



July 26, 2024

Diane Butorac
Clean Energy Coordination Section Manager
Washington State Department of Ecology
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RE: Department of Ecology Draft Considerations for Consolidating Clean Energy Permits and Applications & the Clean Energy Siting Council Draft Legislative Report Recommendations.

Dear Ms. Butorac,

On behalf of the Port of Seattle (Port), thank you for the opportunity to review and comment on the Department of Ecology's proposed *Draft Legislative Report Recommendations: Considerations for Consolidating Clean Energy Permits and Applications*. We commend Ecology's efforts to streamline the siting and permitting process for clean energy projects as directed by House Bill 1216. An adequately funded and consolidated permitting process that reduces administrative burden for project applicants and agency staff while maintaining compliance with laws and regulations will significantly advance the State's and the Port's shared goals of reducing greenhouse gas (GHG) emissions and decarbonizing our economy.

Ecology and the Department of Commerce also recently requested comments on the *Clean Energy Siting Council's Annual Legislative Report Draft Recommendations*. To avoid duplicative and over-lapping comments, the Port offers this letter as a response to both requests for comment.

As one of the largest landholders in King County, the Port supports a wide range of industries and workforces that will be impacted by the clean energy transition. The Port is a significant stakeholder in the State's progress towards clean energy adoption. Therefore, the Port would benefit from any State process that streamlines efforts for siting and permitting clean energy projects. These recommendations are a great first step in accelerating site evaluation and promises to make adoption of new technologies more feasible.

Please consider the following over-arching comments:

- A comprehensive and cohesive approach is needed for making siting and permitting more efficient and effective. The final legislative documents should identify complementary recommendations, detailing how the recommendations as a whole lead to a more efficient siting and permitting process. The Port recommends a detailed proposal for how the various permitting recommendations from both reports may be implemented in a cohesive and comprehensive manner.
- The Port strongly supports a web-based application form that consolidates application requirements and recommends a single web-based platform for submitting application materials. It may also be expanded to encompass all types of infrastructure development projects critical to advancing the region's economy.

- The Port supports recommendations that spur investments in workforce development programs, community benefit agreements, and meaningful tribal engagement. The Port looks forward to engaging with the State to advance a just and equitable energy transition.

The Port provides the following detailed comments on the two draft legislative reports.

Regarding Ecology's Considerations for Consolidating Clean Energy Permits and Applications – Draft Legislative Report Recommendations

Ecology's Recommendation: Establish a web-based application form that consolidates all state permit application questions and requirements, for all types of clean energy projects.

The Port supports this recommendation. Please consider the following:

- Ecology referenced the Joint Aquatics Resources Permit Application (JARPA) form as an example of a consolidated form. Despite the intention of the JARPA, individual agencies still require separate submittals, including separate forms, leading to duplicative efforts and redundant documentation across multiple systems. A new consolidated form should be formally adopted by all agencies to serve as the single application form across multiple jurisdictions.
- Creating a single web-based platform for submitting permit applications. The web-based platform should:
 - Be the sole location for electronically filing permit documentation, reducing duplicative submissions and administrative issues from email submissions.
 - Serve as a searchable e-library for project documentation.
 - Serve as a dashboard to track agency review timelines, additional information requests, public notices, public comments on project proposals, and final permit conditions. This would enhance transparency for project developers, agencies, and stakeholders.
- Ecology should review similar systems such as Virginia's Permit Transparency (VPT) online permit system, and the Federal Energy Regulatory Commission's eLibrary.
- The Port encourages expanding this web-based platform beyond just clean energy projects, to include all public infrastructure projects requiring permit approvals.

Ecology's recommendation: (1) Develop new SEPA Checklist template specific to clean energy, (2) Develop SEPA Supplemental Checklist for emerging clean energy technologies.

The Port recommends a stakeholder engagement process for developing new SEPA checklists. As a SEPA lead agency, the Port is responsible for reviewing proposed projects at our facilities. Since Port facilities are mostly industrial sites supporting maritime commercial activities or aviation facilities at SEA, there are important considerations for reviewing environmental impacts of clean energy projects.

The Port also strongly encourages Ecology to consider the negative impact that frivolous SEPA appeals have had on clean energy projects. The Port is in favor of exempting more projects from SEPA in situations where adequate environmental analysis has already occurred or project proposals meet low-impact thresholds. By creating a specific 'clean energy checklist' under SEPA without also exempting certain actions, Ecology may inadvertently slow down clean energy development.

Ecology's recommendation: Develop one consolidated permit for construction-related permits and one consolidated state permit for operations-related permits.

