

Wind Projects in Whitman County

Perspective & Experience from Tri-Cities



Horse Heaven Hills Wind & Solar Project

Paul Krupin, Tri-Cities C.A.R.E.S.

www.TriCitiesCARES.org

We are in a 4-going on 5-year battle to prevent the Tri-Cities from being significantly impacted by the Horse Heaven Hills Wind and Solar Project



Tri-Cities CARES - public intervenor 501c3
Benton County – land use codes & zoning regulations
Yakima Nation – Culturally significant sites & Treaty Rights



Horse Heaven Hill Wind and Solar Project

Horse Heaven
Wind Project



Overview Map
Turbine Layout Option 1
BENTON COUNTY, WA

25 miles

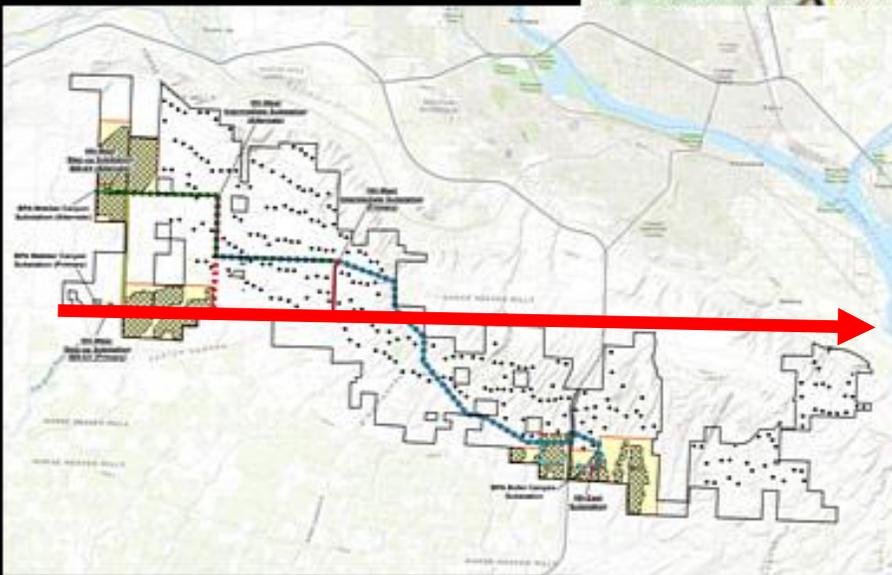
25 miles west to east
and 4 to 6 miles wide
north to south, goes
from Benton City all the
way to Finley.

Same distance as:

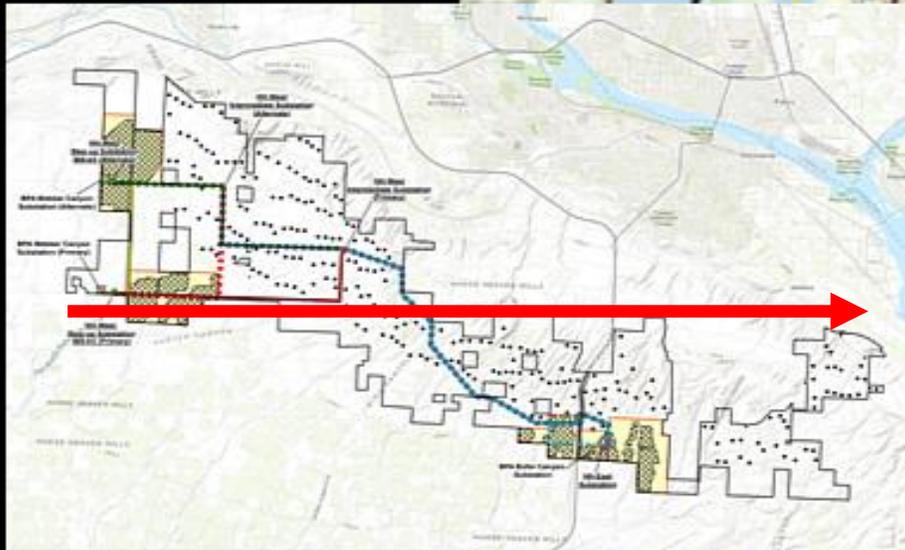
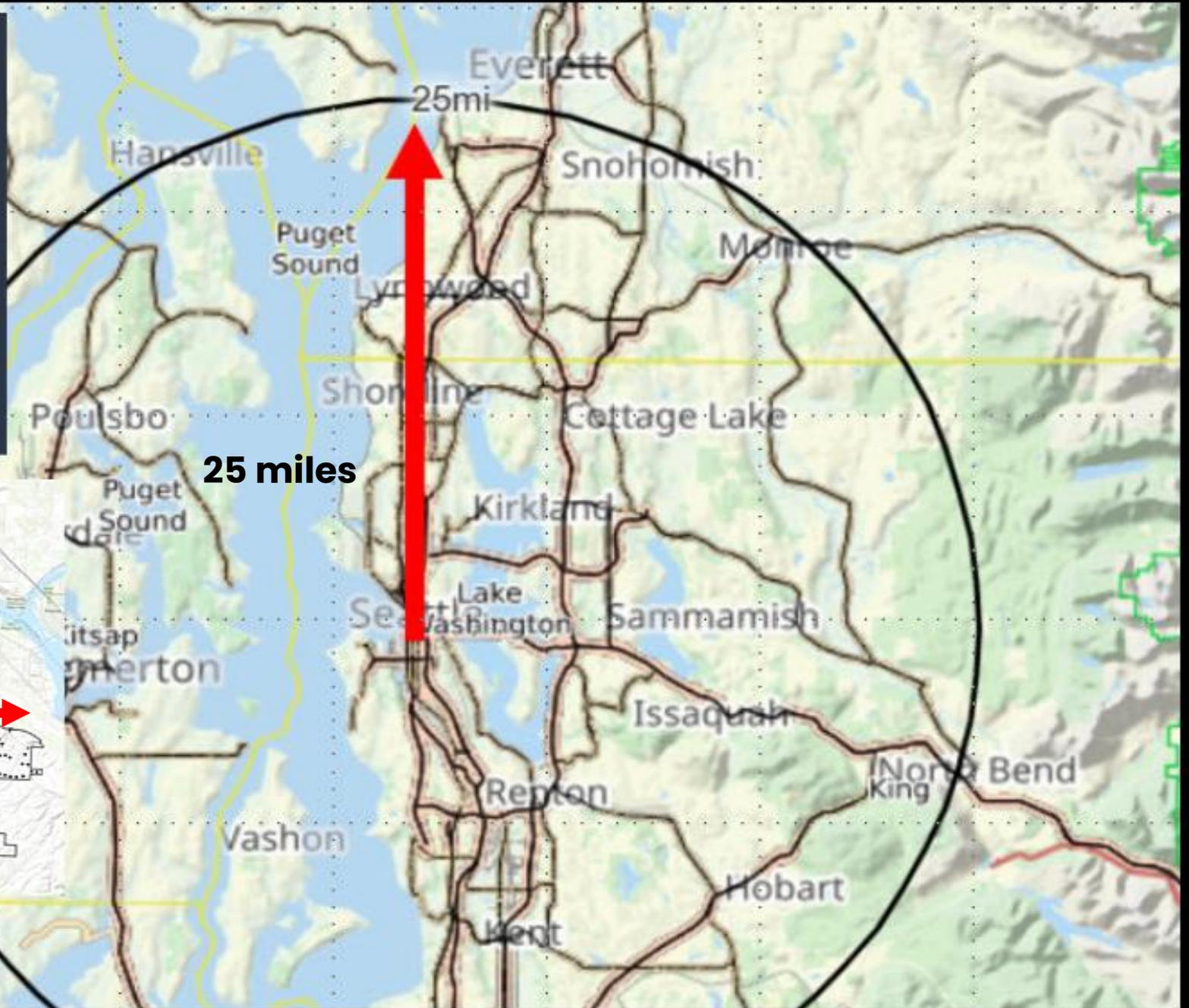
- 222 499 ft high turbines
- Over 72,000 acres = 112 Square Miles
- Over 100 miles of dirt roads
- 20 miles of new transmission lines
- 18 acres of lithium-ion battery storage

- Seattle to North Bend
- Seattle to Tacoma
- Seattle to Everett.

Seattle to Tacoma

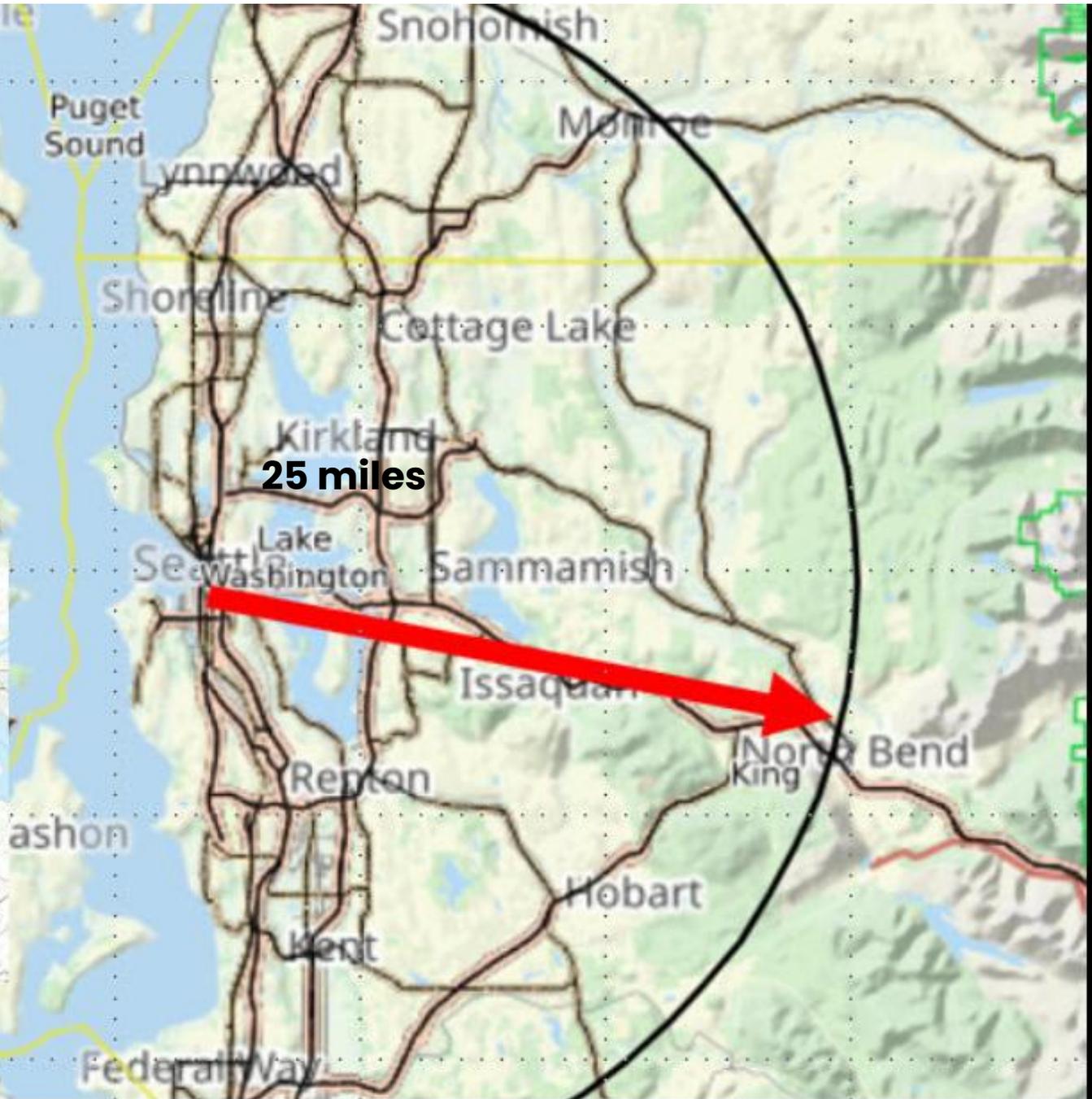
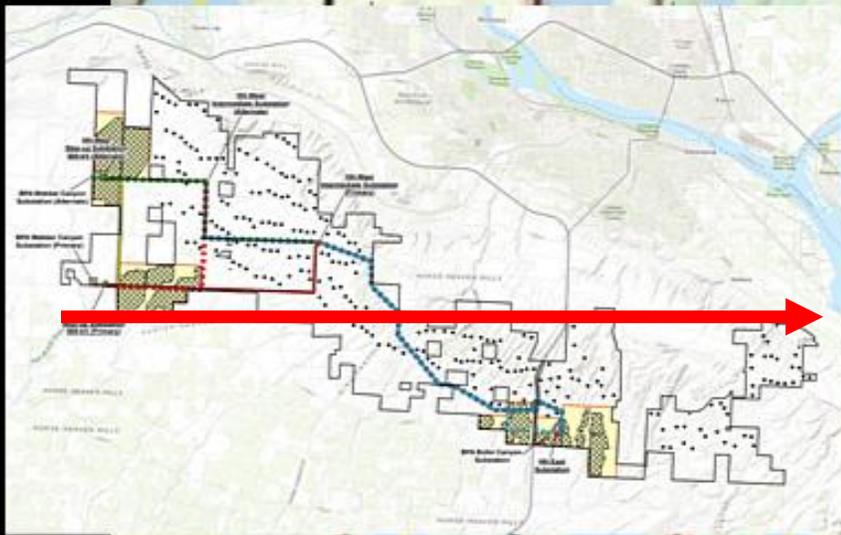


Seattle to Everett

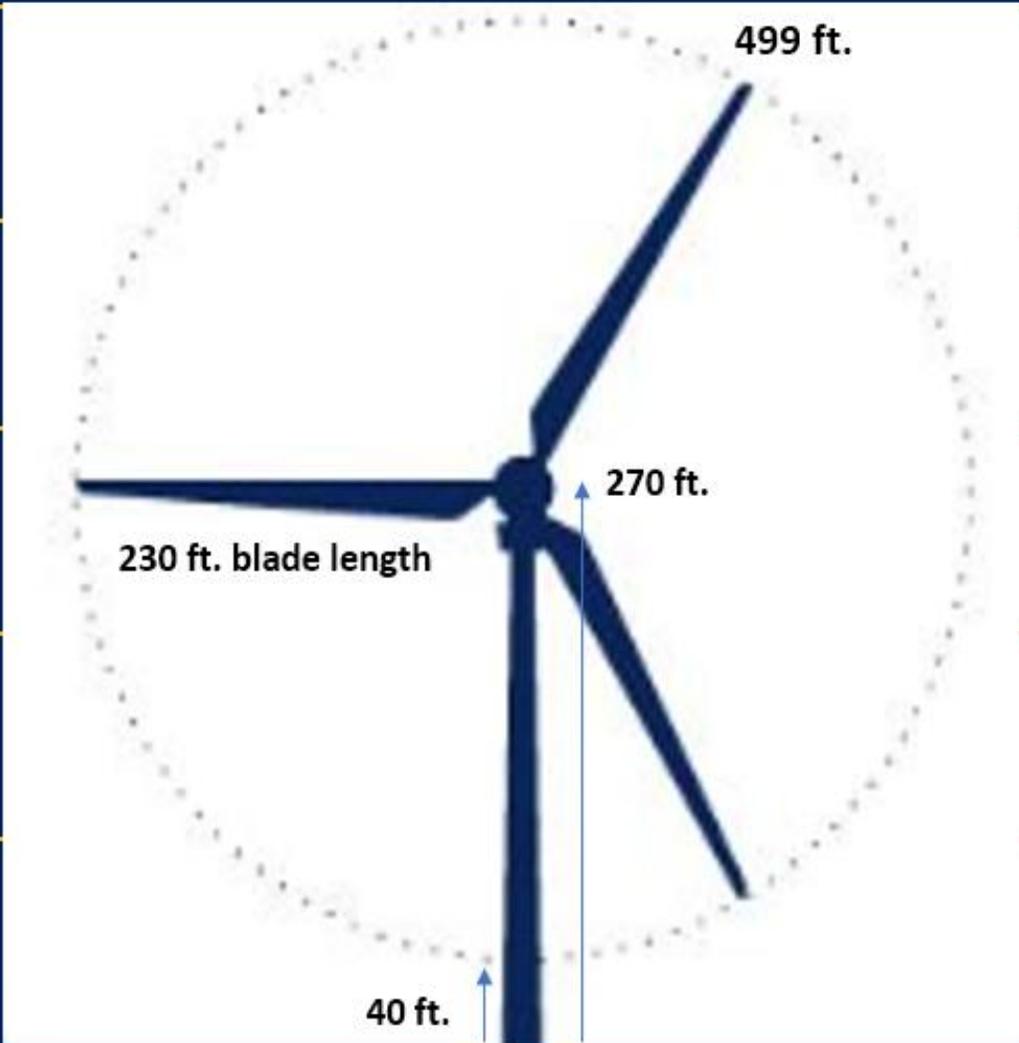
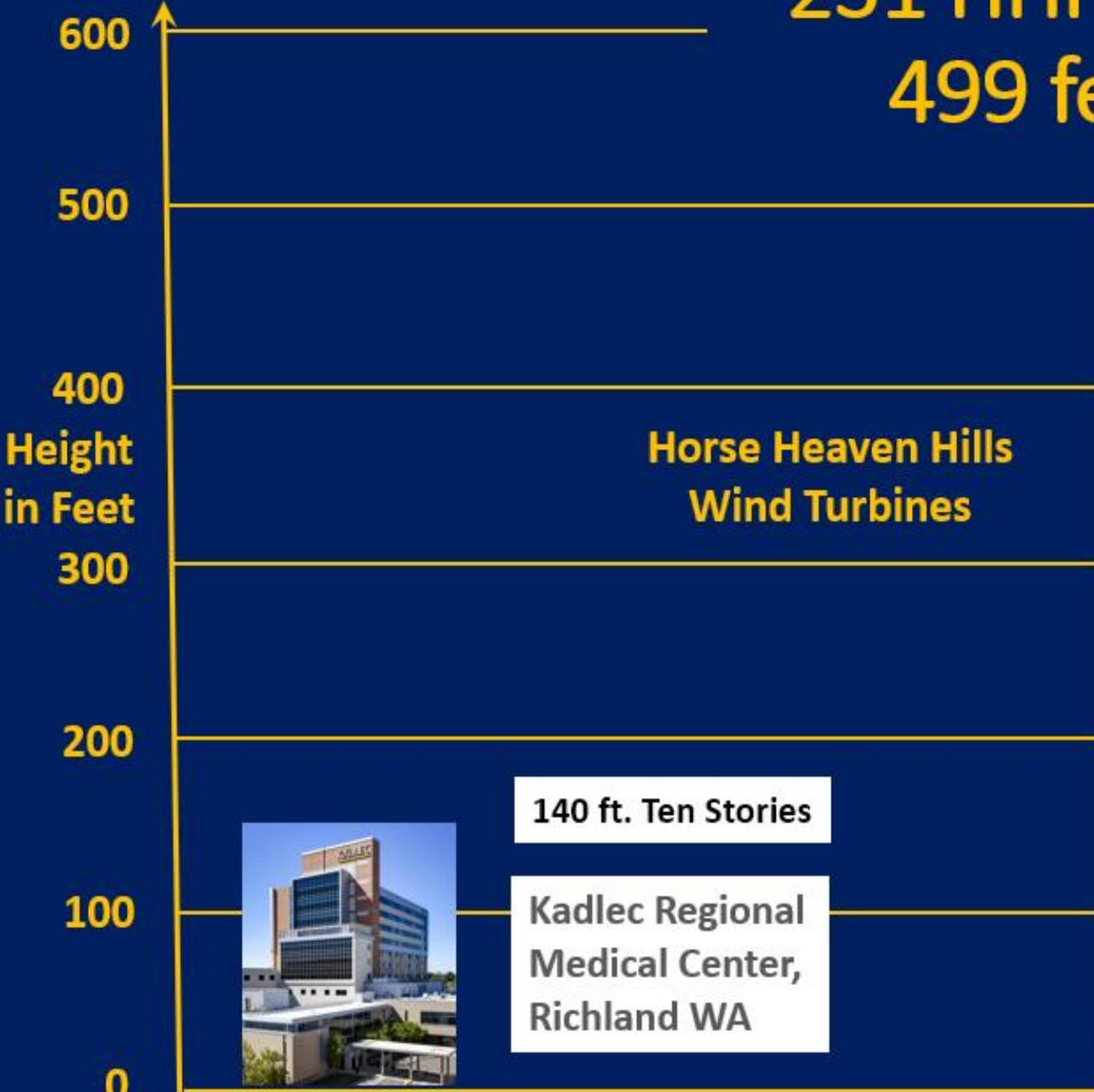


