

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of:)	
Application No. 2003-01)	
SAGEBRUSH POWER PARTNERS, LLC,)	Supplemental DEIS
)	Public Hearing
KITTITAS VALLEY WIND POWER PROJECT)	Pages 1 - 26
)	

A public hearing in the above matter was held in the presence of a court reporter on February 2, 2006 at 2:00 p.m., at 512 North Poplar Street, in Ellensburg, Washington, before Energy Facility Site Evaluation Councilmembers.

* * * * *

CHAIR LUCE: The Energy Siting Council will come back to order at this point. It's two clock. We are beginning a public hearing to take additional public comments on the Supplemental Draft EIS; not entire the EIS but the supplemental.

So we have a report, do we, from staff prior, or do you want to move immediately to comments?

MS. MAKAROW: I'm just going to make a quick introduction for the record for the people who have come here. There's a sign-up sheet on the table over here; so if you haven't signed up to speak already, please do so while I introduce this item.

EFSEC originally issued the Draft Supplemental EIS for the Kittitas Valley Project in August 2004, and at that time EFSEC noticed issuance of the document, accepted written comments during the 30-day

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1 comment period, and also conducted a public hearing in
2 Ellensburg.

3 One comment received by the Council
4 questioned whether the public was given enough notice of
5 the public hearing as required by the State Environmental
6 Policy Act. EFSEC believes that the hearing was conducted
7 as required; however, since the Council was already
8 planning to be in Ellensburg today and in abundance of
9 fairness to the public, the citizens of Kittitas County,
10 the Council has decided to briefly reopen the hearing on
11 that Supplemental Draft EIS to allow an additional
12 opportunity for the public to comment.

13 Just to remind you, the Draft Supplemental
14 EIS was issued to supplement the Kittitas Valley Draft EIS
15 with an analysis of off-site alternatives. The Draft
16 Supplemental EIS picked locations in Kittitas County that
17 could hypothetically support a wind power project similar
18 to the Kittitas Valley Project and also looked at two
19 other projects that were being proposed in the County at
20 the time which were the Desert Claim Project and the Wild
21 Horse Project, and then the Supplemental Draft EIS then
22 contrasted potential environmental impacts of these
23 hypothetical projects with the impacts expected from the
24 Kittitas Valley Project.

25 We received written comments and public oral

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1 comments on that document, and in addition any comments
2 received today we'll be considering all of those comments
3 in the preparation of the final environmental impact
4 statement for this project. So if you've already
5 submitted a comment on that Supplemental Draft EIS and on
6 the Off-site Alternative Analysis, it's still on the
7 record and it's still being considered.

8 So the purpose of today's hearing is for the
9 Council to receive comments specifically on the
10 Supplemental Draft Environmental Impact Statement issued
11 in August 2004.

12 We'd like to remind you, however, that you
13 can still submit comments of a general nature by e-mail or
14 mail to our office. These general comments will be
15 accepted up to the close of the adjudicative hearings and
16 we will notice the deadline of that comment period in the
17 future. So you're still more than welcome to send us an
18 e-mail or any additional information that you want the
19 Council to consider with respect to the Kittitas Valley
20 project.

21 I think that is all I had to say, Chair
22 Luce.

23 CHAIR LUCE: Thank you, Ms. Makarow. We
24 have several people who have signed up to testify. Darryl
25 Piercy, Kittitas County. Mr. Piercy, welcome back.

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1 the addendum. We just must have misunderstand then when
2 we sought clarification at your last meeting where you
3 were going to allow for some comment period for the
4 addendum. But if we misunderstood, we have no problem
5 with that.

6 CHAIR LUCE: We will be considering your
7 letter when you submit it with respect to the addendum.

8 MR. PIERCY: Okay. Thank you. In regards
9 to the Draft Supplemental EIS, I will limit my comments to
10 be very brief and very narrow and then just to indicate to
11 you that we have previously submitted comments to the
12 record in regards to the Draft Supplemental EIS and would
13 like to make those noted.

