

Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

November 15, 2022



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
NOVEMBER 15, 2022
1:30 p.m.

Virtual Council Meeting
Verbatim Transcript of Proceedings

(All parties appearing via videoconference.)

REPORTED BY: Brianna Figueras, RSR, CCR #22013454

A P P E A R A N C E S

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Councilmembers:
KATHLEEN DREW, Chair
ELI LEVITT, Department of Ecology
LENNY YOUNG, Department of Natural Resources
MIKE LIVINGSTON, Department of Fish and Wildlife
KATE KELLY, Department of Commerce
STACEY BREWSTER, Utilities and Transportation Commission
Local Government and Optional State Agencies for the Horse
Heaven Project:
DEREK SANDISON, Department of Agriculture
Badger Mountain Project:
JORDAN JULIO, Douglas County

Wautoma Solar Project:
DAVE SHARP, Benton County
PAUL GONSETH, Washington State Department of Transportation

Assistant Attorney General:
JON THOMPSON
Administrative Law Judge:
ADAM TOREM
LAURA BRADLEY
DAN GERARD

EFSEC Staff:
AMI HAFKEMEYER
AMY MOON
PATRICIA BETTS
STEW HENDERSON
JOAN OWENS
DAVE WALKER
SONJA SKAVLAND
SARA RANDOLPH
SEAN GREENE
LANCE CAPUTO
JOHN BARNES
ERIC MELBARDIS, Kittitas Valley Wind
JENNIFER GALBRAITH, Wild Horse Wind Power Project
CHRIS SHERIN, Grays Harbor Energy Center
MICHAEL ADAMS, Chehalis Generation Facility
DENNIS MEHINAGIC, Columbia Generating Station
OWEN HURD, Columbia Solar
MEGAN SALLOMI, Counsel for The Environment

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

2 CHAIR DREW: Good afternoon. This is
3 Kathleen Drew, chair of the Energy Facility Site
4 Evaluation Council, calling our November meeting
5 to order.

6 Ms. Grantham, will you call the role?

7 MS. GRANTHAM: Yes.

8 Department of Commerce?

9 MS. KELLY: Kate Kelly, present.

10 MS. GRANTHAM: Department of Ecology?

11 MR. LEVITT: Eli Levitt, present.

12 MS. GRANTHAM: Department of Fish and
13 Wildlife?

14 MR. LIVINGSTON: Mike Livingston, present.

15 MS. GRANTHAM: Department of Natural
16 Resources?

17 MR. YOUNG: Lenny Young, present.

18 MS. GRANTHAM: Utilities and Transportation
19 Commission?

20 MS. BREWSTER: Stacy Brewster, present.

21 MS. GRANTHAM: Local government and optional
22 state agencies for the Horse Heaven Project?

23 Department of Agriculture, Derek Sandison?

24 MR. SANDISON: Derek Sandison, present.

25 MS. GRANTHAM: Benton County, Ed Brost?

1 For the Badger Mountain Project,
2 Douglas County?

3 MS. JULIO: Jordan Julio, present.

4 MS. GRANTHAM: For the Wautoma Solar
5 Project, Benton County, Dave Sharp?

6 MR. SHARP: Dave Sharp, present.

7 MS. GRANTHAM: Washington State Department
8 of Transportation, Paul Gonseth?

9 MR. GONSETH: Paul Gonseth, present.

10 MS. GRANTHAM: The assistant attorney
11 general?

12 MR. THOMPSON: Jon Thompson, present.

13 MS. GRANTHAM: Thank you.

14 Administrative law judges, Adam Torem?

15 JUDGE TOREM: This is Judge Torem. I'm
16 here.

17 MS. GRANTHAM: Laura Bradley?

18 JUDGE BRADLEY: This is Judge Bradley,
19 present.

20 MS. GRANTHAM: Dan Gerard?

21 JUDGE GERARD: Judge Gerard, present.

22 MS. GRANTHAM: For EFSEC staff,
23 Sonia Bumpus?

24 Ami Hafkemeyer?

25 MS. HAFKEMEYER: Ami Hafkemeyer, present.

1 MS. GRANTHAM: Amy Moon?

2 MS. MOON: Amy Moon, present.

3 MS. GRANTHAM: Patty Betts?

4 MS. BETTS: Patty Betts, present.

5 MS. GRANTHAM: Stew Henderson?

6 MR. HENDERSON: Stew Henderson, present.

7 MS. GRANTHAM: Joan Owens?

8 MS. OWENS: Joan Owens, present.

9 MS. GRANTHAM: Dave Walker?

10 MR. WALKER: Dave Walker, present.

11 MS. GRANTHAM: Sonja Skavland?

12 MS. SKAVLAND: Sonja Skavland, present.

13 MS. GRANTHAM: Lisa Masengale?

14 Sara Rudolph?

15 MS. RANDOLPH: Sara Randolph, present.

16 MS. GRANTHAM: Sean Greene?

17 MR. GREENE: Sean Greene, present.

18 MS. GRANTHAM: Lance Caputo?

19 MR. CAPUTO: Lance Caputo, present.

20 MS. GRANTHAM: John Barnes?

21 For the operational --

22 (Indiscernible chatter from unmuted speaker.)

23 MS. GRANTHAM: Is that John Barnes?

24 If you have an open mic, please make sure to

25 mute it.

1 For the operational updates, Kittitas Valley
2 Wind Project?

3 MR. MELBARDIS: Eric Melbardis, present.

4 MS. GRANTHAM: Wild Horse Wind Power
5 Project?

6 MS. GALBRAITH: Jennifer Galbraith, present.

7 MS. GRANTHAM: Grays Harbor Energy Center?

8 MR. SHERIN: Grays Harbor Energy Center.

9 Chris Sherin is present.

10 MS. GRANTHAM: Chehalis Generation Facility?

11 MR. ADAMS: Mike Adams, present.

12 MS. GRANTHAM: Columbia Generating Station?

13 MR. MEHINAGIC: Dennis Mehinagic, present.

14 MS. GRANTHAM: Columbia Solar?

15 MR. HURD: Owen Hurd, present.

16 MS. GRANTHAM: And for the Council for the
17 Environment?

18 MS. SALLOMI: Megan Sallomi, present.

19 MS. GRANTHAM: Chair, there is a quorum for
20 the regular council, the Horse Heaven council,
21 Badger Mountain, and the Wautoma councils.

22 Thank you.

23 CHAIR DREW: Thank you.

24 We'll now move on to the proposed agenda.

25 You did see a revised agenda that recently just

1 came out, which --

2 Ms. Grantham, can you tell me again what the
3 change was between the earlier agenda and the
4 revised agenda?

5 MS. GRANTHAM: Yes.

6 So the revision was under Horse Heaven Wind
7 Farm. It is the DEIS update. Before, it was the
8 SEPA update. And we have Amy Moon covering that.

9 (Stenographer interruption to inform that no audio had been
10 heard via Microsoft Teams.)

11 UNIDENTIFIED SPEAKER: Yeah. I had about a
12 45-second gap.

13 MR. SHARP: This is Dave Sharp. My audio
14 has been off also.

15 MS. GRANTHAM: Can you hear us now?

16 MR. SHARP: Yes.

17 MS. GRANTHAM: Okay.

18 Chair, can you please start over from the
19 beginning of the minutes, just to get the record
20 corrected?

21 CHAIR DREW: Okay.

22 MS. GRANTHAM: Thank you.

23 CHAIR DREW: Am I being heard now?

24 UNIDENTIFIED SPEAKER: Yes.

25 CHAIR DREW: Okay. Thank you.

1 So the corrections to the minutes, starting
2 with Page 24, Line 1, "interested party,"
3 singular, should be "parties," plural. And on
4 Page 11, Lines 17 and 20, T-R-I-D-U-U-M should be
5 T-R-I-T-I-U-M.

