BPA Comment
#10

Montano,Andrew M - KEC-4

From: Nathan Baker [Nathan@gorgefriends.org]
Sent: Monday, May 18, 2009 4:06 PM
To: Fiksdal, Allen (CTED)
Cc: efsec@CTED.WA.GOV; BPA Public Involvement; Montano,Andrew M - KEC-4; H. Bruce Marvin; Rick Till; Gary Kahn
Subject: Whistling Ridge Energy Project - Friends' Scoping Comments - Part 1

Attachments: Friends' Scoping Coments - Part 1.pdf

Friends' Scoping Coments - Par...

Dear Mr. Fiksdal:

Please find attached Part 1 of the scoping comments of Friends of the Columbia Gorge on the above-referenced proposal. Rick Till will e-mail Part 2 shortly. Paper copies of both parts will be sent in today's mail.

Thank you for your time and consideration. If you have any questions or comments, please do not hesitate to contact me.

Nathan Baker, Staff Attorney
Friends of the Columbia Gorge
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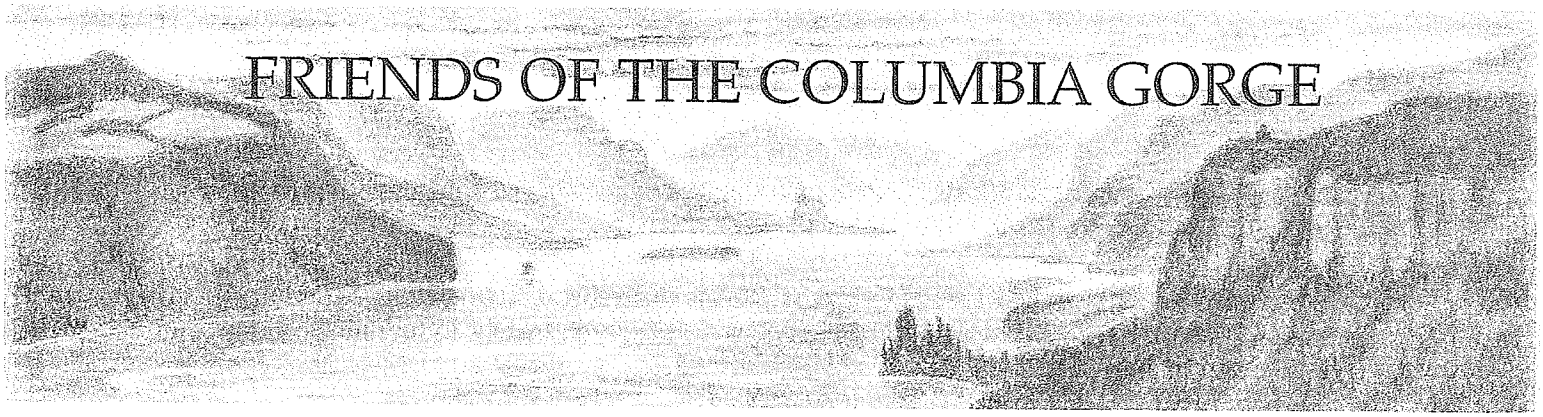

VIA E-MAIL AND FIRST-CLASS MAIL

May 18, 2009

Allen J. Fiksdal, EFSEC Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
905 Plum St. SE
Olympia, WA 98504-3172

Re: SEPA & NEPA Scoping for the Proposed Whistling Ridge Energy Project – Application No. 2009-01

Dear Mr. Fiksdal:

Friends of the Columbia Gorge has reviewed the above-referenced proposal and would like to provide the following scoping comments pursuant to SEPA and NEPA. Friends is a non-profit organization with approximately 5,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

1. The environmental impacts of the full project must be reviewed now.

EFSEC and the BPA are mandated to thoroughly review the environmental impacts of this project at the earliest possible stage, which is now. Lead agencies must prepare an environmental impact statement "at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified." WAC 197-11-055(2). "The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts." *Id.* 197-11-055(2)(a)(*i*).

This matter involves a proposal by SDS Company to develop a large-scale industrial wind energy facility containing approximately 84 wind turbines. As depicted on a site map prepared by SDS, approximately 35 of the turbines would be located on DNR lands in Klickitat County, and approximately 49 turbines would be located on adjacent private lands in Skamania County. Ex. B. Although the applicant's map depicts 84 specific turbine locations, the applicant

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also proposes to determine "final" locations for both the Skamania and Klickitat portions later. Ex. A; EFSEC Application at 2.1-1.

SDS applied for the Klickitat turbines first. On December 4, 2008 SDS filed an application with the DNR proposing "development . . . of approximately 35 turbine locations" on DNR land. Ex. A.

More than three months later, on March 10, 2009, SDS applied for the Skamania portion, by filing an application with EFSEC for "up to 50 wind turbines." EFSEC Application at 2.3-3.

The entire project, previously called the "Saddleback" wind project, is now called the "Whistling Ridge" project. The SDS-generated map shows that more than 40 of the turbines would be sited in a single, lengthy array along Whistling Ridge. Ex. B. (The EFSEC application refers to the Skamania portion of this array as the "B" array.) The map also shows that SDS proposes connecting the full project to the BPA electricity transmission grid. Ex. B.

As further evidence that SDS proposes a single project with 84 wind turbines in two counties, Friends submits the three enclosed newspaper articles. Exs. C, D, & E. All three articles refer to the 84-turbine proposal as a single project. SDS President Jason Spadaro was interviewed for all three articles. To our knowledge, SDS did not request any corrections to these articles or otherwise respond to them. In fact, SDS has placed one of these articles on its Whistling Ridge project web site. "SDS eyes expanded wind power project," available at http://whistlingridgeenergy.com/site/wp-content/uploads/2009/03/enterprise_021809.pdf (last visited May 16, 2009). In that article, Mr. Spadaro states that proposing all 84 turbines now "gives [SDS] more flexibility," which in turn allows the company to "optimize the site and minimize impacts." Ex. D at 2.

Despite this pronouncement, SDS's application to EFSEC never once mentions the 35 turbine sites proposed in Klickitat County, even though those turbines were applied for first. It appears that SDS is attempting to piecemeal the project and avoid full environmental review of the entire project now. This approach is unacceptable and in violation of SEPA.

The nature, scope, and potential environmental impacts of the Whistling Ridge project are sufficiently apparent to trigger preparation of an EIS for the entire 84-turbine wind project now. The EIS must evaluate the likely environmental effects of the full project, including development of the entire wind facility and the various alternatives that might address environmental concerns. Failure to do so violates SEPA's mandate to consider environmental impacts and alternatives at the earliest possible time.

As noted above, SEPA requires a comprehensive environmental review at the earliest possible stage. An environmental impact statement must "be prepared prior to the first government authorization of any part of a project or series of projects which, when considered cumulatively, constitute a major action 'significantly affecting the quality of the environment.'" *Juanita Bay Valley Community Ass'n v. City of Kirkland*, 9 Wn. App. 59, 72–73, 510 P.2d 1140 (1973) (quoting RCW 43.21C.030(2)(c)).

By failing to even mention the Klickitat portions of the project, the applicant is asking EFSEC to improperly segment the project into multiple pieces. SEPA prohibits a project from being artificially segmented into different components to avoid comprehensive environmental review. *See Merkel v. Port of Brownsville*, 8 Wn. App. 844, 850–51, 509 P. 2d 390, 395 (1973). All phases and portions of a project must be evaluated at the outset. *Id.*; *see also Indian Trail Property Owner's Ass'n v. City of Spokane*, 76 Wn. App. 430, 443, 886 P.2d 209 (Wn. App. 1994).

The applicant's apparent proposal to examine only the Skamania portion of the project would directly contradict one of the central purposes of SEPA, which is "to avoid the adverse impact upon the environment which takes place when various phases of a project, or a series of projects, are authorized by governmental agencies in a piecemeal fashion without regard to the cumulative impacts of the total development." *Juanita Bay*, 9 Wn. App. at 72 (citing *Merkel*; *Greene County Planning Bd. v. Fed. Power Comm'n*, 455 F.2d 412 (2d. Cir. 1972)). Dividing a project into segments for the purposes of SEPA review is prohibited because the piecemeal administrative approvals that result from such segmentation frustrates the vitality of SEPA. *Merkel*, 8 Wn. App. at 850–51.

In sum, the EIS must review the entire 84-turbine project—including all of its component parts and various alternatives to those parts. EFSEC cannot make an informed decision on this proposal until the full project and its impacts are reviewed.

2. The EIS must evaluate a range of alternatives sufficient to avoid resource impacts and conflicts with applicable laws.

The analysis of alternatives is considered the "heart" of an EIS. 40 C.F.R. § 1502.14. Here, the EIS must evaluate a range of alternatives sufficient to avoid resource impacts and conflicts with applicable laws.

The applicant has publicly stated that it has proposed all 84 turbines now in order to give it "more flexibility" in "optimiz[ing] the site and minimiz[ing] impacts." Ex. D at 2. In accordance with this statement and with SEPA, the alternatives analysis must evaluate the full 84-turbine project, as well as various alternatives to the project.

For example, the EIS should quantify how many of the 84 turbines are proposed within a designated Spotted Owl Special Emphasis Area ("SOSEA"), and should evaluate one or more alternatives that would remove these turbines from the SOSEA.

Similarly, the EIS should consider one or more alternatives that would move or eliminate all turbines visible from designated key viewing areas within the Columbia River Gorge National Scenic Area. Such an alternative was recommended by the National Scenic Area office of the Forest Service in its May 6, 2009 letter to EFSEC.

