

1 CHAIR LUCE: My name is Jim Luce. I'm Chair
2 of the Washington State Energy Siting Council, and I'll
3 ask the Councilmembers and staff to introduce themselves
4 beginning to my left.

5 COUNCILMEMBER ADELSMAN: Hedia Adelsman with
6 the Department of Ecology.

7 COUNCILMEMBER SWEENEY: I'm Tim Sweeney. I
8 work for and represent the Washington Utilities and
9 Transportation Commission.

10 COUNCILMEMBER JOHNSON: Patti Johnson,
11 Kittitas County Representative.

12 CHAIR LUCE: And now to my right.

13 MS. ESSKO: I'm Ann Essko, the Assistant
14 Attorney General who represents the Council.

15 COUNCILMEMBER TOWNE: Chris Smith Towne
16 representing the Department of Fish and Wildlife.

17 COUNCILMEMBER IFIE: Tony Ifie, Department
18 of Natural Resources.

19 COUNCILMEMBER FRYHLING: Richard Fryhling.
20 I represent the Department of Community Trade and Economic
21 Development.

22 JUDGE TOREM: And as you came in this
23 evening you were greeted by Irina Makarow and standing
24 toward the back is Allen Fiksdal, the manager for the
25 Council staff.

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1 Now, let me take a few moments to give you
2 some background information about the project and the
3 process for tonight's meeting before we get to your public
4 comments on the Kittitas Valley Wind Power Project Draft
5 Environmental Impact Statement or DEIS.

6 In January of 2003, Sagebrush Power
7 Partners, LLC, requested to build an approximately
8 180-megawatt wind turbine generation facility
9 approximately 12 miles northwest of this city in
10 Ellensburg. The turbines would be located on either side
11 of United States Highway 97. The project would also
12 include access roads, electrical interaction facilities,
13 as well as an operations and maintenance building that
14 will be located near the corner of U.S. Highway 97 and
15 Bettas Road. The project proposes to interconnect with
16 Puget Sound Energy's existing Rocky Reach-White River 230
17 kV transmission line.

18 Now EFSEC, this Council, is responsible for
19 siting and licensing, construction and operation of major
20 energy facilities here in Washington State. This project
21 is an alternative energy facility, and that is defined in
22 Revised Code of Washington or RCW Title 80, Chapter 50.

23 Zilkha Renewable Energy chose to receive
24 site certification for this project from EFSEC for again
25 it's called the Kittitas County Wind Power Project.

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1 Under the Washington State Environmental
2 Policy Act or SEPA, EFSEC is the leading agency for the
3 major energy facilities, including projects of this
4 nature. So EFSEC began with the SEPA process about ten
5 months ago by holding a scoping meeting here in Ellensburg
6 back on March 12, 2003, and many of you may have been
7 here. The SEPA analysis, which has been performed by
8 EFSEC's independent consulting, Shapiro & Associates,
9 resulted in the preparation of this Draft Environmental
10 Impact Statement or DEIS, and it was issued to the public
11 for your comments last month on December 12, 2003.

12 The purpose of tonight's meeting for comment
13 is for this Council to receive oral comments on specific
14 issues addressed in the Draft EIS. These comments are
15 going to be used by EFSEC's independent consultant,
16 Shapiro & Associates, to prepare a Final Environmental
17 Impact Statement. The Council will consider the Final
18 Environmental Impact Statement in making its
19 recommendation to the Governor of Washington on whether to
20 approve or to deny this project.

21 Now comments don't have to be made verbally
22 or orally tonight. They can also be submitted by mail or
23 email, and tonight if you came in and got a handout, you
24 will see there's an orange colored sheet on the back. You
25 can simply write your comments tonight and drop them off

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1 at the box where Ms. Makarow is sitting where you came in.

2 If you don't give an oral comment or you
3 don't turn something in in the box tonight, if you want
4 your comments considered, please have them postmarked no
5 later than Tuesday, January 24. So that's one week from
6 today after the holiday weekend. If you have a written
7 comment with you tonight, you can hand it to our EFSEC
8 staff, and if you need EFSEC's mailing address, she can
9 give that to you as well.

10 In addition to this hearing tonight on the
11 SEPA process, the environmental review process, EFSEC will
12 probably be holding formal adjudicative hearings on this
13 project, on the Kittitas Valley wind proposal. Those are
14 not scheduled yet, but if you're on our mailing list, and
15 you want to know when the actual hearings on the project
16 itself and whether it should be approved or recommended
17 approval or recommended denied, let us know, get on the
18 mailing list, and you will get advanced notice of those
19 hearings and they will be here in Ellensburg.

20 As part of those formal adjudicative
21 hearings there will be at least one evening hearing
22 session that will be for public comments. Those comments,
23 again, are going to be added to the official adjudicative
24 record. So talk to staff, Mr. Fiksdal or Ms. Makarow, to
25 get on the mailing list and future comment opportunities

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1 at that stage of the process.

2 This Council is required by law to make a
3 recommendation to the Governor whether the site should be
4 or the project should be approved or denied. In making
5 the recommendation the Council will be considering all of
6 the evidence submitted into the record by parties and the
7 public not only through the adjudicative process but also
8 tonight's environmental review or SEPA process.

9 Because this project is subject to rules
10 pertaining to the adjudicative proceedings and because
11 these rules have similar requirements that affect jurors
12 in a trial, it would not be appropriate for any member of
13 the public or any party to approach the Councilmembers
14 themselves and ask questions or speak to them in private.
15 We don't allow those kinds of contacts, so this public
16 forum is your chance to talk to the Councilmembers. If
17 you have questions about the process and you don't want to
18 get up and ask them, that's what staff is there for but
19 not the Councilmembers themselves.

20 One of the other people you can talk to
21 about this process is someone known as the Counsel for the
22 Environment, Mr. John Lane, who's an Assistant Attorney
23 General, fills that role. John Lane is standing up in the
24 back. He has a very interesting job to do. He's the
25 State Assistant Attorney General. He's appointed to

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1 represent the public and its interest in protecting the
2 quality of the environment, so he is participating on
3 behalf of the public in the adjudicative proceeding, and,
4 again, if you need to contact him, he's here tonight. Or
5 if you would like his contact, and you can't find him in
6 the crowd tonight, Ms. Makarow and Mr. Fiksdal can give
7 you his contact information.

8 Thanks, John.

9 As you can see tonight there is a court
10 reporter taking down everything I'm saying, and I'm trying
11 to go slowly enough that she doesn't feel rushed. When
12 you come up to comment tonight, please show her that same
13 courtesy, enunciate, spell your name for the record, all
14 those things.

15 So I'm going to ask also that because
16 everything we say tonight becomes part of the record, that
17 we give each other as much respect usually as possible, so
18 everyone keep as silent as possible when a witness is
19 speaking so that the Council can hear that, and that the
20 rest of the public can also hear their comments. When you
21 come up, again, please speak slowly and clearly, so the
22 court reporter gets an accurate transcription of the
23 testimony. And if you need to come and go from the
24 hearing room tonight, please do that as quietly as you
25 can.

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1 And now on the record I will ask again, if
2 you haven't already switched those cell phones or pagers
3 to a silent mode, this is a great time to do it. All
4 right.

5 Finally, again just to review, the purpose
6 of the hearing is to make comments on the Draft
7 Environmental Impact Statement. Comments are not the same
8 as questions. I don't think you're going to find any
9 responses coming in. If you ask questions that are
10 rhetorical in nature, they're going to be treated just
11 like that. Any other questions, hand those to staff or
12 talk to them outside of this particular process.

13 Now if you're commenting on this big Draft
14 EIS, and you have a specific section or a page number or
15 anything else that can call attention as to your comment
16 relates to, please do that. If you're ready to do that
17 tonight, great. If you are turning in a written comment,
18 please tell us what page number it corresponds to, so it
19 makes it that much easier for the people who prepared this
20 to know how to respond to an evaluative comment.

21 If I find that you're drifting away from the
22 subject of the Draft EIS to comments in general about the
23 pros or cons about the project, I may try to rein you back
24 in and focus on the Draft EIS. I don't want to be rude to
25 anyone, but we have a lot of people signed up already, at

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1 least 25 tonight, and I want to give those folks about
2 four minutes each. So I will be able to tell you you have
3 one minute left. Please keep your comments focused on the
4 purpose of tonight's hearing. We do have a large number
5 again, as I said 25, and we want to hear from everybody
6 and get out of here at a reasonable time tonight, so we
7 are going to limit things to four minutes, and I'm going
8 to again keep you on track. I've got a timer here, and I
9 will be holding this up when you have one minute left. So
10 when you see the pink one minute, please wrap up, and I
11 will say time is over with blue on the other side.

12 If it turns out that something you were
13 going to say is said and you agree with somebody that's
14 testified before, please come up and state your agreement
15 with that speaker, so we can just move along to the next
16 person. Again, written comments are considered equally,
17 so you don't have to come and speak your piece tonight.
18 If it's already been said, you can just again put that in
19 writing, and again the deadline is January 20 to be
20 postmarked.

21 In order to make things move along as
22 quickly as possible, I don't want to call one person at a
23 time, but I will call several. It looks like we have
24 three chairs there, so I may be calling three or four of
25 you at a time. Come up in the order that I called you,

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1 please, and if you're next up, come right up to the
2 podium. If not, take one of those chairs.

3 When you come forward, again, here's the
4 procedure. Please state your full name, spell your last
5 name, and give your mailing address. You've got to speak
6 clearly and I'll tell you when you have one minute left
7 and when you're done. If you have additional written
8 material you want to give, please either hand it to
9 Ms. Makarow after you're done speaking or give it to EFSEC
10 staff, Mr. Fiksdal. He may come up to this table, I'm not
11 sure, on my right to accept any other written materials.
12 But see him or Ms. Makarow and give them your written
13 materials that go with your oral presentation.

14 Members of the Council, are we ready to
15 entertain public comment?

16 CHAIR LUCE: Yes.

17 JUDGE TOREM: The first speakers are going
18 to be David Lee, Jeff Howard, Paul PosHusta, and Lee
19 Bates.

20 Mr. David Lee, if you will come to the podium
21 first.

22 COMMENTS BY DAVID LEE

23 Good evening. I'm David Lee, spelled L-e-e.
24 My address is 5821 Robbins Road, in Ellensburg, 98926.
25 I'm also here representing Sun East Property Owners

1 Association, and their address is 900 Robbins Road. Okay?

2 I'm also the president of our association in
3 Sun East, and I represent about 170 property owners owning
4 land up there, and most of them are 20-acre parcels. It
5 goes anywhere from a 2,000-foot elevation to close to
6 5,000. And in my conversation with these people not one
7 of them has encouraged this project to go forward because
8 of its impact on our lifestyle in the community. I cannot
9 see any benefits to any of us concerning this, and a lot
10 of harm that would take place to us regarding the wind,
11 the noise from the wind, the elements are going to be very
12 disruptive to our lifestyle up there.

