COLUMBIA RIVERKEEPER®

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November 17, 2025

Energy Facility Site Evaluation Council (EFSEC)
PO Box 43172
Olympia, Washington 98503-3172

*Submitted via* https://comments.efsec.wa.gov

**RE: Cascade Renewable Transmission EFSEC Docket No. 230002 Land Use Consistency Review**

Dear Chair Beckett and Members of the Council,

Columbia Riverkeeper submits these comments for the land use consistency hearing in Energy Facility Site Evaluation Council ("EFSEC") Docket No. 23002, regarding Cascade Renewable LLC's ("the Applicant") proposal for a transmission cable running from the Dalles, Oregon, to Portland, Oregon, primarily through the bed of the Columbia River ("the Cable").

Columbia Riverkeeper is a nonprofit whose mission is to protect and restore the Columbia River and all life associated with it, from its headwaters to the Pacific Ocean. We are committed to clean water, strong salmon runs, and healthy communities. Columbia Riverkeeper represents roughly 20,000 members and supporters in Oregon and Washington and regularly engages in decisions and policies impacting the water quality of the Columbia River Basin.

The application for the Cable ("the Application" or "Draft Application") submitted on October 6th, 2025, is missing large swaths of necessary information to effectively evaluate this proposal and its land use consistency. The information that is in the Application clearly shows that the proposal is not consistent with applicable land use plans and zoning ordinances. Accordingly, we urge EFSEC to both 1) deem the Application incomplete and suspend review of the Cable until such time as the Applicant submits an application that substantially complies with EFSEC's rules, and 2) find that the Cable is not consistent with applicable land use regulations.

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## I. There is insufficient information in the Application to fully comment on the Cable's land use consistency.

In the coming weeks, Columbia Riverkeeper will submit a comment to EFSEC providing more detail on ways the Application is incomplete and fails to provide sufficient information for EFSEC or the public to adequately evaluate this proposal. That letter will address insufficiencies in baseline information for the site, environmental impacts of the Cable, and available alternatives, in violation of the requirements at WAC 463-60.

Much of this information would be necessary to evaluate the Cable's land use consistency. For example, the incomplete and vague alternatives analysis in the Application addresses none of the applicable standards necessary to determine consistency with applicable land use regulations, discussed below.[1] Likewise, the lack of detailed environmental information regarding the characteristics of the project site make it impossible to evaluate the impact the Cable will have in protected shoreline areas—because habitat and environmental conditions in those areas are not specifically described.[2]

Accordingly, we urge EFSEC to deem the Application incomplete and postpone evaluation of the Cable. The Application does not "substantially comply" with the information requirements in WAC 463-60.[3] The missing information makes it impossible for the public to participate fully in this process.[4]

## II. The Cable is not consistent with the Skamania County Shoreline Master Program.

The Skamania County Shoreline Master Program expressly prohibits the Cable. The Cable cuts through areas designated Natural Environment. Utility corridors that can be located elsewhere—like the Cable—are expressly prohibited in these areas. Additionally, transmission line specific regulations for all shoreline areas require lines to spend as little time in the shoreline as possible, crossing through perpendicular to the shore. However, the Cable runs parallel along the shore, through multiple areas of shoreline jurisdiction. Accordingly, the Cable is not allowed

[1] See WAC 463-60-296 ("The application shall include an analysis of alternatives for site, route, and other major elements of the proposal.").
[2] For example, it would be impossible to evaluate the impact of the Cable in the Natural Environment shoreline area discussed below, because all of the fish and wildlife habitat information is generalized, across the 8 miles the cable travels on land. There is no specific description of this designated sensitive area. *See* WAC 463-60-332 (application to include "[a] *detailed* description of habitats and species present on and adjacent to the project site, including identification of habitats and species present, relative cover, density, distribution, and health and vigor") (emphasis added).
[3] WAC 463-60-115 ("The applicant must address all sections of this chapter and must substantially comply with each section, show it does not apply, or secure a waiver from the council.").
[4] "The council encourages, and will provide for, public participation in its public meetings and hearings during reviews of applications for site certification." WAC 463-14-030.

outright or conditionally in these areas, and EFSEC should find the Cable to be inconsistent with these provisions.

A. EFSEC must determine whether the Cable is consistent and in compliance with applicable local land use plans and zoning ordinances.

