

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Whistling Ridge Energy, LLC's September 13, 2023 Request to Extend the Term of the 2012 Site Certification Agreement for the Whistling Ridge Energy Project

DECLARATION OF NATHAN J. BAKER
IN SUPPORT OF FRIENDS OF THE
COLUMBIA GORGE'S OBJECTIONS TO
HEARINGS PROCESS AND SCHEDULING
MOTION

In the Matter of Whistling Ridge Energy, LLC's September 13, 2023 Application to Transfer the 2012 Site Certification Agreement for the Whistling Ridge Energy Project to Twin Creeks Timber, LLC as the New Parent of Whistling Ridge Energy, LLC

I, Nathan J. Baker, declare and say:

1. I am over the age of eighteen (18) and competent to testify in this matter.
2. I am the Senior Staff Attorney for Friends of the Columbia Gorge ("Friends"). I have worked for Friends for more than twenty-three years.
3. I am an attorney of record for Friends in the above-captioned matters. I have also been an attorney of record for Friends in all prior EFSEC proceedings involving the Whistling Ridge Energy Project ("Project" or "WREP").
4. Over the course of the past approximately eight months, I have filed multiple public records requests with the Energy Facility Site Evaluation Council ("EFSEC") seeking records and information about the Whistling Ridge Energy Project and the pending proposals by Whistling Ridge Energy, LLC ("WRE") to modify the Site Certification Agreement ("SCA") for the Project. WRE's two pending proposals are a request to extend the term of the Whistling Ridge SCA (hereinafter "Extension Request") and an application to transfer the Whistling Ridge

1 SCA to a new owner (hereinafter “Transfer Application”). EFSEC Staff have been very helpful
2 and efficient in timely producing the requested public records.

3 5. By filing public records requests, evaluating the produced records, and
4 interviewing multiple interested persons, I have thoroughly investigated and analyzed EFSEC’s
5 public notifications regarding the Whistling Ridge Energy Project.

6 6. During its review process from 2009 to 2012 for reviewing WRE’s original
7 application for a site certification agreement, EFSEC developed and compiled multiple lists of
8 persons known to EFSEC to be interested in the Whistling Ridge Energy Project, including
9 hundreds of people who submitted comments on the Project. Throughout its proceedings during
10 that three-year period (from 2009 to 2012), EFSEC consistently provided notice of its hearings
11 and actions to these lists by both postal mail and email. EFSEC retains these lists of interested
12 persons today. I obtained copies of these lists through a recent public records request.

13 7. Through my investigations I have learned that, rather than using its mailing and
14 email lists that EFSEC compiled circa 2009 to 2012 for providing notifications regarding the
15 Whistling Ridge Energy Project, EFSEC has apparently instead been using a more recently
16 generated WREP email list. I obtained a copy of this newer list as it existed circa September
17 2024, which was produced to me by EFSEC in a Microsoft Excel file with the filename
18 “WR_Subscribers.csv.” I refer to this newer list as EFSEC’s “junk” email list or “garbage” email
19 list for the Whistling Ridge Energy Project, because although it contains email addresses for
20 more than nine hundred people, the overwhelming majority of them were never on EFSEC’s
21 Whistling Ridge lists circa 2009 to 2012, and have no known interest in the Whistling Ridge
22 Energy Project. I strongly suspect that when EFSEC’s current “junk” WREP email list was first
23 created, it was populated with the email addresses of hundreds of people who were on EFSEC’s
24 *general* email list(s), very few of whom were on the lists of persons known to EFSEC to be
25 interested in the Whistling Ridge Energy Project as compiled by EFSEC circa 2009 to 2012.

26 8. I have used software to compare and analyze EFSEC’s genuine WREP lists from
27 2009 to 2012 with EFSEC’s newer “junk” WREP email list. These comparisons have confirmed
28
29

1 my understanding that EFSEC is not using the lists it compiled circa 2009 to 2012 of people
2 known to be interested in the Whistling Ridge Energy Project.

3 9. For example, EFSEC's file "Special_Response_Meeting_12-27-
4 11_Email_List.docx" contains 910 unique email addresses whom EFSEC notified about its
5 December 27, 2011 special meeting to hear and decide various petitions for reconsideration and
6 to finalize the process for the Council's recommendations to Governor Gregoire. I compared that
7 list with EFSEC's newer "junk" list (file name "WR_Subscribers.csv," produced by EFSEC
8 September 22, 2023); this newer list contains 925 unique email addresses. Despite both lists
9 containing more than 900 email addresses, only 11 email addresses occur on both lists. I know
10 based on my investigations that these 11 people proactively signed up for EFSEC's new "junk"
11 WREP email list after it was created. Unfortunately, EFSEC has not been delivering notifications
12 to any of the other 899 people whose email addresses are included in EFSEC's file
13 "Special_Response_Meeting_12-27-11_Email_List.docx," nor did EFSEC ever notify any of
14 these people that the agency was removing them from EFSEC's lists for the Project. In other
15 words, approximately 99% of the people known to be interested in the Project have not been
16 receiving EFSEC's notifications regarding the Project in 2023 and 2024.

