

Responses to Comments Presented at the Draft EIS Public Hearing on January 13, 2004

Note: The responses listed below are numbered to correspond to the numbers shown in the right-hand margin of the preceding public hearing transcript.

1. David Lee

- 1(1) Please refer to Individual Letter 1, Response 9 regarding the treatment of quality of life concerns under the State Environmental Policy Act (SEPA). Please refer to Individual Letter 9, Response 3 regarding project benefits.
- 1(2) EFSEC does not use a “zoning procedure” to site energy facilities. EFSEC’s authority and responsibility are derived from the Revised Code of Washington (RCW) 80.50. This code authorizes EFSEC to receive applications for energy facilities, to review the sufficiency of these applications, to conduct hearings on the proposed location of the facility, and to make a recommendation to the governor as to the disposition of that specific application. The Legislature has not authorized EFSEC to plan how sufficient energy is provided to the citizens of Washington State or to choose locations for energy facilities other than those proposed in a specific application.
- 1(3) Your comment is noted.

2. Jeff Howard

- 2(1) Please refer to State Agency Letter 3, Response 11 regarding the production tax credit for renewable energy production facilities and its relevancy in a SEPA EIS. Also, please refer to Organization Letter 6, Response 1 regarding updated calculations of project tax revenues.
- 2(2) Please refer to Key Issue B in Section 2 of this volume regarding property values. Please refer to Individual Letter 1, Response 9 regarding SEPA treatment of quality of life concerns.

Section 3.7.2 of the Draft EIS succinctly summarizes the results of past studies that address the relationship between wind development and property values. There are differences of opinion regarding the veracity and suitability of these studies as predictors of future property value trends in the KVVPP area, as reflected in the prefiled testimony. Please refer to the prefiled testimony of Sterzinger (Exhibit 35), De Lacy (Exhibit 36), Grover (Exhibit 80), Weaver (Exhibit 100), and Taylor (Exhibit 102) for further information.

- 2(3) Please refer to Local Agency Letter 2, Response 19 regarding additional analysis of radio interference.
- 2(4) Please refer to Organization Letter 4, Response 9 regarding the project’s need for backup power.

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2(5) Please refer to Individual Letter 25, Response 9 regarding the adequacy of the Draft EIS.

3. Paul PosHusta

3(1) Please refer to Individual Letter 1, Response 8 regarding the project permitting process. Please refer to Local Agency Letter 2, Response 10 regarding additional analysis of offsite alternatives.

3(2) Like virtually every other type of rotating machinery, wind turbines do make some noise. Compliance with the regulatory noise limits established in WAC 173-60 does not mean that the turbines will be inaudible to all of its neighbors, at all times, and under all conditions. The noise limits protect the amenity of neighbors and ensure that the development would not reasonably disturb them. If limits were to be applied with inaudibility as an objective, it would be very difficult to build an economically viable wind power project (or indeed many other types of development) anywhere. This is because it would be difficult to find locations that combined the required resource, electrical infrastructure at a viable distance for connection, and no nearby neighbors (Australian Wind Energy Association, no date).

3(3) The Draft EIS concludes that for some viewers, the presence of the wind turbines represents a significant unavoidable adverse impact because it greatly alters the appearance of the rural landscape over a large area of the Kittitas Valley.

Please refer to Response 3(2) of these public hearing comments regarding the project's noise effects.

4. Dwight Lee Bates

4(1) Please refer to Tribal Letter 1, Response 4 regarding the adequacy of the baseline wildlife study.

4(2) Please refer to Individual Letter 30, Response 2 regarding the project's proposed mitigation measures. Please refer to State Agency Letter 3, Response 13 regarding the Technical Advisory Committee that will be established to evaluate the mitigation and monitoring program. Please refer to Tribal Letter 1, Response 4 regarding the adequacy of the baseline wildlife study.

4(3) Please refer to Individual Letter 30, Response 5 regarding fire prevention and response plans and to Individual Letter 11, Response 10 regarding the Applicant's plans for fire protection. Please note that additional fire prevention and protection measures proposed by the Applicant are identified in Section 3.4.4 of the Draft EIS.

