

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of:)
 Application No. 2003-01)
)
 SAGEBRUSH POWER PARTNERS, LLC,) Special Meeting
)
 KITTITAS VALLEY WIND POWER PROJECT) Pages 1 - 78
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)

A special meeting in the above matter was held in the presence of a court reporter on July 17, 2007, at 6:30 p.m., at Kittitas County Fairgrounds, 512 North Poplar Street, Home Arts Building, in Ellensburg, Washington, before Energy Facility Site Evaluation Councilmembers.

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CHAIR LUCE: Good evening. My name is Jim Luce. I'm the Chair of the Washington State Energy Facility Site Evaluation Council. This is a special meeting of the Council to receive comments on an issue raised by the Governor in Project 2003-01, Kittitas Valley Wind Project. I'm going to turn this over to our Administrative Law Judge Adam Torem in just two seconds, but I would for those of you who have letters from the Governor, copies of the letter, remind you that the purpose of tonight's meeting is solely, solely focused on the need to determine whether the project's additional setbacks beyond four times the height for nonparticipating landowners are achievable while allowing the project to remain economically viable. That's what the Governor asked us to look at. We're not reopening the adjudicative

1 record. This is not a new adjudication. We are asking
2 for your comments as they may exist solely with respect to
3 that issue, not wildlife, not preemption, not fish, but
4 that issue.

5 Clerk, call the roll, please.

6 MR. FIKSDAL: Department of Community Trade
7 and Economic Development?

8 MR. FRYHLING: Dick Fryhling is here.

9 MR. FIKSDAL: Department of Ecology?

10 MS. ADELSMAN: Hedia Adelsman here.

11 MR. FIKSDAL: Department of Fish and
12 Wildlife?

13 MS. TOWNE: Chris Towne is here.

14 MR. FIKSDAL: Department of Natural
15 Resources?

16 MS. WILSON: Judy Wilson is here.

17 MR. FIKSDAL: Kittitas County?

18 MS. JOHNSON: Patti Johnson here.

19 MR. FIKSDAL: And Mr. Chairman I note that
20 Tim Sweeney with the Utilities and Transportation
21 Commission is excused.

22 CHAIR LUCE: Thank you. There is a quorum.
23 Now Judge Torem will handle the balance of
24 this hearing this evening.

25 JUDGE TOREM: Well, good evening, Everyone.

1 Some of you are shocked that we're back and some of us
2 were shocked by the Governor's letter telling us to look
3 at something again. We had some time and I know you had
4 some weeks to look over the June 22 letter from Governor
5 Gregoire, and as Chairman Luce pointed out, and I hope our
6 notice was clear from last week scheduling this meeting.
7 It's a very limited issue, and I just want to articulate
8 quickly what we're doing tonight and we're not. We have
9 an option down the road perhaps depending on what we heard
10 this afternoon from all the parties in this case and what
11 else we might hear tonight to reopen the formal
12 adjudication in this case. That's not what tonight is.

13 If the Council thinks that that's what they
14 need to do in order to answer the Governor's letter,
15 they're going to decide sometime hopefully the last week
16 of the month, and we'll be able to get back to Ellensburg
17 if that's necessary.

18 What we want to do tonight is remind folks
19 we did create a record before where there was your
20 comments that were considered and what came out of the
21 EFSEC process, and the recommendation that the Governor
22 approved the Kittitas Valley Wind Farm Project. However,
23 the Governor had a question on setbacks and she made it
24 clear that she thought the Council did a good job with
25 everything else. So tonight we're asking for comments to

1 tell us where in the record you might find the basis to
2 tell us to go back and think about what the Governor said
3 before we decide how we answer her letter. We thought it
4 was important to come back and give the people of Kittitas
5 County an opportunity to comment on what they thought
6 about the letter within the confines of what Chairman Luce
7 had pointed out. I recommended that Chairman Luce and I
8 worked on coming up with these signs that you see on my
9 right and my left that ask you the types of questions that
10 you might address in the comments. It says: Are
11 additional setbacks achievable beyond the four times
12 height standard previously recommended by the Council?
13 That's essentially what the Governor asks us to look at.
14 If so, you think so, where? Which nonparticipating
15 landowners would those additional setbacks or additional
16 mitigation benefit? Which turbines or strings would be
17 impacted and what affect would that additional measure
18 have on the overall project?

19 I didn't put the words on the economic
20 viability up there on the project because we thought in
21 the first reading of this letter that's where the emphasis
22 was, but on further interpretation and as we heard from
23 the parties many this afternoon many of them thought as
24 well there's nothing in the record about economic
25 viability, and that may be for a reason; that the EFSEC

1 statute doesn't really address it. So if the Governor
2 wants us to go back and find that, we're going to have to
3 reopen the adjudication.

4 At this point we're looking tonight for ways
5 to get this back to the Governor on the record that exists
6 unless we agree with you and with the people we might have
7 heard from this afternoon that the record is inadequate
8 somehow to answer the Governor's letters. If it's not,
9 then the quickest way back to the Governor is for us to
10 decide do we send it back as is or do we send it back with
11 some additional mitigation required of the project.

12 So if we can solve the Governor's problem as
13 we read it the first couple ways, we'll try to do that and
14 make things as expedited as possible. If based on what we
15 heard both earlier this afternoon and tonight the
16 Councilmembers determine in their deliberative session
17 later this month or early August at that point they will
18 be making a response to the Governor, and at that point is
19 when they're going to decide is there enough evidence to
20 answer the letter or do we need to come back again.

21 Now, with that introduction I looked and
22 there are about 20 people who want to comment tonight.
23 We've done a little bit of homework from what was in the
24 record and come up with a list of the 16 nonparticipating
25 landowners who are directly impacted by this project.

1 Three of them--well, two of them plus one other who has
2 property but not a home yet are present tonight, and I
3 want to give them the opportunity to speak first out of
4 order from what they may have signed up because they are
5 the focus of the Governor's letter. I'm going to read the
6 list and if any of you are here tonight and haven't been
7 identified in who I'll tell you did sign up and you do
8 want to comment, please let us know. If you're here and
9 you just want to show that you're here and have it noted
10 in the record, please let me know that as well. You don't
11 have to feel obligated to speak.

12 So I'm going to go down the list. Let me
13 say that, first, that Wayne Bell is on the list to speak
14 and he's here tonight. Mike Robertson is on the list and
15 he's here to speak tonight. And also although not a
16 homeowner, Ed Garrett is here tonight and has signed up.
17 I would consider him to be a directly affected landowner
18 as well based on what's in the record and the location of
19 his property.

20 The other 14 owners are David Morraitis.
21 Are you here tonight here? I don't see him.

22 Claude Finch, Gregory Campbell, Jennifer
23 Gaskill, Mark Jackson, H.J. Havens.

24 Mr. Havens, you're here. Did you want to
25 speak tonight?

1 MR. HAVENS: I've got it here.

2 JUDGE TOREM: All right. You'll be
3 submitting written comments. Thank you, sir.

4 Travis Henson, Gary Ackerson, Dean Zellmer,
5 Michael Campbell, Colleen Hawley, Brett Thompson, Jess
6 Nelson, and the last is Albert Schwab.

7 Mr. Schwab, did you intend to comment
8 tonight?

9 All right. Had you already signed up,
10 ma'am?

11 MR. LULOFS: I live right next to it. Is my
12 name on there?

13 JUDGE TOREM: It may just be the ones that
14 were within the 2,500 feet. I'm not sure. So what's your
15 name?

16 MR. LULOFS: I'm suppose to be about--

17 JUDGE TOREM: What's your name, sir?

18 MR. LULOFS: Ed Lulofs.

19 JUDGE TOREM: All right. It may be that the
20 property was not in our records in your name, but I'll
21 make a note of that, sir.

22 Sir?

23 I thought I was signed on that piece of
24 paper.

25 What was your name, sir?

1 MR. BOYOVICH: David Boyovich. David J. I
2 signed something up there on that table.

3 JUDGE TOREM: What was your last name, sir?

4 MR. BOYOVICH: Boyovich, B-o-y-o-v-i-c-h.

5 JUDGE TOREM: Does your property border this
6 project?

7 MR. BOYOVICH: It sure does. Oh, I'm sorry.

8 JUDGE TOREM: You're thinking of the Desert
9 Claim Project, sir?

10 MR. BOYOVICH: Yeah.

11 JUDGE TOREM: All right. Another day for
12 that one. Sir, if you intended to comment and you signed
13 up, anybody that intended to comment needs to be on this
14 color sheet. If you're on a mailing list sheet, take care
15 of that now and make sure you see Ms. Talburt.

16 AUDIENCE MEMBER: I signed the wrong sheet I
17 think.

18 JUDGE TOREM: If any folks are not on this
19 orange color sheet, I'll call names and if there's others
20 at the end, fine. It looks like we have time for four
21 minutes per person, but the people that would be getting
22 called up first will be Ed Garrett, Mike Robertson, and
23 then Mr. Wayne bell and, Mr. Lulofs, I will call you
24 fourth then in that order.

25 MR. LULOFS: My property is located next to

1 the Desert Claims project.

2 JUDGE TOREM: Okay. Well, this isn't about
3 Desert claim so that's why you weren't on our list.

4 Let me be clear again. I recognize that
5 with the number of wind projects coming through this town
6 it's been a little overwhelming. We have the Wild Horse
7 project which is up and running and is no longer other
8 than as a matter of comparison relevant to this tonight.

9 The Desert Claim Project has yet to be set
10 for a date for adjudication. This is the Kittitas County
11 Wind Power Project located to the northwest of town on the
12 ridges going up Highway 97, not on the lower lands where
13 the Desert Claim Project has been proposed.

14 JUDGE TOREM: Yes, ma'am.

15 MS. WISE: I signed one but I don't know
16 which color.

17 JUDGE TOREM: It's okay, Ms. Wise. I don't
18 know if your name is on here. I haven't looked. But
19 we'll make sure that you're called.

20 Again if you did sign up and you happened to
21 get on the wrong page and you still want to speak, I will
22 call for those names of people to come up at the end.

23 MR. CRANE: Could you write mine on. I'm
24 David Crane.

25 JUDGE TOREM: All right. If you'll guide

1 your comments to these boards, the questions on the boards
2 there, I will make sure. I didn't call all the people on
3 the list. So if I didn't call your name, it doesn't mean
4 you're not on the list.

5 Ma'am.

6 AUDIENCE MEMBER: I believe you had another
7 colored list that said Guest Sign-In that many people
8 signed thinking they were signing to make comments.
9 What's the title of the list that you have?

