

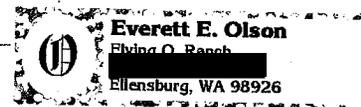
April 15 '09

Dear Sir -

Please send me all updated information pertaining to the Desert Claim Wind Power project. Since I lease land within the project area I was promised to be kept updated but have not been.

Thank you

Sincerely
Everett E. Olson



RECEIVED

APR 20 2009

ENERGY FACILITY SITE

Public Comment
DSEIS #19**Bhavnani, Monica (CTED)**

From: Ginger Morrison [REDACTED]@directv.net]
Sent: Monday, April 27, 2009 6:04 PM
To: CTED EFSEC
Subject: Desert Claim Wind Power Project
Follow Up Flag: Follow up
Flag Status: Yellow

To Whom It May Concern:

We would like to take this opportunity to voice our approval for the Desert Claim Wind Power Project in Ellensburg, WA. There is nothing more natural than wind and Kittitas County has always had plenty of it. It is time that we use our natural resources instead of man made.

With construction in such a downward trend and very little industry around the Ellensburg area, much less income is being generated for taxes which keeps Kittitas County running. The school bond levies are going down to defeat because the tax payers do not have the funds to keep things going as it has in the past. The Wind Farms would bring full time jobs to the valley and much needed revenue to the cities, county government, schools, hospitals and private land owners where the Wind Farms will be placed.

We know longer live in Kittitas Valley but we still own land there. We moved to Deer Park, WA to be closer to our children and grandchildren but constantly keep an eye on what is happening in Kittitas Valley. The future of our children and grandchildren rely on decisions that are now being made for the better of all man kind. Clean energy is at the top of the list.

We can no longer continue to pollute the air with coal fired generators, nuclear powered reactors and fossil fuels with out suffering the extreme consequences. Wind and solar are the future for all generations. With this in mind, we give my full support to the Wind turbins in Kittitas County.

Thank you for your time.

**Sincerely,
Tom and Ginger Morrison**

**[REDACTED]
Deer Park, WA. 99006
[REDACTED]@directv.net**

Public Comment
DSEIS #20

Bhavnani, Monica (CTED)

From: Tony Helland [REDACTED]@elltel.net]
Sent: Thursday, April 30, 2009 11:20 AM
To: CTED EFSEC
Subject: Letter in support of Desert Claim Wind
Follow Up Flag: Follow up
Flag Status: Yellow

Members of the EFSEC Council

My name is Tony Helland I live at [REDACTED] Ellensburg, WA. 98926

I take this time to send a few comments about my support of the Desert Claim Wind project, I was unable to attend the recent public hearing in Ellensburg due to an unforeseen family event.

I support this project for many reasons, foremost because of the economic impact it will have in the community! In this time in our history we need this influx of money to our local economy, not only in terms of employment but in the long term effect to our schools and other local projects, roads, hospitals etc.

I have worked on 5 wind power projects so far, I started at Wild horse in 2005 and went from there to other jobs, at Wild horse we had anywhere from 250 to 300 hundred workers onsite everyday during the heaviest days of construction, at least half of these workers were local men and women! I know this to be a fact because I was the gate guard and kept track of everyone's comings and goings.

I also support this project for it's positive impact on the environment in terms of good clean renewable energy! It will have no negative impact to the site area, every job I have been on was left in better shape (environmentally) that it was in when we got there! Due to site clean up of junk and refuse left by previous land users!

In closing I would like to make the following comment about the counties implementation of the wind power corridor, I feel that they as a body have pretty much closed Kittitas County to wind power development by restricting wind farms to such a small area of the county! They (the commissioners) make the comment that they have nothing against wind farms as long as they're sited properly, I can assure you that anyone wanting to build a wind farm is not going to come in and spend hundreds of millions of dollars to site a wind farm in an area that would not get the greatest benefit of prevailing winds!

Thank You

Tony Helland
[REDACTED]
Ellensburg, WA. 98926

5/4/2009

Public Comment
DSEIS #21**Bhavnani, Monica (CTED)**

From: eloise kirchmeyer [REDACTED]@Fairpoint.net]
Sent: Friday, May 01, 2009 10:26 AM
To: CTED EFSEC
Subject: desert claim wind project
Follow Up Flag: Follow up
Flag Status: Yellow

Mr. Allen Fiksdal:

I wish to express in words my concerns about the wind farm that is proposed in my area. I am deeply concern about our inconsistant rules regarding these wind farms. I understand the logistics but they

should consider the people not in the project FIRST! I'm definitely not being considered in this one. The 2500 ft setback is minial. This is the least they could considering that the view from this area will be destroyed! I was thinking that I would welcome the GITMO compound compared to this project!

The main concern I have is that Reecer Creek is a dead end road during six months of the year. Have you googled wind turbine fires? The result is 575,000. So what are our odds of there being a fire in this project? I haven't heard or have seen anything about fire supressors. If a fire starts on the west side of the road below my house, the whole neighborhood is trapped. There is no way out. And, it not just us, its the animals and people who are the mountain, it's our whole lives!

Sincerely,
Eloise Kirchmeyer
[REDACTED]
Ellensburg, Wa. 98926

5/4/2009

Public Comment
DSEIS #22

Bhavnani, Monica (CTED)

From: Bob & Judy Corey [REDACTED]@elltel.net]
Sent: Sunday, May 03, 2009 3:48 PM
To: CTED EFSEC
Subject: Desert Claim Wind Farm proposal

Please do not approve this proposed windfarm. I don't believe there have been adequate research in regard to possible health problems to humans, as well as animals.

There are many incidents of health problems caused by wind turbines in Europe. I fear that many of the turbines in the proposed Desert Claim project are too close to existing homes and would lead to many health problems of the residents. Flicker, vibration, noise, etc. can cause many, many health problems. Please do not allow us to be subjected to this. It would lead to devaluing of property, and forcing many to sell out at a tremendous financial loss, in order to save their health.

Wind farms should not be located in this area of Kittitas County. There are adequate areas that have been approved by the County, and that is where siting should occur.

Please do not set a precedent of allowing turbines in close proximity of homes.

Thank you for your consideration.

Judy Corey
[REDACTED]
Ellensburg, Wa. 98926

Public Comment
DSEIS #23

Bhavnani, Monica (CTED)

From: puddin pony [REDACTED]@hotmail.com]
Sent: Sunday, May 03, 2009 4:24 PM
To: CTED EFSEC
Cc: Fiksdal, Allen (CTED); Posner, Stephen (CTED); LaSpina, Jim (CTED); Mills, Mike (CTED); Burnett, Diane (CTED); Talburt, Tammy (CTED)
Subject: Desert Claim Wind Farm
Follow Up Flag: Follow up
Flag Status: Yellow

Thom McCosh

[REDACTED]
ELLENSBURG, WA 98926

Cell 425-750-[REDACTED]

HM/FAX 509-933-[REDACTED]

EFSEC committee and Gov. Christine Gregoire;

I would like to state my opposition to the Desert Claim Wind Power Project and have the following points I submit be considered.

First, on two previous occasions' attempts to locate wind farms in our area have been made. The Kittitas County Council and the voters of Kittitas County, rejected them not because of opposition to Wind Farms but to the proposed locations and the negative impacts on homeowners.

Wild Horse Wind Farm in the eastern portion of Kittitas County met with approval from the county and voters, is running with 127 turbines at this point and has the potential addition of another 26 turbines to be developed in 2009.

Also in eastern Kittitas County is a large portion of the Yakima Firing Range with several thousand acres and the potential for hundreds of wind turbines. Both Wild Horse and the Yakima Firing Range are areas within Kittitas County that both the County Council and the county residences have approved for Wind Farm development.

Apparently the siting committee has ruled these areas out because they are not contiguous Sites. By how much? What would be required to go there? The same transmission lines go through both of these areas as through the Desert Claim site.

Besides our residence at [REDACTED] Casey Drive, we own another property at [REDACTED] Parke Creek Rd., Ellensburg, where our son lives and which is one of the 15 or 20 closest to the Wild Horse Project. We had, and still have no objection to siting more turbines in this area; none are within two miles of any residences.

Second, we are not listed as an affected property, while our next door neighbor is listed as the No. 1 affected property with a turbine located 1780 feet from his home. His house is 450' from ours, which should put us within the 2500' setback and in the area of affected properties.

We have heard of the economic advantages that this project would bring the county, I submit that these same advantages could be accomplished if the project were located in the area the county has designated for wind power development, where it would be welcome. This project only financially benefits a handful of landowners. The negative financial affects on the majority of residences not in the project should outweigh the gain for the few.

5/4/2009

Third, the site for the Kittitas Valley Wind Power Project will be directly to the NW of our home. Wild Horse Wind Power Project 21 miles to the east of us is visible from our home. I strongly urge you to not place this large industrial facility next to our home.

Finally, I wish to address the statement in the report that indicates that this area has a "somewhat memorable view" This area has a unique and spectacular view! It would be a shame to destroy this picturesque setting not just for the local residents but for all in Washington State and visitors who appreciate scenic beauty.

Respectfully Submitted,

Thom McCosh

Ellensburg, WA 98926

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Public Comment
DSEIS #24

Bhavnani, Monica (CTED)

From: puddin pony [REDACTED]@hotmail.com]
Sent: Sunday, May 03, 2009 7:52 PM
To: CTED EFSEC
Cc: Fiksdal, Allen (CTED); Posner, Stephen (CTED); LaSpina, Jim (CTED); Mills, Mike (CTED);
Burnett, Diane (CTED); Talburt, Tammy (CTED)
Subject: Desert Claim Wind Farm
Follow Up Flag: Follow up
Flag Status: Yellow
Attachments: Hear the Wind Blow.doc

Please consider this seriously.

Insert movie times and more without leaving Hotmail®. [See how.](#)

“Hear the wind blow”
Not the turbines turn
Liz Lasell-McCosh

I want to state my objections to the proposed Desert Claim Wind Power Project, as a **homeowner** and **landowner** in the area directly affected by it. I will also provide quotes from several sources to argue what should be obvious points in the location of Wind Farms. My first objection is to the name of this project, since I do not live in a desert, nor feel that this area needs to be claimed.

My home is located at [REDACTED] Casey Drive, Ellensburg, WA. I own additional property to the southwest of my home just off Reecer Creek Road, directly attached to land leased to the project. A photo showing the view from Katie Lane, the road headed to my home is displayed in **Figure 3.4-20** View SIL-SEIS Simulated View. For this study, photos were taken from roadways, not our front porches. Since our view will be compromised, I suggest that they actually show what our view is now, and what it could become if this project proceeds. Note is made that this simulated view is 1/8th of a mile east of Reecer Creek Road, and 1/8th of mile north of the project boundary. So our home is located less than 1/8th of a mile from the project.

To quote the report on Visual Assessment, View SIL “Vividness-1: *Somewhat memorable view*” “Level of Visual Impact: 1.00-**High**.” My view is 360 degrees, with the hills behind and the city to the SE of us. We can see all the way to I 90. Parts of Central Washington University, the water tower in town and the traffic traveling to Yakima up the hill make up the view from our living room. From our dining room we regularly watch the elk and deer graze and move back and forth along the ridges beside our home. From our family room we watch the eagles, hawks and heron as they fly across the fields. Yes we can see the power lines, but they don’t move, so they tend to vanish into the surrounding landscape.

After extensive reading, from published reports by experts, documented statements by qualified personnel, and letters to government officials from citizens suffering from their location next to wind farms, there is a lot I could write. After EFSEC approved and the Governor agreed to site the KVVPP just over the hill from us, I have little faith that you are still reading this.

“The closer you get to the facts about wind energy, the worse wind power appears.”
— Scott Darling, wildlife biologist, Vt. Dept. of Fish & Wildlife, Oct. 4, 2007,
Middlebury, Vt”

It's not like riding a bike and leaving the car in the driveway Wind energy on the grid is more like riding a bike and having someone follow you in the car in case you get tired.
— Eric Rosenbloom, Vt

I believe in energy conservation, and the implementation of alternative energy sources. Facts on wind farms over the years have failed to show them as a viable option as a replacement for other forms of energy on an industrial level.

“Wind is one of the most difficult things to forecast ... If you're expecting the wind to blow 25 mph all day and generate 1,000 MW, and that wind drops off or doesn't occur, you have to make up for that with another plant, and that is expensive to throttle up those other, more traditional generation sources.” — Bill Mahoney, National Center for Atmospheric Research

“ Soon we "celebrate" the 20,000th wind plant, without replacing even one single small plant of conventional energy. “— Ferdinand Fürst zu Hohenlohe-Bartenstein, Chairman, Bundesverband Landschaftsschutz (Federal Association for Landscape Protection), Germany

“Increased development of wind turbines does not reduce Danish carbon dioxide emissions”. — Flemming Nissen, Head of Development, Elsam, Denmark
You have to know this if you are in the position to site these facilities. Your decisions have to be made on an informed level. As a private landowner, I would hope that our decision-makers are at least as informed as I am.

“Wind turbines don't make good neighbors”. -John Zimmerman (Northeast U.S. Representative, Enxco

Little consideration has been given for those of us living in this area. The statement made in **Section 3.4.2.2 Viewpoints** that the changes in the Project Area and turbine layout “which is *sparsely populated, has fewer residences*, and is generally further away from Ellensburg and its concentration of population” indicates my homes value is less because of it's distance from the city. Will my taxes be less? Are there a certain number of homes that are required to prevent the project from proceeding? My neighbors may be further from the project lines, but we share the same views.

How will we be compensated for the loss of value on our property? Several studies indicate that this is a distinct probability. One study presented by a real estate expert, sets a view as part of the land value.

Living with the impact of windmills

- An overview of how land values are established
- An overview of the impact of windmills on land values

Land Values Argument

Land value can be expressed in many different ways:

- Reconstruction Value
- Appraised Value
- Liquidity Value

- Market Value
- etc.

When dealing with the OMB hearing I focused on market value since it is defined as the highest price in terms of money, that the property will bring to a willing seller if exposed for sale on the open market; allowing a reasonable time to find a willing buyer, buying with the knowledge of all the uses to which it is adapted and for which it can be legally used, and with neither buyer or seller acting under necessity, compulsion, nor peculiar and special circumstances.

There has never been a comprehensive study that looks at land values and the effect of windmills so there were no criteria to follow. As such I developed the following criteria:

- based on appraisal principals, visible structures have an impact on the value of land
- therefore, divide land where windmills are visible vs. not.

Properties inside Windmill Zones – Properties within 3nm(nautical miles) of a windmill. 3nm was used as a basis since that is the distance one can see is a straight line due to the earth's curvature when on the same horizontal spectrum of the objects in the distance.

Pilots use this as a basis for determining weather minima for the similar reason.

Properties outside Windmill Zones – These are properties a minimum of 3nm from existing windmills. If the object is not readily visible is the same horizontal plane, one can assume that there would be no impact in perceived value of the property due to the windmills.

When this was done (based on a sample of 600 properties that sold in the windmill areas over a period of 3 years) the following was discovered:

- The days on market was more than double for those properties inside the windmill zones
- The sold price was on average \$48,000 lower inside the windmill zones than those outside
- The number of homes not absorbed (not sold) was 11% vs 3%¹

A court case referenced in the February 14, 2004 edition of the Daily Telegraph (UK) refers to a house near Askam in the Lakes District. The buyers were not informed of the pending installation of 4 WTGs, which were 360' tall and 550 yards from their new home. No mention was made in the seller's disclosure form, despite the fact that the seller had protested the proposed wind farm installation to the local government indicating a large loss in value to their property. The court, after listening to chartered surveyors (appraisers) for both sides, concluded that the property had suffered a 20% decline in value.²

¹ Author: Luxemburger, Chris

2 Impact of Wind Turbine Generators on Property Values

David C. Maturen, SR/WA

Certified General Real Estate Appraiser

Kalamazoo County Commissioner

“Anecdotal evidence from real estate agents near Victoria, Australia indicates a 20% to 30% decrease in property values for homes near WTGs. The report of the Township of Lincoln Wind Turbine Moratorium Committee, Kewaunee, Wisconsin (2000 to 2002) notes that the Town of Lincoln building inspector compiled a list of home sales. The list compared the property’s selling price as a function of the distance to an existing 22 WTG farm in the area. His conclusions were 1) Sales within 1 mile of the wind farm prior to the installation were **104%** of the assessed values and properties selling after the wind farm introduction in the same area were at **78%** of the assessed value.”³

“Is the “jury” still out on the impact of WTGs on property value? Yes, though there do appear to be several indications that a loss in value to neighboring properties is a real possibility. Can any state agency conclude that wind farms do not have the potential for causing a nuisance and devalue nearby properties and cause a “taking”? **No.** Whatever report the Wind Working Group comes up with, it should be informational only, include the differing opinions that are out there, not be used to usurp local land use authority in regulating WTGs just like any other land use nor to deny property owners their rights. **In our quest for “energy independence” for our society in general, let us not forget the potential for economic loss to individuals as an unintended consequence. We should be prepared to compensate adjacent owners for any property rights (value) taken as a result of the introduction of wind farms.**”⁴

“I continue to be amazed and perplexed by the thinking of some people who live in town, totally unaffected by the ravages this proposed wind turbine project will bring to the countryside and how they feel it is a sacrifice we, living in its footprint, should bear.”⁵

“Turbines are getting so big and overpowering as to be outrageous in any rural context. Their impacts on the landscapes and lives of people is totally disproportionate to the minuscule contribution they make in providing renewable energy and the pitiful savings they offer in CO₂ reductions.” — Peter Ogden, Council for the Preservation of Rural Wales, *Western Mail*, 5 Dec., 2006

“These are not farms, one doesn't farm wind any more than one farms water in a hydroelectric dam or farms neutrons in an atomic plant”. -Nina Pierpont, Malone, N.Y

Should this project be approved, and our land lose its value, who will be responsible for compensating the landowners not in the project, but affected by its location in our neighborhood? Make these companies set up escrow accounts with funds to compensate landowners unable to sell and relocate if they are unable to live with the noise levels, or develop health issues. If there are no claims against the escrow accounts during the life of

3, Impact of Wind Turbine Generators on Property Values
David C. Maturen, SR/WA

⁴Impact of Wind Turbine Generators on Property Values
David C. Maturen, SR/WA

⁵ Green Backlash: The Wind Turbine Controversy

the contract these funds could be returned once the turbines are decommissioned. Any company not willing to share the financial risks should not be allowed to construct wind farms.