13 And I understand one of the things that's
14 suppose to be very important and conclusive to be our
15 benefit is one of the standards, and I don't see that
16 happening at all. I understand that the state, which I
17 also own land elsewhere in this state, has got a procedure
18 for allowing certain things to take place, and it's called
19 a zoning procedure. I am quite offended by the fact that
20 I personally own a couple hundred acres close to the area
21 that I'm speaking of, and if I go out and try to put up
22 something of this magnitude on my property, I would be in
23 all kinds of environmental and all kinds of zoning
24 regulations would be against me. I could not do it. And
25 I constitute each one of these powers to be an industrial

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1(3)

1 site of the most severe, most, you know, damaging to
2 environmental envisions or anything you want to think to
3 have a 400-foot tower with a light on it all the time
4 attracting or distracting you. I just do not see why if
5 this is going to take place, why our property owners can't
6 go ahead and do whatever they want with their piece of
7 property if the state is going to take this direction
8 against us? Thank you.

9 JUDGE TOREM: Thank you, Mr. Lee.

10 COMMENTS BY JEFF HOWARD

11 My name is Jeff Howard. I have a home in Cle
12 Elum, but my mailing address is Post Office 3465,
13 Bellevue, Washington 98009. As a matter of disclosure
14 here, I was not invited to the Applicant's dinner, but I'm
15 going to try to overlook that little snub and not let that
16 affect my presentation and my normally sunny disposition.

17 Most of this Draft EIS covers environmental
18 aspects of which I'm not an expert in. In wildlife and
19 water quality, air quality, and so forth I know very
20 little about, so my questions are directed to the
21 socioeconomic section, specifically on Table 379. The
22 Applicant states that the annual income of local tax flows
23 total into Kittitas County per year would be approximately
24 2.72 million dollars. Now, there's absolutely no
25 calculation here regarding the federal tax outflows.

1(3)
cont.

2(1)

1 Since the economics of this entire wind power scheme are
 2 totally untenable without these massive federal tax
 3 benefits and production credits, I'm asking that why these
 4 were not factored into this EIS in that section?

2(1)
cont.

5 The same table also states that property
 6 values will be negligibly affected. Now, the five studies
 7 used to back that up, three were done by organizations
 8 obviously in support of these plants. Two others, one
 9 from Denmark and one from of all places Australia, were
 10 either of dubious origin or too small a sample to use as
 11 backup for this study. Now I ask you as a real estate
 12 person to vote your common sense and visualize hundreds of
 13 these turbines all over this valley and what it would do
 14 to defuse the quality of life and the residences within
 15 range of sight or sound of them. And I specifically feel
 16 that since this study said that an examination of property
 17 value effects would be outside the scope, I would ask that
 18 that be included in the scope and be put into the Final
 19 EIS.

2(2)

20 There's notable areas of sparse information
 21 or omissions in the radio interference section saying that
 22 the Applicant has not provided the information as yet. A
 23 big question that's cited upon. And since these machines
 24 are only expected to operate at approximately 30 percent
 25 of capacity, there's no studies on the backup requirements

2(3)

2(4)

1 and potential emissions from such operations at all.

2 So this report basically appears to be no
3 more than a regurgitation of the Applicant's views
4 transcribed into a bound EIS. It was prepared by a firm
5 who specializes in writing EIS statements to get projects
6 approved, and I would ask EFSEC to consider the fact that
7 this Draft EIS basically seems to be nothing more than the
8 Applicant's side of the issue with very little outside
9 information included with a different view. Thank you
10 very much.

11 JUDGE TOREM: Mr. PosHusta.

12 COMMENTS BY PAUL POSHUSTA

13 My name is Paul PosHusta, spelled
14 P-o-s-H-u-s-t-a. I'm here to represent myself and my wife
15 and my kids. My address is 1114 Howard Road.

16 JUDGE TOREM: That's here in Ellensburg, sir?

17 MR. POSHUSTA: Yes. It's off of Howard Road.

18 My point is the visual affects. When they
19 came two years ago they had already spent a year building
20 towers and checking the wind saying that, you know, we're
21 just seeing what's going on here. Well, they went and put
22 an application in, and they put an application for the
23 most scenic view that we have in the valley. And
24 everybody said, "Well, why do you have to go there? Why
25 can't you go down there?" Now I see that they are putting

2(4)
cont.

2(5)

3(1)

1 in the Wild Horse claim too. And my problem was why
2 couldn't they have been a good citizen, a good neighbor
3 and said, "Okay. There is a huge opposition for this up
4 in the most scenic area?" But, no, they didn't. They
5 decided to jump through and go right above all of our
6 commissioners, all of our citizens, and go to you people.

7 Now I find out that, oh, yeah, the wind is
8 just as good on that end of the valley as at the other.
9 But before two years ago, oh, no, they couldn't put that
10 there because the wind was different. Now two years later
11 they come back and say, oh, we could put 120 out there.
12 They show on the report there's no visual affects because
13 nobody is going to see them because it is. There is
14 nobody out there. If you go a half mile past east of
15 Kittitas to the Columbia River, I don't know, I'm going to
16 guess maybe 25, 30 families or 30 people maybe. But you
17 go up that way you've got 3,000 people, and for them to
18 come in and say one thing and then turn around two years
19 later and say a whole different ball game, it's wrong in
20 my opinion.

21 Now, the second one they say that the noise
22 is very minimal. Well, I live almost a mile and a half
23 away from the Burlington Northern train tracks. When the
24 trains go through, I can sit out my door and I can listen
25 to them. Now, I'm going to have 120 wind turbines from

3(1)
cont.

3(2)

1 one project and a half mile to three-quarters of a mile
2 from my house I'm going to have another 90 or 120, how
3 many ever they want to put up, and they say there's no
4 sound to them.

3(2)
cont.

5 Well, I don't know if you commissioners or
6 anybody on this commission have been down to the Nine Mile
7 Wind Farm and been there at night when they have put them
8 on a low. There's a big difference. You can take a CAT
9 generator and it can sit there and idle and spin a
10 nonproducing generator, but once that generator comes on
11 line, it shakes. It makes a whole heck of a lot more
12 noise, and I'm just saying they don't -- they're just
13 guessing that the visual and the noise are not even going
14 to bother us where I think it's really been in the very
15 bad interest of the people out there that it is. So
16 that's all I have.

3(3)

17 JUDGE TOREM: Our next speaker is Lee Bates.
18 And while Mr. Bates is coming up, Clay White, Jim Hurson,
19 and Sandy Sandall can you make your way forward.

20 COMMENTS BY DWIGHT LEE BATES

21 I'm Dwight Lee Bates, B-a-t-e-s, 1509 Brick
22 Road, Ellensburg, 98926, and I represent myself.

23 On bird kills, the summary of projected
24 mortality of birds and bats, Table 3.2-11 shows the
25 research for this DEIS is incomplete. Studying other

4(1)

1 studies and getting a range of information does not
2 substitute for doing an actual two-year study of the
3 turbine sites near Ellensburg. The species listed in
4 Table A-1 offer a reason for a thorough study.

4(1)
cont.

5 On bird kill mitigation, the seven
6 mitigation methods to reduce bird kills listed on Page
7 3.2-53 are a band-aid approach. The real problem is that
8 20 rpm blades causes birds kills. On the study on birds
9 kills the promise to do a thorough study on Page 3.2-53 is
10 not good enough. A two-year study is needed before even
11 writing this Draft Environmental Impact Statement.

4(2)

12 On fires. The fire mitigations on Page 1-54
13 are not good enough. Fires fed by the winds have occurred
14 in the area in the past. I live downwind and do not want
15 to have my house affected. A quick response plan by the
16 Department of Natural Resources is needed.

4(3)

17 The visual impact of turbines. The 410-foot
18 high turbines on Figure 2-2 are too high. They will
19 impact the scenic view I have out my front windows. I
20 retired here for the scenic views of the Valley. I do not
21 want to look out my windows and see these 410-foot
22 monstrosities with flashing lights all hours of the day.
23 Highway 97 in figure 2-8 is a scenic byway, and it's
24 surrounded by these 410-foot monstrosities. These
25 turbines should not be located anywhere near Highway 97.

4(4)

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1 Wind farms are not scenic.

2 I feel the only reason they want to destroy
3 the scenery with these turbines is the federal subsidy. I
4 think painting the turbines gray will not help.

5 On shadow flicker. Planting trees to
6 prevent shadow flicker as shown on Page 1-36 and
7 installing automatic shades are not solutions. People
8 living here near these turbines report health problems
9 which should be studied at these sites. People living
10 near the Lincoln Township Wisconsin Wind Farm stated in a
11 survey which is available on Qwest that shadow flicker
12 causes a strobe effect throughout their houses causing
13 headaches and sick to the stomach cases. Also this shadow
14 flicker lowers the property values.

15 On blade throw, a 410-foot setback given on
16 Page 1-36 from these turbines is not sufficient. Blades
17 and ice could be thrown a thousand feet in a high wind.
18 To ensure safety a 2,000 foot setback from residents and
19 roads is needed.

20 JUDGE TOREM: Thanks, Mr. Bates. That's all
21 the time we have. If you want to submit the rest in
22 writing, that would be fantastic.

23 Mr. White.

24 COMMENTS BY CLAY WHITE

25 Thank you, Mr. Torem, Board Members. For

4(5)

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4(7)

4(8)

1 the record, my name is Clay White, C-l-a-y W-h-i-t-e, and
2 I represent Kittitas County, 411 North Ruby, Ellensburg,
3 Washington.

4 I'm going to keep my comments brief. I did
5 submit comments tonight. I just wanted to remind EFSEC
6 and the Board that SEPA as lead agency the response to the
7 DEIS comments and subsequent information that is to be
8 prepared needs to fill not only the statutory obligations
9 of EFSEC for their decision making process but Kittitas
10 County and other state and local agencies with pending
11 permit decisions.

12 Based upon my review there are a number of
13 areas that need further review, analysis, and study. The
14 draft comments I'm providing tonight outline the
15 information needed in order to make the Draft EIS an
16 adequate document for Kittitas County to review and use in
17 our consistency review and decision making process.

