

May 30, 2007

Mr. Adam Bless
Oregon Department of Energy
625 Marion Street NE
Salem, OR 97301-3742

RE: Comments on the Completeness of the Application for a Site
Certificate for the Cascade Wind Project

Dear Adam:

Oregon Department of Fish and Wildlife (ODFW) appreciates the opportunity to provide our comments on the completeness of the application for a site certificate for the proposed Cascade Wind Project. Our comments are as follows.

1. Please find below a listing of the most applicable statutes, administrative rules and policies administered by ODFW that would pertain to the siting of this proposed facility. ODFW will review and make recommendations for the proposed project based on the following applicable statutes and rules.

- Oregon Revised Statute (ORS) 496.012 Wildlife Policy
- ORS 496.171 through 496.192 Threatened and Endangered Wildlife Species
- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy
- ORS 509.140 Placing Explosives in Waters
- ORS 509.580 through 509.910 Fish Passage; Fishways; Screening Devices; Hatcheries Near Dams

- Oregon Administrative Rules (OAR) Chapter 635, Division 043, sections 0023 through 0045 providing authority for issuance of

- scientific take permits for purposes of taking wildlife for scientific study
- OAR Chapter 635, Division 100 providing authority for adoption of the state sensitive species list and the Wildlife Diversity Plan, and containing the state list of threatened and endangered wildlife and fish species
- OAR Chapter 635, Division 415 describing six habitat categories and establishing a mitigation goal for each category. The application for a site certificate must identify the appropriate habitat category for all affected areas of the proposed project and provide the basis for each category selection, subject to ODFW review. Oregon Department of Energy (ODOE) adopted this rule into OAR 345-022-0060 as an energy facility siting standard.
- OAR Chapter 635, Division 425 containing requirements for in-water blasting. In the unlikely event that the project requires in-water blasting, an in-water blasting permit would be required. An application for an in-water blasting permit must include the information necessary to meet the requirements of ORS 509.140 and OAR 635-425-000 through 635-425-0050 and be submitted to ODFW for approval. An application for an in-water blasting permit must be submitted 90 days prior to the date of blasting. An In-water Blasting Permit Application form is available on the ODFW website at:
http://www.dfw.state.or.us/lands/inwater/inwater_app.pdf.

ODFW also provides technical review and recommendations on compliance with Oregon Energy Facility Siting Council rules OAR 345-021-0010(1)(p) and (q) and 345-22-040, 060 and 070.

2. ODFW is asking for the following additional information in the application for a site certificate for clarification purposes or to assure compliance with the above-mentioned statutes and rules.

Exhibit O

ODFW recommends that the applicant include in this exhibit a letter from Chenoweth Water PUD stipulating that the PUD is able to supply the anticipated 8.7 million gallons of water for project construction. The exhibit should include specific information about the Chenoweth Water PUD's water right and how much of that water right is currently being used.

Exhibit P

Pages P-3 – P-7 -- No mention is made of big game use or important big game winter range in the project area. This is important information for the application.

Page P-3, Paragraphs 4 and 5 – The end of paragraph 4 and paragraph 5 state that: some project areas have not yet been reviewed for habitat categorization and a final habitat category map will be prepared in spring of 2007; and, additional details on wildlife use will be completed by late spring 2007. ODFW recommends against finding the application complete until this additional information is made available for review and consideration.

Page P-4, Table P-1 – The table lists CRP lands as habitat category 5. In ODFW's experience on the Klondike III and the Biglow Canyon wind projects, the CRP lands were categorized as habitat category 3. ODFW would like an explanation of why the CRP lands on this project were categorized as category 5. ODFW suggests that perhaps these lands would fit into category 3. The table also lists hay fields and farm/fallow lands as category 6 and these habitats would more appropriately fit into category 5. Category 5 lands have potential for restoration whereas category 6 lands are very urbanized with roads, facilities or structures leaving the areas with little potential for habitat restoration.

Page P-4, Table P-1 – ODFW recommends that the forested habitat subtypes listed in this table all be classified as category 2 habitat. It is helpful to understand that there are habitat subtypes in the project area consisting of patches of small, medium and large trees with various mixes of Oregon white oak, ponderosa pine and Douglas fir. However, ODFW considers all of these oak and oak-pine woodland areas to be category 2 habitat due to its limited amounts and its high value for an assemblage of species in the East Cascades Ecoregion and the western part of the Columbia Plateau Ecoregion. ODFW refers the applicant to pages 172 through 183 of *The Oregon Conservation Strategy* for more information on the value of oak woodlands in the project vicinity. This document can be found on ODFW's website at: <http://www.dfw.state.or.us/conservationstrategy/>. The applicant may find the discussions in this document on conservation actions and conservation opportunity areas (COAs), particularly COA EC-02 Wasco Oaks (pages 179 – 183), helpful in development of the habitat mitigation plan for the project.

Page P-12, Table P-3a – There is no mention in this table of big game surveys conducted in the project area or any mention whatsoever of the deer collaring project that UPC has cooperated with ODFW on. Discussions between ODFW and UPC on the importance of big game winter range and the concerns with big game issues have been conducted since September 2002. In September 2003, UPC agreed to cooperate on a deer telemetry project with ODFW on the winter deer that occupy the project area and adjoining areas. UPC purchased 15 radio telemetry collars, purchased material to build traps, hired a person to check traps, and paid for a helicopter crew to capture deer in March 2005. The purpose of the deer collaring project was to determine if the activities of the wind power project changed the use patterns of the wintering big game animals in the project

area. The collars were to be out on the deer a year before construction activities, the year during construction and the year after construction. The monitoring of the collared deer on their winter range was supposed to have been conducted by UPC. In March 2005, twenty eight collars were active. Currently, only 11 collars are active. ODFW has monitored the collared deer since the collars were put on the deer. After the time and money that UPC has spent with the collaring, ODFW is surprised that there is no mention of this in the application. ODFW believes the results of this study are important factors for this project and that this information regarding big game use of the project area and big game habitat impacts needs to be addressed in the application. See the enclosed memorandum from Keith Kohl further detailing the deer collaring project.