Finally, the EIS should consider one or more alternatives that would remove all portions of the project from the General Management Area of the National Scenic Area, where the project is prohibited by law. SCC § 22.10.020(A); 16 U.S.C. § 544d(d)(6).

3. A number of defects in the application must be cured.

In a number of respects, the application fails to provide information about the project sufficient to evaluate its environmental impacts.

For example, the application discusses two alternative road configurations within the National Scenic Area (Application at 2.19-3), but evaluates only one of them (Route 2) with any detail. The application also fails to explain whether either of these alternatives would require the condemnation of any private land along the roadways and intersections in order to provide sufficient width and turning radius for hauling the turbine components. The applicant's Pavement Engineering Report contains little to no information about the existing pavement and base thickness along the haul route, as well as the existing average daily traffic volumes along the haul route. The application fails to state an upper limit for vehicle weight, and merely states that many of the vehicles will exceed the WSDOT legal load limit of 52.75 tons. EFSEC Application at 4.3-37. Finally, the application also fails to provide sufficient data regarding the number of vehicular trips likely to result from the project, especially during the construction phase. All of this information must be made available prior to, and evaluated in, the EIS.

The application also proposes a new electrical substation and interconnection tower located immediately outside the boundary of the National Scenic Area, yet provides little to no detail about these components of the project, such as their proposed heights, footprints, exterior colors, and potential visibility from key viewing areas within the National Scenic Area.

The studies for vegetation and rare plants included in the application were conducted six years ago and are no longer valid. Moreover, these studies were apparently never finished. Appendix B-1 is expressly labeled as a "draft," and all of the figures are missing from both of these Appendices. The missing figures would have depicted, among other things, the geographic areas that were studied for occurrences of rare and sensitive plants. This is crucial information, given that the studies were apparently conducted for a previous project configuration that included DNR lands in Skamania County, and thus likely contained different lands than the current project. The applicant should be required to conduct current vegetation and rare plant studies specific to this project.

4. The proposal is likely to have significant adverse effects to air quality.

The applicant proposes to haul tens thousands of tons of construction materials and turbine components through the Columbia River Gorge National Scenic Area. The application contains little to no information about the number of vehicular trips likely to result from the project during the construction phase. The application does state that more than 500 heavy haul truck trips would be required "for the towers only," but does not clarify whether this figure includes the blades, and does not provide trip numbers for hauling construction materials and equipment, warning cars accompanying heavy haul trucks, and construction workers' vehicles. Nor does the application provide any data regarding the number and frequency of proposed barge trips, which appears to be the applicant's preferred method of transport to, and through a portion of, the National Scenic Area.

The EIS must review the air quality impacts of transporting and hauling turbine components and construction materials from the location(s) at which they would be constructed to the construction sites. This may include international trips if the turbines would be manufactured abroad. Under SEPA, the regional scope of environmental impacts is to be broad:

> In assessing the significance of an impact, a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries.

WAC 197-11-060(4)(b).

Without definitive numbers of barge, truck, and/or rail trips, it is impossible to conclude with any certainty the exact environmental impacts these trips would produce. However, given the scope of this project, it is likely that the air pollution created by this project would have a significant adverse impact on the environment.

The environmental analysis of the proposal must in particular focus on the air emissions of the tugboats used for hauling the barges. A 2008 joint study by the National Oceanic and Atmospheric Administration and the University of Colorado found tugboat emissions to be the worst among sea-faring vessels in terms of soot emissions. *See* NOAA, NOAA Takes First Broad Look at Soot from Ships, http://www.noaanews.noaa.gov/stories2008/20080709_soot.html (July 9, 2008) (hereinafter "2008 NOAA Study").

Soot, or black carbon, is an environmental hazard for at least two reasons. First, soot is particulate matter. The small particles in soot pose serious health risks because they "easily reach the deepest recesses of the lungs." EPA, Health and Environmental Effects of Particulate Matter: Fact Sheet, http://www.epa.gov/ttn/oarpg/naaqsfin/pmhealth.html (July 17, 1997). Tugboats have "a disproportionate impact on air quality because they travel within ports, emitting potentially harmful particles near populous urban areas." 2008 NOAA Study. Similarly, the continuous addition of tugboat soot along the Columbia River could prove very harmful to the many population centers along the River. The environmental analysis must consider the cumulative effects of the emissions from barge transport already occurring on the Columbia River, as well as the individual impacts from this proposal.

Second, soot is a major contributor to global warming. Although there is still some uncertainty, a recent New York Times article cites reports that black carbon is the number two contributor to global temperature rises, responsible for 18% of the planet's warming. Elizabeth Rosenthal, *Third-World Stove Soot is Target in Climate Fight*, N.Y. TIMES (Apr. 15, 2009), *available at* http://www.nytimes.com/2009/04/16/science/earth/16degrees.html. Recent professional conclusions suggest that a SEPA analysis must consider climate change effects. As the SEPA Working Group for the Climate Advisory Team recently noted in an outline of its goals: "While not completely certain, the Department of Ecology believes, and the co-chairs of this SEPA IWG concur, that SEPA already requires an assessment of a proposal's potential impact on climate change." SEPA Implementation Working Group, Scope of Work, Approach, and Schedule,

http://www.ecy.wa.gov/climatechange/2008CATdocs/IWG/sepa/052808_sepa_scope.pdf at 1. Because of the considerable impact that soot has on climate change, and the large scope of this project, a thorough analysis of these impacts must be conducted.

Without a thorough analysis of the types of transport methods to be used, the exact number of proposed trips, and the potential impacts of air emissions, this project should not go forward. Also, considering that all emissions from the project would be new emissions, alternatives must be considered that would reduce the impacts of emissions on the environment.

In particular, air quality within the Columbia River Gorge National Scenic Area is likely to be significantly adversely affected by this proposal. Air quality is already significantly deteriorated in the National Scenic Area, and even incremental increases in pollution are likely to significantly exacerbate existing trends.

Gorge air quality has been monitored for approximately twenty years. The U.S. Forest Service has documented that visibility impairment occurs more than 95% of the time. The Forest Service has also documented that terrestrial ecosystems are being affected by high concentrations of sulfur and nitrogen compounds and that acid deposition may be adversely affecting cultural resources in the Gorge.

A Forest Service fog water deposition study showed that high levels of acid rain are already occurring in the Columbia River Gorge. Fog and rain in the Gorge is 10 to 30 times more acidic than usual Northwest rainfall. The Gorge now stands among the most polluted places in the country, including Pittsburgh and Los Angeles. The study concluded that ecosystem harm is already occurring, the eastern Gorge is considerably more polluted than was predicted from lichen studies, and detrimental effects of acid deposition on archaeological resources is a significant concern.

The Forest Service has also performed water quality and lichen studies in the Gorge. The water quality study found relatively high concentrations of fluoride, ammonium, potassium, and sulfate at Warren Lake, adjacent to the Columbia Gorge at an elevation of 3732 feet. The lichen study had similar results. Based on these two studies, the Forest Service concluded that the Gorge has probably experienced episodic fluoride exposure, most likely in combination with gaseous sulfur dioxide. The study found that the sulfur and nitrogen are coming from a number of different emission sources and fluoride is most likely coming from aluminum smelters.

Another study by the Forest Service Air Quality Management Staff was based on pollution concentrations at air quality monitoring stations at Wishram and Mount Zion. The study determined that visibility impairment in these two locations is perceptible 95% of the time; obvious 42% and 64% of the time, respectively; and severe 15% and 14% of the time, respectively.

According to another Forest Service study, visibility impairment has continued to worsen since 2000. At the Wishram monitoring station, the number of days that visibility is moderately degraded increased from 42% to 57% between 2000 and 2005. The number of days that visibility impairment is perceptible increased to almost 100%.

The Forest Service studies demonstrate that air quality and visibility are already degraded in the Scenic Area to the point of adversely affecting scenic, natural, and potentially cultural and recreation resources. (If EFSEC or the applicant would like copies of any of these studies, Friends would be happy to provide them.) The applicant must analyze the impacts of further increases in air pollution in the National Scenic Area.

5. The proposal is likely to pose a significant fire risk.

The application provides insufficient information about the risk of fire and explosion, the environmental consequences that would flow from such an occurrence, and the applicant's plans to prevent and respond to such an occurrence. This is the first wind energy facility proposed on forested lands in the Pacific Northwest. Thus, the risk of catastrophic fire for this project is significantly greater than other regions where wind energy systems have been sited in the past. In addition, the proximity of the proposed wind facility to existing BPA lines increases the risk that a fire at the site would interfere with the transmission of electricity.

The application downplays the risk of fire, not acknowleding that wind energy fires are a very real occurrence. Attached as Exhibits F through H are three newspaper articles about three different wind energy fires over the past three years (two in Australia, one in Nebraska). These are only three of the many fires that have occurred in the recent past.

Also attached as Exhibit I is an October 9, 2008 letter from Skamania County Fire District No. 4 to the Skamania County Commissioners expressing concerns about allowing large-scale wind energy systems on forested lands in the County. Although the proposed facility is not located within the boundaries of Fire District No. 4, the same types of concerns identified in this letter would be presented at the project site.

6. Conclusion

Given the magnitude of the environmental impacts posed by this project, it is essential for EFSEC and the public to fully understand the harms that may result from the project and to have the ability to review possible alternatives that might reduce environmental impacts. Please continue to keep Friends of the Columbia Gorge notified in this matter, including notice of any opportunities to comment and notice of any governmental decisions and actions. Thank you for the opportunity to comment, which preserves our standing.

