

Appendix A
Comments on the SEPA Checklist

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WILD HORSE WIND POWER PROJECT

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of:)
)
WILD HORSE WIND POWER PROJECT)
) Public Hearing
SITE CERTIFICATION AGREEMENT)
AMENDMENT REQUEST) Pages 1 - 41
_____)

A Public Hearing in the above matter was held in the presence of a court reporter on August 6, 2008, at 7:00 p.m., at 400 East University Way, in Ellensburg, Washington before Energy Facility Site Evaluation Councilmembers.

* * * * *

CHAIR LUCE: Good evening. My name is Jim Luce. I'm the Chair of the Washington State Energy Facility Siting Council. I want to welcome you here tonight. You all picked up a green sheet to tell you what we're going to do here tonight. If you haven't, they're available in the back. The purpose of tonight's meeting is a public meeting to hear from the public, public comments on the request of amendment to the Wild Horse Wind Power Project Site Certificate Agreement.

Tonight's meeting is being recorded by a court reporter, and as I said, my name is Jim Luce, and the process will be that Puget Sound Energy will make a presentation briefly with respect to their proposal. Mr. Fiksdal, our Energy Siting Manager to my right, will explain in more detail the process, we will then receive

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1 public comment, and adjourn.

2 I would ask at this time that Councilmembers
3 introduce themselves and we'll begin from the left with
4 Hedia.

5 MS. ADELSMAN: Hedia Adelsman representing
6 the Department of Ecology.

7 MR. FRYHLING: Dick Fryhling. I represent
8 the Department of Community Trade and Economic
9 Development.

10 CHAIR LUCE: I'm Jim Luce.

11 MR. TAYER: I'm Jeff Tayer. I'm with the
12 Washington Department of Fish and Wildlife.

13 MR. FIKSDAL: Allen Fiksdal, EFSEC staff.

14 MR. LA SPINA: Jim La Spina, EFSEC staff.

15 CHAIR LUCE: And in the back?

16 MS. TALBURT: Tammy Talburt, EFSEC Staff.

17 CHAIR LUCE: Tammy is indispensable. So if
18 you need any help with anything, documents or otherwise,
19 see Tammy. The rest of us up here we're just face. Okay?
20 The work gets done back there.

21 All right. Scott, you have a presentation
22 to make.

23 MR. WILLIAMS: A brief one, yes. Thank you,
24 Chairman Luce, Councilmembers. My name is Scott Williams
25 with Puget Sound Energy. Thanks for making the trip

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1 tonight, and I just want to take a few minutes and brief
2 the folks here as well as the Council about our request
3 and a little bit about who we are.

4 So, again, Scott Williams with Puget Sound
5 Energy. First, I'm just going to tell you a little bit
6 about the company. PSE is the largest private utility in
7 the state of Washington. We have over a million electric
8 customers. I think about 16,000 roughly right here in
9 Kittitas County. Part of our mission, a big part of our
10 mission is to provide reliable low cost power for our
11 customers. We also take very seriously the will of the
12 voters as expressed in I-937 and are working diligently to
13 meet those requirements in an environmentally responsible
14 manner.

15 A little bit about the Wild Horse Project.
16 The existing Wild Horse Project went on line in December
17 of 2006, and so it's well into its second year of
18 operation, and it's proven to be a very high quality wind
19 site as the Council hears every month from Jennifer Diaz.

20 The project enjoys excellent support from
21 the community and provides positive impacts, economic
22 impacts, and we believe that the project is complying with
23 the conditions of the SCA, including formation of a
24 Technical Advisory Committee that includes membership from
25 the Department of Fish and Wildlife, the State Department

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1 of Fish and Wildlife, U.S. Fish and Wildlife, Department
2 of Natural Resources, the local chapter of the Audubon
3 Society, Kittitas County, the Farm Bureau, Friends of
4 Wildlife and Wind Power, Field and Stream Club, and the
5 Economic Development Group of Kittitas County. We feel
6 this has been a great process and is doing what it's
7 suppose to do which is to adapt to changes in the field
8 and respond to them.

9 PSE has also funded and participated rather
10 actively in the Coordinated Resource Management Plan for
11 about the past two years that's intended to provide for
12 sustainable grazing practice not only on the wind farm
13 site but in a much larger area, about 60,000 acres.

14 We've helped to manage wildlife and hunting
15 and recreation and an access to and through or site with
16 DFW and DNR and the TAC and Big Game Management Round
17 Table, and lots of other folks in the community.

18 We're also very pleased that many of the
19 intervenors in the original application are still very
20 active in all these groups, the TAC and the CRM, and we
21 very much appreciate that and welcome that.

22 We are working with DFW, PSE is, to finalize
23 the conservation easement on the lands that we own, and as
24 stated in the application we will do that prior to the
25 approval of the amendment for this expansion. We also

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1 constructed a renewable energy center up on the site which
2 is visited by thousands of people since it opened in April
3 and we're very pleased about that.

4 A little bit about the expansion. Some of
5 the maps in the back depict the proposal, but in short,
6 it's 26 new turbines on 1,280 contiguous acres just north
7 of the existing project site. This land is now owned in
8 fee by Puget Sound Energy. The number of turbine total
9 output will be within what was allowed in the existing SCA
10 but will result in an amendment to the boundary of the
11 project and additional disturbance, approximately 59 acres
12 of temporary and 29 acres of permanent disturbance. All
13 of the requirements of the existing SCA will, of course,
14 apply to the expansion.

15 Power from the new turbines will flow to the
16 existing project substation which will be expanded and
17 will flow out onto the grid on the existing transmission
18 line without any alteration.

19 We have also in the application proposed
20 some additional mitigation measures in addition to the
21 requirements in the existing SCA to apply lessons that we
22 learned, that we all learned I think during construction
23 of the Wild Horse Project and which will minimize the
24 impacts of construction which we're trying very hard to
25 do.

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1 We've also asked for an amendment to the
2 requirements of the existing SCA that relate to fencing of
3 the springs and of the mitigation parcel which is Section
4 27. We're asking for this change really at the request of
5 the CRM group to allow for some flexibility in how these
6 measures are implemented and really I think to reflect the
7 collective wisdom of the group. And I think when the
8 original SCA was approved not a lot was known about how
9 grazing was going to be managed and now we know a lot more
10 about that to the extent that this group goes forward.
11 There are different ideas about the best way to achieve
12 the intent of the mitigation measures. We certainly
13 aren't asking or I should say we're very willing to
14 implement comparable mitigation measures in lieu of what's
15 in the SCA, just asking for the flexibility so the group
16 can decide what's the best thing to do.

17 In short, we believe that this proposed
18 expansion will produce low risk and low cost power for our
19 customers compared to other things that we can do, and
20 that's a big part of what we're about. I'm certainly
21 happy to try and answer any questions the Council has, but
22 that's all I have.

23 CHAIR LUCE: Thank you.

24 Mr. Fiksdal, I believe you are going to
25 explain to everyone who is here the provisions of Chapter

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1 463-66 Washington Administrative Code that pertain to the
2 amending of site certificate agreements, and so I'd
3 appreciate you doing so at this point in time.

4 MR. FIKSDAL: Thank you, Mr. Chairman.

5 Correct, under the Washington Administrative Code Chapter
6 463-66 entitled Amending, Transferring, and Terminating a
7 Site Certification Agreement lays out the procedures and
8 the process for the Council to review a request for
9 amendment to the site certification agreement among other
10 things. There's, oh, probably four or five different
11 sections of that chapter that deal with this amendment,
12 and I'm going to paraphrase quite a bit of what it says.
13 If you want to read it in its entirety, I highly encourage
14 you to do that. You can go to almost any website and type
15 in search engine and get that or go to our website at
16 www.efsec and you can get a link to our laws and rules as
17 with the application for the amendment and many other
18 things that the Council does.

19 The Council upon receiving an amendment or a
20 request for amendment to a site certification agreement
21 can if it wishes for further understanding hire a
22 consultant to review any of the information that it
23 receives. If it deems necessary that it's such a nature
24 that either staff or the Council can't or feel it's
25 appropriate, they can go out for an outside third-party

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1 consultant to help them review the application.

2 Also, the Council is required to hold at
3 least one public meeting and thus we are here. Not that
4 we have to but it's always nice to come to Ellensburg to
5 the dry side of the mountains and enjoy your country over
6 here. The Council can hold other meetings if they feel it
7 is appropriate.

8 Under the amendment review under WAC
9 463-66-040 the Council in their consideration shall look
10 at whether the proposed amendment is consistent with the
11 intention of the original site certification agreement,
12 applicable laws and rules, the public health and safety
13 and welfare, and whether the provisions of our chapter on
14 site restoration preservation continue to be part of the
15 project in its site restoration.

16 If you don't know, the Council not only goes
17 through a siting process, it also regulates the facility
18 for the life of the facility through site restoration.
19 There's a requirement in our rules that the project submit
20 site restoration plans and at the end of the project will
21 restore the site or restore the site to a condition that
22 the Council approves.

23 Not only do they have to consider the intent
24 of the original SCA and all the laws and rules and public
25 health and safety, there's some other specific ones in

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1 environmental conditions.

2 Another process that the Council has to go
3 through is the State Environmental Policy Act Review or
4 SEPA. The applicant filed a SEPA checklist with the
5 Council. We will be looking through that checklist plus
6 any additional information we deem necessary, and the
7 Council will issue either a determination of
8 nonsignificance, a mitigated determination of
9 nonsignificance, or a determination of significance.

10 If there is a determination of significance,
11 that would require an amendment to the existing
12 environmental impact statement. The Council hasn't issued
13 that yet. I think they will be doing that soon. I am the
14 lead SEPA official for the Council. I will be offering my
15 recommendation before too long to the Council on my
16 determination.

17 The Council has to also look at are there
18 other reasonable alternative means by which the purpose of
19 the proposal might be achieved and the availability of
20 funding to implement the proposal. Under the Council
21 Determinations WAC 463-66-060 based on all the information
22 that they have received through the application, through
23 any additional studies, all the public comments that they
24 receive both orally and written the Council may accept the
25 amendment, reject the amendment, or reject the amendment

1 and state conditions or terms under which the amendment
2 might be reconsidered.

3 The Council if they're going to approve the
4 application or the request for amendment can approve it if
5 it does not substantially alter any substance of any
6 provision of the SCA or which is determined not to have
7 significant detrimental effect upon the environment. And
8 if this is the case the Council itself can approve the
9 amendment. However, if the amendment substantially alters
10 the substance of any provision of the SCA or which is
11 determined to have a significant detrimental effect upon
12 the environment, the Governor of the State of Washington
13 has to approve the amendment. So it's up to the Council
14 to determine what conditions apply and whether it's
15 approved by the Council or would be recommended up to the
16 Governor for the Governor to approve.

17 Those are the conditions of that chapter,
18 Mr. Chairman and Councilmembers, that apply for a site
19 certification agreement amendment.

20 CHAIR LUCE: That's correct, Mr. Fiksdal,
21 and I'd just note for the record that, Mr. Fiksdal, the
22 SEPA determination will be based in part on what we hear
23 here tonight.

24 So we would hope that any comments you had
25 that would affect that determination would be offered here

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1 and I believe there is a time frame.

2 Mr. La Spina, is there a time frame within
3 which public comments are stopped by?

4 MR. LA SPINA: Yes. Public comment will be
5 accepted up until Friday, August 8, at 5:00 p.m., and your
6 written comments can be postmarked that late also.

7 CHAIR LUCE: Are comments accepted by e-mail
8 as well?

9 MR. LA SPINA: Yes, yes.

10 CHAIR LUCE: So thank you very much.

11 We will now move to the public comment
12 portion of tonight's meeting. I have seven people who
13 have signed up to speak.

14 Tammy, do you have others in the back?

15 MS. TALBURT: Another one.

16 CHAIR LUCE: Another one.

17 The first speaker tonight will be Helen
18 Wise. Helen, welcome. We can probably get the mic to you
19 if you want to just--

20 MS. WISE: This is all right?

21 CHAIR LUCE: Yes.

22 COMMENTS BY HELEN WISE

23 I am Helen Wise, 1106 East Third,
24 Ellensburg. I've been here a long time. I have followed
25 the process of permitting wind farms from June 2002. As

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1 an environmentalist by nature I've been very concerned.
2 I've studied all the things, the papers and SEPA's and all
3 that. I am impressed. And I have been a very strong
4 supporter of wind power, alternative power, and could go
5 on and on about that but I won't.

6 What I want to say is that here we have Wild
7 Horse. Have you been there? Of course, you have. Have
8 you been impressed? My God, to see it and it's working,
9 and those people, that Puget Sound Energy Company has been
10 carrying through with what you've said should be done.
11 I'm proud of what I see up there. I'm proud of the fact
12 that finally we are harvesting one of our great resources
13 of this county, the wind.

14 I urge you to approve the expansion of this
15 site and the construction of the requested 26 more
16 turbines. Please support this amendment.

17 CHAIR LUCE: Thank you very much, Helen.
18 Appreciate your comments.

19 The next commenter we have is Milt Johnson
20 from the Department of Natural Resources. Milt.

21 COMMENTS BY MILT JOHNSON

22 Good evening. Again, I'm Milt Johnson with
23 the Department of Natural Resources. The Department of
24 Natural Resources would like to provide comments on the
25 Puget Sound Energy request to amend the Wild Horse Wind

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1 Power Project Site Certification Agreement.

2 DNR leases state lands for both wind power
3 and grazing within this area, and our comments are based
4 upon our perspective as a land manager. Specifically DNR
5 urges EFSEC to amend the existing site certification
6 agreement, to waive the requirement for permanent fencing
7 at springs and mitigation parcel. The water developments
8 do need to be protected; however, the landowners should be
9 encouraged to develop site-specific plans to protect the
10 water developments in order to protect the resource while
11 providing benefits to wildlife and livestock. This may or
12 may not include fencing but should be based upon a
13 site-specific plan developed by the landowners.

14 PSE is an active member of the Wild Horse
15 Coordinated Resource Management Planning Group. The CRM
16 group is implementing a new grazing plan for the area
17 designed to maintain and improve wildlife habitat and
18 resource conditions. The CRM also monitors these
19 conditions prior to and following each grazing season.
20 This plan for livestock grazing is significantly different
21 than the grazing plan in place at the time the SCA was
22 written. Participation in the CRM process provides
23 superior habitat mitigation across the larger landscape
24 without the need for permanent fencing of the mitigation
25 parcel. Thank you for your consideration.

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1 CHAIR LUCE: Thank you, Mr. Johnson.
2 Appreciate that and we'll take that letter and put that
3 into the record. We have another spokesman here from DNR
4 Brent Billingsley.

5 COMMENTS BY BRENT BILLINGSLEY

6 Thank you. My name is Brent Billingsley.
7 I'm the Department of Natural Resources Representative on
8 the TAC, and I'd also like to urge the Council to approve
9 the proposed amendment to the site certification
10 agreement.

11 As DNR's member on the TAC I'd also like to
12 make several comments regarding the performance of the TAC
13 and our ability to work with the certificate holder, Puget
14 Sound Energy. First of all, I believe the TAC is
15 functioning well. We are kept well informed by PSE staff,
16 and it's been a productive process.

17 Secondly, the TAC has reviewed and
18 unanimously recommended for approval the following plans:
19 the post-construction management and grazing plan, the
20 hunting plan, the post-construction avian monitoring plan,
21 and we're in the process of reviewing the implementation
22 of the post-construction restoration plan.

23 The TAC has and continues to successfully
24 address wildlife habitat issues. For example, we
25 encouraged PSE to aggressively control the Cheatgrass in

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1 their native restoration seeding and they stepped up to do
2 that. Another example is the time and resource they have
3 contributed to the CRM process on a much larger area than
4 just the power project area itself. Through this process
5 we have worked on wildlife habitats on like a 60,000 acre
6 area, and finally the TAC has been able to reach consensus
7 on each of these recommendations that we've made to EFSEC
8 which is I think an accomplishment with a fairly diverse
9 group.

