

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.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

Shaun Linse, CCR 2029