

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of )  
Application No. 2009-01 ) Special Council Meeting  
WHISTLING RIDGE ENERGY, LLC. ) Adoption of Recommendation  
WHISTLING RIDGE ENERGY PROJECT ) Pages 1 - 27  
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A Special Council Meeting in the above matter was held on Thursday, October 6, 2011, at the Rock Creek Hegewald Center, 710 S.W. Rock Creek Drive, in Stevenson, Washington at 6:00 p.m., before the Energy Facility Site Evaluation Council.

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CHAIR LUCE: Good evening. My name is Jim Luce, and I am Chair of the Washington State Energy Facility Site Evaluation Council. We are meeting in the Rock Creek Hegewald Center, in Stevenson, Washington on October 6, 2011 regarding the application for Whistling Ridge Energy Project, LLC, to construct an energy project, a wind project, in Skamania County.

The clerk will call the roll, please.

MR. WRIGHT: Is the Chair present?

CHAIR LUCE: The Chair is.

MR. WRIGHT: Department of Commerce?

MR. FRYHLING: Dick Fryhling is present.

MR. WRIGHT: Department of Ecology?

1 CHAIR LUCE: Excused.

2 MR. WRIGHT: Excused.

3 Fish and Wildlife?

4 MR. TAYER: Jeff Tayer is here.

5 MR. WRIGHT: Department of Natural Resources?

6 MR. HAYES: Andrew Hayes here.

7 MR. WRIGHT: Utilities and transportation?

8 MR. MOSS: Dennis Moss is here.

9 MR. WRIGHT: And Skamania County?

10 MR. SUTHERLAND: Doug Sutherland is here.

11 MR. WRIGHT: And the attorney representing the  
12 Attorney General's Office?

13 MR. CREWS: I'm here.

14 CHAIR LUCE: And Judge Wallis is also with us.

15 MR. WRIGHT: And Judge Wallis is with us and for  
16 the record the representative for the Attorney General's  
17 Office was with us this afternoon. I just failed to call  
18 him.

19 CHAIR LUCE: Thank you. At this point in time I  
20 would ask staff for the benefit of those who were not here  
21 this afternoon to give a brief summary of our process and  
22 recommendation package. That will be followed by an  
23 opportunity for Council Members to discuss or ask questions,  
24 and that in turn will be followed by an opportunity for  
25 Council Members any statements that they may wish to make

1 with respect to this project. At that point in time there  
2 will be a final action on this recommendation that we are  
3 going to make to the Governor.

4 So now if Manager Wright can briefly summarize the  
5 process that we have used to get to this point.

6 MR. WRIGHT: Thank you, Mr. Chairman. Those of  
7 you that were here this afternoon this will be repetitive  
8 for you, but basically the process in this application are a  
9 little bit different than the normal EFSEC processes.

10 It was a parallel process in that we conducted  
11 adjudicative proceedings in parallel with the development of  
12 the SEPA documents which resulted in a Final Environmental  
13 Impact Statement. Those two processes came together. The  
14 Final Environmental Impact Statement was finalized on  
15 August 12, 2011. The adjudicative process was culminated  
16 shortly after that, and then the results of those two, the  
17 adjudicative order with its findings and the Final  
18 Environmental Impact Statement were combined by the Council  
19 in an evaluation which resulted in a recommendation order  
20 and a Draft SCA which after tonight when the Council reaches  
21 its final decision will be put together, and it will be a  
22 recommendation to the Governor.

23 The parts of that recommendation order and the  
24 resulting Site Certificate Agreement will be a short version  
25 of an SCA contains, of course, a number or a lot of points,

1 but I'm only going to outline about ten of them for you that  
2 were basically the findings of that process.

3 One, after considerable deliberation on both for  
4 the adjudicative process and the land use issues outlined in  
5 the EIS the Council had a finding that the project was  
6 consistent with the land use ordinances of Skamania County.

