BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of               )
Application No. 2009-01       ) Special Public Meeting
WHISTLING RIDGE ENERGY, LLC.  ) Pages 1 - 19
WHISTLING RIDGE ENERGY PROJECT )

A special public meeting in the above matter was held on Wednesday, August 3, 2011, at the Utilities and Transportation Commission Building, 1300 South Evergreen Park Drive S.W., Conference Room 206, in Olympia, Washington at 9:40 a.m., before the Energy Facility Site Evaluation Council.

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CHAIR LUCE: Good morning. This meeting is called to order. My name is Jim Luce. I'm Chair of the Washington State Energy Facility Site Evaluation Council, and this is a special meeting regarding the Whistling Ridge Energy Project. We are in the Utilities and Transportation Commission Building in Olympia, Washington, Conference Room 206. The time is approximately 9:40.

I will ask at this time for Council Members to please identify themselves beginning with the Council Members on my right.

MR. SUTHERLAND: I'm Doug Sutherland representing Skamania County.
MR. HAYES: I'm Andy Hayes for the Department of Natural Resources.

MR. MOSS: I'm Dennis Moss for the Utilities and Transportation Commission.

MR. FRYHLING: I'm Dick Fryhling. I'm with the Department of Commerce.

CHAIR LUCE: Jim Luce, Chair, Governor's appointee.

Staff?

MR. CREWS: Kyle Crews, Assistant Attorney General.

MR. TAYER: Good morning, I'm Jeff Tayer. I'm with Washington Fish and Wildlife.

MS. ADELSMAN: Good morning, I'm Hedia Adelsman with the Department of Ecology.

CHAIR LUCE: And we have staff members with us today.

Judge Wallis identify yourself.

JUDGE WALLIS: Bob Wallis, Administrative Law Judge.

MR. WRIGHT: I'm Al Wright, Managing Director of EFSEC.

MR. POSNER: Steven Posner, EFSEC staff.

MR. AARTS: I'm Jan Aarts with Cardno ENTRIX.

MS. TALBURT: Tammy Talburt with EFSEC.
CHAIR LUCE: Thank you for coming today. This is a public meeting but as advertised there will be no public comments received. The Council is going to receive today a review of the Environmental Impact Statement on Whistling Ridge.

Excuse me, I have been reminded to ask the people on the phone to please identify themselves. Phone people? Who? Don't all speak at once. If you do, it will be entertaining.

MR. SPADARO: Jason Spadaro, Whistling Ridge Energy.

CHAIR LUCE: Thank you, Jason.


CHAIR LUCE: I'm sorry I don't think the court reporter could hear you.

MR. HUSEBY: Darin Huseby, Champlin Wind Power.

Others?

CHAIR LUCE: To go back to where I was, today's meeting will focus on the Draft Environmental Impact Statement which is still a draft but almost final. It will be final very shortly. Prior to announcing our decision I believe we will be releasing that seven days prior, at least
seven days prior to our final decision. So that will be the subject for today's meeting.

The meeting will be facilitated by Al Wright who will give an overview of the Environmental Impact Statement by Stephen Posner from EFSEC staff, Bob Wallis, and ENTRIX, the gentleman from ENTRIX.

So with that, Al, I'll turn it over to you.

MR. WRIGHT: Okay. Thank you, Mr. Chairman. What we'd like to do is I'd like to take just a few minutes to go through kind of the history of what has happened with the Environmental Impact Statement process we've done, the different facets of it. Jan is going to go through, from ENTRIX go through what is now the Final Environmental Impact Statement, and then Stephen will follow up with kind of where we go from here.

But as an opening statement I want to say that as the designated SEPA responsible party for EFSEC I have determined that the Environmental Impact Statement as written today and finalized but not yet printed is an acceptable Environmental Impact Statement. It is not going to be modified from where it stands today. The only thing that's going to happen to it is it has to go through -- and since this is a joint process with the federal government in the form of BPA and it also will constitute their NEPA document, they have taken the lead on printing it. So we
have no document that I can sign for you today which is what I was hoping for.

So all I can do is tell you that it is a final document. It's going through nothing left but an administrative process to get it printed, and we will sign the SEPA document as soon as it's available, and I think Stephen will enlighten us a little more on what that process is.

