BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2006-02 ) Adjudicative
DESERt CLAIM WIND POWER, LLC ) Public Hearing
DESERt CLAIM WIND POWER PROJECT ) Pages 68 - 117

An Adjudicative Public Hearing in the above matter was held on Tuesday, July 21, 2009, at South Seattle Community College, 6737 Corson Avenue South, Rooms 110-111, in Seattle, Washington at 7:00 p.m., before the Energy Facility Site Evaluation Council Members.

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JUDGE WALLIS: This hearing will please come to order. Good evening, Ladies and Gentlemen, welcome. This is an adjudicative hearing in the matter of 2006-02 before Washington's Energy Facility Site Evaluation Council. This is an application of Desert Claim Wind Power, LLC, for certification of a site for construction of a wind powered electric generation facility in Kittitas County, Washington.

Tonight's hearing is to receive public comment on the proposal to construct those generators. This hearing is being held according to formal notice to the parties and notice by publication to members of the public. The hearing is being held on July 21, 2009 at South Seattle Community College in Seattle, Washington.
My name is Robert Wallis, and I am the Administrative Law Judge holding this hearing on behalf of the Council. I would like to identify the people who are here tonight from EFSEC and are responsible for the hearing and for the decision.

First of all, on my immediate right is Council Chair Jim Luce. Jim, would you raise your hand, please, and, Council Members, as I identify you please raise your hands. Dick Byers represents the Utilities and Transportation Commission; Hedia Adelsman, the Department of Ecology; Dick Fryhling, the Department of Commerce now; Mary McDonald, Department of Natural Resources; Jeff Tayer, Department of Fish and Wildlife; and Ian Elliot represents Kittitas County which is a Council Member for purposes of this proceeding.

There are other persons from EFSEC who are present in the room tonight. These include the EFSEC Assistant Attorney General Kyle Crews to my immediate left and EFSEC staff members Allen Fiksdal, Stephen Posner, and in the back of the room Tammy Talburt who is helping to coordinate and to develop a list of witnesses for us.

The purpose for tonight's meeting is to receive comments on the proposed Desert Claim Wind Power Project. Ms. McGaffey represents the Applicant in this matter.

Ms. McGaffey, is Mr. Steeb available to give a
brief introduction this evening?

MS. McGAFFEY: He is.

JUDGE WALLIS: Very well. Mr. Steeb, would you step forward, please. Mr. Steeb is an official with the Applicant and he will give a brief introduction to describe the project. Mr. Steeb, I will merely remind you that you have previously been sworn in this matter and you remain under oath.

MR. STEEB: That's correct.

JUDGE WALLIS: Please proceed.

MR. STEEB: Thank you very much. Good evening, Council Members. Good evening, People of the Audience in the Seattle area and the west side. I appreciate everybody attending tonight. This is a beautiful evening and I appreciate the sacrifice of coming out.

To tell you a little bit about Desert Claim there's a lot been written and there's lot on the EFSEC website about it if you need more details. But Desert Claim is a renewable energy wind power project located eight miles northwest of Ellensburg, Washington.

It is unique. It's unique for several reasons. One of the reasons is that it is a project that is not located on ridge lands but is actually located on the valley floor that's shown on the maps in the back. Why is that wind project located there?
Well, first of all, everybody in Kittitas County and probably across the state realize and the Desert Claim and the other projects located there that Ellensburg is a windy area, and that meets one of the criteria of building this wind farm. Some of the other criteria that are evident from the maps and a lot of the testimony is that available land. We've talked before about that. It's 5,200 acres, two and a half sections of that land are state land, DNR lands where wind turbines will be located. The rest is private, about five other landowners. So for a project that size it has a very small amount of landowners.

The other consideration is this is a power generating project, and to be able to make renewable power and deliver it to the grid it is an important factor to have transmission lines and also have the ability to move that power to market. This project is blessed with several transmission lines both with the BPA (Bonneville Power Administration) but also Puget Sound Energy running exactly through this project.

This project has gone through extensive reviews in both the Environmental Impact Statements, the SEPA portion. Of course, it also has gone through reviews through the adjudication process of which we had part of that last week. We had a public meeting in Ellensburg last Monday and we move on today to the second public meeting for the Desert
Claim project so I thank you very much.

JUDGE WALLIS: Thank you, Mr. Steeb. The purpose of tonight's meeting is to receive comments on the proposed project. You may testify tonight and you may share your comments that way. You may also send written comments to the EFSEC office. You can get the address from Ms. Talburt from the back and it is on our website. You may submit the comments in writing and they must be postmarked by July 24, Friday, to ensure that they are considered in the decision of this matter.

If you testify you do not need to submit the same comments in writing and if you submit comments, you do not need to testify to the same issues orally. Tonight's comments are evidence in the Council's official hearing record. For that reason I will swear in every witness before you testify, and we'll ask that each person in the audience be respectful of those who are testifying, and that way the Council and the court reporter will also be able to hear the witness.

When you come forward, we will swear you in. Please pick up the microphone. We will ask your name, your address, and ask you to begin speaking your comments.

So with that, Ms. Talburt, do we have a list of people who have signed up at this point?

MS. TALBURT: We do, Your Honor.
JUDGE WALLIS: Thank you. The first person on our list tonight is Stan Loosmore. Would you step forward, please.

MR. LOOSMORE: Thank you, Your Honor.

(Stan Loosmore sworn on oath.)

MR. LOOSMORE: Is this mic on?

JUDGE WALLIS: It is. You may be seated or you may stand.

STAN LOOSMORE,

having been first duly sworn on oath,

testified as follows:

MR. LOOSMORE: My name is Stan Loosmore. I represent Ancient Mariner, LLC, and Ancient Mariner Properties, LLC, which is a landowner east of this facility. We've been there for several years.

JUDGE WALLIS: Excuse me. Would you please give us your mailing address.