14 However, I would like to point out that
15 those were done by a department that was under different
16 leadership at that time and also by planners that are no
17 longer part of our department. I would suggest to you
18 that the comments that were submitted would not
19 necessarily reflect the tone of the comments as they would
20 be submitted today; that we would like to look for
21 cooperation and facilitation of the project rather than
22 confrontation. In reading those comments, my sense was as
23 the director of the department today they would not
24 reflect the tone in which we would want to have them
25 submitted. Although many of the elements that were

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1 addressed and identified we believe are accurate, we do
2 believe that we would like to address those in the spirit
3 of finding solutions to those concerns and issues in
4 coming with up a cooperative effort to resolve those.

5 So with that said, I would be happy to
6 answer any questions that the board might have.

7 CHAIR LUCE: Thank you, and I just would
8 note for the record as I did with Mr. Hurson that the
9 spirit of cooperation between Kittitas County and the
10 Energy Siting Council is significantly different today
11 than it was when we first began this process.

12 MR. PIERCY: Well, we do appreciate your
13 notation of that, and from our perspective we agree and we
14 would like to see that kind of approach continue.

15 CHAIR LUCE: It will.

16 Any questions from Councilmembers?

17 MS. TOWNE: Ms. Makarow, do we have the
18 County's earlier submittal?

19 MS. MAKAROW: We have them at the office.
20 We don't have them here today. I would be happy to
21 circulate them.

22 CHAIR LUCE: Thank you.

23 The next party to testify signed in as
24 Kittitas Audubon which I don't think is the party's name.

25 MS. NELSON: I'll fly over.

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1 CHAIR LUCE: Oh, you'll fly over. All
2 right. As long as you're not a raptor. We're worried
3 about our sage grouse here. If you could just state your
4 name and address for the record.

5 COMMENTS BY JANET NELSON

6 Sure. My name is Janet Nelson, and I live
7 at Lake Kachess up in the upper county, P.O. Box 203,
8 Easton, Washington.

9 CHAIR LUCE: Thank you.

10 MS. NELSON: We assumed that this would be
11 our final chance to say something about the DEIS and the
12 Supplemental DEIS, and it having been two years since the
13 DEIS was done, there is some new information that we have
14 that we feel is important.

15 CHAIR LUCE: We would encourage you to
16 submit that for the record.

17 MS. NELSON: You mean in writing but not
18 now?

19 CHAIR LUCE: You can tell us what it is and
20 then give it to us in writing, in both barrels.

21 MS. NELSON: Okay. Bang, bang. One issue
22 is that in 2004 during the summer in response to an order
23 to investigate high levels of bat kills in two small
24 projects in the North Atlantic States nocturnal bat
25 studies were done by Merlin Tuttle who is a very famous

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1 bat expert for the Bat and Wind Energy Cooperative, BWEC,
2 which is a consortium of government conservation and wind
3 industry group and wildlife people; and they were done at
4 those two wind farms where all those kills occurred.

5 They used thermal infrared video technology
6 which can differentiate between birds, bats, and insects,
7 and this is a cutting edge technology. And they did that
8 at night and then followed with the bat fatality studies
9 in the morning; so it's a very rigorous study that's done.
10 And between August 1 and September 13 of 2004 the
11 following bat kills were observed. The average of the
12 fatalities at the two facilities was estimated to be
13 between 1,764 and 2,900 bats killed within a six-week
14 period. So they assumed that more would have been killed
15 during the entire time that you would expect to find bats
16 in the area which would have been spring, summer, and
17 through early November.

18 This BWEC is attempting to do further
19 research to find methods such as feathering with blades
20 during periods of low wind which is when most of the bats
21 were killed and testing acoustic detectors and some other
22 methods to help alleviate the problems. But so far they
23 haven't found anyone to help with the project, host the
24 research, and they've been denied access to the sites. We
25 hope that's changed. There was no research shown on the

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1 website for the BWEC and Bat Conservation International
2 for this past year. And I would like to remind you that
3 night studies were not done on the Kittitas Valley Project
4 to show any affect on night migrating either bats or
5 birds, and the majority of passerines travel at night so
6 you really don't know.

2(3)

7 In addition, the winds are strongest in this
8 location both during the spring and fall, which is exactly
9 when birds and bats are migrating, increasing the chances
10 for them to be hit by the blades. And we are especially
11 concerned for bats on this project because of the
12 proximity of forested areas in the Elk Springs area which
13 are within--the turbines would be within perhaps a mile of
14 the forested areas. This is where the birds migrate.
15 They live in the forested areas and migrate along the
16 ridges there assumably. I mean we don't really know
17 because no studies have been done.