So as you know this has been, this process has been, you know, some what arduous. We started as far back as June in 2009 with scoping processes. The first draft amendment, the first Draft Environmental Impact Statement was not issued until May of 2010. And one of the main reasons for that, even though the scoping started in May, basically June of 2009, there was an amendment to the application you will recall, and that amendment to the application which happened in October 2009 resulted in some delay of getting a first Draft Environmental Impact Statement out for review.

That went out for review in June, and in July of 2010 you approved an extension of the comment period. You received a great many comments about the volume of the document, the amount of material to be reviewed, the fact that getting it printed required somewhat of a delay in the notice, and so because of all of that you extended the
comment period. So basically then the public comment period was in October of 2010. Then the process -- and there was, if I remember the estimate, there was something in excess of 10,000 pages of comments.

Then we had ENTRIX on board to go through processing those comments, reviewing them, developing recommendations for modifications based on those comments. That comment review and the recommendations associated with that were made available to the public in December of 2010 in the form of electronic versions. We did not have the ability to make all of that material available in printed form, but there was an electronic version that was available on the website for anybody to review that wanted to.

Even though the comment period was closed and there was no opportunity to provide additional comments, it did provide both the Council Members and the public the opportunity to see what was being done as we were proceeding through a lot of other activities, including in January the complete adjudicative hearing process. So by the time you got to December of 2010, in essence you knew the information was available to you to know how the comments were being processed and what the responses were. They were not incorporated yet into a revised environmental impact statement.

That process then proceeded to today when we do
I have all of the comments processed, and it's gone through at least two, maybe three rounds of internal review both here at EFSEC and at Bonneville Power Administration, and you have been supplied copies of some of those second-round revised comments just recently. And now the document as far as I'm concerned -- I won't speak for Bonneville -- as far as I'm concerned it's a final SEPA document and all that's left to do is the printing, and we will sign in and it will be available for public use.

With that unless there are questions, I'm going to turn it over to Jan. He's going to give you a little review of the substance. You have in front of you a two-page summary of a more than multiple page document boiled down to two pages for you. I personally think that's a pretty handy document that Jan has prepared. This morning was the first time I've seen it, and we have provided it to the audience because once we put it out it is a public document, and we have provided it to the audience.

So are there any questions?

CHAIR LUCE: Mr. Posner, do you have anything to add?

MR. POSNER: Just a quick update. Al alluded to or mentioned that the document is in BPA's hands now. Essentially it is finished as far as we're concerned and as far as they're concerned too. From what they've told us
there are not going to be any changes to the document.
We're just in the final stages of having it printed and
getting it into a format so we can make it available to the
public. And we are told that that should occur at the
earliest the end of this week, but I would venture to say it
won't be until next week. We're hoping for early next week.
They will actually have at a minimum CDs available. It
takes a little longer to get the paper copies available, but
hopefully we will have those by next week as well.

CHAIR LUCE: We will make those CDs available for
the public upon request and to the parties involved in this
case.

MR. POSNER: That's correct, and we will also post
the document on our website as it will be also posted on
BPA's website.

CHAIR LUCE: Thank you.

MR. SUTHERLAND: Mr. Chair?

CHAIR LUCE: Yes, sir.

MR. SUTHERLAND: Al or Steve, would it be possible
to put this document, the FEIS Summary, on the web so that
people can access even this summary portion?

MR. WRIGHT: Yes, we can. There's no reason we
can't. As I just said, it's a public document as of today
when we pass it out. So we'd be happy to do that.

MR. SUTHERLAND: Thank you.
CHAIR LUCE: Other questions?

Sir, the floor is yours.

MR. AARTS: Thank you. My name is Jan Aarts. I'm with Cardno ENTRIX and have been working with Stephen and others at EFSEC for over a year or so now as staff extension in preparing the Draft Environmental Impact Statement and Final Environmental Impact Statement working closely with BPA environmental staff. So that's been our role over the last year or so.

I'll give you a brief summary of the major highlights I'll refer to them as for the Final Environmental Impact Statement. The document itself is far more elaborate and complex than the bullet item list represents, but I wanted to just create an easy reference list that draws on the major highlights of our findings.

If you don't mind, I'd like to kind of briefly highlight a subset of this total, just read out loud perhaps things I thought might be notable and useful for discussion.

