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5 **BEFORE THE STATE OF WASHINGTON**
6 **ENERGY FACILITY SITE EVALUATION COUNCIL**

7 In the Matter of Application No. 2003-01

APPLICATION NO. 2003-01

8 SAGEBRUSH POWER PARTNERS,
9 LLC.

PRELIMINARY STATEMENT OF
ISSUES BY COUNSEL FOR THE
ENVIRONMENT

10 KITTITAS VALLEY WIND POWER
PROJECT

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12 Counsel for the Environment (“CFE”) has received notice that an adjudicative
13 proceeding will be held before the Washington State Energy Facility Site Evaluation Council
14 (“EFSEC”) on Application No. 2003-01, Kittitas Valley Wind Power Project. Pursuant to
15 RCW 80.50.080, CFE is a statutory party to all adjudicative proceedings held by EFSEC
16 under chapter 80.50 RCW. EFSEC’s Notice of Intent to Hold Adjudicative Proceeding, dated
17 May 16, 2003 (Notice), specifically requested each petitioner for intervention, as well as CFE
18 and each government agency appearing as a party, to identify the particular issues or concerns
19 that may be addressed during the adjudication.

20 Set forth below is a preliminary list of issues that CFE may raise in the adjudicative
21 proceeding. CFE is mindful of the fact that a draft environmental impact statement (DEIS)
22 has not been completed as of the date of this filing. Therefore, CFE specifically reserves the
23 right to add or delete issues following the completion of the DEIS for the Kittitas Valley Wind
24 Power Project. CFE also specifically reserves the right to raise any issue identified by any of
25 the other intervenors in this matter.
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1 Preliminary Issue List:

2 1. Whether the project adequately mitigates for any adverse impacts to the
3 environment created by the project.

4 2. Whether the project adequately assesses impacts on vegetation and wildlife,
5 including impacts on threatened, endangered, and sensitive plant and animal species and their
6 habitat.

7 3. Whether the project adversely impacts avian populations and/or avian habitat;
8 and if so, whether the project has adequately mitigated for those impacts.

9 4. Whether the project adversely impacts fish life; specifically, whether road
10 construction and runoff from the project will impact bull trout that may exist in creeks located
11 in the immediate vicinity of the project.

12 5. Whether project has adequately assessed soil erosion impacts and water quality
13 impacts.

14 6. Whether the project avoids impacts to wetlands and adequately mitigates any
15 unavoidable impacts.

16 7. Whether project impacts to the native shrub steppe habitat have been
17 adequately assessed and mitigated.

18 8. Whether noise impacts from the project have been adequately assessed and
19 mitigated.

20 9. Whether the project adversely impacts recreational opportunities in the vicinity
21 of the project.

22 10. Whether the project creates any public health and safety concerns, including,
23 but not limited, to fire hazards, blade throw, ice throws (from turbine blades), and tower
24 collapse, etc.; and if so, whether these concerns have been adequately assessed and addressed.

25 11. Whether the project has adequately assessed light and glare impacts;
26 specifically, whether the project has minimized light pollution impacts.

1 12. Whether the project has adequately planned for decommissioning of the
2 facility in the event of financial disaster, natural disaster, and at the conclusion of the project's
3 life cycle.

4 13. Whether the project has adequately planned for site restoration of the project
5 area.

6 14. Whether the project will interfere with communications, including, but not
7 limited to, cell phone reception and television and radio reception.

8 15. Whether the impacts from construction of roadways and wind turbine
9 foundations have been adequately assessed and mitigated.

10 16. Whether impacts from the construction of transmission lines have been
11 adequately assessed and mitigated.

12 17. Whether the construction phase for the project will have adverse impacts on
13 local infrastructure and/or services.

14 18. Whether the project will have any aesthetic or visual impacts on the
15 surrounding lands and community and, if so, whether those impacts have been adequately
16 assessed.

17 19. Whether the cumulative impacts of the project and other projects that are either
18 permitted or in the permit process have been adequately assessed and mitigated.

19 20. Whether the project fully complies with all applicable federal, state, and local
20 laws and regulations, including, but not limited to, laws regarding water resources, water
21 quality, air quality, solid and hazardous waste, wetlands, wildlife, spills, SEPA, and NEPA.
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21. Whether the project involves beneficial changes in the environment.

DATED this 16th day of June, 2003.

CHRISTINE O. GREGOIRE
Attorney General

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