10 So based on PSE's performance in complying
11 with the conditions of the permit and their commitment to
12 improving habitat and their active participation in the
13 CRM we would like to urge EFSEC to approve their request.

14 CHAIR LUCE: Thank you. Appreciate your
15 comments. Do you have something in writing that you're
16 going to hand that we can include in the record? If you
17 do, that would be helpful. If you don't, that's all right
18 to.

19 The next commenter we have is Marc Eylar.
20 Marc it sounds like Kittitas County Noxious Weed.
21 Welcome, Marc. Just state your name, spell it, and your
22 address for the record.

23 COMMENTS BY MARC EYLAR

24 Good evening. My name is Marc Eylar,
25 M-a-r-c E-y-l-a-r. I'm the assistant coordinator for the

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1 Kittitas County Noxious Weed Control Board and a member of
2 the CRM involving the Wild Horse Wind Power Project.

3 I've currently worked in the Wild Horse Wind
4 Power Site for last eight years and also with the previous
5 landowner in the area for proposed expansion for noxious
6 weed management, and I just would like to take this time
7 and the Noxious Weed Control Board would like to take this
8 time to acknowledge the fact that the implementation of
9 PSE's noxious weed management plan in that area has been a
10 very successful one in our opinion. They have been very
11 devoted and committed to noxious weed management, and I
12 also think they kind of took it a step further. Brent
13 mentioned it. The cheatgrass control that's something
14 that very few landowners of that size will endeavor. It's
15 a tough commitment and it's actually been a pretty
16 successful one.

17 Based on the surveys that we've done this
18 year it looks like they have pretty successful control,
19 but we also, the Noxious Weed Control Board would also
20 like to stress the fact that the implementation of this
21 noxious weed control plan that they have be even more
22 strongly in place for the expansion areas because this is
23 a little more of a weedier area. There's a lot more
24 invasive species presently located at that site. It was
25 an area that burned a few years ago and because of this

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1 there's a little bit more stress; and we strongly urge
2 that the implementation of a noxious weed management plan
3 in that area be a little more aggressive to control some
4 of the musk thistle and cheatgrass in that area.

5 We also would like to stress that the
6 continuation of this implementation continue for the long
7 term in the future. Noxious weed management isn't
8 something that can happen in just two years and you can
9 walk away from it. Even if it looks good, you always get
10 more disturbance and you get reseeding from vehicles. So
11 that is something that we strongly encourage that the
12 commitment be there for as long as the project lasts and
13 as long as PSE is a landowner.

14 CHAIR LUCE: Thank you. Do you have any
15 specific recommendations that you're going provide to the
16 Council in terms of the plan which you just told us?

17 MR. EYLAR: I would just stress that PSE
18 staff Jennifer just meet with us and she has done that.

19 CHAIR LUCE: Appreciate that. Thank you
20 very much.

21 Mr. Robert Kruse, Friends of Wildlife and
22 Wind Power. Good Evening, Mr. Kruse.

23 MR. KRUSE: Good evening, Chairman.

24 CHAIR LUCE: Name, address, spelling, all
25 the usual.

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1 COMMENTS BY ROBERT KRUSE

2 Robert Kruse, 8885 42nd Avenue S.W.,
3 Seattle, 98136. I'm Chairman of the group known as
4 Friends of Wildlife and Wind Power, and I'm a member of
5 the TAC committee and the CRM and also the Washington
6 State Department of Fish and Wildlife Wind Power
7 Guidelines Renewal Committee.

8 I'm here tonight representing our group
9 Friends of Wildlife and Wind Power but also am
10 collaborating in communication with the Council this
11 evening along with the Kittitas Audubon group and the
12 Kittitas Field and Stream Club. We have assembled a
13 communication letter here to the Council, and we'd like to
14 present that to you.

15 CHAIR LUCE: Thank you. That would be
16 helpful if you want to read the letter into the record or
17 if you just want to submit it for the record.

18 MR. KRUSE: No, I'm sorry. It's too lengthy
19 for that, but I would like to touch on the high points.

20 CHAIR LUCE: We will pay very careful
21 attention to it.

22 MR. KRUSE: Okay. Thank you.

23 We endorse and support the expansion project
24 conditionally. Under the current circumstances we do not
25 endorse the approval of the project, and I'd like to touch

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1 on the reasons why and some of the elements of hope for
2 our ultimate approval for the project because we do think
3 that ultimately that will come to pass.

4 Our concerns fall into three categories.
5 First, mitigation for the original project, the original
6 Wild Horse Wind Power Project that have not been met yet.
7 The second category is the mitigation for the new project,
8 and the third category is concerns that have developed
9 over witnessing the operation of the existing Wild Horse
10 project so far.

11 In the first category of mitigation not yet
12 satisfied the principal item is a conservation easement
13 for the lands of the project area its present
14 configuration. The SCA and the EFSEC Council promised the
15 public via the SCA and through other communication
16 elements that a viable conservation easement would be
17 placed on the lands of the project and that has not
18 happened yet. We congratulate the Department of Fish and
19 Wildlife on their efforts in the endeavor thus far, but
20 we're still not there. There is work ongoing with the
21 conservation easement presently. We are yet hopeful that
22 ultimately an easement that embraces the meaning of the
23 intention of the agreement between the public and the
24 EFSEC Council and the developer will ultimately be
25 reached, but right now we fall short of that.

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1 The easement being circulated presently
2 allows for expansion of the Wild Horse Wind Power Project
3 far beyond wind energy development. Wind energy
4 development was suppose to be what the project was all
5 about initially, and now it appears that there is an
6 interest in wanting to predispose future industrial
7 expansion of the project area far beyond wind energy
8 development and we're concerned about that. We don't feel
9 that that element of the conservation easement at this
10 time is what we bargained for initially, and we'd like to
11 have that problem corrected.

12 We do, however, appreciate that Puget Sound
13 Energy has presented by this amendment that's before you
14 now the recognition that a conservation easement needs to
15 be in place before approval of this project is given and
16 we appreciate that.

17 The second important mitigation item was
18 fencing of the mitigation parcel and the springs. We have
19 heard comments from the others so far this evening. We
20 appreciate them. We do recognize that the science and the
21 data and the information related to the concepts for
22 fencing the mitigation parcel and the springs was
23 different at the time of original approval of the project
24 than it is now. There's better ideas out there and
25 fencing apparently does not fall into that category. So

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1 based on good information we recently received from the
2 Department of Fish and Wildlife our views have changed.
3 We don't sanction the use of fencing necessarily, but,
4 however, the mitigation parcel was presented to the public
5 as a very significant mitigation item under the original
6 SCA. The mitigation parcel also, however, is part of the
7 project. There's 12 turbines on the one square mile
8 landscape. If the parcel is not fenced and it is
9 presently part of the project and it doesn't become the
10 sanctuary for ground nesting birds and for prevention of
11 hazards as a result of that migration, then actually it is
12 no longer a mitigation parcel. It has become something
13 different. And so part of our proposed mitigation
14 remedies is to identify ideas for a new or different
15 mitigation parcel that satisfies the intent of the
16 benefits for wildlife under the original project proposal.

17 In the case of the springs we agree that
18 individual designs go for each individual spring
19 circumstance is necessary that likely does not include
20 fencing, and also we appreciate Puget Sound Energy's
21 apparent willingness to provide mitigative benefits in a
22 form different than the fencing that was originally
23 intended that could take the form of native plant material
24 restoration and vegetation restoration in lieu of the
25 fencing, and ideas along those lines are something we

1 would promote and we would hope for in order to provide
2 the mitigative benefit that was originally intended under
3 the SCA.

4 Our schedule proposed expansion mitigation
5 principally it includes the restoration of the springs
6 themselves and the water development capability for the
7 springs. We feel that the acknowledgment in the original
8 SCA of the importance of the springs in the overall
9 project development and the health of the project and the
10 landscapes that were suppose to be cared for fell far
11 short of recognition of the value of the water resource
12 contained in the existing Wild Horse area, and we feel
13 that an element of mitigation for the impacts that are
14 going to be felt as a result of the project expansion that
15 Puget Sound Energy should undertake the responsibility for
16 restoring the springs in the existing project area, as
17 well as the two springs that are in the expansion area,
18 the Basalt spring and Spike Spring; and those water
19 resources need to be preserved in a way that they will be
20 available long term for wildlife and for the grazing
21 program should it continue to go ahead.

22 Landscape restoration we now have the benefit
23 of two years of restoration efforts. We applaud Puget
24 Sound Energy's efforts in restoration. They've really
25 tried to go the extra mile to restore this landscape under

1 the intention of the original intentions. Regrettably
2 after two years the restoration effort is not what
3 everyone would have hoped, but it was recognized going in
4 that restoration of shrub steppe habitat is a very
5 difficult prospect. I think we need to learn from the
6 restoration effort thus far, but more importantly we need
7 to recognize that the SCA does not require Puget Sound
8 Energy to carry the restoration effort beyond three years.
9 And clearly if restoration of the areas, particularly the
10 areas that were suppose to be temporary impact areas, does
11 not go beyond three years, those areas will not be
12 restored. It's clearly that that's the case.

13 So as perhaps a mitigation element we believe
14 that continued ongoing restoration efforts in the original
15 project area to restore the landscape at least to some
16 median level of shrub steppe restoration should be
17 requested by the Council of Puget Sound Energy and for
18 restoration effort to carry forward. What has been
19 learned in the restoration effort of the original project
20 should be translated into the expansion area and a
21 different specification for the expansion area should
22 become part of the approval process. The restoration
23 effort for the original area it was not a
24 performance-based specification. There was no target for
25 what we were trying to achieve. There needs to be a

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1 target for the expansion area. There's enough known about
2 what to do to make it right and that needs to be part of
3 the approval of the new project.

4 Other environmental impacts and concerns that
5 we have based on the experience of the project thus far,
6 turbine placement. In the original project we expressed
7 concern about the close proximity of turbine placement to
8 water. Regrettably our concerns weren't acknowledged and
9 acted upon under the original project proposal. We'd like
10 to have them revisited in the new project proposal
11 recognizing the turbines have been designed close to water
12 forces and we'd like to have the expert commentary on what
13 that means to us at this point.

14 For this project, but apparently for all
15 projects nationwide there isn't a lot of science on what
16 the impact of turbine placement close to water resources
17 for wildlife is. Whatever the information is that's
18 available it needs to be studied carefully and we don't
19 think it was studied carefully enough in the original
20 project. We'd like to have that addressed now.

21 There is a small element of information
22 available for the Wild Horse project now, and they've had
23 one year of avian monitoring for the Wild Horse project.
24 The second year is required by the SCA, but when that will
25 begin has not yet been decided by the TAC committee. The

1 first year's information indicates that there might be a
2 difference in avian mortality in turbines or with turbines
3 closer to water than further away. There's a small
4 increase in avian mortality at Reynolds Spring and Thorn
5 Spring turbines. The sampling is very small. It's much
6 too small to lend any scientific weight to, but there is
7 an indication that there are more birds being killed at
8 turbines closer to water, and we'd like to have that
9 recognized and taken into consideration in the expansion
10 proposal.

11 There is new science or at least commentary
12 involving concern about the relationship of bat mortality
13 and turbine blades. It's been written in scientific forum
14 reports that there may be an attraction of bats to turbine
15 blades, and at the minimum we would like to have all that
16 is known presented in a supplemental EIS for the expansion
17 area so that if nothing else the public knows what is
18 known by the scientific community right now about that
19 particular problem.

20 The layout for the new project includes
21 overhead wires. In the original project the use of
22 overhead wires was shunned and it was discussed rather
23 heavily in the application for site certification, the
24 certification agreement, the draft and final environmental
25 impact statement. There are good reasons not to have

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1 overhead wires, and there's overhead wires designed into
2 the project now. We understand that it may be because of
3 leasehold or access or right-of-way problems might exist
4 in property ownership between the Department of Fish and
5 Wildlife and Puget Sound Energy. We would like to try to
6 promote a resolution of that so that feeder lines from the
7 turbines could be placed underground as opposed to
8 overhead. The overhead lines are right across the end of
9 the Skookumchuck Canyon, and I for one would appreciate
10 not walking up Skookumchuck Canyon to the end and
11 witnessing overhead lines across the end when it's not
12 necessary, and I don't think it is. We hope the property
13 ownership elements could be taken care of, if that's what
14 the problem was that precipitated that design element.

15 I think that the greatest problem so far with
16 the existing project, and this may be perhaps more of a
17 personal feeling on my part than widely held in the
18 community, although I do think it is widely held in the
19 community, and that is the width of the roads that were
20 constructed for the original project. We feel that the
21 width of the roads and the amount of destruction that the
22 landscape was subjected to as a result of the width of the
23 roads is actually shameful, and we think we may understand
24 some of the reasons why the roads had to be so wide.
25 Maybe it was because the passage of two large pieces of

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1 equipment at the same time in order to save time on the
2 project to haul turbines or bring cranes out. Time saving
3 mechanisms may have been a big part of why the roads are
4 so wide. If so, on the new project we'd like to slow the
5 construction of the project down so we don't have to have
6 roads that are just as wide as Interstate 90 through a
7 shrub steppe landscape. So it's actually rather pathetic.
8 We'd like to have what caused that problem in the first
9 place addressed in a supplemental EIS in some form.

10 To conclude, a supplemental environmental
11 review of the importance appropriate to the expansion
12 project should be undertaken. A supplemental EIS or some
13 method of review of the project given the gravity of the
14 impacts that are going to be undertaken there would be
15 appropriate, but it would also greatly facilitate the
16 basis to have the necessary discussions for mitigation and
17 ultimately the final design for the project. We
18 appreciate the Council's consideration in all of these
19 matters. Thank you.

20 CHAIR LUCE: Thank you so much, Mr. Kruse.
21 We appreciate your comments.

22 It's public comment. You want to engage in
23 some dialogue now?

24 MR. TAYER: No, I just want to ask a
25 question.

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1 Robert, I wanted to clarify. I thought I
2 heard you say at the beginning of your comments that this
3 was a consensus statement with your group, Kittitas
4 Audubon, and Kittitas Field and Stream.

5 MR. KRUSE: That's correct.

6 MR. TAYER: Did I hear that correctly?

7 MR. KRUSE: Yes, you did.

8 In addition to the letter that I have
9 submitted to you a supplemental commentary from our
10 Counsel David Bricklin is attached.

11 CHAIR LUCE: Thank you. We appreciate your
12 comments, Mr. Kruse.

13 Mr. Piercy, I seem to remember that name.
14 Mr. Piercy, good evening. Would you state your name and
15 spell it and give your address for the record, please.

16 COMMENTS BY DARRYL PIERCY

17 Thank you, Mr. Chairman, Members of the
18 Board. For the record, Darryl Piercy. I'm Director of
19 Community Development Services for Kittitas County. My
20 address is 411 North Ruby Street, Ellensburg, 98926.

21 I'd like to preface my remarks to the
22 Council this evening by complimenting Puget Sound Energy
23 on the achievement that they've undertaken at Wild Horse
24 Energy Facility. They have been a wonderful working
25 partner with Kittitas County. They have demonstrated that

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1 they do what they say, and in our relationship in working
2 with Puget Sound Energy at the Wild Horse site it's been
3 one of mutual cooperation and respect and we do appreciate
4 the attitude and the process that they've brought to the
5 development of the Wild Horse site. And we recognize that
6 that is a facility that should appear and show as an
7 example of how public and private facilities can work
8 together to create something that truly has benefit to the
9 community. So we would like to express our thanks and our
10 appreciation to Puget Sound Energy for their efforts and
11 their cooperation with Kittitas County.

