

**REQUEST OF AMENDMENT TO THE
KITITITAS VALLEY WIND POWER PROJECT
SITE CERTIFICATE AGREEMENT**

BY:

Sagebrush Power Partners, LLC

SUBMITTED TO:

State of Washington

Energy Facility Site Evaluation Council

May 29, 2009

Project Developed by:





900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

Allen Fiksdal
EFSEC Manager
925 Plum St.
P.O. Box 43172
Olympia, WA 98504-3172

ERIN L. ANDERSON
Direct (503) 294-9546
elanderson@stoel.com

May 29, 2009

**RE: Request of Amendment to the KVVPP Site Certificate Agreement
(Amendment No. 1)**

Dear Mr. Fiksdal:

Sagebrush Power Partners LLC, ("Sagebrush" or "Applicant") the Certificate Holder of the Kittitas Valley Wind Power Project ("KVVPP", "Project", or "Kittitas Valley Project") proposes a number of alterations to the Project which reduce its overall impacts including a significant reduction in the number of turbines and hereby requests the following amendments to the Site Certification Agreement ("SCA"), pursuant to WAC 463-66-030 and SCA Article III, §K.

I. Request for Amendment

1. Introduction

Sagebrush respectfully requests EFSEC to consider this request to amend the SCA which was approved by Governor Gregoire on September 18, 2007. As the Council is aware, following Governor Gregoire's June 22, 2007 remand, EFSEC amended the proposed SCA to include the following condition ("setback condition"), adopted pursuant to Council Resolution No. 826:

SCA Article I, Section C, Subsection 7 ". . . For each turbine located within 2,500 feet of a non-participating landowner's existing residence, micro-siting determinations shall give highest priority to increasing the distance of the turbine from that non-participating landowner's residence, even beyond the minimum four times height setback described above, so as to further mitigate and minimize any visual impacts on that non-participating landowner. Prior to commencement of construction, the Applicant shall provide EFSEC with documentation demonstrating its engineering efforts to site the applicable turbine locations in this manner, indicating the various factors reviewed for each micro-siting recommendation."



As the Applicant has refined the final layout in anticipation of the micro-siting process addressed in the setback condition, it has become clear that Sagebrush can further adapt the Project to better implement the intent of the Council and Governor Gregoire through a combination of the following: (1) installation of new wind turbine generators that were not previously available during the Kittitas Valley Project hearing process, (2) a reduction in the total number of turbines from up to 65 to a maximum of 52 (with no negative impact on power generation), (3) elimination of certain wind turbine corridors in proximity to existing residences, and (4) modest adjustments of the corridors and turbines therein as approved in the SCA. As part of this process, Sagebrush also requests a change in the location of the Operations and Maintenance (O&M) facility, also further reducing overall Project impacts to a location further away and less visible from state highway 97.

This combination of actions will result in a significant overall reduction in the visual impact of the Project to a majority of existing residences and a reduction in the permanently disturbed footprint area. The result is a significant lessening of the environmental impacts as described in the SCA and the FEIS, thereby achieving the best possible outcome to meet the objectives of Governor Gregoire and the Council.

The turbine locations proposed in this amendment are subject only to routine construction phase micro-siting to address unanticipated onsite constraints. We request that the Council find that the Applicant has met the requirements of the setback condition as it relates to the Applicant's efforts to consider increased distances from existing non-participating residences. We anticipate continuing to work on minor refinements during the micro-siting process, as described in the setback condition.

In its continuing efforts to reduce and minimize impacts, the Applicant has identified an alternate route for the collection lines to the BPA substation. This amendment includes incorporating an additional 6-acre parcel of land into the Project boundary for the proposed collection line route with reduced impacts. One landowner has asked that 471 acres of their land be removed from the Project reducing the overall Project area to a total of approximately 5,416 acres constituting an 8% reduction. All setback conditions will be met in relation to non-participating landowners as established in the SCA.

