

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of)
Application No. 2009-01) Special Council Meeting
WHISTLING RIDGE ENERGY, LLC.) Workshop Briefing
WHISTLING RIDGE ENERGY PROJECT) Pages 1 - 12
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A Special Council Meeting in the above matter was held on Thursday, October 6, 2011, at the Rock Creek Hegewald Center, 710 S.W. Rock Creek Drive, in Stevenson, Washington at 2:00 p.m., before the Energy Facility Site Evaluation Council.

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CHAIR LUCE: Good afternoon. My name is Jim Luce, and I'm the Chair of the Washington State Energy Facility Site Evaluation Council. Today is October 6, 2011. This is a special meeting of the Energy Siting Council occurring at Rock Creek Hegewald Center in Stevenson, Washington regarding the application to Whistling Ridge Energy, LLC, to site a wind project in the application as described in their application.

The Clerk will call the roll, Mr. Wright.

MR. WRIGHT: The Washington Department of Commerce?

MR. FRYHLING: Dick Fryhling is here.

MR. WRIGHT: Washington Department of Ecology?

1 CHAIR LUCE: Hedia Adelsman is excused.

2 MR. WRIGHT: Washington Department of Fish and
3 Wildlife?

4 MR. TAYER: Jeff Tayer is here.

5 MR. WRIGHT: Washington Department of Natural
6 Resources?

7 MR. HAYES: Andrew Hayes is here.

8 MR. WRIGHT: And the Washington Utilities and
9 Transportation Commission?

10 MR. MOSS: Dennis Moss is here.

11 MR. WRIGHT: And Skamania County?

12 MR. SUTHERLAND: Doug Sutherland is here.

13 MR. WRIGHT: You have a quorum, Mr. Chairman.

14 CHAIR LUCE: Thank you, Mr. Wright.

15 At this point in time I'm going to hand the gavel
16 to Judge Bob Wallis, Robert Wallis who will lead a document
17 review and discussion which will be presented by our staff,
18 our manager Al Wright and Stephen Posner. So, Bob.

19 JUDGE WALLIS: Thank you, Chairman Luce.

20 Let's begin with a discussion of the application
21 process for the Whistling Ridge application and, Stephen,
22 you're handling this; is that correct.

23 MR. POSNER: Judge Wallis, actually Al Wright is
24 going to talk about that. I was going to talk about the EIS
25 process.

1 JUDGE WALLIS: Very good. Al.

2 MR. WRIGHT: I guess everybody can hear me whether
3 it's working or not. Basically the application for
4 Whistling Ridge Energy farm was received first on March 10,
5 2009. After some discussions the Applicant decided to
6 withdraw that application, amend it, and it was reapplied
7 for on October 12, 2009. We after the adjudicative process
8 we will go through in a minute with a parallel Environmental
9 Impact Statement and a Site Certification Agreement was
10 drafted as I say after the processes and the orders were
11 drafted. The Environmental Impact Statement mitigation
12 measures that were specified were incorporated into the Site
13 Certification Agreement, and a Site Certification Agreement
14 along with the orders creating it are proposed in front of
15 the Council today. And that basically is the application
16 process that EFSEC follows, and the first part of that
17 process is the Environmental Impact Statement which Stephen
18 is going to go through.

19 MR. POSNER: Thank you, Al.

20 Good afternoon, Chair Luce, Council Members. What
21 I would like to do is just briefly summarize the process
22 that got us to where we are right now in terms of the EIS
23 and the environmental review process.

24 The process began in 2009. This was a joint
25 SEPA/NEPA process with BPA, and after receiving the

1 application, the application for site certification, EFSEC
2 made a determination of significance concerning the
3 potential environmental impacts of this project. This was
4 on April 6, 2009. We followed, procedurally followed the
5 requirements of SEPA and NEPA and held an agency scoping
6 meeting as well as two public scoping meetings on May 6 and
7 7, 2009 in Underwood and Stevenson. The Council also
8 conducted a first site tour on May 7.

9 The scoping process, during the scoping process we
10 received 421 scoping letters and e-mails. Contained within
11 those were 1,854 individual comments. We issued a scoping
12 report August 27, 2009. Also during the same time or around
13 the same time the agency scoping meeting and the public
14 scoping meeting there was a land use consistency hearing
15 that was also held on May 7.

