

Confederated Tribes and Bands of the Yakama Nation  
Established by the Treaty of June 9, 1855

Post Office Box 151  
Toppenish Washington 98948

April 13, 2009

Jim La Spina  
Siting Specialist  
State of Washington  
Energy Facility Site Evaluation Council  
PO Box 43172  
Olympia, WA 98504-3172

**Subject: Proposed Whistling Ridge Energy Project- Agency Scoping Meeting**

Mr. La Spina,

Thank you for contacting The Confederated Tribes and Bands of the Yakama Nation (YN) regarding the project stated above.

The area for this project is located within the Ceded Territory of YN as defined in the Treaty of June 9, 1855 (12 stat 951). Therefore Yakama Nation is *the affected* tribe by this undertaking.

As per Section 101(b)(2)(4) of the National Environmental Policy Act, in order to carry out the NEPA process you must consider the impact of the project to cultural sites. It should also be noted that the NEPA process does not exempt federal agencies (BPA) from the National Historic Preservation Act (NHPA) and the American Indian Religious Freedoms Act (AIRFA).

We request that a CD-ROM of the proposal be sent our office for further review of the project. The location of the area of potential affect (APE), which should include the 1,152 acre project area and access roads and staging areas, needs to be examined by our office to determine the impact to cultural sites.

We look forward to reviewing your project proposal and future consultations.

If you have any questions regarding what is stated in this letter feel free to contact myself at 509-865- [REDACTED]

Regards,

Johnson Meninick  
Manager  
Yakama Nation Cultural Resources Program

**RECEIVED**  
APR 16 2009  
ENERGY FACILITY SITE  
EVALUATION COUNCIL

Scoping Comment  
#2**Bhavnani, Monica (CTED)**

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**From:** Wirt T. Maxey [REDACTED]@msn.com]  
**Sent:** Thursday, April 16, 2009 12:15 PM  
**To:** Fiksdal, Allen (CTED); LaSpina, Jim (CTED); Marvin, Bruce (ATG)  
**Cc:** CTED EFSEC  
**Subject:** Whistling Ridge Energy Project Application No. 2009-01.

Gentleman,

The undersigned and Mrs. Maxey own residential property located in Underwood Wa. Our property is approximately one mile from the nearest turbine in the proposed Whistling Ridge project. I write in regard to the Public Informational Meeting which has been scheduled for May 6 in Stevenson Wa.

For the reasons set forth below, we strongly object to this meeting being held in Stevenson.

RCW 80.50.90 provides, in pertinent part, that "the place of such public hearing shall be as close as reasonably practical to the proposed site". Stevenson is over twenty miles from the site. We have a spacious community center in Underwood which is just a few miles from the site. As well, there are meeting facilities at the Mill A school which is just a few miles from the site.

You may not be aware of the history of this project, which has been strongly opposed by residents of Underwood. A brief overview of the history of the project follows:

The referenced project was previously known as the Saddleback Mountain Project. Recently, Skamania County proposed to rewrite the County Zoning Code to, among other things, accommodate the project. The County issued a SEPA Determination of Non Significance (DNS) determining that an Environmental Impact Statement (EIS) was not required in connection with the proposed zoning code revisions. A group of concerned citizens appealed the DNS. After a two day trial, the Hearing Examiner overruled the DNS and ruled that SEPA required the County to prepare a full EIS prior to adopting the proposed zoning changes. The County has not appealed the Hearing Examiner's decision to the Superior Court.

Within a few days of the Hearing Examiner's decision, the project developer changed the project name to Whistling Ridge and filed for approval with EFSEC. Now we learn that the first public meeting on the renamed project is to be held in Stevenson instead of at the closest place "reasonably practical to the proposed site", which is either the Underwood Community Center or the Mill A school. Like most folks, the majority of the affected residents of Underwood have jobs to go to first thing in the morning, children to take to school etc. Several of the affected residents are elderly. Many of these folks will, most likely, not be able to attend a meeting in Stevenson.

**The bottom line is that setting the meeting in Stevenson effectively diminishes or precludes meaningful participation by many of the affected residents of Underwood.**

The developer and County officials are well aware of the Underwood Community Center and Mill A School facilities. Given the history of public opposition to the project, I suspect that holding the meeting in Stevenson is a deliberate attempt by the developer and County officials to thwart meaningful public participation by many of the residents of Underwood.

**In any event, holding the meeting in Stevenson is clearly illegal under RCW 80.50.090. Please comply with the statute and reschedule the meeting at either the Underwood Community Center or the Mill A school.**

Please add my name to the list of people to receive notice of EFSEC activities regarding this project.

Yours Truly,

Wirt T. Maxey

4/17/2009

Peters, Maxey, Short and Maxey P.A.  
Attorneys at Law

[Redacted]

Coral Gables Fla. 33134

305 446 [Redacted] (Office)

305 446 [Redacted] (Fax)

305 439 [Redacted] (Cell)

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APR 20 2009

ENERGY FACILITY SITE  
EVALUATION COUNCIL

ARAMBURU & EUSTIS, LLP  
ATTORNEYS AT LAW

Seattle, Washington 98104  
(206) 625- [REDACTED] Fax: (206) 682- [REDACTED]

April 16, 2009

Allan J. Fiksdal, EFSEC Manager  
Washington State Energy Facility Site Evaluation Council  
P.O. Box 43172  
905 Plum Street SE  
Olympia, WA 98504

Re: Whistling Ridge Project (EFSEC Application No. 2009-01)

Dear Mr. Fiksdal:

This office represents Save Our Scenic Area (SOSA) a Washington non-profit corporation concerned with the scenic and environmental values of the Columbia River Gorge, particularly within the Skamania County area. SOSA was recently an appellant before the Skamania County Hearing Examiner challenging the County failure to prepare an environmental impact statement for adoption of a completely revised zoning code for the County.

We have recently received a letter from the Friends of the Columbia Gorge ("Friends") dated April 15, 2009, regarding a notice apparently sent from EFSEC regarding the aforementioned project. We have reviewed that letter and have gone on line to review the referenced notice. SOSA concurs with the contents of the Friends letter and incorporates the same by reference. However, SOSA has the additional comments below.

Though it is not entirely clear, it appears that the foregoing hearings and meetings are also supposedly in compliance with requirements of the National Environmental Policy Act for the BPA decisions on substation and transmission interties, though the notice provides no information as to the responsible official or contact person at BPA. Please promptly inform me of the name, address and other information of the BPA contact person and assure that these comments are transmitted to that person.

1. INADEQUATE NOTICE.

On March 19, 2009, I emailed EFSEC staff specifically requesting to be a party of record and to receive "any notices regarding this matter." On the same day I received an email indicating that my name had been placed on the email mailing list for the subject project and that I would "receive notices related to this project." A copy of this email string is attached hereto as Attachment 1. Despite this assurance, I was

April 16, 2009

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neither mailed nor emailed the notice issued April 6, 2009 (according to the website) for the Initial Public Meeting, Land Use Consistency Hearing and Public Scoping Meeting.

Please provide an explanation as to why SOSA did not receive this notice after it was specifically promised notification by the email of March 19, 2009. The failure to give notice to SOSA - after request - raises the question of whether other interested parties also did not receive notice. If SOSA was the only party that requested notice, but did not receive it, we would like some explanation as to why notice was not provided.

Because SOSA did not receive the notice in a timely fashion, we request a continuance in the May 6 hearing so that we will have the same time to prepare for the several meetings as parties that did receive the notice in a timely fashion. We request that the meeting be delayed two weeks or until May 20, 2009.

## 2. MEETING PLACE

The EFSEC statute specifically requires that the informational public hearing must be held in a location "as close as practical to the project site." See RCW 80.50.090(1). The notice states that the meeting will be held in the Rock Creek Center in Stevenson, some 40 minutes away. However, as the Friends letter points out, the Underwood Community Center is located much closer to the project site and where affected persons reside. Further, both the Rock Creek Center and the Underwood Community Center are owned and operated by Skamania County and are run by the Skamania County Community Events and Recreation department. The brochure entitled the "Facilities Use Guide" is attached hereto as Attachment 2, which shows that both facilities are subject to the same rules and regulations. Accordingly, there is no reason why the Underwood Community Center is not as "practical" a facility that is much closer than the Rock Creek Center. Why was the more distant Rock Creek Center chosen over the Underwood Community center? Specifically, please inform us if Skamania County or the applicant requested or insisted upon the Rock Creek center or had any input of any kind in the selection of the meeting site.