According to Michael McCann of McCann Appraisals LLC in Chicago, Ill., “Turbines are large-scale industrial machines/projects, which surround homes, unlike any other large-scale projects. I have never seen a situation akin to wind farms where an industrial zoning ‘overlay’ encompasses and surrounds existing homes. **No other industrial, retail or other type of large-scale project gets approved without first buying out the existing residences rather than surrounding them.** A home is the biggest investment most people have in their life and deserves value protection from a new dominating land use, which generates profits for the developers and is claimed to be for the public good. It would seem that most wind energy companies are unwilling to compensate people fairly for value loss....nor buy them out.”

McCann, a Certified General Real Estate Appraiser who has qualified as an expert witness on real estate value and zoning cases in 20 states, has reviewed residential sale data for 46 transactions near the boundaries of Illinois’ first wind project, Mendota Hills, in Lee County that occurred after turbines were erected from 2003 through March 2005, “a strong market overall.” “The homes averaged a sale price of \$74.63 per square foot,” he says. A separate group of sales much further removed from the project averaged \$102.94 per square foot. Most homes were older farmstead residences and modest ranch-type homes typical of those found in rural Illinois. He says the sales data reveals that the typical home within a mile or two of project boundaries is **25 percent lower in value** than for more distant homes. Some examples range upward of **30 percent** and, in softer current market conditions, he anticipates value discounts exceeding 30 percent and perhaps as **high as 50 percent.**⁶

“What we have all thought of as an industry of benefit, may not be of much benefit. They don't provide any jobs and now they may not provide much revenue either! “

— Judge Laura Pryor, Gilliam County, Ore.

“One thing is clear: The environmental community must view wind power projects as they would any other type of industrial development. “— Martha Frey, Executive Director, Otsego (N.Y.) 2000

Project landowners are being compensated for the use of their property, adjacent landowners should be compensated for the loss of value which includes the loss of viewshed and lifestyle. The local and state government does not have the right to place a reduced value on my home for the benefit of a foreign investment company. A Company that will place these industrial monsters next to us, reap the tax incentives, and leave the area.

⁶ March 25, 2009 • U.S.

These are big structures and they do make sound. — Paul Gaynor, UPC Wind

Medical authorities are reporting health risks for those living within 2km of wind turbines. The French National Academy of Medicine has called for a halt of all large-scale wind development within 1.5 kilometers of any residence, because the sounds emitted by the blades constitute a permanent risk for people exposed to them. The U.K. Noise Association studied the issue and agreed with the recommendation of a 1-mile setback. Sound experts Rick James and George Kamperman recommend a minimum 1 km (3,280 ft) distance in rural areas. James himself suggests that 2 km is better between turbines and homes, and Kamperman proposes 2-3 km as a minimum. German marketer Retexo-RISP also suggests that "buildings, particularly **housing**, should not be nearer than 2 km to the windfarm"; and that was written when turbines were half the size of today's models.

Dr. Nina Pierpont, the preeminent expert on "wind turbine syndrome", recommends 1.25 miles (2 km). That is the minimum the Davises insist on as safe as well. In France, Marjolaine Villey-Migraine concluded that the minimum should be 5 km (3 miles).⁷

Desert Claim is promoting their increased setback of 2500 feet for most residences, not property lines, with 7 affected homes within a closer range. Our home is 562 feet (by Gmaps Pedometer) from house #1, which is 1778 feet from a turbine. The total would put us within the 2500-foot setback from a turbine, yet we are not on the list of affected homeowners. No consideration has been made for our property to the north of the project boundary. Force them to meet the min international standard of 1.5 kilometers from property lines and 2 kilometers from buildings. These large industrial structures will block our view, decrease our home value and inflict medical risks on those living in its footprint. Someone must be responsible for this situation. We are relying on you to prevent a situation that can't be governed once it is in place.

Liz Lasell-McCosh


Ellensburg, WA 98926

⁷ National Wind Watch calls for minimum 1-mile setbacks

Public Comment
DSEIS #25

Bhavnani, Monica (CTED)

From: deidre link [REDACTED]@televar.com]
Sent: Monday, May 04, 2009 6:27 AM
To: CTED EFSEC
Subject: Desert Claim Wind draftEIS Comments

From: Deidre Link
[REDACTED]
Cle Elum, WA 98922
509-674-[REDACTED]

To Whom It May Concern,

Thank you for this opportunity to comment on the Desert Claim Wind Project.

I am in favor of this project. I feel it has positive public benefit. The developers have done a good job reducing the number of residences impacted. This project will bring much needed revenue to school districts in Kittitas County. I do not feel there will be environmental impacts significant enough to halt the project moving forward.

The issue of property rights is a two way street. The property owners who wish to put wind turbines on their land are at odds with property owners who claim their land values will be diminished and views obscured if this project built. The electrical transmission lines were in place long before they purchased their land. The wind has always blown thru this valley and the research to use this renewable resource has been going on for over 20 years. The need to reduce our dependance on oil has been known for as many years. I liken it to people who purchase a home near an airport, as expansion of the runways occurs they complain about the noise.

Energy production must occur along transmission lines, if I were a property owner out there I would much rather see wind turbiines than a cooling tower or smoke stack.

Regards,

Deidre Link

5/4/2009

Public Comment
DSEIS #26

Bhavnani, Monica (CTED)

From: Clear, Gwen (ECY)
Sent: Monday, May 04, 2009 9:41 AM
To: CTED EFSEC
Subject: Scoping comments for Desert Claim Wind Power Project.
Importance: High
Attachments: 394 Desert Claim Wind.pdf

Please see the attached comment letter for the Desert Claim Wind Power, LLC & EnXco Draft Supplemental EIS.
The original letter is in the mail.

Thank you,

Gwen Clear
SEPA Coordinator
WA State Dept of Ecology
Central Regional Office - Yakima
(509) 575- [REDACTED]



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 1, 2009

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

Dear Mr. Fiksdal:

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement for Desert Claim Wind Power Project, proposed by Desert Claim Wind Power, LLC and enXco. We have reviewed the documents and have the following comments.

Air Quality

Wind power projects typically use crushed rock for road and concrete for turbine foundation construction. Ecology's Air Quality Program requires portable concrete batch plants to notify Ecology's Air Quality at least 30-days prior to starting portable concrete batching operations. To notify, portable concrete batch plants should fill out an application for a temporary air quality permit. Portable rock crushers are required to have coverage under Ecology's Portable Rock Crusher General Order of Approval and notify Ecology's Air Quality Program at least 10-days prior to starting rock crushing activities. For information, contact Jared Mathey at (509) 454-7845.

Water Resources

Information for the applicant:

If you plan to use water for dust suppression at your site, be sure that you have a legal right. A water right permit is required for *all* surface water diversions and for any water from a well that will exceed 5,000 gallons per day. (Chapter 90.03 RCW Surface Water Code and Chapter 90.44 RCW Regulation of Public Ground Waters) If in doubt, check with the Department of Ecology, Water Resources Program. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions concerning the Water Resources comments, please contact Brean Zimmerman at (509) 454-7647.



Mr. Fiksdal
May 1, 2009
Page 2 of 3

Water Quality

Sand and Gravel Operations: All concrete products manufacturers and property owners (or operators) of sand and gravel pits, rock quarries, asphalt and concrete batch plants are required to apply for permit coverage under the Sand & Gravel General Permit. In addition, owners of *portable* crushers, operating at sites that are not permitted for crushing under the Sand & Gravel General Permit, are required to apply for coverage. You may download the application form and instructions from the Internet at <http://www.ecy.wa.gov/programs/wq/sand/index.html>. If you do not have Internet access call Cindy Huwe at (509) 457-7105 for application materials.

Ecology must receive your application at least 180 days before the proposed date for starting operations. Mail your completed application to:

Cindy Huwe, Water Quality Permit Coordinator
Washington Department of Ecology
15 West Yakima Avenue #200
Yakima, WA 98902

After you complete sand and gravel operations, you must submit an application for a wastewater discharge permit if you will use the site for industrial uses (e.g., as a stormwater retention facility). You will also need to submit an engineering report if there will be wastewater treatment components, including piping.

Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lynda Jamison at the Dept. of Ecology, (509) 575-2434, with questions about this permit.

Mr. Fiksdal
May 1, 2009
Page 3 of 3

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Best management practices must be used to prevent any sediment, oil, gas or other pollutants from entering surface or ground water.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-██████

May 1, 2009

Mr. Allen Fiksdal, Manager
Energy Facility Site Evaluation Council
905 Plum Street SE
PO Box 43172
Olympia, WA 98504-3172

Re: Desert Claim Wind Power Project

I have been following the permitting process of the Desert Claim Wind Power Project since its beginnings in Kittitas County. Property my family and I own was part of the original project that was proposed to Kittitas County in their 2003 application.

Kittitas County issued a Final Environmental Impact Statement on that proposal in 2006. I feel that the County did a very good job on that document. It was thorough and extensive.

Now with the Supplemental Environmental Impact Statement that covers the revision, this project has been thoroughly examined. I think that the EFSEC Council should adopt this document as is.

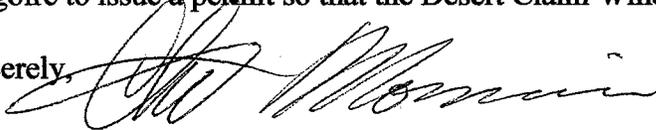
I'm attaching two documents to this letter. The first is a guest editorial that I wrote that was published in the local newspaper, the Daily Record on January 15, 2009. At that time I urged the County Commissioners not to fight the Desert Claim Wind Power Project.

The second document is an online version of the article from the Daily Record about the decision the Supreme Court made last fall regarding EFSEC and the Governor's authority to permit wind farms. The online version enables readers to comment on news articles. You'll note that most of the comments are very positive.

As the unemployment rate in our county climbs and with the release of the economic study prepared by CWU economic professors, I feel even more strongly that this project must move through the permitting process quickly and it seems that my viewpoint is shared by many others in Kittitas County. The original project was thoroughly scrutinized by the County Commissioners and the revised project addresses most of the objections they had.

There is no reason why EFSEC shouldn't quickly make a positive recommendation to Governor Gregoire to issue a permit so that the Desert Claim Wind Power Project can be built in 2010.

Sincerely,



Chet Morrison

[REDACTED]
Ellensburg, WA 98926

RECEIVED

MAY 04 2009

ENERGY FACILITY SITE
EVALUATION COUNCIL

Right decision made on wind farm

It took more than six years but the long-running battle over the Kittitas Valley Wind Power Project finally ended late last month. The Washington State Supreme Court's unanimous decision was 100-percent right. We're among the many Kittitas County citizens who are grateful that the Supreme Court ended our local government's irresponsible fight against Horizon's proposed wind farm.

What exactly were the county commissioners fighting against? For years they kept a business from delivering on contracts it negotiated with landowners that would let them make money from the winds blowing across their properties. The commissioners fought against development that would deliver real dollars to landowners and help fund the public services that local government is responsible for providing. The court decided that the

GUEST COLUMN

Chet Morrison
contributed column



county's legal arguments didn't hold up. Their lawsuit was a costly embarrassment. The county commissioners wasted hundreds of thousands of our dollars suing the state of Washington.

Not a single Supreme Court justice sided with the county and its allies on any of the substantive issues they raised. The justices wrote: "We reject all of Petitioners' (the county's, ROKT's, and Lathrop's) claims." That not one of the petitioner's claims survived review by Washington's highest court says just about all you need to know.

Contrary to what our county officials would have you believe, the Supreme Court's decision doesn't cut out local input on permitting wind farms. The court's decision affirmed the authority of the Energy Facility Site Evaluation Council (EFSEC). Under EFSEC's statute, which the court upheld as constitutional, a developer whose project is found by the local government to be inconsistent with its land use policies has to "make all reasonable efforts to resolve noncompliance with the local jurisdiction." The point is that for a county to reject a project, they have to have good reasons to do so. The court's decision shows that it was the county that failed to make a good faith effort to negotiate a win-win agreement, not Horizon.

Much of the tax revenue that Kittitas County receives comes from property taxes that pay for roads, social services, police and fires protection, the schools and

our community hospital. Allowing farmers and ranchers to lease their land to wind developers gives them a chance to collect dollars that offset their tax burden and the rising costs of their operations. Meanwhile, wind energy projects kick in hundreds of thousands of dollars a year in new property taxes — dollars that go to pay for the very public services these landowners pay more for than anyone else.

It isn't pretty to lose especially when you're playing with other people's money. But it's worse when your own government uses your tax dollars to keep you from earning money off your land. Let's hope our elected officials don't make the same mistake.

Chet Morrison is a Kittitas County resident. The Daily Record does not solicit guest column. Individuals can submit a column for consideration. Writers are limited to one per calendar year.

Supreme Court overrules county on wind farm

By Ingmar

☆☆☆☆☆ (3 votes) ([report abuse](#))



A state Supreme Court decision has paved the way for the construction of the estimated \$200 million, 65-turbine Kittitas Valley Wind Power Project northwest of Ellensburg.

The state's highest court Thursday morning issued its decision and unanimously agreed the governor and the state Energy Facility Site Evaluation Council were correct in approving the wind farm over the objections of Kittitas County government, which previously denied it.

The project, long proposed by the wind power development firm Horizon Wind Energy, is planned for 12 miles northwest of Ellensburg on both sides of U.S. Highway 97.

County Commission Chairman Mark McClain said via e-mail, "I find it amazing and disappointing that an unelected body can run roughshod over a community, exhibit blatant disregard for the appearance of fairness and still find support from such learned justices. This ruling truly demonstrates why we need significant reform from our legislators this term to correct the actions of EFSEC and its chairman Jim Luce."

Read the full story at <http://kvnews.com/articles/2008/11/20/news/doc4925d803c32905>

Comments

Wind Farms *by* CleElum1

I'm glad that another wind farm is going to be built. In todays economy we need all the energy sources we can get and should try to encourage even more energy-producing facilities to be built. I'd like to see solar as well as wind utilized for the production of power. Nothing better than an eco-friendly sources of energy that provides much needed energy, lowers cost to the consumer,

and puts people to work. Yeah !!!!!!!

RE: Wind Farms *by* Angel Girl

As someone who lives in another state I have to tell you...I am impressed with the wind turbines.

My family and I were site seeing during my last visit and my son-in-law took me to see them. I thought they were nice and still do!!!

I would vote in favor of them.

Mixed reaction here *by* MC

I'm very much for every alternative energy source we can muster ASAP if we're going to survive economically, politically, environmentally, etc. Putting wind farms on this section of land seems like a much better choice than dotting the area with McMansions, which seems to have been our county's primary MO over the last few years.

Having said that, I'm very disturbed at how this project got shoved through, and I can't help but wonder what county-vs-state vendettas might have fueled this flap.

McClain is a hypocrite *by* Clem

Commissioner Mark McClain and the rest of the Kittitas County Commissioners have gone to the Washington State Supreme Court in an effort to loosen growth standards so that the County can knock roads in at will and rezone farm land down to 3 acre lots. The Commissioner and others have cited "property rights" as the argument for trying to loosen growth standards. Now McClain wants to stop the wind farm from being built which is much less intrusive than the three acre zoning. Apparently its ok to stop the wind farm from being built in the name of property rights but its not ok to stop rampant over development.

Mc I dont think the Kittitas County Commissioners are very popular at the State level for trying to undo the Growth Management Act which would have forced the State to have to go back and rewrite the laws at the state level. They again went to court trying to overturn state law through the courts regarding the wind farm. Its funny how Republicans like Mark McClain are always fuming about activist judges rewriting the laws yet McClain and the other Republican commissioners tried to overturn State law in two different instances and failed. McClain is right though instead of seeking a judicial decision maybe he should go though the legislature. McClain and the Commssioner did not have the support of 50% of the people. Survey done showed more than 60% of surveyed residents supported the windfarm.