Seattle to North Bend

25 miles



231 HHH Wind Turbines 499 feet high each

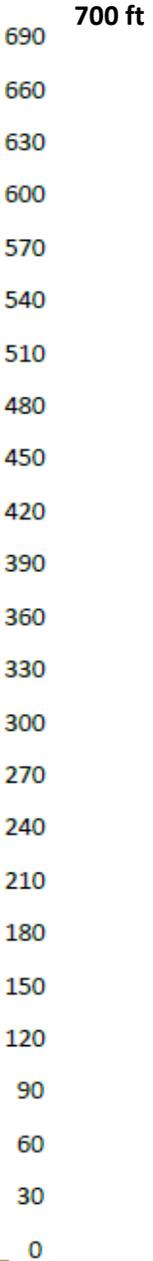
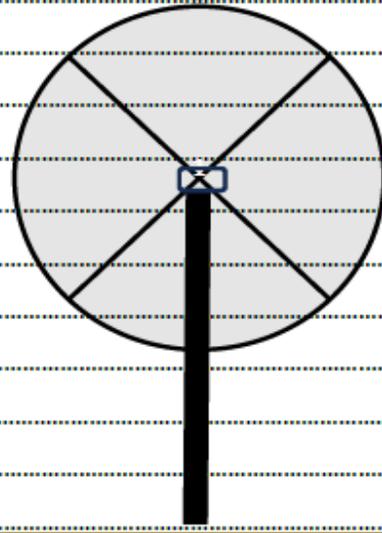
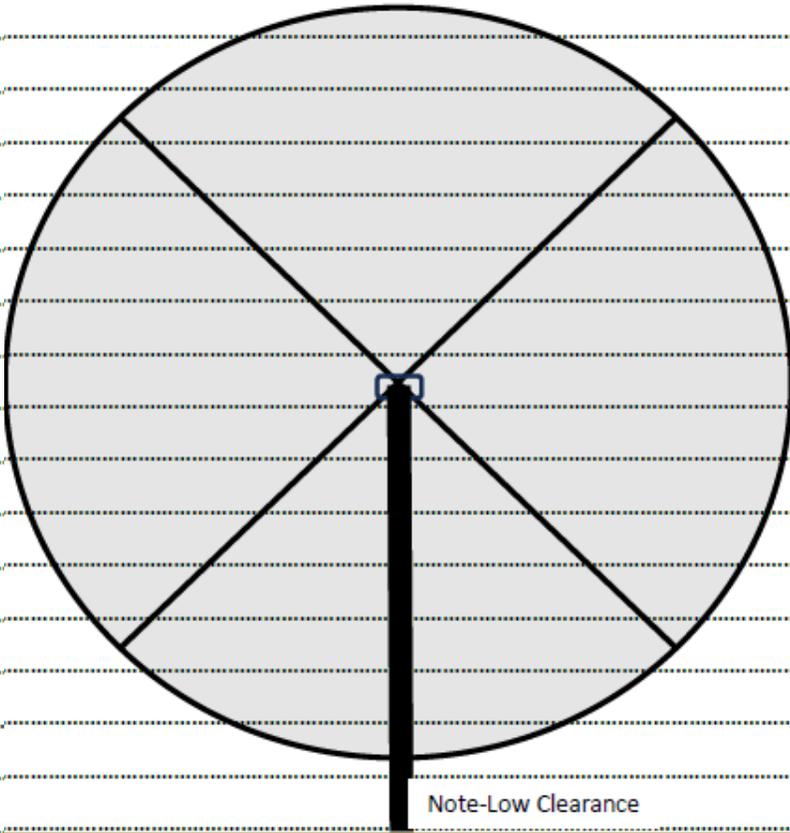
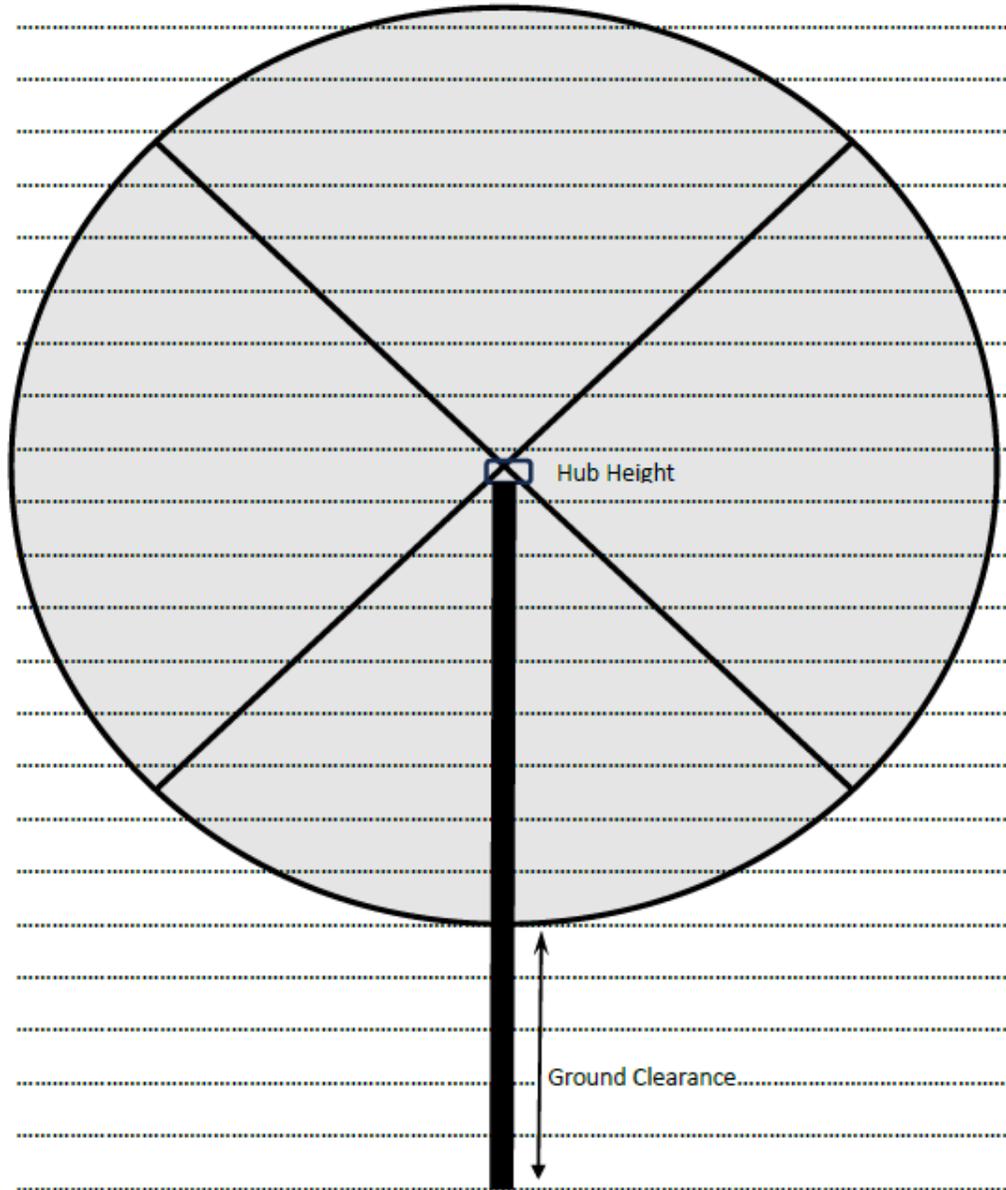


Horse Heaven Hills to Nine Canyon Turbine Height Comparison

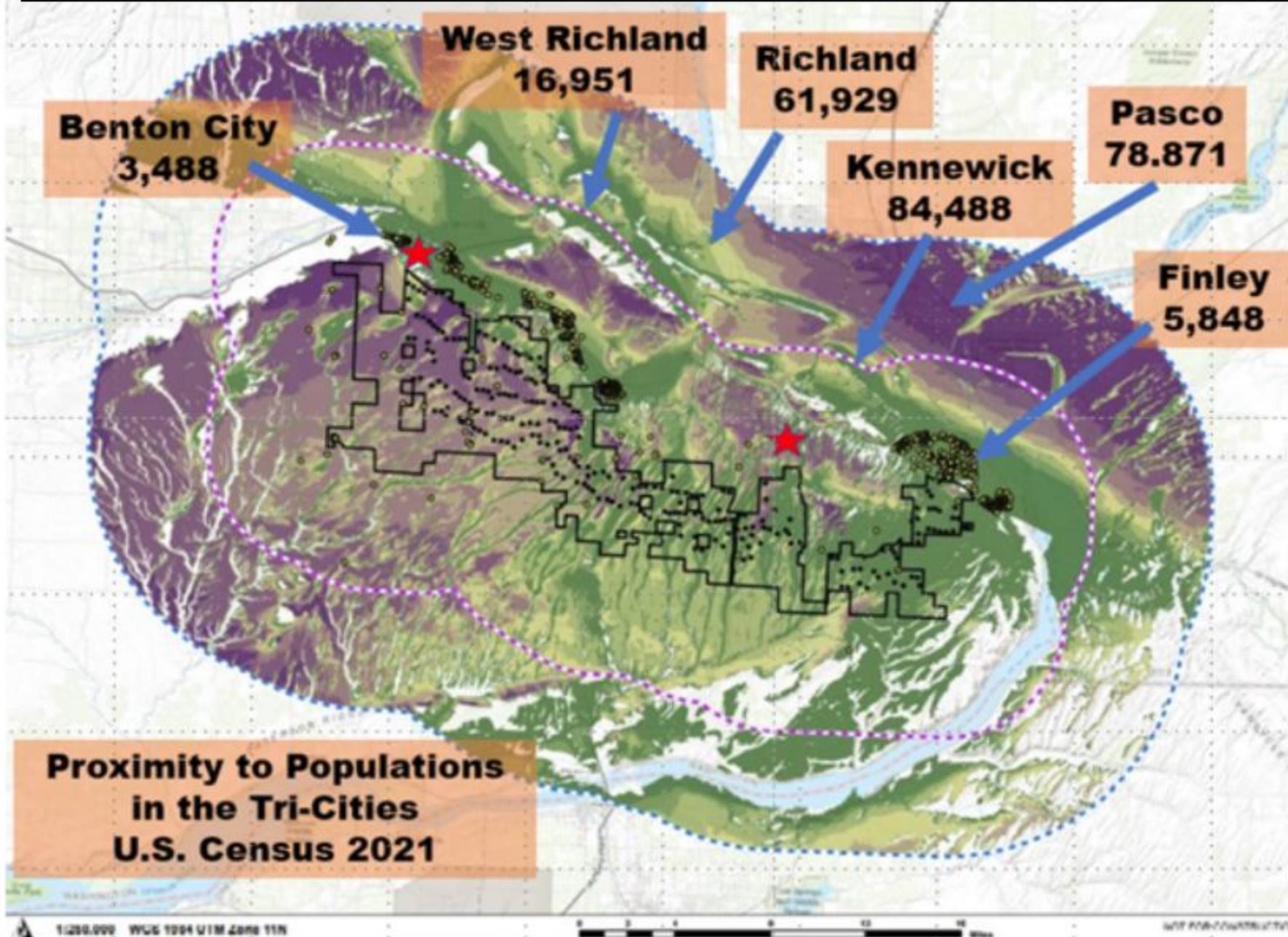
HHH Preferred Large Turbine Option
GE 5.5mw Wind Turbine-Total Height 671'
Hub Height-411' Rotor Diameter 518'
Ground Clearance 151' Rotor Swept Area- 4.84 Acres

Horse Heaven Hills Preferred Small Turbine
GE 3.03mw Wind Turbine
Total Height 494'
Hub Height-266'
Rotor Diameter 459'
Ground Clearance 36'
Rotor Swept Area- 4.6 Acres

Existing Nine Canyon Predominant Turbines
Bonus 362-1.3mw Turbine
Total Height 299'
Hub Height-197'
Rotor Diameter 204'
Ground Clearance 95'
Rotor Swept Area- 0.72 Acres



Over 300,000 people will be affected



**Proximity to Populations
in the Tri-Cities
U.S. Census 2021**

- Proposed Turbine Location (244 Turbines modeled at 499' blade-tip height)
- Visual Receptor
- Project Lease Boundary
- 5 mile Buffer
- 10 mile Buffer

Number of Turbines Potentially Visible

- 0
- 1 - 50
- 51 - 75
- 76 - 100
- 101 - 125
- 126 - 150
- 151 - 175
- 176 - 200
- 201 - 244

November 1, 2022
EFSEC Tour Stops

Economic Impacts Phase 1 - Eleven Month Construction Period

Table 2. Estimated One-Time Phase 1 Construction Impacts

Type of Impact ¹	Employment (FTE) ²	Labor Income (\$ million) ³	Economic Output (\$ million) ³
Direct Impacts	171	19.4	19.4
Indirect Impacts	168	11.1	30.7
Induced Impacts	118	6.5	20.5
Total Impacts	458	37.0	70.6

Notes:

FTE = full-time equivalent

¹ Estimates are for the entire 11-month construction period. Numbers may not sum due to rounding.

² Jobs are FTE for a period of one year (1 FTE = 2,080 hours). Direct jobs include those directly employed on-site during construction. Additional on-site positions that would be filled by workers from outside Benton and Franklin counties are not included in these estimates.

³ Labor income and economic output are expressed in millions of dollars in Year 2021 dollars.

Phase 1 construction would generate one-time revenues of approximately \$2.9 million in state and \$1.0 million in local (Benton and Franklin counties) sales tax

Reference: https://www.efsec.wa.gov/sites/default/files/210011/00001/20210208_AppS_EconImpStdy.pdf and economic output are expressed in millions of dollars in Year 2021 dollars

Economic Impacts During Operations

Table 6. Estimated Annual Operation Phase 2a Impacts

Type of Impact ¹	Employment (FTE) ²	Labor Income (\$ million) ³	Economic Output (\$ million) ³
Direct Impacts	9	0.8	0.8
Indirect Impacts	9	0.7	2.2
Induced Impacts	7	0.4	1.1
Total Impacts	24	1.8	4.1

Notes:

FTE = Full-time equivalent

¹ Estimates are annual impacts that would occur each year the Project is in operation. Estimates are for the first year of operation. Numbers may not sum due to rounding.

² Jobs are FTE for a period of one year (1 FTE = 2,080 hours).

³ Labor income and economic output are expressed in millions of dollars in Year 2021 dollars.

Table 7. Estimated Annual Operation Phase 2b Impacts

Type of Impact ¹	Employment (FTE) ²	Labor Income (\$ million) ³	Economic Output (\$ million) ³
Direct Impacts	9	0.8	0.8
Indirect Impacts	10	0.9	3.2
Induced Impacts	7	0.4	1.3
Total Impacts	26	2.1	5.2

Notes:

FTE = Full-time equivalent

¹ Estimates are annual impacts that would occur each year the Project is in operation. Estimates are for the first year of operation. Numbers may not sum due to rounding.

