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July 2, 2008

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**VIA E-MAIL AND OVERNIGHT MAIL**

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**Re: Request of Amendment to the WHWPP Site Certificate Agreement  
(Amendment No. 5)**

Dear Allen:

Puget Sound Energy (PSE) the Certificate Holder of the Wild Horse Wind Power Project (WHWPP or "Wild Horse Project") requests the following amendments to the Site Certification Agreement, pursuant to WAC 463-66-030.

**I. Request for Amendment**

**1. Summary**

The amendment is requested to allow the expansion of the boundary of the Wild Horse Project site and the installation of additional turbines and turbine strings. The expansion will add 1,280 acres to the 8,600 acres of the original site for a total of 9,880 acres. It will add 26 new turbines with generating capacity of up to 54 MW located within the expansion area, in addition to the 127 existing turbines and 229 MW located on the original site. Both the number of turbines and the maximum MW of generation are in conformance with, and do not exceed the amounts allowed in the SCA, which allowed a maximum of 158 turbines and 312 MW. The expansion area's proposed locations of turbine corridors and other related and supporting facilities, including conceptual turbine locations, and the relationship of the expansion area to the overall Wild Horse Project area and facilities are depicted on the two maps **Exhibit A-1** and **A-2**, attached to this request.

**Disturbed Ground Areas and Mitigation:** The legal description of the expansion area is attached as **Exhibit B**. An "expanded" SEPA Environmental Checklist is attached hereto as **Exhibit C**, which contains information derived from plant and animal surveys, archeological



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surveys and visual analysis regarding the expansion. Technical reports and data are appended thereto. The requested amendment does not substantially alter the substance of the SCA or result in significant adverse environmental effects. The additional disturbed area resulting from the expansion will be approximately 29 acres of permanent and 59 acres of temporary disturbance. The following table breaks out and describes the relevant disturbances:

Description	Permanent Disturbed Area (acre)	Temporary Disturbed Area (acre)	Total Disturbance (acres)
Roads Total (net – existing)	22	30	52
Wind Turbine Sites	7	3	10
Electrical Collection System	0	17	17
Concrete Batch Plant	0	2	2
Main Laydown Area	0	0	0
Quarry Site / Processing / Borrow Pit	-	7	7
Substation Expansion	0	0	0
Total	29	59	88

The areas which will be disturbed do not contain any sensitive features and will have minimal impact on habitat. It should be noted that 600 acres of the site was set aside as a mitigation parcel for all temporary and permanent environmental impacts of the Wild Horse Project. The size of the mitigation parcel exceeds the acreage needed to mitigate impacts of the Wild Horse Project. PSE believes that the increase of permanent and temporary impact acreage caused by this amendment (which would require approximately another 80 - 90 acres) has been fully mitigated by the size of the original mitigation parcel, approved for the Wild Horse Project, and in accordance with the Washington State Department of Fish & Wildlife Wind Power Guidelines (August 2003). However, PSE is in discussions with WDFW, and anticipates that additional acreage will likely be proposed as further mitigation.

PSE is participating in a Coordinated Resource Management Plan (CRMP) which includes the amendment area Project site. This process will result in managed grazing occurring on the site which will greatly enhance habitat on the entire site. Additionally PSE is in the process of granting a conservation easement to WDFW on the entire Wild Horse site which will be extended to the expansion area upon approval of the SCA amendment. The conservation easement will be executed prior to approval of this request.

The proposal would consist of the construction of additional wind turbine generators, underground and overhead electrical collection cables, service roads, temporary laydown areas,



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rock quarry and concrete batch plant, as located on **Ex. A**. While an expansion of the substation is needed, the applicant proposes to accommodate that expansion within the existing substation area (with no need for additional ground disturbance). The approximate quantities to be used by each of the above elements are shown in the following table:

**Estimated cut-and-fill requirements for the project are listed in the table below:**

	Surfacing (cy)	Top Soil Stripping (cy)	Excavation/Cut (cy)	Embankment/Fill (cy)
Roadways	59,500	68,000	63,000	115,500
WTG Site (pads)	8,000	8,000	4,000	6,000
Laydown Area	5,500	4,100	4,100	4,100
Batch Plant	2,500	2,000	2,000	2,000
Totals	75,500	82,100	73,100	127,600

**A total of approximately 129,000 cubic yards of quarry/borrow material will be required for surfacing and base material for roads and pads. Cut and fill requirements for the laydown area and the batch plant will be balanced over the site.**

**Habitat and Wildlife Surveys:** The expansion has been subject to archeological and wildlife, plant and animal surveys and additional visual analysis. Based on results of the rare plant survey and current field review, the only state-designated rare plant known to occur in the project area is the hedgehog cactus, a review status species. No other rare plant or animal species were observed in the project area corridors during the surveys. No effects to any federally listed threatened, endangered, candidate or proposed species would occur as a result of this expansion, as none is known or suspected to occur in the project expansion area.