7 A very highly contested issue was the visual  
8 impacts from various viewing sites around the area relative  
9 to the impacts of the turbines from various parts, viewed  
10 from various parts of the region. And one of the major  
11 concerns in that viewing analysis both done in the EIS by  
12 consultants and with simulations of the tower locations and  
13 also after that the Council conducted its own viewscape  
14 analysis tour with all the Council Members viewing all of  
15 the sites and having available to them the simulations of  
16 the tower locations they have come out with a set of  
17 findings, and some of those tower sites are under  
18 consideration for restrictions due to viewsapes.

19 The largest impact is the Columbia River Gorge, of  
20 course, and to some extent the National Scenic Area, but the  
21 real issue was the Columbia River Gorge itself. There was  
22 considerable discussion both in the EIS and in the  
23 adjudicative process on various aspects of wildlife and  
24 wildlife management. The Council made considerable efforts  
25 to ensure there's compliance with the 2009 Washington

1 Department of Fish and Wildlife Wind Farm Development  
2 Guidelines on both habitat, vegetation, fish and wildlife  
3 issues. That included secondarily compliance with  
4 considerations regarding any identified threatened,  
5 endangered, or sensitive species within the project area.  
6 And, thirdly, under that same category a mitigation parcel  
7 or in lieu of mitigation of some of the wildlife impacts for  
8 the project was discussed extensively in the adjudicative  
9 process. The Council considered and favorably regarded that  
10 proposal; however, it was never really presented to the  
11 Council in the form of a stipulated agreement between the  
12 parties, and so therefore the Council simply acknowledged in  
13 the adjudicative process and its consideration, but it did  
14 not make a finding on that particular issue because it was  
15 never culminated into a stipulated agreement to the Council.

16 Another contested issue is the cultural  
17 archaeological resources and the protection of those  
18 resources. The Council spent a considerable amount of time  
19 both in the EIS and in the adjudicative process regarding  
20 the information that was presented, and the cultural  
21 archaeological resources were of a particular interest to  
22 the tribal organizations, and especially the Yakama Indian  
23 Nation. The Council has made substantial effort to ensure  
24 that there's protection of those archaeological and cultural  
25 resources, both the ones already known and identified and

1 those yet possibly to be identified.

2 Noise standards were brought up in the  
3 adjudicative process and were addressed in the EIS, and the  
4 Council has made every effort to ensure compliance with all  
5 the applicable state laws as far as compliance of the noise  
6 standards.

7 Within the Draft SCA there are issues on fire  
8 protection. There's fire control plans required. There are  
9 provisions protecting public roads that exist now or that  
10 may be affected or modified during the project construction  
11 or operation, and there are provisions relative to private  
12 roads, those already constructed or those that might be  
13 constructed.

14 And, lastly, a new issue for this Council, and  
15 that's the issue of compliance with the Forest Practices  
16 Act. Most of the -- not most. All of the projects that  
17 EFSEC has wind farm projects that EFSEC has provided siting  
18 agreements with are on the Eastern Washington grasslands.  
19 They were not affected by the Forest Practices Act in the  
20 state of Washington; however, this is the first one the  
21 Council has addressed a wind farm in a conifer forest which  
22 does include considerations of the Forest Practices Act, and  
23 the Council has under its consideration considerable  
24 provisions regarding the compliance with the Forest  
25 Practices Act.

1           And those are the ten items that we selected that  
2 we thought were probably the most important to the Council.

3           CHAIR LUCE: Thank you, Mr. Wright.

4           At this point in time I would ask the Council  
5 Members do they wish to make any comments, ask any  
6 questions, have any statements with respect to the decision  
7 we're here to make this evening?

8           And I'll begin with Mr. Sutherland from my far  
9 right.

10           MR. SUTHERLAND: Thank you very much, Mr. Chair.  
11 I appreciate the opportunity to make a few comments. First  
12 of all, I'm going to express my appreciation for the people  
13 who have participated in the conversations and making  
14 presentations, attending meetings, writing us letters,  
15 including information that needed to be included in the  
16 environmental review, the insistence on many of the people  
17 here who are concerned about the impacts of a wind farm here  
18 in Skamania County.

