

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Whistling Ridge Energy        )  
Project of:                                )  
  )  
Transfer Request Hearing                 )

VIDEOCONFERENCE HEARING

May 16, 2024

Taken Remotely via Zoom

PREPARED BY: Michelle D. Elam, RPR, CCR 3335

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APPEARANCES

STAFF AGENCY MEMBERS PRESENT (VIA HYBRID):

Chair - Kathleen Drew  
Department of Commerce - Elizabeth Osborne  
Department of Wildlife - Mike Livingston  
Department of Natural Resources - Lenny Young  
Department of Utilities & Transportation  
Commission - Stacy Brewster

ASSISTANT ATTORNEY GENERALS PRESENT:

Jon Thompson VIA

ADMINISTRATIVE LAW JUDGE (~~VIZ~~ TEAMS):

Laura Bradley

COUNSEL FOR THE ENVIRONMENT:

Yuriy Korol

STAFF FOR EFSEC:

Sonia Bumpus  
Sonia Hafkemeyer  
Andrea Grantham  
Lance Caputo  
Alex Shiley

IN ATTENDANCE:

Tim McMahan - Whistling Ridge, LLC  
Greg Corbin - Green Diamond Resource Company

1 BE IT REMEMBERED that on Thursday,  
2 May 16, 2024, at 5:13 p.m., before Michelle D. Elam,  
3 Certified Court Reporter, RPR, the following Transfer  
4 Request Hearing, was held, to wit:

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6 <<<<<< >>>>>>

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8 CHAIR DREW: Good evening. This is Kathleen  
9 Drew, Chair of the Energy Facility Site Evaluation  
10 Council, bringing to order the public hearing for the  
11 Whistling Ridge amendment.

12 To begin with, I would like to say that we have  
13 two meetings for the two separate amendments that are  
14 both the subject tonight for Whistling Ridge.

15 And to say a little bit about that, in  
16 September 2023, Whistling Ridge Energy, LLC, submitted  
17 requests to the Energy Facility Site Evaluation Council  
18 on two matters pertaining to the Site Certification  
19 Agreement for the Whistling Ridge Energy project.

20 The first request seeks approval from the  
21 council of transfer of control of the certificate holder,  
22 whistling Ridge Energy, LLC, from SDS Lumber Company to  
23 Twin Creek Timber, LLC, TCT.

24 The second request seeks an amendment of the SCA  
25 to extend its term to November 2026.

1 EFSEC invites you to participate in the  
2 consideration of this request. We are holding two  
3 separate but connective hybrid public hearings.

4 The first one will be on the transfer of  
5 ownership, and the second will be on the SCA extension.

6 We will start after we call the roll of council,  
7 with five minutes limit for those who are wishing to  
8 testify each. I would encourage you to say only what has  
9 gone unsaid before or to agree with previous speakers.  
10 But we will allow that amount of time.

11 Secondly, it is only about the transfer of  
12 ownership request.

13 So the second meeting will be about the SCA  
14 amendment. So I would ask you to limit your comments  
15 to -- in the hearings appropriately.

16 I will now introduce Administrative Law Judge  
17 Laura Bradley, who will be managing the public hearing  
18 portion of the meeting.

19 Judge Bradley.

20 ALJ BRADLEY: Good evening everyone. As Ms. --  
21 as Chair Drew indicated, my name is Laura Bradley.

22 CHAIR DREW: You're on mute.

23 ANDREA GRANTHAM: I can hear Judge Bradley.

24 Maybe the room cannot hear them.

25 ALJ BRADLEY: Okay. Do you want to see if

1 there's something going on in the room, Ms. Grantham?

2 ANDREA GRANTHAM: Yes. Let me see if I can  
3 message them really quick.

4 CHAIR DREW: This is Chair Drew. Testing.

5 ANDREA GRANTHAM: Yes, we can hear you.

6 CHAIR DREW: Okay. Let's try this once again.

7 I did walk through the hearing notice, but I  
8 will now ask Ms. Shiley who is calling the roll, is it  
9 you or Ms. Grantham?

10 ALEX SHILEY: It is Ms. Grantham.

11 CHAIR DREW: Ms. Grantham, will you please call  
12 the roll.

13 ANDREA GRANTHAM: No problem. Will do.

14 Department of Commerce.

15 ELIZABETH OSBORNE: Elizabeth Osborne. Present.

16 ANDREA GRANTHAM: Department of Ecology.

17 Department of Fish and Wildlife.

18 MIKE LIVINGSTON: Mike Livingston. Present.

19 ANDREA GRANTHAM: Department of Natural  
20 Resources.

21 LENNY YOUNG: Lenny Young. Present.

22 ANDREA GRANTHAM: Utilities and Transportation  
23 Commission.

24 STACY BREWSTER: Stacy Brewster. Present.

25 ANDREA GRANTHAM: Assistant Attorney Generals;

1 Jon Thompson.

2 JOHN THOMPSON: Present.

3 ANDREA GRANTHAM: Janice Slocum.

4 Zack Packer.

5 Administrative Law Judge Laura Bradley.

6 ALJ BRADLEY: Present.

7 ANDREA GRANTHAM: And do we have someone present  
8 for the Council for the Environment?

9 YURIY KOROL: Yuriy Korol. Present.

10 ANDREA GRANTHAM: And then for council staff, I  
11 have Sonia Bumpus.

12 And then I'll move on to Ami Hafkemeyer.

13 AMI HAFKEMEYER: Present.

14 ANDREA GRANTHAM: Lance Caputo.

15 I believe Lance is in the room; is that correct,  
16 Chair Drew?

17 UNIDENTIFIED SPEAKER: Testing. Can you hear me  
18 online?

19 ANDREA GRANTHAM: Yes.

20 So do we want to go back to Sonia Bumpus and/or  
21 Lance Caputo?

22 CHAIR DREW: They are both present.

23 ANDREA GRANTHAM: Thank you.

24 And there is a quorum.

25 Thank you, Chair Drew.

1 CHAIR DREW: Thank you.

2 Moving on to the agenda in front of us, first  
3 we'll hear Whistling Ridge Energy company followed by a  
4 presentation on the amendment process by Lance Caputo and  
5 then public comments.

6 TIM McMAHAN: Thank you, Chair Drew.

7 This it Tim McMahan. Am I heard throughout the  
8 universe here?

9 ALJ BRADLEY: Yes.

10 TIM McMAHAN: All right. That's great.

11 Tim McMahan with Stoel Rives Law Firm. I'm here  
12 representing Twin Creeks Timber and Whistling Ridge, LLC.

13 Whistling Ridge, LLC, is the site certificate  
14 holder, still is actually the site certificate holder.

15 And so good to see you all. Thank you for the  
16 opportunity to be here this evening.

17 This first part of the proceeding does, as  
18 Chair Drew indicates, constitutes a request for transfer  
19 of the site certificate. And we model -- we began  
20 conversations last March with Director Bumpus and others  
21 as we were trying to assess the process moving forward  
22 with the Whistling Ridge Energy site. And we spent a  
23 considerable amount of time fashioning how we would go  
24 about that with EFSEC staff.