The Port appreciates innovative and creative thinking for permit consolidation. This approach is likely to reduce complexity, schedule overruns, duplicative information requests, and other inefficiencies. It would streamline the recommendation for a single web-based form and permitting dashboard. Please consider:

- Selection of one agency or department to oversee and arbitrate a consolidated permitting process, to keep a fair, transparent, and timely process in place.
- Consolidation of permits under common jurisdiction, including federally delegated authorizations (i.e., CWA Section 401, CZMA).
- A streamlined permitting process for small-scale low impact clean energy projects that meet a low-impact development threshold. This could include SEPA and local permit exemptions and standard conditions for Best Management Practices. This would create a low barrier of entry for investments into clean energy development.

Ecology's recommendation: Develop standard water quality permit conditions for stormwater and process wastewater discharges from emerging clean energy technologies.

The Port supports this recommendation. Creating an explicit and streamlined water quality permit process and conditions for stormwater and wastewater discharges would reduce uncertainty for project applicants as they implement systems that address water quality aspects of these emerging technologies.

Ecology's recommendation: Expand web-based application to include local permit.

A single web-based form and a permitting dashboard for tracking all permit authorizations would create administrative efficiencies, increase transparency, and likely reduce cost and schedule overruns due to process inefficiencies across multiple regulatory authorities. The Port supports this recommendation.

Regarding Clean Energy Siting Council (Council) Draft Recommendations

Council's recommendations: (1) Designate Clean Energy Preferred Zones, (2) Establish Build-Ready Clean Energy Program.

As the largest industrial landowner on the Seattle waterfront, the Port welcomes additional engagement for designating Clean Energy Preferred Zones (CEPZs), and the recommendation for the establishment of Build-Ready Clean Energy Program (BRCEP). The Port appreciates the recommendation for an inclusive and transparent process lead by agencies, developers, Tribes, utilities, and communities. We also urge the Council to include large industrial landowners such as Ports.

The Port assumes that additional details and rationale for designating CEPZs and to establish BRCEPs will be provided in the draft Programmatic EIS's, or related documentation. The Port supports the recommendation to identify under-utilized lands such as brownfields, high-way rights of way, or existing or abandoned commercial/industrial properties for clean energy development. Well-constructed incentives and a coordinated permitting process including meaningful Tribal consultation and

community engagement could reduce uncertainties to advance clean energy projects and the sustainable re-use of contaminated or under-utilized industrial properties.

Council's recommendations: (1) Provide support for local governments on Battery Energy Storage Systems, (2) Integrate clean energy development into local government planning and zoning.

The Port supports this recommendation and encourages the Council to consider including other clean energy related project facilities. Local land-use zoning and building codes may in some ways be restrictive to clean energy development. The Port supports information sharing and guidance to local jurisdictions in their zoning and policy development for clean energy projects.

Council's recommendation: Develop statewide dashboard for clean energy development.

Please see comments above regarding a single web-based platform that could also serve as a public facing dashboard for tracking project development, and overall progress on meeting statewide goals.

Council's recommendation: Develop Community Benefit Agreement [CBA] tools.

The Port recommends early engagement and investments in capacity building for communities that may be affected by clean energy projects. Capacity-building investments including training and education, two-way engagement, shared decision making, building trust through action, and sustaining commitments are pillars of effective community benefit programs. The Port looks forward to continued engagement with the State to discuss CBA's for near-port communities that may be affected by clean energy development.

Council's recommendation: Support workforce development.

The Port supports investments in workforce development programs that benefits communities impacted by clean energy projects. As a leading economic driver in the region, workforce development is a critical element of the Port's activities. The Port welcomes the opportunity to engage on initiatives focused on building the next generation of Green Jobs.

Council's recommendations: (1) Improve engagement and consultation with Tribes, (2) Support tribes in identifying priorities through Tribally-led, equitable, proactive, and collaborate process.

The Port supports investments in Tribal capacity-building and commitments to early and meaningful Tribal consultation from agencies and project developers. The Port recommends that the State is careful to ensure existing agreements between Tribes and local governments/agencies/ports are not superseded by new agreements related to clean energy development.

Council's recommendations: (1) Promote pre-application discussions, (2) Continue mitigation guidance development.

These recommendations call out existing strategies to shorten review times by addressing potential uncertainties in early phases of project development. Pre-application discussions may resolve issues prior to permit submittal, and mitigation guidance – if applied consistently and predictably – can reduce delays due to protracted mitigation negotiations between proponents and agencies. The Port supports efforts to make more widespread use of existing tools to improve permitting timelines.



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We welcome the opportunity to work with the State to create a more efficient and effective process for siting and permitting clean energy projects and catalyzing the deployment of clean energy, sustainable fuels, and manufacturing and supply chain job opportunities. Please contact my staff directly at Szymanowicz.m@portseattle.org or 206-880-8762 with any questions or follow-up.

Sincerely,

Sarah Cox

*Sarah Cox, AV Director Environment and Sustainability
On behalf of Sandra Kilroy*

Sandra Kilroy
Senior Director Environment and Sustainability
Port of Seattle

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Final Audit Report

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