Sincerely,

Nathan Baker
Staff Attorney

cc: Andrew M. Montaño, BPA
Bruce Marvin, Counsel for the Environment

Submit in Duplicate

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

APPLICATION TO LEASE STATE LAND FOR WIND POWER

NOTE TO APPLICANT: The Department of Natural Resources' consideration of the application includes a field inspection and an administrative review to determine the impact the request will have on the management of the lands involved and to determine if the request is in accordance with the statutes of the State of Washington.

To the Commissioner of Public Lands, Olympia, Washington 98504:

1. The undersigned, SDS Company, LLC, hereby apply to lease land at the following legal description Section 29, 30, 31, 32, Township 4N, Range 10, East in Skamania County, Washington.

   List any additional sections, or more specific legal description:

   Name of Proposed Wind Power Development: Saddleback Wind Project

2. Enclose a $25.00 application fee. Applications from public agencies do not require an application fee. All remittances are made to the Department of Natural Resources.

3. General description of the proposed development including number and general location of turbines and met towers (use separate sheet if necessary).
   This development is intended to be an expansion of a project to be built entirely on land controlled by SDS Lumber Company. The proposed development on the DNR land will consist of approximately 35 turbine locations (this is subject to change depending on the turbine model selected for the project) and two met towers. The met towers will be erected first and will be used to determine the final turbine placement and help select the turbine choice for the project. Attached is a drawing of the proposed project area.

   Are there trees to be removed in the lease area? X Yes ☐ No

   Trees that are to be removed must be physically marked or otherwise identified on the ground.

4. Access Road:
   Use existing road? X Yes ☐ No

   Construct new road? X Yes ☐ No Attach map Shown on attached page

   The width of the proposed road will be 45 feet during construction and reduced to 20 feet after construction_____.
   The centerline of the proposed road must be physically marked on the ground.

   Are there trees in the new access road? X Yes ☐ No

5. Do you have any other leases with the Department of Natural Resources? ☐ Yes X No
   If Yes, please list project name & lease number? _____

6. This lease is requested for 30 years. (30 years is standard)

Dated at Bingen, Washington, this 4 day of December, 2008

FOR DEPARTMENT USE
Amount received: $_____
Refer to Application No.
_____

Signature _____
Print Name SDS LBR Co JASON SPATARO
Address PO BOX 266
BINGEN, WA 98605
Phone No. 509 493-2155
UBI No. _____

EXHIBIT A
PAGE 1 OF 1

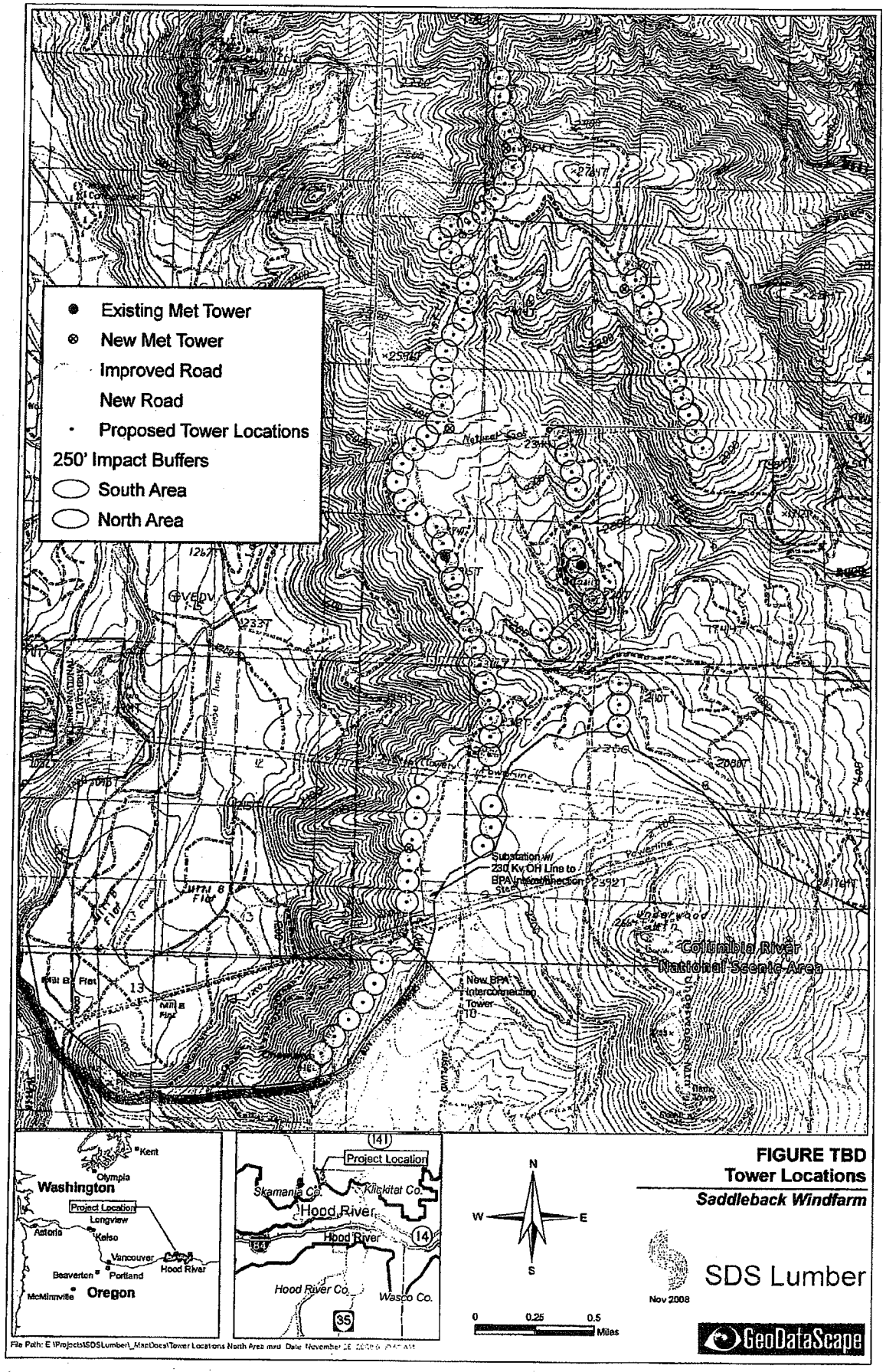


FIGURE TBD
Tower Locations
Saddleback Windfarm

SDS Lumber

File Path: E:\Projects\SDSLumber_MapDocs\Tower Locations North Area.mxd Date: November 2E 2008

EXHIBIT B
PAGE 1 OF 1

http://www.columbian.com/article/20090205/NEWS02/702059937

16 bills seek to amend alternative-energy initiative approved by voters

Wednesday, February 4, 2009
BY KATHIE DURBIN
COLUMBIAN STAFF WRITER

Renewable energy has muscled its way onto the 2009 Legislature's agenda.

As of Wednesday, lawmakers had introduced 16 bills to amend Initiative 937, the voter-approved 2006 measure that requires utilities to ramp up their purchase of solar, wind and geothermal energy beginning in 2012.

The reason for the intense interest: This is the first session since its passage that the law can be amended by a simple majority vote.

Under the Energy Independence Act, every Washington electric utility serving at least 25,000 customers must use renewable energy to meet at least 3 percent of its energy load by 2012, at least 9 percent by 2016, and at least 15 percent by 2020.

The law defines "eligible renewable resources" as wind, solar, geothermal, landfill and sewage gases, wave and tidal power, and certain kinds of biomass and biodiesel fuels. The law also requires utilities to meet specific energy conservation targets beginning in 2010.

Clark Public Utilities weighed in at a Senate committee hearing Wednesday in favor of language in a bill sponsored by Sen. Chris Marr, D-Spokane. Senate Bill 5840 would allow utilities to count conservation efforts toward meeting their renewable energy targets before they are forced to turn to the purchase of renewable energy or energy credits. A House bill introduced by Rep. Jaime Herrera, R-Ridgefield, would accomplish the same thing.

"We are advocating that we should first use conservation and then go to additional generation," utility spokesman Dean Sutherland said. As it is now written, he said, "The initiative pushes you toward generation."

The change could save Clark ratepayers $59 million by 2028, Sutherland said.

The utility also favors a change in the Senate bill that would permit utilities to buy renewable power from throughout the Western United States and Canada, instead of limiting their purchases to the Pacific Northwest.

That would make it possible to buy reliable solar energy from California and to purchase abundant wind energy from Montana in the winter, when it's scarce in the Northwest, Sutherland said.

Those changes are modest compared to others.

Some bills would let utilities count hydroelectric power and the burning of construction debris, food waste and wood waste products toward meeting their goals.

Some would push back the retroactive date for counting renewable energy purchases from 1999 to 1995.

A bill introduced by Sen. Jim Honeyford, R-Sunnyside, and co-sponsored by six other Republicans, would count all hydroelectric generation in the Pacific Northwest as a renewable energy resource that utilities could count toward meeting their goal.

EXHIBIT C
PAGE 1 OF 2

On average, hydro makes up 50 percent of the Northwest's energy generating capacity.

"The cumulative effect of all the weakening amendments would be that the 2020 standard has already been met and thus nothing needs to be done," said Marc Krasnowsky, communications director for the Northwest Energy Coalition.

"We're talking about building our energy future," Krasnowsky said. "Making the hydro system more efficient is great, but we need to diversify and we need to build a market for new renewables. Hydro isn't going to get us there. The choice is between new non-hydro renewables and fossil fuels."

