From: Geoff Saunders
To: CTED EFSEC;
cc: Talburt, Tammy (CTED);
Subject: FW: Notice of Availability of DSEIS Desert Claim
Date: Tuesday, April 07, 2009 3:23:34 PM
Attachments: notice avail DSEIS 4-6-09.pdf

You state in this notice that there will be a public hearing in Ellensburg. Why bother? Hundreds of people have attended dozens of EFSEC hearings about wind farms over the last 8 years, and neither you nor anybody at else at EFSEC could care less – it made not one whit of difference. We all saw that you were bored and irritated. You intended to approve the Horizon wind farm from day one, just as you intend to force this one on the county as well - hearings are just a legal nuisance, aren't they?

Geoff Saunders,
disgusted home owner a few hundred feet from the Horizon windfarm you forced on the county.
Want to buy my house? It will be worthless and a miserable place to be when the Horizon wind farm is built.

From: Talburt, Tammy (CTED) [mailto:TammyT@CTED.WA.GOV]
Sent: Tuesday, April 07, 2009 7:52 AM
Subject: Notice of Availability of DSEIS Desert Claim

Attached is the Notice of Availability for the Draft Supplemental Environmental Impact Statement for the Desert Claim Wind Project.

If you have questions on the project please contact Stephen Posner at 360-956-2063

Issues Opening the document please call me.

<<notice avail DSEIS 4-6-09.pdf>>

Tammy Talburt, Administrative Assistant 3
Energy Facility Site Evaluation Council
(360)956-2122
helping with the little things...

STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

April 6, 2009

DESERT CLAIM WIND POWER PROJECT

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT

Dear Interested Person:

This notice is to advise you that a Draft Supplemental Environmental Impact Statement (DSEIS) has been issued for the proposed Desert Claim Wind Power Project (Desert Claim). The proponent, enXco, has requested to build and operate a 190 megawatt wind power facility located on approximately 5,200 acres in unincorporated Kittitas County, Washington, approximately eight miles northwest of the City of Ellensburg.

The Energy Facility Site Evaluation Council (EFSEC or Council) has issued this DSEIS to supplement the Final Environmental Statement (FEIS) published by Kittitas County in 2004 for a larger but similar Desert Claim project. A Notice of Adoption of the FEIS was issued by EFSEC on March 19, 2007.

The DSEIS is available to interested persons free of charge. Copies may be requested by contacting EFSEC at (360) 956-2121, P.O. Box 43172, Olympia, WA 98504-3172. The DSEIS is also available in electronic format on CD-ROM, and on the internet at www.efsec.wa.gov.

The public and other reviewers may provide comments regarding the DSEIS to EFSEC. **The comment period for the DSEIS closes at 5 p.m. on May 4, 2009**. Please send your comments to: Allen J. Fiksdal, Manager, EFSEC, P.O. Box 43172, Olympia, WA 98504-3172. or by e-mail to efsec@cted.wa.gov.

Comments should be as specific as possible and may address the adequacy of the DSEIS or the merits of alternatives discussed, or both. Commenters are encouraged to supply relevant additional information, respond to the methodologies and processes identified in the DSEIS, and/or respond to the mitigation measures identified. **To be considered, comments on the DSEIS must be postmarked by May 4, 2009**.

(360) 956-2121 Telefax (360) 956-2158

EFSEC will review and respond to all comments received. Please note that comments received in response to this notice, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection.

Public Comment Meeting: Ellensburg, Washington

A public meeting has been scheduled to receive comments on the Desert Claim Wind Power Project DSEIS. The public meeting will be held as indicated below.

Thursday, April 23, 2009 - 7:00 p.m.

Hal Holmes Community Center
209 N. Ruby Street
Ellensburg, Washington 98926

For further information regarding this proposal, you may contact Stephen Posner at (360) 956-2063. You may access the DSEIS and find more information about the project and the review process at the EFSEC web site at www.efsec.wa.gov. Copies of the Desert Claim Revised Application for Site Certification, EFSEC No. 2006-02 and this DSEIS are also available for public review at the following locations:

Washington State Library
Joel M. Pritchard Library
Point Plaza East
6880 Capitol Blvd
Tumwater, WA 98504-2460
(360) 704-5200

Energy Facility
Site Evaluation Council
905 Plum Street SE
Olympia, WA 98504-3172
(360) 956-2121

City of Ellensburg Public Library
209 N. Ruby Street
Ellensburg, WA 98926
(509) 962-7250

City of Cle Elum Public Library
302 Pennsylvania Avenue
Cle Elum, WA 98922
(509) 674-2313

Central WA. University
Brooks Library
400 E. University Way
Ellensburg, WA 98926
(509) 963-1111

If you have special accommodation needs, please contact EFSEC at (360) 956-2121.

Allen J. Fiksdal
Manager, Energy Facility Site Evaluation Council

April 13, 2009

Allen Fiksdal
City Planner

RE: City of Ellensburg: Desert Claim Wind Power Project

Mr. Fiksdal:

Thank you for allowing the Spokane Tribe of Indians the opportunity to review and comment on submitted SEPA checklist.

I have received your permit of the project area, after doing archive research; no cultural resources have been reported in the APE.

This letter is your notification that your project has been cleared, and your project may move forward.

As always, if any artifacts or human remains are found upon excavation, this office should be immediately notified and the work in the immediate area cease.

Should additional information become available our assessment may be revised.

Again thank you for this opportunity to comment and consider this a positive action that will assist in protecting our shared heritage.

If questions arise, please contact me at (509) 258 – 4315.

Lem lmt,

Randy Abrahamson
Tribal Historic Preservation Officer (T.H.P.O.)

DWIGHT LEE BATES
[redacted]
Ellensburg WA
98926
(509) 925-[redacted]
[redacted]@elltel.net

March 9, 2009

Allen J. Fiksdal
Manager, EFSEC
P.O. Box 43172
Olympia WA
98504-3172

Dear Mr. Fiksdal,

This letter contains my comments on the Desert Claim DEIS.

Bird Kills

The summary of projected mortality of birds and bats shows the research for this DEIS is incomplete. Studying other studies and giving a range of information does not substitute for doing an actual two year study of the turbine sites near Ellensburg. The species listed (offers a reason for a thorough study.

Bird Kill Mitigation

The mitigation methods to reduce bird kills are a band aid approach. The real problem is the 20 RPM blades cause bird kills. The estimated number of kills in Altamont Pass, California is 44,000 birds in 20 years. The only mitigation is to not build turbines period.

Study on Bird Kills

two year study is needed before even writing this Draft Environmental Impact Statement (DEIS). Promises do not get it. We should halt this process until the two year study is done. complete two year study needs to be done.

Passerine Bird Kills

The estimated 740 kills of Passerine birds is unacceptable for the minor amount of electricity generated by these bird and bat killing turbines.

Fire

The fire mitigations are not good enough. Fires fanned by the wind have occurred in the area in the past. I live down wind and do not want to lose my house like happened in the California fires. A Quick Response Plan by Department of Natural Resources is needed. It goes without saying that a better fire suppression Plan is needed. Without this Plan which should have been submitted in the DEIS, this process should not proceed further! Promises to provide a plan in the future is not good
enough.

Visual Impact of Turbines

The high turbines are too high. They will impact the scenic view I have out my front windows. I retired here for the scenic views of the valley. I do not want to look out my windows and see these monstrosities with flashing lights all hours of the day.

Highway 97 a Scenic Byway is surrounded by these monstrosities. These turbines should not be located anywhere near Highway 97. Wind farms are not scenic. Do not give me it is in the eye of the beholder crap! They may interesting at first but this soon fades. I have seen wind farms at Stateline, Tehachapi and Palm Springs so I know what I am talking about.

The simulated views of turbines are ugly. I do not want to see foot monstrosities out in the country where I drive to relax! You people have no right to destroy a scenic valley I retired to for the scenery. The only reason you want to destroy the scenery with ugly turbines is your greed for the Federal Subsidies. Painting the turbines gray will not help. I do not want to see any turbines at all.

<u>Shadow Flicker</u>

Planting trees to prevent shadow flicker and installing automatic shades are not solutions for shadow flicker. People living near these monstrosities report health problems which should be studied at these turbine sites. People living near the Lincoln Township Wisconsin Wind Farm stated in a survey (available upon request) that shadow flicker causes a strobe effect throughout their houses causing headaches and sick to stomach cases. Also this shadow flicker lowers property values. Where is the study in this DEIS on the effect these turbines have on lowering property values?

Blade Throw

A set back from these monstrosity turbines is not sufficient. Blades and ice could be thrown 1000 feet in a high wind. To ensure safety a 4000fot set back from residents and roads is needed. Measures to reduce blade throw are both mandatory and common sense. What report can the public see to ensure these inspections take place on a regular basis?

Ice Throw

The mitigation measures to locate these monstrosity turbines from residences should be changed to ensure safety. Who monitors the sensors to make sure the system shuts down in icing conditions? The set back from public roads is not safe enough to prevent a passer by on the road from getting hurt. A 4000 foot set back is needed for safety.

Tax Savings

The tax savings for this project are not given . To say it is a draft is not good enough. It should be written as thoroughly as possible before being submitted to the public for review. Does not the writer know the impact of these monstrosities in the Kittitas Valley for years to come?

Impact on Historical Culture

This DEIS is insufficient. Supplemental DIS needs to be done per Section 106 Regulations of the National Historic Preservation Act (NHPA). The respect for the Yakama Tribe is lacking. The tribe's culture depends on preserving Historical Sites.

Wildlife

The mortality rates given for wildlife and birds are estimates. A complete two year survey needs to be done before we can reasonably evaluate this DEIS. The species are listed as potentially occurring in the project area. This is not good enough.

Power Generated

The level of generated power listed shows that these monstrosity turbines generate only a minuscule amount of power. The beauty of a scenic valley is not worth destroying for so little power generated. Studies show that five tenths of one per cent of Washington power needs is all these monstrosity turbines will generate. We now sell our power to other states due to our dams high output. We do our part to generate national electricity. Let other states do their share by building efficient dams in their states as we have done. Wind farms are not the answer!

Lights

These turbines will cumulatively contribute to increased nighttime lighting in the Kittitas Valley. These lights are likely to have an adverse cumulative effect on views from residential properties in the Kittitas Valley . This is unacceptable! I retired here for the scenic view out my front windows. I do not want to see these horrible monstrosities with their flashing lights day and night. The low power output does not justify building these monstrosities anywhere. They are not cost effective.

The mitigation measures for lighting demonstrate how horrible these lights will be. I hate the lights we now have on the obnoxious cell phone towers in Kittitas County. The turbine red and white

flashing lights (20,000 candela) are too intense and will ruin views.

Noise

The statement that the residents will not experience elevated noise levels is not true. The Lincoln Township Wisconsin Survey shows that residents can not stand the constant noise from the turbines and have resulting health problems. The noise level for these

monstrosity turbines will affect the local residents. The 50 dBA noise level will affect the health of local residents
as the Lincoln Township Survey shows. The Lincoln Township Wisconsin Survey showed 67% of people near the wind farm were awakened by wind turbine noises.

Decommissioning

The Decommissioning Plan should be in the DEIS. This project should stop and the DEIS should be redone. . Where is the information on a bond Desert Claim we can tear down the turbines when they result in being eyesores, inefficient and a waste of taxpayer money? I think the wind farm companies will sell the wind farm and need to allow for tearing them down.

Aircraft Safety

I am a Private Pilot who flies in the Kittitas valley and these monstrosity turbines are in the way. They are too close to the Flying Rock Ranch grass air strip near Reecer Creek which I land on. Midstate Aviation at Bowers field trains CWU students to fly in the valley. The monstrosity turbines are dangerous and unsafe for these students. The very fact that the Federal Aviation Agency

requires lights proves these monstrosity turbines are a hazard to flight.

Setbacks

The setbacks are inadequate to protect from shadow flicker, flashing lights, noise, ice throw and blade throw. These set backs as I mentioned earlier should be 4000feet to ensure safety. This is especially true in our litigation society.

Property Values

Regardless of the untruths in the local Daily Record Newspaper that property values would not be affected, the results of the Lincoln Township Wisconsin Survey show that turbines within one mile lower property values by 26% and 74% of the people would not buy within a quarter mile of turbines. Real estate people in Kittitas county have stated that wind farms will affect property values. Who would want to live next door to these monstrosity turbines? Where is the impact on the Kittitas County property values.

Dwight Lee Bates
[redacted]
Ellensburg WA
98926
(509) 925-[redacted]
[redacted]@elltel.net

David Crane
[redacted]
Ellensburg, WA. 98926

April 13, 2009

EFSEC
Allen J. Fiksdal, Manager
905 Plum St. SE
Olympia, WA. 98504-3172

To Whom It May Concern,

This is in regard to the Desert Claim Wind Power Project DSEIS. In my opinion, the project has been carefully planned and will be a huge benefit to our city and county. I believe it has the support of a huge majority here in our valley.

Thank you for your wise and professional work in behalf of our community and state, in past projects. We are hopeful of a soon and smooth approval of the Desert Claim Wind Power Project and especially in view of the current (no pun intended) economic downturn and the urgent need of our schools.

The people at enXco have demonstrated commendable professionalism, restraint, and expertise in the design and development of this project.

Respectfully,

David Crane

David Crane
(509) 962-[redacted]

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2006-02 DESERT CLAIM WIND POWER LLC DESERT CLAIM WIND POWER PROJECT	ORDER COMMENCING ADJUDICATIVE PROCEEDING; NOTICE OF OPPORTUNITY AND CLOSING DATE TO FILE PETITIONS FOR INTERVENTION- **April 17, 2009** NOTICE OF PREHEARING CONFERENCE AND ORAL ARGUMENT ON INTERVENTION – **April 23, 2009 1:30 P.M. at Hal Holmes Community Center Ellensburg, Washington** NOTICE OF TOUR OF THE DESERT CLAIM WIND POWER PROJECT SITE – **April 23, 2009 Leaving at approximately 3:00 P.M. from the Hal Holmes Community Center Ellensburg, Washington**

NO
THESE ARE A JOKE!!
THEY DO NOT SUPPORT THEMSELVES ((TAX PAYS
DO — THEY THEN PAY PROPERTY OWNERS !!
THANKS

The Application

Desert Claim Wind Power Project, Application No. 2006-02 – On February 2, 2009 Desert Claim Wind Power LLC, a Washington limited liability company submitted a revised Application for Site Certification to the Washington State Energy Facility Site Evaluation Council (EFSEC or Council) to construct and operate the Desert Claim Wind Power Project (Project) a 190 megawatt electrical wind generation facility. This application is a revision to the original application submitted in November 2006 and includes the following Project design changes: The project area has been consolidated to one contiguous area covering 5,200 acres; the total number of turbines has been reduced from 120 to 95; non-participating residences located within 2,500 feet of a proposed turbine have been reduced to seven. The Project is proposed to be located in unincorporated Kittitas County, approximately 8 miles northwest of the city of Ellensburg.

EFSEC has taken lead agency status under WAC 197-11-938 of the State Environmental Policy Act (SEPA) rules for the environmental review of the Desert Claim Wind Power Project. EFSEC has prepared a draft supplemental environmental impact statement (DSEIS) for this project that has been issued for public comment. EFSEC will also conduct an

examination of the project through a formal adjudicative proceeding.