In addition, holding the hearings some 40 minutes and 21.7 miles from the project site will stifle community participation in these hearings. The whole point of having meetings as "close as practical to the proposed site" is to assure that affected residents and property owners will be able to make comments and receive information. Accordingly, the meeting place should be changed and the meeting date continued two weeks to correct defects in hearing/meeting notification.

## 3. INADEQUATE TIME.

The April 6 notice provides for four separate events to occur over a three-hour time period on May 6. The whole point of the SEPA/NEPA Scoping Meeting and the Initial Public Hearing is to receive public comment, both on the merits of the project and on the scope of the EIS. Three hours is plainly insufficient time for effective public participation, when time must also be devoted to a land use consistency hearing and a project open house, both of which may also involve public input and testimony. The best way to resolve these issues is to allow public participation over two days, by extending the hearing time by at least by an hour over two evenings and setting aside

April 16, 2009

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additional time (perhaps during the day) for the land use consistency hearing.

In summary, EFSEC and BPA should take the following actions:

- First, because of notice defects, the hearing should be continued a minimum of two weeks to correct deficiencies in notice circulation.
- Second, the hearing should be moved to the Underwood Community Center or other facility in the immediate vicinity of the project.
- Third, the hearing time should be extended over two evenings instead of one, with meeting hours extended to 10:00 p.m. on each evening.

Thank you in advance for your consideration of these requests.

Sincerely yours,

ARAMBURU & EUSTIS LLP



J. Richard Aramburu

JRA:cc

cc: SOSA

Friends of the Columbia Gorge

**Rick**

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**From:** "Talbert, Tammy (CTED)" <TammyT@CTED.WA.GOV>  
**To:** "Rick Aramburu" <[REDACTED]@aramburu-eustis.com>  
**Sent:** Thursday, March 19, 2009 11:03 AM  
**Subject:** RE: Whistling Ridge Project, EFSEC 2009-01

Mr. Aramburu,

Your name has been placed on the email mailing list for the Whistling Ridge Energy project. You will now receive notices related to this project.

Thank you for your interest in the EFSEC process.

*Tammy Talbert, Administrative Assistant 3  
Energy Facility Site Evaluation Council  
(360)956-2122  
helping with the little things...*

---

**From:** Rick Aramburu [mailto:[REDACTED]@aramburu-eustis.com]  
**Sent:** Thursday, March 19, 2009 10:21 AM  
**To:** Talbert, Tammy (CTED)  
**Subject:** Whistling Ridge Project, EFSEC 2009-01

Will you kindly make me a party of record for this project and provide me with any notices regarding this matter. Email notice will be sufficient.

If there any questions, please do not hesitate to contact me.

J. RICHARD ARAMBURU  
Aramburu & Eustis  
Attorneys at Law

[REDACTED]  
Seattle WA 98104-1860  
(voice) 206-625-[REDACTED]  
(Fax) 206-682-[REDACTED]  
[REDACTED]@Aramburu-Eustis.com  
[REDACTED]@nwlink.com

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**CLASSIFICATIONS FOR  
PURPOSE OF DETERMING  
USE FEES**

**Classification I**

Non-county Local Government Agencies, 50-year Anniversaries, 80 years and older Birthday Parties, and Memorial Services

**Classification II**

Resident and Community Organizations

**Classification III**

Non-Residents and out of County community organizations

**Classification IV**

Commercial use, business or individuals who are using facility for a commercial, for-profit purpose regardless of residential status

Priority within each classification will be made on the type of activity and the following criteria:

1. Care of Facilities (Past History)
2. Proper Supervision and Security
3. Payments of fees/paperwork completion
4. Residential Status

**Any local non-profit organizations using Rock Creek Center, Underwood Community Center, or the Stevenson Grange on a routine basis within a 12-month period may require a special action or special lease agreement.**

**FEES FOR USE  
UNDERWOOD  
COMMUNITY CENTER**

Fees for use of the Underwood Community Center are based on attendance as well as classification. Commercial events are charged as a Class IV (2x the Class III rate.) If you are unsure of the fee for your use, please contact the Community Events & Recreation office.

AREA OF USE	# OF PEOPLE	CLASS II	CLASS III
Gym	Up to 50	\$10	\$25
Kitchen & Meeting Room	Up to 50	\$15	\$35
Outdoor Pavilion	Up to 50	\$10	\$25
All of Facility	Up to 50	\$25	\$60
All of Facility	51-100	\$100	\$150
All of Facility	101-150	\$150	\$225
All of Facility	151 +	\$200	\$300
Camping In Conjunction w/Events	Per Night/Per RV	\$9	\$15

**FEES FOR USE  
STEVENSON  
GRANGE**

Fees for use of the Stevenson Grange are based on attendance as well as classification. Commercial events are charged as a Class IV (2x the Class III rate.) If you are unsure of the fee for your use, please contact the Community Events & Recreation office.

AREA OF USE	# OF PEOPLE	CLASS I	CLASS II	CLASS III
Kitchen & Mtg. Room	Up to 50	\$10	\$25	\$55
Hall	Up to 50	\$10	\$30	\$55
All of Facility	51-100	\$10	\$85	\$180
All of Facility	100-200	\$10	\$125	\$255

Use of the Stevenson Grange is limited due to its high use for Community Events & Recreation programming, including educational and recreational classes. Most available times fall during the following months and times: June – July, weekends throughout the year and some weekday evenings.

The Stevenson Grange is best suited for events that require a large open space. This facility is not stocked with a large number of chairs or tables because it is most commonly used for recreational programming such as dance, Tae Kwan Do or Turbo Kick.

**TYPES OF EVENTS  
&  
ADDITIONAL SERVICES**

**Rental Periods and Fees**

Facility Fees: All fees are for a 5-hour block of time. Any rental extending over 5 hours shall pay twice the amount of the 5-hour rental fee.

**Business Events/Public Meetings  
(Non – Commercial)**

Business events and public meetings include trainings, seminars, non – county agency events, etc. These events are rented based on attendance as well as classification. Applies to Rock Creek Center only.

**Social Gatherings**

Social gatherings include weddings or receptions, quinceneras, family reunions, and receptions that occur after memorial services, etc. Applies to Rock Creek Center only.

**Additional Equipment/Service Fees**

Sound equipment, food preparation and service equipment is available for use at an additional fee. Applies to Rock Creek Center only.

**Event Set Up/Tear Down**

Business/Public Meeting users who wish to have our staff set up and tear down the facility may request this service through the office. Additional fees apply.

**FEES FOR USE  
ROCK CREEK  
RECREATION CENTER**

Some fees for use of the Rock Creek Recreation Center are based on attendance as well as classification. Commercial events are charged as a Class IV (2x the Class III rate.) If you are unsure of the fee for your use, please contact the Community Events & Recreation office.

**Business Events/Public Meetings**

UP TO 50 PEOPLE	CLASS I	CLASS II	CLASS III
AREA OF USE			
Auditorium	\$10	\$35	\$70
Auditorium & Lounge	\$20	\$50	\$100
Auditorium, Kitchen & Lounge	\$20	\$65	\$130
All of Facility	\$30	\$75	\$150
50 + PEOPLE	CLASS I	CLASS II	CLASS III
AREA OF USE			
Auditorium & Lounge	\$30	\$60	\$120
All of Facility	\$30	\$75	\$150

**FEES FOR USE  
ROCK CREEK  
RECREATION CENTER**

Some fees for use of the Rock Creek Recreation Center are based on attendance as well as classification. Commercial events are charged as a Class IV (2x the Class III rate.) If you are unsure of the fee for your use, please contact the Community Events & Recreation office.

**Social Gatherings**

AREA OF USE	CLASS I	CLASS II	CLASS III
Auditorium & Lounge	\$20	\$50	\$100
Auditorium, Kitchen & Lounge	\$20	\$65	\$130
All of Facility	\$30	\$75	\$150

EQUIPMENT	CLASS I	CLASS II	CLASS III
House Sound System	\$10	\$10	\$20
Portable Sound System	\$20	\$20	\$30
Projector Screen	\$20	\$20	\$30
Television/VCR	\$10	\$10	\$20

**RESERVATION  
&  
PAYMENT POLICY**

Community Events & Recreation will take reservations on a first come, first served basis. Reservations may be made up to 1 (one) year in advance assuming that the following requirements are met:

**ADVANCE RESERVATIONS**

- Completed applications and a deposit of no less than 50% of the rental fee must be received in our office after January 1<sup>st</sup> and no later than January 15<sup>th</sup> of the year of the event.

