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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2003-01:	EXHIBIT 71-R (TC-T)
SAGEBRUSH POWER PARTNERS, LLC;	RENEWABLE NORTHWEST PROJECT
KITTITAS VALLEY WIND POWER	PRE-FILED DIRECT TESTIMONY: TED
PROJECT	CLAUSING

**RNP PREFILED DIRECT TESTIMONY
WITNESS # 2: TED CLAUSING**

Q Please state your name and business address.

A My name is Ted Clausing and my business address is 1701 South 24th Avenue, Yakima, Washington 98902.

Q What is your present occupation, profession; and what are your duties and responsibilities?

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A I am the Regional Habitat Program Manager for Region 3 for the Washington State Department of Fish and Wildlife. My responsibilities include supervision of a group of biologists who provide permitting, environmental review and technical assistance services related to fish and wildlife within 9 counties in central Washington.

Q Would you please identify what has been marked for identification as Exhibit 71-R (TC-1)

A Exhibit 71-R (TC-1) is a résumé of my educational background, expertise and employment experience.

Q Can you describe your involvement with the development of the WDFW Wind Power Guidelines?

A I was a member of the WDFW committee which worked with representatives from the Renewable Northwest Project to develop the current WDFW Wind Power Guidelines.

Q Does Kenneth R. Bevis' testimony represent WDFW's position on the Kittitas Valley Wind Power Project (KVVPP)?

A No. WDFW's position is included in letters to EFSEC and to Zilkha Renewable Energy. Exhibit 71-R (TC-2) and (TC-3) are copies of our comment letters to EFSEC regarding the KVVPP.

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Q Did Kenneth R. Bevis have a role in reviewing the KVVWPP?

A No.

Q Does your testimony represent WDFW's position on the KVVWPP?

A Yes.

Q What is your knowledge of the proposed KVVWPP?

A I have reviewed portions of the environmental documents related to fish, wildlife and vegetation. I also reviewed and signed several WDFW letters on the project.

Q What are the objectives of pre-project environmental studies as outlined in the Wind Power Guidelines?

A The two objectives are to 1) collect information on biological resources to assess the impacts on habitat and wildlife and 2) help design the project layout, so that impacts on biological resources can be avoided and/or minimized. The extent of the biological studies depends on the habitat at the site and the level of existing data.

Q Is the scientific knowledge regarding potential impacts of the KVVWPP limited to just the pre-project environmental studies?

1 A No. Wildlife consultants for the project also referred to existing data from WDFW
2 and other sources, as well as existing data for other similar projects in the region.
3

4 Q Can you please describe the recommendations in the Wind Power Guidelines for pre-
5 project environmental studies?
6

7 A The recommendations for pre-project environmental studies include the following
8 steps:
9

- 10 • **Review of existing information:** Existing information on species and potential
11 habitats in the vicinity of the project area should be reviewed and if appropriate,
12 mapped.
- 13 • **Habitat mapping:** A mapping of biological resources should be conducted.
- 14 • **Raptor nest surveys (if appropriate):** At a minimum, one raptor nest survey
15 during breeding season within 1-mile of the project site should be conducted to
16 determine the location and species of active nests potentially disturbed by
17 construction activities, and to identify active and potentially active nest sites with
18 the highest likelihood of impacts from the operation of the wind project.
- 19 • **General avian use surveys:** A minimum of one full season of avian use surveys
20 is recommended to estimate the use of the project area by avian species/groups of
21 interest during the season of most concern (usually spring/early summer). If the
22 site has unique characteristics, such as high raptor use, additional surveys may be
23 required.
24
25

- 1 • **Surveys for threatened, endangered, and sensitive plant and animal species:**
2 Focused surveys are recommended if existing information suggests the probable
3 occurrence of state and/or federal threatened, endangered and sensitive species.
4

5 Q Are the KVVPP pre-project environmental studies consistent with the
6 recommendations in the Wind Power Guidelines?
7

8 A Yes.
9

10 Q Is the proposed design of the KVVPP consistent with the recommendations in the
11 WDFW Wind Power Guidelines for minimizing and avoiding impacts to wildlife?
12

13 A Yes.
14

15 Q What are the leading causes in the loss of native shrub-steppe habitat in your region of
16 Washington and the decline in populations of shrub-steppe dependent species?
17

