Chapter 4

Comments on Draft EIS and Responses

Chapter 4
COMMENTS ON DRAFT EIS AND RESPONSES

4.1 Introduction

The Draft Environmental Impact Statement (DEIS) for the Wild Horse Wind Power Project (WHWPP) was issued on August 4, 2004. The comment period for the DEIS ended on September 10, 2004. A public comment meeting was held on August 24, 2004, in Ellensburg, Washington.

During the comment period, Washington Energy Facility Site Evaluation Council (EFSEC) received comments from agencies, citizens, and interest groups. Comments were submitted in letters, orally at the public comment meeting, and via email (together these are called "comment submissions" in this Final Environmental Impact Statement (FEIS). A list of those who commented on the DEIS is provided in Table 4-1.

4.2 Organization of this Section

This section contains the comment submissions and corresponding responses to the comments. Each comment submission – whether a letter, meeting transcript, or email – has been assigned a number (see list of comment submissions in Table 2-1). Within each comment submission, comments on specific issues have been designated using a line and a number in the margin. In most cases, a single comment submission contains numerous comments addressing a variety of topics. For example, Comment Submission 1 (Harold Hochstetter) contains three comments numbered 1-1 through 1-3. Comments submitted orally at the public hearing, and recorded in the public transcript (Comment Submission 33) are marked with the alpha designation C, the sequence number of the oral submittal, and the comment number of that oral submission (e.g. first public comment is denoted as C1-1).

As described in Washington Administrative Code (WAC) 197-11-560, possible options for responding to comments on a DEIS include modifying the alternatives or developing new alternatives, improving or modifying the analysis, making factual corrections, or explaining why the comments do not warrant further agency response. In this regard, for each numbered comment we have provided additional information or elaboration on a topic previously discussed in the DEIS; noted how the Environmental Impact Statement (EIS) text has been revised to incorporate new information or factual corrections; referred the reader, when appropriate, to another comment response; explained why the comment does not warrant further response; or simply thanked the commenter when the commenter was stating an opinion.

Table 4-1. List of Draft EIS Commenters and Assigned Comment Submission Numbers

Commenter	Assigned Comment Submission Number
Harold Hochstetter	1
Keith and Karen Johnson	2
Green Dot Map Submittal – Illustration (see also Comment 33.C3)	3
Lynne Mahre	4
James Whitmire	5
David Forster	6
Erin Duleba	7
Lee Bates	8
Gwen Clear; Department of Ecology	9
Helen Wise	10
Paul Bennett; Kittitas County Dept. Public Works	11
Keith Johnson, Janet Nelson; Kittitas Audubon Society	12
Clay White; Kittitas County Community Development Services	13
John Lane; Office of Attorney General of WA	14
Janet Nelson	15
W.R. Essman	16
James Huckabay, VP of Kittitas County Field and Stream Club; Steering Committee of the Kittitas County Big Game Management Roundtable	17
David A. Bricklin; Bricklin Newman Dold, LLP	18
Chris Taylor; Zilkha Renewable Energy	19
Sonia Ling, Troy Gagliano; Renewable Northwest Project	20
Ted A. Clausing; WA Dept. of Fish and Wildlife (Brent Renfrow)	21
Kenneth R. Bevis	22
Phelps Freeborn; WA Native Plant Society (President/Central)	23
Paul Lasha	24
Brigid Dean; WA State Parks and Recreation Commission	25
Sandy Swope Moody; WA Dept. of Natural Resources	26
Hal Lindstrom	27
Erin Duleba (Dated September 9, 2004)	28
David Crane	29
Debbie Strand; Economic Development Group of Kittitas County	30
Camille Pleasants; The Confederated Tribes of the Colville Reservation	31
Merle and Sharon Clemmo	32
Public Meeting Transcript (Various commenters)	33

4.3 References Cited in the Responses to Comments

The Settlement Agreements reached between the Applicant and various agencies and organizations that were granted intervenor status before EFSEC were used as sources of updated information, especially in regard to mitigation. The Settlement Agreements are listed in Chapter 5, References, and are available for review from EFSEC.

Other references used in preparing this Final EIS are cited in the responses to comments and listed in Chapter 5.

4.4 Index to Draft EIS Comments by Topic

Table 4-2 provides a cross reference index showing which comments on the DEIS (and which corresponding responses in this FEIS) address various topics of interest. The numbers in the right-hand column correspond to the individually numbered comments shown in the margin of each comment submission (letter, email, or hearing transcript).

Table 4-2. Index to Draft EIS Comments by Topic

Topic	Comments on Draft EIS that Address this Topic
Proposed Action and Alternatives	12-20, 12-21, 13-12, 13-15, 13-49, 13-50, 13-51, 13-52, 19-5
Site selection / Relocation	15-5, 18-1, 18-17, 18-18, 20-6, 24-4, 24-6, 27-2, 28-7, 28-10, 28-11, C3-9, C13-4, C13-5, C15-1
Purpose and Need	31-3
Decommissioning	8-21, 12-22, 13-16, C7-1
Offsite Alternatives	13-17, 13-45, 13-46, 13-67, 19-51, 19-52, 19-66, 19-72, 19-73, 28-2, 28-8, 28-9
No Action Alternative	8-1, 12-33, 13-5, 15-8
Earth	13-31, 13-53
Air Quality	13-32, 13-54, 19-1, 19-54
Water Resources	9-1, 13-33, 13-34, 13-54, 18-2, 19-29
Shrub-steppe Habitat – Expanse / Restoration / Habitat Rehabilitation / Adaptive Management	7-1, 7-9, 12-23, 12-25, 13-6, 13-35, 14-1, 19-30, 20-3, 21-3, 21-6, 21-7, 21-8, 21-9, 22-1, 24-1, 24-2, 26-1, 26-2, 26-3, C16-1
Wetlands	9-2, 13-6
Lithosols	12-6, 12-21, 12-24, 14-2, C14-2
Special-status plants	14-3, 23-1, 23-5, C14-3
Weeds	19-31, 23-2, 23-3, 23-4
Wildlife	7-8, 8-17, 13-36, 14-11, 18-5, 18-13, 19-5, C3-1
Avian species: Status/presence	12-5, 12-7, 12-8, 12-9, 15-6, 19-3, 21-5, 21-21
Bird / bat collisions (Mortality)	8-2, 8-5, 12-20, 12-32, 13-12, 14-4, 14-5, 14-6, 14-8, 14-13, 18-12, 19-2, 19-55, 21-12, 21-20, 21-27, C11-1

Topic	Comments on Draft EIS that Address this Topic
Birds / bat habitat – migratory/corridors - nesting	2-1, 2-2, 2-3, 12-1, 12-2, 12-3, 12-4, 14-7, 14-9, 14-12, 15-3, C12-1, C12-2, C16-2
Sage grouse	14-10, 18-11, 19-4, 19-32, 21-1, 21-4, 21-13, 21-14, 21-15, 21-16, 21-17, 21-18, 21-19, 24-3, 28-4
Big game - Elk and mule	7-4, 7-5, 7-6, 7-7, 8-16, 18-2, 18-3, 18-4, 18-15, 21-11, 28-3, 28-5, 28-6, C3-3, C3-4, C3-5, C3-6, C3-7, C3-8
Habitat loss and fragmentation	7-3, 7-9, 15-2, 15-7, 22-1, 24-4, 26-2, 27-1, C12-4
Studies	8-4, 12-10, 12-11, 12-12, 12-13, 12-14, 13-10, 15-4, 29-1, C3-2, C11-3
Mitigation, Monitoring and Adaptive Management	8-3, 12-17, 13-7, 14-14, 17-2, 18-14, 18-15, 18-16, 20-3, 20-4, 20-5, 21-2, 21-6, 21-9, 21-12, 26-3, C8-2, C8-2, C8-3, C11-2
Cumulative Impacts	2-4, 2-6, 12-15, 12-29, 15-6, 24-5, C12-2
WDFW Wind Power Guidelines	12-26, 12-27, 15-1, 20-3, 27-2, C16-3
Fisheries	13-37
Energy and Natural Resources	8-18, 12-30, 13-22, 13-38, 15-9, 19-33, 19-56, 20-2, C11-7
Renewable Energy	4-1, 4-2, 10-1, 12-31, 20-1, 20-7, 25-8, C7-2, C11-6
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Land Use	13-4, 13-18, 13-23, 13-24, 13-25, 21-10, 22-4, 26-1
Visual Resources/Light and Glare	6-1, 6-2, 8-7, 8-8, 13-27, 13-39, 13-56, 13-57, 13-58, 13-59, 13-60, 13-61, 18-9, 18-10, 19-19, 19-20, 19-21, 19-38, 19-40, 19-61, 19-62, 19-63, 19-64, 19-65, 19-71, 21-28, 25-1, 25-2, 25-3, 25-4, 25-5, C4-2, C11-5, C11-6, C13-2, C13-3, C14-1
FAA Lighting System	8-19, 12-19, 13-14, 13-26
Population, Housing, and Economics	13-40
Property Values	8-24
Tax revenue	8-14, 30-1, 30-2, 30-3, 30-5, C5-1
Public Services and Utilities	13-9, 13-41, 13-62, 19-9, 19-10, 19-11, 19-41, 19-42, 19-43
Recreation / Hunting	7-2, 7-9, 16-2, 18-6, 18-9, 18-10, 21-11, 21-22, 21-23, 21-24, 21-25, 21-26, 21-28, 22-3, C4-3, C9-2, C17-3, C17-4, C15-3
Cultural Resources	8-15, 13-42, 13-63, 19-44, 19-57, 31-1, 31-2, 31-3
Traffic and Transportation	11-1, 11-2, 11-3, 11-6, 13-43, 19-12, 19-13, 19-15, 19-22, 19-35, 19-45, 19-46, 19-48, 19-49
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Topic	Comments on Draft EIS that Address this Topic
Aviation	8-22, 11-4, 13-28, 13-29, 13-64, 19-14, 19-50
Tourism	11-7, 18-8, 19-47, 30-4
Health and Safety	13-44, 13-66, 19-16, 19-17, 19-18, 19-53, 19-58, 19-59, C1-3, C11-5
Shadow Flicker	8-9, 8-10
Fire (See also Public Services and Utilities)	8-6, 13-65, 32-3, C1-3, C11-4
Blade/Ice Throw	8-11, 8-12, 8-13
Setbacks / Mitigation	8-23
Cumulative Impacts	2-3, 2-6, 8-19, 12-30, 13-47, 15-6, 25-5, 26-1
SEPA process / adequacy	2-5, 12-18, 12-28, 28-1, 29-2, C4-1, C8-1, C10-1, C12-3, C15-2, 13-2, 13-11, 13-21, 13-30
Jurisdiction and permitting	9-1, 13-1, 13-13, 13-20, 24-6

4.5 Comment Submissions and Responses to Comments

The rest of this chapter presents the comment submissions on the DEIS and responses to the comments. Each comment submission appears first, followed by corresponding responses.

Dear Irina

Thank you for sending the Draft EIS for Wild horse project and thanks for our phone conversation Tue. Aug.10 2004. I am sending my AUG. 3 letter to Chris Taylor and some maps. Also find enclosed RCW's and case law pertaining to public roads. The below individuals also are involved in the controversy. Again as I told Chris Taylor I do not want to impede Wild horse project but to loose Beacon road (Road 18) places a heavy burden on Parke Creek road. Viewing the RCW's and case law the public should not have to defend it's interest in court. 1-1

Your Servant

Kittitas Co Commissioners 962-7508 Golladay & Huston
Prosecutor Zempel 962-7520
Gordon Blossom 964-2377

RECEIVED
AUG 16 2004
ENERGY FACILITY SITE
EVALUATION COUNCIL

Harold Hochstatter
2104 MARINA DR
MOSES LAKE WA
98837

Dear Chris

My name is Harold Hochstatter; we talked on the phone Wed. P.M. Aug. 3 2004. I am listed on page 7 of adjacent landowners north of Wild horse. The Sec. Line between 6&31 is on my 24 acres. I am writing concerning Beacon Ridge Road specifically and Kittitas gate locking in principle. Here's some history. My ownership on the clockum dates from1988. I am a newcomer but like so many citizens I have used Beacon for years. My understanding is the road was built in the 1920's to service the beacon on the southwest corner of Sec. 29 a mile north of my Parke Creek lots. The beacon was used to guide airmail planes before the war. The corral panel gate was placed on Vantage road after an altercation with Larry Wyatt's horse in the mid 1990'S. that gate soon had a string of locks (9 I believe) and much controversy. The gate was unlocked in 1997 but before the corral panel gate the old fence wire gate could not be locked. I doubt you could find proof of it ever being locked. Chris understand I do not want to impede your project neither do I want to become part of a privileged elite. But I don't want Windridge or Wildhorse to become an elite either. 1-2

Prosecutor Zemple is aware of the public access problem on Beacon, Cariboo and other Kittitas county roads. Also former Kittitas road official Gordon Blossom of Thorp is well acquainted with the situation.

If you look on page 2 of the application for development agreement at the bottom it says "All project facilities will have controlled access across private land which limits access to the facilities to persons aware of safety setbacks and potential risks". Page 3 of Sec.3 comprehensive plan map amendment ninth bullet point states "one primary private road…" Page 4 says, "Site is located on a public road_____ private road___✓___ check one. Name of road Beacon ridge Road."

This looks to many of us like the open access on Beacon is about to be eliminated. Gating the road is fine, cattlegaurds too. Any change that could cause me to be prosecuted for criminal trespass would force the courts to define the status of Beacon under RCW. 36.75.070 and City of Seattle v. Smithers (1905) 37 Wash. 119, 79 P. 615. I think keeping the public-private question out of the courts is a good idea but keeping me out of the courts is a good idea too. St. Paul says, "Let everything be done decently and in good order". 1 Cor. 14:40. I wouldn't cut any lock without calling you and the sheriff first but BEACON is a public road, it's a point to prove, I just hope there is some other way. 1-3

Your servant

CC
Merle Clemmo
Gordon Blossom
Greg Zemple
Harry Bacon
Kittitas Co. Commissioners

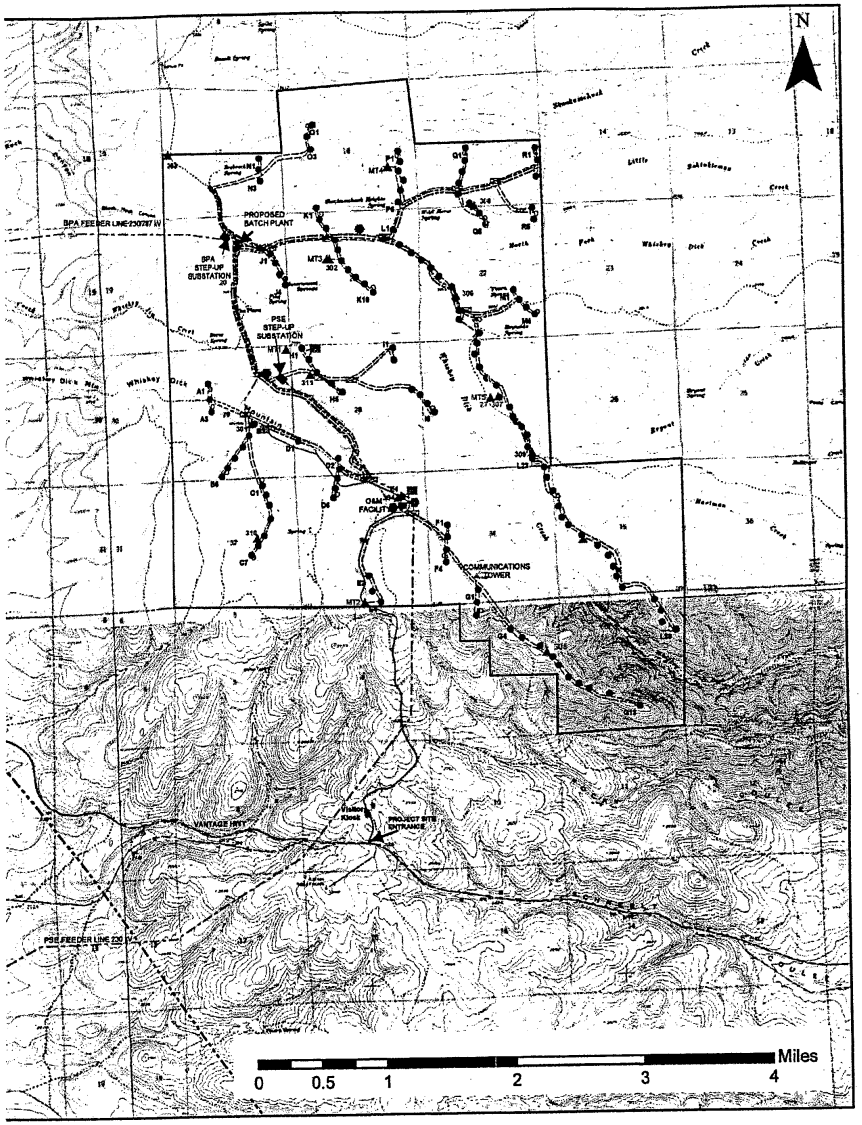
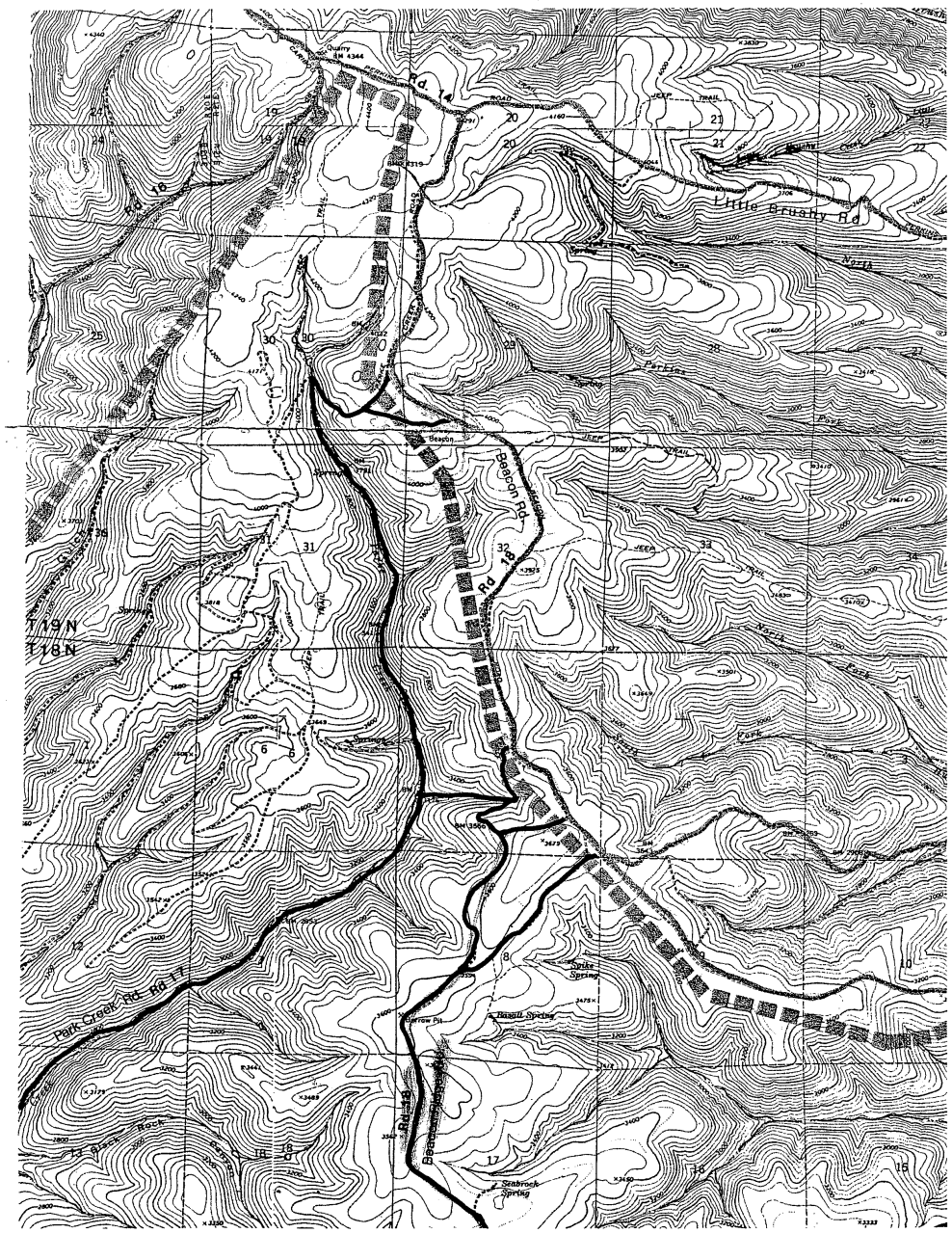
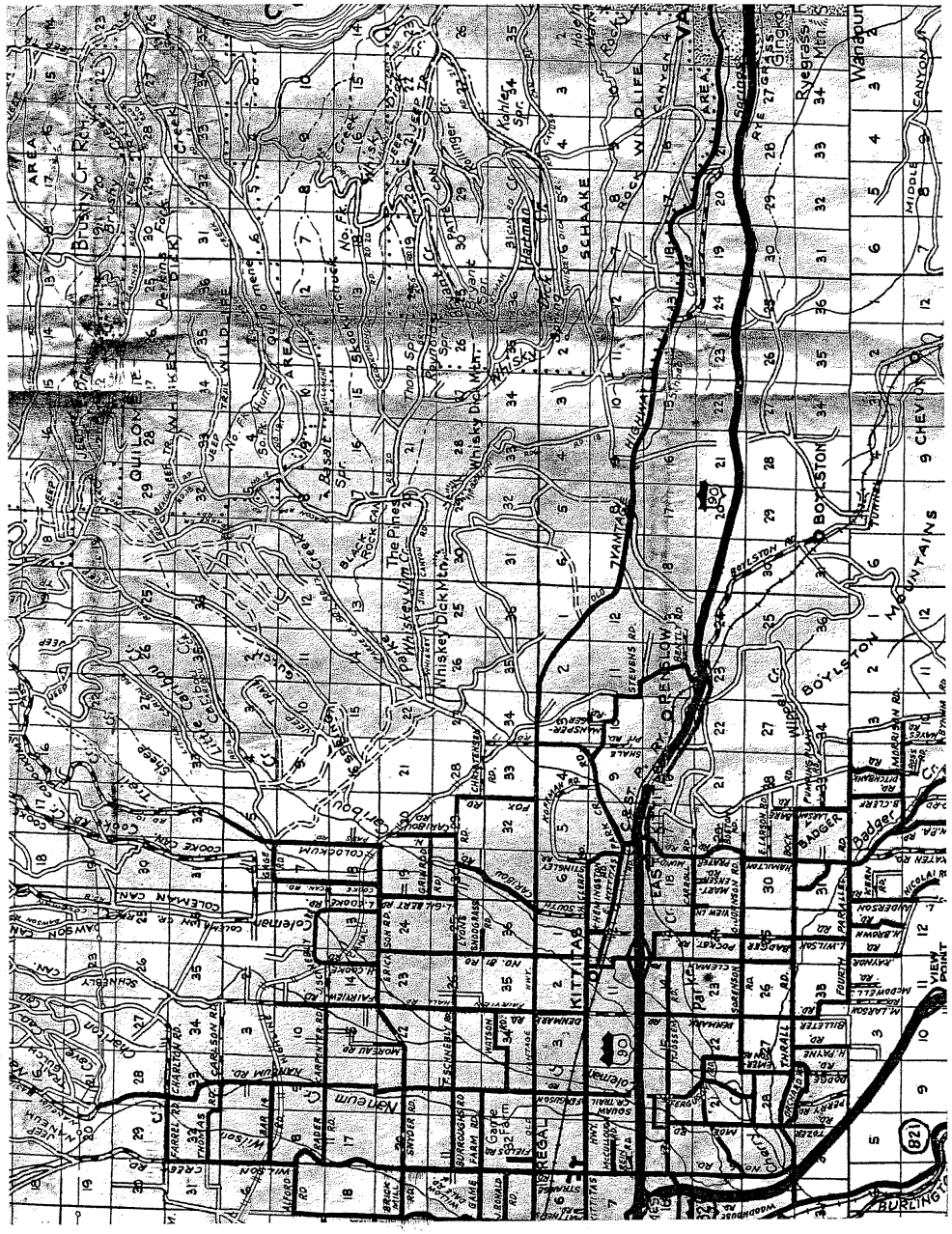


Figure 1-2
Proposed Layout of Most Likely Scenario
(136 Turbines/1.5 MW)
WILD HORSE WIND POWER PROJECT

OVER




Wanapum
Ryegrass Mtn.
Gingko
Grass
Rye
Middle
Canyon
Wildlife
Schake
Rock
Canyon
Area
Hatchet
Jack
Whiskey Dick Mtn.
Whiskey
Boylston
Mountains
Cheviot
Quilomene
Wildlife
Area
Tyantade
Highway
Black Rock
The Pines
Pat Wheeler
Stevens
Rd.
Kittitas
Reg
Ellensburg
Badger
Pocket
Cle Elum
Cooke Can
Coleman Can
Colockum
Cariboo
Wilson
Creek
Nelson
Dairy
Burbank
Farm
Garfe
Farm
Burlington
Wenatchee
Ellensburg
Cle Elum
Kittitas
Vantage
Boylston
Wildlife
Area
Quilomene
Wildlife
Area
Colockum
Wanapum
Canyon
Middle
Canyon
Cheviot
Mountains
Boylston
Mountains

Under former statute, where county road had been generally traveled by residents and public at large, adversely and continuously for more than 20 years, use could not have been permissive, and it became public road by prescription regardless of work thereon at public expense. City of Seattle v. Smithers (1905) 37 Wash. 119, 79 P. 615.

4. Kept up at public expense

Under former statute, expenditure of public work or money was not required where prescriptive period was coextensive with period of limitation for quieting title to land. Seattle v. Smithers (1905) 37 Wash. 119, 79 P. 615; Mason County v. McReavy (1915) 84 Wash. 9, 145 P. 993.

Where work done on highway was merely running grader over the way once a year, prescriptive right to it was not established. Stevens County v. Burrus (1935) 180 Wash. 420, 40 P.2d 125.

Public road was not established by expenditure of $3.50 on it by county during 14 years, under former statute, when considered with county's disclaimer of public right by vacation 22 years previously. Fitts v. Pierce County (1914) 78 Wash. 238, 138 P. 885.

Former statute was only statute of limitations, and had no application where road had not been kept up at public expense. State v. City of Seattle (1910) 57 Wash. 602, 107 P. 827.

***44207 5. Defense to state action**

Under former statute, where county and state had been in and maintained possession of right of way of Pacific Highway for longer time than required to acquire title by user, it was no defense to state's action to remove obstructions on Pacific Highway that owner of land was not in possession when he consented to location of highway and state acquired title. State v. Camp Lewis Service & Garage Co. (1924) 129 Wash. 166, 224 P. 584.

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***58518 West's RCWA 47.04.010**

WEST'S REVISED CODE OF WASHINGTON ANNOTATED TITLE 47. PUBLIC HIGHWAYS AND TRANSPORTATION CHAPTER 47.04. GENERAL PROVISIONS

Current through End of 2000 Second Special Session

47.04.010. Definitions

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

***58519** (11) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

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(c) The junction of an alley with a street or highway shall not constitute an intersection;

(12) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(13) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(14) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(15) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(16) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(17) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(18) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(19) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(20) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(21) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

(22) "Pedestrian." Any person afoot;

(23) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

***58520** (24) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(25) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(26) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(27) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(28) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(29) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(30) "Roadway." The paved, improved, or

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proper driving portion of a highway designed, or ordinarily used for vehicular travel;

(31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(32) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(33) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(34) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(35) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

***58521** (36) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;

(37) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(38) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(39) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(40) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

CREDIT(S)

2001 Main Volume

[1975 c 62 § 50; 1967 ex.s. c 145 § 42; 1961 c 13 § 47.04.010. Prior: 1937 c 53§ 1; RRS § 6400-1.]

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTES

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

Severability--1975 c 62: See note following RCW 36.75.010.

REFERENCES

CROSS REFERENCES

Additional definitions, see § 47.01.021.
Aeronautics, definitions relating to, see § 47.68.020.
Annual report of street operations to secretary of transportation, see § 35.21.260.
Canal, defined, see § 47.72.060.
County road improvement districts, see § 36.88.010 et seq.
County roads and bridges, see §§ 36.75.010 to 36.88.010 et seq.

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***58522** Department, commission, secretary, defined, see § 47.01.021.
Existing highway, defined, see § 47.52.011.
Ferry employees, marine employees, definitions relating to, see § 47.64.011.
Limited access facilities, definitions relating to, see § 47.52.010.
Signs and scenic vistas, definitions relating to, see § 47.42.020.
Toll bridges, roads, definitions relating to, see § 47.56.010.
Urban arterials, definitions relating to, see §§ 47.26.040, 47.26.090, 47.26.100, 47.26.110.

LIBRARY REFERENCES

2001 Main Volume

Highways ⚷18, 19.
Statutes ⚷179, 199.
WESTLAW Topic Nos. 200, 361.
C.J.S. Highways §§ 1, 3, 24 to 25.
C.J.S. Statutes §§ 315, 338.

ANNOTATIONS

NOTES OF DECISIONS

Highway 1

1. Highway

Bridge is integral part of highway along which it is erected. Lucas v. Phillips (1949) 34 Wash.2d 591, 209 P.2d 279; Berglund v. Spokane County (1940) 4 Wash.2d 309, 103 P.2d 355.

Surface roadway on university campus was not "public roadway" within meaning of § 47.04.010(26), which defines highways for purposes of statutes governing public highways and transportation, where road was used by public despite attempts to restrict its use to only authorized vehicles. Allemeier v. University of Washington (1985) 42 Wash.App. 465, 712 P.2d 306, review denied.

Forest service road open to public for purposes of vehicular travel and subject to jurisdiction of state was "public highway" within meaning of this section. Hall v. McDowell (1972) 6 Wash.App. 941, 497 P.2d 596.

Road is public highway if, on establishment, it will be open to public and may be used by anyone although it also appears probable that, during immediate future, road will be used only by particular individual or business. State ex rel. Oregon-Washington R. & Nav. Co. v. Walla Walla County (1940) 5 Wash.2d 95, 104 P.2d 764.

***58523** Bridge across stream is in itself public highway and is usually treated as constituting part of highways with which it is connected. State v. Vantage Bridge Co. (1925) 134 Wash. 568, 236 P. 280.

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Responses to Comments in Local Agency Letter 1 from Harold Hochstetter

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

1-1. The legal status of Beacon Ridge Road has been clarified by Kittitas County and the land owner. The Board of County Commissioners stated in a public discussion in May 1988 that they do not consider Beacon Ridge Road to be a County or public road. This was affirmed in 2004 by County Attorney Jim Hurson at an EFSEC hearing, and again recently by Public Works Director Paul Bennett in a meeting with the Applicant's staff. The gate from Vantage Hwy is currently not locked and the private landowner has allowed public access, with some interruptions, for many years. Anthony Hoare, the attorney representing the private landowner, has stated he has documentation to prove the road has been periodically closed and locked to the public so as to maintain it as a private road, which the landowners have chosen to allow the public to use at their discretion.

In a Development Agreement with Kittitas County (Appendix A), the Applicant has agreed to allow gated access to the road. Property owners who wish to access their property from Project Access Road will be allowed to do so as necessary under a formal access license and a key to a gated entrance. Officials of the Washington State Departments of Natural Resources and Fish Wildlife are currently allowed to access the site and will continue to be allowed access by key. Others will be allowed to access the road on a case-by-case basis.

1-2. See response to Comment 1-1. Landlocked property owners will be allowed to use Beacon Ridge Road as access to their private properties.

1-3. See response to Comment 1-1.

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To: Allen Fiksdal Manager, EFSEC 8-23-2004
P.O. Box 43172
Olympia, Wa 98504-3172

Re: Comments to the DEIS for theWildhorse Wind Power Project.

We are Keith and Karen Johnson, residents of Kittitas County, We live at 3050 Airport Rd. Cle Elum Wa. We are Washington State natives of 70 and 69 years. I have been coming to Kittitas County, Cle Elum and Ellensburg since 1941, we have been paying Kittitas County taxes from 1975 and permanent residents since 1994. We are representing ourselves and the birds and bats.
We are very concerned that the Wa. State, National and political rush for more renewable energy is being scientifically justified without adequate consideration given to the birds and bats rights of habitat. For this reason we are not in favor of the three proposed wind power projects in Kittitas Valley. 2-1

To make our case, we will address two primary issues of our concern with the DEIS.
-3.5.1.1 Primary habitat for birds is stated as grassland/shrub-steppe and riparian communities.
-3.16.6.5 Cumulative effects of the three proposed windfarms due to their close proximity.

HABITAT
Loss of Wildlife habitat for birds and bats is not addressed as a major priority in any of the DEISs. 2-2
I make this observation by first looking at the definition of Habitat.
"Habitat—The place where an animal or plant naturally lives or grows."
Where do birds and bats naturally live? On the ground, in trees and in the air. That's what differentiates birds and bats from other animals, they use air space to travel, migrate, hunt and recreation.
The 2004 Washington State Audubon, Washington state of the Birds report, says the item most responsible for affecting bird species, is the loss of habitat. Then I find it reasonable to ask this question?
If agencies and organizations would use air space encompassed by the windfarm projects as bird habitat,would this loss of bird habitat and the potential impacts to bird species be more than presently stated in the DEIS? 2-3

CUMULATIVE EFFECTS
The cumulative loss of bird habitat of the three Kittitas Valley windfarms is simple math, [area times height] 2-4

If you use this analogy with just the Wildhorse WF, which is approximately 8000 acres and the turbines are 400ft tall, you would have 3.2million acre-feet of bird and bat habitat gone. Now take the KVWP and DCWP and it skyrockets to some 6.8 million acre-feet. Take the worst case construction scenario per the DEIS, 8 months for the three projects, equals Major bird and bat habitat loss in a short period of time. 2-4
Kittitas Valley has a uniqueness from other existing windfarms and the proposed three windfarm projects along the North side of the valley from the West end to the East end should not be approached with haste. 2-5
With the increased emphasis on wind power in Washington State and across the U.S., we request organizations, governments and agencies, that will be making the decisions for siting windfarms in Kittitas Valley, to address this bird and bat habitat loss and the cumulative effects of project density issues before allowing siting of the three projects. 2-6

Thank you for allowing us to comment.

Keith Johnson
Karen L Johnson

Keith and Karen Johnson
3050 Airport Rd.
Cle Elum, Wa. 98922
509-674-7552

Responses to Draft EIS Comments in Individual Letter 2 from Keith and Karen Johnson; Kittitas Valley Residents

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

2-1. Thank you, your comment has been noted.

2-2. See Section 3.5.2.1 of the DEIS for an analysis of loss of wildlife habitat. The Applicant has proposed mitigation to existing areas (an approximately 600 acre "mitigation parcel" in Section 27, T18N, R21E in Kittitas County, WA, with the exception of that area which is being developed for the Project (String L)) to address habitat loss. Both the Washington Department of Fish and Wildlife, and EFSEC's WDFW contractor have indicated that all permanent and temporary impacts to habitat caused by the Project are being mitigated in accordance with the ratios outlined in the WDFW Wind Power Guidelines. Furthermore, the Applicant has also voluntarily committed to placing the entire Project Area in conservation easement (Appendix C).

2-3. The approach presented by the commentor is not a method of calculating habitat impacts commonly accepted by WDFW or the US Fish and Wildlife Service, and has not been used for the analysis of potential impacts. While the wind turbines and other project features would occupy air space, the rotor-sweep area is not necessarily permanently "lost" as birds and bats may be able to safely utilize this air space during periods when the rotors are not turning, and may navigate this air space when the rotors are turning without colliding with them. Furthermore, the actual footprint of the turbine corridors is only 9.4 acres, 0.01 percent of the 8600 acre Project area. The primary impact of the proposed project on birds and bats would be an increased risk of mortality from collisions with project components, which is described in section 3.5.2.2 of the DEIS. Potential impacts to habitat used by Sage Grouse during the lekking season have also been addressed by the Applicant to the satisfaction of WDFW. The Applicant will consider the historic presence of sage grouse at the Project site in the strategic plan for the location of rock sources and the location/operation of the concrete batch plant. During the Sage Grouse lekking season, no routine maintenance of the substation area or facilities within ¼ mile of an active lek will be conducted between the hours of sunset and 9:00 am, and recreational use of the Project site will be restricted to the extent feasible

2-4. See response to Comment 2-3 above. Temporary construction impacts will also be mitigated by the Applicant through the updated mitigation measures presented in Section 3.5.4 of this FEIS.

2-5. Each of three wind power projects proposed in Kittitas County is being evaluated according to the State Environmental Policy Act (SEPA), through the production of an environmental impact statement (EIS), with the impact analyses supported by technical surveys and/or studies.

Under SEPA, the EIS is intended to provide an impartial analysis of significant environmental impacts and inform the decision-makers and the public of any reasonable alternatives that would avoid or minimize adverse impacts or enhance environmental quality (WAC 197-11-400). The process is intended to provide for more informed choices in decision-making. The EIS for the Wild Horse Project evaluated a range of scenarios, off-site alternatives, cumulative impacts, and identified potential impacts and mitigating measures for the proposal and each element of the environment identified during the scoping process.

2-6. See response to Comment 2-3 above. Cumulative impacts of the three wind power projects currently proposed in Kittitas County are discussed in Section 3.16 of the DEIS and revisions to this analysis are shown in Section 3.16 of this FEIS.

Draft EIS Comment #3

Judith Hillis

From: Makarow, Irina (EFSEC) [IrinaM@ep.cted.wa.gov]
Sent: Friday, September 17, 2004 9:51 AM
To: Judith Hillis
Subject: WH DSEIS comment 3

Judith -

In case you're wondering what comment 3 is, it is an illustrative exhibit (see reference to green dot map in the public hearing record, page 41), a "Green Dot" map as follows: 3-1

NANEUM - East Half and West Half
"Green Dot"
Cooperative Management Area
Boise Cascade Corporation
Longview Fiber Company
Sate of Washington
Department of Natural Resources
Department of Fish and Wildlife
Effective year Round

Revised 8/03

It is just an illustrative exhibit that shows which roads are open to public access through the Green Dot program.

If you need a copy of the map, let me know. It might be easier for you to go buy one (and charge it to us) than to have me copy it.

~~~~~~~~~~~~~~~~~~~~~~~~~~~
Irina Makarow
Siting Manager
EFSEC
P.O. Box 43172
Olympia WA 98504-3172

(360) 956-2047
irinam@ep.cted.wa.gov
www.efsec.wa.gov
~~~~~~~~~~~~~~~~~~~~~~~~~~~

Responses to Draft EIS Comments in Individual Letter 3 from Robert Kruse (Exhibit: Green Dot Map); Kittitas County Landowner

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

3-1. Thank you, your Exhibit (Green Dot Map) submitted in support of Mr. Hochstetter's explanation to the Council of what a Green Dot Map is has been noted. Please note that the Washington Department of Fish and Wildlife (WDFW) has indicated that Beacon Ridge Road is not under Green Dot Management (pers comm. Stream, 2005).

Wild Horse Wind PP
Draft EIS Comment- 4

Makarow, Irina (EFSEC)

From: Thomas Mahre [tlma@eburg.com]
Sent: Wednesday, August 25, 2004 9:13 PM
To: EFSEC
Subject: [SPAM] Wild Horse Wind Power Project; Zilkha Renewable Energy; Letter in Support of Zilkha and Windpower

Attn: Allen Fiksdal, Manager
Energy Facility Site Evaluation Council

I am a 40 year farm resident of Kittitas County and I have sat back for years listening and reading the pros and cons about windpower in our county and I have decided to speak out in favor of wind power plants.

I base my opinion on the fact that my family has leased land for approximately 25 years to Altamont Infrastructure in the Montezuma Hill region of Solano County in California for the purpose of harnessing wind power. My family has enjoyed the relationship with Altamont; the dry-land farming operation has not been interrupted nor has the existence of the wind generated machines affected the herds of sheep my family raises or the wild native critters and vegetation negatively. There are approximately 100 wind generating machines in operation in the past 25 years and in addition my family has leased property to FPL Energy and Enxco presently under construction of additional new and more powerful and efficient wind generating machines. 4-1

The property I am referring to consists of large rolling hills with a view of Pittsburg, San Jauquin confluent, Suisun, Oakland and San Francisco are in the distance and the lights at night are spectacular. The wind generating machines are spread throughout the Montezuma Hills not only on family property but on other property as well. However, the generating machines on our property are on the hill-tops less than 1/4 mile from the ranch houses. To the West towards San Francisco Bay and approx. 1 mile of the nearest wind power machine is a very large California Game Reserve called the Suisun Fish & Game Reserve. 2 miles to the South of the family property the Sacramento and SanJuanquin rivers join the Bay. Approximately 13 miles to the East is the Sacramento Delta, a region ripe with fish and game. The migratory flight path is in part over and through property where wind power is generated.

To my knowledge the machines have not created or caused any negative environmental impact to man, fish, fowl or mammel and the studies have been numerous prior and after construction of the machines. The machines are quiet and non disruptive. The machines have if anything increased the property values. The machines add to the view rather than detract from it. The monies generated from wind power have helped the property owners, many of whom are aging farmers. The power generated is sorely needed in our economy, it is clean and efficient energy and does no harm whatsoever to the eco-system and environment. 4-2

I am fed up with Kittitas County Commissioners who can't make a decision that benefits working family farmers who own the land in the county that is desireable to wind power companies for fear of stepping on the toes of environmentalists or opportunists who have migrated to our county from other states or westsiders who have bought property, built homes for "the natural senic view" and who have no intention what-so-ever to make their living in our county. It is time for the naysayers to stop slinging muck that just doesn't stick and allow those who wish to lease their properties to do so.

Lynne Mahre

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Responses to Draft EIS Comments in Individual Letter 4 from Lynne Mahre; Kittitas Valley Resident

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

4-1. Thank you, your comment has been noted.

4-2. Thank you, your comment has been noted.

Wild Horse Wind PP
Draft EIS Comment- 5

Makarow, Irina (EFSEC)

From: James Whitmire [whitmirej2000@yahoo.com]
Sent: Thursday, August 26, 2004 4:40 PM
To: EFSEC
Subject: WH Article_Beacon Ridge Road access is state's concern_August 1998[1].pdf

I would like to submit this into evidence in regard to the Wild Horse Project . 5-1

James Whitmire
p.o. box 1345
Ellensburg , Wa. 98926
509 929-0705

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County: Beacon Ridge Road access is state's concern

By MIKE JOHNSTON
Daily Record City Editor

ELLENSBURG — Kittitas County Commissioners believe concerns about whether the use of a private road east of here by recreationists can be best solved through a cooperative effort between road users, local property owners and state agencies, and shouldn't involve Kittitas County government.

The commissioners on Friday afternoon told the crowd packing the courthouse auditorium that the issue of using Beacon Ridge Road to get to state lands north of Vantage Highway for recreation is not something county government should address. The road, among other areas, leads to the Whisky Dick and Quilomene wildlife areas, known for their deer, elk and big horn sheep habitat.

Commissioner Max Golladay encouraged all concerned to work with the owner of the property on both sides of the road and come up with a plan to allow reasonable recreational access, with assurances that private property rights would be protected.

"It's not a county road or a county land issue," Golladay said. "This is a state issue." Some in the room reminded commissioners they have the authority to declare the private road as a public road due to its regular use over the years, but Golladay said that authority shouldn't be abused.

Golladay said state agencies sell hunting licenses that encourage use of state lands by hunters, and it seems logical for state agencies to be the ones assuring access to those lands. Commission chair Mary Seubert called on state agencies to respond to the need to develop a road access agreement.

Those in attendance at the study session — representatives of the Kittitas County Field and Stream Club, local sportsmen, the state Department of Fish and Wildlife, and the Grant County cattleman who leases the private lands on both sides of the road — agreed to try and develop a road management plan for Beacon Ridge Road.

If such a plan is worked out with the property owner, Wildlife Agent Bill Essman said he and his officers would adequately signpost the road warning people to not trespass on private lands and to follow other rules, and would enforce those rules.

Essman said past attempts by his department to work out an access agreement with the private landowner were met with a lack of interest.

The private road is located about eight miles east of Kittitas off Vantage Highway and heads north through private property owned by the American Minerals and Land Corp., and Land Promotion Services Co.

The land is leased to Grant County cattleman John Courtright, who said he has had to lock gates and restrict access to side roads because of repeated problems with recreationists not respecting "no trespassing" signs, camping on private property, damaging and cutting fences and gates, leaving gates open, and dumping trash and other garbage. Courtright stressed he couldn't speak for the property owner.

Although he usually allows access during the fall hunting season, Courtright said problems have been mounting, along with the costs to him of responding to downed fences, trash, trespassers and his wandering cattle, which have gotten out from fences and gates that have been broken down. Efforts by the Kittitas County Prosecutor's Office in talks with Courtright allowed hunting access last fall.

Gordon Blossom, of Thorp, a field and stream club member and former county engineer, urged commissioners to declare Beacon Ridge Road a public road, along with private sections of Caribou and North Caribou roads. He said private roads, historically, have become public roads through action of county government recognizing their longtime public use. Making the roads public would also help in providing quick

Please see COUNTY, Page 5

County says road access is state issue

Continued From Page One

routes for emergency medical service vehicles, he said.

Courtright said problems began increasing about five years ago and pressure from recreationists attempting to use the private lands started getting worse two years ago. Illegal dumping on his leased land has included the dumping of refrigerators. He said he has no problem with working with other property owners to get access to their lands from the road, and said he was willing to provide keys to these owners.

He stressed that the local sportsmen and hunters assembled at the Friday meeting were not the people he has problems with, but said those in the audience were probably only "one-tenth of one percent" of the people using the road.

"I don't have an issue with you here," Courtright said, but the many others either not living in the area or who don't care about private property. "I can't run recreation for everyone." He also said he wished other roads leading to the state lands could be opened that would take pressure off the private Beacon Ridge Road.

TORY, CALL 925-1414 or 1-800-676-4850

8/27

Responses to Draft EIS Comments in Individual Letter 5 from James Whitmire (Exhibit: Daily Record Article); Kittitas Valley Resident

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

5-1. Thank you, your submittal has been noted. The legal status of Beacon Ridge Road appears to be clear: Kittitas County has stated unequivocally that the County does not consider this to be a County or public road. This position has been stated by the BOCC when this issue was raised in May 1998, in 2004 by County Attorney Jim Hurson on the record at an EFSEC hearing, and again recently by Public Works Director Paul Bennett to Zilkha staff. The gate from Vantage Hwy is currently not locked and the private landowner has allowed public access, with some interruptions, for many years. Anthony Hoare, the attorney representing the private landowner at the site, has stated he has documentation to prove the road has been periodically closed and locked to the public so as to maintain it as a private road, which the landowners have chosen to allow the public to use at their discretion. The Applicant does not believe there is any merit to the legal claim that this is a public road, and the County has made it clear they don't intend to pursue such a claim.

Nevertheless – the Applicant has agreed to allow controlled access to the property to allow landowners to access their property, as well as to allow recreation activities and hunting. The DEIS has been revised and conditions for access are indicated in Section 3.5.2.2 of this FEIS.

Wild Horse Wind PP
Draft EIS Comment- 6

Makarow, Irina (EFSEC)

From: RAINWELD@aol.com
Sent: Tuesday, August 31, 2004 12:43 PM
To: EFSEC
Subject: [SPAM] Wind Turbine Alternative Sites

Mr. Fisksdal- as a resident and land owner of Kittitas County I am against any siting of Wind Turbines in any part of the county. The siting of the turbines would permanently destroy the beautiful scenery that this county has to offer. 6-1 However if the Wind Turbines did have to be sited within the county the best alternative site would be at Whiskey Dick Mountain. The reasons this site is a better alternative site are many-Whiskey Dick is not as important of a scenic byway, the area has only one land owner whereas the 97 project would be built as close as 1000 ft within adjacent property owners. Whiskey Dick also would have fewer environmental issues to deal with and the nearest neighbors to the Whiskey Dick site would be 2 miles. 6-2 Mr. Fiskdal I would hope you take all considerations for not siting the Turbines in Kittitas County, but if we do have to have the turbines in Kittitas County hopefully they would be at Whiskey Dick a place where the towers would be less unsightly. Thank You for your consideration David Forster

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Responses to Draft EIS Comments in Individual Letter 6 from David Forster; Kittitas Valley Resident

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

6-1. Thank you, your comment has been noted. The visual impacts of the project have been analyzed in Section 3.10.3 of the DEIS. A new proposed site layout complying with FAA regulations and two new visual simulations reflecting the removal of some previously proposed turbine locations along the Whiskey Dick ridgeline are presented in Chapter 1 and Chapter 3, respectively, of this FEIS.

6-2. Thank you, your comment has been noted.

