) to advise on the development and implementation of pre-construction compliance activities. The PTAG is responsible for reviewing and providing technical advice on documents produced by the Certificate Holder related to wildlife and habitat, which will then be submitted to the Energy Facility Site Evaluation Council (EFSEC) for approval. After construction and before Project operation, the PTAG will cease to exist and be replaced by the Technical Advisory Committee (TAC), with its respective Charter.

The SCA requires the Certificate Holder to “submit to EFSEC for approval proposed Rules of Procedure describing how the PTAG shall operate, including but not limited to a schedule for meetings, a meeting procedure, a process for recording meeting discussions, a process for making and presenting timely PTAG recommendations to the Council, and other procedures that will assist the PTAG to function properly and efficiently.” SCA Art. IV.G. This document serves that purpose.

Establishing Language

SCA Condition IV.G creates the foundation of the PTAG:

Pre-Operational Technical Advisory Group

The Certificate Holder, in consultation with EFSEC, shall establish a Pre-operational Technical Advisory Group (PTAG) as defined by mitigation measure Hab-4 in Appendix 2. The PTAG shall be established at least one year prior to construction and is responsible for reviewing and providing technical advice on documents produced by the Certificate Holder related to wildlife and wildlife habitat. The PTAG shall also provide advice on adaptive management. The PTAG shall be responsible for, at a minimum:

- 1. Reviewing and providing technical advice on Project wildlife and habitat management plans (e.g. ferruginous hawk management plans).*
- 2. Reviewing and providing advice to EFSEC on pre-design and pre-construction data collection requirements to address Project mitigation measures and conditions or management plans.*
- 3. Reviewing and providing advice to EFSEC on the final Project design.*
- 4. Advising on thresholds to be applied to the Project that would trigger the requirement for additional mitigation measures.*

SCA Conditions Under Consideration by the PTAG

The SCA defines which SCA Conditions the PTAG will advise the Certificate Holder and EFSEC on during the pre-operations period. The following SCA Measures in the SCA invoke the PTAG:

- Hab-1 Wildlife Movement Corridors

- Hab-4 Establish PTAG and TAC
- Hab-5 Indirect Habitat Loss Management Plan
- Hab-6 Project Layout and Design
- Hab-8 Indirect Habitat Loss Compensation
- Wild-1 Post-construction Bird and Bat Fatality Monitoring Program
- Wild-8 Turbine Buffer Zones
- Wild-10 Pre-construction Bat Monitoring
- Spec-1 Striped Whipsnake & Sagebrush Lizard
- Spec-4 Burrowing Owl
- Spec-5 Ferruginous Hawk
- Spec-7 Loggerhead Shrike, Sagebrush Sparrow, Sage Thrasher, & Vaux's Swift
- Spec-8 Prairie Falcon
- Spec-10 Black-tailed Jackrabbit & White-tailed Jackrabbit
- Spec-12 Townsend's Ground Squirrel
- Spec-13 Pronghorn Antelope

See Attachment A for full text of these Conditions.

Membership Expectations

Commitment and Structure

Representative organizations are encouraged to designate PTAG members who can serve through the completion of the PTAG's work when the facility completes construction. The PTAG will be managed to provide timely recommendations as directed in the SCA, Article IV(G) and directed by the Facilitator, to support the Certificate Holder's and EFSEC's review.

Attachment B describes the entities represented on the PTAG. Members can identify an alternate to attend meetings in their absence. Entities will notify the Certificate Holder in writing of the person designated as the alternate representative.

Appointees to the PTAG must have relevant expertise or firsthand knowledge of facts relevant and necessary to the matters on which the PTAG is established to advise. PTAG members should limit their input to those topics on which they have relevant expertise or knowledge that qualifies them to provide input.

Authority

As provided in the SCA, the role of the PTAG is advisory only. PTAG roles are defined by the responsibilities outlined in SCA Condition Hab-4 to serve in a strictly advisory role to EFSEC and the Certificate Holder.

As detailed below, once a Facilitator Report is finalized, the Certificate Holder will consider the PTAG recommendations and prepare a final proposal for EFSEC staff consideration. EFSEC staff will consider

the proposal and (1) approve or reject the proposal for revision, or (2) recommend that the proposal or an aspect of the proposal be considered and approved by the standing Councilmembers. EFSEC maintains full decision-making authority as to the approval of all material items required under the SCA, as provided in chapter 80.50 RCW.

Governance and Decision-Making

EFSEC Staff Role: An EFSEC Staff designee will attend PTAG meetings to observe and to be available to answer questions from PTAG members, the Certificate Holder representative, and the Facilitator about EFSEC Staff's interpretation of the PTAG process, the SCA, and mitigation measures included in the SCA.

Certificate Holder Role: The Certificate Holder will designate a representative to present to the PTAG the Certificate Holder's draft proposals on matters for which the SCA requires advice from the PTAG. The Certificate Holder representative, in consultation with EFSEC staff and the Third-Party PTAG Facilitator, will be responsible for developing and distributing agendas, meeting schedules/locations, and may provide administrative assistance including material development.

Third-Party PTAG Facilitator Role: The Certificate Holder will retain an independent, professional facilitator (Facilitator) to oversee and coordinate the PTAG discussion and review process. This neutral intermediary will oversee the meetings, assist in explaining the charge and matters on which advice is to be solicited from PTAG members, solve unexpected problems, and act as the point of contact between PTAG members, the Certificate Holder, and EFSEC staff. The Facilitator will be responsible for drafting and keeping meeting minutes and developing and maintaining timelines for recommendations to EFSEC. A staff member from the Facilitator's team will take minutes during PTAG meetings. The Facilitator will ensure the accuracy of draft minutes prior to distribution to the PTAG for approval. The Facilitator is expected to maintain independence from the Certificate Holder and PTAG members, consistent with alternative dispute resolution professional standards. The Facilitator will ensure meetings remain productive, efficient, and within the scope of the agenda and the items for consideration under the SCA.

Meetings, Review and Recommendations: At each PTAG meeting, the Certificate Holder will present to the group draft plans, methodologies, or other documents prepared for PTAG review and comment. The Certificate Holder will provide such materials for PTAG review at least 14 days prior to the meeting at which they will be discussed. PTAG members may provide comments on the materials at the following meeting. Comments are to be rooted in technical expertise and supported by data or other evidence constituting the best available science. PTAG member input on facts relevant to the matters to be reviewed by the PTAG must meet standards of reliability applicable to agency SEPA analysis (e.g., attribution of photographs, reference to surveys, citation of pertinent records). At PTAG meetings, the Facilitator will facilitate discussion as to each comment and provide opportunities for all PTAG members to respond. The Facilitator will keep all written comments and document all verbal comments in the meeting minutes. Topics or issues that are not resolved at the successive meeting may be continued to the next meeting.

Facilitator Report: The Certificate Holder will present to the PTAG the Certificate Holder's draft proposals on matters for which the SCA requires advice from the PTAG. The PTAG need not reach consensus on each draft proposal or topic before it, but should endeavor to do so where possible. When the Facilitator determines that all comments and perspectives have been heard and all relevant evidence has been considered as to a particular document or topic, the Facilitator must direct that the group's advice on that subject be finalized. The Facilitator will then work to develop a report of the PTAG's deliberations for consideration (the "Facilitator Report"). The Facilitator must identify areas of agreement and any areas of disagreement amongst the group members' advice so that EFSEC's decision is informed by all relevant input from PTAG members. The Facilitator will distribute the meeting minutes as well as the draft report for group members to review and approve or revise at the following meeting, to ensure it accurately reflects each group member's advice.

