



February 10, 2024

Sunnyside City Council
818 E. Edison Ave.
Sunnyside, WA 98944

RE: Appeal of a January 2024 Mitigated Determination of Non-Significance

Dear Sunnyside City Council:

On February 1, 2024, pursuant to RCW 43.21C.060, RCW 43.21C.075, WAC 197-11-680, and Sunnyside Municipal Code 18.04.190, the Friends of Toppenish Creek sent you an appeal of a January 2024 Mitigated Determination of Non-Significance (MDNS) for the proposed Sunnyside Renewable Natural Gas methane plant. We sent this appeal via email and certified mail to Mayor Broersma and all the members of the Sunnyside City Council. On February 5, 2024, we delivered the appeal in person. On February 6, 2024, FOTC received a denial of the appeal from Sunnyside's Community and Economic Development Officer, Trevor Martin, via email.

Unless the Sunnyside City Council discussed this appeal at your scheduled workshop on February 5 and made a decision at the workshop, the Sunnyside City Council has not considered our appeal in an open public meeting. We have reviewed the Sunnyside City Code, and we find no sections that authorize the Community and Economic Development Officer to make decisions for the Sunnyside City Council or to speak for the council on legal matters such as this. Mr. Martin is qualified in his own field, but he is not an attorney. Is he practicing law without a license? A formal reply from the Mayor, the City Administrator, or the City Attorney would be more appropriate and legal.

FOTC will send a follow-up letter describing again the reasons why SEPA provides for an appeal to the local legislative body, in this case the Sunnyside City Council.

Sincerely,

Jean Mendoza

Executive Director, Friends of Toppenish Creek
3142 Signal Peak Road
White Swan, WA 98952