EXHIBIT NO. ___(RG-18)
DOCKET NO. UE-11___/UG-11___
2011 PSE GENERAL RATE CASE
WITNESS: ROGER GARRATT

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, **Complainant,** **v.** **PUGET SOUND ENERGY, INC.,** **Respondent.**	**Docket No. UE-11____** **Docket No. UG-11____**

SEVENTEENTH EXHIBIT (NONCONFIDENTIAL) TO THE PREFILED DIRECT TESTIMONY OF ROGER GARRATT ON BEHALF OF PUGET SOUND ENERGY, INC.

JUNE 13, 2011

CUP #012609
Garfield County Staff Report to Hearing Examiner

Puget Sound Energy Inc. ("PSE") has applied for a conditional use permit (CUP #012609**)** to establish the Lower Snake River Wind Energy Project in Garfield County. The Garfield County Zoning Official finds as follows:

FINDINGS OF FACT

1. **Applicant:** The Lower Snake River Wind Energy Project's CUP application was originally submitted by Blue Sky, LLC, a subsidiary of RES Americas ("RES") and PSE, attached hereto as Exhibit D. Since the application was filed, PSE has acquired the entire interest in the Project. For this reason, references to the "Applicant" in this Staff Report refer solely to PSE. The Applicant has a mailing address of PO Box 97034, PSE-04S, Bellevue WA 98009-9734.

2. **Project Location:** The Applicant has proposed siting the Lower Snake River Wind Energy Project ("Project") on approximately 124,000 acres in Garfield and Columbia Counties. Of this total acreage, approximately 66,350 acres are within Garfield County. The Project is generally located south of Pomeroy, north of the Pataha Creek, between the Pataha Creek and Tucannon River and south of Tucannon River and State Route 261 (the "Project Area"). Detailed maps of the Project Area are located within the Draft Environmental Impact Statement ("DEIS") attached hereto as Exhibit R and Final Environmental Impact Statement ("FEIS") attached hereto as Exhibit V at Figures 1-7 through 1-11.

   The Project Area is comprised of predominantly private lands that are leased by to the Applicant. DEIS Figure 1-6 includes some lands owned by the Washington Department of National Resources ("DNR") that are not yet leased but under consideration for leasing.

3. **Columbia County:** While the Applicant ultimately intends to locate wind turbines in both Garfield and Columbia Counties, to date, the Applicant has not filed a conditional use application in Columbia County. Nevertheless, both counties have been in communication on this Project and, based on mutual agreement, selected Garfield County to serve as the "lead agency" for preparation of the Project's EIS since the first application was submitted in Garfield County and since a majority of the overall project will be located within Garfield County. *See* Letter from Columbia County to Grant Morgan dated May 12, 2009, attached hereto as Exhibit W.

   The DEIS and FEIS address impacts in both Garfield and Columbia Counties to avoid piecemealing of environmental review. At such time when the Applicant seeks to develop the portions of the Project in Columbia County, that county will conduct its own permitting process and associated environmental review. Columbia County does intend, however, to rely upon the Project's EIS to the maximum extent appropriate and permissible under Washington's administrative regulations. ***Id.*** As a result, Columbia County staff was included in all key discussions and decisions regarding preparation of the Project's EIS, and public meetings regarding the Project were held in the City of Dayton as well as Pomeroy.

4. **Project Description:** The Applicant's proposed Project is a commercial wind generation facility with approximately 795 turbines and approximately 1,432 MW of installed capacity. Of these totals, approximately 800 MW of installed capacity and 444 wind turbines will be located in Garfield County. Wind turbines will generally be located along ridge tops to use winds that typically come from the southwest. Supporting infrastructure will include access roads, underground and overhead electric

collection system lines, substations, transmission lines, microwave communications, meteorological towers, operations and maintenance centers, and temporary construction access and staging areas.

The Project will be interconnected to the Little Goose-Lower Monument transmission line operated by the Bonneville Power Administration ("BPA"). In addition to Project-specific substations, a new 500/230 kilovolt (kV) BPA substation (the "Central Ferry Substation") is included within this Project's permit application and is proposed to be located on approximately 25 acres in the northern section of the Kuhl Ridge WRA (see definition in following paragraph). The Central Ferry Substation will be designed, constructed, and operated by BPA and sized to accommodate additional regional energy development. BPA will independently initiate the National Environmental Policy Act ("NEPA") process for this substation and issue a Record of Decision ("ROD"). The County recently received a public letter from BPA describing the Central Ferry Substation project and requesting comments. This letter is attached hereto as Exhibit Y. BPA has not yet identified to the County when it intends to start construction of the Central Ferry Substation.

The Project has been divided into four Wind Resource Areas ("WRAs") (see DEIS Figure 1-6 (Exhibit R)) for purposes of explanation and evaluation of resources, and should not be considered as separate projects, but as parts of the overall Project as defined herein. These four WRAs are labeled as: (1) Tucannon WRA; (2) Kuhl Ridge WRA; (3) Dutch Flats WRA; and (4) Oliphant WRA (see DEIS Figures 1-8 through 1-11). The Project will be built in four or more construction phases, with the first phase scheduled to begin construction in 2010. Construction phases may occur solely within a defined WRA or may be comprised of shared facilities and infrastructure within adjacent WRAs. The first phase of construction will occur in Garfield County, although the Applicant has not yet identified within which WRA(s) construction will first begin. A detailed description of each WRA is provided below:

Tucannon WRA: The Tucannon WRA consists of approximately 41,500 acres in Columbia County with approximately 286 turbines to be installed with a capacity of approximately 520 MW (DEIS Figure 1-8).

Kuhl Ridge WRA: The Kuhl Ridge WRA consists of approximately 39,900 acres in Garfield County with approximately 222 turbines to be installed with a capacity of approximately 400 MW. The Kuhl Ridge WRA also contains the land needed for the BPA substation (DEIS Figure 1-9).

Dutch Flats WRA: The Dutch Flats WRA consists of approximately 10,000 acres in Garfield County with approximately 83 turbines to be installed with a capacity of approximately 150 MW (DEIS Figure 1-10).

Oliphant WRA: The Oliphant WRA consists of approximately 32,700 acres in Garfield and Columbia Counties with approximately 204 turbines (139 in Garfield and 65 in Columbia) to be installed with a capacity of approximately 367 MW (DEIS Figure 1-11).

The Project will include the facilities listed below. Depending on the phased construction sequence, facilities may be shared among WRAs.

- Wind turbine generators erected on tubular steel towers;
- Individual turbine step-up transformers to increase the voltage of electricity to 34.5-kV;
- A 34.5-kV electrical system to collect energy from the wind turbine generators. Most of the collector system will be buried underground; however, where this is not feasible, portions may be carried overhead;
- Up to eight Project substations in addition to the BPA Central Ferry Substation;

- Overhead transmission lines to transmit energy from the Project to the BPA substation;
- Microwave transmission facilities and towers;
- Up to six operations and maintenance (O&M) facilities;
- Upgrades/relocations of existing county roads and private access roads and construction of new private access roads where necessary;
- Up to eleven permanent meteorological towers for measuring wind speed and direction;
- Rock quarries, rock crushing facilities, and batch plants; and,
- Temporary construction impact areas.

The Applicant is currently considering several different wind turbine models for this Project. The Applicant has noted that final turbine selection may not take place until a few months prior to construction. However, the Applicant has selected one turbine model upon which to base the Project's EIS and the analysis within this CUP staff report. Generally, modern commercial wind turbines do not vary greatly in size and appearance. The Applicant is currently considering use of turbines that range from 1.8-3.0 MW. The EIS and CUP analysis assume the Project' use of 1.8 MW turbines because it is the "worst case scenario," i.e., selecting 1.8 MW turbines necessitates the use of the greatest number turbines throughout the Project as a whole. Additionally, the tallest turbines under consideration (2.3 MW) were evaluated for impacts related to turbine size and blade length.

The total height of a 1.8 MW wind turbine tower and blades is approximately 410 feet. The total height of a 2.3 MW machine is 423 feet. Wind turbines are placed in linear groups called "strings" and connected by a 34.5 kV electrical cable collector line which transmits electricity to a substation within the Project Area. Within the strings, wind turbines are spaced between 590 and 900 feet apart. The Applicant has shown approximate locations for proposed turbine strings within each of the WRAs ("Permitting Corridors"), see Exhibits K1-K3 attached hereto. The Applicant's Permitting Corridors comprise the Project's "Preliminary Corridor Site Plan." The exact number of turbines and the exact location of each turbine within the Permitting Corridors will depend on a number of factors, including the model of turbine selected by the Applicant, environmental impacts identified during the EIS development, and engineering and construction constraints. Final siting of turbines and associated infrastructure will be presented in a building permit application package, which will be submitted to Garfield County for each Project phase after a CUP permit is issued. The final siting locations of the Project's turbines will be known as the "Final Corridor Site Plan."

5. **On-site Uses:** The Project Area within Garfield County is currently used primarily for agricultural production and livestock grazing. Low-density residential development, mostly consisting of single-family houses associated with farms, is scattered throughout the area.

6. **Zoning:** The Garfield County WRAs are located entirely within Garfield County's Agricultural Zone. The purpose and intent for Garfield County's Agricultural Zone is:

> This zone is intended to protect and preserve the character of existing aglands (sic) with a minimal amount of development; only allowing land uses which are compatible with the established pattern including the development of low-density residential and commercial uses which support agriculture. It is not intended to allow other land uses of a commercial or industrial nature which have the potential to erode the agricultural character of the zone. Garfield County may allow "renewable energy facilities" as a conditional use in the agricultural zone.

Garfield County Zoning Ordinance Section 1.03.010(1). Pursuant to this intent statement along with the County's land use zone matrix contained in Zoning Ordinance Section 1.03.040, renewable energy facilities,[1] alternative energy facilities,[2] commercial wind turbines,[3] and wind tower farms[4] may be permitted by the Garfield County Hearings Examiner as conditional uses in the Agricultural Zone.

However, given wind energy's unique characteristics, Garfield County has established specific requirements and standards for the review and granting of conditional uses for wind energy facilities (outlined in Section 1.05.080 of the County's Zoning Ordinance) in addition to the typical conditional use requirements outlined in the County Zoning Ordinance Section 1.05.050. Section 1.05.080(8) lists conditions of approval that are required to govern the construction and operation of wind energy facilities within Garfield County. Moreover, before the County Hearings Examiner may act on a request for a conditional use for wind energy facility, it must hold a public hearing. *See* Garfield County Zoning Ordinance Sections 1.05.030, 1.05.060, and 1.05.080(5).

Therefore, the Applicant's proposed Project is specifically authorized as a conditional use provided it meets the general criteria listed for conditional uses in Zoning Ordinance Section 1.05.010 through 1.05.050, the specific standards for wind energy facilities outlined in Section 1.050.080, and the conditions of approval listed in Section 1.050.080(8).

7. **Comprehensive Plan:** The Utilities Element of the 2008 Garfield County Comprehensive Plan generally concludes that wind energy facilities are authorized as conditional uses in the Agricultural Zone; create economic benefits; are consistent with Garfield County's agricultural production; and are compatible with existing land use policies and goals in the region. For ease of reference, the wind energy facility-specific discussions within the Garfield County Comprehensive Plan are quoted below:

> Renewable Energy
>
> Passage of Washington's renewable energy portfolio standards requires the generation of clean renewable energy. Of the various types of renewable energy that can be developed in Garfield County, opportunities for development of wind energy facilities have been identified. Wind energy facilities utilize a natural resource – wind – without depleting it, create economic benefits, and are compatible with existing land use policies and goals in the region. Consistent high winds in Garfield County present an opportunity for resource harvesting of wind energy on agricultural land. Wind energy development is consistent with the type of agricultural production that currently exists in Garfield County and may provide significant economic opportunities for individual farms, the work force, Garfield County and other taxing districts within.
>
> …

[1] Renewable energy is defined by the County's Zoning Ordinance in Section 1.01.030 as: "energy produced from wind; water; solar energy; geo-thermal energy; landfill gas; wave, ocean, or tidal power; gas from sewage treatment facilities; bio-diesel fuel; biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops."

[2] An alternative energy facility is defined by the County's Zoning Ordinance in Section 1.01.030 as: "A device, structure or mechanism that is capable of producing energy utilizing wind power, solar power energy or fuel cell energy. For the purposes of this Ordinance, an Alternative Energy Facility does not include Personal Wind Turbines or other devices which are utilized for private energy generation. See Renewable Energy."

[3] Commercial wind turbines are defined by the County's Zoning Ordinance in Section 1.01.030 as: "a wind turbine (as defined above) whose total height exceeds sixty feet and whose produced energy is connected into a public power grid network."

[4] Wind turbine farms are defined by the County's Zoning Ordinance in Section 1.01.030 as: "two or more commercial wind turbines on one parcel."

Wind Energy

Commercial wind energy continues to grow as a source of electricity production in the United States. Passage of Washington's renewable energy portfolio standards requires the generation of clean renewable energy which can be met by wind energy facilities. A wind energy facility typically consists of arrays of wind turbine generators, transformers to step up power, associated electrical infrastructure, service roads and operation/maintenance facilities. Wind energy facilities utilize a natural resource – wind – without depleting it, create economic benefits, and are compatible with existing land use policies and goals in the region.

Wind Energy Facilities or Wind Turbine Farms, (two or more wind turbines on one parcel) may be allowed only as a Conditional Use within the Agricultural Zone. Accessory uses i.e.; O & M Buildings, Electrical Distribution or Transmission Lines, Overhead Power Lines, Electrical Sub Stations, or and any (sic) Collection or Transfer Stations needed for the construction of any Wind Energy Facility or Wind Turbine Farm or Solar Energy Facility shall be considered as an accessory use and therefore must be addressed and listed at the time of the original application submittal.

The county has declared the agriculture zone to be the lands in which wind farms will be allowed, provided the developments meet county, state and federal requirements to build a project. Areas of Garfield County outside of the agriculture zone have been excluded from wind energy facility development, such as the Mountain Cabin Zone. The County has no jurisdiction over the U.S. Forest Service lands in the southern portion of the county.

Support

Wind energy facilities potentially can add farm revenue to offset unstable or falling prices for wheat, alfalfa and beef cattle and higher production costs and property taxes. Our economic development strategy is to strengthen and promote our agricultural economy and broaden the tax base. The County and its junior and special taxing districts (such as fire, school and special utility districts) will see valuations increase and a variety of tax benefits to its taxpayers.

Planning

Zoning is not merely an economic development tool, but is good planning. The county has been known as a prime wind-resource area since the early 2000's. The energy crisis of 1999-2000 was bringing wind power developers to look at the county, and the idea was to start planning now for it, Garfield County wants to be proactive instead of being forced to be only reactive when a project was proposed.

Therefore, the County's 2008 Comprehensive Plan specifically permits the establishment of the Applicant's Project as a conditional use in its proposed Agricultural Zone location.

8. **CUP Review Process:** On January 26, 2009, the Applicant submitted a conditional use permit ("CUP") application to Garfield County for this Project. On February 9, 2009, the Garfield County Zoning Official deemed the Project's application complete and issued a determination of completeness to the

Applicant. *See* Exhibit E. Garfield County simultaneously published a Notice of Application for the Project, attached hereto as Exhibit F, and a Determination of Significance/EIS Scoping Notice, attached hereto as Exhibit G, on February 18, 2009 in the East Washingtonian – the Pomeroy newspaper. The Notice of Application was also sent to all property owners within 500 feet of the Project boundary, Garfield County-wide bulk mailing, and parties with jurisdiction. Soon after, the Applicant identified an error in a numerical figure in the Determination of Significant/EIS Scoping Notice. In order to correct the error and provide the public with notice thereof, Garfield County issued a Revised Notice of Application and Determination of Significance/EIS Scoping Notice on February 26, 2009, with the corrected information as provided below, attached hereto as Exhibits I and J, respectively. This Revised Notice of Application was also posted in the East Washingtonian and sent to all property owners within 500 feet of the Project boundary and parties with jurisdiction.

