

Bhavnani, Monica (CTED)

From: emiliaburdyshaw@yahoo.com
Sent: Monday, July 06, 2009 5:18 PM
To: CTED EFSEC
Subject: Kittitas Valley Wind Power Project

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

The request to amend the Kittitas Valley Wind Power Project does little to reduce impacts and still puts Elk Springs area residents in jeopardy.

Since it is obvious from the new layout that the proposed changes to the project only benefit a handful of residences, the Certificate Holder's claim of significant impact reduction is flawed. Eliminating six turbines of F-String on the west side of Highway 97 is helpful to three of the residences in the lower Horse Canyon area. Removal of four turbines of J-String is a little advantageous to two residences since they will not have turbines east of their properties; however, turbines will still be north and west of these residences. Travelers on Highway 97 will have a westerly view of looming turbines in close proximity to the roadway.

The layout for H-String turbines adjacent to Elk Springs Road has not changed. Why are turbines allowed near the only access road for property owners of Elk Springs? The fact that this placement creates a dangerous situation must not be ignored. Since turbines are not infallible machines and because of their enormous size and weight, any occurring accident will result in injury or death.

EFSEC is the responsible state agency for siting the turbines of this project; therefore, the State will be held liable if an accident happens. Lawsuits will claim negligence and create indelible black marks for EFSEC and the wind industry.

Sincerely

Emilia Burdyshaw
Elk Springs Landowner

Current Address:
2806 SW Adams Street
Seattle, WA 98126

Home Phone:
206-937-5697

SCA Amendment
Comments #2

July 9, 2009

EFSEC
P.O. Box 413172
Olympia, WA 98504-3172

Public comment regarding: Kittitas Valley Wind Power Project.

My name is Harold Havens and my wife's name is Jaime Havens. We live at 15087 Hwy 10 Ellensburg. Our residence is located just southwest of the proposed turbine B4. It is the residence circled on the enclosed map. Our residence is approximately 300' in elevation below the ridge upon which the "B" string will be located.

Our concern is the "towering effect" of the turbines which will extend another 400' above the ridgeline. The total height of the turbines above our residence will be 700'. The towering effect is of great concern to us and we appreciate the revised locations of turbines B5 and B6.

We would like to ask the council to consider any alternate locations that turbines B3, B4, B5 and B6 could be relocated to that would be less of an impact on us. There appears to be "empty spots" in C string where these could be moved to where they would have no impact on anyone. At the very least would it be possible to move the revised B4 turbine to the empty B2 location?