4(4) Thank you for your comment. The specific height of the proposed turbines has yet to be determined. Towers would range from 330 to 410 feet at turbine tip height.

4(5) Thank you for your comment. Please refer to State Agency Letter 3, Response 11 regarding tax treatment of the wind energy industry and its relevancy in a SEPA EIS.

4(6) There are no documented human or animal health impacts associated with shadow-flicker from wind turbines (Nielsen, Prefiled Testimony, Exhibit 40).

Please refer to Individual Letter 3, Response 5 regarding the reliability of the Lincoln Township Wind Turbine Survey.

4(7) We are not aware of any evidence to support the claim that shadow-flicker lowers property values. Please refer to Key Issue B in Section 2 of this volume regarding property values.

4(8) Please refer to Local Agency Letter 2, Response 49 regarding blade throw setbacks and Individual Letter 15, Response 27 regarding ice throw setbacks.

5. **Clay White**

5(1) Thank you for your comment. Please refer to the responses to Local Agency Letter 2.

6. **Jim Hurson**

6(1) Please refer to the responses to Local Agency Letters 1 and 2 (Kittitas County Community Development Services) and Local Agency Letter 3 (Kittitas County Department of Public Works).

7. **Sandy Sandall**

7(1) Please refer to Individual Letter 18, Response 2 regarding property owners in the project area.

7(2) This measure would have no effect on vacant land in Section 35. Please refer to Individual Letter 15, Response 45 regarding the recommended mitigation measure for conservation easements.

7(3) The public hearing transcript incorrectly refers to the wind power project at Altamont Pass in California as the “Ultimate Pass Project.” Please refer to Organization Letter 8, Response 2 regarding project comparisons to the Altamont Pass Wind Resource Area.

7(4) Please refer to Key Issue B in Section 2 of this volume regarding property values.

The EIS authors are unfamiliar with a wind power plant in Lincoln Township, Nebraska. Please refer to Individual Letter 3, Response 5 regarding the reliability of the Lincoln Township Wind Turbine Survey

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7(5) Please refer to Individual Letter 15, Response 4 regarding viability of the site for wind power operations.

8. Earle Price

8(1) Please refer to Individual Letter 20, Response 2 regarding the cumulative impact analysis.

8(2) Please refer to Individual Letter 20, Response 2 regarding the need for a site-specific analysis for wind power projects proposed in Kittitas County.

8(3) Please refer to Individual Letter 20, Response 3 regarding German statistics for ice throw. Please refer to Individual Letter 15, Response 27 regarding appropriate setback distances for ice throw.

8(4) Proposed project setbacks are identified in Section 2.2.2 of the Draft EIS. Your opposition to the project is noted.

9. Desmond Knudson

9(1) Thank you for your comment.

9(2) Thank you for your comment.

10. Ed Garrett

10(1) Please refer to Individual Letter 15, Response 7 regarding the status of landowners in the project area.

10(2) Please refer to Individual Letter 11, Response 3 regarding the quality of the Draft EIS. Please refer to Local Agency Letter 2, Response 10 regarding additional analysis of offsite alternatives. Comparisons between the proposed action and existing wind power projects in other portions of Washington State that do not have public opposition is not required under SEPA, which requires that the EIS describe the proposal and reasonable alternatives that could feasibly attain or approximate a proposal's objectives.

10(3) Please refer to Local Agency Letter 2, Response 10 regarding additional analysis of offsite alternatives.

10(4) Please refer to Individual Letter 11, Response 2 regarding project setbacks from future development on nonparticipating properties.

10(5) Please refer to Individual Letter 10, Response 1 regarding financial compensation as mitigation for local property owners.

10(6) Please refer to Individual Letter 15, Response 4 regarding the reliability of wind power at the proposed project site

10(7) Thank you for your comment.

11. Holly Pinkart

11(1) Please refer to State Agency Letter 3, Response 14 regarding the adequacy of the bat surveys.