Written notice of the November 5th public hearing for this Project (as well as the potential for a second hearing date on November 9th) was published on October 21 and 28, 2009 in the East Washingtonian and the Dayton Chronicle, posted in the Project Area in two conspicuous locations (Dodge Junction and the Garfield County Courthouse), and mailed to all owners of real property within a distance of five hundred feet from the Project boundary and parties with jurisdiction. *See* Exhibit X attached hereto.

9. **SEPA Process:** Environmental review under Garfield County's SEPA Ordinance, No. 13870, on this Project was triggered when the Applicant submitted its CUP application (as described in Finding #8 above). The Applicant requested that Garfield County, as lead agency, issue a Determination of Significance ("DS") and prepare an EIS. As noted in Finding #8 above, the County issued a DS/EIS Scoping Notice and a Revised DS/EIS Scoping Notice on February 18 and 26, 2009, respectively. *See* Exhibits G and J. EIS Scoping for the Project was conducted to obtain public and agency comments on the environmental aspects of this Project. The EIS Scoping comment period ended on April 3, 2009 – 36 days after the Revised DS/EIS Scoping Notice was issued. Fifty-nine comment letters were received by the County during this time period. See Exhibit M attached hereto. In addition to a period for submittal of written comments, informational public open house meetings were held on March 4 and 5, 2009, in Pomeroy and Dayton, Washington, respectively. *See* Public Meeting Sign-In Sheets attached hereto as Exhibit L.

Following the review of the comments received, Garfield County issued three letters dated April 23, May 13, and May 18 to the EIS contractor, Ecology and Environment, Inc., that summarized the significant EIS scoping issues. *See* Exhibits N-P. Public scoping identified the following significant areas of interest to be considered in this DEIS: impacts to land uses in the area; socioeconomic impacts to the community and the public services afforded the area's citizens; avian and wildlife impacts; visual impacts and noise impacts. The DEIS considered the following significant issues to be assessed through environmental and permit review: whether the Project would have significant adverse impacts to wildlife populations and hunting uses; whether there would be continued viability of agricultural activities; the level of demands placed on public services; calculation and timing of new revenues to taxing districts and the private sector; whether the Project could be sited to meet Washington's adopted noise level standards; and how the Project will affect the viewscape in the Project vicinity. In addition to those issues, all other statutory elements of the built and natural environment were considered in the Project's Draft EIS.

On August 17, 2009, the Draft EIS was issued with public notice of availability and the comment period appearing in the East Washingtonian and the Dayton Chronicle. *See* Notice of DEIS Availability attached hereto as Exhibit Q. Notice of its availability was also mailed to all adjacent property owners within 500 feet of the Project boundary and those who submitted scoping comments and requested

notice. Hard copies of the DEIS were sent to all agencies with jurisdiction and the Confederated Tribes of the Umatilla Indian Reservation and the Nez Perce Tribe. Duly noticed public open houses were held on September 9 and September 10, 2009, in Pomeroy and Dayton, Washington respectively. See Sign-In Sheets attached hereto as Exhibit S. County officials, applicant representatives, and key EIS consultants and section authors were present and available to respond to public questions. DEIS comment sheets were provided to attendees. A copy of the DEIS, including public notices and comment sheets, were also made available on the Garfield County website. A copy of the DEIS is attached hereto as Exhibit R.

The Project's DEIS evaluated the following elements of the environment: geology, soils, water resources, wetlands, aquatic habitat, fish species, and wildlife, bird and bat resources, vegetation, visual resources, noise, climate and air quality, public services and utilities, traffic and transportation, land use and recreation, socioeconomics, health and safety, and cultural resources. The DEIS concludes that as designed and mitigated the Project will have "nominal effects" on water, wetland and fisheries resources, soils, geology, vegetation, climate and air quality, public services, health and safety, land use patterns, and cultural resources. Exhibit R at p. 4. The Project will only permanently disturb 343 acres of the total Project Area within Garfield County – the remaining actively farmed acreage will remain under cultivation during Project operations. Exhibit R at p. 2-20. The Project's facilities will be sited and operated to meet an even higher noise standard than the applicable Washington State noise standards – the Project will not generate more than 50 dBA at existing non-participating residential receptors unless a noise easement is obtained – and, as such, noise impacts from the Project will not be significant. Exhibit R at p. 4. The Applicant has committed to implement a hunting program to allow permissive hunting to continue to the extent it has been traditionally allowed on private property. ***Id.*** The Project will cause avian and bat mortality, although the DEIS authors conclude that in the context of what is known about these affected populations, the mortalities will not be significant on total populations of the species. Exhibit R at p. 4. Last, the Project will generate revenues to taxing districts over the life of the Project and not cause significant demands on the delivery of public services. ***Id.***

The DEIS does conclude, however, that the Project will cause significant adverse impacts on visual resources; even with the mitigation measures proposed, some visual impacts cannot be eliminated or mitigated to levels that are less than significant. Exhibit R at p. 4. Numerous turbines will be visible from various locations through Garfield County and the region at large. Except for the impacts to visual resources, the DEIS finds that implementation of the proposed mitigation measures will avoid and/or prevent significant impacts associated with the Project.

The DEIS comment period closed on September 16, 2009. By the end of the DEIS comment period, Garfield County had received a total of 23 comment submissions, copies of which are included within the Final EIS ("FEIS"). In accordance with WAC 197-11-560, Garfield County, in collaboration with Columbia County and the EIS consultant, prepared a FEIS that was issued on October 7, 2009. *See* Exhibit V attached hereto. A Notice of FEIS Availability was published in the East Washingtonian and the Dayton Chronicle, mailed to all adjacent property owners within 500 feet of the Project boundary and those who submitted scoping comments and requested notice. *See* Notice of FEIS Availability attached hereto as Exhibit U. Hard copies of the FEIS were sent to all agencies with jurisdiction and the Confederated Tribes of the Umatilla Indian Reservation and the Nez Perce Tribe. Rather than repeating the extensive analyses presented in the DEIS, the FEIS presents: (1) updated and revised information to complete the environmental analyses presented in the DEIS; and (2) copies of written DEIS comments submitted to Garfield County as well as responses to those comments.

During the DEIS comment period, Garfield County received comments from Tribes, agencies, organizations, and individuals. In response to those comments and to provide updated information on the

Project's environmental review process, the FEIS provides updates and text revisions to the analysis of the environmental impacts presented for sixteen elements of the environment. Chapter 2 of the FEIS includes a Zone of Visual Influence Map and discussion related thereto; further discussion regarding low frequency noise, the dBC-weight scale, ambient noise, impacts related to low frequency noise, and the Washington noise standards; hospital district mutual aid agreements; revised cultural resource mitigation measures; WEST's Final Wildlife Baseline Studies for the Project; SWCA's Final Rare Plant and Habitat Survey Report;[5] and SWCA's technical memorandum regarding cultural resource survey methodology. Nevertheless, the FEIS does not change any of the conclusions reached in the DEIS: the Project as mitigated will have significant adverse impacts on visual resources but only nominal impacts on the other fifteen elements of the environment.

The FEIS, combined with the DEIS, constitutes the entire "Environmental Impact Statement" for this Project.

10. **Agency/Public Comments:** In response to Garfield County's issuance of this Project's Notices of Application and DS/EIS Scoping Notices, the County received 59 comment letters from private property owners, organizations, and agencies before the expiration of the EIS Scoping Period. *See* comment letters attached hereto as Exhibit M. These 59 comment submissions address both CUP application issues and SEPA issues related to the Project. Such issues include, but are not limited to, socioeconomic concerns related to taxes and property values; visual resource concerns related to visual impacts, the need for visual simulation to measure such impacts, and property-specific visual impact comments; noise concerns related to noise intrusion and the need for noise studies; concerns related to increased Project-specific traffic; land use issues related to continued recreational access in the Project Area, farmland and agricultural production impacts, and hunting restrictions; vegetation and habitat concerns; wildlife concerns related to population impacts and avian/bat mortalities; health and safety hazards involving shadow flicker, and threats to aerial sprayers; impacts on public services/emergency services; and comments providing support for the Project. In addition to the comments received during the EIS Scoping period, the County has received two additional comment submissions: (1) a letter from Gary Houser, which was received by the County on April 13, 2009, after the scoping comment period deadline ended; and (2) at the request of Garfield County and DAHP, a letter from the Pomeroy Historic Preservation Commission dated September 28, 2009. Houser's comment letter is included within Exhibit M and the Commission's letter is attached hereto as Exhibit T.

11. **Garfield County General CUP Approval Criteria:** Garfield County Zoning Ordinance Chapter 1.05 sets forth the process and criteria for approval of Conditional Uses. Section 1.05.050 provides the criteria for approval of conditional use permits, as follows:

> A conditional use permit shall be granted only if the Board of Adjustment or the Hearings Examiner can make findings of fact based on the evidence presented sufficient to allow them to conclude that, as conditioned, the proposed use:
>
> (1) is either compatible with other uses in the surrounding area or is no more incompatible than are other outright permitted uses in the applicable zone;
>
> (2) will not materially endanger the health, safety, and welfare of the surrounding

[5] The Applicant had its consultants conduct rare plant and habitat mapping (including quality) surveys for the Project's Permitting Corridors. The results of these surveys are reported in Appendix J of the Project's FEIS, attached hereto as Exhibit V.

community to an extent greater than that associated with other permitted uses in the applicable zone;

(3) would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with other permitted uses in the applicable zone;

(4) will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and

(5) is not in conflict with the goals and policies expressed in the current version of the County's comprehensive plan.

This section further provides that the Hearings Examiner "shall consider applicable standards, provisions and policies established by this title and the comprehensive plan as they pertain to the proposed conditional use, and . . . shall impose any feasible, specific conditions and limitations necessary for it to make the conclusions set forth above that are required in order for it to issue the permit." If the Hearings Examiner cannot impose reasonable conditions "so as to allow . . . the Hearings Examiner to make the conclusions required, the conditional use permit application shall be denied."

12. **CUP Requirement #1**: As mitigated, this Project meets CUP Requirement #1 – the proposed wind energy facility is compatible with the surrounding uses of Garfield County's Agricultural Zone. Moreover, even though CUP Requirement #1 only requires that a conditional use "either" be compatible with other uses in the surrounding area "or" be no more incompatible than are other outright permitted uses in the applicable zone, the proposed wind energy facility is also no more incompatible than the other outright permitted uses in the Agricultural Zone.

The Project, with the proposed conditions and mitigation measures outlined below, is compatible with the Agricultural Zone's uses. As the Garfield County Zoning Ordinance Section 1.03.10(1) states, the County's Agricultural Zone is "intended to protect the character of existing ag lands with a minimal amount of development . . ." As a result, most of the land within Garfield County's Project Area is in agricultural production. Livestock grazing also occurs within the area. Low-density residential development, mostly consisting of single-family houses associated with farms, is also scattered throughout the Project Area. In addition to the uses mentioned above, the following other land uses are located within the Garfield County portion of the Project: multiple commercial gravel pits, commercial quarries and borrow pits; outdoor recreational sports and activities; state and county roads; recreational and commercial hunting and fishing; and transmission lines.

The 2008 Garfield County Comprehensive Plan ("Comp Plan") explicitly finds that wind energy facilities are compatible with agricultural production and therefore has declared the Agricultural Zone to be the lands in which wind farms will be allowed. The Comp Plan at page 125 states: "Wind energy development is consistent with the type of agricultural production that currently exists in Garfield County and may provide significant economic opportunities for individual farms, the work force, Garfield County and other taxing districts within."

Further, the record contains no evidence that the proposed Project as mitigated is detrimental to continued agricultural usage of the Project Area or other surrounding uses. This proposed wind energy facility will be developed at a very low density across large tracts of land, and result in very little permanent land disturbance. Total permanently converted agricultural lands as a result of the Project

will represent approximately 0.16 percent (about 536 acres) of the overall portion of agricultural lands in Garfield and Columbia Counties. DEIS, page 2-235. Traditional farming activities continue contemporaneously around sited wind turbines – the land is not taken out of agricultural production. Moreover, the presence of wind turbines on agricultural land generates various sources of additional income to the landowners thereby promoting long-term retention of agricultural lands by enabling landowners relying on agricultural income to withstand cyclical economic downturns without needing to convert to uses less compatible with agriculture. Proposed mitigation measures (listed in the Conditions of Approval below) for the Project include restoration of any temporary disturbed areas as a result of Project construction to their original condition; coordination of Project design with landowners to address agricultural land fragmentation as a result of turbine placement and road construction (*see* DEIS at 2-235); and coordination with landowners post-construction and after decommissioning to address restoration of land for agricultural production.

Impacts on recreational opportunities are not expected as a result of this Project. *See* DEIS at pp. 2-333 and 2-235. Hunting on private lands leased for this Project will continue to be at the discretion of the individual landowners. *See* DEIS at 2-235. The Project's proposed mitigation measures require the Applicant to establish a hunting program similar to existing programs at the Applicant's other Washington State wind farm projects (e.g., Hopkins Ridge and Wild Horse). At these facilities, the Applicant has established rules for hunting activities within the project boundaries. *See* DEIS at page 2-245.

The low density residential uses scattered throughout the Project's surrounding area will be protected from any potential incompatibilities through the application of turbine setback requirements. Garfield County requires wind turbines to be set back from residences a minimum of 0.25 miles or four times the total extended height of the wind energy tower, whichever is greater, unless waived by the residence owner. *See* Garfield County Zoning Ordinance Section 1.05.080(7). These setback requirements are included within this Project's proposed mitigation conditions listed in the Conditions of Approval below. Further, the Applicant has voluntarily agreed to meet a residential noise EDNA standard of 50 dBA at any existing residential receptors of non-participating landowners (landowners with whom the Applicant does not hold a lease). This is more stringent than the applicable noise standard of 70 dBA at property lines in agricultural areas *See* DEIS Section 2.10. This proposed mitigation condition is also contained in the Project's Conditions of Approval below.

This Project does not need to also satisfy CUP Requirement #1's alternative standard – that it is no more incompatible than other outright permitted uses in the Agricultural Zone. Nonetheless, this alternative standard is also met. The Project as mitigated will not be more incompatible than other uses allowed outright in the Agricultural Zone such as, but not limited to, farming operations with livestock, dairy products manufacturing, contractors storage yards, public utility buildings and yards, sawmills and wood processing plants, and rock quarries. All of these allowed uses can have visual, noise and other impacts that are greater than the Project's impacts as mitigated by the proposed conditions of approval outlined below.

13. **CUP Requirement #2**: This Project meets CUP Requirement #2 because as mitigated it does not materially endanger the health, safety, and welfare of the surrounding community.

Potential health and safety risks from Project construction and operation include the risk of fire or explosion; the potential for release of hazardous materials; vandalism; traffic accidents; turbine structural failure; ice throw; electric and magnetic fields; low frequency noise; and shadow-flicker. *See*

DEIS Section 2.16. However, the proposed mitigation measures identified in Section X below prevent any material endangerment of the surrounding community and mitigate the potential risks.

First, the Applicant is required to develop, submit, and implement a Project Health and Safety Plan ("HSP") that incorporates fire safety planning. Moreover, the Project's wind turbines will include fire protection features that monitor bearing, oil, and nacelle temperatures. The turbine control system will monitor sensor temperatures and automatically shut the turbine down and send an alarm to the control room if predetermined set points are exceeded. In addition to the monitoring system, each turbine and each service vehicle will be equipped with a fire extinguisher. Lightning-induced fires are rare in the Project area; however, each turbine blade is equipped with a small conductor located at the tip of the blade. This sensor is connected to the grounding grid surrounding the turbine foundation. All lightning strikes will travel directly to the ground and will not affect the turbine or the surroundings. In addition to the Project's HSP, the Applicant is required to develop a Project specific Emergency Response Plan ("ERP") and Fire and Mitigation Plan. These site-specific plans will be coordinated with the local fire departments and emergency response organizations. *See* DEIS at 2-299.

