



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

APR 3 2006

Horizon Wind Energy (Formerly: Sagebrush Power Partners, LLC)  
Valerie Schafer  
53 Southwest Yamhill Street  
Portland, Oregon 97204

Reference: Horizon Wind Energy  
(Formerly: Sagebrush Power  
Partners, LLC)  
200300911

Dear Ms. Schafer:

In the letter dated March 2, 2006, you requested a modification and time extension to the above referenced Nationwide Permit (NWP) 12 verification issued to you on March 15, 2004. The work authorized by NWP 12 was to place fill material for road crossings and the installation of buried utility lines in intermittent creeks that are tributaries to the Yakima River near Ellensburg, Kittitas County, Washington. You requested a permit modification to place an additional stream crossing (A3).

We have reviewed your modified proposal and time extension request and verified that NWP 12 authorizes this project under current regulations. In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the previously approved plans and the modified plans dated March 1, 2006.

This NWP verification supersedes the plans authorized by this office on March 15, 2004. Our verification of this NWP is valid for 2 years from the date of this letter unless the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the

modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. All other terms and conditions contained in the original NWP verification remain in full force and effect.

If you have any questions, please contact me at 206-764-6900 or via email at [Jason.A.Lehto@usace.army.mil](mailto:Jason.A.Lehto@usace.army.mil).

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Lehto', written over a faint horizontal line.

Jason Lehto, Project Manager  
Enforcement and Field Section



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Regulatory Branch

MAR 15 2004

RECEIVED

MAY 13 2004

ENERGY FACILITY SITE  
EVALUATION COUNCIL

Sagebrush Power Partners, LLC  
Mr. Chris Taylor  
210 Southwest Morrison Street  
Suite 310  
Portland, Washington 97204

Reference: 200300911  
Sagebrush Power  
Partners, LLC

Dear Mr. Taylor:

Our regulatory program utilizes a series of nationwide permits (NWP) to authorize specific categories of work that have minimal impact on the aquatic environment when conducted in accordance with the permit conditions (*Federal Register*, January 15, 2002, Vol. 67, No. 10). Based on the information you provided to us, NWP 12(i)(iv), Utility Line Activities, authorizes your proposal to place dredged or fill material into waters of the United States to construct utility line crossings and road crossings, as depicted on the enclosed drawings dated February 2004. The proposed project would occur in wetlands and un-named tributaries of the Yakima River near Ellensburg, Kittitas County, Washington.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Nationwide Permit 12, Terms and Conditions*. Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form to the address indicated on the form. Your signature on this form is our assurance that the completed work and any required mitigation was conducted in accordance with the terms and conditions of this NWP, including any special conditions required by the District Engineer. Completing and returning the compliance certification form is a requirement of every NWP authorization (see NWP National General Condition 14).

In order for this NWP authorization to be valid, the State of Washington (State) must have issued or waived Section 401 Water Quality Certification (WQC). We are unable to determine whether or not your project requires an individual WQC. Before you can proceed with the work authorized by this NWP, you must contact the following Washington State Department of Ecology office for the State's determination:

Washington State Department of Ecology  
Central Regional Office  
15 West Yakima Ave, Suite 200  
Yakima, Washington 98902-3401  
Telephone (509) 575-2616



-2-

If more than 180 days pass without the State responding to your concurrence requests, your requirement to obtain an individual WQC becomes waived. You may then proceed to construction.

We have reviewed your project pursuant to the requirements of the Endangered Species Act (ESA). We have determined that the road and utility line crossings proposed for this project will not affect any species listed as threatened or endangered under the ESA (or a species proposed for such designation). As such, this project satisfies the requirements of NWP National General Condition 11. We have also reviewed your project pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 in regards to Essential Fish Habitat (EFH). We have determined that the proposed action will not adversely affect EFH for federally managed fisheries in Washington.

Our verification of this NWP authorization is valid for 2 years from the date of this letter unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date, please contact us to discuss the status of your authorization. This verification includes a preliminary jurisdictional determination that is not appealable.

If this project complies with all terms and conditions of this authorization, you will need no further authorization from us for the above-described work. However, this authorization does not obviate your responsibility to obtain all additional authorizations, including State and local permits that are applicable to your project. Also, we remind you that failure to comply with all terms and conditions of this NWP authorization invalidates your authorization and could result in a violation of Section 404 of the Clean Water Act.