11(2) Please refer to Individual Letter 38, Response 3 regarding mosquito populations and potential exposure to humans of the West Nile Virus.

11(3) Please refer to Individual Letter 23, Response 39 regarding rodent populations and potential exposure to humans of the hantavirus.

11(4) Please refer to Responses 11(2) and 11(3) of these public hearing comments.

12. Geoff Saunders

12(1) Please refer to Individual Letter 11, Response 2 regarding project setbacks from future development on nonparticipating properties.

12(2) Please refer to Local Agency Letter 2, Response 10 regarding additional analysis of offsite alternatives. Please refer to Individual Letter 44, Response 6 regarding consideration of other areas of the state as alternative sites. Please refer to Organization Letter 4, Response 5 regarding reasons why EFSEC has limited its analysis of alternative sites to those within Kittitas County.

12(3) Please refer to Individual Letter 23, Response 7 regarding the project's need for ready access to available capacity on an existing electric transmission system.

12(4) Please refer to Individual Letter 13, Response 6 regarding low-frequency noise.

12(5) Please refer to Individual Letter 13, Response 6 regarding low-frequency noise.

12(6) Section 3.4.2 of the Final EIS has been revised to add additional information on the topics of ice throw, blade throw, and tower collapse. Also, please refer to Local Agency Letter 2, Response 48 regarding tower collapse; Local Agency Letter 2, Response 49 regarding blade throw; and Individual Letter 15, Response 27 regarding ice throw.

12(7) Please refer to Individual Letter 23, Response 34 regarding local icing conditions and to Individual Letter 15, Response 27 regarding documented instances of ice throw.

12(8) Please refer to Local Agency Letter 2, Responses 48 and 49 regarding the adequacy of proposed blade throw setbacks.

12(9) Please refer to Local Agency Letter 2, Response 54 regarding the need for shadow-flicker setbacks.

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12(10) Please refer to Individual Letter 11, Response 10 regarding fire protection.

12(11) Please refer to Key Issue B in Section 2 of this volume regarding property values and Response 2(2) of these public hearing comments.

12(12) Thank you for your comment. Your opposition to the project is noted.

13. Mike Genson

13(1) Thank you for your comment.

13(2) Thank you for the information presented in your comment.

14. Derald Gaidos

14(1) Thank you for your comment. Please refer to the responses to Local Agency Letter 1.

15. Roger Clerf

15(1) Thank you for your comment.

15(2) Thank you for your comment. Your support for the project is noted.

16. Keith Johnson

16(1) Please refer to Tribal Letter 1, Response 4 regarding the adequacy of the baseline wildlife study and State Agency Letter 3, Response 14 regarding the adequacy of the bat surveys.

16(2) Please refer to Tribal Letter 1, Response 4 regarding the adequacy of the baseline wildlife study.

16(3) Please refer to Organization Letter 8, Response 11 regarding nighttime wildlife surveys and surveys during inclement weather and State Agency Letter 2, Response 14 regarding the adequacy of the bat surveys.

16(4) According to Washington Department of Fish and Wildlife's (WDFW's) 1996 document entitled *Status of Washington's Shrub-Steppe Ecosystem: Extent, Ownership, and Wildlife/Vegetation Relationship* (WDFW 1996b), fragmentation has likely lowered the suitability of Washington's shrub-steppe habitat for many native wildlife species. This statement, however, is in no way intended to downplay the importance of this particular habitat type in the project area. Shrub-steppe vegetation communities (includes dense, moderate, and sparse) account for approximately 44% of permanent impacts associated with clearing of vegetation at the project site. Permanent loss of this habitat type, however, would be adequately mitigated through the mitigation measures proposed in Section 3.2.5 of the Draft EIS, including acquiring and enhancing a mitigation parcel that would permanently replace dense shrub-steppe at a ratio of 1:1 and replace moderate and

sparse shrub-steppe at a ratio of 2:1. WDFW has concluded that this proposed parcel would provide adequate mitigation for potential impacts on wildlife habitat, including lithosols (refer to State Agency Letter 2).