18 A Historically, the leading causes of the loss of shrub-steppe habitat have been
19 agricultural conversion, reservoir construction, fire, and grazing. More recent losses
20 are due to residential developments and power lines.
21

22 Q How does wind power development rank compared to the leading causes of loss of
23 native shrub-steppe habitat in your region?
24

25 A Wind power development is a minor impact compared to these leading causes.

1
2 Q Can you please describe the recommendations in the Wind Power Guidelines for
3 habitat mitigation?
4

5 A The goals of habitat mitigation for wind power projects are to 1) restore and replace
6 the impacted habitat to at least its pre-construction condition; 2) encourage
7 development on croplands; and 3) discourage development on high quality habitat
8 types, such as pristine shrub-steppe.
9

10 The Guidelines recommend the following for habitat mitigation for permanent
11 impacts: If the habitat disturbed is developed or cropland, it is assumed to have little
12 or no habitat value, and thus is not required to be replaced. A 1 to 1 ratio (of
13 replacement habitat to permanently impacted habitat) is used if the impacted habitat is
14 grassland, CRP, or shrub-steppe in imminent danger of development. Therefore, for
15 every acre of such habitat that is permanently lost, an acre of grassland, CRP, or
16 shrub-steppe must be acquired and protected for the life of the project. If other shrub-
17 steppe is permanently impacted, it must be replaced at a 2 to 1 ratio. And if the
18 affected shrub-steppe is of excellent quality, then a developer will need to consult
19 with the agency regarding suitable mitigation requirements for such habitat.
20

21 For habitat mitigation for temporary impacts, the Guidelines recommend no
22 mitigation for impacts to cropland or other developed land. To mitigate for the
23 temporary loss of habitat services while habitat is recovering, for impacts to grassland
24 or CRP, an additional 1/10-acre of similar habitat must be acquired and protected for
25 the life of the project for each acre temporarily impact. For shrub-steppe habitat, an

1 additional 1/2-acre of habitat for every acre of such habitat temporarily impacted must
2 be acquired and protected for the life of the project.

3
4 Q Is the proposed habitat mitigation for the KVVPP consistent with the Wind Power
5 Guidelines?

6
7 A Yes.

8
9 Q How is potential avian mortality/fatality addressed in the Wind Power Guidelines?

10
11 A Potential avian mortality/fatality is addressed by a Technical Advisory Committee.

12
13 Q What is the purpose of a Technical Advisory Committee (TAC) and how does it
14 operate?

15
16 A Once a wind project is operating, the Guidelines recommend an operational
17 monitoring program for directly assessing the mortality of birds and bats. A TAC is
18 recommended as an adaptive management tool, to be responsible for reviewing
19 monitoring results and making suggestions to the permitting agency, such as EFSEC,
20 regarding the need to adjust mitigation and monitoring requirements. Adjustments
21 can reduce or increase monitoring requirements based on monitoring data and site
22 specific conditions.

23
24 Potential members of the TAC include stakeholders such as State and federal wildlife
25 agencies, environmental groups, landowners, the developer and permitting authorities.

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Q May the TAC recommend mitigation measures to EFSEC based on monitoring during operation?

A Yes.

Q Is the Department satisfied that the studies and proposed mitigation measures for the KVVWPP are adequate?

A Yes.

Q Do they satisfy the Department's Wind Power Guidelines?

A Yes.

TED A. CLAUSING

1300 Pleasant Valley Road
Yakima, WA 98908
Phone: (509) 965-2860
Email: taclausing@aol.com

EDUCATION

1978 MS, Wildlife and Fisheries Sciences, South Dakota State University
1976 BS, Wildlife Biology, Washington State University

EMPLOYMENT

- 1998 - **Regional Habitat Program Manager, Washington Department of Fish and Wildlife**
Present Duties: Management of the Habitat Program within 4 counties, and most recently within nine (9) counties, in central Washington. Supervision of staff biologists who provide permitting, environmental review and technical assistance services to protect fish and wildlife habitat.
- 1997-1998 Landowner Policy Coordinator, Washington Department of Fish and Wildlife**
Duties: Landowner relations and negotiations related to expansion of a winter ski resort on WDFW lands. Grant application processing to obtain grants for enhancement of wildlife habitat.
- 1995-1997 Regional Ecosystem Director, Washington Department of Fish and Wildlife**
Duties: Provided policy direction and represented the Director within 4 counties in south-central Washington. Coordination of the 6 major WDFW programs within the region.
- 1988-1995 Regional Habitat Program Manager, Washington Department of Wildlife**
Duties: Management of the Habitat Program within 4 counties in south-central Washington. Supervision of environmental permitting, environmental review and technical assistance biologists striving to protect and restore fish and wildlife habitats.
- 1981-1988 Wildlife Biologist 4, Washington Department of Wildlife**
Duties: Responsible for game, non-game survey and management within portions of 2 counties in south central Washington. Also coordinated landowner relations efforts within regulated hunting and access programs.
- 1980-1981 Game Biologist 2, Washington Department of Game**
- 1979-1980 Game Biologist 3, Washington Department of Game**
- 1978-1979 Game Biologist 1, Washington Department of Game**

