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

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

EXHIBIT 110R.0
RESIDENTS OPPOSED
TO KITTITAS TURBINES
PRE-FILED REBUTTAL
TESTIMONY

**ROKT PREFILED REBUTTAL TESTIMONY
WITNESS #1: ED GARRETT**

Q Please state your name and address.

A: My name is Ed Garrett and I reside at 19205 67th Ave SE, Snohomish, Washington, 98296-5347.

Q: What is your present occupation or profession and with whom are you employed?

A: My profession is that of a licensed Professional Registered Nurse in Washington State. I am currently retired but occasionally provide consulting services in general healthcare issues.

1 Q Living in Snohomish, why are you concerned about the KVVPP now
2 before EFSEC?
3

4
5 A: My wife, Rosemary Monaghan, and I purchased fifty-(50) acres of
6 property in Kittitas County in June of 2001. Kittitas County Auditor
7 designates the property as Parcel No. 19-17-13000-0009. Our land is
8 located in a unique rural setting and is proximate to the proposed Kittitas
9 Valley Wind Power Project (KVVPP).
10

11 Q: What is the current zoning for your property?
12

13
14 A: It is currently zoned Forest and Range. No agriculture as there is no
15 water.
16

17 Q What is ROKT?
18

19 A: ROKT stands for Residents Opposed to Kittitas Turbines. It is an
20 association of local residents and landowners of property in Kittitas
21 County who have serious concerns about the siting of this project. Our
22 members have been active participants in all public processes and have
23 sought to provide substantive input on virtually all aspects of land use
24 siting options and impacts. We incorporate our comments, materials and
25 submissions by reference.
26
27

28
29 Q: Has the EFSEC process allowed a meaningful participatory process for
30 community members and affected property owners?
31

32 A: No. While we appreciate the assistance and guidance of Irina Makarow,
33 participation as an intervenor has been difficult, expense and confusing.
34 The process is encumbered by virtually incomprehensible rules and
35

1 procedures; is financially prohibitive in associated legal costs and
2 publication expenses; and is tainted by conflicts of interests between
3 advocates and decision-makers (CTED and DNR). ROKT is attempting to
4 be a meaningful participant but the process effectively eliminates the
5 public's ability to have real input on land use decisions for its community.
6 It seems unfair and inappropriate that public comment is not entitled to
7 the same weight and authority as pre-filed testimony.
8

9 Q At the time you purchased your property, were you or your wife aware of
10 the proposed wind farm project in the area?
11

12 A: No, we were not informed from the seller about the impending wind farm
13 project or any other development in the immediate area
14

15 Q How did you hear about the proposed wind farm?
16

17 A: About 3 months after purchasing the property we visited our property in
18 our RV. While visiting, we were told by a neighboring landowner that
19 there was a rumor about placing a wind farm in the area, but nothing
20 substantive. We later confirmed it when we saw an article in April 19,
21 2002 in the Daily Record which printed Zilkha's press release. Below is a
22 copy of that release.
23
24
25

26 Valley picked for wind farm

27 Facility may be third largest in U.S. 04/19/02

28 MIKE JOHNSTON

29 A national energy firm is poised to file permits for a huge wind farm
30 west of Ellensburg, possibly the third largest in the nation and with
31 up to 150 turbines. Zilkha Renewable Energy, a family-owned firm
32 based in Houston, wants to generate electricity from the three-
33 bladed turbines strung on 60 combined acres of leased land on
34
35

ridges about 13 miles west of Ellensburg and spread over 10,000 acres.

The company has two offices in the Pacific Northwest. One is a regional office in Portland. The other is a local office in Ellensburg, at 222 Fourth Ave., established in January.

Chris Taylor, Zilkha's project development manager, said the hope is to have the more than \$100 million project producing electricity by the end of 2003. "Kittitas County and the Ellensburg area has well-known wind resources," said Taylor. "The area also has good access to high-voltage transmission lines and to markets that may buy the power. All the factors are good."