19           As an aside, I want you to know that although I  
20 don't live here I do have a significant connection with  
21 Skamania County. My great aunt was a proprietor and  
22 operator of the Cafe Restaurant at the base of Beacon Rock  
23 for many, many years many years ago, and as a little kid I  
24 played around up and down Beacon Rock enjoying the fun times  
25 scaring the hell out of my mother. That wasn't the first

1 time nor was it the last. Our family was very involved with  
2 the activities down here, including this is where I raised  
3 my horses. We had an Appaloosa Ranch not very far from  
4 here. So I'm not a stranger to Skamania County.

5 I do wish to express my deep appreciation to Al  
6 Wright and to all of your staff. I came to this discussion  
7 late, but you and your staff have been really absolutely  
8 marvelous in responding to anything that I needed or asked  
9 for even in anticipating many times even before I asked for  
10 it giving me what information and what was necessary for me  
11 to continue the deliberations that we had.

12 I want to thank members of this body. It would  
13 have been very easy for many of us to let our emotions get  
14 involved in the discussions and to come to significant  
15 disagreements that would have been difficult to resolve, but  
16 in our deliberations and our conversations I'm amazed at how  
17 well we were able to find common grounds and come to  
18 conclusions, come to conversations, and come to the  
19 deliberative process in a way that each of us had equal  
20 opportunity to participate and do it in a very  
21 straightforward, reasonable approach without any kind of  
22 interference between the thinking and the deliberative  
23 process.

24 I have served on many boards, I have served on  
25 many councils, as well as I have managed some of those, and



1 it is rare that when you have an issue before you that is  
2 complex as this issue is that members of the deliberative  
3 body were able to look at it dispassionately and come to  
4 agreements and understandings that enabled all of us to have  
5 a significant role to play.

6 I will tell you, Ladies and Gentleman, that there  
7 were many disagreements. The discussions and deliberations  
8 were sometimes very pointed, and we didn't always agree.  
9 But I do believe that through the process that I just  
10 described we were able to come to a conclusion and to a  
11 place where an agreement indeed is reasonable, well thought,  
12 and I think very defensible.

13 The last thing that I want to say is that I've  
14 been involved in the government process for about 35 years  
15 in one way or another at the local level, at the  
16 neighborhood level, city, county, state, and I can tell you  
17 that these processes are getting more and more complicated.  
18 These processes are getting more and more unfruitful where  
19 you never come to a decision that is a conclusive decision.

20 My greatest fear is that after tonight this  
21 decision is not going to be able to go forward because  
22 someone is a going to challenge it. Someone is going to  
23 find something in the process that they didn't like, even  
24 after as much time has been devoted to the discussions and  
25 the deliberations. And as you can see that stack of paper

1 down there that's only part of it. The discussions I think  
2 once you come to a decision that should be it, and if you  
3 don't like the decision find a way to take those who are  
4 making the decision and remove them and find someone who can  
5 bring you decisions that are more in your favor. But to  
6 constantly challenge increases the cost, takes an incredible  
7 amount of time which is stupid. It involves way too much  
8 changes of what can and should be able to be done.

9 As many decisions are very important, but I think  
10 once those people that have been delegated the  
11 responsibility to make the decision and the decision is made  
12 that should be it. So I just hope that thoughtful people  
13 can come to an understanding that this decision was worked  
14 real hard and proponents and opponents alike had the  
15 opportunity to participate and to bring that information to  
16 this board, and I as one of those participants on the board  
17 appreciate the amount of work that was done by proponents  
18 and opponents.

19 So with that, Mr. Chair, I say thank you for the  
20 opportunity to make comments and thank you all for being  
21 here and being part of it.

22 CHAIR LUCE: Thank you.

23 The next Council member will speak to the  
24 questions, please. Andy.

25 MR. HAYES: Thank you, Mr. Chair. I'd like to

1 start by echoing some of Doug's sentiments. I appreciate  
2 the consistent hard work of staff and other Council Members  
3 how much intentionality they brought to this process.

