BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of:
Application No. 2003-01 )
SAGEBRUSH POWER PARTNERS, LLC, ) Supplemental
) Draft EIS
) Public Comment Meeting
KITTITAS VALLEY WIND POWER PROJECT ) Pages 1 - 27

A public comment meeting in the above matter was
held in the presence of a court reporter on August 25, 2004,
at 6:00 p.m., at 400 East University Way, in Ellensburg,
Washington, before Energy Facility Site Evaluation
Councilmembers.

* * * * *

JUDGE TOREM: Good evening, everyone. We're
going to go on the record. My name is Adam Torem. I'm an
Administrative Law Judge with the Washington State Office
of Administrative Hearings, and I have been appointed by
the Energy Facility Site Evaluation Council to facilitate
proceedings in this matter.

This is the Kittitas Valley Wind Power
Project, and I'm going to be presiding over the public
comment meeting and hearing tonight with regard to the
Draft Supplemental EIS. Today's date is Wednesday, August
25, 2004. It is shortly after six o'clock p.m. This
evening we are convening this public comment meeting at
the Student Union Building at the Central Washington
University campus in Ellensburg, Washington.

On behalf of the Council, I would like to
thank all of you for taking time to come out tonight and
participate at this meeting. I know that many of you were
here last night for the comments on the Draft
Environmental Impact Statement for the Wild Horse Wind
Power Project. This project tonight will be focusing on
the Draft Supplemental EIS, and I want to say at least
three or four times before we get to your comments we are
going to have a very narrow focus to the off-site
alternatives tonight, not general comments on the project
itself.

Before we proceed any further, I want to ask
members of the Council to once again introduce themselves.
We'll start with the Chairman.

MR. LUCE: My name is Jim Luce. I'm Chair
of the Energy Siting Council.

MR. FRYHLING: I'm Richard Fryhling, and I
represent the Department of Community, Trade and Economic
Development.

MS. JOHNSON: Patti Johnson, representing
Kittitas County.

MS. TOWNE: Chris Towne, representing the
Washington State Department of Fish and Wildlife.

MR. IFIE: Tony Ifie, representing the
Department of Natural Resources.

MS. ADELSMAN: Hedia Adelsman, Department of
MR. SWEENEY: And I'm Tim Sweeney. I'm with the Utilities and Transportation Commission.

JUDGE TORRM: Also present tonight are EFSEC staff members Allen Fiksdal and Irina Makarow who is at the back of the room, and we also have our co-counsel for the Energy Facility Site Evaluation Council. That is Ann Essko. She's an Assistant Attorney General.

I want to take a few minutes to give you some background about the project, this one again being the Kittitas Valley or KE Wind Power Project, and the process for tonight's meeting.

In January of 2003, Sagebrush Power Partners, LLC, requested to build an approximately 180-megawatt wind turbine generation facility that's approximately 12 miles northwest of the City of Ellensburg. These wind turbines would be located on either side of U.S. Highway 97, and the project would also include various access roads and electrical interconnection facilities, as well as an operations and maintenance building located near the corner on United States Highway 97 and Bettas Road. The project proposes to interconnect with the existing Puget Sound Energy line for Rocky Reach White River. This is a 230-kilovolt transmission line.
EFSEC, this body in front of you tonight, is responsible for siting and licensing the construction and operation of major energy facilities in Washington State. This project is an alternative energy facility as defined by Revised Code of Washington Title 80, Chapter 50. Zilkha Renewable Energy chose to receive its site certification from EFSEC for this Kittitas Valley Wind Power Project pursuant to RCW 80.50. Under Washington State Environmental Policy Act or SEPA, EFSEC is the lead agency for major energy facilities, including projects of this nature. EFSEC issued a Draft Environmental Impact Statement for public comment on December 12, 2003. That Drafts EIS had a public comment meeting here in Ellensburg at the fairgrounds early in 2004. Now we have a Draft Supplemental EIS which presents an analysis on off-site alternatives.

Tonight the purpose of the comment meeting is for the Council to receive your oral comments on any specific issues that have been addressed on again this document, the Draft Supplemental EIS. These comments are then going to be used by RFSEC's independent consultant, Shapiro & Associates, to prepare a Final Environmental Impact Statement, and the Council will consider the Final Environmental Impact Statement in making its recommendations to the Governor of Washington on whether
to approve or to deny this project.