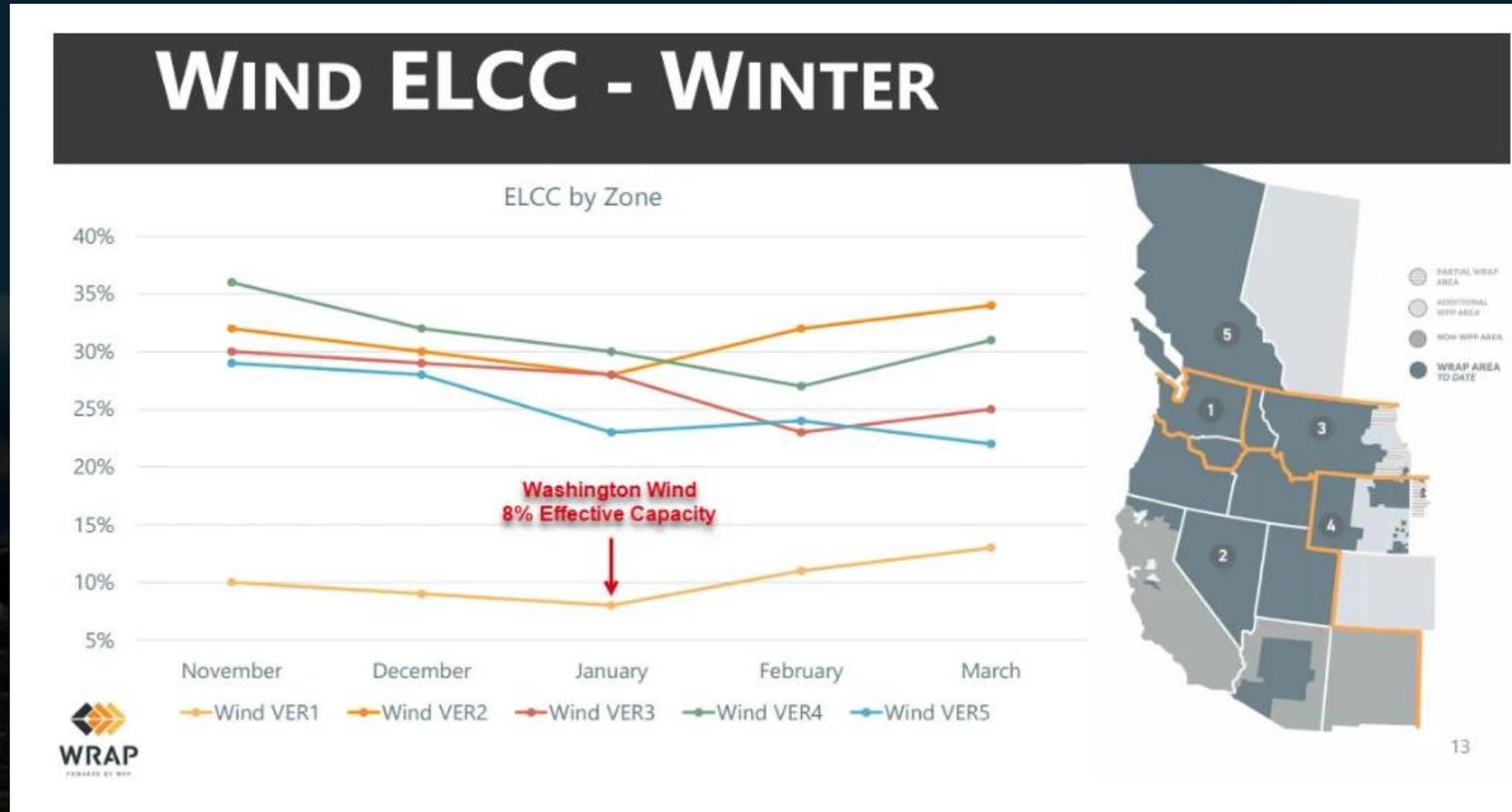
² Jobs are FTE for a period of one year (1 FTE = 2,080 hours).

³ Labor income and economic output are expressed in millions of dollars in Year 2021 dollars.

Reference: https://www.efsec.wa.gov/sites/default/files/210011/00001/20210208_AppS_EconImpStdy.pdf and economic output are expressed in millions of dollars in Year 2021 dollars

Power Generation Contribution

Generating capacity of the 850 MW Horse Heaven Hills wind farm would only generate 68 MW in January and 153 MW for August. The greatest need in summer for dependable generating capacity usually occurs in August and September when hot temperatures are still in play and the hydro system water flows have petered out.



Reference Rick Dunn, Benton PUD General Manager

<https://www.tri-cityherald.com/opinion/opn-columns-blogs/article271879052.html#storylink=cpy>

Unions Push for Local Hiring at Skookumchuck Wind Energy Project



...a poor track record of hiring local workers.

Why Scout went through EFSEC

Benton County does not have a wind ordinance. Opposed the project because:

Violation of County Land Use & GMA Zoning, & Comprehensive Plan Regulations:

- Conversion of agricultural lands into industrial-scale energy facilities undermines the county's comprehensive plan and long-term land stewardship goals.

Improper Siting and Cumulative Impact:

- Threatens the viability of Benton County's agricultural economy.

Strong County Ordinance Likely to Trigger EFSEC Permitting

- Height Restrictions
- Setback Requirements
- Noise Standards
- Shadow Flicker Limits
- Decommissioning and Site Restoration
- Road-Use and Construction Agreements
- Moratoriums and Utility-Scale Bans

Developers see EFSEC as a way to avoid county regulations, opposition and authority:

- EFSEC has the legal power to override local zoning restrictions for major energy projects.
- By applying through EFSEC, developers can bypass county opposition and pursue approval directly from the state.

County Ordinance Local Control vs. EFSEC Permitting

Scout didn't even submit to BC, they just went to EFSEC (Feb 2021)

- Height Restrictions
- Setback Requirements
- Noise Standards
- Shadow Flicker Limits
- Decommissioning and Site Restoration
- Road-Use and Construction Agreements
- Moratoriums and Utility-Scale Bans

EFSEC not required to demonstrate substantive compliance.

- Has discretion to “consider local land use plans and zoning ordinances” as part of its review process.
- Substantive compliance means following the actual rules and standards of local codes.
- EFSEC is not bound to meet these standards but must address them in its findings and explain any deviations.
- Local county planners & officials sidelined and input ignored. Lack of effective engagement

Horse Heaven Hills Wind & Solar Project History



- Application for Site Certification Feb 9, 2021.
- Land Use Consistency Determination May 17, 2022.
- ADLS Bill December 2022 to May 2023.

ADLS SHB 1173

- December 6, 2022 - TCC Proposal to Rep. April Connors & Rep. Mark Klicker
- January 6, 2023 – House Bill 1173 Pre-filed for introduction
- February 16, 2023 - Hearing in the House Environmental & Energy Committee.
- February 27, 2023 - House passed HB 1173 on a vote of 94 to 1.
- March 17, 2023 – Hearing in the Senate Committee on Environment, Energy & Technology
- April 8, 2023 - Senate passed SHB 1173 on a vote of 84 to 1.
- May 9, 2023 – Signed into Law by Governor Inslee.

Safe Skies Can Be Dark Skies

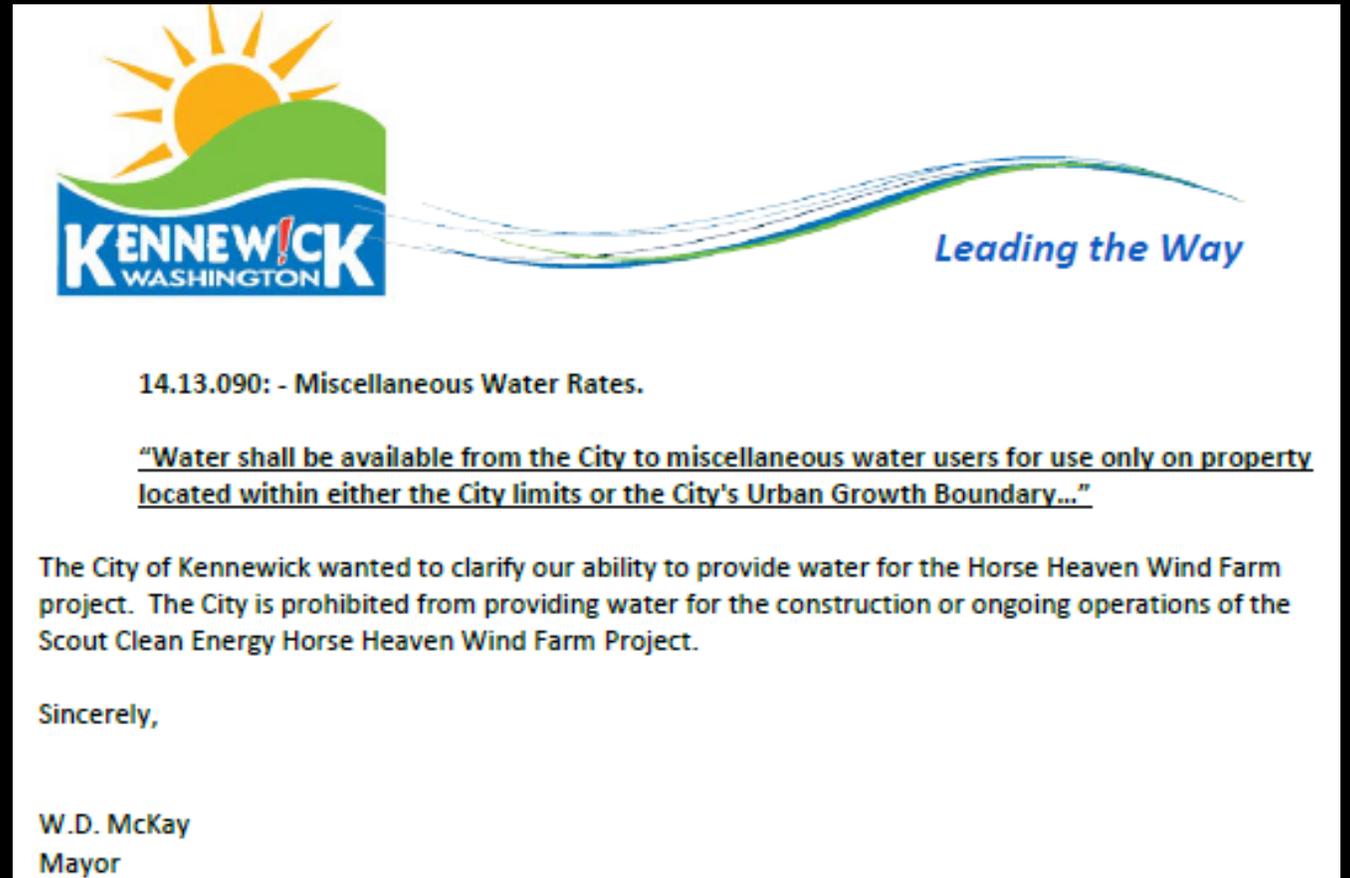


A Project Without a Confirmed Water Source

EFSEC's regulations require Applicants to provide sufficient information to determine whether there is a legal and viable water source for the Project. WAC 463-60-165.

The developer first relied upon water from the City of Kennewick.

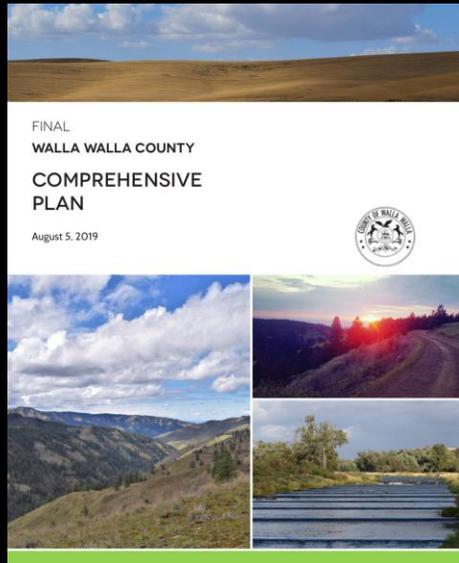
January 10, 2023 - The Mayor of Kennewick sent a letter to the developer stating that they could not supply the water.



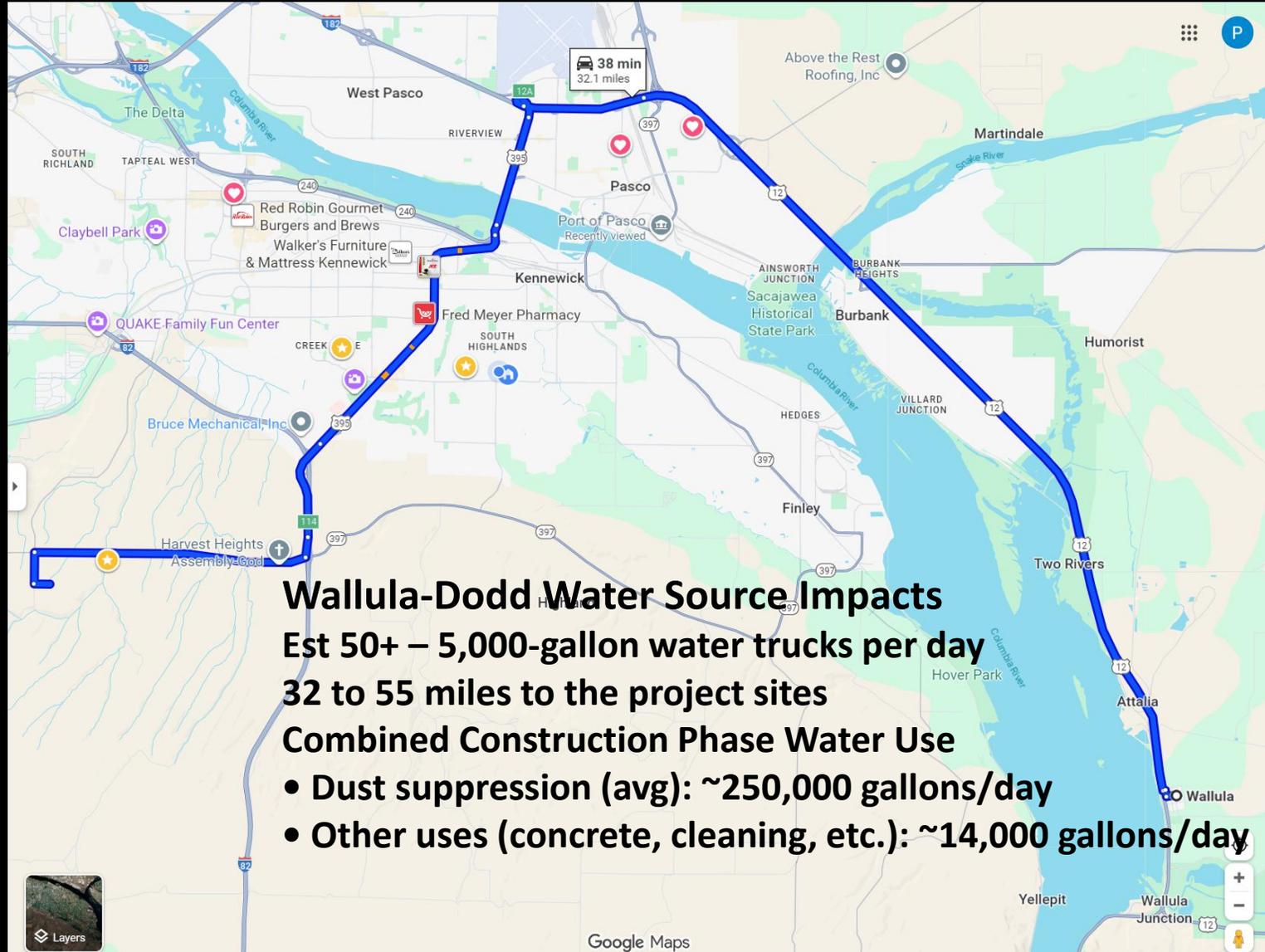
A Project Without a Confirmed Water Source

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The developer shared a letter stating the Port of Walla Walla would sell them water from a well source located in Wallula.



TCC demonstrated that the Walla Walla County Comprehensive Plan prohibited the sale of water outside the business development area.



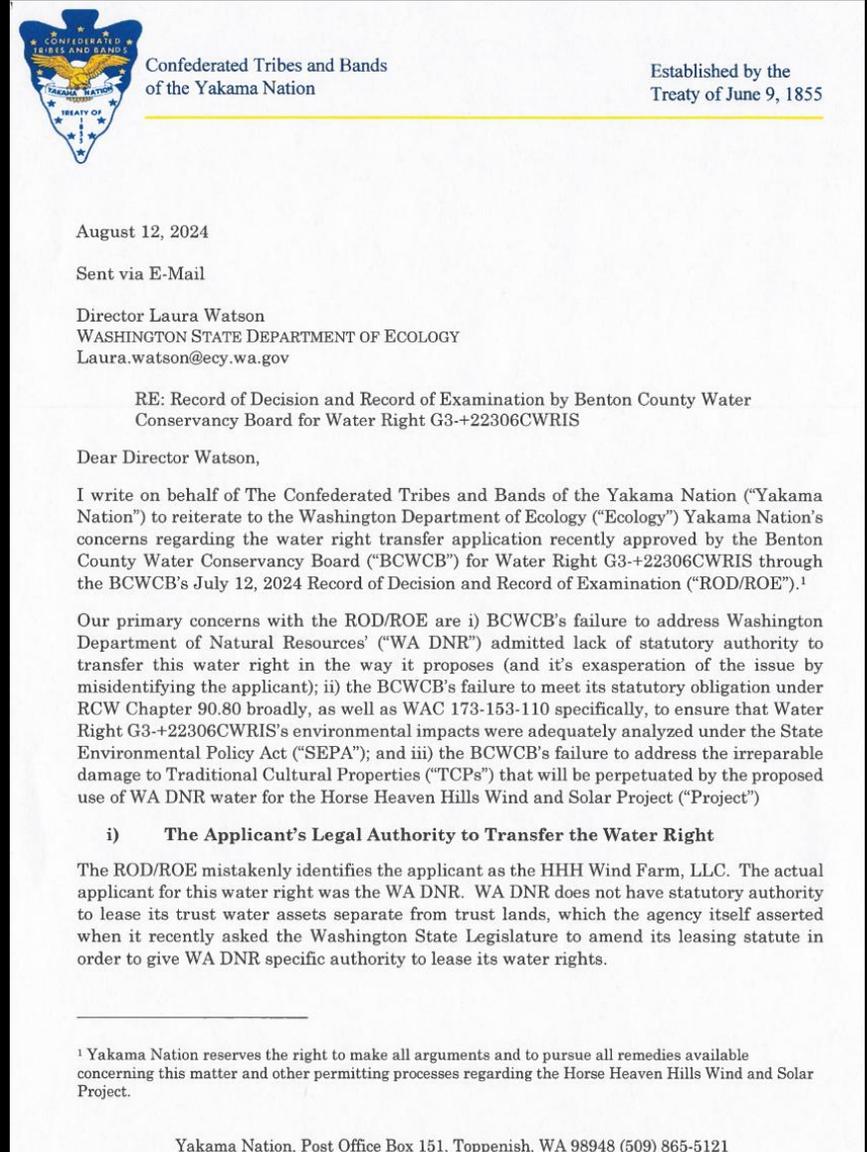
A Project Without a Confirmed Water Source

EFSEC's regulations require Applicants to provide sufficient information to determine whether there is a legal and viable water source for the Project. WAC 463-60-165.