12 The EFSEC Board may recall you found that
13 the Wild Horse Wind Power Project was consistent with
14 local land use requirements of Kittitas County, and in
15 fact as part of that process in developing consistency
16 with the rules and regulations of Kittitas County, Puget
17 Sound Energy entered into a development agreement among
18 other things with Kittitas County to be consistent with
19 the requirements found both in our comprehensive plan and
20 within our development code.

21 Since the time of approval for the Wild
22 Horse Facility we have had some modifications to our
23 development code which actually allows for an expedited
24 process for local review of wind power projects that are
25 located in the preidentified areas for siting. What I

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1 have passed out to the Council this evening is the
2 amendments to our code that shows where those
3 preidentified sites and locations are and the process for
4 review at the local level of those preidentified sites,
5 and you can find that in Kittitas County Code 17.61A.035.

6 The process of that we review now within
7 these preidentified sites, and I think it's important to
8 note that the proposed expansion area for the Wild Horse
9 Wind Farm is in one of these preidentified sites for wind
10 power projects so it would be subject to that code
11 citation that I just mentioned. Our local process
12 requires that Puget Sound Energy would enter into a
13 development agreement. In this case since one already
14 exists we would look for an amendment to that development
15 agreement, and with that amendment and the environmental
16 review that's being conducted by EFSEC that would lead
17 towards approval of the project if that in fact was the
18 case for Kittitas County and it met the requirements that
19 are outlined in our code.

20 We have been assured by a representative of
21 Puget Sound Energy that they intend to come to the county
22 and ask that the project and expansion be reviewed through
23 our local process to ensure consistency with Kittitas
24 County code and our comprehensive plan. We would ask the
25 EFSEC Board to make that a requirement of your approval

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1 that you seek local consistency with our code. We have an
2 applicant that appears to be very willing to do that, and
3 we believe that you have an obligation to ensure that it's
4 consistent with those local requirements. We ask that you
5 would do that.

6 We also would like to identify within the
7 SEPA documentation there is a lack of indication that a
8 local process is required into the SEPA documents and that
9 amendment to our development code would be one of those
10 requirements in terms of the permitting process for this
11 applicant. So we would like that to be noted within the
12 SEPA documentation that in fact that it is a local process
13 and an amendment to the existing development agreement
14 with Kittitas County that would be required for this
15 project to move forward.

16 But, again, we believe that Puget Sound
17 Energy has the ability and the direction to come into
18 compliance with the local requirements. You'll note
19 within our code that the local requirements are a much
20 expedited process from those in the past, particularly for
21 this site. There are few requirements that are asked of
22 the applicant in order to be in compliance with our code,
23 but we believe that those are very reasonable
24 expectations, and again I believe that that's also the
25 sense from the applicant in this case, and they appear to

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1 be very willing to work with Kittitas County.

2 So I thank you for the opportunity to speak
3 to the Council and would be happy to respond to any
4 questions if you so have them.

5 CHAIR LUCE: Thank you for coming here,
6 Mr. Piercy.

7 MS. ADELSMAN: I have a question.

8 CHAIR LUCE: Yes, Hedia.

9 MS. ADELSMAN: When you say expedited can
10 you give us a range of what time frame it would be?

11 MR. PIERCY: For example, we just recently
12 approved a siting of a wind energy facility directly south
13 and to the east of the Wild Horse site by a company named
14 Invenergy. That was a 60-plus turbine site. We received
15 the application for that in October. I believe our
16 approvals came sometime in March the following year so
17 within a six-month period, and keep in mind that that also
18 spanned the process of the holidays. So we believe that
19 that demonstrated a real ability within our code to look
20 at a project critically and to have it meet substantial
21 requirements under that review and yet be done in a very
22 expedited period of time.

23 CHAIR LUCE: Thank you, Mr. Piercy.

24 MR. PIERCY: Thank you.

25 CHAIR LUCE: The next commenter I have is

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1 Bill Essman, Kittitas County Field and Stream. Bill, you
2 want to come forward and tell us what's on your mind.

3 COMMENTS BY BILL ESSMAN

4 Mr. Chair, Councilmembers, my name is Bill
5 Essman, E-s-s-m-a-n. I'm president of the Kittitas County
6 Field and Stream Club. I'm also a member of the Wild
7 Horse TAC, and I'd like to say that I think our TAC is
8 very productive. We have a good group of folks, and we
9 seem to get things done without very much effort. I'd
10 also like to say that I wish that the process was a little
11 more adaptive, but I think time will go on. This is a
12 learning process for everything.

13 Our club would like to have a little bit more
14 than what's offered right now by PSE, but I think
15 eventually that will come, and I would like to without
16 going into a whole lot of detail just affirm that we have
17 joined with Robert Kruse's organization and the Kittitas
18 Audubon Society in drafting this letter that you have
19 before you. Thank you.

20 CHAIR LUCE: Thank you very much.

21 Catherine Clerf. Good evening, Ms. Clerf.

22 COMMENTS BY CATHERINE CLERF

23 Good evening. Catherine Clerf,
24 C-a-t-h-e-r-i-n-e, last name C-l-e-r-f. Address is 60
25 Moe, M-o-e, Road, Ellensburg, Washington 98926. Speaking

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1 on behalf of myself as a long time fourth generation
2 cattle ranching and farming member family of Kittitas
3 County.

4 Not too many citizens came forward, just
5 Helen. Everyone else spoke on behalf of an institution or
6 an organization so I guess I'll speak for the generation
7 of the baby boomer I represent and that of my daughter, a
8 generation behind me, and grandkids I hope to have
9 someday.

10 It's about time America got up and realized
11 the fact that we have allowed all the infrastructure that
12 was built as far back as 120 years ago. People need to
13 realize that the original oil impregnated a line laid by
14 Westinghouse and Edison is still in the ground serving all
15 the major municipalities in the United States of America
16 120 years. This is advent of a paradigm shift that needs
17 to take place in our country as well as the world. For
18 all the people who harbor either resentment or concerns or
19 fears about what happens to large expensive hundreds if
20 not thousands of acres of land with regard to energy
21 production had just better be mindful that we fly in
22 airplanes now and thinking of it think about what the very
23 first people did and the same way with every other
24 technology that has come along. How many speakers has
25 said this was a learning process? It was.

1 We are a shrub-steppe terrain in Eastern
2 Washington from our borders to our foreign country above
3 all the way down to the spine of the Cascades. More will
4 be in place. I am in the renewable energy business, but
5 I'm speaking here just for myself, and this is going to be
6 a global phenomenon. We're not going to be able to attack
7 any of our transportation problems which require energy.
8 If you're going to switch to hybrid electrical, you're
9 going to have to have energy production. We can no longer
10 bank or count on the hydroelectric system. We can't add
11 anymore. There are people who would like to reduce them
12 in fact.

13 You can create water in the desert believe
14 it or not chemically, but you do need cheap power. The
15 only way we're going to allow any offset of huge
16 population growth on the other side of the state is to
17 solve the water problems on this side of the state without
18 robbing the in-stream flows. And, of course, having to
19 work around the fact it doesn't snow at 125 percent snow
20 pack every year. We are totally at the whims of mother
21 nature.

22 Again, as a 54-year-old, I'm excited that my
23 state is going to be leading the charge of the 50 states
24 that need to address what needs to be done, and the bottom
25 line is we do not have a civilization nor do we have an

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1 economy, whether it's local county, state, or federal,
2 unless we have energy. Thank you.

3 CHAIR LUCE: Thank you very much.
4 Appreciate your comments.

5 The last commenter I have listed--it doesn't
6 mean it's the last commenter--is Steve--I'm going to
7 struggle with Verhey.

8 MR. VERHEY: I can do that for you.

9 CHAIR LUCE: Thanks, Steve.

10 COMMENTS BY STEVE VERHEY

11 My name is Steve Verhey. That's spelled
12 V-e-r-h-e-y, and my address is 1801 North B Street,
13 Ellensburg, 98926.

14 I'd like to start with a really practical
15 comment. I note here that the modification of the SCA
16 calls for alterations of the existing substation. I'm a
17 very strong supporter of alternative energy, but half the
18 time up at the Wild Horse site it's dark, and there's only
19 one thing that bothers me about looking at that site day
20 or night, and it's lighting on the substation. I like the
21 look of the turbines in the daytime. I think they're
22 magnificent. I like the cool, synchronized red strobes on
23 the turbines at night. I think that's very cool, but the
24 lighting at the substation bugs the heck out of me. The
25 hillside that used to be completely dark now has this

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1 substation. I understand that it's probably required by
2 code to light the substation. I'm hoping that it's not
3 necessary that the light be visible off site. If there is
4 something that could be done about that as part of this
5 expansion, that would be a wonderful thing. That was the
6 main thing that I wanted to say.

7 I also wanted to echo the comments of
8 Mr. Kruse. I think that he exhibited very well that it's
9 possible to be a strong supporter of alternative energy
10 but not be willing to throw the baby out with the bath
11 water. As we go to do this expansion of energy we need
12 to, of course, remember conservation, and we need to be
13 careful as we go along and not simply grasp at any form of
14 energy just because it's energy. We need to think about
15 what we're doing and do it as carefully as we possibly
16 can. Wild Horse has done an admirable job and it's time
17 to take it to the next level.

18 I was actually surprised to hear that some of
19 the requirements of the earlier permit hadn't been
20 completed and particularly the mitigation on the section
21 that Mr. Kruse is talking about. It would surprise me if
22 this expansion were approved without the initial project
23 being completed, but maybe I don't understand the process
24 very well.

25 Finally, to return to my original point, can

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1 we please do something about the lights on the substation.
2 Thank you.

3 CHAIR LUCE: Thank you. Appreciate your
4 comments.

5 Are there other commenters here this
6 evening? Are there other commenters here this evening?

7 MR. FIKSDAL: Mr. Chairman, I just want to
8 reiterate there are sheets up there for written comments
9 if you want to submit those tonight, and we again as Jim
10 La Spina mentioned we'll accept written comments until
11 5:00 p.m. Friday.

12 MR. LA SPINA: Or e-mail.

13 MR. FIKSDAL: Or e-mail and I think the
14 e-mail address is listed in the information sheet.

15 CHAIR LUCE: So public meeting requesting
16 amendment to the Wild Horse Wind Power Project Site
17 Certification Agreement No. 5 is hereby concluded.

18 MR. KRUSE: I just wanted to mention there
19 will be copies of our letter on the back table for anyone
20 who is interested.

21 CHAIR LUCE: Thank you, again.

22 Tammy is the person who makes things happen
23 around here so if you need help with any documents or
24 anything else or if you need to get a hold of EFSEC get a
25 hold of Tammy. Thank you. We stand adjourned.

WILD HORSE WIND POWER PROJECT

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(Whereupon, the public hearing was adjourned
at 7:53 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 August 6, 2008,
in Ellensburg, Washington.

Shaun Linse, CCR
CCR NO. 2029

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AUG 05 2008

ENERGY FACILITY SITE
EVALUATION COUNCIL

Wild Horse Wind PP
Aug 6, 2008 Comment-1

Cherry A. Stahoch
315 WINDCUT ST
E-11th St W 4, WA
7-31-08

WASH STATE E.F. S.E.C.

Evaluation Council

ATTN: Allen Fiskdahl

Sub: Wild Horse Wind Proj

I For one am not a advocate of wind generation facilities as a solution for reliable source of electric energy. I believe after roughly 40 yrs of 20 yrs observing the growth demand of this energy. We cannot put our faith in wind-gen. Looking at the broad consumption picture, who in the industrial use picture, could rely or operate a business on wind energy. The critical time of year here is from mid-sept to mid-apr. This is where a crisis could occur, and it seems those in power-gen are kind of a blind eye or absent mind as to the reliable source of generation we should be putting our investment in. Puget is wheeling & dealing with a countermove to sell. This addition as proposed simply is promotion material. I for one don't object to this expansion, but it's just another move in the wrong solution. In tracking other power co., they are seriously considering atomic + new coal fired tech to meet their future demands. Also the gov. of Cal, Florida, Ohio and several advocates are promoting serious on atomic

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IN A SENSE ITS TRAGIC THAT THE DECISION
MAKERS WERE NOT SERVICE WORKERS DURING
TIMES WHEN CUSTOMERS WERE DESPERATE FOR ELECTRIC
HEAT OR GETTING THEIR PRODUCTION FACILITIES OPERATING
IN COLD WEATHER OR TIMES OF EMERGENCY. ONLY THEN
WOULD OUR EFFORTS BE PLACED IN DEVELOPING A
RELIABLY A LONG RANGE ^{PLAN} FOR ELECTRICAL ENERGY

AS Ever.

Tom A. Stalock

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AUG 05 2008

ENERGY EFFICIENCY SITE
EVALUATION CENTER

8/6/08

Jim Luce, Chair
Washington State Energy Facilities
925 Plum Street SE
Building 4
PO Box 43172
Olympia WA 98504 – 317

RECEIVED
AUG 06 2008
**ENERGY FACILITY SITE
EVALUATION COUNCIL**

Re: Wild Horse Expansion Request

Dear Chairman Luce and Members of the Council:

We write in response to the application submitted by Puget Sound Energy to expand the Wild Horse Wind Power project development.

Citizens of our groups support the EFSEC Council and PSE in their quest for the development of properly sited renewable energy projects. We accepted the development of wind energy at the Wild Horse site as originally proposed by the applicant and approved by the Governor and EFSEC Council even though there were significant adverse impacts.

Our acceptance was based on assurances that the project would provide opportunities for conservation and enhancement of shrub steppe lands and that the adverse temporary and permanent impacts would be fully mitigated. While some requirements for mitigation described in the Site Certification Agreement are well along in their development, important and vital mitigation components promised by Puget Sound Energy and the EFSEC Council remain incomplete at this time.

We oppose approval of the project expansion under the present circumstances.

Herein we summarize mitigation yet to be implemented as promised for the original project, suggest proposed additional mitigation for the new project and outline our concerns regarding the expansion proposal. Agreement on resolution of these concerns would be necessary for our endorsement of the expansion proposal.

The lands in and surrounding the Wild Horse site are high value shrub steppe habitat possessing a diverse and dense wildlife population. We solicit the Councils undivided attention to the care of these treasured landscapes as promised in the original proposal documents and the Site Certification Agreement.

Adverse impacts will be part of the project expansion. We request additional mitigation measures be approved to offset those impacts as part of the expansion proposal approval.

We are grateful Puget Sound Energy has expressed in its application acknowledgment that the Conservation Easement promised by the utility under the original proposal must be placed on the lands of the project before approval by EFSEC of the expansion.

Good faith effort on PSE's part has been demonstrated in their work organizing and participating in the Technical Advisory Committee responsible for monitoring the impacts of the project. PSE's obligation to develop a plan for grazing of lands within and surrounding the Wild Horse project has made significant progress.

A Coordinated Resources Management committee has been organized and facilitated by PSE to meet its obligation to implement a grazing plan. Volunteer community participation and skilled guidance by the Department of Fish and Wildlife, Department of Natural Resources, WSU Extension, Natural Resources Conservation Service, Kittitas Conservation District, Kittitas Farm Bureau and many others, provides much support for helping PSE meet its obligations. Citizen's state wide are expecting a well managed landscape.

Much work remains to be accomplished for this Adaptive Management plan. Community concern exists regarding grazing of public lands. Collaborative oversight and monitoring of grazing and water resource preservation will help to assure sufficient data gathering and communication mechanisms are in place to improve the prospect of success. Successes and failures must be recorded and the adaptive plan amended as required. The CRM and TAC Committees participating in management and oversight working in collaboration with the Department of Fish and Wildlife need the continued and long term support of the EFSEC Council and PSE in order to assure success for the long term goals for preservation and improvement of the landscape.

