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January 11, 2023

High Top and Ostrea Solar Project v.

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ENERGY FACILITY SITE EVALUATION COUNCIL

High Top and Ostrea
Conditional Use Permit Meeting

January 11, 2023
held via Teams Video Conferencing

Reported by: ANN MARIE G. ALLISON, CCR
Certified Court Reporter #3375

A P P E A R A N C E S

JESS MOSLEH, Cypress Creek Renewables

HEATHER WISE, Cypress Creek Renewables

SUSAN DRUMMOND, Cypress Creek Counsel

AMANDA McKINNEY, Yakima County Commissioner

DALE HILLE, East Valley Fire Chief

LORRE GEFRE, Public

MICHAEL TOBIN, NYCD Manager

MARK HERKE, Yakima County Farm Bureau

1 BE IT REMEMBERED that on Wednesday,
2 January 11, 2023, 5:00 p.m., the following proceedings were
3 held before Ann Marie Allison, Certified Court Reporter
4 residing in Pierce County, Washington.

5 (All parties present via Teams)

6
7 *** MEETING CALLED TO ORDER 5:00 p.m. ***

8
9 SPEAKER DREW: Good evening, this is Kathleen
10 Drew, chair of the Washington State Energy Evaluation Site
11 Evaluation Council meeting calling to order our meeting
12 tonight.

13 On the agenda we have the High Top and Ostrea
14 Project. This is a public meeting to receive comments on
15 that project. We are currently reviewing the application
16 for High Top Ostrea Solar project located in Yakima County,
17 Washington. Since the council has granted the applicant
18 expedited processing, this public comment meeting complies
19 with RCW 80.50.090(5).

20 This public comment meeting is to receive verbal
21 comments on conditions that could be imposed upon the
22 project to adhere to the conditional use criteria in the
23 Yakima County Code.

24 We are looking for projects -- excuse me, for
25 comments that directly do relate to those criteria, and with

1 no further ado, I will ask Ms. Owens to call the roll.

2

3 SPEAKER OWENS: Department of Commerce.

4 SPEAKER KELLY: Kate Kelly present.

5 SPEAKER OWENS: Department of Ecology.

6 SPEAKER LEVITT: Eli Levitt present.

7 SPEAKER OWENS: Department of Fish and

8 Wildlife.

9 SPEAKER LIVINGSTON: Mike Livingston present.

10 SPEAKER OWENS: Department of Natural

11 Resources.

12 SPEAKER YOUNG: Lenny Young present.

13 SPEAKER OWENS: Utilities and Transportation

14 Commission.

15 SPEAKER BREWSTER: Stacey Brewster present.

16 SPEAKER OWENS: The assistant attorney

17 general.

18 SPEAKER THOMPSON: John Thompson present.

19 SPEAKER OWENS: The administrative law judge.

20 JUDGE BRADLEY: Laura Bradley present.

21 SPEAKER OWENS: For EFSEC counsel staff,

22 Sonia Bumpus.

23 SPEAKER BUMPUS: Sonia Bumpus present

24 SPEAKER OWENS: Ami Hafkemeyer.

25 SPEAKER HAFKEMEYER: Ami Hafkemeyer present.

1 SPEAKER OWENS: Andrea Grantham.
2 SPEAKER GRANTHAM: Andrea Grantham present
3 SPEAKER OWENS: Stewart Henderson.
4 SPEAKER HENDERSON: Here.
5 SPEAKER OWENS: Dave Walker.
6 SPEAKER WALKER: Dave Walker present.
7 SPEAKER OWENS: John Barnes.
8 SPEAKER BARNES: John Barnes present.
9 SPEAKER OWENS: Osta Davis.
10 SPEAKER DAVIS: Osta Davis present.
11 SPEAKER OWENS: And Joanne Snarski.
12 SPEAKER SNARSKI: Joanne Snarski present.
13 SPEAKER OWENS: Is anybody from counsel for
14 the environment on the line?
15 SPEAKER OWENS: Okay. Hearing none, Chair,
16 we have a quorum for the council.
17 CHAIR DREW: Thank you very much.
18 At this point I would like to introduce
19 Administrative Law Judge Laura Bradley, who will be
20 facilitating and presiding over this meeting.
21 Judge Bradley.
22 JUDGE BRADLEY: Thank you, Chair Drew, and
23 good afternoon, everyone.
24 So the agenda is posted there for you. First, we
25 will hear a presentation from Cypress Creek Renewables, and

1 so the person making that presentation, please begin with
2 stating your name and spelling it for the record.

3 Cypress Creek.

4 SPEAKER MOSLEH: Hello. My name is Jess
5 Mosleh, J-E-S-S, M-O-S-L-E-H.

6 JUDGE BRADLEY: Thank you. Go ahead, please.

7 SPEAKER MOSLEH: Hello. Thank you, Madam
8 Chair Drew, Judge Bradley, EFSEC council members and EFSEC
9 staff, stakeholders and other interested parties. Thank you
10 all for your time today.

11 Next slide, please.

12 My name is Jess Mosleh, and it's an honor to be
13 back here today representing Cypress Creek Renewables in our
14 EFSEC application for the ~~Ostra~~ ^{Ostrea} and High Top Solar projects.
15 The team is grateful to have had the opportunity to come
16 back and present to you all today.

17 Next slide, please.

18 Here is a brief overview of what we'll be
19 presenting to you all today. I will walk you through who
20 the Cypress team is. Our legal counsel, Susan Drummond,
21 will speak to the conditional use criteria for the projects.
22 I'll give you a project update on ~~Ostra~~ ^{Ostrea} Solar, and I'll hand
23 off the rest of the presentation to Heather Wise, who is the
24 new developer on High Top.

25 Next slide, please.

1 I'd like to re-introduce our team. Tai Wallace is
2 senior development director for transmission skill projects
3 in the west.

4 I'm really excited to introduce you all to our new
5 High Top developer, Heather Wise. Seija Stratton is our
6 environmental director. Julie Alpert is our senior
7 environmental manager, and Erin Bergquist is our TRC project
8 manager consultant.

9 Once again, our statement as an organization is
10 powering a sustainable future one project at a time. As I
11 mentioned during our first information meeting and land use
12 hearing, the company takes a lot of pride in our work and we
13 strive to build long-lasting relationships in the community
14 that we work in.

15 Next slide, please.

16 Here's an updated slide of Cypress's core
17 competencies, which is similar to what you all saw in the
18 initial information meeting. Cyprus Creek is not only a
19 solar and storage developer, we're a long-time term asset
20 management and owner-operator over noble projects throughout
21 the United States.

22 In the past eight years, Cypress has developed
23 over ten gigawatts of solar energy projects. We have also
24 financed over three billion dollars of solar projects, in
25 addition to performing asset management and operations

1 maintenance for our own fleet operating assets, as well as
2 third-party operating projects.

3 Next slide, please.

4 I will now be handing off the next few slides to
5 Susan Drummond, who will speak to the conditional use
6 criteria for the projects.

7 SPEAKER DRUMMOND: Thank you. Good evening,
8 I'm Susan Drummond. I represent Cypress Creek. Susan
9 Drummond is spelled, S-U-S-A-N, D-R-U-M-M-O-N-D.

10 The first slide I'd like to point to are the
11 Yakima County Code criteria. There's no need to read them,
12 as they're here in the packet and, of course, online. But
13 in summary, the criteria essentially require that the
14 project be compatible with surrounding uses, that it meet
15 all local code requirements and that it not present material
16 detriment or injury to surrounding properties.

17 The project is full of these criteria.

18 If we could move to the next slide, please.

19 So I'll just provide a brief flyover of project
20 consistency with the criteria. In terms of community need
21 and benefit to the community, the project is located on
22 vacant, non-irrigated land. It will not adversely impact
23 public infrastructure or environmental resources. It
24 supports the rural economy through tax revenue and lease
25 payments and presents an overall benefit to the community.

1 The project is also consistent with the county's
2 comprehensive plan. It's consistent with goals in the plan
3 which direct the county to consider energy supply
4 alternatives and to diversify the rural agricultural base.

5 The project is also consistent with rural and
6 agricultural goals. It provides economic support to
7 minimize land conversion risks. And on the site, crop
8 production has been non-existent for over 25 years. The
9 weedy species which dominate the site in previously plowed
10 areas are not well-suited for year-round livestock grazing.
11 And, of course, after the project's commercial life, it
12 would be decommissioned and removed.

13 If I can have the next slide, please.

14 The project is also compatible with neighboring
15 land uses. It is north of State Route 24, south of the
16 Yakima Training Center and 20 to 22 miles east of Moxee.

17 JUDGE BRADLEY: May I interrupt, please?

18 SPEAKER DRUMMOND: Yes.

19 JUDGE BRADLEY: You're speaking very quickly,
20 and we do have a court reporter making a transcript. So if
21 you could slow down a little bit, that would be helpful.

22 SPEAKER DRUMMOND: Thank you. I do have a
23 tendency to do that. Thank you. I will slow down, make it
24 a little easier for the court reporter.

25 Also, the project is well set back, and that

1 includes at least 300 feet from the Yakima Training Center.
2 In terms of other uses, there is agriculture and grazing to
3 the west, with the nearest residence several miles away.
4 There's grazing to the east, and with residents 850 feet
5 east from Ostrea's boundary and three miles from High Top's
6 boundary.

7 Transportation is also fully addressed. The State
8 Route 24 approach onto the private access road will be
9 improved for safety and access, and all county and Wash DOT
10 requirements will be met.

11 The project size is appropriate for the project,
12 and all local code requirements will be met. That includes
13 building codes, fire codes and all other county
14 requirements. And then the county code also provides for
15 conditions to be imposed on the project, and the EFSEC
16 proposal will be fully mitigated and conditioned to address
17 the project's impacts.

18 So overall, the project meets all of the county
19 code criteria. Thank you.

20 SPEAKER MOSLEH: Thank you, Susan.

21 Over the past couple of months, both Ostrea and
22 High Top achieved two monumental milestones in the EFSEC
23 process. First, EFSEC issued a revised mitigated
24 determination of non-significance on October 28th.

25 There are several conditions that both projects

1 will comply with in order to ensure the projects will
2 mitigate any significant adverse impacts on the environment.

3 A couple of these mitigations include monitoring
4 for erosion and considering mitigation ratios for habitat
5 impacts such as shrubsteppe habitat and ~~sheep~~ ^{cheat} grass. The
6 projects will honor the MDNS and continue to comply with
7 what's appropriate.