PTAG Recommendation: Once the Facilitator's Report is finalized for a document or topic, the Certificate Holder will consider the advice therein to develop a final proposal to EFSEC. The Facilitator's Report and the Certificate Holder's final proposal shall be provided to EFSEC for review. The Certificate Holder's final proposal may explain the economic and technological feasibility implications of the advice presented in the Facilitator Report, when applicable.

Materials for EFSEC Consideration: Once these materials are finalized, the Facilitator will present to the Certificate Holder all meeting minutes, draft documents, written comments, the Facilitator's Report and the Certificate Holder's final proposal pertinent to a topic for EFSEC review and decision. The Certificate Holder will then provide these materials to EFSEC as contemplated in SCA Art. IV.G.

Quorum and Agendas

To reach a quorum, two-thirds of PTAG members (or member representative designated in writing), respectively, must be in attendance at a meeting, as well as the Facilitator, Certificate Holder representative, and the EFSEC Staff observer. PTAG meetings may proceed without a quorum of members, but a Facilitator Report may not be finalized until group members have been given a reasonable opportunity to approve that it accurately reflects each member's comments.

Agendas will be generated by the Facilitator, in consultation with EFSEC staff and the Certificate Holder representative when appropriate, and will be provided to PTAG members at least 14 days prior to the meeting where the information will be discussed, along with any meeting material needed to conduct business.

Meeting Frequency and Transparency

The PTAG will meet at least monthly for the duration of their tenure, with the understanding that additional meetings may be needed to meet goals and Project timelines. It is anticipated that meetings during the first few months will be more frequent, at times weekly, including to establish the PTAG and

develop a recommendation on SCA Conditions that influence final Project design, prioritizing Spec-5. Once the Spec-5 PTAG report is finalized, the remaining items that will influence Project design or that are longer lead items, such as longer-term studies, will be addressed. During the initial meeting the timing, frequency, duration, material preparation and review schedule and if necessary, location, will be determined by the Facilitator.

As a strictly advisory body, meetings are not subject to Open Public Meeting Act rules and will not be open to the public. As described above, the Facilitator will keep the meeting minutes, subject to review and approval by PTAG members, for the record and ultimately provide those minutes to EFSEC.

Attachment A

SCA Conditions Requiring PTAG Involvement

Hab-1 Wildlife Movement Corridors: The Certificate Holder shall provide rationale to EFSEC for siting any Project components within movement corridors modeled in Washington Wildlife Habitat Connectivity Working Group (2013) as medium to very high linkage, and a Corridor Mitigation Plan shall be required that describes:

- Extent of direct and indirect habitat impact within the movement corridor
- Proposed measures to be implemented to reduce potential impacts on movement corridors (e.g., habitat enhancements to promote continued use of corridors)
- Proposed features (e.g., open-bottom culverts) to accommodate wildlife movement for linear Project components (e.g., roads, powerlines)
- Proposed restoration in movement corridors following Project decommissioning
- Performance standards to assess the effectiveness of mitigation measures and restoration
- Methods to monitor and measure performance standards

The Corridor Mitigation Plan shall be developed in consultation with the PTAG and reviewed and approved by EFSEC prior to implementation. Results of corridor monitoring shall be reviewed annually with the TAC to evaluate the effectiveness and apply additional measures if necessary. Data shall be provided to EFSEC with additional mitigation measures for review and approval prior to implementation.

Hab-4 Establish PTAG and TAC: The Certificate Holder, in consultation with EFSEC, shall establish a PTAG and TAC. The PTAG shall be established at least one year prior to construction and will be responsible for reviewing and providing technical advice on documents produced by the Certificate Holder related to wildlife and wildlife habitat. The PTAG will also provide advice on adaptive management. The PTAG will be responsible for, at a minimum:

- Reviewing and providing technical advice on Project wildlife and habitat management plans (e.g., ferruginous hawk management plan)
- Reviewing and providing advice to EFSEC on pre-design and pre-construction data collection requirements to address Project mitigation measures and conditions of management plans
- Reviewing and providing advice to EFSEC on the final Project design
- Advising on thresholds to be applied to the Project that will trigger the requirement for additional mitigation measures

The Certificate Holder, in consultation with EFSEC, shall establish a TAC prior to Project operation. The PTAG will cease to exist once the Certificate Holder has completed all planned construction and will be replaced by the TAC, which will exist for the life of the Project. The TAC will be responsible for, at a minimum:

- Advising on the monitoring of mitigation effectiveness and reviewing monitoring reports
- Advising on additional or new mitigation measures that will be implemented by the Certificate Holder to address exceedances of thresholds
- Reviewing the results of annual data generated from surveys and incidental observations and providing recommendations for alternative mitigation and adaptive

management strategies, as well as advising on aspects of existing mitigation that are no longer needed.

The PTAG and TAC may include representation by WDFW, the Washington Department of Natural Resources, interested tribes, Benton County, and the USFWS. The PTAG and TAC may also include local interest groups, not-for-profit groups, and landowners. The exact composition of the PTAG and TAC will be determined through discussions between the Certificate Holder and EFSEC and will depend on the relevance and/or availability of proposed members.

Hab-5 Indirect Habitat Loss Management Plan: As noted by the Certificate Holder, the Project is expected to result in indirect habitat loss through loss of habitat function and changes in wildlife behavior in response to the Project. Further, as noted by the Certificate Holder, WDFW guidelines require that compensatory habitat mitigation must fully offset the loss of habitat function and value. To address indirect habitat loss associated with the Project, the Certificate Holder shall develop an Indirect Habitat Loss Management Plan that addresses potential indirect habitat loss resulting from the Project. The Certificate Holder shall work with the PTAG during the development of the Indirect Habitat Loss Management Plan (IHLMP) for review and approval by EFSEC. EFSEC and the PTAG will review the IHLMP prior to its implementation. The IHLMP shall be provided to the PTAG for review 90 days prior to construction.

The objectives of the IHLMP will be to identify a Project-specific ZOI and required mitigation based on the Project-specific ZOI. The Project-specific ZOI will be developed based on Project conditions and may differ from the ZOI presented in the EIS. The IHLMP shall include:

- A description of the study's purpose and objectives
- A description of methods to define Project-specific ZOIs (e.g., gradient analysis, nest density)
- A description of data requirements to establish Project-specific ZOIs and field programs that will be implemented (pre-construction and post-operation)
- A description of the duration of studies required to establish Project-specific ZOIs
- A description of criteria to be used to compensate for loss of habitat function and value
- An environmental effectiveness monitoring strategy of compensatory habitat to ensure that the habitat meets success criteria

The IHLMP shall also include a series of compensatory site-selection criteria, developed in consultation with the PTAG. The selection criteria will be used to evaluate candidate habitat compensation habitats. Habitats that achieve more of the criteria will be identified as the preferential sites. Selection criteria shall include, at a minimum:

- Proximity to the Lease Boundary (e.g., hierarchy of preferences with respect to location— within the Lease Boundary being the highest priority, adjacent to the Lease Boundary being the second highest priority, and off site being the third priority)

- Protection of existing native shrub-steppe or grassland habitats
- Encompassing sensitive or important wildlife habitat (e.g., mapped movement corridors, ferruginous hawk core habitat, HCAs, areas of high prey abundance)
- Proximity to Project infrastructure

Hab-6 Project Layout & Design: The Certificate Holder shall work with EFSEC, with advice from the PTAG, on the development of the final Project layout and design, including the application of Certificate Holder commitments and recommended mitigation measures.

