



Whistling Ridge Energy Project Amendment Request

May 16, 2024 Tim McMahan & Greg Corbin

Whistling Ridge requests that the Council extend the term of the Site Certificate for a reasonable period (three years) to undertake due diligence work for the facility, and to update essential natural resource and other studies. WAC 463-68-080 confers discretion for the Council to grant this request. Whistling Ridge Energy understands that the Council would need to conduct review of this request as an amendment to the Site Certificate Agreement. In seeking this request, the Applicant will utilize this time to consider commercial viability and to update environmental information and engage with stakeholders.

The Project

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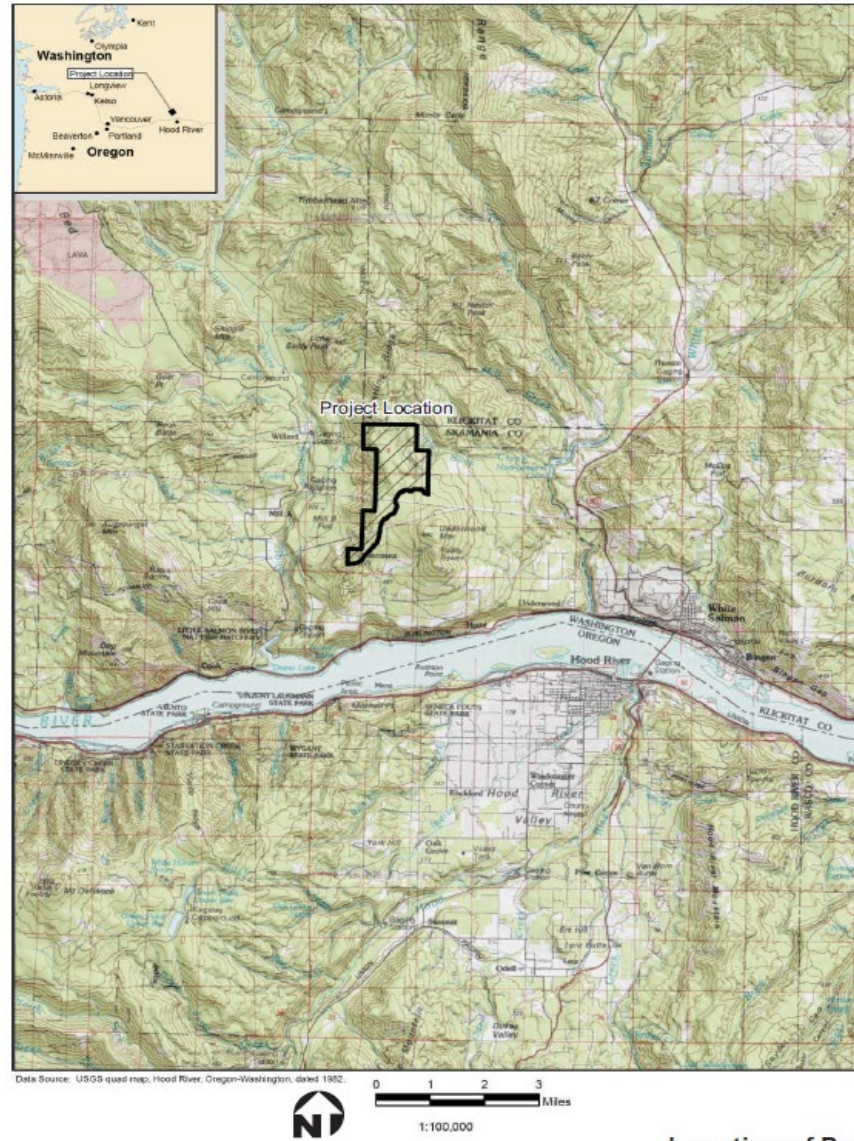
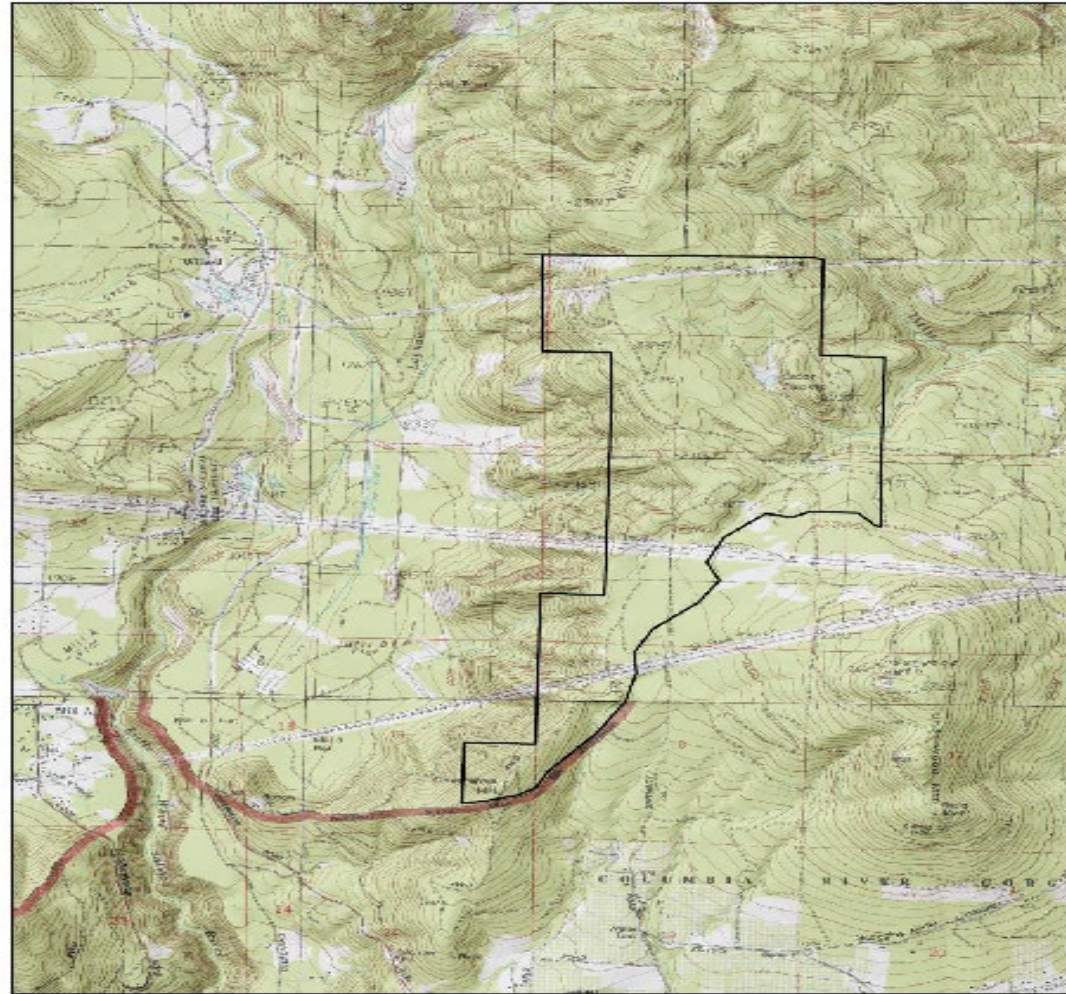