Second That! *by* pirateyoho

Great comment Clem, spot on! The County will do nothing but benefit from the Windfarm, now and in the long-term. Even though I am not a Gregoire(sp) fan, I think her and EFSEC made the right call.

Seems like a no brainer *by*Mr Junky

Hmm... creating jobs, renewable energy, and something to look at while driving to Wenatchee.

How was this a bad idea?

I think the current wind farm on the vantage hill looks cool and shows that we care.

RE: Seems like a no brainer *by*whatatrip

I agree with you. In times of war over oil like we are in Iraq, those wind turbines are symbols of freedom from Middle Eastern Oil. They are one of the few things that average Americans can point to and say "we did our small part for freedom". We have not been asked to make any sacrifices with regard to the war in Iraq other than the money borrowed to finance it. The residents of Kittitas County can point to those wind turbines and proudly say we are involved, we are doing something to help make America energy independent. Some will consider it a sacrifice, others will consider it the as the least we can do and still others will see them as a great source of pride.

If we build enough of them, we can greatly reduce our dependence on ME oil in not totally eliminate our need for ME oil.

How about the property owners on those hills *by* Albert

There are a number of homes 12 miles down Hwy 97 where I understand the wind farm will be. I can't believe the wind farm will help the value of their property, now or in the future. Nor do I believe they will find looking at or hearing them everyday as something they will enjoy. I'm not against wind farms but believe it could be located somewhere higher up and away from so many homes. More thought should be given as where to locate the wind farms.

RE: How about the property owners on those hills *by* hippie girl 5

I like how Whata trip said that "the wind turbines are symbols of freedom from Middle Eastern Oil."

I've been to the wind farm and I happen to think they look and sound cool! It's about time we start providing alternative energy!

Albert, no matter where they placed the wind farm, someone is going to complain about them.

RE:How about the property owners on those hills *by* western

Albert

When does owning a home give anyone the right to dictate what can be done with every piece of land within sight. If people want to control everything visible from their property there is no way that the neighboring properties would not lose their right to use their lands.

I own a medium sized farm and am being surrounded by ranchettes (read 3 acres and a llama). It is a matter of time until one of them decides that my cows stink, my calves bawl at weaning

time, or my tractor makes too much dust.

I have no sympathy for anyone who thinks their delicate sensibilities should dictate what is done by every neighbor they can see or hear

Re: Wind farms....western *by* Albert

My statement didn't say anything about home owners dictating rights or control or anything else like that. I'm only saying, why right down hiway 97 amongst all the homes....why not further up on the hills with much less population? Of course the people who loose the value of their land and have to look at and hear the wind farm everyday are going to gripe. Western, you would have no complaints if the wind farm went thru your property? If they were to put a couple -3 windmills up on Craigs Hill... you don't think there would be an up roar? There are a lot of high hills around Ellensburg with very few homes. Why not consider them? That was all I was trying to say.

RE: Re: Wind farms....western *by* whatatrip

I think the wind turbines are not right down highway 97. They are high on the ridges way above the highway ... where the wind blows. If you are going to build a house up there, you better like the wind because it blows a lot up there.

I heard that the County gets \$10,000 in taxes from each wind turbine and property owners who "host" a wind turbine gets "royalties" of somewhere around \$5,000 per turbine. I am sure that a lot of people would host a wind trubine in their back yards if there was enough wind and if the land use laws allowed it.

RE: Re: Wind farms....western *by* Wonko

Albert, your observation begs the question "Would the homeowners gripe regardless of the nature of any change imposed on them?" For instance, if someone decided that a natural gas generation plant would sit well on the ridge line over HW 97 would the response be similar? In other words, is it change in general or is it this change that's causing such a stink? Change in property values remains highly speculative and its equally probable that values might increase in this areas should new industry and jobs become available to the resident population.

The ridgeline over HW 97 is an ideal place to site wind turbines because there is constantly moving air through this part of the valley. Honestly, I don't fear the alteration of the view of the ridge line caused by sixty some odd turbines. Rather its the turely ugly power transmission lines which will connect this generation source to the grid we should be concerned about. And running east to west you will notice, as I hope the residence of this area have already, that there are already a number of high voltage DC lines in place.

Wonko *by* CleElum1

Hi and welcome to the forum!
Great post, I hope to read more from you.

Your four-legged friend is absolutely beautiful!!!

BANANA syndrome? *By MC*

BANANA: Build Absolutely Nothing Anywhere Near Anything

I actually think some mitigation in these situations is reasonable, but clearly there are people that are difficult to please and a few that are never going to be happy no matter what. I don't envy the folks that have to make these decisions.

And I predict this will only become a bigger issue going forward. It would be wonderful if we could get away with the addition of wind and solar only to get us where we need to go energy-wise, but the math on both energy and emissions doesn't look great unless breeder reactors are added to the equation. Needless to say the resistance will be huge no matter where a new nuke plant is considered.

When served lemons, make lemonade *by Wind-Rancher*

I'll admit to being a West Sider. This spring we bought a place within a mile of the proposed Kittitas Valley Wind Farm site knowing full well that there could be large wind turbines in our North and West view. Why? We bought the place to put up our own 10KW wind turbine which has now been running since October. The reason Horizon Wind picked this spot is because the wind on these ridges are better than most other places in the valley.

Another reason I bought in Ellensburg is because King County has locked up half of my semi-rural West Side 5 acres for the benefit of the urban dwellers. I feel real bad that the State has ruled over Kittitas County, and agree that this is a very bad precedent. But it has already passed the highest court in our state, so it doesn't look like it will be overturned, at least in the short run.

If residents of the county want to make the best of it, I might suggest that Ellensburg and the Valley can market itself as the center of renewable energy in Washington State, much like Leavenworth markets itself as a Bavarian village. Just about everyone I know on the West Side has been at the Wild Horse Visitor's Center. Downtown Ellensburg can capitalize on eco-tourism building on a wind/sun theme, and begin to proactively attract renewable energy manufacturers (and there are many in the North West, including myself) and conferences. When served lemons, make lemonade.

County should be working to enhance wind power *by Clem*

You would think the county would be working to encourage wind energy not only large scale but smaller generators like yours. At this time I am unaware of any support from either County or Municipal Officials supporting PSE Net Energy program where power is sold back. PSE according to their information provides a maximum payback of \$2000 per year. Cle Elum has a lot of wind. I think more than Ellensburg in the downtown area. If it was viable why not a wind generator in every yard.

RE: County should be working to enhance wind power by MC

My prediction: resistance to residential wind generation will not only fade, but will be replaced by some degree of envy and enthusiasm as our energy situation continues to deteriorate. I.e. neighbors that used to complain about someone putting up a small tower next door may be coming over to ask what that rig cost and to see how it's tied in to commercial power, hoping to get started on their own soon.

RE: County should be working to enhance wind power by Wind-Rancher

Both PSE and PUD offer net metering (ability to back-feed the power grid), and participate in the Washington State Renewable Energy Incentive which pays \$0.12/KWhr for wind generation, and up to \$0.54/KWhr for solar generation (if using WA manufactured equipment which should be available in 2009), to a maximum of \$2000/year.

The county impacts this by regulating permits for the construction of wind turbine towers and their foundations. The county CDS department has been drafting model rules for small wind energy systems (SWES) and seem to be taking a pro-active approach in recognition of the unique resource in the county. Anyone who is interested in this should request a copy of the proposed rules and comment on them. At one time the proposed rules were rather restrictive about tower height and style and placement. So comments by prospective owners would help all the future of small wind in the county.

How long for payback? By Clem

That's maybe the stumbling block. PSE just got into the reverse metering. I am guessing the turbine could cost 15k to 20K so the payback might be a while. Then if the county decided it's another money maker for them they could put some more fees on top of it. My guess is that at the local-municipal level turbines would need some sort of change in the law similar to what we have for TV antennae and satellite dishes. Plus the generators would have to be quiet. Some of the older ones tended to be rather noisy.

Public Comment
DSEIS #28

Bhavnani, Monica (CTED)

From: [REDACTED]@fairpoint.net

Sent: Monday, May 04, 2009 9:56 AM

To: [REDACTED]@verizon.net; Marvin, Bruce (ATG); [REDACTED]@co.kittitas.wa.us; Tribble, Michael (ATG); [REDACTED]@perkinscole.com; CTED EFSEC; Fiksdal, Allen (CTED); Crews, Kyle (ATG)

Subject: water tables

Desert Claim

What will happen to our water tables for our wells? Where is this stated in your environmental impact statement? I want compensation for all impacts since I am to be imprisoned on 3 sides of my property.

Gina Jefferson-Lindemoen

EFSEC
P.O. Box 43172
Olympia, Wa. 98504-3172

4/30/09

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MAY 05 2009

ENERGY FACILITY SITE
EVALUATION COUNCIL

Dear Committee:

This committee cannot even imagine the terrible impact the Desert Claim Project will have upon my neighbors, myself and the intended area. It is beyond belief that such actions are even considered appropriate to this part of Kittitas County.

Reading the DSEIS regarding the impact of lights is sickening. We can observe the lights from Wild Horse from over 20 miles distant. Why on earth would there not be significant impact from lights for those of us confronted with those from Desert Claim up close and way too personal?

While attending the public meeting on April 23rd here in Ellensburg, it was absolutely obvious by the camaraderie between EFSEC members and enXco members that what the public and county officials deemed not acceptable previously will be disregarded and tossed out.

This committee received volumes of testimony from our county officials, real estate professionals, health professionals and the public, all showing, with facts, the detrimental impact to public safety, land values, wildlife and domestic animal health which was disregarded as valueless since it did not show what was wanted.

There was no justification for placing turbines on Hwy 97 in a designated national scenic area and there is even less validity to placing turbines where enXco wishes. How in all good conscience can they be forced upon us within miles of our homes let alone feet. This whole attempt is so unjust and unbelievably wrong. Wild Horse has been the only reasonable valid placement away from humans but the real impact has yet to be determined.

This committee knows full well the deck was stacked with folks in favor of Desert Claim at the meeting and the bottom line is money. Altruism is far from the reason for wanting this project and only a few will benefit.

I have included information from folks who are experiencing the impacts first hand living near a wind farm. The picture is ugly, scary and having these concerns disregarded as non-factual to me, is unforgivable.

Should residents of this area develop symptoms described in the attachments, perhaps you will reflect on the part you played in how these illnesses and discomforts came to be.

Our health, safety and well being is in your hands. Do not take our concerns lightly and please read - and absorb!!! - what will be the detrimental impact to our lives.

Thank you,



Christine L. Cole

Roger Binette



Ellensburg, Wa. 98926

Attachments - 10

Subject: Oregon wind farms whip up noise, health concerns

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.

Translation: Dr. Pierpont has not paid off the correct people to have her research 'recognized' as valid.

Pierpont, the doctor, who has an upcoming book about the dangers of wind farms, says turbines should never be built within two miles of homes.

Oregon wind farms whip up noise, health concerns

http://www.oregonlive.com/news/index.ssf/2009/03/oregon_wind_farms_whip_up_noise.html

by Richard Cockle, The Oregonian
Thursday March 26, 2009, 9:00 PM

BOARDMAN -- Dozens of wind turbines west of Boardman are so noisy, nearby homeowners say they're keeping them awake at night and even making them ill.

"It's not healthy for us," Dan Williams said of the 240-foot-tall turbines he can see from his hilltop home. "It's like a freight train that's not coming or going."

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

More than that, they're part of an emerging backlash to an alternative-energy technology that most revere as clean, green and essential to reducing emissions that contribute to climate change. As turbines sprout across Oregon, people who live near the sweeping blades are raising their voices about noise, spoiled views, lowered home values and health risks.

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 physician 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, "but it doesn't affect everybody."

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 Invenenergy, the 6-year-old Chicago company that built the Willow Creek farm, said of neighbors' complaints: "We don't believe there is anything to it."

World's biggest wind farm

With Oregon on track to triple its wind-energy production in coming years, the clash is sure to intensify.

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

The new farms -- 90 percent on the wide-open Columbia Plateau in Morrow, Sherman, Gilliam, Wasco and Umatilla counties -- include what may become the largest on Earth: the 305-turbine Shepherds Flat Wind Farm on 32,000 acres straddling Gilliam and Morrow counties. The Oregon Facilities Siting Council approved the 909-megawatt farm, being developed by Caithness Energy of Chicago, on July 25.

Williams, a 40-year-old construction contractor, said the Willow Creek turbines' swish-swish and thump-bang often wake him up. His live-in girlfriend, Heidi Hartman, 34, said she's "starting to notice internal effects, jitters" from the vibration and noise.

Wind-energy companies downplay the noise, Williams said. "They said this is going to be about as loud as your refrigerator in your house, which is a crock."

Neighbor Mike Eaton, who also lives within a half-mile of a Willow Creek turbine, said the spinning blades are noisier than people realize. He's measured 67 decibels with a handheld monitor beside his home, he said, much higher than the 36 decibels allowed by state law.

Not only that, the retired furniture maker said, "I can hear windmills at my house from Arlington, 12 miles away."

Eaton, 61, 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.

Officials pay attention

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 neighbors' complaints seriously.

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

With elimination of an Oregon Department of Environmental Quality noise-control program in 1991, the counties are on their own, said the DEQ's Frank Messina in Bend.

Torres, the state Department of Energy spokesman, also doesn't dismiss the complaints. Officials "still don't know enough about the noise factor" because little research has been done, he said.

"We know more about the effects on birds and bats," he said.

Invenergy has hired a company to gauge noise from the Willow Creek farm's 48 turbines, said Logsdon, the spokesman, which should fulfill a county demand for independent monitoring. Invenergy expects results in about a month, he said.

Ultimately, the company could buy noise easements from the nearby homeowners or possibly buy the properties or close turbines close to homes. Or the homeowners, if they aren't satisfied with the county's response, could pursue their complaints in court.

"An industrial plague"

Pierpont, the doctor, who has an upcoming book about the dangers of wind

farms, says turbines should never be built within two miles of homes. The low-frequency sound affects the inner ear, she said, causing problems such as sleep and learning disorders, headaches, dizziness, anger, irritability, depression, memory loss, tinnitus (ringing in the ears), mood swings and panic attacks.

As wind machines proliferate near where people gather, she said, "wind turbine syndrome will likely become an industrial plague."

Money is another factor, straining relationships among usually friendly rural neighbors. While the machines bother some landowners, they're a revenue bonanza for others. Seldon, the industry spokeswoman, said landowners typically get lease payments of \$2,000 to \$4,000 a year per megawatt.

In Oregon, Sherman County farmer John Hildebrand, 82, for example, earns about \$30,000 in annual lease payments for the 11 turbines operating on about three acres of his land. He knows of other farmers, he said, who get much more.

That has Logsdon suspecting sour grapes.

"Where people don't have turbines on their property and aren't being paid for them, they don't want to look at them on their neighbors' property," he said.

But Williams thinks energy companies should compensate not only the landowners but other affected homeowners as well. He wants Oregon and its rural counties to enact setbacks that would place turbines farther from homes.

"If the setbacks were done properly," he said, "none of this ... would have happened."

-- Richard Cockle; rcockle@oregonwireless.net

Subject: Green Backlash: The Wind Turbine Controversy

Green Backlash: The Wind Turbine Controversy

http://www.bobvila.com/HowTo_Library/Green_Backlash_The_Wind_Turbine_Controversy-Green_Building-A3923.html

As the nation rushes to add renewable energy to its power portfolio, a growing chorus of homeowners and others are expressing concerns about how industrial wind projects are affecting health, safety, lifestyle and property values.

Green marketing campaigns typically show rows of industrial wind turbines in remote windy locales. However, wind projects are increasingly finding their way into rural residential areas. With investment tax credits and government mandates advocating for additional installations, more homeowners and property owners may soon find themselves facing a turbine project proposal.

Wind Turbines One of three industrial turbines and a substation that now neighbor the Taylor family home in rural Illinois. (c) Rene Taylor

Low-profile yet widespread concerns expressed from Kansas and Wisconsin to Vermont and Pennsylvania about industrial wind complexes are showing up all over the Internet. The efforts of community groups and various experts to bring a full discussion to light of the costs and effects of turbines are resulting in a small but growing green backlash.

Homeowner Problems

"We've been given a life sentence," says Larry Lamont describing his life since 88 industrial wind turbines, each nearly 400 feet tall, were inserted among the homes, farmettes and farms in the rolling landscape of Fond du Lac County, Wis., where he lives. Lamont and his wife, Carol, moved there more than 30 years ago, renovating a pre-Civil War-era stone house and adding a 17 x 13-foot window wall to enjoy the views of the one-acre pond they dug and the wooded hills beyond.

When they heard about wind turbines coming to the area, they were supportive at first and even wanted one sited on their property. "We believed in them," says Lamont. That belief has changed. They now have three turbines closer to their home than one proposed for their property would have been. The family has experienced significant sleep disturbances, although, Lamont says, "we had been told it would sound like the refrigerator running." They have also lost their viewscape. "It was suggested that we pull a curtain over our window wall." The impact has been total, he says.