25 On the -- as part of this, we are seeking, as

1 noted, a request for transfer of the facility. And  
2 that's under WAC 463.66.100, transfer of the site  
3 certificate agreement.

4 So generally speaking, the requirement is -- a  
5 fundamental requirement is whether TCT and Whistling  
6 Ridge, LLC, show that it has the organizational and  
7 financial capability to permit, construct, and operate,  
8 and retire the facility.

9 And there are some interesting questions,  
10 frankly, on whether a transfer actually is necessary. In  
11 these circumstances, we err'd very much on the side of  
12 caution in taking this approach to ensure that there was  
13 a full opportunity to understand what we are doing and a  
14 full opportunity to engage the public.

15 So with that, I am going to push the mic over to  
16 my client and colleague, Greg Corbin, and then there will  
17 be a short presentation thereafter from Chad Comeault  
18 from Steelhead or Vestas.

19 So we do have a PowerPoint. And we'll just -- I  
20 think -- should Greg just say "next slide," kind of the  
21 old-fashioned way?

22 Okay. Great. Thank you.

23 GREG CORBIN: Thank you, Tim.

24 Good evening, Chair Drew and other council  
25 members, everybody online.

1 My name is Greg Corbin, C-o-r-b-i-n. I'm with  
2 Green Diamond Resource Company.

3 My role at Green Diamond is -- includes our  
4 company's focus on renewable energy development  
5 opportunities on the lands that we own and/or manage.

6 What I want to do is take just a couple of  
7 minutes to explain who the various parties are here.  
8 You're going to hear Green Diamond, you're going to hear  
9 Green Diamond Resource Company, Green Diamond Management  
10 Company, Twin Creeks Timber, Silver Creek. It can get  
11 confusing, and so I will try to clarify all of that.

12 First of all, Green Diamond Resource Company is  
13 a sixth-generation family company based in Seattle.  
14 Green Diamond manages approximately 2 million --

15 (Lost audio connection with room.)

16 ANDREA GRANTHAM: The room audio dropped.  
17 They dropped as Mr. Corbin was saying 2 million.

18 GREG CORBIN: Shall I try again?

19 Can you hear me now?

20 ANDREA GRANTHAM: Yes, we can.

21 GREG CORBIN: Great.

22 2 million acres.

23 Okay. Let me say that one again.

24 So Green Diamond, sixth-generation, family-owned  
25 timber company. We own and/or manage about

1 2 million acres of timberland in various portions of the  
2 United States.

3 About 600,000 of those acres are owned by Twin  
4 Creeks Timber, LLC. It was a company that was formed in  
5 2016 to own and manage commercial timberlands on behalf  
6 of its investors.

7 TCT owns timberlands in Washington, Oregon, and  
8 five states in the US South.

9 Silver Creek Advisory Partners, also based in  
10 Seattle, is the fiduciary manager of TCT, Twin Creeks.

11 Twin Creeks is an investment entity that is  
12 managed by Silver Creek Advisory Partners. Silver Creek  
13 is an investment advisory registered with the U.S.  
14 Securities and Exchange Commission. And as of June 30th  
15 of 2022, Silver Creek had \$8.6 billion in assets under  
16 management across several different alternative and real  
17 estate investment strategies. And I will say, this  
18 information is all contained in the actual transfer  
19 application.

20 Green Diamond is -- Green Diamond Resource  
21 Company, is an investor in Twin Creeks Timber, in TCT.  
22 And through Green Diamond's subsidiary company, Green  
23 Diamond Management Company, we are the property manager  
24 responsible for the day-to-day operations of the TCT  
25 timberlands.

1           So we manage those lands in the same way that we  
2 manage the lands that we own in fee.

3           Getting to this particular topic here, in  
4 November of 2021, TCT acquired approximately two-thirds  
5 of the lands formerly owned by SDS Lumber Company. SDS  
6 was also the parent or owner of the -- the sole owner of  
7 all of the membership interest in Whistling Ridge Energy,  
8 LLC, the site certificate holder here.

9           When we -- when TCT acquired the lands, it also  
10 acquired that membership interest. So the membership  
11 interest in Whistling Ridge Energy, LLC, was conveyed  
12 by -- just by documentation in the transaction from SDS  
13 Lumber to TCT.

14           Green Diamond and TCT have substantial  
15 experience with renewable energy projects, having  
16 negotiated many wind and solar agreements in the west and  
17 south. And we are actively working with project  
18 developers to bring those projects to market.

19           Green Diamond and TCT are financially sound with  
20 the capacity, expertise, and partners necessary to  
21 develop the Whistling Ridge Energy project and to comply  
22 with and meet the terms of the Site Certificate Agreement  
23 through the project entity Whistling Ridge Energy, LLC.

24           For this project we have, in addition to our own  
25 capacity and capabilities, we've hired a third-party

1 development consultant to help us navigate through the  
2 development process and are partnering with a nationally  
3 recognized wind energy developer to provide additional,  
4 necessary expertise.

5 And this is the point at which I will turn it  
6 over to Chad to introduce himself and Steelhead Americas,  
7 our development partner.

8 And if we could maybe go ahead and move the  
9 slide. His slides are in there. If we could move the  
10 slides forward until we get to the Steelhead Americas  
11 slides. So keep going.

12 There.

13 Thank you.

14 CHAD COMEAULT: Thanks, Greg.

15 Can everybody hear me?

16 Good evening, everyone. My name is Chad  
17 Comeault. I'm vice president of business development and  
18 also one of the cofounders of Steelhead Americas.

19 If someone could advance, please, to the next  
20 slide.

21 So Steelhead Americas is the development  
22 subsidiary of Vestas, a Danish company, and we formed  
23 back in 2016. So we've been in business for about eight  
24 years. Sorry. 2015, 2016.

25 We are up to 50 full-time employees. We've

1 developed over 1.5 gigawatts of projects to date across  
2 the United States. Approximately 5 megawatt -- or,  
3 sorry, 5 gigawatts of projects in development across 15  
4 different states.

5 If you could advance to the next slide.

6 So we have -- our business model is to originate  
7 projects, fully developmental, of course, of, you know,  
8 it could be five or six years to it beginning through  
9 construction.

10 So we have a full suite development shop  
11 covering all of the necessary development verticals:  
12 origination, reserve, siting, permitting, financing, and  
13 finally project sale.

14 Some of the projects we've developed below.  
15 You'll see there's a smattering of eight there ranging  
16 from, you know, as small as 99-megawatt solar project to  
17 almost a 500-megawatt wind project in Texas. But the  
18 vast majority of our development across the US is in wind  
19 development.

20 Next slide, please.

21 Just, again, the slide showing our capabilities  
22 across the 50 employees that covers the entire spectrum  
23 of development that's necessary to bring Whistling Ridge  
24 to fruition.

25 And the next slide.

1           And this is just a smattering of some of the  
2 partners that we've worked with. We've either -- our  
3 business model is to -- sometimes we sell all of our  
4 interest at NTP or COD, start of construction or when the  
5 project starts submitting.

6           Sometimes we retain a minority interest in the  
7 project. And so these are a list of very large,  
8 independent power producers, both domestic and  
9 multinationals, that we've either sold projects to or  
10 partnered with over the last eight years.