Hab-8 Indirect Habitat Loss Compensation: The Certificate Holder shall be required to provide compensation habitat loss and alteration (indirect habitat loss) (See Hab-5, Veg-4) through one or more actions of land acquisition, onsite easement and restoration (excluding areas impacted by the project such as temporary laydowns), and/or fee-based mitigation. The Certificate Holder shall prioritize development of conservation easements (Option 11 in the Certificate Holder's Draft Wildlife and Habitat Mitigation Plan) and shall compensate for the remaining permanent and altered (indirect) impacts by providing money to WDFW, or a third party identified by WDFW, and agreed to by EFSEC, to purchase other lands suitable as in-kind and/or enhancement mitigation. The Certificate Holder shall provide EFSEC, for review and approval, with rationale for fee-based mitigation (Options 2 and 3 in the Certificate Holder's Draft Wildlife and Habitat Mitigation Plan) including a description of how much compensatory habitat will be addressed through Option 1 (conservation easement) and rationale for why fee-based mitigation is required. The fee-based mitigation includes a per acre fee that shall be determined by market rates and land sales within the general vicinity of the Lease Boundary for lands containing comparable habitat types and quality present within the Lease Boundary. The per acre fee shall be developed by the Certificate Holder in consultation with WDFW and approved by EFSEC. The Total Financial Obligation (TFO) shall be determined by multiplying the cost per acre by the total Compensatory Mitigation Acres (CMA) remaining after the application of Option 1 mitigation strategy and shall include a one-time 15% premium to cover administration and management costs for the purchased lands. The TFO for compensatory mitigation shall be determined and agreed to by EFSEC 90 days before construction. If construction has not begun within 12 months of the approval of the TFO, the TFO identified shall expire and be recalculated prior to beginning construction. The TFO shall be calculated based on the following: $\text{Average Comparable Land Sale Cost (per acre)} \times (\text{CMA} - \text{Option 1 Acres}) \times 1.15 = \text{TFO}$ In addition to the wildlife and habitat mitigation measures, the following measures developed for the Vegetation chapter are applicable to wildlife and habitat.

Wild-1 Post-construction Bird and Bat Fatality Monitoring Program: Prior to initiation of operation, the Certificate Holder shall develop, in coordination with the Pre-operational Technical Advisory Group (PTAG) and approval by EFSEC, a post-construction bird and bat fatality monitoring program. Monitoring shall be conducted for a minimum of three years. While the three years of monitoring need not be consecutive, all post-construction monitoring shall be conducted within the initial five years of operation to document variation in annual fatality rates. The program shall describe survey methods, timing, and effort as described in the Certificate Holder's Bird and Bat Conservation Strategy (Appendix M of the Final ASC). Surveys

shall include carcass surveys to document the longevity of carcass persistence and detectability of carcasses. Surveys shall be conducted year-round to account for variation in bird and bat abundance and diversity. Additional surveys (e.g., survey frequency) shall be conducted during sensitive periods for birds and bats (e.g., migration periods). Surveyed area shall include turbines, solar arrays, and transmission lines at a minimum.

Bird and bat fatality adaptive management strategy development

Prior to initiation of operation, the Certificate Holder shall develop, in coordination with the PTAG and approval by EFSEC, an adaptive management strategy. The adaptive management strategy shall include additional mitigation measures to be applied during sensitive periods (e.g. migration) or if mortality thresholds are exceeded.

Migratory bat species are at risk of population level impacts due to wind power facilities and these species are most at risk of collisions with turbines during spring and fall migration. As such, adaptive management strategies will be applied during these sensitive periods, which are generally April to June (spring migration) and August to October (fall migration) (Hayes and Wiles 2013). Acoustic surveys during operation may be used to define a project-specific migratory period. Acoustic detectors may be deployed across the Lease Boundary prior to spring and fall migration to detect increased bat activity suggesting the onset of bat migration. These data will be used to adjust the generalized bat sensitive periods listed above. Similarly, acoustic data will be used to document the end of bat migration and when adaptive management strategies may no longer be required. Bat data shall be downloaded and analyzed on a weekly basis to document the start and end of migration.

Adaptive management mitigation strategies that will be considered include altering the operation of the turbines by increasing the cut-in speed to above 18 feet (5.5 meters) per second (Alberta Government 2013) and curtailing turbines during known bird and bat migration period. As noted in in Section 4.6.2.2, projected impacts of wind power projects estimate that wind power could result in mortality levels of 3 to 46 percent of the hoary bat population by 2050. Friedenbergs and Frick (2021) conclude that a 5 m/s curtailment could avoid hoary bat extinction in several of the modeled scenarios. Acoustic monitors and smart curtailment may also be included in adaptive management to refine data on bat presence near turbines and when curtailment mitigation should be implemented. Mitigation strategies may be limited to groups of turbines based on the results of post-construction monitoring.

Bird and bat fatality adaptive management review

The Certificate Holder, the TAC, EFSEC, and WDFW will review the results of the bird and bat post-construction fatality monitoring program after each monitoring period to determine whether the mitigation measures outlined in the adaptive management strategy should be revised or adjusted. The data will also be used to determine whether monitoring efforts are sufficient to verify predicted impacts on birds and bats. EFSEC may require the Certificate Holder to conduct more intensive surveys (e.g., additional spatial extent or frequency) or extend the duration of post-construction monitoring beyond the minimum three years. The Adaptive management mitigation strategies shall be periodically reviewed (minimum of every five years) with the TAC during operation to consider inclusion of new science and technologies that may more efficiently reduce bird and bat fatalities.

Wild-8 Turbine Buffer Zones: Wind turbine buffer zones shall be established around all known raptor nests and be a minimum of 0.25 miles. The Certificate Holder shall prepare a Raptor Nest Monitoring and Management Plan for review by EFSEC and the PTAG if buffer zones cannot be maintained.

Wild-10 Pre-construction Bat Monitoring: The Certificate Holder shall conduct pre-construction surveys to develop an estimate of regional bat populations and identify to what degree seasonality affects the bat population in the area. The PTAG shall be contacted prior to undertaking these surveys and shall be involved in the development of the methodology and review of the results.

Spec-1 Striped Whipsnake & Sagebrush Lizard: The Certificate Holder shall conduct pre-construction surveys for sensitive reptile species prior to alteration or destruction of suitable habitat such as areas within the Lease Boundary identified as core habitat in GAP mapping, as well as shrubland (e.g., shrub-steppe, rabbitbrush). WDFW shall be contacted prior to undertaking these surveys. If these species are identified through pre-construction surveys, the Certificate Holder shall prepare a Reptile Management Plan to reduce potential impacts on habitat, mortality, and barriers to movement. The Reptile Management Plan shall describe:

- How the Certificate Holder will avoid suitable habitat, including where the species were observed
- How the Certificate Holder will implement management recommendations in Larsen (1997)
- How the Certificate Holder will maintain rodent burrows in suitable reptile habitat (e.g., shrubsteppe)
- Additional mitigation measures to reduce potential mortality of these species during the construction and operation stages of the Project

The Reptile Management Plan shall be reviewed by the PTAG and approved by EFSEC prior to initiation of construction. Survey results and proposed adaptive management shall be reviewed by the PTAG and approved by EFSEC prior to implementation (see Hab-4).

Spec-4 Burrowing Owl: The Certificate Holder shall conduct burrowing owl surveys within areas of direct loss (permanent, temporary, and modified) and associated ZOIs. The results of these surveys shall be provided to the PTAG and EFSEC and used to inform the final Project layout. Active burrows shall be retained and satellite burrows with characteristics used by burrowing owls shall be avoided where feasible to maintain habitat capacity. WDFW-recommended seasonal buffers (0.5 miles) shall be applied around burrowing owl nests to avoid disturbing nesting burrowing owls, if present (Larsen et al. 2004). Seasonal buffers (February 15 to September 25) shall be applied during construction and for temporary disturbances, such as periodic maintenance, during operation. If active burrowing owls are identified within the Lease Boundary, the Certificate Holder shall develop a species-specific management plan that describes:

- The location of active burrows.

