SUBMITTED VIA E-MAIL

October 8, 2026

Washington Energy Facility Site Evaluation Council (*via email to* comments@efsec.wa.gov)
Oregon Energy Facility Siting Council (*via email to* energy.siting@oregon.gov)

Re: Cascade Renewable Transmission Project
(Columbia River Gorge National Scenic Area Compliance)

Dear Chair Beckett, Chair Condon, and Members of the Councils:

Friends of the Columbia Gorge ("Friends")[1] writes to you, the Washington Energy Facility Site Evaluation Council ("EFSEC") and the Oregon Energy Facility Siting Council ("EFSC") regarding the proposed Cascade Renewable Transmission Project ("Project"),[2] specifically to respond to a portion of an EFSEC document regarding the Project entitled "Summary of comments received during the comment period on the Applicant's [u]pdated [l]and [u]se [c]onsistency [i]nformation" (hereinafter "EFSEC Summary").[3] Please enter this letter into the respective public administrative records for the Project and place copies of the letter on your respective agency websites.

Large portions of the Project are proposed to be sited in the Columbia River Gorge National Scenic Area ("National Scenic Area" or "NSA"), including land located outside the designated Urban Areas of the National Scenic Area, and also including submerged land underneath the Columbia River designated as General Management Area ("GMA"). Proposed land use and development activities on and underneath these lands are regulated by the Columbia River Gorge National Scenic Area Act ("Scenic Area Act"), 16 U.S.C. §§ 544–544p; by the Management Plan for the Columbia River Gorge National Scenic Area ("Gorge Management

[1] Friends is a nonprofit organization with approximately 4,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge, and with strong interests in responsible energy generation and transmission and the proper implementation of applicable law governing the approval, construction, and modification of large energy facilities in Washington and Oregon.

[2] The Project is labeled as the "Cascade Renewable Transmission *System*" on the Oregon Department of Energy website at https://www.oregon.gov/energy/facilities/pages/crt.aspx and has also been referred to as the "Cascade Renewable Transmission *Line* Project."

[3] The EFSEC Summary was posted online on or about September 16, 2026, and is available at https://efsec.wa.gov/sites/default/files/2026-09/20260916_CRT_CouncilLUCommentSummary.pdf,

Plan") pursuant to 16 U.S.C. § 544d; by various county NSA ordinances pursuant to 16 U.S.C. § 544e(b); and in Klickitat County by the land use ordinance of the Columbia River Gorge Commission ("Gorge Commission") pursuant to 16 U.S.C. § 544e(c).

In addition to those authorities, the National Scenic Area is also protected by an interstate compact between the states of Washington and Oregon named the Columbia River Gorge Compact ("Gorge Compact"), codified at RCW 43.97.015 and ORS 196.150. Finally, all Washington and Oregon state agencies, including EFSEC and EFSC, are required to carry out their respective functions and responsibilities in accordance with the Scenic Area Act and Gorge Compact. RCW 43.97.025(1); ORS 196.155.

The EFSEC Summary contains the following passage, which either quotes or summarizes a statement by EFSEC's legal counsel:

> [A] site certification agreement issued under RCW 80.50.100 cannot preempt a Scenic Area Act ordinance. Those ordinances are unique among locally adopted ordinances in that they implement a federal law adopting an interstate compact, which itself takes precedence over inconsistent state law. Approval of the proposed facility for purposes of the National Scenic Area Act, if such approval is legally allowable, will have to be obtained outside of a site certification agreement.

EFSEC Summary at 3.

Friends agrees with that statement in the EFSEC Summary. A site certification agreement issued by a Washington Governor cannot preempt any National Scenic Area authority, including the Scenic Area Act, the Gorge Compact, the Gorge Management Plan, the Gorge Commission's land use ordinance, and the county National Scenic Area ordinances. Furthermore, EFSEC lacks authority to administer and make substantive decisions under these National Scenic Area authorities during its review processes for this Project.

The same is true for EFSC and the Oregon Department of Energy ("ODOE"). The National Scenic Area authorities are neither "state law" nor "local ordinances" under applicable Oregon law, such as ORS 469.401(2). Rather, they are federal and interstate authorities, or at the very least, authorities that are required by and implement federal and interstate law. As a result, EFSC lacks authority to "bind" other state agencies and counties with respect to National Scenic Area review and compliance pursuant to ORS 469.401(3). ODOE and EFSC are authorized only to consult with the National Scenic Area agencies pursuant to ORS 469.505.

The bottom-line consequence of this legal framework is that the state energy siting agencies (the Washington Governor, EFSEC, EFSC, and ODOE) should not, and indeed cannot, make any determinations or decisions under the National Scenic Area authorities for this Project. Instead, the state energy siting agencies should simply acknowledge that the Project will need to be reviewed by the following National Scenic Area permitting agencies for compliance with and decisions under the applicable National Scenic Area authorities:

- The Gorge Commission's Executive Director, pursuant to the Gorge Commission's National Scenic Area Land Use Ordinance, Commission Rules Chapter 350, Division 082, in particular Commission Rules 350-082-0020(1), and -0040.
- The Skamania County Community Development Department, pursuant to Skamania County's National Scenic Area Ordinance, Skamania County Code ("SCC") Title 22, in particular SCC § 22.02.050.
- The Clark County Community Development Department, pursuant to Clark County's National Scenic Area Ordinance, Clark County Code ("CCC") Chapter 40.240, in particular CCC §§ 40.240.010.A.1.a, .A.1.b, and .010.B.
- The Multnomah County Land Use Planning Division, pursuant to Multnomah County's National Scenic Area Ordinance, Multnomah County Code ("MCC") Chapter 38, in particular MCC §§ 38.0005 and 38.0010(A).
- The Hood River County Planning Department, pursuant to Hood River County's National Scenic Area Ordinance, Hood River County Zoning Ordinance ("HRCZO") Article 75, in particular HRCZO §§ 75.015 and 75.030.
- The Wasco County Planning Division, pursuant to Wasco County's National Scenic Area Land Use and Development Ordinance ("NSA-LUDO"), in particular NSA-LUDO § 1.080.
- The USDA Forest Service, pursuant to the Scenic Area Act and Gorge Management Plan, in particular 16 U.S.C. § 544*l*(d).

In conclusion, the above-cited National Scenic Area authorities, including their land use and zoning provisions and resource protection provisions, apply to the Project. Furthermore, the National Scenic Area authorities cannot be preempted by the Washington Governor, EFSEC, or EFSC. As a result, the Project requires National Scenic Area permits from each of the above-listed National Scenic Area agencies.

Thank you for your time, consideration, and attention to this important matter.

Sincerely,

FRIENDS OF THE COLUMBIA GORGE

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