2(4)

18 And then local experts including Phil Maddox
19 of this area expressing a concern for the funnel effect
20 which the major concern for this is in the area of this
21 project because you have ridges come together and funnel
22 migrating raptors and other birds into the Kittitas
23 Valley. For years Bat Conservation International had a
24 facility for following raptor migration just north of the
25 Kittitas Valley at Diamond Head, and they considered the

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1 whole eastern range of the north south ridges to be a
2 migratory flyway.

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3 Also I noticed in the supplemental--is the
4 one thing I will say about the Supplemental EIS--that they
5 say that the Kittitas Valley is located within the Pacific
6 flyway. Because it is located close to the Cascade
7 Mountains and the Yakima River it may have a higher
8 incidence of use by migratory birds from Wild Horse.

2(7)

9 We've had concerns previously for mortality
10 estimates being based on extrapolation from other sites
11 which were not similar, and that the true cumulative
12 impacts of the wind farms in the region are not being
13 considered. An Audubon State of the Birds report found
14 that of the 317 species of birds that live or migrate
15 through Washington every year 93 species and four
16 subspecies are at risk. This means that almost one-third
17 of our birds in this state are vulnerable to drastic
18 population declines.

2(8)

19 Just recently I've become aware that there
20 had been the killing of four--this is in Europe--four rare
21 endangered sea eagles at a wind farm that was placed on an
22 island in the north Atlantic. Several of those were found
23 sliced up by the turbines, and we feel there is a
24 potential for bald eagle kills on this wind power project,
25 especially the springs turbines that are located closest

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1 to the Yakima River. That is where you see bald eagles up
2 there. One day a couple years ago I remember someone
3 remarking they were driving Highway 10, which I understand
4 is how many of you got here today. They saw 12 bald
5 eagles flying up above the ridge in the area of the wind
6 farm.

2(10)

7 Many of our concerns are now being expressed
8 by others. Most recently and most notably by the
9 Government Accounting Office. There was a study done at
10 the request of a congressman from several of these eastern
11 states where there were these many bat kills, and they
12 published a report called the Report on Wind Power Impacts
13 on Wildlife and Government Responsibilities for Regulating
14 Development and Protecting Wildlife, and I have a copy of
15 that for you, as well as a copy of the update on bat
16 studies that were done.

2(11)

17 There are five of our concerns that were
18 expressed in here, and these are just taken out of the
19 document in various places where we saw them. Once
20 thought to have practically no adverse environmental
21 impacts it is now recognized that wind power facilities
22 can have adverse affects, particularly on wildlife and
23 most significantly birds and bats.

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24 Another one is large numbers of birds and
25 bats are believed to follow and cross through many parts

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1 of the United States, including along mountain ridges,
2 during seasonal migration. Consequently, wind power
3 projects located in these areas could potentially impact
4 these species.

2(13)

5 Three, there is a shortage of information on
6 migratory bird routes and bat behavior, as well as ways in
7 which topography, weather, and turbine type affect
8 mortality.

2(14)

9 Four, studies conducted at one location can
10 rarely be used to extrapolate potential impacts or
11 mitigation effectiveness at other locations.

2(15)

12 And, five, it appears when new wind power
13 facilities are permitted no one is considering the impacts
14 of wind power on a regional or ecosystem scale but often
15 spans governmental jurisdictions.

2(16)

16 We feel that this is not an appropriate site
17 for a wind farm from an environmental perspective.
18 Migratory birds and bats have not been considered at all,
19 and there is a potential for a negative impacts on them.
20 Kittitas Audubon feels that because of these environmental
21 deficiencies in the inappropriateness of the location that
22 the no-action alternative should be selected for this
23 project.

24 CHAIR LUCE: Thank you. Councilmembers have
25 any questions?

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1 MS. TOWNE: Yes, I do.

2 Ms. Nelson.

3 MS. NELSON: Yes.

4 MS. TOWNE: Item No. 4 I'm paraphrasing just
5 as I remember it; that study data may not be transferable
6 to other areas, something to that effect.

