Deposition of Informational Public Meeting

OneEnergy Renewables-Goose Prairie Solar Project

March 16, 2021

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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

Lacey, Washington
March 16, 2021
5:30 p.m.

Telephonic EFSEC Goose Prairie Informational Public
Meeting and Land Use Hearing
Verbatim Transcript of Proceedings

(All participants appeared virtually.)

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A P P E A R A N C E S

Councilmembers:
1. KATHLEEN DREW, Chair
   KATE KELLY, Department of Commerce
2. MIKE LIVINGSTON, Department of Fish and Wildlife
   LENNY YOUNG, Department of Natural Resources
3. ROB DENGEL, Department of Ecology
   STACEY BREWSTER, Utilities and Transportation Commission

Local Gov't and Optional State Agencies:
1. BILL SAURIOL

Administrative Law Judge:
1. JOHNETTE SULLIVAN

EFSEC STAFF:
1. AMI KIDDER
   JOAN OWENS

Also present:
1. BLAKE BJORNSON, One Energy
   TIM MCMANUS, Stoel Rives
2. BILL SHERMAN, the Environment
LACEY, WASHINGTON; MARCH 16, 2021

5:30 P.M.

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PROCEDINGS

CHAIR DREW: So I will begin with again welcoming and thanking everyone for joining EFSEC this evening for a public informational meeting and land use consistency hearing for the proposed Goose Prairie Solar Project. The purpose of EFSEC's meeting tonight is to share information about the Goose Prairie Solar Project and EFSEC's review process and to hear public comment on Goose Prairie Solar.

EFSEC's statute, RCW 80.40.090 requires EFSEC to conduct a public information meeting and land use consistency hearing within 60 days of receipt of an application for site certification. We also refer to the application for site certification as ASC.

The applicant, One Energy Renewables, submitted their application, or ASC, to EFSEC on January 19th, 2021. The ASC included a written request from One Energy Renewables for application review under EFSEC's expedited processing. Excuse me.

This evening we will have a presentation by the applicant about the proposed project followed by
presentation about EFSEC’s review process by EFSEC Staff
and introduce the council for the Environment or CFE.

Following this, we will begin oral public
comments on the Goose Prairie Project. Speakers will be
allowed three minutes to prepare -- to present their
comments.

I will now ask Ms. Owens to call the roll
for the Goose Prairie EFSEC Council.

MS. OWENS: Department of Commerce?
MS. KELLY: Kate Kelly, here.
MS. OWENS: Department of Ecology?
MR. DENGEL: Rob Dengel, present.
MS. OWENS: Department of Fish and Wildlife?
MR. LIVINGSTON: Mike Livingston, present.
MS. OWENS: Department of Natural Resources?
MR. YOUNG: Lenny Young, present.
MS. OWENS: Utilities and Transportation
Commission?
MS. BREWSTER: Stacey Brewster, present.
MS. OWENS: For the Goose Prairie Project,
Bill Sauriol?
MR. SAURIOL: Bill Sauriol, present.
MS. OWENS: Chair, there is a quorum.
CHAIR DREW: Thank you, Ms. Owens.
Next we will have One Energy Provide their
MR. BJORNSON: Okay. Thank you, Chair Drew.

Just give me a moment to share the screen here. Okay.

Are you able to see my screen?

CHAIR DREW: For me it says it is loading.

MR. BJORNSON: Okay.

CHAIR DREW: Is this presentation also on our website for those who are on the phone?

MR. BJORNSON: I would look to maybe Joan for that question. I sent -- I sent it a few days ago, but I don't know if it is or not.

MS. OWENS: Chair Drew, this is Joan Owens.

Yes, it is on our website.

CHAIR DREW: And where could one find it on our website? Under Goose Prairie, under the facilities and then Goose Prairie?

MS. OWENS: That is correct.

CHAIR DREW: Okay. So for those of you who are on the phone and don't have the presentation in front of you, it's again, EFSEC, https://efsec@utc.wa.gov. And, again, you can go to facilities, to Goose Prairie Solar, and then -- to see the presentation.

Go ahead.

MR. BJORNSON: Okay. Yes, thank you, Chair.
Drew, and thank you, EFSEC Council, for being here and also the members of the public. I see a lot of familiar names, so thank you everyone for being here this evening.

Yeah, my name is Blake Bjornson, like I said, project manager for the Goose Prairie Solar Project and excited to be here tonight to talk about the project.

Just wanted to start with a brief agenda, what we’re thinking. We’re going to get into an introduction of our team and to solar, and then we’ll get into specifics of the project but the big focus on consultation and analysis done today, and then we will wrap up. My understanding is that we’ll have some time at the end for some questions from the Council, but my presentation will be about 30 minutes here.

So starting with just an introduction to One Energy. We are headquartered in Seattle. We’ve had a number of successful projects here in the West with operational projects in Oregon and Montana and a number of other projects in our development pipeline.

Goose Prairie Solar would be our first project in our home state, and we’re looking forward to bringing it online as that would certainly be an exciting first for our company, which has been around
since 2010 based out of the Northwest.

As far as company personnel who's working on this project, we've got a big team of legal and engineer and et cetera, but on the call today we have myself and Ann Siqveland, who are the lead project developers. Ann is a director of development. She's going on about seven years with One Energy leading development projects in the West, and she got her start in the renewable energy industry in 2007 with previous solar and wind development with EDP Renewable and EDS Renewable Energy as well.

I have been developing solar projects with One Energy for over five years across the West as well. And in terms of technical support, we have a few others on the call that were just introduced. We've got Tim McMahan supporting us from Stoel Rives.

Also on the call we have representatives from TetraTech and West, both of which did a number of technical studies for us.

And then, you know, just other groups that have helped throughout the project include GN Northern, some geotechnical analysis and the title company. And the folks from TetraTech and West will be available for any technical questions we might need to get into.

So first before we get into this specific
project, I just wanted to briefly touch on why solar is a great Washington product.

Solar energy is in high demand in Washington because, you know, primarily the Clean Energy Transformation Act passed back in 2019, and that requires a hundred percent clean energy by 2045. Just recently the Department of Commerce released its 2021 energy strategy, and one of the quotes from that was that significant quantities of new clean generation will be required to meet the future energy requirements of Washington's businesses and households. So we look forward to Goose Prairie being part of that mix and creating instate benefits for Washington.

Secondly, solar's compatible with ag. It provides supplemental income to landowners. It can be removed at the end of its life and have the land returned to its current use or (inaudible).

And then the last item, solar energy has a production profile that correlates well with peak demand especially at peak in the -- in the summer and does not have an intensive use of water and does not have fuel price risk. Once the project's built, the sun does do the rest for free.