Initiative 937 is the cornerstone of the state's strategy to reduce greenhouse gas emissions, yet Oregon, California and Idaho all have adopted stricter renewable energy targets than Washington in the past three years, Krasnowsky said.

The renewable energy law has been a boon to the Port of Vancouver, one of the top importers of wind turbines on the West Coast. In a business roundtable with Gov. Chris Gregoire last week, Roby Roberts of Vesta America Wind Technology, which manufactures giant wind turbines, urged the governor to protect the law.

"We're in 63 countries, and this is one of the best ports in the world for us," Roberts said. "One of the things to keep the momentum going is to make sure I-937 is not changed."

The port is scheduled to announce a new cargo-handling agreement today.

In the Columbia River Gorge, SDS Lumber Co. President Jason Spadaro is counting on the law to create a strong demand for wind energy as he moves forward with proposal to develop a wind farm on the company's property and adjacent state trust land.

Kathie Durbin: 360-735-4523 or kathie.durbin@columbian.com.

The Enterprise

SDS eyes expanded wind power project

30 additional turbines possible on DNR land

By Jesse Burkhardt
February 19, 2009

Although its original proposal to site 42 wind power turbines in eastern Skamania County remains on hold pending the outcome of an appeal, SDS Lumber Co. is considering expanding the scope of its renewable energy project.

SDS President Jason Spadaro said SDS may want to add more wind turbines on Whistling Ridge, north of the original proposal's boundaries. The expansion would be onto Washington Department of Natural Resources (DNR) property and within Klickitat County.

"We could site 30 additional turbines on DNR land if studies prove it's viable," Spadaro said.

Spadaro said no decisions have been made, and there has been no official filing.

"All we've done is apply for the right to study the property," Spadaro explained. "It is potentially a `phase two' for wind power development, but we still have to do wildlife studies, a wind study, review the topography, and then apply to lease DNR property. We still would need a DNR review, environmental review, the EIS, public meetings -- the entire public process."

DNR is now determining whether to allow SDS to study the site for possible wind power development. A DNR comment period regarding the idea closed on Feb. 10, but Spadaro said he had no idea how long the DNR decision process would take.

"DNR is considering leasing four Common School Trust parcels totaling approximately 2,560 acres for wind power development in western Klickitat County," read an excerpt from a Jan. 12 DNR document regarding the inquiry from SDS. "It is possible that these parcels may be incorporated into a larger surrounding wind power project."

"We just want to study it, and it's smart for DNR to allow it," Spadaro said. "This would diversify the revenue source for schools, diversify the tax base, and diversify energy sources."

EXHIBIT P
PAGE 1 OF 3

According to Spadaro, the Whistling Ridge site is ideal for wind power development. He explained that Underwood Mountain works like a "wind dam," with the wind flowing like water around Underwood Mountain.

"It creates a funnel where the wind flows. that's why the site is so windy," Spadaro said. "The other reason why the site works so well is because there is a regional BPA transmission system coming through the area. We can connect right onto it."

Spadaro added that a larger project makes it more viable economically.

"It also gives us more flexibility. If we have more flexibility, we can use that to optimize the site and minimize impacts," Spadaro said.

Some residents have been outspoken in opposition to the siting of wind power turbines in the area. One of those alarmed about the possibility is Ruth Dye of Underwood.

"This severely impacts my life, as I live just south of where this project is planned," said Dye.

Dye pointed out that there could be serious restrictions on public access if the DNR allows wind power development in the area.

"If this project goes forward, we will be locked out of access to this public land," Dye said. "If you hunt, fish, ride a mountain bike, ride a horse, or just enjoy a walk in the woods, sorry, but you will not be allowed to use this area any more."

Dye also expressed concern about impacts on water quality.

"There are three streams in the proposed wind farm area," Dye explained. "These feed the White Salmon, Little White Salmon, and eventually the Columbia River. This watershed will be disturbed. Chemicals to control noxious weeds may be used. If you kayak, windsurf, kiteboard, fish, swim, or use downstream water, you might want to think about the impact of this wind farm on you."

According to Dye, the area in question also has been designated by DNR as a "Northern Spotted Owl Conservation Area," and pointed out that the proposed wind farm could harm owl habitat and other wildlife as well.

"The area has been determined to be a conservation area for the spotted owl, but how will they make good on the losses to the owl or the other species in this area?" Dye questioned.

Spadaro said he thought it was unfortunate that even at this informational-gathering stage, opponents have been attacking the concept.

"There are certain people on almost every project who say they are for renewable, green power, but then come out and say, `I like it, except anywhere near me,'" Spadaro said.

Spadaro debunked claims that the wind turbines would be within the White Salmon watershed.

"It's not even close to Buck Creek," he said.

The move to develop energy sources is part of a long-range strategy by SDS as it moves to diversify beyond being primarily a wood products company.

"This is another revenue source," Spadaro said. "No one knows when the demand for housing will improve, but there is always growing demand for energy. This helps us diversify."

Spadaro pointed out that the state of Washington has mandated that at least 15 percent of the energy used in the state must come from renewable sources by 2020.

"If we're going to meet renewable energy requirements, that energy is not all going to come from eastern Washington," Spadaro commented. "And the federal economic stimulus plan is based in large part on developing new renewable energy sources. That's a big deal. That demand has to be met somewhere."

Spadaro also sounded a geo-political warning about the consequences of failure to develop innovative sources of energy.

"We can either participate in it," he said, "or forget about clean energy and about independence from foreign oil."

Wind farm

Wind farm project may expand

Company wants to lease state trust land in the Columbia River Gorge

By Kathie Durbin
Columbian staff writer

A Bingen-based company that hopes to build a 70-megawatt wind farm on a backcountry ridge near Underwood has asked the state to explore the expansion of the project north onto 2,560 acres of state trust land.

The Saddleback Wind Project would rise on logged-over industrial lands behind Underwood Mountain, just outside the north boundary of the Columbia River Gorge National Scenic Area.

The original proposal by SDS Lumber Co. called for installing 42 wind turbines along a roughly north-south alignment on its land in eastern Skamania County to harness the gusts that blow through the Columbia River Gorge.

That proposal is on hold pending appeal of a zoning ordinance that would set standards for wind projects in all of Skamania County.

Last spring, the company approached the Washington Department of Natural Resources about leasing state trust land to the north so it could build a larger and more profitable project.

The DNR land the company wants to lease is in western Klickitat County, which already has a zoning ordinance that fast-tracks siting of wind farms and other energy projects.

SDS Lumber President Jason Spadaro said it just makes sense to expand north if the wind generation potential is there.

"The project that we have now is on the small end of wind projects," he said. "Because of that, I don't have a lot of flexibility. I need to maintain every potential turbine in order to keep the size of the project where it works. The more megawatts you put through, the more viable the project is."

Under the proposed expansion, SDS would pay to build roads, collectors and other infrastructure necessary to provide access to the remote site and feed power generated by the wind turbines into the electrical grid.

"We would extend the road system we are already going to build," Spadaro said. "There is a tremendous amount of synergy between the two properties."

DNR officials said they would enter into a lease arrangement only if it yields revenue for the common school fund.

"Otherwise we wouldn't do it," said DNR regional manager Bill Boyum. "It has to be a good investment on the part of the state."

The DNR has approved other leases for wind projects east of the Cascades, such as the Wildhorse Project east of Ellensburg, where 34 wind towers generate power on state trust land. "We turned $500,000 last year" from that project, Boyum said. "That all goes into the common school fund."

The DNR has received about 20 comments on an environmental assessment of the proposed lease. The deadline for comments to the agency's Ellensburg office is Feb. 10.

EXHIBIT E
PAGE 1 OF 2

Boyum said if the state does eventually agree to lease the land for wind turbines, that phase of the project would be subject to a full environmental review by Klickitat County.

But critics say the DNR is trying to fast-track the project by adopting a "piecemeal" environmental review process instead of assessing the impact of the entire project upfront. A full assessment is needed, they say, to assure that environmental concerns are known and incorporated into the layout, construction and operation of the project.

"The state is forfeiting its right and its authority to enforce state regulations by punting environmental review to Klickitat County," said Michael Lang, conservation director at Friends of the Columbia Gorge. The organization has taken no official position on the Saddleback project, but is appealing Skamania County's energy facility zoning ordinance.

Owl habitat

One potential sticking point is that the state trust land lies in an area of scattered old growth and second growth forest used by the threatened northern spotted owl. The DNR is required to manage the area as a "spotted owl emphasis area" under its federally approved habitat conservation plan.

The DNR would require SDS to consult with federal and state wildlife officials before installing wind-monitoring towers to determine whether they could harm birds or wildlife. It would require a sign-off from the U.S. Fish and Wildlife Service that the project does not have a negative impact on owls or other imperiled species.

Spadaro said it remains to be seen whether the state trust land will prove to be a viable source of wind power. "We may start reviewing this and find out that there are wildlife issues or other issues that make it impossible to go ahead."

However, if everything goes smoothly, as many as 25 or 30 giant wind turbines could be built on DNR land, he said.

With a new administration in Washington, D.C., promoting green energy, and new state renewable energy requirements looming, the time is right to move ahead on viable wind energy projects, Spadaro said.

A voter-approved federal initiative requires electric utilities to get 15 percent of their energy from renewable sources by 2020. Oregon and Washington have adopted even more ambitious goals.

"President Obama has spoken about his intent to increase renewable energy," Spadaro said. "There are now discussions about a national renewable energy standard as well. The demand is there. So is the ability to finance and develop the project. There are bank issues that make it more of a challenge, but that is not a long-term issue."

