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Washington State Energy Facility Site Evaluation Council

COMMENT FORM

JAN 18 2011

Whistling Ridge Public Comment Meeting
Public Hearing and Comment Opportunity
ENERGY FACILITY SITE
EVALUATION COUNCIL

Name: BRADLEY DALE ROHMAN

Address: [REDACTED] NE COUCH ST PORT. ORE 97232
(Please include your Zip!)

Email Address: [REDACTED] @yahoo.com

Add me to the Mailing list

Please write any comments you have with respect to the

Leave this sheet in the Comment Box today, or mail it to:
EFSEC, PO Box 43172, Olympia, WA 98504-3172.

Comment letters must be postmarked by Saturday, January 15, 2011.

I grew up in the gorge (White Salmon)
and still own property there. Hopefully,
I will retire there someday. With
higher energy costs and the need for
cleaner energy I fully support wind
power in the area. Besides the energy
itself it would also bring jobs to
the areas with maintenance and construction.

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

For more information, please contact:
Stephen Posner, Siting Specialist, PO Box 43172, Olympia, WA 98504-3172,
call (360) 664-1903, or e-mail efsec@utc.wa.gov.

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JAN 18 2011

ENERGY FACILITY SITE
EVALUATION COUNCIL

Daniel J. Evans
[REDACTED] N.E. 45th Street
Seattle, WA 98105

January 15, 2011

Jim Luce
Chairman
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia WA 98504-3172

RE: Whistling Ridge Energy Project, EFSEC Application No. 2009-01

Dear Chairman Luce and Council Members:

I am writing this letter to comment on an application you presently are considering, and more particularly on the representations made by one of the parties in the proceeding regarding the effect on the application of the Columbia River Gorge National Scenic Area Act. I represented the State of Washington in the United States Senate in the 1980s, during Congressional consideration of the National Scenic Area Act. Together with my colleague Slade Gorton and Senators Hatfield and Packwood of Oregon I was a cosponsor of the authorizing legislation that established the National Scenic Area.

On February 6, 1986, the four Northwest Senators introduced S. 2055, a bill to establish the Columbia Gorge National Scenic Area. The legislation represented a balance between efforts to protect the scenic and natural resources of the Gorge and maintaining the historic economies of the area. We recognized the Columbia Gorge's economy was dependent on maintaining the viability of working forests, extractive resources and one of the region's critical transportation and energy transmission corridors. The legislation was developed in order to protect the Gorge from uncontrolled development, but also protect the historic way of life of the Oregonians and Washingtonians that live in that area.

A key feature of the S. 2055 was the so-called buffer zone language. Specifically, section 17(g) of the bill as introduced read as follows:

Congress does not intend that establishment of the Scenic Area and designation of Special Management Areas lead to the creation of protective perimeters or buffer areas around the Scenic Area or each Special Management Area. The fact that activities or uses inconsistent with the management directives for the Scenic Area or Special Management Areas can be seen or heard from these areas shall not, of itself, preclude such activities or uses up to the boundaries of the Scenic Area or Special Management Areas.¹

¹ Section 17, Senate Bill 2055, 99th Cong., 2d Sess., (1986), *introduced at* 132 CONG. REC. S1146 (daily ed. Feb. 6, 1986).

As introduced, this provision of the bill nearly was identical to a provision in the Washington Wilderness Act, which I also co-sponsored and which was passed by Congress shortly before we began work to draft S. 2055. At the time, the issue of buffer zones around congressionally-protected areas was of great concern to the members of the Senate Energy and Natural Resources Committee. In 1982, the Ninth Circuit Court of Appeals decided California v. Block, 690 F. 2d 753 (9th Cir. 1982), in which the Court affirmed a lower court injunction against any development that would "change the wilderness character" of any lands adjacent to congressionally-designated wilderness areas until subsequent consideration of the wilderness values of such land in accordance with the National Environmental Policy Act. The Ninth Circuit's Block decision was mentioned repeatedly in the Energy and Natural Resources Committee's report on the Washington Wilderness Act. The Committee included the buffer zone language and so-called release language to insure against the following scenario:

In short, this language means that the Forest Service cannot be *forced* by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands not recommended for wilderness designation in a "de facto" wilderness manner.²

On June 17, 1986, the Senate Energy and Natural Resources Committee conducted a legislative hearing on S. 2055. Brian Boyle, who at the time was serving as Washington State Commissioner of Public lands, testified at the hearing. Commissioner Boyle supported language in the bill clarifying the buffer zones are not created or implied around special management areas, and urged the committee to strengthen the so-called buffer zone language in the bill.³ Conversely, conservation organizations -- specifically the Friends of the Columbia Gorge -- recommended that the buffer zone language be deleted altogether.