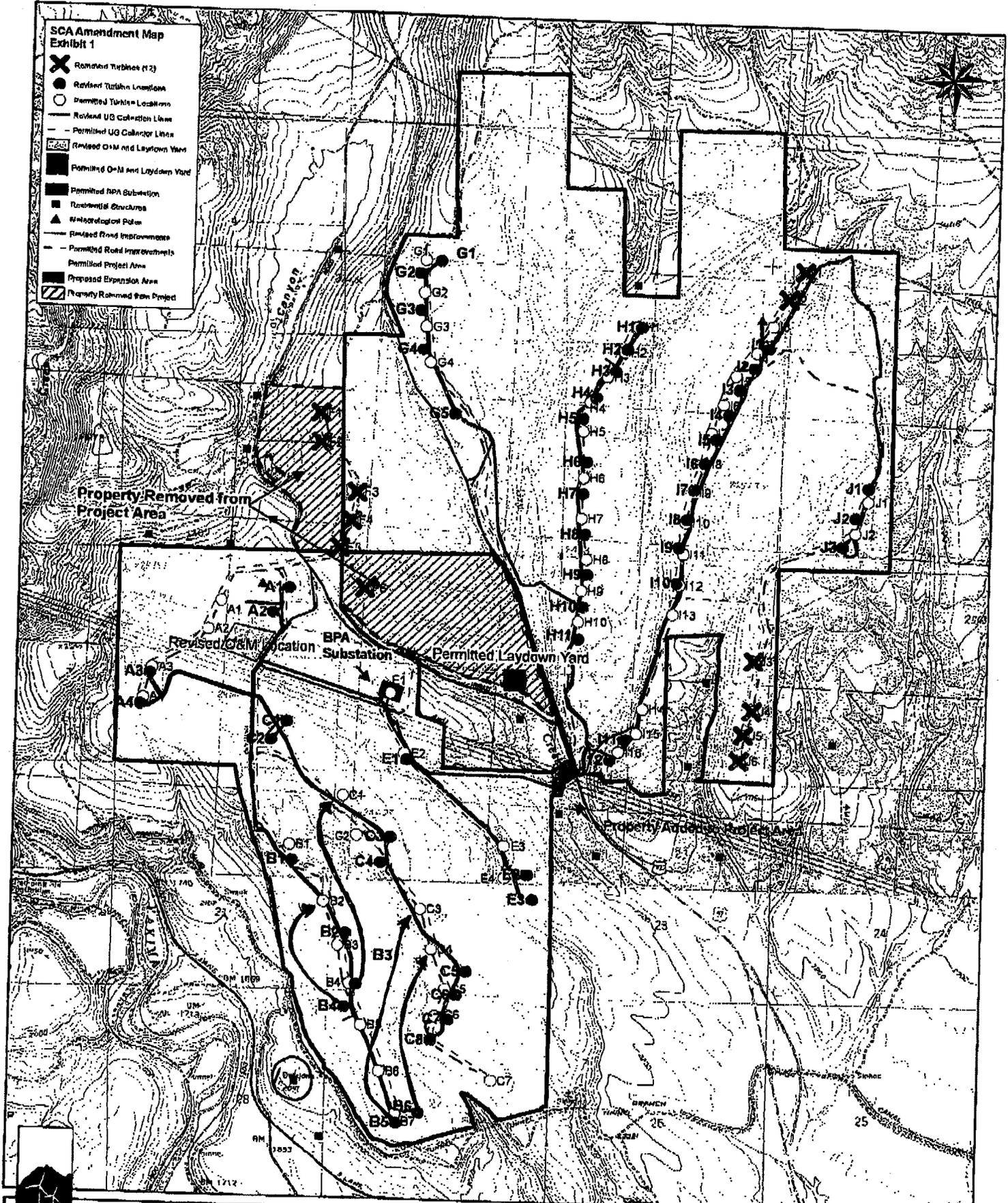
I have indicated on the enclosed map possible sites these turbines could be moved to.

We ask you to consider any possible relocation of any or all of these four turbines to an area of less impact to our home.

Thank you for your consideration,



Harold Havens



SCA Amendment Revised Layout Exhibit 1



Bhavnani, Monica (CTED)

From: Truetemp NW [truetempnw@truetempnw.com]
Sent: Thursday, July 09, 2009 2:31 PM
To: CTED EFSEC
Cc: Butch Havens
Subject: FW: wind power
Attachments: wind power.pdf