MR. LOOSMORE: 600 University Street, Seattle.

JUDGE WALLIS: Very well.

MR. LOOSMORE: 98101 is the zip code.

JUDGE WALLIS: Please continue with your comments.

MR. LOOSMORE: L-o-o-s-m-o-r-e.

As I said, I represent Ancient Mariners, LLC, and Ancient Mariner, Properties, LLC, which are landowners east
of this projected facility, and it is our opinion -- we've been there for several years. And it's our opinion that as Mr. Steeb said this proposal is unique and in this case unique is not a good thing. If you go up to Whiskey Dick and the facility there, those towers are on the ridges, and the reason they are is that the wind blows consistently. If you go down to Altamont just east of Livermore where they've been for years and years, and in fact you fly over it and I have, you will see that the rows of towers are on the ridges because the wind blows consistently.

This facility is down in the valley, and I can tell you in our three years of living there and in knowledge of the valley, we don't have this consistent wind at all.

I think this Council has an obligation to the people of this state for sure, but more than that, to make sure that the kind of facility which is proposed is the right facility for the right place and is efficient. And I haven't found the studies that say anything other than inexpensive property. Let's put it here where it's cheap.

It's kind of like the old story of a guy who's on his hands and knees under the street light and somebody comes along and says, "What's going on?" He says, "I'm looking for my watch." And the fellah says, "Well, where did you lose it?" And he says, "Over there." "Well, why are you looking here?" "Because the light's better here."
I think this facility and it is the position of my clients that this facility while may be the right idea is in the wrong place. I think this Council should give serious thought to that. Thank you.

JUDGE WALLIS: Thank you for your comments.

Jeff Wagnitz is the next witness and after Mr. Wagnitz we have Riley Atkins.

(Jeff Wagnitz sworn on oath.)

JUDGE WALLIS: Would you state your name and spell your last name for us.

MR. WAGNITZ: My name is Jeff Wagnitz, W-a-g-n-i-t-z.

JUDGE WALLIS: What is your mailing address, please?

MR. WAGNITZ: 3354 Lakemoor Circle S.W., Olympia, Washington 98512.

JUDGE WALLIS: Please proceed with your comments.

JEFF WAGNITZ,

having been first duly sworn on oath,

testified as follows:

MR. WAGNITZ: Chairman Luce, Council Members,

thank you for the opportunity to speak to you tonight in support of Desert Claim Wind Power. As I said, I'm Jeff Wagnitz. I'm Vice President for Academic Affairs at
Highline Community College. We're the next community college district just to the south in Des Moines.

I'm speaking tonight on behalf of my college and on behalf of our President, Dr. Jack Birmingham, who would be here himself tonight; however, he's flying on a return trip from Washington, D.C., and sends his regrets.

Yesterday's issue of Time Magazine, if you've seen it, includes a story called Can Community Colleges Save the U.S. Economy? And while I'm always up for a good challenge, that question seemed a little daunting to me I will admit. But perhaps by way of suggesting an answer to the question the editors of Time included photographs exclusively of community college students working with alternative energy technologies and specifically one picture of them working with wind technologies. So whether or not community colleges can save the United States Economy outright, I think those headlines and photo choice suggests to us that if the state considers approving the Desert Claim Wind Power Project there's more at stake than the jobs and the energy created by the project alone.

The larger picture is Washington State's technology leadership from aerospace, computer science, to biotechnology our state has shaped some of the most important technologies at our time, and that leadership contributes strongly to our economic well being.
education plays a critical role in maintaining that leadership. State colleges and universities provide the trade work force, research, scholarship, and collaboration both to sustain the technological development and shape effective public policies.

In wind energy and in Desert Claim specifically we have a new opportunity with unusually broad benefits. What makes wind energy so unusual is the capacity to build those innovations in our large cities and in our rural areas. My college's partnership with Central Washington University in Ellensburg offers an example of these possibilities. Although Highline is a west side suburban two-year institution, we have a longstanding and strong collaboration with CWU in Ellensburg. The most visible manifestation to that partnership is the higher education center that we jointly share on my campus. That center provides Highline students with a much needed access to CWU's four-year offerings and it is just a few steps from my office door.

The Desert Claim Project offers Highline students a new opportunity to bridge the east-west urban-rural divide in a way that stands to benefit this state. Desert Claim will contribute significantly to wind energy concentration in Kittitas County. As a result, that concentration will enable Central Washington University to develop research and education programs. At Highline here on the west side we
will leverage our partnership with the university to integrate wind technology in our already strong science and engineering transfer program.

We have the most diverse student body in Washington State and with that student body we have consistently exceeded our target for high demand science technology and engineering and mathematic FTEs, and we've multiple times been a recipient of national science foundation grants to promote students with success in the sciences. Through our cooperation with Central, Highline students will continue their wind industry education pursuing bachelor's and master's degrees from Central on our campus or in Ellensburg. That pipeline will reinforce Washington's leadership in these emerging technologies.

The State Department of Commerce issued a strategic plan involving creating 25,000 new green economy jobs both Highline and Central continue to expand our partnership to build Washington State's green economy to provide the skilled work force necessary for its success. We urge you to support our efforts by approving Desert Claim. Thank you.

JUDGE WALLIS: Thank you for your comments.

Riley Atkins. After Mr. Atkins will be Larry Burtchett.

(Riley Atkins sworn on oath.)
JUDGE WALLIS: Would you state your name and spell your last name for us, please.

MR. ATKINS: Good evening. My name is Riley Atkins, R-i-l-e-y A-t-k-i-n-s. I'm a senior associate with David Evans & Associates. Our address 415 118th Avenue S.E., Bellevue, Washington.

JUDGE WALLIS: Please proceed with your comments.