Just briefly about some of the community benefits from solar. So starting with taxes, throughout
the life of the project, there will be a reliable and sustainable source of revenue to the county in the form of personal and real property taxes. Those provide vital funding for the county's local schools, roads, police, et cetera, those essential citizen services. There will be recurring annual expenditures for the project, both in terms of lease payments to the landowners that I mentioned, which diversify their income allowing for more resilience due to the volatility of ag markets, and then also operations and maintenance costs, things like vegetation management. There's also local spending during construction of the project. Local businesses will see an infusion of spending for things like lodging and dining, gas, equipment rentals, hardware stores, building suppliers just to list a few, and then of course jobs created during construction. We estimate that the project will employ up to 300 construction workers, and I will discuss that a bit more later. With that, I want to get into some solar basics, recognizing that some of the Councilmembers are new to solar. So starting with of course the panels, it's the same kind of panel that you see residential or commercial. Its panels are composed of photovoltaic
cells that have this cool trick of converting the sun’s rays to electricity. And those are designed with an antireflective coating to reduce energy loss to reflection.

The panels are mounted on a steel racking system. This particular project is designed with a single axis tracking technology that allows the panels to rotate with the sun throughout the day.

We’ve got a couple electrical components to convert the power into useful energy. The first are the inverters, and those flip the power from direct current to alternating current, which is what our power system requires. And then we’ll have an interconnection infrastructure with a main step-up transformer to increase the voltage of the -- of the power up to the BPA interconnection line’s voltage, and then of course protective equipment to safely connect and control the projects. And those two items that you can see there are built on cement pads.

Getting to the battery energy storage system, this -- this project we are permitting for an optional battery energy storage system. Optional in that it depends on what the commercial desires for the project are, whether the commercial off-taker wants to have that -- have the benefits of a battery project.
And those batteries -- batteries, the benefits include reducing renewable energy curtailment by allowing power to be stored during the day and put onto the grid later in the day.

The project will utilize the underwriter's laboratory certified equipment, which is the industry's foremost safety and sustainability third-party standard.

And then just wanted to point out that these are typically built in this modular style, and they have built-in fire suppression systems.

And to the point that the gentleman raised before call, the technology is relatively new.

Recycling programs are still being stood up for the scale of battery technology, but we're starting to see already some new battery fact- -- battery recycling factories come in, and the industry together with regulators will certainly be looking at recycling of -- of these facilities.

The last part of that component, we'll have a -- the project will be enclosed with fencing for security purposes, and that fence will be -- the features will be developed in collaboration with WDFW to make it as wildlife-friendly as possible.

And then of course we will have roads for access to the projects and within the operations.
maintenance, and those will be built to international fire code specifications.

So with that under our belt, going to jump into the -- the location and how we chose it. Here's a regional context map. We got Yakima in the center of the map there. Project is located about eight miles east of Moxee, in the Moxee Valley in the outskirts of developed land. And the yellow line that you can see there is the BPA transmission line that the project will interconnect to.

This is a photo taken from the site. You can see that interconnection line on the right side there. And -- and then I like this photo because you can also see on this nice, sunny October day all the sun that's hitting the area. And I think some of you may know that Yakima is known as the Palm Springs of Washington, so we're excited about the location, which brings me to this photo here -- excuse me, this map.

So we chose this location for a number of reasons, which I'll get into a little bit more in the next slide, but this is a map produced by the National Renewable Energy Lab, which shows solar radiation. And as you can see by the darker shades, this part of the state is one of the best locations for solar in the state, which means that for every solar panel that's out
there, they can produce more electricity on an annual basis than one sited in, say, Olympia.

Okay. Back to this map. So I want to talk about a couple of the other things that -- that led to us choosing this location. One of the most critical is the interconnection to the grid. There's limited existing infrastructure out there with available -- with the available capacity to connect without the need for new, very expensive infrastructure so -- in which of course affects the project's economic feasibility.

This particular line, the midway to Moxee 115 KD line, is -- has sufficient capacity to support our project without those costs or every other upgrades, which also leads to enabling the power to be sold at a competitive rate. So this was very critical for the siting of this project.

Beyond the solar resource and interconnection, there's a number of other reasons to select this site. It's predominantly located on disturbed habitat due to past farming, heavy grazing, and the bisection of the area -- of the area by the transmission line along with being correctly adjacent to the highway. It was also -- this site was preferred by WDFW, which I'll get into a little bit more, over sites further east that have a bit more ecologically sensitive
The site has robust access routes already built with Highway 24 being immediately adjacent and no new roads required to access the project. The topography is flat south facing, which is ideal for solar projects. The landowner's desire to develop their property for solar. And finally, the zoning criteria, which we'll talk about more in the land use hearing, but this location solar projects are allowable as power generating facilities on ag land.

With that, we'll zoom a little closer into the site here for a first look. Project encompasses two private landowners; Meacham is to the south, shown in green, and Martinez, shown in orange, on the north. The Meacham is currently used -- is currently in the Conservation Reserve Program, in CRP, which is set to expire the same year we are proposing construction, and the Martinez property is used for grazing. Both property owners have provided letters of support, which are Attachment C to the application, and I see they're on the line today, so looking forward to hearing from them.

The yellow line across there, again, is the BPA line. The point of interconnection you can see is the -- the P about in the center of the project. We're
in the final stages of working with BPA on the plan of service of the project and -- yeah. So just south of there, you can see the access point. The -- off of the highway, the project goes onto a private road and then it immediately is able to enter the -- the project area.

It's a little bit hard to see here, but the turquoise lines are the facility parcel boundaries of the project. And then the shaded area is what we call the survey area, and that's the area for which all the studies that I'll talk about we did -- we did in that area.

Within that is what we call the facility area extent. And so I just want to spend a moment on some of the definitions that we use in our application.

So the facility area is the area within the project fence plus the access roads to connect any of those distinct area.

So as currently designed, the facility occupies approximately 595 acres, but we're requesting a max size of 625 acres. So that would be the max size of the project would be 625 acres. The facility area extent that I just mentioned is the micrositing boundary. That totals 789 acres, and that's shown in red there. So as we work through development and various complications on our -- as we get to our final
design, we would site the facility area within that facility area extent. So, again, as proposed, the final facility area will be no more than 625 acres located within that 789 facility -- acre facility area extent.

So with the -- with all that in mind, we can discuss the design construction and operations for the project. First I just wanted to kind of show you a quick glimpse of some of the stakeholders and -- that we engaged with over the last four years on the project.

And we'll get into -- I'll get into more detail with all these, but I just wanted to kind of lead in with that.

Here is our preliminary site plan. This is Attachment B to our application. As you can see, the facility's currently designed to three separate arrays.

The reason for that is based upon a design strategy of avoidance and minimization of impacts such as avoiding placement of facilities in a shrub-steppe draw that you can see across the middle -- or across the top of the Meacham parcel, so across the top of the southern array.

And there are other examples of avoidance in our application.

The interior roads throughout the facility for operation and maintenance and for emergencies, as I mentioned, those are going to be designed to fire code specs, and then the little blue and red specks that you
see, those are inverters throughout the project that convert the power from DC to AC.

The project substation and point of interconnection again are in the middle of the page there. And then finally, access is off of Highway 24 to the south and comes up along the east side and then enters the project.

I'll briefly talk about some construction.

We estimate the project will take nine to 12 months to construct. Currently expecting to start that site preparation towards the early part of 2022 is our goal. And it's estimated the project will employ about 300 employees at the peak of construction. And we hope to do our best to hire locally dependent on the availability of local trained labor pool. Hoping for up to 60 percent could be hired locally.