Zilkha has been researching the county for wind-driven electricity generation for more than a year. The firm has lease options on ample land in the project area for the number of turbines planned, Taylor said, and work is now underway on environmental studies.

"We are pushing forward on this because we are optimistic that it will all come together," Taylor said. "And, above all, we want to be the best business partners we can be to the landowners, the host community and those buying our power."

Taylor said if the project is fully approved and built as planned, it will have the maximum capacity of generating 250 megawatts, nearly doubling the firm's generation capacity from its other wind farms around the nation and the world.

He said he knows of only two other operating wind farms in the United States that are larger than the one proposed. (One is in Walla Walla.)

Zilkha has 11 wind farms with a maximum generating capacity of 260 megawatts. Taylor said the actual generation, because of intermittent winds, is an average of up to 40 percent of the maximum figures.

In the Pacific Northwest, it is estimated that 100 megawatts of power can meet the electrical demand of 60,000 homes, Taylor said.

The firm is presently pursuing other projects in the United States, Taylor said, that are as big or bigger than the one proposed in Kittitas County. The local project area is between Ellensburg and Cle Elum north of the Yakima River on both sides of U.S. Highway 97 and south of state Route 970.

1 "Although we are still monitoring the winds in the project area, we
2 believe we have more than adequate wind speed," Taylor said.

3 Research shows the wind is predominately out of the northwest and
4 wind speed ranges from 12 to 25 miles per hour in the project area,
5 he said.

6 Although the project area takes in 10,000 acres, the actual land
7 used is 60 acres for concrete pads supporting the turbine towers,
8 gravel access roads, underground power lines, a substation and a
9 maintenance facility. The towers range from 200 to 250 feet high.
10 The diameter of the arc made by the three turbine blades can be up
11 to 200 feet.

12 For comparison, Taylor said the diameter of the turbine blades is as
13 long as the wingspan of a Boeing 747 jetliner. Taylor said each
14 turbine has a maximum generation capacity of 1 megawatt to 1.5
15 megawatts.

16 Lease payments to farmers, ranchers and other landowners in the
17 project area can be a "good, reliable source of income," he said.

18 "That income can really help when farmers face the uncertainties in
19 their operations year after year," said Taylor. "This is a great
20 economic development factor."

21 Though only six to eight full-time employees will service the wind
22 farm, Taylor said the one-year construction period will bring
23 revenue to the area.

24 Zilkha plans to submit a conditional-use permit application for the
25 project in late spring or early summer to the Kittitas County Board
26 of Adjustment and the county Planning Department. The firm is now
27 working on an environmental impact statement to assess how the
28 wind farm will affect the land, wildlife and the local community.

29 "We take this very seriously," Taylor said about the environmental
30 study. "We are looking at everything: water, wetlands, wildlife of all
31 kinds, everything." The firm also is talking to officials of the Kittitas
32 County Audubon Society to assess the impact of the turbines on
33 birds.

34 Taylor plans community meetings and forums to inform people
35 about the project. Other meetings, organized by the county, will
take comments from people about what impacts from the project
need to be studied and mitigated.

1 "We know this is a new thing for Kittitas County, and we want full
2 public disclosure and involvement with the community make sure
3 everyone understands," Taylor said.

4 The company hopes to have formal public hearings on the permit
5 sometime in winter 2002-2003. If approved, construction can start
6 in spring 2003.

