

From: [Nathan Baker](#)
To: [EFSEC mi Comments](#); [Bumpus, Sonia \(EFSEC\)](#); [Hafkemeyer, Ami \(EFSEC\)](#); [Caputo, Lance \(EFSEC\)](#)
Subject: Whistling Ridge Energy Project - Email and Mailing Lists
Date: Thursday, September 21, 2023 4:46:13 PM
Attachments: [image001.png](#)
[2023.09.21 Letter to EFSEC.pdf](#)

External Email

Dear EFSEC Staff:

Please find attached correspondence relating to the Whistling Ridge Energy Project, specifically involving EFSEC's email and mailing lists for this Project.

Thank you.



Nathan Baker
Senior Staff Attorney
Friends of the Columbia Gorge

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(503) 241-3762 x101



SUBMITTED VIA E-MAIL

September 21, 2023

Sonia Bumpus, Director
Amí Hafkemeyer, Director of Siting and Compliance
Lance Caputo, Site Specialist
Washington Energy Facility Site Evaluation Council
Via email to comments@efsec.wa.gov

Re: Whistling Ridge Energy Project

Dear EFSEC Staff:

Thank you for announcing at the EFSEC meeting yesterday that the October 9, 2023 meeting regarding the Whistling Ridge Energy Project will be canceled, and that separate hearings will be scheduled for a later date for the Council to hear the two pending matters involving Whistling Ridge (the extension request and the transfer application). I received an Email Notice at 3:35 p.m. today indicating that the October 9, 2023 is canceled. (A copy of this Email Notice is attached hereto as Exhibit A.) Thank you for this Notice as well.

As EFSEC staff works to schedule and publicize the two upcoming Whistling Ridge hearings, I would like to check in with you regarding the notification lists that EFSEC is using for the two pending Whistling Ridge matters.

I filed a public records request with EFSEC seeking copies of all mail and email lists that the agency used for the first two Whistling Ridge Email Notices and the related notice posted as a PDF on EFSEC's website, all of which were disseminated by EFSEC last week. In response to that records request, which has been deemed complete, I received multiple files, all of which show various email addresses that received these notices.

The email lists I received omit the email addresses of many people whom I know were on EFSEC's Whistling Ridge email notice circa 2010–11, when the Whistling Ridge Project was last active for public comments. I did notice that many of the email addresses on these lists are masked as "Network subscriber," which I believe to be an indicator of people who proactively subscribed to an EFSEC list via EFSEC's website. However, I still believe these lists omit people who were on EFSEC's Whistling Ridge lists circa 2010–11, because I have heard from several people who were receiving EFSEC's emails and mailings for Whistling Ridge in 2010 and 2011, have not changed their email addresses or mailing addresses since then, and yet received no notices from EFSEC in 2023 regarding Whistling Ridge matters.

I also searched these 2023 email lists for the domain “gorge.net”—a very common domain used by people in Skamania County and surrounding counties for their email addresses, including **hundreds of people** who should be on EFSEC’s Whistling Ridge list; the search for “gorge.net” retrieved no results.

If EFSEC staff are interested, I could supply dozens of email addresses that I know were on EFSEC’s Whistling Ridge email list in 2010–11 and hundreds of other email addresses that I suspect were on that list, and yet who do not appear to be on the email lists used last week for the Email Notices.

Finally, I noticed that many email addresses on EFSEC’s lists who received the Whistling Ridge Email Notices last week are associated with people or entities far removed from Skamania County (for example, government officials in the city of Steilacoom, Benton County, the city of Ellensburg, the city of Walla Walla, Douglas County, etc.)

All of this leads me to believe that EFSEC is using only a general email list for disseminating notice of Whistling Ridge matters in 2023. As a result, many people who were involved in the Whistling Ridge review circa 2010–11 and who remain interested in this Project are not receiving any notice from EFSEC regarding the matters currently pending before the agency. Although EFSEC currently provides a way to sign up on its website for alerts pertaining to the Whistling Ridge Project, I believe it is possible (even likely) that whenever that system was first set up, it was not populated with EFSEC’s email lists specific to Whistling Ridge circa 2010–11.

I have also not heard from any known interested persons who received copies of any paper notices pertaining to Whistling Ridge in the mail in 2023. Given the passage of time, and with it the inevitable changes in mailing addresses and email addresses since 2011, it is important for EFSEC to use *both* methods of notifying the public, including for the people known to have an interest in Whistling Ridge and who had both email addresses and mailing addresses on file with EFSEC circa 2010–11.