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Erin Duleba
P.O. Box 50346
Bellevue, WA 98015
(425) 765-0378

August 26, 2004

Allen J. Fiksdal, Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Subject: Comments in opposition to the proposed Wild Horse Wind Power project

Dear Mr. Fiksdal,

I oppose the proposed Wild Horse Wind Power Project due to the proposed project area location. The proposed project area consists of about 13 sections of land mostly in T18N, R21E, adjacent to the Whisky Dick Wildlife Area in Kittitas County, Washington. The proposed project area lies within the largest remaining block of shrub-steppe lands in Washington that is vital habitat for numerous species of birds and mammals. The proponent, Wind Ridge Power Partners, L.L.C., has requested to build and operate a generation facility consisting of up to 158 wind generation turbines. The proposed project would forever destroy and alter rare shrub-steppe habitat. The proposed project would forever alter the wildlife behavior and use of the project land and the adjacent state owned wildlife areas. The proposed project would forever alter the recreational opportunities on the project land and the surrounding areas such as photography, landscape and wildlife viewing, and hunting. Please choose a different area for development of wind power. I urge the State of Washington to appropriate sufficient funds to purchase the privately owned Whiskey Dick Mountain and Skookumchuck Canyon areas and protect them from any and all development. 7-1 7-2 7-3

The proposed project area is vital to the health of the Colockum elk herd. The Colockum elk herd is deteriorating and the proposed project would put greater stresses on the herd due to habitat destruction, visual and audible disturbances during construction and during operation and maintenance. The following taken from WDFW Fact Sheet "Elk and skiers at Mission Ridge", May 2001, by Dave Ware supports the above comments: "Colockum elk are currently in decline, with not enough calves born or surviving to adulthood to replace older animals that die. WDFW biologists believe that **decline is due to two factors- reduced forage and increased disturbance**." "Both of these factors have led to an increase in problems with elk damaging private agricultural croplands. The less forage and more **disturbance elk encounter in their natural setting**, the more likely they are to move on to these lands and damage valuable crops. Often offending elk have to be purposely killed, adding to the overall herd decline." 7-4

There are three state wildlife areas inhabited by the Colockum elk herd, the Whiskey Dick, the Quilomene, and the Colockum. These areas combined are some of the most unique in the state due to the fact that elk and mule deer can travel from summer range to winter range without any major human developments or obstructions. However, there are large areas of privately owned property between and around the Quilomene and Whiskey Dick Wildlife Areas that are in danger of being developed by this proposed project and therefore threaten the continuity of the surrounding state owned wildlife habitats. The value of contiguous summer and winter range can be seen by looking at the nearby Yakima area. The Yakima elk herd does not have the freedom to move to winter range and therefore much human intervention is required as stated in the following from the WDFW Game Management Plan July 2003 - June 2009: "A large percentage of what is considered to be historic elk winter range prior to European settlement has been removed due to agriculture and housing development. At current population levels, **some elk in Washington must be fed every winter due to inadequate winter range**. To prevent elk in the Yakima herd from causing agricultural damage, **elk fencing and a winter feeding program was established**." "Elk winter feeding programs can be problematic. They are **expensive** and cause elk to congregate at high densities, where they have a higher potential for spreading diseases." 7-5

We have the ability to preserve the land that is proposed for development and it is completely dependent on our policies as stated in the following from "Elk in Washington" published by the WDFW: "The future of Washington's elk depends entirely upon sound wildlife management policies. With civilization's borders constantly encroaching upon the wilderness areas which form natural elk habitat, **adequate ranges must be maintained for their survival**. Purchases of wildlife Areas, and artificial feeding programs on Department lands have been beneficial to elk populations, particularly in the Yakima area where winter range is lacking."

One of the privately owned areas that the proposed project threatens to develop is on and around Whisky Dick Mountain. The wildlife in the proposed project area would be threatened but there would also be associated negative impacts imposed on the wildlife in the bordering state owned wildlife lands. The proposed Wild Horse Wind Power Project area borders the West side of the Whiskey Dick Wildlife Area. There are at least six natural springs that are located within the project site that are critical to the local elk and mule deer populations. Of all the places to build and develop, this is not a good choice if you consider the value of the uninterrupted shrub-steppe range land, the value of the historical animal populations and behavior patterns, and the value of the traditional hunting and recreation use by man. 7-6

There is also potential development on the private land directly in-between the Whisky Dick and Quilomene state wildlife areas called Skookumchuck Creek Canyon. Skookumchuck Creek is one of the few in the area that has year-round water and does not have a road up the bottom of the canyon. This is a truly critical canyon for elk in the winter and for mule deer all year long. In Skookumchuck canyon, I have observed multiple elk herds of over 70 animals in each herd on the same day. It is an awesome and beautiful area that I hold dear to my heart. Skookumchuck Canyon and the areas surrounding Whiskey Dick Mountain must be protected from development. 7-7

There is much to be lost by the proposed Wild Horse Wind Power Project. The proposed project would destroy critical shrub-steppe habitat. The proposed project would cause disturbance to the native animal populations. The proposed project would destroy recreational opportunities. Please choose a different area for development of wind power. I urge the State of Washington to appropriate sufficient funds to purchase the privately owned Whiskey Dick Mountain and Skookumchuck Canyon areas and protect them from any and all development. 7-8 7-9

Sincerely,
Erin Duleba

Erin Duleba

Responses to Draft EIS Comments in Individual Letter 7 from Erin Duleba; Bellevue, WA Resident

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

7-1. Thank you, your comment has been noted. The proposed permanent project footprint (165 acres) would occupy 2% of the 8,600 acres of project area. Mitigation ratios have been proposed that are consistent with WDFW wind power guidelines and temporary impacts shall be mitigated. Furthermore, the Applicant has voluntarily committed to place the entire Project area in a conservation easement (Appendix C).

7-2. Thank you, your comment has been noted. See response to Comment 1-1, and to Comment 7-4 below. The Applicant will implement an adaptive management approach to allow access to and through the Project Area and recreational use of the site. Refer to the revisions in Section 3.12.2.2 regarding controlled access.

7-3. Thank you, your comment has been noted. Purchase of the privately owned Whiskey Dick Mountain and Skookumchuck Canyon by the state of Washington is beyond the scope of this EIS. The Applicant has voluntarily committed to placing the property in conservation easement.

7-4. The project area is used primarily as winter range by the Colockum elk herd, although some year round use also occurs. Several Mitigation measures listed in Section 3.5.4 of this FEIS are intended to avoid or minimize impacts to elk. Results of a recent study on the interactions of elk populations with operating wind farms conducted in Oklahoma were inconclusive but found no evidence that operating wind turbines have a significant impact on elk use of the surrounding area (Walter et al 2004). This information has been added to the Draft EIS and appears in Section 3.5.2.2 of this FEIS. The project would result in the permanent loss of approximately 165 acres of habitat, however this habitat loss would be offset by the approximate 600 acres mitigation parcel, form which livestock would be excluded either through cessation of grazing in the project area or through fencing, thus providing improved habitat quality for elk. As stated in Section 3.5.4.3 of this FEIS, the Applicant would also allow limited and controlled hunting on the site and allow WDFW access to the site to manage big game herds and minimize potential big game damage to nearby agricultural lands.

7-5. Thank you, your comment has been noted. As noted in Comment 7-1 above, a total of approximately 165 acres of the 8,600 acre project site would be permanently impacted, with the remaining area in it's current condition and available for use by big game. In addition, the Applicant has voluntarily committed to place the entire Project Area in a conservation easement.

7-6. Thank you, your comment has been noted. Please note that springs in the project area would be protected from further degradation by livestock as described in revised Section 3.5.4 of the DEIS, and in this FEIS.

7-7. Thank you, your comment has been noted. Please note that Skookumchuck Creek Canyon is outside of the WHWPP project area.

7-8. See Section 3.5.2 of the DEIS for an analysis of loss of wildlife habitat and potential disturbance impacts.

7-9. Thank you, your comment has been noted.

Wild Horse Wind Pl
Draft EIS Comment-8

Makarow, Irina (EFSEC)

From: lee bates [bateslee@eburg.com]
Sent: Thursday, September 02, 2004 8:36 AM
To: EFSEC
Subject: [SPAM] Wild Horse Wind Farm Project DEIS Comments

Dwight Lee Bates

1509 Brick Road

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August 5, 2004

Allen J. Fiksdal

Manager, EFSEC

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Olympia WA

98504-3172

Dear Mr. Fiksdal,

This letter contains my comments on the Wild Horse Wind Farm Project DEIS. I am against the project. 8-1

Bird Kills

The summary of projected mortality of birds and bats (pages 3.5-24 and 25, 1-72 and73) shows the research for this DEIS is incomplete. Studying other studies and giving a range of information does not substitute for doing an actual two year study of the turbine sites for the Wild Horse Project. The species listed (Section 3.5) offers a reason for a thorough two year study and future monitoring. 8-2

Bird and Bat Kill Mitigation

Mitigation methods (Table 1-2, page 1-20 and Section 3.5) to reduce bird and bat kills is not satisfactory. The real problem is the 20 RPM blades cause bird kills. The estimated number of kills in Altamont Pass, California is 44,000 birds in 20 years. The only mitigation is to not build turbines period. 8-3

Study on Bird Kills

A two year study is needed before even writing this Draft Environmental Impact Statement (DEIS). We should halt this process until the two year study is done. Section 3.5 shows a complete two year study needs to be done. 8-4

Passerine Bird Kills

The estimated kills of birds and bats (pages 3.5-24 and 25, 1-72 and 73) is unacceptable for the minor amount of electricity generated by these bird and bat killing turbines. 8-5

Fire

The fire mitigations (pages 3.15-16 and 17, 1-78) are not good enough. Fires fanned by the wind have occurred in the area in the past. I do not want to lose my house like happened in the California fires. A Quick Response Plan by Department of Natural Resources is needed. It goes without saying that a Fire Prevention and Suppression Plan is needed. Without this Plan which should have been submitted in the DEIS, this process should not proceed further! Promises to provide a plan in the future (pages 3.15-18, 3.12-1) is not good enough. 8-6

Page 2

Visual Impact of Turbines

The 410 foot high turbines (Section 3.10) are too high. They will impact the scenic view. I retired here for the scenic views of the valley. I do not want to see these 410 foot turbines with flashing lights all hours of the day. 8-7

The people on the I -90 and Vantage Highways will see these 410 foot turbines. These turbines should not be located anywhere near I-90. Wind farms are not scenic. Do not give me it is in the eye of the beholder. They may interesting at first but this soon fades. I have seen wind farms at Stateline, Tehachapi and Palm Springs so I know what I am talking about. 8-8

The simulated views of turbines are ugly. I do not want to see 410 foot monstrosities out in the country where I drive to relax! You people have no right to destroy a scenic valley I retired to for the scenery. The only reason you want to destroy the scenery with ugly turbines is your greed for the Federal Subsidies. Painting the turbines gray will not help. I do not

want to see any turbines at all.

Shadow Flicker

People living near these turbines report health problems

Which should be studied at these turbine sites. People living near the Lincoln Township Wisconsin Wind Farm stated in a survey (8-9

available upon request) that shadow flicker causes a strobe effect throughout their houses causing headaches and sick to stomach

Page 3

cases. Shadow flicker was not properly addressed in this DEIS (page 3.10-25). How about the recreational users and the wildlife. They will experience shadow flicker. 8-10

Blade Throw

A set back from these turbines is needed. I disagree that there is no impact and no risk to the public as stated in the DEIS (page 1-78). Blades and ice could be thrown 1000 feet in a high wind. To ensure safety a 2000 foot set back from roads is needed. The measures to reduce blade throw are both mandatory and common sense. What report can the public see to ensure inspections take place on a regular basis? Why is not a maintenance plan included in this DEIS? 8-11 8-12

Ice Throw

Mitigation measures to locate these turbines 2000 feet from roads should be stated to ensure safety. I disagree that there is no impact and risk to the public as stated in the DEIS (page 1-78). Monitoring sensors to make sure the system shuts down in icing conditions are needed. A 2000 foot set back from public roads is needed to prevent a passer by on the road from getting hurt. This 2000 foot set back is needed to ensure safety. A major injury law suit could shut down the project. 8-13

Tax Savings

The tax savings for this project stated (page 3.16-20) of $3.8 million per year is in error due to initiative 747. This limits the growth of local government property tax revenue to 1% per year. 8-14

Page 4

This DEIS is in error, is insufficient, incomplete and lacking data. It should be redone. To say it is a draft is not good enough. It should be written as thoroughly as possible before being submitted to the public for review. Does not the writer know the impact of these monstrosities in the Kittitas Valley for years to come?

Impact on Historical Culture

The DEIS stated there are no anticipated unavoidable adverse impacts to cultural resources as a result of the construction and operation of the project (page 3.13-23). This ludicrous! There was plenty of time to study this. This DEIS is insufficient, incomplete and lacking data. It should be redone. A Supplemental EIS needs to be done per Section 106 Regulations of the National Historic Preservation Act (NHPA) 8-15

(page 3.13-1). The respect for the Yakama Tribe is lacking. The tribe's culture depends on preserving Historical Sites. This DEIS should not proceed without a response from the Yakama Nation since no response has been received to date (page 2-51). Also 38 cultural sensitive areas have been identified (page 2-46). 8-15

Wildlife

I disagree with the statement in the DEIS (page 1-72) that the impacts on deer and elk are expected to be low. Approximately 300 acres of mule deer winter range would be permanently lost due to the project (page 3.16-9). Also what is the impact on the species listed on page 3.5-9 to 12? 8-16 8-17

Power Generated

The level of generated power listed (page 1-5) shows that these monstrosity turbines generate only a minuscule amount of power. The beauty of a scenic valley is not worth destroying for so little

Page 5

power generated. Studies show that five tenths of one per cent of

Washington power needs is all these turbines will

generate. We now sell our power to other states due to our dams

high output. We do our part to generate national electricity. Let other states do their share by building efficient dams in their

states as we have done. Wind farms are not the answer! 8-18

Lights

These turbines will cumulatively contribute to increased nighttime lighting in the Kittitas Valley (page 3.10-24). These lights are likely to have an adverse cumulative effect on views from residential properties in the Kittitas Valley. This is unacceptable! I retired here for the scenic view. I do not want to see these horrible turbines with their flashing lights day and night. The low power output does not justify building these turbines anywhere. They are not cost effective. I hate the lights we now have on the obnoxious cell phone towers in Kittitas County. The turbine red and white flashing lights (page 3.10-24) are too intense and will ruin views. 8-19

Noise

The statement in the DEIS that the residents will not experience elevated noise levels (page 3.8-5) is not true. The Lincoln Township Wisconsin Survey shows that residents can not stand the constant noise from the turbines and have resulting health problems. The noise level of 50 dBA (page 3.8-5) for these

turbines will affect the local residents. This figure is too low since 50 dBA is equal to a quiet office. A more accurate figure is 70 dBA which is equal to busy traffic (page 3.8-2 from the Wild Horse Wind Power Project DEIS). This 70 dBA noise level will affect the health of local residents as the Lincoln Township Survey 8-20

Page 6

shows. The Lincoln Township Wisconsin Survey showed 67% of

people near the wind farm were awakened by wind turbine noises.

Decommissioning

Where is the information on a bond Zilkha should post so we can tear down the turbines when they result in being eyesores, inefficient and a waste of taxpayer money? I think Zilkha will be long gone having sold the wind farm when we tear them down. 8-21

Aircraft Safety

I disagree with the DEIS statement that: " There would be no cumulative significant impacts to air transportation resulting from development of these projects "(page 3.16-26). How can this be when 27 of the proposed turbines would intrude into the projected air space for Bowers Field (page 3.16-26). I am a Private Pilot who flies in the Kittitas valley and these monstrosity turbines are in the way. Midstate Aviation at Bowers field trains CWU students to fly in the valley. The turbines are dangerous and unsafe for these students. The very fact that the Federal Aviation Agency requires lights (page 3.10-24) proves these turbines are a hazard to flight. 8-22

Setbacks

The setbacks stated as needed in the DEIS (page 3.15-4) of 344 feet are inadequate to protect from shadow flicker, flashing lights, noise, ice throw and blade throw. These set backs as I mentioned earlier should be 2000 feet to ensure safety. This is especially true in our litigation society. 8-23

Page 7

Property Values

Regardless of the untruths in the local Daily Record Newspaper

that property values would not be affected, the results of the

Lincoln Township Wisconsin Survey show that turbines within one mile lower property values by 26% and 74% of the people would not buy within a quarter mile of turbines. Real estate people in Kittitas county have stated that wind farms will affect property values. Who would want to live next door to these turbines? Where is the impact on the Kittitas County property values stated in the DEIS? This is another reason why this DEIS is incomplete and needs to be redone. I awaited anxiously one year for this DEIS. I was grossly disappointed in the quality of this DEIS! Is this DEIS an example of the quality of the turbines they build? 8-24

Dwight Lee Bates

1509 Brick Road

Ellensburg WA

98926

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bateslee@eburg.com Page 8

Responses to Draft EIS Comments in Individual Letter 8 from Dwight Lee Bates; Kittitas Valley Resident

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

8-1. Thank you, your comment has been noted.

8-2. Mortality estimates provided in this FEIS are based on observed mortality rates at a number of wind energy developments. A range of rates is provided as opposed to an average number to incorporate uncertainty into the predictions, since actual mortality rates cannot be predicted. The Applicant has completed a one-year study of bird use of the WHWPP site, which exceeds the minimum requirement of one season of survey contained in the WDFW Guidelines for Baseline and Monitoring Studies for Wind Projects (WDFW 2003). The Applicant has also committed to post construction monitoring, as described in Section 3.5.4.4 of this FEIS.

8-3. See Section 3.5.3.2 of the DEIS for a discussion of impacts of the No Action Alternative on wildlife. It is widely recognized that conditions at Altamont Pass are conducive to high numbers of bird kills, and comparable numbers have not been recorded at other wind power facilities. Based upon the information obtained during wildlife studies for the WHWPP, mortality comparable to that observed at Altamont Pass is not expected for the WHWPP. Post-construction monitoring will be conducted to establish mortality levels for the WHWPP, as described in Section 3.5.4 of this FEIS.

8-4. The Applicant has completed a one-year study of bird use of the WHWPP site, which exceeds the minimum requirement of one season of survey contained in the WDFW Guidelines for Baseline and Monitoring Studies for Wind Projects (WDFW 2003).

8-5. Thank you, your comment has been noted.

8-6. The Applicant has entered into a Fire Service Agreement with Fire District #2 to provide expanded protection services for the project site. The Applicant has also committed to developing a Fire Control Plan for the project.

8-7. The Applicant has prepared a preliminary lighting plan. See Figure 3.10-11 in this FEIS for the proposed lighting Plan. The final lighting plan will have to meet FAA requirements. The visual impact of the lighting plan is determined to be low. The visual impacts of the project have been analyzed in the DEIS.

8-8. Thank you, your comment has been noted.

8-9. As stated in Section 3.15.2.2 of the DEIS, the proposed project should not produce shadow-flicker effects on any residences in the area because the residences are too far from the turbines and are shielded by existing terrain that separates them from the turbines. Further, the flicker frequencies that would be produced by the project turbines would be well below those reported to potentially cause health effects. The Lincoln Township survey reported anecdotal effects and it was not peer reviewed. The

Keewaunee County Coop Extension posted the following disclaimer: Information on wind turbine survey has not been peer reviewed by University of Wisconsin-Extension and the University cannot endorse the information contained in the documents (pers com. Pat Walsh, Feb 6, 2004).

8-10. A detailed discussion and analysis of the project's potential to create shadow flicker and any potential health effects is included in Appendix A of the DEIS. The briefing states, "Typical blade pass frequencies for the types of turbines under consideration for the Wild Horse Project are 0.6 to 1.0 Hz (less than 1 alternation per second). In terms of health and safety, such low frequencies are harmless. Frequencies higher than 3 Hz but below 10 Hz are widely used in strobe lights found in discotheques and the Epilepsy Foundation has made a statement that frequencies below 10 Hz are not likely to trigger epilepsy seizures." Published research is not readily available on the affect of shadow flicker on animals. Recreational users would be moving through the area and would be subject to shadow flicker only on a temporary basis.

8-11. As stated in Section 3.15.2.2 of the DEIS, ice, blade fragment, and blade throw would extend perpendicular to the wind direction and downwind from a turbine. Because of the significant distances from the proposed tower locations to existing residences and public roads, and restricted site access, the proposed project should not result in any risk to the general public due to ice, blade fragment, or blade throw. A safety setback of 541 feet has been incorporated between Project wind turbines and residences located outside the Project boundaries through the Development Agreement with Kittitas County (Appendix A).

8-12. Typically, detailed maintenance and inspection plans are not produced at this stage in the development of a project. Rather, the requirement for their production and implementation would be specified in the Site Certification Agreement issued by EFSEC, if the project is ultimately approved by the Governor. The review, approval, and monitoring of such plans are normally conducted by EFSEC staff or their designees. Section 3.15.4 of the EIS, Mitigation Measures, lists emergency plans that will also be submitted to EFSEC and local emergency response organizations for review and approval.

8-13 See response to Comment 8-11.

8-14. The project would result in added annual property tax revenue for the County. Based on project cost estimates from Zilkha and on information on tax assessment procedures and levy rates from both Washington Department of Revenue and the Kittitas County Tax Assessor, it is estimated that the Wild Horse project will increase property tax collections by approximately $460,000 (Pitzler 2004). Because of the recently passed Initiative 747, which limits property tax increases in Washington State, it is possible that this benefit would be received in the form of lower taxes for other property owners rather than an increase in tax revenues. Should the project be purchased by a local utility, such as PSE, the project, subject to certain exemptions from Initiative 747, could generate an estimated $1.9m in new tax revenue (Grover 2005).

8-15. Thank you, your comment has been noted. The Applicant has conducted both records and ground surveys; and entered into a contract with the CCT to conduct a traditional cultural properties (TCP) study to be provided to EFSEC. The CCT have completed the TCP study, and revision has been made to the DEIS and appears in Section 2.11.4 of this FEIS. Both EFSEC and the Applicant contacted the Yakama Nation regarding the WHWPP. EFSEC provided the Yakama nation with a copy of the DEIS and the FEIS.

8-16. The conclusion that impacts to elk and deer habitat would be low is based on the finding that the approximately 300 acres of habitat that would be cumulatively affected by the three currently proposed projects is less than 2% of the total amount of the habitat currently available on the three sites and is less than 0.5% of the amount of winter range available in the vicinity of the project sites.

8-17. Potential impacts on these species are described in Section 3.5.2 of the DEIS. Impacts are described in the text of the DEIS rather than in a table.

8-18. The Draft EIS accurately and consistently refers to between 158 to 312 MW as the nameplate capacity of the proposed project, which is defined as the maximum output at a given time. The project is expected to have a 33% net capacity factor, and therefore would generate approximately 67 aMW under the middle scenario.

Regardless of the percentage contribution to meeting projected electricity demand in the Pacific Northwest, the Applicant has identified a need for a wind energy project based on analysis of market information and requests by regional utilities for the development of renewable energy sources. There is ample evidence to support the claim that there is a strong and growing interest by Northwest utilities to acquire renewable resources, in particular wind, to meet future resource needs. Because of the continued volatility of gas prices, the increased dry or drought years in the Northwest, and the growing potential for future additional regulation of environmental emissions, utilities are concluding that a diverse portfolio is the best strategy. Many of the major investor-owned utilities and public utilities are finding that wind power is a cost-effective resource today (for more information see Ling, Prefiled Testimony, Exhibit 70 for the proposed Kittitas Valley Wind Power Project). For example, Puget Sound Energy (PSE) estimates that wind energy will be “25 percent cheaper than natural-gas fired power and 5 percent cheaper than coal-fired power” (Duryee 2004).

For three of the four Pacific Northwest utilities actively seeking to integrate renewable energy sources into their system (PSE, Avista Corporation, and Portland General Electric), a total of 395 MW is currently being solicited for wind power capacity. Further discussion of how much wind power capacity the regional utilities are seeking is provided in Section 1.2.2 of the Draft EIS.

Section 1.2.2 of this Final EIS has been updated to reflect recent changes in the demand for wind power by local utilities that have occurred since publication of the Draft EIS. For example, in September 2004, PSE announced plans to buy the WHWPP in Kittitas County. PSE also estimated that by 2008 it would need power sources that could generate 350 MW more power to serve its growing number of users (Duryee 2004). Also, PSE has acquired and will begin construction of the Hopkins Ridge project near Dayton, WA. Furthermore, in February 2004 PacifiCorp issued a request for proposals for up to 1,100 MW of renewable resources, including wind.

SEPA regulations (WAC 197-11-440[4]) require the EIS to specify the purpose and need to which the proposal is responding. The regional demand for wind-generated energy exceeds the existing regional supply. This economic fact supports the underlying need for the project.

8-19. The Wild Horse project would have limited potential to add to cumulative impacts from the three proposed wind farms on night lighting since the site is located 14 miles away from the Desert Claim proposed site and 21 miles away from the Kittitas Valley proposed site. Turbine lighting is required to comply with FAA regulations.

8-20. Results of noise surveys near Wisconsin wind turbine projects are not directly meaningful for this FEIS. Noise levels caused by operation of wind turbines depend on the source:receiver distance, and for the Wild Horse project the nearest homes are far from the proposed turbine strings. As described in Table 3.8-7 the predicted wind turbine noise level at the homes nearest the Wild Horse project (more than 1.75 miles away) is less than 35 dBa, which is lower than the likely nighttime background noise levels.

8-21. Revisions have been made to the DEIS and appear in Section 2.2.6 of this FEIS for discussion related to Decommissioning.

8-22 The FAA has completed their review of the project and has issued Determinations of Non-Hazard (DNH) for 127 wind turbine generators (an example DNH is included in Appendix C of this FEIS). Turbines A1, A2, A3, B1, B2, B3, D1, D2, and D3 will be removed from the original proposed locations (see revised Project Site Layout, Figure 1-4). The FAA considered all IFR Approach and Departure procedures and other published IFR procedures, and also studied the effect of proposal(s) on IFR procedures known to be in development for the Ellensburg Airport. All proposed towers are below a FAA 4,000ft AMSL structure ceiling, which covers the project area. Future review of impacts of the WHWPP on Ellensburg airport has been incorporated into the Kittitas County Development Agreement. Please note that all 27 proposed turbines (since revised to 10) are part of the Desert Claim project.

8-23. See responses to Comments 8-9 and 8-11.

8-24. Refer to Section 3.11.2.2 of the DEIS for a discussion related to property values. Additional information regarding the affect a wind power project might have on property values in the vicinity is provided by Barton DeLacy in the Applicant's Prefiled Direct Testimony (Exhibit 35) which can be viewed on the EFSEC website at (http://www.efsec.wa.gov/wildhorse/adj/adj.html).

As stated in Mr. DeLacy's prefiled testimony, the Evergreen survey indicated a very high level of awareness of the pending Kittitas Valley and Desert Claim projects, however the analysis conducted showed no negative impacts on property values and sales based upon knowledge of the pending Kittitas Valley Wind Power Project.

Wild Horse Wind PP
Draft EIS Comment- 9

Makarow, Irina (EFSEC)

From: Clear, Gwen [GCLE461@ECY.WA.GOV]
Sent: Wednesday, September 08, 2004 2:33 PM
To: EFSEC
Subject: Wild Horse Wind Power Project

Thank you for the opportunity to provide comments on the Wild Horse Wind Power Draft EIS. We have reviewed the document and have the following comments.

Water Quality

Any gravel or concrete obtained from off site is to be from sources covered under the Sand & Gravel General Permit or otherwise approved (gravel sources only) by Ecology. 9-1

If you have any questions concerning the Water Quality comments, please contact Phelps Freeborn at (509) 454-7277.

Shorelands/Environmental Assistance

In sections 1.7.4 and 3.4.1.2, attention should also be directed to assessment of possible wetland impacts from project access road crossings (upgraded and new roads) of drainage swale and riparian areas. It was not clear from document language if upgraded transportation corridors outside the project boundaries were also assessed for wetland impacts. 9-2

If you have any questions concerning the Shorelands/Environmental Assistance comments, please contact Catherine Reed at (509) 575-2616.

Sincerely,

Gwen Clear
Regional SEPA Coordinator
Department of Ecology
Central Regional Office
15 W. Yakima Ave, Suite 200
Yakima, WA 98902
(509) 575-2012

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Responses to Comments in State Agency Letter 9 from Gwen Clear; Washington Department of Ecology

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

9-1. Sections 2.2.3 and 3.1.4.1 of the DEIS discuss the Sand & Gravel permit.

9-2. Sections 1.7.4 and 3.4.1.2 have been revised to reflect that no streams, wetlands, or riparian areas will be impacted by construction of Wild Horse Project facilities and that no project access roads cross any streams or riparian areas. Section 3.4.2.1 has been revised to include no impacts to wetlands from upgrading the project access driveway through Sections 9 and 4.

EFSEC
925 Plum Street S.E., Bldg 4
Olympia, WA 98504-3172

September 6, 2004

To the Council Members:

At the public hearing on the DEIS for Wild Horse Wind Power Project in Ellensburg, I spoke briefly in support of the thorough report and the recommended mitigations addressing the concerns that had been expressed. I have supported the wind farm proposals for Kittitas County since they were first made public over two years ago.

I came to this valley 51 years ago when my boys were five and seven. I knew we had been blessed that life had brought us to such a beautiful and majestic country. Wind turbines will not destroy such grandeur; rather, turbines will be monuments to the wind which is, in part, created by the mountains and valleys to our northwest. Beauty is in the eye of the beholder and, therefore, is not subject to mitigation for many opponents.

My interest in wind energy is not for personal economic gain. It is a response to my long-standing concern about the degradation of our environment. I retired more than 17 years ago from my position as Senior Science Instruction Tech in Biological Sciences at CWU. During my academic and work years I was immersed in environmental concerns. I respect each of you for the knowledge and experience you have gained in your backgrounds. There is nothing that I can bring to your attention that you have not reviewed and commented on in the DEIS for Wild Horse.

I wholeheartedly support the Wild Horse Project specifically and the harnessing of wind for electrical energy in general. If you are interested in my general comments, I have attached copies of three of my most recent letters to the editor to help inform local residents of the benefits this clean resource. 10-1

Sincerely,
Helen Wise
Helen Wise
1106 East 3rd Ave.
Ellensburg, WA 98926

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To the Editor:

May 4, 2004

Our planet Earth is under stress. Much as we might like to deny it, we in Kittitas County are not isolated or insulated from the consequences of the many factors that contribute to earth's degradation. Among the many factors are: population, air pollution and global warming, loss of fertile land to wind erosion, water erosion, urban sprawl and highways. Add the overpumping of aquifers for irrigation---both the deep fossil aquifers which do not recharge and those nearer the surface which do recharge but not rapidly enough to replace water being pumped out.

Population exponentially increasing in a finite world means increased demands for water, food and energy. With all the global factors growing and interacting the prospect is agricultural, economic, social and political world chaos.

With recognition by all of us of the degradation of the earth that is taking place, with the knowledge and technologies we currently have (some old and many new) and with leadership we can work toward the goal of living in a sustainable world. Our biggest hurdle comes first. We must all realize that each of us is not only part of the problem but also we must be part of the solution. We must support those methods and technologies which reduce the degradation of our air, water and soil whenever we have the opportunity. Clean energy is an essential in this effort. Supporting the proposed wind farms is one step we can take here and now. Every step is urgent---time is not on our side.

For a clear picture of what is happening and what can be done, read Plan B:Rescuing a Planet under Stress and a Civilization in Trouble by Lester R. Brown. This book from the Earth Policy Institute is up to date and well documented. The Ellensburg Public Library has a copy and I have one to share.. .

The prospect for the next twenty to fifty years is devastating unless changes are made now. Plan B describes proven methods and technologies which can help reverse the degradation. Though I have been involved in environmental issues for many years, the reality of the extent of the damage and the speed with which it is happening bring a new urgency.

Helen Wise
Ellensburg
925-5594

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July 22, 2004

To the Editor

As we continue our on-going discussion of the pros and cons of proposed Kittitas Valley Wind Power Project and Desert Claim Wind Power Project, I would like to call attention to several points to consider as you read. Obviously, those of us who write have very strong concerns which seem to demand reiteration. Whether you follow the letters and guest columns to learn more about the wind farm issue or for entertainment, read them carefully and thoughtfully. Remember we should be focusing on current design and technology as described in the proposals as well as our concerns for increasing demands for electricity in a world that is being devastated by a myriad of human demands.

When opponents quote Altamont statistics they are referring to the first sizeable wind farm in this country. Generators were mounted on structures much like towers that support transmission lines. Unlike current design, Altamont towers offered lots of attractive perching sites for birds. Bird kill and countless other problems presented by the original Altamont wind farm have been addressed by engineers and technicians resulting in rapid improvement in design and technology of wind turbines. Comparing Kittitas Valley and Desert Claim Wind Power Projects to Altamont isn't possible on a l level meaningful for our discussion even though Altamont is still generating electricity. Yet experts in two guest columns (7/10 and 7/17) used Altamont for examples of bird kill. Don't the experts realize the examples are not relevant? Yes, but their statistics are true for Altamont and if the reader isn't aware that they don't relate to the Kittitas projects discussion., that is the reader's problem.

Several letter writers as well as the 7/17 columnist expressed concern that wildfires would be caused by wind farms. Wildfires are frightening and devastating. So far this year there have been two such fires in or near the proposed project areas, both caused by human activity. The columnist referred to fires at Altamont related to transmission lines. Transmission lines are essential to the distribution of electricity regardless of the mode of generation. There are many crossing our county and will remain there for the foreseeable future. As for the collector lines on the proposed wind farms, most would be underground. The DIES for Kittitas Valley Wind Power Project, for example, shows plans that less than 5% of the collection lines would be above ground.

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As for the turbines, the DIES on pages 2-19 and 2-20 gives details of fire safety features:

> "Each turbine would be equipped with an internal fire detection system with sensors located in the nacelle (engine room) as well as the tower base. The fire detection system would be connected to the main controller ....In the event of a fire, the turbine would be immediately halted and an alarm activated in the control system that can page or send a message to a cell phone of the on-call operators and/or the local fire district as required."

> "The turbines would be equipped with an engineered lightening protection that connects the blades, nacelle and tower to a grounding system at the base of the tower.....The blades would be constructed with an internal copper conductor with conductive path to the nacelle frame, which in turn would connect to the tower".

Having wind turbines in the area could be more of a protection than a hazard.

Again, focus on the projects here in Kittitas County. The first guest columnist says that wind power doesn't really mean less air pollution. Wind power is intermittent and "needs conventional power plants to supplement the power they do supply". Further, "most 'redundant' fossil fuel power stations must run, even if at reduced levels, continuously." In Kittitas County no one is talking about building a fossil fuel power plant to go with the wind farm. *In this state wind farms will be a supplement to hydropower.* The BPA's policy to integrate wind power into the grid makes sense in carrying out its mission and operations as well as making ecological sense.

Sincerely,

Helen Wise
1106 East 3rd Ave.
925-5594

Having just read the July 22nd In Our View "It's time to approve wind farms", I feel you have summarized the situation so well that nothing more needed to be said. I stopped writing but I urge all who have not read that July 22nd column to do so.

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To the Editor
Ellensburg Daily Record
Ellensburg, WA 98926

August 29, 2004

In the spring of 2002 when news was made public that a proposal to construct a wind farm in Kittitas County had been developed, I was eager to follow the permitting process and the progress of an alternative source of electrical energy. I attended, did lots of reading and studied the issues.

Two years later in a column (4/3/04) I delineated the events of the following months when the opponents made clear they would use every legal challenge they could to delay and defeat the project. After months of meetings without progress, filing with EFSEC was justified.

In yesterday's paper Senator Mullikin in her letter of support for local decision-making states that county commissioners "were elected to balance their constituents' environmental concerns, to protect their constituents' property rights, and to encourage the local jobs and economic development their constituents need."

On the other hand, EFSEC has jurisdiction in this decision as declared by DOE. EFSEC's process includes public hearings, directs the applicant to institute mitigations to meet concerns submitted and studies all aspects of the project including the oral and written comments from the public. Members, including Kittitas County representative Patti Johnson, have work experience to bring to the process.

As you put it in your 8-27 editorial "At some point county officials will need to accept EFSEC as lead agency in these projects and focus on working within the system to best represent the needs of the county residents." With county cooperation, wind farms will be a win-win situation. There will be economic benefits to those who lease land to wind energy production (a property right of the land owner) and lower tax rates for all county taxpayers when the turbines are on the tax rolls. School districts containing turbines will benefit accordingly when going for bonds. Added jobs during and after construction will also bring more money into the county. Let that point at which county officials accepts EFSEC as lead agency comes soon so we can, at last, start harvesting the wind.

Sincerely,

Helen Wise
925-5594

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Responses to Draft EIS Comments in Individual Letter 10 from Helen Wise; Kittitas Valley Resident

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

10-1. Thank you, your comment and submittals have been noted.

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS
Paul D. Bennett, P.E., Director

10 September 2004

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ENERGY FACILITY SITE
EVALUATION COUNCIL

Mr. Allen Fiksdal
EFSEC Manager, SEPA Responsible Official
P.O. Box 43172
Olympia, Washington
98504-3172

RE: Comments for the Wild Horse Wind Power Project Draft Environmental Impact Statement (DEIS)

Dear Mr. Fiksdal:

Thank you for this opportunity to submit comments on the Wild Horse Wind Power Project DEIS submitted by Wind Ridge Power Partners L.L.C., a wholly owned subsidiary of Zilkha Renewable Energy. The intent of this letter is to address areas of environmental concern regarding this project and identify areas that need further review on behalf of the Kittitas County Department of Public Works and Bowers Field.

Section 4.14.1.1 Existing Road Network. Transporter Route 1 through the City of Kittitas is unacceptable and should be eliminated for the following reasons:

1. Main route through town is structurally failing. Kittitas County Public Works deny's overlegal truck permits through the town due to the damage being caused to the main roads. Overlegal permits for this project would not be granted.
2. The main bridge through town is structurally deficient and is currently seeking funds for replacement
3. no 81 road is too narrow to accommodate the size of loads expected for this project
4. There are several 90 degree curves that must being taken by the equipment and would have a significant negative impact on the city.
5. Legal loads and legal lengths and widths would not impact the city.

There are two alternatives:

1> all traffic is restricted to Route 2 at vantage or
2> upgrade the roads, bridges and curves on Route 1 to adequately handle the traffic

11-1

3.14.1.2 Traffic Volumes. Numerous references are made to the County's 6 year program as the document that identifies all road deficiencies and solutions. This is incorrect. This program is resourced constrained and identifies what project can be

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reasonably funded and built within 6 years. For more details on the adequacy of each route please check with the Kittitas County Department of Public Works. 11-2

The intersection of the proposed access, across from the landfill is a potential hazard. EIS shall require a full design intersection based upon growing traffic, to include turn lanes. Structural improvements of the road may be required. Site distance for 60 mph must be proved or mitigated through route realignment of necessary. 11-3

3.14.2 Impacts of proposed Action. Table 4.14-4. The Conclusion of no adverse impacts to aviation is not supported by any documentation in the DEIS. The DEIS does not provide sufficient data to prove the instrument approaches to the two main runways are not impacted. Because of the restricted airspace to the South and the high terrain to the north are relatively narrow windows for the straight in approaches recently approved (but under application for last 3 years). Provide charts that show the approaches relative to the height and location of each tower. Requires FAA and Local sign off. This is a potential fatal flaw for this project unless it is resolved. You shall also demonstrate what impacts the towers have to VFR aviation through the use of charts and tower placement 11-4

Land Ownership and Use – Identify all existing Rights-of-way or public easements across the project property. Example – some public easements may exist in the vicinity of Wilson Creek and Charlton road and extend east. This identifies potential access routes and clearly identifies where tower setback are applicable. 11-5

Need to provide specifics on the potential size and location so impacts can be assessed

Schedule and General Sequence - References unspecified action to reduce and protect the county roads will be identified in the development agreement. Identify those now so we don't get into the position of agreeing now to agree on something in the future. If it is mitigation identified and approved in the EIS then it goes into the development agreement. 11-6

Operation I believe the impacts during tourist had been down played because of its uncertainty. I f there is so much uncertainty then consider an analysis based upon trigger points. If this level of impact occurs then the following mitigation should occur. If the impacts increase to this level then this occurs. Include a visitor and monitoring program funded by Wild Horse to track impacts with potential mitigation identified based on the various trigger points. I think some public roads that go right through the project are going to be subject to people just stopping in the middle of the road to look at the turbines. These road should be widened or numerous pull off constructed to allow for this. 11-7

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Sincerely,

Paul D. Bennett, P.E.
Director of Public Works

cc: Clay White, KCCDS Planner

Original copy sent my mail on 10 September, 2004

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Responses to Comments in Local Agency Letter 11 from Paul D. Bennett, P.E. Director of Public Works, Kittitas County Department of Public Works

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

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11-1. No overweight or oversized trucks will be routed through the City of Kittitas. As outlined in the Application for Site Certification, Section 3.15.1.1 'Road Network', Transporter Route 1 will only be used for light duty traffic such as passenger vehicles, light-load delivery trucks, and single-unit construction materials and equipment trucks. All overweight and oversized trucks will be routed through the town of Vantage (Transporter Route 2) via Interstate and County highways. Transporter Route 2 is better suited for larger vehicles, therefore, oversize and over length delivery vehicles will use Transporter Route 2. (see Zilkha letter to Paul Bennett, dated October 5, 2004 in Appendix C of this FEIS). In addition, the Applicant will monitor the condition of Transporter Route No. 1 and document pavement conditions before and after construction and address changes to road conditions in discussions with the City of Kittitas and Kittitas County.

11-2. The reference to the 6 Year Transportation Program was to advise the reader of this document and others that provided information on the planning and programming of funds for construction of roadway improvement projects. See revised DEIS Section 3.14.1.2 Roadway Limitations in this FEIS.

11-3. The proposed Project site entrance lies west of the existing access gate, across Vantage Hwy from the entrance to the Kittitas County Ryegrass Landfill, so the Project site entrance will not be on the crest of the vertical curve, thus resolving any sight distance issues. Additionally the Applicant has agreed to construct the driveway in accordance with WSDOT Design Manual Chapter 920. Additionally the Applicant will monitor driveway traffic volumes and if volumes exceed 1500 ADT either during construction or during operations the access will be modified in accordance with WSDOT Design Manual Chapter 910.

11-4. Wind Ridge Power Partners contracted Aviation Systems, Inc to conduct a study of the instrument approaches. There are two instrument approaches to Bowers Field that currently have initial approach altitudes of 5,000 feet above mean sea level (AMSL). They are the RNAV(GPS) RWY 25 and the VOR /DME -A Procedures. Aviation Systems independently evaluated this airspace and determined a structure height restriction for present procedures of 4000 feet AMSL. The FAA has also evaluated the towers and has issued a Determination of No Hazard provided the structure heights remains below 4,000 feet. The Applicant has removed 9 turbines from the project to comply with this requirement. Regarding VFR aviation, Aviation Systems, Inc. found the distance from the airport, 12 nautical miles, precludes any impact on VFR Traffic Operations patterns. Revisions have been made to the DEIS and appear in Section 3.14.2.2, Air Navigation Considerations of this FEIS (Aviation Systems Inc., 2004).

11-5. There are no public rights-of-way or easements across the Project property, see response to Comment 1-1. The Project would be built on privately owned land, which has no public access. The Washington Department of Natural Resources (WDNR) has a management access easement at the Project entrance for the sole purpose of accessing one of their parcels, which is within the Project area. However, this easement does not grant access to the general public. Since there are no public roads on the site or near the turbines, there will be no need for setbacks. (See Zilkha letter to Paul Bennett, dated October 5, 2004 in Appendix C of this FEIS.)

11-6. The Applicant has secured a Development Agreement (Appendix A) with Kittitas County, which includes the specific mitigation actions identified in this FEIS (summarized in Table 1-2 and Section 3.14.4).

11-7. As noted under Comment 11-5 above, there is no public access to the Project property and there are no public roads, which go through the Project. Wind Ridge Power Partners proposes to construct a visitor's kiosk, with sufficient signage directing interested visitors to it, near the Project site entrance to provide the public with information. There will be adequate parking at this site. If appropriate, tourist traffic to the Project site may be monitored by installing tube counters at the driveway to the visitor's kiosk near the Project entrance. The existing and future estimated average daily traffic volumes are very low on Vantage Hwy. Although monitoring for tourist-only traffic can be conducted, it is unlikely that existing or future road conditions would be adversely affected. Although highly unlikely, should any monitored tourist traffic at the Project site cause an increase in traffic such that the total volume of vehicles in the peak hour exceed 400 vehicles (the traffic threshold at which LOS category for Vantage Highway would drop from level of service C to level of service D), Wind Ridge Power Partners proposes to implement the following mitigation measures as appropriate: Wider shoulders and turn pockets for vehicles to turn into visitor kiosk. In the even more unlikely case that an increase in monitored tourist traffic cause peak hour volumes to exceed 1250 vehicles during the peak hour (the traffic threshold at which LOS category for Vantage Highway would drop from level of service C to level of service E), Wind Ridge Power Partners proposes to implement the following mitigation measures as appropriate: Possible construction of passing lanes near the Project site entrance. (See Zilkha letter to Paul Bennett, dated October 5, 2004 in Appendix C of this FEIS.)

Kittitas Audubon Society
P.O. Box 1443
Ellensburg, WA 98926
September 9, 2004

Allen J. Fiksdal, EFSEC
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Cc: John Lane, Assistant Attorney General
Assistant Attorney General's Office
P.O. Box 40100
Olympia, WA 98504-0100

Mr. Clay White
Kittitas County Planning Dept.
411 N. Ruby St.
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Cc: Nina Carter
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Olympia, WA 98507

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Re: Comments to the DEIS for Wildhorse Wind Farm

Dear Mr. Fiksdal,

Kittitas Audubon Society submits our concerns on birds, bats and wildlife habitat. The concerns which we laid out in previous scoping comments for this project have not been adequately addressed in the DEIS.

Our areas of concern include: 1. Migratory Birds and Bats, 2. Lithosols and Sagebrush Steppe Habitats, 3. Wildlife Study Deficiencies, 4. Cumulative Impacts from the three proposed wind farms in the Kittitas Valley, 5. Public Access to the Whiskey Dick and Quilomene Wildlife Areas, 6. Impact on Sage Grouse, and 7. Large-Scale Industrial Intrusion into a Natural Area in the midst of what presently is a largely intact and contiguous natural area.

Migratory Birds and Bats

To quote page one of the USFWS *Interim Voluntary Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines* of July 2003*, "Avoid locating turbines in known bird migration pathways …" also on page 3, "Avoid placing turbines in documented locations of any species of wildlife, fish or plant protected under the Endangered Species Act." *(reference found at www.fws.gov/r9dhcbfa/wind.pdf)

Wildhorse, like the other two proposed wind farms, is situated within the Cascade Mts. Migratory Pathway for raptor and passerine migration. According to Phil Mattocks, Ph.D. ornithologist at Central Washington University in Ellensburg, WA, it is also the location of a "Funnel Effect" for hawk migration. He recently stated his concerns about the potential effects of all turbines proposed to be located in the Kittitas Valley because of this funnel effect. Hawks and other raptors are at the top of the food chain and the killing of migrating raptors could upset the ecological balance in this area. 12-1

HawkWatch International (HWI) is probably the best source of information about raptor numbers and their migratory flight patterns for western U.S.A. They have determined the major migratory pathways in the western US and one of these pathways is north south along the Cascade Mountains. They are currently trying to delineate specific pathways through the use of banding and transmitter attachment to raptors. HawkWatch International obtains data from extensive monitoring programs at many sites including some in Washington State. Diamond Head, which is a place about one mile south of Blewett Pass, was one of the sites from which observations were made from 1993-1998. The following table shows monitoring data for Raptor migrations as part of a 1998 study done by HWI for the U.S. Forest Service. There were 57 observation days starting August 27 and ending October 22, and totaled 389 observation hours. 12-2

Species	'93-'97 ave	1998
Turkey Vulture	82 ± 61.4	119
Osprey	14 ± 4.2	23
Northern Harrier	28 ± 11.0	18
Sharp-shinned Hawk	550 ± 224	677
Cooper's Hawk	223 ± 21.6	417

Northern Goshawk	19 ± 5.8	25
Unidentified accipiter	64 ± 17.4	70
TOTAL ACCIPITERS	980 ± 345.4	1349
Broad-Winged Hawk	0.2 ± 0.4	0
Ferruginous Hawk	0.4 ± 0.8	0
Rough-legged Hawk	1 ± 1.4	3
Red-tailed Hawk	162 ± 34.3	183
Unidentified buteos	5 ± 2.4	7
TOTAL BUTEOS	169 ±36.7	193
Golden Eagle	48 ± 10.2	46
Bald Eagle	4 ± 3.4	5
Unidentified eagle	0.2 ± 0.5	0
TOTAL EAGLES	52 ± 9.6	51
American Kestrel	34 ± 7.8	82
Merlin	22 ± 7.3	38
Prairie Falcon	4 ± 1.2	9
Peregrine Falcon	2 ± 1.6	8
Unidentified Falcons	5 ± 5.6	9
TOTAL FALCONS	67 ± 14.1	146
Unidentified raptor	26 ± 12.2	6
GRAND TOTAL	1294 ± 257	1739
Permission to use data	granted by Jeff P. Smith,	Ph.D.,
Science Director,	HawkWatch International	

The HWI Study gives emphasis to something most Valley residents are likely well aware of – that there are great numbers of birds that regularly "use" the Kittitas Valley as a fly way, and/or live here at least part of the year. Also that birds in great numbers and variety are on the move heading south in the fall and returning in the spring as they follow ageless migration patterns. Fall migratory birds observed from Diamond Head (for awhile HWI also made observations from Red Top) head generally south into the Kittitas Valley. Many are observed hunting along the canyon ridges that run north to south in the tablelands north of Ellensburg. We assume a similar pattern would be in effect for Wildhorse. 12-3

Hawkwatch has banded and put transmitters on raptors at Chelan Ridge near Wenatchee in an effort to learn more about migratory pathways and has descriptions of the migrations of these birds, some of which mention the Ellensburg area and the Quilomene area next to the Wildhorse site specifically, with maps available on their website at : www.hawkwatch.org. go to Migration Research Sites, scroll down to Chelan Ridge, then choose HERE for tracking information. 12-4

In the DEIS for Wildhorse Windfarm on page 3.5-3 it was stated that passerines were the most abundant avian group found. In addition, raptors were the second most frequently found bird group during spring and summer and third behind corvids in the fall and winter. A Table on page 3.5-10 shows that one Bald Eagle was found in the area of one of the observation sites at site G. The Application submitted showed numerous species' flight paths going through the circles. Most commonly circle C and G. Also, page 3.5-4 "The ridge along Whiskey Dick Creek near station G is effectively perpendicular to prevailing winds. There appears to be a pattern of raptor flight paths parallel to the western side of the ridge which is consistent with behavior observed in similar situations." Turbine strings must be kept away a minimum of 200 feet from the crests of land elevations or ridges in the area that run generally north and south and are frequented by raptors to capture uplifting air currents. The Foote Creek Rim, WY, wind facility, which sports similar topography, has established precedent for this. Set backs could possibly have the effect of limiting some of the impact on the Lithosols and their sensitive plant community. 12-5 12-6

A total of 53 species of birds were seen. Of the four most frequently found species (53% for the total), the horned lark, which is also one of the most frequently killed species at other wind farms (This can be found in Vol. III, 14-35 of the Wild Horse Application) is a candidate for listing as endangered or threatened by the Washington Fish and Wildlife Commission. We are concerned about the impact on this bird of multiple wind farms. 12-7

Of all the 53 species found on the site, one is a Federally and State listed Threatened or Endangered species (Bald Eagle), another, the Golden Eagle, is protected under the Federal Golden Eagle and Bald Eagle Protection Act. Other birds found on the site include 8 species that are candidates for listing by the Washington Fish and Wildlife Commission. An additional 5 are also identified as Partners in Flight WatchList species (Reference: Important Bird Areas of Washington, Audubon Washington 2001). 12-8

The Migratory Bird Protection Act, the Golden and Bald Eagle Protection Act and the Endangered Species Act serve to protect migratory birds, and their tenets should be applied to wind farms. Historical reference on nesting activity was mentioned in the studies for the Application No. 2004-01. Burrowing Owl, Golden Eagle, and Sage Grouse nests were found either within the site or within a 1-4 mile radius of the site, Vol. III, Sec 14, pages 40-43. Will they return if the area is not developed for windpower or residences? There have been recent sightings of sage grouse in the project area. This bird is on a State listing because of its precarious circumstance. 12-9

Little to nothing is known about bat species or activities in the area. Concerns for bats are just emerging as a result of some large bat kills at other wind farms. There are no bat study in this DEIS. 12-10

Wildlife Study Deficiencies

Two-year wildlife studies should be done for both birds and bats. The wind industry is rapidly expanding into habitats and regions that have not been well studied. It is impossible to judge impacts from a 1-year baseline study. There is no statistical value. What do you compare it with? You must do two-year studies to account for variability, as wildlife does not always use the same areas every year. We understand that U.S. Forest Service protocols call for two-year studies on the land under their jurisdiction. 12-11

WEST carried out two year studies at Foote Creek Rim in Wyoming, Buffalo Ridge in Montana, and Stateline and Vansycle in Washington. There is precedence here. WHY WERE TWO-YEAR STUDIES NOT PERFORMED IN THE KITTITAS VALLEY?