Your comments don't have to come in
verbally. Tonight they can also be submitted by mail or
by electronic mail, and to be considered your comments
need to be received in EFSEC's office in Olympia by
Monday, September 13, 2004. If you do have a written
comment with you tonight, you can hand that to Ms. Irina
Makarow, our EFSEC staff person in the back of the room.
She is again seated at the sign-up table. She can also
give us EFSEC's mailing address if you care to put things
in the mail tonight.

In addition to this particular SEPA process
tonight, EFSEC will be holding formal adjudicative
hearings on the Kittitas Valley Wind Power Project
proposal in late September and early October of this year.
You may recall that those hearings were originally
scheduled to start last week and continue and run through
this week. Those were postponed at the request of the
Applicant in order to be able to hear your comments
tonight on this Draft Supplemental EIS. So, again, we
will be back in Ellensburg beginning September 27 for the
adjudicative proceedings. It appears that Tuesday,
October 5, will be the public comment period for the
adjudication. Formal notice will be given shortly, but if
you have questions about when that is contact EFSEC in
Olympia and make sure you're on the mailing list.

As part of the formal adjudicative
proceedings again you will have a chance to comment on the
overall project. Tonight it's very limited to the Draft
Supplemental EIS. Your comments tonight or later in
October will be added to the official adjudicative record
and, again, if you need to get on the mailing list, talk
to either of the EPCoC staff persons that are here
tonight.

The Council is required by state law to make
a recommendation to the Governor whether he or she should
approve or deny this project. In making its
recommendation the Council will be considering all of the
evidence submitted into the record by all the parties and
by the public through this SRPA process, as well as
through the adjudicative hearing. Because this project is
subject to rules pertaining to adjudicative proceedings,
because these rules have similar requirements that might
affect jurors in a criminal or a civil trial, it is not
appropriate for you to ask individual Councilmembers to
speak or to speak to them about the project. When you're
a public witness it's okay to do that because we're on the
record, and we're in front of anyone that wants to be
here. But there are no private discussions allowed with
Councilmembers.
If you have any questions about EFSCC's review process for this project, you can talk with members of EFSCC staff or you can approach me, and on procedural issues I can give you some answers.

You can also talk to John Lane. He's an Assistant Attorney General with the title in this proceeding of Counsel for the Environment. Mr. Lane is here tonight, and I'll ask him to identify himself, and he is. He is appointed by law to represent the public and its interest in protecting the quality of the environment. So he is participating on behalf of the public in the adjudicative proceedings.

Tonight's comments are again going to become part of the Council's SEPA process, and they are on the record. You can see we have a court reporter taking down my speech here tonight as a script, and you will also have your comments taken down and become part of the transcript of tonight's meeting. So I'm asking everyone to be respectful and silent when a witness is speaking, so that the Council can hear that member of the public, and that the court reporter can accurately transcribe their comments.

When you come up, please speak clearly, so the court reporter can transcribe your testimony accurately. For folks that need to come and go during the
meeting, please do so as quietly as you can.

I have a sign-up sheet of four people total,
actually five people total.

Ms. Makarow, is there an additional sign-up sheet?

There is, and that will be brought up. If you haven't yet signed up, and you wish to speak, the I will ask at the end of all the public comments for anyone else that wants to add their comments.

Again, the purpose of tonight's meeting is to receive comments on just the Draft Supplemental EIS, so please be as specific as possible regarding which section of the Draft Supplemental EIS you want to address. If you start to drift away and make general comments on the project, I will do my best to rein you in. They've equipped me with this wooden gavel, and trust me I do know how to use it. So I will interrupt you if you drift onto other subjects that are not appropriate for tonight's public comment meeting, and I would like you to submit those comments as necessary during the adjudication itself when it's a much wider subject matter for comments.

The commenters will be in the following order: First, Lee Bates, then Jeff Howard, and Andrew Young, then Clay White, Ed Garrett, then Geoff Saunders. So I will ask that you keep your comments to your four or
five minutes. We won't be particularly strict on time
because there are only half a dozen signed up. If we are
running too much over the four minutes though, I will cut
you off and we will move to the next person.