16 We issued a joint Draft EIS with BPA on May 28,
17 2010. We conducted public meetings June 16 and June 17 in
18 Underwood and Stevenson where the Council heard comments
19 from the public concerning the Draft EIS. We originally had
20 set a public comment period, and then after hearing from
21 some members of the public about the time frame for public
22 comments the Council and BPA decided to extend the public
23 comment period until the 27th of August 2010.

24 We received over 800 letters, e-mails. Within
25 those there were over 2,000 individual comments that we

1 received. We determined that well over 1,000 of those were
2 substantive comments, and during this whole process as we
3 were processing, reviewing the comments we were meeting
4 regularly with BPA coordinating with them on developing
5 responses to the comments.

6 And one thing I would like to note is that the
7 process, this SEPA process which is in one of your handouts
8 is a flow chart, and you should have that. On the
9 right-hand side you can see the SEPA process and how that
10 goes along in parallel with the application review process
11 and the adjudicative process.

12 Just as a reminder, and this was noted in one of
13 the prehearing council orders, was the relationship to the
14 EIS was not, that process was not part of the adjudicative
15 process. The Draft EIS was not entered in as an exhibit
16 during the adjudicative process. You can see if you follow
17 the flow chart to the bottom how the Final EIS ultimately
18 ends up being considered along with the adjudicative process
19 as the Council moves toward making a recommendation
20 decision.

21 Concerning the Final EIS as you can see we have
22 one complete copy that's sitting on the table here. You can
23 see it's quite voluminous. It over 5,000 pages. And you
24 all have received copies of that electronically. We've
25 posted it on our website and we've coordinated with BPA as

1 far as making copies available to the public. That was
2 issued on August 12, 2011.

3 And that pretty much concludes my presentation on
4 the SEPA process. Are there any questions? I would be
5 happy to answer them.

6 JUDGE WALLIS: Are there questions from Council
7 Members? It appears that there are not.

8 The adjudicative process Stephen touched on it.
9 It began with publication of notice of an opportunity to
10 file interventions in July of 2009. An adjudicative hearing
11 was held in January of 2011. There were 23 orders entered
12 relating to the adjudication and the prehearing process.
13 The Council's deliberations began after the hearing was
14 concluded and considered the information that was of record
15 in the adjudication. The draft adjudicative order has been
16 prepared consistent with the Council's deliberations on the
17 adjudicative record, and the recommendation order has been
18 prepared by the staff for presentation to the Council and
19 will be the subject of discussion later in this session and
20 this evening.

21 Al, were you going to address the adjudicative
22 order and recommendation order?

23 MR. WRIGHT: Yes, Judge Wallis. We selected the
24 end product, of course, of these two processes that you've
25 heard about now. The adjudicative process and the parallel

1 Environmental Impact Statement, environmental impact
2 analysis and resulting statement are then combined at the
3 end into a recommendation order and Site Certification
4 Agreement that the Council will approve and take the form of
5 a recommendation to the Governor.

6 Staff has selected ten areas that we're just going
7 to touch on that we think are probably based on all of the
8 discussions that have gone on over this fairly long process
9 that have been either at least burned up the biggest,
10 largest amount of paper and/or have been probably the most
11 contentious.

12 Just going down those, one is the land use zoning
13 issue, and the Council in its proposed recommendations order
14 and SCA is basically ensuring consistency with the county's
15 land use zoning ordinances.

16 The second maybe it doesn't rate a second, but
17 first are the visual impacts, particularly relative to the
18 significance of the existence of the Columbia River Gorge
19 and to some lesser extent the National Scenic Area. And the
20 Council, of course, both the Environmental Impact Statement
21 and the adjudicative process heard extensive information
22 relative to viewsapes and the activities of both the
23 consultant developing the EIS and then the Council Members
24 themselves conducted their own tour, their own visual
25 analysis as a group that became part of the adjudicative

1 proceedings. And so that issue was one of the most
2 contentious issues during the process and during the
3 discussion. And obviously some of the tower sites under
4 consideration are also open for restrictions because of the
5 viewsapes, and those things will be covered in the
6 recommendation order.