- How active burrows will be avoided through re-alignment or reconfiguration of Project features.
- Additional mitigation measures that will be applied where disturbance to active burrows is expected (e.g., construction of artificial burrows).
- Additional mitigation measures that will be applied during operation if burrowing owl mortalities are recorded.
- How ongoing monitoring of active burrows will be undertaken.

The Burrowing Owl Management Plan shall be reviewed by the PTAG and approved by EFSEC prior to initiation of construction. Survey results and proposed adaptive management shall be reviewed by the PTAG and approved by EFSEC prior to implementation (see Hab-4).

The Certificate Holder shall monitor access roads for burrowing owl use and mortalities. Mortalities shall be reported to the PTAG or TAC (depending on the Project phase) and EFSEC within 5 days of the observation. Incidental observations of burrowing owl use shall be provided to the PTAG (construction) or TAC (operation) on an annual basis.

Spec-5 Ferruginous Hawk: The Certificate Holder shall not site any wind turbines, solar arrays, or BESS within a 0.6-mile (1km) radius surrounding ferruginous hawk nests:

- documented in PHS data on the effective date of the SCA,
- identified in the Certificate Holder's nest surveys, and/or
- that may be newly established by the species between the SCA effective date and the time of construction.

The Certificate Holder shall avoid siting wind turbines, solar arrays, and BESS within a 0.6-2-mile radius surrounding documented ferruginous hawk nests, unless the Certificate Holder is able to demonstrate that:

- compensation habitat, as described below, will provide a net gain in ferruginous hawk habitat and either:
 - the nesting site is no longer available, or
 - the foraging habitat within the 2-mile radius is no longer viable for the species.

Habitat considered no longer available for ferruginous hawk would include habitat that has been altered by landscape-scale development (conversion to cropland, residential development, industrial development) rendering the territory non-viable. This could include habitats that have been altered such that insufficient native or foraging habitat remains. Project turbines, solar arrays, or BESS shall not be sited within 2 miles of a ferruginous hawk nest without prior approval by EFSEC based on the process described below.

The extent of component encroachment into core habitat in ferruginous hawk territories, defined as the area within a 2-mile radius surrounding documented nests, may vary depending on the type of infrastructure proposed (i.e., turbine, solar array, BESS). If siting of these components within 2 miles of a nest is considered by the Certificate Holder, the Certificate Holder shall develop, in consultation with the PTAG for approval by EFSEC:

1. A set of habitat parameters to document whether habitat in a core range is considered non-viable. The results of habitat surveys and their relation to these habitat parameters shall be reviewed by the PTAG and approved by EFSEC.
2. A description of the current viable nesting habitat, available nesting sites, and a description of documented use of the core habitat by ferruginous hawk available through historic background information or field-based surveys.
3. A description of the type and location of infrastructure proposed within the core habitat.
4. The proximity of infrastructure to any known nest site or suitable foraging habitat.

In the event that a Project component is proposed for siting within the 2-mile buffer, the Certificate Holder shall, in consultation with the PTAG, develop a Project-specific ferruginous hawk mitigation and management plan for approval by EFSEC:

1. A description of efforts to site Project infrastructure to avoid core habitat, identified as the area within 2 miles of nests documented in PHS data and the Certificate Holder's nest surveys:
 - a. If Project turbines, solar arrays, or BESS are sited within 2 miles of a ferruginous hawk nest, the infrastructure shall be reviewed by the PTAG and approved by EFSEC.
 - b. Additional mitigation measures shall be developed to reduce potential ferruginous hawk strikes with turbines, including curtailing turbine operation within the 2-mile core habitat of any actively occupied nests diurnally during the breeding and rearing periods when ferruginous hawks are present in Benton County.
 - c. The plan shall explain how and where the Certificate Holder will create new offset habitat to mitigate for direct and indirect habitat loss within the 2-mile core area of ferruginous hawk nests documented in PHS data and the Certificate Holder's nest surveys.
2. A description of when construction activities will be undertaken to avoid sensitive timing periods for ferruginous hawk.
3. A description of pre- and post-monitoring programs that will be conducted to establish:
 - a. Habitat use within the Lease Boundary.
 - b. Mapping of ground squirrel colonies and other prey.
 - c. Identification of potential flyways between nest sites and foraging habitat and monitoring of potential flyways to inform final turbine siting and orientation.
 - d. Ongoing monitoring of nest use and territory success.
4. A description of restoration activities that will be undertaken during Project decommissioning to enhance ferruginous hawk habitat in disturbed areas.

Results of ferruginous hawk monitoring programs and adaptive management will continue through Project operation and decommissioning with review by the TAC and approval by EFSEC.

Exemption from Spec-5 for East BESS: The Certificate Holder intends to locate the East BESS within the footprint of the East Substation, which is itself located within 0.6-miles of a documented ferruginous hawk nest. The East BESS is exempted from the 0.6-mile and 2-mile buffers described in this measure so long as it remains co-located with the East Substation and remains subject to the other requirements of this measure. While the substation is not subject

to buffer requirements of this mitigation measure, absent this exemption, relocation of the BESS would be required. The rationale for this exemption is that the footprint of the East Substation represents an area of permanent disturbance. Relocating the East BESS elsewhere would necessarily result in an increase in permanent habitat disturbance without any accompanying mitigative effect. Applying this 0.6-mile and 2-mile nest buffers to the East BESS would be contrary to the mitigative intent of this measure.

- Spec-7 Loggerhead Shrike, Sagebrush Sparrow, Sage Thrasher, & Vaux's Swift:** The Certificate Holder shall maintain connectivity between natural habitat patches to reduce potential habitat loss and fragmentation. The Certificate Holder shall restore areas with shrubs, where feasible, to reduce potential habitat loss. The Certificate Holder shall avoid the use of insecticides and herbicides to reduce potential mortality and loss of prey items.
- Spec-8 Prairie Falcon:** The Certificate Holder shall conduct pre-construction surveys for prairie falcon nests for construction work proposed during the prairie falcon nesting season and the winter season preceding the start of construction and maintain a seasonal buffer of 2,640 feet from active nest sites (Larsen et al. 2004) to reduce potential destruction or disturbance of active nests. Observational data and proposed adaptive management strategies will be reviewed with the TAC annually (see Hab-4).
- Spec-10 Black-tailed Jackrabbit & White-tailed Jackrabbit:** The Certificate Holder shall conduct surveys for jackrabbit in suitable habitat identified through GAP predictive mapping. If jackrabbits are identified, the Certificate Holder shall develop and implement a management plan with additional mitigation measures to reduce potential loss of habitat supporting jackrabbits. Observational data and proposed adaptive management strategies will be reviewed with the TAC annually (see Hab-4).
- Spec-12 Townsend's Ground Squirrel:** The Certificate Holder shall conduct surveys for Townsend's ground squirrel colonies within the Lease Boundary in areas of the Project disturbance footprint to inform final design.

The Certificate Holder shall avoid habitat loss within Townsend's ground squirrel habitat concentration areas, as well as known colonies, in final design. Additional Townsend's ground squirrel colonies identified through surveys shall be shown on Project mapping. If Project components are required in habitat concentration areas (rated as medium or greater) or near known colonies, the Certificate Holder shall prepare a species-specific management plan for areas where avoidance is not feasible. This plan shall provide rationale for why colonies cannot be avoided and shall detail additional mitigation measures to reduce impacts to Townsend's ground squirrel. Additional mitigation measures may include identification of setbacks, colony monitoring, habitat restoration, colony relocation, and reconstruction of habitat features. The plan shall also describe monitoring and adaptive management measures to be implemented during Project operation. The plans shall be provided and discussed with the PTAG, and approved by EFSEC, if avoidance of identified ground squirrel colonies is not

feasible. Observational data and adaptive management strategies will be reviewed with the TAC annually.