Incomplete Mitigation for the Original Project:

Conservation Easement:

The Site Certification Agreement signed by the Governor and endorsed by the EFSEC council sets forth that “**The Council acknowledges the Applicants commitment to voluntarily place the entire 8600 acre project area into a conservation easement with a local land conservancy organization.**” This commitment has not been satisfied. Drafts of the easement circulating for approval do not include protections for lands within the project boundaries owned by The Department of Natural Resources. Additionally the proposed drafts include provisions for allowing further industrial expansion of the original “wind energy facility” to now include additional forms of energy development such as solar and gas, in addition to allowing PSE rights to mine for minerals. None of these uses were contemplated at the time of permitting and approval of the original project by EFSEC or the public and should not now be included as part of the promised Conservation Easement.

If and when solar or other forms of energy production are contemplated for this site, which we do not welcome, new analysis of overall impacts to habitat and wildlife and additional mitigation should be reviewed at that time. Making provisions now in the promised easement for additional future industrial expansion is wholly inappropriate and unacceptable.

Fencing of the Mitigation Parcel and Springs:

Protection from grazing with permanent fencing of the Mitigation Parcel section 27 and 11 naturally occurring springs which are important water resources for wildlife and livestock is required by SCA. The springs have suffered from overgrazing in the past. Vegetative cover restoration is needed to protect the water resource ecosystems. Reference to restoration of the landscape with native materials is made in the SCA.

PSE, in its application for expansion, requested EFSEC waive requirements for fencing. Recently PSE has clarified it is not their intention seek relief from obligation to provide a mitigative benefit if fencing is not installed, but requests instead permission to provide alternative mitigation in lieu of fencing, to be determined by WDFW, if it will provide equal or perhaps greater benefit. A review of recent science and publications on the impacts of barbed wire stock fence on Sage Grouse by the Department of Fish and Wildlife indicates the proliferation of fencing "is a range wide cause of sage grouse mortality". Fencing exposes birds to direct collisions and provides perching opportunities for raptors. Fencing also is a hazard to migrating wildlife such as elk. Large animals often become entangled and maimed or suffer death. Temporary electric fence and removal of existing unnecessary fence are reported to be better choices. Based on current science and WDFW's conclusions we support the omission of permanent barbed fencing except in select locations where required to exclude livestock and use of temporary electric or other wildlife compatible methods which are better for wildlife.

Proposed Expansion Mitigation:

Spring Preservation and Enhancement

Availability of water for wildlife and grazing is vital to the function of the shrub steppe ecosystems. Preservation of water resources was inadequately addressed in the SCA for the original project. The naturally occurring water sources on the project site require restoration for permanent and reliable water availability. Vegetative cover is highly degraded at the spring locations. Restoration and maintenance for the life the project of these important attributes of the habitat of the entire project, is appropriate mitigation for the impacts of the project expansion. Natural springs exist also in the expansion area which will require restoration and long term care. Collaborative community involvement in the development of the work scope and long term maintenance of the water resources will promote a spirit of community ownership and help to reduce PSE's long term maintenance costs. Community groups and agencies such as the Big Game Management Roundtable, Kittitas Field and Stream Club, Kittitas Conservation District, The Farm Bureau, Friends of Wildlife and Wind Power, The Cattlemen's Association, WDFW, PSE staff, The Rocky Mountain Elk foundation and local citizens would willingly participate in maintenance support and a community endeavor to preserve the valuable resource and habitat. Annual inspections with recommended maintenance to be undertaken annually would facilitate on going participation by the community. The restoration work scope for each water source location should be developed individually based on the unique qualities of each site. Select use of temporary and permanent fencing would be utilized where required. Funding for restoration, fencing and maintenance for the life of the project should be provided by PSE.

Mitigation Parcel

Section 27 was offered as mitigation for the adverse impacts of the original project including the permanent disturbance of 165 acres of shrub steppe land. Fencing of the parcel to protect against grazing was thought at the time of the SCA to provide a sanctuary for ground nesting birds including Sage Grouse. Recent data indicate fencing is detrimental to Sage Grouse and migrating wildlife which suffer from entanglement in fences. Section 27 as originally conceived with wildlife passable fencing would have created an effective control plot to compare grazed and ungrazed landscape. At present, the section is part of the existing industrial wind energy development. Twelve turbines occupy the landscape and it is now permanently disturbed.

The parcel in its present form has no inherent value as a mitigation parcel.

This leaves the original project without one of the significant mitigation compensation components and precludes discussion of section 27 as having value as mitigation left over from the original SCA for application to the expansion. An alternate mitigation parcel must be proposed and memorialized in an SCA amendment authorizing the expansion, or alternative mitigation should be proposed.

Landscape Restoration

Under the present SCA the requirement to restore disturbed landscape is limited. The restoration is not required to be Performance Based. If PSE has not succeeded in converting temporary disturbance into restored landscape, they are not required to continue restorative efforts beyond three years. Restoration of “temporary impact” areas now in the second year has achieved low success. If restoration efforts cease after three years, there will be significant added permanent impacts. The restoration effort for the original project needs to be extended and updated to meet Performance Based objectives for the expansion, without time limits, and include “Source Identified Local Native” plant materials as opposed to “Native” materials which could come from anywhere in the US.

Environmental Impacts

An environmental review of appropriate breadth must be conducted for the project expansion as part of the approval process. A supplemental EIS for the expansion area would serve to provide clarity to form basis for final project configuration and mitigation of the adverse impacts.

Following are concerns developed from construction and operation of the project thus far and elements of the proposal for expansion in need of specific review in the environmental analysis.

Turbine Placement

Concern lingers over the placement of turbines in close proximity to water resources for wildlife, particularly avian species. Insufficient science is available to distinguish whether turbines placed close to water resources are a greater hazard to avian species than turbines placed further away. Layouts for the expansion indicate turbines close to Spike Spring and Basalt Spring.

Avian mortality data assembled for the Wild Horse project thus far indicate a higher mortality for turbines in close proximity to water. Reynolds and Thorn Springs turbine mortality rates are higher than other turbines.

The sampling thus far however is for one year only and too small to make scientific conclusions. Under the circumstance, turbines for the expansion should be placed as far from water resources as possible. The WDFW Wind Power Guidelines at present do not allow permanent or seasonal shutdown if higher rates of mortality are experienced at specific turbines.

Post construction avian monitoring studies should be conducted for a three year period for the expansion area in order to obtain scientific sampling from which conclusions can be interpreted. Two years monitoring for the original project were required. An additional year of monitoring should be added to the original project in order to obtain more reliable data, with particular emphasis on proximity to water resources.

Within the environmental review specific analysis of turbine locations which are closer to forested lands under the expansion proposal should be addressed. Bat mortality may be predicted to be higher than mortality rates for bats recorded thus far in the Wild Horse study.

New Science in Bat Mortality

As part of the environmental analysis a review of new data regarding the possible attraction of bats to turbine blades should be undertaken.

Overhead Wires

The conceptual layout includes overhead wires crossing the upper end of Skookumchuck Canyon. The hazards associated with overhead lines and the reasons to avoid them if possible were identified in the original Application for Site Certification, the SCA, draft and final EIS. They are a hazard to avian species, aviation, and degrade the landscape visually. We understand the configuration as shown was driven in part by property leasehold or ownership concerns on PSE's part. Access to the easterly turbines is provided by the existing Quilomene Road apparently owned by WDFW. The burial of feeder lines along the road may have been a concern precipitating a design calling for overhead lines.

If buried feeders can be placed adjacent to roads as most lines in the original project were, the environmental impacts and hazards of an overhead configuration could be avoided.

Project Road Widths

The blatant, unnecessary and permanent destruction of huge swaths of shrub steppe landscape as a result of the road construction for the Wild Horse project will forever leave a scar not only in the landscape, but also in hearts and minds of agency representatives and citizens vying for collaborative wind and alternative energy development.

The public was not made aware that feeder roads for the project would assume permanent occupation of the landscape in widths comparable to and exceeding two lanes plus shoulders of Interstate 90.

Pg 6

The history of the decisions made which precipitated the destruction should be chronicled in the supplemental EIS for agency and citizen review. Alternative proposed techniques to implement a more civil respect for the landscape will be of interest.

Destruction on the level forced upon the public in the original project construction should not be forecast to be met with approval for the expansion.

The Council's efforts to allow the public opportunities to express views and concerns related to the Wild Horse project and the expansion are appreciated.

We look forward to working with the Council, Puget Sound Energy and all collaborative participants in the pursuit of successful and well managed wind energy development.

Sincerely,

Kittitas Field and Stream Club

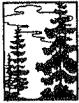
Audubon Society Kittitas Chapter

Friends of Wildlife and Wind Power

Bricklin ♦ Newman ♦ Dold, LLP

DAVID A. BRICKLIN
CLAUDIA M. NEWMAN
JENNIFER A. DOLD
DEVON N. SHANNON

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FAX (206) 264-9300
<http://www.bnd-law.com>



August 6, 2008

Jim Luce, Chair
Washington State Energy Facilities
Site Evaluation Council
925 Plum Street SE
Building 4
PO Box 43172
Olympia, WA 98504-317

RECEIVED
AUG 06 2008
ENERGY FACILITY SITE
EVALUATION COUNCIL

Re: Wild Horse Expansion Request

Dear Mr. Luce and Members of the Council:

I write on behalf of my client, Friends of Wildlife and Wind Power, and other concerned individuals and groups including Kittitas Audubon and the Kittitas Field and Stream Club to oppose the expansion **at this time** of Puget Sound Energy's Wild Horse Wind Power Project. We are opposed to the expansion at this time because PSE has not yet completed mitigation requirements associated with the original project. In particular, PSE still has not recorded the Conservation Easement that was an integral part of the original project approval (and which formed the major basis for my client's settlement agreement with PSE's predecessor).

For most of the last several years, PSE has had little incentive to move quickly to get the Conservation Easement in place. The matter laid dormant for a long time. When we brought this matter to your attention a year ago, you directed the Department of Fish and Wildlife (Jeff Tayer) to work on the issue and get a Conservation Easement in place. While some progress has been made in the last year and drafts are now circulating, the goal of finalizing and recording the Conservation Easement still has not been achieved. No firm date for accomplishing that goal is on the horizon.

While to this point PSE has had little incentive to complete the negotiation process (and could hold out for terms extremely unfavorable to protection of conservation values), PSE's new application for expansion changes the situation considerably. If PSE wants to expand the project, they should first demonstrate that they can accomplish mitigation requirements in a timely and good faith manner. To date, the work on the Conservation Easement does not demonstrate that to be the case.

Jim Luce
August 6, 2008
Page 2

An expansion of the site will increase the adverse impacts on wildlife. It is unfair to wildlife (and unfair to the parties who negotiated settlement agreements with PSE's predecessors several years ago) for additional adverse impacts to be sanctioned before mitigation is in place for the original set of impacts.

Even PSE recognizes that it should not be allowed to move forward with an expansion until the conservation easement for the original project is in place. We are happy to see that acknowledgment, but still, a caution exists. We now have seen the consequences of allowing the original project to go forward without all mitigation secured and no deadline for completion of the mitigation. If the expansion is approved and additional mitigation required, let's not make that mistake again. A specific mitigation package -- not one subject to subsequent negotiation and drafting -- should be included as part of any expansion approval.

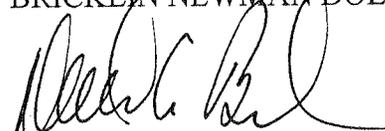
We acknowledge and appreciate the effort that Jeff Tayer and his staff at WDFW have made to negotiate the Conservation Easement in a timely manner. But until and unless an adequate Conservation Easement is in place, we cannot accept an expansion of the project and neither should the Council.

A second reason for not approving the expansion at this time relates to the environmental review requirements of the State Environmental Policy Act. The expansion should not even be considered at this time because there has been no environmental review conducted. As noted above, expanding the project footprint will, undoubtedly, cause additional adverse impacts to wildlife (and perhaps other elements of the environment). This requires additional environmental review, perhaps in the form of a Supplemental EIS. The public and agencies with expertise should be given an opportunity to review that impact analysis before decisions are made on the expansion. While we expect that, in the end, the expansion will be authorized, that approval should be accompanied by an adequate environmental analysis and imposition of conditions to assure that adverse impacts are fully mitigated.

Thank you for your attention to these matters.

Very truly yours,

BRICKLIN NEWMAN DOLD, LLP

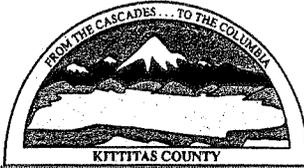


David A. Bricklin

DAB:psc

Jim Luce
August 6, 2008
Page 3

cc: Friends of Wildlife and Wind Power
Kittitas Audubon
Kittitas Field and Stream Club



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

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ENERGY FACILITY SITE
EVALUATION COUNCIL

Chapter 17.61A
WIND FARM RESOURCE OVERLAY ZONE

Sections

17.61A.010 Legislative findings, purpose and intent.

17.61A.020 Definitions.

17.61A.030 Development uses, requirements, and restrictions.

17.61A.035 Pre-identified areas for siting.

17.61A.040 Approvals required for wind farm resource overlay zone.

17.61A.010 Legislative findings, purpose and intent.

The purpose and intent of this chapter is to establish a process for recognition and designation of properties located in areas of Kittitas County suitable for the location of wind farms, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind farms. (Ord. 2002-19 (part), 2002)

17.61A.020 Definitions.

The following definitions shall be used in conjunction with the administration of this chapter:

1. "Wind farm" means a single wind turbine exceeding 120 feet in height above grade or more than one wind turbine of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels.
2. "Wind turbine" means any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power. (Ord. 2002-19 (part), 2002)

17.61A.030 Development uses, requirements, and restrictions.

Development uses, requirements, and restrictions. All listed permitted uses in the underlying zoning district of this overlay zone are permitted. All listed conditional uses in the underlying zoning district of this overlay zone are subject to conditional use permit process and review. Wind farms are a permitted use in a wind farm resource overlay zoning district, subject to the additional approval requirements and restrictions set forth in KCC 17.61A.040. (Ord. 2002-19 (part), 2002)

17.61A.035 Pre-identified areas for siting.

For proposed wind farms located in identified areas in Kittitas County meeting specific siting standards as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

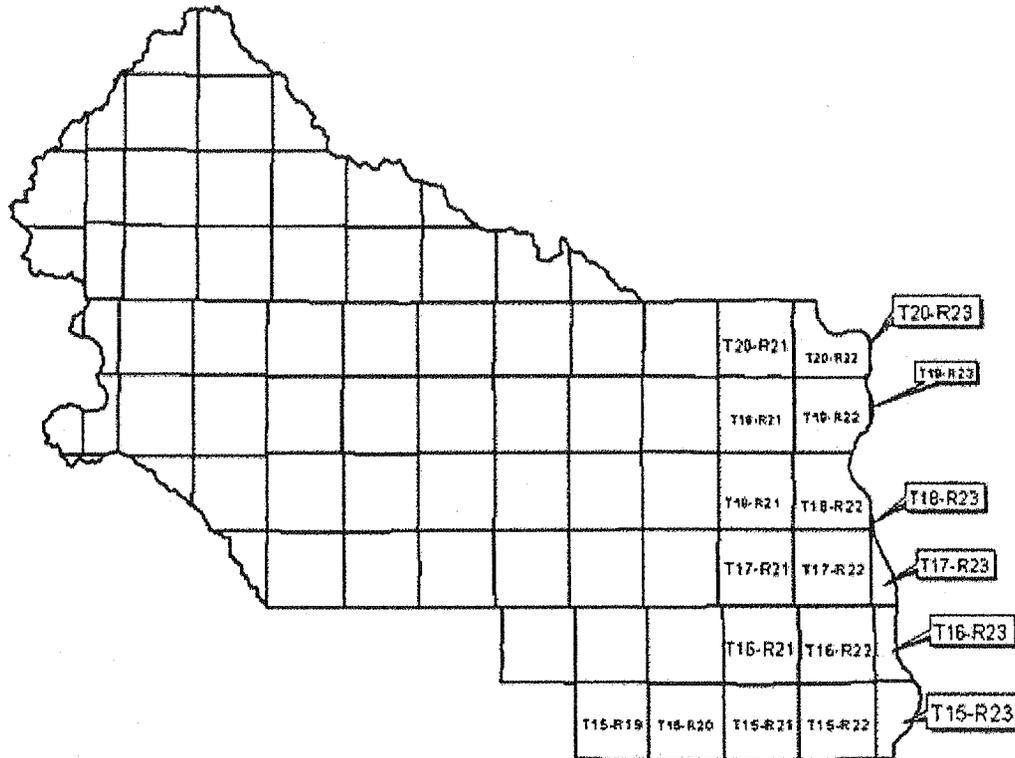
The purpose of this code is to identify areas where environmental review and public process has already occurred, expediting the siting of proposed wind farm facilities. The intent of this code is to streamline the development process for such applications, separate from the process already allowed in 17.61A.40. It is recognized that lands contained within this area may be under federal, state and local ownership and may be subject to additional requirements per jurisdiction.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

A map of the pre-identified areas identifies the following Townships and Ranges open to this process. This includes T.15N., Ranges 19E., 20E., 21E., 22E., 23E., T.16N., Ranges 21E., 22E., 23E., T.17N., Ranges 21E., 22E., 23E., T.18N., Ranges 21E., 22E., 23E., T.19N., Ranges 21E., 22E., 23E., T.20N., Ranges 21E., 22E., 23E. W.M. in Kittitas County.