Notice of Adjudicative Proceeding

The Council is reviewing Application No. 2006-02 under the procedures set forth in Chapter 80.50 of the Revised Code of Washington (RCW) and Title 463 of the Washington Administrative Code (WAC) for reviewing applications for new major energy facilities. The statute requires the Council to hold an adjudicative proceeding under Chapter 34.05 RCW, the Administrative Procedure Act. EFSEC in this order commences the adjudicative hearing related to Application No. 2006-02 in accordance with the procedural requirements found in Chapter 463-30 WAC and Chapter 34.05 RCW.

Notice of Closing Date for Submitting Petitions for Intervention – April 17, 2009 5:00 P.M.

The statutory parties to an adjudicative proceeding are the Applicant, Desert Claim Wind Power LLC., and the Counsel for the Environment (as defined in RCW 80.50.020(12)), Assistant Attorney General, Bruce Marvin. According to WAC 463-30-050, any state agency that is a member of EFSEC, or has opted to appoint a Council member for this proposal, may participate as a party. Any other person may petition to intervene as a party in this adjudicative proceeding under RCW 34.05.443, RCW 80.50.090, and WAC 463-30-091. The Council will consider the requests for intervention and determine whether or not to grant intervention.

An "intervenor," as defined in RCW 80.50.020(3), may be an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized. Any such "person" who wishes to participate in this proceeding may petition for intervention. The nature of intervenor status and a discussion of factors that the Council has used in deciding whether to grant petitions for intervention are described in this notice.

Each person admitted to an adjudicative proceeding as an intervenor is a party to the proceedings only for the purposes and subject to any limitations and conditions specified in the EFSEC order, granting intervention.

In this case, the deadline for submitting requests for intervention is April 17, 2009.

The Council will consider requests for late intervention according to the requirements of WAC 463-30-091 and 463-30-092 and other considerations identified in this Notice. See the discussion below for further information. Also see Other Opportunities for Public Participation below.

How to Intervene

To be considered timely, Petitions for Intervention in the matter of Application No. 2006-02

Windmills generate complaints

ENERGY | Eastern Oregon residents are concerned that the nonpolluting turbines are noisy and may harm their health.

The Associated Press

BOARDMAN, Ore. – Wind turbines may supply power without pollution but they are also generating complaints about noise and even possible health effects for people who live near them.

Dan Williams says the 240-foot-tall turbines he can see from his hilltop home near Boardman in Eastern Oregon make so much noise they keep him awake at night.

Williams is among neighbors along Highway 74 demanding that Morrow County enforce state noise regulations on the Willow Creek Wind Energy Project or revoke its land-use permit.

The 40-year-old construction contractor told The Oregonian newspaper in Portland that wind-energy companies downplay the noise.

"They said this is going to be about as loud as your refrigerator in your house, which is a crock," he said.

With Oregon on track to triple its wind-energy production in coming years, concerns are likely to increase.

Oregon wind farms already generate 1,000 megawatts, enough to power as many as 300,000 homes, said Lou Torres, spokesman for the Oregon Department of Energy.

Wind farms to produce an additional 2,000 megawatts are in the works, he said, giving the state a total of about 2,000 turbines, many taller than the Statue of Liberty when blades are pointed up.

"When that (work) is completed in the next couple of years, we will probably be fourth or fifth in the country on wind energy," Torres told The Oregonian.

Many are planned for Columbia Plateau in Morrow, Sherman, Gilliam, Wasco and Umatilla counties.

The Oregon Facilities Siting Council last July approved a 909-megawatt farm with 305 turbines spread over 32,000 acres in Gilliam and Morrow counties, being developed by Caithness Energy of Chicago.

But the backlash is getting some attention.

In January, a Massachusetts company yanked plans for a wind farm outside The Dalles after opponents complained that it would be too close to homes, ruin spectacular Columbia River Gorge vistas and put wildlife at risk.

Other critics, including some in Oregon, cite work by a New York doctor who coined the term "wind turbine syndrome" to describe effects such as headaches, dizziness and memory loss of living near the machines.

"This thing is not rare," Dr. Nina Pierpont of Malone, N.Y., said of the syndrome.

Industry representatives dismiss such talk.

Shawna Seldon, spokeswoman for the American Wind Energy Association in Washington, D.C., said her group is unaware of any peer-reviewed research linking wind turbines and negative health effects.

Likewise, Mike Logsdon of Invenergy, the 6-year-old Chicago company that built the Willow Creek farm, also said there is no evidence suggesting the turbines cause health problems.

Still, another resident of the area, Mike Eaton, agrees with Williams and other neighbors who complain about the noise and vibrations from the turbines.

The retired 61-year-old furniture maker said the turbines give him nausea by aggravating inner-ear and balance problems he's had since a 1966-67 tour in Vietnam subjected him to the constant pounding of an Army 155-mm artillery piece.

"I cannot live where I'm living now with these decibels and vibrations," he said.

Carla McLane, Morrow County planning director, said health issues never came up during planning for the 72-megawatt Willow Creek project. The county approved the farm in 2005, and turbines began operating this past December.

But Ryan Swinburnson, an attorney for Morrow County, said officials take the complaints seriously.

"The county's position is if there is a violation, the violating party needs to correct it," he said.

Why Noise Criteria Are Necessary for Proper Siting of Wind Turbines

Date: November 02, 2008
By:
George W. Kamperman, INCE Bd. Cert. Emeritus
Kamperman Associates, Inc.
And,
Richard R. James, INCE
E-Coustic Solutions

Introduction

Although industrial-scale wind turbines are now a familiar sight in many countries, they are only now becoming common in the USA and Canada. If the past few years are any guide, industrial "wind farms" will become very common indeed in North America, especially considering the robust government incentives for renewable energy.

Nina Pierpont's foregoing report injects an element of caution, perhaps even alarm, into this enterprise. Her research reveals significant health effects associated with living in the vicinity of industrial wind turbines. As a result of her research and that of others, we have reviewed sound studies conducted by consultants for governments, wind turbine owners, and local residents for a number of sites with known health or annoyance problems. (We included the homes of some of Pierpont's study subjects in our review.)

It is clear from Pierpont's report that turbine noise is a major issue for virtually all of her subjects. That wind turbine noise might be responsible for the majority of ailments identified by Pierpont as Wind Turbine Syndrome should not be a surprise. Sound levels of the type and level of those found on properties and inside homes of people living near operating turbines are often associated with sleep disturbance and the vast set of pathologies known to be caused by noise induced sleep problems. Dr. Pierpont's work builds upon a foundation of well accepted health risks documented by the World Health Organization (WHO) and other health standards organizations.

Building on Pierpont's work and that of other clinicians, we have developed a set of simple guidelines, using dBA and dBC sound levels, for communities to use in maintaining turbine

noise emissions within healthy limits. The following is a synopsis of a much longer report presenting measurement procedures and noise standards for use by towns in drafting responsible wind laws.[1]

Background

Wind farms using the newer 1.5 to 3 MW (megawatt) turbines have resulted in numerous complaints from people who find they no longer live in the quiet rural community they enjoyed before the turbines went online. Questions have been raised about whether the current siting guidelines used in the USA are sufficiently protective for people living closest to the developments. Research into the computer models used to determine the layout of industrial wind farms and the distances from residents nearest the turbines show that models are not accurate enough to be used as the sole basis for making siting decisions without corrections for known errors and unaccounted for weather conditions. The models fail to account for increased sound output from turbines, and the effects on sound propagation, under certain weather conditions. In addition, the models fail to disclose the known errors of the underlying algorithms that are given as ± 3 dB for ISO 9613-2 based computer models. Other tolerances for the input data and turbulence in the wind are also not disclosed, yet they can add another 8 dB to the wind turbine's sound levels at a receiving property under common weather conditions..

We also reviewed noise criteria from other countries used for siting wind turbines. Current standards for turbine siting rely either on not-to-exceed dBA sound levels, such as the 50 dBA limit promoted by the wind industry in the USA, or on not-to-exceed limits based on the pre-construction background sound level plus an add-on (e.g., L_{90A} + 5 dBA). Nearly all countries rely on A-weighted sound. Only Germany has an explicit limiter for C-weighted sound levels.

Discussion

Our study revealed that some people living as far as 3 km (1.9 miles) from a wind farm complain of sleep disturbance from turbine noise. Many people living one-tenth this distance

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[1]See www.windturbinesyndrome.com.

(300 meters, or 984 feet) from turbines reported major sleep disruption and other serious medical problems from nighttime turbine noise. It is important to realize that the peculiar acoustic characteristics of wind turbine noise immissions cause the sounds heard at receiving properties to be far more annoying and troubling than the more familiar noise from traffic, industrial factories, and even aircraft.[2] Hence, the common community noise limits and "rules-of-thumb" used for the more common community noise sources are clearly not appropriate for siting industrial wind turbines.

It is worth noting, furthermore, that rural communities located at a distance from industry, highways, and airport-related noise emitters are much quieter than what is normally classified as "rural" in other community noise standards. Our studies show that the A-weighted L_{90} background sound level in rural communities is often between 20 and 30 dBA, sometimes lower. For communities a mile or more from major roadways, nighttime background sound levels of less than 20 dBA are not uncommon. This also results in much lower dBC values than for other suburban or rural communities nearer major roadways. Our research shows that low frequency sound is often in the range of 25 to 40 dBC for communities a mile or more from highways. Thus, a new noise source with strong low frequency content is more significant when in an isolated rural community than in a suburban or urban area with more traffic and other man-made noises.

In general, *the further away from major roadways, airports, or industry the lower the low frequency background sound levels.* Thus, C-weighted criteria are more necessary in these communities to avoid problems inside homes, especially during late evening and nighttime.

We pose, below, some frequently asked questions, together with our responses. (The complete list can be found in the fuller version of our report at www.windturbinesyndrome.com.

Do national, international, or state and local community noise standards for siting wind turbines near dwellings address the low frequency portion of the wind turbine's sound immissions? No, they do not. Although state and local governments are in the process of establishing wind farm noise limits or wind turbine setbacks from nearby residents, these

[2] Sound "immissions" refer to sounds as heard at the receiving location. "Emissions" refer to the sound from the perspective of the sound source.

standards incorrectly assume that limits based on dBA levels alone are sufficient to protect residents.

Do wind farm developers have noise limit criteria or wind turbine setback criteria that apply to nearby residents? Yes. However, the wind industry routinely recommends residential wind turbine noise level limits of 50-55 dBA at the nearest home. These levels are far too high for the quiet nature of rural communities and pose health risks for the nearest residents, according to research like Dr. Pierpont's. An additional concern is that some of the methods for implementing computer models to predict operational sound levels at locations in the community report sound levels that are lower than what will occur in real operation. These two factors in combination can lead to post-construction complaints and health risks from locating wind turbines too close to people.

How does wind turbine noise impact nearby residents? Initially, the most common problem is chronic nighttime sleep deprivation. According to the reviewed medical research, this may develop into far more serious physical, psychological, and cognitive problems.

What are the technical options for reducing (mitigating) wind turbine noise immission at residences? There are only three: 1) increase the distance between source and receiver, 2) prohibit nighttime operation, or 3) reduce the source sound power immission.

Is wind turbine noise at a residence more annoying than traffic noise? Absolutely. Studies show that wind turbine noise was perceived by roughly 85% of respondents even when the A-weighted sound level were as low as 35.0–37.5 dB. Traffic and other common community noises levels seldom cause similar responses for perception, annoyance or sleep disturbance at such low sound levels.

Why do wind turbine noise immissions of only 35 dBA disturb sleep? The assumptions about wall and window attenuation being 15 dBA, or more, that are commonly applied to outdoor noise sources may not be sufficiently protective, considering the relatively high amplitude of the wind turbine's low frequency immission spectra. When evaluating sound penetration through a modern wood frame home all frequencies, including the lower frequencies, must be considered, not just the A-weighted levels. The reduction may be 15 dBA or more, but that is

not the proper criteria for preventing sleep disturbance. When considered as C-weighted values the difference from outside to inside the home may be only 6 dB or less. It is the low frequency aspect of wind turbine immissions that creates the "rumble problem" indoors, plus building vibration, and this can be addressed solely with C-weighted criteria.

What are typical wind farm noise immission criteria or standards? Limits are not consistent and may vary even within a particular country. For example:

a) Australia: the greater of 35 dBA or L_{90A} + 5 dBA
b) Denmark: 40 dBA
c) France: L_{90A} + 3 (night), L_{90A} + 5 (day)
d) Germany: 40 dBA
e) Holland: 40 dBA
f) United Kingdom: 40 dBA (day), 43 dBA (night) or L_{90A} + 5 dBA
g) United States:
    a. Illinois: 55 dBA (day), 51 dBA (night)
    b. Wisconsin: 50 dBA
    c. Michigan: 55 dBA

What is a reasonable wind farm sound immission limit to protect the health of residents? We propose a maximum property line immission limit of 35 dBA (L_{Aeq}) and that the post construction L_{Aeq} with turbines operating not exceed the pre-existing background L_{90A} + 5 dBA. We also include C-weighted criteria to address people's complaints of low frequency noise. The dBC (L_{Ceq}) operating immission limit shall not be more than 20 dB above the measured dBA (L_{A90}) pre-construction nighttime background sound level plus 5 dB. A maximum not-to-exceed limit of 55 dBC (L_{Ceq}) is also proposed with adjustments if there are near-by heavily traveled major roads.

Why should the dBC immission limit not be more than 20 dB above the background dBA (L_{A90} +5)? The World Health Organization (WHO) and others have determined that a sound emitter's noise, which results in a difference between a dBC and dBA value greater than 20 dB, will be a troubling low frequency issue.

Is not L_{A90} the minimum dBA background noise level? L_{A90} is the statistical descriptor representing the quietest 10% of the time. It is <u>not</u> the minimum noise level. It may be understood as the sounds one hears when there are no nearby or short-term sounds from man-made or natural sources. It excludes sounds that are not part of the soundscape during all

seasons including wind generated noise. It is very important to establish the statistical average background noise environment outside for a potentially impacted residence during the quietest sleeping hours of the night (typically 10 PM to 4 AM). Nighttime sleep disturbance has generated the majority of wind farm noise complaints throughout the world. The basis for a community's wind turbine sound immission limits would be the minimum 10 minute nighttime L_{A90} plus 5 dB for the period of 10 pm to 7 am. This would become the Immission Limit for the proposed wind farm during the night. This can be accomplished with one or more ten (10) minute measurements during any night when the atmosphere is classified stable with a light wind from the area of the proposed wind farm. The Daytime Limits (7 am to 10 pm) could be set 10 dB above the minimum nighttime L_{A90} measured noise, but with 24 hour operation of the wind facility the nighttime criteria will always be the limiting sound levels.

Doesn't wind noise mask the sound of wind turbines? It is true that the sound level can increase over the L_{90} background sound level as surface wind speeds increase, but it is not true that wind masking is <u>always</u> present when wind speeds at the hub are sufficient to power the turbines. Nighttime weather conditions, especially in warm seasons, often result in wind velocities at the turbine hubs sufficient to power the turbines, while at ground level there is little or no wind. The result is the turbines can be operating at (or close to) full capacity while it is otherwise very quiet outside the nearby dwellings. These conditions exist frequently on clear nights when there is the vertical heat radiation from the surface of the earth decreases after sunset and the atmosphere becomes "stable." This condition is the focus of the "wind turbine noise problem" for many people. On nights like this, in the quiet of a remote rural community, turbine noise can be disturbing for miles (reports mention 3 km, nearly 2 miles).