8 Second, land use consistency was approved by
9 ~~counsel~~ ^{the council} on November 8th, which deemed both projects as
10 consistent and in compliance with land use and zoning
11 ordinances. By this order, the council concluded that with
12 ~~property~~ ^{proper} mitigation, the projects could be approved under
13 the conditional use provisions of Yakima County Code
14 Title 19.

15 Our team is proud to have accomplished these
16 critical milestones in the process, and we will continue to
17 work together and make these projects a success.

18 Next slide, please.

19 Here is the Ostrea Solar site plan layout. There
20 were several modifications to the initial site plan to
21 minimize resource impacts. Not only do we consider micro
22 ~~siding~~ ^{siting} during the land process, but we are committed to
23 working with the environment that surrounds the projects.

24 We understand that there are sensitivities to work
25 around, which is exactly what is demonstrated here. A

1 couple of areas I would like to highlight, that were
2 designed to consider and minimize any potential impact for
3 avoiding sensitive plants and cultural areas identified
4 during the surveys and maintaining wildlife corridors open
5 along the majority of the passing stream channels on both
6 project sites.

7 This includes maintaining a one-mile wide wildlife
8 corridor between the western and eastern parcels of the
9 Ostrea project. Additionally, the project will fence
10 subsets of panel arrays instead of a singular fence around
11 the entire project footprint, to allow for greater wildlife
12 movement and habitat connectivity.

13 We are in agreement with the requested mitigation
14 to include re-vegetation with native seed mixes and
15 providing wildlife-friendly fencing.

16 Next slide, please.

17 Moving along to the environmental studies
18 completed for Ostrea, for those of you who attended the
19 first information meeting, this is a slide you saw during
20 that presentation. We thought it was important to show you
21 all, once again, the various studies that were completed for
22 the project.

23 As previously stated, the primary goal of each
24 environmental report was to gain a deep understanding of the
25 land's sensitive areas in order to avoid and help mitigate

1 any impacts on the project -- the project site may have.
2 The results were favorable, and they indicated no major
3 impact on the project location.

4 Next slide, please.

5 We wanted to provide you all with a brief Ostrea
6 Solar update and show you where the project is today. As
7 some of you may know, Ostrea is an 80-megawatt project in
8 Yakima County.

9 Starting off with site control and surveys, while
10 we have over 1,600 acres under site control, we
11 intentionally secured over 1,600 acres with the intent to
12 reduce the acreage, knowing that there would be
13 sensitivities to consider. We secured all easements and
14 completed our topo and ALTA boundary surveys, and our
15 mineral and title curative work is near completion.

16 In terms of interconnection, we built a strong
17 relationship with the Bonneville Power team and touch base
18 with them regularly and provide updates for them as we move
19 along the EFSEC project and vice versa. We communicate on
20 project updates, and we're working through the
21 interconnection process and Ostrea's technical studies
22 together.

23 On to EFSEC, you all know where we stand today in
24 terms of the MDNS and land use consistency, which we will
25 continue to work with EFSEC staff and, again, are very

1 thankful to be part of the process to ensure we're doing
2 everything we're able to from our end to make these projects
3 a success.

4 The geotechnical studies for the project are
5 complete, and we are currently in the process of going out
6 to bid for the engineering and procurement RFP, and we're
7 expecting that release to occur Q1 of 2023.

8 Thank you all very much for your time today. I
9 will be handing off -- I will be handing over the
10 presentation to Heather Wise, and she will finish it off
11 with High Top Solar updates.

12 SPEAKER WISE: Thanks, Jess.

13 Thank you to council and agency members for their
14 time today. I'm Heather Wise, project developer at Cypress
15 Creek and the developer for our High Top Project, which is
16 adjacent to Ostrea in Yakima County.

17 My name, to be spelled out, is H-E-A-T-H-E-R,
18 W-I-S-E.

19 Taking a look at the site layout on this slide,
20 this is a proposed 80-megawatt solar project. Cypress Creek
21 does take into thoughtful consideration the impacts of the
22 site design on the existing habitat and surrounding
23 environment of the project itself. This is done through
24 various environmental studies and in consultation with EFSEC
25 staff and agencies over the last year.

1 In general, taking a look at the project site
2 itself, it is former plowed cropland that is dominated by
3 non-native weedy species, as Susan highlighted. This makes
4 it an ideal project site for solar development for High Top.

5 That being said, the Cypress Creek team has
6 created a site layout that mitigates any impacts to the
7 surrounding land in a few different ways. The first is
8 through wildlife corridors, and we have maintained the
9 wildlife corridors along the channels to the west and east
10 of the solar array.

11 So you'll notice that the land to the west of the
12 array is open and also to the east is open for wildlife
13 activity. Additionally, there is a wildlife corridor
14 remaining ~~remained~~ between the north and south array, along the
15 transmission line. This was based on direct feedback from
16 the Washington Department of Fish and Wildlife, and we've
17 incorporated this into our design to address that.

18 Secondly, we're avoiding the shrubsteppe in the
19 north and south areas of the project, as well as the rare
20 plant population in the north area of the project. So those
21 are the gray-shaded areas of the site layout that you'll
22 notice on the screen, areas that we're avoiding for plant
23 species. We're also naturally avoiding the channels to the
24 west and east of the project site.

25 All of these efforts help demonstrate that Cypress

1 Creek has thoughtfully designed the High Top Project in
2 accordance with guidance from EFSEC council and agencies.

3 We can go to the next slide, please.

4 This one includes a list of the environmental
5 studies completed for the project that help us better
6 understand and mitigate any impacts the project may have to
7 the site location itself. These studies can be found on the
8 website, as well, for future reference if they're needed,
9 but we wanted to include a list today for reference.

10 We can move to the next slide.

11 This is a high-level summary of the project
12 development for High Top to date. As mentioned, this is a
13 proposed 80-megawatt project with a 40-megawatt energy
14 storage system. So this project will have a battery, as
15 well, located on site.

16 For the site itself, the project footprint will
17 cover 631 acres of the total lease area of 1,500 acres, and
18 we have secured site control for the project. We have an
19 executed interconnection agreement with PacifiCorp as the
20 utility for the project.

21 We're also continuing to advance our design with
22 our engineering team, and we're in the process of working
23 with EPC contractors to look to commencing construction in
24 the next year as we wrap up development and receive final
25 permitting approval from EFSEC.

1 Please feel free to refer to these slides.

2 And the last item that I'll note is off take
3 conversations are ongoing for this project and remains a
4 focus to wrap up project development, but please refer to
5 these slides if there are any additional questions.

6 But that does conclude our presentation today.

7 If we flip to the next slide, we thank you for
8 your time, and feel free to reach out if there are any
9 questions.

10 JUDGE BRADLEY: All right. Thank you for
11 your presentations.

12 I'll just mention quickly; for folks who are
13 attending the meeting, but not actually speaking, please
14 make sure that you've muted your computer or phone, whatever
15 device you're using.

16 Chair Drew, do you have any questions about the
17 presentation from the applicant?

18 CHAIR DREW: I do not.

19 Thank you for the presentation.

20 Other council members, do you have questions for
21 the applicant?

22 I don't hear any at this time. Thank you.

23 JUDGE BRADLEY: Thank you.

24 So we'll proceed with the EFSEC presentation by
25 the EFSEC staff.

1 SPEAKER HAFKEMEYER: Thank you, Judge Bradley.
2 Welcome, everybody. Thank you all for coming to
3 participate this evening.

4 My name is Ami Hafkemeyer, and the spelling, for
5 the record, is A-M-I, H-A-F-K-E-M-E-Y-E-R. And I am the
6 director of siting and compliance for the Energy Facility
7 Site Evaluation Council. I'll be giving a brief
8 presentation on our process to date for this project.

9 The applicant, Cypress Creek Renewables, submitted
10 the application for site certification or ASC to EFSEC on
11 April 7th, 2022. With the application, the applicant also
12 submitted a letter requesting expedited process, in
13 accordance with the Revised Code of Washington or RCW
14 80.50.080.

15 On June 1st, EFSEC held the public informational
16 meeting, followed immediately by the land use consistency
17 hearing. Both of these meetings were held virtually.

18 The applicant referred to appendix A of the ASC in
19 their statement at the land use hearing, which contains
20 certificates of zoning compliance from the Yakima County
21 Planning Office.

22 On July 19th of the regularly-scheduled monthly
23 council meeting, the applicant requested and the council
24 approved the extension of the expedited processing
25 determination by ten weeks. This determination is stated

1 within Washington Administrative Code or WAC 463-63-050 to
2 be made within 120 days of receipt of the application or
3 such time as is mutually agreed upon by the applicant and
4 the council.

5 This extension was requested and granted to allow
6 for the completion of the state environmental policy act or
7 SEPA review.

8 On October 18 the council voted to approve Order
9 884 determining the proposal to be consistent with local
10 land use ordinances in place at the time of application.

11 On October 1st, EFSEC issued a SEPA threshold
12 determination of mitigated determination of
13 non-significance, or MDNS, followed by a 14-day public
14 comment period.

15 On October 28, EFSEC issued the final revised
16 MDNS.

17 On November 2nd, the council went on a site tour
18 and viewed the High Top and Ostrea sites from a nearby
19 vantage point.

20 There are two requirements identified within WAC
21 463-43-030 for a proposal to be eligible for expedited
22 process. The first, that the proposal qualifies for an
23 MDNS. The second, that the proposal be deemed consistent
24 with local land use ordinances.

25 With the land use consistency determination made

1 by Order 884 and the revised MDNS issued on October 28, the
2 council voted to approve the applicant's expedited process
3 requested by Order 885 on November 15th.

4 WAC 463-43-080 required that the recommendation to
5 the governor shall be made within 60 days following the
6 granting of expedited processing or such later time as is
7 mutually agreed upon by the applicant and the council.

8 On November 29th, the council reviewed and
9 approved the request to extend this timeline to
10 February 22nd. This extension would allow for the council
11 to hold and then review public comment received during the
12 conditional use criteria meeting that we are participating
13 in this evening.

14 Following tonight's meeting, public comment
15 received will be reviewed and the council will vote to make
16 its recommendation to the governor. If the council
17 recommends approval, it prepares a draft site certification
18 agreement, or SCA, that must include conditions to protect
19 state or local governmental or community interests affected
20 by the construction or operation of the facility.