7
8 Q: As a landowner in the immediate proposed project area, did a Zilkha
9 official initially make contact with you to discuss potential impacts or try to
10 gain your support for the project?
11

12 A: No. They never approached me voluntarily or tried to gain my support
13 early on in the project.
14

15
16 Q: Are there other landowners in your area that are similarly affected?
17

18 A: Yes, in our area on Cricklewood Lane, there are six (6) other landowners
19 who own an aggregate of 325 acres.
20

21
22 Q: To your knowledge, have any of the neighboring landowners been
23 notified by a Zilka official about the impending project?
24

25 A: Yes. Out of the six (6) bordering properties in the project area, Zilkha
26 contacted only two (2) owners and that was for the purpose of negotiating
27 potential leases of their property. One signed, the other did not. Contrary
28 to assertions by Sonja Ling, Zilkha did not engage local landowners for
29 the purpose of ascertaining potential concerns, assessing impacts and
30 evaluating project alternatives.
31

32
33 Q: What are your main concerns now about the proposed project?
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1 A: As a property owner and community member, my concerns are two fold:
2 (1) the dramatic and irreversible impact that this project will have on a
3 unique rural environment; and (2) the adverse impact the land use
4 change will have on the value of my property investment.

5
6 On the issue of land use, there are two components. One is we
7 purchased the property specifically in that location due to the availability
8 of semi-precious Ellensburg Blue gemstones. We like to rock hound and
9 this area is the prime location to fine them.

10
11 On the second reason we purchased our property was to build a small
12 vacation home and observatory. One of my hobbies is amateur
13 astronomy and astro-photography. We bought there specifically because
14 it is almost 3000 feet in elevation and has a virtual 360-degree view of the
15 heavens. There is relatively no air pollution and little light pollution. The
16 six buildable lots on Cricklewood Lane are already served by power with
17 an AC utility line running through each one.

18
19 Before Zilkha had submitted their Application to the county, we had begun
20 planning our vacation home and received positive perk test for the
21 property. Zilkha has yet to specifically address mitigation measures with
22 landowners in our situation and has simply ignored our interests. A
23 turbine is planned within 1,000 feet of our property.

24
25 If this project is permitted as proposed, my full west view will be of the
26 120 or so wind turbines. J-String parallels Cricklewood Lane with 9
27 turbines a little over 300 feet from my proposed front door. My
28 neighboring landowners, who also plan to build in the future, will all share
29 the same fate.
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1 If this project is permitted as proposed, my compatible use of rural lands
2 will be violated as astronomical observations in the area will be severely
3 affected with all the flashing lights from 250-foot towers. Noise, light,
4 shadow flicker and activity will all be present and the environment
5 irretrievably denigrated. This project is different from many wind farms in
6 that it has immediate impact on many existing property owners.
7

8 If this project is permitted as proposed, all of us on Cricklewood Lane will
9 be burdened with properties we cannot enjoy and not be able to resell.
10 Perhaps more importantly, the beauty and unique environmental
11 character of this area will be altered with the introduction of a man made
12 view shed of disproportionate magnitude.
13

14
15 Q Have you discussed these issues with Zilkha officials?
16

17 A: Yes. When Zilkha filed their application with the county, I attended
18 Zilkha's open house at their office and then subsequent public meetings.
19 I have discussed these issues with both Michael Skelly and Chris Taylor.
20

21
22 Q: What was your experience with these interactions?
23

24 A: In discussing the issues with Michael Skelly at Zilkha's Open House, I
25 asked about Zilkha purchasing our properties. He told me they (Zilkha)
26 does not purchase properties, only lease properties. They would not be
27 able to make any money if they had to buy property. On discussing this
28 issue with Chris Taylor, I was basically told the same thing and that this
29 site was the only viable spot for the wind farm. We now know that this is
30 not true. Other sites have been proposed in Kittitas County and countless
31 projects developing throughout this state. All of the purported benefits of
32 wind power can be achieved at other locations and with a lesser
33 environmental cost. Zilkha refused to consider other options.
34
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2 Later, when Zilkha said they would be doing visual simulations, I asked to
3 be included in the process and specifically invited Chris Taylor to come
4 up to our property and discuss the proposed placement of the towers. He
5 did come up, but was reluctant to share any information and we never
6 received any visual simulations. Perhaps the reason is that the
7 equivalent of a forty (40)-story building within 300' of my property is
8 difficult to show in visual simulation.

9
10 Q Do you have anything else to add?

