

**Verbatim Transcript of Public Meeting and Land Use  
Consistency Hearing**

**Washington State Energy Facility Site Evaluation Council**

**November 17, 2021**



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STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

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INFORMATIONAL PUBLIC MEETING AND  
LAND USE CONSISTENCY HEARING  
AVANGRID RENEWABLES - BADGER MOUNTAIN SOLAR PROJECT

November 17, 2021  
5:00 p.m. to 7:32 p.m.

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REPORTED BY: Andrea Ramirez, WA CCR# 21022142

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

2 (All parties appeared via videoconference.)

3

4

5 Councilmembers:

6 KATHLEEN DREW, Chair

KATE KELLY, Department of Commerce

7 MIKE LIVINGSTON, Department of Fish and Wildlife

LENNY YOUNG, Department of Natural Resources

8 STACEY BREWSTER, Utilities and Transportation Commission

9

10 Assistant Attorney General:

11 JON THOMPSON

12

13 Administrative Law Judge:

Laura Bradley

14 ~~ADAM TOREM~~

15

16 EFSEC Staff:

17 JOAN OWENS

SONIA BUMPUS

18 AMI HAFKEMEYER

JOE WOOD

19 SEAN CHISHOLM

STEW HENDERSON

20 ANDREA GRANTHAM

21

22 Also in attendance:

23 BILL SHERMAN, Counsel for The Environment

MEGAN SALLOMI, Counsel for The Environment

24

25

1 Wednesday, November 17, 2021

2 5:00 p.m.

3 -o0o-

4 CHAIR DREW: Good evening. This is Kathleen  
5 Drew, and I'm the Chair of the Washington State Energy  
6 Facility Site Evaluation Council, or EFSEC. And we  
7 are beginning our public informational meeting and  
8 land use consistency hearing. These are two  
9 back-to-back meetings.

10 Please mute your microphones on your  
11 computers and on your phone. I believe that if you do  
12 "star seven" on your phone, that will mute you.  
13 Otherwise, we'll get feedback and noise, which will be  
14 disruptive during this meeting.

15 Welcome, and thank you for joining us this  
16 evening for the public informational meeting and land  
17 use consistency hearing for the proposed Badger  
18 Mountain Solar Project. The purpose of EFSEC's meeting  
19 tonight is to share information about the project,  
20 which will be presented by the applicant, and EFSEC's  
21 review process and to hear your public comments.

22 EFSEC's statute, RCW 80.40.090, requires  
23 EFSEC to conduct a public informational meeting within  
24 60 days of receipt of an application for site  
25 certification. And that's called an "ASC," and that is

1 essentially the document that will be reviewed  
2 throughout the process for approval or rejection,  
3 ultimately, by the Governor.

4 The applicant, Avangrid Renewables, submitted  
5 their application, or ASC, to EFSEC on October 7, 2021.  
6 During the first hour of this meeting, from 5:00 to  
7 6:00 p.m., we will have a presentation by the applicant  
8 about the proposed project, introduce the counsel for  
9 The Environment, or CFE, and introduce our  
10 councilmembers and have a presentation about EFSEC's  
11 review process by EFSEC staff.

12 The presentations and information on how to  
13 submit written comments are on our website, which is  
14 [www.efsec.wa.gov](http://www.efsec.wa.gov). You get to that main page. You will  
15 see a title that says "Energy Facilities." And in that  
16 drop-down screen, you go to the Badger Mountain page.

17 Following the presentations, we will begin  
18 oral public comment on the project. Speakers will be  
19 allowed three minutes each. Since we will develop our  
20 recommendation with information from our record, we  
21 very much want you to send us comments directly. And  
22 you can also send written comments to us, either by  
23 email to EFSEC or in the comment -- I'm sorry. I  
24 can't -- or on the comment link before midnight  
25 tonight, which is on the website.

1 I would like to introduce our administrative  
2 law judge, Laura Bradley. She will be presiding over  
3 the comment period this evening, as well as the land  
4 use consistency hearing which follows our public  
5 informational meeting.

6 So I will now ask Ms. Owens to call the roll  
7 for the Council and EFSEC staff.

8 MS. OWENS: Department of Commerce?

9 MS. KELLY: Kate Kelly, present.

10 MS. OWENS: Department of Ecology?

11 Department of Fish and Wildlife?

12 MR. LIVINGSTON: Mike Livingston, present.

13 MS. OWENS: Department of Natural Resources?

14 MR. YOUNG: Lenny Young, present.

15 MS. OWENS: Utilities and Transportation  
16 Commission?

17 MS. BREWSTER: Stacey Brewster, present.

18 MS. OWENS: Assistant Attorney General?

19 MR. THOMPSON: Jon Thompson, present.

20 MS. OWENS: Administrative Law Judge Laura  
21 Bradley?

22 JUDGE BRADLEY: Present.

23 MS. OWENS: For EFSEC Council staff, Sonia  
24 Bumpus?

25 Ami Hafkemeyer?

1 MS. HAFKEMEYER: Present.

2 MS. OWENS: Amy Moon?

3 Kyle Overton?

4 Joe Wood?

5 MR. WOOD: Joe Wood, present.

6 MS. OWENS: Sean Chisholm?

7 MR. CHISHOLM: Sean Chisholm, present.

8 MS. OWENS: Patty Betts?

9 Stew Henderson?

10 MR. HENDERSON: Stewart Henderson, present.

11 MS. OWENS: Andrea Grantham?

12 MS. GRANTHAM: Andrea Grantham, present.

13 MS. OWENS: And I believe I see Sonia Bumpus  
14 is on the line.

15 MS. BUMPUS: Sonia Bumpus is present.

16 MS. OWENS: Thank you.

17 Is our court reporter on the line?

18 THE COURT REPORTER: Yes, I am. I'm Andrea  
19 Ramirez. Thank you.

20 MS. OWENS: Thank you.

21 Counsel for The Environment, Bill Sherman?

22 MS. SALLOMI: Megan Sallomi. I'm the counsel  
23 assigned for this project.

24 MS. OWENS: Great. Thank you.

25 Chair, there is a quorum for the Council.

1 CHAIR DREW: Thank you.

2 We'll now proceed to the presentation from  
3 Avangrid Renewables.

4 MR. KRINGEN: Hi. This is Scott Kringen,  
5 with Avangrid Renewables.

6 So I assume you -- we've provided a  
7 presentation.

8 Is that something that we'll share here as  
9 well?

10 MS. OWENS: Just one moment and I can make  
11 you a presenter.

12 MR. KRINGEN: Perfect.

13 I'm trying to turn my camera on, but it's not  
14 allowing me to do that.

15 MS. OWENS: Okay. I'm having trouble finding  
16 you in the participant list, and it's not letting me  
17 set you. Just one moment. Sorry.

18 CHAIR DREW: Can you try it now, Mr. Kringen?  
19 There you are.

20 MR. KRINGEN: Yep, there I am. I'm getting  
21 "Only meeting organizers and participants can share,"  
22 so I can't share my screen.

23 MS. OWENS: I just set you as a presenter, so  
24 it might let you now.

25 MR. KRINGEN: There we go. Okay. One sec.



1 Still not letting me present.

2 MS. OWENS: Okay. I will open the  
3 presentation.

4 MR. KRINGEN: Yeah, can we work through that  
5 way? And then if you can share it, I can just tell  
6 you "next slide" and work from there?

7 MS. OWENS: Yes.

8 MR. KRINGEN: Perfect. Sorry about that.

9 MS. OWENS: Okay. It should be up.

10 MR. KRINGEN: All right. Thank you, Chairman  
11 Drew and EFSEC Council for the opportunity for this  
12 public hearing and also the opportunity to present our  
13 project, the Badger Mountain Solar Project.

14 Great. Yep. Start on that slide.

15 Perfect. Great. Great.

16 My name is Scott Kringen. I'm one of the  
17 lead project developers for Avangrid here, in the West.  
18 I've been with Avangrid Renewables for 12 years now,  
19 developing various different solar wind projects from  
20 California, Nevada, and Oregon and Washington as well.

21 So Avangrid Renewables -- we generally work  
22 under project LLC, so you'll see our name, on a lot of  
23 projects, as Aurora Solar. And Aurora Solar is  
24 basically a wholly-owned subsidiary of Avangrid  
25 Renewables. We're headquartered in Portland, Oregon.

1 But since the pandemic and post-pandemic, we do have --  
2 we do have folks all across the country. So we have  
3 our headquarters in Portland, but we do have a fairly  
4 large office in Boston, as well.

5 Avangrid is one of the leading developers of  
6 wind and solar projects here, in the U.S. We have  
7 roughly about 7,000 megawatts of owned and controlled  
8 wind and solar generation here, in the U.S. Of these  
9 7,000 megawatts, a big portion of those are here in the  
10 Northwest, Oregon and Washington, and it does  
11 include -- currently, as it stands, the two largest  
12 solar projects, one operating, the other one under  
13 construction, in the states of Washington and Oregon.  
14 It's the Lund Hill Solar Project, in Klickitat County,  
15 Washington, at 150 megawatts, which is currently under  
16 construction, and then the Gala Solar Project, which is  
17 a 56-megawatt project in Crook County. We've also  
18 broken ground on a couple more solar projects in Oregon  
19 that will be larger than those 56 megawatts. And --  
20 and one of those is in Wasco County, and the other one  
21 is in Crook County, again, as well.

22 We have also had a lot of success in  
23 developing wind projects in the state of Washington,  
24 and we've been doing that since about 2004. We've  
25 developed the Big Horn 1 and 2 Projects, 249 megawatts,

1 and the Juniper Canyon Project, at 151. And all those  
2 projects are in Klickitat County. So Avangrid brings a  
3 lot of experience, especially here in the Northwest, in  
4 developing, responsibly siting projects in the state of  
5 Washington.

6 Kind of the bigger picture for Avangrid is,  
7 Avangrid Renewables is a subsidiary of the Iberdrola  
8 Group. And Iberdrola has one of the largest renewable  
9 asset bases of any company in the world. We have more  
10 (inaudible).

11 CHAIR DREW: Mr. Kringen, your -- your audio  
12 was leaving. So if you wanted to not have your  
13 picture up, that might make it easier.

14 MR. KRINGEN: Yeah, let's do this. I tell  
15 you what I'm going to do. I'm going to take the video  
16 off, because sometimes that's been bringing the sound  
17 down. And I'm going to change out a headset here, if  
18 I can.

19 CHAIR DREW: Okay. Please.

20 MR. KRINGEN: Okay. Is that better?

21 CHAIR DREW: Much. Thank you.

22 THE WITNESS: There we go. Okay. Sometimes  
23 the video just really messes with my quality.

24 So just touch on the base on Avangrid  
25 Renewables as a developer, we do all phases

1 development, meaning that we do a lot of greenfield  
2 developments, so we're doing all of the prospecting for  
3 projects, we're doing, you know, basically the land  
4 issues with the projects, permitting. We're executing  
5 agreements with communities and individual landowners.  
6 We also oversee all our project constructions. And we  
7 manage daily operations of these projects for the life  
8 of them, which most projects are 30-years-plus. So  
9 just to say that we're -- we do everything, basically,  
10 starting from beginning to end. So we're not just a  
11 developer selling projects. When we develop projects,  
12 we're owning these projects for the life of those  
13 projects. That's an intention on everything that we  
14 do.

15 All right. Next slide.

16 This kind of is a map, kind of showing the  
17 perspective of where we're located, where we've had  
18 projects here, in the U.S. And like I said, before  
19 it's ranged from everything up in the Northeast to  
20 Southern California and then especially up here, in the  
21 Pacific Northwest.

22 Next slide, please.

23 So our Badger Mountain Solar Energy Project  
24 is located in Douglas County, approximately about  
25 three-and-a-half miles east of the city of East

1 Wenatchee. We are located on mostly private land. We  
2 have 21 private-owned parcels under lease, which makes  
3 up about five different landowners. And we are working  
4 on two State-owned parcels, as well, with the  
5 Department of Natural Resources.

6 The project lease boundary, so everything we  
7 have under the lease, is roughly 4,399 acres. The  
8 actual solar ray, the micro-siting area that we're  
9 studying, is about 2,274 acres. The Gen-Tie, so it's  
10 basically the line from the project substation to the  
11 point of interconnection, is roughly about 116 acres,  
12 with the total project footprint being about  
13 1,338 acres.

14 All those acres are under long-term land  
15 leases and transmission easements, with the private  
16 land. That does not include the State-owned parcels,  
17 at this point, but we are working with DNR too, and  
18 they're helping us facilitate -- negotiate a lease on  
19 those properties as well.

20 So the land that we have under lease and that  
21 makes up the project leased boundary is generally dry  
22 land, agricultural land, range land, or undeveloped  
23 lands. Local roads are involved and also existing  
24 utility infrastructure. And that's -- there's a number  
25 of large transmission lines that run through or

1 adjacent to our property, whether they're BPA or  
2 Douglas County PUD or Puget Sound Energy in the area.