17 10. On September 21, 2023, I sent via email a letter to EFSEC Director Sonia Bumpus
18 and EFSEC staff members Amí Hafkemeyer and Lance Caputo. Attached hereto and marked as
19 "Exhibit A" is a true and correct copy of this letter.

20 11. In my September 21, 2023 letter, I asked EFSEC to use its mailing and email lists
21 of people known to be interested in the Whistling Ridge Energy Project for providing
22 notifications regarding the Project. I explained in great detail how I knew that EFSEC was not
23 using its Whistling Ridge lists compiled circa 2009 to 2012, and why that matters. I never
24 received any response from EFSEC staff to my letter.

25 12. On April 10, 2024, I spoke by telephone with Assistant Attorney General Jonathan
26 C. Thompson, counsel to EFSEC, about several items regarding the Whistling Ridge Energy
27 Project. During that phone conversation, I raised concerns about the fact that EFSEC was only
28
29

1 using a “junk” list for sending out notifications regarding the Whistling Ridge Energy Project,
2 and was not using the EFSEC-compiled lists of persons actually known to be interested in the
3 Project. During the same conversation, Mr. Thompson asked me to send him copies of the lists
4 that Friends of the Columbia Gorge believes EFSEC should be using for notifications regarding
5 the Project.

6 13. On April 16, 2024, I followed up by email with Mr. Thompson and emailed him
7 the EFSEC-compiled lists that Friends believes EFSEC should use for notifications for the
8 Whistling Ridge Energy Project. Attached hereto and marked as “Exhibit B” is a true and correct
9 copy of my email to Mr. Thompson, minus the EFSEC records (mailing and email lists) attached
10 to my email. In my email, I reiterated my request that EFSEC staff should use the lists attached
11 to my email.

12 14. Mr. Thompson responded to my email the same day. Attached hereto and marked
13 as “Exhibit C” is a true and correct copy of Mr. Thompson’s response email dated April 16,
14 2024. In this email, Mr. Thompson responded, “Thank you Nathan. I will discuss the distribution
15 list issue with EFSEC staff and share the lists you provided here with them.”

16 15. On April 23, 2024, I followed up again by email with Mr. Thompson. Attached
17 hereto and marked as “Exhibit D” is a true and correct copy of my email to Mr. Thompson dated
18 April 23, 2024. In this email, I asked in pertinent part “[d]oes EFSEC plan to use the EFSEC-
19 generated distribution lists that I alerted you to for sending public notice of the hearings?”

20 16. Mr. Thompson once again responded to my email the same day. Attached hereto
21 and marked as “Exhibit E” is a true and correct copy of Mr. Thompson’s response email dated
22 April 23, 2024. In this email, Mr. Thompson responded in pertinent part “I’m getting
23 clarification from EFSEC on the distribution list question and will let you know what I find out.”
24 I have not heard from Mr. Thompson regarding EFSEC’s notifications for the Whistling Ridge
25 Energy Project since that April 23, 2024 email.

26 17. On April 26, 2024, I received two emails from EFSEC containing notice of public
27 hearings for May 16, 2024 regarding the Whistling Ridge Energy Project.
28
29

1 18. Based on my investigations and analyses, I am confident that EFSEC has not used
2 any of the EFSC-compiled lists for the WREP attached to my April 16, 2024 email to Mr.
3 Thompson for sending any notifications regarding the Extension Request, the Transfer
4 Application, the May 16, 2024 public hearings, or any deadline associated therewith for
5 submitting written public comments.

6 19. In a December 4, 2023 telephone conversation with Mr. Thompson, I advised him
7 that Friends of the Columbia Gorge was considering filing an application for an adjudicative
8 proceeding in these matters.

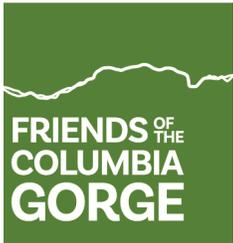
9 20. In my April 10, 2024 telephone conversation with Mr. Thompson discussed earlier,
10 I advised Mr. Thompson that Friends of the Columbia Gorge would almost certainly be filing an
11 application for an adjudicative proceeding, and requested that EFSEC refrain from scheduling
12 any public hearings for the time being, to allow Friends to file this application and have it
13 decided as a threshold procedural issue, before any public hearings.

14 21. In an April 16, 2024 email to EFSEC, I stated “please be advised that Friends
15 intends to file an application for a consolidated adjudicative proceeding in these matters. Friends
16 requests that the Council refrain from scheduling the public hearings until after it has received
17 and reviewed our forthcoming application, which we anticipate filing by April 25.” Attached
18 hereto and marked as “Exhibit F” is a true and correct copy of my April 16, 2024 email, minus
19 its attachments.

20 22. Despite requesting, receiving, and reviewing numerous EFSEC public records
21 containing correspondence between EFSEC staff and WRE representatives, I do not recall seeing
22 any records indicating whether EFSEC staff has deemed WRE’s Extension Request and Transfer
23 Application complete or incomplete.