Proposed Sound Limits

The simple fact that so many residents complain of low frequency noise from wind turbines is clear evidence that the single, A-weighted (dBA) noise descriptor used in most regions for siting turbines is not adequate. The only other simple audio frequency weighting which is standardized and available on all sound level meters is the C-weighting, or dBC. A standard sound level meter set to measure dBA is increasingly less sensitive to low frequency sound below 500 Hz. This is equivalent to one octave above middle-C on the piano. The same sound

level meter set to measure dBC is equally sensitive to all frequencies down to 32 Hz (lowest note on a grand piano). It is generally accepted that dBC readings are more predictive of perceptual loudness than dBA readings whenever low frequency sounds are significant.

Based on the above evidence, we recommend that wind turbine noise be measured using a) the commonly accepted criteria, which are based on pre-existing background sound levels in dBA and dBC, with b) a maximum 5 dB allowance for wind turbine immission – that is, 5 dB maximum for the audible sounds from wind turbines, over and above existing background sound levels. In other words, we recommend L_{A90} +5 and L_{C90} +5. To address excessive low frequency sound, we add criteria for low frequency noise out of balance with higher frequency sound.

We summarize the wind turbine sound limits as follows:

Wind Turbine Sound Limits to Protect Public Health

1. Establishing Long-Term Background Noise Level

a. Instrumentation: ANSI or IEC Type 1 Precision Integrating Sound Level Meter plus meteorological instruments to measure wind velocity, temperature and humidity near the sound measuring microphone. Measurement procedures must meet ANSI S12.9 Part 3.

b. Measurement location(s): Nearest property line(s) from proposed wind turbines representative of all non-participating residential property within 2.0 miles of project boundary.

c. Time of measurements and prevailing weather: The atmosphere must be classified as stable with no vertical heat flow to cause air mixing. Stable conditions occur in the evening and middle of the night with a clear sky and very little wind near the surface. Sound measurements are only valid when the measured wind speed at the microphone does not exceed 2 m/s (4.5 mph).

d. Long-Term Background sound measurements: All data recording shall be a series of contiguous ten (10) minute measurements. The measurement objective is to determine the quietest ten minute period at each location of interest. Nighttime test periods are preferred unless daytime conditions are quieter. The following data shall be recorded

simultaneously for each ten (10) minute measurement period: dBA data includes L_{A90}, L_{A10}, L_{Aeq} and dBC L_{C90}, L_{C10}, L_{Ceq}. Also record, maximum wind speed at the microphone during the ten minutes and a single measurement of temperature and humidity at the microphone for each new location or each hour whichever is more often. A ten-minute measurement contains valid data provided: Both L_{A10} minus L_{A90} and L_{C10} minus L_{C90} are not greater than 10 dB and the maximum wind speed at the microphone did not exceed 2 m/s during the same ten-minute period as the acoustic data.

2. Wind Turbine Sound Immission Limits

No wind turbine or group of turbines shall be located to cause wind turbine sound immission at any location on non-participating property containing a residence in excess of the limits in the following table:

Table of Not-to-Exceed Property Line Noise Immission Limits[1]			
Criteria		**dBA**	**dBC**
A	Immission above pre-construction background:	$L_{Aeq} = L_{A90} + 5$	$L_{Ceq} = L_{C90} + 5$
B	Maximum immission:	35 L_{Aeq}	55 L_{Ceq} for quiet[2] rural environment 60 L_{Ceq} for rural-suburban environment
C	Immission spectra imbalance	L_{Ceq} (immission) minus (L_{A90} +5 (background)) ≤ 20 dB	
D	Prominent tone penalty:	5 dB	5 dB
Notes			
1	Each Test is independent and exceedances of any test establishes non-compliance Sound "immission" is the wind turbine noise emission as received at a property		
2	A "Quiet rural environment" is a location 2 miles from a state road or other major transportation artery without high traffic volume during otherwise quiet periods of the day or night.		
3	Prominent tone as defined in IEC 61400-11. This Standard is not to be used for any other purpose.		
[1] The procedures amending ANSI S12.9, Part 3 provided in the most recent version (2.1 or later) of the **"THE "HOW TO" GUIDE TO SITING WIND TURBINES TO PREVENT HEALTH RISKS FROM SOUND"** by Kamperman and James apply for this table.			

3. Wind Farm Noise Compliance Testing

All of the measurements outlined above in 1. Establishing Long-Term Background Noise Level must be repeated to determine compliance with 2. Wind Turbine Sound Immission Limits. The compliance test location is to be the pre-turbine background noise measurement location nearest to the home of the complainant in line with the wind farm and nearest the wind farm. The time of day for the testing and the wind farm operating conditions plus wind speed and direction must replicate the conditions that generated the complaint. Procedures of ANSI S12.9-Part 3 apply as amended and the effect of instrumentation limits for wind and other factors must be recognized and followed.

We have based our recommendations in this report on our present understanding of wind turbine sound emissions, land-use compatibility, and the effects of sound on health. Anyone choosing to follow these recommendations must assume all risks. Please seek professional assistance in applying these recommendations to any specific community or Wind Energy Conversion System (WECS) development.

For the most current version of the recommended criteria (2.1 or later), a sample noise ordinance and an explanation supporting the need for and basis of the criteria, please retrieve the full manuscript from: www.windturbinesyndrome.com.

April 23, 2009

:
Allen J. Fiksdal,
Manager EFSEC,
P.O. Box 43172,
Olympia, Wa. 98504 - 3172

The DSEIS that Desert Claim is asking to be considered is deeply flawed. The photography of the selected areas was edited for content and did not show the rural landscape at all. The simulations don't alter the size of the power poles and misrepresents the size and visibility of the windtowers. The barns and homes you do see, are in many instances over 30 feet high, and would be dwarfed by the windtowers. From Interstate 82 coming down the hill from Yakima the homes and barns in the project area are very visible. The presumption that they wouldn't be seen from town is ludicrous. The photographs also did not include the residences that will be visually impacted by the project and the number of citizens who will suffer from the destruction of the valley and its tremendous views. The DSEIS states that the land is sparsely populated and consists of pasture land and sagebrush. I am enclosing a map of the project site as it is portrayed in the DSEIS and the black dots represent residences that I was able to visually identify myself just from the road. As you can see there will be hundreds of people affected by the power project. In many parts of the country people are protected from having their views obstructed and ruined. How can EnXco get by with this sort of thing.

The people who live above the high line canal depend on natural water such as rivers and streams to irrigate pasture land and water livestock. We do not have access to the water from the canal. We also all depend on well water for home use. The ground water is tenuous, in that it is unpredictable as to how deep or where it flows. Desert Claim says that their disruption will be minimal, and temporary. I don't know how they can promise this when they need to build access roads, blast and excavate pads and pour the equivalent of 180,148 cubic feet of concrete for their 95 turbines. The access roads are 15 to 25 feet wide and provide vehicle access to the base of each tower. They will cross and crisscross 15 streams, 8 of them twice, and their construction will overlap 6 streams. They will also lay underground collection cables along these roads. These collection cables will also cross and crisscross the same streams. EnXco claims there will be no permanent disruption to the streams. Who are you kidding? Any disruption temporary or permanent is threatening the life blood of this area. We depend on the rivers and streams for our very survival. If I do not have the water I am entitled to under the Yakima River Adjudication Decision, then my pasture will die and the cattle with it. If my well fails and I have to dig another one , who will pay for the +360 ft. that need to be drilled to gain water, if it is available? A maintenance and operations building and a visitor center is also in the plans. They will need water for that. They say they will dig a well or get it from the landowner. I thought that well drilling in our county was under review? If they plan on getting water from the landowner as they say, then when did they plan on asking me if I would share my water rights? EnXco is very good at using the word temporary. The entire project is supposedly temporary. 30 years. For me and my husband its the rest of our lives and beyond.

The DSEIS claims that the bird mortality rate is acceptable and will not impact the species. They claim that 20 raptors per year, 400 passerines and 475 bats might die. The DSEIS states that in the whole columbia basin totaling all the wind projects we will lose 14000 birds and 8000 bats per year. They consider this insignificant and acceptable. They use those two words repeatedly in their DSEIS. No

mention of bald eagles or the bee population needed to pollinate alfalfa fields and orchards. Our agriculture is already in need of manual pollination. How many more bees can we afford to lose? None I would think. There is also no mention of the increase in rodent or mosquito population when the birds are gone, or the disease factor from their increased population. The ground vibration generated by the windtowers will drive the mice , rats and moles away from here to a safer place. Mabye to town??
The project area is still not contiguous. It has jutting areas and extensions that make it look like a building that has added wings and rooms to it making it not rectangular or square ; encompassing many land areas of unwilling and unhappy participants. Those people who thought that they had moved to the country and were bordered by state land where nothing would be built next to them are in for a rude awaking. The new towers are even taller than the proposal we turned down!!

The company says that it will replant disturbed areas. How do they plan to water that? If they are leaving it to nature, it will take 10 to 15 years to regrow. If they plan to plant and then abandon the care, then the new planting won't happen. They don't care about that. They will have gotten their project built, and I guarantee, sold to someone else, and the power will have been sold to the highest bidder, and Kittitas county?? We'll be left with the eyesore and no benefits.

Desert Claim promises 1.8 million to the local economy per year. Do you really believe that? They say that 340,00 will go to the school district. 775,000 to the DNR & State School Fund, 170.00 to county roads, 145,000 to county government, 40,000 to the hospital district, 210,000 to fire and rescue, 160 construction jobs, 3.6 million to the construction Local Income and 970,000 annually from new residents shopping in Ellensburg. Lets examine that more carefully. The land they are using is mostly private. The property taxes will be paid by the landowners, not EnXco. The land leased by the DNR will get some yearly $$. . The money for county roads, fire and rescue, county government , schools and hospitals, also comes from property owners although some will come from B& O taxes from EnXco, eventhough the majority will go to the General Fund and not Kittitas county. The only reason EnXco wants to build the project here is because they have secured land leases from private landowners and will receive huge tax write-offs and production credits from the federal government. The promised money includes 970,000 annually from people shopping in Ellensburg. Do you really believe that there will be that many tourists who stay here just to see a windfarm and will generate that much $$$ in shopping here? The residential base that has been paying their taxes faithfully for years will decrease. As many of us as possible will leave the area. Our home and land values will decrease and the chances of anyone buying our homes is minimal, but we will try to break even and go. This will become a community of Windfarms that generate electricity for California. The construction jobs will be gone after initial completion, and the workers will go home(far from here). If the local building doesn't warrant it, the people who were unemployed, will be unemployed again.

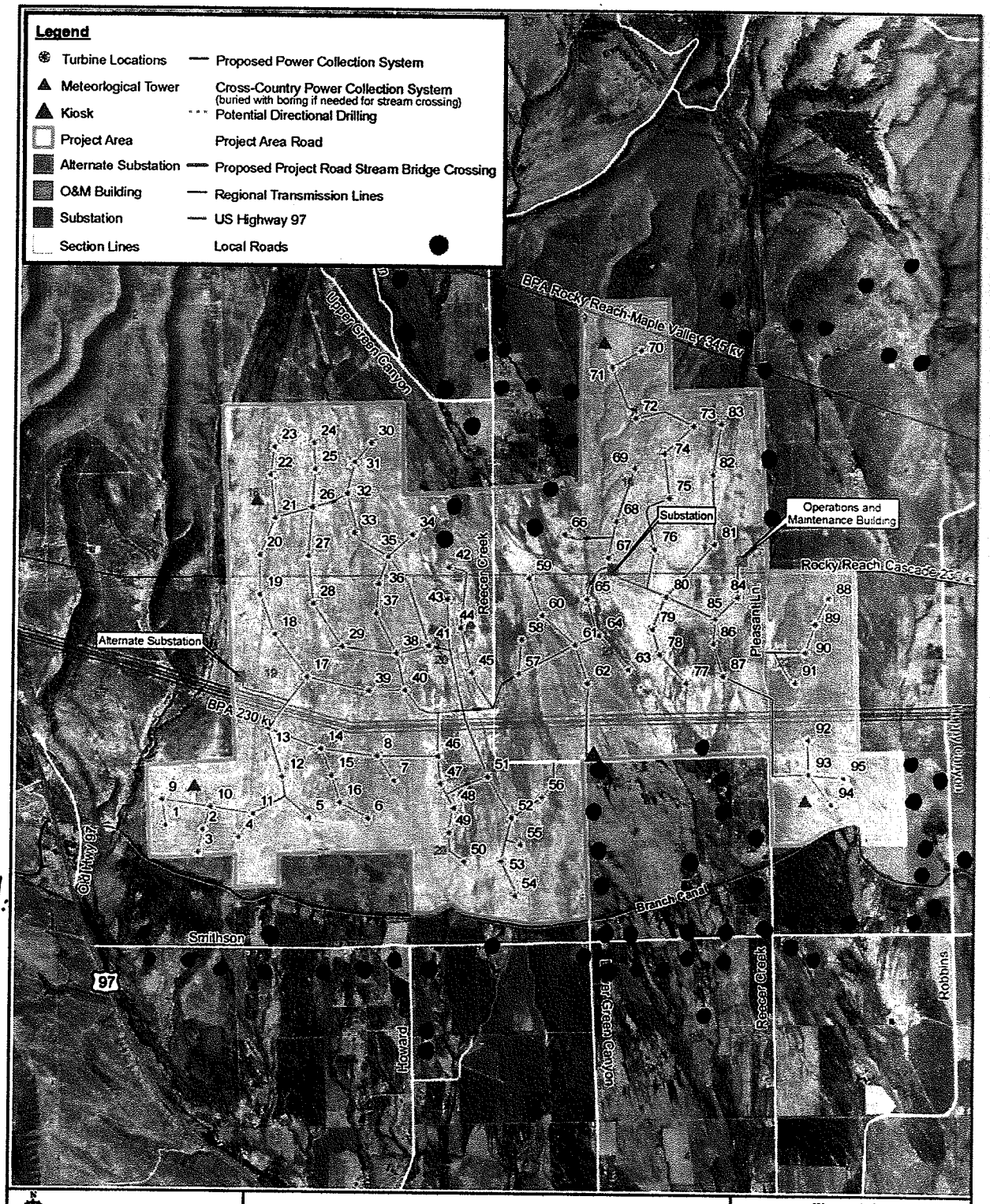
Desert Claim states that no alternative site is available. 92,160 acres belongs to the federal government. Make a deal with them. They seem to be subsidizing wind energy. Surely they will be receptive to the idea of windfarms on federal land? Let the military patrol it and reap some of the $ it promises to generate. Mabye it will reduce your taxes! 136,746 acres belongs to the state for wildlife habitat and conservation. Your planning to disrupt elk herds, deer population and many other kinds of wildlife with your proposal, and you claim it will have no effect. The fact that hunting and hiking and snowmobiling generates over 4 billion $ annually to our state has been greatly overlooked. The Reecer Creek area is one of the prime recreation areas of our State. Hunters, Hikers, Snowmobilers, and Stargazers come from all over the western U.S. To participate. I guarantee they spend more time and $ in our county than windfarm tourists. We'll lose them and their money.