18 I'm providing comments to EFSEC tonight and
19 will most likely add to comments prior to the January 20,
20 2004 deadline. Thank you. I also have a limited number
21 of comment packets for anyone that is interested in having
22 a copy tonight. Thank you very much.

23 JUDGE TOREM: Thank you, Mr. White.

24 Mr. Hurson.

25 ///

5(1)

1 COMMENTS BY JIM HURSON

2 Jim Hurson, Deputy Prosecutor for Kittitas
3 County, 205 West Fifth, Ellensburg. The Council probably
4 heard enough from me today from the prior hearing today,
5 so I know lawyers generally don't keep things short, but I
6 will in this particular instance.

7 I simply wanted to join Mr. White in the
8 position that we just want to assure that we recognize you
9 as the lead agency. We rely upon you to provide us the
10 proper environmental documents that we need in order to
11 make our local land use decisions, and that we look
12 forward to receiving that document as soon as practical.

13 We will be submitting written comments. I
14 know Clay White has some. I believe our fire marshal has
15 some, our public works director, our airport manager,
16 perhaps some other comments from the County. The purpose
17 in submitting those comments is so that you can help to
18 correct or make this document better, so that we have a
19 legally defensive document that the County can use in its
20 land use process, and we hope you take that to heart.

21 We are open to EFSEC contacting us for
22 further information because it's important that we carry
23 out our jurisdictional and our legal obligations as it is
24 for you, and we can only do this if we have the proper
25 documents, and we offer these comments with that in mind.

6(1)

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1 JUDGE TOREM: Thank you, Mr. Hurson.

2 Sandy Sandall is next. If Earle Price,
3 Desmond Knudson, and Ed Garrett will make their way
4 forward.

5 Mr. Sandall.

6 COMMENTS BY SANDY SANDALL

7 I'm Sandy Sandall. I represent myself and
8 my wife. I reside at 8560 Elk Springs Road. The spelling
9 of the last name is S-a-n-d-a-l-l.

10 I have some questions. Page 3.9-12, 3.9-13
11 of the impact statement suggests that five existing
12 residents happen to have a potential of initial effects
13 from the wind farm project. I live in Section 35 which is
14 affected by this. There are 33 parcels of land. There
15 are 29 landowners. Here's a copy of the map showing 19
16 cabins and homes in the area. They will all be affected
17 one way or the other. This area is accessed on Elk
18 Springs Road. That's our only ingress, egress to get in
19 and out.

20 Page 3.951, additional recommended mitigation
21 measures, the last paragraph states to compensate for
22 visual impacts the Applicant should apply our conservation
23 easements on the land in important foreground views of the
24 wind turbine, so that no further development occurs in
25 these areas until after decommission. What does this

7(1)

7(2)

1 actually mean? Does that mean that people are going to be
2 in the project area? Section 35, for instance, has vacant
3 land. Is this land going to be put on hold for 20 years
4 while they go ahead and until the decommissioning comes
5 about?

7(2)
cont.

6 The bird kills. They have their statement
7 as to what bird kill is, but FoxNews.com on December 23,
8 2003 reported that 1 to 2000 or more birds are killed each
9 year in the area of the Ultimate Pass Project.

7(3)

10 Property values. One gentleman talked that
11 he lived over in the Sun East area, and I ran into a
12 gentleman that was looking for property up there in Elk
13 Springs and he asked about property. And I said, well,
14 there's property for sale over in a couple lots in our
15 area. He said he had an appointment to go to Sun East and
16 look at property, and I said you know the wind farms are
17 going to go in. He says that would be a good negotiating
18 factor; wouldn't it? So we're looking at land values now.

7(4)

19 There was an article that came out on a
20 residence in Township Lincoln, Nebraska. It said that
21 before the wind towers went in there was 104 percent, and
22 after they went in they dropped 29 points, so that's what
23 you're looking at for eyesore -- not for eyesore but
24 property values use.

25 Now as a footnote, did you notice the fog

7(5)

1 that we have in the valley that's set in for at least six
2 weeks? What kind of wind is going to be produced in that
3 kind of weather? Thank you.

4 JUDGE TOREM: Thank you, Mr. Sandall. Did
5 you want to turn in a copy of that map to Mr. Fiksdal?

6 MR. SANDALL: They have it.

7 JUDGE TOREM: Thank you.

8 Next is Earle Price.

9 COMMENTS BY EARLE PRICE

10 My name is Earle Price, P-r-i-c-e. My
11 address at 430 Cricklewood Lane, Ellensburg.

12 This DEIS is more than three-quarter inches
13 thick. It's full of summaries, supposition and distorted
14 conclusions.

15 JUDGE TOREM: Mr. Price, can you speak into
16 the microphone a little better. Thanks.

17 MR. PRICE: The average person who doesn't
18 have the best interest in what the DEIS says would read
19 some of it, get bewildered, get tired and complacent, then
20 shrug and accept it. The conclusions offered in it are
21 distortions. Averaging its impacts with two other
22 proposed facilities has lessened the impacts on the
23 environment for this facility. This is done with a view
24 of the impact on the whole valley, the Yakima River and
25 the Columbia River. Key words used not expected to be

7(5)
cont.

8(1)

1 cumulatively significant. The impacts on one site may
2 differ from others. Topography varies from site to site.
3 The assessment of this site would have nothing to do with
4 Desert Claim or Wild Horse. The effective averaging is to
5 soften the perceived impact and to make approval more
6 palatable.

8(1)
cont.

7 All these sites are very special in their
8 own ways. A site-specific analysis for each of them
9 should be mandatory. There is some new information from a
10 German spreadsheet that gives statistics on ice throws.
11 New setback information for different sizes of turbine
12 range from 2,152 feet for the smaller to 2,985 feet for
13 the larger, see Attachments 1 and 2, and I have them here
14 for you. These figures make it clear that present
15 setbacks may need to be adjusted.

8(2)

16 On scenic Highway 97, 47 turbines are closer
17 than the 2,985-foot distance and 32 are within 2,152 feet.
18 Bettas Road has 19 at the smaller distance. Hayward Road
19 has 27 at the smaller distance. Elk Springs Road has 23
20 within the smaller distance, and Cricklewood Lane has 15
21 within the smaller distance.

8(3)

22 Setback for houses and property lines may
23 also be in order. If it turns out that proper setbacks
24 cannot be achieved, we would be highly pleased if you
25 could reach a finding of no action on this project and

8(4)

1 deny a recommendation to the Governor, so we can all get
2 on with our lives. Thank you.

3 JUDGE TOREM: Thank you, sir.

4 Desmond Knudson.

5 COMMENTS BY DESMOND KNUDSON

6 Good evening, Desmond Knudson. That's
7 K-n-u-d-s-o-n, 1661 Vantage Highway. I am also a property
8 owner in Sun East now represented by the earlier group.
9 Most of my comments have to do with Chapter 1, Tables 1
10 through 3. I summarize most of them and my comments will
11 be short.

12 They have brought up in their DEIS about the
13 view shed being very subjective, and as you know all well
14 and hearing well of this is true. Most people here
15 tonight are testifying that that view shed is not what
16 they want. I can't change that. Property owners that
17 have leased their land to these companies apparently have
18 decided their view shed will be okay.

19 Mostly positive is what this county would
20 like to see; that is, the tax benefits that we will gain.
21 The economical benefit is enormous. We do not have a
22 negative draw. In other words, we have to hire more
23 sheriffs, hire more firemen, and hire more ambulance
24 drivers to take care of the same amount of tax dollars if
25 a home was built. Thank you.

8(4)
cont.

9(1)

9(2)

1 JUDGE TOREM: Thank you.

2 Next is Ed Garrett. If Holly Pinkart, Geoff

3 Saunders, and Mike Genson will make their way up, please.

4 Mr. Garrett.

5 COMMENTS BY ED GARRETT

6 My name is Ed Garrett, spelled

7 G-a-r-r-e-t-t. I'm testifying for my myself and my wife

8 Rosemary Monaghan, M-o-n-a-g-h-a-n. We reside at 19205

9 67th Avenue S.E., Snohomish, Washington 98296. We own 50

10 acres of recreational land directly east Cricklewood Lane.

11 Cricklewood Lane is about 300 feet from Jay Spring which

12 is suppose to have 13 turbines.

13 I wanted to make a side comment from what

14 Desmond was just talking about. It must be noted that out

15 of the 13 people who signed land leases only three live in

16 the area. The other eight or the other 10 live in Seattle

17 or other areas. They just have open recreational area.

18 They hardly ever go up there.

19 I reviewed this EIS and have already

20 submitted my 14-page analysis of what Shapiro & Associates

21 failed to address. As to the quality of the DEIS, I find

22 it terribly convoluted, written with much of the

23 Applicant's information expressly show that with a few

24 mitigating factors it can be sited no matter what. That

25 being said it also missed one of the key questions pointed

10(1)

10(2)

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1 out in the consolidated statement issued by the Counsel
2 for the Environment dated August 27, 2003. That key
3 question was brought up by most of us intervenors. It
4 states whether the Kittitas Valley is a proper location
5 for the project and whether more appropriate alternatives
6 exist. This DEIS did not answer that question. It
7 basically said Sagebrush Power Partners thinks it has an
8 excellent site. All we have to do is the right
9 justification, so it can be sited. No comparison was made
10 as to why State Wide Wind Project is considered a good
11 site, very little opposition. No comparison was made as
12 to the 16 turbine wind farm over in Walla Walla,
13 Washington just on the other side of the Columbia, and why
14 that is considered a good site with no opposition.

15 Zilkha has been telling us all that the
16 Highway 97 project was the only place that they could
17 build. Now a French company called EnXco is planning a
18 compatible site wind farm just south of the Zilkha
19 project. They think it has just as much production and
20 excluded the Highway 97 project as undesirable. EFSEC is
21 aware now that Zilkha found another site in Kittitas
22 Valley and has the initial report. I heard that Zilkha
23 feels it's an even better site for even better wind
24 resources. This is the Wild Horse Wind Project we were
25 talking about. At this site only one landowner that I'm

10(2)
cont.

10(3)

1 aware of is affected and leased land, and the closest
2 resident is about a mile, a mile and a half away on the
3 opposite side of the hill. At that site sound level
4 percussion would apply.

10(3)
cont.

5 All these examples were not reviewed.
6 Shapiro & Associates did not address this in the DEIS.
7 Shapiro & Associates do point out that about 60 residents
8 will either be in or on the project area or boundary.
9 This is 60 people living there. Some plan to build such
10 as myself, and no accommodation was made for that, and
11 I've been informed by the Applicant.

