SUBMITTED VIA E-MAIL

October 22, 2026

Washington Energy Facility Site Evaluation Council (*via email to* comments@efsec.wa.gov)

Re: Cascade Renewable Transmission Project

Dear Chair Beckett and Members of the Council:

Friends of the Columbia Gorge and Columbia Riverkeeper (collectively, "Commenters") wish to comment on irregularities and errors in EFSEC's review procedures for the Cascade Renewable Transmission Project ("Project"), and to ask for your agency to fix these problems. Please share this letter with all Council members and place the letter on EFSEC's website.

The Energy Facility Site Locations Act ("Siting Act" or "EFSLA") requires the Council to hold "an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification." RCW 80.50.090(1). Unfortunately, despite the best efforts of several Council members, EFSEC continues to be out of compliance with this statutory requirement.

EFSEC purported to hold the required informational public hearings in November 2025. As you have heard from the public and even some of your fellow Council members, the purported informational public hearings in November 2025 were rushed and poorly advertised, and were therefore poorly attended. But more importantly, the purported informational public hearings were unlawfully premature and legally invalid. This is for two primary reasons.

First, the duty to hold informational public hearings is triggered only by receipt of "an application for site certification." *Id.* But as of November 2025, that had not yet happened. Instead, EFSEC had received only a self-labeled "*Draft* Application."

Specifically, the Applicant filed a Draft Application with EFSEC on October 6, 2025. Only a few weeks later, on November 17 through 19, 2025, EFSEC prematurely held informational and land use consistency hearings on the Draft Application in Clark, Skamania, and Klickitat Counties. During those hearings, Commenters strenuously objected to EFSEC's choice to hold these premature hearings on a "draft" application, given that the applicable law does not allow hearings to be held on draft applications but rather only on actual applications.

As Commenters explained and proved at the time, the Draft Application was expressly self-labeled and designated as a "draft" application. For example, the word "Draft" is the very first word on the title page of the Draft Application itself, and is also the very first word in all the Draft Application's associated filenames (following the dates for each document). The word "Draft" appears not only in those places, but also repeatedly in the footers of the Draft Application. The Draft Application even includes internal comments among the Applicant's team within the displayed metadata, within which they discussed the draft material. Moreover, EFSEC on its website officially described all documents within the Draft Application as "draft" materials.

Pursuant to EFSLA, "'[a]pplication' means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires." RCW 80.50.020(3). Under this definition, a self-labeled "draft" application is not an "application," because a draft application is not a "request for approval," but rather a precursor to submitting an actual application for review.

The requirement to hold hearings is triggered only by the submission of an actual application, not a "draft" application. RCW 80.50.090(1); *see also* WAC 463-26-025(3) (specifying that the duty to hold an informational public hearing is triggered only by "receipt of an application for site certification," not a draft application), WAC 463-26-025 (requiring said hearing for "each application," as distinguished from draft applications). In fact, the statute and rules *do not allow* hearings to be held on a draft application, but rather only on an application. It was error to hold the hearings prematurely and in violation of the statute and EFSEC's rules.

On December 11, 2025, the Applicant submitted the actual Application (as distinguished from the previous "draft" application). The December 11, 2025 Application was the "application" that triggered the need to hold the hearings required by the Siting Act. The problem, though, is that EFSEC held the hearings in November 2025, *before* the Application was submitted. The November 2025 purported hearings were thus premature and invalid. The duty to hold informational public hearings, lawfully triggered on December 11, 2025, has yet to be complied with.

Second, the purported informational public hearings held in November 2025 were unlawfully premature for another reason: they were held before numerous members of the Council had been appointed for the review of the Project. Holding these hearings without the participation of numerous members of the Council was a blatant and egregious violation of the Siting Act.