"Ducks and geese that had summered on the pond for the past 25 years left mid-summer and never returned and the bat houses on the barn also were abandoned," he says. "Wind towers are known to be fatal to bats because their lungs are ruptured by the pressure change created by the turbine blades. Now all we see on the pond is the reflection of the turbines, including their red lights at night."

Wendy Todd and her husband raised three children in Portland, Maine, but it was her dream to return home to the small community of Mars Hill in the northeast section of the state. They were thrilled when her parents, second-generation farmers there, gave them four acres adjacent to their property to build a home. A wind project had been given an initial go-ahead by the town council in 2002, but it still had to go through permitting phases with the state. The Todds broke ground for their foundation in June 2005 and moved into their nearly completed home in December 2005. In March 2006, Todd says, it was clear the wind project was a go. In late winter/early spring of 2006, trees were cut down to make way for the wind project.

"The first turbine to start the testing protocol was No. 9 in December of 2006," he says, "Residents questioned what the noise was about. We figured it must be part of the testing phase because we were told at all public meetings that the turbines made little to no noise. In March of 2007, the project went online and we knew for sure that we were in trouble."

down the mortgage first, Taylor says, but she is also concerned about whether they will face problems when they do go to sell.

Noise and Health Concerns

The problems being experienced by these homeowners and others are not isolated. As wind turbine projects grow in number, footprints beyond the turbine pad sites extend into thousands of acres and turbines gain size, more concerns have been expressed about effects not only in the U.S. but in Europe as well. The third international conference on wind turbine noise <<http://www.windturbineoise2009.org>> is planned for June 17-19, 2009 in Alborg, Denmark.

In Rumford, Maine, members of the medical staff of Rumford Hospital issued a press release <<http://www.windaction.org/documents/19933>> in February asking for a moratorium on wind projects. The announcement noted that "there is a literature emerging worldwide expressing a multitude of side effects affecting those who live, work or attend school in the vicinity of wind farms. The health hazards include problems arising not only from audible noise frequencies but also from inaudible low frequency noise waves."

Lisa Linowes, executive director of Industrial Wind Action Group, advises communities and officials about industrial wind complexes. (c) Lisa Linowes

Richard James, principal consultant for E-Coustic Solutions

<<http://www.e-coustic.com>> of Okemos, Mich., has more than 35 years of experience addressing community noise for new and existing industrial and commercial facilities and has presented his findings across the country as local governments review industrial wind proposals. James says there are three main problems for homeowners that neighbor turbines. Two are a combination of audible sounds—one is similar to the sound of an airport in the distance and the second is a woosh-woosh sound of moving blades similar to a helicopter flying overhead—both of which are uncharacteristic of a rural environment, particularly at night, he says. The third problem is low-frequency acoustic energy, best described as a vibration felt inside homes.

What confuses the situation is that sounds can affect each person differently and low-frequency vibration can depend on a home's construction and the shape of its rooms. Those most at risk, he says, are people with pre-existing medical conditions, those 60 and older when sleep problems are more common and children under six. He suggests that setbacks from homes should be at least a mile with noise limits of 35 decibels, maximum, using the A-weighting filter (i.e. dBA) to measure the audible part of the noise and 55 decibels, maximum, using the C-Weighting filter (i.e. dBC) to measure the low-frequency non-audible sound outside a home. "Thirty-five decibels at night will be audible in the country unless the home is within a few miles from a major highway," James says. "That's why 1,000 feet from a home, where some turbines have been placed, can seem so outrageously loud."

Property Values

For Barbara Pitcairn, Owner/Designated Broker for Maine's Presque Isle and

Fort Kent offices of Aroostook Real Estate

<<http://www.aroostookrealestate.com>> , the devaluation of property is a big issue. "Why would anyone want to live close to that level of noise and be consistently affected by the shadow flicker these giant turbines generate?" She says a majority of her sales are to people relocating from southern New England and many desire building or purchasing their retirement home away from the traffic and noise. "Most want privacy and seclusion so they can enjoy northern Maine's way of life," she says. Pitcairn says it is her broker's professional opinion that several of the homes located near wind turbines on Mars Hill Mountain suffer from diminished value.

Jim Shaw, owner/broker for Northern Maine Realty

<<http://www.northernmainerealty.com>> in Mars Hill, says that he has had no issues with selling property, living near or renting cabins on the west side of the wind project on Mars Hill Mountain. However, he does say that those on the opposite side of the project must sometimes contend with a noise similar to a low-flying jet aircraft or a waterfall. As far as property values, Shaw

says that since there have not been any properties sold to confirm a drop in value, there is no proof of devaluation.

When Derry Gardner of Gardner Appraisal Group, Inc.

<<http://www.gardnerappraisalgroup.com>> out of San Antonio, Texas, hears that turbines do not affect property values or neighboring property values, he says, "it goes against common sense, which automatically raises a red flag." He cites market data showing diminished values. He also says it's important that any value analysis of property use a commonly accepted method such as the paired sales analysis, which is part of the methodology used under the direct sales comparison approach. With that, a property's characteristics-such as market conditions over time, improvements and location-are considered. Similar properties are then identified and some of the variant features become the reason for the difference in value.

Gardner says a 350-acre ranch in Erath County, Texas, is one example. It was purchased at top price for a retirement homestead. The new owner learned that 27 wind turbines were to be placed within a 1.5-mile radius and put the ranch up for sale. A prospective buyer agreed to the sales price but backed out when the turbine project was disclosed. The seller offered a 25 percent discount but the prospective buyer declined, says Gardner.

He points to sales of seven rural Texas tracts between March 2006 and August 2007 in which contributory values of improvements were deducted from each sales with all other characteristics considered similar. Properties with turbines averaged a 37 percent decrease in value, properties two-tenths to four-tenths of a mile from turbines had a 26 percent average drop and properties in which turbines were up to 1.8 miles away experienced an average value decrease of 25 percent.

According to Michael McCann of McCann Appraisals LLC in Chicago, Ill., "Turbines are large-scale industrial machines/projects, which surround homes, unlike any other large-scale projects. I have never seen a situation akin to wind farms where an industrial zoning 'overlay' encompasses and

surrounds existing homes. No other industrial, retail or other type of large-scale project gets approved without first buying out the existing residences rather than surrounding them. A home is the biggest investment most people have in their life and deserves value protection from a dominating land use, which generates profits for the developers and is claimed to be for the public good. It would seem that most wind energy companies are unwilling to compensate people fairly for value loss....nor buy them out."

McCann, a Certified General Real Estate Appraiser who has qualified as an expert witness on real estate value and zoning cases in 20 states, has reviewed residential sale data for 46 transactions near the boundaries of Illinois' first wind project, Mendota Hills, in Lee County that occurred after turbines were erected from 2003 through March 2005, "a strong market overall." The homes averaged a sale price of \$74.63 per square foot, he says. A separate group of sales much further removed from the project averaged \$102.94 per square foot. Most homes were older farmstead residences and modest ranch-type homes typical of those found in rural Illinois. He says the sales data reveals that the typical home within a mile or two of project boundaries is 25 percent lower in value than for more distant homes. Some examples range upward of 30 percent and, in softer current market conditions, he anticipates value discounts exceeding 30 percent and perhaps as high as 50 percent.

It is important to keep zoning districts separate to provide for compatibility of uses and to protect property values, health, safety and welfare of residents, says McCann. Farm areas have a pre-existing established residential character that is typically a "permitted" use. He says the Obama administration missed the opportunity to require value protection of project footprint homes in the stimulus bill when extending the wind energy tax credits to 2012. "That would have cost the taxpayers nothing and, at worst, would have re-allocated the funds for one percent or two percent of the turbines, which cost about \$2 million each," he says. "Since the turbines do not run at 100 percent of nameplate capacity, no energy would have been lost and homeowners would have been taken fairly into the equation of this wind energy trend."

Benefit Concerns and Wildlife Impacts

In 2004, Lisa Linowes and her husband were planning the renovation of an old farmhouse they had purchased when they heard about a wind project possibly coming to their New Hampshire town. With a little digging, she says, she determined that the project was not a good idea and set out on a quest to educate herself and others.

In 2006, she and others formed Industrial Wind Action Group <<http://www.windaction.org>> to play a proactive, leadership role with fact-based analyses to assist communities and to advise officials at federal, state and local levels. Her immersion in the topic has made Linowes a recognized wind and land use expert. She serves as the group's executive director and has been invited to speak and to be a panelist at numerous venues across the country, including the 12th annual Midwest Energy Conference of the Midwest Chapter of the Energy Bar Association in March in Chicago.

Many issues have arisen about industrial wind turbines not only for homeowners but for taxpayers and nature lovers as some expected benefits [<http://www.windaction.org/documents/20052>](http://www.windaction.org/documents/20052) turn out to be less than originally estimated and impacts on wildlife, such as bats [<http://www.ucalgary.ca/news/aug2008/batdeaths>](http://www.ucalgary.ca/news/aug2008/batdeaths) , begin to be understood. Linowes says she hopes to "put the cold hard facts on the table and to take emotion out of the room."

Text by Maureen Blaney Flietner
(c) 2009 BobVila.com

LETTERS

YoungLife praised for work with youth

I am a mom to five kids and I have seen an impact in my kids because of YoungLife. I feel YoungLife is very positive and is wonderful to have here in Upper Kittitas County. I've noticed the change in my children's behavior, YoungLife has done that, I believe. They get to learn about Jesus and I think that's very good. I believe YoungLife provides a safe place with a positive message. Three of my kids have been to camps and my teens agree that they are awesome events. One of them has been inspired by the program and it makes me feel very happy and excited for her, now we are learning more together. I appreciate that she was given a scholarship, she really wanted to go and it helped us out. I really see the importance of camp and fundraisers for groups like YoungLife.

Rayette Martinez

Windfarms wouldn't exist without subsidies

On April 23rd, the Desert Claim Wind Power Project will present to Energy Facility Sighting Evaluation Council (EFSEC) an updated EIS after being turned down by our Kittitas County Commissioners in 2005 for a larger project. Rather than repeat facts others will publish on increased jobs and lower property taxes, I'd like to head off some of the recurring objections.

Windfarms wouldn't exist without subsidies

During the Depression, the TVA and locally BPA were Federally financed in part for jobs and in part for future electrical needs for growth. Sound familiar? Why do you think we have the lowest power rates in the county? Hydro subsidies.

The Iraq War is a direct carbon subsidy. Tack that on to a barrel of oil to compute the true cost of running your car. Add on depreciation, credits, cheap land and ocean leasing rights...you get the picture. Hydrocarbon subsidies.

In Kittitas County, we believe in Individual Property Rights

State and Federal oversight groups have been responsible for virtually all our freeways, dams, airports, power lines, train tracks, etc. Is this County so different that we should try to set an example of no facilities of this sort?

A flippant response to those opposed to the EFSEC process is "go change the law." It is in fact law. Our County Commissioners have filed for Intervenor status, giving them a seat at the table in the Ellensburg meeting. They have not chosen pro or con. Since 2005 the cost of turbines is almost triple. We as consumers end up paying that increase. A strong public showing at 7:00 p.m. on April 23, will in fact, help expedite this process, potentially bringing in tax revenue in 2010. I urge you to show up and voice your opinion.

Craig Nevil - Cle Elum, WA.

707 W 2nd Cle Elum WA 98922

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MAY 05 2009

ENERGY FACILITY SITE
EVALUATION COUNCIL

May 1, 2009

Mr. Allen Fiksdal, Manager
Energy Facility Site Evaluation Council
905 Plum Street SE
PO Box 43172
Olympia, WA 98504-3172

Re: Desert Claim Wind Power Project

My name is JP Roan and I am a landowner in the project.

This project is very important to me and my family because it will enable the family ranch to remain intact. Leasing land for turbines gives me another revenue stream that is dependable. I want to leave my ranch intact for my children and grandchildren as my parents did for me, but ranching is a tough business and it is getting more and more difficult to make a profit.

My ranch is located in an open range land area. I guess the easiest way to explain what this means is to say that the cows have the right of way. This area is perfect for a wind farm since the cows don't mind the turbines.

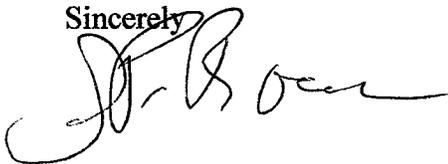
I have three transmission lines that run right through my property. They march across my land taking power from the dams to the metropolitan areas west of the Cascades.

And, since we all know that the wind blows here, all of the requirements for a wind farm are found on my land. This land combined with that of my neighbors comprises the site for the Desert Claim Wind Power Project.

I have a bit more information that I'd like to share with you. I found out that between April 1, 2008 and November 30, 2008, the Wild Horse Wind Farm Renewable Energy Center had over 18,000 visitors and hosted over 230 groups. These visitors came from 46 different states and 28 countries. Tourism is very important to Kittitas County and some folks felt that the wind farms would hurt tourism. On the contrary, this data seems to say that the opposite is true.

I think that this project needs to move forward quickly. The review of this project has been very thorough and it's time to permit it. Let the construction begin in 2010 so we all can benefit from the project.

Sincerely



JP Roan

[REDACTED]
Ellensburg, WA 98926

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ENERGY FACILITY SITE
EVALUATION COUNCIL



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: David O. Young

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.

The unavoidable adverse impact of night time red lighting for aviation safety is unavoidable. But there is a significant night time adverse impact that is avoidable. That impact is the increase of light pollution, due to this project. Light pollution is caused by poorly positioned and/or unshielded outdoor lighting that allows light to shine far beyond the intended area of illumination, onto road ways, the countryside, or even into the sky. Lighting at this project should be properly shielded

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

RECEIVED

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.

MAY 05 2009

ENERGY FACILITY SITE
EVALUATION COUNCIL

to restrict illumination light to its intended area. Lights should not be angled in an attempt to light a large area such as parking lots or substations with a few lights, which allows the light's element, and internal reflector to be seen far away. Lights on poles ~~shiny~~ shining straight down, without the use of drop lenses, in the amount needed to safely illuminate an area, should be used. Lights on the sides of buildings or over door ways should be shielded.

The negative impact of increasing ~~the~~ Kittitas county's light pollution due to this project can easily be avoided by the proper placement, and selection of shielded outdoor lighting.

More information on the causes and cures of light pollution, as well as links to manufactures of shielded light fixtures can be obtained through the International Dark-Sky Association at, "www.darksky.org"

Sincerely,

David Young



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street • PO Box 40100 • Olympia WA 98504-0100

May 4, 2009

Allen Fiksdal
Energy Facility Site Evaluation Council
925 Plum Street S.E., Bldg. 3
PO Box 43172
Olympia, WA 98504-3172

**Re: Desert Claim Wind Power Project Draft Supplemental Environmental
Impact Statement: Comments**

Dear Mr. Fiksdal:

Counsel for the Environment (CFE) appreciates this opportunity to comment on the Desert Claim Wind Power Project (Desert Claim) Draft Supplemental Environmental Impact Statement (DSEIS). CFE takes no position in support or opposition to the application of Desert Claim at this time. The following comments seek to ensure that the Final Supplemental Environmental Impact Statement (FSEIS) fully captures and analyzes the proposed project's environmental impacts and possible mitigation measures.

2.1.2.2 Scope of SEIS.

The first sentence in Section 2.1.2.2 should be revised to clarify that EFSEC's decision to require preparation of a SEIS was based on an evaluation of the 2006 Application for Site Certification (the 2006 ASC), the County's FEIS, and the report analyzing the 2006 ASC and the FEIS issued by Golder Associates in February 2007. Describing the 2006 ASC as "the revised ASC" is confusing, as the Applicant submitted a "Revised Application for Site Certification" in February 2009 (the 2009 ASC). The FSEIS should clearly state that the scoping for the SEIS was based upon EFSEC's review and analysis of the 2006 ACS, not the 2009 ASC.

2.2.2.1 Wind Turbines.

Neither the DSEIS nor the 2009 ACS contain a scale diagram of the proposed wind turbines.¹ A scale diagram of a wind turbine with points of reference (*e.g.*, existing power pylons and power poles currently on the site, an average sized adult, etc.) that allow the reader to easily comprehend their size relative to the project's surroundings should be included.

¹ See DSEIS at 2-11, Fig. 2.2-1; 2009 ACS at Fig. 6.

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**ENERGY FACILITY SITE
EVALUATION COUNCIL**

ATTORNEY GENERAL OF WASHINGTON

Allen Fiksdal
May 4, 2009
Page 2

2.2.2.3 Project Electrical System.

To the extent possible, the inclusion of overhead power lines should be avoided. If the proposed power line route runs through an area where underground lines are not practical or feasible, an alternative route should be developed. If overhead lines are necessary, they should be constructed with perch guards to discourage their use by raptors and other avian species.

A best practices program for boring and bridging operations should be developed and followed. Appropriate steps should be taken to ensure that slurry and spoils from boring operations are properly disposed of and do not migrate into or otherwise degrade wetland areas.