Please see attachment regarding wind power

Thanks,
Mary Jo

July 9, 2009

EFSEC
P.O. Box 413172
Olympia, WA 98504-3172

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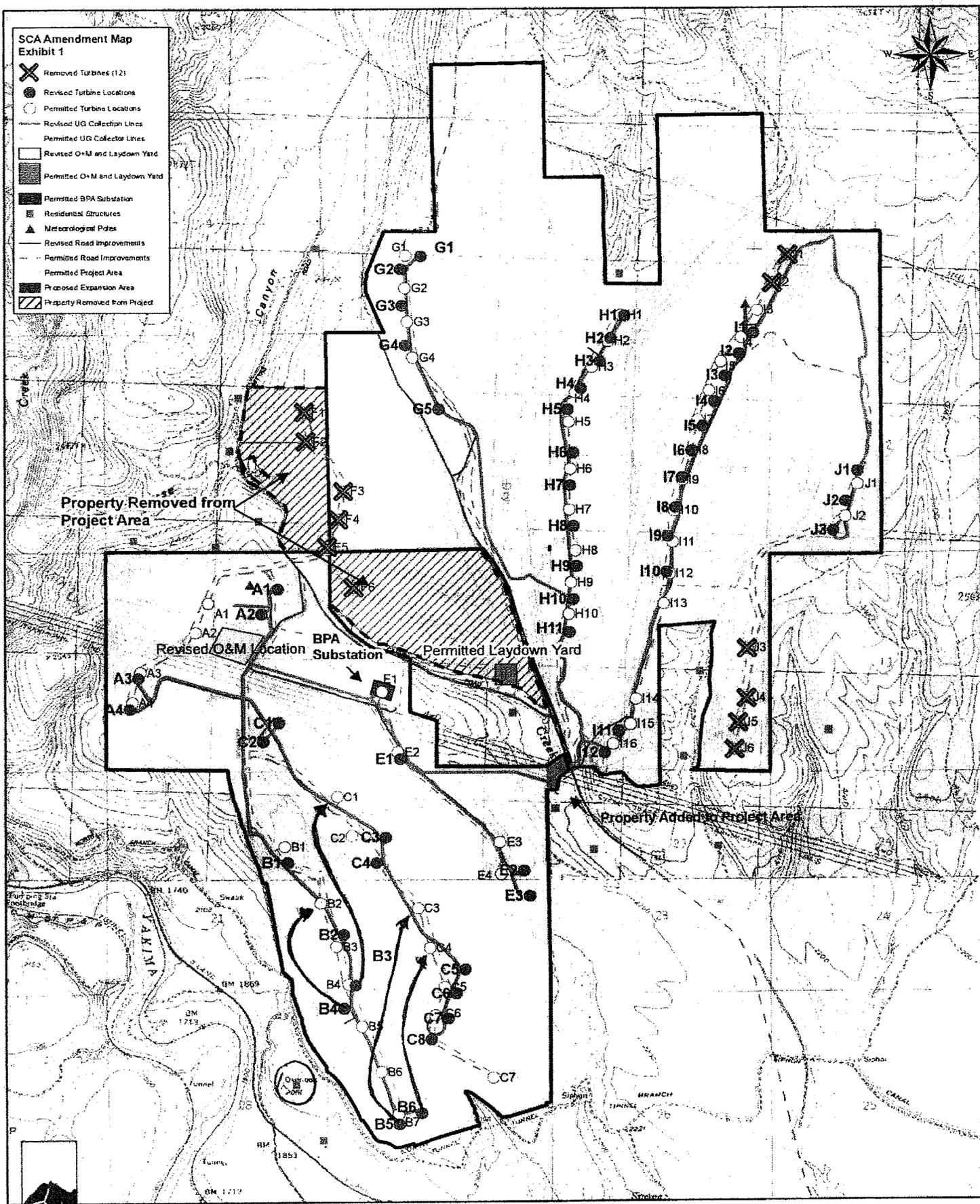
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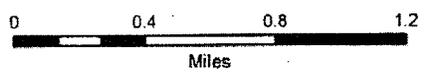
Thank you for your consideration,


Harold Havens

- SCA Amendment Map Exhibit 1**
- ✕ Removed Turbines (12)
 - Revised Turbine Locations
 - Permitted Turbine Locations
 - Revised UG Collector Lines
 - Permitted UG Collector Lines
 - Revised O+M and Laydown Yard
 - Permitted O+M and Laydown Yard
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 - Residential Structures
 - ▲ Meteorological Poles
 - Revised Road Improvements
 - Permitted Road Improvements
 - Permitted Project Area
 - Proposed Expansion Area
 - ▨ Property Removed From Project



SCA Amendment Revised Layout Exhibit 1



Bhavnani, Monica (CTED)

From: Butch Havens [Butch.H@TRUETEMP.NW.COM]
Sent: Thursday, July 09, 2009 2:43 PM
To: CTED EFSEC
Subject: Public comment on the Kittitas Valley Wind Power Project
Attachments: wind power.pdf

Please find attached my public comment on the KVVPP. My office assistant may have already e-mailed this to you when she scanned it. I will also fax a copy. Thank you.

Harold Havens

July 9, 2009

EFSEC
P.O. Box 413172
Olympia, WA 98504-3172

Public comment regarding: Kittitas Valley Wind Power Project.

My name is Harold Havens and my wife's name is Jaime Havens. We live at 15087 Hwy 10 Ellensburg. Our residence is located just southwest of the proposed turbine B4. It is the residence circled on the enclosed map. Our residence is approximately 300' in elevation below the ridge upon which the "B" string will be located.

