

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of )  
Application No. 2009-01 ) Special Public Meeting  
WHISTLING RIDGE ENERGY, LLC. ) Pages 1 - 19  
WHISTLING RIDGE ENERGY PROJECT )  
\_\_\_\_\_ )

A special public meeting in the above matter was held on Wednesday, August 3, 2011, at the Utilities and Transportation Commission Building, 1300 South Evergreen Park Drive S.W., Conference Room 206, in Olympia, Washington at 9:40 a.m., before the Energy Facility Site Evaluation Council.

\* \* \* \* \*

CHAIR LUCE: Good morning. This meeting is called to order. My name is Jim Luce. I'm Chair of the Washington State Energy Facility Site Evaluation Council, and this is a special meeting regarding the Whistling Ridge Energy Project. We are in the Utilities and Transportation Commission Building in Olympia, Washington, Conference Room 206. The time is approximately 9:40.

I will ask at this time for Council Members to please identify themselves beginning with the Council Members on my right.

MR. SUTHERLAND: I'm Doug Sutherland representing Skamania County.

1 MR. HAYES: I'm Andy Hayes for the Department of  
2 Natural Resources.

3 MR. MOSS: I'm Dennis Moss for the Utilities and  
4 Transportation Commission.

5 MR. FRYHLING: I'm Dick Fryhling. I'm with the  
6 Department of Commerce.

7 CHAIR LUCE: Jim Luce, Chair, Governor's  
8 appointee.

9 Staff?

10 MR. CREWS: Kyle Crews, Assistant Attorney  
11 General.

12 MR. TAYER: Good morning, I'm Jeff Tayer. I'm  
13 with Washington Fish and Wildlife.

14 MS. ADELSMAN: Good morning, I'm Hedia Adelsman  
15 with the Department of Ecology.

16 CHAIR LUCE: And we have staff members with us  
17 today.

18 Judge Wallis identify yourself.

19 JUDGE WALLIS: Bob Wallis, Administrative Law  
20 Judge.

21 MR. WRIGHT: I'm Al Wright, Managing Director of  
22 EFSEC.

23 MR. POSNER: Steven Posner, EFSEC staff.

24 MR. AARTS: I'm Jan Aarts with Cardno ENTRIX.

25 MS. TALBURT: Tammy Talburt with EFSEC.

1 MS. GEORGE: Amber George with EFSEC.

2 MS. MICHELLE: And Kayce Michelle with EFSEC.

3 CHAIR LUCE: Thank you for coming today. This is  
4 a public meeting but as advertised there will be no public  
5 comments received. The Council is going to receive today a  
6 review of the Environmental Impact Statement on Whistling  
7 Ridge.

8 Excuse me, I have been reminded to ask the people  
9 on the phone to please identify themselves. Phone people?  
10 Who? Don't all speak at once. If you do, it will be  
11 entertaining.

12 MR. SPADARO: Jason Spadaro, Whistling Ridge  
13 Energy.

14 CHAIR LUCE: Thank you, Jason.

15 MR. MAXEY: Wirt and Rebecca Maxey, Underwood  
16 Washington.

17 CHAIR LUCE: I'm sorry I don't think the court  
18 reporter could hear you.

19 MR. HUSEBY: Darin Huseby, Champlin Wind Power.  
20 Others?

21 CHAIR LUCE: To go back to where I was, today's  
22 meeting will focus on the Draft Environmental Impact  
23 Statement which is still a draft but almost final. It will  
24 be final very shortly. Prior to announcing our decision I  
25 believe we will be releasing that seven days prior, at least

1 seven days prior to our final decision. So that will be the  
2 subject for today's meeting.

3 The meeting will be facilitated by Al Wright who  
4 will give an overview of the Environmental Impact Statement  
5 by Stephen Posner from EFSEC staff, Bob Wallis, and ENTRIX,  
6 the gentleman from ENTRIX.

7 So with that, Al, I'll turn it over to you.

8 MR. WRIGHT: Okay. Thank you, Mr. Chairman. What  
9 we'd like to do is I'd like to take just a few minutes to go  
10 through kind of the history of what has happened with the  
11 Environmental Impact Statement process we've done, the  
12 different facets of it. Jan is going to go through, from  
13 ENTRIX go through what is now the Final Environmental Impact  
14 Statement, and then Stephen will follow up with kind of  
15 where we go from here.