We did assess approximately 13 different elements of the environment. Those were based on the original topics of concern that came out of the scoping process. The items that I thought would be of benefit to talk about involved water, biological resources, visual resources, transportation, and social economics. So I'll just briefly highlight some of the bullets we've identified here.
With regard to water, the environmental impact statement analyzed ground water, surface water, public water supplies, floodplains and wetland, both on site and off site where improvements might be taking place on the ground. No on-site impacts are anticipated for those elements. There is one small, small stream that might be affected by improvements to an access road. That would be West Pit Road off the west of the project site, very minor impact.

Storm water impacts which based on the amount of clearing would be of a concern, but implementation of appropriate best management practices and final design elements would handle that efficiently and effectively.

Move onto the biological resources topic. That was one that received a lot of scrutiny during public comments and so forth. That analysis investigated vegetation, habitat, wetlands, special status species, fish and other wildlife, including common bird species and bats. There were 17 special status wildlife species that are known to occur in the project vicinity that were investigated, including bald and golden eagles. The northern spotted owl, a federal threatened species, have been surveyed extensively in the area, and it's considered not to be present based on the surveys, multi-year surveys. Two specialty species, bat species are suspected in the project area, but they have not been observed.
Based on the amount of improvements that would be required -- turbines, access roads, other facilities on site -- there would be a temporary habitat loss of approximately 53.6 acres and a permanent habitat loss of approximately 60.7 acres. These type of impacts and amount of vegetation removal are not dissimilar to the ongoing commercial timber operations on the project site.

The project is expected to result in some mortality to birds and bats due to the turbine collisions and displacement of habitat, though it was assessed by the biological team that these impacts would not be sufficient quantities to affect the population viability of those species. The project is clearly unlikely to cause mortality to any threatened or endangered species.

On the flip side of the page --

MR. TAYER: Just a question. You have sort of the conclusion bullet at the bottom, "unlikely to cause mortality to any threatened or endangered species."

I was curious where eagles fit into that analysis?

MR. AARTS: Well, the bald eagles are protected through the Bald Eagle Protection Act, but the amount of raptor mortality was not expected to be of major consequence. Are you concerned that that may not have been addressed properly?

MR. TAYER: Just the bullet "unlikely to cause
mortality to threatened or endangered species" doesn't extend to bald and golden eagles so I'm curious whether it intended to or not?

MR. AARTS: Oh, yes, yes, and the affect was not anticipated to be an issue to bald and golden eagles.

MR. TAYER: Thank you.

MR. AARTS: On the flip side of the page if I could direct you to the visual resources section. The visual assessment analysis considered impact to 13 key viewpoints, 10 of which were inside the boundaries of the National Scenic Area. And those viewpoints were analyzed using photo simulations and the commonly used analysis methods that modeled after those used by the Federal Highway Administration and U.S. Forest Service.

The visual impact analysis concluded that the level of visual impact would not be higher than what was classified as low to moderate on a three-level scale at any of those viewpoints. During the construction process there would be some visibility of equipment and cranes, tall cranes during the construction period from nearby areas.

The three-level impact analysis rating for visual resources was actually based on a number of preceding analysis methods. That would be there was a six-level assessment of existing landscape quality based on a visual scheme. There was also a three-level viewer sensitivity
that was taken into account, and then those are then
compiled and reanalyzed to come up with the three levels of
impact analysis. So I just wanted to mention that that is a
fairly rigorous process that is reflected in that final
conclusion of the low to moderate impact conclusion.

The next issue I thought might be of interest is
transportation. There will be some improvements to county
and private roads in the area between SR 14 and the project
area. That's primarily to support the large trucks that
will be transporting turbine components to the site. Not a
lot of improvements, but there will be some.

During the construction period which will be
approximately a year there will be some small increase in
traffic in and around the project area due to construction,
work force travel to and from the site, as well as equipment
deliveries. There could be some traffic delays on some
local roadways due to maneuvering of these trucks, but there
will also be a traffic mitigation plan and program in place
to minimize those affects with the flaggers and pilot cars,
and that type of thing to help smooth traffic out.

There will be a transportation management plan
prepared that will ultimately be approved by Skamania County
and by EFSEC to address those issues as well.