7 The Council struggled to make sure that the
8 provisions in the SCA and the issues covered in the
9 proceedings are in compliance with the Washington Department
10 of Fish and Wildlife Guidelines that in 2009 I think is the
11 most recent version that are established specifically to
12 guide the development of wind farms in the state of
13 Washington, and those issues around compliance with those
14 guidelines cover both habitat, vegetation, fish and wildlife
15 resources and other environmental issues. Under that
16 category also the Council has gone at length to ensure that
17 there's consideration of protection of threatened,
18 endangered, and/or sensitive species which indeed have been
19 identified within the area.

20 Also under that same category there was a
21 mitigation, a wildlife mitigation parcel that was offered
22 during the adjudicative process as a mitigation package for
23 part of the impacts of the project. The Council took that
24 under consideration, but the parcel was never actually
25 offered to the Council as a stipulated agreement. So the

1 Council simply recognized that it evaluated that within the
2 proceedings and remains silent on it because it actually was
3 never offered to the Council as any kind of an agreement.

4 Cultural and archaeological resources,
5 particularly the tribal interests on the cultural and
6 archaeological resources, was a contested area of concern.
7 The Council has done extensive work in its recommendation
8 order and the SCA to ensure that the cultural and
9 archaeological resources are protected either those known or
10 those yet to be discovered are protected under a development
11 of a cultural and archaeological management plan.

12 Noise standards was an issue, particularly in the
13 adjudicative proceedings, and the Council has made extensive
14 efforts to ensure that this project would be in compliance
15 with all the applicable noise standards and Washington state
16 law. The SCA has provisions regarding fire protection. It
17 has provisions regarding a fire control plan that's
18 required. There are provisions protecting both public roads
19 that are disturbed or private roads that are now disturbed
20 or private roads to be developed and the manner in which
21 they are utilized and/or vacated.

22 And lastly, a new issue for the Council for these
23 Council Members is the wind farms that EFSEC had licensed to
24 date have been in the Eastern Washington grasslands. This
25 is the first conifer forest wind farm that the Council has

1 had an application on, and so therefore this SCA you will
2 see issues and compliance with the Washington Forest
3 Practices Act which is something that the Council has not
4 addressed in previous wind farm licensing processes because
5 they were not in a conifer forest. So that's an issue in
6 which the Council had to develop some new and different
7 language and different provisions than it had been faced
8 with previously.

9 Mr. Chairman, that's what at least the staff's
10 point of view was as probably the ten most contentious
11 issues.

12 JUDGE WALLIS: Thank you Mr. Wright.

13 That concludes the review of the documents for the
14 Council and, Mr. Chairman, with that we will return the
15 meeting to you.

16 CHAIR LUCE: Thank you very much. Thank you very
17 much.

18 Do Council Members have any comments?

19 Hearing no comments, I would ask for a sense of
20 the Council as to whether we are prepared to move to a
21 decision this evening?

22 So I will informally poll the Council beginning
23 with Mr. Tayer in my right and then moving toward his right.

24 MR. TAYER: Yes, Mr. Chair.

25 CHAIR LUCE: All right.

1 Are you prepared? I am prepared.

2 MR. FRYHLING: Yes, I am prepared.

3 MR. MOSS: Yes.

4 MR. HAYES: Yes, I am prepared.

5 MR. SUTHERLAND: Yes.

6 CHAIR LUCE: All right. That will conclude this
7 afternoon's workshop briefing, and we will now be in recess
8 until 6:00 p.m. this evening when we will return to the Rock
9 Creek Center and announce our decision.

10 Mr. Fryhling raises a good point. None of us,
11 including staff, are available to discuss this case with you
12 members of the public. We greatly appreciate you coming,
13 and your involvement has been extensive as reflected by Mr.
14 Posner and Mr. Wright, but this is an adjudicatory
15 proceeding, and there is always the possibility of
16 litigation. Certainly the decision and recommendation that
17 we make needs to go forward to the Governor. So I hope
18 you'll understand we just can't talk to you. We're
19 appearing here in our role as judges, and it would be
20 inappropriate for us to do so. So with that, I'll adjourn
21 the meeting until 6:00 p.m. this evening.

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23 (Whereupon, the special meeting was adjourned at
24 2:23 p.m.)

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1 In re: Whistling Ridge Energy Project
2 Application No. 2009-01
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7 A F F I D A V I T
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9 I, Shaun Linse, CCR, do hereby certify that the
10 foregoing transcript prepared under my direction is a
11 full and complete transcript of proceedings held on
12 October 6, 2011, in Stevenson, Washington.
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16 Shaun Linse, CCR 2029
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