3 We do have two utility interconnection  
4 agreements in place. One is with Puget Sound Energy  
5 for a 230-kV line, and the other one is with the  
6 Bonneville Power Administration, another 230-kV line.  
7 And so -- and we're also working on a third, with  
8 Bonneville Power. But those are what we're proposing  
9 to interconnect.

10 Project size overall, as we mentioned before,  
11 it's -- we're proposing a 200 megawatt AC project. And  
12 the technology we'll be using will be single-axis  
13 tracking, ground-mounted solar ~~PD~~<sup>PV</sup>. Basically, what  
14 that means is, these are ~~PD~~<sup>PV</sup> panels that sit on an axis  
15 that can track with the sun, basically. And most of --  
16 and these panels will also be bifacial, so they'll be  
17 lined with cells on both sides of the project -- or  
18 both sides of the panels.

19 All right. Next slide, please.

20 This is kind of an overview of where the  
21 project is located, kind of giving you a reference to  
22 the community of East Wenatchee and Wenatchee itself.  
23 We are -- if you can tell from this, there's some  
24 topography. We are roughly up above East Wenatchee  
25 Valley, about three-and-a-half miles. But if you can

1 look on there, we're -- you know, there's definitely a  
2 drop that goes down into the community. And we are up  
3 above on that, up on the ridge, basically.

4 And the line coming out of the -- out of the  
5 project area shows you where our generation intertie is  
6 running. And that's -- and where the squares are along  
7 there, those are the proposed point of interconnection.

8 Next slide, please. Next slide. I don't  
9 know (inaudible). Thank you.

10 We started working on the Badger Mountain  
11 Solar Project. We basically initiated development in  
12 2017, where we started taking a look at and talking to  
13 various different landowners in the area and taking a  
14 look at the existing transmission that runs through the  
15 area.

16 We started looking into this particular area  
17 because it is an ideal location for solar. And what I  
18 mean by "ideal location for solar," initially, when  
19 you're looking at early-stage developments, it's  
20 proximity to existing electric transmission lines. So  
21 we have both Puget Sound Energy and BPA lines, which  
22 are all within about three to four miles of the  
23 project. There's an abundant solar resource here, or  
24 exposure here, especially for the state of Washington.  
25 It has compatible topography. And, essentially, just

1 to kind of -- what I mean by that is that it's flat  
2 land. Solar really needs to have kind of contiguous,  
3 flat land. It doesn't do well with a lot of  
4 topography, and so we definitely have a lot of this  
5 here, up on the ridge.

6 We also were looking for, basically,  
7 adequate, available, nonirrigated, agricultural land  
8 and undeveloped land. So we're trying to stay out of  
9 things like shrub-steppe habitat and various different  
10 habitats. And it's ideal to go and look at for -- for  
11 especially nonirrigated agricultural land. And the ag  
12 land that we're currently leasing is designated as not  
13 commercially significant. And the project has the  
14 support of all the participating landowners on the  
15 private land sections.

16 We're also working to avoid all talus slopes  
17 in the area. And the potential impact to shrub-steppe  
18 habitat has been minimized with -- by, you know, trying  
19 to avoid that in our layouts. I mean, less than  
20 three percent of the project area actually sits in  
21 shrub-steppe habitat.

22 We have been from -- you know, as we started  
23 the permitting process, we've been continuing, you  
24 know, our consultation with area tribes. And we're  
25 also very conscious of visual impacts, which we believe



1 are going to be largely screened from the general  
2 population of East Wenatchee and Wenatchee, just  
3 because of being located up on a higher elevation. We  
4 were first looking further down, closer to East  
5 Wenatchee, closer to the transmission lines, and we  
6 decided it would be a better place to develop if we  
7 were up further away, up on the ridge, even though that  
8 puts us a little bit further away from our transmission  
9 that we're targeting.

10 You know, from taking a look at this land,  
11 also, there's no wetlands, intermittent or perennial  
12 streams that occur in the project area. And, you know,  
13 like I said before, the vast majority of the project  
14 area is on nonirrigated, currently actively  
15 agricultural land. And that -- you know, that land  
16 that we're affecting, the dryland agricultural land  
17 that we're affecting, is less than one percent of the  
18 dryland wheat in Douglas County, presently.

19 And these are pictures of the project area, a  
20 couple pictures that we're looking at here, on the  
21 slides.

22 Next, please. Yep. Thank you.

23 As I mentioned before, as we've gone through  
24 the permitting process, both with Douglas County and  
25 now with EFSEC, there's been a great deal of

1 consultation going on. This is kind of the list of  
2 various different agencies which consultations are  
3 ongoing with, U.S. Fish and Wildlife Service, WFW,  
4 obviously the Washington EFSEC, Department of Ecology,  
5 Department of Natural Resources, also the Department of  
6 Archeological and Historic Preservation, also tribal  
7 consultation with the Colville tribes, and also the  
8 Yakima as well. Also, the Department of Transportation  
9 and the Douglas County Employment Department has also  
10 been under consultation as well.

11 Next slide, please.

12 So as part of our applications, both which we  
13 started with Douglas County and also here with  
14 Washington EFSEC, I'll just kind of go through a list  
15 of the surveys and studies that we've completed so far.  
16 You know, geotech -- geotechnical field studies have  
17 been completed. We've done wetland studies in the  
18 spring of 2021. All the delineations are completed  
19 with no wetland projects in the areas. FEMA flood  
20 plains as well; completely outside of any  
21 FEMA-designated flood hazard areas with high flood  
22 risk; and then also water quality storm runoff as well.  
23 And we started those in spring of 2020 and in -- and  
24 was working through this through 2021.

25 Next slide, please.

1           Also working on surveys and studies for  
2           habitat plants and animals; rare plant surveys in 2021,  
3           along with wildlife and habitat surveys. In 2019,  
4           raptor nest surveys were completed. And in 2020,  
5           raptor nest monitoring report was completed; and, also,  
6           the eagle nest monitoring report as well.

7           Noise studies were completed this year as  
8           well. There was an acoustic assessment report. And we  
9           will use that information and help in designing the  
10          project; and then, also, light glare and aesthetics.  
11          So there was -- those visual impact assessments are  
12          completed, a solar glare report, and also an FAA notice  
13          criteria, too, was also activated as well.

14          Next slide, please.

15          And then the archeological and historic  
16          resources as well; so cultural resource survey reports  
17          completed in the fall of 2021 and then we're going to  
18          be doing traditional use studies in collaboration with  
19          the Colville Confederated Tribes, as well, this spring,  
20          in 2022.

21          All right. Next slide, please.

22          So I'll pause there, and I suppose that  
23          we'll -- I don't know if you want to take questions now  
24          or if we want to -- I guess -- I suppose we can do that  
25          during the public comment period.

1           But that's the basics of the project. I have  
2 a few slides here which basically takes a look at what  
3 commercial solar development looks like. So I think a  
4 lot of people have questions of what these projects  
5 look like, because we don't have a lot in Washington  
6 right now. So I always feel it's kind of nice to show  
7 some pictures, and we can kind of go through these  
8 pretty quickly.

9           CHAIR DREW: Please go ahead with the --  
10 yeah. Please go ahead, yeah.

11          MR. KRINGEN: Okay. Great.

12                 So, basically, the market right now is  
13 there's two types of solar projects. There's  
14 fixed-tilt system and single-axis tracking. The  
15 majority of projects right now are going with the  
16 single-axis tracking. And, you know, fixed tilt tends  
17 to be on more terrain, where we're on pretty flat land,  
18 and so we're utilizing the single-axle -- axis tracking  
19 equipment.

20                 Next slide, please.

21                 And here is just another picture kind of  
22 showing how panels are rolled up like this, working on  
23 the tracking. There's collection boxes and inverter  
24 boxes that you'll find throughout the projects; and  
25 taking a look at, you know, the racking system that's

1 going on.

2 Next slide, please.

3 And this is kind of an overview of a project.  
4 I believe this one's here, in Oregon. You can kind of  
5 see how panels are lined out. You're looking at a  
6 temporary construction area, where the cars are, you  
7 know, because this project that you're looking at is  
8 under construction. But this is kind of a view of a --  
9 of an existing project that's being built here, in  
10 Oregon.

11 Next slide, please.

12 And also part of our project is that we are  
13 proposing battery energy storage systems. And I just  
14 wanted to share an example of that as well. We're not  
15 a hundred percent for sure if we'll be building this  
16 with our project, but we are asking to permit it, and  
17 it's part of our interconnection as well. But,  
18 essentially, batteries are kind of housed in these  
19 containers, with inverters in between them, and on  
20 concrete -- you know, gravel bases, basically.

21 All right. Next slide? I think that might  
22 be it. Yep.

23 CHAIR DREW: Thank you. I will ask the  
24 councilmembers if there are questions. And then as we  
25 go through comments, if we have enough time to answer

1           questions, we'll do that. I don't know how many  
2           people we have signed up, so I just want to be aware  
3           of that.

4                       But in terms of councilmembers, are there any  
5           questions?

6                       MR. LIVINGSTON: Chair Drew, this is Mike  
7           Livingston.

8                       CHAIR DREW: Go ahead.

9                       MR. LIVINGSTON: Yeah. And I thank you for  
10          the presentation. I have a comment and a question.

11                      So I am sure you're aware of this.  
12          Douglas County is pretty unique in its habitat for  
13          sage-grouse. And it -- the sage-grouse, in particular,  
14          in the state of Washington is an imperiled species. We  
15          have -- recently, the Fish and Wildlife Commission  
16          up-listed them to "endangered" from state --  
17          "threatened."

18                      And one of the unique things about them in  
19          Douglas County is, they use a mosaic of habitat from  
20          remnant shrub-steppe to conservation reserve program  
21          habitat, as well as dryland wheat. And I appreciate  
22          the fact that the siting that you've selected here, in  
23          these parcels, are virtually on the edge of probably  
24          what's core habitat.

25                      But one of the concerns I have is that a

1 large -- the large fires that happened in September of  
2 2020 burned up a significant amount of the habitat that  
3 sage-grouse were using, and Badger Mountain, in  
4 general, was one of the remaining places that didn't  
5 burn.

6 So I just wanted to kind of, first, make my  
7 fellow councilmembers aware of this. And then,  
8 secondly, ask the question of, on the wildlife  
9 surveys -- I've looked through the report, and I see  
10 that there's some evidence of sage-grouse being sighted  
11 a little bit off of the project site.

12 But are there plans for additional surveys  
13 and, also, some more communications with our experts?  
14 Because I -- for Department of Fish and Wildlife, we're  
15 going to be very careful in how we weigh the  
16 information, just making sure that we're not losing  
17 some of the last remaining sage-grouse habitat in the  
18 county, as well as in the state of Washington.  
19 Douglas County's been a stronghold for us. There's  
20 only two populations left in this state. There's just  
21 under 700 estimated to remain here, in Washington, and  
22 Douglas County's got most of them left, over, probably,  
23 80 or 90 percent of them. I couldn't give you the  
24 exact numbers but close to that.

25 So I'm just curious, what are plans for

1 additional surveys in consultation with some of our  
2 experts? We do have a research scientist that's been  
3 studying them in Douglas County for many years and can  
4 provide some really good information.

5 Thank you.

6 MR. DeRUYTER: I could field that. This is  
7 Mike DeRuyter. I'm the senior permitting manager for  
8 Avangrid on this project.

9 We have -- I appreciate the concern about  
10 sage-grouse. We did complete the habitat assessment.  
11 We met with Mike Ritter (phonetic), and we are going to  
12 continue to do so, to discuss that, and especially as  
13 we work through the habitat mitigation plan.

14 We do not have plans, at this time, for  
15 further surveys, but it's something we can discuss, as  
16 we work with Mike Ritter on that.

17 MR. LIVINGSTON: Thank you. I appreciate  
18 that.

19 And I realize I didn't have my camera on. I  
20 meant to do that so -- but I do thank you for that  
21 response.

22 CHAIR DREW: Thank you.

23 Other questions from councilmembers?

24 MS. BREWSTER: This is Stacey Brewster.

25 To follow up on Councilmember Livingston's



1 question, the map showing the layout of the grid shows  
2 the publicly owned property on the north end, which  
3 looks like it's a majority of some sage strip --  
4 shrub-steppe habitat.

5 What -- can you talk about that section and  
6 what is the plan for that?

7 MR. KRINGEN: Right. So we're currently in  
8 negotiations or in consultation with DNR on the  
9 ability to lease that land up there. On -- you know,  
10 as we lease a whole parcel, it's not necessarily that  
11 we're going to affect that entire parcel. So the area  
12 that we're interested, within those two parcels, are  
13 essentially the land that is currently being leased  
14 for dryland wheat agricultural. So our intention --  
15 I'm not for sure exactly how the layout would work on  
16 there. But our intention is, is that we would be --  
17 we would be affecting the -- what's being currently  
18 used for agriculture.

