

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of)
Application No. 2006-02) Adjudicative
DESERT CLAIM WIND POWER, LLC) Public Hearing
DESERT CLAIM WIND POWER PROJECT) Pages 15 - 67
_____)

An Adjudicative Public Hearing in the above matter was held on Monday, July 13, 2009, at the Hal Homes Community Center, 209 North Ruby Street, in Ellensburg Washington at 7:00 p.m., before the Energy Facility Site Evaluation Council Members.

* * * * *

JUDGE WALLIS: This hearing will please come to order. Good evening, Ladies and Gentlemen. This is an adjudicative hearing in the Energy Facility Site Evaluation Council Matter 2006-02, which is an application of the Desert Claim Wind Power, LLC, to construct a wind-powered electric generation facility. This hearing is being held according to formal notice to the parties and notice by publication to the members of the hearing. This hearing is being held on July 13 of the year 2009 at the Hal Holmes Community Center in Ellensburg, Washington.

My name is Bob Wallis and I am the Administrative Law Judge for the Energy Facility Site Evaluation Council. On behalf of the Council, I want to thank you very much for

1 taking your time tonight and participating in this meeting.

2 To begin I would like to identify the people who
3 are here tonight from EFSEC. The EFSEC Council Members are
4 the judges who will decide on the recommendations to the
5 Governor about this proposed project. The following EFSEC
6 members are present tonight, and I'm going to ask each of
7 them to raise their hands so that you can identify them as I
8 state their name and their position.

9 First is the Council Chair, Jim Luce, to my
10 immediate right. Dick Byers represents the Utilities and
11 Transportation Commission; Hedia Adelsman, the Department of
12 Ecology; Dick Fryhling, Community Trade and Economic
13 Development; Mary McDonald, the Department of Natural
14 Resources; Ian Elliot, Kittitas County, and Jeff Tayer,
15 Washington Department of Fish and Wildlife.

16 There are other people in the room here tonight
17 from EFSEC. These include the EFSEC Assistant Attorney
18 General Kyle Crews to my immediate left and EFSEC staff. If
19 you have questions about the process or about the project,
20 you can ask any of the Council staff members who include
21 Allen Fiksdal, Stephen Posner, Jim La Spina, and in the back
22 of the room Tammy Talburt.

23 Before we begin receiving public testimony tonight
24 the Applicant will through a brief presentation by Mr. Steeb
25 present a project description so that everyone here has an

1 opportunity to understand the basics of the project.

2 Mr. Steeb, would you step forward, please.

3 Mr. Steeb, I will remind you that you were sworn under oath
4 earlier today and you remain under oath for this
5 presentation. With that, I will ask you to please proceed
6 with your brief project description.

7 MR. STEEB: Good evening, Council Members, People
8 of the Community of Ellensburg and Kittitas county. I would
9 like to take this very short opportunity to just highlight
10 the Desert Claim Wind Power Project. We have a couple maps
11 that are part of our application and many have seen. This
12 wind power project is located about eight miles northwest of
13 where we sit right now out in the northeastern part of
14 Kittitas Valley. It has multiple transmission lines running
15 through it as they're shown on the maps. It's a very active
16 cattle ranching area. The specifics for the project is this
17 project is 5,200 acres as we've presented. It consists of
18 95 wind turbines that we are looking at. Each of those wind
19 turbines is a two-megawatt wind turbine for a total of
20 190 megawatts. As we said, the 5,200 acres, a portion of
21 that is state DNR land and the remaining portion of that
22 project is between five different private landowners.

23 I think that basically summarizes it. If there
24 are questions of either the Council or others later, I will
25 be willing to follow through on that.

1 JUDGE WALLIS: Very good. Thank you very much.

2 The purpose of tonights meeting is to receive
3 comments on the proposed project from members of the public.
4 You may testify tonight and you may share your comments with
5 the Council in that way. In addition, the Council will
6 accept written comments tonight or you may send your written
7 comments to the EFSEC office. To be considered the comments
8 should be postmarked or received by July 24, 2009. If you
9 have written comments with you or if you want to write
10 something down tonight instead of speaking your comments,
11 please give them to Ms. Talburt, our representative in the
12 back of the room.

13 If you testify, you do not need to send those same
14 comments to the Council in writing, and if you submit
15 written comments you do not need to present the same
16 comments orally because your comments will be considered by
17 the Council. Tonight's comments are part of the official
18 hearing record, and for that reason I will swear in every
19 witness by asking you to swear or affirm that your testimony
20 is going to be the truth. It is very important that the
21 audience be silent when a witness is speaking so the Council
22 and the court reporter and members of the public who are
23 here can all hear the witness. When you testify, please be
24 specific about your concerns. If you need to come and go
25 during the meeting, please do that as quietly as you can.

1 If it turns out that you agree with comments that someone
2 presented earlier, your comments will be just as effective
3 if you state that agreement rather than repeating them and
4 doing so will help ensure that everybody who wants to
5 present comments tonight will be able to have a chance to
6 speak.

7 I'm going to have the sign-up list in just a
8 moment and I will be naming two or three witnesses at a
9 time. We have chairs available behind the podium so when
10 your name is called please come up and approach the podium,
11 and the first person who is called will be the speaker, then
12 the next person, and so on, and you may be seated behind the
13 podium.

14 When you come forward to give your remarks, I will
15 ask you to state your full name and spell your last name,
16 give your mailing address, and tell us whether you are
17 representing the views of a group or an organization.
18 Please speak clearly for the Council, the court reporter,
19 and other members of the public, and if you have brought
20 written materials please give them to EFSEC staff at the
21 sign-up table after you testify.

22 So may we have the first sign-up sheet, please.
23 Thank you, Ms. Talburt.

24 The first person listed is Craig Nevil, then Don
25 Price, and then Roger Clerf.

1 So, Mr. Nevil, will you raise your right hand,
2 please.

3 (Craig Nevil sworn on oath.)

4 JUDGE WALLIS: Could you state your full name and
5 spell your last name for the record, please.

6 MR. NEVIL: Craig Nevil, N-e-v-i-l, 707 West
7 Second Street, Cle Elum.

8 JUDGE WALLIS: Very well. Please proceed with
9 your comments.

10 CRAIG NEVIL,
11 having been first duly sworn on oath,
12 testified as follows:

13
14 MR. NEVIL: You probably heard this morning about
15 all the economic benefits to the various agencies that are
16 involved. I would like to go at it from a little different
17 approach, on the cost of delay what we run into. This
18 project has been messing around with it for five, six, seven
19 years. During that time frame the cost of turbines has more
20 than doubled. That cost is ultimately going to be paid by
21 these people back here. If we delay this any further and
22 don't expedite it, it's going to be quite a problem. Yeah,
23 there are issues that is going to come up is the cost of
24 capital. Whether these people keep this project or Puget
25 buys it, ultimately this project is going to be servicing

1 partially the local community. And if in fact they're going
2 to put a mortgage on this property, which no doubt they
3 probably will, some kind of long-term financing. I think it
4 would be fair to assume that the cost of that long-term
5 financing is going to go up precipitously with the printing
6 of money that we're going through right now. Anybody with
7 any common sense would agree that that will happen.

8 I've been a stock broker for more than 30 years
9 and go back to the WPPSS 17 percent AAA tax freeze, the Pac
10 Power 18 percent bonds, and if you look at the total amount
11 of debt that we're facing relative to our GNP, you can make
12 a case that the cost of long-term financing is going to
13 exceed that at some point in the future. Ultimately this
14 crowd, me as a utility payer is going to pay that.