The first commenter is going to be Lee
Bates, and if you come up and state your name and address
for the record and then your comment.

COMMENTS BY LEE BATES

I'm Lee Bates. I live at 1509 Brick Road, Ellensburg, and I represent myself. I am against the
project. I read the SDEIS, and I didn't like any of the
alternative sites compared to the first site. And the
reasons are the visual impact of the turbines, the
410-foot high turbines in Section 3.9.2 are too high. It
will impact the scenic view.

The impact on the historical culture is
another reason. The SDEIS stated no direct impacts to any
known cultural resources would occur during normal
operation and maintenance of the project on Page 3-50, and
my research shows the Supplemental EIS needs to be done
per Section 106, Regulations of the National Historic
Preservation Act. And I felt that since the Yakama Tribe
has not responded that this SDEIS should not proceed
without response from the Yakama Nation, since the SDEIS
states the impacts on historical and tribal resources is
unresolved on Page 1-9.

JUDGE TOREM: Thank you, sir.

Jeff Howard.

COMMENTS BY JEFF HOWARD

My name is the Jeff Howard. I own a home at 21 Fawn Road in Cle Elum, and I'm here representing myself. My specific objections to this particular statement are the siting of the present projects proposed place in this valley, and I would have to say only that if for some reason this big, industrial, expensive, ugly, noisy mistake has to go in Kittitas County, that I would request it be placed in the Whiskey Dick Mountain Area and not in our beautiful western valley. If can affect our property values, our way of life, business in this community adversely for a generation, for decades I would say. And once these monstrosities are in place, we're going to be stuck with them for 30 years, and we will not be able to turn back the clock. Thank you very much.

JUDGE TOREM: Thank you, Mr. Howard.

Mr. Young, it appears you've withdrawn your request to comment, so next will be Clay White.

MR. WHITE: I'm going to cancel on you for the second night in a row.

JUDGE TOREM: All right. Mr. Ed Garrett.
COMMENTS BY ED GARRETT

My name is Ed Garrett. I reside at 19205 67th Avenue S.E., Snohomish. That's G-a-r-r-e-t-t. I'm submitting written comments that have all the page numbers and annotations or things in the document. I just want to go over a little bit on my conclusions.

First, I would like to applaud the EFSEC staff in the preparation of the supplemental. It's indeed difficult to review alternative locations with little documented information, especially in relation to siting of a large wind farm. Land use compatibility, parcel size, topography, and wind resources all factor into the decision. Chris Taylor, project manager for the Kittitas Valley Wind Power Project, has stated early on that willing landowners who support the overall project are vital to make the project a success. I would also add that deeper getting the support of neighboring landowners would also factor into that.

Saying that, as far as the criteria for evaluating alternative sites none of that was really ever brought out in this document other than what we heard last night, and there was about three people that had comments in support of the Whiskey Dick Project and I believe three that didn't. So as far as a study being done to see who really supports it in the public is vital for siting one
of these.

For that reason Springwood Ranch was pretty much knocked out of the running because they weren't informed of doing wind power at all anyway, and there was problems with the Nature Conservancy. Swauk Valley Ranch was too small and not economically viable, so that was ruled out. The other potential sites were eliminated for environmental concerns. Mostly concerns over the fish, wetlands, and wildlife and large game. When all is said and done, there's only one alternative to the Kittitas Valley Wind Power Project, and that is out by Whiskey Dick Mountain.

EnXco staked out a possible area by Reecer Creek really Green Canyon where Chris Taylor said Zilkha found that site unsuitable for a wind farm. When Zilkha Renewable Energy filed their first Kittitas Valley application with the County, Chris Taylor said it was the only place in the County. Many of us residents did not accept that and told him to look further east towards Rye Grass. He still insisted Highway 97 was the only viable location.

Then on January 13, 2003, Sagebrush Power Partners filed their application with EPSEC for the Kittitas Valley Project. Interestingly, EnXco, a French developer, filed with Kittitas County shortly thereafter.
on January 28, 2003 for their Desert Claim Project, again, on the site that Chris Taylor said was not developable. That could have been an alternative side, but now it's being occupied by another company with wind rights. That knocks that one out.

