

## Washington Transmission Siting Information

### General Information:

The transmission siting process in Washington is controlled by the Washington Energy Facility Site Evaluation Council (EFSEC). EFSEC is controlled by the Energy Facilities Site Location Act (EFSLA). Decisions made by EFSEC must be approved by governor.

EFSLA supercedes all siting decisions by other government entities, state or local. [RCW 80.50.110\(1\)](#). EFSEC jurisdiction covers all lines associated with generation facilities covered by EFSEC. Facilities covered by EFSEC include:

- All transmission lines associated with generation facilities expanded or constructed to greater than 350 MW. [RCW 80.50.020\(15\)](#)
- 100% renewable facilities that choose to be sited under ERSEC, regardless of their capacity. [RCW 80.50.060\(1-2\)](#). See also [Residents Opposed to Kittitas Turbines v. State Energy Facility Site Evaluation Council](#).
- EFSEC has authority if an applicant chooses to receive certification by EFSEC and has facilities that are at least 115 KV, and are located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;
- An applicant chooses to receive certification by the EFSEC but is located outside existing or NIETC corridors. [RCW 80.50.060\(3\)\(a\)\(ii-iii\)](#).
- All facilities and lines located in a NIETC are under EFSEC jurisdiction. [RCW 80.50.060\(3\)\(a\)\(i\)](#).

### Siting Entities:

- EFSEC
- Governor

### Authorization Needed:

In order for an entity to build a transmission line that falls within EFSEC jurisdiction, it must obtain a Site Certification Agreement from EFSEC and approved by the governor.

### Preemption of local siting authority:

Site Certification authorizes the applicant to construct transmission lines in lieu of any other permit or document required by any other agency or subdivision. [RCW 80.50.120\(2\)](#). In issuing the Site Certification, EFSEC must include conditions to protect the interests of the local government or affected community. [RCW 80.50.100\(1\)](#). In addition, EFSEC must hold public hearing in accordance with [RCW 80.50.090\(2\)](#).

### General Siting Process:

Prior to the application process, EFSEC must conduct a preapplication analysis of the potential sites. [RCW 80.50.330\(1\)](#). The Council shall choose an independent consultant to conduct an

analysis of the potential transmission sites. [463-22-050 WAC](#). “The report of study shall set forth a general analysis of the potential environmental impact of the proposed energy facility and shall identify significant areas of environmental concern. The study may also encompass whatever other matters the council and potential applicant deem essential for an adequate appraisal of the potential site and potentially impacted areas surrounding or adjacent to the site. [463-22-050 WAC](#). The cost of the preapplication analysis is \$10,000. Within 60 days of the receipt of the fee, EFSEC shall hold an informal public hearing. [RCW 80.50.340](#).

Depending on the results of the preapplication analysis, the council “may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed energy facility is not significant or will be mitigated to a nonsignificant level under [RCW 43.21C.031](#) and the project is found under [RCW 80.50.090\(2\)](#) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.” [RCW 80.50.075](#). The Council has 60 days from the receipt of the application to conduct a public informational meeting concerning the expedited application. In addition, compliance with city, county or regional land use plans or zoning ordinances must be determined at a public hearing. [463-43-040 WAC](#).

If an application does not qualify for expedited processing the Council has 60 days from the date of receipt of an application to hold an informational public hearing in the affected county(ies). The Council must also hold a public hearing to determine if the proposed site conforms with existing land use plans or zoning ordinances. If the proposed site conforms, the zoning and land use plans may not be changed in a way that adversely affects the proposed line. [RCW 80.50.090](#). After the public hearings, EFSEC holds an adjudicative proceeding wherein any person shall be heard in support of or opposition to the proposed line. [RCW 80.50.090](#).

Within 12 months of the receipt of an application, EFSEC must submit its recommendation to the Governor for approval. [RCW 80.50.100\(1\)](#). The governor has 60 days from the date of receipt of the recommendation to approve, deny, or request reconsideration of the proposed project. [RCW 80.50.100\(2\)](#). Any reconsideration shall be handled in an expeditious manner and upon return to the governor, must be approved or denied by the governor within 60 days. [RCW 80.50.100\(2\)](#).

### **Application Requirements / Showing of Need:**

The applicant need not show necessity or need. Transmission need is assumed: “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 such 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.” [RCW 80.50.010](#).

### **Interstate Cooperation:**

The EFSEC is the body responsible for communicating “state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the

citizens of the state of Washington.” [RCW 80.50.040\(11\)](#). “When developing recommendations as to the disposition of an application for the construction or modification of transmission facilities under this chapter, the fuel source of the electricity carried by the transmission facilities shall not be considered.” [RCW 80.50.045\(4\)](#).

### **Federal Issues:**

The EFSLA directly addresses the issue of 1221 preemption. The EFSLA makes EFSEC the state authority for siting transmission lines under the jurisdiction of state law and EAct 2005 §1221. EFSEC is directed to consult with “other state agencies, utilities, local municipal governments, public interest groups, tribes, and other interested persons to convey their views to the secretary and the federal energy regulatory commission regarding appropriate limits on federal regulatory authority in the siting of electrical transmission corridors in the state of Washington.” [RCW 80.50.045\(1-2\)](#).

In addition the EFSLA created the NIETC Task Force and charged this entity with negotiating the terms of interstate compacts to establish a regional process for siting in NIETCs in a manner satisfactory to the conditions of §1221. [RCW 80.50.350](#); [RCW 80.50.350\(\(2\)\(a\)\)](#). Finally, the EFSEC operational regulations require the council to combine EFSEC and federal hearings whenever practicable and desirable. [463-14-070 WAC](#).