10 JUDGE TOREM: The one that says Comment
11 Sign-In.

12 Ms. Talburt, what does the blue list say?

13 MS. TALBURT: EFSEC Council Meeting Guest
14 Sign-In Sheet.

15 JUDGE TOREM: So maybe there's some
16 confusion.

17 AUDIENCE MEMBER: So the Guest Sign-In
18 Sheet.

19 JUDGE TOREM: If any of you I don't have
20 your names on an orange comment sign-in sheet and want to
21 make sure you're going to be called, please go see
22 Ms. Talburt now and get on the comment sign-in sheet. I'm
23 sorry for this confusion.

24 AUDIENCE MEMBER: There wasn't a sheet over
25 there at six o'clock. The orange was not there.

1 JUDGE TOREM: All right. I'm going to give
2 folks four minutes per person tonight, and, again, as I
3 said the role here is to answer the Governor's question,
4 and it's within the realm I hope of what we got printed up
5 on the boards. Folks, if you do go too far astray or run
6 over the four minutes, I will give a sign when you're at
7 one minute and when your time is up. But if your comments
8 are not addressing the Governor's letter, I will interrupt
9 and ask you to focus in.

10 We also ask folks to bring their comments in
11 writing in case they might be longer than the time
12 allotted. If you have written comments that you brought
13 with you tonight, please provide them either directly to
14 Mr. Fiksdal at the end of your comments or give to
15 Ms. Talburt because when you leave tonight we won't be
16 accepting anything else that arrives at the office later.

17 AUDIENCE MEMBER: Another question.

18 JUDGE TOREM: Another question.

19 AUDIENCE MEMBER: So if you put your
20 comments in the box that said comment over there is that
21 the right box?

22 JUDGE TOREM: That's correct. If you turned
23 in comments in the comment box, we'll get them and make
24 them part of what the Council reviews for its
25 deliberations.

1 Are there any other questions before we get
2 started with the public comments? All right. I'm sorry
3 it got a little confusing tonight.

4 The first three speakers are going to be Ed
5 Garrett, Mike Robertson, and Wayne Bell. They are three
6 directly affected landowners for the Kittitas Valley Wind
7 Power Project, and then after that I will just go through
8 the list. If I don't call your name by the end of these
9 orange lists, please just come to the podium in an orderly
10 line and we'll give you another four minutes there at the
11 end.

12 Mr. Garrett, you can begin.

13 COMMENTS BY ED GARRETT

14 Good evening, Councilmembers. My name is Ed
15 Garrett and I represent myself tonight along with my wife
16 Rosemary Monnahan. We are owners of some property off
17 Highway 97 off Cricklewood Lane. We're directly adjacent
18 from J String, and currently there's a met tower about 450
19 feet on my west property line and proposed J-3 is going to
20 be currently the safety setback is 541 feet.

21 I've been planning to build a small
22 observatory, but it's been put off now for five years
23 because I have to wait until this project is decided.
24 That's what I purchased the property for. It's in a flat
25 area, 360-degree view, very dark sky, and so my project or

1 actually my land use that I'm going to use which is a
2 permitted use in this county will be taken away from me
3 without any compensation.

4 Reading the Governor's letter from June 22,
5 we kind of interpreted her remand as considering two
6 issues and it's already been addressed. One is setbacks
7 and the other is economic viability. I'm not going to get
8 too much into that. That was discussed this afternoon.

9 But my personal opinion is I don't think the
10 Governor or the EFSEC Council should consider any economic
11 viability for a private company. It's really none of your
12 business. It's up to the company to make a proposal.

13 During the public hearings in Kittitas
14 County that issue was brought up again today with the
15 Board of County Commissioners where it wasn't really
16 brought up, but it happened with a comment that Chris
17 Taylor made. Getting back to the official setbacks, the
18 Applicant as well as the EFSEC Council really failed to
19 address the issue of setbacks that were brought up by
20 BOCC, members of public, and numerous local landowners.
21 The Applicant has established that setbacks are to be only
22 from established residences and residences as of January
23 13, 2003. Hence, there's been some new development in
24 that area, but there's more for sale signs up there now
25 than there is any building going on.

1 This is a serious oversight. Setbacks
2 should be from established nonparticipating landowners at
3 their property line regardless of whether the landowner
4 has built a residence or not. The BOCC understood this
5 and discussed how a setback from just residence would
6 place encumbrance on those close nonparticipating
7 landowners, and those landowners would not be able to
8 build on their property where intended or where they want
9 to build but where they could build.

10 Some will be forced to build as far away
11 from the project as possible. A safety setback of 541
12 feet is not adequate from property lines and private
13 roads. I believe the issue of private roads isn't even in
14 question in the safety setback, public roads but not
15 private, but I may be wrong. But still 541 cannot be
16 adequate when a private road setback is going to be set
17 larger for a public road, and two main roads up there
18 would be Ellensburg Ranches Road, Cricklewood Lane, and
19 Elk Springs Road.

20 There are only two participating landowners
21 who live there either full time or part time. These are
22 landowners who signed contracts with Horizon. Out of the
23 13 landowners who signed leases compared to about there's
24 15 landowners with nonparticipating or nonparticipating
25 with Horizon that have residences at least 1,000 feet from

1 the proposed turbines. There are over 65 owners on the
2 periphery of this project who are not participating. My
3 wife and I are one of those. Move out to 2,000 feet or
4 2,500 feet and there's over 400 parcels involved.

5 One of the comments from Mr. Fryhling this
6 morning was there's about 6,000 acres out there. We
7 should be able to place this somewhere. Well, we can't.
8 Most of it's in private ownership or some of it belongs to
9 DNR.

10 This must be addressed and forwarded to the
11 Governor. She needs to understand the whole picture and
12 the impacts to the landowners of Kittitas County. By the
13 way, she also noted that Kittitas County voted down I-93.
14 Check out Sam Reed's election website. There's no mandate
15 for wind power in Kittitas County.

16 My recommendation is 2,000 feet from
17 nonparticipating property lines or more. 2,500 feet or
18 more from established residents who are not participating
19 in the project and 2,000-foot safety setback from all
20 private and public roads. Thank you.

21 JUDGE TOREM: Thank you, Mr. Garrett.

22 Mike Robertson.

23 COMMENTS BY MIKE ROBERTSON

24 My name is Mike Robertson. My wife and I
25 live at 4101 Bettas Road in Cle Elum. Our home is located

1 at 1,640 feet from Proposed Turbine A-1 or A-2. I'm not
2 really sure what it is at this point, but it's the head of
3 A string.

4 Again, my understanding Governor Gregoire
5 asked this Council to determine whether additional
6 setbacks can be implemented and still have the project
7 economically viable.

8 As far as I know Horizon Wind Energy has
9 never stated what constitutes economic viability for the
10 project so I'll offer information on setbacks only, not
11 knowing the affect on Horizon's business.

12 I would first like to say that economic
13 viability should not be a criterion for setbacks to site
14 an energy project. Setbacks are used to mitigate
15 identified impacts to protect the public health, safety,
16 and individual property rights. I would also like to note
17 that the Governor felt this Council was not given guidance
18 on what the setbacks should be. I disagree. The record
19 shows our locally elected county commissioners did provide
20 suggested setbacks and Horizon walked out of the meeting.

21 From what I can gather this Council relied on
22 one impact to arrive at the setback figure of four times
23 the height of the turbine. That impact is the visual
24 dominance of these machines on the surroundings.

25 Our county commissioners actually traveled to

1 an operational wind farm to assess this impact, as well as
2 the other documented impacts associated with these
3 facilities.

4 I offer a paper title The Visual Issue, an
5 Investigation into the Techniques and Methodologies used
6 in Wind Farm Visualizations by Allen McDonald, a
7 registered architect on behalf of Architect Animation
8 Studios in the U.K. It's dated 29 April 2007. This paper
9 points out the flaw of relying on visual simulations
10 supplied by wind power developers to determine visual
11 impacts. These machines are much more visually impactful
12 than the simulations entered into record portray.

13 Another impact that requires increasing the
14 setback from property lines is shadow flicker. The EIS
15 documentation clearly indicates approximately 2,000 feet
16 is required to eliminate this impact from adjoining
17 properties.

18 Finally, the largest impact associated with
19 win farm is noise. Not just a current legal definition of
20 noise but noise that actually affects the health of
21 certain susceptible individuals and could be classified as
22 a public nuisance. The unique sounds these large wind
23 turbines produce travels long distances and cannot be
24 mitigated with traditional sound proving techniques. The
25 only mitigation possible is increased setback distances.

1 There are many sources of information on the
2 distance required to mitigate this impact. I submit just
3 four papers on this subject. I believe they're already in
4 the public comment record, but I'm resubmitting them
5 because there is such a huge record. One of them is
6 entitled Health Effects of Wind Turbines Noise by Dr. Nina
7 Pierpont. She's an M.D. and a Ph.D. dated March 2, 2006.
8 Dr. Pierpont has determined to protect the public health
9 that industrial wind turbines not be placed within a
10 minimum of one and a half miles of human dwellings: homes,
11 hospitals, residential schools, nursing homes, prisons, or
12 schools.

13 Another paper entitled Wind Turbine Noise and
14 Health By Dr. Amanda Harry--she's in the U.K.--dated
15 February 2007. She too has determined that wind turbines
16 should not be located closer than one and a half miles to
17 an existing residence.

18 Another paper from France National Academy of
19 Medicine called for a 1.5 kilometer setback for all
20 industrial wind turbines from residents.

21 The United Kingdom Noise Association agrees
22 with France Academy of Medicine and recommendations a one
23 mile setback from the nearest dwelling.

24 In closing, Kittitas County already has an
25 example of an operational wind farm in the county that

1 this Council permitted. It meets all the setback criteria
2 I've just listed. Kittitas County Wind Power Project is
3 located in the wrong location. Thanks.

4 JUDGE TOREM: Thank you, Mr. Robertson.
5 Wayne Bell.

6 COMMENTS BY WAYNE BELL

7 My name is Wayne Bell.

8 JUDGE TOREM: You have to speak up. For
9 whatever reason the microphones are just not giving us as
10 much projection as we hoped tonight.

11 MR. BELL: My name is Wayne Bell. I'm here
12 tonight with my wife, and I am representing my children
13 and my grandchildren as well. We frequently live or stay
14 at our home on 3911 Bettas Road in Cle Elum. It's
15 adjacent to the property of my good friend Mike and
16 Ms. Robertson.

17 I hadn't met Mike before so I'm glad to
18 address some of those other issues. I'm going to try to
19 be very brief.

20 Mr. Fiksdal, Chairman Luce, Members of this
21 Council, the argument before us is a moot point. There
22 can be no real discussion on setbacks, whether it be four
23 times the height of these gargantuan towers or ten times
24 the height. This is not the site. It has never been a
25 reasonable site. This site cannot support any setback

1 based on the empirical, data foreign or domestic, that has
2 been provided in regards to the health and welfare of
3 those that would be adversely impacted by their presence.

