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

9 In the Matter of Application No. 2003-01

10 SAGEBRUSH POWER PARTNERS, LLC;

11 KITTITAS VALLEY WIND POWER
12 PROJECT

EXHIBIT 102 (DT-T)

13 **INTERVENOR F. STEVEN LATHOP'S PREFILED REBUTTAL TESTIMONY**
14 **WITNESS #102, David Taylor**

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16 Q. For the record, please state your name and business address.

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18 A. My name is David V. Taylor and my business address is 1661 Beane Road, Moxee
19 Washington, 98936.

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21 Q. Is your professional background and experience on record for these EFSEC proceedings?

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23 A. Yes, I submitted pre-filed testimony on behalf of Mr. F. Steven Lathrop (see exhibit 101).

24
25 Q. What is the nature of the testimony contained herein?
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1 A. To offer rebuttal testimony to the pre-filed testimony previously filed with EFSEC by the
2 applicant.

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4 Q. Have you reviewed the pre-filed testimony submitted on behalf of the applicant?

5 A. Yes I have.

6
7 Q. In your professional experience, what is your general opinion of the applicant's pre-filed
8 testimony?

9 A. The applicant submitted twenty-one separate statements (Exhibits 20 through 40) as pre-
10 filed testimony to EFSEC. While the applicant has compiled an impressive list of
11 "experts" I find the testimony to be filled with generalities and assumptions and lacks
12 meaningful discussions related to concerns raised by members of the public. For
13 example, Mr. Chris Taylor's pre-filed testimony (Exhibit 20) includes lengthy
14 discussions purporting that Kittitas County continuously placed "road blocks" up to slow
15 down or complicate project review. The pre-filed testimony submitted by Mr. Clay
16 White (exhibit 50) would appear to completely and undeniably rebut all of Chris Taylor's
17 testimony. In addition, Chris Taylor's testimony provides absolutely no substantive
18 information and appears to lack any meaningful representation of the facts before the
19 EFSEC.

20 Another example can be found in Mr. Andrew Linehan's pre-filed testimony. (Exhibit
21 21) Mr. Linehan's pre-filed testimony provides his professional opinion on many issues
22 before EFSEC. While Mr. Linehan's résumé is impressive, his testimony fails to provide
23 EFSEC key information related to his professional experience. Mr. Linehan is the
24 manager of CH2M Hill's Portland, Oregon office and much of his experience appears to
25 be from projects in Oregon. The Washington State GMA has been dubbed a "bottom up"
26 planning process where decisions made by locally elected officials are given deference in
an appeal to the Growth Hearings Boards or Superior Court. Unlike Washington,
Oregon's state planning program is based on a "top down" approach. In Oregon,

1 development standards are decided at the state level and simply implemented at the local
2 level. Washington's growth planning tools are in complete contrast to those in Oregon.

3 Mr. Linehan's discussions related to the Washington State Growth Management Act are
4 completely misleading and non-factual. For example, Mr. Linehan repeatedly describes
5 residential development as urban development. Residential development is not strictly
6 confined to urban areas, nor does the GMA preclude residential development in rural
7 areas. Mr. Linehan also seems to characterize the Agriculture-20 and Forest and Range
8 zoning classifications as "resource lands" as defined by the GMA. Kittitas County has
9 adopted Commercial Agriculture and Commercial Forest zoning classifications to meet
10 the requirements of the GMA. Mr. Linehan states, "(t)he Kittitas Valley Wind Project is
11 proposed in an area that Kittitas County has planned and zoned for natural resource and
12 agricultural land uses, and not for residential subdivision." (Linehan, Page 8, Line 11)
13 Neither the Agriculture-20 nor the Forest and Range zoning classifications constitute
14 "resource lands" as defined by the GMA. Finally, Chapter 8 of the Kittitas County
15 Comprehensive Plan describes rural lands as having a density of 3 to 20 acres per
16 residential unit.

17 Finally, the pre-filed testimony of Mr. Wally Erickson (Exhibit 29) includes a discussion
18 related to the preparation of "a habitat conservation plan (HCP) being developed for
19 potential impacts to bald eagles from the project." (Erickson, page 5, line 8) Mr.
20 Erickson's testimony appears to indicate an approved HCP would protect the project
21 from an incidental take of a listed species, but fails to note federal agencies have been
22 barred from making such a statement. U.S. District Judge has ordered federal agencies to
23 stop assuring private landowners they won't face additional requirements under the
24 Endangered Species Act once they agree to a Habitat Conservation Plan.