6 Was that heard by everybody?

7 UNIDENTIFIED SPEAKER: Yep.

8 CHAIR DREW: Stenographer, please? Brianna,
9 did you get that?

10 STENOGRAPHER: Yes. I can hear. Thank you.

11 MR. SHARP: Dave Sharp heard.

12 CHAIR DREW: Okay. Thank you.

13 So now, any other corrections to the
14 minutes?

15 Hearing none. All those in favor of
16 approving the meeting minutes from October 18th
17 as corrected, please say "aye."

18 COUNCILMEMBERS: Aye.

19 CHAIR DREW: Opposed?

20 Meeting minutes are approved.

21 Moving on to our ~~professional~~ ^{facility} updates,
22 Kittitas Valley Wind Project, Mr. Melbardis?

23 MR. MELBARDIS: Good afternoon, EFSEC staff,
24 Chair Drew. This is Eric Melbardis with EDP
25 Renewables, Kittitas Valley Wind Power Project.

1 We have nothing nonroutine to report for the
2 period. We're just getting our site in shape for
3 winter.

4 CHAIR DREW: Thank you.
5 Wild Horse Wind Power Project,
6 Ms. Galbraith?

7 MS. GALBRAITH: Yes, thank you, Chair Drew,
8 Councilmembers, and staff. This is
9 Jennifer Galbraith with Puget Sound Energy at the
10 Wild Horse Wind Facility, and I have nothing
11 nonroutine to report for the month of October.

12 CHAIR DREW: Thank you.
13 Chehalis Generation Facility, I believe we
14 have Michael Adams, Mike Adams, with us.

15 MR. ADAMS: That's correct.
16 So good afternoon, Chair Drew, EFSEC Council
17 and staff. For the record, this is Mike Adams,
18 plant manager, representing Pacificorp Chehalis
19 Generation Facility.

20 Nothing nonroutine to report for the month
21 of October. We are looking forward to tomorrow's
22 scheduled visit by EFSEC staff and the fire
23 marshal.

24 And I have nothing further.

25 Any questions?

1 CHAIR DREW: Any questions for Mr. Adams?

2 Thank you.

3 MR. ADAMS: Thank you.

4 CHAIR DREW: Gray's Harbor Energy Center,
5 Mr. Sherin?

6 MR. SHERIN: Good afternoon, Chair Drew,
7 Councilmembers, and staff. Chris Sherin, plant
8 manager, Gray's Harbor Energy Center.

9 For the month of October, the only
10 nonroutine item we have to report is that we
11 submitted a revised Relative Accuracy Test Audit
12 and sulfuric acid source test result.

13 "An investigation was conducted to determine
14 the cause of the sulfuric acid and sulfur dioxide
15 source tests for Gas Turbines 1 & 2 to result in
16 a ratio greater than the one in the source test
17 report issued on September 30th. A ratio less
18 than one is an unexpected result based on the
19 theoretical calculations for converting sulfur
20 dioxide to sulfuric acid in gas turbine exhaust.
21 The source test contractor investigated this
22 issue and identified an error was made on the
23 chain of custody paperwork and sample labels for
24 the sulfuric acid and sulfur dioxide samples.
25 The error resulted in a mix-up between the

1 sulfuric acid and the sulfur dioxide samples at
2 the laboratory. This caused the laboratory to
3 report the sulfuric acid results as SO2" -- or
4 sulfur dioxide -- "and the sulfur dioxide results
5 as sulfuric acid. Sulfur dioxide and the
6 sulfuric acid samples are analyzed using an
7 identical test method at the laboratory and there
8 is no way to differentiate between whether a
9 sample contains sulfuric acid or sulfur dioxide
10 without proper sample control and labeling. The
11 sample mix-up was identified by comparing the
12 sulfuric acid and sulfur dioxide sample volumes.
13 The laboratory report indicated that the sulfuric
14 acid samples had a larger volume than the sulfur
15 dioxide samples. Per the source test contractor,
16 the larger volume sample containers were
17 erroneously labeled as condenser rinses" -- or
18 for the sulfuric acid -- "when the smaller volume
19 bottles were actual condenser rinses. Sulfuric
20 acid/sulfur dioxide laboratory report was revised
21 and reissued based on correctly labeled samples,
22 and the revised source test report was generated
23 by the source test contractor to incorporate the
24 revised laboratory results. The sulfuric
25 acid/sulfur dioxide ratios in the revised report

1 are less than one" -- as expected -- "and are
2 similar results to those of the tests conducted
3 in past years."

4 CHAIR DREW: Mr. Sherin, how often do you
5 have that test conducted?

6 MR. SHERIN: The source tests are normally
7 five-year intervals.

8 CHAIR DREW: Okay. So you found out what
9 the -- that it was mislabeled in this instance?

10 MR. SHERIN: Yes, Chair Drew.

11 CHAIR DREW: Okay. Thank you.

12 Are there any other questions from
13 councilmembers?

14 Thank you for that update. And you have a
15 little bit more here in terms of current upcoming
16 projects?

17 MR. SHERIN: Yes. We -- earlier in the
18 year -- I believe it was April -- we submitted
19 modification for the operating permit and PSD
20 permit. Amendment 5.

21 CHAIR DREW: And that's under review at this
22 point?

23 MR. SHERIN: Yes, it is.

24 CHAIR DREW: Okay. Thank you.

25 Any other questions for Mr. Sherin?

1 Thank you.

2 Moving on to Columbia Generating Station and
3 WNP-1 and 4. And we have Mr. Mehina -- okay.
4 You're going to have to help me with your name,
5 sir.

6 Dennis?

7 Is there someone from Energy Northwest?

8 MS. MOON: Chair Drew, this is Amy Moon with
9 EFSEC. But maybe Dennis is --

10 MR. MEHINAGIC: Can you hear me now?

11 MS. MOON: Oh, there he is. There we go.
12 Thank you.

13 MR. MEHINAGIC: Good afternoon Chair Drew,
14 EFSEC Council and staff.

15 For the record, this is Dennis Mehinagic,
16 reporting for Columbia Generating Station and for
17 WNP-1 and 4. For October of this year, I have
18 one item to report on.

19 "On October 26th, 2022, Washington State
20 Department of Ecology conducted a Synthetic Minor
21 Air Permit Inspection at Columbia Generating
22 Station. The purpose of the inspection was to
23 assess the station's compliance with EFSEC Order
24 Number 873. The inspectors conducted a visual
25 inspection of diesel generators and the auxiliary

1 boiler. No deficiencies were noted by Ecology
2 during the walk-down and exit meetings."

3 Those are all the updates I have for
4 October.

5 CHAIR DREW: Thank you.

6 Are there any questions for Mr. Mehinagic?

7 Okay. Thank you.

8 Columbia Solar Project, Mr. Hurd?

9 MR. HURD: All right. Good afternoon,
10 Chair Drew, Councilmembers, and EFSEC staff.
11 This is Owen Hurd from Tuusso Energy, reporting
12 on the Columbia Solar Projects.

13 Penstemon is currently operational. There
14 was a question last week about the generation
15 thus far, and so, for the month of October, we
16 had 796 megawatt hours of generation, so it works
17 out to about a 21 percent capacity factor. And I
18 think there were a couple days in there where the
19 plant was taken offline, so that may stabilize a
20 little bit higher than where it currently is.

21 Camas is currently operational, and next
22 month, we can include generation data from that.

23 And then Urtica, we finally achieved the PSE
24 Witness Test. We completed that mechanical
25 completion, so we're now just marching toward

1 substantial completion, which is expected on the
2 23rd. And then, we have some rocks on site that
3 need to be removed off of Urtica. And then,
4 we'll begin seeding shortly after that.

