

# Wind power project approval appealed by two opponents

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The Enterprise

Developers of the state-approved Whistling Ridge Energy Project in southeastern Skamania County have no immediate plans to move forward with the 75-megawatt wind farm.

Opponents of the private project that would be sited on private timberlands haven't been standing idly by waiting for such an announcement, however.

Last Thursday, Friends of the Columbia Gorge and Save Our Scenic Area filed a petition with Thurston County Superior Court for judicial review of Gov. Christine Gregoire's approval of the project. Gregoire approved a scaled-down version of the project — 35 turbines as opposed to the 50 applied for by Whistling Ridge Energy Partners LLC — last month, as recommended by the certifying state agency, the Energy Facility Site Evaluation Council (EFSEC).

Petitioners are challenging the Governor's decision — as well as the underlying EFSEC process — on 32 points that range from alleged zoning and forest practices violations to scenic, noise, wildlife and transportation impacts. The petition asks Thurston County

Superior Court to decide the claims rather than certify the case for direct review by the state Supreme Court.

"Friends of the Columbia Gorge supports responsible development of renewable energy sources, but the Whistling Ridge proposal is irresponsible," Michael Lang, conservation director for Friends of the Columbia Gorge, asserted in a press release dated April 5. "This project, even scaled back to 35 turbines, is not worth sacrificing the unique scenic beauty and wildlife of the Columbia River Gorge."

Jason Spadaro, president of Whistling Ridge Energy Partners LLC, said in a statement on Monday that the Friends' "alleged support of renewable energy rings hollow."

He noted, "Friends of the Gorge had a two-week trial and hundreds of pages of briefing to make these same arguments and they lost every argument [during EFSEC's own adjudicative proceedings.] Absolutely nothing about this attack on the Governor's decision is new, and the decision here is based upon a massive record of

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compliance. The Friends' fight is with the state's clean energy policy and with local communities along the Gorge that are desperately fighting to stay alive and trying to keep people employed."

The site certificate for the Whistling Ridge Energy Project is good for 10 years, according to EFSEC decision documents.

The site certification agreement authorizes Whistling Ridge Energy Partners LLC "to construct the project such that substantial completion is achieved no later than 10 years from the date that all final state and federal permits necessary to construct and operate the project are obtained and associated appeals have been exhausted. If the certificate holder does not begin construction of the project within 5 years of the execution of the site certification agree-

ment, the certificate holder will report to the (Energy Facility Site Evaluation) Council their intention to continue and will certify that the representation in the application, environmental conditions, pertinent technology and regulatory conditions have remained current and applicable, or identify any changes and propose appropriate revisions to the site certification agreement to address changes...If the certificate holder does not begin construction of the project within 10 years of the execution of the site certification agreement, all rights under this site certification agreement will cease."

Al Wright, managing director of EFSEC, told *The Enterprise* on Monday the Friends/Save Our Scenic Area appeal to Thurston County Superior Court marks the second time judicial review has been sought on a Governor's approval of an EFSEC recommendation.

"On the Kittitas Valley wind farm recommendation and the Governor's approval, there was judicial review and the state Supreme Court found in favor of the EFSEC process. That was in 2008," Wright said.

Whistling Ridge Energy Partners applied to EFSEC for a wind farm site certificate in October 2009, for 1,152 acres of SDS Lumber Co. and Broughton Lumber

Co. lands northwest of Underwood.

EFSEC concluded its process last December following a period of reconsideration and forwarded its recommendation for a project with no more than 35 wind turbines to the Governor's Office on Jan. 5. Gregoire issued her decision on March 5.

At that time, she stated in a letter to EFSEC Chairman James O. Luce, "I agree with EFSEC's balance of the visual impacts with the public interest in approval of sites for alternative energy facilities. Even with a reduction to 35 turbines, there would be unavoidable impacts on the unique visual resources of the Columbia River Gorge...EFSEC weighed these public benefits with the mitigated visual impacts of allowing only turbines that are lower with respect to the ridgeline and thus less prominent or not visible from key viewpoints."

The EFSEC recommendation reduced the number of turbines by 15 by eliminating those turbine strings that would be the most visible from points inside the National Scenic Area. The project site, however, lies entirely outside the Scenic Area boundary.