As a general comment, ODFW expected to see in the application at least draft versions of a habitat mitigation plan and a wildlife monitoring and mitigation plan. Until versions of these various documents are available for review and comment, ODFW recommends against finding the application complete. These are the documents that would address such things as: mitigating for the various habitats that are permanently impacted, and mitigating for unexpectedly high levels of bird and bat fatalities. These are important components of understanding how the applicant will minimize and mitigate for impacts to fish, wildlife and their habitat.

Page P-30, Table P-5b – This table has no mention of impacts to deer, elk or Washington ground squirrels. If there are no Washington ground squirrels in the project vicinity, the application should state that.

Page P-32, Table P-5c and P-5d – These fatality tables are for projects in open habitats. What about rates for wooded environments?

Page P-35 -- Table P-5e is not necessarily relevant to this project since the habitats on the projects listed in the table are so different than this proposed project's habitats.

Page P-39, Lewis' Woodpecker -- The reference here to fatalities at other projects in dissimilar habitats is not relevant to what the fatalities might be for Lewis' woodpecker from this project due to the different habitat types.

Page P-42, Section P.5.2.3, Big Game and Carnivores – This section fails to address winter range or the deer collaring project. The reference to a pronghorn use study doesn't fit for this site. For completeness, the application needs data on deer and elk use, big game habitat that will be affected, and possible big game displacement impacts from the project.

Page P-45, 1st bullet, Supplemental Surveys – These surveys are still needed to add to the completeness of the application. The text states that raptor nest

surveys within 0.50 miles of facilities will be conducted. These surveys should be done out to 2 miles from project facilities, as has been done on other wind projects.

Page P-45, 3rd bullet, Flagging – The text states that raptor and pileated woodpecker nests will be flagged for nest avoidance? There needs to be more discussion in the application, and preferably after discussion with ODFW and ODOE staff, on avoidance of nests and construction activities during nesting.

Page P-46, 4th bullet, Wildlife Mitigation -- A draft list of studies has been prepared? What about the deer collaring project that was started but never completed up to this point? See our comments about this study above. Also, again, ODFW recommends that a draft habitat mitigation plan and a draft wildlife mitigation and monitoring plan be presented for review and comment prior to the application being found complete. These are key parts of the project proposal.

Page P-47, Section P.8 -- Bird and bat fatality monitoring is not spelled out in this section. ODFW recommends that the deer collaring project be continued through construction and post-construction as a part of the wildlife mitigation and monitoring plan. Also, because this proposed project is situated in oak forest habitats (for which there is no precedence in Oregon for estimating wildlife collisions), details for conducting mortality monitoring in this habitat needs to be described in the plan. ODFW recommends that the application not be found complete until a draft of the wildlife mitigation and monitoring plan is available for review and comment.

Appendix P-1, Page 1, 3rd paragraph mentions the 2003 Dan Albano coordination with ODFW on a bird study but fails to mention the deer collaring project that ODFW told Albano to conduct.

Appendix P-4, Draft Revegetation Plan, Section III Revegetation Methods, subsection 1.(b) Drilling Methods – The text states that drilling of seed would occur at 70% of the recommended application rate. Why seed at only 70% of recommended rate? Why not 100%? ODFW has the same question for subsection 3.(b) regarding drilling at 70% of the recommended application rate.

ODFW understands that the Revegetation Plan is for temporarily disturbed areas. The application should also include a draft plan for habitat mitigation proposed for permanently impacted areas, as well as a draft wildlife mitigation and monitoring plan before the application is deemed complete.

ODFW requests that the applicant provide in the application additional information on density of passerine birds and bat species nesting and foraging in the oak woodland habitats in the project area. This information will be necessary

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to determine any displacement effects from operation of the turbines. The application only provides a species list. ODFW highly recommends that a wildlife displacement study for birds and big game be conducted for this project given the quality of habitats in the project area.

ODFW recommends that turbines be sited no closer than a quarter mile from permanent or seasonal wetlands in the oak woodland forested habitats. These woodland habitats combined with permanent or seasonal wetlands attract greater avian and bat species which, in turn, increases the risk of potential strikes with the turbines. Information does not exist on potential wildlife collisions in this habitat configuration and these habitats are sensitive wildlife areas that should be avoided to the extent possible.

The application needs additional information on bat use of the project area. Which species are resident breeders and which are migratory? Which species of bat may fly through or forage in the turbine rotor swept area?

In order for the applicant to draft a habitat mitigation plan, the application will first need to include a table estimating the impacted habitat categories by acres. This information could then be used to calculate the amount of mitigation acreage that will be needed to offset the acreage amounts for the five impacted habitat categories. For example, ODFW looked for in the application, but could not find an estimation of the number of trees or acres of oak habitat to be removed for the power line connecting the southern section with the middle section.

Thank you for the opportunity to provide our comments on the completeness of the Cascade Wind Project's application for a site certificate. If you have any questions regarding these comments, please feel free to call me at (503) 947-6085.

Sincerely,

Rose Owens
Habitat Special Projects Coordinator

Enclosure

cc: Keith Kohl, The Dalles
Chris Carey, Bend