Finally, the Applicant has continued to work with Kittitas County. On March 17, 2009, the Applicant obtained approval from Kittitas County for a Franchise Agreement allowing collection lines to be located within the County right-of-way. In addition, Kittitas County has approved the Bettas Road and Hayward Road reconstruction plans and the associated access permits. The



Applicant is working with the Washington State Department of Transportation to finalize the access permits required for State Highway 97 and anticipates receiving that approval by the end of June, 2009. These approvals are all consistent with the Site Certificate.

Due to the new proposed turbine equipment, the Applicant has conducted additional wind resource analysis, and proposes changes that both maximize energy generation while minimizing aesthetic impacts. In summary, this amendment is needed to address the following changes:

1. The revised layout removes two turbine corridors and modifies some preliminary turbine locations, requiring minor changes to the micro-siting corridors approved by the Council and the Governor. All of these locations have been surveyed for natural and cultural resources;
2. The revised layout includes a 6.29 acre parcel for electrical cable connection between the E string and the south end of the I string as illustrated on Exhibit 1. This revised collection line design reduces the distance and ground disturbance impacts from the original design. This 6.29 acre parcel was not included in the original Facility Site. The Applicant has surveyed this area for natural and cultural resources, and proposes adding this area into the Facility Site;

The Applicant proposes that the Council find that the proposed layout changes meet the requirements of the setback condition.

2. Proposed Amendment

In response to Governor Gregoire's stated concern regarding visual impacts to immediate surrounding residences and the Council's micro-siting requirements addressing that concern, this amendment includes a map demonstrating both the revised layout and the original layout (Exhibit 1). The revised layout results in a 20% reduction in installed wind turbine generators in from the SCA-approved 65 down to 52 units. This change is made possible with the selection of a larger nameplate turbine, while still meeting all turbine specifications as stipulated in the SCA, including conditions related to the height of the turbine wind turbine generators and towers. This new turbine model requires slightly more temporary ground disturbance per unit during construction to meet manufacturer installation requirements; however, due to the reduced number of total turbines, there is a net overall reduction in ground disturbance as set forth in Tables 1 and 2 below. With the selection of a larger nameplate turbine, this amendment request



not only reduces the ground disturbance impact for the Project as a whole, it also reduces the visual impacts for non-participating landowners as requested in the setback conditions.

The SCA permit allows a maximum of 65 turbines and the permitted layout identified 64 turbine locations. During the permitting and approval process to be considered for the setback conditions, 16 existing structures were identified. There are now only 15 non-participating landowners, as one landowner has entered into a Wind Farm Neighbor Easement Agreement with the Applicant. Throughout the final design process, revisions have been included that propose the elimination of 2 of the approved corridors, removal of 2 additional turbines and relocation of the remaining turbines resulting in a total elimination of 13 turbines. All proposed turbines continue to meet, and in the vast majority of cases, exceed the visual setback distances required by the setback condition. Of the 16 structures identified for the setback condition, 13 now experience a net decrease in visual impacts, and the change in the visual impact to the remaining 3 can be only minimally perceived. The proposed revisions are summarized as follows:

A String: turbine locations have been slightly modified to maximize the wind resource capture with an overall benefit by reducing the majority of the visual impacts to the non-participating landowners;

B String: one turbine was removed and the other turbine locations slightly modified to maximize the wind resource capture while reducing the majority of visual impacts to all the non-participating landowners;

C String: one turbine has been added and turbine locations have been modified to maximize the wind resource capture. All turbines remain outside the visual setback condition;

E String: turbine locations have been modified to accommodate the requirements of the BPA substation and maximize the wind resource capture, resulting in reductions in visual impacts to non-participating landowners;

F String: this corridor of 6 turbines has been eliminated entirely in response to the setback condition, thereby eliminating the visual impact to non-participating neighboring landowners and reducing both permanent and temporary ground disturbed areas;



G String: one additional turbine has been added and the remaining locations slightly modified to maximize the wind resource capture; the modification has a minimum impact to one non-participating landowner;

H String: one turbine has been added and the remaining locations modified to maximize the wind resource capture. All turbines remain outside the visual setback condition;

I String: four turbines were eliminated and the remaining turbine relocated to maximize the wind resource capture, thereby reducing visual impacts to a majority of non-participating landowners; and

J String: the southerly turbine corridor has been eliminated entirely in response to the setback condition, thereby eliminating visual impacts to non-participating landowners and reducing both permanent and temporary ground disturbed areas. One additional turbine has been located on the northerly end of the J string. All three turbines are located outside the visual setback condition.

