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5 **BEFORE THE STATE OF WASHINGTON**
6 **ENERGY FACILITY SITE EVALUATION COUNCIL**

7 In the Matter of Application No. 2009-01

APPLICATION NO. 2009-01

8 WHISTLING RIDGE ENERGY LLC,

**OPENING STATEMENT OF
COUNSEL FOR THE
ENVIRONMENT**

9 WHISTLING RIDGE ENERGY
10 PROJECT

11 **I. INTRODUCTION**

12 CFE is charged with representing the public and its interest in protecting the quality of
13 the environment. *See* RCW 80.50.080. CFE's involvement in review of the Whistling Ridge
14 Energy Project (WREP) is limited to the project's environmental impacts. CFE neither
15 supports nor opposes the construction of WREP. However, if construction is approved, CFE
16 advocates that there be appropriate mitigation of the project's environmental impacts.

17 Development of renewable energy resources is in the public interest, so long as the
18 impacts of such development are adequately addressed to protect the quality of the
19 environment. Although wind energy has many positive environmental attributes, such as
20 reduced reliance on fossil fuels and reduction in emissions of greenhouse gases, construction
21 of wind power plants also poses environmental impacts that must be carefully considered and
22 appropriately mitigated. In this regard, CFE believes that WREP's biological impacts and
23 visual impacts are of particular importance.¹

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26 ¹ Although these areas will be CFE's primary focus, CFE will also address other environmental issues
throughout the hearing.

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II. BIOLOGICAL IMPACTS

If approved, WREP will likely be the first wind power project constructed on a site in Western coniferous forest habitat. Given the unprecedented nature of this project, there is little information regarding how the installation and operation of a wind power facility of this magnitude will actually impact the wildlife found in this type of habitat. While there is abundant data on the impacts wind power projects have on birds and bats found in other types of habitats, *e.g.*, shrub steppe and Eastern forest habitats, use of data gathered from these habitats to extrapolate possible impacts here may be of limited value, as the types and abundance of species can vary significantly from habitat to habitat, and the behavior of a given species may vary in response to the habitat to which the species is adapted. Accordingly, to the extent the Applicant relies upon data gathered from wind power projects located in habitats that differ from the habitat at issue here, it is critical that the weaknesses and unknowns of such an analysis be fully understood and, if the project is permitted, that adequate post-construction monitoring be implemented to ensure that the project's actual impacts on birds and bats are documented and appropriately mitigated.

At the hearing, CFE will be presenting testimony from ecologist Don McIvor regarding the project's impacts on bats, birds and other wildlife, and the Applicant's analysis of the project's impacts on wildlife. If EFSEC recommends WREP for construction, the following mitigation measures discussed in Mr. McIvor's testimony should be incorporated into the site certification agreement.

- The Applicant must fully comply with all mitigation measures set forth in the latest editions of the USFWS and WDFW guidelines for wind power projects.
- Habitat permanently destroyed by the project should be offset through the donation, purchase, and/or monetary contribution toward the acquisition of a mitigation parcel.

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- 2 • A representative of a regional non-profit organization with bird and/or bat expertise
3 should be included on the Technical Advisory Committee (TAC).
 - 4 • Post-construction extended mortality studies should be conducted for birds and bats
5 to develop a better understanding of which species are in the area (in the case of
6 bats), and which species are at risk. These studies should be conducted for a
7 minimum of two years with the option of extending them if warranted. Results of
8 such studies should be carefully monitored by the TAC, and operational procedures
9 adjusted to minimize bat and bird mortality.
 - 10 • Because this would be the first facility in a Western coniferous forest, the results of
11 any such studies must be made available to the wider community, so lessons
12 learned here can be applied on a wider scale.
 - 13 • Appropriate Best Management Practices (BMPs) and management strategies to
14 avoid Bald and Golden Eagle strikes should be identified in consultation with the
15 USFWS. Before project implementation and in consultation with the USFWS, the
16 Applicant with the assistance of the TAC should identify and agree upon an
17 appropriate and prompt response protocol (including shutting down problematic
18 turbines) in the event a strike occurs.
 - 19 • The Applicant should adopt low-impact lighting techniques for buildings and any
20 other facilities constructed at the site. FAA lighting requirements for the wind
21 towers themselves are reasonably consistent with migratory bird conservation.
22 Maintenance buildings, etc., should be lit with low-wattage, shielded and down-cast
23 lighting. Lights that attract and concentrate night-flying insects could likewise
24 attract bats to the area, increasing their strike risk, and, therefore, should not be
25 used.
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