

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2009-01

of

WHISTLING RIDGE ENERGY
PROJECT LLC

for

WHISTLING RIDGE ENERGY
PROJECT

SAVE OUR SCENIC AREA'S
AND FRIENDS OF THE
COLUMBIA GORGE'S
OBJECTIONS TO PREHEARING
ORDER NO. 4

I. MOTION.

Intervenors Save Our Scenic Area (SOSA) and Friends of the Columbia Gorge (Friends) object to and move for further consideration of the Prehearing Order (PHO) entered on June 29, 2010 (Council Order No. 848; Prehearing Order No. 4).

II. RELIEF REQUESTED.

2.1 The Council should reconsider that portion of the PHO entitled "TIMING OF FINAL EIS" (page 3) and determine that the Final EIS (FEIS) will be issued before the commencement of the adjudicative proceeding in this matter. Accordingly, the Council should cancel the schedule set forth in the PHO and set a new schedule once the FEIS is completed.

1 **2.2** The Council should also reconsider that portion of the PHO at page
2 2 that "[t]he Council expects that the Applicant will incorporate into its direct
3 presentation any information needed to address asserted significant flaws in the
4 DEIS" and that "[t]he Applicant may consult with Council Staff if it has questions
5 regarding matters that may warrant attention in this matter."

6 **2.3** The Council should not arbitrarily limit the duration of the hearing to
7 ten days.

8 **2.4** The Council should reschedule the hearing because of conflicts with
9 the trial schedule for counsel for Friends of the Columbia Gorge.

10 **III. STATEMENT OF ISSUES.**

11 **3.1** Should the Council revise the PHO to ensure that the adjudicative
12 proceedings are commenced after the FEIS is complete and available?

13 **3.2** Should the Council rescind the directive to the Applicant to address
14 the significant flaws in the DEIS as part of the Applicant's direct presentation?

15 **3.3.** Should the PHO be revised to remove the limit on the number of
16 hearing days?

17 **3.4.** Should the Council reschedule the hearing dates because of trial
18 conflicts for counsel?

19 **IV. LEGAL ARGUMENT.**

20 **4.1 The Final Environmental Impact Statement Should be Completed
21 Before the Adjudicative Proceedings Begin.**

22 The Council's Administrative Law Judge (ALJ) issued a PHO on June 29,
23 2010. At page 3, the PHO includes rulings regarding the "TIMING OF FINAL EIS."
24 Though acknowledging objections, the PHO includes the following conclusions:

25 The environmental review and application review proceed on parallel
26 tracks until the conclusion of the process. Doing so allows the
27 Council, in making final decisions on each track, to preserve the
integrity of both processes while ensuring consistency in the results.
Issuing the final EIS prior to hearing could compromise the result of
the adjudicative hearing.

1 This ruling is clearly a misinterpretation of both NEPA and SEPA, and should be
2 rescinded. Under both SEPA and NEPA, the final EIS must precede the initiation
3 of adjudication proceedings as a part of the agency review process.

4 Both NEPA and SEPA require that the EIS, and comments of agencies and
5 the public, be a part of agency decision making. Under SEPA:

6 43.21C.030. Guidelines for state agencies, local
7 governments—Statements—Reports—Advice—Information

8
9 (d) Prior to making any detailed statement, the responsible
10 official shall consult with and obtain the comments of any public
11 agency which has jurisdiction by law or special expertise with respect
12 to any environmental impact involved. Copies of such statement and
the comments and views of the appropriate federal, province, state,
and local agencies, which are authorized to develop and enforce
environmental standards, shall be made available to the governor, the
department of ecology, the ecological commission, and the public,
and shall accompany the proposal through the existing agency review
processes;

13 (Emphasis supplied). NEPA is substantially identical :

14 Copies of such statement and the comments and views of the
15 appropriate Federal, State, and local agencies, which are authorized
16 to develop and enforce environmental standards, shall be made
17 available to the President, the Council on Environmental Quality and
to the public as provided by section 552 of title 5, and shall
accompany the proposal through the existing agency review
processes;

18 42 U.S.C. 4332(2)(C) (emphasis supplied).