- The balance of the rental fee is due in our office no later than 3 days prior to the event taking place.

- Events cancelled with less than 30 days notice and events cancelled without notice shall forfeit their deposit and/or rental fee

**STANDARD RESERVATIONS**

- At the time of reservation our office must have a completed application and deposit of at least 50% on file.

- Rental fees must be paid in full at least 3 days prior to the event taking place

**CANCELLATION OF EVENTS**

We reserve the right to cancel events at any time should the renter fail to meet use requirements outlined in this guide.

**GENERAL RULES FOR USE**

1. All persons or groups using all or a portion of any facility operated by Skamania County Community Events & Recreation must have an approved "Use Permit".
2. "Use Permit" applications must be completed in accordance with the Payment & Reservation Policy set forth herein. Certain types of events or gatherings may require Directors approval. Promoters of these types of events should allow extra planning and approval times.
3. Refunds for "Use Permit" fees paid in advance of the event shall be issued using the guidelines set forth in the Reservation and Payment Policy.
4. All facilities must be restored to the condition in which they were found after the completion of the event or use. People who bring livestock, horses or dogs shall clean up and dispose of the waste after their event by removing it from the grounds.
5. Users shall hold harmless Skamania County, it's elected and appointed officials, employees, volunteers and agents from any and all claims for damages and loss of property that may result from any act or omission on the part of the "Use Permittee" while on county property

**FACILITIES USE  
GUIDE**

**ROCK CREEK CENTER  
UNDERWOOD  
COMMUNITY CENTER  
STEVENSON GRANGE**

It is the policy of the Skamania County Board of Commissioners to grant the use of Skamania County facilities listed above to community groups, individuals, and organizations within the framework of policies and regulations set forth herein. This guide outlines regulations for use approved by the Board of County Commissioners and adopted at a public hearing held at the Skamania County Courthouse. All facilities are under the operational control of Skamania County Community Events & Recreation and their assignees. Requests for use other than as outlined herein must be presented to the Board of County Commissioners for their consideration and approval prior to use.

**Skamania County  
Community Events  
&**

**Recreation  
PO BOX 790  
710 SW Rock Creek Drive  
Stevenson, WA 98648  
509-427-3980**

**FACILITY RENTERS  
LIABILITY INSURANCE  
REQUIREMENTS**

All private party facility users are required to provide proof of liability insurance for the minimum amounts set forth below when expecting 125 persons at the event, AND for a specified list of other activities included in the Special Events Liability Policies & Procedures.

**\$250,000 Each Occurrence**

**\$1 Million General Aggregate**

Facility renters that will be serving, permitting, distributing or allowing alcohol consumption in any quantity shall be required to provide general liability insurance as described above and liquor liability at a minimum of \$1 million per occurrence. Each renter shall supply to the county, at least 10 days prior to the event a certificate of insurance issued by a company licensed to sell insurance in the state of Washington that meets the minimum requirements and names "SKAMANIA COUNTY, IT'S ELECTED AND APPOINTED OFFICIALS, EMPLOYEES, VOLUNTEERS AND AGENTS AS ADDITIONAL INSURED."

The county shall have the sole authority to determine if insurance submitted by the applicant provides adequate coverage for the event. Applicant must provide at least 10 (ten) days written notice of policy cancellation. Failure to provide these items may result in cancellation of the event or require the renter to purchase insurance.

**← RENTAL FEES INSIDE**

**SECURITY PROVISIONS**

For the following events, approved security personnel are required during the hours of the event. Security personnel must be approved by the Skamania County Sheriff and shall include only sworn Washington peace officers or Washington licensed private security guards. One (1) security person is required for the first 100 persons in attendance plus one (1) additional security person for each additional 1 to 100 persons in attendance. All costs of security shall be born by renter.

**EVENTS REQUIRING SECURITY**

- Weddings, quinceneras and other social gatherings where food and beverage is served and which last beyond 8pm **OR** where alcohol is served regardless of the time of day

- Other events which are determined to warrant security

Security personnel will be required to monitor use and attendance. In the event that the renter underestimates or misrepresents the permitted use the county has the following non-exclusive options:

- Cancel the event in progress

- Demand additional payment per the rental schedule, plus 50% penalty and/or collect for damages

- Bar renter from any future use of Skamania County facilities.

**INSURANCE IS REQUIRED FOR  
EVENTS WHICH REQUIRE  
SECURITY**

**SECURITY DEPOSITS  
&  
CLEAN UP INSPECTION**

\$250.00 – For events that have alcohol or other specified events \*

\$100.00 – For events without alcohol

\* Other specified events include: weddings, quinceneras, and other social gathering where food or beverages is served and last beyond 8pm.

Following the rental, an inspection shall take place that verifies the satisfactory completion of cleaning tasks identified on the checklist. The security deposit or a portion thereof may be retained if the inspection indicates insufficient cleaning, damage to property, facility or equipment. If damage of cleanup exceeds the amount of the security deposit, the county will bill the renter for any excess expenses. The security deposit may also be retained for any other payment owed and uncollected.

In addition, facility users who hold an event that ends after 5pm on a Friday, on a weekend or on a county recognized holiday will have a fee of not less than \$50.00 retained from their security deposit if their event precedes another users. Known users with an established record of successful cleanup may apply for a waiver of the clean up inspection fee by addressing the Director of Facilities & Recreation in writing no less than 30 days prior to their event taking place.

**RENTAL FEES INSIDE →**

## FRIENDS OF THE COLUMBIA GORGE #4

VIA E-MAIL AND FIRST-CLASS MAIL

April 15, 2009

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

RECEIVED

APR 20 2009

ENERGY FACILITY SITE  
EVALUATION COUNCIL

**Re: Whistling Ridge Energy Project (Application No. 2009-01)**

Dear Mr. Fiksdal:

Thank you for circulating the notice announcing meetings and hearings for the above-referenced project. Friends of the Columbia Gorge has reviewed the notice and would like to provide initial comments regarding the adequacy of the notice and the proposed process for taking oral testimony from the public. Friends is a non-profit organization with approximately 5,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge.

Friends requests that EFSEC address the following concerns as soon as possible. First, the notice inaccurately describes the location of the project. Second, the proposed meeting location does not comply with the statutory requirement to be as close as practical to the project site. Third, the proposed agenda fails to allot sufficient time to hear from interested members of the public. Finally, in several places the notice inappropriately uses language connoting certainty that the project will be approved and constructed.

**1. The notice inaccurately states that the project would be located outside of the Columbia River Gorge National Scenic Area.**

On page 1, the notice describes the project components, which include wind turbines, an electrical substation, electrical transmission lines, an operations and maintenance facility, underground collector lines and systems, and road construction. On page 2, the notice inaccurately states that the entire project would be located "outside the Columbia River Gorge National Scenic Area." This latter statement is inaccurate. In fact, the application expressly

proposes certain project components *within* the National Scenic Area. Specifically, the application proposes road construction and use within the National Scenic Area. Application at 4.3-13-4.3-43.

The statement on page 2 that all project components would occur outside of the National Scenic Area is inaccurate and misleading. The statement needs to be removed from the notice or revised to accurately explain which project components would be located outside the National Scenic Area and which would be located inside the National Scenic Area.

**2. The proposed meeting location does not comply with the statutory requirement to be as close as practical to the project site.**

RCW 80.50.090(1) requires an informational public hearing to be held in a location “as close as practical to the proposed site.” The proposed meeting location, Rock Creek Center in Stevenson, Washington, does not comply with this requirement.

Several practical meeting locations would be closer to the proposed site than Stevenson. These include viable locations in the communities of Underwood and Mill A, which are in the immediate vicinity of the proposed site. In addition, the communities of Carson and White Salmon are closer to the proposed site than Stevenson.

On March 25, 2009, the President of the Underwood Community Council e-mailed EFSEC suggesting the Underwood Community Center as a meeting site. *See* Exhibit A. The Underwood Community Center, located at 951 Schoolhouse Road, Underwood, is close to the project site, conveniently located, and regularly used for public meetings. Its capacity of several hundred people is greater than that of the Rock Creek Center facility in Stevenson.

Another viable meeting location in the immediate vicinity of the proposed project is the Mill A School, located at 1142 Jessup Rd, Cook. This site has an even larger meeting space. The Mill A School was the site of a Skamania County Planning Commission public hearing on zoning matters on June 24, 2008. That meeting was attended by hundreds of people.