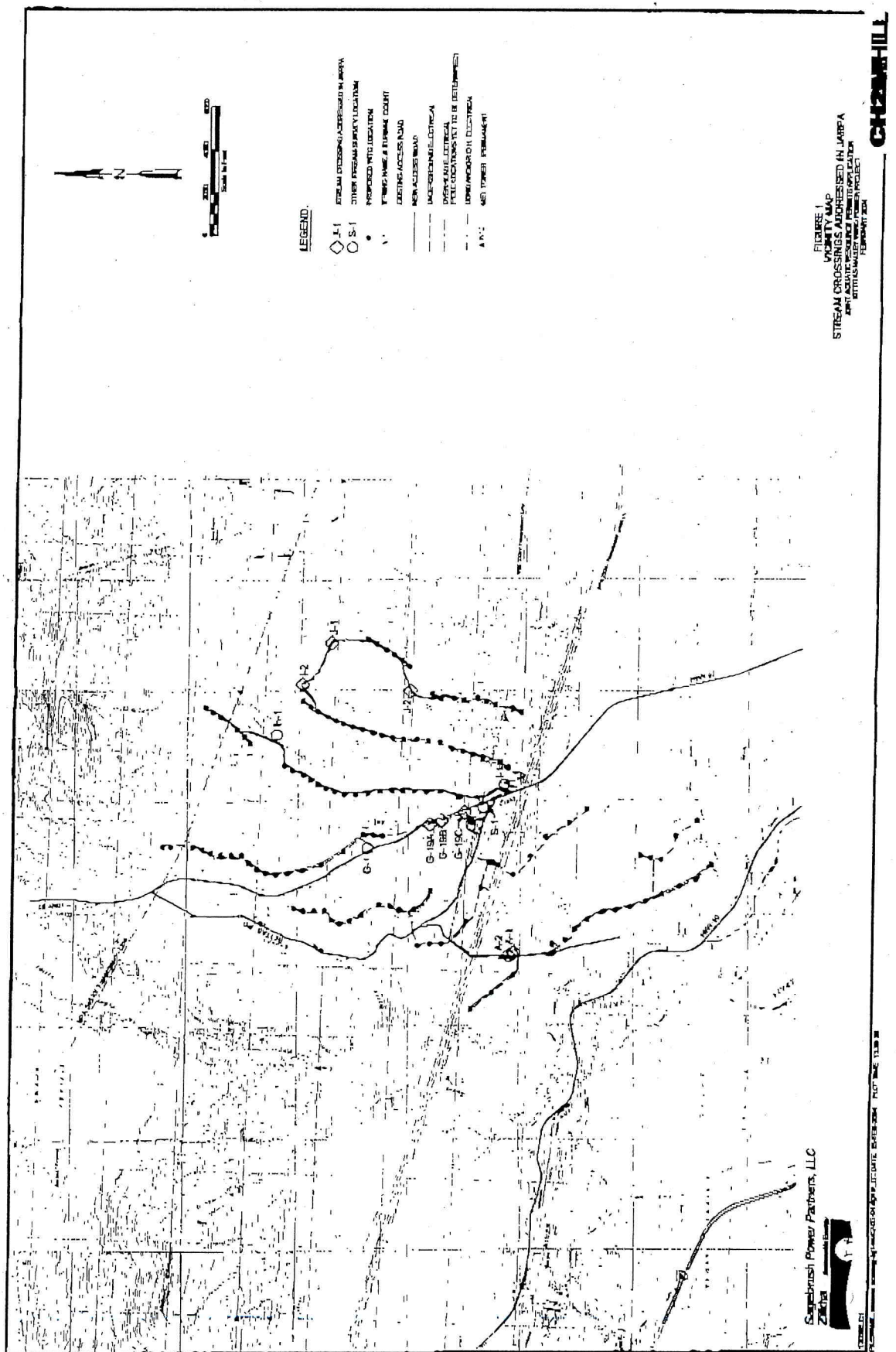
Thank you for your cooperation during the permit process. Your efforts help us protect our nation's aquatic resources, including wetlands. Please remember to fill out and return the compliance certification form as soon as you complete the authorized work. We are interested in your thoughts and opinions concerning your experience with the U.S. Army Corps of Engineers, Seattle District's Regulatory Program. Please complete a Customer Service Survey form. The form is available on our website at: <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax. If you have any questions about this letter or our regulatory program, please contact me at (206) 764-6905 or e-mail [joseph.w.brock@usace.army.mil](mailto:joseph.w.brock@usace.army.mil).