4 The last time I spoke to you I talked about
5 rescuing horses and the impact on my life, quality of my
6 life, and what I've opted to do with the rest of it and
7 you ignored it. You have visited my site. You saw it and
8 you ignored it. So I am here to today to speak about
9 myself and my family and what you're going to do to me now
10 knowing this new information since we last met. I wasn't
11 aware of what Mike just talked about.

12 There are established wind farms that have
13 empirical data that tell me 20 years from now I'm going to
14 suffer from it. All right? So that's my point tonight.

15 The last thing I want say before I leave the
16 podium, all of you that supported this project I believe
17 are a threat to the democratic process and an
18 embarrassment to those who have fought to preserve it.
19 Thank you.

20 JUDGE TOREM: I'm to that point in the
21 meeting where I have to ask folks to refrain from clapping
22 and booing or whatever it is you would like to do because
23 part of the Democratic process that he's referring to
24 requires that we listen to those opinions which you may
25 not like and we do it politely. So I'm going to ask

1 please let that be the last time.

2 I'm going to go through the list now and call
3 folks in the order they signed up and where I've added a
4 couple of names that were on the wrong list clearly. So
5 the next three speakers will be Gloria Lindstrom, Roger
6 Clerf, and Carla Kaatz.

7 Ms. Lindstrom.

8 COMMENTS BY GLORIA LINDSTROM

9 My name is Gloria Lindstrom. I'm at 1831
10 Hanson Road. I guess what I have to say tonight has
11 probably been said already and Mike mentioned Dr. Nina
12 Pierpont, which I was going to get some information about.
13 I can't address directly what you asked there on direct
14 setbacks and from what I have read that she has said on
15 wind turbine syndrome is just amazing for the benefit of
16 the public health, and I'm not going to go into it as I
17 say since it's already been mentioned and I am not really
18 addressing what you want specifically.

19 But the fact that she and two other doctors
20 have come up with identical syndromes or symptoms for this
21 syndrome and their recommendation is and hers in
22 particular they say 1.2 to 1.9 miles from the nearest
23 turbine recommendations, and she recommends a moratorium
24 on all wind turbines at 1.5 miles which is 8,000 feet.

25 I do want to turn what I have in. She also

1 writes about a paper about noisy wind and hot air, and in
2 here she talks about it's a paper dealing with wind
3 turbine syndrome, and she makes a point to technical
4 studies done by hired consultants are always less credible
5 than university scientists who are free of industrial
6 ties.

7 JUDGE TOREM: Thank you, Ms. Lindstrom.
8 Roger Clerf.

9 COMMENTS BY ROGER CLERF

10 Good evening. My name is Roger Clerf. I
11 live at 6651 Upper Dear Point Road, Cle Elum, and I have
12 spoken to this group in the past, and I hope this will be
13 my last turn here.

14 I firmly believe that any additional setbacks
15 more than the four times the height of the turbines would
16 seriously affect the economic feasibility of the project
17 and setback requirements of as much as 2,500 feet as asked
18 by county commissioners and other persons would kill the
19 project outright.

20 It has already been cut in half, and to cut
21 it in half again would doom the project. Why do we need
22 more setbacks? Why do we need more distance from the
23 turbines to some nearby residence: to protect them from
24 noise? Well, I've been out to the Wild horse Wind Project
25 three times when the wind is blowing such as it was today,

1 and I'm sure you've been there at least once and there is
2 no noise. The wind blowing through the sagebrush makes
3 more noise than the wind turbines.

4 To protect from vibration? There's no
5 vibration. I touched the tower. I stood at the base of
6 the tower. There is no vibration. My digital watch makes
7 more vibration than wind turbines do.

8 Shadow flicker that was and always has been a
9 strawman, something put up just to cause more problems.
10 It is a nonissue. The company has already volunteered to
11 stop turbines if there is any potential shadow flicker on
12 any affected home, and have proved in the past
13 geometrically that the potential of shadow flicker on any
14 one house from any one turbine is no more than a few
15 minutes per day and a few days per year and that's a fact.
16 So I firmly believe that the opponents, although they have
17 their own reasons and their right and so forth, but they
18 are vastly overblowing the potential dangers or the
19 imagined dangers of this project and I firmly believe that
20 four times the height is a reasonable setback. Thank you.

21 JUDGE TOREM: Thank you, Mr. Clerf.

22 Ms. Kaatz will be followed by Bernice Best
23 and then David Crane.

24 MS. SCHWAB: I thought you were going to go
25 through the list of 16 landowners.

1 JUDGE TOREM: I had one Councilmember point
2 that out to me. I may have missed that. What's your
3 name?

4 MS. SCHWAB: Schwab.

5 JUDGE TOREM: I wanted to do it with the
6 Havens and I fouled up. They were going to submit in
7 writing. You want to speak tonight?

8 MS. SCHWAB: Yes.

9 JUDGE TOREM: Let me have you speak next.
10 Ms. Schwab, what's your first name?

11 MS. SCHWAB: Diane.

12 JUDGE TOREM: All right. Diane Schwab, you
13 and your husband wish to speak or just you?

14 MS. SCHWAB: Just me, sir.

15 JUDGE TOREM: We'll take you next.

16 Was Jess Nelson here also?

17 MS. SCHWAB: I don't believe he is.

18 JUDGE TOREM: Were there other landowners
19 who are directly affected that I overlooked tonight? I
20 apologize.

21 And behind you?

22 MS. GABRIELSON: Anne Gabrielson. I'm a
23 bordering property owner.

24 JUDGE TOREM: I don't have you as one of the
25 directly affected property owners. Are you signed up to

1 speak already tonight?

2 MS. GABRIELSON: I think I am. I'm not sure
3 I signed the right one.

4 JUDGE TOREM: Are you sure it's the Kittitas
5 Valley Project and not the Desert Claim Project?

6 MS. GABRIELSON: Yes.

7 JUDGE TOREM: Okay. We'll make sure you get
8 a chance to speak, and if you'll identify where you are in
9 proximity to which towers it will help us at that time.

10 All right. Ms. Kaatz, go ahead.

11 COMMENTS BY CARLA KAATZ

12 I'm Carla Kaatz and I live at 309 North
13 Poplar here in Ellensburg and I have attended a few of
14 these meetings but never had the courage to get up and
15 speak.

16 I feel that you have done a very good job in
17 your previous decision, and I support the Kittitas Valley
18 Wind Project as proposed in your Order No. 826; and I
19 think you should forward that to the Governor because I
20 feel that we need renewable energy. We need clean energy.
21 And I am not talking about economic feasibility for the
22 company, but benefits for our county citizens is important
23 to me. But mainly I'm looking ahead to be less dependent
24 on fossil fuels, and clean energy to me is the answer.
25 Thank you.

1 JUDGE TOREM: All right. Thank you, ma'am.

2 Ms. Schwab and I apologize for getting lost
3 in the shuffle of paperwork here.

4 COMMENTS BY DIANE SCHWAB

5 I've a map here that I am going to provide
6 to you so that you are better able to understand this, and
7 I will give it to you when I get done here. As you can
8 see by the map I will provide, we will be directly
9 affected by this massive wind farm. Not once have we been
10 contacted by Horizon to try to mitigate these affects to
11 our property.

12 In your letters you talk of mitigation. I
13 ask you who are they mitigating with? Certainly not us
14 properties owners who have adjoining land. When we first
15 heard of this wind farm some five years ago, I personally
16 contacted Chris Taylor to ask him what about us property
17 owners who have adjoining property. His reply was, "We're
18 not in the business of buying property and your property
19 is not worth anything anyway." Is this mitigation? I
20 don't think so.

21 You also talk of setbacks from the existing
22 homes. What about us who have put off building for the
23 last five years because of these adverse impacts? Once
24 and for all I would like to ask this question and get a
25 straight answer. What is proposed setbacks from existing

1 properties lines, not existing homes but property lines?
2 Our property is approximately 2,500 feet in altitude.
3 Because of this we will have in our face half of the
4 proposed turbines. We believe this will render our
5 property unsalable, especially if both wind farms proposed
6 for this area are approved.

7 We believe that the setbacks should be a
8 minimum of 2,500 feet from existing property lines, not
9 existing homes. We also believe that you as a state
10 agency should force this out-of-town company to either
11 mitigate with us property owners or buy our land at fair
12 market value. Thank you.

13 JUDGE TOREM: Thank you, ma'am. Let me
14 clarify for those questions as where these numbers come
15 from. The site certification agreement Article 1(c)(7)
16 address the turbine setbacks, and it answers your question
17 as the setback from the property lines including those of
18 adjacent landowners that don't have a signed agreement
19 with Horizon are 541 feet. Those are those safety
20 setbacks. They are much less than 2,500 feet than you're
21 arguing for tonight. That's the answer to the question.
22 541 feet.

23 MS. SCHWAB: Thank you.

24 JUDGE TOREM: Next Speaker is Bernice Best
25 followed by David Crane.

COMMENTS BY BERNICE BEST

1
2 Good evening. I am Bernice Best, 210
3 Tomahawk Lane in Ellensburg. I do live up in the area by
4 the proposed wind farms and I will make my comments very
5 brief.

6 I live within a thousand feet of the towers
7 that transport the power over across the mountains to the
8 Seattle side. I don't have a problem with that and I
9 don't think that four times the turbines setback is going
10 to hurt anybody and I think it's well within reason.
11 Thank you. And I did put my comments in the box.

12 JUDGE TOREM: Thank you, Ms. Best. David
13 Crane and he will be followed by Ms. Gabrielson who
14 clarified to me that she doesn't have a residence there,
15 but, Ms. Gabrielson, you're similar to Mr. Garrett's
16 situation, and he was a participant so much in the hearing
17 we know where his properties is. But, Ms. Gabrielson,
18 we'll have you speak after Mr. Crane.

COMMENTS BY DAVID CRANE

19
20 I am David Crane. I live at 1201 Vista
21 Road. I would address you as Esteemed Members of the
22 Council and make my comments also to the Honorable
23 Christine Gregoire. I do not wish to be offensive to any
24 of the people here who have spoken against the wind farms,
25 but I intend to take issue with some of the things.

1 If setbacks are being used as a reason to
2 deny or impede or in any way modify Kittitas Valley Wind
3 Power Project other than what has already been reasonably
4 worked out, then they are being applied atypically to wind
5 farms only.