16 But as an opening statement I want to say that as  
17 the designated SEPA responsible party for EFSEC I have  
18 determined that the Environmental Impact Statement as  
19 written today and finalized but not yet printed is an  
20 acceptable Environmental Impact Statement. It is not going  
21 to be modified from where it stands today. The only thing  
22 that's going to happen to it is it has to go through -- and  
23 since this is a joint process with the federal government in  
24 the form of BPA and it also will constitute their NEPA  
25 document, they have taken the lead on printing it. So we

1 have no document that I can sign for you today which is what  
2 I was hoping for.

3 So all I can do is tell you that it is a final  
4 document. It's going through nothing left but an  
5 administrative process to get it printed, and we will sign  
6 the SEPA document as soon as it's available, and I think  
7 Stephen will enlighten us a little more on what that process  
8 is.

9 So as you know this has been, this process has  
10 been, you know, some what arduous. We started as far back  
11 as June in 2009 with scoping processes. The first draft  
12 amendment, the first Draft Environmental Impact Statement  
13 was not issued until May of 2010. And one of the main  
14 reasons for that, even though the scoping started in May,  
15 basically June of 2009, there was an amendment to the  
16 application you will recall, and that amendment to the  
17 application which happened in October 2009 resulted in some  
18 delay of getting a first Draft Environmental Impact  
19 Statement out for review.

20 That went out for review in June, and in July of  
21 2010 you approved an extension of the comment period. You  
22 received a great many comments about the volume of the  
23 document, the amount of material to be reviewed, the fact  
24 that getting it printed required somewhat of a delay in the  
25 notice, and so because of all of that you extended the

1 comment period. So basically then the public comment period  
2 was in October of 2010. Then the process -- and there was,  
3 if I remember the estimate, there was something in excess of  
4 10,000 pages of comments.

5 Then we had ENTRIX on board to go through  
6 processing those comments, reviewing them, developing  
7 recommendations for modifications based on those comments.  
8 That comment review and the recommendations associated with  
9 that were made available to the public in December of 2010  
10 in the form of electronic versions. We did not have the  
11 ability to make all of that material available in printed  
12 form, but there was an electronic version that was available  
13 on the website for anybody to review that wanted to.

14 Even though the comment period was closed and  
15 there was no opportunity to provide additional comments, it  
16 did provide both the Council Members and the public the  
17 opportunity to see what was being done as we were proceeding  
18 through a lot of other activities, including in January the  
19 complete adjudicative hearing process. So by the time you  
20 got to December of 2010, in essence you knew the information  
21 was available to you to know how the comments were being  
22 processed and what the responses were. They were not  
23 incorporated yet into a revised environmental impact  
24 statement.

25 That process then proceeded to today when we do

1 have all of the comments processed, and it's gone through at  
2 least two, maybe three rounds of internal review both here  
3 at EFSEC and at Bonneville Power Administration, and you  
4 have been supplied copies of some of those second-round  
5 revised comments just recently. And now the document as far  
6 as I'm concerned -- I won't speak for Bonneville -- as far  
7 as I'm concerned it's a final SEPA document and all that's  
8 left to do is the printing, and we will sign in and it will  
9 be available for public use.

10 With that unless there are questions, I'm going to  
11 turn it over to Jan. He's going to give you a little review  
12 of the substance. You have in front of you a two-page  
13 summary of a more than multiple page document boiled down to  
14 two pages for you. I personally think that's a pretty handy  
15 document that Jan has prepared. This morning was the first  
16 time I've seen it, and we have provided it to the audience  
17 because once we put it out it is a public document, and we  
18 have provided it to the audience.

