

Chapter 463-61 WAC

ELECTRICAL TRANSMISSION FACILITIES

WAC

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WAC 463-61-010 Purpose. This chapter describes the preapplication process that is mandatory prior to filing an application and the requirements for applications to site electrical transmission facilities.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-010, filed 10/15/08, effective 11/15/08.]

WAC 463-61-020 Definitions. The following definitions apply when these terms are used in the provisions of this chapter:

"EFSEC" means the energy facility site evaluation council and where appropriate the EFSEC staff.

"Facilities" means those energy transmission facilities described in RCW 80.50.060 and WAC 463-61-030.

"Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.06, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

"Modification" means a significant change to an electrical transmission facility which does not include any of the following:

(a) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures;

(b) The relocation of existing electrical transmission line facilities within the existing corridor;

(c) The conversion of existing overhead lines to underground; or

(d) The placement of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

"National interest electric transmission corridor" means a transmission corridor identified by the U.S. Department of Energy pursuant to section 1221 of the 2005 Energy Policy Act.

"Preapplicant" means a person considering applying for a site certificate agreement for an electrical transmission facility.

"Preapplication process" means the process which is initiated by written request by a preapplicant to EFSEC, a preapplicant's initial consultation with EFSEC, and the activities conducted under WAC 463-61-050.

"Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-020, filed 10/15/08, effective 11/15/08.]

WAC 463-61-030 Applicability. (1) The provisions of this chapter apply to the construction, reconstruction, or modification of electrical transmission facilities in each of the following circumstances:

(a) The facility is located in a national interest electric transmission corridor as specified in RCW 80.50.045.

(b) The applicant(s) or preapplicant(s) choose to seek certification under RCW 80.50.060 and the facility:

(i) Has a nominal voltage of at least one hundred fifteen thousand volts; and

(ii) Is proposed to be located in a completely new corridor which is located in more than one jurisdiction where at least one such jurisdiction has promulgated land use plans or zoning ordinances. The location of the terminus of the facility or the location of an interconnection between the facility and the existing electrical transmission grid in an existing corridor does not disqualify a facility from consideration under this subsection.

(c) The applicant(s) or preapplicant(s) choose to seek certification under RCW 80.50.060 and the facility:

(i) Has a nominal voltage in excess of one hundred fifteen thousand volts; and

(ii) Is proposed to be located outside an existing or designated electrical transmission corridor identified in (a) or (b) of this subsection.

(2) This section does not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those specified in this section.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-030, filed 10/15/08, effective 11/15/08.]

WAC 463-61-040 Initial consultation. Prior to filing a preapplication request under WAC 463-61-050, the preapplicant shall meet and consult with the EFSEC staff concerning the proposed project. Topics for discussion shall include but not be limited to:

(1) The nature of the project, the contents of the preapplication request and the status of the preapplicant's progress toward obtaining information and data regarding the project.

(2) A discussion of whether a third-party contractor is likely to be needed to prepare an environmental documentation for the project.

(3) Development of a preapplication plan to be filed with a preapplication request.

(4) The coordination of the public informational meeting.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-040, filed 10/15/08, effective 11/15/08.]

WAC 463-61-050 Preapplication process. The preapplication request shall be filed with EFSEC at the EFSEC's office and contain the following information:

(1) The name and mailing address of the preapplicant, including a contact name, address, telephone number, and e-mail address of the contact person.

(2) A description of the proposed transmission route and corridor, including location maps and plot plans to scale, showing all major components, including a description of zoning and site availability for any permanent facility, and including whether and to what extent the proposed project is located within a national interest electric transmission corridor.

(3) A description of the proposed right of way width for the transmission line, including the extent a new right of way will be required or an existing right of way will be widened.

(4) A description of the proposed transmission line structures and their dimensions.

(5) A description of the schedule desired for the project, including the expected application filing date, the expected beginning date for construction, and the expected project operational date.

(6) A list of the federal, state, tribal and local government entities, including mailing addresses, contact names, telephone numbers and e-mail addresses that have possible permitting responsibilities for the project (if the project proponents were not to choose the EFSEC review) or ownership of land on which the project will be located. The list shall also identify governmental entities that have requested the preapplicant to notify them of any application or preapplication for site certification.

(7) Information or data that may be available at a later date.

(8) A summary and timeline of any initial consultation to explain the proposal and/or request input from the EFSEC staff, federal, state and local agencies, tribal governments, property owners, and interested persons.

(9) A public participation plan that:

(a) Identifies specific tools and actions to facilitate stakeholder communications and public information, including an up-to-date project web site and a readily accessible, single point of contact within the company;

(b) Lists all central locations in each local government throughout the project area where the preapplicant shall provide copies of all their filings related to the proposed project; and

(c) Includes a description and schedule explaining how the preapplicant intends to respond to requests for information from the public as well as federal, state, local, and tribal agencies or any other legal entities that could have permitting requirements if the project proponents were not to choose the EFSEC review.

(10) A negotiation process acceptable to EFSEC between the preapplicant and the cities, towns, and/or counties through which the proposed transmission line corridor will be located except where the cities, towns, and/or coun-

ties have designated transmission corridors through their land use plans or zoning ordinances.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-050, filed 10/15/08, effective 11/15/08.]