Comments on the DNR's environmental assessment of the proposed land lease should be submitted by Feb. 10 via e-mail to sepacenter@dnr.wa.gov, or by mail to P.O. Box 47015, Olympia, WA, 98504-7015.

Kathie Durbin: 360-735-4523 or kathie.durbin@columbian.com.

EXHIBIT E
PAGE 2 OF 2

http://www.theadvertiser.news.com.au/common/story_page/0,5936,18116441%5E2682,00.html

Wind farm fire caused blackout

A $3 MILLION wind farm turbine caught fire while dozens shut down at the time South Australia most needed them - when a heatwave left 63,000 South Australian homes without power last month.

February 6, 2006 in Sunday Mail

Adding to the drama, firefighters could not extinguish the blaze because the tower was too high at 67m.

Lack of wind and automatic shutdowns triggered by hot temperatures were to blame for the state's 180 turbines producing just 10 per cent of their maximum power capacity during the January heat wave, according to experts.

The experience proved SA could not rely on wind power to provide electricity when demand was greatest, the Electricity Supply Industry Planning Council (ESIPC) said.

"You never know if the wind will be blowing when you need it to or if wind turbines will shut down," ESIPC spokesman Brad Cowain said.

Operators of the Lake Bonney wind farm, where the turbine fire occurred on Sunday, January 22, said all of its 46 turbines had automatically shut down during the heat wave when temperatures exceeded 40C.

"We want the turbines to operate during peak demand to capture revenue but power output is limited by the automatic shut down to protect electrical instruments," wind farm operator Miles George of Babcock and Brown Wind Partners said.

He said the turbine fire – the first in Australia – had been caused by an electrical fault while maintenance crews were working on it after it had shut down.

Around 3pm, 40 CFS firefighters and six trucks rushed to the wind farm to extinguish the blaze but fire hose water couldn't reach the steel generator at the top of the tower.

Instead, the firefighters watched as fire destroyed the $3 million turbine – which weighs 75 tonnes – and extinguished spot fires ignited by ashes from the turbine blaze.

According to ESIPC, many of the European manufactured turbines used in SA shut down during extreme temperatures to avoid generator meltdown.

"Most turbines are manufactured in Europe where they don't have to worry about operating at high temperatures," Mr Cowain said.

EXHIBIT F
PAGE 1 OF 2

"We are investigating which individual turbines were not operating because of a shut down or lack of wind."

Between Thursday, January 19 and Sunday, January 22, maximum temperatures exceeded 40C throughout most of the state, creating record demands for electricity while wind farm output averaged only 10 per cent.

But during Saturday's peak power demand wind farm output plummeted to just 2 per cent of capacity, producing enough power for only 3500 homes, according to ESIPC. This compared with the maximum capacity of 318MW to power 175,000 homes. SA leads the nation in wind farm energy with five established sites – Starfish Hill, Canunda, Wattle Point, Cathedral Rocks and Lake Bonney.

There are numerous other approved wind farm developments including an AGL plan for 43 turbines at Hallet in the state's Mid North.

But AGL also plans to more than double the capacity of its nearby gas-fired plant, from 180MW to 430MW, at a cost of more than $100 million to ensure peak demand during hot weather can be met.

The state's independent energy regulator Pat Walsh declined to comment about the wind farm performance during the heat wave or its implications on the state's overall energy supply.

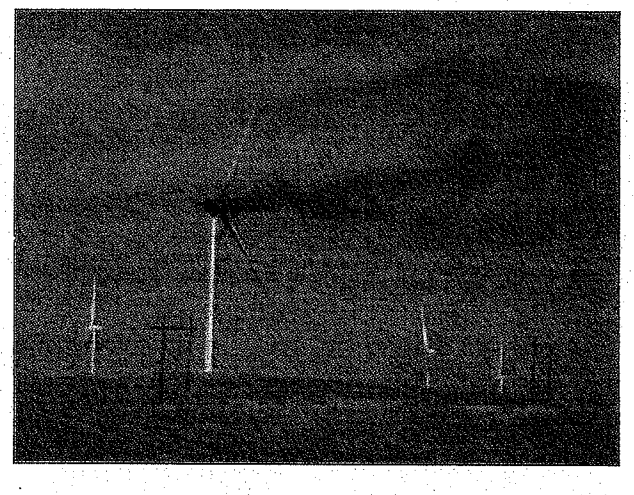
http://www.ktiv.com/Global/story.asp?S=9605354

Investigation: 'Foreign object' caused wind farm fire

January 1, 2009

By Matt Breen
KTIV NewsChannel 4

An investigation suggests an explosion and fire inside a Nebraska wind turbine– that's part of the largest wind farm in the state– was caused by a "foreign object".



A spokesperson for the company building the 80 megawatt Elkhorn Ridge farm, near Bloomfield, says the "object" blew into the turbine causing the blast. The incident injured three workers, including one who suffered first and second-degree burns from the waist up.

An investigation continues. But, company officials say the wind farm will begin generating power in the first quarter of 2009.

EXHIBIT 6
PAGE 1 OF 1

http://portlincoln.yourguide.com.au/news/local/news/general/wind-turbine-burnt-out/1425564.aspx

Wind turbine burnt out

February 5, 2009

Natasha Ewendt
Port Lincoln Times

A wind farm turbine caught fire at the Cathedral Rocks Wind Farm in the early hours of Tuesday morning.

A fishing boat reported the fire at about 1am, and about 23 MFS and CFS firefighters extinguished the blaze before it spread.

Port Lincoln CFS regional commander Kevin May said on the crews' arrival the turbine housing at the top of the tower was on fire, with some embers falling to the ground.

He said the weather was on the firefighters' side and helped in preventing the fire spreading to nearby vegetation.

The turbine housing was completely destroyed, but the rest of the turbine could be salvageable.

The company said yesterday it expects the damage bill to be about $2 million, but it would determine an exact amount when it finishes its investigation.

SKAMANIA COUNTY FIRE DISTRICT NO. 4

10042 WASHOUGAL RIVER ROAD PO BOX 249 WASHOUGAL, WASHINGTON 98671
PHONE (360) 837-3420 FAX (360) 837-3167

Skamania County Commissioners
P.O. Box 790
Stevenson, WA 98648

October 9, 2008

RE: Skamania County Code Title 21 Zoning

The Board of Skamania County Fire District No. 4, as well as the Fire Chief, continues to have concerns relating to some of the "Conditional Uses" in the Planning Commission recommended Title 21 zoning draft. The Planning Commission has appropriately removed the "Community Commercial Zoning" and "Camping Cabins" in the West End.

However, the allowance of large-scale wind generating and bio-energy facilities in the West End of the county is of great concern, given our extreme hazard risk assessment for potentiality of catastrophic wildfire. Further, multiple Nacelle fires have occurred in industrial wind turbine equipment. These facilities also require substations and transmission lines. In the event of a facility or substation fire, the ability of Fire District 4 (an all volunteer department) in providing standard fire and emergency medical calls would be overwhelmed.

During strong east winds, power lines are often either struck or break, leading to fires on the ground and in the trees. Again, if a higher voltage line were to come down on a hot summer day with strong east winds, or a Nacelle fire erupted in a wind turbine, a devastating fire could easily move beyond control due to the limited water supply and response capacity of the fire district. This could lead to a massive urban interface fire that could destroy many homes, burn many acres of land and lead to serious injury or death to those who could not retreat quickly enough from such a fire.

We the Board and the Fire Chief, insist that you consider the response capabilities of the emergency services available for the West End, before adopting zoning which would permit large scale wind energy and bio-energy facilities in this area of established high risk. If you proceed with zoning for these proposed facilities, we feel you will surpass the ability of local emergency services, placing the residents of the West End in peril. We believe it is imperative that these issues be addressed.

Respectfully,

Tim Young, Chair, Board of Commissioners

Dennis Gogolski, Commissioner

Keith Brown, Commissioner

Donald Ochs, Chief

EXHIBIT I
PAGE 1 OF 1

BPA Comment
#11

Montano,Andrew M - KEC-4

From: Somers.Elaine@epamail.epa.gov
Sent: Monday, May 18, 2009 4:00 PM
To: Montano,Andrew M - KEC-4
Cc: Reichgott.Christine@epamail.epa.gov
Subject: EPA scoping comments for Whistling Ridge Energy Project

Attachments: 09-018-BPA Whistling Ridge Energy Project - Scoping.doc

09-018-BPA
Whistling Ridge Ene..

To: Andrew M. Montano,
Bonneville Power Administration

Andrew,
Thank you again for discussing the Whistling Ridge Energy Project with me. Attached are our scoping comments for the project. The signed original letter has also been mailed to you. If you have any questions about these comments, please feel free to contact me. Thank you so much!
Elaine

Elaine Somers
Environmental Review and Sediment Management Unit
U.S. Environmental Protection Agency, Region 10
1200-6th Ave., Suite 900, ETPA-088
Seattle, WA 98101
phone: 206/553-2966
fax: 206/553-6984
email: somers.elaine@epa.gov

(See attached file: 09-018-BPA Whistling Ridge Energy Project - Scoping.doc)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 18, 2009

Mr. Andrew M. Montano
Bonneville Power Administration, KEC-4
P.O. Box 3621
Portland, Oregon 97208-3621

Subject: **Whistling Ridge Energy Project**
EPA Project Number 09-018-BPA

Dear Mr. Montano:

The U.S. Environmental Protection Agency (EPA) has reviewed the Bonneville Power Administration (BPA) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the proposed **Whistling Ridge Energy Project**. We are submitting scoping comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for the opportunity to offer comments at this stage of the project.