24 23. Despite requesting, receiving, and reviewing numerous EFSEC public records
25 containing correspondence between EFSEC staff and WRE representatives, I do not recall seeing
26 any records containing or referencing any SEPA environmental checklists, SEPA threshold
27 determinations, or SEPA decisions for WRE’s Extension Request and Transfer Application.
28
29

EXHIBIT A



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
TO 9/21/2023
LETTER

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
TO 9/21/2023
LETTER

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>	

EXHIBIT B

Nathan Baker

From: Nathan Baker
Sent: Tuesday, April 16, 2024 10:33 AM
To: Jonathan Thompson
Subject: Whistling Ridge lists
Attachments: Whistling_Ridge_FEIS_Printed_Copy_Letter.docx; Service List WR 10-7-2011.pdf; 2284_-_Recommendation_package_letter_email_list.pdf; email_list_of_extension_notice_7-19-10.docx; Hard_Copy_FEIS_List.docx; Section_5.pdf; Special_Meeting_Oct_6_2011_Email_List.docx; Whistling_Ridge_FEIS_Mailing_List_-_Mary_Reaper_address_updated.xlsx; Whistling_Ridge_FEIS_Mailing_List_CD_Mailing_Labels.docx; Whistling_Ridge_FEIS_Mailing_List_Hard_Copy_Mailing_Labels.docx

Jon:

When we spoke last week, you asked if I could share with you any EFSC-compiled mailing and email lists for the Whistling Ridge Energy Project that Friends of the Columbia Gorge believes should be used as public notice lists for this Project.

Today I sifted through nearly 30 EFSC-generated files containing Whistling Ridge lists. Attached are the 10 “best” files from among them for these purposes.

Where I spotted duplicate or overlapping lists, I tried to pick MS Word files over PDF files, as well as lists generated later in time.

There will undoubtedly be a lot of overlap between the attached lists. However, duplicate email addresses can be easily removed using free software available on the Internet. I recommend this online tool in particular:
<https://www.wordcharactercount.com/remove-duplicate-words/>

Using the attached EFSC-generated lists will come very close to capturing the full list of persons and entities already known to EFSC as interested in the Whistling Ridge Project.

In contrast, although EFSC’s current email “subscribers” list for Whistling Ridge contains over 900 email addresses, only a very small number (likely less than 1%) of those people are actually interested in the Whistling Ridge Project. I don’t know how this subscriber list was compiled, but my best guess is that it was originally populated with email addresses from EFSC’s general email list, which consisted of people who never intended to subscribe to a list specifically for Whistling Ridge. This current Whistling Ridge “subscribers” list should of course also be used for future Whistling Ridge notices, but it doesn’t come anywhere close to capturing the full list of persons and entities actually interested in this Project.

Thank you for allowing Friends to weigh in on the EFSC lists that should be used for any future notices regarding the Whistling Ridge Energy Project.

In related news, Friends does still intend to file a formal request for an adjudicative proceeding to resolve numerous disputed issues regarding the two pending proposals to modify the Whistling Ridge SCA (the Transfer Application and the Extension Request).

We also intend to renew our prior Motion to consolidate these two matters, with the exception that each matter must be heard at a separate public hearing. We made that request in our September 18, 2023 Motion, but it has not yet been ruled on.

We are working on both filings, but realistically we may not be able to finish them and get them filed until next week.

We continue to believe that the Council should hold off on scheduling the public hearings until receiving and reviewing our forthcoming request for an adjudicative proceeding.

Thanks again, Jon. If you have any questions or comments, please do not hesitate to contact me.



Nathan Baker
Senior Staff Attorney
Friends of the Columbia Gorge

123 NE 3rd Ave., Suite 108
Portland, OR 97232-2975
nathan@gorgefriends.org
(503) 241-3762 x101

EXHIBIT C

Nathan Baker

From: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Sent: Tuesday, April 16, 2024 11:03 AM
To: Nathan Baker
Subject: RE: Whistling Ridge lists

Thank you Nathan. I will discuss the distribution list issue with EFSEC staff and share the lists you provided here with them.

Jon Thompson
Assistant Attorney General
Ecology Division
Office of the Attorney General of Washington
(360) 586-6740

From: Nathan Baker <Nathan@gorgefriends.org>
Sent: Tuesday, April 16, 2024 10:33 AM
To: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Subject: Whistling Ridge lists

[EXTERNAL]

Jon:

When we spoke last week, you asked if I could share with you any EFSC-compiled mailing and email lists for the Whistling Ridge Energy Project that Friends of the Columbia Gorge believes should be used as public notice lists for this Project.

Today I sifted through nearly 30 EFSC-generated files containing Whistling Ridge lists. Attached are the 10 “best” files from among them for these purposes.

Where I spotted duplicate or overlapping lists, I tried to pick MS Word files over PDF files, as well as lists generated later in time.

There will undoubtedly be a lot of overlap between the attached lists. However, duplicate email addresses can be easily removed using free software available on the Internet. I recommend this online tool in particular:

<https://www.wordcharactercount.com/remove-duplicate-words/>

Using the attached EFSC-generated lists will come very close to capturing the full list of persons and entities already known to EFSC as interested in the Whistling Ridge Project.