Don't let the present state of the economy sway you into thinking that we need to embrace this opportunity. The economy will turn around and if we don't allow this power generating plant to destroy our valley, then we will emerge from this economic downturn intact. Tell the EFSEC NO, NO, NO!!!!! Wind turbines are to power what dirigibles were to airlines: huge, expensive, inefficient, low capacity, and totally dependant on perfect weather and government handouts! There were valid reason why this application was turned down 4 years ago. These same reasons still exist. Please support your citizens! They will be greatly affected if this comes to pass. At the very least restrict how many towers can be built and where. I've enclosed two different proposals that will make this project comparable to the kittitas wind power project you approved. Also get a promise from EnXco in the final contract that they can't sell out for at least 10 years; that the power will stay in the state and county,and that the 1.8 million dollar boost to the local economy will be guaranteed by them.

As a final incentive, my husband and I are willing to donate some of our 33 acres to someone interested in developing more solar power, but only if the windfarm DOES NOT happen. I'm sure there are companies out there who could build a solar facility for the same cost of the proposed windfarm. It would and could produce the same amount of MW , and use less land, be less destructive, less invasive and satisfy the GREEN requirement of the state and Federal Government.

Please stand by the county's 2005 decision and deny EnXco the right to destroy our valley . This is definitely the WRONG location for a power generating plant of this magnitude.

Chris & Lee Burtchett
[redacted]
Ellensburg, Wa. 98926 (509) 962-[redacted]



DESERT CLAIM WIND POWER

Kittitas County, Washington

Figure 2.2-5

Proposed Turbine Locations and Project Power Collection System

Date: 11/7/2008	GIS Analyst avh
Map Source Information: NAIP 2006 Kittitas County	

...\desert_claim\turbine_layout_7-24-08\figures\figure 9 project_power_collection_topo.mxd

● residences within view of project area.

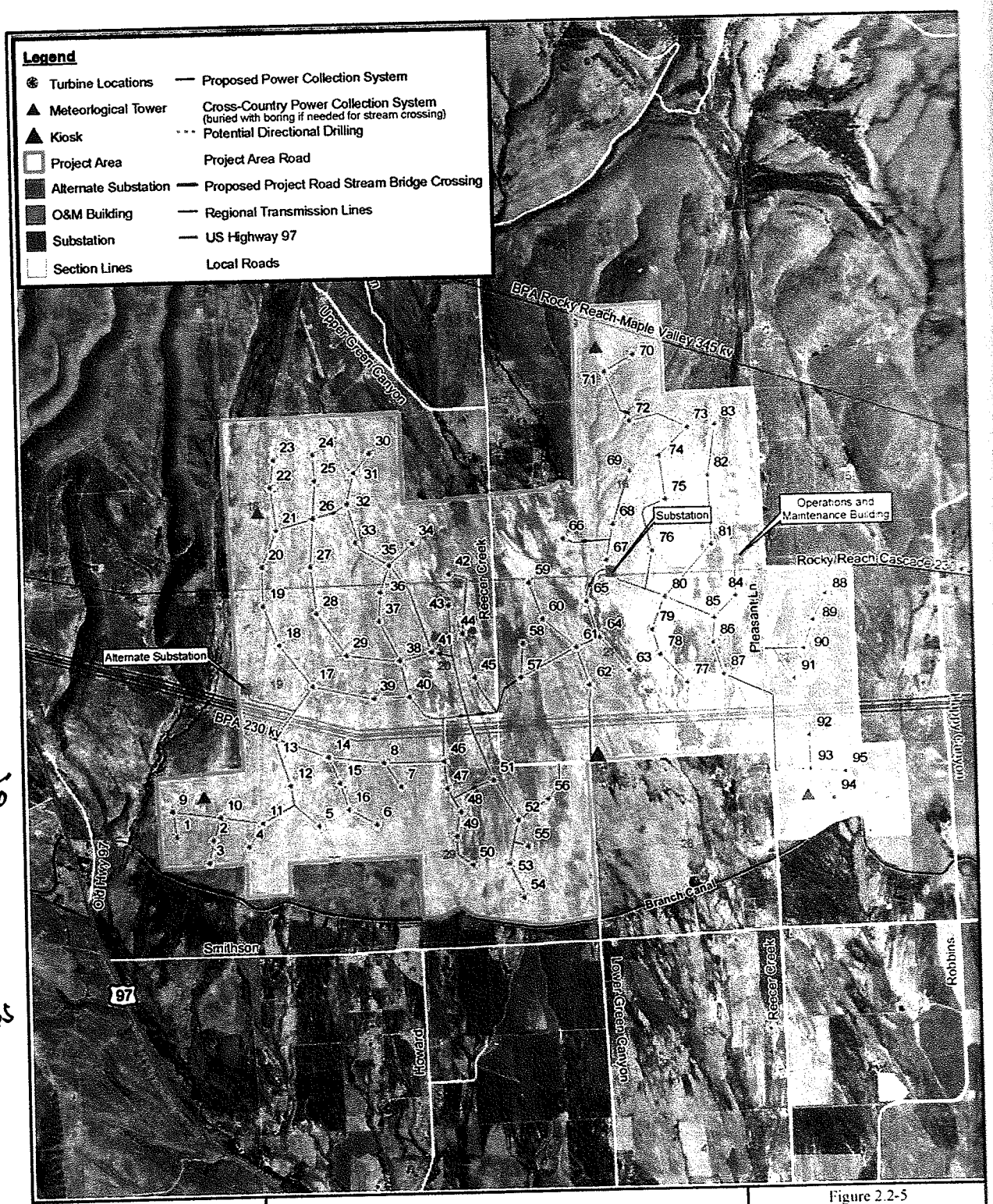
Aesthetics effect:

Highly Visible

Turbines: that should be eliminated:

46-54 } (13)
92-95 }

Still have 82-more than Kittitas Wind Power Project (APPROVED) Same 195 MW



DESERT CLAIM WIND POWER

Kittitas County, Washington

Figure 2.2-5

Proposed Turbine Locations and Project Power Collection System

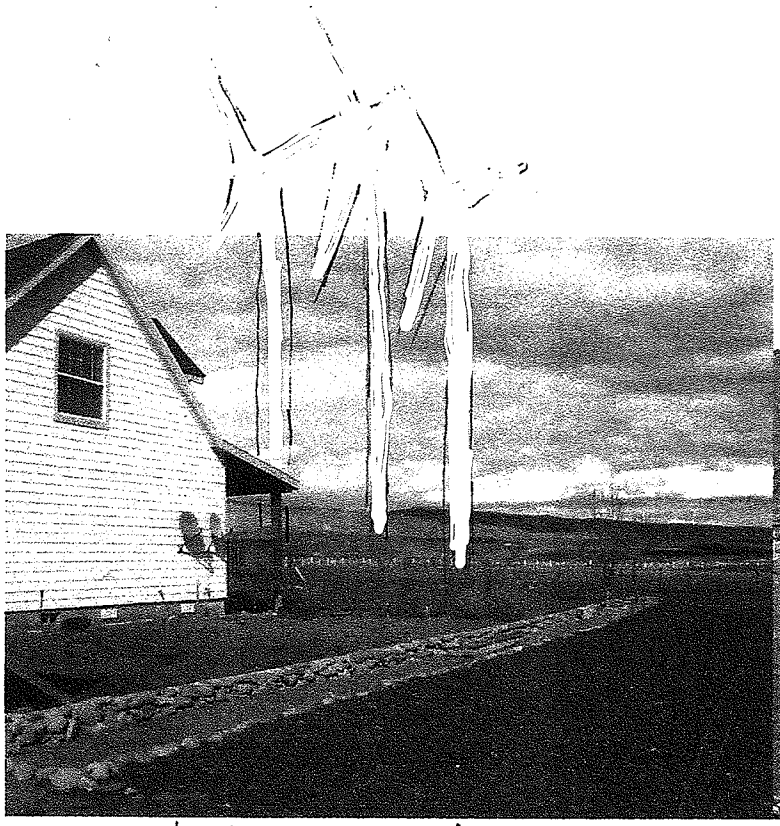
Date	GIS Analyst
11/7/2008	arh
Map Source Information NAIP 2006 Kittitas County	

...\desert_claim\turbine_layout_7-24-08\figures\figure 9 project_power_collection_topo.mxd

TURBINES
1-16 (16)
46-56 (10)
92-95 (4)
Total 30
Should not be built

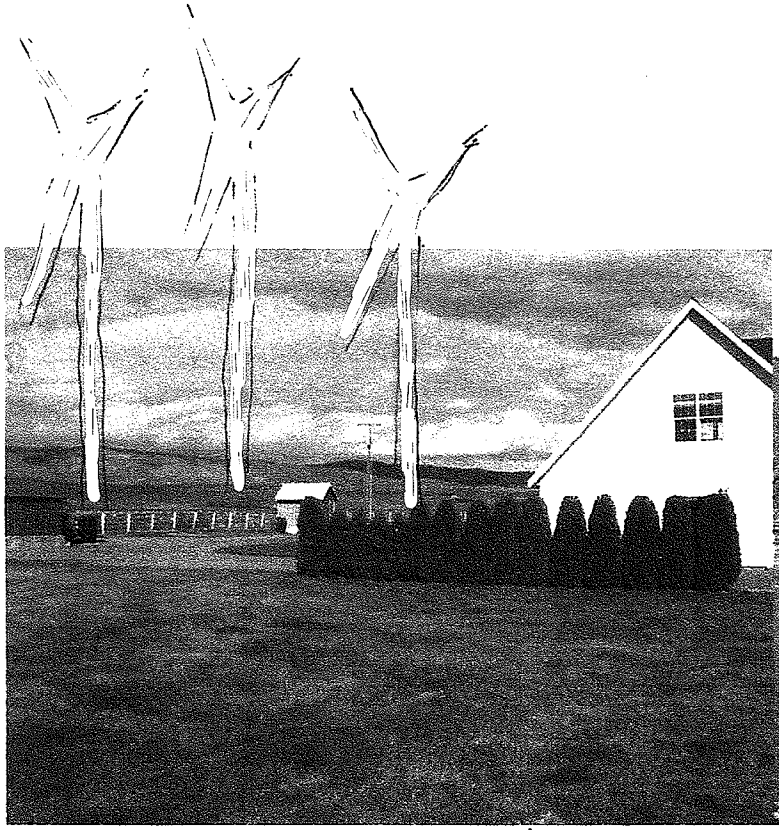
Reduce amt to 65 turbines

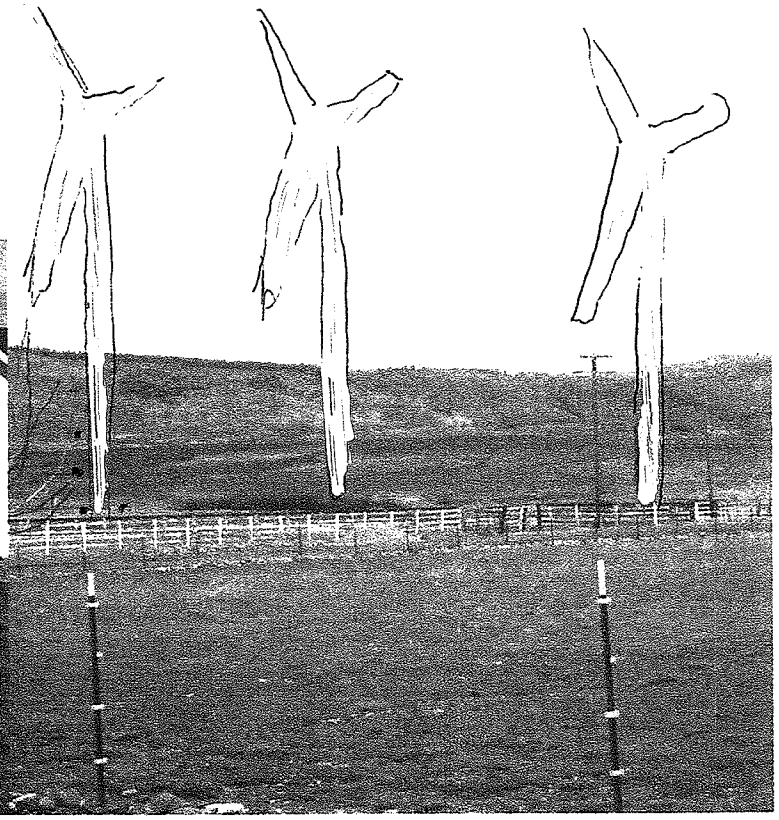
(Same as approved Kittitas Wind Power Project.)



my house looking NE to towers 92-95

my front yard looking NE





view to NE From my back yard
PowerPole 60'
wind turbine 410'

To EFSEC – a copy of my guest column in Daily Record April 21, 2009 Helen Wise

April 15, 2009

To the Editor:

The heading of the April 9, 2009 In Our View editorial was misleading: "County needs to have a seat at EFSEC table." The county has a representative on the EFSEC Council by law and has had with all EFSEC meetings related to wind power proposals from our county.

Your View supports the Commissioners consideration to file as interveners in the April 23 EFSEC hearing on Desert Claim Wind Power Project despite the cost involved. We should all be aware that intervention would, as you admit, cost the county taxpayers money for litigation but an even greater cost could be the delay of the process EFSEC is carrying out to make its recommendation to Governor Gregoire regarding a site permit for Desert Claim.

I would remind the editorial board that the original application proposal for Desert Claim Wind Power was submitted to Kittitas County in January 2003. (At that time wind farms were not a permitted use anywhere in Kittitas County.) Kittitas County was the lead agency and published a Draft Environment Impact Statement in December 2003 and the Final EIS for Desert Claim was published in August 2004. Many meetings and open hearings were held by the County Planning Commissioners and the County Commissioners. The Kittitas County Commissioners denied the Desert Claim application in April of 2005.

In November 2006 Desert Claim submitted an Application for Site Certification to EFSEC. The Draft Supplemental Environmental Impact Statement was published by EFSEC in April 2009. This document is the subject of the hearing on April 23, 2009 at 7:00 p.m. at the Hal Holmes Center.

Why did the County Commissioners have such a struggle deciding whether to sign up as interveners? Assuming that they have read the document, their hesitancy to sign up as interveners is understandable. The original proposal was redesigned and modified to mitigate the objections the County Commissioners made in denying the original project plan. They really have no issue to intervene for, especially since the State Supreme Court has validated EFSEC's authority.

I agree with Commissioner Paul Jewell that the Commissioners should attend the April 23rd hearing. If they go as interveners or as members of the public, I hope it is not just to delay the process. They could adopt the attitude so well expressed by Rich Elliot in his letter to the editor (on the same page as your editorial column) in which he supports the wind farm for all the benefits it will bring to the community.

Rich Elliot's letter bears repetition. I quote at least the last two paragraphs of it.

"The local economic impacts should not be ignored. All levels of local government are facing decisions that go beyond discretionary spending cuts. Cuts that will eliminate basic services in public health and education are under consideration and asking for additional taxes from our community is not attractive for a number of reasons."

"Desert Claim will create 160 construction jobs. Desert Claim will create 25 "family wage" sustainable jobs with an annual payroll of over $950,000.00. Desert Claim will generate over $1,000,000.00 in annual tax revenues which will offset losses, lower tax assessment rates for community members and add to the community's infrastructure."