Second, the Project will be designed to include site security measures to ensure that vandalism does not pose a health or safety threat to workers at the Project or residents or visitors in the Project vicinity. The overall Project site will be effectively monitored during construction through the development and implementation of the Site Security Plan Site access will also be monitored.

Third, while structural failure is very rare, this Project's wind turbines will be equipped with sophisticated computer control systems to monitor variables such as wind speed and direction, air and machine temperatures, electrical voltages, currents, vibrations, blade pitch and yaw angles, etc., to further reduce any health and safety risks associated with such unlikely failures. *See* DEIS at 2-294. As explained in DEIS Section 2.16:

> Each Project turbine will be connected to the Applicant's central data control system. The system will allow for remote control and monitoring of individual turbines and the wind plant as a whole from both the central host computer or from a remote computer. ***Id.*** All turbines are designed with several levels of built-in safety and comply with the codes set forth by Occupational Safety and Health Administration (OSHA) and American National Standards Institute (ANSI) standards ***Id.*** The turbines will be equipped with two fully independent braking systems that could stop the rotor either acting together or independently. ***Id.*** The braking system is designed to bring the rotor to a halt under all foreseeable conditions. The system will include aerodynamic braking by the rotor blades and by a separate hydraulic disc brake system. Both braking systems will operate independently such that if there is a fault with one system, the other could still bring the turbine to a halt. Remote restarting of the turbine will not be possible following an emergency stop. The turbine will be inspected in-person and the stop-fault reset manually to re-activate automatic operation. The turbines will also be equipped with a parking brake used to "park" the rotor while maintenance routines or stationary rotor inspections are performed.
>
> Members of the public do not typically have access to the lands on which the turbines are located and gates and signage will be used to discourage unauthorized access. Proper turbine selection, inspection, maintenance, and operation further reduce the risk to public safety.

The Applicant will submit to Garfield County a statement by a professional engineer certifying that its turbine rotors and overspeed controls have been designed and fabricated for the proposed use in accordance with good design practice.

Fourth, adherence to Garfield County's setback requirements minimizes the potential risk associated with ice throw, which is caused by the build-up of ice on turbines' blades. *See* DEIS at 2-295 and 2-301. The Applicant's on-site HSP will also address ice-throw, including the requirements that manufacturers' recommendations regarding operation during icing conditions be followed and that turbines near public roads and public use areas be paused during icing conditions.

Fifth, several individual commenters submitted letters citing potential shadow flicker impacts that may be caused by the proposed Project. Shadow flicker is the alternating changes in light intensity when moving turbine blades cast shadows on the ground and objects, such as windows in residences. DEIS at 2-297.

> Shadow flicker is not caused by viewing the sun through rotating wind turbine blades or moving through the shadows of a wind energy facility, or sunlight reflected from turbine blades." *Id.* Shadow flicker occurs when a turbine is located near a receptor (e.g., residence) with an unobstructed line of sight to the turbine, the sun is behind and perpendicular to the turning turbine blades and the receptor is located close enough to the turbine to be in its shadow. Potential shadow flicker from wind turbines can only occur when (1) the sun is very low in the sky; (2) a receptor is very close to the turbine; (3) the receptor is oriented toward a turbine; (4) the receptor has an unobstructed line of sight; and (5) the weather conditions include bright sun. When all these factors exist, they may produce a pulsating shadow which may or may not be perceptible.

Id. Shadow flicker is mitigated by adherence to setbacks because the phenomenon is directly related to receptor and turbine proximity. The Garfield County setback standards are reasonably calculated to prevent any shadow flicker issues from this Project. Moreover, there is no scientific data or peer-reviewed study that suggests a link between epileptic seizures and rotor blade alternatives. *Id.; see also* FEIS at 2-25.

Last, several individuals also submitted comment letters regarding Project concerns related to low frequency noise. A recent theory cited by a few commenters has associated adverse heath consequences with low frequency noise. That theory, however, has not been peer-reviewed by independent scientific experts or generally accepted by the scientific community. More importantly, wind turbines do not generate significant amounts of low-frequency noise. *See* FEIS at 2-38. Therefore, mitigation for low frequency noise impacts lacks a basis in the Project's record.

Therefore, as mitigated, there is no evidence in the record that this Project will materially endanger the health, safety, and welfare of the surrounding community.

14. **CUP Requirement #3:** The Project meets CUP Requirement #3 because, as mitigated, the Project's pedestrian and vehicular traffic will not conflict with existing and anticipated traffic in the neighborhood.

The Project's primary transportation corridors in the Project Area include U.S. Route 12, SR 127, and SR 261, and a combination of existing private and county roads. All of these roadways (and other

roadways within the Project Area) currently operate at a LOS[6] of A. According to the Comp Plan's Transportation Element, LOS D at peak hour is a reasonable standard for the major arterial roadways.

Per the traffic and transportation analysis contained in this Project's EIS at Section 2.13, during construction, the Project will require transport of a significant amount of oversized materials to the site, requiring special permits from the Washington State Department of Transportation ("WSDOT"), which is likely to create localized, temporary disruption to local roads. However, with the proposed haul route agreement and WSDOT permits, the impacts will be temporary and mitigatable. Traffic generated by the operation of the Project, on the other hand, is not anticipated to affect the accident rate or pattern on roadways and will have little impact on the condition of the public road system.

Per the Garfield County Zoning Ordinance Section 1.05.090 – Conditions of Approval for Transportation – the Applicant must comply with all applicable road restrictions for public roadways during periods of construction and maintenance of the Project. The Applicant is responsible for any damage to public roadways caused by a violation of applicable road restrictions, and Project's bonding requirements will address any additional damage caused to roadways as a result of this Project. In addition, the Applicant will be required to comply with seasonal road restrictions implemented by Garfield County. *See* proposed Conditions of Approval below.

Further, the Applicant will be required to develop and submit to the County a Haul Road Agreement that includes both construction and post-construction uses. And, in accordance with Garfield County's transportation-specific wind energy facility conditions, the Applicant will prepare a site access plan for this Project that designates roads and directs construction and maintenance workers regarding site access and will construct approximately 120 miles of new permanent roads for the entire Project.

Therefore, with the Conditions of Approval summarized above and listed below, there is no evidence in the record that Project-generated pedestrian and vehicular traffic will conflict with existing and anticipated traffic in the neighborhood. Moreover, any roadway limitations or damage as a result of the Project's heavy loads will be mitigated through conditions imposed in the County's haul agreement.

15. **CUP Requirement #4:** This Project meets CUP Requirement #4 because as mitigated it will be supported by adequate service facilities and will not adversely affect public services to the surrounding area.

Section 2.12 of the Project's DEIS assesses the Project's impacts on the provision of public services and utilities in Garfield County. Generally, the DEIS concludes that local public services and utilities will experience higher demand during Project construction than during operation of the Project because more people will be on-site and more activity will be occurring during the construction period. Further, indirect impacts to the capacity of local public services and utilities will occur due to temporary and permanent population growth associated with the Project. Temporary population growth will occur during each construction phase; most construction personnel are expected to leave the area upon completion of construction. However, Project operation is expected to result in a small increase in the regional population level, which will subsequently generate an increased demand for public services and utilities. The DEIS concludes that, as mitigated, the Project will have no probable significant adverse impacts to public services and utilities. Moreover, given the history of wind energy facilities in

[6] LOS is a qualitative measure describing operational conditions in a traffic stream and motorists' or passengers' perceptions of these conditions. It generally describes traffic conditions in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. There are six LOS classifications – LOS A represents the best operating conditions and LOS F represents the worst.

Washington State it is likely that Project assets will generate annual tax revenues that will offset annual incremental municipal expenditures attributable to construction phase demands and facility operations. The increased ad valorem revenues anticipated from this Project will compensate Garfield County for public services for the increased demand related costs from the Project. *See* DEIS Section 2.15.

More specifically, the DEIS concludes that fire and emergency services, police, medical services, schools, wastewater, and solid waste disposal have the current capacity to handle any increased demand associated with Project construction and operation provided the following four mitigation measures are implemented.

First, emergency preparedness and emergency access measures proposed by the Applicant and incorporated in the Conditions of Approval below, will reduce potential impacts to surrounding property, people, and rescue personnel in the event of an emergency.

Second, the Project shall provide its own onsite security to be present during construction and operations.

Third, the Applicant shall maintain a water supply or water tender at one or more locations on the Project site to improve the effectiveness of firefighting.

And, last, while the Pomeroy School District has the capacity to serve additional school children that may enroll as a result of the Project, there may be a lag between the time any new enrollees attend local schools and when the local school districts receives apportionment funds because as with all taxable new construction projects, wind projects have tax revenues which do not become affective until 18 months after completion of construction. This results in a lag between the time the project becomes operational and the time tax revenues are realized at the level of the taxing district. Local school district funding is expected to be impacted because the new wind farm assets can change the school district levy equalization amount by reducing the percentage of funds transferred from the state, so in the short term the school district's share of equalized revenues can be reduced. However, over the longer-term horizon, upon completion of the projects, there is a positive impact from the expanded tax rolls and increases in annual tax payments with reduced levy rates. This gap in funding, however, can be planned for and appropriately addressed to ensure neither a reduction in funding nor an inequitable distribution of responsibility for those amounts. In order to address this lag, the Applicant shall work with district administration to schedule and coordinate amounts in levy that are run such that rates/schedules can be set in advance to account for the impending addition of revenue from increased assed valuation of the Project.

Furthermore, during the EIS scoping period and during development of the DEIS, both Pomeroy and Dayton School Administrators were directly involved in discussions regarding anticipated short-term funding short falls. Through coordination between school districts, the Counties, and the Applicant, all parties agree that an on-going effort will be made to reduce these impacts by appropriate planning and timing of project assessments and valuation. These impacts are viewed by the school districts to be minimal and short-term.

Therefore, evidence in the record supports the conclusion that the Project as mitigated will be supported by adequate service facilities and will not adversely affect public services to the surrounding area.

16. **CUP Requirement #5:** The Project meets CUP Requirement #5 because it is consistent with the goals and policies of Garfield County's 2008 Comprehensive Plan ("Comp Plan").

As stated above, the Comp Plan explicitly finds that wind energy facilities are compatible with agricultural production and therefore has declared the agriculture zone to be the lands in which wind farms will be allowed. The Comp Plan states: "Wind energy development is consistent with the type of agricultural production that currently exists in Garfield County and may provide significant economic opportunities for individual farms, the work force, Garfield County and other taxing districts within. Comp Plan at p. 127, Exhibit A.

Further, the Comp Plan in its Utilities Section recognizes the importance of renewable energy: "Passage of Washington's renewable energy portfolio standard requires the generation of clean renewable energy. Of the various types of renewable energy that can be developed in Garfield County, opportunities for development of wind energy facilities have been identified. Wind energy facilities utilize a natural resource—wind—without depleting it, create economic benefits and are compatible with existing land use policies and goals in the region. Consistent high winds in Garfield County present an opportunity for resource harvesting of wind energy on agricultural land." ***Id.*** at p. 125.

The Comp Plan encourages planning for wind energy facilities in agricultural areas as part of its economic development strategy: "Wind energy facilities potentially can add farm revenue to offset unstable or falling prices of wheat alfalfa and beef cattle and higher production costs and property taxes. Our economic development strategy is to strengthen and promote our agricultural economy and broaden the tax base. The County and its junior and special taxing districts (such as fire, school and special utility districts) will see valuations increase and a variety of tax benefits to its taxpayers." ***Id.*** at p. 127. The Comp Plan's Economic Development Element Goal B – "To encourage economic development throughout the city and county that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this county, especially for unemployed and for disadvantaged persons, and encourage growth, all within the capacities of the county's natural resources, public services, and public facilities" – is also met by this Project. The Project will generate temporary and permanent local jobs and will contribute to the local tax base. ***See*** DEIS Section 2.15, Socioeconomics. Last, the Comp Plan's Economic Development Element Objective C, Policy 1 states that "[t]he county should encourage development of wind generation projects." Granting this Project a CUP permit does encourage the development of wind generation in Garfield County.

In addition, and as described in the Project's EIS at Section 2.14.2.1, the Project meets the Comp Plan's stated goals and objectives for land use, resource protection, and energy conservation, as well as the presence of rural areas.

The Comp Plan's Land Use Element Goal – "The City/County will ensure that the character and location of land uses optimizes the combined potentials for economic benefit and the enjoyment and protection of natural and cultural resources while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation" – is met by this Project. As summarized in the DEIS at p. 2-242, Table 2-49: "The Project will be developed at a very low density across large tracts of land, and will result in minimal permanent disturbance to the land. Traditional farming activities continue contemporaneously; the land is not taken out of agricultural production, with the exception of areas where permanent facilities are sited. The presence of the turbines on agricultural land generates sources of additional income to the landowners. The Project will adhere to various setbacks designed to safeguard health and safety." Further, Land Use Element Resource Protection, Policy 7 – "Maintain and enhance natural resource-based industries, including productive timber, agriculture, and fisheries industries" – is served by this Project because it uses a natural resource (wind) to generate energy, while at the same time allowing the Project area to remain in agricultural

production. Compliance with the Critical Areas Ordinance provisions for agricultural lands further implements the goal of natural resource protection. Garfield County CAO Ordinance at Section 8.0.

Last, the Comp Plan's Rural Element Objective C states: "The economic value and worth of Rural Areas should be recognized and appropriate steps taken to ensure and enhance their long-term survival." The Project allows for continued agricultural production on lands within the Project area with the exception of areas where permanent facilities are sited. Moreover, as summarized in the DEIS at p. 242: "[t]he presence of wind turbines on agricultural land will generate sources of additional income to landowners within the Project area, which helps buffer the landowner from harsh economic cycles within the agricultural industry, and the additional income generated from a wind energy facility mitigates against the need to subdivide the property and sell it to supplement income, thereby leaving large swaths of Rural lands intact and protected from sprawl."

17. **Wind Energy Facility Specific CUP Criteria.** Given the unique nature of wind energy facilities, Garfield County has established a specific set of requirements and standards for the review and granting of conditional uses for these types of projects. This Project must comply with the specific criteria set forth in Garfield County Zoning Ordinance Section 1.05.080(1)-(7). Each of these conditions has been incorporated within the Conditions of Approval set forth below.

First, the Applicant must obtain all necessary Washington State and local permits and approvals prior to Project construction or phases of Project construction. *See* Section 1.05.080(3).

Second, the Applicant was required to submit a complete Wind Energy Facility application to meet the requirements set forth in Section 1.050.080(4). The Zoning Official issued a determination of completeness letter dated February 9, 2009, attached hereto as Exhibit E.

Last, the Applicant must comply with the setbacks for wind energy facilities set forth in Section 1.05.080(7):

A. Urban Growth Area: Lands within the Urban Growth Area are excluded from wind energy tower siting.

B. Historical District Impact Area: Lands within the Historical District Impact Area are excluded from the siting of wind energy towers. These lands include all of Section 36, Township 12 N, Range 41 E, W.M.; all of Sections 31 and 32, Township 12 N, R 42 E, W.M.; the north half of Section 1, Township 11 N, Range 41 E, W.M.; and the north half of Sections 5 and 6, Township 11 N, Range 42 E, W.M.

C. Highway 12: Setbacks along all other portions of Hwy 12 outside of the UGA shall be wind energy tower total extended [tip] height plus 100 feet.