RILEY ATKINS,

having been first duly sworn on oath,

testified as follows:

MR. ATKINS: Thank you. I think it's germane that the previous speaker was a community college representative because to a large degree the new employees that we seek are coming out of the universities and community colleges, and to a large degree our business lines depend on those new graduates. We've been in the engineering and environmental consulting for over 30 years. We have offices located throughout the state, including Spokane, Bellevue, Everett, Tacoma, Bellingham, and Olympia. We have four major business lines: land develop, water resources, energy, and transportation. Of those four business lines the most significant under the current economy is energy. Without the energy development that's occurring around the United States we would be having a tough time surviving. Projects
like Desert Claim are our bread and butter. We've developed over 1,200 megawatts of wind power energy throughout the United States and these projects are very important to us. For example, we are currently working on the Wild Horse Wind Power Project just down the street from Desert Claim. We've been working since 2004, and in the course of that period we've done design, construction monitoring, environmental compliance, and survey. The project has generated over a million dollars in fees for our company, a significant portion of which we have spent in Kittitas County and the city of Ellensburg.

And, of course, we've hired employees from Ellensburg from the Central Washington University. We have stayed at the motels. We have spent money on equipment, hired local staff and support. So it's very important for not only our company but also to the community, to the local communities. And this type of investment is being repeated across the United States with these types of projects. They're critical to our infrastructure and they're critical to our economic survival. We are definitely in support of projects and we encourage you to vote positively for it.

Thank you very much.

JUDGE WALLIS: Thank you for your comments.

Larry Burtchett, and following Mr. Burtchett will be Phil Oxley.
(Larry Burtchett sworn on oath.)

JUDGE WALLIS: Please proceed.

LARRY BURTCHETT,

having been first duly sworn on oath,

testified as follows:

MR. BURTCHETT: Burtchett, B-u-r-t-c-h-e-t-t at
12611 Reecer Creek Road, Ellensburg, Washington. First of
all, I want to state off that I am actually not a home
owner. My father is. He's the one that lives right there
on Reecer Creek. I've spent most of my time over here on
the west side.

My father is a very hard working man, much like
I'd like to think most of you guys are. He's worked for
most of his life as a welder, worked very hard at Boeing.
His dream was to buy acreage over in Ellensburg, to be able
to enjoy the peace and quiet and the scenery. The claim
that was actually just put up over on Whiskey Dick Mountain
is 45 miles away from where this project is right now, and I
can see them like they're standing in front of me. They're
an eyesore. They're terrible.

I'm an electrician by trade. I should of all
people support renewable energy, and I've done much, much
research on renewable energy between nuclear, coal, to
solar, to wind power. And in my research I have found
nothing but bad things about wind power, and one of the
things mentioned earlier was transmission lines. The Bonneville Power and Puget Sound Energy power lines that are right there from my understanding are completely full. They are not able to withstand any more power which would mean power lines need to be put up. If that's the case, why don't we propose an action where there's lots of free land on top of ridges where the wind blows constantly and it's on government land. There's a military base not but 45 miles from where this wind project is.

And, Mr. Tayer, you of all people for wildlife. I've been over to Whiskey Dick and I've seen what the elk population has become over there. I've talked to the game warden that's over there. It's decreased. All I've seen over there now are rodents on the ground. The bird population is gone which is in my opinion the future of everybody, not just me and you but our children. From what I understand about this wind project too is they're saying that this won't affect any birds that will fly over the height of 100 feet, and I don't know anybody who's ever seen an eagle fly, a hawk, a duck, goose. They're over a hundred feet.

There is also people over in this area where one of the five landowners that were aforementioned that these windmills will be on their property has actually sold parts of his land to more of these five landowners and actually
written in contracts while he's selling his property that
they are not to oppose any wind power at all. So these
people are afraid to speak up against this, afraid to say
that they don't want these things in their backyard.

And I think about the economy too. You know,
people are saying this is a huge economic downfall that
we're in right now and the fact that we're trying to take
land away from people that can use it for economic growth,
for farming purposes, for the milk that me and you drink,
for the beef that me and you eat. It's all right there in
their backyard and it's going to be gone.

And are they really that good for the environment?
I've done some research on this too. Over there in
Ellensburg I know right there off Reecer Creek Road you go
on up into the wildlife area there's actually an endangered
species of grass that I have seen nowhere in your studies.
I know that there was a helicopter landing pad that was
declined because of the endangered species of grass that
they found.

And other choices that we have that would be great
for this area I've actually looked into Arnold
Schwarzenegger's research and Steven Chow is it or Chu,
Obama's Energy Secretary, isn't it? First of all, he admits
that they have no way to store this energy for wind power,
and if it comes from anybody in the world or United States
designant, I mean that's something to say.

And the fact that I have talked to people that have worked on these and have told me horror stories about the ten-gallon drums of hydraulic oil that they're trying to take from the bottom and hoist all the way up to the top and I've seen drops spill all over the ground. They just don't do anything about the hydraulic oil just sitting there on the ground. What good is that for? I mean you don't have to be a scientist to know that.

In my research I also found out about the Tehachapi Pass, the Oak Creek Energy Project right there in California, the largest energy project here in the United States. It has over three thousand wind turbines and is in need, and the Governor of that state says that they are in need of putting in other solar plants, a solar thermal plant I should say. One of these solar thermal plants puts enough energy out as one of our coal power plants does.

It's just the fact that as landowners of this or even if they're not one of the five landowners that are going to have these on their property the fact that one of the landowners doesn't have any of them on their property can see something from 45 miles away is just an eyesore. It's taking away from people's dreams and hopes when there's so many different choices of renewable energy out there that we can actually use. I feel that wind power is not the way
to go in this area.

If you want to put wind power up, hey, build the transmissions lines with volume. I am all for renewable energy. I think that the world and the way that we are going right now we are in need of cleaning up our environment, but shoving it down people's throats is not the way to go. Thank you.

JUDGE WALLIS: Thank you for your comments.