Spec-13: Pronghorn Antelope: The Certificate Holder shall limit fencing where feasible (e.g., around solar arrays). Final fencing layouts and design, including use of non-barbed-wire security fencing, shall be provided to the PTAG and EFSEC with rationale for fencing requirements. The Certificate Holder shall design and implement a study of seasonal pronghorn antelope occurrence and use of the Lease Boundary before construction and during operation to document the change, if any, of pronghorn antelope presence, abundance, and habitat use within the Lease Boundary. The PTAG will review and provide input to the study design. The results of the study will be used to develop adaptive management measures to respond to changes in pronghorn antelope habitat use. Survey results and proposed adaptive management will be reviewed by the PTAG and TAC prior to implementation (see Hab-4). The Certificate Holder shall maintain a potentially confidential database of pronghorn antelope observations, including details such as numbers, location, age, and sex, and shall make this database available to WDFW, EFSEC, and the Yakama Nation.

Attachment B

PTAG Participants

Entity Represented	Role	Name
n/a	Facilitator, meeting minute notetaker	Kearns & West
Horse Heaven Wind Farm LLC	PTAG Member and Certificate Holder representative	Andrew Pinger
EFSEC Staff	Observer/Administrative	
Horse Heaven Wind Farm LLC	PTAG member	Troy Rahmig
Washington Department of Fish and Wildlife	PTAG member	
U.S. Fish and Wildlife Service	PTAG member	
Department of Natural Resources	PTAG member	
Independent Ecologist	PTAG member	Don McIvor
Independent Ecologist	PTAG member	Tim Hayes
Participating Landowners	PTAG member	Chris Wiley
Local Labor Representative	PTAG Member	Jessica Wadsworth
Confederated Tribes and Bands of the Yakama Nation	PTAG member	
Confederated Tribes of the Umatilla Indian Reservation	PTAG member	
Benton County, WA	PTAG member	
Lower Columbia Basin Audubon Society	PTAG member	Dana Ward

Attachment L

Horse Heaven PTAG

Meeting 1

Friday, February 28, 2025

9:00 am to 12:00 pm PST

Location: Virtual, click to join:

<https://kearnswest.zoom.us/j/87680045224?pwd=y9XhHyyzcJbXoOeibO1p983VQwjHOS.1>

Meeting Objectives

- Meet the project team and each other
- Understand the background and status of the project
- Understand the purpose and role of the PTAG

Meeting Agenda

Time (PT)	Item	Lead
9:00 to 9:30 am	Welcome, Introductions and Opening Remarks	Kearns & West (Facilitator) All
9:30 to 10:30 am	Project Introduction and Overview <ul style="list-style-type: none"> • WA Energy Facility Site Evaluation Council (EFSEC) Site Certification process and current status update • Site Certification Agreement (SCA) approval and appeal • Mitigation measure activities • Q & A 	Dave Kobus and Pat Landess, Scout Clean Energy Troy Rahmig, Tetra Tech
10:30 to 11:15 am	PTAG Overview <ul style="list-style-type: none"> • PTAG Rules of Procedure • PTAG logistics (meeting cadence, file sharing, etc.) • Q & A 	Jamie Damon, Kearns and West Troy Rahmig, Tetra Tech

Time (PT)	Item	Lead
11:15 to 11:50 am	Technical Work Overview <ul style="list-style-type: none"> • Spec-5 mitigation measure review • Near-term wildlife surveys • Q & A 	Pat Landess, Scout Clean Energy Troy Rahmig, Tetra Tech
11:50 am to 12:00 pm	Closing and Next Steps	Jamie Damon, Kearns & West

Attachment F



ONE-WEEK TRANSCRIPT TURNAROUND

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DECEMBER MONTHLY MEETING

December 18, 2024

EFSEC 2024 Monthly Council Meetings

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Sarah Fitzgibbon, CCR
Vice President



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
MONTHLY MEETING

December 18, 2024
Taken Remotely via Teams

PREPARED BY: Michelle D. Elam, RPR, CCR 3335

1 Notice of Decision by the governor, notifying the public
2 that Governor Inslee signed the Site Certification
3 Agreement, or SCA. That was done on October 18th, the
4 signing was done October 18th, 2024.

5 The project proponent, Horse Heaven Wind Farm,
6 LLC, also signed the SCA, and implementation of the SCA
7 has been initiated.

8 The certificate holder and EFSEC staff are
9 collaborating currently on establishing the
10 preoperational technical advisory group, which is denoted
11 as the PTAG, P-T-A-G, including development of the PTAG
12 charter and outreach to prospective PTAG members, per the
13 Mitigation Measure Habitat 4. And in the Site
14 Certification Agreement, that's denoted as ~~half~~ ^{HAB-4} dash 4,
15 which is to establish a PTAG and a technical advisory
16 committee.

17 The PTAG is the first committee to be
18 established. And that is an integral part of the final
19 project design and is responsible for reviewing and
20 providing technical advice on wildlife and wildlife
21 habitat documents produced by the certificate holder, as
22 well as reviewing and providing advice to EFSEC on the
23 final project design.

24 The PTAG must be established at least one year
25 prior to construction.

Attachment H



Washington State Energy Facility Site Evaluation Council AGENDA

MONTHLY MEETING

Wednesday February 19, 2025

1:30 PM

HYBRID MEETING

[Click here to join the meeting](#)

Conference number: 564-999-2000 ID: 141231937#

1. Call to OrderKurt Beckett, EFSEC Chair
2. Roll CallAndrea Grantham, EFSEC Staff
3. Proposed AgendaKurt Beckett, EFSEC Chair
4. Minutes **Meeting Minutes**.....Kurt Beckett, EFSEC Chair
 - December 18, 2024 Monthly Meeting Minutes
5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates.....Jarred Caseday, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates.....Jennifer Galbraith, Puget Sound Energy
 - c. Chehalis Generation Facility
 - Operational Updates.....Jeremy Smith, Chehalis Generation
 - d. Grays Harbor Energy Center
 - Operational Updates.....Chris Sherin, Grays Harbor Energy
 - e. Columbia Solar
 - Operational Updates.....Thomas Cushing, Greenbacker Capital
 - f. Columbia Generating Station
 - Operational Updates.....Josh LaPorte, Energy Northwest
 - g. WNP – 1/4
 - Non-Operational Updates.....Josh LaPorte, Energy Northwest
 - h. Goose Prairie Solar
 - Project Updates.....Nelson Jia, Brookfield Renewable
 - i. High Top Solar
 - Project Updates.....Sara Randolph, EFSEC Staff
 - j. Ostrea Solar
 - Project Updates.....Sara Randolph, EFSEC Staff
 - k. Wautoma Solar
 - Project Updates.....Lance Caputo, EFSEC Staff
 - l. Carriger Solar
 - Project Updates.....Joanne Snarski, EFSEC Staff
 - m. Horse Heaven Wind Farm
 - Project Updates.....Amy Moon, EFSEC Staff
 - n. Hop Hill Solar
 - Project Updates.....Trevin Taylor, EFSEC Staff
 - o. Wallula Gap
 - Project Updates.....Trevin Taylor, EFSEC Staff.
 - p. Goldeneye BESS
 - Project Updates.....Joanne Snarski, EFSEC Staff
 - Land Use Consistency Order.....Joanne Snarski, EFSEC Staff

The Council may consider FINAL ACTION on the Land Use Order for the Goldeneye BESS project.