EXHIBIT 71-R

(TC-2)



State of Washington

Department of Fish and Wildlife

South Central Region – Ellensburg District Office, 201 North Pearl, Ellensburg, WA 98926

Phone: (509) 925-1013, Fax (509) 925-4702

January 20, 2004

Allen J. Fiksdal, Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

Subject: Kittitas Valley Wind Power Project – Comments on Draft EIS for proposed 182-Megawatt wind power generation facility in Kittitas County northwest of Ellensburg.

Dear Mr. Fiksdal:

Our comments below relate to the DEIS assessment of fish and wildlife, their associated habitats and the project's potential affects on these resources. Washington Department of Fish and Wildlife (WDFW) has been working with Sagebrush Power Partners, their consultants and the Energy Facility Site Evaluation Council (EFSEC) to review and provide comments and recommendations regarding this project since early in the application (Site Certification?) process. Concurrently, WDFW has worked also with representative of the wind power industry and proponents of renewable energy to craft state-wide guidelines for the protection of fish and wildlife resources when siting and operating wind power facilities. I have attached a copy of these guidelines for your information. (A copy can also be seen at http://www.nationalwind.org/workinggroups/wildlife/washington_windpower_guide.pdf)

We are generally satisfied with the information and review provided in the Draft EIS. The background studies and information collected on fish, wildlife and their habitats, are generally consistent with our earlier discussions with and recommendations to the proponents and their consultants. Moreover, with regard to fish and wildlife, the studies and mitigation measures in the DEIS are consistent with WDFW's statewide Wind Power Development guidelines. While there are elements in the DEIS that should be corrected and/or clarified in the Final EIS, they do not alter the overall analysis and conclusions.

Chapter 3.2.5 of the DEIS identifies mitigation measures incorporated in the proposal to address project impacts and cumulative impacts. We concur with these mitigation measures and request that they be incorporated in the project license if the project is approved. This chapter also includes a subsection entitled "Additional Recommended Mitigation Measures" which we request be incorporated in the license if approved for this project.

Name

Date

Page 2 of 3

We have a number of specific comments regarding the DEIS. These comments are attached.

Thank you for the opportunity to review the DEIS. If you have questions or need additional information, please contact Brent Renfrow of my staff at (509) 925-1013.

Sincerely,

Ted A. Clausing
Regional Habitat Program Manager

Cc: Chris Taylor, Zilkha
Lauri Vigue, WDFW
Brent Renfrow, WDFW

Name

Date

Page 3 of 3

Washington Department of Fish and Wildlife Comments on Draft EIS for Kittitas Valley Wind Power Project

Shrub Steppe Plant Communities and Associated Wildlife – Impacts and Mitigation

- **Construction timing is an important mitigation measure:** Section 3.2.5 should include construction timing as a mitigation measure to avoid and minimize impacts to soils and vegetation. To the greatest extent possible, construction activities outside of the hardened footprint of the project (i.e. “temporary disturbance areas”) should be done during the late spring, summer and fall when soil moisture is very low.

For most of the project area, the time of year of construction will greatly influence the amount of long-term damage to soils and plants. The shrub steppe and grassland communities identified in the DEIS are very fragile when soils are wet. Even a single day of driving equipment on these sites when wet can result in substantial permanent damage. In contrast, during summer when soils are dry they can withstand traffic with minimal soil displacement and breakage of plant roots. Moreover, vegetation is more tolerant to damage during the dry period as the period of rapid growth has ended, many plants have completed flowering and setting of seed, and many are dormant.

Working in winter on frozen ground is possible but because the project area varies greatly in elevation and is on generally south-facing slopes, predicting frozen ground conditions will be impractical for all but work of short duration.