And then just to give an example of the types of trades that would be required for construction, of course we've got electricians, equipment operators, truck drivers, general laborers, so a good -- a good mix of different types of laborers that can be hired on the site.

For operations and maintenance, the project is expected to operate for 35 years. So there is a potential for updated equipment to extend that life.
There's pretty minimal on-site maintenance during the project. The facility's remotely monitored, and then there's routine and as needed maintenance checks, vegetation management, and panel washing occasionally, once or twice a year, but no full-time staff are expected to be employed by the project.

Okay. Final piece before we get into some of the consultation is on decommissioning and site restoration. So we have committed our application to providing -- and this is per Washington Administrative Code -- to develop an initial site restoration plan. We submit that to EFSEC 90 days prior to the beginning of site prep, and that plan will identify, evaluate, resolve all the major environmental and public health and safety issues anticipated with the objective to restore the site to pre-facility conditions or better.

And that plan to address removal of all equipment to a depth of four feet and restoration of any disturbed soils.

And then finally, it will include a plan for funding, decommissioning, and site restoration. And, again, we will work on -- we will work in coordination with EFSEC to put in place the appropriate financial arrangement for that.

Okay. So now I want to discuss the
development history of the project and some of the
complications and analysis and then also what we see as
impacts and mitigation for the project. So I'm going to
cover the main topics for which there are potential
impacts, and so that's for the viewers at home, part
four of the application, I'm going to be touching on
each of the part fours.

So starting with earth. So the earth
category, we -- section 4.1, we worked with a local
geotech firm, GN Northern, to complete a geotechnical
analysis, and the report concluded a few important
things.

Number one, site is not at risk from
flooding, steep slopes, or hazards associated with
alluvial fan deposits, and that's specific to the -- the
site design we just looked at.

The project is not a threat to public
health, safety, or welfare of the citizens.

And it will not increase the risk of
geological hazards on the site or to surrounding
properties.

Potential impacts for the project do include
erosion, but those will be mitigated by a number of
steps, No. 1, following all the geotechnical
recommendations in that report, which by the way, that
report is provided as an attachment to the -- to the
application. And then implementation of a number of
plans, which include an erosion sediment control plan
and stormwater pollution prevention plan. Those would
have best management practices for things like the
appropriate use of silt fencing, the -- and then of
course the swit [phonetic] addresses stormwater runoff,
flooding, and erosion. And that would include best
management practices from Department of Ecology's

Moving into air. This one's pretty
straightforward for solar. Of course one of the great
things is once it's constructed, there's no emissions
from the project. There are potential for vehicle
exhaust emissions and fugitive dust -- dust particles
and if it were necessary, a potential temporary concrete
batch plant on site.

But One Energy will adhere to all the
applicable federal and state laws relative to emissions
and then in addition to that, have a number of best
management practices for best management such as
gravelling or watering roads.

Moving into wetland and surface waters. So
in our early due diligence, we utilized the National
Wetlands Inventory and FEMA floodplain maps to assess
impacts of site. We then hired TetraTech to prepare a
wetlands delineation report, which found no wetlands at
the site. There were five ephemeral stream segments,
which you can see in the image here in blue. That
report is included as Attachment O to the application.
And then as part of our -- as part of the
review process happening right now, the Department of
Ecology is reviewing both the application and that
wetland report.
We also have the wetland report in for
review at the Army Corps of Engineers looking at federal
jurisdiction.
In Yakima County, ephemeral streams are
categorized as type 5 streams and do not have a required
buffer in the zoning code.
However, One Energy is committed to avoiding
those streams with at least a 50-foot buffer with the
exception of a stream crossing to access the northern
arrays. And that crossing would either be a bridge that
spans the stream or a ford with an appropriately sized
culvert. And either way, as you will see in the
application, the crossing will be designed and
constructed following state and local regulations.
Moving into stormwater runoff, which is
Section 4.5. We conducted a phase one ESA, which showed
no existing or potential water quality issues. And then of course the -- or excuse me, and then the geotechnical report also indicated infiltration rates for water. And, again, as part of the EFSEC review process, Department of Ecology is reviewing the application. In terms of potential impacts, you know, the -- the main one here is of course stormwater drainage, which will change slightly due to increase in impervious surfaces from the roads and concrete pads. However, the facility will be designed and constructed to comply with Yakima County Code as we reference in the application, which includes looking at retaining stormwater on site and food infiltration. And then others -- other mitigation, One Energy will obtain a construction stormwater -- excuse me, construction stormwater general permit from the Department of Ecology, which will also include, as I just mentioned in the last slide, the -- these two plans. And then there will also be a spill prevention control and countermeasures plan consistent with federal laws that will prevent spills and identify measures to expedite the response in the unlikely event that one happens. So jumping to wildlife and plants. Those are covered in sections 4.8 and 4.9. This is a two--
two-slide -- two-part slide. So here we're talking about some of our early due diligence, which we use publicly available information when reviewing all our sites right away.

One of the first items we'll look at is the WDFW's Priority Habitat and Species database online and then also the U.S. Fish and Wildlife's information for planning and consultation.

In addition to that following that, we have a long history of consulting with WDFW on this site starting way back in fall of 2017, when we reviewed with them our first site for this project, which was further east as I mentioned earlier. And their feedback on that site led to us moving the site, moving the project to its current location.

Following that, in the summer of 2018, we requested a formal consultation, provided a letter to WDFW, and then we got up for a site visit with them in the spring of 2019 in advance of our -- in advance of some of our environmental studies. And then in the spring of 2020, we followed up with another consultation update and -- which included the Martinez site.

And then we -- following that due diligence and consistent with some of the state laws in terms of the requirements for -- for the environmental studies
that need to be conducted, we worked with Western
Ecosystems Technology, also known as WEST, the
third-party -- independent third-party environmental
consultant, and they prepared a number of studies over
the course of two years, including pedestrian field
surveys at the site, which led to the wildlife and
habitat survey report. And then in addition, they
conducted analysis on rare plant and big game movement.

And then finally, the last document there,
which is the habitat mitigation memo.
And all three of those are available with
our application as Attachments F, G, and R respectively.

Just to speak a little bit about some of the
mitigation specific to wildlife and plants. The first
major action, again, moving the site, just avoiding some
of those impacts to begin with. The current site is at
the edge of -- kind of developed edge of Moxee Valley,
and much of the land being used is previously disturbed
habitat that's due to impacts and farming and grazing.

Second, we have committed to avoiding and
leaving intact and unfenced the shrub-steppe draw that
crosses east-west that I mentioned earlier as well. You
can see that here the orange band crossing the middle of
that -- of that map there.

Per the WDFW request, we have also committed
to raising the fence by four inches to facilitate
wildlife movement, and we'll also not have razor wire on
that fence.

And then, you know, in terms of even design,
we largely avoided the higher -- some of the higher
quality intact shrub-steppe in favor of more of the CRP
lands and more of the degraded -- some of the areas that
have been impacted by grazing.