Figure 1-1
**Location of Proposed
 Whistling Ridge Energy Project**

Whistling Ridge Energy Project
 Skamania County, Washington

3/17/2007, 10:24



Project Boundary



0 0.5 1 Miles

Source: GeoData Scape.

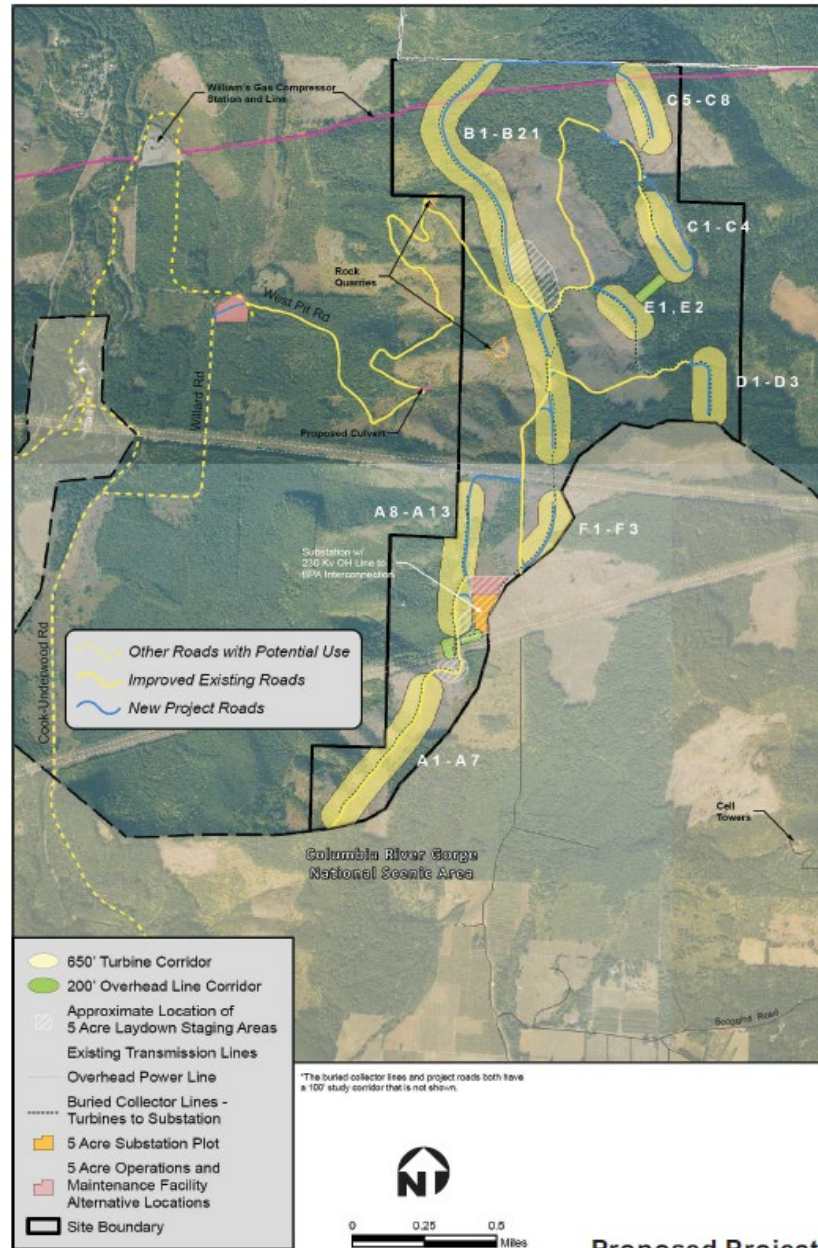
Figure 3.1-1

Site Topography



Whistling Ridge Energy Project
Skamania County, Washington

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Source: GeoDataScape.

Figure 2-1
Proposed Project Elements

1.4.1.1 Wind Turbines

The proposed Project would consist of up to 50 wind turbine generators, each of which would likely range in size from 1.2 to 2.5 MW, **for a total of up to 75 MW**. Each turbine would be up to approximately 426 feet tall (262-foot hub height and 164-foot radius blades, measured from the ground to the turbine blade tip), and would be mounted on a concrete foundation. Wind turbines would be grouped in “strings,” each spaced approximately 350 to 800 feet from the next (or approximately 1.5 to 2.5 times the diameter of the turbine rotor). The turbines throughout the Project would all be the same model, although height may vary in response to terrain.

Each wind turbine would consist of four main components: the turbine tower, the nacelle, the rotor hub, and the blades. Each turbine tower would be a tapered, hollow tubular structure, approximately 14 feet in diameter at the base and weighing approximately 30 tons. The towers would likely be painted a flat neutral gray or white color. Each tower would be mounted on a concrete foundation with a diameter up to approximately 60 feet. Tower foundations would be spread footing or pier-type footings. To the extent required by the Federal Aviation Administration, turbine towers would be furnished with blinking lights visible to aircraft.

The remaining three turbine components are all mounted at the top of each turbine tower. The nacelle is encased in fiberglass, and is mounted on top of the tower to house the gearbox, the generator, and the control system. The rotor hub is attached to the nacelle, and holds the blades in place. Each turbine has three laminated fiberglass blades, each approximately 129 to 164 feet long, depending on which turbine is selected. The diameter of the circle swept by the rotors would be approximately 264 to 320 feet, depending on which turbine is selected. The wind turbines would operate at wind speeds from 9 to 56 miles per hour (mph), with a rotor speed range of 10 to 20 revolutions per minute (rpm).