11
12 A: The other concerns are mostly about the environmental issues, avian
13 mortality, noise and fire hazards. These issues have already been
14 addressed and incorporate ROKT members comments on those issues.
15 do question studies that are prepared by specific wind industry groups
16 that hardly appear impartial and not address the real downside of this
17 type of industry.
18

19
20 Q What do you have to say regarding the prefiled testimony of Kenneth R.
21 Bevis, witness for the Counsel for the Environment.
22

23
24 A: In reading the prefiled testimony provided by Mr. Bevis, several
25 statements are important to comment on.
26

27 One page 2, Line 25, regarding the study protocols used by WEST, Inc.,
28 that, "I have some concern regarding the duration and intensity of the
29 surveys. In particular how short the duration of the study may affect the
30 definitiveness of the abundance information." We in ROKT, as well as
31 members of the Kittitas Audubon Society have voiced concerns over this
32 very important point. Studies were too short and no night studies were
33 performed.
34
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1 On page 3, line 21, Mr. Bevis discusses affects to raptors (redtail hawk,
2 golden eagles and owls) and bald eagles. Members of ROKT as well
3 Kittitas Audubon Society agree as well with Mr. Bevis' statements. Our
4 comments and submissions are incorporated by this reference.
5

6 Page 6, line 25, Mr. Bevis states, "the applicant should also consider
7 avoiding placement of towers along ridge tops, especially in areas of
8 known bird concentrations". Again, we in ROKT agree. WEST, INC., also
9 conducted the avian studies for enXco, a wind farm developer proposing
10 a wind farm in close proximity to KWPP. For that project (Desert Claim
11 Wind Power Project) WEST, Inc. in their DEIS, Chapter 3, page
12 100,(EXHIBIT EG-2) they state under mitigation issues that, " To
13 determine final turbine layout, consideration could be given to setting
14 turbine locations back at least 50 meters from the rim edge of steep
15 slopes within the E1/2 of Sections 26 and 35, 9N,R18E.
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18 That study concurs, do not place wind turbines on open ridge tops.
19 yet, WEST, Inc., in the DEIS for the KWPP makes no
20 recommendation even though raptors and eagles have been observed
21 hunting in the project area. The KWPP Application recommends placing
22 most all wind turbines on the open ridge tops.
23
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25 Finally, on page 7, line 13, Mr. Bevis is asked about the cumulative
26 impacts of the 3 proposed wind power projects in Kittitas county. He
27 states, "yes" to having concerns on the cumulative affects of the 3 wind
28 power plants and it's affects on avian mortality. We concur. Cumulative
29 impacts are essential considerations in the siting of multiple wind farm
30 projects.
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33 Again, it is my belief, as well as others in ROKT, that the studies
34 conducted by WEST, INC., are inadequate and do not adequately
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1 address the issues that make the KVWPP project area a poor site for an
2 industrial wind farm.

3 Q: What do you have to say regarding the prefiled testimony of Sonja Ling
4 from the Renewable Northwest Project.

5
6 A: In reading the prefiled testimony provided by Sonja Ling, several
7 statements need clarification and a response.

8
9 One page 1, Line 22, she states that, "RNP is a unique coalition of
10 consumer groups, environmental organizations and renewable energy
11 companies
12

13
14 Then again, on page 2, line 1, She states, "RNP currently has 24
15 members - over half the members are environmental and consumer
16 groups".
17