Night Studies

Nocturnal migration routes must be determined. More thorough studies including night studies were done at the Stateline and Nine Canyon projects in this state thus setting a precedent for wind farms in Washington. Zilkha should have shown these migration routes in the DEIS and needs to prove that there will be no impact on them. 12-12

According to Mike Denny, Blue Mountain Audubon Board member and Stateline TAC member who has been involved in the project from early on, you absolutely cannot reference other wind farm studies to determine estimates of mortality for birds and bats. Each proposed development site is unique and requires detailed, individual attention. The dry lower Columbia River area of the Stateline and Nine Canyon projects is totally different from and is not analogous to the area that includes the Wild Horse Wind Power Project. The USFWS guidelines state " Data on Wildlife use and mortality collected at one energy facility are not necessarily applicable to each other. In addition, the wind industry is rapidly expanding into habitats and regions that have not been well studied. The Service therefore suggests a precautionary approach in making recommendations assessing the impacts of wind energy development." 12-13

The argument is made by Zilkha that thorough studies are too expensive. This project which costs millions to do will make millions of dollars for the Windpower company. May KAS suggest that THESE STUDIES ARE THE COST OF DOING BUSINESS. 12-14

Cumulative Effects

Cumulative effects cannot be over emphasized. What will be the effect 20 years from now from the many wind farms currently built? Wind farm technology and its large-scale application is new. As additional wind farms are built, the cumulative effect of this rapidly growing industry has the potential to cause the decline of some species. Scientifically competent studies about wind farms' environmental effects are lagging, sparse, and expensive to perform. The cumulative effect of the three proposed Kittitas Valley wind farms is an unknown. However, each wind farm will produce conditions that will affect the next one – especially if they are side-by-side as they would be with the KVWP and Desert Claim projects with Wildhorse not far away. If from design or placement a turbine or set of turbines prove to cause disproportionately high mortality, subsequent turbine installations must reflect serious efforts having been taken to prevent a recurrence. As stated in previous wind farm testimony, KAS advocates an adaptive management strategy to be the rule where decisions are treated as experiments to guide future development. 12-15

Public Access

We are concerned about maintaining public access to the Quilomene Wildlife Area which is a part of a Washington Audubon Important Bird Area *see Important Bird Areas of Washington, Washington Audubon, 2001,* and the Whiskey Dick Habitat Management Area if Wildhorse becomes a reality. 12-16

KAS's promotion of activities involving the need for public access is reflected in our support of Important Bird Areas (IBA), in providing suggestions of routes local citizens can follow for viewing wildlife, leading field trips, and in the core avocational interest of most members – birding in general. Public access is a vital part of our organizations and the community's well being.

If this project were approved we would like to see the following:

Technical Advisory Committee (TAC)

The TAC should have the power to:

Require studies, review reports (yearly and others), decide what is good for the site, have voting power for all participants, meet with the Wind farm owners, manage post construction monitoring with the ability to have data reviewed by an outside consultant, review mortality rates and determine appropriate ways to minimize impacts such as moving a turbine or a set of turbines, changing lighting, and the shutting down of a turbine for a period in response to an impact such as migratory interference. The TAC will decide its own ground rules and how to proceed. It should be possible to set fines for bird kills, i.e., $50.00 for common species, $5,000 for rare species such as a Ferruginous Hawk (The first one, $10,000 for the second). 12-17

Additional Towers

In Section 2. 7 of Application 2004-01, Zilkha states that there is a possibility of increasing the number of turbines in the future. In Section 3.2-43 of the KVWPP DEIS there is reference to research on avian mortality associated with wind farms that states "Generally, the more turbines in a given project, the higher the range of potential mortality associated with turbine collisions". There should be a limit on megawatts for the original project. Before any additional towers can be added, they must undergo a separate and thorough permitting process, including studies. Permitting should also address movement of towers. We understand that the developers at Stateline now want to move towers onto the ridge that they had stayed off of originally due to input from Blue Mountain Audubon who were concerned about migrating birds. 12-18

Tower lighting

The FAA announced in February, 2004 that it was preparing to release a guidance memo that continuous or slow pulsing red lights no longer be recommended for new towers. White or red strobe lights would be the preferred lighting system. We recommend following this guidance. 12-19

Meteorological (Met) Tower structure

Met towers should be required to be of monopole design. Lattice type towers kill many more birds than monopole design towers and even turbine towers. Even with bird deflectors on the guy wires they kill too many birds. 12-20

Met Tower, Rock Quarry and Turbine Tower Placement

If possible, these should be placed so as to avoid lithosols and lithosol plant communities. Set the turbines back 200 feet from ridgelines as discussed above. 12-21

Decommissioning

The provision of a bond-upfront by the developer to cover the cost of decommissioning should be required. There are evidently wind farms, which have been abandoned and never torn down due to lack of funds to do so on the part of the developer or someone who purchases the wind farm later. 12-22

Habitat Rehabilitation

We would suggest fencing off the entire project to cattle grazing to allow for habitat recovery and potential possible recovery of Sage Grouse. Remnants of their living there were found on the site. 12-23

It is unlikely that areas with Lithosol soil habitat can be rehabilitated once they are disturbed. Ridge setbacks and other placement changes would help by avoiding these areas. 12-24

Disturbed area of Sagebrush Steppe should be reseeded with a mix of native species including Sage, utilizing advice of the WDFW. This could be done as an adaptive management/research project. This would be of benefit to the whole area where the Sagebrush Steppe occurs. 12-25

Strengthening Guidelines

KAS supports the Washington Audubon Wind Power Policy. We feel that the current Washington Department of Fish and Wildlife Guidelines do not protect birds and bats adequately. KAS recommends that EFSEC and WDFW look at adding and strengthening guidelines for the siting of wind farms using the Washington State Audubon Windpower Policy available at, http://wa.audubon.org/new/audubon, as well as USFWS Guidelines at www.fws.gov/r9dhcbfa/wind.pdf. This would include development of a state windpower plan with a regional EIS to determine the most suitable sites and address cumulative impacts, development of a GIS database of wildlife use, utilize state, tribal and federal agencies to collect data, EFSEC to complete wind power siting criteria and a ranking program which would include "wind resource areas", adaptive management strategies, and funding by the state legislature. 12-26

In addition, the WDFW needs to focus on representing wildlife and not the developers financial interest. In the WDFW Wind Power Policy, p.3 Operational Monitoring, is found the following: "Adjustments that are not feasible because they would make the wind project un-financeable include removing turbines or shutting down turbines during certain periods of the year." Such constraints appear designed to ensure profitability, and their inclusion would be at the expense of wildlife protection. 12-27

It has become apparent to us in dealing with the three proposed wind farms and from talking with Audubon members in chapters in the neighborhood of existing wind farms that the process of siting them does not generally allow for environmental input early enough to be of use. It appears that once the application is made all the studies have already been done and further input is not listened to because of the investments in time and money that have already been made. Strong guidelines with clear requirements and public involvement early on would help the situation. 12-28

Conclusion

Again, the major concerns we have with this wind farm DEIS are the potential negative impact on Migratory Birds and Bats, Lithosol and Sagebrush Steppe Habitats, Wildlife, Public Access, Large-Scale Industrial Intrusion into a Natural Area, and the Sage Grouse. The Cumulative Impact of bird and bat kills from the three wind power projects in Kittitas Valley and the multiple sites within the state and U.S. must be addressed. 12-29

Kittitas Audubon believes National, State, County and City governments must develop energy conservation strategies to help offset the demand for more energy. Wind farm development in this country is at a stage similar to that of hydropower 50 years ago, and of nuclear power 25 years ago. Planners for those projects may have thought they were doing the right things environmentally. However, here we are in 2004 with drastically impacted fish stocks, searching for ways to restore them that include dam removal. We are still trying to find places to store nuclear waste, and attempting to clean up the leaking sites at Hanford before contamination reaches the Columbia River. Now we have a rush to build numerous industrial wind farms in this part of the Kittitas Valley that occupy thousands of acres -- 8,000 acres for the WHWPP alone. Since we cannot predict with reasonable accuracy the long-term environmental impacts of these projects, it is imperative that caution be taken. 12-30

Policies and guidelines must be in place to protect the natural environment with special consideration for birds and bats and threatened habitat. 12-30

We urge the development and implementation of an energy policy at the National, State, County, and City level that will include a multiplicity of actions designed to attack our energy problems and global warming. Conservation, Solar power, Fuel Cell Power and Biomass all deserve serious consideration. 12-31

Wind power is only a small part of the picture at best. These other methods may offer the advantage of having less of an impact on wildlife.

Birds in general are in a state of decline. This was stated by National Audubon in a recent State of the Birds radio broadcast, and published in the Audubon State of the Birds Report-2004. 12-32

Kittitas Audubon Society comments are made in behalf of birds and bats both resident and migratory. The air space must be kept safe for them.

Based on the concerns expressed herein the Board of Directors of the Kittitas Chapter of the Audubon Society has voted to not support the three proposed wind farms. Conservation of energy should be promoted as an alternative. We recommend the Wild Horse Wind Power Project DEIS **No action alternative be adopted.** 12-33

Respectfully,

Keith Johnson,
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Janet Nelson
Conservation Chair
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Responses to Comments in Organization Letter 12 from Keith Johnson and Janet Nelson; Kittitas Audubon Society

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

12-1. The WHWPP site is not located within a known migratory bird pathway. In the western United States, bird migration typically occurs across a broad front, unless a particular topographical feature is present that contributes to birds occurring in higher than normal densities. The topography of the WHWPP does not contain obvious features that would be expected to contribute to birds occurring in higher than normal densities (Cullinan, 2005, Counsel for the Environment's Prefiled Direct Testimony).

12-2. Red Top Mountain, located in Section 19 of Township 21 North, Range 17 East, on Teanaway Ridge, is approximately 32 miles from Whiskey Dick Mountain, while Diamond Head, located in Section 15, Township 21 North, Range 18 East, on Table Mountain, is approximately 27 miles from Whiskey Dick Mountain. Both are located to the northwest of the WHWPP site on prominent north-south trending ridge lines associated with the Cascade Mountains. Data from these sites is not directly applicable to the WHWPP project area given the distance between the areas. It is recognized that raptors utilize the WHWPP area, as documented in the DEIS. Spatial patterns of raptor use in the WHWPP area are described in the Section 3.5.1.1 of the DEIS, under the heading Species Occurrence, Birds.

12-3. See response to Comment 12-2 above.

12-4. It is recognized that raptors utilize the WHWPP area, as documented in the FEIS. Spatial patterns of raptor use in the WHWPP area are described in Section 3.5.1.1 of the DEIS, under the heading Species Occurrence, Birds.

12-5. A year long study of raptor use of the WHWPP site was conducted and the results of this study were incorporated into the decision making process for turbine placement. Please see Section 3.5.4.2 of this FEIS for site-specific mitigation measures intended to minimize potential impacts to raptors.

12-6. Nine turbine locations have been eliminated along the peak of Whiskey Dick Ridge due to FAA concerns. Although observational evidence suggests that lithosol habitats are common in the general Project vicinity, removal of these turbine sitings may reduce impacts to lithosols.

12-7. Thank you, your comment has been noted.

12-8. See Section 3.5.1.1 of the DEIS, tables and text, for a discussion on the legal listing status (state and federal) of the species observed during surveys for the WHWPP.

12-9. The WHWPP area is located on the western edge of the proposed Colockum sage grouse management area (Stinson et al. 2004). WDFW has expressed concern regarding habitat

connectivity and Sage grouse movements between the Douglas County populations, and the Yakima and Kittitas County populations. At this time, there is no documented exchange between the two populations. Limitations in movements already exist due to the presence of the Columbia River and topography of the area (Stinson et al. 2003). Relatively large blocks of intact shrub-steppe habitat still do exist, and will continue to exist after the Project is constructed, within WDFW and WDNR lands to the east of the Project site and private lands to the east and west of the Project. The Quilomene Wildlife Area (17,803 acres), the Whiskey Dick Wildlife Area (28,549 acres), and the private lands between them have vegetation similar to the Project area, but are lower in elevation. At the present time, the Project would not appear to significantly impact movement between the two populations. Future changes in land use on the private lands surrounding the Project area could affect movements of sage grouse. It should be further noted that there are no studies that have shown that sage grouse avoid wind turbines. The WHWPP has been designed to be permeable to wildlife movement. Turbines will be approximately 492 feet apart and turbine rows are at least 2,625 feet apart. The 165 acres of permanent Project footprint is only 0.13% of the total area of the Colockum Sage Grouse Management Unit. It is not expected that the Project will significantly limit any potential sage grouse movement across the Project area. However, several turbine rows which were originally considered to be located along Beacon Ridge Road to the west of the Pines Area, Government Springs, and Seabrook Springs, have been eliminated, leaving a distance of approximately 3,937 feet between the nearest wind turbine and the western Project boundary. This layout modification provides additional potential movement corridors for sage grouse and other wildlife within the Project boundary. The Applicant has further agreed to place the entire Project Area under a conservation easement (Appendix C), which will protect habitat within the 8,600-acre project site from additional development. The Applicant has also agreed to additional mitigation measures, developed in discussion with the WDFW since the issuance of the DEIS, that are intended to protect sage grouse, including measures to limit maintenance activities within ¼ mile of an active lek, should one occur on the site, between the hours of sunset and 9:00 a.m.; restricting recreational use to the extent feasible; and considering the historic presence of sage grouse during planning for rock source locations and concrete batch plant locations. These mitigation measures are described in Section 3.5.4.3 of this FEIS.

12-10. As noted in Section 3.5.2.2 of this FEIS, studies of bat mortality at existing wind energy facilities have found that bats that are migrating are most at risk for mortality associated with the facility. Current state-of-the -art technology available for studying bats does not appear to be highly effective for documenting migrant bat use of a site (Johnson et al 2003). Additionally, bat studies are not required under the WDFW Guidelines for Baseline and Monitoring Studies for Wind Projects (WDFW 2003).

12-11. Studies conducted for the WHWPP are consistent with the WDFW Guidelines for Baseline and Monitoring Studies for Wind Projects (WDFW 2003). The Applicant has agreed to convene a TAC, as required under the WDFW Guidelines, and has committed to two years of post-construction monitoring studies to determine site-specific impacts from the WHWPP.

12-12. See response to Comment 12-11 above.

12-13. The Applicant conducted a full year of surveys of bird use of the WHWPP area and used the information obtained from

these surveys, along with information obtained from monitoring surveys of other wind energy projects, to provide an estimated range of potential mortality attributable to the WHWPP. This is described in Section 3.5.2.2 of the DEIS and is also described in greater detail in the Wildlife Baseline Study for the Wild Horse Wind Power Project, Exhibit 14 of the Application submitted to EFSEC.

12-14. Thank you, your comment has been noted.

12-15. As stated in Section 3.5.4.4 of this DEIS, the Applicant plans to convene a Technical Advisory Committee (TAC) to evaluate the mitigation and monitoring program and to determine the need for further studies or mitigation measures. The TAC will be involved in the development of a post-construction monitoring plan and knowledge gained from post-construction monitoring will add to the body of knowledge regarding wind energy projects and wildlife impacts to be considered if and when any future development is proposed.

12-16. Thank you, your comment has been noted. The application has specifically identified the Kittitas Audubon Society as a participating member of the TAC. Controlled access to the Project area will be allowed.

12-17. The WDFW Guidelines for Baseline and Monitoring Studies for Wind Projects describe the responsibilities of the TAC and specify that the range of possible adjustments to either the monitoring plan or the mitigation requirements should be clearly stated in the project permit. The guidelines go on to provide examples of changes that might be included, and to discuss changes that would not be feasible, which include removing turbines or shutting down turbines at certain times.

12-18. If the project is approved by the Governor, any additional future development of project facilities would be reviewed by EFSEC in accordance with its rules and procedures. Environmental impacts not evaluated within the range presented in this FEIS would be subject to environmental review under SEPA.

12-19. The project intends to use a dual system of white and red lighting as prescribed by FAA Advisory Circular 70/7460-1 AC70/7460-1K, Obstruction Marking and Lighting as prescribed by the FAA Determination of No Hazard. Figure 3.10-10 in this FEIS depicts the proposed locations of lights.

12-20. Section 2.2.3, Subsection: Meteorological Stations and Monitoring Towers has been revised in the DEIS and appears in this FEIS to state that meteorological towers would be free-standing (unguyed).

12-21. See response to Comment 12-6. Temporary construction facilities (rock crusher, concrete batch plant, and rock quarries) would also be located taking into consideration the historical presence of sage grouse and their lekking grounds.

12-22. Financial assurance mechanisms to decommission the project would be included in the Initial Site Restoration Plan prepared by the Applicant and submitted to and approved by EFSEC prior to commencement of construction. In addition, as stated in the Development Agreement (Appendix A) with Kittitas County, the Applicant or any Transferee, as the case may be, shall provide financial security for the performance of its decommissioning obligations through a Performance Bond issued by a surety registered with the Washington State Insurance Commissioner. The Performance Bond shall be in the amount equal to the Decommissioning Funds.

12-23. Thank you, your comment has been noted. The Applicant will be required to develop a post-construction grazing plan in coordination with WDFW and the TAC. Sensitive areas around streams and riparian areas would be fenced to prevent entry by cattle, but allow passage to wildlife.

12-24. The EIS acknowledges that lithosol soils would likely be difficult to rehabilitate due to their shallow depth and exposure to the elements (wind). Disturbed soils will be re-seeded with a designated seed mix, as appropriate for the location, in consultation with WDFW. Due to FAA concerns, nine turbines locations originally proposed along the ridgetops of Whiskey Dick Mountain (String A, B, and D) have been removed from the proposal.

12-25. See response to Comment 12-24. As noted in Section 3.5.4.4 of the DEIS and this FEIS, the Applicant intends to convene a Technical Advisory Committee (TAC) to evaluate the mitigation and monitoring program and determine the need for further studies or mitigation measures. This adaptive management approach includes monitoring habitat (e.g. shrub-steppe) conditions for wildlife use.

12-26. Thank you, your comment has been noted. Revision to the WDFW siting guidelines is beyond the scope of this EIS.

12-27. Thank you, your comment has been noted. WDFW's mandate is beyond the scope of this EIS.

12-28. Applications submitted to EFSEC must comply with EFSEC's Rules relating to siting energy facilities (Title 463, Washington Administrative Code), in accordance with the State Environmental Policy Act (SEPA), which includes public involvement through the scoping process. A Potential Site Study was prepared to inform the Council about agency or public concerns expressed during the study and to summarize potential impacts. Several resource agencies, county and city staff, and other interested groups were contacted for their input regarding project related impacts early in the process (Jones & Stokes 2003). EFSEC held an informational and scoping meeting for the project on April 22, 2004 in Ellensburg, WA. Environmental resources analyzed in the Draft EIS are in response to issues identified through the scoping process. Please note that WDFW provides guidelines specific to siting wind farms in eastern Washington.

12-29. Cumulative impacts of the three wind power projects proposed in Kittitas Valley are described in Section 3.16 of the DEIS and revisions to this analysis are presented it Section 3.16 of this FEIS. Analyzing cumulative impacts at the state and national level is outside the scope of this EIS.

12-30. Thank you, your comment has been noted.

12-31. Thank you, your comment has been noted. Development and implementation of an energy policy at the National, State, County, and City level is beyond the scope of this EIS.

12-32. A reference to this report has been added to the FEIS.

12-33. Thank you, your comment has been noted.

Kittitas County
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ENERGY FACILITY SITE
EVALUATION COUNCIL

September 10th, 2004

Irina Makarow, Siting Manager
EFSEC
925 Plum Street SE, Building 4
P.O. Box 43172
Olympia, WA. 98504-3172

RE: Comments on Wildhorse Wind Power Project DEIS

Dear Ms. Makarow:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement for the Wildhorse Wind Power Project. I hope the following information is useful when preparing the FEIS.

As with the Kittitas Valley DEIS, these comments relate to those items needing further study or text changes needed prior to EFSEC issuing the Final EIS for this project. This letter should not be interpreted to reflect what additional information Kittitas County may or may not need prior to setting hearings on this project.

As of September 3rd, 2004 Kittitas County has a working staffing agreement with Zilkha Renewable Energy and we will now be looking at environmental information needed (if any) prior to setting hearings. We have met with Zilkha staff on this issue and will continue to coordinate this issue with them. I encourage you to contact me at anytime if you have questions.

As part of the staffing agreement with Zilkha Renewable Energy, Kittitas County has hired Huckell/Weinman and Associates to assist us with the consistency process. Huckell/Weinman is the company that was hired by Kittitas County for the Desert Claim Wind Power Project. As you know, Kittitas County issued a Final EIS for the Desert Claim project in August and it was not appealed. Attached to my comments please find comments from Huckell/Weinman on behalf of Kittitas County.

The following are my comments:

1) On page *iii paragraph 1* The DEIS states that EFSEC is the only non-federal agency authorized to permit the proposed project. This is not true, as Kittitas County is also a non-federal agency authorized to permit this project. At this time the Desert Claim Wind Power project submitted by enXco, Inc. is being processed by Kittitas County. This paragraph should be taken out, as it isn't true. 13-1

2) (Page 1-1) 1.1 - paragraph 3. The DEIS states "The information and resulting analysis presented in this Draft EIS are based primarily on information provided by the applicant…" Kittitas County hopes that the analysis and proposed mitigation for the FEIS is prepared by consultants working for EFSEC, not the applicant. 13-2

3) (Page 1-2) 1.2 – Purpose and need for project and (Page 1-2) 1.2.1 – Need for Additional Power Generation Facilities – Throughout this section the need for additional power in the Northwest is discussed. The information is based off information provided by the Northwest Power and Conservation Council (NWPCC 2003). If this information is going to be used in the DEIS I think the DEIS should stipulate that all power created for the Wildhorse Wind Power Project will be sold within Washington, Oregon, Idaho, and Montana. It would be very misleading to discuss regional power needs if the power may be sold outside the region being discussed. Please note that regional power needs are discussed throughout the DEIS. My comment above should be applied to all of those sections. 13-3

4) (Page 1-4) 1.3 – Decisions to be made – I find this section a bit disturbing as the focus of the section jumps from EFSEC's sole jurisdiction to land use inconsistency to preemption. This section should have addressed the necessary steps to gain consistency with local land use and zoning ordinances. At this point in the process why is preemption even being discussed as an option? *The method for gaining consistency should also be addressed on (Page 1-78 &79) 1.8 – Issues to be resolved.* 13-4

5) (Page 1-7) 1.4.4 - paragraph 2. The DEIS states that the No action alternative would result in further subdivision of properties within the project area and uses as allowed within the Commercial Ag-20 and Forest and Range zones which is correct. What seems odd is the assertion that if this project is not built a gas fired combustion turbine facility may have to replace the power this project would produce. That statement is wrong and should be taken out of the DEIS. *Please have this removed out of all "No action alternative" sections where that is mentioned as it is misleading and not backed up by fact.* 13-5

6) (Page 1-17) – Vegetation and Wetlands -The mitigation measures section should state that all proposed actions are required to comply with KCC 17A, Critical Areas. 13-6

7) (Page 1-19) – Wildlife - The mitigation measures section should state that all proposed actions are required to comply with KCC 17A, Critical Areas. 13-7

8) (Page 1-27) – Noise - The mitigation measures section should state that all proposed actions are required to comply with KCC 9.45, Noise. 13-8

9) (Page 1-34) – Public Services and Utilities/Recreation – The applicant has stated that they now have an agreement or preliminary agreement with the local fire districts. That agreement should be addressed and mitigation reviewed for the FEIS. 13-9

10) (Page 1-79) 1.9.1 – Wildlife –Additional studies or information should be provided addressing potential significant impacts to wildlife as a result of maintenance operations. This shouldn't be left as an unresolved issue. This comment is also applicable to (Page 3.5-41) 3.5.5. Saying that impacts may or may not be significant needs to be resolved and addressed prior to the decision making process. 13-10

11) (Page 2-6) 2.2.1 – Impact analysis and design scenarios – paragraph 1 – The first sentence states "The applicant has fully analyzed the entire range of potential impacts and described all environmental effects from the full range of sizes and types of wind turbines". Since EFSEC is still accepting comments on the DEIS it doesn't seem prudent to assert that all impacts have been analyzed. This is pointed out in item 10 listed above where the applicant acknowledges that Wildlife impacts are an unresolved issue. The statement may be relevant in the FEIS as long as EFSEC is also included in the statement and it reflects that based on DEIS comments, potential impacts were reviewed and additional mitigation (if necessary) proposed. 13-11

12) (Page 2-12) 2.2.3 – Meteorological Stations and Monitoring Towers – Prior to the FEIS being issued the applicant should explore the possibility of using free standing towers as guyed towers are more susceptible to bird kill. 13-12

13) (Page 2-15) 2.2.3 – Concrete Batch Plant – The proposed concrete batch plant will require a Conditional Use Permit from Kittitas County. An application for that permit has been submitted. 13-13

14) (Page 2-17) 2.2.3 – Lighting – Although the FAA has regulatory control on the lighting plan, the applicant should be able to provide a preliminary lighting plan for each of the three project scenarios. This should be included in the FEIS. Please see the Desert Claim DEIS and FEIS for examples of lighting plans. 13-14

15) (Page 2-25) Table 2-3 Task/Milestone – This is an unrealistic timeframe. Needs to be revised. 13-15

16) (Page 2-26) 2.2.6. Decommissioning - paragraph 3 – The DEIS states that the funding source for decommissioning has yet to be determined but a plan would be completed prior to ~~construction. This is an issue that needs to be addressed prior to the FEIS being issued. This~~ should have been better addressed in the DEIS. 13-16

17) (Page 2-31) 2.6 – paragraph 2 – When did off-site alternatives become a requirement of EFSEC? On the Kittitas Valley project I was told that EFSEC has never produced an offsite alternatives section and that it wasn't necessary for your permit process. I am glad this is addressed within the DEIS but I wasn't aware that EFSEC is now requiring it. 13-17

18) (Page 2-32) 2.6.1 – bullet 1 – the Commercial Forest Zone – KCC 17.57 should be added to bullet 1 as Windfarms may be permitted within that zoning district with the proper permits (along with Ag-20, Commercial-Ag, and Forest and Range). 13-18

19) (Page 2-47) 2.10 – Table 2-10 – Under Noise control, KCC 9.45 should be included. 13-19

20) (Page 2-48) 2.11.1 – County Planning Staff – The paragraph is inaccurate: June 4th, 2004 – Zilkha submitted the rezone, conditional use permits, and development agreement request. June 25th, 2004 – Zilkha submitted the request for a Comprehensive Plan change (sub-area plan). Kittitas County then reviewed the application and found that Zilkha did not supply us with a complete 300' adjoiners list as required by law. July 23rd, 2004 – A complete application and necessary copies were received. Notice of Application sent out by Kittitas County on July 28th, 2004 with an August 30th, 2004 comment deadline. 13-20

21) (Page 2-53) 2.12 – Potential for Future Activities – This section should state that if the project were to expand outside the scope of this request, permits would be required by Kittitas County. 13-21

22) (Page 3.7-2) 3.7.1.1 – Northwest Regional Energy Resources – Please see comment 3) within this document. 13-22

23) (Page 3.9-3) 3.9.1.2 – Existing Land Use – Last Paragraph - Please see comment 4) within this document. 13-23

24) (Page 3.9.12) Table 3.9-2 – G.P.O 6.34 should be listed under the Description section of the table, not the Relationship to the proposed project. 13-24

25) (Page 3.9.13) Table 3.9-2 - Please see comment 20) within this document. 13-25

26) (Page 3.10-24) Turbine Lighting – Paragraph 1 – The last sentence is very misleading. A preliminary lighting plan should be prepared for this project. The plan should cover all three project scenarios. Please see previous comments on this issue. 13-26

27) (Page 3.10-29) 3.10.5 – Mitigation Measures – This section says that the mitigation proposed is from the applicant. Shouldn't this be the mitigation proposed by EFSEC? Bullet point 8 addresses lighting but it really isn't mitigation, it is required. A lightning plan would help identify any probable significant impacts, which would help in the mitigation process. 13-27

28) (Page 3.14-11) Table 3.14-4 – Aviation hazards – How can the aviation hazards be assessed ~~when it hasn't been studied? The DEIS previously says that probably significant impacts are~~ not known at this time but this table says that there would be "some risk". Please define "some risk". This is an area that needs to be studied to determine if a significant impact exists. This should be completed prior to EFSEC hearings and be addressed in the FEIS. 13-28

29) (Page 3.14-26) 3.14.5 – Significant unavoidable adverse impacts – I do not understand how the conclusion of this section can that no unavoidable impacts will result from the project when all of the studies have not been completed. Before this conclusion can be made aviation impacts should be identified and mitigation should be proposed. 13-29

Please do not hesitate to contact me if you need any assistance or further information.

Sincerely,

Clay White
Planner II
Kittitas County Community Development Services
(509) 962-7506

cc: James Hurson, KC Deputy Prosecuting Attorney
File

Review Comments on
Wild Horse Wind Power Project Draft EIS
Issued by Washington Energy Facility Site Evaluation Council

Huckell/Weinman Associates, Inc.
September 9, 2004

Chapter 1 Summary

1. Table 1-2

Many of the entries in Table 1-2 are overly generalized or vague, identify outcomes for measures that do not clearly define the dimensions of the specific impacts, and generally provide an insufficient description of impacts to support a conclusion as to impact significance. The overall result is that the impact summary provides an incomplete and not highly informative disclosure of the expected impacts from the project. Examples of specific shortcomings are described below. 13-30

a. 3.1 Earth Resources, p. 1-10

The table entries for construction impacts simply identify acres of construction disturbance and cubic yards of cut-and-fill and material import requirements, with no indication or explanation of the impact level associated with these quantities. From the limited information provided, it is not possible for the reviewer to determine whether earth resource impacts would be significant, or how such a determination would be made. Information on operation and maintenance impacts is similarly sparse, limited to the total acreage of permanent ground disturbance and unsupported classification of earthquake, volcanic and landslide hazards as "Low." 13-31

b. 3.2 Air Quality, p. 1-14

The impact measures identified for construction impacts (row header entries) do not seem to follow consistent logic. The rows for "Odors" and "Fugitive dust and exhaust emissions" appropriately identify types of air quality impacts (pollutants) that would occur, while the middle row for "Impacts during construction of substations and transmission facilities" inconsistently refers to a subset of the project construction elements and locations; air quality impacts from substation and transmission construction would also be odors, fugitive dust and exhaust emissions. The specific table entries for construction and operation impacts represent assertions that do not give a clear indication of why impacts would be "limited and negligible," "negligible" or "none." 13-32

c. 3.3 Water Resources, p. 1-16

The table entries for construction and operation impacts simply identify acres of construction and permanent disturbance, gallons of water required and the depth of construction excavation for turbine foundations, with no indication of context or explanation of how these measures relate to impacts or the impact level associated with these quantities. In the case of the excavation depth, for example, the depth of the water table is not indicated so it is not evident from the table whether construction would intersect groundwater. From the limited information provided, it is not possible for the reviewer to determine whether water resource impacts would be significant, or how such a determination would be made. 13-33

In addition, the table makes no reference to surface water resources in and near the project area or the potential for impact to those resources. Figure 1-2 appears to show project roads crossing upper reaches of Whiskey Dick and Whiskey Jim Creeks, indicating the potential for impacts to surface water bodies needs to at least be addressed. 13-34

d. Vegetation and Wetlands, p. 1-17, 18

Intuitively, it does not seem plausible that the three development scenarios for the proposed action would have a relatively large range of temporary disturbance acreage (289.5 to 401.4 acres), but would all have the same permanent footprint (165 acres). Section 2.2.1 (page 2-6) provides a brief explanation for this condition, but that condition is not confirmed without a tabular breakdown of acreage for the respective project components (turbines, access roads, met towers, substation, O&M facility, etc.) and all three scenarios. 13-35

~~e. Wildlife, p. 1-18, 19~~

The entries for construction impacts are sparse and non-specific, and provide no indication of context, impact levels or significance. Acknowledgement of "temporary disturbance" impacts to bald eagles provides little meaningful information without identification of the extent, frequency and intensity of the impact, or the size of the population affected. Likewise, the entry for "possible avoidance behavior" provides minimal context for this type of impact. With respect to operation impacts, the simple statements of "potential" for mortality, disturbance or avoidance do not support a determination of impact level. 13-36

f. 3.6 Fisheries, p. 1-23

The entries in this part of the table state that there would be no impacts to fish habitat and that fish habitat is absent from the project area, both of which are plausible and consistent with more detailed information presented elsewhere in the document. However, Section 3.6 entries also state "See Water Resources," and the Water Resources section of the table is silent with respect to surface water bodies. 13-37

g. 3.7 Energy and Natural Resources, p. 1-24, 25

As noted for previous table entries for other resources, presentation of quantities for consumption of various resources is not meaningful information without context as to the significance of those quantities. 13-38

h. Visual Resources/Light and Glare, p. 1-29, 30

The table entries for this section, simply indicating moderate or low long-term impact or indicating that construction equipment would be visible, provide minimal description of the impacts and are not sufficiently informative. 13-39

i. Population, Housing and Economics, p. 1-33

The entries for construction impacts state the maximum number of employees and the number of rooms or units available at peak times, leaving the reviewer to note the apparent implication that there would be enough rooms or units available even if all project construction employees demanded temporary lodging. It would be more informative and direct to identify the estimated demand for temporary accommodations among construction workers, compare that to the available supply, and render an observation about the adequacy of the supply. 13-40

j. Public Services and Utilities/Recreation, p. 1-33, 34

As noted previously for other resources, this section of the table simply provides quantities associated with the project (numbers of construction or operations employees, acres disturbed, etc.), and makes no explanation of how those numbers translate to service demand or the adequacy of existing services. These entries do not directly address the level of impact for the respective services and utilities. 13-41

k. Cultural Resources, p. 1-36

The sparse entries of "None" do not adequately explain or characterize the situation with respect to potential impacts to cultural resources, and are likely to be misleading. Most reviewers would likely interpret these entries to mean there are no archaeological or historic sites within the *project area*, while the correct implication is that there are no archaeological or historic sites within the *disturbance area* for the project facilities. From the information presented in Section 3.13 of Chapter 3, it is evident that there are some archaeological and historic sites within the project area, but that none of these sites are overlapped by locations for turbines, project access roads or other project facilities. 13-42

l. 3.14 Traffic and Transportation, p. 1-37, 38

The entries in this section of the table do not provide a sufficient description of impact levels for the various aspects of transportation. Information on the numbers of project-related trips is not meaningful in the absence of corresponding data for baseline traffic, or an indication of the potential changes in level of service. Similarly, simple statements such as "increased risk of accidents" and "Some risk to aviation" do not define the expected level of impact. 13-43

m. Health and Safety, p. 1-39, 40

In general, these entries do not provide meaningful information characterizing the impacts associated with the various health and safety risks. It is not sufficient to simply indicate that fire, spill and security plans will address specific hazards; the reader is given no indication of the degree of residual hazard with those plans in place. Similarly, merely identifying the quantities of various hazardous materials that would be used provides no useful information about the level of hazard associated with those materials. 13-44

2. Table 1-3, Desert Claim impacts, p. 1-45 to 1-69

The impact entries for the Desert Claim Alternative are based on the content of the December 2003 Draft EIS for the Desert Claim Wind Power Project. Some of the impact quantities and other characteristics of the Desert Claim project have changed since the publication of the Draft EIS. Consequently, entries in Table 1-3 for Desert Claim (and corresponding information in Chapter 3) should be reviewed against the content of the August 2004 Desert Claim Final EIS, and updated as appropriate. This need primarily applies to Sections 3.3, 3.4, 3.5, 3.9, 3.13, 3.14 and 3.15. With respect to Section 3.15, Desert Claim Wind Power LLC has not specifically committed to implement all of the recommendations of the 13-45

Kittitas County Fire Marshal (nor has it rejected those recommendations) and Kittitas County has not yet defined conditions of approval for that project, so it would be appropriate to slightly revise the wording of the second entry on page 1-69. For the other resources indicated, the updates generally involve acreages and similar quantities. 13-46

3. Section 1.7 Cumulative Impacts, p. 1-70 to 1-78

Similar to Comment 2, some references in Section 1.7 to impacts of the Desert Claim alternative should be updated to be consistent with the content of the August 2004 Final EIS for the Desert Claim project. 13-47

4. Section 1.9.2, p. 1-79

The text in this location notes that peak-hour traffic noise would likely exceed FHWA noise criteria at homes within 75 to 100 feet of the haul route. This is inconsistent with Section 3.8 of Table 1-2, which indicates that commute vehicles and heavy trucks would cause traffic noise levels to exceed FHWA impact thresholds only at homes within 60 feet of the centerline. Table 1-2 states that construction traffic noise would be unlikely to cause any adverse impact, while Section 1.9.2 implies that construction traffic noise would be significant. 13-48

Chapter 2 Proposed Action and Alternatives

5. Section 2.2.3 or 2.2.4

As noted in Comment 1d, it would be helpful if the project description provided a tabular breakdown of acreage for the respective project components (turbines, access roads, met towers, substation, O&M facility, etc.) and all three scenarios. Table 2-1 shows aggregate project data for total permanent footprint acreage and road mileage, but not acreage data for the respective components of the project. 13-49

6. Section 2.9, p. 2-46, 47

The text of this section primarily addresses the disadvantages of reserving project approval for a later date. Kittitas County agrees that a delay in project approval might make the Wild Horse project infeasible. Contrary to the statement at the bottom of page 2-46, however, it is not intuitively obvious that failure to approve the project would make it more difficult for regional utilities to meet their energy supply goals, and the EIS does not provide support for this statement. Given the number and capacity of wind energy projects that have been proposed for various locations in the Northwest, regional utilities might well be able to meet their supply goals 13-50

regardless of whether the Wild Horse project (or any other wind energy project) were approved.

The statement at the top of page 2-47 indicates that "a better understanding of … benefits verses cost in terms of environmental consequences or other issues" would be an advantage of reserving project approval to a later date. This statement is unclear and should be revised to provide more specific information. If there are specific environmental impacts or other aspects of wind power projects that are considered to be uncertain or unresolved at this time, they should be identified in this section. 13-51

Chapter 3

7. Resource-specific impact summary tables

Each section of Chapter 3 includes a summary table of impacts (Table 3.1-1, 3.2-1, etc.) that in general appears to be reproduced in the corresponding section of Table 1-2 in Chapter 1. The substance of Comments 1a through 1m therefore also applies to the corresponding tables in Chapter 3. 13-52

8. Section 3.1.2.1 Erosion, p. 3.1-11 and Landslides, p. 3.1-12

This section fails to specifically indicate the expected level of erosion impact and provide supportive explanation for such a conclusion. The text indicates there would be potential for erosion and runoff and that implementation of BMPs would reduce this impact, but does not identify or characterize the residual impact level with the assumed mitigation. The same observation applies to the discussion of landslide impacts on page 3.1-12. 13-53

9. Section 3.3.2 Water Resources impacts, p. 3.3-6 to 3.3-10

Similarly, the discussion of erosion and runoff impacts to water resources stops short of identifying an expected impact level for water resources with the assumed mitigation in place. There are statements that plans and BMPs would be implemented to *minimize* impacts or *reduce* discharges, but that is not the same as stating that impacts would be *minimal*. As written, the discussion in Section 3.3.2 does not directly support or lead to the conclusion in Section 3.3.5 that there would be no significant unavoidable adverse impacts to water resources. 13-54

10. Sections 3.8.2.1 and 3.8.5 Noise impacts, p. 3.8-8 and 3.8-12

Similar to the condition noted in Comment 4, the construction traffic noise impact results presented in Section 3.8.2.1 and Table 3.8-6 are not consistent with the conclusion stated in Section 3.8.5. Table 3.8-6 indicates that noise levels would exceed 66 dBA only at residences less than 60 feet from the street centerline, and that few if any homes are that close to the street. 13-55

11. Section 3.10 Visual Resources headings and content

The organization of Section 3.10 could be improved for the convenience of the reader. Section 3.10.2 Affected Environment includes a considerable amount of information that actually relates to project impacts, including discussion of the Zones of Visual Influence analysis, visibility of the project features from various landscape units and the simulations of project facilities. In addition, Section 3.10.1 Methodology addresses only a portion of the methods for the analysis, while additional content that relates to methodology is included in Sections 3.10.2.2, 3.10.2.3, 3.10.2.4 and 3.10.3.1. It would be easier to follow the content of this section if the affected environment section only addressed baseline conditions, and all methodology and impact discussion were provided in discrete locations. 13-56

12. Section 3.10.2.3 Visual Sensitivity, p. 3.10-4

The assignment of visual sensitivity levels does not appear to be consistent with typical practice in visual impact assessment. From the description provided in the text, the assigned levels of visual sensitivity appear to effectively be based solely or predominantly on viewing distance, with little or no effective weight given to the characteristics and sensitivity of the viewers. All areas assigned a high visibility level are within foreground viewing distance (0.5 mile or less), all areas assigned a moderate sensitivity level are within middleground viewing distance (0.5 to 5 miles), and all areas within background viewing distance (more than 5 miles) were assigned a low sensitivity level. The text notes that a low sensitivity level could be assigned to middleground areas based on the context of viewing conditions, but the sensitivity assignments did not apparently provide for a high sensitivity level in a midleground area with viewers considered to be particularly sensitive. The subsequent discussions of visual sensitivity in Section 3.10.2.5 confirm that most of the visual sensitivity assignments are effectively based on viewing distance, when they should be based on the sensitivity of the viewers. For Landscape Unit 3, a low to moderate sensitivity level is assigned inappropriately on the basis of low viewer numbers. The structure of the sensitivity level assignments could bias the visual impact level results. 13-57

13. Section 3.10.2.4 Project Site Visibility, p. 3.10-5, 6

Figure 3.10-1 is a reasonable and valid attempt to present extremely complex project visibility information. The graphic itself is a bit difficult to interpret, however, given the color gradation scale (for visibility of from 4 to 136 turbines) and what appear to be some areas of color from the base map used for the graphic (brown shading for areas of higher relief and green shading for forested areas). The accompanying text does not explain the color scale used in the graphic, or whether the distinction between seeing 0 to 3 turbines and 4 or more turbines is considered to be a meaningful threshold. It would be preferable to clearly show areas in which the project would not be visible at all (0 turbines), and to use colors or shading to clearly indicate 4 to 6 distinguishable intervals for areas in which 1 or more turbines would be visible (e.g., 1 to 5 turbines, 6 to 20, 21 to 50, etc.). In addition, the text could provide a more thorough and precise description of the project visibility patterns. For example, the figure seems to indicate that roughly half or more of the turbines would be visible from the light-blue patches to the north and east of the project area, while all or nearly all of the turbines would be visible from the broad expanse of dark-blue area east of the Columbia River. The text discussion does not include such observations. 13-58

14. Section 3.10.2.5 Landscape Units, p. 3.10-6

There should be a map indicating the extent of the six landscape units defined for the analysis; this information could be added to Figure 3.10-8. From the text descriptions, the divisions among landscape units 1, 2, 3, 4 and 6 are not evident. 13-59

15. Table 3.10-2, p. 3.10-21

There is a blank in the first line, concerning the number of turbines visible from Landscape Unit 5. 13-60

16. Section 3.10.6, p. 3.10-30

The discussion of potential significant unavoidable adverse aesthetic impacts acknowledges the project would create substantial changes to the character of a number of views toward the project site, and concludes that these would not be significant impacts because of the low to moderate sensitivity of the affected views. As noted in Comment 12, the visual sensitivity ratings for the respective landscape units appear to be based on viewing distance and not on the sensitivity levels of the viewers, and may warrant revision in at least some cases. Therefore, the overall visual impact conclusions should be revisited and may be subject to change based on possible changes in visual sensitivity levels. 13-61

Based on review of the simulations and the elements of the impact analysis for each of the landscape units, as documented in Table 3.10-2, there are no viewpoints for which Kittitas County would at this time dispute the visual impact levels determined through the analysis; i.e., there are no views that the DEIS identifies as a moderate level of visual impact that Kittitas County believes should clearly be considered a high (and therefore significant) level of visual impact. That position is contingent on the need to review the visual sensitivity assignments and their influence on the overall visual impact ratings, however. 13-61 cont

17. Section 3.12.2.2 O&M Impacts, Fire Protection, p. 3.12-15

Based on response to other proposed wind projects in Kittitas County, fire hazard and fire protection comprise the primary concern related to public services and utilities. The discussion of fire protection on page 3.12-15 indicates that impacts related to mechanical fires would be greatest for the 158-turbine scenario and that wildland fire impacts would be equal for all three scenarios, but it stops short of actually defining an expected impact level for the proposed action. Without a more specific definition of the fire risk and potential impacts, including the residual level with implementation of assumed or proposed mitigation, this section does not provide sufficient support for the conclusion of no significant impacts in Section 3.12.5. 13-62

18. Section 3.13.2 Cultural Resources, Impacts, p. 3.13-19, 20

The impact assessment for cultural resources focuses exclusively on impacts through ground disturbance of cultural sites, with no consideration for potential indirect impacts. For completeness, this section should address the potential for indirect long-term impacts, including impacts possibly resulting from disturbance, access or visual changes, to the cultural resources in and near the project area. 13-63

19. Section 3.14.2.2 Air Navigation, p. 3.14-21

This section provides an insufficient discussion of potential project impacts on air navigation. The first sentence acknowledges that installation of wind turbines on the site may impact air navigation, but the remainder of the paragraph does not explain how that would happen (what air traffic activities or procedures might be affected), define specific potential impacts or identify an expected impact level. Most of the discussion simply describes the safety lighting that would be installed to comply with FAA requirements. The EIS should provide a complete discussion of air traffic activity that relates to the project area, whether the project would interfere with that activity and/or any existing or proposed air traffic procedures or 13-64

airspace limitations, and the project status relative to FAA notification requirements and obstruction standards.

20. Section 3.15.2.2 Health and Safety, O&M Impacts, p. 3.15-7

Similar to Comment 17, the discussion of fire and explosion hazards identifies possible sources of fire or explosion and safety measures that would apply to those hazards, but it stops short of actually defining an expected impact level for the proposed action. Without a more specific definition of the fire/explosion risk and potential impacts, including the residual level with implementation of assumed or proposed mitigation, this section does not provide sufficient support for the conclusion of no significant impacts in Section 3.15.5. 13-65

21. Section 3.15.5, p. 3.15-19

This section indicates that impacts associated with lightning strikes are a possible exception to the statement that there would be no significant unavoidable adverse impacts to health and safety, but provides no additional characterization or explanation concerning possible lightning-related impacts. Section 3.15.2.2 notes that the turbines and substations would have lightning protection systems, but does not indicate the expected impact level with those systems in place. 13-66

22. Chapter 3, multiple sections addressing Desert Claim impacts

As noted previously in Comments 2 and 3, material on the Desert Claim project in several Chapter 3 sections on impacts of the alternatives and Section 3.16.6 should be updated to be consistent with the content of the August 2004 Final EIS for the Desert Claim project. 13-67

Responses to Comments in Local Agency Letter 13 from Clay White, Planner II Kittitas County Community Development Services

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

Please note, that although individual responses are provided below, it is stated in the draft County Staff Report on Proposed Wild Horse Wind Power Project – Comprehensive Plan Amendment & Wind Farm Resource Overlay Zone, dated January 20, 2005, page 24, that "Kittitas County concludes that the analysis and additional information confirm that the environmental analysis is accurate and provides answers to questions raised in the County's own review comments. This review and evaluation, therefore, has provided sufficient basis to consider and address environmental issues, as required by SEPA, and to support its decisions on the Wild Horse proposal.". In addition, many of the concerns expressed in the Letter 13 submittal have been addressed in the Final Development Agreement between the Applicant and Kittitas County (Appendix A). *Some of the responses point directly to the Development Agreement for resolution to the issue raised.*

13-1. While Kittitas County does have the authority to permit wind power projects in its jurisdiction, it does not have permitting authority over the proposed WHWPP because the Applicant chose to pursue project approval through EFSEC pursuant to state law. Revisions have been made to the DEIS for clarification and appear in the Fact Sheet for this FEIS. In cooperation with Kittitas County, the Applicant has sought approvals by the Board of County Commissioners, pursuant to KCC 17.61A.040, for a wind farm proposed within the Resources Overlay zone. The Applicant has negotiated a Development Agreement with Kittitas County. Furthermore the County certified that the project was consistent with local land use plans and zoning ordinances.