In essence we are offered a "stimulus project" with private investment paying for it rather than the taxpayers. Come to the April 23rd hearing and be supportive. Let there be no delay! This project is "shovel ready"!! Let us boost our local economy and get the turbines on line and on property tax rolls.

Sincerely,
Helen Wise
925-[redacted]

Helen Wise

Public Comment
DSEIS #9

To: EFSEC
From: Craig Johnson
[redacted]
Cle Elum, WA 98922

Re: Desert Claim Project Support

To all: I support the Desert Claim Project, and I support wind energy in general. I installed a 1.8Kw unit on my own property in Cle Elum, and am proud to be a 'producer' of energy. As an engineer I know our society balances supply and demand of energy, and it is inevitable that non-fueled systems will be required. The fact is that this is a viable project in an economic recession.

Any resistance is moot. Esthetics is a personal perspective, especially when no one is interested in including the whole valley (power transmission lines and all). Personally, I find mercury vapor lamps and Kentucky blue grass a serious threat to my health (www.darksky.org) and a serious threat to our diminishing shrub steppe habitat http://www.wnps.org/ecosystems/shrubsteppe_eco/shrubsteppe.htm .

Environmental impact is also 'system dependent'; meaning that a claim of bird loss does not include the bird gains from habitat management. My sources claim that Wildhorse has more shrub-steppe wildlife than the adjacent (non-managed) residential areas. Even loss claims of 'threatened' birds are not supported by data. To the contrary, my sources claim that saving and managing this 'range land' has supported more (threatened) wildlife in the area.

Claims of economic 'loss' are unsubstantiated. In fact, the opposite is true. Private land has increased in value. And now our community can benefit! We have a chance to secure significant funding for public use.

Please support the Desert Claim Project.

Sincerely, Craig Johnson

SEIS Public Hearing Energy Facility Siting Evaluation Council

Members of the Council,

I speak to you tonight and a resident of the Desert Claim project area, a land use planner, a tax payer, and a proponent of clean renewable energy. My home is approximately ¾ of a mile from the location of the nearest turbine.

The tax benefits to various jurisdictions, the addition of much needed jobs both from construction - short term - and ongoing operation and maintenance – long term – benefit everyone in Kittitas County.

The project as presented is also good planning. Using one of our most predominant natural resources, the wind, in an area where I for one certainly don't need scientific instruments to tell me it blows a lot up there, makes good sense.

These are resource lands and in my professional and personal opinion the resources should be used for the benefit of many. This county has a wealth of resources, prime agriculture ground, timber, rivers, lakes and streams to name a few. This county has often been referred to as the Saudi Arabia of wind as I am sure you have heard.

Wind and solar resources are two that can make a real positive difference in energy generation for a long time and can keep up with developing technology to maintain and increase efficient use of the resources they capture.

RECEIVED
APR 23 2009
ENERGY FACILITY SITE
EVALUATION COUNCIL

The location of the project in the existing electrical grid area is another benefit of the Desert Claim project. Our preferential county policies for placement of major wind projects in areas far from the existing grid make little sense to me.

One thing in the SEIS and the previous FEIS I urge you to scrutinize closely is the potential impacts to birds. This area hosts numerous species of raptors and I hope you will assure the mitigations required will be appropriate.

Thank you for this opportunity to testify.

Jan Sharar
[redacted]
Ellensburg, WA 98926

Ph. (509) 925-[redacted]

Chasing a Legacy

the story of wind power in kittitas county

a windworks! northwest production
509.340.1444 | po box 859 | ellensburg, wa 98926

Confederated Tribes and Bands of the Yakama Nation
Established by the Treaty of June 9, 1855

Post Office Box 151
Toppenish Washington 98948

Allen J. Fiksdal, Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

April 22, 2009

RE: Desert Claim Wind Power Project Draft Environmental Impact Statement

Dear Mr. Fiksdal,

Thank you for contacting the Yakama Nation requesting review and commentary regarding the Desert Claim Wind Power Project Draft Environmental Impact Statement (EIS). The Desert Claim Wind Power Project is located within the Ceded Lands of the Yakama Nation, the legal rights to which were established by the Treaty of 1855, between the Yakama Nation and the United States Government. The Treaty set forth that Yakama Nation shall retain the rights to resources upon these lands and, therefore, it is with the assistance and backing of the United States Federal Government that Yakama Nation claims authority to these resources.

The Yakama Nation Cultural Resources Program staff has reviewed the Desert Claim Wind Power Project in terms of its potential for adverse impacts to environmental resources, sacred areas, traditional cultural properties, and archaeological sites. We have also reviewed the manner in which the Desert Claim Wind Power Project Draft EIS has addressed such impacts and, in doing so, we have identified the following concerns:

1.) The Draft EIS inventory and *informal* vegetation-survey made no attempt to identify traditional-subsistence, medicinal, or culturally important plants. The proposed project location lies within an area of known root-grounds and, therefore, the identification of these plants within the proposed project area is of utmost importance. Additionally, the Draft EIS did not examine the cumulative 400-acre loss of traditional plants and plant habitat expected to occur between the four Kittitas Valley wind project locations. The Yakama Nation has suffered the loss of many acres of root-grounds due to the construction of wind power projects throughout Washington State, and in particular the Kittitas Valley. Often, with such projects comes a loss of access to root-grounds and traditional resources, through property restrictions and safety restrictions, even when measures have been taken to conserve the resource.

Recommendations: A formal vegetation survey must be conducted with the presence of a Yakama Nation Cultural Specialist and should focus on the identification of traditional root-grounds, as well as the identification of traditional-subsistence, medicinal, ceremonial, and rare plants. Analysis of the vegetation survey and project-related impacts should also include estimates regarding how long it will take for these plants to return to their pre-project condition, should they be disturbed. Once traditional root-grounds have been identified, Yakama Nation requests that the Desert Claim Wind Power Project facilitate and provide unlimited, easy access to traditional root-grounds for members of the Yakama Nation. Furthermore, an examination of the cumulative loss of traditional plants and plant habitat due to construction of wind power projects throughout Kittitas Valley and Washington

State must be conducted in regards to the manner in which this loss has affected the practice of traditional lifeways.

2.) Desert Claim's identification of impacts to wildlife did not fully explore impacts to migratory birds, migratory bats, endangered species, and big game. The Draft EIS stated that despite the loss of thousands of animals per year, wind-turbine related mortality and habitat loss was considered not significant, as impacted species are considered "abundant" in the local area. Desert Claim states that the majority of impacts to wildlife remains unknown and will be fully explored after the facility is operational.

Recommendations: We recommend that the impacts to wildlife be examined in more detail *prior* to facility construction. To simply say that species are "abundant" does a disservice to the intricate balance of habitat and species populations. Further studies are required to determine cumulative impacts of wind facilities on wildlife populations, not only in regards to migratory, threatened, or endangered populations, but also to well-established populations. By disregarding this step, and simply studying effects post-construction, we run the risk of causing irreparable damage to an already floundering environment, injuring recovery efforts of endangered animals, and endangering species not yet threatened.

3.) The proposed location of the Desert Claim Wind Power Project sits precisely on one of the most archaeologically-dense areas of northern-Ellensburg. In fact, frequency of known archaeological sites drops considerably just outside Desert Claim property boundaries. Therefore, the location of the proposed wind facility, and the treatment of archaeological resources is of utmost concern.

The Draft EIS stated that out of 30 archaeological sites and 103 isolates identified, 26 sites will be adversely impacted by the construction of the wind facility, only 5 of which Desert Claim considers to be *significant* sites under Criterion D of the National Register of Historic Places (NRHP). It is proposed that impacts to only these 5 significant sites will be avoided through micro-siting of the wind turbines. However, at times, this may be impractical and, if so, mitigation through excavation and data recovery has been proposed. Impacts to non-significant cultural resources will not be mitigated.

The determinations of significance and the proposed mitigation measures made in the Draft EIS are unacceptable to the Yakama Nation, as is the destruction of sites deemed to be non-significant. Identification of significant pre-historic sites was based only on NRHP Criterion D. While admittedly significance under criterion C is unlikely (but not impossible) for pre-historic sites, Criterion A and B should have certainly been considered. It is not uncommon for pre-historic sites to have strong associations with events and people significant to Native American history and legends.

Furthermore, while it is understood that the proposed data recovery of impacted significant-sites is intended to be a way to "mitigate" damages by salvaging scientific information prior to site destruction, it should be noted that excavation is, by nature, destructive and will forever alter the contextual integrity of the cultural materials present at the sites. Furthermore, it must be remembered that proposed research questions and data recovery are the interest of science only, and do not serve the interest of the Yakama Nation, to whom these cultural resources belong. The value of archaeological and cultural sites goes far beyond what data they can yield. To the Yakama Nation, the value and integrity of a site lies in the fact that it simply exists, and is allowed to remain undisturbed.

Recommendations: Identification of significant pre-historic or Native American sites should be considered not only under NRHP Criterion D, but also under Criterion A and B. Consultation with Yakama Nation will be required to determine significance under these criteria. Excavation, data

recovery, and damage to archaeological sites and isolates should be considered unacceptable, and every attempt should be made to avoid impacts to cultural resources, significant or otherwise.

4.) The Desert Claim Wind Power Project Draft EIS made no attempt to identify Traditional Cultural Properties (TCPs) of the Yakama Nation. TCP sites are those that carry meaning to living members of the Yakama Nation, and can include legendary sites, sacred sites, traditional subsistence-gathering areas, as well as many other types of resources. Proper identification of TCPs can only be accomplished through consultation with Yakama Nation.

Recommendations: We recommend that the Desert Claim Wind Power Project consult with Yakama Nation Cultural Specialists regarding the identification of TCPs within the subject property, as well as the surrounding area. Impacts to TCPs should be considered in context of permanent loss of the TCP through construction damage, loss of access, and degradation of view-shed or aesthetic value.

We further suggest that Desert Claim consider the use of Yakama Nation biologists, archaeologists, and cultural specialists in refining their assessment of project-related impacts to cultural resources, wildlife, and habitat. Yakama Nation maintains a well qualified cultural resource staff that meets the Secretary of the Interior's Standards, and possesses inherent knowledge regarding the proper treatment and protection of Yakama Nation cultural resources.

In summary, Yakama Nation does not agree with the findings of the Draft EIS, and believes many significant and irreparable damages will be the result of such a project. Our prior knowledge of recent conduct by existing wind facilities and associated landowners has raised serious questions regarding the treatment of cultural resources, both during facility construction, and daily operation. Taking this into consideration, along with the above mentioned concerns, Yakama Nation will not condone the construction of the Desert Claim Wind Power Project, until further impact assessment and resource protection measures have been taken.

Please feel free to contact me at 509-865-[redacted] or Yakama Nation archaeologist, Jessica Lally at ext. 4766, if you have any questions.

Sincerely,

Johnson Meninick,
Yakama Nation Cultural Resources Program Manager

CC: Kate Valdez, Yakama Nation Tribal Historic Preservation Officer

YN Tribal Council Executive Board
Culture Committee Members
Cultural Resources Program Staff
CRP Files

Mr. Allen Fiksdal
EFSEC Manager
905 Plum St. SE, Building 3
P.O. Box 43172
Olympia, WA 98504-3172

Dear Mr. Fiksdal:

I am writing to address the visual simulations of the Desert Claim Wind Power Project in the Draft Supplemental EIS. Specifically, I want to discuss the focal lengths used in the simulations and the conclusions they draw based on them.

Before I begin my argument, I will tell you my qualifications to discuss photographic lenses. I am a high school photography teacher who teaches both film and digital photography. I have been teaching photography for about eighteen years.

As you are well aware, the focal length used for the photos in the FEIS was 35mm, and the recommendation in the Golder Report was that the photos be retaken using a 50mm focal length to more closely estimate what the human eye sees.

In the draft SEIS the methodology is described (p3-37) as using a 50 mm lens and that new pictures were taken to reflect the new configuration, and later they show the before and after views. The pictures they show are the same ones found in the revised application, which makes no reference to focal length that I could find. What I find troubling is that these pictures were taken with a 35mm focal length. How do I know that? First, from my experience of viewing photos with a critical eye, I can tell how wide the angle of view should be for a photo shot with a 35mm focal length versus one shot with a 50mm focal length. Second, I am very familiar with three of the views, as I live on Smithson Road, just west of Howard Road. I knew that there was simply too much information in the photos, that is, the fields of view were too wide to be shot at a 50mm focal length. If this were true, then the magnification of the objects in the frame would be affected; they would appear larger and closer. The impact of the turbines could be much greater than indicated.

Here is my proof, please see the enclosed photos:

View S1M (p. 3-72 in the SEIS): was taken right in front of my house; I shot Picture 2 in order to replicate all the features in the picture; so, I had to get in the three fence poles in the left foreground as well as the tree to the right in the middle ground, with room to spare on each side. In order to do this I had to use a focal

length of 31mm. My camera is a Nikon D80 with an 18-135mm Nikkor lens. Since not all digital cameras are the same, I am confident that the simulated photo was taken at or near a 35mm focal length. Picture 3 was taken from the same spot with a 50mm focal length. I see a significant difference in the size of objects within the frame. If this photo were used for a simulation, the turbines would appear significantly larger. In fact, in the simulated view, the turbine right behind the tree is between 9/16 and 10/16 inch from the top of the tree to the tip of the blade. Using simple proportions, the size of the turbine would increase to 15/16 of an inch. That may not seem like much to uncritical viewers, but the size of the turbine almost doubles from one picture to another.

View S6B (p. 3-80 in the SEIS): this picture is just too wide to be taken with a 50mm lens. In order to include all the information in view S6B, I had to shoot Picture 4 at a focal length of 32mm. I am confident that the focal length used in view S6B was at or near 35mm. Picture 5 shows what the scene looks like using a 50mm focal length. I compared the height of the prominent brown house with white windows in View S6B to its height in the 50mm shot. It increased from 2/16 to 4/16 of an inch. If the size of the house doubled, then it follows that the size of the turbines will also double. Again, I find that quite significant.

View 1C (p. 3-65 in the SEIS): this scene was more difficult to replicate, as there was extensive flooding in the area in earlier this year. If you look at the power pole near the middle of the picture, you will see that the replication is quite close. In Picture 6, I used a focal length of 31mm, so again, I am confident that view 1C was shot with a 35mm focal length. Picture 7 shows the scene using a 50mm focal length. A person who is untrained, or has little experience in viewing photos critically, may well decide that there is no significance difference in these photos, but there is a near doubling in size of the objects.

If these three simulations were made with photos shot with a 35mm focal length, how many other of the photos also had a focal length of 35mm? It's my educated guess that all the new viewpoints were photographed with a 35mm focal length.

I strongly disagree with the conclusion that the difference in focal lengths of the lenses used in the simulations is insignificant. I feel there is no way to accurately evaluate the visual impact that turbines will have in the area without reshooting photographs with at least a 50-52mm focal length. I predict that if the photos are re-shot with a 50mm focal length, the resulting simulations will depict turbines nearly double in size. That cannot be considered insignificant. In fact, it becomes a drastic difference.