Gould Well - The developer found an abandoned well two miles west of the project site owned by the Washington DNR that had not been used for over 40 years.

The DNR was willing to transfer the water rights and the Benton County Water Conservation Board approved it.

The Yakima Nation objected and challenged the approval arguing that EFSEC and the Governor accepted and approved site SCA without proof of a confirmed water source for construction, operation and decommissioning and a proper SEPA environmental impact analysis.



A Project Without a Confirmed Water Source

EFSEC's regulations require Applicants to provide sufficient information to determine whether there is a legal and viable water source for the Project. WAC 463-60-165.

EFSEC remedied and amended the FEIS.

The final approval of the water rights approval is still pending but will likely be approved this before the October 15 EFSEC Council meeting.

Work on the Gould well will very likely be used to demonstrate "beginning construction" under the most current IRS rules to preserve tax credits by July 4, 2026.



PO Box 43172 • Olympia, Washington 98503-3172
www.efsec.wa.gov

Memorandum

To: Sonia E. Bumpus, EFSEC Executive Director, (360) 664-1363
From: Amí Hafkemeyer, EFSEC Director of Siting and Compliance, (360) 664-1305
Date: July 14, 2025

RE: Environmental Review and Staff Recommendation for State Environmental Policy Act (SEPA) Review for Horse Heaven Wind Farm Project Site Certification Agreement Water Supply Source¹

PROPOSAL:

An existing groundwater well, owned by the Washington Department of Natural Resources (DNR) and known as the Gould Well, would be used to provide water during construction and operation of the Horse Heaven Wind Farm (Certificate Holder). Leasing of this water represents a change to water rights that DNR had previously placed in the Temporary Trust Water Right Program in 2022. The well itself is an existing well, owned by DNR, and water rights would continue to be owned and maintained by DNR. Horse Heaven Wind Farm would lease water and 2.25 acres of lands adjacent to the well under contract. As described in the Final Environmental Impact Statement (EIS), up to approximately 220,000 gallons per day on average would be used during construction. At 50 weeks per year, six days per week, this would total up to approximately 66 million gallons per year that would be leased by the Certificate Holder from DNR and transported to the Project site to mix concrete, treat roads to manage fugitive dust, and store water for fire prevention. During operations, water would be transported and used for the Operations & Maintenance, and for solar panel washing should it be needed.

The Certificate Holder submitted a SEPA Environmental Checklist on January 14, 2025, detailing their proposed change in water supply. The Gould Well Plan figures attached to the SEPA checklist show the location of the Gould Well relative to the Horse Heaven Wind Farm (facilities as depicted in the Final Application for Site Certification (ASC) for Turbine Option 1; Figure 2.3-1, Scout, September 2023). The following components would be installed to allow use of the well for construction and

¹ Site Certification Agreement between the State of Washington and Horse Heaven Wind Farm, LLC for the Horse Heaven Wind Farm, Benton County, Washington, Executed October 18, 2024. Energy Facility Site Evaluation Council, Olympia, Washington.

Horse Heaven Hills Wind & Solar Project History



- **Draft EIS December 16, 2022.**
- **Final EIS October 31, 2023.**
- **Adjudication Hearings August to December 2023.**
- **EFSEC First Recommendation April 29, 2024.**

The Governor sent Remand Directive to EFSEC to add more wind turbines May 23, 2024.

EFSEC revised Recommendation Aug 29, 2024.

Governor approved the Second Recommendation October 18, 2024.

Parties filed lawsuits ~ December 1, 2024.

PTAG Meetings January to June 2025.

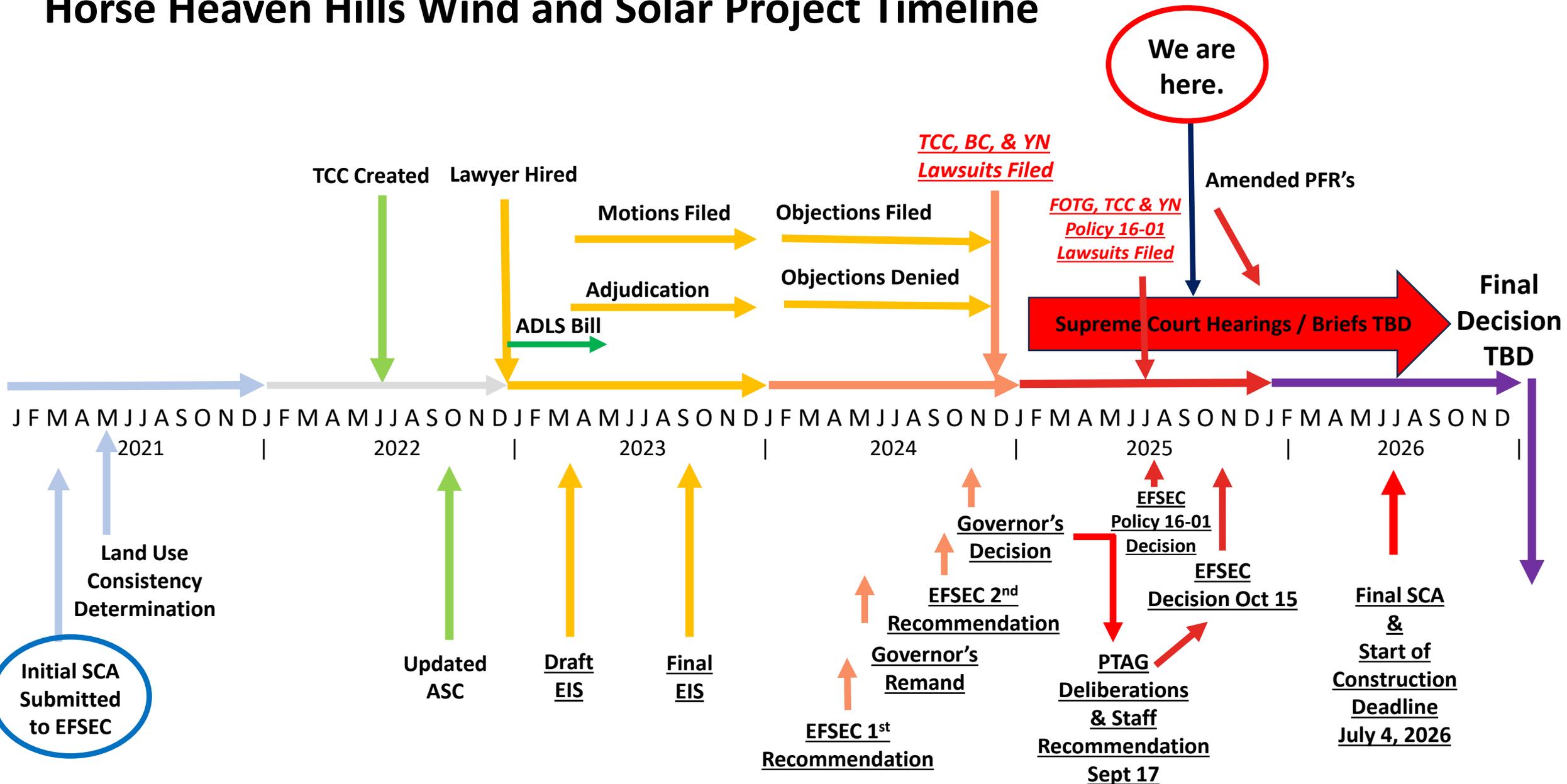
PTAG Presentation to EFSEC Council July 2025.

Staff Recommendation to EFSEC

September 17, 2025.

EFSEC Council Decision October 15, 2025.

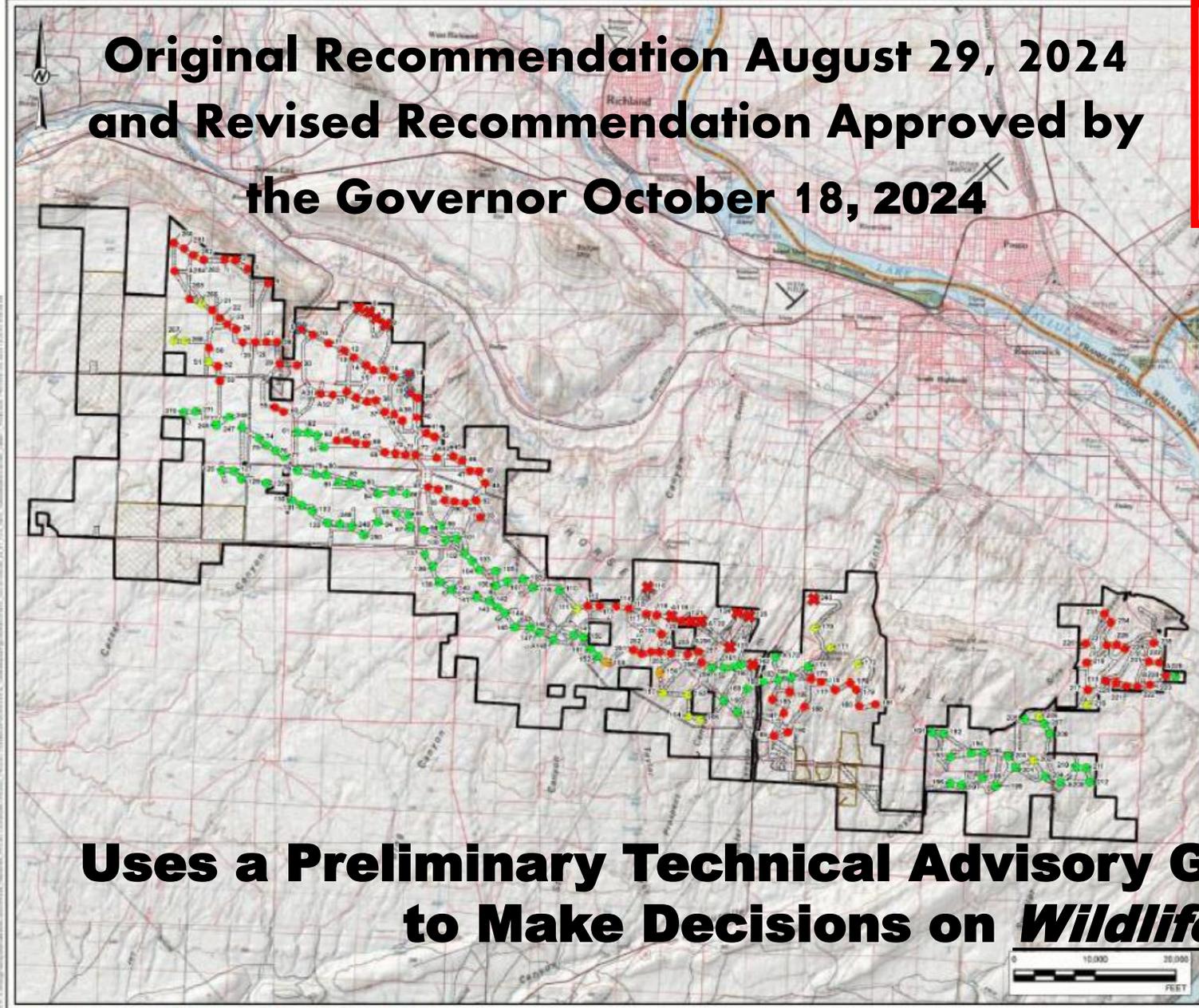
Horse Heaven Hills Wind and Solar Project Timeline



Governor Dismisses Significant Unavoidable Adverse Impacts – Wildlife, Cultural, Visual and Firefighting

The Final EIS states: “Post-mitigation and Applicant commitments, the turbines would still dominate views from many key observation points, and the landscape would appear strongly altered.”

**Original Recommendation August 29, 2024
and Revised Recommendation Approved by
the Governor October 18, 2024**



LEGEND

Turbine Location - Layout Option 1

- Class 0 Impact
- Class 1 Impact
- Class 2 Impact
- Class 3 Impact
- ★ Turbine Moved to New Location
- ★ Turbine Removed
- ▭ Project Lease Boundary
- ▭ Solar Siting Area
- ▭ Micrositing Corridor

IMPACT CLASS DEFINITIONS:

- CLASS 0 = LOWEST IMPACT
- CLASS 1 = IMPACTS ONE RESOURCE
- CLASS 2 = IMPACTS TWO RESOURCES
- CLASS 3 = HIGHEST IMPACT

- **Wildlife**
- **Cultural**
- **Visual**

**Less Mitigation
More Turbines**

**Uses a Preliminary Technical Advisory Group (PTAG)
to Make Decisions on *Wildlife***

NOTES:

1. CONFIDENTIAL RESOURCE INFORMATION THAT WAS INCORPORATED INTO THESE IMPACT RATINGS IS NOT DISPLAYED ON THIS MAP IN ACCORDANCE WITH RCW 43.21C-02(b), HOWEVER A VERSION OF THIS MAP WITH THE CONFIDENTIAL RESOURCE INFORMATION DISPLAYED HAS BEEN MADE AVAILABLE TO THE PUBLIC COUNCIL.
2. TURBINES IDENTIFIED FOR REMOVAL, WERE PROVIDED BY SCOUT IN AUGUST 3, 2023.
3. WIND RESOURCE DATA PROVIDED BY HORSE HEAVEN WIND FARM LIMITED PARTNERSHIP FOR FINAL APPLICATION FOR SITE CERTIFICATION.

REFERENCES:

1. PROJECT FEATURES - HORSE HEAVEN WIND FARM, LLC, 2023
2. DEWITZ, J. (2021). NATIONAL LAND COVER DATABASE (NLCD) 2019 PRODUCT (DATA SET). U.S. GEOLOGICAL SURVEY. <https://doi.org/10.7927/H4JH5M14>
3. U.S. GEOLOGICAL SURVEY - US-HISTORIC TOPO BASEMAP
4. SERVICE LAYER CREDITS: COPYRIGHT © 2013 NATIONAL GEOGRAPHIC SOCIETY, ICLLOUD
5. COORDINATE SYSTEM: NAD83 1984 UTM ZONE 11N

CLIENT:
State of Washington Energy Facility Site Evaluation Council

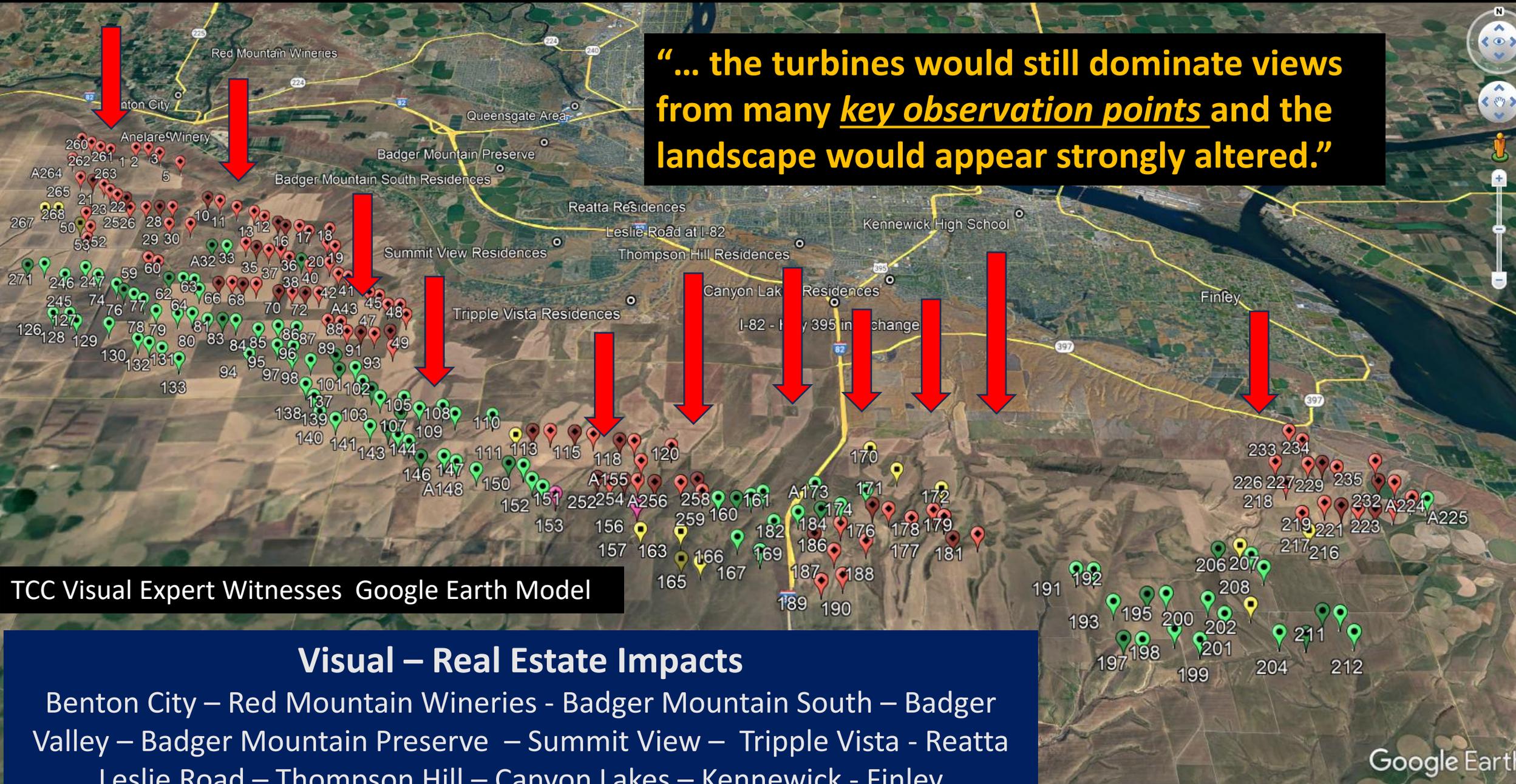
PROJECT:
Turbine Layout Option 1 - Areas of High Impact

DATE:	2023-10-25
DESIGNED:	MK
DRAWN:	MK
REVIEWED:	SH
APPROVED:	JP

PROJECT NO: 31405435.000 **DATE:** 03 **REV:** 0 **FIGURE:** 2-5

Figure 2-5: Turbine Layout Option 1 - Areas of High Impact

“... the turbines would still dominate views from many key observation points and the landscape would appear strongly altered.”