16(5) Please refer to State Agency Letter 3, Response 18 regarding setbacks from ridgelines. Please refer to Organization Letter 8, Response 7 regarding setbacks proposed for the Foote Creek Rim Wind Project in Wyoming.

16(6) Please refer to State Agency Letter 2, Response 16 regarding the Bald Eagle Protection Act, the project Habitat Conservation Plan, Endangered Species Act, and incidental take of bald eagles.

16(7) Thank you for your comment.

17. **Nelson Booth**

17(1) Thank you for your comment.

17(2) Thank you for your comment.

17(3) Thank you for your comment.

17(4) Thank you for your comment.

17(5) Thank you for your comment. Your support for the project is noted.

18. **Helen Wise**

18(1) Thank you for your comment.

18(2) Thank you for your comment. Your support for the project is noted.

19. **Todd Gerean**

19(1) Thank you for your comment. Your support for the project is noted.

20. **Paul Horish**

20(1) Thank you for your comment.

20(2) Thank you for your comment.

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21. Dennis Waits

- 21(1) Please refer to State Agency Letter 3, Response 11 regarding the production tax credit for renewable energy production facilities and to Individual Letter 15, Response 4 regarding the reliability of wind power.
- 21(2) Thank you for your comment. Please refer to Individual Letter 15, Response 4 regarding the reliability of wind power.
- 21(3) Please refer to Key Issue B in Section 2 of this volume regarding property values. Please refer to State Agency Letter 3, Response 11 regarding the production tax credit for renewable energy production facilities. Please refer to Individual Letter 10, Response 1 regarding financial compensation as mitigation for local property owners.
- 21(4) Please refer to Key Issue B in Section 2 of this volume regarding property values. Please refer to Local Agency Letter 2, Response 98 regarding the project decommissioning process.
- 21(5) Your opposition to the project is noted.

The KVVWPP Draft EIS responds to a proposal by a developer to provide power from a wind project. Part of the need for the action is to acquire power from renewable resources, specifically from wind resources. Electric utilities may consider acquiring power from other energy projects, such as nuclear (and subsequently conduct appropriate SEPA environmental analysis of them), if (1) an entity proposes to develop such a project, (2) the project generates a sufficient quantity of power, and (3) the price is competitive.

22. James Whitmire

- 22(1) Thank you for your comment. Your support for the project is noted.

23. Mike Robertson

- 23(1) Every attempt has been made to present information in an accurate and complete manner that the reader can understand. Please refer to Key Issue A in Section 2 of this volume regarding project definition.
- 23(2) Please refer to Individual Letter 23, Response 3 regarding analysis of the proposed action scenarios and to Key Issue A in Section 2 of this volume regarding project definition for more information.
- 23(3) An analysis of cumulative impacts is required under SEPA (WAC 197-11-060[4][e]). Cumulative effects are those that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions. Section 3.14 of

the Draft EIS provides a detailed analysis of potential cumulative impacts attributable to the three proposed wind power projects in Kittitas County.

23(4) Please refer to Individual Letter 15, Response 4 regarding project capacity.

23(5) Please refer to State Agency Letter 3, Response 4 regarding the demonstrated need for the proposed wind power project.

24. **David Crane**

24(1) Thank you for your comment. Your support for the project is noted.

25. **Thomas Wallace**

25(1) Thank you for your comment.

25(2) The Draft EIS does identify significant unavoidable adverse impacts; namely, the visual effect of the turbine towers and the effect of viewing flashing lights on the top of the towers. The Final EIS also acknowledges that any loss of a bald eagle is considered a significant unavoidable adverse impact.

25(3) Thank you for your comment.

25(4) Thank you for your comment. Your support for the project is noted.

26. **Jim Stewart**

26(1) Sagebrush Power Partners, a limited liability corporation (LLC) wholly owned by Horizon Wind Energy, is the Applicant for the KVVWPP. Sagebrush Power Partners LLC filed an Application for Site Certification with EFSEC for the KVVWPP on January 13, 2003, and is identified as the proposal's sponsor in the Draft and Final EISs (see the Fact Sheet).