The following siting standards are established for these areas: a minimum 1/2 mile setback from existing structures at the time of application shall apply. If not attainable, additional analysis shall be included to support the application. Further, analysis shall also include, but is not limited to, the following as part of the application: wildlife impact analysis, noise impact analysis, visual impact analysis, and traffic impact analysis.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The development agreement shall be consistent as authorized in Kittitas County Code 15A.11, Development Agreements. (Ord. 2007-22, 2007)

17.61A.040 Approvals required for wind farm resource overlay zone.

1. Except as noted in 17.61A.035, a wind farm may be authorized by the county only through approval of a wind farm resource development permit in conjunction with approval by the board of county commissioners of a development agreement as authorized by Chapter 15A.11 KCC, Development Agreements, and RCW 36.70B.170 through 36.70B.210. Consistent with KCC 15A.11.020(B) and RCW 36.70B.170, the development agreement approved by the board of county commissioners must set forth the development standards applicable to the development of a specific wind farm, which may include, but are not limited to:
 - a. Densities, number, size, setbacks, and location of turbines;
 - b. Mitigation measures and such other development conditions as deemed appropriate by the board of county commissioners to be necessary including measures to protect the best interests of the surrounding property or neighborhood or the county as a whole; and
 - c. Other development standards including those identified in KCC 15A.11.020(E) and RCW 36.70B.170(3).
2. Required Applications/Approvals. In addition to approval of a wind farm resource development permit and a development agreement as set forth in subsection A of this section, a wind farm shall require the following approvals from the county:

- a. A site-specific amendment of the comprehensive plan land use designation map to wind farm resource overlay district (the subarea planning process described in Chapter 1 of the county comprehensive plan and Chapter 15B.03 KCC, Amendments to Comprehensive Plan, may be used if deemed appropriate by the applicant and county);
 - b. A site-specific rezone of the county zoning map to wind farm resource overlay zoning district pursuant to Chapter 17.98 KCC, Amendments.
3. The approvals by the board of county commissioners set forth in subsections A and B of this section shall only be made if it determined that:
 - a. The proposal is essential or desirable to the public convenience;
 - b. The proposal is not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood; and
 - c. The proposed use at the proposed location(s) will not be unreasonably detrimental to the economic welfare of the county and it will not create excessive public cost for facilities and service.
4. A comprehensive plan amendment or subarea plan for a wind farm resource overlay district must be processed by the county concurrent with the rezone application, development permit, and development agreement required for approval of a wind farm. (Ord. 2007-22, 2007; Ord. 2002-19 (part), 2002)



August 5, 2008

Allen J. Fiksdal
EFSEC Manager
PO Box 43172
Olympia, WA 98504-3172

RECEIVED
AUG 06 2008
**ENERGY FACILITY SITE
EVALUATION COUNCIL**

Dear Mr. Fiksdal:

The Department of Natural Resources (DNR) would like to provide comments on the Puget Sound Energy (PSE) request to amend the Wild Horse Wind Power Project Site Certification Agreement (SCA). DNR leases state lands for both wind power and grazing within this area and our comments are based upon our perspective as a land manager.

Specifically, DNR urges EFSEC to amend the existing Site Certificate Agreement (SCA) to waive the requirement for permanent fencing of the springs and mitigation parcel. The water developments do need to be protected. However, the landowners should be encouraged to develop site specific plans to protect the water developments in order to protect the resource while providing benefits to wildlife and livestock. This may or may not include fencing but should be based upon a site specific plan.

PSE is an active member of the Wild Horse Coordinated Resource Management (CRM) planning group. The CRM group is implementing a new grazing plan for the area designed to maintain and improve wildlife habitat, and resource conditions. The CRM also monitors these conditions prior to, and following each grazing season. This planned livestock grazing is significantly different than the grazing plan in place at the time the SCA was written. Participation in the CRM provides superior habitat mitigation across a larger landscape without the need for permanent fencing of the mitigation parcel.

Thank you for your consideration.

Sincerely,

Milton D. Johnston

Milton D. Johnston
Southeast Region Assistant Manager

BB:MJ:jp

c: Brent Billingsley
Files 60-075018, 10-079384



Wild Horse Wind PP
Aug 6, 2008 Comment-6

Kittitas County Conservation District

607 E. Mountain View Ave. - Ellensburg, WA 98926 - Phone (509) 925-8585, Ext. 4 - Fax (509) 925-8591

August 6, 2008

Allen J. Fiksdal, EFSEC Manager
PO BOX 43172
Olympia, WA 98504-3172
Fax # (360) 956-2158.

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AUG 06 2008

**ENERGY FACILITY SITE
EVALUATION COUNCIL**

Mr. Fiksdal:

I am writing in regard to the "Request to Amend the Wild Horse Wind Power Project Site Certification Agreement to Expand Wind Power Generating Capacity". I have reviewed the application letter and am pleased to see that PSE is working to finalize the conservation easement with WDFW. As you may know, the Kittitas County Conservation District previously worked with PSE on the conservation easement.

Our very first discussions with PSE began in June 2005. Those were preliminary discussions that occurred before the project was approved by Governor Gregoire. In early 2006, we applied for a Capacity Building grant to fund our staff time for the conservation easement process. Those funds were awarded and became available July 1, 2006. From that date until May 2007, we worked with PSE regularly to draft an MOU and the conservation easement document.

While we are not the entity that will ultimately hold the easement, the process of developing the easement was a good learning experience for us. We know much more about conservation easements, how they function, and which local and regional entities may be better suited to hold the easements.

Again, I'd like to state that I'm pleased to see that PSE is finalizing the conservation easement with WDFW. Thank you for the opportunity to provide these comments.

Sincerely,

Anna Lael, District Manager
Kittitas County Conservation District



Washington State Energy Facility Site Evaluation Council

COMMENT FORM

Wild Horse Wind Power Project
Site Certification Agreement Amendment
Expansion of the Site

Public Meeting - Ellensburg, Washington, August 6, 2008

Name: William Schroeder

Address: 1100 North B Str. #6 Ellensburg, WA 98926
(Please include your Zip!)

Please write any comments you have with respect to the Wild Horse Site Certification Agreement Amendment below.

Leave this sheet in the Comment Box tonight, or mail it to: EFSEC, PO Box 43172, Olympia, WA 98504-3172. Comment letters must be postmarked by Friday, August 8, 2008.

Will this project be a federal undertaking - requiring a NEPA/NAPA review - or a state undertaking - requiring a SEPA review? And depending on the answer, how will either or both be handled, by whom or which agency (contractor) and when (if not already done)?

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ENERGY FACILITY SITE EVALUATION COUNCIL

Use the back of this form if you need more room for your comments.

For more information about EFSEC's review of these project changes, please contact: Jim LaSpina, EFSEC Specialist, PO Box 43172, Olympia, WA 98504-3172, call (360) 956-2047, or e-mail efsec@cted.wa.gov.

Wild Horse Wind PP
Aug 6, 2008 Comment-8

David Crane
1201 N. Vista Rd.
Ellensburg, Wa. 98926

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AUG 07 2008

ENERGY FACILITY SITE
EVALUATION COUNCIL

8-7-08

Allen Fiksdal, EFSEC Manager
EFSEC
P.O. Box 43172
Olympia, Wa. 98504-3172

Dear Allen,

I regret that I missed the meeting on 8-6-08 here in Ellensburg, regarding the additional turbines at Puget Sound's Wild Horse facility. I strongly favor granting them approval to extend the project.

I am enclosing a letter I addressed to Bonneville Power Administration earlier this month. The letter expresses my feeling about wind farm siting in Kittitas County.

Thank you for the excellent work you have done with regard to these sitings.

Respectfully,



David Crane

Enclosure:

Kittitas Valley Wind Interconnection Project.

Fax: (360) 956-2158

8-7-08

David Crane
1201 Vista Rd.
Ellensburg, Wa. 98926

Bonneville Power Administration
Public Affairs Office-DKC-7
P.O Box 144218
Portland, Oregon 97293-4428

To whom it may concern:

I make the following comments regarding Sagebrush's proposed "Kittitas Valley Wind Interconnection Project."

The approval process for them has been unnecessarily cumbersome and drawn out. They have been very professional and restrained throughout this tedious process and have shown amazing patience. I have attended most of the meetings and have heard and read the objections at length. Most, are without any factual basis, and some, are absolutely silly, almost beyond belief. Some who have so strongly objected to the Kittitas Valley siting, don't even live in this valley. Those who do live here and who have opposed the Kittitas Valley Wind Farm siting, represent only a very small minority of the residents in this valley, as I have learned from street petitioning and going door to door, probably more than any one else in the community. I think about eight out of ten, who live here, want the wind farms.

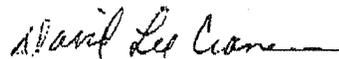
As a community, State, and Nation, we have an urgent need for clean, renewable energy sources. This valley has a good wind source. It would help our tax base, schools and services. We need more power for the expanding use of electric automobiles. Wind farms are currently our best option. To hinder their development in any way seems almost to be a sign of insanity. We have had abundant power for so long that it is easy for some to begin to think it happens by magic.

As I have often said, those who opposed the wind farms are not bad people. They are sometimes our friends, neighbors and even relatives. They are simply very mistaken. Since people came to this valley, it is no longer pristine. We have railroads, highways, garbage trucks, traffic, high-rise buildings, power lines, and noisy rodeos, but it is wonderful, because it serves the needs of great people.

If there is anything we can do to streamline the process, and encourage these people to build the wind farms, we should be doing it. Of course, we should be careful for our environment and show respect to our neighbors in every way possible. I have high voltage power lines in my back yard, fifteen feet from my house, but I would not take them out. My neighbors need power, and I need power. I have lived without electric power. I didn't like it. Maybe we should step back and take a good look at what seems to be petty obstructionism.

A visit to the Wild Horse Wind Farm is a great experience. It has already bailed us out of a power outage, and is a great asset to an already good community.

Respectfully,



David Crane

(509) 962-1431



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

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AUG 07 2008

ENERGY FACILITY SITE
EVALUATION COUNCIL

August 5, 2008



Your address
is in the
Deschutes
watershed

Jim LaSpina
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Dear Mr. LaSpina:

Thank you for the opportunity to comment on the notice of application for the amendment to allow for 1,280 acre expansion of the Wild Horse Wind Power Project. We have reviewed the application and have the following comment.

Air Quality

Wind power projects typically use crushed rock and concrete for turbine foundation construction. Ecology's Air Quality Program requires portable concrete batch plants to notify Ecology's Air Quality at least 30-days prior to starting portable concrete batching operations. To notify, portable concrete batch plants should fill out an application for a temporary air quality permit. Portable rock crushers are required to have coverage under Ecology's Portable Rock Crusher General Order of Approval. After obtaining coverage under the general permit, the source must notify Ecology's Air Quality Program at least 10-days prior to starting rock crushing activities. For information, contact Jared Mathey (509) 454-7845 or David Ogulei (509) 454-7899.

Sincerely,

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

1208



Burnett, Diane (CTED)

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AUG 07 2008

**ENERGY FACILITY SITE
EVALUATION COUNCIL**

From: BILLINGSLEY, BRENT (DNR)
Sent: Thursday, August 07, 2008 10:03 AM
To: CTED EFSEC
Subject: Wild Horse Comments

Thank you for taking our comments at the public hearing last night in Ellensburg. Here is a copy of my comments.

My name is Brent Billingsley, and I am the Dept of Natural Resources' representative on the TAC. I urge the Council to approve the proposed amendment to the Site Certificate agreement.

As DNR's member on the TAC, I would like to make several comments on how the TAC is performing and how we are working with the Certificate Holder, Puget Sound Energy.

- I believe that the TAC is functioning well, we are kept well informed by PSE staff, and it has been a productive process.
- The TAC has reviewed, and unanimously recommended for approval, the following plans:
 1. Post-Construction Rangeland Management and Grazing Plan
 2. Hunting Plan
 3. Post-Construction Avian Monitoring Plan
 4. In the process of reviewing implementation of the Post-Construction Restoration Plan.
- The TAC has, and continues to successfully address wildlife habitat issues. For example, we encourage PSE to aggressively control cheat grass in their native restoration seeding and they stepped up to do that. Another example is the time and resources they have contributed to the CRM process on an area much larger than the wind power project area. Through this process we have worked on wildlife needs on a 60,000 acre area.
- The TAC has been able to reach consensus on each of the recommendations that the TAC has made to EFSEC.

Based on PSE's performance in complying with all the conditions of the permit, their commitment to improving habitat conditions, and their active participation in the CRM, we hope to see EFSEC approve their request.

Brent Billingsley
Columbia Basin District Manager
Dept. of Natural Resources, SE Region
509-754-3834
brent.billingsley@dnr.wa.gov

Burnett, Diane (CTED)

From: Steve Alder [eburg1@elltel.net]
Sent: Friday, August 08, 2008 10:45 AM
To: CTED EFSEC
Subject: Wild Horse Find Farm Comments

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AUG 08 2008
ENERGY FACILITY SITE
EVALUATION COUNCIL

To Whom It May Concern:

I am writing to give my positive support for the proposed expansion of the Wild Horse Wind Farm.

As you know the voters of Washington state not only support alternative energy sources but mandated that the suppliers of electricity produce energy alternatively.

Puget Power has a great facility in their wind farm and it is a perfect place to generate wind power since it is supported by the majority of the citizens of Kittitas County. It makes sense to expand its capacity if siting allows.

I have been a Kittitas School Board member for 29 years and this wind farm is the biggest asset for our property poor district to come along in the District's history. The first phase of this project lowered the tax payer's school taxes by almost 40%.

Again, I am whole heartedly in support of the wind farm expansion.

Steve Alder
560 Fairview Road
Ellensburg, WA 98926
509-968-3444

Burnett, Diane (CTED)

From: MOODY, SANDRA (DNR)
Sent: Friday, August 08, 2008 2:50 PM
To: CTED EFSEC
Subject: Wildhorse Wind Power Expansion

Attachments: wildhorsewind_08expansion_logo.doc

RECEIVED

AUG 08 2008

**ENERGY FACILITY SITE
EVALUATION COUNCIL**

I have attached a comment letter from the Washington Natural Heritage Program for the Wildhorse Wind Power Expansion. I will also mail a hard copy of the letter. Thank you for considering our comments. Please contact me if you have any questions or would like more information.

Sandy Swope Moody
Environmental and Grants Coordinator
Washington Natural Heritage Program
PO Box 47014
Olympia WA 98504-7014
phone 360-902-1697



wildhorsewind_08e
xpansion_logo...