The Rock Creek Center in Stevenson, by contrast, is located roughly 40 minutes by car from the project site. Several other communities (Carson, Home Valley, Cook, Mill A, and Underwood) lie in between the project site and Stevenson. Moreover, the Rock Creek site is smaller in capacity than the aforementioned Underwood and Mill A locations.

EFSEC’s proposal of a meeting location so far from the project site—when other more appropriate meeting locations are available—creates an unnecessary hardship for the citizens whose due process rights the statute is designed to protect. Elderly citizens who live near the project site may be unable to drive such a lengthy distance at night. Families who live in the vicinity of the project site may have trouble coordinating the round trip of roughly an hour and a half—especially families who own only one vehicle.

Following is a list of several potential meeting locations, plus Google Maps data (attached as Exhibit B) regarding the approximate road distance and vehicular travel time between the southernmost proposed wind turbine and the meeting location:

Meeting Location	Distance	Travel Time
Mill A School, 1142 Jessup Road, Cook, WA	5.3 miles	12 minutes
Underwood Community Center, 951 Schoolhouse Road, Underwood, WA	6.9 miles	15 minutes
White Salmon, WA (several schools)	11.7 miles	27 minutes
Carson Elementary School, 351 Hot Springs Avenue, Carson, WA	17.1 miles	34 minutes

In contrast, the distance and travel time is greater for the Rock Creek Center location than for all of the locations listed above:

Meeting Location	Distance	Travel Time
Rock Creek Center, 710 SW Rock Creek Drive, Stevenson, WA	21.7 miles	40 minutes

In fact, the distance and travel time is three to four times greater for Rock Creek Center than for the Mill A School, and roughly three times greater for Rock Creek Center than for the Underwood Community Center.

Of all the locations discussed above, the Underwood Community Center is the most practical, primarily because of its ease of access by residents of all potentially affected communities.

RCW 80.50.090(1) requires the meeting location to be “as close as practical to the proposed site” for a reason: to ensure that the citizens who are most likely to be affected by the project will have the best possible opportunity to participate in the public process. The proposed meeting location does not comply with this requirement. Friends of the Columbia Gorge strongly encourages EFSEC to quickly remedy this problem by selecting a more practical meeting location.

**3. The proposed agenda fails to allot sufficient time to hear from interested members of the public.**

The agenda proposes to schedule four separate events (an open house, an initial public meeting, a land use consistency hearing, and a scoping meeting) over the course of only three hours, and all on the same date. Three hours is hardly sufficient time to cover all four events and to hear from the public about this highly controversial facility. If recent hearings regarding potential zoning for large-scale energy facilities in Skamania County are any indication, there may be a hundred people or more who will wish to provide oral testimony. The proposed schedule would make this virtually impossible.

The four separate events need not take place on the same day. Given the scope of this proposal and of the complex legal and resource issues involved, EFSEC should hold the various events on different dates, starting with the proposed open house and the initial public meeting required by RCW 80.50.090(1) and WAC 463-25-026.<sup>1</sup>

In addition, it would be helpful if a revised notice could provide a suggested time limit for each person's oral testimony, so that persons who wish to speak may prepare their remarks appropriately.

**4. The notice improperly connotes certainty that the project will be approved and constructed.**

In several places, the notice inappropriately uses language connoting certainty that the project will be approved and constructed. Specifically, in several places the notice uses the word "will" to refer to the proposed project and its details ("The project *will* consist of. . . .," "Turbines *will* be grouped . . . .," "The project *will* be constructed . . . .," "The project *will* be located . . . .").

To avoid any perception that EFSEC has prejudged the matter, these statements should be qualified or replaced with alternate language in a revised notice. For example, the sentences could be clarified to read "The project *would* . . . .," "*If approved*, the project *will* . . . .," "The project *is proposed to be* . . . .," etc.

**5. Conclusion**

Friends requests that EFSEC address the issues discussed above in the form of a revised notice. Thank you for the opportunity to provide these initial comments. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Nathan Baker  
Staff Attorney

cc: Jim LaSpina, EFSEC Siting Specialist  
H. Bruce Marvin, Counsel for the Environment

---

<sup>1</sup> At page 3, the notice incorrectly cites WAC 463-25-025. This citation should be corrected to WAC 463-25-026 in a revised notice.

**From:** Sally Newell [mailto:████████@embarqmail.com]  
**Sent:** Wednesday, March 25, 2009 7:28 PM  
**To:** Talburt, Tammy (CTED)  
**Subject:** Re: whistling ridge energy project

Ms. Talburt,

I've been reviewing the applicant's documents and the EFSEC website, and I noticed that a public hearing must be held as close as possible to the proposed project site. I am writing to advise you that there is a facility in Underwood (the community closest to the proposed project) which has housed many a public hearing for Skamania County. It is the Underwood Community Center, located 1 1/4 miles up the east end of Cook-Underwood Rd., off of SR14 (both of which are part of the proposed transportation route for the turbines) and owned by Skamania County. The facility includes a gymnasium, a stage, a kitchen and restrooms. It was part of the old Underwood School. There is also a large parking lot. It is as close as possible to the proposed project site. We've had as many as 400 people attend community meetings there. Holding the public hearing there would afford EFSEC staff and councilors an opportunity to experience the transportation route for the proposed turbines for themselves. This facility is only a couple of miles by road from the proposed project site itself.

You're Welcome,

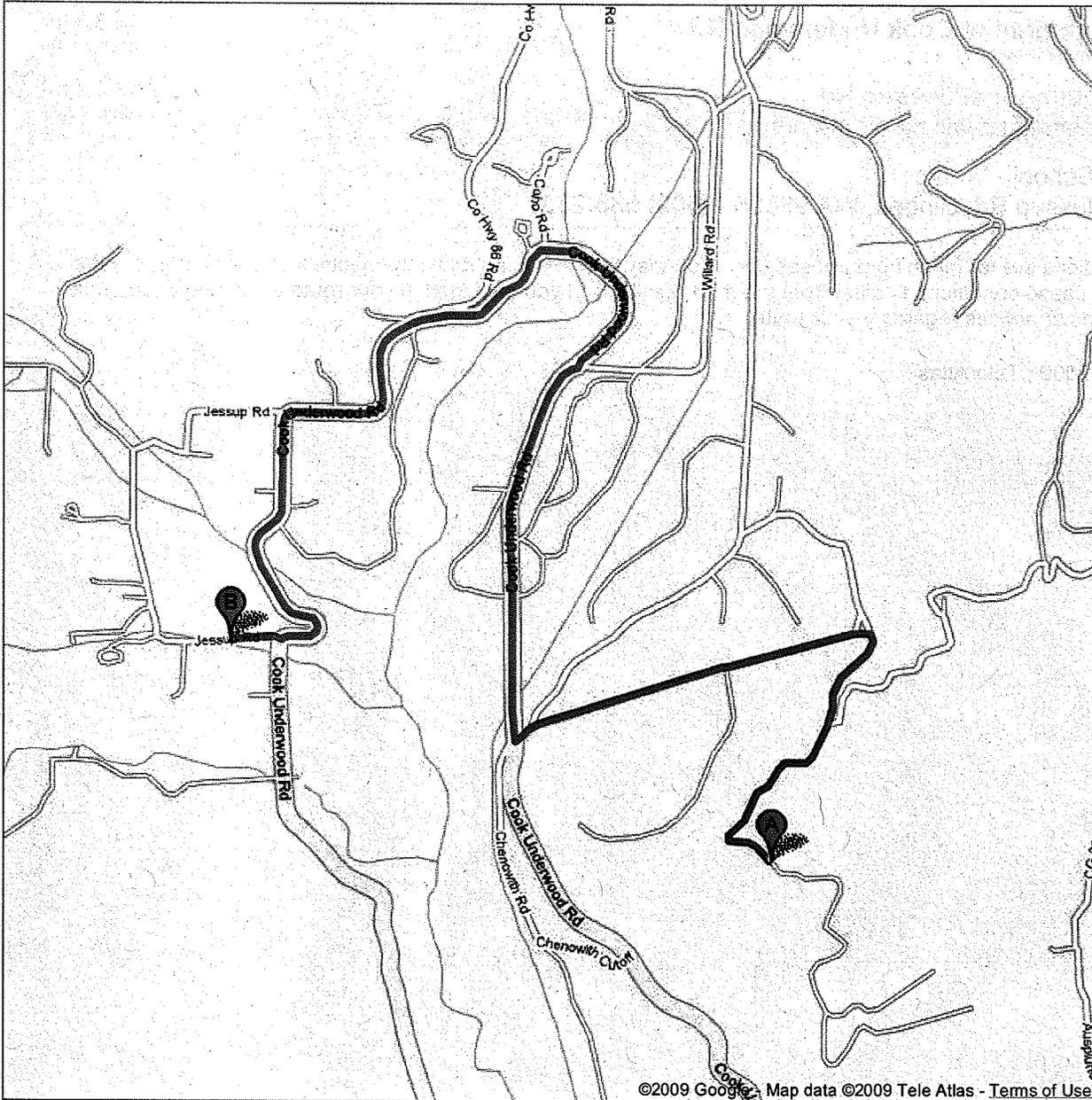
Sally Newell, President  
Underwood Community Council