1.0 SUMMARY AND PURPOSE OF AND NEED FOR ACTION

1.1 INTRODUCTION

Whistling Ridge Energy LLC (the Applicant) proposes to construct and operate the Whistling Ridge Energy Project ([the Project](#)) approximately 7 miles north of the City of White Salmon in Skamania County, Washington (Figure 1-1). The proposed Project would be an approximately 75-megawatt (MW) wind turbine facility located within an approximately 1,152-acre Project Area on land that is currently private commercial forest land. The facility would be located on north-trending ridges that range in elevation from about 2,100 to 2,300 feet above mean sea level (msl). There is a proven wind resource at the site [of the proposed Project Area](#). The proposed Project would consist of up to 50 wind turbines that could each range in size from 1.2 to 2.5 MW. The proposed Project also includes an Operations and Maintenance facility, an electrical collector substation, underground collector lines and systems, and other ancillary facilities.

The Applicant has submitted an application to the Washington State Energy Facility Site Evaluation Council (EFSEC) for site certification that would allow the Applicant to construct and operate the Whistling Ridge Energy Project. The Application is included as Appendix A to this EIS. As part of its responsibilities for evaluating this application, EFSEC must conduct an environmental review of the proposed energy facility under the Washington State Environmental Policy Act (SEPA). The Applicant has also requested interconnection of the proposed Project to the regional transmission system owned and operated by the Bonneville Power Administration (BPA), which is a federal agency. [Interconnection of the Whistling Ridge Energy Project to the regional transmission system would require construction of a new BPA substation and related electrical equipment within the Project Area](#). As part of its consideration of the [Applicant's interconnection](#) request, BPA must evaluate the proposed interconnection under the National Environmental Policy Act (NEPA).

Accordingly, EFSEC and BPA have prepared this joint environmental impact statement (EIS) to be consistent with the requirements of both SEPA and NEPA. Because of the State of Washington's primary role in the siting of the proposed Project, this EIS generally follows the EIS format and content guidance contained in Washington Administrative Code (WAC) 197-11, as adopted by EFSEC through WAC 463-47. However, the EIS format and content has been modified, adjusted, and expanded where appropriate to ensure compliance with NEPA, as well.

The remainder of this chapter of the EIS describes the purpose [of](#) and need for action concerning the proposed Project, and further discusses the [two](#) agencies' approach to SEPA and NEPA compliance and decision-making for this Project. This chapter also summarizes the proposed Project and alternatives, identifies public involvement activities, and summarizes Project impacts and mitigation measures. An outline of the organization of this EIS is provided at the end of this chapter.

Whistling Ridge Project History and Timeline (cont'd)

- *At this time Whistling Ridge is not proposing any changes.*
- *There is no new information or changed conditions that might indicate the existence of any probable significant adverse environmental impacts not previously addressed in the EFSEC FEIS.*
- *Whistling Ridge is not proposing any changes, modifications or amendments to the Site Certificate Agreement or any regulatory permits. It is possible that such changes will be proposed in the future.*

Whistling Ridge Project History and Timeline

- 3/10/09 Application for Site Certification filed; history of adjudication can be found on EFSEC's Project web page.
- 1/05/12 EFSEC's Site Certificate Agreement and Recommendation submitted to Governor Gregoire.
- 3/05/12 Governor Gregoire approves the Final Order and signs the Site Certificate Agreement.
- 8/20/13 After appeal by project opponents, the Washington Supreme Court issues a unanimous decision denying appeal.
- 11/18/13 Jason Spadaro, Whistling Ridge Energy, signs the Site Certificate Agreement ("Effective Date" of Site Certificate Agreement)
- 2013-2015 During this period, BPA worked on the FEIS and its Supplement to the FEIS, addressing further comments submitted post-FEIS by project opponents.