6 This is clearly prejudicial to the public
7 need. Trains run next to businesses and cross highways.
8 Dams could break causing irreparable harm and death to
9 those downstream. Nuclear can be a threat for many miles
10 around any of those facilities. Power lines threaten our
11 safety throughout our communities. Roads imperil the
12 lives of our pets and our children. To allow this kind of
13 irregular discriminatory application to wind farms only
14 has no basis in logic or common sense. On this basis
15 along we could deny construction of solar facilities
16 simply because we don't want them to desecrate our view
17 shed, even require that they be covered up so that they
18 can't be seen from the air or the highway or made to look
19 like trees less to offend someone's aesthetic senses.

20 The opposition here is beginning to look
21 like spoiled children. My condolences go out to the
22 Commissioners and the Governor and your Council who have
23 to negotiate and mollify this kind of illogical behavior.
24 It embarrasses me that you have to be subjected to this.
25 Sometimes it seems like we have taken leave of our

1 collective objectivity and common sense in order to
2 placate people who really haven't figured out what is the
3 interest of the common good or even what is for their own
4 good.

5 I really think the majority of the
6 approximate 38,000 residents of Kittitas Valley care
7 little about who decides this issue as long as we use a
8 little objectivity and common sense. Thank you very much.

9 And I present a copy in that stack of
10 papers.

11 JUDGE TOREM: Anne Gabrielson followed by
12 Liz McCosh, Art DePalma, and Catherine Clerf.

13 COMMENTS BY ANNE GABRIELSON

14 Members of the Energy Facility Site
15 Evaluation Council, my name is Anne Gabrielson.

16 JUDGE TOREM: Speak up, ma'am.

17 MS. GABRIELSON: I reside at 16516 N.E.
18 First Street, Bellevue, 98008. I am here tonight to
19 address you as a resident of King County and a Kittitas
20 County landowner with property bordering the industrial
21 wind power project. I strongly support the concerns
22 expressed by the Kittitas County Commissioners regarding
23 the health and safety of property and residences residing
24 and recreating in the immediate area of the project. I
25 support the position that the project should not proceed

1 until safe setback distances can be determined based on
2 the scientific evidence, not on the economic advantage of
3 foreign developers.

4 There is much in the recent literature that
5 identifies the health risks to individuals living in close
6 proximity to large industrial wind power development.
7 Experts in the health field with no political ties should
8 be involved in the resolution of this issue.

9 My second paragraph doesn't relate to any of
10 your questions so I'm going to submit to you all three.
11 Thank you.

12 JUDGE TOREM: Thank you, ma'am.

13 Liz McCosh?

14 Are you the designated spokesperson? If
15 you'll state your name and address for us. Please
16 approach the microphone.

17 COMMENTS BY TIM HAWKINS

18 My names is Tim Hawkins and I have property
19 at 3761 Robbins Road in Ellensburg and I live on the west
20 side. My property is up for sale. I'm tired. I live on
21 the west side. I've got gravel pits.

22 But if we're going to talk setbacks, I've
23 got a builder engineer book right here. We're talking
24 about a turbine that is manufactured in Holland. The
25 other parts are manufactured in Vietnam. Have you

1 gentlemen and women seen the specs. I draw up house
2 plans. I take the plans to an engineer. He goes through
3 mathematical calculations. Forget the emotions. There
4 must be engineer specs as to how far these things can be
5 away from homes and property.

6 Also the scary part is what happens. This
7 really needs to be addressed. What happens if the next
8 governor comes in five years, ten years from down the road
9 and says let's put the setbacks at 250 feet or whatever.
10 We are coming over here and a lot of people do live here;
11 that their life is here. I'm coming over from the west
12 side because I'm tired of the west side, and I want to
13 live here. I've came over here for years and brought my
14 kids and that and my wife. We've enjoyed that, and it's
15 up for sale right now.

16 JUDGE TOREM: Thank you, Mr. Hawkins. Art
17 DePalma, Catherine Clerf will be next, and then Carl
18 Krogstad.

19 COMMENTS BY ART DePALMA

20 Art DePalma, 6991 Manastash Road, in
21 Ellensburg. You just said in the beginning the purpose of
22 this meeting is to discuss additional setbacks, are they
23 achievable while allowing the project to remain
24 economically viable.

25 And I think that the Governor gave a clue

1 about her thinking when she said in her letter, which
2 hasn't been mentioned, local sentiment about this project
3 is just as important to me as it was for the Wild Horse
4 Project. Indeed where possible I prefer to defer to local
5 decision makers on siting energy facilities.

6 And I appreciate and commend the Governor
7 for caring about the nonparticipating landowners and
8 respecting our local decision makers and basically the
9 Kittitas County Board of Commissioners. And our
10 commissioners after figuring out that they wanted at least
11 half-mile setbacks asked Horizon the same question the
12 Governor is asking. What makes an energy facility
13 economically viable? You know, what setbacks are
14 achievable for a project to remain viable?

15 But this Council was rather critical of the
16 commissioners at that point when they asked that question
17 and that end of discussion, although it's nice that you
18 haven't been critical of the Governor for asking that
19 question.

20 Horizon Energy presented 1,000-foot
21 setbacks. Then they said 1,320 represented the greatest
22 setback that allowed for a viable project. Then it turned
23 out 1,640 foot was okay for turbines of 410 height. So
24 they're kind of changeable here. What setbacks are
25 reasonable depends on who you talk to. Our local decision

1 makers who the Governor says she respects have recommended
2 at least a half mile distance from residences. And as you
3 heard experts have recommended a one mile distance from
4 residences. In fact, Denmark is no longer building wind
5 turbines on land. They're just building them offshore.
6 And I just wonder what setbacks you have required for
7 yourselves if wind farms were to be imposed in your
8 neighborhoods. I thank you.

9 JUDGE TOREM: Thank you, Mr. DePalma.
10 Catherine Clerf.

11 She'll be followed by Carl Krogstad so you
12 folks can be ready to go.

13 COMMENTS BY CATHERINE CLERF

14 Good evening, Ladies and Gentlemen of the
15 Council. I'm Catherine Clerf. I reside at 60 Moe Road,
16 Ellensburg, Washington. It's a pleasure again to see your
17 faces.

18 JUDGE TOREM: Speak up, ma'am. Can you pull
19 the microphone down a little bit.

20 MS. CLERF: Yes. I'm also speaking for
21 myself in behalf of myself. I am a business woman. I
22 have over 29 years of experience of not just national but
23 internationally and I do have a background in energy
24 projects. I was at this afternoon's session, and I'm also
25 familiar with the written record. I would like to raise

1 or follow up some points and revisit some issues that were
2 brought up earlier this afternoon.

3 With regards to the issue raised by the
4 County and other speakers reflecting upon Horizon's
5 smaller projects, I wish to point out that these are
6 addressed in the record in Mr. Chris Taylor's prefiled
7 supplemental testimony. He reflected on it at pages 10
8 and 11. He discussed smaller projects that Horizon had in
9 other areas of the United States. He pointed they are
10 economically viable because they are in other areas of the
11 United States. Their economic feasibility was depending
12 upon many facts, but a crucial one being that a project
13 had an interconnection to low voltage. Low voltage lines
14 make a project cheaper; therefore, you can afford to do a
15 smaller project.

16 Secondly, as to the issues of the economic
17 viability elements that are being considered by Horizon,
18 in the same Chris Taylor prefiled supplemental testimony I
19 refer you to pages 17, 18, and 19. And this made sense to
20 me because, gosh, maybe it's because I've got a business
21 background, but I thought he laid out very precisely what
22 the economic viability criteria were.

23 First, he said the impact to fixed costs to
24 a project that gets reduced in scope in turn drives up
25 megawatt cost which in turn makes the project less

1 salable. Now, for all of the ratepayers in the audience
2 amazingly you're going have to pay for kilowatt hours and
3 the project's salability has a direct impact on what
4 you're going to be able to afford.

5 In the same testimony Mr. Taylor talked
6 about economic factors that Horizon has to consider as in
7 any other company doing an energy project, as it be a dam,
8 a nuclear power plant, a solar facility. They are costs
9 of project design, the transmission interconnectivity,
10 marketing costs and the cost of negotiating a power
11 purchase agreement regardless of the output. Financial
12 costs to build the project, construction immobilization
13 costs, construction management, and project permitting
14 costs, current market conditions which rapidly change and
15 they're not just a regional but they're a national focus.
16 And the fact that our own Pacific Northwest utilities want
17 larger output facilities.

18 I will turn this in as written, but let's
19 revisit the issue that was brought up this afternoon as to
20 why subjects of the county felt that reconfiguration
21 pretty much took out the middle. Well, after listening
22 and reading two years of testimony Horizon said, and I
23 remind people of the algebra fourth grade experiment when
24 we draw circles and drew intersections and unions, they
25 found out that a very prominent, particularly sensitive

1 area identified for very many people was in the middle.
2 So what you're asking the client to do is put the middle
3 back in and then you will have people on the fringes
4 saying, well, that's my particular sensitivity. So it's
5 not that they weren't trying to be responsible and
6 responsive to people, but you can't please everybody and
7 they reduced it 65. I pose the question how many
8 nonparticipating landowners are demonstrating because they
9 aren't in this project? Thank you.

10 JUDGE TOREM: Carl Krogstad, J.P. Roan,
11 followed by Ron Nickels.

12 COMMENTS BY CARL KROGSTAD

13 Carl Krogstad. I own 56 acres directly
14 affected by the Kittitas wind project. I AM in support of
15 the project. I have been told that they would like to
16 build two towers on my land. I wish they would build
17 more. If it's not built, it will economically affect me
18 adversely, but the setbacks I think is probably more or
19 less a straw dog just to kick this back into the same
20 forum again. From my land I can look around for a solid
21 mile and not see another house.

22 I wanted to talk tonight about the bigger
23 issue which is that we have a national priority to find
24 alternative energy, and I think for all of those people
25 who find the wind farm not to be pretty enough for them, I

1 must say, "Shame on you and we should all do something for
2 this country rather than hurting it."

3 COMMENTS BY J.P. ROLLAND

4 My name is J.P. Rolland. I live at 13991
5 Reecer Creek Road. I support this project as the way it's
6 been described by this Board, and that's all I have to
7 say, and I have some signatures of people who also support
8 that couldn't be here. Thank you.

9 JUDGE TOREM: All right. If you'll turn
10 those into Mr. Fiksdal.

11 Ron Nickels. He will be followed by Chris
12 McCabe and James Markaret I believe it is and then Joe
13 Halliwell.

14 COMMENTS BY RON NICKELS

15 I'm Ron Nickels. I reside at 320 Cedar Cove
16 Road. I will make this brief. I just want to go on
17 record I'm supporting the wind farm as proposed and
18 setbacks as proposed. Thank you.

