



Desert Claim Wind Power

a renewable energy project by **enXco**
An EDF EN Company



REVISED **APPLICATION FOR SITE CERTIFICATION**

February 2009

Jim Luce, EFSEC Chair
January 29, 2009

Materials Supporting Application

Applications to the Council have typically been organized in a way that closely tracks the standard organization of Environmental Impact Statements prepared pursuant to the State Environmental Policy Act (SEPA) in order to facilitate the Council's preparation of an EIS. EFSEC regulations generally require this organization. *See* WAC 463-60-012. In this instance, however, Kittitas County has already published a Final EIS on the Project. Repeating the information from the County FEIS in an application would be inefficient and seems unnecessary when EFSEC can rely upon the existing SEPA document, electronic copies of which have been provided. *See* RCW 43.21C.034; WAC 197-11-600, -630.

For this reason, Desert Claim requested a waiver from the Council's prescribed organization when it filed its November 2006 Application. Desert Claim has attempted to provide the Council with materials necessary to evaluate the Project without duplicating the County FEIS. The Revised Application follows a similar organization and consists of the following materials:

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| Tab 1 | Revised Project Description |
| Tab 2 | New Visual Simulations |
| Tab 3 | Regulatory Matrix (describing where information required by Council regulations can be found in the Revised Application, County FEIS or preliminary draft SEIS) |
| Tab 4 | Revised Wetland and Stream Report |
| Tab 5 | Revised Vegetation and Wildlife Report |
| Tab 6 | Revised Sound Analysis |
| Tab 7 | Turbine Hazard Analysis (a reprint of the report provided in the November 2006 Application) |
| Tab 8 | Revised Shadow Flicker Analysis |
| Tab 9 | Revised FAA Lighting Plan |
| Tab 10 | Supplemental Information Required by Council Regulations |

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Changes from the Original Project Proposal

Desert Claim filed an application with Kittitas County for the original Desert Claim Project in January 2003. Kittitas County issued a Final Environmental Impact Statement (County FEIS) in August 2004 and ultimately denied Desert Claim's application in April 2005. Prior to filing an application with EFSEC in November 2006, Desert Claim considered the issues that were raised during the County process and made several modifications to the Project. Since filing its initial Application with EFSEC, Desert Claim has been able to make additional changes to the Project.

The following is a summary of the primary changes Desert Claim has made to the Project since the Kittitas County Board of County Commissioners' decision. Some of these changes were reflected in the November 2006 Application, others are new to the Revised Application.

- The Project Area has been consolidated to one contiguous area covering 5,200 acres. The Project Area includes 3,671 acres of private land and approximately 1,529 acres of DNR land. Some northern and southeastern portions of the original Project area have been eliminated, and property has been added along the western edge.
- The total number of turbines has been reduced from 120 to 95.
- The turbine model has changed from the General Electric Wind Energy 1.5sl turbine (capacity 1.5 MW) to the REpower MM92 turbine (capacity 2.0 MW).
- There are now only 7 non-participating residences located within 2,500 feet of a proposed turbine. All are located more than four times the total tip height (4 x 410 feet) from the nearest turbine.
- Sound from the Project will be 50 dBA or less at the boundary with non-participating residential properties.
- Shadow flicker at adjacent residences has been substantially reduced, if not avoided altogether. For those residences (if any) that are affected by perceptible shadow flicker, Desert Claim has agreed to stop the blades of the wind turbine that causes the flicker during those times and conditions when shadow flicker occurs, or offer a voluntary waiver agreement to the land-owners in lieu of stopping the turbine.
- The Project will not result in any temporary or permanent impacts to wetlands, streams or their buffers.
- Daytime white strobe lighting has been eliminated and nighttime red lighting has been reduced to only 41 of the Project turbines.

A more detailed description of the Project is provided in the Project Description, which is attached at Tab 1.

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within 2,500 feet of a turbine. Those residences are located at distances ranging from 1,687 to 2,241 feet of the nearest turbine, distances that are more than four times the height of the turbines.

The Project will continue to use REpower MM92 model turbines, with a nameplate generating capacity of 2 MW. This turbine model has a total tip height of 410 feet (124.8 meters). The turbine tower has a height of 258 feet (78.5 meters), a rotor diameter of 304 feet (92.5 meters) and the rotors will be 106 feet (32.3 meters) above the ground when pointing straight down.

Applicant

The Applicant is Desert Claim Wind Power LLC, a Washington limited liability company that was created for the sole purpose of developing, permitting, financing, constructing and operating the Project. Desert Claim is wholly owned and managed by enXco, Inc. (enXco).