7 MS. NELSON: Yes.

8 MS. TOWNE: And yet you cited to an Atlantic
9 state study on bats, and I'm wondering how applicable that
10 data would be.

11 MS. NELSON: No one knows.

12 MS. TOWNE: Do our bats roost nearby into
13 caves or trees or whatever?

14 MS. NELSON: You know what? No one knows
15 much about bats. I have bats that live in my house up in
16 the ceiling and I know they're there in the summertime,
17 and I've had people in to look at them, and they're
18 telling me they go somewhere but no one knows where.

19 MS. TOWNE: And then you said they counted
20 bat fatalities. But how many bats were out there flying
21 during that same period? Are we talking .0001 of
22 fatalities, or .1 or 1? Do we know? Do you have any
23 clue?

24 MS. NELSON: I don't think--well, I don't
25 think they--I don't know that you could count that

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1 exactly, you know.

2 MS. TOWNE: It is hard on that bat to die
3 but is it--

4 MS. NELSON: That is a lot of bats.

5 MS. TOWNE: But it depends on how many
6 millions are in there that come out in kill.

7 MS. NELSON: It's a staggering amount of
8 kill.

9 MS. TOWNE: I just was curious if the study
10 said.

11 MS. NELSON: You know, they use this video
12 camera more to watch what was going on. Like they noted
13 that bats would fly up to the turbines like they were
14 investigating. Yes, I thought that was really
15 interesting. But they used that technology primarily to
16 investigate what the interactions was between the bats and
17 the turbines, and they weren't counting. They had a hard
18 enough time differentiating between, and this is the first
19 time I think that there's been a technology where you
20 could differentiate between birds and bats and insects.
21 The radar that's the problem.

2(18)

22 MS. TOWNE: Do you know what kind of
23 equipment was being used? Is it similar to the equipment
24 proposed for the KV project: width, diameter, height,
25 speed, location?

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1 MS. NELSON: You know, I don't really know,
2 but these are new projects. One of them for sure has been
3 built during the time that this project was being
4 considered because I saw things on the internet, and there
5 was something that we submitted probably for this project
6 for the DEIS, a letter from Fish and Wildlife Service on
7 the Meyersdale, Pennsylvania project asking them to do
8 some things, you know, environmentally for that. And
9 that's one of the projects that so many bats were killed.

2(18)

10 MS. TOWNE: Thank you.

11 CHAIR LUCE: Any other Council questions?

12 I just need clarification on what
13 Councilperson Towne's comment was. You were reading the
14 points from the GAO study?

15 MS. NELSON: Yes.

16 CHAIR LUCE: And the GAO study said no
17 extrapolation was possible from one site to another?

18 MS. NELSON: Uh-huh.

19 CHAIR LUCE: And you agree with that?

20 MS. NELSON: Yes, I've heard that before so
21 we do believe that. Other Audubon people say that.

22 CHAIR LUCE: Thank you.

23 MS. NELSON: Okay. Thank you.

24 CHAIR LUCE: The next person signed up to
25 testify is Keith Johnson. Keith.

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COMMENTS BY KEITH JOHNSON

1 Thank you for the letting me testify. My
2 name is Keith Johnson. I live at 3050 Airport Road, Cle
3 Elum, Washington. I'm representing myself and hopefully
4 the birds and bats. I believe the SDEIS although reducing
5 the site of the Kittitas Valley Wind Power Project to some
6 6,000 acres and the number of turbines to 64 still does
7 not result in a reason to approve this project. These are
8 some of the issues I believe make my case for denial of
9 this project.
10

11 One, there will be an impact to avian
12 species. The rapid increase for permits and application
13 for permits for the wind farm mainly due to the federal
14 and state subsidies and the international policy by
15 federal and state governments is generating a caution to
16 reassess regulation in the wind industry, and I think this
17 is, you know, a lot of the information is coming out in
18 the current media, whatever, saying that there is a rapid
19 problem with the amount of wind farm going in and what
20 we're going to do.

21 A congressional investigation report by the
22 Government Accounting Office states much work remains
23 before scientists have a clear understanding of the true
24 impacts to wildlife from wind power, and I think this goes
25 along with what Janet Nelson was citing on the Government

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1 Accounting Office. This is an extrapolation on that
2 report.