Sincerely,

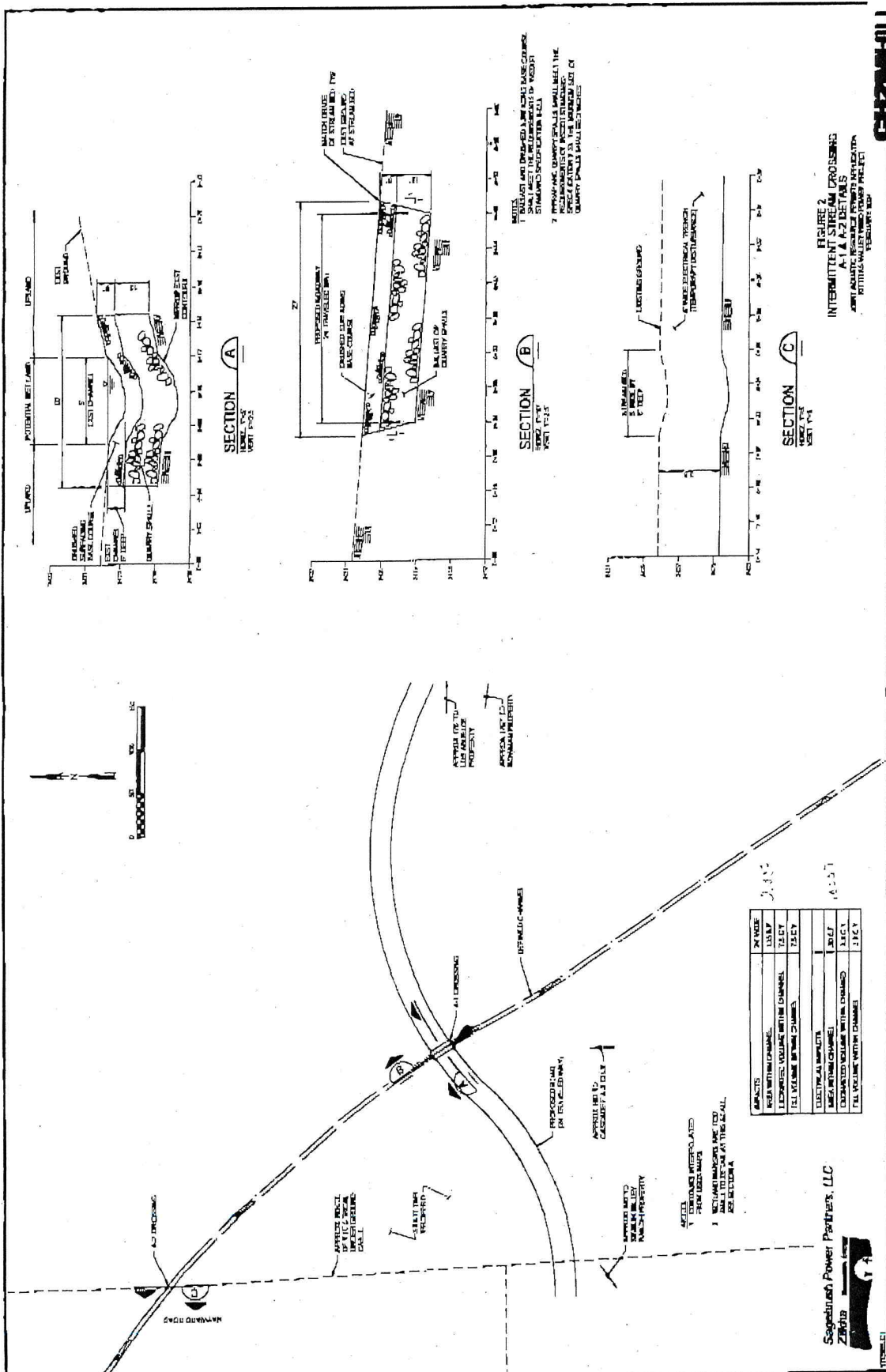


Joseph W. Brock, Project Manager  
Enforcement Section

Enclosures



REF: 200300911; SAGEBRUSH POWER PARTNERS, LLC  