D. County Roads. Setbacks from the rights-of-way of all county paved or bituminous-surfaced roads: the total extended height of the wind energy tower plus 100 feet. From the rights-of-way of all county gravel or unpaved roads: 100 feet from the closest blade tip of the wind energy tower.

E. Project Area Boundary. Setbacks from the Project Area boundary shall be total extended height of the wind energy tower plus 100 feet, unless waived.

F. Residences. Setbacks from existing residential structures shall be a minimum of 0.25 miles or four times the total extended height of the wind energy tower, whichever is greater unless waived.

18. **Wind Energy Facility Conditions of Approval.** As noted above, this Project (as well as all proposed wind energy facilities) must comply with all applicable Garfield County conditions set forth in the County's Zoning Ordinance Section 1.05.080(8) in order to receive CUP approval. County staff has combined these required wind energy facility conditions of approval with the SEPA mitigation conditions recommended within the Project's EIS in the proposed list of conditions contained below.

19. **Project Micrositing:** Micrositing is the Applicant's final process of assessing site-specific attributes in order to determine the final locations of wind turbine generators, below-ground electrical cables, above-ground electrical transmission towers, and other accessory uses. This process occurs after the EIS and CUP approval and prior to actual construction. Micrositing will occur for each phase of the Project's construction.

    During micrositing, technical and engineering factors, including limitations posed by the terrain, wind data, (e.g., speed, wind sheer), wake effects of the turbines, feasibility of access, geotechnical considerations (subsurface conditions), environmental restrictions (avoidance of sensitive habitat), cultural/archeological restrictions (avoidance of cultural resources sites), telecommunications constraints, Federal Aviation Administration (FAA) requirements, and other site-specific criteria are assessed. Based on these site-specific results, further refinement is made to yield a final layout of approximately 795 turbines.

    During micrositing, locations of Project facilities that require temporary or permanent ground disturbance at each phase of construction will be finalized. If any ground disturbance is located in an area that has not yet been surveyed for a specific resource, the appropriate surveys will be conducted. For purposes of this discussion these are referred to as "micrositing surveys." For example, if the new area of ground disturbance involves work in a stream buffer, and it has not yet been surveyed for cultural sources, both the stream buffer will be assessed and a cultural resources survey will be conducted. The micrositing surveys will be conducted according to the methodologies set out and used for the surveys documented in the Project's EIS. The survey results will be summarized in a report consistent with the level of detail in the original survey report contained in the EIS. If adverse impacts are anticipated to the protected resource(s) identified, mitigation measures will be applied according to the methodologies and requirements presented in the Conditions of Approval below.

    Garfield County, and as appropriate to the resource, other regulatory agencies, will review the survey results and the proposed mitigation measures for consistency with local, state and federal regulations and the mitigation measures presented in this EIS. Ground disturbance activities will only proceed once these approvals are obtained.

20. **Project's Rock Quarries, Rock Crushing Facilities, and Batch Plants:** The CUP will require that all final rock quarries, rock crushing, and batch plant facility to be developed by the Applicant and be located as shown on Exhibits K1 through K3. Exhibits K1 through K3 identifies a combination of existing and new quarry locations, which may require additional micrositing studies and processes as appropriate. Quarries may temporarily disturb and permanently remove aggregate at quarry areas, and groundwater may be encountered during their operations. Proposed conditions require that if groundwater is encountered and dewatering required, no direct discharge to surface waters or riparian areas may occur. Applicant shall evaluate shallow groundwater and impacts thereto and adjust locations

to avoid impacts when locating Project facilities within the proximity of wetlands. Construction of the Project will require water for concrete production, among other activities. Water for these activities will be purchased from offsite sources. Operators of the concrete batch plants and portable rock crushers are required to obtain a Coverage Order from the Washington Department of Ecology and comply with specified measures to reduce emissions, including a Fugitive Dust Control Plan. The Applicant shall obtain reclamation permits from DNR as necessary, and implement any mitigation required for habitat loss if any in accordance with WDFW Wind Power Guidelines (April 2009).

21. **Project's Accessory Uses**: Per page 127 of the Comp Plan, "[a]ccessory uses i.e.; O & M Buildings, Electrical Distribution or Transmission Lines, Overhead Power Lines, Electrical Sub Stations, or and any (sic) Collection or Transfer Stations needed for the construction of any Wind Energy Facility or Wind Turbine Farm or Solar Energy Facility shall be considered as an accessory use and therefore must be addressed and listed at the time of the original application submittal." An "accessory use" is defined in Section 1.01.030 of the Garfield County Zoning Ordinance as "[a] structure or use that is clearly incidental to and subordinate to the main use of a property and located on the same lot as the main use." Therefore, under these County provisions, the Applicant has identified the following accessory uses for this Project:

    - Individual turbine step-up transformers to increase the voltage of electricity to 34.5-kV;
    - A 34.5-kV electrical system to collect energy from the wind turbine generators;
    - Up to eight Project substations in addition to the BPA Central Ferry Substation;
    - Overhead transmission lines from the Project to the BPA substation;
    - Microwave transmission facilities and towers;
    - Up to six operations and maintenance (O&M) facilities; and
    - Up to eleven permanent meteorological towers.

    The accessory uses listed above are considered part of this Project's CUP application and shall be located within the Permitting Corridors shown on the Project's Preliminary Corridor Site Plan except for transmission lines that may be located anywhere within the Project Area, see Exhibits K1-K3 attached hereto. Should the Applicant in the future seek to increase the number of substations, meteorological towers, or O&M facilities identified herein, or add additional facilities not previously identified in its application, any such increase shall be reviewed consistent with the requirements of the Comp Plan's Utilities Element and the Garfield County Zoning Ordinance as may hereafter be amended.

22. **Final Corridor Site Plan(s):** Upon completion of micrositing, the Applicant shall submit a Final Corridor Site Plan to the Garfield County Zoning Official and the Public Works Director. Per Garfield County Zoning Ordinance Section 1.05.080(6), latitude is given for decisions made related to turbine and accessory use locations during micrositing, provided the final wind turbine and accessory locations[7] are within the approved corridors shown in the Preliminary Corridor Site Plan and approved by the Hearing Examiner, see Exhibits K1 through K3 attached hereto.

23. **Amendment of Final Corridor Site Plan(s):** If the Applicant proposes a Final Corridor Site Plan that changes the boundaries of the Permitting Corridors shown in its approved Preliminary Corridor Site Plan (Exhibits K1 through K3), the revised corridor site plan must be resubmitted to the Hearing Examiner. If the Hearing Examiner determines that the alterations are not substantial, the proposed Final Corridor Site Plan may be approved by the Hearing Examiner. However, if the Hearing Examiner determines the alteration is "of a substantial nature, . . . the Hearings Examiner shall require that the plan be resubmitted

[7] Notwithstanding transmission lines that may be located anywhere within the Project Area.

in compliance with [the Garfield County Zoning Ordinance]". *See* Garfield County Zoning Ordinance Section 1.05.080(6).

24. <u>Additional Project Permits and Approvals</u>: The following table provides a list of potential permits and approvals anticipated for this Project. This list is not intended to be exhaustive or absolute.

Permit/Consultation	Agency	Activity	Before Construction	Before Operation
Clean Water Act Section 404 Permit	U.S. Army Corps of Engineers (USACE) – Walla Walla District	Discharge/impacts to jurisdictional wetlands and/or other waters of the U.S. (i.e., excavation, fill)	Yes	Yes
Clean Water Act Section 401 Water Quality Certification	WA Department of Ecology	Discharges/impacts to jurisdictional wetlands and/or other waters of the U.S.	Yes	Yes
National Pollutant Discharge Elimination System (NPDES) Construction General Permit (and State Stormwater Construction General Permit)	WA Department of Ecology	Ground disturbance exceeding 1 acre	Yes	Yes
Sand and Gravel General Permit – Portable Facilities (NPDES and State Waste Discharge General Permit)	WA Department of Ecology	Wastewater discharges, including industrial storm water and process water, associated with portable concrete batch plants, asphalt batch plants, and rock crushers	Yes	N/A
Hydraulic Project Approval/Joint Aquatic Resource Permit Application	WA Department of Fish and Wildlife	Activities that use, divert, obstruct, or change the natural flow or bed of any water in the state	Yes	N/A
Well Construction and Operator's License	WA Department of Ecology	Construction of water wells, monitoring wells, geotechnical soil borings	Yes	N/A
State Historic Preservation Approvals/Section 106 of National Historic Preservation Act	Department of Archaeology and Historic Preservation (DAHP)	Construction activities that may disrupt or destroy cultural or historic resources	Yes – may include potential surveys	N/A
Archaeological Excavation Permit	Department of Archaeology & Historic Preservation	Excavating, altering, defacing, or removing archaeological objects or resources or Native Indian graves, cairns, or glyptic records per statutory requirements	Yes	N/A
Endangered Species Act – Section 7 Consultations	NOAA Fisheries; U.S. Fish and Wildlife Service	Projects requiring Federal 404 permit or with the potential to adversely affect federally-listed species or their habitat	Yes	N/A

Permit/Consultation	Agency	Activity	Before Construction	Before Operation
Federal Aviation Administration (FAA) Form 7460: Notice of Proposed Construction or Alteration	Federal Aviation Administration	Erecting structures greater than 200 feet tall	Yes	N/A
General Order of Approval for Concrete Batch Plants	WA Department of Ecology, Eastern Regional Office	Operation of temporary onsite concrete batch plant	Yes	N/A
General Order of Approval for Portable Rock Crushers	WA Department of Ecology	Operation of temporary onsite portable rock crushers	Yes	N/A
Highway Access Permit	WA Department of Transportation	Any private access to U.S. 12 or SR 127	Yes	N/A
Building Permit	Garfield County Public Works	Development and facility construction	Yes	N/A
Conditional Use Permit	Garfield County Public Works	Construction of a wind energy facility in agriculturally zoned area	Yes	N/A
Right of Way Use Permit	Garfield County Public Works	Placement of utilities within County right of way	Yes	N/A
Right of Way Approach Permit	Garfield County Public Works	Construction or modification of an approach to a County road	Yes	N/A
Haul Road Agreement	Garfield County Public Works	Hauling operations	Yes	N/A
Franchise Agreement/Bonding	Garfield County Public Works	Hauling operations/roadway usage Occupancy and Use Agreement	Yes Yes	N/A N/A
Critical Areas Review/Determination	Garfield County Public Works;	Working in or near critical areas	Yes	N/A
Surface Mining Reclamation Permit	WA Department of Natural Resources	A reclamation permit is required for quarries that: (1) results in more than 3 acres of mine-related disturbance, or (2) has a high-wall that is both higher than 30 feet and steeper than 45 degrees	N/A	Yes

25. <u>Findings and Conclusions</u>. Any Findings of Fact that are Conclusions of Law shall be treated as such.

CONCLUSIONS

1. Garfield County staff has complied with the notice, time, public hearing, and other procedural requirements for this Project's CUP application and requisite review set forth in the Garfield County Zoning Ordinance Chapter 1.05 generally and Section 1.05.080 specifically.

2. Based on the evidence included within this Staff Report, the Lower Snake River Wind Energy Project as mitigated is compatible with agricultural and other permitted uses in the Project Area and the Agricultural Zone at large. In specifically permitting wind energy facilities in the Agricultural Zone, Garfield County has determined that "wind energy development is consistent with the type of agricultural production that currently exists in Garfield County" and "utilize a natural resource – wind – without depleting it, create economic benefits, and are compatible with existing land use policies and goals in the region." Comp Plan at p. 125.

3. Based on the evidence included in this Staff Report, the Project, as conditioned to avoid or mitigate impacts as required by the Garfield County Critical Areas Ordinance, does not adversely affect the function and value of critical areas in Garfield County, and is consistent with the Garfield County Critical Areas Ordinance.

4. Based on Finding 13, the Project, as conditioned, will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with other permitted uses in the Agricultural Zone.

5. Based on Finding 14, the Project, as conditioned, will not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with other permitted uses in the Agricultural Zone.

6. Based on Finding 15, the Project, as mitigated, will be supported by adequate service facilities and not adversely affect public services to the surrounding area.

7. Based on Finding 16, the Project, as conditioned, meets the goals and policies of the 2008 Garfield County Comprehensive Plan. The Comprehensive Plan's policy of encouraging economic development and land uses that are consistent with the rural and agricultural uses is consistent with the Applicant's proposed Project.

8. Based on Finding 17, the Project, as conditioned, has met the specific Garfield County wind energy facility-specific conditional use requirements specified in Garfield County Zoning Ordinance Section 1.05.080.

9. With the Conditions of Approval listed below, which include, but are not limited to, the SEPA mitigation conditions proposed in the EIS and the conditions of approval listed in Garfield County Zoning Ordinance Section 1.05.080(8), the Project meets the Garfield County conditional use criteria outlined in the Zoning Ordinance's Chapter 1.05.

BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS, the Garfield County Zoning Official hereby recommends APPROVAL of CUP #012609 with the following conditions, which conditions shall govern the Project during pre-construction, construction, operation, and decommissioning, as applicable, and shall be binding upon all successors and assigns and transferees of the Applicant. **GCC 1.05.080(8)(70).**

CONDITIONS OF APPROVAL

The Conditions of Approval set forth below are arranged similar to a project specification manual, i.e., the conditions are arranged in a time-sequence order, commencing with project approval, micrositing, project construction, operation and ending with decommissioning. Unless it is a newly proposed staff condition, each of the Conditions of Approval listed below comes directly from the FEIS and the Garfield County Zoning Ordinance Wind Power Conditions of Approval, GCC 1.05.080(8). The Conditions of Approval are annotated to inform the Hearing Examiner of where each condition originated from. Because the proposed mitigation measures were not numbered in the FEIS, attached hereto as Exhibit H is a numbered list of all FEIS mitigation measures to assist in the Hearing Examiner's review. Last, the Conditions of Approval set forth below account for all of the FEIS proposed mitigation conditions and the Garfield County Zoning Ordinance Wind Power Conditions of Approval listed at GCC 1.05.080(8).[8]

I. Project Plans. The Applicant shall submit the following plans to Garfield County (and any other agencies listed within the condition itself) for review and approval, as required, prior to construction (unless a different timeframe is specifically noted below) as well as any other plans that may be required by state or federal regulations:

I -1 – Transportation Route Plan. The Applicant shall prepare a plan detailing the proposed transportation route(s) for equipment deliveries to the Project site prior to transportation of equipment to the Project Area, such that Washington State Department of Transportation (WSDOT) can determine whether there are any impacts to the WSDOT system and the County can assess impacts to County roads. This Transportation Route Plan shall include the Project's haul and approach routes and shall be approved, as required, by WSDOT as well as the County. This Plan shall be submitted to the County for review and approval prior to commencement of construction. **GCC 1.05.080(8)(22).**

I -2 – Site Access Plan. The Applicant shall prepare a Site Access Plan that designates Project access roads, directs construction and maintenance workers to use existing roads wherever possible (as opposed to constructing new roads for the Project), and shows how Project access roads link to public roads. In particular, access to new, Project phase-related roads shall solely be from County and private roads and shall not be from U.S. Highway 12. If this condition causes the Applicant "undue or unnecessary hardship," it may request a variance from this condition pursuant to Garfield County Zoning Ordinance Chapter 1.07. This Plan shall be submitted to the County for review and approval prior to commencement of construction. **FEIS 112, 113; GCC 1.05.080(8)(5); GCC 1.05.080(8)(23).**

I-3 – Road Use Plans. Applicant shall identify the County roads that will be used for the purposes of constructing the Project. Applicant shall develop a Road Use Plan that includes both construction and post-construction uses. This Plan shall be submitted to the County for review and approval prior to commencement of construction. Road Use plans shall include, but are not limited, to the following information:

a. Specific roads that shall be used during construction and post-construction;
b. Types of activities and uses that shall be conducted on those roads;
c. Types of Products, equipment, materials and/or supplies to be transported and estimated quantities of same;
d. Vehicle trips per day of travel;
e. Gross weight loadings;
f. Vehicle types, trailers, and combinations, number of axles, distance between axles, and tire sizes;
g. Post construction access requirements for utility vehicles, property owners, recreational use etc.;