Phil Oxley. After Mr. Oxley is Nancy Hirsh.

(Phil Oxley sworn on oath.)

JUDGE WALLIS: Please state your name and spell your last name for us.

MR. OXLEY: Philip Oxley, O-x-l-e-y.

JUDGE WALLIS: State your address for us, please.

MR. OXLEY: 14845 S.E. 55th Street, Bellevue, 98006.

JUDGE WALLIS: Please proceed with your comments.

PHILIP OXLEY,

having been first duly sworn on oath,

testified as follows:

MR. OXLEY: I'm speaking in support of the project as a professional from the wireless industry, and I have been a fan of renewable energy for a long time. And it's been energizing for me to see it begin to show up in our
state, and for me the wind turbines represent an iconic
time of opportunity actually.

I've been in the wireless industry since 1984.
I've developed and operated and designed many, many markets
here in the west, and I used to look at the cellular
monocles as an iconic image back in those days and that
opportunity is realized by lots of people. So armed with
20/20 hindsight, I can recognize the parallels between the
evolution of the wireless industry and the opportunity for
the wind industry. I'd like to talk about two of those here
in my comments today.

The first one is the permitting process, and in
the beginning of wireless nobody thought there was a need
for a wireless phone. It was a rich person's toy and a new
tower in town would not be necessary and hearings were very
challenging at that time. Not many people could foresee the
growth that was about to happen around the corner,
particularly the local governments. And as a result network
growth struggled for a while as local governments issued
moratoriums. We wrote their zoning guidelines, permitting
guidelines, and it caused some significant delays, and these
delays forced network operators to come up with less than
optimum solutions for meeting customer expectations. It was
a very frustrating time.

The wind industry doesn't have as deep a hole as
the wireless industry had at the beginning and most Washington residents are supportive of wind energy. Initiative 937 passed and wind is a proven industry elsewhere in the world. Washington is positioned for wind industry to flourish here, and the growth of this industry shouldn't surprise us when it comes, and that's my point here. So the state should send a message that we are a wind friendly state and that this Desert Claim project should be approved.

In looking ahead all parties should work on improving the processes for permits, you know, fair, timely because that growth is going to come, and we should be prepared for it and not have the same pitfalls that we had in the wireless industry in the late '80s, early '90s.

The second parallel is industry leadership. Over time the Seattle area became a hub of expertise for the wireless industry. McCaw Communications, AT&T Wireless, T-Mobile USA, Western Wireless, and Clearwater all chose to have their headquarters here. Thousands of jobs were created by those companies and those in support of them, their suppliers, their contractors, and there's no doubt that that was a huge contributor to our local economy.

I think the wind industry can provide a similar benefit for the east side of the Cascades. By encouraging wind energy in Washington we can create a concentration of
companies and projects that generate jobs, income, higher education programs, and investment. So the approval of Desert Claim is an important first step to ensure that Washington State is and will be a leader in this industry. So in closing I ask the question can the wind industry become a cornerstone growth of here? And I think it can. I think it's an opportunity that we should take advantage of and would ask the Council to approve the project. Thank you.

JUDGE WALLIS: Thank you.

(Nancy Hirsh sworn on oath.)

JUDGE WALLIS: Could you state your business address for us, please.

MS. HIRSH: My name is Nancy Hirsh, H-i-r-s-h. I'm with the Northwest Energy Coalition. My business address is 811 First Avenue, Suite 305, Seattle, Washington 98104.

JUDGE WALLIS: Please proceed with your comments.

NANCY HIRSH, having been first duly sworn on oath, testified as follows:

MS. HIRSH: Thank you. As I said, I'm with the Northwest Energy Coalition. We're a coalition of more than 100, actually more than 110 now organizations throughout the
four Northwest states and British Columbia. We're a nonprofit organization that works to promote energy efficiency, low income programs, and renewable energy development, as well as fish and wildlife protection in the Columbia River Basin. We've worked in Idaho, Oregon, Montana, and Washington State, and our coalition is made up of environmental, consumer, low income, civic, and religious faith based organizations, as well as energy efficiency companies, renewable energy companies, electric utilities, natural gas utilities. A few months ago we released a report called Our Bright Future to look at the Northwest energy future and what are our goals and what are the resources we have within the region to meet our energy future of growing loads, greenhouse gas reduction goals, and economically viable economy within the region.

When we looked at those challenges for the Northwest out 20 years, we did look at the energy efficiency resources in the region and the renewable energy resources in the region, and we found over 6,000 megawatts of energy efficiency resource available and over 10,000 megawatts of cost competitive renewable energy resources in this region of all different varieties: wind, solar, geothermal, biomass, tidal, a lot of opportunities within this region for development of new renewable energy resources.

And then we looked at public policy needs in the
region and within the state, and there's a lot of momentum
to develop renewable energy in projects within this state
and within the region. Clearly Washington State as outlined
in Tony Usibelli's testimony to the Council he outlines all
of the public policy drivers within Washington State from
the legislature, from the Governor, and the recent executive
order in May to reduce greenhouse gas emissions puts the
state on the path to reducing its emissions consistent with
the legislature's for the state. There's a renewable energy
obligation through Initiative 937 which requires the
electric utilities to acquire renewable energy to 15 percent
by 2020. Regional policies of Washington State is a part of
the Western Climate Initiative which is committed to trying
to redefine market solutions to reduce green house gas
emissions. The Northwest Power Conservation Council which
does regional resource planning for the region has
identified energy efficiency and renewable energy at the
lowest cost, lowest risk resources for meeting our future
energy needs. And at the national level climate policy as
we're all well aware is being hotly debated right now. The
coal bill has come out of the House; the Senate is debating
it. And the Senate has an energy bill which has a renewable
energy obligation that would apply to the states. The House
Bill has a similar renewable energy obligation, as well as
firm commitments to reduce green house gas emissions.
So all of these are the public policy drivers that are guiding I would say your decision making on a very specific project and have to keep that specific project within that context of the state, the regional, and the national public policy initiatives that are already in place, and the laws guiding you.