In Table 2-10 of the DEIS, under SEPA, it is stated "Kittitas County would have been lead agency absent EFSEC jurisdiction, Washington Environmental Policy Act, Chapter 43.21C RCW; Chapter 197-11 WAC Washington Department of Ecology SEPA Rules, which establishes uniform requirements for compliance with SEPA."

13-2. Jones & Stokes is retained by EFSEC to prepare the EIS for the Wild Horse Wind Power Project.

13-3. Power produced by the project would be delivered to the regional power grid and transmitted to load centers. The location of those load centers would depend on the terms of the power sales agreements executed by Wind Ridge Power Partners LLC. Possible purchasers of the project's output include public utilities and/or investor-owned utilities in the Northwest, the Bonneville Power Administration (the federal power-marketing agency serving the Northwest), and/or private-sector power-marketing entities. PSE has also formally indicated its intent to purchase the WHWPP if permitting is successful.

The Applicant is currently marketing the electricity that would be produced by the WHWPP to local and regional utilities and power markets. It is not possible to predict at this time where the output would be delivered or how much

of the electricity might be used in the local area. Wind power developers are not able to execute a power sales agreement until after project land use approvals have been obtained. However, the power produced at the WHWPP would most likely serve a portion of the needs of the Northwest power pool.

13-4. Refer to Section 3.9.1.2 and Table 3.9-2, for additional discussion of the County's permitting process for locating Wind Farms. The County has certified that the Project is consistent with local land-use plans and zoning ordinances.

13-5. Under the No Action Alternative, a gas-fired combustion turbine facility was presented as a potential source of new power generation, along with other possibilities, should the WHWPP not be built to support energy resource demands in the region. Given many of today's environmental concerns regarding the damming of rivers, two other wind projects already proposed in Kittitas County, and the number of gas-fired combustion turbine facilities already in production, this type of facility is presented in the EIS as a reasonable and likely facility to be considered for development.

13-6. Section 3.4 in Table 1-2 has been revised to note wetlands are designated as "critical areas" under the local jurisdiction of Kittitas County (Kittitas County Code Title 17A). Please see Section 2.10 Applicable Federal, State, and local Requirements in the DEIS for an explanation of the relationship between the Kittitas County Code and the EFSEC permitting process.

13-7. See Section 2.10 Applicable Federal, State, and local Requirements for an explanation of the relationship between the Kittitas County Code and the EFSEC permitting process.

13-8. The requested information has been added to applicable regulations listed in Table 2-10 and appears in this FEIS.

13-9. Revisions have been made to the DEIS and appear in Section 3.12 and Table 1-2 of this FEIS.

13-10. Information on the impacts of wind turbines on big game is lacking. Results of a recent study on the interactions of elk populations with operating wind farms, conducted in Oklahoma, were inconclusive but found no evidence that operating wind turbines have a significant impact on elk use of the surrounding area (Walter et al, 2004). This information has been added to the DEIS and appears in Section 3.5.2.2 of this FEIS. Site specific impacts of the WHWPP will be monitored through the post-construction monitoring to be conducted under the guidance of the Technical Advisory Committee convened for the WHWPP, as described in Section 3.5.4.4 of the DEIS and FEIS.

13-11. Revisions have been made to the DEIS and appear in Section 2.2.1 of this Final EIS to state that the full range of potential impacts and environmental effects associated with the three scenarios have been evaluated in the DEIS and additional mitigation measures are proposed in the FEIS as a result of further consultation with the agencies and comments submitted on the Draft EIS.

13-12. Section 2.2.3, Subsection: Meteorological Stations and Monitoring Towers, has been revised to state that meteorological towers would be free-standing (unguyed).

13-13. Thank you, your comment has been noted.

13-14. See new Figure 3.10-10 in this FEIS.

13-15. The construction schedule presented in Table 2-3, Section 2.2.4 has been updated.

13-16. See response to Comment 12-22.

13-17. Both the Applicant and EFSEC have coordinated with Kittitas County throughout the Application and EIS development phases of the project. Anticipating an evaluation of off-site alternatives to be part of the County's environmental review process to address land use consistency issues and the need for a re-zone for the proposal, EFSEC conducted an off-site alternatives analysis for the WHWPP and included it in the EIS for the proposed project.

13-18. The bulleted item has been revised to include the Commercial Forest Zone.

13-19. Kittitas County Code 9.45, Noise has been included in Table 2-10 under Noise control.

13-20. Revisions have been made to the DEIS and appear in Section 2.11.1, Local Agency Contacts, County Planning Staff of this FEIS to update the Applicant's submittal history with Kittitas County CDS.

13-21. Section 2.12, Potential for Future Activities has been revised to include "The environmental impacts of any future expansion of the WHWPP would be evaluated under an environmental review process pursuant to the requirements of the State Environmental Policy Act (SEPA)."

13-22. See response to Comment 13-3 above.

13-23. Refer to Section 3.9.1.2 and Table 3.9-2, for additional discussion of the County's permitting process for locating Wind Farms.

13-24. GPO 6.34 is listed in Table 3.9-2 under the Description column.

13-25. Refer to updated information in Table 3.9-2.

13-26. The Applicant has prepared a preliminary lighting plan. See Figure 3.10-10 for the proposed lighting Plan. Turbine lighting will be in compliance with FAA regulations.

13-27. Mitigation measures described in Section 3.10.5 will be implemented by the Applicant to reduce potential impacts of exterior lighting. Bullet point 8 demonstrates the Applicant's intent to minimize potential lighting impacts by keeping lighting to the minimum required intensity to meet FAA standards.

13-28. Table 3.14-4, Aviation hazards has been revised and appears in this FEIS to reflect that FAA has issued a Determination of No Hazard for the project.

13-29. The transportation studies conducted, along with the addition of the FAA Determination of No Hazard, demonstrate there are no significant impacts as a result of the proposed project.

13-30. The intent of Table 1-2 is to provide a general summary of potential impacts from the proposed project. Detailed discussions of the impacts are presented in the resource sections of the EIS. Mitigation measures set forth in the Development Agreement between the Applicant and Kittitas County address the County's concerns over potential impacts from the proposed WHWPP.

13-31. The Development Agreement between the Applicant and Kittitas County provides resolution to issues raised during the County's review of the Draft EIS. The intent of the summary table is to summarize impacts to Earth resources from construction, operation, and decommissioning of the proposed project. These impacts are evaluated in greater detail in Section 3.1, Earth, including a description of existing and historic conditions supporting the conclusions for the "low" ratings for earthquake, volcanic, and landslide hazards.

13-32. The requested changes were made to air quality items in Table 1-2. In addition, Table 3.2-1 of the DEIS has been updated in this FEIS to explain the rationale for describing the air quality impacts as "limited and negligible".

13-33. The purpose of the quantities provided in Table 1-2 is to summarize and allow comparison between the 3 different sized turbine scenarios and the potential impact differences between them due to constructing and operating the project. The only significance of the scenario quantities is to highlight the differences between the scenarios; similarly for Table 3.3-3. Please review the full sections to properly assess impacts. For example, Section 3.3.1.2 states "A review of nearby well logs indicates that these wells typically penetrate and draw water from the basalt aquifer, at depths of 100 to 500 feet." Thus, excavation depths would not be expected to encounter groundwater.

13-34. Revisions have been made in the DEIS and appear in Tables 1-2 and 3.3-3; Section 3.3.2; and Section 3.3.2.1 of this FEIS. See Section 3.3 for a full discussion of surface water resources in and near the project area and the potential impacts to those resources. The purpose of the quantities provided in Table 1-2 is to summarize and allow comparison between the 3 different sized turbine scenarios and the potential impact differences between them due to constructing and operating the project. The only significance of the scenario quantities is to highlight the differences between the scenarios. No project access roads cross any stream or riparian areas.

13-35. A breakdown of impact acreages for the respective project components (e.g. turbines, access roads, met towers, substation, O&M facility) is presented in Table 3.4-5 in Section 3.4, Vegetation and Wetlands, of the EIS.

13-36. The information in Table 1.2 "Summary of Potential Impacts of Proposed Action (Including Transmission Feeder Lines[s]) and No Action Alternative" is intended to summarize information contained within Chapter 3 of the FEIS. For a more detailed description of potential impacts to wildlife please see Section 3.5.2 of the FEIS.

13-37. Thank you, your comment has been addressed in Section 3.3.2, Table 3.3-3, and Table 1-2 of the FEIS.

13-38. The purpose of the quantities provided in Section 3.7 is to allow comparison between the 3 different sized turbine scenarios and the potential resources consumed to construct and operate the project.

13-39. The intent of Table 1-2 is to summarize potential visual impacts. For further analysis, refer to Section 3.10 Visual Resources. Section 3.10.2.3, and the last paragraph of Section 3.10.3.1, Analysis Procedure, describe the classification of impacts reflected in Table 1-2.

13-40. Revisions have been made to the DEIS and appear in Section 3.11 Population, Housing, and Economics, of this FEIS to clarify peak demand for accommodations during the construction phase of the proposed WHWPP.

13-41. Thank you, your comment has been noted.

13-42. Table 1-3 provides a summary of the potential impacts and mitigation measures resulting from the proposed action and no action alternatives. More detailed discussion of the potential impacts and the mitigation measures intended to limit those impacts can be found in Chapter 3, under the section for the specific Affected Environment.

There are several recorded archaeological sites and historic properties within the project area. Construction excavation,

turbine installation, access roads, staging areas, or other project facilities will be sited to avoid known cultural resources. Appropriate measures will be taken if any significant cultural resources are identified during project construction activities. A professional archaeologist will inspect any identified archaeological deposit in order to ascertain its significance and contextual quality. If significant cultural resources are identified, all affected Native American tribes will be contacted.

13-43. Tables 3.14.6 and 8 provide a comparison of existing traffic volumes and traffic volumes during project construction and operation. In both cases the level of service with the project meets acceptable levels. The increased risk of traffic collisions is considered minor. The construction of a new driveway access with large traffic volumes during construction increases the risk of accidents. Additionally the increase in the number of vehicles operating on the Vantage Highway may increase the number of collisions especially as vehicles attempt to pass trucks. However the small number of vehicles operating on Vantage Highway and the requirement that the new access will be constructed to WSDOT commercial driveway standards will substantially reduce this potential for collisions. Regarding risks to aviation see response to Comment 11-4.

13-44. As documented in the Kittitas County Staff Report, Finding No. 45, this concern has been resolved via the Application for Site Certification and supplemental information submitted by the Applicant to EFSEC and Kittitas County.

13-45. Information on the Desert Claim alternative has been updated for some relevant quantitative values and mitigation measures in this FEIS to be consistent with the Final EIS for the Desert Claim project.

13-46. See response to Comment 13-44.

13-47. See response to Comment 13-45 above.

13-48. Section 1.9.2 has been revised to reflect the noise conclusions in Section 3.8.

13-49. See response to Comment 13-35.

13-50. As the statement in Section 2.9 of the DEIS indicates, regional utilities are seeking wind power projects to diversify their resource portfolios *at a minimum cost to their customers* (emphasis added). Having fewer projects from which to chose from could limit the cost effectiveness of adding wind to a utility's resource portfolio, and could as a result increase power costs for their customers.

13-51. The Draft and Final EIS have identified several areas where the evolving wind industry is still collecting information, impacts to bats, and to elk herds, for example. A delay in project approval could allow the permitting agency to consider new studies that are produced in the interim.

13-52. As intended, the impact summary tables provide a general summary of potential impacts identified in the impact analysis that follows the table. See the subsequent discussion for an in-depth evaluation of potential impacts from implementation of the proposed project. The summary tables are duplicated in the Summary Chapter.

13-53. The Development Agreement between the Applicant and Kittitas County provides resolution to issues raised during the County's review of the Draft EIS. A detailed SWPPP will be developed by the Applicant, approved by EFSEC, and implemented to reduce the potential for erosion. Site-specific BMPs will also be employed for site slopes (landslide hazards), construction activities, weather conditions, and vegetative buffers to reduce the potential for erosion. Project facilities would be constructed on relatively

low-gradient topography, and not on unstable slopes or landslide-susceptible terrain.

13-54. Section 3.3.2 of the DEIS states that impacts could occur, "If not properly mitigated, development under any of the three project scenarios could adversely affect nearby surface waters." However, by designing the project to avoid all surface waters by at least 200 feet and implementing SWPPP and BMPs based on Ecology's Stormwater Management Manual for Western Washington in addition to the other measures described in Section 3.3.4, impacts would be minimized or avoided.

13-55. Section 3.8.5 has been revised to reflect the findings of Section 3.8.2.1.

13-56. Section 3.10.2.3, Visual Sensitivity, encompasses consideration of the existing baseline conditions.

13-57. Section 3.10.3.1 describes the use of the FHWA methodology used to evaluate impacts and assessing viewer response to change. Measures to mitigate impacts of the proposed WHWPP are included in the Development Agreement between Kittitas County and the Applicant.

13-58. The figure shows the change in landscape with the proposed project in place. Areas where the turbines would not be seen were not evaluated, as the landscape view would not be changed by the presence of the project.

13-59. Measures to mitigate impacts evaluated in the visual impact analysis for the proposed WHWPP are included in the Development Agreement between Kittitas County and the Applicant.

13-60. See response to Comment 13-59 above.

13-61. Thank you, your comment and concurrence (at this time) with the EIS analysis has been noted.

13-62. Since the Draft EIS was issued in August 2004, the Applicant has entered into a fire protection plan with Fire District #2 for the proposed project site. Measures to mitigate for potential fire hazards are included in the Development Agreement between Kittitas County and the Applicant.

13-63. Indirect impacts to documented cultural resources, including archaeological sites and historic properties, could result from site disturbance, site access, and visual changes to the viewshed or viewscape. Measures such as clearly marking areas that need to be avoided to project sensitive resources, and ensuring that project personnel observe those markings and their associated restrictions, can minimize the potential for these type of indirect impacts. Roads that would be constructed or improved to provide access to project facilities would be controlled by lock gates, public access to the project area would be restricted, and the project area would be patrolled on a regular basis.

13-64. Revisions have been made to the DEIS and appear in Section 3.14.2.2, Subsection: Air Navigation Consideration in this FEIS to reflect that nine turbine locations have been removed from the proposed project layout and FAA has issued a Determination of No Hazard for the remaining turbine locations proposed for the project. An example FAA DNH is included in Appendix C of this FEIS.

13-65. See response to Comment 13-44.

13-66. See response to Comment 13-44.

13-67. See response to Comment 13-45.

Christine O. Gregoire
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September 10, 2004

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ENERGY FACILITY SITE
EVALUATION COUNCIL

Allen Fiksdal, Manager
Energy Facility Site Evaluation Council
925 Plum Street S.E., Bldg. 4
Olympia, WA 98504-3172

Re: Wild Horse Wind Power Project Draft Environmental Impact Statement: Comments

Dear Mr. Fiksdal:

A. Introduction

Counsel for the Environment (CFE) appreciates this opportunity to comment on the Wild Horse Wind Power Project (Wild Horse) Draft Environmental Impact Statement (DEIS). CFE takes no position in support or opposition of the Wild Horse at this time. The following comments seek to ensure the Final Environmental Impact Statement provides the public with more detailed information on the environmental impact of the proposed wind power project.

B. Vegetation

1. Shrub-Steppe

The DEIS should provide more detailed information regarding the likely outcome of shrub-steppe revegitation efforts. The DEIS indicates how the applicant plans to revegitate, but does not provide any examples of successful revegitation programs. The DEIS also does not provide projections as to how long it will take to successfully revegitate temporarily disturbed shrub-steppe. The DEIS should indicate how long it will take for the temporarily disturbed areas to return to the current condition. The DEIS does acknowledge that "[s]uccess of revegitation efforts in shrub steppe habitat and fragile lithosols is not well documented. Disturbed sites in these areas become readily vulnerable to invasive, non-native plant species that could interfere with successful native plant reestablishment." (3.16-6). Information regarding the likely success and time frame for revegitation of temporarily disturbed shrub-steppe is critical to understanding the overall environmental impact of the proposed project. If shrub-steppe cannot be successfully regrown, then "temporarily disturbed areas" should be reclassified as permanently disturbed and accounted for as such in the mitigation parcel. 14-1

2. Lithosols

Lithosols are a Washington Department of Fish and Wildlife (WDFW) priority habitat. The DEIS indicates that the applicant proposes to permanently remove approximately 61 acres of lithosols, but does not seem to indicate how many acres of lithosols will be temporarily disturbed. The DEIS also states that "[p]lant communities associated with lithosols are sensitive to disturbance and difficult to restore. Therefore, where revegitation efforts are implemented on lithosols, recovery would likely take longer." The DEIS should be more detailed in describing whether or not lithosols can be revegitated. Assuming lithosols can be revegitated, the DEIS should point to a project, wind related or otherwise, where lithosol revegitation has been successful. If no examples exist, the DEIS should so indicate. Simply stating that lithosols are "difficult to restore" is an unsatisfactory answer, which provides the Energy Facility Site Evaluation Counsel (EFSEC) and the public insufficient information regarding the effect of construction on the temporarily disturbed lithosols. If lithosols cannot be revegitated, these "temporarily disturbed areas" should be considered permanently disturbed areas and accounted for as such in the mitigation parcel. If lithosols can be revegitated, the DEIS should indicate how long it will take for the temporarily disturbed areas to return to current condition. 14-2

3. Hedgehog cactus (3.4-16)

The hedgehog cactus is on the Washington State review list. The DEIS indicates that construction of the project will impact the hedgehog cactus, but is "not anticipated to jeopardize the continued existence of the local population." (3.4-16) However, this assertion does not seem to be supported by any study. In fact, there does not appear to be a clear estimation of the abundance of this species in the local area beyond the fact that hedgehog cactuses were seen beyond the boundaries of the project area. The DEIS should contain more detailed information about the project's impact on the abundance of hedgehog cactus in the region. 14-3

C. Wildlife

1. Birds Generally (3.5-4)

The effect of Wild Horse on avian populations must be considered when determining whether or not the project is located in an appropriate area. The DEIS states that "[t]he potential exists for a few individuals of each species to collide with turbines over the life of the project; however, no population impacts on these species are anticipated under any of the scenarios." (3.5-19). Upon what study or information is this statement regarding anticipated population impact based? Review of the DEIS only indicates that studies were conducted to determine wildlife use of the project area and not actual population counts. If abundance studies were not conducted, it is unclear as to how the DEIS could draw conclusions regarding population impact. In fact, the DEIS should include population impact information so that EFSEC and the public can appreciate what the local impact of the project will be on the avian species in Washington and Kittitas County. 14-4

Additionally, the DEIS indicates that bird fatality projections anticipate 0.6-3.5 deaths per turbine, per year. (3.5.24). The DEIS should evaluate what impact this ratio might have on local bird populations over a 20 year period (the currently projected life of the project). According to DEIS projections, over a 20 year period, as many as 200 raptors and 6,000 passerines might be killed. (3.5-24).

The DEIS states that many avian species that might be killed by the turbines are "very common and widely distributed." (3.5-22) What is meant by this statement? Are the species common and widely distributed within the local area, county, region, state, or nation? Knowing what species are most abundant and where they are located is essential to understanding the project's potential impact on local populations of avian species. 14-5

The proper location of turbines is essential to avoiding avian mortality. According to the DEIS, there appeared to be a pattern of raptor flight paths parallel to the western side of the ridge near observation station G (3.5-4). Observation station G studied the area where turbine string L is currently proposed. The DEIS should address in greater detail what the effect of placing turbines in this area might have on raptor mortality. Similarly, the DEIS indicates that the project area may be within a possible bird migration corridor. (3.5-3) The DEIS should contain more detailed information regarding whether or not bird migration corridors exist through the project. The existence of a migration corridor could have a significant impact on avian mortality. Furthermore, the DEIS should address in greater detail the feasibility of moving turbines slightly off ridge tops as means of reducing avian mortality. The DEIS does mention avoidance of locating wind turbines in prominent saddles along the main Whiskey Dick Ridge, but what about other ridges within the project area? 14-6 14-7 14-8

Finally, the DEIS should provide more detailed information regarding construction impact on raptor and other birds nesting in the project area during construction, including recommendations for mitigating the impact on these species (3.5-4 & 23). 14-9

2. Sage Grouse

The DEIS needs to provide a better overview of the project's possible impact on sage grouse. At one point, the DESIS states that there is limited information on the potential disturbance and displacement impacts of wind projects on sage grouse. (3.5-22) The DEIS then states that it would appear the project should not significantly impact connectivity between Douglas County and populations and the Yakima and Kittitas County populations. A few pages later, the DEIS states that "[i]t is not known what impact the project will have on seasonal movements and movements, if they exist, between the two existing populations."(3.5-33) The DEIS needs to provide EFSEC and the public with a clearer picture as to the potential effect of the proposed project on the sage grouse recovery effort. 14-10

3. Other Wildlife/Lizards (3.5-20-21)

The DEIS states that disturbance and mortality may occur to various wildlife and lizards during construction, but never provides any information about the abundance of these species within the proposed project area. (3.5-20-21) The DEIS should provide more information regarding the presence of these species within the proposed project area. 14-11

4. Sage Sparrow and Sage Thrasher

The DEIS indicates that construction of roads and tower foundations could have "some effect on nesting birds and their young." (3.5-21) The DEIS should provide more detailed information regarding what these effects will be and what mitigation measures should be taken to minimize the impact. 14-12

5. Bats

CFE has concerns about the projected bat kills. Using estimates from other projects when no study of bat use in the project area was conducted makes the current estimates unreliable. In fact, the DEIS provides no information regarding bat kills at other wind power projects within Washington. The information gathered by Technical Advisory Committees at other wind farms would be valuable information to be included in the Wild Horse DEIS. The applicant should indicate what steps it intends to take, if any, if the bat mortality rate exceeds current expectations. Additionally, there is very little information included in the DEIS regarding the impact of bat deaths on the biological community. 14-13

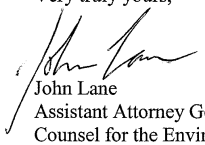
6. Monitoring and Adaptive Management (3.5.4.4)

CFE agrees with the creation of the Technical Advisory Committee (TAC) as a means of monitoring mitigation programs at Wild Horse. However, the details of how decisions will be made, the powers of the TAC, etc., should be outlined in greater detail. The proposal does not describe how many members the TAC will have or how members will be selected. Most importantly, the proposal does not address what enforcement powers, if any, the TAC will have if violations of the EFSEC permit are discovered or what would occur if the TAC identifies serious adverse impacts of the Wild Horse once online. 14-14

D. Conclusion

Thank you for the opportunity to comment on the Wild Horse DEIS. If you have any questions regarding these comments, please do not hesitate to contact me at (360) 586-2438.

Very truly yours,



John Lane
Assistant Attorney General
Counsel for the Environment

JL:mb

Responses to Comments in State Agency Letter 14 from John Lane, Assistant Attorney General, Counsel for the Environment, Attorney General of Washington

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

14-1. See response to Comment 12-25. The TAC (proposed membership to include representatives from EFSEC, WDFW, USFWS, local interest groups, Project landowners, and the Applicant) will provide a means of adaptive management for monitoring and mitigation. During surveys, lithosolic habitats were found to be present as small inclusions in the shrub-steppe and herbaceous habitat types. Small-scale vegetation and soils maps typically do not break out lithosol sites. These soils were observed during surveys to be common in the general Project vicinity. As such, lithosols would incur a small portion of the temporary impacts presented in the EIS for shrub-steppe and herbaceous habitat types (see Table 3.4-3 of the DEIS). In addition, WDFW has stated that mitigation provided by the Applicant is consistent with WDFW guidelines.

14-2. See response to Comment 14-1.

14-3. Hedgehog cactus (*Pediocacus simpsonii*), was observed at the project site during surveys conducted by a qualified botantist. This plant was observed scattered in lithosolic habitats throughout the project area. Suitable habitat (lithosol) is relatively common in the general vicinity of the project site. The WNHP database shows three other known populations within approximately 5 miles of the project area. Loss of several occurrences of hedgehog cactus would not affect the viability of the species in the general region. The "Review" designation carries no legal requirement for protection.

14-4. For a more thorough analysis of population impacts please see the Wildlife Baseline Study for the WHWPP (WEST, Inc. 2003b).

14-5. As stated in Section 3.5.2.2 of the DEIS, most avian fatalities associated with the WHWPP would likely involve resident songbirds such as horned lark, vesper sparrow, and western meadowlark. These species are described by Smith et al (1997) as being common, abundant, and widespread throughout suitable shrub-steppe habitat in the eastern portion of Washington State.

14-6. As stated, the flight pattern was observed as occurring parallel to the ridgeline, not directly above the ridge. In order to reduce the risk of mortality to raptors utilizing this flight pattern and potentially crossing the ridge, turbines would not be placed in prominent saddles along the main Whiskey Dick Ridge, as stated in Section 3.5.4.2 of the DEIS.

14-7. The WHWPP is located within the Pacific Flyway, a broad flyway that extends from the Pacific Ocean to the Rocky Mountains and is also located near the Cascade Mountains, and many species are known to migrate along this mountain range. Studies conducted for the WHWPP noted use of the

WHWPP area by migratory bird species, and some may have been migrating through the area; however, the site is not within a known migratory route.

14-8. A year long study of raptor use of the WHWPP site was conducted and the results of this study were incorporated into the decisionmaking process for turbine placement. Turbines were not placed within prominent saddles along Whiskey Dick Ridge, where raptors were observed crossing or would be expected to cross the ridge. Also, 9 turbine locations have been eliminated along the peak of Whiskey Dick Ridge because of FAA concerns. Raptor use near these previously proposed turbine locations was high relative to most other locations where measurements were taken. Several turbines were initially proposed in the northwest portion of the project area along the existing north-south road located to the west of the "Pines" area. The collision risks associated with these turbines are likely similar to most of the turbines within the Project area. However, they were located in areas that have had historic sage grouse use. In addition, some of these turbines were located near a point count station that showed high relative raptor use during the pre-project studies. These turbines were subsequently eliminated from the layout and are not shown on the proposed Project Site Layout (Revised Figure 1-2). Section 3.5.4.2 of this FEIS presents site-specific mitigation measures intended to minimize potential impacts to raptors.

14-9. Construction is scheduled to occur during spring and summer in order to avoid impacts to wintering big game and to allow work to occur during dry soil conditions, thus minimizing soil impacts.

14-10. This FEIS has been updated to include new information from the Sage Grouse Recovery Plan (WDFW 2004) and new information about sage grouse that has become available since the issuance of the DEIS.

14-11. See Section 3.5.1.1 of the DEIS, Other Wildlife, for information regarding presence of the referenced species.

14-12. Potential effects are described in the referenced paragraph. The paragraph in the DEIS has been revised to clarify this and appears in Section 3.5.2.1 of this FEIS.

14-13. Pre-construction surveys to predict impacts to bats may be relatively ineffective because current state-of-the-art technology for studying bats does not appear to be highly effective for documenting migrant bat use of a site (Johnson et al 2003). Available information was used to describe potential bat use of the WHWPP site in the DEIS and post-construction monitoring would be conducted, as described in the revised DEIS Section 3.5.4 of this FEIS. Post-construction mitigation for higher than expected mortality would be determined by the TAC, which would be convened as required by the WDFW Wind Power Guideline (WDFW 2004) and as described in the revised Section 3.5.4 of the DEIS and appearing in this FEIS.

14-14. The WDFW Guidelines for Baseline and Monitoring Studies for Wind Projects describe the responsibilities of the TAC and specify that the range of possible adjustments to either the monitoring plan or the mitigation requirements should be clearly stated in the project permit. The guidelines go on to provide examples of changes that might be included, and to discuss changes that would not be feasible, which include removing turbines or shutting down turbines at certain times.

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P.O. Box 203
Easton
WA. 98925
September 9, 2004

Allen J. Fiksdal, EFSEC
P.O. Box 43172
Olympia, WA 98504-3172

Re: My personal comments on the DEIS for Wildhorse Wind Power Project.

Dear Mr. Fiksdal,

I am speaking for myself. I have been a resident of Kittitas County for 19 years.

The Wildhorse Wind Power Project is located in a somewhat different area than the other two windfarms proposed for Kittitas County (KVWPP and Desert Claim). It is in almost total SageBrush Steppe habitat rather than farmland or pasture or homesites as the other projects are. Windfarm policies such as the WDFW Wind Power Guidelines urge the use of already developed areas such as agricultural land for siting of windfarms rather than areas of existing habitat. For this reason the site is not really appropriate. 15-1

It represents an area which could actually limit habitat fragmentation in the area not being disturbed by the windfarm but I don't know if that is something we can assume will happen. Turbines in the KVWPP project are being put on private homesites already. 15-2

To me, there are still the same concerns on this project that affect the other two areas. Namely:

- Potential for negative impact on both Migratory Passerines and Raptors who use the Cascade Migratory Pathway through the whole valley.

  To quote the USFWS guidelines of 2003 at www.fws.gov/r9dhcbfa/wind.pdf 15-3

  "Avoid locating turbines in known bird migration pathways....."

- The length and type of studies done CANNOT PROVE that the Migratory Passerines, Raptors and Bats will NOT be affected.

  Two year studies including night studies have been done at a number of other sites including Stateline and Nine Canyon in the state of Washington. 15-4

  Wild Horse and the other two sites, KVWPP and Desert Claim are being compared to sites in totally different areas such as the Stateline and Nine Canyon Projects and assumptions being made that the effects will be similar.

The USFWS guidelines state:

"Data on wildlife use and mortality collected at one energy facility are not necessarily applicable to each other. Each site poses its own set of possibilities for negative effects on wildlife. In addition, the wind industry is rapidly expanding into habitats and regions that have not been well studied. The Service therefore suggests a precautionary approach to site selection and development and will employ this approach in making recommendations assessing the impacts of the wind energy development in making Recommendations ." 15-5

This area, the Kittitas Valley, is one of those areas that has NOT been well Studied.

-The cumulative impact studies only compared the 3 windfarms proposed for the Kittitas Valley to each other. Cumulative impacts are those of regional and wildlife population concern. This was not even mentioned. 15-6

There were a number of birds that are being considered for listing by the Washington State Wildlife Commission, the Partners in Flight list of threatened neotropical songbirds and Audubon lists.of birds of concern.

Even with the mitigation area, this is a huge area of Sagebrush Steppe with no development in it at this time. Plus it is right next to the Quilomene and Whiskey Dick wildlife areas making it a part of a massive natural area. Putting a large windfarm in with many towers, facilities, borrow pits and roads will fragment this area when it could well be left and acquired for one of the wildlife areas in existence. 15-7

For all these reasons, I recommend that the NO ACTION ALTERNATIVE be adopted. 15-8

We are being asked to sacrifice our area for the windfarms and yet the developers are trying to get by with doing things as cheaply as they can. If this windfarm is built I would like to suggest that THE RESIDENTS OF KITTITAS COUNTY BE GIVEN THE FIRST CHOICE ON ELECTRICITY PRODUCED BY IT AND AT THE BEST RATE. 15-9

Most Sincerely,

M. Janet Nelson

Responses to Draft EIS Comments in Individual Letter 15 from M. Janet Nelson; Kittitas Valley Resident

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

15-1. Thank you, your comment has been noted. Please note that Kittitas County zoning allows for agricultural/range use of the property where the WHWPP is proposed and that this property is not protected habitat under County zoning. However, the Applicant has voluntarily committed to place the entire Project area in a conservation easement (Appendix C).

15-2. Thank you, your comment has been noted. See response to Comment 15-1 above. If the property is voluntarily placed into a conservation easement, then fragmentation would not occur.

15-3. Although the WHWPP is located within a broad area that is likely used by migratory birds, it is not within a known migration pathway.

15-4. As stated in Section 3.5.2 of the DEIS, effects on these species are expected to occur. Section 3.5.2 provides estimates on the level of effect based on use of the area as observed during the year-long wildlife study conducted for the WHWPP. Actual effects will be monitored during post construction monitoring, as described in Section 3.5.4.4 of the DEIS and updated in this FEIS. The studies conducted for the WHWPP are consistent with the WDFW Guidelines for Baseline and Monitoring Studies for Wind Projects. The Technical Advisory Committee convened for the WHWPP will use post-construction monitoring to monitor project impacts and develop further mitigation through the adaptive management process.

15-5. Thank you, your comment has been noted.

15-6. To date, the Kittitas Valley and Desert Claim Wind Power Projects are the only other major construction projects that have been identified as reasonably foreseeable in the project vicinity, thus contributing to cumulative impacts; therefore, they are the only other projects considered in the cumulative effects analysis.

15-7. The majority of the land within the WHWPP is privately owned land, with portions of the proposed project also located on lands owned and managed by the Washington State Department of Natural Resources (DNR) and the WDFW. The Applicant has signed lease option agreements with both the DNR and WDFW for the parcels owned and managed by these agencies. Neither the DNR nor the WDFW have expressed an interest in acquiring additional lands in the vicinity of the WHWPP during discussions for the WHWPP. An analysis of any such plans would be outside of the scope of this EIS.

15-8. Thank you, your comment has been noted.

15-9. Thank you, your comment has been noted. See response to comment 13-3.

Wild Horse Wind PP
Draft EIS Comment- 16

Makarow, Irina (EFSEC)

From: Essman [essman@elltel.net]
Sent: Friday, September 10, 2004 2:49 PM
To: EFSEC
Subject: Fw: Wild Horse Wind Project/Kittitas County

----- Original Message -----
From: Essman
To: efsec@ep.cted.wa.gov
Sent: Friday, September 10, 2004 2:07 PM
Subject: Wild Horse Wind Project/Kittitas County

My name is W. R. Essman (8770 Brick Mill Rd, Ellensburg, WA 98926 509-968-4532). I am chairman of the Kittitas County Field & Stream Club's Big Game Committee. I would like to express two concerns that are not clearly identified in Zilkha's application. The first is access through the project to public lands (Whiskey Dick, Quilomene and Colockum WLA's) and the second is hunting opportunity on the project. Thank you 16-1 16-2

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Responses to Draft EIS Comments in Individual Letter 16 from W. R. Essman; Kittitas Valley Resident

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

16-1. See response to Comments 11-5 and 11-7.

16-2. Thank you, your comment has been noted.

Wild Horse Wind PP
Draft EIS Comment- 17

Makarow, Irina (EFSEC)

From: James Huckabay [Huckabay@cwu.EDU]
Sent: Friday, September 10, 2004 4:18 PM
To: EFSEC
Subject: Comments on Wild Horse DEIS

Please accept the following comments of the Draft EIS for the Wild Horse site.

I am vice president of the Kittitas County Field and Stream Club and a member of the Steering Committee of the Kittitas County Big Game Management Roundtable, and these comments are offered within those contexts.

First, it is not clear in the DEIS what sort of public access will be provided to the site or surrounding public hunting and wildlife recreation areas (Quilomene, Colockum, etc.). The Field and Stream Club considered legal action over access to the Beacon Ridge Road a couple years ago and our concerns about its future remain strong. 17-1

Secondly, Skookumchuck must be protected as part of the mitigation for the wind power project. Long term, continuous, protection must be somehow provided for this important (perhaps even critical) wildlife habitat, as well as for the abundant outdoor and wildlife-related recreation which takes place in this area. 17-2

Thank you for the opportunity to get these comments on the record.

James L. Huckabay
(509) 963-1185

James L. Huckabay, Ph.D.
Professor of Geography
(Ofc) 509-963-1185

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Responses to Comments in Organization Letter 17 from James Huckabay, Vice President, Kittitas County Field and Stream Club; Steering Committee of the Kittitas County Big Game Management Roundtable

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

17-1. See Section 3.5.4 of this FEIS for an updated discussion on controlled hunting within the project area. The Applicant will implement an adaptive management approach to allow access to and through the Project Area and recreational use of the site. The Applicant will also prepare a hunting plan for the Project area in consultation with WDFW and the Technical Advisory Committee (TAC).

17-2. The Applicant has agreed to mitigate for the loss of shrub-steppe habitat in the project area by protecting over 600 acres of this habitat type within the project area, which is consistent with the WDFW Wind Power Guidelines.

Bricklin ❖Newman ❖Dold, LLP

DAVID A. BRICKLIN
CLAUDIA M. NEWMAN
JENNIFER A. DOLD
RYAN P. VANCIL

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September 10, 2004

VIA E-MAIL: efsec@et.cted.wa.gov

Allen J. Fiksdal, Manager
EFSEC
PO Box 43172
Olympia, WA 98504-317

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RE: Wild Horse Wind Power Project DEIS

Dear Mr. Fiksdal:

I write on behalf of Friends of Wildlife and Wind Power regarding the DEIS for the above referenced project. While the DEIS contains much useful information, we believe it is deficient in several important respects.

One, the EIS has not analyzed in detail all reasonable alternatives. In particular, we believe there is an alternative that is not only "reasonable," but superior to any of the alternatives (including the proposal) that are discussed in the EIS. The omitted alternative would satisfy the applicant's purpose of developing a commercially viable wind power generating facility near BPA transmission lines in eastern Kittitas County, but would do so with a much lower risk of significant harm to wildlife and wildlife habitat.

The omitted alternative would move the northern string of turbines from their proposed location to an area that is east and southeast of the southeast portion of the current project site. This alternative area for the second turbine string would utilize land areas along the ridgetop of Whiskey Dick Mountain - the same ridgeline used for the currently proposed southern string - south to Highway 10 and easterly. This alternative would simply extend the current proposed southern string further east along lands bounded by Whiskey Dick Mountain Ridge on the north and Highway 10 on the south. The accompanying maps depict this proposed re-location. 18-1

Our alternative would still allow the project proponent to site turbines in areas with good energy generation potential. As depicted on the wind energy maps submitted herewith, this area has the same or better wind energy potential as the area within which the northern string is currently proposed.

This alternative string alinement would significantly reduce impacts to wildlife and wildlife habitat. The northern string as currently proposed would run along the headwaters of five canyons important to wildlife: Whiskey Dick Canyon, the North Fork of Whiskey Dick Canyon, Hartman Canyon, Bryant Canyon, and Skookumchuck Canyon. These canyons serve as valuable wildlife habitat, in part because of the springs that are located at the head of these canyons. The springs provide an all important water supply in this arid region. The canyons provide shelter from major storms and cover for habitat, while the wind-blown ridge tops provide a snow free area for winter foraging. This combination of habitat attributes is rare in this region. The proposed northern string of wind generators will disrupt wildlife use of this critical habitat. 18-1

While relocating the northern string as proposed above would not eliminate all wildlife impacts, it certainly would significantly reduce the magnitude of those impacts. There are few, if any, springs in the area of the proposed relocation thus reducing significantly the value of this area as wildlife habitat.

The proposed relocation also is consistent with and furthers the objectives of WDFW's Wind Power Guidelines. Those Guidelines call for steering "wind projects towards crop land and developed areas and away from undeveloped native habitat; . . ." Letter from Dr. Jeff Koenigs, Director, WDFW (Aug. 25, 2003). The Guidelines specify that:

- Wind project developer should be encouraged to site wind power projects on disturbed lands (i.e., developed, cultivated or otherwise disturbed by road or other corridors).
- Wind project developers should be encouraged to place linear facilities (such as collector cable routes, transmission line routes or access roads) in or adjacent to existing disturbed corridors in order to minimize habitat fragmentation and degradation.
- Wind project developers should be discouraged from using or degrading high value habitat areas, especially shrub-steppe habitat in 'excellent' condition.

WFWD Wind Power Guidelines, § 2.

By relocating the northern string as recommended above, the applicant could avoid unnecessary fragmentation of this valuable and dwindling habitat. Relocation as suggested above would result in more of the project being closer to the existing developed areas south of the project including Highway 10. 18-1

In sum, the proposed re-location would meet the proponent's objectives, appears to be technically feasible, and would likely result in less adverse impact to wildlife and wildlife habitat. This is a reasonable alternative which should be discussed in detail in the EIS.

While the EIS discusses wildlife habitat and wildlife impacts at some length, the adequacy of an EIS is judged not by its length but by the quality of the analysis. We are concerned that lost in the discussion is a focus on some key wildlife issues. There is virtually no discussion of the springs at the top of the five canyons and their importance to wildlife. There is no discussion of the wildlife importance of those springs in conjunction with the deep canyons (for refuge) and windswept ridgelines (for winter forage).

The site occupies a grouping of streams and natural springs vital to wildlife. Wildlife will be affected adversely in the use of these water sources by construction activities, permanent features of the project, roads and operations activities. These water sources are miles from alternative water sources. As a result the present eco-system will be permanently affected and wildlife will be forced to occupy a smaller portion of the brush steppe habitat with consequent impacts on wildlife populations. The springs providing water are: 18-2

- Wild Horse Springs
- Skookumchuck Heights Springs
- Seabrook Springs
- Pine Springs
- Government Springs
- Thorn Springs
- Reynolds Springs
- Dorse Springs

The current project design places the northerly string of turbines in immediate proximity to these water sources for wildlife.

The EIS does not acknowledge the project's significant impact on the vital use of these water resources by wildlife.

The EIS does not adequately address the impact of the project on mule deer, elk, and other species that use these areas. The EIS acknowledges that the construction of the project is expected to temporarily displace elk and mule deer. But it then asserts that this impact will be "insignificant" without giving any consideration to the springs and other unique habitat attributes in this area. 18-2

Regarding big game impacts during the project's operational phase, the EIS acknowledges that it is not known if human activity associated with regular maintenance will exceed tolerance thresholds for wintering elk. But despite this important gap in scientific information, the EIS apparently concludes that it does not matter because maintenance activity may be less than current human activity (e.g., access by hunters and recreationalists). But this is pure conjecture. The EIS does not state that other forms of human access (other than maintenance activity) will be eliminated or controlled by the applicant during operations. Access by others "may" be minimized but it also may not. Overall human activity "may" be less than pre-development levels but it may not. 18-3

In the face of this speculation about possible declines in non-project human activity, the EIS must analyze the adverse impacts associated with the known increase in activity that would result from maintenance activities by the wind farm operator. And with regard to that analysis, it is not sufficient to say that "it is not known if human activity associated with regular maintenance activity will exceed tolerance thresholds for wintering elk." Where information important to assessing environmental impacts is not known, the drafters of the EIS must obtain that information. If the information cannot be obtained, a worse case analysis should be performed. WAC 197-11-080. The current analysis is inadequate.

The same defect impacts the analysis of operational impacts on mule deer. In fact, in this regard, the EIS is even more deficient. There does not appear to be any analysis of the impact of regular maintenance activity on the mule deer use of this important habitat area.

Elk and deer occupy the site year-round and rely on the water sources for survival. It is not only the riparian corridors of Whisky Dick Creek which provide cover but also the adjoining corridors of:

- Hartman Canyon
- Bryant Canyon
- The North Fork of Whisky Dick Canyon
- Skookumchuck Canyon
- Bohinkleman Canyon

All of these corridors would be adversely affected by construction activities, permanent features and operations, all of which would occur in immediate proximity to these riparian corridors. Wildlife including avian species and big game are more densely congregated in these deeper more 18-4

protected features of the heads of these canyons which are in immediate proximity to the project site.

In a similar vein, the EIS underestimates the value of the habitat in the vicinity of the proposed northern string of turbines. In the table on page 3.4-6, there is no reference made to the springs in the vicinity of the strings that make up the northern run. Ignoring the value of these springs to the overall value of the habitat results in a reduced rating for that habitat. This underestimation of the value of the habitat in turn leads to an underestimation of the severity of the project's impacts on that habitat and the wildlife that use it. 18-5

The EIS does not adequately describe the project's impacts on recreational use. Members of Friends of Wildlife and Wind Power use this area for various recreational pursuits including hiking, wildlife viewing, and nature photography. Because the EIS inadequately describes the magnitude of the impacts on wildlife, it also inadequately describes the impact of the project on these recreational uses. Indeed, there appears to be absolutely no discussion of these types of impacts in the EIS. 18-6

The brief discussion of the project's impacts on recreational activity does contain two other items which are worthy of comment. One, in this section the EIS discusses public access to the project during operations. Contrary to the statements made in the wildlife impact section, this part of the EIS suggests that public access will be virtually unrestrained during operations. Only that access which would cause conflict with safe and efficient operation of the project would be precluded. That does not sound like a general prohibition on public access which formed the basis for the speculation in the wildlife impact analysis discussed above. 18-7

Second, in discussing the potential increased demand on recreational facilities caused by people visiting the wind power project, the EIS gratuitously adds a sentence stating that those visitors will contribute to the economy of the community. That sentence has nothing to do with accessing the project's impacts on recreational facilities. It sounds like project boosterism, wholly inappropriate in an EIS. Further, the statement is wholly unsubstantiated. Presumably most tourists who visit the facility will be tourists who would have been in the area anyway and add the wind farm to their list of attractions in the area to visit. There is no support for the unstated premise that any significant number of tourists from outside this area will come to this area solely because of this wind power facility. (This should also alleviate concerns that tourists visiting the project will overburden local recreational facilities.) 18-8

In the assessment of visual impact, it appears that no consideration was given to the impact on recreational users of the site and areas east of the site. All the visual assessment perspectives are on roads, primarily west and southwest of the site (there is one perspective from the north). There are no perspectives from the east or from within the site itself. (There is one perspective far east 18-9

of the site (SV5) but it is so distant as to not be useful in assessing impacts to visual quality to recreational users of lands within the site and directly east of the site.)

The EIS states that visual impact to recreationalists is "low to moderate" because there are few recreationalists in this area. EIS at 3.10-9. This statement confuses the assessment of the magnitude of the visual impact with the number of persons suffering that impact. To any of the users of these recreational lands, the visual impact will be severe. That should be acknowledged in the EIS. 18-10

The EIS did not give adequate attention to the project's potential impacts on grouse, listed as threatened by WDFW and a candidate species for listing by USFWS. The EIS apparently takes the view that few if any grouse use this area and therefore impacts will be slight. The EIS fails to recognize that its assessment of the current use of the area is based on limited inventorying and that greater use of the area is probably occurring now but simply is unrecognized by the few studies that have occurred. Because those studies are limited in time and space, the EIS should not state with such certitude that grouse use of this area is limited. 18-11

Further, the EIS fails to consider the significance of this area of the state's efforts to increase the grouse population in the future. The state's Recovery Plan calls for re-introducing grouse into suitable areas of their former range. The EIS fails to discuss the adverse impact of the project on these recovery efforts.

To the extent grouse use (or will be re-introduced to) this area, their habitat and population will be adversely impacted by construction and operation of the northern string of turbines of this project in close proximity to the springs along the ridge. These impacts are not discussed in the EIS.

The EIS also fails to adequately acknowledge the adverse impact to other avian species that will be drawn to those springs and related water resources and then be subjected to the danger of the turbines. While the EIS discusses the danger of turbines to birds generally, it does not adequately address the concentration of birds in the vicinity of the northen string of turbines because of the springs in that location. 18-12

The EIS states: "Other species that may occur in the project site include several species of bats, other mammals including badger, coyote, pocket gopher, ground squirrels, rabbits, voles and mice. Several species of reptiles and amphibians are also present. The potential for bats to occur (exists) at the Pines near Government Springs and within the riparian corridors of Whiskey Dick and Skookumchuck Creeks. The springs within the project area may be used as foraging and watering areas." (¶3.5.6) 18-13

But the EIS does not adequately acknowledge that construction activities, permanent features and operations of the facility would adversely affect these forms of wildlife. 18-13

The offering of 600 areas of shrub/steppe riparian habitat in Section 27 is meaningless mitigation for these impacts. It is much too small of an area to compensate for the more than 8,000 acre project. 18-14

Fencing of springs to protect from degradation of wildlife will impede use by wildlife. The EIS asserts wildlife access can be maintained but does not describe how this is possible, especially for the deer and elk. 18-15

The EIS states that *"with mitigation, no significant unavoidable adverse impacts are anticipated for birds or other wildlife."* This is either a typographical error or an incredible diminishment of the quality of the DEIS as a whole. This would suggest that one can place a 24/7 industrial development in the middle of one of the most sensitive eco-systems in the world without effect. This is not credible. 18-16

Friends of Wildlife suggests a project relocation scenario wherein the northerly string of turbines would be relocated to the south, southeast and east onto lands owned or controlled by WDFW or DNR. We suggest further that the Applicant contribute these presently privately owned lands currently within project boundaries vacated by the northerly string of turbines as mitigation in exchange for occupancy of lands less dense in wildlife to the south and southeast presently owned or controlled by WDFW and DNR. Lease arrangements or royalties similar to the present proposal are suggested so that WDFW and DNR can benefit financially in a more meaningful way. 18-17

Friends of Wildlife is sensitive to maintaining the fiscal interests of the private landholder who will play a key role in any successful final agreement for the wind power project.

Regrettably the contemplated project as designed has been sited in a significant portion of the largest remaining shrub steppe habitat in Washington State and in one of the most unique and vibrant yet sensitive wildlife populations in the world.