The final topic I'd like to hit on would be
socioeconomics. Some of the analysis of that affect would
be that during the construction period, the one-year
construction period, approximately 330 full-time and
part-time workers would be employed at this project site
side. The construction expenditures of approximately $150
million, approximately $13.2 million of that $150 million
would be spent locally.

Then one final point. Based on the project
assessed value, and this is stated in the EIS, about $87.5
million annual property tax revenues to Skamania County
would be approximately $731,000 per year.

That concludes my brief summary of the findings of
the FEIS. Is there any questions?

CHAIR LUCE: Council Member questions?

MS. ADELSMAN: I do have a quick question on the
biological resources. You talk about the temporary habitat
loss of 53 plus and then permanent of 60.7, and then in the
land use and recreation you talk about conversion of 56
acres of forestland. So is the 60.7 does that include the
56?

MR. AARTS: Correct.

MS. ADELSMAN: So could I assume the rest is not
forestland?

MR. AARTS: Correct. It would be other types of
habitat that would be affected by roadway widening and other
facilities: the BPA interconnection substation, that type of
thing. I can provide more information for you if you would like on the specifics of that.

MS. ADELSMAN: No, that's all right. I just wanted to make sure --

MR. AARTS: -- it wasn't in addition to?

MS. ADELSMAN: Yes, it's not in addition to.

MR AARTS: No.

CHAIR LUCE: Other Council Member questions?

Staff, you have anything to add?

MR. POSNER: Well, as I said earlier, where we're at is we're waiting for the document, and I think as Chairman said, as Al said, we apologize for not having that document today. Originally we hoped to have it available. We are in the final stages of having it finalized and available to the public, and we will make it available as soon as possible hopefully within the next week or so.

MS. ADELSMAN: I do have another question.

CHAIR LUCE: Yes.

MS. ADELSMAN: Al, you said that the Draft EIS will be not changed at all. So the final pretty much looks like the draft except the responses?

MR. WRIGHT: No, what I meant was the document that ENTRIX has produced now it will be the Final EIS as soon as it's printed. What I was trying to imply is there are no more drafts. There is no more revisions to the
document. The last document I saw, the response to comments, and we sent you that issue tracker, that comment tracker, that constituted the end of revisions to the original draft. And I've looked at that and said, you know, I at least I determined that's an adequate SEPA document, and it's going to the printer. There are no changes to it.

MS. ADELSMAN: So when you look at the draft and you look at the final are there any significant changes?

MR. WRIGHT: There are a number of major changes in the form of response to comments that have been received over this whole period that I went over. Yes, the document has gone through some substantial changes.

MR. POSNER: One thing I might add is when you receive the document it will be very clear to you the changes, text changes that have occurred in the document. They will be red font and underlined so you will be able to see. Essentially you're seeing the Draft EIS with all the changes in a final document. Essentially you're looking at the draft with the additions of all of the changes and then plus all of the copies of all of the comments that we received and the responses to those comments. In the response to comments there's also there will be a reference when that response resulted in a change to the text, it will reference back so that you can go quickly to whatever page changed in the document.
MS. ADELSMAN: And the same version will be available to the public so they will be able to see the changes?

MR. POSNER: Yes, that's correct.

CHAIR LUCE: Other Council Member comments, questions?

Al, do you have anything further?

MR. WRIGHT: Not on the EIS, no.

CHAIR LUCE: All right. That is the subject of today's meeting, the EIS, so I'm going to draw this meeting to a close. The fact that the EIS is completed yet to be signed as soon as printing is finished, will not be further changed, and will be available to the public soon in the format as discussed, it should not be interpreted or construed as suggesting a final decision has been made in this case. It hasn't been. The final decision will be publicly announced as soon as possible and will include several parts, an adjudicatory order and other parts as appropriate.

So with that, Judge Wallis, do you have anything to add?

JUDGE WALLIS: No.

CHAIR LUCE: Legal counsel?

MR. CREWS: No.

CHAIR LUCE: Council Members?
Hearing nothing more the meeting is adjourned.

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(Whereupon, the special meeting was adjourned at 10:09 a.m.)
In re: Whistling Ridge Energy Project
Application No. 2009-01

AFFIDAVIT

I, Shaun Linse, CCR, do hereby certify that the foregoing transcript prepared under my direction is a full and complete transcript of proceedings held on August 3, 2011, in Olympia, Washington.

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Shaun Linse, CCR 2029