And then both during construction and
operation, there will be a number of best management
practices, which will include designing any aboveground
power lines using the Avian Power Line Interaction
Committee's standards and then implementation of noxious
weed control, stormwater -- excuse me, stormwater
pollution prevention plans, and number of others. And
all of these mitigations are also in the application of
course in section 4.9.

The final two here, following construction,
the site will be revegetated with a native seed mix that
we'll work with WDFW to identify. We actually believe
that there's the potential for improvement of the
habitat within especially the Meacham property, which is
currently dominated by a number of non-native species.

And then finally, we will work with WDFW to
develop a habitat restoration and mitigation plan, which
will include details for mitigation action,
revegetation, moderating success, and we are currently
in dialogue with WDFW per their policies and state laws
to determine the appropriate compensatory mitigation to
achieve no net loss of habitat value and function at the
site.

Okay. Moving on to the next section. This
is section 4.13, and it's on environmental health
relative to hazardous materials. Overall the risk of
fire at a solar project is low. According to some
industry reports, there are fewer than one incident per
ten thousand installations. However, like with any
electrical equipment, the system needs to be properly
designed and constructed.

So to that end, we are consulting with both
the East Valley Fire Department and Yakima County Fire
Marshal on the project. They have seen the -- you know,
they have seen our permit plans, and we will continue to
work with them throughout the development of the
project.

The project will also be designed in
accordance with national electric codes and fire codes
that have been adopted by the State of Washington. We
will get an electrical permit from the Department of
Labor & Industries. And in terms of some of that
ongoing consultation, we will be providing training for
local fire crews and also working with them to develop
and implement fire control plans and health and safety
plans for this -- for the project.

As mentioned earlier, the facility may
include the battery energy storage system, and if that
is included, that system will be designed in accordance
with the standards you see here, the National Fire
Protection Association Standard along with the fire --
along with the applicable fire codes. And the
systems -- those systems, as I mentioned before, do
include monitoring equipment, internal fire suppression
systems, and alarm systems with remote shutoff
capabilities.

I'll talk briefly about land use. We will
discuss this more in the land use hearing, but we have
been consulting with Yakima County on this project
starting in the fall of 2017, which included several
in-person meetings with them. And in the application,
we provided a robust analysis of compliance with the
local regulations and the -- and the comprehensive land
use plans.

I do just want to highlight a couple of
goals from the county's Horizon 2040 Comprehensive Plan
that we think align nicely with the project. One of
them is to promote the economic growth while maintaining environmental quality. So I think this facility presents a valuable economic opportunity for the county to strengthen and diversify its local economy while complying through this process and others with state and local environmental regulations.

And then also encouraging economic growth within the capacity of the region’s public services and public facilities. I think that that electrical infrastructure note that I made earlier, BPA line being capable of taking on this project is an important public facility or facility that the -- that the county has that we can -- that we rely on for the project.

And then finally to preserve and enhance the county's resource-based economy. This project would occupy less than 0.15 percent of agriculturally-zoned land in the county and takes advantage of a bountiful solar resource in this part of the -- this part of the county and the state.

And then finally, as we'll discuss further in the land use hearing, the county has provided a certification letter stating that the project is allowable in the zoning district. So a power generating facility is an allowable use in the ag zone.

Okay. Section 4.16 is also broken into two
slides starting here with noise, and it's also broken
into two parts in the application. There's 4.16 A and
B. We worked with TetraTech on these items, first this
one to complete an acoustic assessment report, which
evaluated the potential sound impacts relative to the
applicable noise regulations from the Washington
Administrative Code. That report is included as
Attachment I.

The model assumes a worst case scenario both
in terms of weather concerns that are favorable for
sound propagation and that all equipment is operating
continuously and concurrently. And that modeling
results -- those show that the facility will comply with
all the Washington Administrative Code noise
regulations, which are regulated at the closest property
line and at nearby noise-sensitive receptors, which are
generally residences in this type of area.

Construction noise will be typical for
construction, but, of course, temporary. The use of
loud machinery will be limited to daytime hours, and all
reasonable efforts will be made to minimize the impact
of noise.

And then once the operational -- one of the
significant advantages of solar is that it's quiet.
While the generator -- or excuse me, while the inverters
are running, low hum is -- is created, but those are
typically not even heard at the -- or not heard at the
fence line.

Okay. Light, glare, and aesthetics. So,
again, working with TetraTech to complete a visual
impact assessment and -- and evaluate the potential
visual and aesthetic impacts. That report is included
as Attachment J. And -- excuse me, sorry. The
methodology for that report followed the U.S. BLM's
visual resource management system, which is a well
accepted, widely used method for rural areas, and it's
often used for evaluating energy facilities. It takes
into account a number of items such as different land
forms and vegetation in the area, what the human-made
structures are, and looks at the contrast between those
elements to determine the impacts.

So this report looked at six key observation
points, which you can see on the map here, and found
minor to moderate impacts for -- well, found minor to
moderate impacts overall. And that included for, you
know, as you can see here travelers along the highway,
residents on Desmarais Road to the south, and then some
of the residences up on Morris Road.

We also did some glare -- oh, excuse me,
sorry, before we get into glare, here, this is a
representation of a visual simulation that was in that report. This is just taken straight from the report. So you can see the existing conditions on top and a simulation of what the project will look like in the bottom photo. And there are additional images in the report.

So now to -- to get to glare, we worked -- we used the ForgeSolar program, which was created with the Department of Energy and the FAA. It meets FAA standards and it is a leading glare analysis tool. Those glare reports are provided as Attachment K.

So, you know, I -- I mentioned earlier one of the things is that the solar panels are designed to absorb as much light as possible. That's what actually produces the electricity, so that antireflective material is one element that -- that cuts down on the glare off the panels. But these -- these reports show that there's not glare expected at nearby residences or aircraft or for travelers along the State Route 24.

There's potential for minor impacts for folks who are driving along Morris Lane or Desmarais cutoff, but those are limited to midday hours, about 11:00 to 1:00, in the winter, and, again, those are the minor and temporary impacts.

And then finally we've consulted with both
the FAA and the Department of Defense to ensure that the project will not impact aircraft or military operations, specifically to the nearby Yakima Training Center. We submitted this project into the FAA’s online portal and received letters indicating a determination of no -- a determination of no hazard, and that is Attachment M for our application.

And then the Department of Defense issued a letter indicating no direct impacts and also issued a no object to the FAA and its review, and that -- that correspondence with the Department of Defense is included with the application in Attachment N.

So cultural and archeological analysis. This is sections 4.18 and 4.19. We have consulted with both the Yakima Nation and the Department of Archeology and Historic Preservation. We requested DAHP review the project beginning in June 2018, and then similarly the Yakima Nation in the spring of 2019, and both of the groups requested that we perform an archaeological survey, which we began in the spring of 2019, again working with TetraTech.

In February of 2020, we invited the Yakima Nation to participate -- so a survey that we've worked ongoing with them as drafts have been prepared sharing those with the Yakima Nation and -- and incorporating
changes based on their feedback. So the cultural study
is included as Attachment H.