RCW 80.50.090(2) requires EFSEC to make a determination of whether the Cable is "consistent and in compliance" with local "land use plans or zoning ordinances." The statute defines "zoning ordinance" as "an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007."[5] The statute similarly defines "land use plan" as "a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007."[6]

In previous decisions, EFSEC has interpreted the scope of its initial land use consistency determination narrowly. EFSEC's test for land use consistency is "whether the pertinent local land use provisions prohibit the site expressly or by operation clearly, convincingly and unequivocally."[7] As EFSEC elaborated in a recent order, "[a] project is consistent with local land use regulations where it is *potentially eligible* for a conditional use permit, regardless of the likelihood of final county approval."[8]

Because, to our knowledge, the Applicant has not obtained consistency certifications from any of the relevant local governments, the Applicant bears the burden of proving that the Cable meets these consistency requirements.[9] The Applicant must show that the Cable is both 1) "consistent" with the broader goals and policies of local comprehensive plans and 2) "compliant" with the specific requirements of local zoning ordinances.[10]

B. The Skamania County Shoreline Master Program is a "zoning ordinance" within the meaning of RCW 80.50.090(2)

In previous orders EFSEC has correctly considered other Shoreline Master Programs as zoning ordinances under the statute.[11] On its face, the Skamania County Shoreline Master

[5] RCW 80.50.020 (30).
[6] RCW 80.50.020 (18).
[7] *In re TransMountain Pipeline*, Council Order No. 616, at 3 (May 26, 1981).
[8] *In re Goldeneye Solar Storage Project,* Council Order No. 898 (Feb. 19, 2025) (emphasis added).
[9] WAC 463-26-090; *In re Horse Heaven Wind Farm*, Council Order No. 883 at 9 (May 17, 2022).
[10] *In re Hop Hill Solar Storage Project*, Council Order No. 891 at 4 (Nov. 15, 2023).
[11] *In re Goldeneye Solar Storage Project,* Council Order No. 898 at 10-11 (Feb. 19, 2025) (considering Skagit County Shoreline Master Program in consistency determination).

Program is "an ordinance of a unit of local government regulating the use of land."[12] The primary purpose of the Shoreline Master Program is to "guide the future use and development of Skamania County's shorelines in accordance with local goals and objectives."[13] In doing so, it maps specific environmental designations that control what uses are allowed or not in a given area. This meets EFSEC's test for a zoning ordinance: it regulates "land use by creating districts and restricting uses in the districts."[14] Even though the Shoreline Management Act is not one of the listed authorities for the definition of zoning ordinances, the Growth Management Act (RCW 36.70A) is listed. And the Growth Management Act explicitly incorporates the policies and goals of Shoreline Master Programs, including them as part of a local governments' comprehensive plans and development regulations.[15]

Regardless, Skamania County's Comprehensive Plan requires compliance with the Shoreline Master Program at Goal E.5. and Policy E.5.1. So, even if the Shoreline Master Program and its adoption in Skamania County's code did not qualify as a "zoning ordinance," consistency is nonetheless integrated as part of a Skamania County "land use plan."

C. <u>The Cable is not consistent with Section 4.2.4 of the Skamania County Shoreline Master Program.</u>

Portions of the Cable are within areas designated as Natural Environment under the Shoreline Master Program.[16] "The largest such span is where the Cable goes around Ashes Lake, following Ash Lake Road. Ashes Lake is a lake adjacent to the Columbia River that provides easy shoreline access and popular opportunities for fishing.[17]

The purpose of areas designated Natural Environment is to "protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use."[18] Only "very low intensity" uses are permitted in Natural Environment areas, and the County is obligated to plan for restoration of shorelines within the Natural Environment.[19]

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[12] RCW 80.50.020 (30).
[13] Skamania County Shoreline Master Program 1.3.
[14] *See* https://efsec.wa.gov/sites/default/files/2025-06/891-HopHill_OrderFindingProjectInconsistentWithLandUseRegs.pdf.
[15] RCW 36.70A.480(1). The statutory definition also includes a broad reference to "Article XI of the state constitution." Article XI is the source of local government authority and organization in Washington. Thus, effectively, this reference includes any ordinance adopted via a local government's delegated authority, which undoubtedly includes the Skamania County Shoreline Master Program as formally adopted into the County's code.
[16] Draft Application at 4-19.
[17] *See* Washington Department of Fish and Wildlife, *Places to Go Fishing: Ashes Lake*, *available at* https://wdfw.wa.gov/fishing/locations/lowland-lakes/ashes-lake.
[18] Skamania County Shoreline Master Program at 4.2.4.
[19] *Id.*

The Cable is not a permitted use in areas designated Natural Environment. Policy 2 of the Natural Environment is clear on this point:

> The following new uses *should not be allowed* in the Natural environment:
>
> a. Commercial uses.
> b. Industrial uses.
> c. Non-water-oriented recreation.
> *d. Roads, utility corridors, and parking areas that can be located outside of Natural designated shorelines*

In other words, utility uses that can be located elsewhere are explicitly prohibited. Only utility corridors that need to cross through the shoreline—which would presumably be limited to utilities serving local needs that are inaccessible without crossing the shoreline—are permitted. By its nature, the proposed use of the Cable for inter-regional transmission can be located outside of Natural Environment designated shorelines. The Cable is thus not a permitted or conditional use in the Natural Environment area, and it is not eligible for a shoreline permit.