10(4)

12 If EFSEC feels it has to go there, they
13 should be forced to purchase the land in the project area
14 and put a one-mile buffer around it and offer compensation
15 for those outside of those lands or outside of those
16 boundaries. Any reputable business would do business that
17 way.

10(5)

18 EFSEC will eventually have to make a
19 decision based on the adequacy of this DEIS. Some
20 questions are is the degradation and hardships of hundreds
21 of Kittitas Valley residents, property owners, wildlife,
22 especially eagles and migratory birds, worth a 60
23 megawatts or less intermittent, unreliable wind facility?
24 Basically it's a bad site.

10(6)

25 Zilkha has found a new site that is equally

10(7)

1 sized and a site out where we told them to go in the first
2 place. Isn't that enough? Because you wouldn't think so.
3 I, myself, feel the Wild Horse Project is a much better
4 site, and I don't think you will see much opposition.
5 Thank you.

6 JUDGE TOREM: Thank you, Mr. Garrett.
7 Holly Pinkart.

8 COMMENTS BY HOLLY PINKART

9 My name is Holly Pinkart. Last name is
10 spelled P-i-n-k-a-r-t, and I will be representing myself.
11 I would like to continue my introduction and say that I am
12 an internationally respected microbiologist. I sit on
13 panels every year for the National Science Organization
14 and for the Environmental Protective Agency to decide on
15 matters involved with microbiology. I currently hold an
16 \$841,000 grant to study microbiology in Central
17 Washington.

18 One of the issues that has not been looked
19 at at all in either of the environmental impact reports by
20 either Zilkha or EnXco is some of the more far reaching
21 impacts of the loss of raptors and for the loss of bats,
22 specifically an on-site summary here that was given out
23 tonight. Using mortality estimates from other wind
24 projects, totalling the bat mortality for wind projects in
25 Kittitas County is expected to range from 361 to 782 bat

10(7)
cont.

11(1)

1 fatalities, and those are based today on one to two and, I
2 quote, bat fatalities per turbine, per year. Just
3 recently, October 2003, the Wind Power Journal cited
4 mortalities in the thousands, 4,500 bats, so I'm not sure
5 where this one to two bat fatalities comes from. That's a
6 gross underestimation.

7 The problem with losing bats is when we lose
8 bats, then the populations that they feed on start to pop
9 up. One of the important things the bat eats, especially
10 bats in this area, are mosquitoes who unfortunately in
11 Washington are now prone to the West Nile Virus. We had
12 our first few cases last year. Not a good thing for
13 Washington, not a good time to lose the things that
14 actually prey on the mosquito populations. So we could
15 see an increase in the West Nile Virus from that.

16 One of the other things that's even more
17 disturbing is here in Kittitas Valley about 10 to 20
18 percent, depending on the year, of the deer mouse
19 population here in this county carry Hantavirus. If we
20 get rid of our raptor populations, especially in those
21 areas where these wind farms are going on, we will see an
22 increase in rodent populations. Eventually maybe we will
23 see another predator come in and take their place.
24 Perhaps coyotes. Isn't that a great idea, coyotes?

25 So these are some things that are not

11(1)
cont.

11(2)

11(3)

11(4)

1 identified at all despite my bringing it up several times
2 over the past couple years to both Zilkha and EnXco. This
3 isn't something that we want to ignore. There have been
4 throughout history problems associated with environmental
5 disasters resulting in epidemics of specific diseases, and
6 this really isn't something that we want to ignore, and it
7 isn't in most of these documents. Thank you.

8 I just wanted to also mention that
9 everything that was brought up before, especially by
10 Mr. Bates, was absolutely right on the money. There is a
11 woefully inadequate environmental impact statement.

12 JUDGE TOREM: Geoff Saunders.

13 COMMENTS BY GEOFF SAUNDERS

14 Geoff Saunders, S-a-u-n-d-e-r-s. My address
15 is 8241 Elk Springs Road in Ellensburg.

16 Obviously most people are very opposed to
17 this project, and I think you will probably hear some
18 people in favor of the project this evening. And from
19 what I've heard in the past people in favor of the project
20 will first speak about land rights, and I think we need to
21 bear the mind that those of us who live to adjacent this
22 project have land rights as well, and I feel that the
23 Draft Environmental Impact Statement doesn't address
24 adequately the land rights of those people that live near
25 the project.

11(4)
cont.

12(1)

1 The other issue we may hear from tonight on
2 people who tell us that it's green energy and we need
3 green energy. The people opposed to this project are
4 obviously not opposed to green energy. This is about
5 siting, and, again, I don't believe that the Draft
6 Environmental Impact Statement adequately addresses the
7 siting issue. It talks about alternative sites very
8 briefly, and this has been all a matter of contention in
9 the last couple of years. We first heard from Zilkha a
10 couple of years ago. They told us that this location was
11 the only possible viable location in the valley for a wind
12 farm, then someone else mentioned EnXco came in whose been
13 in business far longer than Zilkha, and said, no, it's not
14 a location. Just a couple miles away there's also a
15 commercial viable location. Then Zilkha has contradicted
16 themselves and said that the Whiskey Dick project is also
17 commercially viable, so clearly they've changed their
18 tunes in this quite a lot. Anyone looking at wind maps in
19 the State of Washington see that large areas of the State
20 of Washington are commercially viable for wind farms.

12(2)

21 The Bonneville Power Administration says
22 anywhere the wind blows more that ten miles an hour is a
23 suitable location. I believe there are many viable
24 locations. The Draft EIS does say that these locations
25 have been ruled out in part because there are no power

12(3)

1 lines nearby; meaning that the Applicant would have to
2 build their own power lines. Well, tough. That's not
3 really an issue that should be included in the Draft EIS.
4 That's a commercial issue.

12(3)

5 Four minutes is obviously not enough to
6 address all the other issues that I've personally seen in
7 the Draft EIS.

8 Noise is an issue which I think is not
9 adequately addressed because the noise modeling didn't
10 include the low frequency noise as associated with wind
11 farms. Wind farms and I believe a number of people who
12 live near them say that the sound is like distant
13 helicopters, and I don't believe that the noise modeling
14 in the Draft EIS adequately addresses that.

12(4)

15 The low frequency thumping we are told is
16 particularly disturbing to people. The issue of ice
17 throws and blade flows and tower collapse was inadequately
18 addressed.

12(5)

12(6)

19 People have talked tonight about the fact
20 that there are many documented studies of ice being thrown
21 over 1,300 feet. The Draft EIS talks or assumes that ice
22 with occur on an average of three to five days per season.
23 Well, that's already been blown away so far in this winter
24 season as we all know.

12(7)

25 Blade throws. When these things have

12(8)

1 fragmented in the past, they have been thrown up to 2,000
2 feet proving very large setbacks are required, and I
3 believe the Draft EIS inadequately addresses.

12(8)
cont.

4 People have spoken about shadow flicker.
5 The Draft EIS says that shadow flicker is an issue within
6 at least 2,000 feet of each turbine. Zilkha is proposing
7 to build these things within a thousand feet of existing
8 residences.

12(9)

9 The fire management plan, again, I feel is
10 inadequate in the Draft EIS. Even U.S. government says
11 these things represent an increased fire hazard, and yet
12 most of this project will be outside existing fire zones.

12(10)

13 Property values, someone addressed it.
14 Again, I think it's probably one of the very biggest
15 issues that should be addressed by the Draft EIS because
16 obviously that's what people are concerned about, and I
17 think the Draft EIS glosses over that. It says that in
18 fact that the property values are not something that
19 should be included in the Draft EIS when in fact that's
20 probably the number one issue that should be considered
21 here. It quotes a number of contradictory studies, at
22 least two of which say the property values will drop by 20
23 or 30 percent.

12(11)

24 The very last thing I would like to say is
25 the Draft EIS does say in many views the presence of the

12(12)

1 wind turbines represents a significant unavoidable adverse
2 impact because it significantly alters the appearance of
3 the rural landscape over a large area of Kittitas Valley.
4 I agree. That's why this thing does not belong here.
5 Thank you.

6 JUDGE TOREM: Thank you, Mr. Saunders.

7 Mr. Genson is next, and then after Donald
8 Gridds, if I read your handwriting correctly, Roger Clerf,
9 and Keith Johnson.

10 Sir.

11 COMMENTS BY MIKE GENSON

12 My name is Mike Genson, G-e-n-s-o-n, 101 Elk
13 Springs Road. There are two issues that are part of the
14 Draft Environmental Impact Statement that I wish to
15 address. First is compatibility in wind farms at the
16 proposed site. Two-thirds, 78 turbines given in the
17 middle scenario are situated in Forest and Range 20 where
18 the wind blows hard and often as tests have shown. The
19 rest are located in Ag 20. The purpose and intent of
20 forest and range zone "is to provide for areas of Kittitas
21 County wherein natural resource management is the highest
22 priority and where subdivision and development of lands
23 for uses and activities incompatible with natural
24 resources are discouraged." That's from Kittitas County
25 zoning.

12(12)
cont.

13(1)

1 If water power is considered a natural
2 resource, then how can wind power not be considered a
3 natural resource? And so how can utilization of this
4 natural resource not be of the highest priority in this
5 zone? That part of the wind farm that is in Ag 20 zone is
6 also compatible with the purpose of their zone which is
7 "to preserve fertile farmland from encroachment by
8 nonagricultural land uses and to protect the rights and
9 traditions of those engaged in agriculture."

10 Wind farming is a way for an owner to make
11 additional income from his land without impacting
12 negatively the present use of that land which is grazing.

13 The second issue in wind farm would have to
14 do with property values, property in close proximity to
15 the turbines. The following, and I have a handout for
16 you, is a list of sales after April 19, 2002 when the data
17 record first reported Zilkha's intent to file permits for
18 their wind farm and for comparisons some recent property
19 sales dated before the wind farm became public knowledge.
20 This information is public record and was obtained in the
21 Kittitas County Auditor's Office and Kittitas County
22 Treasurers' Office.

23 The information I've given you is key to the
24 map by the numbers that you have in your handout. All of
25 these properties are accessed from Elk Springs Road. Lot

13(1)
cont.

13(2)

1 No. 6 on the map was purchased April 1 of 1993 for
2 \$19,950. Improvements included driveway and small
3 outbuilding. It was sold March 7, 2003 for \$80,000.

4 JUDGE TOREM: Mr. Genson, about one minute.

5 MR. GENSON: What I will do is I'll skip
6 down through this and tell you the conclusions that I've
7 reached from reviewing that information. The information
8 which is public record indicates that, number one, it is
9 not difficult to sell land in this area.