21 The draft SCA must also include conditions
22 designed to recognize the purpose of applicable state and
23 local laws and ordinances which are preempted to the extent
24 that they regulate the location, construction and operation
25 of energy facilities under EFSEC's jurisdiction. If signed

1 by the governor and the applicant, site certification
2 agreement is binding.

3 Per RCW 80.50.100, the governor shall, within 60
4 days of receipt of the council's recommendation, take one of
5 the followings actions:

6 Approve the application and execute the draft SCA.
7 Reject the application. Or direct the council to reconsider
8 certain aspects of the draft SCA.

9 That concludes my overview of the project activity
10 to date and my presentation for this evening. Before I
11 conclude, I'd like to remind everybody how they may submit
12 comments for this evening's meeting.

13 If you'd like to speak this evening, but have not
14 yet signed up, you can call the EFSEC main line at
15 360-664-1305. You may also email comments to our main inbox
16 at EFSEC -- at EFSEC.wa.gov or E-F-S-E-C at E-F-S-E-C dot
17 W-A dot G-O-V.

18 Lastly, comments may be submitted to our online
19 comment database at <https://comments.EFSEC.wa.gov>.

20 Thank you.

21 JUDGE BRADLEY: Thank you, Ms. Hafkemeyer.

22 **A point of clarification, the number that you --**
23 **the phone number that you cited did not match what you**
24 **stated as the phone number. So can you confirm what the**
25 **correct phone number is?**

1 SPEAKER HAFKEMEYER: My apologies. The
2 correct phone number is our EFSEC main line, which is
3 available on the screen right now for anybody joining
4 through Microsoft Teams: 360-664-1345.

5 JUDGE BRADLEY: Thank you.

6 Chair Drew, any questions before we proceed with
7 public comment?

8 CHAIR DREW: Are there any questions from
9 council members?

10 I think we can proceed. Thank you, Judge.

11 JUDGE BRADLEY: Thank you.

12 My understanding is that a commissioner from
13 Yakima County is planning to comment, and so we'll begin
14 with that person.

15 I want to let folks know that we will be limiting
16 comments to five minutes, and we will only allow one
17 opportunity to speak. So it's very important that you focus
18 your comments specifically on the land use criteria and your
19 comments about that.

20 So I see the commissioner on video. Please state
21 your name and spell it for the record.

22 SPEAKER MCKINNEY: Yes. Amanda McKinney,
23 Yakima County Commissioner. Amanda is A-M-A-N-D-A.
24 McKinney is M-C-K-I-N-N-E-Y.

25 Good afternoon, madam chair and everyone on the

1 committee. It is a pleasure to have the opportunity to
2 speak with you on behalf of Yakima County. This is my
3 second opportunity to do so on these projects.

4 I wanted to cover a couple things, which first is
5 the reason for the meeting, the purpose for your four topics
6 that we were to discuss, No. 1, comply with development
7 standards, which is an issue that Yakima County has taken up
8 with this board. Because for layman's terms and any benefit
9 of the public listening, planning departments in Yakima
10 County were reached out to, and it was asked of them whether
11 or not this was disallowed.

12 And to put it in very simple terms for anyone, we
13 didn't specifically disallow it. And so the logic has been
14 from the state that if it wasn't specifically disallowed,
15 then it would be okay, which, of course, is a very
16 interesting and subjective way to look at things.

17 So when we saw that things were going forward and
18 that we did not have a code that actually addressed energy
19 projects adequately, which is what we should be doing, we
20 enacted a solar moratorium.

21 So I want to make sure everyone understands that
22 the solar moratorium enacted by Yakima County still stands
23 today. And the purpose is in good faith for us to look at
24 how we can be a part of the solution that the State of
25 Washington has determined is a way to proceed with green

1 energy projects.

2 We do not adequately address that in our county
3 codes, and we have simply said that we need to have time so
4 that we can do so.

5 And I think it's indicative of a conversation that
6 we all know is happening across the state. Our state
7 legislature is taking this up right now. The governor has
8 talked about how he would like to see EFSEC receive
9 additional funding to move forward with projects.

10 We also know that there's been a call for
11 studying. I know these projects are being considered
12 independently, but it is very clear that with EFSEC's
13 request by the governor to have statewide significance, that
14 this is a project that needs to be studied as a whole. What
15 is the entire intent of the State of Washington to really
16 shift in how we're creating energy sources and updating our
17 energy grid and relying on green energy projects.

18 Yakima County is not unwilling to be a
19 participant, but we do need to have a plan, and I want to
20 speak to a plan. I just spent eight hours today in the
21 Yakima Basin integrated plan meeting. And this is a group
22 that I had the privilege to recently join, but this group
23 has been going on for years, decades. And the depth and
24 breadth of knowledge of folks in this room, from ecology,
25 from Bureau of Reclamation, there are folks that are far

1 smarter than I when it comes to fish storage.

2 We have the tribal involvement, and what it really
3 shows is that when you come together, you can actually
4 develop an integrated plan. And you get discourse, but out
5 of it comes something that is called upon by the nation as a
6 way to progress through difficult decisions on how to use
7 our natural resources, acknowledging that no one is ever
8 going to get everything that they want, but there is
9 balance.

10 And what we are not seeing in this process is
11 balance. An expedited process going forward, when this
12 county ordinance is simply saying, We didn't address this
13 adequately. We want to have time to be a part of a state
14 conversation of how to address this.

15 So my request to this board is to reject the
16 proposals; is to reject the proposals so the legislature can
17 adequately address what has been asked by the governor for
18 this state and its residents, which is to categorically
19 change the way we look at our ag land. Because as a county
20 commissioner, my job -- I am entrusted to protect the ag
21 land.

22 And Yakima County has \$5 billion annually of
23 income that is earned and generated for the State of
24 Washington. We are feeding the nation. We are incredibly
25 proud of that. So how can we work with this new concept in

1 energy, to make sure that we are not cutting ourselves short
2 for the future food production that we will be called upon
3 to provide for the United States.

4 Thank you.

5 JUDGE BRADLEY: Thank you. Can you tell me
6 when the moratorium on solar projects was enacted?

7 SPEAKER MCKINNEY: Yes, ma'am. I believe
8 that was in July. I can get you the specific date.

9 JUDGE BRADLEY: July of 2022?

10 SPEAKER MCKINNEY: Yes. And I would
11 simply -- and if you need a specific, I can get you a copy,
12 but I'm certain that this board has been provided a copy.

13 JUDGE BRADLEY: Thank you.

14 Chair Drew, do you have any questions you want to
15 ask Commissioner McKinney?

16 CHAIR DREW: No, I'm good. Thank you.

17 JUDGE BRADLEY: Ms. Owens, can you tell me
18 who else signed up to speak this evening?

19 SPEAKER OWENS: Would you like the full list
20 or just the next person?

21 JUDGE BRADLEY: Just the next person, please.

22 SPEAKER OWENS: Okay. Dale Hille.

23 JUDGE BRADLEY: Okay. Is Dale Hille with us?

24 SPEAKER HILLE: Yes, I am. Thank you.

25 JUDGE BRADLEY: Good afternoon, Mr. Hille.

1 Would you please state your name and spell it for the
2 record, and then you can proceed.

3 SPEAKER HILLE: Yes. My name is Dale Hille.
4 It's D-A-L-E, H-I-L-L-E. I'm the fire chief of the Yakima
5 County Fire District 4, East Valley Fire Department.

6 I'm going to read to you a statement which has
7 already been sent to EFSEC's, but I would like to read it at
8 this time.

9 Yakima County Fire District 4, East Valley Fire
10 Department, provides fire response to the East Valley and
11 the rural areas surrounding it. We provide fire suppression
12 at mile marker 18 on Highway 24, as well as EMS response to
13 mile marker 30.

14 It is our operational policy, when called to fires
15 outside the mile marker 18 area, that we respond when
16 called, report on scene and provide fire suppression only if
17 we can make a difference in the situation, as an initial
18 response in order to control spread or contain the event.

19 We support our mutual aid partners that have
20 contractual arrangements in the no-man's land areas, and
21 we'll do what we can to assist the citizens in that part of
22 the county outside of our district boundaries.

23 The East Valley Fire Department does not take a
24 stand on whether the proposed solar farm should or should
25 not be allowed to be built. As with any construction in a

1 wildland area, there is an inherent risk of fire due to the
2 surrounding ground cover and topography that is
3 uncontrollable.

4 We do believe that the proposed construction of
5 such a large project in an unprotected area of the county
6 should, at minimum, be required to have contractual fire
7 suppression service, in the event of a fire at this site or
8 one that overruns the area in a wildfire, as well as other
9 construction details to assist in the event of a fire
10 emergency, both during construction and when the project is
11 completed.

12 Construction of the facility should include access
13 to all sides of the facility through large gates, enough
14 to -- large enough to allow access of firefighting
15 equipment. Roadways need to be constructed wide enough to
16 allow for equipment to pass comfortably through the panel
17 array and make turns at the end or at intersections, as well
18 as allow for any needed operations near the suppression
19 equipment.

20 Vegetation management must be established and
21 maintained on both inside the perimeter fence of the
22 facility, as well as having a 30-foot buffer around the
23 outside of the facility fence with the same vegetation
24 management.

25 The perimeter fencing must be kept free of

1 blown-in weeds and debris for all fire protection of the
2 facility. If a water source is located on the property, it
3 would have the ability to be accessed by the fire department
4 if necessary to fill suppression equipment.

5 All disconnect equipment must be clearly marked
6 for the responders. All battery storage facilities must
7 have an appropriate fire suppression system for the hazards
8 presented. Pre-incident planning will be needed on an
9 annual basis at the site in order to keep the responders up
10 to date on the facility.

11 The East Valley will entertain entering into a
12 fire suppression contract with the owners/operators of the
13 solar farms if construction is forthcoming. We would also
14 be willing to be a resource during construction, to ensure
15 our equipment and manpower can function effectively in case
16 of emergency at the site. Thank you.

17 JUDGE BRADLEY: Thank you.

18 Ms. Owens, our next speaker, please.

19 SPEAKER OWENS: Lorre Gefre.

20 JUDGE BRADLEY: Is Lorre Gefre with us?

21 SPEAKER GEFRE: Yes, I'm here. I'm available
22 to come on -- off of the phone and onto the site on the
23 Internet, so this is better. Yes, I'm here.

24 JUDGE BRADLEY: All right. Could you please
25 state your name and spell it for the record, and then you

1 may proceed with your comments.

