

INTERAGENCY POLICY TEAM

Purpose: Low-Carbon Energy Project Siting Improvement Study
Date: Nov 16, 2021
Attendees: Joenne McGerr (ECY), Brenden McFarland (ECY), Diane Butorac (ECY), Sarah Vorpahl (COM), Brian Young (COM), Scott Kuhta (COM), Becky Kelley (GOV), Caitlyn Jekel (GOV), John Flanagan (GOV), Kelly McLain (AGR), Allyson Brooks (DAHP), Dever Haffner-Ratliffe (DNR), Kathleen Drew (EFSEC), Sonia Bumpus (EFSEC), Shanelle Pierce (ORIA), Kelly Craig (ORIA), Michael Garrity (WDFW), Ahmer Nizam (WSDOT), Greg Gachowsky (WSDOT), Tom Beierle (Ross Strategic)

ACTION ITEMS			
Responsible	Action	Start Date	Due Date
Diane Butorac (ECY)	Send interim legislative report to team	11/16/21	12/3/21
Kathleen Drew (EFSEC)	Send draft EFSEC legislative bill to team	11/16/21	Sent 11/17/21

MEETING SUMMARY

Governor’s Office Update *(Becky Kelley and Caitlyn Jekel, GOV)*

- Update on a draft bill regarding the Washington Energy Facility Site Evaluation Council (EFSEC). It includes administrative and structural changes such as:
 - Making EFSEC a standalone agency
 - Expanding access to the pre-application process
 - Adding eligible project types
 - Updating the council membership to include Tribal representation
 - Tightening up timelines for the process
- Update on draft bill to expand labor standard tax incentives created in the Clean Energy Transformation Act (CETA). It would make energy storage projects eligible and generally incentivize the growth of the manufacturing supply chain necessary to realize clean energy growth in Washington.

Interim Legislative Report Update *(Diane Butorac, Ecology)*

- Provided information on the interim legislative report due Dec. 1, 2021.
- Ecology and Commerce are finalizing the report and will send the published report to the team.

Agency Actions to Improve Environmental Review and Permitting Processes *(Group discussion)*

Agencies presented information on actions they have taken to improve environmental review or permitting processes, including approvals and licenses, which could be needed for clean energy projects.

- Ecology provided an overview of changes to 401 water quality certifications, air operating permits, air quality notice of construction permits, National Pollutant Discharge Elimination

System (NPDES) permits, Prevention of Significant Deterioration (PSD) air quality permits, wastewater discharge permits, and water right permits.

- Improvements include online application submittals, acceptance of electronic signatures, providing checklists for specific permits updated and online tutorials and guidance, pre-application process guidance, and cross-program and cross-agency coordination.
- Additional improvements are ongoing and customer surveys are done every six months to get feedback to improve the processes.
- Commerce does not issue permits but the Growth Management Services (GMS) unit works closely with local governments on land use regulation that include the siting of energy facilities.
 - GMS has been encouraging counties to develop specific regulations regarding the siting of wind and solar facilities and to incorporate consultation with the Department of Defense (DoD) into their policies and regulations.
- ORIA does not issue permits but the agency provides information through the [Regulatory Handbook](#) and the [Permit Timeliness Report and Data](#). ORIA and agencies identify the permit types most in need of improvement during each reporting cycle. These are selected based on reported timeliness data as well as agencies' work with customers and stakeholders to prioritize improvement efforts. Agencies have completed significant improvement work on their identified permits.
 - The Regulatory Handbook contains information about local, state, and federal permits, approvals, and licenses for Washington State. This is maintained in partnership with permitting agencies and contains performance data on timeliness for specific permits.
 - ORIA works in partnership with 14 agencies to implement permit timeliness. Agencies evaluate customer experience to understand permit processing better and make improvements. Agencies then report their progress to ORIA, which prepares and distributes reports and publishes data at a central location.
- WSDOT issues utility permits and franchise for the occupancy of highway rights of way.
 - The agency is moving toward online permitting.
 - It is looking at criteria for energy facility siting.
- WDFW issues Hydraulic Project Approvals (HPA). Impacts are usually related to fish, wildlife, and habitat and this is site-dependent and can change over time.
 - The agency has an Aquatic Protection Permitting System (APPS) for online HPA applications.
 - The agency implemented about 60 enhancements to the system last spring that improved both the agency and public APPS experience. There are continuous improvements and enhancements to the online permitting platform.
- The DNR aquatics group manages all navigable water in Washington and issues contracts for use of land (e.g. leases, easements). The uplands group manages lands across the state, including trust lands, and issues land use licenses and leases.
 - The agency is mapping DNR lands available for renewable energy and this will be completed end of 2022. The process includes a robust stakeholder process and considers other mapping work.

- The agency is proactively reaching out to all Tribes with ceded and traditional lands in Washington to ask for early input on potential sites and to improve the DNR consultation process.
- It is developing standard internal processes and forms to align outreach with the Healthy Environment for All (HEAL) Act, include early Tribal consultation and early coordination with other state agencies.
- Standard Land Use Licenses are for predevelopment and give developers early access to a site with limited permissions.
- EFSEC has one year to complete review and develop recommendations under statute. This timeframe can differ; it can be extended working with the applicant or shortened through use of an expedited process. The agency is responsible for issuing state and local permits and some federal permits.
 - The agency has improved their process so that the first actions are Tribal consultation and coordination with the Department of Defense.
 - It has developed a streamlined solar application process and is conducting pilot tests.
 - It is using the pre-application process to achieve more complete applications and to help EFSEC provide information to applicants based on where they are in their timeline.
- The Department of Agriculture does not issue any permits.
- DAHP does not issue permits but has a state and federal role. Their reviews are typically done in a few days.
 - The agency has developed an online mapping platform for the public.

Related Issues (*Group discussion*)

- Issues identified for further discussion include: rural character under the Growth Management Act, agricultural land use conservation, habitat issues such as shrubsteppe, federal review and permitting and coordination with DoD installations.
- The planned least-conflict solar siting study in the Columbia Basin is expected to include habitat concerns as part of that work.
- Need to acknowledge that mapped habitat can change. For example, fires have caused grouse to be found in new areas.
- New technology can have impacts that have not been discussed and agencies, communities and Tribes may not have expertise available in-house to understand the issues and impacts.
- Offshore energy projects impact analysis should look at marine birds and mammals. BOEM has some information on this and case studies and so does the University of Washington's Pacific Marine Energy Center.
- A new federal Memorandum of Understanding was just signed for federal lands or actions impacting Tribal sacred sites.
- DAHP has challenges due to staffing constraints, for example, managing the firewall requirements for EFSEC between advisory and regulatory staff when they are often the same people. For the federal infrastructure bill there is no funding for preservation agencies like DAHP

so managing that work will be a challenge. The team discussed options such as hiring consultants or interagency agreements.

Administrative Items

- The group discussed topics for future meetings, including: strategic and integrated approach, federal review and permits, environmental justice, Tribal consultation and engagement, appeals process, prioritizing clean energy projects, and siting assistance/information.
- The December meeting will include presentations on mapping from Commerce and Ecology.