**Cultural Resource Investigations:** Cultural resource investigations have been completed for the Wild Horse Expansion Project. Pedestrian surveys, utilizing meandering 30 meter transects, have been conducted for all areas to be included in the proposed SCA amendment. Previously unidentified prehistoric archaeological sites were identified during this investigation. These sites include five rock features, including hunting blinds and two prehistoric lithic isolates. In addition, one previously recorded archaeological site was relocated during the survey, and expanded site boundaries were established.<sup>1</sup>

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<sup>1</sup> The cultural resource survey work is ongoing. A confidential report identifying confidential locations of resources and sites will be provided at a later time.



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Project construction plans propose upgrading the road that traverses this archaeological site. In order to determine if upgrading the road will have an adverse effect upon the site, shovel test excavations will be conducted in the proposed road locations. Road upgrades will require ground disturbance on a portion of the site. Therefore, shovel test pit (STP) excavations must be conducted on the portion of the site bisected by the road. An excavation permit application is being submitted to Washington State Department of Archaeology and Historic Preservation to assess potential impacts to the archaeological site in the areas of ground disturbance for this proposed land use activity and to assess previous impacts to site integrity caused by the earlier road construction, land use patterns and post depositional disturbances. A detailed report on these investigations will be forthcoming when they are completed. PSE is coordinating with the Yakama Indian Nation and Confederated Tribes.

***SEPA Review and Proposed Mitigation Measures:*** The requested SCA Amendment does not substantially alter the substance of the SCA or result in significant detrimental effects on the environment. An Environmental Checklist has been prepared pursuant to WAC 197-11-960 and is attached as Exhibit C, with the reports from surveys referred to above attached as appendices thereto.

In addition to compliance with the mitigation measures contained in the existing FEIS and SCA, PSE proposes the following additional mitigation measures for the expansion:

- Underground collector cables will be installed adjacent to roads in the expansion area. A maximum of two new circuits will be installed with one on each side of the roads to minimize disturbance;
- Where the two new circuits are routed through the existing project roads, underground cables will be located within the road prism to prevent further ground disturbance in this area;
- Expansion of the substation will occur within the existing footprint of the previously disturbed area;
- To minimize new ground disturbance resulting from the expansion, the existing laydown yard used for the Wild Horse Project will be re-used for the expansion;
- Existing roads that cannot be used for project access will be abandoned and restored wherever possible; and



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- As noted above, PSE is in discussion with WDFW concerning providing additional acreage as further mitigation for permanent facility impacts. PSE anticipates updating this request to reflect any further mitigation.

In addition, PSE requests that certain conditions of the existing SCA related to grazing be amended to acknowledge PSE's participation in the Wild Horse Coordinated Resource Management Plan (CRMP). We ask that SCA conditions related to fencing of the mitigation parcel and springs may be waived provided that: (a) PSE is a partner with WDFW in the Wild Horse CRM; (b) waiver of the permanent fencing is recommended in the current Wild Horse CRM Grazing Plan and affirmed by the TAC; and (c) the CRM monitoring program confirms that the environmental and wildlife habitat goals of the CRM are being met without the need of this permanent fencing.

Construction would conform to the measures contained in the Storm Water Pollution Prevention Plan approved for the WHWPP. An independent environmental monitor would be present throughout construction. Further, all other applicable mitigation measures in the EIS, SCA and Construction and Operational plans for the WHWPP would be followed.

## **2. Consistency with Local Land Use Plans and Zoning**

In March, 2005, by Ordinance No. 2005-10, the Kittitas County Board of County Commissioners approved the WHWPP Development Agreement between Kittitas County and Wind Ridge Partners, LLC. PSE acquired all assets associated with the Wild Horse Project. Pursuant to the terms of the Wild Horse Project Development Agreement, PSE is now the owner and operator of the Wild Horse Project. PSE is also the owner of development rights and interests in the Project site area subject to the terms of this Amendment.