5 That's all I've got.

6 CHAIR DREW: Thank you very much.

7 Horse Heaven Wind Farm? Ms. Moon with the
8 DEIS update?

9 MS. MOON: Thank you, Chair Drew.

10 Good afternoon. For the record, this is
11 Amy Moon, EFSEC staff member. I'm providing a
12 draft Environmental Impact Statement, or draft
13 EIS update, on the Horse Heaven Wind Project.

14 EFSEC staff continued our work preparing the
15 draft EIS. We are focused on finalizing the
16 document for a late-fall publication, including
17 compiling the draft EIS sections into a cohesive
18 document and finalization of an executive summary
19 and fact sheet.

20 As a reminder, a minimum 30-day comment
21 period is required; however, due to the timing of
22 the draft EIS issuance, EFSEC is extending this
23 by 15 days, as allowed by the Washington
24 Administrative Code 197-11-455. And that's
25 Item 7 in that WAC.

1 This is to allow the public time to review
2 in light of the winter holidays.

3 Any questions on that?

4 CHAIR DREW: So the 45 days would begin from
5 the date of issuance of the DEIS, so they've not
6 begun yet in terms of the --

7 MS. MOON: Correct.

8 CHAIR DREW: -- comment period?

9 MS. MOON: Correct.

10 CHAIR DREW: Thank you.

11 MS. MOON: Correct.

12 And then, I also wanted to thank the EFSEC
13 Council for attending the Horse Heaven site tour
14 on November 1st. And although the weather was
15 wet and rainy for that tour, the site tour
16 hopefully will provide helpful information in
17 understanding the proposed project, the existing
18 environment, and project impact analysis during
19 your review of that draft EIS.

20 Does the council have any questions?

21 CHAIR DREW: Any questions for Ms. Moon?

22 Thank you.

23 MS. MOON: You're welcome.

24 CHAIR DREW: We're now moving to the DEIS
25 presentation by Patricia Betts.

1 Ms. Betts?

2 MS. BETTS: Greetings, Chair Drew, EFSEC
3 Council and staff and the public.

4 For the record, my name is Patricia Betts.
5 I provide support to EFSEC for implementing the
6 State Environment Policy Act for the Horse Heaven
7 proposals, environmental review, and EIS
8 preparation.

9 CHAIR DREW: Can you pause for just a
10 minute?

11 Is there a way we can have the volume up?

12 MS. BETTS: I apologize.

13 Is that better?

14 CHAIR DREW: That's okay.

15 MS. BETTS: Okay.

16 I have prepared a presentation to provide
17 some basic information about an Environmental
18 Impact Statement and to talk a little bit about
19 the contents about this EIS and about reviewing
20 it.

21 I'm happy to take questions at the end of
22 the presentation. I have not prepared a long
23 list of slides, but I do have a fair amount of
24 information that I'd like to share with each of
25 those that I have prepared.

1 CHAIR DREW: Okay. If you can just move
2 closer to your microphone, because we are having
3 a little bit of trouble hearing you, that would
4 be great.

5 MS. BETTS: Is this better?

6 CHAIR DREW: Just a little bit.

7 MS. BETTS: Okay. All right. One second
8 and I will move my laptop closer to me.

9 Okay. Is this any better?

10 CHAIR DREW: Quite a bit, thank you.

11 MS. BETTS: Okay.

12 All right. So we can move to the first
13 slide, "What is an Environmental Impact
14 Statement."

15 So SEPA stands for the State Environmental
16 Policy Act. And in regards to what an EIS is,
17 I'm going to just talk about four basic points on
18 what an EIS analyzes and when an EIS is prepared.

19 An EIS requires agencies, with an agency
20 action, on a proposal, to consider the adverse
21 environmental impacts of the proposal prior to
22 making a decision whether to approve, approve
23 with conditions, or deny the proposal.

24 It's prepared when there's an indication the
25 proposal would or could result in significant

1 adverse environmental impacts or when the agency
2 and the applicant agree an EIS is the best
3 approach for analyzing the impacts of the
4 proposal. And I believe, in the case of this
5 project, we did -- the applicant and EFSEC
6 ultimately did agree that an EIS was the best
7 path forward for this project -- or for this
8 proposal.

9 An EIS analyzes the adverse environmental
10 impacts of the proposal and identifies mitigation
11 that could reduce those impacts. It also
12 examines any alternatives to the proposal that
13 would meet the objectives of that proposal, but
14 with lower environmental consequences, and it
15 generally does not examine positive environmental
16 impacts of the proposal, except when those
17 positive impacts could be mitigating identified
18 adverse environmental impacts that are in the
19 EIS.

20 A draft EIS provides the public, local,
21 state, and federal agencies and tribal
22 governments the opportunity to comment on the
23 completeness and accuracy of the EIS before it is
24 finalized.

25 And then, thirdly, the EIS analyzes

1 environmental impacts and must be used by agency
2 decision-makers along with other relevant
3 considerations or documents in making final
4 decisions on a proposal.

5 So it is not the only document or
6 considerations that will be used by
7 decision-makers to decide whether to approve,
8 approve with conditions, or deny the proposal.
9 For example, decision-makers may take the general
10 welfare, social, economic, and state policy into
11 account in weighing and balancing alternatives
12 and in making final decisions.

13 So it's a very important document, but it's
14 not the only piece of information that
15 decision-makers use.

16 We can move to the next slide.

17 The table presented on this slide will be
18 found at the end of Chapter 1, and it provides a
19 little bit of information about each of the
20 chapters. And I'm just going to briefly talk
21 about those.

22 There's an executive summary, and it is not
23 intended as a standalone document. It provides
24 fundamental information, but each chapter, such
25 as 2, 3, 4, and 5, provides a more complete

1 ~~effective~~
2 ~~effective~~ discussion. It -- the summary includes
3 a large summary table; however, the tables at the
4 end of each resource section in Chapter 4 provide
5 a more comprehensive assessment and directly
6 reflect the information provided in that resource
7 section's narrative.

8 The executive summary also includes a
9 comprehensive list of key issues, and those are
10 not discussed in other chapters of the document,
11 so that is specific to the executive summary.

12 Chapter 1, purpose of action provides an
13 introduction to the proposal, the applicant, the
14 SEPA process, agency decision-making, and maybe a
15 ~~short~~ ~~short~~ -- a very, very brief discussion or court
16 summary of the key issues.

17 The Chapter 2, the information in Chapter 2
18 is the applicant's description of their proposal.
19 It covers construction, operation, and
20 decommissioning. The applicant identified a
21 maximum footprint for the proposals so that the
22 adverse environmental impacts of all possible
23 components would be analyzed.

24 This chapter also provides a collated list
25 of applicant commitments, so if a reader has a
question about what the proposal will entail,

1 this section should provide that information.

2 Alternatives are also discussed at the end
3 of Chapter 2. The proposal is also known as an
4 action alternative, and so there is also a
5 no-action alternative, which analyzes the impacts
6 to the environment if the proposal were not
7 permitted and constructed. And this provides a
8 comparison of environmental impacts with and
9 without the project.

10 Only one action alternative was analyzed in
11 the draft EIS, which is the applicant's proposal.
12 Although there are no other action alternatives,
13 the EIS does examine the specific adverse
14 environmental impacts of some of the components
15 of the proposal. For example, it examines the
16 turbinized option of up to 150 taller turbines and
17 the turbinized option of up to 244 shorter turbines
18 and the three different solar array locations.

19 And so this additional information about
20 each of those components can identify which, if
21 any, of those components are contributing to a
22 medium or high impact and will assist in further
23 examination of possible options to mitigate the
24 impact of those components and ultimately reduce
25 the impact of the comprehensive proposal.

1 Chapter 3 is the -- about the project. I'm
2 sorry, the -- it's about the environment -- the
3 existing -- affected environment is covered in
4 Chapter 3, and the project -- because the project
5 is going to cause disturbance and impacts to
6 environmental resources, it's important for us to
7 know what the existing condition is of the
8 resources that are going to be affected by the
9 project.

