STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

PROCLAMATION BY THE GOVERNOR AMENDING AND EXTENDING PROCLAMATION 20-05

21-04

EFSEC Informational Public Hearings

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamation 20-25, et seq., first entitled "Stay Home – Stay Healthy," in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances; and, I subsequently amended that order based on changing COVID-19 activity in Washington, and it is now entitled "Healthy Washington," and enacts a flexible, science-based matrix based on COVID-19 activity to set appropriate restrictions for Washington's counties; and

WHEREAS, to ensure open government and enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, I issued Proclamation 20-28, et seq., prohibiting most in-person meetings and waiving and suspending laws and rules concerning RCW 42.30, the Open Public Meetings Act, that hindered conducting public meetings remotely; and

WHEREAS, the Energy Facility Site Evaluation Council (EFSEC) is responsible for reviewing applications to certify the siting of certain energy facilities in Washington, and under the requirements at RCW 80.50.090(1) and WAC 463-26-025(3), EFSEC must hold certain informational public hearings in the general proximity of a proposed project; and

WHEREAS, consistent with Proclamation 20-28, et seq., it is necessary to waive certain statutory and rule provisions relating to EFSEC's informational public hearings involving the siting of energy facilities in Washington to allow them to occur remotely to maintain the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-

19, while encouraging broader public observation and robust public comment opportunities from the comfort and safety of one's home; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments remain in effect and is hereby amended to waive statutory and rule provisions requiring public informational hearings to be held in a particular location to allow for appropriate social distancing necessary to avoid the further spread of COVID-19.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action to cope with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the original virus strain and variant strains continue to spread, and that the language of each statutory provision specified below is hereby waived and suspended:

- RCW 80.50.090(1)– only the following words as struck below:
  "The council shall conduct an informational public hearing ~~in the county of the proposed site~~ as soon as practicable but not later than sixty days after receipt of an application for site certification. ~~However, the place of such public hearing shall be as close as practical to the proposed site.~~"
- WAC 463-26-025(3)– only the following words as struck below:

> "The informational meeting shall be held ~~in the general proximity of the proposed project~~ as soon as practicable within sixty days after receipt of an application for site certification."

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, to prohibit the Energy Facility Site Evaluation Council as follows:

> from conducting the informational public hearing required by RCW 80.50.090(1) unless (a) the meeting is not conducted in-person and instead provides an option(s) and notice of the option(s) for the public to attend and provide input to the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

The statutory and rule waivers and prohibitions contained in this proclamation shall take effect on March 12, 2021 and terminate on April 11, 2021, unless further extended.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 1st day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State