- **Post-Construction Restoration of Temporary Disturbed Areas - Standards for site restoration:** The DEIS should identify a reference standard (or a process to establish one) for evaluation of site restoration success. The standard could be based on a reference site selected within the project area for each vegetation type, the typical vegetation description for each soil type in the draft NRCS soil survey, or other agreed-upon standard. Post-construction restoration of temporarily disturbed areas should be sufficient to achieve site stability and agreed-upon similarity to the reference standard. Selection of reference standards should be done in consultation with WDFW and the Technical Advisory Committee.

The DEIS (page 3.2-54) states reseeded would be done as soon as possible after construction is completed. We note, however, that seeding must be done at a time of year when germination and establishment can be successful. In practice it may be necessary to delay seeding while awaiting a favorable time of year. The DEIS

should specify that seeding will be done at the next suitable planting window, and that temporary erosion control measures will be implemented as appropriate.

- **Proposed Acquisition of Habitat Mitigation Site and Clarification of proposed mitigation ratios:** The proposed habitat mitigation site is suitable, strategically located and should achieve the mitigation goals. WDFW requests that the recommended enhancement of the site noted in the DEIS (i.e. grazing management plan, weed control, and selective revegetation efforts.) be incorporated in the project in consultation with the TAC. The DEIS needs to be unequivocal as to whether these measures will be implemented.

WDFW would calculate the mitigation needs and ratios presented in Table 3.2-13 slightly differently than the DEIS but this does not affect the adequacy of the proposal. As a point of clarification, the term "grassland" as used in the DEIS is a descriptive term for shrub steppe sites where the shrub canopy has been temporarily removed by fire or other temporal disturbance. Over time the shrub canopy will recover naturally. Technically these sites are shrub steppe (refer to Daubenmire, *Steppe Vegetation of Washington*, 1970) and the mitigation ratio associated with shrub steppe should be applied. In the context of the mitigation ratios negotiated with the wind power industry, a lower ratio was established for true grasslands (such as the Palouse) and CRP grass plantings because of the relative difference in restoration success and length of time to maturity. These grassland ratios should not be applied to the KVWPP site.

- **Management of Big Game Animals, Hunting and Control Animal Damage on the project, including the acquired Habitat Mitigation Site:** In our scoping comments we noted that WDFW is liable for damages caused by deer and elk. There is potential for deer and elk to use project lands as a refuge from which to foray out to adjacent agricultural lands and cause damage to crops and irrigated pasture. The cost of big game damage can be a substantial burden. We requested that the project proponent not preclude public hunting as a means of dispersing animals or reducing herd size. We are pleased to note that hunting on private lands in the project will continue to be at the discretion of the landowner and not precluded by contract or agreement with the proponent (DEIS page 3.6-11, par.4). However, the issue needs clarification in the DEIS for DNR lands within the project and the acquired mitigation lands. WDFW requests that project clearly not preclude hunting on state lands, and that this be noted in the DEIS. In addition, as a mitigation measure WDFW requests that Sagebrush Power Partners LLC allow public hunting to control big game numbers on the project mitigation lands or otherwise control the big game population and use of those lands so as to prevent animal damage in a manner approved by the Technical Advisory Committee.

Wildlife - Direct Impacts and Mitigation

- **Meteorological Towers – Guyed Towers versus Free Standing:** The project proposes the installation of nine meteorological towers. These towers should be free standing towers which are demonstrably less likely to result in bird mortality.

It is well documented that towers with guy wires kill birds at a significantly greater rate than free standing towers. The DEIS notes that the typical avian mortality associated with modern wind turbines at comparable sites is about 2 birds per tower per year. In sharp contrast, the guyed meteorological towers at the analogous Foote Creek Rim wind project in Wyoming had a mortality rate of about 8 birds per tower per year. Thus, if unprotected guyed meteorological towers were used on this project instead of free-standing towers, annual avian mortality would be expected to increase by about 24%. The use of bird flight diverters has been proposed but there is no information provided as to the effectiveness of bird flight diverters in reducing avian tower strikes. Bird flight diverters have been used at many places in North America to deter large waterfowl from striking transmission lines near waterways. We have not been able to find documentation of successful use of bird flight diverters on tower guy wires to prevent avian collisions during either daylight or during night-time migrations.