Then while proceeding through the Kittitas Valley Wind Power Project, and at Chris Taylor's assertion it was still the only viable spot. On March 9, 2004, Zilkha filed an application with EFSEC now for the Wild Horse Wind Power Project right in the area where most of the residents were telling him to look in the first place; however, with every other site ruled out in this particular document there now appears to be no alternative site for the Kittitas Valley Project, but that does not mean that the Kittitas Valley Project is a good site, or proper, or even that it needs to be built at all.

Chris Taylor and Zilkha Renewable Energy should not be allowed to have it both ways. The Wild Horse Wind Project meets the criteria as an alternative site when they filed their application for Kittitas Valley in 2003. Whiskey Dick Mountain could be a properly placed commercial wind farm, one large parcel of land, local support, no one living around for miles, no scenic view shed other than the Rye Grass landfill. They had over a year to address the issue with alternative sites and chose
not to. Instead they filed another application for a
second commercial wind farm on the only other alternative
site. Thank you.

JUDGE TOREM: Thank you, Mr. Garrett. You
made the four minutes. Our last person signed up for
tonight is Geoff Saunders, and I understand we may have
some additional people that have signed up just now.

Mr. Saunders.

COMMENTS BY GEOFF SAUNDERS

Geoff Saunders. I live at 8241 Elk Springs
Road in Ellensburg. I understand from BFSEC that the only
alternative location that you're considering are within
Kittitas County and this makes no sense. If Zilkha had
applied to the County for this permit, then, of course,
alternative locations within and only alternative
locations in the County should be considered. But Zilkha
didn't do that. Zilkha instead applied to the state and
has worked very hard as we know over the last 18 months
to make sure that the County has virtually no role
whatsoever in siting this project. To my mind Zilkha
can't have it both ways. If Zilkha insists on a state
process, then ultimate locations anywhere in the state
must be considered, and wind maps suggest there are many,
many places in Washington State where wind farms are
viable.
I would like to ask too what exactly is an alternative location? How does EFSEC define an alternative location? Obviously there's only one location that's going to create the most profit from this developer, and Zilkha is very clear that the Kittitas Valley Wind Project is that location. That's where Zilkha tells us that they can shoehorn in the largest number of turbines, and that site also has the lowest cost for Zilkha in connecting to the power grid. That's why they want the site so badly obviously. So what are the criteria for alternative locations? Obviously other locations aren't going to be as profitable as this location. If that's the criterion of profitability, then why even have a supplemental impact statement? Because we know the answer. That's the most profitable location. Zilkha tells us so, and presumably they're expert on that.

Profitability, however, is a business criteria. It should not be a siting criteria. It shouldn't be the way that the alternative location is judged, and from reading this document that seems to be the way that they are being judged. We are being told that, well, we can't put enough turbines there to get the output we want or it would be too costly to run our power lines.

If profitability is not the way you look at
these sites, then most of the alternative locations in
this document I would suggest are viable. Two and a half
years ago when Zilkha came to the County and announced its
Kittitas Project on Highway 97 before EFSEC was involved,
Zilkha was asked by a lot of people why this location, and
Zilkha replied publicly that that location was the only
possible location in Kittitas County for a wind farm.
Nothing else they told us was viable. Well, obviously
that wasn't true, and we know that because, first of all,
EnXco followed Zilkha and found that lower Saddle Mountain
in fact was a viable location. And then Zilkha
contradicted themselves and found another location,
Whiskey Dick, and said, well, that's viable as well.
Obviously these companies will tell us that the only
viable locations are the locations that they want. They
will tell us exactly what will support their application.

My concern is that this document is based
entirely as I understand it, although prepared by EFSEC,
is based entirely on input from the wind farm companies.
So in what sense is this an objective document? For a
reasonable document like this to evaluate alternative
locations shouldn't EFSEC be hiring an independent
contractor, someone who doesn't work for the wind farm
companies and have them tell us where wind farms are
viable? We know what Zilkha wants. We know what EnXco
I see things in this document such as construction and operation of the Kittitas Valley Wind Power Project is not expected to negatively affect long-term property values in the vicinity of the project. Well, as you know there's a ton of testimony to EPSEC already, and there's lots of public opinion by realtors in this valley that it will dramatically affect property values. So, again, this is a document that as far as I can tell is being prepared based entirely on statements from the Applicant and is in no sense an objective document.