19 Thus, SEPA and NEPA are clear that the final EIS, with its comments, does
20 not proceed on a "parallel track" as the PHO says, nor does the law contemplate
21 "simultaneously making final decisions on each track . . ." Both federal and state
22 law are clear that the environmental review process is not parallel or simultaneous,
23 but sequential. Further, the PHO errs by suggesting that there is a "final decision"
24 on the SEPA/NEPA track to be made by the Council itself.

25 Both case law and regulations mandate preparation of the FEIS in advance
26 of decision making consistent with the statutes. Thus the SEPA Rules, found at
27 WAC ch. 197-11 provide that:

1 197-11-655. Implementation.
2 (1) See RCW 43.21C.020, 43.21C.030(1), 43.21C.060,
3 43.21C.075, and 43.21C.080.

4 (2) Relevant environmental documents, comments, and
5 responses shall accompany proposals through existing agency review
6 processes, as determined by agency practice and procedure, so that
7 agency officials use them in making decisions.

8 Similarly, the NEPA Guidelines say the same thing:

9 40 C.F.R. Sec. 1502.5 Timing.

10 An agency shall commence preparation of an environmental
11 impact statement as close as possible to the time the agency is
12 developing or is presented with a proposal (Sec. 1508.23) so that
13 preparation can be completed in time for the final statement to be
14 included in any recommendation or report on the proposal. The
15 statement shall be prepared early enough so that it can serve
16 practically as an important contribution to the decisionmaking process
17 and will not be used to rationalize or justify decisions already made
18 (Secs. 1500.2(c), 1501.2, and 1502.2). For instance:

19 (a) For projects directly undertaken by Federal agencies
20 the environmental impact statement shall be prepared at the feasibility
21 analysis (go-no go) stage and may be supplemented at a later stage
22 if necessary.

23 (b) For applications to the agency appropriate
24 environmental assessments or statements shall be commenced no
25 later than immediately after the application is received. Federal
26 agencies are encouraged to begin preparation of such assessments
27 or statements earlier, preferably jointly with applicable State or local
28 agencies.

(c) For adjudication, the final environmental impact
statement shall normally precede the final staff recommendation and
that portion of the public hearing related to the impact study. In
appropriate circumstances the statement may follow preliminary
hearings designed to gather information for use in the statements.

The whole point of the environmental review process is to have the relevant
environmental documents available during the review process so that they can be
used by the parties as a part of agency review.

Case law under both SEPA and NEPA are equally clear in assuring that the
FEIS be a part of agency decision making:

A "major purpose" of SEPA is to "combine environmental
considerations with public decisions." RCW 43.21C.075(1).
Consistent with this purpose, "SEPA mandates governmental bodies
to consider the total environmental and ecological factors to the fullest
in deciding major matters." (Original emphasis.) *Eastlake Comm'ty
Council v. Roanoke Assoc., Inc.*, 82 Wash.2d 475, 490, 513 P.2d 36

1 (1973). These considerations must be integrated into governmental
2 decision-making processes so that "presently unquantified
3 environmental amenities and values will be given appropriate
4 consideration in decision making along with economic and technical
5 consideration." RCW 43.21C.030(2)(b); *Eastlake Comm'ty Council*, at
6 492, 513 P.2d 36. The environmental impact statement (EIS) must
7 "accompany the proposal through the existing agency review
processes" so that officials will use it in making decisions, RCW
43.21C.030(2)(d), WAC 197-11-655, and "[a]ny governmental action
may be conditioned or denied" on the basis of adverse impacts
disclosed by SEPA's environmental review process. RCW
43.21C.060; WAC 197-11-660; BCC 22.02.605B; *The Polygon Corp.*
v. Seattle, 90 Wn. 2d 59, 65, 578 P.2d 1309 (1978).

8 *West Main Associates v. City of Bellevue*, 49 Wn. App. 513, 518, 742 P.2d 1266
9 (1987) (emphasis supplied).