The use of free-standing towers is a demonstrated mitigation technique for reducing avian mortality. Bird flight diverters should not be used in lieu of free-standing towers unless their effectiveness can be demonstrated or their use is part of an approved adaptive management effort coordinated with WDFW and other natural resource management agencies, and the Technical Advisory Committee.

- **Bald Eagles – Potential for Turbine Mortality and Contingency Plans:** The DEIS does not include contingency measures for addressing the potential of Bald Eagle mortality at the project. The DEIS provides a rationale as to why the risk to Bald Eagles is low but also concedes that some risk remains. The application for site certification includes a draft biological assessment with conservation measures for managing risk to Bald Eagles. These measures should also be included as mitigation measures in the DEIS.
- **Sharp-tailed and Sage Grouse Should Be Discussed in Section S.14.** Sharp-tailed grouse historically occurred in Kittitas County. Sage grouse occur in the county, though the population is a fraction of historic levels. The three proposals for wind generation facilities are sited in habitat that is suitable for one or the other of these species. Population recovery and reestablishing these two species in the state is an agency priority that may be affected by the cumulative effects of wind energy projects.



STATE OF WASHINGTON

DEPARTMENT OF FISH AND WILDLIFE

1701 S 24th Avenue • Yakima, Washington 98902-5720 • (509) 575-2740 FAX (509) 575-2474

March 10, 2004

Chris Taylor
Project Development Manager
Zilkha Renewable Energy
222 East Fourth Street
Ellensburg, WA 98926

Subject: Kittitas Valley Wind Power Project

Dear Chris:

This letter is intended to clarify the Washington Department of Fish and Wildlife (WDFW) position on the Kittitas Valley Wind Power Project and hopefully to prevent misunderstandings about our comment letter to EFSEC (January 20, 2004) in response to your Draft Environmental Impact Statement (DEIS). Specifically, we want to make a clear distinction between our comments related to the WDFW Wind Power Guidelines versus comments that relate only to this DEIS.

As stated in the second paragraph of our DEIS comments, "the studies and mitigation measures in the DEIS are consistent with WDFW's Wind Power Guidelines." As we continue into the letter and the attachment from that point, the comments are specific to the contents of the DEIS. In general, we commented on and encouraged the use of mitigation measures and enhancement ideas that were offered in the DEIS.

As we discussed, the point of the second bullet in the attachment was to establish reference areas and re-vegetation expectations. The intent here was not to force repeated attempts at re-vegetation, but to allow us to learn from our experiences. The Technical Advisory Committee and monitoring processes will be more valuable where we can share common points of reference.

I hope this helps explain our previous letter and is consistent with our discussions in the last few weeks.

Sincerely,

Ted A. Clausing
Regional Habitat Program Manager

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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, L.L.C.

KITTITAS VALLEY WIND
POWER PROJECT

Application No. 2003-01
Declaration of Service

JENNIFER CHAMPAGNE declares as follows:

I am a legal assistant to Susan Drummond, attorney for intervenor Renewable Northwest Project. I have personal knowledge of the facts in this declaration and am competent to testify to those facts.

On July 27, 2004, I caused Renewable Northwest Project Pre-Filed Direct Testimony: Ted Clausing and this Declaration of Service to be sent via U.S. mail and via electronic mail to the following:

//
//
//

DECLARATION OF SERVICE - 1

FOSTER PEPPER & SHEFELMAN PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400

