BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of:
Application No. 2003-01
SAGEBRUSH POWER PARTNERS, LLC
KITTITAS VALLEY WIND POWER PROJECT

Supplemental DEIS
Public Hearing

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.

EPSEC originally issued the Draft Supplemental EIS for the Kittitas Valley Project in August 2004, and at that time EPSEC noticed issuance of the document, accepted written comments during the 30-day
comment period, and also conducted a public hearing in Ellensburg.

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

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

We received written comments and public oral
comments on that document, and in addition any comments received today we’ll be considering all of those comments in the preparation of the final environmental impact statement for this project. So if you’ve already submitted a comment on that Supplemental Draft EIS and on the Off-site Alternative Analysis, it’s still on the record and it’s still being considered.

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

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

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

CHAIR LUCE: Thank you, Ms. Makarow. We have several people who have signed up to testify. Darryl Piercy, Kittitas County. Mr. Piercy, welcome back.
Thank you, Mr. Chair, Members of the Board. 
For the record, Darryl Piercy, Director of Community 
Development Services for Kittitas County. Just a 
clarification, if I may, before I provide you with my 
testimony this afternoon. We were at least of the 
understanding that you were interested and were able to 
take consideration of comments on the addendum to the 
Draft Supplemental EIS as well, but it’s my understanding 
that you’re only looking today for comments on the Draft 
Supplemental EIS rather than any comments associated with 
the addendum; is that accurate?

MS. MAKAROW: That is correct.
MR. PIERCY: Okay. So if I may ask one 
question in regards to the addendum. Will you still be 
accepting written comment then in regards to any testimony 
for the addendum?

MS. MAKAROW: Well, the addendum did not 
have a requirement for a public comment period. Certainly 
if the County wants to submit a letter that states 
whatever comments it might have on the addendum, it can do 
so, but we will consider those to a limited extent with 
respect to the SEPA document.

MR. PIERCY: Okay. We were aware of that. 
We’re fine with that, and we understand the process for
the addendum. We just must have misunderstand then when
we sought clarification at your last meeting where you
were going to allow for some comment period for the
addendum. But if we misunderstood, we have no problem
with that.

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

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

However, I would like to point out that
those were done by a department that was under different
leadership at that time and also by planners that are no
longer part of our department. I would suggest to you
that the comments that were submitted would not
necessarily reflect the tone of the comments as they would
be submitted today; that we would like to look for
cooperation and facilitation of the project rather than
confrontation. In reading those comments, my sense was as
the director of the department today they would not
reflect the tone in which we would want to have them
submitted. Although many of the elements that were
addressed and identified we believe are accurate, we do believe that we would like to address those in the spirit of finding solutions to those concerns and issues in coming with up a cooperative effort to resolve those.

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

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

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

CHAIR LUCE: It will.

Any questions from Councilmembers?

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

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

CHAIR LUCE: Thank you.

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

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

COMMENTS BY JANET NELSON

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

CHAIR LUCE: Thank you.

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

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

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

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

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

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

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

This BWEC is attempting to do further research to find methods such as feathering with blades during periods of low wind which is when most of the bats were killed and testing acoustic detectors and some other methods to help alleviate the problems. But so far they haven't found anyone to help with the project, host the research, and they've been denied access to the sites. We hope that's changed. There was no research shown on the
website for the BWEC and Bat Conservation International for this past year. And I would like to remind you that night studies were not done on the Kittitas Valley Project to show any affect on night migrating either bats or birds, and the majority of passerines travel at night so you really don't know.

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

And then local experts including Phil Maddox of this area expressing a concern for the funnel effect which the major concern for this is in the area of this project because you have ridges come together and funnel migrating raptors and other birds into the Kittitas Valley. For years Bat Conservation International had a facility for following raptor migration just north of the Kittitas Valley at Diamond Head, and they considered the
whole eastern range of the north south ridges to be a
migratory flyway.

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

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

Just recently I've become aware that there
had been the killing of four--this is in Europe--four rare
endangered sea eagles at a wind farm that was placed on an
island in the north Atlantic. Several of those were found
sliced up by the turbines, and we feel there is a
potential for bald eagle kills on this wind power project,
especially the springs turbines that are located closest
to the Yakima River. That is where you see bald eagles up there. One day a couple years ago I remember someone remarking they were driving Highway 10, which I understand is how many of you got here today. They saw 12 bald eagles flying up above the ridge in the area of the wind farm.