**Exhibit A**



**Directions to Mill A School**  
1142 Jessup Rd, Bingen, WA 98605 - (509) 538-2522  
5.3 mi – about 12 mins

**Save trees. Go green!**  
Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



 Chemawa Hill

---

- |   |                           |
|---|---------------------------|
| 1. <b>Head northwest</b><br>About 2 mins  | go 0.9 mi<br>total 0.9 mi |
|  2. <b>Turn left toward Cook Underwood Rd</b><br>About 3 mins          | go 1.0 mi<br>total 1.8 mi |
|  3. <b>Turn right at Cook Underwood Rd</b><br>About 7 mins             | go 3.3 mi<br>total 5.1 mi |
|  4. <b>Turn right at Jessup Rd</b><br>Destination will be on the right | go 0.1 mi<br>total 5.3 mi |

 **Mill A School**  
1142 Jessup Rd, Bingen, WA 98605 - (509) 538-2522

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These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2009, Tele Atlas

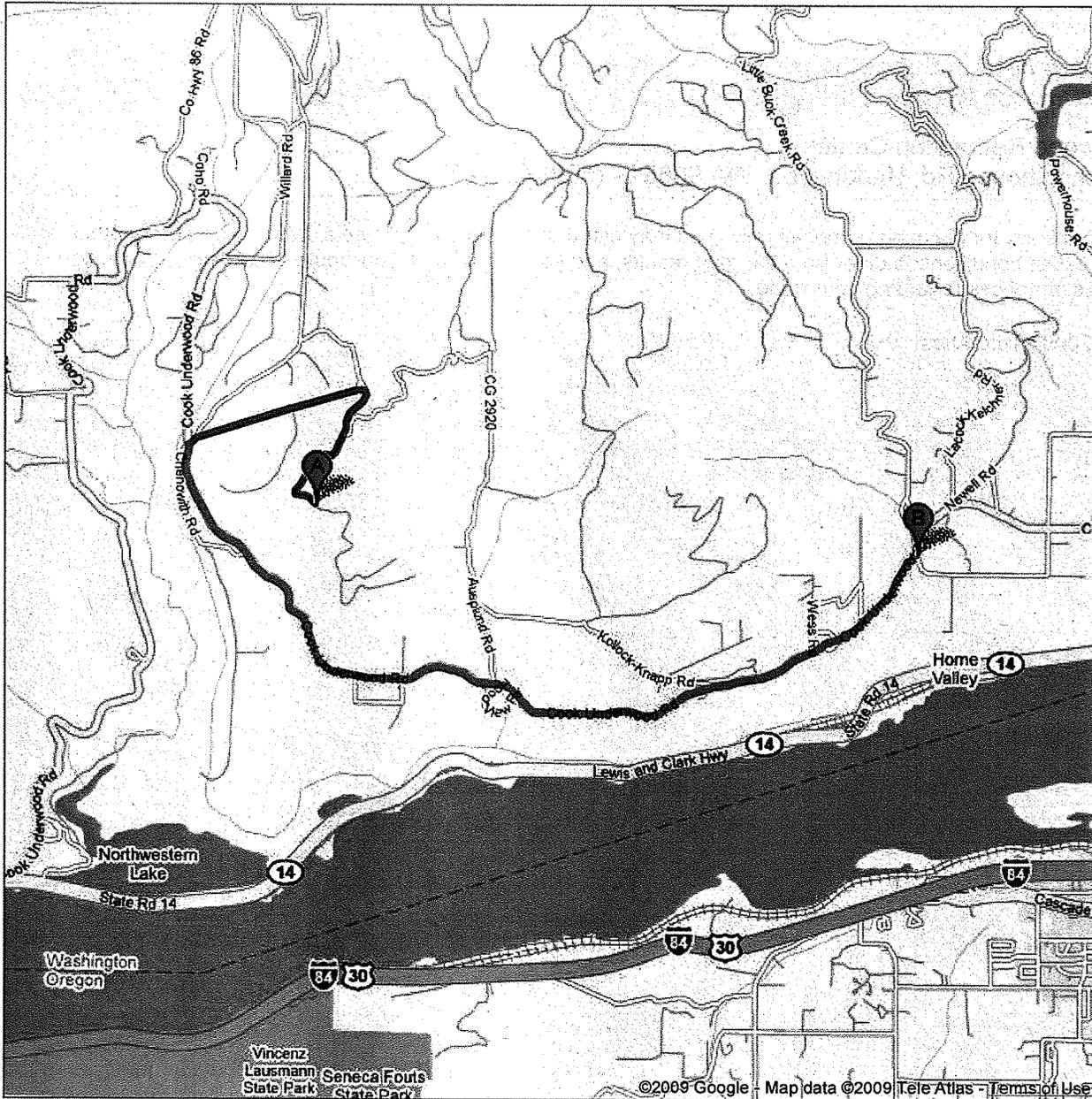


## Directions to Underwood Recreation Center

951 Schoolhouse Rd, Underwood, WA 98651 - (509) 493-2926  
6.9 mi – about 15 mins

**Save trees. Go green!**

Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



 Chemawa Hill

---

1. **Head northwest** go **0.9 mi**  
total 0.9 mi  
About 2 mins
-  2. **Turn left toward Cook Underwood Rd** go **1.0 mi**  
total 1.8 mi  
About 3 mins
-  3. **Turn left at Cook Underwood Rd** go **5.1 mi**  
total 6.9 mi  
About 11 mins
-  4. **Sharp right at Schoolhouse Rd** go **69 ft**  
total 6.9 mi  
Destination will be on the left

 **Underwood Recreation Center**  
951 Schoolhouse Rd, Underwood, WA 98651 - (509) 493-2926

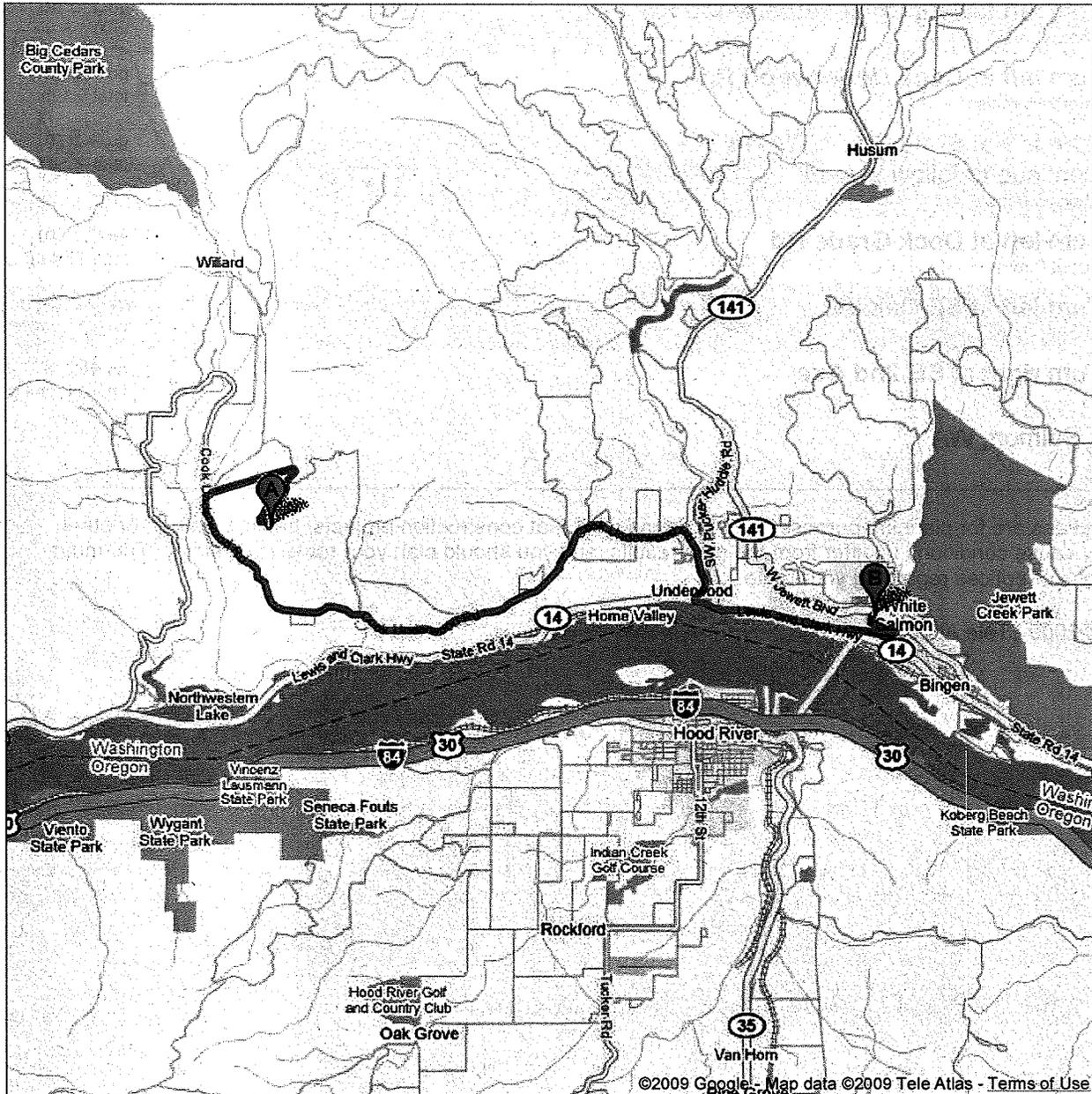
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These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2009 , Tele Atlas