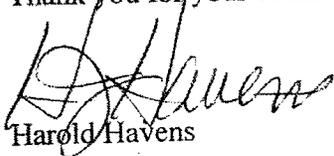
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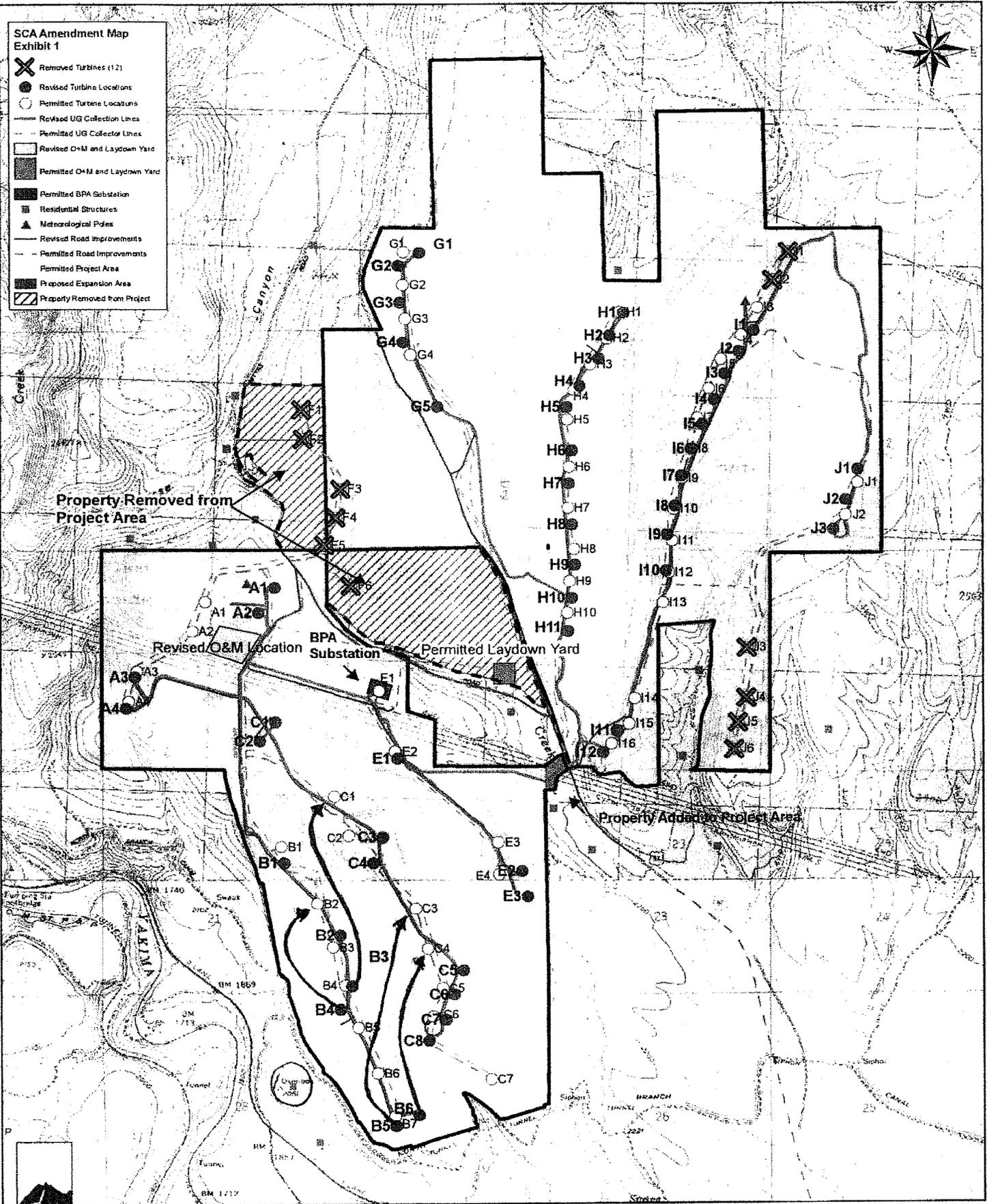
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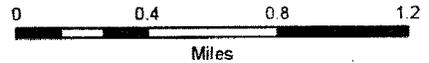
Thank you for your consideration,


Harold Havens

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SCA Amendment Revised Layout Exhibit 1



Bhavnani, Monica (CTED)

