

February 26, 2018

Karen M. McGaffey  
KMcGaffey@perkinscoie.com  
D. +1.206.359.6368  
F. +1.206.359.7368Kathleen Drew, Chair  
Energy Facility Site Evaluation Council  
P.O. Box 43172  
Olympia, Washington 98504-3172**Re: Desert Claim - SCA Amendment Request**

Dear Chair Drew:

On behalf of Desert Claim Wind Power LLC ("Desert Claim" or the "Certificate Holder"), we hereby submit a Request to Amend the Site Certification Agreement for the Desert Claim Wind Power Project. The primary differences between the project authorized by the Site Certification Agreement and the project Desert Claim now proposes to build concern the number and type of wind turbines. The Site Certification Agreement currently authorizes Desert Claim to construct and operate 95 two megawatt (MW) turbines, for a maximum project capacity of 190 MW. Desert Claim now proposes to build a smaller project, with no more than 31 turbines and a total capacity of no more than 100 MW.

**Proposed Project Reconfiguration**

The enclosed Project Description provides detailed information about the reconfigured Project. For the Council's convenience, we have taken the Project Description that was submitted in 2009, and shown the changes proposed in strike-out and underline. We have also provided a clean, revised version of the Project Description.

Desert Claim now proposes to construct and operate a wind power project consisting of up to 31 turbines, with a maximum total capacity of 100 MW. Desert Claim will use commercially available turbine models, each with a nameplate capacity of between 2.0 MW to 4.2 MW.

The Project would continue to be located in unincorporated Kittitas County, approximately eight miles northwest of the city of Ellensburg. Both the Project Area and the actual footprint of the Project are considerably smaller than previously authorized. The new configuration also avoids locating any turbines or associated facilities in the more environmentally sensitive areas east of Reecer Creek.

With the requested amendment, turbines would be located further away from residences than authorized in the Site Certification Agreement. With fewer turbines, there would also be fewer roads and less disturbance of the ground and vegetation than originally authorized by the Council. The revised configuration will result in some impacts to wetlands and streams, but these impacts will be minor and fully mitigated as required by the Council's regulations and U.S. Army Corps of Engineers' permitting requirements.

### **Certificate Holder**

The Certificate Holder is Desert Claim Wind Power LLC, a Washington limited liability company that was created for the purpose of developing, permitting, constructing and operating the Project. Desert Claim is wholly owned and managed by EDF Renewable Energy.

EDF Renewable Energy has developed more than 9 gigawatts of renewable energy in North America, including more than 7 gigawatts of wind power, and is responsible for the operation and maintenance of more than 10 gigawatts of renewable power.

For purposes of WAC 463-60-025, Desert Claim has designated Brian Sarantos as its agent:

Brian Sarantos  
Development Manager  
EDF Renewable Energy  
505 14th Street, Suite 1150  
Oakland, CA 94612  
Telephone: 510-457-2146  
Email: [brian.sarantos@edf-re.com](mailto:brian.sarantos@edf-re.com)

Contacts regarding the Amendment Request should be directed to Mr. Sarantos and our offices:

Karen McGaffey  
Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101  
Telephone: 206-359-6368  
Email: [kmcgaffey@perkinscoie.com](mailto:kmcgaffey@perkinscoie.com)

### **Changes from the Permitted Project**

Following the Council's recommendation, Desert Claim and the State of Washington entered into a Site Certification Agreement in 2010. The Certificate Holder seeks to move forward with constructing the Project, but with a few changes. The primary changes are summarized as follows:

- The Project is smaller. The total number of turbines has been reduced from 95 to no more than 31. The capacity of the project has been reduced from 190 MW to a maximum of 100 MW.
- The Project Area and footprint have been reduced. The Project Area will consist of approximately 4400 acres. It now includes approximately 324 acres in T191N-R17E Section 13 at the northwest edge of the previous Project Area and 140 acres in Section 20 along the southwest edge of the previous Project Area, but no longer includes portions of Sections 9, 16, 22 and 27. Significantly, there will no longer be any turbines or associated facilities located east of Reecer Creek.
- The Project will utilize different turbines than originally approved. Desert Claim proposes to use commercially available turbines with nameplate capacities of between 2.0 and 4.2 MW, as opposed to the 2.0 MW REpower turbines originally proposed for the Project. There will be fewer turbines, but they will be taller, with a hub height between approximately 80 m and 85 m, compared to 78.5 m for the REpower turbines, and a tip height of between 135 m and 150 m, compared to 124.8 m for the REpower turbines.
- Turbines will be further from residences. As originally permitted, there were seven non-participating residences located between 1,687 and 2,241 feet of one or more turbines. Under the requested amendment, there will no longer be any turbines located within 2,500 feet of any residence.
- Habitat and vegetation disturbance has been reduced. As a result of reducing the number turbines and length of access roads, the Project is expected to have approximately 30% less temporary construction impact on habitat and vegetation, and more than 40% less permanent impact than the configuration originally approved by the Council. The Project is expected to temporarily impact approximately two acres of wetland and stream areas, and have a total permanent wetland impact of less than one-half an acre. All habitat impacts will be mitigated as required by the Site Certification Agreement.