Save trees. Go green!

Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



 Chemawa Hill

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- |   |                                   |
|---|-----------------------------------|
| 1. <b>Head northwest</b><br>About 2 mins  | go <b>0.9 mi</b><br>total 0.9 mi  |
|  2. <b>Turn left toward Cook Underwood Rd</b><br>About 3 mins                                | go <b>1.0 mi</b><br>total 1.8 mi  |
|  3. <b>Turn left at Cook Underwood Rd</b><br>About 15 mins                                   | go <b>7.3 mi</b><br>total 9.1 mi  |
|  4. <b>Turn left at State Rd 14/WA-14</b><br><b>Continue to follow WA-14</b><br>About 3 mins | go <b>1.5 mi</b><br>total 10.6 mi |
|  5. <b>Turn left at Dock Grade Rd</b><br>About 3 mins  | go <b>0.7 mi</b><br>total 11.4 mi |
|  6. <b>Turn left at SE Oak St</b><br>About 1 min   | go <b>0.3 mi</b><br>total 11.6 mi |
|  7. <b>Turn right at SE 2nd Ave</b>  | go <b>492 ft</b><br>total 11.7 mi |

 White Salmon, WA

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These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

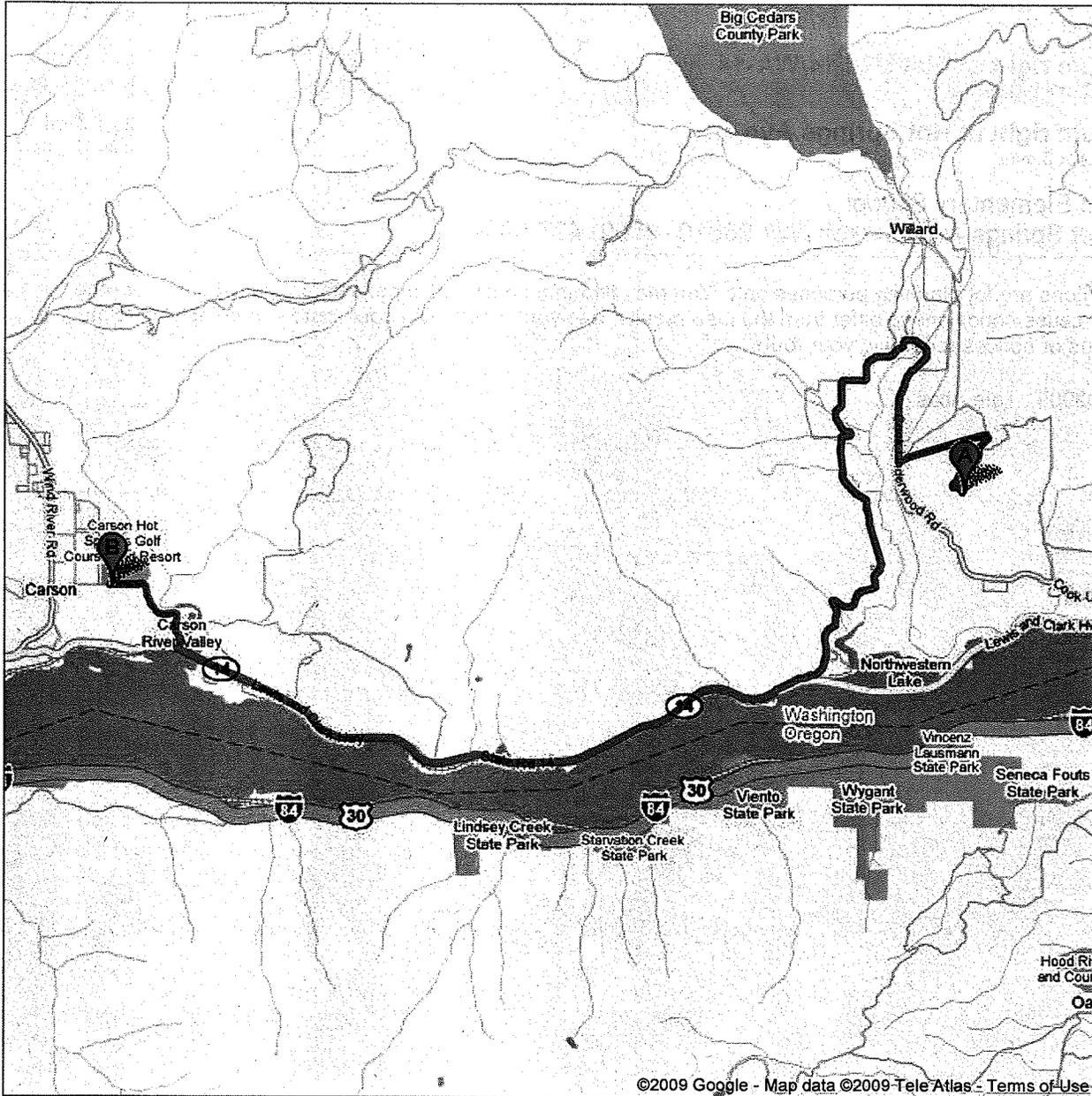
Map data ©2009 , Tele Atlas



## Directions to Carson Elementary School

351 Hot Springs Ave, Carson, WA 98610 - (509) 427-5939  
17.1 mi – about 34 mins

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Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



 Chemawa Hill

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- |  |                            |
|--|----------------------------|
| 1. <b>Head northwest</b><br>About 2 mins   | go 0.9 mi<br>total 0.9 mi  |
|  2. <b>Turn left toward Cook Underwood Rd</b><br>About 3 mins | go 1.0 mi<br>total 1.8 mi  |
|  3. <b>Turn right at Cook Underwood Rd</b><br>About 15 mins   | go 7.0 mi<br>total 8.9 mi  |
|  4. <b>Turn right at State Rd 14/WA-14</b><br>About 11 mins   | go 7.0 mi<br>total 15.8 mi |
|  5. <b>Turn right at Hot Springs Ave</b><br>About 3 mins      | go 1.3 mi<br>total 17.1 mi |