4 Particularly I would like to thank the public  
5 though for their consistent and passionate input into this  
6 process, and I want to assure you that we have considered  
7 that very seriously in our deliberations and hope we see  
8 some of those sentiments in the outcome of this process.

9 This has been as was noted a very complex  
10 application and process. I think it's important to  
11 emphasize that the most important thing I would like to  
12 emphasize there was true diversity of opinions on the  
13 Council, and they were in deliberations during the  
14 adjudicative process. You know, we very carefully  
15 considered the complete record and all the public input that  
16 was given. There was sort of active and iterative  
17 discussions about could we recommend this project or not and  
18 how would we do that, and we considered our mandates to  
19 balance the objective of the Council very seriously.

20 In particular, there were many issues that were  
21 brought up during the adjudicative process and indeed are in  
22 the record. Discussions on the need for power and the  
23 state's renewable energy policy recognizing the need to  
24 minimize environmental impacts was heavily discussed. In  
25 addition, a discussion of visual impacts having over several

1 meetings, including a site visit and a detailed analysis on  
2 the part of the Council.

3 And, lastly, a particular significance to me and  
4 careful consideration of potential wildlife impacts given  
5 this is the first wind power facility considered by the  
6 Council, and it's extremely important to assure that  
7 potential impacts to wildlife were minimized and mitigated  
8 for as possible. So with that thank you very much.

9 CHAIR LUCE: Council Member Moss?

10 MR. MOSS: I share many of the sentiments  
11 expressed by my colleagues and would only wish to express my  
12 great appreciation to all of you and to the many others who  
13 have participated in this process as members of the public,  
14 as parties to the proceedings, and as my colleagues on the  
15 Council.

16 I don't see any point in belaboring the matter by  
17 repeating many of the things that have already been said.  
18 So with expression of my appreciation, I'll pass the mic  
19 over.

20 CHAIR LUCE: Council Member Fryhling.

21 MR. FRYHLING: I'd like to also thank the citizens  
22 of Skamania County and the greater Columbia Gorge Area on  
23 all their participation and all the meetings they attended,  
24 and the good testimony we received from them. Also I would  
25 like to thank the Counsel for the Environment and all the

1 parties that have participated in the adjudicative process  
2 and my fellow Council Members up here.

3 I'm the old guy on the Council here. I've been on  
4 the Council for ten years now. This is probably my last  
5 project I'm going to work on. So I've learned so much from  
6 these people I've worked with here on the Council. They're  
7 all specialists in their own fields, and so it's also been a  
8 learning process. I'd also like to thank our Attorney  
9 General Kyle Crews and Law Judge Bob Wallis and our great  
10 staff.

11 I'm a little unique than maybe some of the people  
12 on the Council. I live in Eastern Washington. I live in  
13 Walla Walla, and my agency has allowed me to live in Walla  
14 Walla and be their representative on the Council so I have  
15 to keep on top of things sometimes by special help from our  
16 staff, and so I'd like to specifically thank Al Wright and  
17 Stephen Posner and Kayce Michelle.

18 This project was hard work, and I believe that we  
19 have with all our efforts and our discussions and our  
20 meetings and so forth I think we'll announce a good decision  
21 this evening. Thank you.

22 CHAIR LUCE: Thank you, Council Member Fryhling.  
23 I'm going to have some comments at the end, but I would like  
24 to read now a statement from Hedia Adelman who could not be  
25 with us this evening.

1 Her statement reads as follows: To my fellow  
2 Council Members, Whistling Ridge Energy Project Applicants,  
3 parties to this case, and members of the public, I'm out of  
4 the country for family business. I have reviewed the  
5 extensive record, adjudicative record, the Application  
6 2009-01, Final Environmental Impact Statement, Council Order  
7 No. 868, Draft Site Certification Agreement, and other  
8 documents.

9 I support the recommendations to Governor Gregoire  
10 to approve portions of this project site in Skamania County  
11 for the construction and operation of Whistling Ridge Energy  
12 Project consistent with the conditions specified in the  
13 Draft Site Certificate Agreement.