PROPOSED: ROAD AND UTILITY LINE STREAM CROSSINGS



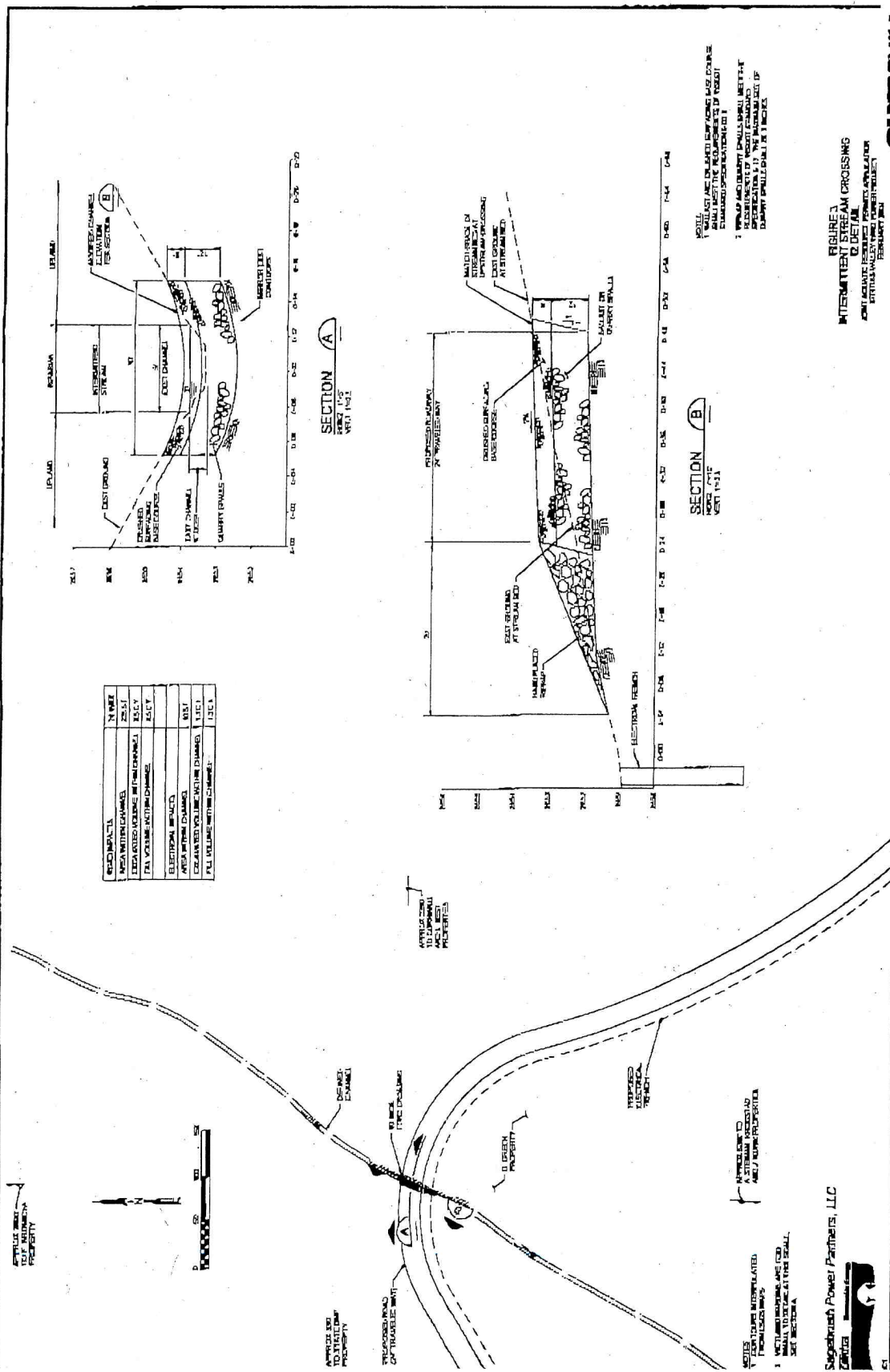
REF: 200300911; SAGEBRUSH POWER PARTNERS, LLC  
 PROPOSED: ROAD AND UTILITY LINE STREAM CROSSINGS