August 8, 2008

Allen Fiksdal, Manager
EFSEC
PO Box 43172
Olympia WA 98504-3172

SUBJECT: Wild Horse Wind Power Project Amendment to SCA for Expansion of the Site by 1280 Acres (T18N R21E S08, 09, 17)

The Washington Natural Heritage Program is responsible for maintaining information on the state's rare plant species as well as high quality native ecosystems. We have reviewed the proposed expansion to the Wild Horse Wind Power Project and have the following comments.

In most places the report correctly refers to the hedgehog cactus as *Pediocactus simpsonii* var. *robustior*, but in Appendix A, on page 8 and on Figure 4, A, *P. simpsonii* is used.

On page 8, Appendix A, Section 5.2, it states that "the Wildhorse Project successfully translocated hedgehog cactus from areas that were to be impacted by turbines or other facility features." It is our understanding that salvaging the cacti and keeping them under cultivation in irrigated locations had a high success rate, but without this care survival would be doubtful. We believe that avoidance of the cacti should be a much higher priority than relocation.

On page 8, Appendix A, Section 5.2, it also states that impacts to the cactus may occur, but we could find no information on how much impact may occur. It would be helpful to have even an approximation of the quantitative level of impact.

In Table 1, Appendix A, the list of "Rare plant surveys for which surveys were conducted", *Tauschia hooveri* (Hoover's tauschia), state threatened and a federal species of concern, should have been included for surveys in the Wildhorse project area. It is known in the general vicinity and has a good likelihood of occurring in the project area.

There are numerous plants reported in Appendix A, "List of Vascular Plant Species Encountered During the 2006 Whiskey Ridge Wind Project Rare Plant Surveys" identified only to the genus, including many that are in genera that include rare species (*Agoseris*, *Lomatium*, *Erigeron*, *Cryptantha*, *Silene*, *Astragalus*, *Phacelia*, and *Penstemon*) that are included in Table 1 (Rare plant species for which surveys were conducted). In the rare plant survey described here, plants that were encountered in these genera were not identified to the species. There is no explanation of how the surveyors knew that the plants in these genera were not the species for which they were performing the survey.

Allen Fiksdal
August 8, 2008
Page 2

There is a lack of evaluation of vegetation (habitat) impacts in the study. Over half of the sagebrush steppe habitat in Washington has been converted to agriculture, urban areas, and other development. Invasion by exotic plants has further diminished the quality of the remaining shrub-steppe in Washington. The loss of shrub-steppe acreage with this project adds to the cumulating conversion of shrub-steppe habitat.

The placement of wind turbines, although minimizing the impacts in linear strips, fragments a large shrub-steppe landscape. The Natural Heritage Program would prefer the placement of wind turbines and supporting facilities to be on existing converted or heavily disturbed shrub-steppe. Short of avoiding loss of shrub-steppe habitat at the project site, restoration or other mitigation should be required to offset the loss of habitat if the project is completed as proposed.

Thank you for the opportunity to provide comments on this project. Please contact me by phone at (360) 902-1697 if you would like more information, or by e-mail: sandra.moody@dnr.wa.gov.

Sincerely,

Sandy Swope Moody, Environmental Review Coordinator
Washington Natural Heritage Program

Burnett, Diane (CTED)

From: Sabin, Monty [sabinm@kittitas.wednet.edu]
Sent: Friday, August 08, 2008 3:23 PM
To: CTED EFSEC
Subject: Support For Expansion of Wild Horse Wind Farm

RECEIVED
AUG 08 2008
ENERGY FACILITY SITE
EVALUATION COUNCIL

To Whom It May Concern:

I serve as the superintendent for the Kittitas School District and wish to give my support for the expansion of the Wild Horse Wind Farm.

The pursuit of new energy sources for our nation is critical for our quality of life. The energy derived from wind is clean and renewable. We live in a valley that is tailored to maximize the benefits of energy produced by wind.

I agree with some that the turbines may distract from the scenic beauty of certain locations in our area. The proposed location of the turbines does not distract from the beauty of our valley. The expansion is in an area that is somewhat void of natural beauty. I enjoy looking at the turbines as they operate in a location that has little to catch the eye.

As a superintendent of a property poor district, I am concerned with the amount of taxes individuals who live in our school district must pay to support our schools. I appreciate the financial relief the wind farm provides our local taxpayers. The current Wild Horse Wind Farm has provided a significant decrease in the rate of taxation for our community members.

Please approve the expansion of the Wild Horse Wind Farm to benefit our citizens, schools, and way of life.

Monty Sabin
Superintendent
Kittitas School District



State of Washington
Department of Fish and Wildlife
201 North Pearl Street, Ellensburg, Washington 98926

RECEIVED

AUG 11 2008

ENERGY FACILITY SITE
EVALUATION COUNCIL

Comments originally
sent by e-mail, rec'd
by EFSEC 8/8/08 @
4:20pm
JML

August 8, 2008

Mr. Jim La Spina
EFSEC
P.O. Box 43172
Olympia, WA 98504-3172

Subject: Comments for the Request for Site Certification Agreement Amendment to Authorize
Project Expansion—Wild Horse Wind Power Project

Dear Mr. La Spina:

Thank you for the opportunity to review this project. The Department of Fish and Wildlife (WDFW) has reviewed the information that the Energy Facility Siting Evaluation Council (EFSEC) and Puget Sound Energy (PSE) have provided. From the information, database, and maps examined, WDFW expects the proposed Wild Horse Expansion (Expansion) would have environmental impacts similar to that of the original Wild Horse Wind Power Project, with some notable exceptions. WDFW thinks that construction of the four most eastern turbines, the "V" and "W" strings, would cause too much environmental impact and further degrades the wildlife habitat value of the project and the neighboring wildlife area. The four most eastern turbines are isolated from the rest of the project by a deep drainage and by property ownership. The selection of any alternative of connecting the "V" and "W" strings to the substation, whether overhead or trenched, will cause a severe impacts to the nearby Quilomene Wildlife Area and the surrounding habitat. Therefore, we oppose the amendment in it's current configuration and propose that PSE create a Supplemental Environmental Impact Statement (EIS) to study the impacts of the turbines to wildlife, the greater sage-grouse (*Centrocercus urophasianus*) in particular, and the Quilomene Wildlife Area, and the surrounding habitat. The Supplemental EIS should address the feasibility of construction.

Additionally, WDFW has a few other concerns that PSE could address during mitigation. We recommend that EFSEC incorporate some of the lessons we learned about wind development in sensitive shrub-steppe habitats during the construction of the Wild Horse Project into the amendment of the Site Certification Agreement. Any lesson learned during the last construction would help abate some of the construction impacts of the Expansion project. The Expansion does, however include some new elements of concern, including an increased risk of bat and avian mortality on some turbine strings near woodlands and springs. We do have a number of

Mr. Jim La Spina
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other concerns in the appended document with details of our comments that we think PSE can mitigate for or make plans to complete.

In conclusion, WDFW would like to see PSE complete a Supplemental EIS on the environmental impacts of the four most eastern turbines on wildlife, particularly greater sage-grouse and the direct and indirect impacts to habitat. These turbines concern us the most, partly due to the proximity of the Quilomene Wildlife Area. The turbines will cause direct impacts from the road running through the wildlife area, direct mortalities to wildlife from the wildlife area from collisions with turbines and the overhead lines, and indirect effects caused by disturbance, especially on greater sage-grouse. Greater sage-grouse habitat will be degraded through disturbance and habitat fragmentation. Greater sage-grouse cannot tolerate tall vertical structures. Grouse may abandon the area and may have lower nest productivity rates due to nest predation. The project incorporates measures to reduce environmental impacts, but the amendment needs additional detail and mitigation. The overall project has potential for significant adverse impacts to wildlife, wildlife habitat, and recreation associated with wildlife. A supplemental Environmental Impact Statement should be prepared for the V and W turbine strings in the Expansion proposed by this amendment.

EFSEC should have PSE apply to the amendment a number of lessons learned regarding minimizing impacts and improving restoration learned in the original Wild Horse construction. PSE should revise the Site Certification Agreement (SCA) and attachments/submittals accordingly in collaboration with WDFW.

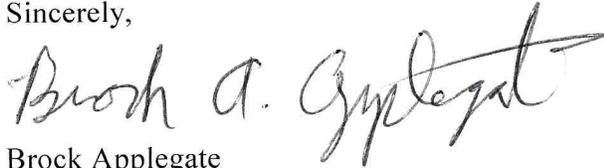
WDFW would like to emphasize the differences between the Expansion site with the rest of Wild Horse project area. PSE should redesign the construction monitoring to reflect these differences or else they should keep the expansion separate when creating post-construction monitoring plans. WDFW and the Technical Assistance Committee (TAC) should approve all monitoring plans.

WDFW welcomes the opportunity to work with the EFSEC and PSE during the design, assessment, and construction phases of the Expansion. PSE can address WDFW's concerns of the impacts from the V and W strings of turbines in a supplemental EIS. PSE can address all other concerns through mitigation and/or additional studies. Our experience working with the Wild Horse Wind Power Project and shrub-steppe may be helpful in your consideration of the Wild Horse Expansion Wind Power Project. Please keep me apprised of the status of the Amendment of the SCA. If you have any questions or need more information from the WDFW,

Mr. Jim La Spina
August 8, 2008
Page 3 of 8

please feel free to call me at (509) 925-1506.

Sincerely,

A handwritten signature in black ink, reading "Brock A. Applegate". The signature is written in a cursive style with a long horizontal stroke at the end.

Brock Applegate
Wind Power Mitigation Biologist

Cc: Edd Bracken, WDFW Ellensburg
Cindi Confer, WDFW Yakima
Ted Clausing, WDFW Yakima
Mike Livingston, WDFW Pasco
Travis Nelson, WDFW Olympia
Brent Renfrow, WDFW Ellensburg
Mike Schroeder, WDFW Bridgeport
Jeff Tayer, WDFW Yakima

SPECIFIC COMMENTS CONCERNING THE AMENDMENT TO THE SCA:

Impacts to Greater Sage-Grouse by “V” and “W” Turbines Strings: WDFW remains very concerned about the V and W strings of turbines because of their impacts on the environment, the Quilomene Wildlife Area, and the Greater Sage-Grouse Recovery Area. WDFW (Schroeder et al. 2004) and U.S. Fish and Wildlife Service (2003) both have recommended that sage-grouse receive a 5-mile disturbance buffer for leks. Manes et al. (2002) found an instinctive avoidance of tall structures, even those with perch deterrents by prairie grouse. In California, sage-grouse abandoned leks and attended leks less within three miles of power lines (Rodgers 2003). In Washington, Sage-grouse vacated 95% of their leks (19 out of 20) within 7.5 km (4.7 miles) of 500 kV power lines and abandoned another 59% (22 out of 37 leks) beyond 4.7 miles (WDFW 2008). No one has surveyed from 3-5 miles away from the project footprint and the northeastern part of the Expansion with V and W turbine strings would have the largest impact if leks exist. WDFW would expect the area to the northeast of the Expansion the most likely place for leks. Please note that surveying for leks does not discount the possibility of the existence of leks in already surveyed areas.

Greater sage-Grouse in Washington exist in two remnant populations in Washington at approximately 30 miles apart (Schroeder et al. 2000). The best opportunity to reconnect these two populations lies with the Colockum, Quilomene, and Whiskey Dick Wildlife Areas, so we must maintain the habitat quality and integrity for sage-grouse to guarantee a chance of recovery (Stinson et al. 2004). The Whiskey Dick and Skookumchuck watershed reflect some of the best sage-grouse habitat around because 1) the area contains an upper bench separating multiple drainages, 2) sage-grouse tend to move uphill as summer desiccates the plant at lower elevations, and 3) before the project, the area contained some of the most suitable habitat in the region. With that in mind, we would like to minimize the impacts on the Quilomene Wildlife Area because of its potential for sage-grouse.

WDFW (Schroeder et al. 2004) recommends a 2-mile disturbance buffer for sage-grouse habitat from tall structures. The entire project area resides in the Greater Sage-Grouse Recovery Area. We have grown particularly concerned because construction of the V and W strings, proposed in the northeast part of the Expansion, would require PSE to place turbines very close to the property line of the Quilomene Wildlife Area and will most likely also require access across the wildlife area. The V and W strings of turbines would not only degrade the sage-grouse habitat in the project area but also in the Quilomene Wildlife Area, which we find inappropriate for a public resource. Construction of the V and W strings would be the closest turbines to the Wildlife Area and would further degrade the sage-grouse habitat for other life activities like nesting, brooding, wintering, and migrating because of their aversion to vertical structures.

Sage-grouse's aversion to development includes avoiding roads, highways, drilling rigs, gas wells, etc. Hollaran (2005) noted a decrease in sage-grouse activity close to drilling rigs, gas wells, and haul roads. He noted an overall negative effect on sage-grouse by energy development. With many other studies noting the effects of development, we think that oil and gas drilling would act as a surrogate for wind power development. Connelly et al. (2004) noted a

Mr. Jim La Spina

August 8, 2008

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negative effect of Interstate 80 with a sample size of 802 leks within 100 km. No leks existed within 2 km of the highway, very few within 4 km, and outside 4 km, leks were evenly distributed. In addition, sage-grouse attendance decreased from 44% of the leks within 7.5 km of the highway to 67% beyond 7.5 km beyond the highway. Sage-grouse may avoid areas with regular sound, disturbance, and/or development beyond the avoidance of tall vertical structures.

Direct Impacts from V and W Strings of Turbines: WDFW has noted no good alternatives to connecting the electrical lines of the V and W string of turbines with the substation. As noted above, sage-grouse avoid power lines and an overhead line would create one more obstacle in the migration corridor for the grouse. We have also noted the environmental impacts due to trenching weather PSE runs the lines underground up and down the Skookumchuck Valley, widens impacts through the Quilomene Wildlife Area along the road, or pioneers a new road on PSE's own ownership. We consider this list, a list of bad choices.

WDFW has additional concerns with constant need for an upgraded road to service the V and W string turbines and the disturbance associated with such.

Calculation of Impacts: The construction of the Wild Horse project and the Expansion is greater than the extent of the project footprint (permanent impacts). The construction degrades nesting/brooding/wintering/migration habitat for sage-grouse throughout the entire project area through habitat fragmentation. The construction degrades nesting/brooding/wintering/migration habitat for sage-grouse in the Wildlife Areas. We should take into consideration 2-miles from the project area with the understanding that the habitat is not 100% degraded. WDFW recommend working with our grouse experts, Mike Schroeder and Mike Livingston to discover the percentage of reduction of habitat by indirect effects, disturbance, and habitat fragmentation and to be reflected in the mitigation acreage. The percentage would probably be higher in the project area and lower in the surrounding 5-mile buffer. Ultimately, we feel the permanent impact acreage should be increased to reflect the degradation of habitat within the project area and in the surrounding suitable habitat, especially in the Quilomene and Whiskey Dick Wildlife Areas.

Compensatory Mitigation: In the letter to EFSEC, WDFW does not agree with PSE's assertion that the mitigation for the original Wild Horse Project has been fully mitigated. WDFW sees an increase in permanent and temporary impacts caused by the Expansion. PSE's letter for the amendment also suggests that EFSEC should not require them to conduct further mitigation. This assertion is a substantial mischaracterization of the environmental impacts, mitigation and agreements and settlements associated with the Wild Horse project. We disagree with the idea of "surplus mitigation" that PSE can now apply toward additional impacts from the Expansion project. WDFW and PSE have already negotiated the mitigation package for original Wild Horse project. The proposed Expansion will create additional direct and indirect environmental impacts and PSE should mitigate for these impacts, including the permanent footprint impacts of the project.