For every proposed energy facility reviewed by EFSEC, the Siting Act requires each county, city, and port district wherein the proposed site is located to appoint a voting member to the Council. RCW 80.50.030(4), (5), (6). These provisions of the Siting Act repeatedly use the word "shall" in requiring these members of the Council to be duly appointed, and to "sit with the [C]ouncil" at all "times" when "[t]he [C]ouncil considers the proposed site for the county [or city, or port district] which he or she represents." RCW 80.50.030(4), (5), (6). The required "times" when the Council must consider the proposed site include the informational public hearings and land use consistency hearings required by RCW 80.50.090(1) and 80.50.090(2).

Despite these requirements, EFSEC purported to hold informational public hearings in November 2025 without numerous Council members sitting with the Council for those purported hearings. Only *after* those purported hearings were held were Council members for this Project appointed by Klickitat and Clark Counties, as well as by the cities of North Bonneville, Stevenson, and Camas.[1] Thus, because the purported informational public hearings were held before numerous required members of the Council had been appointed, the hearings were unlawfully premature, and the subsequently appointed Council members never even had an opportunity to "sit with the [C]ouncil" for these hearings as required by the statute. RCW 80.50.030(4), (5), (6).

To reiterate, other than Skamania County's appointment to the Council, the premature hearings in November 2025 occurred before the relevant county, cities, and port districts had made their appointments to the Council. Yet these Council members' participation in the required hearings is mandatory. Only after the full Council has been duly appointed and formed as required by the Siting Act can EFSEC hold the required public hearings, so that all Council members may sit on the Council for these hearings. The November 2025 hearings were unlawfully premature and invalid.

For these reasons, the Siting Act has not been complied with. The required informational public hearings and land use consistency public hearings need to be held in all the affected counties, with all duly appointed Council members participating in these hearings. Any failure to follow that prescribed process will not only violate the Siting Act, but also the appearance of fairness doctrine and the due process rights of interested stakeholders.

At yesterday's EFSEC meeting, the Council considered whether to hold the required informational public hearings on the same dates as the future land use consistency hearings. Specifically, Council Member Leckie offered an amendment to a motion that would have had the effect of holding both informational public hearings and land use consistency public hearings in each of the three counties. That amendment seemed to pass by a narrow margin. Yet it was announced after the fact that the amendment had failed.

As explained below, Commenters object to the procedures by which the votes on Council member Leckie's amendment were recorded and tallied. We ask for the errors and irregularities detailed below to be corrected at the next Council meeting.

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[1] The City of Bingen apparently appointed a member of the Council, only for him to later resign. It is unclear whether the Project site was ever proposed to be located inside the Bingen city limits. If not, there need not be an appointee by the City of Bingen. *See* RCW 80.50.030(5).

In contrast, the Project site does appear to be proposed inside the port district for the Port of Skamania County, and may be proposed inside the port districts for other ports including the Port of Camas-Washougal and the Port of Klickitat County. If so, it is necessary for those port districts to appoint members of the Council, since the statute expressly requires those appointments. Although Port-appointed members are required to be appointed and to sit with the Council for all public hearings, they are also nonvoting members. RCW 80.50.030(6) ("For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district *shall* appoint a member or designee as a nonvoting member to the council.") (emphasis added).

First, in recording and tallying the votes on Council member Leckie's motion, a purported proxy vote by Council member Senescu against the amendment was included. But Council member Senescu was absent for that portion of the meeting. Commenters are unaware of any authority allowing Council members to vote by proxy. Council member Senescu's vote on the amendment should not have been included in the tally.

Second, despite the vote on the motion passing, it was announced that the vote had failed. Apparently this was due to an attempted retroactive application of the procedures prescribed by WAC 463-30-093:

> In any adjudicative site certification proceeding, designated council members representing local jurisdictions may discuss and, if authorized, vote only on issues affecting their jurisdictions. Issues shall be separated for purposes of discussion and voting.