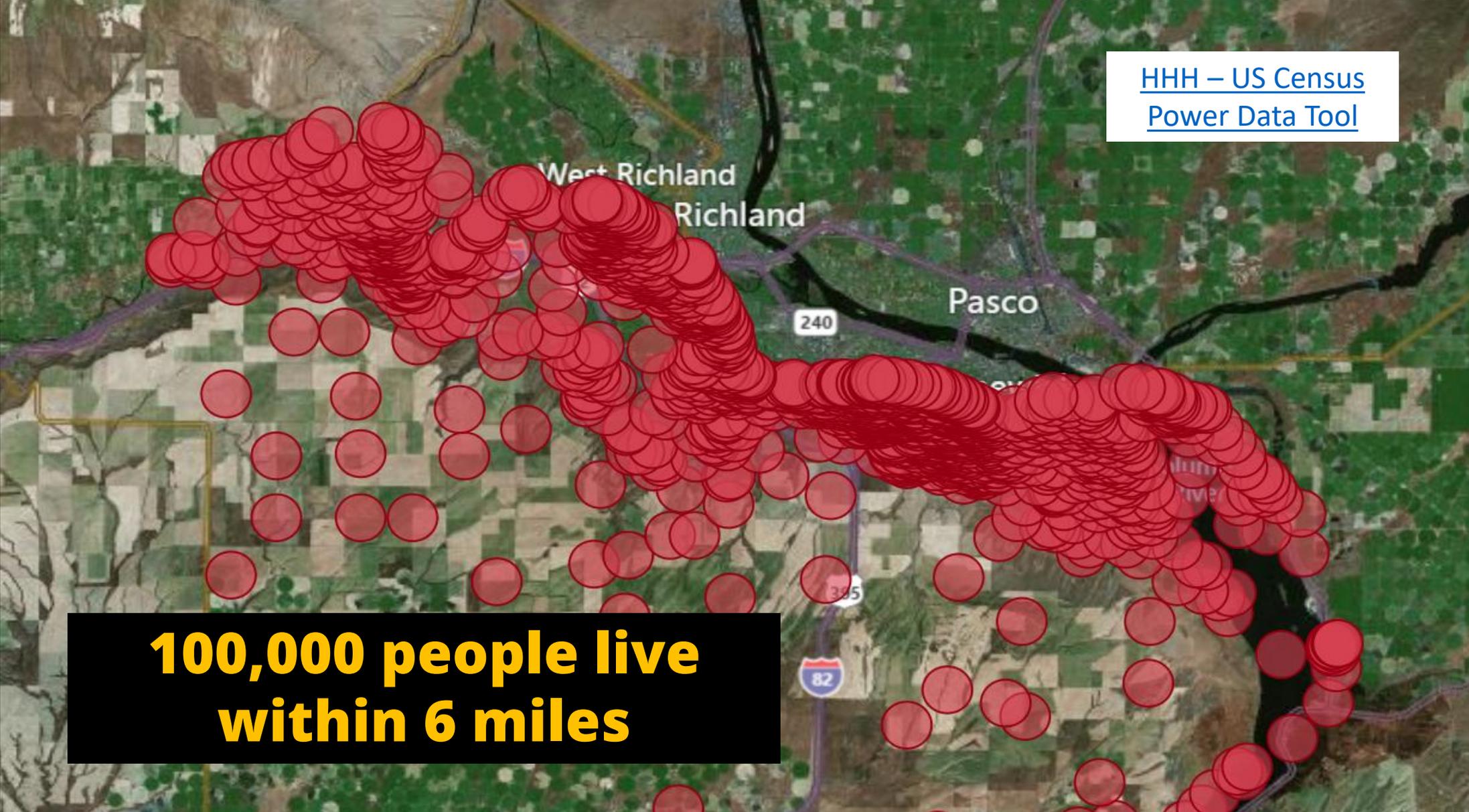
TCC Visual Expert Witnesses Google Earth Model

Visual – Real Estate Impacts
Benton City – Red Mountain Wineries - Badger Mountain South – Badger Valley – Badger Mountain Preserve – Summit View – Tripple Vista - Reatta Leslie Road – Thompson Hill – Canyon Lakes – Kennewick - Finley

Impacts on People in Benton County

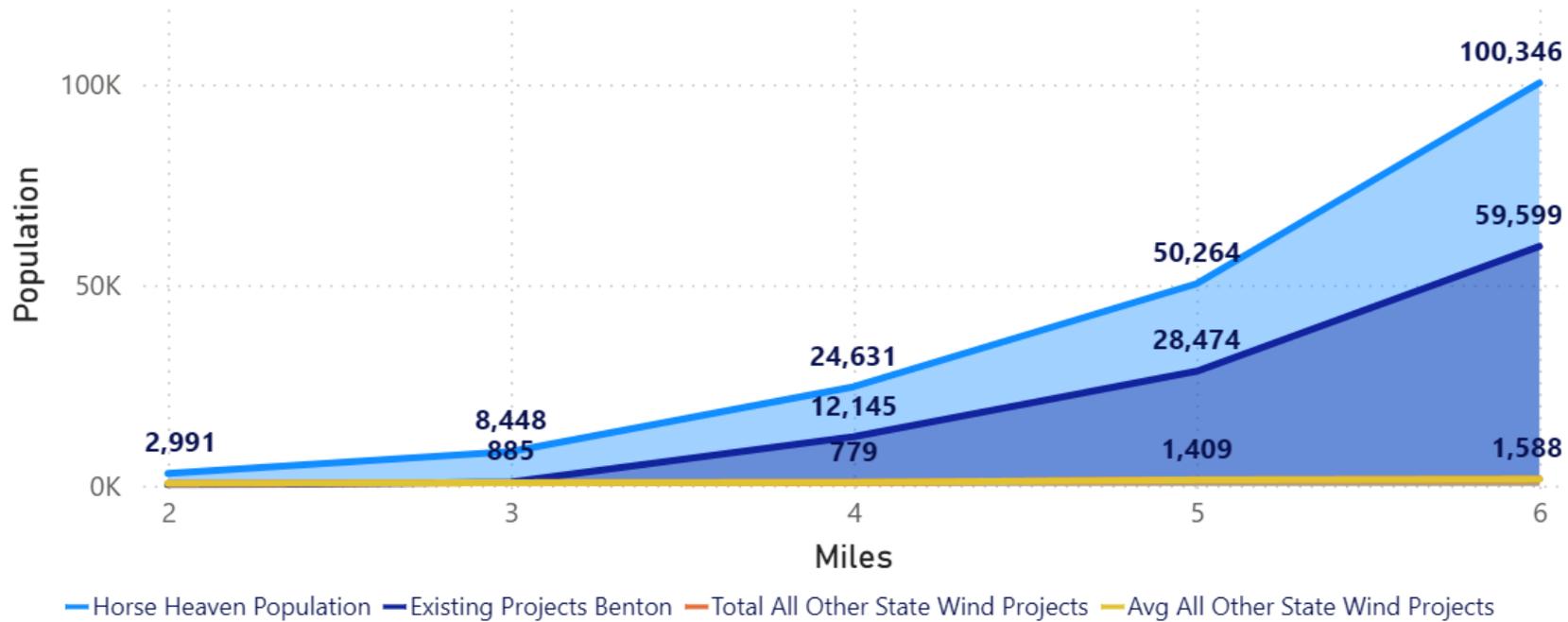
2020 POPULATION AT 6 MILES

[HHH – US Census Power Data Tool](#)



100,000 people live within 6 miles

Benton Wind Projects Impacts - 2020 Population 2 to 6 Miles. Compared to 9 Other Counties in (WA)



[HHH – US Census Power Data Tool](#)

Benton County	2 Miles	3 Miles	4 Miles	5 Miles	6 Miles
Benton County	2,991	8,448	24,631	50,264	100,346
Horse Heaven Hills (WA)	2,987	8,191	17,293	42,148	83,657
Nine Canyon (WA)	22	663	3,059	11,027	25,641
Nine Canyon II (WA)	2	21	638	13,064	31,270
Nine Canyon III (WA)	16	324	10,357	27,100	59,031
Total Population	2,991	8,448	24,631	50,264	100,346

Other Counties	2 Miles	3 Miles	4 Miles	5 Miles	6 Miles
Whitman County	530	699	779	1,409	1,588
Palouse (WA)	530	699	779	1,409	1,588
Total Population	530	699	779	1,409	1,588

Visual Impacts from Intense Industrialization



Google Earth



James Palmer, PhD and Dean Apostol
Visual Assessment Experts
Google Earth Pro – Interactive Geographic Model



Red Mountain Wineries

Benton City

Queensgate Area

Badger Mountain Preserve

Badger Mountain South Residences

Reatta Residences

Kennewick High School

Summit View Residences

Thompson Hill Residences

Canyon Lakes Residences

Finfey

I-82 - Hwy 395 interchange

Tripple Vista Residences

Leslie Road at I-82

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Image © 2024 Airbus

Google Earth

Imagery Date: 3/14/2024 46°07'43.44" N 119°14'24.72" W elev 1372 ft eye alt 16.57 mi

7 - Summitview Residences South Kennewick

September 5, 2023 8 AM

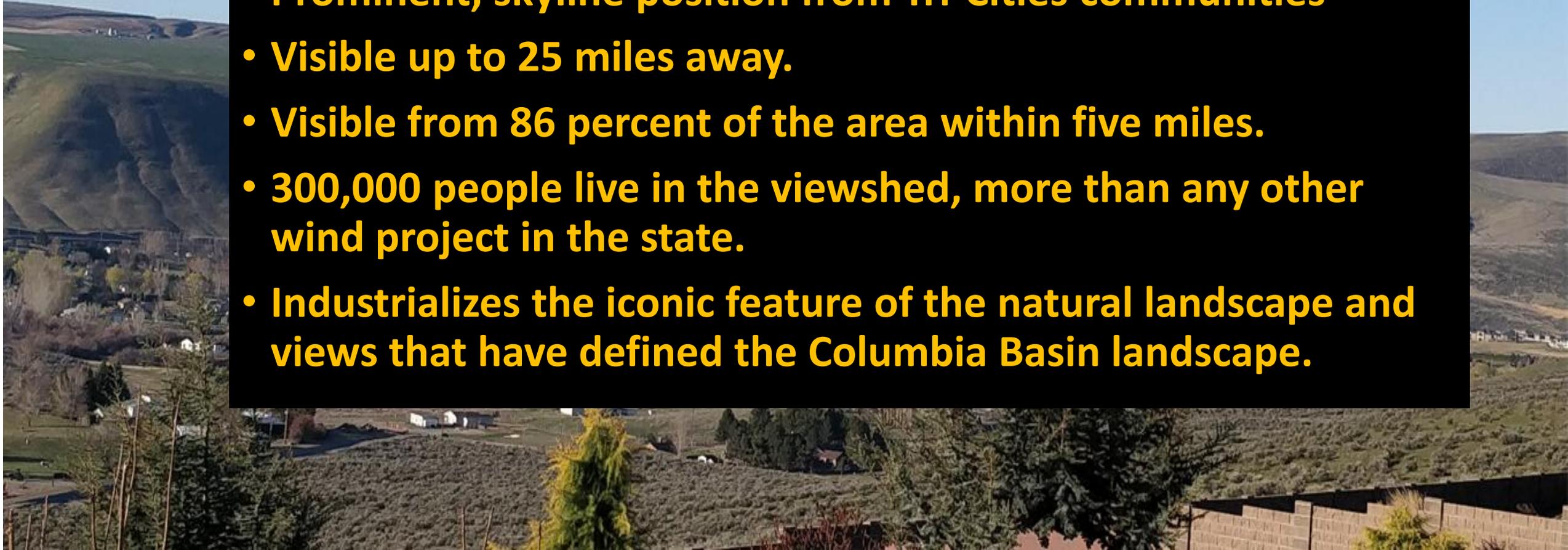


Google Earth Pro
Computer Simulation



Visual and Esthetic Impacts on Tri-Cities

- **Size of the project- size of the turbines, number of turbines.**
- **Magnified by the number of rows of turbines.**
- **Prominent, skyline position from Tri-Cities communities**
- **Visible up to 25 miles away.**
- **Visible from 86 percent of the area within five miles.**
- **300,000 people live in the viewshed, more than any other wind project in the state.**
- **Industrializes the iconic feature of the natural landscape and views that have defined the Columbia Basin landscape.**



TCC visual and property appraisal expert witness testimony warn of 10 to 30 percent reductions in property values. This will threaten the future growth and development of the entire region.



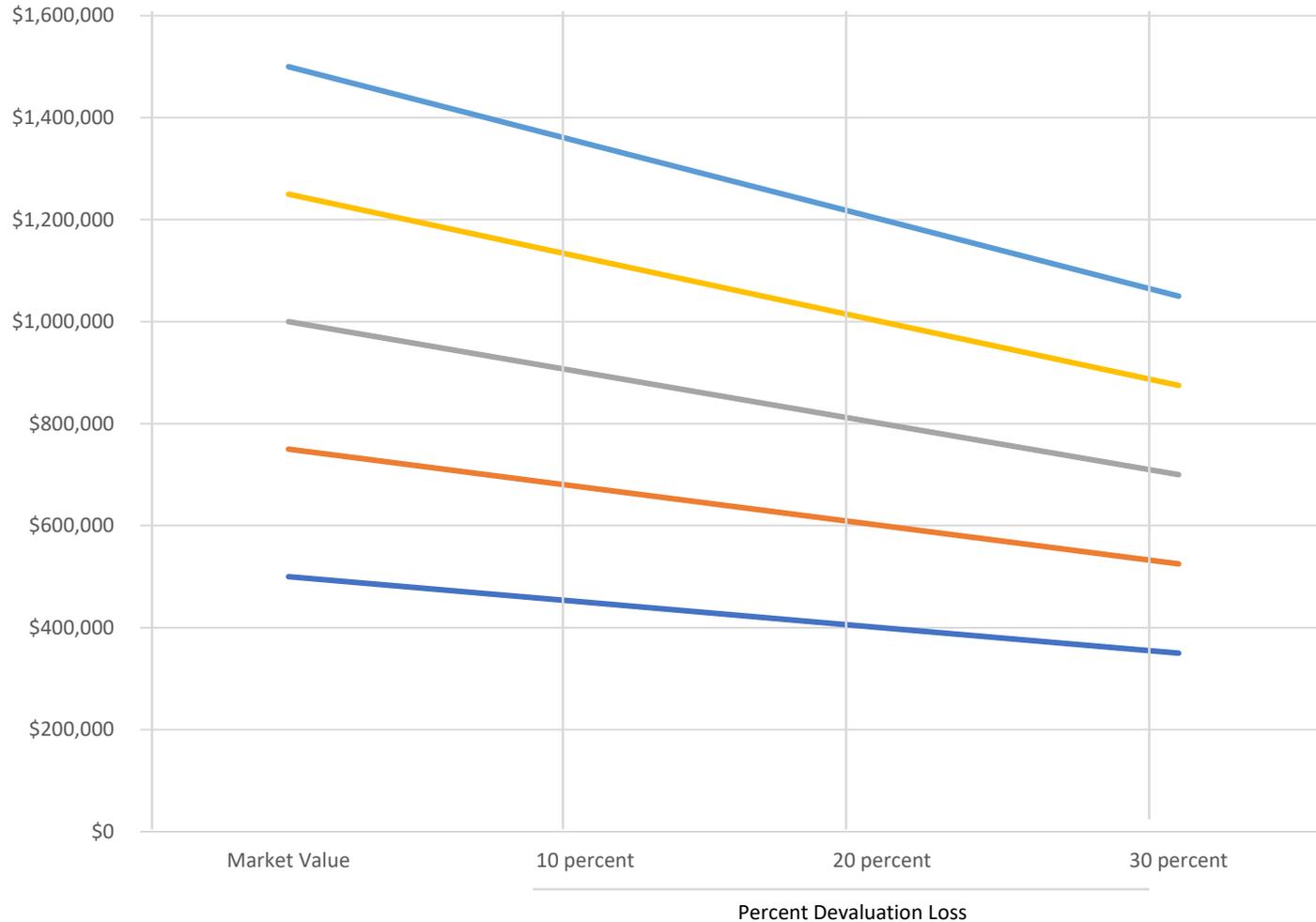
**Canyon Lakes, Thompson Hill Residences, Summitview, Reatta ...
\$ 700K to \$1 Million+ Properties – Thousands of homes and businesses
in numerous residential communities.**

Bottom Line on Personal Impacts

- Comes down to location. This is not rocket science.
- People pay more for scenery – they avoid views of wind turbines, powerlines, substations, and other types of energy industrial facilities.
- Real estate agents will advise sellers to automatically lower their asking price by 20 to 30 percent.
- Properties in close proximity may not sell at all.
- Distance to visible turbines is not the only impact. Neighboring places will be affected.
- The number of households affected by the visual impacts is much, much larger than just homes in close proximity.
- It will impact all of the Tri-Cities for decades to come.

