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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITIES SITE EVALUATION COUNCIL

In the Matter of )  
Application No 2003-01 ) KITTITAS COUNTY  
SAGEBRUSH POWER PARTNERS, L.L.C. ) REPLY ARGUMENT  
KITTITAS VALLEY WIND )  
POWER PROJECT )  
\_\_\_\_\_ )

Several of the interveners in their response arguments have failed to recognize or address the very fundamental issue and concern in this matter relating to the environmental impacts. They inexplicably fail to recognize the fact that visual impacts are environmental impacts. Visual impacts are part of the environmental analysis because they are part of the environment. The environmental review conducted for all wind farms in Kittitas County have all demonstrate the significant adverse environmental impact caused by wind turbines at the distances proposed by the applicant. The applicant cannot point to even one visual assessment done in any EIS at the setbacks they propose. (see EFSEC transcript at 412) To approve this project as proposed by the applicant would mean approval of a project with significant adverse environmental impacts without requiring mitigation of those identified impacts.

The significant adverse environmental impact to the visual environment is one that can and must be mitigated. Setbacks from a sub area boundary are a basic consideration in a sub area plan. (EFSEC transcript at page 409) The applicant hiring a witness to fly over the project in a helicopter is no substitute for a real environmental analysis. The applicant's unsupported assertion that compliance with the environmental analysis would make the project not "economically viable" is not a basis for failing to impose the mitigation necessary to mitigate the harm identified in the environmental analysis. The applicant's unsupported and unverifiable

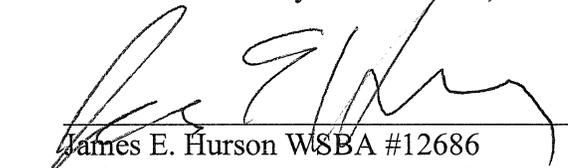
1 assertion to an “industry standard” that contradicts all environmental analysis is not a valid basis  
2 to ignore the environmental impacts. The applicant choosing to propose a project that cannot  
3 withstand environmental scrutiny is not a basis to ignore the environmental impact. The  
4 objective environmental analysis all demonstrate that the applicant’s proposed setbacks are not  
5 justified. The applicant’s insistence upon such unjustified setback is a bad faith refusal to  
6 properly mitigate the project and the application must be denied.

7 No one can credibly assert that Kittitas County is opposed to wind farms. We currently  
8 have one of the largest wind farms in the state and fully anticipate that there will be more wind  
9 farms in Kittitas County as long as they are properly sited and mitigated. The question here isn’t  
10 whether wind energy is good or whether Kittitas County is for or against wind energy. The  
11 question is where in this County and under what conditions these wind farms will be permitted.  
12 The conditions sought to be imposed by the County are reasonable and supported by the  
13 environmental analysis. The conditions sought by the applicant lack any environmental support.

14 Initiative 937 does not call for ignoring environmental impacts. Nor does it call for  
15 ignoring the Growth Management Act and local planning that balances multiple interests. Denial  
16 of the project as proposed by the applicant does not mean that a coal power plant will be built. It  
17 simply means that the applicant needs to take all environmental issues seriously and propose a  
18 proper project. There are several other alternative locations for wind farms in Kittitas County.  
19 A properly located, sited, and mitigate wind farm (Wildhorse) has already received favorable  
20 approval from the County. Other properly located, sited, and mitigated wind projects like  
21 Wildhorse can likewise anticipate a similar favorable result. The applicant’s failure to obtain  
22 approval is due to the shortcoming in their applications and their refusal to act in good faith by  
23 modifying their project to eliminate the significant adverse environmental impacts. The  
24 applicant’s request for preemption and site certification must be denied.  
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Dated this 20th day of November, 2006



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James E. Hurson WSBA #12686  
Chief Civil Deputy Prosecutor for  
Intervener Kittitas County