14 As I said, I will have a statement here at the  
15 conclusion of the proceedings and I'll pass the mic now to  
16 our esteemed chairman or our esteemed member from the  
17 Department of Fish and Wildlife, Jeff Tayer.

18 MR. TAYER: Thank you, Mr. Chairman. Well, I  
19 would echo the appreciation that's been expressed for all of  
20 the citizens that have come forward to testify in this  
21 matter. I've spent my whole adult life 35 years working for  
22 the Department of Fish and Wildlife protecting the fish and  
23 wildlife, including ten years of that right here in the  
24 Columbia Gorge patrolling the Bonneville pool and all of the  
25 hills around this pool. So I really appreciate all of that

1 concern that was expressed here for wildlife. I only really  
2 would comment that I wish there was this much concern and  
3 scrutiny put to everything that has a potential to affect  
4 wildlife. I'm afraid there's not.

5 As you have heard earlier we've placed a lot of  
6 emphasis in this process on the Department of Fish and  
7 Wildlife Wind Power Guidelines. The reason for that  
8 emphasis is because that set of guidelines was developed by  
9 not one biologist but by many biologists at both the state  
10 and federal level. And not just state and federal  
11 biologists but experts from the environmental community,  
12 including Washington Audubon, Seattle Audubon, and their  
13 concerns. So really what I was looking for in this process  
14 was whether there was something that would make this project  
15 exceptional to the guidelines.

16 The guidelines were redone in 2009 partially to  
17 take into account the other habitat types that weren't  
18 present in the area of gas lines. They were extended to  
19 capture the habitat types that we're dealing with here in  
20 forest habitats. So the question once again that I ask  
21 myself is: What makes this exceptional to the guidelines?  
22 Does it have impacts to threatened or endangered species?  
23 And I couldn't help but come back to the conclusion of the  
24 experts that I respect so much with this state, our state  
25 agency and with our colleagues at the Fish and Wildlife

1 Service, that this project may affect but is unlikely to  
2 adversely affect threatened or endangered species. Does it  
3 have the usual concentrations of wildlife? No, in my view  
4 it does not. And finally is this adjacent to an area that's  
5 set aside for wildlife? And, no, I couldn't find that it  
6 was, and so therefore I concluded that it was within the  
7 context of the Fish and Wildlife Guidelines.

8 So I wanted to at least walk you through my  
9 rationale for how I came back to each of those questions,  
10 back to the guidelines that are intended to be used for wind  
11 power projects in Washington. Thank you.

12 CHAIR LUCE: Thank you, Council Members.

13 I have a statement I would like to read at this  
14 point in time.

15 Fellow Council Members, parties and members of the  
16 public, first, I want to address some preliminary matters.  
17 Again, I want to thank our Administrative Law Judge Robert  
18 Wallis (Bob Wallis), Kyle Crews our Attorney General, and  
19 our staff who worked very long over a very hard, very hard  
20 over a very long period of time. I also want to recognize  
21 our Environmental Impact Statement partners the Bonneville  
22 Power Administration for their hard work.

23 But most importantly, and this has been said  
24 before, I want to thank the members of the public for their  
25 contributions to this process. It's been a long process. I



1 think it's been a good process. You have offered valuable  
2 testimony in all of our proceedings and we have considered  
3 them carefully.

4 I also want to acknowledge a very recent  
5 October 4, 2011 letter from the Yakama Nation requesting  
6 that the Council postpone this decision and recommendation  
7 to the Governor until it has met with the Yakama Tribal  
8 Council. The Yakama Nation is a party to these proceedings  
9 but early on withdrew its testimony based upon the tribal  
10 resolution directing negotiations with the Applicant and the  
11 Cultural Resource Program of the Yakama Nation regarding  
12 placement of wind turbines on Chemawa Hill. The letter  
13 states that those negotiations have not occurred.