The project is not properly sited given more favorable alternatives on lands in close proximity to the presently contemplated site which, when studied further, would be found to have less dense wildlife populations. Specifically the project should be altered so that turbine development is not undertaken in any areas north of the ridgeline of Whiskey Dick Mountain. These areas are more dense in wildlife population due to the naturally occurring water resources and the riparian corridors which provide cover. 18-18

The areas south, southeast, east, and west of the currently proposed project site are less dense in wildlife population due to the lack of water and the topography which does not provide as much in the way of high quality cover for the wildlife. 18-18

Very truly yours,

BRICKLIN NEWMAN DOLD, LLP

David A. Bricklin

DAB:kmw
Enclosures
cc: client (w/out enclosures)

MCPRV
DNR
State Parks
BLM
Private - A. (Land Develop)
Kruse Family
Weyhn Family

Energy A... - Viewer - Microsoft Internet Explorer provided by Mediaware Communications
File Edit View Favorites Tools Help
E N E R G Y A T L A S
Wind
Biomass
Geothermal
Solar
Zoom to
City, ST - County - Zip - or Lat/Long
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Zoom In
Zoom Out
Pan
Full Map
View Legend
Layer Control
View Help
Metadata
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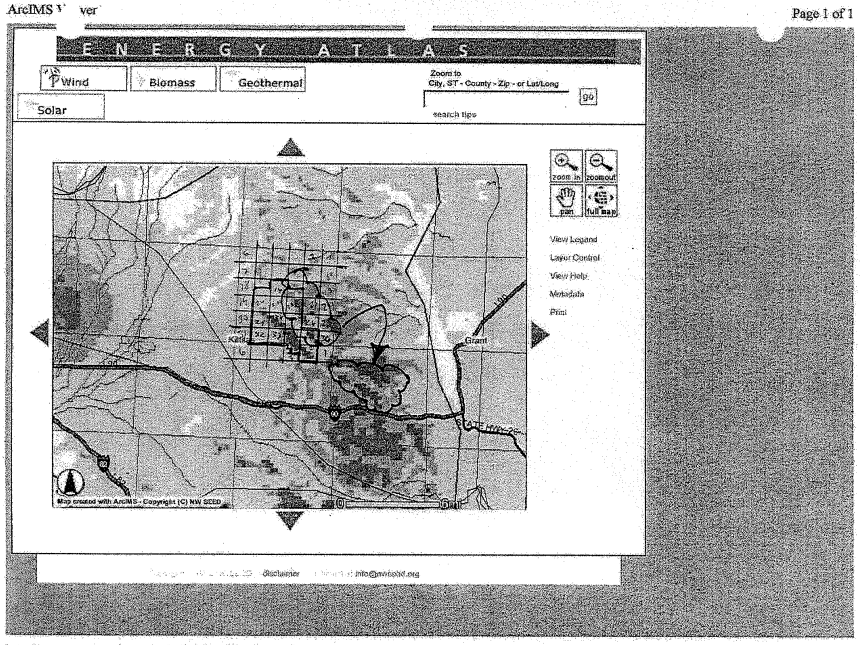
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Responses to Comments in Organization Letter 18 from David A. Bricklin; Friends of Wildlife and Wind Power

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

18-1. Friends of Wildlife and Wind Power have proposed moving approximately 65% of the proposed wind turbines off the WHWPP site to adjacent WDFW and DNR lands (Petition for Intervention located on EFSEC webpage efsec.wa.gov).

The Applicant has investigated the proposal made by Friends and has found it to be not feasible due to 1) the property proposed by Friends is not available and would require a site investigation process that would be lengthy and costly; 2) the Friends' proposal requires additional easement for 4 miles of transmission lines; 3) a significant loss of potential energy generation through relocation of nearly 65% of the turbines from the current project proposal; and 4) the Friends' proposal would require additional environmental studies that may conclude more significant impacts (site is closer to potential raptor use areas, closer to state parks with potentially greater visual impacts, and requires a larger area than the present proposal).

18-2. As stated in Section 3.5.2.1 construction activities would occur outside of the critical winter period for big game, therefore construction impacts during winter are not expected. Mitigation measures designed to avoid impacts to springs and streams/riparian areas in the project area are described in Section 3.5.4 of this FEIS. In addition, the Applicant has agreed to protect over 600 acres of shrub-steppe and riparian habitat in the project area, which exceeds the requirements of the WDFW guidelines for Wind Project Habitat Mitigation.

18-3. The Development Agreement (Appendix A) between the Applicant and Kittitas County for the proposed WHWPP includes both restrictions on project site access and a requirement to develop a hunting plan. Access by private landowners, officials of the WDFW and DNR, and individuals on a case-by-case basis will be allowed, however recreational use of the site will not be allowed in order to minimize potential impacts to habitat and wildlife. The hunting plan for the site will be developed in consultation with the WDFW and the technical advisory committee (TAC), which will be formed for the project.

18-4. As stated in Section 3.5.4.1 of the DEIS and FEIS, the proposed project has been designed to avoid sensitive areas such as streams, riparian zones, wetlands, and forested areas.

18-5. Springs in the northern portion of the WHWPP would be treated as all other springs in the area; they will be fenced to exclude livestock but with fencing that allows wildlife use, as described in Section 3.5.2.2 of this FEIS. Excluding livestock from the immediate vicinity of the springs is expected to decrease disturbance to vegetation in these areas

and so lead to improved wildlife habitat in the immediate area around the springs.

18-6. The Applicant will implement an adaptive management approach to allow access to and through the Project Area and recreational use of the site. Refer to the revisions in Section 3.12.2.2 regarding controlled access.

18-7. The Applicant will implement an adaptive management approach to allow access to and through the Project Area and recreational use of the site. The Applicant will also prepare a hunting plan for the Project area in consultation with WDFW and the Technical Advisory Committee (TAC). Refer to revisions in Section 3.12.2.2 and 3.5.2.2.

18-8. Thank you, your comment has been noted

18-9. Section 3.10.2.4 of the DEIS states that the proposed project would not be visible from areas in the Columbia River gorge or from the developed areas of Ginkgo Petrified Forest State Park, which are located east of the proposed project site. Wanapum Recreation Area was also included in the assessment, which is located east of the proposed project site along the Columbia River. Recreational facilities were included in the visual assessment modeling and areas within 0.5 mile were given a “high” rating of potential visual impact. Section 3.10.2.4 of the DEIS acknowledges “the greatest number of turbines will be visible from the project site itself and from the tops of ridges in the area to the north”.

18-10. See response to Comment 18-9.

18-11. The discussion of sage grouse in Sections 3.5.1.1 and 3.5.2 of the DEIS has been updated to reflect additional information acquired since the DEIS was published. This new information appears in sections 3.5.1.1 and 3.5.2 of this FEIS.

18-12. Estimates on mortality and which species are most susceptible were derived from 1) data from other wind power project sites, some of which contain a greater number of water features than the WHWPP, and 2) from observations of bird use of the WHWPP area recorded during the year long study conducted for the proposed project. Since data was collected in the northern portion of the WHWPP area, in the vicinity of the referenced springs, estimates based on use in these areas include birds attracted to the springs.

18-13. See Section 3.5.2.1 Construction Impacts, Other Wildlife and Section 3.5.2.2, Operations and Maintenance impacts, Other Wildlife in the DEIS for a discussion on potential impacts to these species from project construction, operations, and maintenance.

18-14. As noted in the DEIS, a permanent footprint of approximately 165 acres would be required to accommodate the proposed turbines and related support facilities. WDFW has indicated that the 600-acre parcel (Section 27) would meet or exceed the required habitat replacement ratios under the WDFW Wind Power Guidelines for any of the three scenarios. See Comment 21-9 submitted by WDFW on the DEIS (Letter 21 in Chapter 4 of this FEIS). As a mitigation parcel, Section 27 would provide protection of a segment of Whiskey Dick Creek, be contiguous with adjacent state lands (WDNR and WDFW), and preserve a diversity of habitats. Furthermore, the Applicant has voluntarily committed to place the entire Project area in a conservation easement (Appendix C).

18-15. The Applicant, in coordination with the WDFW, has agreed that any permanent fencing on the site will be built to be passable to wildlife but not to livestock. Specific guidelines for fencing have been added to the mitigation measures in the DEIS, and appear in Section 3.5.4 of this FEIS.

18-16. Although impacts will occur, the mitigation measures identified in the DEIS, and as revised and presented in this FEIS, are expected to avoid, reduce, or minimize such impacts to a level below that deemed significant. The Applicant has worked with the WDFW from the early stages of project development and has met the mitigation requirements of the WDFW Wind Power Guidelines.

18-17. See response to Comment 18-1 above.

18-18. See response to Comment 18-1 above.

Zilkha Renewable Energy
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Portland, OR 97204
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September 10, 2004

Irina Makarow, Siting Manager
EFSEC
P.O. Box 43172
Olympia, WA 98504

Re: Comments on the Draft Environmental Impact Statement for theWild Horse Wind Power Project dated August 2004.

Thank you for the opportunity to offer comments on the Draft Envionmental Impact Statement (DEIS) for the Wild Horse Wind Power Project. I am submitting the following comments on behalf of Wind Ridge Power Partners, LLC, (the Applicant). The following comments are based on review of the DEIS by our development team as well as the consultants who were involved in the original studies and field work that were submitted as part of our Application for Site Certification.

Sincerely,

Chris Taylor
Project Development Manager

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ENERGY FACILITY SITE
EVALUATION COUNCIL

General Comments:

The DEIS is very thorough and complete and addresses all of the issues that were raised during the scoping process. The organization of the document is logical and easy to read.

Specific Comments by Section and Page:

Page 1-15, Section 1.15, Table 1-2: Subsection 3.2 Air Quality, Greenhouse Gas Emissions

Greenhouse Gas Emmissions: In addition to the above mitigation measures, construction would cease during periods of high wind strong enough to generate visible dust plumes from process equipment and unpaved roads.

Comment: The above text should be deleted from the EIS. This action would be costly and disruptive to construction causing more traffic for workers to leave the project and return based on wind speeds. Furthermore, with very low population densities near the Project site, dust plumes are not a significant visual impact issue since they are temporary in nature. An additional paragraph between the original second and third paragraph should be inserted. Please add the below text to the EIS: 19-1

'If during periods of high winds, the dust suppression equipment on the rock crushing or batch plants are rendered ineffective, the machinery shall be halted to prevent excessive fugitive dust plumes.'

Page 1-20, Section 1.20, Table 1-2: Subsection 3.5, Wildlife, Operational Impacts, Mortality/Disturbance

Mortality: bats, small mammals, sage sparrow, and sage thrasher / Same as most likely scenario / Potential for mortality, number unknown.

Disturbance: sage grouse and other avian species. / same as most likely scenario / Potential for disturbance

Comment: Regarding 'Potential for mortality', the risk of collision appears low for sage sparrow and sage thrasher, based on flight behaviors (i.e. these species tend to fly below the rotor swept area). This should be revised to indicate that although the numbers are unknown, the mortality risk is low. 19-2

Applicant assumes the 'other avian species' refers to other grassland /shrub steppe species. This should be clarified. 19-3

Regarding the 'Potential for disturbance', no leks are present at the Project site, so there is no likely disturbance impact to sage grouse. 19-4

Page 1-21, Section 1.6.1, Table 1-2: Subsection 3.5, Wildlife, Decommissioning Impacts

Decommissioning Impacts: ...use of bird flight diverters on guyed permanent meteorological towers or use of unguyed permanent.

Comment: Applicant will use freestanding (unguyed) permanent meteorological towers to minimize avian impacts. 19-5

Page 1-26, Section 1.6.1, Table 1-2: Subsection 3.8, Noise, Construction Impacts

Construction Impacts: No impact. Nearest home is more than 2 miles away from the closest WTG.

Comment: The EIS should be revised to read "No impact. Nearest home is 1.75 miles away from the closest WTG." This is the correct distance. 19-6

Page 1-27, Section 1.6.1, Table 1-2: Subsection 3.8, Noise, Construction Impacts

Construction Impacts: No impact. Blasting would be done only during daytime, and the nearest home is more then 3 miles away from the closest rock quarry.

Comment: The EIS should be revised to read "Blasting would be done only during daytime, and the nearest home is more than 2.5 miles away from the closest rock quarry where the majority of blasting activities would occur." 19-7

Page 1-27, Section 1.6.1, Table 1-2: Subsection 3.8, Noise, Operations and Maintenance Impacts

Operations and Maintenance Impacts: No impact. Nearest home is 2 miles form the nearest WTG.

Comment: The EIS should be revised to read "No impact. Nearest home is 1.75 miles away from the closest WTG." This is the correct distance. 19-8

Page 1-34, Section 1.6.1, Table 1-2: Subsection 3.12, Public Services and Utilities/Recreation, Operation and Maintenance Impacts

Operations and Maintenance Impacts: Increased demand for water / 10.5 million gallons; <1,000 gallons per day at O & M facility

Comment: This statement is incorrect. The statement should read "...<1,000 gallons per day used for **operations**." 10.5 millon gallons is the estimated amount needed for construction. 19-9

Page 1-35, Section 1.6.1, Table 1-2: Subsection 3.12, Public Services and Utilities/Recreation, Operation and Maintenance Impacts

Operations and Maintenance Impacts: A FCC-style communication study or appropriate study will be conducted to ensure that emergency responders communications will not be derogated by the wind generators, thus eliminating or reducing all communications on site by any emergency responders.

Comment: Applicant has already completed and submitted to EFSEC in the ASC a thorough communications impact study and has documented microwave and fresnel zones over the Project area based on the FCC's database. Please refer to Section 3.12.2.1 of the DEIS and Exhibit 24A of the ASC. This analysis concludes that there will be no impact to existing communications pathways, including those used by cellular telephone providers, therefore, no further study is necessary. 19-10

Page 1-36, Section 1.6.1, Table 1-2: Subsection 3.12, Public Services and Utilities/Recreation, Decommissioning Impacts

Decommissioning Impacts: The Applicant will have signed agreements to provide for emergency services, fire, and EMS, with closest Fire/Hospital District or Department....

Comment: The Applicant signed an agreement with the Fire District #2 on September 10, 2004. A copy of this agreement will be provided to ESFEC. At this time, the Applicant does not have plans to have signed agreements with the hospital and/or EMS as these services are provided on a fee-for-service basis. 19-11

Page 1-37, Section 1.6.1, Table 1-2: Subsection 3.14, Traffic and Transportation, Construction Impacts, Construction Trips

Construction Trips: 478 Daily Trips[1]

Comment:

On page 1-37, in Table 1-2, a footnote is noted after the text "478 Daily Trips". The footnote is non-existent and should be added or the reference should be deleted. 19-12

Page 1-38, Section 1.6.1, Table 1-2: Subsection 3.14, Traffic and Transportation, Construction Impacts, Roadway Limitations

Roadway Limitations: Large number of trucks and trucks exceeding legal weight limits may cause pavement deterioration.

Comment: The EIS should note that , as described in Section 3.15.1.3 of the ASC, existing pavement conditions will be videotaped as necessary. This video log will be compared with the condition of roadways after Project construction is completed. The Applicant and Kittitas County, or the City of Kittitas, will develop a plan for pavement restoration should any significant pavement degradation occur. 19-13

Page 1-38, Section 1.6.1, Table 1-2: Subsection 3.14, Traffic and Transportation, Operation and Maintenance Impacts, Aviation Hazards

Aviation Hazards: Some risk to aviation because of wind turbine height, numbers, and placement

Comment: The FAA has a defined process for evaluating aviation risks. Applicant will provide to EFSEC FAA 'No Hazard' determinations for all turbines and permanent MET towers prior to construction of the Project ensuring that the turbines are not aviation hazards. 19-14

Page 1-38, Section 1.6.1, Table 1-2: Subsection 3.14, Traffic and Transportation, Operation and Maintenance Impacts, Road Maintenance and Public Access Requirements

Road Maintenance and Public Access Requirements: 32 miles (165 acres) of roadways to maintain

Comment: These 32 miles (165 acres) of roadways are **private** and will be maintained entirely by the Applicant, not the County or any other public entity. This statement should therefore be deleted from any discussion of public service impacts. 19-15

Page 1-40, Section 1.6.1, Table 1-2: Subsection 3.15, Health and Safety, Construction Impacts, Terrorism/Sabotage/Vandalism

Health and Safety, Construction Impacts, Terrorism/Sabotage/Vandalism: A minimum of one water truck with sprayers will be present on each turbine string road during construction activities during fire season.

Comment: The above text should be deleted from the EIS, and the below paragraph should be inserted:

Based on Applicant's agreement with the local fire district, a number of dedicated water trucks shall be located at various locations on the Project site for fire safety during construction activities during fire season. The number and locations of these dedicated water trucks will be defined in a detailed Fire Protection Plan prepared in consultation with the local fire district and submitted to EFSEC prior to construction. 19-16

Page 1-41, Section 1.6.1, Table 1-2: Subsection 3.15, Health and Safety, Operation and Maintenance Impacts

Maximum Tower Collapse Hazard Zone Risk / Estimated Maximum Blade Throw Distance/Risk / Estimated Maximum Ice/Blade Fragment Throw/Risk

Comment: Each of these sections in Table 1-2 reference 344 feet/Low and 295 feet/Same as Most Like Scenario. These numbers are incorrect and should be replaced with accurate numbers which are equivalent to the turbine tip length. The corrected numbers are: 328 feet/Low and 249 feet/Same as Most Likely Scenario. 19-17

Page 1-41, Section 1.6.1, Table 1-2: Subsection 3.15, Health and Safety, Decommissioning Impacts, Release of Hazardous Materials

The conductors for the proposed transmission line would be of sufficient diameter to control corona effects.

Comment: The text should read: "The conductors for the proposed transmission line would be of sufficient design in accordance with National Electric Code standards and good utility practice to control corona effects." 19-18

Page 1-58, Section 1.6.1, Table 1-3: Subsection 3.10, Visual Resources/Light and Glare, Proposed Action

See referenced page

Comment: Paragraphs 1, 2, and 3 consists of the analysis presented in the ASC in a rewritten form. In the process, some information was 19-19

scrambled and/or important phrases were left out, making the text hard to follow. Some rewrites would make these statements more intelligible. 19-19

Define 'close-at-hand views' in paragraph 2. 19-20

Paragraph 4 states the exact opposite of what the Applicant's visual resources expert concluded about the flashing white lights. The ASC stated that based on experience at Stateline and Nine Canyon, the white lights that flash during the daytime would be unlikely to create a moderate or high level of impact. 19-21

Page 1-66, Section 1.6.1, Table 1-3: Subsection 3.14 Traffic and Transportation, Kittitas Valley

Kittitas Valley: The project applicant would be responsible for maintenance of turbine access roads, access ways, and other roads built to construct and operate the project.

Comment: Under the Kittitas Valley Project alternative, the DEIS states "The project applicant would be responsible for maintenance of turbine access roads, access ways, and other roads built to construct and operate the project". This is true for the Wild Horse Wind Power Project as well and the EIS for Wild Horse should reflect that. 19-22

Page 2-2, Section 2.1.1, Subsection: Kittitas Valley Wind Power Project (181.5 to 246 MW)

Energy would be sold to Puget Sound Energy or the Bonneville Power Administration.

Comment: PSE and BPA are not the only two potential buyers for the project's output. It is possible that the output from the Project could be sold to other utilities; however power would be transmitted through either BPA and/or PSE transmission systems. 19-23

Page 2-3, Section 2.1.1, Subsection: Tierras Morenas, Costa Rica (24MW)

Sagebrush Power Partners was created as a Delaware limited liability company…

Comment: The statement "Sagebrush Power Partners was created as a Delaware limited liability company…" and subsequent text should be moved into the Kittitas Valley section, rather than the Costa Rica 19-24

paragraphs, as Sagebrush Power Partners is the Applicant for the Kittitas Valley Wind Power Project. 19-24

Page 2-12, Section 2.2.3, Ssubsection: Meteorological Stations and Monitoring Towers

The permanent towers would consist of a central lattice structure supported by three to four sets of guy wires and would be as tall as the hub height (HH) of the WTGs which is 6-80 meters (151-262 ft) and would be connected to the plant's central SCADA system.

Comment: Applicant will use free-standing (unguyed) permanent meteorological towers for the Wild Horse Project. 19-25

Page 2-49, Section 2.11.1, Subsection: County Planning Staff

Once the application has been deemed complete by CDS, the County will issue a notice of application and begin its formal review process

Comment: Kittitas County CDS issued a notice of application on July 28th, 2004. 19-26

Page 2-49, Section 2.11.1, Subsection: County Public Works Department

Mr. Bennett indicated he would prefer to wait for the permit application to be filed before conducting a detailed review of the potential issues associated with the project.

Comment: The text should say "Mr. Bennett is conducting a detailed review of the potential issues associated with the project through this DEIS and the Land Use Permit Application filed with the County". 19-27

Page 2-49, Section 2.11.1, Subsection: Fire District

Chief Baker planned to visit the Stateline Wind Power Project in Walla Walla County and respond to the Applicant with a proposal for a fire protection arrangement for the project. There have been no written responses resulting from this consultation.

Comment: The Applicant has executed a fire services contract with Fire District #2 for the Wild Horse Project on September 10, 2004. A copy of this agreement will be provided to ESFEC. 19-28

Page 3.3-12, Section 3.3.2.2, Subsection: Surface Water, Runoff, and Erosion

Presently disturbed areas that would be impervious include the individual WTG foundations with approximately 16-foote concrete diameters, nnnnn x ft by x ft impervious transformer foundations/spill containment structures…

Comment: 'Presently' should be changed to 'permanently' and the measurements 'nnnnnxft by x ft' should be '10ftx10ft'. 19-29

Page 3.4-4, Section 3.4.1.1, Subsection: Riparian Communities.

Assessments of habitat quality were made using the Natural Resource Conservation Service (NRCS) "Range Condition Classes," which classify range condition as "excellent," "good,"…

Comment: The EIS should also note that Washington Department Fish and Wildlife (WDFW) reviewed and approved Applicant's study methodolgoy. WDFW has determined the studies conducted for the Project are appropriate and consistent with WDFW's wind power guidelines. 19-30

Page 3.4-18, Section 3.4.2.2 -Operation and Maintenance Impacts

The potential for this impact would be greatest under the 158turbine/1-MW scenario since approximately 401 acres would be disturbed and vulnerable to weed introduction and establishment if revegetation efforts failed.

Comment: The EIS should note that the Applicant has proposed active weed control efforts, as well as comprehensive mitigation for impacted areas. Revegetation will be conducted in consultation with WDFW. 19-31

Page 3.5-2, Section 3.5.1- Affected Environment

Both aerial and ground surveys focused on areas of known historical occurrence and other areas of similar habitat.

Comment: The EIS should note that these sage grouse survey protocols were developed in consultation with the Washington Department of Fish and Wildlife (WDFW), and are consistent with WDFW's Wind Power Guidelines. 19-32

Page 3.7-7, Section 3.7.1.3 -Renewable Resources

Several electric utilities have recently issued RFPs to acquire wind power, including PSE, Avista Corporation, and Portland General Electric.

Comment: The EIS statement should also include PacifiCorp which is seeking 1100 MW of new renewable resources, including wind power. 19-33

Page 3.8-4, Section 3.8.1.2, Subsection: Environmental Impact Thresholds for Noise Increases Above Background

The British Wind Energy Association recommends that the noise levels resulting from new wind generation facilities should be kept within 5dBA of the average evening and nighttime background levels at homes (British Wind Energy Association 2003). That recommended restriction of 5 dBA above background has been used as the environmental impact significance criterion for this noise analysis.

Comment: The explanation of the British guidelines is incomplete. "Preliminary recommendations from the Wind Turbine Noise Working Group, established by the DTI, are that turbine noise level should be kept to within 5 dB(A) of the average existing evening or nighttime background noise level. This is in line with standard practice for assessment of most sources of noise except for transportation and some mineral extraction and construction sites when higher levels are usually permitted. A fixed low level of between 35 and 40 dB(A) may be specified when background noise is very low, i.e.. less than 30 dB(A)." 19-34

The Wild Horse DEIS fails to mention that British recommendations established a fixed level (similar to the Oregon Noise rules) of between 35 and 40 dBA; therefore the 5 dBA increment only applies when the existing noise level is greater than between 35 and 40 dBA. Nonetheless, WSDOT's June 2004 statewide noise analysis and abatement policy defines a "substantial increase" as an increase greater than 10 dBA resulting in at least 50 dBA Leq. The Wild Horse Project will not exceed 50 dBA and therefore its increase would not be considered substantial under the WSDOT criteria.

Page 3.8-6, Section 3.8.2, Table 3.8-4, Subsection: Construction Impacts

Commute vehicles and up to 49 heavy trucks per hour would cause traffic noise levels to exceed FHWA impact thresholds only at homes within 60 feet of the street centerline.

Comment: It should be noted that the FHWA criteria referenced are for determining if noise walls should be built. FHWA would not require noise walls in this case because the impact is temporary. 19-35

Page 3.8-8, Section 3.8.2.1, Table 3.8-6 and Subsection: Construction Traffic Noise

For the estimated peak-hour traffic volumes, the noise levels would exceed FHWA's noise impact criterion (66 dBA) only at homes within 50 feet of the street centerline. However, there are few, if any, homes that close to the road. Thus, it is concluded there is little potential for construction vehicles to adversely impact homes in the town of Kittitas

Comment: Table 3.8-6 is inconsistent with Table 3.8-4 the correct distance to 66 dBA is either 50 or 60 feet.

Again the FHWA regulations referenced were not developed to address temporary construction noise - rather they were developed to determine when and where noise barriers or other mitigation would be needed. 19-36

Page 3.8-12, Section 3.8.5 - Significant Unavoidable Adverse Impacts

Haul truck traffic during construction would cause high noise levels at homes near the roads being used to access the site. Peak-hour traffic noise would likely exceed FHWA's noise impact criteria at homes within 75 to 150 feet of the haul route. Although temporary in nature, these traffic noise levels would be adverse and unavoidable.

Comment: It should be noted that the FHWA criteria were not developed to evaluate temporary noise from haul traffic but rather longterm noise impacts. 19-37

Page 3.10-12, Section 3.10.2.5, Subsection: Landscape Unit 6, Visual Sensitivity

The level of visual sensitivity is considered to be high.

Comment: It should be noted that although the level of **visual sensitvity** is considered high, the analysis presented in the Wild Horse ASC (Section 3.11.2 and Table 3.11.3-1, Landscape Area 6) concluded that the level of **visual quality** and **visual impact** at this location are low. 19-38

Page 3.10-24, Section 3.10.3.3, Subsection: Light and Glare, Turbine Lighting

Based on experience at the operating Stateline and Nine Canyon wind power projects in Washington, it appears that the whiteflashing lights would be visible and likely to create a moderate or high level of visual impact.

Comment: It was concluded in the Project ASC that, based on experience at Stateline and Nine Canyon, the white lights which flash during the daytime would be unlikely to create a moderate or high level of visual impact. Applicant questions whether Jones and Stokes reached the opposite conclusion or whether this is a typo. 19-39

Page 3.10-24, Section 3.10.3.3, Subsection: Light and Glare, Turbine Lighting

The FAA is now in the process of reviewing its safety lighting standards for wind energy facilities and is in the process of developing revised requirements.

Comment: The EIS should note that the FAA implemented a new lighting plan at Zilkha's Blue Canyon Wind Power Project in Oklahoma as a real-world test of the proposed new lighting standards. 19-40

Page 3.12-1, Section 3.12.1.1 -Fire Protection

The Applicant is in the process of determining which Fire District will be responsible for fire protection services for the project and will submit this information to EFSEC prior to construction as part of the Fire Protection and Prevention Plan.

Comment: The Applicant has signed a contract for fire protection with Fire District #2, a copy of which will be provided to EFSEC. Section 3.12.2.1, 'Construction Impacts: Fire Protection', details the Applicant's initial discussions with Fire District #2. 19-41

Page 3.12-20, Section 3.12.4.1 -Construction

▪*Conducting FCC-style communication study or appropriate study to ensure that emergency responders communications will not be derogated by the wind generators, thus eliminating or reducing all communications on site by any emergency responders;*

Comment: This study was not listed as a mitigation measure anywhere in the Wild Horse ASC. Applicant has completed a thorough communications impact study and has documented microwave and fresnel zones over the Project area based on FCC's database. Please refer to Section 3.12.2.1 of the DEIS and Exhibit 24-A of the ASC. There will be no impact to 19-42

existing communications pathways, including those used by cellular telephone providers. Therefore, no further study is necessary, and this suggestion should be deleted. 19-42

Page 3.12-21, Section 3.12.4.2 -Operation and Maintenance

▪*The Applicant will have signed agreements to provide for emergency services, fire and EMS, with closest Fire/Hospital District or Department prior to work starting on any phase of the project once approval is given…*

Comment: This statement is incorrect. The Applicant has signed an agreement only with Fire District #2. At this time, the Applicant does not have plans to have signed agreements with the hospital and/or EMS, as these services are provided on a fee-for-service basis. 19-43

Page 3.13-14, Section 3.13.1.5, Subsection: Traditional Cultural Properties

The Yakima Nation, in a letter dated April 6, 2004, reiterated Colville Tribe's concern that TCPs have not been adequately researched to date.

Comment: The Applicant is committed to working with tribal nations and has entered into a contract with CCT to conduct a TCP study, which will be provided to EFSEC upon completion. 19-44

Page 3.14-7, Section 3.14.1.2, Subsection: Future Plans and Projects

▪ *I-90: Highline Canal to Elk Heights auxiliary lane project (MP 90.57 to MP 92.76). Scheduled for completion in July 2004.*

Comment: The WSDOT Highline Canal to Elk Heights Auxilary Lane Project on I-90 has been completed. 19-45

Page 3.14-10, Section 3.14.2, Table 3.14-4, Subsection: Construction Impacts, Roadway Limitations

Roadway Limitations: Large number of trucks and trucks exceeding legal weight limits may cause pavement deterioration

Comment: The EIS should note that , as described in Section 3.15.13 of the ASC, existing pavement conditions will be videotaped as necessary. This video log will be compared with the condition of roadways after Project construction is completed. The Applicant and Kittitas County, or 19-46

the City of Kittitas, will develop a plan for pavement restoration should any significant pavement degradation occur. 19-46 cont

Page 3.14-11, Section 3.14.2, Table 3.14-4, Subsection: Operation and Maintenance Impacts, Tourism-induced Traffic

Tourism-induced Traffic: Unknown

Comment: While the number of tourism-related vehicle trips that would be generated by the WH project is not presently known with precision, it should be possible, based on information from operating wind projects in Washington (e.g. Stateline and Nine Canyon) and the location of the WH project site, to estimate an upper limit of the anticipated tourist-related trips the project may generate. It is highly unlikely, for example, that 100 or more vehicles per day would travel to visit the WH project once it is operating. 19-47

Page 3.14-11, Section 3.14.2, Table 3.14-4, Subsection: Operation and Maintenance Impacts, Road Maintenance and Public Access Requirements

Road Maintenance and Public Access Requirements: 32 miles (165 acres) of roadways maintain

Comment: The EIS should note these 32 miles (165 acres) of roadways are **private** and will be maintained entirely by the Applicant, not the County or any other public entity. 19-48

Page 3.14-17, Section 3.14.2.1, Subsection: Roadway Limitations

One special event that could potentially result in added traffic congestion would be concerts at the Gorge.

Comment: Project traffic should not result in increased traffic congestion due to special events. The events, specifically concerts, that occur at the Gorge Ampitheatre occur most commonly at night after Wild Horse Project construction will have ceased for the day. Also, the majority of traffic to Gorge concerts is along I-90 which has adequate capacity for such traffic. 19-49

Page 3.14-21, Section 3.14.2.2, Subsection: Air Navigation Consideration

The installation of wind turbines on the site may impact air navigation.

Comment: The FAA has a defined process for evaluating aviation risks. Applicant is working with the FAA to evaluate all proposed structures and will provide to EFSEC FAA 'No Hazard' determinations for all turbines and permanent MET towers prior to construction of the Project. 19-50

Page 3.14-22, Section 3.14.3.1, Subsection: Kittitas Valley Alternative

Project operations and maintenance could generate up to 40 workers commuting to and from the O&M facility on paved state and county roads during a 24-hour period.

Comment: As stated in the Kittitas Valley ASC, project operations and maintenance would more likely generate up to 20 workers, rather than the 40 the Wild Horse DEIS states. 19-51

Page 3.14-22, Section 3.14.3.1, Subsection: Kittitas Valley Alternative

The proposed O&M facility parking lot may not be sufficient to accommodate future parking needs of both project employees and potential visiting tourists.

Comment: The Applicant believes that the parking lot will be sufficient and sees no basis for this statement. 19-52

Page 3.15-10, Section 3.15.2.2, Subsection: Shadow Flicker

In addition to being an annoyance, concerns have been raised regarding shadow-flicker causing epileptic seizures.

Comment: Applicant did investigate the possibility of photosensitive epilepsy sensitivity from the Project. Photosensitive epilepsy is a type of epilepsy which is triggered by the flickering or flashing of light. The Epilepsy Foundation has excellent information available which explains photosensitive epilepsy. The frequency known to trigger seizures is between 5 and 30 flashes per second. The shadow flicker frequency from wind turbines vary between 0.5 and 1 flash per second for all of the turbine scenarios under consideration for the Project. This is considerably less than the frequency known to trigger photosensitive epilepsy seizures. Due to the large difference in the flicker frequencies and the minimal shadow impacts at any of the residences, photosensitive epilepsy seizures should not result from Project operations. 19-53

Page 3.16-4, Section 3.16.6.2 -Air Quality

Kittitas County is not designated as a non-attainment area for air pollutants of concern, and current air quality problems exist.

Comment: This statement is incorrect and should be changed to read, "...current air quality problems do not exist." 19-54

Page 3.16-11, Section 3.16.6.5, Subsection: Birds

Of these species, horned lark and western meadowlark appear to have the highest collision risks. Increased risk of mortality for these species may contribute to decline in local populations.

Comment: The low fatality levels expected for these species would not be expected to have a measurable affect on populations of these common bird species. Declines observed regionally are more likely tied to loss of habitat. 19-55

Page 3.16-12, Section 3.16.6.7 -Energy and Natural Resources

Assuming long-term operation of the three projects at a net capacity of 33%, the Wild Horse, Desert Claim, and Kittitas Valley projects would produce approximately 186 average MW of electricity on a long-term basis.

Comment: It would be helpful for the public to put the MW of output into perspective by noting that that 186MW would serve on average 46,500 houses per year. 19-56

Page 3.16-23, Section 3.16.6.13 -Cultural Resources

The Applicant and EFSEC met with CCT on February 19,2004 and the Applicant is responding to CCT's concern.

Comment: The Applicant has entered into a contract with the CCT for a TCP study which will be provided to EFSEC once it is completed. 19-57

Page 3.16-27, Section 3.16.6.15 -Health & Safety

The presence of turbine towers where now there are none, would likely increase the probablitiy of lightning strikes and, despite the grounding systems that the wind power projects would employ, provide an increased likelihood of fire.

Comment: Applicant questions the basis for this statement. Kittitas County is not a lightning-prone area and is in fact in the second lowest of eight categories of lightning intensity (refer to Figure 2.2.4.1-1 of the ASC). It should be noted that in addition to extensive grounding systems at the WTGs, all critical electrical and control systems at the substation and the WTGs are fitted with lightning suppressors and are surrounded by gravel. 19-58

The EIS should refer to Mike Bernay's pre-filed testimony for the Kittitas Valley Project which indicates there is a minimal fire risk associated with wind power projects. Mr. Bernay states that neither of the two fire claims received by his company, Wind Pro Insurance, (which insures over 60% of the wind projects opreating in the US and many more abroad) was lightning-related. Mr. Bernay goes on to state that lightning damages are typically related to blade structure and down-time. Furthermore, he states that the indicators for lightning risk are older turbine technology, and a project located in a high-lightning density area, neither of these conditions apply to the Wild Horse Project. 19-59

Comments Related to the Impacts of the Alternatives, by Section and Page:

Throughout the WH DEIS, in sections with comparisons of the impacts of the alternatives, the treatment of the anticipated impacts of the Wild Horse, Kittitas Valley and Desert Claim projects are not consistent. It appears that most of the information in the comparison tables was simply extracted directly from the respective DEISs without noting or drawing attention to the fact that the analytical approaches, methodologies and resulting conclusions were very different and all performed by different consultants. This does not afford the public and decision makers a true "apples to apples" comparison. Also, there are some clear factual errors in these comparisons that have the effect of presenting the anticipated impacts of the Kittitas Valley project as substantially greater than those of the Desert Claim projects (particularly with regard to noise, shadow flicker, telecommunications and traffic) when in fact the Kittitas Valley project impacts are the same or less for those elements of the environment. The Applicant has noted specific examples in the following paragraphs where such comparisons are not accurate and should be revised. More detailed information regarding Desert Claim in now available in the Final EIS for that project. 19-60

Page 1-59, Section 1.6.1, Table 1-3: Subsection 3.10, Visual Resources/Light and Glare, Desert Claim

Desert Claim: Under this alternative, visual impacts would range from low level to high level, with the majority being low-level impacts.

Comment: Based on the review of the Desert Claim EIS conducted by the Applicant's visual resources expert, Dr. Tom Priestley, it would be more accurate to state that in most areas, the Desert Claim Project's visual impacts would be moderate. Because this project is, for the most part, located in an agricultural area, there are relatively few residences (32 within the Project area) located in immediate proximity to turbines. However, there are 83 residences within 1/2 mile of the Desert Claim Project (DC FEIS page 3-136). 19-61

Applicant's visual resources expert disagrees with the statement in paragraph 3 that the WHWPP would be visible from the Columbia Gorge. Review of the Wild Horse ZVI map makes it clear that the project would be visible in only limited areas of the Gorge, and these areas would be 7 miles and more from the site, limiting the turbines' visibility. 19-62

Dr. Priestley also disagrees with the suggestion that the Desert Claim project's level of aesthetic impact would be substantially less than that of the Wild Horse project given the larger number of viewers and residences in proximity to the Desert Claim project. 19-63

Page 1-59, Section 1.6.1, Table 1-3: Subsection 3.10, Visual Resources/Light and Glare, Desert Claim

Desert Claim: Visual impacts from this alternative are likely to be less that the WHWPP and the Kittitas Valley alternatives due to it not being visible from the Columbia River Gorge as compared to the WHWPP, and greater distance from major transportation routes such as I-90 and US-97 and fewer residences in close proximity than the Kittitas Valley alternative.

Comment: Based on review of the Desert Claim EIS by the Applicant's visual resource consultant, it would be more fair to say that in most areas, the Desert Claim project's visual impacts would be moderate. The three premises for the Desert Claim Project's lower visual impact presented in the above comment are seriously flawed as outlined below: 19-64

1. None of the projects will be significantly visible from the Columbia River Gorge. The Wild Horse Project would not be significantly visible from the Columbia Gorge. Review of the ZVI map makes it clear that the project would be visible in only limited areas of the Gorge, and these areas would be 7 miles and more from the site, limiting the turbines' visibility.

2. This statement about the relationships of the 3 projects to Interstate 90 is too general. For example, in the case of the Kittitas Valley project, the closest turbines will be well over 2 miles from the Interstate, and will not appear in the driver's primary cone of vision. Most of the KVWPP turbines will be located considerably further in the distance from I-90 and will have limited visiblity. In the case of the Wild Horse project, the closest turbines will be located 3 miles from I-90, and because of the topography, the areas along I-90 where these closer turbines will be visible will be very limited. Review of the ZVI map indicates that the portions of I-90 from which more extended views of the WHWPP turbines will be visible are on the order of 8 to nine miles from the closest turbines. 19-64 cont

3. There are clearly not fewer residences in close proximity to the Desert Claim Project compared with either the Kittitas Valley or Wild Horse Projects. There are 83 residences within 1/2 mile of the Desert Claim Project (DC FEIS page 3-136) compared to approximately 53 residences within 1/2 mile of the KVWPP, and one residence within 1.75 miles of the Wild Horse project.

There is thus good reason to conclude that the visual effects of the Desert Claim Project would **not** necessarily be substantially less than those of the KVWPP or WHWPP.

Page 1-59, Section 1.6.1, Table 1-3: Subsection 3.10, Visual Resources/Light and Glare, Desert Claim

Desert Claim: Wind turbines along perimeter of this alternative would have dual lighting systems to meet FAA safety.

Comment: It is our understanding that a FAA lighting determination has not been finalized for the Desert Claim Wind Power Project. It should be clarified that the lighting scheme described for the Desert Claim Project is speculative. 19-65

Page 1-67, Section 1.6.1, Table 1-3: Subsection 3.14 Traffic and Transportation, Desert Claim

Desert Claim: Under this alternative, construction traffic is expected to result in an increase in PM peak traffic of 80 trips, which would not alter the level of service on roads in the project area.

Comment: This statement seems questionable. Desert Claim's expected peak traffic is half that of the Kittitas Valley Project although it is of comparable size and scope. The number of peak trips should be very 19-66

similar. The data appears suspect (perhaps a typo) and should be further researched. The Wild Horse project should have the lowest peak construction traffic due to the use of the onsite gravel quarries and batch plant. 19-66

Page 2-37, Section 2.6.2, Subsection: Desert Claim, Location and Site Characteristics

A total of 31 occupied singe-family residences (and one abandoned trailer) are within the project area or within 1000 feet of the project area boundary (Kittitas County 2003b).

Comment: The statement is incorrect according to the Desert Claim FEIS. In the Desert Claim FEIS on page 3-138 the following is stated "...32 residences (including 1 abandoned trailer) are located either within the project area, or within 1000 feet of the project boundary. An approximately 8 residences are located within the boundary of the project area". It is also important to note that the DC FEIS also states there are 83 residential structures within one-half mile of the project site. 19-67

Page 3.8-5, Section 3.8.1.5 -Desert Claim Alternative

Noise-sensitive areas in the project vicinity include Class A and Class C EDNA. The predominant sources of existing noise on and near the project site include agricultural activities, traffic on local roadways, and occasional overhead aircraft (including helicopters). At some locations, wind at higher speeds is also a major source of noise.

Comment: The number of receptors used in noise impact studies is described in the FEIS for the Desert Claim Project and should be listed to be consistent with the noise study information provided under the Kittitas Valley Project Alternative. 19-68

Page 3.8-10, Section 3.8.3.1, Subsection: Kittitas Valley Alternative

Modeling of a major wind power generation facility atthis site comparable to the WHWPP indicated the potential for significant noise impacts (EFSEC, 2004)

Comment: This statement is incorrect and should be deleted or modified. Please refer to section 3.12.2 of KV DEIS which concludes that Project construction and operation activities will have no significent adverse noise impacts. 19-69

Page 3.8-11, Section 3.8.3.1, Subsection: Desert Claim Alternative

Predicated operational noise levels at all receptor locations would meet applicable noise limits.

Comment: Desert Claim shows exceedences of the 50 dBA limit at two locations. The EIS for Desert Claim assumes that the applicable noise limit will be 70 dBA (Table 3.9-6) at almost all residences. The WH EIS should note that KVWPP and WHWPP both assume a lower regulatory threshold of 50dBA. 19-70

Page 3.10-27, Section 3.10.4.1, Subsection: Desert Claim Alternative

Visual impacts from this alternative are likely to be less than the WHWPP and the Kittitas Valley alternatives due to it not being visible from the Columbia River Gorge as compared to the WHWPP and greater distance from major transportation routes such as I-90 and US-97 and fewer residences in close proximity than the Kittitas Valley alternative.

Comment: Based on a review of the Desert Claim EIS, by the Applicant's visual resource consultant, it would be more fair to say that in most areas, the Desert Claim project's visual impacts would be moderate. The three premises for the Desert Claim Project's lower visual impact presented in the above comment are seriously flawed as outlined below:

4. None of the projects will be significantly visible from the Columbia River Gorge. The Wild Horse Project would not be significantly visible from the Columbia Gorge. Review of the Wild Horse ZVI map makes it clear that the project would be visible in only limited areas of the Gorge, and these areas would be 7 miles and more from the site, limiting the turbines' visibility.

5. This statement about the relationships of the 3 projects to Interstate 90 is too general. For example, in the case of the Kittitas Valley project, the closest turbines will be well over 2 miles from the Interstate, and will not appear in the driver's primary cone of vision. Most of the KVWPP turbines will be located considerably further in the distance from I-90 and will have limited visiblity. In the case of the Wild Horse project, the closest turbines will be located 3 miles from I-90, and because of the topography, the areas along I-90 where these closer turbines will be visible will be very limited. Review of the ZVI map indicates that the portions of I-90 from which more extended views of the WHWPP turbines will be visible are on the order of 8 to nine miles from the closest turbines. 19-71

6. There are clearly not fewer residences in close proximity to the Desert Claim Project compared with either the Kittitas Valley or Wild Horse Projects. Because the Desert Claim project is, for the most part, located in a remote agricultural area, there are relatively few residences located in immediate proximity to turbines. However, there are 83 residences within 1/2 mile of the Desert Claim Project (DC FEIS page 3-136) compared to approximately 53 residences within ½ mile of the KVWPP and one residence within 1.75 miles of the Wild Horse project. 19-71 cont

There is thus good reason to conclude that the visual effects of the Desert Claim Project would **not** necessarily be substantially less than those of the KVWPP or WHWPP.

Page 3.14-9, Section 3.14.1.4 -Desert Claim Alternative

Given the proximity of the Kittitas Valley alternative to the WHWPP…

Comment: The statement is incorrect. The EIS should state "Given the proximity of the **Desert Claim** alternative…" 19-72

Page 3.14-23, Section 3.14.3.1, Subsection: Desert Claim Alternative

Entire Section

Comment: No reference is made to the potential for increases in accident rates as a result of the construction of the DC project, while in the preceding section regarding the KV project, it is noted that accident rates might increase due to project-related construction. This lack of consistency should be corrected in the EIS to reflect the fact that the potential for increased accident rates is similar and low for all three wind power projects. 19-73

Responses to Comments in Organization Letter 19 from Chris Taylor, Project Development Manager, Zilkha Renewable Energy

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

Please note, that not all, but many of the comments provided by the Applicant in this Letter 19 submittal are editorial and provide information for purposes of correction, clarification, or to update the Draft EIS. Revisions have been made to the Draft EIS, where appropriate, and appear in the sections of this FEIS. To reduce repetition, this statement has not been repeated for every response that refers to an edit.

19-1. The referenced paragraph has been deleted and a paragraph on dust suppression at the rock crushing and batch plants has been added in 3.2 Air Quality, Mitigation Measures.

19-2. The finding that these species generally fly below the rotor swept area applies to breeding individuals only whereas mortality may occur among both breeding, and migratory individuals. For this reason, the table was not changed.

19-3. Because Table 1-2 is a summary, it is referring to all other avian species that may occur in the WHWPP area. Table 1-2 has been changed to reflect this.

19-4. Although leks were not detected during surveys for the WHWPP they have been known to occur in the vicinity in the past and may occur in the future; therefore, disturbance impacts are possible.

19-5. Table 1-2 has been edited to reflect the Applicant's commitment to using unguyed meteorological towers.

19-6. Section 1.6.1, Table 1-2, Subsection 3.8, Noise, Construction Impacts of the Final EIS, has been revised to reflect the nearest home is 1.75 miles away from the closest WTG.

19-7. Section 1.6.1, Table 1-2, Subsection 3.8, Noise, Construction Impacts of the Final EIS has been revised to reflect the nearest home is more than 2.5 miles away from the closest rock quarry.

19-8. Section 1.6.1, Table 1-2, Subsection 3.8, Noise, Operation and Maintenance Impacts of the Final EIS has been revised to reflect the nearest home is 1.75 miles away from the closest WTG.

19-9. Section 1.6.1, Table 1-2, Subsection 3.12, Public Services and Utilities/Recreation, Operation and Maintenance Impacts of the Final EIS has been revised to reflect a daily usage of less than 1,000 gallons for operations.

19-10. Section 1.6.1, Table 1-2, Subsection 3.12, Public Services and Utilities/Recreation, Mitigation of the Final EIS has been revised to reflect that the Applicant has completed a thorough communications study that concludes no anticipated impact to existing communication pathways.

19-11. Section 1.6.1, Table 1-2, Subsection 3.12, Public Services and Utilities/Recreation, Mitigation of the Final EIS has been revised to reflect that the Applicant has secured an

agreement with Fire District #2, and does not plan to have signed agreements with the hospital and/or EMS services.

19-12. Section 1.6.1, Table 1-2, Subsection 3.14, Traffic and Transportation, Construction Impacts has been revised to include a footnote: 1Daily trips with rock quarry on-site.

19-13. Section 1.6.1, Table 1-2, Subsection 3.14, Traffic and Transportation, Mitigation has been revised to reflect that the Applicant will videotape existing road conditions, compare to road conditions after construction, and as described in the Development Agreement (Appendix A) if construction of the project results in the degradation of the existing pavement and/or shoulders the Applicant shall reinstate these facilities to equal or better condition prior to construction.

19-14. Section 1.6.1, Table 1-2, Subsection 3.14, Traffic and Transportation, Operation Impacts has been revised to reflect that FAA has issued a Determination of No Hazard for the project.

19-15. Section 1.6.1, Table 1-2, Subsection 3.14, Traffic and Transportation, Operation Impacts has been revised to reflect that roads on-site are private and will be maintained entirely by the Applicant.

19-16. Section 1.6.1, Table 1-2, Subsection 3.15, Health and Safety, Mitigation, Terrorism/Sabotage/Vandalism has been revised as requested regarding the presence of dedicated water trucks during construction.

19-17. Section 1.6.1, Table 1-2, Subsection 3.15, Health and Safety, Operation and Maintenance Impacts for maximum tower collapse hazard zone, blade throw, and ice/blade fragment throw distances are correct as stated in the DEIS. However, for clarification, 328 feet was added to the estimated maximum ice/blade fragment throw distance for the 104 and 158 WTG scenarios.

19-18. Section 1.6.1, Table 1-2, Subsection 3.15, Health and Safety, Mitigation, has been revised to define transmission line conductors to be of sufficient “design in accordance with National Electric Code standards and good utility practice” to control corona effects.

19-19. Section 1.6.1, Table 1-3, Subsection 3.10, Visual Resources/Light and Glare, Proposed Action has been edited.

19-20. Section 1.6.1, Table 1-3, Subsection 3.10, Visual Resources/Light and Glare, Proposed Action has been edited.

19-21. Section 1.6.1, Table 1-3, Subsection 3.10, Visual Resources/Light and Glare, Proposed Action has been revised to indicate that the white flashing lights would be visible during the daylight hours and likely to create a low level of visual impact.

19-22. Section 1.6.1, Table 1-3, Subsection 3.14, Traffic and Transportation, Proposed Action has been revised to reflect that the Applicant will maintain project roads at the site.