26(2) Pursuant to RCW 80.50.071, each applicant for an energy facility site certification deposits a fee with EFSEC at the time of application for costs relative to processing the application. EFSEC is a government agency charged with independently evaluating energy facility applications.

26(3) Additional sites have been evaluated as part of the Final EIS. Please refer to Local Agency Letter 2, Response 10.

26(4) Please refer to Individual Letter 13, Response 6 regarding proposed rock-crushing operations and the impact of low-frequency noise.

26(5) The primary purpose of an EIS is to provide an impartial discussion of environmental impacts, reasonable alternatives, and mitigation measures that avoid or minimize adverse

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environmental impacts. The document's independent evaluation of the project discloses a full range of potential impacts on the surrounding community.

26(6) Please refer to Individual Letter 13, Response 10 regarding updated information on noise receptors in the study area.

26(7) Thank you for your comment.

27. Sonja Ling

27(1) Thank you for your comment.

27(2) Thank you for your comment.

27(3) Thank you for your comment.

27(4) Thank you for your comment.

28. Noel Andrew

28(1) Thank you for your comment.

28(2) Thank you for your comment.

29. Diane Schwab

29(1) Your comment is noted.

29(2) Please refer to Individual Letter 11, Response 2 regarding project setbacks from future development on nonparticipating properties.

29(3) It is not clear if the neighbor's house referenced in this comment is existing or planned. As stated in Section 2.2.2 of the Draft EIS, minor adjustments would be made to the proposed project layout, such as moving the tower foundations once the final turbine model is selected, to ensure that safety setbacks proposed by the Applicant are maintained from existing residences.

29(4) Please refer to Individual Letter 11, Response 3 regarding the quality of the Draft EIS. Please refer to Response 3(2) of these public hearing comments regarding the project's noise effects.

29(5) The discussion of health and safety hazards in Section 3.4 of the Draft EIS acknowledges that shadow-flicker could be an issue for nearby residents. However, there are no documented human or animal health impacts associated with shadow-flicker from wind turbines (Nielsen, Prefiled Testimony, Exhibit 40).

- 29(6) Please refer to Key Issue B in Section 2 of this volume regarding property taxes.
- 29(7) Please refer to Individual Letter 11, Response 14 regarding the timing of mitigation measures.

30. William Erickson

- 30(1) Please refer to Individual Letter 26, Response 1 and State Agency Letter 3, Response 24 regarding fire safeguards in modern wind turbines.
- 30(2) To assist EFSEC in its decision-making process, an additional analysis of offsite alternative sites is presented in the Final EIS. Please refer to Local Agency Letter 2, Response 10.
- 30(3) Please refer to Individual Letter 26, Response 2 regarding the Applicant's insurance policies.

31. David Boyovich

- 31(1) Please refer to Key Issue B in Section 2 of this volume regarding property values.
- 31(2) Please refer to Local Agency Letter 2, Response 6 and Individual Letter 1, Response 9 regarding distribution and price of the project's wind-generated electricity.
- 31(3) The bald eagle is a federally threatened species, whereas the golden eagle is not federally listed but is a state species of concern. As stated in Section 3.2 of the Draft EIS, the bald eagle is a documented winter resident of the project area, whereas the golden eagle is likely to be present but less often compared to existing wind power facilities in Wyoming (Foote Creek Rim) and California (Altamont). Turkey vultures were documented during avian surveys of the project site; however, this species is not federally listed and is a Washington Department of Fish and Wildlife monitor species.

The first large-scale wind energy development projects in the U.S., which occurred in California, were constructed without considering avian impacts. As a result, Altamont Pass Wind Resource Area in Northern California and other California wind plants killed numerous hunting and migrating raptors and other birds. The majority of recorded avian fatalities at the Altamont site have been golden eagles and red-tailed hawks, two species whose local populations may be in decline as a direct result of the wind plant (Erickson et al. 2001).

Please refer to Organization Letter 8, Response 2 regarding project comparisons to the Altamont Pass Wind Resource Area.