14 The Council respects the government-to-government  
15 relationship between the State of Washington and the Yakama  
16 Nation. The Council acknowledges and shares with the Yakama  
17 Nation the importance of protecting cultural resources. We  
18 are proceeding to a decision this evening in the hope that  
19 the recommendation order and the Draft Site Certificate  
20 Agreement may satisfy the concerns expressed in the  
21 October 4 letter. At the same time we assure the Yakama  
22 Nation as an intervenor of the Tribe's right to petition for  
23 reconsideration if those concerns are not resolved.

24 Finally because this is an adjudicatory proceeding  
25 which will be reviewed by the Governor and because

1 litigation is possible neither the Council Members nor the  
2 staff will answer questions. Our adjudicatory order,  
3 recommendation order, and site certificate agreement, draft  
4 site certificate agreement speak for themselves. If we were  
5 to answer questions about any of these documents some might  
6 say that we were interpreting what we meant and use it to  
7 argue their case in later proceedings. We do not want this  
8 to happen. Thus, I hope you will understand neither Council  
9 Members nor staff will answer questions tonight or in the  
10 future concerning the case in the documents that will inform  
11 the Governor's decision.

12 Now the case before us. On March 10, 2009,  
13 Whistling Ridge Energy filed as permitted by law Application  
14 2009-01 with our Council. The application seeks site  
15 certification for the construction and operation of no more  
16 than 50 wind turbines that would generate up to 75 megawatts  
17 of wind power. Located in Skamania County the project as  
18 proposed would require approximately 1,152 acres of land now  
19 presently used for commercial forestry of which 384 acres  
20 would be permanently developed.

21 In considering this case there has been a very  
22 substantial public process. The process included  
23 preparation of a joint Environmental Impact Statement in  
24 cooperation with the Bonneville Power Administration. We  
25 did this because the project will require the construction

1 of an adjacent substation to move wind power to transmission  
2 lines. The EIS totals more than 5,731 pages, including  
3 attachments, and was itself the subject of extensive scoping  
4 and public meetings. In addition to the EIS public process  
5 EFSEC conducted seven public meetings and eight days of  
6 adjudicative hearings. Most of these were held here in  
7 Skamania County. More than 200 citizens testified  
8 personally or offered written comments on land use issues  
9 and whether the project should be recommended for approval.  
10 Those meetings occurred here at Rock Creek Center and at  
11 Underwood in the Underwood Community Center. In our eight  
12 days of adjudicative hearing many witnesses were heard in  
13 support of and opposition to the project. 223 exhibits  
14 totalling 3,325 pages were entered into evidence which has  
15 also seen numerous motions and discovery requests.

16 Perhaps the most significantly contested issue is  
17 what has been called the viewscape. The question is whether  
18 and to what extent the project might adversely impact the  
19 views of the Columbia Gorge and whether this should affect  
20 our decision. Council Members among other things spent two  
21 days touring the view sheds and were presented visual  
22 simulations in the EIS and the adjudication hearings. We  
23 did this because we believe that seeing with our own eyes  
24 and forming our own opinion is critically important,  
25 especially so because our law requires us to balance what it

1 calls the pressing need for increased energy facilities with  
2 the directive to preserve and protect the environment and  
3 including the public's opportunity to enjoy the aesthetic  
4 benefits of the air and land resources.

5 The Council received and considered extensive  
6 briefing on this and other issues. We have used our best  
7 judgment to balance competing considerations, and as I said,  
8 our laws require us to presuppose a compelling need for  
9 energy resources tempered with the requirement that the  
10 resource preserve and protect the aesthetic opportunities  
11 available for the public while providing abundant power at a  
12 reasonable cost, and this is all to be done in the public  
13 interest.

14 What's the public interest? Opponents say that  
15 the public interest is best served by recommending denial of  
16 this entire project as unduly intrusive in what they argue  
17 is an area of visual importance, the Columbia River Gorge.  
18 Building on this opponents further argue that while the  
19 Council's laws and regulations recognize the pressing need  
20 for increased energy facilities that on balance the laws  
21 their contention of the broad interest of the public in  
22 preserving and protecting quality of the environment and the  
23 public's ability to enjoy the aesthetic benefits of the air,  
24 land, and water resources of this area outweigh the need for  
25 new energy facilities. They maintain that this is

1 especially so given that there was testimony given in our  
2 adjudication that 85 percent of the region's needs can be  
3 met with energy efficiency, and that we are in a power  
4 surplus for the foreseeable future.