Interconnect Substation: The Applicant has selected the BPA interconnect site as the main substation area, and has eliminated the PSE interconnect substation, which eliminates the visual impacts to neighboring property owners and the traveling public at the PSE location at the corner of State Highway 97 and Bettas Road. The BPA interconnect point will be located as identified in the original permitted layout.

O&M Facility: The O&M facility has also been relocated, thereby eliminating the visual impacts to neighboring property owners and the traveling public along State Highway 97.

Underground Electrical Collection System: The collection line routing has been re-designed to reduce ground disturbance. In addition, the new location reduces the required boring under State Highway 97 from two locations to one location, thereby reducing impacts associated with boring. The collection line relocation is a direct result and benefit of the acquisition of the additional 6.29 acre parcel as shown on Exhibit 2. The new design line also avoids installation of the collection line in Bettas Road and the State Highway 97 right-of-way, which reduces impacts to the traveling public during construction.

Disturbed Ground Areas and Mitigation: The tables below identify the estimated overall reduction in both permanent and temporary disturbed areas resulting from the turbine selection.



TABLE 1: Permanent Disturbed Area (acres)

Description	EIS Table	SCA Amendment Request	Variation
Project site roadways	82.6	62.0	20.6 acre reduction
Turbines and crane pads	4.4	11.9	7.5 acre increase (due to larger nameplate turbine)
O&M facility with parking	5	5	No change
Overhead line pole footprint	0.25	0	0.25 acre reduction
Step up substation	6	6	No change
Turn-around areas	9	8.8	0.2 acre reduction
Meteorological towers	0.42	0.42	No change
Total (acres)	107.67	94.37	13.3 acre reduction

TABLE 2: Temporary Disturbed Area (acres)

Description	EIS Table	SCA Amendment Request	Variation
Disturbance beside roads	49.4	58.5	9.1 acre increase
Laydown area at turbines	134.3	119.6	14.7 acre reduction
Material laydown area at substation	5	5	No change
Meteorological tower temporary footprint	3.7	3.7	No change
Temporary overhead line footprint	8.8	0	8.8 acre reduction
Temporary Laydown Yard	10	10	No change ¹
Total (acres)	211.2	196.8	14.4 acre reduction

¹ The landowner of the temporary laydown yard may wish to retain the aggregate that will be placed on the temporary laydown area following its use by Applicant rather than having it fully restored. The landowner will make this decision at the time Project construction is complete and the laydown area is no longer in use by Applicant. As a result, Applicant continues to show the area as Temporary Disturbed Area. In accordance with WDFW mitigation guidelines (0.5:1 temporary and 2:1 permanent) the estimated mitigation is 287.14 acres. Applicant has secured a 539 acre site for mitigation which exceeds the regulatory requirement by more than 250 acres.



The areas which will be disturbed do not contain any sensitive features and will have minimal impact on habitat. It should be noted that 539 acres of the site have been set aside as a mitigation parcel for environmental impacts of the Kittitas Valley Project. Six locations have been identified by Washington State Department of Fish and Wildlife as potential reference parcels for the monitoring of the revegetation efforts. Those locations are identified on Exhibit 3 and will be verified with Washington State Department of Fish and Wildlife prior to the approval of the final construction plans.

Additional Surveys/Assessments: Additional archeological, wildlife and additional visual studies, assessment and analysis have been commissioned for this amendment as follows:

Archeological and Cultural Resource Survey

Additional pedestrian surveys, utilizing parallel transects paced 20 meters apart, have been conducted to include all impacted areas of the Project not previously surveyed. The expanded survey areas are identified in Exhibit 4. A copy of the updated report itself is provided to EFSEC under separate, confidential cover to protect the content thereof.