2.2.2.5 Access Roads.

The access roads for this project appear to be undersized as compared to the access roads constructed for the Wild Horse Wind Power Project (Wild Horse) and those proposed for the Kittitas Valley Wind Power Project (Kittitas Valley). Accordingly, the CFE questions the sufficiency of the proposed road design and has concerns that Applicant has underestimated the amount of land that will be temporarily and permanently disrupted by the project.

As currently proposed, Desert Claim intends to construct approximately 27 miles of road. Straight sections will have a 15-foot wide travel surfaces. Curved sections will have a travel surface up to 20 feet wide. All roads would have two foot gravel shoulders. DSEIS at 2.2.2.5. The DSEIS further provides that the total area permanently disturbed area resulting from construction of access roads will be 71.5 acres. DSEIS Table 2.2-2. In contrast, Kittitas Valley Wind Power Project (Kittitas Valley), which has similarly sized turbines, will be installing 6.06 miles of 24-foot wide road and 14 miles of 38-foot wide road and the total permanently disturbed area due to roads is estimated at 82.6 acres. See Kittitas Valley FEIS at 2-9. The FEIS for the Wild Horse Wind Power Project (Wild Horse) states that roads between contiguous turbines in a string are 34 feet wide to accommodate the movement of large crane equipment between the turbines. Wild Horse FEIS at 2-3. General access roads at Wild Horse are 20 feet wide. *Id.* While the topography for the three projects differs in significant ways, the size of the turbines and the size of the machinery necessary to erect and maintain the turbines appear to be identical. There is no explanation in the Desert Claim FEIS, DSEIS, or 2009 ACS as to why smaller access roads can be used to access the Desert Claim project.

Having an accurate description of the amount of land temporarily and permanently disturbed is critical to assessing the magnitude of the project's environmental impact and to determining appropriate mitigation for permanently disrupted habitats. The 2009 ASC states that large cranes

ATTORNEY GENERAL OF WASHINGTON

Allen Fiksdal
May 4, 2009
Page 3

will be necessary for erecting, maintaining,² and presumably decommissioning the project³ and, accordingly, roads capable of accommodating large construction equipment will have to be maintained throughout the life of the project. The designs for the Wild Horse and Kittitas Valley access roads suggest that the 15 to 20-foot wide roads proposed by Desert Claim will not be sufficiently wide.

This section should also identify and describe the parking facilities that will be installed next to each turbine to accommodate maintenance vehicles and cranes.

2.2.3.5 Roads and Turbine Pads.

This section estimates that “temporary disturbance” along the project’s access roads will typically be between 35 to 50 feet. It explains this width is necessary to accommodate trenching for the project’s power lines and access for cranes during construction. The 2009 ACS, however, recognizes that cranes will occasionally need to access the turbines in order to conduct maintenance. Cranes will also need to access the site when the turbines are decommissioned. Accordingly, CFE questions whether characterization of these disturbances as temporary is accurate.

2.2.4 Decommissioning.

The Applicant has indicated that the life of the project is expected to be 30 years, at which time the project will either be upgraded (“re-powered”) or decommissioned. If the current project receives EFSEC approval, any proposal to “re-power” the project or extend the project beyond its anticipated life span should be reviewed by EFSEC and be subject to EFSEC approval. Such review should require an updated assessment of the environmental impacts posed by the upgrade or extended life of the project.

2.3 Changes to Project.

This section should summarize the differences between the proposed turbines and the smaller turbines analyzed in the FEIS. This should include a comparison of the rotor-sweep for each turbine. This section should also contain a figure demonstrating the difference in size between the two types of turbines and their foundations. All of these figures should be presented in scale drawings so that the relative difference in size can be assessed. The 2009 ASC needs to be

² Later in the DSEIS, the author notes that “use of a crane and equipment transport vehicles” will be needed on “an occasional basis.” DSEIS 2.2.3.15 Functions.

³ The section discussing decommissioning mentions the possibility of “re-powering” the Project with new generators and other major turbine components. The use of a crane and other heavy equipment would undoubtedly be necessary to accomplish this. Use of such equipment would also likely be necessary to disassemble the turbines.

ATTORNEY GENERAL OF WASHINGTON

Allen Fiksdal
May 4, 2009
Page 4

revised so that the dimensions for the proposed foundations are correct.⁴ See 2009 ASC, Figures 7A and 7B.

3.1 Water Resources.

Mitigation measures for boring should include the adoption of and compliance with best management practices governing boring operations to ensure that slurry and spoils do not degrade wetlands.

Use of above ground power lines to bridge wetlands should be minimized and should be used only in situations where no other alternative routes are available.

3.2 Plants and Animals.

Rare Plant Survey

A rare plant survey for the project area should be completed before issuance of the FSEIS and its results should be included and analyzed in the FSEIS. If rare species or species of concern are found, the FSEIS should include and identify appropriate mitigation measures. The FSEIS should also include a protocol designed to identify, protect, and preserve rare species or species of concern should they be identified during the construction or operation of the project.

Permanent Habitat Disruption

The Applicant estimates that a total of 86.4 acres of the project site will be permanently disturbed by the project and that 230.8 acres will be temporarily disturbed during construction. As discussed above, the CFE questions whether the 2009 ASC and the DSEIS underestimate the permanent disruption resulting from road construction. If this is the case, additional mitigation will be necessary to compensate for the loss of high priority grassland, shrub-steppe and grassland/lithosol habitat.

Grasslands, Shrub-Steppe, Grassland/Lithosol Habitat

Washington's Comprehensive Wildlife Conservation Strategy (CWCS) identifies Washington Eastside Grasslands as a Washington Wildlife Action Plan Priority 1 Habitat. Seventy percent of

⁴ Section 4.8 Turbine Foundations in the 2009 ACS states that two types of foundations will be used to support the wind turbines: a pile foundation and an inverted-T foundation. The dimension of the inverted-T foundation will be approximately 80 feet in diameter. The outside dimension for the pile foundation will be approximately 16 feet in diameter. Figures 7A and 7B, which illustrate both types of foundation, contain incorrect dimensions and should be revised so that they accurately depict the proposed structures.

ATTORNEY GENERAL OF WASHINGTON

Allen Fiksdal
May 4, 2009
Page 5

arid grasslands have been lost since 1889 and the remaining lands are heavily fragmented with reduced habitat value. Any permanent disturbance to grasslands caused by the project should be fully mitigated pursuant to 2009 Wind Power Guidelines.

Shrub-steppe is also a Priority 1 habitat in the CWCS. Since statehood in 1889, more than 50% of this habitat type has been lost to conversion, fragmentation, or degradation. Any permanent disturbances caused by the project should be fully mitigated pursuant to the 2009 WDFW Wind Power Guidelines.

Lithosols are a WDFW priority habitat. The DSEIS indicates that there is a relatively small amount of grassland/lithosol habitat on the project site. Lithosol habitat is difficult, if not impossible, to restore. Table 3.2-2 indicates that less than .01 acre of grassland/lithosol habitat will be temporarily disturbed. Given the difficulties in restoring this habitat, any temporary disturbance will likely result in permanent damage to the habitat. Applicant should provide full mitigation pursuant to the 2009 WDFW Wind Power Guidelines for such a loss or, if possible, take steps to avoid any disruption all together.

The DSEIS should contain more detailed information regarding the likely outcome of restoration efforts for these three habitats. This should include a definition of successful restoration and an evaluation of the likelihood of success. If it becomes apparent that temporarily disturbed land cannot be successfully restored, provisions should be in place to reclassify this land as permanently disturbed.

All temporary and permanent habitat loss should be mitigated as set forth in the 2009 WDFW Wind Power Guidelines.

3.2.3 Wildlife (Birds and Bats).

Birds

The DSEIS indicates that the risk of destruction of a nest with eggs or young will be lower because the footprint of the currently proposed project is slightly smaller than the footprint of the project considered in the FEIS. This section, however, does not identify what species are likely to be impacted and presumes, without citing to any supporting data, that the nesting density for the new project site is equivalent to the nesting density on the original project site. This section, at a minimum, should identify what avian species are likely to be impacted by construction and explain why reliance on the avian studies conducted on the original project site is sufficient.

The conclusions in this section may also need to be revised if the estimate for the amount of permanently disturbed land attributable to access roads is revised upward.

ATTORNEY GENERAL OF WASHINGTON

Allen Fiksdal
May 4, 2009
Page 6

The DSEIS concludes that the estimated mortality rate of 23 raptors per year “will not result in any population-level consequences (e.g., within the Kittitas Valley, within the Columbia Plateau, or some larger population) for the raptor species likely to be affected.” The DSEIS, however, only analyzes population estimates for kestrels and red-tailed hawks for the entire Columbia Plateau. This analysis should be expanded to address whether the project will have a significant adverse impact on the population of these species within Kittitas County.

The first bald eagle mortality associated with a wind farm has recently been reported. The FEIS indicates that bald eagles in the project area frequent cattle grounds and calving operations. Bald eagles may also prey upon waterfowl in the project site area. While the FEIS suggests that a bald eagle mortality likelihood of a bald eagle strike is extremely low, FSEIS should include a protocol that will be followed, and mitigation measures that will be considered, should a bald eagle mortality occur.

Bats

CFE has concerns regarding the reliability of bat mortality estimates based on information reported by other wind power projects. The DSEIS concedes that little is known about local, regional or national populations of bat species. Absent such information, conducting a pre-construction monitoring study to establish population baselines should be required. Without gathering this information prior to construction and operation, there is no meaningful way to determine what, if any, impacts the project will have on bat populations or how such impacts should be mitigated.

Mitigation Measures

All mitigation measures identified in the FEIS, as well as any additional mitigation measures identified in the DSEIS, should be incorporated as conditions for the Site Certification Agreement.

Additional mitigation measures that should be considered include:

- Installation of strike sensors in turbine rotors to assist in documenting avian and bat strikes.
- Installation of technology that repels bats from rotor-swept areas.
- Evaluation of bird and bat strike data to identify conditions that pose the greatest risks to bats and avian species and develop turbine operating procedures to minimize these impacts.

ATTORNEY GENERAL OF WASHINGTON

Allen Fiksdal
May 4, 2009
Page 7

Thank you for the opportunity to comment on the Desert Claim DSEIS. If you have any questions regarding these comments, please give me a call at (360) 586-[REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Marvin', with a long horizontal flourish extending to the right.

H BRUCE MARVIN
Assistant Attorney General
Counsel for the Environment

HBM:da

cc: David Steeb, Desert Claim Wind Power LLC
Karen McGaffey, Perkins Coie LLP
Tony Usibelli, Director Energy Division, CTED
Alice Blado, Assistant Attorney General, Senior Counsel
Neil A. Caulkins, Civil Deputy Prosecutor, Kittitas County
Ron Cridlebaugh, Executive Director, Economic Development
Group of Kittitas County
Roger Overbeck
Linda Dalton, Senior Assistant Attorney General
Christina Beusch, Deputy Attorney General

Bhavnani, Monica (CTED)

From: [REDACTED]@fairpoint.net
Sent: Monday, May 04, 2009 3:46 PM
To: CTED, EFSEC
Subject: Desert claim

My home is approximately 1600 ft from dnr property line. My property line is 1200 ft from dnr property line. My home will be surrounded on 3 sides. I will no longer be able to look out of even one window without looking at turbines and I have no recourse or help from the company that is devaluing my home and my physical well being? I am 4 homes away from Steve Prue, number 1 on your list of homes that will be less than 2500 ft from a turbine. **Per my conversation with David Steeb on Thursday, my home and family will not be considered for any type of help or resolutions on shadow flicker, flashing lights or anything else.** I have skylights, windows 8 ft tall on 2 sides of my home and I must bear the cost all of this? I am not considered to be in the effected area???? David Steeb said that all neighborhoods have things they must deal with but what do you say to your 6 year old granddaughter when she states, "Grandma I can't come and see you when the windmills are at your house. They are scary!" This is what my granddaughter stated Saturday May 2nd.

How can my family not be considered? Can you explain this better to me and my family? David Steeb stated I have no rights for any compensation for anything that will affect me or property.

I can't say anything more and remain calm. You need to treat the people who are boxed in at the end of reecer creek the same.

We know the international standard for setbacks so why is this being allowed to be treated differently?

I want to know the distance from turbine 71, 72, and all others around my home. I am not over 2500. I need to know who decided this and prove it to me. Where are the facts on this for all of us and now that I have an engineer and access to mapping someone needs to explain this all. If a turbine can be moved 300 ft then I am even closer.

I would also like to know about medical conditions resulting from this. Who is paying out for all **medical claims**?

Gina Jefferson-Lindemoen
[REDACTED]

Public Comment
DSEIS #35

Bhavnani, Monica (CTED)

From: Talburt, Tammy (CTED)
Sent: Monday, May 04, 2009 4:03 PM
To: CTED EFSEC
Subject: FW: desert claim comment

Monica,

Here is another desert claim comment

Tammy

360/956-2122

From: Posner, Stephen (CTED)
Sent: Monday, May 04, 2009 10:51 AM
To: Talburt, Tammy (CTED)
Subject: FW: desert claim

Please process. Thanks.

From: Fiksdal, Allen (CTED)
Sent: Monday, May 04, 2009 10:48 AM
To: Posner, Stephen (CTED)
Subject: FW: desert claim

Desert Claim comment.

Allen Fiksdal
Washington State
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172
Phone: 360-956-2152
Fax: 360-956-2158

Visit the EFSEC web site at: <http://efsec.wa.gov/>

From: [REDACTED]@fairpoint.net [mailto:ginaalan@fairpoint.net]
Sent: Monday, May 04, 2009 9:18 AM
To: [REDACTED]@verizon.net; Crews, Kyle (ATG); [REDACTED]@perkinscole.com; Marvin, Bruce (ATG); [REDACTED]@co.kittitas.wa.us; Fiksdal, Allen (CTED)
Cc: Tribble, Michael (ATG)

5/6/2009

Subject: desert claim

My home is approximately 1600 ft from dnr property line. My property line is 1200 ft from dnr property line. My home will be surrounded on 3 sides. I will no longer be able to look out of even one window without looking at turbines and I have no recourse or help from the company that is devaluing my home and my physical well being? I am 4 homes away from Steve Prue, number 1 on your list of homes that will be less than 2500 ft from a turbine. **Per my conversation with David Steeb on Thursday, my home and family will not be considered for any type of help or resolutions on shadow flicker, flashing lights or anything else.** I have skylights, windows 8 ft tall on 2 sides of my home and I must bear the cost all of this? I am not considered to be in the effected area???? David Steeb said that all neighborhoods have things they must deal with but what do you say to your 6 year old granddaughter when she states," Grandma I can't come and see you when the windmills are at your house. They are scary!" This is what my granddaughter stated Saturday May 2nd.

How can my family not be considered? Can you explain this better to me and my family? David Steeb stated I have no rights for any compensation for anything that will effect me or property.

I can't say anything more and remain calm. You need to treat the people who are boxed in at the end of reecer creek the same.

We know the international standard for setbacks so why is this being allowed to be treated differently?

Gina Jefferson-Lindemoen

5/6/2009

Public Comment
DSEIS #36

Bhavnani, Monica (CTED)

From: Kurt & Jan [REDACTED]@fairpoint.net]

Sent: Monday, May 04, 2009 4:37 PM

To: CTED EFSEC

Subject: Fw: newspaper articles

Attachments: CWU Observer 4 9 09.pdf; Yak Herald Editorial 11 30 08 KVVPP Supreme Court Decision.docx; Daily Record Economic Impact Study 3 11 09.docx

EFSEC,

Please accept the attached articles for the record on the Desert Claim Wind Power Project.

Jan Sharar

[REDACTED]
Ellensburg, WA. 98926

(509) 925-[REDACTED]

More wind power proposed for Kittitas County

by Loren Hammersberg
Staff reporter

The Desert Claim Wind Power project is attempting to bring additional wind energy to the Kittitas Valley. Just outside Ellensburg resides the state's most advantageous location for a wind farm. Desert Claim Wind Power is a renewable energy project funded by enXco and conducted by professors in the Department of Economics at Central Washington University. The proposed site is

eight miles northwest of Ellensburg.

The original proposal was sent back for revisions by Kittitas County.

"In the past Kittitas County has not been in support of that project," said Kittitas County Commissioner, Vice Chairman Paul Jewell.

With ongoing revisions being facilitated through the Energy Facility Site Evaluation Council (EFSEC), Kittitas County's current position on Desert Claim Wind Power remains uncertain.

"We have not yet met to define a position," Jewell said. "I would want to look at the details regarding the actual number of turbines and the impact it's going to have on county residents before I throw my weight for or against."

The most conflicting issue between the two sides appears to be a concern of the number of turbines and their proximity to buildings and residential homes.

"The bad things are, or the potential impacts are, that of

course these are permanent and these are permanently changing the landscape of our county and the appearance of our county," Jewell said.

According to WindWorks Field director David Sterns, more power generated from wind would mean less CO₂ emissions and greater U.S. energy security, but the Desert Claim Wind Power project offers many more benefits to the city of Ellensburg and Kittitas County."