Whistling Ridge Energy LLC (WRE or "Applicant") is proposing to construct and operate a 75 megawatt (MW) wind energy generation project on 1,152 acres in Skamania County, Washington. If implemented, the proposed project would require the state of Washington permits and approvals for siting, and the BPA authorization to interconnect it to the Federal Columbia River Transmission System (FCRTS).

EPA supports development of alternative and environmentally sustainable sources of energy such as wind power. The attached comments are provided to inform BPA of the project's potential environmental issues that EPA believes should be considered in the EIS.

We appreciate the opportunity to offer comments. If you need more information or have questions about these comments, please contact me at (206) 553-2966 or electronically at somers.elaine@epa.gov.

Sincerely,

/s/
Elaine L. Somers
Environmental Review and Sediment Management Unit

Enclosure

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U.S. EPA Detailed Scoping Comments on Whistling Ridge Energy Project

Range of Alternatives

The EIS should include a range of reasonable alternatives that meet the stated purpose and need for the project and that are responsive to the issues identified during the scoping process. This will ensure that the EIS provides the public and the decision-maker with information that sharply defines the issues and identifies a clear basis for choice as required by NEPA. The Council on Environmental Quality recommends that all reasonable alternatives be considered, even if some of them could be outside the capability of the applicant or the jurisdiction of the agency preparing the EIS for the proposed project. EPA encourages selection of feasible alternatives that would (1) be environmentally sustainable, (2) maximize environmental benefits, and (3) avoid, minimize, and/or otherwise mitigate environmental impacts.

Environmental Effects

According to the NOI, the proposed project would be constructed on commercial forest land in unincorporated Skamania County. It would consist of up to fifty1.2 to 2.5 MW wind turbines, and associated infrastructure such as newly-constructed and improved roads, transformers, underground collector lines, a substation, and an operations and maintenance facility. Each turbine would be up to 426 feet tall and would be mounted on a concrete pad. Access to the project site would-require improving some existing private logging roads and constructing-new gravel roads on private land. About 330 workers would be employed during construction and for year-round operation and maintenance. Overall, 8 or 9 full and part time employees would be hired.

Water quality

Water quality may be adversely affected if construction, including roads, and long term operation and maintenance alter hydrology in the project area. This could range from effects to springs, streams, wetlands, or other water bodies, to alterations in surface water runoff, infiltration, aquifer recharge, stream base flows, delivery of water, wood, sediment or other pollutants to water bodies. The EIS should identify all water bodies and aquatic resources that may be affected by the project, the nature of the potential impacts, and the pollutants likely to impact those waters. The EIS should include appropriate Best Management Practices (BMPs) that would be used to minimize impacts. For construction activities that would disturb more than one acre (40 CFR 122.26 (b)), a National Pollutant Discharge Elimination System (NPDES) permit is required. The Washington Department of Ecology (Ecology) would be the NPDES permitting authority for Washington and should be contacted to obtain the NPDES permit. The EIS should include information about this permit.

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Habitat, Vegetation, and Wildlife

Because the proposed project would be sited on commercial forest land, the EIS should address the compatibility of the project with current forestry operations, and evaluate the direct, indirect, and cumulative effects to the forest land base, including the associated socio-economic effects. Cumulative effects would include past, present, and reasonably foreseeable actions, including any potential future expansion of the wind project, which would also affect the forest land base and associated ecosystem functions and services.

All project phases (construction, operation, and maintenance) should be described with respect to their potential impacts to wildlife and wildlife habitat. The EIS should describe the current quality and capacity of habitat, its use by wildlife in the project area, and the potential to affect resident and migratory species, including bats and birds as well as mammals, amphibians, reptiles, and invertebrates. For example, wind energy projects have the potential to disrupt important wildlife habitat, such as flyways, migration corridors, and foraging areas. Project related roads and traffic may result in avoidance of certain areas, in wildlife-vehicular collisions and mortality, disturbance, and increased vulnerability to dangers associated with human contact and activities. Wind projects commonly result in mortality of birds and bats due to collisions with rotor blades. These and other impacts should be avoided, minimized, and mitigated. For example, road kill could be prevented by avoiding important habitats and species movement corridors, or by providing suitable wildlife crossing structures where corridors cannot be avoided. The project could also be designed to prevent potential animal contact with rotor blades.

The EIS should identify any federal or state threatened, endangered, candidate, or sensitive species, identify their habitat, and any potential impacts to these species or their habitats. The EIS should also describe how all requirements under the Migratory Bird Treaty Act and Endangered Species Act (ESA), including consultation with the U.S. Fish and Wildlife Serve (USFWS) and National Oceanographic and Atmospheric Administration (NOAA) would be met, and how BPA would contribute to the recovery of listed species. Any State listed species should also be addressed in consultation and coordination with Washington Department of Fish and Wildlife (WDFW).

Ground disturbing activities create opportunity for establishment of non-native invasive species. In compliance with NEPA and with the Executive Order 13112, analysis and disclosure of these actions and their effects, as well as any mitigation to prevent or control such outbreaks should be included. We urge that disturbed areas be re-vegetated using native species and that there be ongoing maintenance (wholly or primarily non-chemical means) to prevent establishment of invasives in areas disturbed by project activities.

If any pesticides or herbicides would be used as part of proposed project activities, the EIS should address any potential toxic hazards related to the application of the chemicals, and describe what actions would be taken to ensure that impacts from toxic substances released to the environment would be minimized. If vegetation would be burned, then the EIS should include a smoke management plan that would be followed to reduce public health impacts and potential exceedances of ambient air quality standards.

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Visual impacts

The proposed project would be located adjacent to the Columbia River Gorge National Scenic Area. The EIS should fully analyze and disclose potential visual impacts to the National Scenic Area and to communities within and near the Scenic Area. The social and economic impacts that could potentially result from visual impacts should also be included, such as, effects on aesthetics and tourism.

Cumulative and indirect impacts

The project evaluation should consider the effects of the proposed project when added to other past, present and reasonably foreseeable future projects within and outside the project area, including those by entities not affiliated with BPA. Cumulative impacts can result from individually minor, but collectively significant actions taking place over time. For example, the proposed project may have the potential to contribute to cumulative visual/aesthetic impacts of concern to communities and businesses. There is also potential for cumulative impacts to migratory birds, many species of which are in decline. The EIS should analyze the cumulative effects of potential bird mortality from this proposed wind project, from other current and reasonably foreseeable wind projects, combined with other causes of bird mortality.

EPA has issued guidance on how we are to provide comments on the assessment of cumulative impacts in *Consideration of Cumulative Impacts in EPA Review of NEPA Documents*, which can be found on the EPA web site at: http://www.epa.gov/compliance/resources/nepa.html. This guidance includes five key areas of focus when assessing cumulative effects:

- Identify resources, if any, that are being cumulatively affected;
- Determine the appropriate geographic (within natural ecological boundaries) area and the time period over which the effects have occurred and would occur;
- Look at all past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern;
- Describe a benchmark or baseline;
- Include scientifically defensible threshold levels.

Indirect effects are those that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR Part 1508.8). Such effects could result, for example, from pressures to later convert additional forest lands to wind farms, thereby potentially resulting in additional impacts to wildlife, birds, and bats, visual, and other impacts. These indirect effects must also be analyzed in the NEPA document.

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Public participation and environmental justice

The NEPA process should also effectively engage the public in dialogue about the proposed project and its potential environmental, social, historical, cultural, and economic impacts – both positive and negative. In compliance with NEPA and with E.O. 12898 on Environmental Justice, actions should be taken to conduct adequate public outreach and participation that ensures the public and Native American tribes truly understand the possible impacts to their communities and trust resources. Minority and/or low income communities and tribes must be effectively informed, heard, and responded to regarding the project impacts and issues affecting their communities and natural and cultural resources. The information gathered from the public participation process and how this information is factored into decision-making should be disclosed in the EIS.

EPA requests the following information from lead agencies, at a minimum, when reviewing EISs to determine the adequacy of analysis:

- Describe the efforts that have/will be taken to inform the communities about the impacts of the project and to ensure "meaningful public participation" by the potentially affected communities/individuals.
- Identify low income and people of color (minority) communities in the impact area(s) of the project.
- Disclose in the EIS what was heard from the community about the project during the public participation sessions by listing the impacts identified by the project proponent and the communities (perceived and real).
- Address whether these impacts are likely to occur and to whom, and evaluate all impacts for their potential to disproportionately impact low income and/or people of color (minority) communities.
- Describe how what was heard from the public was/will be incorporated into the decisions made about the project (such as the development of alternatives or choice of alternatives);
- Propose mitigation for the impacts that will or are likely to occur.

Public health and safety impacts, such as those associated with project construction and new, expanded, or otherwise improved roads and increased traffic volumes and speeds should be analyzed and disclosed in the EIS. Other impacts of concern to the public should also be disclosed and analyzed in the EIS.

Tribal consultation

Government-to-government consultation with federally recognized Indian tribal governments is required. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, and the President's executive memorandum of September 22, 2004 are the latest iterations of federal policy. Special attention should be paid to environmental impacts on resources held in trust or treaty resources. Trust resources include those resources held in trust

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by the U.S. government on a tribe's behalf (such as tribal lands, minerals, and timber). They also include resources in which a tribe has rights that the U.S. government is obligated to protect, such as, the right to use religious places and the right to protect the remains of their ancestors.