15 So I'm only here to urge you to expedite this
16 particular facility and other facilities like that so we
17 don't have to pay so much. That's all I got. Thank you.

18 JUDGE WALLIS: Thank you, Mr. Nevil.

19 Mr. Price, then Mr. Clerf and Marshall Madsen step
20 forward, please.

21 Would you state your name and spell your last name
22 for the record, please.

23 MR. PRICE: Don Price, P-r-i-c-e.

24 (Don Price sworn on oath.)

25 JUDGE WALLIS: State your address for the us,

1 please.

2 MR. PRICE: 2709 Judge Ronald Road, Ellensburg.

3 JUDGE WALLIS: Please proceed with your comments.

4 DON PRICE,

5 having been first duly sworn on oath,

6 testified as follows:

7

8 MR. PRICE: Thank you for the opportunity to come
9 before this audience this evening. I've long been an ardent
10 supporter of renewable energy but had questions about wind
11 power. Those questions have been since addressed and I am
12 now convinced the wind power project is right for
13 Ellensburg.

14 In addition to providing the renewable power for a
15 significant number of homes, the project offers tremendous
16 economic benefits to the county and the city of Ellensburg.
17 As an administrator for the Ellensburg School District for
18 25 years, now retired but still passionate about education,
19 I am particularly excited about and would like to highlight
20 the economic impact on our school system by locating the
21 wind project in the Ellensburg School District.

22 To be specific and concise, the Desert Claim Wind
23 Power Project, if appropriately sited, will not only
24 contribute to the maintenance and operation levies through
25 property assessment, it will also significantly broaden the

1 tax base in the school district thereby reducing the burden
2 on the individual taxpayer for current and future bond
3 levies. I am of the opinion that the broader tax paid base
4 may very well make the difference between the passage and
5 the failure of future building bonds and levies.

6 Wind power makes sense for our community, and I'm
7 pleased to go on record in support of locating a project in
8 our valley within the Ellensburg School District, and thank
9 you for the opportunity to be here this evening.

10 JUDGE WALLIS: Thank you for appearing.

11 Mr. Clerf.

12 (Roger Clerf sworn on oath.)

13 JUDGE WALLIS: Would you state your name and spell
14 your last name for us, please.

15 ROGER CLERF,

16 having been first duly sworn on oath,

17 testified as follows:

18

19 MR. CLERF: My name is Roger Clerf. Last name is
20 C-l-e-r-f. My address is 6651 Upper Peoh Point Road, Cle
21 Elum, and I'm here speaking in favor of the wind farm
22 project.

23 First, I'd like to have a question for the Council
24 here. Is it ironic or is it just coincidence we're talking
25 here about a wind power project and we've had enough wind to

1 go through the valley today to power the entire state?

2 I strongly support the Desert Claim Wind Power
3 Project for several reasons. First of all, we need the
4 energy this project will produce. It is renewable and free
5 for the taking. While oil prices have dropped from their
6 highs of a year ago this is a temporary drop. Demand will
7 still exceed supply again and oil is finite or has a finite
8 supply. This project will produce jobs for construction and
9 continued operation by private investment not government
10 stimulus. These jobs will be long lasting, not temporary
11 made with the foolishness that we are seeing today. This
12 project will benefit private landowners and the State
13 Department of Natural Resources which provides funds for
14 state schools.

15 The fourth reason, property tax payments of more
16 than one and a quarter million dollars will be paid annually
17 to the state, to the county, school districts, hospital
18 districts, and fire districts. About six months ago we had
19 a letter to the editor in the Daily Record whereby the
20 person writing was opposing the wind power project and he
21 said these composed tax statements or payments would be an
22 empty promise. Well, I have news for him. These are not
23 empty promises. It is state law.

24 The fifth reason, Bonneville Power Administration
25 is making big plans for the integration of wind power. They

1 want it, they need it, and they're getting ready to
2 accommodate it. In their monthly issue called The Journal
3 there are two headline articles right here. One of them
4 says new plans speed wind integration work, the second one
5 bringing more wind power into the grid. The Northwest Power
6 and Conservation Council in its winter and spring quarterly
7 issues has a large article on wind power integration which
8 shows a map listing 52 proposed planned building or in
9 progress wind projects right now across the Northwest. So
10 wind power is a big thing, it's the money thing, and we urge
11 your expedient approval of this project. Thank you.

12 JUDGE WALLIS: Thank you.

13 The next person on our list is Dan Morgan, then
14 Roger Overbeck. Oh, Mr. Madsen, step forward, please.

15 (Marshall Madsen sworn on oath.)

16 JUDGE WALLIS: Please proceed. State your name
17 and your business address for us.

18 MR. MADSEN: My name is Marshall Madsen,
19 M-a-d-s-e-n.

20 JUDGE WALLIS: Very well. Your business address.

21 MR. MADSEN: 609 North Main Street.

22 JUDGE WALLIS: Are you representing a group here
23 this evening?

24 MR. MADSEN: I'm representing the Chamber of
25 Commerce.

1 JUDGE WALLIS: Very well. Please proceed.

2 MARSHALL MADSEN,

3 having been first duly sworn on oath,

4 testified as follows:

5
6 MR. MADSEN: I have a letter dated June 11, 2009.

7 To whom it may concern: In 2008, the Chamber conducted a
8 poll of its members about certain issues of the times. One
9 such issue was support of wind farm projects in the
10 surrounding areas of Ellensburg. Of those that responded to
11 this question on the survey 94 percent were either in strong
12 support or support of these wind farms. Additionally, this
13 same support suggested the locations of county overlay
14 zones, current power transmission line corridors, and
15 unpopulated areas of the county.

16 The Chamber of Commerce is a membership
17 organization and as such based on results of this survey the
18 Ellensburg Chamber of Commerce is in very strong support of
19 our local wind farm projects. Our members recognize the
20 renewable nature of this energy generator and the very
21 favorable economic impacts these farms will have on our
22 local economy. It was signed by myself as the Executive
23 Director and our entire board.

24 JUDGE WALLIS: Very well. Thank you very much.

25 If you would like to present a copy of that to Ms. Talburt

1 at the back, it will be part of our record.

2 MS. TALBURT: Your Honor, we're having trouble
3 hearing in the back from the folks speaking at the podium.

4 JUDGE WALLIS: Let's be off the record for a
5 moment.

6 (Off the record to move podium.)

7 JUDGE WALLIS: Let's be back on the record
8 following a brief rearrangement of facilities.

9 (Dan Morgan sworn on oath.)

10 JUDGE WALLIS: Please state your name and spell
11 your last name for our records.

12 MR. MORGAN: Dan Morgan, M-o-r-g-a-n.

13 JUDGE WALLIS: And your address is?

14 MR. MORGAN: P.O. Box 999, Ellensburg.

15 JUDGE WALLIS: Very well. Please proceed with
16 your comments.

17 DAN MORGAN,
18 having been first duly sworn on oath,
19 testified as follows:

20

21 MR. MORGAN: I'm Dan Morgan. I own Morgan & Son
22 Earth Moving. We're a local excavation contractor and most
23 of you have heard me talk in favor of these projects before
24 so you know the benefits of green energy and the tax
25 benefits so I'm going to keep it short and sweet.