The Wind Power Guidelines speaks to the possible content of a mitigation packages: “[Mitigation should be] like-kind (e.g., shrub-steppe for shrub-steppe; grassland for grassland) and/or of equal or higher habitat value than the impacted area, noting that an alternative ratio may be negotiated by a wind developer and WDFW for replacement habitat the differs from the impacted habitat.” The original mitigation is part of the mitigation package for the original Wild Horse Wind Power Project, not the Expansion.

Presence of Threatened and Endanger Species and Designated Habitat: PSE asserts that the Expansion will have no significant adverse impacts, has no threatened and endangered species in the project area, and expects no use by threatened and endangered species. Greater sage-grouse have historically used the project area and have recently been observed adjacent to the area. They likely still occur in the project area. Additionally, the letter by PSE and the State Environmental Policy Act (SEPA) checklist leaves out the designation that the entire project area resides in a Greater Sage-Grouse Recovery Area. WDFW finds the impact to the recovery area as significant due to the State listing of “Threatened” and to the current review by the U.S. Fish and Wildlife Service of this federal Candidate Species for listing.

Concerns with Bat Survey Results: Bats will potentially use the northern part of the project more than on other portions of Wild Horse Project. Pre-project survey data suggest greater risk of bat mortality than that occurring on the currently existing project. However, WDFW bases this analysis on only three bat detection devices with high detections and more devices on the S-String, devices on the U-string, and a device on the other springs, Spike springs, might increase sample size to make a better determination. The current number of bats per detector per night suggests that the Expansion project will have more bat mortalities than the current project and moderately higher than average bat mortality for wind power projects in the Western United States. With the recent unexpectedly high bat mortalities for wind power projects in Alberta and Montana, we recommend that PSE study this issue further, including the inability to detect smaller bats because of searchers missing smaller carcasses and the better ability of predators to scavenge smaller carcasses.

Plant Surveys for State Threatened Plant, (*Tauschia Hooverii*): PSE’s survey contractor left off Hoover's *Tauschia* (*Tauschia hooveri*) from the survey list for the Vantage Wind Power Project. Another contractor has found the plant all over the Vantage Wind Power Project area. For the Wild Horse Project plant surveys, PSE’s contractor now claims they actually surveyed for the plant and they did not find any individuals. If the Vantage Wind Power Project resides across the Vantage Highway from the Wild Horse Wind Power Project, WDFW finds it hard to believe that no *Tauschia* exists on the Wild Horse Wind Power Project and/or possibly the Expansion. We recommend that PSE have the project area re-surveyed with another contractor to document the Washington State Threatened plant, Hoover’s *Tauschia* before construction and develop possible mitigation measures.

Greater Sage-Grouse Lek Surveys Concerns: Sage-grouse lek surveys did not extend out far enough to document possible impacts to sage-grouse by 350+ -foot wind turbines. Both the Management Recommendations for Washington's Priority Species, Volume IV: Birds (greater

Mr. Jim La Spina

August 8, 2008

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sage-grouse) (Schroeder et al. 2004) and the U.S. Fish and Wildlife Service's Interim Guidelines To Avoid And Minimize Wildlife Impacts From Wind Turbines (2003) both ask for a 5-mile disturbance buffer for sage-grouse leks to minimize disturbances. PSE searched for a 2-mile buffer outside their project footprint. Sage-grouse leks may exist outside the unsurveyed 2-mile buffer, especially on the Quilomene Wildlife Area to the northeast. PSE should describe the impacts to sage-grouse habitats by the expansion project including leks, nesting, brooding, wintering, and migration habitat.

Literature Cited

- Connelly, J. W., S. T. Knick, M. A. Schroeder, and S. J. Stiver. 2004. Conservation assessment of greater sage-grouse and sagebrush habitats. Western Association of Fish and Wildlife Agencies. Unpublished Report. Cheyenne, Wyoming. Online at <http://sagemap.wr.usgs.gov>
- Holloran, M. J. 2005. Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. Dissertation. University of Wyoming, Laramie, USA.
- Manes, R., S. Harmon, B. Obermeyer and R. Applegate. 2002. Wind energy and wildlife: an attempt at pragmatism. Wildlife Management Institute, Washington D.C.
- Rodgers, R. 2003. Wind Power Generation: Biological Concerns. Wind Energy Symposium April 10, 2003. Ft. Hays State University, Hays, Kansas.
- Schroeder, M. A., D.W. Hays, M.F. Livingston, L.E. Stream, J.E. Jacobson, and D.J. Pierce. 2000. Changes in the distribution and abundance of sage grouse in Washington. *Northwestern Nat.* 81:104-112.
- Schroeder, Michael A., Derek Stinson, and Michelle Tirhi. 2004. Sage grouse (*Centrocercus urophasianus*). In E. M. Larsen, J. M. Azerrad, and N. Nordstrom, editors. Management Recommendations for Washington's Priority Species, Volume IV: Birds [Online]. Available http://wdfw.wa.gov/hab/phs/vol4/sage_grouse.pdf
- Stinson, D.W., D.W. Hays, and M.A. Schroeder. 2003. Washington state recovery plan for the sage-grouse. Washington Department of Fish and Wildlife, Olympia, Washington. 103 pp.
- U.S. Fish and Wildlife Service. 2003. Interim guidelines to avoid and minimize wildlife impacts from wind turbines. Washington D.C.
- Washington Department of Fish and Wildlife. 2008. Greater Sage-grouse and the Proposed Withrow Wind Farm. Bridgeport, Washington.
- Watson, Jim, and M. Whalen. 2004. Golden eagle (*Aquila chrysaetos*). In E. M. Larsen, J. M. Azerrad, and N. Nordstrom, editors. Management Recommendations for Washington's Priority Species, Volume IV: Birds [Online]. Available <http://wdfw.wa.gov/hab/phs/vol4/goldeagl.pdf>

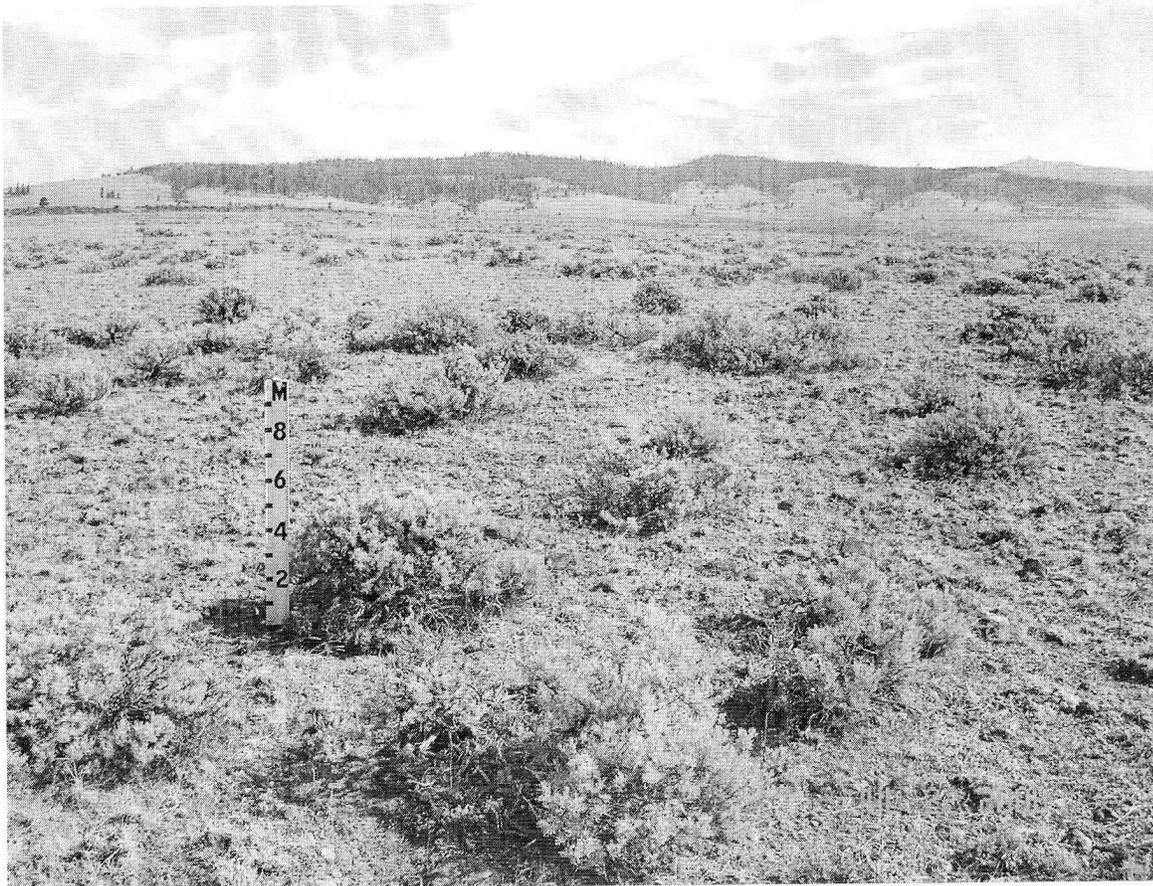
Kittitas Valley Wind Project

Reference Sites for Post-Construction Restoration

Reference sites were selected to allow comparison of project disturbance and post-construction restoration success with representative undisturbed plant communities. Based upon current plans and information, it appears project impacts will be predominantly in Very Shallow or Dry Stony Ecological Sites. Reference sites were selected to be representative of the plant communities within the disturbance footprint of the project.

At the time these reference sites were selected, the staking had not been placed for project construction. Once final construction plans are approved and construction has begun, the reference sites should be revisited to confirm they are outside of potential construction impacts. If necessary, reference site locations can be revised at that time.

Location of Reference Sites for Kittitas Valley Wind Project				
	UTM Coordinates (NAD 83)		T19N/R17E	
Reference Site	Easting	Northing	Section	Predominant Ecological Site
#1	675440	5224026	14	Very Shallow (9-15 in. precip. zone)
#2	675476	5225299	11	Very Shallow (9-15 in. precip. zone)
#3	673639	5221426	21	Dry Stony (9-15 in. precip. zone)
#4	673851	5221182	22	Dry Stony (9-15 in. precip. zone)
#5	674001	5220957	22	Dry Stony (9-15 in. precip. zone)
#6	674027	5220630	27	Dry Stony (9-15 in. precip. zone)



Reference site #1 (Twn. 19N./Rge. 17E, Section 14).



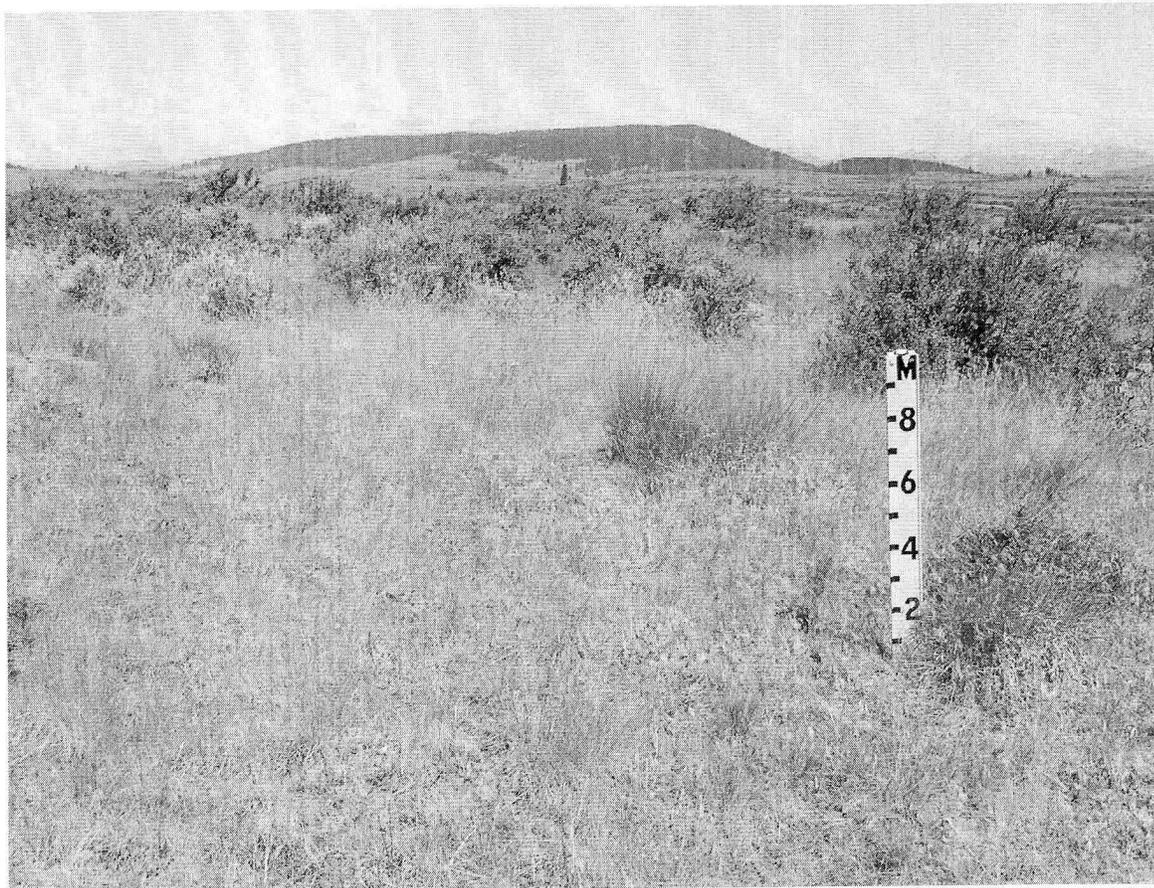
Reference site #2 (Twn. 19N./Rge. 17E, Section 11).



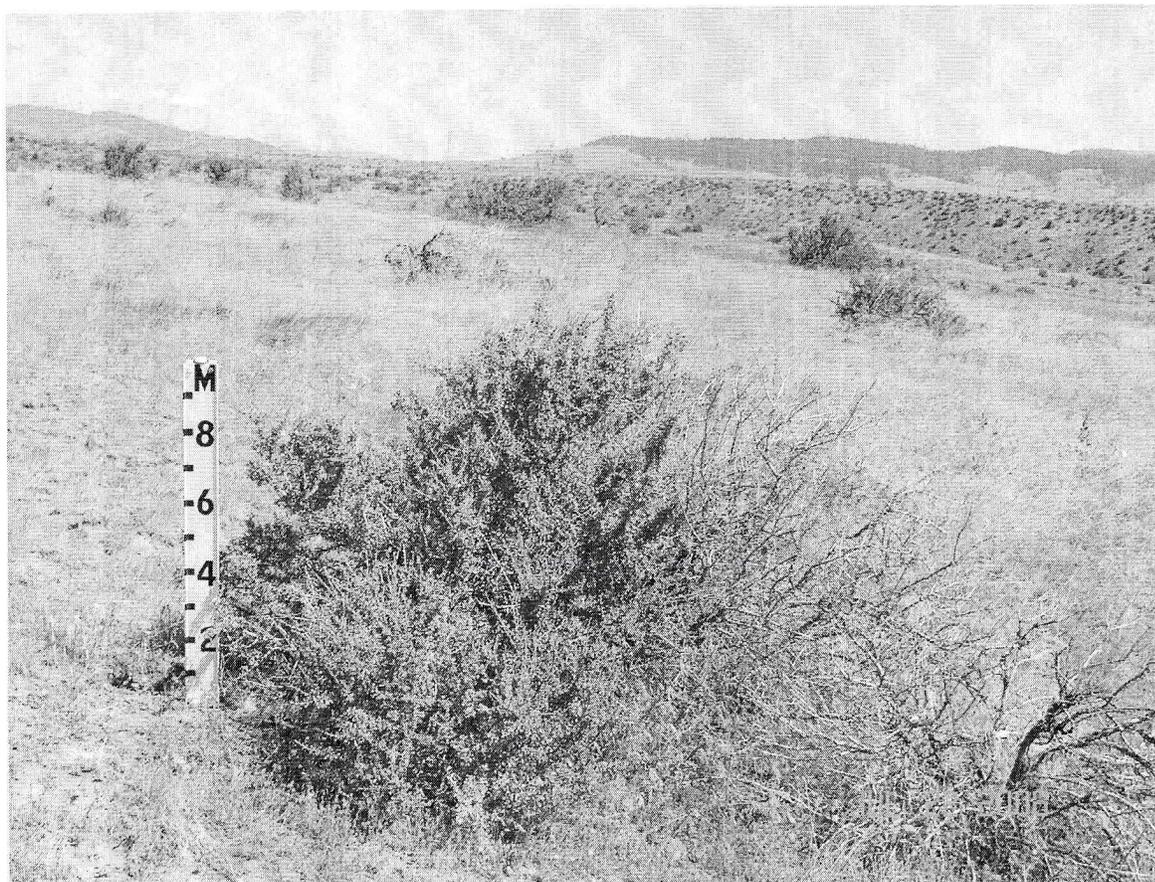
Reference site #3 (Twn. 19N./Rge. 17E, Section 21).