10 On the NEPA side, an early Court of Appeals case emphasized that the FEIS
11 must be a decision making tool, not some item "for the file:"

12 We believe that the Commission's crabbed interpretation of
13 NEPA makes a mockery of the Act. What possible purpose could
14 there be in the Section 102(2) (C) requirement (that the "detailed
15 statement" accompany proposals through agency review processes)
16 if "accompany" means no more than physical proximity-mandating no
17 more than the physical act of passing certain folders and papers,
18 unopened, to reviewing officials along with other folders and papers?
19 What possible purpose could there be in requiring the "detailed
20 statement" to be before hearing boards, if the boards are free to
ignore entirely the contents of the statement? NEPA was meant to do
more than regulate the flow of papers in the federal bureaucracy. The
word "accompany" in Section 102(2)(c) must not be read so narrowly
as to make the Act ludicrous. It must, rather, be read to indicate a
congressional intent that environmental factors, as compiled in the
"detailed statement," be considered through agency review
processes.FN19

21 FN19. The guidelines issued by the Council on
22 Environmental Quality emphasize the importance of
23 consideration of alternatives to staff recommendations during
24 the agency review process: "A rigorous exploration and
25 objective evaluation of alternative actions that might avoid
26 some or all of the adverse environmental effects is essential.
27 Sufficient analysis of such alternatives and their costs and
impact on the environment should accompany the proposed
action through the agency review process in order not to
foreclose prematurely options which might have less
detrimental effects." 36 Fed. Reg. at 7725. The Council also
states that an objective of its guidelines is "to assist agencies
in implementing not only the letter, but the spirit, of the Act." *Id.*
at 7724.

1 *Calvert Cliffs' Coordinating Committee, Inc. v. U.S. Atomic Energy Comm'n*, 449
2 F.2d 1109, 1117-18 (C.A.D.C. 1971) (emphasis supplied).

3 As the statutes, regulations and case law make clear, the integrity of the
4 SEPA/NEPA and decisionmaking processes is accomplished by the integration of
5 agency reviews, not by segregation of them.

6 Further, the PHO misinterprets the responsibilities of the Council and the
7 SEPA "responsible official." The "responsible official" under WAC 197-11-788 is the
8 officer of the lead agency "designated by agency SEPA procedures to undertake
9 its procedural responsibilities as lead agency." This differs from the SEPA "decision
10 maker" that actually "make[s] the agency's decision on a proposal." WAC
11 197-11-730.

12 Under EFSEC's SEPA Rules, the Council is the decision maker. WAC 463-
13 47-050. In contrast, under the EFSEC regulations, the SEPA "responsible official"
14 is the EFSEC Manager, who is given the duty to manage the SEPA process:

15 WAC 463-47-140 Agency filings affecting this section
16 Responsibilities of the council's responsible official.

17 The EFSEC manager shall be responsible for the following:

- 18 (1) Coordinating activities to comply with SEPA and
19 encouraging consistency in SEPA compliance.
- 20 (2) Providing information and guidance on SEPA and the
21 SEPA rules to council, council staff, groups, and citizens.
- 22 (3) Reviewing SEPA documents falling under council interests
23 and providing the department of ecology with comments.
- 24 (4) Maintaining the files for EISs, DNSs, and scoping notices,
25 and related SEPA matters.
- 26 (5) Writing and/or coordinating EIS preparation, including
27 scoping and the scoping notice, making sure to work with
28 interested agencies.

(Emphasis supplied). The PHO eliminates the role of the responsible official and
makes the Council the party that makes a "final decision" on the SEPA track. This
is completely inconsistent with the regulations.