- Rotor swept area has been reduced. Even though the turbines are somewhat larger, the reduction in the number of turbines will result in a 36-48 percent reduction in the total rotor swept area for the Project.

More detailed information and associated figures are provided in the Project Description.

### **Materials Supporting the Requested Amendment**

The Request for Amendment is accompanied by the following materials

1. Project Description with Figures
2. Project Description (red-line)
3. Red-line of Site Certification Agreement
4. SEPA Checklist
5. Visual Simulations
6. Desert Claim Wind Power Project: Wetlands Report, Grette Associates
7. Biological Survey Status Update for the Desert Claim Wind Project, Western EcoSystems Technology, Inc.
8. Desert Claim Wind Project: Environmental Noise Assessment Technical Report, Ramboll US Corporation
9. Desert Claim Wind Farm - Wind Turbine Failure and Ice Shedding, DNV-GL
10. Shadow Flicker Modeling: Desert Claim Wind Project, EDF Renewable Energy
11. Cultural Resource Assessment of Updated Project Design for the Desert Claim Wind Power Project, Archeological Investigations Northwest, Inc.

### **EFSEC Review**

The Certificate Holder looks forward to working with the Council and its staff to conduct a timely review of this Amendment Request. Given the dynamics of the power market and the availability of federal tax incentives, the Certificate Holder hopes to receive the Council's approval as soon as possible, so that it can purchase equipment, prepare the many plans required by the Site Certification Agreement, and begin construction.

In reviewing an amendment request, under Washington Administrative Code 463-66-040, the Council considers whether the request is consistent with:

1. The intention of the original SCA;
2. Applicable laws and rules;
3. The public health, safety, and welfare; and
4. The provisions of chapter 463-72 WAC.

In this case, the requested amendment would allow the Certificate Holder to go forward with construction of a renewable wind project in Central Washington, which was the intention of the original Site Certification Agreement. Like the original Site Certification Agreement, the requested amendment complies with chapter 463-72 (concerning site restoration) and other applicable laws and rules, and would further the public health, safety and welfare. The Project is also consistent with Washington's commitment to renewable energy generation, a commitment that is reflected in the state's Energy Independence Act (RCW ch. 19.285), statutory greenhouse gas emission reduction goals (RCW 70.235.020), and the Governor's Accord for a New Energy Future.

The Council's regulations provide that an amendment to a Site Certification Agreement becomes effective upon Council approval, without the need for action by the Governor, if the amendment "does not substantially alter the substance of any provisions of the SCA" or the Council determines that the amendment will not have "a significant detrimental effect upon the environment." WAC 463-66-070. This regulation only requires one of these criteria to be met, but the current Amendment Request meets both of them.

First, the Amendment Request does not substantially alter the existing Site Certification Agreement. The amendment would merely authorize a smaller project, using current turbine technology, to be constructed and operated in the same area as originally authorized. The smaller project will reduce most of the impacts considered when the Council originally permitted the Project. Although the proposed turbines are larger, they will continue to comply with state noise regulations and the visual impact of the increased height is counterbalanced by the reduced number of turbines and their location at greater distances from residences. The amended Site Certification Agreement will continue to require the submission and approval of numerous plans

Kathleen Drew, Chair  
February 26, 2018  
Page 6

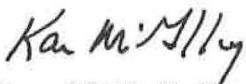
prior to the commencement of construction, and requires mitigation that is similar, and in most cases identical, to that required by the original Site Certification Agreement.

Second, the requested amendment would not have a significant detrimental effect on the environment. To the contrary, the revised project will reduce most environmental impacts by reducing the number of turbines, the total rotor swept area, the extent of access roads, the amount of temporary ground disturbance, and the permanent project footprint. Although the revised Project does contemplate some temporary disturbance of streams and wetlands, and some permanent fill of wetlands, these impacts will be minimal and fully mitigated. Temporary disturbance will total less than two acres, and permanent impacts will total less one-half of an acre. Neither constitutes the sort of significant detrimental effect on the environment that would require the amendment to be approved by the Governor.

Under the Council's regulations, a public hearing is to be held concerning any amendment request. WAC 463-66-030. Desert Claim has reached out to various parties that may be interested in the amendment, including Kittitas County's Planning Department, the Kittitas County Conservation District, the Kittitas Reclamation District, the Washington Department of Fish and Wildlife, the Counsel for the Environment, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Federal Bureau of Reclamation, the Yakama Indian Nation, and the Colville Tribes.

We look forward to providing an overview of the Amendment Request at the Council's March meeting, and to coordinating with the Council and its staff on further outreach and a public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen M. McGaffey".

Karen M. McGaffey