SEE WIND PAGE 4

WIND: energy in Kittitas county

CONTINUED FROM PAGE 2

Sterns illustrates how developing this wind power project would benefit the Ellensburg community and Kittitas County.

"Total tax revenue estimates are about \$900,000 for local schools and services," Sterns said. "The Ellensburg School District would receive \$340,000 in tax revenue in the first year and the Kittitas County Fire District No. 2 would get more than \$210,000 in revenue in the first year."

Not only would this project create a great tax revenue for the city of Ellensburg, but it would also create many job opportunities within the community.

"This project would have two phases. During the construction phase they would anticipate about 160 new jobs, and those would pay 3.6 million dollars in total payroll," Sterns said.

The construction process would take less than one year, according to member of Ellensburg Chamber of Commerce Debbie Strand.

"WindWorks is a community group that tries to engage community members in renewable energy projects and wind power projects"

Sterns said.

WindWorks has had to battle hard in Kittitas County for the push of the Desert Claim Wind Power project.

"In Kittitas County, NIMBY (Not In My Backyard) opposition has been a really big problem for wind power developers," Sterns said. "What WindWorks tries to do is, is to make sure the community support that is often prevalent for these projects actually is being heard and being as verbal as possible to counterbalance the very small but very local opposition groups."

"NIMBY opponents of the project complain about what the turbines would do to their fair land," Sterns said. "But a lot of the people who own land that is suitable for land development are farmers and ranchers who don't have a whole lot of options for ways to make a living off their land, wind turbines really do present land owners with another option for how to keep their land in tact and it gives them something else to do other than subdivision."

At this point, the exact future of this project remains unknown. On April 23, there will be an open meeting held by EFSEC at Hal Holmes Community Center at 7 p.m.

<http://www.yakima-herald.com/stories/2008/11/30/wind-farm-process-worked-now-let-s-move-forward>

Wind-farm process worked, now let's move forward

Yakima Herald-Republic editorial board

This editorial appears in the Yakima Herald-Republic on Nov. 30, 2008.

This state's commitment to alternate forms of energy got a needed boost when the state Supreme Court gave the green light to a Kittitas County wind farm, ending nearly six years of delays.

The high court looked to the broader issue of a greater public good in upholding earlier approval of the project by Gov. Chris Gregoire. The governor, in turn, had based her decision on recommendations of the state Energy Facilities Site Evaluation Council. The council coordinates the evaluation and licensing steps for major energy projects, such as pipelines and power plants, and makes recommendations to the governor's office.

The unanimous court decision ends a six-year battle over plans for a \$200 million wind farm with 65 turbines on the ridges flanking U.S. Highway 97, about 12 miles northwest of Ellensburg. The disputed project is proposed by Houston-based Horizon Wind Energy.

The ruling is precedent-setting in that it upholds an orderly energy policy for the state. While local input is certainly necessary, the bigger picture must include consideration of a public mandate that renewable energy, such as wind power, is to be part of the future power mix in this state. That mandate came with voter approval of Initiative 937 in 2006, a "clean energy" measure that requires the state's large utility companies to increase renewable energy sources to 15 percent of their supply by 2020.

And when it comes to wind power, you put the turbines where the wind blows consistently, which makes Kittitas County sites prime contenders.

Kittitas County already has Puget Sound Energy's Wild Horse wind farm, and local officials recently approved an expansion of that project. The county also has approved another wind project from Chicago-based Invenenergy Wind North America.

It's unfortunate that this issue wound up being framed as a struggle between local and state control, when in fact something of this magnitude must include input from both levels of government. The governor and EFSEC ultimately did overrule the Kittitas County commissioners, but the siting process must look to larger public interests that do not stop at county lines.

It's understandable that some property owners in the area don't want any intrusion by the 410-foot-tall turbines and we can appreciate local elected officials who acknowledged constituent concerns. But those concerns were mitigated substantially when Horizon slashed the originally proposed number of wind machines from 121 to 65.

And, as we noted in earlier editorials, only six structures -- five permanent residents and one seasonal vacation home -- were within 1,650 feet of a turbine. Another nine are within 2,000 feet and they spread out from there.

We also point out that EFSEC is broadly representative of public interests. The council draws members from the state departments of Ecology, Fish and Wildlife, Natural Resources, Community, Trade and Economic Development and the Utilities and Transportation Commission.

This case was hardly decided in a vacuum. Wind farms are not unprecedented in Kittitas County and this one was singled out for not-in-my-backyard special attention. It has dragged on six years while concerns were addressed and many mitigated.

After EFSEC approved the Horizon project in March, Gregoire asked the council members to take a second look for possible tweaking. The panel did that, again recommended approval and only then did the governor sign off on it.

We would say the process worked as it should, with extensive review, public input and mitigation. Now it's time to move on in a continued search for renewable energy.

* Members of the Yakima Herald-Republic editorial board are Michael Shepard, Sarah Jenkins, Bill Lee and Karen Troianello.

The Daily Record - Study: Desert Claim wind farm will boost local economy

3/11/09

Mike Johnston

ELLENSBURG — The total gains the proposed Desert Claim wind farm northwest of Ellensburg can bring to the local economy aren't only in project-related jobs and tax revenue, but also includes additional, job-supporting business that will be felt on Main Street, according to a recently released economic impact study.

It's estimated that total economic activity generated by the planned Desert Claim Wind Power Project comes to \$17.3 million in the project's first year of construction and about \$2.8 million annually after operation begins, according to the study done by Central Washington University professors and a labor economist.

"Our study shows that throughout Ellensburg and Kittitas County, you'd see benefits in new jobs, income and tax revenues because of Desert Claim," said Richard Mack, CWU economics professor and the study's lead researcher in a statement.

Mack added that the impact of the project would "literally serve as a privately funded economic stimulus" to the local economy, "which should be especially welcome in today's difficult times."

The yearly \$2.8 million figure represents the dollar volume of transactions because of the operation of the 95-turbine wind farm.

The study was commissioned and funded by enXco Inc., the French-based international wind-power development company proposing the Desert Claim project, with total company investment estimated at \$330 million to complete the project.

The firm is currently seeking approval of the wind farm from the state Energy Facility Site Evaluation Council, or EFSEC, and Gov. Chris Gregoire. EFSEC officials want to make a recommendation to the governor on the project by the end of the year, or as early as this fall.

David Steeb, the wind farm's project director, said the goal is to construct the wind farm in less than a full year during 2010. The study was released March 5 and was reviewed in a public informational meeting in Ellensburg that same day.

The study indicates that during construction, 160 jobs will be created related to main contractor work at the site and the hiring of local construction workers, along with obtaining local construction services, supplies, equipment and related support services.

The study showed 86 direct construction jobs and 29 local jobs related to construction services.

Another 45 jobs would relate to spending of those construction paychecks locally for goods and services throughout the business community.

Steeb said enXco will hire locally as much as possible.

Mack said that hiring will come at a crucial time in light of the 190 construction jobs that dropped from the county workforce in 2008 because of the downturn in the economy and its effect on the local construction trades.

"It certainly would serve well to take up that slack and keep some of those jobs going," Mack said. "It will keep those jobs in the Kittitas Valley."

It's estimated the total payroll during construction will be \$3.6 million.

The study indicates that once the wind farm starts operations, it should create 25 jobs: 14 full-time enXco employees running the wind farm and another 11 jobs in the community that are indirectly supported by the wind farm's spin-off business.

The total 25 jobs are a "new" payroll estimated at \$970,000 annually. In addition, the study estimates the company will pay \$600,000 annually in payments to landowners for leases.

Mack said the 11 jobs could be seen as related to local business on Main Street that are supported by a myriad of wind farm project and employee expenditures for goods and services.

"These are sustainable jobs; they go from year to year," Mack said of the 25 jobs.

The study also estimates the amount of "new" property tax revenues that will go annually to local governments from the wind farm:

- \$340,000 to the Ellensburg School District.
- \$210,000 to Kittitas County Fire Dist. 2 (Kittitas Valley Fire and Rescue).
- \$315,000 to county government for law enforcement, roads and other county services.

The report explained that these tax revenues would provide new funding to local taxing districts in the first year of wind farm operation and serve to reduce the property tax levy or millage rates for district levies in subsequent years.

In addition, an estimated \$775,000 would go annually to the state for support of public schools (this includes lease payments to the state Department of Natural Resources).

Bhavnani, Monica (CTED)

From: Applegate, Brock A (DFW)
Sent: Monday, May 04, 2009 4:53 PM
To: CTED EFSEC
Cc: Fiksdal, Allen (CTED); Posner, Stephen (CTED); LaSpina, Jim (CTED)
Subject: Comments on the Draft SEIS Desert Claim Wind Power Project
Attachments: Desert Claim DSEIS Comments.doc

Dear EFSEC staff,

WDFW appreciates the opportunity to make comments to the Desert Claim Wind Power Project Draft SEIS. Please feel free to contact me if additional questions arise from this letter. This e-mail will be followed up by a signed hard copy in the mail.

Thanks again.

Sincerely, Brock

Brock Applegate
Wind Power Mitigation Biologist
Washington Department of Fish and Wildlife
201 N. Pearl St.
Ellensburg, WA 98926

(509) 925- [REDACTED]
(509) 607- [REDACTED] (cell)
(509) 925- [REDACTED] (fax)



State of Washington
Department of Fish and Wildlife
201 North Pearl Street, Ellensburg, Washington 98926

May 4, 2009

Energy Facility Site Evaluation Council (EFSEC)
Allen Fiksdal, EFSEC Manager
905 Plum Street SE
Olympia, WA 98504-3172

Subject: State Environmental Policy Act Document; Desert Claim Wind Power Project, Draft Supplemental Environmental Impact Statement, the project located approximately 8 miles northwest of the City of Ellensburg, Washington.

Dear Mr. Fiksdal:

The Department of Fish and Wildlife (WDFW) has reviewed the Draft Supplemental Environmental Impact Statement (SEIS) and offers the following comments for the above referenced project to the permitting agency at this time. WDFW met with Desert Claim Wind Power LLC (the proponent) on April 16, 2009 and conducted a conference call on April 28, 2009 to discuss the proposal. WDFW conducted a site visit on April 23, 2009. WDFW appreciates the proponents' many efforts to avoid environmental impacts by minimizing overhead lines at stream crossings and between substation and transmission lines. WDFW would also like to note the proponent's willingness to meet with WDFW and listen to our concerns and recommendations. WDFW encourages the proponent to protect the bald eagle (*Haliaeetus leucocephalus*) foraging area by controlling or eliminating availability of artificial winter forage in the area. WDFW appreciates the proponent's willingness to work through environmental concerns with a cooperative spirit during the DSEIS phase of the project.

WDFW's concerns with bald eagle foraging area and possible mortality:

WDFW has concerns with bald eagles foraging in the winter months, apparently created by dead livestock and afterbirth. WDFW recommends further analysis in the Final SEIS and specific mitigation measures to reduce the possible impacts to bald eagles. Please see both topics outlined below.

Through your bald eagle studies for the Final Environmental Impact Statement (FEIS), the area contains bald eagle activity and possible migration routes between roosts on the Yakima River and foraging areas probably associated with cattle operations. According to the study, bald eagles

rated as the third most common raptor during the winter (Western EcoSystem Technology, Inc., 2003). This project will overlay turbines with one of the highest concentrations of bald eagles (as compared to other wind power project areas). WDFW believes we may have a situation different from most other wind power projects and we may expect a higher chance of bald eagle mortality associated with this particular project.

Between the 2004 FEIS and the 2009 Draft SEIS, the proponent furthered analysis on many topics that changed in the project between the writing of the FEIS to the Draft SEIS. For bald eagles, the proponent did not do further analysis beyond the FEIS. As a Washington State Sensitive Species and species federally protected by the Bald and Golden Eagle Protection Act (BGEPA), bald eagles warrant further analysis beyond the Final SEIS. Additionally, the U.S. Fish and Wildlife Service (2007) has written a National Bald Eagle Management Guidelines since the proponent issued the FEIS and the guidelines mention wind power projects and foraging areas specifically in the document:

“Minimize potentially disruptive activities and development in the eagles’ direct flight path between their nest and roost sites and important foraging areas.

To avoid collisions, site wind turbines, communication towers, and high voltage transmission power lines away from nests, foraging areas, and communal roost sites,” (U.S. Fish and Wildlife Service 2007).

The project may have unavoidable significant impacts to bald eagles in the Desert Claim Project Area. WDFW recommends further analysis and mitigation measures to reduce the impacts and possible mortality to bald eagles by the project.

Further Analysis in the Final SEIS

WDFW recommends further environmental analysis of impacts to bald eagles in the Final EIS analysis. WDFW recommends further analysis due to the changes in the condition of the project area between the 2004 FEIS and the newly issued 2009 Draft SEIS. The new project would create a greater turbine swept zone by 10 megawatts (MW) from the older project. The project location also changed and WDFW recommends that the proponent compare bald eagle winter survey locations with the new project area.

WDFW would like to see additional analysis due to the rise in bald eagle activity in the area. After years of federal listing, bald eagles have increased their numbers as they have gradually repopulated eastern Washington. Local residents commonly see bald eagles in the Kittitas Valley during winter and occasionally spot bald eagles in the spring and early summer due to new nesting territories in Kittitas County. Bald eagle nest sites did not exist in Ellensburg during the original background wildlife work for the 2004 FEIS.

WDFW recommends that bald eagles receive an analysis similar to those conducted for red-tailed hawks (*Buteo jamaicensis*) and American kestrels (*Falco sparverius*) in the 3.2.3.3 Significant Impact and 3.2.3.5 Cumulative Impacts Sections of the Draft SEIS. In addition, WDFW

recommends comparing the location of roost sites on the river with cattle operations and predicting possible flight paths between the two areas. WDFW recommends comparing the sites of winter calving operations with the turbines as well.

Another issue affecting bald eagle winter use involves the predation of the waterfowl in the area by the eagles. In the avian studies done by Western EcoSystems Technology Inc. (2003), WDFW noted the high use of waterfowl in the area. WDFW has concerns about calving operation and waterfowl flocks acting like an attractant to the bald eagles. If the proponent finds waterfowl acts as an attractant to the eagles in their analysis, WDFW recommends the Technical Advisory Committee (TAC) handle the issue and decide further management actions and possible mitigation measures.

Recommended Mitigation Measures

WDFW has concerns about the ability to adequately mitigate for possible impacts to bald eagles. To address our concerns, WDFW recommends and asks that Energy Facility Site Evaluation Council (EFSEC) adopt the mitigation following mitigation measures in the FEIS (2004) with a few changes into the Site Certification Agreement (SCA):

“The following measures would be incorporated into the Project construction to minimize potential short term (construction) effects on bald eagles and steelhead from the project:

- minimize construction activity that occurs during the winter;
- best management practices should be employed to reduce peripheral impacts to adjacent native vegetation and habitats and to minimize the construction footprint;
- the construction footprint at all stream or water channel crossing should be strictly minimized to avoid peripheral impacts to stream habitat;
- a site management plan should be developed to, at a minimum, provide adequate on-site waste disposal, fire prevention and management, and establish erosion control procedures;
- construction equipment refueling stations should be a minimum of 100 feet from any drainage, stream, irrigation channel, or riparian area;
- adhere to the NPDES [Nation Pollutant Discharge Elimination System] permit stipulations, including erosion control measures;
- all stream and channel crossings should be designed to allow continual waterflow under all (low) conditions and insure fish passage;
- reclaim disturbed areas as soon as practical following construction.

The following measures would be employed to minimize potential long-term (operational) effects from the Project:

- establish and enforce reasonable driving speed limits within the wind plant to minimize the potential for road killed wildlife or livestock that may attract foraging bald eagles;
- provide adequate on-site waste disposal;

- remove and disposed of all [livestock afterbirths and] carcasses of livestock, big game, and other wildlife from within the wind plant that may attract foraging bald eagles;
- ensure that livestock calving areas of participating landowners remain outside the wind plant;
- install bird flight diverters on all guy wires associated with met towers [Proponent has agreed to monopole, freestanding permanent met towers];
- bury all power and communication lines on-site underground where feasible;
- install raptor perch guards on all power poles constructed for the wind plant [WDFW recommends only using perch deterrents in regards to electrocution issues. Please follow Avian Power Line Interaction Committee {APLIC} guidelines to reduce collisions and electrocutions of avian species.];
- any permanent on-site equipment fueling or maintenance stations should be established greater than 200 feet from any drainage, creek, irrigation channel, or riparian area,” (Huckell/Weinman Associates, Inc. 2004).

After conversations with the proponent on April 28, 2009, the proponent mentioned that they could not keep all livestock calving areas outside the turbine area. WDFW proposes that the proponent keep as many calving operations outside and away from the turbines as possible. To address the other calving operations within the turbine area, WDFW recommends EFSEC adds “livestock afterbirth” to the mitigation measure: “Remove and dispose of all [livestock afterbirths and] carcasses of livestock, big game, and other wildlife from within the wind plant that may attract foraging bald eagles,” (Huckell/Weinman Associates, Inc. 2004).

