

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

Application Docket No. EF-230001

In the Matter of:

Cypress Creek Renewables, LLC,

Carriger Solar, LLC

Applicant

REPORT TO THE GOVERNOR ON APPLICATION DOCKET NO. EF-230001

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I. Executive Summary

A. Application

Carriger Solar, LLC (Applicant) has applied under the Energy Facility Site Locations Act, RCW 80.50, for site certification to construct and operate Carriger Solar LLC Project (Project) in unincorporated, Klickitat County. The Project is a 160 megawatt (MW) solar photovoltaic (PV) facility that would include a 63 MW battery energy storage system (BESS). The Project would interconnect with the Bonneville Power Administration (BPA) transmission system.

B. Recommendation

The Energy Facility Site Evaluation Council (EFSEC or Council) recommends the Governor approve the Project. The Council also recommends that certain conditions be imposed as part of the site certificate agreement (SCA), as detailed in this recommendation.

The Council carefully considered: (1) the policies set forth in RCW 80.50.010 regarding the need for abundant clean energy sources to meet the state's greenhouse gas reduction goals and to mitigate the effects of climate change while ensuring through reasonable methods that all energy facilities will produce minimal adverse impacts on the environment; (2) public comments; (3) the agency's State Environmental Policy Act review and mitigated determination of nonsignificance; (4) the issues raised during staff-level coordination with affected federally recognized tribes and during government-to-government consultation¹ as set described in RCW 80.50.060(8); and (5) commitments made by the Applicant in its application, at hearings, and in other relevant documents.

The Council concludes that the conditions identified in this report and set forth in the accompanying draft SCA are reasonable methods to minimize the adverse impacts of the proposed Project on the environment and to consider the broad interests of the public including affected tribes. The Council finds that with the recommended mitigation measures, the proposed Project meets the requirements of applicable law and comports with the policies and intent of Chapter 80.50 RCW.

II. Detailed Summary of the Application and the Council's Review Process

A. Carriger Solar, LLC Project

Cypress Creek Renewables, LLC (CCR) filed an application for site certification (ASC) on behalf of the Applicant on February 10, 2023. Carriger Solar, LLC is a wholly owned subsidiary of Cypress Creek Renewables, LLC. Carriger Solar, LLC headquarters are in Santa Monica, California.

The Project will construct and operate a solar PV electric generating facility that includes 160 MW of solar energy and 63 MW BESS.

¹ Per a letter received from Chairman Lewis, dated May 14, 2025, the Yakama Nation do not consider this meeting to meet the definition of government-to-government consultation. A response letter from EFSEC dated May 23, 2025 acknowledges this concern.

The Project is located north of SR 142 and along Knight Road, approximately two miles west/northwest of the City of Goldendale in unincorporated Klickitat County. The Project is located primarily on agricultural and rural residential lands, and the southern portion of the Project area is located in the Klickitat County Energy Overlay Zone (EOZ). The Project contains 2,108 acres and is composed of two non-contiguous areas across 25 parcels of private land that are under purchase or lease option for Project site control. A 1,326 acre or less subset of this area will contain the maximum Project footprint or maximum project extent (MPE). The MPE includes:

- A 30-foot corridor associated with the Project collector line in the Knight Road right-of-way (ROW).
- A 30-foot corridor associated with the Project access road and collector line within the BPA ROW.
- All the areas within the solar array fence lines minus exclusion areas where sensitive resources such as wetlands and streams are being avoided.
- In total, the MPE includes all solar arrays, Project substation, BESS facilities, operations and maintenance building, employee parking, access roads, collector lines, and laydown areas.

B. The Council and the Application review Process

EFSEC is an agency of the State of Washington established under RCW 80.50.010. One of the Council's responsibilities is to review applications from private developers for authorization to construct and operate specified energy facilities, including alternative energy resource facilities (such as solar) and electricity storage facilities that choose to apply for certification under RCW 80.50.060(1)(b). After reviewing the application and receiving information from the public, other agencies, and affected Tribes, the Council develops a recommendation for the Governor on whether to approve the application, and if so, on what conditions. If the Council recommends approval, it provides a draft SCA that includes its recommended conditions for signature by the Governor and the applicant. In developing a recommendation, the Council's mandate is to balance the need for abundant energy at a reasonable cost with the broad interests of the public. RCW 80.50.010; see also WAC 463-47-110.