The Energy Coalition laws supports renewable energy but does not necessarily support every project. Not every project is a good project. If it's in the wrong place, it's not developed properly or in an environmentally responsible way, we don't support that project. When we've taken a look at this project we think it is consistent with the state's guidelines and with all the public policy drivers that I mentioned earlier.

And we have to thoroughly recognize the environmental benefits that come from this particular project when we look at Desert Claim. No air pollution, no toxic emissions, no water use, no greenhouse gas emissions, and we're very pleased that the Counsel for the Environment, the Attorney General's Office has reached a settlement agreement with the Applicant which we think in reading through that settlement agreement they have decided, that their Attorney General has decided that their environmental concerns are put to rest, and they think the project should go forward and be permitted. That to us says that any of
the land impacts and the wildlife impacts that they saw of concern have either been mitigated or will be mitigated or are no longer of concern given the redesign of the project to reduce the footprint of the project. That's a very positive statement for the developer and for the project itself.

The economic benefits. We looked at the benefits to the local community from the jobs and the investments and the tax base and the revenues. We looked at the fixed price of the power that's going to come off this project, and the fact that it won't have variable pricing and will be a stable resource for the utility that buys it on a price basis and for their customers who then are paying for this electricity. In this era of unstable energy prices having a fixed price resource is a very positive thing for the Washington State consumers and again to diversifying our resource base as was part of what motivates a renewable energy standard Washington is heavily invested in hydropower and that's a great renewable energy resource. We need to diversify that base and bring the economic benefits that come from that diversification to our economy.

We also want to point out that we think that the proposed project is consistent with WDFW Wind Power Siting Guidelines, and that given that consistency and given the settlement with the Counsel for the Environment this project
is an appropriate project in an appropriate location for Washington State.

Finally on the two other factors that make this project an appropriate project for development in Washington, and one is this locate proximity to transmission. An earlier speaker mentioned that those lines are full, but in fact there are new transmission agreements coming forward on a daily basis that are changing the pricing structures and the contract structures for transmission that make lines that were full a year ago not full today because of the way that they are doing pricing policies that will allow more intermittent resources onto the grid, and that's a positive thing. And the fact that they do not have to build new high voltage transmission lines is a very good thing for this project.

And the fact that this project is not in the Columbia River Gorge is another positive thing. Overdevelopment in the Gorge is something we do have to pay attention to. The fact that this project is not in the Gorge provides diversity for that wind resource so that in fact the more we spread our wind resources around the region and around the state, the more they can balance each other and provide a more consistent wind resource for the state and for the region. We consider that its location not on the Gorge to be a positive thing.
We're available to answer any questions. So on both the public policy and specific locational grounds on this project we support it.

JUDGE WALLIS: Thank you, Ms. Hirsh.

Our next witness is Robert Kruse. Following Mr. Kruse is John Audley.

(Robert Kruse sworn on oath.)

JUDGE WALLIS: Could you please pick up the microphone and speak into it and state your name and spell your last name for us.

MR. KRUSE: Robert Kruse, K-r-u-s-e.

JUDGE WALLIS: State your address for us.

MR. KRUSE: 8885 - 42nd Avenue S.W., Seattle, 98136.

JUDGE WALLIS: Please proceed with your comments.

ROBERT KRUSE,

having been first duly sworn on oath,

tested as follows:

MR. KRUSE: Okay. I'm here tonight representing a group known as Friends of Wildlife and Wind Power. We've been involved in the Wild Horse Wind Power Project and have also participated in the Washington Wind Energy Guidelines Renewable Committee proceedings, and we're here tonight to endorse the Desert Claim Project. Our group supports
appropriately sited wind and alternative energy projects
which embrace appropriate protections for wildlife and
habitat.

We, our group, and others have concerns not just
about the Desert Claim Project but about the cumulative
effects now of the four energy projects in the Kittitas
Valley region. We do not believe that appropriate science
and biological review is being accredited to the four
projects cumulatively. We respect and appreciate the
science and the biology that has been presented with each of
the individual projects, but the cumulative effects of the
four projects put together we feel are not being
appropriately addressed. As an example I will refer to an
update on vegetation and wildlife impacts for the Desert
Claim Project and just make some citations in here that are
of interest to us.

The first one being that in the introduction of
this review it states based on this information, which is
the science contained in here, it concludes that the Desert
Claim Project will not result in significant adverse effects
on bird and bat populations, and further that the potential
cumulative effects of the Desert Claim project and other
wind projects that have been permitted in Kittitas County
will not be significant. We feel that statement is totally
unfounded in science. There have been no cumulative effects
studies for the four projects which embrace elements such as
the cumulative effect of all of the habitat fragmentation of
the four projects, the human exposure component, and the
operations exposure component of the four projects put
together, nor of the social impacts of the four projects.

On an individual impact basis there are
conclusions made within this report that we think refute the
statement in the introduction that there are no significant
effects. As examples, in the paragraph titled Impacts to
Nesting Raptors it says the best nesting raptor habitat in
the project vicinity is located along the Wilson Creek
Riparian Corridor east of the site and along the numerous
transmission lines within the project area. Project
activities may experience disturbance or displace and
affects to the point that raptors do not return and use
those nests. So the statement in the introduction appears
to be contradictory to that statement.

It says further that compared to other wind
projects studied in the region raptor use for the Desert
Claim site was slightly above average. Considering these
mortality results and raptor use estimates at the wind
projects it is estimated that the potential raptor mortality
at the proposed project could be higher than average. Using
the raptor mortality rates from projects in the region it's
expected to range from 0 to 29 a year, and that further
there is a correlation between raptor use and raptor mortality. The higher use of the Desert Claim Project will result in higher raptor mortality.