19 JUDGE TOREM: Chris McCabe.

20 COMMENTS BY CHRIS McCABE

21 Good evening, Judge Torem, Chair Luce, and
22 Councilmembers. My name is Chris McCabe. I'm here on
23 behalf of the Association of Washington Business tonight.
24 We represent over 6,500 small, medium, and large
25 businesses in this state, including the project applicant

1 Horizon Wind Energy. And we're here tonight to comment in
2 support of the application and support of the project and
3 in support of the Council's earlier Order No. 826 and its
4 positive recommendation to Governor Gregoire.

5 Like everybody else here we had the
6 opportunity to review the Governor's letter of June 22,
7 and I think the issue which the Governor sent back to the
8 Council is pretty simple. It's pretty straightforward;
9 that is, specifically whether additional setbacks beyond
10 the four times height requirement for nonparticipating
11 landowners are achievable while allowing the project to
12 remain economically viable.

13 We have some significant concerns with this
14 remand to EFSEC by the governor. We have two concerns and
15 I'll talk about our primary concern which relates to the
16 economic viability analysis the Governor has asked EFSEC
17 to conduct.

18 It's our feeling and our understanding that
19 the Council does not have the statutory authority to look
20 at economic viability. We think that to adopt a new
21 standard or if the Council were to make that inquiry would
22 really set a very dangerous precedent for all future
23 projects that might come before that Council.

24 I really underline the legislative intent of
25 EFSEC and its streamline permitting authority. We think

1 that for the Council to request any type of proprietary
2 disclosure by any business would set a very dangerous
3 precedent and we really strongly encourage the Council to
4 not go down that road.

5 I've got a handout and I'll give it to you,
6 Mr. Fiksdal, in just a second. Our president, Don
7 Burnell, has corresponded with Governor Gregoire
8 particularly on this position as well. At the end I'll
9 provide that handout.

10 We think EFSEC did a good job in reviewing
11 the record. We think the record is complete. With four
12 times height requirement again that was a proposal made by
13 the project applicant that is virtually half the size of
14 the initial proposed project. We think that shows very
15 good faith to try to work with the folks in the community
16 and otherwise while trying to maintain economic viability.

17 We think that EFSEC did a good job in
18 applying the SEPA and other environmental regulations and
19 did come to the right conclusion.

20 And, Judge Torem, if you will indulge me for
21 just a one minute other folks have spoken on other issues.

22 JUDGE TOREM: You still have about a minute
23 and a half.

24 MR. McCABE: I have a minute and a half.
25 Okay. I would like to say at the outset here we do

1 understand the issues that these local folks are facing
2 with preemption and with these wind turbines here. We
3 understand those issues. We can't look at this single
4 project in a vacuum. The policy in the state seems to be
5 very heavily in favor of working at climate change and a
6 wide variety of other issues. We live in a world of
7 Initiative 937, whether you agree with it or not. We live
8 in a world of the Governor's executive order on climate
9 change, Senate bill 6001 that passed this year, as well as
10 the memoranda of understanding that the Governor signed
11 which is multi-state also includes the government of
12 British Columbia.

13 There are limited wind sites in the state of
14 Washington. If we're going to meet demand needs, if we're
15 going to meet the standard off all this new law that the
16 people have passed and the legislature has recently
17 passed, we're going to need as much wind power as we can.
18 So it's a difficult issue. I don't envy your job, but we
19 can't look at this single project in a vacuum. We need to
20 look at the broader public policy. We need to look at the
21 mandates that the legislature and the people have proposed
22 on this state. So, again, we would urge this Council to
23 reaffirm its earlier order and recommend the project go
24 back to Governor Gregoire.

25 JUDGE TOREM: Next is James Markaret or

1 Markarott. I can't make that out. Then Joe Halliwell and
2 Steve Kulchin.

3 COMMENTS BY JAMES MARKARET

4 Good evening. My names is James Markaret. I
5 am support of this. Something I want to point out I
6 didn't point out the last time. I sympathize with those
7 that do live are affected and are against it, but I also
8 want to point out something that's been mentioned tonight
9 and nobody else has pointed out.

10 We're talking about health issues. The
11 people that live in these places that farm, smoke, and
12 everything else, those things aren't pointed out. Simple
13 everyday things affect our health and I think that these
14 people that are being paid to do the research are just
15 collecting their money and hopefully this will go through
16 and help us in the long run.

17 And I think that if they pay these same
18 people to do research of their everyday lives they would
19 find a lot more cancers and problems. Thank you.

20 JUDGE TOREM: Joe Halliwell, Steve Kulchin.

21 MR. HALLIWELL: I decline comment at this
22 time.

23 JUDGE TOREM: Okay, Mr. Halliwell.

24 All right. Steve Kulchin will be followed
25 by Ed Lulofs and Cynthia Murray.

COMMENTS BY STEVE KULCHIN

1
2 My name is Steve Kulchin. I reside in
3 Redmond. I also own a second home in Sun East adjacent to
4 the Desert Claim project.

5 I am very interested in this project, and
6 I'm speaking as a county property owner. I would like to
7 say four times the height is a totally inadequate setback
8 in concern of all of the quantum changes and adverse
9 impacts related to these proposed towers. Forget about
10 increased fire hazards and the obvious noise pollution.
11 The biggest single impact to proposed tower turbines is a
12 major shift of the land use in an obvious adverse visual
13 change to the unique and scenic Kittitas County
14 environment.

15 I'd also like to say that I own a foundation
16 drilling company, and I have a vested interest in drilling
17 holes for towers. However, these towers proposed near
18 residences are in the wrong place, absolutely the wrong
19 place. The noise when we go out and we see the towers in
20 operation we are maybe 1,500 feet away and over the diesel
21 truck engines that we're driving we can hear whop, whop,
22 whop, whop. That's quite a noise to hear over a diesel
23 truck engine. I don't want to hear that my second home at
24 Sun East. The interesting comments that were made earlier
25 by a Ph.D. and studies of noise I really, really urge

1 EFSEC to consider. Thank you.

2 JUDGE TOREM: Thank you, Mr. Kulchin. Ed
3 Lulofs, and then Cynthia Murray and then Helen Wise will
4 be next.

5 COMMENTS BY ED LULOFS

6 Ed Lulofs. I teach over at Central
7 Washington University and own a 34-acre ranch I'm trying
8 to get a little money from.

9 There's various complications here. I'd
10 like to talk about the energy conservation issue. It's
11 easy to say that adding windmills will reduce our
12 dependence on fossil fuels, but the problem is the
13 variability of wind energy. When wind energy comes up,
14 then the grid has to be balanced so some other energy
15 source has to be decreased. The large nuclear and large
16 fossil fuel plants they don't change their energy output
17 that easily.

18 JUDGE TOREM: Mr. Lulofs, I have to ask you
19 to direct it towards something about the setbacks. So the
20 policy issues I'd invite you to bring back. If the Desert
21 Claim adjudication goes forward, that will be wholly
22 appropriate then, but for tonight the issue is limited
23 from what the Governor asked us to look at. So if you
24 have comments on the setbacks and how these work. I know
25 you live next to Desert Claim. You must have some

1 concerns about the four times the height. Please tell us
2 about that.

3 MR. LULOFS: Setbacks for safety concerns?

4 JUDGE TOREM: As you see them. Please tell
5 us what you think about the setback for residences or
6 adjoining property owners. That's what tonight's hearing
7 is really about.

8 MR. LULOFS: I think noise is a factor. I
9 think safety is a factor. Anybody that isn't concerned
10 with the safety, the fire danger, for example, then
11 perhaps they ought to send their kids out back with a pack
12 of matches. But I don't really look forward to these
13 towers being 30 seconds of fire away from my house. Noise
14 certainly we've seen all these recommendations, these
15 studies, other Ph.D's that noise can affect health. Thank
16 you.

17 JUDGE TOREM: Thank you.

18 Cynthia Murray.

19 COMMENTS BY CYNTHIA MURRAY

20 I am Cynthia Murray. I live at 314 Susan
21 Road. I agreed with those who have spoken before me
22 concerning the need for renewable and clean energy, and I
23 support the Kittitas Valley Wind Power Project as it
24 stands today. Thank you.

25 JUDGE TOREM: Helen Wise will be followed by

1 Sara Dalton and then Linda Schantz and Jeb Baldi.

2 COMMENTS BY HELEN WISE

3 My name is a Helen Wise. I live at 1106 East
4 Third Avenue in Ellensburg and I speak for myself and for
5 the children of the future.

6 Increasing the setback is presented as the
7 issue. Speaking to that the visual impact of the Kittitas
8 Valley Wind Power Project--

9 JUDGE TOREM: Ms. Wise, can you try to speak
10 into the microphone. Thank you.

11 MS. WISE: Thank you. --which is analyzed
12 in Council Order No. 826 as you're well aware and the
13 visual impact is analyzed on 30 and 32 and presented as
14 findings of fact, and that visual impact would not be
15 significantly different for the nonparticipating
16 residences even if the setbacks were to go to the
17 half-mile distance as suggested.

18 However, increasing the setback could reduce
19 the number of turbines enough to kill the project. The
20 increased setback proposed requirement is not an issue but
21 rather is a strategy to eliminate the project. I support
22 the Kittitas Valley Wind Power Project as it is proposed
23 in EFSEC Order No. 826.

24 JUDGE TOREM: Thank you, ma'am.

25 Sara Dalton, then Linda Schantz, then Jeb

1 Baldi.

2 COMMENTS BY SARA PATTON

3 I think I didn't spell my name really very
4 clearly. It's Sara Patton and that's happened to me
5 before.

6 Your Honor, Mr. Chair, Members of the Council
7 and Staff, thank you very much for this opportunity to
8 comment this evening.

9 I am Sara Patton, Deputy Director of the
10 Northwest Energy Coalition, and I reside in Seattle,
11 Washington. The Northwest Energy Coalition is an alliance
12 that works for clean and affordable energy for the future,
13 and the members of the Northwest Energy Coalition is
14 largely diverse. We've got more than 100 members in four
15 states and they include but they're limited to clean
16 energy business like Horizon, electric and gas utilities,
17 environmental and consumer protection advocates.

18 As the Deputy Director of the Coalition, I'm
19 very, very familiar with the difficulties that the Energy
20 Facility Site Evaluation Council has in resolving
21 difficult and controversial issues.

22 The issue before you today is controversial
23 but it's not difficult. This Council wrestled with the
24 difficult issues here and came up with a solid
25 recommendation based on the law and the facts of this

1 application and the situation we find ourselves in.

2 The controversy comes from a small group of
3 people with aesthetic objections to wind turbines.
4 Personally I find wind turbines lovely to look at, but I'm
5 not here to argue matters of taste. I'm here to bring you
6 902 e-mail messages to Governor Gregoire supporting the
7 Council's recommendation to approve the Kittitas Valley
8 Wind Project's application.

