Responses to Comments in Tribal Letter 1 from Johnson Meninick, Program Manager, Cultural Resources Program, Confederated Tribes and Bands of the Yakama Nation

Note: The responses listed below are numbered to correspond to the numbers shown in the right-hand margin of the comment letter.

1. Your opposition to the project is noted.

   Although we recognize that the project area may contain plants that are, or once were, important to the Yakama Nation, protection of these resources as a cultural property needs to be addressed through the formal government-to-government consultation process. Sensitive areas should be nominated and documented as Traditional Cultural Properties (TCPs). Areas with eligible TCPs are avoided using the same protocol that is in place to protect archaeological sites.

   Loss of this habitat would be an adverse effect of the project, but as stated in Section 3.2.3 of the Draft EIS (Vegetation, Wetlands, Wildlife and Habitat, Fisheries, and Threatened and Endangered Species) it would be adequately mitigated (i.e., impacts would be offset) with the proposed mitigation measures. The proposal to purchase and protect an approximately 550-acre parcel with equal or better functional habitat would compensate for disturbance of the lithosol habitat at the project site. Sagebrush Power Partners LLC intends to offer members of the Yakama Nation the use of this parcel for cultural and spiritual practices, including the gathering of traditional foods and medicines, throughout the life of the project.

2. Several variations or versions of the visual impact analysis system are used by the Bureau of Land Management, federal and state highways, U.S. Forest Service, and other agencies. The Federal Highway Administration (FHWA) favors a quantitative system that uses the same basic evaluation methods as used for the KVWPP. The FHWA system was not used for this project because it tends to be abstract and loses real meaning as the (otherwise understandable) results are put into tabular form. Overall, the results from a quantitative analysis tend to blend all the studied impacts into a single number that is not meaningful to the average reviewer.

3. The sensitivity of views from the I-90 viewpoint is considered moderate primarily because of the distance to the proposed turbines—not because travelers on I-90 would have to turn their heads to view the turbines. The distance to the turbines from the I-90 viewpoint renders them minor elements in the overall landscape.

   You are correct in noting that the potential visual impact from Viewpoint 3 (US 97 at the Northern End of Bettas Road Looking South, Figure 3.9-19 in the Draft EIS) should be higher than the stated moderate level of impact. The depiction and discussion of Viewpoint 3 in the Final EIS (See Figure 3.9-5 of the Final EIS) has been changed to reflect this.

We disagree with your assessment that many figures reflect the tendency to undervalue potential visual impacts. For these viewpoints, the evaluation method results in moderate impact ratings because the distance from the viewpoint to the turbines is so great and the number of viewers at those locations is relatively low.

4. The scope of study and protocol for the wildlife baseline studies, including avian surveys, were developed with input from, and approval by, the Washington Department of Fish and Wildlife (WDFW) and the U.S. Fish and Wildlife Service (USFWS). The study protocol also follows the recommendations and guidelines developed by the WDFW, as stated in WDFW's January 20, 2004, letter regarding the KVWPP. Therefore, the data gathered are sufficient to evaluate potential impacts on wildlife resources, including avian species. Additionally, the scope and design of the baseline studies conducted in the project area were well within the realm of studies that have been conducted at other wind plants and wind resource areas throughout the western U.S. (Erickson, Prefiled Testimony, Exhibit 29; Erickson, Prefiled Testimony, Exhibit 29R; Clausing, Prefiled Testimony, Exhibit 71R).

During the March-November 2002 fixed-point avian surveys, the Canada goose was observed on the project site a total of 142 times. Studies at other operating wind farms in the U.S., such as Foote Creek Rim, Vansycle, and Buffalo Ridge, have not documented Canada goose mortality, even though it was one of the most common waterfowl species in the project area. Because relatively few waterfowl use the KVWPP site, Canada goose mortality is expected to be low.