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5 **BEFORE THE STATE OF WASHINGTON**
ENERGY FACILITY SITE EVALUATION COUNCIL

6 In the Matter of the Application of:
7 Scout Clean Energy, LLC, for Horse
8 Heaven Wind Farm, LLC, Applicant

DOCKET NO. EF-210011
COUNSEL FOR THE
ENVIRONMENT'S PRELIMINARY
LIST OF DISPUTED ISSUES

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11 Counsel for the Environment submits this preliminary list of disputed issues for
12 discussion purposes during the March 20, 2023, pre-hearing conference in this matter. Counsel
13 for the Environmental anticipates it will be updating and revising these issues and submitting a
14 final list in accordance with the adjudication schedule.

15 **Environmental Impact Issues**

- 16 1. Whether the application accurately quantifies and represents the Project's adverse
17 impacts on wildlife, birds and bats, including, but not limited to mortality, and cumulative
18 impacts?
19 2. Whether the Project will produce minimal adverse effects on the environment, land and
20 wildlife, birds, and bats?
21 3. Whether the Project proposes adequate mitigation and/or avoidance measures to reduce
22 mortality and adverse impacts on wildlife, birds and bats?
23 4. Whether the application should more fully assess and consider the environmental impacts
24 of the project on greenhouse gas emissions, including emissions reductions resulting
25 from the project and how the project fits into the pressing need for increased energy
26 facilities?

1 **Location Specific Issues**

- 2 5. Whether the application adequately considers alternative project layouts to avoid direct
3 habitat loss and fragmentation, including, but not limited to avoiding development in the
4 east solar field?

5 DATED this 20th day of March, 2023.

7 BOB FERGUSON
8 Attorney General

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10 Sarah Reyneveld, WSBA #44856
11 Counsel for the Environment
12 Assistant Attorney General

1 **DECLARATION OF SERVICE**

2 I declare that I caused a copy of the foregoing document to be served on all parties or
3 their counsel of record on the date below as follows:

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6 I declare under penalty of perjury under the laws of the State of Washington that the
7 foregoing is true and correct.

8 DATED this 20th day of March, 2023, in Des Moines, Washington.

9 *Julie Dolloff* _____

10 Julie Dolloff, Legal Assistant
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