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To: [EFSEC mi Comments](#); [EFSEC \(EFSEC\)](#); [Beckett, Kurt \(EFSEC\)](#)
Subject: EFSEC Public Comment and Records data inconsistencies regarding Goldeneye storage
Date: Friday, February 14, 2025 1:52:50 PM

External Email

Kurt Beckett and EFSEC Staff -

Thank you Mr Beckett for your patience in reading my email, I understand you are busy with your new position and have a lot of catching up to do on many things. These concerns fell on deaf ears with the previous chair. These concerns are in regards to what I believe are actual legal inaccuracies occurring in the process for the Goldeneye project.

I am writing again to inform the Council that the initial notification to the public and public comment period for the land use hearing that took place on August 13th, 2024 violated RCW 42.30.250 in regards to notifying the public of their comment period. It appears that most public comments posted on the comments announcement page for EFSEC are open for 5 days and usually require comments to be submitted 3 days prior to the meeting. This means the members of the public can have 2 days to submit written comments, if they want the comments to be reviewed prior to the meetings. The fact that the public comment laws were violated should require at a minimum a restart to the entire process for this project, in order to ensure the appropriate laws are followed and the public gets their right to be heard.

The August 13th, 2024 meeting the written comment period was open for only 7 hours 5pm-11:59pm, opened during the public open house which started at 5pm, with the land use consistency hearing taking place at 7pm concluding at 9pm - PRIOR to the closing of comments. The Land use decision was made prior to people even being able to submit comments after attending the public open house. EFSEC claims comments can be submitted anytime via email, however the "official" record for the August 13th meeting only shows comments made between 5pm-11:59pm for the land use consistency hearing. In addition it was acknowledged during the December meeting that public comment could be open for however long EFSEC chooses when Mr Levitt questioned the length of time the comment periods are open for.

There is now a vote planned for February 19th, 2024 for the Goldeneye project, Comment period has not been re-opened for the February meeting where a vote will take place. In January of 2025 MOSS Landing in California had a large BESS fire, testing has shown that contamination of the wetland areas and farmlands around this area are showing signs of heavy metal contamination. This is significant evidence the council should be considering while looking at siting a BESS facility in the heart of Washington's organic farmland and directly next to major Salmon spawning stream that flows directly into the Skagit river and Puget sound. Therefore the public comment before this regularly scheduled meeting where final action is to be taken is crucial for the public to submit necessary information for the board to consider.

RCW 42.30.240

Public comment.

(1) Except in an emergency situation, the governing body of a public

agency shall provide an opportunity at or before every regular meeting at which final action is taken for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

The public comments that were opened in January clearly stated they were for the January Council meeting. The cancellation of that meeting does not negate the need for opening a new comment period for the February meeting.

I will again point out that EFSEC fails to follow the RCW by sending notices that state public comment is open, and only state the closing date and time of Public comment. For the January comments, the opening date of the comments is not listed on the

RCW 42.30.250

Notices soliciting public comment—Time period.

(1) A public agency that is required by state law to solicit public comment for a statutorily specified period of time, and is required by state law to provide notice that it is soliciting public comment, must specify the first and last date and time by which written public comment may be submitted.

(2) An agency that provides a notice that violates this section is subject to the same fines under the same procedures as other violations of this chapter are subject to under RCW **42.30.120**.

In addition

The information loaded onto the Goldeneye page for the Combined Public comments 050-100 and 100-150 are dated as October 8th 2024, preceding the dates of the comments.

The public comments were opened both in December and in January for response yet labeled on the public website as October 8th dates. It is only once you open the document that you see the dates of the actual submissions. This is an official website and to manipulate upload dates is a violation of public records information. This is also extremely concerning that information is being manipulated to reflect dates that are inaccurate to the actual upload dates. Due to the listing date they do not show under the "recent activities" section even though these were the MOST recent activities to actually be added. This hides the documents within the file unless people dig to verify the validity of the dates. This is not the only location on the Goldeneye page where documents were received but loaded with a date preceding the actual document receipt date.

Comments in the combined comment section 100-150 that are in favor of the project were all submitted within a 24 hour period of time and are from interests outside of the Skagit County area or are affiliated with some type of agency that gains profit from the energy industry. The fact these were submitted in such a close time frame and are the only pro comments, brings into question their validity and if they were solicited to be input by a benefiting party. These comments suggest WA state "needs" battery storage, and fails to recognize that a BESS is

already in a permitting process in Skagit County, through the county, located at a heavy industrial site. Because this other BESS is not going through the EFSEC process it is not on the EFSEC "radar" and therefore creates a gap in the ability of EFSEC to know where these types of facilities are being located and which areas would be overburdened by EFSECs approval of additional facilities. The original creation of EFSEC was for Nuclear power and ALL nuclear power was required to go through EFSEC, when adding in alternative energy to EFSEC it created a hodge podge of permitting throughout the state. Cities, Counties and EFSEC do not know what each other are permitting in the way of alternative energy, this is causing a big problem for certain smaller highly impacted and vulnerable areas.

This goldeneye BESS would be an, ADDITIONAL BESS facility and would overburden the Skagit County residence. With multiple utility scale BESS facilities in Skagit County. No other stand alone utility scale BESS have been permitted or exist in WA state at this time, this leaves Skagit County to shoulder the burden of these utility scale BESS facilities for ALL of the PSE grid system. This is not for the people of Skagit county as the project applicant states, Skagit County is NOT PSE's highest consumers of power. The area east of Sedro Woolley is considered a highly impacted and vulnerable area and should not be considered the easy target for such projects.

Please consider all the comments that were input by organizations within the impacted area, while also considering the requirements of the laws that govern EFSEC. This issue has united all the groups in skagit county from the environmental groups, the tribes, the farmers, the sportsman and citizens all who live and work in the area and know the devastation this could cause to our area, if something like MOSS landing happened in the skagit valley,

EFSEC has never recommended that a project not be built and as such the people directly affected in the impacted communities believe they are being ignored and EFSEC is in the pocket of the politicians and energy firms, and not following the direction under the laws that govern them.

If there was ever a project that would be reasonable to not recommend it would be this one, in organic farmland next to a salmon spawning stream where the tribes and all local groups oppose this.

The people of WA request transparency, ethical behavior and regulatory compliance with the new leadership now in place.

We are hopeful and thankful for your time.

Kind Regards,
Connie Krier
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