The PHO goes on to say that "[i]ssuing the final EIS prior to hearing could
compromise the result of the adjudicative hearing." This statement stands the whole

1 review process on its head. Quite the contrary, without the FEIS as a part of the
2 adjudication, the entire process, as well as the rights of Intervenors, are significantly
3 compromised. As discussed below and in separate written and oral comments,
4 there are serious flaws apparent in the DEIS. Among other problems, the DEIS
5 completely fails to address countless comments submitted during scoping, including
6 comments from agencies with special expertise in the resources that would be
7 impacted. Unfortunately, the DEIS is completely inadequate for commencing an
8 adjudicatory process. The EFSEC responsible official will need to promptly correct
9 the flaws in the DEIS through the issuance of a new draft EIS for comment, and
10 ultimately an FEIS. Intervenors are entitled to use the FEIS during the course of the
11 adjudicative proceedings to point to viable and suitable alternatives to the WRE
12 proposal, as well as a source of evidence and information regarding other
13 environmental impacts and comments from consulting agencies that may support
14 Intervenors' positions. In some cases, the FEIS may reduce the need for
15 Intervenors to file evidence and arguments in the adjudicative proceedings.
16 Moreover, without an adequate FEIS to inform the adjudicative proceedings, the
17 Council will not have a clear and accurate picture of the project's impacts and
18 alternatives at the outset of its adjudicative process, in violation of SEPA. Allowing
19 the environmental impact statement and adjudicative processes to proceed on
20 separate and parallel tracks creates serious and reversible error.

21 Intervenors expect that the Applicant or others will object to commencing the
22 adjudicative proceedings after the FEIS is issued, because of the length of time it
23 may take to issue the FEIS. Intervenors bear no responsibility for such delays. For
24 reasons that are unclear, EFSEC and BPA took more than a year to issue the DEIS
25 after the May 2009 scoping hearings, which has delayed matters significantly.
26 However, the law anticipates that addressing environmental issues will take time.
27 As Judge Wright said in *Calvert Cliffs*,

28

1 Of course, independent review of the "detailed statement" and
2 independent balancing of factors in an uncontested hearing will take
3 some time. If it is done properly, it will take a significant amount of
4 time. But all of the NEPA procedures take time. Such administrative
costs are not enough to undercut the Act's requirement that
environmental protection be considered "to the fullest extent
possible," see text at page 1114, *supra*.

5 *Calvert Cliffs'*, 449 F.2d at 1118. Moreover, the Applicant has already waived the
6 one-year deadline for decisions on proposed energy facilities; thus, this time limit
7 no longer applies.

8 In summary, the PHO commits serious error in expediting the adjudication
9 so that it will start before the final EIS is issued. All applicable SEPA and NEPA
10 authority make clear that the FEIS is to accompany the proposal through the agency
11 review process.¹ Commencing the adjudication without the FEIS may mean that a
12 court will later reverse EFSEC on this issue and remand for rehearing. The only
13 possible reason for proceeding without the FEIS is to expedite the proceeding by
14 what would likely be only a few months. But far from a time-saving measure, this
15 approach will undoubtedly result in unfortunate delay and added expense for all
16 parties when reversed by a court on appeal. It is far better to follow the law in the
17 first instance rather than having to repeat the whole process.

18 **4.2 The Adjudicative Proceedings Should Not Be Used to Address** 19 **Flaws in the DEIS.**

20 As described above, because the FEIS must accompany the WRE proposal
21 through the existing agency review process, the issuance of the FEIS must precede
22 the adjudication. However, the PHO commits additional error by directing that the
23 deficiencies in the DEIS be taken up in the adjudication itself. The PHO seems to

24 ¹ Though the EFSEC rules permit an adjudicative *proceeding* to be "initiated"
25 before the draft EIS is "completed," that would not permit an actual *hearing* to begin
26 before the FEIS is issued. See WAC 463-47-060(2). To the extent that EFSEC
27 believes this provision allows hearings to proceed before the FEIS is issued, that
provision is in violation of the terms of the SEPA Rules and of SEPA itself and
accordingly is void.

1 want to shift the responsibility for preparing the DEIS from where the EFSEC's own
2 rules place it, with the responsible official, to the parties. This unheard of procedural
3 misdirection should be reversed.

4 After acknowledging that serious errors in the draft EIS have been identified,
5 the PHO provides at page 2 that

6 [t]he Council expects that the Applicant will incorporate into its direct
7 presentation any information needed to address asserted significant
8 flaws in the DEIS. The Applicant may consult with Council Staff if it
has questions regarding matters that may warrant attention in this
manner.