19 MS. BREWSTER: Thank you.

20 CHAIR DREW: Additional questions from  
21 councilmembers?

22 I have a question, myself, about the  
23 interconnections. You mentioned that you are looking  
24 at -- well, I saw, from the application, two potential  
25 connections, one with PSE and one with BPA, and then

1           you're pursuing a second BPA.

2                        Would you be looking at using all of those  
3           interconnections or a single one?

4                        MR. KRINGEN: Most likely -- that's a good  
5           question. Most likely, it would just be one. So  
6           with -- you know, because there are two lines that are  
7           fairly close proximity to the project, it allows us to  
8           market the energy to more customers, more potential  
9           customers.

10                      And the second BPA interconnect, at this  
11           point, is just in a study stage. So we don't know what  
12           the results are. We don't know what the costs are.  
13           But it is a different interconnection on Bonneville,  
14           and it does open us up to other customer opportunities  
15           with Bonneville, more than the one we currently have.

16                      So I think we generally don't -- we like to  
17           get our studies back and our costs back, before we  
18           actually pursue an interconnection like that. So  
19           without knowing those yet, it's kind of hard. We've  
20           got those costs and studies on the first BPA  
21           interconnect and the same with the PSE, so we have a  
22           good knowledge of, you know, what it's going to take to  
23           interconnect and how much it's going to cost and the  
24           approval to do it.

25                      CHAIR DREW: And the new interconnect, is

1           that within the footprint of the project as you have  
2           it before us?

3           MR. KRINGEN: No, not at this point.

4           CHAIR DREW: Okay. Thank you.

5           Further questions from councilmembers?

6           MS. KELLY: Chair Drew, this is Kate Kelly.

7           CHAIR DREW: Go ahead.

8           MS. KELLY: Just to kind of follow up on  
9           Councilmember Livingston's question, I'm thinking  
10          about wildfire and just wondering what precautions get  
11          taken or what the potential impacts are on your  
12          facility from wildfire and how you prepare for that or  
13          anticipate it.

14          MR. KRINGEN: So, basically, a part of -- I  
15          think you, generally -- a condition of all these  
16          permits is that we engage with the local fire district  
17          or fire department in the area, and we consult with  
18          them on a fire protection plan for the facility. And  
19          that's in general.

20          So I'm not -- maybe, Paul or Mike, is there  
21          specifics on that? Or is that something that generally  
22          we're going to, as we do on a lot of our projects,  
23          we'll consult with the local fire district. Because  
24          it's going to be different from the way we build a  
25          project in California, if we build a project in

1 Washington or New York; they're going to have different  
2 requirements. So we don't necessarily have standard,  
3 out-of-the-box stuff. We always do consult with local  
4 fire districts and come up with a mutual (inaudible)  
5 kind of fire protection plan for the -- for the  
6 facility.

7 But solar projects, in general --

8 MR. DeRUYTER: Scott, this --

9 MR. KRINGEN: Yeah, go ahead.

10 MR. DeRUYTER: I was just going to add,  
11 that's exactly what I would have suggested. And one  
12 of the things that they may be -- a couple of things  
13 they might be asking are -- for, in that plan, would  
14 be firebreaks on their roads, to accommodate emergency  
15 vehicles.

16 MS. KELLY: Would you --

17 MR. KRINGEN: Go ahead.

18 MS. KELLY: Oh, I'm sorry.

19 Would you be concerned about fire damaging  
20 your equipment as well? Or in the reverse side of it,  
21 fire -- your equipment starting a fire?

22 MR. KRINGEN: All right. So I'll take the  
23 first one in there. Of course, always, no matter  
24 where we are, that's a concern. And we try to develop  
25 these projects so that we can protect them from fire

1 in the areas.

2 I also think that the consultation that we do  
3 with local fire districts will help alleviate, you  
4 know, a lot of that risk, fire risk up there. And if  
5 there were to be an issue on fire, that we've done all  
6 the design so that the local fire authority can access  
7 and do the job as needed, to protect the area.

8 Generally, solar plants are -- you know,  
9 there's very few moving parts. You know, we're going  
10 to be required to keep, you know, the weeds under  
11 control and the weed management plan and, you know,  
12 creating access for fire department. So, you know, the  
13 way we designed this project is -- definitely has some  
14 influence from the local fire department and fire  
15 protection, keep in mind.

16 MS. KELLY: Thank you.

17 MR. KRINGEN: Yep.

18 CHAIR DREW: Additional questions?

19 Okay. Thank you very much. We'll move on,  
20 now, to the next item on our agenda, which is the  
21 introduction of our counsel for The Environment, Megan  
22 Sallomi.

23 Would you like to introduce yourself and  
24 share with the public what your role is?

25 MS. SALLOMI: Sure. I think I'm able to turn

1 my video on. Sorry.

2 MS. OWENS: Okay. Try it now.

3 MS. SALLOMI: There we go. Okay.

4 Hi. My name's Megan Sallomi. I'm an  
5 Assistant Attorney General with the Environmental  
6 Protection Division, and I've been appointed as counsel  
7 for The Environment in this matter, which basically  
8 means that I'll be advocating, in the process, for  
9 environmental concerns. And my information is in -- on  
10 EFSEC's website, in the appointment letter. If anyone  
11 would like to chat with me, my phone number's  
12 (206)389-2437. Some folks have already reached out,  
13 and I look forward to talking with you all.

14 CHAIR DREW: Thank you.

15 Now we will have a presentation about the  
16 EFSEC siting process.

17 And who on our team is doing the  
18 presentation?

19 MR. CHISHOLM: That would be me.

20 THE COURT: Mr. Chisholm, go ahead.

21 MR. CHISHOLM: All right. Welcome,  
22 everybody, and thank you for taking the time and  
23 listening to this presentation and all presentations  
24 that we've had today, this evening.

25 My name is Sean Chisholm. I am an energy

1 site specialist for Energy Facility Site Evaluation  
2 Council, or also known as "EFSEC." This presentation  
3 will introduce EFSEC, the EFSEC process, to people that  
4 are new to EFSEC.

5 Next slide.

6 A little bit of history about the agency.  
7 EFSEC was created in 1970 for the siting of thermal  
8 power plants. The intent was to create a one-stop  
9 permitting agency for large energy facilities. EFSEC  
10 is comprised of state and local government members who  
11 review each application before making a recommendation  
12 to the Governor. This decision preempts all other  
13 state and local governments.

14 Next slide.

15 You can see here that EFSEC is comprised of  
16 members of several different state-level agencies. The  
17 chairperson is appointed by the Governor, and there  
18 is -- there are standing members from five other  
19 agencies appointed by those agencies to sit on the  
20 Council. The current Council is made up of Chairwoman  
21 Kathleen Drew; Robert Dengel, from Department of  
22 Ecology; Mike Livingston, from Department of Fish and  
23 Wildlife; Kate Kelly, from Department of Commerce;  
24 Lenny Young, from Department of Natural Resources; and  
25 Stacey Brewster, from the Utility and Transportation

1 Commission.

2 There are additional agencies that may elect  
3 a councilmember during the review of an application.  
4 These agencies are the Department of Agriculture,  
5 Department of Transportation, Department of Health, and  
6 the Washington Military Department.

7 For Badger Mountain Project, these positions  
8 are still pending. Local governments also have an  
9 option to appoint a councilmember for the review of a  
10 project in their area.

11 When the project is located near a port -- at  
12 or near a port, the port authority may also appoint a  
13 member. However, this position is a non-voting member.

14 Next slide.

15 As mentioned previously, EFSEC was created to  
16 oversee the siting of thermal power plants. Facilities  
17 falling under EFSEC's jurisdictions include any nuclear  
18 facility whose primary purpose is to produce and sell  
19 electricity. We also oversee non-hydro and nonnuclear  
20 thermal facilities with capacities of 350 megawatts or  
21 greater. There's no threshold for alternative energy  
22 sources, such as wind, solar, and more, but they can  
23 choose to opt in, as well as transmission lines over  
24 115 kilovolts, or "kV." The threshold for pipelines,  
25 refineries, and storage facilities that fall under



1 EFSEC's jurisdiction are found on the Revised Code of  
2 Washington, or RCW, 80.50.060.

3 Next slide.

4 Here is a map of the facilities under EFSEC's  
5 jurisdiction. You can see the -- you can see marked in  
6 red are the five operational facilities, including two  
7 natural gas facilities, one nuclear facility, and two  
8 wind facilities. The light-blue marks indicate two  
9 wind facilities that have been approved but have yet  
10 started construction. The dark-blue marks indicate one  
11 solar facility currently under construction. The clear  
12 circle is one nuclear facility under decommission.  
13 There is currently three facilities under review,  
14 marked in green, including Badger Mountain facility.

15 Next slide.

16 Here's the flowchart showing the process an  
17 applicant will go through when they submit an  
18 application to EFSEC. There are three concurrent  
19 processes during the application review: The land use  
20 consistency and adjudicative hearing process; the State  
21 Environmental Policy Act, or SEPA, process; and the  
22 permitting process for relevant environmental permits.  
23 All of these processes happen at the same time and all,  
24 ultimately, feed into the Council's recommendation made  
25 to the Governor.

1                   Next slide.

2                   When an adjudication proceeding is required,  
3                   a record is compiled, and parties of the adjudication  
4                   are identified and the processes of preparing -- or in  
5                   the process of preparing the adjudication, sometimes  
6                   there are stipulations and settlements that come out  
7                   between the parties. The Council looks at all  
8                   information in the adjudication record and then  
9                   deliberate. Finally, the Council draws up their  
10                  findings and conclusions with the information provided  
11                  throughout these proceedings and incorporate those  
12                  findings in their recommendation to the Governor.

13                  Next slide.

14                  With regards to the SEPA process, when the  
15                  decision preparer -- when a decision is -- when a  
16                  decision to prepare an environmental impact statement,  
17                  or "EIS," is made, public comments are taken on the  
18                  scope of the EIS. After public commenting for scoping,  
19                  the EIS official determines the scope of the EIS. The  
20                  draft EIS is prepared and issued with a minimum of  
21                  30-day public comment period, after which the final EIS  
22                  is prepared and released.

23                  When an applicant requests expedited process,  
24                  a review is done to establish whether or not the  
25                  project meets the criteria of a determination of

1 non-significance, or "DNS," or a mitigated  
2 determination of non-significance, or "MDNS." With the  
3 SEPA official -- if the SEPA official determines that  
4 the project meets criteria for a DNS or an MDNS, the  
5 EIS is not required. In process, a determination is --  
6 in process -- sorry -- the determination is present for  
7 the public where there is a minimum of 15-day public  
8 comment period on the MDNS.

9 Next slide.

10 To be considered for expedited processing,  
11 the applicant must make a -- their request in writing.  
12 The project must meet two criteria. First, it must be  
13 determined that the constituent used local land use  
14 policies. Second is, the SEPA determination must be  
15 either a DNS or an MDNS. In this process, no  
16 adjudication is required. The Council prepares their  
17 recommendation for the Governor in an expedited time  
18 frame under this policy.

19 Next slide.

20 EFSEC is the issuing agency for any relevant  
21 environmental permit a facility may require. These may  
22 include air quality and water quality permits. The  
23 permit -- the permits are identified and included in  
24 the final order for the Council's recommendation to the  
25 Governor.

1                   Next slide.

2                   At the conclusion of the Council's review  
3                   of -- of an application, the recommendation is made to  
4                   the Governor to either approve or reject the  
5                   application. This starts six-day window, which the  
6                   Governor will then approve, reject, or remand the  
7                   application back to the Council for reconsideration.  
8                   Any application that is rejected by the Governor is  
9                   final decision for that application.

10                  Next slide.

11                  If an application is approved by the  
12                  Governor, EFSEC then has oversight of the environmental  
13                  compliance for the life of the facility. EFSEC has  
14                  standing contracts with applicable state agencies that  
15                  assist in the monitoring and enforcement of conditions,  
16                  either in the site certification agreement, relevant  
17                  permits, or stipulations of the EIS or MDNS. EFSEC  
18                  enforcement authority extends to the insurance --  
19                  issuance of any penalty as they may apply.

20                  Next slide.

21                  This is a wrap-up of my presentation this  
22                  evening. Before I end, I'd like to remind everyone how  
23                  they may submit a comment for this proposal.

24                  If you would like to sign up to speak this  
25                  evening, you can -- you may call the EFSEC main line at

1 (360)664-1345. Again, that's (360)664-1345, or email  
2 comments to our main in-box at efsec@utc.wa.gov.  
3 That's E-F-S-E-C @utc.wa.gov.

4 You may also send a written comment by mail  
5 to 621 Woodland Square Loop, P.O. Box 43172, Olympia,  
6 Washington 98504-3172. Again, that's 621 Woodland  
7 Square Loop, P.O. Box 43172, Olympia, Washington  
8 98504-3172.