Whistling Ridge Project History and Timeline

- 9/09/15 Project opponents file an appeal with the US 9th Circuit Court of Appeals, challenging BPA's NEPA FEIS, supporting BPA's decision to grant the Whistling Ridge Energy Project an interconnection to the Federal Columbia River Transmission System..
- 3/27/18 The 9th Circuit Court of Appeals issues a Memorandum Decision denying the appeal.
- 7/11/18 Following a petition by project opponents for a rehearing (*en banc*), the full US 9th Circuit Court of Appeals denied rehearing. This denial concluded all opposition litigation.**
- 10/25/18 Whistling Ridge files and presents its "Five Year Report" to EFSEC (WAC 463-68-060), confirming the following:

Whistling Ridge Project History and Timeline (cont'd)

- 2018-2021 SDS Lumber Co. (parent company to Whistling Ridge Energy LLC) undergoes protracted internal conflict, ultimately resulting in the dissolution of SDS Lumber Co. and related entities. All company assets sold to other companies. COVID complicates efforts to proceed with Whistling Ridge Energy construction.
- 2021-2022 Twin Creeks Timber, LLC (TCT) acquired a substantial portion of the SDS timberland assets, including Whistling Ridge Energy LLC and the property on which the project would be built, in November of 2021. The assets of TCT are managed by Green Diamond Management Company, a Washington corporation and subsidiary of Green Diamond Resource Company, a sixth generation timberland owner in the State of Washington.

Whistling Ridge Project History and Timeline (cont'd)

As noted in the Project History summary above, opposition appeals to the Bonneville Power interconnection and related NEPA process was not concluded until July 2018. In summary, it was not until 2018 that appeals of all state and federal permit appeals were “exhausted.” The essential reason for this latitude for construction is that no project facing fierce, multi-year litigation can secure financing or otherwise proceed if pending appeals jeopardize construction. No prudent developer proceeds with construction and operation of an energy facility if there is any risk of an appeal outcome that would require the dismantling of an operating facility. It is that fundamental risk that stops projects during appeals, including appeal that have little or no merit.

Whistling Ridge Project History and Timeline (cont'd)

Whistling Ridge chose to defer executing the Site Certificate Agreement until the Supreme Court appeal was resolved. The “effective date” of the Site Certification Agreement occurred at the time the two parties (the Governor and the Applicant) had executed the Site Certificate Agreement. The “term” for start of construction commences within ten years of the “effective date” of the Site Certificate Agreement.

WAC 463-68-030 Term for start of construction. Subject to conditions in the site certification agreement and this chapter, construction may start any time within ten years of the effective date of the site certification agreement.

The Site Certificate Agreement allows construction deadlines to be extended to such time as when all final state and federal permits necessary to construct and operate the Project are obtained and associated appeals have been exhausted.

Site Certification Agreement, Article I.B: “This Site Certification agreement authorizes the Certificate Holder to construct the Project such that Substantial Completion is achieved no later than ten (10) years from the date that all final state and federal permits necessary to construct and operating the Project are obtained and associated appeals have been exhausted.” (Page 8 of 42).

Request to Extend Term of Site Certificate Agreement; Authority and Process (cont'd)

WAC 463-68-080 Site certification agreement expiration.

(1) If the certificate holder does not start or restart construction within ten years of the effective date of the site certification agreement, or has canceled the project, the site certification agreement shall expire.

(2) If commercial operations have not commenced within ten years of the effective date of the site certification agreement, the site certification agreement expires unless the certificate holder requests, and the council approves, an extension of the term of the site certification agreement.

(3) Upon a request to extend the term of the site certification agreement, the council may conduct a review consistent with the requirements of [WAC 463-68-060](#) and [463-68-070](#), and other applicable legal requirements.

Request to Extend Term of Site Certificate Agreement; Authority and Process (cont'd)

463-66-030 Request for amendment.

A request for amendment of a site certification agreement shall be made in writing by a certificate holder to the council. The council will consider the request and determine a schedule for action at the next feasible council meeting. The council may, if appropriate and required for full understanding and review of the proposal, secure the assistance of a consultant or take other action at the expense of the certificate holder. The council shall hold one or more public hearing sessions upon the request for amendment at times and places determined by the council.

Request to Extend Term of Site Certificate Agreement; Authority and Process (cont'd)

463-66-040 Amendment review.