10 Number two, since April 19, 2002, the date
11 of Zilkha's announcement, unimproved land in this area has
12 increased by one thousand dollars an acre. Improved land
13 has increased from about double to about six times in
14 value.

15 There's the last thing I would like to
16 mention is there are large parcels that you see on that
17 map that were purchased by land developers, and that's
18 another indication that property values are not so bad.

19 JUDGE TOREM: Mr. Genson, you said that we
20 had a handout. Is that something that's been provided to
21 staff?

22 MR. GENSON: No. It's something I'm going
23 to give to Mr. Fiksdal.

24 JUDGE TOREM: Is a copy of that map
25 included?

13(2)
cont.

1 MR. GENSON: Yes, it is.

2 JUDGE TOREM: Thank you, sir.

3 Mr. Griggs.

4 COMMENTS BY DERALD GAIDOS

5 My name is Derald Gaidos. I'm the Kittitas
6 County Fire Marshal. I reside at 326 Madison. I have
7 terrible penmanship.

8 JUDGE TOREM: I tried, sir.

9 MR. GAIDOS: You did. You did a pretty good
10 job.

11 JUDGE TOREM: Could you spell your name for
12 us.

13 MR. GAIDOS: D-e-r-a-l-d G-a-i-d-o-s. As I
14 said, my job is Kittitas County Fire Marshal. Anything
15 that you decide upon and you leave with Kittitas County, I
16 will be stuck with. The area that we're talking about is
17 in an extreme high fire hazard area. In the last eight
18 years we've had two state mobilization fires that have
19 required out-of-county resources to come to our aid. When
20 you start ordering fire trucks by the 25, it starts
21 costing a lot of money, so I have submitted comments for
22 your perusal and as you leave our valley remember what you
23 decide I will get stuck with. Thank you.

24 JUDGE TOREM: Roger Clerf.

25 ///

14(1)

1 COMMENTS BY ROGER CLERF

2 My name is Roger Clerf. I live at 6651
3 Upper Peul Point Road in Cle Elum. I've lived in Kittitas
4 County, Kittitas Valley all my life, 62 years, and my
5 family moved here in 1880. So we're not a bunch of
6 fly-by-nighters.

7 I have reviewed the draft statement at some
8 length and find it to be a very complete and detailed
9 evaluation of the effects of the proposed wind farm. They
10 cover many aspects of the geography, geology, ecology,
11 soils, water, animals, plants, birds and bats and almost
12 anything else that anyone can think of. Any possible
13 effects have been evaluated and evaluated very thoroughly.
14 This statement itself or as amended will show that there
15 are very few adverse effects of wind farm development in
16 Kittitas County. Now some people will certainly disagree
17 with that. I respect their disagreement. But overall
18 this is a very, very good report, and I think one from
19 which you will be able to arrive at a proper conclusion,
20 proper decision.

21 I might add too that there is very little in
22 that report as long as it is that an intelligent,
23 open-minded person using common sense and good judgment
24 wouldn't arrive at on his own. Wind farms as proposed are
25 benign in their effects on the environment and very

15(1)

15(2)

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1 valuable to the economy to the County, State, and the
2 Nation. We do need them. Energy is becoming more and
3 more scarce and more and more valuable and more and more
4 expensive to produce. And green energy in the form of
5 wind power is just one additional form that we get
6 literally free. There's no cost for the fuel and there's
7 no cost for the delivery charge. All we have to do is
8 reach up and tap it. Thank you. Thank you, sir.

9 JUDGE TOREM: Next is Keith Johnson, and
10 while he's coming up, please Nelson Booth, Helen Wise, and
11 Todd Gergan or Gergian. Please correct me when you get up
12 here.

13 Mr. Johnson.

14 COMMENTS BY KEITH JOHNSON

15 Keith Johnson, 3050 Airport Road in Cle
16 Elum, and I'm representing Kittitas Audubon as President
17 of the Audubon, and I want to present the following
18 comments on behalf of the Board of Directors of that
19 society and in defense of birds and wildlife, and we will
20 submit formal comments by the 20th deadline.

21 Kittitas Audubon supports renewable energy
22 systems that are well planned and carefully installed.
23 The Audubon Society is concerned that the wind energy
24 facility can adversely impact wildlife, especially birds
25 and bats. We believe that the wildlife studies and

15(2)
cont.

16(1)

1 evaluations performed to support the Kittitas Valley Wind
2 Power Project in the EIS are inadequate.

16(1)
cont.

3 Wildlife studies were carried out for only
4 one year. All the good wildlife studies are performed for
5 multiple years to detect population trends. These studies
6 put one individual in the field performing surveys of each
7 survey site for 20 minutes. The very nature of the birds
8 is that they move around. One person cannot be looking in
9 all directions at the same time.

16(2)

10 As participants in the annual Christmas
11 birth count we note that the more people in each group
12 there is an increase in the number of birds found by that
13 group. No nighttime or inclement weather studies were
14 performed. Why is this important? Bats fly at night and
15 migration and foraging and for most species of birds
16 migrate at night. Without this data it is impossible to
17 predict potential rate.

16(3)

18 The shrub-steppe habitat cover large
19 portions of the proposed project which is considered to be
20 one of the most diverse and also one of the most
21 endangered habitats in the western United States. The
22 DEIS claims the census have already a fragment of the
23 shrub-steppe habitat, and it has no value to the big
24 picture. However, shrub-steppe and other species found
25 using this area for foraging and nesting indicates

16(4)

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1 otherwise.

2 Most cite each individual turbine and
3 turbine strength should be carefully evaluated. Raptors
4 are well known to seek out rats along ridge lines
5 specifically during the migration through this area. All
6 turbines should be sited away from ridge lines to protect
7 these soaring zones. The Foot Creek Rim Wyoming Wind
8 facility which supports similar topography has established
9 precedent for this criteria.

10 The Bald Eagle Protection Act makes it
11 unauthorized to take one eagle for violation of the law.
12 There is no mechanism for authorizing individual take
13 after the fact. U.S. Fish and Wildlife must authorize the
14 take level of the bald and golden eagle prior to issuing
15 the permit. The DEIS does not indicate that such permit
16 application has been filed.

17 In closing, KAS urges that all possible and
18 reasonable steps be taken based on scientifically
19 competent wildlife studies to ensure that the site is safe
20 for wildlife. Thank you.

21 JUDGE TOREM: Thank you, sir.

22 Nelson Booth.

23 COMMENTS BY NELSON BOOTH

24 I would just like to say about the
25 Applicant's dinner even though it was excellent it was not

16(4)
cont.

16(5)

16(6)

16(7)

1 enough to get me up here to speak. That's for sure. I do
2 so because I have strong feelings about the future of our
3 state and environment and our nation.

4 I had some statements, but I kind of changed
5 them because it seems like those who are opposed to this
6 project have been attacking the DEIS study itself for some
7 reason. I didn't think this was a study done by Zilkha
8 Energy, so I turned to the front page and find out that
9 sure enough it's not. It's done by the State of
10 Washington.

11 It says under Washington State Law EFSEC is
12 responsible for siting and licensing and construction and
13 operation of major facilities in Washington State, so this
14 is a state agency. It's somehow been implied that it's in
15 its report. Well, what does that tell us? Well, what
16 does that tell you since you're considering this? If
17 those who are opposed to the wind farm are calling this
18 into question, it's probably because it's not favorable to
19 their point of view.

20 And since this will be submitted to Governor
21 Locke, I'm sure that he will have confidence in his own
22 agency when he considers this information.

23 Just a couple of other points that were
24 raised about, for instance, the problem of the spread of
25 disease. Well, one of the biggest reasons for the

17(1)

17(2)

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1 increase of insect disease toward the north is global
2 climate warming, and that's one of the things that wind
3 farms are going to address by providing alternative energy
4 and slow down the effect of global warming.

17(2)
cont.

5 Then someone said that the effect of the
6 noise of this project would sound like helicopter blades.
7 I don't know which type of wind turbine this particular
8 comment was addressed to, but certainly not type of wind
9 of turbines that are proposed for Kittitas County.
10 They're a very slow moving blade.

17(3)

11 Also there was an implication that the
12 majority of those who have turbines on their property were
13 are absentee landowners. Well, I wonder if those who
14 objecting to it perhaps it's the same percentage. I don't
15 know.

17(4)

16 And I have some other comments that I will
17 turn in as written comments about the need for good clean
18 alternative energy in our state that is not just a
19 redundant source of energy, but it's one that we needed as
20 the energy crisis here in the Northwest proved last summer
21 and Governor Locke along with the Governors of Oregon and
22 California, at least at that time in September, were all
23 in favor of going independent on a regional basis and
24 encouraged justice for projects. So Governor Locke will
25 we can be sure if this is approved give it every bit of

17(5)

1 his support.

2 JUDGE TOREM: Thank you, sir.

3 Helen wise.

4 COMMENTS BY HELEN WISE

5 I am Helen Wise, W-i-s-e. I live at 1106
6 East Third Avenue here in Ellensburg. I will not speak
7 very long because I want to second Mike Genson's report.
8 He was the one who showed you that map where the
9 properties were sold for considerable profit.

10 In the Draft EIS, on Page 3.718, it says that
11 this property review does not attempt to present a model
12 to explain all influences on property values; however, the
13 statistical analysis provided in this study provides no
14 evidence that wind development has harmed property values
15 with the view shed.

16 And so as Mike has said, we have known for
17 some time of this proposal, and unless people are being
18 very devious and not allowing people how could they not
19 know about wind power in Ellensburg? The properties that
20 have been sold in recent in the last year and a half have
21 been sold at quite an increase in property value.

22 I could go through this, but I will not give
23 you these. I'll send in the statistics on it, but I might
24 also point out that in the series that the daily record
25 did earlier this month, well, in December. On the first

17(5)
cont.

18(1)

1 of December, Steve and Amy Oslund's property, which is
2 they're one of the opponents, vocal opponents. They were
3 featured along with a supporter of wind farms. That was
4 December 1st. On December 2nd they sold their property
5 and I might consider the commission to the daily record.
6 We know it takes longer than that to sell a property.

7 But I also would like to comment that this
8 is in my view an excellent Draft Environmental Impact
9 Statement. I am a concerned environmentalist. I am
10 concerned about my children, my grandchildren, and I have
11 great grandchildren. I am concerned about their futures.
12 We have to take care of energy in a pollution free way.
13 We have to take care of it in a way that doesn't cost lots
14 of money for transport. We don't have to transport the
15 fuel for our energy for wind farms. Just a few comments.