In conclusion with respect to those remarks, it states the estimates would not result in any population level consequences. As an example within the Kittitas Valley, within the Columbia Plateau, or some larger population for the species likely to be impacted we again our opinion again that statement is totally unfounded in science. And to our knowledge there is no cumulative effects study that predicts what the total impact of the four projects put together is, and for that reason we request of the Council that serious consideration be given to cumulative effects studies for the four project areas in Kittitas County and any other future wind or alternative energy projects that come to the floor, and that without those cumulative effects studies as opposed to individual project studies we think that the decision making process would not be founded in sufficient science in order to make appropriate decisions with respect to wildlife impacts and the habitat impacts and social impacts for that matter.

Thank you.

JUDGE WALLIS: Thank you for your comments.

(John Audley sworn on oath.)

JUDGE WALLIS: Would you state your name and spell
MR. AUDLEY: Sure. My name is John Audley, A-u-d-l-e-y. My address is 917 S.W. Oak Street. Forgive me if I say Portland, Oregon, but I will explain why I'm here in just a minute.

JUDGE WALLIS: Please proceed with your comments.

JOHN AUDLEY,

having been first duly sworn on oath,

testified as follows:

MR. AUDLEY: I'm the Deputy Director of the Renewable Northwest Project. We are a 15-year-old advocacy organization dedicated to promoting responsible development of renewable energies in four states in the Northwest: Washington, Oregon, Idaho, and Montana. We do this by blending our unique membership of developers, manufacturers, and civil society organizations to deliver comprehensive information technical analysis and expertise in the area of renewable energy.

For the record, the developer here is a member of our organization, and for that reason we are quite reluctant to express a specific opinion over one project or another. We take very seriously the public process and the concerns expressed by county residents.

So where I'll focus my comments is in two areas
and in some respects consistent with Ms. Hirsh's comments on how this project might fit into Washington's overall renewable energy objectives and whether or not in our opinion it's consistent with the Washington siting guidelines.

The renewable energy standards in the state of Washington have resulted in most of the utilities under the jurisdiction of the renewable energy standard to purchase renewable energies. Thirteen out of the seventeen utilities that fall under I-937 will achieve their new renewable standard in time for the first benchmark. This in many respects has been met with the acquisition of new renewable energy here in the state of Washington.

The economic development associated with these projects and we do our best to track the numbers as best we possibly can so I'll add a little meat to the bones of the general statements about economic impact. Four of the eleven projects currently in operation in the state have resulted in one billion dollars in additional capital investment, from between 1.3 and 2.1 million dollars in annual payments to landowners and ranchers, and in between 3.5 and 4 million dollars in local record property taxes. It's my understanding that Puget Sound is the largest contributor to Kittitas County's public education revenues. That's the kind of revenue that we understand results in
enabling ranchers and farmers to maintain their ways of life by staying on the land and ranching and farming, and what we're looking for are those opportunities that enable landowners to use responsibly another natural resource that is available to them.

Renewable Northwest Projects spent a considerable amount of time and energy working with state officials and others to develop Washington's voluntary guidelines. We did in Oregon and are likely to do in Idaho and Montana in the very near future.

And we are sensitive to the discussions of cumulative effects that just came up. This is a difficult subject and we pledge to work with you and others to figure out how to ask that question in a way that we can get meaningful answers.

That said, in our opinion the project is consistent with the guidelines and as Ms. Hirsh mentioned the response that we understand the company is willing to make with regard to the creation of a technical advisory committee to continue bald eagle studies in our opinion demonstrates its willingness to work within those guidelines as endorsed by state agencies.

So with that, happy to answer questions or provide additional technical information as you see fit, but thank you for the opportunity to share my thoughts.
JUDGE WALLIS: Thank you for your testimony this evening.

As Mr. Martinez is stepping forward, Ross Macfarlane will be the next speaker.

(Fernando Martinez sworn on oath.)

JUDGE WALLIS: Would you state your name for us and spell your last name for the record.

MR. MARTINEZ: Fernando Martinez, M-a-r-t-i-n-e-z.

JUDGE WALLIS: What is your mailing address, Mr. Martinez?


JUDGE WALLIS: Thank you. You might find it helpful to move the microphone just a little bit farther from your mouth.

MR. MARTINEZ: That is fine?

JUDGE WALLIS: Please proceed with your comments.

FERNANDO MARTINEZ,

having been first duly sworn on oath,

testified as follows:

MR. MARTINEZ: Thank you for having me this afternoon. Is that better? Thank you for having me this evening.

I'd like to introduce myself. My name is Fernando Martinez. I'm the President and Chief Executive Officer of
the Northwest Minority Supplier Development Council, and our key purpose is economic development for minorities and businesses which include the economic development of our minority and diverse communities. As a result of this, the Desert Wind Project, there's a very high likelihood that our minority businesses and our minority communities can gain some new skills and enter a marketplace that has been closed to the minority community for many years. This is the first project that we know of in this state and across the country where there has been an invitation to minority businesses to come and support a project of this nature. This is not only for the short term because it creates new jobs, new taxes. It affords new taxes for the schools. It affords people the opportunity to stay in their homes. It helps create an education and therefore it helps keep people employed which then allows them to gain health care not only, of course, in the short term, but it's very, very important in the long term because these minority communities and minority businesses have never had the opportunity to enter the alternative energy marketplace.

As a result of this project, there's a very, very high likely minority businesses and our minority communities in the state of Washington can support not only short-term but long-term growth of sustainable models so that moving forward as the young lady was talking about projects that
I as a representative of the Northwest Minority Supplier Development Council support the Desert Claim Wind Project and request you approve the project and that you recommend to Governor Chris Gregoire that they approve the project as well. Thank you.

JUDGE WALLIS: Thank you, Mr. Martinez.