6. Other

- Dave Walker Staff Re-Introduction.....Sonia Bumpus, EFSEC Staff
- Cost Allocation.....Sonia Bumpus, EFSEC Staff

7. Adjourn.....Kurt Beckett, EFSEC Chair

Horse Heaven Wind Project

General Description:

Proposed construction of a renewable energy facility that would have a nameplate energy generating capacity of up to 1,150 megawatts (MWs) for a combination of wind and solar facilities as well as battery energy storage systems (BESS). Meteorological Towers (MET), overhead transmission lines, and Operations and Maintenance (O&M) Facilities are also proposed.

Project area: 72,428 acres, privately owned land in which five DNR parcels are located within.

Location:

Unincorporated Central Benton County south of the Tri-Cities.

Applicant:

Horse Heaven Wind Farm, LLC.

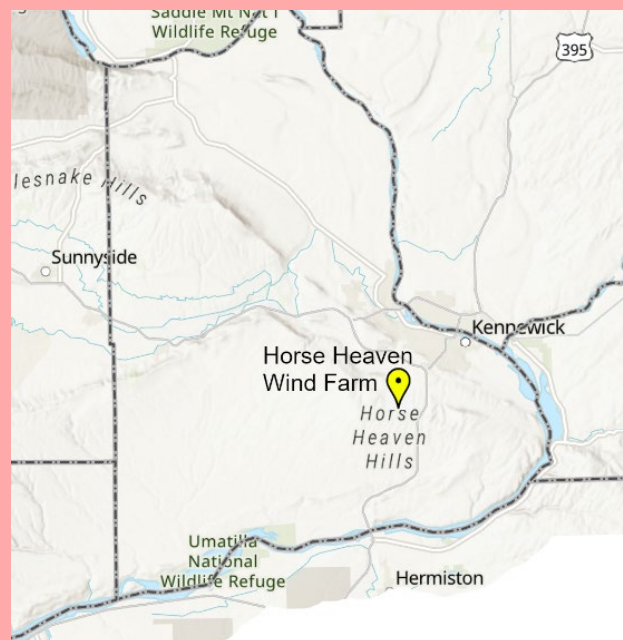
Milestone Dates:

- February 8, 2021, Original ASC Submitted
- May 17, 2022, Council issues Order No. 883 of Land Use Consistency – Finding Proposed Site Consistent with Land Use Regulations.
- October 31, 2023, Final Environmental Impact Statement Issued.
- April 17, 2024, Adjudicative Order Resolving Contested Issues.
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- May 25, 2024, Governor Remanded the Council's Recommendation.
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- October 18, 2024, Received Signed SCA and Final Decision from the Governor.
- November 21, 2024, Applicant Signed the SCA.

Status:

Application Approved
SCA Signed
Pre-Construction
Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

Location Map:



Attachment G



Washington State Energy Facility Site Evaluation Council AGENDA

MONTHLY MEETING

Wednesday January 15, 2025
1:30 PM

VIRTUAL ONLY MEETING

[Click here to join the meeting](#)

Conference number: 564-999-2000 ID: 141231937#

1. Call to Order Kathleen Drew, EFSEC Chair
2. Roll Call Andrea Grantham, EFSEC Staff
3. Proposed Agenda Kathleen Drew, EFSEC Chair
4. Minutes **Meeting Minutes** Kathleen Drew, EFSEC Chair
 - December 18, 2024 Monthly Meeting Minutes
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 - l. Wautoma Solar
 - Project Updates Joanne Snarski, EFSEC Staff
 - m. Hop Hill Solar
 - Project Updates John Barnes, EFSEC Staff
 - n. Carriger Solar
 - Project Updates Joanne Snarski, EFSEC Staff
 - o. Wallula Gap
 - Project Updates John Barnes, EFSEC Staff
 - p. Goldeneye BESS
 - Project Updates Joanne Snarski, EFSEC Staff
 - Land Use Consistency Order Joanne Snarski, EFSEC Staff

The Council may consider FINAL ACTION on the Land Use Order for the Goldeneye BESS project.

6. Other

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7. Adjourn.....Kathleen Drew, EFSEC Chair

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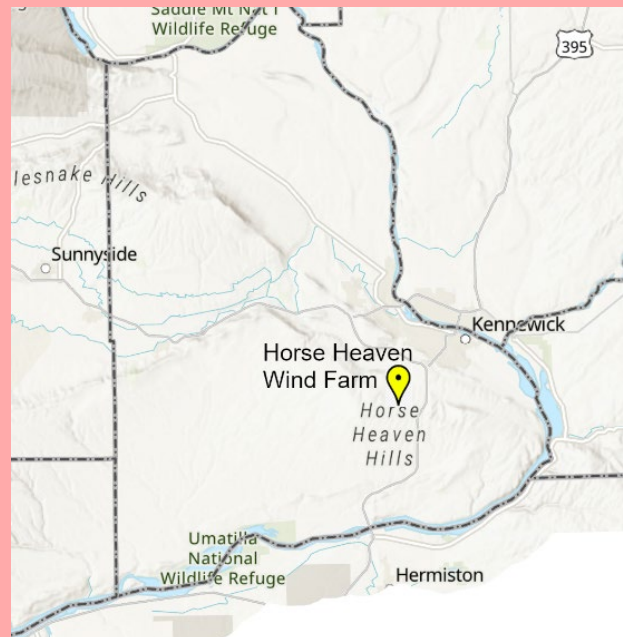
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Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

Location Map:



Attachment I



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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

February 19, 2025

Lacey, Washington

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

1 transparency of this Council's work. I will therefore
2 be recusing myself from participating in any
3 decision-making related to the Council's
4 recommendations to the governor on the Goldeneye
5 battery storage, Hop Hill Solar, or Wallula Gap
6 projects, solar projects.

7 I will also recuse myself from Council
8 decision-making related to mitigation measures and
9 remaining project design, construction, and
10 micro-siting for the Horse Heaven Clean Energy Center
11 project.

12 This means that I will not actively participate in
13 the adjudicative hearings or the Council's development
14 of adjudicative orders on these project matters. When
15 an open meeting action item comes up on one of those
16 projects, as the Council's vote on the draft land-use
17 consistency order is slated to do today, I will
18 exercise my authority to appoint a fellow Council
19 member to serve as chair in my absence for that part of
20 the agenda.

21 Today I will pass the gavel to the longest-serving
22 Council member, Stacey Brewster, the appointee for the
23 Utilities and Transportation Commission. She may then
24 guide the Council's deliberations on that topic,
25 including calling for motions and votes as she deems

1 the potential development of the Carriger Solar
2 facility. EFSEC is working in coordination with the
3 Yakama Nation Cultural Resources Program staff and the
4 developer, which is Cypress Creek Renewables, to
5 identify potential mitigation and inform our SEPA
6 threshold determination.

7 May I answer any questions?

8 CHAIR BECKETT: Any questions?

9 Hearing none. Thank you.

10 Moving on to the Horse Heaven Wind Farm. Amy
11 Moon.

12 MS. MOON: Good afternoon, Council
13 Chair Beckett and EFSEC Council members. For the
14 record, this is Amy Moon reporting on the Horse Heaven
15 wind project.

16 In accordance with the site certificate agreement,
17 Article IV.G -- Article IV is "Plans, Approvals and
18 Actions Required Prior to Construction" -- EFSEC staff
19 and the certificate holder developed the rules of
20 procedure for the Pre-operational Technical Advisory
21 Group, which is abbreviated to the acronym P-T-A-G, or
22 PTAG. These rules of procedure include the list of
23 PTAG participants. The certificate holder is actively
24 working to confirm member representatives and to
25 convene as a group in early to mid March.