1 I have employees. It's the middle of July and I
2 have employees right now that aren't working that need to be
3 working, and I have a stack of applications on my desk from
4 several local people that would like to be working as well.
5 So I would like to urge you to expedite this process and get
6 this thing going as fast as we can. Thank you.

7 JUDGE WALLIS: Thank you for your comments.
8 Mr. Overbeck, you're on next. While Mr. Overbeck is
9 stepping forward Eloise Kirchmeyer and Ed Lulofs step
10 forward and take a seat in the front, please.

11 (Roger Overbeck sworn on oath.)

12 JUDGE WALLIS: Please proceed and state your name
13 and spell your last name.

14 MR. OVERBECK: Roger Overbeck, O-v-e-r-b-e-c-k.
15 My address is 5160 Lower Green Canyon Road, Ellensburg.

16 JUDGE WALLIS: Please speak into the microphone so
17 that we can all hear and proceed with your comments.

18 ROGER OVERBECK,
19 having been first duly sworn on oath,
20 testified as follows:

21

22 MR. OVERBECK: Thank you. I have several
23 questions. What impact does the west side have on this
24 project? That's one of my questions.

25 This morning I listened to the adjudicative

1 hearing, I listened to Steeb, the project director for
2 Desert Claim, and he came up with 15 -- if I remember the
3 testimony, he came up with 15-foot wide roads in this
4 project for ingress and egress on their private land, and
5 I'm concerned because I feel that somebody hasn't done their
6 homework because the fire marshal and anything in this
7 valley requires 20 foot wide roads. It requires a
8 75,000-pound load capacity on the road system, and if
9 they're dead end roads they require a 96-foot turnaround a
10 cul-de-sac in, and I don't know where he's getting or
11 testifying to the validity of 15-foot wide roads. I think
12 it should have been addressed at that time, but we couldn't
13 talk during the adjudication hearing.

14 On Exhibit No. 10, which was filed by Ronald
15 Cridlebaugh, and this was put into the direct testimony,
16 prefiled direct testimony; and it states from the project
17 from 2006 through the current time of -- 2002 when it
18 started to 2006 and he states in his affidavit he's only
19 been with this particular group for four months, but he's
20 giving direct testimony on his prior experience in what the
21 record showed previously, and the previous record dealt with
22 a much larger turbine base and it has been downsized. So
23 I'm wondering why we're padding the testimony for the
24 Applicant.

25 Another item that I haven't seen or heard being

1 addressed is a surety bond to be deposited with a trust
2 account to Kittitas County for \$32 million for the
3 landowners. Since enXco does not have any assets in the
4 state of Washington and we don't know if they're solvent or
5 not, my question comes in if a judgment is rendered, and
6 during litigation we're not going to France to try and
7 collect this. We need some assurance during their reign so
8 that they cannot sell or transfer. And if we look in the
9 preliminary application, it says for foreclosure they can
10 sell or transfer their assets. So this puts a question in
11 my mind just to how solvent the company is. No PNLs have
12 ever been exhibited so we don't know the strength of the
13 corporation. But my main concern is that the residents in
14 this geographical area have something that if a judgment is
15 rendered that we have something to attach. Thank you.

16 JUDGE WALLIS: Thank you for your testimony.
17 Ms. Kirchmeyer.

18 (Eloise Kirchmeyer sworn on oath.)

19 JUDGE WALLIS: Please state your name and spell
20 your last name for the record.

21 MS. KIRCHMEYER: Eloise K-i-r-c-h-m-e-y-e-r.

22 JUDGE WALLIS: And what is your address,
23 Ms. Kirchmeyer?

24 MS. KIRCHMEYER: 16281 Reecer Creek Road.

25 JUDGE WALLIS: Please proceed with your comments.

1 ELOISE KIRCHMEYER,
2 having been first duly sworn on oath,
3 testified as follows:
4

5 MS. KIRCHMEYER: In Washington there are 66,581
6 square miles. I can't see why all the turbines have to be
7 in Kittitas and Klickitat counties. The last time I looked
8 the sun and the wind and the grid does not end at the
9 Columbia River. I think the rest of this county should
10 stand up and take a share of these projects.

11 And energy executives call these farms an
12 experiment. What's the experiment of and are we the guinea
13 pigs? Is Ellensburg an experiment with five wind farms on
14 line or coming on line? Our electric bills plus cap and
15 trade are going to raise our electric to who knows what.
16 It's not going to attract any retail. How will Ellensburg
17 survive this?

18 And these are foreign owners. I thought we
19 learned our lesson with the oil. Do we have to depend on
20 other countries to develop these projects?

21 Another thing I would like to address is bird
22 mortality. I was reading in the book that they're
23 predicting small bird mortality between 430 to 740 per year,
24 raptures 14 per year, and the loss of the winter habitat.
25 And I found no information on the migratory birds, and

1 there's a great deal of birds that go over that hill. They
2 have to go up Upper Green to get to Blewett to get over the
3 pass, and there's cranes, there's swans, geese, all kinds of
4 birds.

5 I'd like to address the solar panel. It would
6 remedy a lot of our problems. There's no shadow flicker.
7 There's no bird mortality, and they employ many people too.

8 And I'd also like to address the bond for removing
9 these things. I saw that the life expectancy of these are
10 20 years. Is there a bond for removal or repair or whatever
11 is going to happen to these things later? I also read that
12 none of these will ever replace a coal mine and I think
13 that's it. Thank you.

14 JUDGE WALLIS: Thank you for your comments.

15 Mr. Lulofs, would you step forward, and while
16 Mr. Lulofs is stepping forward, Liz McCosh and Bill Boyum
17 and David Crane please step forward.

18 (Ed Lulofs sworn on oath.)

19 JUDGE WALLIS: Would you state your name and spell
20 your last name for us and state your address, please.

21 MR. LULOFS: Dr. Edward Lulofs, spelled
22 L-u-l-o-f-s, and I reside at 13041 Reecer Creek Road.

23 JUDGE WALLIS: Please proceed with your comments.

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

EDWARD LULOFS,

having been first duly sworn on oath,

testified as follows:

MR. LULOFS: Okay. I'm an adjunct professor of physics and engineering at CWU and a former associate professor of the physics at Azusu Pacific University. I have heard a lot of short-term thinking and some rosy predictions, but as I understand the facts 1 in 100 of these turbines catch fire, and I'd like to know if there's any kind of fire suppression systems in these turbines. I don't know of any that have them. That's why most turbines are put off shore.

I know that Kittitas County is not equipped to fight a fire that's occurring two, three hundred feet in the air where the turbine is and so you just have to let it burn out throwing flaming debris, and Kittitas County is going to have to fight the range fires after they start. They're most likely to have a fire in August during high winds. That's the most stressful time. I'm two minutes downwind of these things so I'll have a two-minute warning before I have to evacuate and I'm burned out.

I haven't seen anything about whether this company has any kind of liability insurance to cover or am I just going to be out my total investment in my farm, barn

1 property, as well as all the cattle and the other people
2 that might be burned out? And I'm also concerned that the
3 company put up a bond to cover any kind of fire damage and
4 removal at the end of the turbine life. I've seen a lot of
5 corporations that made wonderful promises and then when they
6 decide it's no longer profitable they just declare
7 bankruptcy and the people of Kittitas County in this case
8 would be stuck with the bill and the eyesore of these towers
9 out there.