Friends has no concerns with or objections to EFSEC using any general lists for notice of matters pertaining to Whistling Ridge. However, EFSEC *also* needs to use its lists specific to Whistling Ridge, particularly the lists the agency was using circa 2010–11. That includes any email lists and any mailing lists from that time period.

That also includes the service list for parties to the Whistling Ridge adjudicative proceeding. Attached as Exhibit B to this letter is the service list that EFSEC used for serving its recommendation to the Governor. EFSEC’s file name for this list is “Service List WR 10-7-2011.pdf.” We believe this is the last-known service list for the Whistling Ridge adjudicative proceeding held in 2011. While many of the email and mailing addresses on the list are outdated or defunct at this point, that should not excuse avoiding use of the list altogether.

Notification using EFSEC’s lists of people known to the agency to have an interest in the Whistling Ridge Project is required by EFSEC’s rules. For example, WAC 463-66-100(4) requires EFSEC to “mail[] a notice of the pending application for transfer of the site certification

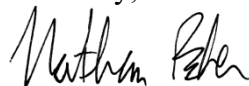
agreement to all persons on its mailing list.” Friends is unaware of any authority that would allow EFSEC to ignore the mailing requirement in its rules or treat the word “mailing” in its rules as “emailing” (especially in situations where EFSEC has a person or entity’s mailing address but not a valid email address for that person or entity).

Although more than a decade has passed since EFSEC last used its lists specific to the Whistling Ridge Project, that passage of time is exactly why it is all the more important for EFSEC to use these older (circa 2010–11) lists in 2023—specifically so that the agency may notify the people and entities who have a known interest in this Project, many of whom will be surprised and even shocked to learn that a new landowner is attempting to transfer and extend the expired Site Certification Agreement (“SCA”) for this Project. A large proportion of the interested public quite rightly believe the SCA and Project to already be terminated, since the prior landowner never took any steps to pursue development of the Project for the ten-year period allowed by law, then allowed the SCA to expire in March 2022 without first seeking and obtaining an extension of the SCA. These interested individuals would be even more shocked if they were to learn once it is too late (after any public comment periods) that the new landowner is currently attempting to resurrect this terminated permit.

For any further public notices regarding the Whistling Ridge Energy Project, Friends implores EFSEC to ensure that notice is sent to EFSEC’s circa 2010–11 list(s) of persons known to be interested in the Whistling Ridge Energy Project, including the agency’s service list for the Whistling Ridge 2011 adjudicative proceeding, any Whistling Ridge mailing list(s) circa 2010–11, and any Whistling Ridge email lists circa 2010–11.

Thank you very much for your attention to this important matter. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Nathan Baker
Senior Staff Attorney

EXHIBIT A

Nathan Baker

From: Energy Facility Site Evaluation Council <WAEFSEC@public.govdelivery.com>
Sent: Thursday, September 21, 2023 3:34 PM
To: Nathan Baker
Subject: Cancellation Notice for Special Informational Meeting for Whistling Ridge Site Certification Agreement Amendment Request

Having trouble viewing this email? [View it as a Web page.](#)



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

P.O. Box 43172 · Olympia, Washington 98504-3172

- September 21, 2023 -

Contact: efsec@efsec.wa.gov

**State of Washington
Energy Facility Site Evaluation Council
NOTICE OF SPECIAL MEETING AND OPPORTUNITY FOR PUBLIC COMMENT
FOR AMENDMENTS TO THE SITE CERTIFICATION AGREEMENT FOR
Whistling Ridge Energy, LLC
Skamania County WA
October 9, 2023
5 PM**

MEETING CANCELLED

The EFSEC meeting previously scheduled for October 9, 2023 at 5pm has been cancelled. Public notice will be issued once the details are available for the rescheduled proceedings.

Please visit the project's webpage at <https://www.efsec.wa.gov/energy-facilities/whistling-ridge-energy-project> or sign up for the project mailing list for updates on this project (link available on project webpage).

You received this message because you are subscribed to updates from State of Washington,
Energy Facility Site Evaluation Council.
Get this as a forward? [Sign up](#) to receive updates.