9 We planned to print out the messages and
10 bring you hard copies, but we realized it would require a
11 ream of paper, about this much.

12 AUDIENCE MEMBER: I thought we were here for
13 setbacks. You cut that one guy off.

14 JUDGE TOREM: She's only talking about the
15 difficult issues. I want to hear where she's going. If
16 she's not talking about energy--

17 (Audience members yelling.)

18 JUDGE TOREM: She hasn't commented on
19 otherwise background issues yet. I'm going to let her
20 finish. If she strays and talks about energy policies and
21 where Seattle should tell Ellensburg what to do, I'll cut
22 her off her.

23 MS. PATTON: So instead we've brought you a
24 compact disk recording of these comments and we saved some
25 paper. 102 Washingtonians take the time to send a message

1 supporting the Council recommendation because they do care
2 about Washington's clean energy. They care about clean
3 air and water and stable climate and they care about a
4 strong economy.

5 JUDGE TOREM: Ms. Patton, I want to ask you
6 do they care and have something to say something about
7 setbacks?

8 MS. PATTON: They know there are no new
9 power plants without some impacts and that's why they
10 support the best options to meet the energy needs of our
11 homes and businesses. We've reviewed the record of the
12 Kittitas--

13 (Audience member yelling.)

14 MS. PATTON: We have reviewed the record and
15 the Kittitas Valley Wind Power Project clearly meets the
16 state's broad policies and I won't go into those.

17 JUDGE TOREM: Can you please direct
18 immediately to setbacks.

19 MS. PATTON: And in fact the Kittitas Valley
20 Wind Power Project is the first renewable project to come
21 up after the--

22 JUDGE TOREM: Next speaker, please.

23 Linda Schantz. She'll be followed by Jeb
24 Baldi and Mark Holloway.

25 MS. SCHWAB: What about these people that

1 are not here dealing with the subject taken as testimony
2 by EFSEC?

3 JUDGE TOREM: Ms. Schwab, let me clarify
4 what the record being created tonight is and what it is
5 not. The adjudication process has not been reopened. I
6 can't control what random folks coming to the mic will
7 provide or their comment will be. We are directed by the
8 Governor of the State to come and ask these question that
9 are on the Board. I'm trying to be as tolerant as I can.
10 When clearly a speaker is not going to address it, I'll
11 cut them off. If they hand it in writing, it becomes part
12 of the attached record; however, the Council will not
13 consider it in making the recommendation back to the
14 Governor. We can get reams of paper that are irrelevant.
15 We can't control what comes into the mailbox and what
16 comes up to the mic. So what we'll do when we send our
17 recommendation back to the Governor, that will be a
18 published document, is identify what we relied upon and
19 the rest of it will simply be wrapped up and attached and
20 given to the Governor. We've called it an appendix to the
21 already established record in this case.

22 JUDGE TOREM: Ms. Schantz.

23 COMMENTS BY LINDA SCHANTZ

24 Thank you, Mr. Chair and Judge Torem and to
25 the EFSEC Council. Thank you for the opportunity to once

1 again speak before EFSEC on the Kittitas Valley Wind Power
2 Project. My name is Linda Schantz and I represent my
3 husband and myself. We're both citizens of Kittitas
4 County with an Ellensburg address of 4190 Robbins Road.

5 You've asked us to speak to additional
6 setbacks from property lines and discuss how this affects
7 the project. We have done so and I'll try to without
8 being too wordy I'll try to skip through.

9 We truly feel that one-mile setbacks would
10 be the best; however, we do recognize that there is a
11 smaller amount of record on the one miles in the record
12 right now, small amount of information on the one mile
13 setbacks, but we do believe it's probably best for the
14 public health.

15 However, that being said we believe and
16 support the Board OF County Commissioners and their
17 suggestion that a minimum of a 2,500-foot setback from
18 proposed project boundaries and 2,500 to 3,000 foot
19 setbacks from existing residences will make some
20 assurances that our public health safety and private
21 property rights of all residents will be recognized and
22 some protection provided.

23 However, I want to mention there is no
24 visual simulations that have been done by the Applicant in
25 the Final EIS of the turbine of the size of the three

1 megawatt at the 2,500-foot setbacks that I can see in the
2 record. There is expert testimony that the turbines will
3 still be a substantial impact at 2,500 feet, and that is
4 also said in the Final EIS as well. We don't agree that
5 economic viability is a criterion for determining if the
6 project should go. That's the Applicant's job. I think
7 we all agree on that here.

8 However, I did want to note that in the
9 Final EIS there is a project scenario of 65 turbines at
10 1.5 megawatts which would end up at a project of 97.7
11 megawatts. So I'm assuming that the 97.5 megawatts would
12 be a viable project, and if you put 3-megawatt turbines in
13 there that would be 32 or 33 turbines. So that's making
14 an assumption without knowing their cost structure.
15 However, the Applicant could not and would not speak to
16 those issues.

17 We also don't believe that we should be
18 going around the local land use decisions here. I just
19 want to reiterate that 2,500-foot setbacks the project
20 boundaries we feel is essential that it be property lines
21 so they don't take away property right from the landowners
22 who have been waiting to build for the last five years
23 there. We also feel from the 2,500- to 3,000-foot setback
24 from the existing residences that addresses those
25 half-mile setbacks that was addressed in the Final EIS.

1 We need to make sure we have at least a
2 1,500-foot setback from all private roads. We know that
3 there's documentation that there have been malfunctioning
4 turbines who have thrown debris as far as 1,600 feet and
5 ice throws have been documented at 861 feet. We have to
6 protect the residents whose roads will be soldiered by
7 410-foot turbines.

8 The last thing I want to mention is
9 protection for landowners where they are affected by low
10 frequency noise health impact. We have presented
11 testimony on that and I do feel that there may be a later
12 impact, and we need to protect the citizens of that. I
13 haven't submitted into the record the turbines that would
14 be eliminated and which homeowners and landowners would be
15 affected whether they signed a lease or not participating
16 or not, and I will submit those for the record. I have a
17 map also.

18 JUDGE TOREM: Thank you, Ms. Schantz. If
19 you give those to Mr. Fiksdal, he'll make sure that the
20 Council receives that.

21 Jeb Baldi.

22 COMMENTS BY JEB BALDI

23 My name is Jeb Baldi and I'm representing
24 myself and my wife and we live here in Ellensburg, 1405
25 Brick Road.

1 Coming into the Kittitas Valley from the west
2 one can view the Wild Horse Wind Power Project near
3 Vantage 20 to 30 miles away. They dominant the landscape.
4 This Kittitas Valley Wind Project, the power project is
5 asking people to live within approximately a quarter of
6 mile, people whose homes are in existence. These citizens
7 are being asked to listen to repetitive rotor noise louder
8 than background noise where now it's quiet. Two,
9 consistently view huge massive towers with blinking lights
10 at night. Three, be exposed to daily flicker shadow. My
11 personal experience is it's not very pleasant. It's a
12 very unpleasant situation. The conditions that you are
13 approving for people who live within the area are really
14 unmitigatable. The solution is to buy them out at today's
15 fair market value prior to the proposed wind farm. That's
16 the only fair thing to do. If it's such a good thing for
17 the state, such a good thing for the power company, then
18 let them do it if they buy them out. Thank you.

19 JUDGE TOREM: Thank you, Mr. Baldi.

20 Mark Holloway will be followed by Desmond
21 Knudson and Geoff Saunders.

22 COMMENTS BY MARK HOLLOWAY

23 My name is Mark Holloway. I live at 1581
24 Thomas Road. I am a 30-plus year resident of Kittitas
25 Valley. I'm for the wind project as proposed. I believe

1 that the visual and sound impacts as it's proposed would
2 not be--that basically the visual and sound impacts do not
3 outweigh the potential economic tax benefits to our
4 schools, fire department, house, and hospitals and energy
5 supply. The affects on the environment if this land was
6 used for another use say 3,000 houses would be greater
7 than used as wind turbines.

8 And for the wind turbines as proposed--

9 JUDGE TOREM: Mr. Holloway, any comment on
10 setback?

11 MR. HOLLOWAY: And I believe that the setback
12 should be at the four times the height standard.

13 JUDGE TOREM: Thank you, sir.

14 Desmond Knudson is going to be followed by
15 Geoff Saunders and then Gina Lindemoen.

16 COMMENTS BY DESMOND KNUDSON

17 Good evening, Council. Glad to see you
18 again. It's been a while.

19 The setback issue has been kind of a sore
20 thumb from the beginning as we all remember. I think we
21 all remember going on the tour where we went back and
22 fourth under those big transmission lines, towers. I
23 don't remember if my vision was blocked by them or not.
24 You'll have to recall that yourself. I submitted a DVD in
25 my submittal earlier for the record. I wish you would

1 review it for the Governor as it shows where we went, how
2 we went, and I think you all know why we went, to appease
3 everybody in this county that supports or does not support
4 wind development. It's unfortunate that some do not
5 appreciate this.

6 The setback issues from a tower is a safety
7 setback of 541, 542. We've bent over backwards as
8 proponents of this to go further. My unprofessional
9 research shows a standard of a thousand. The professional
10 research of this said three times tip. Four times tip is
11 overconservative. I guess you are a conservative bunch.
12 I appreciate it. We are a conservative county. I find it
13 interesting that the opponents are opposed to the setback.
14 At the same time they live, commute, drive under, drive
15 around big transmission towers with big high voltage power
16 surging through them. At night they glow. During the day
17 they make a rattling, humming noise. Sounds familiar to
18 some of the other objections they've had. I guess since
19 we moved and they were already there that's all that can
20 go there besides their home.

21 Your four times the tip height, again, I
22 applaud you for coming up with that. Our County
23 Commissioners believe they probably would have got there
24 too but they just didn't. Our local representative on
25 your board, Ms. Johnson, she looked at all this

1 information. She came back with a ruling. Whether I
2 agree or disagree with her opinion, I can still see Mount
3 Stuart. Thank you.

4 JUDGE TOREM: Geoff Saunders.

5 COMMENTS BY GEOFF SAUNDERS

6 Good evening. Geoff Saunders, 8241 Elk
7 Springs Road. I'd like to inquire about one thing. This
8 four times the tip height standard that's constantly
9 thrown around is, of course, meaningless. As you pointed
10 out earlier, Judge Torem, the setback is 541 feet from a
11 property line.

12 The setback from the dwelling that doesn't
13 exist is a meaningless standard. It may be that as
14 opposed to the many people who own property in the area
15 have not yet built a residence on their property. It may
16 be that the only viable place for that residence because
17 of the slope of the land is within say a couple hundred
18 feet of the property line and then what is the meaning of
19 the four times standard?