10 Some people seem to be concerned about the bird
11 loss. So all I do is have to point a videocamera out my
12 window and leave on record mode, and if I get one of these
13 bald eagles getting chopped up in a turbine, put it on
14 U-Tube is that going to cause the public to cause these
15 windmills to fall out of favor and then they turn them off,
16 they go out of business? Then what do we have?

17 I think they're poorly sited here. Europe has
18 been doing these wind turbines for quite a while. They
19 don't put any of them within one mile of houses and most of
20 them are off shore because most of the wind energy is off
21 shore. I don't understand why this company's profits and
22 these short-term goals are being put ahead of our eagles and
23 our citizens. Thank you.

24 JUDGE WALLIS: Thank you very much for your
25 comments.

1 Is it McCash, McCosh?

2 MS. McCOSH: McCosh.

3 JUDGE WALLIS: Ms. McCosh, please step forward.

4 (Liz McCosh sworn on oath.)

5 JUDGE WALLIS: Please state your name and spell
6 your last name for us.

7 LIZ McCOSH,

8 having been first duly sworn on oath,

9 testified as follows:

10

11 MS. McCOSH: Liz McCosh, M-c-C-o-s-h. I live at
12 201 Casey Drive which is off Reecer Creek. This project
13 would be on three sides of my home. I also have another
14 piece of property that fronts Reecer Creek which is even
15 closer to this project. I don't know if I would be able to
16 get a loan to put a house up on that property.

17 Nobody can predict anything. We can't predict
18 that the wind will blow everyday, hopefully while we all
19 live the sun shines everyday. So I would like to go along
20 with the previous speaker on I don't understand why we're
21 not encouraging solar power plants here rather than wind
22 power.

23 Can't predict fires. I know that Reecer Creek
24 doesn't give you a lot of options on how to get out of there
25 were a fire to occur in our area. That does concern me. I

1 have 20 horses running around. Can you imagine trying to
2 evacuate them and move them safely?

3 Our Grandson lives with us. I worry about his
4 safety going outside now. Before the last meeting I did an
5 awful lot of research. I actually blew up my computer doing
6 research, seeing wind turbines on fire, realizing that
7 Europe is up on us. They don't allow wind turbines within
8 one and a half kilometers of homes what I've been reading,
9 France especially. Gee, they send their company over here
10 to invade us. Obviously the people who live in the area are
11 going to be against them without some sort of guarantee that
12 these things aren't just going to become an eyesore and
13 reduce our property values. That means a lot to us,
14 especially in this day and age when nothing is worth much
15 except for your property.

16 Read research from people opposing because of
17 flight patterns for airplanes. They've already had to
18 change the flight pattern for the airport because of Wild
19 Horse so what's going to happen? You know, I'm sitting
20 there watching planes fly over my house four, five, six
21 times a day, and where are they going to go? How are they
22 going to have to change their routes? You know, I feel
23 sorry for the people that have the property that isn't worth
24 anything other than putting up wind farms.

25 I do not believe that it has been proven that

1 industrial wind farms are consistently producing energy to
2 make all these gigantic claims of how profitable they will
3 be for our county. The sun shines everyday. Let's look
4 there for energy.

5 JUDGE WALLIS: Thank you for your comments. Bill
6 Boyum.

7 (Bill Boyum sworn on oath.)

8 JUDGE WALLIS: Would you state your name and spell
9 your last name for us, please.

10 MR. BOYUM: It's Bill Boyum, and it's B-o-y-u-m,
11 and I reside at 113 Lookout Mountain Drive, Ellensburg.

12 JUDGE WALLIS: Thank you.

13 BILL BOYUM,
14 having been first duly sworn on oath,
15 testified as follows:

16
17 MR. BOYUM: I'm speaking tonight in support of the
18 Desert Claim Project. My reasoning for supporting this
19 project is mainly centered around the land that is in the
20 project that was given to the state of Washington at the
21 time of statehood for the sole benefit of schools. A land
22 rich, cash poor federal government gave the State of
23 Washington land to set up infrastructure necessary to
24 educate our children. These school lands are held in trust
25 and are managed with the undivided loyalty for the sole

1 benefit of construction of our K through 12 educational
2 system.

3 The Department of Natural Resources is charged
4 with managing these trust lands to optimize the economic
5 return to support the schools. As a steward of the land
6 they must ensure that the environmental societal issues are
7 properly addressed.

8 The project will greatly benefit schools of the
9 state. The expected revenue of over \$400,000 will add
10 positively to the common school construction front.

11 Presently the lands that are managed by the Department of
12 Natural Resources for the schools generate less than one
13 dollar per acre for grazing.

14 In addition, the improvements will have a direct
15 tax benefit for the Ellensburg School District and other
16 junior taxing districts. The wind farm represents a
17 positive economic boost to all the landowners who have
18 leased land to Desert Claim. It will also bring family wage
19 jobs to our valley. On a day like today with winds blowing
20 steady at 30 miles an hour with gusts to 49 it makes sense
21 to harness this resource and make wind for the betterment of
22 our schools and the livelihood of the landowners who have
23 opted into this project. I urge you to support this
24 project.

25 JUDGE WALLIS: Thank you, Mr. Boyum.

1 David Crane is next. As Mr. Crane steps forward,
2 Chris McCabe and Chris Burtchett please step forward and
3 take seats.

4 (David Crane sworn on oath.)

5 JUDGE WALLIS: Please state your name and spell
6 your last name.

7 MR. CRANE: My name is David Crane, C-r-a-n-e,
8 1201 North Road, Ellensburg.

9 JUDGE WALLIS: Please proceed with your comments.

10 DAVID CRANE,
11 having been first duly sworn on oath,
12 testified as follows:

13
14 MR. CRANE: I'm one of the Cranes that sometimes
15 go over 97. Honorable Members of the Council, I
16 enthusiastically support the approval and construction of
17 the Desert Claim Wind Power Project for the following
18 reasons:

19 The time is right for the development of clean
20 renewable energy. The imminent appearance of significant
21 numbers of electric cars on the market will increase our
22 need to develop new sources of power generation in the near
23 future. Hydroelectric power has about reached its limits
24 due to lack of new suitable sites. Wind generation poses
25 fewer detrimental effects to the environment than other

1 power sources. The chosen site is ideal for wind farms and
2 undesirable to most people for residential use, the wind
3 being too strong and constant so as to be a continual
4 annoyance.

5 A very significant majority of the residents of
6 this valley support wind generation. I have gone to more
7 than 200 homes and presenting some of the petitions and
8 probably much more than anybody in this community on one on
9 one. Most of the objections to the wind farm sites have
10 been shown to be either deficient in substance or simply
11 self serving.

12 Wind generation is well suited to work in sync
13 with hydroelectric generation. The transmission lines are
14 in close proximity to the Desert Claim site. It has been
15 demonstrated locally and elsewhere that the wind farms are a
16 tourist attraction.

17 Desert Claim will contribute even more to our
18 Ellensburg tax base than the other two approved local sites
19 being in our school district and I think also in the fire
20 district. I believe enXco and the other wind farm people
21 have already shown themselves to be good neighbors.

22 The development of wind generation facilities can
23 be a significant factor in reducing our dependence on
24 foreign oil. Wind farms are less vulnerable to terrorists'
25 attacks than dams and can be more quickly repaired or

1 replaced than dams. Adding some jobs to your local base can
2 be helpful to our now struggling economy.