16 JUDGE TOREM: Thank you, ma'am.

17 Todd -- is it Gergan?

18 MR. GERGAN: Gerean.

19 JUDGE TOREM: Sorry. Let me get the next
20 few up. Paul Horish, Dennis Waits, and Christine Whitmire.

21 Go ahead, sir.

22 COMMENTS BY TODD GEREAN

23 My name is Todd Gerean. Last name is
24 spelled G-e-r-e-a-n. I live at 5100 Elk Springs Road. I
25 live there, not like some of the people living way outside

18(1)
cont.

18(2)

1 I'm here to put out two things, pros and negatives on both
2 sides.

3 One, you get the negative. They all
4 complain that that book right there they had nothing --
5 that book has already said it all. It has already come
6 out with all the proof that you all need. The negatives,
7 the ice, birds, and all this other crap that's being done
8 they have nothing to support it.

9 On the pro side, this wind farm, the taxes
10 that are going to be produced by it like the cops and the
11 fire department and so forth that are not going to have to
12 do it. With the new construction more population is going
13 to be generated, so there's going to have to be more tax
14 taken to provide the others. So this is going to generate
15 a lot of economic increase to the County. It's going to
16 increase jobs in the County. It's going to increase power
17 to the world.

18 And like some of the other people said what
19 about the next generation? What about our kids? Nuclear
20 plants, less water, what are we going to do? Like I said,
21 I'm just one hundred percent for it. Thanks.

22 JUDGE TOREM: Paul Horish.

23 COMMENTS BY PAUL HORISH

24 My name is Paul Horish, H-o-r-i-s-h, 730
25 Teanaway Heights Drive, Cle Elum, Washington. I would

19(1)

1 like to reference 172 in the DEIS. I, for one would
2 welcome the income from Zilkha's land lease, and the
3 economic effects it would have on my household.

20(1)

4 JUDGE TOREM: Mr. Horish, could you speak up
5 just a little bit.

6 MR. HORISH: Okay. Also reference 199.
7 We've grown accustomed to the thousands of Bonneville Power
8 Administration towers. I don't see why we couldn't get
9 used to a handful of Zilkha's towers. We also have grown
10 accustomed to I-90 and the noise that that goes with it. I
11 also believe it might be a tourist attraction. It might
12 bring some dollars to the County also economically. Thank
13 you.

20(2)

14 JUDGE TOREM: Dennis Waits.

15 COMMENTS BY DENNIS WAITS

16 My name is Dennis Waits. I live at 40 Cove
17 Lane. I'd just like to say that I don't think that has
18 ever been about energy this whole time. I do not think
19 this whole thing has been about energy, and the reason I
20 say that is because we've never really even talked about
21 the tax credit involved by putting wind machines up. I
22 know it's not about energy because I've never seen an
23 electrical engineer at any of these meetings. They never
24 want to come here and stand up. But the one that I know
25 when I talked about this project, he laughs at me. I say

21(1)

1 why are you laughing? He says we know that wind power is
2 so unreliable. It's not worth putting in. So why are we
3 going this direction? We're going this direction because
4 there's a lot of benefit to one person or one corporation.

21(1)
cont.

5 Now the reason I say this is that what he
6 says to me makes sense because if you have a plant, if
7 you're going to put an automobile plant in Kittitas
8 County, you wouldn't depend on wind power. People would
9 laugh at you. When we had 14 below zero here a week ago,
10 I was running around turning up 220 watt heaters and
11 letting them run for three days. The wind wasn't blowing.
12 It's always been about money. It's never been about
13 energy.

21(2)

14 We talk about major source of economic
15 impact. Our property values in this valley are one of the
16 greatest fortunes that we have right now. We are playing
17 with fire. Why do the people in Nantucket not want these
18 things off their coast? Why do the rich and famous turn
19 these things away and fight vigorously? Because they know
20 that if they go in, and people with money come in and see
21 those things out there, they're not going to pay as much
22 for their property. It's going to hurt their wallet.
23 It's never been about energy. It has always been about
24 the tax credit. If people want to put this in and this
25 has no impact on property values, then they should be

21(3)

1 willing to pay the people that try to sell their property
2 after these wind machines go in, and they sell those
3 properties for less than they paid for them. That would
4 be the right thing to do.

21(3)
cont.

5 Our land and our vistas are a huge economic
6 engine. They are one of the greatest economic engines
7 that this valley has. We have a college. We have
8 farmers. But by golly people like to live here, and there
9 is absolutely no question that they like to go hiking,
10 fishing, anything else that they like to do. The people
11 from Seattle come over here. We call them the 206ers.
12 They have money. If those wind machines go in, and our
13 property values go down, who's going to help us? Nobody.
14 Nobody. The people that made an 80-million-dollar quick
15 tax credit and put it in their wallet, I venture to say
16 they won't even take those wind machines down. Where is
17 the plan to remove these things? I haven't heard one.

21(4)

18 Do you know that the electrical engineers
19 that I talked to know that nuclear -- they studied this
20 for years. They know that nuclear power is the most
21 efficient way to go and people in here might be sneering
22 at me right now and saying, you know, this guy is nuts.
23 Look at Europe. They have many nuclear plants. I'm not
24 proposing nuclear. I'm just saying let's don't go wind.
25 Let's don't take such a huge move and such a huge hit on

21(5)

1 our wallets. We're playing with fire. Thank you.

2 JUDGE TOREM: Thank you, sir.

3 COMMENTS BY JAMES WHITMIRE

4 My name is James Whitmire. I'm going to
5 speak for Christine. She had to go. So my name is
6 W-h-i-t-m-i-r-e. My mailing address is P.O. Box 1735,
7 Ellensburg, and I reside just to the east of the proposed
8 Wild Horse Project, and I think we have a couple
9 misconceptions here. I keep hearing wild and scenic. The
10 shrub-steppe where I reside is more wild and scenic and
11 more pristine, and I'm in favor of these winds towers. I
12 much prefer them as a neighbor than having more residents.
13 I would also like to tell the lady I'm also in favor of
14 coyotes. Thank you very much.

15 JUDGE TOREM: Thank you, Mr. Whitmire.

16 We have three speakers left tonight. They
17 are Mike Robertson, David Crane, Thomas Wallace.

18 Mr. Robertson.

19 COMMENTS BY MIKE ROBERTSON

20 My name is Mike Robertson, R-o-b-e-r-t-s-o-n.
21 I represent myself and my wife, Elizabeth. We live at
22 4101 Bettas Road, Cle Elum. I can't possibly get through
23 this in four minutes, so I will try to summarize it.

24 I would like to reference the facts sheet of
25 the DEIS and the application. The original application

21(5)
cont.

22(1)

1 states that the Kittitas Valley Wind Power Project
2 consists of several prime elements which will be
3 constructed in consecutive phases, including roads,
4 foundations, underground and overhead electrical lights,
5 grid interconnection facilities, one or two substations,
6 operations and maintenance center, associate supporting
7 infrastructure of the facility. Approximately 90 acres of
8 land will be required to accommodate the proposed power
9 plant related support facilities, and the project will 121
10 wind turbines, etc.

11 The Draft EIS attempts to evaluate the
12 environmental impacts of three distinct project scenarios
13 described as lower end scenario, middle scenario, upper
14 end scenario. The lower end scenario utilizes turbines
15 with three megawatt name plate capacity. They're not even
16 described in the application. The DEIS states between 93
17 and 118 acres of land will be utilized, at odds with the
18 application statement of only 90 acres. Immediately one
19 can determine this DEIS document is inadequate at best and
20 realistically incomplete in its analysis.

21 The proposed project is being treated as a
22 single power generation facility when in fact the
23 Applicant states they would like to be considered as a
24 project consisting of 82 to 140 separate power generating
25 turbines of different sizes and power generating

23(1)

23(2)

1 capacities. This is inconsistent with the evaluation and
 2 oversight of large energy facilities in a single location
 3 that is the EFSEC charter. The project should be clearly
 4 defined and the individually placed turbines evaluated as
 5 to their singular environmental impacts than as to their
 6 aggregated impacts as part of a wind generation facility.

23(2)
cont.

7 And finally, the hope that this will be
 8 evaluated as to impacts relating to combined effects with
 9 multiple wind power generation facilities in the context
 10 of Kittitas County as a whole. This document is very
 11 large, but there is no excuse for accepting flawed and
 12 incomplete scientific analysis.

23(3)

13 Reference Chapter 1 summary, the purpose and
 14 need for this project. The stated name plate capacity of
 15 the project proposal is between 246 megawatts and 181 1/2
 16 megawatts. Actual or effective power generation from the
 17 commercial wind power facility is in the area of 30
 18 percent. It follows this project's real usable potential
 19 is 73.8 megawatts, 54.45 megawatts.

23(4)

20 Information Table 1-1 suggests that there
 21 will be 1,854 megawatts as the low forecast, then 15,817
 22 megawatt high forecast increase in power demand for 2025.
 23 Using the middle scenario wind facility configuration this
 24 project would only contribute between three percent medium
 25 load forecast and .3 percent high forecast for this

23(5)

1 growth. This is an insignificant contribution to the
2 public's potential need for this growth.

3 In contrast, the Sumas Energy 2 Generation
4 Facility is a nominal dispatchable 660 megawatt natural
5 gas-fired electrical generation facility and would
6 contribute 36 percent to four percent of anticipated need.
7 Like I said, this is very lengthy. I will turn it in as
8 written comments.

9 I'm obviously an opponent to this project.
10 I feel that it's a poor way to generate power basically,
11 and I will turn this in.

12 JUDGE TOREM: Thank you, sir. Sorry about
13 the time limitation.

14 Our next speaker we have a couple more
15 additions David Crane and Thomas Wallace, then we'll have
16 Jim Stewart and Sonja Ling.

17 Mr. Crane. David Crane.

18 COMMENTS BY DAVID CRANE

19 I'm David Crane, C-r-a-n-e. I live at 1201
20 Vista Road here in Ellensburg. I've read the papers the
21 last few months, and I heard a lot of negative comments
22 about the wind farms, and I've heard some good comments as
23 well. I thought that airports cause noise and they're a
24 hazard. Railroads run over people and kill people, and
25 they interrupt the environment. Dams cause mud flats and

23(5)
cont.

1 damage the fish. Cars kill birds and deer. Coal and oil
2 and nuclear pollute the environment. Nuclear has polluted
3 the Columbia River to a great extent. Housing displaces
4 animals and plants and birds, and parking lots cause
5 runoff of water and add to flood damage. And power lines
6 invade the environment. Sewers are a problem. Military
7 reservations do a lot of the same things. Radio towers
8 interrupt the scenary. Satellites can crash and cause
9 trouble.