The Applicant does not attempt to argue that the Cable could not be located elsewhere. To the contrary, the Applicant, in discussing consistency with this criteria, states that the Cable is simply "more feasible than a range of other possible alternatives," conceding that there are other options available.[20] Indeed, there are infinite such alternatives. They span from taking a longer route around the protected areas to the project-level alternatives that we raised in comments to the U.S. Army Corps of Engineers on the Cable, and every possibility in between.[21] The Applicant may assert that some of these alternatives may cost more or be less efficient. But the relevant standard is whether the Cable "*can* be located outside of natural designated shorelines" without regard to whether the proposed project is the "mo[st] feasible."

Because the nature of the proposed use is such that it can be located outside of the Natural Environment area, it is prohibited "expressly [and] by operation clearly, convincingly and unequivocally" on the proposed site.[22]

D. <u>The Cable is not consistent with Section 5.3.13 of the Skamania County Shoreline Master Program.</u>

[20] Draft Application at 4-38.
[21] Columbia Riverkeeper, Comments on Cable under the Columbia CWA Section 404 Permit Application, No. NWP-2022-126-2 (Sep. 27, 2024), *available at* https://www.columbiariverkeeper.org/wp-content/uploads/2025/05/2024.09.27_FINAL-SUBMITTED-CRK_FOTCG-Cable-USACE-404-Application-Comment.pdf.
[22] *In re Horse Heaven Wind Farm*, Council Order No. 892 at 7 (Apr. 17, 2024).

The Shoreline Master Program also sets some shoreline-wide standards for what kinds of utility uses are permitted in designated areas, including specific regulations for transmission facilities like the Cable. These regulations also expressly prohibit the Cable on the proposed site.

In relevant part, the policies for transmission facilities in shoreline areas provide that:

1. Non-water-oriented utility transmission facilities, such as power lines, cables, and pipelines, shall be located outside shoreline jurisdiction whenever feasible . . .

2. Utility transmission facilities shall be located in existing rights-of-way whenever possible, cross shoreline jurisdiction by the most direct route feasible, and generally be located perpendicular to the shoreline, unless an alternative route would result in less impact on shoreline ecological functions

The Cable expressly violates these policies for three independent reasons: 1) it can feasibly be located outside shoreline jurisdiction, 2) it does not cross shoreline jurisdiction in the most direct route feasible, and 3) it is not generally located perpendicular to the shoreline and its current path does not "result in less impact on shoreline ecological functions." These are foundational questions about whether the proposed use can be allowed in the Natural Environment area—as discussed above. These are not conditional use criteria that get to operation of the proposed use, which would be outside of EFSEC's scope of review in this hearing, they are standards that make it clear that the use as proposed is not even "potentially eligible" to receive a permit on the proposed site.

First, the Cable can feasibly be located outside shoreline jurisdiction. At the project-level, for example, existing proposals for east-to-west transmission demonstrate that such alternatives are feasible.[23] Again, the Applicant only claims that its proposal is "more feasible" than other alternatives.[24] But even within the project as proposed, there are alternatives. No identified constraint requires the Cable to run along the shoreline. Thus, there are presumably feasible alternatives to the Cable route as proposed that would run more inland than the proposal.

Second, for the same reasons, the Cable does not cross shoreline jurisdiction in the most direct route feasible. The most direct route feasible would be crossing the shoreline area to get to more upland areas. The current site for the Cable, instead, runs alongside and through the shoreline wherever convenient.

Finally, the Cable is not "located perpendicular to the shoreline" and its current path does not "result in less impact on shoreline ecological functions." Multiple segments of the Cable run

[23] *See e.g.*, Draft Application at 2-55 ("The Applicant is aware of generally east-to-west overhead transmission lines proposed by others that would make use of existing ROWs.").
[24] Draft Application at 4-38.

*parallel* to the shoreline, through protected shoreline areas. This path inherently results in greater impacts to "*shoreline* ecological functions" than more inland routes that only cross perpendicularly through the shoreline.[25]

## III. Conclusion

EFSEC should suspend review of the Application until such time as the Applicant provides more detailed information regarding the proposed site and the Cable's impact. The information that is in the Draft Application, however, raises clear inconsistencies with local land use ordinances, namely Skamania County's Shoreline Master Program. Utility Corridors that can be located elsewhere—like the Cable—are not permitted in areas designated Natural Environment, which the Cable runs through. Further, transmission cables in shoreline zones, generally, cannot run parallel to the shore, and must spend as little time as possible in these areas. The proposed use is to have a cable running along the shoreline, in clear violation of these provisions. The site of the Cable is thus not consistent with these provisions and requires EFSEC to make a determination of inconsistency.

Sincerely,

Teryn Yazdani
Staff Attorney

[25] There is not sufficient information in the Application to fully understand the impact that the Cable will have in these shoreline areas. Again, there is no site-specific baseline information for these areas. Nor is there any description of how the Cable will be routed in these areas. This lack of detail is in clear violation of WAC 463-60-302 and other application requirements. WAC 463-60-302 ("The applicant shall provide *detailed* descriptions of the existing environment, project impacts, and mitigation measures.") (emphasis added). Regardless, inherently, placing more cable through the Shoreline cannot result in "less impact" than routing less cable through the shoreline.