3 Desert Claim poses no credible danger to property
4 owners in the area, and I would like to add that one of my
5 neighbors just came back from Europe and they have wind
6 towers right in the towns and he shut his car off to see if
7 he could hear how loud they were and you couldn't hear them
8 because of the noise of the traffic. Thank you very much.

9 JUDGE WALLIS: Thank you.

10 Chris McCabe.

11 (Chris McCabe sworn on oath.)

12 JUDGE WALLIS: Please state your name and spell
13 your last name and give us your business address and the
14 name of any organization you represent.

15 CHRIS McCABE,

16 having been first duly sworn on oath,

17 testified as follows:

18 MR. McCABE: For the record, Chris McCabe,
19 M-c-C-a-b-e and the street address is 1414 Cherry Street
20 S.E., in Olympia, Washington 98501.

21 Good evening, Judge Wallis and Chair Luce and
22 Council Members. Thank you for the opportunity to testify
23 here in this beautiful town of Ellensburg tonight. Again,
24 Chris McCabe. I am the Governmental Affairs Director For
25 Energy Policy for Association of Washington Business, and

1 just by way of background AWB serves as the state's chamber
2 of commerce with the largest and oldest business
3 manufacturing and technology association in the state. We
4 represent over 7,000 small, intermediate, and large
5 businesses, and our members employ over 650,000 people in
6 this state.

7 I'm here tonight to testify in strong support of
8 the Desert Claim Wind Power Project Application No. 2006-02.
9 I know there are a lot of other folks that wish to testify
10 so I'll try to keep my comments very brief. I would like to
11 make two main points this evening.

12 First of all, I would like to speak in support of
13 the economic development that this project will create.
14 With a historic state and national economic recession and
15 the state unemployment rate reaching nine and a half percent
16 and likely to climb, projects like Desert Claim need to be
17 approved and be approved expeditiously. I think the prime
18 example is the gentleman that spoke earlier tonight with the
19 excavation company. The construction industry is really
20 hurting, and they could certainly use a project like this.

21 According to the economic research group
22 ECONorthwest the Desert Claim project will create 282 new
23 jobs state wide and this is during construction of the
24 project, 12.6 million new wage income, 2.4 million in new
25 business income, and 33 million in new economic activity

1 state wide, including nearly a million dollars in new state
2 income, state tax revenue which is hugely significant as our
3 state everybody knows continues to struggle with an
4 unprecedented state budget deficit.

5 During operation of the wind farm it will create
6 36 new jobs, 1.9 million in new annual wages, and about
7 435,000 to the state school fund, and that's not to mention
8 all of the benefits to the county and local governments and
9 the local economy.

10 The second point I would like to make this evening
11 is the Desert Claim project must be approved to provide
12 qualifying utilities state wide with the ability to meet the
13 standards to comply with Initiative Measure 937 which was
14 passed by the voters in 2006. I know the Council is very
15 well aware by 2020 every qualifying utility in this state
16 has to acquire 15 percent of its electricity from qualified
17 renewable energy resources such as wind power, but the
18 growing demand on electricity load in Washington State
19 Desert Claim will provide approximately 190 megawatts of
20 electricity generation which is enough to power about 57,000
21 homes in this state.

22 Viable wind sites in Washington State like in
23 other places in the country are limited based on geography.
24 Every viable wind site in this, including Desert Claim,
25 needs to be expeditiously permitted and sited for us to

1 comply with the standards in Initiative 937 and again that
2 starts in 2013 the first percentage of nine percent. If
3 qualifying utilities are not able to acquire enough
4 qualified renewable power, again wind power is the most
5 economically viable resource out there, utility companies
6 will incur a 50-megawatt penalty per hour of short fall.
7 Those penalties will allow the utility companies to pass
8 those on to ratepayers. Those are the families and the
9 businesses of this state. We can't afford to have that
10 happen.

11 In conclusion, Desert Claim is an environmentally
12 responsible project with broad local support, great
13 potential for economic development, clean renewable energy
14 that will meet Initiative 937 standards. Thank you very
15 much.

16 JUDGE WALLIS: Thank you for your testimony.

17 Chris Burtchett. As Ms. Burtchett is stepping
18 forward, Catherine Clerf and James Rivard please step
19 forward and take the chairs.

20 (Chris Burtchett sworn on oath.)

21 JUDGE WALLIS: Please state your name and spell
22 your last name for the reporter.

23 MS. BURTCHETT: My name is Chris Burtchett. I
24 live at 12611 Reecer Creek. Spelling of my last name is
25 B-u-r-t-c-h-e-t-t.

1 JUDGE WALLIS: Very well. Please proceed with
2 your comments.

3 CHRIS BURTCHETT,
4 having been first duly sworn on oath,
5 testified as follows:

6
7 MS. BURTCHETT: Well, I hardly know where to begin
8 tonight. I've spent some time traveling around the
9 neighborhood collecting signatures from people who are
10 opposed to the wind farm development. I'm going to leave
11 that list with you. Speaking to many of these people I find
12 that many are disheartened and discouraged and doubt very
13 much that you or the Governor care about our concerns or
14 comments. They seem resigned to the fact that big money and
15 big government will make all the decisions and the local
16 citizens be damned. Many told me that you're just going
17 through the motions and you've already made up your mind and
18 enXco has bought you off. Well, I sincerely hope they're
19 wrong. Surely people who have been appointed and in your
20 position will think seriously and really do care about the
21 effects this wind farm will have on the hundreds of people
22 who live in and around the project area.

23 I have included a self map. I took a picture of
24 the project area, drove around the area, and marked where
25 all the homes were. I counted 168 homes who live within a

1 half mile of the project area. Now I've heard testimony
2 here tonight saying it's unpopulated, that nobody lives
3 there. The people that do live there they don't really like
4 it and they hate it and they shouldn't be there because the
5 wind blows. Well, I'm sorry. I guess maybe I'm the anomaly
6 because I happen to like it there.

7 My husband and I moved there to retire. We moved
8 there to enjoy the wide open spaces and the stars at night
9 and the sounds of birds, and now I guess all that's going to
10 go bye-bye. Our home will probably be impossible to sell.
11 Our children won't have any future here and our animals will
12 suffer. The loud whirling of blades 24/7 and the red
13 flashing lights will cause huge mental breakdowns, and if
14 you don't believe me, you just wait and see.

15 The turbines are pieces of machinery. They need
16 oil to lubricate the bearings. As they age machinery that
17 need oil will leak. Oil will be disbursed through the
18 atmosphere and many miles of access roads will do to our
19 precious ground water and the wells we depend on for our
20 existence who's going to be held accountable: the company
21 who erects these huge machines or the board that gives them
22 permission?

23 Please take into consideration what I have read
24 about enXco's record. They promised to abide by the
25 county's decision when they initially applied. When their

1 application was denied they went to court. They lost.
2 After that they waited in the wings ingratiating themselves
3 with the community by sponsoring events, putting dozens of
4 ads in the paper, and conducting surveys gleaning support
5 for the wind farms. When you and the Governor and the
6 Supreme Court overturned the county's decision, they were
7 salivating at the prospect of success. They came to you
8 with what they called a new proposal. So now here we are.
9 The economy has taken a downturn, the government stimulus
10 money is plentiful, and the climate for alternative energy
11 is ripe. They don't think they can lose. They're already
12 offering monetary buyouts to the residents less than 2,500
13 feet from the monstrous turbines. They've already been out
14 setting stakes and survey markers. They think they have you
15 in their pocket and it's a done deal. When asked how they
16 are going to compensate the residents who are outside of
17 their 2,500 foot criteria they responded by saying we don't
18 have to.