Council representatives participating in this process are Kurt Beckett, Council Chair; Elizabeth Osborne, Department of Commerce; Eli Levitt, Department of Ecology; Nahan Pamplin, Department of Fish and Wildlife; Lenny Young, Department of Natural Resources; Stacey Brewster, Washington Utilities and Transportation Commission; and Matt Chiles, Klickitat County.

The Council's review of the Project ASC consisted of multiple separate and distinct procedural steps. A detailed summary of the activities associated with each step is provided below.

C. Informational Public Hearing

The Council must conduct an informational public hearing in the County of a proposed project no later than sixty days following the receipt of an application.² This hearing shall consist of a presentation of the proposed project by the applicant, and the general public shall be afforded an opportunity to provide written or oral comments.³

Consistent with this requirement, the Council conducted an informational public hearing on April 25, 2023, in Klickitat County. Pursuant to RCW 80.50.090(1) and WAC 436-26-025, the Applicant and EFSEC staff gave presentations about the Project proposal and EFSEC application review process, respectively. The Counsel for the Environment was introduced and provided a description of the duties of this position. EFSEC staff provided public notice and invited the public to comment at this hearing.

The Council received a total of 35 oral comments during the informational public hearing and an additional 48 written comments. The comments were largely in opposition to the Project. Many expressed concerns that the location was not desirable due to the proximity and visibility to the city of Goldendale and the rural residential location. Other commenters discussed the solar development moratorium in Klickitat County at the time of the application, or expressed concern for wildlife, loss of agricultural lands, and possible hazards to public health from the BESS and solar panels. A few commenters expressed support due to potential economic opportunities for jobs and to those leasing or selling their lands for the project.

D. Land Use Consistency Hearing

Subsequent to the informational public hearing, EFSEC must conduct a land use consistency hearing pursuant to RCW 80.50.090(2) and WAC 463-26-050. The Council must then decide whether the proposed site is consistent and in compliance with local land use plans and zoning ordinances.⁴

The Council held a Land Use Consistency hearing on May 16, 2023 to determine whether the Project's use of the proposed site is consistent with local or regional land use plans and zoning ordinances in effect at the time the ASC was submitted.⁵ Testimony was provided by CCR, the County (including 2-county commissioners), and 5 local citizens during this hearing. The Council determined the Project to be consistent with Klickitat County land use plans and zoning ordinances in effect as of February 10, 2023, the filing date of the ASC.⁶ The Council determined it to be consistent because the Project was eligible to be approved under the Energy Overlay Zone and conditional use provisions of Klickitat County Code Title 19. On September 25, 2023, EFSEC published Order 889 affirming land use consistency.

² RCW 80.50.090(1), WAC 463-26-025.

³ WAC 463-26-025.

⁴ RCW 80.50.090(2); see also WAC 463-26-110.

⁵ RCW 80.50.090, WAC 463-14-030.

⁶ [EFSEC Order 886](#)

E. Compliance with Chapter 80.50 RCW and State Environmental Policy Act

The Council must comply with State Environmental Policy Act (SEPA), Chapter 43.21C RCW, which requires consideration of probable significant adverse environmental impacts of certain government actions, including approval or denial of an application to site an energy facility, and possible mitigation. EFSEC's SEPA rules are set out in Chapter 463-47 WAC. The Council's responsible SEPA official is the EFSEC Director.⁷ If the Council's SEPA official finds that adverse environmental impacts can be mitigated to nonsignificant levels, EFSEC may issue a mitigated determination of non-significance (MDNS).

On April 7, 2025, EFSEC's Director, Sonia Bumpus, issued an MDNS followed by a 14-day public comment period. On June 16, 2025, EFSEC issued a Revised MDNS for a 7-day comment period to reflect changes made in response to comments received during the April comment period. All mitigation measures identified in the Revised MDNS have been included as conditions of the draft SCA.⁸

F. Tribal Engagement

Consistent with RCW 80.50.060(8), EFSEC seeks ways to avoid, minimize, or mitigate any adverse effects on tribal resources and rights and aims to include methods for increased protection of tribal cultural resources, archaeological sites, and sacred sites in its recommended conditions for energy facility siting.

RCW 80.50.060(8) requires EFSEC to provide opportunities for early and meaningful participation and input from federally recognized tribal governments that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed, both during the siting review process and in ongoing compliance monitoring of proposed energy facilities.