Visual Impact of Wind Turbines on Individual Property Values – Estimated 10 to 30 percent reduction

Visual Impact of Wind Turbines on Property Values



Percent Devaluation	Market Value				
Market Value	\$500,000	\$750,000	\$1,000,000	1,250,000	1,500,000
10 percent	\$450,000	\$675,000	\$900,000	1,125,000	1,350,000
20 percent	\$400,000	\$600,000	\$800,000	1,000,000	1,200,000
30 percent	\$350,000	\$525,000	\$700,000	875,000	1,050,000

Percent Devaluation Loss	Market Value				
0 percent	\$500,000	\$750,000	\$1,000,000	\$1,250,000	\$1,500,000
10 percent	\$50,000	\$75,000	\$100,000	\$125,000	\$150,000
20 percent	\$100,000	\$150,000	\$200,000	\$250,000	\$300,000
30 percent	\$150,000	\$225,000	\$300,000	\$375,000	\$450,000

Even if you conservatively assume just a 10 percent devaluation, people will see direct property losses of \$50,000, \$75,000, \$100,000 or more depending on the value of their home

Visual Impact on Property Values & Economic Development in Benton County , WA

75,000 homes in Benton County with a median value of \$450,000.00 = \$33,750,000,000 market value

[Benton County, WA Housing Market: House Prices & Trends | Redfin](#)

Market Value	\$33,750,000,000	Value Reduction
10 percent loss	\$3,375,000,000	\$30,375,000,000
20 percent loss	\$6,750,000,000	\$27,000,000,000
30 percent loss	\$10,125,000,000	\$23,625,000,000

Bottom Line - \$3+ Billion Dollar Impact on Total Market Value for each 10 percent reduction in property value

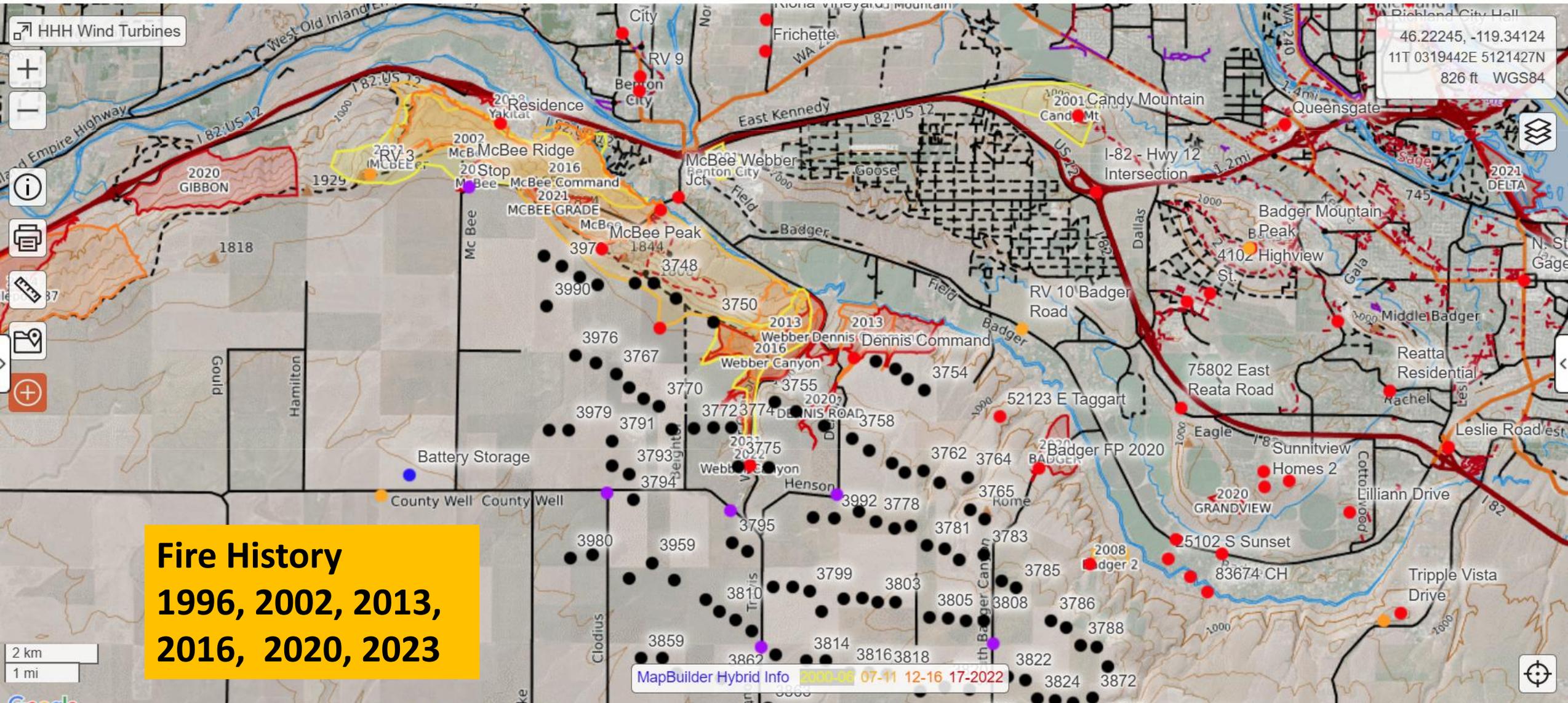
1 - Anelare Winery - BLM Kiosk – McBee Grade Road

May 25, 2023



Google Earth Pro
Computer Simulation





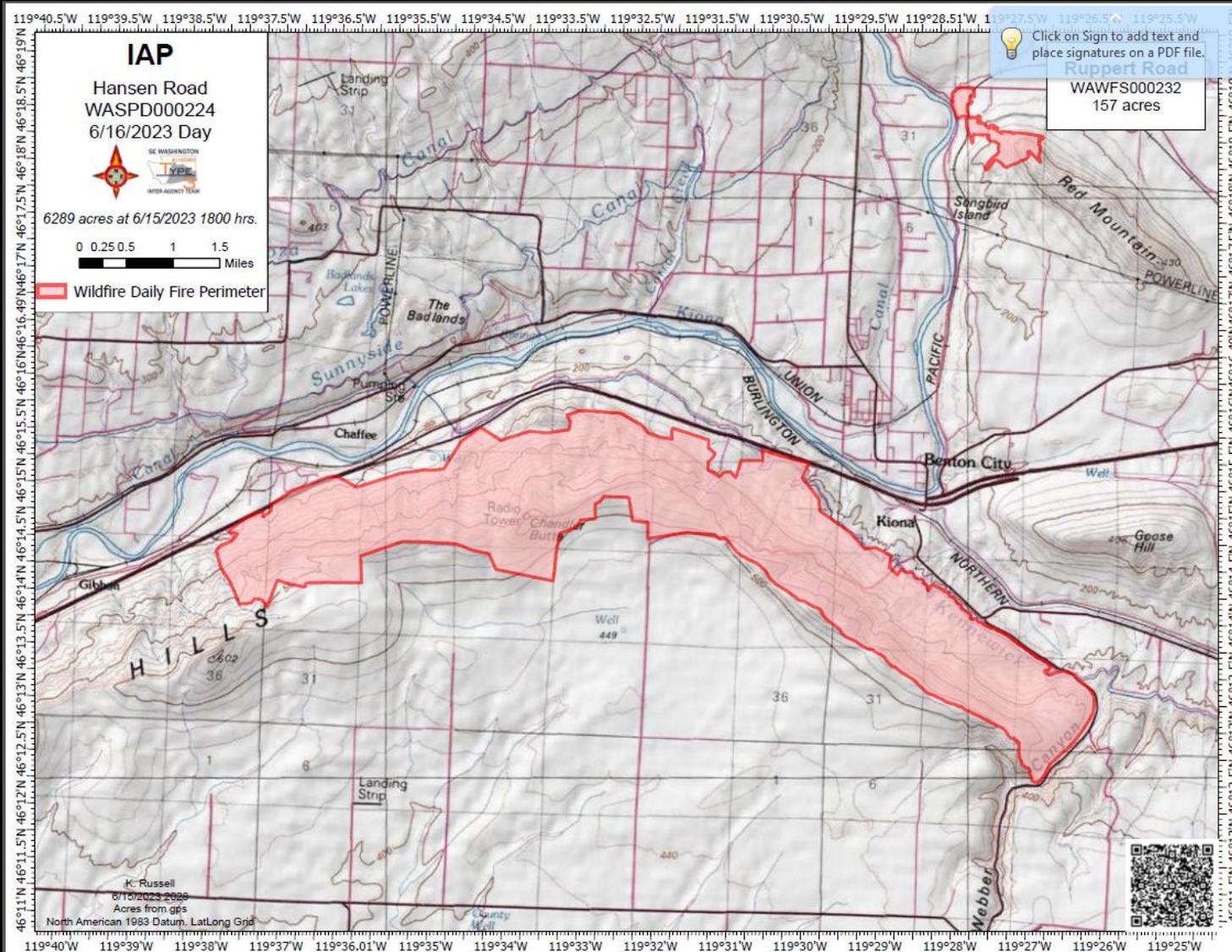
46.22245, -119.34124
 11T 0319442E 5121427N
 826 ft WGS84

Fire History
 1996, 2002, 2013,
 2016, 2020, 2023

MapBuilder Hybrid Info 2000-09 07-11 12-16 17-2022

2 km
 1 mi

Fire Fighting Map & Guidance from June 13, 2023 Hansen Road Fire in Benton County, Washington



Minimum Drop Heights for Airtankers and Water Scoopers

- SEAT/Amphibious SEAT = 60' (optimum 90') above the vegetation
- LAT = 150' above the vegetation
- VLAT = 200' above the vegetation
- Water Scooper (CL 215/415) = 150' above the vegetation

ATGS = Air Tactical Group Supervisor

ASM/LP = Aerial Supervision Module/Lead Plane

Type 3 Airtanker = 800-1,799 gallons (S-2T, SEAT)

Type 2 Airtanker = 1,800-2,999 gallons
(Convair 580, Q-400)

Type 1 or Large Airtanker (LAT) = 3,000-5,000 gallons
(BAe-146, RJ85, MD87, C-130)

VLAT = Very Large Airtanker = >8,000 gallons (DC10, 747)

**June 16, 2023
DC-10 LAT
Dropping Fire
Retardant on
the Hansen
Road Fire
Benton City
WA Fire**

[YouTube](#)



Aerial fire fighting experts indicate that the wind turbines will create large “no-fly zones” that seriously hinder the ability to protect the property and people on lands adjacent to the wind turbine projects.



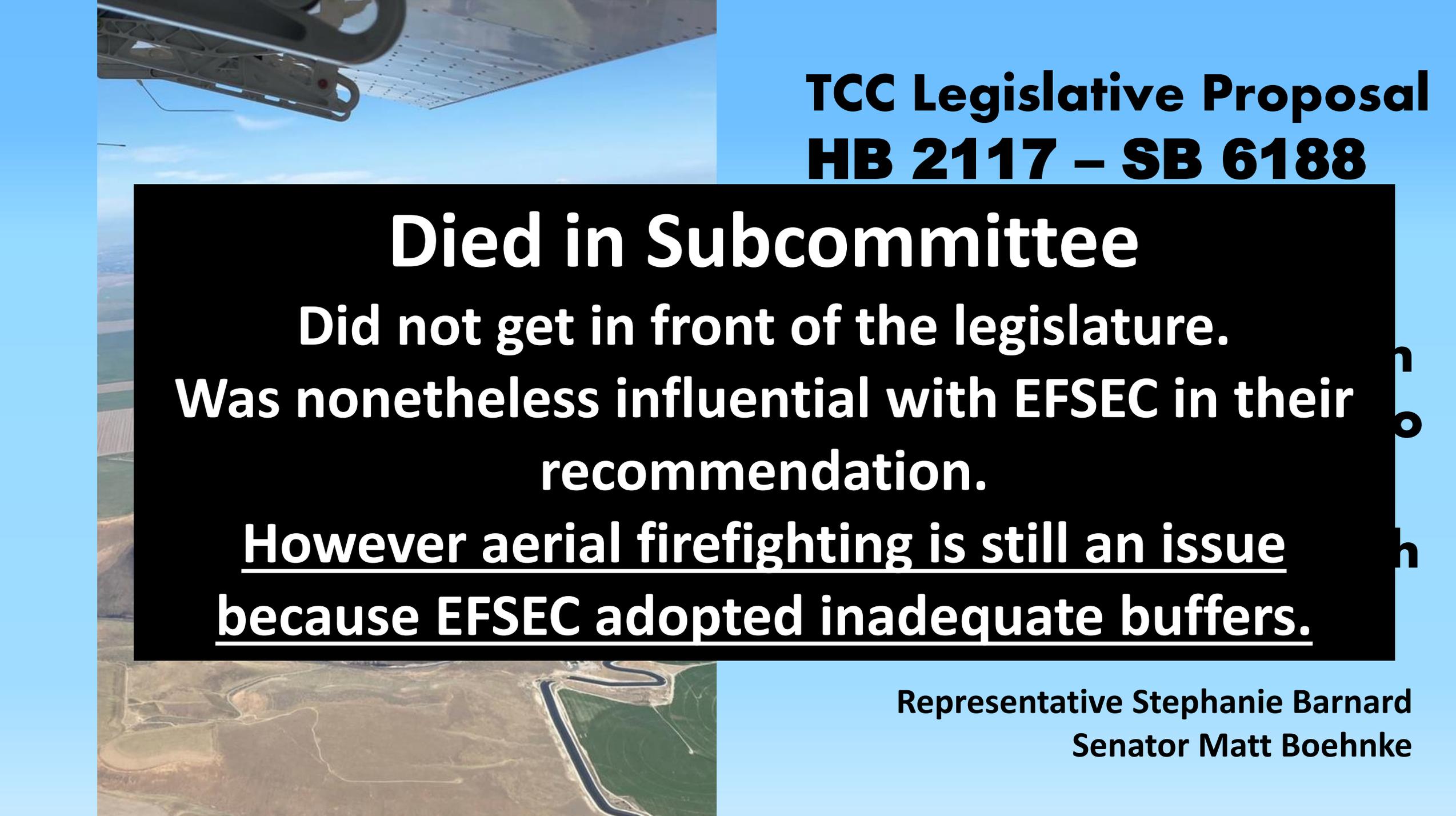


**TCC Legislative Proposal
HB 2117 – SB 6188
January 2024**

**Protect the aerial
firefighting suppression
requirements needed to
protect people and
property in known high
risk locations.**

Representative Stephanie Barnard

Senator Matt Boehnke



**TCC Legislative Proposal
HB 2117 – SB 6188**

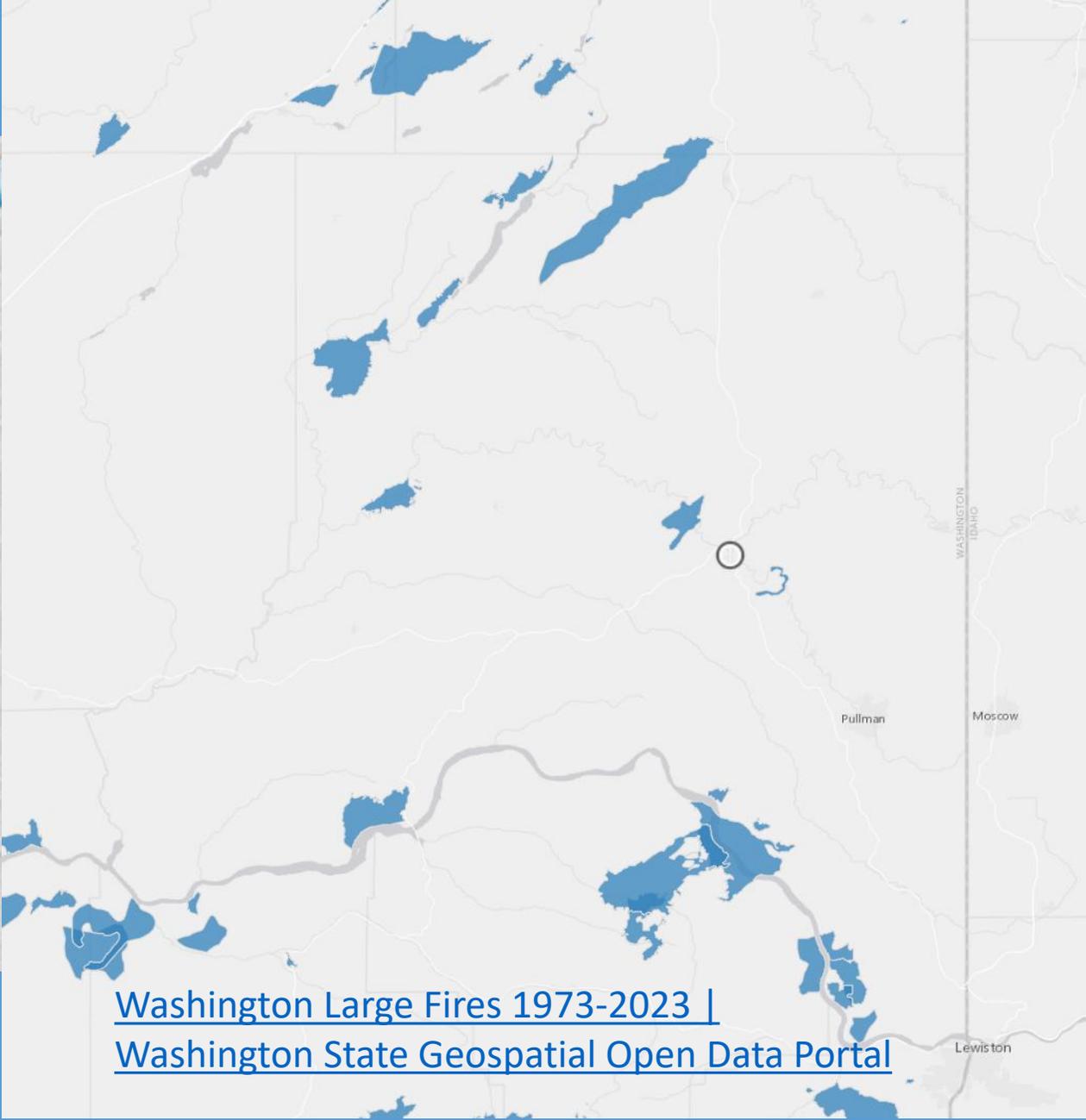
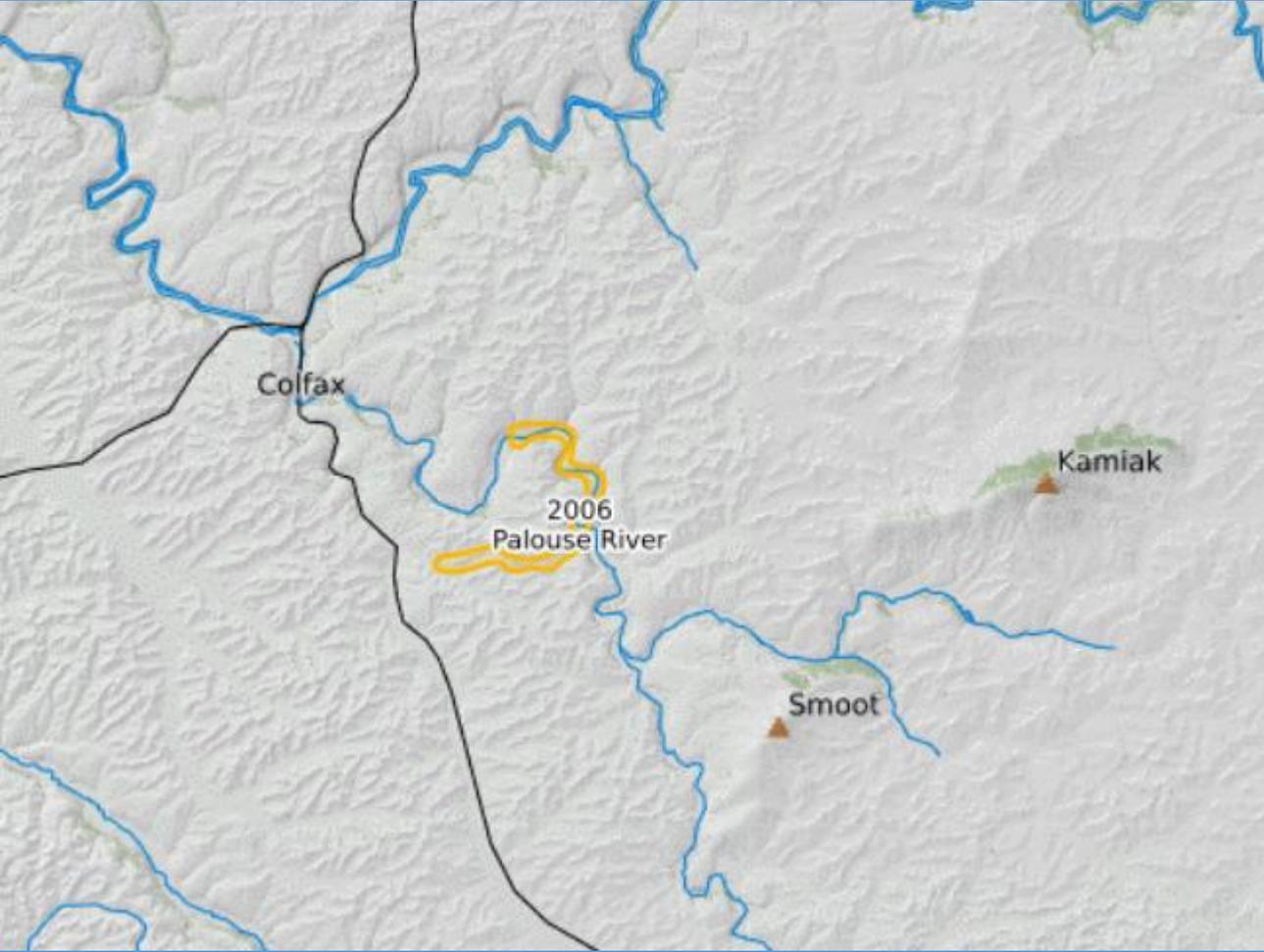
Died in Subcommittee