19 Please don't rubber stamp this project. Read and
20 evaluate all the pros and cons. There were hundreds of
21 pages of testimony given before the County's decision in
22 2005. Consider alternative sites. EnXco could have bought
23 into the County's wind farm development area if they'd done
24 it when the County turned them down in 2005. They chose not
25 to. So here we are dealing with it again.

1 There's a huge discrepancy between the jobs that
2 this is suppose to generate. The paper today says 36 jobs
3 state wide. Mr. McCabe says 200 and some odd. I don't
4 remember the exact figure. In all honestly during the
5 initial construction stage there probably will be more,
6 although I've talked to people who are with the Public Works
7 Department who states that when Wild Horse was built all the
8 out-of-state license plates were not anywhere from Kittitas
9 County.

10 I think we need some guarantees. If they're going
11 to tear them down in 30 years put the money up front. If
12 you've been promised all this money by the company for
13 stimulus money for the county you better get it up front too
14 because I have a feeling the day you sign this or if you
15 sign this they will no longer be here. They will have sold,
16 they will have left, and all we're going to be left with are
17 these turbines. If you think they're green, they might as
18 well paint them green because that's about as green as
19 they're going to get. Thank you.

20 JUDGE WALLIS: Thank you for your comments.

21 Catherine Clerf.

22 (Catherine Clerf sworn on oath.)

23 JUDGE WALLIS: Could you state your name and spell
24 your last name for us.

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

CATHERINE CLERF,

having been first duly sworn on oath,

testified as follows:

MS. CLERF: Yes. It's Catherine Clerf. The last name is spelled C-l-e-r-f as in Frank. My address personally is 60 Moe Road, Ellensburg, Washington. My current business address is 420 North Pearl Street, Suite 303, Ellensburg.

I'm choosing to speak tonight completely extemporaneously because we are short and I would like to cover areas that other people have not. I would also like to emphasize that which has already been said. Mr. Nevil is right on in that the cost of capital from 2000 to this point in time has gotten desperately short and is going to increase because we are a debted nation. We owe trillions and as of the Federal Reserve Board the most recent June 29th the average American is 120 percent in debt in proportion to their income.

I am also a corporate officer from a company that does business globally. We do specialize in energy. We did most of the business to this point in time in Asia. We specialize in co-gen plants upon which can't be desalved, co-gen, natural gen, a combination of garbage, mostly American technologies, mostly American patents. The tragedy

1 is it's Americans who hold the patent for most of the
2 technologies of leading edge but we don't use them.

3 What is happening in Asia right now is most of the
4 solar companies, especially if they're just going to give up
5 on the United States and Europe, we're all broke. Brett
6 just put in, is putting in a big Singapore three billion
7 dollar project, and I do want to tell Americans that solar
8 is wonderful, but until we have more than one electron being
9 spun off by one photon it's just not cost effective. I
10 don't care how much the sun shines.

11 Wind however in our country we have natural access
12 of it here and many places and it is very geographically
13 defined. Just like you can't get diamonds in some places
14 but you can in another. It pretty much takes common sense.

15 I am a fourth generation Clerf. My great
16 grandfather came here from Grand-Duche' de Luxembourg in the
17 early 1800s and, yes, Roger Clerf and I are related. He is
18 third generation. I represent the fourth of a side family
19 tree, his grandfather and my great grandfather.

20 My family was behind the dams. For that we gave
21 up a figure-two ranch which is behind Priest Rapids and
22 several hundred feet of water. Many people in this county
23 gave up range land that became the firing range. We have
24 lots of dams and human pride. My family had to give up
25 horses. My family actually had the first freight company

1 from Ellensburg to the Dalles. My grandfather at 12 rode
2 horses to work and things change.

3 But the macro economic point of view, I've said
4 this before and to many people in this audience, we are
5 being left in the ashes of economic forward thinking, the
6 United States. And we are blessed in the Pacific Northwest.
7 Yes, we have more dams, but we also have other abundant
8 resources naturally occurring for which you do not have to
9 pay a fee for that. Mr. Nevil pointed out the cost of
10 capital is going to be more precious than oil very, very
11 soon. It won't matter how good a project. We aren't going
12 to have any jobs if we don't do our infrastructure.

13 We've had this battle in this county over land and
14 its ridiculous value so I'm going to say something that
15 might be crass. Homes in the rural environment that take
16 the place of using the natural resources, whether that would
17 be growing food, timber, growing something that feeds an
18 animal, food that is exportable, that keeps mineral
19 resources from being taken, that keeps forest land, that's
20 not good management of our wildlife and supplant it with a
21 house that's drying ground water. And something up above
22 doesn't affect the ground water like a previous speaker said
23 by the way. That's surface water. But we are exchanging
24 short-term ridiculous things instead of looking to the
25 future.

1 The Pacific Northwest has an opportunity to
2 position itself as probably the first energy independent
3 region of the United States of America which will propel our
4 region to be able to woo back manufacturing facilities. It
5 guarantees that Boeing stays in the state of Washington as
6 the previous gentleman representing all those businesses.

7 I am not a fan of capital trade but I'm not a
8 United States Senator either to vote not to do that. There
9 are other ways to handle this than capital trade in my
10 personal and professional opinion, but the first steps are
11 what is more important.

12 That view I want to remind you your view ends at
13 your property line. That's it. You can look at it, but
14 nowhere in the constitution of any state in the United
15 States is there a rule that says your view is protected
16 beyond your boundary line. If you want to keep the view, do
17 what my family did: buy several thousands of acres of land
18 or own it. But then we lost it in the eminent domain. We
19 made the decision for the greater good of the Pacific
20 Northwest. That was the decision of the second generation
21 of my family and the third, and I have been doing different
22 things with my life because I didn't inherit a legacy.

23 But that's what being an American is. It's called
24 clean up yourself and your boot straps and invent the
25 future. My family helped invent the future in this state,

1 and I would ask that of the people who are baby boomers of
2 my generation who have not done anything in our generation.
3 What we got from our parents and our grandparents we have
4 totally turned our backs in developing the infrastructure
5 for this country, and we are now in the pickle we are in,
6 the corner we are boxed in. We are the world debtor to
7 trillions of dollars, and we have no way to pay for it but
8 printing paper money that is worthless. The day China gets
9 the world to agree to special drawing rights which is how
10 IMS measures money in and out that is the death of the
11 United States of America. Thank you.

12 JUDGE WALLIS: Thank you for your comments.

13 Mr. Rivard.

14 (James Rivard sworn on oath.)

15 JUDGE WALLIS: Will you state your name and spell
16 your last name for us.

17 MR. RIVARD: Yeah, my name's James Rivard,
18 R-i-v-a-r-d. Thanks for having me here, Council.

19 JUDGE WALLIS: Would you state your address for
20 us, please.

21 MR. RIVARD: Oh, yeah, 805 North C Street,
22 Ellensburg, Washington.

23 JUDGE WALLIS: Please proceed.

24 ///

25 ///

1 JAMES RIVARD,
2 having been first duly sworn on oath,
3 testified as follows:
4

5 MR. RIVARD: Thanks for having me here.
6 Washington has been blessed by a vast variety of natural
7 resources, and whether it be hydroelectric power or our
8 nuclear power plants down there at Hanford or wind or what
9 have you, or our great farm we have down in the Yakima
10 Valley or east of us or timber. Really the only concern
11 that I have is I am neither for or against it. I think it's
12 a great way to produce electricity.

