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August 6, 2008

Jim Luce, Chair
Washington State Energy Facilities
Site Evaluation Council
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RECEIVED
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**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.

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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

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