Prior to the submission of the ASC, the Applicant met with Yakama Nation CRP staff in preparation for the cultural resource survey (Survey) work. In turn, the CRP staff indicated awareness and continuing interest in the Project to EFSEC staff. On March 15, 2023, EFSEC staff formally notified receipt of application to 11 federally recognized tribal nations identified by the Department of Archeology and Historic Preservation (DAHP) as having treaty rights to the proposed Project location. EFSEC received no response to this notice offering government-to-government consultation. However, on March 30, 2023, the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) Cultural Resource Program (CRP) sent EFSEC staff a comment letter on the first draft of the Survey for the Project and confirmed their ongoing interest in engagement. EFSEC staff worked with Yakama Nation CRP staff and DAHP on the Survey over the following 17 months. The Survey was reviewed and revised multiple times in response to comments received from CRP staff and DAHP after each revision.

In the summer of 2023, EFSEC staff engaged with Yakama Nation CRP staff specifically to address traditional and cultural properties (TCPs), as Yakama Nation CRP staff had determined

⁷ WAC 463-47-051.

⁸ See Carriger Solar Revised MDNS, dated June 16, 2025.

that the Project could have significant impacts to TCPs. To that end, EFSEC also offered to finance a confidential study to be performed by CRP staff on those impacts through an inter-agency agreement. The duration of that agreement was for 1-year beginning in December 2023.

On August 15, 2024, the EFSEC Chair requested the Yakama Nation Chairman engage in government-to-government consultation on impacts to TCPs. Yakama Nation staff responded that they preferred not to engage until they completed the TCP study and technical staff had time to work through proposed mitigation options. Yakama Nation staff provided the confidential report to EFSEC staff on October 28, 2024.

Yakama Nation CRP staff subsequently offered to provide a summary letter of the TCP report for EFSEC staff to share with the Applicant so that mitigation could be negotiated. Following receipt of the summary letter, the Applicant developed proposed mitigation options for EFSEC staff to discuss with Yakama Nation staff. EFSEC staff met with Yakama Nation staff and their legal counsel to receive feedback on proposed mitigation. EFSEC staff determined it lacked legal authority to impose the specific mitigation requested by Yakama Nation staff.

By mid-March 2025, EFSEC completed its technical and legal evaluation of the mitigation options proposed by the Applicant and Yakama Nation CRP. The EFSEC Director developed measures that she concluded would mitigate the significant adverse impacts from the Project to TCPs. Throughout that evaluation, EFSEC staff considered Yakama Nation CRP's feedback on proposals for mitigating TCP impacts attributable to the project currently under review by EFSEC but reserved for later analysis TCP impacts from a possible future project proposal on an adjacent state-owned parcel that was of greatest concern to Yakama Nation staff. On May 2, 2025, the EFSEC Director sent a letter to the Yakama Nation Chairman requesting that an opportunity be afforded for the EFSEC Chair and Director to meet with the Yakama Nation Tribal Council on the Council's June meeting agenda. EFSEC Chair Beckett, Director Bumpus and select EFSEC staff and legal counsel met with the Yakama Nation Tribal Council on June 4, 2025. Following the meeting, Chair Beckett provided a confidential memo per RCW 42.56.300(3) (Attachment 1) to all Council members prior to the June EFSEC monthly meeting for their consideration.

To address TCP impacts, the following mitigation measures are/have been incorporated into the SCA through the Revised MDNS:

- Increased setbacks of fencing and solar panels from SR 142 and Knight Road.
- Increased setbacks of fencing and solar panels on both the north and south side of a Department of Natural Resources managed parcel.
- Installation of natural screening tools, such as earthen berms, rock piles or native vegetation to further mitigate visual impacts to users of the north side of the DNR parcel.

Additional conditions are included in the SCA following the June meeting between EFSEC and the Yakama Nation Tribal Council in response to concerns raised in that meeting. These conditions are discussed more fully in Attachment 1:

- The traffic control plan, as required in the SCA Article IV.K, will ensure that tribal access to TCPs is maintained throughout construction.
- EFSEC will include Yakama Nation in the review of the initial site restoration plan as required by SCA Article IV.G and in the review of the detailed site restoration plan as required by SCA Article VIII.A

G. Expedited Processing Decision and Order

The Revised Code of Washington (RCW) Chapter 80.50.075 allows the council to grant expedited processing of an ASC. The applicant can seek expedited processing when the following two conditions are met:

1. The project is found to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances, at the time the application is submitted.
2. The environmental impact of the proposed facility is not significant or will be mitigated to a nonsignificant level as defined in RCW 43.21C.031.