We -- a number of -- a total of four
archaeological sites and two historic properties were
identified within that survey area, which is the broader
area. Information regarding those sites is subject to
confidentiality with the Yakima Nation, and we continue
to practically work with them and address any concerns
they may have about the project.

As currently designed, the project does
avoid all impacts to all protected resources. However,
if the design changes such that there are impacts, One
Energy will consult with DAHP and the Yakima Nation and
comply with all the laws and regulations such as the
DAHP excavation permit, if necessary.

So turning to mitigation, avoidance is our
number one there or obtaining the excavation permit, if
necessary. In addition to that, we had a unanticipated
discovery plan, which is Appendix G of the cultural
study. That plan lays out steps in case an unrecorded
resource is identified, and that includes halting work
and redirecting away from the discovery.

And then finally, One Energy is committed to
ongoing consultation with the Yakima Nation as this
design progresses.
Okay. The final spot in our analysis is for traffic and that is section 4.20. So I have been consulting with WSDOT on this project due to the access directly off of State Route 24. Traffic for the project for construction could really come from either direction, from the Tri-Cities to the east or from Yakima to the west, but will turn north off of that highway via a deeded approach onto a private road and then as you can see in this image, west into the facility.

We did some traffic analysis. TetraTech assisted with that. And during construction, it's estimated there will be an average of 184 round trips per day, mostly from workers coming from nearby communities. And so that number also includes the expected trailer and trucks making deliveries of equipment and materials, which is expected that there will be about 20 deliveries per day for the first five months and then it would taper off to ten or fewer during the remainder of construction.

For traffic analysis purposes, the most restricted time during those commuting hours and the analysis show that the increase would only be about 30 percent, and that those temporary increases would not significantly impact current traffic levels for the
highway.

Once it's operational, as I mentioned earlier, the traffic is pretty minimal for routine maintenance and -- and periodic inspections of the facility.

In terms of mitigation for traffic, we -- WSDOT has directed us to its general permit for any upgrade work to the approach that we might need to do within WSDOT's right-of-way. And then additionally, we will work with WSDOT to prepare a traffic control plan, which we will provide to EFSEC prior to construction.

Okay. So with that, I'll -- I'll wrap up with a brief note on project status and next steps. So I just want to zoom out to a more macro level. These are the five things we think about for what a solar project needs to succeed.

For land, we have site control secured for adequate land and with interested and willing private landowners that are looking to diversify their income streams.

Interconnection, we have a facility study from BPA which shows we can interconnect to this location feasibly.

From solar resource perspective, we have one of the -- one of the best spots for solar in the state.
And then as you can see with the gray, we've got a couple of things we're -- we've got to complete here.

So permit, here we are. EFSEC will be providing some -- I think some additional information on the process tonight, but generally we look forward to tonight's land use consistency hearing and the ongoing SEPA determination on our way to expedited processing and ultimately site certificate agreement, which I'm sure EFSEC will discuss more in a moment.

But then the final thing is energy sales.

As I mentioned, there's a high demand for renewables in the state due to CETA, and we're actively engaged in cross-state proposals and negotiations with a number of entities and targeting a commercial operation date as soon as the -- the early 2023.

So with that, I thank you. I want to thank EFSEC Staff, the whole crew, Sonia, Kyle, especially.

Thank you so much for your help and I'd like to open it up for any questions.

CHAIR DREW: Are there questions from the Council at this point in time?

Okay. Thank you.

And moving on to the next part of our agenda, we do have the counsel for the Environment who's
going to again introduce himself, but I do want to say
that I gave the wrong email -- I mean, I gave the email
address rather than the website for EFSEC. Website for
You can see the application, you can see this
presentation, and the comments that we received and a
great deal of information there.

Next we will move to the counsel for the
Environment, Bill Sherman.

MR. SHERMAN: Thank you, Chair Drew. Did
you just want me to introduce myself again or -- I don't
have a presentation for this evening.

CHAIR DREW: Yes, and -- and just perhaps
let people know what your role is and perhaps your
contact information.

MR. SHERMAN: Thank you, Chair Drew. Again,
my name is Bill Sherman. I'm an assistant attorney
general with the Washington State AG's Office. I'm the
chief of the Environmental Protection Division. I've
been appointed by the attorney general to serve as
counsel for the Environment for this project.

The counsel for the Environment is a role
that's created by state law that says that -- that when
there's a project like this that comes before EFSEC for
determination, the attorney general appoints somebody to
kind of be the lawyer for the Environment and for the
public's interest in protecting the Environment. And --
and that -- that person, that counsel for the
Environment kind of has a role in the -- in the
Council's proceedings just -- just like another party.

So that's me for this. You're welcome to
contact me. My email address is bill.sherman, my last
name is spelled S-h-e-r-m-an, @atg.wa.gov. Thank you,
Chair Drew.

CHAIR DREW: Thank you.
Next on our agenda is the EFSEC presentation
on our process, which will be given by Ms. Ami Kidder.

MS. KIDDER: Thank you, Chair Drew.
Welcome, everybody, and thank you all for coming to
participate this evening. My name is Ami Kidder. I am
the siting and compliance manager with the Energy
Facility Site Evaluation Council. Can everybody see my
title slide?

CHAIR DREW: We did and then it was gone.

UNIDENTIFIED SPEAKER: We're having some
feedback.

CHAIR DREW: And there is feedback.

MS. BUMPUS: Try to make sure everyone's
mics are muted other than Ami Kidder.

UNIDENTIFIED SPEAKER: I think it got taken
1  care of.
2  
3  MS. KIDDER: Can you see the title slide
4  now?
5  
6  CHAIR DREW: Yes.
7  
8  MS. KIDDER: Great.
9  
10  I -- I just have some slides over here to go
11  over the EFSEC process for those who are unfamiliar with
12  EFSEC and how we [inaudible].
13  
14  A little bit of history of the agency.
15  EFSEC was created in 1970 for the siting of thermal
16  power plants. The intent was to create a one-stop
17  permitting agency for large energy facilities. EFSEC is
18  comprised of state and local government members, who
19  I'll also go into a little bit more detail on here in a
20  moment, who review each application before making a
21  recommendation to the governor. This decision preempts
22  other state or local government systems.
23  
24  This is the Council membership that we have.
25  As you can see, there are a handful of state agencies.
26  Our chairperson is appointed by the governor, who is
27  currently Kathleen Drew. We have Robert Dengel from the
28  Department of Ecology, Mike Livingston from the
29  Department of Fish and Wildlife, Kate Kelly from the
30  Department of Commerce, and Lenny Young from the
31  Department of Natural Resources, and the Utilities and
Transportation Commission councilmember is Stacey Brewster.

These make up the councilmembers that sit on the Council full time. There are also project-specific councilmembers for the review of an application. A local government, a city, or a county may choose to appoint a councilmember as well as the Port District who has the option of appointing a nonvoting councilmember.

There are other agencies who have the option to appoint a member during application review such as the Department of Agriculture, the Department of Transportation, who has appointed Bill Sauriol for this project, as well as the Department of Health, and the Military Department. And these agencies -- these -- these appointees review projects under application and -- sorry. Then the -- the full-time Council oversees compliance of the facilities for the duration of the Council.