Finally, I would like to invite you test my proofs. When you visit the project site on April 23, go to View S1M on Smithson Road, ¼ mile west of Howard Road. Hold up my picture shot at the 50mm focal length. If you close one eye, you can really see how the tree in the photo is almost the same size as the actual tree. Try it with View S1M. I think you will agree that the tree looks much smaller and farther away than the actual tree.

Sincerely,

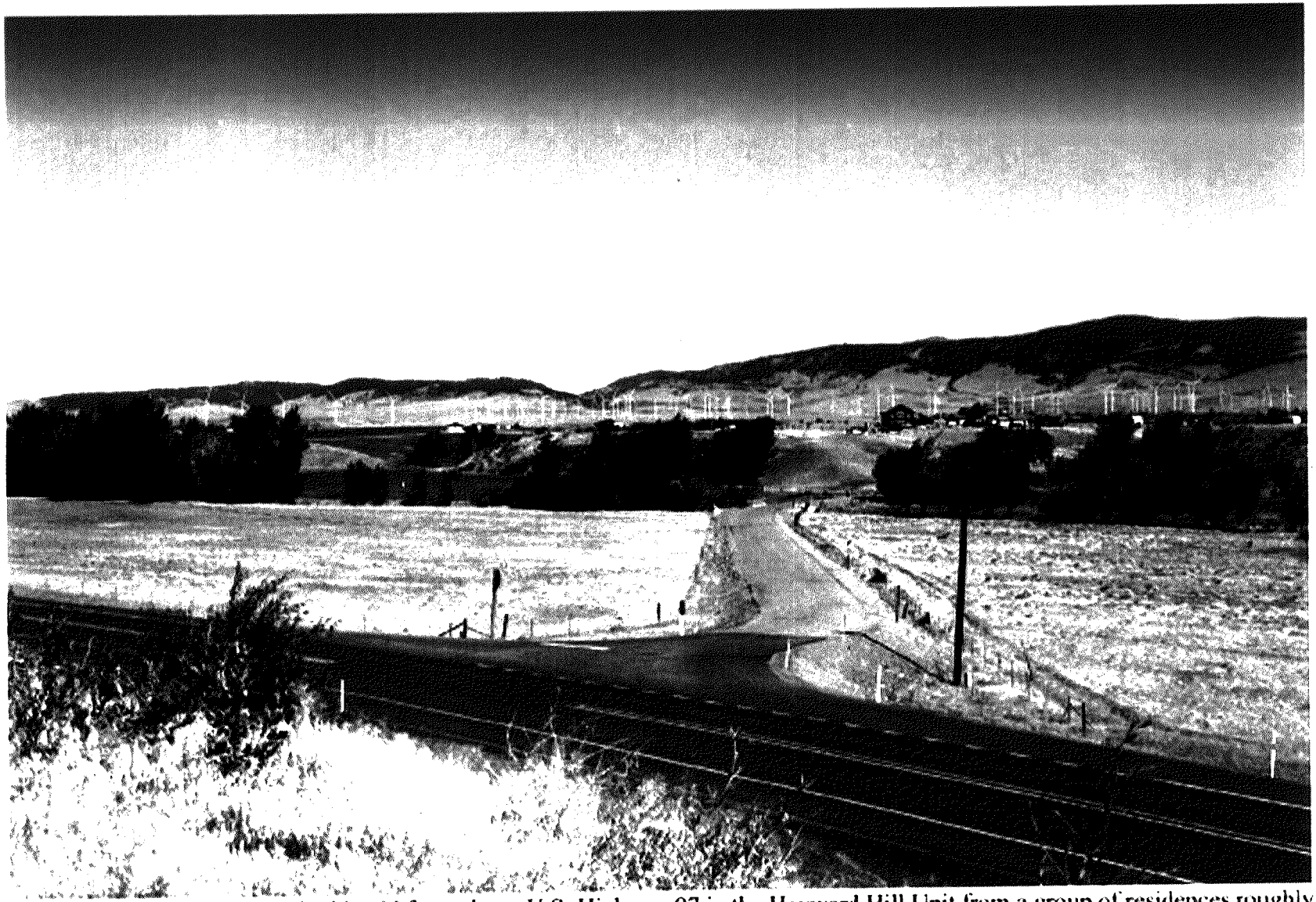
Patty Kinney

Patty Kinney
[redacted]
Ellensburg, WA 98926

Attachments: 9 photos

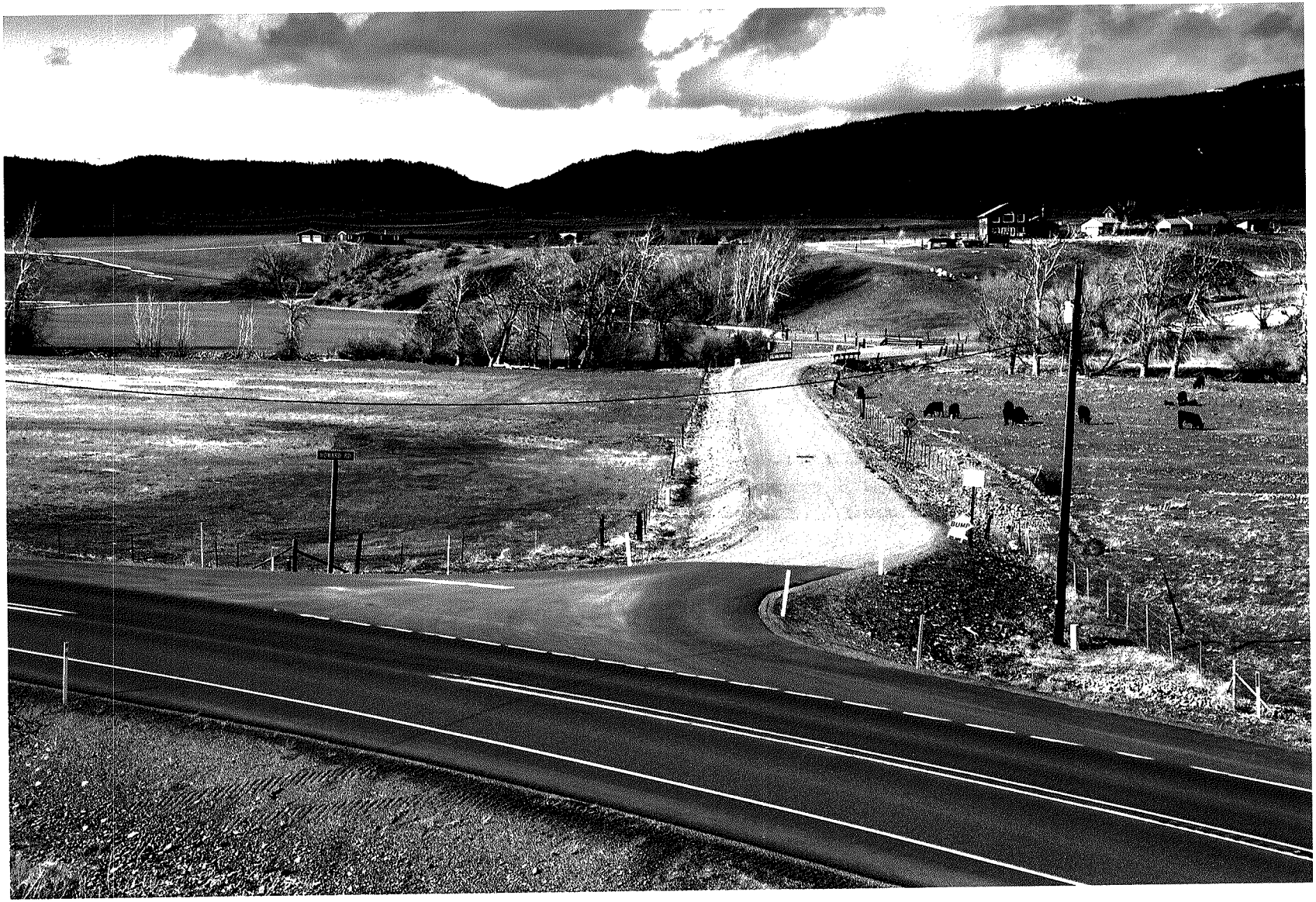
View S1M – Simulated view looking NE across the Northwest Valley Visual Assessment Unit from Smithson Rd., ¼ mile W of Howard Rd., just south of project boundary.

② View S1M 31mm

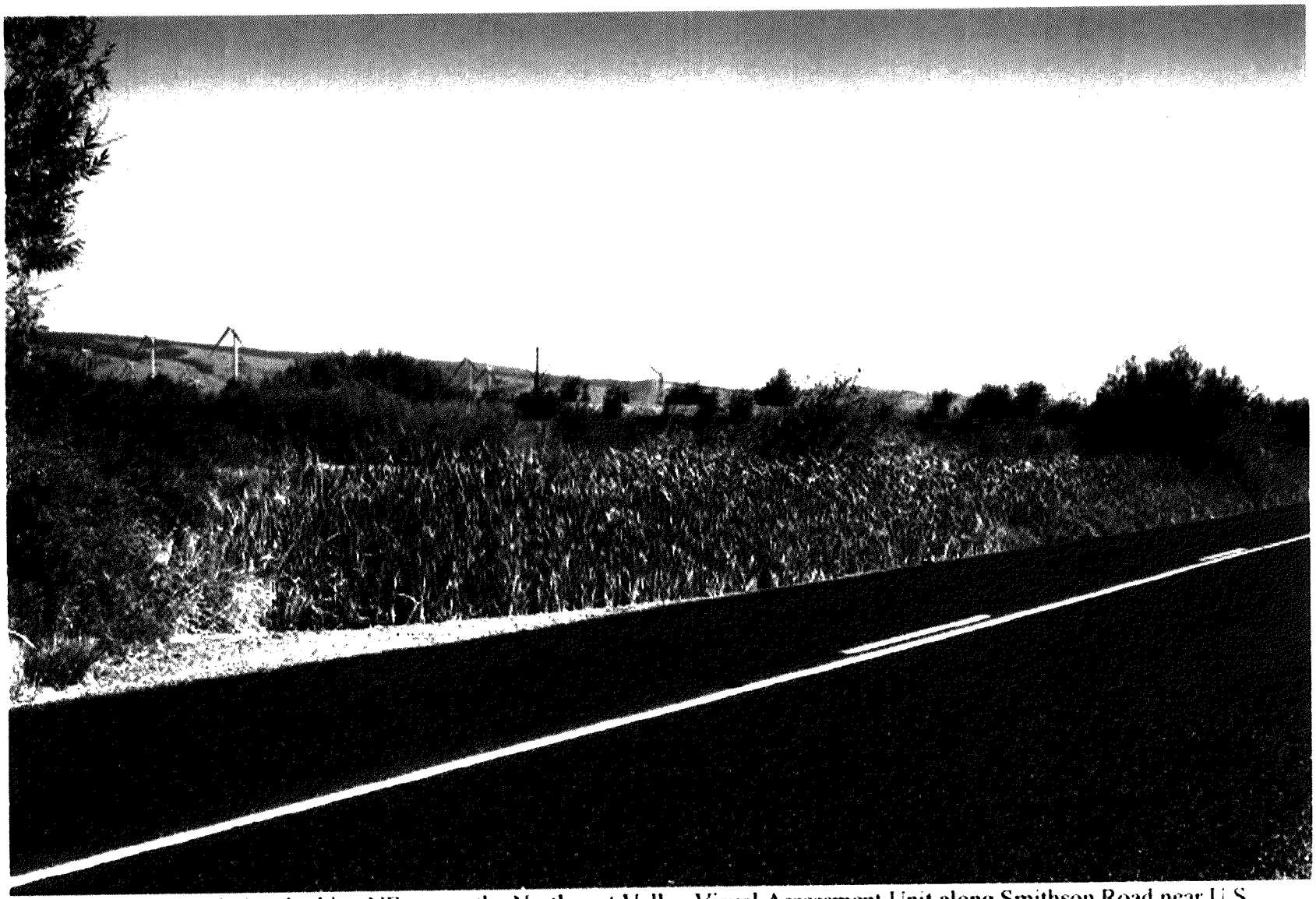


View S6B – Simulated view looking N from above U.S. Highway 97 in the Hayward Hill Unit from a group of residences roughly two miles south of the project boundary.

④ View S4B - 32 mm



© Vivo SbB - 50 mm



View 1C – Simulated view looking NE across the Northwest Valley Visual Assessment Unit along Smithson Road near U.S. Highway 97.

(7) View 1C 50mm

Public Comment
DSEIS #14

Washington State Energy Facility Site Evaluation Council

COMMENT FORM

Desert Claim Wind Power Project
Draft Supplemental Environmental Impact Statement

Public Meeting – Ellensburg, Washington, April 23, 2009

Name: THOM McCOSH

Address: [redacted] ELLENSBURG
(Please include your Zip!)

Please write any comments you have about the Desert Claim Wind Power Project Draft Supplemental Environmental Impact Statement below.

Leave this sheet in the Comment Box tonight, or mail it to: EFSEC, PO Box 43172, Olympia, WA 98504-3172. Comment letters must be postmarked by Monday May 4, 2009.

WE DO NOT OPPOSE WIND POWER ONLY THE LOCATION OF THIS PROJECT LET ~~THESE~~ THIS GROUP SUB LET SOME OF THE REMAINING 8400 ACRES AT WILDHORSE TO SITE THESE WINDMILLS THE BENIFIT TO ONLY A FEW LANDOWNERS SHOULD NOT OVERRIDE THAT BOTH THE COUNTY COMMISSIONERS AND THE VOTERS HAVE TURNED THIS AREA DOWN FOR WIND TOWERS.

Use the back of this form if you need more room for your comments.

RECEIVED
APR 23 2009
ENERGY FACILITY SITE EVALUATION COUNCIL

For more information about EFSEC's review of this project, please contact: Stephen Posner, Compliance Manager, PO Box 43172, Olympia, WA 98504-3172, telephone (360) 956-2063, or e-mail efsec@cted.wa.gov

THE JOBS, TAX GENERATION COULD STILL BE ACCOMPLISHED BY USING THE AREAS THE COUNTY WANT WINN TOWERS IN.

ONE REASON THESE COURT FOR AFFECTED FAMILIES IS SO LOW IS THAT THEY KNOW FORECLOSED AND CANCELLATION THE SET BACK REQUIREMENTS TO BE ABLE TO SITE THIS PROJECT AT THIS LOCATION

Public Comment
DSEIS #15

WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Commissioner of Public Lands

April 22, 2009

Allen Fiksdal
EFSEC
PO Box 43172
Olympia WA 98504-3172

SUBJECT: Desert Claim Wind Power Project DSEIS

The Washington Natural Heritage Program is responsible for maintaining information on the state's rare plant species as well as high quality native ecosystems. We have reviewed the DSEIS for the Desert Claim Wind Power Project and have the following comments.

Although we currently don't have any information on rare plant species occurring within the proposed project area, the area likely has never been surveyed for rare plants. The "informal survey, conducted in conjunction with wetland field work", which did not identify any rare plants, is not an adequate effort. A thorough survey by qualified botanists at the appropriate time of year, as is planned by the applicant this spring, is necessary to make that determination.

Shrub steppe communities once covered most dryland areas of eastern Washington. About half of the shrub steppe in Washington has now been converted to agriculture. The document acknowledges that there will be some loss of shrub-steppe habitat from the proposed project but states that this loss is not significant. Under Cumulative Impacts 3.2.1.5, we would like to see the long-term impacts of fragmentation addressed.