5           The Applicant on the other hand argues that the  
6 public interest is best served by supporting our state's  
7 renewable energy policy and indeed the Council has committed  
8 to doing so as a matter of law. They reserve that wind  
9 power has much to commend it and it does. There are no fuel  
10 costs and no air emissions, and as to concerns of aesthetic  
11 impacts to the Columbia River Gorge the Applicant maintains,  
12 first, that the Council should limit its considerations to  
13 the findings in the EIS. Second, that in any event the  
14 project is only minimally visible from the Columbia River  
15 Gorge most prominent scenic areas. And, third, that it's  
16 entirely outside the boundaries of the National Scenic Area.  
17 Finally, it argues the wildlife and other impacts can be  
18 mitigated, and that Skamania County is an economically  
19 depressed area and will benefit from increased tax revenues  
20 as much as \$700,000 yearly.

21           The Council sees merits in both proponents' and  
22 opponents' case, and on this most significant issue of  
23 viewscape we believe everyone is acting in good faith and  
24 wants to protect the Gorge. Opponents Friends of the  
25 Columbia Gorge is a well-known environmental steward whose

1 mission is to project the Gorge. Opponents Save our Scenic  
2 Area represent the local landowners who seek to protect  
3 their existing properties, and the Applicant is a  
4 well-respected businessman who knows that the economy which  
5 his business depends also relies on the tens of thousands  
6 who visit the Gorge yearly to recreate and enjoy the beauty  
7 of its natural landscape.

8 On the viewscape issue the testimony during our  
9 adjudicatory hearing was understandably divided.

10 Applicant's witness Mr. Pearson testified that the Columbia  
11 Gorge was not a pristine area, and that the proposed area  
12 project is not within the National Scenic Area. He observed  
13 that the area's scenic values are already diminished by  
14 industrial, agricultural, power dams, transmission lines,  
15 highways, and other commercial development; therefore, he  
16 concluded we should discount the aesthetic, cultural, and  
17 the historical significance of the Gorge and allow all  
18 proposed tower corridors.

19 Opponents' witness Mr. Apostol he supplied a  
20 different conclusion. He maintains that the contrast and  
21 intrusion of towers across prominent landscapes and ridge  
22 lines is unacceptable. He said that wind production towers  
23 rising more than 40 stories above the skyline on a prominent  
24 ridge with smooth modern designs contrasting markedly with  
25 rugged natural formations would be readily noticeable and

1 intrusive into the surrounding view. He relies on these  
2 contrasts and the negative affects on landscape and points  
3 out that this environment is recognized as valuable by the  
4 passage of the Columbia River Gorge National Scenic Act.

5 The Council considered this and other similar  
6 testimony in two days of site visits. We carefully  
7 evaluated with our own eyes impacts and visual simulations  
8 presented to us, and we carefully considered the  
9 adjudicatory testimony in the briefs submitted on this  
10 issue. Our conclusion in the adjudicatory order is based on  
11 the examination of tower views from the record, including  
12 map simulation, testimony of expert and lay witnesses, and  
13 is verified during the view of the site from identified  
14 viewing areas. The degree of reduced visibility is not a  
15 mathematical calculation but an exercise of judgment by the  
16 Council, and I stress based on the evidence.

17 In reaching our decision we rely heavily upon the  
18 position taken by the Counsel for the Environment. The  
19 Counsel for the Environment as you may know is an office  
20 created by law to represent the public and its interest in  
21 protecting the environment. And the public and its interest  
22 is the public and, of course, all of our state's citizens.