9 Once again, the SEPA process is stood on its head. For at least 30 years the
10 SEPA and NEPA process has involved the preparation of a draft EIS, its circulation
11 for comments, and the preparation of a final EIS. Thereafter, the FEIS accompanies
12 the proposal and informs the agency through the agency decisionmaking process.
13 In stark contrast, the PHO would interject questions of the adequacy and sufficiency
14 of the DEIS into the adjudicative process.

15 In fact, such an approach is specifically prohibited by the SEPA Rules. At
16 WAC 197-11-680(3), the Rules specifically allow "agency administrative appeals."
17 Such administrative appeals are not required, but are optional with agencies.
18 Though EFSEC is a state agency governed by SEPA Rules, it has not adopted any
19 SEPA appeal procedures. See WAC ch. 463-47. However, the Rules are clear
20 about what can be appealed and when:

- 21 (3) Agency administrative appeal procedures.
 - 22 (a) Agencies may provide for an administrative appeal of
23 determinations relating to SEPA in their agency SEPA
24 procedures. If so, the procedures must comply with the
25 following:
 - 26 (i) The agency must specify by rule, ordinance, or
27 resolution that the appeals procedure is available.
 - 28 (ii) Appeal of the intermediate steps under SEPA (e.g.,
lead agency determination, scoping, draft EIS
adequacy) shall not be allowed.
 - (iii) Appeals on SEPA procedures shall be limited to
review of a final threshold determination and final EIS.
These appeals may occur prior to an agency's final

1 decision on a proposed action.
2 WAC 197-11-680 (emphasis supplied). EFSEC has adopted this section of the
3 SEPA Rules by reference. See WAC 463-470-20. The PHO effectively proposes to
4 authorize an administrative challenge to an "intermediary step under SEPA,"
5 specifically "draft EIS adequacy." This is expressly forbidden by the above-quoted
6 rule.

7 It is up to the responsible official, here the EFSEC Manager, to write the
8 DEIS and the FEIS. See WAC 463-47-140(5) ("The EFSEC manager shall be
9 responsible for . . . writing and/or coordinating EIS preparation . . ."). The approach
10 set forth in the PHO apparently would instead have the Council decide as part of its
11 adjudicative process whether the DEIS is adequate or not. This approach violates
12 EFSEC's rules.

13 The PHO's approach also unnecessarily burdens the parties and their
14 experts by requiring them to focus their evidence on, and to prepare for a hearing
15 regarding, a draft document that, given its substantial flaws, will need to be
16 substantially revised by the time the hearing occurs. In all likelihood, under the
17 PHO's approach, the FEIS will be issued only a few days or weeks before the
18 hearing, obsoleting much of the evidence submitted in the adjudicative process up
19 to that point, as well as the parties' advance preparation for the hearing.
20 Adjudicating the content of the DEIS would be a waste of time and a completely
21 inappropriate burden on Intervenors.

22 Moreover, because the parties' hearing evidence will have been directed at
23 the DEIS, the parties will be effectively deprived of the ability to file evidence
24 regarding the FEIS, which could, and in this case should, be a very different
25 document from the DEIS. The DEIS is only a draft document; the FEIS is the
26 document intended for use in agency review processes, and the parties should be
27 given sufficient opportunity to review and respond to the FEIS at a meaningful stage

28

1 in the process. The PHO's approach does not provide such an opportunity. The
2 Council should avoid such unjust and inefficient results by ensuring that the FEIS
3 is released before the scheduling of the adjudicative proceedings.

4 In addition, this is a joint NEPA/SEPA process between EFSEC, a state
5 agency, and BPA, a federal agency. EFSEC has no power to make decisions for
6 BPA or ensure that agency's compliance with NEPA. Nothing in the NEPA
7 authorities contemplates turning over to the Council, a state agency, decisions
8 regarding the content of a federal DEIS, let alone allowing such an agency to
9 adjudicate the adequacy of a draft EIS via a state process.

