

December 17, 2014

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**ENERGY FACILITY SITE
EVALUATION COUNCIL**

Energy Facility Site Evaluation Council
c/o William Lynch, Chair
P.O. Box 43172
Olympia, WA 98504-3172

Re: Vancouver Energy – DEIS and Project Review Schedule
Application No. 2013-0; Docket: EF-131590

Dear Chair Lynch and Councilmembers:

I am writing on behalf of Vancouver Energy to reiterate our request at the December 16, 2014, Council meeting that the Council and staff establish a specific schedule for the remaining steps of the EFSEC review process. Staff and EFSEC's consultant have now provided a schedule for the publication of the draft environmental impact statement (DEIS), but we remain concerned about the ongoing uncertainty regarding the schedule for the remaining steps of the EFSEC review process. We think everyone would benefit from greater clarity regarding those steps and the amount of time required to complete each of the steps of the review process.

A schedule for the remaining steps in EFSEC's review process is necessary to determine the appropriate duration of a second extension of the Council's statutory review period. As was observed at the Council's meeting on December 16, it is apparent, based on the schedule for publication of the DEIS, that Vancouver Energy will be asked to agree to an additional extension. That statutory review period applies to the entire EFSEC review process, through transmittal of a recommendation to the Governor. As we have indicated in the past, we do not think it is appropriate to be asked to agree to an open-ended extension. Last time Vancouver Energy proposed an extension based on what input we had received to-date on the expected DEIS and Council review process. To help Vancouver Energy and EFSEC staff discuss and determine an appropriate and reasonable second extension, we ask that the Council and staff first identify a more specific schedule for the remaining steps of the EFSEC review process.

With respect to the schedule for publication of the DEIS presented by staff during the December 16 Council meeting, we urge staff and Council to meet the milestones set out in the schedule, so that a public draft will be available as soon as possible, but by May 2015 at the latest. Vancouver Energy commits to continued timely response to any additional requests for information from staff to meet this schedule. Vancouver Energy shares the Council's goal of completing a thorough environmental review with the appropriate level of analysis and opportunity for public input. We believe the Council and the public will benefit from publication

of the DEIS, which will allow for fact-based discussion of the issues and potential impacts. We therefore urge the Council to meet the proposed schedule presented at the Council's meeting on December 16.

We appreciate the Council's consideration of this request.

Very truly yours,

VAN NESS FELDMAN LLP



Jay Derr