Reference site #4 (Twn. 19N./Rge. 17E, Section 22).



Reference site #5 (Twn. 19N./Rge. 17E, Section 22).



Reference site #6 (Twn. 19N./Rge. 17E, Section 27).

Burnett, Diane (CTED)

From: Marvin, Bruce (ATG)
Sent: Friday, August 08, 2008 4:12 PM
To: CTED EFSEC
Cc: Mulkins, Marlana (ATG); 'dpeeples@ix.netcom.com'
Subject: CFE Comments re: Proposed Amendment No. 5 - WHWPP SCA

Attachments: Fiksdal.pdf



Fiksdal.pdf (168 KB)

Comments by Counsel for the Environment regarding the proposed expansion of the Wild Horse Wind Power Project are attached. A hard copy will follow.

If you have difficulties opening the attached document, please contact my assistant, Marlana Mulkins, at 360 586-2296.

H. Bruce Marvin
Assistant Attorney General
Government Compliance & Enforcement Division
Washington State Attorney General's Office
P.O. Box 40100
Olympia, WA 98504-0100

(360) 586 2438
(360) 664-0229 FAX



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

August 8, 2008

Allen Fiksdal
Energy Facility Site Evaluation Council
PO BOX 43172
Olympia, WA 98504-3172

RE: Request to Amend Wild Horse Wind Power Project (WHWPP) Site Certificate Agreement (Amendment No. 5).

Dear Mr. Fiksdal:

Counsel for the Environment (CFE) appreciates the opportunity to comment on proposed Amendment No. 5 to the WHWPP Site Certification Agreement (SCA). The CFE does not take a position in support or opposition to the proposed expansion of the project at this time. The following comments are offered to ensure that the environmental impacts of the proposed expansion are fully documented and understood and to ensure that EFSEC, the applicant and the public have sufficient baseline information regarding conditions currently existing on the proposed expansion site to meaningfully evaluate, gauge and, if necessary, mitigate adverse environmental impacts arising from the proposed expansion.

A. Conservation Easement

Puget Sound Energy (PSE) agreed to voluntarily grant a conservation easement to the Washington Department of Fish and Wildlife on the entire project site as a condition to the SCA. In its application, PSE acknowledges that the conservation easement has not yet been finalized, but promises that it will be executed prior to commencement of the expansion project. In the amendment application, PSE further agrees to include the expansion site within the conservation easement. CFE urges that EFSEC take appropriate steps to ensure that the conservation easement for the existing site is finalized and recorded prior to approval of the proposed expansion.

B. The Baseline Study and Turbine String "S"

PSE supports its amendment application with a Wildlife and Habitat Baseline Study for the Whiskey Ridge Wind Power Project (Baseline Study), prepared by its consultant, WEST, Inc.

ATTORNEY GENERAL OF WASHINGTON

August 8, 2008

Page 2

The avian observation data used in the study, however, was performed on the existing wind farm site, not the expansion site.¹ *See* Baseline Study at p. 1. While it may be appropriate to extrapolate environmental impacts to the expansion site using data gathered from the adjacent WHWPP site, the applicant should, at a minimum, include an explanation regarding why reliance on off-site data is appropriate.

CFE is also concerned that there appear to be discrepancies between the proposed turbine locations considered in the Baseline Study and the turbine locations set forth in the design for which PSE is currently seeking approval. In its application materials, PSE proposes to construct turbine string "S" along a ridge separating Spike Spring and forested land running parallel to the Beacon Ridge Road. *See* Exhibit A-2² – Preliminary Site Layout Proposed Wild Horse Expansion Area (Expansion Site Layout). This string of turbines, however, does not appear in the design reviewed by the authors of the Baseline Study and, therefore, is not discussed in the Baseline Study. Compare Figure 2, Baseline Study at p. 39, and Exhibit A-2 – Expansion Site Layout. *See* also Figure 4, Baseline Study at p. 41, and Figure 5, Baseline Study at p. 42.

Turbine string "S" parallels one of the few areas of forested land within the boundaries of wind farm and effectively separates this forested land from Spike Spring, which appears to be the closest available source of water.³ This forested area may be important habitat for birds and bats. Given that avian observation surveys have not been conducted in the proposed expansion site, the Baseline Study does not document avian use of this forested land or Spike Spring. Nor does the Baseline Study identify or discuss potential impacts on the avian populations and other wildlife that may arise from construction of a string of turbines between these two features. Consequently, it appears that the Baseline Study's assessment of potential impacts on wildlife, at least with regard to areas adjacent to turbine string "S", would benefit from additional field study, which would provide a true baseline for the site. A supplemental baseline study including this information should be submitted to and evaluated by EFSEC before EFSEC makes any determination regarding the project's environmental impact.

It is also unclear from the Baseline Study whether the habitat and hedgehog cactus populations for the turbine string "S" construction site have been properly identified and documented. *See* Figure 4, Baseline Study at p. 41. This information should also be collected and analyzed in a supplemental report prior to EFSEC making a determination regarding the project's environmental impact.

¹ Review of the Baseline Study reveals that only a small portion of the proposed expansion area has been subject to avian field observation. *See* Baseline Study at 39, Figure 2. This area does not include any of the springs or forested land located on the expansion site.

² Exhibit references are to exhibits submitted by PSE in support of the SCA amendment application.

³ The SCA identifies the Pines, a forested area on the original WHWPP site, as an important habitat for wildlife and imposes a 140 m set back requirement for turbines constructed adjacent to this area. *See* SCA at p. 22.

ATTORNEY GENERAL OF WASHINGTON

August 8, 2008

Page 3

C. Overhead Collector 2.

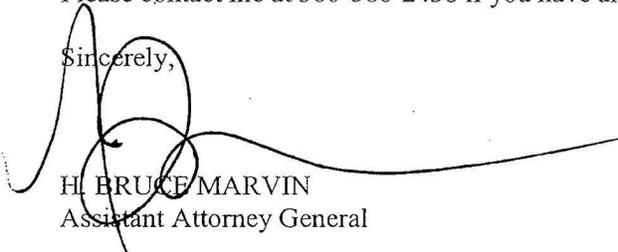
The preliminary expansion plan calls for connecting turbine strings "V" and "W" to the power plant grid via an overhead collector that spans Skookumchuk Canyon. The Final Environmental Impact Statement for the WHWPP project contains the following passage regarding the possible adverse impacts to sage grouse associated with overhead lines.

Most of the information regarding the impact of overhead lines and fences on sage grouse is unpublished and anecdotal (Manville 2004). Structures such as power lines and fences may pose hazards to sage grouse from collision as well as provide additional perch sites and potential nest sites for raptors that prey on sage grouse. Braun et al. (2002) has recommended that overhead power lines be placed at least 0.5 mile from any sage grouse breeding and nesting grounds. However, two leks have continued to exist within 1 mile of a new overhead transmission line constructed for the Foote Creek Rim Wind project and the number of birds using the leks has been stable or increasing since the installation of this transmission line in 1997 (Johnson et al 2000). The WHWPP has been designed incorporating measures to discourage perching, nesting, and foraging by raptors and unguyed meteorological towers will be used to minimize the risk to sage grouse from predators and from collision.

Wild Horse Wind Power Project Final EIS at 3.5-9 (May 2005). All other collectors for both the existing project and the proposed expansion project are located underground, presumably at least in part, due to the concerns cited above. The application materials submitted by PSE do not discuss the overhead collector, provide design details, offer analysis regarding its potential environmental impacts or mitigation, or identify possible alternatives to its construction. Given that this overhead connector appears to be unique to the expansion project, applicant should be required to supplement its application to include documentation and analysis regarding the potential environmental impacts of the overhead collector, if any, prior to EFSEC making a determination regarding the project's environmental impact.

Thank you for the opportunity to comment on proposed Amendment No. 5 to the WHWPP SCA. Please contact me at 360-586-2438 if you have any questions or concerns.

Sincerely,

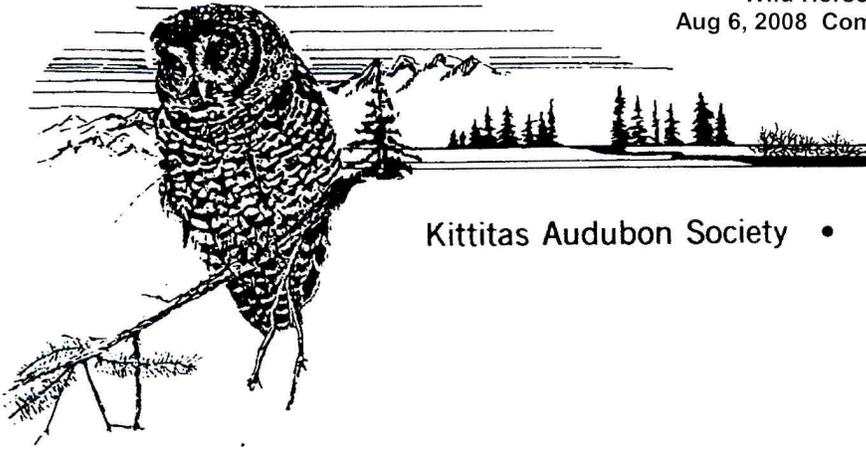


H. BRUCE MARVIN
Assistant Attorney General

HBM:mm

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AUG 08 2008

Kittitas Audubon Society • P.O. Box 1448 • Ellensburg, WA 98926



August 8, 2008

Jim Luce, Chair
Washington State Energy Facilities
925 Plum Street SE
Building 4
PO Box 43172
Olympia WA 98504 – 317

Re: Wild Horse Expansion Request

Dear Chairman Luce and Members of the Council:

Kittitas Audubon Society (KAS) is one of the parties to the joint letter submitted to the Council at the August 6, 2008 public hearing on PSE's request to expand the Wildhorse wind farm. KAS members were actively involved in the development of the joint letter, and are keenly interested in how EFSEC responds to the issues raised. Mr. Robert Kruse, in his testimony representing us, affirmed support for wind power sited properly where safeguards to protect natural resources are prior established and enforced.

You are perhaps aware KAS wrote in opposition to establishing the Wildhorse wind farm. From our role as an organization focused on wildlife protection, we didn't see adequate wildlife studies having been performed – for example the one-year's monitoring of bird sightings over the affected area accepted as a meaningful ornithological assessment of conditions to serve as a predictor of events to come. Longer studies with more sophisticated technical investigations needed to address migratory patterns (including night time) were dismissed as too expensive. The reality is that the drive and momentum to expand and industrialize exceeds society's willingness to seriously compromise in favor of protecting natural resources especially wildlife. How else to explain the precipitous decline in bird populations and a willingness to move aggressively into the most rapidly-disappearing natural habitat – shrub steppe.

Wildhorse is now a functioning wind farm, and KAS accepts its reality and the likelihood of its eventual expansion. Our participation in the joint comment with Friends of Wildlife and Wind Power and the Kittitas Field and Stream Club was deemed the best route available to strengthen the voice for protection of habitat and wildlife should approval be given to expand the wind farm.

Our purpose in writing this comment is to emphasize issues raised that are of particular concern to members of Audubon and of Kittitas Audubon Society in particular. A statement of our mission: “The mission of Kittitas Audubon Society is to develop an appreciation of nature and conservation with a focus on birds”. Since they are winged creatures and have come into the spotlight of late, we include bats.

For reasons not known, bats are particularly vulnerable to wind turbines judging from kills reported at a number of facilities. Recently reported was a high rate of bat kills at the Judith Gap wind farm in Montana - an estimated 1200 bats killed during an eleven month monitoring period – some 11.4 bats per turbine. The turbine specs are similar to those installed or are planned for installation at Wildhorse. Three fourths of the kills were migrating bats that hang out in trees to rest and nest, but Judith Gap is in a relatively treeless plains area, so the bats were apparently just passing through.

Better studies of greater length need to be performed for bat populations particularly in the more northerly part of the proposed expansion area where a forested landscape comes on the scene and where bats are more apt to be found.

Government officials, agency wildlife experts, industry, and private conservation people are cooperatively engaged in searching for answers to why the surprising and extraordinary level of kills. There are a number of hypotheses, but little or no research data of consequence to apply to the search for clues; emphasizing that so little scientific research on animal behavior has been done in this and in analogous situations. At least one individual studying the situation in the Columbia Gorge where wind turbines are rising in great numbers wonders what will happen to second-generation raptors; the parents having been in the area as the turbines came on scene. How will a chick fare on its first and subsequent flights? We are in a real sense performing experiments with minimal capacity to predict the outcome - one with potentially disastrous consequences. On-the-job training is OK in some instances, but not here.

There are reports of Greater Sage Grouse sightings in the project area, and that at least one nest has been found. Should (We would like to feel comfortable saying “when”) the goals of habitat restoration be reached in the Project area and in the newly acquired lands between the Quilomene and Whiskey Dick Wildlife Areas, it is likely we will witness a gradual return to some of the historic occupants including the Greater Sage Grouse. A proposal to string an overhead transmission line to connect the easterly four turbines to the rest of the grid could be a bad move. There are reports that sage grouse exhibit avoidance of high structures including wires. But evidence supported by “best science” is lacking; so if the expansion is approved, along with approval should come an enforceable requirement that the operator assume obligation to take corrective action if such lines prove a wildlife hazard.

Shrub Steppe habitat at Wildhorse has been impacted in excess of earlier predictions, in one instance the result of excess heat generated from the initial-planned layout of the underground transmission cables that subsequently were distributed more widely

requiring more area. The excess width of new roads in general on the project are, as pointed out in the joint letter, much wider than people were led to expect thus chewing up more habitat.

Shrub Steppe is habitat that is disappearing most rapidly; a 1991- 1993 WA DFW study abstract states the loss of 50% from historic levels. Loss of habitat equates with loss of species that include Sage and Brewer Sparrows, and Loggerhead Shrikes. We've have more than 20 years with an increasing rate of conversion to add to the decline. These species, influenced by both soil and range type, should be beneficiaries of careful pre-installation studies as should other resident species.

The remoteness of the easterly four wind turbines poses big problems. Access for construction and maintenance require extensive road construction. The only current access is across public land and judging from the existing project significant impact will occur from road construction if transmission lines are placed underground. The proposal to connect with an overhead line has its problems; one of which is the potential for impacts on grouse, others are sight pollution and more roads for maintenance. There would be substantial reduction of impact associated with the proposed expansion if the four wind turbines were removed from the project; we ask serious consideration be given that remedy.

Landscape restoration appears to be lagging; successful seeding of native grass species hasn't been accomplished. Wildlife habitat restoration requires this be accomplished. If restoration is to be successful, there can't be a time-limit associated with it.

For the many good reasons listed in the joint letter to which KAS is a party, and for those stated herein, we urge a Supplemental Environmental Impact Statement be required as the best way to avoid unpleasant surprises, to address problems and ensure their resolution.

A handwritten signature in cursive script, appearing to read "Tom Gauron".

Tom Gauron President
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