



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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October 29, 2015

William Lynch
Chair
Washington Energy Facility Site Evaluation Council
1300 S. Evergreen Park Dr. S.W.
PO Box 43172
Olympia, WA 98504-3172

Re: Vancouver Energy SEPA Schedule

Dear Chairman Lynch:

Columbia River Inter-Tribal Fish Commission (CRITFC) and its member tribes, the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) and the Confederated Tribes of the Umatilla Indian Reservation (Umatilla Tribes) request that the Washington Energy Facility Site Evaluation Council (EFSEC) carefully consider the effects of its proposed target release date for the Vancouver Energy Draft Environmental Impact Statement (DEIS). The Applicant has proposed an alternative proposal to extend the comment period, but we do not find it acceptable. Instead, we propose that EFSEC release the DEIS on January 4, 2016 rather than November 24, 2015.

It is well within the discretion of EFSEC, as the lead agency, to determine the release date of the DEIS. WAC 197-11-055. As you know, the release of the DEIS not only starts the clock ticking on a 45-day statutory comment period; it also marks the beginning of the formal adjudicatory phases of this proceeding. The release date also triggers deadlines for witness lists, exhibits, and certain testimony. When the parties conferred with Judge Noble and established the adjudication schedule, we did not anticipate that the DEIS would issue two days before Thanksgiving.

The ability of the Yakama Nation, Umatilla Tribes, and CRITFC to meaningfully review a DEIS of this magnitude is challenging under the best of circumstances. There are multiple levels of tribal government that must be engaged in reviewing the DEIS, identifying issues, and accessing witnesses and exhibits needed to effectively participate in Washington's process. This work begins in earnest on the release date of the DEIS, which would be interrupted by a four-day holiday weekend just two days after its release.

In addition, the employees of the Yakama Nation, Umatilla Tribes and CRITFC observe four to five paid holidays during the 45-day period following November 24. A release date of November 24 effectively shortens the review period by at least four full business days. As a practical matter, employees often take vacation leave during this holiday period; effectively further reducing the available time for review. If this were a matter of lawyers coordinating a briefing schedule the process would be simpler. For the tribes, however, scientists, budget managers, policy makers, and

lawyers will be needed to craft our participation in this process in the currently proposed shortened review period.

The resource and schedule considerations listed above, which presumably apply to all parties not aligned with Applicant, support a delay until January 4, 2016. This will allow for all parties to give the DEIS the detailed review and study it deserves, rather than force a complex task into an already busy time of year. In other words, given the importance of this undertaking and the amount of time it has taken to prepare an adequate DEIS, we respectfully request a release date that allows all parties to give the document the focus it deserves.

In accordance with Judge Noble's July 22, 2015 letter regarding communications with the EFSEC, we are providing a copy of this letter to all parties. Please contact us if you have any questions.

Sincerely,



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Cc: The Attached Service List

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