10 It is also unclear what the result of the presentation by the Applicant and
11 rebuttal by the Intervenors would be. Apparently, though it is by no means clear, the
12 Council would make some kind of a decision on the questions of "serious errors, or
13 omissions from, the draft EIS." Would that form the basis for a final EIS? Is work on
14 the FEIS held in abeyance awaiting presentations by the Applicant and other parties
15 and a decision by the Council? The procedures set forth in the PHO are not only
16 completely at odds with the SEPA and NEPA established legal authority, they are
17 unworkable as well.

18 Finally, is the invitation in the PHO for the Applicant to "consult with Council
19 staff" in addressing flaws in the DEIS an attempt to provide for off-the-record
20 communications between the Applicant and the responsible official? Based on the
21 significantly biased nature of the DEIS, Appellants are deeply troubled that the
22 Applicant has apparently already substantially influenced the content of the DEIS
23 in a covert manner. The PHO should be revised to rescind the directive to the
24 Applicant to address significant flaws in the DEIS as part of the Applicant's direct
25 presentation, and to clarify that any communications between the agencies and the
26 Applicant about meeting the agencies' responsibilities to review and disclose the
27 environmental impacts of the proposal must be transparent and on the record.

28

1 It is true that the DEIS is deeply flawed for many reasons, the most
2 significant of which is the failure to consider alternatives. But it is up to the EFSEC
3 Manager and BPA to produce an FEIS that complies with all the applicable statutes
4 and regulations, including SEPA and NEPA.

5 As with the PHO's apparent decision to commence the adjudication before
6 the final EIS is issued, the injection of the adequacy of the DEIS into the
7 adjudicative proceedings is reversible error. Once again, if this illegal process is
8 later reversed by a court, there will be a significant waste of time and effort. The
9 Council is urged to delete this ersatz administrative appeal requirement from the
10 adjudicatory proceedings.

11 **4.3 There Should Not Be a Predetermined Cap on the Length of the**
12 **Hearing.**

13 The PHO at page 2 schedules a hearing beginning on December 8, 2010
14 and "not exceeding 10 hearing days." While it is unlikely that the hearing would
15 exceed ten days, there should not be a limit on the presentations. There are fifteen
16 parties to this proceeding, plus Council staff and the Counsel for the Environment,
17 and it is unknown how many will make presentations or the length of those
18 presentations. Further, the PHO now adds the adequacy of the draft EIS as an
19 issue for the adjudicative proceedings, which will take an unknown amount of
20 additional hearing time. The PHO should be revised to remove the ten-day limit.

21 **4.4 The Hearing Should Be Rescheduled Because of Trial Conflicts**
22 **for Counsel.**

23 In addition to the foregoing, the hearing commencement date of December
24 8, 2010, conflicts with the trial schedule of Gary K. Kahn, counsel for Friends of the
25 Columbia Gorge. Mr. Kahn has a trial scheduled to begin on Monday, December 6,
26 2010, in Salem, Oregon in *Franklin vs. Franklin*, Marion County Circuit Court Case
27 No. 08C13486. It is anticipated that the trial will last three (3) days, and, based on
28 prior trial court rulings, cannot be postponed. In addition, Mr. Kahn is scheduled for

1 trial to begin in Multnomah County on December 13, 2010, in *KS vs. Lutz*,
2 Multnomah County Circuit Court Case No. 0910-14686. This trial has also been
3 scheduled as a date certain.

4 The December 8, 2010 hearing commencement date also conflicts with the
5 schedule of Mr. Aramburu, counsel for SOSA, as he has a long-scheduled out of
6 state vacation from December 8 to December 16.

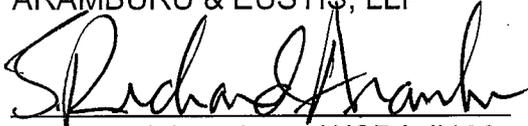
7 Intervenors SOSA and Friends therefore request modification of the hearing
8 schedule, with coordination between the Council and all parties to select a mutually
9 agreeable start date once the FEIS is completed and made available.