SUBSCRIBER SERVICES:
[Manage Subscriptions](#) | [Unsubscribe All](#) | [Help](#)

This email was sent to nathan@gorgefriends.org using govDelivery Communications Cloud on behalf of: State of Washington, Energy
Facility Site Evaluation Council · 621 Woodland Square Loop SE · Lacey, WA 98503



EXHIBIT B

Service List

Whistling Ridge Energy Project Application No. 2009-01

EFSEC:	
<p>Al Wright EFSEC Manager Energy Facility Site Evaluation Council 1300 S Evergreen Park Dr SW P.O. Box 43172 Olympia, WA 98504-3172 Email: awright@utc.wa.gov EFSEC@utc.wa.gov Phone: 360-664-1360</p> <p>C. Robert Wallis Administrative Law Judge P.O. Box 43172 Olympia, WA 98504-3172 Email: bwallis@utc.wa.gov Phone: 360-664-1920</p>	<p>Kyle Crews Assistant Attorney General Office of the Attorney General P.O. Box 40108 Olympia, WA 98504-0108 Email: KyleC@atg.wa.gov Phone: 360-664-2510 Fax: 360-586-3593</p>
Whistling Ridge Wind Power, Applicant	
<p>Jason Spadaro Whistling Ridge Energy LLC P.O. Box 266 Bingen, WA 98605 Email: jasons@sdslumber.com Phone: 509-493-6103 Fax: 509-493-2535</p> <p>Darrel Peoples Attorney 325 Washington Street NE, #440 Olympia, WA 98506 Email: dpeoples@ix.netcom.com Phone: 360/943-9528 Fax: 360/951-1124</p>	<p>Tim McMahan Stoel Rives LLP 900 SW Fifth Avenue, Suite 2600 Portland, OR 97204 Email: tlmcmahan@stoel.com Phone: 503-294-9517 Fax: 503-220-2480</p> <p>Erin Anderson Stoel Rives LLP 600 University Street, Suite 3600 Seattle, WA 98101 Email: elanderson@stoel.com Phone: 206-386-7665 Fax: 206-386-7500</p>

Counsel for the Environment	
<p>Gordon Karg¹ Office of the Attorney General PO Box 40100 Olympia, WA 98504-0100</p> <p>Email: GordonK1@atg.wa.gov</p> <p>Phone: 360-586-0092 Fax: 360-664-0229</p>	
Department of Commerce	
<p>Tony Usibelli, Director Energy Division P.O. Box 43173 Olympia, WA 98504-3173</p> <p>Email: Tony.Usibelli@commerce.wa.gov</p> <p>Phone: 360-725-3110 Fax: 360-586-0049</p>	<p>Kristen K. Mitchell, AAG² Office of the Attorney General P.O. Box 40109 Olympia, WA 98504-0109</p> <p>Email: kristenm1@atg.wa.gov</p> <p>Phone: 360-664-4964 Fax: 360-586-3564</p>
Friends of the Columbia Gorge	
<p>Gary K. Kahn Reeves, Kahn & Hennessy Attorneys at Law P.O. Box 86100 Portland, OR 97286-0100</p> <p>Email: gkahn@rke-law.com</p> <p>Phone: 503-777-5473</p> <p>Kevin Gorman Executive Director Friends of the Columbia Gorge 522 SW 5th Avenue, Suite 720 Portland, OR 97204-2100</p>	<p>Nathan Baker, Staff Attorney Friends of the Columbia Gorge 522 SW 5th Avenue, Suite 720 Portland, OR 97204-2100</p> <p>Email: Nathan@gorgefriends.org</p> <p>Phone: 503-241-3762</p>

¹ Karg replacing H. Bruce Marvin effective per Notice of substitution received by the Council on September 14, 2011

² Mitchell replacing Dori Jaffe effective per Notice of substitution received by the Council on September 07, 2011