Does the Council have any questions?

CHAIR BECKETT: Questions from the Council? Hearing none. Thank you.

Moving on to Hop Hill Solar. Trevin Taylor.

MR. TAYLOR: Hello. This Trevin Taylor for John Barnes, the assigned site specialist for Hop Hill application.

We continue to coordinate and review the application with our contractor, contracted agencies, and tribal governments.

There are no further updates at this time.

Are there any questions?

CHAIR BECKETT: Hearing none.

Okay. Moving on, also Trevin, to Wallula Gap, please.

MR. TAYLOR: For the record, this is Trevin Taylor for John Barnes, the siting specialist for the Wallula Gap application.

We continue to coordinate and review the application with our contractors, contracted agencies, and tribal governments.

There are no further updates at this time. Are there any questions?

CHAIR BECKETT: Any questions?

Hearing none.

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8 BEFORE THE STATE OF WASHINGTON
9 ENERGY FACILITY SITE EVALUATION COUNCIL

10 In the Matter of the Application of:

DOCKET NO. EF-210011

11 Scout Clean Energy, LLC, for Horse Heaven
12 Wind Farm, LLC, Applicant

BENTON COUNTY’S JOINDER
IN OBJECTION BY TRI-CITIES
C.A.R.E.S. TO PTAG
ESTABLISHMENT,
OPERATIONS, MEMBERSHIP
AND MEETINGS

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16 Benton County (the “County”) joins Tri-Cities C.A.R.E.S. (“TCC”) in TCC’s
17 objection to the establishment, operations, membership, and meetings of the unprecedented
18 Pre-Operational Technical Advisory Group (“PTAG”) in this matter. The County
19 incorporates all legal arguments of TCC in its objection. For the reasons and arguments in
20 TCC’s objection, EFSEC should dissolve the PTAG and perform the responsibilities required
21 of it under the Energy Facilities Site Location Act (“EFSLA”), Ch. 80.50 RCW, and the
22 Administrative Procedure Act (“APA”), Ch. 34.05 RCW.
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24 **I. INTRODUCTION**

25 Almost immediately after the adjudication of this case and EFSEC’s issuance of its
26 April 1, 2024, Draft Site Certification Agreement, Scout objected to the PTAG in its May 20,
27 2024, petition for reconsideration of EFSEC’s recommendation to the Governor. Scout
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3 recognized that the PTAG would have authority to not merely evaluate post-construction
4 performance of mitigation imposed on the Horse Heaven Wind Farm (“HHWF”), but that
5 EFSEC had impermissibly delegated to the PTAG the authority “to actually *site* the Project.”
6 SCE Petition for Reconsideration at 39 (emphasis in original). Scout observed that this
7 “defies multiple foundational requirements of the Washington APA” and also “violates
8 numerous SEPA requirements.” *Id.* at 40, 42.

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10 After the Governor remanded this case back to EFSEC to more narrowly tailor
11 mitigation requirements, EFSEC issued its revised Site Certification Agreement. Again in
12 Scout’s own words, EFSEC continued to improperly delegate “substantive project
13 determinations to an unprecedented interim discretionary approval body”—the PTAG. SCE
14 Petition for Reconsideration of Revised Recommendation at 2.

15 TCC is correct that this has resulted in the improper adoption of rules of procedure by
16 the PTAG. TCC Objection at 10. A key point made by TCC is that the PTAG
17 “facilitator”—retained by Scout—will largely shape the decision-making process that should
18 have been integral to the public EFSEC adjudication. The results of the PTAG meetings are
19 intended to be subsequently presented to EFSEC for its own review and decision, but like the
20 meetings themselves this will be directed by the facilitator compiling his or her official
21 report. PTAG Rules of Procedure at 4. The *de facto* weighing of scientific information
22 together with other values and considerations will be done by the PTAG. This will create
23 momentum highly favorable to the facilitator’s official report and reduce the likelihood that
24 the siting analysis required of EFSEC will be done in an EFSLA- and APA-compliant
25 manner.
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3 The shift in Scout's approach away from strident opposition to the PTAG to
4 embracing the PTAG and seeking to influence its outcome, *in a process closed to the public*,
5 should give any neutral observer pause to reflect on whether this represents a classic example
6 of industry capture, commonly defined as the improper influence by a vested interest over the
7 regulations, agencies, and decisions affecting it.¹

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9 The County writes separately to emphasize one aspect of how this situation runs
10 contrary to the County's experiences and expectations as a public agency often called upon to
11 make land use decisions of its own.

12 **II. OBJECTION BASED ON OPMA**

13 The County objects to the PTAG due to its failure to comply with the Open Public
14 Meetings Act ("OPMA"), Ch. 42.30 RCW. The purpose statement of the OPMA is a
15 strongly worded mandate of transparency and openness:

16 **RCW 42.30.010 Legislative declaration.**

17
18 The legislature finds and declares that all public commissions, boards, councils,
19 committees, subcommittees, departments, divisions, offices, and all other public
20 agencies of this state and subdivisions thereof exist to aid in the conduct of the
21 people's business. It is the intent of this chapter that their actions be taken openly and
22 that their deliberations be conducted openly.

23 The people of this state do not yield their sovereignty to the agencies which serve
24 them. The people, in delegating authority, do not give their public servants the right
25 to decide what is good for the people to know and what is not good for them to know.
26 The people insist on remaining informed and informing the people's public servants
27 of their views so that they may retain control over the instruments they have created.
28 For these reasons, even when not required by law, public agencies are encouraged to
29 incorporate and accept public comment during their decision-making process.

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31 ¹ https://en.wikipedia.org/wiki/Regulatory_capture

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3 These values are so important that the legislature directed that the OPMA is to be
4 liberally construed. RCW 42.30.910. Accordingly, limitations on the OPMA are narrowly
5 construed. *Miller v. City of Tacoma*, 138 Wn.2d 318, 324 (1999).

6 The OPMA declares that all meetings of a governing body of a public agency must be
7 open to the public. RCW 42.30.030. A public agency includes “[a]ny subagency of a public
8 agency which is created by or pursuant to statute, ordinance, or other legislative act,
9 including but not limited to planning commissions, library or park boards, commissions, and
10 agencies.” RCW 42.30.020(1)(c). A governing body includes any committee of a public
11 agency “when the committee acts on behalf of the governing body, conducts hearings, or
12 takes testimony or public comment.” RCW 42.30.020(2).

13
14 EFSEC is a legislatively created public agency and is subject to the OPMA. *See*
15 RCW 80.50.030. EFSEC established the PTAG through mitigation measure Hab-4 in the
16 FEIS and SCA. It is EFSEC’s responsibility to investigate the sufficiency of energy facilities
17 and “[t]o conduct hearings on the proposed location and operational conditions of the energy
18 facilities under the regulatory authority established in this chapter[.]” RCW 80.50.040(5),
19 (7).