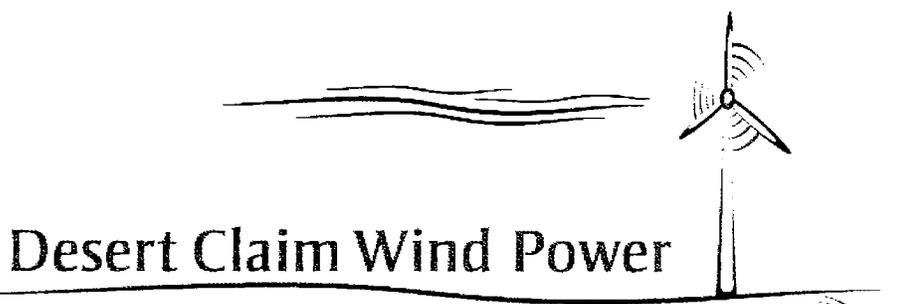
enXco is a privately-held company based in California that develops, constructs and operates commercial-scale wind energy projects. enXco has owned and operated wind energy projects in the United States for more than twenty years. It currently has approximately 1,375 MW of wind power projects in operation, and projects totaling more than 4,200 MW under development.

For purposes of WAC 463-60-025, Desert Claim continues to designate David Steeb as its agent:

David Steeb, Project Director
Desert Claim Wind Power LLC
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Contacts regarding the Revised Application should be directed to Mr. Steeb and the Applicant's attorney:

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Desert Claim Wind Power

a renewable energy project by



January 29, 2009

Jim Luce, Chair
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

**Re: Revised Application for Site Certification
Desert Claim Wind Power, Application No. 2006-02**

Dear Chair Luce:

Desert Claim Wind Power LLC (Desert Claim or the Applicant) hereby submits a Revised Application for Site Certification ("Revised Application"). The primary differences between the project proposal in this Revised Application and the project proposal in Desert Claim's November 2006 Application concern the Project Area and the turbine configuration. The Project Area has been modified to add land in the southwest and remove land in the northeast. This modification has allowed Desert Claim to add five more turbines while at the same time increasing the distance between proposed turbines and non-participating residences.

Reconfigured Desert Claim Project

The Revised Application describes the reconfigured Project, which now consists of 95 turbines capable of producing a total of 190 megawatts (MW) of electricity. It is located on approximately 5,200 acres in unincorporated Kittitas County, approximately eight miles northwest of the city of Ellensburg.

The Project Area now includes land to be purchased by a Desert Claim affiliate, land to be leased from four private land owners, and land to be leased from the Washington Department of Natural Resources (DNR). Unlike many wind power projects with turbines located along ridgelines, the Desert Claim Project occupies a relatively flat valley, with turbines spread throughout the project area. A 625-foot safety setback surrounds each turbine. Under the revised turbine configuration, there are only seven non-participating residences located

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Draft SEIS

On March 19, 2007, EFSEC issued a Notice of Adoption of the County FEIS and a Notice that it would be preparing a Supplemental Environmental Impact Statement (SEIS). At the request of the Council's Manager and SEPA Responsible Official, Allen Fiksdal, Desert Claim is also providing a preliminary draft of the SEIS prepared by Richard Weinman of Weinman Consulting, LLC with the assistance of various other environmental consultants.

EFSEC Process Going Forward

Following Desert Claim's submission of its Application in November 2006, the Council began the process of considering the application outlined the Council's regulations. The Council held a public information meeting on December 13, 2006, and held a Land Use Consistency Hearing on January 30, 2007.

On March 7, 2007, the Council issued Order No. 825, finding that the Project was not consistent with Kittitas County land use requirements because Desert Claim had not obtained the approvals required by Kittitas County Code chapter 17.61A. On May 8, 2007, the Council issued Order No. 830, concluding that Desert Claim had satisfied the requirements of WAC 463-28-030(1) and could proceed to file a request for preemption. On June 29, 2007, Desert Claim filed a request for preemption.

Shortly thereafter, Desert Claim indicated to the Council that it intended to make some improvements to the Project. Those improvements are reflected in the Revised Application.

During its February 2008 meeting, pursuant to RCW 80.50.100, the Council extended the time in which to review the Desert Claim application to February 19, 2009. By this letter, Desert Claim requests that the Council further extend the time period in which to review the application until December 31, 2009.

With the filing of this Revised Application, Desert Claim asks the Council to resume the EFSEC process by issuing a Draft SEIS, commencing the adjudicatory process, and establishing a deadline before which interested persons may file motions to intervene in the proceedings. We look forward to the Council's evaluation of the Desert Claim Project.

Sincerely,



David Steeb
Project Director