On August 4, 1986, we presented amendments to S. 2055, including the removal of "intent" addressing buffer zones, in the Congressional Record.⁴ On August 14, 1986, the Senate Energy and Natural Resources committee voted to report S. 2055 to the full Senate for consideration. Nevertheless, we continued to negotiate changes to the bill and the Committee voted to accept a substitute amendment, and 56 "technical amendments." The Committee meeting was contentious and both Committee Chairman James McClure and Subcommittee Chairmen Malcolm Wallop opposed the legislation. The Committee did not file a Committee Report to accompany the bill in large part because of their opposition.

On October 8, 1986, the United States Senate took up consideration of S. 2055. Negotiations had continued since Energy and Natural Resources Committee consideration of the legislation, and numerous changes had been made to the draft legislation. Senator Hatfield, who was the senior member of the Oregon and Washington congressional delegations, was the floor manager for the bill. Senator Hatfield offered a substitute amendment to the bill, which Senator McClure and I cosponsored. As

² S. 837, Senate Committee Report 98-461, at p. 20. 99th Cong., 1st Sess. (1984).

³ *Columbia Gorge Nat'l Scenic Area Act: Hearing on S. 2055 Before the Subcomm. on Public Lands, Reserved Water and Resource Conservation*, 99th Cong., 2d Sess. 68 (1986).

⁴ Amendment to S. 2055, 99th Cong., 2d Sess., 132 Cong. Rec. S15, 705-13 (1986), § 17.

recommended by Lands Commissioner Boyle, the so-called "floor substitute" amendment contained savings provisions that were substantially strengthened from earlier versions of the bill, including a provision that read in pertinent part as follows:

(a) Nothing in this Act shall --

...

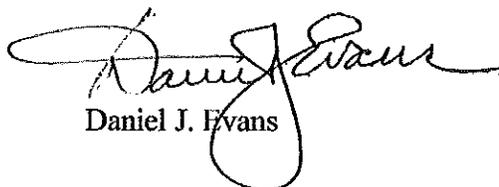
(10) establish protective perimeters or buffer zones around the Scenic Area or each Special Management Area. The fact that activities or uses inconsistent with the management directives for the Scenic Area or Special Management Areas can be seen or heard from these areas shall not, of itself, preclude such activities or uses up to the boundaries of the Scenic Area or Special Management Areas.⁵

The Senate passed S. 2055 on a voice vote, thus sending the bill to the House of Representatives for its consideration. The House of Representatives took up consideration of the Senate-passed legislation. It was not uncommon, however, for the House of Representatives to pass legislation such as this with a House bill number, which it did. Thus S. 2055 became H.R. 5583. The House version of the bill contained several modifications which its sponsors referred to as "technical amendments." Significantly, at no time did the House of Representatives change the so-called buffer zone language. The House passed H.R. 5583 on October 16, 1986. The bill had been referred jointly to the House Agriculture Committee and the House Committee on Interior and Insular Affairs. Neither committee published a Committee Report on the legislation. The Senate concurred with the House amendments on October 17, 1986. President Reagan signed the bill into law on November 17, 1986.

The members of the Oregon and Washington congressional delegations worked long and hard to enact legislation establishing the Columbia River Gorge National Scenic Area. The Scenic Area is an outstanding contribution to the legacy we are leaving to future generations. But it has boundaries, which represent limits to the area we sought to protect. The EFSEC should respect these boundaries, and should not attempt to apply the Scenic Area's proscriptions indirectly through the application of Scenic Area visual management criteria to projects outside the Scenic Area. The EFSEC's responsibility under the State Environmental Policy Act is to consider the environmental impacts of a project. In my view, this responsibility means no more – or less – because of the existence of the Columbia River Gorge National Scenic Area.

Thank you for your consideration of my comments on this application.

Sincerely,



Daniel J. Evans

⁵ Section 17, Act of November 17, 1986, Public Law 99-663, 100 Stat. 4300, codified at 16 U.S.C. 544o.