10 There's actually 14 environmental resource
11 topics covered in the EIS. There's the natural
12 environment, which includes earth, air,
13 vegetation and habit; and then, there's the built
14 environment, which includes energy, land, and
15 shoreline use; historic and cultural resources;
16 visual; noise and vibration; recreation; public
17 health and safety; transportation; public
18 services; and utilities.

19 Socioeconomics is normally not analyzed in
20 an EIS; however, EFSEC rules require
21 socioeconomics to be analyzed. Rather than
22 creating a separate socioeconomics document, it
23 is included in the EIS as the 15th topic.

24 In order to understand the impacts of the
25 proposal, we need to first understand the

1 existing environmental condition of the
2 environment that can be impacted by the project.
3 For some environmental resources, we may need to
4 understand the environmental condition off-site
5 as well. For example, if a project creates noise
6 during construction, that noise may extend beyond
7 the project site. In Chapter 3, the EIS collects
8 information about the existing sound conditions
9 and the type of activities -- such as
10 residential, recreation, commercial,
11 industrial -- in the areas where the project's
12 construction noise can reach.

13 Additionally, environmental justice impacts
14 are examined in the "Socioeconomics" section.
15 Environmental justice analyzes disproportionate
16 adverse impacts to low-income and minority
17 populations. And that -- and although, as I had
18 mentioned, socioeconomics is not a traditional
19 part of an EIS, environmental justice issues have
20 become a standard part of EIS. It just makes
21 sense, though, to put it in the "Socioeconomics"
22 section.

23 For Chapter 4, the impact analysis in
24 Chapter 4 is based on the project description
25 information provided by the applicant in

1 Chapter 2. The terms "direct" and "indirect"
2 relates to the impacts of the proposal on the
3 various environmental resources. It examines the
4 changes that would occur to the existing
5 conditions described in Chapter 3 and translates
6 those changes as appropriate into environmental
7 impacts.

8 Impacts can be very close in time and
9 distance from the project -- for example,
10 vegetation that's removed during construction --
11 and can also be later in time or farther in
12 distance but still be the result of the project.
13 For example, the vegetation that was removed
14 provided a food source or range area for
15 wildlife. Both are impacts of the proposal. It
16 is less important to worry whether an impact is
17 direct or indirect and more important to ensure
18 both types of impacts are considered.

19 And then, lastly, we -- there are a variety
20 of options for accomplishing mitigation, and
21 that's another discussion that occurs in
22 Chapter 4. There may be avoidance; there may be
23 minimization; there may be rectifying the impact,
24 reducing or eliminating the impact over time,
25 compensating for the impact, and/or monitoring

1 with a contingency. We consider all those forms
2 of mitigation, and I expect you will see all
3 those included as part of the comprehensive
4 package of mitigation measures that have been
5 identified for this project.

6 And then, we also have a responsibility with
7 regards to determining significance. In SEPA, it
8 is defined as a reasonable likelihood of more
9 than a moderate adverse impact on environmental
10 equality. And, as my mentor often said -- she
11 would say that -- suggest that that was "clear as
12 mud." And it is a very -- somewhat vague
13 description of how one would determine
14 significance.

15 But we are required to identify significant
16 adverse environmental impacts that cannot or will
17 not be mitigated, and we have done so in the EIS.
18 And as part of being able to determine
19 significance, we've used four factors, which
20 are -- will be identified as impact ratings in
21 the EIS. And we've used four factors that are
22 descriptors, you might say, or adjectives that
23 are used for helping to identify how one is going
24 to determine significance, and those are
25 magnitude, duration, likelihood, and the spatial

1 or extent or setting of the impacts.

2 Each factor helps the reader to consider how
3 much of an environmental concern the impacts
4 should be. And the beginning of each resource
5 section in Chapter 4 defines these four factors.

6 And then for magnitude, the description is
7 actually covered in each resource section and is
8 unique to that resource. So there will be
9 specific identifiers and descriptions for earth
10 and how one determines magnitude as it relates to
11 earth, as it relates to air, as it relates to
12 water, and so on.

13 And then, lastly, there's the "Cumulative
14 Impacts" section. And that -- the cumulative
15 impacts are those that are direct and indirect
16 impacts of the proposal that can increase in
17 significance when considered along with past,
18 present, and reasonably foreseeable future
19 projects that have also impacted the same
20 resource. So, for example, loss of habitat
21 within our wildlife movement corridors
22 contributes to habitat fragmentation and barriers
23 to wildlife by affecting an animal's ability to
24 move between habitats on the landscape. It can
25 present obstacles that can deter wildlife

1 movement, such as fences or roads, and/or require
2 wildlife to expend additional energy to move
3 around.

4 The project has the potential to contribute
5 to these cumulative barriers to wildlife movement
6 along with past, present, and reasonably
7 foreseeable future projects.

8 So that's an example of a cumulative impact
9 issue that we look at in this EIS.

10 And then -- and this -- and cumulative
11 impacts are -- besides direct and indirect
12 impacts, SEPA requires us to consider cumulative
13 impacts in how the proposal contributes to those.
14 So it's a mandatory part of analysis in an EIS.

15 We can move to the next slide.

16 So just wanted to maybe provide a few
17 pointers for reviewing the draft EIS and kind of
18 understanding the overall organization of the
19 document.

20 It's important to understand that all the
21 chapters are interrelated. Don't be surprised if
22 you end up moving between chapters as you read
23 about a particular topic. The executive summary
24 provides brief information about the entire EIS
25 and provides additional context for reviewing the

1 rest of the chapters, but it is not a summarized
2 regurgitation of the whole document, which might
3 be the case for -- or expectation when you see
4 something labeled as an "Executive Summary."

5 Remember that the end of Chapter 1 describes
6 the contents of each chapter, if you need a
7 refresher of how it's all put together. And
8 familiarize yourself with the proposal and the
9 information in Chapter 2. And that's just the
10 proposal description.

11 And the beginning of Chapter 3 and 4
12 provides some basic explanation about key terms
13 and content that applies to all of Chapter 3 and
14 4. And then, use Chapter 3 and 4 together. You
15 can read about the impacts of Chapter 4 and refer
16 to the information in Chapter 3 to understand how
17 or why the impacts are identified in Chapter 4.
18 And then, the end of each Chapter 4 resource
19 section also identifies the applicant commitments
20 relevant to that resource topic, and it
21 summarizes the impacts of the proposal and
22 identifies mitigation and help that can help to
23 reduce those impacts.

24 Refer to the appendices when you want more
25 detailed information on a particular resource

1 discussed in Chapter 4.

2 Next slide.

3 So providing comments on the draft EIS.

4 EFSEC's created a comment database that
5 commenters can use to submit their comments, and
6 the link to that database will be provided on
7 EFSEC's Horse Heaven website along with the draft
8 EIS.

9 Comments should be as specific as possible
10 and may address either the adequacy of the EIS
11 and/or the merits of the alternatives discussed.
12 The public is encouraged to comment on the
13 methodology needed, additional information, and
14 mitigation measures.

15 For example, is information missing or
16 incorrect? Is there additional mitigation that
17 should be considered? Or are there impacts that
18 are being underrated or overrated?

19 Or, for example, you might think that just
20 the spatial extent of the -- of an impact may be
21 incorrectly described. Maybe instead of being
22 local, you might think it should be more of a
23 regional impact.

24 Remember to provide your reasoning for why
25 the ratings should be changed. And, because

1 EFSEC is responsible for the completeness and
2 accuracy of the information in the EIS, we review
3 the comments and confirm any information that is
4 provided by commentators before inserting any
5 changes into the final EIS.

6 So the more evidence and/or explanation as
7 to why you think something should be changed or
8 added or deleted will provide us with the
9 information that we need to confirm that it's a
10 relevant comment that we need to use for
11 modifying the EIS or collecting additional
12 information.