CHIZAN HILL

Sagebrush Power Partners, LLC







REF: 200300911; SAGEBRUSH POWER PARTNERS, LLC  
 PROPOSED: ROAD AND UTILITY STREAM CROSSINGS

CH2M HILL

FIGURE 1  
 INTERMITTENT STREAM CROSSING  
 TO DETAIL

Sagebrush Power Partners, LLC  
 CH2M HILL

NOTES:  
 1. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE DESIGNER.  
 2. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE DESIGNER.  
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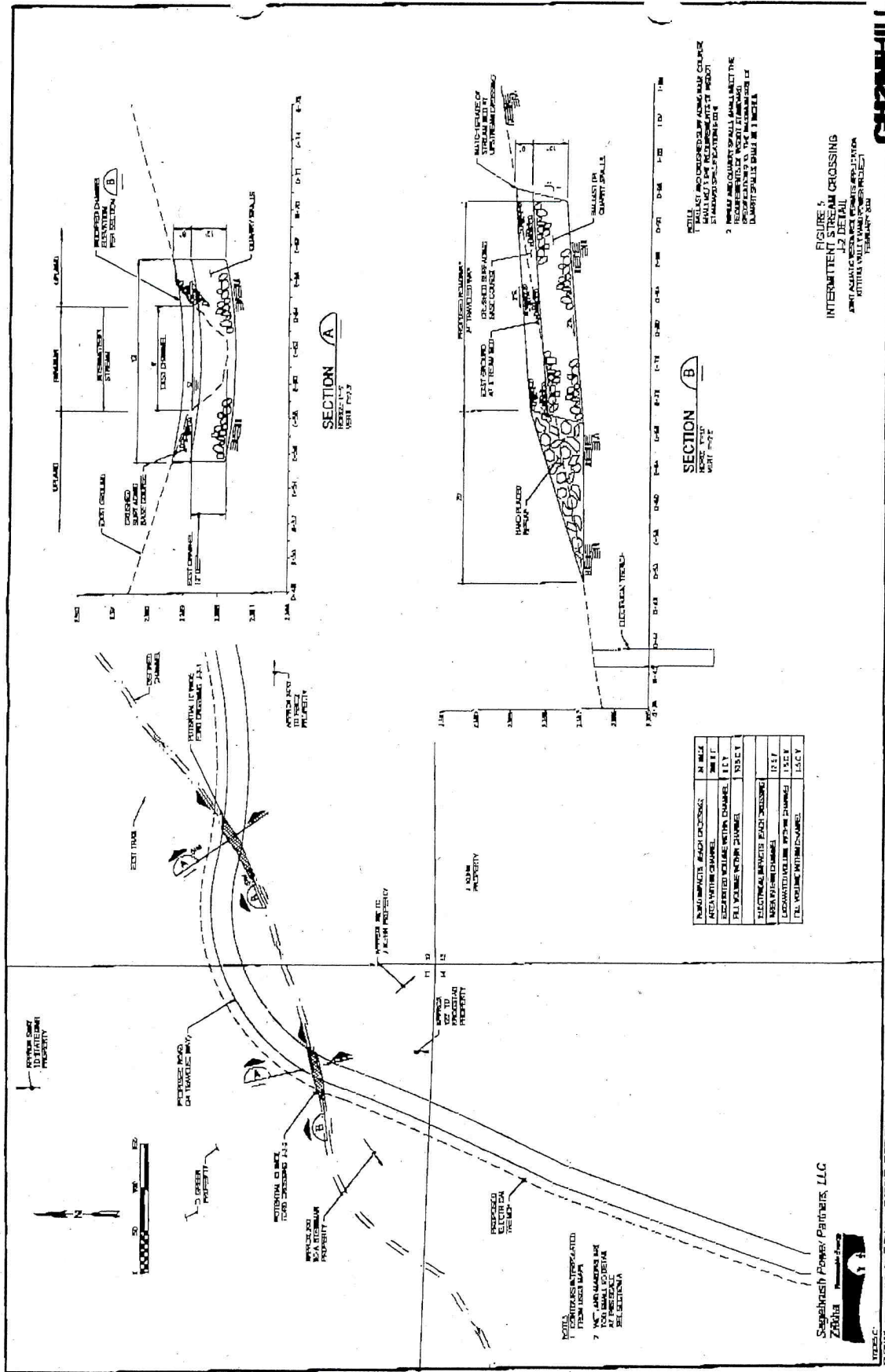
SECTION (A)  
 1:10