Ross Macfarlane and then the final speaker on this list after Mr. Macfarlane will be Susan Taylor.

(Ross Macfarlane sworn on oath.)

JUDGE WALLIS: Will you state your name and spell your last name.

MR. MACFARLANE: Sure. My name is Ross Macfarlane, M-a-c-f-a-r-l-a-n-e, and my address is 1402 Third Avenue, Suite 1305, Seattle, Washington 98101.

JUDGE WALLIS: Proceed with your comments.

ROSS MACFARLANE,

having been first duly sworn on oath,

testified as follows:

MR. MACFARLANE: Yes. Thank you for providing the opportunity to testify in support of Desert Claim's application for your expeditious approval. We are not experts on the project, but we will be testifying for the
paramount and continuing need for this kind of project and
the need for an expedited and streamlined review to allow
these kinds of projects to move forward. We work closely
with groups who've previously testified like the Northwest
Energy Coalition and the Renewable Northwest Project which
have been involved in a more detailed review of the project
itself, and we are partners in a general business sense of
many of the businesses who have been working to promote
this.

Let me talk briefly about Climate Solutions and
the related groups that we're involved in. Climate
Solutions is a ten-year organization that is dedicated to
promoting practical and profitable solutions to global
warming here in the Pacific Northwest who've been actively
involved in promoting policies for clean and renewable and
efficient energy, including the renewable energy standard,
recent climate legislation, and policies to promote green
jobs training.

We also are involved with I'm personally the
manager of a program Business Leaders for Climate Solutions
which involves more than 375 businesses, executives,
investors, and entrepreneurs who are all committed to
advancing practical solutions to global warming as both an
issue of the environment and of economic competitiveness for
our region. We as a group are committed to the proposition
that there's no single solution to our climate crisis and
the related issues of sustainability, but that we need to be
rapidly deploying the full range of solutions that will
provide clean and renewable energy as well as promote energy
efficiency. Climate change is the defining issue of our
time and it's also the biggest driver in terms of our
current transition from a fossil fuel economy to a clean and
energy efficient economy, and one of the biggest drivers, if
not the biggest driver in a global transformation of our
economy. So our ability to lead in that transformation and
employ our own citizens and provide investment for our own
communities and businesses is absolutely paramount to our
economic competitiveness, and for those reasons we strongly
support continued action.

From a core standpoint wind is a core climate
solution. I wanted to simply submit into the record a
report which we did called Carbon Free Prosperity 2025 by a
leading economic research firm in the clean technology area
called Clean Edge which was done in the last year. This
report identified wind as one of five sectors where the
Northwest states of Washington and Oregon have specific and
demonstrated potential to be able to lead internationally
and create jobs and compete in this transformation of our
energy economy. Clean Edge in this report is forecasting
nearly tripling of the amount of wind capacity and energy
development internationally in the next decade and a similar forecast for growth here in the state of Washington.

That's an opportunity that frankly we can't afford not to seize. Washington is already fifth in the nation in creating wind power and creating clean energy jobs associated with wind power. The transition towards national policy around clean energy and climate will accelerate the kinds of opportunities that we are already seeing for being able to sell clean and efficient power into the grid and it highlights the importance of being able to move those kinds of projects that have been through a detailed review or as quickly as possible.

So again briefly we're not experts on the details of siting of this case. We are heartened by the close work that you've done or the project proponent has done with the community as well as the recent agreement that's been reached with the Counsel for the Environment, and we are encouraged to have you have these hearing. We urge you to move as quickly as possible.

JUDGE WALLIS: Thank you for your testimony.

(Susan Taylor sworn on oath.)

JUDGE WALLIS: Could you please state your name and spell your last name for us.

MS. TAYLOR: Susan Taylor, T-a-y-l-o-r, and the address is 1623 - 39th Avenue, Seattle, 98122.
JUDGE WALLIS: Please proceed with your comments.

SUSAN TAYLOR,

having been first duly sworn on oath,

testified as follows:

MS. TAYLOR: Sure. I am here as a member of the public and a citizen tonight to convey my support for the Desert Claim Project. I believe that the generation of clean renewable energy will help slow down global warming and the rate of climate change which I see as very threatening. I was lucky enough to spend the last four days backpacking up in Enchantment Lake. I actually hiked out about noon today, and being up there and seeing those mountain goats and the glaciers and standing on the peaks made me inspired to come in today and just tell you how important it is; that there are a lot of people out there who don't have a vested interest for their job or whatever it is, but that you need to look at the big picture as you're looking at making these decisions and that we're counting on you to just support renewable energy.

And my understanding from just looking into this project is that it sounds like they followed the state guidelines. There are economic benefits and they've mitigated most of the problems that have been identified which as a citizen seems very important.
And just as an aside, I'll tell you that I was the senior officer at Washington Mutual when it fell, and I learned from that experience to speak up when I think something is important and to pursue what is meaningful to me so here I am. Good luck with your decision.

JUDGE WALLIS: Thank you for your testimony.

MS. TAYLOR: Sure. Thanks.

JUDGE WALLIS: We have two additional people who signed up to testify this evening. The first is Todd Myers and after he testifies Michael Verchot.

(Todd Myers sworn on oath.)

JUDGE WALLIS: Could you state your name and spell your last name.

MR. MYERS: Sure. It's Todd Myers, M-y-e-r-s.

JUDGE WALLIS: And state your address.

MR. MYERS: 27585 S.E. 31st Place in Fall City.

JUDGE WALLIS: Please proceed with your comments.

TODD MYERS,

having been first duly sworn on oath,

testified as follows:

MR. MYERS: So I know it's getting late so I will be brief. Again, my name is Todd Myers. I'm the Executive Director of Wind Works Northwest which is an organization that brings together a variety of different communities to
support the responsible siting of wind power in Washington State. You heard a lot obviously about a number of issues, including climate change, the need for jobs and energy, whether it's growing resources for energy or growing Washington State or energy independence, but I want to add two more concepts to help you along with your decision.