In contrast, although EFSC’s current email “subscribers” list for Whistling Ridge contains over 900 email addresses, only a very small number (likely less than 1%) of those people are actually interested in the Whistling Ridge Project. I don’t know how this subscriber list was compiled, but my best guess is that it was originally populated with email addresses from EFSC’s general email list, which consisted of people who never intended to subscribe to a list specifically for Whistling Ridge. This current Whistling Ridge “subscribers” list should of course also be used for future Whistling Ridge notices, but it doesn’t come anywhere close to capturing the full list of persons and entities actually interested in this Project.

Thank you for allowing Friends to weigh in on the EFSC lists that should be used for any future notices regarding the Whistling Ridge Energy Project.

In related news, Friends does still intend to file a formal request for an adjudicative proceeding to resolve numerous disputed issues regarding the two pending proposals to modify the Whistling Ridge SCA (the Transfer Application and the Extension Request).

We also intend to renew our prior Motion to consolidate these two matters, with the exception that each matter must be heard at a separate public hearing. We made that request in our September 18, 2023 Motion, but it has not yet been ruled on.

We are working on both filings, but realistically we may not be able to finish them and get them filed until next week.

We continue to believe that the Council should hold off on scheduling the public hearings until receiving and reviewing our forthcoming request for an adjudicative proceeding.

Thanks again, Jon. If you have any questions or comments, please do not hesitate to contact me.



Nathan Baker
Senior Staff Attorney
Friends of the Columbia Gorge

123 NE 3rd Ave., Suite 108
Portland, OR 97232-2975
nathan@gorgefriends.org
(503) 241-3762 x101

EXHIBIT D

Nathan Baker

From: Nathan Baker
Sent: Tuesday, April 23, 2024 9:54 AM
To: Thompson, Jonathan C (ATG)
Subject: RE: Whistling Ridge lists

Jon,

A couple follow-up questions on Whistling Ridge:

At the EFSEC meeting last week, it was announced that EFSEC is tentatively looking at holding the Whistling Ridge hearings the evening of May 16. Is that still the tentative plan?

Does EFSEC plan to use the EFSEC-generated distribution lists that I alerted you to for sending public notice of the hearings?

Thank you.

Nathan Baker, Senior Staff Attorney
Friends of the Columbia Gorge
nathan@gorgefriends.org
(503) 241-3762 x101

From: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Sent: Tuesday, April 16, 2024 11:03 AM
To: Nathan Baker <Nathan@gorgefriends.org>
Subject: RE: Whistling Ridge lists

Thank you Nathan. I will discuss the distribution list issue with EFSEC staff and share the lists you provided here with them.

Jon Thompson
Assistant Attorney General
Ecology Division
Office of the Attorney General of Washington
(360) 586-6740

From: Nathan Baker <Nathan@gorgefriends.org>
Sent: Tuesday, April 16, 2024 10:33 AM
To: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Subject: Whistling Ridge lists

[EXTERNAL]

Jon:

When we spoke last week, you asked if I could share with you any EFSC-compiled mailing and email lists for the Whistling Ridge Energy Project that Friends of the Columbia Gorge believes should be used as public notice lists for this Project.

Today I sifted through nearly 30 EFSC-generated files containing Whistling Ridge lists. Attached are the 10 “best” files from among them for these purposes.

Where I spotted duplicate or overlapping lists, I tried to pick MS Word files over PDF files, as well as lists generated later in time.

There will undoubtedly be a lot of overlap between the attached lists. However, duplicate email addresses can be easily removed using free software available on the Internet. I recommend this online tool in particular:

<https://www.wordcharactercount.com/remove-duplicate-words/>

Using the attached EFSC-generated lists will come very close to capturing the full list of persons and entities already known to EFSC as interested in the Whistling Ridge Project.

In contrast, although EFSC’s current email “subscribers” list for Whistling Ridge contains over 900 email addresses, only a very small number (likely less than 1%) of those people are actually interested in the Whistling Ridge Project. I don’t know how this subscriber list was compiled, but my best guess is that it was originally populated with email addresses from EFSC’s general email list, which consisted of people who never intended to subscribe to a list specifically for Whistling Ridge. This current Whistling Ridge “subscribers” list should of course also be used for future Whistling Ridge notices, but it doesn’t come anywhere close to capturing the full list of persons and entities actually interested in this Project.

Thank you for allowing Friends to weigh in on the EFSC lists that should be used for any future notices regarding the Whistling Ridge Energy Project.

In related news, Friends does still intend to file a formal request for an adjudicative proceeding to resolve numerous disputed issues regarding the two pending proposals to modify the Whistling Ridge SCA (the Transfer Application and the Extension Request).

We also intend to renew our prior Motion to consolidate these two matters, with the exception that each matter must be heard at a separate public hearing. We made that request in our September 18, 2023 Motion, but it has not yet been ruled on.

We are working on both filings, but realistically we may not be able to finish them and get them filed until next week.

We continue to believe that the Council should hold off on scheduling the public hearings until receiving and reviewing our forthcoming request for an adjudicative proceeding.

Thanks again, Jon. If you have any questions or comments, please do not hesitate to contact me.



Nathan Baker
Senior Staff Attorney
Friends of the Columbia Gorge

123 NE 3rd Ave., Suite 108
Portland, OR 97232-2975
nathan@gorgefriends.org
(503) 241-3762 x101

EXHIBIT E

Nathan Baker

From: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Sent: Tuesday, April 23, 2024 10:54 AM
To: Nathan Baker
Subject: RE: Whistling Ridge lists

Hi Nathan,

Yes, the evening of May 16 is the planned time for the hearings.

