



**DEPARTMENT OF
NATURAL RESOURCES**

AQUATIC RESOURCES RIVERS DISTRICT

601 Bond Rd
CASTLE ROCK WA 98611

360-740-6835
RIVERS@DNR.WA.GOV
WWW.DNR.WA.GOV

November 21, 2025

Energy Facility Site Evaluation Council (EFSEC)

Attn: EFSEC Members

621 Woodland Square Loop SE

Olympia, WA 98504

Subject: Proposed Cascade Renewable Transmission Facility

Dear EFSEC Members,

The Washington State Department of Natural Resources (DNR) understands that EFSEC recently conducted public informational and land use consistency hearings on November 17, 18, and 19, 2025 for a proposed project that would install a 12-inch, high voltage direct current transmission cable and fiber optic cables throughout approximately 78 miles of the Columbia River bedlands, shorelands, and tidelands to interconnect existing substations located in The Dalles, Oregon and Portland Oregon. It is DNR's understanding that the cables in the Columbia River would frequently cross back and forth between the Washington and Oregon state borders and would encumber approximately 32 miles of Washington state-owned aquatic lands.

DNR has been provided some information regarding this project from the project proponent, Cascade Renewable Transmission, LLC (CRT). Additionally, DNR has made a cursory review of the draft application submitted by CRT to EFSEC. Based on information provided thus far and DNR's cursory review, DNR has several concerns with respect to the proposed project.

DNR's interest in this matter stems from its delegated role as manager of 2.6 million acres of Washington state-owned aquatic lands. RCW 79.105.010. These aquatic lands are a finite natural resource of great value and an irreplaceable public heritage. *Id.* Entities seeking to place transmission lines through over, and across any Washington state-owned tidelands, shorelands, or beds of navigable waters must obtain a right-of-way authorization from DNR. *See* RCW 79.110.200; WAC 332-30-122; WAC 332-30-122; *see also* RCW 79.02.300 (unauthorized use of public lands is trespass). Chapter 80.50 RCW under which EFSEC has authority over the site certification for certain energy facilities, does not preempt DNR's management authority over Washington state-owned aquatic lands, which is proprietary in nature. *See Columbia Riverkeeper v. Port of Vancouver USA*, 188 Wn.2d 80, 98-99, 392 P.3d 1025 (2017). Chapter 80.50 RCW only preempts regulation and certification matters relating to energy facility sites and does not



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change DNR proprietary management and jurisdiction over Washington state-owned aquatic lands.

With respect to the application, DNR notes that the State of Washington was not included in Appendix C to the draft application. WAC 463-60-135 requires an applicant to identify ownership interests in the lands affected by a proposed project. A portion of the project proposed by CRT would be sited within aquatic lands owned by the State of Washington. Therefore, the State of Washington should be listed as a landowner in Appendix C.

DNR also notes that the application appears to improperly suggest that authorization to use Washington state-owned aquatic lands is administered by EFSEC. For example, in Table 2-4 of the draft application in the row entitled “Aquatic Lands Use Authorization or Aquatics Lands Lease” (page 2-65), CRT stated:

Most activities taking place on state-owned aquatic lands (including harbors, tidelands, shorelands, and beds of navigable waters) may require an authorization, such as a license, lease, rights-of-entry, or easement lease. These state-owned aquatic lands include the coast, bedlands, lakes, rivers, and Puget Sound marine areas. The Applicant would obtain authorization to use State-owned land for Project components **Administered by WA EFSEC**.¹

As stated above, the Washington Legislature has delegated management of Washington state-owned aquatic lands to DNR. It is DNR, and DNR alone, that determines whether to approve the use of Washington state-owned aquatic lands. While CRT apparently recognized later in Section 2.23.2.3 of the application the fact that authorization is required by DNR to obtain a right-of-way or easement across Washington state-owned lands,² CRT also incorrectly implied that DNR’s approval “would be administered and confirmed in the EFSEC process.”³ The process for obtaining land use authorization from DNR is separate and distinct from the site certification process administered by EFSEC. DNR requires the submission of a Joint Aquatic Resource

¹ https://efsec.wa.gov/sites/default/files/2025-10/20251006_CRT_Draft_ApplicationRedacted.pdf (emphasis added).

² CRT cited to RCW 79.36.510 in its application. RCW 79.36.510 authorizes rights-of-way to certain entities through, over, and across state lands or state forestlands. State lands and state forestlands do not include aquatic lands. See RCW 79.02.010(14)-(15). Rather, RCW 79.110.200, authorizes DNR to grant rights-of-way for transmission lines through, over, and across any state-owned tidelands, shorelands, beds of navigable waters, or oyster reserves.

³ https://efsec.wa.gov/sites/default/files/2025-10/20251006_CRT_Draft_ApplicationRedacted.pdf (emphasis added).



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Permit Application (JARPA) which is reviewed in light of the statutes administered by DNR, specifically Chapters 79.105-.110 RCW. At the time this letter was sent to EFSEC, DNR has still not received a JARPA from CRT. To be clear, DNR has not yet made a determination on whether it will authorize the use of state-owned aquatic lands with respect to this project.

RCW 79.105.030 sets forth management guidelines for Washington state-owned aquatic lands. Per that statute, DNR is required to provide a balance between various public benefits, including encouraging direct public use and access, fostering water-dependent uses, ensuring environmental protection, and utilizing renewable resources. Based on the information that has been provided to DNR, however, DNR fails to see how the proposed project fits within the management guidelines set forth in RCW 79.105.030 or how encumbering miles of state-owned aquatic lands would directly benefit Washingtonians. Our understanding at this time is that none of the power transmitted by this cable will be provided directly to the state of Washington, yet the cable will encumber 32 miles of Washington state-owned aquatic lands.⁴

In addition, RCW 79.105.210 directs DNR to “consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to . . . authorizing any change in use.” The Columbia River is a major migratory corridor that provides important habitat for both migrating adult spawners and out-migrating juvenile salmonids among other sensitive aquatic species. Given what we know about the CRT proposal at this time, it seems unlikely this project can avoid significant impacts to a point where the natural values for management of state-owned aquatic lands discussed above can be protected.

There is an existing utility corridor that runs alongside I-84 and the Columbia River from The Dalles area to Portland. As proposed, a trenched cable in the Columbia River would create a completely new utility corridor that will significantly burden the State of Washington and its highly valued state-owned aquatic lands. WAC 463-60-296 states that an applicant shall include an analysis of alternatives for site, route and other major elements of the proposal. As the proprietary manager of Washington state-owned aquatic lands DNR would like to understand how the I-84 utility corridor has been evaluated and rejected as a suitable route for this cable.

⁴ By letter dated September 9, 2025, DNR expressed its concerns to CRT regarding the benefits to Washingtonians that would justify encumbrance of state-owned aquatic lands. In response, CRT stated that “as a regional transmission facility, the project would serve both Washington and Oregon in terms of providing additional transmission capacity, improving resiliency of the grid, reducing the threat of wildfires (and their attendant costs to persons, property, and public health), and helping to meet the goals of Washington’s Clean Energy Transformation Act of 2019 (CETA).” CRT’s conclusory response failed to allay DNR’s concerns.



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In summary, DNR questions if this project provides any benefits to Washington State and whether or not they would outweigh the burdens to Washington state-owned aquatic lands. DNR has not had an opportunity to fully and comprehensively review the application CRT submitted to EFSEC. In addition, as indicated above, DNR has not received a JARPA from CRT. Therefore, DNR reserves the right to provide additional comments to EFSEC regarding this project.

Sincerely,

Renelle Smith

Assistant Division Manager