There is an alternative location as people have pointed out to the Kittitas Valley Wind Power Project, and it's one that Zilkha can't deny is viable because Zilkha has already applied for a permit there, and that's, of course, Whiskey Dick. Unlike the Highway 97 project, which is a patchwork quilt of properties as you know with many landowners sandwiched in between rows of turbines spread over a very large area, the Whiskey Dick project is one single parcel, one continuous piece of acreage, and there are to my knowledge nobody, no residents out there opposing the project. There are many other reasons why that location is far preferable to the Highway 97 project. Everyone is very, very concerned
about fire danger at the moment, and there's a great deal
of evidence that wind farms do present an increased fire
danger, and fire danger at Whiskey Dick would be less.
From what I understand too the environmental impacts would
be significantly less out there.

Then, in fact, I think I already said that
there are no view-shed issues out there. To my knowledge
there are no local landowners fighting that project. So
if EFSEC is determined to put a wind farm in Kittitas
County, then I believe Whiskey Dick is the perfect
location. Thank you.

JUDGE TOREM: Thank you, Mr. Saunders.

James Carmody.

COMMENTS BY JAMES CARMODY

Thank you. My name is James Carmody. I
have been involved in this process from the outset. I've
represented Residents Opposed to Kittitas Turbines. One
of the difficult things in making comments tonight is that
we haven't been allowed an opportunity to have a full
comment period. Written comments are allowed within 30
days, but to request and ask the public to provide you
with comments at this point in time with a shortened
opportunity to respond to the Supplemental EIS is both
unfair and I think violative of the process. And I say
that because the other determination that you made in this
case is that you're not going to issue an FEIS or allow
the publication of comments prior to the adjudicative
proceedings. So the public is not in a position at any
point in time before you in the context of your
recommendation to be able to provide meaningful input or
response to comments.

I say that also in the context of
independent review and independent preparation of an EIS.
This document has not been independently prepared or
reviewed in our judgment, and it's also lacking in quite a
range of considerations as it relates to alternatives.

In particular, I want to begin by focusing
on the purpose and the need for the project, and that
project purpose is defined on Section 1.2. It says as
follows: It's stated in the KVWPP Draft EIS the purpose
of the KVWPP is to construct and operate a new electrical
generation resource using wind energy that will meet a
portion of the projected growing regional needs for
electricity produced from nonrenewable and renewable
sources. So the purpose of this project is to meet
regional needs, and I would suggest to you regional needs
are beyond state needs. It is not designed to meet the
needs of Kittitas County but a regional basis.

Secondly, in the context of EFSEC your
siting authority is within a state-wide basis, so that
when you're considering alternatives and meeting
satisfying the purpose of the project you'd have to look
within the scope of available alternatives to meet that
purpose. So the question on alternative site analysis is
what alternatives are available to meet this regional
power need or purported regional power need. This
document eliminates everything other than Kittitas County,
and then within Kittitas County effectively eliminates all
other options even though there are two pending projects
also here to meet or address those regional needs with no
realistic comparative reference in that regard.

The next comment I have at this point speaks
in terms of description of the no-action alternative, so
one of the EIS considerations is consideration of what
happens if there's no action taken on this. It's not
sited. In a specific comment within the SEIS upon which
the no-action alternative is built is the following
comment: It says, however, if the proposed project is not
constructed, it is likely that the region's need for power
would be addressed by development of gas-fired combustion
turbines.

"JUDGE TOREM: Mr. Carmody, which page is
that?"

"MR. CARmODY: It's on Page 2.6 going onto
2.7."

FLYGARE & ASSOCIATES, INC. 1-800-574-0414
JUDGE TOREM: Thank you.

MR. CARMODY: Anybody who's been engaged or
involved in alternative energy resources within the State
of Washington understands that is not the alternative to
no action in this case. There are three approved but not
developed wind farm projects producing a greater
electrical output in Kittitas County than presently
proposed on this project. Each of those alternatives are
available for production of the regional power
contemplated by this project. There are two other
projects in this community that will take place or move
forward in lieu of this particular project to meet
regional needs.