Talburt, Tammy (UTC)

From: Gregory Misarti <[REDACTED]@gmail.com>
Sent: Tuesday, January 18, 2011 8:51 AM
To: EFSEC (UTC)
Subject: Deny Whistling Ridge Energy Project

Dear Energy Facility Site Evaluation Council,

First off, let me reiterate these wise and unquestionably factual statements by Friends of the Gorge in regard to Whistling Ridge, there should be no reason to read on beyond the next two sentences, and the project should be stopped immediately.

"Both the National Park Service and the USDA Forest Service have concluded that the project will harm important national resources.

Wind energy should be an important part of our energy future, but poorly planned projects like Whistling Ridge should not be allowed to sacrifice our national heritage like the Columbia River Gorge and the Lewis and Clark Trail"

I am writing to urge the Council to recommend that Governor Gregoire deny the Whistling Ridge Energy Project for the following reasons:

- It's the most controversial and problematic wind energy development ever proposed in Washington State.
- It would permanently convert hundreds of acres of forested land to industrial development.
- The project is proposed within a state-designated "Spotted Owl Special Emphasis Area" where suitable habitat for the recovery of this endangered species must be protected and enhanced. The project would adversely affect many species of birds, including Northern Spotted Owls, listed as endangered in Washington.

Wind energy projects should be an important part of our energy future in Washington, but poorly planned projects like Whistling Ridge should not be allowed to sacrifice our national heritage like the Columbia River Gorge and the Lewis and Clark Trail and state scenic byways like State Route 14.

For these reasons, I urge you to recommend to Governor Gregoire that the Whistling Ridge Project be denied.

Sincerely,

greg Misarti

Gregory Misarti
[REDACTED] SE Gibson Rd.
Washougal, WA 98671

Talbert, Tammy (UTC)

JAN 18 2011

From: Chris Lloyd <[REDACTED]@gorge.net>
Sent: Tuesday, January 18, 2011 2:03 PM
To: EFSEC (UTC)
Cc: Chris Lloyd
Subject: Comments on Whistling Ridge Energy Project Proposal For the Official Record

ENERGY FACILITY SITE
EVALUATION COUNCIL

Dear Energy Facility Site Evaluation Council,

I was unable to reach your email server over the weekend. I am hoping that this comment can be added to the public comments for the Whisting Ridge Energy Project Proposal.

Comments on Whistling Ridge Energy Project Proposal For the Official Record:

In looking at the site plan, it looks like some of the towers are so close to the Scenic Area Boundary < 100 ft that their blades may actually be spinning within the Scenic Area boundary depending on the wind direction.

I would like to point out that the A Towers specifically are poorly sited with maximum impact on Gorge views, the National Scenic Area, the economies of Hood River and White Salmon which include a vibrant Tourism industry as well a budding aerospace business that employs 600+ highly skilled people. Hood River is specifically an internationally well known tourist destination. There have been a number of comments on the environment impact study and little to no mitigation has been proposed.

I do not think it is acceptable to approve this project without properly addressing the issues that have been raised. Indeed there has not been any official response to public concerns and specifically concerns about the environmental impact study itself.

Thank you,

Chris Lloyd
[REDACTED] Scenic Heights Rd.
Underwood, WA 98651

Talbert, Tammy (UTC)

From: Carolyn Gerould <[REDACTED]@me.com>
Sent: Tuesday, January 18, 2011 3:55 PM
To: EFSEC (UTC)
Subject: No to Whistling Ridge

To the Energy Facility Site Evaluation Council,

I oppose the Whistling Ridge Energy Project. I am writing to recommend that you deny the project in your recommendations to Governor Gregoire.

The project would contain 50 highly visible turbines along the 2,000-foot elevation ridgeline boundary of the Columbia River Gorge National Scenic Area. Up to 25 of the 50 turbines would be highly visible from key viewing areas of the scenic area and each turbine would be more than 420 feet tall and equipped with blinking lights that would be visible for miles in all directions. These key viewing areas include State Route 14, which is also designated as a state scenic byway.

Whistling Ridge would produce less than 20 megawatts of energy a year, while Washington and Oregon have over 40,000 megawatts of wind energy development potential that can easily meet growing demands without sacrificing our national heritage. Whistling Ridge is simply not worth the cost.

The adverse impacts of the project on one of the most scenic regions in the United States far outweigh the projects minimal benefits. I urge you to recommend denial of the Whistling Ridge Energy Project.

Sincerely,
Carolyn S Gerould

Carolyn Gerould
[REDACTED] SW Dosch Rd.
Portland, OR 97239