In reviewing any proposed amendment, the council shall consider whether the proposal is consistent with:

- (1) The intention of the original SCA;
- (2) Applicable laws and rules;
- (3) The public health, safety, and welfare; and
- (4) The provisions of chapter 463-72 WAC. [Concerns site restoration]



Matters to be Addressed in the Amendment to the ASC

Attachment A outlines what the Applicant considers to be related and necessary actions, including studies and reports needed to complete the amendment request. The Applicant would confer with EFSEC staff to ensure that all necessary information is developed. Most importantly **Whistling Ridge proposes to update natural resource studies including season-specific data (e.g. avian nesting surveys) and new visual simulations from key viewing areas (KVAs) within the Columbia River Gorge Scenic Area.** Commencing these studies, including consultation with WDFW, local Tribes, and other agencies concerning sufficiency of information needed for updated wildlife and other surveys, will be essential.

Matters to be Addressed in the Amendment to the ASC (cont'd)

Action	Likely Timing
<p>Contact wildlife consultants; develop scopes of work; identify seasonally imperative work and schedule same:</p> <ul style="list-style-type: none">• Avian baseline updates (including passerines and bats)• Bald and Golden Eagle and other raptor nest surveys• Northern Spotted Owl survey update for confirmation• Sensitive plants	<p>Within 30 days of Transfer Approval and 12 to 18 months after date of Transfer Approval. Refreshing previously completed studies will be guided by respective agency interaction with the Transferee. Depending upon the timing of Transfer Approval and agency consultation, studies may begin immediately, as in the case of avian use and cultural resource studies or may not commence until specific times of the year, as in the case of raptor nest and spotted owl surveys. Nesting, habitat and certain ESA studies will commence in the springtime and run thru mid to late summer. Initial study results and follow-up agency consultation will determine the timing of final studies.</p>

Matters to be Addressed in the Amendment to the ASC (cont'd)

Action	Likely Timing
Visual simulation updates; develop scope of work for modified WTGs and locations.	18 months after Transfer Approval. Visual simulations are based upon final turbine selection. Turbine selection is determined upon preliminary site layout, completion of interconnection studies, preliminary civil design, transportation studies and other relevant reports. It is anticipated that the Transferee will commence relevant work within 30 days of Transfer Approval.

Matters to be Addressed in the Amendment to the ASC (cont'd)

Action	Likely Timing
Updated noise analysis.	18 months after Transfer Approval. Noise analysis is based upon final turbine selection. Turbine selection is determined upon preliminary site layout, completion of interconnection studies, preliminary civil design, transportation studies and other relevant reports. It is anticipated that the Transferee will commence relevant work within 30 days of Transfer Approval.

Matters to be Addressed in the Amendment to the ASC (cont'd)

Action	Likely Timing
Develop schedule to complete all study work needed for Site Certificate Amendment Application and SEPA action.	Develop schedule to complete all study work needed for Site Certificate

Matters to be Addressed in the Amendment to the ASC (cont'd)

Action	Likely Timing
<p>Agency meetings:</p> <ul style="list-style-type: none">• WDFW -- Confirm wildlife update work• EFSEC staff -- Discuss timing, cost, needs, process; outline amendment process, including SEPA process. Discuss and confirm mitigation parcel or alternative mitigation approaches.• USFWS -- BGEPA; Northern Spotted Owl• DNR – Consultation as needed.• Consult with Tribal governments and representatives.	<p>Ongoing for 24 months after date of Transfer Approval. It is anticipated that the Transferee will commence agency consultation within 30 days of Transfer Approval.</p>

Matters to be Addressed in the Amendment to the ASC (cont'd)

Action	Likely Timing
BPA contacts and confirmations.	Within 30 days of date of Transfer Approval.
Complete all studies.	18 – 24 months from of date of Transfer Approval
Draft ASC Amendment; filing timing discussion with EFSEC, including evaluation of expected hearing proceedings.	24 - 36 months from date of Transfer Approval
File amendment (public process begins).	24 - 36 months from date of Transfer Approval
Assess mitigation requirements and obtain agency (WDFW) concurrence.	24 - 36 months from date of Transfer

Conclusion

The Siting Council has the sole discretion to make this decision. We appreciate your consideration.