1 2 3 4 5 6	Mr. Allen J. Fiksdal <i>(original and 15 copies, disk)</i> EFSEC Manager Energy Facility Site Evaluation Council 925 Plum Street SE, Building 4 PO Box 43172 Olympia, WA 98504-3172 <i>allenf@ep.cted.wa.gov</i> <i>irinam@ep.cted.wa.gov</i>	Ann Essko, Assistant Attorney General 905 Plum Street, Building 3 PO Box 40108 Olympia, WA 98504-0108 <i>anne@atg.wa.gov</i>
7 8 9 10	Adam Torem Administrative Law Judge Office of Administrative Hearings Olympia Field Office –SHS PO Box 42489 Olympia, WA 98504-2489 <i>atore@oah.wa.gov</i>	John Lane Assistant Attorney General Counsel for the Environment Office of the Attorney General 1125 Washington Street SE PO Box 40100 Olympia, WA 98504-0100 <i>John11@atg.wa.gov</i>
11 12 13 14 15		Michael Lufkin Assistant Attorney General Counsel for the Environment Office of the Attorney General 1125 Washington St. S.E. PO Box 40100 Olympia, WA 98504-0100 <i>MichaelL@atg.wa.gov</i>
16 17 18	Chris Taylor Zilkha Renewable Energy 210 SW Morrison, Suite 310 Portland, OR 97204 <i>ctaylor@zilkha.com</i>	Darrel Peebles Attorney at Law 325 Washington Street NE, #440 Olympia, WA 98501 <i>dpeebles@ix.netcom.com</i>
19 20 21	Charles Lean Attorney at Law 3035 Quince Street SE Olympia, WA 98501 <i>lean@comcast.net</i>	Timothy L. McMahan Attorney at Law Stoel Rives LLP 805 Broadway Street, Suite 725 Vancouver, WA 98660 <i>tlmcmahan@stoel.com</i>
22 23 24 25	Tony Usibelli Assistant Director, Energy Policy Division CTED PO Box 43173 Olympia, WA 98504-3173 <i>tonyu@ep.cted.wa.gov</i>	Mark Anderson Senior Energy Policy Specialist CTED PO Box 43173 Olympia, WA 98504-3173 <i>marka@ep.cted.wa.gov</i>

DECLARATION OF SERVICE - 2

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1 2 3 4	James L. Hurson Kittitas County Prosecutor Kittitas County Courthouse – Room 213 205 W 5 th Avenue Ellensburg, WA 98926 <i>jamesh@co.kittitas.wa.us</i>	Clay White Kittitas County Planning 411 N Ruby Street, Suite 2 Ellensburg, WA 98926 <i>clayw@co.kittitas.wa.us</i>
5 6 7 8	Sonja Ling Renewable Northwest Project 917 SW Oak Street, Suite 303 Portland, OR 97205-2214 <i>sonja@rnp.org</i>	Debbie Strand Executive Director Phoenix Economic Development Group 1000 Prospect Street PO Box 598 Ellensburg, WA 98926 <i>phoenix@elltel.net</i>
9 10 11	Louise S. Stonington Sierra Club Cascade Chapter 1922 15 th East Seattle, WA 98112 <i>lstoni@hotmail.com</i>	Andy Silber 6552 37 th Ave SW Seattle, WA 98126 <i>andyds11@mac.com</i>
12 13 14	Residents Opposed to Kittitas Turbines PO Box 1680 Ellensburg, WA 98926 <i>[E-mail not provided]</i>	Mike Robertson 4101 Bettas Rd. Cle Elum, WA 98922 <i>mhr@elltel.net</i>
15 16	Hal and Gloria Lindstrom 1831 Hanson Rd. Ellensburg, WA 98926 <i>[E-mail not provided]</i>	Geoff Saunders 22807 NE 23 rd Street Sammamish, WA 98074 <i>geoff@geoffsaunders.com</i>
17 18 19 20	Ed Garrett and Rosemary Monaghan 19205 67 th Avenue SE Snohomish, WA 98296 <i>garret_ew@netos.com</i>	James C. Carmody Velikanje, Moore & Shore, P.S. 405 East Lincoln Avenue PO Box 22550 Yakima, WA 98907 <i>jcc@vmslaw.com</i> <i>shawna@vmslaw.com</i>
21 22 23 24 25	F. Steven Lathrop Lathrop, Winbauer, Harrel, Slothower & Denison, LLP 1572 Robinson Canyon Road PO Box 1088 Ellensburg, WA 98926 <i>steve@lwhsd.com</i>	Jeff Slothower Lathrop, Winbauer, Harrel, Slothower & Denison, LLP 201 West Seventh Avenue Ellensburg, WA 98926 <i>jslothower@lwhsd.com</i>

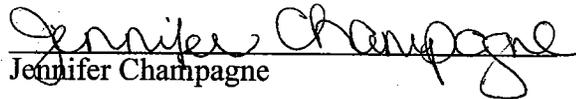
DECLARATION OF SERVICE - 3

FOSTER PEPPER & SHEFELMAN PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400

1
2 Chris Hall
3 106 E. 10th Avenue
4 Ellensburg, WA 98926
5 *hall@ellensburg.com*

6 I declare under penalty of perjury under the laws of the State of Washington that the
7 foregoing is true and correct.
8

9 EXECUTED at Seattle, Washington this 27th day of July, 2004.
10

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12 Jennifer Champagne
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