

INTERAGENCY POLICY TEAM

Purpose: Low Carbon Energy Project Siting Improvement Study
Date: March 24, 2022
Attendees: Joenne McGerr (ECY), Brenden McFarland (ECY), Diane Butorac (ECY), Sarah Vorpahl (COM), Brian Young (COM), Marie Davis (COM), Becky Kelley (GOV), Allyson Brooks (DAHP), Dever Haffner-Ratliffe (DNR), Kathleen Drew (EFSEC), Kelly Craig (ORIA), Michael Garrity (WDFW), Michael Ritter (WDFW), Benjamin Blank (WDFW), Gary Bahr (WSDA), Greg Gachowsky (WSDOT), Susan Hayman (Facilitator, Ross Strategic), Tom Beierle (Ross Strategic) Heather Christopher (Ross Strategic)

ACTION ITEMS			
Responsible	Action	Start Date	Due Date
All IPT members	Come prepared to May 26 th IPT meeting to discuss agency staffing/budget needs to address clean energy process improvements	3/10/22	5/26/22

MEETING SUMMARY

Legislative Updates *(Becky Kelley, GOV)*

- Engrossed Second Substitute House Bill (E2SHB) 1812 to establish the Washington Energy Facility Site Evaluation Council (EFSEC) as an independent agency passed.
- Second Substitute House Bill (2SHB) 1988 passed this session and expands labor and tax incentives created in the Clean Energy Transformation Act (CETA). It makes energy storage projects eligible and generally incentivizes the growth of clean energy development in Washington.
- Engrossed Substitute House Bill (ESHB 1753) passed this session. Provisions in this bill increase requirements for Tribal consultation for projects funded by the CCA, Climate Investment, and/or Natural Climate Solutions accounts.

Presentations

All presentations are available on the [interagency policy team webpage](#).

- **Solar Energy Siting**, *Michael Garrity and Michael Ritter, WDFW*. Presenters highlighted the role of WDFW in clean energy project siting, emphasizing the goal to more proactively engage developers early to avoid conflicts over habitat.
 - There are currently 44 proposed solar projects in the state covering 66,00 acres (two projects are operational, one under construction, six in permitting, and 34 are proposed/potential). 93% of existing solar projects are located in the Columbia Plateau ecoregion. 80% of projects in eastern Washington have not initiated permitting, but many have spent several years in pre-permitting work.
 - The concern in the Columbia Plateau ecoregion is the loss of shrubsteppe habitat and old growth forests which has already been lost through agriculture and development.
 - Solar projects within shrubsteppe habitat impact ecological functions and values and can have a significant impact on this increasingly rare ecosystem. Fencing thousands of

acres also creates landscape-level impacts to wildlife connectivity corridors, which impacts resident, migratory, and special status species such as sage-grouse, ferruginous hawk, sharp-tailed grouse, pygmy rabbits, elk, and mule deer.

- The agency is concerned many developers aren't working to avoid impacts to sensitive habitat before selecting sites. The key issue is that many developers identify and select sites and then come to WDFW asking how they can mitigate environmental impacts. The question should be how to avoid or minimize these impacts first.
 - Some cities and counties have enacted land use policies that restrict or prevent solar development within jurisdictional areas (e.g., Wenatchee, Kittitas). Blanket prohibitions can preclude taking advantage of solutions, such as selecting areas with minimal impact on habitat, or the application of agrivoltaics.
 - WDFW is working to refine internal databases and preparing for siting conversations including the "least conflict solar" project in the Columbia Plateau, which starts in July.
- **SEPA Elements of the Environment**, *Diane Butorac, Ecology*. Diane reviewed SEPA elements of the environment and identified those where concerns have been raised related to clean energy projects:
 - *Air*: Greenhouse gases
 - *Plants and animals*: Habitat and species and fish or wildlife migration routes
 - *Energy and natural resources*: Source/availability
 - *Environmental health*: Releases or potential releases to the environment
 - *Land and shoreline use*: Relationship to existing land use plans and to estimated population, aesthetics, historic and cultural preservation, and agricultural crops
 - *Transportation*: Waterborne, rail, and air traffic

Environmental Impact Analysis and Mitigation (Group Discussion)

Participants discussed environmental impacts that may be associated with clean energy projects in Washington. They shared what their agencies are working on, and what could be done in the future to analyze and mitigate environmental impacts.