As noted above, the expansion area is proposed as an amendment to the Wild Horse Project. By recent County Code amendment, the Kittitas County Wind Farm Resource Ordinance now provides that within certain pre-identified areas in Kittitas County, the County may authorize a wind farm without requiring a site-specific amendment to the Comprehensive Plan or a rezone of the County's zoning map. KCC 17.61A.035. Wind farms may be sited in the pre-identified areas through approval of a site plan and development agreement, without the need for a rezone. KCC 17.61A.035.

The Wild Horse Project area and the expansion area are located in Township 18N, Range 21E, an area which has been pre-identified for wind facility siting under the County Code, as



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amended. Accordingly, for local land use consistency purposes, PSE is not required to apply for a rezone or an amendment to the County's zoning map, nor is PSE required to apply for an amendment to the Comprehensive Plan. Nevertheless, PSE anticipates seeking an amendment to the Development Agreement.

Therefore, the proposal is compatible with existing local land use plans and zoning regulations. PSE will ask the County to approve an amended Development Agreement.

### **3. Proposed Amendments to the SCA**

Specifically PSE requests that the Council amend portions of the SCA to read as follows:

#### **a. Additional Attachments to the SCA located on page 6 of the SCA:**

11. Council Resolution No. *[to be inserted]*: Amendment No. 5 to the Wild Horse Power Project Site Certification Agreement
12. Project Description as Modified by Amendment No. 5
13. Project Site Layout as Modified by Amendment No. 5
14. Project Land Legal Descriptions and Landownership Interests as Modified by Amendment No. 5
15. Proposed SEPA Mitigation Measures as Modified by Amendment No. 5
17. FAA Letters and Determinations for Turbines in the Expansion Area as Modified by Amendment No. 5
18. Amended Development Agreement between Kittitas County and PSE.

#### **b. The second paragraph of Article I, B should be amended to read as follows:**

Such construction and operation shall be located within the areas designated herein and in the Application for Site Certification submitted by Wind Ridge Power Partners LLC on March 9, 2004, and as described in Attachments 1, 2 and 4 to this Agreement and as modified by Amendment 5 hereto and Attachments 10 through 14.



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In addition, this Agreement incorporates the settlements and stipulated agreements made between Wind Ridge Power Partners LLC and parties to the adjudicative hearings, set forth in Attachments 3, 4 (as amended by Attachment 18) and 5 to this Agreement. Construction of any Project facilities or structures on lands leased from the Washington State Department of Natural Resources (DNR) or the Washington Department of Fish and Wildlife (WDFW) shall only be permitted when lease agreements are secured from the respective state agencies.

**c. The second paragraph of Article I, C., 1. should be amended to read as follows:**

The general location of components of the Project including, but not limited to, the turbine corridors, roadways, electrical collection and distribution system, operations and visitors center; maintenance facility, electrical substations, electrical transmission feeder line(s) and other related Project facilities is described in the Application for Site Certification (“Application”), in Attachment 4, Exhibit A ‘Project Description, and Exhibit B ‘Project Site Layout’, and in Attachment 8, Council Resolution No. 315, as modified by Attachment 10, Council Resolution [to be inserted], Attachments 10 through 14 and as necessary to be consistent with the development standards and mitigation measures set out in the Application, the Environmental Impact Statement (EIS), the requirements of this Agreement, and the requirements of the County Development Agreement as modified by Attachment 18. The WTGs shall be located only in the turbine corridors identified in the Application as modified by Attachments 12 and 13, provided that no turbines shall be located in positions [A1, A2, A3, B1, B2, B3, D1, D2, and D3 as presented in the Application.

**d. Article I, C., 3. should be amended to read as follows:**

Access Roadways. The Project will include up to ~~32~~ 40.5 miles (approximately) of roadways for access to the WTGs and other Project facilities.

The relevant plans required by the SCA will be modified to the extent necessary in relation to the construction and operational activities resulting from the expansion.



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## II. Requested Council Action

PSE requests that the Council find that pursuant to WAC 463-66-040, the proposed amendment is consistent with: (1) the intention of the original SCA; (2) the applicable laws and rules; and (3) the public health, safety and welfare.

Further PSE requests the Council to find pursuant to WAC 463-66-070, that the request does not substantially alter the substance of any provision of the SCA and does not have a significant detrimental effect on the environment.

Sincerely,

/s/ Darrel L. Peeples

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TLM:zan  
Enclosures

cc: Scott Williams, PSE