2 SPEAKER GEFRE: Yes. My name is Lorre Gefre.
3 L-O-R-R-E, G-E-F-R-E.

4 Did you ask me something else? Forgot.

5 JUDGE BRADLEY: No. You can proceed.

6 SPEAKER GEFRE: Okay. First, thank you for
7 the opportunity for allowing me to speak. I have been
8 involved since I knew that this was the governor -- the
9 Inslee-Murray project, and this is all part of it. And I
10 also know Governor Inslee used to reside in this area.

11 But my main concerns regarding the massive amounts
12 of -- these aren't the only two planned, and I'm not sure
13 the public knows how many are really planned. There are
14 signs on gates that if you know what to look for, you see
15 them. I don't think the public has been forewarned about
16 how this might affect them in the future.

17 And I agree with Amanda McKinney that -- I just
18 don't think there's been adequate time for people to really
19 realize what's been happening, nor can they plan through the
20 county. And we shouldn't be crushed, as people, because we
21 don't know or we weren't informed enough.

22 And again, thank you for the time to talk. So my
23 concerns are there is a lot of these that are planned. I
24 don't believe that we even have the amount of sun it takes
25 for all these thousands of acres that are going to be

1 covered up. Not just Ostrea High Top, but the others
2 planned out in this area.

3 There's a lot of wildlife. There's a lot of
4 wildland. There's a lot of very interesting little
5 creatures that are out here that you won't find anywhere
6 else because it is secluded in a lot of ways and they can
7 survive here.

8 The ecosystem will be messed up forever once it
9 happens. Also, I've always had a concern about the fire
10 department, that we don't have a fire department. I live
11 out here. I've lived out in this area for 38 years, 40
12 years. I don't know now. But anyway, I've watched a lot,
13 I've been out in nature a lot, and when you don't have the
14 fire protection, that's scary enough. But I've also read
15 these solar farms can generate their own fires, and it's not
16 recorded.

17 And I brought this up in meetings with interjects.
18 There's no answer. There's no answer to this. It's just
19 like, put it in and we don't care. We're going to go as we
20 choose.

21 I also know, from watching in the past, mitigation
22 means nothing. There is no oversight. No one will do
23 anything. Once the door is open, it's open, free for
24 whatever happens.

25 I've been in politics for quite a while on several

1 things and observed this. And I know state agencies, they
2 do their job. I know Ecology, Wildlife. They're also paid
3 by the state. They can lose funding. I'm very familiar
4 with a lot of this stuff, and I also do not want the
5 newspaper quoting me as wrong this time and saying I'm for
6 these projects. I'm not, because people have not been
7 involved and we -- the county's being left out, public is
8 not aware, and the wildlife is going to be crushed, also.

9 This is not that far from the firing center. They
10 have their own fires on top of it. Plus, I have read also
11 that you need specially trained firefighters to fight these
12 fires with these solar farms because of the toxins. We've
13 got the batteries, the leakage. How much water's going to
14 be used? Do these things have to be washed off?

15 We lack water in this area. My well went dry two
16 years ago during the drought. How much water's going to be
17 used for construction?

18 I have a lot of questions, and I don't feel
19 they've been answered, they're being answered. And again,
20 this has been in a process for a long time, but the public's
21 just starting to realize that this is happening. They do
22 not understand how it's going to affect them in the future.

23 And again, once more, I'll say fire protection,
24 wildlife, people matter, not -- I don't call this green
25 energy. It looks like it is, but to me it doesn't look

1 green, except in money for a very few.

2 And again, thank you for your time. I appreciate
3 the time to comment, and I really hope these will stop until
4 things are looked at and in place, like Amanda McKinney
5 said. Thank you very much.

6 JUDGE BRADLEY: All right. Thank you,
7 Ms. Gefre.

8 Ms. Owens, do we have any other speakers this
9 evening?

10 SPEAKER OWENS: Yes. There's one more on the
11 list, Mike Tobin.

12 JUDGE BRADLEY: Mr. Tobin, are you there?

13 SPEAKER TOBIN: Yes, I am. Can you hear me?

14 JUDGE BRADLEY: Yes. Can you state your name
15 and spell it for the record, please?

16 SPEAKER TOBIN: I will. My name is Michael
17 Tobin. M-I-C-H-A-E-L, T-O-B-I-N. I'm with the North Yakima
18 Conservation District. I'm the district manager.

19 Thank you. I appreciate the opportunity. I
20 understood we would be talking about items A through B that
21 was in the information that deals with compliance with
22 Yakima County Code and compatibility.

23 First of all, I'll say, today I am representing
24 the local conservation district and its authorities under
25 RCW 89.08. I'm going to speak a little bit about -- it's

1 quite an impressive fiscal portfolio that Cypress has, and
2 there is a reason for that. And that is a process that's
3 been set forth by this council, through law that has been
4 quoted time and time again at every public meeting that I
5 hear. I feel that that actually is a way to suppress people
6 from participating. That is a personal comment.

7 This site is and this action has been
8 characterized as being done on vacant, non-irrigated land.
9 That is wrong. That land, many portions of it has been
10 irrigated in the past. The economics of the proposed
11 cropping out there, at the time, was no longer viable, so it
12 changed.

13 There is available water out there. So much so
14 that investment companies from the East Coast have actually
15 invested in some of the property out there. The Moxee
16 Orchards is one of those examples; just recently purchased
17 land from the current landowner who is providing the lease
18 to ~~Ostra~~
Ostrea

19 High-value crops such as orchard hops, vineyard,
20 other crops like that use water conservation techniques and
21 do not need as much as the previous cropping patterns of the
22 hay lands that were found to be incompatible with the
23 economics out there, but those are emerging. That
24 investment by an investment company is proof of that.

25 Therefore, this conversion of the solar farm --

1 which it is not a farm, it is an industrial complex --
2 converts agricultural land to an industrial complex. It's
3 commercial property now. There is no other commercial
4 property. The only allowable commercial assets that could
5 be allowed in that area would be something similar to a
6 controlled atmosphere building.

7 I also find that this action is also in direct
8 violation and will adversely affect RCW 36.70, those
9 portions related to voluntary stewardship program. Yakima
10 County, along with 28 other counties in the state, have
11 chosen that as an alternative to the Growth Management Act
12 in relationship to agricultural lands.

13 The purpose of that RCW and that program is to
14 assure compatibility and salvage of agricultural land,
15 economic viability of agriculture in those communities, as
16 well as equally protecting critical areas.

17 The entire area that is proposed to be constructed
18 upon is listed as critical habitat. It is a critical area.
19 The compatibility of agriculture in critical areas is very,
20 very documentable and done. But when you add chain link
21 fence, you add solar panels, you do not have that
22 compatibility with habitat. There is no other way around
23 it; no form of mitigation can replace it.

24 If there is embedded somewhere in some document
25 that we cannot see, that is very difficult for the public to

1 find, where mitigation is a cash value for any agency or
2 non-profit to go out and buy other like land, that further
3 erodes the agriculture base of this community because it
4 will be converted to habitat by those entities. Most common
5 is Washington Department of Fish and Wildlife.

6 We've talked a lot about habitat corridors. I can
7 tell you that the impact to sage grouse is irreplaceable.
8 Those birds do not like these kind of structures. There is
9 no way around it. They will not come near it.

10 And when you consider the firing center and its
11 management plan for sage grouse, you consider the Hanford
12 monument and its value for our sage grouse, you have
13 constructed a fence in between the two. It is a
14 non-compatible fence.

15 Now, it's been mentioned before, this is just
16 about ~~Ostra~~ ^{Ostrea} and High Top tonight. When you string Goose
17 Prairie, Wautoma Hill Top, Solway and Black Rock on top of
18 that, you have such an impact that you will never, ever be
19 able to recover from.

20 And with that, my time is up. Thank you very
21 much.

22 JUDGE BRADLEY: Thank you, Mr. Tobin.

23 Ms. Owens, has anyone else expressed an interest
24 in speaking this evening?

25 SPEAKER OWENS: I have not seen any. That is

1 the end of the list.

2 JUDGE BRADLEY: There are folks who are
3 present here. If you'd like to speak, you can raise your
4 hand or you can send an email or call to get added to the
5 list. And we'll give you a couple of minutes to do that.

6 I see Mark Herke's hand raised. I'm sorry if I
7 mispronounced your name, sir.

8 SPEAKER HERKE: Okay. Can you hear me?

9 JUDGE BRADLEY: Yes. Please state your name
10 and spell it for the record.

11 SPEAKER HERKE: Certainly. My name is Mark
12 Herke, M-A-R-K, H-E-R-K-E, and I'm the president of the
13 Yakima County Farm Bureau. I appreciate very much the
14 opportunity to speak tonight, to comment, and also that you
15 gave me the opportunity to speak on such short notice. I
16 tried to get through the maze of stuff, and it wasn't
17 working. I'm assuming I waited until too long, but
18 anyway -- so I'll start.

19 Our farm bureau -- the Washington State Farm
20 Bureau and the Yakima County Farm Bureau is not opposed to
21 green energy, to alternate energy; we believe in all of the
22 above. But we believe that this process is being rushed too
23 quickly -- and I won't go into the reasons why I think it
24 is. Well, shortly, I'll just say it's blindsiding, before
25 the public really wakes up to what's happening and how much

1 we're losing. And that's what I'm going to stick with, is
2 what are we losing.

3 And I want to echo and thank Amanda --
4 Commissioner McKinney's comments and our North Yakima
5 Conservation District Director, Mike Tobin's comments and
6 the other folks that chimed in. This is very much not a
7 win-win situation. We're walking off into the deep end of
8 the pool without even realizing whether there's water in it
9 or not.

10 For this process, there's too much at stake, loss
11 of ESP. If we miss our goals and objectives, we're down the
12 tubes. We're in a deep trouble. We have to stick with
13 those objectives, and if this -- these kinds of projects all
14 chained together, as many of them are, cause us to lose
15 that, we're in a lot of trouble with the agriculture
16 community and keeping up with regulations of growth
17 management.

18 The wildlife situation, like with the sage grouse,
19 is very important, you know. That can just as easily be an
20 endangered species, up with the eagles and grizzly bears.
21 And these kind of things, this reckless, wanton creation of
22 these solar industrial complexes is just flying in the face
23 of that and a lot of other things.