[8] Except for GCC 1.05.080(8)(60) which is inapplicable to this Project because the County issued a DS and published an EIS as opposed to issuing a determination of non-significance ("DNS") or a mitigated determination of significance ("MDNS") with enumerated mitigation conditions.

h. Identify potential impacts to County Roads that may occur during and post construction. These impacts may include but are not limited to structural damage, loss of surfacing, visual damage, loss of service life and other damages which may occur;
i. How the applicant plans to mitigate those impacts, including the maintenance and repair of the County Roads damaged as a result of construction and post construction activities; and
j. Any other items required by the County Engineer to properly determine the impacts and remediation to the County road system as a result of this Project. **GCC 1.05.080(8)(17).**

I –4 – Stormwater Pollution Prevention Plan. The Applicant shall obtain the Department of Ecology's approval of a construction Stormwater Pollution Prevention Plan (SWPPP) for the Project. The plan approved by Ecology shall be submitted to the County prior to commencement of construction. **FEIS 25.**[9]

I –5 – Fugitive Dust Control Plan. Applicant shall develop a fugitive dust control plan (FDCP) identifying all fugitive dust sources, Best Management Practices (BMPs), and compliance with dust-related conditions to minimize fugitive dust during construction. This Plan shall be submitted to the County for review and approval prior to commencement of construction. **FEIS 15, 18, 78, 80, 85, 87, 88, and 90; GCC 1.05.080(8)(7).**

I –6 - Erosion and Sediment Control Plan. Applicant shall prepare an Erosion and Sediment Control Plan (ESCP), including details and locations of Best Management Practices (BMPs), and compliance with erosion-related conditions. This Plan shall be submitted to the County prior to commencement of construction. **FEIS 24.**

I –7 - Spill Prevention, Control, and Countermeasures Plan. If the quantities stored on the Project site trigger the requirement, the Applicant shall prepare of a Spill Prevention, Control, and Countermeasures Plan, which ensures that the risk of an accidental release of hazardous materials remains low throughout Project construction and operation. This Plan shall be submitted to the County prior to commencement of construction. **FEIS 132.**

I -8 – Weed Management Plan. The Applicant shall submit a Weed/Vegetation Management Plan that is prepared in consultation with the Garfield County Weed Board and the Washington State Department of Fish and Wildlife (WDFW), including but not limited to reseeding/restoration with appropriate seed mixes, construction weed management, and re-vegetation activities to prevent weed spread and the introduction of new weed populations and to identify appropriate seed mixes for reseeding efforts in CRP and grassland habitat areas temporarily disturbed by construction activities. This Plan shall be submitted to the County for review and approval prior to commencement of construction. **FEIS 60; GCC 1.05.080(8)(28), (31).**

I -9 – Health and Safety Plan. The Applicant shall develop and maintain a Project Health and Safety Plan, which guides responses in the case of a medical emergency and other structural and behavioral issues related to safety and:

a. informs employees and others on site what to do in case of emergencies;
b. includes the locations of fire extinguishers and nearby hospitals;
c. provides telephone numbers for emergency responders; and
d. describes first aid techniques. **FEIS 129; GCC 1.05.080(8)(48).**

This Plan shall be submitted to the County prior to commencement of construction.

I -10– Emergency Response Plan. The Applicant shall develop an Emergency Response Plan including an Emergency Action Plan and a Fire Prevention Plan both of which shall be prepared in coordination with

[9] Condition I-4 varies slightly from the FEIS mitigation measure. The NPDES Permit does not require SWPPP for operation of a wind energy facility.

emergency and fire service providers of Garfield County, and an Operational Safety Program. Measures in these plans that should be considered include: providing detailed maps to local fire and emergency services districts showing all Project access roads, use of spark arrestors on all power equipment during extremely dry conditions when the wildfire risk is elevated; carrying fire extinguishers in construction and maintenance vehicles; and maintaining a water supply or water tender at one or more locations on-site to improve the effectiveness of fire fighting. Such plans shall comply with the County's development standards, and the conditions contained herein. The Emergency Action and Fire Prevention portions of this Plan shall be submitted to the County for review and approval prior to commencement of construction. The Operational Safety portion of this Plan shall be submitted to the County prior to commencement of operations. **FEIS 95, 130; GCC 1.05.080(8)(49).**

I-11- Cultural Resources Monitoring, Mitigation and Inadvertent Discovery Plan. The Applicant, in consultation with the Department of Archeology & Historic Preservation (DAHP) and Tribes, shall prepare a Cultural Resources Monitoring, Mitigation and Inadvertent Discovery Plan (CRMMIDP) prior to the beginning of any earth moving activities at the Project site. A copy of this Plan shall be submitted to the County. The CRMMIDP will address the monitoring of construction activities and will guide responses to discoveries during ground disturbance activities. The CRMMIDP will include but not be limited to the following provisions:

- Upon the discovery of human remains, work within 200 feet of the discovery will cease, the local law enforcement, and county coroner would be notified in the most expeditious manner possible (Chapters 27.44, 68.50, and 68.60 RCW). Efforts would be taken to protect the area of the find from further disturbance. If the remains are determined to be non-forensic, the DAHP, and affected Tribes will be notified. Appropriate measures will be taken to ensure the site is protected from further disturbance until a treatment plan is agreed upon by all involved parties.

- Upon the discovery of previously unrecorded cultural resources all work in the area must stop within 200 feet of the discovery. DAHP and the affected tribes will be notified within 24 hours of the find. **FEIS 153; GCC 1.05.080(8)(41).**

I-12 – Site Security Plan. Applicant shall prepare a Site Security Plan that limits access, prevents vandalism, includes monitoring the site for evidence of unauthorized use, and provides that onsite security be present during construction and operations as appropriate.[10] This Plan shall be submitted to the County prior to commencement of construction. **FEIS 96, 134; GCC 1.05.080(8)(56).**

I-13 – Decommissioning Plan. Prior to commercial operations, the Applicant shall submit for approval a decommissioning plan to the County that takes into consideration the site-specific conditions affecting the cost of decommissioning, including without limit, site access, foundation depth, and terrain. The cost of such decommissioning in Year 25 of commercial operations of the Project, reduced to present value, shall be included in the decommissioning plan, and shall include a credit for salvage value. Within one year of the start of commercial operations, the Applicant shall provide the County with, and maintain for the duration of the commercial operations of the Project, any one, or a combination of, if appropriate, trust fund, surety bond, letter of credit, insurance, corporate guarantee, or an alternative security device or financial test deemed acceptable by the County in the amount established as necessary to secure decommissioning, adjusted for inflation. If, however, the Project is owned and operated by an investor-owned electric utility regulated by the Washington Utility and Transportation Commission, such security devise as described in this condition shall be waived and the removal and restoration obligations hereunder shall be a general obligation of the investor-owned utility. The Plan will also include requirements specified in GCC 1.05.080(8)(57)-(59). **GCC 1.05.080(8)(57)-(59).**

[10] This language differs from the FEIS condition. Staff believes less than 24-hour security may be appropriate.

II. Project Required Permits/Approvals. The following section outlines the permits and approvals anticipated for the Project.

II –1 – Permits and Consultation Required. The Applicant shall apply for and obtain all permits and approvals required by local, state, or federal regulations, including those listed in Finding 24 of the Staff Report above as applicable.

II-2 – Plans and Approvals. The Applicant shall submit the plans listed in Section I above to the County and where required, obtain the County's approval as well as that of other state and federal agencies with jurisdiction.

II-3 - Haul and Franchise Agreements. As described in Finding 24 above and more fully in Section III(ii) below, the Applicant shall obtain the required road agreements prior to construction. **FEIS 103.**

II-4 - Road Improvements & New Road Construction. As described fully in Section III(i) below, the Applicant shall receive pre-approval for any improvements to existing County roads and/or new road construction. **FEIS 103.**

II-5 – Right-Of-Way Access Permits. As described in Finding 24 above and more fully in Section III(i) below, the Applicant shall obtain right-of-way access permits from the County Public Works Department for any new permanent or temporary roads that require access to or from a County road. **GCC 1.05.080(8)(19)-(20).**

II-6 - Onsite Septic Systems. As noted more fully in Section VI(xv) below, the Applicant shall obtain permits from the County Health Department prior to construction of any onsite septic systems at O&M facilities. **FEIS 99.**

II-7 - Reclamation Permit. As described in Finding 24 above and in Section VI(iii) below, Applicant shall obtain reclamation permits from Washington State's Department of Natural Resources, as applicable. **FEIS 10.**

III. Comprehensive Project Conditions. The following conditions shall govern any and all Project phases during micrositing, construction, operation, and decommissioning.

i. Roads

III-1 – Road Improvements: Any improvements made to existing County roads shall first be authorized by the County Engineer. Furthermore, any improvements shall be constructed to Garfield County Road standards for items such as width, geometry, culvert size, etc. New road construction and upgrades to existing roads shall be done according to Garfield County ordinances and through approval of the County Engineer. **FEIS 111, 116; GCC 1.05.080(8)(18).**

III -2 - New Permanent Roads: As part of the Road Use Permit process, Garfield County shall require any new permanent roads that require access from or to a County road to obtain an approved Right-of-Way access permit from the Public Works Department. The Applicant shall be expected to pay the County Public Works Department for the additional costs associated with inspections and engineering on the Project's new roads. **FEIS 111; GCC 1.05.080(8)(19).**

III -3 - Temporary Access Roads: Any temporary access roads that require access from or to a County road shall obtain an approved Right-of-Way access permit from the Public Works Department. **FEIS 111; GCC 1.05.080(8)(20).**

III -4 - Contract Bond. The Applicant shall provide a contract bond of one hundred and fifty percent (150%) of the cost of the work for which the bond is being required.[11] The contract bond shall guarantee that those County roads within Garfield County used to construct the Project shall be restored to original condition and that County roads to be upgraded by the Project shall be so upgraded to meet the minimum Garfield County Standards. **GCC 1.05.080(8)(21).**

IIII -5 – Damage to Public Roadways. The Applicant and/or its contractors shall comply with all applicable road restrictions for public roadways during periods of construction or maintenance of the wind energy facilities. Repairing any damage to public roadways caused by a violation of applicable road restrictions shall be the responsibility of the Applicant and/or its contractors. **GCC 1.05.080(8)(26).**

III -6 – Seasonal Road Restrictions. The Applicant and/or its contractors shall comply with seasonal road restrictions as instituted by the Garfield County Roads Department. **FEIS 109; GCC 1.05.080(8)(27).**

ii. Traffic/Transportation

III –7- Haul and Franchise Agreements. Applicant shall, prior to construction, enter into required road agreements (including Haul and Franchise Agreements) with local and state agencies to address impacts from transporting large equipment to the site. Additionally any bonding requirements shall be met prior to construction. **FEIS 115.**

III -8 – Traffic Control Requests. All traffic control requests affecting state highways shall be coordinated and approved through the WSDOT South Central Region's Traffic Engineer. **FEIS 108; GCC 1.05.080(8)(25).**

III –9 – Pilot Cars. Applicant shall use pilot cars as WSDOT dictates, depending on load size and weight. **FEIS 104.**

III-10 – Maintain at least one travel lane. Where Project construction may occur near a roadway, the Applicant shall maintain at least one travel lane at all times. **FEIS 105.**

III –11 – Advance Notification to Emergency Providers. Applicant shall make provision for advance notification to emergency providers, and hospitals when public roads may be partially closed, including development of protocols for passage of emergency vehicles. **FEIS 106, 107.**

iii. Wildlife

III -12 – Big Game Management. The Applicant shall consult with Project landowners, Garfield County, and WDFW regarding, and work cooperatively with respect to, management of big game populations. The Applicant shall also consult with the same parties and agencies regarding Project impacts on existing and proposed hunting programs in and around the Project Area during construction and operation of the Project. **FEIS 47, 124; GCC 1.05.080(8)(38).**

III –13 - Technical Advisory Committee. Applicant shall establish a Technical Advisory Committee (TAC) for the Project to define the appropriate monitoring studies, to review the results of wildlife monitoring data, and to formulate recommendations for adaptive management. The TAC shall include representatives from both Garfield County and Columbia County. **FEIS 49.**

[11] This language differs from the code language. It has been modified to match the bond requirement to the specific work for which the bond is being required, rather than only applying to the cost of full road replacement.

III –14 - WDFW Wind Power Guidelines. Applicant shall implement appropriate recommendations provided in the WDFW Wind Power Guidelines (April 2009) as determined by WDFW and the County. **FEIS 50; GCC 1.05.080(8)(33), (35).**

III -15 – Hunting Program. Prior to Project operations, Applicant shall establish a hunting program similar to other existing programs (i.e., Hopkins Ridge and Wild Horse). Rules may include prohibiting access within 300 feet of wind turbines or substations, restriction of vehicle traffic to normally traveled county roads, and adherence to WDFW Game Rules and Regulations. The Applicant shall provide a copy of the hunting program to the County prior to commencement of operations. **FEIS 121.**

- As part of its hunting program, the Applicant shall encourage landowners within the Project area to continue to allow hunting in the Project Area by assisting with the development of written agreements to be signed with interested hunters, and the development of maps depicting property boundaries, Project facilities/improvements, and suggested hunting buffer zones around Project facilities/improvements. **FEIS 122,**
- Applicant shall also work with WDFW and landowners within the Project Area to add opportunities for hunting. **FEIS 123.**

iv. Water/Wetlands/Stormwater/Hazardous Materials

III-16 – Compliance with Ecology Stormwater Regulations. Applicant shall comply with Washington State Department of Ecology ("Ecology") stormwater regulations, as well as, U.S. Army Corps of Engineers (USACE) permitting requirements, if any. **GCC 1.05.080(8)(11).**

III-17 – Compliance With Permit Conditions. Applicant shall comply with all Washington State Department of Ecology National Pollutant Discharge Elimination System (NPDES) permit conditions, as well as any permit conditions associated with U.S. Army Corps of Engineers permits, if any. **FEIS 4; GCC 1.05.080(8)(12).**

III –18 - Develop BMPs. Applicant shall develop BMPs to comply with the Ecology Construction Stormwater NPDES permit from Ecology before construction. **FEIS 19.**

III –19 – Construction NPDES Permit and SWPPP BMP Compliance. Project shall comply with specifications and BMPs contained in its construction NPDES permit and Stormwater Pollution Prevention Plan (SWPPP) to reduce erosion potential. **FEIS 4.**

III – 20 – Stormwater Manual. Project shall adhere to Ecology's *Stormwater Management Manual for Eastern Washington*. **FEIS 23.**

III-21 – CAO Compliance. The Project shall comply with Garfield County's Critical Areas Ordinance ("CAO"). The Applicant shall consult with the County to ensure compliance therewith and to ensure that any required permits are obtained. **FEIS 48; GCC 1.05.080(8)(61).**

III –22 - Environmental Contamination. If, during construction, Applicant encounters any environmental contamination on the Project site that exceeds Ecology cleanup levels, then Applicant will coordinate with the landowner and Ecology, in accordance with applicable law, to determine the measures to be taken.[12] **FEIS 133.**

[12] This condition differs from the FEIS. Phase I Environmental Site Assessments are not necessary in these circumstances.

v. Cultural Resources

III-23 – Pedestrian Survey. Applicant shall conduct a pedestrian survey of the Area of Potential Effects ("APE") prior to any ground disturbance associated with the Project. The APE is defined to include environmental permitting corridors and the final APE shall include any additional areas of ground disturbance identified through micrositing. The survey shall conform to the Cultural Resources Survey Methodology, Appendix K of the final Environmental Impact Statement (EIS) unless any changes are discussed with DAHP. The pedestrian survey shall be submitted to the County prior to any ground disturbance. **FEIS 138, 139.**

III–24 - Archaeological Site Inventory Forms & Smithsonian Trinomials. The Applicant shall submit Archaeological Site Inventory Forms to the DAHP and Smithsonian Trinomials shall be obtained prior to submittal of the final survey report. **FEIS 140.**

III –25 - Final Cultural Resources Survey Report. The Applicant shall provide the final cultural resources survey report to the respective County, DAHP and the affected Tribes at least 60 days prior to any ground disturbing activity on the project. The survey report shall contain the appropriate Smithsonian numbers. The Applicant shall provide both complete and redacted versions of the report in order to protect confidential information in accordance with RCW 27.53.070. **FEIS 141.**

vi. Socioeconomics

III –26 – School & Hospital District Levy Coordination. Applicant shall coordinate with counties, hospital districts, and school district officials so that the counties, hospital districts, and school districts are aware of the likely dates of Project phase completion and when the assets are commissioned and become part of the tax rolls so that the districts may plan for levy time and rates in order to address the added assets. **FEIS 127.**

vii. Other

III -27 – Nuisance Lawsuits. The Applicant agrees that they will not bring any nuisance claims under RCW 7.48.300 *et seq*. against the ongoing agricultural activities in the Project Area. **GCC 1.05.080(8)(66), (69).**

III-28 - Commencement of Construction. The Applicant shall commence construction of roads and/or turbine foundations within three years from the date of this CUP approval; provided, this period shall be tolled during the pendency of any administrative or judicial appeals, application for any other state and federal permits, governmental imposition of any moratoria, strikes, acts of God, or other circumstances beyond the Applicant's control. The Applicant may request an extension by submitting information supporting reasonable efforts to comply with this schedule. Such extension shall not be unreasonably withheld. Failure to commence such construction within this period without requesting an extension results in termination of this CUP.