Benton County has been an active location
and source of wind farm applications and approvals, Walla
Walla County. Columbia County is a prime wind source that
is available. Those are the options to no-action
alternatives here in order to meet the stated purpose.
That purpose, those alternatives are not addressed in any
respect in this, and you as a state-based decision making
body need to consider and look at those alternatives not
the limited scope that has been provided here.

WAC 197-11-440(5), which are a portion of
the SEPA regulations that have been adopted by EPSRC
specifically, provide outline and guidance on alternatives
to the proposed action. Reasonable alternatives should include actions that could feasibly attain or approximate a proposal's objectives, that is regional power projection, but at a lower environmental cost and decreased level of environmental degradation. And it goes on to say reasonable alternatives may be those over which an agency with jurisdiction, EFSEC, has authority to control impacts either directly or indirectly through the requirement of mitigation measures.

You have state-wide authority. You have state-wide siting authority. All of those options need to be considered as a part of this, and I would suggest to you that this element is particularly important because you're being asked to take the extraordinary step of preempting local review and local determinations. And if you're going to take that step, and you're going to have the adequate information and appropriate information to make that determination, you need to make it with informed information, data, study, and analysis of what that means in terms of a no-action alternative and what alternatives there are to this project in order of meeting regional energy demands.

That has not been included in this SEIS. We think it's appropriate, and we think that information needs to be provided to you before we move further in this
project review. The whole point with SEPA, and you've
already rejected this argument, but I'm going to make it
again, is that the purpose of SEPA is to provide the
decision making bodies and those involved in the decision
making process, which includes the Council, not just the
Governor, but you are making a recommendation based upon
an adjudicative process. In order for the public to
participate, in order for all aspects of this to be
considered and for you to make an appropriate decision
with the appropriate public input, that information has to
be provided to you prior to the hearing and made available
to the public prior to that hearing. In the absence of
that your recommendation is going to be based upon a lack
of full input and full procedural due process in this
matter.

We ask again for you to just get the
information initially, let the public have access to it,
and then make something meaningful out of the adjudicative
process. Those are my comments at this point. I'll
supplement them with written comments as well.

JUDGE TOREM: Thank you, Mr. Carmody. I
want to remind everyone that the Supplemental Draft EIS
came out earlier this month, about two weeks ago, but the
comment period does not end until September 13, 2004. So
there is still quite a bit of time left to submit written
comments. Are there any other intended comments tonight to be taken orally?

All right. Then our evening is essentially concluded as for the public comments. Let me remind you again though that if you want to submit written comments, they can come in by regular U.S. Mail or by electronic mail. They just have to be received in EPSBC's office in Olympia by the close of business on September 13, 2004.

For those of you planning again to attend the hearings themselves, the adjudication, that begins later in September. It is not like a normal trial where you'll hear people come in and be sworn to testify and their direct examination testimony if you will as to what they believe the facts are. They will have already done that in writing, and most of those witnesses have already posted their deposition like testimony on EFSEC's website.

So if you intend to come to any particular date of the hearing, I encourage you to go to EFSEC's website, review that testimony, and be prepared to come in and hear cross-examination of those witnesses by the attorneys representing the various parties. And for once you will actually get to hear the Councilmembers ask questions, not just sit here and listen but actually engage the witnesses and the various issues before you.

So at that point I think you would get to see a
development of the personalities to my left and right and
the interest they represent. Up to this point it’s been a
lot of listening. It will be very soon that you get to
figure out who the people behind this table are at the
hearings themselves.

But prepare yourselves and go to the
website, look at the prefiled testimony for the witnesses.
There should be a scheduled posted about a week before the
hearing. I anticipate you will see a daily schedule
either on the website or otherwise posted at the hearing
location, so you know which witnesses and which issues
will be approached on each individual day.

Hearings will begin September 27, and I look
forward to seeing you then. If you have comments on this
document, again September 13 is your deadline.

Thank you for coming tonight. We are
adjourned for the evening.

* * * *

(Public Comment meeting adjourned at 6:38
p.m.)
AFFIDAVIT

I, Shaun Linse, CCR, Certified Court Reporter, do hereby certify that the foregoing transcript prepared under my direction is a true and accurate record of the proceedings taken on August 25, 2004, in Ellensburg, Washington.

______________________________
Shaun Linse, CCR
CCR NO. 2029