19-23. Section 2.1.1, Subsection: Kittitas Valley Wind Power Project has been revised to reflect that power generated at the site may be sold to either PSE, BPA, or another utility, but would be transmitted over PSE and/or BPA transmission systems.

19-24. Section 2.1.1, Subsection: Kittitas Valley Wind Power Project has been revised to include text originally misplaced in Section 2.1.1, Subsection: Tierras Morenas, Costa Rica.

19-25. Section 2.2.3, Subsection: Meteorological Stations and Monitoring Towers has been revised to state that meteorological towers would be free-standing (unguyed).

19-26. Section 2.11.1, Subsection: County Planning Staff has been updated.

19-27. Section 2.11.1, Subsection: County Public Works Department has been updated.

19-28. Section 2.11.1, Subsection: Fire District has been updated to reflect the Applicant executed a contract with Fire District #2 for fire protection services for the Project on September 10, 2004

19-29. Section 3.3.2.2, Subsection: Surface Water, Runoff, and Erosion, 2nd paragraph, 1st sentence has been corrected to reflect "permanently" disturbed areas and a "10-foot-x-10-foot" impervious footprint for transformer foundations/spill containment structures.

19-30. Section 3.4.1.1, Subsection: Riparian Communities has been revised to reflect WDFW's approval of the NRCS study methodology and determination that the studies conducted for the Project are appropriate and consistent with WDFW's Wind Power Guidelines

19-31. Section 3.4.2.2 Operation and Maintenance Impacts has been revised to include a reference to the Mitigation Section and that the Applicant will implement revegetation in consultation with WDFW.

19-32. Section 3.5.1 Affected Environment has been revised to reflect sage grouse survey protocols were developed in consultation with WDFW and are consistent with WDFW Wind Power Guidelines.

19-33. Section 3.7.1.3 Renewable Resources has been revised to include "PacifiCorp" as a utility that has recently issued a RFP to acquire wind power.

19-34. Section 3.8.1.2, Subsection: Environmental Impact Thresholds for Noise. The requested text has been added. However, note that the requested additional text has little relevance to this FEIS, because the background levels at all receivers evaluated for this FEIS are higher than 30 dBA.

19-35. Section 3.8.2, Table 3.8-4 has been revised to include a footnote for the FHWA criteria referenced explaining it is for determining if noise walls should be built.

19-36. Section 3.8.2.1, Subsection: Construction Traffic Noise has been corrected to reflect a distance of 60 feet to 66 dBA.

19-37. Section 3.8.5 Significant Unavoidable Adverse Impacts FHWA criteria, Section 3.8.1.2 of the FEIS has been updated to describe that FHWA's 66 dBA noise impact criterion (which was developed by FHWA to assess permanent traffic noise) has been used in this FEIS as a relevant impact criterion for temporary construction noise.

19-38. In Section 3.10.2.5, Subsection: Landscape Unit 6, visual quality is acknowledged as being moderate to low due to other features in the immediate landscape, with the visual sensitivity noted as high due to the location of the substation in close proximity to many viewers. Please note that Table 3.10-2 in Section 3.10.3.3 of the Draft EIS presents a "low" value for potential level of visual impact for Landscape Unit 6. Both sections have been updated to include the substation's proposed relocation and that the relocation would make it less visually prominent to I-90.

19-39. Section 3.10.3.3, Subsection: Light and Glare, Turbine Lighting has been revised to reflect a “low” level of impact from white flashing lights during daylight hours.

19-40. Section 3.10.3.3, Subsection: Light and Glare, Turbine Lighting FAA has not been revised. It is not pertinent to the WHWPP visual analysis that the FAA is conducting it’s research at the Applicant’s Blue Canyon Wind Power Project in Oklahoma for it’s review of safety lighting standards.

19-41. Section 3.12.1.1 and Section 3.12.2.1 Fire Protection have been updated to reflect the contract secured with Fire District #2 for fire protection services for the project site.

19-42. Section 3.12.4.1 Mitigation Measures, Construction has been revised to delete the bullet suggesting further study for impacts to communication pathways.

19-43. Section 3.12.4.2 Mitigation, Operation and Maintenance has been updated to include the status of the signed agreement with Fire District #2, and the explanation that emergency services are billed on a fee-for-service basis.

19-44. Section 3.13.1.5, Subsection: Traditional Cultural Properties has been updated to reflect the Applicant entered into a contract with the CCT for a TCP study and that the study has been completed.

19-45. Section 3.14.1.2, Subsection: Future Plans and Projects has been revised. The I-90: Highline Canal to Elk Heights auxiliary lane project has been deleted from the bulleted list of future projects as well as the Eastbound Cle Elum ramp paving project and the Rye Grass summit to Vantage auxiliary lane project

19-46. Section 3.14.2, Table 3.14-4, Subsection: Construction Impacts, Roadway Limitations discusses the potential impacts. The mitigation section has been revised to reflect the Development Agreement.

19-47. Section 3.14.2, Table 3.14-4, Subsection: Operation and Maintenance Impacts, Tourism-induced Traffic remains as “unknown”. See Section 3.14.2.2 for an updated discussion on expected levels of tourism at the WHWPP site.

19-48. Section 3.14.2, Table 3.14-4, Subsection: Operation and Maintenance Impacts, Road Maintenance and Public Access Requirements has been revised to reflect that 32 miles of roadways are private and the body of the text revised to indicate WHWPP will maintain them.

19-49. The Gorge events combine both arrival and departure peaks. The largest single peak would occur after events however smaller peaks would occur during the arrival period and the day after as overnight campers leave the event facilities. Though the primary route for arrival and departure is I 90 some event attendees may use Vantage Highway. The Traffic Management Plan will monitor these events and if congestion results measures will be implemented to reduce impacts.

19-50. Section 3.14.2.2, Subsection: Air Navigation Consideration has been updated to reflect that nine turbines have been removed from the proposed project and FAA has issued a Determination of No Hazard for the project. (See Appendix C)

19-51. Section 3.14.3.1, Subsection: Kittitas Valley Alternative has been corrected to “20” workers.

19-52. Section 3.14.3.1, Subsection: Kittitas Valley Alternative has been revised to "The proposed O&M facility parking lot will

be sufficient to accommodate future parking needs of both project employees and potential visiting tourists."

19-53. Section 3.15.2.2, Subsection: Shadow Flicker has been revised to include the shadow flicker frequency threshold for triggering an epileptic seizure and the shadow flicker frequency of the turbines proposed for the WHWPP relative to it.

19-54. Section 3.16.6.2, Air Quality has been corrected to reflect "…current air quality problems do not exist."

19-55. Population declines are likely to be attributable to a variety of factors, with the cumulative result being local declines.

19-56. Section 3.16.6.7, Energy and Natural Resources has been revised to include the average annual number of households served by 186 average MW of output.

19-57. Section 3.16.6.13, Cultural Resources has been updated to reflect that the Applicant entered into a contract with the CCT for a TCP study and that the study has been completed.

19-58. The existing text in Sections 3.15.2.1, 3.15.2.2, and 3.15.4.1 acknowledges that the project site is not in a lightning-prone area; that grounding systems will be in place at the WTGs and substations, and that the footprint areas around the WTGs and substations would be graveled with no vegetation. Regardless, the presence of project facilities represents a change from the existing conditions that may increase the probability, however small, of a lightning strike.

19-59. See response to Comment 19-58 above.

19-60. Subsections and Tables of the Final EIS under "Impacts of the Alternatives" have been updated for consistency with the Desert Claim Final EIS.

19-61. Section 1.6.1, Table 3-1: Subsection 3.10, Visual Resources/Light and Glare, Desert Claim has been revised to "moderate" visual impact given the number of residences in close proximity to the proposed project (Figure 3.7-2 of the Desert Claim FEIS).

19-62. Section 1.6.1, Table 3-1: Subsection 3.10, Visual Resources/Light and Glare, Desert Claim has been revised to correctly refer to the Gorge Amphitheater rather than to the Columbia River Gorge.

19-63. See response to Comment 19-61. Please note that it is stated in Section 1.6.1, Table 3-1: Subsection 3.10, Visual Resources/Light and Glare, Desert Claim of the Draft EIS that "Impacts from light and glare under the Desert Claim alternative would be similar to those described for the WHWPP but greater due to closer proximity to residences."

19-64. See response to Comment 19-62 above. Please note that Section 3.10.4.1 of the Draft EIS does state that the Desert Claim project would have moderate visual impact at several viewpoints.

19-65. Section 1.6.1, Table 3-1: Subsection 3.10, Visual Resources/Light and Glare, Desert Claim has been updated to be consistent with the Desert Claim FEIS.

19-66. The Desert Claim Final EIS estimates there will be 80 PM peak trips in the outbound direction. The Wild Horse Project estimated 250 PM peak hour trips. This Wild Horse value was intentionally high to evaluate the impacts on roadway capacity.

19-67. Section 2.6.2, Desert Claim, Location and Site Characteristics has been updated to be consistent with the Desert Claim FEIS.

19-68. Section 3.8.1.5, Subsection: Desert Claim Alternative has been revised to reflect that the Desert Claim EIS modeled 29 noise receivers within 3/4 mile of the turbine strings.

19-69. Section 3.8.3.1, Subsection: Kittitas Valley Alternative has been revised to reflect conclusions presented in 3.12.2 of the KVDEIS.

19-70. Section 3.8.3.1, Subsection: Desert Claim Alternative has been revised to reflect that the 50dBA limit is exceeded at two residential receptor locations.

19-71. See response to Comment 19-62 above.

19-72. Section 3.14.1.4 Desert Claim Alternative has been corrected to "…Given the proximity of the Desert Claim alternative…"

19-73. An increase or decrease in accident rates would likely be the result of changes in geometric roadway features, pavement type, or constructing a new intersection. With all three projects the accident rates along the access roadways are unlikely to change. However the increase in traffic volumes may result in additional accidents. Section 3.14.3.1, Subsection Desert Claim Alternative has been revised to acknowledge the potential for increased accidents due to project-related construction.

Renewable
Northwest
Project

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Renewable Northwest Project

Wild Horse Wind PP
Draft EIS Comment- 20

September 10, 2004

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

Re: Comments on Wild Horse Wind Power Project DEIS

Dear Mr. Fiksdal,

The Renewable Northwest Project (RNP) appreciates the opportunity to comment on the proposed Wild Horse Wind Power Project (WHWPP) Draft Environmental Impact Statement (DEIS). RNP is a non-profit organization composed of environmental organizations, consumer groups and renewable energy companies and manufacturers that work together to promote solar, wind and geothermal resources in the Northwest.

Overall, we believe that the DEIS has thoroughly evaluated all the potential impacts of the WHWPP and the proposed mitigation for the potential impacts. We have specific comments on the following sections: wind power project purpose and need; mitigation measures for vegetation; and mitigation measures for wildlife.

Section 1.2.2 Wind Power Project Purpose and Need (pg. 1-3)

The DEIS highlights three Washington utilities (Avista, PSE, and PacifiCorp) that intend to acquire wind power for meeting future load growth and concludes that the WHWPP could help meet the growing demand for renewables, in particular, wind power in the region. We believe the demand for wind power by Northwest utilities should be further underscored in this section. In fact, many of the major investor-owned utilities in the region, as well as many public utilities, are finding that wind power is a cost-effective resource today. In PSE's 2003 IRP, PSE set a goal of serving 5% of PSE's load with renewable resources and a target of reaching 10% over the next 10 years. PacifiCorp's 2003 IRP concluded that adding 1,400 MW of renewables over the next ten years was cost-effective for PacifiCorp's system. PacifiCorp issued a 1,100 MW RFP for renewable energy earlier this year. And Avista has acquired 35 MW of wind resources with the intention to acquire more in the future. In addition 20-1

to the three Washington utilities highlighted, Idaho Power, Northwestern Energy, and Portland General Electric are also seeking to acquire wind power in the near-term. 20-2

Section 3.4.4 Mitigation Measures for Vegetation and Wetlands (pgs. 3.4-21 to 3.4-23)

The DEIS states that the Applicant proposes to mitigate for all temporary and permanent impacts on vegetation by acquiring, protecting and enhancing approximately 600 acres of habitat for the life of the WHWPP. The 600 acres will exceed the habitat mitigation recommendations in the WDFW Wind Power Guidelines. We believe that the Applicant's proposed mitigation plan is comprehensive and consistent with the WDFW Wind Power Guidelines. We are also pleased to see the DEIS conclude with the implementation of the mitigation measures and avoidance of wetland and riparian areas, no significant unavoidable adverse impacts are anticipated on vegetation resources and wetlands. 20-3

Section 3.5.4 Mitigation Measures for Wildlife (pgs. 3.5-37 to 3.5-41)

RNP has reviewed the pre-project assessment studies conducted for the WHWPP and we believe that the studies conducted are consistent with the WDFW Wind Power Guidelines. We support the project design measures, the construction techniques and best management techniques outlined in the DEIS that will help avoid and minimize impacts on wildlife. The minimization and avoidance measures are also consistent with the WDFW Wind Power Guidelines. Once the project is operating, a Technical Advisory Committee (TAC) will be used to develop a monitoring plan and evaluate the direct impacts of the project on wildlife and habitat. Should any significant unanticipated impacts occur once the project is operating, we believe that it is the role of the TAC to discuss and propose further mitigation measures for the unanticipated impacts. Again, we are pleased to see the DEIS conclude that if the proposed mitigation measures are implemented, no significant unavoidable adverse impacts are anticipated for birds and other wildlife. 20-4

RNP generally believes that the Applicant's mitigation measures for potential impacts to habitat and wildlife are more than adequate—they either meet or exceed the recommendations in the WDFW Wind Power Guidelines, which are rigorous and science-based. 20-5

We believe that the Applicant thus far has taken the necessary steps to properly site the WHWPP. The Applicant has been working with state and federal wildlife agencies along with environmental groups, such as Kittitas Audubon, and concerned stakeholders to address their concerns. And based on our experience, eliciting input early on in the development process from interested stakeholders is a critical component to properly siting a renewable project. Given the potential environmental, social and economic benefits identified in the DEIS, we believe that the project should be sited and built. 20-6

Section 3.7.1.3 Renewable Resources (pg. 3.7-7)

The first paragraph on this page improperly credits "recent legislation" as the sole reason for the growing renewable energy market in the Northwest. Wind power is expanding without the help of any recent legislation in the region and in response to a variety of financial and market conditions including:

- Electricity from wind power is cost-competitive with other resources; 20-7
- Customer demand for renewable energy;
- Utilities are using wind power to diversify their resource portfolios because the price of electricity from renewable resources is predictable and stable over time;
- Utilities are interested in the ability for wind power to help hedge against the costs of possible future environmental regulations such as carbon taxes.

We appreciate this opportunity and thank you for considering our comments.

Sincerely,

Sonia Ling
Troy Gagliano

Responses to Comments in Organization Letter 20 from Sonja Ling (Policy Associate) and Troy Gagliano, Renewable Northwest Project

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

20-1. Thank you, your comment has been noted. PSE's intent to purchase the project has been included in Section 1.2.2 of this FEIS.

20-2. Thank you, your comment has been noted. See response to Comment 20-1 above.

20-3. Thank you, your comment has been noted.

20-4. Thank you, your comment has been noted.

20-5. Thank you, your comment has been noted.

20-6. Thank you, your comment has been noted.

20-7. Thank you, your comment has been addressed and appears in Section 3.7.1.3 of this FEIS.

State of Washington
Department of Fish and Wildlife
South Central Region – Ellensburg District Office, 201 North Pearl, Ellensburg, WA 98926
Phone: (509) 925-1013, Fax (509) 925-4702

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ENERGY FACILITY SITE
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September 10, 2004

Allen J. Fiksdal, Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504-3172

Subject: Wild Horse Wind Power Project – Comments on Draft EIS for proposed 158-312 megawatt wind power generation facility in Kittitas County northeast of Ellensburg.

Dear Mr. Fiksdal:

Our comments below relate to the Wild Horse Wind Power Project DEIS assessment of fish and wildlife, their associated habitats and the project's potential affects on these resources. Washington Department of Fish and Wildlife (WDFW) has been working with Zilkha Renewable Energy, Wind Ridge Power Partners, LLC, their consultants and the Energy Facility Site Evaluation Council (EFSEC) to review and provide comments and recommendations regarding this project since early in the EFSEC Site Certification process.

In 2003, WDFW worked with representatives of the wind power industry and proponents of renewable energy to craft state-wide guidelines for the protection of fish and wildlife resources when siting and operating wind power facilities. I have attached a copy of these guidelines for your information. (A copy can also be seen at our web site http://wdfw.wa.gov/hab/engineer/windpower)

The discussion of wildlife and wildlife habitat-related impacts in the DEIS is extensive and mitigation measures proposed are responsive to our early discussions with the applicant. The fish and wildlife studies and mitigation measures are consistent with WDFW's statewide Wind Power Development guidelines. The discussion and analysis on potential project impacts to sage grouse is, however, a concern. The treatment of the subject is not adequate for its potential significance, and there is new information available that needs to be included in the analysis. There are some additional elements in the DEIS that should be corrected and/or clarified in the Final EIS, however they affect only specific portions of the overall analysis. 21-1

Chapter 3 of the DEIS identifies mitigation measures incorporated in the proposal to address project impacts and cumulative impacts. In gerneral we agree with the value of these mitigation measures and request that they be incorporated in the project license if the project is approved. We are also requesting some additional mitigation measures. 21-2

I have enclosed our more detailed comments on separate pages.

Thank you for the opportunity to review the DEIS. If you have questions or need additional information, please contact Brent Renfrow of my staff at (509) 925-1013.

Sincerely,

Ted A. Clausing
Regional Habitat Program Manager

Cc: Chris Taylor, Zilkha
Lauri Vigue, WDFW
Brent Renfrow, WDFW

Washington Department of Fish and Wildlife Comments on Draft EIS for Wild Horse Wind Power Project

General Comments

Shrub steppe is a State of Washington Priority Habitat because of the assemblage of wildlife dependent upon it. Any loss or fragmentation of shrub steppe is of concern. Many shrub steppe-associated wildlife species require large areas of land, and thus management of shrub steppe wildlife tends to focus on large tracts.

The Wild Horse Wind Power Project (WHWPP) is located in the center of the largest block of remaining shrub steppe habitat in Washington. WDFW has significant concerns with potential impacts from this project, particularly at a larger scale in terms of ecosystem impacts. Ecosystem impacts may be beyond the scope of any project element-specific mitigation. We believe this project site warrants special consideration. Over the long term the ability to sustain the full array of shrub steppe species depends upon such large blocks of shrub steppe habitat. The project also lies with the state's Sage Grouse Recovery Area. Sage grouse are a state listed Threatened Species, and federal Candidate species. In addition, the project lies within an area designated by Washington Audubon as an "Important Bird Area" (IBA). IBAs are areas identified by the Audubon Society as places across the globe essential to maintaining healthy bird populations. 21-3 21-4 21-5

Shrub Steppe Plant Communities and Associated Wildlife – Impacts and Mitigation

- **Construction timing:** Section 3.4.4 should include construction timing as a mitigation measure to avoid and minimize impacts to soils and vegetation. To the greatest extent possible, construction activities outside of the hardened footprint of the project (i.e. "temporary disturbance areas") should be done during the late spring, summer and fall when soil moisture is very low. Working in the winter is impractical, and subject to thawing conditions in unpredictable manner. 21-6

  For most of the project area, the time of year of construction will greatly influence the amount of long-term damage to soils and plants. The shrub steppe communities identified in the DEIS (particularly lithosol communities) are very fragile when soils are wet. Even a single day of driving equipment on these sites when wet can result in substantial permanent damage. In contrast, during summer when soils are dry they can withstand traffic with minimal soil displacement and breakage of plant roots. Moreover, vegetation is more tolerant to damage during the dry period as the period of rapid growth has ended, many plants have completed flowering and setting of seed, and many are dormant. 21-7

- **Post-Construction Restoration of Temporary Disturbed Areas - Standards for site restoration:** The DEIS should identify a reference standard (or a process to establish one) for evaluation of site restoration success. The standard could be based on a reference site selected within the project area for each vegetation type, the typical vegetation description for each soil type in the draft NRCS soil survey, or other agreed-upon standard. Post-construction restoration of temporarily disturbed areas should be sufficient to achieve site stability and agreed-upon similarity to the reference standard. Selection of reference standards should be done in consultation with WDFW and the Technical Advisory Committee. 21-8

- **Proposed Acquisition of Habitat Mitigation Site and Clarification of proposed mitigation ratios**: The proposed habitat mitigation site is suitable, strategically located and should achieve the mitigation goals for which it is to be acquired. This site would address direct footprint impacts from roads, towers and construction. 21-9

- **Domestic Stock Grazing**: The EIS implies that grazing may continue on the project lands. Shrub-Steppe habitat quality on the site has been diminished by excessive grazing of cattle, horses and sheep, particularly in the area around springs. If grazing is to be continued on project lands, we recommend specific management of this activity, to minimize or eliminate these impacts. Such management would include fencing of sensitive areas, rest rotations, limited numbers and timing of stock, and other techniques. Domestic sheep pose a significant risk to the re-established bighorn sheep herd in the area, and we recommend that they not be allowed on the project area if grazing is to occur. 21-10

- **Big Game:** The WHWPP area is correctly identified as winter habitat for deer and elk. WDFW would like to continue working with the project proponent for the use of hunting and other means on the site to achieve big game management objectives. These objectives may include limiting human use during the winter season to help keep big game animals from causing damage to private lands in the Kittitas Valley. Legal hunting is desired on all of the project lands, including state and project lands. WDFW would like to expand the discussion on this topic, and work it into the public access question below. 21-11

Wildlife - Direct Impacts and Mitigation

- **Meteorological Towers – Guyed Towers verses Free Standing**: The project proposes the installation of five meteorological towers. These towers should be free-standing towers, which are demonstrably less likely to result in bird mortality.

  It is well documented that towers with guy wires kill birds at a significantly greater rate than free standing towers. The DEIS notes that the typical avian 21-12

mortality associated with modern wind turbines at comparable sites is about 2 birds per tower per year. In sharp contrast, the guyed meteorological towers at the analogous Foote Creek Rim wind project in Wyoming had a mortality rate of about 8 birds per tower per year. Thus, if unprotected guyed meteorological towers were used on this project instead of free-standing towers, annual avian mortality would be expected to increase by about 15%. The use of bird flight diverters has been proposed, but there is no information provided as to the effectiveness of bird flight diverters in reducing avian tower strikes. Bird flight diverters have been used at many places in North America to deter large waterfowl from striking transmission lines near waterways, but their effectiveness on passerine mortality may be limited. We have not been able to find documentation of successful use of bird flight diverters on tower guy wires to prevent avian collisions during either daylight or during night-time migrations. 21-12

The use of free-standing towers is a demonstrated mitigation technique for reducing avian mortality. Bird flight diverters should not be used in lieu of free-standing towers unless their effectiveness can be demonstrated or their use is part of an approved adaptive management effort coordinated with WDFW and other natural resource management agencies, and the Technical Advisory Committee.

- **Sage Grouse – New Information Available and Expanded Discussion Needed in DEIS**. New information relevant to sage grouse occurrence within the project and potential impacts of wind power facilities on sage grouse has become available since the Application for Site Certification was submitted and the scoping of the EIS. The discussion in the DEIS should be expanded to include this information. Because of the special status of sage grouse, the overall discussion of sage grouse in the DEIS merits greater attention and analysis. 21-13

- A recent briefing paper from the US Fish and Wildlife Service (July 30, 2004: Prairie Grouse Leks and Wind Turbines:..), reiterates their "concern with clearly declining trends in prairie grouse populations", and restates that "avoidance of vertical structures by grassland and shrub steppe obligate wildlife is not a new issue". The USFWS recommends a buffer of 5 miles of protected habitat in areas of either active leks, or "suitable, but abandoned" habitat (USFWS Recs: p. 11). The WHWPP project area represents an area of potential (and likely) breeding, and necessary connectivity for linking populations in WA. Potential areas for re-establishment of lekking grounds are within the WHWPP. 21-14

Greater Sage Grouse (Centrocercus urophasianus) were listed as a federal candidate species in April, 2004, with a finding that listing "listing may be warranted". They are also a state of Washington Threatened species, with a recently completed recovery plan (WDFW 2004). 21-15

Historically, sage grouse occurred in large numbers in and around the Kittitas valley, and were a hunted game species until the 1980s. Numbers have declined 21-16

significantly in WA, primarily due to habitat loss (WDFW Sage Grouse Recovery plan 2004). Sage grouse have been observed in recent years in and around the WHWPP project site, including sightings of hens with broods (Lee Stream, WDFW data). Although no active leks were located during surveys for this project, the presence of broods indicates reproductive populations occur in the area. A radio marked female sage grouse spent much time in this area in 2004. 21-16

The Washington Sage Grouse recovery plan identifies the landscape containing the WHWPP as The Colockum Management Unit, a part of the recovery plan. Two disjunct populations of sage grouse currently exist in Washington, to the north in Douglas County, and to the south on the Yakima Training Center. The intact shrub steppe landscape between the Kittitas Valley and Columbia River is the necessary connection to link these two populations for recovery.

The DEIS recognized this fact, but incorrectly states the protected status of parts of this critical connection. On page 3.5-22 the DEIS states: "It would appear the project would not significantly impact connectivity between the Douglas County population and the Yakima and Kittitas County populations, given that the shrub-steppe habitats (Whiskey Dick and Quilomene Wildlife areas and private lands between the two Wildlife areas) to the east of the project would remain intact." This statement is untrue. The private lands to the east and west of the project will not necessarily "remain intact", and under current zoning in Kittitas County would likely be fragmented into small holdings, with the associated severe impacts to shrub steppe habitats and species. WDFW has a long held interest in protecting these critical lands between the two wildlife areas. The Colockum Management unit in the Sage Grouse Recovery Plan (in and adjacent to the WHWPP) is identified as having potential for breeding, connectivity and seasonal use (SG plan, p. 60). The DEIS should more fully discuss how the presence of the WHWPP plant affects the use of the Colockum unit in sage grouse recovery. 21-17

WDFW participates in the Washington Sage Grouse working group, represented by Dr. Mike Schroeder. He, and other members of this working group, have expressed concerns about the potential impact to sage grouse habitat connectivity from the proposed Wild Horse project. The Sage Grouse working group is a technical working group of sage grouse experts from a variety of entities, including federal and state agencies. 21-18

WDFW has concerns with maintenance of viable and necessary habitats for linking and restoring sage grouse populations. The WHWPP would impact the functionality of this corridor and habitat. This topic requires additional analysis and discussion of impacts, mitigation and alternatives in the DEIS. 21-19

- **Micro-siting of Turbines to Reduce Turbine Mortality**: Mitigation for direct mortality from turbines should include close attention to micro-site locations of towers. Towers should not be place in locations of raptor concentrations, such as 21-20

along steep ridgelines or at the top of cliff faces. The DEIS should more thoroughly describe micro site alternatives. 21-20

- **Sharp-tailed Grouse**: Sharp-tailed grouse historically occurred in Kittitas County. The three proposals for wind generation facilities are sited in habitat that is suitable for the species. Population recovery and reestablishing is an agency priority that may be affected by the cumulative effects of wind energy projects. Sharp tailed grouse are a species of concern that are not mentioned in the DEIS. 21-21

Recreation – Impacts and Mitigation

- **Public Access to Public and Private Lands:** Many people use the project area and adjacent public lands for activities such as hunting, hiking, horseback riding, shed antler gathering and other dispersed activities. WDFW has considerable lands immediately adjacent to the WHWPP, as indicated in Table 3.12-4. Access to public lands is not mentioned in the analysis of recreation impacts from the project, and should be included. The DEIS discussion on impacts of the project on recreation is conflicting. Within the cumulative impacts section (3.16.6.12) it is noted that public access to all project areas, to the extent it currently exists, would be maintained. However, Tables 1-2 and 3.12-3 fail to mention lost access to public land and dispersed recreation opportunities as impacts from the project. 21-22

Hunting specifically would be the subject of a management plan developed by WDFW and the Applicant. But elsewhere the document notes that the project area would be closed to the public during construction and section 3.12.2.2 (Parks and Other Recreational Facilities) notes that access to the project site will be controlled. There is also reference to organized tours. 21-23

The public lands in the immediate vicinity of the project are most accessible via the Beacon Ridge Road. There is no equivalent alternate route. The public has enjoyed relatively unfettered access on this road for many years. Also, WDFW uses this road as its primary access to these lands for administrative, management and law enforcement purposes. The road and project area would become "controlled access" under this proposal. What this means for recreation is not adequately described in the DEIS. 21-24

The DEIS should discuss the terms and conditions for public access to/through the project or the process by which an access plan will be established. It is important for the reviewer to understand as to whether public access will continue to be allowed whenever weather and road conditions permit, or whether access will be limited to set times, numbers, activities, etc.. Traditional alternate access routes into the area via Park Creek or Caribou Creek have recently been posted as closed by the property owners. The DEIS should also discuss possible mitigation measures, ranging from providing "user friendly" controlled access to securing 21-25

alternate public access routes. Alternative routes, timing of open routes, managed public access, or mitigation by providing other access: All alternatives should be considered. WDFW would like to work with the proponent in developing alternatives. 21-25

- **Recreation Opportunities on Project Area**: Lost opportunities for hunting, hiking, birdwatching, shed antler gathering and other dispersed activites will occur on the project. It has been open land for public activity in the past. This loss is not mentioned in the EIS Recreation section. The WDFW would like to preserve these opportunities to the maximum extent possible. Table 1-2 and 3.12-3 fails to mention lost dispersed recreation opportunities as an impact from the project. 21-26

- **Impact to WDFW Wildlife Areas and bird populations**: Adjacent wildlife areas will suffer some loss of avian and bat populations (note direct mortality estimates in the document). Birds are a feature of the landscape that visitors to WDFW lands enjoy. In addition, the presence of large wind turbines would diminish the wild land experience of those visiting the Quilomene and Whiskey Dick Wildlife Areas. These elements should be discussed in the DEIS. 21-27 21-28

Makarow, Irina (EFSEC)

From: Brent Renfrow [renfrbr@dfw.wa.gov]
Sent: Friday, September 10, 2004 5:49 PM
To: Makarow, Irina (EFSEC)
Subject: Wild Horse WPP DEIS comments

Irina, attached are WDFW's comments on the Wild Horse Wind Power Project

Thanks,
BDR

Brent Renfrow
Dept. of Fish and Wildlife
201 North Pearl Street
Ellensburg, WA 98926
509-925-1013
FAX 509-925-4702

Responses to Comments in State Agency Letter 21 from Ted A. Clausing, Regional Habitat Program Manager, Washington Department of Fish and Wildlife

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

21-1. The discussion on sage grouse has been updated to reflect new information that has become available since the DEIS was issued.

21-2. Mitigation measures identified in the DEIS have been incorporated into the Development Agreement (Appendix A, with Kittitas County, with additional mitigation measures identified since the DEIS was issued. These mitigation measures appear in this FEIS, along with those agreed to by the Applicant and WDFW under the settlement agreement (Appendix B) between the two parties.

21-3. The importance of shrub-steppe habitat is recognized in the EIS and the Applicant has agreed to a variety of mitigation measures that would maintain or improve shrub-steppe habitat in the WHWPP area, including setting aside an approximately 600 acre parcel of shrub-steppe habitat, which conforms to WDFW Guidelines. Furthermore, the Applicant has voluntarily committed to place the entire Project area in a conservation easement (Appendix C).

21-4. Information about the listing status of the sage grouse, and the presence of the recovery area as described in Stinson et al 2004, has been incorporated into this FEIS.

21-5. This information has been added to this FEIS.

21-6. Revisions have been made to the DEIS and appear in Section 3.4.4 of this FEIS. Construction timing has been included as a mitigation measure to avoid and minimize impacts to soils and vegetation. The Applicant has agreed to avoid, to the greatest extent possible, construction activities outside permanently disturbed areas except for during the months of May through October when soil moisture is low. Trenching of underground electric collection cables may be performed outside this time window, as the soil cover in those areas will be disturbed regardless of the season and will need to be restored and reseeded.

21-7. See response to Comment 21-6.

21-8. See response to Comment 12-25. The TAC (proposed membership to include representatives from EFSEC, WDFW, USFWS, local interest groups, Project landowners, and the Applicant) will provide a means of adaptive management for monitoring and mitigation. The Applicant will develop a restoration plan and conduct habitat reseeding programs as determined in consultation with the Technical Advisory Committee (TAC) and WDFW, but not necessarily immediately following the disruption. The Applicant will cover temporarily disturbed areas in accordance with erosion control measures set forth in the EIS at such time as site conditions are deemed favorable. The Applicant will work with WDFW and the TAC to evaluate the success of restoration efforts using an agreed-upon reference site, ensure effective erosion and weed control. The Applicant is not required to provide additional mitigation measures

beyond what has been proposed should restored habitat differ in quality from the reference standard.

21-9. Thank you, your comment has been noted.

21-10. The Applicant has committed to developing and implementing a post-construction Rangeland Management and Grazing Plan in coordination with the TAC for the entire project area which is intended to improve residual grass cover and potential nesting, brood-rearing and habitat for sage grouse, other grassland/shrub-steppe nesting species, and big game on the project. The Plan shall include provisions for the restoration of shrub steppe lands, native seeding prescriptions and management of livestock grazing on shrub steppe rangelands. The implementation of a Rangeland Management Plan will improve the quality of overall habitat throughout the project area. At the request of the WDFW, livestock grazing near the springs within the project area will be eliminated. If fences are needed to protect these springs, they will be constructed using fence designs conducive to passage by wildlife.

21-11. See Section 3.5.4 of this FEIS for an updated discussion on controlled hunting within the project area. The Applicant will prepare a hunting plan for the Project area in consultation with WDFW.

21-12. The Applicant has committed to using only unguyed meteorological towers. Section 3.5.4.2 (Mitigation Measures, Project Design) of the DEIS has been revised to reflect this and this revision is shown in this FEIS.

21-13. Revisions have been made to DEIS Sections 3.5.1.1 and 3.5.2.1 and appear in this FEIS to reflect additional information available on sage grouse and potential impacts to sage grouse.

21-14. The FEIS has been revised to include new information about sage grouse that has become available since the issuance of the DEIS.

21-15. On January 12, 2005 the USFWS finding that listing was not warranted for the greater sage grouse was published in the Federal Register (70FR 2244-2282). Information from the State of Washington Greater Sage-Grouse Recovery Plan (WDFW 2004) has been incorporated into the FEIS.

21-16. See response to Comment 21-14 above.

21-17. This FEIS has been updated to reflect information available in the Sage Grouse Recovery Plan (WDFW 2004).

21-18. The analysis of sage grouse habitat connectivity in the DEIS has been revised and appears in this FEIS to include information from the Sage Grouse Recovery Plan regarding habitat connectivity in the WHWPP area.

21-19. See response to Comment 21-18 above.

21-20. This information has been added to the FEIS.

21-21. Sharp-tailed grouse were not included based upon review of the WDFW Priority Species list, which identifies the geographic area in which sharp-tailed grouse are of concern as being WDFW Regions 1 and 2. Kittitas County is located within Region 3.

21-22. It is acknowledged in Section 3.5.2.2 (Big Game), that the Applicant will allow controlled hunting within the project area. Refer to the revisions in Section 3.12.2.2 that describe how the Applicant will implement an adaptive management approach to allow access to and through the Project Area and recreational use of the site. The Applicant will also prepare

a hunting plan for the Project area in consultation with WDFW.

21-23. It is acknowledged in Sections 3.5.2.2 (Big Game) and 3.12.2.1 (Parks and Other Recreational Facilities) that during construction, no public access to the project site will be allowed. After construction is complete controlled hunting will be allowed pursuant to the terms of the hunting plan the Applicant will prepare in consultation with WDFW.

21-24. Refer to the revisions in Section 3.12.2.2 that describe how the Applicant will implement an adaptive management approach to allow access to and through the Project Area and recreational use of the site.

21-25. See response to Comment 21-24.

21-26. See responses to Comments 21-23 and 21-24. The Applicant will also prepare a hunting plan for the Project Area in consultation with WDFW.

21-27. Thank you, your comment has been noted.

21-28. See Section 3.10.2.5, Viewer Sensitivity, of the DEIS for a discussion on viewer sensitivity from the Quilomene and Whiskey Dick Wildlife Areas. Since hunting generally occurs on the lower slopes where there is less snow during hunting season, and few visitors other than hunters commonly use these areas, viewer sensitivity is expected to be moderate to low. Due to FAA concerns, nine turbines, from String A, B, and D have been removed from the proposal (see Revised Figure 1-2 of this FEIS), which would further reduce viewer sensitivity from most viewpoints.

Kenneth R. Bevis
3204 Sharon Way
Yakima, WA 98902

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SEP 13 2004
ENERGY FACILITY SITE
EVALUATION COUNCIL

Allen Fiksdal, Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

September 9, 2004

Dear Mr. Fiksdal:

I have reviewed the Draft Environmental Impact Statement for the proposed Wildhorse Wind plant east of Ellensburg WA. I would like to offer these comments.

1. Impacts to wildland: The EIS does not mention the most significant fact that the project proposed is in large expanse of wild land. It is on more than 15 square miles in a key location within the best remaining shrub steppe landscape in Washington. This large industrial facility would significantly disrupt the habitat quality of this large area. This fact needs to be included in the analysis, and I did not see it in there. This is an unmentioned, significant cumulative impact. 22-1

2. Access to Wildlife Area: I am an avid hunter who has spent much time on the Quilomene and Whiskey Dick wildlife areas. Hunting is only mentioned as one of the activities out there, and no mention is made of the changes to access to the wildlife areas. The Beacon Ridge road is one of the main access point to public lands adjacent to the project. By your analysis, I think (?) it will be closed to public access, and therefore limit my ability to use the public lands. This must be addressed in a clear manner, and alternatives proposed if the roads crossing the project are closed. Table 3.12-3 on page 3.12-10 does not even mention this lost access to public land as an impact from the project. I believe this is a significant omission. 22-2

3. Recreation on the site: The project area has been open for hunting, hiking, bird watching, shed antler gathering, horseback riding, and other dispersed activities for many, many years. It is a central location to these activities in the larger landscape. The EIS states on page 3.16-22 that "Public access to all project areas, to the extent it currently exists, would be maintained." Yet, in Table 1-2, on page 1-18, under Noxious weeds, it states that "Access will… be controlled". On page 3.12-21 it says that there are no significant unavoidable impacts to public services and recreation: I maintain that this statement is untrue and lost recreation activity on site and access to public lands must be addressed. I recommend leaving the site open to public recreation, with direct access to facilities limited by using spur road closures and strategic fences around sensitive areas. Foot and horse traffic would not harm the wind plant. 22-3

4. Domestic Stock grazing: Most of the degradation to the habitat on the project site has been caused by heavy grazing of cattle, horses and sheep. Elimination of this land use would help with habitat quality on the project. Domestic sheep can pass diseases that could kill the bighorn sheep nearby as well. At a minimum, allow no domestic sheep. 22-4

5. Inadequate overall mitigation: I believe that this project is located in a bad place in regard to wildlife, habitat and recreational impacts. If it must go through, I would like to see the mitigation be long term protection of the rest of the private lands that lay across the Wildlife areas. I understand that WDFW has been working towards protecting the Skookumchuck lands for many years. I would like to see the private lands between the Wildhorse project and the Columbia River, and between the project and the Kittitas Valley, protected as open wild land forever. This could be done through land transfers to WDFW for addition to the Quilomene and Whiskey Dick Wildlife areas. This would be adequate and appropriate mitigation for the impacts to wildlife and wildlands from this large scale, high impact project. The proposed 600 acres of protected land is a good start, but is not adequate for a project of this scale. 22-5

Thank you for considering my comments.

Sincerely,

Kenneth R Bevis

Kenneth R. Bevis
Citizen, Yakima WA
(509) 576-7836
baviskd@televar.com

Responses to Draft EIS Comments in Individual Letter 22 from Kenneth R. Bevis; Citizen, Yakima WA

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

22-1. Information about the location of the WHWPP within the landscape has been added to the DEIS and the revisions appears in Section 3.5 of this FEIS.

22-2. As described in the Development Agreement (Appendix A) between Kittitas County and the Applicant, the Applicant will control access to the project site and will develop a hunting plan for the project area. The DEIS has been revised and this information has been added to Sections 3.12.2.2 and 3.5.4 of this FEIS.

22-3. As described in the Development Agreement between Kittitas County and the Applicant, the Applicant will control access to the project site. This information has been added to Section 3.12.2.2 and 3.5.4 of the DEIS and these revisions are shown in this FEIS.

22-4. See response to Comment 21-10. The Applicant has committed to developing and implementing a post-construction Rangeland Management and Grazing Plan in coordination with the TAC for the entire project area.

22-5. WDFW has indicated that the 600-acre parcel (Section 27) would meet or exceed the required habitat replacement ratios under the WDFW Wind Power Guidelines for any of the three scenarios. See Comment 21-9 submitted by WDFW on the DEIS (Letter 21 in Chapter 4 of this FEIS). As a mitigation parcel, Section 27 would provide protection of a segment of Whiskey Dick Creek, be contiguous with adjacent state lands (WDNR and WDFW) and wildlife areas (Quilamene and Whiskey Dick Wildlife Areas), and preserve a diversity of habitats. Furthermore, the Applicant has voluntarily committed to placing the entire area in a conservation easement (Appendix C). Acquisition of private lands by WDFW is beyond the scope of this EIS.

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EVALUATION COUNCIL

9 September 2004

Allen J. Fiksdal, Manager
EFSEC
P.O.Box 43172
Olympia, Washington

Subject: Wildhorse Wind Power Project DEIS

I am writing to you as the president of the local (Central Washington) chapter of the Washington Native Plant Society. We are concerned about the potential adverse impacts that the construction of the proposed wind power project could have on the native plants in the area. The most severe, short term impacts will be where native vegetation is removed. There are several long term issues which we fear could result in even more significant impacts on the native plant communities which we would like to focus on.

1) Improvements to the roads accessing the project will increase the vulnerability of the hedgehog cactus (Pediocactus simpsonii) to wholesale removal - we have seen this same species of cactus stripped from Selah Butte in the vicinity of the road accessing the towers on top of the ridge (between I-82 and SR 821 just south of the Kittitas-Yakima County Line), it is still present in reasonable abundance further from the road along the ridge top. 23-1

2) Construction of improved gravel roads using non-local materials (that is created by moving material more than a hundred feet) increases the probability of spreading noxious weeds, such as diffuse knapweed and puncturevine, and other non-native species such as mullein. Careful cleaning of equipment before entry into the area can reduce the risk of introducing seeds and other propagules of weeds and other non-native species. Selection of sites for raw materials such as crushed gravel and fill, which are free of weeds or careful preparation of such sites to remove all weeds before moving any material to be used elsewhere can limit the spread of weeds already present in the area. 23-2

3) Maintenance of gravel roads can enhance the spread of weeds. Operation of road graders to resurface the road moves material along the road, if this includes weeds or weed seeds they can be spread or "pushed back toward their origin" depending upon the direction of travel relative to existing populations of weeds within the roadway. Stockpiles of crushed gravel, which have been left exposed for more than one growing season, are often sources of weed seeds - in our experience weeds colonize gravel stockpiles more frequently than native species. The use of herbicides along roads generally excludes native species without controlling several invasive weeds (most notably: russian thistle or tumbleweed, diffuse knapweed and kochia). 23-3

While we appreciate the ready access we have had to the public and private lands around Whiskey Dick Mountain and recognize that this is not pristine habitat, we would like to see measures adopted to address the concerns stated above. In particular, require the adoption of the measures we have suggested (or equivalent) for controlling the introduction and spread of weeds during construction and operation of the facilities. 23-4

We are less certain of what would be effective measures to reduce the risk of poaching of the cactus without significantly interfering with public access to these marvelous public lands, but do ask you to consider reasonable measures to protect a species which has been stripped from many areas already. There are small electronic devices (PIT tags, passive integrated transponders: capsules about the size of a grain of wild rice) which are used by the fisheries programs to uniquely identify individual juvenile salmon. There are also small, marked pieces of wire (coded wire tags), which are used to mark populations of fish (e.g. which hatchery they were raised in). If either of these were embedded in the cactus, they would allow identification of stolen plants - once they have been located and identified as probably stolen. Knowledge that the population had been tagged might serve to deter theft. 23-5

If we can be of any assistance in reviewing proposals to address these issues, consulting with people interested in implementing our suggestions or otherwise helping to improve the protection of our natural heritage, please do not hesitate to contact us.

Sincerely,

Phelps Freeborn
President
Central Washington Chapter
Washington Native Plant Society
3409 Taylor Way
Yakima, Washington 98902
(509) 454-0871 H (leave a message if I am not there)

Responses to Comments in Organization Letter 23 from Phelps Freeborn, President, Central Chapter; Washington Native Plant Society

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

23-1. In the event that collection becomes a problem at the project site despite controlled access, the Applicant proposes to post signage indicating that collection of any plants in the project area is prohibited (see Section 3.4.4.3 of the DEIS).

23-2. As noted in the DEIS, Sections 3.4.4.3 and 3.5.4.3, best management practices (BMPs) include cleaning construction vehicles to reduce the introduction and spread of noxious weed seeds and noxious weed control will be implemented in coordination with the Kittitas County Noxious Weed Control Board.

23-3. As presented in the Draft EIS, Section 3.4.4, the spread of opportunistic and/or noxious weeds would be controlled through implementation of best management practices (BMPs), seeding disturbed sites with appropriate seed mixes, and weed control in cooperation with the Kittitas County Noxious Weed Board.

23-4. See responses to Comments 23-1, 23-2, and 23-3.

23-5. Many individuals of hedgehog cactus were observed in the general project vicinity. The DEIS acknowledges that hedgehog cactus could potentially be collected from the proposed project site. The "Review" designation for this plant carries no legal requirement for protection. However, as noted in Section 3.4.4.2 of the DEIS, the Applicant proposes to provide controlled access to the site and post signage prohibiting collection of the species should collection become a problem. These measures should provide greater protection than is currently afforded to this species.

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TO: Allen J. Fiksdal, EFSEC

RE: Comments on the Draft EIS for the Wild Horse Wind Power Project

FROM : Paul Lasha 1310 S. 21st Yakima, WA 98902

DATE: September 10, 2004

The Draft EIS fails to address or adequately consider the following information sources, statements or areas of resource concern:

The uniqueness of the property (Wild Horse and the surrounding property) in the State of Washington, namely, size, quality, context, flora, fauna and ecological role. The intact nature of the property and environs compared to elsewhere in the State. The Nature Conservancy's Columbia Plateau Eco-regional Assessment which assigns global significance to the nearby property. 24-1

The critical status of shrub steppe in Washington State. The strategic location of the Wild Horse property as it relates to the largest remaining high quality shrub steppe habitat block left in the State. Shrub steppe ecology. Ecology of shrub steppe flora and fauna. The almost complete lack of success in attempts to recreate shrub steppe at a significant scale, failures, expenses, logistics and exotics. Implications for degrading habitat and habitat function in the last of the best shrub steppe. 24-2

The critical status of the sage grouse and the long-term impacts of **any** mortality on a population that is so critically low. There are no surplus individuals in the population which is apparently discounted. Recently and in the recent past, living and dead sage grouse have been identified north, south, east and in the project area, (Kuehn, Livingston, Teske all from WDFW). The certain and documented West Nile Virus mortality threat on sage grouse and likelihood of further population decline needs to be addressed. Bats are killed by turbines whether they occur locally or are migrating. Bats eat mosquitoes in huge quantities. Mosquitoes carry West Nile. West Nile kills people and sage grouse as well as other animals. This issue has not been addressed adequately. Permanent disconnection or isolation of the remaining grouse populations isn't adequately addressed. The effects on recovery efforts of placing a mortality source between the two grouse core use areas isn't addressed. The impact on recovery efforts, specifically, trying to justify to knowledgeable managers the spending of limited sage grouse recovery money anywhere near such an obvious mortality source. It appears that the Sage Grouse working group was not contacted or consulted regarding their expert opinion as to the advisability of this project at this location. The area is identified (mapped) in Washington State sage grouse recovery plan. 24-3

The lost opportunities on recovery or range expansion of other species was also not addressed. For example, suitable habitat for ferruginous hawks has been identified in the State recovery plan in or adjacent to the site. These hawks and forage 15 kilometers from their nests. Ground squirrels occur on and/or near the property and are closely associated with ferruginous hawks as a food source. Opportunities to recover this threatened bird species will also have been materially damaged by placing this facility at this location. 24-4

The cumulative impacts of all the above issues and issue statements are not addressed in a credible manner by the draft. 24-5

From the information provided and local knowledge, it would be difficult to find a more *unsuitable* location for an industrial facility of this nature. EFCES as a state agency should not site a facility that wars so completely against the mandate of another state agency. These facilities should be limited to areas already disturbed and developed. It is profoundly illogical and indefensible to place a facility at such a location, between vulnerable populations in the last of the best habitat. If ever EFSEC had an opportunity to demonstrate credibility, vision and wisdom, this is it. 24-6

Responses to Draft EIS Comments in Individual Letter 24 from Paul Lasha; Yakima, WA Resident

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

24-1. Revision has been made to the DEIS and appears in Section 3.4.1 of this FEIS to reflect that the proposed project site is contiguous with undeveloped lands and wildlife areas and, as such, is part of a larger expanse of shrub-steppe habitat. See Section 3.5, Wildlife of the EIS for further descriptions of contiguous habitat and its ecological value.

24-2. The DEIS acknowledges that shrub-steppe is considered a priority habitat by WDFW. Impacts to shrub-steppe have been evaluated in the DEIS (Section 3.4.2.1). The Applicant proposes to mitigate for all permanent and temporary impacts to vegetation caused by the project in accordance with the guidelines outlined in the WDFW Wind Power Guidelines (WDFW August 2003) for siting and mitigating wind power projects east of the Cascades (see Section 3.4.4 of the EIS). Furthermore, the Applicant has voluntarily committed to placing the Project Area in a conservation easement (Appendix C).