25 (AP/Spokesman-Review, June 11) Judge Emmet G. Sullivan, of the U.S. District Court
26 for the District of Columbia, agreed with environmentalists that the "no surprises" rule
denies the public the opportunity to "weigh in on decisions likely to have significant
effects on public resources." Sullivan gave the U.S. Fish and Wildlife Service and NOAA

1 Fisheries until December 10 to revise their regulations to allow more public input. In
2 other words, HCPs do not offer the project protection from the taking of a listed species.

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4 Q. Have you reviewed the applicant's pre-filed testimony for discussions related to impacts
5 to the agricultural community and, if so, what did you find?

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7 A. Yes I have, but I found only a single reference to impacts on agricultural activities. With
8 the exception of Mr. Arne Neilsen's pre-filed testimony, I was unable to locate anything
9 specifically related to impacts the project may have on agricultural practices. It should be
10 noted the specific question was limited in scope to animal health related to shadow flicker
11 and he provided no specific answer related to animal health.

12
13 Q. Aside from animal health, are there other issues that may impact agricultural activities in
14 the project area?

15 A. Yes, transportation impacts. Ms. Jeanne Acutanza's pre-filed testimony (exhibit 33) is
16 related to impacts to the area's transportation system. Ms. Acutanza goes to great length
17 discussing possible level of service impacts and average daily trips, but she fails to
18 discuss impacts associated with agricultural activities. From April through October it is
19 not uncommon to see farm machinery traveling on a county road. At times, ranchers
20 utilize a county road to "drive" cattle from one pasture to the next. The pre-filed
21 testimony provides no discussion to the impacts increased construction traffic will have
22 on these types of activities. In addition, I have been unable to locate any reference to
23 the concurrency requirements of the GMA and how the proponent proposes to meet the
24 concurrency requirement.

25 Q. Have you reviewed the applicant's pre-filed testimony for discussions related to impacts
26 to property values and, if so, what did you find?

1 A. Much of the direct pre-filed testimony filed by the applicant discusses impacts to
2 property values. For example, Mr. P. Barton DeLacey's pre-filed testimony indicates
3 property values won't decrease because people already know about the proposed project.
4 In addition, Mr. DeLacey's testimony indicates because the project is located within a
5 well established energy corridor, there won't be additional impacts to property values.

6 In my opinion, the information contained in Mr. DeLacey's pre-filed testimony is flawed
7 and fails to acknowledge the visual differences between wind turbines and other land
8 uses. Mr. DeLacey attempts to minimize the impacts to property values by comparing
9 wind turbines to gravel pits, electrical transmission towers, communication towers, and
10 roads, but fails to describe the differences between the visual impacts associated with
11 each. For example, the gravel pit referred to by Mr. DeLacey is located on top of a hill
12 and can only be seen for a short distance from the roadway. Having seen both the
13 referenced electrical transmission towers in the project area and wind turbines in Walla
14 Walla County the visual impacts associated with the wind turbine is much greater.

15 Q. Are you aware of the local concerns associated with the project and does the applicant's
16 pre-filed testimony address these concerns?

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18 A. The applicant has attempted to address many of the local concerns through direct pre-
19 filed testimony. Unfortunately, whether or not EFSEC conditions the project to mitigate
20 these local concerns may come down to which "expert" is more believable. Regrettably,
21 none of the "experts" employed by the applicant for the submittal pre-filed testimony
22 reside in the Kittitas Valley. Instead, the "experts" relied upon statistical data, polls and
23 anecdotal observations on which to base their opinions. While the applicant's pre-filed
24 testimony appears to address many of the local concerns; the pre-filed testimony has
25 failed to address some key issues.
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1 For example, the construction phase of the project is anticipated to produce 78 jobs.
2 Cumulatively, the three possible wind power projects located in Kittitas County are
3 anticipated to produce 170 jobs. None of the applicant's pre-filed testimony addresses
4 how police and fire protection services will be affected by 170 construction laborers. Mr.
5 Daniel Pitzler's pre-filed testimony indicates there is "an adequate supply of temporary
6 housing to accommodate workers from outside the area" and then offers statements like
7 "increase retail sales and overall economic activity" and "substantial impact on the
8 property tax base of the County" to deflect attention from potential impacts. The
9 applicant has simply ignored local concerns throughout this project.
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