From: BELL, WAYNE T (ATTCINW) [WB2187@att.com]
Sent: Thursday, July 09, 2009 4:11 PM
To: CTED EFSEC
Subject: Public Comments on the Request to Amend the Kittitas Valley Wind Power Project Site Certification Agreement

July 9, 2009

EFSEC Chairman Luce and Council Members, EFSEC Manager Fiksdal and and EFSEC Staff,

Based on a recent meeting with Mrs. Joy Potter, Project Manager with Horizon Wind Farm and as guided in a follow-on discussion with Mr. Jim LaSpina, EFSEC Staff Siting specialist, I would like to submit the following comments as supplemental testimony from those that I made during the hearing held in Ellensburg, WA on June 23rd for your additional consideration in deciding to approve / disapprove the specific re-siting of Turbines A1 and A2.

In my meeting with Ms. Potter, on Wednesday, 7/8, she presented a layout prepared by Horizon Engineering depicting the new proposed distances for Turbines A1 and A2 from the center of my existing residence. We were off by about 20 feet from what I presented at the hearing on 6/23. Needless to say, Horizon did confirm that the re-siting of these Turbines would indeed decrease the distance from my existing residence (two football fields or 600') not increase the distance as directed by Governor Gregoire in her letter to Chairman Luce dated June 22, 2007, specifically siting SCA Article 1, Section C Subsection 7. Additionally, Horizon validated that the Turbines would now be within 800' of my planned residence on the 10 acre parcel that lies between the Turbines and my existing residence. A parcel that I own free and clear which already has a road and power across its entire length.

When I asked why horizon could not move these Turbines back to their originally approved siting, Mrs. Potter explained that Horizon's position was that they could not move these turbines back due to Horizon opting to use larger generators and subsequently higher towers. This configuration change will create interference with the existing transmission lines. This is not what Horizon stated in their Amendment. The reason was "to maximize the wind resource capture". Additionally, when questioned as to other alternative sites, Mrs. Potter said there were no alternatives. When asked if Horizon could keep those two Turbines operating with the original design and height, as it would still keep the project economically viable, the response was that was not an option.

Mrs. Potter went on to state that Horizon was willing to work with us, after the completion of the construction of Turbines A1 and A2 at their new sites, if at anytime we experienced any issues (Shadow Flicker, Noise, Vibration, Ice Throw et. al). The catch being we sign an agreement with Horizon at this time as a "participating" landowner and that we might also receive some additional compensation yet to be determined equal to other "participating" landowners. We found that offer to be unacceptable.

As Horizon was unwilling to make any concessions in regards to the siting of these Turbines, knowing of their adverse impact to us, we were at an impasse. That being the case, and fearing the worst, we asked if Mrs. Potter would go back to Sagebrush Power Partners' Leadership and request that they offer us a Fair Market Price to purchase our existing residence and additional 10 acre parcel for use as their OA&M facility. She said she would make that proposal to her leadership. She added that there may be some additional EFSEC requirements that could prevent that option but she would look into it. I mentioned this option to Mr. LaSpina in our brief conversation today and he said that he would entertain that discussion with Horizon. Additionally, I have left that information with Mrs. Potter via voice mail as well as my intent to submit these comments subsequent to our meeting that took place yesterday.

In the meantime, we believe that Horizon wind has misled this council in the statements that they have made in their amendment and that they have clearly violated (even with their own empirical data on the re-siting of Turbines A1 and A2) the Governor's directive on setbacks when considering micro-siting decisions in regards to non-participating landowners. Specifically, in regards to their Amendment, Horizon is not being forthright and honest when they state in the Amendment:

1. ".....the Applicant has met the requirements of the setback condition as it relates to the Applicant's efforts to consider **increased** distances from existing non-participating residences...", page 2, paragraph 3.
2. "All setback conditions will be met in relation to non-participating landowners in the SCA", page 2, paragraph 4.
3. "....proposed layout changes meet the requirements of the setback condition", page 3, paragraph 3.

4. "...it also **reduces** the visual impacts for non-participating landowners as requested in the setback conditions"., page 4 paragraph 1.

Note: There is NO simulation nor any visual impact study looking Southwest through the A String from my property, my existing residence nor any other landowners property or existing residence that would be visually impacted from that specific String.