III -29 - Compliance Schedule. It shall be the duty of the Applicant or its successor(s) to schedule compliance reviews to demonstrate that all regulatory requirements are met and to present compliance reports for review by the Garfield County Zoning Official on a three-year schedule, starting from the date of commercial operations[13] of Phase 1.[14] **GCC 1.05.080(8)(67**).

[13] Commencement or beginning of commercial operations is defined for the purposes of these Conditions of Approval as "the time when the Project starts generating and delivering electricity to the electric power grid for end-users, other than electricity which may be delivered as a part of testing or startup of the Project."

[14] This condition differs from the Garfield County Zoning Ordinance because many mitigation measures cannot be effectively evaluated until after commencement of commercial operations.

III -30– CUP Monitoring and Enforcement Protocols. Prior to commencement of Project construction, the County and the Applicant will develop inspection, monitoring, compliance, and enforcement protocols to address verification of the Applicant's compliance with conditions of this CUP approval. These protocols will address the County's right to enter the Project site and inspect for compliance, submittal and review of any required reports, notice of any complaints and an opportunity to verify, notice of and reasonable opportunity to cure any alleged deficiencies, methods of reasonable dispute resolution, and opportunity to appeal any determination of CUP violation to the County Hearing Examiner. Provisions for stop work orders, suspension of corrective measures, penalties, or other reasonable enforcement measures should also be addressed.[15] **GCC 1.05.080(8)(68).**

III -31 – Local Preference. The Applicant shall consider "Local Preference" in its utilization of services, labor, contractors, subcontractors and vendors during Project preparation, construction and operation activities. Local preference requires that consideration be given to qualified candidates in the following order of priority, (1) to those services, labor, contractors, subcontractors and vendors headquartered or residing within Garfield County, WA as of the date of the Conditional Use Application, (2) to those headquartered or residing within Washington counties adjacent to Garfield County, (3) to those headquartered or residing within the State of Washington, and (4) to those headquartered or residing outside the State of Washington. Notwithstanding this Local Preference provision, The Applicant retains final and absolute discretion to utilize the best qualified vendors, service providers and subcontractors to safely construct the Project. **GCC 1.05.080(8)(65).**

III –32 – Project Mitigation By Phase. Any Project mitigation related to a specific Project phase shall be planned for and implemented for each developmental phase of the Project and not post-construction of the entire Project. **FEIS 155.**

III-33 – Cost Reimbursement**.** The Applicant shall reimburse reasonable costs incurred by the County to review and approve submittals that are required by these Conditions that occur after CUP approval consistent with the provisions of the cost reimbursement agreement between the Applicant and Garfield County dated January 26, 2009.

III-34 – Transfer of Project. The Applicant may transfer its rights pursuant to this CUP approval to another party, provided that the Applicant shall give the County notice of such transfer, a statement signed by the transferee acknowledging its assumption of all obligations pursuant to this CUP approval, and transferee shall provide adequate bonds as required by the Garfield County Zoning Ordinance.

IV. Project Design & Micrositing.

IV -1 – Additional Surveys. During micrositing, locations of Project facilities that require temporary or permanent ground disturbance at each phase of construction will be finalized. If any ground disturbance is located in an area that has not yet been surveyed for a specific resource, the appropriate surveys will be conducted. For purposes of this discussion these are referred to as "micrositing surveys." For example, if the new area of ground disturbance involves work in a stream buffer, and it has not yet been surveyed for cultural sources, both the stream buffer will be assessed and a cultural resources survey will be conducted. The micrositing surveys will be conducted according to the methodologies set out and used for the surveys documented in the Project's EIS. The survey results will be summarized in a report consistent with the level of detail in the original survey report contained in the EIS. If adverse impacts are identified, mitigation measures will be applied according to the methodologies and requirements presented in these Conditions of Approval.

[15] This condition differs from the Garfield County Zoning Ordinance because there are many details that should be addressed with a comprehensive code enforcement procedure beyond the items specifically listed at GCC 1.05.080(8)(68).

Garfield County, and as appropriate to the resource, other regulatory agencies, will review and approve the survey results and the proposed mitigation measures for consistency with local, state and federal regulations and the mitigation measures presented in this EIS. Ground disturbance activities may only proceed once these approvals are obtained.

IV-2 Final Corridor Site Plan. Upon completion of micrositing, the Applicant shall submit a Final Corridor Site Plan to the Garfield County Zoning Official and the Public Works Director. Per Garfield County Zoning Ordinance Section 1.05.080(6), latitude is given for decisions made related to turbine location during micrositing, provided the final wind turbine location is within the approved corridors shown in the Preliminary Corridor Site Plan and approved by the Hearing Examiner. **GCC 1.05.080(5).**

i. Structural Requirements

IV-3 – International Building Code Compliance. Structural foundations and buildings shall be designed and constructed in accordance with the International Building Code in effect in Garfield County on the date of application for a building permit.[16] **GCC 1.05.080(8)(1).**

IV-4– Turbine Foundations. Turbine foundations and cut slopes shall be designed in consultation with a Washington State licensed professional engineer to ensure that appropriate slope protection measures are incorporated into the design and that appropriate materials are used in road construction. *See also* Conditions of Approval at V(1). **FEIS 3, 13. GCC 1.05.080(8)(15).**

ii. Setbacks.

IV-5 - Setbacks. The Project shall meet the following setbacks:[17]

A. Urban Growth Area. Lands within the Urban Growth Area are excluded from the siting of Wind Energy Towers as shown on the Official Zoning Map.
B. Historical District Impact Area. Lands within the Historical District Impact Area are excluded from the siting of Wind Energy Towers. These lands include all of Section 36, T. 12 N., R. 41 E., W.M.; All of Sections 31 and 32, T. 12 N., R. 42 E., W.M., North half of Section 1, T. 11 N., R. 41 E., W.M.; North half of Sections 5 and 6, T. 11 N., R. 42 E., W.M.
C. Highway 12. Setbacks along all other portions of Hwy. 12 outside of the Urban Growth Area shall be Wind Energy Tower total extended height plus one hundred feet.
D. County Roads. Setbacks from the rights-of-way of all county paved or bituminous-surfaced roads shall be the total extended height of the Wind Energy Tower plus one hundred feet. Setbacks from the rights-of-way of all county gravel or unpaved roads shall be one hundred feet from the closest blade tip of the Wind Energy Tower.
E. Project Area Boundary. Setbacks from Wind Energy Tower project area boundaries shall be the total extended height of the Wind Energy Tower plus one hundred feet, unless waived in writing by an affected property owner.
F. Residences. Setbacks from existing residential structures shall be a minimum of one-quarter mile or four times the total extended height of the Wind Energy Tower, whichever is greater. A waiver or consent to smaller residential setback distances shall be documented by a fully executed, notarized agreement by the fee title owner, in a format that can be recorded so as to appear in the affected real property's condition of title. **FEIS 76, 128.**

[16] This condition differs from the Garfield County Zoning Ordinance because vesting to IBC structural requirements should be at time of complete building permit application.
[17] The Project may, as a result of micrositing and design considerations, exceed these required setbacks.

iii. Limit Ground Disturbance. The Project shall be sited and designed to limit ground disturbance to the maximum extent feasible, as follows:

IV-6 – Shared Corridors. The Applicant shall to the maximum extent feasible design the Project to have roads, collector lines, cabling trenches, and communication lines share construction corridors to minimize ground disturbance. **FEIS 66; GCC 1.05.080(8)(3).**

IV-7 – Use Existing Roads. Applicant shall use existing roads wherever reasonable and practical rather than building new roads. **FEIS 11.**

IV-8 – Shared Infrastructure. Applicant shall site supporting infrastructure so that adjacent Wind Resource Areas (WRAs) share facilities to the maximum extent feasible, thereby reducing the total number of facilities constructed within the Project as a whole. **FEIS 12.**

IV-9 – Co-location of Facilities. Applicant shall coordinate with landowners regarding co-location of facilities on farmland thereby leading to better placement and beneficial impacts for farmland. Applicant shall coordinate with landowners to address restoration of land for agricultural production following both temporary and permanent Project disturbance. **FEIS 125, 126.**

iv. Stormwater Design. The Project's stormwater design shall be completed by a licensed professional engineer and incorporate BMPs as follows:

1V-10 – Licensed Professional Engineer. Design of the Project's stormwater drainage systems shall be done by a professional engineer licensed by the State of Washington. A licensed professional engineer shall also be in responsible for and in charge of the construction of stormwater systems. Monitoring, maintenance and repair of stormwater systems shall be as per the requirements of the issuing agencies' stormwater permit requirements. **GCC 1.05.080(8)(10).**

IV-11 – Incorporate BMPs. Construction plans shall incorporate BMPs related to stormwater management and control, as recommended by the Eastern Washington Stormwater Manual published by the Washington State Department of Ecology. **GCC 1.05.080(8)(9).**

IV-12 – Stormwater Design. Applicant's stormwater drainage systems and structural BMPs shall be designed to prevent infiltration of liquid contaminants or contaminated runoff into underlying aquifers. **FEIS 26.**

v. Critical Areas. To the maximum extent possible, the Project shall be sited and designed to avoid critical areas, as described below:

1. Geologic Hazard Areas.

IV-13 – Avoid Geologic Hazard Areas. Project facilities (turbines, roads, collection systems, and associated facilities) shall be sited to avoid potential geologic hazard areas, to the maximum extent practicable, including those identified in the County's Critical Areas Ordinance (CAO), slopes greater than 30%, and streamside incision or erosion points. The County's CAO standards and any other applicable state and/or federal regulations shall be complied with if geologic hazard areas cannot be avoided. **FEIS 1.**

IV-14 – Geologic Hazard Area Performance Standards. Project features shall be designed and constructed to comply with the performance standards for geologic hazard areas as specified in County's CAO, seismic design codes, slope protection measures, and BMPs. **FEIS 2.**

IV-15 – Geotechnical Analysis for each Turbine Foundation. Applicant shall conduct a thorough geotechnical analysis of each turbine foundation prior to construction. **FEIS 38.**

2. Wetlands/Groundwater/Streams

IV-16 – Evaluate Shallow Groundwater. Applicant shall evaluate shallow groundwater and impacts thereto and adjust tower locations to avoid impacts when locating Project facilities within the proximity of wetlands. **FEIS 40.**

IV-17 – Final Wetland Delineation. Applicant shall complete a final wetland delineation after completion of micrositing process and consult with the appropriate state and federal agencies if there is a determination that jurisdictional wetlands may be impacted. The final wetland determination shall also be submitted to the County. **FEIS 36.**

IV-18 – Avoid Wetlands and Wetland Buffers. To the maximum extent possible, Applicant shall locate Project facilities (including construction staging areas, stormwater management facilities, roads, underground cables, turbine foundations, transmission poles, and other associated infrastructure) outside wetlands and their associated buffers. If wetlands and their buffers cannot be avoided, the County's CAO standards and any other applicable state and/or federal regulations shall be complied with. **FEIS 34, 35, 39.**

IV-19 – Avoid Streams, Surface Water, and Groundwater. To the maximum extent possible, Applicant shall avoid surface water and groundwater identified during micrositing. To the maximum extent possible, Applicant shall adhere to stream buffers and surface water buffers. If streams, surface waters, and their buffers cannot be avoided, the County's CAO standards and any other applicable state and/or federal regulations shall be complied with. **FEIS 20, 21, 27, 41.**

IV -20 – Wellhead Protection/Critical Aquifer Recharge Areas. The Project shall comply with the Garfield County Critical Areas Ordinance and Garfield County Health District for wellhead protection areas/critical aquifer recharge areas. **FEIS 28.**

IV-21 – Minimize Stream Crossings. During micrositing and development of final Project design and layout, the Applicant shall minimize the number of stream crossings to the maximum extent possible and comply with any applicable state or federal regulations if a crossing is proposed. **FEIS 37.**

vi. Wildlife

IV-22 - Participate in Nocturnal Passerine Migratory Study. Applicant shall participate with WDFW, the Blue Mountain Audubon Society, and other appropriate agencies/parties in a research study to gather more data regarding nocturnal passerine migratory habits in the Blue Mountain region of Garfield and Columbia Counties and shall coordinate with these parties in regards to appropriate scope and timing of such research.

IV-23 - Mule Deer. Applicant shall collaborate with any WDFW funded studies regarding mule deer populations in the Project area as noted in WDFW's DEIS comment letter dated September 16, 2009.

