

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.

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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.

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C. Overhead Collector 2.

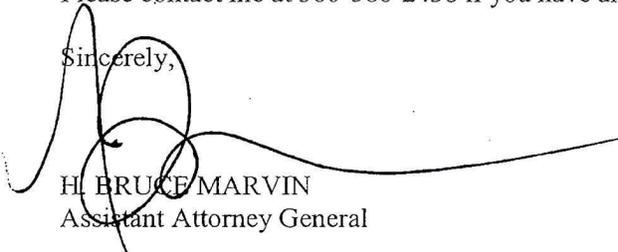
The preliminary expansion plan calls for connecting turbine strings "V" and "W" to the power plant grid via an overhead collector that spans Skookumchuk Canyon. The Final Environmental Impact Statement for the WHWPP project contains the following passage regarding the possible adverse impacts to sage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