13 There are comments that are not relevant on
14 an EIS, and they are not used for the final EIS
15 and not used as kind of as a substantive --
16 considered a substantive comment received. So
17 expressions of support or opposition of the
18 proposal are not going to be useful. Comments of
19 the value for -- another example might be
20 comments about the value of renewable energy --
21 or the use of fossil fuels are, as well, not the
22 kind of comments that are going to help us to
23 improve the completeness and accuracy of the EIS.

24 And to the last slide on the final
25 Environmental Impact Statement.

1 As I mentioned above, there will be a final
2 Environmental Impact Statement, and there are
3 changes that occur between the draft EIS and the
4 final EIS. Those are expected and normal. For
5 example, for one thing, the -- during the EIS
6 process, projects -- or applicants respond to the
7 identified environmental impacts. They often
8 make adjustments to the proposal based on the
9 information about impacts and mitigation in the
10 draft EIS.

11 Applicants may have identified other changes
12 or details related to the proposal as a result of
13 further work defining the proposal, so that's one
14 kind of change that we might find between the
15 draft and the final.

16 Also, the project description, applicant
17 commitments, and agency-identified mitigation
18 typically evolves. Although changes to the
19 project during the process creates more work
20 between the draft and the final EIS, the changes
21 also meet the intent of SEPA, which is to result
22 in an environmentally improved project.
23 Decision-makers will ultimately decide whether
24 that refined project should be approved, approved
25 with conditions, or denied.

1 And, lastly, a final EIS includes responses
2 to public comments, more analysis when warranted,
3 responding to those comments, new analysis,
4 responding to project changes, and more or
5 refined mitigation.

6 So that brings me to the end of the
7 presentation. I appreciate you letting me get
8 through that.

9 Are there any questions that you --
10 follow-up questions that you -- anybody has?

11 CHAIR DREW: Thank you, Ms. Betts, for your
12 very thorough description of what to expect in
13 each section and how to review the EIS. I think
14 that serves the council well and, hopefully, also
15 the people that are listening and participating
16 on this call as they review it and look and
17 prepare comments.

18 Again, once the draft EIS is published, it
19 will be 45 days from that that you will have an
20 opportunity to comment.

21 Are there questions from the Horse Heaven
22 councilmembers?

23 Mr. Levitt?

24 MR. LEVITT: I have one brief question.

25 Can you talk briefly about -- I see there's

1 seven agencies that provided scoping comments,
2 and just from a technical standpoint, how you go
3 about integrating feedback on the scope?

4 And I also see there were no tribal comments
5 during the scoping. Could you just briefly talk
6 about the scoping comments, please?

7 MS. BETTS: Well, if I remember correctly --
8 and I don't remember exactly which those seven
9 agencies were, but basically, what happens is
10 that we follow up with all those agencies as
11 we're working on preparing the draft EIS. We get
12 clarification from them on what their concerns
13 are, but then we include them to assist us
14 with -- clearly collect -- if we need to collect
15 additional information.

16 If we need to actually do some additional
17 work, either with the applicant -- in at least
18 one case, we brought everybody together and not
19 only kind of, like, figured out how to define the
20 project, how to identify the impacts, but also to
21 discuss mitigation and come up with additional
22 ideas for mitigation. And some of those things
23 would -- ended up being applicant commitments,
24 and some of those ended up being additional
25 mitigation that, based on feedback from those

1 agencies and our consultant, et cetera, those --
2 we have identified additional mitigation that was
3 warranted.

4 We also did the -- did actually do a great
5 deal of outreach with the Yakima tribe -- or the
6 Yakima Nation, and we are continuing to do that
7 work -- or our communications with them -- with
8 their staff, I should say. And it's the same
9 kind of thing, where we are working with them to
10 understand what their concerns are, to see if
11 there is -- so that -- clearly articulate what
12 the impacts are in the EIS and also to
13 investigate possible mitigation.

14 As I mentioned to you, there were about six
15 different kinds of mitigation -- anywhere from
16 avoidance to monitoring -- to investigate, then,
17 what kinds of mitigation might be most
18 appropriate and feasible for the impacts that
19 have been identified.

20 Does that answer your question?

21 MR. LEVITT: Yes. Thank you.

22 I mean, I also see that there are general
23 scoping comments that don't come from agencies,
24 so I imagine we -- we or you -- EFSEC review them
25 and consider them when drafting the draft EIS.

1 MS. BETTS: Absolutely. Our first and
2 foremost responsibility during scoping is to
3 consider all comments that were received and use
4 those to determine what we need to investigate
5 and collect additional information for.

6 I believe -- and perhaps maybe Amy Moon or
7 Ami Hafkemeyer can confirm. I believe we do have
8 a scoping report.

9 Is --

10 MS. MOON: Scoping report. So that --

11 CHAIR DREW: So this is Amy Moon.

12 MS. MOON: This is -- Moon, yes. Thank you.

13 A scoping report doesn't ring a bell, Patty.
14 I would have to look at that.

15 But I did just to want to confirm with you,
16 Eli, when you said that there were seven
17 agencies, do you mean the scoping comments that
18 are posted to the Horse Heaven Project on the
19 EFSEC public website?

20 MR. LEVITT: Yes.

21 MS. MOON: Yeah. Okay. Yeah. And we don't
22 have tribal comments posted there, but, as Patty
23 said, we have been working with -- pretty closely
24 with staff at the Yakima Nation on that.

25 But I -- so, Eli, I'll have to report back

1 next month if there is a scoping report, because
2 I'm not --

3 That's just not ringing a bell, Patty.

4 MS. BETTS: Okay. Well -- and it may not
5 have been called a scoping report. We did -- we
6 used our consultant to assist us to review all of
7 the scoping comments and basically identified the
8 kinds of comments that we received, you know, the
9 extent of those comments, and then ultimately
10 determined which ones needed to be carried
11 forward into the draft EIS. Some of the comments
12 may not have been, you know, qualified as
13 substantive kinds of comments that were
14 appropriate for an Environmental Impact
15 Statement, but we have, you might say, some
16 documentation about what we received during
17 scoping and then how that fed into the scope that
18 was set for the Environmental Impact Statement.

19 MS. MOON: Yeah. And, Patty, this is Amy
20 again -- and Eli and the EFSEC Council.

21 We did issue a memorandum to the SEPA
22 responsible official, which was Sonia Bumpus,
23 that did summarize scoping of what the DEIS would
24 include. And that was September 20th of 2021.

25 MS. BETTS: Thank you, Amy. They are

1 oftentimes called "scoping reports," but "scoping
2 memorandum" is another type of the same kind of
3 document.

4 CHAIR DREW: Any more questions?

5 MS. BETTS: Does that answer your question,
6 Eli?

7 MR. LEVITT: Yes, it does.

8 I mean, there's lots of interesting ideas in
9 some of those scoping comments, like studying the
10 traffic, the dust, the light, you know, the
11 views. So it will be interesting to see what's
12 in the draft EIS when we're ready to review it.

13 CHAIR DREW: Thank you.

14 Are there questions from other
15 councilmembers for the Horse Heaven council?

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

17 CHAIR DREW: Go ahead.

18 MS. KELLY: The question I have is -- and
19 when we went to visit the Horse Heaven site --
20 and thank you, EFSEC staff, for that wonderful
21 visit. You weren't responsible for the weather.

22 The -- it seemed like the project was in --
23 not in a defined state of planning, that there
24 were some parts and pieces that still needed to
25 be settled on. So when the EIS is conducted,

1 does it take into account that it would be full
2 build-out, or how does that work if there's -- if
3 the project is ultimately changed once it -- we
4 get close to final or if we get close to final?