There are several problems with the attempted retroactive application of this rule in the recording and tallying of the votes. For starters, the rule was never triggered yesterday. The rule expressly applies only "[i]n any adjudicative site certification proceeding." WAC 463-30-093. EFSEC's public meeting yesterday was *not* an adjudicative site certification proceeding. We know this because EFSEC's rules define "adjudicative proceeding" as "a proceeding conducted pursuant to RCW 80.50.090(4)[2] and the state Administrative Procedure Act.[3]" Yesterday was not even a public hearing, let alone an adjudicative proceeding. And even if yesterday's meeting could be construed to itself be an informational public hearing, that hearing would be governed by the procedures in Chapter 463-26 WAC, rather than the procedures in Chapter 463-30 WAC. Thus, the voting requirements spelled out in WAC 463-30-093 were not triggered, and indeed could not have been triggered. Yesterday's meeting, including the proposed motion and proposed amendment to the motion, were simply a routine scheduling matter on which all present Council members had an equal opportunity to discuss and vote.

Moreover, even assuming *arguendo* that WAC 463-30-093 could be construed as applicable during yesterday's meeting, it was inappropriate and unfair to attempt to apply the rule only retroactively, after the motion, proposed amendment, discussion, and voting had all occurred. Council members were not advised in advance of the application of this rule and the resulting consequences.

On top of that, if WAC 463-30-093 were applicable, the rule expressly requires the issues to be "separated for purposes of discussion and voting," not just in the tallying of votes. Here, in contrast with the rule, there was a single proposed amendment to hold three informational public hearings, one in each of the three counties, and a single vote on that proposed amendment. Proper application of the rule (assuming it even applied) would have required three separate

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[2] Proceedings conducted pursuant to RCW 80.50.090(4) are formal "adjudicative proceedings" on applications, as distinguished from the informational public hearings and land use consistency public hearings required by RCW 80.50.090(1) and (2).

[3] Adjudicative hearings are governed by Part IV of the Administrative Procedure Act, RCW 34.05.410–.494.

votes (and three separate discussions)—one for each of the three counties. Yet that is not what occurred.[4]

As a result of EFSEC's procedural irregularities at its meeting yesterday, the votes on Council member Leckie's amendment (to hold the informational public hearings required by law) were not properly recorded or tallied. In reality, the amendment passed, but it was erroneously announced that the amendment did not pass. These serious procedural errors tainted the subsequent vote on the underlying motion (without Council member Leckie's amendment). Simply put, the Council ultimately voted on a motion that was not properly on the table.

The Council should remedy these serious procedural errors and irregularities by discussing the matter at its next monthly meeting. At that meeting, the Council should revisit and resolve the important question of whether the full Council will hold the informational public hearings on the application required by law. And the Council should in fact decide to hold these required informational hearings. Moreover, the Council could and should easily schedule the required information hearings to be held on the same dates as the future land use consistency hearings. Doing so would bring the Council into compliance with the procedures required by law, would alleviate the due process and appearance of fairness concerns caused by the (prematurely held) November 2025 hearings, and may begin to alleviate the public's serious concerns about inadequate transparency, information, and participation opportunities regarding this proposed Project.

Finally, Commenters note that EFSEC staff apparently uploaded to the EFSEC website at least three different versions of the meeting packet for yesterday's EFSEC meeting, in which was included at least two different versions of the land use consistency table for this Project. Commenters are unaware that EFSEC provided any notifications or disclosures to the public about the multiple revisions to the meeting materials, including the materials for this Project—not in any email notification, and not on the EFSEC website. At least one of these versions of the meeting packet appears to have been uploaded to EFSEC's website *after* the meeting.

The three different versions can be found on EFSEC's website at the following URLs, and the metadata in each version shows the following dates and timestamps:

https://efsec.wa.gov/sites/default/files/2026-10/20261021_CompletePacket_2_1.pdf
(Modified: 10/20/26, 12:36:02 PM) (land use consistency table is at PDF p. 58)

https://efsec.wa.gov/sites/default/files/2026-10/20261021_CompletePacket_2_2.pdf
(Modified: 10/20/26, 4:34:34 PM) (land use consistency table is at PDF p. 55)

https://efsec.wa.gov/sites/default/files/2026-10/20261021_CompletePacket_2.pdf
(Modified: 10/22/26, 8:31:51 AM) (land use consistency table is at PDF p. 55)

[4] In fact, if WAC 463-30-093 were applicable here, strict application of the rule would have required Council member Leckie's amendment itself to be limited to the required informational public hearing in Skamania County.