I'm getting clarification from EFSEC on the distribution list question and will let you know what I find out.

Jon Thompson
Assistant Attorney General
Ecology Division
Office of the Attorney General of Washington
(360) 586-6740

From: Nathan Baker <Nathan@gorgefriends.org>
Sent: Tuesday, April 23, 2024 9:54 AM
To: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Subject: RE: Whistling Ridge lists

[EXTERNAL]

Jon,

A couple follow-up questions on Whistling Ridge:

At the EFSEC meeting last week, it was announced that EFSEC is tentatively looking at holding the Whistling Ridge hearings the evening of May 16. Is that still the tentative plan?

Does EFSEC plan to use the EFSEC-generated distribution lists that I alerted you to for sending public notice of the hearings?

Thank you.

Nathan Baker, Senior Staff Attorney
Friends of the Columbia Gorge
nathan@gorgefriends.org
(503) 241-3762 x101

From: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Sent: Tuesday, April 16, 2024 11:03 AM
To: Nathan Baker <Nathan@gorgefriends.org>
Subject: RE: Whistling Ridge lists

Thank you Nathan. I will discuss the distribution list issue with EFSEC staff and share the lists you provided here with them.

Jon Thompson
Assistant Attorney General
Ecology Division
Office of the Attorney General of Washington
(360) 586-6740

From: Nathan Baker <Nathan@gorgefriends.org>
Sent: Tuesday, April 16, 2024 10:33 AM
To: Thompson, Jonathan C (ATG) <jonathan.thompson@atg.wa.gov>
Subject: Whistling Ridge lists

[EXTERNAL]

Jon:

When we spoke last week, you asked if I could share with you any EFSC-compiled mailing and email lists for the Whistling Ridge Energy Project that Friends of the Columbia Gorge believes should be used as public notice lists for this Project.

Today I sifted through nearly 30 EFSC-generated files containing Whistling Ridge lists. Attached are the 10 “best” files from among them for these purposes.

Where I spotted duplicate or overlapping lists, I tried to pick MS Word files over PDF files, as well as lists generated later in time.

There will undoubtedly be a lot of overlap between the attached lists. However, duplicate email addresses can be easily removed using free software available on the Internet. I recommend this online tool in particular:
<https://www.wordcharactercount.com/remove-duplicate-words/>

Using the attached EFSC-generated lists will come very close to capturing the full list of persons and entities already known to EFSC as interested in the Whistling Ridge Project.

In contrast, although EFSC’s current email “subscribers” list for Whistling Ridge contains over 900 email addresses, only a very small number (likely less than 1%) of those people are actually interested in the Whistling Ridge Project. I don’t know how this subscriber list was compiled, but my best guess is that it was originally populated with email addresses from EFSC’s general email list, which consisted of people who never intended to subscribe to a list specifically for Whistling Ridge. This current Whistling Ridge “subscribers” list should of course also be used for future Whistling Ridge notices, but it doesn’t come anywhere close to capturing the full list of persons and entities actually interested in this Project.

Thank you for allowing Friends to weigh in on the EFSC lists that should be used for any future notices regarding the Whistling Ridge Energy Project.

In related news, Friends does still intend to file a formal request for an adjudicative proceeding to resolve numerous disputed issues regarding the two pending proposals to modify the Whistling Ridge SCA (the Transfer Application and the Extension Request).

We also intend to renew our prior Motion to consolidate these two matters, with the exception that each matter must be heard at a separate public hearing. We made that request in our September 18, 2023 Motion, but it has not yet been ruled on.

We are working on both filings, but realistically we may not be able to finish them and get them filed until next week.

We continue to believe that the Council should hold off on scheduling the public hearings until receiving and reviewing our forthcoming request for an adjudicative proceeding.

Thanks again, Jon. If you have any questions or comments, please do not hesitate to contact me.



Nathan Baker
Senior Staff Attorney
Friends of the Columbia Gorge

123 NE 3rd Ave., Suite 108
Portland, OR 97232-2975
nathan@gorgefriends.org
(503) 241-3762 x101

EXHIBIT F

From: [Nathan Baker](#)
To: comments@efsec.wa.gov; [Lance Caputo](#); [Sonia Bumpus \(sonia.bumpus@efsec.wa.gov\)](mailto:Sonia.Bumpus@efsec.wa.gov); [Hafkemeyer, Ami \(EFSEC\)](#); [Jonathan Thompson](#); [Jenna Slocum](#)
Cc: [Tim McMahan](#); [Greg Corbin](#)
Subject: Whistling Ridge Energy Project - Friends of the Columbia Gorge's Renewed Motion to Consolidate Matters & Notice of Unavailability of Counsel
Date: Tuesday, April 16, 2024 2:30:14 PM
Attachments: [image001.png](#)
[Renewed Motion to Consolidate Matters.pdf](#)
[Friends' 2nd Notice of Unavailability of Counsel.pdf](#)

To Whom It May Concern:

Please find attached a Renewed Motion to Consolidate Matters and a Notice of Unavailability of Counsel from Friends of the Columbia Gorge ("Friends") in the Whistling Ridge Energy Project matters.

