

DEC 20 2021



STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

ENERGY FACILITY SITE
EVALUATION COUNCIL

December 20, 2021

Kathleen Drew, Chair
Energy Facility Site Evaluation Council
1300 S. Evergreen Park SW
PO Box 43172
Olympia, WA 98504

RE: Goose Prairie Solar Project
EFSEC Recommendation dated October 21, 2021

Dear Chair Drew:

Pursuant to RCW 80.50.100, I have approved and executed the enclosed Site Certification Agreement for the Goose Prairie Solar project in Yakima County, with the terms and conditions as recommended by the Energy Facility Site Evaluation Council (Council). After considering the record, I find that the Council evaluated this application in a manner consistent with the statutory requirements and intent of Chapter 80.50 RCW, and I concur with the Council's recommendation to approve the application.

I also find that the Council carefully considered both the environmental impacts of the project and its consistency with the land use plans and ordinances in effect in Yakima County. Further, I believe this project is appropriately sited, and that the site certificate is legally adequate. While I find ample evidence in the record to support the Council's recommendation, I want to take this opportunity to address the Council's process as it relates to feedback it received from the Yakama Nation.

During its review of the project proposal, the Council received comments from the Yakama Nation relating to, among other things, how the project might affect wildlife migration patterns, tribal access to the project site, and the handling of archaeological or cultural resources discovered at the project site. The Council considered how the project may affect wildlife migration and access to the project site and addressed these concerns in its State Environmental Policy Act (SEPA) staff memo; and, in its Site Certification Agreement, the Council required that the applicant to consult with affected tribes, should any archaeological or cultural resources be discovered on the project site.

Although the Council welcomed the Yakama Nation's input and considered its concerns during its review process, it is imperative that the Yakama Nation, or any other affected tribes, have a meaningful opportunity to collaborate with the certificate holder through future stages of this project's development. Accordingly, as I approve this project, I also strongly

urge the Council to encourage the certificate holder engages the Yakama Nation in review of proposed plans for wildlife migration and site access, and that the Council provide the Yakama Nation an opportunity for comment and consider the Yakama Nation's views before the final approval of those plans.

And though the Site Certification Agreement already requires the certificate holder to consult with affected tribes if archaeological or cultural resources are discovered on the site property, I urge the Council to oversee that consultation process and assure that the Department of Archaeology and Historic Preservation is adequately engaged throughout.

Finally, the Yakama Nation has expressed concerns regarding the lack of a formal tribal consultation process during the Council's review of this project proposal. Here, the Council considered tribal input in a manner consistent with input received from any other party, consistent with their current statute and practices. While it responded to some concerns in the SEPA staff memo and the Site Certification Agreement, the Council was not able to directly engage in early, ongoing, and thorough government-to-government consultation with tribal governments.

Going forward, I believe meaningful tribal consultation is critical to the success of the Council's review process. The Council process must not only meet the Council's statutory obligations but also leave room for fair, full, strong, and clear consultation practices. For this reason, I will be requesting changes to the Council's statutory process, to allow for formal government-to-government consultation on proposed projects that may affect tribal resources and rights.

Sincerely,



Jay Inslee
Governor