IV -24 – Meteorological Towers. In designing the Project, the Applicant shall use un-guyed permanent meteorological towers or guyed permanent meteorological towers with bird flight deflectors.[18] **FEIS 58; GCC 1.05.080(8)(34).**

IV-25 – Raptor Nesting Survey. A raptor nesting survey shall be conducted in the appropriate season prior to each phase of construction to identify active raptor nest sites in the vicinity of the Project. The Applicant shall notify the County when such surveys have been completed. Disturbance shall be minimized during construction in accordance with the maximum setbacks recommended by local regulations through applicable CAO and other applicable state and federal agencies' recommendations regarding construction activity setbacks from active raptor nests.[19] **FEIS 53; GCC 1.05.080(8)(36).**

IV-26 – Habitat Mitigation Agreement. Upon completion of micrositing and its Final Corridor Site Plan, the Applicant shall implement Habitat Mitigation in consultation with WDFW and the County. The mitigation shall address both temporary and permanent impacts to habitat caused by the Project and shall comply with the recommendations set forth in Appendix J of the FEIS – SWCA's Lower Snake River Wind Energy Project Rare Plant Survey Report – and the WDFW Wind Power Guidelines (April 2009). In addition, any proposed habitat mitigation must be located within Garfield County. **FEIS 63; GCC 1.05.080(8)(29)-(30).**

IV-27 – APLIC Standards. Project powerlines shall be designed and operated to meet PSE avian protection and the Avian Power Line Interaction Committee (APLIC) standards. At riparian crossings, line protection can include markers and other protection devices to increase visibility of lines to birds. **FEIS 59.**

vii. Vegetation

IV-28 – Rare Plant and Habitat Mapping. The mitigation/monitoring recommendations contained in Section 4 of Appendix J to the FEIS (attached to this Staff Report at Exhibit Z) shall be followed and implemented by the Applicant once a Final Corridor Site Plan is submitted and impacts are determined. If the Applicant modifies turbine corridors shown in the Project's Preliminary Corridor Site Plan in accordance with the conditions set forth in Section V below, the Applicant shall have its consultants conduct additional rare plant and habitat mapping (including quality) surveys, identify any new impacts, and recommend additional mitigation/monitoring for the site areas not previously included within the scope of the report contained in Appendix J. **FEIS 64; GCC 1.05.080(8)(29).**

viii. Cultural Resources

IV-29 – Avoid Historic/Cultural Properties. The Applicant shall perform micrositing to ensure that historic/cultural properties identified in the Project cultural resources study prepared in support of the Project's State Environmental Policy Act review are protected and avoided to the maximum extent feasible. **FEIS 144.**

IV-30 – Additional Cultural Resource Surveys. Additional surveys performed during micrositing shall conform to the Cultural Resources Survey Methodology, Appendix K of the Final EIS unless any changes are discussed with DAHP. Additional shovel probes shall be conducted in High Probability Areas surveyed during micrositing. If additional cultural resources are identified after the final cultural resources survey is provided to DAHP, the County, and the Tribes, but prior to ground disturbance, then that information and, if appropriate,

[18] This condition differs from the FEIS but matches the Garfield County Zoning Ordinance. The APLIC recommendations include use of bird flight deflectors on guyed towers to deter collisions of birds.
[19] This condition differs from the Garfield County Zoning Ordinance to allow the County to apply the most protective measures for raptor nests.

mitigation measures directed toward those further resources shall also be provided to DAHP, affected Tribes and the County prior to ground disturbance activities. **FEIS 142.**

IV-31 – Recommendations Post-Identification. If the Applicant identifies an archaeological resource, the Applicant shall make recommendations regarding the following: (1) is the resource assessed as eligible for listing or not on the National Register of Historic Places, (i.e. is it significant); (2) is it an archaeological site or an isolate; and (3) is it a cairn or grave of a Native Indian, or a glyptic or painted record of any Tribe or peoples, or human remains. **FEIS 143.**

IV-32– Sites That Cannot be Avoided. To the maximum extent feasible, the Applicant shall avoid all archaeological sites as this is the preferred method of mitigation. The Applicant must consult with DAHP and local Tribes on appropriate mitigation for sites that cannot be avoided. Resources that cannot be avoided shall be evaluated by the Applicant for eligibility to be listed on the National Register of Historic Places (NRHP). If any cultural resources cannot be avoided, the Applicant will submit the appropriate Determination of Eligibility forms to DAHP for concurrence prior to any ground disturbing activity that would affect those cultural resources, regardless of the Applicant's recommendation for eligibility. A Determination of Eligibility form will be submitted to DAHP for Site WBS004. The Applicant shall obtain concurrence with the recommendation from DAHP prior to any ground disturbing activity that would affect WBS004. Under Chapter 27.53 RCW, all precontact archaeological resources are protected. Significance, or eligibility, is not a requirement for protection. All historic resources should be considered potentially eligible and protected until eligibility has been determined. If DAHP concurs or determines that the resource is eligible or potentially eligible for listing on the National Register of Historic Places (NRHP), whether it is a site or an isolate, then the Applicant will obtain the appropriate archaeological excavation permit from DAHP prior to disturbing the resource if the resource cannot be avoided. This DAHP archaeological excavation permit allows the Applicant to conduct site testing or data recovery of the archaeological resource prior to its disturbance by pending construction. If an archaeological resource is recommended as not eligible for NRHP listing, the Applicant shall obtain concurrence on this recommendation from DAHP. Avoidance of the resource by the Applicant would not be required if DAHP concurs with the recommendation that the archaeological resource is not eligible or insignificant. If DAHP concurs or determines the resource is identified as a cairn or grave of a Native Indian, or a glyptic or painted record of any tribe or people, or human remains, then the Applicant will not knowingly disturb the resource without a permit. **FEIS 144 – 150.**

IV-33 – Tribal Participation. The Confederate Tribes of the Umatilla Indian Reservation (CTUIR) and the Nez Perce Tribe have requested to be involved in the identification and treatment of cultural resources associated with the Project. The Applicant shall invite members of both Tribes to participate in the Project's cultural resources inventory. The Applicant shall ensure that the Tribes are updated on the status of the Project on a mutually agreed upon interval. **FEIS 154.**

ix. Visual/Lighting

IV-34 –FAA Requirements and Lighting Minimization. Mitigation for Project lighting shall be determined through consultation with FAA during the micrositing process. The Applicant shall limit or minimize the visual effects of lighting, to the maximum extent possible in compliance with FAA requirements and inform the County of the FAA recommendations. Turbines and other Project improvements shall comply with FAA regulations, including lighting requirements addressing light synchronization, color and number. Sensors and switches shall be used to keep lights off on Project facilities when not required. Project lights typically used to meet FAA requirements shall to some extent be shielded from ground level view due to a constrained (3-5 degree) vertical beam. Applicant shall adhere to FAA guidelines for lighting and warning systems on turbines and meteorological towers. **FEIS 67-69, 110; GCC 1.05.080(8)(46).**

IV-35 – Bury Collector System Underground. To the maximum extent practicable, the Project's collector systems shall be buried underground to minimize visual impacts. However, where this is not feasible, portions of the collector systems may be carried overhead. **FEIS 66.**

IV-36– Synchronized Lighting System. The Applicant shall install a synchronized lighting system, which results in fewer turbines requiring lights, unless not permitted by the FAA . **FEIS 110; GCC 1.05.080(8)(47).**

IV-37– Turbine Paint. Non-reflective paints shall be used on all turbine towers to reduce glare. Moreover, non-reflective white paint should be used to avoid daytime lighting of turbines per FAA requirements. **FEIS 70; GCC 1.05.080(8)(42).**

x. Public Services

IV-38 – Fire Protection Services. Prior to construction, Applicant shall discuss ongoing fire protection services during construction and operation of the Project with local fire districts. **FEIS 94.**

xi. Health and Safety

IV-39 – Turbine Selection. Applicant shall utilize turbines with inherent safety features (i.e., two fully independent braking systems or other industry-standard braking systems) that provide increased fire protection and reduce the possibility of health and safety risks. **FEIS 131.**

IV-40– International Design Standards for Wind Turbines. The Project's wind turbines shall meet international design and manufacturing safety standards for tower, blade, and generator design, and be certified by a professional engineer. Quality Assurance/Quality Control (QA/QC) inspections shall be conducted by the Applicant. **FEIS 135.**

xii. Noise

IV-41 – Final Noise Contour Mapping. During micrositing, the Applicant shall conduct a detailed evaluation of noise impacts and produce final noise contour acoustical modeling based on the Project's Final Corridor Site Plan, turbine model selected, and location and size of Project substations to ensure Washington State noise standards, including 70 dBA at the property line in agricultural areas, can be met as well as the Applicant's voluntary 50 dBA noise limit at all non-participating landowners' existing residential receptors unless noise easements are obtained. The final noise modeling shall assume maximum sound power levels for the turbines selected and simultaneous operation of all Project turbines and substations and follow the noise modeling methodology used in DEIS. The Final Noise Contour Mapping shall be submitted to the County prior to commencement of Project construction.

xiii. Roads

IV -42 – Road Design. Roads and cut-and-fill slopes shall be designed in consultation with a licensed professional engineer to ensure that appropriate slope protection measures are incorporated into the design and that appropriate materials are used in road construction. **FEIS 3, 13.**

IV -43 – Road Stability. Roads shall be designed by a licensed engineer and constructed to ensure stability and to reduce wind erosion (including use of a minimum of 15 cm or 6 inches of gravel surface for temporary roads). **FEIS 3; GCC 1.05.080(8)(6).**

IV -44 – Ditch and Culvert Design. New or expanded ditches and culverts shall be sized to accommodate a 100-year storm. Expanded culverts over existing seasonal drainages and associated mitigation as required by WDFW, the U.S. Army Corps of Engineers and other county, state, and Federal agencies shall be designed to minimize impacts on wildlife. Culverts shall be installed to facilitate road crossings/road widenings. Project shall install appropriate roadway drainage to control and disperse runoff. **FEIS 16, 22; GCC 1.05.080(8)(14).**

xiv. Other

IV-45 – Tight Beam Directional Communications Transmitters. The Applicant shall precisely determine the location and frequency of existing tight beam directional communications transmitters and receivers when siting individual turbine strings and relocate to avoid potential signal interference. **GCC 1.05.080(8)(64).**

IV-46 – Preconstruction Meeting. Prior to each phase of Project construction, the Applicant shall request and have a joint meeting with all County agencies with jurisdiction over the Project, including, but not limited to, Public Works Department, Zoning Official, Fire Districts, and Health Department.

V. Project Modification

V -1 - Modifications to Preliminary Corridor Site Plan. If the Applicant proposes a Final Corridor Site Plan to the County that changes the boundaries of the corridors shown in its approved Preliminary Corridor Site Plan (attached hereto as Exhibits K1 through K3), the proposed final corridor site plan must be submitted for review and approval consistent with the requirements of the Garfield County Zoning Ordinance, as hereafter may be amended.

V -2 – Project Area Expansion. The Project Area is depicted on the leased lands map attached hereto as Exhibits K1 through K3. If the Applicant proposes any expansions of the Project Area, such expansions shall be submitted for review and approval consistent with the requirements of the Garfield County Zoning Ordinance, as hereafter may be amended.

V -3 – Additional Accessory Uses. The Applicant has identified the following accessory uses for this Project:

- Individual turbine step-up transformers to increase the voltage of electricity to 34.5-kV;
- A 34.5-kV electrical system to collect energy from the wind turbine generators;
- Up to eight Project substations in addition to the BPA Central Ferry Substation;
- Overhead transmission lines from the Project to the BPA substation;
- Microwave transmission facilities and towers;
- Up to six operations and maintenance (O&M) facilities; and
- Up to eleven permanent meteorological towers.

The accessory uses listed above are considered part of this Project's CUP approval. If the Applicant proposes any additions to the Project's approved accessory uses, such additions shall be submitted for review and approval consistent with the requirements of the Garfield County Zoning Ordinance, as hereafter may be amended.

VI. Project Construction

VI-1 – On-going Environmental Monitoring. Applicant shall conduct on-going environmental monitoring during construction for the environmental impacts identified during SEPA review and comply with the mitigation measures set forth herein. **GCC 1.05.080(8)(8).**

VI –2 – Environmental Monitor. Applicant shall designate an environmental monitor during construction to monitor construction activities and ensure compliance with mitigation measures. This environmental monitor shall be identified to the County prior to the start of Project construction. **FEIS 55.**

i. Traffic/Transportation

VI-3 – Load Size. Project Phase-related vehicular loads shall be within legal size and load limits, or otherwise have valid oversize and/or overweight permits. **GCC 1.05.080(8)(24).**

VI -4- Use of Alternative Roads. Applicant shall encourage personnel and construction workers to use alternate paved roads instead of gravel roads for access to Project facilities, where available. **FEIS 86.**

VI -5 – Traffic Controls. Applicant shall implement traffic controls during construction to minimize traffic delays to recreation users. **FEIS 118.**

ii. Roads

VI -6 – Stabilized Rock Construction Access Roads. Where avoidance of riparian corridors is not possible, stabilized rock construction access roads shall be used or other structures designed to be in compliance with local, state, and federal requirements. **FEIS 42.**

VI -7 – Restoration of Temporary Access Roads. During construction of temporary access roads, the topsoil shall be stripped and stockpiled for restoration once construction is complete. All temporary roads, temporary shoulders, and disturbed areas shall be restored to their original condition upon completion of construction. **FEIS 114, 117.**

VI -8 – Track Vehicles and Heavy Trucks. Applicant shall restrict use of public roads by tracked vehicles and heavy trucks to prevent damage to road surface and base, as further addressed in the Road Use Plan. **FEIS 120.**

iii. Limit Disturbance within Project Area

VI-9 – Identify Areas of Construction. Applicant shall limit construction disturbance by clearly identifying the areas of work. **GCC 1.05.080(8)(2).**

VI-10 –Designated Construction Areas. Construction personnel shall avoid driving over or otherwise disturbing areas outside the Project's designated construction areas. **FEIS 54.**

VI-11 – Limit Soil Disturbance. Applicant shall limit soil disturbance by: (1) using existing roads wherever feasible, rather than building new roads; (2) clearly identifying work areas; (3) minimizing vegetation removal; and (4) during construction of O&M facilities, limit the disturbed area to the size of the O&M yard. **FEIS 11.**

VI-12 – Revegetate Temporarily Disturbed Areas. The Applicant shall restore and revegetate any temporarily disturbed areas that are not permanently occupied by the Project phase features, including segregation and restoration of topsoil. **FEIS 14; GCC 1.05.080(8)(32)**

VI-13 – Restore Temporary Staging, Roads, and Shoulders. Applicant shall restore temporary staging areas, temporary roads, temporary shoulders, turn-arounds, and disturbed areas to pre-Project condition (including pre-construction grade and revegetation) following construction. **FEIS 14; GCC 1.05.080(8)(4).**

VI-14 – Phased Construction Required. Applicant shall complete construction of the Project in phases to minimize the amount of disturbed area in the Project Area. **FEIS 79.**

VI –15 – Reclamation. The Applicant shall perform reclamation to the maximum extent possible. Applicant shall obtain reclamation permit from WA DNR as applicable. **FEIS 10.**

iv. Dust Abatement

VI-16 – Compliance with Fugitive Dust Control Plans (FDCPs). Applicant shall comply with and implement fugitive dust control plans and BMPs for the Project as a whole as well as for concrete batch plants and portable rock crushers. **FEIS 90.**

VI-17 – Fugitive Dust BMPs. Applicant shall implement BMPs to minimize fugitive dust during construction, including measures such as maintaining a water truck on-site during construction for dust-suppression. **FEIS 90; GCC 1.05.080(8)(7).**

VI-18 – Dust Abatement Measures Required. Applicant shall keep soils covered in construction zones and use dust abatement measures (such as watering trucks) and tackifiers. Applicant shall adhere to the County's dust abatement processes and use of locally approved dust suppressant chemicals. Excessive and repeated applications of dust suppressant chemicals shall be avoided, and the application of such chemicals shall be timed to avoid or minimize their wash-off by rainfall or irrigation. **FEIS 18, 88.**

VI-19 – Road Dust. Applicant shall apply water or dust palliatives as necessary to control road dust from construction vehicles within 500 feet of residences and also to temporary access roads and cleared areas. **FEIS 87.**

VI-20 – Limit Traffic Speeds. Applicant shall limit traffic speeds to the posted speed limits to minimize the generation of dust. **FEIS 84.**

VI-21 – Surface Gravel Required. Applicant shall add surface gravel to the Project Area as appropriate to reduce the source of dust emission. **FEIS 85.**

VI-22 – Manage Soil Stockpiles. Applicant shall manage stockpiles of soil to prevent airborne dust using impervious fabric covers, the application of a tackifier, or other appropriate measures. **FEIS 80.**

v. Erosion

VI-23 – Sediment and Erosion Control Measures. Applicant shall install and apply appropriate sediment and erosion control measures during and following construction, including, but not limited to, silt fences, straw bales, reseeding, water trucks for dust control, monitoring, straw mulching and vegetating disturbed surfaces; retaining original vegetation wherever possible; directing surface runoff away from denuded areas; minimizing constructed slope steepness and length to keep runoff velocities low; and maintaining vegetative buffer strips between the affected areas and any nearby waterways. Excavated materials shall be retained for backfilling post-construction and disturbed areas shall be brought to natural grade and re-seeded with a native seed mix. **FEIS 15, 29.**