18
19 This is not a true statement. I have received letters from RNP on their
20 letterhead which lists their 24 "members" in the left margin. Most are
21 energy companies, wind developers, and renewable energy advocacy
22 groups. No Sierra Club, Audubon Society (local or national chapters),
23 Nature Conservancy, World Wildlife Fund, Defenders of Wildlife, The
24 Wilderness Society or Natural Resources Defense Council. These are
25 true environmental and consumer groups. Listed are companies and
26 organizations like American Wind Energy Association, FPL Energy, Inc.,
27 GE Wind Energy, Green Mountain Energy, MidAmerican Energy
28 Holdings Co, Inc., Northwestern Wind Power, SeaWest, Vestas American
29 Wind Technology, Inc., (Vestas makes wind turbines), and Zilkha
30 Renewable Energy (Sagebrush Power Partners, LLC). I believe RNP
31 actually acts as wind power advocacy group and hardly can be viewed as
32 impartial.
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2 Page 2, Line 22 she states, "My primary responsibility is to ensure that
3 proposed wind projects are properly sited. I engage developers and
4 interested parties to help resolve potential siting issues. I have worked
5 with state fish and wildlife agencies, local Audubon chapters and counties
6 to understand their concerns and to help educate them on how modern
7 wind facilities have been sited." She also states on page 4, line 1, that,
8 "RNP directly participates in the siting process for proposed renewable
9 projects. Specifically, we review and comment on the environmental
10 assessment for proposed projects and work with developers and
11 concerned parties to address issues."
12

13
14 ROKT has been an "interested party" since the press release of 4-19-02
15 in the Daily Record when citizens learned about the proposed project.
16 Ellensburg has an active Kittitas Audubon Society, which I keep in close
17 contact with. Neither active "interested party" has been contacted by
18 Sonja Ling or any other person from RNP regarding the issues in siting of
19 the KKWPP. She further states there are 5 bullet points RNP reviews to
20 help them decide whether to support renewable projects. The answers to
21 those 5 important questions are key in siting and Sonja Ling failed to
22 answer those questions from her extensive involvement in the review
23 process. She only goes on to say that she believes Zilkha application is
24 appropriate and correctly sited, even though many local community
25 members have concerns over siting. The local Audubon has concerns on
26 avian mortality and the killing of bald eagles. The Yakima Nation is
27 concerned about destroyed habitat and eagles on ceded native lands and
28 do not support the project.
29
30

31
32 Q: What do you have to say regarding the prefiled testimony of Tony Usibelli,
33 witness for the State of Washington Department of Community, Trade
34 and Economical Development.
35

2 A: In reading the prefiled testimony provided by Mr. Usibelli, several
3 statements are important to comment on.

4
5 First, Mr. Usibelli states in the first two pages that he holds positions as a
6 director in the Energy Policy Division of CTED as well as a member of the
7 management team of CTED. There is also a siting EFSEC council
8 member who is employed by CTED. I understand this issue was brought
9 up before by Intervenor Mr. Stephen Lathrup and was over ruled. After
10 reading Mr. Usibelli's testimony on state policy and goals, I believe that
11 this puts the EFSEC Council member for CTED in a very delicate and
12 prejudicial position and hardly impartial.

13
14
15 Second, on page 4, Mr. Usibelli is asked, "Is it the policy of the state of
16 Washington to support the development of wind energy facilities?". His
17 answer is "yes". In his testimony he is asked if that support was
18 unconditional, and he responds, "No, of course not." He adds that it must
19 also consider the general welfare and the protection of environmental
20 quality. With all the local controversy that this proposal has produced
21 regarding its siting (safety, land use, devaluation of property values, avian
22 mortality, quality of life for residents, fire hazards, and dubious
23 economical benefits) he still says he believes that evidence to date,
24 demonstrates the DEIS to be sound. He then adds, "wind is proving itself
25 to have few significant environmental impacts." I guess the decimation of
26 raptors and killing of bald eagles is viewed as insignificant to the state. He
27 also does not address the issue that highway 97, by state statute, is
28 designated as an area of natural beauty and should be preserved.
29 Further, he, just as Zilkha has done, fails to take into the account of more
30 than 100 residents and landowners in close proximity to the project area
31 (some even in the project area) and how it will affect their lives,
32 investments and quality of life.
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2 Third, on page 8 he brings up the preliminary review by PSE and their
3 interest in purchasing wind power. He fails to mention that PSE is only
4 interested in the wind projects if PSE can purchase the wind farm,
5 something Zilkha and enXco say they would not do. PSE is not interested
6 in long-term power purchase agreements with wind farms.
7