24 I think that we need to really look -- I mean,
25 everywhere else we look, it's about saving open spaces and

1 saving agricultural lands, and now we're just throwing
2 caution to the wind and now it's all about solar panels. We
3 don't even know if we can find enough resources, these rare
4 earth materials to create all these panels and batteries.
5 And the fire danger, I'm very worried about the fire
6 influence -- influence of fire in that area.

7 We take the time of year, like in the summer when
8 we have those high pressure inversions and the air is
9 stagnant and we've got wildfire seasons. And I sure don't
10 want to go from -- I don't want the timber smoke, but I
11 really don't want your lithium batteries burning up and
12 drifting down into Yakima Valley, start having evacuation
13 notices for people because of toxic smoke.

14 I think I've kind of touched the bases. I sent in
15 a written comments from our farm bureau, a lengthy one that
16 was prepared last fall, and I'll bow out to anybody else who
17 might want to comment. Thank you.

18 JUDGE BRADLEY: Thank you.

19 I see Ms. Gefre's hand. I'm not sure Ms. Gefre
20 was on when we indicated that folks would have one chance to
21 speak.

22 Are there others who want to speak at this point,
23 and then we'll reconsider Ms. Gefre's request?

24 Chair Drew, is it acceptable to the council if we
25 give Ms. Gefre another two minutes?

1 CHAIR DREW: I think if she would like to add
2 additional comments, she can send them in to us by email.
3 Five minutes is sufficient. Thank you.

4 JUDGE BRADLEY: All right. We also have
5 Commissioner McKinney raising her hand.

6 I'm guessing that the council would like
7 Ms. McKinney also to follow up with written comments?

8 CHAIR DREW: Yes. I think that if these are
9 not new issues, if they are, um -- that they have had the
10 time to express that and can follow up by sending them to
11 our comment database, which is listed on -- right in front
12 of you.

13 JUDGE BRADLEY: Anyone else who would like to
14 speak?

15 So, Ms. Gefre, just to confirm, the council would
16 like you to submit any additional comments in writing,
17 please.

18 SPEAKER GEFRE: It's more a question than a
19 comment that I have.

20 JUDGE BRADLEY: What is your question?

21 SPEAKER GEFRE: Well, I sit across the
22 highway from the Bonneville station that will supply the
23 Ostrea and High Top Solar Farms. And my question is, now
24 that this looks to be set up to hook up to the solar farms,
25 what happens to Bonneville and what they've done, all the

1 work over there, if this is put on hold, or does it happen?
2 I mean, is this -- that's my question.

3 I'm not sure people are aware that Bonneville
4 already has this set up and they've been working on it for a
5 long time. So my question is, since everything is already
6 fast-forwarded, what's going to stop the money waste in
7 Bonneville if it doesn't happen, or is it just telling us,
8 too bad, so sad.

9 I'm not sure a lot of people know this, but I have
10 this question: What happens to all the money in the
11 Bonneville if this doesn't --

12 CHAIR DREW: I'm sorry, Ms. Gefre. This is
13 not germane to our conversation or to what we asked for
14 comments today.

15 SPEAKER GEFRE: Okay. Thank you.

16 CHAIR DREW: We don't speak for Bonneville.

17 SPEAKER GEFRE: Okay. Well, I know it hooks
18 into that, and that's all I know. It was a question.

19 Thank you. Sorry.

20 JUDGE BRADLEY: Thank you, Ms. Gefre.

21 I believe I'm not seeing any other requests to
22 speak, so it appears, Chair Drew, that we can conclude the
23 meeting at this time.

24 CHAIR DREW: Thank you.

25 Thank you, everybody, for commenting tonight, and

1 the council will take all of your comments under
2 consideration as we make decisions moving forward. I
3 appreciate your time this evening.

4 The meeting is adjourned. Thank you.

5 (Meeting concluded 5:56 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON) I, Ann Marie G. Allison, CCR,
) certified court reporter, State of
COUNTY OF PIERCE) Washington, do hereby certify:

That the foregoing meeting was taken before me, via Teams video conference, completed on January 11, 2023, and thereafter transcribed by me;

That the transcript contains a full, true and complete reporting and transcription of the proceedings;

That I am not a relative, employee, attorney or counsel of any party to this action, or relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my signature on the 25th day of January, 2023.



Ann Marie G. Allison, CCR
Certified Court Reporter #3375

<hr/>	360-664-1345 22:4	acceptable 39:24
\$	38 31:11	access 10:8,9 28:12,14
<hr/>	<hr/>	accessed 29:3
\$5 25:22	4	accomplished 11:15
<hr/>	<hr/>	accordance 16:2 18:13
1	4 27:5,9	achieved 10:22
<hr/>	40 31:11	acknowledging 25:7
1 23:6	40-megawatt 16:13	acreage 13:12
1,500 16:17	463-43-030 19:21	acres 13:10,11 16:17 30:25
1,600 13:10,11	463-43-080 20:4	act 19:6 35:11
11 3:2	463-63-050 19:1	action 34:7 35:7
120 19:2	<hr/>	actions 21:5
14-day 19:13	5	activity 15:13 21:9
15th 20:3	<hr/>	add 35:20,21 40:1
18 19:8 27:12,15	5:00 3:2,7	added 37:4
19 11:14	<hr/>	addition 7:25
19th 18:22	6	additional 17:5 24:9 40:2,16
1st 18:15 19:11	<hr/>	Additionally 12:9 15:13
<hr/>	60 20:5 21:3	address 10:16 15:17 24:2 25:12,14, 17
2	631 16:17	addressed 10:7 23:18
<hr/>	<hr/>	adequate 30:18
20 9:16	7	adequately 23:19 24:2 25:13,17
2022 18:11 26:9	<hr/>	adhere 3:22
2023 3:2 14:7	7th 18:11	adjacent 14:16
22 9:16	<hr/>	administrative 4:19 5:19 19:1
22nd 20:10	8	ado 4:1
24 9:15 10:8 27:12	<hr/>	advance 16:21
25 9:8	80-megawatt 13:7 14:20 16:13	adverse 11:2
28 19:15 20:1 35:10	80.50.080 18:14	adversely 8:22 35:8
28th 10:24	80.50.090(5) 3:19	affect 30:16 32:22 35:8
29th 20:8	80.50.100 21:3	affected 20:19
2nd 19:17	850 10:4	afternoon 5:23 22:25 26:25
<hr/>	884 19:9 20:1	ag 25:19,20
3	885 20:3	agencies 14:25 16:2 32:1
<hr/>	89.08 33:25	agency 14:13 36:1
30 27:13	8th 11:9	agenda 3:13 5:24
30-foot 28:22	<hr/>	
300 10:1	A	
36.70 35:8	<hr/>	
360-664-1305 21:15	A-M-A-N-D-A 22:23	
	A-M-I 18:5	
	ability 29:3	

called 3:7 25:5 26:2 27:14,16	commenting 41:25	conditional 3:22 6:21 8:5 11:13 20:12
calling 3:11	comments 3:14,21,25 21:12,15,18 22:16,18,19 30:1 38:4,5 39:15 40:2, 7,16 41:14	conditioned 10:16
care 31:19	Commerce 4:3	conditions 3:21 10:15,25 20:18,21
case 29:15	commercial 9:11 35:3,4	confirm 21:24 40:15
cash 36:1	Commission 4:14	connectivity 12:12
categorically 25:18	commissioner 22:12,20,23 25:20 26:15 38:4 40:5	conservation 33:18,24 34:20 38:5
caution 39:2	committed 11:22	consideration 14:21
center 9:16 10:1 32:9 36:10	committee 23:1	considered 24:11
certificates 18:20	common 36:4	consistency 8:20 11:8 13:24 18:16 19:25
certification 18:10 20:17 21:1	communicate 13:19	consistent 9:1,2,5 11:10 19:9,23
Certified 3:3	communities 35:15	constructed 28:15 35:17 36:13
chain 35:20	community 7:13 8:20,21,25 20:19 36:3 38:16	construction 16:23 20:20,24 27:25 28:4,9,10,12 29:13,14 32:17
chained 38:14	companies 34:14	consultant 7:8
chair 3:10 5:15,17,22 6:8 17:16,18 22:6,8,25 26:14,16 39:24 40:1,8 41:12,16,22,24	company 7:12 34:24	consultation 14:24
chance 39:20	compatibility 33:22 35:14,19,22	continue 11:6,16 13:25
change 25:19	compatible 8:14 9:14	continuing 16:21
changed 34:12	competencies 7:17	contract 29:12
channels 12:5 15:9,23	complete 14:5	contractors 16:23
characterized 34:8	completed 12:18,21 13:14 16:5 28:11	contractual 27:20 28:6
chief 27:4	completion 13:15 19:6	control 13:9,10 16:18 27:18
chimed 38:6	complex 35:1,2	controlled 35:6
choose 31:20	complexes 38:22	conversation 24:5 25:14 41:13
chosen 35:11	compliance 11:10 18:6,20 33:21	conversations 17:3
cited 21:23	complies 3:18	conversion 9:7 34:25
citizens 27:21	comply 11:1,6 23:6	converted 36:4
clarification 21:22	comprehensive 9:2	converts 35:2
clear 24:12	computer 17:14	copy 26:11,12
Coast 34:14	concept 25:25	core 7:16
code 3:23 8:11,15 10:12,14,19 11:13 18:13 19:1 23:18 33:22	concern 31:9	correct 21:25 22:2
codes 10:13 24:3	concerns 30:11,23	corridor 12:8 15:13
comfortably 28:16	conclude 17:6 21:11 41:22	corridors 12:4 15:8,9 36:6
commencing 16:23	concluded 11:11	council 3:11,17 5:16 6:8 11:11 14:13 16:2 17:20 18:7,23 19:4,8,17 20:2,7,8,10,15,16 21:7 22:9 34:3 39:24 40:6,15
comment 3:18,20 19:14 20:11,14 21:19 22:7,13 33:3 34:6 37:14 39:17 40:11,19	concludes 21:9	council's 21:4

counsel 4:21 5:13 6:20 11:9
counties 35:10
county 3:4,16,23 8:11 9:3 10:9,13, 14,18 11:13 13:8 14:16 18:20 22:13, 23 23:2,7,10,22 24:2,18 25:12,19,22 27:5,9,22 28:5 30:20 33:22 35:10 37:13,20
county's 9:1 32:7
couple 10:21 11:3 12:1 23:4 37:5
court 3:3 9:20,24
cover 16:17 23:4 28:2
covered 31:1
create 39:4
created 15:6
creating 24:16
creation 38:21
creatures 31:5
Creek 5:25 6:3,13 7:18 8:8 14:15,20 15:5 16:1 18:9
criteria 3:22,25 6:21 8:6,11,13,17, 20 10:19 20:12 22:18
critical 11:16 35:16,18,19
crop 9:7
cropland 15:2
cropping 34:11,21
crops 34:19,20
crushed 30:20 32:8
cultural 12:3
curative 13:15
current 34:17
cutting 26:1
Cypress 5:25 6:3,13,20 7:22 8:8 14:14,20 15:5,25 18:9 34:1
Cypress's 7:16
Cyprus 7:18