In addition, please be advised that Friends intends to file an application for a consolidated adjudicative proceeding in these matters. Friends requests that the Council refrain from scheduling the public hearings until after it has received and reviewed our forthcoming application, which we anticipate filing by April 25.

Thank you.



Nathan Baker
Senior Staff Attorney
Friends of the Columbia Gorge

[123 NE 3rd Ave., Suite 108](#)
[Portland, OR 97232-2975](#)
nathan@gorgefriends.org
(503) 241-3762 x101

EXHIBIT G

Nathan Baker

From: Energy Facility Site Evaluation Council <WAEFSEC@public.govdelivery.com>
Sent: Friday, July 7, 2023 4:43 PM
To: Nathan Baker
Subject: Desert Claim SCA Amendment Special Meeting Notice

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

- July 7, 2023 -

Contact: efsec@efsec.wa.gov

State of Washington
Energy Facility Site Evaluation Council
Notice of Special Meeting and Opportunity for Public Comment
for an Amendment to the Site Certification Agreement for
Desert Claim Wind Power LLC
EDF Renewable Energy
Kittitas County, WA

Request to Amend the Desert Claim Wind Project Site Certification Agreements On May 5, 2023 Desert Claim Wind Power LLC (Certificate Holder) requested the Energy Facility Site Evaluation Council (EFSEC or Council) to approve an amendment request for an extension to the Desert Claim Site Certification Agreement (SCA). If approved, the amendment would extend the SCA to November 13, 2028. EFSEC invites you to participate in its consideration of this amendment request. The Council, as the state agency responsible for regulating Desert Claim, will hold a virtual public special meeting on July 13, 2023, to provide an opportunity for citizens, stakeholders, and interested persons or organizations to receive information and provide comments on the proposed SCA extension.

The proposed revisions will change the following in the current SCA:

Extension of the current SCA to November 13, 2028 to the following entities for the below sites:

Site: Desert Claim

Entity: EDF Renewable Energy

Informational Public Meeting: July 13, 2023, 5:00 – 7 PM or last speaker whichever comes first: Pursuant to WAC 463-66-030, EFSEC proposes to hold a virtual public special meeting on the evening of July 13, 2023. During the special meeting the Certificate Holder will present their amendment request and the Council will take public comment on the amendment request for the Council's consideration.

Speakers will have limited minutes to provide comment, and any additional comments will be directed to be submitted online or postal mail. Duration of speaking time will be announced at the meeting, depending on the number of speakers signed up, to allow as many commenters as possible.

Public Comment: Public Comment will be accepted during the Public Information Meeting. If you are unable to attend these meetings, please send your comments in writing to comments@efsec.wa.gov or at the EFSEC office mailing address below. An online database will also be open during the meeting at <https://comments.efsec.wa.gov/> for submission of written comments.

EFSEC 621 Woodland Square Loop
PO Box 43172
Lacey, WA 98503-3172

Where to review Desert Claim's SCA Amendment Request?

Copies of the current Site Certification Agreement and the Certificate Holder's amendment request are available at:

- <https://www.efsec.wa.gov/energy-facilities/desert-claim/desert-claim-sca>
- EFSEC 621 Woodland Square Loop PO Box 43172 Lacey, WA 98503-3172

How to attend EFSEC's Special Meeting? This meeting is being held remotely and may be attended virtually via Microsoft Teams online or via telephone at:

- [Microsoft Teams Meeting link](#)
- By telephone: +1 (546) 999-2000 Conference ID: 583 440 505#

To facilitate this remote meeting, EFSEC would like to invite speakers to sign up ahead of the meeting. Anyone wishing to speak during the public meeting should please notify EFSEC by phone at (360) 664-1345 or email at efsec@efsec.wa.gov before 5:00pm on July 13th, 2023.

For more information about the SCA Amendment, contact Sara Randolph at (360) 485-1594 or sara.randolph@efsec.wa.gov

To request ADA accommodation or materials in a format for the visually impaired, contact the EFSEC office at (360) 664-1345.

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



- [Home](#)

- [Sign in](#)
- [Register](#)



[Home](#) / [Desert Claim SCA Amendment Request comments](#)

Desert Claim SCA Amendment Request comments

Comment period has ended. Thank you for your participation.

The public comment period will be open July 13, 2023 from 5pm through 7pm.

Please share your comments by typing in the box below. You may also upload a document, picture and/or video.

Thank you for your comments.

Note: The image above is a stock photo, not an actual photo of the proposed project

Important Note: Public comments submitted to the Council via the internet or in writing become public records under the Washington State Public Records Act (RCW 42.17). Information included in the comment such as the commenter's e-mail

and mailing address becomes a public record once it is provided to EFSEC and may be subject to public inspection and copying if not protected by federal or state law. For additional information please see our [Privacy Notice](#).

 **This survey no longer accepts submissions**

REGISTER to get involved!