5 MS. BETTS: So first off, the applicant has
6 identified what they believe to be the maximum
7 footprint, with the understanding that it will
8 probably not be the maximum, but that they wanted
9 the flexibility to choose between three -- the
10 three solar array locations, to choose between
11 the taller, fewer turbines, and/or the shorter,
12 great -- you know, 244 shorter turbines or 150
13 taller turbines. So they have identified what
14 they believe to be the maximum footprint, and
15 that was analyzed in the EIS.

16 If the applicant changes their proposal --
17 and let's just say, for example, they decide that
18 there's some acreage somewhere that they had not
19 originally anticipated they wanted to use, but
20 they now want to use that acreage and it's added
21 to the proposal -- we have to re-examine that
22 from a SEPA perspective. But that -- it could
23 trigger a supplemental EIS, or it could trigger
24 an addendum to the EIS. And it just depends on
25 whether or not the proposal changes enough or the

1 additional impacts -- there are new or greater
2 impacts, a large additional acreage, and maybe --
3 maybe sensitive habitats, et cetera.

4 All those factors are taken into
5 consideration. The bottom line is that we have
6 to document that in a SEPA document. We have to
7 analyze that in a SEPA document. And if the
8 changes are significant enough from an adverse
9 environmental impact perspective, then we could
10 potentially be pushed into a supplemental EIS.

11 That's partly why the applicant has provided
12 this, quote, unquote, maximum footprint
13 information to us, hoping that we've got it
14 covered in this first draft EIS.

15 But, as I mentioned, changes can occur. If
16 the proposal gets smaller or some aspects of the
17 proposal are removed -- let's just say, for
18 example, they decided they didn't want to do
19 battery energy storage. Well, that wouldn't be
20 the kind of change that would trigger, really,
21 more than just an addendum. For example, you
22 know, a minor -- or just -- or would just be
23 acknowledged in the final EIS.

24 So that might kind of give you an -- some
25 idea as to -- you know, we do have to document

1 it; we do have to analyze it, but it does --
2 there's a couple pathways that we might end up --
3 use for dealing with it.

4 CHAIR DREW: If I can also add on that what
5 Ms. Betts is describing is what the applicant
6 might choose to do, but it is ultimately the
7 responsibility of this Horse Heaven EFSEC Council
8 to make a recommendation to the governor, which
9 includes the elements of the EIS as information
10 to deliberate as well as the adjudicative
11 process, which we'll talk about next.

12 And so the council does have the flexibility
13 to look at all of those overall impacts and make
14 a recommendation to the governor that is specific
15 to the information that we have received
16 throughout the process. And then, the governor
17 has the choices whether to accept our
18 recommendation, whether to reject our
19 recommendation, or whether to ask us -- send it
20 back to us for more work. So, although the
21 applicant has submitted what they consider to be
22 the maximum footprint and the information within
23 that, the council also has a responsibility to
24 look at all that information and to make --
25 deliberate and make that recommendation to the

1 governor as we see the information provides us.

2 MS. KELLY: Thank you.

3 CHAIR DREW: Any other questions from
4 councilmembers?

5 Okay. Hearing none, I think we are moving
6 from this to the adjudication update from
7 Judge Torem.

8 Judge Torem?

9 JUDGE TOREM: Sorry. Thank you, Chair Drew.
10 I think my unmuting was successful.

11 CHAIR DREW: It is.

12 JUDGE TOREM: Okay. Very well.

13 I'll try to be brief today, given what
14 you've learned about what to expect when the
15 draft environmental impact statement comes out.
16 Once we have a firm date for the publication --
17 I've been working with staff to develop what's
18 called the "Order Commencing Adjudication," and
19 absent any concern from the council, here's
20 pretty much the plan:

21 Once we have a firm date for publication,
22 we'll be commencing the adjudication -- and
23 that's required by the statute and under our
24 administrative code provisions -- by telling the
25 public we're ready to go forward. We're going to

1 do an interactive process under the
2 Administrative Procedures Act in a format more
3 familiarly known as a hearing. This allows us to
4 hear about various disputed issues that might
5 come up from the application itself, from the
6 environmental review process, and anything else
7 leading up to your recommendation to the
8 governor. So this is a chance to go beyond the
9 documents, and we're going to have a chance to
10 hear from expert witnesses on both sides as well
11 as members of the public. So that's where the
12 adjudication is going to -- what it's going to
13 be.

14 For now, we have this order drafted up,
15 notifying the public we're starting this,
16 starting a chance to assemble who's going to be a
17 party to this and have a chance to participate
18 just like in a lawsuit or any other hearing
19 format as a formal party -- not just a state or
20 opposition to or support of the project, but
21 formally introduce topics to you, sponsor
22 witnesses, and go forward and state things that
23 they want you to do with the application, and,
24 based on environmental review and expert
25 testimony, including, as the Chair said, setting

1 conditions, maybe limiting certain things,
2 inquiring further of the applicant, and making
3 that ultimate decision, should this project go
4 forward or not.

5 Many of you work for agencies that will be
6 part and parcel not only as you are serving as
7 members on the council, but your state agencies
8 may become formal parties of record. The other
9 parties you can expect to see will be the
10 applicant, Council for the Environment, and any
11 of the agencies that you serve may formally
12 choose to take an active role and be a party.
13 The county will also be a formal party to this,
14 and Benton County will have a vote on the
15 council, but they'll also have representatives in
16 front of you. Some of you may remember they
17 participated in the Land Use Consistency Hearing
18 a year ago in March.

19 So the county will be there, the agencies
20 that you represent may or may not be actively
21 involved, Council for the Environment, and Scout
22 Clean Energy and then folks that want to
23 intervene, formerly as a party.

24 This Order Commencing Adjudication is going
25 to set a deadline, probably coterminous with the

1 end of the DEIS comment period, but enough time
2 for folks to know what's in the DEIS and the
3 application to decide formally, is there an issue
4 on which they want to offer testimony for you to
5 consider in making your recommendation?

6 We were hoping it would be sometime in
7 January, but it may push into February. We'll
8 know a lot more once we hear from Amy Moon
9 formally, when are we going to get this
10 published?

11 The order is also going to set up a chance
12 for other parties to object to any interveners
13 who might want to participate as a party, and
14 then, we'll have to make some rulings. When I
15 say "we," it will be me in conjunction with
16 Jon Thompson at the AG's office and other EFSEC
17 staff, and we'll be deciding who comes in under
18 our rules as an intervener and who does not and
19 then in what capacity and what scope of topic
20 they're going to participate.

21 The other thing that's going to happen in
22 the commencement of the adjudication is going be
23 setting up yet another opportunity for public
24 comment. The way the EFSEC statute currently
25 reads, a lot of people have made comments up to

1 this point, but if they want to participate in
2 the hearing process or the adjudication process,
3 they've got to file a new public comment in
4 writing, and we have to give a deadline for that.
5 That will be published in this order as well.

6 I'm trying to look at my notes and see if
7 there is anything else I can tell you today.

8 I guess the last thing is, you can expect to
9 see notice of a prehearing conference. And it's
10 at that prehearing conference when we'll know and
11 identify who the interveners are that will
12 actually be able to sit down with those parties
13 and sort out which are the issues in dispute that
14 need to be litigated. We'll establish the
15 hearing procedures, including formal discovery,
16 as it would be in a lawsuit, and then we'll start
17 setting up a presentation schedule for the
18 evidence.

19 And that's where I'm going to need your
20 help, and staff will be reaching out to you to
21 find out somewhere in the April-to-May time
22 frames, maybe into June, periods of time when
23 you're not available to be present at a hearing.

24 Chair Drew advises that this hearing is
25 going to be virtual, so there won't be a lot of

1 travel, if any, involved. And once we figure out
2 your nonavailability -- could be around other
3 commitments you already have, including family
4 commitments for school or spring-break-type
5 things -- but we'll probably be seeking out your
6 availability for late March, April, May and
7 possibly into early June. Currently, the
8 application's been extended, I believe, to
9 July 8th of 2023, and that's the current target
10 date we have to get the recommendation to the
11 governor.