D

D-A-L-E 27:4
D-R-U-M-M-O-N-D 8:9

Dale 26:22,23 27:3
danger 39:5
database 21:19 40:11
date 16:12 18:8 21:10 26:8 29:10
Dave 5:5,6
Davis 5:9,10
days 19:2 20:5 21:4
deals 33:21
debris 29:1
decades 24:23
decisions 25:6
decommissioned 9:12
deemed 11:9 19:23
deep 12:24 38:7,12
demonstrate 15:25
demonstrated 11:25
department 4:3,5,7,10 15:16 27:5, 10,23 29:3 31:10 36:5
departments 23:9
depth 24:23
design 14:22 15:17 16:21
designed 12:2 16:1 20:22
details 28:9
determination 10:24 18:25 19:12, 25
determined 23:25
determining 19:9
detriment 8:16
develop 25:4
developed 7:22
developer 6:24 7:5,19 14:14,15
development 7:2 15:4 16:12,24 17:4 23:6
device 17:15
difference 27:17
difficult 25:6 35:25
direct 9:3 15:15 21:7 35:7
directly 3:25

director 7:2,6 18:6 38:5
disallow 23:13
disallowed 23:11,14
disconnect 29:5
discourse 25:4
discuss 23:6
district 27:5,9,22 33:18,24 38:5
diversify 9:4
document 35:24
documentable 35:20
dollars 7:24
dominate 9:9
dominated 15:2
door 31:23
dot 10:9 21:16,17
draft 20:17,21 21:6,8
Drew 3:9,10 5:17,22 6:8 17:16,18 22:6,8 26:14,16 39:24 40:1,8 41:12, 16,22,24
drifting 39:12
drought 32:16
Drummond 6:20 8:5,7,8,9 9:18,22
dry 32:15
due 28:1

E

E-F-S-E-C 21:16
eagles 38:20
earned 25:23
earth 39:4
easements 13:13
easier 9:24
easily 38:19
east 9:16 10:4,5 15:9,12,24 27:5,9, 10,23 29:11 34:14
eastern 12:8
echo 38:3
ecology 4:5 24:24 32:2

economic 9:6 35:15	erodes 36:3	fast-forwarded 41:6
economics 34:10,23	erosion 11:4	favorable 13:2
economy 8:24	ESP 38:11	February 20:10
ecosystem 31:8	essentially 8:13	feedback 15:15
effectively 29:15	established 28:20	feeding 25:24
efforts 15:25	evacuation 39:12	feel 17:1,8 32:18 34:5
EFSEC 4:21 6:8,14 10:15,22,23 13:19,23,25 14:24 16:2,25 17:24,25 18:10,15 19:11,15 21:14,16 22:2 24:8	Evaluation 3:10,11 18:7	feet 10:1,4
EFSEC's 20:25 24:12 27:7	evening 3:9 8:7 18:3 20:13 21:10,13 26:18 33:9 36:24	fence 12:9,10 28:21,23 35:21 36:13, 14
EFSEC.WA.GOV 21:16	evening's 21:12	fencing 12:15 28:25
Eli 4:6	event 27:18 28:7,9	fight 32:11
eligible 19:21	examples 34:16	fill 29:4
email 21:15 37:4 40:2	excited 7:4	final 16:24 19:15
embedded 35:24	excuse 3:24	financed 7:24
emergency 28:10 29:16	execute 21:6	find 31:5 35:7 36:1 39:3
emerging 34:23	executed 16:19	finish 14:10
EMS 27:12	existing 14:22	fire 10:13 27:4,5,9,10,11,16,23 28:1, 6,7,9 29:1,3,7,12 31:9,10,14 32:23 39:5,6
enacted 23:20,22 26:6	expecting 14:7	firefighters 32:11
end 14:2 28:17 37:1 38:7	expedited 3:18 18:12,24 19:21 20:2,6 25:11	firefighting 28:14
endangered 38:20	express 40:10	fires 27:14 31:15 32:10,12
energy 3:10 7:23 9:3 16:13 18:6 20:25 23:18 24:1,16,17 26:1 32:25 37:21	expressed 36:23	firing 32:9 36:10
engineering 14:6 16:22	extend 20:9	fiscal 34:1
ensure 11:1 14:1 29:14	extension 18:24 19:5 20:10	fish 4:7 15:16 25:1 36:5
entering 29:11	extent 20:23	fleet 8:1
entertain 29:11		flip 17:7
entire 12:11 24:15 35:17	<hr/> F <hr/>	flying 38:22
entities 36:4	face 38:22	flyover 8:19
entrusted 25:20	facilitating 5:20	focus 17:4 22:17
environment 5:14 11:2,23 14:23	facilities 20:25 29:6	folks 17:12 22:15 24:24,25 37:2 38:6 39:20
environmental 7:6,7 8:23 12:17,24 14:24 16:4 19:6	facility 18:6 20:20 28:12,13,22,23 29:2,10	follow 40:7,10
EPC 16:23	faith 23:23	followings 21:5
equally 35:16	fall 39:16	food 26:2
equipment 28:15,16,19 29:4,5,15	familiar 32:3	footprint 12:11 16:16
Erin 7:7	farm 27:24 34:25 35:1 37:13,19,20 39:15	forever 31:8
	farms 29:13 31:15 32:12 40:23,24	forewarned 30:15

Forgot 30:4
form 35:23
forthcoming 29:13
forward 23:17 24:9 25:11
found 16:7 34:22
free 17:1,8 28:25 31:23
front 40:11
full 8:17 26:19
fully 10:7,16
function 29:15
funding 24:9 32:3
future 7:10 16:8 26:2 30:16 32:22

G

G-E-F-R-E 30:3
G-O-V 21:17
gain 12:24
gates 28:13 30:14
gave 37:15
Gefre 29:19,20,21 30:2,6 33:7
39:19,25 40:15,18,21 41:12,15,17,
20
Gefre's 39:19,23
general 4:17 15:1
generate 31:15
generated 25:23
geotechnical 14:4
germane 41:13
gigawatts 7:23
give 6:22 37:5 39:25
giving 18:7
goal 12:23
goals 9:2,6 38:11
good 3:9 5:23 8:7 22:25 23:23
26:16,25
Goose 36:16
governmental 20:19
governor 20:5,16 21:1,3 24:7,13

25:17 30:8,10
granted 3:17 19:5
Grantham 5:1,2
granting 20:6
grass 11:5
grateful 6:15
gray-shaded 15:21
grazing 9:10 10:2,4
greater 12:11
green 23:25 24:17 32:24 33:1 37:21
grid 24:17
grizzly 38:20
ground 28:2
group 24:21,22
grouse 36:7,11,12 38:18
growth 35:11 38:16
guessing 40:6
guidance 16:2

H

H-A-F-K-E-M-E-Y-E-R 18:5
H-E-A-T-H-E-R 14:17
H-E-R-K-E 37:12
H-I-L-L-E 27:4
habitat 11:4,5 12:12 14:22 35:18,22
36:4,6
Hafkemeyer 4:24,25 18:1,4 21:21
22:1
hand 6:22 37:4,6 39:19 40:5
handing 8:4 14:9
Hanford 36:11
happen 41:1,7
happening 24:6 30:19 32:21 37:25
hay 34:22
hazards 29:7
hear 5:25 17:22 33:13 34:5 37:8
hearing 5:15 7:12 18:17,19

Heather 6:23 7:5 14:10,14
held 3:3 18:15,17
helpful 9:21
Henderson 5:3,4
Herke 37:8,11,12
Herke's 37:6
high 3:13,16 6:14,24 7:5 10:5,22
14:11,15 15:4 16:1,12 19:18 31:1
36:16 39:8 40:23
high-level 16:11
High-value 34:19
highlight 12:1
highlighted 15:3
highway 27:12 40:22
Hill 36:17
Hille 26:22,23,24,25 27:3
hold 20:11 41:1
honor 6:12 11:6
hook 40:24
hooks 41:17
hope 33:3
hops 34:19
hours 24:20
<https://comments.efsec.wa.gov>
21:19

I

ideal 15:4
identified 12:3 19:20
immediately 18:16
impact 8:22 12:2 13:3 36:7,18
impacts 10:17 11:2,5,21 13:1 14:21
15:6 16:6
important 12:20 22:17 38:19
imposed 3:21 10:15
impressive 34:1
improved 10:9
inbox 21:15

include 11:3 12:14 16:9 20:18,21 28:12	involved 30:8 32:7	knowledge 24:24
includes 10:1,12 12:7 16:4	involvement 25:2	<hr/>
income 25:23	irreplaceable 36:7	L
incompatible 34:22	irrigated 34:10	<hr/>
incorporated 15:17	issue 23:7	L-O-R-R-E 30:3
incredibly 25:24	issued 10:23 19:11,15 20:1	lack 32:15
independently 24:12	issues 40:9	land 7:11 8:22 9:7,15 11:8,10,22 13:24 15:7,11 18:16,19 19:10,24,25 22:18 25:19,21 27:20 34:8,9,17 35:2,14 36:2
indicative 24:5	item 17:2	land's 12:25
industrial 35:1,2 38:22	items 33:20	landowner 34:17
influence 39:6	<hr/>	lands 34:22 35:12 39:1
information 7:11,18 12:19 33:21	J	large 28:5,13,14
informational 18:15	J-E-S-S 6:5	Lastly 21:18
informed 30:21	January 3:2	Laura 4:20 5:19
infrastructure 8:23	Jess 6:4,12 14:12	law 4:19 5:19 34:3
inherent 28:1	Joanne 5:11,12	laws 20:23
initial 7:18 11:20 27:17	job 25:20 32:2	layman's 23:8
injury 8:16	John 4:18 5:7,8	layout 11:19 14:19 15:6,21
inside 28:21	join 24:22	leakage 32:13
Inslee 30:10	joining 22:3	lease 8:24 16:17 34:17
Inslee-murray 30:9	judge 4:19,20 5:19,21,22 6:6,8 9:17, 19 17:10,23 18:1 21:21 22:5,10,11 26:5,9,13,17,21,23,25 29:17,20,24 30:5 33:6,12,14 36:22 37:2,9 39:18 40:4,13,20 41:20	left 32:7
integrated 24:21 25:4	Julie 7:6	legal 6:20
intent 13:11 24:15	July 18:22 26:8,9	legislature 24:7 25:16
intentionally 13:11	June 18:15	lengthy 39:15
interconnection 13:16,21 16:19	jurisdiction 20:25	Lenny 4:12
interest 36:23	<hr/>	letter 18:12
interested 6:9	K	Levitt 4:6
interesting 23:16 31:4	<hr/>	life 9:11
interests 20:19	Kate 4:4	limiting 22:15
interjects 31:17	Kathleen 3:9	link 35:20
Internet 29:23	keeping 38:16	list 16:4,9 26:19 33:11 37:1,5
interrupt 9:17	Kelly 4:4	listed 35:18 40:11
intersections 28:17	kind 36:8 38:21 39:14	listening 23:9
introduce 5:18 7:4	kinds 38:13	lithium 39:11
inversions 39:8	knew 30:8	live 31:10
invested 34:15	knowing 13:12	lived 31:11
investment 34:14,24		livestock 9:10