13 The concern I have is that there be some
14 government oversight or some oversight to ensure that the
15 citizens of Washington, Kittitas County will always receive
16 lower electricity rates and not have this power shipped off
17 to California because they need it and the citizens of
18 Washington and Kittitas pay the national going average. So
19 that is mainly my concern. So thanks for having me here.

20 JUDGE WALLIS: Thank you for your comments.

21 Jim Gaudino, you step forward, and let me ask at
22 this point, Ms. Talburt, are there others who've signed up
23 to testify this evening?

24 MS. TALBURT: No, there's not.

25 JUDGE WALLIS: Very well.

1 (Jim Gaudino sworn on oath.)

2 JUDGE WALLIS: Could you state your name and spell
3 your last name for our record.

4 JIM GAUDINO,
5 having been first duly sworn on oath,
6 testified as follows:

7
8 MR. GAUDINO: Jim Gaudino, G-a-u-d-i-n-o, and I
9 reside at 210 10th Street in Ellensburg. I'm here speaking
10 as a citizen, and I'm neither necessarily for or against any
11 individual project, but I wanted to enter into the
12 conversation about economic impact of development of this
13 nature. In addition to the type of economic impact that I
14 have heard described and read described I want to offer the
15 possibility that these sorts of initiatives could be
16 combined in a way that partnership between the university,
17 Central Washington University or the University of
18 Washington, local jurisdictions, and the participating
19 companies could create a research center which could both
20 create jobs for researchers in our community and those who
21 might come to our community but also begin to create
22 technologies that would transfer in the local industries.
23 That kind of a model has worked in a number of areas around
24 the country. It certainly could work right here as well.
25 Thank you.

1 JUDGE WALLIS: Mr. Gaudino, are you a
2 representative of a group or organization tonight?

3 MR. GAUDINO: I am not. I'm representing myself.

4 JUDGE WALLIS: Very well. Thank you very much.

5 MS. TALBURT: Your Honor, there are two more names
6 added to the list.

7 JUDGE WALLIS: Let's be off the record for just a
8 moment.

9 (Recess taken.)

10 JUDGE WALLIS: So let's be back on the record
11 please following our brief recess and Mr. McGuffin is next
12 to step forward. Could you remove your hat for this
13 proceeding, please.

14 (Orlin McGuffin sworn on oath.)

15 JUDGE WALLIS: Please state your name and spell
16 your last name for us.

17 MR. MCGUFFIN: Orlin McGuffin, M-c-G-u-f-f-i-n. I
18 live on 207 North Lewis, Kittitas, Washington.

19 JUDGE WALLIS: Please proceed with your comments.

20 ORLIN MCGUFFIN,

21 having been first duly sworn on oath,

22 testified as follows:

23

24 MR. MCGUFFIN: Well, I'm working for Conan right
25 now, Conan Rock Crush up at the Wild Horse project, and

1 we're about out. We've got a couple days left and I go to
2 Barnhart. It's a crane company that put it up there I
3 worked for last time when they did the first. Now they're
4 doing the expansion and they say they won't hire me because
5 they've gone union. So is this next one going to be union
6 and I'm shit out of luck? Because I've lived there all my
7 life and the reason I like the windmill because I grew up on
8 Smithson Road in my backyard so I want to at least put them
9 up and make some money at it. So that's all I have to say.

10 JUDGE WALLIS: Thank you for your comments.

11 Linda Huber.

12 (Linda Huber sworn on oath.)

13 MS. HUBER: Thank you for being here tonight and
14 doing this.

15 JUDGE WALLIS: State your name and spell your last
16 name.

17 MS. HUBER: Linda Huber, H-u-b-e-r.

18 JUDGE WALLIS: And your address?

19 MS. HUBER: 403 North Mason in Kittitas.

20 JUDGE WALLIS: Thank you.

21 LINDA HUBER,

22 having been first duly sworn on oath,

23 testified as follows:

24

25 MS. HUBER: I'm here tonight because I am a strong

1 proponent of the wind farms. We live in the Kittitas area,
2 and I'm a resident of the Kittitas School District. Because
3 of the construction the tax base that was brought to this
4 the school district alone we got our school district the
5 loan on the high school was paid off two years earlier from
6 the proceeds of the wind farm and that freed up a lot of
7 money for the school district to do things in other places.

8 I was also an interim commissioner for last year
9 for about eight months and I was a proponent of wind farms
10 during that time. Some of the concerns that were brought up
11 here tonight had to do with fire districts by the citizens.
12 Part of the taxes that will be paid from this wind farm will
13 go to the fire district which is charged for fire protection
14 in this area and that mediation can be worked with that fire
15 district. The taxes are paid for that.

16 I think this is our chance here in Kittitas County
17 to make this the renewable energy center of the Northwest.
18 We already have one solar and one wind farm out at the Wild
19 Horse. We have another proposed solar project at the
20 Teanaway and Invenergy Project which is out at the Rye Grass
21 and the other is the K Valley which was sited before. The
22 Teanaway Solar Project is still years from being built. The
23 Desert Claim Wind Project is at the final stages of review.
24 If the project is approved quickly we could see some
25 activity on this this fall and have the project built early

1 next year. Supporting the Desert Claim wind farm seems like
2 it makes sense to me. Let's get on with their permitting so
3 that we can get our economy stimulated in Kittitas County.
4 Thank you.

5 JUDGE WALLIS: Thank you for your comments.

6 MS. TALBURT: There is one more name, Your Honor.

7 JUDGE WALLIS: Very well. Thank you, Ms. Talburt.

8 John Burger, would you step forward, please. To
9 the witness stand, please.

10 Could you state your name and spell your last name
11 for us, please, and would you also remove your cap, please.

12 Thank you.

13 MR. BURGER: Yep, John Burger, B-u-r-g-e-r like
14 hamburger without the ham.

15 JUDGE WALLIS: What is your address, please?

16 MR. BURGER: 5991 Smithson Road, Ellensburg.

17 JUDGE WALLIS: Please proceed with your comments.

18 MR. BURGER: You don't want to swear me in?

19 JUDGE WALLIS: Thank you.

20 (John Burger sworn on oath.)

21 JUDGE WALLIS: Please proceed.

22

23 JOHN BURGER,

24 having been first duly sworn on oath,

25 testified as follows:

1 MR. BURGER: Well, 72 years I've been around this
2 United States. I'll seen lots and lots of fires all the way
3 to Sonora, Mexico, the top of the hills in Arizona, and I've
4 watched the devastation without fire suppression or
5 anything. Because Mexicans didn't have any fire suppression
6 system the whole valley and mountains go.

7 A few years ago over 97 we had a raging fire
8 racing this way across 97 towards our house, and I watched
9 it come there and a few years later up there by J.P.'s land,
10 by J.P. up on the hill there behind us the fire raged down
11 the hill. The fire truck come and the volunteers and the
12 Forest Service were up there fighting it. Darn near wiped
13 out a bunch of barns and everything. And then coming up Cle
14 Elum valley there off of 97 and Highway 10 and I-90 watched
15 it raging up through there and cleared it out.