19 So are there any questions?

20 CHAIR LUCE: Mr. Posner, do you have anything to  
21 add?

22 MR. POSNER: Just a quick update. Al alluded to  
23 or mentioned that the document is in BPA's hands now.  
24 Essentially it is finished as far as we're concerned and as  
25 far as they're concerned too. From what they've told us

1 there are not going to be any changes to the document.  
2 We're just in the final stages of having it printed and  
3 getting it into a format so we can make it available to the  
4 public. And we are told that that should occur at the  
5 earliest the end of this week, but I would venture to say it  
6 won't be until next week. We're hoping for early next week.  
7 They will actually have at a minimum CDs available. It  
8 takes a little longer to get the paper copies available, but  
9 hopefully we will have those by next week as well.

10 CHAIR LUCE: We will make those CDs available for  
11 the public upon request and to the parties involved in this  
12 case.

13 MR. POSNER: That's correct, and we will also post  
14 the document on our website as it will be also posted on  
15 BPA's website.

16 CHAIR LUCE: Thank you.

17 MR. SUTHERLAND: Mr. Chair?

18 CHAIR LUCE: Yes, sir.

19 MR. SUTHERLAND: Al or Steve, would it be possible  
20 to put this document, the FEIS Summary, on the web so that  
21 people can access even this summary portion?

22 MR. WRIGHT: Yes, we can. There's no reason we  
23 can't. As I just said, it's a public document as of today  
24 when we pass it out. So we'd be happy to do that.

25 MR. SUTHERLAND: Thank you.

1 CHAIR LUCE: Other questions?

2 Sir, the floor is yours.

3 MR. AARTS: Thank you. My name is Jan Aarts. I'm  
4 with Cardno ENTRIX and have been working with Stephen and  
5 others at EFSEC for over a year or so now as staff extension  
6 in preparing the Draft Environmental Impact Statement and  
7 Final Environmental Impact Statement working closely with  
8 BPA environmental staff. So that's been our role over the  
9 last year or so.

10 I'll give you a brief summary of the major  
11 highlights I'll refer to them as for the Final Environmental  
12 Impact Statement. The document itself is far more elaborate  
13 and complex than the bullet item list represents, but I  
14 wanted to just create an easy reference list that draws on  
15 the major highlights of our findings.

16 If you don't mind, I'd like to kind of briefly  
17 highlight a subset of this total, just read out loud perhaps  
18 things I thought might be notable and useful for discussion.

19 We did assess approximately 13 different elements  
20 of the environment. Those were based on the original topics  
21 of concern that came out of the scoping process. The items  
22 that I thought would be of benefit to talk about involved  
23 water, biological resources, visual resources,  
24 transportation, and social economics. So I'll just briefly  
25 highlight some of the bullets we've identified here.

1           With regard to water, the environmental impact  
2 statement analyzed ground water, surface water, public water  
3 supplies, floodplains and wetland, both on site and off site  
4 where improvements might be taking place on the ground. No  
5 on-site impacts are anticipated for those elements. There  
6 is one small, small stream that might be affected by  
7 improvements to an access road. That would be West Pit Road  
8 off the west of the project site, very minor impact.

9           Storm water impacts which based on the amount of  
10 clearing would be of a concern, but implementation of  
11 appropriate best management practices and final design  
12 elements would handle that efficiently and effectively.

13           Move onto the biological resources topic. That  
14 was one that received a lot of scrutiny during public  
15 comments and so forth. That analysis investigated  
16 vegetation, habitat, wetlands, special status species, fish  
17 and other wildlife, including common bird species and bats.  
18 There were 17 special status wildlife species that are known  
19 to occur in the project vicinity that were investigated,  
20 including bald and golden eagles. The northern spotted owl,  
21 a federal threatened species, have been surveyed extensively  
22 in the area, and it's considered not to be present based on  
23 the surveys, multi-year surveys. Two specialty species, bat  
24 species are suspected in the project area, but they have not  
25 been observed.

1           Based on the amount of improvements that would be  
2 required -- turbines, access roads, other facilities on site  
3 -- there would be a temporary habitat loss of approximately  
4 53.6 acres and a permanent habitat loss of approximately  
5 60.7 acres. These type of impacts and amount of vegetation  
6 removal are not dissimilar to the ongoing commercial timber  
7 operations on the project site.

8           The project is expected to result in some  
9 mortality to birds and bats due to the turbine collisions  
10 and displacement of habitat, though it was assessed by the  
11 biological team that these impacts would not be sufficient  
12 quantities to affect the population viability of those  
13 species. The project is clearly unlikely to cause mortality  
14 to any threatened or endangered species.