WDFW reiterates the possibility of unforeseen significant impacts, particularly to bald eagles from this wind power project. Since the area contains a higher than normal use by bald eagles (as compared to other wind power projects), WDFW cannot predict the possible outcome of such a project in higher concentrations of bald eagles. To allow the proponent to properly mitigate and protect fish and wildlife, WDFW recommends EFSEC includes the “standard language” from the Kittitas Valley and Wild Horse Wind Power Projects SCA’s in the Desert Claim Wind Power Project SCA, which reads:

“In circumstances where the Project causes a significant adverse impact on the environment not previously analyzed or anticipated by this Agreement, including wildlife impacts that significantly exceed projections anticipated in the Application and Final EIS, or where such impacts are imminent, EFSEC shall take all steps it deems reasonably necessary, including imposition of specific conditions or requirements on the Certificate Holder as a consequence of such a situation in addition to the terms and conditions of this Agreement. Such additional conditions or requirements initially shall be effective for not more than ninety (90) days, and may be extended once for an additional ninety (90) day period if deemed necessary by EFSEC; provided, however, EFSEC may impose conditions on a longer-term basis pursuant to WAC 463-36-090.”

WDFW recommends that the TAC have the ability to determine significant impacts, make

Mr. Allen Fiksdal

May 4, 2009

Page 5 of 17

EFSEC aware of those impacts, and provide recommendations for management actions and/or mitigation for EFSEC's approval. In addition, WDFW asks that EFSEC adopts language into the SCA from the Wind Power Guidelines, "A TAC may reconvene to address an unforeseen circumstance outside the regular operational monitoring schedule."

2009 Wind Power Guidelines:

In 2008, WDFW negotiated guidelines with a stakeholder group for mitigation, construction, and siting of wind power projects with the wind power industry to help minimize impacts to wildlife.

WDFW encourages the proponent to contact WDFW if they have concerns regarding meeting the proposed standards set in the new guidelines as they relate to this proposal. Please find Washington's Wind Power Guidelines at the following link:

(http://wdfw.wa.gov/hab/engineer/windpower/indthe_proponent.htm). WDFW recommends that adoption of language for the Minimization of Impacts, Operations, and Mitigation sections from the Wind Power Guidelines into the SCA.

Overall, WDFW has concerns with the proposed placement of wind power turbines in or near a bald eagle foraging area. WDFW expects that a significant portion of the Final SEIS will focus on an analysis of biological impacts of the project on bald eagles. The Final SEIS should incorporate any information from early consultations including meetings, site visits, and conversations and integrate it with other project information and concerns.

WDFW welcomes the opportunity to work with EFSEC and the proponent during the design, post-construction assessment, and construction phases of the project. WDFW values our working relationship with Desert Claim Wind Power LLC and encourages future dialog as necessary. Please keep me apprised of the status of the Final SEIS and the SCA. If you have any questions or need more information from the WDFW, please call me at (509) 925-1506.

Sincerely,

Brock Applegate
Wind Power Mitigation Biologist

Cc: Harriet Allen, WDFW Olympia
Ted Clausing, WDFW Yakima
Eric Cummins, WDFW Olympia
Perry Harvester, WDFW Yakima
William Moore, WDFW Yakima
Travis Nelson, WDFW Olympia
Brent Renfrow, WDFW Ellensburg
Gregg Kurz, USFWS Wenatchee

SPECIFIC COMMENTS CONCERNING THE DESERT CLAIM DRAFT SEIS:

Table 1.5-1 Summary of Environmental Impacts, Wildlife. The proponent noted the direct mortality due to turbine collision very well. WDFW recommends the proponent add impacts through habitat loss, disturbance, and dispersal, as well.

1.6.2.2 Wildlife. WDFW recommends that the proponent add a summary of information about the cumulative impacts on the bald eagles population here and possibly list the cumulative effects on the state candidate species: loggerhead shrike (*Lanius ludovicianus*), sage thrasher (*Oreoscoptes montanus*), and golden eagle (*Aquila chrysaetos*) as well.

1.7.1.1 Streams. WDFW requests the opportunity to review and recommend management actions to the Temporary Erosion and Sedimentation Control Plan (TESCP) and the Stormwater Pollution Prevention Plan (SWPPP).

2.2.1 Existing Project Site Conditions.

- **Project Footprint Graphic at Higher Resolution.** WDFW recommends that the proponent superimpose the construction footprint of the project (including location of turbines, roads, overhead transmission lines and underground cable trenches) over the current color aerial photography at a level of resolution sufficient to delineate areas of probable habitat impacts. Existing GIS data layers likely exist to create a base layer compatible with the work accomplished by the proponent to date. WDFW would find this information helpful for micro-siting, reviewing plans, and developing construction mitigation.

Figure 2.2-5 Proposed Turbine Locations and Project Power Collection System. WDFW recommends that the project proponent minimize the amount of roads built to reduce their impact on species and their habitat. For example roads between turbines 41 and 35, turbines 32 and 33, and others, appear repetitive. According to the map, most of the repetitive roads lie on the west half of the project.

2.2.2.6 Operation and Maintenance Facility. Please apply motion detection devices on all project lighting. We also encourage the proponent to direct any necessary constant project lighting downward to reduce attraction to nocturnal migrating birds and bats.

2.2.3.5 Roads and Turbine Pads. WDFW recommends the proponent make a Construction Soil Management and Project Revegetation Plan. Before ground disturbance occurs on the site, the proponent should submit, for approval by EFSEC and WDFW, a detailed construction soil management and site revegetation plan(s). Please have a company with expertise in the restoration of shrub-steppe prepare and develop the plan. The plan should identify how the proponent will conserve the soil and protect the soil from loss and erosion during construction and restoration of the site. The plan should prescribe temporary erosion controls such as application of mulch, Polyacrylamide (PAM), Best Management Practices (BMP), etc., as needed

to ensure soil protection and revegetation success. The revegetation plan shall include seed mixes adapted to each site (e.g. habitat type or ecological site) and the timing and manner of application. Seed mixes shall be comprised of locally adapted biotypes to the greatest extent possible. An aggressive weed control program shall be part of this plan. Weed control shall include BMP's for minimizing the introduction and spread of weeds on the site, weed control during construction, fall application of pre-emergent herbicides for control of cheatgrass and weeds, late winter control of cheatgrass with glyphosate as needed and spot herbicide applications where needed during the growing season. Personnel on site implementing the revegetation plan should have expertise in successful restoration of Eastern Washington native plant communities. WDFW recommend that the proponent restores and reseeds the site during the weather conditions and a time of year that guarantee better success.

The proponent should complete post-construction restoration of disturbed areas and successful sites should achieve a robust stand of native vegetation sufficient to achieve site stability, weed control, and agreed-upon similarity to suitable reference standards. The project shall identify reference standards or sites (or a process to establish standards) within the project area for use in evaluation of site restoration success. Please consult with WDFW when selecting reference standards (sites) but reference sites must have targets no less than pre-project conditions.

2.2.4 Decommissioning. The proponent should prepare a Restoration Plan for decommissioning. As part of the Decommissioning Plan, the proponent should submit a Restoration Plan for approval by EFSEC in collaboration with WDFW and Washington Department of Ecology (WDOE) to ensure proper revegetation of the site when the project ceases operations. A company with proven expertise in restoration of shrub-steppe land should prepare and develop the plan. The final site restoration plan should provide for the return of the project site to pre-project, native shrub steppe habitat in good condition, following removal of turbines and infrastructure.

Table 3.2-1 Vegetation Types in the Project Area: The proponent has used the term "grassland" in the documents to describe shrub-steppe sites where the shrub canopy that has experienced temporary removal by fire or other temporal disturbance. The project area does not include "true grasslands" such as found in the eastern and northeastern portions of Washington, though it does include areas of managed pasture grasses and lands converted to irrigated pasture grasses. Please refer to (Daubenmire 1970) Steppe Vegetation of Washington, for a detailed discussion of native vegetation applicable to the project site). As described in the Table 3.2-1, the grassland/lithosol site resembles a scabland plant community, which Daubenmire (1970) and Franklin and Dryness (1973) both recognize as a natural vegetation type in the Columbia Basin as either Steppe or Shrub-Steppe, depending on shrub cover. WDFW has listed Steppe and Shrub-Steppe as Washington State Priority Habitats. For the purposes of impact minimization and site restoration, the proponent should treat native vegetation communities within the construction footprint of the project as shrub-steppe.

In the context of the mitigation ratios negotiated by a stakeholder group including the wind power industry and described in the WDFW Wind Power Guidelines, a lower ratio was

established for true grasslands and Conservation Reserve Program (CRP) grass plantings because of the relative difference in restoration success and length of time to maturity. The project proponent has agreed to treat the native upland plant communities (i.e. mapped as shrub-steppe and grasslands) as shrub-steppe for calculating mitigation needs for the Wind Power Guidelines (Kittitas County FEIS Vol 1, pp. 5-67).

3.0 Mitigation Measures (in general). WDFW recommends that EFSEC add the following mitigation measures to the SCA:

- **Independent Environmental Compliance Monitor.** The proponent shall hire a Independent Environmental Compliance Monitor with appropriate expertise to: a) monitor compliance with environmental plans and permit conditions during construction and b) advise EFSEC, regulatory agencies and the project manager regarding environmental impacts during construction. The environmental monitor shall report to EFSEC and have authority to stop work on project elements that do not comply with permits and mitigation requirements. EFSEC in consultation with WDFW and WDOE shall approve the firm selected by the proponent.
- **Environmental Expertise for Project Construction Manager.** The proponent shall have an on-site environmental manager with expertise in managing construction in sensitive, arid environments. The on-site environmental manager shall a) advise the Construction Manager to ensure work is scheduled and performed in a manner that minimizes adverse environmental impacts, b) ensure that work is scheduled with consideration of site conditions including temperatures, soil moisture, precipitation, etc., and c) ensure construction complies with all environmental permits and mitigation requirements.
- **Construction-related Site Protection Plans.** The proponent shall prepare the following plans and submit them to EFSEC for approval. WDFW asks that EFSEC reviews and approves the following plans in collaboration with Kittitas County, WDFW, and WDOE:
 - Fire Protection Plan that includes measures for minimizing the likelihood of fire starts and measures to detect and quickly suppress wildfire.
 - The project's revegetation contractor with expertise in shrub-steppe restoration shall review the Construction Stormwater Pollution Prevention Plan (SWPPP).
 - The Construction Spill Prevention, Control and Countermeasures (clean up) Plan shall address spills of fuel, lubricants and other harmful materials on hardened areas of the facility and in shrub-steppe areas in a manner which minimizes long-term impacts to vegetation and wildlife habitat.
- **Technical Advisory Committee.** WDFW recommends that the proponent convenes a TAC to review pertinent monitoring and scientific data and develop appropriate responses to impacts that exceed projections for avian/bat mortality and habitat impacts. The TAC will monitor all mitigation measures and efforts and examine information relevant to assessing Project impacts to habitat, birds, bats and other wildlife. The TAC

will determine whether further mitigation measures would be appropriate, considering factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings regionally or at a nearby wind power facility. The TAC shall recommend mitigation measures to EFSEC, who shall retain the authority to require additional mitigation measures as part of the SCA, including any recommended by the TAC.

The TAC's shall ensure that monitoring data would receive consideration in a forum of independent and informed parties, who can collaborate with the proponent. The TAC shall recommend additional studies and/or mitigation to EFSEC, if they deem it necessary to address impacts not foreseen or exceed predicted impacts in the Application. In order to make recommendations, the TAC shall review and consider the results of Project monitoring studies, including post-construction avian and bat mortality surveys, impacts to habitat and wildlife, including avian and bat species, new scientific findings made at wind generation facilities as they relate with this project with respect to the impacts on habitat and wildlife. The TAC shall assess whether the post construction restoration and mitigation and monitoring programs for wildlife that have been identified and implemented merit further studies or additional mitigation, taking into consideration factors such as the species involved, the nature of the impact, monitoring trends, and new scientific findings. The TAC will coordinate with the proponent to review drafts of the Post-Construction Avian Monitoring Plan. The TAC will also review the proponent's implementation of the Post-Construction Restoration Plan.

The TAC may include, but need not be limited to, representatives from WDFW, U.S. Fish and Wildlife Service, Kittitas County, Department of Natural Resources (DNR), the Kittitas Field and Stream Club, the Audubon Society, the Farm Bureau and the proponent. EFSEC, at its discretion, may add additional representatives with appropriate expertise to the TAC. No individual representative to the TAC may be party to a turbine lease agreement, or any other contractual obligation with the proponent. EFSEC shall approve all TAC members.

No later than sixty (60) days after the beginning of construction, the proponent shall submit to EFSEC proposed Rules of Procedure describing how the TAC shall operate, including but not limited to a schedule for meetings, and a meeting procedure. The TAC will describe a process for recording meeting discussions, making and presenting timely TAC recommendations to the Council, and naming other procedures that will assist the TAC to function properly and efficiently. No later than sixty (60) days before the beginning of Commercial Operation, the proponent shall convene the first meeting of the TAC. The proponent will provide a copy of the proposed Rules of Procedure to the TAC at their first meeting for their review and comment. The TAC may suggest modifications of the plan before it receives approval by EFSEC. The TAC will remain active for the life of the Project, except that EFSEC may terminate the TAC if the TAC has ceased to meet due to member attrition or the TAC determines that the proponent has completed all pre-permitting and post operational monitoring and further monitoring is not necessary.

The TAC members may recommend termination of the TAC as well. WDFW asks EFSEC to consider any failure of the TAC to meet and/or members to participate at any meeting, not a violation of the SCA or a conditional approval of any mitigation measure. EFSEC or a TAC member with EFSEC approval may reconvene and reconstitute the TAC at EFSEC's discretion.

- **Restoration Plan for Decommissioning:** As part of the decommissioning plan, Permittee shall submit for approval by EFSEC in collaboration with WDFW and WDOE, a final site restoration plan to ensure proper revegetation of the site when the project ceases operations. Please have a firm with proven expertise in restoration of shrub-steppe lands prepare the plan. The final site restoration plan shall provide for the return of the project site to pre-project, native shrub steppe habitat in good condition, following removal of turbines and infrastructure.

3.1.5 Mitigation Measures. WDFW recommends that EFSEC add the following mitigation measures to the SCA:

- **Road and Utility Stream Crossings:** The proponent noted road and utility crossings of watercourses in the Draft SEIS. All of these crossings will require construction techniques that minimize channel impacts, prevent erosion, and maintain water quality when flow is present in the channels. The proponent shall obtain a Hydraulic Project Approval (HPA) from WDFW for any anticipated in-channel work and we recommend that EFSEC incorporate the HPA in the SCA. The proponent shall use "low water crossings" or fords for crossings of ephemeral streams in lieu of culvert crossings where these techniques can reduce road cut/fill (thus reducing vegetation impacts) and reduce modification of watercourses (reducing both channel and vegetation impacts).

The Draft SEIS notes that the proponent could use overhead collector lines to avoid construction impacts to watercourses and wetlands. WDFW has concerns about the use of overhead lines and the trading of wetland impacts for avian impacts. As mitigation measure, WDFW recommends, "The proponent shall install collector lines in the roadway or under the watercourses by directional drilling to avoid both aquatic and avian impacts." In addition, we noted that most watercourses and wetlands in the project area have minimal water present in late summer and/or fall. Please consult with WDFW as the proponent can use late season construction options to install conductors under wetlands and watercourses with minimal environmental impacts.

3.2.1.2 Affected Environment.

- **Habitat Mapping:** The vegetation/habitat map units and manner of presentation of the field information reflects our discussions with WEST, Inc. and associated consultants several years ago. During the original FEIS, the proponent used an adaptation of range site descriptions to create the habitat classifications. Since that time, aerial photography and soil survey information have become more readily available over the Internet. For

future projects and more detailed vegetation work on the Desert Claim Wind Project, WDFW recommends the proponent key habitat maps to the soils and "Ecological Sites" as mapped on the United State Department of Agriculture (USDA) soil survey. Using USDA soil survey maps would facilitate analysis of vegetation groups and mapping.

3.2.1.4 Mitigation Measures. WDFW recommends that EFSEC add the following mitigation measures to the SCA:

- **Construction timing.** The project proponent shall conduct construction activities outside of the hardened footprint of the project (i.e. "temporary disturbance areas") 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. Shrub-steppe communities 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, these sites can withstand traffic with minimal soil displacement and breakage of plant roots. Vegetation can tolerate more damage during the dry period when the period of rapid growth has ended. By the dry time of the year, many plants have completed flowering and setting of seed, and have started dormancy.

To reduce impacts to habitat, we have also found it helpful to schedule trenching for collector cables in the roads at different time from the construction of the wind turbines to reduce the road width needed.

- **Disturbance limits and clearing.** The proponent shall stake all construction work limits and clearing limits for project elements/facilities before any ground disturbance, clearing, or construction. Please make stakes clearly visible to equipment operators.