One of them is that when you make a decision make sure that you're following objective standards, and the second is that when in doubt honor the property rights of those who are involved with this project and make sure that mutually beneficial transactions are being honored.

In talking about the objective standards, having worked at the Department of Natural Resources and sitting very close to where you are and dealing with these same sorts of issues in forestry, it is interesting to me that many of the same arguments that get made against harvesting a renewable resource like timber are now being made against wind: cumulative effects, view sheds, those sorts of things. Ultimately scientists deal with these things and they know very well the challenges and they deal with them everyday and you ought to listen to them.

But often appeals are made to very intangible arguments about view sheds and those sorts of things, and I would encourage you to stick with objective standards because once we get into the subjective standards it becomes
very difficult to have a coherent policy in siting and for your decisions to be consistent from one community to another. Consistency is not only important for the future of energy or a need for any project, but for the rule of law. And so following objective standards, keeping in mind obviously all of the concerns that people have raised, but when push comes to shove following those objective standards I think is very critical.

Lastly, like I said, I think that you need to follow and honor the property rights. It is important any time you're doing a siting of any plant or doing a timber harvest like DNR that you pay attention to what's going on in the community. But property rights go two directions and while people often feel like they have a right to their view so too do the people who own that property and their right to earn a living on it.

In these cases the farmers and the landowners have made a deal that they believe is beneficial both to them and the community as a whole. And if you are going to change the rules and tell them that they can't use their property in a particular way, we need to make sure that you have a good reason to overrule those property rights.

I could tell you that farmers, foresters, and others who work in natural resources have often been frustrated by what they feel are impacts on their property
rights, and many farmers are now turning or looking to turn
to wind energy and other sources of revenue as you already
heard to make sure that they can continue to keep that land
and live on that land and pass it down to the next
generation.

So following those two guidelines, making sure
your decisions are based on objective standards and when in
doubt honoring the property rights, I think you will come to
conclude what so many have concluded: that this is a good
project. It helps not only those who live on the land but
the community as a whole. Thanks.

JUDGE WALLIS: Thank you for your testimony.

(Michael Verchot sworn on oath.)

JUDGE WALLIS: Could you state your name for us
and spell your last name.

MR. VERCHOT: My name is Michael Verchot. Last
name is spelled V-e-r-c-h-o-t.

JUDGE WALLIS: What is your address, please.

MR. VERCHOT: I am on the University of Washington
Foster School of Business. The address there is Box 353200,
Seattle, Washington 98195.

JUDGE WALLIS: Please proceed with your comments.

MICHAEL VERCHOT,

having been first duly sworn on oath,

testified as follows:
MR. VERCHOT: Thank you for this opportunity to present my comments as you deliberate this important decision. Really why I'm here to speak is out of some research that we did in 2008 that was commissioned by the Washington legislation under House Bill 2815. It was the sort of commonly called Green Jobs Bill, and what the legislature and the Governor wanted us to do specifically in this. And we are specifically named in that piece of legislation to do research so the legislature and the Governor and the entire state government can understand how to involve small businesses in the green economy.

So what we did is surveyed 28 people. We had in-depth interviews with 28 business owners across the state around green economy issues. We surveyed 438 Asian Pacific Islander, African American, Latino, and white business owners across the State of Washington, again with the idea what the legislature asked us to do and what the Governor asked us to do is to come back with a set of recommendations for how to involve small businesses and in particular women and minority businesses in the green economy.

So we did this research and what came out of that was that in fact the determining factor in whether a company, whether a small business is involved with the green economy or not is not the race, ethnicity, or gender but the size of the business. So the smaller the business the less
likelihood to be involved in the green economy. The larger
business the more likely they were.

And so the recommendations that we made therefore
to transcend the race, gender, ethnicity of the owner but
really focus on how to involve small businesses. As we all
know small businesses are the component of this economy that
when the economy grows again will be the ones who will be
generating the jobs. So from the state legislature and the
Governor's perspective obviously the idea is how do we
create jobs in the state of Washington, how do we do that
through small businesses, and how do we do that through
small businesses involving the green economy. What
specifically came out of that, the top two recommendations
that came out of that research that we did was that we need
to provide, the state or entities need to provide green
economy related technical assistance to minority and women
owned businesses, to small businesses in general, and we
need to promote facilitated outreach to small businesses
about the opportunities and the how to become involved in
the green economy.

So to me what's really compelling again out of
this research, what's really compelling about this
particular project is that the developer on this project
have already started that outreach, have already started
reaching out to the small business community, have already
started talking to the small business community about how to become engaged in this project. That to me that is a direct outflow from this piece of legislation, Governor supported pushed through legislature that is going to lead to creating jobs and growing small businesses across the state of Washington.

So with that, I guess I would just really like to encourage the quick decision to approve this so that we can help contribute to the economy getting back on track and to growing small businesses across the state. Thank you.

JUDGE WALLIS: Thank you for your comments.

That concludes the list of people who have signed up to give testimony this evening. If there is anyone else in the audience who decides now that you would like to give testimony you may do so. If you would like to give testimony and you haven't signed up, please raise your hand.

Let the record show that I see no hands in the audience. With that, I would like to thank you very much all of you who came tonight and in particularly those of you who came and presented testimony to enrich our record with your viewpoints and the fact that you have presented.

With that, this hearing session is concluded. We will be reconvening in Olympia at 11 o'clock in the morning for the purpose of a post hearing conference to resolve some issues that have arisen as a result of documents presented.
late in the proceeding. With that, this session is concluded and again thank you very much for coming this evening.

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(Whereupon, the adjudicative public hearing was adjourned at 8:13 p.m.)
In re: Desert Claim Wind Power Project

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 July 21, 2009, in Seattle, Washington.

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Shaun Linse, CCR 2029