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3 Some of the environmental issues. There
4 will be an environmental impact to wildlife and their
5 habitat. The turbines will kill birds and bats, and the
6 substantial loss of their habitat is a great concern to
7 me. The birds and bats use the same land and air for
8 their habitat as the project area with its turbines. The
9 extent of this loss if you take the 6,000 acres and 410
10 feet of the turbines cumulates to 2,460,000 acre feet of
11 air space of bird habitat that can only be felt by the
12 birds and bats, and once they're up it's for an eternity.

3(3)

13 Putting this into perspective, compare the
14 loss of those two million plus acre feet of bird habitat
15 to the 400,000 acre feet of irrigation water from Lake Cle
16 Elum; and if we were to lose this irrigation water, the
17 agriculture society would be up in arms. The same thing
18 for the birds and bats.

19 Some environmental statements on I think the
20 reason to deny this project. One was our own Judge
21 Michael E. Cooper who wrote in his ruling in an appeal by
22 enXco to the Board of County Commissioners decision to
23 deny the Desert Claim project: The visual and aesthetic
24 element is recognized as part of the environment that is
25 to be maintained and enhanced.

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1 Also another comments by Terrence Wall,
2 author of Birds of Washington State: I'm not optimistic.
3 Birds are an indicator species reflecting back to us what
4 is going on out there, and I'm afraid our eye-opening
5 awareness will come when it's too late to save what is
6 left.

3(5)

7 I think also the property values that the
8 DEIS basically says there won't be an impact to property
9 values, but I just can't imagine that it won't be with the
10 410-foot turbines in your view. And the view shed stated
11 in the DEIS takes the whole view of the area, and if they
12 have 410 turbines in every view which I think is a
13 detriment to the preferred view of the people living there
14 or want to live there.

3(6)

15 Also it seems that it is not the preferred
16 view of Puget Sound Energy as they are requesting moving
17 the 230 kV transmission line from their field of view at
18 the Wild Horse Wind Power Project, and this is part of the
19 addendum to the Final EIS of the Wild Horse project. I
20 think the point is, is turbines in your view do not make a
21 difference but in our view they do.

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22 In summary, because of the impact to
23 wildlife and the numerous environmental issues and impact
24 to property values, I recommend EFSEC choose the no-action
25 alternative.

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1 CHAIR LUCE: Thank you. Any questions,
2 Councilmembers, for Mr. Johnson?

3 I just have a couple. Do you have any
4 specific information regarding the impact on the property
5 values associated with the KV site?

6 MR. JOHNSON: No, the only thing that I was
7 looking in the DEIS and looking at their section on
8 property values, and they did state in there the town of
9 Touchet and the state farm or the Stateline Wind Power
10 Project that their property values weren't affected to
11 people's property values. And I don't know how many
12 people have been to Touchet and seen that Stateline, but
13 Touchet is, the City of Touchet is nothing like Kittitas
14 Valley. And so my point is if that is part of their
15 analysis and knowing what I'm familiar with, and a lot of
16 them are out of state, it's apples and oranges.

17 CHAIR LUCE: So you'd also agree with the
18 statement that was previously offered that you can't
19 extrapolate from one site to another?

20 MR. JOHNSON: Yes.

21 CHAIR LUCE: Either property values or on
22 birds or bats?

23 MR. JOHNSON: Every site should be taken in
24 its entirety.

25 CHAIR LUCE: Do you have any specific

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1 information on potential bird or bat kill on that site?
2 Any specific information to if we can't extrapolate from
3 other areas do you have any specific information as
4 regards to this site?

5 MR. JOHNSON: From Stateline?

6 CHAIR LUCE: No, no. Stateline is another
7 site. Do you have any specific information with respect
8 to the KV site?

9 MR. JOHNSON: Only what's in--only what they
10 have in their EIS.

11 CHAIR LUCE: Thank you. You don't have
12 anything beyond that?

13 MR. JOHNSON: No.

14 CHAIR LUCE: Thank you. I appreciate your
15 testimony.

16 Mr. Desmond Nudson or Knudson? I probably
17 mispronounced that.

18 MR. KNUDSON: You did great on the second
19 time.

20 CHAIR LUCE: It's kind of like Luce. They
21 usually say Lucy.

22 MR. KNUDSON: Yes, exactly. It's getting
23 warm. I'm going to take my coat off.

24 CHAIR LUCE: Make yourself comfortable.

25 MR. KNUDSON: Thank you. Irina, I brought

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1 this to submit to you. I'm doing this pretty oral as I
2 did get unfortunately late notice of this. Not from you
3 but just from the time I read it on my e-mail. It's like,
4 oh, that's the next day.