9 Comments may also be submitted to our online  
10 comment database at <https://comments.efsec.wa.gov>. And  
11 that's -- "Comments," is C-O-M-M-E-N-T-S,  
12 ".efsec.wa.gov." There are two databases available for  
13 the duration of the meeting. One is for the general  
14 comments, and the other is for the comments  
15 specifically for land use. Both will be open until  
16 midnight tonight.

17 Thank you for your time, and have a good  
18 evening.

19 CHAIR DREW: Thank you very much for the  
20 presentation.

21 We will now move into the portion of our  
22 informational meeting where we will be taking oral  
23 public comments, and our Administrative Law Judge  
24 Bradley will be facilitating the comment-taking.

25 And I'll start and hand it over to her but

1 ask Ms. Owens, how many people do we have signed up?

2 MS. OWENS: I believe, actually, Andrea  
3 Grantham should have the sign-up sheet open.

4 Andrea?

5 MS. GRANTHAM: Yes. So -- so far, we have 16  
6 people signed up for the evening.

7 CHAIR DREW: Okay. And if -- Andrea, if  
8 you're going to do the calling of the names, perhaps  
9 if you would start with the first three. And we'll  
10 put our three-minute clock up, and I will hand it over  
11 to Judge Bradley.

12 Thank you.

13 JUDGE BRADLEY: All right. Thank you.

14 I just want to briefly introduce myself. My  
15 name is Laura Bradley. I'm an administrative law judge  
16 with the Office of Administrative Hearings. I've been  
17 an administrative judge for the last 22 years.

18 And so my role here is to monitor the  
19 conversation, make sure that everyone has an  
20 opportunity to speak. And we do need to limit comments  
21 so everyone does have the opportunity. So when your  
22 time is up, I will be interrupting you. And if we have  
23 time at the end, we may go back to folks.

24 Go ahead.

25 MS. GRANTHAM: So the first three will be

1 Mickey Fleming, Susan Kane Ronning, and Kevin Simmons.

2 JUDGE BRADLEY: Mickey Fleming?

3 MS. FLEMING: Hello. Can you hear me okay?

4 JUDGE BRADLEY: Yes. Thank you.

5 MS. FLEMING: Okay. I've turned on my  
6 microphone and my camera. I don't know if you can see  
7 it or not, but here I am.

8 My name is Mickey Fleming. I'm the lands  
9 program manager with the Chelan-Douglas Land Trust, in  
10 Wenatchee, Washington.

11 As you just heard, our name is  
12 Chelan-Douglas. That means our territory is Chelan and  
13 Douglas counties. And the Land Trust has been working  
14 in this community since 1985 to protect and steward  
15 critical habitats in Chelan and Douglas counties.  
16 We've been heavily involved in salmon recovery; in  
17 protection of shrub-steppe; providing compatible  
18 access, when possible. And in the last few years, a  
19 definite emphasis of ours has been in protecting the  
20 shrub-steppe in Douglas County and, very specifically,  
21 in Badger Mountain.

22 I don't know if it's possible for you to let  
23 me share my screen. But if so, I can show a map of  
24 that work. But I'll keep talking, while you figure out  
25 if you can do that.

1                   And, specifically, in Badger Mountain, we  
2                   have been provided a lot of help from the Department of  
3                   Fish and Wildlife, the Natural Resources Conservation  
4                   Service, and the Sage Grouse Initiative to direct us to  
5                   those lands and those landowners which were most  
6                   important for the protection of sage-grouse habitat.

7                   As was mentioned before, this -- by WDFW  
8                   counsel, the sage-grouse -- this is the last stand of  
9                   sage-grouse in the state of Washington; Douglas County  
10                  is. And they use a "mosaic of habitats," to use his  
11                  words, which includes the shrub-steppe, as well as the  
12                  dryland wheat, such as being discussed in this project.

13                  If I were able to share my screen, I'd show  
14                  you the map of our work on Douglas County so far. In  
15                  Badger Mountain, we have protected over 10,000 acres of  
16                  contiguous habitat, with farmers and ranchers who are  
17                  involved in both raising of crops and grazing which are  
18                  compatible with the sage-grouse habitat. They have  
19                  their leksing and their breeding areas and their wheat  
20                  areas.

21                  I see my clock is really short.

22                  So this is being supported with federal  
23                  money, state money, and state agencies, and this land  
24                  that is subject to the proposal is critical for their  
25                  survival. We submit that a very thorough study needs



1 to be done, and we believe that, ultimately, you will  
2 conclude that this is not the proper place for solar  
3 development.

4 I'm happy to answer any questions. And the  
5 clock is going three, two, one, so you'd cut me off  
6 anyway.

7 JUDGE BRADLEY: Yes. I wanted to let you  
8 know that in the chat, it does say that you can email  
9 your map to the Council as part of your comments.

10 MS. FLEMING: Okay. And I've submitted a  
11 written comment as well, but I can -- I'll see if I  
12 can put that into the chat.

13 Thank you.

14 JUDGE BRADLEY: Susan Ronning?

15 DR. KANE RONNING: Can you hear me okay?

16 JUDGE BRADLEY: Yes. Thank you.

17 DR. KANE RONNING: Okay. Hi. I'm Dr. Susan  
18 Kane Ronning, and thank you for giving me an  
19 opportunity to speak this evening.

20 I am speaking as a member of the Washington  
21 Chapter Sierra Club Wildlife Committee, and I live in  
22 homes both in Bellingham and Chelan.

23 With over 100,000 members in the state of  
24 Washington, the Washington chapter of the Sierra Club  
25 urges EFSEC to require an EIS on the Badger Mountain

1 Solar Energy Project.

2 I was born and raised in East Wenatchee and  
3 attended school with many of the ranchers on Badger  
4 Mountain. I've hiked, sledded, and learned to ski  
5 amongst the Badger Mountain wheatfields. My dad used  
6 to take our truck and drive up -- we would be towed  
7 behind, in a sled, and he'd drive up the hills, and  
8 then we'd sled back down.

9 I drive an electric car, and I have solar  
10 panels on my roof. I support renewable energy and  
11 expansion of the solar energy infrastructure. However,  
12 I can't support it at the expense of an endangered  
13 species. The sage-grouse is already grappling with  
14 droughts and wildfires. Sage-grouse habitat is just  
15 eight percent of its historic range in Washington, and  
16 its numbers are currently fluctuating.

17 Badger Mountain is the last stronghold for  
18 the sage-grouse. Placement of a solar energy project  
19 in its range and leks will present an unmitigable loss  
20 of habitat for this remaining sage-grouse population in  
21 Washington state. Prior attempts to mitigate the  
22 sage-grouse have not been successful and are not a  
23 feasible alternative to allowing the solar energy  
24 project and harming the risk for the sage-grouse.  
25 Wildlife monitoring is lacking in the current proposal,

1 and disruption to the mule deer migration patterns are  
2 also unknown.

3 So, lastly, the Washington Sierra Club  
4 Wildlife Committee urges you to conduct an EIS on the  
5 project.

6 Thank you.

7 JUDGE BRADLEY: Thank you very much.

8 And I apologize. I did not write down the  
9 name of the third person on the list.

10 MS. GRANTHAM: It is Kevin Simmons.

11 JUDGE BRADLEY: Kevin Simmons.

12 Are you there, Mr. Simmons?

13 Perhaps we could get the next three names and  
14 come back to Mr. Simmons.

15 MS. GRANTHAM: Sure. The next three are  
16 Trina Bayard, Jayson Hills, and Arlen or Cy Hinderer.

17 JUDGE BRADLEY: Okay. Trina Bayard?

18 DR. BAYARD: Hi. Yes, I'm here.

19 Can you hear me?

20 JUDGE BRADLEY: Yes. Thank you.

21 DR. BAYARD: Hi. Hello. My name is  
22 Dr. Trina Bayard. I'm director of Bird Conservation  
23 for Audubon Washington, which is a state office of the  
24 National Audubon Society. I'm speaking tonight on  
25 behalf of our office, as well as the North Central

1 Audubon Society, whose chapter territory includes  
2 Badger Mountain.

3 Audubon's climate science shows that  
4 two-thirds of North American birds are at serious risk  
5 of extinction if we can't limit warming associated with  
6 climate change. We support 100 percent clean energy  
7 and net-zero emissions to help our birds, but our birds  
8 also need habitat and protections to adapt to climate  
9 change and ongoing habitat loss. We and our 50,000  
10 members and 25 chapters across the state care deeply  
11 about the greater sage-grouse and other birds of the  
12 shrub-steppe. The greater sage-grouse is an Audubon  
13 priority species across the West. And here, in  
14 Washington, as you've heard, the status of sage-grouse  
15 in the shrub-steppe ecosystem is dire. More than  
16 80 percent of this landscape has been lost, and grouse  
17 experts tell us that the population in Douglas County  
18 represents the last viable population in Washington.

19 Our office has reviewed the publicly  
20 available data on greater sage-grouse in the Badger  
21 Mountain Solar Project area, including the applicant's  
22 wildlife and habitat survey report. We find there are  
23 serious and concerning data gaps. So, for example, the  
24 applicant's field surveys were for just six days in  
25 early May 2021. However, grouse may use the project

1 area in different ways across the seasons, and so  
2 surveys in other seasons should be required.

3 In addition, the Department of Fish and  
4 Wildlife telemetry data from nearby breeding grounds is  
5 for males only and does not include movement data for  
6 females or young and their nesting or post-breeding  
7 dispersal. In addition, sage-grouse observations by  
8 private landowners and individuals may not be  
9 documented in the official data repositories, creating  
10 a gap in the official record for sage-grouse occurrence  
11 and habitat use in the project area and vicinity.

12 As you've heard, use of grassland and dryland  
13 wheat habitat within the project vicinity by  
14 sage-grouse has been reported, particularly in areas  
15 where there are fingers of sage steppe vegetation  
16 interspersed. These grassland-type habitats could be  
17 more important for the Washington population of the  
18 species than has been appreciated. So in addition to  
19 surveys across seasons to detect whether or not the  
20 species is present, an analysis of sage-grouse habitat  
21 use in grasslands and agricultural areas adjacent to  
22 the nearby stage steppe is needed for this project and  
23 other areas, going forward.

24 For these reasons, we find there's not enough  
25 data at this time to find a level of significance to

1 determine environmental review. We recommend the  
2 Council postpone the decision on significance until the  
3 applicant, using methodologies approved and in  
4 coordination with Department of Fish and Wildlife,  
5 fills the data gaps on year-round occurrence at the  
6 site and habitat usage of shrub-steppe and adjacent  
7 agricultural areas. In postponing this decision, the  
8 Council can use the best available science to determine  
9 significance.

10 Thank you.

11 JUDGE BRADLEY: Is Mr. Simmons able to  
12 comment now?

13 All right. And, again, I apologize. The  
14 names went by too quickly for me.

15 The next person on the list, please?

16 ~~GRANTHAM~~  
17 MS. ~~GALBRAITH~~: I apologize. I'll go slower  
18 next time.

19 The next one is Jayson Hills.

20 JUDGE BRADLEY: All right.

21 MR. HILLS: I'm here.

22 JUDGE BRADLEY: Go ahead, please.

23 MR. HILLS: Thank you for giving me the  
24 opportunity to talk tonight. My name's Jayson Hills.  
25 I'm a landowner on Badger Mountain.

It's really good to hear people talking about

1 the sage-grouse and the wildlife in the area. The  
2 wildlife is very robust on Badger Mountain. And when I  
3 hear the EIS, as it stands now, it just seems like  
4 there's nothing on Badger Mountain. And that's just  
5 not true.

6 And hearing that as far as fire protection  
7 goes, it's not going to be an issue for a project this  
8 size, and if it is an issue, we're just going to rely  
9 on the County to take care of it, and I think that's a  
10 big burden on a county that already is trying to deal  
11 with the growing population inside the city limits and  
12 inside the urban growth boundaries.

13 I don't really hear how water is going to be  
14 addressed that's going to be utilized in the project.  
15 Are the wells being to be drilled? And if so, how much  
16 water is going to be extracted, and will that affect,  
17 you know, local landowners in the area that depend on  
18 the water for their drinking water? I don't hear any  
19 of these things addressed, and that's what's concerning  
20 for me, as a landowner, is, how's this going to affect  
21 the people that are already there?

22 With that, I can yield back my minute and 40  
23 seconds to somebody, if they want to talk longer than  
24 the three minutes, if that's allowed.

25 JUDGE BRADLEY: All right. Thank you.

1 I believe the next name on the list is Sy  
2 Hinderer.

3 All right. I'm not hearing anything. We'll  
4 try to come back.

5 Is Kevin Simmons able to comment now?

6 All right. I'm sorry. Was someone wanting  
7 to speak?

8 The next three names, please?

9 MS. GRANTHAM: The next three names are  
10 Robert Abbott, Kayne Segura, and Eric Thrift.

11 MR. ABBOTT: This is Robert Abbott.

12 Can you hear me?

13 JUDGE BRADLEY: Yes, go ahead, Mr. Abbott.

14 MR. ABBOTT: Thank you, Chair and the  
15 Council, for taking up this -- for allowing me the  
16 opportunity to speak today. My name is Robert Abbott.  
17 I'm the vice president and regional manager for the  
18 Laborer's International Union of North America, with  
19 strong Central Washington ties here, in the community,  
20 since 1978, and a current resident of East Wenatchee,  
21 Washington.