5. "**All** proposed Turbines continue to meet.....the visual setback distances required by the setback condition"., page 4, paragraph 2.

6. "A String: turbine locations have been **slightly** modified to **maximize the wind resource** capture with an overall benefit by reducing the majority of the visual impacts to the non-participating landowners". page 4 paragraph 3.

When it comes down to the re-siting of Turbines A1 and A2, it is all being presented with smoke and mirrors. Half truths and lies made in the hope this Council will just rubber stamp the entire package and not focus on two Turbines that in the big picture of things Horizon hopes may mean little to this Council.

I hope you all see through this charade. Horizon's inability to make any compromise in regards to the siting of these two Turbines speaks volumes to their character. In my opinion, Horizon has several options they can make to keep this project economically viable, they just choose not to do so.

Please, do not let this company take away my land, my future and all that I have worked so hard to achieve over these many years. Hold them accountable to you and our Governor's direction. It would set a precedent that other Energy companies would have to think about in future Energy Facility Sitings and I truly believe bring great credit upon this Council.

Respectfully submitted,

Wayne Bell
3911 Bettas Road
Cle Elum, WA
509-857-2354
wb2187@att.com

"It's a funny thing, but, as years go by, I think you appreciate more and more what a great thing it was to be a United States Marine... I am a U.S. Marine and I'll be one till I die."

Ted Williams, Baseball Hall of Famer

From: Mike Robertson
To: LaSpina, Jim (CTED); CTED EFSEC; Fiksdal, Allen (CTED);
Marvin, Bruce (ATG);
Subject: KVVPP SCA Amendment - Written comments from Robertson (stakeholder)
Date: Saturday, June 13, 2009 7:59:39 AM
Attachments: Public Comment - KVVPP SCA Amendment.doc

EFSEC

PO BOX 43172,

Olympia, WA

98504-3172

Allen Fiksdal

EFSEC Manager

Bruce Marvin

Counsel for the Environment

(Written copy sent to Governor Chris Gregoire)

Please enter the attached Word document into the public comment record in response to the request by Sagebrush Power Partners (Horizon Wind Energy) to modify the SCA for the Kittitas Valley Wind Power Project - submitted to EFSEC on May 29, 2009.

I would like feedback on actions taken (or not taken) by EFSEC regarding the suggestions made in my comments.

<<...>>

Regards,

Michael H. Robertson

4101 Bettas Rd.

Cle Elum WA

98922

EFSEC
PO BOX 43172,
Olympia, WA
98504-3172

Governor Chris Gregoire
Office of the Governor
PO Box 40002
Olympia, WA
98504-0002

Public Comments on the Request to Amend the Kittitas Valley Wind Power Project Site Certification Agreement – Submitted by the applicant to EFSEC on May 29, 2009.

As one of the non-participating residents adjoining this energy generation facility, my wife and I have specific concerns about the location of two of the turbines in the project and general concerns about the lack of accountability of the project certificate holder – Sagebrush Power Partners (Horizon Wind Energy) – for their requested changes.

Sagebrush Power Partners is asking EFSEC to:

1. Allow installation of new wind turbines generators that were not previously available.
2. Reduce the total number of turbines from up to 65 to a maximum of 52 (with no change in power generation).
3. Eliminate certain turbine corridors in proximity to existing residences.
4. Allow some adjustments in the siting of remaining corridors and turbines.

In the Applicant's request, they suggest that the requests they have made will "*better implement the intent of the Council and Governor Gregoire*" as stated in SCA Article I, Section C, Subsection 7:

*"... For each turbine located within **2,500 feet** of a non-participating landowner's existing residence, micro-siting determinations shall give highest priority to increasing the distance of the turbine from that non-participating landowner's residence, even beyond the minimum four times height setback described above, so as to further mitigate and minimize any visual impacts on that non-participating landowner. Prior to commencement of construction, the Applicant shall provide EFSEC with documentation demonstrating its engineering efforts to site the applicable turbine locations in this manner, indicating the various factors reviewed for each micro-siting recommendation."*

I believe that the relocation of turbines A1 and A2 have in fact worsened the already egregious impacts to our property and home that were associated with their originally permitted locations. These impacts are not merely "*visual*", but have the potential to affect our well being. I have attached a modified drawing of *Exhibit 1 - SCA Amendment Revised Layout* - to which I have **added a graphic circle** from our home that intersects the proposed location of turbine A1. As indicated by the scale supplied with this exhibit, turbine A1 is still only approximately **1,670 feet** from our home and turbine A2 is approximately the same distance. They are both located farther to the east which makes our residence more susceptible to the effects of shadow flicker (number of occurrences and length of time). Turbine A2 will be far more impactful than it was in its original location. For reference, I have also **added a graphic circle** at **2,500 feet** radius to show the closest point at which these turbines should be located to meet Governor Gregoire's request.