Only the third version listed above is currently linked to from EFSEC's webpage for yesterday's meeting, available at https://efsec.wa.gov/hearings-and-meetings/2026/monthly-council-meeting-october-2026 (copy attached as Exhibit 1 to this letter).

The versions of the land use consistency table in the first and third versions of the packet linked above contain inaccurate and misleading information about Skamania County planning staff's comments to EFSEC staff, for example statements that Skamania County planning staff had "indicated" that the table is "reasonably consistent" and "generally consistent" with the applicable land use codes. These statements were apparently not made by Skamania County planning staff, yet they appear in two versions of the meeting packet (including the only version currently linked to from EFSEC's webpage for this meeting), and these apparently incorrect statements were repeated orally by EFSEC Siting Specialist Lance Caputo at yesterday's meeting.

Commenters request an explanation why there are at least three different versions of the meeting packet on EFSEC's website (including one version uploaded *after* yesterday's meeting), why there was no apparent notice or disclosure to the public that the meeting packet was revised multiple times (including revisions to the land use consistency table), why EFSEC's webpage for yesterday's meeting contains no indication that the meeting packet was revised multiple times, why there was no discussion at yesterday's meeting about the different versions of the land use consistency table for this Project, and how and why the comments from Skamania County planning staff about land use consistency review for this Project were apparently mischaracterized by EFSEC staff (both in two versions of the meeting packet and in oral statements at yesterday's EFSEC meeting).

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

Sincerely,

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Exhibit 1

An official website of the Washington state government Here's how you know

The .gov means it's official.
A .gov website belongs to an official government organization in the United States.

The site is secure.
The **https://** ensures that you are connecting to the official website and that any information you provide is encrypted and transmitted securely.

Our Transmission Programmatic Environmental Impact Statement tool is live!

We've created an interactive tool to help you explore the Transmission Programmatic EIS. Try it out - link opens an external site.
Learn more about the Transmission Programmatic EIS here.

Monthly Council meeting for October 2026

At this regular meeting, we'll discuss facility updates and agency business. View the agenda, meeting minutes and ways to attend.

Start date	Start time	End date	End time
10-21-26	1:30 pm	10-21-26	3:00 pm

Scope of council meeting

About this council meeting

Agenda (/sites/default/files/2026-10/20261021_Agenda_Rev.pdf) Revised (link, PDF)
Completed packet (/sites/default/files/2026-10/20261021_CompletePacket_2.pdf) (link, PDF)

The Energy Facility Site Evaluation Council plans to meet once per month, on the third Wednesday of each month (room availability can necessitate some date variations).

Meetings start at 1:30 p.m. and are usually held in the Utility and Transportation building in Lacey, WA. Please check the Agenda or subscribe to our Email list for the final location. Meeting agendas are usually posted to the website and a notice is sent to our email list about 1 week prior to the meeting. To receive these notices, please sign up to our mailing list (https://public.govdelivery.com/accounts/WAEFSEC/subscriber/new?topic_id=WAEFSEC_8).

Meeting minutes are usually approved at the following month's meeting and posted approximately 5 days after the meeting.

Please Note: This schedule is in accordance with WAC 463-18-050 (http://apps.leg.wa.gov/WAC/default.aspx?cite=463-18-050). All EFSEC meetings are Special Meetings under Chapter 42.30 RCW (http://apps.leg.wa.gov/RCW/default.aspx?cite=42.30). The meetings listed below are subject to change or cancellation. If needed, EFSEC may hold additional Special Meetings in accordance with the rule and law cited above. For additional or updated scheduling information contact EFSEC at (360) 664-1345.

Related documents

See related meeting documents

none (EFSEC general)*

October 21, 2026, Complete Council meeting packet

Document date **10-20-26**

Packet

none (EFSEC general)*

Document date **10-20-26**

October 2026 Council meeting agenda revised Agenda

Attend this meeting

This event has ended. Please visit our Hearings and Meetings page to search for more scheduled events.