Thank you for consideration of our comments. If you have any questions or would like more information, please contact me by phone at 360-902-1697, or by e-mail at sandra.moody@dnr.wa.gov.

Sincerely,

Sandy Swope Moody

Sandy Swope Moody, Environmental Review Coordinator
Washington Natural Heritage Program

Land Management Division, PO Box 47014, Olympia WA 98504-7014

1111 WASHINGTON ST SE • MS 47001 • OLYMPIA, WA 98504-7001
TEL: (360) 902-1000 • FAX: (360) 902-1775 • TRS: 711 • TTY: (360) 902-1125 • **WWW.DNR.WA.GOV**
EQUAL OPPORTUNITY EMPLOYER

Public Comment
DSEIS #16

Washington State Energy Facility Site Evaluation Council

COMMENT FORM

Desert Claim Wind Power Project
Draft Supplemental Environmental Impact Statement

Public Meeting – Ellensburg, Washington, April 23, 2009

Name: Ellensburg School District Board of Directors

Address: [redacted] Ellensburg, Wa 98926
(Please include your Zip!)

Please write any comments you have about the Desert Claim Wind Power Project Draft Supplemental Environmental Impact Statement below.

Leave this sheet in the Comment Box tonight, or mail it to: EFSEC, PO Box 43172, Olympia, WA 98504-3172. Comment letters must be postmarked by Monday May 4, 2009.

see attached Resolution 10-04-09

RECEIVED
MAY 01 2009
ENERGY FACILITY SITE EVALUATION COUNCIL

Use the back of this form if you need more room for your comments.

For more information about EFSEC's review of this project, please contact:
Stephen Posner, Compliance Manager, PO Box 43172, Olympia, WA 98504-3172,
telephone (360) 956-2063, or e-mail efsec@cted.wa.gov.

ELLENSBURG SCHOOL DISTRICT #401

RESOLUTION 10-04-09

Siting of Wind Farm within Ellensburg School District Boundaries

WHEREAS, Members of the Ellensburg School District Board of Directors recognize that the taxpayers of the Ellensburg School District are being asked to continue to support their schools and other community services through construction bonds and special levies, and

WHEREAS, these obligations continue to require the passage of self imposed taxes on the taxpayers of the Ellensburg School District, and

WHEREAS, other school districts have received significant tax relief and benefit from the construction of a wind farm

THEREFORE, BE IT RESOLVED,
that members of the Ellensburg School District Board of Directors urge Governor Christine Gregoire to support the enXco Desert Claim Wind Power Project located in the Ellensburg School District and allow the taxpayers of the Ellensburg School District to enjoy the tax relief and other benefits such a project would provide

BE IT RESOLVED,

DATED this 22nd day of April, 2009

ATTEST:

Paul Farris, Superintendent
Secretary to the Board

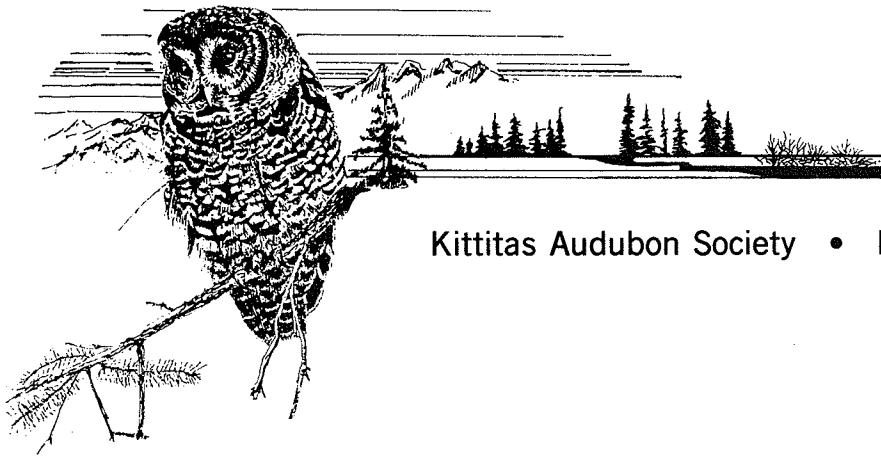
Chairperson

Director

Director

Director

Director



Public Comment
DSEIS #17

Kittitas Audubon Society • P.O. Box 1443 • Ellensburg, WA 98926

April 26, 2009

Allen Fiksdal, Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

RE: Comments on the SDEIS for the Desert Claim Wind Power Project.

Dear Mr Fiksdal,

We have reviewed the SDEIS as well as the FEIS and the Revised Application for Site Certification for the Desert Claim Wind Power Project and appreciate this opportunity to make comments.

We note numerous changes in the Revised ASC reflecting adoption of comments made to Kittitas County in the DEIS for this project. By our overlaying the maps for both projects, it appears that there have been roughly four new sections added to what was the western portion of the original DCWPP. Almost four sections, to the east and north were deleted. (We did not see comparison mapping of this sort in the SDEIS or Revised Application)

We surmised from the SDEIS that raptor nest surveys as well as new wetland surveys were done on the four new sections in the project as well as. We do not see any other new wildlife surveys such as birds, mammals, plant, reptiles etc. for the new sections. It appears as though a rare plant survey will be done before construction.

It is acknowledged in the SDEIS that very little is known about bats in this area. ***" Page 3-20. Unlike the situation with birds, there is little information available about local, regional or national populations of bat species" This is reiterated throughout the FEIS and SDEIS.***
We urge that a bat survey be done on this project. It is located in an area much closer to the forested mountains than WHWPP and has many wetlands and some streams on it which would attract bats for insect feeding and hydration.
Fall is when the young disperse and migration takes place so a study from mid summer to mid fall might be appropriate.

A bat survey was recently done on the Wild Horse WPP which, by the way, has no wetlands. This was a most welcome event.
The greater bat activity at the forested area and the springs was an important finding. (WHWPP SDEIS 3.2.1.4 page 23) Will there be more mortality of bats in the new expansion which includes this forested area adjacent to the springs?
We need to know more about bats in this entire area and a Desert Claim bat survey would provide important information based on this locale so close to raptor migration routes and perhaps bat migration routes.

Since the FEIS was done, the Bald Eagle has been delisted and is no longer an Endangered Species. It is however, still protected by the Bald and Golden Eagle Protection Act which prohibits "taking" Bald and Golden Eagles, their eggs, nests or parts without a permit. It imposes fines of up to $100,000 ($200,000 for organizations), imprisonment for one year or both for a first offense.
The original project area is one on which 13 Bald Eagles were documented during the survey. They come in to feed on the afterbirth of calving. The estimate that no impacts to Bald Eagles would occur is based on a statistical analysis of other projects, none of which have Bald Eagles as far as we know. It would be nice to know how many are on the Revised Project.
We urge that the mitigation measures on Page C1-22 of the FEIS be followed. A letter from the WDFW for the DEIS dated January 30, 2004 was included in the FEIS which emphasizes their concerns for potential turbine mortality to Bald Eagles and asks that conservation measures be incorporated as project requirements. (see copy of letter attached)

This letter also addresses the Habitat Mitigation Parcel for the project and points out that areas mapped and referred to as grassland are actually degraded shrub steppe and should be mitigated as such. **This issue is not addressed in the SDEIS. It still refers to Grasslands and Shrub Steppe as though they are different on the project. The Grasslands should be included in Shrub Steppe for mitigation purposes.**
This habitat is important for Sage Grouse restoration and would provide an increased area of that habitat
On the Wild Horse WPP a Sage Grouse nest was found last year, good news for the Sage Grouse.

Page 3-15 of the SDEIS, under Raptors, acknowledges that" raptor use for the Desert Claim site was slightly above average". Based on other projects "it is estimated that potential raptor mortality at the proposed Project could be higher than average." An estimate of 0-29 fatalities is estimated at one point, then 23. Since most fatalities are expected to be Red Tailed Hawk and Kestrels, which were interpreted to be very common, no significant impact was expected.
Unfortunately, the Kestrel has recently been acknowledged to be in decline. Hawkwatch International, which has a raptor migration spotting station at Chelan Ridge, has in their recent 2008 summary stated that. " At the 2007 joint meeting of the Raptor Research Foundation and Hawk Migration Association of North America in Allentown, Pennsylvania, a special symposium on American Kestrels was convened to draw

attention to evidence of widespread declines of this otherwise common and ubiquitous species." www.hawkwatch.org see "news" for the 2008 report.
This section of the SDEIS needs to be revised to reflect this change. Could the project have a significant impact on these little hawks?

Raptors are still a big concern for those of us at Kittitas Audubon. The DCWPP (as well as KVWPP) is located close to a north/south migratory area which may represent a "funnel" for raptors.

It is not just Kestrels which are in decline. The 2007 Audubon State of the Birds Report makes it clear that the Western Meadowlark is also one of our common birds in decline in Washington and the whole country. It is down 60% from 40 years ago. National Audubon states "a quarter of U.S. birds need our help to keep them from slipping toward extinction" Other birds in our area such as the Evening Grosbeak (down 93%), Yellow Headed Blackbird (down 72%) White Breasted Nuthatch, Prairie Falcon, and even our beloved Western Bluebird are also birds of concern on a national watchlist. Information at www.wa.audubon.org under June 2007 State of the Birds report and Seattle Audubon website: www.birdweb.org under Species of Special Concern.

There are many factors affecting this sad situation, such as habitat destruction, window impacts and cats.
Cumulative impacts of the Desert Claim Wind Power Project and the many windfarms being built across this region could be potential additives to this effect as far as we are concerned. ***We feel that wildlife fatality numbers and displacement (avoidance of structures etc) from wind power plants and all other sources as we mention above as well as types of habitats and their fragmentation should be studied in the context of population numbers. This is discussed in the new 2009 Oregon Columbia Plateau Windpower Guidelines on pages 33-38 under Cumulative Wildlife and Habitat Impacts Review and Recommendations.***

The Oregon guidelines also call for 2 years of post construction fatality studies. We Would like to see this done on all windfarms including this one. It could contribute considerably to our knowledge of impacts. The Wild Horse WPP is going to do a 2 year study to cover the new addition as well as the original project.

We understand that road building on the Wild Horse Wind Power Project resulted in the roads being much larger than anticipated. We have heard them referred to as "I-90 width" with more habitat destroyed than the plans for the project discussed. **Please make sure that this does not happen on this project if it is approved.** We need to try to conserve what little Sage Brush Steppe habitat we have left.

KAS has in previous comments expressed qualified support of wind power if industrial sites are appropriately located, but we feel this one is not so located. Wind farms are best suited in areas that are essentially ecological deserts such as intensively developed farm land. We have mentioned the Klondike installation in northern Oregon as such a place-one where there are few if any residences in an expanse of land devoted to grain

production and where the residents living at some distance with whom we spoke are supportive.

Finally, we would like to say that the changes made to Desert Claim are the result of the original project having gone through the county review process and having been denied. This process involved input from many concerned citizens and our commissioners, who represent the citizens of Kittitas County and its laws.
We, as citizens of Kittitas County and the State of Washington, mourn the loss of this local process and the loss of representation.

We thank you for your attention.

Sincerely,

Tom Gauron,
President

M. Janet Nelson

Janet Nelson,
Conservation Committee

Detecting the Trends: Raptor Population Index

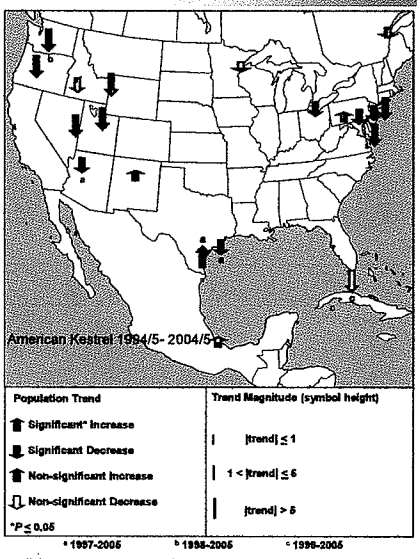
"The impact HWI's work has on people is important," says Walt. "The years of migration data will be used to protect our natural world for generations to come."

Walt Lehman remembers when HawkWatch International was known as the Western Foundation for Raptor Conservation. As HWI's volunteer lead bander in New Mexico, Walt has spent 20 years watching raptors head south over New Mexico's Manzano Mountains in the fall and return over the neighboring Sandia range in the spring. As he watches the sky for Swainson's and Cooper's Hawks, he takes satisfaction in being part of HWI's unique mission.

In June 2008, the data Walt helped collect were merged with migration data from across the continent to create *State of North America's Birds of Prey*, an in-depth analysis of long-term raptor migration data developed by HawkWatch International and partner organizations Hawk Mountain Sanctuary and the Hawk Migration Association of North America.

The data confirms the continued resurgence of America's national bird, the Bald Eagle, while uncovering a disturbing decline in the American Kestrel, the continent's smallest falcon. Peregrine Falcons, who, like the Bald Eagle, were once endangered by the pesticide DDT, have also bounced back strongly.

Walt smiles when he considers how his long-term commitment to HawkWatch International's efforts has contributed to understanding these trends, and the jump start the data offer conservationists in protecting slipping populations before it's too late. "The impact HWI's work has on people is important," he says. "The years of migration data will be used to protect our natural world for generations to come."



Bildstein, K.L. et al. *The State of North America's Birds of Prey*. Fayetteville, AR: AOU Publications Office, 2008

this species have been among the highest to date for the past three seasons, whereas recent Sharp-shinned Hawk passage rates have remained below those seen between 1998 and 2002 (Figure 4). The Broad-winged Hawk and American Kestrel regressions tracked similar patterns of decline through 2003, but then relatively stable patterns thereafter (Figures 5 and 7). Lastly, a significant quadratic regression continued to track a hill-shaped pattern in passage rates of adult Golden Eagles, with an increasing pattern evident during the first three years of the project but a decreasing pattern of similar magnitude evident since 2004 (Figure 6). A similar pattern is evident for non-adult Golden Eagles, except that high peaks in 2000 and 2006 precluded a significant quadratic model fit (Figure 6).

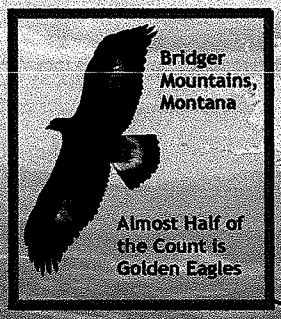
Smith et al. (2008a) present trend analyses of data collected through 2005 for most of the long-term, on-going, autumn migration studies in western North America, including Chelan Ridge for the first time. These analyses (hereafter called the Raptor Population Index or "RPI" analyses; see http://www.rpi-project.org) are based on a more complex analytical approach (also see Farmer et al. 2007) than that represented in Hoffman and Smith (2003) and used herein to present analyses updated through 2008. Among other refinements, this new approach both fits polynomial trajectories to the complete series of annual count indices and allows for estimating rates of change between various periods, while also allowing for assessments of trend significance and precision. Note, however, that restrictions related to the mathematical assumptions behind the new approach precluded analyzing data for rare species, which in this case included all buteos except Red-tailed Hawk, and Prairie and Peregrine Falcons. Otherwise, with a few notable exceptions, the overall patterns of change and derived trend estimates suggested by the new modeling technique generally yielded similar inferences as those derived using the simpler methodology of Hoffman and Smith (2003) and presented herein to provide trend assessments updated through 2008.