10 And I've read all of this. I respectfully
11 say that I favor the wind farms as a step in the direction
12 of clean renewable energy. I support the conclusion of
13 the Draft Environmental Impact Statement. I believe that
14 wind generation has the least negative impact of all the
15 power sources to date. I think that we ought not to shoot
16 ourselves in the foot by seeing only the negative which
17 there certainly are negative aspects to any type of
18 generation that we do. I believe that it's like a sign
19 that I saw over by Royal City along the highway. It says
20 we use commercial fertilizers because people get hungry,
21 and I believe we need wind generation because we need
22 power and our sources are limited. Thank you very much.

23 JUDGE TOREM: Thank you sir,
24 Thomas Wallace.

25 ///

24(1)

1 COMMENTS BY THOMAS WALLACE

2 Good evening. My name is Thomas Wallace. I
3 live at 5319 Keystone Place North, Seattle, Washington.
4 Last name W-a-l-l-a-c-e.

5 I want to introduce myself as a
6 communications and outreach director for the organization
7 Northwest Sustainable Energy for Economic Development. I
8 want to give a background about myself first. My
9 grandfather grew up in Caldwell, Kansas. He moved out
10 during the depression era. My father did 25 years of
11 service to this country and was always taught that there
12 are good things to do in this country, and I think that
13 reflects this open process here tonight, and I want to
14 thank you for hearing this process and thank everybody who
15 made it occur.

16 I want to read a statement from the
17 Northwest Sustainable Energy for Economic Development
18 organization. Northwest SEED, as it's known, is a
19 regional nonprofit organization working to maximize the
20 local benefits for harvesting home-grown energy resources,
21 wind, solar, biomass, geothermal, low impact hydro,
22 conservation, bio-based products, while maintaining
23 reliable electrical service creating new revenue streams
24 and high quality jobs throughout the Pacific Northwest.
25 Our effort is to build community partnerships in Oregon,

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1 Washington, Montana, and Idaho. Northwest SEED supports
2 policies and projects like wind power facilities that
3 build rural economies and meet the region's power needs
4 through affordable renewable energy generation.

5 Northwest SEED has monitored the proposed
6 Kittitas Valley Wind Power Project since it was announced
7 nearly two years ago, and we've reviewed those materials
8 made available to the public by both Zilkha and EFSEC
9 regarding this proposal. In our estimation the Draft
10 Environmental Impact Statement issued last month is an
11 adequate and comprehensive assessment of the project's
12 potential impacts.

13 The Draft Environmental Impact Statement
14 identifies no areas which are predicted to experience
15 significant unavoidable adverse impact. The proposed
16 wildlife impact mitigation plan is in line with the
17 Washington Department of Fish and Wildlife guidelines for
18 siting wind power projects. In fact, the proposed plan
19 far exceeds the mitigation measures suggested by WDFW.

20 Overall the Draft Environmental Impact
21 Statement is a thorough and well reasoned document. The
22 authors appear to have done a reasonable job of
23 anticipating, preparing for the mitigating impacts of the
24 proposed project. Thank you for your time this evening.

25 JUDGE TOREM: Thank you.

25(1)

25(2)

25(3)

25(4)

1 Jim Stewart.

2 COMMENTS BY JIM STEWART

3 My name is Jim Stewart. My P.O. Box is in
4 Cle Elum, but I live on Bettas Road. But I really don't
5 live on Bettas Road. I live on the ridge above Bettas
6 Road. Now the problem that I've got with the power
7 project as Zilkha has proposed basically they're saying
8 that Sagebrush Power Partners want this project. Yet
9 Sagebrush Power Partners is not the one who has applied to
10 EFSEC for the approval for the site. It's Zilkha
11 Renewable Energy.

26(1)

12 Now it was something that somebody else said
13 earlier that got me thinking as to maybe I should clarify
14 something here. He was saying that EFSEC is a government
15 agency. Yet are we talking government agency or is EFSEC
16 contracted with Zilkha and being paid for by Zilkha to
17 basically push this thing forward and make up your minds
18 and then recommend to the Governor if you're going to do
19 this or not? Which I'm kind of mixed on this.

26(2)

20 But it's really interesting that in this
21 study it says in the DEIS it says that both wind, the Wild
22 Horse and this one Sagebrush Power Partners, they're both
23 wholly owned subsidiaries of Zilkha Renewable Energy. So
24 we're not talking about -- you can't say that there's no
25 other place in this county for this project and both being

26(3)

1 by the central command of the person who was basically in
2 charge of this is Zilkha is kind of like to me it's kind
3 of like a misrepresentation of the facts that there is
4 another side.

5 I guess the thing that I have interesting
6 that I find with these noise studies is that all of them
7 are done with computer model and sound level measurements,
8 and they did the same thing with Ellensburg Cement
9 Products. They did the same thing with the Cascade Field
10 and Stream Club study, and in each case what I found
11 because with Ellensburg Cement it was very site
12 specifically. It basically it was accurate at the point
13 where they took the measurements, and they used the berm
14 to block the sound that was going to block the noise.

15 Well, I live according to the ordinance in Kittitas County
16 it's 9604. It's the Thomas Quarry Site. Thomas Quarry
17 Site and crusher is going to be at 720 feet, the lowest
18 part in the quarry. I live on the next ridge, and I live
19 at 2,850 feet, and I have a line of sight across this site
20 down there.

21 Well, it wakes me up. The crusher, the
22 screen operation wakes me up, but then, again, we're
23 talking about it's not just the decibel levels you're
24 talking about. It's also the frequency at which the sound
25 is coming. It's a varied frequency and intensity.

26(3)
cont.

26(4)

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1 So the thing is I find this interesting if
2 you want to get your study to go forward it's just a very
3 simple procedure. You call it in the advertising industry
4 you suppress the truth and suggest the false, and I've
5 written this all in there, and you can read it at your
6 leisure. But we expect Zilkha to come clean and say, hey,
7 tell us the truth.

26(5)

8 Well, according to the study on the noise
9 study I don't exist. My radio station does not exist. My
10 neighbors don't exist. But if you go to the very back of
11 the DEIS, they've got a little number in a little square.
12 I'm No. 10. But I'm not even on the noise study or on the
13 location. Neither is Hall, neither is Jay Carlton,
14 neither is Foster Challer, neither is Boyd Togood, Zeller.
15 Jackson is No. 149. So I'm kind of going if you don't
16 tell the truth, you can minimize the impact to the
17 neighbors.

26(6)

18 But one last thing. I do have a wind
19 generator, and I talked to somebody else recently. I've
20 had the same feeling. I've had it two years. It blows up
21 with ice. It doesn't charge when I want it. I've got to
22 run the generator to charge the batteries, and if I had
23 to, I wouldn't get another one. Thank you.

26(7)

24 JUDGE TOREM: Thank you, Mr. Stewart.
25 Sonja Ling, and I've had one other person

1 I've added. Noel Andrew.

2 COMMENTS OF SONJA LING

3 Good evening. I'm Sonja Ling, S-o-n-j-a
4 L-i-n-g. My address is 917 S.W. Oak Street, Suite 303,
5 Portland, Oregon 97205. I'm here on behalf of Renewable
6 Northwest Project, and I appreciate the opportunity to
7 comment this evening. Our comments this evening will be
8 general and we will be submitting more extensive comments
9 by the deadline.

10 The Renewable Northwest Project is a unique
11 coalition of environmental groups, consumer groups, and
12 renewable energy developers and manufacturers that work
13 together to combat global climate change through the
14 implementation of solar, wind, and geothermal resources in
15 the Pacific Northwest.

16 We believe that properly sited wind power
17 projects can protect the environment, promote economic
18 development, and help diversify the regions in our system.
19 In general, we believe that the DEIS does a thorough job
20 of assessing the potential impacts of the KV Wind Project
21 and describing proposed mitigation for potential impacts.

27(1)

22 We are pleased to see that the health and
23 safety concerns raised by the community were addressed
24 extensively in the DEIS, and that the DEIS concludes that
25 no significant unavoidable adverse impacts on health and

27(2)

1 safety resulting from the construction and O & M of the
2 project have been identified.

3 We are also pleased to see that the
4 Applicant will be taking the next various steps to avoid
5 and minimize potential impacts of the project on wildlife
6 and habitat which is based on the Washington Department of
7 Fish and Wildlife Wind Power Guidelines. Based on the
8 DEIS we also believe it inputs measures to avoid a minimum
9 potential impact and mitigate for impact need and actually
10 exceed as Tom Wallace from Northwest SEED mentioned the
11 WDFW Wind Power Guidelines mitigation. For example, the
12 Applicant has proposed to purchase and protect about 50
13 percent more habitat than the amount recommended by WDFW
14 Wind Power Guidelines. We commend the Applicant for
15 complying with the Wind Power Guidelines which we believe
16 are considered to be the most stringent in the U.S.

17 In conclusion, we believe that the DEIS has
18 thoroughly examined the impacts and considered the
19 benefits of wind power. We hope that EFSEC can now move
20 expeditiously to the next phase, to the next review phase.
21 Thank you.

22 JUDGE TOREM: Thank you, Ms. Ling.
23 Noel Andrew.

24 COMMENTS BY NOEL ANDREW
25 My name is Noel Andrew, 2701 Elk Springs

27(2)
cont.

27(3)

27(4)

1 Road, Ellensburg, Washington 98296, something like that.

2 Okay. Everybody has touched bases on the
3 negative stuff which you people have found to be, you
4 know, a big deal, and I'm going to talk about visual
5 aspects of this project. The project is located, the
6 towers are located on ridges, barren ridges that produce
7 nothing. It's scab rock land is what I call them, and
8 where the wind blows nothing grows. It's unproductive for
9 agriculture. And I think as far as visual these people
10 think that they're up there on this hill and they look
11 down at Ellensburg, and they think that's beautiful at
12 night. Well, these towers and the ridges will just add
13 little bit more view, more lights to the valley and make
14 it more beautiful. And after a while I think that the
15 towers will just be like another big tower, a cell phone
16 tower which are popping up everywhere.

17 And I think anyway the visual effects that
18 they're so negative of the opposition will just disappear
19 when all the revenue comes in from this project. Thank
20 you very much.

21 JUDGE TOREM: Thank you, sir.

22 Were there any other people that I didn't
23 have signed up that wanted to comment tonight? If you
24 just stand up, so I can see how many we have. One, two,
25 three more people.

28(1)

28(2)

1 Ma'am, if you will come up first and then
2 the other two gentlemen, and then we'll close the public
3 hearing after these three unless there are any other
4 urgent comments.