24-3. The discussion on sage grouse in Sections 3.5.1 and 3.5.2 has been updated to reflect new information that has become available since the Draft EIS was issued in August 2004 and these revisions are shown in this FEIS.

24-4. Ferruginous hawks were not observed during surveys conducted in association with the WHWPP; however, they may occur on the site in the future. The Applicant has agreed to protect over 600 acres of native shrub steppe habitat in the project area, as described in Section 3.5.4 of the DEIS, which will provide habitat for prey species for ferruginous hawks.

24-5. Cumulative impacts are intended to describe the impacts of all reasonably foreseeable construction projects. Since the Kittitas Valley and Desert Claim Wind Power Projects are the only other known projects currently proposed in the vicinity of the WHWPP, they are the only projects included in the cumulative impacts analysis.

24-6. Thank you, your comment has been noted. WDFW and the Applicant have presented a settlement agreement (Appendix B) to EFSEC indicating that all of WDFW's concerns have been addressed.

Wild Horse Wind PP
Draft EIS Comment- 25

STATE OF WASHINGTON
WASHINGTON STATE PARKS AND RECREATION COMMISSION
7150 Cleanwater Lane • P.O. Box 42650 • Olympia, Washington 98504-2650 • (360) 902-8500
Internet Address: http://www.parks.wa.gov
TDD (Telecommunications Device for the Deaf): (360) 664-3133

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Allen J. Fiksdal, Manager
Energy Facility Site Evaluation Council (EFSEC)
P.O. Box 43172
Olympia WA 98504-3172

September 7, 2004

RE: Wild Horse Wind Power Project Draft EIS;
Kittitas Valley Wind Project Draft Supplemental EIS

Dear Mr. Fiksdal:

Thank you for the opportunity to comment on the Wild Horse Wind Power Project Draft EIS and the Kittitas Valley Wind Project Draft Supplemental EIS. Our comments concern the individual(Wild Horse) and cumulative impacts(Wild Horse, Kittitas Valley, and Desert Claim) to recreational users at State Parks and the Iron Horse Trail.

After a brief review of the proposed action, it appears that the Wild Horse Project will have at least a minimal effect upon the viewshed from the trail between Ellensburg and just east of Kittitas. This is determined from visual simulation of the proposals sites WHSV4 and WHSV2. Neither of these points is visible from the trail itself, but it is close enough to produce likelihood that one could also see the wind turbine site from the trail. The Wild Horse proposal also identifies a connection to the PSE substation near the I-90 JWPT intersect. This construction will have an effect on our users. It will also impact the viewshed from the trail as it nears the I-90 crossing. We request that final project design include modeling of cumulative and individual impacts to the viewshed from the three proposed Wind Farms and a mitigation response. 25-1 25-2 25-3 25-4

Neither the proposed turbines on Whiskey Dick Mountain (Wild Horse) or on either side of Highway 97 north of Thorpe (Kittitas Valley) will have any other significant direct impacts on nearby State Parks or users of the adjacent Iron Horse Trail. However, State Parks asks that cumulative indirect impacts to recreational resources be more thoroughly addressed. The Wild Horse Wind Power Project Scoping Summary (June 2004, p.2) prepared by Jones and Stokes notes that the issue of the cumulative effects of three proposed wind farms in close proximity was raised early in the scoping process. The Wild Horse Project proposes to generate between 158 and 312 megawatts (MW), the Kittitas Valley Project 181- 246 MW, and the Desert Claim Project 180 MW, for a combined total between 419 and 738 MW. These power stations, with all the supporting infrastructure (including roads, transmission lines and sub-stations), are spread out over more than 17,966 total acres (p. 1-74: Wild Horse DEIS). Although the wind based technology of these power plants won't contribute the usual air borne emissions common to the operation of gas or coal fired stations, any development of this magnitude can still be expected to have significant impacts to wildlife, habitat, scenic values and recreational opportunities. 25-5 25-6

The Iron Horse Trail, a former railroad converted to a recreational trail, is near the area of the three proposed wind farms. The conversion of the former railroad right of way to recreational use was a landmark decision to move away from construction and development and towards recreational use. The proposed power generation projects represent a significant move towards construction and development. The cumulative impacts section of the Wild Horse Draft EIS states that despite the proposed change in land use, "the proposed projects would not likely attract supporting uses or generate spin-off development." With three wind projects proceeding simultaneously, this seems an erroneous conclusion. Were all three projects to be built as proposed, this would have already gone a long ways towards significant development and change in land use in Kittitas County. Since the Iron Horse document does attempt to address the cumulative impacts of all three proposed wind farms, it would be helpful if the final project design include a map locating all three projects, clearly labeling State Parks and the Iron Horse Trail. Figure 3.12-2 of the Wild Horse Wind Power Project of the Draft EIS does show the Iron Horse Trail and other State Park properties, but does not show the location of the other proposed wind projects. Also, the map legend for Figure 3.12-2 does not identify the Iron Horse Trail by name, nor is the Trail itself labeled. The Trail is included in the map legend for figure 3.9-1, but in small, difficult to read, fuchsia colored print. 25-7

Finally, State Parks appreciates the potential for the proposed wind projects to contribute to the environmental and economic well-being of the region, state and country by providing valuable new renewable resource inputs to the power grid. However, our support for energy development must necessarily be conditional. We request that the project be accompanied by a mandatory education and outreach program that teaches wise use and energy conservation. 25-8

Sincerely,

Brigid Dean
WCC Environmental Specialist

Cc Deborah Petersen, Environmental Specialist
Jim Harris, Region Manager
Tom Ernsberger, ARM, Resource Stewardship
Deaydra Wise, Central Files

Responses to Comments in State Agency Letter 25 from Brigid Dean; Washington State Parks and Recreation Commission

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

25-1. Thank you, your comment has been noted. Due to FAA concerns, nine turbines, from String A, B, and D have been removed from the proposal (see Figure 1-2 of this FEIS for a revised project site layout), which would further reduce viewer sensitivity from most viewpoints.

25-2. Since the Draft EIS was issued, the proposed location for the PSE substation has been moved to the east side of Stevens Road. Access to the PSE interconnect substation would be achieved at a new access driveway from Stevens Road to the west. The new substation location offers easier access for both construction and operations compared to the original location. Also, the new location is expected to be far less visible as it is situated on lower lying ground than the original location and will not be as visually prominent from I-90 or other major public vantage points (Young, prefiled testimony 2004). See Section 3.14, Traffic and Transportation, for measures the Applicant proposes to mitigate impacts to transportation during construction.

25-3. Thank you, your comment has been noted.

25-4. The Development Agreement (Appendix A), between Kittitas County and the Applicant includes the required mitigation measures for potential visual impacts from the Wild Horse project. These mitigation measures are presented in this FEIS. The Wild Horse project would have limited potential to add to cumulative impacts of the three proposed wind farms to the viewshed, since the site is located 14 and 21 miles away from the Desert Claim and Kittitas Valley proposed sites, respectively.

25-5. Thank you, your comment has been noted. See response to Comment 25-4.

25-6. The EIS for the Wild Horse Project evaluated a range of scenarios, off-site alternatives, cumulative impacts, and identified potential impacts and mitigating measures for the proposal and each element of the environment identified during the scoping process.

25-7. Section 3.16, Cumulative Impacts, of the Final EIS has been revised to include a map (Figure 3.16-2) locating all three projects, clearly labeling State Parks and the Iron Horse Trail.

25-8. Thank you, your comment has been noted.

WASHINGTON STATE DEPARTMENT OF
Natural Resources

DOUG SUTHERLAND
Commissioner of Public Lands

September 10, 2004

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

SUBJECT: Wild Horse Wind Power Project DEIS

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 DEIS for the Wild Horse Wind Power Project and have the following comments.

The survey of the project site adequately described the condition and likely impacts to the habitat. 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 good to fair shrub-steppe acreage with this project adds to the cumulating conversion of shrub-steppe habitat. 26-1

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. 26-2
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. 26-3

Thank you for the opportunity to provide comments on this project. Please contact me by phone at (360) 902-1667 if you would like more information, or by e-mail: sandra.moody@wadnr.gov.

Sincerely,

Sandy Swope Moody

Sandy Swope Moody, Environmental Review Coordinator
Washington Natural Heritage Program

Asset Management & Protection Division, PO Box 47014, Olympia WA 98504-7014

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Responses to Comments in State Agency Letter 26 from Sandy Swope Moody; Washington Department of Natural Resources (Washington Natural Heritage Program)

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

26-1. Of the 8,600-acre project site, 356 acres would be disturbed by the proposed project (4%), and 165 acres (2%) permanently removed from its current land use. Furthermore, the Applicant has voluntarily committed to place the entire Project area in a conservation easement (Appendix C), which would prevent more invasive development on this site.

26-2. Thank you, your comment has been noted. Please note that WDFW has indicated the mitigation that has been proposed is in accordance with WDFW guidelines.

26-3. See response to Comment 24-3.

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September 10, 2004

Allen J. Fiksdal EFSEC
P.O. Box 43172
Olympia, WA

With the exception of an intervening five contiguous years I have lived in the Kittitas Valley since 1948 in and near the city of Ellensburg. I taught chemistry and biology at Ellensburg High School for 25 years. There is a tie between my biology teaching and how I view land use. I taught what was called the Green version of the Biological Studies Curriculum Study (BSCS) which, of the three versions published, is the ecological one. It jived with my ecological predilections.

The Wild Horse wind farm site is in the Whiskey Dick area between, and will assume a small portion of one of two (call them) wildlife areas bordering the wind farm, the Whiskey Dick Habitat Management Area and the Quilomene Wildlife Area. Wild Horse will have an effect on the entire area, and it won't be a positive one. There will be bird kills. A late-emerging problem is bat kills. This is an area where Sage Grouse have been sighted. It is a shrub steppe area – a habitat we are losing at a high rate. 27-1

There is no way that recovery of species, whose numbers have been so reduced – such as the sage grouse, can occur if we keep moving into these kinds of places. They are rare and becoming more so.

If it happens that the project is ultimately approved, the entirety of the area other than that taken up by the turbines should be given to the WDFW to be managed in ways consistent with the two natural areas on either side of the project. Which brings to mind the issue of public access – access must be provided to the wildlife areas. 27-2 27-3

Hal Lindstrom
1831 Hanson Road
Ellensburg, WA 98926

Responses to Draft EIS Comments in Individual Letter 27 from Hal Lindstrom; Kittitas Valley Resident

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

27-1. See Section 3.5.2 of the DEIS for a description of potential impacts to birds and bats. Section 3.5.2 of the DEIS has been revised to include additional information on potential impacts to sage grouse, and this information is presented in this FEIS. Section 3.5.4 of the DEIS has also been revised to include additional mitigation measures to reduce potential impacts to sage grouse and this information is presented in this FEIS. The Applicant has agreed to mitigate for the loss of shrub steppe habitat in the project area by protecting over 600 acres of this habitat type within the project area, which is consistent with the WDFW Wind Power Guidelines and has agreed to place the entire project area under a conservation easement (Appendix C).

27-2. As stated in Section 3.5.4 of the DEIS the Applicant has agreed to mitigate for the loss of shrub steppe habitat in the project area by protecting over 600 acres of this habitat type within the project area, which is consistent with the WDFW Wind Power Guidelines.

27-3. The Applicant will implement an adaptive management approach to allow controlled access to and through the Project Area, including access for hunting. Section 3.5.4 of the DEIS has been revised to include a discussion on controlled access to the site and this information is presented in this FEIS. Furthermore, the Applicant has voluntarily agreed to place the entire Project Area into conservation easement.

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Erin Duleba
P.O. Box 50346
Bellevue, WA 98015
(425) 765-0378

September 9, 2004

Allen J. Fiksdal, Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Subject: Comments on the DEIS for the proposed Wild Horse Wind Power Project

Dear Mr. Fiksdal,

I contend that the Draft Environmental Impact Statement (DEIS) for the proposed Wild Horse Wind Power Project does not fully evaluate or address the impacts on sensitive environmental resources contained within and adjacent to the proposed project area. I further attest that the proposed project area contains sensitive environmental resources to a degree that actually sets itself apart from the alternative sites discussed within the DEIS and therefore the proposed project should not be approved. 28-1 28-2

It is clearly stated in the DEIS that the impacts on the environment in and around the proposed project area are not fully known or evaluated. In section 1.9.1 on page 1-79 of the DEIS, it is stated that "It is currently not clear what indirect impacts the project may have on big game winter range and big game movements" and "The level and effect of disturbance impacts on big game from maintenance operations is not known, and may or may not be significant." In section 3.5.2.2 on page 3.5-33 of the DEIS, on the topic of Sage Grouse which are a state Threatened Species, it is stated: "It is not known what impact the project will have on seasonal movements and movements, if they exist, between the two existing populations." 28-3 28-4

The DEIS does not address a potential impact on elk calving. The proposed project is very close to an elk calving area as stated in section 3.5.1.1 on page 3.5-5 of the DEIS: "the northern boundary of the project is approximately 0.5 mile (0.80 km) from the Colockum elk calving area". However close the proposed project is to the calving area, the proposed construction time period encompasses the elk calving period as stated on page 3.5-20 of the DEIS: "All heavy construction, including road and foundation construction and blasting, will occur between April 15 and November 15" which encompasses the elk calving period of May to June. 28-5

It is evident that the applicant's consultant recorded sightings should not be used to make conclusions about the use of elk on the proposed project land area and that the sightings represent only a fraction of the actual elk use of the area. It is stated in section 3.5.1.1 on page 3.5-6 of the DEIS that there were no elk observed in the fall period on the proposed project area: "no observations made in the fall period". This statement suggests that the recorded sightings are of little value and represent only a fraction of the actual elk use of the area due to the fact that elk use the proposed area in the fall season. Please contact me if a guided tour of the proposed project area is needed to support the fact that elk use the proposed area in the fall season. 28-6

In the first paragraph of section 1.1 on page 1-1 of the DEIS, the following is stated: "The project site has been selected primarily for its energetic wind resource and its access to existing high voltage transmission lines, which have adequate capacity to allow the wind generated power to be integrated into the power grid system." There is nothing contained within the previous statement that represents any consideration to the environmental resources such as habitat and wildlife. 28-7

There are stated inconsistencies in the evaluation of the environmental impacts by the proposed project. An example is in section 2.6 on page 2-31 of the DEIS, it is stated: "To be considered as a potential off-site location, a site had to generally meet the following criteria:". Criteria are either satisfied or they are not. The use of the words "generally meet" is ambiguous and allows for distortions of the requirements. In section 2.6 on page 2-32, one criterion is stated as: "Absence of significant environmental constraints or conflicting land uses. Examples of significant on-site environmental constraints include lakes, rivers and streams; wetlands; critical habitat; or recorded cultural or archaeological resources. Conflicting land uses include parks, recreation areas and wildlife refuges. Sites with significant environmental constraints or conflicting land uses typically experience higher construction costs. Such sites are also subject to a complicated federal, state and local permitting process that can be time consuming and unpredictable. It is often best to entirely avoid sites burdened with substantial environmental constraints or conflicting land uses." The proposed project area is inconsistent with the above stated criterion as follows: 1) The proposed project area, regardless of what the Kittitas County Code states or defines, lies within critical habitat that consists of deer and elk winter range and a historic high use Sage Grouse area. 2) The proposed project area is located immediately adjacent to the Whisky Dick Wildlife Area. Conflicts of other areas were stated on page 2-35 of the DEIS: "Skookumchuck and Quilomene are both located immediately adjacent to wildlife areas that could be problematic for a wind farm operation. Quilomene also abuts Ginkgo Petrified Forest State Park, and both are heavily used recreation areas." 28-8

Another example of inconsistency is the following reference to sensitive environmental resources, in section 1.4.2 (Alternatives Considered But Rejected) on page 1-6, it is stated: "The project infrastructure was sited to avoid all documented locations of sensitive environmental resources." If the statement applies to the proposed Wild Horse Wind project area then I assert that the proposed project area does not avoid all documented locations of sensitive environmental resources. I further assert that the proposed project area does contain sensitive environmental resources to a degree that actually sets itself apart from **any** other site discussed within the DEIS. The cited statement could be construed to pertain to the proposed Wild Horse project or to the alternative sites since it resides in a section labeled as such. If the statement cited above, in section 1.4.2 (Alternatives Considered But Rejected) on page 1-6, does not apply to the proposed project area then I argue that the statement should apply so that all areas have the same basis for evaluation. 28-9

The proposed project area appears to have potential wind resources but it also is an area that has unique undeveloped habitat and sensitive wildlife resources. More evaluation is needed of areas with wind resources that are not located in areas of sensitive or important undeveloped habitat. There is no wind map of the proposed area to review in the DEIS. From my inspection of wind power maps obtained from the NREL website (http://www.nrel.gov/gis/energyatlas), it appears that the proposed project area is just a small portion of a larger area that has wind resources. I argue that the proposed project area has unique habitat resources that other areas of wind power potential do not have and therefore the proposed project area should not be utilized 28-10 28-11

for development. No other proposed or alternative wind power project area can claim all of the attributes that the proposed project area can as follows:

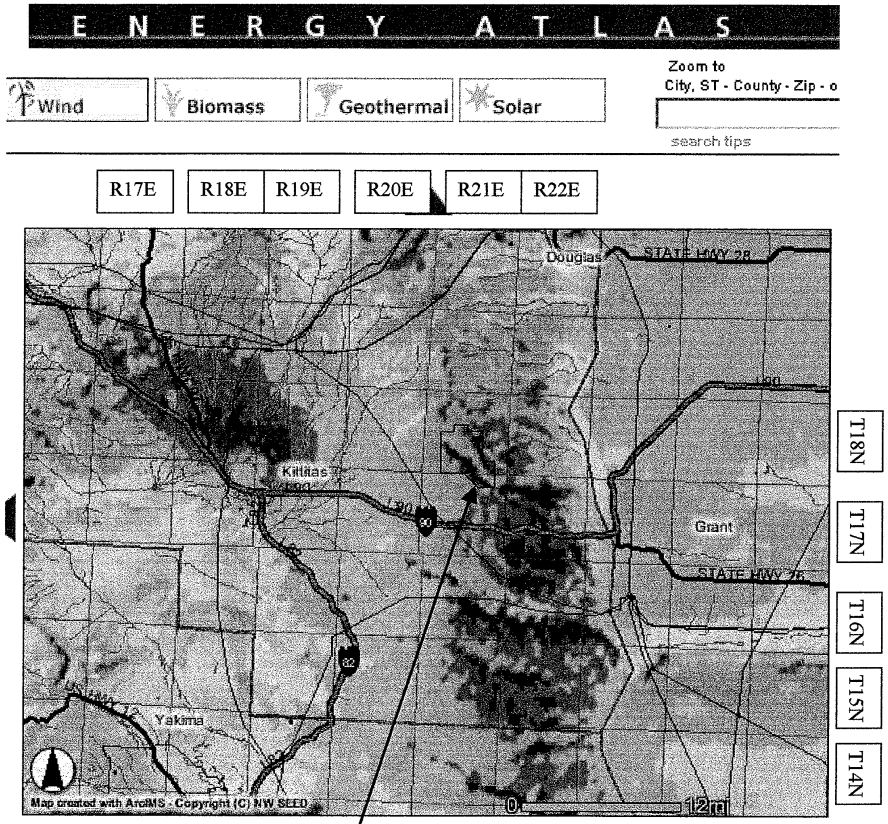
1) The proposed project area "lies with[in] the state's Sage Grouse Recovery Area", as stated in Appendix A of the DEIS: in the letter dated April 30, 2004 from Brent Renfrow, WDFW.
2) The proposed project area encompasses a "Historic Sage Grouse High Use Area", as indicated on Figure 3.5-2 of the DEIS.
3) The proposed project area lies within the largest remaining block of shrub-steppe lands in Washington, as stated in Appendix A of the DEIS in the letter dated April 30, 2004 from Brent Renfrow, WDFW.
4) The proposed project lies within an Important Bird Area: "the project lies within an area designated by Washington Audubon as an "Important Bird Area", as stated in Appendix A of the DEIS: in the letter dated April 30, 2004 from Brent Renfrow, WDFW.
5) The proposed project area is located adjacent to an elk migration corridor, as stated on page 3.5-5 of the DEIS: "located adjacent to the Quilomene migration corridor".
6) The proposed project is very close to an elk calving area, as stated on page 3.5-5 of the DEIS: "the northern boundary of the project is approximately 0.5 mile (0.80 km) from the Colockum elk calving area".
7) The proposed project area is within elk and mule deer winter range, as stated on page 3.5-5 of the DEIS: "The project is located within habitats designated by WDFW as winter range for mule deer and elk" and "The site appears to get some year-round use by mule deer and elk, but is more concentrated in the winter." The last portion of the last statement makes it very clear that the proposed project area is in critical winter range because that is what wintering deer and elk populations do – they concentrate on winter range. 28-11
8) The proposed project area is used by mule deer and elk all year round, as referred to on page 3.5-5 of the DEIS: "Mule deer and elk also use the site during the other seasons. The riparian corridors of Whiskey Dick Creek provide some cover and the various developed and undeveloped springs provide a constant water source." and "The site appears to get some year-round use by mule deer and elk, but is more concentrated in the winter."
9) The proposed project area is directly adjacent to a state-owned wildlife area of significant size and heavily used by the public for its outdoor recreational values. The proposed project is adjacent to the West side of the Whisky Dick Wildlife Area (28,5498 acres), refer to page 3.5-33 and 3.9-2 of the DEIS.
10) The proposed project area is within 1 mile away from a two state-owned wildlife areas of significant size and heavily used by the public for its outdoor recreational values. The proposed project is within 1 mile of both the Quilomene (17,803 acres) and the Whisky Dick Wildlife Area (28,5498 acres), refer to page 3.5-33 and 3.9-2 of the DEIS.
11) The proposed project area is used every year for mule deer and elk hunting as stated on page 3.5-5 of the DEIS: "Mule deer and elk hunting have been allowed on the project area lands historically." Furthermore, the proposed project area has some of the most heavily utilized road networks in the area used by hunters to access and hunt in the Colockum, the Quilomene, and the Whisky Dick Wildlife Areas. The following heavily traveled roads during hunting season, all join in the proposed project area: Beacon Ridge Road, Skookumchuck Ridge Road, Bryant Ridge Road, and the Hartman Ridge Road.
12) The proposed project area is part of the largest contiguous summer and winter range habitat remaining in the State that allows elk and deer to move, unobstructed by any major road or human development, from low elevations of less than 600 feet along the Columbia River to high elevations of over 6000 feet along the Naneum Ridge. Unlike the Yakima and other areas of the state inhabited by elk and deer, the contiguous summer and winter range allows for a large elk and deer herd to survive without assistance of winter feeding programs. Unlike the Yakima and other areas of the state, the winter range that the proposed project area lies within is not developed or adjacent to any major human development. 28-11 cont

The proposed project area appears to have potential wind resources but it also is an area that has unique undeveloped habitat that is vital to sensitive wildlife resources. The proposed project area has unique habitat resources that other areas of wind power potential do not have and therefore the proposed project should not be approved.

Sincerely,
Erin Duleba

Enclosed: wind map

Wind map included for reference:



Approximate boundary of the proposed Wild Horse Wind Power Project

The above map was obtained from the NREL website (http://www.nrel.gov/gis/energyatlas). I have added lines to the map to indicate the approximate boundary of the proposed project area with an arrow and a text box to identify the project area. I have also added text boxes on the top and right side of the map that indicate Township and Range for reference.

Responses to Draft EIS Comments in Individual Letter 28 from Erin Duleba; Kittitas Valley Resident

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

28-1. The EIS for the Wild Horse Project evaluated a range of scenarios, off-site alternatives, cumulative impacts, and identified potential impacts and mitigating measures for the proposal and each element of the environment identified during the scoping process.

28-2. Thank you, your comment has been noted.

28-3. Several mitigation measures listed in Section 3.5.4 of the DEIS, as revised and shown in this FEIS, are intended to avoid or minimize impacts to elk. As stated in the pre-filed testimony for the WHWPP, disturbance impacts may still exceed the tolerance threshold for elk in the area, however, causing them to shift use to other areas. Results of a recent study on the interactions of elk populations with operating wind farms conducted in Oklahoma were inconclusive but found no evidence that operating wind turbines have a significant impact on elk use of the surrounding area (Walter et al 2004). This information has been added to Section 3.5.2.2 of the DEIS and is presented in this FEIS.

28-4. The discussion on sage grouse in Sections 3.5.1.1 and 3.5.2 of the DEIS has been updated to reflect additional information acquired since the DEIS was published and this additional information is presented in this FEIS.

28-5. The WHWPP is located in an area that is used primarily as winter range for elk and, therefore, construction was planned to avoid impacts during this period of use. The 0.5-mile distance between the project area and the elk calving area should provide a buffer for disturbance impacts.

28-6. Although elk were not observed within the project area during the fall surveys, the DEIS recognizes that elk occur in the WHWPP area on a year-round basis, as stated in Section 3.5.1.1 Big Game, with the majority of use occurring during winter.

28-7. To comply with the requirements of EFSEC Energy Facility Siting Rules Title 463 WAC and Chapter 80.50 RCW, EFSEC requested an investigation into potential off-site alternatives within Kittitas County (Figure 2-6). Consideration was given to sites meeting criteria that could potentially meet the Purpose and Need for the proposed project (Section 2.6.1 of the DEIS). All sites have varying degrees of environmental constraints (presence of environmental resources [e.g. wetlands, streams] and wildlife use). The Applicant did consider avoidance of environmental resources when designing project layouts (see DEIS Section 2.5.2).

28-8. Ground-truthing was not conducted at the off-site alternatives sites considered, except for the Kittitas Valley and Desert Claim projects. The off-site alternatives analysis was conducted with available public information to provide a comparative analysis.

28-9. Thank you, your comment has been noted. Revisions have been made to the DEIS and appear in Section 1.4.2 of this FEIS to clarify that "project infrastructure was sited to avoid all documented locations of sensitive environmental resources *within the project area*." Also, see Section 2.5.2 of the DEIS for a more detailed description of sensitive environmental resources avoided by the proposed project layout.

28-10. The off-site alternatives analysis included in the DEIS, although more qualitative in scope than the analyses done for the proposed WHWPP project site, did reveal that there are other areas with potential wind resources to support wind farm development. However, based on this investigation (see Section 2.6 of the DEIS), sites with potential wind resources were either already proposed for wind farm development or had greater environmental constraints or conflicting land uses than those identified at the WHWPP site.

28-11. Unique attributes of the site are described in Section 3.5.1 of the DEIS, as revised and shown in this FEIS. Revisions to the DEIS presented in this FEIS include additional information on sage grouse habitat, sage grouse recovery efforts, and the location of the project site in the context of the larger landscape.

If The Wind FARM Debate Ever Come to a vote here It would, I Believe, be overwhelmingly Approved. D.L.C. 29-2

ALLEN J. FIKSDAL
EFSEC
~~Daily Record~~
~~401 N. Main~~
Ellensburg, Wa. 98926

9-10-04

David Crane
1201 Vista Rd.
Ellensburg, Wa. 98926
(509)962-7431

Wild Horse Wind PF
Draft EIS Comment- 29

RECEIVED
SEP 14 2004
ENERGY FACILITY SITI
EVALUATION COUNCIL

To The Editor:

Fifty years ago when T.V. was still in its infancy the ensuing controversy sounded like the wind farm debate of 2004. T. V. would destroy our morals, waste our time, cheapen family life and divert finances from more noble pursuits. Kids would no longer read books or get proper exercise and healthy minds would turn to mush.

Most of these have proven to be valid concerns, and though we can't re-write history, we are dealing with these issues. It has been said that the invention of the printing press effectively destroyed the human memory. The frenzy over Y2K was mostly hype as we now know.

Wind farms may kill birds and cause some fires. So also do cars, and dams are a problem for some fish. Wind farms can be hit by lightning as are tall buildings and trees. The benefits of wind farms are, however, widely acknowledged as with highways, power lines, railroads, dams and T.V. We have learned to cope. People will still buy and sell property and values will not plummet. We will deal with the problems and realize the benefits. When the automatic washer replaced the rub board people found other ways to exercise.

When the early automobile replaced the horse drawn carriage one man said "the devil is under the hood". My father-in-law commented "we now know he was behind the wheel".

Although for most of us the wind farm issue decision is not ours to make, hopefully sensible minds will prevail for the common good. Some who built homes or bought property above future dam sites or in the path of modern freeways had to sell or move. This was for them a tragic loss, but we live in a world of change and often we can't have it both ways. We liked the old but often the new is really better.

Sincerely,

David Lee Crane

David Crane

P.S. The Environmental Studies were, in my opinion, Adequate and Thorough. Wind FARMS ARE The Best Source of Clean Renewable Energy Available to us And Should be Encouraged. ALL The letters to The Editor And Constant Complaining By a few people are illogical, Short Sighted and without foundation. To Deny approval FOR ZILKha's 2 FARMS Here in Kittitas County would be a huge Loss to ALL of The Residents of This valley. 29-1

Sincerely,

David Lee Crane

Responses to Draft EIS Comments in Individual Letter 29 from David Crane; Kittitas Valley Resident

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

29-1. Thank you, your comment has been noted.

29-2. Thank you, your comment has been noted.

EconomicDevelopmentGroup
of Kittitas County

RECEIVED
SEP 14 2004
ENERGY FACILITY SITE
EVALUATION COUNCIL

September 10, 2004

Mr. Allen Fiskdal, Manager
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172

Dear Mr. Fiskdal:

The attached spreadsheets provide additional information for the draft environmental impact statement that EFSEC prepared for the Wild Horse Wind Power Project proposed by Zilkha Renewable Energy related to the tax impacts. As shown, some new tax revenue is generated and taxes are lowered for all taxpayers in the county. 30-1

The Project Tax Impacts spreadsheet supports the information presented on pages 3.11-9 through 3.11-11. It was prepared based on information obtained through the Kittitas County Assessor's office and the Washington State Department of Revenue. As noted the distinction between real property and personal property is important as real property only is considered new construction and therefore exempt from the 1% revenue cap put in place through I-747. We have been given an estimate by the Washington State Department of Revenue that 20% of the project would be designated as real property. 30-2

The study commissioned by the Phoenix Economic Development Group (the name of this organization prior to 2004) was prepared prior to the passage of I-747. Page 3.11-11 notes that the added tax base could reduce other taxes. The calculations on the Project Tax Impacts spreadsheet show this to be a true statement. The construction of this $200 million project would result in a new tax rate that is lower for all taxing districts. The sheet labeled example shows the savings expected in three Tax Code Areas. As you can see substantial savings occur in the Tax Code Areas where the project is located but savings do occur in other districts. Property taxes are lowered for everyone in the community. 30-3

AT THE CROSSROADS OF WASHINGTON STATE

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phoenix@elltel.net • www.phoenixgroupedc.org

Tourism and a visitor information kiosk were discussed on page 3.12-16. While the information kiosk and parking area proposed by the applicant will provide some tourism opportunities, this project should be considered individually from the other projects being proposed in the county. No assumption should be made that other projects will be built in more accessible areas of Kittitas County as no permits have been issued at this time and EFSEC has no way of determining at this time if any will be permitted. This may be the only project built and the only opportunity for attracting tourists and providing educational information. We would like to see additional mitigation factors related to tourism required for this project. 30-4

From an economic development perspective this is a good project for our community. The Economic Development Group of Kittitas County supports the project due to the economic benefits it brings to Kittitas County. 30-5

Sincerely,

Debbie Strand

Debbie Strand, CEcD
Executive Director

Wild Horse Wind Power Project Tax Impacts

This spreadsheet developed with input from the Kittitas County Assessors Office.
The figures are estimates based on the information available.
Actual figures will be developed by the Assessors Office once the project is completed.

Estimated Project Value	$200,000,000
Estimated Tax Bill	$1,879,188
Entire Project in Tax Code Area 25	

Taxing district	Levy Rate/1000	Assessed value	Project value in district	New assessed value	2004 Revenue	2004 Rev +1%	New construction revenue	New tax limit	New rate
County CE	$1.3140	$2,660,085,461	$200,000,000	$2,860,085,451	$3,495,352	$3,530,306	$40,000,000	$52,560	$3,582,866	$1.2527
State School	$2.9587	$2,643,105,429	$200,000,000	$2,843,105,429	$7,820,156	$7,898,358	$40,000,000	$118,348	$8,016,706	$2.8197
Road #1	$1.6161	$1,701,252,816	$200,000,000	$1,901,252,816	$2,749,395	$2,776,889	$40,000,000	$64,644	$2,841,533	$1.4946
Hospital #1	$0.0028	$1,750,637,691	$200,000,000	$1,950,637,691	$4,902	$4,951	$40,000,000	$112	$5,063	$0.0026
School 403	$3.3487	$187,201,147	$200,000,000	$387,201,147	$626,880	$633,149	$40,000,000	$133,948	$767,097	$1.9811
					$14,696,685	$14,843,652		$369,612	$15,213,264	

Bonds	Levy Rate/1000	Assessed value	Yrly payment	New assessed value	New rate	Yrly payment
Hospital #1	$0.4409	$1,731,127,490	$763,254.00	$1,931,127,490	$0.3952	$763,254
School 403	$2.9459	$187,201,147	$562,032.00	$387,201,147	$1.4500	$562,032

Estimated Taxes

Taxing district	Levy Rate/1000	Project value in district	Taxes
County CE	$1.2527	$200,000,000	$250,542.57
State School	$2.8197	$200,000,000	$563,940.09
Road #1	$1.4946	$200,000,000	$298,911.60
Hospital #1	$0.0026	$200,000,000	$519.09
School 403	$1.9811	$200,000,000	$396,226.76
Hospital #1	$0.3952	$200,000,000	$79,047.50
School 403	$1.4500	$200,000,000	$290,000.00
Total Taxes	$9.3959		$1,879,187.61

Definitions

District	
Levy rate/1000	Figure from the Kittitas County Assessors Report 2003 Assessed Valuations
Assessed value	Valuation listed in the Kittitas County Assessor's Report 2003
Project value in district	Value of the project located in this particular taxing district
New assessed value	Assessed value plus the project value in district is the new assessed value
2004 revenue	Figure from the Kittitas County Assessor's Report 2003 Assessed Valuations
2004 revenue plus 1%	Due to I-747 revenue in a district is limited to an increase of 1% per year
New construction	Real property portion of the project only is considered new construction
New construction revenue	Department of Revenue estimates that 20% of the project is real property
	New construction figure multiplied by the levy rate
New tax limit	Total of the 2004 revenue plus 1% and the new construction revenue
New rate	New tax limit divided by new assessed value divided by 1,000 equals new rate
Bonds	Bond yearly payments do not change.
	As assessed values rise in a taxing district, the rates decline
New assessed value for bonds	Assessed value plus the project value in district is the new assessed value
New rate	Yearly payment divided by the new assessed value divided by 1,000

EXAMPLE

Wild Horse Wind Power Project

The following shows examples of savings in three districts if the Wild Horse Wind Power Project is built. Note that the project is located only in Tax Code Areas 25. As you can see, the rates are lowered most dramatically in the district where the project is built, however, there is a savings across the board in the countywide taxing districts such as County Current Expense and State School.

$100,000 House in Tax Code Area 25 - Kittitas School District

	Old levy Rate	Tax at old rate	New levy Rate	Tax at new rate	Savings
County CE	$1.3140	$131.40	$1.2527	$125.27	$6.13
State School	$2.9587	$295.87	$2.8197	$281.97	$13.90
Road #1	$1.6161	$161.61	$1.4946	$149.46	$12.15
Hospital #1	$0.0028	$0.28	$0.0026	$0.26	$0.02
School 403	$3.3487	$334.87	$1.9811	$198.11	$136.76
(Bonds)					
Hospital #1	$0.4409	$44.09	$0.3952	$39.52	$4.57
School 403	$2.9459	$294.59	$1.4500	$145.00	$149.59
Totals	**$12.6271**	**$1,262.71**	**$9.3959**	**$939.59**	**$323.12**

$100,000 House in Tax Code Area 34 - Cle Elum/Roslyn School District

District	Old levy Rate	Tax at old rate	New levy Rate	Tax at new rate	Savings
County CE	$1.3140	$131.40	$1.2527	$125.27	$6.13
State School	$2.9587	$295.87	$2.8197	$281.97	$13.90
Road #1	$1.6161	$161.61	$1.4946	$149.46	$12.15
Hospital #1	$0.0028	$0.28	$0.0026	$0.26	$0.02
Fire #1	$0.8434	$84.34	$0.8434	$84.34	$0.00
School 404	$1.3854	$138.54	$1.3854	$138.54	$0.00
Bonds					
Hospital #1	$0.4409	$44.09	$0.3952	$39.52	$4.57
Fire #1	$0.1809	$18.09	$0.1809	$18.09	$0.00
School 404	$0.8145	$81.45	$0.8145	$81.45	$0.00
Totals	**$9.5567**	**$955.67**	**$9.1890**	**$918.90**	**$36.77**

$100,000 House in Tax Code Area 18 -- Ellensburg School District

District	Old levy Rate	Tax at old rate	New levy Rate	Tax at new rate	Savings
County CE	$1.3140	$131.40	$1.2527	$125.27	$6.13
State School	$2.9587	$295.87	$2.8197	$281.97	$13.90
Hospital #1	$0.0028	$0.28	$0.0026	$0.26	$0.02
Ellensburg	$2.2998	$229.98	$2.2998	$229.98	$0.00
School 401	$2.3446	$234.46	$2.3446	$234.46	$0.00
Bonds					
Hospital #1	$0.4409	$44.09	$0.3952	$39.52	$4.57
School 401	$1.6327	$163.27	$1.6327	$163.27	$0.00
Ellensburg	$0.1809	$18.09	$0.1809	$18.09	$0.00
Totals	**$11.1744**	**$1,099.35**	**$10.9282**	**$1,074.73**	**$24.62**

Responses to Comments in Organization Letter 30 from Debbie Strand, CECD, Executive Director, Economic Development Group of Kittitas County

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

30-1. Thank you, your comment and further analysis of potential tax revenue and benefits to Kittitas County have been noted. As indicated on page 3.11-11 of the DEIS, it is anticipated that should the project be approved, a formal project valuation for tax purposes would be conducted by the Kittitas County Assessor's office.

30-2. Thank you, your comment has been noted. The actual increase in revenue or decreased levy rate resulting from the proposed project would be based on a number of factors to be considered by the County Assessor, including the portion of the project considered real verses personal property and "new construction".

30-3. Thank you, your comment has been noted.

30-4. Construction of other wind projects in Kittitas County is not certain and reference to other proposed projects has been clarified elsewhere in this FEIS, including Section 3.12.2.2. Please note that although the project would result in a benefit to tourism, the Applicant will provide a visitor information kiosk and parking off of the Vantage Highway, and provide informational and educational material regarding the wind project and wind energy in general. For additional mitigation measures to address potential impacts from increased tourism, see response to Comment 11-7.

30-5. Thank you, your comment has been noted.

The Confederated Tribes of the Colville Reservation
P.O. Box 150, Nespelem, WA 99155 (509) 634-2654
FAX: (509) 634-2694

Mr. Allen Fiksdal
Energy Facility Site Evaluation Council
PO Box 43172
Olympia WA
98504-3172

RECEIVED
SEP 1 4 2004
ENERGY FACILITY SITE
EVALUATION COUNCIL

September 8, 2004

Dear Mr. Fiksdal,

Thank you for the Wild Horse Wind Power Project Draft Environmental Impact Statement (DEIS), received by this office August 6, 2004.

We have reviewed the document and have the following comments:

1. In Section 1.7.13, reference is made to participation by the Yakama Nation. However, there is no mention of the participation of the Confederated Tribes of the Colville Reservation, even though copies of some of our correspondence are in the appendix. The DEIS appears to not have been updated since last issued in March. 31-1

2. In Section 3.13-5, the Confederated Tribes of the Colville Reservation is referred to as the "CTCR", and states that we "ceded territory" in "Northeastern Washington". This is disappointing, since on 4/16/2004 we sent a letter to Mr. Chris Taylor of Zilkha pointing out our proper acronym (CCT). Furthermore, we have never ceded land. We sent a Traditional Territories map to the applicant and its contractor in February of 2004, which shows that our ancestral territories were clearly greater than Northeastern Washington. Again, the draft appears not to have been updated. 31-2

While we understand the efficiency of cut-and-paste operations in the process of modern report production, and that Tribal Consultation is but a part of the DEIS process, we find it discouraging that after months of correspondence, our recommendations have not been taken seriously enough by EFSEC's consultant, Jones and Stokes, to be updated into the Draft EIS.

If these problems persist, we will request an official government-to-government meeting between the Colville Business Council and the highest level of authority at EFSEC. This will be necessary to resolve these issues and to make clear the role of the Tribal Historic Preservation Office (THPO) and its representation of the sovereignty of the CCT. This is especially disappointing since the role of the THPO was made clear during a teleconference with Irina Makarow of EFSEC on February 18, 2004. 31-3

If you wish to discuss this matter with me, please feel free to contact me at the number below.

Thank you and we look forward to progress being made on these issues in the future.

Sincerely,

C Pleasants

Camille Pleasants
Tribal Historic Preservation Officer
(509) 634-2654

Cc: Dr. Robert Whitlam, Office of Archaeology and Historic Preservation
Mr. Chris Taylor, Zilkha Renewable Energy
Mr. Joe Pakootas, CCT Tribal Chair
Mr. Harvey Moses, CCT Culture Committee Chair
Mr. John Sirois, CCT Cultural Preservation Administrator
File
Chrono

Responses to Comments in Tribal Letter 31 from Camille Pleasants, Tribal Historic Preservation Officer, Archaeology Program, The Confederated Tribes of the Colville Reservation

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

31-1. Revisions have been made to the DEIS and Section 1.7.13 has been updated in this Final EIS to reflect that the CCT has expressed concerns over potential impacts to traditional cultural properties (TCP) and that, since the DEIS was issued, the Applicant entered into a contract with the CCT to conduct a TCP study, and that the TCP Study has been completed.

31-2. Section 3.13.1.3 has been corrected in this Final EIS to reflect the proper acronym (CCT) for The Confederated Tribes of the Colville Reservation. All other sections of the Draft EIS had correctly cited the proper acronym. In addition, revisions have been made to the DEIS and appear in this Final EIS to reflect that the CCT has ancestral lands in Northeastern Washington.

31-3. Thank you, your comment has been noted. However, we disagree that the CCT's recommendations have not been taken seriously. Every effort has been made to reflect in the EIS, CCT's concerns, an accurate evaluation of potential impacts from the proposed project, and the efforts made by the Applicant on behalf of CCT's expressed concerns. In addition, consultation with representatives of the CCT has been documented in Section 2.11.4, Tribal Contacts, Subsection: Confederated Tribes of the Colville Reservation in the Draft EIS. In addition, Section 3.13.1.5 has been updated to reflect that, since the DEIS was issued in August 2004, the Applicant entered into a contract with the CCT to conduct a TCP study, and that the TCP Study has been completed.

Washington State Energy Facility Site Evaluation Council

COMMENT FORM
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Wild Horse Wind Power Project– August 24, 2004, Ellensburg, WA

Name: MERLE + SHARON CLEMMO

Address: 606 D ST Moses Lake, Wash 98837
(Please include your Zip!)

Please write any comments you have with respect to the Wild Horse Wind Power Project DRAFT EIS below and leave this sheet in the Comment Box.

We are landowners in area of WildHorse. I am NOT against the project but will fight in court against Beacon Ridge Rd closure. We have used this as a access since 1974. We use it to go to our property. it is NOT a private Rd. We have been over this with County commissioners. I am also against Green dot Rd Closures. Also closing land to grazing creates a fire hazard. 32-1 32-2 32-3

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ENERGY FACILITY SITE
EVALUATION COUNCIL

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

To be considered, comments on the Wild Horse Draft EIS must be e-mailed or postmarked no later than September 10, 2004.

For more information about EFSEC's review of this application, please contact: Irina Makarow, Siting Manager, PO Box 43172, Olympia, WA 98504-3172, call (360) 956-2047, or e-mail efsec@ep.cted.wa.gov.

Responses to Draft EIS Comments in Individual Letter 32 from Merle and Sharon Clemmo; Kittitas Valley Residents

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

32-1. See response to Comment 1-1. It is the Applicant's intent to allow homeowners access on Beacon Ridge Road to their private properties.

32-2. Thank you, your comment has been noted.

32-3. The Applicant has committed to developing and implementing a post-construction Rangeland Management and Grazing Plan (RMGP) in coordination with the TAC for the entire project area which is intended to improve residual grass cover and potential nesting, brood-rearing and habitat for sage grouse, other grassland/shrub-steppe nesting species, and big game. The RMGP will include provisions for the restoration of shrub-steppe lands, native seeding prescriptions, and management of livestock grazing on shrub-steppe rangelands. However, at the request of the WDFW, livestock grazing near the springs within the project area will be eliminated.

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of:	)	
Application No. 2004-01	)	
	)	Draft EIS
WIND RIDGE POWER PARTNERS, LLC,	)	Public Comment Meeting
	)	
WILD HORSE WIND POWER PROJECT	)	Pages 1 - 48
	)	

A public comment meeting in the above matter was held in the presence of a court reporter on August 24, 2004, at 7:00 p.m., at 400 East University Way, in Ellensburg, Washington, before Energy Facility Site Evaluation Councilmembers.

* * * * *

JUDGE TOREM: Good evening. We are ready to go on the record. My name is Adam Torem. I'm an Administrative Law Judge with the State Office of Administrative Hearings, and I have been appointed by the Energy Facility Site Evaluation Council to facilitate the proceedings tonight in this matter, and I will preside over the public comment hearing tonight.

On behalf of the Energy Facility Site Evaluation Council I want to thank all of you for taking the time to come tonight and participate in this public comment meeting. This is a public comment meeting for the Wild Horse Wind Power Project regarding the Draft Environmental Impact Statement, and today is August 24, 2004. It is a Tuesday and just after seven o'clock p.m.

This public meeting is being conducted in

Ellensburg, Washington on the campus of Central Washington University. Before we proceed any further I want to ask the members of the Council to introduce themselves, and we'll start with the chairperson.

CHAIR LUCE: My name is Jim Luce. I'm Chair of the Washington State Energy Siting Council.

MR. FRYHLING: I am Richard Fryhling, and I represent the Department of Community, Trade and Economic Development.

MS. JOHNSON: I am Patti Johnson, and I represent Kittitas County.

MR. IFIE: I am Tony Ifie, and I represent the Department of Natural Resources.

MS. TOWNE: I am Chris Towne representing the Department of Fish and Wildlife.

MR. SWEENEY: Good evening. My name is Tim Sweeney. I'm with the Washington Utilities and Transportation Commission.

JUDGE TOREM: Seated immediately to my right is not a Councilmember, but the Council's legal counsel. It's hard to get those counsels right. Ann Essko is an Assistant Attorney General representing EFSEC in our work.

Before we go any further I want to take a few minutes to give you some background information about this particular wind power project. I know this is one of

three proposed here in this county, and I'll review the process for tonight's meeting before we get to the public comments on again the Wild Horse Wind Power Project Draft EIS or DEIS.

In March 2004, Wind Ridge Power Partners, LLC, requested to build a wind power generation facility consisting of up to 158 wind generating turbines with a nameplate capacity of up to 312 megawatts. The proposed project would be located along the ridge tops of Whiskey Dick Mountain. That's two miles north of the Vantage Highway, and 11 miles east of the City of Kittitas all here in Kittitas County, Washington.

The project proposes to interconnect directly with one of two transmission lines, either Puget Sound Energy's Intermountain Power Line or Bonneville Power Administration's Grand Coulee to Olympia or Columbia to Covington lines. EFSEC is responsible for siting and licensing the construction and operation of major energy facilities in Washington State. This project is an alternative energy facility as defined by the Revised Code of Washington Title 80, Chapter 50. Wind Ridge Power Partners and Zilkha Renewable Energy chose to receive a site certification from EFSEC for this, the Wild Horse Wind Power Project, pursuant to RCW 80.50. Under the Washington State Environmental Policy Act known as SEPA

EFSEC is the lead agency for major energy facilities, including projects of this nature.

EFSEC began this SEPA process by holding a scoping meeting in Ellensburg on April 22, 2004. Many of you may have been there. It was held at the County fairgrounds. The SEPA analysis performed by EFSEC's independent consultant, Jones & Stokes Associates, resulted in the preparation of the Draft Environmental Impact Statement. EFSEC issued the EIS for public comment earlier this month on August 4, 2004.

The purpose of tonight's comment meeting is for the Council to receive oral comments on the specific issues that are addressed in the Draft EIS. These comments will be used by EFSEC's independent consultant, again Jones & Stokes, to prepare the Final EIS, and the Council will consider the Final EIS in making its recommendation to the Governor of Washington on whether to approve or deny this project. The Governor, probably whoever is elected in November, will be the one making the decision on the Wild Horse Wind Power Project.

Comments don't have to come in orally tonight. They can also be submitted by mail or email. To be considered your comments have to be postmarked by September 10, 2004 or brought to our attention tonight. If you have a written comment with you tonight, you can

hand it to our EFSEC staff person who is seated back at the sign-up table in the back, Irina Makarow. She can also give you EFSEC's mailing address if you have further comments that you want to send to Olympia.

In addition to the SEPA process, EFSEC will be holding formal adjudicative hearings on the Wild Horse Wind proposal probably in early 2005 rather than later this year. A schedule for those hearings has not yet been established. But if you are on the mailing list, you will receive advance notice of any hearings that are scheduled.

As part of the formal adjudicative hearings there will be one evening hearing session that will again be held in Kittitas County to receive public comments. That won't necessarily be limited to the Draft Environmental Impact Statement but any comments that you might have on the proposed project. Those comments will also be added to the official adjudicative record. If you have any questions about that, you can talk to either EFSEC staff person here tonight, Allen Fiksdal or Irina Makarow, about getting on a mailing list to receive notice of any future comment opportunities.

