

State Council OKs New Wind Farm Project

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ELLENSBURG — A state energy council on Monday recommended approval of the 95-turbine Desert Claim Wind Power Project but also put conditions on its future construction and operation eight miles northwest of Ellensburg.

The approval is a recommendation to Gov. Chris Gregoire who will make the final decision on the project, which has been sought since January 2003 by the French-owned firm of enXco USA Inc.

Gregoire is expected to formally receive the recommendation in early December and has until early February to make her decision.

The seven-member state Energy Facility Site Evaluation Council, or EFSEC, in a 30-minute meeting in Ellensburg gave a unanimous OK for the estimated \$330 million wind farm.

Although all EFSEC members signed off on the recommendation in the form of an order, EFSEC member Ian Elliot, representing Kittitas County communities, read comments indicating he believes the state's EFSEC wind farm review process is "flawed" because the state council is limited by state law in what issues it can consider in making its decision.

Elliot said there were other issues he and other EFSEC members would have wanted to pursue but couldn't because they were not formally brought before EFSEC as part of evidence or expert testimony from the applicant or intervenors during the trial-like adjudication process.

Issues brought up as opinions during the general public hearings did not have legal weight for consideration, Elliot said, without study data or other expert evidence.

Yet, within the limits of what EFSEC members could by law consider, they acted appropriately and professionally, Elliot said.

David Steeb, Desert Claim project director, after the meeting was visibly pleased with the long-awaited decision from EFSEC. He said the unanimous decision was a major hurdle for the project.

The wind farm, when it sought approval only from Kittitas County government, was initially turned down with its 120-turbine version of the project.

Kittitas County Superior Court subsequently upheld the rejection, but enXco later

reconfigured the project on 5,200 acres north of Smithson Road, downsized it and submitted it to EFSEC, the second pathway to gain project approval.

In making its decision Monday, EFSEC members agreed enXco Inc. made a good-faith effort to work with county government to make it comply with local land-use rules and plans.

EFSEC also said that county government representatives, in the July adjudication process, stated that the county considered its issues with the project resolved.

The Monday decision included EFSEC's decision to pre-empt or overrule local county government land-use rules to recommend approval of the wind farm.

The project is estimated at \$330 million.

Steeb said EFSEC members "did their job thoroughly and fairly" in a balanced, professional manner.

"EFSEC's ringing endorsement takes us one step closer to bringing much-needed new green jobs to Washington state, with the majority of them in Kittitas County," Steeb said in a statement. "Desert Claim offers a shot in the arm to the economy when it most needs it."

He said enXco is hopeful the governor will "expeditiously" approve the project.

Steeb declined to estimate when construction may begin saying the governor's decision must come first before those announcements can be made.

He did say that the governor's "timely approval will facilitate the construction of Desert Claim in 2010, driving dramatic economic benefits to the county and the state at large."

EFSEC officials said enXco Inc. has 10 days to ask EFSEC to reconsider all or parts of its decision including conditions that the international firm must meet to build and run the wind farm.

Although Steeb said he will closely study EFSEC's order and other documents, he doesn't foresee asking EFSEC for reconsideration on any issue.

The full text of the order and other documents are at the EFSEC Web site: www.efsec.wa.gov.

EFSEC response

Jeff Tayer, regional administrator of the state Department of Fish and Wildlife, said enXco has approved an agreement with the department on how to lessen the impact of the project on wildlife and habitat.

Tayer, and EFSEC member, said the site, on the floor of the Kittitas Valley in a mostly farming and ranching area, is a “relatively good site” for the project in its limited impacts on wildlife.

In summary comments, EFSEC’s administrative law judge reviewed highlights of the council’s 37-page order and lengthy site certification agreement.

The order said the EFSEC conditions and requirements strike a balance between protecting the health and safety of local residents and the environment, with the need for energy at a reasonable cost.

Some of the conditions included:

- EFSEC agreed with enXco provisions to turn off certain turbines, atop 410-foot towers, during the time of the day when non-participating residences experience shadow flicker, although a report indicated flicker is not expected to be noticeable at distances of more than 1,500 feet.
- A Technical Advisory Committee will closely monitor any habitat, wildlife and environmental concerns during construction and ongoing operations. This includes bird and bat kills and other issues.
- As enXco determines the exact location of each wind turbine tower, enXco in the “micro-siting” process is required to reduce to one the number of turbines located within 2,500 feet of any non-participating residence (the owner of which is not receiving financial benefits from the leasing of his land to the wind-power firm).

The company, in reconfiguring the project, reduced to seven the number of non-participating residences that are within 2,500 feet of a proposed turbine location.