15           On the flip side of the page --

16           MR. TAYER: Just a question. You have sort of the  
17 conclusion bullet at the bottom, "unlikely to cause  
18 mortality to any threatened or endangered species."

19           I was curious where eagles fit into that analysis?

20           MR. AARTS: Well, the bald eagles are protected  
21 through the Bald Eagle Protection Act, but the amount of  
22 raptor mortality was not expected to be of major  
23 consequence. Are you concerned that that may not have been  
24 addressed properly?

25           MR. TAYER: Just the bullet "unlikely to cause

1 mortality to threatened or endangered species" doesn't  
2 extend to bald and golden eagles so I'm curious whether it  
3 intended to or not?

4 MR. AARTS: Oh, yes, yes, and the affect was not  
5 anticipated to be an issue to bald and golden eagles.

6 MR. TAYER: Thank you.

7 MR. AARTS: On the flip side of the page if I  
8 could direct you to the visual resources section. The  
9 visual assessment analysis considered impact to 13 key  
10 viewpoints, 10 of which were inside the boundaries of the  
11 National Scenic Area. And those viewpoints were analyzed  
12 using photo simulations and the commonly used analysis  
13 methods that modeled after those used by the Federal Highway  
14 Administration and U.S. Forest Service.

15 The visual impact analysis concluded that the  
16 level of visual impact would not be higher than what was  
17 classified as low to moderate on a three-level scale at any  
18 of those viewpoints. During the construction process there  
19 would be some visibility of equipment and cranes, tall  
20 cranes during the construction period from nearby areas.

21 The three-level impact analysis rating for visual  
22 resources was actually based on a number of preceding  
23 analysis methods. That would be there was a six-level  
24 assessment of existing landscape quality based on a visual  
25 scheme. There was also a three-level viewer sensitivity

1 that was taken into account, and then those are then  
2 compiled and reanalyzed to come up with the three levels of  
3 impact analysis. So I just wanted to mention that that is a  
4 fairly rigorous process that is reflected in that final  
5 conclusion of the low to moderate impact conclusion.

6 The next issue I thought might be of interest is  
7 transportation. There will be some improvements to county  
8 and private roads in the area between SR 14 and the project  
9 area. That's primarily to support the large trucks that  
10 will be transporting turbine components to the site. Not a  
11 lot of improvements, but there will be some.

12 During the construction period which will be  
13 approximately a year there will be some small increase in  
14 traffic in and around the project area due to construction,  
15 work force travel to and from the site, as well as equipment  
16 deliveries. There could be some traffic delays on some  
17 local roadways due to maneuvering of these trucks, but there  
18 will also be a traffic mitigation plan and program in place  
19 to minimize those affects with the flaggers and pilot cars,  
20 and that type of thing to help smooth traffic out.

21 There will be a transportation management plan  
22 prepared that will ultimately be approved by Skamania County  
23 and by EFSEC to address those issues as well.

24 The final topic I'd like to hit on would be  
25 socioeconomics. Some of the analysis of that affect would

1 be that during the construction period, the one-year  
2 construction period, approximately 330 full-time and  
3 part-time workers would be employed at this project site  
4 side. The construction expenditures of approximately \$150  
5 million, approximately \$13.2 million of that \$150 million  
6 would be spent locally.

7 Then one final point. Based on the project  
8 assessed value, and this is stated in the EIS, about \$87.5  
9 million annual property tax revenues to Skamania County  
10 would be approximately \$731,000 per year.

11 That concludes my brief summary of the findings of  
12 the FEIS. Is there any questions?

13 CHAIR LUCE: Council Member questions?

14 MS. ADELSMAN: I do have a quick question on the  
15 biological resources. You talk about the temporary habitat  
16 loss of 53 plus and then permanent of 60.7, and then in the  
17 land use and recreation you talk about conversion of 56  
18 acres of forestland. So is the 60.7 does that include the  
19 56?