Now the Council is required by law to make a recommendation to the Governor whether he or she should approve or deny this project. In making the recommendation the Council will be considering all of the

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evidence submitted into the record by parties and by the public through the SEPA process, as well as through the adjudicative hearing process. So there's two different hearing processes, but the Council considers all of that when they make their recommendation.

Because the project is subject to rules pertaining to an adjudicative proceeding and because the rules have similar requirements that might affect a juror in a trial it's not appropriate for individuals of the public or other parties to talk to the Councilmembers or to myself about the substance of the case. If you have questions about procedure, talk to EFSEC staff. I could also talk to you about procedural questions and direct you to the appropriate source. But it's best not to talk to the Councilmembers. If it's about something else, they're all friendly people. But on this project they need to stay unbiased and impartial, so they can't be seen to be talking to other folks, looking like they might be lobbied on an issue that they have to decide on.

If you have any questions about EFSEC's review process, you can talk again with EFSEC staff or if you have a question and you see me, you can direct it to me. One other person you can contact is John Lane. He is known as the Counsel for the Environment. John is an Assistant Attorney General with the state. He's appointed

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to represent the public and its interest in protecting the quality of the environment. Mr. Lane is here tonight. He's participating again on behalf of the public in the adjudicative proceedings, so I will ask him now to stand up and identify himself. There's Mr. Lane. If you need to contact Mr. Lane directly, if you would like him to take up a particular issue for you as a member of the public, you can get his contact information from him directly or from either of our staff people tonight.

Tonight's comments will become part of the Council's SEPA process, again, the State Environmental Policy Act, and they are on the record. We have a court reporter, Ms. Shaun Linse, taking down each word, so I'm going to ask everyone to be quiet as a witness comes to the microphone tonight to give public comment, so that the Councilmembers can hear what he or she has to say and that the court reporter can take the testimony and transcribe it accurately. If you need to come and go during the meeting, please do so as quietly as you can, but it seems the acoustics in this room are rather friendly.

Again, the purpose of tonight's meeting is to receive comments on the Draft EIS. So if you are coming up to comment, be as specific as possible regarding which section of the Draft EIS you might be addressing. If there is a page number or a if there's a section

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number, that would be helpful. If you inadvertently start drifting away from the subject of tonight's meeting, I may interrupt you and ask that you confine your comments to the DEIS. We have right now 18 people signed up to speak tonight. It's not too many. We do want to make sure we hear from everyone within a reasonable period of time, so I'm going to ask that unless there's a very good reason you limit your comments that are verbal tonight to four minutes. I will let you know when you have about 30 seconds left, and if you can wrap it up, that would be fantastic.

If it turns out that you agree with something that's already been said, I would encourage you just to state your agreement with the name of that person or refer to them by the topic they spoke on if you can't remember their name, and that way we can know what the public feelings are on the project perhaps by acclamation and affirmation of what somebody else has said rather than having to repeat things. Your written comments are considered equally in this process, so, again, if you're tongue tied at all up here or you feel that you wanted to say something after you leave tonight, you still have time to send those in.

Tonight I'm going to be reminding you again September 10 is the deadline, so there's still quite some

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time left until that deadline. If you signed up already, I will be calling you three at a time, and I'll ask you to come up and sit close to the microphone at the front and be ready to go as soon as that person finishes.

Let me call the first three and give you an idea who is on the top of the list. Merle Clemmo, Harold Hochstetter, and Robert Kruse will be the first. When you do come forward please make sure you give your full name, spell your last name, and give your mailing address. Please speak clearly for the Council again and the court reporter and for the other members of the public. You will be miked as you go, and they will need to hear your comments as well. If you've brought any written materials you want to turn in, if you will direct them to my left to Allen Fiksdal, he will take those and mark them as public comments received tonight.

All right. I think, Council, we're ready to hear oral public comments, so Mr. Clemmo.

COMMENTS BY MERLE CLEMMO

Merle Clemmo. I'm a landowner by the Wild Horse project. I am not against the project itself. I am against the road closure of Beacon Ridge. We have fought this before with the County Commissioners. It has been used since 1974 by myself, and there's quite a -- well, during hunting season if they close that road, we have to C1-1

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use Parke Creek Road which is the only road going into C1-2 that area, and it would be a disaster. Also I am against the green dot map that closes the roads in the Wild Horse C1-3 area. Also I am against the grazing part of it because that would create a fire hazard if they do not graze on the land. That's all I have to say.

JUDGE TOREM: All right. Thank you, sir. Mr. Hochstetter

COMMENTS BY HAROLD HOCHSTETTER

Thank you. My name is Harold Hochstetter. C2-1 2104 Marina Drive in Moses Lake, 98837. Same objections to the closing of Beacon Road.

Adam, let me beat you up with this is Dean Bilcher's definition of a consensus process. This is a corker, so I want to get it into the record. A diverse group of people dialoguing to consensus. Consensus mean you're being conned, and you've taken leave of your senses over a social issue in a facilitated meeting to a predetermined conclusion. Isn't that a gas?

Slim Rasmusson, here's another speech that needs to go into your record. Slim Rasmusson from Tacoma he says I've had a heap of SEPA/NEPA at his speech delivered on the floor of the Senate.

Beacon Road has been a public road in your green dot maps. And I would like to address myself to

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C2-1 Tony and to Chris and to Tim because Tony is natural resources, Chris is Fish and Wildlife, and Tim is Department of Transportation. Tim, it's a transportation issue. It's a road that a lot of us have been using for years and years. I'm a newcomer. I've been up there since '88, and in this town they say nobody lives in their own house. If you've been here for 40 years, well, that's the Jones' place, and so very long, established relationships here. I've been here since '88 and using that road since '88.

I'm just burdened here with documents, and this is not the Draft EIS. But it says -- this is Page 2 of their prospectus or whatever it is with the Parke Creek Road picture. The turbines have been -- this is Page 2, Section 2. The turbines have been sited at locations more than 9,000 feet from the nearest residence, more than two miles from public roads. All project facilities will have controlled access across private lands which limit access to the facility to persons aware of safety setbacks and potential risks. On further in Section 3, it mentions specifically Beacon Road. Beacon Road is the road you see as Road 18, and it's the road that you see go right through the middle of the project.

I hate to squander some of my four minutes to quote to you that the test for keeping a road open is

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like the test for adverse possession, if you're familiar with that. It has been maintained for seven years by the county. It is a public road. It's been maintained for C2-1 ten years -- or has not been maintained but used by these folks out here for ten years. It is a county road. There's a case Seattle vs. -- and I can't think of it. I'll get it for you. No, I gave it to Irina. I mailed it to Irina here last week, and in there it's a 1905 case and it says much. So let me look at my notes. I think I'm just about done here.

Getting us special permission won't work. Supposing that my loving wife comes down to that gate, and it's locked in the first week of November, and you've got 20 irate unsuccessful elk hunters who are trying to get out, and she's got a key. Now, she could say, "Gentlemen, just step aside" and let her unlock the gate and drive out and not these other 20 guys. It's just not going to work. I don't want special permission. We've had the argument with Greg Zempel, and probably the best thing for him to do is to prosecute the first of us who cuts that lock. Is that an idle threat?

Thank you for serving my state. Understand, Natural Resources and Fish and Wildlife, you guys are signatory to the green dot system, and we trusted you when you put your name on there that you keep that open. Three

Page 1

entities, Boise Cascade, State of Washington Department of Natural Resources, and the Department of Wildlife, three entities, and the little lines on that green dot map given say roads open to motor vehicles. Yeah, we like that. And so I've used my four minutes. Thank you.

JUDGE TOREM: Next is Robert Kruse. Following that will be Sharon Bacon and Desmond Knudson.

COMMENTS BY ROBERT KRUSE

Hi, I'm Robert Kruse. I live at 8885 42nd Avenue S.W., in Seattle, 98136. I own property at the bottom of the Skookumchuck Canyon which is fairly close by the project site. I'm very concerned about the impact on wildlife that I believe the project will unfold. I've C3-1 personally been hiking, hunting, photographing, and enjoying this area for 40 years. I'm 53. I went there for the first time when I was 13. Now I own property there and have since 1980.

My concerns are underscored by formal documentation included in the ASC, and I do appreciate the accuracy with which I think many of the comments are made in here. I first would like to point out too, however, C3-2 that the big game surveys that were undertaken that are part of this documentation only encompass a one-year time frame, and I suggest that's a bit weak for a project of this magnitude and the impacts that it will have.

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It's set out further in here that the
C3-3 northerly boundary of the project is one half mile from
the Colockum elk calving area. I don't have to go into
much on what the possible impacts are on there. It says
C3-4 the riparian corridors of Whiskey Dick Creek provide
cover, and various developed and undeveloped springs
provide a constant water source. Mule deer and elk
hunting have been allowed in the project area land
historically and they have. I can certainly attest to
C3-5 that. The Department of Wildlife, Fish and Wildlife has
expressed some concern over the potential effects of wind
project development and operation on wintering big game.
I can attest to the level at which this site and property
in the adjoining canyons are used by wintering big game
and other wildlife of all kinds. There will be a huge
impact on that wintering situation.
C3-6 One of the causes for this is unnecessary
energy expenditures which increase the rate at which body
condition declines for all animals when they're being run
around by virtue of human contact which will certainly be
the case by virtue off all the access roads that are
depicted in this present design. There's no question that
there will be a huge impact on the survivability of not
only big game but small game.
There's an example in here where on another

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C3-7 project in a well drilling situation elk showed no shifts
in home range between the pre- and post-drilling periods;
however, elk shifted core use areas out of view from the
drill pad during the drilling and post-drilling periods.
That speaks a little bit to what will happen when we have
an array of 400-foot high turbines throughout this entire
scenary. It also states, and I think this is the most
important, due to the lack of knowledge regarding the
potential impacts of energy development on big game it is
difficult to predict with certainty the effects of the
project on mule deer and elk.
C3-8 I have seen just based on my studies so far
there are stacks of information this high on birds, and
it's about this high on big game. And so I submit that
there is insufficient information with which to base any
decisions about the suitability of a project like this and
its impact and the magnitude that will have on big game in
this area.
I would add further that this is the project
site, but the big game area we are talking about is
perhaps two-thirds larger than the project site. The
project site encompasses this area, but the visual impact
and the human impact on the wildlife surrounding this area
in my estimation is going to have a grave effect on at
least 50 percent of this entire ecosystem that stretches

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from Quilomene Canyon to Whiskey Dick Canyon, and that's
severe.
I'm not opposed to the wind power project;
however, I think that even within the confines of this
initial design there's hope for the project. I would
submit that if these turbines are relocated to the
opposite side of the ridge from Whiskey Dick Mountain
where turbines are going to be visible anyway, and if
they're placed near the upper portion of the ridge in
between Vantage Highway and the top of the ridge and then
surrounding this part of the property as well, all of the
same interested parties, Zilkha, the private property
owners, and the Department of Fish and Wildlife could
still participate in the project in the same ways that are
being contemplated now. But by removing the turbines from
this portion of the site over to let's say this other side
of the mountain which is already going to be visually
impacted by virtue of the present design I think all
parties could be satisfied. C3-9
JUDGE TOREM: Thank you, Mr. Kruse.
For the record, he was pointing to the west
I believe and the south part of the project, at least the
region south and west of the project, and I appreciate you
now showing that to the folks behind you.
MR. KRUSE: Yes.

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JUDGE TOREM: Mr. Kruse, given the graphic
needs of your discussion tonight, I invite you to please
reduce some of that to writing before the September 10
deadline, so that we can actually have that for review and
be accurate as to where you believe a shift in those
turbines might not cause as much damage to the big game.
MR. KRUSE: Thank you. I appreciate that.
JUDGE TOREM: Next is Sharon Bacon I
believe.
COMMENTS BY SHARON BACON
Yes, Sharon Bacon. Address is 11823 Vantage
Highway in Ellensburg, and some of my concerns have
already been covered. But something that I'm wondering
about on the maps that we have seen they all say not for
construction. So I am wondering how much leeway will be C4-1
given between what we're told and shown on these maps
versus actual construction?
And something else I'm wondering about. I
don't object to the wind towers and such. That doesn't
bother me a bit. Some things I think need clarified. In
Exhibit 5, Page 31, they talk about visual impacts, and C4-2
they say screening provided by intermittent forest cover.
This was to the north. Well, I think that's very
misleading because if any of you have ever been up there,
those trees are pretty intermittent all right, few and far

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between. So my point there if we're not being told the
clear story here, what else are we not being told clearly
about?
And then on recreation, Exhibit 5, Page 34,
C4-3 apparently they don't consider hunting and wildlife
viewing as a recreation because they answer no to the
question there about displacing anything, etc. So they
say there won't be any impact, and I don't agree with
them. Thank you.
JUDGE TOREM: Thank you, ma'am.
Desmond Knudson.
COMMENTS BY DESMOND KNUDSON
Desmond Knudson, 1661 Vantage Highway,
Ellensburg, Washington. It's really hard to follow
Harold, but I'm going to try. I have whole support for
this DEIS. I realize there's some issues. Harold brought
C5-1 one up. Ms. Bacon has brought some up that definitely
need to be looked at and gone back over by the company,
and I'm sure that could be done.
The whole support of this is the economical
benefits to this county through jobs and tax dollars. We
are a county drying up of money, and this will help
industrial money come in that does not drain money out.
It creates good paying, family-wage jobs. This county
needs that. Our logging industry is down to zero. This

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is a new industry to replace. The environmental side of
this issue seems to be more of a visual than an air,
water, or destroying of the land. That has to be looked
at by the professionals, and most of you sitting on this
board do this for a living. So think about it. Thank
you.
JUDGE TOREM: Thank you, sir.
Helen Wise. She will be followed by Bernice
Best and then Sonja Ling.
COMMENTS BY HELEN WISE
I am Helen Wise, 1106 East Third Avenue, in
Ellensburg, 98926.
I will be sending you a letter, but I want
to tell you that the DEIS looks very thorough to me.
There is so much that has been considered, and I know
there aren't answers to everything. But there is a need
for electricity to be generated in a clean way, and I
C6-1 think it will benefit our community to be a part of that
clean way of energy generation. It's really something
that the community can do for itself in the way of making
it better for our health, for our families, for our
economic growth in the county.
I am very proud to be a part of something
pushing for a bettering of our earth, our county, our
families, and our future. I don't want to be on a soap

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box, but soap boxes are sometimes necessary, and if we are
going to get clean energy, we need a lot of soap.
JUDGE TOREM: Thank you, Ms. Wise.
Bernice Best.
COMMENTS BY BERNICE BEST
Bernice Best, 210 Tomahawk Lane, in
Ellensburg. Helen has pretty well covered everything that
I had to talk about other than I did want to say that it
looks like on the decommissioning they've got everything C7-1
in place there, if that comes to it.
The other thing I want to say is this is a
good way to go, and we're not going to have fossil fuel
and things like that to rely on forever. And it has a lot
of transportation and other things that are found out in C7-2
the past adequate planning wasn't done to cover for the
future, and I think this is one step in the right
direction to plan for future energies in a clean way.
Thank you.
JUDGE TOREM: Thank you, ma'am.
Sonja Ling.
COMMENTS BY SONJA LING
Sonja Ling with Renewable Northwest Project,
917 S.W. Oak, Suite 303, Portland, Oregon 97205. RNP is a
nonprofit promoting properly sited solar, wind, and
geothermal in the Pacific Northwest since 1994. We will

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be submitting more detailed comments by the deadline, but
I have a couple of general comments I would like to share
with the Council this evening.
In general, we believe that the DEIS does a
good job of evaluating all the potential impacts and
proposed mitigation. We also believe that the DEIS is C8-1
complete, and so far we believe that the applicant has
properly or has taken the necessary steps to properly site
the project. For instance, as the DEIS also points out
they have engaged state and federal fish and wildlife
agencies, as well as the local community, and the audubon
more specifically have reviewed the wildlife section, and
I would like to make a couple of general comments.
First, we believe that the preproject
assessment studies of the proposed mitigation is
consistent, is more than consistent with the DFW wind
power guidelines. We also believe that the additional
mitigation or the additional measures to minimize and
avoid potential impacts outlined in the DEIS we also
support those measures outlined in the DEIS that avoid and
minimize potential impacts, along with we also support the C8-2
role of a Technical Advisory Committee which is to monitor
the direct impacts once the project is operating, and
should unanticipated impacts occur the TAC would be giving
recommendations to EFSEC.

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C8-3 One last comment. We also would concur with the DEIS that with mitigation no significant unavoidable adverse impacts will be anticipated for birds and wildlife, and I just wanted to emphasize that. Thank you for listening to my comments.

JUDGE TOREM: Thank you, Ms. Ling.

The next three speakers are Dean Duby, Nelson Booth, and Lee Bates.

COMMENTS BY DEAN DUBY

C9-1 Dean Duby, 751 Klocke Road, Ellensburg. As far as cutting off access to some of these lands, you know, I find it ironic that these people that don't want anybody to tell them what to do with their land that they're willing to trespass for seven years, and now it becomes their land. I don't see that much of an impact from this wind farm. You know, it's not in my back yard. No matter where you put it somebody doesn't want it there. You know, I've seen the hunters, and it's not all hunters. It's that two percent that cut fences, leave garbage, shoot livestock, shoot the road signs, so I have no sympathy for that side of it.

C9-2 As far as the impact on the wildlife in that area what impact does the hunters have on it? Every year you get these people from the west side, and they come over here and leave their garbage, cut fences, shoot

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horses. What kind of impact is that having on this area over a wind farm?

JUDGE TOREM: Thank you, sir.

Nelson Booth.

COMMENTS BY NELSON BOOTH

Nelson Booth, 1711 Iowa, Ellensburg. My comments on the book, EFSEC study, not too specific. It's just that I've been here for several years, and I've been following this, and having the information that makes it

C10-1 clear to somebody like me who is not real technically minded it has helped me to continue supporting this project because as a citizen who is not directly involved as a landowner or a part of the process I like to know what the adverse, as well as the beneficial impacts of these things will be. And I appreciate having it put in language that we can all understand, whether we're engineers or scientists or specialists or whatever.

So I just want to say there was a lot of effort put into that, and at some of the previous meetings there was criticism and doubt challenging the EIS statement which we are not hearing now, and I think that's proven to be because the statements are accurate. So I have confidence in them, and I think that it shows that we can rely on what your work is leading to. Thanks.

JUDGE TOREM: Thank you, Mr. Booth.

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I want to make it clear that the prior meetings there has not been another meeting on this Draft Environmental Impact Statement. Any prior meetings held by this body were on the Kittitas Valley Wind Power Project which covered a different area further to the west and apparently has a lot more other comments on it as you pointed out, sir. So just to distinguish that to folks, if you missed a meeting, this is the first meeting on this Draft Environmental Impact Statement for the Wild Horse Project.

Next is going to be Lee Bates. He will be followed by Keith Johnson, Steve Verhey. I remember I got that wrong last time, so correct me again. And then Denise Horton.

Mr. Bates.

COMMENTS BY LEE BATES

I'm Lee Bates, B-a-t-e-s, from 1509 Brick Road, Ellensburg. I represent myself. I am against this Wild Horse Wind Farm Project. On bird kills the summary projected mortality of birds and bats on Page 3.5-24 and 25 and Pages 1-72 and 73 shows the research for this DEIS C11-1 is incomplete. Study in other studies gives a range of information but does not substitute for doing an actual two-year study at the turbine sites for the Wild Horse project. The species listed in Section 3.5 offers a

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reason for a thorough two-year study and future monitoring. On birds and bat kill mitigation, mitigation methods in Table 1-2, Pages 1-20, and Section 3.5 to C11-2 reduce bird and bat kills is not satisfactory. The real problem is the 20 rpm blades cause bird kills. The estimated number of kills in Altamont Pass, California is 44,000 birds in 20 years. The only mitigation is not to build turbines period.

Study on bird kills. A two-year study is dated before even writing this Draft Environmental Impact Statement. We should halt this process until the two-year study is done. Section 3.5 shows a complete two-year C11-3 study needs to be done. For passerine bird kills the estimated kills of birds and bats on Pages 3.5-24 and 25 and 1-72 and 73 is unacceptable for the minor amount of electricity generated by these bird and bat killing turbines.

For fire, the fire mitigation on Pages 3.15 and 16 and 17 and Pages 1-78 are not good enough. Fires fanned by the wind have occurred in the area in the past. I live downwind, and I'm concerned about fires in the C11-4 area. A quick response plan by the Department of Natural Resources is needed. It goes without saying that a fire prevention and suppression plan is needed. Without this plan which should have been submitted in a DEIS this

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process should not proceed further.

The visual impact of the turbines. The 410-foot high turbines in Section 3.10 are too high. They will impact the scenic view. Now I retired here for the scenic view of the valley. I do not want to see these 410-foot turbines with flashing lights all hours of the

C11-5 day. The people on I-90 and Vantage Highway will see these 410-foot turbines. These turbines should not be located anywhere near I-90. The wind farms are not scenic. Do not give me it's in the eyes of the beholder. They may be interesting at first, but just that soon it fades. I have seen wind farms at Stateline to Tehachapi and Palm Springs, so I know what I'm talking about. I do not want to see 410-foot turbines out in the country where I drive to relax.

JUDGE TOREM: About 30 seconds, Mr. Bates.

C11-6 MR. BATES: The only reason that you want to destroy the scenery with turbines is the federal subsidies. Paying turbine grade will not help. I do not want to see turbines at all.

JUDGE TOREM: Thank you, sir.

Keith Johnson.

COMMENTS BY KEITH JOHNSON

Hi, I'm Keith Johnson. I live at 3050 Airport Road in Cle Elum. I'm representing myself and my

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wife, Karen.

I've been coming to Kittitas County and Cle Elum and Ellensburg since 1941. We've been paying Kittitas County taxes from 1975 and permanent residents since 1994, and we're just representing ourselves and the birds and bats. We are very concerned Washington State's

C12-1 national and political rush for more renewable energy is scientifically and financially justified without adequate consideration to the birds' and bats' rights of habitat. For this reason we are not in favor of the three proposed wind power projects in Kittitas County.

To make our case we will address two primary issues of our concerns of the DEIS. Section 3.5.1.1 says primary habitat for birds is stated as grassland, shrub steppe and riparian communities. Section 3.16.6.5, cumulative effects of the three proposed wind farms due to their close proximity.

On habitat, loss of wildlife habitat for

C12-2 birds and bats is not addressed as a major priority in any of the DEISs. I make this observation by first looking at the definition of habitat. Habitat is a place where an animal or plant naturally lives or grows. Where do birds and bats naturally live? On the ground, in the trees, and in the air. That's what differentiates birds and bats from other animals. They use air space to travel,

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migrate, hunt, and recreation.

The 2004 Washington State Audubon Washington C12-2 State Bird Report says the item most responsible for cont. affecting bird species is a loss of habitat, and I find that reasonable to ask this question. If agencies and organizations would use air space encompassed by the wind farm projects instead of bird habitat, would this loss of bird habitat and the potential impacts to bird species be more than presently stated in the DEIS?

Under cumulative effects, the cumulative loss of bird habitat at the three Kittitas Valley Wind Farms is simple math, area times height. If you use this analogy with just the Wild Horse Wind Farm, which is approximately 8,000 acres, and the turbines are 400-foot tall, you've got 3.2 million acre feet of bird and bat habitat gone.

If you take the Kittitas Valley and the Desert Claim, it skyrockets to more than 6.8 million acre feet. Than take the worst-case construction scenario for the DEIS, eight months for three projects equal major bird and bat habitat loss in a short period of time.

Kittitas Valley has a uniqueness from other existing wind farms, and the proposed three wind farm C12-3 projects along the north side of the valley from the west end to the east end should not be approached with haste.

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With the increased emphasis on wind power in Washington State and across the U.S. repressed organizations, governments, and agencies that will be making the C12-4 decisions for siting wind farms in Kittitas Valley need to address this bird and bat habitat loss and the cumulative effects of the project density issue before allowing siting for the three projects. Thank you.

JUDGE TOREM: Thank you, sir.

Steve Verhey.

COMMENTS OF STEVE VERHEY

That's a perfectly acceptable mispronunciation. I'm Steve Verhey. I'm an Ellensburg resident, and, first of all, I would like to agree with my C13-1 old friend Harold Hochstetter about the status of Beacon Road. That was a concern that I mentioned maybe it was in an informal conversation at the last meeting.

I'm really torn by all of this. I'm in favor of wind power. I'm in favor of the other two projects that have been proposed. I might even be in C13-2 favor of this one. My primary concern is the visual impact. I happen to teach college biology, although I'm not here in any professional capacity. But I take my students, my introductory biology students in the first week of class on a field trip up Beacon Road, and the reason we go there is because it's a place close to town

Page 30

C13-2 cont.

that we can get away from most of the built environment and have access to really long views. And for a lot of our students who come from suburbs around the Puget Sound this is their very first experience with being away from the built environment and the presence of really long views. So I sort of grieve for the loss of that opportunity for myself and my students.

But I'm more worried about the overall intactness of the project area. DEIS Section 3.10.2.1 and .2 talk about the level of intactness as a scenic criterion, and they also mention that DNR and DFW do not list any specific scenic resources in this area. DOT has recognized some scenic resources in this area. There are at least two viewpoints on I-90, one eastbound and one westbound. The westbound viewpoint is specifically oriented toward the view that we're talking about looking across the river up toward Whiskey Dick Mountain, and from that area to drive all the way from about George on down until you drop into the Columbia Gorge, you have a view of an entire geographical province from the Colockum end north to Sentinal Gap and beyond in the south. Remember on the south side of I-90 is the Yakima firing range with virtually no built structures there, and that entire area right in the center of it is the project that we're talking about.

C13-3

Page 31

So I think Robert Kruse had a good suggestion. Move the turbines to the southern and eastern face of Whiskey Dick Mountain. Put them actually where people can see them from here. I think it's important for people to see where their energy comes from to realize that it's not free; that it does have impacts. But the intrusion on the views from Grant County, from the viewpoints that I've talked about, and for literally a couple of hundred square miles out into Grant County are the things that I'm concerned about. They're long views. They're beyond the ten-mile limit that is considered in the DEIS as anything to worry about in terms of views. But because of the intactness of this view from the Colockum all the way to beyond Sentinal Gap this is an important thing to think about.

C13-4

JUDGE TOREM: Mr. Verhey, do you have any citations to the actual page numbers that look at those? You cited to Section 3.10 and some subsections. Do you happen to have any page numbers?

MR. VERHEY: Well, my wife wouldn't let me have the DEIS long enough. She had to prepare her comments, you see.

JUDGE TOREM: Fair enough. If you would submit those with page numbers in written comments, we would appreciate it. You have about ten seconds left.

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MR. VERHEY: Well, you know, I'm done. I think it's possible to mitigate the project in terms of the visual characteristics. I am willing to give up my field trip area, but I'm really troubled by the turbines on the far side of Whiskey Dick. Thank you.

C13-5

JUDGE TOREM: Thank you, Mr. Verhey.

Denise Horton. She will be followed by Erin Duleba, Janet Nelson, James Whitmire, and then Clay White is the last one we have signed up. And we'll take additional names if there are additional comments that come up.

COMMENTS BY DENISE HORTON

Yes. My name is Denise Horton, 1801 North B. Street, Ellensburg. I do have the DEIS in front of me, and my husband's specific citation. That would be Chapter 3.10.2.2.

JUDGE TOREM: What was the page number that you're looking at?

MS. HORTON: On Page 3.10-3.

JUDGE TOREM: 3.10-3?

MS. HORTON: Yes.

JUDGE TOREM: Thank you very much.

MS. HORTON: I was hoping I could agree with everything he said on record, but I can't. I'm going to disagree again.

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JUDGE TOREM: It's going to be a lively evening at your home.

MS. HORTON: Every evening is lively. I have some real specific concerns, and I have to say that the long view is also one of my concerns. I see the long view from a different place. I like to hike to the top of Whiskey Dick, and I like to look out to the west, and I see Mount Adams, and I see Mount Rainier, and I do not see the Kittitas Valley. It is down. It's a Valley. I look over the valley, and I see an incredibly long view, and I can look to the north, and I see no anthropogenic interruption other than cell phone towers which seem to be popping up everywhere, which I have trouble with too, and man towers which are popping up everywhere as well.

C14-1

I do think that view is psychologically very important to me as an individual and to my daughter who accompanies me on most of my hikes. Being able to look out at that vastness of open space without anything else but natural beauty is important, especially in raising our young children.

The second thing I would like to address tonight is very specific, and it's Section 3.4, vegetation. I have some very, very big concerns about one in particular habitat type, the lithosol habitat which is found mostly on the south slope of Whiskey Dick. These

C14-2

Page 34

C14-2 cont.

are what they call lithic soils, very shallow soils, very specific plant communities there. The Washington Natural Heritage Program lists this particular habitat as possibly endangered. It's in review. There are very few of them left in the state. The plant association with this habitat there is a main component which is the hedge hog cactus. This is also in review in the Heritage Program of the state. I can say from experience that I think floristically this is one of the most incredible sites in the state for this particular plant and this particular habitat.

In reviewing the DEIS it's obvious that a lot of this will be destroyed. They're saying up to 61 acres or ten percent of the site is of this particular habitat. This cannot be restored. At least no one has figured out how to do it yet, and I don't assume it will be done anytime in the future. You state in your own DEIS that the unique characteristics of this habitat are both sensitive to disturbance and difficult to replace. It said that perhaps these cacti can be transplanted and held and then taken back to the site. That is not possible. There are many places where people have stolen these cactus, and as far as I know there's no report of any that have survived being moved.

One of the other things that's interesting

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in your summary is that you admit that out of these habitat this particular habitat type is essentially weed free. It's an intact community. It's a type of community that cannot be replaced easily if ever, and this project will as I said destroy 61 acres or ten percent of the project site on this particular habitat.

So what I would like to see addressed is to let the Natural Heritage Program finish their review of not only this type of habitat, the lithosol community, but also the hedge hog cactus and let them determine the status of both before you undertake a project like this that could destroy perhaps one of the best sites in the country for this particular plant and habitat. Thank you.

C14-3

JUDGE TOREM: Erin Duleba.

COMMENTS BY ERIN DULEBA

Hello. My name is Erin Duleba, D-u-l-e-b-a, P.O. Box 50346, Bellevue, Washington 98015. I oppose the proposed Wild Horse Wind Power Project due to the location. I agree with what Robert Kruse has stated. A different location for this project is needed. The proposed project area lies within the largest remaining block of shrub steppe lands in Washington. The private land of the proposed project, the private land of Skookumchuck Canyon, and the surrounding state-owned wildlife areas combined make this some of the most unique

C15-1

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habitat in Washington due to its combined size and for the fact that deer and elk can move from summer to winter range without any major human development or obstructions.

C15-1 cont.

The development of the private lands of the proposed project area threatens this combined habitat. The proposed project would cause habitat destruction, visual and audible disturbances to wildlife during construction and during operations and the maintenance not only in the project area but also to wildlife in adjacent state owned wildlife areas.

I urge the State of Washington to appropriate sufficient funds to purchase and protect the privately owned Whiskey Dick Mountain and Skookumchuck Canyon area from any and all development. There is also great recreational activities that would be lost forever.

C15-2

If this project continues, these activities include outdoo photography, hiking, camping, wildlife viewing, hunting, listening to utter silence, and viewing miles of scenic landscape. If the proposed project is allowed, these recreational opportunities will forever be altered for you, me, and our children. I again urge the State of Washington to appropriate sufficient funds to purchase and protect the privately owned Whiskey Disk Mountain and Skookumchuck Canyon areas from any and all development. Thank you.

C15-3

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JUDGE TOREM: Thank you, Mr. Duleba.

COMMENTS FROM JANET NELSON

My name is Janet Nelson, and I live at Lake Kachess, P.O. Box 203 Easton, Washington. I am representing myself here. I've been a resident of Lake Kachess for 18 years. The Wild Horse Wind Farm Project location is in a different area from the other two proposed projects, the Kittitas Valley and the Desert Claim, being primarily in sagebrush and habitat. Ironically while it represents an area of endangered habitat, it also represents a project that could protect that habitat, at least the part that does not get disturbed by preventing other types of development coming in such as housing.

C16-1

There are still some of the same concerns to me that affect the other two proposed wind farms. One of these is that the project is located within the cascade migratory pathway for both passerine and raptor migration. The U.S. Fish and Wildlife Service has a responsibility of enforcing both the Migratory Bird Act and the Endangered Species Act. In their interim voluntary guidelines of July of 2003 which are designed to protect birds and bats especially, they state avoid locating turbines in known bird migration pathways. This has been ignored. A two-year study, including night studies as has been

C16-2

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C16-2 cont.

suggested for both migratory birds and bats were not done. Instead the use of data from other projects is being used to predict their use and mortality and a determination of no impact made.

To again quote the U.S. Fish and Wildlife Guidelines of 2003, data on wildlife use and mortality collected at one energy facility are not necessarily applicable to each other. Each site proposes its own set of possibilities for negative effects on wildlife. In addition, the wind industry is rapidly expanding into habitats and regions that have not been well studied. The service therefore suggests a precautionary approach to site selection and development and will employ this approach in making recommendations and assessing the impact of wind energy development.

This is a different area from the other wind farms that are being used to compare such as Stateline and Nine Mile, and this is one of those areas that have not been well studied. The Washington Department of Fish and Wildlife has not done studies of migratory birds and raptors in this general area.

The Washington Fish and Wildlife, Department of Fish and Wildlife Guidelines are not strong, and they require only a seasonal of study, and they do not allow for changing of the site, I should say modification of a

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C16-3

site if problems are found after construction. And I feel that they should be changed and strengthened. The wildlife studies should have been done up front for the potential impact on birds and bats. It could have been dealt with at that time. Thank you.

JUDGE TOREM: Thank you, Ms. Nelson.

James Whitmire.

COMMENTS BY JAMES WHITMIRE

Hello, my name is James Whitmire, 28001 Vantage Highway. I'm representing myself and my ex-wife, Christine Whitmire. We both live and reside within a half mile east of Beacon Hill Road. That's very close to the project. I originally was just going to come here and tell you folks I was in favor of it, but a couple things have come up this evening.

One, Beacon Hill is not a green dot road. The green dot road is approximately two miles east of Beacon Hill. Beacon Hill has been determined to be a private road by the prosecuting attorney here of Kittitas County. You go through the gate of Beacon Hill Road you're on private property.

C17-1

The recreational activities these people speak about are done on trespass. It's private property. The site is surrounded basically by private property. It's the Parke Creek Ranch. The reason we have problems

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C17-1 cont.

out there is because of an absentee owner and the local people. People from the west side come out and dump their garbage and do whatever they want to on this property.

I'm paid for restricted access out there. I do not understand the concept that just because the owner does not live there that these people can come and do whatever recreational activities they care to do on this property. Thank you.

JUDGE TOREM: Thank you, sir.

Clay White.

Mr. White is declining.

MR. WHITE: I decline.

JUDGE TOREM: Is there anyone else that would like to comment tonight that aren't already on the sign-up sheet? Because we are done with the sign-up sheets, folks.

I hesitate then to do this, but, Mr. Hochstetter, for a limited question can you come back to the microphone.

MR. HOCHSTETTER: I thought you'd never ask. I have notes this time, Adam.

JUDGE TOREM: I'm not giving you another four minutes. What I do want to know, I have a question from one Councilmember, and it's a good one because I have no answer. What is a green dot map?

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MR. HOCHSTETTER: The green dot map is a map that was put together by Boise Cascade, Fish and Wildlife, Natural Resources, and the State of Washington. It's an excellent map. It's two inches per mile.

JUDGE TOREM: The scale is quite large.

MR. HOCHSTETTER: It's used by all kinds of -- the paper is lousy, but other than that, the scale is very, very helpful. It's used by all kinds of folks, and in that there's an area where up on top where the green dot area is there's stakes put with a green dot on them. So when you see those that you know you're within the green dot map.

JUDGE TOREM: Right. Mr. Kruse is bringing one to our attention. Is that one that can be submitted as a comment itself and become part of the record, Mr. Kruse?

MR. KRUSE: Yes.

JUDGE TOREM: All right. It's been absconded from somebody else, but it's donated. We'll mark that as a written comment and append it to the record, so we can all see what a green dot map is.

MR. HOCHSTETTER: I have this small paragraph from Smithers vs. Seattle that I would like to read. This answers that question about are we in fact trespassers? It says this, and the statute is 36.75.070.

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It just reads where a county road had been generally traveled by residents and the public at large adversely and continuously for more than 20 years use could not have been permissive. It became a public road by prescription regardless of the work there at the public expense. Seattle vs. Smithers, 1905, 37.119, 79, Page 615. Thank you.

JUDGE TOREM: I'm familiar with that. That's the road vacation statute; is that right?

36.75.3680, and they were switched around at the turn of the century.

MR. HOCHSTETTER: You got me, Adam.

JUDGE TOREM: I use to do that kind of work, so we can look at it.

Mr. Hurson, I know you didn't sign up. Does the prosecutor's office have a position on this particular set of roads that you're prepared to speak to tonight? I hate to catch you at a loss for words. It's a first for me.

MR. HURSON: As an official prosecutor's office position, I --

JUDGE TOREM: Come on up, please, Mr. Hurson, and if you're not prepared to give us a definitive position tonight, would you please let us know if you can submit one to us before September 10 on this

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particular issue.

MR. HURSON: Jim Hurson, Deputy Prosecutor. I can't give a definitive position. This has been an issue that's been going on locally regarding some various possible public roadways, and there is a large number of case law. There's a large dispute among it. The Board of County Commissioners have taken a position that unless you can find say a plaque that shows the road has been dedicated or an easement of record that indicates it's a public road that they do not want the County to take the active position to have that to be declared a public road through some sort of a quiet title action or an action in court to prescriptive right.

The cases do indicate that private individuals and groups can pursue that sort of course of conduct themselves in their own action, and that's been expressed to members of the public; that if they as a group want to bring an action to have a road declared acquired through prescriptive rights and meeting all the requirements, that they are free to do so.

That actually occurred several decades ago in the Liberty area in the county where a group in that area brought an action. They got a decision, and then the County's position was we would abide by the decision of the court if that action occurred. And that's basically

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the status as I understand it now is that our office frankly lacks unlimited resources to pursue all various issues. The Commissioners have not indicated that they see this as fiscal priority, and there is the option for the members of the public as a group to pursue that. In fact, most of the case law that I researched on it -- this was years ago when I did it -- most of the case law developed was private groups bringing the actions to have matters declared as public roads, not the public entities bringing the action.

So that's kind of where it is, and I know that there's various opinions as to what the County's role should be and the prosecutor's office role should be. There's also questions if it's to access the DNR land what should DNR's role be? If it's the purpose of this, if somebody is trying to say it's a public road, if its purpose is to access state land, then should the Attorney General's Office be the one pursuing this? The Attorney General's Office as I understand it has thus far declined to take that sort of an action too.

Frankly, what I'm talking about is things I was involved in maybe five years ago, so thank you.

JUDGE TOREM: I appreciate that. Are you aware, Mr. Hurson, of any filing in court of a petition of any sort to have prescriptive rights to that road made

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official or unofficial?

MR. HURSON: No, not as to that one, and there's actually this is an issue that various people have raised regarding different areas in the county.

JUDGE TOREM: Thank you. I think that will be helpful for the Council if there is such a petition filed that it be brought to their attention.

Is there anyone else that needs to comment on the Wild Horse Project tonight on the Draft Environmental Impact Statement?

All right. Then that will conclude our evening. Thank you all very much for coming tonight and being a good audience to all the people that commented.

The Council does appreciate the time you've taken away from family, employment, and, of course, the Summer Olympics to participate in this very important public process. A final reminder to everybody again, we will be holding one or more additional comment sessions regarding this project, the Wild Horse Project, during the adjudicative hearings. That will be scheduled at a later date. The deadline for submitting comments on this Draft Environmental Impact Statement is September 10. See the staff, either Allen or Irina, in the back if you need to get on the mailing list to get notice of any additional meetings. Thank you. Good night. We are off the record.

* * * * *

(Whereupon, the public comment meeting was concluded at 8:09 p.m.)

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AFFIDAVIT

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 24, 2004, in Ellensburg, Washington.

_____

Shaun Linse, CCR
CCR NO. 2029

Responses to Public Comment #1 Submitted by Merle Clemmo; Kittitas Valley Resident

Note: The responses listed below are numbered to correspond to the numbers shown in the right-hand margin of the preceding comment letter. (This applies to all comments in the public transcript.)

C1-1. See response to Comment 1-1. It is the Applicant's intent to allow homeowners access on Beacon Ridge Road to their private properties.

C1-2. Thank you, your comment has been noted.

C1-3. See response to Comment 32-3.

Responses to Public Comment #2 Submitted by Harold Hochstetter (Exhibit in Comment Letter #3: Green Dot Map); Kittitas Valley Resident

C2-1. See response to Comment 1-1 regarding the status of Beacon Ridge Road

Responses to Public Comment #3 Submitted by Robert Kruse; Kittitas Valley Resident

C3-1. Thank you, your comment has been noted.

C3-2. Wildlife surveys conducted for the WHWPP are consistent with the WDFW Wind Power Guidelines.

C3-3. See response to Comment 28-5.

C3-6. Traffic on roads within the project area will be limited since the Applicant will control access to the site. The Applicant will use an Adaptive Management Approach to controlled access, which is addressed in the Development Agreement between Kittitas County and the Applicant.

C3-4. See Section 3.5.4 of the DEIS, and revisions to this section presented in this FEIS, which specify that sensitive areas such as streams and riparian areas will be avoided and that springs in the project area will be protected.

C3-5. As stated in Section 3.5.4 of the DEIS, the Applicant has agreed to limit construction activities during winter months in order to minimize impacts on wintering big game. Impacts to wintering big game from operation and maintenance are described in Section 3.5.2.2 of the DEIS.

C3-7. Thank you, your comment has been noted.

C3-8. See response to Comment 13-10.

C3-9. Thank you, your comment has been noted. See response to Comment 18-1. In addition, due to FAA concerns, nine turbine locations originally proposed in the DEIS (affected strings A, B, and D) have been removed from the proposal. These nine locations were originally proposed along the upper ridgetops of Whiskey Dick Mountain.

Responses to Public Comment #4 Submitted by Sharon Bacon; Kittitas Valley Resident

C4-1. After issuance of this Final EIS, EFSEC will make a recommendation to the governor to approve or deny the WHWPP. If the Governor of Washington State approves the siting of the WHWPP, EFSEC will issue a Site Certification Agreement (SCA) that will specify the conditions of construction, operation, and decommissioning and will act as an “umbrella” authorization that incorporates the requirements of all state laws and regulations. The conditions specified by EFSEC, under SEPA substantive authority, are based on the environmental analysis and the Application under consideration.

C4-2. The Draft EIS acknowledges that views from the north (SV 3) provide “a broad panorama of ridgetops covered with grass, shrubs, and some groupings of trees” (Section 3.10.2.5) and that “views from the north of the project site, where there is some forest cover, may be partially screened” (Section 3.10.2.4).

C4-3. Refer to the revisions in Section 3.12.2.2 that describe how the Applicant will implement an adaptive management approach to allow access to and through the Project Area and recreational use of the site. The Applicant will also prepare a hunting plan for the Project Area in consultation with WDFW as described in Section 3.5.2.2.

Responses to Public Comment #5 Submitted by Desmond Knudson; Kittitas Valley Resident

C5-1. Thank you, your comment has been noted. Refer to Section 3.10 of the FEIS for analysis associated with Visual Resources and aesthetic impacts.

Responses to Public Comment #6 Submitted by Helen Wise; Kittitas Valley Resident

C6-1. Thank you, your comment has been noted.

Responses to Public Comment #7 Submitted by Bernice Best; Kittitas Valley Resident

C7-1. Thank you, your comment has been noted.

C7-2. Thank you, your comment has been noted.

Responses to Public Comment #8 Submitted by Sonja Ling; Renewable Northwest Project

C8-1. Thank you, your comment has been noted.

C8-2. Thank you, your comment has been noted.

C8-3 Thank you, your comment has been noted.

Responses to Public Comment #9 Submitted by Dean Duby; Kittitas Valley Resident

C9-1. See response to Comment 1-1.

C9-2. As described in the Development Agreement between Kittitas County and the Applicant, and noted in Section 3.5.4 of the FEIS, the Applicant will work with the WDFW to develop a hunting plan for the Project Area, thus limiting access to the area.

Responses to Public Comment #10 Submitted by Nelson Booth; Kittitas Valley Resident

C10-1. Thank you, your comment has been noted.

Responses to Public Comment #11 Submitted by Lee Bates; Kittitas Valley Resident

C11-1. The one-year study conducted for the WHWPP meets the requirements of the WDFW Wind Power Guidelines.

C11-2. It is widely recognized that conditions at Altamont Pass are conducive to high numbers of bird kills, and comparable numbers have not been recorded at other wind power facilities. Based upon the information obtained during wildlife studies for the WHWPP, mortality comparable to that observed at Altamont Pass is not expected for the WHWPP. Post-construction monitoring will be conducted to establish mortality levels for the WHWPP, as described in Section 3.5.4 of the DEIS.

C11-3. See response to public Comment C11-1 above.

C11-4. The Applicant has entered into a Fire Service Agreement with Fire District #2, which is appended to the Development Agreement between the Applicant and Kittitas County to provide expanded protection services for the project site.

C11-5. Thank you, your comment has been noted.

C11-6. Thank you, your comment has been noted.

Responses to Public Comment #12 Submitted by Keith Johnson; Kittitas Valley Resident

C12-1. Mitigation measures have been proposed for the Wild Horse project in consultation with WDFW, and have been updated in the DEIS and are presented in Section 3.5.4 of this FEIS.

C12-2. The approach presented by the commentor is not a method of calculating habitat impacts commonly accepted by WDFW or the US Fish and Wildlife Service, and has not been used for the analysis of potential impacts. While the wind turbines and other project features would occupy air space, the rotor-sweep area is not necessarily permanently "lost" as birds and bats may be able to safely utilize this air space during periods when the rotors are not turning, and may navigate this air space when the rotors are turning without colliding with them. Furthermore, the actual footprint of the turbine footings is only 9.4 acres, 0.01 percent of the 8600 acre Project area. The primary impact of the proposed project on birds and bats would be an increased risk of mortality from collisions with project components, which is described in Section 3.5.2.2 of the DEIS. In general, impacts to species or populations from habitat loss occur as a result of loss of habitat that is available in limited quantity, such as nesting habitat for species with specialized habitat needs.

C12-3. See response to Comment 2-5.

C12-4. Cumulative impacts on wildlife habitat have been evaluated in the DEIS. Mitigation measures have been proposed in consultation with WDFW. Since the DEIS was issued in August 2004, additional mitigation measures have been proposed by the Applicant in consultation with WDFW (WDFW 2005). See Sections 3.4.4 and 3.5.4 of this FEIS for mitigation measures for habitat and wildlife species, respectively.

Responses to Public Comment #13 Submitted by Steve Verhey; Kittitas Valley Resident

C13-1. See response to Comment 1-1 regarding the status of Beacon Ridge Road.

C13-2. Thank you, your comment has been noted.

C13-3. The EIS acknowledges that the proposed project falls within the cone of vision of westbound travelers along the I-90 route; however the potential visual impact of the proposed project is considered "low" since the viewpoint along I-90 on the east side of the Columbia River gorge is approximately 10 miles from the proposed project site.

C13-4. See response to public Comment C13-3. Visual sensitivity in Grant County is considered to be "low" due to the distance of Grant County from the proposed project site. In addition, due to FAA concerns, nine turbine locations originally proposed along the uppermost ridges of Whiskey Dick Mountain are no longer proposed.

C13-5. Thank you, your comment has been noted.

Responses to Public Comment #14 Submitted by Denise Horton; Kittitas Valley Resident

C14-1. See response to public Comment C13-5.

C14-2. To clarify, a loss of approximately 61 acres of lithosolic habitat represents less than 1% of the overall project area. The 356 acres of temporary disturbance to vegetation represents an additional 4% of the total project area. It is 10% of the hedgehog cactus population that is estimated to be vulnerable to impacts associated with the project. The EIS acknowledges that lithic soils, once disturbed, are difficult to restore (Section 3.4.2.1). Both lithosol habitats and hedgehog cactus scattered throughout it were observed during surveys to be common in the general project vicinity. The EIS acknowledges that collection of hedgehog cactus for gardens has been cited as a reason for its decline. The EIS does not propose that individuals of hedgehog cactus be collected, transplanted, and later used to restore a site; nor that such a procedure would be a successful restoration effort.

C14-3. It is anticipated that the Natural Heritage Program (WNHP) would conduct their studies in accordance with their own schedule and priorities, and as such, their research is beyond the scope of this EIS. WNHP's "Review" designation for hedgehog cactus carries no legal requirement for protection.

Responses to Public Comment #15 Submitted by Erin Duleba; Bellevue, WA

C15-1. Thank you, your comment has been noted. See responses to Comment 7-4, Comment 18-1, and Comment 21-3.

C15-2. Thank you, your comment has been noted. Appropriation of funds by the State of Washington to purchase and protect lands is beyond the scope of this EIS.

C15-3. Thank you, your comment has been noted.

Responses to Public Comment #16 Submitted by Janet Nelson; Kittitas Valley Resident

C16-1. Thank you, your comment has been noted.

C16-2. The one-year study conducted for the WHWPP meets the requirements of the WDFW Wind Power Guidelines. Data on bird mortality is provided as an index to potential impacts from the WHWPP and post-construction monitoring studies will be conducted to determine the actual level of mortality in the project area.

C16-3. Revision to the WDFW siting guidelines is beyond the scope of this EIS. As noted in Section 3.5.4.4 of the DEIS, the Applicant intends to convene a Technical Advisory Committee (TAC) to evaluate the mitigation and monitoring program and determine the need for further studies or mitigation measures. This adaptive management approach includes monitoring habitat (e.g. shrub-steppe) conditions for wildlife use.

Responses to Public Comment #17 Submitted by James Whitmire; Kittitas Valley Resident

C17-1. See response to Comment 1-1 regarding the status of Beacon Ridge Road. Washington Department of Fish and Wildlife (WDFW) has indicated that Beacon Ridge Road is not under Green Dot Management (pers comm. Stream, 2005).