**Did not get in front of the legislature.
Was nonetheless influential with EFSEC in their
recommendation.**

**However aerial firefighting is still an issue
because EFSEC adopted inadequate buffers.**

**Representative Stephanie Barnard
Senator Matt Boehnke**

30 year Fire History Whitman County, WA



[Washington Large Fires 1973-2023](#) |
[Washington State Geospatial Open Data Portal](#)

TCC, Yakima Nation and Benton County vs. Washington State

- **Noncompliant Actions taken by EFSEC and the Governor**
 - Governor's edict ignores the record and the science (FEIS).
 - Preempts local authorities and land use requirements .
 - Relies on unsupported claims of need in violation of law.
 - PTAG Process Questionable Legality
 - Wholesale dismissal of wildlife, cultural, visual & economic impacts, and aerial firefighting needs.
 - Failure to balance to protect the public interest as required by state law.
- **Success = Remand to do it right = EFSEC's first Recommendation**

Policy 16-01 Litigation

- At the July 20 Council Meeting, EFSEC Council voted to approve Policy #16-01 that allows the EFSEC Director, Ms. Sonia Bumpus, to approve a list of 22 plans and documents.
- On August 12 TCC joined with **Friends of the Gorge** and filed suit objecting to Policy 16-01 in Clark County.
- The **Yakama Nation** independently also filed an objection in Yakima County. Likely being transferred to Thurston County.
- Legal issues:
 - The approval was improper – a sweeping power grab which required rulemaking and the approval of the state legislature.
 - This proposed policy expands the power of EFSEC to keep information and decisions out of public knowledge, and even from Council members, eliminating public comment plus local and county involvement and preventing the creation of an administrative record that can be reviewed by County governments, the public and even the Courts.

Impact of Policy 16-01

“Review and approval by the Council may be appropriate where resolution of the plan details involves a high degree of policy discretion and may substantially affect the interests of third parties. “

I. Plans Subject to EFSEC Director Approval:

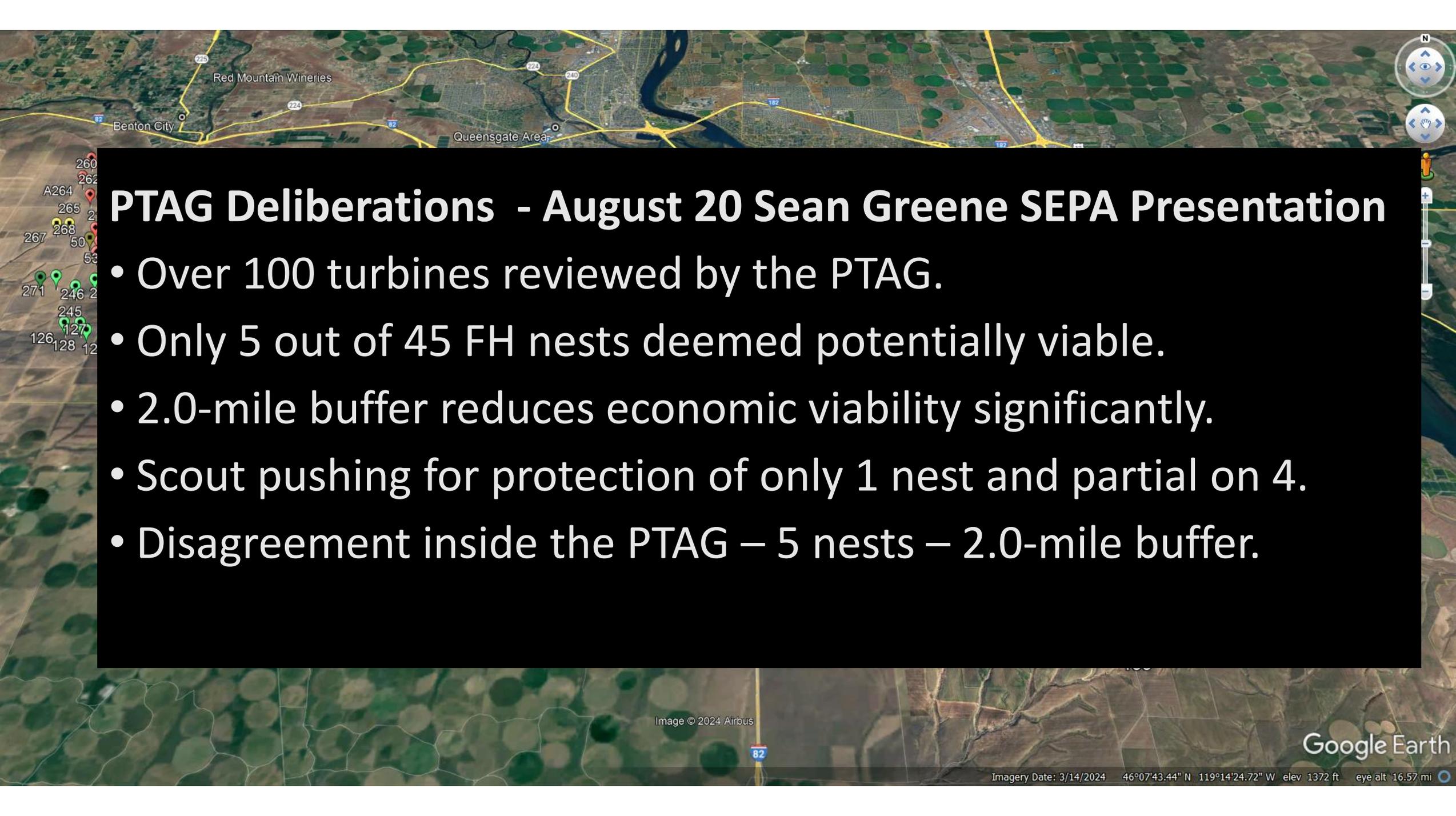
- Construction Best Management Practices Plan
- Construction and Operations Emergency Plans
- Construction Management Plan
- Construction Phase and Operations Phase Health and Safety Plans
- Construction Phase and Operations Phase Site Security Plans
- Construction Phase and Operations Phase Stormwater Pollution Prevention Plans
- Construction Phase and Operations Phase Spill Prevention, Control and Countermeasures Plans
- Construction Phase and Operations Phase Soil Management Plans
- Construction Phase and Operations Phase Traffic Management Plans
- Habitat and Movement Corridor Mitigation and Restoration Plans
- Hunting, Fishing, and Outdoor Recreation Plan
- Livestock Grazing and Agricultural Plan
- Pre and Post Construction Technical Advisory Committee Rules of Procedure and Recommendations
- Construction Phase and Operations Phase Erosion and Sedimentation Control Plans
- Cultural and Archeological Resources Plan
- Construction Phase and Operations Phase Fire Control Plan
- Other Non-Specified Construction Plans
- Noise and Shadow Flicker Modeling, Monitoring, and Mitigation Plan
- Greenhouse Gases Mitigation Plan
- Environmental Monitoring Stop Work Criteria Plan
- Rare Plant Survey/Plant Conservation Plan
- Forest Practices Application Class 1I and II
- Solid Waste Control Plan
- Pre or Post Construction species-specific monitoring and mitigation

Significant Wind Ordinance Provisions

- Height Restrictions
- Setback Requirements
- Noise Standards
- Shadow Flicker Limits
- Decommissioning and Site Restoration
- Road-Use and Construction Agreements
- Moratoriums and Utility-Scale Bans

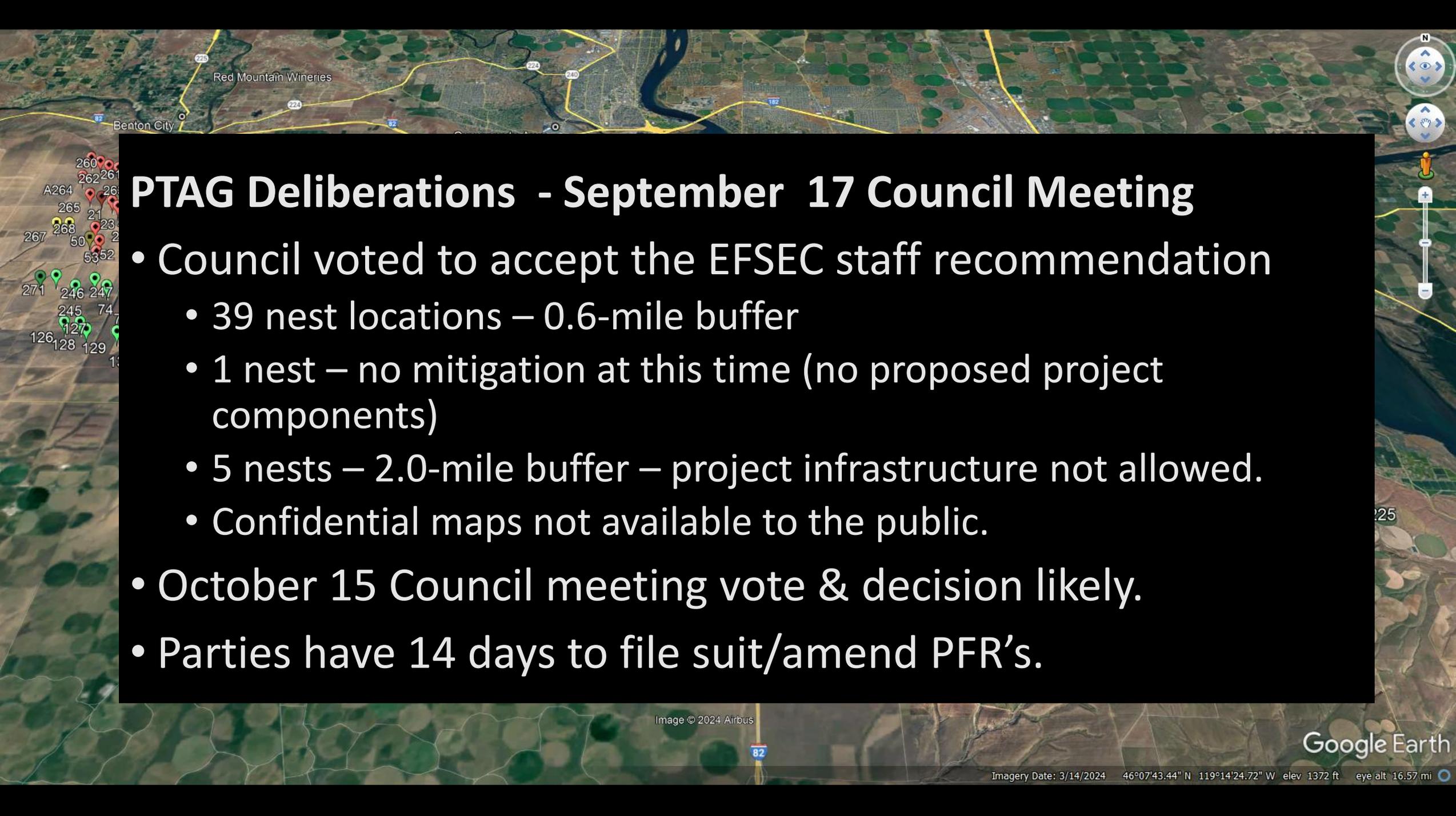
II Plans/Actions Requiring Council Approval

- Initial Site Restoration Plan
- Forest Practices Application – Class III and IV
- Wetlands Compensation Mitigation Plan
- Post Construction Bald Eagle/Golden Eagle Plan
- Detailed Site Restoration Plan
- Site Preservation Plan

A satellite map of a region in Oregon, showing a yellow boundary that encloses a large area. The map includes labels for 'Red Mountain Wineries', 'Benton City', and 'Queensgate Area'. A river is visible on the right side. In the bottom right corner, there is a 'Google Earth' logo and a status bar with coordinates and elevation information. In the bottom left corner, there is a list of numbered markers (260, 262, A264, 265, 268, 267, 50, 53, 271, 246, 245, 127, 126, 128, 12) with corresponding colored pins on the map.