12 So the adjudication will kick off as soon as
13 we know when the DEIS is going to be ready so
14 these processes can go forward on parallel
15 tracks. And that's what you can expect as far as
16 scheduling on basically what's going to happen
17 between now and early next year.

18 Chair Drew, anything else you want me to go
19 into about the Order Commencing Adjudication?

20 CHAIR DREW: Thank you. As I understand it,
21 it will be an order written by you.

22 But at this point, if councilmembers have
23 any questions or concerns about what was laid
24 out, this could be an appropriate time, or you
25 could also contact Sonia Bumpus or -- that would

1 probably be the best. And she can communicate
2 them with Judge Torem as well.

3 But are there any questions or concerns at
4 this point in time? I know this is just coming
5 at you, so you may take a little while to think
6 about it as well.

7 Thank you, Judge Torem. I think, at this
8 point -- so the council will not be voting on
9 this order, is what I'm saying. It will be an
10 order by Judge Torem, as is provided in the APA.

11 JUDGE TOREM: That's correct.

12 So this order and the prehearing conference
13 orders will come out under my signature, but
14 they'll certainly have been developed with
15 consultation with EFSEC staff. And Chair Drew is
16 aware of what we're doing to make sure that the
17 adjudication scheduling goes forward. Council
18 involvement in that will be, again,
19 when-are-you-available/when-are-you-not-available
20 attendance limitations.

21 CHAIR DREW: Thank you. Thank you for that
22 information.

23 Moving on to the Goose Prairie Solar Project
24 update.

25 Ms. Hafkemeyer?

1 MS. HAFKEMEYER: Thank you. For the record,
2 this is Ami Hafkemeyer -- sorry. For the record,
3 this is Ami Hafkemeyer.

4 EFSEC staff are working with a certificate
5 holder and our contractors to review and refine
6 preconstruction plans. In particular, staff are
7 coordinating with the certificate holder on
8 revisions to the initial site restoration plan,
9 which will come to the council for review and
10 approval once fully refined.

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

13 CHAIR DREW: Any questions?

14 No. Thank you.

15 Moving on to the Badger Mountain Project
16 update.

17 Ms. Hafkemeyer?

18 MS. HAFKEMEYER: Thank you. Thank you.

19 Again, this is Ami Hafkemeyer, for the
20 record. Staff have been working with our
21 contractor in the initial stages of drafting the
22 Environmental Impact Statement, or EIS. We are
23 also coordinating with Department of Fish and
24 Wildlife, Department of Natural Resources, and
25 Department of Archeologic and Historical

1 Preservation on multiple incoming supplemental
2 reports, which will be posted to the website once
3 finalized.

4 Are there any questions?

5 CHAIR DREW: Are those additional reports
6 part of the EIS or separate from the EIS?

7 MS. HAFKEMEYER: The information from those
8 reports will be incorporated into the EIS.
9 There's some additional fieldwork being
10 conducted -- or has recently been conducted but
11 is being finalized in coordination with these
12 agencies to provide to staff for our use.

13 CHAIR DREW: Okay. Thank you.

14 Any other questions?

15 Moving on to the Whistling Ridge Project
16 update.

17 Ms. Hafkemeyer?

18 MS. HAFKEMEYER: Thank you. EFSEC staff are
19 waiting for the certificate holder to submit the
20 remaining materials for the SCA amendment
21 request.

22 There are no further updates at this time.

23 CHAIR DREW: Thank you.

24 Moving on to the High Top and Ostrea Project
25 update.

1 Ms. Hafkemeyer?

2 MS. HAFKEMEYER: Thank you. I would like to
3 start by thanking the council for their
4 attendance at the November 2nd site visit. And,
5 as you will recall, at the October 18th council
6 meeting, EFSEC staff presented the Revised
7 Mitigated Determination of Non-Significance
8 issued for the High Top & Ostrea Projects. And
9 the council also voted on the Land Use
10 Consistency Order, deeming the proposal
11 consistent with local land use codes.

12 With these two criteria being met, the
13 council directed staff to prepare an order
14 granting expedited process for this application.

15 In your council packets, you'll find this
16 draft order prepared by Judge Bradley, EFSEC
17 staff, and our attorney, Jon Thompson.

18 And at this time, staff recommends that the
19 council approves the order, granting expedited
20 process to this application.

21 Are there any questions?

22 CHAIR DREW: Yes. Did we receive any
23 comments on this expedited process order?

24 MS. HAFKEMEYER: No comments were received
25 on this action.

1 CHAIR DREW: Thank you.

2 So in front of you is Council Order
3 I will walk Number 885. Walk through the Background, the
4 Land Use Consistency Finding, the SEPA Mitigated
5 Determination of Non-Significance, the Revised
6 MDNS, Finding of Facts about the project itself,
7 to Page 4, the Conclusions of Law.

8 "(1) The Council has jurisdiction over the
9 subject matter of this proceeding and the parties
10 to it pursuant to RCW 80.50.075 and WAC chapter
11 463-43.

12 "(2) the Council provided adequate notice to
13 interested parties, and the Council has adequate
14 information to render a land use consistency
15 decision" -- which we did at the last meeting.

16 "The Applicant has met its burden of proof
17 of demonstrating that the sites are consistent
18 and in compliance with Yakima County's
19 Comprehensive Plan and applicable zoning
20 ordinances as required by RCW 80.50.075(1).

21 "(4) The environmental impact of the
22 proposed High Top & Ostrea Facility can be
23 mitigated to a nonsignificant level under RCW
24 43.21C.031 as required by RCW 80.50.075(1).

25 "(5) The criteria for expedited processing

1 set forth in RCW 80.50.090 and WAC 463-43-050 as
2 of the date of the Application have been
3 satisfied, and therefore, the Applicant's request
4 for expedited processing should be granted.

5 "THE COUNCIL ORDERS: Cypress Creek
6 Renewable, LLC's request for expedited processing
7 is GRANTED; EFSEC will evaluate Cypress Creek
8 Renewable, LLC's Application for Site
9 Certification of the High Top & Ostrea Facility
10 in an expedited process consistent with
11 requirements of RCW 80.50.075, RCW 80.50.090 and
12 WAC chapter 463-43."

13 You've heard the motion -- the order before
14 us. Is there someone who would like to make a
15 motion to approve the order granting expedited
16 processing of the Application for Site
17 Certification of the High Top & Ostrea projects?

18 MR. YOUNG: Lenny Young, so moved.

19 CHAIR DREW: Thank you.

20 Is there a second?

21 MR. LEVITT: Eli Levitt, second.

22 CHAIR DREW: Okay. Mr. Levitt, second.

23 Thank you.

24 Is there discussion?

25 As we have heard, both the pieces that are

1 required for expedited processing have been
2 completed. So all those in favor of approving
3 the order granting expedited processing for the
4 High Top & Ostrea Project, please say "aye."

5 COUNCILMEMBERS: Aye.

6 CHAIR DREW: The motion is adopted. Thank
7 you.

8 Is there -- we now are moving to the Wautoma
9 Solar Project Update.

10 Ms. Hafkemeyer?

11 MS. HAFKEMEYER: Thank you. And I just
12 wanted to say thank you, again, Council, for your
13 attendance at the November 2nd site visit. The
14 staff hoped that the site visits were informative
15 to your review of projects and your
16 decision-making.

17 Staff continue to work with the applicant
18 and our contractors to review the application.
19 The applicant submitted their responses to the
20 first data request on November 10th, which staff
21 are now reviewing and will be posted to the
22 project website.

23 Staff are also working on a second data
24 request, the responses to which we anticipate
25 will provide the remaining information needed for

1 the SEPA threshold determination.