 **Carson Elementary School**  
351 Hot Springs Ave, Carson, WA 98610 - (509) 427-5939

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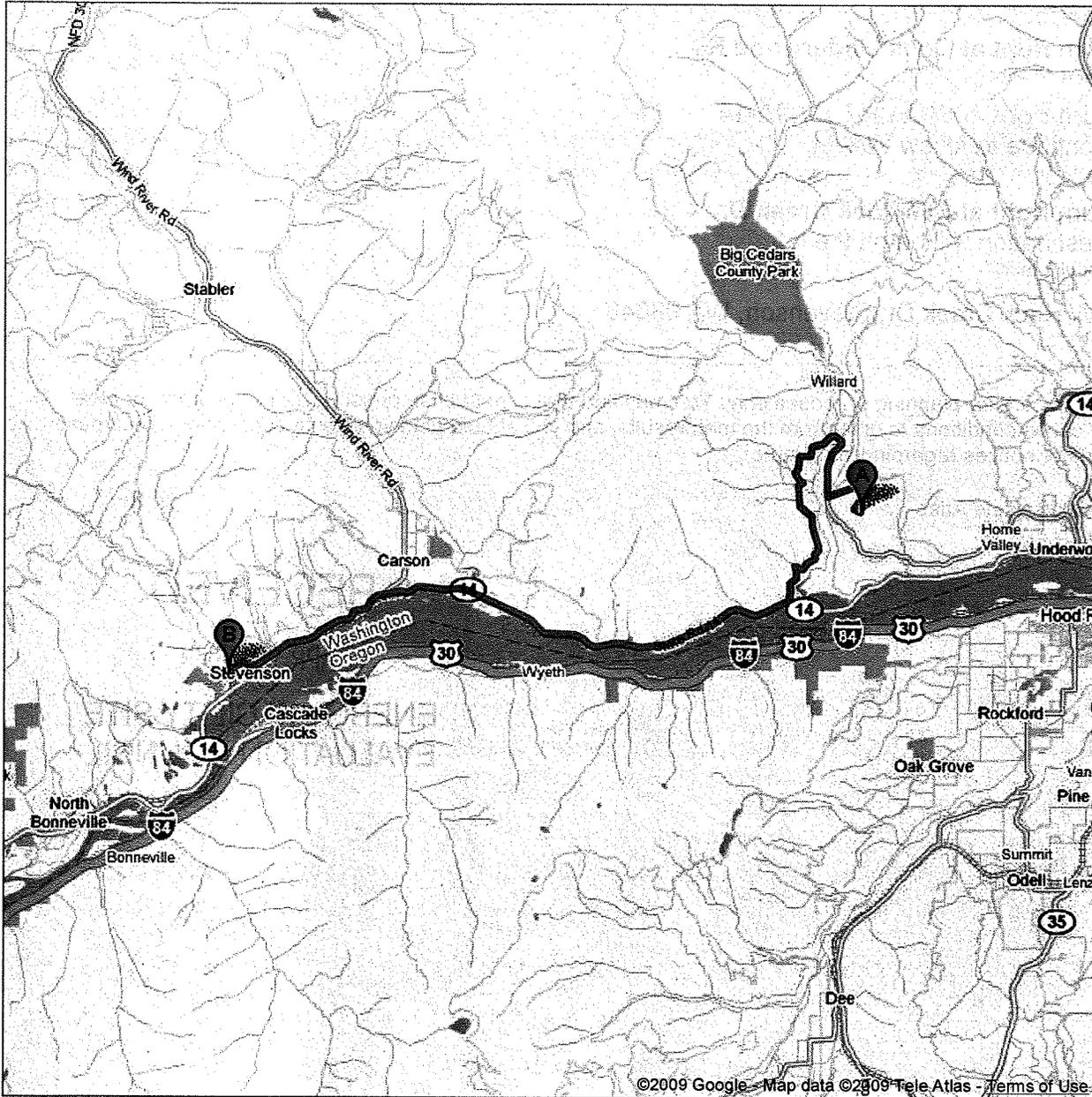
These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2009 , Tele Atlas



Directions to 710 SW Rock Creek Dr,  
Stevenson, WA 98648  
21.7 mi – about 40 mins

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Download Google Maps on your  
phone at [google.com/gmm](http://google.com/gmm)



 Chemawa Hill

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- |   |                             |
|---|-----------------------------|
| 1. <b>Head northwest</b><br>About 2 mins  | go 0.9 mi<br>total 0.9 mi   |
|  2. <b>Turn left toward Cook Underwood Rd</b><br>About 3 mins                                | go 1.0 mi<br>total 1.8 mi   |
|  3. <b>Turn right at Cook Underwood Rd</b><br>About 15 mins                                  | go 7.0 mi<br>total 8.9 mi   |
|  4. <b>Turn right at State Rd 14/WA-14</b><br>Continue to follow WA-14<br>About 19 mins      | go 12.1 mi<br>total 21.0 mi |
|  5. <b>Turn right at SW Rock Creek Dr</b><br>Destination will be on the left<br>About 2 mins | go 0.7 mi<br>total 21.7 mi  |

 710 SW Rock Creek Dr, Stevenson, WA 98648

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These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2009, Tele Atlas

RECEIVED

APR 20 2009

ENERGY FACILITY SITE  
EVALUATION COUNCIL

To: Washington EFSEC

From: Jack Kopp, Underwood

Date: 4-22-09

Our home will be one of the closer homes to the Whistling Ridge Energy Project. My best estimate is within five miles. We feel that this project will have little if any effect on our home as well as the surrounding area. Any positive return greatly outweighs any downside. We very much support this project.



Underwood, WA 98651

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APR 27 2009

ENERGY FACILITY SITE  
EVALUATION COUNCIL

ARAMBURU & EUSTIS LLP  
ATTORNEYS AT LAW  
SEATTLE, WASHINGTON 98104  
(206) 625- [REDACTED] • FAX (206) 682- [REDACTED]

April 22, 2009

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

Allen Fiksdal, Manager  
Washington State Energy Facility  
Site Evaluation Council  
PO Box 43172  
Olympia, WA 98504-3172

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

Dear Messrs Montano and Fiksdal:

This office represents Save Our Scenic Area (SOSA) regarding the proposed Whistling Ridge Energy Project. SOSA is committed to the preservation and protection of scenic, residential and environmental values within the Columbia Gorge area. To date, SOSA has been an active participant in public processes related to wind turbine proposals in the Gorge, including in Skamania County.

SOSA was pleased to receive the scoping notice from EFSEC (dated April 6, 2009) that indicated that EFSEC and BPA "will jointly issue the EIS" for the proposed Whistling Ridge Energy (WRE) project. The EIS will be an important element in project review.

We have also reviewed a "Request for Proposals" issued by EFSEC for consulting work in review of the WRE proposal. This Request calls for responses by April 24, 2009.

**RECEIVED**

APR 27 2009

ENERGY FACILITY SITE  
EVALUATION COUNCIL

In our review of this Request, we discovered that the scope of work for the consultant under SEPA is very narrow. At Section 2.3, the Request calls for the consultant to:

d. Assist with the review of applicant prepared Draft Environmental Impact Statement (DEIS). Prepare report on the adequacy of the DEIS prior to agency issuance as required by SEPA and possibly NEPA.

(Emphasis supplied). This apparently means that the applicant will be the sole preparer of the draft EIS on his own project. Significantly, there is no review called for regarding the adequacy of the Final EIS.

We do note that EFSEC has adopted a regulation as to responsibility for "EIS Preparation" in WAC 463-47-090. This regulation sets forth three options for preparation of the draft and final environmental impact statement: a) preparation by EFSEC itself; b) an independent consultant prepares the EIS, under the supervision of the responsible official; or c) the council allows the applicant to prepare the draft and final EIS. It appears that EFSEC has chosen the latter course of action.

We believe that EFSEC and BPA should modify their submission to call for the preparation of the draft and final EIS by either the EFSEC or BPA or by hiring an independent consultant responsible to them. Our request is based on the following.

1) The EIS is a key document in the review process. The utmost care must be taken to assure that the EIS is objective, fair and unbiased. Preparation of these documents by an applicant, with obvious self interest, is inappropriate in these circumstances. Public confidence in the EFSEC/BPA review process is significantly diminished by allowing the applicant to control a significant part of the review process.

2) We find no provisions of federal law or regulation that permit turning over BPA's EIS responsibilities to an applicant for a federal permit. See CEQ Regulations 40 CFR Part 1502.

April 22, 2009  
Page 3

3) There is no basis found in the record as to why EFSEC decided that the applicant could prepare the draft and final EIS under SEPA instead of doing the document itself or through its own consultant. At a bare minimum, EFSEC should consider the views of the public in making this very important decision.