20 Your setbacks must allow landowners to build
21 on their land where they wish. The only setbacks that are
22 relevant are setbacks from property lines. I've also got
23 confused by the questions on these boards. The question:
24 Are additional setbacks achievable beyond this 541 feet?
25 In this location according to the Applicant, no. The

1 Applicant has already told Kittitas County that if you
2 move any one of their turbines even a dozen feet that
3 their project becomes noneconomic. As other people
4 pointed, it's not our job to decide whether that's true or
5 not and I honestly don't think it's EFSEC's job to
6 determine that. So I don't understand that question
7 because that question is: If so, where? It is our job to
8 come up with an alternative location just because this is
9 an inappropriate location? That's a ridiculous burden to
10 place on us and it's not EFSEC's job either.

11 There is a gold-rush mentality amongst wind
12 farm developers right now. There is obviously no shortage
13 of places to build wind farms as you well know because
14 you've already sited one by the way where 2,000-foot
15 setbacks work beautifully, and we have another company in
16 Vantage who has approached the County and wants to build
17 east of Whiskey Dick in a location where 2,000-foot
18 setbacks from property lines would also be viable. But,
19 again, it's not our job to tell them where these things
20 can go. Our job, our position is to tell you that that is
21 a very inappropriate location.

22 As for the science surrounding setbacks, I
23 think over the years that this project has been debated
24 and plenty of science has been presented to you. Very
25 quickly people have mentioned these numbers already. The

1 French Academy of Medicine has a report in 2006 says that
2 the sounds emitted by the blades being low frequency
3 travel easily and constitute a permanent risk of people
4 exposed to them. The Academy recommends holding wind
5 turbine construction closer than 1.5 kilometers. That's
6 one mile from residences.

7 The U.K. Noise Association, also 2006, made
8 the same recommendation. Their report says there are
9 those who are suffering badly as a result of the noise
10 generated by neighboring wind farms. The wind power
11 industry's allies refuse to acknowledge these things of
12 suffering and deny their existence. It would be prudent
13 that no wind turbine should be sited closer than one mile
14 from the nearest dwelling. Again, this science is being
15 presented to you.

16 It disturbs me living on Elk Springs Road,
17 and this community is going to be severely impacted by
18 this project that you've established no safety setbacks
19 from Elk Springs Road, a private road, and other people
20 have also pointed out there was plenty of science to
21 establish that blade throws do occur, that ice throws do
22 occur, and a safety setback of at a thousand feet is what
23 is being recommended from private and public roads. Yet
24 EFSEC is being completely silent on that.

25 I have a question for you lastly. Is EFSEC

1 going to approve every wind farm application that comes
2 before it? If so, then what value does EFSEC have? If
3 you're going to reject any wind farm application at all
4 that's inappropriate, then this is the one. There are
5 plenty of reasons why this is controversial, why it's been
6 denied by the County, or why we're still here arguing
7 about it six years after Horizon proposed it. If you
8 don't reject this one as an inappropriate wind farm, then
9 what application would you reject? Thank you.

10 JUDGE TOREM: Thank you.

11 Gina Lindemoen.

12 COMMENTS BY GINA LINDEMOEN

13 Hi, my name is Gina Lindemoen and I live at
14 19000 Reecer Creek Road. I am adjacent to the Desert
15 Claim project. I am a property owner there, and I guess
16 my question to you all is regarding the setbacks as well.
17 541 feet is nothing. It's a fourth of the size of a
18 turbine. So I can see the turbines 23 miles from my home.
19 Mike Tribble has seen them as well. He's been to my home.

20 The issue I have as well as setbacks is how
21 many wind sites are you all going to allow to go on in
22 Kittitas County? There is already three: Wild Horse,
23 KVVPP, Desert Claim, a fourth one also over along the Wild
24 Horse project. So what's Kittitas County going to become:
25 just a dumping ground for the wind turbines? You're

1 allowing everybody to come in here and take all of our
2 land over to put wind turbines on. So I agree with
3 Mr. Saunders. What projects would you reject? You don't
4 consider the citizens of Kittitas County. Our
5 commissioners did. I think you've overstated your
6 boundaries.

7 JUDGE TOREM: I believe it's Howard
8 Jerganson or Jorgenson. I can't read your writing, sir.
9 It's on Greenfield Lane.

10 COMMENTS BY HOWARD LYMAN

11 My name is Howard Lyman. I live at 1019
12 Greenfield Avenue right here in Ellensburg, Washington. I
13 speak tonight in support of the proposed project and as it
14 is envisioned. I think we can all agree that the sun is
15 setting on fossil fuel energy.

16 JUDGE TOREM: I'll interrupt you too. It's
17 about setbacks. Let's get there quickly.

18 MR. LYMAN: I am getting there. Our job is
19 to look at can we do it with what's proposed. I was
20 raised on a ranch, in a home that was less than 200 feet
21 from a railroad track for 45 years, and I will tell you
22 that the noise from the railroad is by far greater than
23 you get from the wind towers.

24 And for the people that are concerned about
25 their property value, I will tell you that when it came

1 time to sell the home, it sold with no problem even with
2 the railroad there.

3 I believe that the setback as proposed is
4 adequate. It's time for us to move forward not only for
5 the current residences but the future residences of not
6 only this valley but the State of Washington. Thank you
7 very much.

8 JUDGE TOREM: The next speaker is Ingrid
9 Lutz, Chet Morrison, and Theresa Petrey, and the last
10 speaker I have listed is Neal Houser.

11 AUDIENCE MEMBER: Ingrid left.

12 JUDGE TOREM: Ingrid left and Chet Morrison.
13 Your name, sir?

14 MR. BOYOVICH: David Boyovich.

15 JUDGE TOREM: Chet Morrison.

16 COMMENTS BY CHET MORRISON

17 My name is Chet Morrison. I reside at 2607
18 Judge Ronald Road. There's some things I would like to
19 have you look at. A 2,500-foot setback is about the size
20 of this building. That's what left in the section.
21 280-foot square with a 2,500-foot setback. Basically that
22 is what it, is a quarter-mile setback.

23 JUDGE TOREM: Mr. Morrison, nobody else can
24 hear you. So if you could stand at the microphone while
25 Mr. Knudson and Mr. Fiksdal demonstrate their utility.

1 MR. MORRISON: The blue one is four times
2 the blade length height. The yellow one is the
3 quarter-mile setback. The green one is the 2,500-foot
4 setback. Those are to scale of one section, 640 acres.
5 So I believe that the blade height is sufficient for a
6 setback. I supported the way you voted for it. Thank
7 you.

8 JUDGE TOREM: Thank you, sir. Theresa
9 Petrey, you still here?

10 COMMENTS BY THERESA PETREY

11 Good evening, my name is Theresa Petrey,
12 Members of the Council, Judge Torem. I reside at 312 East
13 Manitoba Avenue in Ellensburg, Washington. I'm here
14 representing myself. I'm an attorney here in town, I'm a
15 parent, I volunteer at local nonprofits, and I'm a
16 business developer and equity holder in an alternative
17 energy company, Washington Territory Biofuels, LLC. I
18 wish to provide as related to setbacks a reality check on
19 some of the complaints that have been made about the
20 diminution of property values. This information is
21 current as of July 11, 2007.

22 JUDGE TOREM: Ms. Petrey, again property
23 values aren't the topic. It's setbacks. Tie it together
24 with property setback issues.

25 MS. PETREY: I'm talking about the claim

1 that your property being close or in the view of the wind
2 tower makes it worthless.

3 JUDGE TOREM: All right. Press on.

4 MS. PETREY: There's 750 acres of industrial
5 land identified as in the boundaries of the City of
6 Ellensburg. About 12 percent of that is currently listed
7 for sale as industrial property. The price per acres of
8 this property last year was \$30,000. This year it's now
9 selling for over \$160,000 an acre. Not only is it listed
10 at this price, it is actually selling at this price. All
11 of this property that I'm talking about here is within the
12 view shed of this proposed project. One can only presume
13 that if the site of windmills has a poor affect on
14 property values that this would not be happening.

15 I will go on to say that if you go into our
16 surrounding counties, particularly Grant County, the same
17 type of property is available at a much lower cost, and I
18 would like to state that I believe that industrial
19 development is no longer a possibility in this county.
20 We've made these into commercial zones; therefore, it's
21 very, very important to have these wind farms approved for
22 our economy here. And I also think that those that are
23 interested in real estate development business, including
24 some of the people that have opposed this project, should
25 very, very carefully consider whether they want the

1 alternative that will be forced by all the development
2 that's coming in, industrial and residential. I know that
3 we have large developers still coming in. We have
4 construction service companies coming from surveyors to
5 numerous people are now coming in.

6 JUDGE TOREM: Ms. Petrey, you're straying
7 from the topic here.

8 MS. PETRIE: I'll just note that if we don't
9 want impact fees, we need to approve this project. Thank
10 you.

11 JUDGE TOREM: Thank you. Next speaker is
12 Neal Houser and then Mr. Boyovich. You are the last one.

13 COMMENTS BY NEAL HOUSER

14 My name is Neal Houser. I reside at 2065
15 Lawrence Road here in the valley, and I'm for absolute
16 maximum setbacks for these towers. I drive back and
17 forth. They're easily seen from over 30 miles away. I
18 can't imagine living within a mile of one of them. As far
19 as people talking about the power lines and driving
20 through and seeing them everywhere, I had property in
21 Snohomish County. It took me ten years to sell it because
22 I had high tension power lines behind it. It does affect
23 property values and it affects our view shed. Nobody
24 would think about putting a wind farm between the west
25 side cities and this state and Mount Rainier; yet you want

1 to do it here. So I'm against the project and maximum
2 setbacks. Hopefully that will eliminate the project.
3 Thank you.

4 JUDGE TOREM: Dave Boyovich.

5 COMMENTS BY DAVID BOYOVICH

6 Ladies and Gentlemen of this Council, thank
7 you for the opportunity to talk. I've heard so many
8 numbers tonight that my head is reeling, but I would like
9 to ask a question of each and every one of you. Has
10 anybody sitting at this Council ever seen a booklet or a
11 book stating what the manufacturers of these monsters
12 recommend to the builders? Has anybody seen one of those?
13 I suggest you get one.

14 About two years ago, Real Light, the monthly
15 magazine that comes out through my PUD, in the back pages
16 has an article that I'm not sure if it was G.E. or if it
17 was that outfit over in France. They recommended five
18 miles. Not one, not 500 feet, not 1,500 feet, five miles.
19 I suggest you people see if you can get one of those
20 books. Thank you.

21 JUDGE TOREM: Thank you, sir. That exhausts
22 the list of people that I had signed up this evening.
23 There was one hand in the back. Yes, ma'am.