Since the Applicant is significantly changing the project from its initially permitted plan, I believe it is the responsibility of EFSEC to require Sagebrush Power Partners to supply:

- Specifications of the new proposed turbines.
 - Manufacturer data sheet for overall height, rotor diameter, and noise specification.
- An updated shadow flicker assessment study based on this new turbine type.
 - FEIS – Table 3.4-2
 - <http://www.efsec.wa.gov/kittitaswind/FEIS/Vol%201%20Text/3.%204%20Health%20and%20Safety%20final.pdf>
- An updated noise prediction analysis based on this new turbine type.
 - FEIS - Table 3.12-5
 - <http://www.efsec.wa.gov/kittitaswind/FEIS/Vol%201%20Text/3.12%20Noise%20Final.pdf>
- Existing data from other wind power generation plants that are currently using this turbine model.

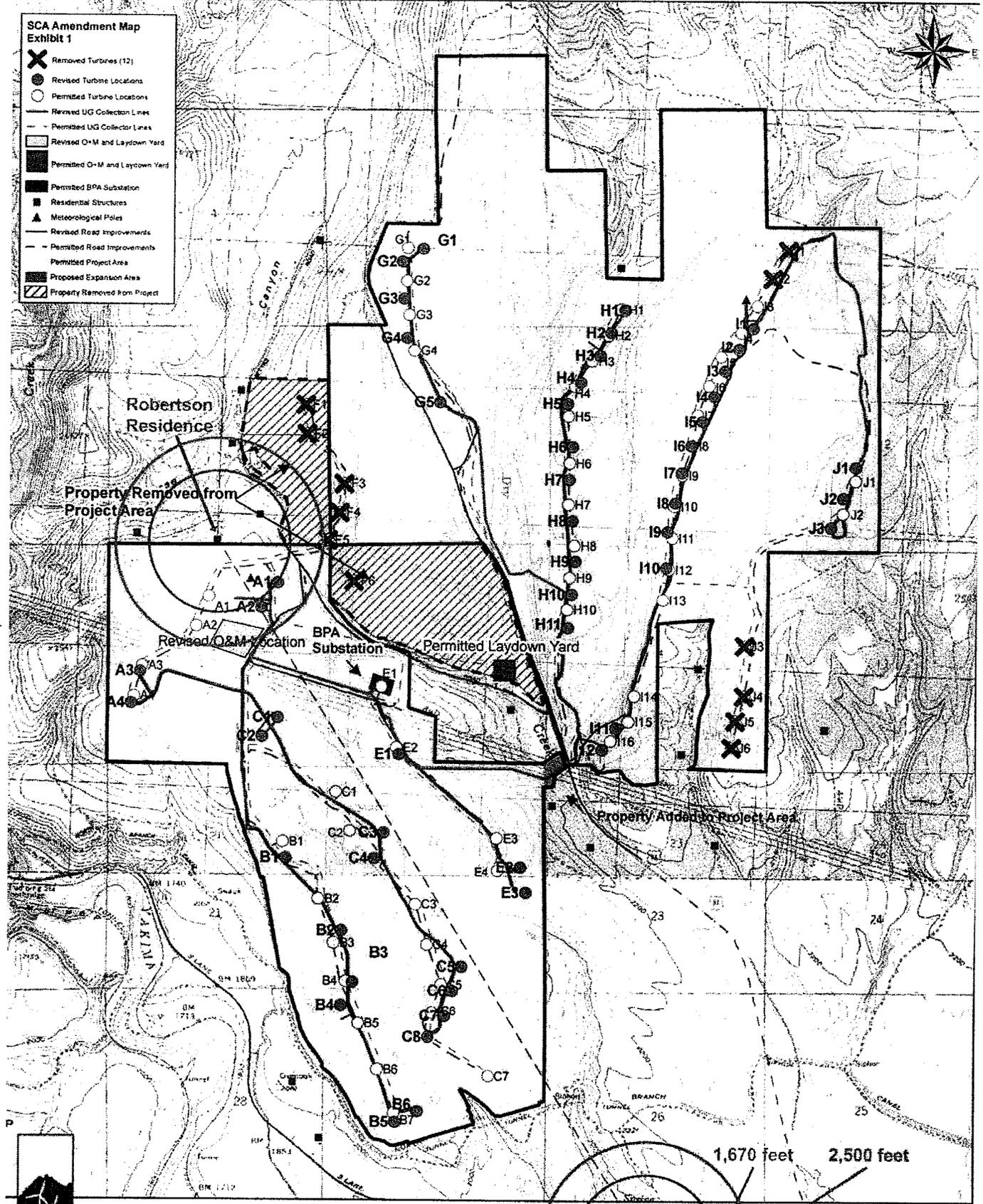
It should be very clear to this Council by now that this project has been ill conceived and poorly planned from its original inception in 2002. It has always been the applicant's position that this project must be designed in a very specific way to make it "*economically viable*" and then later in the process they modify the plan. In truth, this project has never been "*economically viable*" without state and federal taxpayer subsidies and numerous times has been "*re-designed*". Governor Gregoire's directive to this Council was straight forward: **do not impact the existing non-participating residents who will have to live next to this facility.** EFSEC cannot make this determination without the data to make an informed decision.