22 LIUNA is a construction union in the energy  
23 sector which employs thousands of our members across  
24 the state in building gas distribution infrastructure,  
25 performing maintenance on refineries, power plants,



1       hydros, and also building renewable energy projects  
2       here, throughout the state and in Eastern Washington.

3               We have done so by working with credible  
4       partners, such as Avangrid. I'm here today in support  
5       of the Badger Mountain Solar Project. Avangrid has a  
6       proven record of meeting all the EFSEC requirements and  
7       environmental needs, along with providing family-wage  
8       jobs to the community, with health and welfare and  
9       pension benefits, along with training. They have also  
10      been employing apprentices on the construction projects  
11      to train the next generation of construction workers.  
12      These same projects will provide a continued  
13      opportunity for workers here, in the community, and the  
14      surrounding area.

15             We still need additional power generation to  
16      meet the growing needs and demands of the state's  
17      economy. Projects like this provide a clean energy for  
18      the state and in our community. Avangrid has proven  
19      that commitment in the current projects that they  
20      currently have going and past projects they have in the  
21      state of Washington.

22             I urge the Council to support this project  
23      and -- as they complete the EFSEC process and as we  
24      continue the transition to renewable energies in  
25      providing good-paying, family-wage jobs to our

1 communities in which the people live.

2 Thank you.

3 JUDGE BRADLEY: Thank you, Mr. Abbott.

4 Kayne Segura?

5 MR. SEGURA: Hello. Can you hear me?

6 JUDGE BRADLEY: Yes. Go ahead, please.

7 MR. SEGURA: All right. Thank you to the  
8 entire Commission for allowing me the opportunity to  
9 speak to you all this evening. My name is Kayne  
10 Segura, and I'm the business manager of Laborers  
11 Local 348, in Richland, Washington. I represent over  
12 a thousand hardworking men and women in the Central  
13 Washington area, including Douglas County. I'm here  
14 this evening on behalf of the membership, their  
15 families, and the potential jobs the union will have  
16 here, in the community.

17 You have heard from my counterpart the  
18 dedication that Avangrid has given to the skilled  
19 trades, who are often left behind by other developers  
20 who are more focused with the local cost, lowest skill,  
21 and lowest pay to get the job done. We are looking  
22 forward to working with Avangrid on this project, not  
23 only to ensure the work is done on time, or is done  
24 safely and efficiently, and the project is built with  
25 good union jobs. We know that the efforts taken here

1 will help move Washington forward and will put  
2 (inaudible) County on the map as a leader in solar  
3 clean energy goals.

4 For those who may not know, our members are  
5 trained and skilled in not only heavy highway  
6 construction and building construction but also in all  
7 renewable energy construction as well. We have worked  
8 on numerous, numerous projects throughout Central  
9 Washington, where we have provided skilled, trained,  
10 and reliable workers to do the job, from start to  
11 finish. And we look forward to the opportunity to  
12 continue building these projects for the community.

13 Thank you for your time.

14 JUDGE BRADLEY: Thank you.

15 Eric Thrift?

16 MR. THRIFT: Hi there. Can you hear me?

17 JUDGE BRADLEY: Yes. Thank you.

18 MR. THRIFT: All right, there.

19 My name is Eric Thrift. I am a resident of  
20 East Wenatchee. I'm also the Assistant Business  
21 Manager for Laborers Local 348. I represent  
22 construction workers from this community. I'm here  
23 this evening to advocate in support of this project.

24 We've seen the work Avangrid has done on  
25 other projects throughout the Northwest. They value

1 the community that they create projects in, and they  
2 value good, skilled workers to get the job done. This  
3 project would not only bring nearly 400 jobs to the  
4 area, but it would bring a new opportunity for  
5 Douglas County. With this size of project, we would be  
6 part of the efforts to push this state forward.

7 With Washington State's set target to  
8 transition to the state's electrical supply to 100  
9 percent carbon neutral by 2030 and 100 percent carbon  
10 free by 2045, we can't just do this in one part of the  
11 state. We have to be a part of this, for our future  
12 and for generations to come. Fifty years from now,  
13 when this project term ends, we will be able to see the  
14 results from this project, see the leadership that took  
15 the steps to move this project forward.

16 I thank you all for your time and the  
17 opportunity to speak tonight. Thank you very much.

18 JUDGE BRADLEY: Thank you.

19 I want to go back just briefly. Is Kevin  
20 Simmons online and available to comment?

21 MR. SIMMONS: I am here. Can you hear me  
22 this time?

23 JUDGE BRADLEY: Yes, we can. Go ahead,  
24 please.

25 MR. SIMMONS: Okay. Hello. My name is Kevin

1 Simmons. My wife and I have lived at 931 (inaudible)  
2 View SW, Badger Mountain, for 27 years. Our home is  
3 where our great-grandparents lived, my grandparents  
4 lived, and where my dad and aunt grew up. So you can  
5 see it has a lot of sentimental value and history to  
6 us.

7 The proposed solar farm is roughly 300 yards  
8 from our house. Like a lot of homesteads built in the  
9 late 1800s, they were built in the lower parts of the  
10 landscape to take advantage of wind-driven windmills to  
11 power water pumps and hand-dug wells. We still use  
12 that well today for our primary and only water source,  
13 as do some neighbors.

14 One big concern of mine is a spring runoff  
15 that runs past these hand-dug wells every spring when  
16 the snow melts. The proposed solar farm will be built  
17 on both sides of the draw, where the runoff water  
18 drains. I assume the solar panels will have to be  
19 cleaned throughout the year to keep them efficient. My  
20 concern is, what kind of chemicals will be used and how  
21 will it be kept from washing into the soil? Another  
22 concern is vegetation control and what chemicals will  
23 be sprayed directly on the ground and its potential  
24 health hazard, as it will also end up in the same  
25 drainage path. This same drainage path not just

1 affects us but two other homes with hand-dug wells.

2 Another issue is the effect on wildlife,  
3 especially on the endangered sage-grouse. It has been  
4 proven that the attempts to relocate and breed in  
5 captivity does not work. Sage-grouse -- so to  
6 distribute these sage-grouse, there is -- it would mean  
7 certain death, and they would ultimately disappear.

8 The gentleman from Avangrid mentioned  
9 acoustics. I'm not familiar with this. But living so  
10 close to the project, what -- I don't know what kind of  
11 health hazards that would present.

12 When I work the fields north of our house,  
13 which is roughly 500 yards away, I see up to six  
14 sage-grouse almost every time. There have been  
15 sightings in this area for as long as I can remember.  
16 In this same area, there's a piece of DNR ground, which  
17 was mentioned by the gentleman from Avangrid, that is  
18 included in the solar farm proposal. It is probably  
19 100 yards or less away. I understand the need to  
20 reduce and eventually eliminate greenhouse gas  
21 emissions, but with all the open, unusable land in our  
22 state, why here?

23 Governor Inslee has made comment on his goal  
24 for green power and wanting it in 2023. I hope this  
25 isn't the reason why Avangrid picked this state and

1 this spot to build, thinking it would be a guaranteed  
2 permit process. I would much rather look out my window  
3 and see a green field, or even a field full of weeds,  
4 than an eight-foot chain-link fence and solar panels.

5 Another thing was mentioned about jobs.  
6 These jobs are temporary. These people come in.  
7 Chances are, it's an out-of-state contractor, which  
8 I've seen in -- where I retired from. They'll come in.  
9 They'll do the project. They go away. I would assume  
10 this is similar to a server farm, like people have been  
11 installing. Lots of people to build it. When they go  
12 away, very few jobs.

13 I was a union person. I'm for the union.  
14 Don't let that (inaudible).

15 Go ahead.

16 JUDGE BRADLEY: So, folks, if you're not  
17 speaking, could you please mute your phone so that  
18 speakers don't get interrupted?

19 So it does look like your time has run out,  
20 Mr. Simmons. Thank you.

21 MR. SIMMONS: Okay. I'm done. Thank you.

22 JUDGE BRADLEY: Let's try Arlen, Sy Hinderer  
23 again?

24 All right. Next three names, please.

25 MS. GRANTHAM: The next three names are Rudy

1           Zavala, Tim McVay, and Aubrey Newton.

2                   JUDGE BRADLEY: Okay. Rudy Zavala, please.

3                   MR. ZAVALA: Yes. My name is Rudy Zavala,  
4           and I've been a member of Local 348 since 1978. And  
5           I've been in the other trades, as far as, like,  
6           insulators, and I've also worked in Las Vegas, where  
7           they did a solar panel like this. And it does create  
8           a lot of jobs and, you know, for the -- for the  
9           members. Also good, living wages -- good, living  
10          wages and I do -- I support this project, you know,  
11          because it would bring a lot to the community here, in  
12          Douglas County. You know, like I say, I'm in favor of  
13          it.

14                   Thank you.

15                   JUDGE BRADLEY: All right. Thank you.

16                   Tim McVay?

17                   MR. McVAY: Yes. Can you hear me?

18                   JUDGE BRADLEY: Yes. Go ahead, please.

19                   MR. McVAY: All right. Good evening. My  
20          name is Tim McVay. I'm a proud member of the  
21          Local 348. I'm a resident of East Wenatchee. And I  
22          have been a member of the 348 for five years now.

23                   Being a member of the 348 has provided me  
24          with opportunity to not only build my community that I  
25          live in but build my future as well. I am here this



1 evening because LIUNA members value good energy jobs,  
2 because they offer family support and career and  
3 strength in our community.

4 I am in favor of this project because of the  
5 long-term benefits that it provides our community and a  
6 good union wage. It will also provide other members of  
7 our local that we deserve jobs, projects like this,  
8 with a strong partner like Avangrid. I urge the  
9 Commission to support this project. And in doing so,  
10 you are supporting this community and the workers who  
11 have built it.

12 Thank you for your time.

13 JUDGE BRADLEY: All right. Thank you.

14 Aubrey Newton?

15 MS. NEWTON: Good evening. Can you hear me  
16 okay?

17 JUDGE BRADLEY: Yes. Go ahead, please.

18 MS. NEWTON: Thank you. And thank you, Chair  
19 Drew and the entire Commission, for the opportunity to  
20 speak to you this evening.

21 As mentioned, my name is Aubrey Newton. I  
22 work with the Laborers International Union of North  
23 America in our Northwest Region. I am also from this  
24 community and grew up in Chelan County, where my family  
25 lineage can be seen all over the valley for nearly five

1 generations.

2 As I mentioned, in LIUNA's Northwest region,  
3 our union members build and maintain, as you've heard,  
4 gas pipelines, construct wind and solar farms, as well  
5 as build and maintain coal, gas, hydropower, and  
6 nuclear plants.

7 In Washington, specifically, the laborers  
8 have members working throughout six different locals,  
9 representing over 15,000 members. These members are  
10 trained, skilled, and qualified to work and ready to  
11 work on wind and solar projects like this. Our region  
12 has a robust recruiting system that reaches statewide  
13 and focuses on good-paying jobs for the communities  
14 where our members live. LIUNA works with our  
15 employers, as well, to make sure that workers on the  
16 job are skilled, they're trained, reliable, and get the  
17 job done ahead of schedule and go home safely at the  
18 end of the day.

19 For reference, outside of the licensed crafts  
20 on solar projects that would be needed for specific  
21 electrical hookups, essentially LIUNA is already  
22 trained and ready to handle over 60 percent of the  
23 entire project. We perform on utility-scale solar  
24 projects that include scopes from start to finish; so  
25 from the environmental side, building the fences,

1 installing the storm drain or installing the conduit,  
2 grade checking, flagging, placing and cutting concrete,  
3 unloading and material handling, many, many more  
4 things, including jobsite cleanup and the civil work.

5 Our solar work hours have, obviously, grown  
6 substantially over the last five years, which this has  
7 accounted for several million hours for utility-scale  
8 projects like this. We believe in an all-of-the above  
9 energy policy that relies on a mix of fuels to create  
10 good jobs and ensure that our communities are abundant,  
11 affordable, with energy now and in the future. Our  
12 members deserve to work on projects like this, and our  
13 members deserve to work for contractors and developers  
14 that value unions, good-paying jobs, and building  
15 communities in all sectors.

16 With that being said, I am here this evening  
17 in support of this project for the reasons that I've  
18 listed above and for the continued partnership that  
19 Avangrid has brought to the Northwest region.

