BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2009-01

APPLICATION NO. 2009-01

WHISTLING RIDGE ENERGY LLC,

OPENING STATEMENT OF
COUNSEL FOR THE
ENVIRONMENT

WHISTLING RIDGE ENERGY
PROJECT

I. INTRODUCTION

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

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

¹ Although these areas will be CFE's primary focus, CFE will also address other environmental issues
throughout the hearing.
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.
• A representative of a regional non-profit organization with bird and/or bat expertise should be included on the Technical Advisory Committee (TAC).

• Post-construction extended mortality studies should be conducted for birds and bats to develop a better understanding of which species are in the area (in the case of bats), and which species are at risk. These studies should be conducted for a minimum of two years with the option of extending them if warranted. Results of such studies should be carefully monitored by the TAC, and operational procedures adjusted to minimize bat and bird mortality.

• Because this would be the first facility in a Western coniferous forest, the results of any such studies must be made available to the wider community, so lessons learned here can be applied on a wider scale.

• Appropriate Best Management Practices (BMPs) and management strategies to avoid Bald and Golden Eagle strikes should be identified in consultation with the USFWS. Before project implementation and in consultation with the USFWS, the Applicant with the assistance of the TAC should identify and agree upon an appropriate and prompt response protocol (including shutting down problematic turbines) in the event a strike occurs.

• The Applicant should adopt low-impact lighting techniques for buildings and any other facilities constructed at the site. FAA lighting requirements for the wind towers themselves are reasonably consistent with migratory bird conservation. Maintenance buildings, etc., should be lit with low-wattage, shielded and down-cast lighting. Lights that attract and concentrate night-flying insects could likewise attract bats to the area, increasing their strike risk, and, therefore, should not be used.
- Adaptive management strategies should be developed and applied by the Applicant and the TAC to minimize impacts on listed species or species of federal or state concern.

III. VISUAL IMPACTS

WREP’s visual impact is another area of concern. It is uncontested that WREP will have some impact on highly valued visual resources within the region, although the Applicant’s and the Intervenors’ experts disagree about the degree of impact. During the hearing, it will be incumbent upon EFSEC to judge the severity of such potential impacts and to determine what mitigation measures should be imposed if the project is permitted. While not presenting testimony on this issue, CFE will endeavor to identify and explore possible mitigation measures for potential visual impacts through the cross-examination of the Applicant’s and the Intervenors’ expert witnesses.

IV. CONCLUSION

Wind power is a relatively new alternative energy resource that avoids many of the pitfalls associated with energy generated by burning fossil fuels. The development of wind power facilities, however, is not without environmental costs. CFE’s objective in this proceeding is to advance the public’s interest in a maintaining a healthy, biologically diverse, and aesthetically pleasing environment by ensuring that the proposed project’s environmental impacts are fully and accurately disclosed and, if EFSEC recommends approval, by advocating for the inclusion of appropriate monitoring and mitigation measures in the site certification agreement.

DATED this 29th day of December, 2010.

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