Livingston 4:9
local 8:15 10:12 19:9,24 20:19,23 33:24
located 3:16 8:21 16:15 29:2
location 13:3 16:7 20:24
logic 23:13
long 32:20 37:17 41:5
long-lasting 7:13
long-time 7:19
longer 34:11
looked 33:4
Lorre 29:19,20 30:2
lose 32:3 38:14
losing 38:1,2
loss 38:10
lot 7:12 30:23 31:3,4,6,12,13 32:4,18 36:6 38:15,23 41:9

M

M-A-R-K 37:12
M-C-K-I-N-N-E-Y 22:24
M-I-C-H-A-E-L 33:17
M-O-S-L-E-H 6:5
madam 6:7 22:25
made 19:2,25 20:5
main 21:14,15 22:2 30:11
maintained 15:8 28:21
maintaining 12:4,7
maintenance 8:1
major 13:2
majority 12:5
make 9:23 11:17 14:2 17:14 20:15 23:21 26:1 27:17 28:17
makes 15:3
making 6:1 9:20
management 7:20,25 28:20,24 35:11 36:11 38:17
manager 7:7,8 33:18

manpower 29:15
Marie 3:3
Mark 37:6,11
marked 29:5
marker 27:12,13,15
massive 30:11
match 21:23
material 8:15
materials 39:4
matter 32:24
maze 37:16
Mckinney 22:22,24 26:7,10,15 30:17 33:4 40:5,7
Mckinney's 38:4
MDNS 11:6 13:24 19:13,16,23 20:1
means 31:22
meet 8:14
meeting 3:7,11,14,18,20 5:20 7:11, 18 12:19 17:13 18:16,23 20:12,14 21:12 23:5 24:21 34:4 41:23
meetings 18:17 31:17
meets 10:18
members 6:8 14:13 17:20 22:9
mention 17:12
mentioned 7:11 16:12 36:15
messed 31:8
met 10:10,12
Michael 33:16
micro 11:21
Microsoft 22:4
Mike 4:9 33:11 38:5
mile 27:12,13,15
miles 9:16 10:3,5
milestones 10:22 11:16
mineral 13:15
minimize 9:7 11:21 12:2
minimum 28:6
minutes 22:16 37:5 39:25 40:3

mispronounced 37:7
mitigate 11:2 12:25 16:6
mitigated 10:16,23 19:12
mitigates 15:6
mitigation 11:4,12 12:13 31:21 35:23 36:1
mitigations 11:3
mixes 12:14
modifications 11:20
money 33:1 41:6,10
monitoring 11:3
monthly 18:22
months 10:21
monument 36:12
monumental 10:22
moratorium 23:20,22 26:6
Mosleh 6:4,5,7,12 10:20

move 8:18 13:18 16:10 24:9
movement 12:12
Moving 12:17
Moxee 9:16 34:15
muted 17:14
mutual 27:19
mutually 19:3 20:7

N

nation 25:5,24
native 12:14
natural 4:10 25:7
naturally 15:23
nature 31:13
nearby 19:18
nearest 10:3
needed 16:8 28:18 29:8
neighboring 9:14
newspaper 32:5
no-man's 27:20

noble 7:20	organization 7:9	period 19:14
non-compatible 36:14	Osta 5:9,10	permitting 16:25
non-existent 9:8	Ostra 6:14,22 34:18 36:16	person 6:1 22:14 26:20,21
non-irrigated 8:22 34:8	Ostrea 3:13,16 10:21 11:19 12:9,18 13:5,7 14:16 19:18 31:1 40:23	personal 34:6
non-native 15:3	Ostrea's 10:5 13:21	phone 17:14 21:23,24,25 22:2 29:22
non-profit 36:2	overruns 28:8	Pierce 3:4
non-significance 10:24 19:13	oversight 31:22	place 19:10 33:4
north 9:15 15:14,19,20 33:17 38:4	overview 6:18 21:9	plan 9:2 11:19,20 24:19,20,21 25:4 30:19 36:11
note 17:2	Owens 4:1,3,5,7,10,13,16,19,21,24 5:1,3,5,7,9,11,13,15 26:17,19,22 29:18,19 33:8,10 36:23,25	planned 30:12,13,23 31:2
notice 15:11,22 37:15	owner-operator 7:20	planning 18:21 22:13 23:9 29:8
notices 39:13	owners/operators 29:12	plant 15:20,22
November 11:9 19:17 20:3,8		plants 12:3
number 21:22,23,24,25 22:2		pleasure 23:1
O	P	plowed 9:9 15:2
objectives 38:11,13	p.m. 3:2,7	point 5:18 8:10 19:19 21:22 39:22
observed 32:1	Pacificorp 16:19	policy 19:6 27:14
occur 14:7	packet 8:12	politics 31:25
October 10:24 19:8,11,15 20:1	paid 32:2	pool 38:8
Office 18:21	panel 12:10 28:16	population 15:20
one-mile 12:7	panels 35:21 39:2,4	portfolio 34:1
ongoing 17:3	parcels 12:8	portions 34:9 35:9
online 8:12 21:18	part 14:1 23:24 25:13 27:21 30:9	posted 5:24
open 12:4 15:12 31:23 38:25	participant 24:19	potential 12:2
operating 8:1,2	participate 18:3	Power 13:17
operation 20:20,24	participating 20:12 34:6	powering 7:10
operational 27:14	parties 3:5 6:9	Prairie 36:17
operations 7:25 28:18	partners 27:19	Pre-incident 29:8
opportunity 6:15 22:17 23:1,3 30:7 33:19 37:14,15	pass 28:16	preempted 20:23
opposed 37:20	passing 12:5	prepared 39:16
orchard 34:19	past 7:22 10:21 31:21 34:10	prepares 20:17
Orchards 34:16	patterns 34:21	present 3:5 4:4,6,9,12,15,18,20,23, 25 5:2,6,8,10,12 6:16 8:15 37:3
order 3:7,11 11:1,11 12:25 19:8 20:1,3 27:18 29:9	payments 8:25	presentation 5:25 6:1,23 12:20 14:10 17:6,17,19,24 18:8 21:10
ordinance 25:12	people 30:18,20 32:6,24 34:5 39:13 41:3,9	presentations 17:11
ordinances 11:11 19:10,24 20:23	performing 7:25	presented 29:8
	perimeter 28:21,25	presenting 6:19

presents 8:25
president 37:12
presiding 5:20
pressure 39:8
previous 34:21
previously 9:9 12:23
pride 7:12
primary 12:23
private 10:8
privilege 24:22
proceed 17:24 22:6,10 23:25 27:2 30:1,5
proceedings 3:2
process 10:23 11:16,22 13:21 14:1, 5 16:22 18:8,12 19:22 20:2 25:10,11 32:20 34:2 37:22 38:10
processing 3:18 18:24 20:6
procurement 14:6
production 9:8 26:2
program 35:9,13
progress 25:6
project 3:14,15,16,22 6:22 7:7,10 8:14,17,19,21 9:1,5,14,25 10:11,15, 18 12:6,9,11,22 13:1,3,6,7,19,20 14:4,14,15,20,23 15:1,4,19,20,24 16:1,5,6,11,13,14,16,18,20 17:3,4 18:8 21:9 24:14 28:5,10 30:9
project's 9:11 10:17
projects 3:24 6:14,21 7:2,20,23,24 8:2,6 10:25 11:1,6,9,12,17,23 14:2 23:3,19 24:1,9,11,17 26:6 32:6 38:13
proof 34:24
properties 8:16
property 11:12 29:2 34:15 35:3,4
proposal 10:16 19:9,21,22,23
proposals 25:16
proposed 14:20 16:13 27:24 28:4 34:10 35:17
protect 20:18 25:20
protecting 35:16

protection 29:1 31:14 32:23
proud 11:15 25:25
provide 8:19 13:5,18 26:3 27:11,16
provided 26:12
providing 12:15 34:17
provisions 11:13
public 3:14,18,20 8:23 18:15 19:13 20:11,14 22:7 23:9 30:13,15 32:7 34:4 35:25 37:25
public's 32:20
purchased 34:16
purpose 20:22 23:5,23 35:13
put 23:12 31:19 41:1

Q

Q1 14:7
qualifies 19:22
question 40:18,20,23 41:2,5,10,18
questions 17:5,9,16,20 22:6,8 26:14 32:18
quickly 9:19 17:12 37:23
quorum 5:16
quoted 34:4
quoting 32:5