SECTION (B)  
 1:10

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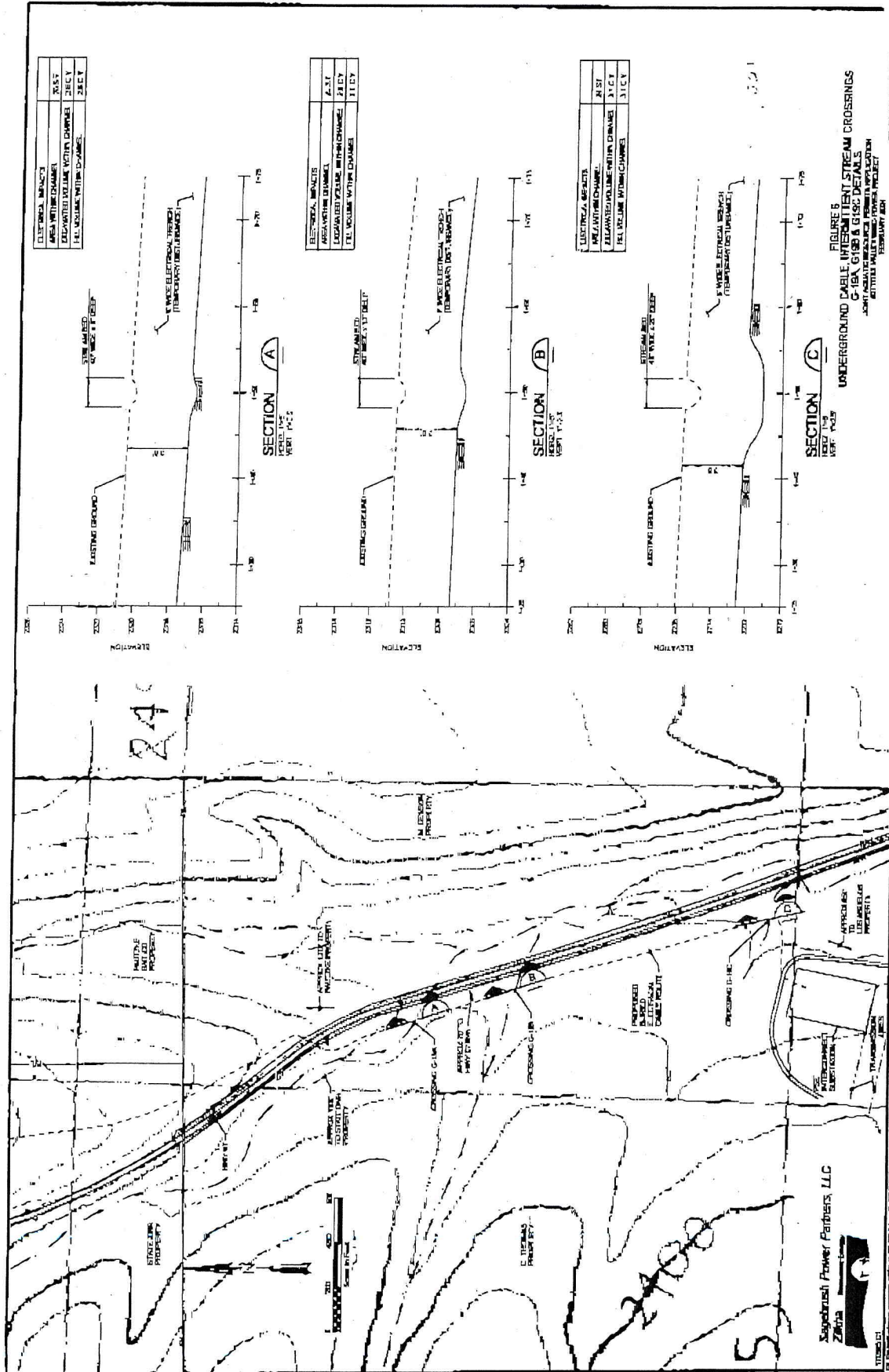




REF: 200300911; SAGEBRUSH POWER PARTNERS, LLC  
 PROPOSED: ROAD AND UTILITY LINE STREAM CROSSINGS

CH2M HILL

SHEET 5 OF 6



REF: 200300911 ; SAGERUSH POWER PARTNERS  
PROPOSED: ROAD AND UTILITY LINE STREAM CROSSINGS

SHEET 6 OF 6