16 These big wind turbines I hear from Chris over
17 there they have lots of oil in them. They're just like an
18 automobile. If they wear out, they start leaking. Anytime
19 you've got oil with the wind and it catches on fire there it
20 goes. Well, all I can say is that if you've got enough
21 fire, and today we had 50-mile-an-hour winds up on the hill
22 there, and you got fire from those turbines, you're looking
23 for fire somewhere in the grass land or the hay fields. All
24 the way around us there are going to be raging fire.

25 Now, I agree we need laborers and mechanics and we

1 need construction workers. The school needs money to build
2 and do what for education. The state got the Governor over
3 there. She doesn't live here. State senators and state
4 legislators they live over there. They don't live here.
5 Maybe a few of the legislators and senators but anyway,
6 yeah, seriously you tell them to come over here and live.
7 All you good people that live in Ellensburg you're safe.
8 And like you said you ain't going to hear those turbines.
9 Why don't you put the turbines up over the top of the town
10 of Ellensburg. You won't hear them because you got
11 Highway 90 across there and the traffic is buzzing all
12 around. I hear the traffic way up on Reecer Creek.

13 I sit up there and watch the City of Ellensburg at
14 night and the wind will come through and I enjoy the wind.
15 Well, I enjoy the wind. I don't so much enjoy the wind
16 turbines but solar cells.

17 If every pole in this valley was lined at the top
18 with solar cells from east to south to west it would be
19 producing more energy than those wind turbines could ever
20 produce. If every light pole, electric pole in the valley
21 could have solar on it, and they have solar cells that will
22 generate in the sun as well as in the clouds and they even
23 have solar cells they are getting out right now that they
24 generate from star power.

25 And we're suppose to have turbines there. I don't

1 have any land here but, my God, what about the people that
2 have registered stock? I have people across the road that
3 have registered sheep. She raced registered horses for
4 years, and there's people that have registered Angus and all
5 kinds of stuff all the way around. And the hay farmers.
6 Hell, they're going to be -- excuse me, they're going to be
7 down the tube. All these people that bring their hay into
8 town to the hay barn to ship to Japan and China they're
9 going to be out of luck because the turbines one out of a
10 hundred catches on fire like Chris and a few other people
11 said.

12 But that one what's it worth? Is it worth one
13 human life, a hundred human life? Who's going to pay? How
14 can you pay the amount that people want for one kid, one
15 grandkid, one great grandkid? Or maybe a hundred people in
16 that valley could go up. I mean this is something just
17 because the education needs to continue, the state wants
18 money, and the construction industry. Don't get me wrong,
19 you all are looking for jobs, money, and everything. But
20 what about the poor people out in the valley? To me I'm
21 getting up there. It doesn't matter. I go, fine. But what
22 about all these poor kids and all these young ones? They're
23 out there trying to make a living. If their ranch lands
24 burn down, their hay fields burn down, we're in trouble.
25 And who's going to pay for the insurance? And who's going

1 to bring those lives back?

2 Now, up there we have eagles flying around the
3 property. We have chicken hawks flying around. We have
4 robins all over, everything, and it's just pretty sad that
5 what if one eagle is not enough. You've got to have ten
6 eagles, a hundred eagles, or do you have to have a whole
7 flock that brought that jet down back there on the Hudson
8 River? But I mean the vultures down there in the south they
9 fly into these turbines off and on all the time because they
10 glide on the wind just like the eagles, just like the
11 chicken hawks, just like everything else.

12 So if we're out there one day and one of those
13 machines ever goes and the grandson is sitting back there
14 and everything, if he dies who's going to pay for bringing
15 him back to life? And that's about all I've got to say.
16 Before you take it back to Olympia and everything you better
17 just think it over twice and the Kittitas Board here turned
18 it down because of such things. The fire department says
19 they can't race up there 500 feet high. Well, who is? You
20 going to have jet transports over here with water towers and
21 spraying them down and everything? All it takes is a few
22 seconds and the whole range land is going to be on fire.
23 And J.P. and Dr. Nelson and the rest of the people -- the
24 Nelson's don't even live here. He's got the land.

25 And the rest of the people that like money that's

1 great. \$4,500 a year for each tower to the landowner. They
2 want to make money. Well, is it worth your kid's lives,
3 your wife's life, your life, your livestock's life? That's
4 up to you to decide. To me I'm standing to the side and
5 watching. And maybe I'll voice my opinion maybe in a year,
6 maybe in five years, maybe in ten years, but we'll see how
7 it happens.

8 And I know. I'm not trying to cut down the
9 construction. I'm not trying to cut down the school. I'm
10 not trying to cut down the state. The state had a
11 \$12 million rainy day fund. It's gone. So if this produces
12 a million a year or two million a year or what, I mean what
13 is it worth? What kind of life is it worth? Whose life is
14 it worth? Is it any of you people here who live out there?
15 If you do, is it worth your life or your kids' life or your
16 grandkids' life? There is a lot of people here tonight that
17 live out there and like the doctor who teaches at Central
18 Washington there, the physics guy, he's lives out there. Is
19 it worth his life, his wife's life, his kids' life? This is
20 something that needs to be really thought over.

21 And if you go back, I don't know where you all
22 come from, but if you go back to Olympia or you go see
23 Gregoire you tell her right out. Put her rear end up there
24 and let something like that happen. She'd shut it down now.
25 But right now the money sounds good for the construction

1 industry, help refinance the schools, remodel them, rebuild
2 a new one, but I still think one life is too much. That's
3 about all I got to say.

4 JUDGE WALLIS: Thank you very much for your
5 comments.

6 MR. BURGER: Thank you.

7 JUDGE WALLIS: Are there any other people in the
8 audience that would like to testify before we conclude
9 tonight's session? Do I see any hands from people who would
10 like to come forward?

11 I see no hand at all. I want to thank everyone
12 who came this evening. I want to thank particularly those
13 of you who chose to share your comments with us by
14 testifying. I want to point out once more that each of you
15 has the opportunity to submit comments in writing tonight to
16 Ms. Talburt or in writing to the Energy Siting Council. You
17 can find us on the internet or talk to one of the staff
18 people for the address where to provide those comments.
19 Thank you again. This hearing session is concluded.

20 * * * * *

21 (Whereupon, the public hearing was adjourned at
22 8:22 p.m.)

23

24

25

I N D E X

| | | PAGE |
|----|-------------------|------|
| 1 | | |
| 2 | PUBLIC TESTIMONY | |
| 3 | CRAIG NEVIL | 20 |
| 4 | DON PRICE | 22 |
| 5 | ROGER CLERF | 23 |
| 6 | MARSHALL MADSEN | 26 |
| 7 | DAN MORGAN | 27 |
| 8 | ROGER OVERBECK | 28 |
| 9 | ELOISE KIRCHMEYER | 31 |
| 10 | ED LULOFS | 33 |
| 11 | LIZ McCOSH | 35 |
| 12 | BILL BOYUM | 37 |
| 13 | DAVID CRANE | 39 |
| 14 | CHRIS McCABE | 41 |
| 15 | CHRIS BURTCHETT | 45 |
| 16 | CATHERINE CLERF | 49 |
| 17 | JAMES RIVARD | 54 |
| 18 | JIM GAUDINO | 55 |
| 19 | ORLIN McGUFFIN | 56 |
| 20 | LINDA HUBER | 57 |
| 21 | JOHN BURGER | 59 |
| 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: Desert Claim Wind Power Project

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 July 13, 2009, in Ellensburg, Washington.

Shaun Linse, CCR 2029