This project does not even have the mandate/provision to satisfy the Washington State renewable energy standard (I-937). This Washington State publicly subsidized power can be sold to another state. This is not what the citizens of this state intended when they passed I-937 nor was it the intent of Governor Gregoire to impact Washington residents just to meet another state's renewable energy target.

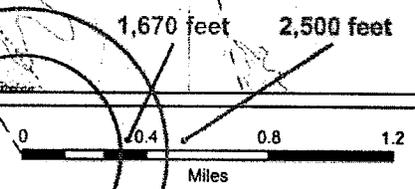
I urge this Council to protect the citizens who will be living next to this project as their first priority. If the applicant says that the project is economically unviable if turbines need to be moved, then they should wait until they can acquire turbines large enough to make the project viable. With the current plan, an average turbine capacity would be approximately 2 MW to reach their stated 100 MW target. There are turbines rated at 3 MW already being deployed in the world and turbines as large as 5 MW being developed.

Michael H. and Elizabeth F. Robertson
4101 Bettas Rd.
Cle Elum
Washington
98922

- SCA Amendment Map Exhibit 1**
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SCA Amendment Revised Layout Exhibit 1





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

July 29, 2009

RECEIVED

AUG - 3 2009

ENERGY FACILITY SITE
EVALUATION COUNCIL

Allen J. Fiksdal
EFSEC Manager
PO Box 43172
Olympia, WA 98504-3172

Dear Mr. Fiksdal:

Thank you for the opportunity to comment on the determination of nonsignificance for the amendment to Kittitas Valley Wind Power project site certification agreement, proposed by Horizon Wind Energy. We have reviewed the documents and have the following comment.

Water Resources

Information for the applicant:

If you plan to use water for dust suppression at your site, be sure that you have a legal right. A water right permit is required for *all* surface water diversions and for any water from a well that will exceed 5,000 gallons per day. (Chapter 90.03 RCW Surface Water Code and Chapter 90.44 RCW Regulation of Public Ground Waters) If in doubt, check with the Department of Ecology, Water Resources Program. Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions concerning the Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

Water Quality

Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.



Mr. Fiksdal
July 29, 2009
Page 2 of 2

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lynda Jamison at the Dept. of Ecology, (509) 575-2434, with questions about this permit.

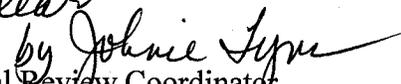
Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.

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

Best management practices must be used to prevent any sediment, oil, gas or other pollutants from entering surface or ground water.

If you have any questions concerning the Water Quality comments, please contact Lynda Jamison at (509) 575-2434.

Sincerely,


Gwen Clear by 
Environmental Review Coordinator
Central Regional Office
(509) 575-2012