Among the issues that are often of concern to tribes, include:

- Reservation lands.
- Formally identified trust and treaty resources.
- Grave and burial sites.
- Off-reservation sacred sites.
- Traditional cultural properties or landscapes.
- Hunting, fishing, and gathering areas (including impacts to ecosystems that support animals and plants that are or once were part of the Tribes and tribal descendants' traditional resource areas).
- Access to traditional and current hunting, fishing and gathering areas and species.
- Changes in hydrology or ecological composition of springs, seeps, wetlands and streams, that could be considered sacred or have traditional resource use associations.
- Water quality in streams, springs, wetlands and aquifers.
- Travel routes that were historically used, and travel routes that may be currently used.
- Historic properties and other cultural resources.

Since the responsibility for government-to-government consultation with tribes is vested by law in the federal government, we recommend that a lead federal agency not delegate its tribal consultation responsibilities to the State or local government unless it has a formal agreement to such delegation with the pertinent tribal government or governments permitting such delegation, as well as a formal agreement with the State or local government as to how such consultation responsibilities will be carried out.

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BPA Comment #12

Montano,Andrew M - KEC-4

From: Arlene Bradford [aebradford@gmail.com] on behalf of Arlene [abradford@gorge.net]
Sent: Saturday, May 16, 2009 10:54 AM
To: Montano,Andrew M - KEC-4
Subject: Whistling Ridge Project Comments
Attachments: VIEWPROJECT2.jpg; WINDFARM COMMENTS.doc

Mr. Montano:

Please find attached my comments and photos regarding my advocacy for the proposed projects,

Thank you,

Arlene Bradford

Whistling Ridge Energy Project comments:

As a PROPONENT for this project (with no connections or personal contact with anyone from SDS) I offer the follow brief comments in response to those who oppose on the following grounds:

VIEW: We have lived on Underwood Mountain for 17 years. The view has changed dramatically, which we knew we must accept. On the attached page, please see the changes we have witnessed. Vineyards are not pretty things, especially in the first few years. The destruction of the orchards in front of our house has dramatically altered the attractiveness of the view, most of the time in the last six years, resembling Arlington National Cemetery with its white grow tubes and posts lined in a row.

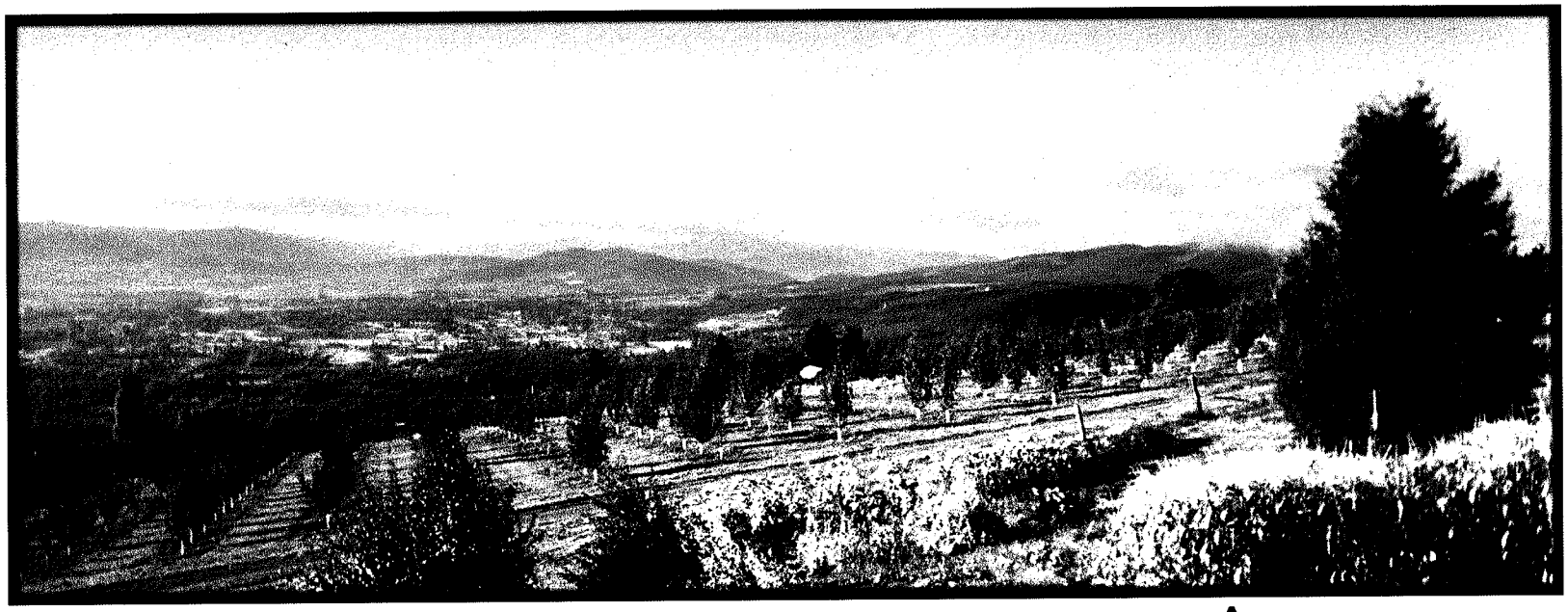
The view, across the river to Hood River, has been vastly changed with new housing developments, red and yellow condominiums, Wal-Mart, etc. all allowed under the NSA as an exempt area. The area of the proposed wind farm is also not covered under the NSA.

HAZARDOUS MATERIALS: We watch, several times a year, as the orchards and vineyards within our scope (several acres) are sprayed by workers wearing Hazmat suits and full protective face gear. We close our windows, bring in our pets and wait for the pesticide smell to go away. Oregon and SW Washington have the highest breast cancer rates in the nation (check several sites on internet, including the Susan B. Koman Breast Cancer site). All pesticides cause a type of cancer (EPA) and most farms in our area are not organic. This is all **within** the NSA! I cannot believe that SOSA or the "Friends" group would consider concrete, steel and fiberglass hazardous to the health of those miles away or even next door. They would be better worrying about the diesel fumes and storage at their agricultural sites.

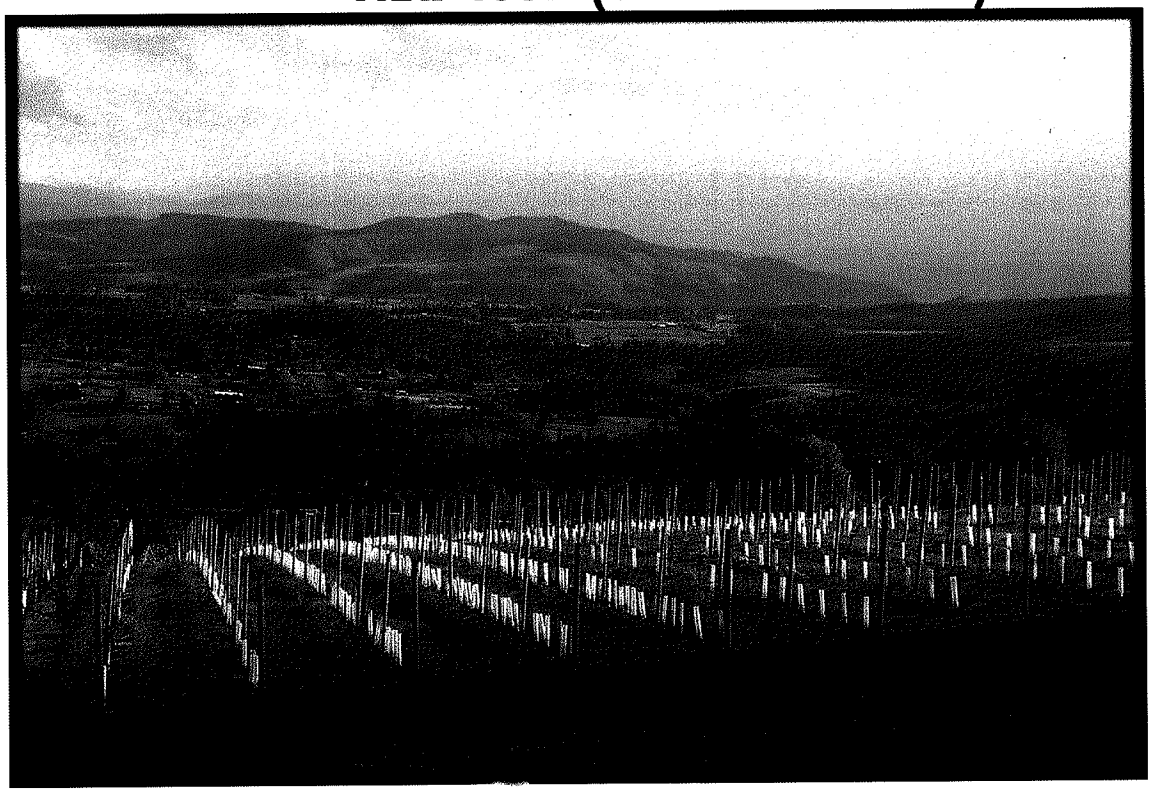
OTHER OBJECTIONS: Vibration, noise, wildlife kills, etc. are invalid and proven not problematic. Vibration would mean equipment malfunction and an expense the owners would correct immediately. Last weekend we carried out a very normal conversation right under one of the wind turbines in operation near Rufus without raising our voices.