The facilities that oversee -- that are under EFSEC jurisdiction are large energy facilities, any nuclear power facility where the primary source is to produce electricity as well as nonhydro, nonnuclear thermal power plants over 350 megawatts.

There are other projects that may opt in such as alternative energy projects; wind, solar,
et cetera, as well as transmission lines. EFSEC also has jurisdiction over pipelines and refinery and storage facilities over a certain size, and all of this information over specificity of the sites can be found in our RCW 80.50.060.

Here is a map of the facilities that are overseen by EFSEC. We have five operating facilities including two natural gas facilities, one nuclear facility, and two wind facilities. There are also three additional facilities that are approved but have yet to start construction. Two of which are wind facilities and a third solar facility.

EFSEC is currently reviewing applications for two facilities including the Goose Prairie facility, which is of course what brings us here this evening.

Here is a flowchart of the general process an applicant will go through when they submit an application to EFSEC. There are three concurrent processes during an application review; the land use consistency and adjudicative hearing process, the State Environmental Policy Act, or SEPA process, and the permitting process for applicable environmental permits.

You can see that there are -- sorry -- two points in this process, the consistency determination and within the SEPA determination, where an application
may qualify for expedited process if they have requested it, and I'll go into that a little bit more in a few slides.

The land use consistency process may include the adjudicative hearing process, which includes hearings from identified parties as well as deliberation by the Council before drawing their findings and conclusions.

The SEPA determination process may include an agency notification, SEPA scoping, and the preparation of a draft EIS followed by public comment and final EIS if that is the determination. And then any identified environmental permits are drafted and put through that process as well including public comment where appropriate.

All of this information is considered when the Council makes their final decision, and the draft SCA is prepared if the Council chooses to recommend approval and this package is then delivered to the governor along with the -- or for the governor's decision on the project.

A little bit more information about the adjudicative process. The steps in there involve compiling the records, the exhibits, the information from the identified parties, their stipulations of
settlement. The Council then deliberates before developing their findings and conclusions.

The SEPA threshold determination is another process where the determination of significance includes scoping the draft EIS and public comment and the final EIS or a determination of nonsignificance or mitigated determination of nonsignificance may be the decision.

When those are the determinations, an environmental impact statement is not required. A determination is noticed to the public when it is issued, and that is one of the requirements for expedited process.

You can see here for expedited process, the applicant must request expedited process in writing either with their application or shortly after. The Council must then determine the eligibility of the application for expedited process, and there are two requirements to meet expedited process; the project must be consistent with land use and the project must have a determination of nonsignificance or a mitigated determination of nonsignificance.

If the project is eligible for expedited process, the Council then reviews the application under this expedited timeline without an adjudicative proceeding or an environmental impact statement, as they
are not required, and make their recommendation to the
governor with the standard process.

In addition to these land use and SEPA
processes, EFSEC develops the permit associated with the
project, EFSEC issues and monitors compliance with water
quality permits and air quality permits, as well as any
other applicable permits that would be issued by another
state agency. As I mentioned before, EFSEC is intended
to be the one-stop permitting agency for these
facilities, and so any permits that would be issued by
another agency within the state are then issued by EFSEC
instead.

When the Council is ready to make their
decision or to make their recommendation to the
governor, they include their findings and conclusions as
well as a draft site certification agreement if that is
their recommendation. And within 60 days of their
recommendation to the governor, there are three options
for the governor’s decision; the governor may approve
the application and execute the site certification
agreement, or SCA, the governor may decide to reject the
application, or the governor may return the
recommendation to the Council for reconsideration. Any
application that is rejected by the governor is final
for that application.
EFSEC also outside of the application process, oversees the compliance monitoring and enforcement for the permits it issues as well as the SCA requirements. EFSEC works with state and local agencies to conduct this compliance monitoring for SCA requirements, MDNS, or environmental impact statement mitigation as well as permits that are issued. EFSEC has enforcement authority including issuance of penalties with all facilities with site certification agreements.

And that in a nutshell is the EFSEC process. If there's anybody who would like to comment to sign up -- to sign up to comment verbally at this meeting, you can go ahead and email efsec@utc.wa.gov or call our main line to let our staff know that you would like to speak. The number is 360-664-1345. You can also send your comments by other means if you are uninterested in making a verbal comment today. We can accept comments by mail at Energy Facility Site Evaluation Council. The address is 621 Woodland Square Loop, PO Box 43172, Olympia, Washington 98504. And this address is also on our website.

You can email any comments to the EFSEC email, which is efsec@utc.wa.gov or for the duration of this public meeting open until midnight there are two
databases available; one for general comments and one
for comments specific to land use. And these databases
will be open until midnight. You can access the comment
databases online by going to
https://comments.efsec.wa.gov.

Are there any questions?

CHAIR DREW: Thank you, Ms. Kidder.

I will now turn the rest of this meeting
over to Ms. Johnette Sullivan, our administrative law
judge, to preside over the comment period.

Ms. Sullivan.

JUDGE SULLIVAN: Thank you very much, Chair
Drew. Can you hear me clearly?

CHAIR DREW: Yes, we can.

JUDGE SULLIVAN: Great. Thank you very
much.

Ms. Bumpus or Ms. Owens, are there any
individuals who have indicated in order that they would
like to present public comment?

MS. OWENS: We currently have one person
signed up.

JUDGE SULLIVAN: All right. And Mr. Ortman
spoke earlier as well. Who was our individual who
signed up?

MS. OWENS: We have Brad England.
JUDGE SULLIVAN: All right. Thank you.

Mr. England?

MR. ENGLAND: Yes.

JUDGE SULLIVAN: If you want to make comment, would introduce yourself to us, please?

MR. ENGLAND: Thank you. Brad England. I am an attorney representing the Meacham family. So, Judge Sullivan, Chair Drew, the EFSEC Council, I appreciate this opportunity to speak today to talk on behalf of Meacham family.

The Meacham family is -- owns -- well, the proposed site, most of it, is sitting on property that’s been owned by the Meacham family for more than 60 years. The property has no irrigation water rights and as a result has been historically dry farmed. But because of the lack of the water rights, the property has had very low productivity and its -- and as a result of that lack of productivity, the Meacham family is determined to go ahead and lease it for solar purposes.

This property represents the highest and best use for the Meacham property, and it will provide a steady and predictable and substantially increased income for the Meacham family. And so for those reasons, the Meacham family requests the project be approved. Thank you.
JUDGE SULLIVAN: Thank you very much, Mr. England. We are allowing three minutes for comments. It's 6:40 and our next meeting is not going to start until -- well, at least not -- it's scheduled for 7:30. Has anyone else signed in for comment?

MS. OWENS: I currently don't have anybody else signed up.

JUDGE SULLIVAN: And turning to Chair Drew, may I ask with the public attendants here, is there anybody who would like to do that now or do they need to send in their request to -- to Ms. Owens?

CHAIR DREW: It is fine for anyone to speak now if they have not signed up previously.