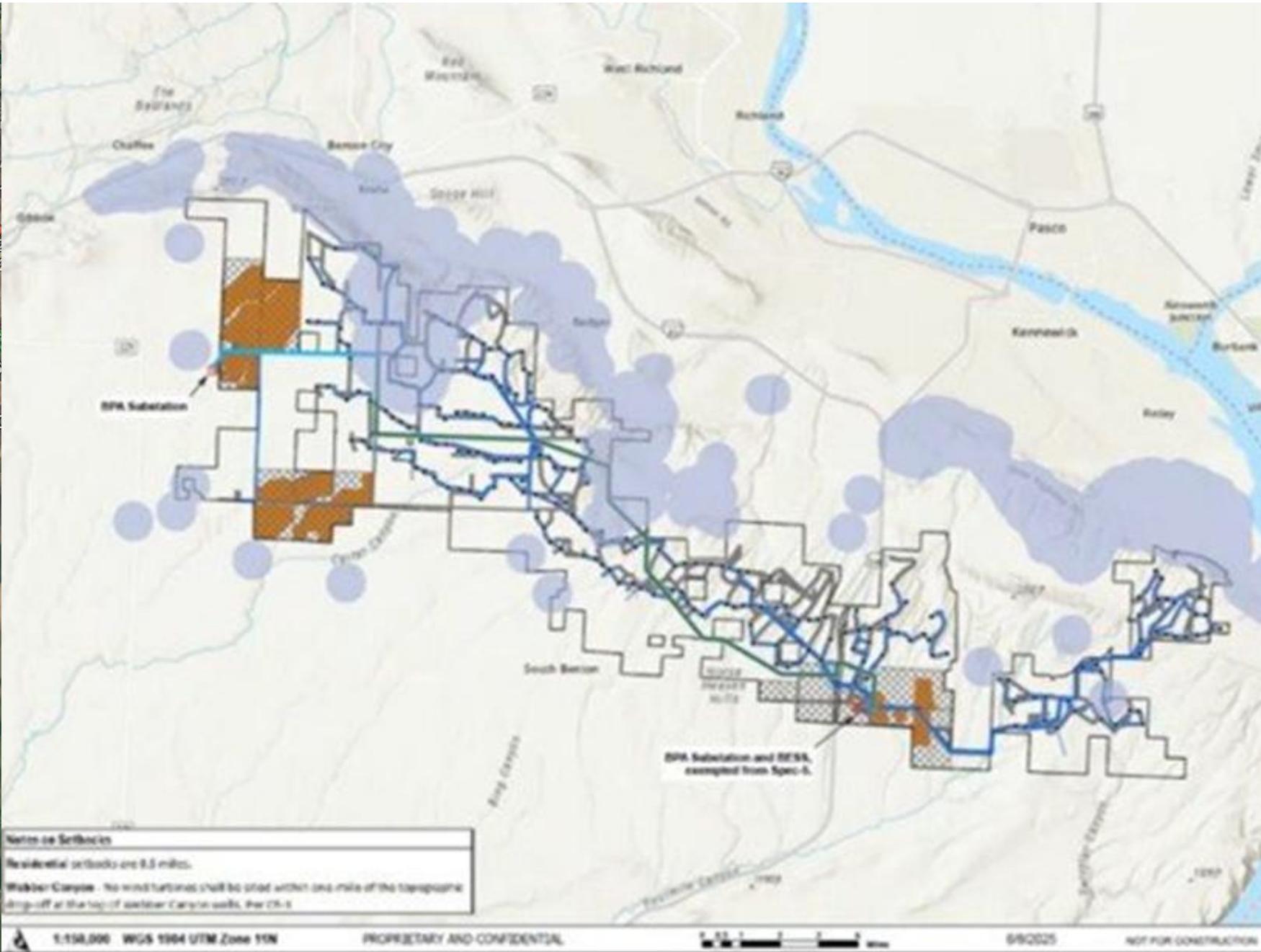
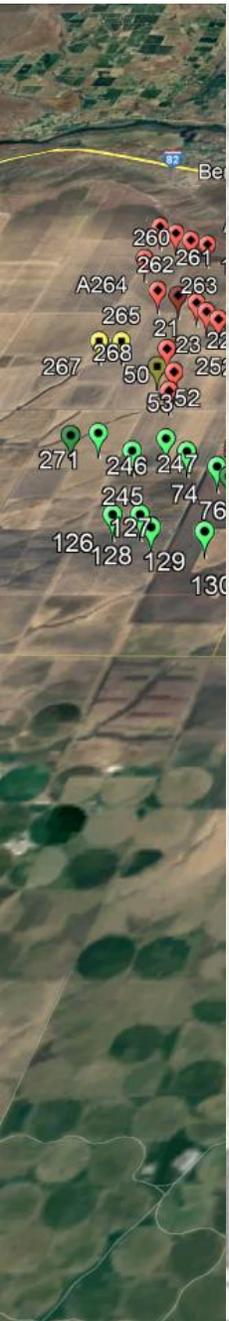
PTAG Deliberations - August 20 Sean Greene SEPA Presentation

- Over 100 turbines reviewed by the PTAG.
- Only 5 out of 45 FH nests deemed potentially viable.
- 2.0-mile buffer reduces economic viability significantly.
- Scout pushing for protection of only 1 nest and partial on 4.
- Disagreement inside the PTAG – 5 nests – 2.0-mile buffer.



PTAG Deliberations - September 17 Council Meeting

- Council voted to accept the EFSEC staff recommendation
 - 39 nest locations – 0.6-mile buffer
 - 1 nest – no mitigation at this time (no proposed project components)
 - 5 nests – 2.0-mile buffer – project infrastructure not allowed.
 - Confidential maps not available to the public.
- October 15 Council meeting vote & decision likely.
- Parties have 14 days to file suit/amend PFR's.



Horse Heaven Wind Project

Option 1 with Exclusion Areas

BENTON COUNTY, WA

Option 1 Turbine Layout Infrastructure

- Option 1 Turbine Layout
- Project Lease Boundary
- 230-kV Inter-tie Transmission Line
- County Wall Road 500-kV Transmission Line
- Collection Line
- BPA Substation
- Solar Siting Area
- Solar Array Options
- Wind Energy Micrositing Corridor

Spec-S Elements

- Other Exclusion Areas (see note)

Reference Map



Notes on Setbacks

Residential setbacks are 8.3 miles.

Wabber Complex - No wind turbines shall be sited within one mile of the topographic drop-off at the top of wabber terrain with the US-5

President Trump's July 7, 2025 executive order Solar & Wind Credits (IRC §§ 45Y & 48E):

- Projects must begin construction before July 4, 2026 and be placed in service by December 31, 2027 to qualify for tax credits/subsidies.

It is likely that EFSEC will employ the "delegation" authority claimed by Policy #16-01 to approve the various plans and approval that remain before the construction can begin.

What will Scout do?

- 2-mile setbacks to project turbines and other infrastructure cause significant impacts to the overall project's economic viability.

What will Steelhead do?

- Can they make the July 4, 2026 deadline?

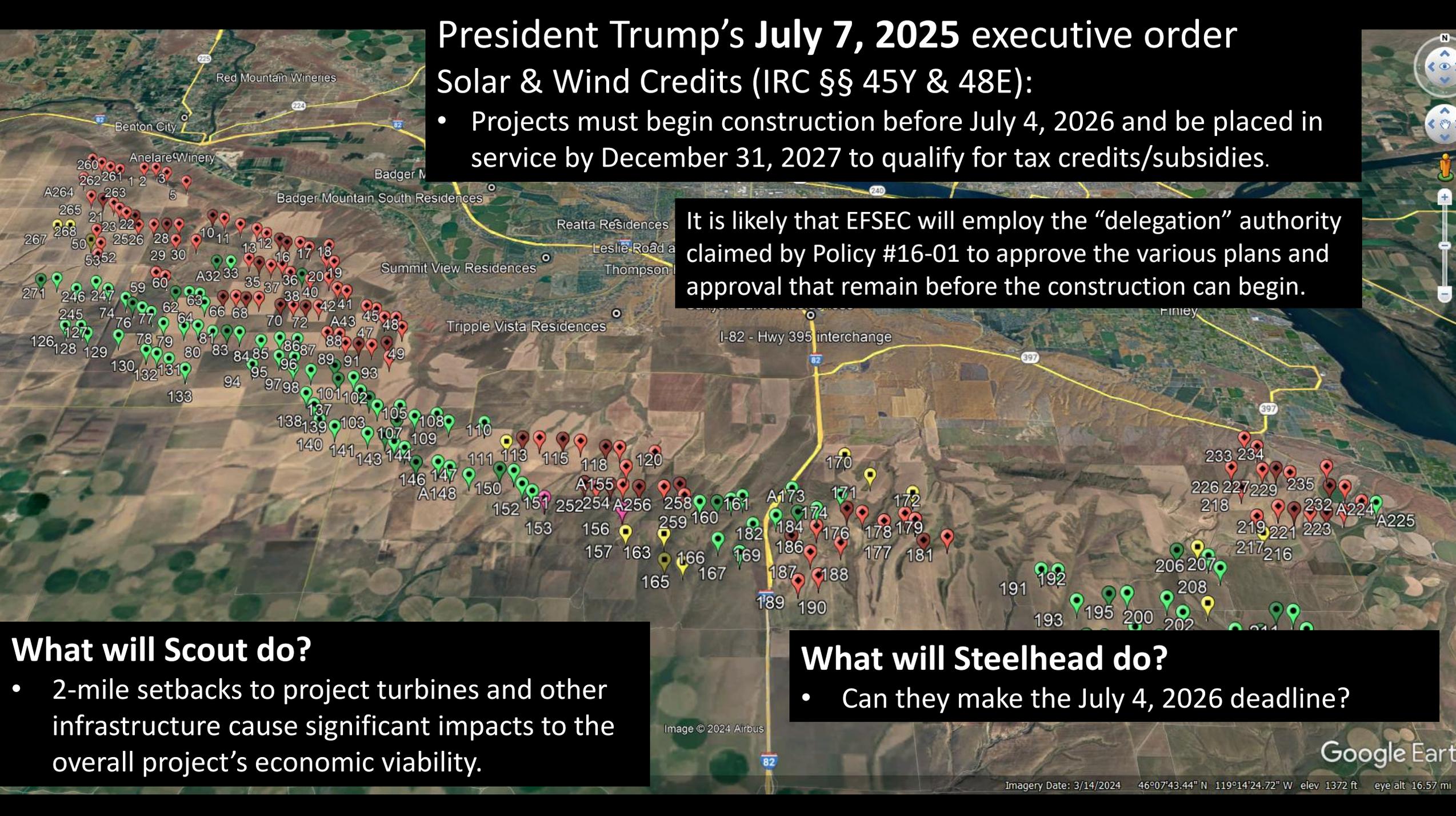


Image © 2024 Airbus

Current Total Cost = \$278,060

TCC Legal Expenses by Month

- Motions Filed
- Hearings
- Expert Witnesses
- Depositions
- Closing Briefs

Supreme Court Case

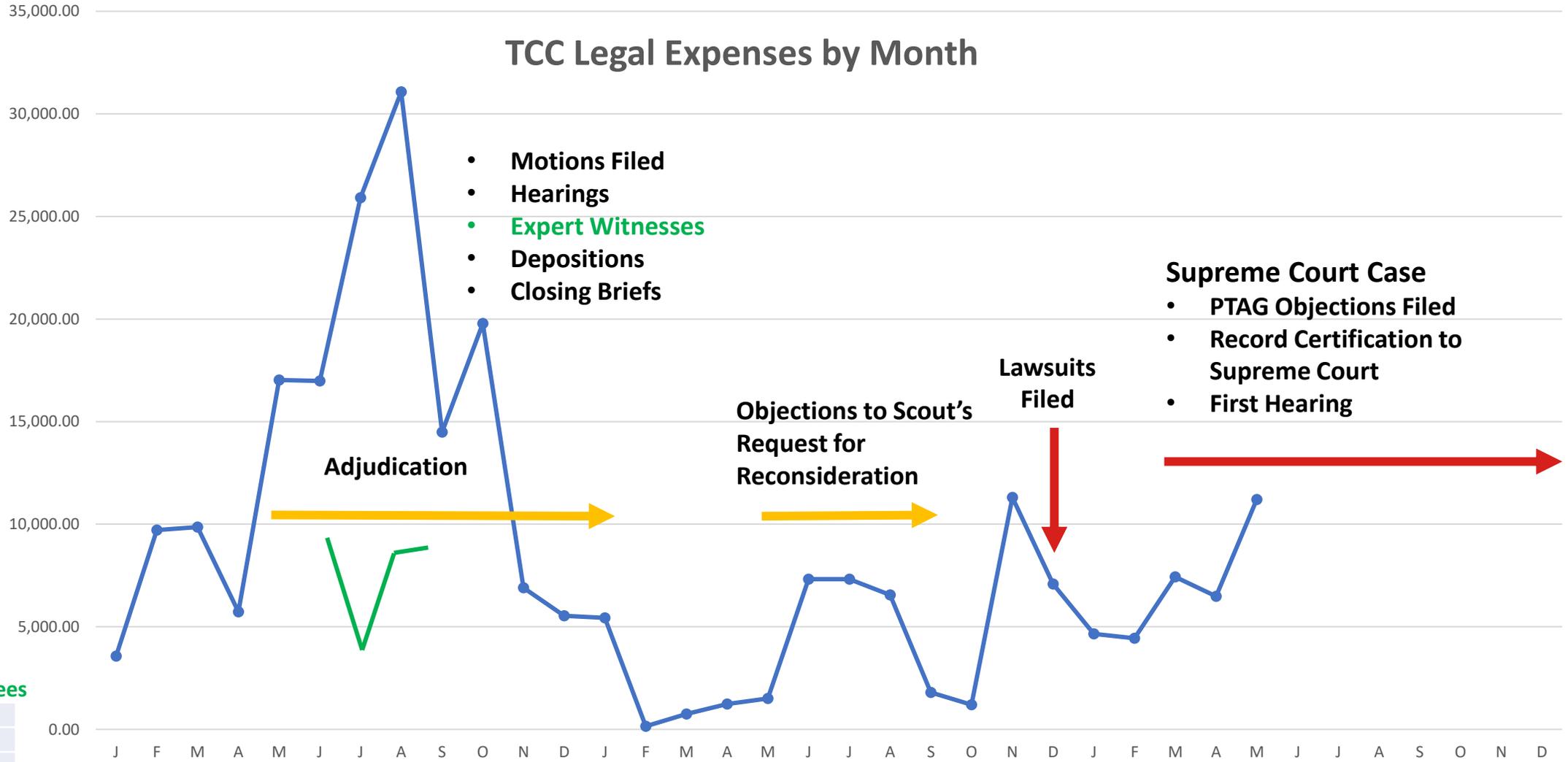
- PTAG Objections Filed
- Record Certification to Supreme Court
- First Hearing

Attorney Fees

Month	Amt
Jan-23	\$ 3,570
Feb-23	\$ 9,714
Mar-23	\$ 9,858
Apr-23	\$ 5,730
May-23	\$ 17,032
Jun-23	\$ 16,979
Jul-23	\$ 25,918
Aug-23	\$ 31,071
Sep-23	\$ 14,482
Oct-23	\$ 19,782
Nov-23	\$ 6,896
Dec-23	\$ 5,536
Jan-24	\$ 5,430
Feb-24	\$ 150
Mar-24	\$ 750
Apr-24	\$ 1,230
May-24	\$ 1,500
May-24	
June-July-24	\$ 7,320
Aug-24	\$ 6,550
Sep-24	\$ 1,800
Oct-24	\$ 1,200
Nov-24	\$ 11,307
Dec-24	\$ 7,085
Jan-25	\$ 4,656
Feb-25	\$ 4,440
Mar-25	\$ 7,428
Apr-25	\$ 6,478
May-25	\$ 11,206
	\$ 245,098

Expert Witness Fees

Month	Amt
Mar-23	
Apr-23	\$3,400
May-23	
Jun-23	
Jun-23	\$9,156
Jul-23	\$3,300
Aug-23	\$8,150
Sep-23	\$8,955
	\$32,961



Lawyer Hired



EFSEC 1st Recommendation to the Governor



Governor's Decision

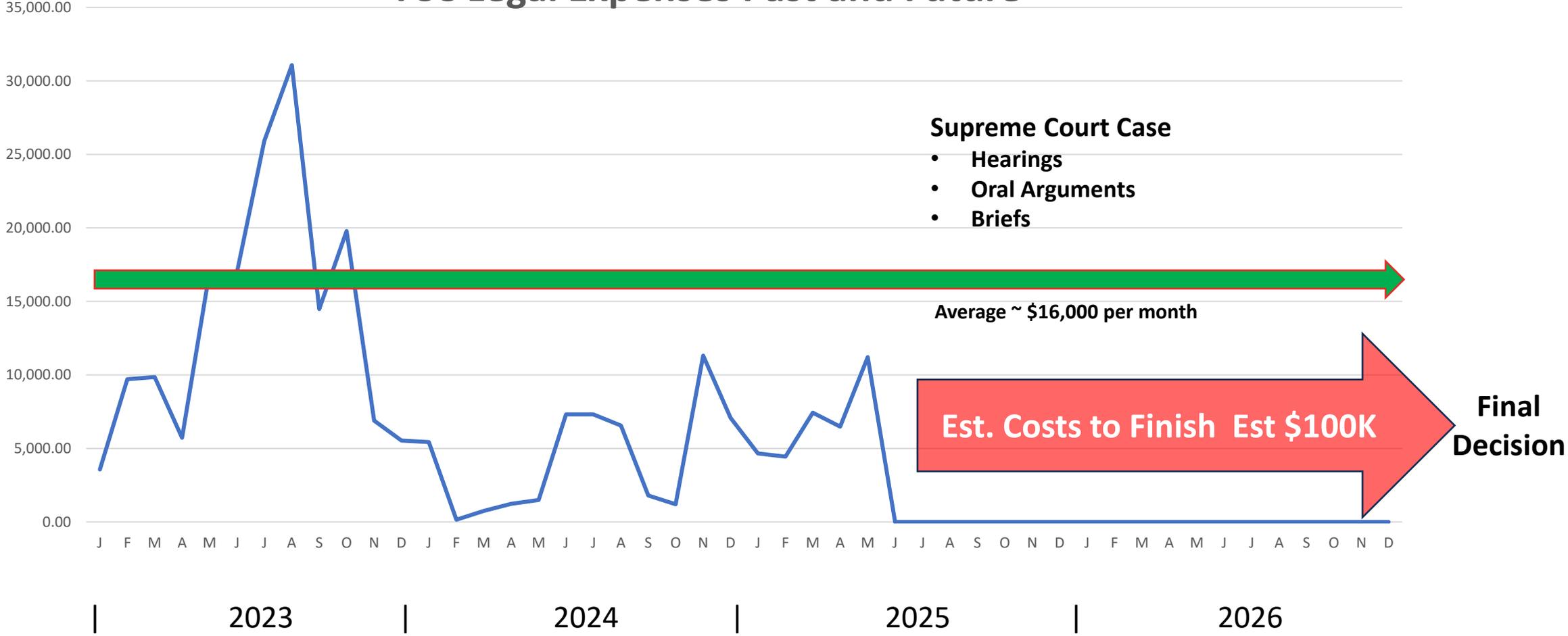
2023

2024

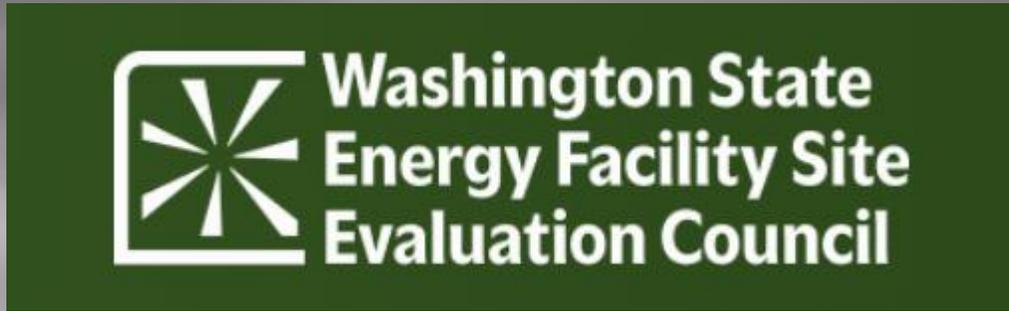
2025

J F M A M J J A S O N D J F M A M J J A S O N D

TCC Legal Expenses Past and Future



EFSEC's new logo



Morrie Carter

Tri-Cities C.A.R.E.S.

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Yours is just getting started.**

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