20 With that, I thank you for your time.

21 JUDGE BRADLEY: All right. Thank you.

22 Before I take the next three names, is Arlen,  
23 Sy Hinderer available to comment now?

24 All right. The next three names, please?

25 MS. GRANTHAM: The next three names are Lee

1 Baldwin, David Lynn, and Keith Watson.

2 JUDGE BRADLEY: All right. Lee Baldwin? Is  
3 Lee Baldwin ready to comment? We'll come back.

4 David Lynn?

5 MR. LYNN: Hi. Good evening. This is -- my  
6 name's David Lynn, and I'm representing the Washington  
7 Wildlife First.

8 We acknowledge the risk that climate change  
9 poses to our environment, our wildlife, and to  
10 ourselves. Therefore, we are generally supportive of  
11 the use of renewable energy sources, such as solar, to  
12 replace the sources of energy powered by fossil fuels  
13 which emit carbon dioxide into the atmosphere, a major  
14 cause of climate change. So we also appreciate the  
15 value of good-paying jobs that could be created.

16 Having said that, though, we are concerned  
17 with the effects of any new or expanded development on  
18 our wildlife and wild spaces. In this specific case,  
19 we have a concern that this proposed solar energy  
20 development may have a negative impact on the greater  
21 sage-grouse, which Washington state lists as  
22 endangered. Both the project's construction  
23 activities, noise, dirt, pollution in the air, and its  
24 operations could be problematic for this endangered  
25 bird.

1 Washington Department of Fish and Wildlife  
2 writes that the population size of the greater  
3 sage-grouse in Washington is low, and the species  
4 requires a large landscape of sagebrush steppe, much of  
5 which has been degraded, fragmented, or lost. The  
6 primary threat is a combined impact of all these  
7 factors, and this proposed development may exacerbate  
8 those risks and further impact this endangered  
9 population.

10 The Department further noted that the current  
11 range of sage-grouse is only about eight percent of its  
12 historic range, and it exists in just two isolated  
13 areas, the largest and most important of which is this  
14 location in Douglas County. The statewide population  
15 was estimated at 775 sage-grouse in the spring of 2020  
16 with an increase of less than 100 from the previous  
17 year, solely as a result of the increase in  
18 Douglas County of 100 birds. The other smaller  
19 population declined in absolute numbers. Therefore,  
20 protecting the Douglas County population is critically  
21 important to the species.

22 Subsequent to those counts, the habitat of  
23 all three -- all two populations were affected by  
24 wildfires. And while it appears that most of the  
25 grouse have survived the 2020 fires and the following

1 winter, the impact of the fires on their nesting  
2 habitat is expected to result in continued declines.  
3 And we've seen that once the habitat is lost, that it's  
4 very difficult to reestablish proper conditions to  
5 support these birds.

6 Therefore, we, like some of the other  
7 speakers before us, support an environmental impact  
8 study to fully determine the effect that this proposed  
9 solar energy project would have on the greater  
10 sage-grouse and other endangered species, like the  
11 ferruginous hawk, that call this place home. As WDFW  
12 indicates, the endangered greater sage-grouse has a  
13 vulnerability to climate change as moderate to high and  
14 is a delicate balance that we must achieve.

15 Thank you for your time tonight.

16 JUDGE BRADLEY: All right. Thank you.

17 Keith Watson.

18 MR. WATSON: Hello. Yeah, Keith Watson. I'm  
19 speaking for Conservation Northwest.

20 And, first of all, we'd like to say we really  
21 appreciate the solar -- the concept of solar and  
22 renewable energy and really appreciate the company for  
23 saying that they were looking for a site that didn't  
24 have much to impact. And we would just like to point  
25 out that there's hundreds of thousands of acres of

1 cheap grass in this state, and it's quite available for  
2 solar panels. But there is nothing like Badger  
3 Mountain in this state, with the diversity of habitats  
4 and generations, generations of ranchers and farmers  
5 living as they have for years and years, as their  
6 parents and grandparents had lived, and taking care of  
7 the land and living in harmony.

8 This is one of the few places where an  
9 endangered species is living directly next to cows,  
10 living directly next to dryland wheat, and really  
11 appreciates the amount of agency involvement that has  
12 been dedicated to the Badger Mountain region for  
13 decades. And it actually should be held up to the  
14 whole world as a success story of people continuing  
15 their traditional agricultural activities while letting  
16 the wildlife cohabitate on their property. And, right,  
17 there's just tiny bits of sagebrush here and there, but  
18 that is enough to sustain this population, along with  
19 the wheat and the -- the quite a variety of habitats  
20 available due to the rocky nature of the region.

21 And, you know, so, right, we're absolutely  
22 for, you know, jobs and for solar panels but really  
23 appreciate the fact that there are considerably less  
24 ecologically significant land throughout Eastern  
25 Washington. So it's pretty interesting that this was

1 chosen as a site that didn't have anything there,  
2 basically, an ideal site to pave over and put an  
3 eight-foot fence around, which just seems inconceivable  
4 as a known wildlife habitat corridor, from north to  
5 south, throughout the whole state.

6 The fact that they just said, "Oh, if there's  
7 a fire, the County will come put it out. No big deal,"  
8 well, we're experiencing 100,000-acre fires routinely  
9 around here. And, no, no one is available to come put  
10 it out, because the region is -- folks are a little bit  
11 overwhelmed when the fires are coming. So the thought  
12 that, "Yeah, we'll just come put it out," was kind of  
13 an unbelievable answer.

14 The fact that six days of looking for an  
15 endangered species was enough to say, "Oh, we didn't  
16 find it." And there's definitely a chance that this  
17 project alone removes this species from the state of  
18 Washington. So the fact that they sent a few people  
19 out there to casually look for them for a few days and  
20 didn't find any, and that's enough to progress on this  
21 project, seems inconceivable.

22 Okay. Thank you very much.

23 JUDGE BRADLEY: Thank you.

24 Lee Baldwin?

25 MR. BALDWIN: Yes. Can you hear me?



1 JUDGE BRADLEY: Yes.

2 MR. BALDWIN: Okay. I just have a couple of  
3 questions.

4 Number one, is there a potential for the cost  
5 of electricity for people in East Wenatchee, for  
6 example, to go up as a result of this?

7 Question Number 2, is the project going to  
8 consume a lot of water that could be a concern for  
9 people in the area?

10 And let's see. There was one other -- okay.  
11 Are there any known negative effects to the health of  
12 people that are living near the project, if it were to  
13 happen? Are there any health concerns there?

14 So those are my questions. Thank you.

15 JUDGE BRADLEY: All right. So are you posing  
16 those questions as things that the Council needs to  
17 consider?

18 MR. BALDWIN: Exactly. Yep.

19 JUDGE BRADLEY: Okay. Thank you.

20 Next three names, please?

21 MS. GRANTHAM: We have two more names left.  
22 The last two are Margie Van Cleve and Matthew Hepner.

23 JUDGE BRADLEY: Okay. Margie Van Cleve?

24 MS. VAN CLEVE: Hello. My name's Margie Van  
25 Cleve. I live in Selah, Washington, and I'm the

1 Conservation Chairperson for the Sierra Club in  
2 Washington state.

3 The Sierra Club is a national organization  
4 with a mission to protect the planet, to practice and  
5 promote the responsible use of the earth's ecosystems  
6 and resources, to educate and enlist humanity to  
7 protect and restore the quality of the natural and  
8 human environment, and to use all lawful means  
9 necessary to carry out these objectives. The Sierra  
10 Club is over a hundred thousand members and supporters  
11 in Washington state and over 3.8 million nationally.

12 Sierra Club has a long history of supporting  
13 renewable energy. In 2006, the Sierra Club worked very  
14 hard to pass Initiative 937 in Washington state. This  
15 initiative required utilities to obtain 15 percent of  
16 their electricity from renewable energies, excluding  
17 hydro, by 2020. In 2019, the Sierra Club supported and  
18 worked hard to pass the Clean Energy Transformation  
19 Act, which commits Washington state to a hundred  
20 percent clean energy by 2045. Nationally, the Sierra  
21 Club continues work to pass national legislation for a  
22 fossil-fuel-free electrical grid.

23 That said, the Sierra Club also believes that  
24 clean energy must be developed such that it does not  
25 destroy the habitat of our endangered species.

1 According to the Washington Department of Fish and  
2 Wildlife, there are less than 700 endangered greater  
3 sage-grouse in Washington state. The range is down to  
4 eight percent of their historic range, and they occur  
5 in two relatively isolated areas in Washington state.  
6 Unfortunately, one of the remaining sage-grouse refuges  
7 may intersect with the proposed Badger Mountain Solar  
8 Project.

9 The Sierra Club supports a full, independent  
10 EIS for the proposed Badger Mountain Solar Project to  
11 determine the effects of this proposed project on one  
12 of the last strongholds of the greater sage-grouse in  
13 Washington. Once those effects are known, it must be  
14 determined what mitigation may be required, up to and  
15 including modifying or potentially moving this project  
16 such that it does not interfere with the greater  
17 sage-grouse.

18 Thank you for your time.

19 JUDGE BRADLEY: All right. Thank you.

20 Matthew Hepner?

21 MR. HEPNER: Hi. Thank you. My name is  
22 Matthew Hepner. I'm city councilman for East  
23 Wenatchee, Position 7. And for my day job, I'm the  
24 executive director of the Certified Electrical Workers  
25 of Washington, representing over 11,000 IBEW

1           electrical state workers statewide.

2                        So I just want to start by saying we are in  
3 full support of this project. We do have some  
4 concerns. But for the most part, we're absolutely in  
5 support of this. What this will mean to the community,  
6 as far as tax revenue coming into the County and to the  
7 City and to the workers, is -- will mean a lot,  
8 especially since we lost Alcoa, we can use all these  
9 kind of industrial projects that we can get, as long as  
10 we're safekeeping our environment at the same time.

11                      You know, the only -- some of the only other  
12 concerns we really have is will Avangrid build this in  
13 accordance with the CEDA tax exemption and labor  
14 standards; and if so, which tier would they be using.

15                      So those are our questions going to Avangrid  
16 and to the Council.

17                      Thank you.

18                      JUDGE BRADLEY: Thank you.

19                      Arlen Hinderer?

20                      All right. I believe we've completed the  
21 list.

22                      Has anyone else expressed an interest in  
23 speaking this evening?

24                      I see a raised hand. I'm not sure who it  
25 belongs to, though.

1 MR. ARTHUR: Yes. This is Bill Arthur.

2 CHAIR DREW: Mr. Arthur. Mr. Arthur?

3 MR. ARTHUR: Yes.

4 JUDGE BRADLEY: Go ahead.

5 MR. ABBOTT: I would be interested in  
6 testifying if there's -- if it's possible.

7 JUDGE BRADLEY: Yes. Go ahead, please.

8 MR. ARTHUR: Yeah. My name's Bill Arthur. I  
9 live in Shoreline, Washington, just north of Seattle.  
10 But I do a lot of hiking in Central Washington,  
11 particularly in the sage steppe area, and I have a lot  
12 of interest in wildlife and protecting endangered  
13 species. I'm also an enthusiastic supporter of  
14 developing clean energy, solar and wind. Climate  
15 change is real. We need to be advancing, as quickly  
16 as we can, for decarbonizing the economy, but climate  
17 change also has serious impacts on our wildlife  
18 species on our ecosystems.

19 I do have concerns with the project, as it's  
20 proposed, that there's not enough information to really  
21 understand what the scope and scale of the impacts  
22 could be to the greater sage-grouse in the area. As  
23 other people have noted, we're down to only about  
24 eight percent of the original sage steppe habitat. One  
25 of the last remaining viable populations of sage-grouse

1 in Washington State is located, you know, near the  
2 area. So when you're down to that few number of the  
3 population of the birds in that small a range of  
4 habitat that they need, even small impacts can have --  
5 or even small changes can have a big impact on the  
6 population from the needed habitat.

7 So I would encourage and support a full  
8 environmental impact statement so that we really  
9 understand what the potential impacts are to the  
10 sage-grouse population, the variety of habitats that  
11 they need, the potential interconnectivity that's  
12 needed, and then whether that calls for potential  
13 modifications to the project or potential, you know,  
14 relocation. I'm neither for it or against it. I just  
15 want to make sure that when we site these important  
16 projects, that we're doing it the right way. And I  
17 also think that if we don't do it the right way, we'll  
18 end up having bigger problems siting these kinds of  
19 projects down the road. So let's get the good ones in  
20 place and build them as fast as we can, and let's take  
21 due diligence to make sure that we're siting them in  
22 the right locations and not having the kind of impacts  
23 that I don't believe most of us want to have.