JUDGE SULLIVAN: Thank you.

So is there someone else who would like to give public information? Let me explain just a bit, that there is a difference between this first part. This is our public informational meeting, and then this will immediately be followed -- we'll have a break after comments and that will be followed by our land use consistency hearing.

And so you may wish to wait to give testimony at the hearing, but you may also provide information at this public information meeting as well as during the land use consistency hearing. And I
wanted to -- to invite anyone who would like to give
public comment or public information for the Council,
they consider all information that's presented today.

Is there anyone who would like to make
public comment during this informational meeting?

MR. ORTMAN: Hello?

JUDGE SULLIVAN: Yes, sir. Your name,

please?

MR. ORTMAN: This is David Ortman again.

Sorry, I will make some just general question/comments
at this point. Just to repeat earlier thoughts was, I
understand that there was survey being done and as a
result, the project was moved further to the west, and
that is a good sign that there is a process going on. I
guess I didn't hear the specific information about
specific endangered species reviews, but perhaps that
will be in the information forthcoming.

Secondly, again, was not entirely clear
about the response to the question of lithium batteries
recycling. That is something that continues to be of a
general concern given our continued reliance on rare
minerals and other materials like this, that they do
need some sort of cradle to the grave looking at, and
that, again, should be something that EFSEC should
request the applicant to address.
And then finally, understand that Northwest Energy, which used to be called WPPSS, the Washington Public Power Supply System, although they didn’t really supply much, was becoming more and more antagonistic toward both solar and wind generation for hooking into the grid because somehow it interfered with their reliance on hydropower.

And I’m just curious if there is any responses to what coordination has gone on between either Bonneville, Northwest Energy, Northwest Power Planning Council. Maybe I missed that in the outlying, but would be interested to hear about that. And, again, David Ortman here in Seattle. Thank you.

JUDGE SULLIVAN: Thank you very much, Mr. Ortman, for your comment.

Is there another individual who would like to give comment now?

MS. MARTINEZ: Hello?

JUDGE SULLIVAN: Yes.

MS. MARTINEZ: I’d like to make a comment.

My name is Carol -- my name is Carol Martinez. I’m one of the adjacent --- adjacent landowner and resident, and I’m wondering if there is any -- any possibility of grazing of sheep or goats underneath these panels, these solar panels. It’s been done in other areas where
they've actually contracted to have the animals keep the
vegetation down, and I wondered if the One Energy has
looked into that.

JUDGE SULLIVAN: Thank you for your comment.

Yes, thank you for your comment.

Chair Drew, most of this information is
going to be for the Council. That's the purpose of the
informational meeting. Is there an opportunity during
this public meeting for One Energy to respond to
questions such as those by Mr. Ortman or Ms. Martinez?

CHAIR DREW: I think what we will do is they
are here present, taking notes, and I'm sure that they
can provide information back to those individuals.

JUDGE SULLIVAN: Thank you.

Other public comment? Is there another
guest? If someone is speaking, they're muted. We are
not able to hear you.

Let me remind you that the EFSEC website has
information about how you may continue to provide
comment. There is -- information is -- that was
provided a moment ago by Ms. Kidder that you may
continue to comment by email as noted in the land use
hearing notice for tonight and in the materials
presented. Any other public comment?

Chair Drew, it's almost ten minutes to 7:00.
I would suggest that we have at least a 15-minute break before the -- moving to the public land consistency portion or land use consistency hearing, which is scheduled for 7:30. Do you have a preference for how we proceed next?

CHAIR DREW: I think if we begin at 7:10, it will give people time for a break, but then we'll come back into the land use consistency hearing.

JUDGE SULLIVAN: Thank you, Chair.

So we will take now a break, and this site will remain open. I suggest you perhaps turn off your video, and then when we come back, we will begin the second part of tonight's purpose and that is the land use consistency hearing. Again, you can find documents related to all of these at efsec.wa.gov, e-f-s-e-c.wa.gov, and there are a number of documents with a final date today of March 16th or yesterday, March 15th that relate to this as well as the initial application and all of the attachments that were received in January.

So we will take a break, and please return for the -- our public land use consistency hearing.

CHAIR DREW: Thank you, Judge Sullivan.

This -- I will adjourn the public informational meeting and we will be returned at 7:10 p.m. for the land use
consistency hearing.

(A break was taken from 6:50 p.m. to 7:10 p.m.)

CHAIR DREW: Good evening, everyone. It is 7:10 and we are now back. Thank you for the patience of everyone who's joined us by phone. I think it's extremely challenging, and I really appreciate your participation.

This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council, and I will begin by asking Ms. Owens to call the roll call of the Councilmembers for Goose Prairie.

MS. OWENS: Department of Commerce?

MS. KELLY: Kate Kelly, present.

MS. OWENS: Department of Ecology?

MR. DENGEL: Rob Dengel, present.

MS. OWENS: Department of Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston, present.

MS. OWENS: Department of Natural Resources?

MR. YOUNG: Lenny Young, present.

MS. OWENS: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster, present.

MS. OWENS: For the Goose Prairie Project, Bill Sauriol?
MR. SAURIOL: Bill Sauriol, present.

MS. OWENS: Chair, there is a quorum.

CHAIR DREW: Thank you.

And now Ms. -- Judge Johnette Sullivan, our presiding administrative law judge, will begin the hearing for land use consistency.

JUDGE SULLIVAN: Thank you, Chair Drew.

We just completed the informational public hearing for the Goose Prairie Solar Project, and we are now required by Revised Code of Washington RCW 80.50.090 Subsection 2, and by the Washington Administrative Code WAC 463-26-035 to hold a land use hearing.

This is the opportunity for the public to provide testimony regarding One Energy's proposed project in terms of the project’s consistency and compliance with land use plans and zoning ordinances.

This is the opportunity to -- to give testimony. And if you've not already done so, and you would like to testify, I will be calling potential witnesses in the order that they've signed up, and you can email to e-f-s-e-c, that's efsec@utc.wa.gov or you may telephone to 360-664-1345. Let me repeat. 360-664-1345 to give your testimony.

You may also submit your comment or your testimony online and that is at
https://comments.efsec.wa.gov. For those of you on the telephone who cannot read the screen, let me repeat.

Online comments can be posted at https://comments.efsec.wa.gov. A quorum is present to receive your testimony.

Ms. Bumpus, do we have witnesses who have signed up?

MS. OWENS: This is Joan Owens. We currently do not have anybody signed up to testify.

JUDGE SULLIVAN: And I will ask for those members of the public who are present, is there someone who would like to testify? You can unmute and state your name and I will give you the oath of a witness.

MR. MCMAHAN: Judge Sullivan, this is Tim McMahan, legal counsel for One Energy. At least in prior proceedings, the applicant has provided some opening information and kind of laid the groundwork for land use consistency. I'm happy to do that now if you wish.

JUDGE SULLIVAN: Yes, sir.