5 (Off the record to change paper.)

6 JUDGE TOREM: We have been off the record
7 for a couple moments for the court reporter to change her
8 paper.

9 Ma'am, what's your name?

10 MS. SCHWAB: My name is Diane Schwab,
11 S-c-h-w-a-b.

12 JUDGE TOREM: Can you state your address,
13 please.

14 MS. SCHWAB: P.O. Box 290 Maple Valley,
15 Washington.

16 JUDGE TOREM: Thank you.

17 MS. SCHWAB: 98038.

18 COMMENTS BY DIANE SCHWAB

19 We have 50 acres that is located just
20 outside the project area, and I've gone through to the
21 DEIS. I'm really disappointed. I think it's full of
22 scare tactics, inaccurate issues, and it doesn't address
23 the issues that we have been stating for the last almost
24 two years.

25 There is discrepancies in one place. On

29(1)

29(2)

1 their original application they clearly state from our
2 location that we will see 85 to 160 wind turbines. Well,
3 then they claim our house would be 2,000 feet from those
4 turbines. We don't even know where our house is going to
5 be. In all reality it will be 500 feet from the nearest
6 turbine.

29(2)
cont.

7 Some of my neighbors, we've got one neighbor
8 that according to their maps, and I've stated all the
9 particulars here, one of our neighbors will be 164 feet
10 away from the closest turbine. Then they claim that will
11 be 1,000 feet from all residents. I don't know what to
12 believe. I don't know which one of these facts is true.

29(3)

13 They claim the shadow flicker and the
14 flashing lights and noise are nonissues. When they held
15 the first meeting in Cle Elum, we brought all these issues
16 up and they kind of poo poed them all down, nonissues.
17 Now they are issues, but they're not being addressed. Not
18 for us people who are going to live next door. Not for us
19 that are going to be 500 feet away. We're still going to
20 hear the windmills. Not only are we just going to get a
21 whoomp, whoomp, but we might have that going on 116 times
22 at the same time because the wind will be blowing, and I
23 find that to be a big problem for anyone that's going to
24 be living that close.

29(4)

25 Same thing with the shadow flicker. They

29(5)

1 say, well, you know, it's really not going to bother
2 people, but it is. It's going to bother the people that
3 live there, and we have been in my estimation totally
4 dismissed. I don't see anyone anywhere in the entire DEIS
5 where they said, well, these people right here. They're
6 going to have a problem. No, what they said was that
7 because thousands of people weren't going to see this, it
8 gives a lower priority. It's not a low priority to us
9 because we will be there, and it just doesn't seem right
10 that that seems inaccurate.

29(5)
cont.

11 Property taxes if we look out our window and
12 see 116 windmills, I think probably about 20 of them are
13 500 feet away. That's not going to damage our property
14 value? Once again, we have been dismissed. Those people
15 that are living next door totally not counted nowhere in
16 there.

29(6)

17 They claim that they're going to do some
18 mitigation. Well, I have talked to a person who lives in
19 California. He says the mitigation should come first
20 before anything else, any building goes up. Once it's in,
21 forget it. It's too late. So I think they start
22 mitigating now with some of us people that are going to be
23 right up there. And I've got maps and whatnot and I'll
24 turn it all in. Thank you.

29(7)

25 JUDGE TOREM: Thank you, Ms. Schwab.

1 Are you already on the Council's mailing
2 list?

3 MS. SCHWAB: Yes.

4 JUDGE TOREM: Thank you. All right.

5 Sir, your name please.

6 MR. ERICKSON: William Erickson.

7 JUDGE TOREM: Can you spell your last name.

8 MR. ERICKSON: E-r-i-c-k-s-o-n.

9 JUDGE TOREM: And your address.

10 MR. ERICKSON: 6980 Wilson Creek Road.

11 JUDGE TOREM: Is that in Ellensburg?

12 MR. ERICKSON: Yes, in Ellensburg.

13 COMMENTS BY WILLIAM ERICKSON

14 I've got two concerns. The first one is
15 about fire. If you wonder why I'm concerned about that
16 being so far away, the corridor going to 97 is a natural
17 wind tunnel. It's dry most of the year. The wind is
18 blowing. Where is the fire going to go? Right into the
19 valley. There hasn't been a major fire in the valley
20 itself, but they say, the experts say that you don't have
21 to worry about fire with the turbines. However, when
22 they're new you perhaps don't because you've got controls
23 in effect. Looking 10 to 20 years down the road and maybe
24 they're not producing the revenue that's expected, and so
25 the only place to cut back is on maintenance. That's

30(1)

1 their only cost, so that's what they will cut back on.
2 You get hot oil, burning metal from 300 feet -- I don't
3 know if you've ever been in a wind driven fire, but it's
4 not a pretty sight. I don't know if you remember Southern
5 California last year. That's what we would be looking at
6 in the valley. It's not anything pretty to think about.

7 Why put the site there where there's large
8 populations downwind from it, farms, business, residents?
9 It just doesn't make good sense. Why don't you have it in
10 other places in the valley and where it won't affect the
11 population? I'm not talking about birds and stuff,
12 although it would affect that. But I'm talking about
13 people.

14 The other question I have or concern I have
15 is I was talking to our insurance agent and asking, "Well,
16 you know, the potential is there. Is this going to
17 increase my premiums any?" He said, "No, this should be
18 the liability of the wind farm."

19 Now if I'm not wrong, and I could be wrong,
20 but I presume Sagebrush Power Partners, LLC, means limited
21 liability corporation. Am I right? Okay. If I'm right,
22 that means who has the liability on a catastrophic fire?
23 A corporation can only go back to the company itself not
24 back to their owners. And if it is allowed, the owners
25 should be required to carry all inclusive insurance for

30(1)
cont.

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30(3)

1 replacement value of infrastructure, power poles, fences,
2 buildings, everything in the valley that could be
3 destroyed. Also it should go back to Zilkha. It
4 shouldn't be just limited to their company. It should go
5 back to Zilkha because they're the ones that are
6 benefiting from the development, so they should be also
7 liable for the license.

8 JUDGE TOREM: Thank you, sir. There was one
9 other gentleman who indicated he wanted to speak.

10 What's your name, sir?

11 MR. BOYOVICH: David Jack Boyovich. I was
12 on the list, but I scratched it off.

13 JUDGE TOREM: Can you spell your name out
14 for me.

15 MR. BOYOVICH: B-o-y-o-v-i-c-h.

16 JUDGE TOREM: And your address, sir.

17 MR. BOYOVICH: 18830 Reecer Creek Road,
18 Ellensburg.

19 JUDGE TOREM: Go ahead, sir.

20 COMMENTS BY DAVID BOYOVICH

21 Anyway, I was going to talk and then I
22 decided not to talk, and now I've got a few issues that a
23 few people have come up with here. I take exception to,
24 and I agree with one person that was up here earlier, and
25 he said that this entire project as a matter of fact both

30(3)
cont.

1 of these projects are all about the money and believe me
2 truer words couldn't have been said more.

3 I've been doing an awful lot of studying the
4 last couple of weeks on this, and as far as property
5 values go anybody that tells you their property values
6 aren't going to go down because of these monstrosities --
7 and I will give it to him. I used to call them
8 pachyderms.

9 JUDGE TOREM: Let's just stay on topic.

10 MR. BOYOVICH: They're pachyderms, sir.
11 They're monstrosities. Property values are going to go
12 down, and the reason why I say this is because I've talked
13 to a couple of real estate people. And I'm not going to
14 name names, but believe me I've talked to them. Also
15 talked to the PUD. I haven't talked to Puget Sound Energy
16 yet. I've heard that they're thinking about buying this
17 stuff. PUD they said they weren't even going to think
18 about buying this energy.

19 I'm curious. Who's going to buy this
20 energy? Can anybody here tell me who's going to buy this
21 energy that everybody keeps talking about here?

22 I kind of thought so.

23 Who's going to benefit? You, me? We're
24 paying for this thing, but we're not even going to get the
25 benefits of the energy. It's either going to go south,

31(1)

31(2)

1 east, or over in Seattle. So we are going to be paying
2 for everybody else to have this energy that everybody says
3 is so cheap, which really isn't.

4 Another issue is the raptors. Now, they had
5 a study done in Palm Springs, a ten-year study that over
6 22,000 to 30,000 raptors or birds were killed over a
7 ten-year period. And if my math is correct, that's about
8 3,000 a year. Now, I know for a fact that they have an
9 awful lot of golden eagles down there. The last time I
10 looked they were on the endangered species list, as well
11 as the bald eagle, which we have an awful lot of them up
12 here. We also have a couple hundred turkey buzzards in
13 the area that are also on the endangered species list.

14 So anyway with that I will conclude.

15 JUDGE TOREM: Thank you, sir.

16 Anybody else that has heard anything else
17 this evening that needs to comment at this time?

18 All right. Thank you. We're gotten through
19 32 of your individual comments, and it's now about ten
20 minutes of 9:00. I thank you very, very much for allowing
21 the efficient process tonight and allowing us to get
22 through that many people in that short of a time.

23 That is going to conclude the comments for
24 this evening, and I want to thank you very much for coming
25 tonight. The entire Council appreciates the time you've

31(2)
cont.

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1 taken away from family and your jobs to participate in a
2 very important public process.

3 Let me give you one final reminder that the
4 Council will be holding at least one or maybe more
5 additional comment sessions regarding the project during
6 its adjudicative hearings. There has been no schedule set
7 for those hearings, but if you're on our mailing list, you
8 will hear about it. And I'm certain if you read the
9 newspapers around here, you'll hear about it.

10 Please remember that the deadline if you
11 want to submit any comments, if you haven't already done
12 so tonight, the deadline is next Tuesday, January 20,
13 2004. That is a postmarked deadline, not the date we have
14 to receive it. So if you need to write them up over the
15 weekend, you can mail it on Tuesday.

16 Again, please see our staff, Irina Makarow
17 or Allen Fiksdal, seated up at the sign-in table there if
18 you need to get on our mailing list or receive any
19 additional information.

20 Thank you and good night. We're off the
21 record.

22 * * * * *

23 (Whereupon, the public meeting was adjourned
24 at 8:49 p.m.)

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A F F I D A V I T

I, Shaun Linse, CCR, Certified Court Reporter,
do hereby certify that the foregoing transcript
prepared under my direction is a true and accurate
record of the proceedings taken on January 13, 2004,
in Ellensburg, Washington.

Shaun Linse, CCR
CCR NO. LI-NS-ES-M4020H