5 COMMENTS BY DESMOND KNUDSON

6 I am going to get down to mainly to rebuttal
7 to some of the last witnesses on this bird issue because
8 the issues are already there. They're called transmission
9 lines. And this site is studied by this group and other
10 groups on what kind of bird kills we have. Unfortunately
11 the Kittitas Audubon Society are interested in this but
12 not interested in land rezone or development and then what
13 those people and their pets will do to the bird and bat
14 population when they move in. They will not survive
15 humans. They have a chance to survive machines.

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4(2)

16 This area has and is one of the best wind
17 areas in the state. Our President of the United States on
18 January 31 of this year said we need to get off our oil
19 addiction and start using alternative energy, and one of
20 those alternative energy is wind energy. We must remember
21 that that is what Kittitas Valley is known for. It is
22 known for its wind blowing all the time. When you meet
23 somebody from Kittitas Valley you ask them, "How's the
24 wind Blowing?" You don't ask them, "How does Mount
25 Stewart Range look?" Not that that would be disrupted by

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1 this.

2 As a local individual who's lived here my
3 whole life those power transmission lines have been out
4 there my whole life. They stand on an average of 120 feet
5 tall the towers themselves which puts the wires
6 approximately at 100 to 120 feet off the ground also. The 4(4)
7 bird kills I'm sure were studied by our government state
8 wide and federal since they are BPA lines. Puget Sound
9 Energy also has transmission lines going through there.
10 If there was a better location than that, it was maybe
11 Whiskey Dick, and that is where one of these is going to.

12 As long as the sun comes up, the wind will
13 blow through here. This is a dry arid land that people
14 and animals as in pets should not reside because they can
15 and will cause damage to the environment out there by wild
16 fires, pets, garbage, on and on and on.

17 Let's see here. The last thing is the view
18 shed is obviously something that to each your own.
19 Everybody has a different view shed including myself. I 4(5)
20 believe the wind tower farms I'd seen from California to
21 British Columbia look beautiful. That doesn't mean my
22 neighbor thinks that.

23 This has been very well studied, and this
24 was one of the very first projects considered by at the
25 time Zilkha Energy. So it has been researched and has

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1 been looked at. I support and hope you support the
2 approval of this. Thank you.

3 CHAIR LUCE: Thank you. If you have
4 anything in writing which you wish to submit, but it's not
5 necessary at all. Anybody who wants to submit anything
6 can do so. Although it's the end of today, Allen; is that
7 right?

8 MS. MAKAROW: It was by the end of this
9 meeting.

10 CHAIR LUCE: Yes, by the end of this
11 meeting.

12 MR. FIKSDAL: For the Supplemental DEIS.

13 CHAIR LUCE: For the supplemental. Now, of
14 course, we have the ongoing process, and we will receive
15 comments on that throughout the adjudicative process.

16 Any questions from Councilmembers, comments,
17 other public testimony, people who didn't sign up who are
18 moved to speak at this point?

19 Hearing none, I will close the opportunity
20 for additional public comment on the supplemental for
21 Kittitas Valley. Before we conclude today, I just want to
22 make all of you know that the Council continues to be
23 committed to meeting in public hearings in Ellensburg and
24 in the immediate vicinity. It's our priority to listen
25 carefully to the people over here and we welcome, Patti,

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1 who's now sitting with us on Kittitas Valley. No doubt or
2 ambiguity about what the statutes say there.

3 We will continue to listen very closely to
4 the people of this community as it concerns their interest
5 in siting these projects. So thank you very much, and the
6 Energy Siting Council stands adjourned.

7 * * * * *

8 (Whereupon, the public hearing was adjourned
9 at 2:33 p.m.)

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PUBLIC SPEAKERS	PAGE
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A F F I D A V I T

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 February 2, 2006,
in Ellensburg, Washington.

Shaun Linse, CCR
CCR NO. 2029

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