MR. MCMAHAN: All right. Again, Tim McMahan, attorney with Stoel Rives law firm. I'm legal counsel to One Energy Goose Prairie. And, Judge Sullivan, thank you for this opportunity, Chair Drew, members of the Council.
Unlike some prior proceedings, this hopefully won't be quite as exciting as others and I think this can be a fairly brief presentation. And just to be kind on the safe side, I would request that the records developed from the prior public meeting be made part of the record for these proceedings and admitted into evidence as -- as part of the record for these land use proceedings.

And then secondly, we do have a document called Certificate of Zoning Compliance that has been submitted to -- to the applicant, and we've submitted to the siting council. I think Yakima County actually submitted it directly to EFSEC. So I'm going to ask that that be entered into evidence for these proceedings as well. I'll take a pause there for a second.

JUDGE SULLIVAN: Thank you. So there's two requests for information to be made part of the record for the Council's consideration, and that would be the information that was received from the public during the informational part of the meeting and also that the Certificate of Zoning Compliance, you believed it was -- it's part of the application, but it was perhaps directly from Yakima County, that that also be made part of the record during this testimonial part for the land use consistency hearing; is that --
MR. MCMAHAN: Yeah. I'm sorry, Judge Sullivan. The -- the zoning -- zoning compliance certification is not part of the application. It's a separate document that was submitted by Yakima County to EFSEC.

JUDGE SULLIVAN: Thank you for the correction.

MR. MCMAHAN: And we may have representatives from Yakima County online. That'd be great if we do.

So I -- this should be relatively straightforward, I think, given that we do in fact have a certificate of compliance, which does not happen with every project. And as -- as Blake indicated during his presentation, the facility that's being proposed here is an allowable use under the Yakima County code. It's characterized as both an energy resource facility and a power generating facility under this zoning code. And for the Council's benefit, we did attach a document called Attachment A to our cover letter along with the Yakima County zoning compliance certificate. That is within the application so -- but we want to just for you to have it in your hands tonight if you wish to have it.

So -- so the zoning -- the zoning code does allow this used as a conditionally allowed use. In
addition to that, the Yakima County -- Yakima County is
required to plan under Washington's Growth Management
Act, and within that framework, the county's goals and
policies in this plan are really as a GMA county,
they're intended to guide and to inform the actual
adoption of development regulations, comprehensive plan,
and Yakima County is not per se a regulation, doesn't
itself control land development, but it provides a
framework for the county's zoning. So I just wanted to
clarify that just a little bit because these things can
potentially get a little bit confusing.

So the process here is to determine
consistency and compliance. I will just call it land
use consistency to make it simple henceforth. It's
important both as a step for all EFSEC projects
whether -- whether an applicant has requested expedited
proceeding or not, and WAC Chapter 463-26 contemplates
that an applicant will work with the county, roll up the
sleeves, and try to bring to the Council a showing of
land use consistency, which is a very important part of
the process and that's precisely what we've done in
these proceedings with the assistance from Yakima
County.

Also land use consistency is a key element
or step of the Council to expedite the proceedings in
accordance with WAC Chapter 463-43, and Sonia Bumpus talked about this at the very beginning of the process here. So I don't think I need to go any further.

So consistency has a unique meaning in the EFSEC process, and it's explained very well, in the -- in the order issued for Columbia Solar in 2018. And I will just quote paragraph 35, page 12 from that expedited permitting order, which states, (as read) The test for consistency and compliance. Under the test for land use consistency previously established by the Council, the Council considers whether a person is local land use provisions prohibits the sites expressly or by operation clearly, convincingly, and unequivocally. If a site can be permitted either outright or conditionally, it is consistent and in compliance with local land use provisions.

And, again, that is the situation that we have here for this application now.

If the land use can be permitted outright or conditionally, again, under the local land use plans and zoning, it is considered to be consistent.

A certificate of consistency is also what the rules state or characterize as prima facie proof, a land use consistency and compliance legal term, and really what that means is that the applicant has enough
information and evidence to prove that the project is consistent. And while that proof can be rebutted, a successful effort to rebut that proof means that somebody needs to prove the project cannot be authorized under the county's comprehensive plan and zoning.

So consistency within this construct is really very discreet and very limited inquiry, and it's considered with or without an expedited permitting request.

So we provided the Council our analysis of how the project actually complies, how we believe it complies with specific local zoning requirements for -- and -- and for the full information of the siting council.

Now, I want to emphasize at this point in time, we're not really at the stage where the Council has to walk us through the zoning code and what we have provided in our land use analysis. That is really for a later time as was determined previously in the Columbia Solar Project, but we have provided to the Council both in the application and as a separate attachment here just to -- just to really help the siting council get up to speed and understand the land use backdrop for this project.

This information, again, is going to be very
important later in the process to evaluate the need for conditions, the need for mitigation measures, but for now, what you have in front of you is a fairly narrow inquiry.

So for now with the county's help we think the job is essentially done in allowing the Council to find both compliance with -- and consistency with WAC -- under WAC 463-26-090 and 463-43-040.

And with that, I really have -- don't have anything more. Again, we -- we're very, very pleased and -- very pleased with our working relationship with Yakima County and with their willingness to really grind through these issues and come to this point in the process, which is not what happens with every application.

So with that, I will be happy to answer questions or I can talk on as long as you'd like. Thank you, Judge Sullivan.

JUDGE SULLIVAN: Thank you very much, Mr. McMahan.

Chair Drew, before I ask if there is another person who would like to give testimony, did anyone on the Council wish to take up Mr. McMahan on his request for any questions that the Council might have?

CHAIR DREW: Councilmembers, are there
I don't believe there are questions. Thank you.

JUDGE SULLIVAN: Thank you, Chair.

And thank you, Mr. McMahan.

Is there someone else, then, in our group who is attending here today either via Skype or by telephone who would like to give some testimony?

UNIDENTIFIED SPEAKER: Hello?

JUDGE SULLIVAN: It appears a guest has unmuted, but I'm not hearing you.

Anyone else who would like to testify, now is your opportunity to state your name.

Let me turn to the Chair. I can see there's a guest, but they've not spoken. I don't have a name and no one else has spoken. We could allow additional time, it's 7:25, or we can close the testimonial section of this land use consistency hearing. Do you have a preference as to how we proceed?

CHAIR DREW: Thank you, Judge Sullivan. I believe somebody may just have their microphone open because I'm not hearing anyone trying to say anything as well. So I think we can conclude the testimony in the land use hearing.

JUDGE SULLIVAN: Then let us note for the
record that it's 7:26. We've received testimony from Mr. McMahan, counsel for One Energy, and want to remind those that you may still submit a comment in writing and that is to https://comments.efsec.wa.gov.

CHAIR DREW: Thank you, Judge Sullivan.

I do want to note for public information that hard copies of the application, the Goose Prairie Solar ASC, were sent to the Moxee Library, Yakima Central Library, Wapato Library, Selah Library, and the Washington State Library. And, again, you can also find the application and letter requesting expedited processing review on the EFSEC website at www.efsec,e-f-s-e-c.wa.gov.

And I believe this concludes our hearing for tonight and our proceedings. The meeting is adjourned.

Thank you.

(Adjourned at 7:28 p.m.)
CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

Tayler Garlinghouse, CCR 3358