11           It's important to note that we're a wholly owned  
12 subsidiary of Vestas. It's a Danish company. This is  
13 the largest wind turbine manufacturer in the world. I  
14 think there's up to 30,000 employees across the globe  
15 right now; 55,000 turbines under service globally;  
16 installed 179 gigawatts of turbines; and we're also at a  
17 \$28 billion market cap right now. So we're extremely  
18 strong balance sheet that supports this development.

19           Next. Yeah, I think that's -- that's the  
20 Steelhead and Vestas file.

21           Thank you.

22           ANDREA GRANTHAM: If you guys are speaking in  
23 the room again, we cannot hear you.

24           ALJ BRADLEY: All right. Chair Drew, are we  
25 ready to proceed with the presentation by the council

1 staff?

2 CHAIR DREW: Can you hear me?

3 ANDREA GRANTHAM: Yes.

4 ALJ BRADLEY: Yes.

5 CHAIR DREW: So we had one last sentence. Go  
6 ahead.

7 GREG CORBIN: Thank you, Chair Drew.

8 Greg Corbin, again, for the record.

9 I was just underscoring something that Whistling  
10 Ridge Energy, LLC, continues to be the developer on the  
11 project. It is the same entity all along. All that has  
12 changed here is the parent ownership interest in that  
13 LLC.

14 So I didn't want to, having talked about all of  
15 the different entities and our partners and all of that,  
16 to obfuscate the fact that the entity that holds the site  
17 certificate continues to hold the site certificate.  
18 Nothing has changed there.

19 This transfer was filed out of an abundance of  
20 caution because we wanted to be transparent about the  
21 fact that the parent had changed hands. But the actual  
22 developer entity has not changed at all.

23 Thank you.

24 CHAIR DREW: Thank you.

25 Now, Mr. Caputo.

1 LANCE CAPUTO: First of all, can I have an audio  
2 check?

3 ALJ BRADLEY: Yes, I can hear you.

4 LANCE CAPUTO: Thank you.

5 Welcome, everybody. Thank you all for  
6 participating this evening.

7 My name is Lance Caputo. I am the siting  
8 specialist for EFSEC assigned to this project. For those  
9 who are unfamiliar with our agency, I will be making a  
10 short presentation on the EFSEC amendment process.

11 Thank you.

12 First, a quick history of EFSEC.

13 The Energy Facility Site Evaluation Council was  
14 created in 1970 for the siting of thermal power plants.  
15 The intent was to create a one-stop permitting agency for  
16 large energy facilities.

17 Council membership is compromised of  
18 representatives of several state and local governments.  
19 The council reviews applications for the siting of clean  
20 energy projects before making recommendations on those  
21 projects to the governor.

22 If the council decides to recommend approval of  
23 a prospective project, then its approval to the governor  
24 will include a draft certification agreement, or an SCA,  
25 which defines preconstruction, construction, and

1 operation plans.

2 If the project is approved by the governor's  
3 office, then this decision will preempt other state or  
4 local regulations.

5 Multiple clean energy facilities fall under  
6 EFSEC's jurisdiction. Some projects, such as a thermal  
7 power plant producing greater than 350 megawatts of  
8 electricity and other types of nuclear generation for the  
9 purpose of generating electricity to be sold on the  
10 market, are required to be sited through EFSEC. Others  
11 such as wind, solar, green hydrogen, energy storage, or  
12 clean energy manufacturing may seek EFSEC review,  
13 regardless of its size.

14 Transmission lines greater than 115 kilovolts  
15 can also opt in while transmission lines carrying greater  
16 than 500 kilovolts are required to seek EFSEC review.  
17 Threshold limits for pipelines and refineries that may be  
18 sited through EFSEC are found in RCW 80.50.060.

19 The council is comprised of members from various  
20 state agencies. There are voting members from five other  
21 agencies who are appointed by the agency directors. The  
22 current council consists of Chairwoman Kathleen Drew; Eli  
23 Levitt, from the Department of Ecology; Mike Livingston,  
24 from the Department of Fish and Wildlife; Elizabeth  
25 Osborne, from the Department of Commerce; Lenny Young,

1 from the Department of Natural Resources; and Stacey  
2 Brewster, from the Utilities and Transportation  
3 Commission.

4 There are additional agencies that may elect to  
5 appoint a council member during the review of a new  
6 application. These agencies are the Department of  
7 Agriculture, the Department of Transportation, the  
8 Department of Health, and the Military Department.

9 The county within which the project occurs,  
10 shall also appoint a representative to the council. If a  
11 proposal is located within a Port district, the Port  
12 district may appoint a nonvoting member to assist the  
13 council.

14 This slide is a map of the facilities that are  
15 certified or have applied for certification under EFSEC's  
16 jurisdiction. You can see marked in green, there are six  
17 operating facilities, including two natural gas  
18 facilities, one nuclear facility, one solar facility, and  
19 two wind facilities.

20 The Kittitas Valley and Wild Horse facility  
21 shown here are EFSEC-regulated facilities, but the other  
22 wind projects shown did not elect to site through EFSEC.

23 The blue marks indicate the four additional  
24 facilities that are approved but are not yet constructed,  
25 including the Whistling Ridge facility, which brings us

1 here this evening.

2 The clear circle is the one facility in the  
3 process of being decommissioned. EFSEC is currently  
4 reviewing applications for six projects marked in yellow.

5 Here is a flow chart showing the general process  
6 an applicant would go through when they submit an  
7 application for a new facility to EFSEC.

8 The Whistling Ridge proposal underwent this  
9 multitiered review at the time of application, as briefly  
10 described by the certificate holder during their  
11 presentation.

12 (Lost audio connection with room.)

13 ANDREA GRANTHAM: I believe we lost audio to the  
14 room, just starting at the beginning of this PowerPoint  
15 slide.

16 Chair Drew, can you hear me?

17 Okay. It looks like they are refreshing it.

18 CHAIR DREW: I'm going to announce.

19 Can you hear me, Judge Bradley?

20 ALJ BRADLEY: Yes.

21 CHAIR DREW: We are going to -- Mr. Young, can  
22 you hear me?

23 LENNY YOUNG: Yes, I can, Chair Drew.

24 CHAIR DREW: Try this.

25 Can you hear me?

1 LENNY YOUNG: Yes, I can.

2 ALJ BRADLEY: Yes.

3 CHAIR DREW: Okay. We are going to relocate to  
4 our conference room, which is fully on Teams because of  
5 the difficulty of going through the system here. So we  
6 will -- and I apologize to everybody. We will hear  
7 everybody tonight. We are committed to doing that. And  
8 I thank you for your patience and for your willingness to  
9 walk through this with me.

10 But we're going to go to our conference room,  
11 which is fully set up on Teams so we're not in this  
12 hearing room.

13 (Recess from 5:47 p.m. to 5:56 p.m.)

14 CHAIR DREW: Can you hear us now?

15 ANDREA GRANTHAM: Yes, we can.

16 ALJ BRADLEY: Yes, we can.

17 CHAIR DREW: Okay. Did you have more on your  
18 slide presentation?

19 LANCE CAPUTO: Yes.

20 CHAIR DREW: Back to Mr. Caputo.

21 LANCE CAPUTO: Slide No. 7.

22 The review process for an amendment differs from  
23 that of a new application. When an amendment request is  
24 received, a public hearing session is required with an  
25 administrative amendment, such as the one requested for

1 this project. No ~~secret~~ <sup>SEPA</sup> addendum is required.

2 Following the informational meeting, the council  
3 will review the request before them and vote to approve  
4 or deny the amendment.

5 For decisions that substantially change the  
6 project, the recommendation is sent to the governor for a  
7 final decision.

8 For decisions that do not substantially change  
9 the project and/or are administrative in nature, the  
10 approval or denial of the amendment request may be  
11 decided upon by the council.

12 This concludes my presentation for this evening.

13 Before I end, I'd like to remind everyone how  
14 they may submit comments for this proposal.

15 If you'd like to sign up to speak this evening  
16 and you are joining us virtually or by phone, you may  
17 call the EFSEC main line at 360-664-1345 to be added to  
18 the speaker list. You may also send in written comments  
19 by postal mail to our office at 621 Woodland Square Loop,  
20 PO Box 43172, Olympia, Washington 98504.

21 Comments may also be submitted to our online  
22 comment database at <https://comments.efsec.wa.gov>.

23 There is also the option available for the  
24 duration of the meeting for anyone wishing to submit  
25 comments through our online database. The comment line

1 will remain open until 11:59 p.m. this evening. All  
2 comments received, regardless of method of delivery, will  
3 be saved with the project record and available to the  
4 council and staff for review.

5 Thank you.

6 ALJ BRADLEY: Thank you.

7 This is Judge Bradley.

8 Can you hear me?

9 CHAIR DREW: Yes, we can.

10 ALJ BRADLEY: I believe now it is time for the  
11 acceptance of public comments.

12 Does someone have a list of people who have  
13 requested to speak?

14 ANDREA GRANTHAM: This is Ms. Grantham.

15 I have -- yes, I have the list.

16 ALJ BRADLEY: Thank you, Ms. Grantham.

17 So before we begin, I would just like to let  
18 folks know that you will have five minutes to make your  
19 comments. And, unfortunately, I will have to cut you off  
20 to make sure that everyone gets an opportunity to speak.

21 And before you begin your comments, please state  
22 your name and spell it for the court reporter.

23 And also try to speak slowly and clearly to  
24 assist our court reporter in getting a clear and accurate  
25 record.

1 So the first commenter, Ms. Grantham.

2 ANDREA GRANTHAM: Yes. The first person I have  
3 is Nathan Baker.

4 ALJ BRADLEY: Okay. Nathan Baker, are you  
5 there?

6 NATHAN BAKER: I am. I'm here in the room.

7 ALJ BRADLEY: All right. Go ahead.

8 NATHAN BAKER: Good evening, Chair Drew and  
9 members of the council. My name is Nathan Baker. I'm  
10 the senior staff attorney with Friends of the Columbia  
11 Gorge.

12 Friends of the Columbia Gorge has been involved  
13 in the Whistling Ridge matters from the very beginning,  
14 back to 2008.

15 And in decision-making, sometimes the easy and  
16 efficient option and the legally correct option, and the  
17 appropriate option all converge, and that's the case  
18 here.

19 The council should recognize that this SCA Site  
20 Certification Agreement expired by operation of law and  
21 by its own terms. It expired by operation of law  
22 March 5th, 2022. That was 10 years after it was issued,  
23 10 years after the effective date.

24 The applicable law uses that term, effective  
25 date. And when the governor signed and issued the SCA,

1 she indicated above her signature that it was effective  
2 March 5th, 2012. It expired 10 years later.

3 The certificate holder was warned about this  
4 deadline multiple times. Going --

5 ALJ BRADLEY: Mr. Baker, I'm going to interrupt  
6 you briefly because there's a separate hearing on the  
7 extension request. And it sounds to me like your  
8 comments relate more to the extension request. So I just  
9 wanted to bring that to your attention.

10 NATHAN BAKER: Actually -- well, I can explain.

11 This is a threshold, dispositive issue. The SCA  
12 has expired. Therefore it cannot be amended. It can't  
13 be modified. It can't be transferred. It can't be  
14 reinstated. It has expired. And that is a threshold  
15 issue.

16 This has happened before with other SCAs, with  
17 the Cowlitz Cogeneration Project in 2004, the council  
18 adopted a resolution confirming that the SCA expired by  
19 operation of law and by its own terms.

20 That's what's happened here. That's what the  
21 council should do here. And that moots out all other  
22 issues. It moots out the transfer application, the  
23 extension request, and all the various pending motions  
24 that the parties have filed. That's what the council  
25 should do here.

1           We have filed multiple objections to the process  
2 here. I will not restate those, but I do want to state  
3 for the record that on one of those objections, as we sit  
4 here today, there are more than 900 people who are on  
5 EFSEC's official mailing list and email list for this  
6 project who have not been notified about these  
7 proceedings at all. They are completely in the dark  
8 about what's been happening in 2023 and 2024. And we've  
9 been asking for those people to be notified for 8 months  
10 and it still hasn't happened.

11           Regarding the transfer, Mr. McMahan said today  
12 that it's unclear whether a transfer is needed. A  
13 transfer absolutely is needed in order H69, the  
14 adjudicative order for Whistling Ridge.

15           The council explained that SDS Co, LLC, is also  
16 a certificate holder. That's in -- that's on Page 12 of  
17 Order H69.

18           So SDS Co, LLC, is a certified holder. They are  
19 no longer in the picture.

20           And by the way, that was SDS Co, LLC. The  
21 transfer application only refers to SDS Lumber Company,  
22 and there's no explanation of what the relationship is  
23 between those two companies. Those are definitely two  
24 distinct companies, and that has been completely glossed  
25 over.

1           The transfer was premature. The EFSEC rules  
2 prohibit premature transfer of a site certificate.  
3 WAC 463.66.100 says that no certificate shall be  
4 transferred without prior approval of the council.

5           Well, you just heard here tonight that that  
6 already happened. November 2021, they went ahead and  
7 transferred it without prior council approval.

8           And the EFSEC staff are well aware of this.  
9 That's an internal EFSEC staff draft memo that we are  
10 putting in the record where the staff indicate their  
11 awareness. And they state, quote, "The petitioner,"  
12 being Whistling Ridge, "is in violation of the SCA."

13           Ownership of Whistling Ridge Energy was  
14 transferred from SDS Lumber Company to Twin Creeks Timer  
15 in November 2021 without council approval. Whistling  
16 Ridge has not complied with its Site Certificate  
17 Agreement. The assistant Attorney General will provide  
18 the council with the legal brief on this topic.

19           Because of that premature transfer, Whistling  
20 Ridge Energy has lost standing to even request a  
21 transfer. They are violating the council's rules.

22           Finally, we are submitting a lot of material  
23 that's too voluminous to email. The staff has graciously  
24 agreed to accept that material on the flash drive. So I  
25 will give that to Ms. Bumpus now and be giving a copy to

1 Whistling Ridge Energy as well. And it's all material  
2 that's already in EFSEC's possession. We're just  
3 submitting it for this record.

4 Finally, we ask that the council please confirm  
5 that the Site Certificate -- Certification Agreement has  
6 expired by operation of law and by its own terms. And  
7 that moots out everything else, and the council should  
8 simply adopt a resolution and end all of this.

9 Thank you.

10 ALJ BRADLEY: Thank you, Mr. Baker.

11 And could you please spell your name for the  
12 record.

13 NATHAN BAKER: Yes. Nathan, N-a-t-h-a-n, Baker,  
14 B-a-k-e-r.

15 ALJ BRADLEY: All right. Thank you.

16 Ms. Grantham, who is next?

17 ANDREA GRANTHAM: Yes. Next I have Rick  
18 Aramburu.

19 ALJ BRADLEY: Mr. Aramburu, are you there?

20 RICK ARAMBURU: I am.

21 Can you hear me?

22 ALJ BRADLEY: Yes.

23 Please spell your name for the record before you  
24 start your comments.

25 RICK ARAMBURU: Okay. Ms. Bradley, my name is

1 Richard Aramburu. Last name is spelled A-r-a-m-b-u-r-u.  
2 My office address is 705 2nd Avenue, Seattle 98104. And  
3 I'm here tonight representing Save our Scenic Area, an  
4 organization formed back in 2007 when I originally got  
5 involved in this project. So this is my 15th or 16th  
6 year of being involved with the Whistling Ridge project.

7 We submitted extensive comments to you this  
8 afternoon regarding the transfer application. And I'm  
9 not going to read from those comments, but I do want to  
10 address some highlights.

11 To begin with, some timing issues. In October  
12 of 2020, it was announced by SDS that they were going to  
13 liquidate the company, due apparently to conflicts on the  
14 board of directors, according to the record.

15 In September of 2021, the -- SDS and TCT signed  
16 agreements by which essentially all of the assets of SDS  
17 would be transferred to TCT.

18 In November of that year, there was a closing of  
19 the transaction between those entities.

20 At no time during that period of time was the  
21 public, this council, or anyone else notified that this  
22 transfer was involved, that was proceeding forward.

23 The next step was a kind of offhand notice in  
24 March of 2022 that the applicant, TCT, was going to  
25 request a transfer and that was going to come within a

1 couple of weeks.

2 So here we are, now more than two years later,  
3 and the transfer is just coming before the council.

4 The process here involves violation of two sets  
5 of standards. One, it involves a clear violation of the  
6 standards of EFSEC to require that any transfer of  
7 ownership of an SCA must be approved in advance -- again,  
8 in advance -- by this council. That did not occur.

9 Secondly, the transfer appears to involve a  
10 clear violation of commercial standards.

11 In ordinary course, if there's a valuable asset  
12 that requires approval by a governmental agency, the  
13 parties to the transaction seek that transfer in advance  
14 of the sale or they make the sale contingent upon seeking  
15 that approval. Here, neither one of those standards was  
16 involved.

17 Mr. McMahan said that it was not clear whether  
18 or not a transfer application is required. That's  
19 absolutely incorrect.

20 The council's own rules, 463.66.100, require any  
21 transfer of control of a certification agreement to be  
22 the subject of council approval. That has not happened  
23 in this case.

24 Now, we've heard this afternoon from Vestas,  
25 Steelhead, other organizations that are apparently

1 involved with this. But what we have heard is that there  
2 is no equity ownership by Vestas or Steelhead or any  
3 other organization, despite two years of thinking about  
4 it, there is no willingness on behalf of the transferee  
5 or Steelhead or Vestas to proceed with the current Site  
6 Certification Agreement.

7 And Steelhead and Vestas have not announced that  
8 there is any contract that actually exists between this  
9 consultant company and the current application -- the  
10 current applicant.

11 The due diligence on this project should have  
12 consider -- should have been undertaken long, long ago.

13 So the applicant here has not followed the  
14 rules. It has not sought approval of its transfer. And  
15 the result of that is that the SCA has been abandoned by  
16 these properties and cannot be resurrected through some  
17 proceeding here.

18 So our request to the council is to deny the  
19 transfer application and hold that the Site Certification  
20 Agreement has been abandoned.

21 Thank you very much.

22 If you have questions for me, I'm happy to  
23 answer them.

24 ALJ BRADLEY: Thank you, Mr. Aramburu.

25 Who is next on our list, Ms. Grantham?

1 ANDREA GRANTHAM: Next I have Vince Ready.

2 ALJ BRADLEY: Mr. Ready, are you there?

3 Mr. Ready, if you're speaking, we cannot hear  
4 you.

5 All right. Let's try to come back to Mr. Ready.

6 Who is next?

7 VINCE READY: Can you hear me?

8 ALJ BRADLEY: Now I can hear you, Mr. Ready.

9 Please spell your first and last name for the  
10 court reporter.

11 VINCE READY: Sure.

12 It's Vince Ready, V-i-n-c-e, R-e-a-d-y.

13 ALJ BRADLEY: All right. You may proceed.

14 VINCE READY: Thank you.

15 So, again, my name is Vince Ready. I'm a  
16 resident of the Gorge. I live in the heart of the  
17 Columbia River Gorge National Scenic Area in Hood River.

18 And my home is located less than 2 miles from  
19 the proposed site of the Whistling Ridge Energy project.  
20 I can actually see the ridgeline where the towers would  
21 go when I look out my window.

22 And I'm here this evening as a concerned citizen  
23 to provide comments on the possible transfer of the  
24 state-issued permit for the project.

25 And my interest goes way back. I gave public

1 comments on the Whistling Ridge project prior to the  
2 issuance of the original site certification, and I've  
3 been opposed to the project ever since.

4 I'll just briefly say that I personally oppose  
5 the project because the wind towers would be visible  
6 along the ridgeline from key viewing areas within the  
7 scenic area and aren't in keeping with the stated goals  
8 of ensuring that new development blends in with the  
9 Gorge's scenery.

10 And while the Whistling Ridge project would  
11 technically be sited just outside the scenic area, the  
12 height and visual prominence of these towers and the  
13 increased potential height of the new ones is just not  
14 compatible with the landscape.

15 So as it relates to this proposed or requested  
16 transfer, the parent company of Whistling Ridge, LLC,  
17 when it was formed, was SDS Lumber. And SDS Lumber no  
18 longer exists. And it ceased to exist before the  
19 necessary filings were made to EFSEC in order to initiate  
20 a transfer of their site certification.

21 So while the Whistling Ridge, LLC, has been a  
22 constant, its backers and the interested parties involved  
23 have fundamentally changed since the sale of SDS to Twin  
24 Creeks.

25 And even if a transfer were to be considered,

1 the current capabilities of the Whistling Ridge, LLC, and  
2 its members should be evaluated through a new application  
3 process following current environmental review standards  
4 and with input from the current governor.

5 Because SDS did not initiate the required  
6 filings to transfer their site certification to Timber  
7 Creek prior to their dissolution, they really missed the  
8 opportunity to receive this consideration and  
9 transferring it without -- by transferring it without  
10 notifying the EFSEC council.

11 And at this point, SDS no longer exists and  
12 their site certification has been expired for over two  
13 years.

14 So I believe this should be taken up as a new  
15 application, if the applicant wishes to reestablish site  
16 certification for the project.

17 I will say that I only learned of this hearing  
18 when I was contacted by Lance Caputo by email on May 9th,  
19 and I suspect there are many other interested parties who  
20 would have liked to provide input who missed the  
21 opportunity or lacked adequate time to prepare this  
22 evening.

23 I feel that this is more than an administrative  
24 matter, and this transfer request should be denied. I  
25 feel like the project shouldn't have been approved to

1 begin with, but certainly it shouldn't be brought back  
2 from the dead now.

3 And I'll have more to say when we talk about the  
4 expiration matter, but thank you for your time and  
5 consideration.

6 ALJ BRADLEY: Thank you, Mr. Ready.

7 Next, Ms. Grantham.

8 ANDREA GRANTHAM: Next I have Bryan Telegin.

9 ALJ BRADLEY: All right. Mr. Telegin, are you  
10 there?

11 BRYAN TELEGIN: I am.

12 Can you hear me?

13 ALJ BRADLEY: Yes.

14 Please spell your first and last name for the  
15 court reporter and then you can proceed.

16 BRYAN TELEGIN: Thank you very much.

17 First name is Bryan, B-r-y-a-n. Last name is  
18 Telegin, T-e-l-e-g-i-n.

19 And my business address is 175 Parfitt,  
20 P-a-r-f-i-t-t, Avenue Southwest, Suite N270, Bainbridge  
21 Island, Washington 98110.

22 ALJ BRADLEY: All right. Go ahead, please.

23 BRYAN TELEGIN: Thank you so much.

24 Good evening, Chair Drew, members of the  
25 council, and Judge Bradley.

1 I am a lawyer representing Friends of the  
2 Columbia Gorge, alongside Mr. Baker.

3 On May 6th, 2024, Friends of the Columbia Gorge  
4 submitted objections to the hearing process in this  
5 matter, including raising issues under the State  
6 Environmental Policy Act or SEPA.

7 And I understand that this -- excuse me. I'm  
8 sorry -- this particular portion of the proceeding  
9 relates to the transfer request.

10 Part of our argument and our objections was that  
11 the transfer request, although alongside the extension  
12 request, are actions under SEPA that need to be reviewed  
13 before any action is taken.

14 We received a response to that from Mr. McMahan,  
15 arguing that the transfer request does not qualify as an  
16 action under SEPA because it does not directly modify the  
17 environment.

18 And that position is wrong, in our view. The  
19 definition of an "action" under SEPA is the license of  
20 activity that can modify the environment directly.

21 And in this case, the current certificate  
22 holder, or the past certificate holder, has stated  
23 repeatedly that they were not and could not build this  
24 project. Now the request is to transfer it to a company  
25 that apparently claims that they want to build this

1 project.

2 That is giving TCT, the proposed transferee, a  
3 license to construct this project. That is, in fact, an  
4 action under SEPA.

5 Under SEPA, EFSEC is required to integrate  
6 environmental review at the earliest possible stage and  
7 to issue a threshold determination within 90 days from  
8 being presented with a proposal. To our knowledge, none  
9 of this has happened.

10 You heard Mr. Caputo say earlier that SEPA  
11 review was done 13 years ago. There has been no analysis  
12 to determine whether -- to our knowledge, at least -- to  
13 determine whether that prior SEPA review it still valid  
14 or whether there's new information that would affect the  
15 environment.

16 Mr. Caputo, I believe, also said that because  
17 the transfer was administrative in nature, it does not  
18 require SEPA review.

19 We are not aware of a rule or a law that says  
20 such, that so-called administrative actions are not  
21 subject to SEPA.

22 So we would request that, again, the council  
23 simply adopt a resolution recognizing that the Site  
24 Certification Agreement has expired and lapsed and is no  
25 longer valid.

1 But at any rate, no action can be taken on the  
2 proposal until SEPA is complied with.

3 Thank you.

4 ALJ BRADLEY: Thank you, Mr. Telegin.

5 Our next speaker, Ms. Grantham?

6 ANDREA GRANTHAM: I have Eric Kloster.

7 ALJ BRADLEY: All right. Mr. Kloster, are you  
8 there?

9 ERIC KLOSTER: Yes, I am here.

10 ALJ BRADLEY: Okay. Please spell your first and  
11 last name, please.

12 ERIC KLOSTER: Oh, of course.

13 For the record, my name is Eric Kloster,  
14 E-r-i-c, K-l-o-s-t-e-r.

15 I would like to talk about how the project has  
16 expired and how there was a 10-year deadline for this  
17 project.

18 The project cannot be transferred to TCT because  
19 the Site Certification Agreement has expired. There's  
20 been more than one and a half years after this expiration  
21 date, and it's expired by law and by its own terms.

22 The permit cannot be transferred and all other  
23 issues are moot. This is a threshold issue because  
24 expiration has already occurred.

25 The Site Certification Agreement is a contract

1 and it's a permit. In the terms if it's a permit, its  
2 effective date was March 5th, 2012. And that was a  
3 10-year permit that was issued by the State for a 10-year  
4 period.

5 That period has elapsed. And the binding day,  
6 which is November 18th, 2013, was more than 10 years ago  
7 as well. And that was the date that the governor of  
8 Washington at the time signed the agreement. And all  
9 rights have been lost under the contract as well.

10 In addition to these issues, I would like to  
11 state that the area is an emphasis region for the  
12 Northern Spotted Owl, which was -- is an endangered  
13 species at this time. And the Northwest Forest Plan  
14 was -- worked with various different agencies. Even Bill  
15 Clinton was involved in this issue. The Northwest  
16 Spotted Owl, the nature and area for this species needs  
17 to be preserved.

18 Additionally, the Western Gray Squirrel was  
19 recently uplisted to endangered. And while it doesn't  
20 exist in this area now, it originally was within Skamania  
21 County. Klickitat County is where the species has been  
22 relegated to. There's three different regions within the  
23 state now, including Pierce County and one region north  
24 of Lake Chelan.

25 But this area is also an important region for

1 the visual and touristic value that this area has.

2 Across the river from -- if this project was to  
3 be built, especially with the larger turbines that are  
4 proposed to be over 430 feet, which was the original, but  
5 I know that TCT has considered getting a higher turbine  
6 height, it would deeply disturb the views and just the  
7 general economic value that this area has for tourism,  
8 the nature value. And for these reasons, the project  
9 should not be built.

10 But the main reason why this project cannot  
11 legally be constructed is because the Site Certification  
12 Agreement expired in 2022, 10 years after the governor  
13 issued and signed the agreement. And all rights were  
14 lost under the Site Certification Agreement in 2023 after  
15 it was executed, that is, signed.

16 In the past, when Site Certification Agreements  
17 have expired, EFSEC council has determined that they died  
18 the day they expired of their own accord.

19 In Cowlitz Generation Project in 2004, that's  
20 when the council resolution No. 308, March 1st, 2004, the  
21 EFSEC council, at that time, stated that because the  
22 10-year period had run out, that the Site Certification  
23 Agreement had expired and died of its own accord.

24 Similarly here. Whistling Ridge Energy, the  
25 project and the contract, the effective and the binding

1 dates, have both come to pass.

2 So I ask, and I know there are many with me, we  
3 ask that the council will recognize this fact and  
4 terminate the project. This is the only legal option  
5 available for EFSEC at this time.

6 Thank you very much.

7 ALJ BRADLEY: Thank you, Mr. Kloster.

8 Ms. Grantham, who would be next?

9 ANDREA GRANTHAM: Yes. The next person I have  
10 is Dan Rawley. And I received an email, as I've been  
11 monitoring the comments inbox, just to make sure if  
12 anybody else wanted to sign up. He's saying he's been  
13 having an issue calling in.

14 So I was wondering if you would be okay if I  
15 tried to dial his number directly from the Teams to see  
16 if we can get him in here.

17 ALJ BRADLEY: Let's give that a try. Thank you.

18 ANDREA GRANTHAM: Okay. Perfect. Thank you.

19 DANIEL RAWLEY: Hello.

20 ANDREA GRANTHAM: Hello. Is this Mr. Rawley?

21 Dan Rawley, can you hear us?

22 DANIEL RAWLEY: I can you hear you. Thank you.

23 ANDREA GRANTHAM: Perfect.

24 This is Ms. Grantham. I am giving you a call  
25 directly from the meeting. And it is your turn to speak,

1 and we can hear you.

2 DANIEL RAWLEY: Okay. Thank you.

3 I don't know what has been --

4 ALJ BRADLEY: Mr. Rawley?

5 DANIEL RAWLEY: Yes.

6 ALJ BRADLEY: Sorry. This is Judge Bradley.

7 Could you please spell your first and last name  
8 for the court reporter.

9 DANIEL RAWLEY: Daniel, D-a-n-i-e-l. Last name  
10 Rawley, R-a-w-l-e-y.

11 ALJ BRADLEY: All right. Thank you.

12 You have five minutes. Go ahead, please.

13 DANIEL RAWLEY: Okay. I'm assuming that most  
14 people who have joined this meeting understand that the  
15 permit or certificate has expired over two years ago. So  
16 I did have a couple questions for the council, the EFSEC  
17 council.

18 One of those being, is there any language in  
19 their bylaws that specifically address or deal with a  
20 permit that has expired?

21 ALJ BRADLEY: So, Mr. Rawley, this is a public  
22 comment period, and so the council won't be answering  
23 questions at this time.

24 DANIEL RAWLEY: They won't be answering  
25 questions.

1           Okay. Then I'll just state that the permit has  
2 expired over two years ago. So I am concerned with the  
3 fact that they are even having a meeting as such to  
4 discuss the transfer of the permit.

5           And from my knowledge, the best I could look up,  
6 that there is no process in place to deal with a permit  
7 that has expired or to possibly renew the permit that has  
8 already expired without going to another process.

9           So at this point, I would say to the council,  
10 that I would think that it would reflect poorly on the  
11 council to proceed with the transfer of a permit that has  
12 expired over two years ago. And it would reflect poorly  
13 on the council as well as the members.

14           So that is what I would like to get into, the  
15 report at this time for the first meeting.

16           ALJ BRADLEY: All right. Thank you, Mr. Rawley.  
17 I'm glad we were able to reach you.

18           Ms. Grantham, who would be next?

19           ANDREA GRANTHAM: Yes. Next I have Rudy  
20 Salakory.

21           ALJ BRADLEY: And is Mr. --

22           RUDY SALAKORY: Good evening.

23           ALJ BRADLEY: Okay. Spell your first and last  
24 name, please.

25           RUDY SALAKORY: Thank you.

1           Yeah. My name is Rudy Salakory, R-u-d-y,  
2   S-a-l-a-k-o-r-y.

3           Judge Bradley --

4           ALJ BRADLEY: Thank you.

5           RUDY SALAKORY: You're welcome.

6           Judge Bradley, Chair Drew, members of the  
7   council, as I just stated, my name is Rudy Salakory. I'm  
8   conservation director for Friends of the Columbia Gorge.

9           As you heard from my colleagues and a number of  
10   folks here, we have been following this project for some  
11   time. And personally, I am perplexed that we would be  
12   discussing the transfer of a site certificate for a  
13   project that is, by all accounts, dead and done.

14          As many people have said, that permit has  
15   expired and the proponents had a chance, 10 years, in  
16   fact, to build the project. They couldn't find a way to  
17   do it or they couldn't find the will to do that. I don't  
18   know if those circumstances have changed.

19          But if there are changes in circumstances, they  
20   are going to line up against a landscape that has changed  
21   physically, ecologically, and in a regulatory way.

22          I think it's -- I feel it's completely  
23   inappropriate to move forward with documents and  
24   agreements that were made well over a decade ago in this  
25   changed landscape.

1 I think the other point that I would like to  
2 bring up is there are a number of people here, but that  
3 number is nowhere near the number of people that came out  
4 in opposition still in the area, and I believe would  
5 still be in opposition. I think that's telling to the  
6 amount of public outreach that was involved in putting  
7 this hearing on.

8 And I think it would be only fair and good  
9 governance to be able to give the residents of the area  
10 the opportunity to weigh in on this project, which will  
11 have a severe scenic impact.

12 As was mentioned, we're talking about wind  
13 turbines that are, you know, roughly the size of the  
14 Space Needle, and you're going to put up some number of  
15 them in an area that was set aside in federal law for its  
16 scenic, natural, cultural, and recreational resources.

17 I'll say more in the extension hearing, but I  
18 really just want to take this opportunity to reiterate  
19 that the transfer of an expired permit seems very curious  
20 to me. And I would strongly recommend that that transfer  
21 not go through. And that it's entirely appropriate, if  
22 this project were to move forward, that it move forward  
23 under a new application process.

24 Thank you.

25 ALJ BRADLEY: Thank you, Mr. Salakory.

1 Ms. Grantham, who is our next speaker?

2 ANDREA GRANTHAM: Next I have Keith Brown.

3 ALJ BRADLEY: Mr. Brown, are you there?

4 KEITH BROWN: Yes.

5 Can you hear me?

6 ALJ BRADLEY: Yes.

7 Please spell your first and last name.

8 KEITH BROWN: It's Keith Brown, K-e-i-t-h,

9 B-r-o-w-n.

10 I live in Washougal, Washington. And my spouse  
11 and I, Theresa Robbins, sent council a detailed letter  
12 this afternoon. I'll read just portions of that letter.

13 Good evening, council members. Most, if not all  
14 of you were not a part of the EFSEC council in 2009.  
15 Therefore, you were not present to hear the overwhelming,  
16 widespread community opposition to what was known as the  
17 Whistling Ridge Energy project.

18 You should have scheduled this hearing in the  
19 Underwood Community Center where you would have heard  
20 from the affected community firsthand.

21 You first scheduled a virtual-only hearing and  
22 then at the last minute, made it hybrid, requiring people  
23 to travel to Lacey if they wanted to address you in  
24 person.

25 Had you conducted this hearing on transferring

1 ownership, you would have likely heard the same level of  
2 concerns and objections as was heard in 2009.