R

raise 37:3
raised 37:6
raising 40:5
rare 15:19 39:3
ratios 11:4
RCW 3:19 18:13 21:3 33:25 35:8,13
re-introduce 7:1
re-vegetation 12:14
reach 17:8
reached 23:10
read 8:11 27:6,7 31:14 32:10

realize 30:19 32:21
realizing 38:8
reason 23:5 34:2
reasons 37:23
receipt 19:2 21:4
receive 3:14,20 16:24 24:8
received 20:11,15
recently 24:22 34:16
reckless 38:21
Reclamation 24:25
recognize 20:22
recommendation 20:4,16 21:4
recommends 20:17
reconsider 21:7 39:23
record 6:2 18:5 22:21 27:2 29:25 33:15 37:10
recorded 31:16
recover 36:19
reduce 13:12
refer 17:1,4
reference 16:8,9
referred 18:18
regularly 13:18
regularly-scheduled 18:22
regulate 20:24
regulations 38:16
reject 21:7 25:15,16
relate 3:25
related 35:9
relationship 13:17 35:12
relationships 7:13
release 14:7
relying 24:17
remained 15:14
remains 17:3
REMEMBERED 3:1
remind 21:11

removed 9:12

Renewables 5:25 6:13 18:9

replace 35:23

report 12:24 27:16

reporter 3:3 9:20,24

represent 8:8

representing 6:13 33:23

request 20:9 24:13 25:15 39:23

requested 12:13 18:23 19:5 20:3

requesting 18:12

requests 41:21

require 8:13

required 20:4 28:6

requirements 8:15 10:10,12,14
19:20

reside 30:10

residence 10:3

residents 10:4 25:18

residing 3:4

resource 11:21 29:14

resources 4:11 8:23 25:7 39:3

respond 27:15

responders 29:6,9

response 27:10,12,18

rest 6:23

results 13:2

revenue 8:24

review 19:7 20:11

reviewed 20:8,15

reviewing 3:15

revised 10:23 18:13 19:15 20:1

RFP 14:6

risk 28:1

risks 9:7

road 10:8

Roadways 28:15

Rock 36:17

roll 4:1

room 24:24

Route 9:15 10:8

rural 8:24 9:4,5 27:11

rushed 37:22

S

S-U-S-A-N 8:9

sad 41:8

safety 10:9

sage 36:7,11,12 38:18

salvage 35:14

saving 38:25 39:1

SCA 20:18,21 21:6,8

scary 31:14

scene 27:16

screen 15:22 22:3

seasons 39:9

secluded 31:6

secured 13:11,13 16:18

seed 12:14

Seija 7:5

send 37:4 40:2

sending 40:10

senior 7:2,6

sensitive 12:3,25

sensitivities 11:24 13:13

SEPA 19:7,11

service 28:7

set 9:25 34:3 40:24 41:4

sheep 11:5

shift 24:16

short 26:1 37:15

shortly 37:24

show 12:20 13:6

shows 25:3

shrubsteppe 11:5 15:18

sides 28:13

siding 11:22

signed 20:25 21:14 26:18

significance 24:13

significant 11:2

signs 30:14

similar 7:17 35:5

simple 23:12

simply 24:3 25:12 26:11

singular 12:10

sir 37:7

sit 40:21

site 3:10 9:7,9 11:19,20 13:1,9,10
14:19,22 15:1,4,6,21,24 16:7,15,16,
18 18:7,10 19:17 20:17 21:1 28:7
29:9,16,22 34:7

sites 12:6 19:18

siting 18:6

situation 27:17 38:7,18

size 10:11

skill 7:2

slide 6:11,17,25 7:15,16 8:3,10,18
9:13 11:18 12:16,19 13:4 14:19
16:3,10 17:7

slides 8:4 17:1,5

slow 9:21,23

smarter 25:1

smoke 39:10,13

Snarski 5:11,12

solar 3:16 6:14,22 7:19,23,24 11:19
13:6 14:11,20 15:4,10 23:20,22 26:6
27:24 29:13 31:15 32:12 34:25
35:21 38:22 39:2 40:23,24

solution 23:24

Solway 36:17

Sonia 4:22,23

source 29:2

sources 24:16

south 9:15 15:14,19	statewide 24:13	survive 31:7
spaces 38:25	stating 6:2	Susan 6:20 8:5,8 10:20 15:3
speak 6:21 8:5 21:13 22:17 23:2 24:20 26:18 30:7 33:25 37:3,14,15 39:21,22 40:14 41:16,22	station 40:22	sustainable 7:10
speaker 3:9 4:3,4,5,6,7,9,10,12,13, 15,16,18,19,21,23,24,25 5:1,2,3,4,5, 6,7,8,9,10,11,12,13,15 6:4,7 8:7 9:18,22 10:20 14:12 18:1 22:1,22 26:7,10,19,22,24 27:3 29:18,19,21 30:2,6 33:10,13,16 36:25 37:8,11 40:18,21 41:15,17	stewardship 35:9	system 16:14 29:7
speakers 33:8	Stewart 5:3	
speaking 9:19 17:13 36:24	stick 38:1,12	<hr/> T <hr/>
specialty 32:11	stop 33:3 41:6	T-O-B-I-N 33:17
species 9:9 15:3,23 38:20	storage 7:19 16:14 25:1 29:6	Tai 7:1
specific 26:8,11	Stratton 7:5	takes 7:12 30:24
specifically 22:18 23:13,14	stream 12:5	taking 14:19 15:1 24:7
spell 22:21 27:1 29:25 33:15 37:10	string 36:16	talk 30:22
spelled 8:9 14:17	strive 7:13	talked 24:8 36:6
spelling 6:2 18:4	strong 13:16	talking 33:20
spent 24:20	structures 36:8	tax 8:24
spread 27:18	studied 24:14	team 6:15,20 7:1 11:15 13:17 15:5 16:22
Stacey 4:15	studies 12:17,21 13:21 14:4,24 16:5,7	Teams 3:5 22:4
staff 4:21 6:9 13:25 14:25 17:25	studying 24:11	technical 13:21
stagnant 39:9	stuff 32:4 37:16	techniques 34:20
stake 38:10	subjective 23:16	telling 41:7
stakeholders 6:9	submit 21:11 40:16	ten 7:23 18:25
stand 13:23 27:24	submitted 18:9,12 21:18	tendency 9:23
standards 23:7	subsets 12:10	term 7:19
stands 23:22	success 11:17 14:3	terms 8:20 10:2 13:16,24 23:8,12
start 37:18 39:12	sufficient 40:3	thankful 14:1
starting 13:9 32:21	summary 8:13 16:11	things 23:4,16,17 32:1,14 33:4 38:21,23
state 3:10 9:15 10:7 19:6 20:19,22 22:20 23:14,24 24:6,15 25:13,18,23 27:1 29:25 32:1,3 33:14 35:10 37:9, 19	summer 39:7	third-party 8:2
stated 12:23 18:25 21:24	sun 30:24	Thompson 4:18
statement 7:9 18:19 27:6	supply 9:3 40:22	thought 12:20
States 7:21 26:3	support 9:6 27:19	thoughtful 14:21
	supports 8:24	thoughtfully 16:1
	suppress 34:5	thousands 30:25
	suppression 27:11,16 28:7,18 29:4,7,12	threshold 19:11
	surrounding 8:14,16 14:22 15:7 27:11 28:2	throwing 39:1
	surrounds 11:23	timber 39:10
	surveys 12:4 13:9,14	time 6:10 7:10 14:8,14 17:8,22 19:3, 10 20:6 24:3 25:13 27:8 30:18,22

32:5,20 33:2,3 34:4,11 36:20 39:7 40:10 41:5,23	understands 23:21	wakes 37:25
timeline 20:9	understood 33:20	walk 6:19
title 11:14 13:15	United 7:21 26:3	Walker 5:5,6
Tobin 33:11,12,13,16,17 36:22	unprotected 28:5	walking 38:7
Tobin's 38:5	unwilling 24:18	Wallace 7:1
today 6:10,13,16,19 13:6,23 14:8,14 16:9 17:6 23:23 24:20 33:23 41:14	update 6:22 13:6	wanted 13:5 16:9 23:4
tonight 3:12 36:16 37:14 41:25	updated 7:16	wanton 38:21
tonight's 20:14	updates 13:18,20 14:11	Wash 10:9
top 3:13,16 6:14,24 7:5 10:22 14:11, 15 15:4 16:1,12 19:18 31:1 32:10 36:16,17 40:23	updating 24:16	washed 32:14
Top's 10:5	Utilities 4:13	Washington 3:4,10,17 15:16 18:13 19:1 23:25 24:15 25:24 36:5 37:19
topics 23:5	utility 16:20	waste 41:6
topo 13:14	<hr/> V <hr/>	watched 31:12
topography 28:2	vacant 8:22 34:8	watching 31:21
total 16:17	Valley 27:5,9,10,23 29:11 39:12	water 29:2 32:15 34:13,20 38:8
touch 13:17	vantage 19:19	water's 32:13,16
touched 39:14	vegetation 28:20,23	Wautoma 36:17
tour 19:17	verbal 3:20	ways 15:7 31:6
toxic 39:13	versa 13:19	website 16:8
toxins 32:12	viability 35:15	Wednesday 3:1
trained 32:11	viable 34:11	weeds 29:1
Training 9:16 10:1	vice 13:19	weedy 9:9 15:3
transcript 9:20	video 22:20	weeks 18:25
transmission 7:2 15:15	viewed 19:18	well-suited 9:10
Transportation 4:13 10:7	vineyard 34:19	west 7:3 10:3 15:9,11,24
TRC 7:7	violation 35:8	western 12:8
tribal 25:2	virtually 18:17	wide 12:7 28:15
trouble 38:12,15	voluntary 35:9	wildfire 28:8 39:9
tubes 38:12	vote 20:15	wildland 28:1 31:4
turns 28:17	voted 19:8 20:2	wildlife 4:8 12:4,7,11 15:8,9,12,13, 16 31:3 32:2,8,24 36:5 38:18
<hr/> U <hr/>	<hr/> W <hr/>	wildlife-friendly 12:15
uncontrollable 28:3	W-A 21:17	win-win 38:7
understand 11:24 16:6 32:22	W-I-S-E 14:18	wind 39:2
understanding 12:24 22:12	WAC 19:1,20 20:4	Wise 6:23 7:5 14:10,12,14
	waited 37:17	work 7:12,14 11:17,24 13:15,25 25:25 41:1
		working 11:23 13:20 16:22 37:17

41:4

worried 39:5

wrap 16:24 17:4

writing 40:16

written 39:15 40:7

wrong 32:5 34:9

Y

Yakima 3:16,23 8:11 9:16 10:1

11:13 13:8 14:16 18:20 22:13,23

23:2,7,9,22 24:18,21 25:22 27:4,9

33:17,22 35:9 37:13,20 38:4 39:12

year 14:25 16:24 39:7

year-round 9:10

years 7:22 9:8 24:23 31:11,12 32:16

Young 4:12

Z

zoning 11:10 18:20