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10 November 2022 - 22 June 2025

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Comments WA EFSEC

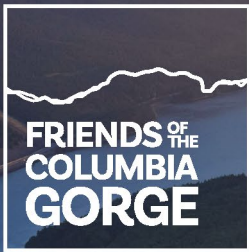
Project: June 2025: Desert Claim Resolution No. 356 comments



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**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Jun 22, 2025 23:56:13 pm**Last Seen:** Jun 22, 2025 23:56:13 pm**IP Address:** n/a

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|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Q1. Name | Nathan Baker |
| Q2. Email | nathan@gorgefriends.org |
| Q3. Are you part of an Agency or Organization? | Yes (please specify) Friends of the Columbia Gorge |
| Q4. Share any comment | Please see attached comments. |
| Q5. Upload your document (optional) | https://s3-us-west-1.amazonaws.com/ehq-production-us-california/33fd68cef79d439391e5f16596308a17c77a6635/original/1750661750/0860ce32325deecf7b22f722b492b488_2025.06.22%20Friends_%20Comments%20on%20Desert%20Claim%20Termination.pdf?1750661750 |
| Q6. Upload a picture (optional) | not answered |
| Q7. Did you also share a video? | No |
| Q8. What is the title of your video? | not answered |



June 22, 2025

Energy Facility Site Evaluation Council

Submitted via EFSEC website at <https://comments.efsec.wa.gov/june-2025-desert-claim-resolution-no-356-comments>

Re: Draft Resolution No. 356, entitled “Amendment No. 3 to the Desert Claim Wind Power Project Site Certification Agreement Termination”

Dear Chair Beckett and Members of the Council:

Friends of the Columbia Gorge (“Friends”) submits the following comments regarding Draft Resolution No. 356, entitled “Amendment No. 3 to the Desert Claim Wind Power Project Site Certification Agreement Termination” (“Draft Resolution”).

Friends supports the proposed termination of this Site Certification Agreement (“SCA”) and applauds the Certificate Holder for being forthright and proactive in announcing that the project has been cancelled.

With that said, Friends is concerned that EFSEC has provided only a six-day comment period on this proposed action, which included two weekend days and a state holiday (Juneteenth), thus allowing only three business days to review, analyze, and provide comments on the Draft Resolution.

In the future, EFSEC should rethink the way it is currently handling its public comment procedures for proposed actions. For example, EFSEC should provide adequate comment periods on proposed actions (14 to 60 days, depending on the complexity of the item) and should allow the public to testify orally at EFSEC meetings, including on proposed actions. EFSEC is required by both the Energy Facility Site Locations Act and the Washington Administrative Procedure Act to allow the public to meaningfully participate in the agency’s decisions and actions. Providing a truncated comment period of only three business days violates both the letter and spirit of these authorities and sends the wrong message to the public that their participation is at best an afterthought and at worst actively discouraged.

Finally, although Friends does not oppose the adoption of the Draft Resolution, it is not necessary for the Council to formally terminate the SCA by resolution. Pursuant to WAC 463-68-080, the Desert Claim SCA has already expired by operation of law for two separate reasons.

First, the Certificate Holder did “not start . . . construction within ten years of the effective date of the [original] site certification agreement.” WAC 463-68-080(1). Thus, the SCA has “expire[d].” *Id.*¹

Second, the Certificate Holder has “canceled the project.” *Id.* The SCA has also “expire[d]” on that basis. *Id.*

For the reasons stated above, the Council should confirm that the Desert Claim SCA has expired.

Sincerely,



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cc (via email): Karen M. McGaffey, attorney for Desert Claim Certificate Holder

¹ Friends is aware that in Resolution No. 353, the Council concluded that “[t]he original SCA’s deadline for beginning construction was eliminated” in 2023. (Resolution No. 353 at 2.) However, the language of WAC 463-68-080(1) controls here, and that language does not allow the Council to eliminate or even extend the ten-year deadline for commencing construction.