As noted in subsections D and E of this section, order 889 was issued on September 25, 2023, the MDNS was published on April 7, 2025, and the Revised MDNS was published on June 16, 2025. After publication of the MDNS the Project met both legal requirements (consistency with local zoning and no significant environmental impacts, as specified in RCW 80.50.075) for the Council to grant the Applicant's request for expedited processing. A public comment period on the draft order on expedited processing was open from April 29 through May 2, 2025. On May 5, 2025, after considering comments received, the Council voted to grant expedited processing and issued Order 899.

When an application is granted expedited processing, the Council does not hold an adjudicative proceeding but instead affords a less formal public meeting to take comments, as provided in RCW 80.50.090(5). By rule, within sixty days following the granting of expedited processing or such later time as is mutually agreed upon by the Applicant and the Council, the Council forwards its recommendation to the Governor. WAC 463-43-080.

III. RCW 80.50.010 Standard for Recommendation

State law establishes policies that inform how the Council is to exercise its authority to develop a recommendation to the Governor on an application for site certification.

With regard to the need for clean energy facilities and the interests of the public, RCW 80.50.010 provides as follows:

It is the policy of the state of Washington to reduce dependence on fossil fuels by recognizing the need for clean energy in order to strengthen the state's economy, meet the state's greenhouse gas reduction obligations, and mitigate the significant near-term and long-term impacts from climate change while conducting a public process that is transparent and inclusive to all with particular attention to overburdened communities.

It is the policy of the state of Washington to recognize the pressing need for increased energy facilities, and to ensure through available and reasonable methods that the location and operation of all energy facilities . . . will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

It is the intent to seek courses of action that will balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public.

State policy mandates the development of power that satisfies renewable energy requirements. Washington's greenhouse gas emissions reduction requirements include a statewide 45 percent reduction by 2030, 70 percent reduction by 2040, and 95 percent reduction by 2050.⁹ The Climate Commitment Act contemplates that meeting Washington's climate goals will require coordinated, comprehensive, and multisectoral implementation of policies, programs, and laws.¹⁰ Among the State's economic and climate policies is the Clean Energy Transformation Act (CETA), which requires all electric utilities serving retail customers in Washington to be greenhouse gas neutral by 2030. By 2045, utilities cannot use offsets anymore and must supply Washington customers with electricity that is 100 percent renewable or non-emitting. It is amid this broader policy context, that the Washington legislature recognizes in RCW 80.50.010 the need for clean energy and has directed the Council to encourage the development of clean energy sources and the provision of abundant clean energy at reasonable cost.

In summary, in its recommendation to the Governor, the Council must carefully consider the evidence in the record and seek a balance between the need for clean energy at a reasonable cost and the need to ensure that the location of energy facilities will produce minimal adverse effects on the environment.

IV. Conclusion and Recommendation

The Council has considered the ASC, the land use consistency order, RMDNS, public comments, and information gathered in coordination with Yakama Nation CRP staff and Tribal Council. As a result of this review, the Council finds that the Project should be approved as conditioned. The Council is persuaded that the draft SCA includes appropriate conditions for the construction and operation of the proposed energy facility, and that appropriate consideration has been afforded under the draft agreement for wildlife movement corridors, agricultural lands, visual aesthetics, archaeological and architectural resources, traditional cultural properties, and water resources among other factors.

The record before the Council supports the decision to recommend approval, subject to the restrictions, mitigation, and protective measures identified in the SCA, Revised MDNS, and ASC. These elements will, in the Council's judgment, minimize the adverse local impacts of the Project as much as is reasonable consistent with the balancing of policies described in RCW 80.50.010.

⁹ RCW 70A.45.020(1)(a)(ii)–(iv).

¹⁰ RCW 70A.65.005(2).

Signatures

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

Kurt Beckett, Chair

Elizabeth Osborne
Department of Commerce

Eli Levitt
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Stacey Brewster
Utilities and Transportation Commission

Nathan Pamplin
Department of Fish and Wildlife

Lenny Young
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NOTICE TO PARTIES: In accordance with WAC 463-30-335, administrative relief may be available through a petition for reconsideration of the Recommendation Package to the Governor. The Council requires requests for reconsideration to address all of the filing party's concerns raised by the Recommendation Package in a single petition. Petitions for reconsideration must be filed within 20 days of the service of this Order and the Recommendation Package to the Governor. If any such petition for reconsideration is filed timely , the deadline for answers is fourteen days after the date of service of each such petition. The formatting of petitions for reconsideration shall be governed by WAC 463-30-120 and shall be limited to 50 pages.

Attachment 1: