BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of: Application No. 2003-01 Draft EIS
SAGEBRUSH POWER PARTNERS, LLC, Public Comment Meeting
KITTITAS VALLEY WIND POWER PROJECT) Pages 1 - 75

A public comment meeting in the above matter was held in the presence of a court reporter on January 13, 2004, at 7:00 p.m., at the Kittitas County Fairgrounds, in Ellensburg, Washington, before Energy Facility Site Evaluation Councilmembers.

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JUDGE TOREM: Good evening. My name is Adam Torem. I'm an Administrative Law Judge with the State of Washington's Office of Administrative Hearings, and I've been appointed by the Council that's here this evening to facilitate proceedings for this public hearing tonight, so I will be presiding over all the public comments as we go tonight.

On behalf of the Council, I want to thank all of you for taking the time to come out tonight to participate in this important public meeting. Before we proceed any further, I want to ask all the members of the Energy Facility Site Evaluation Council to introduce themselves, and then we will go on, and I'll explain how the meeting will run tonight.

Let's start with the Chairman, Mr. Jim Luce.
CHAIR LUCE: My name is Jim Luce. I'm Chair of the Washington State Energy Siting Council, and I'll ask the Councilmembers and staff to introduce themselves beginning to my left.

COUNCILMEMBER ADELSMAN: Hedia Adelsman with the Department of Ecology.

COUNCILMEMBER SWEENEY: I'm Tim Sweeney. I work for and represent the Washington Utilities and Transportation Commission.

COUNCILMEMBER JOHNSON: Patti Johnson, Kittitas County Representative.

CHAIR LUCE: And now to my right.

MS. ESSKO: I'm Ann Essko, the Assistant Attorney General who represents the Council.

COUNCILMEMBER TOWNE: Chris Smith Towne representing the Department of Fish and Wildlife.

COUNCILMEMBER IFIE: Tony Ifie, Department of Natural Resources.

COUNCILMEMBER FRYHLING: Richard Fryhling. I represent the Department of Community Trade and Economic Development.

JUDGE TOREM: And as you came in this evening you were greeted by Irina Makarow and standing toward the back is Allen Fiksdal, the manager for the Council staff.
Now, let me take a few moments to give you some background information about the project and the process for tonight's meeting before we get to your public comments on the Kittitas Valley Wind Power Project Draft Environmental Impact Statement or DEIS.

In January of 2003, Sagebrush Power Partners, LLC, requested to build an approximately 180-megawatt wind turbine generation facility approximately 12 miles northwest of this city in Ellensburg. The turbines would be located on either side of United States Highway 97. The project would also include access roads, electrical interaction facilities, as well as an operations and maintenance building that will be located near the corner of U.S. Highway 97 and Bettas Road. The project proposes to interconnect with Puget Sound Energy's existing Rocky Reach-White River 230 kV transmission line.

Now EFSEC, this Council, is responsible for siting and licensing, construction and operation of major energy facilities here in Washington State. This project is an alternative energy facility, and that is defined in Revised Code of Washington or RCW Title 80, Chapter 50.

Zilkha Renewable Energy chose to receive site certification for this project from EFSEC for again it's called the Kittitas County Wind Power Project.
Under the Washington State Environmental Policy Act or SEPA, EFSEC is the leading agency for the major energy facilities, including projects of this nature. So EFSEC began with the SEPA process about ten months ago by holding a scoping meeting here in Ellensburg back on March 12, 2003, and many of you may have been here. The SEPA analysis, which has been performed by EFSEC's independent consulting, Shapiro & Associates, resulted in the preparation of this Draft Environmental Impact Statement or DEIS, and it was issued to the public for your comments last month on December 12, 2003.

The purpose of tonight's meeting for comment is for this Council to receive oral comments on specific issues addressed in the Draft EIS. These comments are going to be used by EFSEC's independent consultant, Shapiro & Associates, to prepare a Final Environmental Impact Statement. The Council will consider the Final Environmental Impact Statement in making its recommendation to the Governor of Washington on whether to approve or to deny this project.

Now comments don't have to be made verbally or orally tonight. They can also be submitted by mail or email, and tonight if you came in and got a handout, you will see there's an orange colored sheet on the back. You can simply write your comments tonight and drop them off
at the box where Ms. Makarow is sitting where you came in.

If you don't give an oral comment or you
don't turn something in in the box tonight, if you want
your comments considered, please have them postmarked no
later than Tuesday, January 24. So that's one week from
today after the holiday weekend. If you have a written
comment with you tonight, you can hand it to our EFSEC
staff, and if you need EFSEC's mailing address, she can
give that to you as well.

In addition to this hearing tonight on the
SEPA process, the environmental review process, EFSEC will
probably be holding formal adjudicative hearings on this
project, on the Kittitas Valley wind proposal. Those are
not scheduled yet, but if you're on our mailing list, and
you want to know when the actual hearings on the project
itself and whether it should be approved or recommended
approval or recommended denied, let us know, get on the
mailing list, and you will get advanced notice of those
hearings and they will be here in Ellensburg.

As part of those formal adjudicative
hearings there will be at least one evening hearing
session that will be for public comments. Those comments,
again, are going to be added to the official adjudicative
record. So talk to staff, Mr. Fiksdal or Ms. Makarow, to
get on the mailing list and future comment opportunities
at that stage of the process.

This Council is required by law to make a recommendation to the Governor whether the site should be or the project should be approved or denied. In making the recommendation the Council will be considering all of the evidence submitted into the record by parties and the public not only through the adjudicative process but also tonight's environmental review or SEPA process.

Because this project is subject to rules pertaining to the adjudicative proceedings and because these rules have similar requirements that affect jurors in a trial, it would not be appropriate for any member of the public or any party to approach the Councilmembers themselves and ask questions or speak to them in private. We don't allow those kinds of contacts, so this public forum is your chance to talk to the Councilmembers. If you have questions about the process and you don't want to get up and ask them, that's what staff is there for but not the Councilmembers themselves.

One of the other people you can talk to about this process is someone known as the Counsel for the Environment, Mr. John Lane, who's an Assistant Attorney General, fills that role. John Lane is standing up in the back. He has a very interesting job to do. He's the State Assistant Attorney General. He's appointed to
represent the public and its interest in protecting the quality of the environment, so he is participating on behalf of the public in the adjudicative proceeding, and, again, if you need to contact him, he's here tonight. Or if you would like his contact, and you can't find him in the crowd tonight, Ms. Makarow and Mr. Fiksdal can give you his contact information.

Thanks, John.

As you can see tonight there is a court reporter taking down everything I'm saying, and I'm trying to go slowly enough that she doesn't feel rushed. When you come up to comment tonight, please show her that same courtesy, enunciate, spell your name for the record, all those things.

So I'm going to ask also that because everything we say tonight becomes part of the record, that we give each other as much respect usually as possible, so everyone keep as silent as possible when a witness is speaking so that the Council can hear that, and that the rest of the public can also hear their comments. When you come up, again, please speak slowly and clearly, so the court reporter gets an accurate transcription of the testimony. And if you need to come and go from the hearing room tonight, please do that as quietly as you can.
And now on the record I will ask again, if you haven't already switched those cell phones or pagers to a silent mode, this is a great time to do it. All right.

Finally, again just to review, the purpose of the hearing is to make comments on the Draft Environmental Impact Statement. Comments are not the same as questions. I don't think you're going to find any responses coming in. If you ask questions that are rhetorical in nature, they're going to be treated just like that. Any other questions, hand those to staff or talk to them outside of this particular process.

Now if you're commenting on this big Draft EIS, and you have a specific section or a page number or anything else that can call attention as to your comment relates to, please do that. If you're ready to do that tonight, great. If you are turning in a written comment, please tell us what page number it corresponds to, so it makes it that much easier for the people who prepared this to know how to respond to an evaluative comment.

If I find that you're drifting away from the subject of the Draft EIS to comments in general about the pros or cons about the project, I may try to rein you back in and focus on the Draft EIS. I don't want to be rude to anyone, but we have a lot of people signed up already, at
least 25 tonight, and I want to give those folks about
four minutes each. So I will be able to tell you you have
one minute left. Please keep your comments focused on the
purpose of tonight's hearing. We do have a large number
again, as I said 25, and we want to hear from everybody
and get out of here at a reasonable time tonight, so we
are going to limit things to four minutes, and I'm going
to again keep you on track. I've got a timer here, and I
will be holding this up when you have one minute left. So
when you see the pink one minute, please wrap up, and I
will say time is over with blue on the other side.

If it turns out that something you were
going to say is said and you agree with somebody that's
testified before, please come up and state your agreement
with that speaker, so we can just move along to the next
person. Again, written comments are considered equally,
so you don't have to come and speak your piece tonight.
If it's already been said, you can just again put that in
writing, and again the deadline is January 20 to be
postmarked.

In order to make things move along as
quickly as possible, I don't want to call one person at a
time, but I will call several. It looks like we have
three chairs there, so I may be calling three or four of
you at a time. Come up in the order that I called you,
please, and if you're next up, come right up to the
podium. If not, take one of those chairs.

When you come forward, again, here's the
procedure. Please state your full name, spell your last
name, and give your mailing address. You've got to speak
clearly and I'll tell you when you have one minute left
and when you're done. If you have additional written
material you want to give, please either hand it to
Ms. Makarow after you're done speaking or give it to EFSEC
staff, Mr. Fiksdal. He may come up to this table, I'm not
sure, on my right to accept any other written materials.
But see him or Ms. Makarow and give them your written
materials that go with your oral presentation.

Members of the Council, are we ready to
entertain public comment?

CHAIR LUCE: Yes.

JUDGE TOREM: The first speakers are going
to be David Lee, Jeff Howard, Paul PosHusta, and Lee
Bates.

Mr. David Lee, if you will come to the podium
first.

COMMENTS BY DAVID LEE

Good evening. I'm David Lee, spelled L-e-e.

My address is 5821 Robbins Road, in Ellensburg, 98926.

I'm also here representing Sun East Property Owners
Association, and their address is 900 Robbins Road. Okay?

I'm also the president of our association in Sun East, and I represent about 170 property owners owning land up there, and most of them are 20-acre parcels. It goes anywhere from a 2,000-foot elevation to close to 5,000. And in my conversation with these people not one of them has encouraged this project to go forward because of its impact on our lifestyle in the community. I cannot see any benefits to any of us concerning this, and a lot of harm that would take place to us regarding the wind, the noise from the wind, the elements are going to be very disruptive to our lifestyle up there.

And I understand one of the things that's suppose to be very important and conclusive to be our benefit is one of the standards, and I don't see that happening at all. I understand that the state, which I also own land elsewhere in this state, has got a procedure for allowing certain things to take place, and it's called a zoning procedure. I am quite offended by the fact that I personally own a couple hundred acres close to the area that I'm speaking of, and if I go out and try to put up something of this magnitude on my property, I would be in all kinds of environmental and all kinds of zoning regulations would be against me. I could not do it. And I constitute each one of these powers to be an industrial
site of the most severe, most, you know, damaging to
environmental envisions or anything you want to think to
have a 400-foot tower with a light on it all the time
attracting or distracting you. I just do not see why if
this is going to take place, why our property owners can't
go ahead and do whatever they want with their piece of
property if the state is going to take this direction
against us? Thank you.

JUDGE TOREM: Thank you, Mr. Lee.

COMMENTS BY JEFF HOWARD

My name is Jeff Howard. I have a home in Cle
Elum, but my mailing address is Post Office 3465,
Bellevue, Washington 98009. As a matter of disclosure
here, I was not invited to the Applicant's dinner, but I'm
going to try to overlook that little snub and not let that
affect my presentation and my normally sunny disposition.

Most of this Draft EIS covers environmental
aspects of which I'm not an expert in. In wildlife and
water quality, air quality, and so forth I know very
little about, so my questions are directed to the
socioeconomic section, specifically on Table 379. The
Applicant states that the annual income of local tax flows
total into Kittitas County per year would be approximately
2.72 million dollars. Now, there's absolutely no
calculation here regarding the federal tax outflows.
Since the economics of this entire wind power scheme are totally untenable without these massive federal tax benefits and production credits, I'm asking that why these were not factored into this EIS in that section?

The same table also states that property values will be negligibly affected. Now, the five studies used to back that up, three were done by organizations obviously in support of these plants. Two others, one from Denmark and one from of all places Australia, were either of dubious origin or too small a sample to use as backup for this study. Now I ask you as a real estate person to vote your common sense and visualize hundreds of these turbines all over this valley and what it would do to defuse the quality of life and the residences within range of sight or sound of them. And I specifically feel that since this study said that an examination of property value effects would be outside the scope, I would ask that that be included in the scope and be put into the Final EIS.

There's notable areas of sparse information or omissions in the radio interference section saying that the Applicant has not provided the information as yet. A big question that's cited upon. And since these machines are only expected to operate at approximately 30 percent of capacity, there's no studies on the backup requirements
and potential emissions from such operations at all.

So this report basically appears to be no more than a regurgitation of the Applicant's views transcribed into a bound EIS. It was prepared by a firm who specializes in writing EIS statements to get projects approved, and I would ask EFSEC to consider the fact that this Draft EIS basically seems to be nothing more than the Applicant's side of the issue with very little outside information included with a different view. Thank you very much.

JUDGE TOREM: Mr. PosHusta.

COMMENTS BY PAUL PosHUSTA

My name is Paul PosHusta, spelled P-o-s-H-u-s-t-a. I'm here to represent myself and my wife and my kids. My address is 1114 Howard Road.

JUDGE TOREM: That's here in Ellensburg, sir?

MR. PosHUSTA: Yes. It's off of Howard Road.

My point is the visual affects. When they came two years ago they had already spent a year building towers and checking the wind saying that, you know, we're just seeing what's going on here. Well, they went and put an application in, and they put an application for the most scenic view that we have in the valley. And everybody said, "Well, why do you have to go there? Why can't you go down there?" Now I see that they are putting
in the Wild Horse claim too. And my problem was why
couldn't they have been a good citizen, a good neighbor
and said, "Okay. There is a huge opposition for this up
in the most scenic area?" But, no, they didn't. They
decided to jump through and go right above all of our
commissioners, all of our citizens, and go to you people.

Now I find out that, oh, yeah, the wind is
just as good on that end of the valley as at the other.
But before two years ago, oh, no, they couldn't put that
there because the wind was different. Now two years later
they come back and say, oh, we could put 120 out there.
They show on the report there's no visual affects because
nobody is going to see them because it is. There is
nobody out there. If you go a half mile past east of
Kittitas to the Columbia River, I don't know, I'm going to
guess maybe 25, 30 families or 30 people maybe. But you
go up that way you've got 3,000 people, and for them to
come in and say one thing and then turn around two years
later and say a whole different ball game, it's wrong in
my opinion.

Now, the second one they say that the noise
is very minimal. Well, I live almost a mile and a half
away from the Burlington Northern train tracks. When the
trains go through, I can sit out my door and I can listen
to them. Now, I'm going to have 120 wind turbines from
one project and a half mile to three-quarters of a mile from my house I'm going to have another 90 or 120, how many ever they want to put up, and they say there's no sound to them.

Well, I don't know if you commissioners or anybody on this commission have been down to the Nine Mile Wind Farm and been there at night when they have put them on a low. There's a big difference. You can take a CAT generator and it can sit there and idle and spin a nonproducing generator, but once that generator comes on line, it shakes. It makes a whole heck of a lot more noise, and I'm just saying they don't -- they're just guessing that the visual and the noise are not even going to bother us where I think it's really been in the very bad interest of the people out there that it is. So that's all I have.

JUDGE TOREM: Our next speaker is Lee Bates. And while Mr. Bates is coming up, Clay White, Jim Hurson, and Sandy Sandall can you make your way forward.

COMMENTS BY DWIGHT LEE BATES

I'm Dwight Lee Bates, B-a-t-e-s, 1509 Brick Road, Ellensburg, 98926, and I represent myself.

On bird kills, the summary of projected mortality of birds and bats, Table 3.2-11 shows the research for this DEIS is incomplete. Studying other
studies and getting a range of information does not substitute for doing an actual two-year study of the turbine sites near Ellensburg. The species listed in Table A-1 offer a reason for a thorough study.

On bird kill mitigation, the seven mitigation methods to reduce bird kills listed on Page 3.2-53 are a band-aid approach. The real problem is that 20 rpm blades causes birds kills. On the study on birds kills the promise to do a thorough study on Page 3.2-53 is not good enough. A two-year study is needed before even writing this Draft Environmental Impact Statement.

On fires. The fire mitigations on Page 1-54 are not good enough. Fires fed by the winds have occurred in the area in the past. I live downwind and do not want to have my house affected. A quick response plan by the Department of Natural Resources is needed.

The visual impact of turbines. The 410-foot high turbines on Figure 2-2 are too high. They will impact the scenic view I have out my front windows. I retired here for the scenic views of the Valley. I do not want to look out my windows and see these 410-foot monstrosities with flashing lights all hours of the day. Highway 97 in figure 2-8 is a scenic byway, and it's surrounded by these 410-foot monstrosities. These turbines should not be located anywhere near Highway 97.
Wind farms are not scenic.

I feel the only reason they want to destroy the scenery with these turbines is the federal subsidy. I think painting the turbines gray will not help.

On shadow flicker. Planting trees to prevent shadow flicker as shown on Page 1-36 and installing automatic shades are not solutions. People living here near these turbines report health problems which should be studied at these sites. People living near the Lincoln Township Wisconsin Wind Farm stated in a survey which is available on Qwest that shadow flicker causes a strobe effect throughout their houses causing headaches and sick to the stomach cases. Also this shadow flicker lowers the property values.

On blade throw, a 410-foot setback given on Page 1-36 from these turbines is not sufficient. Blades and ice could be thrown a thousand feet in a high wind. To ensure safety a 2,000 foot setback from residents and roads is needed.

JUDGE TOREM: Thanks, Mr. Bates. That's all the time we have. If you want to submit the rest in writing, that would be fantastic.

Mr. White.

COMMENTS BY CLAY WHITE

Thank you, Mr. Torem, Board Members. For
the record, my name is Clay White, C-l-a-y W-h-i-t-e, and
I represent Kittitas County, 411 North Ruby, Ellensburg,
Washington.

I'm going to keep my comments brief. I did
submit comments tonight. I just wanted to remind EFSEC
and the Board that SEPA as lead agency the response to the
DEIS comments and subsequent information that is to be
prepared needs to fill not only the statutory obligations
of EFSEC for their decision making process but Kittitas
County and other state and local agencies with pending
permit decisions.

Based upon my review there are a number of
areas that need further review, analysis, and study. The
draft comments I'm providing tonight outline the
information needed in order to make the Draft EIS an
adequate document for Kittitas County to review and use in
our consistency review and decision making process.

I'm providing comments to EFSEC tonight and
will most likely add to comments prior to the January 20,
2004 deadline. Thank you. I also have a limited number
of comment packets for anyone that is interested in having
a copy tonight. Thank you very much.

JUDGE TOREM: Thank you, Mr. White.

Mr. Hurson.

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COMMENTS BY JIM HURSON

Jim Hurson, Deputy Prosecutor for Kittitas County, 205 West Fifth, Ellensburg. The Council probably heard enough from me today from the prior hearing today, so I know lawyers generally don't keep things short, but I will in this particular instance.

I simply wanted to join Mr. White in the position that we just want to assure that we recognize you as the lead agency. We rely upon you to provide us the proper environmental documents that we need in order to make our local land use decisions, and that we look forward to receiving that document as soon as practical.

We will be submitting written comments. I know Clay White has some. I believe our fire marshal has some, our public works director, our airport manager, perhaps some other comments from the County. The purpose in submitting those comments is so that you can help to correct or make this document better, so that we have a legally defensive document that the County can use in it land use process, and we hope you take that to heart.

We are open to EFSEC contacting us for further information because it's important that we carry out our jurisdictional and our legal obligations as it is for you, and we can only do this if we have the proper documents, and we offer these comments with that in mind.
JUDGE TOREM: Thank you, Mr. Hurson.

Sandy Sandall is next. If Earle Price, Desmond Knudson, and Ed Garrett will make their way forward.

Mr. Sandall.

COMMENTS BY SANDY SANDALL

I'm Sandy Sandall. I represent myself and my wife. I reside at 8560 Elk Springs Road. The spelling of the last name is S-a-n-d-a-l-l.

I have some questions. Page 3.9-12, 3.9-13 of the impact statement suggests that five existing residents happen to have a potential of initial effects from the wind farm project. I live in Section 35 which is affected by this. There are 33 parcels of land. There are 29 landowners. Here's a copy of the map showing 19 cabins and homes in the area. They will all be affected one way or the other. This area is accessed on Elk Springs Road. That's our only ingress, egress to get in and out.

Page 3.951, additional recommended mitigation measures, the last paragraph states to compensate for visual impacts the Applicant should apply our conservation easements on the land in important foreground views of the wind turbine, so that no further development occurs in these areas until after decommission. What does this
actually mean? Does that mean that people are going to be in the project area? Section 35, for instance, has vacant land. Is this land going to be put on hold for 20 years while they go ahead and until the decommissioning comes about?

The bird kills. They have their statement as to what bird kill is, but FoxNews.com on December 23, 2003 reported that 1 to 2000 or more birds are killed each year in the area of the Ultimate Pass Project.

Property values. One gentleman talked that he lived over in the Sun East area, and I ran into a gentleman that was looking for property up there in Elk Springs and he asked about property. And I said, well, there's property for sale over in a couple lots in our area. He said he had an appointment to go to Sun East and look at property, and I said you know the wind farms are going to go in. He says that would be a good negotiating factor; wouldn't it? So we're looking at land values now.

There was an article that came out on a residence in Township Lincoln, Nebraska. It said that before the wind towers went in there was 104 percent, and after they went in they dropped 29 points, so that's what you're looking at for eyesore -- not for eyesore but property values use.

Now as a footnote, did you notice the fog
that we have in the valley that's set in for at least six weeks? What kind of wind is going to be produced in that kind of weather? Thank you.

JUDGE TOREM: Thank you, Mr. Sandall. Did you want to turn in a copy of that map to Mr. Fiksdal?

MR. SANDALL: They have it.

JUDGE TOREM: Thank you.

Next is Earle Price.

COMMENTS BY EARLE PRICE

My name is Earle Price, P-r-i-c-e. My address at 430 Cricklewood Lane, Ellensburg.

This DEIS is more than three-quarter inches thick. It's full of summaries, supposition and distorted conclusions.

JUDGE TOREM: Mr. Price, can you speak into the microphone a little better. Thanks.

MR. PRICE: The average person who doesn't have the best interest in what the DEIS says would read some of it, get bewildered, get tired and complacent, then shrug and accept it. The conclusions offered in it are distortions. Averaging its impacts with two other proposed facilities has lessened the impacts on the environment for this facility. This is done with a view of the impact on the whole valley, the Yakima River and the Columbia River. Key words used not expected to be
cumulatively significant. The impacts on one site may differ from others. Topography varies from site to site. The assessment of this site would have nothing to do with Desert Claim or Wild Horse. The effective averaging is to soften the perceived impact and to make approval more palatable.

All these sites are very special in their own ways. A site-specific analysis for each of them should be mandatory. There is some new information from a German spreadsheet that gives statistics on ice throws. New setback information for different sizes of turbine range from 2,152 feet for the smaller to 2,985 feet for the larger, see Attachments 1 and 2, and I have them here for you. These figures make it clear that present setbacks may need to be adjusted.

On scenic Highway 97, 47 turbines are closer than the 2,985-foot distance and 32 are within 2,152 feet. Bettas Road has 19 at the smaller distance. Hayward Road has 27 at the smaller distance. Elk Springs Road has 23 within the smaller distance, and Cricklewood Lane has 15 within the smaller distance.

Setback for houses and property lines may also be in order. If it turns out that proper setbacks cannot be achieved, we would be highly pleased if you could reach a finding of no action on this project and
deny a recommendation to the Governor, so we can all get on with our lives. Thank you.

JUDGE TOREM: Thank you, sir.

Desmond Knudson.

COMMENTS BY DESMOND KNUDSON

Good evening, Desmond Knudson. That's K-n-u-d-s-o-n, 1661 Vantage Highway. I am also a property owner in Sun East now represented by the earlier group. Most of my comments have to do with Chapter 1, Tables 1 through 3. I summarize most of them and my comments will be short.

They have brought up in their DEIS about the view shed being very subjective, and as you know all well and hearing well of this is true. Most people here tonight are testifying that that view shed is not what they want. I can't change that. Property owners that have leased their land to these companies apparently have decided their view shed will be okay.

Mostly positive is what this county would like to see; that is, the tax benefits that we will gain. The economical benefit is enormous. We do not have a negative draw. In other words, we have to hire more sheriffs, hire more firemen, and hire more ambulance drivers to take care of the same amount of tax dollars if a home was built. Thank you.
JUDGE TOREM: Thank you.

Next is Ed Garrett. If Holly Pinkart, Geoff Saunders, and Mike Genson will make their way up, please.

Mr. Garrett.

COMMENTS BY ED GARRETT

My name is Ed Garrett, spelled G-a-r-r-e-t-t. I'm testifying for my myself and my wife Rosemary Monaghan, M-o-n-a-g-h-a-n. We reside at 19205 67th Avenue S.E., Snohomish, Washington 98296. We own 50 acres of recreational land directly east Cricklewood Lane. Cricklewood Lane is about 300 feet from Jay Spring which is suppose to have 13 turbines.

I wanted to make a side comment from what Desmond was just talking about. It must be noted that out of the 13 people who signed land leases only three live in the area. The other eight or the other 10 live in Seattle or other areas. They just have open recreational area. They hardly ever go up there.

I reviewed this EIS and have already submitted my 14-page analysis of what Shapiro & Associates failed to address. As to the quality of the DEIS, I find it terribly convoluted, written with much of the Applicant's information expressly show that with a few mitigating factors it can be sited no matter what. That being said it also missed one of the key questions pointed
out in the consolidated statement issued by the Counsel
for the Environment dated August 27, 2003. That key
question was brought up by most of us intervenors. It
states whether the Kittitas Valley is a proper location
for the project and whether more appropriate alternatives
exist. This DEIS did not answer that question. It
basically said Sagebrush Power Partners thinks it has an
excellent site. All we have to do is the right
justification, so it can be sited. No comparison was made
as to why State Wide Wind Project is considered a good
site, very little opposition. No comparison was made as
to the 16 turbine wind farm over in Walla Walla,
Washington just on the other side of the Columbia, and why
that is considered a good site with no opposition.

Zilkha has been telling us all that the
Highway 97 project was the only place that they could
build. Now a French company called EnXco is planning a
compatible site wind farm just south of the Zilkha
project. They think it has just as much production and
excluded the Highway 97 project as undesirable. EFSEC is
aware now that Zilkha found another site in Kittitas
Valley and has the initial report. I heard that Zilkha
feels it's an even better site for even better wind
resources. This is the Wild Horse Wind Project we were
talking about. At this site only one landowner that I'm
aware of is affected and leased land, and the closest
resident is about a mile, a mile and a half away on the
opposite side of the hill. At that site sound level
percussion would apply.

All these examples were not reviewed.
Shapiro & Associates did not address this in the DEIS.
Shapiro & Associates do point out that about 60 residents
will either be in or on the project area or boundary.
This is 60 people living there. Some plan to build such
as myself, and no accommodation was made for that, and
I've been informed by the Applicant.

If EFSEC feels it has to go there, they
should be forced to purchase the land in the project area
and put a one-mile buffer around it and offer compensation
for those outside of those lands or outside of those
boundaries. Any reputable business would do business that
way.

EFSEC will eventually have to make a
decision based on the adequacy of this DEIS. Some
questions are is the degradation and hardships of hundreds
of Kittitas Valley residents, property owners, wildlife,
especially eagles and migratory birds, worth a 60
megawatts or less intermittent, unreliable wind facility?
Basically it's a bad site.

Zilkha has found a new site that is equally
sized and a site out where we told them to go in the first place. Isn't that enough? Because you wouldn't think so. I, myself, feel the Wild Horse Project is a much better site, and I don't think you will see much opposition. Thank you.

JUDGE TOREM: Thank you, Mr. Garrett.

Holly Pinkart.

COMMENTS BY HOLLY PINKART

My name is Holly Pinkart. Last name is spelled P-i-n-k-a-r-t, and I will be representing myself. I would like to continue my introduction and say that I am an internationally respected microbiologist. I sit on panels every year for the National Science Organization and for the Environmental Protective Agency to decide on matters involved with microbiology. I currently hold an $841,000 grant to study microbiology in Central Washington.

One of the issues that has not been looked at at all in either of the environmental impact reports by either Zilkha or EnXco is some of the more far reaching impacts of the loss of raptors and for the loss of bats, specifically an on-site summary here that was given out tonight. Using mortality estimates from other wind projects, totalling the bat mortality for wind projects in Kittitas County is expected to range from 361 to 782 bat
fatalities, and those are based today on one to two and, I quote, bat fatalities per turbine, per year. Just recently, October 2003, the Wind Power Journal cited mortalities in the thousands, 4,500 bats, so I'm not sure where this one to two bat fatalities comes from. That's a gross underestimation.

The problem with losing bats is when we lose bats, then the populations that they feed on start to pop up. One of the important things the bat eats, especially bats in this area, are mosquitoes who unfortunately in Washington are now prone to the West Nile Virus. We had our first few cases last year. Not a good thing for Washington, not a good time to lose the things that actually prey on the mosquito populations. So we could see an increase in the West Nile Virus from that.

One of the other things that's even more disturbing is here in Kittitas Valley about 10 to 20 percent, depending on the year, of the deer mouse population here in this county carry Hantavirus. If we get rid of our raptor populations, especially in those areas where these wind farms are going on, we will see an increase in rodent populations. Eventually maybe we will see another predator come in and take their place. Perhaps coyotes. Isn't that a great idea, coyotes?

So these are some things that are not
identified at all despite my bringing it up several times
over the past couple years to both Zilkha and EnXco. This
isn't something that we want to ignore. There have been
throughout history problems associated with environmental
disasters resulting in epidemics of specific diseases, and
this really isn't something that we want to ignore, and it
isn't in most of these documents. Thank you.

I just wanted to also mention that
everything that was brought up before, especially by
Mr. Bates, was absolutely right on the money. There is a
woefully inadequate environmental impact statement.

JUDGE TOREM: Geoff Saunders.

COMMENTS BY GEOFF SAUNDERS

Geoff Saunders, S-a-u-n-d-e-r-s. My address
is 8241 Elk Springs Road in Ellensburg.

Obviously most people are very opposed to
this project, and I think you will probably hear some
people in favor of the project this evening. And from
what I've heard in the past people in favor of the project
will first speak about land rights, and I think we need to
bear the mind that those of us who live to adjacent this
project have land rights as well, and I feel that the
Draft Environmental Impact Statement doesn't address
adequately the land rights of those people that live near
the project.
The other issue we may hear from tonight on people who tell us that it's green energy and we need green energy. The people opposed to this project are obviously not opposed to green energy. This is about siting, and, again, I don't believe that the Draft Environmental Impact Statement adequately addresses the siting issue. It talks about alternative sites very briefly, and this has been all a matter of contention in the last couple of years. We first heard from Zilkha a couple of years ago. They told us that this location was the only possible viable location in the valley for a wind farm, then someone else mentioned EnXco came in whose been in business far longer than Zilkha, and said, no, it's not a location. Just a couple miles away there's also a commercial viable location. Then Zilkha has contradicted themselves and said that the Whiskey Dick project is also commercially viable, so clearly they've changed their tunes in this quite a lot. Anyone looking at wind maps in the State of Washington see that large areas of the State of Washington are commercially viable for wind farms.

The Bonneville Power Administration says anywhere the wind blows more that ten miles an hour is a suitable location. I believe there are many viable locations. The Draft EIS does say that these locations have been ruled out in part because there are no power
lines nearby; meaning that the Applicant would have to build their own power lines. Well, tough. That's not really an issue that should be included in the Draft EIS. That's a commercial issue.

Four minutes is obviously not enough to address all the other issues that I've personally seen in the Draft EIS.

Noise is an issue which I think is not adequately addressed because the noise modeling didn't include the low frequency noise as associated with wind farms. Wind farms and I believe a number of people who live near them say that the sound is like distant helicopters, and I don't believe that the noise modeling in the Draft EIS adequately addresses that.

The low frequency thumping we are told is particularly disturbing to people. The issue of ice throws and blade flows and tower collapse was inadequately addressed.

People have talked tonight about the fact that there are many documented studies of ice being thrown over 1,300 feet. The Draft EIS talks or assumes that ice with occur on an average of three to five days per season. Well, that's already been blown away so far in this winter season as we all know.

Blade throws. When these things have
fragmented in the past, they have been thrown up to 2,000 feet proving very large setbacks are required, and I believe the Draft EIS inadequately addresses.

People have spoken about shadow flicker. The Draft EIS says that shadow flicker is an issue within at least 2,000 feet of each turbine. Zilkha is proposing to build these things within a thousand feet of existing residences.

The fire management plan, again, I feel is inadequate in the Draft EIS. Even U.S. government says these things represent an increased fire hazard, and yet most of this project will be outside existing fire zones.

Property values, someone addressed it. Again, I think it's probably one of the very biggest issues that should be addressed by the Draft EIS because obviously that's what people are concerned about, and I think the Draft EIS glosses over that. It says that in fact that the property values are not something that should be included in the Draft EIS when in fact that's probably the number one issue that should be considered here. It quotes a number of contradictory studies, at least two of which say the property values will drop by 20 or 30 percent.

The very last thing I would like to say is the Draft EIS does say in many views the presence of the
wind turbines represents a significant unavoidable adverse impact because it significantly alters the appearance of the rural landscape over a large area of Kittitas Valley. I agree. That's why this thing does not belong here. Thank you.

JUDGE TOREM: Thank you, Mr. Saunders.

Mr. Genson is next, and then after Donald Gridds, if I read your handwriting correctly, Roger Clerf, and Keith Johnson.

Sir.

COMMENTS BY MIKE GENSON

My name is Mike Genson, G-e-n-s-o-n, 101 Elk Springs Road. There are two issues that are part of the Draft Environmental Impact Statement that I wish to address. First is compatibility in wind farms at the proposed site. Two-thirds, 78 turbines given in the middle scenario are situated in Forest and Range 20 where the wind blows hard and often as tests have shown. The rest are located in Ag 20. The purpose and intent of forest and range zone "is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where subdivision and development of lands for uses and activities incompatible with natural resources are discouraged." That's from Kittitas County zoning.
If water power is considered a natural resource, then how can wind power not be considered a natural resource? And so how can utilization of this natural resource not be of the highest priority in this zone? That part of the wind farm that is in Ag 20 zone is also compatible with the purpose of their zone which is "to preserve fertile farmland from encroachment by nonagricultural land uses and to protect the rights and traditions of those engaged in agriculture."

Wind farming is a way for an owner to make additional income from his land without impacting negatively the present use of that land which is grazing. The second issue in wind farm would have to do with property values, property in close proximity to the turbines. The following, and I have a handout for you, is a list of sales after April 19, 2002 when the data record first reported Zilkha's intent to file permits for their wind farm and for comparisons some recent property sales dated before the wind farm became public knowledge. This information is public record and was obtained in the Kittitas County Auditor's Officer and Kittitas County Treasurers' Office.

The information I've given you is key to the map by the numbers that you have in your handout. All of these properties are accessed from Elk Springs Road.
No. 6 on the map was purchased April 1 of 1993 for $19,950. Improvements included driveway and small outbuilding. It was sold March 7, 2003 for $80,000.

JUDGE TOREM: Mr. Genson, about one minute.

MR. GENSON: What I will do is I'll skip down through this and tell you the conclusions that I've reached from reviewing that information. The information which is public record indicates that, number one, it is not difficult to sell land in this area.

Number two, since April 19, 2002, the date of Zilkha's announcement, unimproved land in this area has increased by one thousand dollars an acre. Improved land has increased from about double to about six times in value.

There's the last thing I would like to mention is there are large parcels that you see on that map that were purchased by land developers, and that's another indication that property values are not so bad.

JUDGE TOREM: Mr. Genson, you said that we had a handout. Is that something that's been provided to staff?

MR. GENSON: No. It's something I'm going to give to Mr. Fiksdal.

JUDGE TOREM: Is a copy of that map included?
MR. GENSON: Yes, it is.

JUDGE TOREM: Thank you, sir.

Mr. Griggs.

COMMENTS BY DERALD GAIDOS

My name is Derald Gaidos. I'm the Kittitas County Fire Marshal. I reside at 326 Madison. I have terrible penmanship.

JUDGE TOREM: I tried, sir.

MR. GAIDOS: You did. You did a pretty good job.

JUDGE TOREM: Could you spell your name for us.

MR. GAIDOS: D-e-r-a-l-d G-a-i-d-o-s. As I said, my job is Kittitas County Fire Marshal. Anything that you decide upon and you leave with Kittitas County, I will be stuck with. The area that we're talking about is in an extreme high fire hazard area. In the last eight years we've had two state mobilization fires that have required out-of-county resources to come to our aid. When you start ordering fire trucks by the 25, it starts costing a lot of money, so I have submitted comments for your perusal and as you leave our valley remember what you decide I will get stuck with. Thank you.

JUDGE TOREM: Roger Clerf.

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COMMENTS BY ROGER CLERF

My name is Roger Clerf. I live at 6651 Upper Peul Point Road in Cle Elum. I've lived in Kittitas County, Kittitas Valley all my life, 62 years, and my family moved here in 1880. So we're not a bunch of fly-by-nighters.

I have reviewed the draft statement at some length and find it to be a very complete and detailed evaluation of the effects of the proposed wind farm. They cover many aspects of the geography, geology, ecology, soils, water, animals, plants, birds and bats and almost anything else that anyone can think of. Any possible effects have been evaluated and evaluated very thoroughly. This statement itself or as amended will show that there are very few adverse effects of wind farm development in Kittitas County. Now some people will certainly disagree with that. I respect their disagreement. But overall this is a very, very good report, and I think one from which you will be able to arrive at a proper conclusion, proper decision.

I might add too that there is very little in that report as long as it is that an intelligent, open-minded person using common sense and good judgment wouldn't arrive at on his own. Wind farms as proposed are benign in their effects on the environment and very
valuable to the economy to the County, State, and the Nation. We do need them. Energy is becoming more and more scarce and more and more valuable and more and more expensive to produce. And green energy in the form of wind power is just one additional form that we get literally free. There's no cost for the fuel and there's no cost for the delivery charge. All we have to do is reach up and tap it. Thank you. Thank you, sir.

JUDGE TOREM: Next is Keith Johnson, and while he's coming up, please Nelson Booth, Helen Wise, and Todd Gergan or Gergian. Please correct me when you get up here.

Mr. Johnson.

COMMENTS BY KEITH JOHNSON

Keith Johnson, 3050 Airport Road in Cle Elum, and I'm representing Kittitas Audubon as President of the Audubon, and I want to present the following comments on behalf of the Board of Directors of that society and in defense of birds and wildlife, and we will submit formal comments by the 20th deadline.

Kittitas Audubon supports renewable energy systems that are well planned and carefully installed. The Audubon Society is concerned that the wind energy facility can adversely impact wildlife, especially birds and bats. We believe that the wildlife studies and
evaluations performed to support the Kittitas Valley Wind Power Project in the EIS are inadequate.

Wildlife studies were carried out for only one year. All the good wildlife studies are performed for multiple years to detect population trends. These studies put one individual in the field performing surveys of each survey site for 20 minutes. The very nature of the birds is that they move around. One person cannot be looking in all directions at the same time.

As participants in the annual Christmas birth count we note that the more people in each group there is an increase in the number of birds found by that group. No nighttime or inclement weather studies were performed. Why is this important? Bats fly at night and migration and foraging and for most species of birds migrate at night. Without this data it is impossible to predict potential rate.

The shrub-steppe habitat cover large portions of the proposed project which is considered to be one of the most diverse and also one of the most endangered habitats in the western United States. The DEIS claims the census have already a fragment of the shrub-steppe habitat, and it has no value to the big picture. However, shrub-steppe and other species found using this area for foraging and nesting indicates
otherwise.

Most cite each individual turbine and turbine strength should be carefully evaluated. Raptors are well known to seek out rats along ridge lines specifically during the migration through this area. All turbines should be sited away from ridge lines to protect these soaring zones. The Foot Creek Rim Wyoming Wind facility which supports similar topography has established precedent for this criteria.

The Bald Eagle Protection Act makes it unauthorized to take one eagle for violation of the law. There is no mechanism for authorizing individual take after the fact. U.S. Fish and Wildlife must authorize the take level of the bald and golden eagle prior to issuing the permit. The DEIS does not indicate that such permit application has been filed.

In closing, KAS urges that all possible and reasonable steps be taken based on scientifically competent wildlife studies to ensure that the site is safe for wildlife. Thank you.

JUDGE TOREM: Thank you, sir.

Nelson Booth.

COMMENTS BY NELSON BOOTH

I would just like to say about the Applicant's dinner even though it was excellent it was not
enough to get me up here to speak. That's for sure. I do so because I have strong feelings about the future of our state and environment and our nation.

I had some statements, but I kind of changed them because it seems like those who are opposed to this project have been attacking the DEIS study itself for some reason. I didn't think this was a study done by Zilkha Energy, so I turned to the front page and find out that sure enough it's not. It's done by the State of Washington.

It says under Washington State Law EFSEC is responsible for siting and licensing and construction and operation of major facilities in Washington State, so this is a state agency. It's somehow been implied that it's in its report. Well, what does that tell us? Well, what does that tell you since you're considering this? If those who are opposed to the wind farm are calling this into question, it's probably because it's not favorable to their point of view.

And since this will be submitted to Governor Locke, I'm sure that he will have confidence in his own agency when he considers this information.

Just a couple of other points that were raised about, for instance, the problem of the spread of disease. Well, one of the biggest reasons for the
increase of insect disease toward the north is global climate warming, and that's one of the things that wind farms are going to address by providing alternative energy and slow down the effect of global warming.

Then someone said that the effect of the noise of this project would sound like helicopter blades. I don't know which type of wind turbine this particular comment was addressed to, but certainly not type of wind of turbines that are proposed for Kittitas County. They're a very slow moving blade.

Also there was an implication that the majority of those who have turbines on their property were absentee landowners. Well, I wonder if those who objecting to it perhaps it's the same percentage. I don't know.

And I have some other comments that I will turn in as written comments about the need for good clean alternative energy in our state that is not just a redundant source of energy, but it's one that we needed as the energy crisis here in the Northwest proved last summer and Governor Locke along with the Governors of Oregon and California, at least at that time in September, were all in favor of going independent on a regional basis and encouraged justice for projects. So Governor Locke will we can be sure if this is approved give it every bit of
his support.

JUDGE TOREM: Thank you, sir.

Helen wise.

COMMENTS BY HELEN WISE

I am Helen Wise, W-i-s-e. I live at 1106 East Third Avenue here in Ellensburg. I will not speak very long because I want to second Mike Genson's report. He was the one who showed you that map where the properties were sold for considerable profit.

In the Draft EIS, on Page 3.718, it says that this property review does not attempt to present a model to explain all influences on property values; however, the statistical analysis provided in this study provides no evidence that wind development has harmed property values with the view shed.

And so as Mike has said, we have known for some time of this proposal, and unless people are being very devious and not allowing people how could they not know about wind power in Ellensburg? The properties that have been sold in recent in the last year and a half have been sold at quite an increase in property value.

I could go through this, but I will not give you these. I'll send in the statistics on it, but I might also point out that in the series that the daily record did earlier this month, well, in December. On the first
of December, Steve and Amy Oslund's property, which is they're one of the opponents, vocal opponents. They were featured along with a supporter of wind farms. That was December 1st. On December 2nd they sold their property and I might consider the commission to the daily record. We know it takes longer than that to sell a property.

But I also would like to comment that this is in my view an excellent Draft Environmental Impact Statement. I am a concerned environmentalist. I am concerned about my children, my grandchildren, and I have great grandchildren. I am concerned about their futures. We have to take care of energy in a pollution free way. We have to take care of it in a way that doesn't cost lots of money for transport. We don't have to transport the fuel for our energy for wind farms. Just a few comments.

JUDGE TOREM: Thank you, ma'am.

Todd -- is it Gergan?

MR. GERGAN: Gerean.

JUDGE TOREM: Sorry. Let me get the next few up. Paul Horish, Dennis Waits, and Christine Whitmire.

Go ahead, sir.

COMMENTS BY TODD GEREAN

My name is Todd Gerean. Last name is spelled G-e-r-e-a-n. I live at 5100 Elk Springs Road. I live there, not like some of the people living way outside
I'm here to put out two things, pros and negatives on both sides.

One, you get the negative. They all complain that that book right there they had nothing -- that book has already said it all. It has already come out with all the proof that you all need. The negatives, the ice, birds, and all this other crap that's being done they have nothing to support it.

On the pro side, this wind farm, the taxes that are going to be produced by it like the cops and the fire department and so forth that are not going to have to do it. With the new construction more population is going to be generated, so there's going to have to be more tax taken to provide the others. So this is going to generate a lot of economic increase to the County. It's going to increase jobs in the County. It's going to increase power to the world.

And like some of the other people said what about the next generation? What about our kids? Nuclear plants, less water, what are we going to do? Like I said, I'm just one hundred percent for it. Thanks.

JUDGE TOREM: Paul Horish.

COMMENTs BY PAUL HORISH

My name is Paul Horish, H-o-r-i-s-h, 730 Teanaway Heights Drive, Cle Elum, Washington. I would
like to reference 172 in the DEIS. I, for one would
welcome the income from Zilkha's land lease, and the
economic effects it would have on my household.

JUDGE TOREM: Mr. Horish, could you speak up
just a little bit.

MR. HORISH: Okay. Also reference 199.
We've grown accustomed to the thousands of Bonneville Power
Administration towers. I don't see why we couldn't get
used to a handful of Zilkha's towers. We also have grown
accustomed to I-90 and the noise that that goes with it. I
also believe it might be a tourist attraction. It might
bring some dollars to the County also economically. Thank
you.

JUDGE TOREM: Dennis Waits.

COMMENTS BY DENNIS WAITS
My name is Dennis Waits. I live at 40 Cove
Lane. I'd just like to say that I don't think that has
ever been about energy this whole time. I do not think
this whole thing has been about energy, and the reason I
say that is because we've never really even talked about
the tax credit involved by putting wind machines up. I
know it's not about energy because I've never seen an
electrical engineer at any of these meetings. They never
want to come here and stand up. But the one that I know
when I talked about this project, he laughs at me. I say
why are you laughing? He says we know that wind power is so unreliable. It's not worth putting in. So why are we going this direction? We're going this direction because there's a lot of benefit to one person or one corporation.

Now the reason I say this is that what he says to me makes sense because if you have a plant, if you're going to put an automobile plant in Kittitas County, you wouldn't depend on wind power. People would laugh at you. When we had 14 below zero here a week ago, I was running around turning up 220 watt heaters and letting them run for three days. The wind wasn't blowing. It's always been about money. It's never been about energy.

We talk about major source of economic impact. Our property values in this valley are one of the greatest fortunes that we have right now. We are playing with fire. Why do the people in Nantucket not want these things off their coast? Why do the rich and famous turn these things away and fight vigorously? Because they know that if they go in, and people with money come in and see those things out there, they're not going to pay as much for their property. It's going to hurt their wallet. It's never been about energy. It has always been about the tax credit. If people want to put this in and this has no impact on property values, then they should be
willing to pay the people that try to sell their property after these wind machines go in, and they sell those properties for less than they paid for them. That would be the right thing to do.

Our land and our vistas are a huge economic engine. They are one of the greatest economic engines that this valley has. We have a college. We have farmers. But by golly people like to live here, and there is absolutely no question that they like to go hiking, fishing, anything else that they like to do. The people from Seattle come over here. We call them the 206ers. They have money. If those wind machines go in, and our property values go down, who's going to help us? Nobody. Nobody. The people that made an 80-million-dollar quick tax credit and put it in their wallet, I venture to say they won't even take those wind machines down. Where is the plan to remove these things? I haven't heard one.

Do you know that the electrical engineers that I talked to know that nuclear -- they studied this for years. They know that nuclear power is the most efficient way to go and people in here might be sneering at me right now and saying, you know, this guy is nuts. Look at Europe. They have many nuclear plants. I'm not proposing nuclear. I'm just saying let's don't go wind. Let's don't take such a huge move and such a huge hit on
our wallets. We're playing with fire. Thank you.

JUDGE TOREM: Thank you, sir.

COMMENTS BY JAMES WHITMIRE

My name is James Whitmire. I'm going to speak for Christine. She had to go. So my name is W-h-i-t-m-i-r-e. My mailing address is P.O. Box 1735, Ellensburg, and I reside just to the east of the proposed Wild Horse Project, and I think we have a couple misconceptions here. I keep hearing wild and scenic. The shrub-steppe where I reside is more wild and scenic and more pristine, and I'm in favor of these winds towers. I much prefer them as a neighbor than having more residents. I would also like to tell the lady I'm also in favor of coyotes. Thank you very much.

JUDGE TOREM: Thank you, Mr. Whitmire.

We have three speakers left tonight. They are Mike Robertson, David Crane, Thomas Wallace.

Mr. Robertson.

COMMENTS BY MIKE ROBERTSON

My name is Mike Robertson, R-o-b-e-r-t-s-o-n. I represent myself and my wife, Elizabeth. We live at 4101 Bettas Road, Cle Elum. I can't possibly get through this in four minutes, so I will try to summarize it. I would like to reference the facts sheet of the DEIS and the application. The original application
states that the Kittitas Valley Wind Power Project consists of several prime elements which will be constructed in consecutive phases, including roads, foundations, underground and overhead electrical lights, grid interconnection facilities, one or two substations, operations and maintenance center, associate supporting infrastructure of the facility. Approximately 90 acres of land will be required to accommodate the proposed power plant related support facilities, and the project will 121 wind turbines, etc.

The Draft EIS attempts to evaluate the environmental impacts of three distinct project scenarios described as lower end scenario, middle scenario, upper end scenario. The lower end scenario utilizes turbines with three megawatt name plate capacity. They're not even described in the application. The DEIS states between 93 and 118 acres of land will be utilized, at odds with the application statement of only 90 acres. Immediately one can determine this DEIS document is inadequate at best and realistically incomplete in its analysis.

The proposed project is being treated as a single power generation facility when in fact the Applicant states they would like to be considered as a project consisting of 82 to 140 separate power generating turbines of different sizes and power generating
capacities. This is inconsistent with the evaluation and oversight of large energy facilities in a single location that is the EFSEC charter. The project should be clearly defined and the individually placed turbines evaluated as to their singular environmental impacts than as to their aggregated impacts as part of a wind generation facility.

And finally, the hope that this will be evaluated as to impacts relating to combined effects with multiple wind power generation facilities in the context of Kittitas County as a whole. This document is very large, but there is no excuse for accepting flawed and incomplete scientific analysis.

Reference Chapter 1 summary, the purpose and need for this project. The stated name plate capacity of the project proposal is between 246 megawatts and 181 1/2 megawatts. Actual or effective power generation from the commercial wind power facility is in the area of 30 percent. It follows this project's real usable potential is 73.8 megawatts, 54.45 megawatts.

Information Table 1-1 suggests that there will be 1,854 megawatts as the low forecast, then 15,817 megawatt high forecast increase in power demand for 2025. Using the middle scenario wind facility configuration this project would only contribute between three percent medium load forecast and .3 percent high forecast for this
growth. This is an insignificant contribution to the public's potential need for this growth.

In contrast, the Sumas Energy 2 Generation Facility is a nominal dispatchable 660 megawatt natural gas-fired electrical generation facility and would contribute 36 percent to four percent of anticipated need. Like I said, this is very lengthy. I will turn it in as written comments.

I'm obviously an opponent to this project. I feel that it's a poor way to generate power basically, and I will turn this in.

JUDGE TOREM: Thank you, sir. Sorry about the time limitation.

Our next speaker we have a couple more additions David Crane and Thomas Wallace, then we'll have Jim Stewart and Sonja Ling.

Mr. Crane. David Crane.

COMMENTS BY DAVID CRANE

I'm David Crane, C-r-a-n-e. I live at 1201 Vista Road here in Ellensburg. I've read the papers the last few months, and I heard a lot of negative comments about the wind farms, and I've heard some good comments as well. I thought that airports cause noise and they're a hazard. Railroads run over people and kill people, and they interrupt the environment. Dams cause mud flats and
damage the fish. Cars kill birds and deer. Coal and oil and nuclear pollute the environment. Nuclear has polluted the Columbia River to a great extent. Housing displaces animals and plants and birds, and parking lots cause runoff of water and add to flood damage. And power lines invade the environment. Sewers are a problem. Military reservations do a lot of the same things. Radio towers interrupt the scenery. Satellites can crash and cause trouble.

And I've read all of this. I respectfully say that I favor the wind farms as a step in the direction of clean renewable energy. I support the conclusion of the Draft Environmental Impact Statement. I believe that wind generation has the least negative impact of all the power sources to date. I think that we ought not to shoot ourselves in the foot by seeing only the negative which there certainly are negative aspects to any type of generation that we do. I believe that it's like a sign that I saw over by Royal City along the highway. It says we use commercial fertilizers because people get hungry, and I believe we need wind generation because we need power and our sources are limited. Thank you very much.

JUDGE TOREM: Thank you sir,

Thomas Wallace.

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COMMENTS BY THOMAS WALLACE


I want to introduce myself as a communications and outreach director for the organization Northwest Sustainable Energy for Economic Development. I want to give a background about myself first. My grandfather grew up in Caldwell, Kansas. He moved out during the depression era. My father did 25 years of service to this country and was always taught that there are good things to do in this country, and I think that reflects this open process here tonight, and I want to thank you for hearing this process and thank everybody who made it occur.

I want to read a statement from the Northwest Sustainable Energy for Economic Development organization. Northwest SEED, as it's known, is a regional nonprofit organization working to maximize the local benefits for harvesting home-grown energy resources, wind, solar, biomass, geothermal, low impact hydro, conservation, bio-based products, while maintaining reliable electrical service creating new revenue streams and high quality jobs throughout the Pacific Northwest. Our effort is to build community partnerships in Oregon,
Washington, Montana, and Idaho. Northwest SEED supports policies and projects like wind power facilities that build rural economies and meet the region's power needs through affordable renewable energy generation.

Northwest SEED has monitored the proposed Kittitas Valley Wind Power Project since it was announced nearly two years ago, and we've reviewed those materials made available to the public by both Zilkha and EFSEC regarding this proposal. In our estimation the Draft Environmental Impact Statement issued last month is an adequate and comprehensive assessment of the project's potential impacts.

The Draft Environmental Impact Statement identifies no areas which are predicted to experience significant unavoidable adverse impact. The proposed wildlife impact mitigation plan is in line with the Washington Department of Fish and Wildlife guidelines for siting wind power projects. In fact, the proposed plan far exceeds the mitigation measures suggested by WDFW.

Overall the Draft Environmental Impact Statement is a thorough and well reasoned document. The authors appear to have done a reasonable job of anticipating, preparing for the mitigating impacts of the proposed project. Thank you for your time this evening.

JUDGE TOREM: Thank you.
Jim Stewart.

COMMENTS BY JIM STEWART

My name is Jim Stewart. My P.O. Box is in Cle Elum, but I live on Bettas Road. But I really don't live on Bettas Road. I live on the ridge above Bettas Road. Now the problem that I've got with the power project as Zilkha has proposed basically they're saying that Sagebrush Power Partners want this project. Yet Sagebrush Power Partners is not the one who has applied to EFSEC for the approval for the site. It's Zilkha Renewable Energy.

Now it was something that somebody else said earlier that got me thinking as to maybe I should clarify something here. He was saying that EFSEC is a government agency. Yet are we talking government agency or is EFSEC contracted with Zilkha and being paid for by Zilkha to basically push this thing forward and make up your minds and then recommend to the Governor if you're going to do this or not? Which I'm kind of mixed on this.

But it's really interesting that in this study it says in the DEIS it says that both wind, the Wild Horse and this one Sagebrush Power Partners, they're both wholly owned subsidiaries of Zilkha Renewable Energy. So we're not talking about -- you can't say that there's no other place in this county for this project and both being
by the central command of the person who was basically in
charge of this is Zilkha is kind of like to me it's kind
of like a misrepresentation of the facts that there is
another side.

I guess the thing that I have interesting
that I find with these noise studies is that all of them
are done with computer model and sound level measurements,
and they did the same thing with Ellensburg Cement
Products. They did the same thing with the Cascade Field
and Stream Club study, and in each case what I found
because with Ellensburg Cement it was very site
specifically. It basically it was accurate at the point
where they took the measurements, and they used the berm
to block the sound that was going to block the noise.
Well, I live according to the ordinance in Kittitas County
it's 9604. It's the Thomas Quarry Site. Thomas Quarry
Site and crusher is going to be at 720 feet, the lowest
part in the quarry. I live on the next ridge, and I live
at 2,850 feet, and I have a line of sight across this site
down there.

Well, it wakes me up. The crusher, the
screen operation wakes me up, but then, again, we're
talking about it's not just the decibel levels you're
talking about. It's also the frequency at which the sound
is coming. It's a varied frequency and intensity.
So the thing is I find this interesting if you want to get your study to go forward it's just a very simple procedure. You call it in the advertising industry you suppress the truth and suggest the false, and I've written this all in there, and you can read it at your leisure. But we expect Zilkha to come clean and say, hey, tell us the truth.

Well, according to the study on the noise study I don't exist. My radio station does not exist. My neighbors don't exist. But if you go to the very back of the DEIS, they've got a little number in a little square. I'm No. 10. But I'm not even on the noise study or on the location. Neither is Hall, neither is Jay Carlton, neither is Foster Challer, neither is Boyd Togood, Zeller. Jackson is No. 149. So I'm kind of going if you don't tell the truth, you can minimize the impact to the neighbors.

But one last thing. I do have a wind generator, and I talked to somebody else recently. I've had the same feeling. I've had it two years. It blows up with ice. It doesn't charge when I want it. I've got to run the generator to charge the batteries, and if I had to, I wouldn't get another one. Thank you.

JUDGE TOREM: Thank you, Mr. Stewart.

Sonja Ling, and I've had one other person
I've added. Noel Andrew.

COMMENTS OF SONJA LING

Good evening. I'm Sonja Ling, S-o-n-j-a L-i-n-g. My address is 917 S.W. Oak Street, Suite 303, Portland, Oregon 97205. I'm here on behalf of Renewable Northwest Project, and I appreciate the opportunity to comment this evening. Our comments this evening will be general and we will be submitting more extensive comments by the deadline.

The Renewable Northwest Project is a unique coalition of environmental groups, consumer groups, and renewable energy developers and manufacturers that work together to combat global climate change through the implementation of solar, wind, and geothermal resources in the Pacific Northwest.

We believe that properly sited wind power projects can protect the environment, promote economic development, and help diversify the regions in our system. In general, we believe that the DEIS does a thorough job of assessing the potential impacts of the KV Wind Project and describing proposed mitigation for potential impacts.

We are pleased to see that the health and safety concerns raised by the community were addressed extensively in the DEIS, and that the DEIS concludes that no significant unavoidable adverse impacts on health and
safety resulting from the construction and O & M of the project have been identified.

We are also pleased to see that the Applicant will be taking the next various steps to avoid and minimize potential impacts of the project on wildlife and habitat which is based on the Washington Department of Fish and Wildlife Wind Power Guidelines. Based on the DEIS we also believe it inputs measures to avoid a minimum potential impact and mitigate for impact need and actually exceed as Tom Wallace from Northwest SEED mentioned the WDFW Wind Power Guidelines mitigation. For example, the Applicant has proposed to purchase and protect about 50 percent more habitat than the amount recommended by WDFW Wind Power Guidelines. We commend the Applicant for complying with the Wind Power Guidelines which we believe are considered to be the most stringent in the U.S.

In conclusion, we believe that the DEIS has thoroughly examined the impacts and considered the benefits of wind power. We hope that EFSEC can now move expeditiously to the next phase, to the next review phase.

Thank you.

JUDGE TOREM: Thank you, Ms. Ling.
Noel Andrew.

COMMENTS BY NOEL ANDREW
My name is Noel Andrew, 2701 Elk Springs
Road, Ellensburg, Washington 98296, something like that.

Okay. Everybody has touched bases on the negative stuff which you people have found to be, you know, a big deal, and I'm going to talk about visual aspects of this project. The project is located, the towers are located on ridges, barren ridges that produce nothing. It's scab rock land is what I call them, and where the wind blows nothing grows. It's unproductive for agriculture. And I think as far as visual these people think that they're up there on this hill and they look down at Ellensburg, and they think that's beautiful at night. Well, these towers and the ridges will just add little bit more view, more lights to the valley and make it more beautiful. And after a while I think that the towers will just be like another big tower, a cell phone tower which are popping up everywhere.

And I think anyway the visual effects that they're so negative of the opposition will just disappear when all the revenue comes in from this project. Thank you very much.

JUDGE TOREM: Thank you, sir.

Were there any other people that I didn't have signed up that wanted to comment tonight? If you just stand up, so I can see how many we have. One, two, three more people.
Ma'am, if you will come up first and then
the other two gentlemen, and then we'll close the public
hearing after these three unless there are any other
urgent comments.

(Off the record to change paper.)

JUDGE TOREM: We have been off the record
for a couple moments for the court reporter to change her
paper.

Ma'am, what's your name?

MS. SCHWAB: My name is Diane Schwab,
S-c-h-w-a-b.

JUDGE TOREM: Can you state your address,
please.

MS. SCHWAB: P.O. Box 290 Maple Valley,
Washington.

JUDGE TOREM: Thank you.

MS. SCHWAB: 98038.

COMMENTS BY DIANE SCHWAB

We have 50 acres that is located just
outside the project area, and I've gone through to the
DEIS. I'm really disappointed. I think it's full of
scare tactics, inaccurate issues, and it doesn't address
the issues that we have been stating for the last almost
two years.

There is discrepancies in one place. On
their original application they clearly state from our location that we will see 85 to 160 wind turbines. Well, then they claim our house would be 2,000 feet from those turbines. We don't even know where our house is going to be. In all reality it will be 500 feet from the nearest turbine.

Some of my neighbors, we've got one neighbor that according to their maps, and I've stated all the particulars here, one of our neighbors will be 164 feet away from the closest turbine. Then they claim that will be 1,000 feet from all residents. I don't know what to believe. I don't know which one of these facts is true.

They claim the shadow flicker and the flashing lights and noise are nonissues. When they held the first meeting in Cle Elum, we brought all these issues up and they kind of poo pooed them all down, nonissues. Now they are issues, but they're not being addressed. Not for us people who are going to live next door. Not for us that are going to be 500 feet away. We're still going to hear the windmills. Not only are we just going to get a whoomp, whoomp, but we might have that going on 116 times at the same time because the wind will be blowing, and I find that to be a big problem for anyone that's going to be living that close.

Same thing with the shadow flicker. They
say, well, you know, it's really not going to bother people, but it is. It's going to bother the people that live there, and we have been in my estimation totally dismissed. I don't see anyone anywhere in the entire DEIS where they said, well, these people right here. They're going to have a problem. No, what they said was that because thousands of people weren't going to see this, it gives a lower priority. It's not a low priority to us because we will be there, and it just doesn't seem right that that seems inaccurate.

Property taxes if we look out our window and see 116 windmills, I think probably about 20 of them are 500 feet away. That's not going to damage our property value? Once again, we have been dismissed. Those people that are living next door totally not counted nowhere in there.

They claim that they're going to do some mitigation. Well, I have talked to a person who lives in California. He says the mitigation should come first before anything else, any building goes up. Once it's in, forget it. It's too late. So I think they start mitigating now with some of us people that are going to be right up there. And I've got maps and whatnot and I'll turn it all in. Thank you.

JUDGE TOREM: Thank you, Ms. Schwab.
Are you already on the Council's mailing list?

MS. SCHWAB: Yes.

JUDGE TOREM: Thank you. All right.

Sir, your name please.

MR. ERICKSON: William Erickson.

JUDGE TOREM: Can you spell your last name.

MR. ERICKSON: E-r-i-c-k-s-o-n.

JUDGE TOREM: And your address.

MR. ERICKSON: 6980 Wilson Creek Road.

JUDGE TOREM: Is that in Ellensburg?

MR. ERICKSON: Yes, in Ellensburg.

COMMENTS BY WILLIAM ERICKSON

I've got two concerns. The first one is about fire. If you wonder why I'm concerned about that being so far away, the corridor going to 97 is a natural wind tunnel. It's dry most of the year. The wind is blowing. Where is the fire going to go? Right into the valley. There hasn't been a major fire in the valley itself, but they say, the experts say that you don't have to worry about fire with the turbines. However, when they're new you perhaps don't because you've got controls in effect. Looking 10 to 20 years down the road and maybe they're not producing the revenue that's expected, and so the only place to cut back is on maintenance. That's
their only cost, so that's what they will cut back on. You get hot oil, burning metal from 300 feet -- I don't know if you've ever been in a wind driven fire, but it's not a pretty sight. I don't know if you remember Southern California last year. That's what we would be looking at in the valley. It's not anything pretty to think about.

Why put the site there where there's large populations downwind from it, farms, business, residents? It just doesn't make good sense. Why don't you have it in other places in the valley and where it won't affect the population? I'm not talking about birds and stuff, although it would affect that. But I'm talking about people.

The other question I have or concern I have is I was talking to our insurance agent and asking, "Well, you know, the potential is there. Is this going to increase my premiums any?" He said, "No, this should be the liability of the wind farm."

Now if I'm not wrong, and I could be wrong, but I presume Sagebrush Power Partners, LLC, means limited liability corporation. Am I right? Okay. If I'm right, that means who has the liability on a catastrophic fire? A corporation can only go back to the company itself not back to their owners. And if it is allowed, the owners should be required to carry all inclusive insurance for
replacement value of infrastructure, power poles, fences, buildings, everything in the valley that could be destroyed. Also it should go back to Zilkha. It shouldn't be just limited to their company. It should go back to Zilkha because they're the ones that are benefiting from the development, so they should be also liable for the license.

JUDGE TOREM: Thank you, sir. There was one other gentleman who indicated he wanted to speak.

What's your name, sir?

MR. BOYOVICH: David Jack Boyovich. I was on the list, but I scratched it off.

JUDGE TOREM: Can you spell your name out for me.

MR. BOYOVICH: B-o-y-o-v-i-c-h.

JUDGE TOREM: And your address, sir.

MR. BOYOVICH: 18830 Reecer Creek Road, Ellensburg.

JUDGE TOREM: Go ahead, sir.

COMMENTS BY DAVID BOYOVICH

Anyway, I was going to talk and then I decided not to talk, and now I've got a few issues that a few people have come up with here. I take exception to, and I agree with one person that was up here earlier, and he said that this entire project as a matter of fact both
of these projects are all about the money and believe me
truer words couldn't have been said more.

I've been doing an awful lot of studying the
last couple of weeks on this, and as far as property
values go anybody that tells you their property values
aren't going to go down because of these monstrosities --
and I will give it to him. I used to call them
pachyderms.

JUDGE TOREM: Let's just stay on topic.

MR. BOYOVICH: They're pachyderms, sir.

They're monstrosities. Property values are going to go
down, and the reason why I say this is because I've talked
to a couple of real estate people. And I'm not going to
name names, but believe me I've talked to them. Also
talked to the PUD. I haven't talked to Puget Sound Energy
yet. I've heard that they're thinking about buying this
stuff. PUD they said they weren't even going to think
about buying this energy.

I'm curious. Who's going to buy this
energy? Can anybody here tell me who's going to buy this
energy that everybody keeps talking about here?

I kind of thought so.

Who's going to benefit? You, me? We're
paying for this thing, but we're not even going to get the
benefits of the energy. It's either going to go south,
east, or over in Seattle. So we are going to be paying
for everybody else to have this energy that everybody says
is so cheap, which really isn't.

Another issue is the raptors. Now, they had
a study done in Palm Springs, a ten-year study that over
22,000 to 30,000 raptors or birds were killed over a
ten-year period. And if my math is correct, that's about
3,000 a year. Now, I know for a fact that they have an
awful lot of golden eagles down there. The last time I
looked they were on the endangered species list, as well
as the bald eagle, which we have an awful lot of them up
here. We also have a couple hundred turkey buzzards in
the area that are also on the endangered species list.

So anyway with that I will conclude.

JUDGE TOREM: Thank you, sir.

Anybody else that has heard anything else
this evening that needs to comment at this time?

All right. Thank you. We're gotten through
32 of your individual comments, and it's now about ten
minutes of 9:00. I thank you very, very much for allowing
the efficient process tonight and allowing us to get
through that many people in that short of a time.

That is going to conclude the comments for
this evening, and I want to thank you very much for coming
tonight. The entire Council appreciates the time you've
taken away from family and your jobs to participate in a very important public process.

Let me give you one final reminder that the Council will be holding at least one or maybe more additional comment sessions regarding the project during its adjudicative hearings. There has been no schedule set for those hearings, but if you're on our mailing list, you will hear about it. And I'm certain if you read the newspapers around here, you'll hear about it.

Please remember that the deadline if you want to submit any comments, if you haven't already done so tonight, the deadline is next Tuesday, January 20, 2004. That is a postmarked deadline, not the date we have to receive it. So if you need to write them up over the weekend, you can mail it on Tuesday.

Again, please see our staff, Irina Makarow or Allen Fiksdal, seated up at the sign-in table there if you need to get on our mailing list or receive any additional information.

Thank you and good night. We're off the record.

* * * * *

(Whereupon, the public meeting was adjourned at 8:49 p.m.)
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AFFIDAVIT

I, Shaun Linse, CCR, Certified Court Reporter, do hereby certify that the foregoing transcript prepared under my direction is a true and accurate record of the proceedings taken on January 13, 2004, in Ellensburg, Washington.

________________________
Shaun Linse, CCR
CCR NO. LI-NS-ES-M4020H