Since proponent will have difficulty revegetating the shrub-steppe lands due to shallow soils and arid conditions, please limit clearing shrub-steppe vegetation (including shrub-steppe mapped as "grasslands") to the actual construction footprint within the project limits, to the greatest extent possible. Please remove vegetation (shrubs) for temporary disturbances such as laydown areas, etc. with minimal ground disturbance (e.g. mowing, cutting or shallow scalping of site). The proponent shall avoid grubbing or grading of temporary disturbance areas.

- **Construction Soil Management and Project Revegetation Plan.** Before ground disturbance on the site, the proponent shall submit, for approval by EFSEC and WDFW, a detailed construction soil management and site revegetation plan(s). Please have a firm with expertise in restoration of shrub-steppe prepare the plan. The plan shall have the contractor identify how they will conserve and protect soils from loss and erosion during construction and what methods they will employ to restore the site. The plan shall prescribe temporary erosion controls such as application of mulch, PAM, Best

Management Practices (BMP), etc., as needed to ensure soil protection and revegetation success. The revegetation plan shall include native seed mixes adapted to each site (e.g. habitat type or ecological site) and the timing and manner of application. Seed mixes shall be comprised of locally adapted biotypes to the greatest extent possible.

It is essential to plan at least a year in advance to acquire native seed/plantings because of the time required to propagate and acquire native seed/plants. At the end of the project, WDFW encourages restoration of the site to approximate pre-project conditions or better.

WDFW recommends creating reference sites of different soil types with a representative vegetation community to aid in restoration activities. When possible, WDFW recommends drill seeding when restoring the site with vegetation to avoid any pre-treatment herbicide applied to the ground surface.

- **Noxious Weed Plan.** WDFW recommends that the proponent develop and implement an aggressive weed control program through the creation of a plan. Weed control shall include BMP's for minimizing the introduction and spread of weeds on the site, weed control during construction, fall application of pre-emergent herbicides for control of cheatgrass and weeds, late winter control of cheatgrass with glyphosate as needed and spot herbicide applications where needed during the growing season. Personnel on site implementing the revegetation plan shall have expertise in successful restoration of Eastern Washington native plant communities. Please conduct site restoration and reseedling during weather conditions and a time of year when the establishment can succeed.

The proponent shall complete post-construction restoration of disturbed areas and successful sites shall achieve a robust stand of native vegetation sufficient to achieve site stability, weed control, and agreed-upon similarity to suitable reference standards. The project shall identify reference standards or sites (or a process to establish standards) within the project area for use in evaluation of site restoration success. Please consult with WDFW when selecting reference standards (sites) but reference sites must have targets no less than pre-project conditions.

- **Restoration of Trenches for Underground Cables.** Please place trenches for underground cables into the roadway to the greatest extent possible. If the proponent must space trenches widely to accommodate circuits, please place at least two circuits in the roadway and additional circuits in the road shoulder or along previously disturbed alignments. WDFW does not recommend removing the soil from temporary impact areas. We suggest storing the soil on site and windrowing, if possible. The excavated soils contain the locally adapted, native seed source for the restoration efforts of temporary impacts. If installation of trenches and cables in rocky substrate results yields an unnaturally rocky surface that the proponent cannot revegetate, please apply soil conserved from facilities construction over the rocky trench spoil to provide a seed bed.
- **Mitigation for Temporary Impacts with Lithosol Soils.** As addressed in the Wind

Power Guidelines, WDFW recommend the proponent treat temporary impacts to lithosol soils with a 1:1 mitigation ratio and attempt restoration efforts. WDFW recommends avoiding lithosol soils, whenever possible to lessen the damage to breeding and foraging area of butterflies in the area. Lithosol soils often grow rich, diverse numbers of forbs necessary for butterfly foraging and important to other species.

- **Compensatory Mitigation.** WDFW would like the proponent to negotiate a more specific mitigation package before the start of construction.

3.2.2.3 Significant Impacts and 3.2.2.6 Significant Unavoidable Adverse Impacts. The proponent proposes measures to minimize impacts to wetlands. 3.2.2.1 starts out the discussions on the topic of wetlands and their buffers. WDFW recommends that the project proponent uses minimization of impact measures on wetland buffers as well as wetland themselves to help protect the integrity of the entire wetland.

3.2.2.4 Mitigation Measures. If necessary, WDFW recommends that EFSEC have the proponent develop a wetland restoration plan in consultation with WDFW.

3.2.3.3 Significant Impacts, Birds. WDFW recommends that Washington State Candidate Species: loggerhead shrike, sage thrasher, and golden eagle receive similar analysis done for red-tailed hawks and American kestrels in this section.

3.2.3.3 Significant Impacts, Raptors. WDFW recommends additional analysis for bald eagles in this section particularly wintering bald eagles. WDFW recommends that bald eagles receive the kind of analysis done for red-tailed hawks and American kestrels in the 3.2.3.3 Significant Impact of the Draft SEIS. In addition, WDFW recommends comparing the location of roost sites on the river with cattle operations and predicting possible flight paths between the two areas. Please compare the sites of winter calving operations with the turbines as well. Another issue affecting bald eagle winter use involves the foraging and following of the waterfowl in the area by the eagles. In the avian studies done by Western EcoSystems Technology Inc. (2003), WDFW noted the high use of waterfowl in the area. WDFW has concerns about calving operation and waterfowl flocks acting like an attractant to the bald eagles. If the proponent finds waterfowl acts as an attractant to the eagles in their analysis, WDFW recommends the TAC addresses the issue and decides further management actions and possible mitigation for EFSEC approval.

3.2.3.3 Significant Impacts, Waterfowl. WDFW recommends documenting the exact (or projected) use of the area as it relates to turbines placement and the possibility of winter foraging and pursuing by bald eagles on the waterfowl flocks.

3.2.3.4 Mitigation Measures. WDFW recommends that EFSEC add the following mitigation measures to the SCA:

- **Updating Raptor Nest Surveys.** WDFW recommends adoption of the FEIS mitigation

measure into the SCA. To have the ability to apply proper buffers and timing restrictions of construction to active raptor nests, "The proponent shall conduct a raptor nest survey the season before construction. If not done previously, WDFW shall review survey protocols and the suggested survey areas."

- **Management of Deer and Elk in Collaboration with WDFW and Avoidance of Agricultural Damage:** The potential exists for deer and elk to use project lands as a refuge and periodically venture out to adjacent agricultural and residential land, causing damage to landscaping, crops, and irrigated pasture. WDFW remains liable for damages caused by deer and elk. WDFW recommend using Public hunting as the primary tool to minimize damage caused by game animals. WDFW requests that as a condition of project approval, the proponent collaborate with WDFW regarding management of deer and elk to prevent wildlife damage to lands surrounding the project. WDFW also requests that the proponent shall not preclude project landowners from allowing public hunting as a means of dispersing animals or reducing herd size. The proponent should allow public hunting on project lands to control big game numbers or should collaborate with WDFW to provide acceptable alternative control of big game to prevent animal damage to adjacent properties. The TAC shall review measures used to address big game damage concerns.
- **Standards for Power Facility Construction:** Permittee should ensure spacing of all overhead power line conductors to minimize the potential for raptor electrocution and collision. Overhead transmission lines and the substation should incorporate the design guidance in the APLIC guidelines ([http://www.aplic.org/SuggestedPractices2006\(LR-2watermark\).pdf](http://www.aplic.org/SuggestedPractices2006(LR-2watermark).pdf)) to minimize the risk of electrocution of birds.
- **Free-Standing Meteorological Towers Required:** During our April 28, 2009 meeting, the proponent agreed to only erect freestanding meteorological towers without guy lines on the project site. The project currently proposes the installation of four freestanding meteorological towers. Freestanding towers without guy line will less likely result in bird mortality than guyed towers.
- **Habitat Mitigation Plan:** Proponent shall prepare a wildlife and habitat mitigation plan, subject to approval by EFSEC and in collaboration with WDFW. Management of the mitigation site affects its value for fish and wildlife. The Final SEIS shall consider management and the disposition of the mitigation site upon decommissioning of the project.

The plan should primarily focus on protection and restoration of shrub-steppe habitat and maintaining ecological connectivity of shrub-steppe within the landscape. Such a plan might include acquisition of conservation easements, development rights or lands, and management of those lands in a manner that ensures protection of the habitat and perpetuation of shrub-steppe dependent wildlife for the life of the project.

- **Conservation Measures to Reduce Risk to Bald Eagles and Other Avian Scavengers.**
Project operation shall include conservation measures for managing risk to scavenging birds of prey including eagles, vultures, and ravens. Such measures shall include removal of livestock afterbirth and big game and livestock carcasses within the project boundary that could attract eagles and other avian scavengers to the project. Since bald eagles will migrate to Kittitas Valley pastures during calving because of the opportunity to scavenge afterbirth, conservation measures shall also include actions such as relocating calving operations to pastures away from turbines, removal of afterbirth, or other strategies to minimize this risk of bald eagle mortality.

- **Post-construction wildlife monitoring plan.** The proponent shall develop a post-construction monitoring plan for the project to quantify impacts to avian species and assess the adequacy of mitigation measures implemented. WDFW shall review and approve the plan. The monitoring plan shall include the following components:
 - 1) Fatality monitoring involving standardized carcass searches, scavenger removal trials, searcher efficiency trials, and reporting of incidental fatalities by maintenance personnel and others, for a period of two years after the beginning of Project operation.
 - 2) A minimum of one breeding season raptor nest survey of the study area and a one-mile buffer in order to locate and monitor active raptor nests potentially affected by the construction and operation of the project. WDFW recommends that the protocol for the fatality monitoring study will resemble the protocols used at the Wild Horse Wind Project.

The proponent shall develop an avian mortality tracking and reporting program, which records all bird mortalities recovered on the project by operations personnel. The proponent shall submit an annual program report to the TAC and EFSEC.

3.2.3.5 Cumulative Impacts, Raptors. In coordination with the 3.2.3.3 Significant Impact Section, WDFW recommends the proponent addresses the cumulative impacts of all wind power projects and nearby development (particularly any river side development) to the golden eagle and bald eagle population. Please predict a mortality rate percentage for both populations and duplicate the similar analysis done for red-tailed hawks and American kestrels. Please consider loss of foraging areas as well as predicted turbine strikes.

3.2.3.5 Cumulative Impacts, Other Birds. In coordination with the 3.2.3.3 Significant Impact Section, WDFW recommends the proponent addresses the cumulative impacts of all wind power projects and nearby development (particularly housing development) to the Washington State Candidate Species populations of sage thrasher and loggerhead shrike. Please predict a mortality rate percentage for both populations and duplicate the similar analysis done for red-tailed hawks and American kestrels. Please consider habitat removal as well as predicted turbine strikes.

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Mr. Allen Fiksdal

May 4, 2009

Page 17 of 17

Bhavnani, Monica (CTED)

From: Catherine Clerf [REDACTED]@fairpoint.net]
Sent: Monday, May 04, 2009 4:58 PM
To: CTED EFSEC
Cc: catherine.a.clerf@hotmail.com
Subject: MON 4 MAY 2009 @ 1657 PDT enXco's Desert Claim Draft EIS Written Comments

MON 4 MAY 2009 @ 1657 PDT

Re: Applicant: enXco
Project: Desert Claim, Kittitas County
Draft EIS Written Comments

To: EFSEC

In follow-up to my oral comments at the EFSEC hearing on Desert Claim of Thursday, April 23, 2009, herewith the following:

I served from September 2007 to August 2009 on the Kittitas County Land Use Advisory Committee and was its vice chairman. This committee dealt with all lands in Kittitas County there were neither designated commercial forest nor commercial agriculture or any lands inside city limits if its five incorporated towns nor any federal- or state-owned lands. Succinctly, a large chunk of the county that can be privately own are in "rural" lands.

Being a fourth generation member of a family engaged in farming and ranching in Kittitas County since the 1880s, I have more than a casual acquaintance of the county's shrub-steppe and grass range land ecosystems. The footprint of enXco's Desert Claim is above the Bureau of Reclamation canal system; hence, it does not get seasonal irrigation water. To protect the range land, stock ranchers must prudently cycle their grazing animals through the seasons year-round to protect the fragility of the plants. Wind turbines and their footprints are far less intrusive and dangerous to this fragile environment than suburban-urban density residential construction. Humans in density would destroy these approximately 6000 acres.

The USA needs electricity. Period.

Respectfully submitted,

//ss

Catherine Anne Clerf
60 Moe Road
Ellensburg, Washington 98926

Public Comment
DSEIS #39

Bhavnani, Monica (CTED)

From: puddin pony [REDACTED]@hotmail.com]
Sent: Monday, May 04, 2009 5:08 PM
To: CTED EFSEC; Fiksdal, Allen (CTED); Posner, Stephen (CTED); LaSpina, Jim (CTED); Mills, Mike (CTED); Burnett, Diane (CTED); Talburt, Tammy (CTED); puddin pony
Subject: Desert Claim Wind

Reading through the DSEIS on the Desert Claim Wind Power Project I noticed that there is nothing about the affects on the local inhabitants in the area. Birds, bats, land, water, soil, historical sites, and aesthetics have all been addressed, but not a word about those living within the footprint of this "wind Farm". Mitigation measures are stated in place for all the above named, as well as cumulative impacts.

Is Desert Claim Wind Power LLC (Desert Claim) responsible for mitigating the cumulative impacts for the landowners not in the project, but who's lives and homes will be affected by the placement of 95 wind turbines in this rural landscape? There is no mention of mitigating any well problems that might arise with the drilling around our water table. The local wells in our area are well over 500 feet deep, and would be difficult (and expensive) to replace.

Will Desert Claim be required to place a **SURETY Bond** for the life of the project to help mitigate any claims that could arise from the loss of property value, views, and any medical problems that may develop from living next to this wind farm? Our construction company must have a Surety bond to begin a project, surely the State requires one to allow a project this size to begin. What state licenses will be required for this construction project?

" Please note that I am very mindful of the cumulative impacts of wind power projects in Kittitas County and will continue to evaluate this issue.
Sincerely,
Christine O. Gregoire
Governor"

An approved wind farm 3 miles to the west of our neighborhood, another 21 miles to the east, are we beginning to have cumulative impacts in Kittitas County yet?

Liz Lasell-McCosh

Insert movie times and more without leaving Hotmail®. [See how.](#)

Bhavnani, Monica (CTED)

From: Tanna McVicker [REDACTED]@cwu.EDU]
Sent: Monday, May 04, 2009 6:39 PM
To: CTED EFSEC
Subject: WindWorks! Energy Statement

My name is Tanna McVicker and I'm a junior in the geography department at Central Washington University. As an officer for both the Geography Club and Environmental Club, I was contacted by WindWorks! to learn a little bit about their business and plans for wind energy in Ellensburg. After reading through the wind energy proposal and the knowledge I gained from geography, I feel that wind energy would be extremely beneficial to the Kittitas Valley. I attended the community meeting and discussion and many controversial points were brought up. In my opinion, the main complaint that the community had about wind energy is the "view and sound pollution." I grew up in Tri-Cities, WA basically all my life and have relatives that live within 2 miles of a wind turbine. I have also lived within sight of wind turbines and still do to this day. After talking with my family and personally observing the area, there are no complaints of any turbine noise. A scenic drive can be found on the same hill as the wind turbines in Tri-Cities and I have personally experienced what it is like to be within about 1000 feet (perhaps closer) to wind turbines. There is little noise and in my own opinion I feel that they are actually a great addition to the beauty of Tri-Cities. Wildlife and the natural environment have in no way been affected by the turbines being there. The turbines are fenced in and don't take up a lot of space. They are also located in a small enough location that the ecosystem is still able to maintain a successful habitat. Another complaint that I can recall is a statement from an older woman that claimed "Just because we have wind, doesn't mean we have to create wind energy. We also have sunlight, so why isn't anyone proposing solar energy?" My answer to this, is that Ellensburg is literally at the wrong latitude and wrong climate for solar power. Solar is a variable energy source like wind energy, but solar is one of the most expensive energy resources available. From my natural resource conservation class, I learned a lot about the pros and cons of energy resources. The number one most efficient energy that exists is hydro. However, now that dams are no longer being constructed in Washington (and the fact that we're sending some of the hydro energy to California) we need to turn to the second most efficient energy: Wind. Wind is a very inexpensive renewable energy that would be very successful in the Kittitas County. I was very excited to see that at the community discussion 20 people were for, 7 against, and 1 undecided for wind energy. The most impactful statement came from a woman who had lived in Ellensburg for 91 years and she is completely thrilled that this county would even consider wind energy. I feel that it is time to start using our available resources and wind is the most efficient (money, power, availability). Denmark is leading the world in renewable energy resources with 20%. It's time to start utilizing our own natural resources, and wind is the best option. Please consider the addition of WindWorks! wind turbine energy to grow in the Kittitas Valley. It's crucial to view every pro and con from a non-biased place. From my own personal experience, I feel that "view and sound pollution" is not a big enough concern to completely rule out an extremely valuable resource. Thank you for taking the time to read my statement and I look forward to see what the future holds for the valley.

Tanna McVicker

5/6/2009