10 **V. CONCLUSION.**

11 Intervenors SOSA and Friends respectfully request that the PHO be modified
12 as described herein.

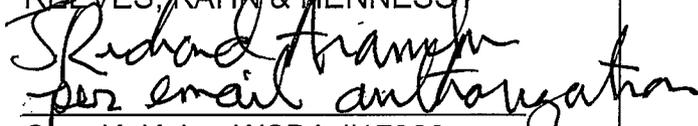
13 DATED this 8th day of July, 2010.

14 ARAMBURU & EUSTIS, LLP

15 

16 J. Richard Aramburu, WSBA #466
17 Attorney for Intervenor SOSA
(206) 625-9515
18 rick@aramburu-eustis.com

REEVES, KAHN & HENNESSY

19 

20 Gary K. Kahn, WSBA #17928
21 Attorney for Intervenor Friends
(503) 777-5473
22 gkahn@rke-law.com

19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

I am an employee in the law offices of Aramburu & Eustis, LLP, over eighteen years of age and competent to be a witness herein.

I hereby certify that on the date below written I caused delivery of one original and 12 copies and an electronic copy on CD by first-class mail, and a copy by email to EFSEC, and sent by email and first-class mail to each of the parties of record on the attached service list a true and correct copy of SAVE OUR SCENIC AREA'S AND FRIENDS OF THE COLUMBIA GORGE'S OBJECTIONS TO PREHEARING ORDER NO. 4.

Dated: This 8th day of July, 2010.



Carol Cohoe, Secretary
Aramburu & Eustis, LLP

Service List

Whistling Ridge Energy Project Application No. 2009-01

EFSEC:	
<p>Allen J. Fiksdal EFSEC Manager Energy Facility Site Evaluation Council 905 Plum Street SE P.O. Box 43172 Olympia, WA 98504-3172 Email: Allen.Fiksdal@commerce.wa.gov EFSEC@commerce.wa.gov Phone: 360-956-2152 Fax: 360-956-2158</p> <p>C. Robert Wallis Administrative Law Judge P.O. Box 43172 Olympia, WA 98504-3172 Email: Robert.Wallis@commerce.wa.gov Phone: 360-956-2138 Fax: 360-956-2158</p>	<p>Kyle Crews Assistant Attorney General Office of the Attorney General P.O. Box 40108 Olympia, WA 98504-0108 Email: KyleC@atg.wa.gov Phone: 360-664-2510 Fax: 360-586-3593</p>
Whistling Ridge Wind Power, Applicant	
<p>Jason Spadaro Whistling Ridge Energy LLC P.O. Box 266 Bingen, WA 98605 Email: jasons@sdslumber.com Phone: 509-493-6103 Fax: 509-493-2535</p>	<p>Tim McMahan Stoel Rives LLP 805 Broadway Street, Suite 725 Vancouver, WA 98660 Email: tlmcmahan@stoel.com Phone: 503-294-9517 Fax: 503-504-8693</p> <p>Darrel Peeples Attorney 325 Washington Street NE, #440 Olympia, WA 98506 Email: dpeeples@ix.netcom.com 360/943-9528 ph 360/951-1124 fax</p>

Counsel for the Environment	
<p>H. Bruce Marvin Assistant Attorney General Counsel for the Environment Office of the Attorney General P.O. Box 40100 Olympia, WA 98504-0100</p> <p>Email: BruceM1@atg.wa.gov</p> <p>Phone: 360-586-2438 M Tu W 206-389-3840 Th F</p> <p>Fax: 360-664-0229</p>	
Department of Commerce	
<p>Department of Commerce Tony Usibelli, Director Energy Division P.O. Box 43173 Olympia, WA 98504-3173</p> <p>Tony.Usibelli@commerce.wa.gov</p> <p>360-725-3110 Ph 360-586-0049 fax</p>	<p>Alice Blado, Senior Counsel, AAG Office of the Attorney General P.O. Box 40109 Olympia, WA 98504-0109</p> <p>aliceb@atg.wa.gov 360-733-6216</p> <p>SUBSTITUTED June 2010: Dorothy H. Jaffe Assistant A.G. DoriJ@atg.wa.gov (360) 586-3158 fax (360) 586-3564</p> <p style="text-align: right;">f</p>
Friends of the Columbia Gorge	
<p>Gary K. Kahn Reeves, Kahn & Hennessy Attorneys at Law P.O. Box 86100 Portland, OR 97286-0100</p> <p>gkahn@rke-law.com</p> <p>503-777-5473</p> <p>Kevin Gorman, Executive Director Friends of the Columbia Gorge 522 SW 5th Avenue, Suite 720 Portland, OR 97204-2100</p>	<p>Nathan Baker, Staff Attorney Friends of the Columbia Gorge 522 SW 5th Avenue, Suite 720 Portland, OR 97204-2100</p> <p>Nathan@gorgefriends.org</p> <p>503-241-3762</p>