Important Links

[Terms and Conditions](#)

[Privacy Policy](#)

[Moderation Policy](#)

[Accessibility](#)

[Technical Support](#)

[Cookie Policy](#)

[Site Map](#)

Nathan Baker

From: Energy Facility Site Evaluation Council <WAEFSEC@public.govdelivery.com>
Sent: Wednesday, October 11, 2023 12:40 PM
To: Nathan Baker
Subject: EFSEC Upcoming Action Items available

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

- October 11, 2023 -

Contact: efsec@efsec.wa.gov

October 18, 2023 EFSEC Upcoming Action Items available

Dear interested persons,

The Proposed Action items for the Desert Claim and Wautoma Solar projects for the upcoming Council Meeting is available on our website here:

<https://www.efsec.wa.gov/council-information/council-meetings>

Public comments on EFSEC Final Actions must be submitted in-writing to EFSEC at least 3 business days prior to the scheduled public meeting for which the proposed FINAL ACTION Agenda item is planned. Written public comments must be submitted to EFSEC through <https://comments.efsec.wa.gov/>.

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



- [Home](#)

- [Sign in](#)
- [Register](#)



[Home](#) / Upcoming action item: Desert Claim Resolution SCA Amendment comments

Upcoming action item: Desert Claim Resolution SCA Amendment comments

Consultation has concluded

The public comment period will be open from October 11th, 2023 through October 15th 11:59pm PST.

Please share your comments by typing in the box below. You may also upload a document, picture and/or video.

Thank you for your comments.

*Note: The image above is a stock photo, not an actual picture of the project

Important Note: Public comments submitted to the Council via the internet or in writing become public records under the Washington State Public Records Act (RCW 42.17). Information included in the comment such as the commenter's e-mail and mailing address becomes a public record once it is provided to EFSEC and may be subject to public inspection and copying if not protected by federal or state law. For additional information please see our [Privacy Notice](#).

 **This survey no longer accepts submissions**

REGISTER to get involved!

Important Links

[Terms and Conditions](#)

[Privacy Policy](#)

[Moderation Policy](#)

[Accessibility](#)

[Technical Support](#)

[Cookie Policy](#)

[Site Map](#)

Nathan Baker

From: Energy Facility Site Evaluation Council <WAEFSEC@public.govdelivery.com>
Sent: Wednesday, November 8, 2023 2:06 PM
To: Nathan Baker
Subject: EFSEC Upcoming Action Items available

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

- November 8, 2023 -

Contact: efsec@efsec.wa.gov

November 15, 2023 EFSEC Upcoming Action Items available

Dear interested persons,

The Proposed Action items for the Desert Claim and Hop Hill projects for the upcoming Council Meeting is available on our website here:

<https://www.efsec.wa.gov/council-information/council-meetings>

Public comments on EFSEC Final Actions must be submitted in-writing to EFSEC at least 3 business days prior to the scheduled public meeting for which the proposed FINAL ACTION Agenda item is planned. Written public comments must be submitted to EFSEC through <https://comments.efsec.wa.gov/>.

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



- [Home](#)

- [Sign in](#)
- [Register](#)



[Home](#) / [Upcoming action item: Desert Claim SCA Amendment comments](#)

Upcoming action item: Desert Claim SCA Amendment comments

Consultation has concluded

The public comment period will be open from November 8th, 2023 through November 12th 11:59pm PST.

Please share your comments by typing in the box below. You may also upload a document, picture and/or video.

Thank you for your comments.

*Note: The image above is a stock photo, not an actual picture of the project

Important Note: Public comments submitted to the Council via the internet or in writing become public records under the Washington State Public Records Act (RCW 42.17). Information included in the comment such as the commenter's e-mail and mailing address becomes a public record once it is provided to EFSEC and may be subject to public inspection and copying if not protected by federal or state law. For additional information please see our [Privacy Notice](#).

 **This survey no longer accepts submissions**

REGISTER to get involved!

Important Links

[Terms and Conditions](#)

[Privacy Policy](#)

[Moderation Policy](#)

[Accessibility](#)

[Technical Support](#)

[Cookie Policy](#)

[Site Map](#)

EXHIBIT H



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR
AMENDING
PROCLAMATION 20-05 and RESCINDING PROCLAMATION 20-28, et seq.**

20-28.16

Open Public Meetings Act and Public Records Act Proclamations

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; too

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, during the 2022 Regular Legislative Session, the Legislature passed, and the Governor signed, Engrossed Substitute House Bill 1329, which, in part, authorized public agency governing bodies to hold public meetings remotely in certain circumstances and after a local, state or federal state of emergency has been declared; and

WHEREAS, although the COVID-19 disease continues to persist as an ongoing and present threat in Washington State, the measures we have taken together as Washingtonians over the past 24 months, including the willingness of Washingtonians to take advantage of the remarkable, life-saving vaccines being administered throughout the state, have made a difference and have altered the course of the pandemic in fundamental ways; and

WHEREAS, although Department of Health statistics reflect the continued persistence of COVID-19 and support the continuation of the state of emergency, health experts and epidemiological modeling experts believe that as a state we have made adequate progress against COVID-19 to begin rescinding or modifying amendatory proclamations related to specific health issues; 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 situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are terminated and rescinded effective 12:01 A.M. on June 1, 2022.