20 MR. AARTS: Correct.

21 MS. ADELSMAN: So could I assume the rest is not  
22 forestland?

23 MR. AARTS: Correct. It would be other types of  
24 habitat that would be affected by roadway widening and other  
25 facilities: the BPA interconnection substation, that type of

1 thing. I can provide more information for you if you would  
2 like on the specifics of that.

3 MS. ADELSMAN: No, that's all right. I just  
4 wanted to make sure --

5 MR. AARTS: -- it wasn't in addition to?

6 MS. ADELSMAN: Yes, it's not in addition to.

7 MR AARTS: No.

8 CHAIR LUCE: Other Council Member questions?  
9 Staff, you have anything to add?

10 MR. POSNER: Well, as I said earlier, where we're  
11 at is we're waiting for the document, and I think as  
12 Chairman said, as Al said, we apologize for not having that  
13 document today. Originally we hoped to have it available.  
14 We are in the final stages of having it finalized and  
15 available to the public, and we will make it available as  
16 soon as possible hopefully within the next week or so.

17 MS. ADELSMAN: I do have another question.

18 CHAIR LUCE: Yes.

19 MS. ADELSMAN: Al, you said that the Draft EIS  
20 will be not changed at all. So the final pretty much looks  
21 like the draft except the responses?

22 MR. WRIGHT: No, what I meant was the document  
23 that ENTRIX has produced now it will be the Final EIS as  
24 soon as it's printed. What I was trying to imply is there  
25 are no more drafts. There is no more revisions to the

1 document. The last document I saw, the response to  
2 comments, and we sent you that issue tracker, that comment  
3 tracker, that constituted the end of revisions to the  
4 original draft. And I've looked at that and said, you know,  
5 I at least I determined that's an adequate SEPA document,  
6 and it's going to the printer. There are no changes to it.

7 MS. ADELSMAN: So when you look at the draft and  
8 you look at the final are there any significant changes?

9 MR. WRIGHT: There are a number of major changes  
10 in the form of response to comments that have been received  
11 over this whole period that I went over. Yes, the document  
12 has gone through some substantial changes.

13 MR. POSNER: One thing I might add is when you  
14 receive the document it will be very clear to you the  
15 changes, text changes that have occurred in the document.  
16 They will be red font and underlined so you will be able to  
17 see. Essentially you're seeing the Draft EIS with all the  
18 changes in a final document. Essentially you're looking at  
19 the draft with the additions of all of the changes and then  
20 plus all of the copies of all of the comments that we  
21 received and the responses to those comments. In the  
22 response to comments there's also there will be a reference  
23 when that response resulted in a change to the text, it will  
24 reference back so that you can go quickly to whatever page  
25 changed in the document.

1 MS. ADELSMAN: And the same version will be  
2 available to the public so they will be able to see the  
3 changes?

4 MR. POSNER: Yes, that's correct.

5 CHAIR LUCE: Other Council Member comments,  
6 questions?

7 Al, do you have anything further?

8 MR. WRIGHT: Not on the EIS, no.

9 CHAIR LUCE: All right. That is the subject of  
10 today's meeting, the EIS, so I'm going to draw this meeting  
11 to a close. The fact that the EIS is completed yet to be  
12 signed as soon as printing is finished, will not be further  
13 changed, and will be available to the public soon in the  
14 format as discussed, it should not be interpreted or  
15 construed as suggesting a final decision has been made in  
16 this case. It hasn't been. The final decision will be  
17 publicly announced as soon as possible and will include  
18 several parts, an adjudicatory order and other parts as  
19 appropriate.

20 So with that, Judge Wallis, do you have anything  
21 to add?

22 JUDGE WALLIS: No.

23 CHAIR LUCE: Legal counsel?

24 MR. CREWS: No.

25 CHAIR LUCE: Council Members?

1                   Hearing nothing more the meeting is adjourned.

2   \* \* \* \* \*

3                   (Whereupon, the special meeting was adjourned at  
4 10:09 a.m.)

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In re: Whistling Ridge Energy Project  
Application No. 2009-01

A F F I D A V I T

I, Shaun Linse, CCR, do hereby certify that the foregoing transcript prepared under my direction is a full and complete transcript of proceedings held on August 3, 2011, in Olympia, Washington.

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Shaun Linse, CCR 2029