WAC 463-61-060 Commencement of preapplication process and public informational meeting. (1) Within three days of filing a preapplication request with EFSEC the preapplicant shall send notice to:

(a) All the towns, cities, and counties in which the proposed electric transmission line route is located;

(b) Persons or governmental agencies owning land that may be acquired for the project or in which an easement may be sought;

(c) Land owners within three hundred feet of the proposed corridor; and

(d) Tribal, federal and state permitting entities if the project proponents were not to choose the EFSEC review.

(2) The notice shall contain a brief summary of the proposed project, the preapplication and application process and tentative schedules, the locations where copies of the notice are located in each town, city and county traversed by the proposed transmission route and the address of a web site containing the proposed project information.

(3) The notice to each affected landowner shall be mailed to the address of record on file with the applicable county auditor and have an explanation of the rights an affected landowner has during an EFSEC application review and under applicable Washington eminent domain laws.

(4) Within sixty days after receipt of the preapplication fee, EFSEC shall conduct at least one public informational meeting. The public informational meeting shall be for the purpose of informing the public and interested entities of relevant information regarding the proposed electrical transmission facility.

(a) The public meeting, at a minimum, shall provide the details of the preapplication request and the preapplication plan including the use of exhibits and hand-outs.

(b) The preapplicant and EFSEC staff shall be available and prepared to answer questions.

(c) The meeting shall be scheduled to maximize the opportunity for attendance by the public and held at a location near the proposed transmission corridor. If the proposed transmission corridor crosses multiple counties EFSEC may hold additional preapplication public meetings along the proposed corridor.

(d) At least two weeks prior to the date of the public meeting, notice of the preapplication public meeting shall be published in newspapers of general circulation for each town, city and/or county where the site is proposed.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-060, filed 10/15/08, effective 11/15/08.]

WAC 463-61-070 Corridors and transmission facilities considerations. (1) EFSEC shall consider and may recommend certification of electrical transmission facilities in corridors designated for this purpose by affected cities, towns, or counties where:

(a) Jurisdictions have identified electrical transmission facility corridors as part of their land use plans and zoning maps based on policies adopted in their plans.

(b) The proposed electrical transmission facility is consistent with any adopted development regulations that govern the siting of electrical transmission facilities in such corridors.

(c) Contiguous jurisdictions and jurisdictions in which related regional electrical transmission facilities are located have either prior to or during the preapplication process undertaken good faith efforts to coordinate the locations of their corridors consistent with RCW 36.70A.100.

(2) If EFSEC determines that negotiations as required in WAC 463-61-080 have failed, EFSEC shall consider the applicant's proposed corridor and transmission facilities consistent with RCW 80.50.090 and 80.50.100 taking into consideration the positions of the preapplicant and the affected cities, towns or counties.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-070, filed 10/15/08, effective 11/15/08.]

WAC 463-61-080 Negotiations between preapplicants, cities, towns and counties. (1) As required by RCW 80.50.330(2) if no corridor has been designated by a local government the preapplicant and affected cities, towns, and/or counties shall negotiate to designate a corridor for the electrical transmission facility.

(2) If after sixty days of negotiations between the preapplicant and affected cities, towns, and/or counties, no corridor has been agreed upon, the preapplicant together with an affected city, town, or county may request EFSEC extend the time of negotiations by a period of time that the preapplicant and city, town, and/or county have agreed upon. If such a joint request is not made, the negotiations shall be deemed failed.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-080, filed 10/15/08, effective 11/15/08.]

WAC 463-61-090 Preapplication costs. (1) A preapplicant shall deposit with the state treasurer ten thousand dollars to be applied to the cost of the preapplication process as a condition for proceeding by EFSEC.

(2) EFSEC shall manage the preapplication costs using the structure outlined in RCW 80.50.071 as follows:

(a) The preapplicant shall pay all reasonable and necessary costs incurred by EFSEC and its members;

(b) EFSEC shall charge against deposits made by the preapplicant;

(c) EFSEC shall provide the preapplicant with estimates of expected costs;

(d) Any EFSEC costs in excess of the initial ten thousand dollars shall be agreed to by the preapplicant and deposited prior to EFSEC expenditure; and

(e) Any unexpended portions of funds deposited for the preapplication process shall be returned to the preapplicant or, if requested by the preapplicant, applied to the cost of EFSEC's review of an application for site certification.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-090, filed 10/15/08, effective 11/15/08.]

WAC 463-61-100 Applications for site certification.

(1) An application for site certification may be submitted

(10/15/08)

when the preapplication process is completed. The preapplication process shall be complete when:

(a) EFSEC has held one or more public meetings under WAC 463-61-060(3); and

(b) Negotiations between affected cities, towns, and/or counties have been conducted and a corridor has been agreed on; or

(c) Negotiations under WAC 463-61-080 have been conducted but the preapplicant, cities, towns, and/or counties have not agreed on a corridor and EFSEC has determined that negotiations have failed.

(2) Applications for site certification of electrical transmission lines under RCW 80.50.045 and 80.50.060 shall follow the guidelines for applications for site certification found in chapter 463-60 WAC.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-100, filed 10/15/08, effective 11/15/08.]

WAC 463-61-110 EFSEC review. (1) EFSEC shall review the application for site certification of the proposed corridor and electrical transmission facilities consistent with the provisions of chapter 80.50 RCW.

(2) EFSEC shall consider the applicant's application for site certification and proposed corridor and electrical transmission facilities and shall make a recommendation consistent with RCW 80.50.100 and 80.50.110.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. 08-21-092, § 463-61-110, filed 10/15/08, effective 11/15/08.]