- **Species and habitat:**
 - Shrubsteppe habitat is fragmented into fingers connecting dispersed clusters and is slow to re-establish. Much of it is on land that can't be used for agriculture. Shrubsteppe habitat encompasses many species of concern, such as sage-grouse, pygmy rabbit, and several other bird species.
 - Shading and fencing affect habitat and species. Specific species impacts are site dependent.
 - Stakeholder groups have modeled migratory routes, analyzing migration of 12 different species across state, from salamander to elk.
 - Golden eagles may be impacted. This species is of Tribal interest and concern.
 - Impacts can be very site-specific and technology specific. There are nuances of clean energy technologies that allow them to be used in different ways to reduce impacts.
 - Studies are available on impacts to shrubsteppe habitat and resident species, and developers are generally aware of them, but often don't include this information in applications.
 - Agencies should help to identify studies for use in impact analysis.
 - Additional studies on solar project impacts in Washington would provide data for developers and agencies.

- Incentivizing solar projects on the already built environment could help avoid some environmental impacts.
- Dual-use approaches, like agrivoltaics, may reduce impacts on habitat and species.
- Greenhouse gas emissions:
 - Low-carbon energy projects may produce greenhouse gas emissions; this would be evaluated under the environmental review process.
 - Ecology has started work on a [Greenhouse Gas Assessment for Projects \(GAP\) Rule](#) to provide consistent and clear methodologies for analyzing greenhouse gas emissions.
- Vessel traffic:
 - Changes in vessel traffic could have impacts, including to orca and salmon populations.
 - The [Southern Resident Killer Whale \(SRKW\) Task Force](#) made a recommendation to look at this and a group is working on developing guidance and tools.
 - Ecology's Spills Program has conducted various vessel traffic studies that can provide data.
- Environmental health, e.g., contaminated areas:
 - End-of-life issues for low-carbon energy technologies present a different responsibility for developers (e.g., aging solar installations, recycling of materials, materials to landfills).
 - EFSEC has a requirement for bonds to cover decommissioning.
- Ocean and coastal resources:
 - Offshore clean energy developments (e.g., wind, tidal, etc.) could have an impact on coastal and ocean resources.
 - Federal, state, and local laws (e.g., Ocean Resources Management Act (ORMA), Coastal Zone Management Act, National Marine Sanctuary Program Regulations, etc.) include consideration of ocean and coastal resources.

Lessons learned from past environmental reviews and permitting (*Group Discussion*)

Participants discussed what agencies have already done for improving environmental reviews and permitting and that could be applied to other processes.

- Ecology has developed pre-application guidance for several permits. Pre-application guidance for the Section 401 process is currently being developed.
- EFSEC developed guidance for solar projects to ensure that applicants provide all information required.
- State agencies are encouraging early engagement with affected parties in advance of an application being submitted.
- Developers should have conversations with state agencies before they select sites or begin the leasing process. Developers are often reluctant to share information early because of competitiveness concerns.
 - Consider developing guidance on actions to take before siting a project. This could be a "one sheet" document identifying agencies to talk to that would provide a single, consistent entry point for developers regardless of which agency is contacted first.
 - Consider the idea of a first stop agency contact for developers exploring work in state to help developers understand the robust public process, Tribal consultation, environmental, and labor expectations in Washington.

Updates on Committees, Work Groups, and Other Related Work

- Interagency Policy Team:
 - The April 28 meeting will be focused on the importance of Tribal consultation and engagement.

- Ecology requests that IPT group members identify where more staff might be needed to support clean energy process improvements. Please come prepared to the May 26th IPT meeting with a sense of how much additional staff/funding your agency needs.
- Advisory Board:
 - The April 13th Advisory Board meeting is on integrated approaches for low-carbon energy project siting and permitting.

Next steps

Diane reviewed upcoming milestones for report development:

- August-early October: Develop and review recommendations with Advisory Board, Tribes, and agencies
- December 1: Report due to Legislature and Governor