24 MS. PATTON: I would like to give my
25 testimony on setbacks, please.

1 JUDGE TOREM: You had an opportunity
2 earlier, ma'am, and you didn't use it for setback's so I'm
3 not going to have you come back to the mic tonight.

4 Sir?

5 MR. SANDALL: I would like an opportunity.

6 JUDGE TOREM: And your name?

7 MR. SANDALL: Sandall.

8 JUDGE TOREM: Mr. Sandall come up.

9 MS. PATTON: May I note an objection,
10 please.

11 JUDGE TOREM: Noted.

12 COMMENTS BY SANDY SANDALL

13 I signed up on the wrong paper. I'm Sandy
14 Sandall. I reside at 8560 Elk Springs road. I myself and
15 numerous landowners and I would like to read the
16 landowners off: Emilia Burdyshaw, Seattle; Dawn Cramer,
17 Maple Valley; Michael Dickson, Federal Way; Mike and Linda
18 Hampton, Snohomish; Fred Legowski, Kent; Clifford
19 Mannahan, Port Orchard; Wayne and Donna Neilson, Bothell;
20 Lucas Oberhansly, Roy; John and Shelly Phillips,
21 Woodinville; Steve and Laurie Plut, Bothell; Len and
22 Suzanne Scheele, Seattle; John & Staci Hunter, Enumclaw;
23 John and Denise Stefansson, Lynnwood; Michael Siegl,
24 Gernsheim Germany; Ken and Cindy Slape, Graham; Todd and
25 Debbie Sween, Ephrata, Kent Johnson, Renton. These are

1 all residents that have land in Elk Springs Road or they
2 travel through Elk Springs Road. The H String 1 through
3 10 follows Elk Springs Road. There should be I would
4 suggest a 700-foot setback or more from all private roads.
5 Our County Commissioners recommended a setback of 2,000
6 from the project boundaries and 2,500-foot setbacks from
7 existing residences. We agree with their recommendation
8 and they know you've tried individually to go up to the
9 Whiskey Dick. The Pluts, Steven and Laurie tried that.
10 They were told they couldn't go in there. It's too
11 dangerous. We drive through those things. Is it going to
12 be too dangerous and we have to have a guard to monitor
13 all the traffic that goes up and down Elk Springs Road?
14 In a matter of an hour today, I had four vehicles go
15 through the road in my area. That's all I have. Thank
16 you.

17 JUDGE TOREM: Thank you, Mr. Sandall.

18 Your name, ma'am?

19 MS. BOLWICK: Kerry Bolwick.

20 JUDGE TOREM: Go ahead and state and spell
21 your name for us.

22 COMMENTS BY KERRY BOLWICK

23 My name is Kerry Bolwick, B-o-l-w-i-c-k. I
24 am speaking on behalf of Northwest Energy Coalition, a
25 hundred plus organization.

1 JUDGE TOREM: That's Ms. Patton. So quickly
2 get to the setback issue.

3 MS. BOLWICK: The Northwest Energy Coalition
4 has reviewed a lot of the testimony and the prior record
5 of the Kittitas Valley Wind Power Project, and we believe
6 that the project meets the state and local goals to assure
7 reasonable siting and setbacks of energy facilities and
8 mitigates local impacts in a reasonable manner.

9 The issue of setbacks has been thoroughly
10 discussed and reviewed in the record and in prior
11 testimony. The project developers have responded to
12 stakeholder and EFSEC concerns over the past years with
13 significant design changes that minimize the visual
14 impacts. To ask for more setbacks to accommodate a few
15 remaining objections puts the whole project at risk as
16 testimony shows. It would be a disproportionate response
17 when the energy supply of thousands of Washington citizens
18 are at risk to delay the project more for visual impacts
19 that have already been decided as low impacts. Thank you
20 for the opportunity to comment.

21 JUDGE TOREM: Is there any other folks that
22 feel they need to comment tonight?

23 There's more hands, three more hands and
24 that will be it. If you'll all three come to the
25 microphone in order and identify and spell your name for

1 the record. Go ahead. You can be first.

2 COMMENTS BY DUANE FLUENT

3 Yes. My name is Duane Fluent.

4 JUDGE TOREM: How do you spell the last
5 name, sir?

6 MR. FLUENT: F-l-u-e-n-t. I speak fluently
7 but I'm not affluent. I reside at 650 Goat Peak Ranch
8 Road in Cle Elum. I am in favor of the wind farm project.
9 Setbacks are another species of issue raised by the
10 not-in-my-back-yard people who write their monthly letters
11 to the editor. Unfortunately setbacks have been
12 recognized as the last best hope for killing this wind
13 power project. Do not let it happen, please. Thank you.

14 COMMENTS BY TOM MORRISON

15 Thank you for your time. I'm Tom Morrison.
16 41512 North Sherman Road, Dear park, and I moved away from
17 here two years ago and not because of the wind turbines.
18 Okay.

19 As far as the feasibility it seems like to me
20 the more turbines the more taxes the state is going to
21 get, the more taxes the county is going to get. But
22 anyway the setbacks I have several pages here from a
23 school in Spirit Lake, Iowa, and they have two turbines
24 there. Both of them are less than 800 feet from the
25 school building. Okay? I talked to Mr. Jim Tervold today

1 and asked him four questions. Asked him how far they were
2 away from the building. The other question is there any
3 side effects on the children: noise, shadow flicker,
4 anything like that? He said no. I also asked him do the
5 blades flick ice? He said yes. I said, okay, explain
6 that to me. He said turbines will either shut down or the
7 ice will fall off and said it never falls within more than
8 50 feet from the turbine itself. Okay? Also in these
9 pictures here that I will give to you folks there's a
10 cable T.V. tower in a background here, and I asked him if
11 there was any affect on that and he said no.

12 Mr. Tervold's contact information is in here, and I would
13 suggest that he's a facility director of this project, and
14 his phone number, e-mail address, website all that is in
15 here. So I would suggest you contact him. Thank you.

16 JUDGE TOREM: Thank you, Mr. Morrison. We
17 had one more person interested in speaking.

18 COMMENTS BY LIZ McCOSH

19 Thank you. My name is Liz McCosh and I live
20 out at 201 Casey Drive. I'm not affected by this
21 particular wind farm unless you approve it because I live
22 in the next location that's coming before you. Yes, we
23 need alternative energy. Not in my back yard, sure. We
24 have all these studies that say you need to have setbacks
25 to preserve people's lifestyles and health. The fact that

1 you can't go in Whiskey Dick to look at it because it's
2 too dangerous and yet you're having homeowners driving on
3 a road without adequate setbacks. Is that being taken
4 into consideration? Location, location, location. If you
5 can't put it in Puget Sound, why put it in Kittitas
6 Valley?

7 JUDGE TOREM: Thank you, Ms. McCosh. I want
8 to address two things before we adjourn tonight.

9 The first is what happens to all the
10 testimony that's been heard today from the parties
11 themselves. That we were here from 3:00 to 5:00 this
12 afternoon and were provided excerpts of the record and
13 perhaps some additional materials that are not already
14 part of the adjudicative record.

15 And second what happens to all the written
16 comments that I addressed earlier to Ms. Schwab and to
17 others. Your comments are being transcribed tonight. The
18 Councilmembers that were excused will review that
19 transcript and know what the rest of their colleagues
20 heard. In about two weeks, I anticipate the 30th or 31st
21 of July thereabouts, the Council will meet again, go into
22 closed deliberations and determine to answer the
23 Governor's letter.

24 Tonight I am going to entertain a motion from
25 one of the Councilmembers to move these comments from

1 today into a separate annex, if you will, to the record
2 that will be considered only to determine whether the
3 Council can answer the Governor's question to the
4 affirmative or the negative without reopening the
5 adjudication for based on what they heard if they feel
6 they must seek out new information and reopen the
7 adjudication. That would be the purpose of the
8 deliberations.

9 A written order or perhaps a letter to the
10 Governor will be the end product that comes out of that
11 meeting and we'll go onto the Governor and explain to
12 Governor Gregoire what the Council is recommending.
13 Essentially it boils down to take it back according to
14 what is said in Orders 826 and 827 or we're recommending
15 some alternative setbacks for particular homes or
16 something else based on what we've heard and found in the
17 existing record. And, again, when I say what we heard,
18 it's we were told to look at other pieces of the record
19 that have already been subject to the decision that came
20 out about the four times height. If we find something in
21 that existing record that had an opportunity for
22 cross-examination or an opportunity for the parties to
23 file closing arguments and briefs, then we don't have to
24 open the record.

25 Finally, it will tell the Governor, the third

1 part, no, we don't have enough information to answer what
2 you asked in your letter; therefore, we are going to go
3 back and reopen the adjudication on these topics. That
4 will essentially be where we are in the process, and we'll
5 be notifying all the parties here if that's the case as
6 well because there will be further proceedings in that
7 case here in Ellensburg.

8 The deliberations will occur in Olympia and
9 there won't be any opportunity for public comment or
10 observation. It is similar to what occurred after all the
11 briefs were filed late last year that led up to the
12 issuance in March of this year of the order that was
13 remanded back. So that will be the next step. You can
14 look for some news on that I believe in the early days of
15 August when the order or letter to the Governor comes out,
16 certainly by the next meeting. If there is one in August
17 of the Council that would be the first two weeks of the
18 month. Something in writing should be coming in a press
19 release accompanying that as well, and I'm sure we'll get
20 coverage here.

21 Tonight we need to take today's proceedings
22 and make them part of the record, and I would entertain a
23 motion from Chairman Luce.

24 CHAIR LUCE: Judge Torem, I would move to
25 incorporate the testimony and written information that

1 we've heard both this afternoon and this evening and the
2 public record for the purpose of advising the Council on
3 its review of the existing record and further on our
4 decision whether it is necessary to reopen the case for
5 further adjudication.

6 JUDGE TOREM: Is there a second?

7 MS. TOWNE: Second.

8 JUDGE TOREM: All right. There's a second
9 from Ms. Towne.

10 Any discussion from the Councilmembers on
11 the motion?

12 All right. Hearing none, then I assume the
13 question is called. All those in favor of the motion to
14 make today's proceedings part of annex to the record say
15 aye.

16 COUNCILMEMBERS: Aye.

17 CHAIR LUCE: Let the record show that the
18 vote is unanimous.

19 JUDGE TOREM: All right. There being no
20 further business, it's nearly 8:30 tonight. Thank you for
21 your time and attendance. We are adjourned.

22 * * * * *

23 (Whereupon, the special meeting was
24 adjourned at 8:23 p.m.)
25

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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 July 17, 2007,
in Ellensburg, Washington.

Shaun Linse, CCR
CCR NO. 2029