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

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

Another one is large numbers of birds and bats are believed to follow and cross through many parts
of the United States, including along mountain ridges, during seasonal migration. Consequently, wind power projects located in these areas could potentially impact these species.

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

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

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

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

CHAIR LUCE: Thank you. Councilmembers have any questions?

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MS. TOWNE: Yes, I do.

Ms. Nelson.

MS. NELSON: Yes.

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

MS. NELSON: Yes.

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

MS. NELSON: No one knows.

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

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

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

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

MS. TOWNE: It is hard on that bat to die

but is it--

MS. NELSON: That is a lot of bats.

MS. TOWNE: But it depends on how many

millions are in there that come out in kill.

MS. NELSON: It's a staggering amount of

kill.

MS. TOWNE: I just was curious if the study

said.

MS. NELSON: You know, they use this video

camera more to watch what was going on. Like they noted

that bats would fly up to the turbines like they were

investigating. Yes, I thought that was really

interesting. But they used that technology primarily to

investigate what the interactions was between the bats and

the turbines, and they weren't counting. They had a hard

enough time differentiating between, and this is the first

time I think that there's been a technology where you

could differentiate between birds and bats and insects.

The radar that's the problem.

MS. TOWNE: Do you know what kind of

equipment was being used? Is it similar to the equipment

proposed for the KV project: width, diameter, height,

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

MS. TOWNE: Thank you.

CHAIR LUCE: Any other Council questions?

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

MS. NELSON: Yes.

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

MS. NELSON: Uh-huh.

CHAIR LUCE: And you agree with that?

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

CHAIR LUCE: Thank you.

MS. NELSON: Okay. Thank you.

CHAIR LUCE: The next person signed up to testify is Keith Johnson. Keith.
COMMENTS BY KEITH JOHNSON

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

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

A congressional investigation report by the Government Accounting Office states much work remains before scientists have a clear understanding of the true impacts to wildlife from wind power, and I think this goes along with what Janet Nelson was citing on the Government
Accounting Office. This is an extrapolation on that report.

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

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

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

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

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

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

In summary, because of the impact to wildlife and the numerous environmental issues and impact to property values, I recommend BFSEC choose the no-action alternative.
CHAIR LUCE: Thank you. Any questions, Councilmembers, for Mr. Johnson?

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

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

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

MR. JOHNSON: Yes.

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

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

CHAIR LUCE: Do you have any specific
information on potential bird or bat kill on that site?
Any specific information to if we can't extrapolate from
other areas do you have any specific information as
regards to this site?

MR. JOHNSON: From Stateline?
CHAIR LUCE: No, no. Stateline is another
site. Do you have any specific information with respect
to the KV site?

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

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

MR. JOHNSON: No.

CHAIR LUCE: Thank you. I appreciate your
testimony.

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

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

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

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

CHAIR LUCE: Make yourself comfortable.

MR. KNUDSON: Thank you. Irina, I brought
this to submit to you. I'm doing this pretty oral as I
did get unfortunately late notice of this. Not from you
but just from the time I read it on my e-mail. It's like,
oh, that's the next day.

COMMENTS BY DESMOND KNUDSON

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

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

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

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

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

This has been very well studied, and this was one of the very first projects considered by at the time Zilkha Energy. So it has been researched and has
been looked at. I support and hope you support the approval of this. Thank you.

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

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

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

MR. FIKSDAL: For the Supplemental DEIS.

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

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

Hearing none, I will close the opportunity for additional public comment on the supplemental for Kittitas Valley. Before we conclude today, I just want to make all of you know that the Council continues to be committed to meeting in public hearings in Ellensburg and in the immediate vicinity. It's our priority to listen carefully to the people over here and we welcome, Patti,
who's now sitting with us on Kittitas Valley. No doubt or ambiguity about what the statutes say there.

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

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(Whereupon, the public hearing was adjourned at 2:33 p.m.)
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Kittitas Valley Wind Power Project
Final EIS
Responses to Comments
February 2007
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 February 2, 2006, in Ellensburg, Washington.

______________________________
Shaun Linse, CCR
CCR NO. 2029

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