2 Are there any questions before I move on to
3 the draft order?

4 CHAIR DREW: Any questions from
5 councilmembers?

6 Thank you. Go ahead.

7 MS. HAFKEMEYER: Thank you.

8 Next, I would like to bring your attention
9 to the draft Land Use Order provided in your
10 packets, prepared by Judge Gerard, EFSEC staff,
11 and our attorney, Jon Thompson.

12 While open for public comment, EFSEC
13 received some recommended substantive edits for
14 your consideration. The first being to add
15 Councilmember Dave Sharp to the list of
16 councilmembers on Page 2, Paragraph 3; and the
17 second edit would be to remove nine landowners
18 listed on Page 3, Paragraph 8. This proposed
19 edit would correct the number of parcels to
20 "thirty-five" from "fifty-seven" and the list
21 after "United States Government." The landowners
22 listed in that paragraph after "United States
23 Government" are adjacent to but not included in
24 the proposed facility.

25 And I'd like to pause for a moment and ask

1 if there are any questions or concerns about the
2 proposed edits.

3 CHAIR DREW: Any questions about the
4 proposed edits?

5 JUDGE GERARD: This is Judge Gerard. Based
6 on those edits, after "Robin Robert," there
7 should be an "and" for "United States Government"
8 if that is the last -- going to be the last
9 listed parcel on there.

10 CHAIR DREW: Oh. So, then, adding an
11 "and" --

12 MS. HAFKEMEYER: I'm going to make that
13 edit. Thank you.

14 CHAIR DREW: Yeah. Yeah.

15 JUDGE GERARD: Thank you.

16 CHAIR DREW: Thank you.

17 So before you is an order finding the
18 project inconsistent with land use regulations
19 and walks through the Background, the Land Use
20 Consistency Hearing, the Applicant's Description
21 of the Proposed Facility, the change in
22 Paragraph 8 from "fifty-three down to
23 "thirty-five parcels," which includes those which
24 will be -- the project will be located on, adding
25 an ad -- excuse me, adding the word "and," after

1 "Robin Robert," before the "United States
2 Government" -- excuse me. On the first page --
3 or the second page, adding Dave Sharp in the
4 appropriate location with the councilmembers in
5 Paragraph 3. I missed that.

6 "Definitions of 'Land Use Plan' and 'Zoning
7 Ordinances'" -- "Findings of Fact" about the
8 application submitted. "The project would be a
9 470-megawatt photovoltaic generation facility
10 coupled with a 4-hour battery energy storage
11 system" -- "as well as related interconnections
12 and ancillary support infrastructure."

13 The public meeting we held on August 8th,
14 that the project is located in unincorporated
15 Benton County, and the primary land use of the
16 parcels of project would be for solar power
17 generators.

18 And on December 21st of 2021, the Board of
19 County Commissioners for Benton County adopted a
20 Benton County Ordinance Amendment, which removed
21 the conditional use permit option for commercial
22 solar power generation facility, major, from the
23 Growth Management Act Agricultural District.

24 And, therefore, are "Conclusions of Law."
25 The council has jurisdiction. Council provided

1 adequate notice to interested parties. The
2 definition of "solar power generator facility,
3 major" and the definition of "solar power
4 generator facility, minor." The primary land
5 use, Paragraph 5, would be for commercial solar
6 power generation, "and not primarily to offset
7 part or all of the Applicant's requirement for
8 electricity." And, therefore, it is a solar
9 power generator facility, major. And because of
10 the ordinance passed on December 21st, 2021,
11 solar power generator facilities, major, may not
12 apply for a conditional use permit for lands
13 within the Growth Management Agricultural
14 District in Benton County. The applicant filed
15 for the application on June 9th, 2022. The
16 project site is not in compliance with
17 Benton County's applicable zoning ordinances.

18 And then, Paragraph 8, "Pursuant to the WAC
19 463-28-060 and -070, the matter will be scheduled
20 for an adjudication to consider whether the
21 Council should recommend to the Governor that the
22 state preempt Benton County's land use plans,
23 zoning ordinances, or other development
24 regulations for the site or portions of the site
25 for the proposed facility, and if so, to

1 determine conditions to be included in a draft
2 Site Certification Agreement that consider local
3 governmental or community interests affected by
4 the construction or operation of the alternative
5 energy resource and the purposes of the
6 ordinances to be preempted pursuant to RCW
7 80.50.110(2)."

8 So the council orders that "Innergex
9 Renewable Development USA, LLC's ASC is not
10 consistent with local zoning regulations. The
11 matter shall be set for adjudication, concurrent
12 with the general adjudication required by RCW
13 80.50.090(4), to consider whether to recommend
14 preemption of Benton County's zoning regulations.
15 If the environmental impact of the proposed
16 facility is determined by the EFSEC responsible
17 official to be non-significant or if the
18 facility's impacts will be mitigated to a
19 non-significant level, the Council may limit the
20 topic of the general adjudicative proceeding
21 required by RCW 80.50.090(4) to whether any land
22 use plans or zoning ordinances with which the
23 proposed site is determined to be inconsistent
24 should be preempted."

25 That is the order which is scheduled for

1 consideration today. Is there a motion to bring
2 that proposed order before the council?

3 MR. YOUNG: Lenny Young, so moved.

4 CHAIR DREW: Thank you.

5 Is there a second?

6 MS. BREWSTER: Stacey Brewster, second.

7 CHAIR DREW: Are there questions or
8 comments?

9 Okay. All those in favor of approving the
10 order determining that the proposed Wautoma Solar
11 Project site is not consistent or in compliance
12 with Benton County land use regulations and to
13 set for adjudication the matter of whether to
14 recommend preemption of Benton County Zoning
15 Regulations, please say "aye."

16 COUNCILMEMBERS: Aye.

17 CHAIR DREW: All those opposed?

18 The motion is adopted. Thank you.

19 We've come to the end of a rather long
20 agenda here today, but we do have one more item
21 for the council and the public. We do have two
22 new staff people who have joined the EFSEC team.

23 Ms. Hafkemeyer?

24 MS. HAFKEMEYER: Thank you. Yes.

25 I would like to introduce two of our new

1 staff members. EFSEC has brought on board two
2 new siting specialists to join our team.

3 First is Lance Caputo, who joined us on
4 October 31st, and he will be overseeing the
5 Wautoma Project going forward.

6 CHAIR DREW: Lance, do you want to say
7 hello? Lance?

8 MR. CAPUTO: Yes. Thank you.

9 I look forward to a very productive
10 relationship with the council, and we're going to
11 get a lot done. I'm very excited about this
12 opportunity.

13 CHAIR DREW: Thank you and welcome to the
14 team.

15 MS. HAFKEMEYER: And next, I would like to
16 introduce John Barnes, who is also new to EFSEC,
17 and his first day was yesterday, so he's even a
18 little bit newer than Lance. He is our other
19 siting specialist, who we've brought on board,
20 and he will be overseeing applicants -- or review
21 of new applications and he has yet to be assigned
22 a project.

23 But welcome, John and Lance, both of you.

24 CHAIR DREW: Hello, John. Would you like to
25 say hello?

1 MR. BARNES: Yes.

2 Thank you, Council, for having me. And,
3 everyone, it's good to be here with the
4 Environmental Site Evaluation Council. I'm super
5 excited to be here and work on alternative energy
6 projects throughout the state. And so I'm just
7 excited to be here. Thank you very much.

8 CHAIR DREW: Thank you and welcome to the
9 team.

10 With that, our meeting is adjourned.

11 (Meeting adjourned at 2:49 p.m.)

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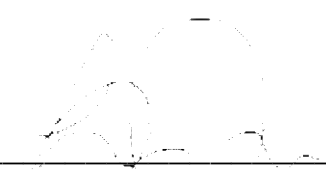

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COUNTY OF LOS ANGELES

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Signed and dated this 2nd day of December, 2022.

BRIANNA FIGUERAS, RSR, CCR #22013454