3 To give you some idea, we have provided a  
4 summary and selection of comments from the scoping  
5 process.

6 Of the 363 separate written comments from  
7 individuals and organizations expressing an opinion, the  
8 overwhelming majority, 336, expressed concerns and/or  
9 objections. That's 93 percent. While only 27  
10 individuals expressed some sort of support. That's  
11 7 percent.

12 Unfortunately, you can no longer review the  
13 comments on the EFSEC website for yourself, as the link  
14 has been removed. Given the time limit, I'll share just  
15 3 of those 363 comments.

16 Quote, desecrating the views will discourage  
17 visitors and the tourist revenue that benefits the  
18 region.

19 You would not build a wind generator farm on  
20 Half Dome, in Yosemite, Mount Rainier, or along the rim  
21 of Crater Lake.

22 In a like vein, you should not build one in or  
23 near the Gorge.

24 Comment No. 163 from Todd Brusio, Hood River.

25 Quote, I just happened to have taken one of the

1 most beautiful hikes I can remember on the Washington  
2 side of the Gorge last weekend; some of the most  
3 beautiful and well-preserved land in the country,  
4 unblemished area available to the public. And I feel  
5 lucky as a 30-something to have access to a pristine  
6 Columbia River Gorge scenic area.

7 I would hate to say it was my generation that  
8 ruined this beautiful and sensitive habitat for a new  
9 energy project with so many wind turbines. I am opposed.

10 Comment No. 64, Ann Plutona [phonetic],  
11 Portland.

12 And, finally, quote, proximity to numerous  
13 residential areas, water use issues, visual impacts from  
14 both turbines and navigational lighting, potential  
15 negative impacts for local agribusinesses and property  
16 values, these are just some of the many important reasons  
17 which question the wisdom of siting a major energy  
18 project of this magnitude in this area.

19 Scenic areas. Boundaries were drawn with the  
20 reasonable assumption that dozens of high --  
21 sky-scraping, high structures would not be built in the  
22 middle of the forest.

23 This project may meet the letter of the law, but  
24 certainly would break the spirit of the scenic area.

25 Comment No. 335, Matthew Ryan, Underwood.

1           On September 13th, 2023, more than a year and a  
2 half after the permit expired, requests were filed with  
3 EFSEC to resurrect the expired permit and transfer the  
4 permit to a new owner.

5           This request should have been dead on arrival.  
6 We urge EFSEC to deny the request to revive the expired  
7 permit and the transfer of the permit and the project to  
8 Twin Creeks Timber.

9           Thank you very much.

10           ALJ BRADLEY: Thank you, Mr. Brown.

11           Ms. Grantham, our next speaker, please.

12           ANDREA GRANTHAM: Yes.

13           Our next speaker is another person who had  
14 difficulties calling in, Mary Repar. So I will also give  
15 her a dial-in.

16           ALJ BRADLEY: Thank you.

17           ANDREA GRANTHAM: It looks like she might  
18 have joined.

19           Mary, is that you?

20           MARY REPAR: Hi. I've joined in.

21           ANDREA GRANTHAM: Hello. We can hear you.

22           MARY REPAR: Thank you.

23           ALJ BRADLEY: So this is Judge Bradley.

24           Can you spell your first and last name for the  
25 court reporter, please.

1 MARY REPAR: My name is Mary Repar, M-a-r-y.  
2 Repar, R-e-p-a-r.

3 ALJ BRADLEY: Thank you. And you have five  
4 minutes, so you can proceed.

5 MARY REPAR: I'm not sure what I'm proceeding  
6 on. I haven't been able to join the meeting.

7 Which section are we on here?

8 ALJ BRADLEY: Oh, we're still hearing comments  
9 on the transfer request.

10 MARY REPAR: Oh, okay.

11 So it's my turn to speak?

12 ALJ BRADLEY: Correct.

13 MARY REPAR: Okay. Thank you very much.

14 My name is Mary Repar, and I'm calling in from  
15 Stevenson, Washington. I've also submitted two letters;  
16 one on the transfer and one on the extension of the SCA.

17 But speaking on the transfer, you know,  
18 businesses can do whatever they want, in some ways, but  
19 in other ways, we the public are involved.

20 Whistling Ridge was a project from many, many  
21 moons ago. I worked on it extensively. I have -- I put  
22 in hundreds of pages of comments opposing it on the  
23 grounds of danger to the environment and location and  
24 mass wasting, et cetera, et cetera.

25 So to have another company come in 12 years

1 later and ask to transfer something from one entity to  
2 another, I think if it had been done on a timely basis  
3 after the project was approved to be done, even though it  
4 was not economically feasible, according to SDS, I'm not  
5 quite sure why Twin Creeks is coming here to ask for a  
6 transfer.

7 I can only think that perhaps it's because they  
8 think they might be able to sell the project to someone  
9 else. I'm not speaking for them. This is just my  
10 thought. And I don't think the transfer should be  
11 approved.

12 This project is old. The DEIS, FEIS are stale  
13 and old. And if there's any new project proposal, then  
14 it should go through the public process that the other  
15 project -- the first project had to go through.

16 So, again, I really oppose transferring the --  
17 transferring control of the ownership of Whistling Ridge  
18 from SDS Lumber to Twin Creeks Timber.

19 I'm sorry to sound so disjointed, but I've been  
20 trying to join you all for over an hour and a half, and  
21 it's driven me crazy.

22 But at any rate, please consider the aspect of  
23 why this is being asked now and by a company who was not  
24 involved at all in the original FEIS and DEIS and all of  
25 the public input that was involved in getting us to this

1 point.

2 Again, I would ask EFSEC to deny the transfer of  
3 this project from the SDS Lumber to Twin Creeks and to  
4 transfer the ownership of the SCA too.

5 Thank you very much.

6 If you have any questions, I'll be glad to hear  
7 them.

8 ALJ BRADLEY: All right. Thank you.

9 Ms. Grantham, our next speaker.

10 ANDREA GRANTHAM: That concludes the speakers  
11 that I had on the prior sign-up sheet.

12 ALJ BRADLEY: All right. Is there anyone on  
13 Teams who would like to raise their hand?

14 I'm not seeing any additional requests to speak.  
15 I'll turn it back to you, Chair Drew.

16 CHAIR DREW: Thank you, Judge Bradley.

17 Thank you to everybody who spoke. Thank you all  
18 for your patience. And thank you for trying to get in  
19 again. And I apologize for all of the challenges people  
20 have had this evening.

21 We are going to take a break. We will come back  
22 to exactly this site; is that right?

23 So if you want to stay on, stay on. And we'll  
24 be back at seven o'clock for the next hearing.

25 This one is adjourned.

1 (Meeting adjourned at 6:42 p.m.)

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C E R T I F I C A T E

I, MICHELLE D. ELAM, Certified Court Reporter in the State of Washington, residing in Mayer, Arizona, reported;

That the foregoing Transfer Request Hearing was taken before me and completed on May 16, 2024, and thereafter was transcribed under my direction; that the Transfer Request Hearing is a full, true and complete transcript;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the said Transfer Request Hearing and promptly delivering the same to EFSEC.

IN WITNESS WHEREOF, I have hereunto set my signature on the 6th day of June, 2024.

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/s/MICHELLE D. ELAM, RPR, CCR  
State of Washington CCR #3335  
My CCR certification expires on 6/12/24