8 Finally, on page 9, he is asked how the citizens of Kittitas county will
9 benefit economically. For sure, those landowners who are leasing their
10 land to host wind turbines will benefit, but he fails to address that more
11 than half of the 13 lucky landowners do not live in Kittitas county. Only 4
12 actually live in the county.
13

14 In closing, addressing state politics and policy is not the issue. The issue
15 is addressing the true siting impacts of a 5000-7000 acre industrial wind
16 farm on the hundreds who will have to live with it. They belong in isolated
17 areas, away from residents and never placed in an area of natural scenic
18 beauty.
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Wildlife, U.S. Fish and Wildlife Service, Kittitas County, landowners, the project owner/developer, and other affected interests such as conservations groups (e.g., Kittitas Audubon Society). The role of the TAC would be to determine and coordinate appropriate mitigation measures, monitor impacts to wildlife and vegetation, and address issues that arise regarding wildlife impacts during operation of the wind plant.

Mitigation Actions

The primary impacts associated with the project are expected to be loss of shrub steppe habitat, fatalities of birds, and potential displacement effects on mule deer. The following are potential mitigation measures for these impacts:

- The overall design of the wind plant would minimize perching opportunities for raptors and other birds, for example, tubular towers would be used for the turbines and met towers and use of overhead powerlines in the project would be minimized.
 - Sensitive wildlife areas such as the riparian corridors and raptor nest sites could be mapped, flagged, and/or identified to all contractors working on-site and could be designated as no disturbance zones during the construction phase.
 - During project construction, best management practices could be employed to reduce peripheral impacts to adjacent native vegetation and habitats and to minimize the construction footprint.
 - A site management plan could be developed to, at a minimum, identify sensitive wildlife areas (e.g., raptor nests), provide adequate on-site waste disposal, and establish fire management and erosion control procedures.
 - Raptor nests within ½ mile of construction areas could be monitored for activity prior to construction to determine the need for construction timing restrictions around active nests.
 - All power and communication lines on-site could be buried underground where feasible.
 - All overhead power line poles could be equipped with anti perching devices.
 - Guy wires on permanent met towers on-site could be equipped with Bird Flight Diverters (BFDs) to minimize the potential for avian collisions.
- To determine final turbine layout, consideration could be given to setting turbine locations back at least 50 meters from the rim edge of steep slopes within the E1/2 of Sections 26 and 35, T19N, R18E.
- Construction could take place primarily during the summer months, minimizing disturbance to wintering big game from construction activities.

Monitoring

A post-construction monitoring study is typically implemented to quantify project impacts to avian and bat species and assess the need for additional mitigation measures, for example unanticipated big game issues. The post-construction monitoring plan would be developed in coordination with the TAC. The monitoring plan for the project would, at a minimum, contain the following components:

- One year of standardized fatality monitoring involving carcass searches, scavenger removal trials, and searcher efficiency trials.
- A standardized procedure for O&M personnel instructing how to report incidental fatalities or injured birds for the life of the project.

W 11 0

**Renewable
Northwest
Project**

917 SW Oak
Suite 303
Portland, OR 97205

Phone
503.223.4544
Fax
503.223.4554
www.RNP.org

Members

American Wind
Energy Association

Calpine Corporation

Center for
Energy Efficiency and
Renewable Technologies

Citizens' Utility Board

FPL Energy, Inc.

Geothermal
Resources Council

GE Wind Energy

Green Mountain Energy

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Northwest
Environmental Advocates

Northwestern Wind Power

Oregon State
Public Interest
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Marketing

Portland Energy
Conservation, Inc.

Renewable
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SeaWest

Solar Energy
Association of Oregon

Vestas American
Wind Technology, Inc.

Washington
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Washington State
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Research Group

Zilkha Renewable Energy



Renewable Northwest Project