Save Our Scenic Area (SOSA)	
Save Our Scenic Area P.O. Box 41 Underwood, WA 98651	J. Richard Aramburu Aramburu & Eustis, LLP 720 Third Avenue, Suite 2112 Pacific Building Seattle, WA 98104-1860 rick@aramburu-eustis.com 206-625-9515 ph 206-682-1376 fx
Skamania County Public Utility District No. 1	
Skamania County Public Utility District No. 1 Robert Wittenberg, Jr. 1492 Wind River Highway Carson, WA 98610 Bwittenberg@SkamaniaPUD.com 509-427-5126 ph 509-427-8416 fax	
Skamania County Economic Development Council	
Skamania County Economic Development Council Peggy Bryan 167 NW 2 nd P.O. Box 436 Stevenson, WA 98648 pbryan@skamania-edc.org 509-427-5110 ph 509-427-5122 fax	
Skamania County Agri-Tourism Association	
Skamania County Agri-Tourism Association P.O. Box 100 Underwood, WA 98651 info@scaassn.org	Isa Anne Taylor, WSBA # 37977 7751 Baseline Drive Mt. Hood, OR 97041 isa@isaannetaylor.com 541-905-1950 ph
Association of Washington Business	
Association of Washington Business Chris McCabe 1414 Cherry St. SE P.O. Box 658 Olympia, WA 98501 chrism@awb.org 360-943-1600 ph 360-943-5811 fax	

Seattle Audubon Society	
Seattle Audubon Shawn Cantrell 8050 35 th Ave NE Seattle, WA 98115 Shawnc@seattleaudubon.org 206-523-4483 ext 15 ph	
Columbia River Gorge Commission	
Jill Arens, Executive Director Columbia River Gorge Commission P.O. Box 730 White Salmon, WA 98672 arens@gorgecommission.org 509-493-3323 ph 509-493-2229 fax	
Port of Skamania County	
Port of Skamania County John McSherry, Manager P.O. Box 1099 Stevenson, WA 98648 John@portofskamania.org 509-427-5484 ph 509-427-7984 fax	
City of White Salmon	
City of White Salmon David Poucher, Mayor P.O. Box 2139 White Salmon, WA 98672 mayor@ci.white-salmon.wa.us 509-493-1133 ph 509-493-1231 fax	
Klickitat County Public Economic Development Authority	
Klickitat County Public Economic Development Authority Michael Canon, Executive Director MS – CH – 26 127 West Court Goldendale, WA 98620 MikeC@co.klickitat.wa.us 509-773-7060 ph 509-773-4521 fax	

Klickitat and Cascades Tribes of the Yakama Nation

Klickitat and Cascades Tribes of the Yakama
Nation
c/o Wilbur Slockish, Jr.¹
Whistling Ridge Energy LLC
P.O. Box 266
Bingen , WA 98605

541-993-4779 (cell)

Johnson Meninick
Cultural Resources Program Manager
Confederated Tribes and Bands of the Yakama
Nation
P.O. Box 151
Toppenish, WA 98948

509-865-5121 ext. 4737 ph

¹ Mr. Slockish requested that his mail be sent c/o Whistling Ridge Energy.