



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Energy Facility Site Evaluation Council

**Subject of possible rule making:**

This rulemaking proposes to amend Chapter 463-62 WAC - Construction and Operation Standards for Energy Facilities. The Energy Facility Site Evaluation Council's (EFSEC) proposes to develop construction and operation standards that would apply some, if not all alternative energy resources as defined in RCW 80.50.020(18).

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 80.50.040

**Reasons why rules on this subject may be needed and what they might accomplish:**

Chapter 463-62 WAC does not address certain subjects that pertain to some alternative energy resources. For wind power projects, EFSEC has needed to develop criteria for turbine placement (setbacks from property lines, residential building, and other structures); lighting; avian monitoring, and other issues on a case-by-case basis. Other alternative energy resources such as wave and tidal, solar, and geothermal may also have particular construction and operational issues that could also be addressed by rules. Developing standards for some or all of these subjects would help alleviate the case-by-case determinations by EFSEC.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

The Federal Energy Regulatory Commission, the Federal Aviation Administration (wind turbine lighting); the Departments of Ecology, Fish and Wildlife, Archeology and Historic Preservation.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The proposed rule will be drafted and reviewed by a stakeholder group and internally by EFSEC staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency website and provided to interested parties.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Interested parties can access more information on this rulemaking by contacting the person listed below or accessing the EFSEC website: <http://efsec.wa.gov/rulerev.shtml>

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**DATE**  
January 14, 2009

**NAME (TYPE OR PRINT)**  
Allen J. Fiksdal

**SIGNATURE**  
  
/s/

**TITLE**  
EFSEC Manager

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