23 We adopt in part the suggestion of the Counsel for  
24 the Environment supported by Save Our Scenic Area that as a  
25 beginning the Council should eliminate a portion of the

1 A-Corridor containing Turbines A-1 through A-7. We agree  
2 with the Counsel For the Environment's analysis of several  
3 other points. It will reduce the impacts to residences to  
4 the south and west. It will reduce potential noise impacts,  
5 and it will reduce the possibility of geologic hazards by  
6 eliminating the use of a relatively narrow ridge with the  
7 least surface for tower foundations of any in the  
8 application. The northern portion of the A-String however  
9 need not be eliminated.

10           However, in light of our site view and our  
11 analysis of tower visibility we also find the entire  
12 C-Corridor, Towers 1 through 8, to be impermissibly  
13 intrusive into the scenic vista; therefore, we find this  
14 portion of the site to be unsuitable and it too is  
15 eliminated. In reaching our decision, and I want to stress  
16 that we also find both as regards further to Strings A-1  
17 through 7 and C-1 through 8 that no mitigation is possible.

18           In summary, we recommend to the Governor that the  
19 Whistling Ridge Energy Project as modified should be  
20 approved and that within the constraints described in the  
21 Site Certificate Agreement, the Draft Site Certificate  
22 Agreement, the Applicant should be able to build a project  
23 of no more than 35 turbines to produce 75 megawatts of  
24 capacity.

25           I will now ask the Council Members to offer a



1 motion to adopt the administrative order and a  
2 recommendation order. The site certificate agreement  
3 adoption will follow upon final action by the Governor.

4 Do I have a motion?

5 MR. FRYHLING: Council Luce, I'd like to make a  
6 motion to adopt Administrative Order 868 and Recommendation  
7 Order 869.

8 CHAIR LUCE: Is there any discussion?

9 Hearing no discussion, is there a second?

10 MR. MOSS: I'll second the motion, Chairman Luce.

11 CHAIR LUCE: Is there a discussion?

12 Hearing no discussion, the question is called for.  
13 The clerk will please call the roll.

14 MR. WRIGHT: The Department of Commerce?

15 MR. FRYHLING: The Department of Commerce Richard  
16 Fryhling here votes yes to the motion.

17 MR. WRIGHT: Department of Ecology Hedia Adelsman  
18 is excused.

19 Department of Fish and Wildlife?

20 MR. TAYER: Jeff Tayer votes yes.

21 MR. WRIGHT: Department of Natural Resources?

22 MR. HAYES: Andrew Hayes votes yes.

23 MR. WRIGHT: Utilities and Transportation  
24 Commission?

25 MR. MOSS: Dennis Moss votes yes.

1 MR. WRIGHT: And Skamania County?

2 MR. SUTHERLAND: Doug Sutherland votes yes.

3 MR. WRIGHT: And the Chair?

4 CHAIR LUCE: The Chair votes yes.

5 What is the final total?

6 MR. WRIGHT: Total is 1, 2, 3, 4, 5, 6, six in  
7 favor and one excused.

8 CHAIR LUCE: Thank you. I want to remind the  
9 parties there's a 20-day period from the date of the order  
10 service to request reconsideration of the recommendation to  
11 the Governor. If there is such a request, the Council will  
12 review it and determine appropriate actions as soon as  
13 possible. Once this procedure has been completed, the  
14 recommendation will be transmitted to the Governor. Upon  
15 receipt the Governor has 60 days to review the  
16 recommendation and either approve the application and  
17 execute the Draft Site Certification Agreement as proposed,  
18 reject the application, or direct the Council to reconsider  
19 certain aspects of the Draft Site Certificate Agreement.

20 I want to thank everyone for being here this  
21 evening and participating in this process. The meeting is  
22 adjourned. Thank you very much.

23 \* \* \* \* \*

24 (Whereupon, the meeting was adjourned at 6:47  
25 p.m.)

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

A F F I D A V I T

I, Shaun Linse, CCR, do hereby certify that the foregoing transcript prepared under my direction is a full and complete transcript of proceedings held on October 6, 2011, in Stevenson, Washington.

\_\_\_\_\_  
Shaun Linse, CCR 2029