4) The process outlined in the Request for Proposal apparently leaves to the applicant the selection of the author of the draft and final environmental impact statements and there is no review until a draft of the draft EIS is submitted. This is plainly contrary to the duties of a responsible official under WAC 197-11-420(2) which states that:

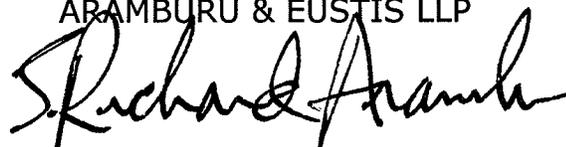
The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

5) There are no provisions for the consultant to review the final EIS at all. The preparer of the final EIS must respond to comments received on the draft EIS from agencies and the public. Leaving that important job entirely in the hands of the applicant is inappropriate in this difficult case and plainly contrary to law.

Based on the foregoing, SOSA requests that the current Request for Proposals be withdrawn and replaced by one which calls for EFSEC and BPA to prepare the draft and final environmental impact statement through a consultant hired by the agencies.

Sincerely yours,

ARAMBURU & EUSTIS LLP



J. Richard Aramburu

JRA/py

cc: SOSA  
Nathan Baker

ARAMBURU & EUSTIS LLP  
ATTORNEYS AT LAW

SEATTLE, WASHINGTON 98104  
(206) 625- [REDACTED] • FAX (206) 682- [REDACTED]

April 24, 2009

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APR 28 2009

ENERGY FACILITY SITE  
EVALUATION COUNCIL

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

April 24, 2009

Page 2

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.

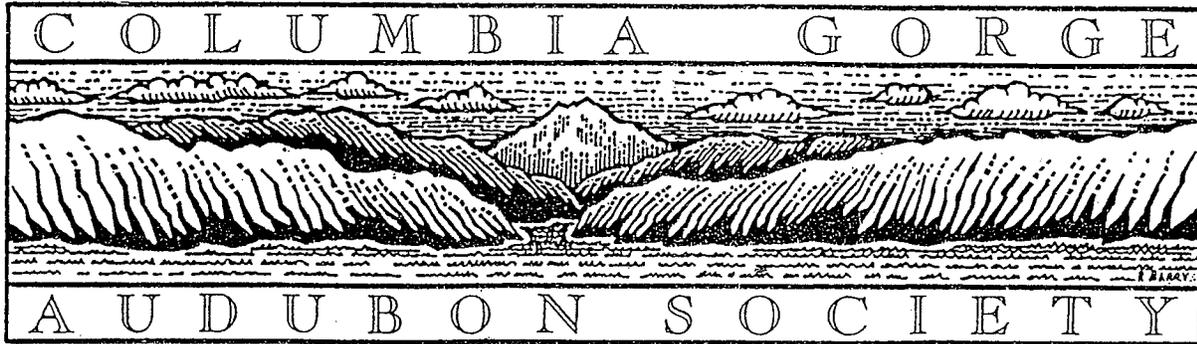
Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

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



Allan J Fiksdal, EFSEC Manager  
Washington State Energy Facility Site Evaluation Council  
P.O. Box 43127  
905 Plum St. SE  
Olympia, WA 98504

**RECEIVED**

APR 21 2009

**ENERGY FACILITY SITE  
EVALUATION COUNCIL**

April 17, 2009

Re: Whistling Ridge Project (EFSEC Application No. 2009-01) PLEASE INCLUDE THIS LETTER IN THE PUBLIC RECORD FOR THIS PROPOSED PROJECT.

Dear Mr. Fiksdal:

I had the pleasure of attending the Underwood Community Council meeting last night at their fine community hall. The Community Council got its first experience of how government and wind power proponents manipulate things so decisions will go their way. They did not much care for the late public notice or the decision to hold the public meeting over twenty miles away in Stevenson when the law requires that the public hearing be held as close as practical to the project site. The community meeting hall in the community that would be impacted by the proposed project is the obvious fair choice.

Jason Spadaro, representing the proposed project, was also at the meeting to try and prevent any action on the part of the Council. However he did say that he agreed with the Council on their procedural concerns regarding notification and location of the hearing. If you doubt this, you could call him up and ask him. If he denies it, I would appreciate hearing about that, and I'll bet the Council would too, as it would brand him as a liar.

When it became evident that the Council was going to propose a motion to write you about these procedural issues, Mr. Spadaro attacked the credibility of the Council, noting that it just represented "those present." This is an elected Council and they stay in touch with their members through email and a public post-it board. Also, if Community Councils are irrelevant, why was a County Commissioner, a P.U.D Commissioner and Jason Spadaro there trying to influence them? To further put this attack in context, Mr. Spadaro is one of a small group of energy advocates that are systematically attacking

community councils all across Klickitat County and now in eastern Skamania County. They do not want the communities impacted by their projects to have a voice.

Columbia Gorge Audubon Society supports the Underwood Community Council in their request regarding proper notification and hearing location. We further suggest that the date of the hearing be delayed to allow for these changes, and that the community be allowed more than one hour to voice their concerns.

On another matter, I wish to become better informed about the responsibilities of your agency. Will you please send me informative hand outs? I would also like to know at what Mega-Watt level your agency becomes involved in reviewing energy proposals. I have been concerned that wind power developers are avoiding Washington State review by subdividing their projects.



Dave Thies, President, Columbia Gorge Audubon Society, [REDACTED] White Salmon,  
WA 98672

HELEN MARIE PAULUS D.M.D.

Underwood, WA 98651

April 22, 2009

Dear Sir,

I would like to take this opportunity to comment on the  
Whistling Ridge Energy LLC project.

I am uniquely qualified to comment on this project as  
I live year round in Underwood near by the proposed project.  
I totally support this project in every aspect and would  
welcome even a much larger expansion. S.D.S. has been a  
long term fine neighbor + benefactor to all our area. They will  
use their money for this project, not tax payer funds. The site  
is excellent and brilliant in its utilization of adjacent delivery  
system. I'm a true conservationist and recognize the need  
and goal of every aspect of Alternative energy, even if it's  
in my back yard etc. I've been to Europe and seen how advanced  
& wise they are to use hydro + Wind energy. Some Virtas are not  
as important as electricity to use for all our electronic toys.

Thank you for your consideration of my comments

RECEIVED

APR 28 2009

ENERGY FACILITY SITE  
EVALUATION COUNCIL

Sincerely

H. M. Paulus



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

MS: S-70 • 2108 Grand Boulevard • Vancouver, Washington 98661-4622 • (360) 690-7171

April 23, 2009

**CERTIFIED MAIL 7004 0750 0000 5671 0765**

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

Dear Mr. Fiksdal,

Thank you for the opportunity to comment on Whistling Ridge Energy Project in Skamania County-Application No. 2009-01. The following scoping comments are from Department of Ecology's Water Quality Unit/Southwest Regional Office and are not all conclusive of the Department of Ecology.

**WATER QUALITY: Sheila Pendleton-Orme 360 690-4787**

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

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Proper disposal of construction debris must be on land in such a manner that debris cannot enter storm drains draining to waters of the state or cause water quality degradation of state waters.

Soil in stockpiles should be stabilized or protected with sediment-trapping measures to prevent soil loss. All exposed areas of final grade or areas that are not scheduled for work, whether at final grade or otherwise, shall not remain exposed and un-worked for more than two days, between October 1 and April 30. Between May 1 and September 30, no soils shall remain exposed and un-worked for more than 7 days.

**RECEIVED**

APR 28 2009

**ENERGY FACILITY SITE  
EVALUATION COUNCIL**



Perennial and non-perennial streams will require stabilization if the channels or stream banks are disturbed. Non-perennial streams in particular can be very sensitive to disturbance. Crossings of both types of streams require stabilization. Discharges of stormwater to both types of streams from either construction activities or non-construction activities cannot exceed the hydraulic capacity of the stream channels in order to prevent erosion. The streams must also be protected from discharges of pollutants including but not limited to sediment, petroleum products, and pesticides.

Clearing limits and/or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing.

A permanent vegetative cover should be established on denuded areas at final grade if they are not otherwise permanently stabilized.

All types of sediment control, such as sediment ponds or traps, should be constructed as a first step in grading and be made functional before any upslope disturbance takes place.

All temporary erosion control systems should be designed to contain the runoff from the developed two year, 24-hour design storm without eroding.

Provision should be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.

Coverage under the National Pollution Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activities is required for construction sites which disturb an area of one acre or more and which have or will have a discharge of stormwater to surface water or a storm sewer. An application can be downloaded from Ecology's website at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/#Application> or you can contact Joyce Smith at (360) 407-██████ for an application form.

To avoid project delays, we encourage the applicant to submit a completed application form and to publish public notices more than 60 days before the planned start of the project.

Ecology's comments are based upon information provided by the lead agency. As such, they do not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office