Biological Assessment

Western EcoSystem Technology, Inc. (WEST) updated the Biological Assessment for the Nationwide Permit Application with the Army Corp of Engineers. The updated study includes the entire amended Project area. The updated Biological Assessment is attached as Exhibit 5.

Visual Impacts

Updated visual simulations were performed for the Project in its new configuration with a reduced number of turbines by Wind Engineers, Inc. at the following 11 locations:

- Highway 97 at Ellensburg Ranches Road
- Highway 97 north of existing gravel pit
- Highway 97 at northern end of Bettas Road
- Elk Springs Road
- Bettas Road
- John Wayne Trail at Taneum Road
- Thorp Highway
- Springwood Ranch
- Lower Green Canyon Road
- Forest Service Lands
- Robertson Property



The simulations demonstrate the revisions in the visual impacts the new layout offers as a result of the changes proposed by this amendment. A copy of the updated visual assessments is attached as Exhibit 6.

Environmental Permits: The Army Corp of Engineers Nationwide Permit and Washington State Department of Fish and Wildlife Hydraulic Permit have been updated and are attached as Exhibits 7 and 8 respectively.

SEPA Review and Proposed Mitigation Measures: The requested SCA Amendment does not substantially alter the substance of the SCA or result in significant detrimental effect on the environment. The updated turbine selection and revised layout actually results in a net reduction of environmental impacts. An Environmental Checklist has been prepared pursuant to WAC 197-11-960 and is attached as Exhibit 9, with the updated biological and visual assessments referred to above attached as appendices thereto. The updated Archaeological and Cultural Resource Survey identified above is being submitted to EFSEC under separate, confidential cover to preserve the confidentiality of the content of the report. Given the overall reduction in environmental impacts from the Project as a result of this proposal, the Applicant anticipates that the Council can consider this amendment through an Addendum to the Final EIS approved for the Project, and upheld on review by the Supreme Court.

3. Proposed amendments to the SCA

Specifically, KVVPP requests that the Council amend portions of the SCA to read as follows:

a. Additional and Revised Attachments to the SCA located on page 6 of the SCA:

7. Project Legal Description as Modified by Amendment No. 1
8. Final Project Configuration as Modified by Amendment No. 1
9. Department of Army Corp of Engineers – Nationwide Permit dated 9/12/08
10. Washington Department of Fish and Wildlife – Hydraulic Permit dated 9/02/08

b. Article I, Section C, Number 5a page 10 should be amended to read as follows:

The O&M facility will include a main building with offices, restrooms, visitor reception area, outdoor parking facilities, turn-around area, laydown area, outdoor lighting and gated access. The O&M facility building will have a foundation footprint of



approximately 5,000 sq. ft. and will be placed on a site of approximately five (5) acres. It will be constructed off Hayward Road on Washington State Department of Natural Resources land.

c. Article I, Section C, Number 5c page 10 should be amended to read as follows:

An information kiosk will be constructed near the O&M facility ~~off Bettas Road.~~

The relevant plans required by the SCA will be modified to the extent necessary in relation to the construction and operational activities resulting from these revisions.

II. Requested Council Action

Sagebrush Power Partners LLC requests that the Council find, pursuant to WAC 463-66-040, that the proposed amendment is consistent with: (1) the intention of the original SCA; (2) the applicable laws and rules; and (3) the public health, safety and welfare.

Further, Sagebrush Power Partners LLC requests that the Council find, pursuant to WAC 463-66-070, that the request does not substantially alter the substance of any provision of the SCA and does not have a significant detrimental effect on the environment.

Sincerely,

Timothy L McMahan
xela
Timothy L. McMahan

Darrel Peoples
xela
Darrel Peoples

Erin L. Anderson
Erin L. Anderson



List of Exhibits:

- 1 Map, Permitted and Revised Layout
- 2 Map & legal description for expansion parcel
- 3 Map, WDFW Reference Parcels
- 4 Map, Archaeological Survey Corridors
- 5 Updated Biological Assessment
- 6 Visual Simulations
- 7 Army Corp of Engineers Updated Permit
- 8 WDFW Updated HPA
- 9 SEPA