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 and wildfires.

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,

EXHIBIT I



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 21-14, et seq.**

**21-14.6
COVID-19 VACCINATION REQUIREMENT
Termination of Emergency Order**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State 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 and our health care system, 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, COVID-19 vaccines are effective in reducing infection and serious disease, and widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, young children who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, to further our individual and collective duty to reduce the spread of COVID-19 in our communities, I issued Proclamation 21-14 requiring all employees, on-site independent contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021; and

WHEREAS, on July 12, 2021, I issued Proclamation 20-12.4 prohibiting institutions of higher education from providing in-person instruction unless the institutions comply with specific requirements related to vaccination, masking, and operations; and

WHEREAS, some employers have chosen to implement a vaccination requirement as a condition of employment, subject to all applicable exemptions and accommodations required by law, even after the COVID-19 State of Emergency is lifted; and

EXHIBIT J

 An official website of the United States government



[Home](#) </> > [About](#) </about/index.html> > [News](#) </about/news/index.html> > HHS Secretary Xa...

Navigate to:



FOR IMMEDIATE RELEASE

May 11, 2023

Contact: HHS Press Office

202-690-6343

media@hhs.gov

HHS Secretary Xavier Becerra Statement on End of the COVID-19 Public Health Emergency

Today, U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra released the following statement on the end of the COVID-19 Public Health Emergency (PHE):

"Thanks to the Biden-Harris Administration's whole-of-government approach to combatting COVID-19, our country is in a better place than at any point during the pandemic.

"We have learned many lessons during the last two and a half years and have worked to strengthen our preparedness and response efforts by creating resiliency in the domestic supply chain, building capacity to ensure adequate stockpiles, and fostering innovation through projects like Project NextGen.

"HHS and the leadership across the Department remain focused on protecting the health and well-being of all Americans, particularly those at highest at risk, including seniors and immunocompromised people, making sure we don't leave the uninsured behind and monitoring the latest subvariants so we're prepared and ready to manage the risks of the virus moving forward. The PHE is ending, but COVID-19 remains a public health priority, and our work to protect the American public will continue."

###

Note: All HHS press releases, fact sheets and other news materials are available at <https://www.hhs.gov/news/news>.

Like HHS on Facebook [↗](#), follow HHS on Twitter [@HHSgov](https://twitter.com/#!/hhs.gov), and sign up for HHS Email Updates [↗](https://cloud.connect.hhs.gov/subscriptioncenter).

Last revised: May 11, 2023

Sign Up for Email Updates

Receive the latest updates from the Secretary, Blogs, and News Releases

Sign Up
<https://cloud.connect.hhs.gov/subscriptioncenter>

Subscribe to RSS

Receive latest updates

 **RSS** <https://rss/news.xml>

Related News Releases

COVID-19 Vaccination Public Education Campaign Saved Thousands of Lives, Billions of Dollars </about/news/2024/05/06/covid-19-vaccination-public-education-campaign-saved-thousands-lives-billions-dollars.html>

HHS, DHS, and FEMA Announce Completion of Multi-Year Review of State Efforts to Provide Language Access During the COVID-19 Public Health Emergency </about/news/2024/03/18/hhs-dhs-fema-announce-completion-multi-year-review-state-efforts-provide-language-access-during-covid-19-public-health-emergency.html>

Readout of HHS Secretary Becerra's Meeting with Pharmacy CEOs on COVID-19 Therapeutics Commercialization </about/news/2023/02/07/readout-of-hhs-secretary-becerras-meeting-with-pharmacy-ceos-on-covid-19-therapeutics-commercialization.html>

Related Blog Posts



Calling innovators! HHS Long COVID Healthathon launches with \$25K in prizes </blog/2024/03/26/calling-innovators-hhs-long-covid-healthathon-launches-25k-prizes.html>



Reflections from the Deputy Director of the HHS Office of Long COVID Research and Practice </blog/2024/03/15/reflections-deputy-director-hhs-office-long-covid-research-and-practice.html>



Driving Long COVID Innovation with Health+ Human-Centered Design </blog/2022/11/21/driving-long-covid-innovation-with-health-plus-human-centered-design.html>

Media Inquiries

For general media inquiries, please contact media@hhs.gov.

Content created by Assistant Secretary for Public Affairs (ASPA)

Content last reviewed May 11, 2023

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the date shown below, I served a true and correct copy of the
3 foregoing DECLARATION OF NATHAN J. BAKER IN SUPPORT OF FRIENDS OF THE
4 COLUMBIA GORGE’S OBJECTIONS TO HEARINGS PROCESS AND SCHEDULING
5 MOTION on each of the persons named below via email:

6 Timothy L. McMahan
7 Stoel Rives LLP
8 tim.mcmahan@stoel.com
9 *Attorney for Whistling Ridge Energy, LLC*

10 Greg Corbin, Senior Special Counsel
11 Green Diamond Management Company
12 greg.corbin@greendiamond.com

13 DATED this 6th day of May, 2024.

14 By: s/ Nathan J. Baker
15 Nathan J. Baker, WSBA No. 35195
16 Friends of the Columbia Gorge
17
18
19
20
21
22
23
24
25
26
27
28
29