PROPERTY VALUES; In the 17 years we have lived here, our home and land value has increased 165% while our taxes increased 206%. East Skamania county has no industry or tax-relief allowable sites to date. The only group benefiting from the growing recreational use in the NSA are the businesses in Hood River – hotels, restaurants and sports' rental agencies. We here, in Underwood, have been allowed no benefits and must pay for the cleanup of their use on our side of the river.

Arlene E. Bradford
52 Sunrise Road
Underwood, WA 98651 abradford@gorge.net
(509) 493-4085



VIEW 1992 (52 SUNRISE ROAD)



VIEW NOW
MAY 2009

BPA Comment
#13

Montano,Andrew M - KEC-4

From: Shortt Supply [shortt@shorttsupply.com]
Sent: Friday, May 15, 2009 9:44 AM
To: efsec@cted.wa.gov
Cc: jimla@cted.wa.gov; arthur.babitz@cityofhoodriver.com; brucem1@atg.wa.gov; charlier@cascadeland.org; Jill Arens; Montano,Andrew M - KEC-4; Congressman Walden' Connection; senator@merkley.senate.gov; Brian Shortt
Subject: Whistling Ridge Energy Project Scoping Comment

Allen J. Fiksdal, Manager, Energy Facility Site Evaluation Council

Sir: My name is Brian Shortt. On May 7th I provided citizen testimony regarding the Whistling Ridge Energy Project, Skamania County, Washington

Among many, one aspect of the EFSEC scoping hearing represents significant concern.
The impact photo visualizations rendering offered by SDS Lumber Company during public testimony for the Whistling Ridge Energy Project Scoping meeting indicated that of the 18 visualization locations, operating windmills would visually affect 60% or eleven of these locations withing or near the city limits of Hood River, Oregon. The scoping hearing process did not provide notice to offer public testimony from Hood River's constituency nor adequate 3D elevation modeling of the windmill project. This is fundamentally wrong and should be modified. As the planned transmission provider, Bonneville Power Administration represents a Federal agency whose responsibility it is to include a regional review as opposed to a single state EIS scope.

The scope of the 75 Megawatt Whistling Ridge Energy Project is a significant visual impact to the visitations of the National Scenic Area vistas, the visitations to points of American historical significance and the tranquility and solace for over three million visitors and residents. This proposal represents a growing adverse affect to the values of the Northwests natural landscape for all residence of Washington, Oregon and Idaho. This project requires a bi-state review process to adequately ensure that no adverse impacts to the environment and the affected communities are left out of the review. This includes, but not not limited to, the City of Hood River, Oregon and the residents residing herein.

As a U.S. citizen residing within Columbia River Gorge National Scenic Area, resident of Hood River, Oregon , I would request the scope of the Whistling Ridge Energy project EIS expand and include a socio-economic, environmental and public health assessment that would qualify and quantify the overall affect to the designated urban growth boundary of the City of Hood River, Oregon.

Respectfully submitted,

Brian F. Shortt
2791 Prospect
Hood River, OR 97031

This correspondence meets the May 18th, 2009 deadline for public comment

BPA Comment
#14

Montano,Andrew M - KEC-4

From: Henderson, Mary [Mary.Henderson@Williams.com]
Sent: Wednesday, April 29, 2009 2:50 PM
To: Montano,Andrew M - KEC-4
Cc: Peggie Labrum
Subject: KEC-4 Whistling Ridge Energy Project

Hello Andrew,

I received your information on your proposed project. Can you send me the map and tax lot information so I can locate exactly what parcels are involved? We have an existing and proposed pipeline in Skamania County and need to identify which parcels your project encompasses.

Mary Henderson
Northwest Pipeline, GP
Land Representative
8907 NE 219th St.
Battle Ground, WA 98604
360-666-2106 office
503-807-8884 cell
360-687-7314 fax
mary.henderson@Williams.com

Montano,Andrew M - KEC-4

From: Rick Aramburu [rick@aramburu-eustis.com]
Sent: Friday, April 24, 2009 3:58 PM
To: Montano,Andrew M - KEC-4
Cc: AllenF@cted.wa.gov; BruceM1@atg.wa.gov; Nathan Baker
Subject: Fw: SOSA. 4.24.09 Letter to BPA/Montano re Whistling Ridge

Attachments: Law_Offices_20090424_161244_001.pdf

Law_Offices_20090
424_161244_00...

Please see attached letter.

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----- Original Message -----
From: "Law Offices" <noreturn@aramburu-eustis.com>
To: <rick@aramburu-eustis.com>
Sent: Friday, April 24, 2009 4:12 PM
Subject: SOSA. 4.24.09 Letter to BPA/Montano re Whistling Ridge

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> DEVICE NAME: Sharp copier
> DEVICE MODEL: SHARP AR-M455N
> LOCATION:
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> FILE FORMAT: PDF MMR(G4)
> RESOLUTION: 300dpi x 300dpi
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> Attached file is scanned image in PDF format.
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ARAMBURU & EUSTIS LLP
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(206) 625-9515 • FAX (206) 682-1376

April 24, 2009

Andrew M. Montano
Environmental Project Manager
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

Re: Whistling Ridge Energy Project, Skamania/Klickitat Counties, Washington

Dear Mr. Montano:

As you know, this office represents Save Our Scenic Area (SOSA) in regard to the aforementioned project.

On Wednesday, April 22, 2009, I wrote you regarding procedures for preparation of an EIS for the federal action in this matter. Notice from the BPA dated April 17, 2009, states that an EIS will be required in these circumstances. My letter pointed out that there are no provisions in federal laws or regulations which allow for BPA, as a federal agency, to put an applicant in charge of preparing an EIS for this action, as apparently contemplated by EFSEC. We do not know if this contractor will also be representing BPA interests.

I am writing today to supplement my prior letter with additional authority.

Generally federal agencies are not permitted to let applicants prepare the EISs:

> The Federal Power Commission has abdicated a significant part of its responsibility by substituting the statement of PASNY for its own. The Commission appears to be content to collate the comments of other federal agencies, its own staff and the intervenors and once again to act as an umpire. FN18 The danger of this procedure, and one obvious shortcoming, is the potential, if not likelihood, that the applicant's statement will be based upon self-serving assumptions. FN19 In fact, PASNY's statement begins: "Neither the construction nor the operation of the Gilboa-Leeds transmission line will have any significant adverse impact on the environment." But, the Gilboa-Leeds line, if constructed as proposed, will cut a swath approximately 35 miles long and 150 feet wide across the face of Greene and Schoharie Counties. It is

small consolation that the line will not scar either existing historical sites or designated park land.

Greene County Planning Bd. v. Federal Power Com'n, 455 F.2d 412, 420 (2nd. Cir.1972). *Green County* was an electric transmission line case. The general federal rule is that an agency must select and retain the contractor that prepares the EIS, not the applicant; the agency must also participate in the preparation of the EIS. See 40 C.F.R. 1506.5(c) and 40 Most Asked Questions Concerning CEQ's NEPA Regulations (#16).

As described in my April 22, 2009 letter, relying on an "applicant prepared" draft EIS, with no oversight over the final EIS, as apparently contemplated by EFSEC, is not consistent with NEPA, its regulations or caselaw. BPA should insist on consistency with applicable federal regulations in the preparation of Whistling Ridge draft and final environmental impact statements. To not do so is to invite delay, additional expense and litigation, none of which serves the public interest or that of the applicant.

Thank you in advance for your consideration of our views.

Sincerely yours,

ARAMBURU & EUSTIS, LLP

J. Richard Aramburu

cc: Allen Fiksdal, EFSEC
Bruce Marvin, EFSEC Counsel for the Environment
Nathan Baker
SOSA

BPA Comment #16

Montano,Andrew M - KEC-4

From: Rick Aramburu [rick@aramburu-eustis.com]
Sent: Friday, April 24, 2009 3:00 PM
To: Montano,Andrew M - KEC-4; AllenF@ctred.wa.gov; brucem1@atg.wa.gov
Cc: Nathan Baker
Subject: Whistling Ridge Project: BPA Participation and Notice of Hearing

Dear Mssrs. Montano and Fisksdal:

Nathan Baker of Friends of the Columbia Gorge has shared with me an email string from today between he and Mr. Montano concerning BPA's participation in scoping meetings. As you know, I represent SOSA in these proceedings.

Public notices were issued by EFSEC for public scoping meetings dated April 6 and April 21, 2009. These notices both had the following identical sentence: "EFSEC and BPA intend to conduct a joint SEPA/NEPA Scoping meeting at the time and location identified below." The second notice referenced a meeting at May 6 (in Stevenson) and May 7 (at the Underwood Community Center).

Notwithstanding this notice, the email from Mr. Montano to Mr. Baker of today says:

> Thanks for the information, but the meeting being held on the 7th is being sponsored only by WA EFSEC, not BPA. We may be in attendance, but that is an EFSEC only meeting.

This statement is directly contrary to the plain language of the notice that states that BPA will be a participant in <u>both</u> meetings.

We believe that the May 7 afternoon meeting should be held as a BPA scoping meeting as the notice actually states. CEQ guidance regarding scoping from 1981, emphasizes that scoping should be open and thorough and notices be accurate. It would be an affront to residents that attend the May 7 Underwood meeting to find out that BPA is not participating, when the notice states it will. This is especially true since the Underwood meeting is specifically for those closest to, and thereby most effected by, the Whistling Ridge project.

If BPA persists in its position, then it is up to EFSEC and BPA to amend the notice to clarify the differences between the two meetings. This should be done to allows sufficient time for distribution of the notice. If there is not time for timely notice, then these meetings need to be rescheduled.

Thank you for your attention to this important matter.

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