Differences between the RPI results and those presented herein that clearly relate to addition of three more years of data include: a) replacement of marginally significant to significant linear declines for Sharp-shinned and Cooper's Hawks in the RPI results with marginally significant to significant quadratic trends illustrating sustained, recent recoveries; b) replacement of a marginally significant decline for Northern Goshawks in the RPI results with no significant overall trend, reflecting three years of improved counts from 2006–2008; and c) replacement of a marginally significant linear decline for American Kestrels in the RPI results with a significant quadratic trend reflecting a stabilizing pattern since 2003. No other noteworthy differences were apparent among the inferences generated by the RPI and updated Hoffman and Smith (2003) analyses.

At the 2007 joint meeting of the Raptor Research Foundation and Hawk Migration Association of North America in Allentown, Pennsylvania, a special symposium on American Kestrels was convened to draw attention to evidence of widespread declines of this otherwise common and ubiquitous species. The proceedings of this symposium are expected to be published in the Journal of Raptor Research later this year, and will include another manuscript that specifically summarizes migration trend data for the species from across the continent, including Chelan Ridge (Farmer and Smith in review).

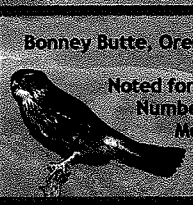
Age Ratios as Indicators of Regional Productivity.—Immature : adult ratios were significantly below average in 2008 for Sharp-shinned and Cooper's Hawks, significantly above average for Northern Harriers, Bald Eagles, and Peregrine Falcons, and did not differ significantly from the long-term averages for four other species for which such comparisons were possible (Table 2). Note, however, that the overall count of Broad-winged Hawks was too low to attach much value to the comparison. For Northern Harriers, the high 2008 age ratio clearly was due to a dearth of adults rather than high abundance of immature birds. In contrast, for both Bald Eagles and Peregrine Falcons, relatively high abundance of immature birds contributed to the high age ratios for these species. For Sharp-shinned and Cooper's Hawks, high adult abundance clearly contributed to the low age ratios for these species, especially for Cooper's Hawks for which the abundance of immature birds also was above average.

HWI's Conservation Along the Flyways



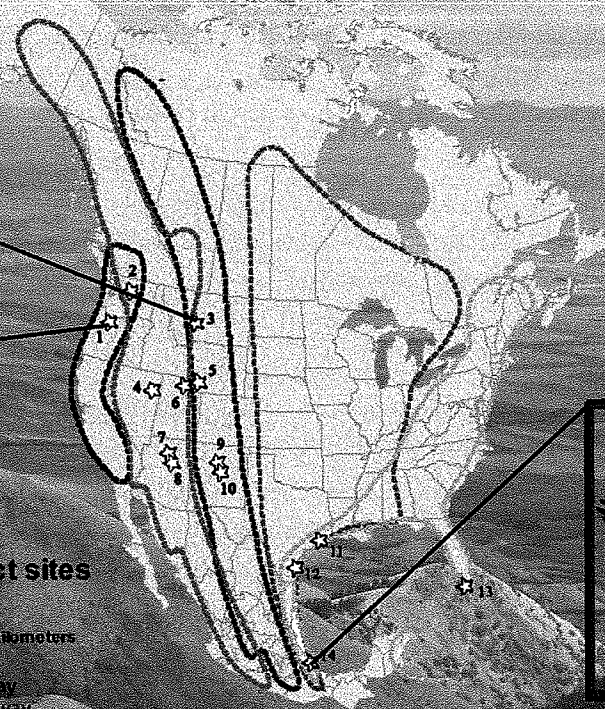
Bridger Mountains, Montana

Almost Half of the Count is Golden Eagles



Bonney Butte, Oregon

Noted for High Numbers of Merlins



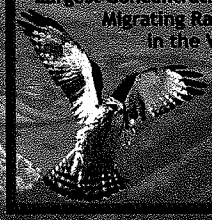
Migration Sites

1. Bonney Butte, OR
2. Chelan Ridge, WA
3. Bridger Mountains, MT
4. Goshute Mountains, NV
5. Commissary Ridge, WY
6. Wellsville Mountains, UT
7. Yaki Pt. Grand Canyon, AZ
8. Lipan Pt. Grand Canyon, AZ
9. *Sandias Mountains, NM
10. Manzano Mountains, NM
11. Smith Point, TX
12. Corpus Christi, TX
13. Florida Keys, FL
14. Veracruz, Mexico

* Spring Migration Site

Veracruz, Mexico

Largest Concentration of Migrating Raptors in the World



HWI project sites

500 0 500 Kilometers

Pacific Coast Flyway
Intermountain Flyway
Rocky Mountain Flyway
Midwestern Flyways

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State of Washington
Department of Fish and Wildlife
South Central Region – Ellensburg District Office, 201 North Pearl, Ellensburg, WA 98926
Phone: (509) 925-1013, Fax (509) 925-4702

January 30, 2004

Clay White, Planner
Kittitas County Community Development Services
411 North Ruby, Suite 2
Ellensburg, Washington 98926

Subject: Comments on Draft EIS, Desert Claim Wind Power Project

Dear Mr. White:

The Department of Fish and Wildlife has reviewed the Draft EIS for the Desert Claim Wind Power LLC Project. We also discussed the project with the applicant and the applicant's consultants during the past two years to provide review, comments and recommendations regarding the project and background studies. Our comments below relate to the DEIS assessment of fish and wildlife, their associated habitats and the project's potential affects on these resources.

General Comments and Concerns

We are generally satisfied with those sections of the DEIS and appendices that provide background information and those sections which review the project and the potential impacts. The background studies and information collected on fish, wildlife and their habitats, are generally consistent with our discussions with and recommendations to the proponents and their consultants. We have enclosed specific comments and clarifications regarding some of this information. These comments do not greatly alter the background information presented in the DEIS, but warrant revisions in the Final EIS. 1-1 PA-1

We are disappointed with the presentation of net impacts and specific mitigation in the DEIS. The Desert Claim project has the potential to adversely affect fish and wildlife and their habitats to a significant degree, but these impacts can be substantially avoided and mitigated by employing measures and strategies discussed in the document and appendices. Unfortunately, the DEIS is confusing as to the degree of mitigation and thus the net environmental impacts to be expected. In a number of places the DEIS identifies possible significant mitigation to avoid or reduce impacts but it does not identify which measures – if any – would actually be implemented (or else the presentation is confusing as to intent), nor alternatively, does the DEIS 1-2 PA-2

identify a predictable process for selecting and implementing "potential" mitigation measures where needed. The assessment of impacts, however, is generally presented as if all the mitigation measures were incorporated in the project. From our previous discussions with the proponent we would expect that the intent is to incorporate all the mitigation measures discussed in the DEIS into project. However, the DEIS presentation is not clear on this matter. The DEIS must unequivocally describe for reviewers and decision makers what mitigation measures will be included in the project and the net effect of the project on the environment. This shortcoming of the DEIS tends to undermine the analysis and conclusions of the document.

1-2 Cont. PA-2

We have a number of specific comments regarding the DEIS. These comments are provided on enclosed pages.

Conclusions and Recommendations

The DEIS needs to better clarify the analysis of impacts and mitigation. The document should be revised to clearly describe the mitigation elements of the project and the net environmental effect of the project when the mitigation is implemented.

1-3 PA-2

The possible mitigation measures identified in the DEIS and its appendices are substantive and appropriate for the project. We recommend that these measures be unequivocally incorporated in the Final EIS as measures that would be implemented as part of the development and operation.

Over the past year, WDFW worked with representatives of the wind power industry and proponents of renewable energy to craft state-wide guidelines for the protection of fish and wildlife resources when siting and operating wind power facilities. These guidelines are intended to support renewable wind power projects while concurrently preserving the public's fish and wildlife interests. We request that the DEIS incorporate these guidelines in the selection of mitigation measures for this project. I have attached a copy of these guidelines for your information. (A copy can also be seen at http://www.nationalwind.org/workinggroups/wildlife/washington_windpower_guide.pdf)

1-4 PA-3

Please keep us apprised of the status of this project and related Wind Development actions by your office. Thank you for the opportunity to review the DEIS. If you have questions or need additional information, please contact Brent Renfrow of my staff at (509) 925-1013.

Sincerely,

Ted A. Clausing

Ted A. Clausing
Regional Habitat Program Manager

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Washington Department of Fish and Wildlife Comments on Draft EIS for Desert Claim Wind Power Project

General

- **Technical Advisory Committee:** The formation of a Technical Advisory Committee to work with the proponent and the county on mitigation and monitoring is proposed as a possible mitigation measure. Such a technical committee would be a valuable asset to the project and we request that it be a requirement of the project.

1-5
PA-4

Shrub Steppe Plant Communities and Associated Wildlife – Impacts and Mitigation

- **Construction timing is an important mitigation measure:** Section 3.4.1.5 should include construction timing as a mitigation measure to avoid and minimize impacts to soils and vegetation. To the greatest extent possible, construction activities outside of the hardened footprint of the project (i.e. "temporary disturbance areas") should be done during the late spring, summer and fall when soil moisture is very low.

  For most of the project area, the time of year of construction will greatly influence the amount of long-term damage to soils and plants. The shrub steppe and grassland communities identified in the DEIS are very fragile when soils are wet. Even a single day of driving equipment on these sites when wet can result in substantial permanent damage. In contrast, during summer when soils are dry they can withstand traffic with minimal soil displacement and breakage of plant roots. Moreover, vegetation is more tolerant to damage during the dry period as the period of rapid growth has ended, many plants have completed flowering and setting of seed, and many are dormant.

  Working in winter on frozen ground is possible but because the project area varies greatly in elevation and is on generally south-facing slopes, predicting frozen ground conditions will be impractical for all but work of short duration.

1-6
PA-5

- **Post-Construction Restoration of Temporary Disturbed Areas - Standards for site restoration:** The DEIS should identify a reference standard (or a process to establish one) for evaluation of site restoration success. The standard could be based on a reference site selected within the project area for each vegetation type, the typical vegetation description for each soil type in the draft NRCS soil survey, or other agreed-upon standard. Post-construction restoration of temporarily disturbed areas should be sufficient to achieve site stability and agreed-upon

1-7
PA-5

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P.5

similarity to the reference standard. Selection of reference standards should be done in consultation with WDFW and the Technical Advisory Committee.

Site restoration and reseeding should be done at a time of year when germination and establishment can be successful. The DEIS should specify that seeding will be done at the next suitable planting window following disturbance, and that temporary erosion control measures will be implemented as appropriate.

1-7 Cont. PA-5

- **Clarification of Grassland Vegetation Type**: The term "grassland" as used in the DEIS is a descriptive term for shrub steppe sites where the shrub canopy has been temporarily removed by fire or other temporal disturbance. The project area does not include "true grasslands" or CRP "managed grasslands".

1-8 PA-5

- **Proposed Acquisition of Habitat Mitigation Site and Clarification of proposed mitigation ratios**: The proposed habitat mitigation site should be strategically located with respect to other shrub steppe habitat in the landscape of the Kittitas Valley and be selected to achieve the mitigation goals. Enhancement of the site should be considered (e.g. grazing management plan, weed control, selective revegetation efforts, etc.) in consultation with the TAC.

  WDFW would apply the mitigation ratios presented in Section 3.4.1.5 such that "grassland" sites on this project would have the same ratio as shrub steppe. As a point of clarification, the term "grassland" as used in this DEIS is a descriptive term for shrub steppe sites where the shrub canopy has been temporarily removed. Over time the shrub canopy will recover naturally. Technically these sites are shrub steppe (refer to Daubenmire, Steppe Vegetation of Washington, 1970) and the mitigation ratio associated with shrub steppe should be applied. In the context of the mitigation ratios negotiated with the wind power industry, a lower ratio was established for true grasslands (such as the Palouse) and CRP grass plantings because of the relative difference in restoration success and length of time to maturity. The grassland ratios should not be applied to the Desert Claim project site.

1-9 PA-5

Wildlife - Direct Impacts and Mitigation

- **Meteorological Towers – Guyed Towers verses Free Standing**: The project proposes the installation of four meteorological towers. These towers should be free standing towers which are demonstrably less likely to result in bird mortality.

  It is well documented that towers with guy wires kill birds at a significantly greater rate than free standing towers. The DEIS notes that the typical avian mortality associated with modern wind turbines at comparable sites is about 2 birds per tower per year. In sharp contrast, the guyed meteorological towers at the analogous Foote Creek Rim wind project in Wyoming had a mortality rate of about 8 birds per tower per year. Thus, if unprotected guyed meteorological

1-10 PA-6

towers were used on this project instead of free-standing towers, annual avian mortality would be expected to increase by about 14-21%. The use of bird flight diverters has been proposed but there is no information provided as to the effectiveness of bird flight diverters in reducing avian tower strikes. Bird flight diverters have been used at many places in North America to deter large waterfowl from striking transmission lines near waterways. We have not been able to find documentation of successful use of bird flight diverters on tower guy wires to prevent avian collisions during either daylight or during night-time migrations.

1-10 Cont. PA-6

The use of free-standing towers is a demonstrated mitigation technique for reducing avian mortality. Bird flight diverters should not be used in lieu of free-standing towers unless their effectiveness can be demonstrated or their use is part of an approved adaptive management effort coordinated with WDFW and other natural resource management agencies, and the Technical Advisory Committee.

- **Ridgeline Setback for Turbines**: The project will place turbines along the ridge line above Reecer Creek in Sections 4 and 9. The DEIS identifies setting turbines back from the windward edge of the ridgeline as a potential mitigation measure to reduce potential impacts to raptors which use the updraft areas along the edge of ridges. This mitigation strategy should be incorporated into the project.

1-11 PA-6

- **Bald Eagles – Potential for Turbine Mortality and Contingency Plans**: The DEIS does not include contingency measures for addressing the potential of bald eagle mortality at the project. The DEIS provides a rationale as to why the risk to bald eagles is low but also concedes that some risk remains. The DEIS points out the lack of bald eagle mortality at other wind project sites (where bald eagles are relatively uncommon) but we are not confident that this is a good predictor of bald eagle impacts in the Kittitas Valley where bald eagles are relatively common during the winter. The DEIS Appendix C, Exhibit 1 (page C1-20) includes conservation measures for managing risk to Bald Eagles. These measures should also be incorporated as project requirements.

1-12 PA-7

- **Sharp-tailed and Sage Grouse Should Be Discussed in Section S.14 and Section 4.4.3.1.** Sharp-tailed grouse historically occurred in Kittitas County. Sage grouse occur in the county, though the population is a fraction of historic levels. The three proposals for wind generation facilities are sited in habitat that is suitable for one or the other of these species. Population recovery and reestablishing these two species in the state is an agency priority that may be affected by the cumulative effects of wind energy projects.

1-13 PA-8

- **Management of Big Game Animals, Hunting and Control of Animal Damage on the Project, Including Lands Acquired for Habitat Mitigation:** In our scoping comments and meetings with the proponents we noted that WDFW is liable for damages caused by dear and elk. Public hunting is the primary tool

1-14 PA-9