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21 Rather than directly perform the tasks assigned to it under state law, EFSEC has
22 delegated its responsibility to determine the actual location of the turbines in the HHWF to
23 the PTAG. It has now become the PTAG’s responsibility, not EFSEC’s, to review “pre-
24 design and pre-construction data collection requirements to address Project mitigation
25 measures and conditions or management plans” and review and provide advice “to EFSEC
26 on the final Project design.” SCA, p. 20. The PTAG, rather than EFSEC, will receive
27 testimony from a number of parties to inform the siting decision for the HHWF. PTAG
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3 Rules of Procedure at 2. The PTAG will then provide its recommendation to EFSEC on final
4 siting decisions that the PTAG believes are appropriate. *Id.*, at 4. These are responsibilities
5 that the legislature specifically assigned to EFSEC. *See* RCW 80.50.040. Setting aside for
6 argument's sake whether those responsibilities could ever be lawfully delegated by EFSEC to
7 the PTAG, the main point is that the PTAG is a committee of EFSEC that was created by and
8 is acting on behalf of EFSEC. *Citizens All. for Prop. Rts. Legal Fund v. San Juan Cnty.*, 184
9 Wn.2d 428, 444 (2015) (a committee of a governing body "is an entity that the governing
10 body created or specifically authorized"). As such, PTAG meetings must be open to the
11 public. *See* RCW 42.30.020.

13 The fact that EFSEC still retains ultimate authority over final site locations does not
14 change the analysis that the PTAG is subject to the OPMA. Under the OPMA, the decision-
15 making that must occur in public is not just the final decision that concludes the input of
16 earlier steps. The intermediate steps of siting decisions overseen by the PTAG will
17 inevitably narrow and constrain the basis for review by EFSEC. For OPMA purposes those
18 steps must also be publicly deliberated, because they are "actions." RCW 42.30.020(3).

20 Although EFSEC will likely insist that its role is that of final decisionmaker, inarguably the
21 PTAG will be making decisions on the final siting location of the project merely by operation
22 consistent with its rules of procedure. "Action" under the OPMA is much more expansive
23 than a "final decision." *Id.* The OPMA could not be clearer on this, because it actually
24 defines "final action" as only one type of "action." *Id.* The latter term also encompasses
25 "deliberations, discussions, considerations, reviews, [and] evaluations...." *Id.* For this
26 reason, it does not matter that the PTAG work will eventually be presented to EFSEC for a
27 final decision. *See* PTAG Rules of Procedure at 4.

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3 EFSEC also cannot exempt the PTAG from the OPMA by stating that the PTAG is a
4 “strictly advisory body.” PTAG Rules of Procedures at 5. Whether or not the OPMA applies
5 is not based on how EFSEC classifies the PTAG. Rather, the PTAG is subject to the OPMA
6 if it is a committee of EFSEC and acts on EFSEC’s behalf. *Citizens All. for Prop. Rts. Legal*
7 *Fund*, 184 Wn.2d at 448. A committee acts on behalf of a governing body “when it exerts
8 power or influence or produces an effect as the representative of the governing body.” 1986
9 Op. Att’y Gen. 16, at 8.
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11 It is now the PTAG, not EFSEC, that is receiving factual evidence and expert opinion
12 germane to siting decisions. The PTAG’s facilitator will provide a report on all matters that
13 require advice from the PTAG. PTAG Rules of Procedures at 4. One of the matters over
14 which the PTAG has control is the process of weighing evidence on the factors that will drive
15 final project layout and design. *Id.* at 1. It is the PTAG that will have to make project-wide
16 value judgments on siting locations based on the materials presented to it. Framing the
17 factors and evidence in a way favoring its recommendation is a critical decision-making act.
18 The PTAG might not have final decision-making authority, but because EFSEC’s final
19 decision will be based on the PTAG’s facilitator’s report, the PTAG has *de facto* decision-
20 making authority all throughout the process of creating the evaluative framework—if not the
21 final decision—within which EFSEC will act. *See Citizens All. for Prop. Rts. Legal Fund*,
22 184 Wn.2d at 451.
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24 The role of the PTAG in this case is almost identical to the Adult Entertainment Task
25 Force (“Task Force”) created in *Clark v. City of Lakewood*. In *Clark*, “the Lakewood City
26 Council authorized the Lakewood Planning Advisory Board (‘Board’) to analyze adult
27 entertainment uses within the city.” *Clark v. City of Lakewood*, 259 F.3d 996, 1001 (9th Cir.
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3 2001). The Board directed the Task Force to “analyze all aspects of adult entertaining in the
4 city.” *Id.* at 1002. As part of its analysis, the Task Force toured adult entertainment
5 businesses, took testimony from police officers and members of advocacy groups, and
6 reviewed data germane to adult entertainment businesses. *Id.* This occurred in meetings
7 mainly closed to the public. *Id.* The Task Force drafted a report and recommendation to the
8 Board and also drafted a new adult cabaret ordinance. *Id.* The Board reviewed the Task
9 Force’s report and ordinance and recommended that the city council pass the new ordinance.
10 *Id.* The Board also submitted the Task Force’s report to the city council. *Id.* The city
11 council passed the new ordinance. *Id.* The court found that by taking testimony, reviewing
12 relevant data, and providing a report on a new adult entertainment ordinance, the Task Force
13 was subject to the OPMA. *Id.* at 1013-14. The court’s decision acknowledged the fact that
14 the final approval authority for the new ordinance rested with the Lakewood City Council,
15 but this was not determinative.
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18 On the other hand, the creation of the PTAG, and EFSEC’s expectations for the
19 PTAG’s work, are very different from the “informal group that met occasionally” to discuss
20 critical areas ordinances in *Citizens Alliance*, 184 Wn.2d at 433. In that case, the so-called
21 “CAO Team” was associated with “the near-complete absence of official documents
22 referencing the team or its work.” *Id.* Moreover, there were no document that explained the
23 formation of the CAO Team or, importantly, “indicat[ed] that the CAO Team had any formal
24 purpose, list of responsibilities, or official relationship to other county agencies.” *Id.* There
25 was no reference to any of the work or recommendations of the CAO Team in the legislation
26 enacted by the San Juan County Council. *Id.* at 434. The Court found that the OPMA did
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not apply to the CAO Team meetings, emphasizing that the Council did not create the CAO Team and therefore the CAO Team could not have acted on the Council's behalf. *Id.* at 436.

Here, EFSEC created the PTAG and made it responsible for reviewing and providing technical advice on wildlife and habitat management plans. PTAG Rules of Procedure at 1. The PTAG will also provide advice on "Project Layout and Design" per the terms of Hab-6. *Id.* at 2. Thus, the PTAG is responsible for guiding EFSEC to a conclusion on the *final project design*. *Id.* Just like in *Clark*, the PTAG has already taken a site tour of the HHWF. TCC Opposition at 6. Also like in *Clark*, the PTAG will receive testimony from Scout, the Yakama Nation, ecologists, and other interested parties. TCC Opposition, Attachment C.

Unlike the CAO Team in *Citizens Alliance*, which was no more than an informal advisory committee, the PTAG is EFSEC-created and will have both opportunities and a platform to frame issues to directly persuade EFSEC about problems and solutions that particularly concern Scout. This is not merely the inchoate "produces an effect" test questioned in *Citizens Alliance*, but is an intentional decision-making structure to discuss and review factual and expert opinion material, in closed sessions, that will then be produced to EFSEC as the PTAG facilitator and Scout see fit. PTAG Rules of Procedures at 4.

Whatever else may be said about the SCA and its delegation to the PTAG, this calls for openness and transparency.

III. CONCLUSION

For the reasons set forth more specifically in TCC's objection, EFSEC should dissolve the PTAG and assume all responsibilities improperly delegated to it. However, if EFSEC proceeds with the PTAG process, the PTAG must be considered as subject to the OPMA and future meetings should be open to the public.

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DATED this 18th day of April, 2025.

MENKE JACKSON BEYER, LLP

/s/ Kenneth W. Harper

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that I served, in the manner indicated below, a true and correct copy of the foregoing document as follows:

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DATED THIS 17th day of April, 2025, at Yakima, Washington.

/s/Julie Kihn

JULIE KIHN