24 So with that, I'll close. But I do believe a  
25 full EIS is warranted.

1 JUDGE BRADLEY: Thank you.

2 And Wanda wanted to speak?

3 Wanda, would you like to speak now? If  
4 you're trying to speak, you're muted.

5 MR. SIMMONS: Hi, this is Kevin Simmons  
6 again.

7 Can you hear me?

8 JUDGE BRADLEY: Yes.

9 MR. SIMMONS: I'd like to just make a couple  
10 follow-up comments.

11 Okay. I hear a lot of people, the union  
12 workers and stuff, talking about the jobs it would  
13 bring. I was a union member for 32 years. And I agree  
14 a hundred percent with what they're saying. But the  
15 way I see it is, yeah, there's going to be lots of  
16 jobs, and they're good-paying jobs, but they're  
17 temporary. Like I said, it's like the server farm.  
18 Once it's built, all those people go away. A lot of  
19 them are from not around here. Some of them will be.  
20 So, yes, there is good-paying jobs, but it's temporary.  
21 Then they go away.

22 I don't know how many people it takes to  
23 maintain these projects after they're up and running.  
24 I would think probably very few, because there's no  
25 moving parts, other than the solar panels, you know,

1 moving with the sun. So there's a lot of emphasis on  
2 jobs, but let's not overlook, yeah, we've got those  
3 jobs. At the cost of what?

4 You know, that's -- that's all I've got to  
5 say.

6 CHAIR DREW: Thank you very much. And I do  
7 think that --

8 MR. SIMMONS: Thank you again.

9 CHAIR DREW: Yes. I don't think we're trying  
10 to start a discussion here but to take everybody's  
11 input. So I appreciate that, but let's just stay with  
12 your input. If you'd like to write more, please send  
13 an email to EFSEC.

14 MR. SIMMONS: I will. Thank you again.

15 JUDGE BRADLEY: Thank you.

16 And, Wanda, are you able to speak now?

17 All right. I believe that we have covered  
18 all of the public comments, with a couple of folks who  
19 did not respond when they were called.

20 CHAIR DREW: Again, if, for some reason, you  
21 could not provide comments -- this is Chair Drew --  
22 please provide them to EFSEC in writing, and we would  
23 have to -- and we will gladly look at those. Sorry.

24 I do want to say that we will be moving to  
25 the land use consistency hearing. And at this point in



1 time, it's 6:44. So we will adjourn this public  
2 informational meeting, and we will come back at  
3 7:00 p.m. for our land use consistency hearing.

4 Thank you all.

5 (A break was taken from.

6 6:44 p.m. to 7:00 p.m.)

7 CHAIR DREW: Good evening. This is Council  
8 Chair Kathleen Drew of the Washington State Energy  
9 Facility Site Evaluation Council calling to order our  
10 meeting on land use consistency for Badger Mountain.

11 As required by RCW 80.50.090 and  
12 WAC 463-26-050 and 463-26-060, subsequent to the  
13 informational public hearing, EFSEC is holding a land  
14 use hearing. During this hearing, the public will be  
15 given an opportunity to provide testimony regarding the  
16 proposed project's consistency and compliance with land  
17 use plans and zoning ordinances.

18 I will ask Ms. Owens to call the Council roll  
19 and then hand over the meeting to Judge Bradley.

20 Ms. Owens.

21 MS. OWENS: Department of Commerce?

22 MS. KELLY: Kate Kelly, present.

23 MS. OWENS: Department of Ecology?

24 Department of Fish and Wildlife?

25 MR. LIVINGSTON: Mike Livingston, present.

1 MS. OWENS: Department of Natural Resources?

2 MR. YOUNG: Lenny Young, present.

3 MS. OWENS: Utilities and Transportation  
4 Commission?

5 MS. BREWSTER: Stacey Brewster, present.

6 MS. OWENS: Chair, there is a quorum for the  
7 Council.

8 CHAIR DREW: Thank you.  
9 Judge Bradley?

10 JUDGE BRADLEY: Thank you, and good evening,  
11 everyone.

12 As Chair Drew indicated, this is the land use  
13 consistency hearing where the councilmembers will hear  
14 testimony, as will I, about land use consistency.

15 The process will be that the applicant will  
16 be able to present their information. I did receive a  
17 request that a participating landowner be allowed to  
18 testify as part of the applicant's presentation.

19 Do any of the other parties object to  
20 allowing the landowner to testify at that time?

21 Do any of the councilmembers object?

22 All right. Hearing no objections, we will  
23 allow the landowner to testify at that time, then the  
24 County will be given an opportunity to respond. And as  
25 Chair Drew indicated, after that, we will hear from

1 members of the public who may want to testify.

2 And, again, testimony will be limited to land  
3 use consistency. We had a meeting just prior to this  
4 hearing where folks could provide other comments, and  
5 the opportunity to provide comments on other matters  
6 remains available through midnight tonight.

7 Any other preliminary matters before we  
8 proceed?

9 MR. WATSON: I would just like to ask a quick  
10 question about the participating landowner, just to  
11 understand the context. Could we understand how  
12 financially available -- reliant they are? Because it  
13 seems a little bit biased, unless we understand,  
14 maybe, the specifics of what they have to gain from  
15 this.

16 That is all. Thanks.

17 JUDGE BRADLEY: So I think we need to hear  
18 the testimony. I'm not sure that bias would -- on  
19 that basis would prevent that person from testifying,  
20 although it may go to the weight that is given to that  
21 person's testimony.

22 Anything else before we proceed?

23 Mr. McMahan, would you like to present?

24 I'm sorry. Ms. Drew, were you going to say  
25 something?

1 CHAIR DREW: No, that's fine. Yes, this is  
2 testimony only on land use consistency, not on other  
3 matters.

4 JUDGE BRADLEY: Correct. Thank you.

5 UNIDENTIFIED SPEAKER: Could you please  
6 explain what "land use consistency" means, as the  
7 definition?

8 JUDGE BRADLEY: So each county has land use  
9 regulations where they regulate what type -- what  
10 property in the county can be used for different types  
11 of activities, whether it be commercial, residential,  
12 agricultural, other categories. And so the issue  
13 before the Council and me this evening is whether the  
14 proposed use of the property is consistent with the  
15 existing land use regulations of Douglas County.

16 UNIDENTIFIED SPEAKER: Thank you.

17 JUDGE BRADLEY: All right. I'll turn it over  
18 to Mr. McMahan.

19 MR. McMAHAN: Thank you, Judge Bradley, Chair  
20 Drew, members of the Siting Council.

21 I have the ability to turn a mic on and off  
22 but not a video camera. I'm okay with that. If you  
23 want to see my happy face, that would be fine with me,  
24 but I think that's on your end, not mine. So I'll just  
25 proceed, and you can decide, you know, whether to do

1           that.

2                         Just, I don't know, kind of a couple of  
3 preliminary matters and comments. First of all, we  
4 have Kirk Bromley (phonetic), I believe. He's a land  
5 owner, and I believe that he would like to say a few  
6 things after the conclusion of my presentation, just  
7 kind of as a landowner. There's the camera. Hey, how  
8 about that. And so he may or may not wish to speak.  
9 You know, I leave that to him.

10                        Secondly, with me tonight is my colleague  
11 Ariel Stavitsky. I am an attorney with Stoel Rives law  
12 firm. She is one of my colleagues, and you will get to  
13 know her through this process. She is working with us  
14 on this application.

15                        And then, finally, just to make sure you all  
16 have, in fact, received our legal memorandum on land  
17 use, I think it makes it considerably -- a considerably  
18 simpler task to move through this if you have that in  
19 hand. I checked in with Assistant Attorney General Jon  
20 Thompson a bit earlier to ensure that that was  
21 distributed. And if it is, that's fine. You can, you  
22 know, read it to your heart's content after the  
23 hearing's over.

24                        So we do appreciate the testimony. I will  
25 speak on behalf of Avangrid and say we do appreciate

1 the testimony from all of the members of the public.  
2 It's the kind of information that informs a -- this  
3 process, which is a complex and very, very important  
4 process for the citizens of the state of Washington.  
5 So that kind of background information and the ongoing  
6 information that's provided in the proceedings will, of  
7 course, be extremely important in the Council's  
8 evaluation of the project.

9 I would say that, just as an introductory  
10 matter, that we, unfortunately, in the Northwest, and  
11 maybe all over the world, seem to have this false  
12 choice between clean power and habitat protection and  
13 residential land uses and the like. I think that's  
14 very unfortunate. I do think that the fact that we're  
15 in front of EFSEC gives me hope that we can resolve  
16 these issues in a thoughtful fashion without -- you  
17 know, without getting, you know, unduly tripped up on  
18 that, what I believe to be a false choice.

19 So that's my editorializing. I'll just head  
20 straight into this, and I do anticipate that my  
21 presentation will be fairly -- fairly concise.

22 We do have a pretty uncommon procedural  
23 setting here. The applicant began working on a county  
24 conditional use permit application in early 2018, I  
25 believe. At that time, utility-scale solar facilities

1 were an allowable use under the local conditional use  
2 zoning code. This applicant, Avangrid, engaged in a  
3 very interactive pre-application process on the  
4 application for a couple of years, until September 14  
5 of 2020, when the County sent to the applicant a  
6 "Notice of Incomplete Application." And enclosed with  
7 that application was a copy of an ordinance that was to  
8 be adopted the next day imposing a moratorium on solar  
9 development. So after being deep into the application  
10 process, that's -- you know, it sort of ground to a  
11 halt, at that point, with imposition of a moratorium.

12 In July of 2021, the County ended the  
13 moratorium, and they adopted interim control measures.  
14 And the interim controls did several very important  
15 things that are important to EFSEC, I think, in  
16 proceeding.

17 First, the interim controls relinquished the  
18 County's authority to review utility-scale solar permit  
19 applications and conferred that power to EFSEC. I have  
20 never seen that before, and it was an interesting  
21 development. It may or may not have, kind of, legal  
22 foundation for the County to do that, but it doesn't  
23 particularly matter, because we're at EFSEC anyway.  
24 But it is a very -- it was a bit of a surprise and an  
25 unusual thing for a county to do. And as I say, you

1 know, all things considered, I think that EFSEC review  
2 of a project like this is not a bad thing.

3 Secondly, it may -- the interim controls made  
4 utility-scale solar an outright permitted use, rather  
5 than a conditional use, with a very large caveat. And  
6 by the way, in so doing, I believe that they repealed  
7 their conditional use permit process in their zoning  
8 code. And, again, it doesn't particularly matter  
9 whether they did that or not.

10 So the unusual caveat to this facility being  
11 a permitted use in the code is the imposition of really  
12 hoops of overlaying seven-mile buffers that together  
13 render the Badger Mountain site, and potentially the  
14 whole county, as an area where solar development is  
15 prohibited. And at a later time in the process, we  
16 can, you know, show you some maps of kind of how these  
17 hoops of overlaying buffers render this facility and  
18 many other locations in the county incapable of  
19 development. So that's what the County handed off to  
20 EFSEC.

21 The buffers themselves, or setbacks, are from  
22 city or town limits. By the way, they are all  
23 seven-mile buffers, all of them, regardless of the  
24 resource issues or the like. So seven miles from city  
25 or town limits, seven miles from urban growth area



1 boundaries, seven miles from a couple of airports,  
2 seven miles from habitat areas -- and these are  
3 important words -- with sensitive, candidate,  
4 threatened, or endangered plants or wildlife. So it --  
5 what this really adds up to is what is tantamount to a  
6 prohibition of solar development on this site and  
7 others, which we believe to be a rather dull tool  
8 and -- and hope that we can find, you know, a path  
9 forward in the EFSEC process to kind of get to the  
10 bottom of what the appropriate evaluative tool is to  
11 actually appropriately evaluate the actual impacts of  
12 the project versus, you know, a kind of a categorical  
13 seven-mile buffer area that surrounds these resource  
14 areas.

15 So the code remains in discussion. It  
16 doesn't appear to us to be entirely settled. It is not  
17 clear that the accompanying mandatory comprehensive  
18 plan amendment adoptions have gone through or have been  
19 adopted. And we are unaware of whether the SEPA work,  
20 the State Environmental Policy Act work, supporting its  
21 adoption is yet complete. So we are, you know, kind of  
22 still in an area where this is sorting out, really, as  
23 we speak.

24 So, again, the procedural posture here is a  
25 bit unusual, due to the apparent inability to be

1 "consistent with the setback buffers," we -- and in  
2 consultation with your Attorney General, the Honorable  
3 Jon Thompson, we have determined that it's a tough case  
4 to make that this project is consistent with local land  
5 use zoning and plans.

6 So we do not -- and as we -- as I think you  
7 probably learned a month or so ago, we have conceded  
8 that this process is not eligible for expedited  
9 permitting. That was not an available tool. And that,  
10 in all likelihood, the issue of preemption and how to  
11 evaluate the County's code within the context of the  
12 State Environmental Policy Act and within the context  
13 of overall habitat issues, we anticipate that that's  
14 going to be addressed, ultimately, in an adjudication.