Save Our Scenic Area (SOSA)	
<p>Tom Drach Save Our Scenic Area P.O. Box 41 Underwood, WA 98651</p> <p>Email: sosa@gorge.net</p>	<p>J. Richard Aramburu Aramburu & Eustis, LLP 720 Third Avenue, Suite 2112 Pacific Building Seattle, WA 98104-1860</p> <p>Email: rick@aramburu-eustis.com</p> <p>Phone: 206-625-9515 Fax: 206-682-1376</p>
Skamania County Public Utility District No. 1	
<p>Skamania County Public Utility District No. 1 Robert Wittenberg, Jr. 1492 Wind River Highway Carson, WA 98610</p> <p>Email: Bwittenberg@SkamaniaPUD.com</p> <p>Phone: 509-427-5126 Fax: 509-427-8416</p>	<p>Kenneth B Woodrich Woodrich & Archer LLP P.O. Box 510 110 SE Cascade Ave Stevenson, WA 98648</p> <p>Email: ken@woodrich.com</p> <p>Phone: 509-427-5665</p>
Skamania County Economic Development Council	
<p>Skamania County Economic Development Council Robert Waymire 167 NW 2nd P.O. Box 436 Stevenson, WA 98648</p> <p>Email: rwaymire@skamania-edc.org</p> <p>Phone: 509-427-5110 Fax: 509-427-5122</p>	<p>Peggy Bryan-Miller 167 NW 2nd P.O. Box 436 Stevenson, WA 98648</p> <p>Email: itspeggy@hotmail.com</p>
Skamania County Agri-Tourism Association	
<p>Skamania County Agri-Tourism Association John Crumpacker P.O. Box 100 Underwood, WA 98651</p> <p>Email: info@scaassn.org</p>	
Association of Washington Business	
<p>Association of Washington Business Kristopher I. Tefft General Counsel 1414 Cherry St. SE P.O. Box 658 Olympia, WA 98501</p> <p>Email: krist@awb.org</p> <p>Phone: 360-943-1600 Fax: 360-943-5811</p>	

Seattle Audubon Society	
Seattle Audubon Shawn Cantrell 8050 35 th Ave NE Seattle, WA 98115 Email: Shawnc@seattleaudubon.org Phone: 206-523-4483 ext 15	
Port of Skamania County	
Port of Skamania County John McSherry, Manager P.O. Box 1099 Stevenson, WA 98648 Email: John@portofskamania.org Phone: 509-427-5484 Fax: 509-427-7984	Bradley W. Andersen Schwabe, Williamson & Wyatt PC 700 Washington St, Suite 701 Vancouver, WA 98660 bandersen@schwabe.com Phone: 360-905-1431 509- 427-0093
City of White Salmon	
City of White Salmon David Poucher, Mayor P.O. Box 2139 White Salmon, WA 98672 Email: mayor@ci.white-salmon.wa.us Phone: 509-493-1133 Fax: 509-493-1231	
Klickitat County Public Economic Development Authority	
Klickitat County Public Economic Development Authority Michael Canon, Executive Director MS – CH – 26 127 West Court Goldendale, WA 98620 Email: MikeC@co.klickitat.wa.us Phone: 509-773-7060 Fax: 509-773-4521	
Klickitat and Cascades Tribes of the Yakama Nation	
Klickitat and Cascades Tribes of the Yakama Nation c/o Wilbur Slockish, Jr. Whistling Ridge Energy LLC P.O. Box 266 Bingen , WA 98605 Phone: 541-993-4779 (cell)	

Confederated Tribes and Bands of the Yakama Nation	
<p>Harry Smiskin Chairman Yakama Nation Tribal Council P.O. Box 151 Toppenish, WA 98948</p> <p>Email: Harry@yakama.com Phone: 509-865-5121</p>	<p>Warren Spencer, Jr. Sergeant-At-Arms Yakama Nation Tribal Council P.O. Box 151 Toppenish, WA 98948</p> <p>Email: Warren@yakama.com Phone: 509-865-5121</p>
<p>George Colby Executive Committee Attorney Yakama Nation Tribal Council P.O. Box 6 Toppenish, WA 98948</p> <p>Email: gwcolby@embarqmail.com Phone: 509-865-3011</p>	
<p>Johnson Meninick Cultural Resources Program Manager Confederated Tribes and Bands of the Yakama Nation P.O. Box 151 Toppenish, WA 98948</p> <p>Email: Johnson@yakama.com Phone: 509-865-5121 ext. 4737</p>	<p>Jessica Lally Yakama Nation Archaeologist Cultural Resources Program Confederated Tribes and Bands of the Yakama Nation P.O. Box 151 Toppenish, WA 98948</p> <p>Email: Jessica@yakama.com Phone: 509-865-5121 ext 4766</p>
Skamania County	
<p>Law Offices of Susan Elizabeth Drummond, PLLC Susan Drummond 1200 Fifth Avenue, Suite 1650 Seattle, WA 98101</p> <p>Email: susan@susandrummond.com</p> <p>Phone: 206-682-0767 Fax: 206-654-0011</p>	