VI-24 – Erosion Monitoring. The Project shall be regularly monitored for erosion and corrective action taken as necessary per the Project's NPDES permit requirements. **FEIS 32.**

vi. Stormwater/Drainage

VI-25 – Spill Prevention. Applicant shall require contractors to use BMPs for handling materials to help prevent spills. **FEIS 17.**

vii. Wildlife

VI-26 – Phase Construction. Project facilities shall be constructed in phases to minimize the amount of area impacted by construction thereby minimizing impacts to burrowing wildlife. **FEIS 44.**

VI-27 – Winter Range Habitat Construction Limits. In areas documented as winter range habitat for big game species, the maximum amount of heavy construction, including road and foundation construction and blasting, shall occur between April 15 and November 15, outside the critical winter periods. **FEIS 46.**

VI-28 - Habitat Mitigation. The Applicant shall implement, construct, and satisfy the agreed upon habitat mitigation contained in the Habitat Mitigation Agreement in accordance with the WDFW Wind Power Guidelines (April 2009) after constructing each Project phase but before operation of such Project phase begins. **FEIS 50; GCC 1.05.080(8)(33).**

viii. Air Quality

VI-29 – Tailpipe Emissions. During construction, the Applicant and/or its contractors shall use vehicles that comply with applicable federal and state air quality regulations for tailpipe emissions. **FEIS 81.**

VI-30 – Carpooling. The Applicant shall encourage carpooling amongst construction workers. **FEIS 82.**

VI-31 – Vehicle Idling. Applicant and/or its contractors shall limit the idling time of vehicles and equipment and shut down equipment when not in use. **FEIS 83.**

VI-32 – Temporary Air Quality Permits Required. Applicant shall obtain Temporary Air Quality Permits for concrete batch plants. **FEIS 91.**

ix. Vegetation

VI-33 – Employ Weed Management Control Techniques. The Applicant shall employ the weed management control techniques outlined in its approved Weed Management Plan. Applicant shall monitor known weed populations within the Project's disturbed areas and check for new introductions within restored areas on a regular schedule throughout post-construction growing seasons. **FEIS 61, 62.**

x. Water

VI-34 - Developed Water Sources. Applicant shall use developed water sources for construction. **FEIS 33.**

xi. Cultural Resources

VI-35 – Monitor for Cultural Resources. The Applicant shall monitor construction activities to ensure that historic/cultural properties identified in the Project cultural resources survey are protected and avoided. **FEIS 152; GCC 1.05.080(8)(40).**

VI-36 – Applicant Identified Cultural Resource. If the Applicant identifies an archaeological resource, the Applicant shall make recommendations regarding the following: (1) is the resource assessed as eligible for listing or not on the National Register of Historic Places, (i.e. is it significant); (2) is it an archaeological site or an isolate; and (3) is it a cairn or grave of a Native Indian, or a glyptic or painted record of any Tribe or peoples, or human remains. **FEIS 143.**

VI-37 – Cultural Resources Sensitivity Training. A cultural resources sensitivity training for personnel working on Project construction will be conducted. The purpose of this training will be to instruct Project personnel on the sensitivity of cultural resources in the Project area, and introduce them to the tribe's perspective on potential impacts. DAHP staff and individuals from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Nez Perce will be invited to contribute to this training. This training program shall be submitted to the County prior to the start of Project construction. **FEIS 151.**

VI-38 – On-site Environmental Manager. An on-site environmental manager will coordinate the protection of cultural resources that were identified through pre-construction surveys and that are to be avoided. The on-site environmental manager will know the precise boundaries of the resources. The location of all cultural resources will remain confidential. **FEIS 152.**

xii. Noise

VI-39 – Work-Hour Controls. Applicant shall implement work-hour controls so that noise-generating activities occur between 7 a.m. and 10 p.m., to the maximum extent possible and shall minimize the number of heavy-duty haul trucks traveling through the area during nighttime hours. **FEIS 71, 72.**

VI-40 – Limit Vehicle Noise. Applicant shall not allow haul trucks to park and idle within one hundred feet of a residential dwelling and shall maintain equipment in good working order and use adequate mufflers and engine enclosures. Applicant shall coordinate construction vehicle travel to reduce the number of passes by sensitive receivers. **FEIS 73-75.**

xiii. Health and Safety

VI-41 – Blasting Requirements. Blasting activities shall be conducted by professionally trained and certified explosive experts and shall employ industry-standard techniques. **FEIS 5.**

VI-42 – Reduction of Fire Risk. Preventative safety measures shall be employed to reduce the risk of fires or to safely contain a fire if one should occur. During construction and all Project welding operations, the Applicant shall have a readily accessible water truck and chemical fire suppression materials available on site to allow immediate fire response. Lightning protection systems shall be installed in all turbines and towers to reduce the risk of a lightning-caused fire. Junction boxes shall be constructed with a graveled footprint for fire protection and maintenance. **FEIS 93, 97; GCC 1.05.080(8)(50).**

VI-43 – High Fire-Risk Activities. Applicant shall take reasonable measures to mitigate high fire-risk activities during extreme dry weather periods. **GCC 1.05.080(8)(51).**

VI-44 – Smoking Prohibited. Smoking shall be prohibited at all times on the Project area except within designated areas. **GCC 1.05.080(8)(54).**

VI-45 – Cellular Phones Required. All employees on site shall be provided with cellular phones to enable timely communication with the Fire Department and other emergency service providers. **GCC 1.05.080(8)(52).**

VI-46 – Warning Signs. Signs shall be posted on site warning of dangerous construction activities and indicating emergency service provider phone numbers. **GCC 1.05.080(8)(55).**

xiv. Public Services

VI-47 – Portable Sanitation Facilities and Potable Water. Portable sanitation facilities and potable water shall be provided for employees on site during construction and permanent sanitation facilities and potable water shall be provided for Project operations, which facilities shall be developed in compliance with local and State requirements regulating potable water use and sanitary hygiene. Sanitary wastes shall be collected in portable toilets during construction. Disposal of sanitary wastes shall be managed through a contract with a portable toilet waste vendor. Onsite septic systems shall be installed at O&M facilities as required by applicable regulations. The Applicant shall consult with the appropriate County Health Department and obtain any required permits prior to construction. **FEIS 98, 99; GCC 1.05.080(8)(53).**

xv. Waste Disposal

VI-48 – Disposal of Hazardous Materials. Hazardous materials shall be disposed of in accordance with all applicable state and federal laws and regulations. **FEIS 100.**

VI-49 – Construction Debris Removal. A private contractor shall be hired to transport construction debris to a regional landfill for disposal. **FEIS 101.**

VII. Operations

i. Noise

VII-1 – Maximum Noise Levels. Project sound levels shall not exceed Washington State's maximum environmental noise levels found in WAC Chapter 173-60. The Applicant has also voluntarily agreed to meet a residential environmental designation for noise abatement (EDNA) standard of 50 dBA at any existing residential receptors of non-participating landowners unless noise easements are obtained. **FEIS 77; GCC 1.05.080(8)(44).**

VII-2 – Noise Complaints. Any noise complaints will be addressed pursuant to the protocols described in Condition III-30. **GCC 1.05.080(8)(45).**

ii. Wildlife

VII-3 – Staff Wildlife Training. The Project's operations and maintenance personnel shall receive training from WDFW on permissible hunting practices and WDFW communications protocols. **GCC 1.05.080(8)(39).**

VII-4 – WDFW Recommendations. Applicant shall implement appropriate recommendations (including, but not limited to, recommendations related to impact avoidance and minimization) provided in the WDFW Wind Power Guidelines (April 2009). **FEIS 57; GCC 1.05.080(8)(33).**

VII-5 – Avian/Bat Monitoring. The TAC shall recommend the duration and scope of the Project's post-construction avian/bat monitoring to the Garfield County Public Works Director for approval through consultation with a qualified biology consultant familiar with the impacts on birds and bats at wind energy projects. **FEIS 52.**

VII-6 – Wildlife Fatality Reporting. The Applicant shall report bird, bat, and other wildlife fatalities to the Project's TAC. **GCC 1.05.080(8)(37).**

VII-7 – Avian/Bat Monitoring Data Review. The TAC shall review the results of avian and bat monitoring data and formulate recommendations for adaptive management for this Project as well as future wind farm projects. **FEIS 51.**

VII-8 - Wildlife Incident Reporting and Handling System. Applicant shall design and implement a wildlife incident reporting and handling system (WIRHS), which shall be modeled after the system in place at the Applicant's Hopkins Ridge Project. Upon request, the Applicant shall provide a copy of the WIRHS to the County. **FEIS 56.**

iii. Erosion

VII-9 – Erosion Control. Applicant shall implement proper drainage, erosion control plans, and stormwater management practices during the operation of the Project, avoiding impacts on fish and fish habitat downstream of the Project area. **FEIS 45.**

VII-10 – Erosion Monitoring Post-Construction. The Applicant shall monitor the Project Area on a regular basis for erosion and take corrective action as necessary per the Project's construction NPDES permit requirements. Moreover, during the first year following construction and/or until vegetation has been established in disturbed soil, the Applicant shall specifically monitor its Project sites following large rainfall and snow events, and take corrective action if any erosion occurs. **FEIS 7, 32; GCC 1.05.080(8)(16).**

iv. Vegetation

VII-11 – Post-Construction Weed Management. Within the Project disturbed areas and in accordance with its approved Weed Management Plan and in consultation with the County Weed Board, the Applicant shall employ weed control techniques, monitor known weed populations and check for new introductions within restored areas on a regular schedule throughout post-construction growing seasons, eradicate incipient weed populations, suppress existing weed populations, and restore temporarily disturbed existing plant communities. **FEIS 65.**

v. Water

VII-12 – Water Delivery. Delivery of water to the Project site shall comply with state and local requirements. Water required for onsite Project use (e.g., restroom facilities and general maintenance) shall be obtained in accordance with state and local requirements. **GCC 1.05.080(8)(13).**

VII –13 – Water Runoff From Rock Crushers. Rock crushers shall operate with BMP measures for water runoff. **FEIS 31.**

vi. Lighting

VII-14 – Non-Turbine Lighting Requirements. Lighting for Project security shall be minimized; and non-turbine lighting fixtures on the Project shall be directed away from adjacent properties. **GCC 1.05.080(8)(43).**

VII -15 - Minimize Lighting Effects. The Applicant shall minimize the visual effects of Project lighting to the maximum extent possible in compliance with FAA requirements. **FEIS 68; GCC 1.05.080(8)(46).**

vii. Roads

VII-16 – Road Maintenance. During Project operations, Applicant shall maintain permanent private graveled access roads in compliance with County regulations. Permanent private roads shall be maintained for the life of the Project. **FEIS 8, 89, 119.**

viii. Staff Training and Instruction

VII-17 – Ice Throw. Applicant shall train staff to recognize the hazards of ice throw. **FEIS 136.**

VII-18 – Wind Speed Exceedance. Applicant shall shut down turbines at wind speeds exceeding 56 mph or in accordance with manufacturer's specifications.[20] **FEIS 137.**

VII-19- Safety Training. Applicant's facility personnel shall complete regular emergency response and safety training. **FEIS 92.**

VII -20 – Safe Operation Instruction. Applicant shall train operations and maintenance personnel on how to safely operate and maintain the turbines and other mechanical equipment on site. **GCC 1.05.080(8)(48).**

ix. Public Services

VII -21 – High Tower Rescue Equipment and Training. Applicant shall provide appropriate equipment and training to Garfield County Fire District #1 (as needed) for high tower rescue operations prior to commencement of Project operation. **GCC 1.05.080(8)(62).**

x. Other

VII-22 – Clean Project Site. Applicant shall, during operations of the Project, provide a clean facility free of debris and unused or inoperable equipment by: either repairing such equipment or storing the same in designated on-site areas or removing the items from the site. **GCC 1.05.080(8)(63).**

VIII. Decommissioning

VIII-1 – Abandonment of Operation. Upon termination of operations or if the Project is abandoned or ceases operation for more than 270 consecutive days (except in the event of man-made or natural disaster not in the control of the Applicant), the Applicant shall, at its sole cost and expense, dismantle and remove above ground improvements including wind turbines, step-up transformers, substations, overhead transmission lines and support structures, control hardware, and meteorological masts. At the request of the Landowner, it shall also remove Operations and Maintenance buildings. Footings and foundations shall be removed to a level of three (3) feet below the surface of the ground. The Applicant shall repair any damage as a result of such removal, restore the property to grade, and implement erosion and control devices and procedures, restoring the site as

[20] This condition differs from the FEIS to recognize possible changes in manufacturer specifications to maintain safety requirements.

reasonably as possible to its pre-Project condition. When Project facilities are removed, restoration activities shall include reclaiming roads, recontouring slopes, grading, ripping compacted areas, filling, excavating, and replanting/reseeding as applicable. **FEIS 9; GCC 1.05.080(8)(57).**

VIII-2 – Local and State Regulatory Requirements. If the Project is decommissioned, the Applicant shall comply with all applicable local and State regulatory requirements, including obtaining demolition permits and complying with permit conditions for removal of existing turbines and structures from the site. **GCC 1.05.080(8)(59).**

VIII-3 – Restoration of Habitat. In coordination with landowners, the Applicant shall restore temporarily impacted habitat and Project facility footprints after decommissioning to minimize permanent impacts to wildlife. **FEIS 9, 43.**

VIII-4 – Waste Materials. If Project is decommissioned, waste material shall be recycled, disposed of onsite, or taken to a regional facility for disposal by the Applicant. **FEIS 102.**

EXHIBITS

The following exhibits were referred to and/or relied upon in drafting this Staff Report and the recommendations contained herein, and comprise the Garfield County record for CUP #012609. Copies of each of the below exhibits will be transmitted to the Garfield County Hearing Examiner along with this Staff Report.

Exhibit A: 2008 Garfield County Comprehensive Plan
Exhibit B: Garfield County Zoning Ordinance
Exhibit C: Garfield County SEPA Ordinance
Exhibit D: Lower Snake River Wind Energy CUP Application
Exhibit E. Determination of Completeness Letter dated February 9, 2009
Exhibit F. Notice of Application (February 18, 2009)
Exhibit G. DS/Scoping Notice (February 18, 2009)
Exhibit H. Numbered List of FEIS Mitigation Measures
Exhibit I. Revised Notice of Application (February 26, 2009)
Exhibit J. Revised DS/Scoping Notice (February 26, 2009)
Exhibit K.Project Permitting Layout Maps

1. Oliphant Ridge Permitting Layout Map
2. Dutch Plats Permitting Layout Map
3. Kuhl Ridge Permitting Layout Map

Exhibit L. Sign-In Sheets from Public Scoping Open House Meetings (March 4th and March 5th)
Exhibit M. Scoping Comments (59 Scoping Comment Letters)
Exhibit N. April 23, 2009 Scoping Letter to E&E
Exhibit O. May 13, 2009 Scoping Letter to E&E
Exhibit P. May 18, 2009 Scoping Comment Matrix Letter to E&E
Exhibit Q. Notice of DEIS Availability – August 17, 2009
Exhibit R. Copy of DEIS (Volume I and Volume II)
Exhibit S. Sign-In Sheets from Public Open House Meetings on September 9 and September 10
Exhibit T. September 28, 2009 Letter from Pomeroy Historic Preservation Commission
Exhibit U. Notice of Availability of FEIS

Exhibit V. Copy of FEIS
Exhibit W. Lead Agency Status letter dated May 12, 2009 from Columbia County
Exhibit X. Notice of CUP Hearing dated October 21, 2009
Exhibit Y. Letter from Bonneville Power Administration dated October 16, 2009
Exhibit Z. Section 4 of Appendix J to the FEIS