15 So while this does -- while this does mean  
16 that we're not in an expedited permitting process, it  
17 does not mean that the project shouldn't be evaluated  
18 expeditiously. And we anticipate that the Council  
19 will, of course, and Council staff, will take due  
20 regard for evaluating the environmental impacts of the  
21 project. We heard a considerable amount of testimony  
22 earlier about habitat issues. Those are very, very  
23 important issues that Avangrid takes very, very  
24 seriously and that we anticipate will, in fact, be very  
25 thoroughly evaluated in the SEPA process. But I

1 wouldn't even necessarily discount the potential that  
2 the project could be evaluated with an MDNS with  
3 specific and very critical focus on these habitat  
4 issues that have appropriately been raised previously.

5 So we see, frankly, no particular need for  
6 the Council, in this circumstance, to take a whole  
7 bunch of time to develop a land use consistency order.  
8 That's not the kind of process we're in here. We are  
9 here, at this point in time, because of the requirement  
10 in RCW 80.50.090 and WAC 463-26-050 to conduct a land  
11 use hearing. And in this case, that appears to me to  
12 be showing that land use is inconsistent. So we move  
13 on, is our hope.

14 So we do request that the Council press  
15 forward in all deliberate speed to consider this  
16 application. The project may or may not be eligible  
17 for a SEPA MDNS. But we anticipate that the Council  
18 and Council staff will not prejudge the wildlife issues  
19 and questions raised and that we will, in fact, be  
20 evaluating all this information in a very thorough,  
21 deliberative, and detailed process, which is the  
22 hallmark of EFSEC's review in the state of Washington.

23 So that is the applicant's presentation on  
24 land use. There, frankly, aren't a lot of facts to  
25 uncover and get to the bottom of here. I think this is

1 mostly issues of law. So we're not putting up  
2 testimony, other than the ability of Kirk Bromley to  
3 have a few things to say, should he wish to do so. So  
4 I would just ask if Kirk would like to do that, and  
5 I'll stand down, at this point, and take myself off the  
6 camera.

7 Thank you.

8 JUDGE BRADLEY: Thank you, Mr. McMahan.

9 Mr. Bromley, did you want to speak at this  
10 time?

11 MR. BROMLEY: Yes, ma'am. I would -- I would  
12 like to do that, if that's allowable.

13 JUDGE BRADLEY: Go ahead.

14 MR. BROMLEY: Thank you.

15 My name is Kirk Bromley. I'm a property  
16 owner on Badger Mountain, have been for many, many,  
17 many years. It's a generational ownership thing. I  
18 entered into a lease with Avangrid in 2017 in regard to  
19 this solar project. I was aware that Douglas County  
20 adopted an ordinance in 2020 imposing a moratorium on  
21 solar farm development. And I was aware that Avangrid  
22 was pursuing this process with EFSEC as an alternative  
23 to a county permitting process.

24 I'm not sure I remember exactly how I became  
25 aware, in the fall of this year, that Douglas County

1 had adopted an ordinance in July of 2021 ending the  
2 moratorium and referring all solar and wind energy  
3 applications to EFSEC. The ordinance that was adopted  
4 in July of 2021 also imposed some criteria, interim --  
5 they called it interim criteria that the County hoped  
6 the State would consider when reviewing the solar and  
7 wind applications. But one of this criteria is a  
8 seven-mile setback from a list of locations, including  
9 city boundaries and the Pangborn Airport in Wenatchee.

10 The airport is located on a bench above East  
11 Wenatchee and is many hundreds of feet in elevation  
12 below this proposed project site. I attended a  
13 Douglas County Planning Commission meeting this fall  
14 where the issues of the ordinance, the reference to  
15 the -- referral to the State, and the seven-mile  
16 setback were being discussed. And I inquired to the  
17 Planning Commission and the planning director as to how  
18 that seven-mile setback was arrived at. I was told at  
19 that meeting that in the original hearing in the  
20 summer, which, by the way, the County did not give any  
21 of us landowners notice of that hearing, and they were  
22 aware that we were all very interested, because we had  
23 public recordings of our leases with Avangrid.

24 But, anyway, what I was told was, there was a  
25 vocal number of folks that appeared at this county

1 commissioner meeting -- or public -- rather the public  
2 Commission meeting and were advocating a ten-mile  
3 setback. And I was told at that Planning Commission  
4 meeting that the seven-mile setback was basically a  
5 negotiated item. They -- there were admissions that  
6 there was no science with the seven miles. There was  
7 no precedent for the seven miles. And it was just done  
8 as an accommodation to these vocal folks that appeared  
9 at that meeting.

10 And at that meeting, the planning director  
11 talked about, "Well, maybe it wasn't making sense to  
12 have it seven miles. Maybe it should be three or four  
13 miles." Well, that meeting got continued. And then  
14 the next time we appeared at a meeting, the planning  
15 director and the Planning Commission basically ignored  
16 the seven-mile setback issue and just adopted the  
17 ordinance to be recommended to the county  
18 commissioners.

19 In my view, there is absolutely no logical  
20 reason to prohibit solar development on this project  
21 based on being seven miles from -- within seven miles  
22 of the Pangborn Airport. You can't see it from the  
23 airport. It's -- like I said, the elevation change is  
24 (inaudible), and you can't see it from anywhere. It's  
25 not going to adversely affect anybody or anything.

1 It's in a location that is strictly dryland wheat.  
2 There are no residences. I did hear Kevin Simmons  
3 testify. I think he is the only residence that's  
4 anywhere within striking distance of this development.  
5 But its impacts are going to be absolutely  
6 minimalistic.

7 Thank you.

8 JUDGE BRADLEY: All right. Thank you.

9 Would the County like to respond? Do we have  
10 a representative from Douglas County present?

11 All right. Any comments from the Assistant  
12 Attorney General?

13 MR. THOMPSON: Judge Bradley, I don't have  
14 anything to add at this time. I can provide written  
15 advice to the Council following this meeting, but I  
16 don't have anything to add at this point.

17 Thank you.

18 JUDGE BRADLEY: All right. Thank you.

19 CHAIR DREW: Perhaps if we could -- Judge  
20 Bradley, perhaps councilmembers might have questions  
21 for those who have -- the applicant who has testified  
22 so far.

23 JUDGE BRADLEY: Certainly. Thank you.

24 Councilmembers, any questions for the  
25 applicant?

1 Not hearing any.

2 Anyone else who would want to testify this  
3 evening strictly on the land use consistency?

4 I see a hand up from Mickey Fleming.

5 MS. FLEMING: Yes. Thank you.

6 I spoke before on the other matter. I'm with  
7 the Chelan-Douglas Land Trust. I'm also an attorney,  
8 and I've been practicing law since 1979, licensed in  
9 the state of Washington since 2008, Ohio since 1979,  
10 and spent most of my career on land use matters. I  
11 also have a degree in agriculture from Purdue  
12 University. So all of this information is near and  
13 dear to my heart.

14 I just want to mention that, really, Mr. --  
15 Counselor McMahan said before there's really not much  
16 to say about land use consistency here, because they  
17 admit that their proposal is not consistent with the  
18 Douglas County code. And with respect to that,  
19 Douglas County has spoken both through the interim  
20 controls that have been mentioned, passed in July of  
21 this year, and through its comprehensive plan, which  
22 was just adopted in September of 2021 after a process  
23 of many years that go into doing a new comprehensive  
24 plan. And I want to note that that comprehensive plan  
25 was developed during the entire time that Avangrid



1 mentions that it was working with county personnel or  
2 considering this application since 2018.

3 So I have submitted written comments that  
4 talk about provisions in the Douglas County code  
5 over -- and in the comprehensive plan. I won't go into  
6 all that detail. But just to note that the  
7 comprehensive plan makes very clear of the  
8 Douglas County's intention to maintain the rural  
9 character, the agricultural industry and economy in  
10 Douglas County, as well as its natural resources, open  
11 space, and cultural heritage.

12 That's another point that hasn't been  
13 mentioned earlier; that these lands are the cultural  
14 lands of both the Yakama Nation and the Colville  
15 Confederated Tribes, the Moses-Columbia Band, as well  
16 as the Wenatchee Band. And not only historically but  
17 currently, members of all of those Native American  
18 groups do a great deal of traditional root gathering  
19 and so forth in these areas. It's a primarily  
20 important area. And that is dealt with as one of the  
21 goals, in addition to agriculture, in addition to  
22 natural resources, is the preservation of cultural  
23 spots in Douglas County.

24 So while the applicant has clearly said that  
25 they're not trying to establish consistency, land use

1 consistency, here, because it isn't, I think that the  
2 guidance that the comprehensive plan gives us is --  
3 clearly shows that the County wants to preserve its  
4 assets and that -- not to have uses that are  
5 inconsistent. The Pangborn industrial area is the only  
6 place in the county that allows for industrial uses.

7 Thank you.

8 JUDGE BRADLEY: Thank you.

9 Anyone else who would like to testify on land  
10 use consistency?

11 MR. MEEHEY: Yes, Judge, I would like to make  
12 a comment.

13 JUDGE BRADLEY: I'm sorry. Who's speaking?

14 MR. MEEHEY: My name's Will Meehey  
15 (phonetic). I'm just a resident that lives in Badger  
16 Heights, which is just down below the proposed  
17 permitting area for this project.

18 JUDGE BRADLEY: Go ahead, please.

19 MR. MEEHEY: I just wanted to echo the  
20 previous lady's comments that I think it's clear, when  
21 you look at the zoning consistency for the permitting  
22 project compared to the traditional, historical use of  
23 the area, that it is not consistent with current  
24 zoning or any kind of previous zoning for the area.  
25 It would drastically change the character of the land

1 use and just the general area of this part of the  
2 state.

3 That's all I wanted to say. Thank you.

4 JUDGE BRADLEY: Thank you.

5 Anyone else who would like to testify on land  
6 use consistency?

7 Pat -- is it Doneen?

8 MR. DONEEN: Yes, Pat Doneen.

9 Yes, I would just -- yeah, thank you. I  
10 would just like to -- as a landowner in Douglas County,  
11 I would like to just go on record as expressing concern  
12 about the arbitrary nature of the ordinances passed by  
13 Douglas County. They seem to be very activist in  
14 nature and not based on any precedents or science. In  
15 fact, I think it's interesting to note, as I've pointed  
16 out to folks before, that you can fly into Indianapolis  
17 International Airport and see 87,000 solar panels  
18 within a mile of the airport. So it's clear that there  
19 is no science behind the view that you need to place  
20 solar panels seven miles away from an airport.

21 So, anyway, that's my point. I just want to  
22 go on record and encourage the State to perhaps look  
23 more broadly at the question of, you know, what's the  
24 underlying precedents or science that might drive these  
25 decisions and not be influenced by the activism of

1 local officials.

2 JUDGE BRADLEY: Thank you.

3 Anyone else like to speak on the land use  
4 consistency?

5 Not hearing any further requests to speak.

6 All right. So, Chair West [sic], I believe  
7 the process now is to conclude the hearing, and then  
8 the Council will prepare a written decision. And then  
9 depending on that decision, the process may proceed to  
10 adjudication; is that correct?

11 CHAIR DREW: I think that we will now close  
12 the hearing. We -- because they have not requested  
13 expedited processing, I don't believe that we need to  
14 issue a decision, but we will deliberate about that  
15 with advice from our counsel as well. But this is in  
16 taking the testimony tonight, and we will determine  
17 the steps forward, one of which will be a SEPA review.  
18 And then as -- after we conduct the SEPA review, we  
19 will determine the next steps on adjudication.

20 JUDGE BRADLEY: All right. Thank you for  
21 clarifying that.

22 CHAIR DREW: Is that also correct,  
23 Ms. Bumpus? Did you have anything else to add?

24 MS. BUMPUS: That's correct, Chair Drew.  
25 Thank you.

1 JUDGE BRADLEY: All right. I did see a  
2 question about the deadline for submitting comments in  
3 writing. And I believe for this -- at least this  
4 proceeding, that is midnight tonight; is that correct?

5 CHAIR DREW: Yes, it is, for this proceeding,  
6 specifically. At any time, the public is welcome to  
7 send us comments, which we will keep on the record.

8 JUDGE BRADLEY: Understood. Thank you. I  
9 hope that answered the question in the chat.

10 All right. Well, I want to thank everyone  
11 for your participation this evening and for your  
12 presentations. We will conclude the hearing at this  
13 time. And I hope that all of our participants and  
14 observers stay safe and healthy. And we'll let the  
15 Council get on with their work.

16 CHAIR DREW: Thank you. And this meeting is  
17 adjourned. Thank you, Judge Bradley.

18 JUDGE BRADLEY: Thank you.

19 (Videoconference public meeting  
20 concluded at 7:32 p.m.)

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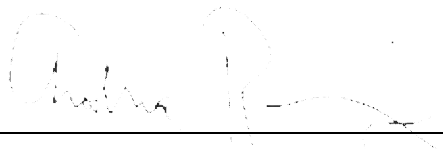
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STATE OF WASHINGTON  
COUNTY OF KITSAP

I, Andrea Ramirez, a Certified Court 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.

  
\_\_\_\_\_  
ANDREA RAMIREZ, CRR, RPR  
WA CCR# 21022142

